

The Muscatine County Board of Adjustment met in the Administration Building on Friday, June 3, 2022, with Chairperson Janelle Spies and board members Carol Schlueter, Charles Clark and Tom Harper present, Emily Geertz was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Sherry Plath O'Keefe, Benjamin Young, and Diane Brooks.

Janelle Spies: I will open this public hearing and will begin by reading the opening statement. The Zoning Board of Adjustment is a quasi-judicial board appointed by the Muscatine County Board of Supervisors. The Board's purpose is to interpret the Zoning Ordinance and to allow certain limited exceptions and variances where special conditions or hardships exist. We are an independent volunteer board of citizens and not part of the county administration. There are five members on the Board. State law requires three affirmative votes to approve any appeal under consideration, no matter how many members are present. If fewer than five members are present, the appellant has the opportunity to have the appeal delayed until the next meeting. This request must be made prior to Board deliberation of that case. As a Board of the County, we welcome all testimony. We make our decision based on the facts and evidence under county code, presented in open meeting. We ask that if you wish to speak, please give your name and address. Okay, the board members have all received the minutes from the last month. Are there any corrections or comments on the minutes? If not, is there a motion to approve the minutes as read?

Tom Harper: I move that the minutes be approved as written.

Janelle Spies: Is there a second?

Carol Schlueter: I'll second it.

Janelle Spies: Okay, the motion has been made and seconded to approve the minutes from the last meeting as read. All those in favor please say Aye (4) Opposed (0) Absent (Geertz). The motion is granted. Is the applicant or their representative present?

Sherry O'Keefe: Yes.

Janelle Spies: So since we are missing a board member today it would be a four-member board today. You would need to get at least 3 yes votes for your request to be approved. You have the option of continuing this meeting with us this morning or we can table the request until the next meeting when we may or may not have a full board. Do you wish to continue?

Sherry O'Keefe: Yes I do.

Janelle Spies: Was there any correspondence?

Eric Furnas: No ma'am.

Janelle Spies: Eric, can you please read the request?

Eric Furnas: Case #22-06-01. An application has been filed by Michael A. or Sherry Lynn O'Keefe, Record Owners. This property is located in Montpelier Township, in the SE¼ of Sec. 12-T77N-R1E, East of Ziegler Avenue, at 1777 Ziegler Avenue, containing approximately 9.75 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order to permit the establishment and operation of a children's day camp on this property.

Janelle Spies: Can the applicant or spokesperson state their name and tell us about their request?

Sherry O'Keefe: My name is Sherry O'Keefe and my address is 1777 Ziegler Avenue in Blue Grass. I do have some information that I would be happy to pass out to you.

Janelle Spies: Okay.

Sherry O'Keefe: It is also strongly based on this book which is written by an occupational therapist. The program has been around for about 12 years. And let me sum up... I've been working diligently trying to get this pulled off for about a year and a half. I've been at children's programming. I am a retired educator and school counselor with a firm foundation in outdoor programming. That is the love of my life since I have grown up. I found Timbernook, which is the organization that I'm talking about running that day camp. Essentially what they are doing is bringing back play the old fashion way. We provide opportunities where we have children come and we set up the stage. We have a very very tight one adult to six child ratio. So we have two rules, they have to be kind and you have to be able to see the adult and they have to be able to see you. We get up, we follow kids around wherever they happen to be. We allow them to play the old fashion way and to be able to go outside and explore and use various loose parts. It's also grounded very dramatically in research and outdoor play, it's really really important.

Carol Schlueter: What age children does this entail?

Sherry O'Keefe: It's 18 months to 14. We have a program for 18 months and that is a program where there is always an adult with the child. Then you'd have somebody running the program. It would be only for two hours and there would always be an adult with the 18 months to 4 year olds. It's usually drop off with parents and then again... I have a 1-6 adult to child ratio.

Carol Schlueter: How many at one time?

Sherry O'Keefe: No more than 30.

Carol Schlueter: That's a lot of children.

Sherry O'Keefe: And then we'd have six adults.

Carol Schlueter: And it's run from what time of day?

Sherry O'Keefe: Most of the programs are running from 9 in the morning to 1 in the afternoon.

Carol Schlueter: So for four hours.

Tom Harper: So you are looking at 36 people maximum on this property?

Sherry O'Keefe: Yes, one of them is me, I live there.

Carol Schlueter: So this Timbernook, do you work for them?

Sherry O'Keefe: I am now essential a franchisee of Timbernook.

Janelle Spies: So essentially you have taken on their program?

Sherry O'Keefe: I've taken on their program. I was trained for five days in New Hampshire and Angela (?) wrote the book Balancing in Barefoot. She came to Iowa because part of that process in becoming a franchisee, although that's not

what you call it, but I'm licensed, was I needed to actually perform programming on my property with her present and I had to (????) to be able to show that I could in fact perform this program.

Carol Schlueter: Where will these children be coming from?

Sherry O'Keefe: They will be coming from anywhere in Rock Island, Scott and Muscatine County.

Janelle Spies: Eric do you have any comments?

Eric Furnas: Yeah, I think obviously the overall concept sounds absolutely great from a parents perspective and the outdoor imaginative learning. Our concerns from the county's staff levels center around the... number one is the limited acreage proposed for up to 30 kids. Obviously, this would impact the neighbors and their residences nearby, there is some potentially concerns. The gravel road to access the property, you know, I could easily envision 20 cars bringing 30 kids to this property. So the people that live along this road are going to be subjected to considerably increased traffic count on a gravel road and being in the middle of summer with the dust. The State of Iowa already has regulations for... and I know the applicant is aware of the requirements for the number of children and the limited hours for DHS licensure, so that is governed by DHS. So if they are under those hours and under those number of children than the DHS is not required to have the care center a licensure. So if they would grow beyond that, however, they would be required. That is completely separate from the potential land use impact on surrounding property owners. In her application the applicant had provided a lot of details on water and wastewater. I do have some concerns with the proposed wastewater. I have not been out there to see it yet, thinking that that might be a little premature. But she detailed the collection of wastewater and disposing of it in the onsite wastewater treatment system. The septic system that is there is really not designed for additional load. It's for the house and that is based on the number of bedrooms. These are all things that could be worked through, obviously it would be working with the owner/operator. But it is something that would need to be addressed. Mainly it's the potential impact of the surrounding property owners of running this type of operation. I think the board needs to really consider Special Use Permits, as you are aware that special uses are things that are generally considered a need or acceptable in a given zoning district, however, they are never an automatic or a guarantee. As you know, that is one of the things that you are charged with is evaluating the potential of impact of surrounding property owners of the applied for Special Use Permit. So that's where our staff level concerns center around.

Janelle Spies: I missed what you said about the licensee?

Eric Furnas: That is all handled by DHS. If they are under a certain amount of hours, a certain number of children and for a certain period of time through the summer it doesn't necessarily require DHS licensure, but that is handled through the DHS. We don't have a day care license through the county.

Janelle Spies: Okay, do you know what those numbers are?

Sherry O'Keefe: You need to be less than four hours a day or if you are more than four hours a day it has to be less than two weeks.

Janelle Spies: And how many children?

Sherry O'Keefe: It does not state. My plan is to ... according to the State of Iowa, I would need to get or I would need a daycare license if I ran the programs more than four hours a day or if I ran for more than two weeks at a time or if I was certified by another licensing organization, then I would be exempt. The plan that I have is that as I hopefully begin operation and I'm running a day camp I

will then pursue getting licensed as a day camp through the premiere organization of the American Camping Association. Which is incredible, I've been involved with them in overnight camping and they are incredibly rigorous. It takes 18 months to two years for that process to happen. But that's my intent because getting licensed through the American Camping Association is much more closely correlated with what my goals and what my organization is doing, than doing daycare. Because I'm not really going to be doing daycare.

Janelle Spies: So you are not doing anything right now?

Sherry O'Keefe: I have been having people on my property, I have been showing them what this could look like. I have not run a business, I have received no money. I have had people on my property because I wanted them ... if I'm going to be starting a business, I need to be able to say, hey this is what it could look like. But we've been using my own property, we've been using my own invitations to people, we've been using my own umbrella policy on my property and myself. I've been talking to the neighbor to the south, which is Jim Guy. He is allowing me to use a portion of his property. We don't have a formal lease agreement with him yet. And the 250 acres that is behind me and is owned by the Kreiter Family, I talked with them and they agree that I could use all 250 acres and we would also pursue a lease agreement with them.

Carol Schlueter: So your property is not fenced in then?

Sherry O'Keefe: It has a ... it has a... it has a property fence.

Carol Schlueter: So kids can climb over it?

Sherry O'Keefe: Sure.

Carol Schlueter: And kids will be kids.

Sherry O'Keefe: Yes, however there is one person that watches every six children.

Carol Schlueter: I know kids. Okay, on your property do you have a separate place where these kids are going to be able to eat or where they will...

Sherry O'Keefe: No, they will eat outside, they need to bring their own lunch and they bring their own snacks. They eat outside.

Carol Schlueter: So you supply nothing like that?

Sherry O'Keefe: I supply no food.

Carol Schlueter: And bathroom facilities? They'll be going in your house?

Sherry O'Keefe: Right now I have three separate outdoor toilet facilities. Or there are three separate bathrooms in my house that they could use if they needed them. Outside I have platforms, they are wooden platforms that are built near the ground and I have three separate tents. Inside those tents are a ... I was explaining them to somebody and I said oh yeah it's like a ship toilet. It looks like a self-contained toilet unit. But there is a five gallon cleaning bucket or clean tank at the back and a five gallon, you know, soil tank at the bottom. There's a plugger that goes between the two. So if a child needs to use the restroom, they can pull out the plugger, take care of their business, and there is a flushing mechanism. They flush, the soil water goes to the bottom, you push the plunger back in. There is separation between the two. You can clean it, you can take the top off, you empty the bottom bucket, you know either directly into our septic system or you can empty it into something else and then take it to our septic system. There is three of those.

Carol Schlueter: That is something that works Eric?

Eric Furnas: Well like I said, if you run the numbers on the day camp per attendee, and based on peak flows, and it would be introduced into a septic system that is serving the house, I mean... I have not seen what she has just described with the flushable toilet units. Obviously, it does involve the physical moving the holding tank to a disposable site... depended upon the mechanism that they use to do that... I mean there are potential for sewage spills. I mean, I haven't seen it. But this isn't a sealed sewage system like a house has in it. It does require transport of what we refer as black water and solid waste to another site. I would have to caution that introducing additional loads into private septic systems could result into failure of the septic system. Potable water, you know the water supply that is stored just for wash water that is adequately isolated to where it can't be used as a drinking fountain. One of the things that she had mentioned in the application was the handwashing stations.

Sherry O'Keefe: Yes, I have handwashing stations at every single ...

Eric Furnas: And how is that water captured?

Sherry O'Keefe: That is clean water, we are using soap and it goes ...

Carol Schlueter: It's just draining into the ground?

Sherry O'Keefe: It's draining into the ground.

Eric Furnas: That is technically gray water and gray water has to be run through an approved wastewater treatment system as well.

Sherry O'Keefe: I would also be more than happy to get portapotty's if that would be a better solution.

Eric Furnas: Yeah, I said these are things that could be worked through and I think as the board considers this that this would be one of my requests, that any potential approval would be subject to our office giving approval for wastewater and potable water. Kind of going back to the DHS licensure, I think that it's important to remember that DHS really doesn't care about land use issues. So if she were to successful get her credentials under DHS license or exemption, it could potentially grow. And they are only worried about the proper care and how the camp operates for child care. They really don't have much concern with the potential impact on the surrounding property owners. And again, it sounds great that there is potential for using adjoining properties, but until that was somehow solidified, I think we have to look at this as a 9.75 acre parcel and what are the potential impacts on the surrounding property owners. I guess I would also state that in the event of a sudden thunderstorm in the middle of the summer, where would 30 some people go?

Sherry O'Keefe: We go into my basement. My basement is accessible from the outside ground level and we'd go into my basement. When we were doing a launch we went into my basement.

Charles Clark: How big is your basement?

Sherry O'Keefe: Well it's the length of my house.

Charles Clark: And you can pack 30 kids, 40 people total in your basement in a very short time?

Sherry O'Keefe: Yes, yes, yes.

Charles Clark: I've had experience with that and it's... I also have concern about access. You are sitting at the end of a gravel road.

Sherry O'Keefe: Actually I'm in the middle of a gravel road.

Charles Clark: Okay, so you are sitting in the middle of a gravel road... I'm talking about emergency access. I live on a gravel road... so I'm talking about emergency access getting vehicles there, firetrucks, ambulances, other things out there in a hurry. What are you going to do about things such as that? And also dust control on this gravel road?

Sherry O'Keefe: I don't have much of an answer for you about dust control. I can tell you that we have buses come to my property for years and years and years because I used to teach school. I've had buses come to my property and all the way into my property, turn all the way around and then go out. Buses go up and down our road every day during the school year. I've had ambulances come to my house to pick me up and return. At this point when I've been talking with an insurance agent they wanted to know what the loss history of Timbernook and there is not loss history in over 12 years. There's not been a loss, there's not be an insured loss anywhere with any kid for the last 12 years.

Charles Clark: How about injuries?

Sherry O'Keefe: There's been none.

Tom Harper: What other special use permits do we have in that area?

Eric Furnas: Currently... like having been granted?

Tom Harper: I know that it really doesn't have anything to do with this request but I think she states that on her application that there are other businesses in the area.

Eric Furnas: I don't think that there is anything in the immediate vicinity that we have issued any Special Use Permits. Maybe just a Special Use Permit here and there for a rural residence. This is quite some distance from the industrial use.

Tom Harper: So no other businesses operating out there?

Eric Furnas: Not that I am aware of.

Tom Harper: Okay.

Sherry O'Keefe: I believe that the Ferkels at one point in time... which are just up the road from me, were granted a permit to be able to use their property as a truck facility of some kind.

Dixie Seitz: I looked into that after you had stated that on your application and I did not find anything on that.

Eric Furnas: Yeah, we don't have anything on record.

Sherry O'Keefe: And I know at the very far end, oh a number of years ago, there's a bunch of homeowners there now... but they had a paint ball operation.

Eric Furnas: There might have been something established without permission, but no we do not have any records of either one of these uses being allowed. But as far as Ziegler Avenue, it is a maintained county road. I mean, it is gravel but I think arguably it would be... I mean, it's kept up, it's gravel but Ziegler would be large enough for firetrucks to get up and down without problem.

Tom Harper: Well in knowing the area, it's probably about a 10-minute response time from the Blue Grass area, or Montpelier.

Eric Furnas: Yeah, it's fairly close to those two towns.

Tom Harper: Yeah and I'm thinking that there are a lot of 10 acres or less properties in this area.

Carol Schlueter: They are all... I'm sorry I didn't mean to interrupt you. Were you done?

Tom Harper: Yeah, I was done.

Carol Schlueter: Okay, these properties are all zoned A-1 Agricultural District but they've got rural residences on them?

Eric Furnas: Yeah.

Carol Schlueter: But over here, is this farm ground? What is on this side? Is this all timber then?

Sherry O'Keefe: Yes that's all timber.

Eric Furnas: But it's still zoned A-1 Agricultural District.

Diane Brooks: May I see the map that you are looking at?

Carol Schlueter: Sure.

Diane Brooks: Thank you. Now what was the area that you were talking about?

Janelle Spies: Ma'am, can you please state your name for the record?

Diane Brooks: I am Diane Brooks and I live at 1791 Ziegler Avenue. So that is my property. We have timber here and they have timber behind us. Sorry.

Janelle Spies: No, that's okay. We just needed your name. Does anything else in the room have anything to add or have any questions?

Diane Brooks: Yes, Diane Brooks at 1791 Ziegler Avenue. My concerns are exactly what Mr. Furnas brought up. We have a pond on our farm and it's currently not fenced in. I don't believe that there is a law that says by law I have to have my farm pond fenced in. I have done enough daycare and summer camps in the last 40 years that I see that as Ms. Schlueter does, that kids are kids and no matter how much supervision there is... My concern is that there is no fence on their property and between the property lines that the kids wouldn't know if the concept is open play and they are out wandering and playing that there is no ability to stop them to say this is my property and pond. So my concern would be that there is no fence. And if the kids wander off and they are 440 feet from my pond, so that makes me nervous as a homeowner. The other thing that I have noticed, they said they had open house and the traffic has increased. And unfortunately that people don't realize that on a gravel road you can't just drive down the center of it and so there's been some issues with people coming in and out. So that's the other thing that I would like to bring up. The last point, I know that my neighbor, James Guy at 1785 Ziegler could not be here today but we spoke and he asked me to come and listen to what was happening. But I noticed that you are speaking ... only three of us on this street were notified of about this. And when you are talking about traffic it truly impacts all of the residents on that road, not just the three of us that touch up against the property that's in question. I do know that the DHS law states that the children... that it has to be between 8 and 16 children at a time. I realize that

that isn't your concern, but I know that you said... you didn't know about the clarification ... but if you were going to have 30... it is eight to 16 kids at a time on the property.

Carol Schlueter: Wow - that's a big difference.

Sherry O'Keefe: And I can adjust that.

Carol Schlueter: Okay, so when you run these camps ... they are a day camp, then do the same kids come for a week at a time? Or are they all different every day?

Sherry O'Keefe: It would depend upon what program that we are having at that point in time, but it could be the same child all week. Some might just be a drop in where you would just have that child for a day.

Carol Schlueter: Well like I said, kids are kids and I think that if you only have a child for one day I think it would be hard to tell them, okay this is the boundary line. I know you are going to have counselors.

Sherry O'Keefe: Yeah, and you know what... I really appreciate all of the concerns because I want to make sure that we address those. Because the bottom line is that we want property owners and children to be safe. And beyond all else, we want children to be safe. The property that James Guy is allowing me to use that is next to my property is at the bottom of my property. There is a small creek and there is a very steep hill before you can get to the Brooks property. Right now there is virtually ... I can't say impossible, but there is really high growth and it gets very high and very prickly and very dense under those trees. So unless it is cleared, children are not going to go through that underbrush to get up the hill. And it's a fairly steep hill. And there is no intention of ever clearing that hillside to be able to have people. They would have to go up the hill and over the next barbed wire fence on James Guy's property in order to get to it.

Diane Brooks: There is no barbed wire fence between James Guy and us.

Sherry O'Keefe: There's no barbed wire fence?

Diane Brooks: No.

Sherry O'Keefe: Okay.

Tom Harper: Where is the most or the majority of your activities going to happen, in the east, the back of the house, the south or the front?

Sherry O'Keefe: The back of the house.

Carol Schlueter: And the front of your property, is that farmable property with corn or beans?

Sherry O'Keefe: It is restored natural prairie that my husband restored over the course of the 20 years.

Carol Schlueter: So it's like grass?

Sherry O'Keefe: It is tall natural Iowa native prairie.

Carol Schlueter: But no corn or beans and it's not really what I call farm ground?

Sherry O'Keefe: No.

Janelle Spies: Okay, does anyone else in the room have anything to add?

Charles Clark: Well I've been listening to all of this discussion and in my own mind I still have a concern with confining of the children, fencing...

Sherry O'Keefe: I'm sorry, I can't hear you.

Charles Clark: Okay, sorry. I have a concern about keeping the kids in, fences are cheap man. I mean, considering the welfare and the life of the child. It doesn't have to be much of a fence, but fences are cheap. And I also have a problem with packing a lot of kids into a basement real fast. I have a concern with tornadoes and other heavy weather. Houses, they are great but they do manufacture shelters. I know in my area there is a business and they brought in those... I call them igloos to help and they are a good size. Where I use to work, they had those same igloos in place so that the fire drills or heavy weather drills they all know where to go and when to go. We had head counts, the whole nine yards. I didn't see any of that in your literature. I really think... I would like to see more of a vision for keeping those kids in and keeping them safe in case of heavy weather.

Sherry O'Keefe: Then if that's a requirement, I can do that.

Charles Clark: Well my vote would depend upon some commitment on those points. There has to be a commitment to do those things.

Sherry O'Keefe: I will commit to doing that. I mean, it's just a matter of what I am hearing that the Zoning Commission wants me to do. I will comply with whatever the Zoning Commission wants me to do.

Eric Furnas: Let me... I just want to summarize as you begin your deliberations, the criteria and the language from the Special Use Permit and gather all the areas that you should examine when considering. A Special Use Permit is a use which needs to be provided in the County, but of its unique characteristics, is permitted only after review and approval of the Board of Adjustment. Special Uses are approved if the characteristics of the particular location are appropriate for the special use requested. Prior to the granting of any Special Use Permit, the Board of Adjustment shall determine the effect of the proposed use upon the character of the neighborhood, the adjoining property values, the adequacy of the County Road to handle the additional traffic, the potential traffic hazards, the impact on the water table, the handling of sewage waste and storm water runoff, the potential of increasing the base flood elevation and other matters relating to public safety, public health and general welfare. Prior to the granting of any Special Use Permit, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as is deemed necessary for the protection of public interest.

Janelle Spies: Are there any further questions?

Tom Harper: I have one question on your hours of operation. What is the earliest that you would operate and what is the latest?

Sherry O'Keefe: The earliest is 9 a.m. and the latest is 3 p.m. Now let me have one caveat, there is an option to do an evening program with limited numbers of kids and it would only one day perhaps. We are only thinking about doing it one day right now, and that would be from 7 p.m. to 10 at night.

Tom Harper: Can we put stipulations in the motion?

Eric Furnas: Prior to granting any Special Use Permit the board shall stipulation such conditions and stipulations upon an establishment that deems necessary for the public protection and interest. You can, I think it would be important for you to say for the record, you know, specific stipulations and the reasons. Like when

you make a motion to approve or deny, state the reasons why that you would find the Special Use Permit acceptable or not acceptable. But yes there is authority to make stipulations that you deem necessary.

Carol Schlueter: I think there's too many.

Janelle Spies: Yeah, I think there are too many stipulations to put in the motion.

Tom Harper: Well I will go ahead and make a motion that we grant the Special Use Permit for the applicant to operate a kids... children day camp on this property. I will stipulate the this can only be operated between the hours of 8 a.m. and 5 p.m. daily. Sewage, septic and water must be according to the Board of Health and Zoning Office. And it should have a more detailed plan on emergencies, both weather and non-weather events. That's it.

Janelle Spies: Is there a second to that motion?

Charles Clark: I would still like to see a fence involved. Keep these kids in ... some kind of a fence... fences are cheap. I would still like to see that stipulated.

Eric Furnas: Are you asking that Tom adds that as one of the stipulations to his original motion then?

Charles Clark: Yeah.

Tom Harper: Yeah, that's fine I will add the stipulation to make the property protected from adjoining properties.

Charles Clark: I'm not talking chain link ma'am, but proper fencing.

Janelle Spies: Okay, can I get a second on that motion?

Carol Schlueter: I'll second.

Janelle Spies: Okay, I will try to repeat this...a motion has been made and seconded to grant a Special Use Permit in order to permit the establishment and operation of a child's day care camp on this property with the following stipulations: That the operation would only be from 8 a.m. to 5 p.m. daily; approved sewage/ septic; a better and detailed emergency plan; and a fenced in property. I will take a roll call vote. Carol?

Carol Schlueter: Nay.

Janelle Spies: Charles?

Charles Clark: Until the improvements are made, I'm going to have to say no.

Janelle Spies: Tom.

Tom Harper: I'll say no.

Janelle Spies: And myself, I'm going to say no right now.

Tom Harper: If I could just say one thing, I think that this is a good project...but I'm just not sure that this is the property with the density out there, that this is the place to have it.

Janelle Spies: So the motion is declared denied. Aye (0) Nays (4) and Absent (Emily Geertz).

Sherry O'Keefe: Can I ask what I need to do to be able to move forward to meet the needs so that I can become zoned appropriately.

Carol Schlueter: Well I will reiterate what Tom just said, I don't think your property is suited for it. That's what I am thinking. So I don't think that there is anything that you can really do.

Sherry O'Keefe: So there is nothing that I can really do to make that happen?

Carol Schlueter: It's like I said, to me it's just the location of your property.

Charles Clark: There is a camp, if you will, out my way... it used to be a bible camp but now it's run by folks that have the gnat spray, and it's down my way. And I would take the time, ma'am, to go down there and visit it. It's off of Casey Avenue. It's been converted to a camp. Maybe Dixie or those folks might have more detail to tell you what it is.

Dixie Seitz: Yes, it's Cedar River Ranch off of Casey Avenue.

Eric Furnas: Yeah, I mean... it sounds like there are kind of two issues. There is a couple of board members that have some stipulations that may be acceptable but there are a couple of board members that really don't think that this is a good location, regardless of stipulations. That is what they are wrestling with. I mean, I don't know if you want anymore feedback. There are at least two that find this is not an acceptable location for this operation regardless of stipulations.

Carol Schlueter: I'm not say that I wouldn't change my mind, but like right now it's location. They would really have to do a lot on the property. I mean, definitely it has to be enclosed and I don't know if you could use other people's property. I mean, I don't know how you would enclose that if you are going to use other people's property. I don't know how you would keep kids secure. I'm worried about kids safety and that.

Sherry O'Keefe: Absolutely.

Carol Schlueter: Kids are kids, they are going to try and get away from a counselor.

Sherry O'Keefe: Okay, and I guess what I am asking is what do I need to do to make sure that I meet the needs that you see so that I can be approved in order to run this? And I will do whatever I need to do. I can show you whatever I need to show you. I would be happy to do that. But it is very difficult for me at this point to hear it's just not appropriate and given no more real direction.

Janelle Spies: I have a big concern with fugitive dust. I've been... from a work aspect, we've had fugitive dust issues, complaints are not fun to deal with. And the issue is very hard to mitigate. So I'm not sure how you would mitigate the fugitive dust problem. I'm concerned for your neighbors too. We'd start getting those complaints. You have a long lane and the whole road is that way. I think that there is just too much there to tree sap or to treat to combat that issue. That's one of my main issues too. And I don't know how you can fix that living on a gravel road.

Sherry O'Keefe: So if I am hearing you correctly, I am hearing you say that the dust issue is for you a non-mitigable issue. And the answer for you would be no regardless of what I do on my property?

Janelle Spies: I'm just saying, you get complaints and you fix it and then a week down the road it's dries again and the dust starts pouring again. Gravel road dust is hard to handle and I don't want to put that on the neighbors.

Tom Harper: Right, on the dust issue I'm just afraid... I know what's going to happen, you know, and the county engineer is going to just end up with a lot of calls and complaints and there's nothing that he can do about it.

Sherry O'Keefe: I did speak with the Peters and I addressed the dust issue, and their comments were ... we don't ever even pay attention to the dusts, but that's one neighbor. And, you know, I am back to ... what do I need to do to be able to get to a yes?

Janelle Spies: I just don't know that you can. I mean, if you can come back with solutions to all of these requests, you know, we can reconsider. But they have to be solutions to the things that we think can be handled.

Sherry O'Keefe: So let me work on, what would it take for me to get to a yes. Storm shelter? Perhaps a different sewage system or portapotties. A fence of some kind.

Carol Schlueter: Not a fence of some kind from me anyway, a secure fence.

Sherry O'Keefe: And what would be considered a secure fence?

Carol Schlueter: I don't know, I can't answer that. You need to go talk to someone else to plan because we have another case coming up.

Sherry O'Keefe: Okay, so a secure fence. And something about the dust. Okay.

Charles Clark: And plans including storm shelters, formalized.

Sherry O'Keefe: Actually we have one of those I just have not submitted that. Okay.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator