

Muscatine County Board of Supervisors
Monday, July 7, 2014

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

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

On a motion by Sorensen, second by Kelly, claims dated July 7, 2014 were approved in the amount of \$323,482.52. Ayes: All.

Discussion was held with Steve Kundel, Attorney for Iglesia Emanuel Independiente Church a/k/a Iglesia Emanuel AIC Church, regarding a request from the church to release and rescind Tax Sale Certificates for parcel numbers 08-25-356-001, 08-25-354-010 and 08-36-102-003. Kundel stated that the County lost contact with the church several years ago, so the three parcels were placed on the tax rolls in 2009. The parcels went to tax sale and the County currently holds the Tax Sale Certificates on parcel numbers 08-25-356-001 and 08-25-354-010, but Oak Helm Partners held the Tax Sale Certificate on parcel number 08-36-102-003 and had requested the Treasurer's Office record the Tax Sale Deed. The Treasurer's Office recorded the Tax Sale Deed last week. Kundel stated the County has no authority to undo the parcel deeded to Oak Helm Partners but the other two certificates could be rescinded by the County. Silvia Trejo, 45 Gas Lantern Square, Muscatine, stated that she talked to Oak Helm Partners July 2nd about getting the property back from them as her church has been renting the building. County Assessor Dale McCrea stated that if the property was rented for a minimal amount, it would not be taxable, but if rented out at market rate, then it would be taxable. McCrea stated that the Assessor's Office tried to contact the person on the Articles of Incorporation papers and never received any response. McCrea stated the Assessor's Office also mailed notices to 1112 Fillmore, Muscatine, but they came back unable to forward with vacant stamped on the envelope. Zybarth stated the Tax Sale Certificates were mailed to 1112 Fillmore, Muscatine. Gail Duenez, 203 E 6th St, Muscatine, stated her church has activities there every day except Friday and Saturday. Duenez stated they have been renting the church for 7 years from Roberto Garcia. Roberto Garcia, 314 Gilbert St., Muscatine, spoke to the Board through translator Marivel Gayton, 302 Finkbine Lane, Unit 6, Iowa City. Gayton stated that Garcia has been a pastor for the church since 1983 and it has always been active, but he holds services at different hours than the church that is renting the building. Gayton stated that Garcia did not get the mail because there is no mailbox at the church and the letter sent to the person listed in the Articles of Incorporation was not forwarded to him because that person has left the church. Angela Santos, 406 Park Avenue, Unit 1, Muscatine, stated they never tried to take this property from Garcia, but they have had no communication from him so they contacted Oak Helm Partners to make sure they would have somewhere to worship. Kundel stated Oak Helm Partners is a Davenport group of investors that regularly buy Tax Sale Certificates in Muscatine County. First Deputy Treasurer Amy Zybarth stated that the payoff for the property held by Oak Helm Partners

is approximately \$19,000 including taxes, interest and penalties. Zybarth stated all of these parcels have had several notices every year. Zybarth stated the base amount of taxes on the two Tax Sale Certificates held by the County is \$1,114 plus \$595 interest and penalty for a total of \$1,709. Kundel stated he is hoping to work out an arrangement with Oak Helm Partners on the parcel they own. Zybarth stated the Board could forgive the interest and penalties on the two tax sales held by the County, but she would not suggest forgiving the tax because the third parcel deeded to Oak Helm Partners is still being taxed. Howard stated he would like more information from staff regarding any previous action the Board has taken with other churches. Alejandro Huesca, 1210 Park Avenue, Muscatine, spoke to the Board through translator Joaquin Villalpando, 730 Lake Park Boulevard, Muscatine. Villalpando stated that Huesca is the Pastor for the church that has rented the building and paid the utilities for the past seven years. Villalpando stated there are two churches that are active there, but Huesca's church pays for all of the utilities. Howard stated that is a civil matter and the Board of Supervisors have no jurisdiction over that. Villalpando stated Huesca is not sure who they should be paying rent to at this time or whether they can stay there. Kundel stated Oak Helm Partners only owns half the building, so they cannot just show up and evict anyone without going through the legal process. Trejo stated Oak Helm Partners told them not to pay rent to Garcia any more. Gayton stated Garcia said he is trying to get the property back. Duenez stated they are paying \$600 per month plus utilities for rent. McCrea stated that would be considered market rent and render the property taxable as a business. Board consensus was to get feedback on precedence from staff and wait for Kundel to come back after resolving the issue with Oak Helm Partners.

County Engineer Keith White updated the Board on secondary road projects and flooding.

On a motion by Kelly, second by Sorensen, the Board accepted the Muscatine County Civil Department – Sheriff's Office Reports of Fees Collected for the quarter ending June 30, 2014 in the amount of \$27,875.17. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board accepted the Muscatine County Treasurer's Report of Fees Collected for the quarter ending June 30, 2014 in the amount of \$135,468.49. Ayes: All.

On a motion by Kelly, second by Sorensen, the Board accepted the Muscatine County Auditor's Report of Fees Collected for the quarter ending June 30, 2014 in the amount of \$1,795.00. Ayes: All.

On a motion by Sauer, second by Sorensen, minutes of the Monday, June 30, 2014 regular meeting were approved as written. Ayes: All.

Correspondence:

Sauer received a call regarding a road issue.

Howard received several calls regarding road conditions.

All Supervisors received the letter regarding Iglesia Emanuel AIC Church.

Committee Reports:

Kelly attended a Muscatine Community Health Association meeting July 2nd.

On a motion by Sorensen, second by Kelly, the Board accepted a notice of withdrawal of property from an Agricultural Area. Ayes: All.

On a motion by Kelly, second by Sorensen, the Board accepted the June 2014 payroll claims. Ayes: All.

The Board reviewed the health/dental fund balance as of June 30, 2014.

Sauer asked residents to attend and support the Muscatine County Fair July 16th – 20th. Kelly stated the Fair Parade is July 13th.

The meeting was adjourned at 10:25 A.M.

ATTEST:

Susan J. O'Donnell
Second Deputy Auditor

Robert E. Howard, Chairperson
Board of Supervisors