

Scott County Board of Supervisors  
January 31, 2013 5:30 p.m.

The Board of Supervisors met pursuant to adjournment with Hancock, Minard, Sunderbruch, Cusack and Earnhardt present. The Board recited the pledge of allegiance.

Moved by Sunderbruch, seconded by Earnhardt a motion to amend the minutes of the January 2, 2013 Board of Supervisors Organizational Meeting to reflect that the motion by Hancock, which was seconded by Earnhardt, to approve committee chair appointments also included moving a resolution approving appointment of Supervisors to Boards and Commissions pursuant to the resolution included in the January 2, 2013 Committee of the Whole packet, noting that the terms of the appointments begin January 2, 2013 and end December 31, 2013. All Ayes.

Moved by Sunderbruch, seconded by Hancock approval of the amended minutes of the January 2, 2013 Organizational Meeting, the minutes of the January 17, 2013 Regular Board Meeting and the minutes of the January 29, 2013 Closed Session. All Ayes.

Moved by Sunderbruch, seconded by Hancock approval of the first of two readings of an ordinance to amend the Zoning Map by rezoning approximately 4.72 acres, with the following described units of real estate, from conditional Commercial and Light Industrial (C-2) with a landscaping business only use restriction to Commercial and Light Industrial (C-2) without any use restriction. Roll Call: All Ayes.

Tract commencing at the Southwest corner of the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section Seven (7), Township Seventy-eight (78) North, Range Five (5) East of the 5<sup>th</sup> P.M.; thence East on the South line of said Section Seven (7) a distance of Nine Hundred Sixteen and Seventy-Four Hundredths (916.74) feet (deed) to the center line of Spencer Street and the point of beginning; thence North Thirty-Six (36) degrees West Twelve and Six tenths (12.6) feet along the center of Spencer Street; thence North Seventy (70) degrees Eighteen (18) minutes East One Hundred Sixty (160) feet; thence North Thirty-Six (36) degrees West Sixty (60) feet; thence North Seventy (70) degrees Eighteen minutes (18) East Two Hundred Sixty Six (266) feet; thence South Twenty-six (26) degrees, Six (6) minutes East Twenty-five and Two tenths (25.2) feet; thence North Seventy (70) degrees Eighteen (18) minutes East Five Hundred Fifteen and Fifty Hundredths (515.50) feet; thence South Thirty-five (35) degrees, Forty (40) minutes East Two Hundred Twenty-six and Eleven Hundredths (226.11) feet; thence South Seventy(70) degrees, Eight (08) minutes West Nine Hundred Thirty-five and Seventeen Hundredths (935.17) feet; thence North Thirty-six (36) degrees West One Hundred Eighty one and Sixty-Six (181.66) feet on the center line of said Spencer Street to the point of beginning, containing Four and Seventy-two Hundredths (4.72) acres.

And

That part of Lot Three (3) of the Subdivision of the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section Seven (7), in Township Seventy-eight (78) North, Range Five(5) East of the 5<sup>th</sup> P.M., Scott County, Iowa, which is particularly described as follows; Beginning at a point in

the center of a public road and in the Southern line of the Right of Way of the Davenport, Rock Island & Northwestern Railway Company's right of way which point is One and Ten Hundredths (1.10) chains North Thirty Six(36) degrees West from a certain point in the section line( and in the center of said road) between Sections Seven(7) and Eighteen(18), in Township and Range aforesaid, which last named point is Thirteen and Eighty-nine(13.89) chains due East from the Northwest corner of the Northeast Quarter (NE ¼) of said Section Eighteen(18), thence running South Thirty-six (36) degrees East along the center of said road sixty (60) feet, thence running in an Easterly direction and parallel with the said South line of the right of way of said railroad company One Hundred Sixty (160) feet, thence North Thirty-six (36) degrees West Sixty(60) feet to the South line of said railroad right of way, thence Westerly along the South line of said railroad right of way One Hundred Sixty (160) feet to the place of beginning.

Moved by Sunderbruch, seconded by Earnhardt approval of the second and final reading of the following ordinance. Roll Call: Ayes – Hancock, Minard, Sunderbruch, Earnhardt. Nays – Cusack.

#### SCOTT COUNTY ORDINANCE NO. 13-01

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 5 ACRES MORE OR LESS IN SECTION 18, TOWNSHIP 80 NORTH, RANGE 4 EAST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN (BUTLER TOWNSHIP) FROM "A-P" AGRICULTURAL PRESERVATION DISTRICT TO "A-F" AGRICULTURE SERVICE FLOATING ZONE IN UNINCORPORATED SCOTT COUNTY WITH THE CONDITIONS OF THE SITE PLAN REVIEW

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

Section 1. In accordance with Section 6-31 Scott County Code, the following described unit of real estate are hereby rezoned from an "A-P" Agricultural Preservation District to "A-F" Agriculture Service Floating Zone with the conditions:

- 1) A permanent, secure, and lockable front gate must be constructed across the completed driveway entrance of the site.
- 2) The applicant shall install and maintain adequate security lighting for the site. Specifically, all buildings and storage areas shall be lit during nighttime hours, and all nighttime lighting shall be "full cut-off" in nature as well as designed to minimize light spillover across the property line. A lighting plan must be submitted prior to issuance of a building permit.
- 3) A landscaping plan shall be submitted prior to the issuance of a building permit. The plan must show how general site operations as well as any light spillover will be buffered from nearby properties. Special attention shall be paid to shielding the southern and western boundaries of the site, where the nearest residential properties are located. The landscaping plan shall include at least some evergreens or other non-deciduous plants which will provide

- buffering during all seasons. The plan may include any combination of plantings that achieve a reasonable buffering of the site during its operation.
- 4) Copies of any state and federal permits required to be held by Crop Production Services for this site shall be submitted to the Scott County Planning and Development Office prior to the issuance of a building permit.

that to wit: The west 600 feet of the south 365 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 18 in Butler Township (T80N, R4E)

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 3. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 4. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this 31st day of January, 2013

Moved by Sunderbruch, seconded by Earnhardt that the following resolution be approved. All Ayes.

WHEREAS, the Code of Iowa, Section 306.41, provides for the temporary closure of County Secondary Roads for various reasons and purposes.

BE IT RESOLVED: 1) That the County Engineer be authorized to close Scott County Secondary Roads during the 2013 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) That this resolution shall take effect immediately.

Moved by Sunderbruch, seconded by Cusack that the following resolution be approved. All Ayes.

WHEREAS: The uniform treatment of landowners in right-of-way is of paramount importance, and

WHEREAS: Assurance must be given to the Iowa Department of Transportation that Scott County is in compliance with the provisions of the 1970 Uniform Relocation Assistance and Land Acquisition Policies Act,

NOW, THEREFORE BE IT RESOLVED by the Scott County Board of Supervisors on this thirty-first day of January, 2013, that the Scott County Engineer is authorized to purchase the necessary right-of-way for construction and maintenance during the calendar year 2013, using the values computed in accord with the following schedule of allowances:

SCHEDULE I - AGRICULTURAL LAND:

For land by easement or deed: 4.93 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 alterations 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 has 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 which 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.

Moved by Hancock, seconded by Cusack that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the Custodial & Security Coordinator is hereby downgraded from 238 to 198 Hay points and title changed to Custodial Coordinator. 2) That the table of organization be decreased by 2.0 FTE and position of Lead Custodial Worker be eliminated. 3) That the table of organization be increased by 2.0 FTE for Custodial Worker. 4) This resolution shall take effect immediately.

Moved by Hancock, seconded by Earnhardt a motion approving personnel actions as presented by the County Administrator. All Ayes.

NEW HIRES

Employee/Department	Position	Salary	Effective Date	Remarks
None				

TRANSFERS AND PROMOTIONS

Employee/Department	New Position	Salary Change	Effective Date	Remarks
Ashley Caudle FSS	Clerk II	\$13.68/hr - \$14.64/hr	01/22/13	Replaces Rebecca Burgess

LEAVES OF ABSENCE/OTHER

Employee/Department	Position	Effective Date	Remarks
None			

BARGAINING UNIT STEP INCREASES

Employee/Department	Position	Salary Change	Wage Step	Effective Date
Brian Huff Sheriff	Bailiff - P/T	\$19.72/hr - \$20.41/hr	Step 5	01/14/13
Jerry Cralle FSS	Lead Custodial Worker	\$37,856 - \$38,979	Step 9	01/15/13
Marsha Kraciun Community Services	Clerk III	\$34,278 - \$35,651	Step 6	01/18/13
Seth Bibens Sheriff/Jail	Correction Officer	\$45,198 - \$46,363	Step 6	01/19/13
Elizabeth Froehlich Sheriff/Jail	Correction Officer	\$45,198 - \$46,363	Step 6	01/26/13

MERIT INCREASES

Employee/Department	Position	Salary Change	% of Midpoint	Effective Date
Janis Barnett Information Technology	Clerk III - P/T	\$15.785/hr - \$16.416/hr (4.0%)	92.8%	08/15/12
Stephanie Macuga Information Technology	GIS Analyst	\$52,243 - \$54,333 (4.0%)	104.4%	11/10/12

\*First 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
Mitch Tollerud Information Technology	Webmaster	07/2/12
Jerry Brundies Sheriff/Jail	Assistant Jail Administrator	01/5/13
Linnea Juarez Conservation	Clerk II	01/18/13
David Engler Secondary Roads	Sign Crew Technician	01/22/13
Tom Simons Sheriff	Bailiff	01/22/13
Roger Hamann Secondary Roads	Heavy Equipment Operator III	02/05/13

SEPARATIONS

Employee/Department	Position	Hire Date	Separation Date	Reason for Separation
Rob Fox Information Technology	Network Systems Administrator	02/14/06	12/28/12	Voluntary resignation

REQUEST TO FILL VACANCIES

Position/Department	Position Status	Starting Date	Previous Incumbent	Recommendation
Network Systems Administrator Information Technology	Vacant 12/28/12	ASAP	Rob Fox	Approve to fill
Custodial Worker P/T FSS	Vacant 1/22/13	ASAP	Ashley Caudle	Approve to fill

TUITION REQUESTS

Employee/Department	Position	Course of Study	Course dates(s)
None			

Moved by Cusack, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The purchase of Websense Security Service in the amount of \$28,884 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Cusack, seconded by Sunderbruch that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The purchase of Hewlett-Packard server and storage maintenance in the amount of \$17,818.20 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Cusack, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the contract amendment with BerryDunn for the Enterprise Resource Planning (ERP) System in the amount of \$180,270 plus reimbursable expenses is hereby approved. 2) This resolution shall take effect immediately.

Moved by Cusack, seconded by Sunderbruch that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) Iowa Code Section 445.63 states that when taxes are owing against a parcel owned or claimed by the state or a political subdivision of this state and the taxes are owing before the parcel was acquired by the state or a political subdivision of this state, the county treasurer shall give notice to the appropriate governing body which shall pay the amount of the taxes due. If the governing body fails to immediately pay the taxes due, the board of supervisors shall abate all of the taxes. 2) The City of Davenport has requested that the taxes due on the attached list of parcel owned by the City of Davenport be abated. 3) The County Treasurer is hereby directed to strike the amount of property taxes due on the attached list of parcels owned by the City of Davenport in accordance with Iowa Code Section 445.63. 4) This resolution shall take effect immediately.

Attachment

City of Davenport Parcels (taxes are for 2011 unless otherwise noted): 31901-01A \$2,726.00; E0047-01C \$5,212.00; F0041-11 \$10.00; F0042-27 \$2,556.00; F0054-04C \$4,326.00; L0009-20 \$3,928.00; L0009-21 \$3,984.00; L0022-02 \$6,138.00;

N0855AOLB - \$94.00 (Tax Year 2010), \$192.00; X0155-27E \$190.00; X1221-25A \$78.00; X1207-23A \$1,182.00; X1223-22B \$206.00; X1223-20D \$804.00; B0008-26 \$1,608.00; C0002-22 \$1,780.00; C0002-23 \$1,692.00; C0002-24 \$1,944.00; C0003-36 \$2,358.00; G0022-44 \$1,226.00; G0049-40 \$628.00; G0055-16 \$696.00; G0057-02A \$3,878.00; G0057-10A \$14,310.00; L0005-32B - \$563.00 (Tax Year 2010), \$1,154.00; P1305C05 \$238.00; P1305C06 \$118.00; P1315B05 \$2,040.00; P1413-18 \$1,360.00; R0429-03B \$110.00; S3201-08A \$2.00; U0953-27A \$862.00; W0439C11 \$1,024.00; X0235C29 \$118.00; X0235D06 \$122.00; X0235D07 \$128.00; X0235D13 \$132.00; X0235D14 \$110.00.

Moved by Cusack, seconded by Earnhardt that the following resolution be approved. 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, 2013, are hereby approved:

SUPERVISOR	BANKERS	CITY	FARMERS	REAL ESTATE
EARNHARDT:	Steven Suiter	Kenny Guy	Jack Schnickel	Lesa Buck
	Trish Townsend	Mark Ross	Kenneth Tank	Lucky Lang
	Susan Zude	Linda Greenlee	Richard Golinghorst	Jeff Heuer
HANCOCK:	Peter McAndrews	Greg Kautz	John Maxwell	Jeff Weindruch
	David Nauman	Arliss Whisler	Paul Dierickx	Jacqueline Schwanz
	Jim Tiedje	Jackie McManus	Matt Tobin	Meg Halligan
CUSACK:	Tom Messer		Mary Frick	Lana Wulf
	Kristal Schaefer	Sandra Frericks	Jerry Mohr	Paula Ruefer
	Joe Chambers	Jackie Wilcox	Harlan Meier	Thad DenHartog
MINARD:	John Nagle	Bruce Bleke	Jim Schneckloth	Dick McNamara
	Julie Smith	Don Judge	Jennifer Ewoldt	Mary Dircks
	Joe Slavens	Chet Robbins	Keith Steward	Lynsey Engels
SUNDERBRUCH:	Victor J. Quinn	Oscar Hawley	Joni Dittmer	Rick Schaefer
	Susan Daley	Ben Niedert	Jerry Vollbeer	Melissa Wegener
	Tom Andresen	Bob Petersen	Carrie Keppy	Natalie Glynn

2) This resolution shall take effect immediately.

Moved by Cusack, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the appointment of Allan Kluever, Eldridge, Iowa, to the Planning and Zoning Commission for a five (5) year term expiring on January 10, 2018 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Cusack, seconded by Sunderbruch that the following resolution be approved. All Ayes.



BE IT RESOLVED: 1) That the appointment of Linda Duffy, Davenport, Iowa, to the Airport Zoning Board of Adjustment for a five (5) year term expiring on December 31, 2017 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Cusack, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) A public hearing date on an amendment to the County's current FY13 Budget is set for Thursday, February 14, 2013 at 5:30 p.m. 2) The County Auditor is hereby directed to publish notice of said amendment as required by law. 3) This resolution shall take effect immediately.

Moved by Cusack, seconded by Sunderbruch that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) All County departmental FY14 budget requests and all authorized agency FY14 funding requests are hereby authorized for filing and publication as the budget estimate for FY14. 2) The Board of Supervisors hereby fixes the time and place for a public hearing on said budget estimate for Thursday, February 14, 2013 at 5:30 p.m. in the Board Room at the Scott County Administrative Center. 3) The Scott County Auditor is hereby directed to publish the notice and estimate summary as required by law. 4) This resolution shall take effect immediately.

Moved by Cusack, seconded by Earnhardt that the following resolution be approved. Roll Call: All Ayes.

BE IT RESOLVED: 1) The Scott County Board of Supervisors approves for payment all warrants numbered 250765 through 251015, as submitted and prepared for payment by the County Auditor, in the total amount of \$969,188.83. 2) The Board of Supervisors approves for payment to Wells Fargo Bank all purchase card program transactions as submitted to the County Auditor for review in the amount of \$52,589.30. 3) This resolution shall take effect immediately.

Moved by Hancock, seconded by Earnhardt at 5:43 p.m. a motion to move into closed session pursuant to Iowa Code Section 20.17 (3) which exempts meetings to discuss strategies in collective bargaining from the provisions of Iowa Code Chapter 21 (Open Meetings). Roll Call: All Ayes.

Moved by Cusack, seconded by Earnhardt at 5:55 p.m. a motion to convene in open session. Roll Call: All Ayes.

Moved by Hancock, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the terms of the agreement reached between representatives of Scott County and the Chauffeurs, Teamsters and Helper's Local

Union No. 238 is hereby approved. 2) That the agreement shall be in effect July 1, 2013 through June 30, 2016. 3) This resolution shall take effect immediately.

Moved by Cusack, seconded by Earnhardt a motion to adjourn. All Ayes.

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Larry Minard, Chair of the Board  
Scott County Board of Supervisors

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ATTEST: Roxanna Moritz  
Scott County Auditor