

Muscatine County Board of Supervisors
Monday, August 12, 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 Chick, second by Kirchner, the agenda was approved as presented. Ayes: All.

Planning and Zoning Administrator Eric Furnas requested to waive the requirement for three readings and to approve Ordinance #08-12-24-01 Rezoning Certain Real Property in Montpelier Township from C-Commercial District Zoning Classification to R-2 Residential District Zoning Classification on the second and final reading. The Board consensus was to allow the waiver.

On a motion by Mather, second by Sauer, the Board approved Ordinance #08-12-24-01 Rezoning Certain Real Property in Montpelier Township from C-Commercial District Zoning Classification to R-2 Residential District Zoning Classification on the second and final reading. Roll call vote: Ayes: All.

Furnas held discussion with the Board to accept and authorize to proceed with Terracon for anchor pull testing on the Courthouse Roof. Furnas stated the section of the courthouse roof where the synthetic slate tiles are being removed was retrofitted years ago with a raised wooden deck system that the synthetic slate tiles are attached to. Upon some initial evaluation of the wooden deck and upon finding that the original slate tiles remain in place underneath of it, Renaissance Historic Exteriors has expressed some concerns about the integrity of the anchors holding the wooden deck to the concrete roof decking. To address these concerns, Mike Nolan of Horizon Architecture and Mike Brenneman of M2B engineering have recommended that we proceed with anchor pull testing to evaluate the ability of the anchor bolts to hold the wooden deck system in the future. Terracon was contacted to give an estimate on providing these services with the estimated total cost at \$1270.00. This estimate is not a time and materials quote, but based on scope and conditions described to them by our architect and engineer and assumes all testing can be accomplished in one trip. The cost estimate assumes that testing could take up to 6 hours. Furnas stated although he believes this will be more than adequate time for them to pull test anchors in multiple locations, it is his recommendation that you authorize him to authorize additional work if deemed necessary while they are onsite. Furnas stated the proposed authorization could eliminate the need for additional trip charges if more testing is deemed necessary.

On a motion by Mather, second by Sauer, the Board approved to accept a Proposal for Construction Observation and Testing Services with Terracon for the Muscatine County Courthouse Roof Project and to authorize Planning and Zoning Administrator Eric Furnas to proceed up to \$3,500.00, if additional work is deemed necessary.

Furnas updated the Board on the Courthouse Roof Project regarding the proposed change order for tuck pointing, masonry work and joint sealing. Furnas stated we are looking at other options,

therefore another mason has been brought in to give a direct quote to compare quotes to the Renaissance Historic Exteriors proposal.

Furnas stated he attended a pre-construction meeting for the jail project. Furnas stated not all the supplies for the insulated steel panels have been received at this time, therefore the project is on hold at this time.

On a motion by Chick, second by Kirchner, the Board approved the two utility permits: Lumen, West Des Moines, Iowa – replace utility pole along Hoot Owl Junction and transfer facilities from the old pole to the new pole, T77N-R03W-Section 20; and Eastern Iowa Light and Power, Wilton, Iowa – bore 2 inch duct from an existing pole on the west side of Zachary at 1819 Zachary Avenue, to the east into private property to clear overhead line that is in an overgrown tree line, T77NR-1-E, Montpelier Township, Section 13 and 14.
Ayes: All.

Muscatine County Engineer Bryan Horesowsky updated the Board on secondary road projects.

On a motion by Mather, second by Kirchner, the Board approved the minutes of the August 5, 2024 regular meeting. Ayes: All.

Correspondence:

Sorensen received an email from the Eastern Iowa Mental Health Region with a request for funding from HHS. The email was forwarded to all Supervisors.

Sorensen had a conversation with a citizen regarding road conditions on Bayfield Road.

Sorensen stated he drove the area in question and did not report any issues.

Chick received an email from City Administrator Carol Webb with a new proposed 28E Agreement for the landfill. Chick forwarded the email to all Supervisors.

Kirchner received a call from a citizen regarding the bridge on 245th Street, Conesville, Iowa.

Committee & Meeting Reports:

Sorensen, Sauer, Chick and Mather attended a Farm Bureau Annual Steak Fry meeting on August 6, 2024.

Kirchner attended a WELEAD meeting on August 9, 2024.

County Attorney Jim Barry updated the Board regarding an addition for disposition where the county sued an individual for the collection of 50 animals in a distressed/neglected situation. A judgement was filed and collected in the amount of \$6,855.00 to pay the costs associated with the veterinary services, humane society, attorney's fees and court costs. A lien was filed under Iowa Code 717B, which allows the county to lien against real estate owned by the individual in Black Hawk County, which has been collected and paid to us. Barry stated he needs to file a

release of satisfaction of judgement for a civil case, criminal case and restitution. Barry requested that Chairperson Jeff Sorensen sign the release. Sorensen agreed to sign.

Barry stated he was notified earlier this year referencing an agreement the county entered into with Control Systems Specialist (with county jail), where the county paid a flat annual fee in January 2024 for advance services. Barry stated the county then received notice that there was a problem with the company and was able to secure a repayment of the \$13,000.00 annual fee. Barry stated the company has since filed for bankruptcy. The repayment we received was within 90 days of the bankruptcy filing, therefore, the trustee may request claw back the payment. Barry has been in contact with the trustee to request if negotiations of the payment can be reconsidered. Barry recommended all county contracts be reviewed to avoid advance service fees.

Barry reviewed the Terracon contract language for a Proposal for Construction Observation and Testing Services for the Muscatine County Courthouse Roof Project for the contract approved earlier in the meeting. Barry stated he is familiar with Terracon's with previous contract terms and conditions and there are conditions that he has always changed. Barry stated the general liability is limited to the amount they are paid, so if we want more liability, it needs to be requested. Barry stated Terracon also does not allow the information to be shared with a third party, as they will own the information from the investigation. The Board consensus was to rescind the prior motion to allow Barry to request a modification of the terms and conditions with Terracon.

On a motion by Mather, second by Chick, to reconsider the vote and rescind the approval and authorization to accept a Proposal for Construction Observation and Testing Services with Terracon for the Muscatine County Courthouse Roof Project. Ayes: All.

On a motion by Mather, second by Chick, to approve a Proposal for Construction Observation and Testing Services with Terracon for the Muscatine County Courthouse Roof Project subject to County Attorney Jim Barry and Planning and Zoning Administrator Eric Furnas modifying the terms and conditions, per their request in the contract, and to authorize Furnas to proceed up to \$3,500.00, if additional work is deemed necessary. Ayes: All.

On a motion by Chick, second by Kirchner, the Board went into closed session at 9:35 A.M. pursuant to Code of Iowa, Section 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 Section 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.

On a motion by Chick, second by Mather, the Board returned to open session at 10:29 A.M. Roll call vote: Ayes: All.

On a motion by Chick, second by Kirchner, the Board went into non-public session at 10:29 A.M. pursuant to Chapter 20.17(3), Code of Iowa, to discuss strategy in union negotiations. Roll

call vote: Ayes: All.

On a motion by Sauer, second by Mather, the Board returned to open session at 10:50 A.M. Roll call vote: Ayes: All.

The meeting was adjourned at 10:50 A.M.

ATTEST:

Jane Claussen
First Deputy Auditor

Jeff Sorensen, Chairperson
Board of Supervisors