

Muscatine County Board of Supervisors
Monday, July 22, 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 July 22, 2024 in the amount of \$2,077,525.09.

County Engineer Bryan Horesowsky presented Iowa Department of Transportation (DOT) bid letting results for bridge project LFM-(FU-9)--7X-70, a 80' x 30'-6" PPCB Bridge on 120th St (F65) in Section 16 - T78N - R01E as follows: Iowa Bridge & Culvert - \$648,871.03; Jim Schroeder Construction - \$594,712.25 and Brandt Construction - \$787,566.15. Horesowsky stated he will review the bids for accuracy and present his recommendation later in today's meeting or at the next regular meeting.

On a motion by Chick, second by Mather, the Board approved the Contract, Bond, and Certificate of Insurance for L-(M24-2)--73-70, seal coat on various roadways in Muscatine County with Pelling L.L. Co., Inc., North Liberty, Iowa. Ayes: All.

On a motion by Chick, second by Kirchner, the Board approved the Contract, Bond, and Certificate of Insurance for L-(M24-3)--73-70, PCC patching on Vail Ave (Y36) with Cedar Falls Construction, Cedar Falls, Iowa. Ayes: All.

Horesowsky updated the Board on construction projects.

Sorensen questioned Horesowsky if the Muscatine Island Levee Improvement Project has started. Horesowsky stated the temporary entrance on the east side of the road has been built and the stop lights have been placed in the area but the project is on hold until the flood waters recede.

An in-depth discussion was held with Mike Nolan, Horizon Architecture regarding the Muscatine County Facilities Master Plan Update, July 15, 2024 Final Report. Nolan stated the report is meant to be a proposal for discussion of recommended projects, timelines and costs. Nolan reviewed the various facilities owned by Muscatine County and the potential costs of projected maintenance.

Nolan updated the Board on the Courthouse Roofing project.

Planning and Zoning Administrator Eric Furnas reviewed two variances granted by the Muscatine County Board of Adjustment on July 12, 2024. Case #24-06-01, an application filed by Gregory Kresin, Record Owner, 3395 Highway 22, Muscatine, Iowa in Sweetland Township containing 0.33 acres and is zoned R-2 Residential District. The Variance is needed because there are no existing dwelling on the property that the structure could be an accessory to. The Board of

Adjustment determined the unnecessary hardship is the parcel is not large enough to allow it to be used for a dwelling or other R-2 Residential District conforming use that would meet the required setbacks. The Unique Property Limitations are due to the small size and shape of the parcel, it would be difficult to fit a dwelling, private well, and septic system on it, while meeting required separation distances and the Protection of Public Interest is that the accessory structure would not negatively impact the public or surrounding parcels. There are similar parcels in the area that also contain storage structures.

Case #24-06-02, an application has been filed by Muscatine Power & Water. The affected property is located at 2390 200th St, Muscatine, IA in Bloomington Township, in parts of the NE ¼ of Section 29-T77N-R2W, containing approximately 9.64 acres, and is zoned A-1 Agricultural District. If approved, the requests would allow the Zoning Administrator to issue a Special Use Permit to allow the construction of a structure to be used for storage on the property and to issue a Variance to allow the structure to be built approximately 10' from the east side property line. The Board of Adjustment determined the unnecessary hardship is the original configuration of the property limits the areas where the storage structure can be placed. The unique property limitations are due to the topography of the lot including steep slopes and there are limited spaces where the structure could be placed and the protection of public interest is the accessory structure would not negatively impact the public or surrounding parcels. The building would be similar in appearance to other Agricultural structures in the area and will be placed on a dead-end road. The structure will be used for long-term storage, so an increase in traffic is not a concern. Horesowsky stated his concern with snow removal on the gravel road and the expectation that in an emergency situation the secondary roads department could be expected and/or blamed if snow removal is not done. Horesowsky stated over time with turnover in the department, the road condition expectations can be lost. Horesowsky stated an additional concern is if traffic increases, who will be tasked with enforcing road conditions. Furnas stated it has been captured in the minutes when the Special Use Permit was considered, that the building is for proposed storage use of fiber digging equipment to be used in the summer months and expectations were stated for the gravel road maintenance. Furnas stated this area could possibly be a potential city annexation area.

On a motion by Chick, second by Kirchner, the Board accepted the two Variances. Ayes: All.

Planning and Zoning Administrator Eric Furnas reviewed two Special Use Permits granted by the Muscatine County Board of Adjustment on July 12, 2024. Furnas stated Case #24-07-01 is an application filed by John Paul Baric, Aurum Capital Ventures, Grundy Center, Iowa. The property is owned by Matthew Elam, 1978 Solomon Avenue, Muscatine, Iowa. The affected property is adjacent to 2913 University Drive, Muscatine, IA, Parcel #09-19-301-010, in Sweetland Township, in parts of the SW ¼ of Section 19-T77N-R1W, containing approximately 13.38 acres, and is zoned R-1 Residential District. The request, if approved, would allow the Zoning Administrator to issue a Special Use Permit to allow the applicant to construct a data center on the parcel. Data Centers are not specifically defined in the Zoning Ordinance at this time, nor listed as a Special Permitted Use. However, in the opinion of staff, they are materially similar in scope and impact to other specifically listed Special Permitted Uses in the R-1 District. Therefore, staff feels it is within the authority of

the Board of Adjustment to consider this request. The staff recommendation to approve this request includes: The proposed location is already adjacent to an existing electrical substation, which is also a Special Permitted Use in the R-1; Telecommunication transmission towers are also a Special Permitted Use in the R-1 District and the potential impact to surrounding property owners is very similar to that of cell towers and electrical substations and that given the proposed location, it would be minimal. Sorensen asked if there would be limited traffic expected. Tosha Kensett, the applicant, stated there will be two or three people working at the Data Center, once the construction of the Center has been completed. Furnas stated the Board of Adjustment approved this request. Don Roth of Eastern Iowa Light and Power Cooperative stated the Cooperative has been advised from their insurance company to request the primary access for the Data Center be placed on Solomon Avenue and not on University Avenue. Roth stated an easement off Solomon Avenue is currently in place with the adjacent landowner, for the Cooperative's access to their substation. Roth stated Solomon Avenue to the west of the substation was paved by the Cooperative, to allow better access. Furnas stated Solomon Avenue, east of the substation, is a gravel road, thus depending on the time of year for the proposed construction, there may need to be consideration as to how access is allowed and the possible increase in road usage. Mather asked if all property owners were given notice of the meeting and if the applicant and Cooperative attended the meeting. Furnas confirmed the owners were given notice of the meeting. Mather asked if the Board of Adjustment considered the request for the access road to be off Solomon Avenue. It was then stated, the applicant was present at the meeting and a contract was presented to the applicant, which stated the access off University Avenue could be used as a secondary or emergency route, but the preferred access be recommended to be off Solomon Avenue. The Board consensus was the primary access road needs to be clarified. Horesowsky stated the secondary roads department can review a potential special entrance permit. Mather asked if the Board of Adjustment made any kind of finding regarding the primary access road. Furnas stated they did not make any stipulation within in their motion as he believes it was assumed the existing entrance off University Avenue would be used. Furnas stated there is a 30 day pause on any decision granted where any agreed party can appeal the decision. County Attorney Jim Barry stated in the light of new information it is recommended to place the special use permit on a future agenda so both parties can be heard. Furnas stated the Board of Adjustment Agenda for the August 9, 2024 has already been published. Furnas stated another meeting can be scheduled.

Case #24-07-02 is an application filed by Eli Joslyn, 305 Koopmann Ct. SW, Farley, Iowa. The property is owned by Joe Harper, 2073 Bayfield Rd, Muscatine, Iowa. The affected property is located east of Keokuk Avenue, Muscatine IA, Parcel #07-13-100-003, in Lake Township, in parts of the NW ¼ of Section 13-T77N-R3W, containing approximately 37.58 acres, and is zoned A-1 Agricultural District. The request, if allowed, would allow the Zoning Administrator to issue a Special Use Permit to allow the applicant to construct a rural residence on the parcel. This property consists of an original quarter, quarter section of 37.5 acres of undeveloped agricultural land. The parcel has a CSR2 average of 42. There are no other dwellings within 1250' and no state regulated livestock facilities in the vicinity. The staff recommends approval of a Special Use Permit to allow the construction of a Rural Residence at the proposed location. Furnas stated the Board of Adjustment approved this request.

On a motion by Mather, second by Chick, the Board approved an ordinance rezoning 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 second of three readings. Roll call vote: Ayes: All.

On a motion by Kirchner, second by Mather, the Board approved the minutes of the July 15, 2024 regular meeting. Ayes: All.

Correspondence.

All Supervisors received an invitation from Muscatine County Farm Bureau to attend the Annual Steak Fry on August 6, 2024.

All Supervisors received an email from Information Services Director Bill Riley regarding the CrowdStrike (cybersecurity vendor) faulty update that occurred nationally on July 19, 2024.

Sorensen stated he received several emails from message system regarding the 245th Street, Conesville, Iowa situation on July 19, 2024.

Chick received several calls from Steve Kraklio regarding an accident at the intersection of Highway 6 and Moscow Road. Chick referred the information to County Engineer Bryan Horesowsky and Sheriff Quinn Riess. Horesowsky stated he recently viewed the intersection and it appeared all brush has been trimmed however the State could trim the trees for possible improved visibility. Horesowsky stated the bridge on the south side of the road is owned by the State. Sorensen and Chick stated they would like to see what the options and costs are for increased safety measures at various secondary road intersections. Horesowsky stated a Safer Roads for America meeting is scheduled for October 2024, to be held at Discovery Park and the DOT has hired a consultant to implement a safer roads action plan.

Kirchner spoke with Muscatine County Fair Director Kelsey Meyers after the closing of the fair on Sunday, July 21, 2024. Meyers thanked the fair attendees, exhibitors and special thanks to Sheriff Riess, Sheriff Deputies, Reserve Deputy Officers, local fire and emergency responders from West Liberty, Wilton, Atalissa and Nichols, Iowa who made the fair run smoothly and safely.

Committee Reports.

Chick attended a Greater Muscatine Chamber of Commerce and Industry Business After Hours event on July 16, 2024.

Sorensen attended an Eastern Iowa Mental Health Region meeting on July 15, 2024.

Sorensen attended a Robert Young Center Board of Directors meeting on July 16, 2024.

Sauer attended a Muscatine County Conservation Board meeting on July 15, 2024.

Discussion and direction were held with the Board regarding signing a letter from the EIMHDS Region Governing Board to the State of Iowa requesting an Incentive Funds Exception be granted. Sorensen described the changes that have occurred with the legislation, noting the counties having to bridge the payments for clients before Medicaid is approved and the concern that citizens needing services may not receive necessary services. Sorensen stated as of the July 2024 meeting, the Region has \$1.9 million in payables with only \$500,000 in funds. The Board consensus was to allow Sorensen to sign a letter from the EIMHDS Region Governing Board to

the State of Iowa requesting an Incentive Funds Exception be granted.

Horesowsky gave an update to a prior discussion regarding the intersection of Highway 6 and Moscow Road and safety concerns. Horesowsky stated after one of the accidents that occurred at the intersection, the southbound portion of the intersection that is north of Highway 6, there was not a stop sign island in place at that time. A sign was added in the turning radius so it is more apparent for traffic traveling south.

Horesowsky presented Iowa DOT bid letting results with two corrections from the prior presentation in today's meeting for bridge project LFM-(FU-9)--7X-70, a 80' x 30'-6" PPCB Bridge on 120th St (F65) in Section 16 - T78N - R01E as follows: Iowa Bridge & Culvert - \$648,871.03; Jim Schroeder Construction - \$594,719.25 (corrected amount) and Brandt Construction - \$816,666.15 (corrected amount). Horesowsky recommended accepting the low bid and awarding a contract to Jim Schroeder Construction at \$594,719.25. On a motion by Mather, second by Kirchner, the Board approved the bid from Jim Schroeder Construction in the amount of \$594,719.25 for bridge project LFM-(FU-9)--7X-70, a 80' x 30'-6" PPCB Bridge on 120th St (F65) in Section 16 - T78N - R01E. Ayes: All.

The meeting was adjourned at 10:40 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors

