

Muscatine County Board of Supervisors
Monday, April 17, 2023

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

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

On a motion by Sorensen, second by Kirchner, the Board approved claims dated April 17, 2023 in the amount of \$2,272,867.17. Ayes: All.

On a motion by Sorensen, second by Mather, the Board accepted the Muscatine County Recorder's Report of Fees Collected for the quarter ending March 31, 2023 in the amount of \$57,696.57. Ayes: All.

On a motion by Sorensen, second by Mather, the Board accepted the Muscatine County Sheriff's Office – Civil Department's Report of Fees Collected for the quarter ending March 31, 2023 in the amount of \$31,549.20. Ayes: All.

On a motion by Sorensen, second by Kirchner, the Board accepted the Muscatine County Auditor's Report of Fees Collected for the quarter ending March 31, 2023 in the amount of \$2,478.75. Ayes: All.

On a motion by Sorensen, second by Chick, the Board accepted the County Treasurer's Report of Fees Collected for the quarter ending March 31, 2023 in the amount of \$484,324.24. Ayes: All.

On a motion by Mather, second by Sorensen, the Board approved the minutes of the April 10, 2023 regular meeting. Ayes: All.

Correspondence:

All Supervisors received an email from Planning and Zoning Administrator Eric Furnas announcing the retirement of Office Administrator, Dixie Seitz on April 28, 2023.

Seitz has been employed with Muscatine County for 41 years.

Chick received a call from Kevin Meyer regarding the zoning regulations for swimming pools. Chick contacted Furnas in regards to the process to request a variance.

Chick received a call from Kelsey Bell regarding a cemetery issue on their property.

Mather thanked County Auditor Tibe Vander Linden and her staff for checking the official Lost and Found for his computer bag. Mather reported he located the bag on his own but complimented the staff for their time.

Committee and Meetings Reports:

Mather attended a Housing Council meeting on April 11, 2023.

Mather attended a Seventh Judicial District Dept of Correctional Services Board meeting on April 14, 2023.

Administrative Services Director Nancy Schreiber reviewed the health/dental fund balance as of March 31, 2023. Schreiber stated the fund balance shows the premiums are set correctly to cover the expenses. Schreiber stated Devonne Harford, Wellmark Representative is scheduled for a renewal presentation at the next Board meeting.

County Attorney Jim Barry updated the Board regarding cemeteries throughout the county and the maintenance of each. Barry stated he requested County Auditor Tibe Vander Linden contact the Township Trustees to determine which cemeteries are maintained by each Township. Barry also requested to determine the unsupported cemeteries located in each Township and of the unsupported cemeteries, which ones are Pioneer cemeteries. Iowa Code 331.325 states a Pioneer Cemetery means a cemetery where there have been 12 or fewer burials in the preceding 50 years. Barry stated the County Auditor's research showed there are 10 cemeteries that are not maintained by a designated Township or Association (also known as unsupported cemeteries), with six of these being Pioneer Cemeteries. The other four unsupported cemeteries are undetermined at this time to be named Pioneer. Barry stated the county has home rule options under the Iowa Code by adopting an ordinance to maintain the cemeteries from the county general fund or create a commission. Barry stated a citizen with a family member buried at Kiser Cemetery (also known as Eisele), has recently contacted the Auditor's office to request access to the cemetery and to request to allow Day of Caring volunteers to clean up the cemetery on April 21, 2023. Barry reported he has met with the two land owners of Kiser Cemetery and the citizen requesting access to discuss the process and the options. Barry stated by Iowa Code, the unsupported cemeteries are to be maintained by the county, however the landowner has the right and first option to maintain the cemetery. Barry stated if the landowner elects to not maintain the cemetery then public or private companies can be hired to maintain them and access to the cemetery located on private property requires a 10-day notice to the property owner, which allows the property owner to accept or reschedule a designated time. Discussion with the Board was held regarding cemetery access, maintenance equipment, liability to the county and if the possibility of relocating graves is an option. Barry stated access to cemeteries will have to be determined for each, the county is liable for injuries which is a reason to designate a company or private service who has their own insurance and the Iowa Code does allow for relocating graves at the county's expense.

Kelsey Bell, 2570 Burlington Road, Letts, Iowa stated she is one of the landowners of Kiser Cemetery. Bell stated the access to the cemetery is by foot only on a steep path walking past their livestock and fencing. Bell stated maintenance of the cemetery would require workers to carry equipment up the steep hill for a 15-minute trek. Bell stated she has allowed access in the past to a family member with a loved one in the cemetery, however she has not received a request to access the cemetery this year. Bell stated her concerns with poison ivy and cemetery enthusiasts requesting access as this has occurred but access was denied. Discussion was held with the Board regarding the possibility of access from the northern parcel adjacent to the Bell's property. Bell stated the Conservation Reserve Program (CRP) ground in that area has a 50-foot drop and it is not advised to access the cemetery from that area. Bell invited the Board to visit her property to view the cemetery and requested the Board allow time for Bell and her husband to review the Iowa Code section in regards to cemeteries on private land. Schreiber stated she will contact Bell when the policies and recommendations are presented to the Board.

Rod Lippelgoes, 2616 Burlington Road, Letts, Iowa stated he is one of the landowners of Kiser Cemetery and agrees with the presentation Kelsey Bell stated. Lippelgoes stated his concern with the steep path and the increased erosion that has occurred since he first owned the property. Lippelgoes stated he can no longer use an All-Terrain Vehicle (ATV) to access the cemetery so access is only by walking and carrying equipment.

Kim Elliott, 2616 Burlington Road, Letts, Iowa stated her concern with trespassers on the property as they have had cemetery history enthusiasts, hunters, mushroom hunters and learned of past history of grave robbers. Elliott stated the steep road to the cemetery is sandy clay soil and with erosion this no longer allows for logging equipment to access and maintain the cemetery. Elliott stated the area is heavy with poison ivy causing this to be an issue with attempting to maintain the cemetery.

The meeting was adjourned at 9:39 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Scott Sauer, Chairperson
Board of Supervisors