

**CITY OF MUSCATINE**  
**IN-DEPTH CITY COUNCIL MINUTES**  
Council Chambers – 7:00 p.m. – January 12, 2017

Mayor Broderson called the City Council meeting for Thursday, January 12, 2017, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread.

The first item on the agenda was a request to adopt a resolution setting a public hearing on an Urban Renewal Plan Amendment to be held Thursday, February 9, 2017, at 7:00 p.m.

#23700. Councilmember Fitzgerald moved the resolution be adopted. Seconded by Councilmember Rehwaldt. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

The next item on the agenda was a request to adopt a resolution setting a public hearing on a proposed development agreement with the HNI Corporation including annual appropriation of tax increment payments for Thursday, February 9, 2017, at 7:00 p.m.

#23701. Councilmember Fitzgerald moved the resolution be adopted. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

The next item on the agenda was a request to authorize and instruct the city attorney to file written charges of removal pursuant to Iowa Code, Chapter 66 and Section 1-7-6 of the Muscatine City Code.

#23702. Councilmember Harvey moved the request be approved. Seconded by Councilmember Rehwaldt.

City Administrator Mandsager stated the Mayor and City Council had on their desks a copy of the full motion to be read.

Councilmember Rehwaldt then read the motion as follows:

An elected City official may be removed from office for, among other reasons, misconduct or maladministration in office, and willful or habitual neglect or refusal to perform the duties of the office; and

Willful misconduct or maladministration in office can include, but is not limited to, conduct such as repeated public criticism of the City or staff; repeatedly engaging in defamatory attacks against the City, staff or public; breach of fiduciary duties; or other conduct which tends to erode public confidence in the City or staff.

Habitual neglect or refusal to perform the duties of office can include, but is not limited to, such conduct as repeated breaches of the public official's fiduciary duties and/or repeated failure to follow established city ordinances or policies;

It appears the Mayor may have engaged in some of the foregoing conduct to the detriment of the City and in contravention of her established duties and, as such, written charges for removal should be filed to determine if the Mayor should be removed from office as a result of such conduct.

Therefore, the City Council of the City of Muscatine, Iowa, hereby motions to instruct the City Attorney to draft and file written charges for the removal of the Mayor as provided for by Iowa Code Chapter 66 and City Code Section 1-7-6.

Councilmember Harvey called for the vote.

Mayor Broderson stated she was going to allow the public to speak.

Vote – All ayes; motion carried.

The following residents were present to support Mayor Broderson:

Roger Roth, Clark House; Ann Brumback, 2235 Cobblestone; Roger Strong Sr., 2120 Bidwell Road; Judy Rivera, 909 E. 6<sup>th</sup> Street; Taylor Williams, 111 E. 6<sup>th</sup> Street; Nathan Baker, 508 Woodlawn Avenue; Diana Main, 220 Wallace Street; Robert McFadden, 2114 Pinefield; Clair Martin, 1574 Washington Street; Max Hoffman, 1609 Foster Street; and Osmand Malcolm, 516 W. 4<sup>th</sup> Street.

Andy Foster of 612 Jackson Street stated he felt everyone needed to be patient because there is a process that must be followed in this type of situation.

The final item on the agenda was an overview of the process for public projects.

City Engineer Jim Edgmond, before beginning his power point presentation, asked if City Council was concerned about the length of time it takes to get from the concept to the project or how long the construction of a project takes.

City Council indicated that both issues were a concern.

Mr. Edgmond began his power point presentation with sidewalk poetry. He stated that adding the poetry changed the length of the time for sidewalk installation. He stated there are things that occur that change how long it takes to complete a particular project.

Mr. Edgmond then talked about the differences between a public project and a private project. He stated that the process for public projects is much more stringent and risks cannot be taken. He stated there are no good methods to accelerate construction to a deadline. He stated that for private projects, the city can authorize overtime, extra workers if justified, cost, and time savings.

Mr. Edgmond stated that the use of federal or state dollars for public projects is a long and complicated process and the average time for the completion of a project can be seven years. As an example, he stated that Mulberry Avenue took four years to complete while Diana Queen Drive, which was funded by city dollars, only took 1 ½ years to complete. Speaking in reference to the Mulberry Avenue project, he stated there were several steps taken by the city that did save some time and money. He pointed out that the Mississippi Drive Corridor Project has been in the works for approximately eight years and is still not complete.

Mr. Edgmond then gave an overview of deadlines/contract completion for public projects funded by state and federal funds and public projects with just city dollars. He stated the IDOT mandates working day contracts and once the working days have been passed, liquidated damages are assessed.

Mr. Edgmond stated if the city assessed liquidated damages to a project funded by city dollars, it would be difficult to find bigger construction companies willing to submit a bid on larger projects. He stated he feels the city should work with the contractor to the fullest extent and always compromise.

Mr. Edgmond stated the delay on Mulberry Avenue was due to an unanticipated utility issue. He stated things are always going to happen to delay a construction project.

Mr. Edgmond stated the city must always keep in mind it cannot run afoul of a project being funded by state and federal funds. He once again pointed out that public projects funded from state and federal projects are very different from private projects funded by city dollars.

Mr. Edgmond then talked about the efficiencies that have occurred on the city's various projects. He stated the waste/borrow site for the sewer separation project will save the city money over the next 12 years of the project. He stated that Fridley Theaters allowed the city to use part of their property as a waste/borrow site saving the city approximately \$50,000 to \$75,000 on the project.

Mr. Edgmond stated the city has used recycled concrete and asphalt projects throughout the city. He stated the city saved approximately \$60,000 on the Mulberry Avenue Project using recycled concrete.

Mr. Edgmond stated his advice/warning is that if the IDOT is pressured, the city will almost always pay the price on the next project involving state or federal funds.

There were questions and comments from City Council that were addressed by Mr. Edgmond.

Councilmember Saucedo, speaking in reference to comments made earlier in the meeting, stated you cannot judge a book by reading one page. He stated that as the city moves through this process, the citizens will have a better understanding of what is happening. He stated that he will continue to vote on what he feels is best for the City of Muscatine.

Councilmember Natvig stated that budget sessions are scheduled to begin on January 28, 2017 and the public is welcome to attend.

City Administrator Gregg Mandsager stated there will be a public meeting concerning the Mississippi Drive Corridor Project on Thursday, January 19, 2017, at 6:00 p.m. in the City Hall Council Chambers.

Mayor Broderson reminded everyone of her Coffee with the Mayor scheduled for January 21, 2017 at Happy Joe's Pizza on Lake Park Boulevard beginning at 9:00 a.m.

Mayor Broderson thanked everyone for supporting her tonight. She stated it was very heartwarming to her.

Mayor Broderson then stated that the citizens of Muscatine would like an accounting of what has been paid to the city attorney for the year to date.

Mayor Broderson ended by saying to City Council that she hopes they vote with their true conscience.

The meeting adjourned at 8:17 p.m.

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Gregg Mandsager, City Administrator