

Muscatine County Board of Supervisors
Monday, July 3, 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 amended. Ayes: All.

A Public Hearing was called to order by Chairperson Sauer at 9:01 A.M. on the proposed amendments to the Muscatine County Ordinance Regulating the Operation of All-Terrain Vehicles (ATV) and Off-Road Utility Vehicles (OTV) in Muscatine County to remove restricted secondary roadways. County Attorney Jim Barry reviewed the proposed amendments. Larry Kent, Muscatine, Iowa questioned the Board on what roads were allowed for ATV and OTV travel. Barry stated each entity has their own ordinance to regulate the ATV/OTV travel operation on state, county or city roads. Barry stated the ordinance being discussed is for county secondary roads. On motion by Sorensen, second by Kirchner, the public hearing was closed at 9:06 A.M. Roll call vote: Ayes: All.

On motion by Sorensen, second by Chick, the Board approved an ordinance amending Ordinance #11-30-20-01 to remove restricted secondary roadways on the first of three readings. Roll call vote: Ayes: All.

County Attorney Jim Barry reviewed a draft ordinance to assume jurisdiction and control of certain pioneer cemeteries and/or private burial sites located in Muscatine County and how it follows the Iowa Code. Barry stated in Section 3, an additional cemetery has been added as an unnamed private burial site as the Auditor's office recently discovered a burial plot named in a legal description; Section 4, "Funding" has additional references to Iowa Code 359.30; Section 5, "Preservation and Protection" county duty clarifications have been added which are the same duties under Iowa Code for Township Trustees. The county duties state the county will not be paying for grave marker/headstone repair or replacements, roadways or other improvements to gain access across private property or pay for platting/surveying of cemeteries or lots. Barry stated Section 18, "Ordinance Enforcement" section has been added to allow violations of the ordinance to be pursued. Sorensen recommended the term "County Administration" replace the term "Administration".

Connie Fuller, Grandview Iowa, questioned the Board if a written request to visit a pioneer cemetery could be made to a property owner at this time or if she must wait until the ordinance is passed. Barry stated a written request can be made to a property owner and if the property owner cannot provide access on the requested date, the property owner shall provide reasonable alternative dates for the intended visit. Fuller questioned if only a relative to a deceased is allowed to visit. Barry stated the term "relative" is outlined in the Iowa Code and is named in the proposed ordinance. Barry stated the county cannot get in the property owners favor or the requester's (to visit a cemetery) favor, the counties obligation is to abide by the Iowa Code.

On a motion by Sorensen, second by Chick the Board set a public hearing for Monday, July 17, 2023 at 9:00 am on a proposed ordinance to assume jurisdiction and control of certain pioneer

cemeteries and/or private burial sites located in Muscatine County. Ayes: All.

County Auditor Tibe Vander Linden reviewed a resolution to establish compensation for precinct election officials for FY23/24. Vander Linden stated the resolution establishes compensation as a per day or per half day stipend rather than the current per hour pay for election day chairpersons and precinct election officials, \$25 stipend for training, \$10 per hour for Absentee and Special Voter Precinct Board, Health Care Facility teams, Post-Election Audit teams and mileage reimbursement, if over five miles, at a rate of .59 per mile. Vander Linden stated the Secretary of State recommends a resolution is passed each fiscal year to establish the compensation.

On a motion by Sorensen, second by Kirchner the Board approved Resolution #07-03-23-01 Establishing Compensation for Precinct Election Officials. Roll call vote: Ayes: All.

RESOLUTION #07-03-23-01
ESTABLISHING COMPENSATION FOR PRECINCT ELECTION OFFICIALS

WHEREAS, according to Iowa Code Section 49.20, the Board of Supervisors establishes the compensation rate and mileage reimbursement rate of precinct election officials; and

WHEREAS, according to Iowa Code Section 49.125, the Board of Supervisors establishes the mileage reimbursement rate for precinct election officials attending training; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Muscatine County Board of Supervisors, that effective July 3, 2023, Precinct Election Chairpersons shall receive \$200.00. Precinct Election Day Officials shall receive \$160.00 for full day duties and \$80.00 for half day duties. All other Precinct Election workers, such as Absentee and Special Voter Precinct Board (ASVP), Health Care Facility (HCF) team and Post-Election Audit Workers will receive \$10.00 per hour. All Precinct Election Officials shall receive \$25.00 for election school of instruction.

All Precinct Election workers will receive mileage reimbursement to and from the school of instruction and to and from the polling place, if over five miles, at a rate of \$0.59 per mile.

PASSED AND APPROVED this 3rd day of July, 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 Chick, the Board accepted the Muscatine County Sheriff's Office-Civil Department's Report of Fees Collected for the quarter ending June 30, 2023 in the amount of \$32,540.64. Ayes: All.

On a motion by Sorensen, second by Kirchner the Board approved a new 5-day Class C Retail Alcohol and Outdoor Service Permit for Bus Events, LLC, dba Iowa Beer Bus, 1314 Hwy 6, West Liberty, IA. Ayes: All.

On a motion by Kirchner, second by Sorensen, the Board approved the minutes of the June 26, 2023, regular meeting. Ayes: All.

Correspondence.

All Supervisors received an email from Kit Carson requesting an update on the road and bridge conditions on 245th Street, Conesville, Iowa. The email response was sent to Carson by County Attorney Jim Barry.

All Supervisors received an email from Don Briggs supporting the ATV/UTV proposed ordinance.

Chick received a call from Iowa Finance Authority regarding a revolving loan fund in regards to a CDBG block grant funding. Budget Coordinator Kala Naber stated she is checking on the revolving loan fund.

Committee & Meeting Reports:

Sorensen, Sauer and Chick attended a retirement open house for Naturalist/Park Officer David Bakke and Conservation Office Manager Jill Ziegenhorn on June 29, 2023.

Sorensen and Sauer attended a Bi-State Regional Planning Commission meeting on June 28, 2023.

Chick attended a Mississippi Valley Workforce Area Board meeting on June 28, 2023.

Kirchner attended a West Liberty Economic Area Development (WELEAD) meeting on June 29, 2023.

On a motion by Sorensen, second by Chick, the Board approved Resolution #07-03-23-02 FY 2023-24 Budget Appropriations. Roll call vote: Ayes: All

RESOLUTION #07-03-23-02
FY 2023/24 BUDGET APPROPRIATIONS

It is hereby resolved that the following amounts itemized by Department will be appropriated for the Fiscal Year beginning July 1, 2023:

01	Board/Administration	734,759
02	Auditor	638,680
03	Treasurer	618,209
04	Attorney	1,367,674
05	Sheriff	3,358,559

06	Jail	7,388,334
07	Recorder	318,946
20	Engineer	14,674,700
22	Conservation Board	1,465,267
24	DHS	45,500
25	Community Services	872,802
28	Medical Examiner	238,424
30	Court Services	185,500
31	Board of Health	413,195
51	General Services	988,281
52	Information Services	895,375
53	Zoning	497,174
60	Mental Health Administration	167,403
99	Nondepartmental	28,656,775
		<hr/>
		\$63,525,557

It is further resolved that all appropriations made pursuant to this RESOLUTION lapse at the close of business on June 30, 2024.

Passed and approved this 3rd day of July, 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 approved Resolution #07-03-23-03 Authorizing and Approving a Loan Agreement and Providing for the Issuance of a \$3,000,00 General Obligation County Purpose Note and Providing for the Levy of Taxes to Pay the Same. Roll call vote: Ayes: All.

RESOLUTION #07-03-23-03
AUTHORIZING AND APPROVING A LOAN AGREEMENT AND PROVIDING FOR
THE ISSUANCE OF A \$3,000,000 GENERAL OBLIGATION COUNTY PURPOSE
NOTE AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME

WHEREAS, the Board of Supervisors (the “Board”) of Muscatine County, Iowa (the “County”) heretofore proposed 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), and pursuant to law and duly published notice of the proposed action has held a hearing thereon on March 27, 2023; and

WHEREAS, the County also proposed 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, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 27, 2023, no petition had been filed with the County asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the County; and

WHEREAS, the County also proposed 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, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 27, 2023, no petition had been filed with the County asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the County; and

WHEREAS, the County combined the Loan Agreements into a common loan agreement (the "Loan Agreement"); and

WHEREAS, the Board has authorized a certain term sheet for use in negotiating the Loan Agreement and providing for the private placement of a \$3,000,000 General Obligation County Purpose Note, Series 2023 (the "Note") to be issued in evidence of the obligation under the Loan Agreement; and

WHEREAS, proposals for the placement of the Note to be issued in evidence of the County's obligation under the Loan Agreement have been received and reviewed; and

WHEREAS, upon due consideration of the proposals, the private placement proposal of CBI Bank & Trust, Muscatine, Iowa (the "Lender"), is the best, such bid proposing the most favorable terms to the County for the Note; and

WHEREAS, it is now necessary to make final provision for the approval of the Loan Agreement and to authorize the issuance of the Note;

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

Section 1. It is hereby determined that the County shall enter into the Loan Agreement with the Lender, in substantially the form which has been placed on file with the County, providing for a loan to the County in the amount of \$3,000,000 for the purpose or purposes as set forth in the preamble hereof.

The Chairperson and County Auditor are hereby authorized and directed to sign the Loan Agreement on behalf of the County, and the Loan Agreement is hereby approved.

Section 2. The Note is hereby authorized to be issued in evidence of the obligation of the County under the Loan Agreement in the principal amount of \$3,000,000, and shall be dated as of the date of delivery to the Lender (anticipated to be July 18, 2023). Principal of the Note shall be payable in ten (10) annual installments, payable on June 1 in each of the years, in the respective principal amounts, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2024	\$300,000	2029	\$300,000
2025	\$300,000	2030	\$300,000
2026	\$300,000	2031	\$300,000
2027	\$300,000	2032	\$300,000
2028	\$300,000	2033	\$300,000

Section 3. The County Auditor is hereby designated as the registrar and paying agent for the Note and may be hereinafter referred to as the “Registrar” or the “Paying Agent.”

Principal of the Note shall bear interest at the rate of 4.15% per annum from the date of the Note. Accrued interest on the Note shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2023 and continuing to, and including, final maturity on June 1, 2033. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Payment of both principal of and interest on the Note shall be made to the registered owners appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at

the addresses shown on such registration books. Principal of the Note shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Note at the office of the Paying Agent.

The County reserves the right to prepay principal of the Note in whole or in part on any date prior to maturity upon terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the prepayment date.

The Note shall be executed on behalf of the County with the official manual or facsimile signature of the Chairperson and attested with the official manual or facsimile signature of the County Auditor and shall be fully registered Note without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Note shall cease to be such officer before the delivery of the Note, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Note shall be fully registered as to principal and interest in the names of the owners on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owners or their legal representatives or assigns. The Note shall be transferable only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Note shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 4. The Note shall be in substantially the following form:

(Form of Note)

UNITED STATES OF AMERICA
STATE OF IOWA
MUSCATINE COUNTY

GENERAL OBLIGATION COUNTY PURPOSE NOTE, SERIES 2023

No. 1 \$3,000,000

RATE	MATURITY DATE	NOTE DATE
4.15%	June 1, 2033	July 18, 2023

Muscatine County, State of Iowa, for value received, promises to pay in accordance with the provisions of this Note to

CBI Bank & Trust
Muscatine, Iowa

or registered assigns, the principal sum of THREE MILLION DOLLARS, together with interest on the outstanding principal hereof from the date of this Note, or from the most recent payment date on which interest has been paid, except as the provisions hereinafter set forth with respect to prepayment prior to maturity may be or become applicable hereto.

Principal of this Note shall be payable in ten (10) annual installments due on June 1 in each of the years, and in the respective amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2024	\$300,000	2029	\$300,000
2025	\$300,000	2030	\$300,000
2026	\$300,000	2031	\$300,000
2027	\$300,000	2032	\$300,000
2028	\$300,000	2033	\$300,000

This Note bears interest at the rate of 4.15% per annum. Accrued interest on this Note shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2023 and continuing to, and including, final maturity on June 1, 2033. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Both principal of and interest on this Note are payable to the registered owner appearing on the registration books of the County maintained by the County Auditor (hereinafter referred to as the “Registrar” or the “Paying Agent”) at the close of business on the fifteenth day of the month next preceding the payment date in lawful money of the United States of America to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest will be payable only upon presentation and surrender of this Note to the Paying Agent.

This Note is issued by the County, pursuant to a resolution adopted on July 3, 2023 (the “Resolution”) to evidence its obligation under a certain loan agreement, dated as of July 18, 2023 (the “Loan Agreement”), entered into by the County for the purpose of paying the costs, to that extent, of (i) equipping the County Attorney Office Facility; (ii) constructing a bathroom addition at the County jail; (iii) constructing County jail parking lot and sidewalk improvements; (iv) undertaking County jail insulation and exterior wall improvements; (v) constructing the Deep Lake Parks maintenance building; (vi) undertaking repairs to County buildings; and (vii) constructing a satellite building for the County Engineer’s Office; (viii) undertaking the resurfacing of County

Conservation park roads; and (ix) undertaking upgrades to a conservation campground electrical system.

The Note is being issued pursuant to and in strict compliance with the provisions of Chapters 76 and 331 of the Code of Iowa, 2023, and all other laws amendatory thereof and supplemental thereto, and in conformity with the Resolution authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of the Note, and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Note and the rights of the owners of the Note.

The County reserves the right to prepay principal of the Note in whole or in part on any date prior to maturity upon terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the prepayment date.

This Note is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the County in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Note to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The County, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the County, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Note were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Note as the same will respectively become due; and that the total indebtedness of the County, including this Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Muscatine County, Iowa, by its Board of Supervisors, has caused this Note to be executed with the duly authorized facsimile signature of its Chairperson and attested with the duly authorized facsimile signature of its County Auditor, all as of July 18, 2023.

MUSCATINE COUNTY, IOWA

By _____ (DO NOT SIGN)
Chairperson, Board of Supervisors

Attest:

(DO NOT SIGN)

County Auditor

ABBREVIATIONS

The following abbreviations, when used in this Note, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -	as tenants in common	UTMA _____ (Custodian)
TEN ENT -	as tenants by the entireties	As Custodian for _____
JT TEN -	as joint tenants with right of survivorship and not as tenants in common	(Minor) _____ under Uniform Transfers to Minors Act _____ (State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Note to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____,
Attorney, to transfer this Note on the books kept for registration thereof with full power of
substitution.

Dated: _____

Signature guaranteed:

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Note in every particular, without alteration or enlargement or any change whatever.

Section 5. The Note shall be executed as herein provided as soon after the adoption of this resolution as may be possible, and thereupon they shall be delivered to the Registrar for registration, authentication and delivery to or on behalf of the Lender, upon receipt of the loan proceeds (the "Loan Proceeds"), and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects. To the extent that the date of closing needs to be adjusted, the County Auditor, with advice from the Lender and Bond Counsel to the County, is hereby authorized to make such adjustment and to modify the transaction documents accordingly.

Section 6. The proceeds (the "Loan Proceeds") to be received under the Loan Agreement shall be used to pay the costs of the Project and costs of issuance of the Note. Any Loan Proceeds remaining after the full payment of such costs shall be deposited in the Debt Service Fund and used to pay principal of and interest on the Note as the same become due. The County shall keep a detailed and segregated accounting of the expenditure of, and investment earnings on, the Loan Proceeds to ensure compliance with the requirements of the Internal Revenue Code, as hereinafter defined.

Section 7. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Note as the same become due, there is hereby ordered levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years:

For collection in the fiscal year beginning July 1, 2024,
sufficient to produce the net annual sum of \$412,050;

For collection in the fiscal year beginning July 1, 2025,
sufficient to produce the net annual sum of \$399,600;

For collection in the fiscal year beginning July 1, 2026,
sufficient to produce the net annual sum of \$387,150;

For collection in the fiscal year beginning July 1, 2027,
sufficient to produce the net annual sum of \$374,700;

For collection in the fiscal year beginning July 1, 2028,
sufficient to produce the net annual sum of \$362,250;

For collection in the fiscal year beginning July 1, 2029,
sufficient to produce the net annual sum of \$349,800;

For collection in the fiscal year beginning July 1, 2030,
sufficient to produce the net annual sum of \$337,350;

For collection in the fiscal year beginning July 1, 2031,
sufficient to produce the net annual sum of \$324,900; and

For collection in the fiscal year beginning July 1, 2032,
sufficient to produce the net annual sum of \$312,450.

(Such taxes being supplemental and additional to taxes previously authorized by the County for this purpose for collection in the fiscal year beginning July 1, 2023).

Section 8. A certified copy of this resolution shall be filed with the County Auditor of Muscatine County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Note hereby authorized and for no other purpose whatsoever. Any amount received by the County as accrued interest on the Note shall be deposited into such special account and used to pay interest due on the Note on the first interest payment date.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Note remain outstanding and unpaid, any funds of the County which may lawfully be applied for such purpose, may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Note as the same become due, and if so appropriated, the taxes for any given fiscal year as provided for in Section 7 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for said purpose and evidenced in the County's budget.

Section 9. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 10. It is the intention of the County that interest on the Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Note will remain excluded from gross income for federal income tax purposes.

Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Note as “Qualified Tax-Exempt Obligations” as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 11. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved July 3, 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 Chick, the Board approved the submission of an Energy Efficiency and Conservation Block Grant (EECBG) Program Pre-Award application for a \$76,520 grant to replace non-energy efficient water heaters at the Jail with 95% AFUE Energy Start units. Ayes: All.

On a motion by Sorensen, second by Kirchner the Board approved a hiring request for Porsha McElfresh as Corrections Sergeant for the Jail at \$25.40/hour base rate (Grade 11/Step 9) with a proposed start date of July 8, 2023. Ayes: All.

On a motion by Sorensen, second by Kirchner the Board set a public hearing for Monday, July 24, 2023 at 9:00 am on a confinement feeding operation permit application from JDSD –Nichols Site. Ayes: All.

On a motion by Sorensen, second by Kirchner, the Board accepted the June 2023 payroll claims. Ayes: All.

County Engineer Bryan Horesowsky updated the Board on secondary roads projects.

Connie Fuller, Grandview, Iowa addressed the Board with clarification on the draft ordinance for Pioneer Cemeteries and/or Private Burial Sites questioned where the public hearing meetings will be located and where the information will be posted. Administrative Services Director Nancy Schreiber reviewed the public notice process stating the public notice will be published in the three legal newspapers and posted on the county website. Sauer stated the public hearings

will be held during regular board meetings. Sorensen stated the draft ordinance will be included with the board meeting agenda packet.

Kim Elliott, 2616 Burlington Road, Letts, Iowa questioned the Board regarding headstone maintenance/restoration and who is responsible for this. Sorensen stated each pioneer cemetery or private burial sites could be handled differently. Sorensen stated the draft ordinance describes that the county will not be paying for headstone repairs/replacements and maintenance will be handled in the same manner as the Iowa Code states for Township Trustees grass mowing/clean up maintenance. Elliott questioned if the headstone repair/restoration was up to the family of the deceased. Sorensen agreed with the statement that the family is responsible for headstone repair or restoration.

Fuller questioned if the county is responsible to pay for the moving of gravesite/headstone if requested. Sorensen stated the Iowa Code does not reference that the county is responsible for the moving cost. Sorensen stated a family member can choose to move the gravesite/headstone however it will be at the family's expense. Fuller stated Joe Furlong has offered a class to restore headstones which she plans to attend. Fuller asked if the landowner is not responsible to maintain an access road to a cemetery then who is responsible for this. Chick stated there may always be challenges to access pioneer or private burial sites due the landowner and county not being required to maintain an access road to the grave site locations. Fuller asked if a cemetery fence can be replaced. Sorensen stated the Iowa Code does not indicate anything about adornments or ancillary structures to be maintained or replaced. Fuller asked when property is being sold if the seller has to disclose if there are burials on the land parcel. Planning and Zoning Administrator Eric Furnas stated the Iowa Groundwater Hazard policy does contain a disclosure statement. Fuller asked if the county will fund the maintenance of the cemeteries. No comment was presented from the Board. Fuller stated in year's past there was not a 10-day written notice to the landowner required to visit a cemetery on private ground.

The meeting was adjourned at 9:48 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Scott Sauer, Chairperson
Board of Supervisors