

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – November 16, 2017

Mayor Diana Broderson called the City Council meeting for Thursday, November 16, 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.

Nancy Snaadt, Account Manager for Alliant Energy, thanked City Council for allowing her to speak this evening. She stated that Alliant has operations in Muscatine located at 215 Oak Street and has 18 employees. She stated Alliant has been making a lot of investments in its local facility and is also just finishing up with relocating residential meters to the outside on a few more homes. She stated Alliant is doing the smart meter conversion by regions and feels it will work well with the new billing system.

Ms. Snaadt stated that Alliant is a taxpayer in both Muscatine and Louisa counties. She stated energy efficiency rebates totaled \$227,895.

Kelcey Brackett, 2817 Mulberry Avenue, Nadine Brockert, 6814 McIntire Road, and Osmond Malcolm, 516 W. 4th Street, recently elected Councilmembers, got up to speak to City Council as a group.

Mr. Brackett made the following statement:

“Mayor and City Council.... We obviously have a little different perspective then some but we stand here as residents... and after seeing the lawsuit filed on Friday that we need to have a separation between that lawsuit and the operation of the city. We have discussed it, and based on conversations we have had with other individuals, think that it might be prudent for a paid leave of absence for the City Administrator and would ask for you to consider looking at potentially a 90-day leave just to get some outside counsel to find out what we need to do. It seems not in anyone’s best interest on either side of that to have somebody that’s filing suit against the city still operating in that role. We don’t see this as a punishment. We don’t see this as anything on those lines but simply as a means to provide appropriate separation.”

He then asked the others if they wanted to comment.

Mr. Malcolm made the following statement:

“I would like you to consider retaining special counsel to represent the citizens of Muscatine. By the lawsuit – it sues the city – all of the residents of the city. Without the residents there is no city. I don’t think I should be involved and any of the residents should be involved needlessly. If we had special counsel who can represent the residents and the city better, that would be fine. We kind of thought about the current City Council...he has a good working relationship we understand with the administration and stuff so there is a conflict with that as well so maybe a special counsel could be considered and given time to review all the facts and stuff and after about 90 days hopefully the special counsel could come back to the Council and make his or her recommendations on what he or she thinks and everybody move forwarded based on the gathered information. Hopefully it will resolve itself but right now my biggest concern is about the residents and how this affects them. That’s our main concern.”

Ms. Brockert made the following statement:

“I know the people in my ward were hoping that once the election was over that this whole thing would have been resolved and that does not seem to have been the case for which we are very disappointed. So... I echo the comments of Kelcey and Oz wanting to bring this to a peaceful end.”

Roger Strong, 2120 Bidwell Road, spoke concerning the Closed Session that was held earlier this week for the City Administrator’s evaluation where he was awarded a 2% merit increase. He asked Councilmember Saucedo to clarify that the 2% raise was a merit raise and not a cost of living increase.

Councilmember Saucedo stated he had meant to say merit raise.

Dan Clark, 1221 Mulberry Avenue, stated he wanted to apologize for calling some of you lame ducks. He stated it is never too late to apologize; however, as time passes, it gets harder and harder. He stated he feels that both sides need to mutually agree to get along because every time there is a defensive move, it is one step backward for the city. He stated it is never too late to reverse the course. He stated that now that the election is over, he sees an opportunity for a fresh start if any one of you will take the first step.

Shelly Sevadio, 522 Linn Street #2, stated she feels the 90-day leave of absence would be a good idea and explained why.

#23154. Councilmember Saucedo, seconded by Councilmember Spread, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – November 2, 2017
- In-Depth City Council Minutes – November 9, 2017
- Special City Council Minutes – November 14, 2017
- Request for transfer of a Class “C” Liquor License from 3127 Lucas Street to 1314 Mulberry Avenue for The Rendezvous, 1314 Mulberry Avenue – Cindy’s Rendezvous LLC, (pending inspections and insurance)
- Request for Use of City Property for Muscatine Holiday Stroll on December 1, 2017
- Request to Approve Application for Revitalization Property Tax Abatement for Gary and Millie Meerdink
- Request from Business Owner to Place Awning Over Public Right-of-Way at 129 W. 2nd Street
- Filing of Communication 12A
- Bills for Approval totaling \$2,230,722.39

Administrative Secretary Fran Donelson stated that the Holiday Stroll is being sponsored by the Muscatine Journal.

Vote – All ayes; motion carried.

#23155. Councilmember Harvey moved to adopt on final reading an ordinance authorizing changes and/or omissions in City Code Sections Title 6, Chapter 8, Title 13, Chapter 3, and Title 15, Chapter 8 and to direct for its publication as required by law. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23156. Councilmember Natvig moved the resolution be adopted approving the contract and bond from Sheets General Construction in the amount of \$651,900 for the HNI Community Center and Musser

Public Library. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23157. Councilmember Spread moved the resolution be adopted authorizing the assessment of unpaid abatement costs to private properties. Seconded by Councilmember Harvey. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23158. Councilmember Fitzgerald moved the resolution be adopted approving the final plat for the Tripar 5 Addition. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23159. Councilmember Fitzgerald moved to approve the request to convert the temporary four-way stop at the intersection of 4th and Cherry streets to a permanent all-way stop. Seconded by Councilmember Harvey.

There were questions and comments from City Council that were addressed by Public Works Director Brian Stineman.

Vote – All ayes; motion carried.

#23160. Councilmember Natvig moved to approve the request from the Fire Department for the issuance of a purchase order to the Knox Company in the amount of \$5,677 for updated Knox Key Secure Units. Seconded by Councilmember Spread. All ayes; motion carried.

#23161. Councilmember Rehwaldt moved approve the request from the Fire Department for the issuance of a purchase order to Dive Rescue International in the amount of \$5,829.70 for the purchase of ice rescue suits. Seconded by Councilmember Harvey.

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

Vote – All ayes; motion carried.

#23162. Councilmember Natvig moved to approve the request from the Finance Department to approve the updated agreement with PFM Financial Advisors LLC for annual Continuing Disclosure filing services. Seconded by Councilmember Harvey. All ayes; motion carried.

#23163. Councilmember Spread moved to approve the ballot question and to authorize a letter to the County Board of Supervisors and County Auditor requesting a special election be held on March 6, 2018 for the Local Option Sales Tax Renewal. Seconded by Councilmember Harvey. All ayes; motion carried.

#23164. Councilmember Fitzgerald moved to approve the Memorandum of Understanding between the Iowa Department of Transportation and the City of Muscatine. Seconded by Councilmember Natvig. All ayes; motion carried.

At this time, Public Works Director Brian Stineman provided an update on the sewer leak on the 30” force main sewer between the Musser Park Lift Station and the Water Pollution Control Plant.

Mr. Stineman stated the break is located at the intersection of Day/Birch/Nebraska streets. He stated this line is the only line between the Musser Park Lift Station and the Water Pollution Control Plant. He stated the break has caused sanitary sewer water to be discharged into the Mississippi River at this lift

station. He stated he is waiting on direction from the Iowa Department of Natural Resources on how to proceed with the repairs. He stated that he hopes to meet with them on Monday morning.

Mr. Stineman stated the crack has occurred in a difficult place to repair and explained the best repair option is to line the existing sewer pipe. He explained how that will be done. He stated the IDNR will help us make the decision on how to proceed with repairs.

Mr. Stineman stated staff is requesting City Council approve an expenditure in an amount up to \$750,000 for this repair work. He stated funding will come from the Sewer Extension and Improvement Reserve Fund.

There were questions and comments from City Council that were addressed by Public Works Director Stineman, Water Pollution Control Plant Director Jon Koch, and City Administrator Mandsager.

#23165. Councilmember Natvig moved to approve the expenditure in an amount up to \$750,000 to begin the sewer repair work. Seconded by Councilmember Saucedo. All ayes; motion carried.

Councilmember Rehwaldt stated that at this time he would like begin discussions concerning the replacement of Brick Gentry as the City Attorney. He recommended beginning the search in Muscatine County and branching out from there. He then stated he would like to see the replacement effective before the end of this year.

#23166. Councilmember Rehwaldt moved to take steps to replace Brick Gentry as the City Attorney. Seconded by Councilmember Harvey.

Councilmember Fitzgerald stated he did not feel it was necessary at this time to take any action.

Mayor Broderson asked if the City Attorney's contract could be terminated at any time, and City Administrator Mandsager answered yes.

City Administrator Mandsager stated the City Attorney's hourly rate has not been increased since he was hired. He stated there are only two firms that do mainly municipal law. He stated Brick Gentry also has experience with landfills which many do not. He stated hiring a local firm would mean they would need to hire another attorney to provide outside resources.

City Administrator Mandsager stated it would be his recommendation to leave the contract alone at this time.

Councilmember Fitzgerald stated Harvey Allbee had been the City Attorney for many years; however, the city had to hire a separate labor attorney. He stated the main reason the selection committee chose Brick Gentry was because of their expertise in dealing with the IDNR.

Mayor Broderson stated she feels it would be good to have a City Attorney from our community.

Councilmember Fitzgerald stated you will not find a local lawyer that will be able to provide the level of legal work required by the city. He ended by saying he feels the contract should be left alone at this point in time.

City Administrator Mandsager stated he also feels that hiring a local attorney would create a potential conflict of interest.

Vote – Two ayes: Councilmembers Rehwaldt and Harvey. Four nays: Councilmembers Fitzgerald, Natvig, Saucedo, and Spread. Motion failed.

Under comments, City Administrator Mandsager stated he feels it would be helpful for the City Council and public to understand the process now underway. He stated the city has an insurance carrier called ICAP and they determine whether or not there is coverage and, if there is, they appoint legal counsel. He stated it will not be Brick Gentry because they do not have a contract with ICAP.

City Administrator Mandsager stated he was not involved in the legal process but only involved through legal counsel. He stated the HR Manager will be the acting Deputy City Clerk for service and will be coordinating with ICAP. He stated he will not be included and did not know if the Mayor would be included in any closed sessions or not. He stated there is a clear separation between himself and anything that takes place concerning the lawsuit.

Mayor Broderson wished everyone a Happy Thanksgiving. She stated there will be a meal served at MCSA on Thanksgiving Day from 11:30 a.m. to 1:30 p.m. She stated MCSA is looking for volunteers to help that day. She stated anyone interested in helping can call MCSA at 264-3278.

Mayor Broderson stated this has been a rough year for our country. She stated that in light of the season, we should pause to reflect on our blessings. She asked that we be kind to one another.

Councilmember Harvey asked that everyone keep Councilmember Bynum in their prayers.

Mayor Broderson called for a 10-minute recess at 8:07 p.m.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator