

Muscatine County Board of Supervisors  
Monday, June 25, 2018

The Muscatine County Board of Supervisors met in regular session with Howard, Mather, Sauer, Sorensen and Bonebrake present. Chairperson Sauer presiding.

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

On a motion by Sorensen, second by Howard, claims dated June 25, 2018 were approved in the amount of \$841,135.95. Ayes: All.

Discussion was held with County Attorney Alan Ostergren regarding a proposed class specification and grade recommendation to revise the Lead Legal Secretary position to Lead Legal Secretary/Paralegal.

On a motion by Bonebrake, second by Sorensen, the Board approved a class specification and grade recommendation to revise the Lead Legal Secretary position to Lead Legal Secretary/Paralegal. Ayes: All.

On a motion by Mather, second by Sorensen, the Board approved a reclassification of Kristina Healey from a Lead Legal Secretary (Grade 10) to Lead Legal Secretary/Paralegal (Grade 11) effective July 1, 2018. Ayes: All.

On a motion by Sorensen, second by Bonebrake, the Board approved Resolution #06-25-18-01 Abating Taxes on Parcel #08-35-434-031 owned by the City of Muscatine. Roll call vote: Ayes: All.

**RESOLUTION #06-25-18-01**  
**ABATING TAXES ON A PARCEL OWNED BY THE CITY OF MUSCATINE**

WHEREAS, the City of Muscatine was recently awarded the deed to parcel #08-35-434-031 by the Iowa District Court under the provisions of Section 657A.10, Code of Iowa; and

WHEREAS, the total amount of taxes, interest, and penalties owing (including taxes payable in FY18/19) is \$11,641.00; and

WHEREAS, the Board of Supervisors, pursuant to Section 445.63, Code of Iowa, has the authority to abate prior-owing taxes on the parcels acquired by a political subdivision of the state.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Muscatine County Board of Supervisors:

1. That the taxes shown as owing against the parcel listed above are hereby abated.

2. That the Treasurer is hereby directed to enter this action upon the appropriate records maintained in the office of the Treasurer.

PASSED AND APPROVED this 25<sup>h</sup> day of June, 2018.

ATTEST:

/s/Leslie A. Soule

Muscatine County Auditor

/s/Scott Sauer, Chairperson

Muscatine County Board of Supervisors

On a motion by Sorensen, second by Bonebrake, the Board approved a request from County Treasurer Amy Zybarth to upgrade Allison Mathias from a Treasurer's Clerk III (Grade 7) to a Treasurer's Clerk II (Grade 8). Ayes: All.

A Public Hearing was called to order by Chairperson Sauer at 9:15 A.M. on a request from Victor W. Swayze II or Carol J. Swayze, Record Owners, to rezone approximately 44 acres located in Seventy-Six Township from A-1 Agricultural District to R-1 Residential District. Planning and Zoning Administrator Eric Furnas stated the Zoning Commission held a public hearing on June 1, 2018 and did not approve the rezoning due to a tie vote. Furnas stated this is a bluff area between G28 and Burlington Road that is not farmable and it is not the intent of the owner at this point to develop a subdivision. Furnas stated there was some opposition to the rezoning by neighbors. Furnas stated the parcel has an extremely low ag value and rezoning is consistent with the Comprehensive Plan for this area. Furnas stated the parcel is west of Funks Hill Road and would require progression through the subdivision process if the owners ever want to place more than one house on the parcel. Furnas stated the terrain prevents it from ever being a very large subdivision. Bonebrake asked why all 44 acres have to be rezoned versus just rezoning 5 acres for the house. Furnas stated there is no reason to limit the number of acres since it meets the criteria for future residential development which would require them to go through the process again should they decide to develop further in the future. Bonebrake stated he is pessimistic about these developments in already established farming setup because the DNR heavily regulates where those feeding facilities can be and what the setbacks are for wells and residences, so if a family has been farming for 50-100 years and the next generation wants to expand, they cannot because the County allowed a residential subdivision on agricultural land. Furnas stated he does not perceive residential development extending out any further because of farming operations further west. Furnas stated the immediate vicinity is wooded with ravines, so there is nowhere to put a hog confinement. Bonebrake stated there is still a setback across Burlington Road on the flats. Furnas stated he has not seen any of that type of agricultural activity in that area of Burlington Road. Carol Swayze and Wesley Swayze, 605 320<sup>th</sup> Street, spoke in favor of the rezoning. Carol Swayze stated the existing agricultural buildings have not been used in 50 years, are nonoperational and they have no intention of ever using the property for livestock. Carol Swayze stated her son just wants to build a home on the property as he has a strong emotional attachment to the property. Wesley Swayze stated there is a flat parcel of land about 700 feet up from Burlington Road where he intends to build the house. Furnas stated separation distances for surrounding farming would not be effected by this house as there are already some houses further west that would have more effect on the surrounding farms. Janice Noll, 2566 Burlington Road, spoke in opposition to the rezoning because the southeast side of the bluff is cropland and on the bluff side the land is located between deep ravines. Noll stated

that 43 properties are zoned A-1 Agricultural District with the remaining two rezoned R-1 Residential District back in 2001 and 2002 after a sale. Noll stated that currently, one of the property owners is using it as a junk yard and the other is raising livestock on a parcel that is less than 2 acres. Noll stated that the Swayze's already sold a 1.7 acres of land in 2014 for which there should have been a restrictive covenant, but there was no restrictive covenant. Noll stated if the intent was to just build one house, then they could have done so without changing the zoning classification. Furnas stated the County no longer has the requirement for a restrictive covenant. Furnas stated the county used to have a restrictive covenant when there was a parcel split off of an existing house, but in this case there was no subdividing of the farm parcel at that time, just the sale of the parcel that already had a house on it. Bonebrake stated he does not see any reason to rezone it, since they can build a house on it without rezoning it. Furnas stated the County's Comprehensive Plan suggests it would be a good area for residential development which is why it would be better to rezone it. Furnas stated there is another mechanism to build a house through a special use permit but they would be limited as to where the house could be built based on separation distance requirements. Furnas addressed Noll's other concerns stating there could be a violation of having a few livestock on a parcel less than 2 acres and he is currently investigating that situation. In response to Noll regarding the old code section being posted on the County's website, Administrative Services Director Nancy Schrieber explained that the Code of Ordinances is recodified once every five years which is why the old code is still on the website, but all amendments are also included on the website. Wesley Swayze stated he cannot get a special use permit because the house would be only 700 feet from the next residence and the County requires it to be at least 750 feet separation. Bonebrake stated he would be willing to rezone two acres so they could build a house, but does not want the rest to have the ability of turning into a subdivision. Mather stated the County has further safeguards to protect against a subdivision without further consideration by the Board. Elizabeth Hackett, 2310 Burlington Road, stated she has no issue with them changing to an R-1 classification with the additional protections against a subdivision. Glen Pace, 2146 231<sup>st</sup> Street, stated he is agreeable to one house, but would oppose a subdivision and once it goes to R-1 classification someone in the future could decide to put a subdivision in there. Pace stated he would like it to stay A-1 Agricultural District with the owners being allowed to build a house. Bonebrake suggested tabling the vote to see if they have the 750 foot separation in order to be able to get a special use permit before making a decision. Howard stated he does not think Bonebrake's request is out of line. Sorensen stated the County is applying the rules fairly and consistently, this fits the comprehensive plan and is a great site for the house and he does not want to restrict the owner's ability to build the house. Bonebrake stated at one point there was a livestock operation on this property and it could be used for a livestock operation again. Sorensen stated if this does not get done today, it will push this project out 90-120 days which will hinder the owner's ability to build a house yet this year. On a motion by Mather, second by Howard, the public hearing was closed at 10:23 A.M. Roll call vote: Ayes: All.

On a motion by Sorensen, second by Mather, the Board approved an ordinance rezoning approximately 44 acres in Seventy-Six Township from A-1 Agricultural District to R-1 Residential District on the first of three readings. Roll call vote: Ayes: Sorensen, Mather, Howard and Sauer. Nay: Bonebrake.

On a motion by Sorensen, second by Bonebrake, the Board approved a Preconstruction Agreement for Primary Road Project, Agreement No. 2018-C-259 for HMA fillets at 9 locations along Iowa 22 east of Muscatine at an estimated cost of \$120,200. Ayes: All.

On a motion by Sorensen, second by Bonebrake, the Board approved the following utility permits: WTC Communications – repair fiber optic at Taylor Avenue and 110<sup>th</sup> Street; WTC Communications – replace existing copper cable on 130<sup>th</sup> Street between Thayer Avenue and Taylor Avenue; WTC Communications – replace fiber optic cable at 110<sup>th</sup> Street and Trail Avenue. Ayes: All.

On a motion by Sorensen, second by Bonebrake, the Board accepted a bid and approved contract documents for the L-(M18-3)—73-70, Pavement Markings at various locations throughout the County with Vogel Traffic Services in the amount of \$93,439.97. Ayes: All.

County Engineer Keith White updated the Board on secondary road projects.

On a motion by Howard, second by Mather, minutes of the June 18, 2018 regular meeting and June 20, 2018 special meeting were approved as written. Ayes: All.

Correspondence:

Sauer reported a call regarding information for selling food and drink along the RAGBRAI route.

Committee Reports:

Sorensen attended a Wilton Development Corporation meeting June 20<sup>th</sup>.

Sauer attended a Muscatine County Fair Board meeting June 21<sup>st</sup>.

Mather attended an Eastern Iowa MH/DS Region meeting June 18<sup>th</sup>.

Howard attended a Muscatine County Conservation Board meeting June 18<sup>th</sup>.

Howard attended a Milestones Area Agency on Aging meeting June 18<sup>th</sup>.

County Engineer Keith White reported the heavy rainfall flooded several roads which had to be closed and while there was no significant damage, a couple of the repairs will be costly.

On a motion by Sorensen, second by Mather, the Board approved the hiring of Jason Pardie as a Building, Zoning and Environmental Inspector in the Zoning Office at \$47,316 (Grade 12, Step 5). Ayes: All.

On a motion by Sorensen, second by Mather, the Board authorized the Chair to execute the FY 2018/19 Contract for Specialized Transportation Services with River Bend Transit in the amount of \$7,000. Ayes: All.

On a motion by Sorensen, second by Bonebrake, the Chairperson was authorized to execute a Preferred Provider Agreement between the Center for Alcohol and Drug Services, Inc. (CADS) and Muscatine County. Ayes: All.

On a motion by Sorensen, second by Mather, the Board approved Terms of Agreement for HIPAA Compliance Consulting services with Carosh Compliance Solutions in the amount of \$14,750.00. Ayes: All.

On a motion by Sorensen, second by Bonebrake, the Board approved Resolution #06-25-18-01 FY 2018/19 Budget Appropriations. Roll call vote: Ayes: All.

**RESOLUTION #06-25-18-02  
FY 2018/19 BUDGET APPROPRIATIONS**

It is hereby resolved that the following amounts itemized by Department will be appropriated for the Fiscal Year beginning July 1, 2018:

01	Board/Administration	687,411
02	Auditor	508,447
03	Treasurer	549,777
04	Attorney	1,147,020
05	Sheriff	2,682,160
06	Jail	5,654,021
07	Recorder	274,971
20	Engineer	8,524,000
22	Conservation Board	1,046,599
24	DHS	70,440
25	Community Services	617,593
28	Medical Examiner	152,026
30	Court Services	137,500
31	Board of Health	331,893
51	General Services	736,135
52	Information Services	665,406
53	Zoning	300,991
60	Mental Health Administration	1,693,732
99	Nondepartmental	7,628,852

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\$33,408,974

It is further resolved that all appropriations made pursuant to this RESOLUTION lapse at the close of business on June 30, 2019.

Passed and approved this 25th day of June, 2018.

ATTEST:

/s/Leslie A. Soule, Auditor

/s/Scott Sauer, Chairperson  
Muscatine County Board of Supervisors

The Board scheduled fiscal year-end cash counts with County departments.

The Board recessed at 11:04 A.M. and reconvened at 11:15 A.M.

On a motion by Sorensen, second by Mather, the Board went into closed session at 11:15 A.M. pursuant to Chapter 21.5.1(i), Code of Iowa, for a performance evaluation. Roll call vote: Ayes: All. Planning and Zoning Administrator Eric Furnas had requested a closed session. On a motion by Howard, second by Sorensen, the Board returned to open session at 12:14 P.M. Roll call vote: Ayes: All.

The meeting was adjourned at 12:14 P.M.

ATTEST:

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Betty L. Wamback  
First Deputy Auditor

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Nathan Mather, Vice-Chairperson  
Board of Supervisors