

Muscatine County Board of Supervisors  
Monday, June 24, 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.

On a motion by Sauer, second by Kirchner, the Board approved claims dated June 24, 2024 in the amount of \$906,129.46. Ayes: All.

Ron Monahan, Housing Initiatives Manager of Community Foundation of Greater Muscatine, presented a second amendment request to the ARPA funding agreement. Monahan gave an update on the Neighborhood Revitalization Project and stated a change in legislation occurred in May 2024, which requires an environmental review of the renovation properties listed in Exhibit D timeline of the proposed amendment. Monahan stated the environmental reviews have prevented the project from proceeding more quickly and they are unable to execute agreements with contractors by the June 30, 2024 deadline currently set in the ARPA funding contract. Monahan stated the projects are proceeding and the Foundation is requesting to extend the contract to October 31, 2024. The ARPA funding is a critical match component to the funding received from the Iowa Economic Development Authority (IEDA). County Attorney Jim Barry stated the ARPA funding agreement was originally contracted to be the final funding for the revitalization project. Barry stated in March 2024, Monahan presented a request to the Board in which the ARPA funding be the first dollars of the funding instead of the last, which was approved by the Board to amend the contract, in which was not signed, due to the environmental review requirements that occurred. Barry stated a meeting was held in June 2024 with Monahan, Administrative Services Director Nancy Schreiber, Budget Administrator Kayla Naber and Barry, to define the problem with the June 30, 2024 deadline, which was determined to be the required environmental studies. Barry stated the original deadline of June 30, 2024, for all ARPA funding contracts, was to allow for a period of time to re-evaluate where the funding would be re-committed to if a project was not to be completed in time. Barry stated they have requested a monthly schedule for July to September 2024 from Bi-State to review the progress of the proposed revitalization projects. Sauer asked Monahan if they are confident the environmental studies will be completed timely. Mather asked what does the environmental studies entail. Rick Newcomb of BiState, stated BiState has been completing environmental reviews for different parts of the project which speeds up the environmental assessment. Newcomb stated it entails what has been completed for other parts of the project and the historical review of the individual location assessments which have already been started. Newcomb stated in speaking to IEDA they feel pretty confident the studies can be done at a quick rate. Mather asked what are the cost per property for the studies. Newcomb stated the cost is figured into BiState's administrative fee for the City's Community Block Grant (CBG) and stated the environmental studies are required as the ARPA funds are being matched to CBG grant funding. Sauer expressed his concern with the timeline and the risk the county could lose this portion of the ARPA funding for other projects. Barry stated the concern has been addressed in their meeting and the funding could be committed to an

internal expenditure with the county, such as the capital assets used for the courthouse roof project, subject to the Board's review and approval. Chick stated his concern with allocating ARPA funds to a non-profit instead of using the funds for county projects.

On a motion by Mather, second by Sauer, the Board approved a second amendment to the ARPA funding Agreement with Community Foundation of Greater Muscatine. Ayes: Kirchner, Sorensen, Mather, Sauer. Nay: Chick. Motion passed 4-1.

On a motion by Chick, second by Kirchner, the Board approved a utility permit with Eastern Iowa Light and Power, Wilton, Iowa – change out an old pole and bore two inch inner-duct which will house 7,200 cable from the new pole to the west, into private property for the purpose of getting a new electrical service to a new house at 1568 Moscow Road, Moscow Township in Section 33, T-78N, R-2-W. Ayes: All.

County Engineer Bryan Horesowsky reviewed an RPA Region 9 funding update. Horesowsky stated the STGB funding applications for the existing F58 project and the North Mulberry Road culvert layout for 2029 were reviewed by the Region. The Region moved to approve the additional funding for the F58 project, however it was later determined there was not enough funding available for the full project. Horesowsky stated of the F58 project cost at \$2.1 million-dollars, STGB funding approved \$1,572,826.00 for the project, which is good news. Horesowsky stated the Region also held discussion on the existing trails map.

Planning and Zoning Administrator Eric Furnas held discussion with the Board regarding a special use permit and a variance request Case #24-06-02, an application filed by Muscatine Power and Water (MPW) and approved by the Board of Adjustment to allow the construction of an 80 foot by 60-foot structure to be used for storage on the property at 2390 200<sup>th</sup> Street, Muscatine, Iowa, containing 9.64 acres and is currently zoned A-1 Agricultural. The variance request is to construct the proposed building approximately 50 feet from the front (north) property line and approximately 10 feet from the side (east) property line instead of the required 25 feet due to the site being predominantly occupied by substation equipment and overhead lines making the siting of a proposed building very challenging. MPW does not anticipate a material increase in local traffic and plans to use the building for long-term storage. Mather stated his concerns that the applicant has not shown the rationale that an unnecessary hardship exists rather than the request is convenient and doesn't bother anyone.

On a motion by Mather, second by Chick, the Board moved to remand a variance request, Case #24-06-02 to request the Muscatine County Board of Adjustment to set forth its findings to show how each aspect of the law was fulfilled by the requestor for the variance (granted to Muscatine Power and Water, for the property at 2390 200<sup>th</sup> Street, Muscatine, Iowa, on June 14, 2024). Ayes: All.

Furnas held discussion with the Board regarding Case #24-06-01, an application filed by Gregory Kresin, Record Owner for property located at 3395 Highway 22, Muscatine, Iowa, located in Sweetland Township which is zoned R-2 Residential District, to allow a storage structure to be built on the parcel. The Board of Adjustment determined that the accessory structure would not negatively

impact the public or surrounding parcels with the variance needed because there are is no existing dwelling on the property that the structure could be an accessory to.

On a motion by Mather, second by Chick, the Board moved to remand Case #24-06-02, to request to the Muscatine County Board of Adjustment, to set forth its findings to show how each aspect of the law was fulfilled for a variance (granted to Gregory Kresin, Record Owner for property located at 3395 Highway 22, Muscatine, Iowa, located in Sweetland Township). Ayes: All.

Sorensen and Furnas recommended the Muscatine County Comprehensive plan should be reviewed in regards to smaller dwelling units that historically have been allowed to be built as current environmental regulations and other regulations, will not allow utilization of the structures.

On a motion by Mather, second by Sauer, the Board set a public hearing for Monday July 15, 2024 at 9:00 A.M. on a request to vacate lots 7-33 and lots 37-44, including all roads and easements, of Kent Estates Chatham Addition and to re-zone the area consisting of lots 37-44 from the existing R-1 Residential District to R-2 Residential District. The property is located in Bloomington Township in the SW ¼ of Section 23-T77N-R2W. Ayes: All.

On a motion by Sauer, second by Kirchner, the Board approved the minutes of the June 17, 2024 regular meeting. Ayes: All.

Correspondence:

Sauer received a call from a resident with concerns of a Class B road and what to do to request improvements. Sauer forwarded the concern to County Engineer Bryan Horesowsky.

Committee Reports:

Kirchner attended a Muscatine County Fair Board meeting on June 20, 2024.

Sorensen attended an Eastern Iowa Mental Health Region meeting on June 17, 2024.

Sorensen stated his concerns with the legislative changes in regards to the region being required to spend down their fund balance and only being allowed to maintain a 5% fund balance for cash flow for payroll and vendor payments.

Mather attended a Wilton Economic Development Council meeting on June 19, 2024.

Sauer attended a Muscatine County Conservation Board meeting on June 17, 2024.

Sauer attended a Riverbend Transit Board of Directors meeting on June 19, 2024.

On a motion by Chick, second by Sauer, the Board approved Resolution #06-24-24-01 Abating Taxes: Building on Leased Land. Roll call vote: Ayes: All.

**RESOLUTION #06-24-24-01  
ABATING TAXES: BUILDING ON LEASED LAND**

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, taxes, interest and costs accrued, due and owing on the property described as 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 24<sup>th</sup> day of June, 2024.

ATTEST:

/s/Tibe Vander Linden  
Muscatine County Auditor

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

On a motion by Mather, second by Sauer, the Board approved Resolution #06-24-24-02 FY 2024/25 Budget Appropriations. Roll call vote: Ayes: All.

**RESOLUTION #06-24-24-02  
FY 2024/25 BUDGET APPROPRIATIONS**

It is hereby resolved that the following amounts itemized by Department will be appropriated for the Fiscal Year beginning July 1, 2024:

01	Board/Administration	778,743
02	Auditor	691,484
03	Treasurer	628,511
04	Attorney	1,409,261
05	Sheriff	3,552,286
06	Jail	7,671,916
07	Recorder	333,629
20	Engineer	15,437,002
22	Conservation Board	1,425,504
24	DHS	44,000
25	Community Services	984,620
28	Medical Examiner	247,033
30	Court Services	218,000
31	Board of Health	441,574
51	General Services	1,040,738
52	Information Services	1,036,400
53	Zoning	503,560
60	Mental Health Administration	153,208

99	Nondepartmental with Transfers	26,910,480
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		\$63,507,949

It is further resolved that all appropriations made pursuant to this RESOLUTION lapse at the close of business on June 30, 2025.

Passed and approved this 24th day of June, 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 a Fireworks Permit application from David Starkweather. Ayes: Kirchner, Chick, Sorensen, Sauer. Nay: Mather. Motion passed 4-0. Mather stated his concern that the application section to describe the proposed method of notifying the neighbors within a one-mile radius of the event was not completed. Schreiber stated for future applications, all application sections will need to be completed and communicated to applicants.

Schreiber stated the Salary Study implementation and proposed adjustments for the Salary Administration program are as follows:

- Revisions to weight of eight factors used to determine grade placement for positions in Salary Administration Program.
- Adjustments to position grade placements based on revised scoring system and market data.
- Placement of positions in new grade at lowest step not resulting in a salary decrease under the current (FY23/24) salary schedule.
- Revised step schedule to implement 1<sup>st</sup> step at six months for employees hired in a minimum.
- Treasurer's Clerks – replace three levels with two and adjust employee's grade and step accordingly.
- Placement of all employees on propose FY24/25 salary schedule (3.25%) at assigned grade and step after revisions listed above.
- July 1, 2024 step increase for employees who lost nine or more steps as a result of regrading process.
- Calculation of 1% one-time pay for two employees at the maximum step of their grade as of July 1, 2024.

Schreiber stated the net cost for FY24/25 is 4.64%. Schreiber recommended the following future considerations to the Board: To determine if the Board wants a multi-year schedule developed to catch regraded employees up to their former step and to adopt a wage philosophy for the county. Furnas stated he is in the hiring process for an open position and how current

employees are being treated if they are being repositioned to a new grade but dropped back in steps, which will create a low pay increase at this time and at the same time the market analysis shows the current employee is underpaid. Furnas stated this also limits his hiring ability at this time to have only a few beginning steps to offer a new hire without disregarding the years of experience for his 5+ years employee. Schreiber stated that is why she recommended to the Board (for employees who are losing steps with the new implementation) to review and possibly implement a multi-year schedule.

On a motion by Sauer, second by Chick the Board approved the FY24/25 Salary Schedule (3.25% adjustment to scale) and authorize one-time payments to employees at the maximum step for their grade (1.0%) and to implement recommendations from the MRA Compensation Study. Ayes: All.

Schreiber reviewed fiscal year-end cash count assignments with the Board.

County Attorney Jim Barry reviewed the proposed Resolution #06-24-24-03 Authorization to Sue for Animals stating the Muscatine County Sheriff's office executed a search warrant last week to cease approximately 67 animals (dogs, cats, turtles, birds and rabbits) over a two-day period with the animals being taken to It Takes a Village Animal Rescue to be evaluated by a veterinarian. Barry stated there is a hearing scheduled for Wednesday, June 26, 2024 and there will be a court filing to recoup the cost to the county for the daily cost for the maintenance of the animals, service fees, veterinarian fees and attorney fees incurred with a judgment against the animal order.

On a motion by Mather, second by Chick, the Board approved Resolution #06-24-24-03 Authorization to Sue for Animals, with Barry. Roll call vote: Ayes: All.

**RESOLUTION #06-24-24-03  
AUTHORIZATION TO SUE FOR ANIMALS**

WHEREAS, Iowa Code Section 717B Code of Iowa provides that a local entity, either a city or county, may petition the court to determine an animal is threatened, and if so, the court may order what is appropriate for that animal; and

WHEREAS, Iowa Code Section 717B Code of Iowa further provides that a local entity may petition the court to order the owner(s) pay rescue costs of a threatened animal; and

WHEREAS, the Muscatine County Attorney has filed an action to pursue such relief involving 34 dogs, 11 cats, 8 rabbits, 5 rats, 7 birds, 1 dead rabbit and 1 dead turtle all allegedly threatened, which were placed at It Takes a Village on June 17, 2024 and June 19, 2024; and

WHEREAS, the Muscatine County Attorney's Office may pursue a civil legal remedy to this matter as provided in Iowa Code Section 717B with the permission of the Board of Supervisors.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Muscatine County Board of Supervisors that the Muscatine County Attorney is authorized to proceed on behalf of Muscatine County as provided in Iowa Code Section 717B with respect to the 34 dogs, 11 cats, 8 rabbits, 5 rats, 7 birds, 1 dead rabbit and 1 dead turtle.

PASSED AND APPROVED this 24th day of June 2024.

ATTEST:

s/Tibe Vander Linden  
Muscatine County Auditor

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

Lauren Wear, 498 Buckeye Road, West Liberty, Iowa, complimented the Board on the improvements with a chip seal road on his route to town. Wear requested the county reclaim the transition road near his property and requested to keep gravel from the road from encroaching on his driveway. County Engineer Bryan Horesowsky stated the east/west portion of the road is maintained by Cedar County and the north/south portion is maintained by Muscatine County. Weir stated the road does not currently have an embargo as it has in year's past, and there is approximately a million bushel of corn transported each year. Wear stated his concerns with a drop off on the edge of the road on Franklin Avenue, which is located in Cedar County. Wear complemented Muscatine County on their snow removal and their nice equipment. The Board consensus was to direct Horesowsky to contact Cedar County with the concerns.

On a motion by Chick, second by Mather, the Board went into closed session at 10:47 A.M. pursuant to Chapter 21.5.1 (j) Code of Iowa, to discuss the purchase or sale of particular real estate only where 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 Mather, second by Chick, the Board returned to open session at 11:21 A.M. Roll call vote: Ayes: All.

On a motion by Mather, second by Sauer, the Board approved to engage Hattery Real Estate Appraisals to prepare and present certain real estate appraisals for possible use in future condemnation and/or court proceedings. Ayes: All.

On a motion by Mather, second by Sauer, the Board went into closed session at 11:22 A.M. to discuss Muscatine County entering into an agreement for certain real estate appraisals to be completed, which should be addressed in closed session under the following Iowa Code Sections: 21.5 (c) - To discuss strategy with counsel in matter where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation; and/or 21.2 (j) – To discuss the purchase or sale of particular real estate only where 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. All. On a motion by Kirchner, second

by Chick, the Board returned to open session at 11:40 A.M. Roll call vote: Ayes: All.

The meeting was adjourned at 11:41 A.M.

ATTEST:

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Tibe Vander Linden  
County Auditor

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Nathan Mather, Vice-Chairperson  
Board of Supervisors