

Muscatine County Board of Supervisors
Monday, June 6, 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 Saucedo, the agenda was approved as presented. Ayes: All.

On a motion by Sorensen, second by Saucedo, claims dated June 6, 2022 were approved in the amount of \$1,895,113.66. Ayes: All.

On a motion by Sorensen, second by Saucedo, Drainage District #13 stamped warrants dated June 6, 2022, were approved in the amount \$15,196.96. Ayes: All.

A Public Hearing was called to order by Chairperson Sauer at 9:02 A.M. on proposed road vacations. Discussion was held regarding requests to vacate Mound Avenue in Lake Township and excess right-of-way adjacent to Mittman Road in Fruitland Township. Don Wagner, 1980 Mound Avenue, Muscatine, questioned the Board what the new address will be to his residence; if the road will be a private lane; what year the road was established; and if county road maintenance will cease if the road is vacated. Planning and Zoning Administrator Eric Furnas stated the current address can remain if a resolution is drafted to name the address as a private subdivision road or the address can be changed if the landowner chooses to. County Engineer Keith White presented a letter from Eastern Iowa Light and Power stating there are no objections to the road closing provided the provisions stated in the letter are protected. White stated this is a standard letter and the provisions (which are covered in the Iowa Code) will be protected.

On a motion by Sorensen, second by Mather the Public Hearing was closed at 9:08 A.M. Roll Call Vote. Ayes: All.

On a motion by Sorensen, second by Saucedo, the Board approved Resolution #06-06-22-01 Approving a Request to Vacate and Close Mound Avenue in Lake Township. Roll Call Vote: Ayes: All.

RESOLUTION #06-06-22-01
APPROVING A REQUEST TO VACATE AND CLOSE MOUND AVENUE
IN LAKE TOWNSHIP

WHEREAS, the Muscatine County Board of Supervisors held a public hearing at 9:00 a.m. on June 6, 2022, on the proposed vacation and closure of Mound Avenue in Lake Township, described as follows:

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;

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 6th day of June, 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 Saucedo, the Board approved Resolution #06-16-22-02 Approving a Request to Vacate Excess Right-Of-Way Adjacent to Mittman Road in Fruitland Township. Roll Call Vote: Ayes: All.

RESOLUTION #06-06-22-02
APPROVING A REQUEST TO VACATE EXCESS RIGHT-OF-WAY ADJACENT TO
MITTMAN ROAD IN FRUITLAND TOWNSHIP

WHEREAS, the Muscatine County Board of Supervisors held a public hearing at 9:00 a.m. on June 6, 2022, on the proposed vacation and closure of excess right-of-way in Fruitland Township, described as follows:

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,

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.

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 6th day of June, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

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

A Public Hearing was called to order by Chairperson Sauer at 9:10 A.M. on a confinement feeding operation construction permit application from JDSD Farms LLC in Section 6 of Wapsinonic Township. Furnas stated he recommends the master matrix and construction permit application be approved as the matrix points are all a required passing score. Furnas stated there have been no questions or comments from the public. No one spoke for or against the proposal.

On a motion by Mather, second by Saucedo 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 a letter to the Iowa Department of Natural Resources (IDNR) regarding JDSD Farms LLC construction permit application. Ayes: All.

A Public Hearing was called to order by Chairperson Sauer at 9:16 A.M. on proposed amendments to the Fiscal Year 21/22 Muscatine County Budget. Accountant/Benefits Coordinator Kala Naber reviewed the proposed amendments to the Fiscal Year FY21/22 Muscatine County Budget. No one spoke for or against the proposal.

On a motion by Sorensen, second by Mather, the Public Hearing was closed at 9:18 A.M. Roll Call Vote. Ayes: All.

On a motion by Mather, second by Sorensen, the Board approved Resolution #06-06-22-03 Amending the Fiscal Year 21/22 Budget. Roll Call Vote: Ayes: All.

**RESOLUTION #06-06-22-03
AMENDING THE FISCAL YEAR 2021/22 BUDGET**

WHEREAS, the Board of Supervisors has held a Public Hearing pursuant to Chapter 331, Code of Iowa, to amend the Fiscal Year 2021/22 County Budget; and

WHEREAS, the explanation is increased expenditures and revenues during the current fiscal year; and

WHEREAS, after consideration of all comments at said hearing, the Board of Supervisors has determined that it will be necessary to amend the Fiscal Year 2021/22 budget; and

WHEREAS, the amendment does not increase the taxes to be collected in the Fiscal Year ending June 30, 2022;

THEREFORE, BE IT HEREBY RESOLVED that the following service area expenditures and revenues of the Fiscal Year 2021/22 County Budget be amended:

PUBLIC SAFETY & LEGAL SERVICES expenditures increased by	\$249,216
PHYSICAL HLTH & SOCIAL SERVICES expenditures decreased by	(\$6,347)
MENTAL HEALTH expenditures increased by	\$0
COUNTY ENVIRONMENT expenditures increased by	\$6,035
ROADS & TRANSPORTATION expenditures increased by	\$0
GOV'T SERVICES TO RESIDENTS expenditures increased by	\$9,201
ADMINISTRATION expenditures increased by	\$67,142
NONPROGRAM expenditures increased by	\$0
CAPITAL PROJECTS expenditures increased by	\$37,398
DEBT SERVICE expenditures increased by	<u>\$0</u>
	\$362,645

INTERGOVERNMENTAL revenues increased by	\$1,953,153
LICENSES & PERMITS revenues increased by	\$0
CHARGES FOR SERVICES revenues increased by	\$35,000
USE OF MONEY & PROPERTY revenues increased by	\$320,000
MISCELLANEOUS revenues increased by	\$15,000
LONG TERM DEBT PROCEEDS increased by	\$0
PROCEEDS OF FIXED ASSET SALES increased by	<u>\$3,000</u>
	\$2,326,153

PASSED AND APPROVED this 6th day of June, 2022.

ATTEST:

/s/Tibe Vander Linden

/s/Scott Sauer, Chair

Muscatine County Auditor

Muscatine County Board of Supervisors

On a motion by Sorensen, second by Saucedo, the Board approved Resolution #06-06-22-04 Fiscal Year 21/22 Budget Appropriations. Roll Call Vote: Ayes: All.

**RESOLUTION # 06-06-22-04
FY 2021/22 BUDGET APPROPRIATIONS**

WHEREAS, a public hearing has been held pursuant to Section 331.434(6), Code of Iowa, regarding proposed increases in expenditure amounts for Fiscal Year 2021/22: and

WHEREAS, the amendment does not increase the taxes to be collected in the Fiscal Year ending June 30, 2022: and

WHEREAS, all comments from the public have been heard;

THEREFORE, BE IT RESOLVED that the following amounts be appropriated as follows:

01	Board/Administration	\$0
02	Auditor	\$22,343
03	Treasurer	\$0
04	Attorney	\$20,000
05	Sheriff	\$15,116
Jail	\$214,100	
06	Recorder	\$0
20	Engineer	\$0
22	Conservation Board	\$0
24	DHS	\$0
25	Community Services	\$0
28	Medical Examiner	\$0
29	Court Services	\$0
30	Board of Health	(\$6,347)
51	General Services	\$30,000
52	Information Services	\$24,000
53	Zoning	\$0
60	Mental Health Administration	\$0
99	Nondepartmental	\$43,433
00	Nonprogram	\$0
		\$362,645

It is further resolved that all appropriations made pursuant to this RESOLUTION lapse at the close of business on June 30, 2022.

Passed and approved this 6th day of June, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

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

On a motion by Mather, second by Saucedo, the Board set a public hearing on a request from Jason and Hope Curry to rezone approximately 8.07 acres in Fruitland Township from A-1 Agricultural District to R-2 Residential District. Ayes: All.

County Engineer Keith White presented the corrected Resolution #05-16-22-04 stating there is one digit in the resolution needing correction. On a motion by Sorensen, second by Saucedo, the Board approved Resolution #06-06-22-05 Correcting Resolution #05-16-22-04. Roll Call Vote: Ayes: All.

RESOLUTION #06-06-22-05
RESOLUTION CORRECTING RESOLUTION #05-16-22-04
RESOLUTION TO VACATE UNUSED SECONDARY ROAD RIGHT-OF-WAY
ADJACENT TO VAIL AVENUE IN SWEETLAND AND MONTPELIER TOWNSHIPS

WHEREAS, Resolution #05-16-22-04 vacating unused right-of-way adjacent to Vail Avenue, was adopted on May 16, 2022, and was recorded by the Muscatine County Recorder as Instrument #2022-02660; and

WHEREAS, Resolution #05-16-22-04 as recorded contained minor scrivener's errors describing the property, and those errors should be corrected by resolution and recorded;

NOW THEREFORE BE IT RESOLVED, by the Muscatine County Board of Supervisors that this document corrects scrivener errors in Resolution #05-16-22-04, Instrument # 2022-02660, , to read as follows:

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 77 North, Range 1 West of the 5th Principal Meridian and part of the Southwest Quarter of the Northwest Quarter of Section 18, Township 77 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.

PASSED AND APPROVED this 6th day of June, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

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

Assistant County Engineer Brian Horesowsky reviewed four utility permits for approval. On a motion by Saucedo, second by Sorensen, the Board approved the following utility permits: WTC Communications, Wilton, Iowa – place fiber optic cable at Thayer Avenue and Highway 927 east of Wilton, Section 4 & 5-T78N-R01W; and place fiber optic cable at 102nd Street and County Highway 14 east of Wilton; and Aureon IT Inc., West Des Moines, Iowa – bore/plow 1-2” HDHE for fiber optics on 150th Street and Verde Avenue, Section 29, 32, 33-T78N-RO1E; and Lumen, Davenport, Iowa – bury service wire 220’ 3 pressure gauge cable to house to also include 40’ bore crossing to 1985 Geneva Hills, Section 20—T77-RO1W. Ayes: All.

On a motion by Sorensen, second by Mather, the Board approved the contracts, bonds and certificates of insurance with Manatts, Inc. for project L-(M22-5)—73-70, for HMA Resurfacing. Ayes: All.

Horesowsky updated the Board on secondary road projects.

White updated the Board on a recent equipment purchase of a John Deere mower tractor at approximately \$170,00.00. White stated he is contacting suppliers every two weeks for an update of equipment availability and possible delivery dates.

White stated there are two employment positions open in the County Engineer’s office and are posted on the county website. The positions are Assistant to the Engineer and Engineering Technician.

On a motion by Mather, second by Sorensen, the Board approved a renewal of a Class C Native Wine, Sunday Sales and Outdoor Service permit for Ardon Creek Vineyard & Winery, LLC, dba Ardon Creek Vineyard & Winery, 2391 Independence Ave., Letts, Iowa. Ayes: All.

On a motion by Saucedo, second by Sorensen, minutes of the May 23, 2022 regular meeting were approved as written. Ayes: All.

Correspondence:

All Supervisors received an email from Dan Clark regarding an historic presentation on the history of agriculture in the county.

Mather received an email from a citizen regarding property tax relief.

Mather received various calls regarding Veterans Affairs issues.

Mather received an email on the City of Muscatine Urban Renewal Plan.

Sauer received a call from a resident who resides on a gravel road off Highway 22 who was concerned about truck traffic in the area. Sauer confirmed the county trucks

were in the area for maintenance of delivering rock to the resident's road. Sauer received a call from a resident and a concern of right of way stakes which was determined to be an easement that is being vacated. Saucedo received an email from a citizen with concerns regarding homes located in Montpelier, Iowa. The information was forwarded to Planning and Zoning Administrator Eric Furnas.

Committee & Meeting Reports:

Mather and Saucedo attended a housing tour hosted by Muscatine Center for Social Action on May 26, 2022.
Saucedo attended a ribbon cutting ceremony for NexGen Motors on May 31, 2022.
Saucedo attended the dedication of the Charles and Jean Harper Pavilion located at the Muscatine west side soccer field parking lot on June 4, 2022.
Saucedo attended a meeting with a group of veterans to discuss their concerns with flags and medallions.
Saucedo attended a meeting with representatives from Stanley Consultants, HNI, Bayer, Muscatine Power and Water and members of the City of Muscatine to discuss child care solutions.
Sorensen and Sauer attended the Region 9 Transportation Policy Board meeting on May 25, 2022.
Sorensen attended the Local Emergency Planning Committee (LEPC) meeting on May 26, 2022.
Mather attended the Mississippi Valley Workforce Area Authority finance committee meeting on May 24, 2022.
Mather attended the electronic vote for the Muscatine County Decategorization Board to transfer funds.
Sauer attended the Bi-State Regional Planning Commission on May 25, 2022.
Saucedo attended the Bi-State Regional Trails Committee on May 26, 2022.
Saucedo attended the West Liberty Economic Area Development meeting on May 26, 2022.
Holliday attended the Muscatine County Weekend at the Fair event on June 4, 2022.

Holliday stated the 2022 WMT Great Eastern Iowa Tractorcade will be held from June 12 to June 15, 2022 at the Muscatine County Fairgrounds.

County Attorney Jim Barry updated the Board regarding the pump project at Drainage District #13 stating the engine has been installed and is running. The pump has been returned and the reinstallation bids will be reviewed at the next meeting. Barry stated the pump repair and reinstallation bills have not been received.

County Engineer Keith White addressed a question that arose earlier in the board meeting in regards to the road currently named Mound Avenue. The road was established in 1862 and the naming of Mound Avenue occurred when the 911 addresses were set in the 1980's. Planning and Zoning Administrator Eric Furnas updated the Board on the County Attorney Remodel Project and the Muscatine County Jail Booking Expansion Project. Furnas invited the Board for a tour of the Muscatine County Jail on June 13, 2022 after the Board meeting.

County Auditor Tibe Vander Linden stated today is the final early voting date for voting in the Auditor's office from 8:00 A.M to 4:30 P.M for the 2022 Primary Election. Vander Linden stated all 25 Precincts will be open on June 7, 2022 from 7:00 a.m. to 8:00 p.m. at 20 polling locations. Vander Linden reminded voters who requested an Absentee Ballot by mail, the ballots must be returned to the Auditor's office by the deadline of June 7, 2022 at 8:00 p.m. Vander Linden recommends the Absentee Ballots be hand delivered by the voter to the Auditor's office by June 7, 2022 at 8:00 p.m., as the postmarked ballot after the election day deadline cannot be counted.

Saucedo reminded the Board there is a Housing Council meeting on June 7, 2022 at 11:00 A.M. at the Merrill Hotel.

The Board recessed at 9:54 A.M. and reconvened at 10:00 A.M.

On a motion by Sorensen, second by Mather, the Board went into closed session at 10:00 A.M. pursuant to Chapter 21.5.1(c), 2021 Code of Iowa, to discuss treatment of unknown owner parcels in general, tax payment options for past due taxes related to unknown owner parcels and then specifically for unpaid property taxes on two (2) unknown owner parcels currently involved in the sales process. Roll call vote: Ayes: All. On a motion by Sorensen, second by Mather, the Board returned to open session at 10:30 A.M. Roll call vote: Ayes: All.

On a motion by Sorensen, second by Saucedo, the Board approved amended Resolution #06-06-22-06 Abating Interest and Additional Costs: Unknown Owner Parcels with the amendment to the Resolution to include Abatement for Taxes. Roll Call vote: Ayes: All.

RESOLUTION #06-06-22-06
ABATING INTEREST AND ADDITIONAL COSTS: UNKNOWN OWNER PARCELS

BE IT HEREBY RESOLVED by the Board of Supervisors of Muscatine:

1. That pursuant to a request by the Muscatine County Treasurer, attached hereto and made a part hereof by this reference, interest and additional costs accrued, due and owing on the properties described on the request are hereby abated.
2. That the Treasurer is hereby directed to strike the amount due from the tax rolls.

Passed and approved this 6th day of June, 2022.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

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

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

ATTEST:

Tibe Vander Linden
County Auditor

Scott Sauer, Chairperson
Board of Supervisors