

Muscatine County Board of Supervisors
Tuesday, January 2, 2024

The Muscatine County Board of Supervisors met in regular session at 9:00 A.M. with Chick, Kirchner, Mather, Sauer and Sorensen present. Muscatine County Auditor Tibe Vander Linden called the meeting to order. Vander Linden conducted nominations for Board Chairperson and Vice-Chairperson. On a motion by Sauer, second by Chick, Jeff Sorensen was elected Chairperson. Ayes: All. On a motion by Mather, second by Sorensen, the Board moved to have nominations cease. Ayes: All. On a motion by Sorensen, second by Sauer, Nathan Mather was elected Vice-Chairperson. Ayes: All. Chairperson Jeff Sorensen presided over the remainder of the meeting.

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

On a motion by Sauer, second by Mather, the Board approved Resolution #01-02-24-01 Authorizing the County Engineer to Sign for and Collect Disaster Relief Funds. Roll call vote: Ayes: All.

RESOLUTION #01-02-24-01
RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO SIGN FOR AND
COLLECT FEDERAL DISASTER RELIEF FUNDS

The Muscatine County Board of Supervisors does hereby authorize the County Engineer for Muscatine County, Bryan J. Horesowsky, to sign for and collect Federal Disaster Relief funds on behalf of Muscatine County for any secondary road or bridge damage.

PASSED AND APPROVED this 2nd day of January, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Sauer, second by Chick, the Board approved Resolution #01-02-24-02 Authorizing the County Engineer to Execute Certification of Completion and Final Acceptance on Farm-to-Market Construction Projects. Roll call vote: Ayes: All.

RESOLUTION #01-02-24-02
RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO EXECUTE
CERTIFICATION OF COMPLETION AND FINAL ACCEPTANCE ON FARM-TO-
MARKET CONSTRUCTION PROJECTS

Be it resolved by the Muscatine County Board of Supervisors that Bryan J. Horesowsky, the County Engineer of Muscatine County, Iowa, is hereby designated, authorized and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications therefore in connection with all Farm to Market construction projects in this county.

PASSED AND APPROVED this 2nd day of January, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Sauer, second by Kirchner, the Board approved Resolution #01-02-24-03 Authorizing the County Engineer to Close Secondary Roads in Emergency Situations. Roll call vote: Ayes: All.

RESOLUTION #01-02-24-03
RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY
ROADS IN EMERGENCY SITUATIONS

Be it resolved by the Muscatine County Board of Supervisors that Bryan J. Horesowsky, the County Engineer for Muscatine County, Iowa, is hereby authorized to close secondary roads or portions thereof in emergency situations to safeguard the traveling public. Such road closures shall be confirmed by the Board of Supervisors at its next regular meeting.

PASSED AND APPROVED this 2nd day of January, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Sauer, second by Chick, the Board approved Resolution #01-02-24-04 Designating Official Newspapers In and For Muscatine County for 2024. Roll call vote: Ayes: All.

RESOLUTION #01-02-24-04
RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS IN AND FOR MUSCATINE
COUNTY FOR 2024

Be it resolved by the Board of Supervisors of Muscatine County, Iowa that in accordance with the provisions of Chapter 349 of the Code of Iowa, the following newspapers be designated official newspapers in and for Muscatine County for 2024:

Muscatine Journal
Wilton-Durant Advocate News
West Liberty Index

PASSED AND APPROVED this 2nd day of January, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Sauer, second by Mather, the Board approved Resolution #01-02-24-05 Construction Evaluation Resolution. Roll call vote: Ayes: All.

**RESOLUTION #01-02-24-05
CONSTRUCTION EVALUATION RESOLUTION**

WHEREAS, Iowa Code section 459.304(3) (2003), sets out the procedure if a Board of Supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution, the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2024 and January 31, 2025 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the Board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix.

NOW, THEREFORE, BE IT RESOLVED BY THE MUSCATINE COUNTY BOARD OF SUPERVISORS to hereby adopt this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

PASSED AND APPROVED this 2nd day of January, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Sauer, second by Kirchner, the Board approved Resolution #01-02-24-06 Setting a Public Hearing for Proposed Road Vacations (Edgewater Road and 245th Street) for Wednesday, January 17, 2024 at 7:00 pm. Roll call vote: Ayes: All.

RESOLUTION #01-02-24-06
SETTING A PUBLIC HEARING ON PROPOSED ROAD VACATIONS

WHEREAS, a request (or petition, or memorandum from the County Engineer) has been filed with the Muscatine County Board of Supervisors asking that action be taken to vacate and close sections of Muscatine County Secondary Roads, described as follows:

Edgewater Road in Orono Township

All of an existing roadway easement, originally established Lords Ferry Road (now known as Edgewater Road), recorded in Establishment Record Book “PB”, Page 254, in the Office of the Muscatine County Engineer, 40 feet wide over a parcel of land located in Sections 15 and 16, Township 76 North, Range 4 West, of the 5th Principal Meridian, Muscatine County, Iowa.

Said easement contains 3.65 acres, more or less, and is subject to all easements and other restrictions of record.

And also,

245th Street in Orono Township

All of an existing roadway easement, originally established Thomas Boggs Road (now known as 245th Street), recorded in Establishment Record Book “B”, Page 2, in the Office of the Muscatine County Engineer, varying width (60 feet and 40 feet) over a parcel of land located in Section 16, Township 76 North, Range 4 West, of the 5th Principal Meridian, Muscatine County, Iowa, lying easterly of the following described Point of Beginning:

Commencing at a concrete monument with broken top found at the West Quarter Corner of Section 16, Township 76 North, Range 4 West, of the 5th Principal Meridian, Muscatine County, Iowa; thence North 0° 47’ 06” East along the west line of said Section 16, basis of bearings for this survey being the Iowa Regional Coordinate System, Zone 14 Burlington, a distance of 4.02 feet to the present

centerline of originally established Thomas Boggs Road (now known as 245th Street), recorded in Establishment Record Book “B”, Page 2, in the Office of the Muscatine County Engineer; thence South 89° 33’ 28” East 415.00 feet along said centerline, to the Point of Beginning.

Said easement contains 4.51 acres, more or less, and is subject to all easements and other restrictions of record.

NOW, THEREFORE BE IT HEREBY RESOLVED that a hearing on the proposed vacation will be held at the Environmental Learning Center, 3300 Cedar Street, Muscatine, Iowa, at 7:00 p.m. on Wednesday, January 17, 2024, in accordance with Iowa Code Chapter 306.

PASSED AND APPROVED this 2nd day of January, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Sauer, second by Mather, the Board approved Resolution #01-02-24-07 Setting a Public Hearing for Proposed Road Vacation (Wiggins Road) for Wednesday, January 17, 2023 at 7:00 pm. Roll call vote: Ayes: All.

RESOLUTION #01-02-24-07
SETTING A PUBLIC HEARING ON PROPOSED ROAD VACATIONS

WHEREAS, a request (or petition, or memorandum from the County Engineer) has been filed with the Muscatine County Board of Supervisors asking that action be taken to vacate and close sections of Muscatine County Secondary Roads, described as follows:

Wiggins Road in Fruitland Township

All of an existing roadway easement, originally established Wiggins Road (now known as Wiggins Road), recorded in Establishment Record Book “A”, Page 99, in the Office of the Muscatine County Engineer, 40 feet wide over a parcel of land located in Section 27, Township 76 North, Range 2 West, of the 5th Principal Meridian, Muscatine County, Iowa, lying easterly of the following described Point of Beginning:

Commencing at a cut “X” in the concrete pavement found in the centerline of Wiggins Road at the Southwest Corner of the Northeast Quarter of the Southwest Quarter of Section 27, Township 76 North, Range 2 West, of the 5th Principal Meridian, Muscatine County, Iowa; thence North 89° 50’ 55” East along said

centerline and the south line of said Northeast Quarter of the Southwest Quarter, basis of bearings for this survey being the Iowa Regional Coordinate System, Zone 14 Burlington, a distance of 62.86 feet to the intersection with the easterly right of way of Pettibone Avenue and Point of Beginning.

Said easement contains 1.09 acres, more or less, and is subject to all easements and other restrictions of record.

NOW, THEREFORE BE IT HEREBY RESOLVED that a hearing on the proposed vacation will be held at the Environmental Learning Center, 3300 Cedar Street, Muscatine, Iowa, at 7:00 p.m. on Wednesday, January 17, 2024, in accordance with Iowa Code Chapter 306.

PASSED AND APPROVED this 2nd day of January, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Kirchner, second by Sauer, the Board re-appointed Muscatine County Weed Commissioner: Matt Shutt to a one-year term ending December 31, 2024. Ayes: All.

On a motion by Mather, second by Sauer, the Board approved to reappoint Greg Keller (private citizen) and Jim Noble Jr. (general construction contractor) to three-year terms ending December 31, 2026 to the Muscatine County Building Board of Appeals: Re- Ayes: All.

On a motion by Sauer, second by Kirchner, the Board approved to re-appoint Karen Hartman to a five-year term ending December 31, 2028 to the Muscatine County Conservation Board: Ayes: All.

On a motion by Sauer, second by Mather, the Board approved to re-appoint Donald McCullough Sr. to a three-year term ending December 31, 2026. (subject to approval by the Louisa County Board of Supervisors) to the Conesville Benefited Fire District (Louisa & Muscatine): Ayes: All.

On a motion by Mather, second by Kirchner, the Board approved to re-appoint Becky Furlong and William Koellner to three-year terms ending January 1, 2027 to the Historic Preservation Commission. Ayes: All. There is one vacancy remaining.

On a motion by Chick, second by Mather, the Board approved Proclamation #01-02-24-01 Slavery and Human Trafficking Prevention Month – January 2024. Ayes: All.

PROCLAMATION #01-02-24-01
SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH –
JANUARY 2024

Whereas, the United States was founded upon the principle that all people are created with the inalienable right to freedom, and added the 13th Amendment to the Constitution making slavery illegal; and

Whereas, slavery within the United States today is most often found in the form of forced labor and sex trafficking, which weakens our social fabric, increases violence and organized crime, and debases our humanity; and

Whereas, this heinous crime is found within our own community; and

Whereas, the Rotary Club of Muscatine is working towards the abolishment of all forms of human trafficking through education, volunteerism, advocacy and collaboration; and

Whereas, even though awareness of this crime is growing, human trafficking continues to go unreported due to its isolating nature, the misunderstanding of its definition, and the lack of awareness about its indicators; and

Whereas, increased community education on how to identify victims of human trafficking along with increased knowledge of local resources and services for those affected by these criminal actions can help restore freedom and dignity to identified survivors, as well as help diminish the number of future victims; and

Whereas, every business, community organization, faith community, family and individual can make a difference by choosing products that are not made by forced labor; by working to protect our young people from sexual exploitation; by addressing the problem of internet sex trafficking and pornography; and by becoming more aware of the problem and possible solutions.

Now, therefore, the Muscatine County Board of Supervisors do hereby proclaim the month of **January 2024 as Slavery and Human Trafficking Prevention Month**, and encourage all our citizens to become more informed on this growing problem, to be vigilant and report suspicious activity, and to work towards solutions to end trafficking in all its forms in our community. If you see something that doesn't look right, take action and call the National Human Trafficking Hotline at 888-3737-888.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors

On a motion by Kirchner, second by Sauer, the Board approved the minutes of the December 18, 2023 regular meeting. Ayes: All.

Correspondence:

All Supervisors received an email from Gene Hammonds regarding a question on the Pike Township cemetery.

All Supervisors received an email from Rhonda Staley regarding the county wind energy ordinance and a request to consider a year moratorium.

Mather received an email from a veteran with a concern. The email was forwarded to Veteran's Affairs Director Eric Sanders.

Committee Reports and Meetings:

Sorensen attended a meeting with Muscatine Community School Board member John Dabeet and Superintendent Clint Christopher regarding mental health concerns and how to better connect services to the school district on December 20, 2023.

Sorensen attended a meeting with Emergency Management Services (EMS) to discuss EMS essential county-wide services on December 27, 2023.

Kirchner attended a Muscatine County Fair Board meeting on December 21, 2023.

Kirchner and Sorensen attended a MUSCOM meeting on December 27, 2023.

Kirchner attended a WELEAD meeting on December 28, 2023.

Chick attended Greater Muscatine Chamber of Commerce and Industry Business After Hours event on December 19, 2023.

Sorensen attended a Bi-State Regional Planning Commission meeting on December 20, 2023.

On a motion by Sorensen, second by Sauer, the Board approved a hiring request – Community Services for Trust Social Worker, Katelin Froelich-Cawiezell at Grade 12/Step 1, with a start date of January 8, 2024. Ayes: All.

On a motion by Sauer, second by Mather, the Board approved the appointment of Dan Freeman as a Board of Supervisors' representative to the Muscatine County Compensation Board. Ayes: All.

On a motion by Sauer, second by Chick, the Board set 2024 regular meeting dates for Mondays at 9:00 A.M. Ayes: All.

The Board reviewed Board of Supervisors appointments to Boards and Commissions for 2024. The Board will take action on the 2024 assignments at the next regular Board meeting.

On a motion by Mather, second by Sauer, the Board accepted the December 2023 payroll claims.
Ayes: All.

Planning and Zoning Administrator Eric Furnas reviewed an email received from the county zoning officials stating there is a legislation proposal to repeal Chapter 65, Animal Feeding Operations. Furnas stated at this time he does not know if there will be any legislation changes that may affect the county. Furnas stated if there is a study group assigned, he would like to request to be part of the group. The Board consensus was to recommend Furnas be part of the study group if it becomes available.

The Board held discussion regarding a recent West Liberty Index article which offered information and advice to land owners who are considering wind turbines on their property. Sorensen recommended the article be added to the board packet. The Board consensus was to review the county's current wind power ordinance.

The meeting was adjourned at 9:44 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors