

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. - December 5, 2019

Mayor Broderson called the City Council meeting for Thursday, December 5, 2019, to order at 7:00 p.m. Present were: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. City Attorney Matt Brick was also in attendance.

The meeting began with the Pledge of Allegiance.

Communications-Citizens

Mayor Broderson swore in new Police Officers Michael Schumps and Mitchell Griffin

Leadership Muscatine, class of 2020, introduced themselves and gave a short description of projects they are working on to include; friends of Muscatine facilities group, Muscatine art center renovations and updates, amphitheater at the riverfront, continued work on the Muscatine trail system, and Kent stein facility enhancements.

Consent Agenda

Councilmember Brackett asked that an item from the Bills for approval regarding payment to City Administrator be removed from the consent agenda and discussed at a future meeting.

Councilmember Brackett, Seconded by Councilmember Saucedo, moved the Consent Agenda be approved as follows:

- Items 6 A-B: Approval of City Council Minutes
 - Items 8 A-I: Petitions and Communication
 - Items 12 A-E: Receive and File
 - Bills for Approval totaling \$2,009,826.21
- Vote: Ayes-7 Nays -0 Motion carried

Item 11A

Councilmember Fitzgerald moved to approve the second reading of Ordinance #2019-0383, rezoning property located at U.S. 61 and Mittman Road. Seconded by Councilmember Saucedo.

There were comments and statements from City Council regarding the traffic study being performed, that were addressed by Assistant Community Development Director, Andrew Fangman.

Annette Lohse, 2603 Mittman Road, was present to share her concerns regarding the Loves truck stop being built near a residential area.

Vote: Ayes-7 Nays- 0 Motion carried.

Item 11B

Councilmember Brackett moved to adopt Resolution #2019-0396, approving the plans, specifications, form of contract, cost estimate and setting a bid opening date for the 2nd Street Reconstruction Project. Seconded by Councilmember Spread.

Vote: Ayes -7 nays- 0 Motion carried.

Item 11C

Councilmember Fitzgerald moved to approve Request #2019-0397 for the City of Muscatine's Comprehensive Annual Financial Report and Audit for FY ending June 30, 2019. Seconded by Councilmember Spread.

Vote: Ayes-7 Nays - 0, Motion carried

Item 11D

Councilmember Brockert moved to approve Request #2019-0399, approving the proposed Goals and Objectives for FY 2020/2021. Seconded by Councilmember Brackett.

Vote: Ayes-7 Nays -0, Motion carried

Item 11E

Councilmember Harvey moved to approve Request #2019-0398, amending the City of Muscatine's Purchasing Manual/Policies for Procurements Under Federal Grants.

Seconded by Councilmember Brackett.

There were questions from City Council regarding this change that were addressed by Finance Director Nancy Lueck.

Vote: Ayes-7, Nays-0, Motion carried

Item 11F

Councilmember Fitzgerald moved to approve Request #2019-0400 for the issuance of a purchase order to Foster Coach in the amount of \$85,591 for the purchase of a new type II ambulance. Seconded by Councilmember Brackett.

There were questions from City Council regarding the description of the ambulance as well as what it would be used for that were addressed by Battalion Chief Ted Hillard.

Vote: Ayes-7, Nays 0, Motion carried.

Item 11G

Mayor Broderon stated the next item on the agenda was a discussion and possible action regarding ending the City Administrators Contract.

Councilmember Brackett moved to immediately terminate the City Administrator's contract. Seconded by Councilmember Saucedo.

Councilmember Spread stated his concerns with this termination without waiting for the evaluation approved by City Council that cost the City in excess of \$30,000 of unbudgeted funds. Mr. Spread also stated that he felt City Council should respect the City Administrators FMLA and that terminating his contract at this time would open the City up to further financial risks. Mr. Spread suggested the motion be tabled until the evaluation is complete.

Councilmember Brackett stated the evaluation process would be used in the future for evaluations and not just one time and the expense was for the development process.

Councilmember Harvey stated he is in agreement with Mr. Spread's concerns and he objects to voting to terminate immediately when no reason has been presented. Mr. Harvey asked what duties has he failed to perform?

Councilmember Fitzgerald stated he has been on City Council for Gregg Mandsager's entire term and every evaluation during that time has been successful and he was given a pay increase. Councilmember Fitzgerald stated he feels this is a personal conflict and nothing to do with the City Administrators work performance.

Councilmember Saucedo stated there have been multiple meetings regarding the evaluation and no reason has to be given in order to not renew contract for City Administrator.

Vote: Ayes – 4, Nays 3 (Spread, Harvey, Fitzgerald) Motion carried.

Councilmember Brackett motioned to appoint Richard Klimes as Interim City Administrator and to act as Assistant City Administrator to the future hire to get them on board. Seconded by Councilmember Saucedo.

There were comments and discussion between City Councilmembers regarding this motion.

Vote: Ayes 5, Nays 2(Spread, Fitzgerald) Motion carried.

Councilmember Brackett motioned to schedule a meeting to review the offer put forth by Mark Arentsen, through Matt Brick, to act as interim City Administrator, at the next Council Meeting and potentially accept the offer at that time.

There was a consensus to add this item to the December 12, 2019 In-Depth Meeting.

There were questions from City Council regarding candidates for the position of Interim City Administrator that were addressed by City Attorney Matt Brick.

Attorney Matt Brick stated that in order to fill out the legal documents to be filed with the City Clerk's Office regarding removing the City Administrator from his position he would need a reason for termination.

Councilmember Brackett stated his reason for terminating the City Administrator's contract is lack of confidence in ability to perform duties. No other reasons were presented by City Council.

There was discussion among Mayor and City Council regarding the procedures for the City to regain possession of City Property used by the City Administrator and to remove City Administrator's access to City information.

Councilmember Brackett motioned to remove Gregg Mandsager from the appointed position of City Administrator for lack of confidence. Seconded by Councilmember Saucedo.

Vote: Ayes – 4, Nays – 3 (Fitzgerald, Harvey, Spread)

Mayor Broderon stated the next item on the agenda is the item removed from the consent agenda regarding payment to Gregg Mandsager.

Councilmember Brackett stated that City Property would need to be returned before payment can be made. Councilmember Brackett stated discussion regarding the payment to the City Administrator should be discussed at a future meeting.

Councilmember Brackett motioned to have staff provide a summary of Gregg Mandsager's vacation and sick time prior to the next meeting as well as a list of property to be returned and to withhold payment until termination process is completed. Seconded by Councilmember Brockert.
Vote: Ayes – 4, Nays-3 (Spread, Fitzgerald, Harvey) Motion carried.

Councilmember Harvey read into record an advisory that was sent to council by Patti Seda stating she strongly urged Council to consider the short and long terms effects of this decision. She stated

this will hurt the reputation of Muscatine and would make it very difficult to attract a qualified City Administrator or future staff. Ms. Seda states this decision will come back and hurt the City of Muscatine.

Mayor Broderson requested the Traffic Committee to look into parking at schools during concerts and programs. She stated there were many tickets issued to residents during a recent concert at Jefferson School.

Councilmember Brackett moved meeting be adjourned at 8:12 p.m.

ALL CITY COUNCIL MEETING RECORDINGS CAN BE WATCHED ON THE CITY OF MUSCATINE YOUTUBE PAGE.

Mayor Diana Broderson

Attest:

Acting City Clerk