



City of Muscatine



CITY COUNCIL Thursday March 3, 2022

Brad Bark, Mayor

Dennis Froelich, 1st Ward
Jeff Osborne, 2nd Ward
Peggy Gordon, 3rd Ward
Nadine Brockert, 4th Ward
John Jindrich, 5th Ward

Angie Lewis, At Large
DeWayne Hopkins, At Large
Carol Webb, City Administrator
Cinda Hilger, Admin. Professional
Matt Brick, City Attorney

City Council meetings are held on the 1st and 3rd Thursday of each month, In-depth sessions on the 2nd Thursday of each month. All meetings are available for review on the City of Muscatine youtube page.

The public is welcome to attend virtually using the information below.

Please join my meeting from your computer, tablet or smartphone.
<https://www.gotomeet.me/CityofMuscatine/city-council-meeting>

You can also dial in using your phone.

United States: 1-669-224-3412

Access Code: 971-499-597

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**

5. **CONSENT AGENDA**

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

* **Items 6A-B Approval of City Council Minutes**

- A. February 17, 2022 [Regular Meeting Minutes](#)
- B. January 27, 2022 – February 8-2022 [Budget Session Minutes](#)

* **Item 8A-E Petitions and Communications**

- A. Request on first and second reading for a new Class “B” Beer Permit for Chicharos Mexican Grill, 1903 Park Avenue – Chicharos LLC (pending inspection)
- B. Request for renewal of a Special Class “C” Liquor License, Class “B” Native Wine Permit and Sunday Sales for Sal Vitale’s Pizzaria & Pasta, 1010 Park Avenue – Sal Vitale’s Little Italy LLC (pending inspections and insurance)
- C. Request for Use of City Property from [Greater Muscatine Chamber of Commerce and Industry for the July 4, 2022 Celebration](#).
- D. Request for Use of City Property from [Greater Muscatine Chamber of Commerce and Industry for the July 4, 2022 Parade](#).
- E. Request for Use of City Property from [Daphne Donald for Muscatine Race for the Schools on May 7, 2022](#).
- F. [Request to close Iowa Avenue](#) to install utility services to the former library project.

* **Items 12A-C Receive and File**

- A. [Muscatine County Board of Supervisors Minutes](#) – February 14, 2022
- B. [MPW Financials](#) – January 2022

* **Bills***

- * Approval of attached [Bills for Approval](#) totaling \$3,336,386.00, which include receipt summaries and journal entries for December 2021, subject to the approval of any related agenda item(s).

6. **MINUTES – APPROVAL**

7. **PUBLIC HEARING**

A. [Maximum Tax Levy for the Fiscal Year 2022/2023 Budget](#)

This public hearing concerns the maximum tax levy for the fiscal year 2022/2023 budget. All cities in Iowa are required by the State to pass a resolution establishing their maximum property tax dollars for certain levies prior to adoption and certification of the final budget. The City Council recently completed their review of the proposed City budget for the upcoming year. The proposed total property tax levy rate for the 2022/2023 budget is \$15.97054 per \$1,000 of valuation, which is 1.9% higher than the total tax rate for the current year (2021/2022). With the .04% increase in taxable valuations, total property tax revenue for the City will increase by \$275,785, which is a 1.85% increase in property tax dollars.

Per State requirements, the Notice of Public Hearing for the 1st public hearing on the budget only includes the General, Transit, Tort Liability/Insurance, Emergency, and Employee Benefits levies. The tax dollars from those levies total \$12,992,776 compared to \$12,597,193 for those levies for the current fiscal year 2021/2022 budget. This is a \$395,583 (3.14%) increase in tax dollars when considering only the levies in the public notice.

Now is the time for the public to comment.

B. [Proposal to Enter into an Essential Purpose Loan Agreement](#)

This public hearing concerns a proposal to enter into a loan agreement and to borrow money thereunder in a principal amount not to exceed \$5,715,000.00. These funds are to be used for (1) constructing street, water system, sanitary sewer system, storm water drainage and sidewalk improvements; (2) acquiring and installing street lighting, signage and signalization improvements; (3) improving and equipping existing municipal parks; (4) acquiring, demolishing and clearing dangerous and dilapidated properties; (5) undertaking disaster-related repair and cleanup projects for public properties; (6) undertaking improvements to municipal solid waste disposal facilities; (7) acquiring and equipping a fire truck and ambulances; and (8) upgrading public safety communications systems.

Now is the time for the public to comment.

C. [Proposal to Enter into an Aquatic Center Loan Agreement](#)

This public hearing concerns a proposal to enter into a loan agreement and to borrow money thereunder in a principal amount not to exceed \$170,000.00. These funds are to be used for the purpose of paying the costs, to that extent, of undertaking repairs and improvements to the municipal aquatic center.

Now is the time for the public to comment.

D. [Proposal to Enter into a General-Purpose Loan Agreement](#)

This public hearing concerns a proposal to enter into a loan agreement and to borrow money thereunder in a principal amount not to exceed \$625,000.00. These funds are to be used for (1) constructing and equipping a vehicle wash bay facility for the public works department; (2) undertaking repairs and improvements to municipal facilities; and (3) acquiring and improving real estate for use by the municipal public works and public safety departments.

Now is the time for the public to comment.

8. PETITIONS AND COMMUNICATIONS

9. FROM THE MAYOR

A. Presentation of [Proclamation March for Meals](#)

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

A. Second Reading of an [Ordinance Revising Title 1, Chapter 2, Section 14 of the Code of the City of Muscatine](#), Relating to Standard Penalties. (City Administrator, Carol Webb)

Presented for City Council's consideration is the Second reading of an ordinance revising Title 1, Chapter 2, Section 14 of the Code of the City of Muscatine, relating to standard penalties. Staff recommends aligning the City's standard penalty with the penalties outlined in Iowa Code 364.3(2) and 903.1(1a). Current Iowa Code establishes a minimum fine of at least one hundred five dollars (\$105.00) and a maximum fine not to exceed eight hundred fifty-five dollars (\$855.00).

Is there a motion to approve the second reading of this ordinance as submitted?

B. Third and Final Reading of an [Ordinance Revising Portions of Title 6, Chapter 8 of the City Code of Muscatine](#) - Regarding Animal Regulations (Carol Webb-City Administrator, Police Captain Anthony Kies)

Presented for City Council's consideration is the third and final reading of an ordinance revising portions of Title 6, Chapter 8 of the Code of the City of Muscatine. City Council directed City staff to prepare changes to portions of Title 6, Chapter 8 of Muscatine City Code related to animal regulations. The proposed ordinance includes revisions to definitions and requirements related to animal care, dangerous and vicious dogs, tethering, irresponsible ownership, right to appeal violations of this Code Section, and other minor modifications and revisions.

The proposed ordinance was revised following the second reading to incorporate feedback from City Councilmembers and community members.

Is there a motion to adopt this ordinance on third and final reading and to direct for its publication as required by law?

C. [Resolution Approving the Maximum Property Tax Dollars for Certain Tax Levies](#) for the City's Fiscal Year 2022/2023 Budget (Public Hearing A) (Finance Director, Nancy Lueck)

All cities in Iowa are required by the State to pass a resolution establishing their maximum property tax dollars for certain levies prior to adoption and certification of the final budget. The City Council recently completed their review of the proposed City budget for the upcoming year. The proposed total property tax levy rate for the 2022/2023 budget is \$15.97054 per \$1,000 of valuation, which is 1.9% higher than the total tax rate for the current year (2021/2022). With the .04% increase in taxable valuations, total property tax revenue for the City will increase by \$275,785, which is a 1.85% increase in property tax dollars.

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Is there a motion to adopt this Resolution as submitted?

D. [Resolution Setting the Public Hearing on the Proposed City Budget for Fiscal Year 2022/2023](#) (Finance Director, Nancy Lueck)

The City Council completed the budget review process for the fiscal year 2022/2023 budget in February. Two public hearings are required in order for City Council to adopt the annual budget for the upcoming year. City Council at the February 17 meeting set the first public hearing for March 3, 2022 on the Proposed Maximum Property Tax Dollars for Certain Levies for 2022/2023. After this hearing, the City Council will consider the Resolution approving the maximum tax levy dollars for these levies for fiscal year 2022/2023.

After that action on March 3, the City Council will need to set the next public hearing (Hearing #2) on the adoption of the budget and the certification of taxes for the 2022/2023 budget. The proposed total property tax levy rate for the 2022/2023 budget is \$15.97054 per \$1,000 of valuation, which is a 1.9% increase from the current year tax rate of \$15.67209 per \$1,000.

This resolution will set a public hearing for March 17, 2022, at 7:00 p.m. in the City Hall Council Chambers on the adoption of the fiscal year 2022/2023 budget. At this meeting, the public can comment on the proposed Fiscal Year 2022/2023 Budget.

Is there a motion to adopt this resolution as submitted?

E. [Resolution Setting a Public Hearing on the Proposed Amendment #1 to the City Budget for Fiscal Year 2021/2022](#) (Finance Director, Nancy Lueck)

The City Council recently completed the budget review process for the fiscal year 2022/2023 budget. As part of that review, the revised estimate revenue and expenditure amounts for the current year (2021/2022) were also reviewed by City Council. Each year, these revised estimate amounts become Amendment #1 to the current year budget.

Prior to the adoption of a budget amendment, a public hearing is required. The attached resolution will set a public hearing for March 17, 2022 at 7:00 p.m. concerning Amendment #1 to the 2021/2022 City budget. At this meeting, the public can comment on the proposed budget amendment.

Is there a motion to adopt this resolution as submitted?

F. [Resolution Taking Additional Action on Proposal to enter into Loan Agreements, Combining Loan Agreements and Providing for the Levy of Taxes to Pay General Obligation Corporate Purpose Bonds.](#) (Public Hearings B, C, and D) (Finance Director, Nancy Lueck)

The City's next bond issue is scheduled for May 2022. This bond issue will provide funding for a number of City projects that have recently been completed, are currently underway, or will be underway in calendar years 2022 and 2023. These projects and the proposed bond issue were reviewed with the City Council as part of the recent budget sessions. The projects included in this issue are listed in the Background/Discussion section of the Agenda Item Summary. The bond issue is estimated at \$6,200,000 with \$6,090,000 for project costs and \$110,000 for estimated bond issuance costs. The City Council set the required public hearings for the bond issue at the February 17, 2022 meeting and held the hearing earlier in this meeting, prior to City Council taking action on the attached resolution.

Dorsey & Whitney, the City's bond counsel, prepared the attached resolution Taking Additional Action on Proposal to Enter into Loan Agreements, Combining Loan Agreements, and Providing for the Levy of Taxes to Pay the Same.

Is there a motion to adopt this Resolution as submitted?

G. [Resolution Approving Release and Settlement Agreements with Certain Fire Department Personnel](#) (City Administrator, Carol Webb)

Presented for City Council's consideration is a resolution approving release and settlement agreements with certain Fire Department personnel. These settlement agreements resolve the dispute and require actions by both parties.

Is there a motion to adopt this resolution as submitted?

H. [Request to Enter into an Agreement with the Iowa DOT](#), to Accept a CRRSAA (Coronavirus Response and Relief Supplemental Appropriations Act) Grant in the Amount of \$512,150.00. (Transit Supervisor, Amy Fortenbacher/ Public Works Director, Brian Stineman)

Presented for the City Council's consideration is a request to accept and sign an agreement with the Iowa Department of Transportation for a Federal Transit Administration (FTA) Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) grant in the amount of \$512,150.00. These funds are to be used for operating expenses for MuscaBus.

Is there a motion to approve this request as submitted?

I. [Request to Approve Easement for West Hill Sewer Separation Project Phase 5](#) (Public Works, [Brian Stineman](#))

Presented for City Council's consideration is a request to approve a Permanent Easement Agreement with Norm Nicol for the installation and maintenance of a sanitary sewer across the property located at 104 High Street. The cost specified in the easement agreement is \$408.03.

Is there a motion to approve this request as submitted?

12. COMMUNICATION – RECEIVE AND FILE

13. [APPROVAL OF BILLS](#)

It is recommended bills totaling \$3,336,386.00, which include receipt summaries and journal entries for December 2021 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).

14. COMMUNICATIONS - COUNCIL MEMBERS

15. OTHER BUSINESS

A. Request to Enter Closed Session per Iowa Code 21.9 allowing for a non-open meeting to discuss strategy in matters relating to employment conditions of employees of the governmental body who are not covered by a collective

bargaining agreement under chapter 20. Employment conditions include all the areas allowed under union negotiations—including evaluation procedures.

16. ADJOURNMENT