

Muscatine County Board of Supervisors
Monday, July 15, 2024

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

In review of the agenda, a request to update the year from 2023 to 2024 on Item #7b & 7c was noted by Sorensen. On a motion by Mather, second by Kirchner, the agenda was approved with said updates. Ayes: All.

A Public Hearing was called to order by Chairperson Sorensen at 9:01 A.M. on the request from Brisk, LLC, Record Owners, to vacate lots 7-33 and lots 37- 44, including all roads and easements, of Kent Estates Chatham Addition and to rezone the area consisting of lots 37-44, located in Bloomington Township, in the SW ¼ of Sec. 23-T77N- R2W from R-1 Residential District to R-2 Residential District.

Planning and Zoning Administrator Eric Furnas spoke on vacating the plats and rezoning of plots. Furnas stated a petition received from landowners is in order. Nathan questioned the difference between R-1 Residential and R-2 Residential Zoning. Furnas explained that R1 is a minimum of one acre or more and R2 is less than one acre. Furnas stated that when going from paper maps to MAGIC, there were some inconsistencies during the transition. Furnas also said that all landowners, and landowners within 200 feet have been notified by certified mail. Furnas stated that he has spoken with the purchasers of property, where Hale Street becomes Chatham Circle, that an acceptable cul-de-sac should be installed for adequate turnaround for emergency vehicles, school buses, etc.

On a motion by Chick, second by Nathan, the public hearing was closed at 9:07 A.M. Roll call vote: Ayes: All.

On a motion by Chick, second by Kirchner, the board approved Resolution #07-15-24-01 Approval of the Vacation of Lots 7-33 and 37-44, including All Roads and Easements of Kent Estates Chatham Addition. Roll call vote: Ayes: All.

RESOLUTION #07-15-24-01
APPROVAL OF THE VACATION OF LOTS 7-33 AND 37-44, INCLUDING ALL
ROADS AND EASEMENTS OF KENT ESTATES CHATHAM ADDITION

WHEREAS, there has been presented before the Board of Supervisors of Muscatine County, Iowa, the vacation of lots 7-33 and 37-44, including all roads and easements, of Kent Estates Chatham Addition; and

WHEREAS, said vacation of plat has heretofore been approved by the Zoning Commission of Muscatine County, Iowa; and

WHEREAS, said vacation of plat fully conform with all laws of the State of Iowa and all ordinances of Muscatine County, Iowa, applicable thereto; and

WHEREAS, the vacation of said lots is conducive to orderly development within Muscatine County, Iowa, is not in conflict with any extensions of the established road systems of Muscatine County, Iowa, and is in harmony with the comprehensive plan of zoning now in effect within Muscatine County, Iowa.

WHEREAS, the vacation of the plat thereof was accepted and approved by the Muscatine County Board of Supervisors following a public meeting on July 15, 2024.

NOW, THEREFORE, be it resolved by the Board of Supervisors of Muscatine County, Iowa, as follows:

Section 1. The said lots, roads and easements are hereby vacated.

Section 2. The Chairperson of the Board of Supervisors and the Auditor of Muscatine County, Iowa, are hereby authorized and directed to certify this Resolution in order that the same and all other matters material to said vacation may be recorded in the Office of the Recorder of Muscatine County, Iowa.

PASSED and APPROVED this 15th day of July, 2024.

ATTEST:

/s/Jane Claussen
Muscatine County 1st Deputy Auditor

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

On a motion by Chick, second by Kirchner, the board approved an ordinance to rezone the area consisting of lots 37- 44 of Kent Estates Chatham Addition in Bloomington Township from R-1 Residential District to R-2 Residential District on the first of three readings. Roll call vote: Ayes: All.

Furnas updated the Board on Change Order #1 in the amount of \$7,800.39 that are unseen areas of the roof which need updated to the Courthouse Roofing Project. Furnas stated the wood decking and ledging was evaluated during roofing removal and determined it will need to be replaced. This area is approximately 430 linear feet by 30 inches wide. Furnas stated that Mike Nolan of Horizon Architecture has reviewed this change order. Nolan will also be here Thursday, July 18, 2024 to identify other potential changes not seen at this time.

On a motion by Chick, second by Mather, Board approved Change Order #1 in the amount of \$7,800.39 for the Courthouse Roofing Project. Ayes: All.

On a motion by Mather, second by Kirchner, a Public Hearing was set for Monday August 5, 2024 at 9:00 A.M. on a request to re-zone approximately .23 acres in Montpelier Township, 3389 Hwy 22, Muscatine, Iowa from C-1 Commercial District to R-2 Residential District. Furnas stated the Zoning Commission met and recommends this request. Ayes: All.

Joshua Leyh of Klingner & Associates updated the Board on Road and Right-of-Way Use Agreement with Legacy Corporation for the Muscatine Island Levee Improvement Project, Feature 1 – Haul Route. Leyh stated flooding has delayed Feature 1. County Attorney Jim Barry stated the County has already reserved the Performance & Payment Bonds and Legacy Certificate of Insurance for Feature 2.

On a motion by Chick, second by Mather. Board approved the Road and Right-of-Way Use Agreement with Legacy Corporation for the Muscatine Island Levee Improvement Project, Feature 1 – Haul Route. Ayes: All.

County Engineer Bryan Horesowsky presented bids for the L-(M24-3) --73-70, PCC Patching on Vail Ave (Y26) as follows: Cedar Falls Construction Co. Inc, Waterloo, Iowa - \$326,360.70; Heuer Construction Inc., Muscatine, Iowa - \$340,371.80; All American Concrete Inc., West Liberty, Iowa - \$444,154.06.

On a motion by Mather, second by Kirchner, the Board approved to award the bid for the L-(M24-3) --73-70, PCC Patching on Vail Ave (Y26) to Cedar Falls Construction in the amount of \$326,360.70. Ayes: All.

On a motion by Chick, second by Kirchner, the Board approved the following utility permit: Windstream Iowa Communications LLC, Little Rock, Arkansas – in order to accommodate a road move to the South of Moscow, replace existing pedestal and cable, tied to Project FM (69), Section 16 & 21-T78N-R2W. Ayes: All.

County Engineer Bryan Horesowsky updated the Board on Secondary Road projects.

On a motion by Chick, second by Kirchner, the Board approved to disallow previously approved Homestead and Military Credits. Mather requested that the summary be provided earlier to the Board to allow adequate time to review. Ayes: Kirchner, Chick and Sorensen. Mather abstained from voting as he did not review the applications.

On a motion by Chick, second by Kirchner, the Board allowed new 2024 Homestead tax credit and/or Military Tax Exemption applications, except those recommended to be disallowed by the Assessor's Office. Ayes: Kirchner, Chick and Sorensen. Mather abstained from voting as he did not review the applications.

On a motion by Chick, second by Kirchner, the Board approved/denied 2024 Disabled Veteran's Homestead Tax Credit applications as recommended by the Muscatine County Assessor's Office. Ayes: Kirchner, Chick and Sorensen. Mather abstained from voting as he did not review the applications.

On a motion by Chick, second by Mather, the Board approved the minutes of the July 8, 2024 regular meeting. Sorensen stated County Engineer Bryan Horesowsky requested the minutes include additional information regarding the traffic controls with the Muscatine Island Levee Project. The Board approved the minutes with this revision. Ayes: All.

Correspondence:

All Supervisors received an email from Judy Hammond about Weiss Cemetery which was forwarded to County Attorney Jim Barry.

Mather stated Veteran Affairs Director Eric Sanders shared that the ceremony on July 4, 2024 presenting the Purple Heart to Keith Ormsby, who was wounded in Vietnam will be featured in "The Military Salute" which is a wide spread US Military Publication.

Mather also stated State Representative Miller-Meeks also entered the ceremony into the congressional record.

Mather reviewed a letter from Connie Whitlock, commending Veteran Affairs Eric Sanders for his great work in aiding her family and thanked him.

Sorensen received a call on July 10, 2024 from Jim Meredith regarding the dumping of debris from the Central Middle School.

Committee & Meeting Reports:

Kirchner attended a Muscatine County Fair Board meeting on July 11, 2024.

Chick and Sorensen attended Greater Muscatine Chamber of Commerce and Industry (GMCCI) meeting on July 9, 2024.

Sorensen attended an Eastern Iowa MH/DS Region special meeting on July 8, 2024 to approve the contract to receive funds from the State.

Sorensen attended a Region 9 Transportation Policy Board meeting on July 12, 2024

Mather stated attending a Housing Council Meeting on July 3, 2024

Kirchner stated the Muscatine County Fair starts this Wednesday July 17, 2024 at 12:00 P.M. The fair runs July 17 to 21, 2024.

On a motion by Mather, second by Kirchner. Board approved Drainage claims paid on July 8, 2024 in the amount of \$61,913.84. Ayes All.

On a motion by Mather, second by Kirchner. Board approved Resolution #07-15-24-02 Creating the Ports of Eastern Iowa Authority. Roll call vote Ayes: All.

**RESOLUTION #07-15-24-02
CREATING THE PORTS OF EASTERN IOWA AUTHORITY**

WHEREAS, Chapter 28J of Iowa Code allows two or more political subdivisions to create a port authority by resolution; and

WHEREAS, the Counties of Louisa, Muscatine, Scott, Clinton, Jackson, and Dubuque Iowa desire to create a port authority; and

WHEREAS, at a duly called meeting of the Muscatine County Board of Supervisors, which occurred on July 15, 2024, the decision was made to adopt this Resolution.

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

1. A port authority is hereby established with jurisdiction to encompass real or personal property within the territory of the undersigned political subdivision that is owned by the port authority or real or personal property within the territory of the undersigned otherwise owned, operated or controlled in a manner related to the furtherance of one or more of the authorized purposes as set forth in chapter 28J.1 (1), Code of Iowa.
2. The port authority shall be known as the Ports of Eastern Iowa Authority.
3. The Ports of Eastern Iowa Authority shall have all powers contemplated by Chapter 28J of the Iowa Code except eminent domain or zoning powers. Nothing expressed or implied in this resolution shall represent any financial commitment to the port authority on behalf of the undersigned political subdivision.
4. Ports of Eastern Iowa Authority shall be governed by a board of directors comprised of one director from each political subdivision creating the authority. The director appointed by each political subdivision shall serve a two-year term, except any person appointed to fill a vacancy shall be appointed to only the unexpired term. In the event of a vacancy on the board, the political subdivision which appointed the director creating the vacancy shall be entitled to appoint a director to fill the vacancy.
5. Except in connection with the initial board, the Ports of Eastern Iowa Authority board of directors shall not include a member of a legislative body of any political subdivision which is a part of the authority. Any board member elected to any such legislative office during the board member's term of office on the board, shall immediately be removed from the board and a successor shall be appointed for the remaining term of the removed director in the same manner provided for the original appointment.
6. By enacting this Resolution, the undersigned political subdivision agrees that any surplus of funds as contemplated by section 28J.13 of the Iowa Code shall be paid, in equal shares, to the general funds of the following political subdivisions with adopt a like resolution and appoint members of the initial board of directors: the Counties of Louisa, Muscatine, Scott, Clinton, Jackson, and Dubuque. Liabilities of the port authority shall not become liabilities of the political subdivisions.
7. Except as provided in Chapter 28J of the Iowa Code, nothing in this Resolution shall be construed as altering, impairing, or diminishing the authority of the undersigned, or previously approved county resolutions.
8. This Resolutions shall only become effective when at least three (3) of the remaining six political subdivisions adopt a like resolution and appoints its members of the initial board of directors.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST :

/s/Jane Claussen
Muscatine County 1st Deputy Auditor

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

On a motion by Mather, second by Kirchner, Board approved Resolution #07-15-24-03

Reallocating Local Assistance and Tribal Consistency Funds in the amount of \$16,500. Roll call vote Ayes: All.

RESOLUTION # 07-15-24-03
REALLOCATING LOCAL ASSISTANCE & TRIBAL CONSISTENCY FUNDS

WHEREAS, Section 605 of the Social Security Act (the Act), added by Section 9901 of the American Rescue Plan (ARPA), established the Local Assistance and Tribal Consistency Fund (LATCF), which provides for Treasury to pay \$2 billion to eligible revenue sharing counties and eligible Tribal governments across fiscal years 2022 and 2023 for use on any governmental purpose except for a lobbying activity,

WHEREAS, the Local Assistance and Tribal Consistency Fund allocated \$100,000.00 to Muscatine County and on November 18, 2022 the first half of funds totaling \$50,000.00 was received and on July 31, 2023 the second half of funds totaling \$50,000.00 was received and,

WHEREAS, the Muscatine County Board of Supervisors allocated an amount not to exceed \$20,000, as a match to other funding sources received by June 30, 2024, to Muscatine Legal Services on January 30, 2023 and wishes to reallocate the unspent funds to the following project:

- Courthouse Roof Replacement in the amount of \$16,500

NOW, THEREFORE, BE IT RESOLVED, the Muscatine County Board of Supervisors reallocates Local Assistance and Tribal Consistency Funds from Muscatine Legal Services to the item listed above.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST :

/s/Jane Claussen
Muscatine County 1st Deputy Auditor

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

On a motion by Chick, second by Kirchner, Board approved Resolution #07-15-24-04 Transferring LATCF Funds from the General Basic Fund to the Capital Projects Fund in the amount of \$16,500. Roll call vote Ayes: All.

RESOLUTION #07-15-24-04
TRANSFERRING LATCF FUNDS FROM THE GENERAL BASIC FUND TO THE CAPITAL PROJECTS FUND

WHEREAS, per Resolution #07-15-24-04 it is desired by the Muscatine County Board of Supervisors to reallocate Local Assistance and Tribal Consistency Funds (LATCF) to the Courthouse Roof Replacement capital project; and

WHEREAS, said funds are currently located in the General Basic Fund and require a transfer to the Capital Projects Fund; 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 \$16,500 of Local Assistance and Tribal Consistency Funds (LATCF) from the General Basic Fund to the Capital Projects Fund.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST

/s/Jane Claussen

Muscatine County 1st Deputy Auditor

/s/Jeff Sorensen, Chairperson

Muscatine County Board of Supervisors

On a motion by Mather, second by Chick, Board approved Resolution #07-15-24-05 Transferring Funds from the General Basic Fund to the Historic Preservation Commission Fund in the amount of \$10,000. Roll call vote Ayes: All.

**RESOLUTION # 07-15-24-05
TRANSFERRING FUNDS FROM THE GENERAL BASIC FUND TO THE
HISTORIC PRESERVATION COMMISSION FUND**

WHEREAS, it is desired by the Muscatine County Board of Supervisors to support the efforts of the Muscatine County Historic Preservation Commission; and

WHEREAS, said transfers must be in accordance with Section 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 \$10,000 from the General Basic Fund to the Historic Preservation Commission Fund.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST:

/s/Jane Claussen

Muscatine County 1st Deputy Auditor

/s/Jeff Sorensen, Chairperson

Muscatine County Board of Supervisors

On a motion by Chick, second by Mather. Board approved Resolution #07-15-24-06 Transferring Funds from the General Basic Fund to the Conservation Equipment Reserve Fund in the amount of \$40,000. Roll call vote Ayes: All.

RESOLUTION # 07-15-24-06
TRANSFERRING FUNDS FROM THE GENERAL BASIC FUND TO THE
CONSERVATION EQUIPMENT RESERVE FUND

WHEREAS, it is desired to authorize the Auditor to transfer the FY24/25 budgeted amount from the General Basic Fund to the Conservation Equipment Reserve Fund; and

WHEREAS, said transfers must be in accordance with Section 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 \$40,000 from the General Basic Fund to the Conservation Equipment Reserve Fund.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST :

/s/Jane Claussen

Muscatine County 1st Deputy Auditor

/s/Jeff Sorensen, Chairperson

Muscatine County Board of Supervisors

On a motion by Mather, second by Kirchner. Board approved Resolution #07-15-24-07 Transferring Funds from the General Basic Fund to the GIS Fund in the amount of \$29,809. Roll call vote Ayes: All.

RESOLUTION # 07-15-24-07
TRANSFERRING FUNDS FROM THE GENERAL BASIC FUND TO THE
GIS FUND

WHEREAS, it is desired to authorize the Auditor annually to transfer from the General Basic Fund to the GIS Fund; 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 \$29,809 from the General Basic Fund to the GIS Fund.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST:

/s/Jane Claussen

Muscatine County 1st Deputy Auditor

/s/Jeff Sorensen, Chairperson

Muscatine County Board of Supervisors

On a motion by Kirchner, second by Mather. Board approved Resolution #07-15-24-08 Transferring Funds from the Rural Services Fund to the GIS Fund in the amount of \$29,809. Roll call vote Ayes: All.

**RESOLUTION # 07-15-24-08
TRANSFERRING FUNDS FROM THE RURAL SERVICES FUND TO THE
GIS FUND**

WHEREAS, it is desired to authorize the Auditor annually to transfer from the Rural Services Fund to the GIS Fund; 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 \$29,809 from the Rural Services Fund to the GIS Fund.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST:

/s/Jane Claussen
Muscatine County 1st Deputy Auditor

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

On a motion by Mather, second by Kirchner. Board approved Resolution #07-15-24-09 Transferring Funds from the General Basic Fund to the General Supplemental Fund in the amount of \$450,000. Roll call vote Ayes: All.

**RESOLUTION # 07-15-24-09
TRANSFERRING FUNDS FROM THE GENERAL BASIC FUND TO THE GENERAL
SUPPLEMENTAL FUND**

WHEREAS, it is desired to authorize the Auditor to transfer the FY24/25 budgeted amount from the General Basic Fund to the General Supplemental Fund; and

WHEREAS, said transfers must be in accordance with Section 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 \$450,000 from the General Basic Fund to the General Supplemental Fund.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST :

/s/Jane Claussen
Muscatine County 1st Deputy Auditor

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

On a motion by Mather, second by Kirchner. Board approved Resolution #07-15-24-10 Transferring Funds from the General Basic Fund to the Capital Projects Fund in the amount of \$1,850,000. Roll call vote Ayes: All.

**RESOLUTION #07-15-24-10
TRANSFERRING FUNDS FROM THE GENERAL BASIC FUND TO THE
CAPITAL PROJECTS FUND**

WHEREAS, it is desired by the Muscatine County Board of Supervisors to set aside funds for future projects; 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 \$1,850,000 from the General Basic Fund to the Capital Projects Fund.

PASSED AND APPROVED this 15th day of July, 2024.

ATTEST:

/s/Jane Claussen
Muscatine County 1st Deputy Auditor

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

The Board reviewed the health/dental fund balance as of June 30, 2024. Schreiber noted a significant drop in fund balance during the 23/24 fund year due to rapidly rising healthcare and prescription cost. She noted those increases have resulted in increased premiums and lower cost coverage options for the current fiscal year. In response to a question regarding stop loss coverage, Schreiber explained that the individual stop loss was increased to \$100,000 for the current fiscal year.

Furnas updated the Board to Jim Meredith's call to Sorensen regarding the dumping of debris from the Central Middle School. Furnas stated there are no county regulations of the disposing of concrete debris as long as the soil is undisturbed where dumping. Sorensen stated making the public aware to contact the local DNR office with any questions.

The meeting was adjourned at 10:03 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors