

CITY OF MUSCATINE
IN-DEPTH CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – March 9, 2017

Mayor Broderson called the City Council meeting for Thursday, March 9, 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 resolution awarding the contract for the Mississippi Drive Corridor Project to Langman Construction in the amount of \$8,787,676.34.

#23762. Councilmember Fitzgerald moved the resolution be adopted. Seconded by Councilmember Rehwaldt.

Steven Kahler stated that he and Calla Parochetti are attorneys representing K.E. Flatwork. He stated that he appreciated the opportunity to address City Council on this matter.

Mr. Kahler stated he wanted to address a couple of misstatements with regard to bidding contained in the memo from the Public Works Director dated March 6, 2017. He stated that initially there was a question about compliance with the Iowa resident bidder preference statute. He stated that the memo states that reference to a local (state) preference for Iowa bidders is covered in the bid documents and relevant only when the city receives two responsive, responsible bids that are relatively close in total cost.

Mr. Kahler stated the Iowa bidder preference statute falls under Iowa Code Section 73A.21 and Iowa Administrative Code 875-156. He then provided an overview of each. He stated that in this particular instance, it is his understanding that the only bidder that submitted a Bidder Resident Status Form was K.E. Flatwork. He stated that the question was raised in the memo on whether or not this particular form was required; however, it is specifically mandated in both the Iowa Code and the Iowa Administrative Code.

Mr. Kahler stated that he feels in this particular instance that Langman Construction is a non-responsive bid because it did not comply with Iowa Law based on the lack of the Bidder Resident Status Form. He then went on to talk about the differences between balanced and unbalanced bid forms and stated that his client had indicated to the city by email that he would abide by his bid. He stated that if K.E. Flatwork agrees to abide by their bid, it would make them the lowest bidder. He stated there is no leeway for the city under Chapter 26 of the Iowa Code to not accept the bid from his client.

Mr. Kahler stated he feels City Council should accept the lowest responsible bid which is K.E. Flatwork.

Calla Parochetti, also representing K.E. Flatwork, also explained why she felt the City Council should accept the lowest responsible bid which would be her client's.

Lucas Cleaver, owner of K.E. Flatwork, explained why he feels his company's bid is the bid that should be accepted for this project.

City Engineer Jim Edgmond explained why the city had selected the bid from Langman Construction.

There were questions and comments from City Council that were addressed by City Engineer Jim Edgmond and City Administrator Gregg Mandsager.

Vote – Three ayes: Councilmembers Spread, Saucedo, and Natvig. Four nays: Councilmembers Harvey, Bynum, Fitzgerald, and Rehwaltdt. Resolution failed.

#23763. Councilmember Saucedo moved to reject the bids for the project and to set a new bid opening date for the Mississippi Drive Corridor Project. Seconded by Councilmember Rehwaltdt. All ayes; motion carried.

The next item on the agenda was a request to approve a motion to set a hearing on removal charges pursuant to Section 1-7-6 of the Muscatine City Code.

#23764. Councilmember Bynum, seconded by Councilmember Spread, moved the request be approved with formal charges as follows:

“Whereas, written charges for removal have been filed to determine if the Mayor should be removed from Office; and

“Whereas, pursuant to Muscatine City Code Section 1-7-6, the decision about removal shall only be made after a hearing before the City Council based on written charges prepared and filed by the City Attorney; and

“Whereas, the notice of hearing shall be provided to the Mayor by personal service.

“Therefore, the Council of the City of Muscatine, Iowa, hereby moves to set a hearing for March 23, 2017 at 8:00 a.m. at Council Chambers at the Muscatine City Hall located at 215 Sycamore Street, Muscatine, Iowa 52761 and directs personal service to be made upon the Mayor in accordance with this motion.”

Max Kauffman, 1609 Foster Street, had questions he directed to City Council and the City Administrator. He was told that per direction from legal counsel, no comments would be offered.

Nathan Baker, 508 Woodlawn Avenue, explained why he felt this whole process was uncalled for.

Councilmember Bynum stated that per Roberts Rules of Order, discussion time is limited to three minutes.

Mayor Broderson stated as Mayor she has the right to overrule those rules.

Councilmember Bynum stated that as a point of order, he was calling for the question without further discussion.

Mayor Broderson stated as Mayor she has the right to overrule those rules.

Councilmember Bynum wanted it noted in the minutes that the Mayor did not follow Robert’s Rules of Order.

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

The next item on the agenda was a presentation on plans for the Old Barn.

Shelly Maharry stated she was present tonight to talk about plans for the Old Barn but first she offered prayers and support to the residents affected by the tornado and shooting that took place in the community earlier this week.

Ms. Maharry began her presentation by stating she is only serving as a volunteer for the Friends of the Old Barn. She stated she is Associate Director of the Community Foundation and is only volunteering to help the Friends of the Old Barn. She stated that John Haskins, President of the Friends of the Old Barn came to see me because the Community Foundation has funds that support the Old Barn and its operations. She stated that Mr. Haskins had informed her about what was happening concerning the demolition of the barn, cottage, and metal building. She stated a group was put together to try and save this icon of our heritage.

Ms. Maharry stated this property is a challenge because the barn itself belongs to Muscatine County but is located within the city limits. She stated she was present tonight to show through her presentation how the barn could be used in broader ways. She then listed the following vision for future goals of the Old Barn:

- Celebrate Muscatine County's agricultural heritage and preserve our historic "Poor Farm" icon.
- Work collaboratively with multidisciplinary teams to do great work in Muscatine County.
- Create new and unique attractions and tourism opportunities.
- Support Muscatine County small businesses.
- Strengthen Friends of the Old Barn to support the long-term maintenance and operations of the Old Barn.
- Create a legacy for our children and grandchildren to enjoy.

Ms. Maharry stated she feels the Old Barn could become the anchor for great things to happen which will benefit Muscatine County residents and create opportunities for a positive economic impact. She stated the quality of life for Muscatine County residents could be enhanced through the addition of arts, culture and recreational activities.

Ms. Maharry then explained what the Friends of the Old Barn would like to see happen to reassure residents that the Old Barn will be saved from demolition. She stated it will require a good working relationship between the Friends of the Old Barn and Muscatine County.

Ms. Maharry then talked about the cottage that was also slated for demolition by Muscatine County. She stated that donors to Friends of the Old Barn provided funds for a handicap accessible ramp, bathroom renovation, roof, electrical updates, new carpet, and other improvements in 2013/2014. She then talked about maintenance issues at the cottage.

Ms. Maharry then talked about the future vision for the cottage which could include the following:

- The cottage could provide a catering/prep kitchen for events at the Old Barn.
- A small-scale café serving picnic food items could serve guests of the Old Barn and the Discovery Park Pond areas.
- A partnership opportunity with an organization serving individuals with special needs.

Ms. Maharry then talked about how the metal outbuilding slated for demolition by Muscatine County could be used. She stated the Friends of Muscatine Historic Preservation could operate an architectural salvage barn from the site where residents could donate historic doors, windows, light fixtures, etc. for resale. She stated that preservation of historic artifacts would keep them out of the landfill. She

stated that proceeds from sales at the salvage barn could support historic preservation activities in Muscatine County.

Ms. Maharry then talked about the historic fruit cellar and community gardening.

Ms. Maharry then stated there is much work that needs to be done. She stated the Friends of the Old Barn have been given 30 days to develop a plan for restoring electrical and sewer/water service. She stated the group is seeing this as an opportunity to create a unique solution and partnership by working together to best benefit the residents of Muscatine County. She stated the Community Foundation of Greater Muscatine ensures funds raised will be administered under strict gift acceptance policies and procedures and that donors can give with confidence knowing their gifts will be used only as intended by the fund. She stated the Foundation has the unique ability to accept complex gift donations such as farm land, bequests/estate planning, stock transfers, gifts of grain, and even livestock.

Ms. Maharry ended her presentation by talking about her next steps for the Old Barn which include the following:

- Continue to volunteer and offer guidance to support this important effort.
- Serve as primary point of contact and spokesperson on behalf of Friends of the Old Barn.
- Support the Friends of the Old Barn Board of Directors – add strategic board positions to support fundraising, event planning, code compliance/safety, public relations, and marketing.

The next item on the agenda was a presentation by Public Works Director Brian Stineman on Spring Cleanup Week.

Mr. Stineman began his presentation with an explanation of how the spring cleanup process works. He stated spring cleanup was originally designed for one week; however, it now takes approximately two weeks. He stated equipment used includes eight dump trucks from the Street Department and three loaders. He stated it requires nine temporary employees. He stated that temporary help is unreliable and there are many back injuries to staff from lifting as well as cuts from broken glass. He also stated that spring cleanup is being abused by non-residents, rental property owners, commercial businesses, and others.

Mr. Stineman then went over the cost of the program per year since 2000 and a cost breakdown of the 2016 cleanup. He then went over disposal fees, tire loads, e-waste loads, and the labor breakdown.

He stated under the current services, Muscatine and Fruitland residents receive curbside pickup of trash, recycling, and yard waste weekly. He then gave an overview of the current services that are provided to residents. He then talked about services offered in Rock Island, Moline, Iowa City, Coralville, Ottumwa, and Burlington.

Mr. Stineman then reviewed with City Council the following proposed options:

Cancel free week:

- Allow residents to use three free pickups at one time if they choose.
- Allows us to pick up by appointment.
- Free up Street Division so no reduction of service.
- Save city roughly \$130,000

Keep free week but not curbside (residents take to Transfer Station for free):

- Free up Street Division so no reduction of service.
- Save temporary Street Division labor - \$5,000
- Reduce temporary Solid Waste labor - \$6,000 to \$12,000
- Convenient drive-thru services for tires and e-waste

Combination of curbside and resident drop off to Transfer Station:

- Residents can set out usual material except e-waste and tires.
- Free up part of Street Division so only partial reduction of service.
- Convenient drive-thru services for tires and e-waste.
- No cost reduction but would reduce pickup time by 1.5 days.

Following this presentation, there were questions and comments from City Council that were addressed by Mr. Stineman.

The final item on the agenda was a presentation on a proposed development agreement.

Community Development Director David Gobin stated the city was approached by a developer who is interested in developing a residential and commercial site between Culver's and Maid-Rite. He stated the proposed development would include a large gas station/convenience store as well as a large residential project which would contain about 90 units. He stated that as part of the process, there will be a significant amount of infrastructure that will be built to the city's specifications and standards.

Mr. Gobin stated that staff would like to know how City Council feels about moving forward with the creation of a development agreement. He stated that his memo outlined the basics of the proposed TIF agreement.

Mr. Gobin then introduced David Requet, the developer requesting the proposed development agreement.

Mr. Requet stated his development group has developed several projects in the City of Muscatine and also has projects in three different states. He stated that part of the proposed project involves residential development. He stated that the first part of the development on Northpoint Avenue is to make the lake a water feature with pedestrian path. He stated there are plans for a senior complex on the northeast property as well as a mixture of housing that will be determined after the results from the Housing Demand Study have been received.

City Administrator Mandsager stated that staff is seeking consensus from City Council to proceed with a typical TIF agreement.

It was the consensus of City Council to begin preparations for a development agreement for this proposed project.

Under comments, Councilmember Bynum stated he would like to comment about activities that have been happening in Ward 4. He stated that early last week a tornado touched down in that ward. He thanked Muscatine Power & Water, city staff, the Police and Fire departments, Salvation Army, Director of Disaster Services, the United Way, and all residents and non-residents who helped during this storm event.

Councilmember Harvey asked if the spate of current shootings had anything to do with low staffing of the Street Crimes Unit. He asked if they were stand alone events.

City Administrator Mandsager stated the Street Crimes Unit is out there at work. He stated that he talked with Police Chief Brett Talkington prior to tonight's meeting who said that arrests have been made in every single case.

Police Captain Steve Snider stated that the past shooting and stabbing events were handled well and arrests made very quickly. He stated that these events are more drug related rather than gang related.

Councilmember Saucedo asked for an update on the recent storm activities which was provided by Public Works Director Brian Stineman.

The remaining City Council members, as well as City Administrator Mandsager, echoed Councilmember Bynum's thoughts about the storm last week.

There was brief discussion on the storm sirens.

Mayor Broderson thanked everyone for working together and supporting our community during the recent storm event.

Mayor Broderson then reminded everyone of the next Coffee with the Mayor to be held on March 25, 2017, at Happy Joe's on Lake Park Boulevard beginning at 9:00 a.m.

The meeting adjourned at 9:05 p.m.

Gregg Mandsager, City Administrator