

Muscatine County Board of Supervisors
Monday, March 27, 2017

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

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

On a motion by Howard, second by Bonebrake, claims dated March 27, 2017 were approved in the amount of \$1,164,768.94. Ayes: All.

A Public Hearing was called to order by Chairperson Sorensen at 9:01 A.M. on a construction permit application to construct a manure storage tank adjacent to an existing confinement building at David Kundel Site, 1698 215th Street. Planning and Zoning Administrator Eric Furnas stated he scored the master matrix and concurs with the passing scoring submitted by David Kundel LLC. Furnas submitted a letter for Board consideration informing the Iowa DNR of the passing score. No one spoke against the proposed construction. On a motion by Mather, second by Sauer, the public hearing was closed at 9:04 A.M. Roll call vote: Ayes: All.

On a motion by Bonebrake, second by Sauer, the Chairperson was authorized to sign a letter to the Iowa DNR recommending approval of the David Kundel Site permit application. Ayes: All.

On a motion by Howard, second by Bonebrake, the Board affirmed a grant application between the Iowa Department of Public Health and the Muscatine County Board of Health for Local Public Health Services in the amount of \$106,612. Ayes: All.

Discussion was held with Friends of the Old Barn regarding the future use of the cottage. Sorensen stated the Board has not received results from the mold and asbestos testing so the Board is not prepared to make any decision on the cottage at this meeting. Sorensen stated he is concerned that bleach was used right before the testing that could alter the results. Sauer stated the tester told him that due to the high amount of contaminants in the air, the tester was not sure if the reading will be accurate. John Haskins, Friends of the Old Barn, stated he has personally hired his own tester who told him there is no significant mold or asbestos and that any mold present can be mitigated by washing with soap and water. Sorensen stated that after last week's Board meeting, someone entered cottage and bleached and painted the walls. Sorensen stated the Board is losing trust with Friends of the Old Barn and he does not know if the Board can continue to work with Friends of the Old Barn. Mather stated Haskins locked the taxpayers out of the cottage. Haskins stated he did not lock the taxpayers out of the cottage. Mather stated someone went in and bleached and painted the day before the County went in to do the testing. Mather asked Haskins if he was the one that bleached and painted the cottage. Haskins stated he does not know who did it and upon further questioning from Mather stated no comment. Mather stated Haskins' actions are jeopardizing the Board's ability to work with Friends of the Old Barn. Haskins stated the cottage is their approved ADA accessible restroom and should stay in place until the Board constructs new restrooms. Mather stated there are no sewer facilities or utilities connected to the cottage and since the Board offered at County expense temporary restroom facilities until permanent facilities are constructed, he does not understand what they are talking

about. Paul Carroll stated the County is ignoring the taxpayers in the room when they say that they want a long range plan for Friends of the Old Barn to have control of the Old Barn and cottage. Carroll stated they want assurance that five years down the road, a new Board will not be able to revisit whether or not to tear down the Old Barn. Mather stated no one has proposed tearing down the Old Barn and the Board has made itself clear that the cottage will not be there one way or the other. Carroll asked why the Board told Friends of the Old Barn 30 days ago to come up with a plan for installing the utilities, if the Board was just going to get rid of the cottage. Mather stated Friends of the Old Barn was asked to develop a plan to run utilities to the Old Barn, but Friends of the Old Barn chose to run the utilities through the cottage rather than directly to the Old Barn. Carroll stated there is nothing wrong with the cottage and the Board is not taking into consideration the meeting space and kitchen provided by the cottage. Howard stated this is about the historic Old Barn and he is sick of hearing about the cottage. Howard stated he wants to save the Old Barn, not the cottage. Howard stated the Old Barn and property is being given to the Conservation Department to better serve the public, but this has grown into something larger than this property cannot handle. Haskins stated it was on the agenda a month ago for the Board to consider demolishing the Old Barn. Gary Sebbert stated this arguing is not getting anybody anywhere and he would like a couple members of the Board to work with the Friends of the Old Barn to save the Old Barn and provide facilities. Sebbert stated he does not care about the cottage. Sauer stated the Board elected not to sell that property because they thought the value of the property was more beneficial to the residents as a park as opposed to a commercial operation. Sauer stated his personal position is that the primary usage of this property is for Discovery Park and if there is secondary usage that is wonderful, but the biggest issue on commercialization has not come up, which is parking and he looks forward to a plan from Conservation to see how the parking issue will be addressed.

On a motion by Sauer, second by Mather, the Board approved Resolution #03-27-17-01 Abating Taxes: Buildings on Leased Land. Roll call vote: Ayes: All.

On a motion by Bonebrake, second by Sauer, the Board approved Resolution #03-27-17-02 Abating Delinquent Taxes, Interest, Fees and Costs on Parcels #0305300007, #0305300008, #0305300009, #0305400008, #0305400009 and #0305400010. Roll call vote: Ayes: All.

County Engineer Keith White reviewed the Five - Year Secondary Roads Construction Program and FY2018 Secondary Roads Budget. White reviewed the projects currently in the Muscatine County Five -Year program. Mather stated he is troubled spending \$350,000 for the Lindle Avenue bridge to service a handful of properties. Howard stated he feels the Board should hold future discussion on the possibility of requiring properties adjacent to dead end roads to fund a portion of the maintenance of the roads or bridges. Sorensen stated he feels this could also apply to roads in the unincorporated towns around the County. Mather stated he would like to see something developed in the form of a scale to assess the utility of a road or bridge to the taxpayers to help the Board develop a unified policy to score a particular road or bridge. On a motion by Bonebrake, second by Howard, the Board approved the Five -Year Secondary Roads Construction Program and the FY2018 Secondary Roads Budget for submission to the Iowa Department of Transportation. Ayes: All.

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

On a motion by Howard, second by Sauer, the Board approved an application for an 8-month Class C Beer, Liquor, Sunday Sales and Outdoor Service Permit for The Chart House, Inc., DBA The Lighthouse, 2142 Water Street, Muscatine, Iowa. Ayes: All.

On a motion by Mather, second by Sauer, minutes of the March 20, 2017 regular meeting were approved as written. Ayes: All.

Correspondence:

Mather reported a question regarding the proposed vacation on 140th Street.

Howard reported emails regarding the Old Barn.

Committee Reports:

Mather attended an Eastern Iowa Mental Health Region meeting March 20th.

Sorensen attended a Bi-State Regional meeting March 22nd.

Sorensen attended a West Liberty Economic Area Development meeting March 23rd.

Sauer attended a Muscatine County Fair Board meeting March 23rd.

On a motion by Howard, second by Bonebrake, the Board appointed Supervisor Mather and Chairperson Sorensen to an administrative committee with Administrative Services Director Nancy Schreiber and Community Services Director Mike Johannsen to plan for the replacement of the Director and possible transition of Targeted Case Management in Community Services. Ayes: All.

The meeting was adjourned at 10:37 A.M.

ATTEST:

Leslie A. Soule, County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors

Muscatine County Board of Supervisors
Monday, April 3, 2017

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

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

Arlene Clark-Cain, 301 S. Columbus Street, Lot 107, West Liberty, stated she was a nurse and flood relief outreach worker for many years and during that time, not one house was torn down because of mold. Clark-Cain asked the Board to consider abating the mold in the cottage, restoring the utilities and leaving the cottage in place until an appropriate bathroom is constructed.

A Public Hearing was called to order by Chairperson Sorensen at 9:09 A.M. on proposed revisions to Title III – Property/Land Use and Development, Chapter II – Zoning Ordinance to add a definition for an outdoor shooting range and add outdoor shooting ranges as a permitted special use in A-1 Agricultural District. Planning and Zoning Administrator Eric Furnas discussed the proposed ordinance stating the amendment requires both the Board of Adjustment and Zoning Commission give extra consideration to nuisance, public safety and range design. In response to a question from Howard, Furnas stated shooting ranges are not currently addressed in the Zoning Ordinances so they need these revisions to establish standards and guidelines. Faye Petersen, 501 N. Clay Street, West Liberty, stated she is not in favor of the proposed revisions to add outdoor shooting ranges as a permitted special use in A-1 Agricultural Districts. Petersen stated she is not interested in more shooting ranges as she is located within one mile of the West Liberty Gun Club shooting range and on days when it is in use, noise can easily be heard. Petersen stated more than noise is the safety issue as years ago an errant bullet went through a picture window and lodged in the wall of an occupied house. Petersen stated she understands there is a proposed shooting range on 170th Street near her family's property and they do not want a shooting range there. William Phillips, 1871 170th Street, West Liberty, stated the proposed range is in his back yard and he is concerned about traffic and wildlife. Phillips stated wildlife will not hang around if there is a shooting range behind him. Howard stated the Board is not discussing a proposed shooting range today, but wording in the Zoning Ordinance is to set parameters for a shooting range if one was proposed. Mather stated this puts regulations on shooting ranges that if they had been in place, the current shooting ranges may not have been a problem. Howard stated there is a lot of interest in sport shooting and there is a deficiency in availability of places to go and shoot for sport. Gerald Rieke, 2684 Samuel Clemens Rd, stated he belongs to several hunting clubs and the first thing you do when joining a gun club is take a safety class. Rieke stated he shoots in timber behind his brother-in-law's house and the deer and wildlife have never left. On a motion by Howard, second by Sauer, the public hearing was closed at 9:35 A.M. Roll call vote: Ayes: All.

On a motion by Howard, second by Sauer, an ordinance was approved revising the Title III – Property/Land Use and Development, Chapter II – Zoning Ordinance to add a definition for an outdoor shooting range and add outdoor shooting ranges as a permitted special use in A-1 Agricultural District. Roll call vote: Ayes: All.

The Board reviewed results of the mold and asbestos testing of the cottage. In response to Arlene Clark-Cain's earlier comments, Sorensen stated the lift station is not functional as it was fed by power from the DHS facility which has been removed. Mather stated running utility lines to the cottage is probably cost prohibitive for a temporary situation. Furnas stated there was a significant amount of mold detected in the cottage and that it is amplifying which means there are conditions present to promote continued mold spore development. Furnas stated the mold present may or may not be hazardous depending on a person's allergy. Furnas stated lack of air exchange in the cottage and significant cracking allowing moisture into the basement may be the culprit for amplifying the mold. Bonebrake stated these test results are after the cottage was bleached by someone. Furnas stated there was some asbestos containing materials in joint compound and ceiling tiles and when coupled with the mold, the results become exponentially concerning. Shelley Maharry, Friends of the Old Barn, apologized on behalf of Friends of the Old Barn for discord that happened at the last meeting stating as a result, there has been some leadership change. Maharry stated Paul Carroll and John Haskins have asked to resign their positions on the Board and she has been elected President with Bob Nikolai serving as Secretary and Treasurer. Maharry stated some additional testing has occurred, but their role is not to be obstructionists and since the Board did not ask them to do their own independent testing, they respect that. Maharry stated based on conversation at the last meeting, she understands the cottage is not a viable option in the long term. Maharry stated if the Board is interested, Friends of the Old Barn would be willing to move the cottage to a new location off site and would develop a plan to move it. Maharry stated if the Board desires to demolish the cottage, Friends of the Old Barn respects that decision as well. Mather thinks that the County may still have some responsibility. Sorensen is concerned with long term exposure. Sorensen asked if the County would abate the mold and asbestos, would Friends of the Old Barn still be interested in moving it. Maharry stated yes as they already have a donor who will pay for the move and a site has been determined. Sauer stated based on the reports, he is not interested in anything but demolishing the cottage. Maharry stated it comes down to the historical factor of the cottage and emotional perspective of saving something. Budget Coordinator Sherry Seright stated the Board has a quote from Environmental Management Services of Iowa, Inc. to abate and remove the building for \$7,940.00. Mather worried about the liability to the County and the moral aspect of letting a building go that we know has potentially dangerous components for a residence. Maharry stated Friends of the Old Barn is ultimately working towards putting together a plan for the Old Barn. Mather asked if the Board decides to demolish the cottage, would Friends of the Old Barn be willing to cancel the lease early in order to accomplish that. Maharry stated yes. Board consensus was for County staff to work with Friends of the Old Barn and Muscatine County Conservation to restore electricity to the Old Barn and Conservation's Maintenance building. Maharry requested Friends of the Old Barn be allowed to remove the toilet and the handicap accessible ramp before demolition. Gary Sebbert, Friends of the Old Barn, asked if the County was going to build a bathroom. Board consensus was that yes the County will be constructing a bathroom and will provide temporary facilities if there is an event before the bathroom is constructed. On a motion by Sauer, second by Howard, the Board accepted a bid from Environmental Management Services of Iowa, Inc. in the amount of \$7,940.00 to abate and demolish the cottage with the opportunity for County Maintenance staff to remove items for Friends of the Old Barn. Ayes: All.

On a motion by Bonebrake, second by Sauer, minutes of the March 27, 2017 regular meeting were approved as written. Ayes: All.

Correspondence:

Howard reported a call concerned about a domestic animal treatment case north of Muscatine.

All Supervisors received an email regarding the Old Barn.

Committee Reports:

Howard attended a Milestones Area Agency on Aging meeting March 28th.

Bonebrake attended a Muscatine County Solid Waste Commission meeting March 29th.

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

On a motion by Sauer, second by Mather, the Board approved a FY18 Care for Yourself Grant application in the amount of \$31,750.00 subject to affirmation by the Muscatine County Board of Health. Ayes: All.

Discussion was held regarding a request from Hannah Howard, Muscatine Branching Out, for use of Muscatine County property at the corner of 5th Street and Mulberry Avenue on April 29, 2017 for residents to pick up their pre-purchased trees from their Spring Tree Sale. On a motion by Mather, second by Bonebrake, the Board approved a request from Muscatine Branching Out for use of Muscatine County property at the corner of 5th Street and Mulberry Avenue on April 29, 2017 with allowance for trees to be dropped off after 5:00 P.M. on April 28, 2017. Ayes: All. Hannah Howard stated Muscatine Branching Out would also like to provide assistance with replanting trees on the Courthouse grounds lost in the March 6, 2017 storm. Board consensus was for Muscatine Branching Out to work with Scott Sauer and Sherry Seright to develop a plan for future Board consideration.

Discussion was held regarding the following bids presented by AJ Associates for a water treatment system for the Muscatine County Jail: Crawford Company - \$11,355.00; Hometown Plumbing and Heating - \$20,414.00; and RIVO, Inc. - \$11,520.00. On a motion by Howard, second by Bonebrake, the Board accepted the low bid from Crawford Company in the amount of \$11,355.00 for a water treatment system for the Muscatine County Jail. Ayes: All.

On a motion by Mather, second by Bonebrake, Emily Geertz was appointed to the Muscatine County Zoning Commission for a 5-year term ending March 31, 2022. Ayes: All.

On a motion by Bonebrake, second by Sauer, the Board accepted the March 2017 payroll claims. Ayes: All.

The meeting was adjourned at 10:54 A.M.

ATTEST:

Betty L. Wamback

First Deputy Auditor

Jeff Sorensen, Chairperson

Board of Supervisors