

Muscatine County Board of Supervisors
Monday, September 9, 2019

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

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

On a motion by Sauer, second by Saucedo, claims dated September 9, 2019 were approved in the amount of \$734,389.28. Ayes: All.

Director of Public Health Christy Roby Williams gave a presentation regarding the most recent Muscatine County Health Needs Assessment. Williams stated the Health Needs Assessment is performed on behalf of Muscatine County, the Muscatine County Board of Health and the hospitals. Williams stated a Community Health Needs Assessment is a way to collect and analyze data to look at what the health concerns and/or strengths are in a county. Williams stated after the assessment is completed the community determines what the priorities are and a community health improvement plan is developed. Williams stated after community events held in October 2018 the top two priorities for 2019 through 2021 were identified as Mental Health and Substance Abuse. Williams stated the Health Needs Assessment and the Health Improvement Plan are available on the Trinity Muscatine Public Health website and the Muscatine County Board of Health website. In response to questions from citizens and the Board, Williams stated a list of mental health services may be found at the website LMCResources.org. Mather stated a list of services may also be found by using the Eastern Iowa Mental Health Region website easterniowamhds.org. In response to a question from a citizen, Williams stated if a person is feeling homicidal or suicidal she recommends the person go directly to the emergency room because protocols are already in place to assist someone in a mental health crisis. Saucedo requested Williams review the Muscatine County website and make recommendations for links to be added to aid citizens in accessing mental health services.

Discussion was held with Cyle Geertz, 416 Ijem Avenue, Nichols, Iowa regarding a request for the Muscatine County Board of Supervisors to take action against Sheriff CJ Ryan for abuse of his position. Geertz stated he was accompanied today by veterans, bikers and a former police officer who were offended by the Sheriff. Geertz distributed a printout, stating it is information he received from MUSCOM showing radio transmissions from Badge #7007 and a response from Badge #7001. Geertz stated his two concerns regarding the lack of a presence from the Sheriff's Office for his brother's procession and the printout are the blatant disrespect shown to veterans and the public safety issue. Geertz stated there were 500 motorcycles and 100 cars trying to cross the highway bypass and pass through other intersections without any support. Geertz stated if the Sheriff gave orders directly against public safety it is wrong and needs to be investigated. Geertz stated he is calling on the Board of Supervisors to meet with the County Attorney and request an investigation. Mather stated he has spoken with the County Attorney who was unable to attend the meeting because he is in a trial. Mather stated it is his understanding that the Board does not have power over elected officials. Mather stated the Board cannot direct the County Attorney to start an investigation and they cannot discipline the Sheriff since he is also an elected official. Mather stated citizens may ask the County Attorney

to start an investigation. Geertz stated the Sheriff broke the law when he gave an order that failed to provide for public safety and he is asking the Chairperson to take the information he provided today to the County Attorney. Mather stated he will pass the information on to the County Attorney. Geertz stated every county between the Missouri border and Muscatine County showed support, but there was no support here. Geertz stated the Sheriff used a personal reason to give an unlawful order to his deputies. On a motion by Sorenson, second by Saucedo, the Board approved the preparation of a formal letter to the County Attorney from the Board asking: 1. To consider whether Sheriff CJ Ryan issued an illegal order in this particular case, referring to the communication log given to the Board by Mr. Geertz; and, 2. If that was an unlawful order, what is the appropriate response? Ayes: All.

On a motion by Sauer, second by Sorensen, the Board approved the following utility permits: Windstream Iowa Communications, LLC – install a 25 pair copper telephone cable along the west side of Davis Avenue north from Highway 22 for approximately 900 feet and bore across the road to the east side; and Windstream Iowa Communications, LLC - install a 25 pair copper telephone cable along the west side of Moscow Road from 1246 Moscow Road south for approximately 1700 feet. Ayes: All.

County Engineer Keith White updated the Board on secondary road projects. White stated the road department will be mowing by Hickory Hills Subdivision so a company can use ground penetrating radar to find the subdivision's water main. In response to a question by Sorenson, White stated they do not know where the main is because it may not have been built to plans and its placement could be in conflict with the roadway. White stated the main is not controlled by Muscatine Power & Water, but is privately owned by the Homeowner's Association. The Board expressed concern regarding privately owned utilities along County roads. Saucedo directed White to keep the Board informed regarding the Hickory Hills water main issue.

On a motion by Sorenson, second by Saucedo, the Board approved Resolution #09-09-19-01 Granting Extension for Filing the Final Plat of Shady Cedar Subdivision, Lot 1. Roll call vote: Ayes: All.

**RESOLUTION #09-09-19-01
RESOLUTION GRANTING EXTENSION FOR FILING THE FINAL PLAT OF SHADY
CEDAR SUBDIVISION, LOT 1**

WHEREAS, the Muscatine County Board of Supervisors approved the preliminary and final plat of Shady Creek Subdivision, Lot 1 on January 21, 2019; and

WHEREAS, Section 30.07 of the Muscatine County Subdivision Ordinance requires recording of the final plat within 90 days of its approval; and

WHEREAS, owing to an additional period of time being needed to file the final plat.

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

1. That Tiffany Stephens is granted an additional 90 days to file the final plat and otherwise comply with the subdivision ordinance.

Passed and approved this 9th day of September, 2019

ATTEST:

/s/Betty L. Wamback
Muscatine County First Deputy Auditor

/s/Nathan Mather, Chairperson
Muscatine County Board of Supervisors

The Board reviewed a variance granted by the Muscatine County Board of Adjustment on September 6, 2019. Case #19-09-01 is an application filed by Michael R. and Lisa M. Mathis, Record Owners. This property is located in Sweetland Township, in the NW1/4 of Sec. 36-T77N-R1W, North of Hwy. 22, 3315 Hwy. 22, containing approximately 1.30 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the owners to place a detached garage on the same site as the existing garage, which is in front of the existing dwelling, but at least 50 feet back from the front lot line. Planning and Zoning Administrator Eric Furnas stated this is a unique shaped lot and the driveway comes into the property at a strange angle. Furnas stated there is an existing building that is being torn down and replaced. The Board of Adjustment approved the variance. On a motion by Sauer, second by Sorenson, the Board accepted the variance. Ayes: All

On a motion by Sauer, second by Sorenson, the Board approved a renewal application for a Class C Beer, Class E Liquor License and Sunday Sales Permit for Reif Oil Co., dba Stewart Road Fast Break, 2418 Stewart Road, Muscatine, IA 52761. Ayes: All.

On a motion by Sauer, second by Sorenson, the Board approved a renewal application for a Class C Native Wine, Sunday Sales Permit and Outdoor Service Permit for Ardon Creek Vineyard & Winery, LLC, dba Ardon Creek Vineyard & Winery, 2391 Independence Avenue, Letts, IA 52754. Ayes: All.

On a motion by Saucedo, second by Sorenson, amended minutes of the August 19, 2019 regular meeting were approved as written. Ayes: All.

On a motion by Sorenson, second by Saucedo, minutes of the August 26, 2019 regular meeting were approved as written. Ayes: All.

Correspondence:

Saucedo reported a conversation regarding recycling and the possibility of working on a joint project with the City of Muscatine.

Committee Reports:

Mather and Sorenson attended a Bi-State Regional meeting August 28th.

Sauer and Sorenson attended a Region IX Transportation meeting August 27th.

Holliday attended Donovan's Consignment Auction in West Liberty September 7th.

Emergency Manager Brian Wright stated Muscatine County is in the process of updating the Multi-Jurisdictional Hazard Mitigation Plan. Wright stated as part of the process, the public is invited to attend either of the following meetings: Thursday, September 12, 2019 at 6:30 p.m. at the West Liberty Public Library, 400 North Spencer Street, West Liberty; or, Tuesday, September 17, 2019 at 4:30 p.m. at the Muscatine Community College, Larson Hall Room 62 (Muscatine Access Nine Video Studio), 152 Colorado Street, Muscatine. Wright stated the public will have the opportunity to learn more about the update process for the plan, to ask questions about the kinds of hazards and mitigation strategies and to provide input.

On a motion by Sorenson, second by Sauer the Board approved Resolution #09-09-19-02 Authorizing and Approving a Loan Agreement and Providing for the Issuance of a \$1,850,000 General Obligation County Building Improvement Note and Providing for the Levy of Taxes to Pay the Same. Roll call vote: Ayes: All.

RESOLUTION #09-09-19-02
AUTHORIZING AND APPROVING A LOAN AGREEMENT AND PROVIDING FOR
THE ISSUANCE OF A \$1,850,000 GENERAL OBLIGATION COUNTY BUILDING
IMPROVEMENT NOTE AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE
SAME

WHEREAS, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors (the "Board") of Muscatine County, Iowa (the "County"), has heretofore proposed to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$1,850,000 for the purpose of financing improvements and repairs to County buildings and has published notice of the proposed action and has held a hearing thereon; and

WHEREAS, a bid has been received for the purchase of a \$1,850,000 General Obligation County Building Improvements Note (the "Note") in evidence of the obligation of the County under the Loan Agreement, and it is necessary at this time to authorize and approve the Loan Agreement and to make provision for the issuance the Note;

NOW, THEREFORE, be it resolved by the Board of Supervisors of Muscatine County, Iowa, as follows:

Section 1. The Board hereby determines that the bid from CBI Bank & Trust (the "Bank") provides the lowest interest cost to the County, and the Board determines to enter into the Loan Agreement with the Bank, providing for a loan to the County in the principal amount of \$1,850,000 for the purposes 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 \$1,850,000 for the purpose or purposes set forth in the preamble hereof.

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 be payable in ten annual installments in the amount of \$185,000 each, on June 1 in each of the years 2020 to 2029, inclusive, and shall bear interest at the rate of 3.30% per annum.

Accrued interest on the Note shall be payable semiannually on the first day of June and December in each year, commencing June 1, 2020. 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 owner appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the payment date and shall be paid by electronic means or by check or draft mailed to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest shall be payable only upon presentation and surrender of the Note to the Paying Agent.

The County reserves the right to prepay principal of the Note in whole or in part at any time prior to and in inverse order of maturity on 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 by the official manual or facsimile signature of the County Auditor and shall be a 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 name of the owner 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 owner or its legal representatives or assigns. The Note shall be transferable without cost to the registered owner thereof 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.

Section 3. The Note shall be in substantially the following form:

(Form of Note)

**UNITED STATES OF AMERICA
STATE OF IOWA
MUSCATINE COUNTY**

GENERAL OBLIGATION COUNTY BUILDING IMPROVEMENTS NOTE

No. 1 \$1,850,000

MATURITY DATE

NOTE DATE

June 1, 2029

October 1, 2019

Muscatine County (the "County"), Iowa, for value received, promises to pay in the manner hereinafter provided to

CBI Bank & Trust
Muscatine, Iowa

or registered assigns, the principal sum of ONE MILLION EIGHT HUNDRED FIFTY THOUSAND 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 is payable in ten annual installments in the amount of \$185,000 each, on June 1 in each of the years 2020 to 2029, inclusive, and bears interest at the rate of 3.30% per annum.

Accrued interest on this Note shall be payable semiannually on the first day of June and December in each year, commencing June 1, 2020. 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 by electronic means or by check or draft mailed to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest shall be payable only upon presentation and surrender of this Note to the Paying Agent.

This Note is issued by the County to evidence its obligation under a certain Loan Agreement, dated as of October 1, 2019 (the "Loan Agreement") entered into by the County for the purpose of paying the cost, to that extent, of financing improvements and repairs to County buildings.

This Note is issued pursuant to and in strict compliance with the provisions of Chapters 76 and 331 of the Code of Iowa, 2019, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of this Note (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of this Note and the rights of the owner of this Note.

The County reserves the right to prepay principal of this Note, in whole or in part, at any time prior to and in inverse order of maturity on 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 by its Chairperson and attested by its County Auditor, on October 1, 2019.

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 4. The Note shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration

and delivery to the Bank, upon receipt of the loan proceeds, and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects.

Section 5. 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 in each of the years while the Note is outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there is hereby 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, 2020,
sufficient to produce the net annual sum of \$239,945;

For collection in the fiscal year beginning July 1, 2021,
sufficient to produce the net annual sum of \$233,840;

For collection in the fiscal year beginning July 1, 2022,
sufficient to produce the net annual sum of \$227,735;

For collection in the fiscal year beginning July 1, 2023,
sufficient to produce the net annual sum of \$221,630;

For collection in the fiscal year beginning July 1, 2024,
sufficient to produce the net annual sum of \$215,525;

For collection in the fiscal year beginning July 1, 2025,
sufficient to produce the net annual sum of \$209,420;

For collection in the fiscal year beginning July 1, 2026,
sufficient to produce the net annual sum of \$203,315;

For collection in the fiscal year beginning July 1, 2027,
sufficient to produce the net annual sum of \$197,210;

For collection in the fiscal year beginning July 1, 2028,
sufficient to produce the net annual sum of \$191,105.

(such taxes being supplemental and additional to taxes previously authorized by the County Board of Supervisors for this purpose for collection in the fiscal year that began July 1, 2019).

Section 6. A certified copy of this resolution shall be filed with the County Auditor, and the 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.

Section 7. 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 to the sum thus advanced.

Section 8. 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 a "Qualified Tax Exempt Obligation" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 9. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved this 9th day of September, 2019.

ATTEST:

/s/Betty L. Wamback
Betty L. Wamback
First Deputy Auditor

/s/Nathan Mather, Chairperson
Nathan Mather, Chairperson
Muscatine County Board of Supervisors

On a motion by Sorenson, second by Saucedo, the Board accepted the August, 2019 payroll claims. Ayes: All.

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

ATTEST:

Leslie A. Soule, County Auditor

Nathan Mather, Chairperson

Board of Supervisors