

Muscatine County Board of Supervisors
Monday, October 24, 2016

The Muscatine County Board of Supervisors met in regular session at 7:00 P.M. with Howard, Kelly, Sorensen, Sauer and Bonebrake present. Chairperson Sorensen presiding.

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

Pastor Robert Rada, 911 1/2 E Sixth Street, stated that his church next to the Sheriff's Office and Secondary Roads is supplied water from the well owned by the County. Rada stated that when the County connects to City of Muscatine water, they will be closing the well which means his church will be without water. Bonebrake stated the County is paying for new water service to run to the County Sheriff and Secondary Roads, so it would be a good time for the church to tie in to the City. Rada stated his church is very small and cannot afford the \$25,000 necessary to connect to City water. Kelly asked why the well has to be closed. County Engineer Keith White stated Muscatine Power and Water requires that the well be closed when connecting to City water. Sauer wondered how it came to be that the County well was supplying water to the church. White stated the water main is ending at the northeastern corner of the County property and Muscatine Power and Water would not allow the County to include the church, nor would they allow them to have a meter. White stated he had received a temporary allowance for them to use the well, but not the pressure system. Howard asked if they could continue to use the well and the equipment if the County sells the rights to it to the church. White stated he does not think Muscatine Power and Water would allow that. Kelly stated she feels it is the County's responsibility because the County requested the water hookup to city water. Sorensen stated the County is in a difficult situation because it would not be right to use taxpayer dollars to get the church hooked up to City water. White stated Muscatine Power and Water refused to let the church run a line in the right of way, refused to let them run a line across County property and would only grant a grace period for staying hooked to the well, but without the pressure system. White stated the only ones with the power to make the decision are Muscatine Power and Water. Sorensen stated maybe the County should have more conversations with Muscatine Power and Water. Bonebrake stated he would be willing to do a lease with the church on the well and pump system if Muscatine Power and Water would agree to it. Rada stated for them to put in their own well would cost at least \$10,000. White stated Phelps has a well on the other side of the church property that will not be closed and suggested that may be an option for the church. The Board advised Rada to research his options.

On a motion by Howard, second by Kelly, claims dated October 24, 2016 were approved in the amount of \$1,008,117.86. Ayes: All.

On a motion by Bonebrake, second by Kelly, the Board authorized the Chair to sign a Statement of Election Costs for the September 13, 2016 Muscatine School Special Election. Ayes: All.

On a motion by Howard, second by Kelly, minutes of the October 17, 2016 regular meeting were approved as written. Ayes: All.

Correspondence:

Sauer reported several contacts regarding recent flooding on Iron City Avenue.
Kelly reported a conversation with Pastor Rada regarding the water project at Secondary Roads.
Kelly received an email from Nevin Roberts regarding noise and speed on G28.

Committee Reports:

Howard attended a Muscatine County Veteran Affairs meeting October 18th.
Kelly attended an Eastern Iowa Mental Health Region meeting October 17th.
Sorensen attended a Wilton Development Corporation meeting October 19th.

Discussion was held regarding an appointment to the Muscatine County Zoning Commission. Administrative Services Director Nancy Schreiber stated she received another application this morning and expects another this week in case the Board wants to postpone the appointment for a few weeks. On a motion by Bonebrake, second by Howard, the Board extended the application deadline for an appointment to the Muscatine County Zoning Commission until November 14, 2016. Ayes: All.

The meeting was adjourned at 7:33 P.M.

ATTEST:

Leslie A. Soule, County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors

Muscatine County Board of Supervisors
Monday, October 31, 2016

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

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

A Public Hearing was called to order by Chairperson Sorensen at 9:02 A.M. on a request from Jeffrey A. or Pamela R. Turkle, Record Owners, to rezone approximately .39 acres of property located in Fulton Township from A-1 Agricultural District to I-1 Light Industrial District. Planning and Zoning Administrator Eric Furnas stated this property is located in Fulton Township, South of the Iowa Interstate Railroad, West of Vine Avenue, adjacent to the City of Stockton, in the NE1/4 of Section 5-T78N-R1E. Furnas stated the property is a tree service that recycles trees by sawing the trees with a recreational sawmill. Furnas stated the operation is not a full scale sawmill, but more like a lumber yard. In response to Howard, Furnas stated County Attorney Alan Ostergren does not feel conditional rezoning should be done because of enforcement issues. Furnas stated a variance may be another viable possibility. Mark Brockway, Brockway Land Planning Associates, stated it is not an agricultural property so agricultural zoning is not the appropriate classification. Brockway stated there have been concerns regarding open burning and hours of operation so he presented a document stating Jeff and Pam Turkle are proposing the following conditions be applied to the rezoning: 1. No open burning will be permitted on-site. 2. Hours of operation will be limited to 7:00 AM to 8:00 PM. 3. This operation and use will be subject to an annual review by the County to ensure continued compliance and functioning as a good neighbor in the Stockton Community. Dennis Holmes, 109 Commerce Street, Stockton, IA, stated he is not in favor of the rezoning because Turkle has broken the law with illegal burning and Holmes feels he should not be rewarded for breaking the law. Jeff Turkle, 3601 135th Street, Stockton, stated there were complaints four years ago and the DNR wrote him up for some burned logs that were not his. Turkle stated he was told he could burn as long as it was recreational. Turkle stated the complaints started again recently and Zoning Administrator Eric Furnas came out and made a judgement that he was open burning. Turkle stated he would have to go to court to contest the judgement. Sauer asked Turkle how he will discard excess material in the future that he used to burn. Turkle stated he will take it to an area mulch plant or to a local chiropractor who uses a wood burning stove in three houses. In response to Bonebrake, Furnas stated they had 8 – 12 written complaints about the open burning. Furnas stated he contacted Department of Natural Resources, who initially ruled it recreational, but when he visited the site an employee was putting wood on a large fire and Mr. Turkle was not present at the time which is why he made the determination that it was not recreational. Wendy Fletcher, 110 Commerce Street, Stockton, IA, stated she is against the rezoning because in May 2012 Turkle was told to cease all burning and has burned ever since. Fletcher stated the last fire created a lot of smoke and left ashes on her vehicle in her driveway. Fletcher stated she has asthma and her house filled up with smoke all weekend causing her asthma to act up. In response to Bonebrake, Fletcher stated she called the fire department because the fire was out of control and the fire was within ¼ mile of a residence. Kelly asked what other reason she has for not wanting it rezoned. Fletcher does not want it rezoned because she does not want them rewarded for blatantly burning for four years when they were told not to. Howard stated the

Turkle's have set an example by saying they are going to do one thing and then they doing something else. Howard stated he is not in favor of rezoning but would consider a variance. Furnas stated the burning issue is put to rest whether this is rezoned or not because Turkle has confirmed there will be no burning recreational or otherwise. Furnas stated once property is rezoned, the County does not have a lot of control, but a variance would allow a very specific use and could be revoked if violations continue. Bonebrake stated he agrees with Howard that a variance would be better. Kelly agreed a variance would be more beneficial. Brockway stated the Board of Adjustment could refuse a variance and the Turkle's would have a useless property. Brockway stated they went for rezoning because it has been nonconforming use for over 100 years and could never be used for agricultural purposes. Furnas stated the property has low agricultural potential but that does not necessarily mean it has good industrial potential and he does not feel there has been continual nonconforming use for 100 years. On a motion by Kelly, second by Howard, the public hearing was closed at 9:50 A.M. Roll call vote: Ayes: All. The proposed rezoning died for lack of a motion.

On a motion by Kelly, second by Sauer, the following utility permits were approved: CenturyLink – place equipment and fiber in the right of way at the intersection of Iron City Avenue and Hwy 22. Ayes: All.

County Engineer Keith White updated the Board on secondary roads construction projects.

On a motion by Howard, second by Bonebrake, minutes of the October 24, 2016 regular meeting were approved as written. Ayes: All.

Correspondence:

Sauer reported several calls regarding recent flooding on Iron City Avenue.

Kelly reported an email from Mr. Cargill on 180th Street complaining about four wheelers making noise because they are driving them after midnight.

Committee Reports:

Howard attended a Milestones Area Agency on Aging meeting October 25th.

Kelly attended a Bi-State Regional 50th Anniversary meeting October 26th.

Kelly attended a Seventh Judicial District meeting October 27th.

Sorensen attended a West Liberty Economic Area Development meeting October 27th.

Sorensen attended an Emergency Food and Shelter Program meeting October 26th.

Sauer attended a Muscatine County Fair Board meeting October 25th.

On a motion by Kelly, second by Sauer, the Board approved a bid from Sulzberger Excavating, Inc. in the amount of \$29,500 for demolition of a building located at 112 E. 4th Street, Muscatine, IA. Ayes: All.

On a motion by Bonebrake, second by Kelly, the Board adopted the following 2017 Holiday Schedule for Muscatine County. Roll call vote: Ayes: All.

HOLIDAY

New Year's Day

DAY OF OBSERVANCE

Monday, January 2, 2017

Memorial Day	Monday, May 29, 2017
Independence Day	Tuesday, July 4, 2017
Labor Day	Monday, September 4, 2017
Veterans' Day	Friday, November 10, 2017
Thanksgiving	Thursday, November 23, 2017
Day after Thanksgiving	Friday, November 24, 2017
Christmas	Monday, December 25, 2017

In addition to the holidays enumerated above, staff is granted three unscheduled holidays (personal days) to be used in 2017.

On a motion by Kelly, second by Sauer, the Board accepted the October 2016 payroll claims.
Ayes: All.

Budget Coordinator Sherry Seright stated General Services Supervisor Oscar Alvarez is getting estimates to remove four ash trees on the Third Street side of the Courthouse. Seright stated an oak tree will be planted this Fall in memory of former County employee Stu Willits with money collected from County employees and friends of Stu. Seright stated they will possibly plant another tree in the Spring. Bonebrake stated he does not want to see ash trees removed if they show no signs of the ash bore disease. Seright stated the four trees being removed have had a lot of dead branches and do not look very healthy. Seright stated branches fall off of one leaning over the sidewalk and cars. Sauer stated he likes the color of maples and hackberry trees better in the Fall.

The meeting was adjourned at 10:31 A.M.

ATTEST:

Betty L. Wamback
First Deputy Auditor

Jeff Sorensen, Chairperson
Board of Supervisors