

Muscatine County Board of Supervisors
Monday, March 6, 2017

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

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

On a motion by Howard, second by Bonebrake, the Board waived the requirement for three readings and approved Ordinance #03-06-17-01 Rezoning Certain Real Property in Sweetland Township from C-1 Commercial Zoning Classification to R-1 Residential Zoning Classification on the second and final reading. Roll call vote: Ayes: All.

On a motion by Mather, second by Sauer, the Board approved Resolution #03-06-17-01 Granting a 90-day Extension for Filing the Final Plat of the Replat of Lot 3 of Goddard's Rolling Oak Hill's Subdivision – Phase Two. Roll call vote: Ayes: All.

On a motion by Howard, second by Bonebrake, the Board set a public hearing for Monday, March 27, 2017 at 9:00 A.M. on a confinement feeding operation construction permit application from David Kundel. Ayes: All.

A public hearing was called to order by Chairperson Sorensen at 9:06 A.M. on the proposed vacation and closure of the following sections of unimproved streets and alleys in unincorporated portions of Muscatine County, Iowa:

Moscow

Dedicated Parcels intended to be Vacated and Conveyed to Adjoining Property Owners in the Unincorporated Town of Moscow:

(1J) All that portion of the platted 20 foot wide east-west alley lying between Lots 5 and 6 of Block 5 of the Original Town of Moscow, IA all in accordance with the recorded plat thereof.

Fairport

Dedicated Parcels intended to be Vacated and Conveyed to Adjoining Property Owners in the Unincorporated Town of Fairport:

(2J) All that portion of the easterly ½ of the platted right of way of Adams Street lying westerly of and adjacent to Lot 1, of Block 10 of the Original Town of Fairport, IA, being bound on the north by the centerline of the platted alley through said Block 10 and on the

south by the northerly right of way line of Pearl Street, inclusive, in the Original Town of Fairport, IA, all in accordance with the recorded plat thereof.

Montpelier

Dedicated Parcels intended to be Vacated and Conveyed to Adjoining Property Owners in the Unincorporated Original Town of Montpelier:

(2K) All that part of the platted and dedicated alley lying along the northerly line of Block 5 of the Original Town of Montpelier, IA, lying east of Lot 7 of said Block 5, in accordance with the recorded plat thereof.

(3K) All that part of the platted and dedicated alley lying along the northerly line of Block 6 of the Original Town of Montpelier, IA, lying east of Lot 8 of said Block 6, in accordance with the recorded plat thereof.

(4K) All that part of the platted Scott Street lying northerly of the north line of 3rd Street in Block 5 of the Original Town of Montpelier, IA, in accordance with the recorded plat thereof.

Cranston

Dedicated Parcels intended to be Vacated and Conveyed to Adjoining Property Owners in the Unincorporated Original Town of Cranston:

(8K) All that part of the platted and dedicated alley lying along the easterly line of Lots 4 through 6 of Block 1 of the Original Town of Cranston, IA, in accordance with the recorded plat thereof.

West Liberty/Wapsinonoc Township

Dedicated right of Way Parcels intended to be Vacated and Conveyed to Adjoining Property Owners in the Unincorporated Portion of Wapsinonoc Township Adjacent to the Town of West Liberty:

(1K) All that portion of the 20 foot wide platted alley lying between Lot no. 2 and Lot no. 7 of the Plat of Survey for Amos Walton, Recorded in Plat Book 1, at Page 109 of the Records of the Muscatine County Recorder.

AND ALSO:

All that portion of the platted alley lying within and along the west line of Lot no. 2 and providing access to Lot no. 1 of said Plat of Survey for Amos Walton, in accordance with the recorded plat thereof.

AND ALSO:

That platted 10 foot wide Street Easement located within and along the North Line of said Lot no. 7 of said Plat of Survey for Amos Walton, in accordance with the recorded plat thereof.

(5K) All that portion of unimproved "C" Street lying between Block 19 and Block 20 of Oak Park Addition to the City of West Liberty, IA, in accordance with the recorded plat thereof.

(6K) All the platted alley lying westerly of and adjacent to Block 19 of Oak Park Addition to the City of West Liberty, IA, in accordance with the recorded plat thereof.

Stockton/Fulton Township

Dedicated Right of Way Parcels intended to be Vacated and Conveyed to Adjoining Property Owners in the Unincorporated Portion of Fulton Township Adjacent to Stockton 1st Addition to the Town of Stockton:

(10K) All that part of the platted Fejervary Street lying along the southerly line of Blocks 22 and 23 of Stockton 1st Addition, lying easterly of the easterly right of way of Vine Street and westerly of the westerly right of way of Minnesota Street, in accordance with the recorded plat thereof.

(11K) All that part of the platted Iowa Street lying along and between Blocks 22 and 23 of Stockton 1st Addition, lying southerly of the southerly right of way of Center Street and terminating at the southerly line of said Blocks 22 and 23, in accordance with the recorded plat thereof.

(12K) All that part of the platted alley within Block 22 and 23 of Stockton 1st Addition, lying easterly of the easterly right of way of Vine Street and westerly of the westerly right of way of Minnesota Street, in accordance with the recorded plat thereof.

(13K) All that part of the platted Minnesota Street lying along and between Blocks 35 and 36 of Stockton 1st Addition, lying southerly of the southerly right of way of Fejervary Street and terminating at the southerly line of said Blocks 35 and 36, in accordance with the recorded plat thereof.

(14K) All that part of the platted Wisconsin Street lying along and between Blocks 34 and 35 of Stockton 1st Addition, lying southerly of the southerly right of way of Fejervary

Street and terminating at the southerly line of said Blocks 34 and 35, in accordance with the recorded plat thereof.

Wapsinonoc Township

Existing Road rights of way acquired by easement – no disposition necessary:

(5J) All that portion of Birkett Avenue which lies southerly of the south right of way line of 100 Street (the Cedar Muscatine Road) and westerly of a point on the westerly line of that portion of Birkett Avenue which point is described as being 33 feet west of the NE Corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T78N, R4W of the 5th P.M. Muscatine County, IA. (0.77 miles)

(6J) All that portion of Birkett Avenue which lies southerly of a point on the centerline of said Birkett Avenue which is 432.65 feet southerly of the Northwest corner of Section 16, T78N, R4W of the 5th P.M., and which point is also the southwest corner of Auditor's Parcel No. "C", as recorded in Document No. 2006-06913 of the records of the Muscatine County Recorder, and northerly of the existing farm entrance into 1260 Birkett Avenue at a point which is established by State Plane Coordinates to be on the east line of said Section at N575,056.00, Muscatine County, IA. (0.75 miles)

(7J) All that portion of Bancroft Avenue, the centerline of which is the west line of the East 330 feet of Sections 6 and 7, T78N, R4W of the 5th P.M., which lies southerly of the southerly right of way line of U.S. Highway No. 6 and northerly of the northerly right of way line of 120th Street, Muscatine County, IA. (0.98 miles)

(8J) All that portion of 140th Street, along the southerly line of Section 23, T78N, R4W of the 5th P.M., which lies easterly of the easterly right of way line of Eliason Avenue and westerly of the westerly right of way line of Elder Avenue, Muscatine County, IA. (0.55 miles)

(9J) All that portion of Foster Avenue in the east $\frac{1}{2}$ of Section 24, T78N, R4W of the 5th P.M., which lies north of the northerly right of way line of 140th Street and south of a point which is located at the southerly edge of the private driveway entrance at 1352 Foster Avenue, and which point is established by State Plane Coordinates to be on said Foster Avenue, centerline at N571,125.00, Muscatine County, IA. (0.46 miles)

(10J) All that portion of Foster Avenue, along the center of Section 25, T78N, R4W of the 5th P.M., which is bound on the north by the southerly right of way line of 140th Street, and the northerly line of the existing private driveway entrance at 1476 Foster

Avenue, and which point is established by State Plane Coordinates to be on said center of section line, at N564,377.00, Muscatine County, IA. (0.812 miles)

(11J) All that portion of Foster Avenue, in the South ½ of Section 36, T78N, R4W of the 5th P.M., which is bound on the south by the northerly right of way line of 160th Street Muscatine County, IA. (0.494 miles)

(9K) All that portion of 160th Street, along the south line of Section 34, T78N, R4W, of the 5th P.M., which is bound on the west by the east right of way line of Davis Avenue and on the east by the west right of way line of Douglas Avenue, Muscatine County, IA (1.0 miles)

Wilton Township

Existing Road rights of way acquired by easement – no disposition necessary:

(12J) All that portion of Trail Avenue which was established as the west 50 feet of the Northwest Quarter of Section 34, T78N, R1W of the 5th P.M., which lies southerly of a point which is located at the southerly edge of the private driveway entrance at 1541 Trail Avenue, and which point is on the centerline of the former road right of way which is established by State Plane Coordinates to be at N563,228.00, Muscatine County, IA. (0.30 miles)

Cedar Township

Existing Road rights of way acquired by easement – no disposition necessary:

(13J) All that portion of Eden Avenue, along the centerline of the west ½ of Section 35, T76N, R4W of the 5th P.M., which lies southerly of the southerly right of way line of 270th Street and northerly of the northerly right of way line of 277th Street, Muscatine County, IA. (0.77 miles)

Lake Township

Existing Road rights of way acquired by easement – no disposition necessary:

(14J) All that portion of Jasper Avenue along the common line of Sections 33 and 34, and Sections 27 and 28, all being in T77N, R3W of the 5th P.M., which lies north of the northerly right of way line of 215th Street and southerly of a point which is located at the intersection of said common line with the southerly edge of the private driveway entrance at 2088 Jasper Avenue, and which point is established by State Plane Coordinates to be at N532,066.00, Muscatine County, IA. (0.49 miles)

Moscow Township

Existing Road rights of way acquired by easement – no disposition necessary:

(7K) All that portion of the former Moscow Road (X-54) along the center of section line of Section 28, T78N, R2W of the 5th P.M., lying northerly of the portion vacated by Resolution dated April 12, 1990, and lying south of a point which is established by State Plane Coordinates to be at N568,954.00, Muscatine County, IA. (0.06 miles)

Comments were received from the citizens in attendance as follows:

(1J) No one spoke for or against this proposed vacation.

(2J) Dean Cole, 1206 Grand Avenue, Muscatine, stated he is the adjacent property owner and is in support of the vacation, but would like to know the location of the boundary line. County Engineer Keith White stated the west ½ of Adams Street was already vacated a long time ago to Dean Cole and the Board is now vacating the east ½ of Adams Street.

(1K) - (6K) No one spoke for or against these proposed vacations.

(8K) No one spoke for or against this proposed vacation.

(10K) – (14K) No one spoke for or against these proposed vacations.

(5J) Larry Regennitter, 1255 Hwy 6, West Liberty, spoke for himself and for the owners, Donald and Debbie Wilson. Regennitter stated they do not want the road vacated. Donald Wilson stated he is strongly against closing the road.

Larry Streets, 2394 Baker Avenue, West Branch, stated he does not want the road vacated because he uses Birkett Avenue for his heavy machinery which keeps him off of Hwy 6.

Dave Schmidt, 1049 Birkett Avenue, West Liberty, stated if the road is closed, there will be no access to a large chunk of land for fire or emergency vehicles.

County Engineer Keith White stated there are no homesteads along the road that would need to be served by emergency vehicles.

(6J) No one spoke for or against the proposed vacation.

(7J) Don Feldman, 1412 Iron City Avenue, Atalissa, stated he objects to the proposed vacation because he farms 36 acres on the south end of Bancroft Avenue and he uses that road instead of Hwy 6 to run his equipment.

- Larry Streets, 2394 Baker Avenue, West Branch, stated it is 3 miles from the County line to the next road south of Hwy 6 which means everyone has to travel Hwy 6 if they cannot access Bancroft Avenue from the south and his understanding is the owner on the south is going to block the road with a fence. Streets stated when moving grain, it is best if they can come in on the north and exit on the south.
- Tom Brown, 1447 Hwy 6, West Liberty, stated he needs access to both ends of Bancroft Avenue as he owns and rents ground on the east side of Bancroft Avenue. Brown stated it is a heavily used dirt road that is in fairly good shape and he would like to see it remain open.
- (8J)** Adam Feldman, 1882 155th Street, Atalissa, stated he is not in favor of the proposed vacation because the bridge on 155th Street is embargoed, so the only way to get out is through 140th Street.
- (9J) (10J)** Tom Hillyer, 1440 Hwy 70, West Liberty, asked what it means when a road is vacated and where the liability goes. Hillyer asked if fences can be erected and only the farmers given access. County Engineer Keith White stated a level “c” road is gated with access to emergency vehicles.
- (9J)** Larry Regenitter, 1255 Hwy 6, West Liberty, stated he objects to the proposed vacation because the owners will gate the road and he has semis going in there which will not be able to turn around because of a ditch.
- (9K)** Randall Elder, 1650 Davis Avenue, West Liberty stated he is in support of the proposed vacation as it has become a dumping ground for trash. Elder asked if he could rename the road. Bonebrake stated if the road is vacated, he can name it whatever he wants.
- (11J) – (13J)** No one spoke for or against these proposed vacations.
- (14J)** Randall Eichelberger, 1978 215th Street, Muscatine, stated the bridge is out of service and he cannot use it, but he does have timber to get out of there and a pasture to maintain. Eichelberger stated Ryan Smith, current owner, will allow him access but a new owner may not. County Engineer Keith White stated the north line of the vacation could be moved back south to the bridge and left as a level “c” road. Eichelberger stated that would give him access to his pasture. White stated the bridge could either be torn down or sold, possibly to the landowner. White stated the County Attorney would have to determine the process for selling the bridge. White stated the Board may need to table this

vacation until the line is clarified and a determination is made on what to do with the bridge.

(7K) Richard Holmes, 2454 140th Street, Moscow, stated he is in favor of the proposed vacation.

On a motion by Bonebrake, second by Sauer, the public hearing was closed at 10:16 A.M. Roll call vote: Ayes: All.

On a motion by Sorensen, second by Howard, the Board approved Resolution #03-06-17-02 Approving Requests to Vacate and Close Sections of Unimproved Streets and Alleys in Unincorporated Areas of Muscatine County except 5J, 7J, 8J, 9J, 10J and 14J which were tabled by the Board for future consideration. Roll call vote: Ayes: All.

No utility permits were presented for approval.

County Engineer Keith White updated the Board on Secondary Road Projects. White stated Dean Beranek will be retiring around May 1st and he is beginning the process of hiring an engineering technician to replace him.

On a motion by Howard, second by Mather, minutes of the February 27, 2017 regular meeting were approved as written. Ayes: All.

Correspondence:

Administrative Services Director Nancy Schreiber informed the Board Veteran Affairs Commissioner George Alt passed away last week.
Bonebrake reported a contact regarding the Old Barn.
Howard reported a contact regarding an abused horse.

Committee Reports:

Bonebrake attended a Muscatine County Safety Committee meeting March 1st.
Mather attended a Bi-State Drug and Alcohol Consortium meeting February 28th.
Mather attended a Muscatine Health Association meeting March 1st.
Howard attended a Milestones Area Agency on Aging meeting February 28th.
Sorensen, Sauer and Mather attended the Muscatine County Conference Board meeting March 2nd.

Sorensen and Howard attended a Lower Cedar Watershed Organizational meeting March 3rd.
Sorensen and Sauer attended a Farm Bureau meeting February 28th.

The meeting was adjourned at 10:39 A.M.

ATTEST:

Leslie A. Soule, County Auditor

Jeff Sorensen, Chairperson
Board of Supervisors