

Muscatine County Board of Supervisors  
Monday, May 6, 2013

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

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

Charles Lorensen, 1808 Briarwood Lane, expressed concern about the agenda for this week's meeting not being published in the Muscatine Journal. Furlong stated that it was given to the newspaper but the County cannot control how or when the newspaper publishes it.

Sorensen announced that May 5<sup>th</sup> - 11<sup>th</sup> is Public Service Recognition week and asked citizens to show their appreciation for public employees this week.

A Public Hearing was called to order by Chairperson Sorensen at 9:04 A.M. on a proposal from the Lutheran Homes Society to issue \$6,000,000 in Revenue Bonds or Notes, pursuant to Chapter 419 of the Code of Iowa. Chris Kuhn, Dorsey & Whitney, explained that the notes will be issued through a servicing agreement between the County (first issuer), City of Fruitland (second issuer), and Piper Jaffrey (lender and servicer) which stipulates that Lutheran Homes Society is solely responsible for repayment directly to Piper Jaffrey (lender), and the County and City of Fruitland will not be held responsible for the repayment of the debt. Kuhn explained that this would allow Lutheran Homes Society who is a non-profit to get a lower interest rate on their loan. Kuhn stated that the issuer fee is ten basis points. On a motion by Kelly, second by Howard, the public hearing was closed at 9:12 A.M. Roll call vote: Ayes: All.

On a motion by Kelly, second by Howard, the Board approved Resolution #05-06-13-01 Authorizing and Providing for the Issuance and Delivery of Not to Exceed \$6,000,000 Aggregate Principal Amount of Revenue Notes of the County for the Purpose of Evidencing a Loan to the County and Lending the Proceeds Thereof to Lutheran Homes Society (The "Borrower"); the Execution and Delivery of a Loan Agreement Among the County, the Borrower and the Lender Providing for the Repayment of the Loan of the Proceeds of Said Notes and the Securing of Said Repayment Obligation; the Execution of a Servicing Agreement; and the Execution of Other Documents Related Thereto. Roll call vote: Ayes: Furlong, Howard, Sorensen and Kelly. Nay: Sauer.

A Public Hearing was called to order by Chairperson Sorensen at 9:15 A.M. on a request from Leo E. or Lois A. Ochiltree, Record Owners, to rezone approximately three acres in Wilton Township from I-2 Heavy Industrial District to A-1 Agricultural District. Zoning Administrator Jodee Stepleton stated that the three acres had been rezoned years ago to accommodate an anhydrous ammonia plant that is gone. Stepleton stated that the use has been agriculture for several years and this rezoning is just to return it to A-1 Agricultural

District. No one spoke against the rezoning request. On a motion by Furlong, second by Howard, the public hearing was closed at 9:18 A.M. Roll call vote: Ayes: All.

On a motion by Kelly, second by Furlong, the Board approved an ordinance rezoning approximately three acres in Wilton Township from I-2 Heavy Industrial District to A-1 Agricultural District on the first of three readings. Roll call vote: Ayes: All.

The Board reviewed the following Special Use Permits approved by the Muscatine County Board of Adjustment on April 5, 2013: Case #13-04-01 is an application filed by Fobian Farms, Inc., Record Owners, by Carl Fobian, President, and Anthony Wisman, Proposed Builder. This property is located in Wapsie Township, in the SW $\frac{1}{4}$  of Section 13-T78N-R4W, 1273 Elder Avenue, East of Elder Avenue, containing approximately 15.81 acres, and is zoned A-1 Agricultural District. This request would allow the Zoning Administrator to issue a Special Use Permit in order to allow a rural residence to be built on this property where an abandoned dwelling is located. The Board of Adjustment approved this request. Case #13-04-02 is an application filed by Jerry W. Stokes, Record Owner. This property is located in Moscow Township, in the NW $\frac{1}{4}$  of Section 17-T78N-R2W, Plat of Survey, Tract 7 & 8, 1215 Marolf Drive, containing approximately 0.44 acres, and is zoned A-1 Agricultural District. This request would allow the Zoning Administrator to issue a Special Use Permit in order to place a mobile home on this property for use as a Seasonal Recreational Cottage. The Board of Adjustment approved this request with the stipulation that an approved septic system be installed to accommodate this mobile home. Case #13-04-03 is an application filed by Leo J. or Mildred M. Hora, Record Owners, and Jimmy Hora, Applicant. This property is located in Orono Township, in the NW $\frac{1}{4}$  of Section 5-T76N-R4W, 2222 Blue Heron Avenue, containing approximately 2.88 acres, and is zoned A-1 Agricultural District. This request would allow the Zoning Administrator to issue a Special Use Permit in order for Jimmy Hora and his family to continue living in the existing mobile home on this property. The Board of Adjustment tabled this request until June 6<sup>th</sup> in order to have a full Board present.

Howard asked about permits issued and how they compare to last year. Stepleton stated that they have issued permits for several more new homes than last year.

Discussion was held regarding a possible no parking zone along Stewart Road. Charles Lorensen, 1808 Briarwood Lane, stated the speed limit should be lowered in that area because it is by a park. Lorensen stated they should have planned ahead and had parking available in that area prior to opening the park to the public. Sauer stated the Conservation Board wanted to give the public an opportunity to fish during the Spring season which would not have happened if they waited for everything to be perfectly in place. Sauer stated it does not make a lot of sense to him to lower the speed limit due to the amount of industrial traffic. Sauer stated that he is in favor of a parking lot off of Stewart Road. Howard stated the Steering Committee is also trying to keep the park as pristine as possible which means they will be moving slowly with future development. White stated a speed study would have to be conducted before a speed limit could be reduced. On a motion by Kelly, second by Furlong, the Board approved Resolution #05-

06-13-02 Designating a Portion of Stewart Road as No Parking and Tow-Away Zones.  
Roll call vote: Ayes: All.

The Board recessed at 9:39 A.M. and reconvened at 9:45 A.M.

County Engineer Keith White opened the following bids for Project L-(CUL13&CUL14)—73-70 new and replacement culverts at various locations: Heuer Construction - \$779,244.06; Hagerty Earth Works - \$648,479.40; Brandt Construction - \$789,351.40; Sulzberger Excavating - \$780,138.67; Delong Construction - \$717,766.40; and Legacy Corporation - \$673,239.86. White stated that all of the bidders provided bid bond. White will review the bids and return with a recommendation at a future meeting.

The Board reviewed the Iowa DOT letting results for projects BROS-C070(58)—8J-70 bridge replacement project on Saulsbury Road. White stated that the bids are significantly higher than originally estimated, but that if the Board wants to build this bridge, then the Board should accept the bid. White stated one option would be to reject all bids and rebid the project in the late summer or fall with a winter working period and completion in the spring of 2014. White stated another option would be to award the contract and then talk to the contractor to see if they have any value engineering that would benefit both the County and contractor that would reduce the project cost. White stated he thinks there is an aversion built in because of the routine flooding of the Cedar River. Furlong stated that possibly the county could give them more time to complete the project to lower the cost. Conservation Director Curt Weiss stated that the County has a lot invested in that Park that would not be accessible without the bridge. Furlong stated he would lean toward rebidding the project. White stated the DOT would have recommended the award not be approved if they felt the numbers were not acceptable. On a motion by Kelly, second by Howard, the Board accepted a bid for Project BROS-C070(58)--8J-70 from Godbersen-Smith Construction Co. in the total amount of \$1,496,785.64 for a bridge replacement project on Saulsbury Road. Howard requested a roll call vote. Roll call vote: Ayes: Kelly, Sauer, Sorensen and Howard. Nays: Furlong.

On a motion by Furlong, second by Howard, the Board approved a detour agreement with the Iowa Department of Transportation for a bridge replacement on US 6 west of West Liberty. Ayes: All.

On a motion by Furlong, second by Sauer, the following utility permits were approved: Liberty Communications – placement of 12 pair copper cable, 12 pair fiber cable for fiber optics along Iron City Avenue from south of 155<sup>th</sup> Street to north of 140<sup>th</sup> Street, also along Holly Avenue from 160<sup>th</sup> Street down to 170<sup>th</sup> Street, and placement of a 25 pair fiber copper cable, 12 pair fiber cable, for fiber optics along Iron City Avenue from 160<sup>th</sup> Street down to 170<sup>th</sup> Street; Eastern Iowa Light and Power – plowing underground cable along Davis Avenue from Hwy 6 to an existing pole; Windstream – boring of fiber optic telephone cable along 250<sup>th</sup> Street from west of the city limits of Conesville, along 250<sup>th</sup> Street to the cell tower. Ayes: All.

White updated the Board on upcoming construction projects. White expressed concern about the high number of hog confinements being constructed in the County that will eventually destroy roads and the County needs to address who should carry the burden of repairing those roads.

On a motion by Howard, second by Kelly, minutes of the Monday, April 29, 2013 regular meeting were approved as written. Ayes: All.

Correspondence:

Howard reported a contact regarding parking along Stewart Road.

Howard reported contacts regarding the use of slag on County roads.

Sauer reported a contact regarding brush in a road ditch.

The Board received a letter from the Iowa Department of Transportation regarding changes to the distribution method for Road Use Tax Allocations effective July 1, 2013 and its possible impact on jurisdictions which would increase the allocation to Muscatine County by approximately \$86,000.

Committee Reports:

Kelly attended a Muscatine Health Association meeting May 1<sup>st</sup>.

Sorensen attended a Muscatine County Safety meeting May 1<sup>st</sup>.

All Supervisors attended a Muscatine County Conference Board meeting April 30<sup>th</sup>.

Howard and Sauer attended a Steering Committee meeting for the Deep Lakes Park on April 30<sup>th</sup>. Howard and Kelly attended a Behind the Scenes Tour of Palms Theatre on May 1<sup>st</sup>.

On a motion by Kelly, second by Howard, the Board approved Resolution #05-06-13-03 fixing Monday, May 20, 2013 at 9:00 A.M for a Public Hearing on a General Obligation Loan Agreement. Roll call vote: Ayes: All.

On a motion by Furlong, second by Sauer, the Board appointed Gregory Keller to the Muscatine County Building Board of Appeals to fill a vacancy through December 31, 2014 and Dudley Coker to the Muscatine County Board of Appeals to fill a vacancy through December 31, 2015. Ayes: All.

On a motion by Kelly, second by Furlong, the Board authorized the Chair to execute paperwork necessary to renew health and dental benefits with Wellmark, Inc. effective July 1, 2013. Ayes: All

On a motion by Furlong, second by Sauer, the Board approved raising the single premium by \$25 per month (paid by the County) and the family premium by \$25 per month (paid by the employee) for health insurance effective July 1, 2013. Ayes: All.

On a motion by Howard, second by Sauer, the Board set an annual enrollment period for health insurance and an open enrollment for dental and vision insurance for May 20, 2013 through June 4, 2013. Ayes: All.

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

ATTEST:

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Leslie A. Soule, County Auditor

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Jeff Sorensen, Chairperson  
Board of Supervisors

Muscatine County Board of Supervisors  
Monday, May 13, 2013

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

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

On a motion by Howard, second by Sauer, claims dated May 13, 2013 were approved in the amount of \$1,719,221.41. Ayes: All.

On a motion by Furlong, second by Kelly, the Chairperson was authorized to sign an Application to the Iowa Law Enforcement Academy Council to be Certified to Carry Weapons for Reserve Officer Ernest Morgan. Ayes: All.

On a motion by Kelly, second by Howard, the Board approved an ordinance rezoning approximately three acres in Wilton Township from I-2 Heavy Industrial District to A-1 Agricultural District on the second of three readings. Roll call vote: Ayes: All.

On a motion by Furlong, second by Howard, a bid for L-(CUL13&CUL14)—73-70, for culvert replacements at various locations throughout the County was awarded to Hagerty Earth Works in the amount \$648,479.40. Ayes: All. County Engineer Keith White stated that contract documents were not received in time for approval at this meeting.

On a motion by Kelly, second by Howard, the Board approved the contract, bond and certificate of insurance for BROS-C070(58)—8J-70 for a bridge replacement over Chicken Creek to Saulsbury Park from Godbersen-Smith Construction Co. Ayes: All.

On a motion by Kelly, second by Sauer, the Board approved the following utility permits: Windstream Communications – relocation of a section of buried copper cable on Bancroft Avenue for a culvert replacement project south of Hwy 22; Windstream Communications – placement of a buried fiber telephone cable starting at Elder Avenue continuing ½ mile east along 160<sup>th</sup> Street. Ayes: All.

County Engineer Keith White updated the Board on road concerns due to recent flooding in Muscatine County.

On a motion by Kelly, second by Sauer, minutes of the Monday, May 6, 2013 regular meeting were approved as written. Ayes: All.

Correspondence:

Kelly reported contacts expressing appreciation that the County is moving forward with the Saulsbury Bridge Project.

Furlong and Sorensen reported a contact regarding road conditions.

All supervisors reported a contact regarding septic system concerns.

Howard reported a contact regarding parking at Deep Lakes Park.

Howard reported a contact regarding concern of overspending in the County budget.

Howard, Sorensen and Furlong reported a contact regarding a possible Nuclear Power Plant with regards to non-containment areas.

Committee Reports:

Kelly attended a Seventh Judicial District meeting May 10<sup>th</sup>.

Howard attended a Muscatine County Search and Rescue meeting May 8<sup>th</sup>.

Discussion was held with County Engineer Keith White regarding possible signage on Stewart Road near Deep Lakes Park. Kelly suggested signage to alert citizens of increased pedestrian traffic. Furlong stated he thinks they should wait to see if there are any more issues after the no parking signs have been posted.

On a motion by Kelly, second by Furlong, the Board approved Resolution #05-13-13-01 Transferring \$720,000 from the Rural Services Fund to the Secondary Roads Fund. Roll call vote: Ayes: All.

On a motion by Furlong, second by Howard, the Board appointed L. Lynn Pruitt to the Muscatine County Historic Preservation Commission for a term ending January 1, 2016. Ayes: All.

The Board reviewed the health/dental fund balance as of April 30, 2013.

The meeting was adjourned at 9:32 A.M.

ATTEST:

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Leslie A. Soule, County Auditor

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Jeff Sorensen, Chairperson  
Board of Supervisors