

Muscatine County Board of Supervisors  
Monday, July 25, 2011

The Muscatine County Board of Supervisors met in regular session at 7:00 P.M. with Furlong, Howard, Watkins and Kelly present. Sorensen was absent. Chairperson Watkins 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 Watkins at 7:02 P.M. on the proposed vacation and closure of the following sections of unimproved dedicated streets or alleys in unincorporated areas of Muscatine County, Iowa:

### **Moscow**

**(1I)** All that portion of the platted 20 foot wide east-west alley contained within Block 11 of the Original Town of Moscow, IA;  
**(2I)** All that portion of the platted 20 foot wide east-west alley contained within Block 3 of Henderson's Addition to Moscow, IA;  
**(3I)** A portion of River Street (formerly known as the River to River Road and Primary Road No. 7) which lies between the west line of Bigalow's Addition of Unincorporated Moscow, IA, and the Cedar River, which is more particularly described as follows: Commencing at a point at the intersection of River Street (also formerly known as Second Street in Bigalow's Addition to Moscow, IA), with the east line of Section 8, T78N, R2W of the 5<sup>th</sup> P.M., Muscatine County, IA; thence westerly along the centerline of the existing roadway 500 feet, more or less, to the Point of Beginning of the parcel herein described, a point which is established by State Plane Coordinates to be N581, 945.0, E2,297,640.0; thence northwesterly along the centerline of the roadway to the easterly bank of the Cedar River.

### **Fairport**

**(4I)** All of that portion of the Platted Alley lying adjacent to Lots 1 through 4, and Lots 7 through 10, inclusive, and that portion of the north half of said alley lying adjacent to Lot 6, all being in Block 10 of the Original Town of Fairport, Fairport, IA;  
**(5I)** The north half of the Platted Alley adjacent to Lots 8 through 10 of Block 11 of the Original Town of Fairport, Fairport, IA;  
**(6I)** All of that portion of the Platted Alley lying adjacent to Lots 2 through 5, and Lots 6 through 9, inclusive, and that portion of the north half of said alley lying adjacent to Lot 10, all being in Block 12 of the Original Town of Fairport, Fairport, IA.

### **Wapsinonoc Township – Birkett Avenue**

**(7I)** That portion of Birkett Avenue lying northerly of the north right of way line of 160<sup>th</sup> Street, and southerly of a point which is located at the southerly limits of Birkett Avenue, as currently maintained in the NE1/4 of Section 32, T78N, R4W of the 5<sup>th</sup> P.M., which is established by State Plane Coordinates to be N561, 950.0, E2,234,808.0. All being located on the common line between Sections 32 and 33 of T78N, R4W of the 5<sup>th</sup> P.M. (0.811 miles).

### **Fruitland Township – Kincaid Road**

**(8I)** That portion of Kincaid Road (formerly known as Gregory Road), from its intersection with the northwesterly right of way line of North Hill Drive (platted as Valley Road) to the westerly right of way line of North Hilltop Court (platted as Hilltop Drive), in Hilltop Farm Subdivision, in the NE1/4 of Section 6, T76N, R2W of the 5<sup>th</sup> P.M. Fruitland Township, Muscatine County, Iowa.

Comments were received from the citizens in attendance as follows:

**(1I)** Dana Wells, Moscow, stated he does not want the alley closed as it would landlock the back side of his and his neighbor's property. Lyle Marolf, Moscow, stated he is in favor of closing the alley because it is only used by Dana Wells and he has other access east of his building. Marolf stated he cannot use the alley because it is blocked. Mark Weih, Moscow, stated he is not in favor of closing the alley because he would also be landlocked. Weih stated the alley is usable and he has never seen it blocked. Lyle Marolf suggested the Board come out to Moscow and he will be glad to show them the alley.

**(2I)** Claire Sterner, Moscow, stated he owns land along the alley and provided the Board with a petition signed by everyone in the block asking for the alley to be closed. No one spoke against the proposed vacation.

**(3I-6I)** No spoke for or against these proposed vacations.

**(7I)** Chuck Poeltler, Iowa City, stated he is an adjacent landowner to this road and that he and other neighbors want this portion of Birkett Avenue closed. No one spoke against the proposed vacation.

**(8I)** Bruce Featherstone, Hilltop Owners Association, stated they had no problem with closing this portion of Kincaid Avenue, but they would like a locked gate placed 50 feet back in order for utility trucks and graders to be allowed to turn around. County Engineer Keith White stated he has no problem with their request. Howard Penix, resident, stated he is concerned with closing that portion of Kincaid as well as the former closure of a portion of Gregory Road. Penix stated these closures result in each of the housing developments only having one access. Penix is concerned with flooding and existing culverts that are broken. Penix stated that graders and refuse vehicles use that road to turn around and the school

bus used to use the road until a couple of years ago. Penix stated that with the road closed there will be no way to provide emergency vehicles to that area. Featherstone stated the former closure of Gregory Road was handled by the homeowner's association because they owned the road. County Engineer Keith White stated that this road is bordered by the bluff and a creek so there is not a lot of room to do any maintenance. Furlong stated that the creek overflows the road when it gets high.

On a motion by Furlong, second by Kelly, the public hearing was closed at 7:29 P.M. Roll call vote: Ayes: All.

A motion was made by Kelly, seconded by Howard, to approve Resolution #07-25-11-01 Approving a Request to Vacate and Close Sections of Unimproved Dedicated Streets or Alleys in Unincorporated Areas of Muscatine County, Iowa referred to as 1I through 8I. On a motion by Howard, second by Kelly, the vacated alley described as 1I was removed from the resolution. Ayes: All. Discussion was held regarding the vacation referred to as 8I. Furlong stated he understands the problem with the turnaround, but long term he feels it is better to close it and set the gate back to allow large vehicles to turn around. Penix asked how the homeowner's association is supposed to get damages repaired that are caused by non-residents. Watkins stated that maybe the homeowner's association should put up a camera. Penix requested answers to his questions from his letter. Watkins stated that the tile is on private property, and ditches are not dug on level B roads. Watkins stated the County is being generous in putting up a locked gate as they typically do not. White stated there is a depression in the ground where there could have been a buried culvert and the County would fill in the depression. Board consensus was to leave the vacation of Kincaid Road in the original resolution. The Board voted on Resolution #07-25-11-01 as amended. Roll call vote: Ayes: All.

On a motion by Howard, second by Kelly, the Board authorized the conveyance of previously vacated. Ayes: All. The parcels authorized for conveyance are described as follows:

**Fairport**

The easterly ½ of vacated Madison Street, lying southerly of Main Street (IA Hwy 22), and northerly of the Railroad Right of Way, in the unincorporated Original Town of Fairport, Fairport, IA.

The easterly ½ of vacated Adams Street, lying southerly of the Railroad Right of Way, in the unincorporated Original Town of Fairport, Fairport, IA.

That portion of the westerly ½ of vacated Madison Street, lying adjacent to Lot 6 of Block 3, in the unincorporated Original Town of Fairport, Fairport, IA.

That portion of the westerly ½ of vacated Madison Street, lying adjacent to Lot 5 of Block 3, in the unincorporated Original Town of Fairport, Fairport, IA.

That portion of the easterly ½ of vacated Madison Street, lying adjacent to Lot 10 of Block 4, in the unincorporated Original Town of Fairport, Fairport, IA.

That portion of the easterly ½ of vacated Madison Street, lying adjacent to Lot 1 of Block 4, in the unincorporated Original Town of Fairport, Fairport, IA.

A resolution detailing dates of the public hearings previously held will be placed on a future agenda for Board approval before the above referenced parcels are conveyed.

On a motion by Furlong, second by Howard, the Board authorized the disposition of excess right of way easements by returning them to the adjoining property owners. Ayes: All. The parcels authorized for disposition of excess right of way are described as follows:

**181<sup>st</sup> STREET**

A 2.458 acre portion of Right of Way Easement lying southeasterly of the traveled portion of 181<sup>st</sup> Street, in the NW1/4 of the SE1/4, of Section 17, T77N, R1E, Montpelier Township, Muscatine County, IA, deemed excess Right of Way.

**RIVER STREET**

1.0 +/- acres purchased by Muscatine County, (W.D. Book 58, Page 395) for borrow and right of way for road straightening/relocation and fill to Cedar River Iron Bridge. The property was acquired from predecessors of current land owners John and Linda Holladay to the south. The south half of River Street following the vacation will remain with Muscatine County as current owner of the 1 acre parcel adjoining the road to the south.

Resolutions detailing the above referenced conveyances will be placed on a future agenda for Board action prior to the excess right of way being conveyed.

County Engineer Keith White updated the Board on construction projects.

White presented pavement marking bids as follows: Vogel Traffic Services, Inc. – \$142,119.57, Kam Line Highway Markings – \$162,191.13 and Iowa Plains Signing Inc. – \$173,081.40. On a motion by Furlong, second by Howard, the Board accepted the apparent low bidder Vogel Traffic Service, Inc. at a cost of \$142,119.57 for Project L-(M11-1)—73-70 Pavement Markings. Ayes: All.

White presented a seal coat bid from Pelling, L.L. Co., Inc. in the amount of \$602,179.61. White stated that seven contractors expressed interest, but only one submitted a bid. On a motion by Furlong, second by Howard, the Board accepted the apparent low bidder Pelling, L.L.Co., Inc. at a cost of \$602,179.61 for Project L-(M11-2)—73-70 Bituminous Seal Coat. Ayes: All.

Discussion was held with Zoning Administrator Jodee Stepleton regarding a hiring request for a part-time Building Inspector. Stepleton stated she had 10 applicants and conducted four interviews. Stepleton had requested in a letter to the Board that Montgomery Carlson be hired at Step 12 of Grade 8 due to his previous experience. On a motion by Furlong, second by Kelly, the Board approved the hiring of Montgomery Carlson as part-time Building Inspector at \$15.87 per hour (Grade 8/Step 12). Ayes: All.

Discussion was held with Maintenance Supervisor Troy Sievert regarding a change order for the Muscatine County Courthouse HVAC Project. On a motion by Howard, second by Kelly, the Board approved Change Order #4 in the amount of a deduction of \$938.04 for the Muscatine County Courthouse HVAC Project. Ayes: All.

Sievert stated that the proposed remodel of the third floor Associate Judges Chambers is quite extensive and he estimates the cost at \$15,000 without adding the new doorway through an existing wall. Furlong stated they did promise this remodel, but maybe they should wait until the roof bids are in to see if the funding is there. Howard agreed. Kelly agreed, but does not want it forgotten because it is a safety issue. Sievert stated it is currently not a safety issue because the judge can currently get to the courtroom without entering the public area. County Attorney Alan Ostergren stated the safety issue is that a court attendant is currently right off the elevator in a very congested area of the public rotunda so more space is needed for the judge and his staff to maintain the safe flow of people and inmates.

Sievert encouraged the Board to keep considering how they are going to address usage of the rest of the space at the Courthouse. Watkins stated the Board needs to address how to supply space for attorneys to deal with their clients.

Sievert stated that tuckpointing specifications went out and he held a pre-bid meeting. Deadline for the bids is next Monday morning. Sievert provided the Board with a copy of the report from Shive-Hattery regarding the condition of the Administration building. Sievert will try to schedule a meeting for the Board with the engineer to discuss the report.

Administrative Services Director Nancy Schreiber stated that she looked into the possibility of getting a vehicle for Maintenance Supervisor Troy Sievert and that the Sheriff's department has a 2004 Chevy Impala that they are getting ready to sell, but will wait to hear from the Board. Board consensus was to put the item on next week's agenda.

On a motion by Kelly, second by Furlong, claims dated July 25, 2011 were approved in the amount of \$460,782.23 as amended. Ayes: All. County Auditor Leslie Soule asked the Board about the public purpose on a coffee pot purchased by the Sheriff's office which is being used for deputies, victims, witnesses, citizens during classroom sessions and other agency personnel. The Board decided to pull the \$18.30 claim and have it placed on next week's agenda for further discussion with the Sheriff.

On a motion by Howard, second by Kelly, minutes of the Monday, July 18, 2011 regular meeting were approved as written. Ayes: All.

Correspondence:

Kelly and Watkins received a phone call from a resident regarding the Muscatine Humane Society.

Furlong received a call regarding the condition of Cranston Road seal coat.

Howard received a call regarding the crown in a road.

Committee Reports:

Howard attended the Muscatine County Conservation Board meeting July 18<sup>th</sup>.

Kelly attended the United Way meet and greet for the new Chief Professional Officer on July 21<sup>st</sup>.

On a motion by Kelly, second by Howard, the Board approved Resolution #07-25-11-02 Accepting the New Civil War Monument. Roll call vote: Ayes: All.

On a motion by Kelly, second by Furlong, the Board approved Proclamation #07-25-11-01 Labor Day. Roll call vote: Ayes: All.

On a motion by Kelly, second by Furlong, the Board re-adopted the Muscatine County Employee Handbook with various revisions. Ayes: All.

Discussion was held regarding a Board/citizen appointment to the Muscatine Search and Rescue Board of Directors. On a motion by Kelly, second by Furlong, Howard was appointed to the Muscatine Search and Rescue Board of Directors as a non-voting member. Ayes: All.

Budget Coordinator Sherry Seright provided the Board with a comparison of budgeted versus actual FY 11/12 beginning fund balances. Seright stated that the departments and elected officials worked really hard to increase fund balances by spending less in FY11.

Budget Coordinator Sherry Seright reviewed the final costs of the Jail Expansion project stating that the final cost was \$8,550,111.64 (97% of budget) which was \$235,974.50 or 3% under budget.

Administrative Services Director Nancy Schreiber stated that Dr. Yutango has resigned from the Board of Health and she is working with Mary Odell to find another physician.

The meeting was adjourned at 8:43 P.M.

ATTEST:

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Leslie A. Soule, County Auditor

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David H. Watkins, Chairperson  
Board of Supervisors

Muscatine County Board of Supervisors  
Monday, August 1, 2011

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

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

Maintenance Supervisor Troy Sievert opened and reviewed sealed bids for the Muscatine County tuckpointing project as follows: TNT Tuckpointing and Building Restoration – Work Area 1 - \$76,000 and Work Area 2 - \$46,000 for a total cost of \$122,000; and E & H Restoration – Work Area 1 - \$111,089 and Work area 2 - \$83,531 for a total cost of \$194,620. Sievert stated that the TNT bid was fairly close to the original estimate, but that the bids are a little higher than the original estimate due to the short time frame to get the work done by October in order to begin the roof replacement project before winter. On a motion by Furlong, second by Howard, the Board accepted the apparent low bidder TNT for the Muscatine County Courthouse tuckpointing project in the amount of \$122,000 subject to Sievert reviewing the bid documents. Ayes: All.

Sievert reported that the County received a rebate check from MP&W for the jail project in the amount of \$15,200.

Sievert updated the Board on the condition of the Administration Building stating that the mortar is falling out from between the bricks as a result of the parapets which have leaked water into the walls for several years. Sievert stated the County is not looking at a catastrophic failure, but at a minimum the roof needs to be shored up and some brick replaced with concrete block in order to buy some time for a more permanent repair. Sievert suggested hiring an architectural firm to supply the County with options. Sievert stated his opinion is that employees would not have to move out with localized repair, but if the project moves into major rebuild, then it would be necessary for departments to temporarily move out of the building. Howard expressed interest in knowing what the original inspection said when the County purchased the building. Watkins agreed that the County needs to investigate that in this process, but also needs to move on. Furlong suggested interviewing two or three architectural firms to pick one to develop options. Sorensen stated the parapets need to be repaired quickly to stop the leaking and then they need to look at potential remedies and their costs. Board consensus was to proceed with development of an RFP for an architect to provide options and cost estimates to address structural issues in the Administration Building. The Board also directed Sievert to get estimates on sealing the parapets on the Administration Building to stop the leaking.

Furlong asked if the geothermal project is completed at the Courthouse. Sievert stated the project is not yet completed and the new design fix for the water flow issue has not yet been implemented, but the HVAC is running well at both the Jail and the Courthouse.

On a motion by Kelly, second by Howard, the Board authorized the transfer of a 2004 Chevy Impala from the Sheriff's Department to General Services for use by the Maintenance Supervisor with the stipulation that it not be driven home. Ayes: All.

Discussion was held with Emergency Management Director Jeff Carter regarding a request from Steve & Cindy Garvin and Gary & Mary Whitacre for a road name correction in the County records. Carter stated that Bluestem Road should be corrected in the County records from Blue Stem to one word "Bluestem" as it appears on the County road sign. Carter stated that the road is privately owned and not in a subdivision. Carter stated that this is the only privately owned road that is named in the County at this time, but the Board should probably set a policy in the future that residents cannot name a private road unless it is in a subdivision. On a motion by Kelly, second by Sorensen, the Board approved a correction in the County records changing the name of Blue Stem Road to Bluestem Road. Ayes: All.

Discussion was held with County Auditor Leslie Soule regarding the State estimated appropriations to fund the Homestead Tax Credit, Military Service Property Tax Exemption, and Elderly and Disabled Tax Credit for FY2011-2012. Soule stated that the State would only be funding 63% of the Homestead Tax Credit this year and did not recommend the County funding the shortfall. On a motion by Kelly, second by Furlong, the Board adopted the State estimated appropriations and funded the Homestead Tax Credit at 63%, Military Service Property Tax Exemption at 100%, and Elderly and Disabled Tax Credit at 100% for FY2011-2012. Ayes: All.

On a motion by Furlong, second by Howard, the Board approved Resolution #08-01-11-01 Abating Partial Amount Taxes for Disabled Veterans. Roll call vote: Ayes: All.

On a motion by Howard, second by Kelly, minutes of the Monday, July 25, 2011 regular meeting were approved as written. Ayes: All.

Correspondence:

Furlong, Kelly, Howard and Sorensen received communication regarding the contractor hired for a paving project.

Howard and Sorensen received numerous contacts from County residents regarding potential annexation.

Howard stated an employee's spouse contacted him and expressed gratitude to the Board in developing the new options on the County insurance program.

Committee Reports:

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

Kelly and Watkins attended a Bi-State Regional meeting July 27<sup>th</sup>.

Howard attended a MAGIC meeting July 25<sup>th</sup>.

Furlong attended a Muscatine County Solid Waste meeting July 28<sup>th</sup>.

The Board reviewed the following applications received for positions on the Muscatine County Historic Preservation Commission: Jane Reischauer, David Nowling, James

Nepple, Joyce Gauger and Lee Miller. On a motion by Kelly, second by Furlong, Lee Miller, Joyce Gauger and James Nepple were appointed to the Muscatine County Historic Preservation Commission for terms ending January 1, 2014. Ayes: All. On a motion by Furlong, second by Kelly, David Nowling and Jane Reischauer were appointed to the Muscatine County Historic Preservation Commission for terms ending January 1, 2015. Ayes: All.

On a motion by Furlong, second by Howard, the Board accepted the July 2011 payroll claims. Ayes: All.

The meeting was adjourned at 9:43 A.M.

ATTEST:

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Leslie A. Soule, County Auditor

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David H. Watkins, Chairperson  
Board of Supervisors