

Muscatine County Board of Supervisors  
Monday, October 31, 2016

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

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

A Public Hearing was called to order by Chairperson Sorensen at 9:02 A.M. on a request from Jeffrey A. or Pamela R. Turkle, Record Owners, to rezone approximately .39 acres of property located in Fulton Township from A-1 Agricultural District to I-1 Light Industrial District. Planning and Zoning Administrator Eric Furnas stated this property is located in Fulton Township, South of the Iowa Interstate Railroad, West of Vine Avenue, adjacent to the City of Stockton, in the NE1/4 of Section 5-T78N-R1E. Furnas stated the property is a tree service that recycles trees by sawing the trees with a recreational sawmill. Furnas stated the operation is not a full scale sawmill, but more like a lumber yard. In response to Howard, Furnas stated County Attorney Alan Ostergren does not feel conditional rezoning should be done because of enforcement issues. Furnas stated a variance may be another viable possibility. Mark Brockway, Brockway Land Planning Associates, stated it is not an agricultural property so agricultural zoning is not the appropriate classification. Brockway stated there have been concerns regarding open burning and hours of operation so he presented a document stating Jeff and Pam Turkle are proposing the following conditions be applied to the rezoning: 1. No open burning will be permitted on-site. 2. Hours of operation will be limited to 7:00 AM to 8:00 PM. 3. This operation and use will be subject to an annual review by the County to ensure continued compliance and functioning as a good neighbor in the Stockton Community. Dennis Holmes, 109 Commerce Street, Stockton, IA, stated he is not in favor of the rezoning because Turkle has broken the law with illegal burning and Holmes feels he should not be rewarded for breaking the law. Jeff Turkle, 3601 135<sup>th</sup> Street, Stockton, stated there were complaints four years ago and the DNR wrote him up for some burned logs that were not his. Turkle stated he was told he could burn as long as it was recreational. Turkle stated the complaints started again recently and Zoning Administrator Eric Furnas came out and made a judgement that he was open burning. Turkle stated he would have to go to court to contest the judgement. Sauer asked Turkle how he will discard excess material in the future that he used to burn. Turkle stated he will take it to an area mulch plant or to a local chiropractor who uses a wood burning stove in three houses. In response to Bonebrake, Furnas stated they had 8 – 12 written complaints about the open burning. Furnas stated he contacted Department of Natural Resources, who initially ruled it recreational, but when he visited the site an employee was putting wood on a large fire and Mr. Turkle was not present at the time which is why he made the determination that it was not recreational. Wendy Fletcher, 110 Commerce Street, Stockton, IA, stated she is against the rezoning because in May 2012 Turkle was told to cease all burning and has burned ever since. Fletcher stated the last fire created a lot of smoke and left ashes on her vehicle in her driveway. Fletcher stated she has asthma and her house filled up with smoke all weekend causing her asthma to act up. In response to Bonebrake, Fletcher stated she called the fire department because the fire was out of control and the fire was within ¼ mile of a residence. Kelly asked what other reason she has for not wanting it rezoned. Fletcher does not want it rezoned because she does not want them rewarded for blatantly burning for four years when they were told not to. Howard stated the

Turkle's have set an example by saying they are going to do one thing and then they doing something else. Howard stated he is not in favor of rezoning but would consider a variance. Furnas stated the burning issue is put to rest whether this is rezoned or not because Turkle has confirmed there will be no burning recreational or otherwise. Furnas stated once property is rezoned, the County does not have a lot of control, but a variance would allow a very specific use and could be revoked if violations continue. Bonebrake stated he agrees with Howard that a variance would be better. Kelly agreed a variance would be more beneficial. Brockway stated the Board of Adjustment could refuse a variance and the Turkle's would have a useless property. Brockway stated they went for rezoning because it has been nonconforming use for over 100 years and could never be used for agricultural purposes. Furnas stated the property has low agricultural potential but that does not necessarily mean it has good industrial potential and he does not feel there has been continual nonconforming use for 100 years. On a motion by Kelly, second by Howard, the public hearing was closed at 9:50 A.M. Roll call vote: Ayes: All. The proposed rezoning died for lack of a motion.

On a motion by Kelly, second by Sauer, the following utility permits were approved: CenturyLink – place equipment and fiber in the right of way at the intersection of Iron City Avenue and Hwy 22. Ayes: All.

County Engineer Keith White updated the Board on secondary roads construction projects.

On a motion by Howard, second by Bonebrake, minutes of the October 24, 2016 regular meeting were approved as written. Ayes: All.

Correspondence:

Sauer reported several calls regarding recent flooding on Iron City Avenue.

Kelly reported an email from Mr. Cargill on 180<sup>th</sup> Street complaining about four wheelers making noise because they are driving them after midnight.

Committee Reports:

Howard attended a Milestones Area Agency on Aging meeting October 25<sup>th</sup>.

Kelly attended a Bi-State Regional 50<sup>th</sup> Anniversary meeting October 26<sup>th</sup>.

Kelly attended a Seventh Judicial District meeting October 27<sup>th</sup>.

Sorensen attended a West Liberty Economic Area Development meeting October 27<sup>th</sup>.

Sorensen attended an Emergency Food and Shelter Program meeting October 26<sup>th</sup>.

Sauer attended a Muscatine County Fair Board meeting October 25<sup>th</sup>.

On a motion by Kelly, second by Sauer, the Board approved a bid from Sulzberger Excavating, Inc. in the amount of \$29,500 for demolition of a building located at 112 E. 4<sup>th</sup> Street, Muscatine, IA. Ayes: All.

On a motion by Bonebrake, second by Kelly, the Board adopted the following 2017 Holiday Schedule for Muscatine County. Roll call vote: Ayes: All.

HOLIDAY  
New Year's Day

DAY OF OBSERVANCE  
Monday, January 2, 2017

Memorial Day	Monday, May 29, 2017
Independence Day	Tuesday, July 4, 2017
Labor Day	Monday, September 4, 2017
Veterans' Day	Friday, November 10, 2017
Thanksgiving	Thursday, November 23, 2017
Day after Thanksgiving	Friday, November 24, 2017
Christmas	Monday, December 25, 2017

In addition to the holidays enumerated above, staff is granted three unscheduled holidays (personal days) to be used in 2017.

On a motion by Kelly, second by Sauer, the Board accepted the October 2016 payroll claims.  
Ayes: All.

Budget Coordinator Sherry Seright stated General Services Supervisor Oscar Alvarez is getting estimates to remove four ash trees on the Third Street side of the Courthouse. Seright stated an oak tree will be planted this Fall in memory of former County employee Stu Willits with money collected from County employees and friends of Stu. Seright stated they will possibly plant another tree in the Spring. Bonebrake stated he does not want to see ash trees removed if they show no signs of the ash bore disease. Seright stated the four trees being removed have had a lot of dead branches and do not look very healthy. Seright stated branches fall off of one leaning over the sidewalk and cars. Sauer stated he likes the color of maples and hackberry trees better in the Fall.

The meeting was adjourned at 10:31 A.M.

ATTEST:

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Betty L. Wamback  
First Deputy Auditor

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Jeff Sorensen, Chairperson  
Board of Supervisors