

Muscatine County Board of Supervisors
Monday, May 20, 2013

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

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

On a motion by Howard, second by Sauer, claims dated May 13, 2013 were approved in the amount of \$172,552.80. Ayes: All.

A Public Hearing was called to order by Chairperson Sorensen at 9:03 A.M. for the purpose of instituting proceedings and taking action to enter into a loan agreement with a principal amount not to exceed \$600,000 for the purpose of covering additional costs for improvements and repairs to County buildings, including roof and sidewalk replacements, construction of a handicapped accessibility ramp and elevator repairs. No one spoke for or against the loan agreement. On a motion by Furlong, second by Kelly, the public hearing was closed at 9:04 A.M. Roll call vote: Ayes: All.

On a motion by Kelly, second by Sauer, the Board approved Resolution #05-20-13-01 Authorizing a Supplemental Loan Agreement in an amount not to exceed \$600,000 in addition to the previously proposed total principal amount not to exceed \$750,000 and Providing for a Debt Service Tax Levy as amended. Roll call vote: Ayes: All.

On a motion by Furlong, second by Howard, the Board approved the contract, bond and certificate of insurance for the L-(CUL13 & CUL14)—73-70 from Hagerty Earth Works in the amount of \$648,479.40 for culvert replacements at various locations throughout the County. Ayes: All.

On a motion by Furlong, second by Sauer, the Board approved the following utility permits: Windstream Communications – replace a section of cable washed out in Sugar Creek during a spring thunderstorm; Mediacom – bury fiber optic cable along old Hwy 61 from the Scott County line to Zachary Avenue and south to Zale Avenue; KJJ Farms – bore a 2” conduit under Blue Heron, south of 2222 Blue Heron, to power a new irrigation system. Ayes: All.

County Engineer Keith White reported that he helped FEMA do preliminary damage assessments for recent flooding stating that the County has approximately \$200,000 worth of damage which may allow Muscatine County to receive a disaster designation when combined with damage in incorporated areas of the County. White stated that weather is really affecting road construction projects and repairs from the flooding causing a lot of expenditures to slide into FY2014 which will probably require an immediate budget amendment in July.

Discussion was held with Zoning Administrator Jodee Stepleton regarding approval of a preliminary plat of the proposed one-lot residential subdivision, Willis/Shea Subdivision, containing approximately 1.284 acres in Montpelier Township. On a motion by Furlong, second by Kelly, the Board approved a preliminary plat of the proposed one-lot residential subdivision, Willis/Shea Subdivision, containing approximately 1.284 acres in Montpelier Township. Ayes: All

On a motion by Furlong, second by Sauer, the Board approved Resolution #05-20-13-02 Approval of Final Plat of Willis/Shea Subdivision. Roll call vote: Ayes: All.

Discussion was held with Zoning Administrator Jodee Stepleton regarding approval of a preliminary plat of the proposed two-lot residential subdivision, Stone House Creek Overlook Subdivision, containing approximately 8 acres in Bloomington Township. On a motion by Furlong, second by Sauer, the Board approved a preliminary plat of the proposed two-lot residential subdivision, Stone House Creek Overlook Subdivision, containing approximately 8 acres in Bloomington Township. Ayes: All

On a motion by Howard, second by Kelly, the Board approved Resolution #05-20-13-03 Approval of Final Plat of Stone House Creek Overlook Subdivision. Roll call vote: Ayes: All.

On a motion by Furlong, second by Howard, the Board approved an Ordinance #05-20-13-04 Rezoning Certain Real Property in Wilton Township, Muscatine County, Iowa from I-2 Heavy Industrial District Zoning Classification to A-1 Agricultural District Zoning Classification on the third and final reading. Roll call vote: Ayes: All.

On a motion by Kelly, second by Howard, the Board set a public hearing for Monday, June 3, 2013 at 9:00 A.M. on a request from the City of West Liberty, Record Owner, and the West Liberty Gun Club, Lessees, to rebuild the indoor shooting range and clubhouse facilities at the West Liberty Gun Club which were recently destroyed by fire. Ayes: All.

The Board reviewed variances granted by the Muscatine County Board of Adjustment on Friday, May 3, 2013. Case #13-05-01 is an application filed by Randy J. or Michelle J. Moeller, Record Owners. This property is located in Lake Township, 2248 215th Street, Rocking Horse Acres, Lot 2, in the SW ¼ of Sec. 31-T77N-R2W, containing approximately 20 acres, and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for Mr. And Mrs. Moeller to build a 50' X 70' detached garage in front of their residence, but it would be at least 50 feet back from the front lot line. On a motion by Furlong, second by Sauer, the Board accepted the variance. Ayes: All. Case #13-05-02 is an application filed by Edward W. or Denise L. Tvrs, Record Owners. This property is located in Wapsie Township, 1291 Elder Ridge Road, in the SE ¼ of Sec. 14-T78N-R4W, containing approximately 0.56 acres, and is zoned R-3 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for Mr. and Mrs. Tvrs to build an addition onto their existing garage with the eaves of the garage

being closer than the required 10 foot setback. On a motion by Howard, second by Kelly, the Board accepted the variance. Ayes: All.

Discussion was held with Zoning Administrator Jodee Stepleton regarding a proposal for an annual operational permit for discharging private sewer disposal systems and testing/monitoring requirements. Stepleton stated that an NPDES designation is set for any sand filter system that is discharging into a ravine within 400 feet of a waterway. Stepleton stated the 200+ NPDES sand filters are required to be tested twice a year. Stepleton stated the other 600+ sand filters discharging above ground should have a visual inspection once a year, but she suggested a sample once a year at an approximate cost of \$30 per year. Stepleton stated another option is for the Board to allow the homeowner to visually inspect his/her own sand filter. Sorensen stated it disturbs him the State has walked away from this and expects the County to handle the situation and he does not want the County to do more than is necessary. Howard suggested the possibility of requiring testing every other year. Furlong stated he would like to keep the cost to a minimum. Kelly asked if the Board needs to change the County ordinance to match State Code. Sorensen stated the ordinance needs to reflect the law. Board consensus was to follow the State law, not be more restrictive. Sorensen stated he does not feel there should be a fee for the systems which only need a visual inspection, but that the systems which require sampling should pay for the costs of sampling their systems. Stepleton asked about the 18 mechanical systems since those are also required to be tested. Sorensen stated those should also pay the fees. Sauer stated the requirements for the NPDES and the mechanical are very similar and both should be charged the same fee. Howard stated he wants to do something to help this situation, but as fairly and financially feasible as possible for County homeowners. Stepleton stated she is still concerned about the 600+ systems that are discharging to the ground. Furlong stated the situation may be readdressed, if the Board gets complaints. Board consensus was to follow State law, get the 200+ NPDES systems under control, then keep a watchful eye on the rest of the systems with Zoning keeping track of complaints and problems over the next year or two. Scott Lucas, 1961 280th Street, Letts, stated he would be more concerned about the 80% of systems with underground discharge underground as the source of everyone's drinking water is underground. Stepleton stated there are grants to test well water for those residents.

On a motion by Howard, second by Sauer, the Board approved 10 special event permits for events to be held on June 1st, June 2nd, June 7th, June 21st, July 12th, July 26th, August 9th, August 23rd, September 13th and November 15th at Ardon Creek Vineyard and Winery, LLC, as requested by Mike Furlong. (Article III, Section 3.26 of the Zoning Ordinance allows native wineries or cider mills as a special use, subject to specific requirements, including Board of Supervisors' approval, of any special event at which (1) wine will be sold for onsite consumption and (2) attendance of more than 35 persons is anticipated. Ayes: All.

On a motion by Howard, second by Kelly, minutes of the Monday, May 13, 2013 regular meeting were approved as written. Ayes: All.

Correspondence:

Howard reported a contact regarding a fencing issue in Muscatine County.
Howard reported a contact regarding the sand filter ordinance.

Committee Reports:

All Supervisors attended the Annual Wilton Chamber of Commerce Luncheon May 13th.
Sauer attended a Muscatine County Board of Health meeting May 15th.
Sauer attended a Riverbend Transit meeting May 15th.
Sauer attended a Muscatine County Fair Board meeting May 16th.
Sorensen attended a Wilton Development Corporation meeting May 15th.

Howard discussed hog confinement issues and possible damage to County roads stating that the County Supervisors can work with Secondary Roads and Zoning staff to develop criteria for secondary road usage by hog confinement facilities and grain trucks. Furlong stated the Board probably needs to adopt an ordinance to require facilities which damage the County roads be responsible for the repairs.

Budget Coordinator Sherry Seright reviewed bids received for a Muscatine County Courthouse Lawn Irrigation System as follows: GSA Turf Services – \$15,871.00 (5 year warranty on parts - 2 year warranty on labor); Rainmaster Irrigation - \$18,800.00 (2 year warranty on parts and labor); Greenspace Associates - \$20,138.00 (2 year warranty on parts and labor); Zimmerman Landscape & Irrigation - \$24,223.50 (3-5 year warranty on parts - 1 year warranty on labor); and Uncommon Ground - \$24,694.52 (1 year warranty on parts and labor). On a motion by Furlong, second by Howard, the Board accepted the bid from GSA Turf Services in the amount of \$15,871.00 for a lawn irrigation system for the Muscatine County Courthouse to be completed by July 25, 2013. Ayes: All.

Discussion was held with Budget Coordinator Sherry Seright regarding a maintenance agreement with Northwest Mechanical for building environmental systems at the Community Services building, the Administration building and the Rescare (Optimae) building. Seright stated that the contract on the Administration Building will no longer be needed once the HVAC is replaced. On a motion by Kelly, second by Furlong, the Board authorized the Chair to sign a maintenance agreement with Northwest Mechanical for building environmental systems at the Community Services building, the Administration building and the Rescare (Optimae) building in the amount of \$36,623.00. Ayes: All.

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

ATTEST:

Leslie A. Soule, County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors