

Scott County Board of Supervisors

January 24, 2008; 5:30 p.m.

The Board of Supervisors met pursuant to adjournment with all members present.

The Board recited the Pledge of Allegiance.

Moved by Gallin, seconded by Moritz, approval of the minutes of the January 10, 2008 Regular Board Meeting. All Ayes.

Moved by Minard, seconded by Sunderbruch, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the County Engineer be authorized to close Scott County Secondary Roads during the 2008 calendar year, as necessary, with the actual dates and times of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved "Scott County Secondary Roads Construction and Farm-to-Market Construction Program" and any supplements thereto.

For Maintenance: Any maintenance project or activity requiring the road to be closed.

For any emergency road closure of any route as deemed necessary by the County Engineer.

2) This resolution shall take effect immediately.

BE IT RESOLVED 1) By the Scott County Board of Supervisors on this Twenty-fourth day of January, 2008, that the Scott County Engineer is authorized to purchase the necessary right-of-way for construction and maintenance during the calendar year 2008, using the values computed in accord with the following schedule of allowances:

SCHEDULE I – AGRICULTURAL LAND:

For land by easement or deed: 5.15 times the assessed valuation per acre as it currently exists at the time an offer is made.

SECTION II – RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LAND:

For land by easement or deed, where such land is classified by the assessor as residential, commercial or industrial for zoning purposes – generally the appraisal method will be used.

SECTION III – FEDERALLY FUNDED PROJECTS, FARM-TO-MARKET FUNDED PROJECTS, AND SPECIAL PURCHASES – APPRAISAL METHOD:

This section will only be utilized when the following conditions are determined to exist:

1. Where any buildings or special improvements or appurtenances exist on the parcel being taken.
2. Where there are definable damages to the remaining property.
3. Where federal funds or farm-to-market funds are involved requiring the complete appraisal method.
4. Where the parcel being taken is not representative of the total piece.
5. For properties as noted under Section II.

The County Engineer will seek two or more quotes for the service of an appraiser for the review by the Board of Supervisors prior to employment of an appraiser. The appraisal document will serve as the basis for purchase of the parcel.

SECTION IV – BORROW:

For land disturbed by reason of borrow or backslope: The value shall be based on the price per cubic yard of material taken – (\$0.30/cu.yd.). Agreement will also be made for the restoration of the area disturbed for borrow or backslope, either by removing and replacing 8 inches of top soil or by other appropriate measures, in accordance with Section 314.12, 1995 Code of Iowa. Compensation for crop loss or other land use loss in borrow or backslope areas will be determined based on the rental value for similar land in the area. If crops have been planted, payment will be made to cover tillage cost, seed cost and fertilizer cost based on the pro-rated actual cost incurred. If the crop is harvested before the area is disturbed there will be no compensation for crop loss.

SECTION V – WATER LINES:

For existing privately owned water lines crossing the roadway: The total cost of any alternations required on the line within the new or existing right-of-way will be at the expense of the County.

SECTION VI – FENCES:

For the relocation of functional fences made necessary by the reconstruction of an existing roadway, a new fence will be allowed for all of the same type as the existing right-of-way fence. Allowances are \$25.00 per rod for woven wire, \$16.00 per rod for barbed wire. If no fence exists, no fence payment will be allowed. The length for payment will be the footage required to fence the new right-of-way. For relocating cross fences to the new right-of-way, the length of fence required to be moved shall be compensated at the rate for the same type of right-of-way fence above. For angle points introduced into the fence line by the design of the roadway, an allowance of \$166.00 for a two-post panel and \$260.00 for a three-post panel will be made.

NOTE: All salvage from the existing fence shall become the property of the property owner. Payment for fencing will be withheld until all existing fence has been removed and cleared from the right-of-way. If the fence or any part thereof is not removed at the time of construction, it will be removed by Scott County or its contractor and a penalty of \$3.00 per rod assessed and deducted from the fence payment. For the removal of non-functional fences made necessary for the reconstruction of an existing roadway, the County will compensate the owner for his labor and equipment at the following rates:

Woven Wire -	\$10.00 per rod
Barbed Wire -	\$ 8.00 per rod

NOTE: All salvage from existing fence shall become the property of the owner. Payment for removal of non-functional fences will be withheld until all existing fences have been removed and cleared from the right-of-way. If fence or any part thereof is not removed at time of construction, it will be removed by Scott County or its contractor and the owner will forfeit any payment tendered for the fence.

DEFINITIONS:

Functional: In good state of repair and capable of containing livestock for which the fence was constructed.

Non-functional: In disrepair and incapable of containing the livestock for which the fence was constructed. Compensation for relocating fences of a type other than those described shall be negotiated.

SECTION VII – TREES AND SHRUBS:

For trees and ornamental shrubs which must be removed from the residence areas: compensation will be made on basis of appraisal by an arborist or by negotiation.

SECTION VIII – INCIDENTAL EXPENSES:

A lump sum of \$50.00 that shall compensate the owner for any out-of-pocket expense incurred as a result of this transaction; i.e., abstracting fees, postage, telephone, etc.

SECTION IX – EASEMENT PRIORITY AGREEMENTS:

Scott County will pay all costs assessed by mortgage holders in executing “Easement Priority Agreements” for the easements obtained under the terms of this policy.

SECTION X:

PASSED AND APPROVED this Twenty-fourth day of January 2008, by the Scott County Board of Supervisors.

SECTION XI: This resolution shall take effect immediately.

Moved by Minard, seconded by Moritz, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) The Scott County Planning and Zoning Commission has, under its supervision, prepared this Comprehensive Plan. The Commission has held public workshops, focus groups and public hearings in the course of preparing this Plan. The Commission has reviewed and recommends approval of this Comprehensive Plan for Scott County. 2) This Comprehensive Plan includes broad goals, general objectives and specific strategies to achieve the stated vision of Scott County continuing to be a governmental leader that protects its farming heritage and preserves its agricultural land within the unincorporated areas of the County, also that protects its critical resource areas and promotes economic vitality within the County, and finally that fosters intergovernmental cooperation within the Quad Cities. 3) This Comprehensive Plan is intended to be used as a reference and a guide for the Board of Supervisors, other County Boards and Commissions and County Departments when making land use decisions for the unincorporated area of the County. 4) This Comprehensive Plan is not intended to be a static document but an active and dynamic Plan that will be regularly reviewed and updated. 5) The Board of Supervisors wishes to thank all citizens that have participated in the development of this Plan and particularly the members of the Planning and Zoning Commission that have directed the preparation of this Plan and also Bi-State Regional Commission and County Staff that have compiled the information and provided the technical expertise in the preparation of this Plan. 6) The Board of Supervisors directs the Scott County Auditor to maintain the official copy of the Scott County Comprehensive Plan and the Planning and Development Department to provide copies of the Plan, at cost, to interested parties, during normal office hours. 7) This resolution shall take effect immediately.

Supervisor Minard asked what "by reference" meant in the resolution. Planning and Development Director Tim Huey stated it meant that the entire text of document is not in the resolution.

Moved by Minard, seconded by Sunderbruch, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) The Scott County Board of Supervisors adopted a Comprehensive Plan for Scott County on January 24, 2008. 2) That Comprehensive Plan included broad goals, general objectives and specific strategies to achieve the vision stated in the Plan. 3) One of the specific implementation strategies included in the Plan recommended the Board of Supervisors approve a moratorium on the acceptance of rezoning and subdivision applications by the Planning and Zoning Commission for a limited duration of six months. 4) The purpose of the moratorium is to allow the consideration of proposed changes to the Scott County Code Chapter 6 Zoning for Unincorporated Areas and Chapter 9 Subdivisions without any new applications pending before the Commission. 5) Any proposed ordinance amendments

would be subject to the procedures and requirements of both Scott County Code and the Code of Iowa. 6) This resolution shall take effect immediately.

Supervisor Gallin asked if the moratorium might be less than 6 months. P & D Director Huey said it would be rescinded if completed earlier.

Supervisor Minard asked about the rezoning plans already in the process. P & D Director Huey stated the moratorium will only be for new applications and will not affect any existing applications.

Moved by Minard, seconded by Moritz, the approval of the second and final reading of Ordinance #08-01 to amend the Zoning Map by rezoning approximately seven (7) acres in Section 35, 79 North, Range 2 East of the 5th Principal Meridian (Blue Grass Township) from A-P Agricultural Preservation District to C-2 Commercial Light Industrial all within unincorporated Scott County . Roll Call: Ayes - Hancock, Minard, Moritz, Sunderbruch, Gallin.

Mr. Mark Thompson of *Thompson Trailer and Sons* said he is looking forward to the business growth for his family and for future community development.

Moved by Minard, seconded by Sunderbruch, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) Iowa Code Section 446.7 states that when taxes that are owing against parcels owned by a city agency are unpaid the Board of Supervisors shall abate the total amount due. 2) The County Treasurer has requested that the taxes due on the second installment of 2005 and the full year of 2006 on parcel L0032-02 owned by the Davenport Levee Commission be abated. 3) The County Treasurer is hereby directed to strike the amount of taxes due for the periods cited on parcel L0032-02 in accordance with Iowa Code Section 446.7. 4) This resolution shall take effect immediately.

Moved by Minard, seconded by Gallin, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) Iowa Code section 459.304(3) (2007) sets out the procedure for a County Board of Supervisors to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure. 2) Only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) a recommendation to approve or disapprove a construction permit application for a confinement feeding operation structure. 3) Only counties that have adopted a construction evaluation resolution and submitted a recommendation will be notified by the DNR of the DNR's decision on the permit application. 4) Only counties that have adopted a construction evaluation resolution and submitted a recommendation may appeal the DNR's decision regarding a specific application. 5) By adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding

operation structure received by the Board of Supervisors between February 1, 2008 and January 31, 2009 and submit a recommendation regarding that application to the DNR. 6) By adopting a construction evaluation resolution the Board of Supervisors shall conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305. However, the Board's recommendation to the DNR may be based on the final score on the master matrix or on other reasons as determined by the Board of Supervisors. 7) The Scott County Board of Supervisors hereby adopts this Construction Evaluation Resolution in accordance with Iowa Code Section 459.304(3) and designates the Scott County Planning and Development Department to receive such applications on behalf of the Board of Supervisors. 8) This resolution shall take effect immediately.

Moved by Minard, seconded by Moritz, the motion to open a public hearing relative to amending the zoning map by rezoning approximately .44 acres more or less in Section 25, 79 North, Range 3 East of the 5th Principal Meridian (Sheridan Township) from C-2 Commercial Light Industrial District to M Heavy Manufacturing, all within unincorporated Scott County.

No persons were present and no written petitions were submitted to the Board.

Moved by Gallin, seconded by Moritz, to close the public hearing.

Moved by Gallin, seconded by Moritz, that the following resolution be adopted.

BE IT RESOLVED 1) The hiring of Alexander Mongiat for the position of Operations Manager for the County Auditor's office at a starting salary of \$65,527/yr is hereby approved. Mr. Mongiat's employment date will be March 17, 2008. 2) This resolution shall take effect immediately.

County Auditor Karen Fitzsimmons introduced Mr. Mongiat to the Board. She told them she is very excited to have him that he is a native of Davenport, and has real estate, banking, and legal experience in Massachusetts.

Mr. Mongiat told the Board this will be a position he will enjoy doing and that his legal and real estate background will help with elections and zoning and plat issues in the Auditor's Office. He also said he is looking forward to returning to Davenport with his wife and 2 year-old and to be closer to his mother. He feels the area is a great place to raise children. He told the Board he graduated from the University of Iowa Law School and then moved to Boston. He is a member of the Massachusetts Bar but not the Iowa Bar, although he may sit for the Iowa Bar in the future.

Supervisor Minard questioned why Auditor Fitzsimmons requested Mr. Mongiat to start at a midpoint salary.

Auditor Fitzsimmons responded that she felt it was justified due to Mr. Mongiat's qualifications that are above what is required for the position. She stated that others in the County have started employment at midpoint because of their qualifications.

Supervisor Minard stated his opinion that Mr. Mongiat did not have the relevant experience to justify a midpoint starting salary.

Auditor Fitzsimmons reminded the Board that she changed the position from being a Deputy to Operations Manager and there are few Operations Manager positions currently in the State.

Supervisor Minard said that the change from Deputy to Operations Manager was to take out the politics of the position and make the structure more professional.

Auditor Fitzsimmons said most Deputies are friends of the elected official who hired them and many start with no expertise. She added there are only 6 urban counties in Iowa and that would limit the qualified applicants. She also said the decision for her "right hand" person should be her choice.

Supervisor Minard asked Auditor Fitzsimmons if she gave any serious thought to reorganizing the office and/or any other financial initiatives for said position.

Auditor Fitzsimmons responded she needs this person to fill the position as part of the office structure. She added that in the 30 years she has been the Auditor, she has cut the number of employees in the office by one-half.

Supervisor Minard asked the Auditor how many applicants she interviewed.

Auditor Fitzsimmons said she reviewed all the applications and only interviewed one.

Supervisor Gallin discussed the precedent of bringing in County employees at midpoint and the fact that there has been six employees hired at said midpoint since 2001.

Supervisor Sunderbruch said he is concerned with Mr. Mongiat starting at midpoint. He added that he is not voting against Mr. Mongiat but is voting against him starting at midpoint salary. He also said the previous new hires brought in at midpoint had a lot of experience in their position. He felt it was unusual there was not Human Resources representation in the interview process.

Auditor Fitzsimmons said it is not that unusual to not have Human Resources present and that Mary Thee was comfortable not being present.

Supervisor Moritz said she felt confident in the Auditor choosing her person and that the different experience may bring different views. Supervisor Moritz said she will support the midpoint starting salary for Mr. Mongiat.

Chairman Hancock said the elected officials have the right to hire their own person but the Board of Supervisors has the right to set the salary. Mr. Mongiat would be starting at \$65,000 and not \$55,000 but there will be no moving costs to the County nor were there any interview travel costs.

Moved by Minard, seconded by Sunderbruch, the motion to amend the above resolution to start at the base salary. Roll Call: Ayes – Minard and Sunderbruch. Nays – Hancock, Moritz, Gallin. Motion failed.

There was a roll call taken on the original resolution: Ayes – Hancock, Moritz, Gallin. Nays – Minard, Sunderbruch. Resolution passed.

Moved by Gallin, seconded by Moritz, the motion approving personnel actions as presented by the County Administrator. All Ayes.

NEW HIRES

Employee/Department	Position	Salary	Effective Date	Remarks
Brian Huff Sheriff	Bailiff – P/T	\$15.275/hr	01/14/08	Fills new position
Alexander Mongiat Auditor	Operations Manager	65,527	03/17/08	Replaces Kurt Ullrich

TRANSFERS AND PROMOTIONS

Employee/Department	New Position	Salary Change	Effective Date	Remarks
None				

LEAVES OF ABSENCE/OTHER

Employee/Department	Position	Effective Date	Remarks
None			

BARGAINING UNIT STEP INCREASES

Employee/Department	Position	Salary Change	Wage Step	Effective Date
Matthew Schwien Sheriff/Jail	Correction Officer Trainee	\$29,640 - \$30,160	Step 2	01/30/08
Thomas Coats FSS	Maintenance Electronic Systems Tech	\$32,781 - \$34,258	Step 2	02/01/08

MERIT INCREASES

Employee/Department	Position	Salary Change	% of Midpoint	Effective Date
Gary Weber Secondary Roads	Shop Supervisor	\$53,254 - \$54,319 (2.0%)	109.607%	12/16/07

Christopher Berry Conservation	Equipment Mechanic	\$33,246 - \$34,077 (2.5%)	98.457%	01/11/08
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*First or second review following appointment or promotion. Salary adjusted 5% if not above 95% of midpoint & employee receives rating of 3 or better.

BONUS

Employee/Department	Position	Effective Date
Burt Graham Secondary Roads	Heavy Equipment Operator III	11/15/07
Theresa Cady Recorder	Clerk II	11/18/07
Robert Buck Planning & Development	Building Inspector	01/01/08
Stephanie White Auditor	Payroll Specialist	01/08/08

SEPARATIONS

Employee/Department	Position	Hire Date	Separation Date	Reason for Separation
Chad Wagner Sheriff	Alternative Sentencing Coordinator	08/16/99	02/01/08	Voluntary resignation

REQUEST TO FILL VACANCIES

Position/Department	Position Status	Starting Date	Previous Incumbent	Recommendation
Alternative Sentencing Coordinator Sheriff	Vacant 2/1/08	ASAP	Chad Wagner	Approve to fill

TUITION REQUESTS

Employee/Department	Position	Course of Study	Course dates(s)
Neika Harms Juvenile Detention	Detention Youth Supervisor	Comprehension – LEJA Western Illinois University	1/08 – 5/08

Moved by Sunderbruch, seconded by Moritz, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) The purchase of GIS ESRI Software Maintenance in the amount of \$11,915.08 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Sunderbruch, seconded by Gallin, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the appointment of Ray Wierson, Davenport, to the Davenport Hospital Ambulance Corporation (D.H.A.C.) Board for a one (1) year term expiring on December 31, 2008 is hereby approved. 2) That the December 27th resolution appointing Larry Barker to the Medic EMS Board be rescinded due to the By-

Laws requiring the appointment of the Chairman or County Administrator. 3) This resolution shall take effect immediately.

Moved by Sunderbruch, seconded by Moritz, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the Board of Supervisors does hereby recognize the efforts of Cheryl Rigdon and conveys its appreciation for her willingness to volunteer twenty-seven years of service and hard work to the Community Action of Eastern Iowa.

Moved by Sunderbruch, seconded by Gallin, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the Board of Supervisors does hereby recognize the efforts of Logan Peitscher and conveys its appreciation for his willingness to volunteer nine years of service and hard work as a trustee to Benefited Fire District #1. 2) This resolution shall take effect immediately.

Moved by Sunderbruch, seconded by Gallin, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the following appointments to the Scott County Condemnation Appraisal Jury for a one (1) year term expiring on December 31, 2008, are hereby approved:

	<u>BANKERS</u>	<u>CITY</u>	<u>FARMERS</u>	<u>REAL ESTATE</u>
GALLIN:	Steven Suiter Kenneth Tank Richard Blanche	Robert Spring Ron Lieby Richard Glover	Jack Schinckel Gene Newell Richard Golinghorst	Mary Schricker Donald Marple Caroline Ruhl
HANCOCK:	Rod Christie Veola McGowan Jim Tiedje	Pam Mettee Arless Whisler Robert Simonton	Robert E. Petersen Gary Mehrens Gene Westphal	Jeff Weindruch Robert Schwartz Tom Williams
MORITZ:	Marlin Volz Kristal Schaefer Joe Chambers	Cathy Hermes Sandra Frericks Jackie Wilcox	Mary Frick Jerry Mohr Harlan Meier	Terry Dell Paula Ruefer
MINARD:	John Nagle John McFedries	Bruce Bleke Don Judge Chet Robbins	Jim Schneckloth Otto Stender Keith Steward	Dick McNamara Mary Dircks Randy Peters
SUNDERBRUCH:	Victor J. Quinn Susan Daley Tom Andresen	Oscar Hawley Duncombe Brooke Bob Petersen	Joni Dittmer Jerry Vollbeer Dale Paustian	Rick Schaefer Chuck Messmer, Sr. Ben Niedert

2) This resolution shall take effect immediately.

Moved by Sunderbruch, seconded by Gallin, the motion approving the beer permit for Marie's Pizza, 10 Grove Rd., Eldridge, Iowa, contingent upon meeting certain requirements set forth by the Scott County Board of Supervisors, requirements which are subject to separate approval by the offices of Sheriff, Attorney, Health Director, and Building Inspector. The Scott County Auditor is directed to hold any application which has not received the requisite approvals. All Ayes.

Moved by Sunderbruch, seconded by Gallin, the resolution approving warrants numbered 206904 through 207266 as submitted and prepared for payment by the County Auditor in the total amount of \$1,732,306.71 and the purchase card transactions in the total amount of \$43,718.76. Roll Call: Ayes - Hancock, Minard, Moritz, Sunderbruch, Gallin.

County Administrator C. Ray Wierson reminded the Board of the upcoming Legislative Forum.

Moved by Moritz, seconded by Gallin, the Board adjourn until 8:00 a.m., Thursday, January 31, 2008, subject to prior call by the Chairman. All Ayes.

Jim Hancock, Chairman of the Board
Scott County Board of Supervisors

ATTEST: Karen L. Fitzsimmons
Scott County Auditor