

Muscatine County Board of Supervisors
Monday, November 21, 2016

The Muscatine County Board of Supervisors met in regular session at 9:00 A.M. with Howard, Kelly, Sorensen, Sauer and Bonebrake present. Chairperson Sorensen presiding.

On a motion by Kelly, second by Bonebrake, the agenda was approved as amended. Ayes: All.

On a motion by Howard, second by Sauer, claims dated November 21, 2016 were approved as amended in the amount of \$1,239,139.51. Ayes: All.

A Public Hearing was called to order by Chairperson Sorensen at 9:02 A.M. on proposed amendments to the Fiscal Year 2016/17 Muscatine County Budget. Administrative Services Director Nancy Schreiber reviewed the proposed amendments with the Board. No one spoke for or against the proposed amendments. On a motion by Kelly, second by Sauer, the public hearing was closed at 9:07 A.M. Roll call vote: Ayes: All.

On a motion by Kelly, second by Sauer, the Board approved Resolution #11-21-16-01 Amending the Fiscal Year 2016-17 County Budget. Roll call vote: Ayes: All.

On a motion by Kelly, second by Sauer, the Board approved Resolution #11-21-16-02 Fiscal Year 2016-17 Budget Appropriations. Roll call vote: Ayes: All.

On a motion by Kelly, second by Sauer, the Board approved Resolution #11-21-16-03 Approval of a Combined Preliminary and Final Plat of Shultz Acres Subdivision, Lot 1, containing approximately 4 acres in Fruitland Township. Roll call vote: Ayes: All.

On a motion by Sauer, second by Howard, the Board approved Resolution #11-21-16-04 Approval of a Combined Preliminary and Final Plat of Carey Bend Acres, Lot 1, containing approximately 4.80 acres in Wapsie Township. Roll call vote: Ayes: All.

On a motion by Howard, second by Sauer, the Board approved Resolution #11-21-16-05 Granting a 90-day Extension for Filing the Final Plat for Riggan's Addition. Roll call vote: Ayes: All.

The Board reviewed a variance granted by the Muscatine County Board of Adjustment on Friday, November 4, 2016. Case #16-11-01 is an application filed by Twin City Concrete Products Company, Record Owner by Scott L. Ellingson. This property is located in Fruitland Township, 2510 Pettibone Avenue, Muscatine, Iowa, West of Pettibone Avenue, in the NW ¼ of Sec. 22-T76N-R2W, containing approximately 5.64 acres, and is zoned I-2 Heavy Industrial District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for an industrial building to be built 30 feet from the front lot line, instead of the 40 foot setback as stipulated by the Board of Adjustment. The Board of Adjustment approved this request. On a motion by Kelly, second by Bonebrake, the Board accepted the variance. Ayes: All.

Discussion was held with Muscatine County Conservation Director Curt Weiss regarding a grant application for Heron Hideaway Pond improvements. On a motion by Kelly, second by Sauer, the Board affirmed a Muscatine County Conservation Board grant application to the Iowa Department of Natural Resources in the amount of \$12,000 for Heron Hideaway Pond improvements. Ayes: All.

On a motion by Kelly, second by Sauer, the Board approved the FY2016 Annual Urban Renewal Report for Muscatine County. Ayes: All.

On a motion by Howard, second by Bonebrake, minutes of the Monday, November 14, 2016 regular meeting and Tuesday, November 15, 2016 special meeting were approved as written. Ayes: All.

Correspondence:

The Board received the Seventh Judicial District's 2016 Annual Report.

The Board received the October 2016 Muscatine-Mercer Revolving Loan Fund Financial Summary Report.

Howard and Sorensen reported a complaint regarding washboarding along a portion of 152nd Street near its intersection with North Mulberry Road.

Sauer reported a conversation regarding hog confinements.

Committee Reports:

Howard attended a Muscatine County Veterans Affairs meeting November 15th.

Howard and Sauer attended a Muscatine County Joint Communications meeting November 16th.

Howard attended an Emergency Management Commission meeting November 16th.

Kelly attended an Eastern Iowa Mental Health/Disability Services Region meeting November 16th.

Kelly and Sorensen attended a Bi-State Regional meeting November 16th.

Kelly attended a Seventh Judicial District meeting November 18th.

Sorensen attended a West Liberty Economic Area Development meeting November 17th.

Sorensen attended a Region IX Transportation meeting November 16th.

Sauer attended a Riverbend Transit meeting November 16th.

Sauer attended a Muscatine County Board of Health meeting November 16th.

Sauer attended a Muscatine County Fair Board meeting November 17th.

Kelly attended a Riverfront Community meeting November 16th. Howard and Sorensen met with the Ukrainian Sister Cities Delegation November 16th.

On a motion by Kelly, second by Howard, the Board accepted a bid from Holland, JB Construction, Inc. in the total amount of \$369,857.63 for L-(FEMA2013C)--73-70, two culvert replacements on 215th Street; and L-(CUL 17)--73-70, a culvert replacement on Bayfield Road. Ayes: All.

Discussion was held regarding bids received two weeks ago for the water main extension on Park Avenue West. Administrative Services Director Nancy Schreiber stated that the original

apparent low bidder was Sulzco, but County Engineer Keith White is recommending disqualification of Sulzco because they did not submit all of the required documentation. On a motion by Kelly, second by Sauer, the Board accepted a bid from Triple B Construction Corporation in the total amount of \$149,005.00 for L-(WATER)--73-70 for a water main extension on Park Avenue West. Ayes: All.

On a motion by Howard, second by Kelly, Clyde Evans was appointed to the Muscatine County Zoning Commission for a 5-year term ending November 6, 2021. Ayes: All.

Discussion was held regarding the possible expansion of the Muscatine County Board of Health to seven members. Sauer stated the Board does not want to lose a pharmacist that has held a position on that Board since the 1980s. Administrative Services Director Nancy Schreiber explained two terms are expiring with one person who has a lot of experience being eliminated in order to deal with gender balance issues. Schreiber stated the Board of Health thought if the Board was increased by two members and two females were appointed, then the gender balance issue would be solved without eliminating the experienced pharmacist. Kelly suggested looking for a female pharmacist to appoint. Sorensen stated he sees value in the experience, but has a little concern with going to a seven member board. Schreiber stated the Board has never had trouble meeting quorum. Howard stated he does not know if the Board has ever increased the size of a commission because of dealing with gender balance. Kelly suggested the Board of Health attempt to find a female pharmacist to meet the gender balance requirement. Schreiber stated she will communicate to the Board of Health the Board's desire that they attempt to recruit a female pharmacist.

Discussion was held regarding tree removal and replacement on the Courthouse lawn. Budget Administrator Sherry Seright stated the Urban Forestry Coordinator for the Iowa Department of Natural Resources informed her all of the Ash trees are diseased and should be removed. Seright stated she has a bid from Freers Tree Service to remove the nine Ash trees and trim a few other trees for \$2,800.00. The Board directed staff to proceed with the removal of the trees and return with a tree replacement plan before Spring.

Discussion was held on a request from the City of Muscatine to salvage various items from the former DHS Building. The Board directed Budget Administrator Sherry Seright to proceed with allowing the City of Muscatine to salvage various items from the former DHS Building.

Discussion was held regarding a possible road use/condition amendment to the purchase agreement for 3500 Harmony Court. Steve Kundel, Attorney for the purchaser, stated they are in agreement with the proposed amendment except that it places responsibility for damage repair on the buyer regardless of who drives on the specified section of the road. Kundel suggested an amendment include the following sentence: Construction loads and/or equipment in excess of 10 ton are prohibited. Budget Administrator Sherry Seright asked who would be responsible for snow removal. Conservation Director Curt Weiss stated his staff would plow a path up to the arboretum parking lot. Tom Meeker, Downtown Investments, stated he will not be doing any major construction of the property before their private drive is completed. On a motion by Kelly, second by Howard, the Board approved a road use/condition amendment to the purchase agreement for 3500 Harmony Court. Ayes: All.

Schreiber presented the Board with a proposed FY17-18 Budget Calendar.

The meeting was adjourned at 10:27 A.M.

ATTEST:

Betty L. Wamback
First Deputy Auditor

Jeff Sorensen, Chairperson
Board of Supervisors

Muscatine County Board of Supervisors
Monday, November 28, 2016

The Muscatine County Board of Supervisors met in regular session at 7:00 P.M. with Howard, Kelly, Sorensen, Sauer and Bonebrake present. Chairperson Sorensen presiding.

On a motion by Kelly, second by Sauer, the agenda was approved as presented. Ayes: All.

Louis Broders, 1840 Iron City Avenue, expressed concern about the County's goals for repairing a blow out in the roadway of Iron City Avenue. Broders stated he had heard the hole will not be filled in before spring and he feels the repairs should be done before flooding begins. Broders stated he disagrees with the County's claim that they do not own the levee/water control device adjacent to this portion of Iron City Avenue. Sorensen stated because the levee/water control device is not in a Levee District, the County does not know what their rights are and what requirements FEMA or the DNR may have regarding the repairs. Sorensen stated the cost to repair this area could be as much as \$750,000 and the Board needs options from the County Engineer before proceeding. Sauer stated County Engineer Keith White told him an evaluation of the hole indicated repairs would take 12 – 13 weeks of all available man hours for every Secondary Road employee, concluding the repair is too large to be completed in-house and would have to be bid out.

Mike Fridley, 1882 Iron City Avenue, discussed the historic timeline of the construction of this levee/water control device. Fridley stated the County use to haul sand onto the roadway to prevent spring flooding. Fridley stated Glen Bixby ran the County maintainer and Glen would push the sand off Iron City Avenue and use the County's maintainer to shape the levee/water control device after spring flooding. Joseph Hagerty, 1842 Pike Run Lane, stated the hole should not be filled with just sand but with riprap and clay. Hagerty stated something must be done and it should be done right the first time. The Board directed Administrative Services Director Nancy Schreiber to place discussion on repair of Iron City Avenue on the December 5, 2016 agenda and to request County Engineer Keith White attend the meeting.

On a motion by Howard, second by Kelly, minutes of the November 21, 2016 regular meeting were approved as written. Ayes: All.

No correspondence was noted.

Committee Reports:

Kelly attended an Eastern Iowa Mental Health Regional meeting November 21st.
Sauer attended a Muscatine County Conservation Board meeting November 21st.
Bonebrake attended a Muscatine County Solid Waste Management meeting
November 22nd.

On a motion by Bonebrake, second by Sauer, the Board accepted the November, 2016 payroll claims. Ayes: All.

The meeting was adjourned at 7:46 P.M.

ATTEST:

Leslie A. Soule, County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors

Muscatine County Board of Supervisors
Monday, December 5, 2016

The Muscatine County Board of Supervisors met in regular session at 9:00 A.M. with Howard, Kelly, Sorensen, and Sauer present. Bonebrake was absent. Chairperson Sorensen presiding.

On a motion by Kelly, second by Howard, the agenda was approved as presented. Ayes: All.

On a motion by Howard, second by Sauer, claims dated December 5, 2016 were approved in the amount of \$449,641.24. Ayes: All.

Discussion was held with County Engineer Keith White regarding damage to Iron City Avenue and adjacent water control structure. White stated the County's options range from doing nothing to constructing a levee although he does not think a levee is the County's business. White stated he assumes the County is looking at fixing the road at a minimum and maybe the berm. Howard asked if the County owned the berm. White stated some of the berm sets on private property and some in road right-of-way, but the County does not own the right-of-way. Sauer asked if there is any potential of receiving funds from FEMA. White stated the County did not qualify for FEMA funding for this event. White confirmed the berm is not a levee. White stated there are two holes to repair that would take about 20,000 cubic yards of material and would probably not be bid out until Spring. Louis Broders, Levee District #17 Trustee, stated the levee district stops at the railroad right-of-way. Broders stated he believes 90% of the berm is in the County right-of-way. Sauer stated it seems to make sense to extend the levee district down to Hwy 22. Keith Barnhart, Levee District #17 Trustee, stated the levee district wanted to extend to Hwy 22, but found it was too expensive an endeavor and was not as simple as it seemed. Broders stated he had warned the County that the berm needed to be maintained and the lack of maintenance of the berm is what caused the breach. Sorensen stated part of the challenge is the County is supposed to spend their funds on roads, not levees. Sorensen asked what the hurdles were in 2008 of getting this structure added to the levee district. Barnhart stated the levee district did not have the funds for the approximately \$50,000 cost of legal fees and surveys of the entire area. Kelly asked if it is possible for the County to do the surveying. White stated it is possible, but he would be losing a lot of staff time that he does not have to lose. White stated it would also be a conflict of interest for the County Engineer to be involved in establishing a levee district. Sauer stated with the frequency of the events, it would appear to him that a 17 foot levee isn't working. Barnhart stated landowners are willing to support a 17 foot levee and repair it when it fails. Broders stated it is a bad idea to wait for Spring to fill the holes because it will be hard to find the material that is not still frozen before flooding begins. Sorensen stated the challenge for the Board is that they do not know what they can do or when they can do it. Broders asked how the County decided to spend a lot of money on drive overs when they could have filled the holes with sand periodically. Broders believes the drive overs put stress on the rest of the levee. White stated there were multiple trips every year to fill the holes so the County determined it was better to build the drive overs. Broders asked if

there is a way to speed up the bidding process to get the holes repaired sooner. White stated State projects take a year or two for development to get to bidding and although this would not be a State project, it would still take months. Sorensen stated in order to do this project, they would have to not do another project. Broders stated it is not a major undertaking to fill the hole. Sauer stated he still does not see how this can be a long term fix without running the levee district down to Hwy 22. Sorensen stated the County will fix the road, but to what degree is yet to be determined. Broders stated the levee district could help fix the berm if the Board wanted to speed up the process. Sorensen stated he still thinks the County needs to see how they can help to get the berm into the levee district. Sorensen stated the County can move forward on the road repairs with the assumption that the berm and levee get repaired and the levee district long term would be extended to Hwy 22. White asked if the Board is interested in the option of having the levee district repair the berm. Barnhart stated the trustees would have to hold a meeting with the levee district to consider that option. Broders stated the levee district can probably repair it to what it was prior to the event within a week. Sorensen stated he is committed to the road as long as the road is protected by a levee district. Howard stated he does not want to own a levee, but he does want to fix the road. Board consensus was to move forward with repairs and hire the levee district to get the repairs done subject to levee district approval. Administrative Services Director Nancy Schreiber was directed to look into seeing if it is possible for the County to assist with costs associated with extending the levee district.

County Engineer Keith White updated the Board on Secondary Road projects.

On a motion by Kelly, second by Sauer, minutes of the November 28, 2016 regular meeting were approved as written. Ayes: All.

No correspondence was noted.

There were no Committee Reports.

Sorensen attended the League of Women Voters Nitrate Reduction Strategy Water Quality Presentation November 29th.

On a motion by Kelly, second by Sauer, the Chairperson was authorized to execute a revised Letter of Understanding – Animal Control Agreement between the Muscatine Police Department and the Muscatine County Sheriff's Office. Ayes: All.

On a motion by Howard, second by Kelly, a public hearing was set for Monday, December 19, 2016 at 9:00 A.M. on a confinement feeding operation expansion construction permit application from Doug & Nic Site, Section 5, Orono Township. Ayes: All.

Howard reported Muscatine County Community Services Food Pantry is in need of plastic bags.

The meeting was adjourned at 10:42 A.M.

ATTEST:

Leslie A. Soule, County Auditor

Robert E. Howard, Vice-Chairperson
Board of Supervisors