

Muscatine County Board of Supervisors
Monday, March 11, 2024

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

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

Jenna Wagner of Mississippi Valley Child Protection Center presented a request for permission to place blue pinwheels and signs at the Muscatine Courthouse, County Jail, County Attorney, and Community Service Building for April's Child Abuse Prevention Awareness Month. Wagner stated this is an annual request.

On a motion by Mather, second by Chick, the Board approved a request from Mississippi Valley Child Protection Center for permission to place blue pinwheels and signs at the Muscatine Courthouse, County Jail, County Attorney, and Community Service Building for April's Child Abuse Prevention Awareness Month. Ayes: All.

Community Grant Writer Margaret Hulbert of Community Foundation of Greater Muscatine reviewed the request to approve Resolution #03-11-24-01 stating the City of Muscatine is working on completing a redundant force main from Papoose Creek lift station to the main water treatment plant. Hulbert stated currently there is only one force main and in October 2017 there was a serious leak causing the force main to be closed off, which caused discharge into the river for three months. Hulbert stated Department of Natural Resources (DNR) filed a consent order against the City of Muscatine to pay a fine and a requirement to create a redundant force main, in the event there is a shut down, so there is no discharge to the river. Hulbert stated the city is seeking a community project funding grant from Congresswoman Mariannette Miller-Meeks. The total project cost is \$3,654,436.00 with grant funding in the amount of \$2,923,549.00 and the remainder cost of the project to be paid from the city sewer repair and improvement fund. Hulbert stated the City of Muscatine is asking for the county's support to be in compliance with the DNR, to prevent back flow into select businesses who have experienced back flow previously and protect a large water main above the redundant force main which carries drinking water.

On a motion by Chick, second by Kirchner, the Board approved Resolution #03-11-24-01 Supporting the City of Muscatine's Submission of a Request for Congressionally Directed Spending Funds for a Redundant Force Main Project, with. Roll call vote: Ayes: All.

RESOLUTION #03-11-24-01
SUPPORTING THE CITY OF MUSCATINE'S SUBMISSION OF A REQUEST TO THE
OFFICE OF THE HONORABLE U.S. CONGRESSWOMAN MARIANNETTE MILLER-
MEEKS FOR CONGRESSIONALLY DIRECTED SPENDING FUNDS FOR A
REDUNDANT FORCE MAIN PROJECT

WHEREAS, in November of 2018, the Iowa Department of Natural Resources filed an Administrative Consent Order (“Order”) against the City of Muscatine (“City”) for violations of its National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the Order stemmed from the October 2017 discovery of a leak in the Papoose Lift Station (“Station”) force main to the Water and Resource Recovery Facility (WRRF); and

WHEREAS, the Order directed the City to pay a penalty of \$10,000 and to construct a redundant line for the Station by December 31, 2026; and

WHEREAS, the current estimated total cost of design and construction of the project is \$3,654,436; and

WHEREAS, the Redundant Force Main Project is a critical initiative that will significantly reduce the risk of future overflows and discharges into the Mississippi River; significantly reduce the risk of contamination of water mains in this area; and also reduce the risk of negative impacts to residents’ health and general welfare; and

WHEREAS, \$2,923,549 is requested through congressionally directed spending to contribute to the funding of the project in addition to \$730,887 contributed by the City as the local funding share

NOW, THEREFORE, be it resolved that Muscatine County fully supports the City’s request for congressional directed spending funds for the Redundant Force Main Project.

Passed and approved this 11th day of March, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

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

Ron Monahan and Charla Shafer from Community Foundation of Greater Muscatine held discussion and requested direction from the Board regarding a revised funding request for ARPA funds totaling \$875,000 for a collaborative Muscatine housing project initiating a neighborhood revitalization pilot project (NRP). The City of Muscatine is a recipient of a \$1,738,000 grant from Iowa Economic Development Authority (IEDA) for the NRP. Monahan explained the County ARPA funding was intended for housing related projects within the NRP. The timeline for completion of the NRP in its entirety will exceed the timeline for the use of the County ARPA funding. The intent was never to match the County ARPA funding timeline to the entirety of the NRP, but to sub-projects within the NRP, which would make the County ARPA grant funding the first and last dollar used for specific sub-projects. Monahan stated it is important to note that any proceeds from the sales of homes in the NRP will be reused to fund additional affordable housing. Monahan reviewed a proposal showing the property projects that are proposed to be renovated or cleared for site work (to be completed using IEDA and County funding) to allow for the construction of IFA funded houses for first home buyers. The projects will then return

properties to the tax rolls to increase their taxable value. Monahan noted the additional funding necessary for the project is not an issue. Monahan stated the request is to revise the current County ARPA funding contract to allow the first and last dollar used for the specific sub-projects. County Attorney Jim Barry stated the County was approached in Spring 2023 by Community Foundation of Greater Muscatine and held several meetings with Administrative Services Director Nancy Schreiber, Budget Administrator Kala Naber, Monahan, Shafer and himself to try to understand a clear direction of the revised ARPA funding request. Barry stated the proposal the Board has received today was received on Thursday, March 7, 2024 evening and on March 8, 2024, Naber reached out to the State Auditor to verify, for purposes of being audited in the future, that the County doesn't come into conflict with the prohibition that government money be funneled to non-profit organizations. Barry stated the State Auditor has not responded as of this morning. Barry stated the initial intent of the ARPA funding was to go to the City of Muscatine, however if the funding goes to a non-profit it has raised questions as this could be an indirect transfer rather than a direct transfer of funds. Barry stated from a legal standpoint the signed contract will need to be rescinded and make a first agreement with an alternative of first and last dollar used, which is different than other County ARPA contracts. Barry stated if the State Auditor blesses the revised contract request, and the Board approves a revised contract, additional contingencies could be included. The Board consensus was in favor of a revised contract if the State Auditor approves. Sauer stated a concern is the management of the funds, recouping money from the sales of the properties and to keep the profits working as long as possible.

Planning and Zoning Administrator Eric Furnas stated Resolution #03-11-24-02 Granting an Extension for Filing the Replat of Lots 1 and 2 of Salvatore's Subdivision and Parcel J is a replat approved by the Board in August 2023. The request is to refile the subdivision that was not filed timely after being approved. Furnas stated there have been no changes.

On a motion by Chick, second by Sauer, the Board approved Resolution #03-11-24-02 Granting an Extension for Filing the Replat of Lots 1 and 2 of Salvatore's Subdivision and Parcel J. Roll call vote: Ayes: Kirchner, Chick, Sauer and Sorensen. Mather abstained from the vote do to client conflict.

RESOLUTION #03-11-24-02
RESOLUTION GRANTING EXTENSION FOR FILING OF REPLAT OF LOTS 1 AND
2 OF SALVATORE'S SUBDIVISION AND PARCEL J

WHEREAS, the Muscatine County Board of Supervisors approved the preliminary and final plat of the Salvatore's Subdivision on August 14, 2023; and

WHEREAS, Article III, Section 1.7 of the Muscatine County Subdivision Ordinance requires recording of the final plat within 90 days of its approval; and

WHEREAS, the final plat was not recorded within the 90-day window and an application for an extension of time was not made to the Board of Supervisors under the provisions of Section 1.7; and

WHEREAS, owing to an additional period of time being needed to file the final plat; and

WHEREAS, the attorney representing the owners has submitted a written request for an extension after the 90-day filing period has expired and has paid the \$100 fee, as required by Section 1.7.

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

1. That Nathan Mather, attorney for the Salvatore's Subdivision owners, is granted an additional 90 days to file the final plat and otherwise comply with the subdivision ordinance.

Passed and approved this 11th day of March, 2024.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

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

County Assessor Randy Spies held discussion and direction regarding a plan for addressing the unknown owner parcels. Spies stated the 127 unknown owner parcel proposed project has been reviewed with County Attorney Jim Barry and the Auditor's office. Spies stated he is requesting approval for the Assessor's office to manage the project in conjunction with the Auditor's office. Spies stated a majority of the unknown owner parcels will be transferred by deed to the adjacent property owner. Spies stated there are several unknown owner parcels with multiple adjacent owners who will require to verify if ownership can be proved or if the parcel will be split between owners. Spies stated the multiple adjacent owner will receive a letter to determine if the property can be divided amicably and if not, a survey by the property owners will need to occur. Barry stated the aggregate of the unknown owner parcels is approximately 500 acres. The Board consensus was to allow the Assessor's office to manage the project.

Spies reviewed with the Board an option to hire an outside agency to enter the splits survey transactions and update the mapping system into the county's real estate system, to assist the Auditor's office with this complex and time intensive part of the real estate transfer process. Spies stated he has acquired a bid from Schneider GIS which stated the first year and set up costs at \$8,500 with the following year at approximately \$7,000 annual cost. The Schneider GIS bid is for 85-100 survey work, the typical annual splits/combo survey amount for the county. Spies stated he has requested a bid from Sidwell Maps and will present more information once more bids are received.

County Auditor Tibe Vander Linden presented the abstract of votes for the first tier of the March 5, 2024 Columbus Community School District Special Election. The Board canvassed the results

as follows: For the Columbus Community School District Public Measure NM: 17 votes were cast. Yes received 14 votes. No received 3 votes.

Vander Linden held discussion with the Board to request an additional full-time Administrative/Elections Clerk position. Vander Linden stated she has prepared reports to show the real estate administrator duties/time involved, work duties of the entire staff and the over-time and comp hours accrued over the past four years. Discussion was held regarding the concerns with a newer staff, over-time hours budgeted for, workload for the Auditor's staff and the possibility of a permanent part-time or job sharing with another office.

On a motion by Chick, second by Mather, the Board authorized one additional full-time Administrative/Elections Clerk position. Ayes: Kirchner and Chick. Nays: Mather, Sauer and Sorensen. Motion failed.

On a motion by Sauer, second by Chick the Board approved a renewal application for a Special Class C Retail Alcohol License and Outdoor Service Permit for Muscatine Municipal Golf Course, 1820 Hwy 38, Muscatine, Iowa. Ayes: All.

On a motion by Mather, second by Sauer, the Board approved the minutes of the March 4, 2024 regular meeting. Ayes: All.

Correspondence:

- All Supervisors received an email from a resident with concerns with a property on Zale Avenue with questions about zoning.
- Sauer had a call from a resident stating there was debris in a ditch. Sauer contacted County Engineer Bryan Horesowsky.
- Sorensen received emails regarding port designations.
- Sorensen received a notice regarding a new Emergency Management Service levy that was passed at the Special Election held March 5, 2024.
- Chick received an email from Chuck Houseman regarding 245th Street, Conesville, Iowa.

Committee Reports.

- Sorensen attended a meeting with a Representative from Senator Joni Ernst's office regarding mental health and federal policies on March 5, 2024.
- Sorensen attended an Eastern Iowa Mental Health work session on March 7, 2024.
- Mather and Sorensen attended a Housing Council meeting on March 6, 2024.
- Mather attended a Seventh Judicial District Department of Correctional Services Board on March 8, 2024.
- Mather stated the Muscatine County Veterans Affairs Commission did not meet due to a lack of a quorum.

County Attorney Jim Barry stated he was contacted on March 5, 2024 by Klinger and Associates relative to the Levee Project, to review and approve an eight-page contract from Legacy from Illinois, regarding the levee height increase and overtopping section. Barry stated he has identified

approximately 30 items he would like to see clarification or documentation on. County Engineer Bryan Horesowsky and Administrative Service Director Nancy Schreiber were copied in on the communication regarding the contract.

The Board recessed at 10:49 A.M. and reconvened at 10:56 A.M.

On a motion by Mather, second by Sauer, the Board went into closed session at 10:56 A.M. pursuant to Chapter 21.5 (c), Code of Iowa, to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent. Roll call vote: Ayes: All. Mather abstained from the closed session due to client conflict.

On a motion by Sauer, second by Kirchner, the Board returned to open session at 11:16 A.M. Roll call vote: Ayes: All. Mather rejoined the meeting at 11:16 A.M.

Barry stated discussion held with the Board regarding a proposed amendment to the current Law Enforcement Certification Costs policy has brought forth the following recommendation: To amend the section of the policy regarding employment contracts and/or contract buyouts for new hires, to only collect reimbursement wages that are above the minimum wage, excluding benefits and taxes, with being in accordance therein. Barry stated discussion regarding recent employee contract buyouts with a city who paid off the contracts for two former county deputies upon their hiring to the city, has led to Board recommendation for the county to contact the city to reimburse the difference between what they were paid and the minimum wage standard described.

On a motion by Chick, moved by Sauer, the Board moved to amend the Law Enforcement Costs policy regarding employment contracts and/or contract buyouts for new hires, to only collect reimbursement wages that are above the minimum wage, excluding benefits and taxes, with being in accordance therein. Ayes: All.

The meeting was adjourned at 11:17 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors