

Muscatine County Board of Supervisors
Monday, May 16, 2022

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

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

On a motion by Sorensen, second by Holliday, claims dated May 16, 2022 were approved in the amount of \$2,537,134.64. Ayes: All.

A Public Hearing was called to order by Chairperson Sauer at 9:02 A.M. on proposed road vacations. County Engineer Keith White stated the proposed Resolution #05-16-22-01 Approving a Request to Vacate and Close Bancroft Avenue in Waspsinoc Township is a dirt road and he has received a request from the landowners to close the road. White stated he received a letter from Eastern Iowa Light and Power Cooperative stating there are no facilities in the area and they have no objections to the Bancroft Avenue closing. Neil Berger, parcel owner of 1061 120th Street, West Liberty, Iowa, stated his concerns if the dirt road remains open, as the risks are vehicles stuck in the mud and vehicle accidents due to poor visibility with the hilly terrain. Jason Dumont, landowner on the west side of Bancroft Avenue in Waspsinoc Township stated he is part of the group of landowners who signed the petition requesting to close Bancroft Avenue. Dumont stated the dirt road is in poor condition and delivery drivers and other vehicles travel the road regularly and have gotten stuck in the mud and/or snow. Dumont stated there are blind sites near Highway 6 which is dangerous when drivers enter the road and determine the poor road conditions and they back up their vehicle to re-enter Highway 6. Dumont stated the road has also been used for trash disposal and mud racing. Dumont stated the signed landowner agreement states the road will have signage and gates installed at both ends of the road stating "Private Road - Dead End" which will only allow the landowners to access the road for farming and entering their land. Dumont stated there is a forced main gas line on the west side of the road and fiber optic lines down the middle of the road so farming or a fence row in that area is not planned by the current landowners.

White reviewed Resolution #05-16-22-02 Approving a Request to Vacate and Close an Un-Named Road in Lake Township stating he has received a request from the landowners to vacate the road. Vance Conway, 1951 Bayfield Road, Muscatine, Iowa stated he is in favor of closing the road as he has presented his concerns to the Board within the past two years. Conway stated he has experienced hunters using the road with shots fired in various directions which is dangerous to the landowners.

On a motion by Sorensen, second by Holliday the Public Hearing was closed at 9:14 A.M. Roll Call Vote. Ayes: All.

On a motion by Sorensen, second by Holliday, the Board approved Resolution #05-16-22-01 Approving a Request to Vacate and Close Bancroft Avenue in Waspsinoc Township. Roll Call Vote: Ayes: All.

RESOLUTION #05-16-22-01
APPROVING A REQUEST TO VACATE AND CLOSE BANCROFT AVENUE IN
WASPSINONOC TOWNSHIP

WHEREAS, the Muscatine County Board of Supervisors held a public hearing at 9:00 a.m. on May 16, 2022, on the proposed vacation and closure of Bancroft Avenue in Waspsinonoc Township, described as follows:

All of an existing roadway easement, originally established Birketts Road (currently named Bancroft Avenue), recorded in Establishment Record Book "PB", Page 290, in the Office of the Muscatine County Engineer, 50 feet wide over a parcel of land located in the East Half of Sections 6 and 7, Township 78 North, Range 4 West, of the 5th Principal Meridian, Muscatine County, Iowa, the centerline of which is described as follows:

The west line of the East 330 feet of Sections 6 and 7, Township 78 North, Range 4 West, of the 5th Principal Meridian, Muscatine County, Iowa, which lies southerly of the southerly right of way line of U.S. Highway 6 and northerly of the northerly right of way line of 120th Street. The sidelines of said 50-foot easement to be extended or shortened to meet at angle points and to terminate at the southerly right of way line of U.S. Highway 6 and northerly right of way line of 120th Street.

Said easement contains 7.80 acres, more or less, and is subject to all easements and other restrictions of record.

and;

WHEREAS, information received at the hearing has been considered by the Muscatine County Board of Supervisors.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Muscatine County Board of Supervisors that the request to vacate and close the above described roadway be approved.

PASSED AND APPROVED this 16th day of May, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Scott Sauer, Chair
Muscatine County Board of Supervisors

On a motion by Saucedo, second by Sorensen, the Board approved Resolution #05-16-22-02 Approving a Request to Vacate and Close an Un-Named Road in Lake Township. Roll Call Vote: Ayes: All.

RESOLUTION #05-16-22-02
APPROVING A REQUEST TO VACATE AND CLOSE AN UN-NAMED ROAD IN
LAKE TOWNSHIP

WHEREAS, the Muscatine County Board of Supervisors held a public hearing at 9:00 a.m. on May 16, 2022, on the proposed vacation and closure of an un-named road in Lake Township, described as follows:

All of an existing roadway easement, originally established Hopper's Relocation of part of Dickinson Road (currently an un-named secondary road), recorded in Establishment Record Book "B", Page 68, in the Office of the Muscatine County Engineer, 66 feet wide over a parcel of land located in part of the South One-Half of Section 15, Township 77 North, Range 3 West, of the 5th Principal Meridian, Muscatine County, Iowa, the centerline of which is described as follows:

Commencing at the South Quarter Corner of Section 15, Township 77 North, Range 3 West, of the 5th Principal Meridian, Muscatine County, Iowa; thence north 33.00 feet along the quarter section line of said Section 15 to the north right of way line of Bayfield Road and Point of Beginning; thence continuing north 627 feet along said quarter section line to the end of the roadway as established in said record book. The sidelines of said 66-foot easement to be extended or shortened to meet at angle points and to terminate at the north right of way line of Bayfield Road and the end of the roadway as established.

Said easement contains 0.95 acres, more or less, and is subject to all easements and other restrictions of record.

and;

WHEREAS, information received at the hearing has been considered by the Muscatine County Board of Supervisors.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Muscatine County Board of Supervisors that the request to vacate and close the above described roadway be approved.

PASSED AND APPROVED this 16th day of May, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Scott Sauer, Chair
Muscatine County Board of Supervisors

Mike Nolan of Horizon Architecture and Lynn Pruitt, Muscatine County Historic Preservation member presented the design documents for the Historic Jail Renovation Project - Phase 2 Building Remodel Project. Nolan stated the Muscatine County Historic Jail Phase 2 Project is to renovate and restore the back area of the building, formerly the old maintenance garage, to gut

the space, insulate and drywall, open space for a community meeting room, offices, restrooms, kitchenette and a janitor closet. Nolan stated there is no requirement for sprinklers as the Phase 2 area has an occupancy area of less than 100. Nolan stated the exterior improvements to the building will include an accessible entrance in the back of the building. Nolan stated the project will tie into the existing geo thermal system and the plans and specifications have been approved by the State Historic Preservation Officer (SHIPO). Nolan stated the Phase 2 renovation project will be on hold until the Muscatine County Historic Preservation Commission has raised the funds for the project and at that time the project will go out for competitive bid process. Pruitt stated the design documents were funded by a CLG Grant. Pruitt stated the proposed community meeting room has the potential as a public rental use area and for the Muscatine County Historic Preservation Commission to hold meetings and fundraising events. Pruitt stated the county will control the use of the public space area. Pruitt stated the Muscatine County Historic Preservation has applied for a grant for the construction costs and are interested in applying for the American Rescue Plan Act (ARPA) if additional funding is available. Administrative Services Director Nancy Schreiber stated the County has not received the second allocation of ARPA funds. Schreiber stated the Board will decide on the ARPA funding process if the funds are received.

Pruitt stated the Historic Country Schools and Churches project has placed 11 of the 16 signs in Pike Township. Pruitt stated the Historic Country Schools and Churches books are available for purchase at \$25 each with 90 books sold for a profit of \$500.00. Pruitt stated the book sales help to fund the cost of the signs.

On a motion by Sorensen, second by Mather, the Board authorized the Sheriff to execute a 2022 High Intensity Drug Trafficking Area (HIDTA) Sub Award Recipient Agreement and related documents in the amount of \$73,305.00. Ayes: All.

On a motion by Sorensen, second by Holliday, the Board authorized a Commissary/Food Service Worker position for the Muscatine County Jail. Administrative Services Director Nancy Schreiber stated the authorization will allow her to proceed with adding this position to the department and to negotiate with the union for the salary grade. Schreiber stated the position will be 100% funded by commissary funds and the position may assist as a food service worker when needed due to staffing issues. Ayes: All.

County Engineer Keith White presented the following bids for Hot Mix Asphalt resurfacing on portions of Bayfield Road, North Isett Avenue, 112th Street and 102nd Street with award base bid and alternate bid items 2: Manatt's, Inc. - \$1,936,042.50; InRoads, LLC - \$1,986,668.10; and Brandt Construction Co. & Subsidiary - \$2,459,341.65. On a motion by Sorensen, second by Holliday, the Board accepted a bid for Hot Mix Asphalt resurfacing on portions of Bayfield Road, North Isett Avenue, 112th Street and 102nd Street from Manatt's Inc. with alternate bid item 2 in the amount of \$1,936,042.50

On a motion by Sorensen, second by Holliday, the Board approved Resolution #05-16-22-03 Setting a Public Hearing for Proposed Road Vacations. Roll Call vote: Ayes: All.

**RESOLUTION FOR #05-16-22-03
SETTING A PUBLIC HEARING ON PROPOSED ROAD VACATIONS**

WHEREAS, a request (or petition, or a memorandum from the County Engineer) has been filed with the Muscatine County Board of Supervisors (or County Engineer) asking that action be taken to vacate and close (or to vacate and clear the record, if it was not open to traffic) sections of Muscatine County Secondary Roads, described as follows:

Mound Avenue in Lake Township

All of an existing roadway easement, originally established William H. Hazletts Road (currently named Mound Avenue), recorded in Establishment Record Book "A", Page 158, in the Office of the Muscatine County Engineer and Easements for Public Highway recorded in Book 111 Page 100, Book 178 Page 1095, and Book 179 Page 622, in the Office of the Muscatine County Recorder, of varied width, over a parcel of land located adjacent to the East Line of the Northeast Quarter of Section 25, Township 77 North, Range 3 West, of the 5th Principal Meridian and parcel of land located adjacent to the West Line of the Northwest Quarter of Section 30, Township 77 North, Range 2 West, of the 5th Principal Meridian, all in Muscatine County, Iowa, lying north of the northerly road right of way of Iowa Highway 22.

Said easement contains 3.99 acres, more or less, and is subject to all easements and other restrictions of record.

And also,

Excess Roadway Right of Way Adjacent to Mittman Road in Fruitland Township

Auditor's Parcel "B"

A parcel of land located in part of Government Lot 5 in the Southwest Quarter of Section 7, Township 76 North, Range 2 West of the Fifth Principal Meridian, Muscatine County, Iowa, more particularly described as follows:

Commencing at a 4"x4" concrete monument with brass tablet at the Southwest Corner of Section 7, Township 76 North, Range 2 West of the Fifth Principal Meridian, Muscatine County, Iowa; thence North 0° 12' 45" East along the west line of the Southwest Quarter of said Section, basis of bearings for this survey being the Iowa Regional Coordinate System, Zone 14 Burlington, a distance of 499.12 feet to a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set at the northwest corner of a parcel of land conveyed by warranty deed, recorded as File Number 1997-03541 in the Office of the Muscatine County Recorder; thence South 89° 47' 15" East 497.44 feet along the north line of said parcel, to a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set at the Point of Beginning; thence South 86° 31' 23" East 893.89 feet to a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set in the westerly line of the Muscatine Slough; thence South 4° 24' 04" East 82.50 feet along said westerly line to a set 5/8"Øx30" rebar with light blue cap stamped "PLS23526"; thence South 28° 55' 56" West 112.56 feet along said westerly line to a set 5/8"Øx30" rebar with light blue cap stamped "PLS23526"; thence North 77° 30' 02" West 590.42 feet to a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set at the beginning of a curve; thence northwesterly 289.64 feet along the curve concave to the

northeast, having a radius of 889.93 feet and a central angle of 18° 38' 52", said curve having a chord bearing of North 68° 10' 36" West 288.36 feet to the Point of Beginning.

Said parcel contains 2.31 acres, more or less, and is subject to all easements and other restrictions of record.

And also,

Excess Roadway Right of Way Adjacent to Mittman Road in Fruitland Township

Auditor's Parcel "C"

A parcel of land located in part of Government Lot 6 in the Southeast Quarter of the Southwest Quarter of Section 7 and the Northeast Quarter of the Northwest Quarter of Section 18, all in Township 76 North, Range 2 West of the Fifth Principal Meridian, Muscatine County, Iowa, more particularly described as follows:

Beginning at a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set at the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 7, Township 76 North, Range 2 West of the Fifth Principal Meridian, Muscatine County, Iowa; thence North 0° 20' 30" East along the west line of said Southeast Quarter of the Southwest Quarter, basis of bearings for this survey being the Iowa Regional Coordinate System, Zone 14 Burlington, a distance of 22.65 feet to a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set in the southeasterly line of the Muscatine Slough; thence North 84° 17' 56" East 68.97 feet along said southeasterly line, to a set 5/8"Øx30" rebar with light blue cap stamped "PLS23526"; thence North 28° 55' 56" East 68.36 feet along said southeasterly line, to a set 5/8"Øx30" rebar with light blue cap stamped "PLS23526"; thence South 77° 30' 02" East 683.73 feet to a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set in the southerly right of way line of Mittman Road; thence South 89° 53' 56" West 51.66 feet along said right of way line, to a set 5/8"Øx30" rebar with light blue cap stamped "PLS23526"; thence North 78° 32' 46" West 299.54 feet along said right of way line, to a 5/8"Øx30" rebar with light blue cap stamped "PLS23526" set in the south line of said Southeast Quarter of the Southwest Quarter; thence South 89° 53' 56" West 424.14 feet along said south line and right of way line, to the Point of Beginning.

Said parcel contains 0.58 acres, more or less, and is subject to all easements and other restrictions of record.

NOW, THEREFORE BE IT RESOLVED that a hearing on the proposed vacation will be held in the Board Room, Muscatine County Administration Building, 414 East Third Street, Suite 101, Muscatine, Iowa, at 9:00 a.m. on Monday, June 6, 2022, in accordance with Iowa Code Chapter 306.

PASSED AND APPROVED this 16th day of May, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Scott Sauer, Chair
Muscatine County Board of Supervisors

On a motion by Sorensen, second by Holliday, the Board approved Resolution #05-16-22-04 To Vacate Unused Secondary Road Right-Of-Way Adjacent to Vail Avenue in Sweetland and Montpelier Townships. Roll Call Vote: Ayes: All.

RESOLUTION # 05-16-22-04
RESOLUTION TO VACATE UNUSED SECONDARY ROAD RIGHT-OF-WAY
ADJACENT TO VAIL AVENUE IN SWEETLAND AND MONTPELIER TOWNSHIPS

WHEREAS, the Muscatine County Board of Supervisors recognizes that certain road right-of-way easements are no longer used for Secondary Roads purposes; and

WHEREAS, Section 306.10 of the Code of Iowa provides that the agency which has control and jurisdiction over a highway system, shall have power, on its own motion, to alter or vacate and close any such highway: and

WHEREAS, Section 306.11 of the Code of Iowa provides that a hearing is not required if the proposed vacation is of part of a road right-of-way held by easement and will not change the existing traveled portion of the road or deny access to the road by adjoining landowners; and

WHEREAS, the following described sections of road right-of-way are no longer used or needed:

Excess Roadway Right of Way adjacent to Vail Avenue in Sweetland and Montpelier Townships

A portion of existing roadway easement, originally established State Road, from Fairport to the Northeast Corner of Section 1, Township 78 North, Range 1 West of the 5th Principal Meridian, recorded in Establishment Record Book "PB", Pages 196-199, in the Office of the Muscatine County Engineer, 66 feet wide over a parcel of land located in part of the East One-Half of the Northeast Quarter of Section 13, Township 78 North, Range 1 West of the 5th Principal Meridian and part of the Southwest Quarter of the Northwest Quarter of Section 18, Township 78 North, Range 1 East of the 5th Principal Meridian, all in Muscatine County, Iowa, more particularly described as follows:

All of the existing roadway easement of said established State Road lying south and east of the current roadway right of way of Vail Avenue Y26, an easement recorded in Book 104, Page 498 in the Office of the Muscatine County Recorder.

Said easement contains 1.33 acres, more or less, and is subject to all easements and other restrictions of record.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Muscatine County,

Iowa, that the above described sections of road be ordered vacated and closed.

PASSED AND APPROVED this 16th day of May, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Scott Sauer, Chair
Muscatine County Board of Supervisors

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

On a motion by Saucedo, second by Sorensen, the Board approved Ordinance #05-16-22-01 Rezoning Approximately 6.0 acres in Fulton Township from A-1 Agricultural District to C-2 Commercial District on the third and final reading. Roll call vote: Ayes: All.

On a motion by Sorensen, second by Mather, the Board approved a renewal of a Class B Wine, Class C (Carryout Beer), Class E (LE) and Sunday Sales Permit for Casey's Marketing Co., dba Casey's General Store #2472, 1334 Hwy 22, Nichols, IA 52766. Ayes: All.

On a motion by Sorensen, second by Holliday, minutes of the May 9, 2022 regular meeting were approved as written. Ayes: All.

Correspondence:

All Supervisors received a letter from Eastern Iowa Light and Power Cooperative stating there are no facilities in the area and they have no objections to the Bancroft Avenue closing.

Saucedo received an email from County Attorney Jim Barry regarding continued discussions with City of Muscatine Transfer Station on a proposed 28E Agreement.

Committee & Meeting Reports:

Saucedo attended the West Liberty Economic Area Development Annual meeting on May 13, 2022.

Administration Services Director Nancy Schreiber stated under Board direction she submitted a request for proposal from nine auditing service entities and received one response from the Iowa Auditor of State office. Schreiber stated the Iowa Auditor of State office has assigned a different lead auditor for future audits so it is recommended to approve this entity. On a motion by Sorensen, second by Mather the Board accepted a bid for Muscatine County Auditing Services from Iowa Auditor of State in the amount of \$58,250 and/or \$61,650 if a single audit is required. Ayes: All.

On a motion by Sorensen, second by Holliday the Board authorized the Chair to sign a letter of support for West Liberty Foods' Meat and Poultry Processing Expansion Program application. Ayes: All.

On a motion by Sorensen, second by Holliday the Board a set a public hearing for Monday, June 6, 2022 at 9:00 a.m. on a confinement feeding operation permit application from JDSD – West Liberty Site. Ayes: All.

Administration Services Director Nancy Schreiber stated she will be out of the office from May 27 to June 12, 2022.

County Engineer Keith White replied to a question that was asked earlier in the meeting stating the Hot Mix Asphalt resurfacing on portions of Bayfield Road, North Isett Avenue, 112th Street and 102nd Street will cover 31,818 linear feet which is 6.026 miles.

County Auditor Tibe Vander Linden stated early voting dates for the Primary June 7, 2022 will be May 18 to June 6, 2022 in the Auditor's office from 8:00 a.m. to 4:30 p.m. Vander Linden stated the Auditor's office will also be open on Saturday, June 4 from 7:00 a.m. to 3:30 p.m. for early voting. Vander Linden stated the polling locations will be open 7:00 a.m. to 8:00 p.m. on June 7, 2022. Vander Linden stated a redistricting mailing will be sent to 1091 registered voters in Muscatine County who have a precinct and polling location change for the upcoming elections. The mailing will be at a cost of \$578.23 compared to a much higher postage cost of \$10,952.93 if the Iowa Secretary of State's office were to prepare the mailing to all 28,976 registered voters. Vander Linden thanked her Auditor staff for their time and team work to prepare the mailing. Vander Linden stated the Primary Election Sample Ballots and Official Election Notice are on the county website and posted outside the Auditor Office. Vander Linden stated the two new security doors and locks for the election room which is part of the \$10,000 HAVA grant approved at a prior Board meeting, has been scheduled with Wolfe Contracting, Inc., Muscatine, to be completed in late July 2022. The bid from Wolfe Contracting, Inc. was a lower amount of \$5,951.00 compared to North Construction/J & J Access & Security at a cost of \$6,800.00.

The Board recessed at 10:05 A.M. and reconvened at 10:17 A.M.

On a motion by Sorensen, second by Saucedo the Board went into closed session at 10:17 A.M. (at the candidate's request) pursuant to Chapter 21.5.1(i), Code of Iowa, for an interview for the County Engineer position. Roll call vote: Ayes: All. On a motion by Sorensen, second by Mather, the Board returned to open session at 11:01 A.M. Roll call vote: Ayes: All.

The Board recessed at 11:01 A.M. and reconvened at 11:04 A.M.

On a motion by Sorensen, second by Mather the Board went into closed session at 11:04 A.M. (at the candidate's request) pursuant to Chapter 21.5.1(i), Code of Iowa, for an interview for the County Engineer position. Roll call vote: Ayes: All. On a motion by Sorensen, second by Mather, the Board returned to open session at 11:53 A.M. Roll call vote: Ayes: All.

The Board recessed at 11:53 A.M. and reconvened at 11:55 A.M.

On a motion by Sorensen, second by Mather the Board went into closed session at 11:55 A.M.

pursuant to chapter 21.5.1(i), Code of Iowa, to discuss candidates for the County Engineer position. On a motion by Saucedo, second by Sorensen, the Board returned to open session at 12:19 P.M. Roll call vote: Ayes: All.

The meeting was adjourned at 12:19 P.M.

ATTEST:

Tibe Vander Linden
County Auditor

Scott Sauer, Chairperson
Board of Supervisors