

Muscatine County Board of Supervisors
Monday, January 7, 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 Sorensen, second by Saucedo, the agenda was approved as presented. Ayes: All.

Discussion was held with Daryl Sywassink and Doug Hoag regarding the use of slag on County roads. Hoag stated the Chairperson of the Board would not allow Dr. Edward Askew on the agenda without providing his report 7 days in advance, so he is here to provide updated information from the Iowa Department of Health toxicologist on the adverse effects of slag on children and adults. Hoag stated the slag analytical results provided by SSAB to Dr. Askew and the Board of Supervisors was sent to Mr. Stuart Schmitz at the Iowa Department of Public Health. Hoag stated Mr. Schmitz was the author of the 2008 Iowa Department of Public Health report identified by Supervisors Mather and Sauer as the justification of the safe use of slag on County roads. Hoag stated Mr. Schmitz, Iowa Department of Public Health toxicologist, recalculated the adverse effects for children and adults and found that the concentration of metals are up to 124 times greater than the maximum allowed limits for children and exposure to slag should be limited to 2-3 times per year and up to 1.75 times greater than the maximum allowed limits for adult workers or residents exposed to slag. Hoag stated this new information from the Iowa Department of Public Health toxicologist clearly states that slag is not safe. Dr. Askew stated the conclusions reached in his report are cut and pasted from the Iowa Department of Public Health toxicologist's report which says the use of slag is no longer safe. Dr. Askew suggested going back to SSAB for analytical reports for the last five years so they might be able to answer how unsafe it has been. Sorensen stated it has always been Board policy that anyone presenting to the Board is asked for the subject and if you look at their agendas there is always a big list of documents so it is not uncommon for the Board to get reports ahead of time. Sywassink made a formal request under the Freedom of Information Act for the protocol or policy that states that the citizen who is going to present a report has to do it 7 days in advance of the meeting or it cannot be put on the agenda. Mather stated the Chairman of the Board along with the County Administrator sets the agenda. Mather stated in this case Dr. Askew made a request to present findings. Mather stated he asked Dr. Askew to forward the report in a December 28th email and he refused. Mather stated after he became Chairperson he informed Dr. Askew on January 3rd that he needed 5 days of notice to get on the agenda unless it was an emergency and since he never heard back from Dr. Askew, he assumed it was not an emergency. Sywassink stated he is still making a formal request for the policy by end of day this Friday because he called in last Thursday and was placed on the agenda to discuss slag. Sywassink stated Hoag called in a little later to be placed on the agenda and was not asked what he wanted to talk about. Mather stated discussion did not require presentation of any new information which is different than when they are submitting a report. Sywassink stated he felt it was inappropriate for the Chairman of the Board to call him the night before the meeting to find out what he was going to talk about. Sywassink stated he feels there has been discrimination and censorship against Dr. Askew so he intends to file a formal complaint with the Sunshine Group. Sywassink made a motion to appeal the decision of the Chair to not allow Dr. Askew to be on the agenda this week. Mather stated the Board is forbidden to take action on an item not on the

agenda. Mather stated Dr. Askew is allowed to speak on this email that has already been presented. Mather stated Dr. Askew has had a report for 10 days that this stuff is toxic and refused to provide the information. Dr. Askew stated Mather only requested a copy of the report and when he refused to provide it until he presented it, he was told he could not be on the agenda. Dr. Askew stated Mather stated once he had proof that it was toxic he would stop using it on the road for the sake of the children. Dr. Askew stated he does not work for the Board and has not been asked to keep them informed. Dr. Askew stated he finished the report last Friday and it was posted on his website Sunday night so he did not hold anything back. Sywassink stated Mather is trying to censor Dr. Askew. Mather asked what was censored and not allowed to be presented. Sywassink stated he had to present it in a different way. Mather stated the topic is closed and he will put a motion to discontinue the use of slag on next week's agenda. Sywassink and Dr. Askew stated the County needs to clean up the 5 years of slag that is currently on the road. Dr. Askew suggested they set down with a committee including some Board members and the County Engineer to talk about how to clean up the slag that is on the roads. Dr. Askew stated the County Engineer has stated in an email that the County has up to 16% at 200 grit of dust on the roads. Dr. Askew stated 16% causes dust to leave the road and go onto the property which could be toxic to all forms of livestock if it gets onto the pasture. Mather stated no slag has gone on the road since June, the group has brought information that the Board should consider suspending the use of slag, the Board needs to find an acceptable way to find if there is contamination so he would suggest the slag committee be willing to have a sample tested to see if their properties contaminated. Sywassink stated if they could find a uniform way and agree on who would do the testing, they could do that. Mather stated the Board has been taking steps to address each of the five concerns that have been brought to the Board, with this one possibly being the most important and he would like to move forward in cooperation with the slag committee and property owners. Mather ruled Sywassink's earlier motion out of order. Jean Forbes, 1245 Green Avenue, West Liberty, pointed out to the two new members her display showing what samples of metal she collected off her road after slag was put on her road. Mather stated the Board has already asked the County Engineer to inspect any loads of slag that the county would have gotten in the future.

On a motion by Sorensen, second by Saucedo, the Board approved the following utility permits: Eastern Iowa Light and Power – install underground cable to retire some overhead along Lucas Road between two houses. Ayes: All.

County Engineer Keith White reported the reconstruction on G28 required an appraiser and then review by another appraiser. White stated they had it appraised by a Des Moines appraiser. White stated the review is being conducted by former Assessor Dale McCrea at a considerable savings and they should have the report back by the middle of January.

Conservation Director Curt Weiss stated he was approached by NPSW Enterprise for a stormwater easement for some residential housing going in on the east side of Discovery Park. Weiss stated Discovery Park could use a little more water in that wetland and the developer would run an underground pipe to that wetland. Weiss stated the developer is also purchasing property south of Discovery Park for a retention pond, but would have to run a pipe under a corner of Discovery Park. Weiss stated this has been approved by the Conservation Board and the Arboretum. Mather asked about a termination clause. Weiss stated he would talk to County

Attorney Alan Ostergren about that. Saucedo asked about the size of the pipe. Weiss stated he believes at one time they were talking about an 18 inch pipe. On a motion by Sauer, second by Saucedo, the Chair was authorized to execute a Stormwater Easement Agreement with NPSW Enterprises, LLC. Ayes: All. Abstained: Sorensen because he is involved in this project.

On a motion by Sauer, second by Sorensen, the Board approved the Muscatine County Recorder's Report of Fees Collected for the quarter ending December 31, 2018 in the amount of \$54,227.80. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board approved the Muscatine County Treasurer's Report of Fees Collected for the quarter ending December 31, 2018 in the amount of \$242,621.95. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board approved the Muscatine County Sheriff's Office - Civil Department Report of Fees Collected for the quarter ending December 31, 2018 in the amount of \$21,256.06. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board re-appointed Bruce Bryant as the Muscatine County Weed Commissioner for a one-year term ending December 31, 2019. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board appointed Jodi Hansen as the Eastern Iowa Tourism Association representative for a one-year term ending December 31, 2019. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board appointed Megan Elliott to the Community Action of Eastern Iowa Board of Directors for a two-year term ending December 31, 2020. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board approved the appointment of Dr. Robert Weis, M.D. as the Muscatine County Medical Examiner for a two-year term ending December 31, 2020. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board designated Dr. Collette Hostetler, M.D., Dr. Mark Odell, M.D., Dr. Steven Paulsrud, D.O., and Dr. David Wettach, M.D. as Deputy Medical Examiners; and Tom Summitt, Darren Brooke, Susan Garrett, Todd Heck, Rich Hines and Tashia Wheeler as Medical Examiner Investigators for two-year terms ending Decembr 31, 2020. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board re-appointed Neva Rettig-Baker and William Koellner to the Muscatine County Board of Health for a three-year tern ending December 31, 2021. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board re-appointed Marsha Gerot to the Conesville Benefitted Fire District for a three-year term ending December 31, 2021 (Louisa County Board of Supervisors has already approved the appointment). Ayes: All.

On a motion by Sauer, second by Sorensen, the Board re-appointed Lynn Pruitt, Mary C. Beveridge and Rebeckah Allgood to the Muscatine County Historic Preservation Commission for three-year terms ending January 1, 2022. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board re-appointed Andrea Ryan (Registered Architect/Engineer) and Nate Orvis (private citizen) to the Muscatine County Building Board of Appeals for three-year terms ending December 31, 2021. Ayes: All.

On a motion by Sauer, second by Sorensen, the Board re-appointed Jim Goedken to the Muscatine County Conservation Board for a five-year term ending December 31, 2023. Ayes: All.

On a motion by Sorensen, second by Saucedo, the Board authorized the Chair to sign a Statement of Election Costs for the November 6, 2018 Stockton City Local Option Sales and Services Tax Special Election. Ayes: All.

On a motion by Sorensen, second by Sauer, minutes of the January 2, 2019 regular meeting were approved as written. Ayes: All.

Correspondence:

Saucedo reported a few calls on slag

Sorensen reported a meeting with the Leadership Team at Senior Resources.

Mather reported correspondence regarding slag issues as well as a conversation with Andrea Medina from Channel 4.

No Committee Reports were noted.

County Engineer Keith White stated during the meeting he received an email from Dale McCrea with the review appraisals which he found all the original appraisals to be fair and acceptable.

White stated he wanted to clarify a couple of items. White stated Dr. Askew mentioned specifications he provided Dr. Askew on the rock and slag with Dr. Askew stating it could be 16%. White stated what he said in writing is that the specification was 6%-16% on the 200 grit which is the dust, but they were allowed to not meet that on the slag not because they cannot get slag that dusty which is how he knows they have to get the fines from the rock. White stated slag does not make even 6% dust whereas rock can go up to 16%. White also stated there are over 300,000 tons of slag that goes out annually from Phoenix and Harsco of which the County only uses 10,000 tons of that slag.

The Board approved on motion by Saucedo, second by Sorensen, 2018 appointments to the following Boards and Commissions: Ayes: All.

Bi-State Regional Planning Commission
Bi-State Drug and Alcohol Consortium
City of Muscatine Transportation Zone Commission

Mather and Sorensen
Mather
Mather

Community Volunteer Nominating Committee	Mather
Decategorization Board	Mather
Eastern Iowa MH/DS Region (MH Reorganization)	Mather
Greater Muscatine Chamber of Commerce and Industry	Mather
Region 9 Regional Workforce Investment Board	Sorensen
Muscatine Community Health Association	Mather
Muscatine County Board of Health (ex-officio)	Sauer
Muscatine County Conservation Board (ex-officio)	Sauer
Muscatine County E911 Service Board	Sorensen
Muscatine County Enterprise Zone Commission	Mather
Muscatine County Fair Board	Holliday
Muscatine County Flood Control Commission	Holliday and Saucedo
Muscatine County/Muscatine City Joint Administration Board (Emergency Management)	Sorensen
Muscatine County REAP Commission	Sauer
Muscatine County Safety and Health Committee	Holliday
Muscatine County Veterans Affairs Commission (ex-officio)	Mather
Muscatine County Solid Waste Mgmt. Agency	Saucedo
Region 9 Transportation Policy Board	Sorensen
Seventh Judicial District Dept. of Correctional Services Board	Mather
WELEAD (West Liberty Economic Area Development Board)	Saucedo
Wilton Development Corporation	Holliday
Muscatine County Joint Communications Commission (standing appointment until Board resolution to change)	Sorensen and Holliday
M.A.G.I.C. Committee (2 year terms)	Sorensen – term ends 12/31/19 Sauer – term ends 12/31/20
River Bend Transit Board of Directors	Sauer – term ends 12/31/19
Milestones Area Agency on Aging	Howard – term ends 06/30/19
Lower Cedar Watershed Management Authority	Sorensen and Eric Furnas
Bi-State Regional Trails Committee	Sorensen and Curt Weiss
Ad Hoc Conference Board Committee	Sauer
Examining Board (Assessor)	Sherry Seright

On a motion by Saucedo, second by Sorensen, the Board approved Resolution #01-07-19-01 Appointing Jeff Sorensen and Doug Holliday as Muscatine County Representatives to the Muscatine County Joint Communications Commission. Roll call vote: Ayes: All.

RESOLUTION #01-07-19-01
APPOINTING THE MUSCATINE COUNTY REPRESENTATIVES TO THE
MUSCATINE COUNTY JOINT COMMUNICATIONS COMMISSION

In accordance with the terms of the Amended Articles of Agreement, Muscatine County Joint Communications Commission, as approved by the Board of Supervisors on June 15, 2015, the Muscatine County Board of Supervisors hereby appoints the following representatives to the Muscatine County Joint Communications Commission:

Doug Holliday
Jeff Sorensen

The above-named appointments shall remain in effect until such time as the secretary of the Commission receives a resolution adopted by the Muscatine County Board of Supervisors which appoints one or two new representatives.

PASSED AND APPROVED this 7th day of January, 2019.

ATTEST:

/s/Leslie A. Soule
Muscatine County Auditor

/s/Nathan Mather Chairperson
Muscatine County Board of Supervisors

Administrative Services Director Nancy Schreiber stated Tom Harper is completing his second full term on the Board of Adjustment in March, so she will be advertising for that position.

The meeting was adjourned at 10:04 A.M.

ATTEST:

Leslie A. Soule, County Auditor

Nathan Mather, Chairperson
Board of Supervisors