

Muscatine County Board of Supervisors
Monday, November 7, 2011

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

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

A public hearing was called to order by Chairperson Watkins at 9:02 A.M. on a request from JED Partnership LLC, Record Owners, by Michael Cline, to rezone approximately 10.7 acres in Wapsinonoc Township from A-1 Agricultural District to C-2 Commercial District in order to have a farm implement dealership. Faye Cline, JED Partnership, stated that the property is located East of Hwy 70, Oak Park Addition, part of Blocks 15, 16, 17, 18 and streets and alleys adjacent, all in the NE ¼ of Section 13-T78N-R4W and the Zoning Board approved it unanimously. No one spoke against the rezoning request. On a motion by Howard, second by Sorensen, the public hearing closed at 9:04 A.M. Roll call vote: Ayes: All.

On a motion by Sorensen, second by Howard, the Board approved an ordinance rezoning approximately 10.7 acres in Wapsinonoc Township from A-1 Agricultural District to C-2 Commercial District on the first of three readings. Roll call vote: Ayes: All.

A public hearing was called to order by Chairperson Watkins at 9:04 A.M. on a request from Jeremy Drake, Record Owner, and Nichols Agriservice LLC, Record Owner by Greg O'Toole, Manager, to split off and rezone approximately 3 acres in Sweetland Township from A-1 Agricultural District to I-2 Heavy Industrial District in order to expand the fertilizer plant. The property is located in the SE ¼ of Section 4-T77N-R1W, South of Hwy 61, and the Zoning Board approved it. Chuck Coulter, attorney for Nichols Agriservice, stated they want to move the entire operation back to the Hwy 61 facility. Howard expressed concern about the wells and thier effect on the aquifer. Greg O'Toole, Nichols Agriservice, stated they have no plans to drill a new well and are using about the same amount of water as 2.7 families. O'Toole stated they only use the increased amount of water for 60 days during the year. Howard asked if they could build to the East rather than next to the subdivision, but O'Toole stated that the topography is not acceptable to building there. Albert Bermel, 1730 Sweetland Road, expressed concern about water usage as his well went down several feet when IPSCO was built and he worries that will happen again. Greg Nelson, 1685 Sweetland Acres Lane, expressed concern that it will cause a bigger problem if Nichols Agriservice is drawing down aquifer over a short period of time. Nelson suggested moving dirt in and building to the East so the subdivision would not be subject to sound and light pollution. Nelson expressed concern that I-2 zoning will open the door for other businesses and that fewer people will want to buy a home next to a fertilizer operation thereby lowering property value. Nelson stated there will be increased truck traffic that will destroy the road. Gary Shingledecker, Sweetland Acres Homeowner's Association, stated the same concerns as Nelson and

asked if the buildings will be surrounded by a fence. Watkins stated it looks like they will use the road a lot less as they will enter off Hwy 61. Coulter stated that there is no fencing planned around the locked buildings but if fencing law requires any on the perimeter of the property, they will comply. Lance Rowell, 3088 170th Street, expressed concern about well water and traffic as he has young kids. Coulter stated that the zoning ordinance requires a special use permit so it does not open the door for other businesses and traffic will be reduced because employees will no longer have to run between the two plants. Coulter stated that the homes were built back in the 80's and 90's when the full operation was located next to the subdivision. Howard stated that the resident's concerns are valid and he does not feel comfortable yet and would like to do an onsite visit. Sorensen stated he shares concern about the water which is always an unknown, but all of his questions have been answered. O'Toole stated that a farm uses 256,000 gallons per acre to irrigate, so the amount of water they are using is pretty small. On a motion by Howard, second by Sorensen, the public hearing closed at 9:36 A.M. Roll call vote: Ayes: All.

On a motion by Sorensen, second by Howard, the Board approved an ordinance rezoning approximately 3 acres in Sweetland Township from A-1 Agricultural District to I-2 Heavy Industrial District on the first of three readings. Roll call vote: Ayes: Sorensen and Watkins. Nay: Howard.

Zoning Administrator Jodee Stepleton reviewed a bid from Evans Inspection Service Inc. for asbestos removal for the demolition of 1130 W. Hinkeyville in an amount not to exceed \$535.00. Stepleton stated she sent out eight bid packets and only received one bid, but the Iowa Economic Development Authority (IDEA) approved the single source procurement process for this project. On a motion by Howard, second by Sorensen, the Board approved a contract with Evans Inspection Service Inc. in the amount of \$535.00 for the removal of asbestos from 1130 W. Hinkeyville. Ayes: All.

On a motion by Howard, second by Sorensen, the Board approved 2011 Family Farm Credit applications. Ayes: All.

On a motion by Howard, second by Sorensen, minutes of the Monday, October 31, 2011 regular meeting were approved as written. Ayes: All.

Correspondence:

Howard received a complaint regarding Echo Avenue and usage of farm equipment.

Howard had a meeting with an individual regarding property tax and increased valuation.

Howard met two women from Minnesota who commended the Auditor's Office and Recorder's Office for cooperation with genealogy research.

Committee Reports:

Sorensen attended a Muscatine County Safety Committee meeting November 2nd.

The meeting was adjourned at 9:41 A.M.

ATTEST:

Leslie A. Soule, County Auditor

David H. Watkins, Chairperson
Board of Supervisors

Muscatine County Board of Supervisors
Monday, November 14, 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.

On a motion by Howard, second by Sorensen, claims dated November 14, 2011 were approved in the amount of \$838,777.60. Ayes: All.

The Board reviewed variances granted by the Muscatine County Board of Adjustment on Friday, November 4, 2011. Case #11-11-01 is an application filed by Francesca D. Vitale, Record Owner. This property is located in Bloomington Township at 1963 Tipton Road, Muscatine, Iowa, Salvatore's Subdivision, Lot 1, in the SE ¼ of Sec. 22-T77N-R2W, containing approximately 3.19 acres, and is zoned R-2 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for Vitale to place a wood fired pizza oven on this property to be used seasonally. Furlong asked if the golf course was still operating. Stepleton stated that the golf course had not been maintained since last year. Watkins stated that Vitale needs to be encouraged to go through the rezoning process before next year since the golf course is not operating. On a motion by Howard, second by Furlong, the Board accepted the variance. Ayes: All. Case #11-11-02 is an application filed by George W. Lewis Real Estate Trust, by Anna M. Lewis, Record Owner, and Morris A. & Kathryn L. Noble, Proposed Buyers. This property is located in Goshen Township, in the SW ¼ of Sec. 21-T78N-R3W, South of Iron City Avenue, containing approximately 37 acres, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance for a subdivision waiver in order for the property owners to split off approximately six acres adjoining the Noble property without combining the properties. The Board of Adjustment approved the Variance with the stipulation that a Restrictive Covenant be signed to restrict the ability to build a one family dwelling in the future. On a motion by Furlong, second by Howard, the Board accepted the variance. Ayes: All. Case #11-11-03 is an application filed by Paladin Resolutions LLC, Record Owners, by Nile E. Watkins-Schoenig. This property is located in Sweetland Township, North of Hwy 22, formally known as Eagles Lodge, at 2921 Hwy 22, in the NW ¼ of Sec. 29-T77N-R1W, containing approximately 1.16 acres, and is zoned C-1 Commercial District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit to be able to serve alcohol and a Variance in order to continue the non-conforming use with the stipulation that the site could never be used as a "Gentleman's Club" or a strip club. On a motion by Kelly, second by Howard, the Board accepted the variance. Ayes: All.

Discussion was held on a request from Jason Harder for the Board to allow an exception to the Muscatine County Subdivision Ordinance. On a motion by Howard, second by

Kelly, the Board approved Resolution #11-14-11-01 Granting a 90-day Extension for Filing the Final Plat of Ripley Addition Part One Subdivision. Roll call vote: Ayes: All.

Dick Buster, 2917 Hwy 22, addressed the Board regarding his concerns about a Variance for Case 11-11-03 that the Board accepted earlier in the meeting. Buster stated that he has lived directly behind the Eagles for 27 years and feels that the Board of Adjustment did not provide a lot of input on why they unanimously voted down the Special Use Permit and Variance in one meeting and then voted to reconsider and approved the Special Use Permit and Variance at a later meeting. Buster stated he was told that there is no way of appealing the second decision. Zoning Administrator Jodee Stepleton stated that the decision can be appealed to the District Court within 30 days. Buster stated that the Eagles was a good neighbor as it was family oriented and usually closed by 10:00 P.M, but the new operation will be open until 2:00 A.M. seven nights a week and invade his privacy. Dale McCrea, 2000 Geneva Hills Road, stated that their main issue is with the operation being a bar and he is curious as to whether any documentation was offered stating why the Board of Adjustment reconsidered their vote after voting down the Special Use Permit and Variance unanimously the first time. McCrea asked the Board to consider restricting the hours of business to closing at 11:00 P.M. Furlong stated that it appears that option is not under the jurisdiction of the Board of Supervisors. Buster stated that he does not believe alcohol and late hours mix. Patty McCrea, 2000 Geneva Hills Road, stated that there was a lot of opposition to the Special Use Permit and Variance and she is concerned that the Board of Adjustment did not listen. McCrea stated that she thought she would have a voice about changes in her neighborhood and would like the Board to look at what is going on with the Board of Adjustment. Howard stated that these Boards are appointed from applications received and citizens who have opinions need to get involved and apply for these Boards. Dale McCrea suggested the Board could reconsider their vote on the Variance today. Kelly stated that once members are appointed to these Boards, the Board of Supervisors does not have authority over how they handle the process. Watkins stated that right now there is an opening on the Muscatine County Zoning Commission for which only two applications have been received.

On a motion by Howard, second by Kelly, the Board approved an ordinance rezoning approximately 10.7 acres in Wapsinonoc Township from A-1 Agricultural District to C-2 Commercial District on the second of three readings. Roll call vote: Ayes: All.

Discussion was held regarding a proposed rezoning in Sweetland Township for Nichols Agriservice. Howard stated that he had conducted a sight visit and since everything seems feasible, he is agreeable to the rezoning. Furlong stated he has some concern with going to I-2 as that allows for the heaviest type of industrial activity in that area, so as a compromise he would like to see a 300 foot buffer rather than the required 100 foot buffer. Greg O'Toole, Nichols Agriservice, stated that a 300 foot buffer would be tough since they only have 400 feet of available area. Watkins stated that the additional 200 feet would not make that much difference with regards to noise and dust pollution. Chuck Coulter, attorney for Nichols Agriservice, pointed out that any different use would have to come back to the Board for approval so not just any heavy industrial business can

start up in that area. Howard stated he still has a concern about the road not being paved. O'Toole stated that the heaviest traffic would only be from April to May. On a motion by Kelly, second by Howard, the Board approved an ordinance rezoning approximately 3 acres in Sweetland Township from A-1 Agricultural District to I-2 Heavy Industrial District on the second of three readings. Roll call vote: Ayes: Howard, Watkins, Kelly and Sorensen. Nay: Furlong.

On a motion by Furlong, second by Howard, the Board approved a utility permit for Eastern Iowa Light & Power to replace old overhead lines with underground lines in Sections 22 and 27 along Burlington Road. Ayes: All.

On a motion by Furlong, second by Howard, the Board approved a utility permit for Muscatine Power & Water to install a 2 inch PVC conduit along Burlington Road for internet and cable television. Ayes: All.

On a motion by Howard, second by Kelly, the Board approved a utility permit for Interstate Power & Light (Alliant Energy) to place service under Tipton Road to a residence at 1964 Tipton Road. Ayes: All.

County Engineer Keith White gave a construction update on Secondary Roads projects.

Discussion was held with Maintenance Supervisor Troy Sievert regarding the HVAC systems at various other County buildings. Watkins stated the Board needs to start considering replacement of the HVAC systems at the DHS and Optimae Buildings and in the older portion of the Jail. Sievert stated that the preliminary energy conservation studies report on the DHS Building from A&J Associates includes four options for replacement of the current HVAC system. Sievert said it may be feasible to tie the HVAC system at the Optimae Building to the DHS Building if a geothermal system is installed. Watkins requested an action item be placed on next week's agenda to solicit a proposal from A&J Associates to complete studies of HVAC replacement options for the Optimae Building and the older portion of the Muscatine County Jail.

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

On a motion by Kelly, second by Howard, the Board approved the hiring of John Crump as full-time Corrections Sergeant in the Jail at \$40,716 (Grade 10, Step 16). Ayes: All.

The Muscatine County Board of Supervisors met as a Board of Canvassers for the city elections held Tuesday, November 8, 2011. The Board of Canvassers certified the following results to be a true and correct abstract of the votes cast in the election:

CITY OF MUSCATINE

Mayor (two year term) – there were 2,010 votes cast: DeWayne Hoppi Hopkins received 1,042 votes, Kim Otto received 27 votes, Dyann E. Roby received 889 votes, Roger Roth

received 41 votes and there was a scattering of 11 votes. DeWayne Hoppi Hopkins was elected.

Councilmember At-Large (four year term) – there were 1,631 votes cast: Osama K. Shihadeh received 1,559 votes and there was a scattering of 72 votes. Osama K. Shihadeh was elected.

Councilmember-1st Ward (four year term) – there were 516 votes cast: Philip E. Fitzgerald received 505 votes and there was a scattering of 11 votes. Philip E. Fitzgerald was elected.

Councilmember-3rd Ward (four year term) – there were 433 votes cast: Tom R. Spread received 426 votes and there was a scattering of 7 votes. Tom R. Spread was elected.

Councilmember-5th Ward (four year term) – there were 335 votes cast: Allen Harvey received 157 votes, Jeanette Phillips received 177 votes and there was a scattering of 1 vote. Jeannette Phillips was elected.

CITY OF ATALISSA

Mayor (two year term) – there were 25 votes cast: Joe Blick received 14 votes, Carol O’Neil received 4 votes, Mike Zuber received 2 votes and there was a scattering of 5 votes. Joe Blick was elected.

Councilmember At-Large (four year term-three positions) – there were 82 votes cast: Timothy DeVore received 26 votes, Angie Dickey received 25 votes, Karen Rock received 24 votes and there was a scattering of 7 votes. Timothy DeVore, Angie Dickey and Karen Rock were elected.

Councilmember At-Large (Unexpired term ending December 31, 2013) – there were 15 votes cast: Dennis Hepker received 4 votes, Ron McMichael received 2 votes, Carol O’Neil received 2 votes, Sara Stanoff received 2 votes, Kyle Beinke received 1 vote, Denny Spilger received 1 vote, Gene Hammons received 1 vote, Dick McCleary received 1 vote, David Brandies received 1 vote and there was a scattering of zero votes. Dennis Hepker was elected.

CITY OF CONESVILLE

Mayor (two year term) – there were 59 votes cast: Darrell D. Bennett received 20 votes, Matthew J. Storm received 39 votes and there was a scattering of zero votes. Matthew J. Storm was elected.

Councilmember At-Large (four year term-three positions) – there were 138 votes cast: Herb Gartzke received 31 votes, Dustin Juhl received 47 votes, James McCormick received 37 votes, Larissa Peters received 19 votes and there was a scattering of zero votes. Herb Gartzke, Dustin Juhl and James McCormick were elected.

Councilmember At-Large (Unexpired term ending December 31, 2013) – there were 54 votes cast: Austin C. Conaway received 54 votes and there was a scattering of zero votes. Austin C. Conaway was elected.

CITY OF FRUITLAND

Mayor (two year term) – there were 53 votes cast: DeWayne A. Walter received 52 votes and there was a scattering of 1 vote. DeWayne A. Walter was elected.

Councilmember At-Large (four year term-two positions) – there were 103 votes cast: Sheila Busch received 31 votes, Marty Hills received 33 votes, Mark Lawrence received

39 votes and there was a scattering of zero votes. Marty Hills and Mark Lawrence were elected.

CITY OF NICHOLS

Mayor (two year term) – there were 85 votes cast: Cyle R. Geertz received 60 votes, Toni Wilson received 25 votes and there was a scattering of zero votes. Cyle R. Geertz was elected.

Councilmember At-Large (two year term-five positions) – there were 374 total votes cast: Carl Gillman received 56 votes, Russell E. Grim received 76 votes, Bill Han Sr. received 48 votes, Richard R. Hillyer received 54 votes, Jamie Kirk received 56 votes, Ron Oostendorp received 48 votes, Marvin F. Wilson received 31 votes and there was a scattering of 5 votes. Russell E. Grim, Richard R. Hillyer, Carl Gillman, and Jamie Kirk were elected. Ron Oostendorp was elected by draw.

CITY OF STOCKTON

Mayor (two year term) – there were 35 votes cast: Melisa Fowler received 34 votes and there was a scattering of 1 vote. Melisa Fowler was elected.

Councilmember At-Large (four year term-three positions) – there were 97 votes cast: Michael Halferty received 29 votes, Donnalee Holmes received 32 votes, Gary Holtz received 22 votes, Harlan McKillip received 14 votes and there was a scattering of zero votes. Michael Halferty, Donnalee Holmes and Gary Holtz were elected.

CITY OF WEST LIBERTY

Mayor (two year term) – there were 118 votes cast: Chad Thomas received 108 votes and there was a scattering of 10 votes. Chad Thomas was elected.

Councilmember At-Large (four year term-three positions) – there were 325 votes cast: William Cline received 104 votes, Sean Harder received 95 votes, Jose Zacarias received 85 votes, Melody Russell received 15 votes and there was a scattering of 26 votes. William Cline, Sean Harder and Jose Zacarias were elected.

CITY OF WILTON

Mayor (two year term) – there were 75 votes cast: Ira Bowman received 70 votes and there was a scattering of 5 votes. Ira Bowman was elected.

Councilmember At-Large (four year term-three positions) – there were 211 votes cast: Matt Fowler received 72 votes, Richard Garrison received 57 votes, Steve Owens received 73 votes and there was a scattering of 9 votes. Matt Fowler, Richard Garrison and Steve Owens were elected.

Park Board Commissioner (six year term-two positions) – there were 90 votes cast: Mark Maurer received 73 votes, Becky Hansen received 12 votes and there was a scattering of 5 votes. Mark Maurer and Becky Hansen were elected.

County Auditor Leslie Soule asked the Board to hold election canvasses on Tuesdays in the future as it is very difficult to have the canvass paperwork ready when absentee ballots mailed prior to election day are still receivable by mail on Monday morning and countable by law. Board consensus was that they would start holding canvasses of elections in a special meeting on the Tuesday after the election.

On a motion by Howard, second by Sorensen, minutes of the Monday, November 7, 2011 regular meeting were approved as written. Ayes: All.

Correspondence:

Howard received a phone call asking for permission to hard surface a gravel road in front of a resident's home. Howard stated that he discussed the issue with the County Engineer and explained to the resident why the County would not allow a resident to resurface the road in front of their home.

Howard received a phone call regarding the use of slag on County roads.

Sorensen received a couple of calls regarding zoning issues.

Committee Reports:

Kelly attended a Seventh Judicial District meeting November 4th.

Watkins attended a Muscatine County Board of Health meeting November 9th.

Furlong and Watkins attended a MUSCOM meeting November 10th.

Howard attended a School Progress Report on November 11th. Watkins and Sorensen went through the Courthouse with the Architect and Contractor to create a punch list for the Courthouse Geothermal Project on November 8th. Sorensen attended a subcommittee of the Conference Board on November 10th to discuss pay and staffing issues at the Assessor's Office.

On a motion by Howard, second by Kelly, the Board appointed Dr. Rebecca Mueller to the Muscatine County Board of Health to fill a vacancy for a term ending December 31, 2012. Ayes: All.

The Board reviewed the health/dental fund balance as of October 31, 2011.

The Board reviewed the proposed calendar for FY12/13 budget deliberations.

Discussion was held with Administrative Services Director Nancy Schreiber regarding dental plan changes required by the Affordable Care Act. Schreiber stated that the Board needs to remove annual and lifetime limitations for pediatric oral services for children under 26 years of age and the lifetime limit for orthodontia care for children under 26 years of age unless the employee is required to pay a portion of the dental insurance premium. Schreiber will place the item on the agenda next week for discussion and decision.

Schreiber distributed a draft of policies for Board review that will be on a future agenda for approval.

The Board recessed at 10:47 A.M. and reconvened at 11:00 A.M.

On a motion by Kelly, second by Furlong, the Board went into closed session at 11:00 A.M. pursuant to Chapter 21.5.1(i), Code of Iowa, for a performance evaluation at the

employee's request. Roll call vote: Ayes: All. On a motion by Kelly, second by Furlong, the Board returned to open session at 12:43 A.M. Roll call vote: Ayes: All.

The meeting was adjourned at 12:44 A.M.

ATTEST:

Leslie A. Soule, County Auditor

David H. Watkins, Chairperson
Board of Supervisors