

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – August 3, 2017

Mayor Diana Broderson called the City Council meeting for Thursday, August 3, 2017, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread.

The meeting began with the Pledge of Allegiance.

Jamie Zaragoza, 118 W. 9<sup>th</sup> Street, stated he was present tonight to ask that his dog not be barred from the City of Muscatine and explained why. He stated the first event involving his dog took place in 2016 and the second event took place in July of this year. He stated that if he is allowed to keep his dog, he will do whatever he is directed to do by City Council.

Police Chief Brett Talkington stated Animal Control Officer Nicole Ashby was present to provide information on both incidents and to answer questions from City Council.

Ms. Ashby stated the second bite occurred on July 9, 2017. The victim was a 16-year-old female. She was taken to the hospital, and it was found there were four puncture wounds on her calf that were red and swollen. She then gave an overview of the bite incident that took place in 2016.

Ms. Ashby stated that it is clear Mr. Zaragoza loves his dogs; however, from a professional standpoint, she feels more issues could arise. He stated she feels it would not be fair to punish others and not punish Mr. Zaragoza.

There were questions and comments that were addressed by Mr. Zaragoza and Ms. Ashby.

City Administrator Gregg Mandsager reminded City Council that by taking no action, City Council is affirming the Police Department's directive to remove the dog from the City of Muscatine.

#23037. Councilmember Spread, seconded by Councilmember Fitzgerald, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – July 20, 2017
- Temporary Special Class “C” Liquor License and Outdoor Service for Hy-Vee for an Intern Farewell Event, 100 Harbor Drive – Hy-Vee Inc. (pending inspections)
- Request from Jamie L. Ash for Taxicab License for Loyal Cab Company LLC
- Request for Use of City Property for Boys Cross Country Team 5K Road Race on September 4, 2017
- Request from Seneca Environmental to Close 5<sup>th</sup> Street Between Cedar and Sycamore Streets Early Next Week (approximately four hours) to Use Hydrant for Testing Kum & Go Fuel Tanks
- Request from Nominating Committee for Appointment of Sara Fitzer-Huston to the Art Center Board and Jennifer DeFosse to the Recreation Advisory Commission
- Filing of Communications A-B
- Bills for Approval totaling \$5,440,863.69

Vote – All ayes; motion carried.

#23038. Councilmember Harvey moved the resolution be adopted accepting certain tax delinquent real estate from Muscatine County. Seconded by Councilmember Saucedo. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23039. Councilmember Natvig moved the resolution be adopted relating to the financing of certain proposed projects to be undertaken by the city and establishing compliance with reimbursement bond regulations under the Internal Revenue Code. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23040. Councilmember Spread moved the resolution be adopted committing future bond proceeds to the Pearls of Progress Project. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23041. Councilmember Natvig moved the resolution be adopted authorizing submittal of an application to the Iowa Department of Transportation for Traffic Safety Improvement Program funding for reconfiguration of the intersection at W. Fulliam Avenue and North Houser Street. Seconded by Councilmember Saucedo.

Public Works Director Brian Stineman stated that applications are due on August 15, 2017.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23042. Councilmember Saucedo moved the resolution be adopted authorizing the submittal of an application to the Iowa Department of Transportation for Traffic Safety Improvement Program funding for reconfiguration of Business Highway 38/Park Avenue from Harrison Street to the Iowa 92 Bridge. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23043. Councilmember Harvey moved the resolution be adopted setting a public hearing for Thursday, August 17, 2017, on a request to vacate and dispose of the Lakeview right-of-way and certain utility and drainage easements in Lots 7 and 8 of the North Port Commons Subdivision. Seconded by Councilmember Spread.

There were questions and comments from City Council that were addressed by City Planner Andrew Fangman and City Engineer Jim Edgmond.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23044. Councilmember Fitzgerald moved to approve the request to purchase a suspended solids meter for dredge solids application for the Water Pollution Control Plant from Markland Specialty Engineering in the amount of \$8,981. Seconded by Councilmember Harvey.

There were questions and comments from City Council that were addressed by Water Pollution Control Director Jon Koch.

Vote – All ayes; motion carried.

#23045. Councilmember Fitzgerald moved to authorize the issuance of a purchase order to Foster Coach in the amount of \$154,740 for a 2018 Ford E-450 Medix Ambulance. Seconded by Councilmember Spread.

There were questions and comments from City Council that were addressed by Fire Chief Jerry Ewers.

Vote – All ayes; motion carried.

#23046. Councilmember Fitzgerald moved to approve the City of Muscatine's 2017/2018 deer hunt. Seconded by Councilmember Saucedo. All ayes; motion carried.

#23047. Councilmember Saucedo moved to approve the request from Parks and Recreation for the issuance of a purchase order to Turfwerks in the amount of \$25,000 for the purchase of a used wide area mower and a used small area mower. Seconded by Councilmember Natvig.

There were questions and comments from City Council that were addressed by Superintendent of Parks Nick Gow.

Vote – All ayes; motion carried.

#23048. Councilmember Fitzgerald moved to approve the request from Parks and Recreation for the issuance of a purchase order to Rexco in the amount of \$16,527.24 for a new utility vehicle. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

#23049. Councilmember Natvig moved to approve the purchase of four sets of small soccer goals for Parks and Recreation in the amount of \$10,475. Seconded by Councilmember Spread. All ayes; motion carried.

#23050. Councilmember Natvig moved to approve the request from the Police Department to purchase two Panasonic ToughPad Computers from Keltex Inc. in the amount of \$5,137.44. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23051. Councilmember Fitzgerald moved to accept the city staff and City Council's Audit Committee responses to the state's Re-Audit Report. Seconded by Councilmember Saucedo.

Councilmember Spread stated that he had spent a fair amount of time reading the information provided in the Re-Audit Report. He stated that last year marked his 40<sup>th</sup> year in the banking industry and during that period of time, he has literally reviewed and responded to hundreds of audit reviews and exams. He stated this issue disturbs him because he has never seen a report that said so little and cost so much. He stated he felt it was a disservice for taxpayers to pay over \$8,000 to look into expenditures of just over \$4,000 not to mention an additional \$2,200 for staff hours.

Councilmember Spread stated he knows that in April 2016, the Mayor filed an anonymous complaint that took over a year complete. He stated he feels that because it was so inconsequential, it was not a priority to complete.

Councilmember Spread stated that recently the Mayor gave an interview to the local media where she indicated her purpose is to respond to unanswered questions and concerns of the citizens. He stated that any citizen inquiry falls within the realm of the Freedom of Information Act and the city has a complete set of rules to make sure there is an accurate and timely response to requests received. He stated he checked with the City Administrator's office and there is no record of anyone ever having asked for this information. He then stated there is no record of the Mayor asking for this information and that she instead filed a complaint with the State Auditor's office.

Councilmember Spread stated that it seems to him this whole exercise was a waste of time and resources.

Councilmember Spread stated that in the interview with the local media, the Mayor indicated this was an issue of transparency. He stated the City Administrator and City Council recently rolled out a program called OpenGov that can be found on the front page of the city's web page. He stated it allows everyone to see the financial details of the city. He stated it will take some time but eventually more

information will be out there. He stated his concern is that financial information in the hands of someone who is not totally informed could result in misunderstanding but the city will have to deal with issues that come up and explain everything to everybody.

Councilmember Spread stated that as far as the trip to China goes, the matter was well publicized. He held up a 19-page document that explained the entire Chinese mission and stated it has always been available for viewing by the public. He stated that for the audit to suggest a public hearing should have been held prior to the trip is ludicrous. He stated it would make no sense for that logic to be applied every time a city official got in the car for a meeting.

Councilmember Spread stated he hopes that one day the Mayor will explain her logic for filing an anonymous complaint in the name of transparency.

Mayor Broderson stated she had prepared comments for this issue prior to tonight's meeting. She stated she did not file an anonymous complaint and that she did fully identify herself. She then stated that she did contact the City Administrator, City Attorney, and Ombudsman about the trip before officially filing her complaint with the State Auditor's office.

Under comments, Councilmember Natvig stated he attended the State Soccer Tournament held last Saturday in Muscatine and was very impressed with the condition of the fields. He stated he had heard many positive comments from people concerning the condition of the fields and about the unique restaurants in the downtown area. He stated it was very encouraging to hear someone from outside the community complement our city.

Councilmember Saucedo, speaking in reference to the recent shootings that have taken place in our community, stated arrests have been made. He thanked Chief Talkington and his team for the way the cases were handled. He asked for prayers for the families affected by the shootings.

Councilmember Fitzgerald stated this past weekend he ran into a soccer fan from Minnesota who stated this was the best soccer complex they have seen. He stated it was nice to talk to someone who was raving about our community and the soccer complex. He thanked the Parks and Recreation Department for what they do.

Mayor Broderson stated she had recently talked to a visitor to the Arboretum who was very impressed.

Mayor Broderson stated there would be no In-Depth meeting for August.

Mayor Broderson called for a recess at 8:00 p.m.

#23052. Councilmember Rehwaldt moved to go into the first Closed Session at 8:14 p.m. per Iowa Code 21.5.1.c, as well as the case law on attorney/client privilege as codified in Iowa Code Section 622.10, to discuss strategy with counsel in matters that presently involve legal action and/or where legal action is imminent. Seconded by Councilmember Harvey. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

Mayor Broderson called the Closed Session to order at 8:15 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Also present were City Administrator Gregg Mandsager and City Attorney Matt Brick.

#23053. Councilmember Spread moved to leave the Closed Session at 8:22 p.m. Seconded by Councilmember Saucedo. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23054. Councilmember Rehwaldt moved the Mayor be excluded from the second Closed Session pursuant to provisions of the Iowa Code Section 21.5.3A because the City Council finds that her presence at this meeting creates a conflict of interest as she is a potential adverse party to the pending/threatened litigation and her presence could waive the city's attorney/client privilege. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23055. Councilmember Saucedo moved to go into the second Closed Session at 8:25 p.m. per Iowa Code 21.5.1.c, as well as the case law on attorney/client privilege as codified in Iowa Code Section 622.10, to discuss strategy with counsel in matters that presently involve legal action and/or where legal action is imminent. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

City Administrator Gregg Mandsager called the Closed Session to order at 8:26 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Also present were City Attorney Matt Brick, John Nahra, and Amy Reasoner (ICAP's attorney).

#23056. Councilmember Fitzgerald moved to leave the Closed Session at 9:20 p.m. Seconded by Councilmember Saucedo. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

Councilmember Natvig moved the meeting be adjourned at 9:21 p.m.

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Diana Broderson, Mayor

ATTEST:

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Gregg Mandsager, City Administrator