

Muscatine County Board of Supervisors  
Monday, July 24, 2017

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

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

Attorney Craig Nierman, Phelan Tucker Mullen Walker Tucker Gelman Attorneys at Law, Iowa City addressed the Board on behalf of several landowners of property near the proposed Muscatine County Conservation Outdoor Shooting Range. Nierman stated he would focus on two of a number of legal issues, the first being environmental concerns. Nierman presented a United States Environmental Protection Agency publication entitled Best Management Practices for Lead at Outdoor Shooting Ranges. Nierman stated the publication details the issue with lead when the bullets go into the ground and dissolve and become part of the drinking water. Nierman stated the report details how this is especially a problem in areas with great rainfall and the proposed shooting range is in a flood plain. Nierman stated the second issue is in regard to ADA accessibility. Nierman stated, because of FEMA restrictions, it is impossible to make the proposed range ADA accessible.

Orval Esmoil, 1685 N. Mulberry Road, Muscatine, stated he has concerns about the noise which can be unbearable depending on the wind direction. Wes Drayfahl, 1868 170<sup>th</sup> Street, West Liberty, stated he is not against a public shooting range, but is opposed to the proposed location because of safety concerns. Drayfahl stated the dust on the gravel road becomes like a thick fog at times. Drayfahl stated shooting in the open is another concern. Drayfahl stated the best place is in timber where there would be a cushion for noise and bullets.

Jesse Shield, 1922 170<sup>th</sup> Street, West Liberty, stated the proposed location of an outdoor shooting range will affect the real estate value of his property. Shield stated he does not want anything bad to happen on his property and he has a 10-year-old son who doesn't stay inside all the time. Shield stated the road cannot support the increase in traffic because of embargos or thru-traffic restrictions which have occurred over the past eight years. Shield stated he has concerns about the height of the berms along the perimeter of the proposed shooting range, since his home is located only 200 yards away from the area. Shield stated he is asking the Board to stop the procedure to move forward with the proposed shooting range.

Pat Corriell, 1541 Kelly Avenue, Atalissa, stated she is concerned with the response time of emergency vehicles and with questionable cell phone coverage at the proposed location. Corriell stated response time, in the case of an emergency, from Atalissa or Nichols is 30 minutes at best. Corriell stated there are no plans for full-time supervision at the proposed shooting range. Corriell stated she is concerned about the reduction of

property values in that area. Faye Petersen, 501 N. Clay Street, West Liberty, stated her concern is for the habitat liability regarding destroying or altering the eco-diversity of the area. Petersen stated a recent survey of wildlife on the Phelps family property in cooperation with the Iowa Department of Natural Resources over an approximate 6-week period, documented 82 different species of wildlife including 52 different bird species. Petersen stated she would urge the Board to reconsider locating the proposed outdoor shooting range at this site.

Steve Rundall, 618 E 6<sup>th</sup> Street, West Liberty, stated he is currently the Chief Range Officer at the West Liberty Gun Club and he has concerns regarding the design of the proposed outdoor shooting range. Rundall stated according to his research any range that is over 100' in length needs a 26' high backstop and at a minimum 12' high side berms. Rundall stated a viable facility is located 8 miles north at West Liberty which has been offered for use to the public. Rundall stated shooters should point into the timber, instead of the direction proposed. Rundall stated he would like the Conservation Board to reevaluate the design and the direction of the firing line.

Jim Petersen, 501 N Clay Street, West Liberty, stated he understood the plans for the proposed outdoor shooting range have been under development for more than a year, yet until the Planning and Zoning Board's recent Public Hearing, he was unaware of the details and the plans. William Phillips, 1870 170<sup>th</sup> Street, West Liberty, stated he had concerns with the traffic and the noise. Steve Shield, 1240 Country Heights Lane, West Liberty, stated his concern is with safety and the close proximity to his son, Jesse's home. Steve Rundall stated the West Liberty shooting facility has two NRA certified safety officers on duty during public shooting hours. Nathan Mather thanked those in attendance for addressing the Board with their concerns. Sorensen stated the Board would take no action at today's meeting.

On a motion by Howard, second by Bonebrake, the Board approved Resolution #07-24-17-01 Approval of the Combined Preliminary and Final Plat of River Valley Tank Subdivision located in Bloomington Township. Roll call vote: Ayes: All.

On a motion by Howard, second by Bonebrake, the Board approved Resolution #07-24-17-02 Approval of the Combined Preliminary and Final Re-Plat of Lots 5 & 6 of Spring Valley Ranchettes into three residential lots (Lots 1-3), containing approximately 7.5 acres in Bloomington Township. Roll call vote: Ayes: All.

The Board reviewed a variance granted by the Muscatine County Board of Adjustment on Friday, July 14, 2017. Case #17-07-02 is an application filed by Mark D. and Stacy L. Hansen, Record Owners. This property is located in Bloomington Township, in the SE ¼ of Section 14-T77N-R2W, Parcel H, 1887 N. Isett Avenue, Muscatine Iowa, containing approximately 16.27 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the Hansens to place a detached accessory structure in front of the dwelling but it would be at least 50 feet back from the front lot line. Planning and Zoning Administrator Eric Furnas stated because of the unique geographic location with slopes, placing a structure in the

rear yard doesn't readily accommodate the accessory structure, a storage building, which will be located next to an existing barn. On a motion by Mather, second by Sauer, the Board accepted the Variance. Ayes: All.

The Board reviewed a Special Use Permit Case #17-07-01 an application filed by Cedar View Homeowners Association Inc., Linda Brockert, Record Owners and David L. and Tina M. Storjohann. This property is located in Goshen Township, in Section 25-T78N-R3W, Buildings on Leased Land, Cedarview, Lot 25, 1451 Cedarview Drive and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for Mr. and Mrs. Storjohann to place a camper on this site for use as a Seasonal Recreational Cottage. Planning and Zoning Administrator Eric Furnas stated the proposed use was appropriate for this area. The Board of Adjustment approved this request on July 14, 2017.

Planning and Zoning Administrator Eric Furnas reviewed outdoor shooting range zoning regulations in response to questions from the Board.

Discussion was held with County Engineer Keith White regarding bids received for a federal bridge project, bridge replacement on 110<sup>th</sup> Street near Walcott. White presented the following bids: Iowa Bridge and Culvert, L.C. - \$198,684.00; Jim Schroeder Construction, Inc. - \$328,232.33; Brandt Construction Co. & Subsidiary - \$332,158.25. On a motion by Howard, second by Sauer, the Board accepted the bid for BROS-CO70(63)-8J-70 for a bridge replacement on 110<sup>th</sup> Street near Walcott from Iowa Bridge and Culvert, L.C. in the amount of \$198,684.00, as recommended by White. Ayes: All.

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

On a motion by Bonebrake, second by Sauer, the Board approved the Muscatine County Treasurer's Semi-Annual Report for the period of January 1, 2017 to June 30, 2017 for publication. Ayes: All.

On a motion by Howard, second by Mather, the Board authorized the Chair to execute the FY 16/17 Iowa/Byrne Justice Assistance Grant (JAG) Program Contract in the amount of \$155,649.46. Ayes: All.

On a motion by Sauer, second by Bonebrake, minutes of the Monday, July 17, 2017 regular meeting were approved as written. Ayes: All.

#### Correspondence:

Howard received six calls regarding Secondary Roads, four referencing slag on roads, two referencing road grading.

Howard received a complaint about hog confinement odor west of Nichols.

Howard and Sorensen received two calls with questions regarding zoning issues.

Sorensen, Sauer, Bonebrake and Mather received numerous contacts regarding the proposed outdoor shooting range.

Sauer received several contacts regarding the paving project at Fruitland.

Committee Reports:

Sorensen attended a Region 9 Regional Workforce Investment Board meeting July 20<sup>th</sup>.

Sauer attended a Muscatine County Conservation Board meeting July 17<sup>th</sup>.

Sauer Attended a Muscatine County Board of Health meeting July 19<sup>th</sup>.

Sauer attended a Riverbend Transit Board of Directors meeting July 19<sup>th</sup>.

Mather attended an Eastern Iowa MH/DS Region meeting July 17<sup>th</sup>.

On a motion by Bonebrake, second by Sauer, a fireworks permit for Jessica Hamerlink was approved. Ayes: All.

The Board reviewed Service Order 17-002 Muscatine County Courthouse 3<sup>rd</sup> Floor Courtroom Renovation Project as proposed by Michael Nolan of Horizon Architecture. Budget Coordinator Sherry Seright stated she had spoken to both Chief Judge Mary Greve and Muscatine County Attorney Alan Ostergren about possible future requirements for Courthouse Building security. Seright stated neither is aware of any requirements which would prevent the Board from moving forward on the 3<sup>rd</sup> floor Courtroom Renovation project. Seright stated Greve considered Muscatine County ahead of the game with the recent placement of security cameras and panic buttons at the Courthouse. On a motion by Howard, second by Bonebrake, the Board approved Service Order 17-200 Muscatine County Courthouse 3<sup>rd</sup> Floor Courtroom Renovation Project with Michael Nolan, Horizon Architecture for a total lump sum fee of \$14,500.00. Ayes: All.

The meeting was adjourned at 10:45 AM.

ATTEST:

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Susan J. O'Donnell, 2<sup>nd</sup> Deputy Auditor

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Jeff Sorensen, Chairperson  
Board of Supervisors

Muscatine County Board of Supervisors  
Monday, July 31, 2017

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

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

Pat Corriell, 1541 Kelly Avenue, Atalissa, stated on her drive into town to attend the Board meeting she noted the peaceful and serene setting of an area cited in a recent Iowa City Press Citizen newspaper article regarding the Pike Run Wildlife Area. Corrielle presented a copy of the article to the Board. Faye Petersen, 501 N. Clay Street, West Liberty, stated she is opposed to the site selected on 170<sup>th</sup> Street in rural West Liberty for the proposed County Shooting Range. Petersen stated there are four routes to the location and all are gravel roads and at least one is a West Liberty School bus route.

On a motion by Howard, second by Bonebrake, claims dated July 31, 2017 were approved in the amount of \$775,489.21. Ayes: All.

Marc Haney, owner/operator of a computer repair business, spoke to the Board regarding Muscatine County's Home Occupation Ordinance definition, requirements, restrictions and enforcement. Haney stated, due to declining health issues he moved his business to his barn in rural Muscatine about a year and a half ago. Haney stated it took about a year for his business to get to a point where it was making an income again. Haney stated since he was asked to take his signs down a few months ago he has lost over 80 percent of his business. Haney stated his home-based business is his primary source of income and he stated it isn't fair for him to lose his main source of income over a sign. Haney stated there are multiple businesses in his area alone, within miles, which have operated far longer and more blatantly, with no penalty and are zoned the same as his property. Haney stated he wondered why the other businesses are exempt. Haney stated he feels the 30 year old ordinance is outdated, since at the time the ordinance was written there were 8 million home businesses and there are over 40 million today, representing a 500 percent increase. Haney stated he would like to see the code amended to allow signage. Haney stated he would like to see the ordinance regulated equally for everyone. Planning and Zoning Administrator Eric Furnas reviewed the Home Occupation Ordinance's objective and restrictions. Furnas stated he believes the signage issue is to protect the surrounding area from having an appearance of a full-fledged commercial business. Furnas stated other home-based businesses are allowed to use signage in the county, a couple in the immediate vicinity near Haney's residence. Furnas stated they were granted variances to exceed what the Home Occupation Ordinance would typically allow. Furnas stated in his opinion the variances were poorly granted and did not establish the creation of an undue hardship on the property due to the restrictions of the zoning ordinance. The Board directed Planning and Zoning to look at the Home Occupation Ordinance regarding the issue of signage.

Discussion was held with Planning and Zoning Administrator Eric Furnas on an agreement between the Muscatine County Board of Health and the Iowa Department of Public Health to continue the Iowa Grants to Counties Program for well testing, well plugging and well reconstruction activities. Furnas stated the county will see an increase of \$4,082 in what the state offers this year over what was offered the past two years. On a motion by Howard, second by Bonebrake, the Board affirmed Contract #5888AW61 Iowa Grants to Counties from the Iowa Department of Public Health for well testing, well plugging and well reconstruction activities in the amount of \$30,612.00 for FY 2017/18. Ayes: All.

On a motion by Howard, second by Mather, the Board approved Iowa DOT Agreement No. 05-17-STP-S-034 Pavement Rehabilitation and Restoration on County Road G28 (231<sup>st</sup> Street) from High Prairie Road to near the intersection of the U.S. 61. County Engineer Keith White stated the agreement is the standard federal aid agreement needed to be in place before moving forward with the project. Ayes: All.

On a motion by Howard, second by Bonebrake, the following utility permit was approved: Alliant Energy – repair two washouts on Bancroft Avenue on the south and north sides of the intersection with 140<sup>th</sup> Street. Ayes: All.

On a motion by Howard, second by Mather, the following utility permit was approved: Board of Water, Electric & Communications Trustees – fiber optic cable along N. Mulberry Avenue between Hummingbird Lane and Sunflower Ridge. Ayes: All.

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

On a motion by Howard, second by Sauer, minutes of the Monday, July 24, 2017 regular meeting were approved as written. Ayes: All.

Correspondence:

All Board Members received a letter from Erica Blair, representing Iowa Citizens for Community Improvement requesting support for proposed revisions to the Master Matrix concerning hog confinement management.

All Board Members received an invitation to attend a meeting on August 7<sup>th</sup> at 1:30 P.M. at Muscatine City Hall regarding the proposed voluntary annexation from White Distribution and Supply on behalf of Alpha Morehouse on a 4.18-acre one lot subdivision in the 3900 Block of Park Avenue West.

All Board Members received several contacts regarding the proposed outdoor shooting range.

All Board Members received a copy of a letter from Attorney Craig Nierman as a follow-up to the Board's request for information Nierman recently referenced regarding accessibility requirements for the proposed County Shooting Range.

Sauer received a contact regarding the Fruitland paving project.

Sauer received a contact regarding the Home Occupation Ordinance and signage issues.

Mather received a contact concerning silting-in of ditches on Davis Avenue.

Committee Reports:

Howard and Sorensen attended a Bi-State Regional meeting July 26<sup>th</sup>.

Sorensen attended a West Liberty Economic Area Development monthly meeting July 27<sup>th</sup>.

Sorensen attended an Iowa Tax Association meeting sponsored by the Muscatine Chamber on July 27<sup>th</sup>.

On a motion by Howard, second by Bonebrake, the Board authorized the Chair to execute a contract with All American Concrete, Inc. for the Muscatine Community Services Building Parking Lot Project in the amount of \$175,439.00. Ayes: All.

On a motion by Mather, second by Sauer, the Board set a public hearing on the proposed Muscatine County Community Services Building Exterior Window and Door Replacement Project and cost estimate for Monday, August 21, 2017 at 9:00 A.M. Ayes: All.

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

The Board reviewed the health/dental fund balance as of June 30, 2017. Sorensen stated the County fund balance grew 7-7½ percent this year. The Board directed Administrative Services Director Nancy Schreiber to investigate the possibility of establishing a Health Savings Account program.

The meeting was adjourned at 10:20 AM.

ATTEST:

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Leslie A. Soule, County Auditor

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Jeff Sorensen, Chairperson  
Board of Supervisors