

Muscatine County Board of Supervisors
Monday, September 11, 2023

The Muscatine County Board of Supervisors met in regular session at 9:00 A.M. with Chick, Sauer and Sorensen present. Kirchner and Mather were absent. Chairperson Sauer presiding.

On a motion by Sorensen, second by Chick, the agenda was approved. Ayes: All.

On a motion by Sorensen, second by Chick, the Board approved claims dated September 11, 2023 in the amount of \$1,100,346.56.

On a motion by Sorensen, second by Chick, the Board approved the minutes of the August 28, 2023, regular meeting. Ayes: All.

Correspondence.

All Supervisors received several emails from residents regarding the proposed law enforcement training facility and shooting range.

All Supervisors received a call from Chad Holladay regarding the proposed law enforcement training facility and shooting range.

Committee & Meeting Reports:

Chick attended a Kick-off meeting for Iowa Housing Council held in Cedar Rapids, Iowa on September 5, 2023.

Chick attended a Greater Muscatine Chamber of Commerce meeting on September 6, 2023, held at Muscatine Power & Water.

On a motion by Sorensen, second by Chick, the Board authorized the Chair to sign an EDA grant extension request for the Muscatine Levee Improvement Project. Ayes: All.

On a motion by Sorensen, second by Chick, the Board approved a renewal agreement for HIPAA compliance services with Carosh Compliance Solutions in the amount of \$14,580.00. Ayes: All.

County Assessor Randy Spies stated he expects the Iowa Department of Revenue equalization order to order a 6% increase on property valuation on the following classes: Residential class and Multi-Residential class with dwellings on agriculture land included in the Residential class. The notice of the 6% increase will be published and postcard notices will be sent to all parcel owners in the named classes. Spies stated the postcard notices will be sent from the County Auditor and the Board should be aware of the publication, postage and printing cost the Auditor will incur. Spies stated the expected new property valuation rollback will change from 56% to 46%.

County Attorney Jim Barry stated the appraisal report on the 245th Street, Conesville, Iowa bridge project was received last week. The committee to review the report is scheduled to meet next week as a committee member is currently out of town.

County Auditor Tibe Vander Linden stated the Drainage District #13 (DD#13) Pump Project Special Tax Assessment notices were mailed to parcel owners on September 6, 2023. Vander Linden stated the Special Assessment tax payments are due September 2024, although payments can be made prior to that date. Questions regarding the Public Completion Hearing regarding the DD#13 Pump Project to be held on September 25, 2023, can be directed to Drainage District Chairperson, Rodd McNeal (notice of public hearing was included with the tax assessments). Questions regarding payments should be directed to the Muscatine County Treasurer. Parcel owners with assessments of over \$500 can set up a ten-year payment plan with the County Treasurer's office.

Jerry Carson, 2440 Edgewater Road, asked the Board to notify the property owners affected by the bridge project located at 245th Street, Conesville, Iowa, when the agenda states there will be discussion regarding the project.

Charlie Lewis, 112 Van Horne Street, stated he owns 29 acres directly behind the proposed law enforcement training and shooting range. Lewis stated the board minutes from May 22, 2023 stated there was a parcel of land to be considered for \$43,000 to share the cost between the city and the county and questioned where the property was located and if this was discussed in a closed meeting. Chick stated he did not recall discussion about purchasing property and will research the question. Lewis questioned a statement by Police Chief Tony Kies for the shooting range to be used exclusively for law enforcement mandatory training or if the statement made by Sheriff Quinn Riess at the last meeting, regarding deputies being allowed to shoot on their off-work time, would be included as part of the facility usage. Sorensen stated there have been a variety of training usage numbers stated, however he understood Sheriff Riess to state the mandatory certification training number to be 12-13 times per year and not all the trainings will involve outdoor shooting exercises. Sorensen stated the Board was not aware what land parcels were being considered until a formal real estate agreement was presented and preferred not to know the location until a proposed option agreement was reached. Chick stated he had a discussion with Kies, who stated trainings would occur approximately 30 times per year and Riess stated approximately 30-40 times per year at the last Board meeting. Lewis stated the reasons he purchased his property (located near the proposed shooting range) was recreation use and to possibly build a retirement home, as the property is back off the road and surrounded by farm ground where he assumed no construction would be built around it. Lewis stated his concerns with the closed meetings held to discuss the real estate purchase and the high CSR rating on the proposed land. Lewis stated he never thought a shooting range would be in his front yard. Chick stated according to Iowa Code the CSR rating is not a factor when considering land for a government property. Planning and Zoning Administrator Eric Furnas reviewed the Iowa Code regarding law enforcement facilities and stated CSR ratings are not a factor when considering property.

Aaron Steffens, 2528 150th Street, Moscow, Iowa, stated he owns property approximately ½ mile north of the proposed range. Steffens reported he sent an email to the Board members stating his concerns with the proposed purchase of the property and has had discussions with Board members last week. Steffens read the email he sent this morning, stating he is requesting the Board rescind their vote regarding the approval of the real estate purchase agreement for the proposed shooting

range or make another motion to not move forward on the purchase of the real estate. Steffens stated he believes the Board's job is to listen to county employees, law enforcement and the citizens of the county. Steffens stated he is requesting the Board listen to citizen's concerns which includes the shooting noise with 30-40 times per year for training, concerned that the Board did not want to know where the range would be located and noted Board members do not live near this location and he believes they would not want it in their backyard. Steffens stated he has four young children ranging in ages from 4-11 and his family spends times walking and hunting in the back timber near the Conservatory property, which is near the proposed shooting range. Steffens stated he is concerned with ricochet during shooting and possible accidents that could occur and would be a disaster for the county if a life was taken or changed. Steffens understands that law enforcement is safe, he has taught his children to respect authority but is still concerned with being able to walk his property and raise his family in the peaceful country property he resides on. Steffens stated he has known Sorensen for 15 years who has listened to him, as they have done business together and noted he voted for Sorensen. Steffens asked that he listen to his concerns and the citizen's concerns and asked Sorensen to rescind or make a motion to not proceed with the real estate purchase. Sorensen stated he does not intend to change his vote. Steffens stated he knows Kirchner, (who is not in attendance today) and believes he would not want this range in his backyard. Steffens addressed Sauer to state he has known him and believes he would not want this range near his home. Steffens stated he does not know Chick but voted for him as well as all the current supervisors. Steffens has respect for Chick for working at Grain Processing Corporation and with the comments Chick made in the past meeting. Steffens asked Chick to rescind his vote. County Attorney Jim Barry addressed the Board to recommend they do not comment on this request. Steffens continued to read his email to state he does not believe Mather would want this range in his backyard. Steffens stated his other concerns are with noise and lighting that will be installed if a facility is built.

Tim Maxwell, 1444 N. Isett Avenue, addressed the board stating he owns four dwellings directly north of the proposed shooting range. Maxwell stated he his family that owns property east of the site and he farms ground on all sides of the proposed site. Maxwell asked how \$21,000 per acre was decided for the land purchase agreement as he believes it is a high price. Chick stated two properties were reviewed and considered for purchase. Chick stated one landowner was approached however was not willing to sell. Chick stated a second landowner was approached and reached an agreement for \$21,000 per acre as the original negotiations were for a higher price per acre. Maxwell asked if the land was appraised as current farm ground average price is a little over \$11,000 per acre. Maxwell asked if the Board exceeded a funding amount, if the public would need to vote on a bond. Administrative Services Director, Nancy Schreiber stated a bonding process would be required if the county needed to borrow the money in the amount of \$900,000 or \$950,000, as the amount was recently increased from \$750,000 in the current fiscal year. Schreiber stated the counties portion of the land purchase is intended to be paid out of the county jail commissary funds. Maxwell questioned if the additional intended \$800,000 for the project would be taken out of the general fund. Sorensen stated the total funding for the project has not been determined as this is just the real estate purchase. Sorensen stated he is of the opinion that the Board would lobby for a bond once the project is in the construction phase allowing the general public to vote on a bond referendum which would occur during a general election. Sorensen stated he was not sure if the Board would have to bond but stated he would be a proponent of a bond referendum. Sorensen stated there has not been an Opinion of Cost presented to the Board for this project. Maxwell stated he anticipates the berms that will be

built on the site for training will be very costly. Maxwell asked if there are better sites that could be considered as there are 30 homes within the proposed area. Chick stated he believes the 30 homes are located one or more miles from the property. Maxwell questioned if there is a conflict of interest with Mather representing the seller with the real estate purchase. Sorensen stated the original engineering company commissioned to locate appropriate property for this type of purchase, was from out of town and was not selected by the board. Sorensen stated Mather has rescinded himself from the approval process of the real estate option to purchase. Sorensen stated that he intended in a prior statement when he said he didn't want to know where the property was located, (earlier in today's meeting), to explain that an out of town engineering company was the first part of the process, commissioned to prepare a study to recommend appropriate land for this type of purchase without input or a decision from the Board. Sorensen stated the process commissions the Zoning Commission to approve or decline the real estate option to purchase, as the next step in the process. Chick stated the funding for the real estate purchase will be from the county jail commissary funds, which is not tax payer funds. Chick stated going forward, he would recommend to continue to use the commissary funds and not tax payer money.

Laura Kramer, 1670 N. Mulberry Road, stated she believes the proposed shooting range is introducing a nuisance to the county. Kramer stated she is aware the CSR rating is not a consideration for this type of purchase, she believes the CSR rating (which is a high rating) should be considered as part of the Board's responsibility is to protect agricultural land in the county. Kramer stated there are century property owners in the area and the proposed range is unfair to them as they have worked hard to maintain their properties.

Kim Schneider, 1678 N. Isett Avenue, asked if the ground has been purchased. The Board responded to say no purchase has been made. Schneider asked how the process for considering a shooting range began and who paid for the engineering study to determine appropriate sites. Chick stated the Police Chief Tony Kies reached out to Sheriff Quinn Riess to discuss and present a facility and shooting range. Sorensen stated the engineering study to determine suitable property was a joint purchase with the city and county that started in 2019. Schneider asked if the process determines if a facility can be built on the proposed land. Sorensen stated the option to purchase includes contingencies to construct a facility. Schneider stated she believes the option to purchase and the proposed real estate has not been very transparent and the Board did not seem aware of the land area at the time of the vote to approve the option to purchase. Schneider stated she does not mean her statement in a negative way as she understands the process to purchase did not allow for the Board to be part of real estate selection, however she believes the board could have tabled their decision until more information on the real estate was researched. Schneider asked how the real estate process will continue and if a public hearing will be held. Furnas stated Iowa Code 657.9 states the real estate purchase is contingent on a required Zoning Commission public hearing and the commission's approval. Furnas stated the first public hearing was tabled and another public hearing will be held. Schneider stated she lives east of the Isaac Walton League shooting range and hears shooting until 10:00 p.m. Schneider she is the fourth generation to live on her property and stated the proposed range is one mile south of her property. Schneider expressed concerns with her property values decreasing if another shooting range is nearby. Schneider stated she is concerned with danger for her neighbors and questioned if there are nearby facilities available for training at 30-40 days per year, that does not cost the tax payers \$2,000,000. Chick stated the required training for law enforcement

is currently out of town or out of state that is costly and requires over-time hours to cover the absences. Chick stated law enforcement recently attended training in Colorado. Schneider stated she believes it would take a lot of overtime to incur \$2,000,000 in training costs and the maintenance of a facility will require tax payer money.

John Kramer, 1670 N. Mulberry Road, stated he lives 2.5 miles west of the proposed facility. Kramer requested the Board to reconvene and rescind the approval of the real estate property option to purchase. Kramer stated his concerns that the Board did not review the Zoning Commission real estate packet, visit the proposed real estate site or investigate the options more. Kramer stated his concerns with Muscatine law enforcement training as far away as Colorado is that Iowa should have a training facility for smaller cities like Muscatine. Kramer stated he did not receive any notification of the proposed facility. Kramer stated he lives approximately one mile from the Isaac Walton League shooting range and hears the shooting noise. Kramer supports the students that shoot at Isaac Walton and our law enforcement that need the required training. Kramer stated he is concerned for the safety of the livestock, safety of the children in the area and would like to understand why the facility has to be on a hard surface road. Kramer stated he feels the facility should be on a gravel road. Kramer expressed his concerns with the high CSR rating, possible lead contamination getting into the high-water table, heavy rains causing water run-off and the cost to abate the lead to prevent possible toxins. Kramer stated he is aware of three century farms in the area and commends the generations who have continued to farm during tough economies or government. Kramer stated his noise concerns as Isaac Walton League shooting range has shooting several times a week and also over Memorial Day weekend. Kramer stated the noise at his property is as loud as he is speaking today and is an average of three shots every 10 seconds on Tuesdays from 3:00 p.m. to 10:00 p.m. Kramer requested the Board rescind their decision and noted his concern of the lack of communication as he and others attending today were not aware of the proposed real estate purchase until after the Board's approval. Kramer asked the Board to reconsider their decision as the proposed land is close to homes with children and there are concerns with safety.

Dee Ann Reed, 2460 155th Street, questioned the Board why land on gravel roads was eliminated as a real estate site options and why mileage to the site was a determining factor. Reed stated she feels as long as the facility is in Muscatine County, the mileage should not have been a factor which may have allowed for additional sites to be considered as they may not have as many homes in the area as the proposed site. Reed questioned if there was industrial zoned ground, like in the Muscatine Power & Water, Kent Feeds and Grain Processing Corporation area, that could have been considered as it is surrounded by industry instead of homes. Chick stated there were approximately 13 property locations considered with only two property owners who would consider selling. Reed stated according to the packet presented by the Zoning Commission any municipality owned ground was withdrawn from consideration. Reed stated her concerns with properties that were eliminated without considering what was in the surrounding area.

Tim Maxwell asked the Board if the Frank Nelson property (which has been used in the past for law enforcement shooting range) was approached, to ask if the property could be purchased. Schreiber stated she believes Kies and Riess did ask the current private property owner to determine if the property could be purchased and it was determined the owner was not interested. Sorensen stated

law enforcement is currently using another property in Louisa County which has challenging problems with ricochet and safety. Maxwell asked why the Nelson family is not interested in selling. The Board consensus was that they did not know their reasons. Kramer asked the Board why they did not review the zoning commission packet before their vote. Chick stated the Board approved the purchase of the real estate, not the approval of the zoning.

Chad Holladay, 1571 N. Isett Avenue, stated in the prior board meeting, he asked Chick to table the vote due to the fact that the information the Board had was not accurate. Holladay stated Chick voted in favor of the option to purchase and stated he believed Chick did not do his job.

Furnas reviewed the process of obtaining property for a facility and shooting range. Furnas stated Iowa Code 657.9 language requires review and approval by the Zoning Commission and to hold a public hearing prior to their decision. Furnas stated at the upcoming public hearing, he anticipates a large comprehensive presentation by the Sheriff's Department, Police Chief and City Engineer who will thoroughly present the parcel process selection. Furnas stated because the Iowa Code charges the Zoning Commission with review and approval, it would be inappropriate for the Board to weigh in on the process and possibly create undue influence on the proposal for the Zoning Commission. Furnas stated the funding of the project is not a decision of the Zoning Commission but will be a Board of Supervisors decision. Furnas stated the public hearing will be held at a larger facility to accommodate the anticipated attendance, as the prior public hearing was tabled on September 8, 2023, due to the large attendance that could not fit in the Board room to fully hear the questions and answers. Furnas reviewed the Iowa Code subdivision requirements the Zoning Commission follows when splitting a parcel such as the proposed real estate parcel. Sorensen stated he read the concerns posed by residents about the Nature Conservancy located near the site, and depending on the funding mechanism to build the facility, the county is probably held to a higher standard than an average land owner. Sorensen stated if there is federal funding there will likely be an archeological study and nature species study. Sorensen stated if there is no federal funding there are Iowa standards. Sorensen stated a few years ago the Conservation Board proposed to have a public shooting range on FEMA property that the county owns in the Iron City Avenue area and the Zoning Commission rejected the proposal. Sorensen stated questions have been raised why the law enforcement shooting range could not be placed on the FEMA land but because of FEMA restrictions a permanent structure or berms cannot be placed on the land.

Steffens thanked Furnas for his explanation of the Zoning Commission and Board of Supervisors process for the shooting range project. Steffens stated his concerns of how the Board could vote on property they did not know much about. Chick stated the Board was following the process based on the engineering study recommendations and part of the Board's job is to protect the community and our law enforcement.

Holladay stated he is for the training facility and shooting range and supports our law enforcement but asked that the property be located somewhere else in the county. Holladay stated if the county would have advertised to pay \$21,000 per acre for property, he believes there would potentially have been interest to sell from additional property owners.

Kramer stated the Zoning Commission packet shows 74 sites were considered. Kramer stated he believes other sites could have been reviewed and considered as options. Furnas stated if the Board became involved in the decision of proposed real estate, they could be unduly influencing the process.

The Board stated the real estate purchase option was made available to them in the Board packet presented on Friday, August 25, 2023, prior to the August 28, 2023 Board meeting. Discussion was held with the Board regarding the importance of the law enforcement training facility, investigating industrial ground sites and the possible use of the current Isaac Walton League shooting range. Sauer questioned if the Isaac Walton League shooting range could be investigated to be an option. Steffens stated he agrees with using Isaac Walton range, as their shooting range was there when he bought his property.

Sorensen stated public safety is the number one role in our community and government. Kramer questioned if there could be an outreach to Iowa Governor Kim Reynolds to have a statewide facility for law enforcement training. Chick stated a statewide facility could be a challenge with scheduling. Kramer stated he is a volunteer fire fighter for Bayer Corporation and has attended Texas A & M training facility, that holds numerous types of training. Kramer stated his experience at the Texas facility is why he questions if a statewide facility could be offered.

Laura Kramer stated her concerns with the price of the proposed real estate and government purchases and stated government purchase options should follow Fair and Reasonable Pricing (FAR) standards.

Further discussion was held with the Board regarding the different types of law enforcement mandatory trainings and if the facility would be used to offer trainings for other departments. Sorensen stated the questions regarding training schedules should be asked due the Zoning Commission public hearing.

The meeting was adjourned at 10:26 A.M.

ATTEST:

Cathy Ribbink
Elections/Real Estate Administrator

Scott Sauer, Chairperson
Board of Supervisors