

Scott County Board of Supervisors
November 19, 2015 5:00 p.m.

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

Moved by Hancock, seconded by Earnhardt approval of the minutes of the November 5, 2015 Regular Board Meeting, the minutes of the November 10, 2015 Special Board Meeting for Canvass of the Votes of the 2015 Municipal Elections and the minutes of the November 17, 2015 Committee of the Whole Meeting (including Closed Session). All Ayes.

Moved by Hancock, seconded by Holst a motion to open a public hearing on the authorization and issuance proceedings of the not to exceed \$3,000,000 refunding bonds (Ridgecrest Village Project).

No one from the public spoke.

Moved by Hancock, seconded by Earnhardt a motion to close the public hearing. All Ayes.

The Board discussed a letter from Board Chairman Sunderbruch to the Mayor and City Council of the City of Davenport regarding the Board's opposition to the use of tax increment financing to pay for the demolition of The Dock and infrastructure improvements for Modern Woodman Park.

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

BE IT RESOLVED: 1) The City of Davenport has determined the need to improve a public roadway to provide access for the Kraft Heinz Company's business retention project located on approximately 70 acres in the Eastern Iowa Industrial Center; and, 2) the public roadway improvements are vital to an immediate non-speculative opportunity for permanent job retention which the City of Davenport is pursuing with Kraft Heinz through the construction of a new facility, where RISE funding is essential to this effort; and, 3) the City of Davenport is planning to annex the majority of the 70 acres, leaving the northern 250 feet within the County jurisdiction; and, 4) the public roadway improvements in the area that will be annexed will be dedicated to public use and under the jurisdiction of the City of Davenport which claims responsibility and maintenance for said roadways; and, 5) the City and the County will complete a maintenance agreement between the City and the County for the portion of the road that remains within County jurisdiction; and, 6) the Scott County Board of Supervisors endorses said roadway project and supports the City of Davenport's application for RISE funding for roadway improvements. 7) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The abatement of property taxes and special assessments for property owned by Scott County in accordance with Iowa Code Section 445.63 is hereby approved. (Parcel – Owner – 2014 Taxes) 010305102012, Andrew Liske, \$62.00; E0014-15, Gary Smith Construction, \$50.00 (Reverse Payment); F0036-28, Clifford Hinton, \$48.00 (Reverse Payment); F0051-07B, Stephanie Simmons, \$70.00; G0043-44A, David Dang, \$390.00; G0064-13, Thomas Bullock, \$328.00; H0061-01, Thomas Bullock, \$6.00; H0061-31, David Dang, \$38.00; K0005-45, Delman Weber, \$12.00; K0006-07, S & J Realty, \$32.00; T2023B32, Thomas Bullock, \$96.00. 2) This resolution shall take effect immediately

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

BE IT RESOLVED: 1) That the substantial completion date of October 1, 2015 is hereby approved. 2) That the 503 Scott Street Building Project and work of Frye Builders is hereby accepted. 3) This resolution shall take place immediately.

Moved by Earnhardt, seconded by Hancock that the following resolution be approved. Holst requested division of the resolution for a separate vote on paragraph one. Four Ayes, with Holst voting Nay on paragraph one. All Ayes for the balance of the resolution.

BE IT RESOLVED: 1) That the fee increase proposal for Sheriff patrol headquarters design services from Wold Architects and Engineers in the amount of \$33,600.00 is hereby approved. 2) That the additional fee of \$17,250.00 for geothermal design is included if it is found a feasible alternative. 3) That the Director of Facility & Support Services is hereby authorized to execute said contract on behalf of the Board of Supervisors. 4) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the proposal for commissioning services for the Courthouse First Floor Phase Three and Four Project is hereby approved and awarded to Facility Analysis Commissioning and Testing services in the amount of \$12,000.00. 2) This resolution shall take effect immediately.

Moved by Kinzer, seconded by Holst that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The hiring of Hiliary Walker for the position of Benefits Coordinator in the Human Resources Department at the entry level rate. 2) The hiring of Howard Wilson for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate. 3) The hiring of Daniel Grafton for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate. 4) The hiring of Eric Poirier for the position of

Deputy Sheriff in the Sheriff's Office at the entry level rate. 5) The hiring of Bradley Reed for the position of Correction Officer in the Sheriff's Office at the entry level rate. 6) The hiring of Brian Dunteman for the position of Correction Officer in the Sheriff's Office at the entry level rate.

Moved by Holst, seconded by Kinzer that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The 2014 property taxes and the 2015 special assessments, interest and penalties accrued for Dean Timmermann, 4005 North Division Street, Davenport, Iowa, Parcel: M1506-03A in the amount of \$2383.00 and \$418.64 are hereby suspended. 2) The County Treasurer is hereby directed to suspend the collection of the above stated taxes and utility fees thereby establishing a lien on said property as required by law with future collection to include statutory interest, if any. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The purchase of SolarWinds software maintenance and support from Loop1 systems in the amount of \$23,743 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Hancock, seconded by Holst 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 the abatement of the following taxes for parcel numbers: (Parcel - Tax Year - Amount) F0051-28, 2014, \$40.00; G0036-17, 2013/14, \$100.00; K0014-11, 2008, 654.00. 3) The County Treasurer is hereby directed to strike the amount of property taxes due on City of Davenport above listed parcels in accordance with Iowa Code Section 445.63. 4) This resolution shall take effect immediately.

Moved by Hancock, seconded by Earnhardt that the following resolution be approved. Four Ayes with Sunderbruch abstaining due to a possible conflict of interest.

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,000,000 AGGREGATE PRINCIPAL AMOUNT OF REVENUE REFUNDING BONDS (RIDGECREST VILLAGE PROJECT), SERIES 2015 (THE "BONDS") OF SCOTT COUNTY, IOWA, FOR THE PURPOSE OF LENDING THE PROCEEDS THEREOF TO CHRISTIAN RETIREMENT HOMES, INC. d/b/a RIDGECREST VILLAGE (THE "BORROWER"); THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE COUNTY AND THE BORROWER; THE EXECUTION AND DELIVERY OF A FOURTH AMENDMENT TO MORTGAGE TO

SECURE THE BONDS; THE SALE OF THE BONDS; AND THE EXECUTION OF OTHER DOCUMENTS RELATED TO THE BONDS. WHEREAS, the County of Scott, State of Iowa (the "Issuer"), is a County authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, as amended (the "Act"), to issue revenue bonds or notes for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(a) of the Code (a "Tax Exempt Organization") and to refund any bonds or notes issued pursuant to the Act; and WHEREAS, the Issuer has been requested by Christian Retirement Homes, Inc. d/b/a Ridgecrest Village (the "Borrower"), a Tax Exempt Organization, to issue its Revenue Refunding Bonds (Ridgecrest Village Project), Series 2015, in one or more series, in an aggregate principal amount not to exceed \$3,000,000 (the "Bonds") pursuant to the Act and loan the proceeds thereof to the Borrower for the purpose of: (i) refunding the Issuer's outstanding Revenue Refunding Bonds (Ridgecrest Village), Series 2004, originally issued in the principal amount of \$11,575,000 (the "Prior Bonds"), the proceeds of which were used to (a) refund the City of Davenport, Iowa's previous issue of \$15,430,000 Revenue Bonds, Series 1993-A (Ridgecrest Village), (b) finance improvements, equipment and other capital items for the Borrower's facilities located at 4130 Northwest Boulevard, Davenport, Iowa, (c) fund a debt service reserve fund for the Prior Bonds, and (d) pay costs of issuance and certain other costs associated with the issuance of the Prior Bonds; (ii) funding a debt service reserve fund for the Bonds; and (iii) paying costs of issuance and certain other costs associated with the issuance of the Bonds; and WHEREAS, it is proposed to finance the foregoing through the issuance of the Bonds and to loan the proceeds from the sale of the Bonds to the Borrower under a Loan Agreement between the Issuer and the Borrower (the "Loan Agreement"), the obligations of which will be sufficient to pay the principal of, premium, if any, and interest on the Bonds as and when the same shall be due and payable; and WHEREAS, the Bonds, when issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of and interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the aforementioned Loan Agreement or otherwise as provided therein; and WHEREAS, notice of intention to issue the Bonds has, as directed by the Board of Supervisors of the Issuer, been duly given in compliance with the Act and Section 147(f) of the Internal Revenue Code; and WHEREAS, a public hearing has been held on the proposal to issue the Bonds at the time and place as specified in the notice and all objections or other comments relating to the issuance of the Bonds have been heard; and WHEREAS, it is proposed that the Bonds be sold to Cedar Rapids Bank & Trust (the "Lender");

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Scott County, Iowa, as follows: 1) In order to finance the foregoing purposes, the Bonds, in an aggregate principal amount not to exceed \$3,000,000, are hereby authorized and ordered to be issued by the Issuer pursuant to the Loan Agreement, in substantially the form as has been presented to and considered by this Board and containing substantially the terms and provisions set forth therein. The Bonds will bear interest at an initial rate not to

exceed 4% per annum as may be determined by the Borrower and the Lender prior to the issuance thereof and as adjusted from time to time as provided in the Bonds. The Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Bonds in such amount and rates as may be determined by the Borrower and the Lender, within the foregoing limits by and on behalf of the Issuer. 2) The Issuer shall loan to the Borrower the proceeds of the Bonds pursuant to the Loan Agreement in substantially the form as has been presented to and considered by this Board and containing substantially the terms and provisions set forth therein, and the Chairperson and the County Auditor are hereby authorized and directed to execute and deliver the Loan Agreement with such changes, modifications, deletions or additions as deemed appropriate by Bond Counsel. 3) The Fourth Amendment to Loan Agreement, Mortgage and Security Agreement among the Issuer, the Borrower and the Lender (the "Fourth Amendment to Mortgage") amending and supplementing the Loan Agreement, Mortgage and Security Agreement dated as of October 15, 1993 (the "Original Mortgage") as previously amended and supplemented by the First Amendment to Loan Agreement, Mortgage and Security Agreement dated as of September 1, 2000 (the "First Amendment to Mortgage"), the Second Amendment to Loan Agreement, Mortgage and Security Agreement dated as of November 1, 2004 (the "Second Amendment to Mortgage,") and the Third Amendment to Loan Agreement, Mortgage and Security Agreement dated as of September 1, 2006 (the "Third Amendment to Mortgage," and together with the First Amendment to Mortgage, the Second Amendment to Mortgage, the Fourth Amendment to Mortgage and the Original Mortgage, the "Mortgage"), to subject the Borrower's facilities and the real estate relating thereto to the lien of the Mortgage and to provide for the issuance of the Series 2015 Note (as defined in the Loan Agreement) on a parity with the Series 2006 Note (as defined in the Loan Agreement), is authorized and approved and the execution and delivery of the Fourth Amendment to Mortgage by the Chairperson and the County Auditor are hereby authorized and approved. 4) It is hereby found, determined and declared that the Bonds and interest and premium, if any, thereon shall never constitute the debt or indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, but the Bonds and interest and premium, if any, thereon shall be payable solely and only from the revenues derived from the Loan Agreement and the debt obligations of the Borrower delivered pursuant thereto; and no part of the cost of financing the foregoing purposes will be payable out of the general funds or other contributions of the Issuer (except the proceeds of the Bonds). 5) The Chairperson and the County Auditor are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary to effect the issuance and sale of the Bonds and the execution and delivery of the Loan Agreement and the Fourth Amendment to Mortgage, and certificates and agreements concerning the maintenance of the tax-exempt status of the Bonds, and to carry out the intent and purposes of this Resolution, including the preamble hereto and the execution by the Chairperson and, if required, the County Auditor, of the Bonds, the Loan Agreement, the Fourth Amendment to Mortgage, and certificates and agreements concerning the maintenance of the tax-exempt status of the Bonds shall constitute conclusive evidence of their approval and

this Board's approval thereof and of any and all changes, modifications, additions or deletions therein from the respective forms thereof now before this meeting. 6) The provisions of this Resolution are hereby declared to be separable and if any action, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. 7) All resolutions or parts thereof in conflict herewith are repealed, to the extent of such conflict. 8) That this Resolution shall become effective immediately upon its passage and approval.

Moved by Hancock, seconded by Kinzer 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 272729 through 273025 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,240,560.01. 2) This resolution shall take effect immediately.

Moved by Earnhardt, seconded by Holst at 5:22 p.m. that the Board go into closed session to discuss the County Administrators evaluation pursuant to Iowa code Section 21.5 (1) (i). Roll Call: All Ayes.

Moved by Earnhardt, seconded by Hancock at 6:00 p.m. that the Board come out of closed session. All Ayes.

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

Tom Sunderbruch, Chair of the Board
Scott County Board of Supervisors

ATTEST: Roxanna Moritz
Scott County Auditor