

City Administrator Report to Mayor & City Council

2017-04-28, Edition No. 263

WEEKLY UPDATE:

- Budget: Attached is a copy of the final budget message for FY 2017-18.
- Trails: Attached is a copy of an update City Trails map prepared by City Planner Fangman. This updated trail map reflects the under contract Kent-Stein to Deep Lakes Park trail and the new Cannon Ave water fountain.
- AG (Petition and Response): Attached is a copy the "petition" and a copy of the Attorney General's decline to file a petition pursuant to Iowa Code Chapter 66.
- Fireworks: Staff has been discussing the new fireworks legislation and plans to meet next week. There is little direction being offered on the use and sale of fireworks and opt out provisions. We hope to bring an initial discussion to council next week. This may include an interim measure until we have more information.
- WPCP: WPCP Director Jon Koch provided the following update in their permit: I have received our permit revision which starts May 1, 2017. Good news, we have been given 5 more years to study the issue and are being encouraged to look for solutions within our watershed to reduce nitrogen and phosphate that may be more beneficial than large changes here at the plant (see page 12). I have highlighted the changes from the old permit. This means no major expenditures for nutrient removal for another 5 years. Also reporting changes are made with operational data no longer being sent in. We will continue to perform and track them internally but it will relieve us of the time it takes to enter all that data.
- WPCP: Attached is a copy of the "Muscatine Houser Street Pollinator Park Executive Summary". WPCP Director Koch will be bringing this item forward to Council next week.
- Mississippi Drive Public Meeting: Reminder (please check out the new construction project page, including Mississippi Drive on the City's main page) - A Public information meeting set for Tuesday, May 2, on Phase I of reconstruction project. After years of planning the Mississippi Drive reconstruction project is tentatively set to begin on Monday, May 8. The project will be completed in several phases with the first phase working on Mississippi Drive from Iowa Avenue to Pine Street. A public information meeting will be held from 5:30 to 7:30 p.m. Tuesday, May 2, in the Riverview Center at Riverfront Park. Officials from the City of Muscatine Department of Public Works along with representatives from the contractor (KE Flatwork Inc.) will be on hand to answer any questions about the project and how it will affect residents and businesses during construction. The first phase of the reconstruction project will include the Iowa Avenue-Mississippi Drive intersection, the railroad crossing into Riverfront Park, and Chestnut Street from Mississippi to Second Street. Access to the park will still be available at Cedar Street. The second phase of the reconstruction project will involve Mississippi Drive from Mulberry Avenue to Iowa Avenue. This phase will include the intersections at Sycamore, Cedar, Walnut and Mulberry along with the railroad crossing at Cedar

and is tentatively scheduled to begin later this year. Anyone interested in the present phase or future phases of the reconstruction project are urged to attend the public information meeting. The City of Muscatine will have a dedicated web site (www.muscatineiowa.gov/construction) which will have information on this project and various other projects for the City of Muscatine. revision of the council schedule as of April 27, 2017. Once again, this is tentative, but it does keep us on track and provides a "process" road map for construction projects.

PROJECTS

The following is a revision of the council schedule as of April 27, 2017. Once again, this is tentative, but it does keep us on track and provides a "process" road map for construction projects. R. Hill

May 4, 2017:

1. Resolution Accepting the Completed Work for the Airport Runway Project
2. Request Approval of the 2nd/Mulberry Intersection Design (and Bluff Section)
3. Request Approval to Enter into an Agreement for the Grandview Ave. Design

May 11, 2017:

1. Presentation on the 2017 Sidewalk Program

May 18, 2017:

1. Resolution Setting a Public Hearing for the Landfill Cell Construction Project
2. Resolution Accepting the Completed Work for the Art Center HVAC Project
3. Resolution Accepting the Completed Work for the Mulberry Ave.

June 1, 2017:

1. Resolution Setting a Public Hearing for the Cleveland Ave. Reconstruction Project
2. Resolution Setting a Public Hearing for the 2017 Sidewalk Program
3. Public Hearing for the Landfill Cell Construction Project
4. Resolution Approving Plans etc. for Landfill Cell Construction Project

June 15, 2017:

1. Public Hearing for the Cleveland Ave. Reconstruction Project
2. Public Hearing for the 2017 Sidewalk Program
3. Resolution Approving Plans etc. for Cleveland Ave. Reconstruction Project
4. Resolution Approving Plans etc. for the 2017 Sidewalk Program

July 6, 2017:

1. Resolution Awarding Contract for the Cleveland Ave. Reconstruction Project
2. Resolution Awarding Contract for the 2017 Sidewalk Program
3. Resolution Awarding Contract for the Landfill Cell Construction Project
4. Request Authorization to submit CAT Grant

July 20, 2017:

1. Resolution Approving Contract/Bond for Cleveland Project
2. Resolution Approving Contract/Bod for 2017 Sidewalk Program
3. Resolution Approving Contract/Bond for Landfill Cell Construction Project.

Project Team Meeting on Thursday, April 26th (R. Hill):

1. West Hill Sewer Separation
 - a. IIIC on Schedule:
 - i. Sanitary installed from Cedar to Chestnut
 - ii. Storm to be installed from Cedar to Chestnut
 - iii. Paving on 4th to begin soon.
2. Art Center HVAC Project
 - a. Punch List narrowed
 - b. Concrete work credited
 - c. Open House - April 27, 2017
 - d. Close Project at the May 18th Council Meeting
3. Mulberry Ave. Reconstruction Project
 - a. Rain delays for completing punch list
 - b. South side of Mulberry hydroseeded
 - c. Close Project at the May 18, 2017 Council Meeting
4. Mississippi Drive Project
 - a. Notice to Proceed issued
 - b. Public Meeting set for May 2, 2017 at Riverview Center
 - i. Contractor prepping for this meeting at this time
 - c. Weekly construction meetings: Thursdays at 10:00 a.m. (May 4th)
 - d. Construction Work to begin on May 8th
5. Musser-Wiggins Trail
 - a. Pre-Con Meeting: May 15, 2017
 - b. Public Meeting: May 22nd
 - i. Location to be determined - South End Maybe (Transfer Station?)
 - c. Still waiting for DOT documents
6. Library Relocation Project
 - a. Final Cost estimates needed
 - b. Will include in the CAT Grant Application for July 15, 2017
7. Airport Runway 6/24
 - a. Adam was suppose to have submitted reports to FAA on April 21, 2017.
 - b. Close Project at that the May 4, 2017 Council meetng
8. Airport: T-Hangers/Apron Expansion
 - a. Contractor: Fox Construction
 - b. Start Date: TBD
 - c. Completion date: October 2017

- d. Grant Requests:
 - i. Further Apron Expansion
 - ii. T-Hanger Construction
- 9. Riverfront Master Plan
 - a. May 10, 2017 Public Meeting on the Riverfront Master Plan Update
- 10. Property Acquisition/Demolition
 - a. City has acquired all property at Carver Corner
 - b. Beach Lumber site has been cleaned up
 - i. Contractor may want to use this
 - c. Contractor to begin mobilization first week in May
 - d. Asbestos Abatement Contract Let
 - i. Gobin
 - e. Demolition specs needed for T-Strake and Ice House
 - i. Gobin/Boka
 - ii. Need Timetable
- 11. Landfill Cell Construction
 - a. Team to review Barker-LeMar's proposal
 - b. Timetable:
 - i. May 18th - Set Public Hearing
 - ii. June 1st - Public Hearing
 - iii. June 1st - Approve Plans & Specs
 - iv. July 6th - Award Contract
 - v. July 20th - Approve Contract & Bond
- 12. Cleveland Ave. Reconstruction
 - a. See updated Council Schedule
- 13. Next Projects:
 - a. Review RFP for Grandview Ave. Design
 - i. Request Approval of Agreement at the May 4, 2017 Council Meeting
 - b. Design for 2nd & Mulberry (and bluff)
 - i. Request for authorization to design at the May 4, 2017 Council Meeting
- 14. Continuity Planning
 - a. Traffic Control Plan
 - i. MAGIC Involvement
 - ii. Website
 - iii. Presentation May 2nd
 - b. Communication Plan
 - i. Public Meeting
 - ii. Doorknockers
 - identify people/businesses most impacted
 - iii. Set up meetings with public by location of business owners.
 - c. HNI needs to be kept notified about the Traffic Control Plan and Detours
- 15. Signage:

- a. Bolton-Menk has sent an updated markup of the existing sign for the Mississippi Drive Project
- b. Need something similar for the Musser Trail



Gregg Mandsager
City Administrator
City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 264-1550 Voice/TT
Fax (563) 264-0750

TO: Mayor Diana Broderson and Members of City Council

SUBJECT: Budget Message - FY 2017/2018

DATE: March 15, 2017

The budget for fiscal year 2017/2018 is hereby presented as adopted by City Council subsequent to the informational review process and required public hearing. The emphasis of the budget process is on planning for anticipated operating expenditures, city services, personnel costs, capital expenditures, and other related programs. It is during the City Council's review process that choices are made among competing demands for the city's fiscal resources. The City of Muscatine's established budgetary process has resulted in a management oriented budget document with the fourfold theme of providing financial control, management information, planning, and policy information. This budgetary process has been recognized by the Government Finance Officers Association in their conferral of the 32nd consecutive Distinguished Budget Presentation Award for the fiscal year 2016/2017 City Budget. The budget for fiscal year 2017/2018 will also be submitted for consideration for this award.

GOALS AND OBJECTIVES

The budget for 2017/2018 includes comprehensive goals and objectives for each department and activity in the operating budget. The process of developing a comprehensive management by objectives program for the community is a continual process as the needs of the community change. As a result, the city must continue to redefine its goals and set objectives as to how they can be achieved in both the short and long term. The evaluation of progress in accomplishing the prior year's objectives is an important part of the budget process between the City Council, City Administrator, and department directors.

The City Council held a goal setting session on November 3, 2016 to discuss and establish goals and objectives for 2017/2018. The Core Values, Vision Statement, Mission Statement, and strategic goals for 2017 and future years as adopted and prioritized by City Council are as follows:

Core Values

- Integrity
- Respect
- Innovation
- Excellence
- Professionalism
- Customer Service
- Fiscal Responsibility

**"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain**

Vision

Muscatine is a vibrant river community where a rich tradition of community pride and entrepreneurial spirit has created an outstanding environment to live and work. Muscatine values its history, has a strong sense of community, is rich in cultural and economic diversity, and has strong global connections. Muscatine residents, businesses, and its local government are engaged and achieve goals through valued partnerships.

Mission

Provide effective municipal services, excellent customer service, and sound fiscal management that improves quality of life and ensures a sustainable economy.

<i>OBJECTIVES TO BE ACCOMPLISHED IN 2017/2018 AND FUTURE YEARS</i>

Long-Term Goals

- Partner with local organizations and governments to combine services or cooperate where feasible and appropriate
- Position the City to address potential shortfalls in revenue due to state and federal mandates and work to leverage local funding with grants
- Work to retain Tax Increment Financing (TIF) as a municipal economic development tool
- Increase community awareness and engagement (Tell Muscatine's story)
- Attract employees that work in Muscatine, but do not live in Muscatine.

Council and Management Agenda 2017-2018

Community and Economic Development

- Evaluate areas, programs and opportunities for economic development -
 - Industrial Park (South End)
 - Highway 38-61 Industrial Park/Mixed Use Development
 - Additional tax abatement areas
 - Downtown façade program
 - Review additional areas for housing or commercial tax abatement
- Market economic development programs -
 - Create and review signage opportunities
 - Work with local banks, real estate companies and others to promote plans and incentives
- Develop Mississippi River Port based upon feasibility study results -
 - Submitted LIFTS Grant: Awarded 2016
 - Feasibility Study: Complete 12/2016
 - Grants 2016/17: USED/ATIGER, USDOT, & others
 - Permitting 2017
 - Engineering/Design: 2017

- Tentative Construction: 2018-19
- Begin long-term planning and redevelopment of the “Carver Corner” area
- Adopt policies on public art and communications on city-owned land and rights-of-way.

Housing

- Promote infill opportunities and evaluate opportunities to improve current housing stock (voluntary and involuntary opportunities), including the adoption of a property maintenance code and non-residential design guidelines
- Review and redevelop nuisance and city-owned properties
- Conduct a housing demand study (April 2017)
- Market the study, communicate the need -
 - Community presentations - public, banks, real estate agents, developers
 - Web and social media
- Identify public, private and partnership opportunities
- Identify infrastructure needs and code changes to implement study

Programs and Services

- Complete the rewrite of the 1974 Zoning Ordinance
- First Wave: Currently under legal review, targeted adoption (January/February 2017)
- Second Wave: Will be comprised of new sign regulations, wind turbine regulations, and updates to all existing zoning districts (Adoption in Fall 2017)
- Third Wave: Begin work of form based zoning, starting with the Grandview Avenue corridor (Late 2017)
- Develop a youth diversion program for at risk youth in cooperation with the Police Department and County Attorney’s Office

Marketing, Communication, and Engagement

- Develop a marketing plan for the City of Muscatine in cooperation with the Greater Muscatine Chamber of Commerce and Industry (GMCCI), Muscatine School District, Muscatine Community College, Unity Point - Trinity Muscatine, Convention and Visitors Bureau (CVB), Community Improvement Action Team (CIAT), and local industry (Budget 2016/17, GMCCI Hires Northstar Fall/Winter 2016)
- Enhance the City’s website, expand the use of social media tools for public communication and improve Channel 2 public programming/information
- Participate in the National Citizen Survey (see if, where and how we have “moved the needle”) and review the use of online departmental surveys to measure performance and citizen satisfaction
- Continue communication efforts with a focus on increasing transparency and ease of use. Investigate and develop dashboards (visual metrics) for public, council and staff use (i.e. Opengov.com or internal program)

Continuous Service Improvement (Processes, Technology and Efficiency)

- Improve organizational effectiveness and efficiency
- Bring technology to the field (drive efficiency)
- Work with GMCCI, downtown businesses and residents to create a clean and inviting environment (2017)

Sustainability

- Develop a Sustainable Muscatine program to incorporate community sustainability principles of economic prosperity, environmental integrity and cultural vibrancy into the City Comprehensive Plan. This will integrate public, private and non-profit groups as well as individuals to build sustainability practices into planning, budgeting and operations locally and regionally.

Projects, Programs and Placemaking

- Develop a plan for the renewal of the Local Option Sales Tax continuing its focus on sewer separation and streets
- Infrastructure: Maximize current resources, look for operational efficiencies, focus on preventive and deferred maintenance, and look for “green” initiatives that are feasible and demonstrate long-term benefits.
- Implement the Capital Improvements Program (CIP) with focus on existing infrastructure
- Mississippi Drive (2016-18) and Grandview Avenue (Funding 2019) -
 - Preliminary design and public meetings (2015-2016)
 - Property acquisition (2016-2017)
 - Bid Phase I (February or March 2017)
 - Construction (2017-2018)
- Explore Placemaking projects – develop and maintain local amenities for residents that attract and retain a quality workforce (aesthetics)
- Combined Sewer Overflow (CSO) (Multiple phases through 2028), Update financial plan in 2017
- City Hall HVAC and building envelope plan
- Riverfront Master Plan (Winter 2016-2017)
- WPCP Receiving Station and Waste to Energy Project
- Library Transition to the new HNI Community Center and Musser Public Library
- Review opportunities for reuse of the “old” Musser Public Library
- Reforestation
- Solid Waste Operations Review/Evaluation
- Review and discuss options for the Allen Street Storm Sewer issues

The 2017/2018 budget includes funding appropriations (where applicable) required to accomplish the objectives listed above. Department objectives also make reference to the City Council Strategic Goals where applicable including the City Administrator, Community Development, Public Works, Engineering, Park Administration, and Finance department objectives. The budget was also prepared according to certain policies and practices established by the City Council. These policies and practices immediately follow this Budget Message.

KEY BUDGET ISSUES

In developing the fiscal year 2017/2018 budget, there were several key issues which had to be addressed during the budget process and which will continue to be concerns during the implementation of the various programs and services during the year.

State Legislation

In 2013 the State Legislature adopted Senate File 295 for Property Tax Reform. This legislation implemented the following:

1. Taxable valuations for commercial property and industrial property, which historically had been valued at 100% of actual value, were rolled back to 95% for 2014/2015 and to 90% for 2015/2016. Per this legislation the State will provide a reimbursement to cities for the commercial and industrial rollback which is expected to offset a portion of the property taxes which would have been received if not for these rollbacks. This reimbursement, however, has been capped at the 2016/2017 funding level.
2. A taxable valuation growth reduction for agricultural and residential property from the previous 4% to 3%. This will limit the annual increase in taxable valuations for those properties.
3. While the rollback factor for residential property is expected to incrementally increase in upcoming years from the current 56.9391%, it will not increase above 60% per this legislation.
4. Created a new “multi-residential” property class which will be rolled back to residential levels by January 1, 2022, without backfill to local governments. This is being phased in beginning in the 2016/2017 fiscal year. The rollback factor for these properties was 86.25% in 2016/2017 and it will decrease to 82.50% in 2017/2018. The rollback factor will continue to decrease by 3.75% each year until 2023/2014 when it will be equal to the residential rollback in place at that time.

This legislation impacted the City’s taxable property valuations for fiscal years 2014/2015, 2015/2016, 2016/2017, and 2017/2018, and will continue to impact taxable valuations in future years. Based on growth assumptions, Public Financial Management Inc. (PFM), the City’s financial consultant, has projected the average increase in taxable valuations for the next ten years to be only .39% per year. This is significantly less than the average increase of 2.1% over the past ten years.

The 2017 legislative session promises potential action on other topics critical to the cities across the state, which may directly impact city Automated Traffic Enforcement (ATE) revenues and Tax Increment Financing (TIF). The City continues to closely monitor bills related to ATE’s, TIF, pensions, and any others that would impact the City operation. If there would be ATE legislation that in the worst case would prohibit use of ATE cameras, this would be a \$700,000 loss of revenue to the General fund. This amount would be equivalent to \$.83 per \$1,000 of valuation if the tax rate could be increased in an amount to fully offset this loss of revenue. With tax levy limits, however, the City would not have the ability to increase the tax levy to that extent and would need to consider other means to make up this shortfall – revenue enhancements (including increasing the utility franchise fees rate, levying the emergency levy, etc.) and service reductions.

The City’s 2017/2018 budget was developed based on positioning the City for the impacts from the legislative changes previously enacted or that may be enacted this legislative session.

The City of Muscatine made a number of changes in previous years to adjust for the limited revenues available for City operations. Significant reorganization actions have taken place when the opportunities presented themselves throughout the General Fund activities. Overall, these adjustments have continued to place a strain on the operational activities of the City’s General Fund. Despite these challenges, the City continues to do more with less and provide for basic overall services within the General Fund and other funds of the City while facing increasing demands for public services.

Property Tax Rate

Every elected body struggles with balancing the tax burden for citizens with a need to provide adequate

funding for operational and capital activities within the organization itself. It is that balance that City Council again tried to achieve in the 2017/2018 budget. The total property tax rate for the 2017/2018 budget is \$15.67209 per \$1,000 of taxable valuation, which is the same total rate as the five previous years. While the employee benefits and levee tax levies increased for the upcoming year, the City was able to reduce the tort liability, transit, and debt service tax levies in an amount which offset the employee benefits and levee increases. The budget will again fund a portion of the cost of employee benefits for General Fund employees from the General Fund balance instead of the Employee Benefits tax levy. This assisted in maintaining the same tax rate for 2017/2018.

While the tax rate will not change for 2017/2018, rollback factors applied to several property categories will impact property taxes for these property owners. Residential property owners will see a 2.36% increase in city property taxes since the rollback factor applied to residential property increased from 55.6259% to 56.9391% (by 2.36%) for the upcoming year. The average residential property in the City of Muscatine has an assessed value of \$108,000. The owner of the average residential property will see an increase of \$22.00 in their city property taxes for 2017/2018. With the rollback decreasing from 86.25% to 82.50% for multi-residential properties, the owner of a multi-residential property with a value of \$100,000 will see a decrease of \$59.00 in their city property taxes. The 90% rollback for commercial and industrial properties will continue in 2017/2018. These rollbacks are mandated by the State of Iowa and result in shifting the tax burden between different categories of property.

Police and Fire Pension Contributions and Rates

The required city contribution rate to the statewide Municipal Fire and Police Retirement Systems of Iowa (MFPRSI) was 26.12% in 2012/2013, 30.12% in 2013/2014, 30.41% in 2014/2015, 27.77% in 2015/2016, 25.92% in 2016/2017, and will decrease to 25.68% in 2017/2018. Pension contributions for 2012/2013, 2013/2014, 2014/2015, and 2015/2016 were \$1,116,080, \$1,327,925, \$1,374,746, and \$1,301,930, respectively. The estimated contributions for 2016/2017 and 2017/2018 are \$1,310,690, and \$1,352,865. The decrease in 2015/2016 was due to the contribution rate decrease. The increase for 2016/2017 was due to the addition of four new firefighter positions with pension contributions for the new positions more than offsetting the savings from the decrease in the pension contribution rate. While pension costs for 2015/2016, 2016/2017, and 2017/2018 have decreased from the 2014/2015 amount, the decreases are much less than the increases in recent years. It should be noted that police and fire pension costs increased from \$654,034 in 2009/2010 when the contribution rate was 17.00%, to \$1,352,865 for 2017/2018 with the 25.68% contribution rate. This is a \$698,831 increase and an increase of 106.9% over this 9-year period. While modest annual decreases in future year pension rates are forecasted, these rates continue to have a significant impact on the City's budget.

Police and fire pension contributions are funded annually from the Employee Benefits tax levy. For 2017/2018 the tax levy rate needed to fund Police and Fire pension costs is \$1.52359 per \$1,000 of taxable valuation. In addition to police and fire pension contributions, the Employee Benefits tax levy also funds costs of FICA, IPERS, health insurance and other benefit costs for General Fund employees. The tax rate needed to fund other employee benefit costs for 2017/2018 is \$2.90741 which brings the total Employee Benefits tax levy for 2017/2018 to \$4.43100 per \$1,000 of valuation.

For the 2013/2014 budget the City chose to fund \$527,005 of other employee benefit costs for General Fund employees from the General Fund balance instead of the Employee Benefits levy. This allowed for the total overall tax rate to remain the same for 2013/2014. In 2014/2015 \$355,005 and in 2015/2016 \$192,959 of other employee benefits were funded from the General Fund balance instead of the Employee Benefits levy which again allowed for the total tax levy rates for those years to remain unchanged. In 2016/2017 and 2017/2018, \$192,637, and \$230,218, respectively, of other employee benefit costs are being funded from the General Fund balance which again assisted in maintaining the same total tax rate

for those years. While in recent years the City has been able to maintain the same total tax rate by varying individual tax levy rates and using the General Fund balance, if the Police and Fire pension contributions increase in upcoming years as projected, increases in the City's total tax levy rate will be unavoidable. The MFPRSI increases are one of the most significant budget challenges we face annually and these costs have a direct impact on our ability to maintain our existing levels of services.

Significant Changes Implemented

A number of changes were implemented over the past several years which placed the City in a better financial position for 2017/2018 and future years.

A key issue for the 2010/2011 budget was the consideration of and ultimate adoption of a Utility Franchise Fee on Alliant Energy, the provider of natural gas to the community. The ordinance change adopting this fee provides that the fee may be up to 5% on natural gas sales by Alliant in the community. The initial rate was set at 2% which was effective July 1, 2010. Implementation of this fee allowed for a reduction in the City's property tax rate for 2010/2011 and future years. The effect of the Utility Franchise Fee and the related reduction in property taxes varies by resident and individual businesses. Implementation of this fee resulted in the reduction of the Emergency property tax levy from its maximum rate of \$.27/\$1,000 of valuation in 2009/2010 and prior years, to \$.08/\$1,000 in 2010/2011. The Emergency Tax Levy was eliminated in 2011/2012 and was not levied in 2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017, or 2017/2018.

The establishment of the Utility Franchise Fee allowed the City to diversify its funding sources used for the provision of General Fund services and reduce the City's property tax rate. With this franchise fee in place for up to 5% of natural gas sales, this also allows flexibility in future years for the City Council to modify this rate if needed to continue to provide expected levels of City services to residents. This rate can be modified by giving a 90-day notice to Alliant Energy. For the 2012/2013 year City Council chose to reduce the Utility Franchise Fee rate to 1% which is projected to generate \$85,000 annually. This reduction was possible since there have been strong revenues in other areas of the General Fund budget, specifically Automatic Traffic Enforcement (ATE) fines and fees for Fire department inspections and permits. The 1% franchise fee rate was maintained for the 2013/2014, 2014/2015, 2015/2016, 2016/2017, and 2017/2018 budgets. The City Council identified the Utility Franchise Fee as a potential revenue source to offset any legislative action to reduce annual ATE revenues.

There have been numerous structural, operational, and other changes over the last seven budget years which have placed the City's General fund in a more stable and sustainable financial condition going forward. Several of these were (1) funding economic development administrative costs and the Chamber economic development allocation with TIF funds (a total of over \$150,000 annually), (2) transferring the dredge operation to the Water Pollution Control fund (\$42,000 in annual General Fund savings), (3) changing from the previous insurance carrier to the Iowa Community Assurance Pool (ICAP) on July 1, 2014 resulted in annual savings of \$128,600 in General Fund insurance costs and a City-wide savings of \$173,900, (4) two voluntary annexations in 2012-2013 added 528 acres, 933 residents, \$88,000 in annual property taxes, and \$47,000 in annual Road Use Taxes, and (5) transitioning away from City participation in the Carver Swim Center generated an annual saving of \$28,100 beginning in 2015/2016 when the 3-year phase-out period was completed. Departments have also made numerous operational changes which resulted in cost savings and improved efficiency.

Department reorganizations in the 2017/2018 budget include (1) adding three 25-hour per week custodians for City Hall and the new HNI Community Center and Musser Public Library which will replace the contracted cleaning services at City Hall and the current library, (2) a Library staff reorganization in conjunction with the move to the new building and technology enhancements, and (3) a

staff reorganization in the Housing department to address reduced funding for the public housing program.

Departments will continue to look for efficiencies and cost savings in their operations in 2017/2018 and future years. One of the City's goals for the upcoming year is to continue to develop a formal Continuous Service Improvement program which will assist departments in identifying and implementing efficiencies and cost savings in their department operations. With limited financial resources expected to be available in future years and a growing demand for municipal services, the City must continue to take significant steps to enhance revenue streams as well as reduce expenditures where appropriate to meet these challenges. The budget recommendations contained within this document (and presented during the budget review) are aimed at positioning the city to continue to address economic challenges, continue to provide existing services to the community, and position the city to meet new challenges and ever growing demands.

Tax Increment Financing (TIF) and Economic Development

The City has been a strong proponent of economic development activities over the years and has made aggressive use of TIF and tax abatement incentives. The City continues to support these efforts as these are effective tools for local communities, but TIF comes up against strong attacks annually during legislative sessions. The City needs to maintain the ability at the local level to attract and retain business. However, there is another side of the story which is often forgotten and that is the effect on the city, county, and schools and ultimately their respective tax rates. The increment the City is claiming for TIF totals \$62,544,436 in 2016/2017 for all of the TIF areas. This value would generate \$506,610 in taxes from the \$8.10 General Fund tax levy. The impact on total taxes including the various other levies using the City's total tax rate of \$15.67209/\$1,000 rate is \$980,202 – essentially lost city revenue that could be used to fund and maintain city operations and services. If that \$62.54 million was allocated toward regular valuations for all taxing entities, the county would generate over \$590,000 in taxes and the school over \$971,000 (or they could reduce their respective tax rates). It should be noted that a portion of the increment the City is claiming is for debt service on bond issues for public improvements in TIF districts. If those projects were not funded from TIF and the City still did them, the City's debt service levy would need to be higher. It should also be noted that but for TIF, many of the projects may not have happened and there would have been no increase in regular taxes to the various governmental entities.

A significant funding source that was identified in previous years was the better utilization of tax increment financing (TIF) districts and returning to regular taxable valuations the unused portions of those funds on an annual basis. This will continue to be the case in the 2017/2018 budget and for years to come. By not claiming the full amount allowed, a portion of the values in each TIF area go back onto regular taxable valuations for all affected taxing entities. Approximately \$1,161,400 of incremental taxes was not claimed by the city for 2017/2018. This resulted in the related property values to be considered as regular valuations, which increased regular tax revenues in all tax categories for the City, County, and School district.

For 2017/2018 the City is claiming \$62,544,436 of incremental valuation which is 63.9% of the total increment of \$97,883,279 in all TIF districts. The amount the City did not claim of \$35,338,843 (36.1%) has gone back to regular taxable valuations for each taxing entity. The percentage claimed includes nearly 100% of the increment for the Wal-View Project #1 which was added to the increment beginning in the 2015/2016 budget and nearly 100% of the increment for Wal-View Project #2 added beginning in 2017/2018. The increment for the Wal-View #1 project for 2017/2018 is \$19,733,103 and the increment for Wal-View #2 is \$9,407,862. Since these are recent projects which had significant amounts of increment, it should be noted that if these projects were excluded from the total increment and increment claimed, the City would be claiming only 49.8% of the total increment for prior projects.

For the 2011/2012 through 2017/2018 budgets, the City Council approved two resolutions in each of these years for internal advances of funds which will allow the City to claim TIF funds for TIF administrative and economic development purposes. The first resolutions provided for internal advances of \$102,517 in 2011/2012, \$105,254 in 2012/2013, \$113,089 in 2013/2014, \$116,500 in 2014/2015, \$116,500 in 2015/2016, \$142,100 in 2016/2017, and \$148,900 in 2017/2018 for staff time and other professional services involved in economic development activities and TIF administration and includes staff time of the City Administrator, Community Development Director, City Planner, Finance Director, Public Works Director, City Engineer, and Communication Manager positions. The other resolutions were for internal advances of \$35,000 in each of the years from 2011/2012 through 2014/2015 and \$38,000 in 2015/2016 through 2017/2018 for economic development grants to the Greater Muscatine Area Chamber of Commerce and Industry for their economic development activities. Using TIF funds for these purposes (instead of general property taxes) assisted the City in balancing each of the annual General Fund budgets from 2011/2012 through 2017/2018 and continuing to provide the current level of General Fund services to the community.

In May of 2011, the City Council approved a resolution, which consolidated and expanded the City's urban renewal policies, projects, and initiatives under a single urban renewal plan and expanded the City's urban renewal area to include the current City boundaries. This action has allowed the City to pursue using TIF funding for economic development or blight alleviation throughout the City.

Landfill, Transfer Station, and Refuse Collection Fund Balances (Deficits)

Landfill Fund Balance (Deficit). A key budget issue in prior years was the deficit in the landfill fund, which is accounted for as an Enterprise fund of the city. This fund had deficit fund balances beginning in 2002/2003 which continued until the deficit was eliminated in 2014/2015. The budget for 2009/2010 included a significant rate increase for the transfer station from \$41.00 per ton to \$60.00 per ton effective July 1, 2009. This fee funds both transfer station and landfill costs. The continued need to expand and to develop costly landfill cells was the driving component of this fee increase as well as the deficit balance in the Landfill fund.

While it was anticipated that there would be some decrease in volume at the transfer station/landfill, the waste volume for 2009/2010 decreased from 41,320 tons in the prior year to 29,916 tons. With the continuing deficit in the Landfill fund, the Solid Waste Agency and the City considered implementing flow control measures which would have required all waste generated in the Agency area to be brought to the transfer station and landfill. Area businesses and the Chamber requested a committee be formed of business leaders, City staff, an Agency member, and others, to discuss the impacts that flow control would have on area businesses and possible alternate solutions. The Committee's recommendations included allowing for additional negotiated industrial contracts which would bring additional waste volume and revenue to the landfill. City Council approved the Committee's recommendations at their October 7, 2010 meeting and five new industrial contracts were entered into which were expected to bring in an additional 5,000 tons of waste and \$180,000 of revenues annually over the three year period of these contracts. These negotiated industrial contracts as well as the original industrial contracts were extended through June 30, 2015 and have been further extended through June 30, 2020.

The deficit in the Landfill fund at the end of 2009/2010 was over \$2.5 million. A large portion of this deficit was due to development of new cells at the landfill. The new cells are expected to have 298,800 tons of waste capacity, which should provide a waste disposal area for approximately 8.5 years depending on the annual waste volume. The Landfill deficit decreased by \$411,988 to \$2,100,612 in the 2010/2011 fiscal year, decreased by an additional \$582,320 to \$1,518,292 in fiscal year 2011/2012, decreased by \$435,957 to \$1,082,335 in fiscal year 2012/2013, and further decreased by \$573,309 to \$509,026 in fiscal

year 2013/2014. The deficit was eliminated in 2014/2015 and there was a positive fund balance of \$100,576. The fund balance increased to \$635,191 at the end of the 2015/2016 fiscal year and is estimated at \$716,191 at the end of the 2016/2017 year.

The 2017/2018 budget includes \$550,000 for the construction of the next landfill cell with construction scheduled to begin in the summer of 2017. The Committee and City Council goal was to have the deficit eliminated and have a sufficient fund balance available to fund construction of future landfill cells. Based on estimated landfill revenues and expenditures, including the \$550,000 for the next landfill cell, the landfill fund balance is sufficient to fund construction of the next cell and there is a projected fund balance at the end of 2017/2018 of \$638,691.

Transfer Station Fund Balance (Deficit). The Transfer Station fund had a deficit balance of \$216,040 at the end of 2009/2010. Since revenues from the new negotiated industrial contracts were directed toward the deficit in the Landfill fund, the Transfer Station has not benefited financially from these new contracts. The 2010/2011 revised estimate included a \$200,000 funding transfer from the City's Refuse Collection fund which assisted in reducing the deficit in the Transfer Station fund. An additional \$50,000 transfer from the Refuse Collection fund was made in 2011/2012 which eliminated the Transfer Station deficit. There have again been deficits in the Transfer Station budget of \$21,449 at the end of 2014/2015, \$57,857 at the end of 2015/2016, and the original 2016/2017 budget projected a \$110,649 deficit at the end of that year. These deficits were again primarily due to all of the revenue from the negotiated industrial contracts being credited to the Landfill fund.

After the 2016/2017 budget was adopted the City Council approved a change in the portion of the Transfer Station fee paid to the landfill to address the deficit in the Transfer Station fund and to address equipment replacement needs at that facility. This was reviewed with the Chamber Landfill Committee at their May 13, 2016 meeting and the Committee recommended that the allocation of the \$60 full rate tipping fee be changed from \$40 Landfill/\$20 Transfer Station to \$32 Landfill/\$28 Transfer Station for a two-year period (2016/2017 and 2017/2018). This allocation change allowed for the purchase of a new track loader funded from a separate internal loan and was also expected to eliminate the budget deficit in the Transfer Station fund. Based on an estimated 21,800 of transfer station tonnage at the full \$60 per ton rate, this resulted in an expenditure reduction of \$174,400 in the Transfer Station fund and a revenue reduction of that same amount in the Landfill fund. With this change the Landfill fund is still projected to have sufficient funding for development of the next cell. For the Transfer Station this change resulted in an estimated positive \$93,743 fund balance at the end of 2016/2017 compared to the originally budgeted deficit of \$110,649. The Transfer Station budget for 2017/2018 includes a \$251,000 capital outlay allocation for replacement of equipment and there is a minimal \$843 fund balance projected at the end of that year.

Refuse Collection Fund Balance (Deficit). The Refuse Collection fund is projected to have a \$260,615 deficit fund balance at the end of 2016/2017 and this deficit is projected to decrease to \$99,915 at the end of 2017/2018. These deficits are due to capital costs to implement the City's automated refuse collection program for residential customers. Two automated (one-person) refuse collection vehicles were needed for the program as well as containers for each residential customer. The first automated refuse vehicle was purchased from the 2014/2015 budget and the 2nd from the 2015/2016 budget. With the long lead time on the order, however, even with the order placed in the 2015/2016 fiscal year, the vehicle was not delivered until December of 2016. These capital outlay purchases resulted in the deficit fund balances in recent years. With the final capital costs of implementing the automated refuse collection program all being incurred in 2016/2017, the operational savings from this program will begin to be fully realized. The projected \$99,915 deficit fund balance in the Refuse Collection fund at the end of 2017/2018 is projected to be eliminated by the end of the 2018/2019 fiscal year.

Other Issues and Changes for 2017/2018

As in every year, there are increases in expenditure levels for city operations that reflect the increased cost of providing services even at a status quo or below status quo level. In 2013/2014 the City successfully negotiated 5-year contracts with each of the City's three bargaining units for fiscal years 2014/2015 through 2018/2019. The contracts for the police and fire bargaining units provided for wage increases of 2.25% in 2014/2015, 2.50% in 2015/2016, 2.75% in 2016/2017, 2.90% in 2017/2018, and 3.00% in 2018/2019. Wage increases for individual positions in the Blue/White Collar bargaining unit varied, but the overall financial impact to the City for this group was comparable to the increases for the police and fire bargaining units. Non-union employees are budgeted to receive the same across-the-board increase for 2017/2018 as the union groups (2.90%).

Municipalities are not immune to the same inflationary pressures that affect our residents and business community. Rising costs of fuel (typically), utilities, asphalt, other materials, and construction costs all affect the City. With the increased cost of providing basic services, there continues to be challenges for the city's financial resources to meet these increasing obligations. Additional costs for operating supplies and services continue to divert dollars that could be used for additional or enhanced services. The Municipal Cost Index (MCI) provides an indication of changes in the costs of materials purchased by municipal governments. The MCI increased 2.74% between December 2015 and December 2016. Over the past 10 years, the MCI increased a total of 24.26% or an average of 2.43% per year. The property tax rate for 2017/2018 is 5.20% lower than the rate 10 years ago and the 2017/2018 property tax revenues are 21.01% higher than 10 years ago (which is less than the MCI 10 year increase of 24.26%).

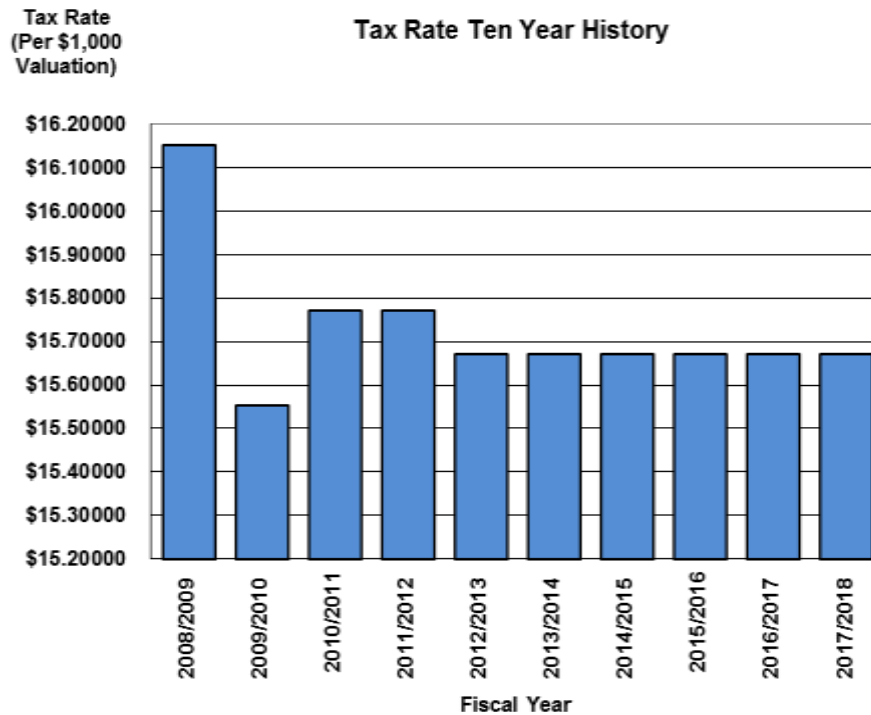
The 2015/2016 budget included an assigned funding allocation of \$12,300 to allow for merit increases for fulltime non-union employees. This was the first year of this program which allows for employees in this group to progress above the mid-point of their pay ranges based on merit performance in their positions. The 2016/2017 budget included \$12,300 for the 2nd year of this program. The budget amount was based on an estimated 30% of the fulltime employees in this group being eligible for merit pay of up to 1% of their annual salary. The 2017/2018 budget includes an estimated \$50,000 to allow for pay increases in the non-union pay plan. This amount includes funds to allow for several positions to be placed on different grades in the pay plan based on market surveys and allows for merit increases of up to 3% based on performance.

The 5-year union contracts also provide for increases in health insurance deductibles and out-of-pocket maximums and employee contributions for health insurance. The bargaining units agreed to increase the health insurance deductibles and out-of-pocket maximums from the previous \$500/\$1,000 single and family deductibles and \$1,000/\$2,000 single and family out-of-pocket maximums to \$600/\$1,200 deductibles and \$1,200/\$2,400 out-of-pocket maximums effective January 1, 2016. The three bargaining units also agreed to increase the employee contributions for health insurance from the previous 5% to 6% as of January 1, 2017, to 7% as of January 1, 2018, and to 8% as of January 1, 2019. These changes will also apply to supervisory and non-union employees. These increases should assist in reducing future year health insurance costs and related rate increases.

TAX RATE AND BASE

Property taxes continue to be the major revenue source for the City of Muscatine. In 2017/2018, property taxes will represent 32.3% of total city operating revenues. This is a slight decrease from the 32.4% in fiscal year 2016/2017. The total tax levy rate for fiscal year 2017/2018 of \$15.67209 per \$1,000 of valuation is the same as the total tax rate for 2016/2017, 2015/2016, 2014/2015, 2013/2014 and

2012/2013. The following chart shows the property tax rates for the last nine (9) years and the budgeted rate for 2017/2018:



The tax rate decrease for 2009/2010 was due to the unusually high increase in taxable property valuations of 3.8% for that year. The increase for the prior year (2008/2009) was 4.6%, also significant higher than prior years. These increases provided the city an opportunity to recover lost economic ground due to previous years' low or insufficient changes in taxable valuations. These higher than average increases in taxable valuation were one factor that led to lowering the City tax rates in each of these years. Additionally, for 2009/2010 the lower tax rate was due to several events in addition to the taxable valuation increasing - pension rates decreased and debt service requirements decreased. Going into 2010/2011 the city faced a different challenge – a net increase in taxable valuation of only 1.58% due to a significant loss in industrial values (down 4.35% for 2010/2011). The two main reasons for the increase in tax rate for 2010/2011 were the increase in the debt service levy for funding capital improvement projects and an increase in the Employee Benefits levy for the required rate increase for police and fire pensions. For 2011/2012 the same total tax rate was maintained and the rate decreased slightly (by \$.10/\$1,000) for 2012/2013. The tax rates for 2013/2014, 2014/2015, 2015/2016, 2016/2017, and 2017/2018 were maintained at \$15.67209/\$1,000 of valuation, which is the same rate as 2012/2013.

There are six categories that make up the 2017/2018 tax rate:

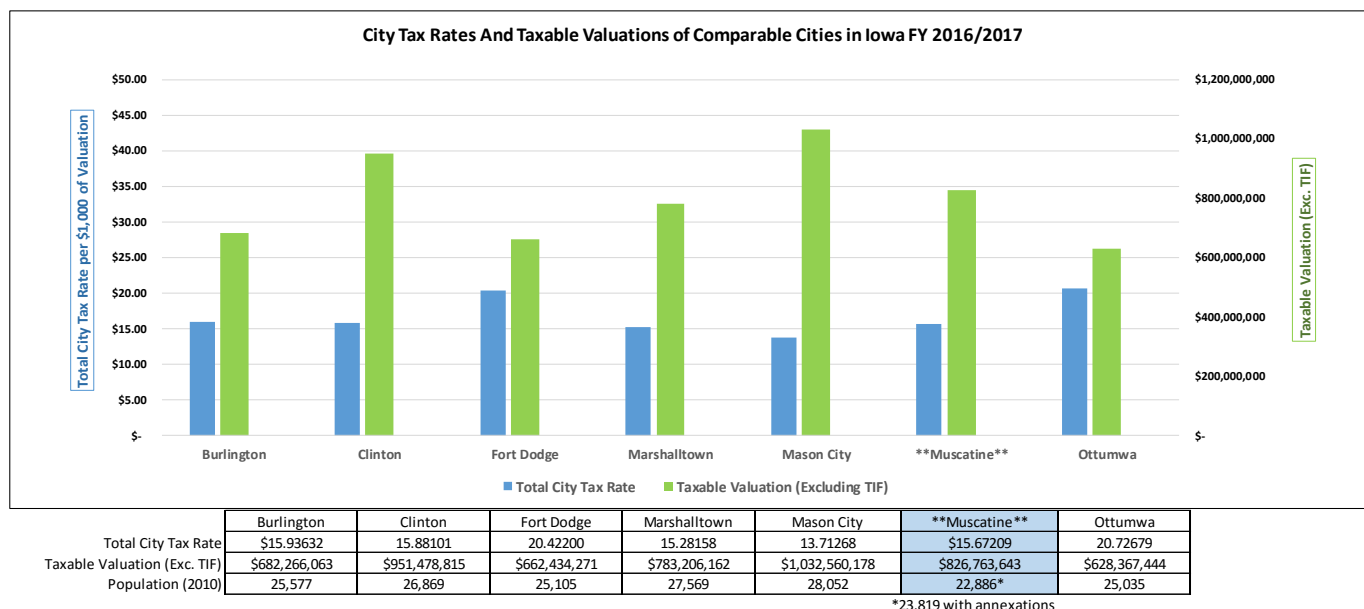
1. The City's General Fund levy of \$8.10 per \$1,000 of valuation is the maximum levy permitted by state law. The City has been at this maximum General Fund levy limit since 1991/92.
2. The Transit Levy is \$.11240 per \$1,000 of valuation, which is a 51.3% decrease in the levy rate (\$.118/\$1,000 decrease). This is primarily due to reduced fuel costs and reduced bus maintenance costs, increased federal and state funding, and having a sufficient fund balance to use for the local share of bus and other capital purchases. An increase in transit fares was implemented for the

2015/2016 budget which increased fares for regular routes from \$.75 to \$1.00 and fares for shuttle service from \$1.00 per ride to \$2.00.

3. The Tort Liability levy will be \$.26661, which is a decrease of 4.9% in this levy (\$.014/\$1,000 decrease). The City changed to the Iowa Community Assurance Pool (ICAP) for the City's major insurance policies in 2014/2015 and since that time there have been minimal fluctuations in premiums.
4. The Special Revenue Employee Benefits Levy is budgeted to increase 4.1% to \$4.43100 (an increase of \$.174/\$1,000). This would have been much higher if \$230,218 in employee benefits had been funded from the tax levy instead of the General Fund balance. There was also a \$54,337 beginning balance in the Employee Benefits fund, which assisted in reducing the amount funded from the General Fund and/or the tax rate.
5. The Debt Service Levy will decrease by .3.2% to \$2.69458 (a decrease of \$.090/\$1,000).
6. The Levee tax levy will increase by 251.0% to the maximum rate allowed of \$.06750 (an increase of \$.048/\$1,000). For the 2016/2017 budget the City lowered the levee tax rate in order to maintain the same overall City tax rate. In prior years through 2015/2016 the City levied the maximum Levee tax levy of \$.06750 per \$1,000 of valuation which was used towards the city's share of the Mad Creek Levee project costs incurred in prior years and costs of levee certifications.

As noted previously, the City eliminated the Emergency tax levy for the 2011/2012 year and this levy has again not been used for 2017/2018. In 2009/2010 the City levied the maximum Emergency levy rate of \$.27/\$1,000 of valuation which generated \$196,964. For 2010/2011 the City implemented a 2% Utility Franchise Fee on Alliant Energy, the provider of natural gas services in the City. This fee allowed for a reduction in the City's overall property tax rate for 2010/2011, specifically the Emergency Tax Levy rate which was reduced from \$.27/\$1,000 in 2009/2010 to \$.08/\$1,000 in the 2010/2011 budget. The Emergency tax levy was eliminated in the 2011/2012 budget. From the 2009/2010 emergency levy, City Council directed that \$80,000 be set aside in the Emergency Tax Levy special revenue fund to be available in the case of future revenue shortfalls due to current or future economic conditions or for unanticipated emergency expenditures. Those funds are budgeted to remain in the Emergency Levy special revenue fund in 2017/2018.

The following chart shows City tax rates for the group of seven cities in Iowa "comparable" to the City of Muscatine. The comparable cities shown are the group of similar size, stand-alone, full-service cities in the state. This chart shows the city tax rate and taxable valuations for the current 2016/2017 fiscal year. The information is not yet available for other cities for 2017/2018. City tax levies for this group range from \$13.71268 per \$1,000 of valuation for Mason City to \$20.72679 for Ottumwa. The City of Muscatine's rate of \$15.67209 is the third lowest in this group. Taxable valuations range from \$628,367,444 for Ottumwa to \$1,032,560,178 for Mason City. The City of Muscatine's taxable valuation of \$826,763,643 is third highest in this group. Each city sets their own tax rate based on their taxable valuation and the services provided to their residents.



Tax Rates from Lowest to Highest:

	Tax Rate	Taxable Valuation
Mason City	\$13.71268	\$1,032,560,178
Marshalltown	\$15.28158	\$783,206,162
Muscatine	\$15.67209	\$826,763,643
Clinton	\$15.88101	\$951,478,815
Burlington	\$15.93632	\$682,266,063
Fort Dodge	\$20.42200	\$662,434,271
Ottumwa	\$20.72679	\$628,367,444

Expansion of the existing industrial and commercial tax base as well as attraction of new tax base is key to the financial stability of the City of Muscatine for the future. In this regard, the City Council continues to invest in economic development activities by participating in several programs within the community to promote economic development. A number of these programs are controlled solely by the City of Muscatine and include the establishment and use of tax increment financing (TIF) districts as well as urban revitalization districts and enterprise zones. These financial incentive tools are available through City Council action to provide similar yet different types of financial incentives to encourage expansion of existing and attraction of new business opportunities within the city. In May of 2011 the City Council approved a resolution establishing a new enterprise zone and abatement schedule for a designated area of the City in order to offer tax abatement as an incentive to stimulate job creation and retention, enhance property tax values, and promote industrial revitalization within this area. As noted in the previous section, in May of 2011 the City Council approved a resolution which consolidated and expanded the city's urban renewal policies, projects, and initiatives under a single urban renewal plan and expanded the city's urban renewal area to include the current city boundaries. This action allows the city to pursue using TIF funding for economic development or blight alleviation throughout the city. In 2013 the City adopted policies and incentives to encourage in-fill opportunities and to address blight within the city limits. These policies and incentives include tax abatement incentives for improvements to properties in

the City's two historical districts and in designated blighted areas of the City, and tax abatement incentives for new residential home construction in designated areas approved by City Council. In 2014 the City also started a Small Business Forgivable Loan program. The City is allocating \$100,000 in TIF funds annually beginning in 2015/2016 and continuing in 2016/2017 and 2017/2018 for this program. This program is targeted for small businesses and the maximum forgivable loan is \$25,000. In December of 2016 the City created two new Urban Revitalization Areas – the Park Avenue area and the Grandview Avenue area.

In addition, the City Council continues to provide financial support to the Muscatine Chamber of Commerce & Industry. For fiscal year 2017/2018 the City Council has included \$35,000 in the budget to provide this assistance. An additional \$3,000 was allocated to the Chamber to assist in hosting visitors from Muscatine's various sister cities and other hospitality-related economic development activities. The City is one of the largest financial contributors to the Muscatine Chamber of Commerce & Industry and the City also provides staff assistance on a variety of projects that are undertaken by this organization on behalf of the community to promote economic development. The City also continues to pursue infrastructure improvements throughout the community to enhance economic development efforts as an active development partner in this process. Continued expansion and improvements of the sanitary and storm sewer systems within the city, extension of sewer and water services to the south end and other areas of the community, continued airport improvements, and overall quality of life projects are but a few examples of the city's continued commitment to enhancing economic and quality of life issues within the City of Muscatine.

In 2017/2018 taxable property valuations increased by 2.95% due to re-valuations by the County Assessor, new growth, and changes in taxable valuations due to changes in the rollback factors for residential and multi-residential properties. Growth in Tax Increment Financing (TIF) districts is not included in these taxable valuation amounts. The rollback of regular commercial and industrial valuations remained at 90% for 2017/2018. Multi-residential properties (those with 3 or more living quarters, assisted living facilities, land-leased communities, etc.), however, which had been included in the commercial property category, are now a separate property class. Those valuations were rolled back from 90% to 86.25% in 2016/2017, to 82.50% in 2017/2018, and will continue to be rolled back over the next six years until the rollback is equal to the rollback on residential properties. The taxable value for multi-residential properties for 2017/2018 is \$32,996,982, a 2.48% decrease from the previous year, due to the decrease in the rollback to 82.50%. Industrial property valuations increased by 3.44% for 2017/2018 and commercial values increased by 3.54%. Residential property values increased by 2.99%. Actual valuations for residential property increased by .63% and there was a 2.36% increase in the residential rollback (from 55.6259% to 56.9391%). The other smaller categories of properties are railroads, which increased in valuation by 19.56%, and utilities, which decreased by 4.26%. Overall, these factors combined to result in the 2.95% overall increase in taxable valuations. It should be noted, however, that while the taxable valuations increased this year by 2.95%, this increase is somewhat of an anomaly as it is the third highest increase in the last 10 years and increases of this magnitude are not expected to continue in upcoming years.

As noted previously, property tax reform legislation approved in 2013 rolled back commercial and industrial property from 100% to 95% in 2014/2015 and further rolled back these valuations to 90% in 2015/2016. This legislation included a provision for the State to provide a reimbursement to cities which is expected to offset a portion of the property taxes which would have been received if not for the new commercial and industrial rollback. For 2017/2018 the State reimbursement to the General Fund is estimated at \$314,128 based on the regular \$8.10 General Fund levy. Additional State reimbursement funds of \$4,359 for the Transit levy, \$10,340 for the Tort Liability levy, \$171,839 for the Employee Benefits levy, \$104,499 for the Debt Service levy, and \$2,617 for the Levee levy total to an estimated total reimbursement of \$607,782 for 2017/2018. The estimated reimbursement for 2016/2017 is

\$628,915. The State's allocation for future year reimbursements has been frozen at the 2016/2017 funding level. There is no reimbursement for the rollback on multi-residential properties.

STATE AND FEDERAL FUNDING

The City will continue to rely upon the property taxes generated as the primary funding source for General Fund programs. Reductions in state and federal funding sources have resulted in the continued emphasis on property taxes.

The largest source of funding from the State of Iowa is Road Use Tax funds collected by the State and distributed to local governments for street maintenance and street improvements. Road Use Tax revenues are estimated at \$2,834,500 in 2017/2018. Road Use Tax revenues continue to reflect the \$.10 per gallon increase in fuel taxes approved by the state legislature effective March 1, 2015. The fuel tax increase was expected to increase the City's allocation of Road Use Taxes by approximately \$400,000 annually. This increase has allowed the City to accelerate the street improvements planned for 2017/2018 and future years. Road Use Taxes are distributed to cities on a per-capita basis and the City began receiving increased revenue midway through the 2013/2014 fiscal year due to annexations which added 933 to the City's population.

In 2017/2018 an estimated \$278,400 in State funding will also be received for the Transit operation, \$10,700 for Airport improvement projects, and \$247,700 in State funding is budgeted to be received for the Kent Stein Park to Deep Lakes Park Trail project.

The fiscal year 2017/2018 budget includes an estimated \$3,752,630 in federal funding for both operating and capital project costs. This includes the following: \$1,948,330 in funding for the Section 8 Housing rental assistance program; \$344,700 for operating and capital funding for the city's Public Housing Program; \$16,300 for the Home Ownership Education Program; \$400,500 in FAA funds for airport projects; \$623,300 in federal funding for the Transit operation; \$298,000 in federal funding for the Kent Stein Park to Deep Lakes Park Trail project; and \$121,500 in Police department grants.

CHARGES FOR SERVICES

For fiscal year 2017/2018 budgeted charges for services total \$14,671,300 and comprise 30.4% of total operating revenues of the city compared to 30.0% for 2016/2017. These charges primarily involve programs and activities in the city's Enterprise Funds. Fee increases are budgeted for sanitary sewer services, collection and drainage, and the golf course for fiscal year 2017/2018.

Sewer revenues including the separate collection and drainage charges are estimated at \$6,179,000 for 2017/2018. Based on previous independent reviews and studies, the city set forth on a course to systematically increase fees for collection and drainage as well as sanitary sewer rates. The purpose was to create sufficient fund balances to address current and future capital requirements for both operations, as well as debt service requirements on the State Revolving Fund Loan used to fund the major plant upgrade completed in 2012. In 2013 the City contracted for the most recent rate study and the resolution adopting the recommended rates was approved by City Council in August of 2013. This resolution set both sewer and collection drainage rates for a 5-year period through June 30, 2018. The new sewer rates reflect annual 3% increases with the first year rates effective September 1, 2013 and thereafter 3% annual rate increases effective July 1, 2014 through July 1, 2017.

Transit fares were increased for the 2015/2016 budget with the fare for fixed routes and night service increasing from \$.75 to \$1.00 and the paratransit fare increasing from \$1.00 to \$2.00. Transit charges are estimated at \$240,000 for 2017/2018.

Boat harbor slip rental rates are based on boat length. These rates were increased by 2.5% for the 2015 boating season and these rates will remain in effect for 2017/2018.

Golf course fees and sales are estimated at \$841,900 for 2017/2018. Golf fees are budgeted to increase for the 2017 golf season by \$1.00 per round for adult and senior greens fees. Adult and senior season pass fees will also increase by \$25.00. The greens fee and season pass rates for juniors will remain the same in order to encourage interest in the game of golf by young people. The fee increase was needed to provide funds for capital improvements and equipment at the course. The 2017 season is the 11th season in which the city has complete operational control of golf services. The operation of the clubhouse had previously been contracted with a golf professional. The city's golf professional is now a fulltime employee and is responsible for managing the golf clubhouse operation. The city also assumed all beverage and golf cart services to maximize the earnings potential for the course. This change has produced positive results both operationally and financially for the city. An indoor golf simulator was purchased in 2010 to be used during winter months as well as during inclement weather during the golf season. The City rebuilt the Golf Course maintenance shop that was destroyed by fire in 2007 using funds from an internal loan. The loan was fully repaid in 2011/2012, three years ahead of the original schedule. Replacement of the fairway irrigation system was completed in 2013 at a total cost of \$330,200. A \$60,000 down payment was made in 2012/2013 and an internal loan is being used to finance the remaining portion of the project costs. Annual payments estimated at \$45,000 will be made from the Golf Course fund to repay this loan. The payment schedule will be accelerated if there is sufficient funding available in the Golf Course fund.

Budgeted transfer station charges for services total \$2,184,000 for 2017/2018 based on an estimated 42,000 tons of waste being processed at this facility. The current tipping fee is \$60.00 per ton and this rate will not change for the 2017/2018 year. This rate increased from \$41 to \$60 per ton July 1, 2009 with this increase directly related to the cost of developing new cells at the landfill. In 2009/2010 the city began offering industrial contracts for refuse disposal whereby industries can enter into an agreement with the City to dispose of their waste at the Transfer Station and be directly billed for the disposal fees. Under these agreements the industries qualified for a discounted industrial rate of \$50/ton of which \$30 of this rate was paid to the Landfill. Additional negotiated industrial contracts were approved in 2010 which assisted in generating new waste for this facility. Revenue from the new negotiated contracts, however, was directed toward the Landfill fund deficit. These negotiated industrial contracts as well as the original industrial contracts were all extended through June 30, 2015 and have subsequently been extended through June 30, 2020. Under the most recent contract extensions the original industrial waste contracts were reduced by \$5.00/ton from \$50/ton to \$45/ton, with \$25 of the \$45 rate paid to the Landfill. The negotiated contracts were each reduced by \$2.50/ton.

Budgeted landfill charges for services total \$1,255,400 for 2017/2018. The landfill rates are incorporated in the transfer station rates with \$32.00 of the \$60.00 per ton transfer station rate (\$25.00 of the \$45.00 for industrial contracts) paid to the landfill for material disposed of at that facility. Additional negotiated industrial contracts were approved in the fall of 2010 and have been extended through June 30, 2020 with those revenues directed toward the deficit in the Landfill fund. A fee was also assessed to Solid Waste Management Agency members beginning in 2008/2009 to assist in the overall funding of landfill costs.

The Refuse Collection budget is charged on a tonnage basis for waste collected and disposed of at the transfer station. Refuse Collection charges for services total \$2,221,500 for 2017/2018. The Refuse Collection rates were last increased from \$18.25 to \$20.00 per month for regular residential customers and from \$13.25 to \$15.00 for senior customers on April 1, 2011 when the City began providing

contracted single-sort curbside recycling services to all residential customers. Under the contractual agreement for this service, the City paid the contractor \$3.05 per customer per month for this service during the first year of the contract, with this cost increasing to \$3.14 April 1, 2012, \$3.23 April 1, 2013, \$3.33 April 1, 2014, and \$3.43 April 1, 2015. The City had cost savings from discontinuing the drop-off recycling program, which offset a portion of the cost for the curbside recycling program. The curbside recycling contract was recently extended for an additional five years with the per customer per month charge of \$3.43 for the first year of the new contract, and subsequent years of \$3.53, \$3.64, \$3.75, and \$3.86.

The Fire department continues to provide ambulance services for the city and surrounding townships. Revenue from ambulance services is estimated at \$1,425,000 for the 2016/2017 revised estimate and \$1,450,000 for the 2017/2018 budget with these estimates based on trends in the number of ambulance runs and revenues over the past year. The fee for the basic ambulance service is currently \$582, the rate for ALS 1 calls is \$691, the rate for ALS 2 calls is \$1,001 and the rate for SCT (Skilled Care Transports) is \$1,182. The Fire department reviews rates on an annual basis based on surveys of other area providers.

Parking fees are budgeted at \$143,500 for 2017/2018. Parking meter rates were last increased from \$.20 to \$.25/hour for 10-hour meters and from \$.30 to \$.50 for 2-hour meters for the 2013/2014 fiscal year. These rates will continue in 2017/2018.

PROGRAMS AND SERVICES

The 2017/2018 budget will provide for the continuation of most city services at the current levels. Full-time equivalent (FTE) year-round employees on an entity-wide basis total 223.93 for 2017/2018. This is a net increase of .47 in full-time equivalent positions compared to the original budget for 2016/2017. Changes in authorized positions for 2017/2018 and the three previous years are as follows:

2017/2018 (Including Changes in the 2016/2017 Revised Estimate)

- The 2017/2018 budget includes two new 25-hour per week custodian positions and one new 25-hour per week janitor position. The two custodian positions will replace the current contracted cleaning service at City Hall and the current Library. The janitor position is expected to be needed to maintain the expanded space at the new HNI Community Center and Musser Public Library. Adding these positions resulted in an increase of 1.88 FTE positions.
- Library staff reorganizations resulted in a net .14 FTE reduction in Library staffing compared to the original 2016/2017 budget. Part of the 2017/2018 reorganization is due to moving to the new library.
- The 2016/2017 revised estimate and 2017/2018 budget reflect staff reorganizations in the Housing department that resulted in a 1.27 FTE reduction in staffing. The most significant reduction was elimination of the fulltime Housing Maintenance Supervisor/Inspector position in December of 2016 due to funding shortfalls in the housing budgets.

2016/2017 (Including Changes in the 2015/2016 Revised Estimate)

- The 2016/2017 budget included four new firefighter positions. These positions were added due to the increased number of ambulance transport calls.
- A Library staff reorganization resulted in a .54 FTE reduction in Library part-time staffing.

- Community Development part-time staff was reduced by .23 FTE due to a staff reorganization. Effective October 1, 2015, this department no longer has the responsibility for food/grocery permits and inspections, which allowed for this overall reduction.
- One Refuse Collection Driver position was eliminated when the 2nd automated refuse collection vehicle was placed in service. This was in late December of 2016 which resulted in a reduction of .50 FTE positions in 2016/2017.
- The Lift Station Supervisor position in the Water Pollution Control fund was eliminated in the 2015/2016 revised estimate.
- There were changes in Housing staffing resulting in an overall .45 FTE staff reduction.

2015/2016

- In the 2014/2015 revised estimate there was a reduction of one police officer position due to grant funding being discontinued for the officer 100% funded from a U.S. Department of Homeland Security grant for the Joint Terrorism Task Force.
- In the 2014/2015 revised estimate there was a reduction of .25 in staffing in the Housing department with a staff reorganization.
- A Communications Manager position was added in the 2015/2016 budget. This position manages the city website, branding and marketing efforts, news releases, and social media. While accounted for in the General Fund, the cost of this position is being evenly allocated to six funding sources.
- An additional 29 hour/week Community Services Officer position was added in the Community Development department. The primary responsibility of this position is to oversee the new rental housing registration and inspection program. Fees for rental housing registrations are expected to fund the cost of this position.
- The Art Center Aide position was increased from 20 hours/week to 29 hours/week for 2015/2016.
- There were changes in part-time staffing in the Library (.18 FTE reduction) and grant-funded Art Center part-time staffing (.22 increase).

2014/2015

- There was a reduction of one fulltime Refuse Collection Driver. The City is moving to automated refuse collection vehicles as the current vehicles are replaced. These vehicles allow for the refuse collection process to be performed by one person compared to the two required with the regular refuse collection vehicles. A position which became vacant in 2013/2014 was not filled due to this upcoming change.
- There were reductions in part-time staffing in the Library of .13 FTE and Refuse Collection of .10 FTE.

The projected level of expenditures for the General Fund of \$19,412,851 for 2017/2018 is 3.4% (\$628,551) above the 2016/2017 budget of \$18,784,300. The overall increase in expenditures consists of (1) an increase of \$331,100 (3.3%) in salaries and wages, (2) an increase of \$312,400 (7.2%) in employee benefit costs, (3) an increase of \$56,200 (6.0%) in commodity costs, (4) an increase of \$63,700 (2.8%) in contractual services costs, (5) a decrease of \$72,700 (12.1%) in capital outlay costs, and (6) a decrease of \$62,149 (10.4%) in transfers and “assigned” funding.

The City first used the “assigned” funding classification in the 2012/2013 General Fund budget. The funding assignments for that year included allocations for a new fire engine, new financial software, and the first annual allocation of \$40,000 set-aside to fund the City’s obligation to retain the two COPS grant-funded police officers for one year subsequent to the 3-year grant period. The fire engine and the financial

software were purchased in 2013/2014. The second and third annual allocations of \$40,000 for the COPS grant-funded police officer positions were budgeted in 2013/2014 and 2014/2015. The 3rd and final year of the COPS grant funding ended in March of 2015. The prior year assigned funding was used in 2015/2016 to meet the 4th year requirement of the grant agreement.

The 2015/2016 budget for the first time included an assigned funding allocation of \$12,300 to allow for merit increases for non-union employees and that same amount was budgeted for 2016/2017. The 2017/2018 budget includes an estimated \$50,000 to allow for pay increases in the non-union pay plan. This amount includes funds to allow for several positions to be placed in different grades in the pay plan based on market surveys and also allows for merit increases of up to 3%. The assigned funding for merit increases allows fulltime employees in the non-union pay plan to progress above the midpoint of their pay grades based on job performance.

The funding “assignments” were made for several reasons: (1) While the General Fund balance and revenues are currently sufficient to fund operations and some capital items, changes by the State legislature could change this significantly in upcoming years. It is proposed that the City only make one-time expenditures from available funds instead of adding recurring costs (staffing increases); (2) Funding the fire engine and Finance software from the General Fund assisted in reducing future year debt service requirements. In prior years, sufficient funding would not have been available in the General Fund and these items would likely have been funded from bond proceeds; (3) Setting aside funds for the future COPS grant obligation lessened the impact on the General Fund for the required 4th year of funding for those officers; and (4) The assigned funding allocation for non-union pay increases allows for these funds to be budgeted in one area until it is determined which department budgets will be impacted by these increases.

The 2017/2018 budget for the General Fund of the City of Muscatine provides an expenditure level to fund most core services at essentially the same level as in previous years for most departments.

Although there are no full-time staff reductions in General Fund departments planned for 2017/2018, the effects of prior year reductions continue to be experienced in the respective departments. Prior year staff reductions affected most departments and have reduced full-time equivalent (FTE) employees in the General Fund by 10 from 170 in 2001/2002 to 160 in 2017/2018. There has always been a precarious balance between the desire to address community “needs and wants” and the availability and distribution of increasingly scarce financial resources. The City has been forced to adjust to the reduced levels of revenues by eliminating positions through the various departments of the city over the past sixteen years. Although savings were achieved through these actions, it did alter the levels of service that the city now offers to the public.

The 2017/2018 budget continues to provide for a variety of essential and non-essential public services. In 2010/2011 the City contracted with GATSO, USA to install and operate Automatic Traffic Enforcement (ATE) cameras at five intersections in the community. This system has improved traffic safety in those areas at minimal or no cost to the Police department. The Police department budget continues to include two School Resource Officer (SRO) positions with one in the high school and one in the middle schools, both of which receive 75% funding from the Muscatine Community School District. The two police officer positions assigned to the Drug Task Force will continue in 2017/2018. These positions are partially funded from federal grants.

The City of Muscatine continues to provide Emergency Medical Services (EMS) including ambulance services through the Fire department. Firefighters continue to provide paramedic level services as well as firefighting services to the community.

Public Works programs and service levels in the areas of roadway maintenance, snow and ice control, street cleaning, traffic control, and engineering have been maintained for fiscal year 2017/2018. Major Public Works projects scheduled for construction in 2017/2018 include Phase I of the Mississippi Drive Corridor project, the Kent Stein Park to Deep Lakes Park Trail, the annual pavement management program, the annual new sidewalk construction program, and continuation of the West Hill Sewer Separation project.

The Refuse Collection budget continues to provide for the contracted single sort curbside recycling program which began in April, 2011. As of that date, the former recycling drop-off locations were discontinued. The 2014/2015 budget included funding to begin the transition to an automated refuse collection program for residential waste. This program involves providing standard waste bins to customers and purchasing automated refuse collection vehicles which can be operated by one person instead of the two-person crews needed for the regular vehicles. A “pilot” area was designated in 2013/2014 as a trial area for this program. For the pilot program tippers were added to the regular refuse trucks and bins were provided to residential customers in the trial area. In 2014/2015 the first automated refuse collection vehicle was ordered and additional refuse bins were purchased to phase in the next group of customers. The first automated refuse collection vehicle was delivered and placed in service in December of 2015. The 2nd automated vehicle was ordered in 2015/2016 and it was delivered and placed in service in late December of 2016. Additional refuse bins were included in both the 2015/2016 and 2016/2017 budgets which completed the capital purchases needed to fully implement this program. With the 2nd automated truck now in service and all of the carts purchased, the savings from this program will begin to be fully realized. Fiscal year 2017/2018 will be the first full fiscal year using both automated refuse collection vehicles.

Leisure time service activities include a wide variety of activities that reach a cross section of the community through the Library, Art Center, Museum, Golf Course and a comprehensive system of parks, recreation programs, the aquatic center, boat harbor, and soccer facility.

The City will continue its commitment toward effective planning and community development efforts. In 2013 the Community Development department completed the process for developing a new citywide comprehensive plan incorporating Iowa’s Smart Planning Principles. This plan was adopted by the City Council on September 19, 2013. The Community Development department also completed the updated Five Year Capital Improvements Plan and this plan was adopted by City Council in February of 2016. This department is also nearing completion of the first phase of the update to the City’s zoning ordinance.

The city’s Housing department operates the 100-unit Clark House Senior Citizen Facility, the 50-unit low and moderate income family Sunset Park Project, and the 50-unit Hershey Manor senior citizens facility operated by the city through a management contract with the Hershey Manor Board. In addition, the city is assisting low and moderate income individuals and families with rent subsidies through the federal Section 8 Housing Choice Voucher program.

The city continues to pursue storm and sanitary sewer renovation and extension programs. In 2007 the city signed a Consent Order with the Environmental Protection Agency (E.P.A.), which requires the city to complete specific major sewer separation projects by 2028. The city completed the Hershey Avenue area sewer separation work in 2011/2012 which leaves the West Hill area as the remaining area yet to be completed. The cost of the West Hill sewer separation project is estimated to reach or exceed \$50 million and this project will be done in multiple phases. This project will be funded in part by the 1% local option sales tax that was first approved by the voters in May 1994, renewed by the voters in August 1998, and again approved by voters in January 2004. On August 12, 2008, voters again approved extension of this tax for an additional ten years with a minimum of 80% of the tax to be used for storm and sanitary sewer projects with the balance to be used to fund the ongoing costs to maintain streets at a higher level as

provided for in the Pavement Management Program. Planning is underway for the referendum to continue the local option tax after the current tax period expires June 30, 2019, with the uses continuing to be focused on sewer separation and streets. The first phase of the West Hill Sewer Separation project began in 2012 and was completed in the fall of 2013. The second phase began in the summer of 2013 and was completed in December of 2014. Bids for the third phase of the project were received in March of 2015. This contract provides for three phases of improvements to be completed in calendar years 2015, 2016, and 2017.

In recent years the city, through Federal Aviation Administration (FAA) and Iowa Department of Transportation (IDOT) grants, completed numerous projects and improvements at the airport. Grant applications for all airport projects are made in accordance with the city's overall Master Plan for the airport. A major project to reconstruct the main runway 6-24 was substantially completed in 2016 at a total cost of approximately \$4.2 million and an FAA grant will fund 90% of the cost of the project. The update of the Airport Layout Plan currently in progress will also receive 90% FAA funding. In October of 2016 the City was awarded funding for the design of a new T-Hangar and for hangar apron expansion. The design work for this project is underway and will receive 85% State funding with a 15% local match. Construction of this project will follow and will be funded from a separate grant. The airport will continue to serve the community for both recreational and business-related activities in 2017/2018.

For fiscal year 2017/2018 the city will continue to provide support for several non-profit service organizations within the community. Despite limited city resources, the City Council has remained committed to assisting these groups as best they can. These agencies provide valuable services to the entire community. For 2017/2018 the City Council chose to continue financial contributions for the Greater Muscatine Chamber of Commerce and Industry (GMCCI), the Muscatine Humane Society, and Senior Resources. The subsidies to GMCCI and the Muscatine Humane Society were maintained at the same levels as 2016/2017. The 2017/2018 budget includes a one-time increase in the subsidy to Senior Resources from \$20,000 to \$30,000 due to their loss of funding from other sources. The subsidy for the CVB is budgeted at \$90,500 for 2017/2018; the actual subsidy however, will be 25% of actual hotel/motel tax receipts for 2016/2017 per the City's agreement with the CVB. The 2015/2016 budget for the first time included a \$25,000 allocation to the Muscatine Center for Social Action's (MCSA's) Homeless Prevention Program. This same funding amount was included in the 2016/2017 budget and has also been included in the 2017/2018 budget. The subsidy, however, will be reduced if any grant funding is secured for this program.

Operating expenditures budgeted for all city operations for 2017/2018 total \$44,195,966, which is an increase of \$2,204,879 (5.3%) from the fiscal year 2016/2017 level of \$41,991,087. Operating revenues for the city total \$48,301,244 compared to \$46,130,232 for 2016/2017, an increase of \$2,171,012 (4.7%). Capital project expenditures are estimated at 17,328,500 for the 2016/2017 revised estimate and \$17,865,500 for 2017/2018.

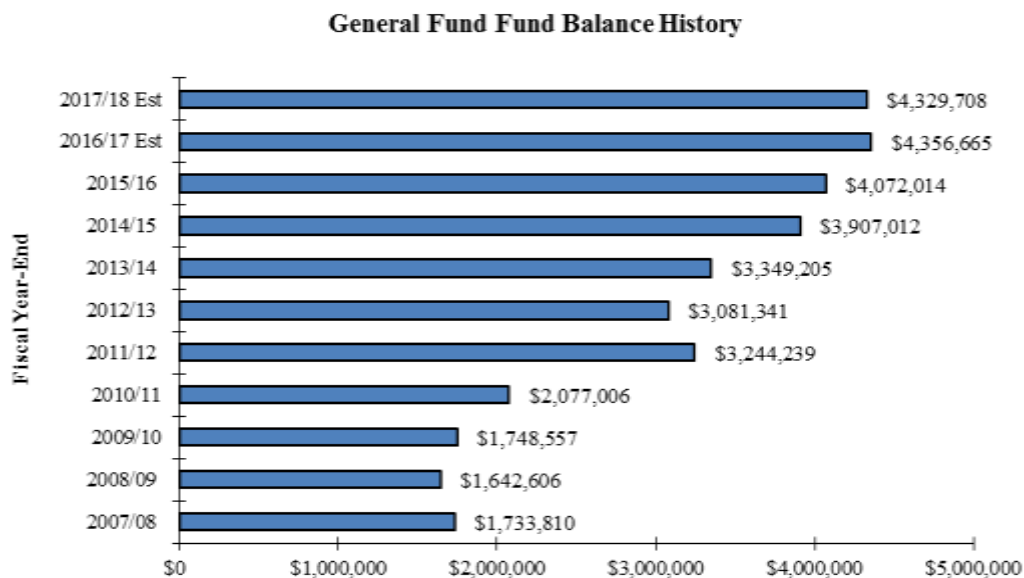
FUND BALANCE AND BUDGET POLICY ISSUES

The 2017/2018 budget presents beginning balances, revenues, transfers in, expenditures, transfers out, and ending fund balances for each city fund. Fund balance for budgeting purposes is defined as the funds remaining after the application of available resources to support expenditures of each fund. For governmental funds, fund balance is the difference between assets and liabilities of each fund. For enterprise and internal service funds, fund balance for budget purposes, is presented on a basis consistent with the budgets presented for governmental funds. Expenditures include capital outlay purchases and principal and interest due during the budget year on debt obligations. In this regard, the *budgetary* basis for enterprise and internal service funds differs from the *accounting* basis used to prepare the comprehensive annual financial report for the city. Additional information on the basis of budgeting and

accounting for the various city funds can be found in the “Fund Structure Overview and Basis of Accounting and Budgeting” section later in the Introductory Section of the budget.

The city’s Operating Budget/Expenditure Policy provides that a balanced budget be presented each year for City Council consideration and approval. The policy defines balanced budget as one in which expenditures will not exceed estimated resources and revenues. This in effect provides that expenditures be less than the beginning fund balance of each fund plus revenues for the year. For 2017/2018 balanced budgets were presented to and approved by Council for all funds with the exception of the Refuse Collection and Marina Enterprise funds and the Equipment Services Internal Service fund. The Refuse Collection fund deficit is due to capital costs to implement the City’s automated refuse collection program for residential customers. This deficit is expected to be eliminated in 2018/2019 when the savings from the automated refuse collection program is fully realized. The deficits in the Marina and Equipment Services funds are due to inventories in those operations.

As in prior years, one of the key components of the City’s budget process is developing a General Fund balance that provides the city with the necessary funds to carry it through its first three months of operation of each fiscal year before property tax collections are disbursed by the county as well as provides adequate reserves for unforeseen circumstances or events. This is necessary for the fiscal integrity of the General Fund. In 2013 the City’s minimum General Fund balance policy was updated from the previous 10% of General Fund expenditures level to two months of General Fund expenditures, which is equivalent to 16.7%. The City Council has made efforts in recent years to incrementally increase the General Fund balance as shown in the following graph.



The 2009/2010 General Fund ending balance was 11.4% of expenditures. This increased to 13.6% at the end of 2010/2011, 20.4% at the end of 2011/2012, 17.9% at the end of 2012/2013, 19.2% at the end of 2013/2014, 22.6% at the end of 2014/2015, and 23.1% at the end of 2015/2016. The decrease in 2012/2013 was a planned decrease with funds used for one-time capital items including a new fire engine and new financial software. The target General Fund balance when the 2016/2017 budget was developed was 19.5%. The 2016/2017 revised estimate ending fund balance is 23.0%. The ending balance for the 2017/2018 budget is 22.3%, which more than meets the new minimum General Fund balance policy. While the 2017/2018 budget was “balanced” by using \$26,957 of fund balance, revenues have been budgeted conservatively and departments traditionally expend less than their full budget allocations, and

it is expected that there will likely not be a General fund balance decrease or the decrease will be less than the amount budgeted.

The City's effort to increase the General Fund balance is in part due to comments in the 2008 Moody's bond rating report which stated that Moody's considered the previous minimum of 10% fund balance requirement to be "relatively narrow" and that higher reserve levels may be appropriate for challenges to the city's financial operations. The increases in the General Fund balance in recent years and City Council formally updating the City's minimum fund balance policy demonstrates Council's commitment towards the goal of increasing the General Fund balance. The importance of the General Fund balance integrity is reaffirmed when the city issues debt for various community projects. When undergoing a financial review by outside rating agencies in advance of bond issuance, the current fund balance in the General Fund reflects on the City's overall financial management and is probably the single most important factor in maintaining the City's bond rating. The rating received at the time of the city's 2016 bond issuance was Aa2 under Moody's current rating scale. This was the same rating as assigned for the 2014 bond issue. The Moody's rating will again be reviewed prior to the May 2018 bond issue.

As discussed during the budget review process, an ongoing multi-agency lawsuit with the IDOT or other IDOT or Legislative rules may impact future Automatic Traffic Enforcement revenues (or restrict the use of these revenues) which are budgeted at \$700,000 for 2017/2018. If ATE restrictions are implemented that negatively impact General fund revenues, the following interim plan is proposed to be used:

- Provisions in the General Fund Balance Policy provide that "except for extraordinary circumstances, unassigned fund balance should not be used to fund any portion of ongoing and routine operating expenditures of the City".
- The policy then provides that: "Extraordinary circumstances can include significant revenue fluctuations (i.e. State legislative changes limiting property taxes, limiting automatic traffic enforcement (ATE) use, etc.). In the event that use of unassigned fund balance is necessary to provide a short-term solution to maintaining essential services, the City will evaluate current and future economic conditions to evaluate the extent of expenditure reductions or revenue increases that would be needed to achieve day-to-day financial stability and restore the fund balance."
- Having a strong General Fund balance and the Fund Balance Policy in place will allow time for staff and City Council to plan for how to address revenue reductions if they occur.
- The recommended next step after the legislative session – Staff, Council, and public discussion of future revenues, expenditures, and City services for future years. The fund balance and the Utility Franchise Fee could be used in the short-term to backfill a portion of any lost revenues.

CAPITAL IMPROVEMENTS AND OTHER LONG-TERM FINANCIAL PLANS

Capital Improvements Plan

The operating budget will again be supplemented with an aggressive Five Year Capital Improvement Plan. In February of 2016 the City Council approved the resolution to adopt the current Five Year Capital Improvement Plan for fiscal years 2015/2016 through 2019/2020. Elected officials, citizens, and city staff participated in the development of this Plan and a public hearing was held prior to the Plan's adoption. This Plan is a document separate from the city's budget and can be accessed from the city's website. The Plan's capital project summary schedules, however, listing all Plan projects as well as summary schedules by fiscal year and by department have been included in the Capital Projects section of this budget document in order to provide a correlation between these two documents. During the annual budget process, this Plan is used to determine capital improvement projects to be included in the budget for the

upcoming year. A number of projects in this Plan are subject to the receipt of federal, state, or local grant funding. As such, projects in the Plan may be accelerated or deferred based on funding availability. The projects in the 2016/2017 revised estimate and 2017/2018 budget are projects which have approved funding sources. If outside funding is awarded for projects in the Plan but not yet in the adopted budget, the City will make the appropriate amendments to the current or upcoming budget.

In addition to the project summary schedules from the Five Year Capital Improvements Plan, the Capital Projects section of this budget document includes descriptions of all projects under construction in 2016/2017 and those to be initiated in 2017/2018. Also included in the Capital Projects section are estimated costs for these projects on a fiscal year basis.

The major emphasis in the city's Capital Improvements Plan for 2017/2018 and upcoming years will continue to be upgrading of the City's streets and sewer systems, airport improvements, building and facility improvements, and improvements at the city's Water Pollution Control Plant.

In 2007 the city began a Comprehensive Pavement Management Program to upgrade the City's overall street conditions. Funding allocations of \$1 million for calendar year 2007 and \$2 million each for calendar years 2008 and 2009 were used to complete the initial upgrade. These initial costs were funded with general obligation bond proceeds. Thereafter an annual allocation of at least \$500,000 is needed to maintain the streets at this higher level. The ongoing annual maintenance of the improved streets began in 2010 with these costs funded from the 20% allocation of local option sales taxes as provided for in the voter referendum in 2008 for the local option sales tax extension. This 20% allocation is estimated at approximately \$550,000 annually and this amount has been included in the budget for 2017/2018. In addition, beginning in March of 2015 there are increased Road Use Tax funds available to supplement the local option tax funding for street improvements due to the \$.10 per gallon increase in fuel taxes effective March of 2015.

In addition to the Pavement Management Program, construction is nearly completed on Mulberry Avenue improvements from Houser Street to the Bypass. This project is being funded from a federal grant, bond proceeds, and Road Use Taxes. Engineering design is also underway for the Mississippi Drive Corridor reconstruction from the Mississippi River Bridge to Grandview Avenue with construction on phase one of the project scheduled to begin in the spring of 2017. The Corridor project will be funded from the \$13 million in Transfer of Jurisdiction funds received from the State when responsibility for this corridor was transferred from the State to the City. The Railroad will also fund a portion of the Corridor project costs.

Sewer improvements continue to be identified as a high priority by City Council. In 2007 the City signed a Consent Order with the Environmental Protection Agency (E.P.A.) which requires the City to complete specific major sewer separation projects by 2028. In 2008 voters approved extending the local option sales tax for a 10-year period beginning July 1, 2009 with 80% of these funds allocated for sewer improvements including the projects mandated by the Consent Order. Construction on the second and final phase of the Hershey Avenue sewer improvement project was completed in 2011/2012. This was a major project mandated by the Consent Order. The remaining project in the Consent Order is the separation of the combined sewer in the West Hill area. This will be a lengthy project to be done in multiple phases over the next eleven years. The total cost for all phases of this project is expected to reach or exceed \$50 million. Construction on Phase I of the project began in the summer of 2012 and was completed in the fall of 2013. Phase II of this project began in the summer of 2013 and was completed in the fall of 2014. Bids for Phase III of this project were received in March of 2015. This contract provides for three phases of improvements to be completed in calendar years 2015, 2016, and 2017.

Engineering design is in progress for a High Strength Waste Receiving Station at the Water Pollution Control Plant (WPCP). Construction of this project is scheduled for the 2017 calendar year. Funding for this project will be from the Plant Replacement Reserve.

Several significant building and facility improvements were included in the 2015/2016 and 2016/2017 budgets. These included Art Center HVAC improvements, Art Center windows and building envelope improvements, and roof replacements and tuck-pointing improvements for several public buildings. Proceeds from the 2016 bond issue funded a substantial portion of the cost of these projects with \$200,000 in contributions from the Roy J. Carver Charitable Trust and \$360,000 from the Muscatine Art Center Support Foundation assisting in funding the Art Center improvements. These projects were nearing completion at the time the budget was being prepared. The 2017/2018 budget includes \$500,000 to complete additional deferred maintenance projects for public buildings and \$260,000 to complete lighting replacement projects at Weed Park and the Soccer Complex. These deferred maintenance projects will be funded from the spring 2018 bond issue.

The Airport Runway 6-24 Rehabilitation project was substantially completed in calendar year 2016 with the final project work to be completed this spring. Other airport projects in 2016/2017 and 2017/2018 include the T-Hangar design and construction project, the update of the Airport Master Plan, and the update of the Airport Zoning ordinance.

Other capital projects included in the 2016/2017 and 2017/2018 budgets include the Kent Stein Park to Deep Lakes Park Trail project, the annual new sidewalk construction project, and funding for the renovation of the former HNI headquarters building given to the City to be used as the new HNI Community Center and Musser Public Library. More information on individual capital projects can be found in the Capital Projects Fund section of the budget document.

Landfill Deficit Reduction/Elimination Plan

In the fall of 2010, the City approved a long-term plan for the landfill to substantially reduce or eliminate the accumulated deficit in this fund over the next five-six years. This plan was developed as a result of meetings of a Chamber appointed committee which included designated business leaders, city staff, a member of the Solid Waste Agency, and others, to discuss methods other than flow control which would increase waste volume and revenues to the Landfill. This plan was also discussed in the Key Issues section of this Budget Message in the “Landfill, Transfer Station, and Refuse Collection Fund Deficits” section. The deficit in the Landfill fund was eliminated in 2014/2015, one year ahead of the plan schedule. Funds were accumulated in 2015/2016 and 2016/2017 to fund construction of the next landfill cell in the 2017/2018 budget. The 2017/2018 budget includes \$550,000 for construction of the next landfill cell with construction scheduled to begin in the summer of 2017. The Committee and City Council goal was to have the deficit eliminated and have a sufficient fund balance available to fund construction of future landfill cells. Based on estimated landfill revenues and expenditures, including the \$550,000 for the next landfill cell, the landfill fund balance is sufficient to fund construction of the next cell and there is a projected fund balance at the end of 2017/2018 of \$638,691.

City Comprehensive Plan

The City adopted a new comprehensive plan in September of 2013. The City’s Five Year Capital Improvement Plan (discussed above) was based on elements included in the new comprehensive plan. The City’s zoning ordinance update is in process and is scheduled to be completed in 2017. Public forums were held to receive input from the community on the new comprehensive plan and the Five Year Capital Improvement Program and are also being held for the update to the zoning ordinance.

Long-Term Future Debt Financing Plan

The City, working with Public Financial Management (PFM), the City's financial consultant, has developed a long-term future debt financing plan. This plan shows annual debt requirements for existing general obligation debt and the related actual or estimated debt service tax levy rates. This schedule also calculates the amount of future year debt which can be issued without impacting the debt service tax rate. Based on this schedule, the City is scheduled to issue an estimated \$3,100,000 in property tax funded debt in May of 2018 with this bond issue funding replacement of the aerial fire truck (\$1.2 million), the local share of Airport improvement projects (\$221,000), the local share of the Kent Stein Park to Deep Lakes Park Trail project (\$400,000), deferred building maintenance projects (\$500,000), park lighting replacement projects (\$260,000), and a preliminary local share of the cost to renovate the former HNI headquarters building into the new HNI Community Center and Musser Public Library (\$100,000). These estimated bond funding amounts will be updated as bids for the projects are received and outside funding contributions are determined. The City has traditionally issued bonds every other year to assist in financing projects in the Capital Improvements Plan.

BUDGET DOCUMENT

The information in this budget document is generally organized on a fund basis. The State of Iowa requires city budgets be prepared on a fund and function basis with expenditures classified into nine functional areas – General Government, Public Safety, Culture and Recreation, Public Works, Community and Economic Development, Health and Social Services, Debt Service, Capital Projects, and Business-Type Activities. The Introductory Section includes the city's Financial Management Policies, budget calendar, city organizational chart, and entity-wide budget overview charts, which immediately follow this budget message. These are followed by operating budget summary schedules for major funds and non-major funds combined, budget summary schedules for all operating funds, property tax schedules, and major revenue sources schedules. The Operating Budget by Function Matrix included with the budget summary schedules for city operating funds, reflects how expenditures of each fund and activity are classified into the functional areas. Department organizational charts conclude the information in the Introductory Section. Several of the department organizational charts include activities in more than one fund of the city so they have been included in the Introductory Section rather than the fund information which follows.

SUMMARY

The preparation of the fiscal year 2017/2018 budget involved an overall team effort by city staff and City Council. With the continued uncertainty that affects financial conditions in the state and the community, the challenge to continue high levels of service is one that city staff and Council must approach together. Decisions on the level of service to be provided throughout the community have generated and will continue to generate much discussion, especially when financial resources are limited and there is demand for services to be maintained at the same level or increased. The city will continue to look toward cooperative efforts between other governmental agencies in order to provide the best overall level of service to the community as a whole. However, it is important to be realistic in the expectations of the level of services as they match against the financial resources needed to provide for them. At some point the city will have to recognize it cannot provide all of the levels of service that are demanded by its citizens unless additional funding sources are identified to fund the cost of these additional services. Faced with this situation, elected representatives are forced to choose and prioritize levels of service in the community. Given that almost every service the city provides has a constituency base, future decisions are sure to draw criticism from those affected groups. It is unfortunate but it is a fiscal reality that this and other cities will have to grapple with well into the future. With strong leadership from the

Mayor and City Council and a commitment to improve the quality of life in the community, the city staff looks forward to working with our elected representatives and the citizens of Muscatine.

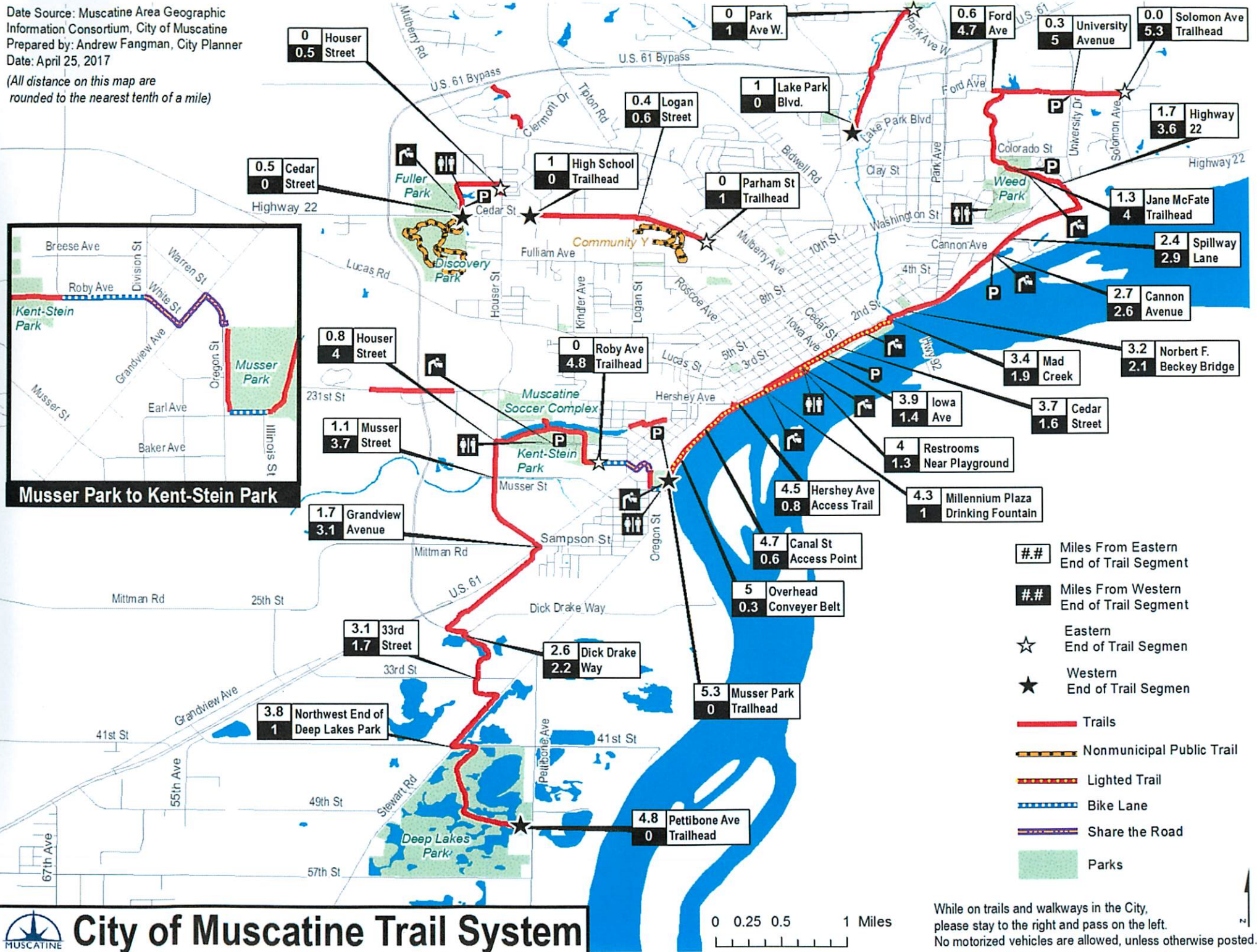
It is my honor and pleasure to serve this community and to work as a team with its elected officials and city staff members to provide the highest level of service to the community that is possible. The most significant assets the city has are the dedicated individuals who work for it. Without their dedication and professionalism, the services enjoyed by this community would be far less. Also the dedication and time the elected officials put forward in the preparation of the city budget as well as their responsibilities throughout the year is a testament to their commitment to the community and citizens who elected them. Thank you to city staff, department heads, the Finance department, and to our elected officials for their respective hard work and long hours in putting this 2017/2018 budget together. A special thank you to Nancy Lueck, Finance Director, and LeAnna McCullough, Accounting Supervisor, for their long hours of budget preparation, compilation, and assistance with this document.

Respectfully submitted,

A handwritten signature in black ink, reading "Gregg Mandsager". The signature is written in a cursive, flowing style with a large initial "G".

Gregg Mandsager, City Administrator

(All distance on this map are rounded to the nearest tenth of a mile)



While on trails and walkways in the City, please stay to the right and pass on the left. No motorized vehicles are allowed, unless otherwise posted.



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

VIA U.S. MAIL OR PICK-UP

April 25, 2017

Michael Heilman
Attorney
Brick Gentry, P.C.
6701 Westown parkway
Suite 100
West Des Moines, IA 50266-7703

RE: Open Records Request Response.

Dear Michael,

This letter is in response to an open records request submitted to our office by you on March 31 2017. It my understanding you requested that certain packet of information provided to the Governor's Office as a courtesy by Ann Brumback, representative for Remove the Muscatine City Council.

We are hereby producing to 182 pages in hard copy. No documents were withheld as part of this request, however, redactions were made where required by law pursuant to IOWA CODE § 22.7(18).

Our office policy is to provide the first ten pages of any copied document(s) free of charge. Any additional pages exceeding those initial ten copied pages require a fee of ten cents per page. Also, we provide three free hours of staff review time regarding any documents requested. Over and above those initial three free hours, a fee of thirty-three dollars per hour is assessed. **The charge for this request is \$17.20.**

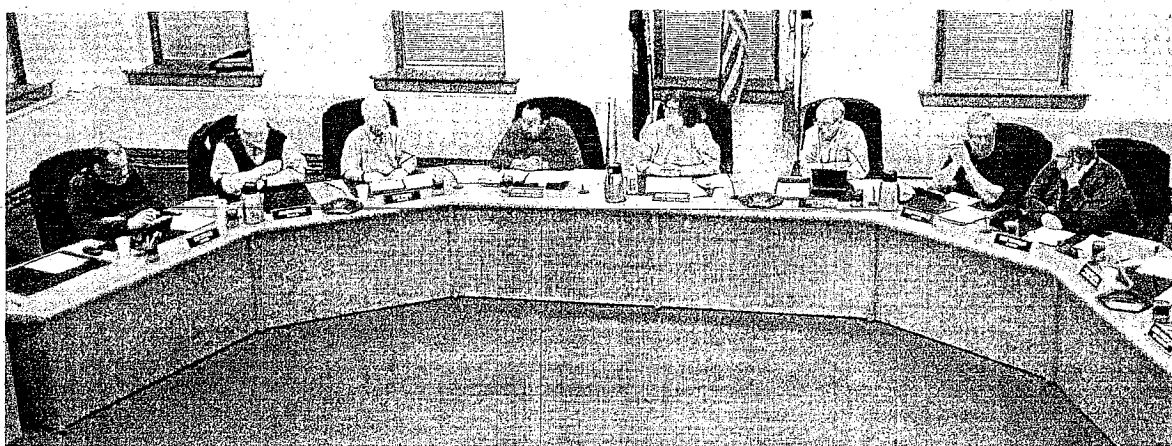
If any documents released pursuant this request are, or were, subject to one or more confidentiality exceptions provided for in the Iowa Open Records Act, *see* IOWA CODE §§ 22.1, *et seq.*, the Office of the Governor does not waive such applicable exception(s).

We believe this response satisfies your aforementioned request. If you have any questions, let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin Smith", is written over the word "Sincerely,".

Colin Smith
Deputy Legal Counsel
[ENCLOSURE]



Presented to the Honorable Thomas John Miller

Attorney General for the State of Iowa

March 16, 2017

March 16, 2017

The Honorable
Thomas John Miller
Attorney General of the State of Iowa
Hoover Building
1305 E Walnut St.
Des Moines, IA 50319

Dear Mr. Attorney General:

On behalf of the citizens of the City of Muscatine, Iowa and the group Remove the Muscatine City Council, I hereby submit to you on their behalf the enclosed information and reasons to grant our request for the following:

Enclosed please find a formal complaint as well as signed petitions and signatures and comments from an online petition generated on Change.org regarding the Muscatine City Council. We are seeking assistance from your office as well as the office of the Lieutenant Governor to formally remove the members of the Muscatine City Council pursuant to Iowa Code 66.3.

Pursuant to Iowa Code 66.3, Title II- Elections and Official Duties, Chapter 66- Removal from office, Section 66.3-Who may file petition:

The petition for removal may be filed:

1. By the attorney general in all cases.
2. As to state officers, by not fewer than twenty-five electors of the state.
3. As to any other officer, by five registered voters of the district, county, or municipality where the duties of the office are to be performed.
4. As to district officers, by the county attorney of any county in the district.
5. As to all county and municipal officers, by the county attorney of the county where the duties of the office are to be performed. (IA Code § 66.3 (2016))¹

Respectfully yours,

Ann Brumback, Chairman
Remove the Muscatine City Council
Cc: The Honorable Kimberly Reynolds, Lieutenant Governor
Hand delivered

¹ [S13, §1258-d; C24, 27, 31, 35, 39, §1093; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.3] 2001 Acts, ch 56, §6

TABLE OF CONTENTS:

- ❖ Letter to the Honorable Thomas Miller, Attorney General for Iowa
- ❖ Table of Contents
- ❖ Allegations related to the Muscatine City Council
- ❖ City Administrator/City Attorney
 - a. Financial Information in question
 - b. Charges against Mayor Diana Broderson
- ❖ Written Petition
- ❖ Change.org Petition
- ❖ News Sources
- ❖ Closing Statement

ALLEGATIONS RELATED TO THE MUSCATINE CITY COUNCIL:

NATURE OF THE HABITUAL NEGLECT AND REFUSAL TO PERFORM THE DUTIES OF OFFICE:

Members of the City Council refuse to speak with constituents in their districts. Members of the City Council **only** do as ordered by the current City Administrator. The City Council is the supervisor of the City Administrator however they refuse to do anything unless ordered by the City Administrator. The City Council continues to fail the citizens of the city of Muscatine which has led to the citizens of Muscatine to having zero confidence in the governing body. During meetings, the Council members ignore not only the Mayor but the citizens speaking at the meetings. The Council members send text messages, talk amongst themselves, sleep, eye rolling, insult citizens under their breath (which is on microphone), laugh at citizens while the citizen is addressing council and disregard anything that is brought forth as an issue. The duties of the Council members are to work with their constituents to better not only their districts but the city as a whole. They refuse.

1. Councilman Tom Spread had a conflict of interest in regards to a proposal for the citizens to have chickens within the city limits. Councilman Spread is the President for a local bank and he was part of his bank approving financing for a chicken hatchery in Wilton, Iowa, 15 miles away. The hatchery believed that having chickens inside of the city limits of Muscatine would cause their business to suffer. The hatchery spoke with Councilman Spread and based on that conversation, Councilman Spread set out to defeat the proposal before it was even brought to discussion. Having chickens inside of the city limits would **not** have had any type of impact on a business 15 miles away. Councilman Spread **refused** to recuse himself or his vote in the matter which was clearly brought to him as a conflict of interest.
2. Former Mayor Dwayne Hopkins assisted the City Council in placing a ban on pit bulls in Muscatine. Mr. Hopkins failed to disclose that he owned a pit bull although the Council was aware of this fact. Mr. Hopkins was exempt from the ban.
3. A letter dated October 13, 2016 from the office of the Attorney General to Senator Rich Taylor expressly explained that Iowa Code 400.1 stated that the city had no authority to diverge from the code. The City Administrator in a letter dated January 20, 2017 states that he and the Council had never received a copy of said letter however it is referenced in many of their documents. Furthermore, a letter from the County Attorney dated December 21, 2016 dances around 400.1 and yet deeply expresses an opinion regarding 400.3. This letter stems from a conversation between the Mayor and the County Attorney. *See attached copies of both letters attached.*

4. Members of the City Council have repeatedly made disparaging remarks about the Mayor's choices to various boards. The Mayor ran on a platform of transparency in city government, diversity to every board with a mixture and balance of gender, socio-economic status, race, etc. When the Mayor made her recommendations of candidates to the various boards, the council made public remarks stating that the nominees were not educated enough, not technologically advanced enough, were Democrats and one a union member.
 - a. Councilman Rehwaldt in his email to the Mayor stated that "Muscatine has a long history of non-partisan city government. I want it to stay that way." He goes on to state that the nominees were active Democrats and union employees. The email continues to speak of how the nominee is highly respected yet not qualified based on being a Democrat. To end the email, the Councilman goes on to state that the Mayor needs to "earn respect" and stop playing politics. He then made these comments public which is a clear violation of the City's ethics policy. *See attached emails*
 - b. Councilman Spread in his email questions the Mayor as to why she has not asked the City Administrator for nominees. That is not the job of the Administrator. He goes on to speak of a current board member whose term by admission of the city rules has completed her term. Councilman Spread explains in his email that he has spoken to this candidate (Brandy Olson) and that she has agreed to serve another term. Based on information provided to the Mayor from the City Administrator, Mrs. Olson is not eligible to serve on the board however the Council pushed the issue, and violated their own policy by allowing this. A side note is that Olson is also the attorney of record for Muscatine Power and Water, the board which she serves upon. This is a complete conflict of interest. *See attached emails*
 - c. Councilman Fitzgerald stated in his email that he felt these candidates could be spoken of in an open meeting. Per City code, any issue relating to anyone who is personnel or board members shall be done in the privacy of a closed meeting. This was done in an open meeting therefore violating the policy of the city. *See attached emails and policy.*
 - d. Council and the City Administrator changed city code to remove the nominating ability for Civil Service from the Mayor even after they were made aware of the opinion that came directly from the office of the Attorney General.

5. About the Civil Service appointments, the rules of the City are that a person may serve on a board for a term of six (6) years, with a maximum of two full terms or twelve (12) years. Brandy Olson did not qualify to serve another term per the rules of the city however the Council and the Administrator over road the recommendation of the Mayor. The mayor recommended Kent Farris however the city violated their own policy by reappointing Olson for a third term. *See attached documentation from the city.*

These points are just a small amount of the repeated actions of the Council towards the citizens and the Mayor. Please note that each section of this report contains actions of the City Council and how they have affected the topic in the report. There are plenty of other things that the Council continues to do that violate their own terms, rules, regulations and laws.

City Administrator/City Attorney

The legal definition of nepotism is as follows: In the business world, **nepotism** is the practice of showing favoritism toward one's family members or friends in economic or employment terms. For example, granting favors or jobs to friends and relatives, without regard to merit, is a form of **nepotism**. (Legal, 1997)¹

Facts regarding nepotism instituted by the City Administrator and approved by the City Council:

1. City Attorney Matthew Brick and City Administrator Gregg Mandsager have been personal friends for many years prior to Matthew Brick becoming the City Attorney for Muscatine. The City Administrator informed the Council that hiring Mr. Brick would save them a great deal of money. In fact, this is not the case and the monies paid to Mr. Brick far exceed that of the previous City Attorney. The previous City Attorney made approximately \$49,000 a year to attend Council meetings and to handle all municipal court issues. Another attorney in the office of Mr. Albee also assisted. He applied for the position and was turned away immediately by the City Administrator citing that "he had no idea how to be city attorney." *Please see financial information.*
2. City Administrator Gregg Mandsager hired and advised the City Council to approve Dave Gobin as the Development Director for the City of Muscatine. Per the job description for the position of Development Director, candidates **MUST** have a minimum of a Bachelor's degree and preferred Master's degree. Four candidates with Master's degrees were passed up by Mr. Mandsager although all four candidates met and exceeded the requirements of the job. Dave Gobin and Gregg Mandsager worked together in Lebanon, New Hampshire and spent time as friends outside of the positions in New Hampshire. Dave Gobin has a high school diploma and no formal secondary education. Mr. Mandsager informed the Council that Mr. Gobin was the best candidate and that they needed to approve him. The Council followed "orders."
3. Per the 28 E rule, the City Council and Administrator violated this policy in that they are not only paying the City Attorney, they have since entered a contract with the County Attorney to handle local court business with paying him a salary of \$40,000 per year over and above

¹ Legal, U. (1997). Nepotism law and legal definition. Retrieved March 3, 2017, from <https://definitions.uslegal.com/n/nepotism/in-line>
Citation:(Legal, 1997)

what is being paid to the City Attorney who should handle these issues. These were not registered per the rule.

4. Per the city policy, an employee or staff of the city **MUST** live within the city limits within 30 days of hiring. Mr. Brick is considered a staff member by his own written admission yet he resides in Des Moines and therefore violates the city's own policy.
5. The City Council, City Administrator and City Attorney allege that the Mayor was banned from holding informal "coffee with the Mayor" once a month as she was not given permission by any of the above. There is no policy and previous Mayor's held informal television shows and radio shows without approval.
6. The City Administrator has banned the Mayor from speaking to anyone inside of City Hall, without his written approval and the approval of the Council. Furthermore, the City Administrator must be present during the time in which the Mayor speaks to anyone. This includes her own staff, the police chief and the fire chief. The police chief walked through City Hall and said hello to the Mayor. The Mayor informed the chief that she had received phone calls from citizens regarding people taking handicapped parking spaces in downtown without the appropriate tags. The police chief stated that he would instruct his officers to check on the situation and handle it. The mayor was then charged with violation of ethics for talking to the police chief without the City Administrator and Councils permission and without the administrator present.
7. A city employee was convicted of two (2) counts of identity theft. Employee admitted to using city property as part of his crime. Employee works in the finance and records department for the city and maintains his position. No action was taken against him for using city property and his access to finances and records is a violation of city code as well as the safety of the city and its citizens.

THOMAS J. MILLER
ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
P: 515-281-5164
www.iowaattorneygeneral.gov

October 13, 2016

The Honorable Rich Taylor
State Senator
2667 Iowa Ave.
Mt. Pleasant, IA 52641

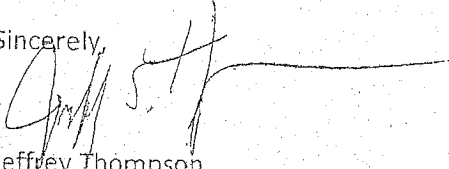
Dear Senator Taylor:

You have requested an opinion from our office regarding the interpretation and application of Iowa Code section 400.1 relating to the appointment of civil service commissioners. Specifically, you ask: "[I]s there any authority for allowing city officials to diverge from the statutory requirement that the mayor appoint the Civil Service Commission members with the approval of the council?" Please accept this letter as our formal response to your request.

The short answer to your question is — no, there is no authority for city officials of a city having a population of eight thousand or over and having a paid fire department or a paid police department to diverge from the requirements of section 400.1. To the contrary, we have repeatedly characterized the general requirements set forth in section 400.1 as "mandatory." See, e.g., 1982 Iowa Op. Att'y Gen. 440, 1982 WL 524824, (Iowa A.G. June 17, 1982). Moreover, the statute clearly and expressly sets forth a requirement that "the mayor, one year after a regular city election, with the approval of the council, shall appoint three civil service commissioners." Iowa Code § 400.1 (emphasis added). Under the rules of construction that govern the Iowa Code, the use of the word "shall" in this provision imposes a legal duty. See Iowa Code § 4.1 (30)(a). Simply put, the mayor of a city subject to section 400.1 has a legal obligation to comply with its terms.

Typically, our analysis would stop there; however, in the case of the Civil Service provisions of Chapter 400, the Legislation has made its intent very clear: "The provisions of this chapter shall be strictly carried out by each person or body having powers or duties thereunder, and any act or failure to act tending to avoid or defeat the purposes of the such provisions is hereby prohibited and shall be a simple misdemeanor." Iowa Code § 400.30 (Penalty). Thus, not only do the express terms of section 400.1 require compliance, any act or failure to act that falls short of strict compliance with its provisions constitutes a crime.

Sincerely,


Jeffrey Thompson
Solicitor General

THE OFFICE OF

THE MUSCATINE COUNTY ATTORNEY

Alan R. Ostergren
County Attorney

420 E. Third Street
Muscatine, Iowa 52761-4104
Phone: (563) 263-0382
Fax: (563) 263-4944
www.co.muscatine.ia.us
attorney@co.muscatine.ia.us



Assistant County Attorneys:
Korie L. Shippee
Oubonh P. White
Dan Williamson
Joan Black

December 21, 2016

Hon. Diana Broderson
Mayor, City of Muscatine

via email to: dbroderson@muscatiney.org

Dear Mayor Broderson:

This letter will be a follow-up to our conversation last week concerning the potential for criminal charges due to a recent amendment to City of Muscatine ordinances implementing provisions of Iowa Code Chapter 400. I have reviewed the letter you provided me from the Iowa Attorney General's office to a state senator dated October 13, 2016. I have also examined the relevant changes to the ordinance.

Iowa Code § 400.30 provides:

The provisions of this chapter shall be strictly carried out by each person or body having powers or duties thereunder, and any act or failure to act tending to avoid or defeat the purposes of such provisions is hereby prohibited and shall be a simple misdemeanor.

There are no Iowa court cases which have construed this provision. It is not drafted in the normal manner for a criminal statute. It is difficult to determine the scope of the law and it would appear to be potentially applied to a vast range of conduct – particularly in criminalizing the failure to act and using the phrase "tending to avoid or defeat." I have serious concerns as to whether it would be possible to prosecute anyone for a violation of this law because of the vague and broad way it is drafted.

I should also point out that the purpose of Chapter 400 is to protect municipal employees, not the mayor. An employee who has discipline upheld by an improperly-constituted commission might have a basis to challenge the action due to the change in the appointment process. This does not mean that the change would constitute a crime.

The attorney general's letter does not undermine this view. The letter refers to the criminal law provision in section 400.30 to support its statutory analysis. I think this reference is appropriate, but it is not the same as a conclusion that a prosecution under these circumstances would be feasible. The letter simply notes the existence of the criminal provision as evidence that a court would likely view the remaining provisions of Chapter 400 in a strict and literal manner. It should also be noted that the letter is dated several months after the city council voted on the amendments to the ordinance.

I therefore find that there is no basis to proceed with any sort of criminal prosecution against city council members, the city attorney, or the city administrator.

Very truly yours,



Digitally signed by Alan R. Ostergren
DN: cn=Alan R. Ostergren, o,
ou=Muscatine County Attorney,
email=aostergren@co.muscatine.ia.us,
c=US
Date: 2016.12.21 11:33:56 -06'00'

Alan R. Ostergren
Muscatine County Attorney

Attached please find a list of Appointments to be included on the Agenda for the Council Meeting 3/3/16. Please let me know if you have any questions.

Thank you.

dlb

Diana L. Broderson

Mayor

City of Muscatine

215 Sycamore Street

Muscatine, IA 52761

563-264-1550

563-264-0750 fax

www.muscatineiowa.gov

dbroderson@muscatineiowa.gov

ANSWERS

#1

From: Rehwaldt, Michael <mrehwaldt@muscatineiowa.gov>

Date: Tue, Mar 1, 2016 at 3:07 PM

Subject: Proposed appontments....

To: Diana Broderson <dbroderson@muscatineiowa.gov>, Tom Spread <tspread@muscatineiowa.gov>, Bob Bynum <bbynum@muscatineiowa.gov>, Scott Natvig <snatvig@muscatineiowa.gov>, Philip Fitzgerald energy efficiency. She will bring fresh ideas and years of experience to the Board.

ANSWERS

#1

From: Rehwaldt, Michael <mrehwaldt@muscatineiowa.gov>

Date: Tue, Mar 1, 2016 at 3:07 PM

Subject: Proposed appointments....

To: Diana Broderson <dbroderson@muscatineiowa.gov>, Tom Spread <tspread@muscatineiowa.gov>, Bob Bynum <bbynum@muscatineiowa.gov>, Scott Natvig <snatvig@muscatineiowa.gov>, Philip Fitzgerald <pfitzgerald@muscatineiowa.gov>, Gregg Mandsager <gmandsager@muscatineiowa.gov>, Santos Saucedo <ssaucedo@muscatineiowa.gov>, Allen Harvey <aharvey@muscatineiowa.gov>

Mayor Broderson --

Muscatine has a long long history of non partisan city government. I want it to stay that way.

Muscatine is not the City of Chicago, thank god. The spoils system went out a long time ago, I thought. Nor do we need another Tammany Hall established

All your nominees seem to be active Democrats and/or union employees.

Case in point: MPW is an enterprise with \$150M in assets and over \$100M in revenue.

Historically, trustees of MPW have been veterans of large enterprise senior management. , People with large enterprise finance experience such as the retiring member, attorneys who have represented and are familiar with large enterprise clients.

Etc.

Your nominee is a fine person, a respected member of the community and a retired third grade teacher and an active member of the local Dem party organization. These are not the qualifications needed for this position.

Respect is very important to you. I suggest you will earn some if you stop playing politics in what has always been a non partisan arena.

Michael Rehwaldt

#2

From: <tspread@muscatineiowa.gov>

Date: Tue, Mar 1, 2016 at 9:08 PM

Subject: RE: Appointments

To: "Broderson, Diana" <dbroderson@muscatineiowa.gov>, Santos Saucedo <santos.saucedo@monsanto.com>, Bob Bynum <bbynum@muscatineiowa.gov>, Allen Harvey <aharvey@muscatineiowa.gov>, Scott Natvig <snatvig@muscatineiowa.gov>, Philip Fitzgerald <pfitzgerald@muscatineiowa.gov>, Michael Rehwaldt <mrehwaldt@muscatineiowa.gov>

Cc: Gregg Mandsager <gmandsager@muscatineiowa.gov>

Madam Mayor,

Based on the information that I have seen so far, I have no particular concerns with your recommendation for planning and zoning. That said, please be reminded that there is a third vacancy. I seem to recall Councilman Natvig proposed an established realtor with significant experience in real estate and business. Do you plan to give consideration to that proposal? If not, why not?

With respect to your recommendation for the Civil Service Commission I have yet to see Mr. Ferris' application. As I recall in recent history he made some fairly passionate remarks at a City Council meeting in support of striking workers at an Illinois based construction company; that is all that I know of him. Your recommendation notes that he would replace Brandy Olson on the Civil Service Commission. I understand that Ms. Olson is eligible and interested in serving another term; she is an attorney with significant experience in human resources and labor law. Those are skills that are, in my view, valuable on the commission. Have you given consideration to Ms. Olson for re-appointment? If not, why not? In what way would Mr. Ferris make a better candidate?

With respect to the MPW Board of Trustees, I have greater concerns. With the mandatory retirement of Warren Heidbreder the Board loses a great deal of expertise. He retired as the Chief Financial Officer (CFO) of Bandag. To the best of my knowledge, he has served on at least two other corporate boards. The MPW Board of Trustees serves as the governing body for three separate but related municipal utilities (Electric, Communications and Water). Historically, the Electric Utility has generated the largest revenues; it has fundamentally supported the Communication Utility since it's creation. The Electric Utility faces significant challenges in the future in it's effort to comply with clean air standards; in my judgement it's solvency is not guaranteed. The Water Utility is currently planning to expend in excess of \$20million to drill/build new wells. Given these needs, Mr. Heidbreder's skill sets will be greatly missed. MPW needs a candidate of his caliber to help guide the organization in the immediate future. Once

again, I have not yet seen Ms. Johannsen's application. While your recommendation is well intentioned, what I know of her does not appear to meet the present needs of the Board. I urge you to reconsider.

Having reviewed the information presented I do have several questions, concerns & comments.

It appears as though you have not in any way consulted with the City Administrator. Is that the case? If not, why not? He is a valuable resource and should not be disregarded. Once again I urge you to take a more collaborative approach in these matters. All of us involved in city government benefit and are more effective if we can find a way to work together.

Finally, in light of Councilman Rehwaldt's recent communication, I am obligated to ask a difficult question. Your campaign disclosure reports indicate that nearly all of your funding was derived from organized labor. Given the appearance that at least two of your recommended appointees are in some way affiliated with organized labor; to what extent did any of these people facilitate the funding of your campaign, if at all? At a minimum, the optics are not good.

Tom R. Spread

City Council Representative, 3rd Ward

Sent from Mail for Windows 10

#3

From: Scott Natvig <snatvig@muscatineiowa.gov>

Date: Wed, Mar 2, 2016 at 7:54 AM

Subject: Re: Appointments

To: tspread@muscatineiowa.gov

Cc: "Broderson, Diana" <dbroderson@muscatineiowa.gov>, Santos Saucedo <santos.saucedo@monsanto.com>, Bob Bynum <bbynum@muscatineiowa.gov>, Allen Harvey <aharvey@muscatineiowa.gov>, Philip Fitzgerald <pfitzgerald@muscatineiowa.gov>, Michael Rehwaldt
All --It appears that more discussion is needed. Rather than public discussion, I suggest we discuss potential candidates/respective qualifications in closed session -- in fairness and respect to the candidates.

Just my opinion.

Scott

Sent from my iPad

#4

From: Fitzgerald, Philip <pfitzgerald@muscatineiowa.gov>

Date: Wed, Mar 2, 2016 at 8:09 AM

Subject: Re: Appointments

To: Scott Natvig <snatvig@muscatineiowa.gov>

Cc: Gregg Mandsager <gmandsager@muscatineiowa.gov>, Santos Saucedo <santos.saucedo@monsanto.com>, "Broderon, Diana" <dbroderon@muscatineiowa.gov>, Bob Bynum <bbynum@muscatineiowa.gov>, tspread@muscatineiowa.gov, Michael Rehwaldt <mrehwaldt@muscatineiowa.gov>, Allen Harvey <aharvey@muscatineiowa.gov>

I don't believe that would be material for a closed session unless it can be stretched to be personnel related.

#5

From: SAUCEDO, SANTOS [AG/1630] <santos.saucedo@monsanto.com>

Date: Wed, Mar 2, 2016 at 9:10 AM

Subject: RE: Appointments

To: "Broderon, Diana" <dbroderon@muscatineiowa.gov>, Michael Rehwaldt <mrehwaldt@muscatineiowa.gov>, Allen Harvey <aharvey@muscatineiowa.gov>, "tspread@muscatineiowa.gov" <tspread@muscatineiowa.gov>, "Fitzgerald, Philip" <pfitzgerald@muscatineiowa.gov>, Scott Natvig <snatvig@muscatineiowa.gov>, Bob Bynum <bbynum@muscatineiowa.gov>, Gregg Mandsager <gmandsager@muscatineiowa.gov>

Cc: "ssaucedo@muscatineiowa.gov" <ssaucedo@muscatineiowa.gov>

Morning,

I am asking can the team please use my City's Email ssaucedo@muscatineiaowa.gov and avoid using my work email as past several emails have been.

I reached out to Brandy last night because I wanted to get a better understanding of the roles responsibility and qualifications needs for candidates. I work closely with her husband at work here at work .

After speaking with her on the phone she sent me the attached email .

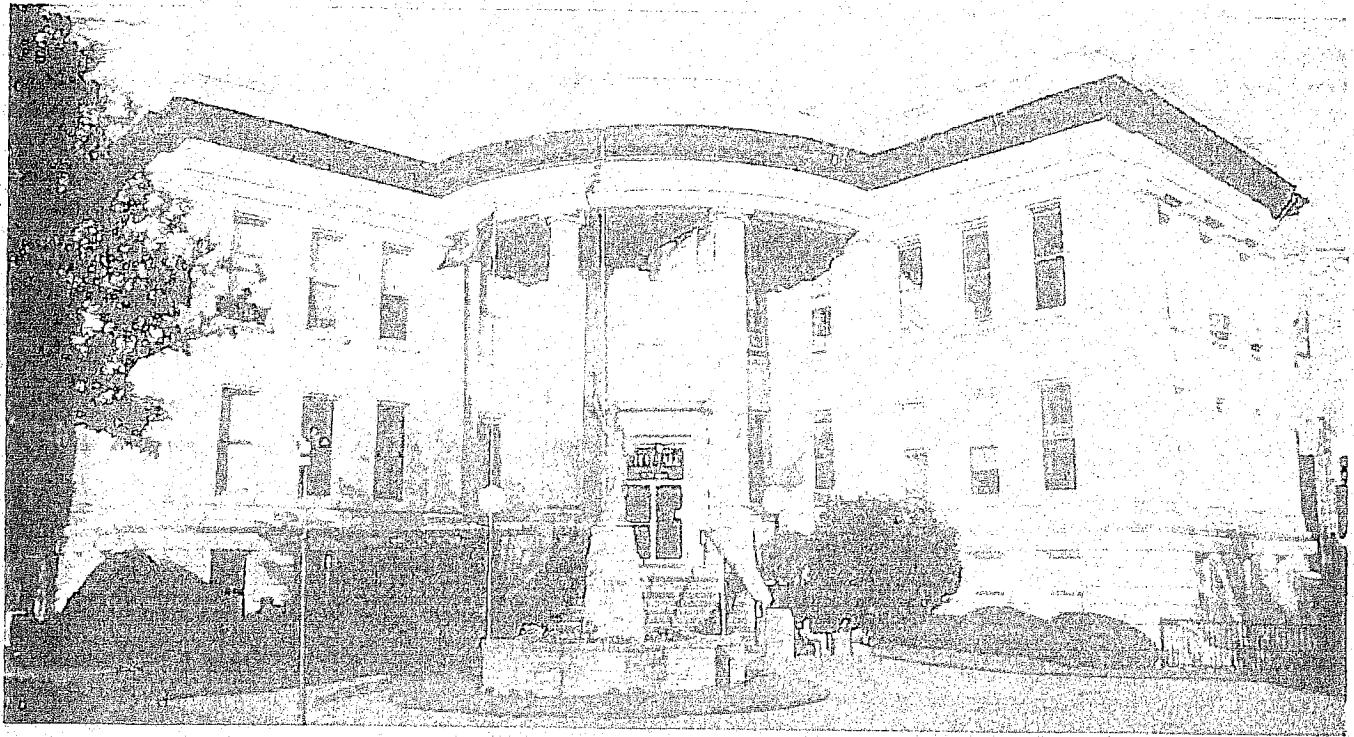
Reading from the attach – Brandy can be re-appointed and is willing to serve .

Also in the potential candidates are we not supposed to have 30day notice prior to any Appointments?

And these appointments were sent out on Mon 3/1/16 and now on the Agenda for the Public to see .

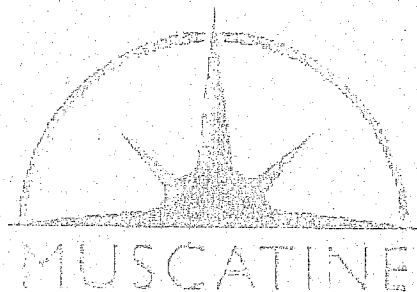
Thank you, Phil<mrehwaldt@muscatineiaowa.gov>, Gregg Mandsager gmandsager@muscatineiaowa.gov

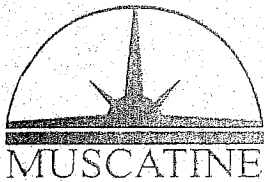
Santos



The City of Muscatine

2016 Employee Handbook





City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 264-1550
Fax (563) 264-0750

HUMAN RESOURCES

To: Gregg Mandsager, City Administrator
From: Stephanie Romagnoli, Human Resources Manager
Date: February 14, 2017
Re: Approval of Employee Handbook

The employee handbook has been updated to reflect changes in both employment policies and legal requirements. It has been reviewed by City staff and by legal counsel. There were several changes to this version, and outlined here are the most significant.

Update to Ethics Policy:

Updated this policy to include some of the same language in the City Council rules.

Prohibition Against Partisan Political Activity:

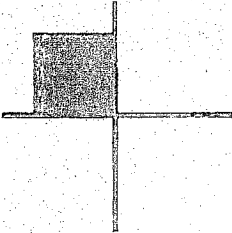
This policy is being updated to clarify the use of City property, logo, or other employment related items when an employee is a candidate for office. This is not permitted without specific approval to do so.

Social Media Policy:

This policy has been updated.

There are several additional updates and wording changes to maintain compliance with various legal requirements. The handbook has also been given a new, updated look. A copy of the manual is attached.

At this time, I am requesting approval of the employee handbook from the City Council. Please let me know if any additional information is required.



STATEMENT OF RECEIPT

Please read and sign the Statement of Receipt and return it to the Human Resources Department for your official personnel record.

I have received my copy of the Employee Manual, which outlines policies and procedures for the City of Muscatine. I will familiarize myself with the material and understand that I am governed by its contents.

These policies and procedures affect all City employees. If I work under a collective bargaining agreement, I understand that policies and procedures may be different and, where the union agreement and this manual differ, the labor agreement controls.

I understand that nothing in the Employee Manual is considered as either an explicit or implicit employment contract between the City and me. In the absence of law or legal contract, employment with the City of Muscatine is terminable at the will of the employer. In addition, I may terminate my employment with the City at any time.

I also understand that the City may change, rescind or add to any policies and procedures described in the Employee Manual at its discretion.

Signature

Date

By signing underneath, I specifically acknowledge receipt, review and understanding of the City's Drug and Alcohol Policy.

Signature

Date

By signing underneath, I acknowledge receipt, review and understanding of the City's Harassment Policy.

TABLE OF CONTENTS

Welcome	4
Your City Government	5
Employment Practices, ADA	6
Ethics Policy	7
Employee Partisan Political Activity	9
Salary and Payroll	10
Promotions/Demotions	11
Employee Health & Fitness	13
Drug and Alcohol Policy	14
Smoking Policy	16
Safety Policy	17
Harassment Policy	19
Employment Separation	21
Electronic Communications	23
Social Media	25
Cell Phones	29
Employee Benefits	31

WELCOME TO MUNICIPAL EMPLOYMENT

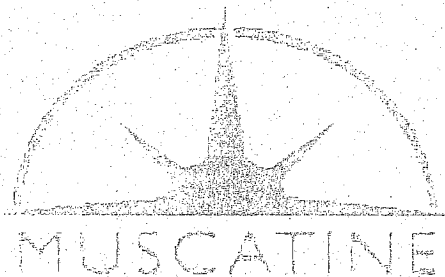
Each person in the organization provides a valuable service to the community and it is our goal to provide these efficiently and with the best interests of the citizens in mind.

This handbook is intended to provide you with a guide for what is expected of city employees. Please review and understand these policies. If you have any questions or concerns regarding items in the handbook, your supervisors and HR department staff will be happy to assist you.

Whether you are just beginning your career with the city or you are a long time part of our organization, we are happy to have you as a member of the team. Your commitment to the City of Muscatine is appreciated.

Mayor

City Administrator



INTRODUCTION TO THE ORGANIZATION

MISSION STATEMENT:

Provide effective municipal services, excellent customer service and sound fiscal management that improves quality of life and ensures a sustainable economy.

VALUES:

Integrity, Respect, Innovation, Excellence,
Professionalism, Customer Service, Fiscal Responsibility

YOUR CITY GOVERNMENT AS AN ORGANIZATION

Because of your appointment as a city government employee, it is beneficial to understand something about the City's organizational structure. Your employer, the City of Muscatine, is a municipality governed by a mayor and seven council members, who are elected by the citizens of Muscatine to serve regular terms on a non-partisan basis. Elections are held every two (2) years with Council members elected to hold four (4) year staggered terms. The City Council holds all legislative and policy-making authority. In Muscatine, the City Council has appointed a City Administrator to carry out the policies formulated by the Council and to administer the day-to-day operations of the City according to the municipal code and other regulations.

As a municipal employee, you are a representative of the City of Muscatine. You should be willing to uphold this obligation in a manner that will promote respect for city government. City of Muscatine employees are expected to represent their employer as responsible, courteous and efficient members of public service. In addition, prompt and dependable work attendance is required. Because of the obligation to provide public service to the community, a consistent and positive commitment is necessary from each employee.

The City of Muscatine consists of many departments, divisions, and boards and commissions, which serve to provide a variety of municipal services. An organizational chart is shown in Appendix A. In addition, more information about department responsibilities and the city budget is available on the City's website at www.muscatineiowa.gov.



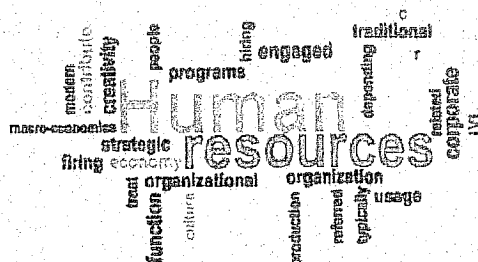
EMPLOYMENT PRACTICES

The City of Muscatine has adopted an Equal Employment Policy and Affirmative Action Program that is administered in all employment areas. It requires that employees and applicants not be discriminated against because of age, race, creed, color, gender, sexual orientation, gender identity, national origin, religion, disability, or any other factor prohibited by law. It is City policy not to discriminate against protected individuals with regard to the application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. In addition, any type of sexual harassment on the job will not be tolerated and should be reported promptly to a supervisor, department head, administrative office representative or elected official.

The Human Resources Department normally handles recruitment for city employment. Through a wide recruitment program, the City seeks qualified applicants to fill entrance positions.

Selection for City positions is determined based upon a variety of selection methods, and depending on the nature and status of the vacant position, examinations may be held under Civil Service guidelines. In addition, interviews are typically held to determine the candidate best suited to fill the vacancy. A job offer is made contingent upon the candidate passing a physical and a drug screen.

Postings of Civil Service examinations typically occur for a period of at least seven days prior to opening the vacancy up to outside recruitment. This allows for non-probationary Civil Service employees to apply with the Human Resources Department within the time limit.



ADA POLICY



The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA)—as well as relevant state law—require employers to provide reasonable accommodations to allow qualified individuals with disabilities to perform the essential functions of their jobs. It is the policy of the City to comply with all Federal and state laws concerning the employment of persons with disabilities.

CIVIL SERVICE

Civil Service covers all regular full-time employees with the exception of department heads/supervisors, confidential secretaries, library, and art center employees. Regular part-time, temporary, and seasonal employees, as well as elected officials are also excluded.

Civil Service examinations are administered to determine basic qualifications of applicants for each Civil Service position, and examinations are developed in line with the knowledge, skills and abilities required for the particular position.

Appointments to Civil Service position vacancies are contingent upon an applicant's successful qualification and certification by the Civil Service Commission. The Civil Service Commission also approves all examinations administered.

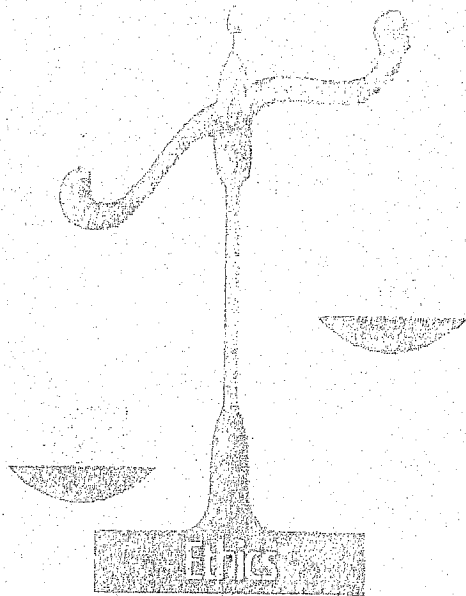
In addition, the Civil Service code provisions set forth the procedures for employee appeals in cases of suspension, demotion and discharge.

The permanent official records are maintained for all Civil Service employees in the Human Resources Department.

CITY OF MUSCATINE ETHICS POLICY

As outlined in the City Council Ethics policy, employees are required to act in a manner that preserves and enhances public trust. Our reputation as a City is based on the employee's ability to conduct themselves professionally, responsibly, and ethically. We expect all employees to act within generally accepted business, occupation, and professional standards while employed for the City.

Where there is a question about the proper approach to take in a situation, employees may use the following five questions as a guideline:



1. The Golden Rule- Am I treating others the way I would want to be treated?
2. The Raised Eyebrow test- How would your co-workers, friends, or family react to your judgments or decisions?
3. Kid on your Shoulder Test-How would you feel if a child was on your shoulder while making the decision?
4. The Media Test- How would you feel and how would the City look if your actions appeared on the front page of the newspaper?
5. The Conscience Test- If it feels wrong, it usually is wrong!

CONFLICT OF INTEREST

The definition of conflict of interest is a situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self interest, professional interest, or public interest. While on duty for the City, it will be your job as an employee to make sure you are serving for the City's interests and not your own personal gains. If a conflict of interest cannot be avoided, immediately notify your supervisor to make them aware of the situation. While under city employment you shall not be directly or indirectly involved with any outside business that may jeopardize your interests with the City and interfere with the City's operations. Also, an employee may not directly or indirectly benefit from the sale of city property such as land, equipment, supplies, etc. Any employee involved in procurement must avoid conduct that would create a conflict of interest, or reasonable appearance of interest with vendors, suppliers, or consultants. Employees should also comply with the conflict of interest provisions as outlined in the City's purchasing policies.

CITY PROPERTY

City property is defined as a broad range of assets including all property that the City owns, property the City leases or borrows, and intangible property such as time, facilities, and confidential or proprietary information. Use of City property such as the use of time, facilities, supplies, equipment, funds, or confidential information use is intended for to be used for work related purposes. Any use for personal purposes without proper approval is strictly prohibited and may result in disciplinary action up to and including termination. You as an employee are responsible for providing honest and accurate information. Knowingly providing false, incomplete, or inaccurate information is improper and also may be illegal.

OUTSIDE EMPLOYMENT

While under employment with the City, no employee shall engage in outside employment other than with the City if it is proven to impede or prevent the employee from performing their duties with the City. In regards to future employment, all offers outside of city employment must be reported immediately with supervisor and it will be supervisor's discretion to decide if the offer will impede employee of decision making skills that are directly related to the company the offer came from.

REPORTING AND DISCIPLINARY ACTIONS

You have a duty as a City employee to report any unethical conduct or actions by any director, supervisor, or employee that does not directly comply with the Code of ethics. If it is found that you have violated the Code or you failed to report a known or suspicious violation of the Code, it shall result in disciplinary actions against you. No employee shall retaliate against another employee or person for submitting a complaint. If it is found that there has been retaliation for the complaint, there will be disciplinary measure taken toward the retaliator(s). If you want to file a complaint, you can do so with complete confidentiality to a supervisor or human resources to resolve the problem. As an employee, you will be expected to operate under the Code of Ethic set forth by the City. Failure to do so will result in disciplinary measures that can result in termination or other consequences. It may also result in civil or criminal prosecution and/or suit by the City to recover losses or damages resulting from the violation. Also, anyone with the knowledge of any wrong doing must report it immediately or risk facing disciplinary actions for not acting upon the knowledge of the wrong doing.

GIFTS

Under no circumstances should an employee give or offer a customer anything to influence a favorable customer action. Also, employees may not accept any gift from donors, vendors, contractors that could directly or indirectly financially benefit the employee's immediate family. If you are offered a gift you should refuse the gift upon delivery. If you are not able to refuse, immediately notify Human Resources about the gift so they can arrange the gift to be donated to an appropriate organization. If there are any questions about whether the gift is legal or should be rejected, please refer to Appendix A, Chapter 68B.22 of Code of Iowa, Gifts Accepted or Received.

PROHIBITION AGAINST PARTISAN POLITICAL ACTIVITY

Prohibited Activities. All employees shall be hired without regard to political considerations. In accordance with this policy, City employees shall:

- A. Refrain from seeking or accepting to use any political endorsement or support in connection with appointment to a Civil Service or municipal position.
- B. Refrain from using their influence publicly in any way for or against any candidate for elective office in the municipal government.
- C. Not circulate petitions or publicly campaign on behalf of any local municipal elective official.
- D. Not engage in, nor permit activity prohibited by Section 68A and 68B of the code of Iowa
- E. Employees who become candidates for any elective office may not use city time, facilities, uniform, business card, city logo or other evidence of employment as a campaign tool without written consent of the City Administrator.

A Civil Service or municipal employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing thirty (30) days prior to any election and continuing until after the election, automatically be given a leave of absence without pay. An employee who is a candidate for an elective public office shall not campaign while on duty as a municipal employee. If elected, such employee is eligible to serve as a Civil Service or municipal employee only until qualification for the elective office, at which time the rule of conflict of interest would apply per Iowa Code Section 68B.2A.

Permitted Activities. Nothing in Section 5 of this Chapter shall prevent employees from belonging to any political party, club, or organization; from attending political meetings; from expressing their political views in private or outside of working hours and off City premises; or from voting with complete freedom in any election.

UNION ORGANIZATIONS

Various employees of the City of Muscatine are represented by one of the three separate union organizations

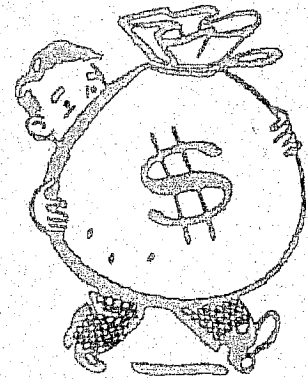
City employees are given a choice of whether they wish to become dues paying members of a union. Following the probationary period, new employees may be contacted by the appropriate union steward regarding membership in the union. Questions regarding union provisions should be addressed to a steward

Employees covered under a collective bargaining agreement need to understand that policies and procedures governing his/her employment may be different from those stated in this manual and, where the union agreement and this manual differ, the labor agreement controls.

Salary and Payroll Information

Payday for all employees occurs on a bi-weekly basis every other Friday. Your paycheck will be distributed in your own department. If you choose, you may participate in the "direct deposit" program offered to employees. In compliance with state law, employees who do not use direct deposit and wish to have their paychecks mailed must complete a mailing authorization form.

In addition to deductions required by law (i.e., FICA, Social Security, etc.), automatic payroll deductions may occur for such items as health insurance, dental insurance, life insurance, deferred compensation, union dues, credit union, safety equipment and the United Way. All amounts taken from your checks through payroll deductions will be indicated on the paycheck stub. Questions regarding paychecks are to be directed to the Finance Office or the Human Resources Department.



PROBATIONARY PERIOD

A probationary employee is one who has not completed six (6) months of continuous service. During the first six months of employment, the employee may be disciplined or discharged by the employing person or body without right of appeal. In certain circumstances, the City may elect to extend the probationary period beyond six (6) months with review by Human Resources and the approval of the City Administrator.

TEMPORARY ASSIGNMENTS

Employees of this status assigned to a higher or lower job classification on a temporary basis shall receive his/her own pay or the pay designated for the temporary classification, whichever is higher, provided that the higher pay in the temporary classification shall not be applicable until after the employee has served more than twenty (20) consecutive days in the temporary classification. However, the City Administrator may approve payment for temporary services at a higher rate prior to the twenty (20) day requirement.

HOURS OF WORK

The normal workweek for employees is 40 hours (2,080 hours per year) exclusive of unpaid lunch periods. For designated 24-hour shift supervisory personnel at the Fire Department, a normal workweek will be considered at least 56 hours (2,912 hours per year).

Regular Part-time

Hours are less than 40 per week on a year-round basis.

EMPLOYEE PERFORMANCE APPRAISAL PROGRAM

As a new employee, you will be expected to perform the essential functions and responsibilities of the position to which you have been assigned to the best of your ability. Your supervisor will observe your work during your probationary period. Prior to receiving your regular appointment status, your performance will be evaluated signifying the successful completion of your probationary period and the move into regular employment in your classification.

After your initial probationary period evaluation and as part of your ongoing city employment, your work performance will be periodically reviewed. It is the intent that each employee has a performance review at least once each year. This provides an opportunity for employees and supervisors to jointly review performance in line with job responsibilities and effectiveness, and to initiate planning, goal setting and identification of work efforts for the upcoming year. The annual evaluation also provides an outlet for employer/employee communication regarding the employee's work in conjunction with effective departmental operations.

Your work
is going to fill a large part of your life,
and the only way to be truly satisfied is to
do what you believe is
Great work
and the only way to do
Great work
is to love what you do.

Steve Jobs

Difficult doesn't mean
impossible, It simply
means that you have
to work hard.

~Unknown

16quotes.com

PROMOTIONS, DEMOTIONS, TRANSFERS

Promotional positions within the City departments shall be filled through internal promotions where possible in accordance with Civil Service law and City policy. When an employee is promoted to a classification having a higher pay range, the employee shall receive a salary increase to the pay step in the new range closest to the employee's former step. When circumstances warrant, the City Administrator may make an exception to this policy.

Transfers of employees from one department to another within the same classification may occur when it has been deemed to be in the interest of the City to do so. When an employee transfers, no salary increase shall be granted because the transfer and longevity pay is retained.

Demotions applied in employment will bring the salary of the demoted employee to within the range established for the classification to which he/she is demoted.

If an employee hired before July 1, 1982 is promoted or transferred to a critical position, the residency requirement will not be applied provided that the employee complies with the requirement on the next change of residence.

This policy is not applicable to seasonal or regular part-time employees.

ADMINISTRATION OF PAY PROGRESSION

A non-union/non-supervisory pay and classification plan has been approved by the City Council and is maintained by the City Administrator. All employees will be compensated within the established salary range for his/her classification.

Employees will advance through the steps as follows:

Step 1	Normal entry rate
Step 2	After 6 months in position
Step 3	1 1/2 years in position
Step 4	2 1/2 years in position
Step 5	3 1/2 years in position



Those employees who begin their employment with the City above Step 1 shall proceed through the remaining steps within the pay range until Step 5 is reached. Once an employee has reached step 5, he/she may be eligible for increases each budget year as dictated by the City Council.

A pay plan for seasonal employees will be approved by the City Council and maintained by the City Administrator. Appointment in a classification will be at the pay grade assigned to the classification of work. Appointments may occur above the initial appointment wage if approved by the City Administrator.

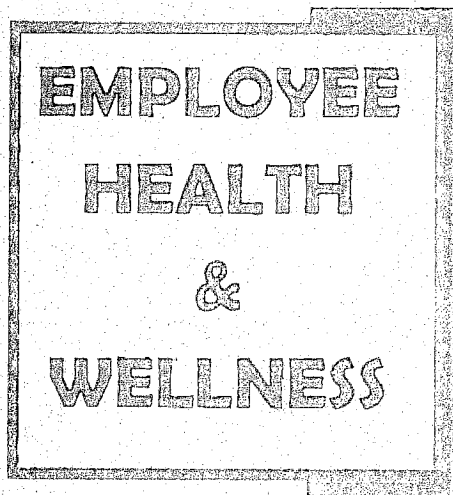
An employee may be denied a step increase due to inadequate performance upon the approval of the City Administrator.

In the case of promotion to a step above Step 1, consideration may be given for a step increase after six months of employment in the new pay grade upon written request of the department head and approval by the City Administrator.

In the event an employee takes a period of unpaid leave, the date for pay increase will be delayed for a period of time equal to the time of unpaid leave. Subsequent increases will not be delayed but will return to the employee's original pay progression schedule.

LONGEVITY PAY

Non-union/non-supervisory regular employees shall, in addition to their regular compensation, be paid longevity pay in the amount of \$13.00 per month for each five (5) year increment of continuous city employment in an eligible employment status. Pro-rated benefits for longevity are provided for certain regular part-time personnel.



PHYSICALS

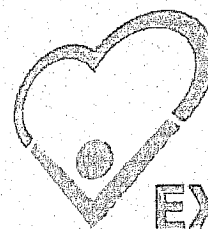
In order to determine physical fitness for performance of essential job responsibilities, new employees are provided a physical examination, which is arranged and paid for by the City after a job offer is made. The City may also require a physical examination for the purpose of determining fitness to perform the essential functions of a position if a problem is evident that is affecting an employee's work. The City may also require a return-to-work physical following a period of illness or injury and also may require a physical for movement from one classification to another.

THRIVE! WELLNESS PROGRAM

The city also provides its employees an opportunity to participate in a wellness program. The wellness programs includes several facets including fitness scholarships to assist with the cost of joining a health club, the annual comprehensive wellness screening program, and Employee Assistance Program (EAP), annual hearing tests, and a variety of other safety, fitness, or wellness programs.

Employees may earn points toward wellness awards by logging various wellness activities through the Wellmark website. These awards are given annually based on the number of points earned.

EMPLOYEE ASSISTANCE PROGRAM POLICY



EXERCISE
& WELLNESS

The City of Muscatine provides an Employee Assistance Program (EAP) as part of the wellness program. This program offers free and confidential counseling visits to employees and their dependents.

The goal of the Employee Assistance Program is to maintain and enhance employees' well-being and work productivity. The EAP provides confidential, professional assistance to employees and family members. Assistance is provided for such problems as alcohol abuse, substance abuse, marital or family distress, and financial, legal, and emotional concerns. Genesis EAP can be contacted by calling 563-264-2725.

DRUG AND ALCOHOL POLICY

The City of Muscatine has a Drug and Alcohol Testing Policy.

Employees are hereby notified that the use, sale, purchase, transfer or possession of a controlled substance except as prescribed by a licensed physician in a legitimate treatment of illness is hereby prohibited. Employees are also prohibited from being under the influence of an alcoholic beverage during hours of employment, or at any time the employee is in a City facility, vehicle, piece of equipment, or when the employee is performing work on behalf of the City.

City employees are required, as a condition of continued employment with the City of Muscatine, to comply with the laws on controlled substances. Any known work-related violation of said laws must be reported to the employee's supervisor within five days of occurrence. Any employee convicted of violating any controlled substance law, operating while intoxicated, or public intoxication, must notify their supervisor of the conviction within five days of the conviction. Employees are responsible for notifying their supervisor of any use or suspected use of controlled substances or alcohol by any person or employee that may affect work performance.

The City of Muscatine tests in the following situations: Pre-Employment, Post Accident and Reasonable Suspicion, and random testing for certain classifications of employees.

NEW EMPLOYEES

Drug screening is a required part of the pre-employment health physical that is provided to all regular new employees of the City. Approval of new hire and/or continued employment is based on a successful report in this screening. New hires testing positive in the City's drug screen taken as part of the pre-employment physical process are automatically disqualified from employment.

NOTICE
THIS IS A
DRUG-FREE
WORKPLACE

RECORD KEEPING

The records of testing activity and testing results are maintained in a records file separate from the employee's personnel file. Results of screens and other test results are sent directly to the City Administrator or designated representative. Efforts will be made to treat all such information as confidential.

CURRENT EMPLOYEES

No testing of current employees is planned except in the following situations:

REASONABLE SUSPICIAN TESTING

The City may require a test of an employee suspected of being under the influence of a drug or alcohol in the workplace when the City has a reasonable suspicion that the employee's faculties are impaired or when the employee is in a position where such impairment presents a danger to the safety of the employee, another employee, a member of the public, property of the City or when impairment is a violation of a known work rule.

POST ACCIDENT TESTING

Employees involved in on-the-job accidents when circumstances involve a death or reportable injury, involve damage to City or private property in excess of \$1,000, or when employees engage in unsafe on-duty activity are subject to post accident testing. Alcohol testing will be performed within 8 hours and drug testing will be performed within 32 hours of the incident.

DEPARTMENT OF TRANSPORTATION(DOT) REGULATIONS-

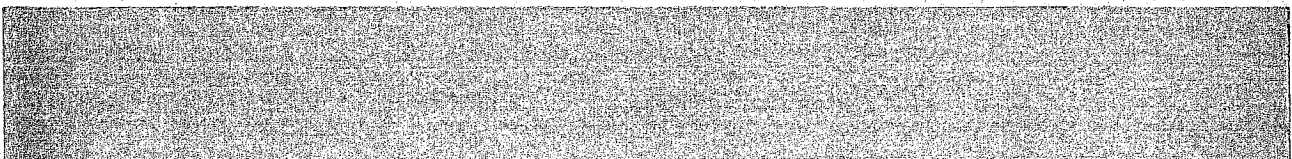
Two classes of City employees are required to submit to drug and alcohol testing under DOT regulations and are as follows:

- 1) All safety-sensitive employees of the Transit Division (whether or not they hold a Commercial Driver's License).
- 2) All employees holding a Commercial Driver's License who could potentially drive City vehicles/equipment which require a CDL.

A copy of the DOT regulations can be obtained from the Human Resources Department.

Assistance for substance abuse problems is provided to employees through the City's EAP Program. This assistance may be sought through supervisory referral or by the employee voluntarily. An employee with a positive drug test will be required to undergo an evaluation with a substance abuse professional and comply with resulting recommendations. A second positive drug test may result in discipline, up to and including termination.

A complete copy of this policy is available in the Human Resources Department.



SMOKING POLICY

The State of Iowa prohibits smoking in public places and provides a penalty for non-compliance.

Smoking, use of tobacco products, and use of e-cigarettes and vapor cigarettes is prohibited in all City buildings, grounds and vehicles. Smoking, use of tobacco products, and use of e-cigarettes and vapor cigarettes in parking lots is also prohibited, unless the employee is inside his/her personal vehicle. The only exception to this policy will be certain undercover police vehicles that are excluded from the law.

Employees are expected to refrain from tobacco use during their normal work hours. Smoking during breaks and lunch periods must take place off of City property (except open areas of the City parks) or inside personal vehicles.



EMPLOYEE SMOKING CESSATION ASSISTANCE

The City of Muscatine will provide financial assistance to employees and spouses who are currently smokers but wish to become non-smokers by participating in a smoking cessation class.

The City will reimburse employees for 100% of the total cost and reimbursement to a spouse for 50% following successful completion of the program. The reimbursement applies only to classes and not to other smoking cessation aids.

SAFETY POLICY

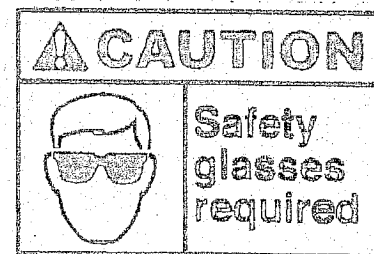
Recognizing that safety, health, and economic opportunity are of great importance to every employee of the City of Muscatine, the City Council is dedicated to the protection and conservation of its human, physical and financial resources. Safety is an integral part of all facets of employment of the City of Muscatine. Each department's goal will be to have zero injuries.



Each employee must develop a positive attitude toward safety, accepting accountability for personal safety and the safety of fellow employees. This will result in a commitment to:

- *Viewing rules and procedures as a means of accomplishing safe results rather than a roadblock to overcome.
- *Showing of mutual concern for employees by constantly looking for unsafe work practices and stopping unsafe acts.
- *Continuing a high degree of communication with peers, supervisors, and subordinates by discussing safety on a regular basis as well as reporting all injuries and emergencies.
- *Accepting the responsibility to work safely and to extend this concern for personal safety to fellow employees.

Employees are expected to follow all City and departmental rules regarding the use of safety equipment. Reimbursement programs are available for safety shoes and safety eyeglasses. Information on these programs is available in each department and in Human Resources.



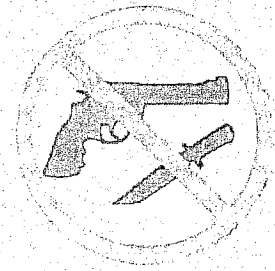
POLICY FOR WORKPLACE THREATS AND VIOLENCE

The safety and security of its employees is important to the City of Muscatine. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property will not be tolerated. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits and shall remain off City premises pending the outcome of an investigation. The City of Muscatine will initiate an appropriate response, which may include, but is not limited to, suspension and/or termination of any business relationship, assignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

All City personnel are responsible for notifying their supervisor of any threats they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or otherwise connected to the City or City-owned property. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the supervisor is not available, personnel should report the threat to their department head, Human Resources Manager, City Administrator or an elected official.

All employees who apply for or obtain a protective or restraining order which lists City locations as being protective areas, must provide to the designated management representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

WEAPONS OR OTHER INSTRUMENTS OF VIOLENCE



Possessing, using, or threatening to use a weapon in City facilities or on City property is forbidden. Weapons are defined as, but not necessarily limited to, the following:

- ◊ Firearms or ammunition
- ◊ Knives
- ◊ Explosives; or
- ◊ Any other implement, when used or when the use of the implement as a weapon is implied or threatened.

Exceptions to this policy are firearms, ammunition, knives, explosives, or other instruments either issued or approved by the City Administrator as being necessary for the employee in the performance of their job requirements.

NON-RETALIATION POLICY

The City prohibits retaliation against any employee who, in good faith, raises concerns about harassment or inappropriate behavior or anyone who, in good faith, has aided in providing information during an investigation. Retaliation could include, but is not limited to spreading rumors, committing acts of discrimination or harassment, disparaging their work or character, or the like. Such retaliation can be an independent justification for the imposition of disciplinary action up to and including termination, regardless of whether the original concerns raised are substantiated.



HARRASSMENT POLICY

SEXUAL HARRASSMENT

Sexual harassment in the workplace will not be tolerated.

The definition of sexual harassment is an unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature, when

- a) submission to such conduct is made an implicit or explicit condition of an individual's employment;
- b) submission to or rejection of such conduct affects employment opportunities; or
- c) such conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

OTHER HARRASSMENT

In addition to sexual harassment, the City also prohibits any employee from harassing another employee based on ethnicity, race, gender, national origin, religion, age, disability, gender identity, sexual orientation or other characteristic protected by law. Such harassment may include derogatory remarks, epithets, offensive jokes, the display of offensive printed or visual material, or offensive physical actions that unreasonably interfere with an individual's work performance or create an abusive work environment.

All harassment claims must be made in good faith.

REPORTING CLAIMS

Situations, incidents and environments, including harassment from persons not employed by the City, should be reported promptly to a supervisor or department head. Any employee may also report an incident to the Human Resources Manager or City Administrator. Employees may also speak to the City Attorney if none of the previously mentioned people are available or if said people are involved in the harassment. A prompt, impartial and discreet investigation will be held and if a violation is found, corrective action will be taken by the employer.

MISCELLANEOUS POLICIES

DISCIPLINE POLICY

This discipline policy has been established to maintain consistent guidelines for all departments in their enforcement of employee conduct in work situations. If the employer has reason to discipline an employee, it will be done in a manner that does not embarrass the employee before other employees. Discipline will be administered for infractions by the employee of City policies, regulations, management goals, and other guidelines as set forth by the City, and it is the policy of the City that discipline shall be administered in a firm and fair manner.

The City does not implement disciplinary action in any particular order, and will review each case individually and issue disciplinary action as deemed necessary and appropriate in each circumstance. As employment with the City is at will, termination may occur at any time, with or without reason or notice.

Causes for disciplinary action include, but are not limited to items listed under this section. The following conduct is unacceptable and will subject the employee to discipline, which may include oral and/or written reprimand, suspension, discharge, other appropriate measures such as probation or required training and/or a combination of the aforementioned, without previous warning or notice:

- ♦ Engaging in activity which disparages or damages the City;
- ♦ Theft, disobedience or insubordination, refusal to perform an assigned job;
- ♦ Willful destruction or defacing City property, deliberate falsification of information;
- ♦ Alteration of timecard, including punching another employee's timecard;
- ♦ Unexcused or excessive absenteeism or tardiness or abuse of sick leave;
- ♦ Sleeping while on duty (not applicable to on duty firefighters during sleeping periods)

The above is provided for illustrative purposes only and is not an all-encompassing list. Other violations may be grounds for discipline, up to and including termination. In addition, an employee may be dismissed for unsatisfactory work performance whenever work habits, attitude, production, or ability to handle the duties of the position fall below the desired standards for continued employment.

EMPLOYMENT SEPARATION

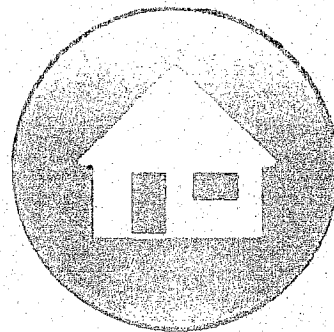
Should you decide to resign or retire from City employment, you are asked to give reasonable notice to your employer. Your resignation date will be your last actual working day. Vacation or other paid leave may not be used to "extend" that date. In addition, City employees wishing to resign are expected to provide at least two weeks' notice to the department head or department supervisor and to sign a Voluntary Resignation form stating the complete reason for your resignation. Sometime after your resignation notice, an exit interview will be held.

In the event of layoff, the City will provide the employee with as much notice as practical and attempt to provide at least two weeks' notice. In the case of layoff of Civil Service employees, a Certificate of Preference in the employee's classification will be issued, providing rehire rights and preference.

When employment separation is due to appropriate disciplinary action, no notice period will be provided.

EXIT INTERVIEW

An exit interview will be scheduled with a terminating employee prior to the last day of work. This will provide a continued review and record of employee turnover, and each employee leaving the City of Muscatine employment will be asked to fill out an exit questionnaire.



ACCESS TO HUMAN RESOURCES

During your time of employment, questions may arise regarding human resources practices, city benefits, or other employment matters. These questions may be directed to Human Resources for referral, resolution or service.

In addition, any employee may view his/her own personnel file by appointment during the business hours of the office.

RESIDENCY REQUIREMENTS

All employees of the City must reside within 30 air miles of City Hall and in Iowa within six months of hire or promotion.

OPERATION OF CITY VEHICLES

The City of Muscatine is strongly committed to the safe operation of the vehicles in its fleet, of its motorized equipment, and to personal safety. In order to help ensure the safe and legal operation of these vehicles, the following policy has been adopted.

Applicants for positions that require driving will not be considered
if their driving records exceed these standards.

- More than three (3) moving violations in the past 12 months or more than five (5) moving violations in the past 24 months.*
- Two (2) or more accidents reportable under the laws of the State of Iowa, and in which the potential employee received a citation, in the past 36 months.
- A violation for Operating While Intoxicated (OWI) in the past 48 months or multiple violations in the past ten (10) years.

Employees who operate city vehicles are expected to adhere to the following guidelines:

Vehicles are to be used for City business only.

No other passengers are to be allowed in City vehicles except when such individual is involved with City business.

Vehicles are to be driven only when necessary, and drivers are to be energy conscious at all times.

Vehicles should be cleaned inside and out on a regular basis.

The vehicle shall be properly maintained at the appropriate intervals and emergency repairs made as needed.

All vehicles must have City of Muscatine stickers and vehicle numbers on them at all times with the exception of vehicles that, by their use, would exclude the use of such stickers or markings.

No smoking or tobacco use is allowed in City vehicles at any time.

Seat belts are to be worn at all times except as exempted in Iowa Code 321.445.

The City Administrator must approve any exceptions to these guidelines.

Employees in positions which require a Commercial Driver's License (CDL) or the operation of a City vehicle will be subject to an annual review of their motor vehicle report (MVR). Employees required to drive as part of their duties are expected to notify the City of all traffic citations, whether received on or off duty, within 24 hours of receipt. Any license suspensions should be reported immediately.

Employees required to drive City vehicles must remain insurable by the City's automobile insurance carrier. If an employee is no longer insurable by the City's carrier, said employee will no longer be eligible to drive a company vehicle, which may result in termination of employment.

*Note: Violations of The Iowa Code, Section 321.210 (2) (d) are not applicable as moving violations

ELECTRONIC COMMUNICATIONS



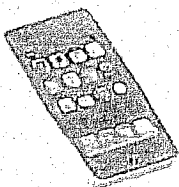
The City at its expense provides Internet, E-mail, and voice mail technology and it is the private property of the City. All communications over and activity conducted on the City-owned systems and equipment are the property of the City. The employee should have no expectation of personal privacy when using City-owned systems or equipment. The City may review, audit, or download messages that employees send or receive and may monitor Internet access.

The City provides e-mail, computer, voice mail and in some cases cell phone systems for employees to communicate with one another and persons outside of the City. In order to protect the confidentiality of communications, each employee has a distinct password and security code to access his or her computer and telephone messages. These passwords must be provided to the City Administrator, or to his designee. The City has the ability to access and monitor all such communications.

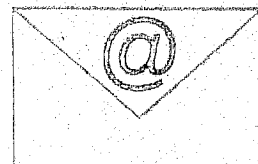
E-mail and other means of electronic communications are business tools to permit rapid and efficient communications with a large audience. This City system is a business system, and not a personal communications network or bulletin board. Users of these tools should apply good judgment and common sense. Electronic communication should be conducted as if it were done in a public meeting following the rules of ethical conduct and non-discriminatory behavior.

Employees will be expected to take full responsibility for their electronic communications. All communications shall be made with the acknowledgment that there is minimal control over what the recipient does with it. Employees should keep in mind that electronic communications have been used against employees and employers in legal proceedings.

In the event the City receives information that an employee is abusing the system or is sending harassing, damaging, or defamatory messages, an investigation will be conducted and the employee will be informed at the beginning of the investigation. Use of the City's e-mail system, voice mail, and other computer facilities shall comply with all laws and regulations and shall exhibit the highest moral and ethical standards of business conduct



INTERNET, E-MAIL AND VOICE MAIL



Electronic Communication Continued

Internet access is to be used to communicate with fellow employees and citizens regarding matters within an employee's assigned duties, to acquire information related to or designed to facilitate the performance of regular assigned duties, and to facilitate performance of any task or project in a manner approved by an employee's supervisor. No one shall use any City computer hardware, software, network facilities, or information in a manner inconsistent with this policy and/or without proper authorization. No one shall assist in, encourage, or conceal from the City any unauthorized use, or attempt at unauthorized use, of any City computer hardware, software, network facilities, or information.

Virus-checking software is made available to users of the City's network environment and should be used with all electronic files or other software loaded onto City equipment or introduced by any means (i.e., Internet, floppy disk, CD-ROM, file transfer, or other sources). No one shall copy, install, or use any software or data files in violation of applicable copyrights or license agreements. No software shall be installed on City equipment without prior authorization of the City Administrator or his/her designee.

In the use of City Internet access, the following is prohibited:

Dissemination or printing materials (including articles and software) in violation of copyright laws.

Sending, receiving, printing or otherwise disseminating proprietary data, trade secrets or other confidential information, including any information of the City in violation of policy or proprietary agreements.

Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age disability, religion or political beliefs.

Sending or soliciting sexually oriented messages or images.

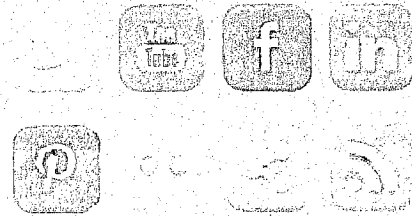
Operating a business, usurping business opportunities or soliciting money for personal gain or political lobbying activities

Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal law.

Using the equipment for personal, political or religious purposes.

Should an employee wish to clarify whether or not the use of any City technology is questionable, it should be discussed the City Administrator of approval.

Social Media



Purpose

This policy sets forth guidelines for the establishment and use by the City of Muscatine of social media sites as a means of conveying City of Muscatine information to the public. The intended purpose behind the use of City of Muscatine social media sites is to disseminate information from the City, about the City, to the public in a civil and unbiased manner. The City of Muscatine has an overriding interest and expectation in deciding what is communicated on behalf of the City on City social media sites.

Definition

For the purposes of this policy, social media means any facility for online publication and commentary, including without limitation blogs, wiki's, content hosting sites such as Flickr and YouTube, and social networking sites such as Facebook, LinkedIn, and Twitter. This policy is in addition to and complements any existing or future City of Muscatine policies regarding ethics, the use of technology, computers, smart phones, e-mail and the internet.

Scope

This policy applies to the use of social media to interact with the public by City employees in their capacity as a City employee; however, this policy is not intended to infringe upon an employees' right to discuss working conditions.

General Use Policy

* Approval and Administration

The establishment and use by any City Department of City social media sites are subject to approval by the City Administrator or his/her designees. All City of Muscatine social media sites shall be administered by the Department Director or his/her designees.

* Compliance with Applicable Laws and Policies

Users of all City social media shall adhere to applicable federal, state and local laws and policies.

* City Website Shall Remain the Primary Source of Information and be Linked to in Posts

Informational items posted on City social media sites should also be available on the main City website. The City website at <http://www.muscatineiowa.gov> will continue to serve as the main information source.

***Conduct Requirements When Posting On Behalf Of City**

An employee representing the City of Muscatine using social media sites must conduct themselves at all times as a representative of the City of Muscatine, and be in accordance with City policies. As examples, employees posting on behalf of the City should utilize appropriate and professional language, attire, and profile pictures. Employees who fail to conduct themselves in a positive and professional manner will be subject to Disciplinary Action Procedures which are located in the Employee Manual.

***Commenting On Third-Party Sites Regarding City Business**

The City of Muscatine may become a subject in a media outlet that allows interaction (e.g. blogs, comment portions of online news sources). Only City staff with approval to communicate with the media as a spokesperson are permitted to comment in these forums as official representatives of the City of Muscatine.

***Misinformation**

If a City employee finds a posting or comment about the City of Muscatine that contains incorrect information, they are to report it to their supervisor as soon as possible. Additionally, comments posted by employees that contain misleading or inaccurate information may lead to disciplinary action up to and including termination.

***Unacceptable Uses**

The City considers the activities and uses of social media listed below to be unacceptable. Employees are prohibited from engaging in any of them on a social media account established by the City or a City department.

- Using social media in a manner that does not comply with federal, state, and local laws and regulations, and with City and department policies.

- Using social media in a manner that:

1. Violates the terms of contracts governing the use of any social media content, including but not limited to, software and other intellectual property licenses;
2. Contains confidential or "for official use only" information or information that compromises the security of City networks or information systems. Such for official use only or confidential information includes, but is not limited to, information that is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal, state, or local laws and regulations (except as permitted under such laws and regulations), as well as social security numbers and other personally identifiable information;

-
3. Violates the terms of use governing the social media account
 4. Discloses actual or potential claims and litigation involving the City.
 5. Discloses any personal, sensitive, or confidential information about anyone.
 6. Contains photographs of employees without their written permission (Where applicable). Photos taken on City property do not require written permission for City use. Additionally, it is the City's intention to comply with provisions regarding official photographs outlined in Iowa Code Section 80F for public safety personnel.
 7. Includes content prohibited in the comment policy.

This list is not exhaustive. Questions about particular uses of social media or particular social media content should be directed to the City Administrator or his or her designee.

Comment Policy

In accordance with the City's purpose to use social media as a mechanism to disseminate information to the public, that is, to engage in government speech, the City reserves the right to disable, or prevent commenting on any of its social media pages. The City reserves the right to remove comments subject, but not limited to the following guidelines:

- ~Comments not related to the topic of discussion
- ~Profane language or content
- ~Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
- ~Sexual content or links to sexual content
- ~Solicitations of commerce
- ~Conduct or encouragement of illegal activity
- ~Information that may tend to compromise the safety or security of the public or public systems
- ~Content that violates a legal ownership interest of any other party

Monitoring for Compliance

Departments shall monitor their social media sites for comments requesting responses from the City and for usage in violation of this policy.

Compliance with State of Iowa Public Records Law

City of Muscatine social media sites are subject to State of Iowa public records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for public records on social media. Content related to City business shall be maintained in an accessible format pursuant to City policy and practice so that it can be produced in response to a request.

In addition, wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.

Personal Social Media Accounts

This policy is not intended to govern employees' establishment or use of personal social media accounts for personal purposes, outside the workplace and using non-City information systems. However, some personal uses of social media may reflect on the City or appear to represent City policy or to be on behalf of the City. For this reason, City employees are expected to comply with all City and department policies, as well as the following standards, when using personal social media accounts.

*Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements or other social media content are an official policy, statement, position, or communication of the City of Muscatine, or represent the views of the City or any City officer or employee, unless the Department Director or the City Administrator have granted express permission for that user to do so.

*If a City employee has not received such express permission, any user profile, biography, or posting on a personal social media account that identifies that person as a City employee must include a qualifying statement in substantially the following form: "The views I express on this site are my own and do not reflect any official view or position of the City of Muscatine."

The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Employees shall not engage in name-calling or personal attacks or other such demeaning behavior. Comments posted by employees that contain misleading or inaccurate information may lead to disciplinary action up to and including termination.

CELL PHONE/WIRELESS COMMUNICATION POLICY

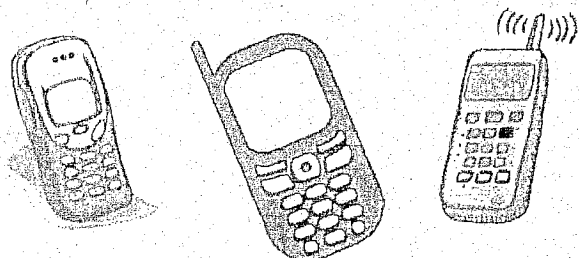
Requests for wireless communications equipment and services must be made to the Department Director. The Department Director, subject to City Administrator approval, will determine if and what communication equipment will be needed by an employee. The Department Director has the authority to determine, at any time, whether or not a cell phone is a justified communication device. If it is determined by the Department Director that a cell phone is a necessary communication device for an employee, two options are available for service

OPTION 1: CITY-PROVIDED SYSTEM

- A City-provided phone is to be administered by the Department
- The Department will investigate plan options, administer distribution of phones and maintenance issues, audit charges, and process invoices for payment
- City cell phones are not to be used for personal communication either outgoing or incoming
- The cell phone number must be supplied to the City Administrator's Office.
- Any change in cell phone number(s) or cell phone assignment(s) must be supplied to the City Administrator's Office.
- The City's Finance Department will audit each employee's cell phone calls at least once per year. For that month, each employee will be required to identify calls as to whether they are business or personal.
- Employees must acknowledge and agree to this policy by their signature on the attached form.

OPTION 2: ALLOWANCE SYSTEM

- A \$30 monthly allowance is given to the employee. (This is a taxable benefit.)
- The employee is to purchase their own plan and phone.
- The employee is responsible for maintenance and/or loss of the phone and for payment of invoices.
- There is no restriction of calls and no City audit of charges. However, if there is a performance issue or concern of illegal activity arising out of use of the phone during work hours, the City reserves the right to review personal cell phone statements.
- The cell phone number will be supplied to the City Administrator's Office.



Personal Cell Phones

The use of personal cell phones for personal use, should be limited, to the extent possible, to break times and before or after work. Excessive personal use during work periods could lead to disciplinary action.

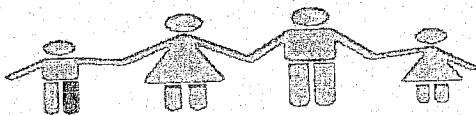
ACCESS TO HUMAN RESOURCES

During your time of employment, questions may arise regarding human resources practices, City benefits, or other employment matters. These questions may be directed to Human Resources for referral, resolution or service.

In addition, any employee may view his/her own personnel file by appointment during the business hours of the office.

EMPLOYMENT OF RELATIVES

No individual may be hired or transferred into a position in which the employee would be supervised by a member of the immediate family or in which the family member would have administrative discretion over the individual's terms and conditions of employment; or in which the individual would supervise a member of the immediate family or have administrative discretion over the family member's terms and conditions of employment. For purposes of this paragraph, immediate family consists of spouse, mother, father, brother, sister, children, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, or cousin.



OUTSIDE EMPLOYMENT

An employee working in any position in addition to his/her full-time position with the City must notify the department head of such outside employment. Outside employment shall be subject to the following conditions:

It must not interfere with the employee's effectiveness in performing his/her duties for the city.

It shall not be a conflict of interest with City employment or interfere with any response to City emergency calls.

It must not cause adverse publicity to the City or the employee.

The above requirements do not apply to seasonal or regular part-time employees.

RESIDENCY REQUIREMENTS

All employees of the City must reside within 30 air miles of City Hall and in Iowa within six months of hire or promotion.



DRESS CODE POLICY

All employees are expected to exercise discretion and good taste in the matter of dress. Cleanliness and good grooming is expected of all personnel. Employees are expected to be appropriately dressed for the type of work they are performing. Each department may with City Administrator approval determine its definition of acceptable appearance standards balanced by public impression, comfort, health, and safety. A department head may require an employee to leave his/her job without pay when the attire or the employee's general appearance is considered inconsistent with City policy.

All employees who are supplied with uniforms are to report to work each day in a clean uniform. Employees required to wear uniforms are provided an annual allowance and are expected to manage this account in a way that provides proper uniform attire throughout the year.

Employees may purchase shirts, sweat-shirts, and jackets with the City logo for their own use, which may be worn only while working for the City or elsewhere with prior approval of the City Administrator.

Benefits

Leave Policies

HOLIDAYS

The following are declared to be legal holidays for City employees with the exception of Library employees:

New Year's Day	Presidents Day	Memorial Day	Independence Day	Labor Day
Veteran's Day	Thanksgiving Day	Thanksgiving Friday	Christmas Eve	Christmas Day

For Library employees the following shall be declared legal holidays:

New Year's Day	Memorial Day	Independence Day	Labor Day	Thanksgiving Day
Christmas Eve Day	Christmas Day	Floating Holiday	Floating Holiday	Floating Holiday

The Library Board, may from time to time, designate additional floating holidays to facilitate maximum service of the public, provided the number of holidays given do not exceed 10 in each calendar year. The holiday schedule will be reviewed and set by the Library Board in advance of each calendar year.

Non-Union Regular Part-time personnel receive holiday benefits at the following rates:

20-29 hours	1/2 benefits
30-39 hours	3/4 benefits

When a holiday falls on a Sunday, Monday shall be observed as a regular holiday. When a holiday falls on a Saturday, Friday shall be observed as regular holiday. The City Council may designate additional days as paid holidays. In order to be eligible to receive holiday pay, an employee must report to work on the employee's last scheduled workday before the holiday and the first scheduled workday after the holiday, unless the absence has been pre-approved.

Non-Union/Non-Supervisory personnel who are required to work on a holiday will receive one and one-half his/her normal rate of pay in addition to the holiday pay allowed.

Benefits

LEAVE POLICIES

VACATION

Non-Union/Non-Supervisory employees must reduce their vacation hours to the maximum accumulation earned by their anniversary date each year. Vacation may be used as earned following the first six (6) months of employment. Following the first year of employment, employees are required to take at least one full workweek of vacation each year. Vacation hours over the maximum accumulation may be carried over with the approval of the department head and the City Administrator. Employees in these classifications accumulate vacation at the following rates:

	Full - time	3/4 time	½ time
First Anniversary Date	80 hours	60 hours	40 hours
Fifth Anniversary Date	120 hours	90 hours	60 hours
Thirteenth Anniversary Date	160 hours	120 hours	80 hours
Twentieth Anniversary Date	200 hours	150 hours	100 hours

BEREAVEMENT LEAVE

Employees shall be allowed time off with pay in the event of a death in the family as follows:

- 1) Up to five (5) days to arrange and attend funeral of spouse and children, including stepchildren.
- 2) Up to three (3) days for funeral of parents, step-parents, parents-in-law, grandparents, grandchildren, brother, sister, son-in-law, daughter-in-law or any relative within the first degree living in the household.
- 3) The department head may allow an employee the necessary time off with pay to attend the funeral of members of the family not included above or of a close family friend.
- 4) Because of extraordinary factors necessitating additional time off, supplementary funeral leave with pay may be accorded to the employee at the discretion of the City Administrator.

PERSONAL LEAVE

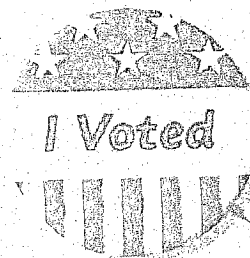
Personal leave is defined as leave with pay for personal reasons during working hours. Personal leave is intended for matters that cannot be delayed to an off day such as attending to legal business, admitting or discharging an immediate family member from the hospital, etc. This leave may be granted by a department head for a period of less than the regularly scheduled work shift and shall be requested with as much advance notice as possible by the employee. As personal leave is granted for part of a work shift only, the employee shall be required to report for work prior to or after the business for which the personal leave has been granted.

Non Union/Non Supervisory personnel shall be granted 8 hours of personal leave each year, beginning on July 1 provided the employee has completed the probationary period by that date. Half-time employees will receive 4 hours of personal leave, $\frac{3}{4}$ time employees will receive 6 hours of personal leave each year beginning on July 1.

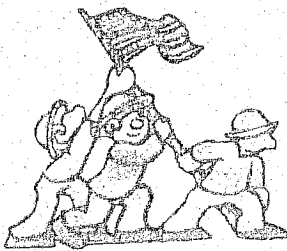
Personal leave does not apply to regular part-time employees.

VOTING LEAVE

Employees required to work for all of the hours which the polls are open on an election day shall be given sufficient time off with pay to vote.



MILITARY LEAVE



The City will grant leave of absence for military pay in compliance with the provisions of State and federal law.

JURY DUTY

The City of Muscatine will pay all regular employees called to serve on any jury (or subpoenaed to testify as a witness for the City) the difference in wages between any court pay and their regular earnings for regular working hours absent due to jury service, which is defined as time of examination, selection, or actual service on a jury or as a subpoenaed witness. The City retains the right to adjust the work schedule of the called employee for pay purposes for the tour of jury or witness duty.

Benefits:

James P. Higgins

SICK LEAVE

Paid sick leave is intended to protect against loss of pay when needed and not as guaranteed "time off" for the employee. Employees of the City shall be granted eligibility for leave of absence from their employment with full pay for any cause due personal illness, injury, or for personal or immediate family medical, dental or optical appointments that cannot be scheduled during non-working hours or legal quarantine. Hours earned during a pay period are credited the last day of any pay period and are not available for use until the first day of the next pay period. Sick leave credit accumulated during the time spent on sick leave will not be available for use during the current illness but will be counted as part of new accumulation of sick leave beginning one (1) week after return to full time service.

The sick leave benefit provision is as follows:

Full-time employees (40 hours/week) accrue sick leave at a rate of 4.62 hours per pay period.

Part-time employees (30-39 hours/week) accrue sick leave at a rate of 3.46 hours per pay period.

Part-time employees (20-29 hours/week) accrue sick leave at a rate of 2.31 hours per pay period.

Maximum accumulation of sick leave for any employee not covered by a collective bargaining agreement shall be 1,120 hours. Request for extension for unpaid leave after the exhaustion of the above-listed benefits will be determined upon the recommendation of the department head and approval by the City Administrator.

VALID USES OF SICK LEAVE:

Personal illness or injury.

Dental appointments.

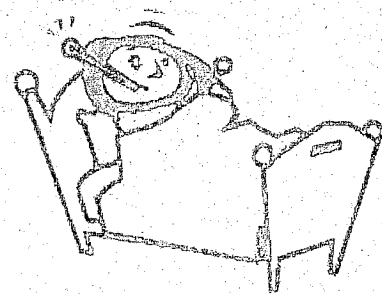
Eye examinations.

Doctor appointments and medical testing.

Approved visits to medical facility as part of a rehabilitation program.

Health-related counseling or examination.

Up to five (5) days per calendar year for medical or dental care of an employee's spouse, child, parents, or family member living in the employee's immediate household.



Termination of employment for any reason other than retirement shall terminate any obligation of the employer in connection with unused sick leave and shall not entitle an employee to provide any payment upon termination for any accrued but unused sick leave.

FAMILY AND MEDICAL LEAVE POLICY

Employees, who have been employed for at least one (1) year, and have worked at least 1,250 hours during the preceding 12-month period, are eligible for family and medical leave.

Family or medical leave will consist of appropriate accrued paid leave and, if paid leave is insufficient, unpaid leave. Depending on the need for the leave, the employee must use accrued sick leave (if appropriate), vacation, and/or compensatory time. Upon expiration of available paid leave, the remainder of the leave will consist of unpaid leave.

Eligible employees are entitled to up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA), or possibly up to 26 weeks of leave in any 12-month period in compliance with The Support for Injured Service members Act of 2007, for one or more of the following reasons:

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. To care for the employee's spouse, son or daughter, or parent who has a serious health condition;
3. For a serious health condition (as that term is defined by law) that makes the employee unable to perform the employee's job;
4. For a covered family member's active duty or call to active duty in the Armed Forces; or care for an injured or ill service member.

An employee requesting leave must complete the appropriate form(s) and return them to the Human Resources (HR) Department. Forms are available in the HR Department.

Employees must provide as much advance notice as possible and are requested to provide at least thirty (30) days' notice of the need to take FMLA leave when the need is foreseeable. When notice of at least thirty (30) days is not possible, the employee must provide notice as soon as practicable and generally must comply with normal leave request procedures.

The City reserves the right to designate leave as Family and Medical Leave and employees may be required to complete the medical certification forms for leave in excess of three (3) days and as outlined in the Act. For leave in excess of ten (10) days, a medical certification will be required. Failure to comply with this request could result in disqualification of the leave.

FAMILY AND MEDICAL LEAVE POLICY (Continued)

During a period of family medical leave, an employee will be retained on the City health plan under the same conditions that applied before leave commenced. To continue health coverage, dental coverage or life insurance coverage the employee must continue to make any contributions that he or she made to the plan before taking leave. An employee is not entitled to the continuation and/or accrual of any other employment benefits that would have occurred if not for the taking of the FMLA leave.

The City, at its discretion and expense, may require a second medical opinion and periodic recertification. If the first and second opinions differ, the City, at its expense, may require the binding opinion of a third health care provider, approved jointly by the City and employee.

Prior to returning to work from FMLA leave for the employee's own serious health condition, the employee must present a certification from the health care provider that he/she is able to resume work with or without medical restrictions. If certification is not received, return to work may be delayed.

The Clinic may require an employee on FMLA leave to report periodically on his/her status and their intention to return to work, and also periodic recertification of the medical condition.

Employees who return to work from family or medical leave of absence within or on the business day following the expiration of the twelve (12) or, if eligible, twenty-six (26) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

ABSENCE WITHOUT LEAVE

If an employee is voluntarily absent from duty without proper authorization for part or all of a workday or work shift, such absence may be grounds for disciplinary action, up to and including termination. Voluntary absence without leave for a period of two (2) workdays shall generally result in immediate termination of employment.

LEAVE OF ABSENCE WITHOUT PAY

Employees who desire to secure temporary leave from their regular duties may, with the approval of the department head and the City Administrator, be granted a special leave of absence without pay for a period not exceeding one month for each year of service.

Requests for special leave of absence shall be submitted in writing and shall state the reasons for such request, the need for such leave, the date when the leave is to begin and the date of return to work.

During a leave of absence without pay, the employee must pay any group hospitalization and dental premiums that come, pay for premiums for coverage under the group life insurance policy, and shall not receive any other job benefits during the period of absence.

Benefits

Other

WORKER'S COMPENSATION

All employees of the City are covered by worker's compensation with the exception of employees covered under provisions of the Code of Iowa for Police and Fire disability. No employee shall be eligible for the duplication of Worker's Compensation and sick leave benefits; however, upon written request the City Administrator will consider allowing an employee to receive normal pay during the illness or injury leave time by the use of employee's accumulated sick leave.

HEALTH INSURANCE

Full-time employees will receive a single policy of hospitalization/health insurance with the City providing a contribution of 95% of the premium, and the employee is responsible to pay 5% of the cost. Dependent coverage by the employee is also available with the City providing a contribution of 95% dependent coverage cost with the employee responsible to pay 5% of the cost.

Regular part-time employees may purchase health insurance at the group rate.

DENTAL INSURANCE

Dental Insurance is provided to all full-time employees with the cost for the dental insurance paid for by the City. Employees may elect dependent coverage through the group policy, if desired, at the employee's cost.

Regular part-time employees may purchase dental insurance at the group rate.

LIFE INSURANCE

Full-time employees will receive a term life insurance policy, which will remain in effect during employment with the City. The City pays the premium for single coverage under the policy. The amount of insurance is one (1) time the annual salary to the next higher thousand dollars.

Full-time employees may choose to purchase additional insurance on their own lives. Some additional life insurance is also available for dependents at the employee's expense.

Benefits do not apply to regular part-time employees.

LONG TERM DISABILITY

Long-term disability insurance has been purchased for non-union full-time employees. This benefit is designed to replace a portion of an employee's income when he/she cannot work on a full-time basis because of injury.

This benefit applies to non-union full-time employees only.

FLEXIBLE BENEFITS ACCOUNTS

Employees are offered the opportunity to select a medical reimbursement account and/or a dependent care reimbursement account at the beginning of each calendar year. The medical reimbursement account offers the ability to pay for out-of-pocket medical expenses with pre-tax payroll deductions. The dependent care reimbursement account allows pre-tax payroll deductions for payment of childcare or care of a disabled dependent parent or spouse. Information regarding this benefit is available in the Human Resources Department.

EDUCATIONAL BENEFITS

The City of Muscatine provides educational assistance for employees as outlined below. An application form must be filled out for every course. For purposes of this policy, course work must be taken from an accredited college or university and approval for course work by the employee's Department Head, City Administrator and Human Resource Department is required prior to registration or enrollment.

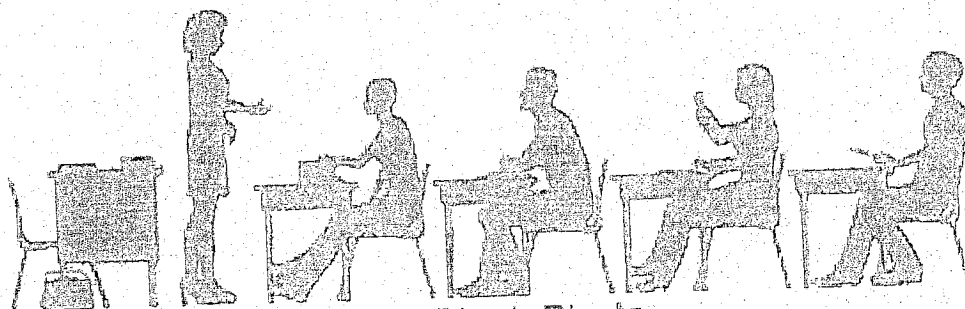
The courses taken must be shown to benefit the City by giving employees a better understanding of their current positions or preparing them for possible future positions within the City. Funding must be budgeted for or available within the department's budget prior to beginning coursework.

Employees will be reimbursed following the completion of courses taken with the prior approval of the City as outlined above. The City will reimburse the cost of registration, tuition, and lab fees. All other fees and book costs are at the expense of the employee. In order to be eligible for reimbursement, an employee must be employed at the start and completion of their course work and a copy of the employee's transcript showing a letter grade "C" or better (i.e., an average or above average grade) along with an invoice from the institution must be forwarded to the Human Resources Department.

Classes should be scheduled outside of the normal working hours. If extenuating circumstances occur, management may consider alternative work schedules.

The City will not pay for courses which are not completed, or for course work in which a grade of "C" or better is not obtained. For example, the City will not pay for course work where an employee receives a "pass" in a pass/fail grading scale.

An employee who leaves employment will be required to repay the city for tuition and lab fees reimbursed to them during the last 24 months of employment.



© Can Stock Photo

Benefits

01/1/14

RETIREMENT BENEFITS

As an employee, you will be participating in the Iowa Public Employees' Retirement System (IPERS) designed by state law to provide retirement benefits after employment service. In order to assist you in understanding this program, IPERS information explaining your rights and benefits under this system is available in the Human Resources Department.

Certain employees may be eligible for benefits in an Early Retirement Program, which has been adopted by the City. Additional information on this program is available in the Human Resources Department.

Sworn police officers and full-time fire department personnel receive retirement benefits through contributions to the Municipal Fire and Police Retirement System of Iowa.

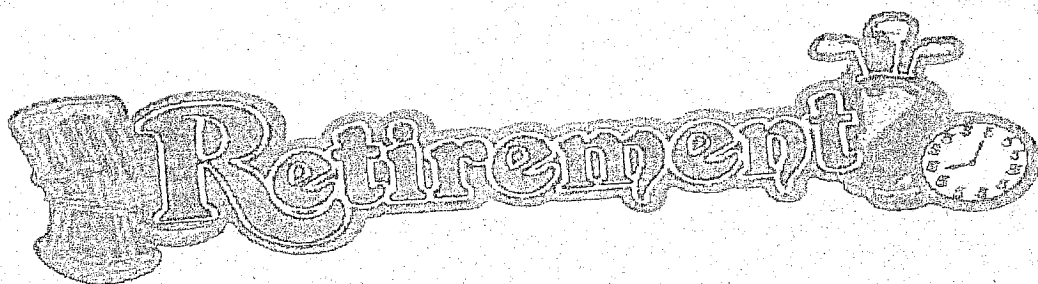
All regular employees (full- or part-time) may participate in a deferred compensation program offered by ICMA Retirement Corporation or by Nationwide Retirement Systems. An option for a Roth IRA is also available. The employee provides 100% of the participation funding.

RETIREMENT HEALTH SAVINGS ACCOUNT

The Retirement Health Savings program (RHS) is a fund that provides tax-free money for health care expenses following employment with the City. An annual contribution is made for each employee in a participating group on July 1st of each year. At retirement 2/5 of accrued sick leave is placed in this account for use to pay health care premiums.

This money is available for employees' use following termination of employment.

Complete information about the RHS is available in the Human Resources Department.



BOARD OF WATER, ELECTRIC AND COMMUNICATIONS TRUSTEES

Length of Term: Six years, maximum two full terms

Meeting Time/Place: Last Tuesday - 7:00 p.m. - Power & Water Board Room

Mayor Appointment

Warren Heidbreder

Orig. Appt. 07-01-04
Term Exp. 6-30-16

Doyle Tubandt

264-4700 (O)

Orig. Appt. 10-01-05
Term Exp. 6-30-21

Susan Eversmeyer

(H)

Orig. Appt. 5-15-2014
Term Exp. 6-30-20

Steve Bradford

272-4999 (O)

Orig. Appt. 7-1-01
Term Exp. 6-30-19

Tracy McGinnis

262-3103 (O)

(H)

Orig. Appt. 06-07-12
Term Exp. 6-30-18

CABLE TELEVISION ADVISORY COMMISSION

NO LONGER ACTIVE

CIVIL SERVICE COMMISSION

Length of Term: Six years, maximum two full terms

Meeting Time/Place: 1st Thursday, 4:30 p.m. - City Hall Conference Room

Staff Contact: Human Resources Department

Brandy Olson

264-5000 (O)

Orig. Appt. 4-1-04
Term Exp. 03-04-16

Dan Olson

263-9258 (O)

(H)

Orig. Appt. 4-1-08
Term Exp. 4-1-20

Holly Jacobi

Orig. Appt. 9-17-15
Term Exp. 6-30-18

Ken Jensen

NUMBER OF MUSCATINE RESIDENTS AFFECTED:

There are over 23,000 citizens who reside in Muscatine, Iowa. By the Council and the City Administrator having their own personal agendas, their actions affect the citizens in the following negative ways:

1. There are continuous "closed door" sessions between the Council and the City Administrator. These meetings are done without the Mayor. The refusal of the Council and the Administrator to not place citizen concerns on the Council agendas speaks to the lack of concern, interest and respect that the Council and the Administrator have for not only the city but the citizens.
2. The Iowa Public Information Board warned the City Council and the City Administrator in regards to the closed-door sessions. They were warned that the minutes of the closed-door session lacked in their following of the Robert's Rules of Order. Furthermore, they were given warning to properly approve the minutes of the closed-door sessions in the Council meetings.

STEPS TAKEN RELATING TO THE INCIDENT:

We the citizens of Muscatine, Iowa have repeatedly reached out to both the City Administrator and the City Council with complete resistance from all sides. During a Council meeting on January 12, 2017, the citizens of Muscatine took time to speak to the Council and the City Administrator regarding thoughts on Council request to authorize and instruct the city attorney to file charges to remove the Mayor. During this meeting, the City Administrator attempted to remove citizens who were speaking. The Mayor is the only person allowed to ask for removal of someone from a meeting. The City Council sat talking amongst themselves, passing notes and text messaging. Some rolled their eyes while others appeared to be asleep. This has been an ongoing issue for well over one year.

There are hundreds of citizens who have repeatedly made phone calls as well as sent emails to their Councilmen. These calls and emails have gone by the wayside with zero communication from most of the Councilman. The Council has stated that they are not allowed to speak with anyone without the permission of the City Administrator.

When citizens address the Council, the Council Members and the City Administrator have interrupted and attempted to shut down anyone who questions the ethics and morals of the Council and Administrator. Anyone who questions decisions is interrupted and cut off. There is zero lack of communication and no resolution in site despite the repeated efforts of the citizens of each ward.

City Administrator/City Attorney
Subsection A Financial Information in Question

One of the reasons for the Muscatine City Council's request to impeach Mayor Diana Broderson might be found in the cost of legal fees and additional costs tied to litigation filed by the Muscatine Mayor during her tenure.

City Attorney Matthew Brick detailed the 2016 attorney fees in an email to Mandsager. That email was in response to an inquiry Mandsager received from Broderson requesting more information about costs and attorney fees. Brick's email stated that complaints filed by Broderson against city officials, staff, contractors, and citizens resulted in about \$64,000 in unbudgeted legal fees and \$43,600 in staff time during the 2016 calendar year. The breakdown of fees for service are as follows: City Administrator \$70/hr.; Clerk \$24/hr.; Finance Director \$40/hr. The total amount of \$107,000 breaks down to 427 hours at \$150/hr. for the city attorney. The amount of \$43,600 is the one year salary for the clerk. Based on all hours and fees, the breakdown comes to 8 hours daily for 6 consecutive months. This is an impossible feat and would require one person alone to be working on nothing more than things related to the Mayors request. In this instance, no other city business would be completed.

Mandsager had forwarded the email to the mayor and city council members early Wednesday morning. The email was also forwarded to the Muscatine Journal and Quad City Times.

The Muscatine city attorney said in an email to City Administrator Gregg Mandsager prior to the January 12, 2017 city council meeting that the city has incurred more than \$100,000 in unbudgeted expenses in fighting what he says are "unproven claims and allegations" made by Mayor Broderson.

As to the allegations that she caused funds to be spent by filing complaints, Broderson said she was just doing as the citizens asked.

"That's my job," she said.

Her reaction to the amount of costs paid to the city attorney was to wonder how much had been spent changing the city's appointment process. The council passed an amendment earlier in 2016 that created a nominating committee made up of the mayor, the city administrator or his appointee, and two council members to review candidates for city appointments.

"My take would be most of the money has been spent trying to reduce the office of mayor," she said.

Per Nancy Lueck, the finance director for the city, Brick charges \$150 per hour.

Based in a Des Moines office, Brick attends some meetings, including closed sessions

For the calendar year 2015, before Broderson was in office, the city paid the Brick Gentry Law Firm \$216,056.82, and in 2016 during her first year in office, paid \$249,783.74, per the city's

finance department. The amount, Lueck said, includes all "legal fees including labor-related services, fees charged to various capital projects, and those for special projects."

The amount differs by \$33,726.92. Matt Brick has not returned calls requesting information.

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

GENERAL INFORMATION

The City Attorney is retained by the City on a part-time basis and paid on an hourly basis. The City's previous long-serving City Attorney retired at the end of October, 2010. After soliciting proposals from interested attorneys, Matt Brick of the Brick Gentry Law Firm was selected to serve as the new City Attorney at a rate of \$150 per hour. The part-time City Attorney is available to the City Administrator and City staff on an "as needed" basis for legal assistance. With the change in City Attorneys, the City's prosecution function was separated from the City Attorney function. Jennifer Lerner was selected to serve as the City Prosecutor at a rate of \$85 per hour.

CURRENT TRENDS AND ISSUES

The revised estimate for 2011/2012 is \$5,000 higher than the original budget. The City's original 2011/2012 Legal Services budget included \$10,000 toward the cost of updating the City Code. The City Administrator researched various methods of updating the Code including various Code services firms as well as the City Attorney. The City Attorney provided a quote for a full update of the Code in an amount not to exceed

PERFORMANCE MEASURES

	Actual 2008/2009	Actual 2009/2010	Actual 2010/2011**	Estimated 2011/2012	Estimated 2012/2013
Hours of Legal Service Provided:					
City Attorney (previous including prosecutions) *	408	385	106	N/A	N/A
New City Attorney (excluding prosecutions) *	N/A	N/A	613	750	750
City Prosecutor	N/A	N/A	106	250	250

* City Attorney hours include those charged to capital projects and enterprise funds.

** The previous City Attorney retired at the end of October, 2010 and was replaced with a new City Attorney and City Prosecutor.

OBJECTIVES TO BE ACCOMPLISHED IN 2012/2013

- * To continue to respond to requests for assistance in legal matters by the Mayor, City Council, and City Administrator (all legal services requests are made through the City Administrator).
- * To complete a comprehensive update to the City Code. The Zoning Ordinance review and update will follow completion of the City's comprehensive plan. (Management Agenda Top Priority)

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

	Actual 2009/2010	Actual 2010/2011	Budget 2011/2012	Revised Estimate 2011/2012	Budget 2012/2013	Percent Change
Expenditure Summary						
Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Commodities	-	-	100	100	100	0.00%
Contractual Services	39,031	49,293	70,500	75,500	70,500	
Capital Outlay	-	-	-	-	-	
Transfers	-	-	-	-	-	
Total Expenditures	\$ 39,031	\$ 49,293	\$ 70,600	\$ 75,600	\$ 70,600	0.00%
Funding Sources						
General Revenues	\$ 39,031	\$ 49,293	\$ 70,600	\$ 75,600	\$ 70,600	0.00%

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

GENERAL INFORMATION

The City Attorney is retained by the City on a part-time basis and paid on an hourly basis. The City's previous long-serving City Attorney retired at the end of October, 2010. After soliciting proposals from interested attorneys, Matt Brick of the Brick Gentry Law Firm was selected to serve as the new City Attorney at a rate of \$150 per hour. The part-time City Attorney is available to the City Administrator and City staff on an "as needed" basis for legal assistance. With the change in City Attorneys, the City's prosecution function was separated from the City Attorney function. Jennifer Lerner was selected to serve as the City Prosecutor at a rate of \$85 per hour.

CURRENT TRENDS AND ISSUES

The revised estimate for 2012/2013 is \$10,000 less than the original budget. The original 2012/2013 budget included \$10,000 for updating the Zoning ordinance portion of the City Code. This update was originally planned for 2012/2013, but has now been deferred to 2013/2014 after the completion of the City's new Comprehensive Plan.

The 2013/2014 budget is the same as the original 2012/2013 budget and includes the allocation of \$10,000 for the update of the Zoning ordinance portion of the City Code. This budget is based on an estimate of the hours of legal services needed during the year. Legal services for capital projects and enterprise funds are charged to those projects or funds.

GOAL STATEMENT

To provide legal services to the Mayor, City Council, City staff, and Advisory Commissions and Boards to insure that all functions of the City are performed on a legal basis in accordance with the City Code, State Statutes, and Federal laws and regulations; to prosecute City Ordinance violations and defend the City when involved in lawsuits.

PERFORMANCE MEASURES

	Actual 2009/2010	Actual 2010/2011**	Actual 2011/2012	Estimated 2012/2013	Estimated 2013/2014
Hours of Legal Service Provided:					
City Attorney (previous including prosecutions) *	385	106	N/A	N/A	N/A
New City Attorney (excluding prosecutions) *	N/A	613	388	675	600
City Prosecutor	N/A	106	269	225	225

* City Attorney hours include those charged to capital projects and enterprise funds.

** The previous City Attorney retired at the end of October, 2010 and was replaced with a new City Attorney and City Prosecutor.

OBJECTIVES TO BE ACCOMPLISHED IN 2013/2014

- * To continue to respond to requests for assistance in legal matters by the Mayor, City Council, and City Administrator (all legal services requests are made through the City Administrator).
- * To complete a comprehensive update to the City Code with City Council review scheduled to begin in late spring or summer 2013. The Zoning Ordinance review and update will follow completion of the City's comprehensive plan (later half of 2013). (Management Agenda Top Priority)

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

	Actual 2010/2011	Actual 2011/2012	Budget 2012/2013	Revised Estimate 2012/2013	Budget 2013/2014	Percent Change
Expenditure Summary						
Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	-100.00%
Commodities	-	-	100	-	-	0.14%
Contractual Services	49,293	79,260	70,500	60,600	70,600	
Capital Outlay	-	-	-	-	-	
Transfers	-	-	-	-	-	
Total Expenditures	<u>\$ 49,293</u>	<u>\$ 79,260</u>	<u>\$ 70,600</u>	<u>\$ 60,600</u>	<u>\$ 70,600</u>	0.00%
Funding Sources						
General Revenues	<u>\$ 49,293</u>	<u>\$ 79,260</u>	<u>\$ 70,600</u>	<u>\$ 60,600</u>	<u>\$ 70,600</u>	0.00%

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

GENERAL INFORMATION

The City Attorney is retained by the City on a part-time basis and paid on an hourly basis. The City's previous long-serving City Attorney retired at the end of October, 2010. After soliciting proposals from interested attorneys, Matt Brick of the Brick Gentry Law Firm was selected to serve as the new City Attorney at a rate of \$150 per hour. The part-time City Attorney is available to the City Administrator and City staff on an "as needed" basis for legal assistance. With the change in City Attorneys, the City's prosecution function was separated from the City Attorney function. Jennifer Lerner was selected to serve as the City Prosecutor at a rate of \$85 per hour.

CURRENT TRENDS AND ISSUES

The revised estimate of \$70,600 for 2013/2014 is the same as the original budget and the 2014/2015 budget is also that same amount. This budget is based on an estimate of the hours of legal services needed during the year. Legal services for capital projects and enterprise funds are charged to those projects or funds.

GOAL STATEMENT

To provide legal services to the Mayor, City Council, City staff, and Advisory Commissions and Boards to insure that all functions of the City are performed on a legal basis in accordance with the City Code, State Statutes, and Federal laws and regulations; to prosecute City Ordinance violations and defend the City when involved in lawsuits.

PERFORMANCE MEASURES

	Actual 2010/2011	Actual 2011/2012	Actual 2012/2013	Estimated 2013/2014	Estimated 2014/2015
Hours of Legal Service Provided:					
City Attorney (previous including prosecutions) **	106	N/A	N/A	N/A	N/A
Current City Attorney (excluding prosecutions) *	613	388	637	540	500
City Prosecutor	116	269	240	215	215

* City Attorney hours include those charged to capital projects and enterprise funds.

** The previous City Attorney retired at the end of October 2010 and was replaced with a new City Attorney and City Prosecutor.

OBJECTIVES TO BE ACCOMPLISHED IN 2014/2015

- * To continue to respond to requests for assistance in legal matters by the Mayor, City Council, and City Administrator (all legal services requests are made through the City Administrator).
- * To complete a comprehensive update to the City Code with assistance from City Staff and review by City Council. The Zoning Ordinance update will begin in 2014 with a 2015 target for adoption. (Council and Management Economic Development Goal)

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

	Actual 2011/2012	Actual 2012/2013	Budget 2013/2014	Revised Estimate 2013/2014	Budget 2014/2015	Percent Change
Expenditure Summary						
Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
Commodities	-	-	-	-	-	
Contractual Services	79,260	68,202	70,600	70,600	70,600	0.00%
Capital Outlay	-	-	-	-	-	
Transfers	-	-	-	-	-	
Total Expenditures	<u>\$ 79,260</u>	<u>\$ 68,202</u>	<u>\$ 70,600</u>	<u>\$ 70,600</u>	<u>\$ 70,600</u>	0.00%
Funding Sources						
General Revenues	<u>\$ 79,260</u>	<u>\$ 68,202</u>	<u>\$ 70,600</u>	<u>\$ 70,600</u>	<u>\$ 70,600</u>	0.00%

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

GENERAL INFORMATION

The City Attorney is retained by the City on a part-time basis and paid on an hourly basis. The City's previous long-serving City Attorney retired at the end of October, 2010. After soliciting proposals from interested attorneys, Matt Brick of the Brick Gentry Law Firm was selected to serve as the City Attorney at a rate of \$150 per hour. The part-time City Attorney is available to the City Administrator and City staff on an "as needed" basis for legal assistance.

With the change in City Attorneys, the City's prosecution function was separated from the City Attorney function. The previous City Prosecutor left her position in 2014 and the City entered into an agreement with the County Attorney's office for city prosecutor services effective July 1, 2014 at an annual cost of \$40,000. Having the County Attorney prosecute City cases allows for a structural change in how these cases are prosecuted and with that change it is estimated that the City will realize increased court fines up to \$46,000 annually.

CURRENT TRENDS AND ISSUES

The revised estimate of \$96,700 for 2014/2015 is \$26,100 higher than the original budget. This increase includes (1) a \$22,000 increase for City Prosecutor services with the change to using the County Attorney's office for these services, and (2) an estimated \$4,100 increase in City Attorney legal services based on actual costs to date this fiscal year. As noted above, increased court fine revenues are expected to offset all or a significant portion of the increased costs for City prosecutions.

The 2015/2016 legal services budget of \$96,700 is the same as the 2014/2015 revised estimate. Legal services for capital projects and enterprise funds are charged to those projects or funds.

GOAL STATEMENT

To provide legal services to the Mayor, City Council, City staff, and Advisory Commissions and Boards to insure that all functions of the City are performed on a legal basis in accordance with the City Code, State Statutes, and Federal laws and regulations; to prosecute City Ordinance violations and defend the City when involved in lawsuits.

PERFORMANCE MEASURES

	Actual 2011/2012	Actual 2012/2013	Actual 2013/2014	Estimated 2014/2015	Estimated 2015/2016
City Attorney (excluding Human Resources legal services) *	388	637	580	\$149/hr 650	\$184/hr 650
City Prosecutor **	269	240	275	N/A	N/A

- * City Attorney hours include those charged to capital projects and enterprise funds.
- ** Beginning July 1, 2014 the County Attorney's office is serving as the City prosecutor under a contractual agreement. This is billed as a flat amount per the agreement; the specific number of hours are not tracked.

OBJECTIVES TO BE ACCOMPLISHED IN 2015/2016

- * To continue to respond to requests for assistance in legal matters by the Mayor, City Council, and City Administrator (all legal services requests are made through the City Administrator).
- * Working with City staff assist in the completion of the comprehensive update to the City Code including the Zoning Ordinance update for review and adoption by City Council. (Council and Management Programs and Services Goal)

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

	Actual 2012/2013	Actual 2013/2014	Budget 2014/2015	Revised Estimate 2014/2015	Budget 2015/2016	Percent Change
Expenditure Summary						
Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
Commodities	-	-	-	-	-	
Contractual Services	68,202	70,855	70,600	96,700	96,700	36.97%
Capital Outlay	-	-	-	-	-	
Transfers	-	-	-	-	-	
Total Expenditures	<u>\$ 68,202</u>	<u>\$ 70,855</u>	<u>\$ 70,600</u>	<u>\$ 96,700</u>	<u>\$ 96,700</u>	36.97%
Funding Sources						
General Revenues	<u>\$ 68,202</u>	<u>\$ 70,855</u>	<u>\$ 70,600</u>	<u>\$ 96,700</u>	<u>\$ 96,700</u>	36.97%

\$96,700 was legal fee budget

\$216,000 was actual paid to City Attorney

\$119,300 over

Part legal fees
to defend Red
light cameras

Does not include \$40,000 extra paid to County Attorney

Breakdown

700 average hours over

800 hours over budget based
on \$150/hr.

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services

GENERAL INFORMATION

The City Attorney is retained by the City on a part-time basis and paid on an hourly basis. The City's previous long-serving City Attorney retired at the end of October, 2010. After soliciting proposals from interested attorneys, Matt Brick of the Brick Gentry Law Firm was selected to serve as the City Attorney at a rate of \$150 per hour. The part-time City Attorney is available to the City Administrator and City staff on an "as needed" basis for legal assistance.

With the change in City Attorneys, the City's prosecution function was separated from the City Attorney function. The previous City Prosecutor left her position in 2014 and the City entered into an agreement with the County Attorney's office for city prosecutor services effective July 1, 2014 at an annual cost of \$40,000. Having the County Attorney prosecute City cases allowed for a structural change in how these cases are prosecuted and with that change additional court fine revenue is expected.

CURRENT TRENDS AND ISSUES

The revised estimate of \$96,700 is the same as the original budget and the 2016/2017 budget is also estimated at the same amount. Actual legal costs can vary from these estimates since many projects and issues that need legal assistance cannot be anticipated. Legal services for capital projects and enterprise funds are charged to those projects or funds.

GOAL STATEMENT

To provide legal services per the City Code to insure that all functions of the City are performed on a legal basis in accordance with the City Code, State Statutes, and Federal laws and regulations; to prosecute City Ordinance violations and defend the City when involved in lawsuits.

PERFORMANCE MEASURES

	Actual 2012/2013	Actual 2013/2014	Actual 2014/2015	Estimated 2015/2016	Estimated 2016/2017
City Attorney (excluding Human Resources legal services) *	637	580	1,013	1,200	800
City Prosecutor **	240	275	N/A	N/A	N/A

* City Attorney hours include those charged to capital projects and enterprise funds.

** Beginning July 1, 2014 the County Attorney's office is serving as the City prosecutor under a contractual agreement. This is billed as a flat amount per the agreement; the specific number of hours are not tracked.

OBJECTIVES TO BE ACCOMPLISHED IN 2016/2017

- * To continue to respond to requests for assistance in legal matters by the Mayor, City Council, and City Administrator (all legal services requests are made through the City Administrator).
- * Working with City staff assist in the completion of the comprehensive update to the City Code including the Zoning Ordinance update for review and adoption by City Council. (Council and Management Programs and Services Goal)

Function:
General Government

Department:
Legislative and Council

Activity:
Legal Services *\$22,000 moved to cover overage*

	Actual 2013/2014	Actual 2014/2015	Budget 2015/2016	Revised Estimate 2015/2016	Budget 2016/2017	Percent Change
Expenditure Summary						
Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
Commodities	-	-	-	-	-	
Contractual Services	70.855	96.922	96.700	96.700	96.700	0.00%
Capital Outlay	-	-	-	-	-	
Transfers	-	-	-	-	-	
			<i>\$70,600 Actual Budgeted</i>			
Total Expenditures	<u>\$ 70.855</u>	<u>\$ 96.922</u>	<u>\$ 96.700</u>	<u>\$ 96.700</u>	<u>\$ 96.700</u>	0.00%
Funding Sources						
General Revenues	<u>\$ 70.855</u>	<u>\$ 96.922</u>	<u>\$ 96.700</u>	<u>\$ 96.700</u>	<u>\$ 96.700</u>	0.00%

\$249,783 - actual paid to City Attorney

*\$153,083 difference between 2015/2016 and 2016/2017
paid to Matt Buck only*

Charges against Mayor Diana Broderson

From day one of taking office Mayor Broderson has been the recipient of what the community refers to as a witch hunt. City Administrator Gregg Mandsager was the previous city administrator for West Burlington, Iowa. During his employment, Mandsager served on boards that were not approved as they were a conflict of interest. Mandsager also black balled a council member who was eventually removed from his elected seat. The councilman sued Mandsager as well as the council.

Gregg Mandsager along with the Muscatine City Council have filed paperwork to begin the process of removing the current Mayor. The claims in their suit are frivolous and hold no merit. This suit is nothing more than propaganda to allow Mr. Mandsager and the City Council to cover up the investigation that is ongoing with the Iowa State Auditor's office.

The Iowa State Auditor will arrive in Muscatine sometime during the month of March. This began the feud between the Mayor and the Council. The Mayor questioned financials and asked the Auditor for an audit. At the time, they agreed to do a partial audit of the finances. Upon completing that audit, the Auditor decided that there was enough evidence to review the financials for the previous three (3) years. That report will be released by the end of this month per the office of the Auditor.

The Council by order of the Administrator has removed the Mayor of her powers. During council meetings, the Council is disruptive and argumentative to the Mayor.

There are two very large points that stand out in the charges. First, the date stamp. The received stamp to the administrator is February 16, 2016. This is 45 days after the Mayor took Office.

Secondly, the city attorney has taken one law 66.29 and added law from 66.1 to fit their personal agenda.

A letter from your office to Senator Rich Taylor dated October 13, 2016 states that the City Council does not have the right to remove the power of the Mayor. *See attached letter and charges against the Mayor*

THOMAS J. MILLER
ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
P: 515-281-5164
www.iowaattorneygeneral.gov

October 13, 2016

The Honorable Rich Taylor
State Senator
2667 Iowa Ave.
Mt. Pleasant, IA 52641

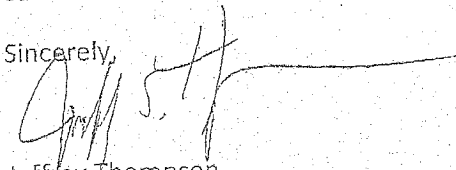
Dear Senator Taylor:

You have requested an opinion from our office regarding the interpretation and application of Iowa Code section 400.1 relating to the appointment of civil service commissioners. Specifically, you ask: "[I]s there any authority for allowing city officials to diverge from the statutory requirement that the mayor appoint the Civil Service Commission members with the approval of the council?" Please accept this letter as our formal response to your request.

The short answer to your question is – no, there is no authority for city officials of a city having a population of eight thousand or over and having a paid fire department or a paid police department to diverge from the requirements of section 400.1. To the contrary, we have repeatedly characterized the general requirements set forth in section 400.1 as "mandatory." See, e.g., 1982 Iowa Op. Att'y Gen. 440, 1982 WL 524824, (Iowa A.G. June 17, 1982). Moreover, the statute clearly and expressly sets forth a requirement that "the mayor, one year after a regular city election, with the approval of the council, shall appoint three civil service commissioners." Iowa Code § 400.1 (emphasis added). Under the rules of construction that govern the Iowa Code, the use of the word "shall" in this provision imposes a legal duty. See Iowa Code § 4.1 (30)(a). Simply put, the mayor of a city subject to section 400.1 has a legal obligation to comply with its terms.

Typically, our analysis would stop there; however, in the case of the Civil Service provisions of Chapter 400, the Legislature has made its intent very clear: "The provisions of this chapter shall be strictly carried out by each person or body having powers or duties thereunder, and any act or failure to act tending to avoid or defeat the purposes of the such provisions is hereby prohibited and shall be a simple misdemeanor." Iowa Code § 400.30 (Penalty). Thus, not only do the express terms of section 400.1 require compliance, any act or failure to act that falls short of strict compliance with its provisions constitutes a crime.

Sincerely,



Jeffrey Thompson
Solicitor General

4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the provisions of chapter 68A.⁴

A letter from your office to Senator Rich Taylor dated October 13, 2016 states that the City Council does not have the right to remove the power of the Mayor. *See attached letter and charges against the Mayor*

⁴ Iowa Code 66. (n.d.). Retrieved March 12, 2017, from <https://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=IowaCode&ga=83&input=66#66,1>

Charges against Mayor Diana Broderon

From day one of taking office Mayor Broderon has been the recipient of what the community refers to as a witch hunt. City Administrator Gregg Mandsager was the previous city administrator for West Burlington, Iowa. During his employment, Mandsager served on boards that were not approved as they were a conflict of interest. Mandsager also black balled a council member who was eventually removed from his elected seat. The councilman sued Mandsager as well as the council.

Gregg Mandsager along with the Muscatine City Council have filed paperwork to begin the process of removing the current Mayor. The claims in their suit are frivolous and hold no merit. This suit is nothing more than propaganda to allow Mr. Mandsager and the City Council to cover up the investigation that is ongoing with the Iowa State Auditor's office.

The Iowa State Auditor will arrive in Muscatine sometime during the month of March. This began the feud between the Mayor and the Council. The Mayor questioned financials and asked the Auditor for an audit. At the time, they agreed to do a partial audit of the finances. Upon completing that audit, the Auditor decided that there was enough evidence to review the financials for the previous three (3) years. That report will be released by the end of this month per the office of the Auditor.

The Council by order of the Administrator has removed the Mayor of her powers. During council meetings, the Council is disruptive and argumentative to the Mayor.

There are two very large points that stand out in the charges. First, the date stamp. The received stamp to the administrator is February 16, 2016. This is 45 days after the Mayor took Office.

Secondly, the city attorney has taken one law 66.29 and added law from 66.1A to fit their personal agenda.

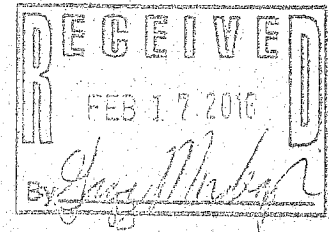
Iowa Code 66.29 states: Any city officer elected by the people may be removed from office, after hearing on written charges filed with the council of such city for any cause which would be ground for an equitable action for removal in the district court, but such removal can only be made by a two-thirds vote of the entire council.³

Iowa Code 66.1A states: **REMOVAL BY COURT.**

Any appointive or elective officer, except such as may be removed only by impeachment, holding any public office in the state or in any division or municipality thereof, may be removed from office by the district court for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.

³ Iowa Code 66. (n.d.). Retrieved March 12, 2017, from <https://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=IowaCode&ga=83&input=66#66.29>



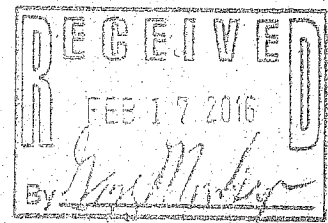
On January 12, 2017, the City Council voted to instruct the City Attorney to file written charges of removal against the Mayor. Since that time, there has been a lot of information provided to the public and a significant amount of that has been incorrect. The purpose of this statement is to identify and correct this misinformation.

The Council has taken no action other than to instruct the City Attorney to file charges and, to be clear, the Council has not voted to remove the Mayor from office. The process the Council has started is set forth in Iowa Code Section 66.29 and City Code 1-7-6. The first step is for the City Council to authorize the City Attorney to prepare and file written charges of removal. The grounds for an elected official, such as the Mayor, to be removed are: willful or habitual neglect or refusal to perform the duties of his or her office; willful misconduct or maladministration in office; corruption; extortion; conviction of a felony; intoxication, or upon conviction of being intoxicated, or for possession of any illegal substances; and or conviction of violating election laws. There is no requirement that removal from office requires a criminal action or an action resulting in a state investigation.

The second step in the process is for the City Attorney to file the charges with the City, which are made available to the public upon filing. The charges have now been filed after the parties attempts to settle the matter were unsuccessful. After charges are filed, the Council decides whether it wants to move forward with the removal process. If the Council moves forward, a hearing will be set to allow the Mayor an opportunity to respond to the charges. After the hearing, the Council shall allow for written briefs and proposed decisions to be submitted. Finally, once the briefs and proposals have been reviewed, the Council shall issue its decision. The Iowa Code does not require written charges to be filed in district court and does not require the charges to be brought by the County Attorney. The City never provided a timetable for this process and never stated when the charges will be filed.

No Attorney General Opinion has been issued stating that the City of Muscatine has committed a criminal violation of Iowa Code Chapter 400. The County Attorney's Office and the Attorney General's Office are not investigating the City, and neither the County Attorney's Office nor the Attorney General's Office have recommended criminal charges against any City official or staff.

Since her election, the Mayor has been excluded from three closed sessions due to a conflict of interest. The Mayor filed a complaint with the Iowa Public Information Board (IPIB) regarding the Mayor's closed session exclusion and, on or about November 15, 2016, IPIB dismissed the Mayor's complaint.



BEFORE THE MUSCATINE, IOWA CITY COUNCIL

IN THE MATTER OF:

Diana L. Broderson

CITY OF MUSCATINE'S
WRITTEN CHARGES
OF REMOVAL

COMES NOW, the City of Muscatine, by and through the undersigned, pursuant to Iowa Code Section 66.29 and Muscatine City Code Section 1-7-6, and hereby makes the following written charges against the Mayor of the City of Muscatine:

I. INTRODUCTION

The Mayor of the City of Muscatine is a non-voting member of the City Council who presides over Council meetings and serves as the chief executive officer of the City. See Iowa Code Section 372.14, Muscatine City Code Section 1-7-2 and attached Addendum (which includes an explanation of the Mayor's limited powers in contrast to the Council's expansive powers and the City Administrator's broad responsibilities). The Mayor's powers, which are limited by State and City Code, include: presiding at council meetings; taking care that the laws of the State of Iowa and the provisions of the City Code are duly respected, observed, and enforced within the City; and making appointments, subject to the approval of the Council, to City boards and commissions.

See id. Per attorney general's office, code can't be diverged from

Diana L. Broderson is the Mayor of the City of Muscatine, Iowa. Her term of office commenced on January 1, 2016, and is scheduled to expire on December 31, 2017. While serving as Mayor, she has engaged in conduct that violates the City Code and the City Code of Ethics, has taken actions outside the limited scope of her powers, neglected

her duties, engaged in misconduct or maladministration of office, misused her power and abused her office sufficient to warrant her removal from the office of Mayor.

The City Council may remove the Mayor from office upon a two-thirds (2/3rd) vote of the City Council upon a finding of: willful or habitual neglect or refusal to perform the duties of her office; willful misconduct or maladministration in office; corruption; extortion; conviction of a felony; intoxication, or upon conviction of being intoxicated or for possession of any illegal substances; or conviction of violating campaign disclosure law. See Iowa Code section 66.29 and Muscatine City Code Section 1-7-6(b). *These rules are for 66.1 Not 66.29*

To determine if removal is appropriate, the first step is for the City Council to authorize the City Attorney to prepare and file written charges of removal. Subsequently, the City Attorney prepares and files the charges with the City, which are thereafter served upon the Mayor. The Council then determines whether to proceed with a removal hearing. If the Council decides to take no further action, the matter is concluded.

If the Council determines to hold a removal hearing, they shall provide notice to the Mayor and set a date at least ten (10) days from the date the notice of hearing is served. The Council conducts the hearing and selects a person to preside over the hearing. The City Attorney shall provide legal advice to the Council during the hearing and special counsel shall be engaged to present the charges at the hearing. During the hearing, both sides are afforded the opportunity to present arguments and introduce evidence at the hearing. After the hearing, the Council shall allow both sides to submit written briefs and proposed decisions. After receiving the post-hearing submissions from the parties, the Council shall issue its decision.

II. STATEMENT OF FACTS

1. January 21, 2016, the Mayor contacted the City Attorney to discuss allegations that City staff had violated the law by, among other things, hiring a retired employee as a consultant; accepting an offer from a contractor to fly City staff in a private plane in exchange for the contractor being awarded a City construction project; and that City staff had unlawfully signed a health inspection report causing the City to lose its ability to perform health inspections. (The City Attorney and other City staff serve under the direction of the City Administrator so, in accordance with City Code and procedures, the Mayor was required to get permission to contact the City Attorney.) The Mayor was advised she did not have any evidence to support her claims but the City Attorney agreed to investigate the limited information she did provide. The City Attorney investigated and was unable to find any evidence to support the claims. Making baseless complaints was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

2. On or about February 4, 2016, the Mayor requested that the appointment of three individuals to the Planning and Zoning Commission be placed on the agenda of the February 4, 2016, meeting. Under City Code in effect at the time, the Mayor had the power to appoint individuals to certain boards and commissions, subject to the approval of the Council. *See Addendum.* The Mayor, not the Council, pulled the appointments off the agenda and the Council took no action on the appointments. *city attorney creates submits and controls agenda.*

3. On February 18, 2016, the Council requested the City Attorney explain the role of the elected officials—including the limited role of the Mayor—and discuss potential liability for the City and individual elected officials when elected officials

violate the City's Ethics Policy by making personal charges or verbal attacks upon the character or motives of other members of the Council, boards and commissions, the staff, city employees or the public. At the request of the Council, the meeting ended with the Mayor and City Administrator shaking hands and promising to work together.

4. The following morning, on February 19, 2016, the Mayor made a complaint against the City Council and City Administrator claiming that she had been discriminated against on the basis of her gender. An outside investigator was brought in to research the allegations. After a month-long investigation, no evidence was found to support the Mayor's allegations against the City Administrator or City Council. Making baseless complaints was, among other things, a violation of the City's Ethics Policy. See Addendum. *Mayors personal feelings based on treatment.*

5. February 26, 2016, the Mayor contacted City staff to request an investigation and action taken against some members of City staff based upon complaints made about the Mayor on social media. The Mayor alleged that the complaints were made by City staff and, because the comments complained about the Mayor and her job performance, they were in violation of the City's social media policy. The Mayor was advised that there was insufficient evidence to investigate who had made the anonymous comments and, with regard to comments made by employees, taking action against City staff who were posting comments about their job and/or elected officials may violate federal labor law. *reported by citizens to H.R. manager who stated nothing would be done. This violates city policy*

6. February 29, 2016, the Mayor sent a list of appointments to the Council via email. Council members asked for additional information about the appointments and, in response, the Mayor alleged that the Council's actions were evidence she was being

discriminated against and bullied by the Council and the City Administrator. The City Attorney reviewed the Mayor's complaint and found no evidence to support any of her allegations. Making baseless complaints was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

7. February 29, 2016, the Mayor notified the City Attorney that, against his advice, she had met with the State Ombudsman to file a complaint alleging that the City and City Administrator had violated the law regarding the City's health inspection program. To date, no Ombudsman's complaint has been received by the City or City Staff and the City Attorney found no evidence to support her claims. Making a complaint without evidence was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

8. On or about March 3, 2016, the Mayor requested that the appointment of two of the three original individuals to the Planning and Zoning Commission be placed on the agenda of the March 3, 2016, meeting. The Council voted to approve both appointments. The Mayor also requested appointments to the Civil Service Commission and the Board of Water, Electric and Communications Trustees. The Mayor pulled the Civil Service appointment and the Council voted to table action on the utilities trustee. During the meeting, the Mayor made personal charges and verbal attacks upon the character or motives of other members of the Council because all of her board appointments were not approved. Making baseless claims was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

9. On or about March 10, 2016, the City Attorney was contacted by legal counsel of the Iowa League of Cities stating that the Mayor was working to change state

law to allow mayors to have direct contact with city attorneys. This change to the law would overrule Muscatine's City Code, which requires elected officials to work through the City Administrator to contact City staff. The Mayor never spoke with the Council about changing the existing City Code either before or after her attempt to change the Iowa Code and, ultimately, the Iowa Code was not changed. Attempting to change state law to override City Code was, among other things, a violation of the City's Ethics Policy. *See Addendum. mediation was offered, City administrator and council refused. City attorney feels no violation although claims to be staff.*

10. On or about March 18, 2016, the City was made aware that the Muscatine Journal had filed an informal complaint with the Iowa Public Information Board. The complaint was based upon emails voluntarily provided by the Mayor to the press, without consulting with the Council, City staff or the City Attorney. The Mayor's actions prevented the City from determining if any of the information she provided waived attorney/client privilege and/or was a confidential record exempt from disclosure under Iowa Code Section 22.7. The complaint was ultimately dismissed.

11. April 1, 2016, the Mayor contacted several members of City staff directly to make allegations against a contractor that had bid on a City construction project by stating that the contractor was not very big and likely lacked the skilled help or qualified staff to timely complete the job. The Mayor also claimed that the contractor was responsible for problems with a casino project in Davenport. These charges against the contractor were made to City staff in violation of the City Code requiring elected officials to deal with City staff solely through the City Administrator. In addition, making allegations against a member of the public without evidence was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

12. April 7, 2016, the City Attorney provided, for the second time, a legal opinion regarding the need for the Mayor to act within the scope of her authority. The Mayor was reminded that the City Code states that the City Administrator is in charge of City staff so the Mayor needed to work through him and not contact City staff directly. The Mayor was again cautioned that continuing to act outside the scope of her limited authority could expose both her and the City to liability and could result in the City and/or some elected officials losing insurance coverage in the event a lawsuit was filed. NO 1st
Service
City Administrator
not considered
department
head

13. April 14, 2016, during a City Council meeting, the Mayor announced she was creating a special taskforce to investigate the City's form of government, which is not within her powers as Mayor, and did so without authority or authorization from the Council. *See Addendum. between city and county*

14. On or about April 21, 2016, the Mayor requested her original appointment to the Civil Service Commission be placed on the April 21, 2016, meeting agenda. No Council member made a motion on the appointment and the person was not appointed to the Civil Service Commission. *- Clearly ignored*

15. April 22, 2016, the Mayor emailed the City Attorney alleging that the Mayor's Community Improvement Action Team committee and the City's China committee were not properly authorized by the Council under the City Code. The City Attorney found no evidence to support her claims. Making these allegations without evidence was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

16. April 28, 2016, the Mayor contacted the City Attorney to discuss potential criminal allegations against Councilmember Fitzgerald. The Mayor did not provide specific information about the charges; however, based on the general information

provided, the City Attorney found no evidence to support the claims. Making these baseless allegations was, among other things, a violation of the City's Ethics Policy. See Addendum. *denied by Mayor*

17. April 28, 2016, the City Attorney was notified by the Iowa Public Information Board that the Mayor had filed an open meetings complaint against the City Council, City Administrator and City Attorney. The complaint alleged that the minutes of the City's closed session meetings were not detailed enough and that said minutes were not formally approved by the Council. The complaint was dismissed. Making a complaint without evidence was, among other things, a violation of the City's Ethics Policy. See Addendum. *Not dismissed. City Council given warning by IPIB board regarding minutes not recorded or approved properly*

18. April 30, 2016, the Mayor held the first "Coffee with the Mayor," a meeting with the public that was not authorized by the Council. Mayor discussed, among other things, her disagreements with the Council about board appointments and stated that she had tried many times to work with the Council without success. Making these allegations was, among other things, a violation of the City's Ethics Policy. See Addendum. *Addressed in report*

19. May 6, 2016, the Mayor contacted City staff without authorization of the City Administrator. The Mayor stated it was part of a plan for her to begin having regular meetings with City staff. This was in violation of the City Code requiring elected officials to deal with City staff solely through the City Administrator. See Addendum. *Addressed in report*

20. May 11, 2016, the City received notice that the Auditor of Iowa had received an anonymous complaint to perform a review of the City's 2014/2015 audit. The City subsequently learned that the complaint had been filed by the Mayor and involved

the City's sister-city relationship with China. The Mayor did not discuss the allegations with City staff or the Council prior to filing her complaint. Filing a complaint without evidence was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

21. Also on May 11, 2016, City staff was notified that a complaint had been made to the Iowa Public Employees Retirement System that a retired City staff person had violated the terms of his retirement by contracting with the City to provide assistance until his replacement could be named. This complaint was raised by the Mayor in her January 21, 2016, discussion with the City Attorney. City staff responded to the complaint on May 20, 2016, providing evidence that the complaint was without merit and, to date, no further inquiry has been received. If the complaint was found to have merit, the City would not be penalized but the former City staff member could have their retirement benefits reduced. Making a baseless complaint was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

22. May 21, 2016, the Mayor held a second "Coffee with the Mayor" meeting with the public. During the meeting she stated, among other things, that: (a) her complaint about anonymous staff making social media posts was not investigated; (b) City employees were afraid for their jobs; (c) the Council had done nothing to support her since she was elected; (d) the City Administrator and Council were not following the current form of government and were preventing her from doing her job; (e) she was being treated poorly by the Council and the City Administrator because of her gender; (f) the City Administrator and City Attorney refused to answer her questions about her appointment powers; and (g) the City Administrator was the cause of her problems. The comments were personal charges and verbal attacks upon the character or motives of

other members of the Council and City staff. Making baseless allegations was, among other things, a violation of the City's Ethics Policy. *See* Addendum. *Heleesa*

23. On or about June 20, 2016, the Mayor spent approximately six hundred dollars (\$600) of her campaign funds to send a letter to citizens stating that the 'good old boys' on the City Council were attempting to destroy the office of Mayor and wanted to take away Mayor's power to give them to an 'unelected bureaucrat.' The Mayor compared the City Council to a closed-door, backroom government and requested help to stand up to 'bullies.' This letter consisted of personal charges and verbal attacks upon the character or motives of other members of the Council and City staff. Making these baseless allegations was, among other things, a violation of the City's Ethics Policy. *See* Addendum.

24. June 23, 2016, the Mayor contacted the City Administrator alleging that she, again, had an issue with social media posts made by City staff. This time the Mayor identified specific City staff members and wanted to research options to take action against them. The Mayor was, again, counseled that disciplining City staff who post comments about their job and/or post about an elected official could violate federal labor law.

25. June 23, 2016, the Mayor was again counseled to act within the scope of her authority, to stop contacting City staff directly and to stop making personal attacks to the public about the City, elected officials and City staff. The Mayor was again cautioned that her actions could expose the City and the Mayor to potential liability and could result in the City and/or the elected officials losing insurance coverage. The Council was advised that, if the Mayor continued to act in violation of the City's rules and/or outside

the scope of her authority, at some point the Council may need to research the options available to protect the City, the employees and the other elected officials.

26. On or about July 21, 2016, the Mayor requested seventeen (17) appointments be placed on the agenda of the July 21, 2016, Council meeting. These appointments were made three months after her last appointments and six months after the positions became vacant. Under City Code in effect at the time, the Mayor had the power to appoint individuals to certain boards and commissions, subject to the approval of the Council. *See Addendum.* The Council did in fact approve fourteen (14) of Mayor's seventeen (17) appointments—including appointments to the Airport Advisory Commission, the Art Center Board of Trustees, the Board of Water, Electric, and Communications Trustees, the Convention and Visitors Board, the Library Board of Trustees, the Planning and Zoning Commission, the Recreation Advisory Commission and the Transportation Advisory Commission. The Council tabled consideration of three (3) appointments—two to the Zoning Board of Adjustment and one to the Civil Service Commission.

27. On or about August 1, 2016, the Mayor spent approximately seven hundred fifty dollars (\$750) sending a second letter to citizens alleging that the Council was not democratic because they were blocking her appointments to boards and commissions. She provided personal telephone numbers and email addresses of the Councilmembers and encouraged people to contact them directly. This letter consisted of personal charges and verbal attacks upon the character or motives of other members of the Council. Making these allegations was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

28. August 18, 2016, during an interview with the press, the Mayor told a reporter that the City Administrator was the cause of her problems and that he came into her office on her first day and told her that he runs the City. Making these allegations was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

29. August 22, 2016, the Mayor again contacted City staff directly to, among other things, inform the City staff member that she planned to be involved in his discussions and meetings regarding a proposed river port. This was, among other things, a violation of the City Code requiring elected officials to deal with City staff solely through the City Administrator. *See Addendum.*

30. August 26, 2016, Jeff Sorenson, a Muscatine County Supervisor, contacted the City regarding the actions of the Mayor and another Muscatine County Supervisor at an apartment facility where they demanded in their official capacity, that: (a) the facility needed to remodel and rearrange seating, bathrooms and parking; and (b) the facility should sponsor a spaghetti supper for the City's Police and/or Fire Department. Based on a complaint filed by the apartment manager, the City Police Department notified the County Supervisor that a trespass order had been issued so the Supervisor would be arrested if the Supervisor attempted to return to the apartment facility. Subsequently, the Mayor contacted the Police Chief to question the Police Department's decision to issue the trespass order. *Supervisor Sorenson not contacted. According to Board of Supervisors this never took place*

31. On or about October 17, 2016, the Mayor contacted the Muscatine County Attorney to discuss potential criminal charges against two journalists—Emily Wegner of the Muscatine Journal and Mary Mason of the Voice of Muscatine. The Mayor's actions were, among other things, a violation of the City's Ethics Policy. *See Addendum.* The

response of the County Attorney was that there would be no charges filed against the journalists. ^{Per Emily Wegener, no complaint ever filed against her or Muscatine Journal}

32. October 31, 2016, the Mayor filed another Iowa Public Information Board complaint against the City alleging, among other things, that she was inappropriately excluded from a closed session meeting. That complaint was dismissed. Filing this complaint without evidence was, among other things, a violation of the City's Ethics Policy. *See Addendum.*

33. On November 16, 2016, the Mayor's personal attorney, Bill M. Sueppel, contacted the Muscatine County Attorney claiming that the change to the Mayor's Civil Service appointment power was a criminal violation.

34. On or about December 13, 2016, the Mayor contacted the Muscatine County Attorney to discuss criminal charges being filed against the City Council, the City Administrator and the City Attorney. The response of the County Attorney was that there was no basis to file criminal charges against any of those individuals. The Mayor subsequently claimed that the County Attorney had been ordered to file criminal charges by the Attorney General. In response, the County Attorney released correspondence from the Iowa Attorney General's Office agreeing with the County Attorney that no criminal charges should be filed. The Mayor's actions were, among other things, a violation of the City's Ethics Policy. *See Addendum.*

35. On December 15, 2016, the Mayor used five hundred dollars (\$500) of campaign funds to pay for her personal attorney, Bill M. Sueppel.

36. In 2016, the City incurred sixty-three thousand nine hundred fifty-five dollars (\$63,955.00) in unbudgeted attorney's fees and costs, along with a conservative

estimate of an additional forty-three thousand, six-hundred nineteen dollars and eight cents (\$43,619.08) of staff time responding to the Mayor's claims and allegations against the City, its elected officials, employees and contractors. The Mayor's actions in repeatedly making accusations without evidence were, among other things, in violation of the City's Ethics Policy. *See Addendum. legal fees were for surveys and proposals and amendments*

III. LEGAL ARGUMENTS

A. Willful Misconduct and/or Maladministration

The Mayor may be removed from office for willful misconduct or maladministration in office. *See City Code 1-7-6.* Misconduct includes any unlawful behavior by a public officer in relation to the duties of this office, willful in character, and embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act.

The specific incidents of misconduct or maladministration in this case fall into five general categories: 1) defamation and/or false allegations, 2) failure to comply with the City Code of Ethics, 3) failure to comply with the City Code, 4) breach of fiduciary duties; and 5) misuse of power and/or abuse of office. *Jack Code 66.1A not 66.29*

1. Defamation/False Allegations

As set forth above, the Mayor has made false, defamatory, and/or unfounded allegations against various individuals and the City outside the scope of her authority and/or without the authority to do so. The Mayor was not acting within the scope of her authority when making the above-mentioned unfounded, defamatory, and/or false allegations or claims, and the Mayor engaged in willful misconduct and maladministration in office by doing so.

2. Failure to Comply with the City Code of Ethics

In pertinent part, Section 1.003 of the Muscatine Code of Ethics provides that elected officials shall comply with all city and state laws and refrain from making personal charges upon the character or motives of the council, members of the public, or City employees. *See* Muscatine Code of Ethics, Section 1.003. During the course of her tenure, the Mayor has violated the City's Code of Ethics on a number occasions, including as set forth above. In the foregoing instances, the Mayor made personal charges upon the character or motives of the Council, members of the public, or City staff and her actions constituted willful misconduct and maladministration of office.

3. Failure to Comply with the City Code

City Code Section 1-10-2(E)(1)(B) states that "Any elected official shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator *solely*, through the City Administrator, and Council Members shall not give orders to any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator." *See* City Code Section 1-10-2(E)(1)(B). Furthermore, pursuant to City Code Title 2, Chapter 10, City Council has the *sole* authority to create task forces and ad-hoc committees as needed. *See* City Code Section 2-10, *et. seq.*

As set forth above, during the course of her tenure, the Mayor violated the aforementioned provisions of the Muscatine City Code as set forth above. In each of the foregoing instances, the Mayor either contacted City staff concerning personnel matters, pursued personnel matters after having been instructed not to, or formed ad-hoc

Not allowed
to speak
therefore
cannot violate

committees or task forces in direct contravention of the City Code. Mayor's actions constituted willful misconduct and maladministration of office. *committee only talked about*

4. Breach of Fiduciary Duties

As an elected official for the City of Muscatine, the Mayor has various fiduciary obligations imposed by law. These fiduciary obligations require that elected officials such as the Mayor act in good faith, exercise reasonable care, and maintain loyalty to the City. During the course of her tenure, the Mayor has violated her fiduciary obligations to the City by failing to act in good faith, exercise reasonable care, and maintain loyalty to the City.

As set forth above, the Mayor has breached her fiduciary obligations to the City, which require that she act in good faith, exercise reasonable care, and maintain loyalty to the City. Her breaches of these fiduciary obligations caused substantial harm to the City and exposed the City to unnecessary costs and litigation. Her actions not only exposed the City to direct costs, but also potentially exposed the City to legal action and liability. The Mayor's actions are a breach of her fiduciary obligations to the City and constitute willful misconduct and maladministration of office. *No fees charged. Violates law if Mayor does nothing*

5. Misuse of Power and/or Abuse of Discretion

A misuse of power is the improper use of authority by someone who has that authority because he or she holds a public office. Abuse of discretion occurs whenever, in its exercise, a person uses an office, the color of title and/or a legal process to fulfill a purpose for which it was not meant. As set forth above, the Mayor misused her power and/or abused her discretion which caused substantial harm to the City and citizens, as well as potentially exposed the City to legal action and liability. *Receives charges for doing job*

6. Respondent's Actions Were Willful.

The Mayor has been provided legal counsel on several occasions regarding the importance of acting within the scope of her authority. The Mayor engaged in the conduct set forth above despite being counseled multiple times regarding the scope of her authority under the City Code and State law and of the importance of acting within the scope of her authority to protect the City from unnecessary costs and liability. The Mayor was or should have been aware of the wrongfulness of her conduct and yet refused to refrain from engaging in such conduct. The Mayor's conduct occurred so frequently as to be the rule rather than the exception and indicates that she engaged in such misconduct and maladministration willfully.

B. Willful or Habitual Neglect or Refusal To Perform The Duties Of Her Office

Pursuant to City Ordinance 1-7-6(a), the Mayor may be removed from office for willful or habitual neglect or refusal to perform the duties of her office. Since taking office, the Mayor has willfully and habitually neglected to perform within the scope of the duties of her office. The Mayor was repeatedly educated on the scope of her authority, of the need to act within the scope of that authority for liability and cost reasons, and of the need to refrain from making damaging comments to the public about the City, elected officials and City staff.

Despite being made aware of her lawful authority and the limitations to that authority, the Mayor—as set forth above—has continued to exceed the scope of her authority, to make damaging comments to the public about the City, elected officials, and City staff, to violate the City Code of Ethics, to violate City Code, and to breach her fiduciary obligations to the City. By engaging in such conduct, the Mayor has failed to

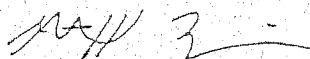
properly perform her duties as established by City Code, which require that she abide by the laws of the State of Iowa and of the City. In addition, the Mayor exposed the City to unnecessary costs and potential liability. As evidenced by the constant and knowing nature of Respondent's actions, the Mayor willfully neglected her duties and engaged in conscientious wrong. Moreover, giving the frequency of her conduct, she habitually neglected the duties of her office.

IV. PRAYER FOR RELIEF

WHEREFORE, the undersigned requests that the City Council find that the Mayor of Muscatine, Iowa engaged in willful misconduct and maladministration of office as well as willful and habitual neglect of office and that the City Council enter an order removing her from Office of the Mayor pursuant to City Code section 1-7-6.

Respectfully Submitted by,

BRICK GENTRY P.C.



Matthew S. Brick
6701 Westown Parkway, Suite 100
West Des Moines, Iowa 50266
Telephone: (515) 274-1450
Facsimile: (515) 274-1488
Email: matt.brick@brickgentrylaw.com
MUSCATINE CITY ATTORNEY

ADDENDUM OF RELEVANT CITY CODE CITATIONS

1. Powers of the Mayor: Section 1-7-2 of the City Code identifies the following powers of the Mayor of Muscatine:

- a. The Mayor shall be the chief executive officer of the City;
- b. The Mayor shall take care that the laws of the State of Iowa and the provisions of this City Code are duly respected, observed, and enforced within the City;
- c. The Mayor shall preside at all council meetings, preserve order and decorum and shall decide all questions of order, subject to an appeal from the Council;
- d. The Mayor shall from time to time give the Council information for its consideration on such measures as may be in the interest of the City;
- e. The Mayor shall be the conservator of the peace and may call for the assistance of the police and, if necessary, any citizen of the City to aid in quelling or preventing any riot or unlawful assembly, or in preventing or restraining any breach of the peace and any such police officer or citizen, when so called upon, who shall refuse to obey the orders of the Mayor shall be deemed guilty of a misdemeanor;
- f. The Mayor shall sign on behalf of the City all contracts between the City and any other party; and
- g. The Mayor shall perform all duties required by the Charter, the provisions of this Code, resolutions of the City Council and all other acts which the good of the City may require.

2. Powers of the City Council: Section 1-9-2 of the City Code lists states that the powers of the Council include, but are not limited to, the following:

- a. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.
- b. Wards. By ordinance, the Council shall divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.
- c. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.
- d. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges or buildings.
- e. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless adopted by resolution of the Council.
- f. Employees. The Council shall authorize the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.
- g. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor

does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

3. Duties of the City Administrator: Section 1-10-2 of the City Code sets forth the duties of the City Administrator as follows:

- a. Enforcement of all City laws and regulations as directed by the Council.
- b. Administration of Council policies and directives.
- c. Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
- d. Preparation and administration of the City's annual operating budget.
- e. Supervision of the City's administrative policies and procedures, including personnel.
- f. Keeping the Council informed on the progress of its programs and the status of its policies.
- g. Coordinating and directing all City services provided through the various departments.
- h. Appointment and removal of City employees in accordance with City policies regarding this activity.

- i. Study possible joint arrangements with City boards such as, but not limited to, the Board of Water, Electric, and Communications Trustees or any other independent board and make recommendations for such arrangements as are mutually acceptable.
 - j. Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.
 - k. Review and revise imposition of penalties, costs, fees, bond, and insurance requirements as set out in the Appendices to this Code of Ordinances.
 - l. Oversee daily operations of City and staff
4. Elected Official Contact with Employees: Section 1-10-2 of the City Code requires that elected officials shall deal with City department heads and employees solely through the City Administrator and Council Members shall not give orders to any such department heads or employees either publicly or privately.
5. Board Member Appointments and Approval: When the Mayor took office in January 2016, the City Code stated that the members of City boards and commissions shall be appointed by the Mayor subject to the approval of the Council.
- a. This included members of the Airport Advisory Commission, Civil Service Commission, Parks and Recreation Advisory Commission, Historic Preservation Commission, Library Board of Trustees, Art Center Board of Trustees, Planning and Zoning Commission, Board of Water,

Electric, and Communications Trustees and Zoning Board of Adjustment.

See Sections 2-1-3, 2-2-5, 2-3-3, 2-4-4, 2-5-2, 2-6-3, 2-7-4, 2-8-4 & 2-9-4.

- b. In January 2016, the City Code stated that the appointment of members to the City's *ad hoc* committees and tasks forces shall be appointed and approved by the Council. *See* Section 2-10-2.
- c. On September 1, 2016, Title 2 of the City Code was revised to state that for all boards and commissions, except for the Library Board, the members shall be by appointed and approved by the Council.
- d. Also in September 2016, the Council created a Nominating Committee consisting of the Mayor, two Council members and a City staff member to make the appointments.

6. Ethics Policy: Section 1.003 of the Standards of Conduct Section of the Muscatine City Council Ethics Policy states:

- a. General Principles. Members shall comply with the laws of the United States, the State of Iowa and the City of Muscatine, Iowa's ordinances and policies in performance of their public duties. Members shall work for the common good of the people of Muscatine, Iowa and not for the private person or personal interest.
- b. A member's professional and personal conduct must be above reproach and must avoid even the appearance of impropriety. Members shall refrain from abusive conduct and should also refrain from making personal charges or verbal attacks upon the character or motives of other members of the council, boards and commissions, the staff, city employees or the

public. Council members should treat all city employees, fellow council members and the public in a respectful manner and shall not speak ill of the City of Muscatine, Iowa, any city employee, fellow council members or the public at a public meeting. All complaints or concerns about city employees shall be transmitted through the City Administrator who shall be charged with investigating those complaints. Any complaints about city employees should be made in writing, signed and dated.

7. Removal of the Mayor: Section 1-7-6 of the City Code states that the Mayor may be removed from office by action of the City Council for any of the following reasons:

- a. For willful or habitual neglect or refusal to perform the duties of his or her office.
- b. For willful misconduct or maladministration in office.
- c. For corruption.
- d. For extortion.
- e. Upon conviction of a felony.
- f. For intoxication, or upon conviction of being intoxicated, or for possession of any illegal substances.
- g. Upon conviction of violating the provisions of Chapter 68A, Code of Iowa.

Written Petition

In the race for Mayor of Muscatine between Diana Broderson and incumbent Dewayne Hopkins, there were a total of 1520 votes cast. 820 votes went to Diana Broderson while 700 went to Dewayne Hopkins.³

Enclosed are written petitions signed by 412 citizens of the City of Muscatine, Iowa which accounts for 27% of the total number of votes cast in the mayoral election.

The signatures of the citizens of Muscatine, Iowa state that we the citizens believe that the Muscatine City Council and the City Administrator have failed in their duties to serve the citizens of the City of Muscatine, Iowa resulting in a lack of confidence in the governing body.

We hereby request that all members of the Muscatine City Council be removed from their elected seats.

Furthermore, we ask that your office take action by removing the members of the Muscatine City Council, and appoint the members of the Muscatine Board of Supervisors to oversee the operations of the City Council until such time as a special election may be held to appoint new members to the City Council. *See attached written petition with signatures*

³ Retrieved March 4, 2017, from <http://www.co.muscatine.ia.us/ArchiveCenter/ViewFile/Item/269>

P

Petition summary and background	We the City
---------------------------------	-------------

Printed Name
MAA A. HUFFMAN
Lyle B. Hanger
RITA BLAKE
GARY BLAKE
Virgil Adams
Beth Zoller
Dusan Busch
Dan Busch
Chad Carter
Diane Koe-hm

Do not sign

Petition summary and background	With Cit
---------------------------------	-------------

Printed Name	
John Ballinger	
U. S. Slater	
John Ballinger	
Bob Potvin	
Jennifer Albright	
HARRY CARVER	
John Tompkins	
John Ballinger	
Robert T. Morrison	
Bernard C. Cooke	

Do not:

Petition summary and background	W. the Cf.
---------------------------------	------------

Printed Name
Randy Powell
Elaine Rochert
Phyllis Cruz
Bev Bierman
Anita Langfitt
Fae Elder
Jean Dusenberry
Kirk Ladachoff
Robert J. Bronckell
William Burhop

Do not s

Petition summary and background	V
	ff
	C

Printed Name
Robert Brewster
DAVID METZ
BRAD HESLOP
Kevin Brewer
Zane Brewer
DENNIS BREWER
TIM BREWER
Beverly Brewer
Zack Brewer
Michael Smith

Do not sign

Petition summary and background	V	#	C
---------------------------------	---	---	---

Printed Name
Ray Wetzel
Dana Brown
Kristina Foor
Sheila Erickse
Tracy Bollong
Charles F.
Jane LaRue
Roger Phillips
Susan Phillips
Malcolm J. Brown

Petition summary and background	Write the City
---------------------------------	----------------

Printed Name
Sean Collins
Barbara Chick
Alex Orlins
MONIQUE WOOTEN
Raige Sours
Samantha Lander
Priscilla Brown
Delaney Smith
Michael Welke
Sara Kautz

Petition summary and background	With the City
---------------------------------	---------------

Printed Name
BRIAN NICHOLS
BOY NASH
ROGER CHAPMAN
SANDRA PIPPER
ERIKA RHODES
OSCAR LEMMA
SHARON HENDERSON
CAROL PETERSON
CLAYTON LATIMER
TERESA A. EGGERS

Petition summary and background	With the City
---------------------------------	---------------

Printed Name
Nancy Chapman
Dana Cooney
Judy Cume
Angie Kuhl
Jack Brown
Beth Bricker
ANNAMIE HALL
Cherrie Hall
TOM BRIDGES
Tasha Morris
Dirk Spletzer

Do not si

Petition summary and background	W th C
---------------------------------	--------------

Printed Name	
Buchan Karen	
Perfetto Colon Sv	
John M. Luby, Jr	
Charlotte Bruch	
Jerry W. Corn	
Patty Boye	
Tammy-Jane Larney-Price	
Dan Everhart	
Roberta Brownell	
Renee Landeis-Smith	

Petition summary and
background

Printed Name
Gary Osborn
Kevin Chetver
James Buck
Rosie Hirt
Joe Hirt
Derek Hirt
Andy Kisor
Coreen Eichelberger
Norman Cole
Patty Cole

Do not si

P

Petition summary and background	We the City
---------------------------------	-------------

Printed Name	City
Eddie Alcaraz	
Shelly Alcaraz	
Sherry Leonard	
Laurence Leonard	
Charles Holiday	
Tim R. Painter	
Billy C. Moore	
Quincy H. H.	
Cres Leach	
Josh Taylor	
Do not sign	

Do not sign

Petition summary and background	W. the Oil
---------------------------------	------------

Printed Name
Smith, Andrew
Doris Merritt
Margaret Reynolds
Tim Brooks
Shelly Polan
Dorothy Peters
Kelly Howell
Sally Rayna
Sam Blake
Anon Young

Petition summary and background	V	#	C
---------------------------------	---	---	---

Printed Name			
Janice Reeves			
Elizabeth Meyer			
Cecilia Shoop			
THANNE HARMAN			
Barbara Behrens			
Wendy Payne			
Judy Barahart			
Janice Barahart			
Kay Flanders			
MARK FLANDER			



Petition summary and background	W # C
---------------------------------	-------------

Printed Name	
Roger A. Strong Sr	
Rebecca A. Butler	
Jacquelyn E. Morgan	
Christae Conley	
Helen Woods	
Harold Woods	
Cindy Strong	
Brandy Peterson	
Margan Peterson	
DARRYL DAVAR	

Do not s

Petition summary and background	V	th	C
---------------------------------	---	----	---

Printed Name	Mara Edwards
	Dianne
	Madonna Hall
	Josh Vey
	Donna Evans
	Dean Evans
	Cecil Maxam
	Sandra Maxam
	Josh Evans
	Erica Guille

Do not s

Petition summary and background	With
---------------------------------	------

Printed Name
Jennifer Defosse
Ronald T. DeFosse
Paul E. Defosse
Beatrice McKeary
PETE MCQUEARY
Karen Courtois
David K. Courtois
Marcia Rominger
Garson Wilson Sr.
Jennie Wilson

Do not sign

Petition summary and background	V th C
---------------------------------	--------------

Printed Name	
Julie Holiday	
Judy Holiday	
Brady Holiday	
Mandy Kemper	
Rick Carlton	
house band	
Kathy Esbrook	
Joanne Madden	
Kelly Morris	
Curtis Morris	

Do not sign

Petition summary and background	We the City
---------------------------------	-------------

Printed Name
Connie Kerscherke
Shelena Jones
Angelica Harris
LARRY KURT
Joan Carlson
Kim McCreary
Maria Jones
Bob Weatherman
Don Evans
BILL COLLIER

Do not

Petition summary and
background

Printed Name

Gus an Parry

Bobbi Zuehlwaser

Immanuel

Sara Carmichael

Sharon (Lynn) Miller

Linda Johnson

Michael S.

Brenda L. Smith

Wick Rohde

Juice Gardner

Petition summary and background	W
	C

Printed Name
Angie Ronde
MARIA G LERA
CRUZ S LERA
Doris Hoopes
Stacy Packer
Paul Packer
GIL BRAD
Jonathan Br
Denny Mayer
Jeffrey Hendley

P

Petition summary and background	We the City
---------------------------------	-------------

Printed Name
Mary Cleary
Linda Moench
Sarah Bell
Darla Clinger
Diane Herroff
Lal Strauss
Lorrie Oppinger
Lanicholas
Charrie Fick
Jonathan Bar

Petition summary and background	Vol th C.
---------------------------------	-----------------

Printed Name	
Cassandra Cottrell	
Gay Hernandez	
Stacy Abunneh	
Kathlin Sanders	
Barbara Williams II	
Luisa Delgado	
MacKenzie Eley	
Renee Hayes	
Jesse Quinlan	
Linda Schumacher	

Do not si

P	Petition summary and background	We the City
---	---------------------------------	-------------

Printed Name
Cecelia Bean
Robbie White
Mike Nelson
Lisaland
Nancy Mendoza
Frederick Kirk Jr
Deborah Ford
Toby Swain
Angela S. Star
Gregory

Do not sign

Petition summary and background	W th Cr
---------------------------------	---------------

Printed Name	
Osmond Makholm	
NEMIA Makholm	
Laura L. Anderson	
Sarah Snyderker	
DEBBY Foster	
Glenn Foster	
LADD FOSTER	
Gary Schubert	
Judy Schubert	
Cydney Kennedy	
Hayton Bonner	

Petition summary and
background

Printed Name
William F Snyderaker
HELEN GODDARD
Anna Colony
CONNIE L. Felt
Harold R Felt
Nancy E Jensen
ANDY VAATKUS
CYNTHIA KAUTZ
Thomas Kautz
Christine Ritz
Wesley Post

Petition summary and background	With the City
---------------------------------	---------------

Printed Name
Wicki Corbett
Shari Leader
Kobak Lode
Benjamin Roberson
Lynn Bulmy
Cheryl Bulmy
Elizabeth Corn
Megan Jones
Joshua Jones
Maggie Strong

Petition summary and
background

Printed Name

Melissa Pater

Crystal Garcia

Kayla Harris

Dakota Lohr

Eva McBride

Londice Townsend

FRANK BURR

LOIS BURR

Ralph Burr

Ramirez, Sylvia

2

Petition summary and background	With the City
---------------------------------	---------------------

Printed Name
Wendy L. L. L.
John P. L. L.
Sherril L. L.
Marian Wilton
Marilyn L. L.
Robert L. L.
Wendy L. L.
(1) L. L. L. L. L.
MARIA L. L. L.
Sue L. L.

petition summary and background	in the C
------------------------------------	----------------

Printed Name	
Nick Ratz	
Jinda Snyder	
Don Syreza	
DEWIS	colony
soyie	
Brett Rohling	
Melissa Snyder	
STEVE MENHANS	

Do not si

Petition Summary and List

Printed Name
Travis Glynn
Lance Parrott
John V. Anderson
Lisa Freilinger
John Freilinger
Taylor Mitchell
Melvin Chan
John Glynn
Jesse Phillips
Paul Thielmann

Petition Summary and List

Printed Name
George Thielmann
Brian Thielmann

Petition summary and background	V	ft	C
---------------------------------	---	----	---

Printed Name	
Vicki T. Dunnell	
Kristina White	
Jack Ruffin	
Ivan Davis	
Cheryl Davis	
MARGARET NEPOMNO	
Det. V. W. W. W.	
Wes Streat	
Christine H. H. H.	
T. H. H. H. H.	

Petition summary and
background

Printed Name
Nick Pelt
Judy Smead
Ron Stega
DEWIS
colony
50466
Brett Behling
Melissa Snydack
STEVE NIEMANUS

PC

Petition summary and background	Wet the City
---------------------------------	--------------

Printed Name	S
RELIABLE	
Joe J. J. J.	
J. Stagg	
D. Smear	
Tony GIVES	
Kandy Stern	
Theresa Lott	
Jack Graham	

Do not sign

Petition summary and background	With the Oil
---------------------------------	--------------

Printed Name	K. BAYTEL
	Kessidy Harrison
	MIKE MAYER
	Richard Green
	by and collaborate
	Steve Harris
	Stath & Blake
	Don Clark

Do not sig

petition summary and background	W th C
---------------------------------	--------------

Printed Name	
Rodger Broderson	
MATT MARTIN	
Ann Blumback	
ARLEEN H. JENNINGS	
Alexis Husick	
Felix Colon	
Linda McCracken	
Joy Thomas	

Petition summary and
background

I
We
the
Cit

Printed Name

Frank A. Newton Jr

Lets L. Newton

Laura Paulsen

Ryan Paulsen

April Ricketts

Raquel Aguilar

Jam Noel

MIKE Hahnbaum

Dearne Hahnbaum

Do not sign

Petition summary and background	With Ci
---------------------------------	---------

Printed Name
Lenny Small
Crystal Small
Dee Osborn
Alphonse Sica
Neatherburns
Rodney Bedman
James Williams

Petition summary and background

W
th
C

Printed Name
Holly Russell
JOSEPH COLE
SEAN WITZ
Catherine Witz
Mark Birney
Tamara Beale
Samantha Hall
Quinn Chisley

Do not sign

P.

Petition summary and background	We the City
---------------------------------	-------------

Printed Name	
Bclinda Vasquez	
Robert Newcomb Jr.	
John Rhodes	
Mary Riedl	
Michael Woodbridge	
Vincent M. Kohn	
Rodney Rohde	

Do not sign

Petition summary and background	V th C
---------------------------------	--------------

Printed Name:	
Donna Gardner	
Rick Rabenold	
Ann Hurlbut	
Larry Hurlbut	
Roy Seefelt	
Walt Seefeldt	
Beatrice Strong	
Burns Milburn	

Petition summary and background	With Cl
---------------------------------	---------

Printed Name
Thomas J. Aversing
Stephanie Bruce
Roger Roth
Steve Harts
Mary Harts
Stacie Lauterbach
Traci Schultze

Do not s

I

Petition summary and background	We the City
---------------------------------	-------------

Printed Name
Sara Anderson
MARY BEARDI
TIPANI CARMICHAEL
Sharon Savage
TOM Savage

Do not s

Petition summary and
background

W
the
C

Printed Name
Annette Ocampo
Mike Perez
Melinda Suber
Misty Miller
Valerie Iverson
Tina Colón
Felix Colón

Do not si

Petition summary and
background

Printed Name
ADAM LUGAN
Larry E. H. Thoppe
Theresa Schol
Craig Triff
Lavonna K. Hrom
Mary Phillips
David Anson

Do not sig

Petition summary and background	With C
---------------------------------	--------

Printed Name	
Alexander Vasquez	
Beatriz Vasquez	
Jenni Heath	
George Heath	
John Simpson	

Petition summary and background	V # C
---------------------------------	-------

Printed Name
ARLENE F. MURRAY

Do not s

Change.org Petition

The actions of the Muscatine City Council and the City Administrator have been brewing for several years for the citizens of Muscatine, Iowa.

The citizens have exhausted every resource available to no avail. Citizens have contacted their councilman, sent emails, made phone calls all of which have fallen on deaf ears. The Council members believe that it is not part of their duties to serve the citizens of their wards.

When the City Council took up the idea and actions to begin the process to ouster the Mayor, the citizens came together at the Council meeting and spoke to the Council regarding their angst, their disbelief and their disapproval.

While citizens spoke, the City Administrator attempted to have everyone removed from the meeting; council members spoke disgracefully of citizens who were speaking. Please note that the council members' comments were on microphone which in turn made the comments very public as well as public during the television broadcast of the meeting. Other members wrote notes amongst themselves; one slept; another sat clicking a pen and rolling his eyes; one sat on his telephone checking emails and texting. **This is on video on the Muscatine City Council website.**

This behavior served to embroil the citizens who in turn begged for something to be done. The citizens of Muscatine have become tired and believe that the Council has and continues to fail in their duties to serve the citizens. There is no longer any confidence in the governing body.

On January 13, 2017, an online petition was started to remove the Muscatine City Council. To date, there have been 675 signatures and comments in support of removal of the Council. The petition has been signed by citizens all over the country. When broken down, the signatures from citizens of Muscatine reflects 86% of the total votes that were cast for the mayor during the mayoral race.

The total number of signatures both written and online totals 1,087. If you take those numbers divided by the total number of votes in the last mayoral election, this constitutes 72% of Muscatine citizens who have signed in one aspect or another.

At the City Council meeting on March 8, 2017, it was asked repeatedly how much money this was costing the taxpayers; the City Administrator refused to answer. These fees have never been approved by the Council. **This is on video on the Muscatine City Council website.**

A copy of the online petition along with the comments and a list of all 675 supports is attached.

Petition updated



[Your petition](#) [Community](#) [Dashboard](#) [Edit](#)

[Add a fundraiser](#)

Petitioning [Iowa Attorney General Thomas Miller](#) and [1 other](#)

Citizens of Muscatine Iowa asking for the removal of the Muscatine City Council



Ann Brumback
Muscatine, IA

674

Supporters

We the undersigned believe that the Muscatine City Council along with the Muscatine City Administrator have failed in their duties to serve the citizens of the City of Muscatine, Iowa resulting in a lack of confidence in the governing body. Furthermore, we the citizens of the City of Muscatine Iowa believe that the City Council have violated laws in regards to the Mavor Diana Broaderson.

[Share this petition](#)

Comments

Name	Location	Date	Comment
christina bothwell	keithsburg, IL	2017-01-13	I think something sinister is going on here.
Jeffrey Brewer	Muscatine, IA	2017-01-13	I concerned about what is going on with how the city council is not willing to share information to the public on the matter at hand in full detail.
Samantha Schmidt	Calamus, IA	2017-01-13	Because I don't agree in how the city counsel is treating their mayor. They just need to deal with it, just like Americans have to deal with Trump.
Christopher Byrd	Muscatine, IA	2017-01-13	I believe it is time for a change. They have shown an ongoing hostility and unwillingness to work with the mayor ever since she was elected to office. From removal of her powers, to now accusations of misconduct, I think they have done everything they can think of to get her out and it should be investigated.
Ann Brumback	Muscatine, IA	2017-01-13	My reason for starting and signing this petition are based on the fact that the City Council started by stripping the Mayor of her duties and then filing charges against her on no merited basis. The council stated that the "may have" grounds. Rather than having and sharing facts, they have eluded to assumption and asked for charges. No investigation, no proof and no transparency. The Mayor is not even aware to date of what the charges are. The City Council does what the city administrator tells them to do. By taking away the power of the Mayor, she is not able to do her job and our votes as citizens are taken away. We are given rights through the Constitution and I am asking those rights be upheld.
jennifer diverney	Muscatine, IA	2017-01-13	The city council has stopped listening to the people of muscatine. They are bullies and need stopped
Donna Evans	Muscatine, IA	2017-01-13	The City Council members are treating her unfairly! They are the ones who need to be removed!
Roger Stegall	Muscatine, IA	2017-01-13	The city council members are doing a very poor job representing our community. They want the position they don't want the job. They all should be dismissed
Anthony Philpott	Muscatine, IA	2017-01-13	The City Council does not have the power to remove the Mayor from Office. She has been treated unfairly since her election.
Marci Edwards	Muscatine, IA	2017-01-13	It's time we put a stop to the good ol boys bully system. THEIR conduct needs investigated. I have experienced it first hand and they need stopped once and for all.
Kim McCleary	Muscatine, IA	2017-01-13	I'm signing because the city council is playing games
George Heath	Muscatine, IA	2017-01-13	I want to know the true facts of what is going on behind closed door meetings.
Lynn Plett	Muscatine, IA	2017-01-13	Because they can't manipulate her. That's called bullying.
Donna Garvey	Muscatine, IA	2017-01-13	I'm signing because there is far too much secrecy going on here! The city council has hindered Ms. Broderson from doing her job as Mayor pretty much from the start.
Shannon Lewis	Muscatine, IA	2017-01-13	I have not seen or heard any mention of any illegal activity per Iowa law what has warranted this blatant ousting of the mayor of Muscatine. It appears to be personal vendettas and not democracy.

Name	Location	Date	Comment
Amanda Raya	Muscatine, IA	2017-01-13	The people of Muscatine viylyered her in as mayor. Ever since taking office, she has been block and had HER rights to act as such have been stripped. If the people of Muscatine voted her in as mayor, and she has done nothing wrong, then she should stay mayor. The council has started to act like dictators, and decided to do as they see fit, and that's not in the best interest of this town!
Jo Miller	Muscatine, IA	2017-01-13	I support our mayor!!
Rayan Chapman	Clinton, IA	2017-01-13	A person should know what charges are being levied. This dismissal goes against the Mayor's right's if they are claiming illegal activity. It almost sounds slanderous.
Molly Schwarz	Muscatine, IA	2017-01-13	The good old boys in Muscatine are overturning a citizen's vote.
Marilyn Todd	Muscatine, IA	2017-01-13	The city council must be held accountable for their actions!!
Mike Nicholas	Galesburg, IL	2017-01-13	This city council needs to be stopped. They are school yard bullies that think they found their target. This is not proper city politics.
Alice Simmons	Muscatine, IA	2017-01-13	The removal of the mayor does not make sense. The council appears to be acting dishonestly and this is not good.
Kim Mills	Muscatine, IA	2017-01-13	I don't think it is fair.
Raquel Chesmore	Muscatine, IA	2017-01-13	The Muscatine city council is on a witch hunt.
Beth Simpson	Muscatine, IA	2017-01-13	Beth Simpson
Angel Bierman	Muscatine, IA	2017-01-13	Angel bierman
Vicki Everhart	Muscatine, IA	2017-01-13	The people of Muscatine have a right to know why the Mayor we elected is being impeached.
Carissa Lewis	Muscatine, IA	2017-01-13	I think she deserves time to make this community a better place. She has even had the time to show people what she is willing to do or can do! It's ridiculous that they are even trying to remove her!
alley colberg	Muscatine, IA	2017-01-13	I feel city halls actions as of late are grounds for investigation. I have the right to question what isn't done professionally and to the standard that the people of muscatine demand. An investigation into the legality of their claims would protect all involved and ensure procedure is kept.
Kevin Yerington	Muscatine, IA	2017-01-13	Why has there not been some sort of investigation to any alleged failures, shortcomings that the "people" have a right to know?
Angie Crumly	Grandview, IA	2017-01-13	I feel like the mayor has been ousted from the beginning and the city council has acted very unprofessional. I am ashamed of what they have done. We the people elected this mayor and no one gave her a chance.
Sandra Hallett	Muscatine, IA	2017-01-13	I believe city council are in the wrong. Secret meetings should be out! They should not have right to kick her out when the public voted her in! They haveworked against her from beginning and stripped her of some of the powers important to her elected position, all within their closed meetings.
Whitney Leza	Muscatine, IA	2017-01-13	She has had unfair treatment her whole time as Mayor. She was never given a chance to do the job she was elected because the council stripped her of her rights as soon as they could. We elected her in and she deserves her term.
Nathan Baker	Muscatine, IA	2017-01-13	I'm signing this because of the obvious over reach by our city council. I am not doing this to blindly support our mayor, but to support the proper process of democracy.

Name	Location	Date	Comment
Eva McBride	MUSCATINE, IA	2017-01-13	This is a witch hunt plain and simple. They have obstructed her from day one and are now trying to have her removed. This council and their actions need to be investigated because they are certainly not listening to the citizens of Muscatine.
Lori Dietrich	Muscatine, IA	2017-01-13	There needs to be transparency in our city government.
Benjamin Fix	Muscatine, IA	2017-01-13	The city council is running our towns name through the mud. I hear a lot of rumors of our city administrator being sexist in the office. Early this year city staff for was aloud to call the mayor a bitch and continued to stir the pot against the mayor on social media. This has been a witch hunt against her since she took office. OUT WITH THE GOOD OL BOYS CLUB
Peg Garrison	Muscatine, IA	2017-01-13	They have been unfair to her from day 1 !
Lara Bunn	Muscatine, IA	2017-01-13	I will remember this decision the next time city council elections happen.
Luke Perkins	Muscatine, IA	2017-01-13	The city council needs to be removed from their positions
Tammi Schmelzer	Muscatine, IA	2017-01-13	It is sad that Diana has had so much obstruction from day one. They absolutely refused to work with her from the beginning and that showed by taking away her powers as a mayor. Why had they not done that before with prior republican mayors? Absolutely ridiculous.
Stephanie Day	Davenport, IA	2017-01-13	This is my hometown and I still have family living there. They deserve the right to know what is happening in their city government.
Terri Blinder	Muscatine, IA	2017-01-13	I am worried that the city council is making decisions without the people of Muscatine knowledge. I feel like that the city council is taking it upon themselves to change our laws with giving the people of Muscatine a voice in these decisions.
Jamie Nesmith	Muscatine, IA	2017-01-13	There are always 3 sides to a story... his; hers, and the truth. Transparency, facts, and communication is always key to making sound decisions. Our community needs to join together to make it great for our future generations. We have great potential as a city to bring respect to the table and show our youth how conflicts can reach a resolution without playing games. Remove the emotion to conclude an accurate decision.
Erika Perales	Muscatine, IA	2017-01-13	I feel we deserve answers. Our mayor was voted on by the people of Muscatine.
John Gaeta	Muscatine, IA	2017-01-13	The council broke the law the mayor has been trying to do he job with a combative council.
Bea McCleary	Muscatine, IA	2017-01-13	52761
Mandy Moody	Muscatine, IA	2017-01-13	I'm signing because I believe our Mayor has been unfairly treated and has not been given the opportunity to do her job. Instead she has been met with hostility from the City Council.
Jerry & Marilyn Truitt	Muscatine, IA	2017-01-13	We are signing for the following reasons. One, they need too give a reason "why". Second, the two Councilmen that sat there and "snickered". Third, the City Administrator tried "blocking" the public from speaking. Very un-professional. This meeting will be aired again and I hope everyone has a chance to see this for themselves.
Rex Wilson	Muscatine, IA	2017-01-13	I don't think it is right. Give the chance and let's see what she can do. Everyone gets a second chance.
Edna Schult	Durant, IA	2017-01-13	When I read this in the news my first question..... what did she do? If the council can't give me that simple answer then something is wrong with the system. Was she not an elected official by the (people) ? Give us (the people) the information and allow us to make a decision. Until then I am signing this petition!

Name	Location	Date	Comment
dolores livingston	omaha, NE	2017-01-13	violation of laws; unprofessional behavior
bryce taylor	Muscatine, IA	2017-01-13	I'm signing because I think the muscatine Mayor is being treated unfairly and has been since elected. the council has never given her a chance to do this job properly.
Callie Van hoe	East Moline, IL	2017-01-13	Nobody deserves this.
Deanna Reed	Muscatine, IA	2017-01-13	She has been a true blessing to my family and I helping in so many ways.
Jared Wheeler	Wilton, IA	2017-01-13	They have been a hindrance on the community for years.
stephanie ryder	Muscatine, IA	2017-01-13	Our city council is out of control & has been for a long time.
Steve Nienhaus	Muscatine, IA	2017-01-13	There is no transparency in the actions of this council
Sean Broderson	Muscatine, IA	2017-01-13	Diana is a fantastic Mayor for Muscatine and she is 100% for the people. It's a shame to see the Council go upon her like this with very little so far to back any of it up(that we know of). We the people voted for her and support her. Therefore, we have the right to know any reasoning for the Council's decision to try and remover her. Once this investigation is over and she is still our Mayor, these councilmen are going to have a rude awakening when it comes to the next election.
Ron Knopik	Muscatine, IA	2017-01-13	There should be tranparency in government and it appears that the city council is relying on a super-majority rather than facts and fairness to dictate their actions.
Renee Bodman	Muscatine, IA	2017-01-13	No one should ever be above the law. Follow the rules or get out. Our county needs true leaders not kids playing games with our system.
roger Strong, Sr.	Muscatine, IA	2017-01-13	Muscatone city council actions of unprofessional conduct, open meeting Laws, unfair practices towards the Mayor and the position of same. Ignoring the will of the People.
Meg Gatzke	Muscatine, IA	2017-01-13	I'm signing this because it is unfair that the city council is abusing their power
Travis Rudolph	Blue Grass, IA	2017-01-13	This is my hometown and the actions of the city council are suspect and obstructive.
Yvonne Curry	Muscatine, IA	2017-01-13	These men are bullies and so is the city administrator. Wonder how they would like their wife or daughter to be treated this way if one of them was the mayor? She has done nothing wrong except won the election! First we need to get rid of the city administrator. I feel like he is behind all of this and then deal with the council.
Karen Steinke	Muscatine, IA	2017-01-13	Unfair, Diana has done NOTHING wrong. Work with her city council. She's our elected mayor!
Scott Kruse	Muscatine, IA	2017-01-13	I'm singing because this woman hasn't been in her position long enough to even make a difference. I also want impressed how City Council conducted themselves when concerned citizens spoke their mind during council meeting last night...
Kay McFadon	Tampa, FL	2017-01-13	Election of a person and the people should be allowed to be present at all meetings, we pay their salary,
Brandy Moedano	Fruitland, IA	2017-01-13	I feel that this woman has come so far and had wonderful intentions for the city and people that are in and surround it. She deserves this and is in my opinion , the best person for the position !!
laura walker	Muscatine, IA	2017-01-13	The city council is completely over stepping their boundaries!

Name	Location	Date	Comment
melissa vogt	muscatine, IA	2017-01-13	She is our Mayor. Just because the City Council don't like her they want to take all control from her as the Mayor. I say that if the City Council can basically overtake the Mayor position so they have more control what's to stop them there. What would be next ? They don't like another city official they going to try to take control of whatever position they want . Like let's say don't like the Sheriff so they'd basically strong arm the official so they (the city council) can have control of the position either for the council or for the council to appoint someone that will agree with and do what they want. Keep the Mayor replace all members or the City Council!
Jerry & Marilyn Truitt	Muscatine, IA	2017-01-13	I believe in the saying "what goes around, comes around ". It is called Karma!
Danielle Hammond	Muscatine, IA	2017-01-13	Everyone must accept the results of the election. The people have spoken. It isn't a popularity contest.
Ryan Drew	Burlington, IA	2017-01-13	The actions of the council are an embarrassment to the community and a threat to our democracy!
Morgen Hatfield	Muscatine, IA	2017-01-13	I am originally from this town. The corruption of government officials is terrifying these days. These people need to be stopped.
Terry Neeld	Muscatine, IA	2017-01-13	I believe in open hearings and meetings. She is an elected official and something about his looks shady.
Kim Dahnke	Muscatine, IA	2017-01-13	I feel that our mayor has done nothing wrong and has represented Muscatine very well. I feel she has been bullied by the city council members.
Curt Pieper	Muscatine, IA	2017-01-13	I want to know the facts. What the Council is doing seems very underhanded and suspicious.
Darrick Hamerlinck	Durant, IA	2017-01-13	Checks and balances need to remain in place. We may not always agree with the one that checks our work but without alternative views we fall out of balance.
Scott Eyre	Sperry, IA	2017-01-13	What is going on is ludicrous. There appear to be laws broken.
Sarah Hunter	Muscatine, IA	2017-01-13	This mayor in my opinion has tried to do good for a town that really needs it. Our city council are bullying her in every way. Something needs done
Cynthia Hampton	Wapello, IA	2017-01-13	I believe that if there were serious enough charges as to why Mayor Broderson, should be removed then it should be public knowledge instead of listing all the reasons as to why she could be removed. The council has given the public nothing to go on. With that being said, "IF" there is something serious as to why Mayor Broderson should be removed then the public should know about it, so they can choose for themselves if they want to defend her or not. The public needs FACTS! The public's actions show support due to no reason given for her dismissal.
Melissa Snydaacker	Muscatine, IA	2017-01-13	The City Council has done these things with no explanation to the citizens who have elected both them and her.
Lori Naber	Muscatine, IA	2017-01-13	She has done nothing wrong! And hasn't even been given a chance or the respect mayor deserves!!
duane wherry	Muscatine, IA	2017-01-13	I am not saying that the mayor has not made some mistakes but this is totally unacceptable , they need to get along and do their jobs. There are many things going on here but I think the number one issue is that the city council did not like the fact that we the people did not elect who they wanted. They have fought her since day one. If they succeed in this who will they appoint? we all know it will be Hopkins

Name	Location	Date	Comment
Crystal Nichols	Muscatine, IA	2017-01-13	The right thing needs done.
Laura Danay	Muscatine, IA	2017-01-13	people are getting ridiculous
Douglas Ricklirs	Muscatine, IA	2017-01-13	Council members are acting like childish fools!
DeWayne Strong	Pella, IA	2017-01-13	Because this is obvious corruption in the democracy of order.
shantel barnard	Muscatine, IA	2017-01-13	shantel barnard
Cecil Maxam	Muscatine, IA	2017-01-13	Signing because it seems as though. the council is prejudice towards the mayor.
Shelly Wieskamp	Muscatine, IA	2017-01-13	The "Good Ole Boys Club" need to find another hobby.
keisey koenig	Muscatine, IA	2017-01-13	Petty ! Drain the swamp !
Nicholas Zimmerman	Davenport, IA	2017-01-13	I am signing because I grew up in Muscatine, IA. The corruption, graft, and greed that have kept Muscatine from growing, obtaining new businesses, and retaining population must stop.
darran reverend	Burlington, IA	2017-01-13	These people need to be held accountable for their actions.
lisa searcy	Muscatine, IA	2017-01-13	She was elected by the people & they have given no reason.
Janice Mcleary	Muscatine, IA	2017-01-13	It's just wrong. The people voted her in.
Matt Moody	Muscatine, IA	2017-01-13	The city council of Muscatine has held illegal closed door meetings regarding the future of Muscatine mayor Diane Broderson.
Dakota Upshaw	Muscatine, IA	2017-01-13	I know the council has broken rules and they have been very unpleasant to mayor broderson and need to be held accountable
Alex Bueno	Muscatine, IA	2017-01-13	This is an outrage..
Arleen Kennedy	Muscatine, IA	2017-01-13	The good old boy system needs to be abolished. My vote needs to count.
Wanda Bryant	Muscatine, IA	2017-01-13	I'm signing because we, as a community, need to stand together and stand up for the representation that we sought and voted for, as well as because I feel that our city councilmen have overstepped their authority whether their guidance has come from the City Administrator or not. I am appalled that our County Attorney would willfully disregard the law in order to accomplish something his political party wants, or that he, as part of the "old boys club" wants or that he, personally, may want. I am ashamed of our City Administrator, Our Councilmen, & our County Attorney for their involvement in bullying not just the Mayor, but also for attempting to keep the citizens of Muscatine from being heard at last night's meeting.
shawn wagler	Muscatine, IA	2017-01-13	The city council has not listened to the people of muscatine
Sheila Howell	Muscatine, IA	2017-01-13	The Muscatine City Council is an embarrassment to the people they are supposed to represent.
Diana Edwards	Muscatine, IA	2017-01-13	I want to know the reason behind this action!
Constance Mittman	Muscatine, IA	2017-01-13	There has been a "witch-hunt" ever since Mayor Broderson has held this position! The council can't even tell the public why they want her out!!!
Tammy Ganoe	Jefferson, IA	2017-01-13	I grew up in Muscatine and I still consider it Home. Maybe the City Council needs to step down and appoint new council members in their place. Maybe they should be investigated. Bet that you will find out alot that should be made public for is to read.
Holly Rudolph	Fruitland, IA	2017-01-13	I believe in Mayor Broderson
Tim Mittman	Muscatine, IA	2017-01-13	This is Corruption...
Tami Tietge Hall	Muscatine, IA	2017-01-13	M@icloud.com

Name	Location	Date	Comment
Mary Martin	Muscatine, IA	2017-01-13	I do not believe the city council is acting appropriately. I've not heard of any wrongdoing by Mayor Broderson. Just because she is not one of the good ole boys and the council may not agree with her or be able to "control" her is no reason to try to fire her. Maybe it's time for a shaking up and really allow Muscatine to be a great city.
Lindsay Thomas	Muscatine, IA	2017-01-13	I believe the removal of the mayor is unneeded and against the will of the people of Muscatine.
Sarah Schumacher	Muscatine, IA	2017-01-13	It's time to get rid of council members not the mayor.
Sally Pagel	Peoria, IL	2017-01-13	This is my hometown and something is very wrong with this! Please check into this!
mil burroughs	Muscatine, IA	2017-01-13	I want answers
Joe Corman	Muscatine, IA	2017-01-13	One must protect our dignity and Our laws. I am embarrassed by our City counsel's actions and believe that they have Broken the law. Joe Corman
Rita Mathiot	Muscatine, IA	2017-01-13	This council has been unfair since she has been in office. Leave her alone and get a new council.
Blair Dickey	Wapello, IA	2017-01-13	It's wrong what the council is doing to the mayor
Danielle Peterson Broderson	Tipton, IA	2017-01-13	Diana has been a great mayor for the people!
Don Eggenburg	Muscatine, IA	2017-01-13	Don Eggenburg
Evert White	Muscatine, IA	2017-01-13	I feel city council has vendetta against mayor, and has not told the citizens why such action needed.
Lynsey Sedam	Muscatine, IA	2017-01-13	I think our vote should count. That's who we elected and council would not give any reason for pushing out our ELECTED MAYOR
Suzanne Hickman	Muscatine, IA	2017-01-13	The city council is wrong.
Dylan Metzger	Muscatine, IA	2017-01-13	The mayor has done nothing wrong, they just simply don't like her.
Angie DeLong	Muscatine, IA	2017-01-13	It's not right. She is being treated unfairly, and we are not being given reasons as to why they want her out of office.
Albert Dabit	Muscatine, IA	2017-01-13	I support my mayor. Remove the old premative city council members instead.
leah brant	muscatine, IA	2017-01-13	Muscatine residents should know what is happening to their mayor.
George Reimers	Muscatine, IA	2017-01-13	I'm signing because we, as a community, need to stand together and stand up for the representation that we sought and voted for, as well as because I feel that our city councilmen have overstepped their authority whether their guidance has come from the City Administrator or not. I am appalled that our County Attorney would willfully disregard the law in order to accomplish something his political party wants, or that he, as part of the "old boys club" wants or that he, personally, may want. I am ashamed of our City Administrator, Our Councilmen, & our County Attorney for their involvement in bullying not just the Mayor, but also for attempting to keep the citizens of Muscatine from being heard at last night's meeting.
Tina Skipton	Muscatine, IA	2017-01-13	The city Council should not have the right to remove the powers of the mayor with which the citizens of Muscatine have elected her to have.
Dayton Campbell	Muscatine, IA	2017-01-13	I'm signing this because if our own mayor that we, the people of Muscatine county VOTED into her position being shut out of even a single council meeting is criminal. To stand to for this would be to lay down.

Name	Location	Date	Comment
Beatrice Strong	Muscatine, IA	2017-01-13	Council has too many back alley meetings so to speak that aren't public knowledge and decisions being made at bars or wherever they happen to be and then added to the agenda.
Whitney Powell	Muscatine, IA	2017-01-13	I'm signing cause I think They shouldn't be trying to control her and what cases she does.
Michelle Huber	Muscatine, IA	2017-01-13	I don't like the lack of cooperation the council has shown to the mayor. I feel the council has also shown a disregard to the citizens who have voted for the mayor. The "good old boy" attitude does nothing to promote my respect.
Shannon Stalkfleet	Muscatine, IA	2017-01-13	Taunting the constituents with the prospect of wrongdoing is not the way to go about this. We elected Mayor Broderson under what we thought was a fair democratic system and because the Council doesn't approve (of her political party? Lack of penis? Determination to institute positive change?) they're attempting to dismantle the system for their own benefit. If something inappropriate happened we have a right to know. Worse yet is their lack of respect for the community members who got up and spoke at the City Council meeting. How disgraceful that grown men behave like teenagers. It also did NOT go unnoticed that the Council members attempted to push the vote through quickly without allowing the constituents to speak their mind. Mayor Broderson stood up for her constituents and allowed them - all of them - to speak. Brava.
David Davis	Muscatine, IA	2017-01-13	I believe our council is acting without cause or authority.
Judy Rohwedder	Saint Louis, MO	2017-01-14	I am signing as a former resident of Muscatine. I don't believe the actions of the city council should be allowed.
Carl Negus	Muscatine, IA	2017-01-14	I think any politicians making any laws behind closed doors it's inappropriate to start with. And independent outside entity should investigate and if wrongdoing is found they should be charged appropriately. Along those same lines, if it is found that they have a true complaint with the mayor should be removed. But there should be an outside inquiry into what's going on!!!
Sandra Kuhens	Muscatine, IA	2017-01-14	Those guys are up to no good. Investigate them,
Brandy Peterson	Muscatine, IA	2017-01-14	I support our Mayor.
Helen Snyder-Moore	Muscatine, IA	2017-01-14	Need to know WHY this is happening!
Rodney Ewalt	Muscatine, IA	2017-01-14	City council over stepping their power and feel they have a vendetta against mayor since WE voted her in to office. Blocked appointments and removed powers and now this. THEY need removed!!
DIANE ROHDE	Muscatine, IA	2017-01-14	I think the city administrator and city council have performed the many transgressions against Mayor Broderson and these should be investigated by the Iowa Attorney General.
Amanda Leopard	Muscatine, IA	2017-01-14	Sometimes the truth needs to be brought to light.
Mark Diercks	Muscatine, IA	2017-01-14	I was always told , your vote counts . that dose NOT apply to Muscatine , The citizens of Muscatine voted that mayor in office . And all that council has done is try to take her duties , give her a chance . The person that needs to go is the city administrator . Remember the Iowa field deal he tried to slide through ? He only cares about doing things the way he wants them done , with no concern for the citizens , and what he says council agrees with , that was very clear last night .
Brett Bohling	Muscatine, IA	2017-01-14	I support the mayor and don't see her doing anything wrong.
Brad Campbell	Muscatine, IA	2017-01-14	Do not agree with elected officials trying to remove other elected officials to further political agendas.

Name	Location	Date	Comment
Cliffstina Campbell	Muscatine, IA	2017-01-14	The City Council has been against her since the first day she started. I say we need a whole new City Council.
Spencer Emke	Muscatine, IA	2017-01-14	Usurping power is unamerican and undemocratic.
Amy Hunt	Muscatine, IA	2017-01-14	The people voted her in for a reason so the council should have to deal with that. they can't pick and choose who THEY want
Mark Schmelzer	Muscatine, IA	2017-01-14	I spoke to a member of the city council and he would not tell me what she allegedly did to warrant removal. They seem to be hiding behind closed doors quite a bit.
Josh Plett	Muscatine, IA	2017-01-14	I support the Mayor 100%! I believe the council is wrong. I believe it is way past the point where some of these council members need to be switched out for some new members with fresh ideas.
Steve Truitt	Muscatine, IA	2017-01-14	This is a bunch of B.S. It just shows how corrupt the government is today. We finally have a solid, good mayor and you losers don't like it. Waaaaaaa
Cyndi Hartley	Muscatine, IA	2017-01-14	The council has been persecuting the mayor since day one. They need to be checked.
Phyllis Hopkins	Moscow, IA	2017-01-14	No information is being public and the voters chose her.
JOY Broderson	Muscatine, IA	2017-01-14	They afraid of a women with power.
Angela hagens	Muscatine, IA	2017-01-14	There is no just cause to remove the Mayor she was voted in by the People of Muscatine
Chris Sample	Muscatine, IA	2017-01-14	The city council has an agenda to remove the Mayor because of her political party affiliation. They meet in secret without the Mayors presence and they are keeping information from the public.
Cheri Powell	St. Charles, IL	2017-01-14	I went to high school in Muscatine, and from what I am hearing and have heard that it is the same thing that is happening in our country: the unwillingness of the White Male System of government to let go of the power that they have held for generations!
Ann Hatfield	Muscatine, IA	2017-01-14	Because the council has been trying to get rid of her from the day she was elected
Lara Bunn	Muscatine, IA	2017-01-15	I signed because we cannot sit idly by while the city council decides to rule by secrecy and pettiness.
Jillaine Strong	Muscatine, IA	2017-01-15	I'm am signing this petition because I feel that the City Council have over stepped their bounds without just cause. The City Council has accused Mayor Broderson for being a negative deterrent to the City of Muscatine. I feel the behavior of the City Council has been the same way since Mayor Broderson took office. So if this is true then all City Council Members need to be removed because of their behavior shown during last council meeting to the citizen of Muscatine. I also think that it is funny that they are saying she is not performing her duties when they are having secret closed session and she is not invited to attend these session so how can she do her duties. Muscatine needs a change to much hypocrisy, disrespect and total disdain to not only to the mayor of Muscatine but the Citizens of Muscatine the voted them to the City Council.
Ietha Ottaway	West Liberty, IA	2017-01-15	As a resident of Muscatine county, this rail roading needs explained and stopped.

Name	Location	Date	Comment
Becky Butler	Muscatine, IA	2017-01-15	I strongly believe there is illegal things going on in the city council in Muscatine! When I had called my ward's council member about concerns I was having with how the council was handling things, including illegal closed door meetings and his response was "you can't prove that". He never denied, just stated it can't be proven. They are hiding a LOT! They do not represent our city as the voters want. They do as they please. Hiring & appointing "friends". Not allowing the mayor to comment, bring any suggestions to the group, taking away all her rights and voting to remove duties the mayor has ALWAYS had. If you listen to the city council meetings Phil & the other big guy next to him are always making rude comments when the mayor does things they don't like or when citizens address the board that they don't like. Not professional at all and that is how most of them act all the time when the mayor tries to do her job or speaks. What needs to happen is all the City Council men need to be removed/fired from office immediately!
Patrick Dugan	Muscatine, IA	2017-01-15	She is just doing what's best for my city and using the same cash for repairs and or new assets for further growth and most importantly the needy this town is boring but fully equipped with assets from the industrial community.
Debra Dick	Muscatine, IA	2017-01-15	I feel the mayor is doing a great job. She won the election and people need to respect the voters.
Kevin Edwards	Muscatine, IA	2017-01-15	The people elected Broderson,
Joyce Castillo	Wilton, IA	2017-01-15	What the City Council did was unfair and this matter should be looked into!
Jose Zacarias	West Liberty, IA	2017-01-15	She is a strong, female leader in an all-boys club!
Janice Pohl	Muscatine, IA	2017-01-15	I'm signing because I think it is time to stop behind closed doors manipulation of our city and it's duly elected mayor.
Linda Newcomb	Muscatine, IA	2017-01-15	No single government entity should have sole control over another to negate the vote of the people
Brian Nichols	Muscatine, IA	2017-01-15	I want answers, left in the dark.
rita dockery	davenport, IA	2017-01-16	Women have rights to
Catherine Witz	Muscatine, IA	2017-01-16	It isn't right what is happening to the Mayor. We don't fully know why they want to remove her.
Perfecto Colon Jr	Muscatine, IA	2017-01-16	I want mayor Diana Broderson to stay in office. What right this city council they have to get Mayor Broderson out of the office. We voted her in, and we are the ones that can make that decision, not this bunch of clowns.
debra lasseter	muscatine, IA	2017-01-17	they all need replaced. except the mayor
Patricia Richardson	Muscatine, IA	2017-01-18	I believe that the council has a problem with the x mayor losing. I feel that they wouldn't be happy about any women being the mayor. I also feel that if the x mayor would get the office back, that the power will be given back to the mayor.
Miyah Payne	Muscatine, IA	2017-01-18	This needs to STOP! Its embarrassing as a community & a horrible representation of how adults SHOULD act especially those in office. She was elected Mayor so respect that & let her do her damn job. The Good 'ol Boy bull crap needs to STOP. Grow the hell up. This is disgusting.
Clint Johannsen	Davenport, IA	2017-01-18	This city council has gone beyond their rights. Shame on them.
Randy Smith	Muscatine, IA	2017-01-18	I and many others voted for Mayor Broderson, trying to oust her just because city council doesn't like her is just wrong. I will be voting each city council member out next chance I get.
Adrienne Nelsen	roland, IA	2017-01-18	Former resident of Muscatine and I think this is an embarrassment to Muscatine. The people need a reason...not just to say she's out.

Name	Location	Date	Comment
Heidi Niles	Muscatine, IA	2017-01-18	I feel all sides of the story should be told and heard.
David Sywassink	Muscatine, IA	2017-01-18	It needs to be investigated. I think there is a more devious agenda than what appears to be.
Keith Dickens	Muscatine, IA	2017-01-18	The City Council clearly does not have the best interests of the Muscatine Community in mind and our citizens deserve better.
jeremy behrend	muscatine, IA	2017-01-19	I'm signing this petition, because as a Conservative, I believe in Justice. I believe that the Mayor and the city Council's Job are to Work for the people of Muscatine. when we have a City council who is trying to remove our Fairly Elected Mayor, to install a YES MAN into her position, Then the Council needs to be Audited by the state of Iowa (in regards to their Chinese Connection) and the people of Muscatine: Both Conservative and Liberal need to stand behind our fairly elected mayor. She was elected, and needs to be able to do her job. We can't have a Mayor removed IF no wrong doing has been done. This is truly and Injustice, and not one asked for by anyone let alone the citizens of Muscatine, Iowa.
David Stotler	Blue Grass, IA	2017-01-19	I'm signing because I don't think that the City Council has the right to remove the Mayor
mary hildebrandt	Muscatine, IA	2017-01-19	I think mayor broderson should serve out her term thru December 31, 2017. Then let the people vote to either keep her in or replace her.
Doug cocklin	Muscatine, IA	2017-01-19	I voted for the Mayor and feel my vote is being violated by not allowing my elected representatives do her job.
Linda Kely	Muscatine, IA	2017-01-19	It seems there has been an agenda against Mayor Broderson since she was first elected. I have heard from some city employees and former employees that they are afraid to speak their mind for fear of backlash. This is a very negative situation. This situation is untenable and smacks of obstructionism, misogyny and manipulation. I am disappointed that our elected council is not more forthcoming and transparent. The city administrator works for us, not the other way around. It's the job of the council to hear your constituents. I was embarrassed that a move was made to prevent the public from speaking at the last council meeting on a technicality that appeared to be engineered. This does not inspire public trust. Please fix this perception candidly.
Rebecca England	Muscatine, IA	2017-01-19	I believe that this should be investigated along with other government agencies that cover up and promote and seat people that should not be getting away with the things they do.
Terry McCleary	Davenport, IA	2017-01-19	I am signing because I used to live in Muscatine & I believe that they are doing Mayor Broderson wrong. They have no right to strip her of her power and keep her out of meetings. I stand behind her.
Byron Keefe	Muscatine, IA	2017-01-19	We need a full state run audit and possible criminal investigation of what is going on.
Junior Colon	Muscatine, IA	2017-01-19	Is about time to stop these clowns from abusing their power.Mayor Diana Broderson, have not done anything wrong. The council, because their buddy lost to Diana, the sore losers now want to get rid of her. Please, help us stop these brain dead individuals, sore losers from making the biggest mistake of their life..
april hernandez	Luther, OK	2017-01-19	woman have rights!!
Ben Roberson	Davenport, IA	2017-01-19	Everything that the council did was wrong. The city administrator needs investigated as well.
Todd Wagner	Las Vegas, NV	2017-01-20	I used to live in Methcatine and the good old boys are out of control there.
Anthony Snyder	Muscatine, IA	2017-01-20	I want to know what is really going on.

Name	Location	Date	Comment
Rev. Steven Brown	Muscatine, IA	2017-01-20	We live in a democracy, and anytime the people vote a politician in office. They have the right for there voice to be heard. Our community council board makes there own rules. In all of there decisions .our mayor was voted in by us: And the council has no right to strip her of her rights without the public speaking and our voices being heard. She has done her job and found wrongs by the council that's why they choose to destroy her.
Florence Pedersen	Muscatine, IA	2017-01-20	I believe Mayor Broderson should serve out her term as Mayor. She was duly elected by the people of Muscatine. The current City Council has been out to get her since day 1 of her term. I do believe they do not want to answer to a woman. This was not their choice for mayor.
Philip Kinyon	Muscatine, IA	2017-01-23	I support my mayor.
Sherry Trimble	Muscatine, IA	2017-01-23	This really needs to be investigated!
Bill Dyar	Muscatine, IA	2017-01-24	The Council and city administrator are an embarrassment to the entire community. Mayors can be replaced every two years on the ballot. I wonder why Hopkins wants to be mayor with the power taken away by the gang of seven unless he had been promised he would get the power back and the administrator would allow city employees to talk with the mayor and that smacks of sex discrimination
Judy Metzger	Muscatine, IA	2017-01-31	This is obviously a stunt to get her out and "their guy" in and nothing more!
Pat VanDyke	Muscatine, IA	2017-02-01	I have believed this is wrong from the frist. City council is "the good old boys club".
Jim Mwerideth	Muscatine, IA	2017-02-04	This witch hunt is because the Mayor wants transparency and citizen participation is how the city is governed instead of the good ole boy system.
Vickie & Wayne French	Muscatine, IA	2017-02-08	We support our Mayor,& feel she has not been treated equal. You are right Ann Brumback.....they want a..." YES MAN ".
missy plowman	Letts, IA	2017-02-19	I don't live in Muscatine but I work there every day. I have been following this story and there is just a lot that don't seem to add up. I think an impartial 3 party needs to investigate.
Richard A. Smith	Muscatine, IA	2017-02-19	The Muscatine city manager and council members are way over the line in many areas. The city manager appears to have control issues. All parties need to start talking TO each other rather than ABOUT each other.
Brett Bohling	Muscatine, IA	2017-02-21	I don't believe the council had the right to charge Diana with anything. Those asshole should be and not her. She is the perfect mayor we have
Brett Bohling	Muscatine, IA	2017-02-21	Ann can we please talk civil and meet ad a business meeting
Brett Bohling	Muscatine, IA	2017-02-21	Email me at brettbohling@gmail. Com
gary hawkins	Muscatine, IA	2017-02-25	she was elected and you dont strip power from an elected official

Name	City	State	Postal Code
Ann Brumback	Muscatine	Iowa	
christina bothwell	keithsburg	Illinois	61442
Elizabeth Herbert	Muscatine	Iowa	52761
Jeffrey Brewer	Muscatine	Iowa	52761
Robin Miller	Muscatine	Iowa	52761
Samantha Schmidt	Calamus	Iowa	52729
Christopher Byrd	Muscatine	Iowa	52761
jennifer diveney	Muscatine	Iowa	52761
Donna Evans	Muscatine	Iowa	52761
Roger Stegall	Muscatine	Iowa	52761
katrina kerr	Muscatine	Iowa	52761
Harry Bean	Muscatine	Iowa	52761
Amber Harden	Muscatine	Iowa	52761
Jaime Slocum	Muscatine	Iowa	52761
Katie Yetter	Muscatine	Iowa	52761
Andrew Reyes	Muscatine	Iowa	52761
Nate Plemmons	Davenport	Iowa	52806
Megan Jones	Muscatine	Iowa	52761
Michael Smith	Muscatine	Iowa	52761
Dylan Schenkel	Wilton	Iowa	52778
Christopher Skidmore	Muscatine	Iowa	52761
Shawn Reichert	Muscatine	Iowa	52761
Anthony Philpott	Muscatine	Iowa	52761
Marci Edwards	Muscatine	Iowa	52761
Lisa Garrett	Muscatine	Iowa	52761
Kim McCleary	Muscatine	Iowa	52761
Ken Logel Jr	Fruitland	Iowa	52749
Michael Garrison	Muscatine	Iowa	52761
Steve Aguirre	Muscatine	Iowa	52761
Andrea Hoback	Muscatine	Iowa	52761
George Heath	Muscatine	Iowa	52761
Lynn Plett	Muscatine	Iowa	52761
Donna Garvey	Muscatine	Iowa	52761
Cathy Estabrook	Muscatine	Iowa	52761
Kyle Darnell	Muscatine	Iowa	52761
Shannon Lewis	Muscatine	Iowa	52761
Sheradon Sulzberger	Muscatine	Iowa	52761
Amanda Raya	Muscatine	Iowa	52761
Jo Miller	Muscatine	Iowa	52761
melissa bennett	Grandview	Iowa	52752
Cynthia Rada	Muscatine	Iowa	52761
Natosha Castillo	Muscatine	Iowa	52761
Merrill Lebron	Muscatine	Iowa	52761
Brad Bean	Muscatine	Iowa	52761
Colleen Moomey	Muscatine	Iowa	52761
Melissa Griffin	Muscatine	Iowa	52761

Howland Tom	Muscatine	Iowa	52761
Rayan Chapman	Conesville	Iowa	52739
Rhonda Ayers	Muscatine	Iowa	52761
No Name	Muscatine	Iowa	52761
John Rhodes	Muscatine	Iowa	52761
Maricela Rada	Muscatine	Iowa	52761
Abbi Neipert	Muscatine	Iowa	52761
Dennell Snyder	Muscatine	Iowa	52761
Julie Berry	Muscatine	Iowa	52761
Alissa Birkhofer	Muscatine	Iowa	52761
Cami Day	Muscatine	Iowa	52761
Dean Evans	Muscatine	Iowa	52761
Candice Townsend	Muscatine	Iowa	52761
Lori Shield	Muscatine	Iowa	52761
Jennifer Peters	Muscatine	Iowa	52761
Kelly Collins	Muscatine	Iowa	52761
Mike Logel	Muscatine	Iowa	52761
Cindy Peterson	Muscatine	Iowa	52761
Cassie Reynolds	Muscatine	Iowa	52761
Ana Lee	Muscatine	Iowa	52761
Molly Schwarz	Muscatine	Iowa	52761
Andrea Bierman	Muscatine	Iowa	52761
Josh Reynolds	Muscatine	Iowa	52761
Marilyn Todd	Muscatine	Iowa	52761
Ronda Lane	Muscatine	Iowa	52761
Jamie Cook	Muscatine	Iowa	52761
Mike Nicholas	Galesburg	Illinois	61401
Alice Simmons	Muscatine	Iowa	52761
Salli Blaesing	Muscatine	Iowa	52761
Kim Mills	Muscatine	Iowa	52761
Raquel Chesmore	Muscatine	Iowa	52761
Beth Simpson	Muscatine	Iowa	52761
Andrea Jennings	Muscatine	Iowa	52761
Angel Bierman	Muscatine	Iowa	52761
Kaely Spratt	Muscatine	Iowa	52761
Regena Broderson	Muscatine	Iowa	52761
Vicki Everhart	Muscatine	Iowa	52761
Kristen Pedersen Stalkfleet	Muscatine	Iowa	52761
Carissa Lewis	Muscatine	Iowa	52761
Jenni Heath	Muscatine	Iowa	52761
Alley Colberg	Muscatine	Iowa	52761
Kevin Yerington	Muscatine	Iowa	52761
Oscar Lerma	Muscatine	Iowa	52761
Jeremiah Whitehall	Muscatine	Iowa	52761
Angie Crumly	Fruitland	Iowa	52749
Zoey Dieckman	Muscatine	Iowa	52761
Susan Bengtson	Muscatine	Iowa	52761

DeAnna Maher	Muscatine	Iowa	52761
Kim Tomasson	Muscatine	Iowa	52761
Sandra Hallett	Muscatine	Iowa	52761
Whitney Leza	Muscatine	Iowa	52761
Nathan Baker	Muscatine	Iowa	52761
Eva McBride	MUSCATINE	Iowa	52761
Lori Dietrich	Muscatine	Iowa	52761
Corie Cottrell	Muscatine	Iowa	52761
Maria Frausto	Muscatine	Iowa	52761
Nicole Jones	Muscatine	Iowa	52761
Sarah Padilla	Muscatine	Iowa	52761
Benjamin Fix	Muscatine	Iowa	52761
Daniel Lauterwasser Jr.	Muscatine	Iowa	52761
Peg (Garrison) Hagist	Muscatine	Iowa	52761
Jennifer Baker	Muscatine	Iowa	52761
Liz Marks	Muscatine	Iowa	52761
Sarah Snyder	Iowa City	Iowa	52245
Shannon Sulzberger	Muscatine	Iowa	52761
Lara Bunn	Muscatine	Iowa	52761
Luke Perkins	Muscatine	Iowa	52761
Tammi Schmelzer	Muscatine	Iowa	52761
Stephanie Day	Davenport	Iowa	52802
Brian Morgan	Muscatine	Iowa	52761
Terri Blinder	Muscatine	Iowa	52761
jane yerington	Atalissa	Iowa	52720
Jim Cunningham	Muscatine	Iowa	52761
Toni Spurling	Muscatine	Iowa	52761
DeeAnna Schumacher	Fruitland	Iowa	52749
REYNEA O'BRIEN	MUSCATINE	Iowa	52761
Jamie Nesmith	Muscatine	Iowa	52761
Erika Perales	Muscatine	Iowa	52761
Leticia Alvarado	Wilton	Iowa	52778
Felix Colon	Muscatine	Iowa	52761
Kimberley Koller	Muscatine	Iowa	52761
Nancy Briles	Muscatine	Iowa	52761
Ofelia Leza	Muscatine	Iowa	52761
John Gaeta	Muscatine	Iowa	52761
Andrea Pustell	Muscatine	Iowa	52761
Lynn Bohling	Muscatine	Iowa	52761
Kathleen Erwin	Muscatine	Iowa	52761
matt martin	Muscatine	Iowa	52761
Jerry Seemuth	Atalissa	Iowa	52720
glen bohling	Muscatine	Iowa	52761
Beatrice McCleary	Muscatine	Iowa	52761
Mandy Moody	Muscatine	Iowa	52761
Connie Kopf	Muscatine	Iowa	52761
Jerry & Marilyn Truitt	Muscatine	Iowa	52761

Jennifer Tracy	Muscatine	Iowa	52761
Rex Wilson	Muscatine	Iowa	52761
Edna Schult	Durant	Iowa	52747
Heather Cohn	Lee's Summit	Missouri	64063
Terra Allen	Muscatine	Iowa	52761
Rodney Kleindolph	Muscatine	Iowa	52761
Nakisha Peniston	Muscatine	Iowa	52761
dolores livingston	omaha	Nebraska	68134
Kacey Steinke	Muscatine	Iowa	52761
bryce taylor	Muscatine	Iowa	52761
Callie Van hoe	East Moline	Illinois	61244
Travis Glynn	Muscatine	Iowa	52761
Kayla Lauterwasser	Muscatine	Iowa	52761
Leo Peterson	Muscatine	Iowa	52761
Steven Truitt	Muscatine	Iowa	52761
Lynda McAtee	Muscatine	Iowa	52761
Mandy Wagner	Muscatine	Iowa	52761
Deanna Reed	Muscatine	Iowa	52761
Lia Horton	Muscatine	Iowa	52761
Kiley Krogman	Muscatine	Iowa	52761
Cindy Strong	Muscatine	Iowa	52761
Jared Wheeler	Wilton	Iowa	52778
Stephanie Ryder	Muscatine	Iowa	52761
Gina Hake	Fruitland	Iowa	52749
Lynnette Burns	Muscatine	Iowa	52761
Eric Garrett	Muscatine	Iowa	52761
Jodi Cousins	Muscatine	Iowa	52761
cassandra Swank	Muscatine	Iowa	52761
Steve Nienhaus	Muscatine	Iowa	52761
tara steahr	Muscatine	Iowa	52761
Sean Broderson	Muscatine	Iowa	52761
Ron Knopik	Muscatine	Iowa	52761
Renee Bodman	Muscatine	Iowa	52761
roger Strong, Sr.	Muscatine	Iowa	52761
Katherine Stacy	Muscatine	Iowa	52761
Meg Gatzke	Muscatine	Iowa	52761
Travis Rudolph	Blue Grass	Iowa	52726
Yvonne Curry	Muscatine	Iowa	52761
Richard Coreno	Berea	Ohio	44017
Karen Steinke	Muscatine	Iowa	52761
Scott Kruse	Muscatine	Iowa	52761
Tiffany Lerch	Muscatine	Iowa	52761
Dakota M	Muscatine	Iowa	52761
Kassidy Harrison	Muscatine	Iowa	52761
Sami Birkhofer	Muscatine	Iowa	52761
Kay McFadon	Muscatine	Iowa	52761
Brandy Moedano	Fruitland	Iowa	52749

Mackenzie Tetmeyer	Muscatine	Iowa	52761
Laura Walker	Muscatine	Iowa	52761
melissa vogt	muscatine	Iowa	52761
Merissa Hammann	Bennett	Iowa	52721
Gerald Whisler	Muscatine	Iowa	52761
Rachel Anderson	Muscatine	Iowa	52761
mindy harfst	Muscatine	Iowa	52761
Joe Harris	Muscatine	Iowa	52761
Danielle Hammond	Muscatine	Iowa	52761
Sharon Wilson	Muscatine	Iowa	52761
Pam Freers	Muscatine	Iowa	52761
Tabitha Nesbitt	Muscatine	Iowa	52761
Ryan Drew	Burlington	Iowa	52601
Anna Martinez	Muscatine	Iowa	52761
Cassie Cottrell	Muscatine	Iowa	52761
Morgen Bermel	Clive	Iowa	50325
Natalie McGlaughlin	Muscatine	Iowa	52761
Barbara Huber	Muscatine	Iowa	52761
Shanna Showalter	Muscatine	Iowa	52761
Dawn Wood	Trumbull	Connecticut	6611
Shane Grady	Muscatine	Iowa	52761
Katie McCarthy	Muscatine	Iowa	52761
Terry Neeld	Muscatine	Iowa	52761
Kim Dahnke	Muscatine	Iowa	52761
Jacob Schmelzer	Muscatine	Iowa	52761
Curt Pieper	Muscatine	Iowa	52761
Darrick Hamerlinck	Durant	Iowa	52747
Scott Eyre	Sperry	Iowa	52650
Dakota Wright	Muscatine	Iowa	52761
Jim Merideth	Springfield	Illinois	62761
ANGIE KIRK	Muscatine	Iowa	52761
laura millage	Muscatine	Iowa	52761
Fatima Helm	Muscatine	Iowa	52761
Sarah Hunter	Muscatine	Iowa	52761
Leigh Anne Harris	Muscatine	Iowa	52761
Mary Darnell	Muscatine	Iowa	52761
Malisa Hipshur	Muscatine	Iowa	52761
Cynthia Hampton	Wapello	Iowa	52653
Christi Hendrix	Muscatine	Iowa	52761
Benjamin Miller	Burlington	Iowa	52601
LeAnn CROse	musc.	Iowa	52761
Janine Todd	Muscatine	Iowa	52761
Misty Foster	Muscatine	Iowa	52761
Courtney salek	Muscatine	Iowa	52761
Tom Sturms	Muscatine	Iowa	52761
Mary Cowles	Muscatine	Iowa	52761
Tiffany Leza	Muscatine	Iowa	52761

Wanda Bryant	Muscatine	Iowa	52761
Alanna Mathis	Muscatine	Iowa	52761
Shelly Meier	muscatine	Iowa	52761
Tyler Stoltz	Muscatine	Iowa	52761
Shawn wagler	Muscatine	Iowa	52761
Lisa Fry	Muscatine	Iowa	52761
Angela Byrd	Muscatine	Iowa	52761
Sheila Howell	Muscatine	Iowa	52761
Anthony Krumbholz	West Liberty	Iowa	52776
Diana Edwards	Muscatine	Iowa	52761
Constance Mittman	Muscatine	Iowa	52761
Anita Shumaker	West Unity	Ohio	43570
Tammie Blaesing	Muscatine	Iowa	52761
Sarah Hoeg	Muscatine	Iowa	52761
Molly Dorton	Muscatine	Iowa	52761
Tabitha Story	Muscatine	Iowa	52761
Rolando Perales	Muscatine	Iowa	52761
Tammy Ganoë	Jefferson	Iowa	50129
Trish Sloan	Muscatine	Iowa	52761
Holly Rudolph	Fruitland	Iowa	52749
Debbie Imhoff	Muscatine	Iowa	52761
Tim Mittman	Muscatine	Iowa	52761
Tami Tietge Hall	Muscatine	Iowa	52761
Calvin Carter	Muscatine	Iowa	52761
Jon Kiser	Muscatine	Iowa	52761
Brittani Mcghee	Muscatine	Iowa	52761
Jeff Wehmeyer	muscatine	Iowa	52761
Melissa Wilson	Muscatine	Iowa	52761
Claude Daum	Muscatine	Iowa	52761
Jane Schroeder	Muscatine	Iowa	52761
Mary Martin	Muscatine	Iowa	52761
Terry Byrd	Muscatine	Iowa	52761
Oscar Garcia	Muscatine	Iowa	52761
Todd Poci	muscatine	Iowa	52761
Fred Satterthwaite	Muscatine	Iowa	52761
Michael Kramer	Muscatine	Iowa	52761
Amanda Curtis	Muscatine	Iowa	52761
Lindsay Thomas	Muscatine	Iowa	52761
Julie Aguirre	Muscatine	Iowa	52761
Ashley Morris	Muscatine	Iowa	52761
Lisa Slater	Columbus Junction	Iowa	52738
Sarah Schumacher	Muscatine	Iowa	52761
Scott Haney	Muscatine	Iowa	52761
Nancy Guy	Muscatine	Iowa	52761
Delaney Smith	Muscatine	Iowa	52761
JAMES ROCK	Muscatine	Iowa	52761
Sally Pagel	Peoria	Illinois	61615

Melissa Snyder	Muscatine	Iowa	52761
Thomas Snyder	Muscatine	Iowa	52761
Kevin Hunter	Muscatine	Iowa	52761
Michelle Ditmars	Muscatine	Iowa	52761
Lori Naber	Muscatine	Iowa	52761
Duane Wherry	Muscatine	Iowa	52761
LINDA SMYERS	Muscatine	Iowa	52761
Crystal Nichols	Muscatine	Iowa	52761
Laura Danay	Muscatine	Iowa	52761
Angela Noah	Muscatine	Iowa	52761
DeWayne Strong	Sterling	Colorado	80751
Shantel Barnard	Muscatine	Iowa	52761
Jamie Bohling	Muscatine	Iowa	52761
Cecil Maxam	Muscatine	Iowa	52761
Shelly Wieskamp	Muscatine	Iowa	52761
Debbie Kaalberg	Muscatine	Iowa	52761
Alyce Spoto	Muscatine	Iowa	52761
Kelsey Koenig	Muscatine	Iowa	52761
Breana Lynn	Muscatine	Iowa	52761
Denise Cox	Fort Dodge	California	50501
Ana Lake-Rosales	Muscatine	Iowa	52761
Rod Bierman	Muscatine	Iowa	52761
Tony Steckman	Muscatine	Iowa	52761
Nicholas Zimmerman	Bellevue	Washington	98005
Sherry Curry	Muscatine	Iowa	52761
Darran Reverend	Burlington	Iowa	52601
Randy Hake	Muscatine	Iowa	52761
Tonia Brossart	Muscatine	Iowa	52761
Christina Norton	Muscatine	Iowa	52761
Lisa Searcy	Muscatine	Iowa	52761
Holly Brugman	Muscatine	Iowa	52761
Megan Mitchell	Charleston	South Carolina	29406
Janice McCleary	Muscatine	Iowa	52761
Chris Kottman	Muscatine	Iowa	52761
Phoenixe Mason	Muscatine	Iowa	52761
Matt Moody	Muscatine	Iowa	52761
Dakota Upshaw	Muscatine	Iowa	52761
Josephine Oetting	Muscatine	Iowa	52761
Thelma Peterson	Muscatine	Iowa	52761
Alex Bueno	Muscatine	Iowa	52761
Arleen Kennedy	Muscatine	Iowa	52761
Janet Haskell	Muscatine	Iowa	52761
Jessi Freers	Muscatine	Iowa	52761
Melissa VanEst	Muscatine	Iowa	52761
Morgan Neipert	Muscatine	Iowa	52761
Cory Bachman	Muscatine	Iowa	52761
Haleigh McConnaha	Muscatine	Iowa	52761

Lindsey Ford	Oakville	Iowa	52646
Stephanie Stych	Muscatine	Iowa	52761
Milburn Burroughs	Muscatine	Iowa	52761
Kirstie Marshall	Muscatine	Iowa	52761
Joe Corman	Muscatine	Iowa	52761
Judy Sebbert	Muscatine	Iowa	52761
Kay Taylor	Muscatine	Iowa	52761
carolyn Roush	Muscatine	Iowa	52761
Ruby Taylor	Muscatine	Iowa	52761
Rita Mathiot	Muscatine	Iowa	52761
Renae Garmon	Muscatine	Iowa	52761
Blair Dickey	Wapello	Iowa	52653
Erik Reed	Muscatine	Iowa	52761
Danielle Peterson Broderson	Tipton	Iowa	52772
Kathy Broderson	Muscatine	Iowa	52761
Annie Gordon	Wapello	Iowa	52653
Elizabeth Corn	Muscatine	Iowa	72761
Don Eggenburg	Muscatine	Iowa	52761
Jordan See	Wilton	Iowa	52778
Angela Harris	Muscatine	Iowa	52761
Ashley Ledford	Muscatine	Iowa	52761
Lauri Wright-Gann	Muscatine	Iowa	52761
Cheyenne Arnold	Muscatine	Iowa	52761
Charlene Payne	Muscatine	Iowa	52762
Evert White	Muscatine	Iowa	52761
Richard Cole	Cedar Rapids	Iowa	52404
Shonna Peine	muscatine	Iowa	52761
Alexis Huscko	Fruitland	Iowa	52749
Lynsey Sedam	Muscatine	Iowa	52761
Kraig Reed	Muscatine	Iowa	52761
Justine Mathis	Muscatine	Iowa	52761
Eric Yerington	Muscatine	Iowa	52761
Marla Young	Muscatine	Iowa	52761
Amanda Koenig	muscatine	Iowa	52761
Suzanne Hickman	Muscatine	Iowa	52761
Julie Reimers	Muscatine	Iowa	52761
Dylan Metzger	Muscatine	Iowa	52761
Robert Mcatee	Muscatine	Iowa	52761
James DeLong	Muscatine	Iowa	52761
Albert Dabit	Muscatine	Iowa	52761
Leah Brant	Muscatine	Iowa	52761
George Reimers	Muscatine	Iowa	52761
Brady Holliday	Muscatine	Iowa	52761
April Campbell	Muscatine	Iowa	52761
Kimberly Floyd	Wilton	Iowa	52778
Ashley Campbell	Muscatine	Iowa	52761
Lori Ash	Muscatine	Iowa	51761

Tina Skipton	Muscatine	Iowa	52761
Dayton Campbell	Muscatine	Iowa	52761
Ramona Sywassink	Muscatine	Iowa	52761
Barb Mathis	Muscatine	Iowa	52761
Beatrice Strong	Muscatine	Iowa	52761
Julie Hammell	Muscatine	Iowa	52761
Whitney Powell	Muscatine	Iowa	52761
Michelle Huber	Muscatine	Iowa	52761
Troy Freyeremuth	Muscatine	Iowa	52761
Shannon Stalkfleet	Muscatine	Iowa	52761
David Davis	Muscatine	Iowa	52761
Kirk Hahnbaum	Muscatine	Iowa	52761
Judy Rohwedder	Saint Louis	Missouri	63119
Michelle Teel	Muscatine	Iowa	52761
Julie Martin	North Liberty	Iowa	52317
Bob Lanfier	Muscatine	Iowa	52761
Adam Martin	Baldwin	Iowa	52207
Gwen Reichert	Muscatine	Iowa	52761
Tammy Marshall	Muscatine	Iowa	52761
Tracy Goodrick	Muscatine	Iowa	52761
Carl Negus II.	Muscatine	Iowa	52761
Linda Stoddard	Muscatine	Iowa	52761
Sandra Kuhens	Muscatine	Iowa	52761
Robert Newcomb jr	Muscatine	Iowa	52761
Amber Bodman	Muscatine	Iowa	52761
Danielle Nau	Muscatine	Iowa	52761
Dawn Demler	Muscatine	Iowa	52761
Lynnette Harper	Muscatine	Iowa	52761
Ron Miller	Muscatine	Iowa	52761
Kirk Edwards	Muscatine	Iowa	52761
Jerry Roush	Muscatine	Iowa	52761
Craig Freers	Muscatine	Iowa	52761
Jennifer DeFosse	Muscatine	Iowa	52761
Mary Wooten	Muscatine	Iowa	52761
Brandy Peterson	Muscatine	Iowa	52761
Allison Castle	Muscatine	Iowa	52761
Jeff Hollenbeck	Muscatine	Iowa	52761
Helen Snyder-Moore	Muscatine	Iowa	52761
Rodney Ewalt	Muscatine	Iowa	52761
Loreta OBrien	Muscatine	Iowa	52761
Julia Reichert	Muscatine	Iowa	52761
Abigail Saucedo	Muscatine	Iowa	52761
Robin Stephens	Letts	Iowa	52754
Carol Gundrum	Muscatine	Iowa	52761
Penny Robinson	Muscatine	Iowa	52761
DIANE ROHDE	Muscatine	Iowa	52761
Patrick Hilton	Muscatine	Iowa	52761

Lisa Land	Muscatine	Iowa	52761
Ronald Zimmerman	Muscatine	Iowa	52761
Amanda Leopard	Muscatine	Iowa	52761
Kalee Esmoil	Muscatine	Iowa	52761
Mark Diercks	Muscatine	Iowa	52761
Susan Schnedler	Letts	Iowa	52754
Robert Morrison	Muscatine	Iowa	52761
Jennifer Bane	Muscatine	Iowa	52761
Brett Bohling	Muscatine	Iowa	52761
Penny Conley	Muscatine	Iowa	52761
Frances Smith	Muscatine	Iowa	52761
Sarah Parkyn	Muscatine	Iowa	52761
Brad Campbell	Muscatine	Iowa	52761
Cliffstina Campbell	Muscatine	Iowa	52761
Tonya Bierman	Muscatine	Iowa	52761
Erin Cron	Muscatine	Iowa	52761
Roberta Hilton	Muscatine	Iowa	52761
Tiffany Hunter	Muscatine	Iowa	52761
Lori Sheppeard	Muscatine	Iowa	52761
Joseph Kelly	Muscatine	Iowa	52761
Kelley Emke	Muscatine	Iowa	52761
Spencer Emke	Muscatine	Iowa	52761
Fred Colberg	Wilton	Iowa	52778
Sandra Fuller	Muscatine	Iowa	52761
Amy Hunt	Muscatine	Iowa	52761
Gracie Barnard	Muscatine	Iowa	52761
Dianna Aguirre	Muscatine	Iowa	52761
Donald Blake	Muscatine	Iowa	52761
Zackery Smith	Muscatine	Iowa	52761
Hana Meyer	Muscatine	Iowa	52761
Tom Curry	Muscatine	Iowa	52761
Kay Ribbink	Muscatine	Iowa	52761
Sean Orlins	Muscatine	Iowa	52761
Nicole Campbell	Muscatine	Iowa	52761
Linda Willet	Muscatine	Iowa	52761
Denise Ness	Muscatine	Iowa	52761
Damarise Rodriguez	Muscatine	Iowa	52761
Lisa Miller	Muscatine	Iowa	52761
Stevie Stauffer	Muscatine	Iowa	52761
Jordyn Livermore	Muscatine	Iowa	52761
Mark Schmelzer	Muscatine	Iowa	52761
Skyla Moen	Welton	Iowa	52774
Maegen Sides	Muscatine	Iowa	52761
Sarah Ferin	Solon	Iowa	52333
Josh Plett	Muscatine	Iowa	52762
Marilyn Ahlf	Muscatine	Iowa	52761
Trevor plett	Muscatine	Iowa	52761

Melissa LaRue	Muscatine	Iowa	52761
Steve Truitt	Muscatine	Iowa	52761
Pamela Joslyn	Muscatine	Iowa	52761
Cyndi Hartley	Muscatine	Iowa	52761
Laura Ziegenhorn-Schroeder	Muscatine	Iowa	52761
Sandra Voelker	Muscatine	Iowa	52761
Brian Yerington	Muscatine	Iowa	52761
Kayla Harris	Muscatine	Iowa	52761
Carolee Wehmeyer	Muscatine	Iowa	52761
Micheal Wehmeyer	Muscatine	Iowa	52761
Penny Safley	Muscatine	Iowa	52761
Kathryn Zimmerman	Muscatine	Iowa	52761
Phyllis Hopkins	Mocow	Iowa	52760
Looney O'Brien	Muscatine	Iowa	52761
Ralph Dickel	Marion	Iowa	52302
Kirstin Hahn	Muscatine	Iowa	52761
Ashley Hafner	Muscatine	Iowa	52761
Heather McCormick	Muscatine	Iowa	52761
Steve Harper	Muscatine	Iowa	52761
JOY Broderson	Muscatine	Iowa	52761
Cindy Eggenburg	Muscatine	Iowa	52761
Ashley Cottrell	Muscatine	Iowa	52761
Kassandra Lopez	Muscatine	Iowa	52761
Nicholas Noll	Muscatine	Iowa	52761
Jessica Gardner	Muscatine	Iowa	52761
Mike Carberry	Iowa City	Iowa	52245
Michelle Haller	Muscatine	Iowa	52761
Cory Haller	Muscatine	Iowa	52761
Janet Brauns	Muscatine	Iowa	52761
Jennifer Kopf	Muscatine	Iowa	52761
Terry Mowl	Muscatine	Iowa	52761
Erica Moffit	Muscatine	Iowa	52761
Adam Kaluba	Cincinnati	Ohio	45249
Tyler Beauchamp	Muscatine	Iowa	52761
Angela Hagens	Muscatine	Iowa	52761
Kolten Hagens	Muscatine	Iowa	52761
Chris Sample	Muscatine	Iowa	52761
Michelle Mathias	Wilton	Iowa	52778
Chelsea Van Wey	Muscatine	Iowa	52761
Thomas Nickols	Muscatine	Iowa	52761
Cheri Powell	St. Charles	Illinois	60174
Karla Longstreth	Muscatine	Iowa	52761
Ann Hatfield	Muscatine	Iowa	52761
Anita Zahniser	Muscatine	Iowa	52761
Josh Wagler	Muscatine	Iowa	52761
Misty See	Muscatine	Iowa	52761
Priscilla Brown	Muscatine	Iowa	52761

Dan Holt	Muscatine	Iowa	52761
Patricia Richardson	Muscatine	Iowa	52761
Floyd Nott	Muscatine	Iowa	52761
Jennifer Staples	Rock Island	Illinois	61201
Kenny Dreyer	Muscatine	Iowa	52761
Mike Caffery	Muscatine	Iowa	52761
Carolyn Dittman	Muscatine	Iowa	52761
Miyah Payne	Muscatine	Iowa	52761
Caitlin Costigan	Muscatine	Iowa	52761
Clint Johannsen	Davenport	Iowa	52804
Mayra Solis	Muscatine	Iowa	52761
Shelby Noll	Muscatine	Iowa	52761
Allison Schmoldt	Muscatine	Iowa	52761
Marcy Van Otegham	Muscatine	Iowa	52761
Linda Beckman	Muscatine	Iowa	52761
Sally Stegall	Muscatine	Iowa	52761
Randy Smith	Muscatine	Iowa	52761
AMANDA SHELTON	MOLINE	Illinois	61265
Luisa Delgado	Muscatine	Iowa	52761
Mackenzie Riley	Muscatine	Iowa	52761
Dustin Ballard	Muscatine	Iowa	52761
Nancy Etnier	Muscatine	Iowa	52761
Adrienne Nelsen	Story City	Iowa	50248
Heidi Niles	Muscatine	Iowa	52761
Al Halpain	Muscatine	Iowa	52761
Shelly Hayes	Wilton	Iowa	52778
Marlon Ponce	Muscatine	Iowa	52761
David Sywassink	Muscatine	Iowa	52761
Lorie Hohnke	Muscatine	Iowa	52761
Patrick Taylor	Muscatine	Iowa	52761
Keith Dickens	Muscatine	Iowa	52761
Terri Stecher	Muscatine	Iowa	52761
Rhea Mccarthy-See	Muscatine	Iowa	52761
David Kerr	Muscatine	Iowa	52761
Anna Mae Schmelzer	Muscatine	Iowa	52761
Jeremy Behrend	muscatine	Iowa	52761
Saul Ocampo	Muscatine	Iowa	52761
Jeffrey Webb	Muscatine	Iowa	52761
Renee Johnson	Muscatine	Iowa	52761
David Stotler	Blue Grass	Iowa	52726
Shawn Balagna	Muscatine	Iowa	52761
Andrea Prescott	Muscatine	Iowa	52761
Mary Hildebrandt	Muscatine	Iowa	52761
Doug Cocklin	Muscatine	Iowa	52761
Maggie Strong	Muscatine	Iowa	52761
Linda Kelty	Muscatine	Iowa	52761
John Moffitt	Muscatine	Iowa	52761

Josh B	Bettendorf	Iowa	52722
Rose Olson	Muscatine	Iowa	52761
Rebecca England	Muscatine	Iowa	52761
Holly Peterson	Muscatine	Iowa	52761
Terry McCleary	Davenport	Iowa	52806
Byron Keefe	Muscatine	Iowa	52761
Perfecto Colon Jr	Muscatine	Iowa	52761
Laura Alloway	Muscatine	Iowa	52761
Dave Anson	Muscatine	Iowa	52761
Bridgette Tompkins	Muscatine	Iowa	52761
Cynthia Gray	Muscatine	Iowa	52761
Carla Hucce	Muscatine	Iowa	52761
Dean Arp	Muscatine	Iowa	52761
Andrew Frost	Muscatine	Iowa	52761
April Hernandez	muscatine	Iowa	52761
BRIAN Hamilton	Muscatine	Iowa	52761
Warren Dickinson	Muscatine	Iowa	52761
Alejandra Vargus	Muscatine	Iowa	52761
Casey Bell	Nichols	Iowa	52766
Benjamin Roberson	Muscatine	Iowa	52761
Charlotte Esmoil	Muscatine	Iowa	52761
Amanda Baxter	Davenport	Iowa	52804
jenni reddick	Muscatine	Iowa	52761
Todd Wagner	Las Vegas	Nevada	89166
Morgan Herlein	Muscatine	Iowa	52761
Anthony Snyder	Muscatine	Iowa	52761
Rev. Steven Brown	Muscatine	Iowa	52761
Florence Pedersen	Muscatine	Iowa	52761
Owen McCormick	Muscatine	Iowa	52761
summer evans	Wapello	Iowa	52653
Brenda Smith	Muscatine	Iowa	52761
Marc Herrmann	Iowa City	Iowa	52246
Vickie Bartlett	Muscatine	Iowa	52761
Brandon Mitchell	Muscatine	Iowa	52761
Taylor Hibma	New York	New York	10025
Tracy Hatfield	Muscatine	Iowa	52761
Philip Kinyon	Muscatine	Iowa	52761
LISA LORING	MuscTINE	Iowa	52761
Sherry Trimble	Muscatine	Iowa	52761
Bill Dyar	Muscatine	Iowa	52761
Marcia Jenkins	Muscatine	Iowa	52761
Jessica Carter	Muscatine	Iowa	52761
Vicki Haury	Muscatine	Iowa	52761
Verlinda Davis	Muscatine	Iowa	52761
Cindy Shafer	Muscatine	Iowa	52761
Monika Martinez	Muscatine	Iowa	52761
Charles Nesbitt	Muscatine	Iowa	52761

Doug Sides	Muscatine	Iowa	52761
Teralyn Siller	Arlington	Texas	76018
Tracy Ramirez	Muscatine	Iowa	52761
Judy Metzger	Muscatine	Iowa	52761
Pat VanDyke	Muscatine	Iowa	52761
Ronda Villamagna	Ankeny	Iowa	50021
Vickie & Wayne French	Muscatine	Iowa	52761
Scott Burk	Muscatine	Iowa	52761
Ann Leon	Moline	Illinois	61265
J. Garner	davenport	Iowa	52802
Rob Stuckel	Muscatine	Iowa	52761
Missy Plowman	Letts	Iowa	52754
Richard A. Smith	Muscatine	Iowa	52761
Robert Gilchrist	Muscatine	Iowa	52761
George Rick	Muscatine	Iowa	52761
Martha Medrano	Muscatine	Iowa	52761
Gary Hawkins	Muscatine	Iowa	52761

News/Media Sources

Since the beginning of the change.org petition there have been many news stories that reflect not only the written and online petitions to remove the members of the Muscatine City Council, but the actions of the City Council in their attempt to ouster the Mayor. Below is a list to date of all the news sources who have carried and continue to carry the story to remove the Muscatine City Council.

A LARGER 3	MEGNY KELLY	TELEGRAPH HERALD
ASSOCIATED PRESS	MRT NEWS	THE GAZETTE
BLEEDING HEARTLAND	MUSCATINE JOURNAL	THE HOUR
BLOG FOR IOWA	MY SAN ANTONIO	TIMES UNION
CAFFEINATED THOUGHTS	NEW GADGET GEORGIA	TOPIX
CHRON	NEWS TIMES	US NEWS
CLAY CENTER DISPATCH	NEWSPAPERS.COM	VOICE OF MUSCATINE
DAILY PROGRESS	NEWTON DAILY NEWS	WASHINGTON TIMES
DES MOINES REGISTER	NON PAREIL ONLINE	WBYSWCDD NEWS
FORT BEND HERALD	OOUYZ	WCF COURIER
GLOBE GAZETTE	OUR QUAD CITIES	WEST LIBERTY INDEX
HERALD COURIER	PRESS CITIZEN	WESTPORT NEWS
HOUSTON CHRONICLE	QUAD CITY TIMES	WGEM
IOWA FREEDOM OF INFORMATION CENTER	RADIO IOWA	WHBF TV4
KCCI TV 8	SAN FRANCISCO CHRONICLE	WONG-LOSARI
KWQC TV 6	SEATTLE PI	WORD PRESS
KWWL TV 7	SIOUX CITY JOURNAL	WQAD TV 8
	ST. JOSEPH NEWS PRESS	YOU TUBE

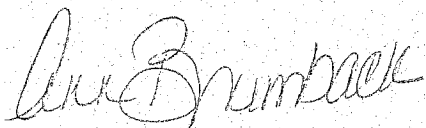
Closing Statement

The members of the Committee to Remove the Muscatine City Council along with the citizens of the City of Muscatine do hereby formally request that the Honorable Thomas John Miller, Attorney General for the State of Iowa, enact his powers under Iowa Code 66.3, Title II- Elections and Official Duties, Chapter 66- Removal from office, Section 66.3-Who may file petition, formally remove all members of the Muscatine City Council based on the following:

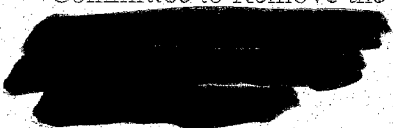
1. HABITUAL NEGLECT AND REFUSAL TO PERFORM THE DUTIES OF OFFICE.
2. MALADMINISTRATION IN OFFICE.
3. MISAPPROPRIATION OF TAXPAYER DOLLARS.
4. HOSTILE ENVIRONMENT TOWARDS CITIZENS AT COUNCIL MEETINGS.
5. FAILURE TO REPRESENT THE CITIZENS OF DESIGNATED WARDS.
6. FAILURE TO ACT IN THE BEST INTEREST OF THE CITY OF MUSCATINE.
7. FAILURE TO ACT IN THE BEST INTEREST OF THE CITIZENS OF MUSCATINE.
8. FILING FRIVOLOUS CHARGES AGAINST THE MAYOR.
9. VIOLATING THE LAWS GOVERNING REMOVAL OF MAYOR.
10. VIOLATING CODES WHICH ALLOW THE MAYOR TO SERVE IN HER POSITION.

WHEREFORE, we hereby pray that you will grant our request to remove the Muscatine City Council and appoint the Muscatine Board of Supervisors to act in place of the Muscatine City Council until such time in which a special election may take place to vote for new Council members.

Respectfully submitted on behalf of the Committee to Remove the Muscatine City Council and the citizens of Muscatine, Iowa.



Ann Brumback, Chairman
Committee to Remove the Muscatine City Council



RESPONSE REQUESTED.

THOMAS J. MILLER
ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
P: 515-281-5164 • F: 515-281-4209
Division: 515-281-3648
www.iowaattorneygeneral.gov

SCOTT D. BROWN
Special Assistant Attorney General

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
AREA PROSECUTIONS DIVISION

April 18, 2017

Ann Brumback
Chairman – Remove the Muscatine City Council
2235 Cobblestone Drive
Muscatine, IA 52761

RE: Chapter 66 Request

Dear Ms. Brumback,

On or about March 16, 2017, the Iowa Attorney General's Office received a letter addressed to Attorney General Tom Miller requesting he undertake an investigation and remove from office each elected council member of the City of Muscatine. As grounds for this request, a packet of information was submitted to the Attorney General's Office alledging conduct by the members of the Muscatine City council that is purportedly habitually negligent and a refusal of the council members to do their duty. Specific allegations are too voluminous to restate in this letter.

Iowa Code Chapter 66 governs situations where a publically elected officer may be removed from office. The information provided to the Attorney General's Office identifies several actions taken by council members that are identified as habitually negligent or a refusal of council members to perform their duty. Section 66.3(1) vests the attorney general with the authority to file a petition to remove an elected officer in all cases. The statutory reasons for removing an officer are set forth in Iowa Code Section 66.1A. The analysis in this letter will encompass all potentially applicable grounds of removal which can be found in Section 66.1A(1),(2) and (3).

Petitions to remove a duly elected public official are rare in Iowa with good reason. The Iowa Supreme Court has on occasion interpreted Iowa Code Chapter 66 or its equivalent and spoken on the issue of removals. A summary of the applicable case law is below.

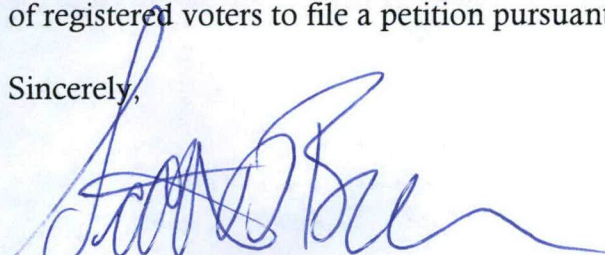
In order to constitute grounds to remove a public officer under a statute providing for removal of officers for neglect or refusal to perform duties of office, misconduct, or maladministration in office, and the like, acts of the officer, whether of omission or commission, must have been done knowingly, willfully, and with an *evil or corrupt motive and purpose*. State v. Manning, 220 Iowa 525(Iowa 1935)(Mayor and city commissioners whose removal was sought could not be removed from office for misconduct, maladministration, or corruption in absence of showing of corrupt or

evil design or purpose on their part, notwithstanding that they committed acts which were irregular and were specifically prohibited by statute). Acts which are simply irregular, even if violative of statute, are not in themselves grounds for removal from office of a public official unless an evil and corrupt motive on the part of the official is shown. State v. Bartz, 224 N.W.2d 632(Iowa 1974)(Supervisors' conduct in loosely managing county funds, accepting gratuities from contractors with whom they were required to deal in official capacities, and claiming payment for mileage not traveled fell well below standards of conduct expected of public officials and warranted their removal from office). Willful misconduct or maladministration of office is defined as a breach of duty committed knowingly and with a purpose to do wrong. State v. Callaway, 268 N.W.2d 841(Iowa 1978)(Sheriff removed from office where he intentionally and without justification assaulted prisoners). Should a petition be warranted it would require proof of the allegations by clear, satisfactory and convincing evidence. Callaway at 842.

Each of the instances cited by the persons submitting the information to the Attorney General's Office fails to meet the legal criteria set forth by the Iowa Supreme Court. In each instance in the complaint submitted to the Attorney General's Office, it is apparent that there is disagreement with how council members have voted on certain issues or made decisions on certain matters. There are allegations where the members of the city council have made disparaging remarks about the mayor's decisions and allegations regarding nepotism by the Muscatine City Administrator that were approved by the members of the council. Based upon the information provided to this office there is insufficient proof that the council members acted with an evil or corrupt motive or acted in a dishonest or fraudulent manner. On occasion elected bodies make decisions with which constituents of that body disagree or believe are wrong. The disagreement may include claims of violations of policy or law. However, disagreement with the council members decisions, whether it is politically based or otherwise, is not grounds to remove a duly elected officer under Chapter 66 absent a showing required by the Iowa Supreme Court. There is very little identified in the documents provided to this office that would rise to the level of habitual neglect, refusal to perform the duties of the office, willful misconduct, maladministration of office or corruption as those terms have been interpreted.

With this letter, the Iowa Attorney General's Office declines to file a petition pursuant to Iowa Code Chapter 66. Nothing in this decision is intended to limit the rights of registered voters to file a petition pursuant to Iowa Code Chapter 66.3(3).

Sincerely,



SCOTT D. BROWN
Special Assistant Attorney General
Director - Area Prosecutions Division
Iowa Attorney General's Office



TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

STATE OF IOWA

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

STATE OF IOWA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROGRAM
AMENDMENT TO NPDES PERMIT

Iowa NPDES Permit #	7048001
Date of Issuance:	January 1, 2015
Date of Expiration:	December 31, 2019
Date of this Amendment:	May 1, 2017
EPA NUMBER:	IA0023434

Name and Mailing Address of Applicant:

CITY OF MUSCATINE
WATER POLLUTION CONTROL DEPT.
1202 MUSSER ST.
MUSCATINE, IA 52761-1645

Identity and Location of Facility:

MUSCATINE CITY OF STP
1202 MUSSER ST.
MUSCATINE, IA 52761

Section 10, T76N, R02W
Muscatine County

Pursuant to the authority Iowa Code Section 455B.174, and of Rule 567--64.3, Iowa Administrative Code, the Director of the Iowa Department of Natural Resources has issued the above referenced permit. Pursuant to the same authority the Director hereby amends said permit as set forth below:

The permit is being amended to remove the Nutrient Reduction Requirements page and to replace it with a new requirements page that requires an updated study in five years. Operational monitoring requirements for the the activated sludge plant have been removed per changes to IAC Chapter 63. Please replace the entire permit, except for the original signed cover page, with the enclosed permit.

For the Department of Natural Resources:

By Wendy Hieb
Wendy Hieb
NPDES Section

ENVIRONMENTAL SERVICES DIVISION

IOWA DEPARTMENT OF NATURAL RESOURCES
National Pollutant Discharge Elimination System (NPDES) Permit

OWNER NAME & ADDRESS

CITY OF MUSCATINE
WATER POLLUTION CONTROL DEPT.
1202 MUSSER STREET
MUSCATINE, IA 52761-1645

FACILITY NAME & ADDRESS

MUSCATINE CITY OF STP
1202 MUSSER STREET
MUSCATINE, IA 52761

Section 10, T76N, R02W
Muscatine County

IOWA NPDES PERMIT NUMBER: 7048001
DATE OF ISSUANCE: 01/01/2015
DATE OF EXPIRATION: 12/31/2019

**YOU ARE REQUIRED TO FILE FOR
RENEWAL OF THIS PERMIT BY:** 07/04/2019

EPA NUMBER: IA0023434

~~CDX Org ID: 1040631~~ **NPDES ID:** IAL025434
Biosolids report

This permit is issued pursuant to the authority of section 402(b) of the Clean Water Act (33 U.S.C 1342(b)), Iowa Code section 455B.174, and rule 567-64.3, Iowa Administrative Code. You are authorized to operate the disposal system and to discharge the pollutants specified in this permit in accordance with the effluent limitations, monitoring requirements and other terms set forth in this permit.

You may appeal any condition of this permit by filing a written notice of appeal and request for administrative hearing with the director of this department within 30 days of your receipt of this permit.

Any existing unexpired Iowa operation permit or Iowa NPDES permit previously issued by the department for the facility identified above is revoked by the issuance of this permit. This provision does not apply to any authorization to discharge under the terms and conditions of a general permit issued by the department or to any permit issued exclusively for the discharge of stormwater.

FOR THE DEPARTMENT OF NATURAL RESOURCES

By _____


Ben Hucka
NPDES Section
ENVIRONMENTAL SERVICES DIVISION

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Outfall No.: 001 DISCHARGE FROM AN ACTIVATED SLUDGE WASTEWATER TREATMENT FACILITY.

Receiving Stream: MISSISSIPPI RIVER

Route of Flow: MISSISSIPPI RIVER

Class A1 waters are primary contact recreational use waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risks of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Waters designated Class B(WW1) are those in which temperature, flow and other habitat characteristics are suitable to maintain warm water game fish populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrates species. These waters generally include border rivers, large interior rivers, and the lower segments of medium-size tributary streams.

Waters designated Class HH are those in which fish are routinely harvested for human consumption or waters both designated as a drinking water supply and in which fish are routinely harvested for human consumption.

Outfall No.: 002 COMBINED SEWER OVERFLOW AT PAPOOSE CREEK LIFT STATION.

Receiving Stream: MISSISSIPPI RIVER

Route of Flow: MISSISSIPPI RIVER

Class A1 waters are primary contact recreational use waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risks of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Waters designated Class B(WW1) are those in which temperature, flow and other habitat characteristics are suitable to maintain warm water game fish populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrates species. These waters generally include border rivers, large interior rivers, and the lower segments of medium-size tributary streams.

Waters designated Class HH are those in which fish are routinely harvested for human consumption or waters both designated as a drinking water supply and in which fish are routinely harvested for human consumption.

Outfall No.: 003 COMBINED SEWER OVERFLOW AT HERSHEY AVENUE LIFT STATION.

Receiving Stream: MISSISSIPPI RIVER

Route of Flow: MISSISSIPPI RIVER

Class A1 waters are primary contact recreational use waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risks of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Waters designated Class B(WW1) are those in which temperature, flow and other habitat characteristics are suitable to maintain warm water game fish

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrates species. These waters generally include border rivers, large interior rivers, and the lower segments of medium-size tributary streams.

Waters designated Class HH are those in which fish are routinely harvested for human consumption or waters both designated as a drinking water supply and in which fish are routinely harvested for human consumption.

Outfall No.: 005 COMBINED SEWER OVERFLOW LOCATED AT THE WASHINGTON STREET BRIDGE.

Receiving Stream: MAD CREEK

Route of Flow: MAD CREEK

Class A1 waters are primary contact recreational use waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risks of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Waters designated Class B(WW1) are those in which temperature, flow and other habitat characteristics are suitable to maintain warm water game fish populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrates species. These waters generally include border rivers, large interior rivers, and the lower segments of medium-size tributary streams.

Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Effluent Limitations:

You are prohibited from discharging pollutants except in compliance with the following effluent limitations:

001 DISCHARGE FROM AN ACTIVATED SLUDGE WASTEWATER TREATMENT FACILITY.

Outfall: 001 Effective Dates: 01/01/2015 to 12/31/2019

<u>Parameter</u>	<u>Season</u>	<u>Limit Type</u>	<u>Limits</u>
CBOD5			
85% Removal Required			
	Yearly	7 Day Average	40 MG/L 3436 LBS/DAY
	Yearly	30 Day Average	25 MG/L 2148 LBS/DAY
TOTAL SUSPENDED SOLIDS			
85% Removal Required			
	Yearly	7 Day Average	45 MG/L 3866 LBS/DAY
	Yearly	30 Day Average	30 MG/L 2577 LBS/DAY
ACUTE TOXICITY, CERIODAPHNIA			
	Yearly	30 Day Average	1 NO TOXICITY
ACUTE TOXICITY, PIMEPHALES			
	Yearly	30 Day Average	1 NO TOXICITY
PH			
	Yearly	Daily Maximum	9.0 STD UNITS
	Yearly	Minimum	6.0 STD UNITS
E. COLI			
	MAR	Geometric Mean	126 #/100 ML
	APR	Geometric Mean	126 #/100 ML
	MAY	Geometric Mean	126 #/100 ML
	JUN	Geometric Mean	126 #/100 ML
	JUL	Geometric Mean	126 #/100 ML
	AUG	Geometric Mean	126 #/100 ML
	SEP	Geometric Mean	126 #/100 ML

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Outfall: 001 Effective Dates: 01/01/2015 to 12/31/2019

<u>Parameter</u>	<u>Season</u>	<u>Limit Type</u>	<u>Limits</u>
E. COLI			
	OCT	Geometric Mean	126 #/100 ML
	NOV	Geometric Mean	126 #/100 ML

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Monitoring and Reporting Requirements

- (a) Samples and measurements taken shall be representative of the volume and nature of the monitored wastewater.
- (b) Analytical and sampling methods specified in 40 CFR Part 136 or other methods approved in writing by the department shall be utilized. Samples collected for operational testing need not be analyzed by approved analytical methods; however, commonly accepted test methods should be used.
- (c) You are required to report all data including calculated results needed to determine compliance with the limitations contained in this permit. The results of any monitoring not specified in this permit performed at the compliance monitoring point and analyzed according to 40 CFR Part 136 shall be included in the calculation and reporting of any data submitted in accordance with this permit. This includes daily maximums and minimums and 30-day and 7-day averages for all parameters that have concentration (mg/l) and mass (lbs/day) limits. In addition, flow data shall be reported in million gallons per day (MGD).
- (d) Results of all monitoring shall be recorded on forms provided by, or approved by, the department, and shall be submitted to the appropriate regional field office of the department by the fifteenth day following the close of the reporting period. Your reporting period is on a MONTHLY basis, ending on the last day of each reporting period.
- (e) Any records of monitoring activities and results shall include for all samples: the date, exact place and time of the sampling; the dates the analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
- (f) Chapter 63 of the Iowa Administrative Code contains further explanation of these monitoring requirements.

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Outfall	Wastewater Parameter	Sample Frequency	Sample Type	Monitoring Location
The following monitoring requirements shall be in effect from 01/01/2015 to 12/31/2019				
001	FLOW	7/WEEK OR DAILY	24 HOUR TOTAL	RAW WASTE OR FINAL EFFLUENT(FLOW)
001	BIOCHEMICAL OXYGEN DEMAND (BOD5)	7/WEEK OR DAILY	24 HOUR COMPOSITE	RAW WASTE
001	NITROGEN, TOTAL (AS N)	1 TIME PER WEEK	24 HOUR COMPOSITE	RAW WASTE
001	NITROGEN, TOTAL KJELDAHL (AS N)	1 EVERY 2 WEEKS	24 HOUR COMPOSITE	RAW WASTE
001	PH	7/WEEK OR DAILY	GRAB	RAW WASTE
001	PHOSPHORUS, TOTAL (AS P)	1 TIME PER WEEK	24 HOUR COMPOSITE	RAW WASTE
001	TEMPERATURE	7/WEEK OR DAILY	GRAB	RAW WASTE
001	TOTAL SUSPENDED SOLIDS	7/WEEK OR DAILY	24 HOUR COMPOSITE	RAW WASTE
001	ACUTE TOXICITY, CERIODAPHNIA	1 EVERY 12 MONTHS	24 HOUR COMPOSITE	EFFLUENT AFTER DISINFECTION
001	ACUTE TOXICITY, PIMEPHALES	1 EVERY 12 MONTHS	24 HOUR COMPOSITE	EFFLUENT AFTER DISINFECTION
001	AMMONIA NITROGEN (N)	1 TIME PER WEEK	24 HOUR COMPOSITE	EFFLUENT AFTER DISINFECTION
001	CBOD5	7/WEEK OR DAILY	24 HOUR COMPOSITE	EFFLUENT AFTER DISINFECTION
001	E. COLI	GEO. MEAN 1/3 MONTHS	GRAB	EFFLUENT AFTER DISINFECTION
001	NITROGEN, TOTAL (AS N)	1 TIME PER WEEK	24 HOUR COMPOSITE	EFFLUENT AFTER DISINFECTION
001	PH	7/WEEK OR DAILY	GRAB	EFFLUENT AFTER DISINFECTION
001	PHOSPHORUS, TOTAL (AS P)	1 TIME PER WEEK	24 HOUR COMPOSITE	EFFLUENT AFTER DISINFECTION
001	TEMPERATURE	7/WEEK OR DAILY	GRAB	EFFLUENT AFTER DISINFECTION
001	TOTAL SUSPENDED SOLIDS	7/WEEK OR DAILY	24 HOUR COMPOSITE	EFFLUENT AFTER DISINFECTION

Facility Name: MUSCATINE CITY OF STP
Permit Number: 7048001

Special Monitoring Requirements

Outfall #	Description
-----------	-------------

001	NITROGEN, TOTAL (AS N)
-----	------------------------

Total nitrogen shall be determined by testing for Total Kjeldahl Nitrogen (TKN) and nitrate + nitrite nitrogen and reporting the sum of the TKN and nitrate + nitrite results (reported as N). Nitrate + nitrite can be analyzed together or separately.

E. COLI

The facility must collect and analyze a minimum of five samples in one calendar month during each 3-month period from March 15 to November 15. The 3-month periods are March – May, June – August, and September – November. The collection of five samples in each 3-month period will result in a minimum of 15 samples being collected during a calendar year. For example, for the first 3-month period, the operator may choose April as the calendar month to collect the 5 individual E. coli samples to determine compliance with the limits. The operator may also choose the months of March or May as well, as long as each of the 5 samples is collected during a single calendar month. The same principle applies to the other two 3-month periods during the disinfection season. The following requirements apply to the individual samples collected in one calendar month:

Samples must be spaced over one calendar month.

No more than one sample can be collected on any one day.

There must be a minimum of two days between each sample.

No more than two samples may be collected in a period of seven consecutive days.

If the effluent has been disinfected using chlorine, ultraviolet light (UV), or any other process intended to disrupt the biological integrity of the E. coli, the samples shall be analyzed using the Most Probable Number method found in Standard Method 9223B (Colilert® or Colilert-18® made by IDEXX Laboratories, Inc.). If the effluent has not been disinfected the samples may be analyzed using either the MPN method above or EPA Method 1603: Escherichia coli (E. coli) in water by membrane filtration using modified membrane-thermotolerant E. coli agar (modified mTEC) or mColiBlue-24® made by the Hach Company.

The geometric mean must be calculated using all valid sample results collected during a month. The geometric mean formula is as follows: $\text{Geometric Mean} = (\text{Sample one} * \text{Sample two} * \text{Sample three} * \text{Sample four} * \text{Sample five} \dots \text{Sample N})^{(1/N)}$, which is the Nth root of the result of the multiplication of all of the sample results where N = the number of samples. If a sample result is a less than value, the value reported by the lab without the less than sign should be used in the geometric mean calculation.

The geometric mean can be calculated in one of the following ways:

Use a scientific calculator that can calculate the powers of numbers.

Enter the samples in Microsoft Excel and use the function "GEOMEAN" to perform the calculation.

Use the geometric mean calculator on the Iowa DNR webpage at:

<http://www.iowadnr.gov/InsideDNR/RegulatoryWater/NPDES/WastewaterPermitting/NPDESOperatorInformation/BacteriaSampling.aspx>.

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Outfall Number: 001

Ceriodaphnia and Pimephales Toxicity Effluent Testing

1. For facilities that have not been required to conduct toxicity testing by a previous NPDES permit, the initial annual toxicity test shall be conducted within three (3) months of permit issuance. For facilities that have been required to conduct toxicity testing by a previous NPDES permit, the initial annual toxicity test shall be conducted within twelve months (12) of the last toxicity test.
2. The test organisms that are to be used for acute toxicity testing shall be *Ceriodaphnia dubia* and *Pimephales promelas*. The acute toxicity testing procedures used to demonstrate compliance with permit limits shall be those listed in 40 CFR Part 136 and adopted by reference in rule 567--63.1(1). The method for measuring acute toxicity is specified in USEPA, October 2002, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., EPA 821-R-02-012.
3. The diluted effluent sample must contain a minimum of 5.60 % effluent and no more than 94.40 % of culture water.
4. One valid positive toxicity result will require, at a minimum, quarterly testing for effluent toxicity until three successive tests are determined not to be positive.
5. Two successive valid positive toxicity results or three positive results out of five successive valid effluent toxicity tests will require a toxicity reduction evaluation to be completed to eliminate the toxicity.
6. A non-toxic test result shall be indicated as a "1" on the monthly operation report. A toxic test result shall be indicated as a "2" on the monthly operation report. DNR Form 542-1381 shall also be submitted to the DNR field office along with the monthly operation report.

Ceriodaphnia and Pimephales Toxicity Effluent Limits

The maximum limit of "1" for the parameters Acute Toxicity, *Ceriodaphnia* and Acute Toxicity, *Pimephales* means no positive toxicity results.

Definition: "Positive toxicity result" means a statistical difference of mortality rate between the control and the diluted effluent sample. For more information see USEPA, October 2002, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, U.S. Environmental Protection Agency, Office of Water, Washington, D.C., EPA 821-R-02-012.

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Design Capacity

Design: 1

The design capacity for the treatment works is specified in Construction Permit Number 2009-0067-S, issued Thursday, September 25, 2008. The treatment plant is designed to treat:

- * An average dry weather (ADW) flow of 5.1500 Million Gallons Per Day (MGD).
- * An average wet weather (AWW) flow of 10.3000 Million Gallons Per Day (MGD).
- * A maximum wet weather (MWW) flow of 16.9000 Million Gallons Per Day (MGD).
- * A design 5-day biochemical oxygen demand (BOD5) load of 21500 lbs/day.
- * A design Total Kjeldahl Nitrogen (TKN) load of 1670.00 lbs/day.

Operator Certification Type/Grade: WW/IV

Wastes in such volumes or quantities as to exceed the design capacity of the treatment works or reduce the effluent quality below that specified in the operation permit of the treatment works are considered to be a waste which interferes with the operation or performance of the treatment works and are prohibited by rule IAC 567-62.1(7).

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

SEWAGE SLUDGE HANDLING AND DISPOSAL REQUIREMENTS

"Sewage sludge" is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge does not include the grit and screenings generated during preliminary treatment.

1. The permittee shall comply with all existing Federal and State laws and regulations that apply to the use and disposal of sewage sludge and with technical standards developed pursuant to Section 405(d) of the Clean Water Act when such standards are promulgated. If an applicable numerical limit or management practice for pollutants in sewage sludge is promulgated after issuance of this permit that is more stringent than a sludge pollutant limit or management practice specified in existing Federal or State laws or regulations, this permit shall be modified, or revoked and reissued, to conform to the regulations promulgated under Section 405(d) of the Clean Water Act. The permittee shall comply with the limitation no later than the compliance deadline specified in the applicable regulations.
2. The permittee shall provide written notice to the Department of Natural Resources prior to any planned changes in sludge disposal practices.
3. Land application of sewage sludge shall be conducted in accordance with criteria established in rule IAC 567--67.1 through 67.11 (455B).

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

Nutrient Reduction Requirements

In support of the Iowa Nutrient Reduction Strategy you shall prepare and submit a report that evaluates the feasibility and reasonableness of reducing the amounts of nitrogen and phosphorus discharged into surface water. The report shall be submitted no later than **May 1, 2022** and shall address the following:

- ▲ A description of the existing treatment facility with particular emphasis on its capabilities for removing nitrogen and phosphorus. The description shall include monitoring data that define the current amounts of total nitrogen (TKN+nitrate+nitrite) and total phosphorus in both the raw wastewater and the final effluent.
- ▲ A description and evaluation of operational changes to the existing treatment facility that could be implemented to reduce the amounts of total nitrogen and total phosphorus discharged in the final effluent and the feasibility and reasonableness of each. Your evaluation must discuss the projected degree of total nitrogen and total phosphorus reduction achievable for each operational change. When evaluating feasibility you must consider what, if any, effect operational changes would have on the removal of other pollutants (e.g. CBOD₅, TSS). When evaluating reasonableness you shall include estimates of the additional cost, if any, to implement such changes and for a publicly-owned treatment works the impact on user rates. **You must also detail the results of any pilot testing or operational changes that occurred during the previous five years.**
- ▲ A description and evaluation of new or additional treatment technologies that would achieve significant reductions in the amounts of total nitrogen and total phosphorus discharged in the final effluent with a goal of achieving annual average concentrations of 10 mg/L total nitrogen and 1 mg/L total phosphorus for plants treating typical domestic strength sewage. For purposes of this evaluation typical domestic sewage is considered to contain approximately 25 – 35 mg/L total nitrogen and 4 - 8 mg/L total phosphorus. For plants treating wastewater with total nitrogen and/or total phosphorus concentrations greater than typical domestic strength sewage, the evaluation shall include the projected reductions in the total nitrogen and phosphorus effluent concentrations achievable with the application of feasible and reasonable treatment technology with a goal of achieving at least a 66 % reduction in nitrogen and 75% reduction in total phosphorus. For each treatment technology the report shall assess its feasibility, reasonableness, practicability, the availability of equipment, capital costs, annual operating costs, impact on user rates and any non-water quality environmental impacts (e.g. additional air pollution, increased sludge production, etc.).
- ▲ Based on the evaluations of operational changes and new or additional treatment technologies the report must select the preferred method(s) for reducing total nitrogen and total phosphorus in the final effluent, the rationale for the selected method(s) and an estimate of the effluent quality achievable.
- ▲ **In addition to selecting operational changes and/or new or additional treatment technologies, the permittee may evaluate and propose to implement practices within the watershed that may achieve greater reductions in nitrogen or phosphorus than the preferred method(s) alone. Such evaluations are particularly encouraged when no feasible or reasonable operational changes or additional treatment technologies can be identified or when the schedule for installing the selected technology exceeds ten years.**
- ▲ The report must include a schedule for making operational changes and/or installing new or additional treatment technologies to achieve the concentration and/or percentage removal goals listed above. Additional financial justification must be included in the report if no operational changes or treatment technologies are feasible or reasonable.

The schedule will be incorporated into the NPDES permit by amendment. Effluent discharge limits will be based on one full year of operating data after implementation of the operational changes or completion of plant modifications and a six month optimization period.

The report shall be sent to the following address:

Ben Hucka
NPDES Section
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, IA 50319

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

SPECIAL CONDITIONS – COMBINED SEWER OVERFLOWS

The collection system for the City of Muscatine consists of combined storm and sanitary sewers (CSS) with combined sewer overflows (CSO) at the following outfalls:

Outfall 002 – Papoose Creek Lift Station Combined Sewer Overflow which discharges to the Mississippi River.

Outfall 003 – Hershey Avenue Lift Station Combined Sewer Overflow which discharges to the Mississippi River.

Outfall 005 – Combined Sewer Overflow located at the Washington Street Bridge which discharges to a storm water sewer to Mad Creek to the Mississippi River.

This permit incorporates these discharge points as permitted CSO outfalls and authorizes wet weather discharges from these outfalls with the following special conditions:

1. The City of Muscatine shall abide by the “Combined Sewer Overflow Nine Minimum Controls Plan” dated July 2003, which provides for all actions necessary for implementation of the Nine Minimum Controls detailed within the CSO Control Policy published as Final Policy in the April 19, 1994 Federal Register. The City shall keep records to document the implementation of the Nine Minimum Controls. The City shall keep records to document the implementation of the NMC listed below.

- a) Proper operation and regular inspection and maintenance programs for the sewer system and the CSOs to reduce the magnitude, frequency, and duration of CSOs.
- b) Maximum use of the collection system for storage to reduce the magnitude, frequency, and duration of CSOs.
- c) Review and modification of pretreatment requirements to assure CSO impacts are minimized from nondomestic dischargers.
- d) Maximization of flow to the POTW for treatment during wet weather conditions to reduce the magnitude, frequency, and duration of CSOs.
- e) Prohibition of CSOs during dry weather conditions.
- f) Control of solid and floatable materials in CSOs.
- g) Pollution prevention program to reduce the impact of CSOs on receiving waters.
- h) Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.
- i) Monitoring CSO outfalls to effectively characterize CSO impacts and the efficacy of CSO controls.

For technical guidance in developing the CSS operational plan refer to the *Combined Sewer Overflows–Guidance for Nine Minimum Controls* (EPA 832-B-95-003, May 1995).

2. The City of Muscatine shall implement and effectively operate and maintain the CSO controls identified in the “Combined Sewer Overflow Long-Term Control Plan” dated April 2006 and approved by the department. The controls detailed in the Long-Term Control Plan (LTCP) shall be implemented as detailed in the USEPA Findings of Violation and Order for Compliance on Consent CWA-07-2007-0088 and any amendments thereto.

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

3. The City of Muscatine shall not discharge any pollutant at a level that causes or contributes to an in-stream excursion above the numeric or narrative criteria developed and adopted as part of the State of Iowa's water quality standards in accordance with 567-61.3(455B).
 4. This permit may be modified or revoked and reissued, as provided pursuant to 40 CFR 122.62 and 124.5, for the following reasons:
 - a) To include new or revised conditions developed to comply with State or Federal law or regulation that addresses CSOs that is adopted or promulgated subsequent to the effective date of this permit.
 - b) To include new or revised conditions if new information, not available at the time of permit issuance, indicates that CSO controls imposed under the permit have failed to ensure the attainment of the State Water Quality Standards.
 - c) To include new or revised conditions based on new information generated from the long-term control plan.
- In addition, this permit may be modified or revoked and reissued for any reason specified in 40 CFR 122.62.

Facility Name: MUSCATINE CITY OF STP

Permit Number: 7048001

SIGNIFICANT INDUSTRIAL USER LIMITATIONS, MONITORING AND REPORTING REQUIREMENTS

1. You shall require all users of your facility to comply with Sections 204(b), 307, and 308 of the Clean Water Act.

Section 204(b) requires that all users of the treatment works constructed with funds provided under Sections 201(g) or 601 of the Act to pay their proportionate share of the costs of operation, maintenance and replacement of the treatment works.

Section 307 of the Act requires users to comply with pretreatment standards promulgated by EPA for pollutants that would cause interference with the treatment process or would pass through the treatment works.

Section 308 of the Act requires users to allow access at reasonable times to state and EPA inspectors for the purpose of sampling the discharge, reviewing, and copying records.
2. You shall continue to implement the pretreatment program approved October 14, 1983 and any amendments thereto.
3. An annual report in the form prescribed by the Department is to be submitted by March 1st of each year describing the pretreatment program activities for the preceding calendar year.
4. The City shall evaluate the adequacy of its local limits to meet the general prohibitions against interference and pass through listed in 40 CFR 403.5(a) and the specific prohibitions listed in 40 CFR 403.5(b). At a minimum this evaluation shall consist of the following:
 - (a) Identify each pollutant with the potential to cause process inhibition, pass through the treatment plant in concentrations that will violate NPDES permit limits of water quality standards, endanger POTW worker health and safety or degrade sludge quality.
 - (b) For each treatment plant, determine the maximum allowable headworks loading for each pollutant identified in item #4(a). that will prevent interference or a pass through.
 - (c) After accounting for the contribution of each pollutant from uncontrolled (i.e.: domestic/commercial) sources to each treatment plant, determine the maximum allowable industrial loading for each pollutant identified in item #4(a).
 - (d) Complete the evaluation and submit to the Department, by [one year from permit issuance] a report containing the following information:
 - 1) A list of pollutants identified in item #4(a). For each pollutant, state the reason(s) for its inclusion (e.g. potential to cause interference, potential to cause pass through, etc.).
 - 2) The report shall contain all calculations used to determine the maximum allowable headworks loadings and shall identify the source(s) of all data used (e.g. literature value, site specific measurement, etc.).
 - 3) The contribution of each pollutant identified in item #4(d)1 to each treatment plant from uncontrolled sources and an explanation of how each contribution was determined.
 - 4) The allocation of the maximum allowable headworks loading for each pollutant to each treatment plant, and an explanation of how the allowable loadings will be allocated to significant industrial users regulated by the City's pretreatment program.
5. The City shall evaluate the approved pretreatment program for compliance with 40 CFR 403 and Iowa Administrative Code 567 – Chapter 62, specifically with regards to the pretreatment streamlining rule published in the Federal Register on October 14, 2005. Complete the evaluation and submit to the Department a report containing the findings of the evaluation, including a proposal for modifications to correct any deficiencies that are identified, by [one year from permit issuance].

STANDARD CONDITIONS

1. ADMINISTRATIVE RULES

Rules of this Department that govern the operation of your facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-65, 67, and 121. Reference to the term "rule" in this permit means the designated provision of Part 567 of the IAC. Reference to the term "CFR" means the Code of Federal Regulations.

2. DEFINITIONS

- (a) 7 day average means the sum of the total daily discharges by mass, volume, or concentration during a 7 consecutive day period, divided by the total number of days during the period that measurements were made. Four 7 consecutive day periods shall be used each month to calculate the 7-day average. The first 7-day period shall begin with the first day of the month.
- (b) 30 day average means the sum of the total daily discharges by mass, volume, or concentration during a calendar month, divided by the total number of days during the month that measurements were made.
- (c) Daily maximum means the total discharge by mass, volume, or concentration during a twenty-four hour period.

3. DUTY TO COMPLY

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Issuance of this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility. *{See 40 CFR 122.41(a) and 567 IAC 64.7(4)"e"}*

4. DUTY TO PROVIDE INFORMATION

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, in accordance with 567 IAC 64.3(11)(c). You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

5. NEED TO HALT OR REDUCE ACTIVITY

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *{See 40 CFR 122.41(c) and 567 IAC 64.7(7)"j"}*

6. DUTY TO MITIGATE

You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. *{See 40 CFR 122.41(d) and 567 IAC 64.7(7)"i"}*

7. PROPERTY RIGHTS

This permit does not convey any property rights of any sort or any exclusive privilege. *{See 567 IAC 64.4(3)"b"}*

8. TRANSFER OF TITLE OR OWNER ADDRESS CHANGE

If title to your facility, or any part of it, is transferred the new owner shall be subject to this permit. You are required to notify the new owner of the requirements of this permit in writing prior to any transfer of title. The Director shall be notified in writing within 30 days of the transfer. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notifying the department of the transfer of title. Whenever the address of the owner is changed, the department shall be notified in writing within 30 days of the address change. Electronic notification is not sufficient; all title transfers or address changes must be reported to the department by mail. *{See 567 IAC 64.14}*

9. PROPER OPERATION AND MAINTENANCE

All facilities and control systems shall be operated as efficiently as possible and maintained in good working order. A sufficient number of staff, adequately trained and knowledgeable in the operation of your facility shall be retained at all times and adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit. *{See 40 CFR 122.41(e) and 567 IAC 64.7(7)"f"}*

10. PERMIT MODIFICATION, SUSPENSION OR REVOCATION

- (a) This permit may be modified, suspended, or revoked and reissued for cause including but not limited to those specified in 567 IAC 64.3(11).
- (b) This permit may be modified due to conditions or information on which this permit is based, including any new standard the department may adopt that would change the required effluent limits. *{See 567 IAC 64.3(11)}*
- (c) If a toxic pollutant is present in your discharge and more stringent standards for toxic pollutants are established under Section 307(a) of the Clean Water Act, this permit will be modified in accordance with the new standards. *{See 40 CFR 122.62(a)(6) and 567 IAC 64.7(7)"g"}*

The filing of a request for a permit modification, revocation or suspension, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

11. DUTY TO REAPPLY AND PERMIT CONTINUATION

If you wish to continue to discharge after the expiration date of this permit, you must file a complete application for reissuance at least 180 days prior to the expiration date of this permit. If a timely and sufficient application is submitted, this permit will remain in effect until the Department makes a final determination on the permit application. *{See 567 IAC 64.8(1) and Iowa Code 17A.18}*

12. SIGNATORY REQUIREMENTS

Applications, reports or other information submitted to the Department in connection with this permit must be signed and certified as required by 567 IAC 64.3(8).

STANDARD CONDITIONS

13. TWENTY-FOUR HOUR REPORTING

You shall report any noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic under 307(a)(1) of the Clean Water Act) or hazardous substance (as designated in 40 CFR Part 116 pursuant to 311 of the Clean Water Act). Information shall be provided orally within 24 hours from the time you become aware of the circumstances. A written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times, whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided within 5 days of the occurrence. *{See 567 IAC 63.12}*

14. OTHER NONCOMPLIANCE

You shall report all instances of noncompliance not reported under Condition #13 at the time monitoring reports are submitted. You shall give advance notice to the appropriate regional field office of the department of any planned activity which may result in noncompliance with permit requirements. *{See 567 IAC 63.14}*

15. PLANNED CHANGES

The permittee shall give notice to the appropriate regional field office of the department 30 days prior to any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (a) Notice has not been given to any other section of the department: (Note: Facility expansions, production increases, or process modifications which may result in new or increased discharges of pollutants must be reported to the Director in advance. If such discharges will exceed effluent limitations, your report must include an application for a new permit. If any modification of, addition to, or construction of a disposal system is to be made, you must first obtain a written permit from this Department.) *{See 567 IAC 64.7(7)"a" and 64.2}*
- (b) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as defined in 567 IAC 60.2;
- (c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices; or
- (d) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit. *{See 567 IAC 63.13 and 63.14}*

16. EFFECT OF A PERMIT

Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403 and 405(a)-(b) of the Clean Water Act, and equivalent limitations and standards set out in 567 IAC Chapters 61 and 62. *{See 567 IAC 64.4(3)"a"}*

17. MONITORING AND RECORDS OF OPERATION

- (a) Maintenance of records. You shall retain for a minimum of three years all paper and electronic records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. *{See 567 IAC 63.2(3)}*
- (b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. *{See 40 CFR 122.41(j)(5)}*

18. USE OF CERTIFIED LABORATORIES

Effective October 1, 1996, analyses of wastewater, groundwater or sewage sludge that are required to be submitted to the department as a result of this permit must be performed by a laboratory certified by the State of Iowa. Routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements, and operational monitoring tests specified in 567 IAC 63.3(4) are excluded from this requirement.

19. INSPECTION OF PREMISES, RECORDS, EQUIPMENT, METHODS AND DISCHARGES

You are required to permit authorized personnel to:

- (a) Enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this permit.
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- (c) Inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this permit.
- (d) Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act.

20. FAILURE TO SUBMIT FEES

This permit may be revoked, in whole or in part, if the appropriate permit fees are not submitted within thirty (30) days of the date of notification that such fees are due. *{See 567 IAC 64.16(1)}*

21. OTHER INFORMATION

Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. Where you become aware that you failed to submit any relevant facts in the submission of in any report to the director, including records of operation, you shall promptly submit such facts or information. *{See 567 IAC 60.4(2)"a" and 567 IAC 63.7}*

STANDARD CONDITIONS

22. NOTICE OF CHANGED CONDITIONS

You are required to notify the director of any changes in existing conditions or information on which this permit is based. This includes, but is not limited to, the following:

- (a) If your facility is a publicly owned treatment works (POTW) or otherwise may accept waste for treatment from an indirect discharger or industrial contributor (See 567 IAC 64.3(5) for further notice requirements).
- (b) If your facility is a POTW and there is any substantial change in the volume or character of pollutants being introduced to the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. *{See 40 CFR 122.42(b)}*
- (c) As soon as you know or have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in this permit. *{See 40 CFR 122.42(a)}*
- (d) If you have begun or will begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
- (e) No construction activity that will result in disturbance of one acre or more shall be initiated without first obtaining coverage under NPDES General Permit No. 2 for "Storm water discharge associated with construction activity".

23. BYPASSES

- (a) Definition. "Bypass" means the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.
- (b) Prohibitions.
 - i. Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.
 - ii. Bypass is prohibited and the department may not assess a civil penalty against a permittee for bypass if the permittee has complied with all of the following:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required by paragraph (d) of this section.

- (c) The Director may approve an anticipated bypass after considering its adverse effects if the Director determines that it will meet the three conditions listed above and a request for bypass has been submitted to the Department in accordance with 567 IAC 63.6(2).
- (d) Reporting bypasses. Bypasses shall be reported in accordance with 567 IAC 63.6.

24. UPSET PROVISION

- (a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense in an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph "c" of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for demonstration of an upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed operating logs or other relevant evidence that:
 - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated;
 - iii. The permittee submitted notice of the upset to the Department in accordance with 567 IAC 63.6(3); and
 - iv. The permittee complied with any remedial measures required in accordance with 567 IAC 63.6(6)"b".
- (d) Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

25. SEVERABILITY

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

Muscatine Houser Street Pollinator Park

Executive Summary-April 28, 2017

Description of Habitat Improvement Project and Objectives:

Background: The monarch butterfly (*Danaus plexippus*), a North American icon, was once abundant and common across the United States. It is now declining at an alarming rate, as are a host of other pollinators including native bees, moths, bats, and other butterflies. Habitat loss in the breeding areas, along the migration routes, and in the wintering grounds has been cited as the primary factor in these declines.

The City of Muscatine is raising awareness to the plight of monarchs and providing critical habitat necessary for their continued survival. In August of 2016, Mayor Diana Broderson signed the National Wildlife Federation's Mayors' Monarch Pledge while other city employees and volunteers created a butterfly garden, planted pollinator-friendly trees, and are changing land management practices to promote native grasses and wildflowers. Capitalizing on this local enthusiasm and support, the city agreed to set aside additional acres to benefit pollinators and the Partners for Fish and Wildlife (PFW) Program of the U.S. Fish and Wildlife Service is honored to provide technical assistance and funding to further these initiatives.

Project Summary: The project consists of working with the City of Muscatine, Muscatine Pollinator Project (a local conservation organization), and numerous other partners to restore and enhance 25 acres of habitat on the city-owned property adjacent to the Muscatine Transfer Station. The property consists of a mix of upland, wetland, and woodland areas with predominately flat topography except for the steep slopes associated with Muscatine Slough along the southern boundary. Additionally, a 1-mile multi-use recreational trail developed and maintained by the City of Muscatine will encircle and showcase the mosaic of habitats within the project area (see map). With these project features, the land managers will have the ability to accompany habitat management and restoration efforts with environmental education programs, opportunities for community outreach, and a greater appreciation of the natural world by residents and visitors alike.

With the goal of returning degraded landscapes to healthy, diverse ecosystems through ecological restoration, a number of practices will be initiated in 2017 and beyond to include:

- Planting diverse, native pollinator seed mixes
- Performing timber stand improvements
- Maintaining/Enhancing existing grassland habitats
- Planting native trees and shrubs
- Prescribed burning

One or more of these practices will be initiated on specific sites within the project area (see map). The timing of these practices will vary depending on field conditions and availability of funding, personnel, and equipment. A description of each practice is provided below.



Pollinator Seeding: Phase I (8 acres)

The PFW Program will assist the partners in the planting of an 8-acre, former agricultural field to diverse, native pollinator seed mixes based on site hydrology. This seed mix will provide host plants and nectar sources for an array of pollinators to include butterflies, moths, beetles, bees, and bats while also providing food and shelter for birds and mammals, and other species. Native bees and the monarch butterfly, which have seen recent population declines, will benefit greatly from this restored habitat. In addition to providing critically-needed pollinator habitat, this site will function as an outdoor classroom to demonstrate the importance of pollinators in the landscape. Over time, and with proper management, this diverse prairie will provide structural heterogeneity across the project site and provide a collectable seed source for dispersal to other areas.

Treatment Date: A late-Spring 2017 seeding is anticipated with assistance from The Nature Conservancy and/or the Muscatine County Conservation Board.



Figure 1: View of Phase I seeding area (looking to the southwest)

Pollinator Seeding: Phase II (8 acres)

This seeding will occur on 3 locations within the project area and will require a prescribed burn, moderate disking, and herbicide applications to prepare the soil for broadcasting or drilling. The end result will be species and habitat benefits like those associated with the previous pollinator seeding. With similar soil conditions, an identical seed mix will be used but will be dormant or over-snow seeded at a later date.

Treatment Date: A late-Fall 2017 or early 2018 seeding with assistance from The Nature Conservancy and/or the Muscatine County Conservation Board.



Figure 2: Site of planned tree nursery

Tree and Shrub Planting (2 acres)

Pollinators, planners, and pedestrians will also benefit from over 2 acres of woody plantings throughout the project site. On the southwest corner on the steep slopes associated with Muscatine Slough and adjacent to the proposed dog park, 75-125 trees and shrubs including serviceberry (*Amelanchier spp.*), dogwoods (*Cornus spp.*), plums (*Prunus spp.*), and viburnums will be planted. These groupings will benefit pollinators, provide food and shelter for wildlife, and screen areas adjacent to the project site. A 300+ tree nursery has also been proposed

in an area presently in turf grass near the entrance to the transfer station. Potential species in this planting include river birch (*Betula nigra*), oaks (*Quercus spp.*), hackberry (*Celtis occidentalis*), and Ohio buckeye (*Aesculus glabra*). In time, these trees will replace ash trees in the city lost due to the emerald ash borer and weather events, augment the diversity of city boulevards and parks, and provide additional pollinator-friendly plants in the landscape. Lastly, individual or small groups of trees and shrubs will be planted in locations along the multi-use trail to improve the sites' species composition and diversity. State foresters, city personnel, and conservation organizations will help develop the species list and forestry plan which will be included as an attachment to this project plan upon completion. It is important to note that butterfly species such as the Spicebush Swallowtail (*Papilio troilus*), Viceroy (*Limenitis archippus*), and the Red-spotted Purple (*Limenitis arthemis*) all rely on native Midwestern woody plants at various stages of their development.

Treatment Date: A late-Fall 2017, Spring 2018, and Fall 2018 effort with assistance from the Iowa DNR, Trees Forever, and other organizations.

Enhance Existing Uplands (4.5 acres)

The uplands associated with the wetland areas in the south and running along the fence line to the southwest corner will be enhanced over time through prescribed burning, inter-seeding, and planting locally grown forb plugs. Site visits revealed an array of native grasses and forbs that would benefit from the enhancement of these degraded grassland habitats.

Treatment Date: Prescribed burning will begin in early 2017 with additional practices (inter-seeding and plug planting) planned and implemented based on site surveys, seed bank viability, and plant response throughout the term of this agreement.



Figure 3: Existing grassland habitat on the southwest corner

Timber Stand Improvements (3.5 acres)



Figure 4: Cedar encroachment along the west boundary

The woodlands of the project site contain a variety of extremely desirable native hardwoods, less-desirable native trees, some invasive trees, and non-native trees. The composition of the woodland is a great influence on the presence and abundance of native wildlife species...including hundreds of pollinators. Following a forest stewardship plan developed by an Iowa DNR forester (attached), native hardwoods will be released through the removal and/or thinning of eastern red cedars (*Juniperous virginiana*) and invasive black locust (*Robinia pseudoacacia*) trees. Existing trees such as mulberry, ash,

elm, etc...will be managed commensurate with their wildlife value and suitability to the area. Other stand improvements may include planting mast-producing, fruit bearing, or nectar producing trees to benefit pollinators and other wildlife.

Treatment Date: In early Spring of 2017 and continuing through the term of this agreement with assistance from The Nature Conservancy, the Iowa DNR, Muscatine Branching Out, and other organizations.

Additional Project Details: Included in the project will be the development of educational & interpretive materials, the delivery of hands-on programs to the public and educational outreach to local schools. Activities such as growing milkweed and other beneficial wildflowers will compliment guided nature walks and stewardship efforts well beyond the term of this agreement. Additionally, monarch tagging programs will be offered to the public during the height of migration to engage the local community in a hands-on activity. Presentations about wetlands, woodlands, and grasslands will augment those related to monarchs and other pollinators of the project site. Others potential developments include:

- Creation of a bluebird trail (nestboxes)
- Placement of wood duck boxes along Muscatine Slough
- Installation of an information kiosk and trailhead signs
- Pollinator-themed interpretive panels

Overall, this partnership between the PFW Program of the USFWS, the City of Muscatine, the Muscatine Pollinator Project, and the many other partners will provide diverse native prairie and woodland habitat for a host of pollinators, migratory and breeding grassland birds, and forage and shelter for numerous other species.

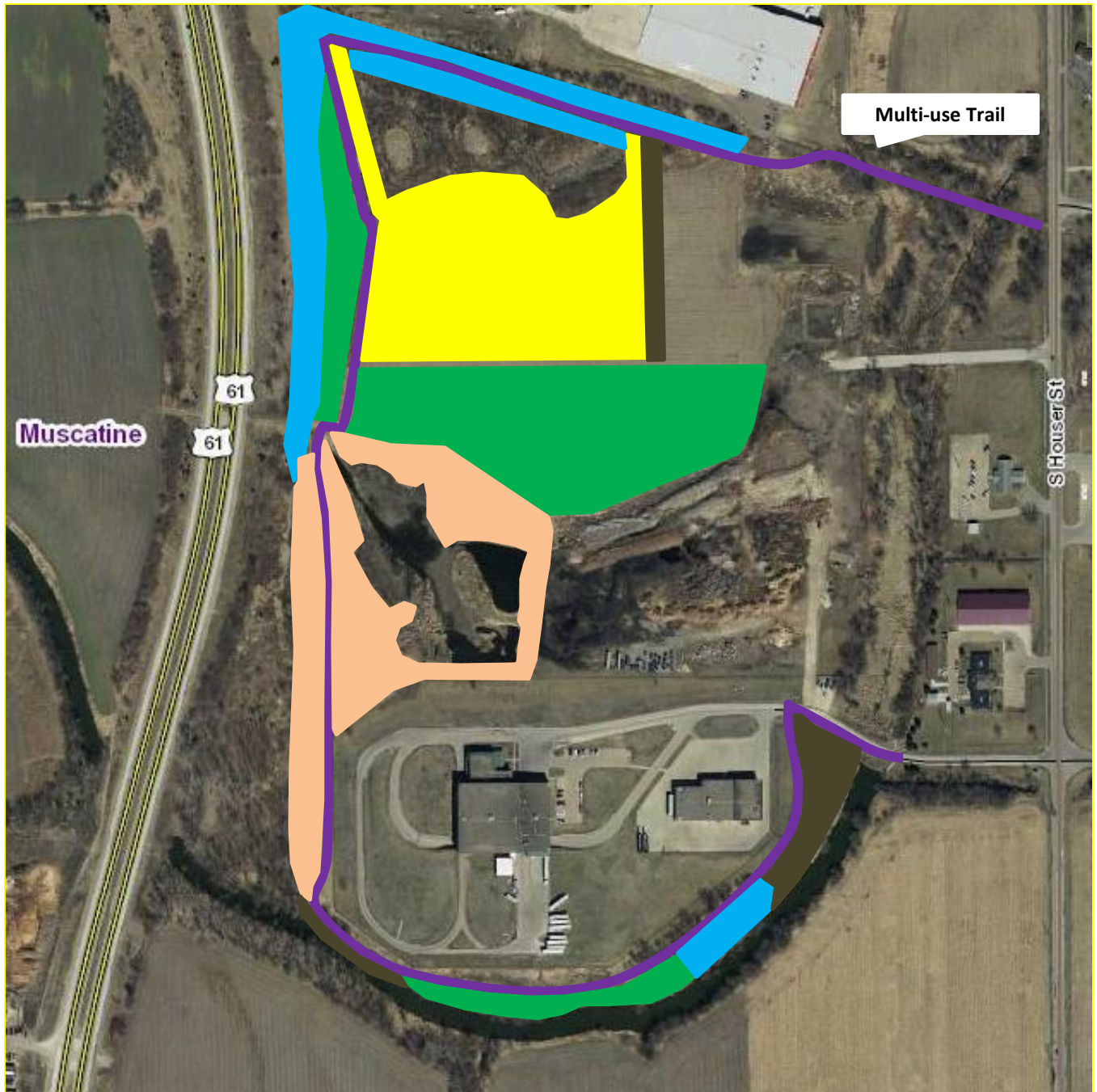
Establishing Pollinator Habitat: Site preparation for this project will begin in 2017 and may consist of burning, mowing, disking, harrowing, and herbicide treatments. Seeding will occur in 2017 and 2018, depending on site conditions, and will be accomplished by either drilling or broadcasting. Post planting maintenance will consist of mowing to a height of about 6 inches when the weeds surpass 10-12 inches. Once the native seedlings are visible, mowing heights should be adjusted to protect them from damage by the equipment. Mowing should occur at least 2 times the first growing season and continue until the native grasses and wildflowers become established...perhaps into late-July or early-August. If necessary, this mowing regime will continue in the second growing season.

Long-term maintenance will consist of spot spraying perennial weeds to prevent invasions while limiting herbicide exposure to native species. Prescribed burning, haying, or mowing will be done every 3-5 years to remove biomass accumulation, stimulate native plant growth, and set back emerging cool-season grasses.

The seeding of these acres will be augmented by the planting of native, local-ecotype, forb plugs grown by community partners at a local greenhouse. These locally harvested and grown plants will serve as nectar and food sources for a host of pollinators in 2018 and beyond. This process will be repeated in subsequent years to further enhance pollinator-friendly habitat and will be expanded to include the harvesting and dispersal of other forbs present in the landscape.

Houser Street Pollinator Park

Locations and Practices



- Pollinator Seeding: Phase I
- Pollinator Seeding: Phase II
- Tree/Shrub Planting
- Existing Uplands
- Timber Stand Improvement