

Muscatine County Board of Supervisors  
Monday, November 20, 2023

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

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

Muscatine County Assessor's Office Manager Kelly Crull presented the 2023 Family Farm Credit applications for the Board to approve/disallow. Crull recommended the Board approve all applications, except one, a property owned by Black Dirt LLC which did not qualify for the exemption this year due to not owning the property on or before the application cutoff date of July 1, 2023. Crull stated the property would qualify for next year's credit.

On a motion by Sorensen, second by Kirchner, the Board approved the 2023 Family Farm Credit applications as recommended by the Muscatine County Assessor, with Kelly Crull of the Assessor's Office. Ayes: All.

Muscatine County Auditor Tibe Vander Linden presented the second-tier results of the City and School Elections held on November 7, 2023, where Muscatine County was the control county.

The Muscatine County Board of Supervisors met as a Board of Canvassers for the second-tier city and school elections held Tuesday, November 7, 2023. The Board of Canvassers certified the following results to be a true and correct abstract of the votes cast in the elections:

#### **CITY OF WILTON**

**Mayor** (two-year term) – there were 245 votes cast: Keith W. Stanley received 216 votes and there was a scattering of 7 votes. Keith W. Stanley was elected.

**Councilmember At-Large** (four-year term, three positions) – there were 735 votes cast: Stevie Whitehead received 160 votes, Wayne Budding received 206 votes, Ted Marolf received 171 votes, Michael Rohwer received 110 votes and there was a scattering of 10 votes. Stevie Whitehead, Wayne Budding and Ted Marolf were elected.

**LOUISA-MUSCATINE SCHOOL BOARD MEMBER** (four-year term, three positions) – there were 870 votes cast: Matt McCleary received 242 votes, Bryce Hoben received 222 votes, Carol Whittaker received 184 votes and there was a scattering of 15 votes. Bryce Hoben, Matt McCleary and Carol Whittaker were elected.

**WEST LIBERTY SCHOOL BOARD MEMBER** (four-year term, three positions) – There were 2,608 votes cast: Courtney Crees received 245 votes, Jacob Burroughs received 404 votes, Audra Daufeldt received 434 votes, Emily Daufeldt received 311 votes, Hannah Chesmore-Potts received 327 votes, Kira Achen received 385 votes, Samira Deahr received 217 votes, Joshua B. Jackson received 104 votes and there was a scattering of 3 votes. Jacob Burroughs, Audra Daufeldt and Kira Achen were elected.

**WILTON SCHOOL BOARD MEMBER** (four-year term, three positions) – there were 924 votes cast: Tom Fitzer received 259, Tim Barrett received 265 votes, Sam Wilson received 235 votes and there was a scattering of 3 votes. Tom Fitzer, Tim Barrett and Sam Wilson were elected.

On a motion by Sorensen, second by Mather, the Board approved the minutes of the November 13, 2023 regular meeting and the November 14, 2023 1<sup>st</sup> tier canvass of the November 7, 2023 City and School Elections. Ayes: All

Correspondence:

Chick received an email from Bob Moore regarding the 245<sup>th</sup> Street Bridge. He forwarded the email to Muscatine County Attorney, Jim Barry.

Chick and Sorensen had a meeting with Ken Brooks & Brad Bark regarding the idea to create a county wide Economic Development Organization.

Kirchner met with Danny Christofferson regarding a “Shouse” (Shed/House) building permit. Kirchner discussed the questions with Zoning & Planning Administrator, Eric Furnas. Kirchner will respond back to Christofferson.

Committee & Meeting Reports:

Sorensen attended a Bi-State Regional Planning Commission meeting on November 15, 2023.

Sorensen and Sauer attended a Region 9 Transportation Policy Board meeting on November 16, 2023.

Sorensen and Chick attended a presentation from the City of Muscatine’s Housing Study via Zoom on November 16, 2023.

Mather attended a Muscatine County Veterans Affairs Commission meeting on November 15, 2023.

Mather indicated on November 15, 2023 the Wilton Development Corporation approved a resolution to sell the final lot in the Wilton Industrial Park.

Sauer attended a River Bend Transit Board of Directors meeting on November 15, 2023.

Sauer attended a Muscatine County Board of Health meeting on November 15, 2023.

Sauer and Sorensen attended the retirement party for Conservation Director Curt Weiss on November 17, 2023. Both thanked Weiss for his service to the County.

Chick attended a Bi-State Regional Trails Committee meeting on November 16, 2023.

Kirchner attended a Lower Cedar Watershed Management Authority Committee meeting on November 14, 2023.

Kirchner attended a Muscatine County Fair Board meeting on November 16, 2023.

Community Services Director Felicia Toppert presented the Board with information regarding caseloads for the Community Services employees. Toppert requested the Board approve the hiring of a full-time position to assist with caseload and to cover the medical leave for one of the employees. Sorensen asked Toppert what was the number of caseloads she felt each full-time employee could handle at one time. Toppert stated she would like to balance the caseloads to 75 each. Chick questioned Toppert about the caseloads stating her data shows the same caseload averages over the last five years which has been handled by two full time employees and one part time employee. Chick stated the Auditor’s Office recently asked for an additional employee to help with their increasing workload yet the Board denied the request. Chick stated when the

Community Services employee comes back from medical leave, Toppert would then have three full time and one part time employee handling the same number of caseloads that two full time and one part time employee have handled in the last five years. Toppert stated while the number of caseloads remains consistent, the degree of work for each case has increased. Mather asked if the increase in workload was due to changes in trends or getting more exposure to what is already out there. Toppert stated it was changes in trends. Toppert stated families are less able to take on the responsibilities of caring for their family members.

On a motion by Sorensen, second by Mather, the Board approved hiring a full time Community Services employee. Ayes: Sorensen, Mather, Sauer and Kirchner. Nay: Chick.

On a motion by Sorensen, second by Chick, the Board approved the Chair to sign the Certification Statement for the Muscatine County FY22/23 Cost Allocation Plan. Ayes: All

On a motion by Mather, second by Sorensen, the Board approved Resolution #11-20-23-01 Transferring Funds from the Building Maintenance and Repair Fund to the Capital Projects Fund in the amount of \$531,450.00. Roll Call Vote: Ayes: All

**RESOLUTION #11-20-23-01  
TRANSFERRING FUNDS FROM THE BUILDING MAINTENANCE AND REPAIR  
FUND TO THE CAPITAL PROJECTS FUND**

WHEREAS, it is desired to authorize the Auditor to transfer from the Building Maintenance and Repair Fund to the Capital Projects Fund to fund a portion of the Courthouse roof repairs; and

WHEREAS, said transfers must be in accordance with Sections 331.429 and 331.432 of the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Muscatine County Board of Supervisors that the Auditor is authorized to transfer \$531,450 from the Building Maintenance and Repair Fund to the Capital Projects Fund.

PASSED AND APPROVED this 20th day of November, 2023.

ATTEST: /s/ Cathy Ribbink  
2<sup>nd</sup> Deputy Auditor

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

On a motion by Sorensen, second by Mather, the Board approved Resolution #11-20-23-02 Transferring Funds from the Debt Repayment Fund to the Capital Projects Fund in the amount of \$531,450.00. Roll Call Vote: Ayes: All

**RESOLUTION #11-20-23-02  
TRANSFERRING FUNDS FROM THE DEBT REPAYMENT FUND TO THE CAPITAL  
PROJECTS FUND**

WHEREAS, it is desired to authorize the Auditor to transfer from the Debt Repayment Fund to the Capital Projects Fund to fund a portion of the Courthouse roof repairs; and

WHEREAS, said transfers must be in accordance with Sections 331.429 and 331.432 of the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Muscatine County Board of Supervisors that the Auditor is authorized to transfer \$531,450 from the Debt Repayment Fund to the Capital Projects Fund.

PASSED AND APPROVED this 20th day of November, 2023.

ATTEST: /s/Cathy Ribbink  
2<sup>nd</sup> Deputy Auditor

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

On a motion by Sorensen, second by Kirchner, the Board approved Resolution #11-20-23-03 Transferring Funds from the ARPA Recovery Funds to the Capital Projects Fund in the amount of \$65,500.00. Roll Call Vote: Ayes: All

**RESOLUTION #11-20-23-03  
TRANSFERRING FUNDS FROM THE ARPA RECOVERY FUNDS FUND TO THE  
CAPITAL PROJECTS FUND**

WHEREAS, it is desired to authorize the Auditor to transfer from the ARPA Recovery Funds Fund to the Capital Projects Fund a portion of the accrued interest to aid in funding the Deep Lakes Park Water Project; and

WHEREAS, said transfers must be in accordance with Sections 331.429 and 331.432 of the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Muscatine County Board of Supervisors that the Auditor is authorized to transfer \$65,500 from the ARPA Recovery Funds Fund to the Capital Projects Fund.

PASSED AND APPROVED this 20th day of November, 2023.

ATTEST: /s/Cathy Ribbink  
2<sup>nd</sup> Deputy Auditor

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

Administrative Services Director Nancy Schreiber addressed the Board regarding the vacancy on the Muscatine County Zoning Commission by Tom Harper who had completed two full terms. Schreiber stated that after completion of a full two terms, the Board typically advertises to fill the vacancy. Tom Harper was the only application received for the position.

On a motion by Sorensen, second by Chick, the Board appointed Tom Harper to an additional five-year term ending November 7, 2028 on the Muscatine County Zoning Commission. Ayes: All.

On a motion by Sorensen, second by Chick, the Board approved the November 2023 payroll claims. Ayes: All

Muscatine County Attorney Jim Barry addressed the Board with an update regarding the 245<sup>th</sup> Street Bridge Project. Barry stated the 245<sup>th</sup> Street Bridge Committee recommends two options for action on this project. The first option is to replace the 245<sup>th</sup> Street Bridge with a slab bridge. This option would cost the County an estimated \$1.2 million. The second option would be to vacate and close the road. The County would then pay any appropriate claims of damage and move forward without the bridge being replaced. Barry recommended the Board schedule a meeting to determine what claims for damages will present itself. The Board could then determine how much it would cost the County to vacate the road without replacing the bridge. Once the numbers have been presented, Barry stated it would be up to the Board to determine which option was economically feasible for the County. Barry stated there may be other options for the landowners in the area if they want to own and control the road, but from a County perspective these two options presented are what the Board can decide on. Barry stated it is his recommendation to schedule a hearing as mandated by Iowa Code so landowners can submit claims of damage. He stated there are certain requirements that must be included in the notice as outlined by Iowa Code. Once the Board decides on how to proceed, either a vacation of the road or to replace the Bridge; impacted individuals have the option to file an appeal to the Board's decision, at which time the appeal would go to the District Court in Muscatine County. Barry stated private citizens have other options that the County does not, however, they would need to contact an attorney for their own legal representation as Barry represents the County and cannot assist them. Sauer stated he believes this process would be what the County should do, so the Board can compare expenses and determine where tax dollars are best spent. Barry stated he wants citizens to have a fair opportunity to gather information to present at the meeting, so he would recommend setting the meeting date after the holidays to give them the time needed. Chick stated he doesn't believe the situation should have ever gotten to this point. Chick stated the Board should have addressed the issue years ago. Sorensen stated with the County budgeting process happening in January, it would be good to have the meeting prior to the budget meeting so the County can determine how the budget may be affected.

On a motion by Sorensen, second by Mather, the Board approved setting a meeting for review of vacancy claims of damage to be on or around January 17, 2023. Ayes: Sorensen, Mather, Sauer and Kirchner. Nay: Chick.

Matt Storm, 507 Burlington St. Conesville, Iowa, stated the assessment of claims of damage should include the cost of demolition and removal expenses as it's our responsibility to be good stewards of the land. Storm also asked for additional clarification on who could submit a claim of damage, whether it is only cabin owners or whether landowners could file a claim as well. Barry stated he is unable to provide advice to the private citizens affected by this, however, he can read the statutes that apply to claims of damage from Iowa Code Section 306.14.

Kim Carson, 2440 Edgewater Rd, Conesville, Iowa, stated that as she reads Iowa Code Section 306.14 "...if an occupied homestead is not located on the abutting land and if the vacating or closing of the road would not land lock the abutting land that person shall not have the right..." Carson stated closing of the bridge would land lock the properties because they would not have any access to them. She asked Barry for clarification on what land locked meant. Barry stated he is not in a position to give the landowners any legal advice. He said when claims are made, an assessment will be made on those claims in accordance with the Iowa Code and an opinion rendered to the Board as to whether it is a claim that is viable based on the statute. He stated the Iowa Code is written by Iowa legislation not the County and the County will proceed with the law as it's been passed.

The Board recessed at 9:41 A.M. and reconvened at 9:46 A.M.

On a motion by Mather, second by Sorensen, the Board went into closed session at 9:46 A.M. pursuant to Chapter 21.5.1(j), Code of Iowa, to discuss the purchase or sale of particular real estate only where the premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for the property or reduce the price the governmental body would receive for the property. Roll Call Vote: Ayes: All

On a motion by Sorensen, second by Chick, the Board returned to open session at 10:14 A.M. Roll call vote: Ayes: All.

On a motion by Sorensen, second by Mather, the Board approved the purchase of property adjacent to Deep Lakes Park, subject to approval by the Muscatine County Conservation Board. Ayes: Sorensen, Mather, Sauer and Kirchner. Nay: Chick.

The meeting was adjourned at 10:15 A.M.

ATTEST:

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Tibe Vander Linden  
Muscatine County Auditor

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Scott Sauer, Chairperson  
Board of Supervisors