

Muscatine County Board of Supervisors
Monday, March 13, 2023

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

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

On a motion by Sorensen, second by Chick, the Board approved a Governor's Traffic Safety Bureau (GTSB) LE Highway Safety Grant application in the amount of \$61,080. Ayes: All.

On a motion by Sorensen, second by Kirchner, the Board accepted a variance granted by the Muscatine County Board of Adjustment on March 10, 2023. Case #23-03-01. An application has been filed by John M. Sleichter, Record Owner. This property is located in Bloomington Township, in part of the SE1/4 of Section 13-T77N-R2W, Rolling Acres Subdivision, Part II, Lot 25, 2761 Edgeview Road, zoned R-1 Residential District, containing approximately 1.08 acres. This request, would allow the Zoning Administrator to issue a Variance in order to place an outbuilding in the front yard space, but it would be at least 50 feet back from the front line. Ayes: All.

Discussion was held with County Engineer Bryan Horesowsky regarding the Muscatine County DOT FY 2024 Secondary Roads Five Year Program and Secondary Roads Budget. Horesowsky stated the proposed Muscatine County DOT FY 2024 Budget mirrors the FY 2024 Muscatine County Budget. Horesowsky reviewed the map of the FY 2024 Secondary Roads Five Year Program. Discussion was held with the Board regarding the proposed bridge, road and culvert projects presented on the FY 2024 Secondary Roads Five Year Program. Chick questioned if the bridge on 245th Street, Conesville, Iowa will be placed on the program. County Attorney Jim Barry recommended to assign a review committee to evaluate the options for the bridge and road conditions on 245th Street, Conesville, Iowa and report to the Board. Barry recommended members to be: County Engineer Bryan Horesowsky, Administrative Service Director Nancy Schreiber, Planning and Zoning Administrator Eric Furnas, two Board members (appointed by Chairperson Sauer) and County Attorney Jim Barry. Board consensus was to assign a review committee and take action of the appointees at the next regular Board meeting.

On a motion by Sorensen, second by Chick, the Board approved the Muscatine DOT FY 2024 Secondary Roads Five Year Program and DOT Secondary Roads Budget. Ayes: All.

Horesowsky reviewed Iowa House File HF-643, a bill for an act relating to entering property for surveying purposes and providing penalties and Iowa Senate File SF-527, a bill for an act relating to vehicles of excessive size and weight, including highways and streets upon which movement of such vehicles is permitted. Horesowsky reviewed the proposed changes to the Iowa DOT's All Systems Permit process and the levels of participation in order to receive funding.

On a motion by Sorensen, 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 Sorensen, second by Kirchner, the Board approved the minutes of the March 6, 2023, regular meeting. Ayes: All.

Correspondence.

All Supervisors received a letter from Senator Mark Lofgren containing information from a county resident regarding the road and bridge conditions on 245th Street, Conesville, Iowa.

All Supervisors received a notice from Community Foundation of Greater Muscatine stating they were awarded a grant that was in conjunction with the American Rescue Plan Act (ARPA) funding from the County.

All Supervisors received an email from Jennifer Winn requesting the County sign a petition in opposition of carbon pipeline eminent domain. The Board consensus was to research the request before taking action.

Chick received a notice from Mississippi Valley Workforce Area Development Board questioning if the county will remain as Employee of Record. Board consensus was the county to remain as Employee of Record but not agree to the contract language and additional responsibilities in the sub-recipient contract. Chick will contact Mississippi Valley Workforce Area Development Board to state the county will remain as Employee of Record.

Committee & Meeting Reports:

Chick attended a Muscatine Power and Water “Powering the Future” Customer Forum on March 6, 2023.

Chick attended a Housing Council on March 7, 2023.

Kirchner attended a Lower Cedar Watershed Management Authority meeting on March 7, 2023.

On a motion by Sorensen, second by Chick, the Board approved the proposed FY23/24 Muscatine County Budget for publication. Ayes: All.

On a motion by Sorensen, second by Kirchner, the Board set a public hearing on the proposed FY23/24 Muscatine County maximum property tax dollars for general county services and rural county services for Monday, March 27, 2023 at 9:00 a.m. Ayes: All.

On a motion by Sorensen, second by Chick, the Board set a public hearing on the proposed FY23/24 Muscatine County budget for Monday, April 10, 2023 at 9:00 a.m. Ayes: All.

On a motion by Sorensen, second by Kirchner, the Board set a public hearing on the proposed FY22/23 Muscatine County budget amendments for Monday, April 10, 2023 at 9:00 a.m. Ayes: All.

On a motion by Sorensen, second by Chick, the Board approved Resolution #03-13-23-01 Taking Action to Set a Public Hearing for Monday, March 27, 2023 at 9:00 a.m. on a Proposal to

Enter into General Obligation Loan Agreements in Amounts Not to Exceed \$3,000,000. Roll call vote: Ayes: All

RESOLUTION #03-13-23-01

**RESOLUTION TAKING ACTION TO SET PUBLIC HEARING
PROPOSAL TO ENTER INTO GENERAL OBLIGATION LOAN
AGREEMENTS IN AMOUNTS NOT TO EXCEED \$3,000,000**

WHEREAS, the Board of Supervisors (the “Board”) of Muscatine County, Iowa (the “County”) now proposes to enter into a General Obligation Loan Agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$2,700,000, pursuant to the provisions of Section 331.402 of the Code of Iowa, for the purpose of paying the cost, to that extent, of (i) equipping the County Attorney Office Facility (\$80,000); (ii) constructing a bathroom addition at the County jail (\$195,000); (iii) constructing County jail parking lot and sidewalk improvements (\$120,000); (iv) undertaking County jail insulation and exterior wall improvements (\$580,000); (v) constructing the Deep Lake Parks maintenance building (\$225,000); (vi) undertaking repairs to County buildings (\$750,000); and (vii) constructing a satellite building for the County Engineer’s Office (\$750,000) (the “Essential Purpose Projects”), and it is necessary to fix a date of a meeting of the Board of Supervisors at which it is proposed to take action to enter into the Essential Purpose Loan Agreement and to give notice thereof as required by such law; and

WHEREAS, the County also proposes to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$200,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of undertaking the resurfacing of County Conservation park roads (the “Conservation Road Resurfacing Project”), and it is now necessary to fix a date of meeting of the Board of Supervisors at which it is proposed to take action to enter into the General Purpose Loan Agreement #1 and to give notice thereof as required by such law, including notice of the right to petition for an election on such proposal; and

WHEREAS, the County also proposes to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #2”) and together with the Essential Purpose Loan Agreement and General Purpose Loan Agreement #1, the “Loan Agreements”) and to borrow money thereunder in a principal amount not to exceed \$100,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of undertaking upgrades to a conservation campground electrical system (the “Campground Electrical Projects” and together with the Essential Purpose Projects and the Conservation Road Resurfacing Project, the “Projects”), and it is now necessary to fix a date of meeting of the Board of Supervisors at which it is proposed to take action to enter into the General Purpose Loan Agreement #2 and to give notice thereof as required by such law, including notice of the right to petition for an election on such proposal;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Muscatine County, Iowa, as follows:

- Section 1. This Board shall meet on March 27, 2023, at the Muscatine County Administration Building, Muscatine, Iowa, at 9:00 a.m., at which time and place a hearing will be held and additional action taken on the Loan Agreement.
- Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Essential Purpose Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, not less than four (4) and not more than twenty (20) days before the hearing, in a legal newspaper of general circulation in the County. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING ON PROPOSAL TO ENTER INTO A
LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER IN A
PRINCIPAL AMOUNT NOT TO EXCEED \$2,700,000**

(GENERAL OBLIGATION)

The Board of Supervisors of Muscatine County, Iowa, will meet on March 27, 2023, at the Muscatine County Administration Building, Muscatine, Iowa, at 9:00 a.m. for the purpose holding a public hearing on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$2,700,000 for the purpose of paying the costs, to that extent, of (i) equipping the County Attorney Office facility (\$80,000); (ii) constructing a bathroom addition at the County jail (\$195,000); (iii) constructing County jail parking lot and sidewalk improvements (\$120,000); (iv) undertaking County jail insulation and exterior wall improvements (\$580,000); (v) constructing the Deep Lake Parks maintenance building (\$225,000); (vi) undertaking repairs to County buildings (\$750,000); and (vii) constructing a satellite building for the County Engineer's Office (\$750,000).

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Muscatine County, Iowa.

Tibe Vander Linden
County Auditor

Section 3. The County Auditor is hereby directed to give notice of the proposed action on the General Purpose Loan Agreement #1 setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, not less than ten (10) and not more than twenty (20) days before the hearing, in a legal newspaper of general circulation in the County. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING ON PROPOSAL TO ENTER INTO A
LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER IN A
PRINCIPAL AMOUNT NOT TO EXCEED \$200,000**

(GENERAL OBLIGATION)

The Board of Supervisors of Muscatine County, Iowa, will meet on March 27, 2023, at the Muscatine County Administration Building, Muscatine, Iowa, at 9:00 a.m. for the purpose holding a public hearing on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$200,000 for the purpose of paying the costs, to that extent, of undertaking the resurfacing of County Conservation park roads.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

At any time before the date fixed for taking action to enter into the Loan Agreement, a petition may be filed with the County Auditor asking that the question of entering into the Loan Agreement be submitted to the registered voters of the County, pursuant to the provisions of Section 331.442(5)(a) of the Code of Iowa.

By order of the Board of Supervisors of Muscatine County, Iowa.

Tibe Vander Linden
County Auditor

Section 4. The County Auditor is hereby directed to give notice of the proposed action on the General Purpose Loan Agreement #2 setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, not less than ten (10) and not more than twenty (20) days before the hearing, in a legal newspaper of general circulation in the County. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING ON PROPOSAL TO ENTER INTO A
LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER IN A
PRINCIPAL AMOUNT NOT TO EXCEED \$100,000**

(GENERAL OBLIGATION)

The Board of Supervisors of Muscatine County, Iowa, will meet on March 27, 2023, at the Muscatine County Administration Building, Muscatine, Iowa, at 9:00 a.m. for the purpose holding a public hearing on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$100,000 for the purpose of paying the costs, to that extent, of undertaking upgrades to a conservation campground electrical system.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

At any time before the date fixed for taking action to enter into the Loan Agreement, a petition may be filed with the County Auditor asking that the question of entering into the Loan Agreement be submitted to the registered voters of the County, pursuant to the provisions of Section 331.442(5)(a) of the Code of Iowa.

By order of the Board of Supervisors of Muscatine County, Iowa.

Tibe Vander Linden
County Auditor

Section 5. Pursuant to Section 1.150-2 of the Income Tax Regulations (the "Regulations") of the Internal Revenue Service, the County declares (a) that it intends to undertake the Projects which are reasonably estimated to cost \$3,000,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the "Bonds"), or (ii) expenditures made not

earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the County, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Projects have heretofore been made by the County and no expenditures will be made by the County until after the date of this Resolution or a prior intent resolution of the County, and (c) that the County reasonably expects to reimburse the expenditures made for costs of the County out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

PASSED AND APPROVED this 13th day of March, 2023.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Scott Sauer, Chairperson
Muscatine County Board of Supervisors

On a motion by Sorensen, second by Kirchner, the Board authorized the Chair to sign an agreement with Dorsey to provide bond counsel services for the proposed 2023 General Obligation County Purpose Notes in an amount not to exceed \$12,500. Ayes: All.

On a motion by Sorensen, second by Chick, the Board approved to eliminate the Fine Collection Coordinator position and the Fine Collection Assistance position and authorized one Fine Collection Administrator position; approved placement of the current Fine Collection Assistant (Grade 8, Step 3) into the Fine Collection Administrator position (Grade 9, Step 3), retroactive to February 11, 2023; and authorized one additional Legal Secretary position for the County Attorney's Office. Ayes: All.

Discussion was held with Barry regarding his recommendation to adopt a Pioneer Cemetery Ordinance. Barry explained a Pioneer Cemetery means a cemetery where there have been 12 or fewer burials in the preceding fifty years. Barry stated he was contacted by a Pike Township Trustee in regards to Wesson Cemetery, formally named Rogers Cemetery, which is located in Pike Township on private property in a timbered section of the parcel. The current parcel owner does not intend to continue maintenance of Wesson cemetery. Barry stated by adopting a Pioneer Cemetery Ordinance, per Iowa Code 331.325, the Board would assume jurisdiction and control of pioneer cemeteries in the county with the maintenance and repair to be paid from the county general fund. The Board consensus was to move forward with the recommendation to

consider the Pioneer Cemetery Ordinance. Barry will contact the Pike Township Trustee with the recommendation the Board is considering.

Melinda Christofferson, Conesville, Iowa, presented to the Board her concern for uncontrolled rural intersections in the county. Christofferson stated she has five children with three of the five being teen drivers. Christofferson stated her second born, Troy Christofferson, age 16, was driving his pick-up truck with a trailer attached, on a secondary gravel road and was hit by a semi-truck at a 4-way uncontrolled rural intersection on October 2, 2022. Troy was in a coma for six days with broken ribs, fractured hip and tailbone, lacerated liver and spleen and a traumatic brain injury. Troy was hospitalized for 24 days and is still continuing physical therapy. Christofferson stated drivers are programmed at a young age to stop at stop signs however she believes intersections with no stop signs dissolve the risk of traffic at uncontrolled intersections. Christofferson stated Troy nearly lost his life and she (and Troy) want to prevent future accidents with placing stop signs at uncontrolled rural intersections.

The meeting was adjourned at 10:22 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Scott Sauer, Chairperson
Board of Supervisors