

Muscatine County Board of Supervisors
Monday, May 15, 2023

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

On a motion by Chick, second by Kirchner, the agenda was approved as amended to table items #5 and #6 until the next board meeting. Ayes: All.

On a motion by Kirchner, second by Chick, the Board approved claims dated May 15, 2023 in the amount of \$3,045,586.93. Ayes: All.

On a motion by Chick, second by Kirchner, the Board authorized the Chair to sign a letter of support for a City of Muscatine application to obtain funding for down payment assistance through the Iowa Finance Authority HOME granting program. Ayes: All.

County Attorney Jim Barry presented two proposals to survey parcel #1304400037 as follows: Martin & Whitacre Surveyors & Engineers, Inc -\$4,900.00 and Michael Surveying, LLC - \$3,100.00. Barry stated in early April 2023, the parcel owner was notified to conduct a survey as the legal description for the split and sale of a part of the parcel was not adequate. Barry stated the notice gave the parcel owner 20 days, if they desired, to appeal to the District Court regarding the survey request. Barry stated since no response has been received within 30 days, it is the obligation of the county to complete the survey and the survey cost will be taxed to the property. On a motion by Chick, second by Kirchner, the Board accepted the survey proposal from Michael Surveying, LLC in the amount of \$3,100.00. Ayes: All.

On a motion by Chick, second by Kirchner, the Board approved an ordinance amending Title III of the Muscatine County Code of Ordinances to add a definition for “Local Meat Locker and/or Butcher Shop” to Article I, Section 3 and to add Section 3.32 Local Meat Lockers and Butcher Shops as a special permitted use to Chapter II, Article III A-1 Agricultural District, Section 3 with accompanying requirements on the second of three readings. Roll Call Vote: Ayes -3; Nays – 0, Absent – 2.

Planning and Zoning Administrator, Eric Furnas reviewed special use permits granted by the Muscatine County Board of Adjustment on Friday, May 5, 2023. Case #23-05-01 is an application filed by Wendling Quarries Inc. by Josh Binneboese, Project Manager and David and Cassandra Garrison, Proposed Buyers. This property is located in Goshen Township, in parts of the NE¼ of Section 12-T78N-R3W, 2166 Lange Avenue, containing approximately 2.12 acres, and is zoned A-1 Agricultural District. This request will allow the Zoning Administrator to issue a Special Use Permit in order for Mr. and Mrs. Garrison to place a one family dwelling on the property. The request was approved based on the majority of the surrounding farmland has CSR2 averages of less than 55, which makes the approval of this request consistent with the Muscatine County Land Use goals and policies of preserving prime farm land. Moving the home will relocate it farther away from the current and future mining operations. The vacant lot at 2166 Lange Avenue has a low CSR2 average of 23.26. Case #23-05-02 is an application filed by Skaugstad Farms LLC, Record Owner and JDSD Farms, Applicant by Jason Dumont. This property is located in Pike Township, in the SW1/4 of Section 6-T77N-R4W, East of Atwood

Avenue, 1661 Atood Avenue, containing approximately 41.71 acres and is zoned A-1 Agricultural District. This request would allow the Zoning Administrator to issue a Special Use Permit in order to split off approximately three acres in order to build a one family dwelling on it. This request was denied by the Muscatine County Board of Adjustment due to Section 3.23 of the A-1 Agricultural District Ordinance stated that “Applications which the proposed property has a Corn Suitability Rating of 55 or higher as calculated by the weighted average of the entire parcel, should generally not be granted”. This parcel has a CSR2 average of 85. While a portion of the property has never been farmed, the stated intent of the Rural Residence regulations is “to allow, under certain circumstances, construction of single-family homes in rural Muscatine County without the requirement of farm use, with a goal of minimizing conflict with existing and future farm use.” The high CSR2 rating of the parent parcel and all of the surrounding property suggests that the area should remain in intensive agricultural production. Case #23-05-03 is an application filed by Chad D. Eichelberger, Record Owner and Melissa Tatum, Proposed Buyer and Builder. This property is located in Lake Township, in the NW¼ of Section 27-T77N-R3W, Parcel #2, East of Jasper Avenue, 2037 Jasper Avenue, containing approximately 10.11 acres and is zoned A-1 Agricultural District. This request will allow the Zoning Administrator to issue a Special Use Permit in order for the Proposed Buyer to build a one family dwelling on this property themselves. Furnas recommended to allow Case #23-05-01 and Case #23-05-03 as approved by the Muscatine County Board of Adjustment with no action required by the Board of Supervisors.

The Board reviewed two variances granted by the Muscatine County Board of Adjustment on Friday, May 5, 2023. Case #23-05-04 An application has been filed by Bradley R. and Grace R. Jipp, Record Owners. This property is located in Moscow Township, in parts of the NW¼ of Section 4-T78N-R2W, 1010 Moscow Road, containing approximately 18.56 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to allow an accessory structure to be built in front of the residence, however, it would be at least 50 feet back from the front lot line. The proposed structure will be placed approximately 230’ from the front lot line and considerably farther from the roadway than an existing barn and several grain bins. The proposed garage would not alter the characteristics of the locality or reduce neighboring property values. Case #23-05-05 An application has been filed by Jennifer or Kevin Meyer, Record Owners. This property is located in Sweetland Township in the SW¼ of Section. 35-T78N-R1W, Parcel A, 3289 Martz Lane, containing approximately 7.26 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance to place a deck and an above ground swimming pool in the front yard space and within 25 feet of the front lot line. A unique hardship exists. Highway 61 borders the Applicant’s rear yard space. High traffic count and highway noise would reduce the privacy and tranquility that is normally enjoyed in the rear yard space. Martz Lane is a very short County gravel road with an extremely low traffic count. The proposed location of the pool would not obstruct the vision of traffic. On a motion by Chick, second by Kirchner, the Board accepted the two Variances. Ayes: All.

On a motion by Chick, second by Kirchner, the Board set a public hearing for Monday, June 5, 2023 at 9:00 am on a request from Kirk D. Parizek to rezone approximately 16.60 acres of property located in parts of SE ¼ of Section 14-T78N-R4W at 1268 Elder Avenue from present A-1 Agricultural District to proposed R-1 Residential District. Ayes: All.

On a motion by Kirchner, second by Chick, the Board approved the minutes of the April 27, 2023 joint meeting of the Muscatine School Board of Education, the Muscatine City Council and the Muscatine County Board of Supervisors.

On a motion by Kirchner, second by Chick, the Board approved the minutes of the May 8, 2023 regular meeting. Ayes: All.

Correspondence:

All Supervisors received an email from Angel Tormis requesting copies of all active leases/licenses for cell towers, rooftop antennas or other wireless installations on property owned or managed by Muscatine County along with 24 months of associated payment histories.

Kirchner and Chick received an email regarding a water meter issue in Stockton, Iowa.

Kirchner received eight calls regarding uncontrolled intersections

Chick reported all Supervisor's received an email last week from Jerry Coring of Assured Partners requesting the opportunity to provide health insurance quotes. Chick recommended the Board meet with Coring.

Chick received several calls regarding uncontrolled intersections.

Sauer received two calls on uncontrolled intersections.

Committee and Meetings Reports:

Kirchner attended a Lower Cedar Watershed Management Authority meeting on May 9, 2023.

Kirchner attended a West Liberty Economic Area Development (WELEAD) regular board meeting on May 12, 2023.

Kirchner attended a WELEAD annual meeting on May 12, 2023.

Chick attended a Greater Muscatine Chamber of Commerce and Industry meeting on May 8, 2023.

Chick attended a Housing meeting on May 10, 2023.

On a motion by Chick, second by Kirchner, the Board approved Resolution #05-15-23-01 Abating Taxes on a Parcel Owned by the City of Muscatine. Roll Call Vote: Ayes -3; Nays - 0, Absent - 2.

RESOLUTION #05-15-23-01
ABATING TAXES ON A PARCEL OWNED BY THE CITY OF MUSCATINE

WHEREAS, the City of Muscatine recently acquired Parcel #08-35-429-016 in order to demolish the vacant, collapsed and hazardous structure(s) located on the property and remarket it; and

WHEREAS, the total amount of taxes, interest, and penalties owing is \$376.00; and

WHEREAS, the Board of Supervisors, pursuant to Section 445.63, Code of Iowa, has the authority to abate prior-owing taxes on the parcels acquired by a political subdivision of the state.

WHEREAS, since the parcel was not transferred to the City until February 2022, taxes for 2021 are now owed;

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

1. That the taxes shown as owing against the parcel listed above are hereby abated provided, however, that the City will render to the County any proceeds of the eventual sale of the property in excess of the demolition costs plus the accrual cost incurred to acquire title to and to sell the property.
2. That the Treasurer is hereby directed to enter this action upon the appropriate records maintained in the office of the Treasurer.

PASSED AND APPROVED this 15th day of May, 2023.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

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

On a motion by Chick, second by Kirchner, the Board authorized the Sheriff to execute a 2023 HIDTA Sub Award Recipient Agreement and related documents in the amount of \$73,305.00.
Ayes: All.

On a motion by Chick, second by Kirchner, the Board authorized the Chair to sign a letter of support for the Muscatine Island Levee Improvement Project. Ayes: All.

On a motion by Chick, second by Kirchner, the Board approved the County to serve as the Employer of Record for a possible fourth Mississippi Valley Workforce Area Board employee.
Ayes: All.

Muscatine County Emergency Manager Chris Jasper announced two Town Hall Meetings will be held to discuss the severe weather season. The meetings are scheduled for Tuesday, May 30, 2023 at West Liberty Community Center at 6:30 p.m. and Wednesday, May 31, 2023 at Musser Public Library at 6:30 p.m.

County Attorney Jim Barry stated the office furniture for County Attorney Office Remodel Project has been installed and the new legal secretary, Heidi Harrison's start date is today. Barry invited the Board to visit the office to view the office furniture and meet Harrison.

On a motion by Chick, second by Kirchner, the Board went into closed session at 9:22 A.M. to discuss Muscatine County entering into an agreement for certain real estate appraisals to be completed pursuant to Chapter 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 Chapter 21.5(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 -3; Nays – 0, Absent – 2. On a motion by Chick, second by Kirchner, the Board returned to open session at 9:29 A.M. Roll call vote: Ayes -3; Nays – 0, Absent – 2.

On a motion by Chick, second by Kirchner, the Board authorized Muscatine County to engage Hattery Real Estate Appraisals to prepare and present certain real estate appraisals for possible use in future condemnation and/or court proceedings. Ayes: All.

The meeting was adjourned at 9:29 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Scott Sauer, Chairperson
Board of Supervisors