

Muscatine County Board of Supervisors
Monday, May 20, 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 \$172,552.80. Ayes: All.

A Public Hearing was called to order by Chairperson Sorensen at 9:03 A.M. for the purpose of instituting proceedings and taking action to enter into a loan agreement with a principal amount not to exceed \$600,000 for the purpose of covering additional costs for improvements and repairs to County buildings, including roof and sidewalk replacements, construction of a handicapped accessibility ramp and elevator repairs. No one spoke for or against the loan agreement. On a motion by Furlong, second by Kelly, the public hearing was closed at 9:04 A.M. Roll call vote: Ayes: All.

On a motion by Kelly, second by Sauer, the Board approved Resolution #05-20-13-01 Authorizing a Supplemental Loan Agreement in an amount not to exceed \$600,000 in addition to the previously proposed total principal amount not to exceed \$750,000 and Providing for a Debt Service Tax Levy as amended. Roll call vote: Ayes: All.

On a motion by Furlong, second by Howard, the Board approved the contract, bond and certificate of insurance for the L-(CUL13 & CUL14)—73-70 from Hagerty Earth Works in the amount of \$648,479.40 for culvert replacements at various locations throughout the County. Ayes: All.

On a motion by Furlong, second by Sauer, the Board approved the following utility permits: Windstream Communications – replace a section of cable washed out in Sugar Creek during a spring thunderstorm; Mediacom – bury fiber optic cable along old Hwy 61 from the Scott County line to Zachary Avenue and south to Zale Avenue; KJJ Farms – bore a 2" conduit under Blue Heron, south of 2222 Blue Heron, to power a new irrigation system. Ayes: All.

County Engineer Keith White reported that he helped FEMA do preliminary damage assessments for recent flooding stating that the County has approximately \$200,000 worth of damage which may allow Muscatine County to receive a disaster designation when combined with damage in incorporated areas of the County. White stated that weather is really affecting road construction projects and repairs from the flooding causing a lot of expenditures to slide into FY2014 which will probably require an immediate budget amendment in July.

Discussion was held with Zoning Administrator Jodee Stepleton regarding approval of a preliminary plat of the proposed one-lot residential subdivision, Willis/Shea Subdivision, containing approximately 1.284 acres in Montpelier Township. On a motion by Furlong, second by Kelly, the Board approved a preliminary plat of the proposed one-lot residential subdivision, Willis/Shea Subdivision, containing approximately 1.284 acres in Montpelier Township. Ayes: All

On a motion by Furlong, second by Sauer, the Board approved Resolution #05-20-13-02 Approval of Final Plat of Willis/Shea Subdivision. Roll call vote: Ayes: All.

Discussion was held with Zoning Administrator Jodee Stepleton regarding approval of a preliminary plat of the proposed two-lot residential subdivision, Stone House Creek Overlook Subdivision, containing approximately 8 acres in Bloomington Township. On a motion by Furlong, second by Sauer, the Board approved a preliminary plat of the proposed two-lot residential subdivision, Stone House Creek Overlook Subdivision, containing approximately 8 acres in Bloomington Township. Ayes: All

On a motion by Howard, second by Kelly, the Board approved Resolution #05-20-13-03 Approval of Final Plat of Stone House Creek Overlook Subdivision. Roll call vote: Ayes: All.

On a motion by Furlong, second by Howard, the Board approved an Ordinance #05-20-13-04 Rezoning Certain Real Property in Wilton Township, Muscatine County, Iowa from I-2 Heavy Industrial District Zoning Classification to A-1 Agricultural District Zoning Classification on the third and final reading. Roll call vote: Ayes: All.

On a motion by Kelly, second by Howard, the Board set a public hearing for Monday, June 3, 2013 at 9:00 A.M. on a request from the City of West Liberty, Record Owner, and the West Liberty Gun Club, Lessees, to rebuild the indoor shooting range and clubhouse facilities at the West Liberty Gun Club which were recently destroyed by fire. Ayes: All.

The Board reviewed variances granted by the Muscatine County Board of Adjustment on Friday, May 3, 2013. Case #13-05-01 is an application filed by Randy J. or Michelle J. Moeller, Record Owners. This property is located in Lake Township, 2248 215th Street, Rocking Horse Acres, Lot 2, in the SW ¼ of Sec. 31-T77N-R2W, containing approximately 20 acres, and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for Mr. And Mrs. Moeller to build a 50' X 70' detached garage in front of their residence, but it would be at least 50 feet back from the front lot line. On a motion by Furlong, second by Sauer, the Board accepted the variance. Ayes: All. Case #13-05-02 is an application filed by Edward W. or Denise L. Tvers, Record Owners. This property is located in Wapsie Township, 1291 Elder Ridge Road, in the SE ¼ of Sec. 14-T78N-R4W, containing approximately 0.56 acres, and is zoned R-3 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for Mr. and Mrs. Tvers to build an addition onto their existing garage with the eaves of the garage

being closer than the required 10 foot setback. On a motion by Howard, second by Kelly, the Board accepted the variance. Ayes: All.

Discussion was held with Zoning Administrator Jodee Stepleton regarding a proposal for an annual operational permit for discharging private sewer disposal systems and testing/monitoring requirements. Stepleton stated that an NPDES designation is set for any sand filter system that is discharging into a ravine within 400 feet of a waterway. Stepleton stated the 200+ NPDES sand filters are required to be tested twice a year. Stepleton stated the other 600+ sand filters discharging above ground should have a visual inspection once a year, but she suggested a sample once a year at an approximate cost of \$30 per year. Stepleton stated another option is for the Board to allow the homeowner to visually inspect his/her own sand filter. Sorensen stated it disturbs him the State has walked away from this and expects the County to handle the situation and he does not want the County to do more than is necessary. Howard suggested the possibility of requiring testing every other year. Furlong stated he would like to keep the cost to a minimum. Kelly asked if the Board needs to change the County ordinance to match State Code. Sorensen stated the ordinance needs to reflect the law. Board consensus was to follow the State law, not be more restrictive. Sorensen stated he does not feel there should be a fee for the systems which only need a visual inspection, but that the systems which require sampling should pay for the costs of sampling their systems. Stepleton asked about the 18 mechanical systems since those are also required to be tested. Sorensen stated those should also pay the fees. Sauer stated the requirements for the NPDES and the mechanical are very similar and both should be charged the same fee. Howard stated he wants to do something to help this situation, but as fairly and financially feasible as possible for County homeowners. Stepleton stated she is still concerned about the 600+ systems that are discharging to the ground. Furlong stated the situation may be readdressed, if the Board gets complaints. Board consensus was to follow State law, get the 200+ NPDES systems under control, then keep a watchful eye on the rest of the systems with Zoning keeping track of complaints and problems over the next year or two. Scott Lucas, 1961 280th Street, Letts, stated he would be more concerned about the 80% of systems with underground discharge underground as the source of everyone's drinking water is underground. Stepleton stated there are grants to test well water for those residents.

On a motion by Howard, second by Sauer, the Board approved 10 special event permits for events to be held on June 1st, June 2nd, June 7th, June 21st, July 12th, July 26th, August 9th, August 23rd, September 13th and November 15th at Ardon Creek Vineyard and Winery, LLC, as requested by Mike Furlong. (Article III, Section 3.26 of the Zoning Ordinance allows native wineries or cider mills as a special use, subject to specific requirements, including Board of Supervisors' approval, of any special event at which (1) wine will be sold for onsite consumption and (2) attendance of more than 35 persons is anticipated. Ayes: All.

On a motion by Howard, second by Kelly, minutes of the Monday, May 13, 2013 regular meeting were approved as written. Ayes: All.

Correspondence:

Howard reported a contact regarding a fencing issue in Muscatine County.
Howard reported a contact regarding the sand filter ordinance.

Committee Reports:

All Supervisors attended the Annual Wilton Chamber of Commerce Luncheon May 13th.

Sauer attended a Muscatine County Board of Health meeting May 15th.

Sauer attended a Riverbend Transit meeting May 15th.

Sauer attended a Muscatine County Fair Board meeting May 16th.

Sorensen attended a Wilton Development Corporation meeting May 15th.

Howard discussed hog confinement issues and possible damage to County roads stating that the County Supervisors can work with Secondary Roads and Zoning staff to develop criteria for secondary road usage by hog confinement facilities and grain trucks. Furlong stated the Board probably needs to adopt an ordinance to require facilities which damage the County roads be responsible for the repairs.

Budget Coordinator Sherry Seright reviewed bids received for a Muscatine County Courthouse Lawn Irrigation System as follows: GSA Turf Services – \$15,871.00 (5 year warranty on parts - 2 year warranty on labor); Rainmaster Irrigation - \$18,800.00 (2 year warranty on parts and labor); Greenspace Associates - \$20,138.00 (2 year warranty on parts and labor); Zimmerman Landscape & Irrigation - \$24,223.50 (3-5 year warranty on parts - 1 year warranty on labor); and Uncommon Ground - \$24,694.52 (1 year warranty on parts and labor). On a motion by Furlong, second by Howard, the Board accepted the bid from GSA Turf Services in the amount of \$15,871.00 for a lawn irrigation system for the Muscatine County Courthouse to be completed by July 25, 2013. Ayes: All.

Discussion was held with Budget Coordinator Sherry Seright regarding a maintenance agreement with Northwest Mechanical for building environmental systems at the Community Services building, the Administration building and the Rescare (Optimae) building. Seright stated that the contract on the Administration Building will no longer be needed once the HVAC is replaced. On a motion by Kelly, second by Furlong, the Board authorized the Chair to sign a maintenance agreement with Northwest Mechanical for building environmental systems at the Community Services building, the Administration building and the Rescare (Optimae) building in the amount of \$36,623.00. Ayes: All.

The meeting was adjourned at 10:31 A.M.

ATTEST:

Leslie A. Soule, County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors

Muscatine County Board of Supervisors
Monday, June 3, 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.

A Public Hearing was called to order by Chairperson Sorensen at 9:02 A.M. on proposed Fiscal Year 2012/13 Muscatine County Budget Amendments. No one spoke for or against the proposed budget amendments. Budget Coordinator Sherry Seright reviewed the proposed amendments with the Board. On a motion by Furlong, second by Sorensen, the public hearing was closed at 9:04 A.M. Roll call vote: Ayes: All.

On a motion by Kelly, second by Furlong, the Board approved Resolution #06-03-13-01 Amending the Fiscal Year 2012/13 Muscatine County Budget. Roll call vote: Ayes: All.

On a motion by Kelly, second by Furlong, the Board approved Resolution #06-03-13-02 Fiscal Year 2012/13 Muscatine County Budget Appropriations. Roll call vote: Ayes: All.

On a motion by Furlong, second by Sauer, the Board approved Resolution #06-03-13-03 Transferring \$25,000 from the General Basic Fund to the Conservation Equipment Reserve Fund. Roll call vote: Ayes: All.

Discussion was held with Muscatine County Emergency Manager Matt Shook regarding a tornado that touched down on May 30, 2013 in the southeastern part of the County and continued flooding that has occurred from approximately the 22nd of May through June 3, 2013. On a motion by Howard, second by Sauer, the Board authorized the Chair to execute a disaster declaration on June 3, 2013. Ayes: All.

A Public Hearing was called to order by Chairperson Sorensen at 9:08 A.M. on a request from the City of West Liberty, Record Owner, and the West Liberty Gun Club, Lessees, to rebuild the indoor shooting range and clubhouse facilities that were destroyed by fire. Zoning Administrator Jodee Stepleton stated this item is still pending approval by the City of West Liberty. Furlong stated he has heard allegations about bullets going offsite over the berm and early shooting hours and would like to see those allegations addressed. Linda Maylone, 1436 131st Street, West Liberty, stated that her father had a verbal agreement with the gun club to not shoot before 10:00 A.M. on Sundays. Maylone stated that when she and her family have hiked on their own property, they have heard bullets going over their head and she would like to see the berm maintained high enough so that no bullets go over it. Maylone stated that she is in support of the gun club and the training they conduct. Kelly stated that she understands her concerns, but that these concerns would need to be addressed by the City of West Liberty. West Liberty City Manager Chris Ward stated that the City of West Liberty does not concur with the rebuilding of the

gun club at this time and would like the Board to table this until the City of West Liberty can bring it before the Board of Supervisors. County Attorney Alan Ostergren stated that he allowed this to be scheduled so as not to delay the project, but that the Board of Supervisors needs property owner consent. Robert Winterhome, Attorney for the West Liberty Gun Club, stated they would like to have this approved subject to approval by the City of West Liberty as opposed to coming back. Ostergren stated that the property owner at this point has the veto authority so he does not advise the Board to approve the rebuilding at this time. On a motion by Furlong, second by Kelly, action on the rebuilding was tabled until it is placed on a future agenda. Ayes: All.

Discussion was held with Vic Amoroso, A&J Associates, on DHS Office Building HVAC Design Project – Phase 2 Change Authorization Request #2. Amoroso stated that A&J Associates rejected the Change Authorization Request #1 so this is the first change authorization request forwarded to the Board of Supervisors. Amoroso stated that the change authorization request is because the glycol freeze protection system was deleted and permit fees were changed by the City. Howard stated change orders always upset him and he has an issue with the County having to pay permit costs that were not required in the past and that it is a travesty that different levels of government cannot work together to make it easier on the public. On a motion by Furlong, second by Kelly, the Board approved DHS Office Building HVAC Design Project – Phase 2 Change Authorization #2 in the amount of \$6,544.88. Ayes: Furlong, Sorensen, Sauer and Kelly. Nay: Howard.

Discussion was held regarding the utilization of slag aggregate on County roads. County Engineer Keith White stated that the County can realize \$8 per ton in potential savings by using slag on County roads. White stated he would like to expand the test area to include three Townships within an approximate ten mile radius of the slag producer near SSAB. White stated he estimates using 10,000 tons of slag in the test area for a potential savings of \$80,000. White stated that an assessment dated December 2011 found that slag does not pose a hazard to human health. White stated that the Iowa Department of Natural Resources ran tests on slag in November 2012 for asbestos with findings well within the EPA limits. White stated that Harsco would be willing to run a test for Muscatine County. White stated he is not convinced slag can be the only aggregate used on those roads as it must be mixed with rock. Furlong stated he thinks the Board needs to base their decision on the science available and that shows it is safe, so he feels they should move forward. Howard stated he feels the Board should move forward with expanding the test. White stated that this material is cleaner making it less dusty. Kelly stated that up until this point, she has been against the use of slag, but she has met with the manager of Harsco and he guaranteed he would give us the mix ratio we wanted and that he had made a mistake on the mix ratio used on Seven Springs Road. Kelly stated that she is in favor of expanding the test area. Wayne Schaapveld, 2107 Seven Springs Road, stated that he lost a horse due to the use of slag on Seven Springs Road and that horses can tolerate more than other animals. Schaapveld stated he thinks slag is dangerous and he will sue the County if it is placed on his road. Schaapveld stated that he wants the Iowa Department of Natural Resources to verify the sample and he thinks landowners should be informed before it is placed on their road. Sauer stated that the horses around the SSAB plant which uses 100% slag have been there for years and do not appear to be

affected. Howard stated that the Iowa Department of Natural Resources does not recommend anything because that is not their job, but they do allow use of slag. Howard stated that the Iowa Department of Transportation does recommend using slag and they use it themselves. Howard stated that all he is asking for is a larger test area. On a motion by Howard, second by Furlong, the Board approved expansion of the test area as recommended by County Engineer Keith White. Ayes: All.

On a motion by Furlong, second by Sauer, the Board approved the following utility permits: Windstream Communications – placement of a 12 pair copper telephone cable along 241st Street from Cranston Road west approximately 800 feet. Eastern Iowa Light & Power – move a three phase line for Saulsbury Bridge at Chicken Creek. Ayes: All.

County Engineer Keith White updated the Board on projects on Muscatine County roads. White stated that because they raised the grade of Highway G28 after the 2008 floods, floodwater may not go over the road causing a closure.

Wilton City Manager Chris Ball updated the Board on Wilton activities. Ball stated that he would like to see the County and City of Wilton work together to get Third Street from Wilton to Taylor Avenue paved. Ball stated that the City of Wilton wants to cooperate and keep communication lines open with the County and all of the surrounding communities.

On a motion by Kelly, second by Howard, the Board approved six Disabled Veterans' Homestead Tax Credit applications as allowed by the County Assessor's Office for Leonard R. Castleberry, Steven A. Berger, Marion L. Hutton, Michael A. Young, Robert D. Bennett and Michael R. Simester. Ayes: All.

Discussion was held with Information Services Director Bill Riley regarding the possible purchase of a VMware host server with approximately \$12,000 in funds that are remaining in the current IS budget. On a motion by Kelly, second by Howard, the Board directed Riley to proceed with the purchase of a VMware host server. Ayes: All.

On a motion by Furlong, second by Sauer, the Board approved the following renewals of Iowa Retail Cigarette/Tobacco Permits: Reif Oil Co. dba Stewart Road Fast Break, 2418 Stewart Road, Muscatine, IA 52761; Casey's Marketing Company and Casey's Marketing Company dba Casey's General Store #2472, 1334 Hwy 22, Nichols, IA 52766. Ayes: All.

On a motion by Kelly, second by Sauer, minutes of the Monday, May 30, 2013 regular meeting were approved as written. Ayes: All.

The Board recessed at 10:30 A.M. and reconvened at 10:35 A.M.

Discussion was held with Community Services Director Mike Johannsen regarding a possible raise to the Trust Program payee fee. Johannsen stated that over the past ten years, the Social Security Administration has increased the maximum amount that the

County can charge, but Muscatine County has never changed its fee structure charging \$30 per month. Johannsen stated raising the fee would also bring Muscatine County more in line with the rest of the region. On a motion by Kelly, second by Furlong, the Board set the Trust Program payee fee at \$39.00 per month or 10% whichever is less. Ayes: All.

On a motion by Kelly, second by Howard, the Board approved a Muscatine County Community Services Trust Program Participant Payee Handbook. Ayes: All.

Correspondence:

The Board received a Notice from the City of Muscatine of a planned amendment to the Consolidated Muscatine Urban Renewal Plan with a meeting scheduled for June 3rd at 1:30 P.M. and a public hearing scheduled for June 20th at 7:00 P.M.

Kelly reported an email from Nevin Roberts stating that the sidewalk on G28 west of the Highway 61 overpass goes nowhere and is covered with mud and debris.

Sauer reported calls on road, culvert and slag issues.

Howard reported a call regarding the possible closure of G28 due to flooding.

Howard reported a contact complimenting the Secondary Roads department.

Sorensen reported a call thanking the Board for their direction on septic inspections.

Sorensen stated the Cedar County Board of Supervisors would like to have a joint meeting.

Committee Reports:

Kelly and Sorensen attended a Bi-State Regional meeting May 22nd.

Sauer attended a Muscatine County Hazard Mitigation meeting May 30th.

Sorensen attended a Regional Workforce Development meeting May 28th.

Furlong attended a West Liberty Economic Area Development meeting May 23rd.

Furlong attended a Muscatine County Solid Waste Management meeting May 23rd.

Howard attended a Generations Area Agency on Aging meeting May 22nd.

Howard attended a Muscatine County Conservation Board meeting May 20th.

Kelly attended the Trinity Emergency Room Ribbon Cutting May 29th. Kelly attended the Corps of Engineers Living with Floods presentation May 29th.

County Attorney Alan Ostergren updated the Board on fine collections stating that the County has received \$72,500 in revenue through the end of April which reflects that the Fine Collection position at a cost of \$42,000 is supporting itself.

On a motion by Furlong, second by Kelly, the Board approved Resolution #06-03-13-05 Suspending the Collection of Taxes. Roll call vote: Ayes: All.

On a motion by Howard, second by Sauer, the Board accepted May 2013 payroll claims. Ayes: All.

On a motion by Howard, second by Furlong, 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. On a motion by Kelly, second by Howard, the Board returned to open session at 11:56 A.M. Roll call vote: Ayes: All.

On a motion by Kelly, second by Sauer, the Board went into non-public session at 11:56 A.M. pursuant to Chapter 20.17(3), Code of Iowa, to discuss strategy in union negotiations. Roll call vote: Ayes: All. On a motion by Furlong, second by Howard, the Board returned to open session at 12:06 P.M. Roll call vote: Ayes: All.

The meeting was adjourned at 12:06 P.M.

ATTEST:

Leslie A. Soule, County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors