



City of Muscatine

ITEM NUMBER 2022-0369

AGENDA ITEM SUMMARY

DATE: 9/8/2022

STAFF

Carol Webb, City Administrator

SUBJECT

Proposed Muscatine School District Baseball/Softball Complex at Kent-Stein Park

EXECUTIVE SUMMARY

Muscatine Community School District (MCSD) is proposing the construction of a combined baseball and softball complex at Kent-Stein Park. The complex will incorporate Kent-Stein Field Number 1 and Tom Bruner Field and will include development of a new softball field for the City in exchange for ownership of Field #1 and Tom Bruner Field. MCSD plans to invest approximately \$4 million in the planned complex and associated improvements. City Council endorsement is required to proceed with finalizing the concept and drafting a purchase agreement between the City and MCSD.

The City Council discussed this item at its August 4, 2022 meeting. Council decided to revisit this item after the public hearing was held by the school board to evaluate the community response. The school board's public hearing was held on August 8, 2022. The unofficial minutes of the hearing are attached.

STAFF RECOMMENDATION

Does the City Council have questions or feedback on MCSD's proposed concept plan?

Does the City Council support proceeding with development of a purchase agreement between the City and Muscatine School District for this project?

BACKGROUND/DISCUSSION

Kent-Stein Park contains a total of 66 acres and includes eight lighted baseball fields, nine lighted softball fields, nine lighted horseshoe courts, picnic areas, restroom facilities, and a concession stand. Kent-Stein hosts events sponsored by national, state, and local associations involving participants of all ages through tournaments, games, practices, camps, and clinics. Kent-Stein serves as a community gathering place as well as an economic engine for the City of Muscatine through sports tourism.

For many years, the City and MCSD informally used each other's recreation facilities. This arrangement was formalized in 2014 with the adoption of a Joint Use Facilities Agreement (attached). Under this agreement, MCSD has priority scheduling for softball fields at Kent-Stein Park during the softball season as well as priority scheduling for other City Active Use Areas (golf course, soccer fields, etc.) during that particular sport's season.

The City acquired Tom Bruner Field in 1975 for \$42,750 from a private citizen. The field was used by a semi-pro baseball team (the Muscatine Red Sox), Muscatine Community College, Muscatine High School, and various recreational groups. In 2019, the City and MCSD entered into the Tom Bruner Usage/Maintenance Agreement (also attached) which provided MCSD with exclusive usage and maintenance of Tom Bruner Field. Under the Tom Bruner Agreement, MCSD has the right to use and operate the facilities for any baseball or non-baseball school event. MCSD has invested approximately \$74,000 in upgrades to the Tom Bruner Facility.

PROPOSED COMPLEX

MCSD is now seeking to develop a baseball/softball complex at Kent-Stein Park. The planned complex will be owned by MCSD and will allow them to brand their fields and meet the ongoing needs of both their baseball and softball programs. The planned complex will consist of Tom Bruner Field, Softball Field #1, batting cages, concessions, and restrooms. As part of the overall project, MCSD will construct a new lighted softball field for the City to replace Softball Field #1 and will also construct a lighted parking lot. The general location for these amenities is indicated on the attached concept plan map. The current concept plan also includes relocating a portion of the bike path (which currently runs between Field #1 and Tom Bruner Field), and the horseshoe courts. The City will work with MCSD to ensure that these facilities will be relocated in areas that provide for optimal use. Overall, MCSD plans to invest over \$4 million in the complex and associated improvements.

NEXT STEPS

Should the City Council support the project, City staff will proceed with drafting a purchase agreement. The purchase agreement will at a minimum include a final concept plan, terms related to the purchase of the property on which Tom Bruner Field is located (current assessed value of the land is \$57,560), and other terms and conditions as needed to finalize the agreement. Additional Council actions include setting and holding a public hearing, approving the purchase agreement, and transferring the property to MCSD's ownership.

CITY FINANCIAL IMPACT

None at this time, however, there may be financial impacts identified as part of development of any purchase agreement.

ATTACHMENTS

1. Joint Use Facilities Agreement
2. Tom Bruner Field Agreement
3. Baseball/Softball Complex Concept Map
4. 2022_08_08 MCSD Unofficial Minutes
5. City Council Minutes from August 4, 2022 discussion of MCSD Baseball-Softball Complex

RESOLUTION NO. 92713-0314

**A RESOLUTION APPROVING
A JOINT USE FACILITIES AGREEMENT BETWEEN THE CITY OF
MUSCATINE AND MUSCATINE COMMUNITY SCHOOL DISTRICT**

WHEREAS, for many years the City of Muscatine and the Muscatine Community School District have made use of each other's recreational facilities. This joint of recreational facilities has been greatly beneficial to the City, School District, and the community as a whole; and

WHEREAS, the joint use of recreational facilities has been done under an informal hand shake agreement between the City of Muscatine and Muscatine Community School District; and

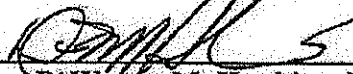
WHEREAS, a written agreement to formalize the continued joint use of recreational facilities by the City of Muscatine and the Muscatine Community School District has been prepared; and

WHEREAS, the Muscatine Blue Zones Project attaches certification the community adopting a joint facilities agreement covering recreational facilities between the City of Muscatine and the Muscatine Community School District;

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, approves the Joint Use Facilities Agreement between the City of Muscatine and Muscatine Community School District attached as Exhibit A

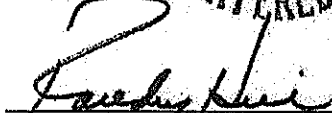
PASSED, APPROVED AND ADOPTED this 20th day of March 2014.

**BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA**


DeWayne M. Hopkins, Mayor



Attest:


Randy Hill, Acting City Clerk

**Joint Use Facilities Agreement
City of Muscatine
Muscatine Community School District**

The City of Muscatine and the Muscatine Community School District are owners of real property in the Muscatine Community, including indoor facilities and outdoor active use areas that are capable of being used by each of the before mentioned entities for community educational and community recreational purposes. Under appropriate circumstances, these publicly held lands and facilities should be used most efficiently to maximize use and increase educational and recreational opportunities for the community.

1. Term

This Agreement will begin upon adoption by the Muscatine City Council and the Muscatine School Board of Education, and will continue with annual reviews for adjustments of the terms and conditions for the benefit of both parties.

2. Effective Date

This Agreement shall be effective upon adoption by the Muscatine City Council and the Muscatine School Board of Education and upon inspection of affected property as described in Section 3 by District and City officials.

3. Facilities Covered

The term "Active Use Areas" will be used for purposes of this Agreement to mean the designated fields, buildings, playgrounds and parking lots.

Terms of the Agreement shall apply to all Active Use Areas owned by either party. The parties shall have the right to add or exclude Active Use Areas during the term of this Agreement, provided that any such change shall be in writing and approved by both the District and the City.

4. Permitted Uses of Active Use Areas

The District shall be entitled to the use of City Active Use Areas for public school and school-related educational and recreational activities when the City opens the facilities to the public. The City shall be entitled to access District Active Use Areas to open them for use by the community when the District is not using the Active Use Areas. The District and the City agree to provide priority scheduling to each other where as the District will have first priority to City Active Use Areas when the City is not using them and the City will have first priority to the District Active Use Areas when the District is not directly using them.

5. Compliance With Law

All use of District property shall be in accordance with state and local law. In the case of a conflict between the terms of this Agreement and the requirements of state law, the state law shall govern. Any actions taken by the District or the City that are required by state law, but are inconsistent with the terms of this Agreement shall not be construed to be a breach or default of this Agreement.

6. Obligations of City

A. Designation of Employee

The City shall designate an employee with whom the District, or any authorized agent of the District, may confer regarding the implementation of this Agreement.

B. The City will be responsible for the supervision of District Active Use Areas when used by the City.

7. Obligations of District

A. Designation of Employee

The District shall designate an employee with who the City or any authorized agent of the City, may confer regarding the implementation of this Agreement.

B. The District will be responsible for the supervision of City Active Use Areas to include players, fans, and coaches when used by the District.

8. Maintenance

The District and the City shall perform normal maintenance of Active Use Areas at basic levels of service subject to normal wear and tear. Each entity shall notify the other of any known change in condition of the Active Use Areas.

9. Indemnification

A. The City shall defend, indemnify, and hold the District, its officers, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury are caused by or result from the negligent or intentional acts or omissions of the City, its officers, agents or employees in regard to organized activities during public access hours.

B. The District shall defend, indemnify, and hold the City, its officers, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury are caused by or result from the negligent or intentional acts or omissions of the District, its officers, agents or employees.

10. Insurance

The City and the District agree to provide the following insurance in connection with this Agreement.

- A. Commercial General Liability for bodily injury and property damage, including Personal Injury and Blanket Contractual, with limits of \$1,000,000.00 per occurrence \$2,000,000.00 aggregate.**
- B. Workers' Compensation. Workers' compensation coverage, as required by Iowa law.**
- C. Documentation of Insurance. The City and the District shall provide to each other a certificate of insurance each year this Agreement is in effect showing proof of the above**

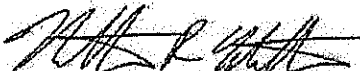
coverage. In the event the City of the District is self-insured for the above coverage, such agency shall provide a letter stating its agreement to provide coverage for any claims resulting from its negligence in connection with joint use facilities in the above amounts.

11. Evaluation/Conflict Resolution

The City and the District shall establish a Joint Use Interagency Team, composed of staff representatives of the City and the District, to monitor the joint use project and Agreement for its duration. The Interagency Team shall hold conference calls or meetings as needed to review the performance of the project and to confer to discuss interim problems during the term of the Agreement. If the Joint Use Interagency Team is unable to reach a solution on a particular matter, it will be referred to the City Administrator and the School Superintendent, or their designees, for resolution.

12. Termination

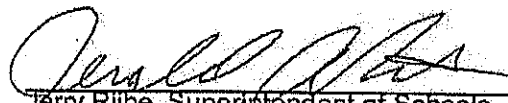
This Agreement may be terminated at any time by either party upon 30 days written notice to the other party.



Nathan Mather, President, Muscatine School Board

4-1-14

Date



Jerry Riibe, Superintendent of Schools, Muscatine Schools

4/1/14

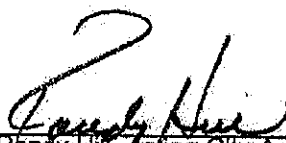
Date



Dewayne Hopkins, Mayor, City of Muscatine

3/20/14

Date



Randy Hill, Acting City Administrator, City of Muscatine

3/20/14

Date

TOM BRUNER USAGE / MAINTENANCE AGREEMENT

This Agreement is made and entered into this day of 01-16-2019 between the City of Muscatine ("City"), and the Muscatine Community School District ("MCSD") concerning the usage and maintenance of Tom Bruner Field.

WHEREAS the City owns certain real property in Muscatine County, Iowa locally known as Tom Bruner Field and located at: Kent-Stein Park (2136 Oneida Street, Muscatine, Iowa), upon which the City has constructed a baseball stadium and related improvements ("Premises");

WHEREAS MCSD desires to enter into an agreement for the usage and maintenance of the Premises from the City.

NOW, THEREFORE, the parties hereby agree as follows:

1. Agreement and Term. The City agrees to give the exclusive usage and maintenance of the Premises to MCSD for a 1 year period from January 1, 2019 through December 31, 2019. This agreement will renew annually thereafter, unless terminated pursuant to this Agreement.
2. Cost. MCSD agrees to pay all costs associated with the usage and maintenance of said Premises.
3. Principal. MCSD agrees to serve as principal for this agreement, and will be joint and severally liable for the same. MCSD will be responsible for the usage and preparation and on-going maintenance of the facility.
4. Use. MCSD shall have the right to use and operate the Premises for any baseball or non-baseball event that they sponsor, provided that they operate the Premises in a sound and professional manner. MCSD may not use the Premises, or permit any other person or entity to use the Premises, for any improper, immoral or unlawful purpose, for a use or purpose inconsistent with applicable zoning, or for any use that would constitute a public or private nuisance or would make void or voidable any insurance then in force with respect to the Premises. The Premises shall be a public facility, and the seating, parking, concession stands, restroom facilities and other specified areas thereof shall be open to the public, subject to reasonable admission fees and other reasonable restrictions.
5. Contact. Annually, a member of the City and an MCSD staff member will be identified as the point of contact for facility issues.
6. Maintenance. MCSD shall provide all materials and supplies necessary, and be responsible for all maintenance and preparation of the baseball diamond and associated facilities including: dugouts, backstop, bleachers, concession stand, chain

link fencing, parking areas, tree trimming, irrigation system, right of way mowing, batting cages, drive ways, restrooms, outfield wooden fencing, playing field, field lighting, and the storage and maintenance building during the agreement period. In addition, a trash dumpster will be rented by MCSD. Members of the Muscatine Community School District staff will identify an individual who will be responsible for the day-to-day and long-term maintenance of the baseball playing surface and surrounding facility at Tom Bruner Field. That individual will be responsible for the supervision of staff to perform any necessary work. If MCSD fails to maintain the Premises as herein requires, the City shall have the right to do so, at MCSD's expense, and MCSD agrees to reimburse the City for the reasonable costs to do so.

The scoreboard will continue to be maintained by the MCSD during all seasons.

7. Utilities. The City (via Muscatine Power and Water) agrees to continue to provide all necessary utilities, free of charge, for the Premises so long as this facility continues to receive free electrical service from Muscatine Power and Water due to its status as part of the City's General Fund.

8. Admissions and Concessions. Except as otherwise set forth herein, MCSD shall have the right to charge reasonable admission fees for baseball or non-baseball events that they sponsor during their respective seasons (as set forth in paragraph 3), and to retain all revenues therefrom. MCSD shall also be allowed to sell concessions on the Premises during their respective seasons, and to retain all revenues therefrom. MCSD shall supply, at their own expense, all equipment, fixtures, supplies, and staff or other persons required or necessary to sell admissions and concessions on the Premises.

9. Insurance. MCSD agrees to carry all necessary and appropriate property and liability insurance for the Premises, at their sole expense. Certificates of insurance will be exchanged as necessary.

10. Scheduling. The scheduling of Tom Bruner Field will be done by the Athletic Department of MCSD. A copy of the schedule will be provided to the City.

11. Programs. The MCSD baseball programs and associated booster programs will continue to operate as they have in the past with independent schedules, budgets and goals.

12. Advertisement. Temporary (banners) outfield and sideline fence advertising may be instituted with the City's permission. Any revenues generated by advertising will be used for the sole purpose of the maintenance and continued renovation of Bruner Field. All signage must be in accordance with the City code.

13. Restoration. A plan for any additional restoration and upgrading of Tom Bruner Field will be submitted to the City for approval, as required by City code, prior to any work being done.

14. Termination and Amendment. This agreement may be terminated at any time upon mutual agreement of all parties.

This agreement may also be unilaterally terminated annually upon written notice of termination by one party, delivered via certified mail to the point of contact for each of the parties prior to December 1st each year.

This agreement may be amended at any time during this period by mutual consent of the parties involved. Review of this contract and its contents shall be conducted at the request of any one party.

15. Assignment. MCSD shall not have the right to assign this agreement or let or sublet the whole or part of the Premises without the written consent of the City.

16. Indemnification. MCSD agrees to and shall indemnify, defend and hold the City, City's successors and assigns, and the officers, employees, agents and contractors of the City, harmless from and against any and all claims, actions, administrative proceedings, judgments, damages, punitive damages, penalties, fines, and costs that arise directly or indirectly from or in connection with MCSD use of the Premises, breach of this agreement, and/or any violation of governmental or insurance requirements of MCSD, provided that such indemnity shall not extend to matters that arise out of the gross negligence or willful acts of the City.

17. Force Majeure. Each parties obligations to perform under this agreement shall be excused to the extent that such performance is prevented, delayed or rendered impracticable by events beyond that party's reasonable control, provided such party shall have exercised all reasonable efforts to avoid such events. Force Majeure shall not include financial inability to perform.

18. Governing Law. This agreement shall be governed by and construed in accordance with the laws of the State of Iowa.

IN WITNESS WHEREOF, the City and MCSD have executed this Agreement on this day and year first written above.

CITY OF MUSCATINE, IOWA

By: 

Gregg Mandsager, City Administrator

MUSCATINE COMMUNITY SCHOOL DISTRICT

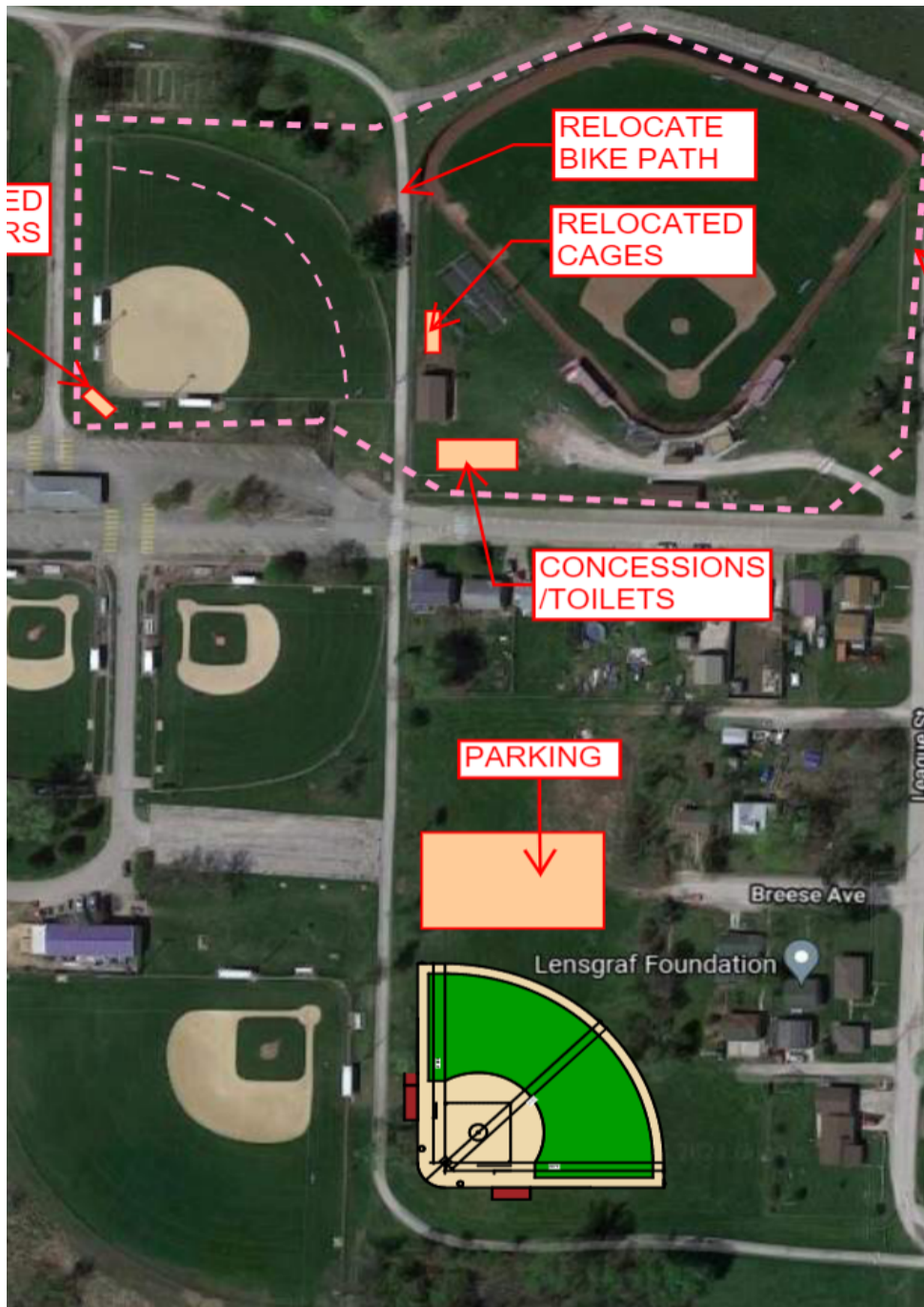
By: 

Dr. Jerry Riibe
Superintendent of MCSD

MCSD Proposed Baseball/Softball Complex at Kent-Stein Park

- New/Revised complex incorporating Diamond 1 and Tom Bruner Field at Kent Stein Park
- Additional Parking where existing horseshoe pits are located
- New diamond to replace diamond 1 and new horseshoe pits
- Re-route bike path
- \$4 million
- Potential Schedule: Phase 2

- Design: March 2023 to August 2023 Construction: October 2023 to July 2024



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Minutes
Muscatine School Board of Education
August 8, 2022

The Board of Education of the Muscatine Community School District, in the County of Muscatine, State of Iowa, met in regular session on Monday, August 8, 2022, at City Hall in Council Chambers. Vice-President Mike Morgan called the meeting to order at 7:00 pm. Directors Karen Cooney, Matt Conard, Mike Morgan, Lindsey Phillips, Denny Schuur were present. President John Dabeet and director Ken LaRue were absent. Also present were Superintendent Clint Christopher, and Director of Finance, Tom Anderson.

The Pledge of Allegiance was led by Muscatine High School Marching Band through a previously recorded video. Vice-President Morgan welcomed visitors and media representatives.

Vice-President Morgan announced the public hearing and asked for a motion to open the hearing.

A motion was made by Director Cooney and seconded by director Phillips to open the public hearing on the proposed Issuance of approximately \$32,000,000 School Infrastructure Sales, Services and Use Tax Revenue Bonds. Roll was called to open the hearing: Ayes; Directors Cooney, Conard, Morgan, Phillips, Schuur; nays, none. Motion carried.

Superintendent Christopher commented on the projects that would be completed using the SAVE Bonds. The board discussed the motion. No other written or oral comments were received.

A motion was made by Director Phillips and seconded by Director Schuur to close the public hearing. The roll was called to close the hearing: Ayes; Directors Conard, Cooney, Morgan, Phillips, Schuur; nays, none. Motion carried.

Vice-President Morgan announced the second public hearing and asked for a motion to open the hearing.

A motion was made by Director Schuur and seconded by Director Phillips to open the hearing on the proposed use of SAVE Revenue for Athletic Facility Infrastructure Projects. The roll was called: Ayes; Directors Conard, Cooney, Morgan, Phillips, Schuur; nays; none. Motion carried.

No written or oral comments were received. No Discussion

A motion was made by Director Phillips and seconded by Director Schuur to close the public hearing. The roll was called: Ayes: Directors Conard, Cooney, Morgan, Phillips, Schuur; nays, none. Motion Carried.

Louise Monday, 400 West 3rd St. spoke at Citizen Speak.

Superintendent Christopher announced the district has been awarded a grant from the Roy J. Carver Charitable Trust. This grant is to be used to study the feasibility of an alternative program for the high school. Mr. Christopher reviewed school security and safety, including working with the Muscatine Police Department on security plans. Mr. Christopher shared that the governor released \$100 million for school safety. Part of those dollars are dedicated to a needs assessment. Our district will be participating in the needs assessment where a third party provider will come in and review our district. Once completed the district will have access to \$50,000 per building to address safety and security needs. Mr. Christopher stated at the beginning of each year, we review safety procedures and training with

staff; including fire drills, tornado drills, and lock-down and intruder drills. Superintendent Christopher shared the current staffing needs with the board. Our HR department has done a great job working to get every position filled, but there are still some open positions primarily at the elementary level. Principals have been working with the HR Department to cover the classroom positions. Those classrooms that have large numbers will have additional paraeducator support. Mr. Christopher reviewed the district back to school schedule beginning next week with new teachers arriving for the Muskie University on Monday and Tuesday at the Administration Center. Wednesday is an optional Teacher Quality Day, and Thursday is super inservice for all staff. Board members are invited to attend Super inservice at the Muscatine High School beginning with breakfast on the concourse and the inservice program at 9:00 in the gym. Students return to school the following week.

A motion was made by Director Conard and seconded by Director Phillips to approve the consent agenda which includes:

- The minutes of July 11, 2022 Regular Session;
- Bills and Claims Against the District dated August 8, 2021;
- Employment Recommendations:
 - New Hires - Certified Staff - 2022-23 Academic Year: Kelly Collins, 4th Grade Teacher, Madison Elementary School, \$40,549.00, Jean Mengel, Music Teacher, Franklin Elementary School, \$41,764.50, Morgan Weeks, Guidance Counselor, Franklin Elementary School, \$47,430.00
 - Resignations - Certified Staff: Kevin Franklin, Special Education Strategist I, Susan Clark Junior High School
- Statewide Voluntary Preschool Contracts for the 2022-23 school year with our partner preschools:
 - Head Start
 - Wonder Years
 - A Child's Place
 - Guardian Angel
- Food Service Agreement Extensions for 2022-23:
 - Prairie Farms
 - Pan-O-Gold
- The Memorandum of Understanding between Muscatine Community School District and Shared Vision Partners: Unity Healthcare DBA Trinity Muscatine, Public Health ISU Extension County Office (Louisa and Muscatine Counties), Muscatine Community Y, and Lutheran Services in Iowa;
- Educational Services contract with Iowa City for 2021-22 (student i.d. #*9443);
- 2021-22 Special Education Services contract with Davenport Schools for (student i.d. #*3790)
- Changes to Board Policy that are Mandatory and/or Required By Law:
 - 804.07 Radon Mitigation
 - 102 Equal Education Opportunity
 - 104 Discrimination and Harassment Based on Sex Prohibited
 - 105 Anti-Bullying / Anti-Harassment
 - 402.2 Non Discrimination (Employees)
 - 501.8 Open Enrollment Transfers
- 2022-23 Hourly Staff Handbook.

All ayes; motion carried.

A motion was made by Director Phillips and seconded by Director Schuur to approve the Student Handbook for 2022 - 2023. The board discussed sections of the handbook including attendance, student dress code,

students participating in outside team sports. The board also discussed the timeline and process for reviewing the handbook. A suggestion was made to review the handbook in June instead of August. All ayes; motion carried.

A motion was made by Director Phillips and seconded by Director Conard to approve the purchase of four activity vans from Ed Morse in the amount of \$199,508.00. Director of Operations, Ryan Castle discussed the need for four activity vans. All ayes: motion carried.

A motion was made by Director Schuur and seconded by Director Conard to approve the purchase of one maintenance truck from Mincer Ford in the amount of \$41,970.00. The board discussed the truck purchase. All Ayes, motions carried.

A motion was made by Director Phillips and seconded by Director Schuur to approve the change order for MHS Student Center Renovation in the amount of \$34,050.00. Director of Operations, Ryan Castle discussed the need for the change order to replace doors and door frames in the back area of the Student Center. All Ayes, motions carried.

A motion was made by Director Cooney and seconded by Director Phillips to approve the 2022-23 Staff Work Rules. No discussion. All Ayes, motions carried.

Vice-President Morgan tabled agenda item Q. *Approve contract with Russell Construction for Construction Management Service*, until the September meeting to allow time to finalize the contract.

A motion was made by Director Phillips and seconded by Director Schuur to approve the MOU with Davenport CSD Consortium for the Paraeducator Apprenticeship Program. Director of Human Resources & Equity, Jaime Kroeger said MCSD joined the consortium to increase the chance to receive a Grant. All Ayes, motions carried.

A motion was made by Director Conard and seconded by Director Cooney to approve the MOU with UnityPoint Health-Trinity, Goodwill of the Heartland, and Iowa Rehabilitation Services (IVRS) for Muscatine Project Search. The Board discussed Project Search. All Ayes, motions carried.

A motion was made by Director Phillips and seconded by Director Schuur to approve the Resolution Supporting the Proposed Issuance of Approximately \$32,000,000 School Infrastructure Sales, Services and Use Tax Revenue Bonds. Roll was called: Ayes: Directors Cooney, Conard, Phillips, Morgan, Schuur; Nays; none. All Ayes, motions carried.

Resolution adopted as follows:

RESOLUTION SUPPORTING THE PROPOSED ISSUANCE OF APPROXIMATELY
\$32,000,000 SCHOOL INFRASTRUCTURE SALES, SERVICES AND USE TAX REVENUE
BONDS

WHEREAS, the School District receives revenue from the State of Iowa Secure an Advanced Vision for Education Fund ("SAVE Revenue") pursuant to Iowa Code Section 423F.2; and

WHEREAS, pursuant to Iowa Code Chapter 423F and an election duly held in accordance therewith on September 8, 2015 approving a revenue purpose statement (the "Revenue Purpose Statement"), the Board of Directors is currently entitled to spend SAVE Revenue for school infrastructure purposes; and

WHEREAS, the Board of Directors is in need of funds for the following school infrastructure project(s): to build, furnish and equip additions to existing school facilities, including new controlled entrances at the Junior High School and Madison and Grant Elementary schools, and related demolition, remodeling, improvements, and site improvements; to remodel, repair, and improve existing facilities; to build, furnish and equip athletic facilities, including a gymnasium addition and track replacement at the Junior High School and baseball / softball field additions and related improvements, and to purchase and improve grounds therefor, including costs of issuance and a debt service reserve fund if required by the purchaser; and

WHEREAS, the Board of Directors has deemed it necessary and advisable that the District issue School Infrastructure Sales, Services and Use Tax Revenue Bonds, which may be issued in one or more series over multiple fiscal years pursuant to Iowa Code Section 423F.2 and 423E.5, in the approximate amount of \$32,000,000 for the purpose of providing funds to build, furnish and equip additions to existing school facilities, including new controlled entrances at the Junior High School and Madison and Grant Elementary schools, and related demolition, remodeling, improvements, and site improvements; to remodel, repair, and improve existing facilities; to build, furnish and equip athletic facilities, including a gymnasium addition and track replacement at the Junior High School and baseball / softball field additions and related improvements, and to purchase and improve grounds therefor, including costs of issuance and a debt service reserve fund if required by the purchaser. Any bond proceeds remaining after completion of this project will be used for other school infrastructure projects as authorized by the School District's Revenue Purpose Statement; and

WHEREAS, the Board of Directors has complied with the provisions of Iowa Code Section 423F.4 by providing notice and holding a public hearing on the proposal to issue such Bonds:

NOW, THEREFORE, it is resolved:

1. The Board of Directors supports the proposal to issue approximately \$32,000,000 School Infrastructure Sales, Services and Use Tax Revenue Bonds, which may be issued in one or more series over multiple fiscal years pursuant to Iowa Code Section 423F.2 and 423E.5, for the purpose of providing funds to build, furnish and equip additions to existing school facilities, including new controlled entrances at the Junior High School and Madison and Grant Elementary schools, and related demolition, remodeling, improvements, and site improvements; to remodel, repair, and improve existing facilities; to build, furnish and equip athletic facilities, including a gymnasium addition and track replacement at the Junior High School and baseball / softball field additions and related improvements, and to purchase and improve grounds therefor, including costs of issuance and a debt service reserve fund if required by the purchaser. Any bond proceeds remaining after completion of this project will be used for other school infrastructure projects as authorized by the School District's Revenue Purpose Statement.

2. Eligible electors of the school district have the right to file with the Board Secretary a petition pursuant to Iowa Code Section 423F.4(2)(b), on or before close of business on August 22, 2022, for an election on the proposed bond issuance. The petition must be signed by eligible electors equal in number to

not less than one hundred or thirty percent of those voting at the last preceding election of school officials under Iowa Code Section 277.1, whichever is greater.

3. In the event a petition containing the required number of valid signatures is filed with the Secretary of the Board on or before close of business on August 22, 2022, the President shall call a meeting of the Board to consider withdrawing the proposed Bond issuance or directing that the question of the proposed Bond issuance be submitted to the qualified electors of the School District.

If the Board determines to submit the question to the electors, the proposition to be submitted shall be as follows:

Shall the Board of Directors of the Muscatine Community School District in the County of Muscatine, State of Iowa, be authorized to issue approximately \$32,000,000 School Infrastructure Sales, Services and Use Tax Revenue Bonds, which may be issued in one or more series over multiple fiscal years pursuant to Iowa Code Section 423F.2 and 423E.5, in the approximate amount of \$32,000,000 for the purpose of providing funds to build, furnish and equip additions to existing school facilities, including new controlled entrances at the Junior High School and Madison and Grant Elementary schools, and related demolition, remodeling, improvements, and site improvements; to remodel, repair, and improve existing facilities; to build, furnish and equip athletic facilities, including a gymnasium addition and track replacement at the Junior High School and baseball / softball field additions and related improvements, and to purchase and improve grounds therefor, including costs of issuance and a debt service reserve fund if required by the purchaser; with any bond proceeds remaining after completion of this project used for other school infrastructure projects as authorized by the School District's Revenue Purpose Statement?

PASSED AND APPROVED this 8th day of August, 2022.

A motion was made by Director Schuur and seconded by Director Conard to approve Resolution Supporting the Proposed Use of SAVE Revenue for Athletic Facility Infrastructure Projects. The board discussed the athletic facility projects. Roll was called: Ayes: Directors Cooney, Conard, Phillips, Morgan, Schuur; Nays; none.

All Ayes, motions carried.

Resolution adopted as follows:

RESOLUTION SUPPORTING THE PROPOSED USE OF SAVE REVENUE FOR ATHLETIC FACILITY INFRASTRUCTURE PROJECTS

WHEREAS, the School District receives revenue from the State of Iowa Secure an Advanced Vision for Education Fund ("SAVE Revenue") pursuant to Iowa Code § 423F.2; and

WHEREAS, pursuant to Iowa Code chapter 423F and an election duly held in accordance therewith on September 8, 2015, the Board of Directors is currently entitled to spend SAVE Revenue for school infrastructure purposes, including the construction of athletic facility infrastructure projects; and

WHEREAS, the Board of Directors has considered potential uses of the District's SAVE Revenue including use for secure entries for the District's attendance centers and has determined that it is necessary and advisable for the District to use SAVE Revenue for the following athletic facility infrastructure projects that are not physically attached to a student attendance center: to build, furnish and equip athletic facilities, including a gymnasium addition and track replacement at the Junior High School and baseball / softball field additions and related improvements, and to purchase and improve grounds therefor; and

WHEREAS, the Board of Directors has complied with the provisions of Iowa Code § 423F.3(6A) by adopting a resolution setting forth the proposal for the athletic facility infrastructure projects, and holding a public hearing on the proposed construction of the athletic facilities:

NOW, THEREFORE, it is resolved:

1. The Board of Directors hereby supports the proposed use of SAVE Revenue for the following athletic facility infrastructure projects: to build, furnish and equip athletic facilities, including a gymnasium addition and track replacement at the Junior High School and baseball / softball field additions and related improvements, and to purchase and improve grounds therefor. The estimated cost of the construction of these athletic facility infrastructure projects is \$10,000,000.

2. Eligible electors of the school district have the right to file with the Board Secretary a petition pursuant to Iowa Code § 423F.4(2)(b), on or before close of business on August 22, 2022, for an election on the proposed use of SAVE Revenue. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of those voting at the last preceding election of school officials under Iowa Code § 277.1, whichever is greater.

3. In the event a petition containing the required number of valid signatures is filed with the Secretary of the Board on or before close of business on August 22, 2022, the President shall call a meeting of the Board to consider rescinding this Resolution supporting the proposed use of SAVE Revenue or directing that the question of the proposed use of SAVE Revenue be submitted to the qualified electors of the School District.

If the Board determines to submit the question to the electors, the proposition to be submitted shall be as follows:

Shall the Board of Directors of the Muscatine Community School District in the County of Muscatine, State of Iowa, be authorized to use revenue from the State of Iowa Secure an Advanced Vision for Education Fund to build, furnish and equip athletic facilities, including a gymnasium addition and track replacement at the Junior High School and baseball / softball field additions and related improvements, and to purchase and improve grounds therefor, with the estimated cost of construction being \$10,000,000?

PASSED AND APPROVED this 8th day of August, 2022.

Vice-President Morgan reviewed the following Administrative Regulations;

1. 501.2R1 Attendance, Truancy, Unexcused Absences - Administrative Regulations
2. 503.3R Student Appearance - Administrative Regulations
3. 502.3(R1) Student Activity Program/Good Conduct - Administrative Regulations
4. 804.07R1 Radon Mitigation - Administrative Regulations
5. 102 R1 Civil Rights Grievance Procedures - Administrative Regulations

The board held a first reading on the following policies:

1. 404.8 Resignation
2. 100 Mission Statement

Director of Finance Tom Anderson reviewed the preliminary June, 2022 financial. Director Anderson stated over the next month the finance department will be closing out fiscal year 2022. Annual reports are due September 15, so they should be done before the next board meeting. The board will have some action items regarding FY22 and FY23 over the next two months. Director Anderson noted that on page 3 of the revenues and expenditures report the date should be June 30, not May 31. Director Anderson stated that he will report on Fund 71, the self-funding insurance at the next meeting.

Vice-President Morgan announced the following meetings and events:

August 9, 2022: River Bend Mobile Food Pantry; 4:30 to 6:00pm - MCSD Admin Center

August 18, 2022: Susan Clark Jr. High - Back to School Kick Off; 4:30pm-6:30pm

August 19, 2022: MHS Activities Fall Kick-Off - 5:00pm

August 23, 2022: MHS Back to School Night - 5:00pm-7:00pm

August 23-24, 2022: Muskie Transition Days - Elementary Buildings; Muskie Connect

August 24, 2022: First day for Grades 7-12

August 25, 2022: First Day for Grades K-6 - Preschool Muskie Connect

August 26, 2022: First Day for Preschool

September 12, 2022: School Board Community Conversation 6pm (lower level City Hall)

September 12, 2022: Regular Board Meeting; 7 p.m.; City Hall

A motion was made by Director Phillips and seconded by Director Conard to adjourn the meeting.

All Ayes, motions carried. Meeting adjourned 8:15 p.m.

Mike Morgan, Vice-President

Daphne J. Donald, Secretary



City of Muscatine

CITY COUNCIL MINUTES

Thursday, August 4, 2022

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for August 4, 2022 to order at 07:00 PM

A. Invocation: Pastor Tom, Island United Methodist Church

2. **ROLL CALL**

Councilmembers Present: Nadine Brockert, John Jindrich, Jeff Osborne, Dennis Froelich, Angie Lewis, Peggy Gordon, DeWayne Hopkins . Mayor Brad Bark, City Administrator Carol Webb and Administrative Professional Cinda Hilger were also present.

3. **PLEDGE OF ALLEGIANCE**

4. **COMMUNICATIONS - CITIZENS**

5. **CONSENT AGENDA**

Councilmember Nadine Brockert, seconded by Councilmember John Jindrich, moved the Consent Agenda be approved

Passed Ayes - 7 Nays -None

Items 6A Approval of City Council Minutes

- A. July 21, 2022 Regular City Council Meeting Minutes

Item 8A-G Petitions and Communications

- A. Request for renewal of a Class “C” Liquor License and Sunday Sales for Diamond Dave’s Taco Co., 1903 Park Avenue – K & E Restaurants, Inc. (pending inspections and insurance)
- B. Request on first and second reading for a new Special Class “C” Liquor License and Outdoor Service for SS. Mary and Mathias Church of Muscatine, Iowa, 215 West 8th Street – SS. Mary & Mathias Church of Muscatine, Iowa (pending inspections and insurance)
- C. Request for Use of City Property from NextGen Motors of Muscatine for a 5K walk/run on September 17, 2022
- D. Request for Use of City Property from Jennifer Williams for a Fashion Show on October 15, 2022 through October 16, 2022
- E. Request to Approve Application for Revitalization Property Tax Abatement
- F. Request from Geneva Golf & Country Club for the Dispensing of Fireworks by J&M Displays in Conjunction with their Annual Family Fun Day on August 13, 2022
- G. Request to approve new appointments Steve Truitt and Mary O'Dell to the Library Board of Directors

Items 9 From the Mayor

Items 12A-D Receive and File

- A. Board of Water, Electric and Communications Minutes - June 28, 2022
- B. Muscatine County Board of Supervisors Meeting Minutes June 27, 2022
- C. Muscatine County Board of Supervisors Meeting Minutes
- D. Muscatine Power and Water Financial Statements - June 2022

Items 13A-E Purchase Orders

- A. Request to Approve Issuance of a Purchase Order for a Cemetery Operations Zero Turn Mower

- B. Request to Approve the Issuance of a Purchase Order for Police Department Bodyworn Cameras
- C. Request Approval To Issue Purchase Order For Asbestos Abatement At Papoose Lift Station
- D. Request Approval To Issue a Purchase Order For Asbestos Abatement At Isett Lift Station
- E. Request Approval To Issue a Purchase Order For The Sewer Rate Study

Item 14 Bills for Approval

- A. It is recommended bills totaling \$3,864,519.09, which include receipt summary and journal entries for April 2022, be approved and that the City Council authorize the Mayor and City Clerk to issue warrants for the same. It should be noted that this listing is subject to the approval of any related agenda item(s).

6. MINUTES – APPROVAL (Consent Agenda)

7. PUBLIC HEARING

8. PETITIONS AND COMMUNICATIONS (Consent Agenda)

9. FROM THE MAYOR

- A. Recognition of the City of Muscatine Finance Department for receiving the Government Finance Officers Association Certificate of Achievement for Excellence in Financing Reporting for the 28th consecutive year.
Mayor Brad Bark congratulated the City of Muscatine on the GFOA award for the fiscal year ending June 30, 2021.
Finance Director Nancy Lueck came forward to thank the entire finance department as well as other departments for their part in the audit process.

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

- A. Resolution Awarding the Contract for the 67th Avenue Sidewalk Improvements Project
Councilmember Nadine Brockert, seconded by Councilmember Jeff Osborne

moved to Approve the Motion.

Vote: Ayes - 7, Nays - 0 None, Motion Passed.

- B. Resolution Accepting the Completed Work for the 21/22 PCC Patching Project
Councilmember Nadine Brockert, seconded by Councilmember Jeff Osborne
moved to Approve the Motion.

Vote: Ayes - 7, Nays - 0 None, Motion Passed.

- C. Resolution Setting Public Hearing for Snow Emergency Ordinance Change
Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne
moved to Approve the Motion.

Vote: Ayes - 7, Nays - 0 None, Motion Passed.

- D. Resolution approving a Community Investment and Settlement Agreement with
Canadian Pacific Railway Company
Councilmember Peggy Gordon, seconded by Councilmember Nadine Brockert
moved to Approve the Motion.

Vote: Ayes - 4, Nays - 3 John Jindrich, Angie Lewis, Dennis Froelich, Motion
Passed.

Andy Cummins – Canadian Pacific was present to thank the leadership and
citizens of Muscatine for this opportunity.

Councilmember Lewis had questions regarding citizen concerns about the
steepness of the overpass being proposed on Dick Drake Way, traffic routes
during construction of the overpass, accessibility to the riverfront and noise
control for citizens living on the Southend of Muscatine.

City Administrator Webb stated that a part of the allocation of funds from
Canadian Pacific can be used to create a quiet zone and that the traffic and
safety issues will be addressed when designing the proposed overpass.

Dan Freemon, 517 Rosco Ave, was present to share his concerns regarding
the proposed agreement. Mr. Freeman stated the citizens are being kept in the
dark regarding what is happening and groups are being formed across the state
to fight this project. Mr. Freeman stated that the money the city has spent on
the riverfront improvements will be for nothing with the amount of trains that
will be traveling through the area.

There was discussion with the council regarding the size of trains, the
time of day trains would be traveling through Muscatine and what would
happen if a train were to break down at a crossing.

- E. Resolution Approving Settlement Agreement and Release with Benjamin Varela Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Approve the Motion.
Vote: Ayes - 7, Nays - 0 None, Motion Passed.
- F. Resolution Authorizing Allocation of American Rescue Plan Act (ARPA) Funding for the Mulberry Health Clinic Building Project
Councilmember DeWayne Hopkins, seconded by Councilmember Angie Lewis moved to Approve the Motion.
Vote: Ayes - 7, Nays - 0 None, Motion Passed.
Charla Shafer, Community foundation of Muscatine, gave an overview of the proposed Mulberry health clinic
- G. Request to Approve Changes to the City of Muscatine Smoking Policy
Councilmember Nadine Brockert, seconded by Councilmember DeWayne Hopkins moved to Approve the Motion,.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- H. Request to Authorize 2022/23 City Deer Hunt
Councilmember John Jindrich, seconded by Councilmember Angie Lewis moved to Approve the Motion,.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- I. Request Approval To Issue A Purchase Order For UV Replacement Equipment
Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Approve the Motion,.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- J. Request to Approve a Purchase Order to Muscatine Power and Water for the HAWK Crossing at Earl and Oregon Streets.
Councilmember Dennis Froelich, seconded by Councilmember None moved to Approve the Motion,.
Vote: Ayes - 7, Nays - 0, Motion Passed.

12. COMMUNICATION – RECEIVE AND FILE (Consent Agenda)

13. PURCHASE ORDERS (Consent Agenda)

14. APPROVAL OF BILLS (Consent Agenda)

15. COMMUNICATIONS - COUNCIL MEMBERS

16. OTHER BUSINESS

- A. Consideration of the City Administrator's annual merit increase
Councilmember Nadine Brockert, seconded by Councilmember Peggy Gordon moved to Approve the Motion,.
Vote: Ayes - 7, Nays - 0, Motion Passed.

- B. Proposed Muscatine School District Baseball/Softball Complex at Kent-Stein Park

City administrator Webb stated the following was a discussion regarding the proposed Muscatine High School Softball/Baseball Complex at Kent Stein Park. Ms. Webb stated that this discussion was only to decide if there was a consensus to move forward with negotiating a purchase agreement with the school. Ms. Webb introduced School Superintendent Clint Christopher and Facilities Manager Ryan Castle.

Mr. Christopher stated he appreciated the ongoing partnership between the school district and the City of Muscatine and hopes this project will continue that partnership.

Mr. Christopher and Mr. Castle gave an overview of how this project idea had been developed and the steps moving forward to make it happen.

There was discussion regarding routing of the traffic to the complex, signage for the complex as well as Kent Stein, Parking on residential streets and safety issues for the surrounding houses that were addressed by Mr. Christopher and Mr. Castle.

There were concerns with Councilmembers regarding transparency and input from the community on this project. There was a consensus with Council to move forward without any formal vote until after the public hearing is held by the school board to evaluate the community response. Ms. Webb stated she felt confident that the school board could walk away from tonight's meeting feeling they have the support they need to move forward.

17. ADJOURNMENT

Councilmember DeWayne Hopkins moved the meeting be adjourned at 08:09 PM