

Muscatine County Board of Supervisors  
Monday, December 14, 2015

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

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

A Public Hearing was called to order by Chairperson Kelly at 9:01 A.M. on a request from W. Tyrone or Josephine M. Collins, Record Owners, by Joseph A. Polaschek, Attorney, to rezone approximately 45 acres of property located in Fulton Township from A-1 Agricultural District to R-1 Residential District. Planning and Zoning Administrator Eric Furnas stated the Zoning Commission held a public hearing for this request, but the Record Owners or their representative did not attend so the Zoning Commission would not consider the request. Polaschek stated he missed the Zoning Commission meeting because he forgot to put it on his calendar so he is coming before the Board of Supervisors to make the request. Polaschek stated the 45 acres is completely wooded with one residence and a couple of outbuildings. Polaschek stated the owner would like to build a new home on the property for herself with the daughter and son-in-law moving into the existing residence. Polaschek stated Collins would be agreeable to a restriction that would just allow the one additional single family home. Kelly asked why not just rezone a piece of the parcel. Furnas stated the Zoning Commission typically entertains application for full parcels. Furnas stated the parcel would still have to be subdivided to allow the second residence. Gallard Krewer, 3781 Hwy 61, stated he does not oppose the addition of one more house, but if the rezoning would allow a large subdivision on the property, then he has a problem with it. Judy Minnick, 3782 Hwy 61, stated her objection is the same as Gallard's and she does not understand why the property has to be rezoned. Minnick stated she is agreeable to one more house, but would like it done some way other than rezoning. Furnas stated due to setbacks and separation distances the Board of Adjustment will not approve a special use permit to add the second home. Furnas stated the only other option would be to only rezone the parcel that the new house will be built on and approve a one-lot subdivision. County Engineer Keith White pointed out that the County has a required separation distance on driveways although no new driveways are being proposed in this situation. Bonebrake stated he feels an owner should be able to do more than what the law allows in some cases, but the laws are to protect farmers and there are livestock facilities in that area. Bonebrake stated he is on their side and wants them to be able to build a house on the property, but he does not want to see the whole 45 acres rezoned to residential. Josie Collins, 3762 153<sup>rd</sup> Street, stated the original plan was to build a new home and tear down the old home, but then her husband died and she wants to keep the old home for her daughter and son-in-law to live nearby to assist her. Kelly asked for Furnas' recommendation. Furnas stated if the Board wants to accommodate their request, then his recommendation would be to allow rezoning of the particular parcel on which the home is proposed and then only allow a two-lot subdivision on that parcel for the existing home and the new home. Bonebrake and Sauer oppose rezoning the entire parcel. Furnas stated they could also come back with the drawings that would split off just what is needed for the new house and then rezone that portion rather than the whole parcel. On a motion by Sorensen, second by Sauer, the public hearing was closed at 9:44 A.M. Roll call vote: Ayes: All.

Board consensus is that they are not interested in rezoning the whole parcel. Furnas will work with the owners and their attorney to determine how much to split off for the houses and come back for rezoning of just the new parcel on which the houses will reside. On a motion by Howard, second by Sorensen, the Board tabled the rezoning of approximately 45 acres of property located in Fulton Township from A-1 Agricultural District to R-1 Residential District until the Board receives a revised request. Ayes: All.

A Public Hearing was called to order at 9:50 A.M. by Chairperson Kelly on a request to amend Zoning Ordinance Chapter 2, Article III, Section 2.9. Planning and Zoning Administrator Eric Furnas explained this amendment deals with the provisions for splitting existing farmhouses built after 1987 from farms. Furnas stated the Zoning Commission felt the requirements of Restrictive Covenants is redundant and unnecessary since the County already has provisions under its A-1 Zoning District which limits the conditions under which you can build a house. Furnas stated the Zoning Commission also recommended changing the wording to accommodate any house at least five years old. No one spoke against the proposed amendment. On a motion by Sorensen, second by Sauer, the public hearing was closed at 9:55 A.M. Roll call vote: Ayes: All.

Howard asked Furnas how the amended ordinance would safeguard from house flipping. Furnas stated other Counties do not require restrictive covenants, nor do they impose age restrictions. Bonebrake stated he would like to see the parcels be 5 acres so that the outbuildings have to go with the farmhouse. Furnas stated most of the farmers want to sell the house, but keep the outbuildings. Bonebrake stated he does not think 5 years is a deterrent for flipping buildings. Kelly stated she is not interested in increasing it to 5 acres, but she is agreeable to a longer time period. On a motion by Sorensen, second by Bonebrake, the Board approved an ordinance amending Zoning Ordinance Chapter 2, Article III, Section 2.9 that removes the restrictive covenant requirements and changes the wording to allow splitting off farmhouses at least ten years old on the first of three readings. Roll call vote: Ayes: All.

The Board reviewed a Special Use Permit granted by the Board of Adjustment on November 13, 2015: Case #15-11-01 is an application filed by Brown Brothers LLC, Record Owners and Mark Brown, Proposed Builder. This property is located in Moscow Township, North of 122<sup>nd</sup> street, in the NE $\frac{1}{4}$  of Section 14-T78N-R2W, containing approximately 74 acres, and is zoned A-1 Agricultural District. This request would allow the Zoning Administrator to issue a Special Use Permit in order for Mark Brown to split off at least one acre and build a rural residence on this property after a Restrictive Covenant had been signed in April 2015. The Board of Adjustment approved this request.

Discussion was held with County Sheriff C.J. Ryan regarding his request to increase the Muscatine County Jail Receptionist from part-time to full-time due to an increase in gun permit renewals and scanning traffic citations into the EDMS system. Ryan stated discussion when the employee was hired, was to develop a plan to transition the position to full-time in December 2015. Ryan stated 1,673 gun permits will be up for renewal in 2016. Kelly asked why the officers are not entering their citations into the EDMS system directly. Ryan stated the officers write paper tickets because in order for the officers to do it, costly scanners and bar code readers would need to be placed in every vehicle. Ryan also stated if there are issues with scanning the

citations, the clerical person is better able to handle them. On a motion by Sorensen, second by Bonebrake, the Board authorized the Muscatine County Jail Receptionist position to increase from part-time to full-time effective December 28, 2015. Ayes: All.

Sheriff Ryan stated the he is in favor of the upgraded radios being proposed later in the meeting.

On a motion by Sorensen, second by Sauer, the Board approved a Jurisdiction Agreement with the Iowa DOT regarding the installation and maintenance of Iowa Great River Road (IGRR) signage on county roads. Ayes: All.

County Engineer Keith White stated with regards to splitting off farmhouses, a common circumstance is that once the farmhouse is sold, the new property owner does not want the farmer to drive through the property to access his outbuildings, so the farmer wants an access close to the house's access which violates the spacing of the entrances.

White stated the City of Fruitland has indicated interest in joining with the County's street project. Howard stated it is a great idea for both the County and City of Fruitland, but if we incur additional costs through engineering, then Fruitland should be charged for that. Board consensus was for White to develop a 28E Agreement between Muscatine County and the City of Fruitland for future Board and Council approval.

Sauer asked White how the County roads are holding up with the traffic due to numerous amounts of manure applications which are currently happening. Sauer stated the public needs to be aware of the potential danger of these roads as they are slick as ice because of the mud distributed to these roads from the manure application equipment. White stated mud gets tracked on the road and some companies are better at cleaning up than others, but there is still some left to make the roads slick. White stated any temporary repairs made in the last few weeks are gone this morning after this weekend's heavy rainfall and the Secondary Roads crew cannot keep up with Mother Nature.

Discussion was held with Emergency Communication and Emergency Management Director Matt Shook regarding a change order to address price differential for exchanging 42 single band radios for 42 dual band radios in order for the County to be able to communicate with Cedar County who recently went with P25 VHF conventional radios. On a motion by Sorensen, second by Bonebrake, the Board approved Change Order #2 in the amount of \$36,960 to address the price differential for exchanging 42 APX6500 Mobile Radio units for 42 APX7500 Mobile Radio units. Ayes: All.

On a motion by Howard, second by Sorensen, minutes of the December 7, 2015 regular meeting were approved as written. Ayes: All.

No correspondence was noted.

#### Committee Reports:

Kelly attended a Seventh Judicial District meeting December 11<sup>th</sup>.

Howard attended a Fruitland City Council meeting December 8<sup>th</sup>.

On a motion by Sorensen, second by Howard, the Board approved an education reimbursement request. Ayes: All.

The Board reviewed the health/dental fund balance as of November 30, 2015.

The Board held on-going in depth discussion of County owned buildings and property. Administrative Services Director Nancy Schreiber presented draft parcels lines for lots for the DHS Building and Optimae Building for Board review. Schreiber stated that the DHS lot is 2.96 acres and the Optimae lot is 5.07 acres. Kelly clarified that the Barn and Cottage are not part of the surplus County property. On a motion by Sorensen, second by Bonebrake, the Board declared the DHS Building and Optimae Building as surplus County property. Ayes: All. The Board by consensus directed Administrative Services Director Nancy Schreiber to develop a request for qualifications in order to give all realtors a chance at listing these properties.

The meeting was adjourned at 11:15 A.M.

ATTEST:

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Leslie A. Soule, County Auditor

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Kas Kelly, Chairperson  
Board of Supervisors