

Scott County Board of Supervisors  
October 6, 2016 5:00 p.m.

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

Moved by Sunderbruch, seconded by Earnhardt approval of the minutes of the September 22, 2016 Regular Board Meeting and the minutes of the October 4, 2016 Committee of the Whole Meeting. All Ayes.

Moved by Earnhardt, seconded by Kinzer a motion to open a public hearing relative to the issuance of Not to Exceed \$13,500,000 Revenue Refunding Bonds (Ridgecrest Village Project) (Conduit Bonds). Four Ayes with Sunderbruch abstaining due to a conflict of interest.

No one from the public spoke.

Moved by Earnhardt, seconded by Kinzer a motion to close the public hearing. Four Ayes with Sunderbruch abstaining due to a conflict of interest.

Moved by Earnhardt, seconded by Holst a motion to open a public hearing relative to an ordinance to rezone 7.5 acres more or less from "Agricultural General (A-G)" to "Commercial-Light Industrial (C-2)" on property in the NW ¼ of the SW ¼ of Section 27 of Sheridan Township. All Ayes.

No one from the public spoke.

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

Moved by Earnhardt, seconded by Sunderbruch the first of two readings of an ordinance to rezone 7.5 acres more or less from "Agricultural General (A-G)" to "Commercial-Light Industrial (C-2)" on property described as the North 250 feet of Scott County Parcel #932733001 in the NW ¼ of the SW ¼ of Section 27 of Sheridan Township. Roll Call: All Ayes.

**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 is hereby rezoned from Agricultural-General (A-G), to Commercial and Light Industrial (C-2) to-wit:

The north two hundred and fifty (250) feet of the Northwest Quarter of the Southwest Quarter (NW¼SW¼) of Section 27, Township 79 North, Range 3 East of the 5th Principal Meridian (Sheridan Township). The described Tract contains an area of 7.5 acres, more or less.

Section 2. This ordinance changing the above described land to Commercial Light Industrial (C-2) is approved as recommended by the Planning and Zoning Commission.

Section 3. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 4. 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 5. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

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

BE IT RESOLVED: 1) That one employee may be awarded 8 hours of floating holiday via a raffle for United Way participants to be used by June 30, 2017. 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The hiring of Kathryn DeLaRosa for the position of Medical Assistant in the Health Department at the entry level rate.

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

BE IT RESOLVED: 1) The 2015 property taxes, due in September 2016 and March 2017 for Daniel Aromando, 1955 Tanglefoot Lane, Bettendorf, Iowa in the amount of \$2,223.00 including interest are hereby suspended. 2) The County Treasurer is hereby requested to suspend the collection of the above stated taxes 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 Holst, seconded by Sunderbruch that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That Scott County has been directed by the Iowa Department of Human Services to suspend the collection of the 2015 property taxes for Dwight Bishop, 2623 College Avenue, Davenport, Iowa, in the amount of \$1,733.00 including interest

are hereby suspended. 2) That the collection of all property taxes assessed against the parcel at 2623 College Avenue, Davenport, Iowa remaining unpaid shall be suspended for such time as Dwight Bishop remains the owner of such property, and during the period he receives assistance as described in Iowa Code Section 427.9. 3) That the County Treasurer is hereby directed to suspend collection of the above stated taxes thereby establishing a lien on said property as required by law, with future collection to include statutory interest. 4) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The 2015 property taxes due in September 2016 and March 2017 for Barbara Olsen, 717 North Moselle Street, Blue Grass, Iowa, in the amount of \$1,590.00 including interest 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 Sunderbruch, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the County hereby pledges Fifty Thousand Dollars (\$50,000.00) to the building of the Scott County Library's Walcott branch. 2) That the Board of Supervisors will address during the FY18 budgeting process the funding schedule and mechanism. 3) This resolution shall take effect immediately.

Moved by Sunderbruch, seconded by Kinzer 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 \$24,575 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Sunderbruch, seconded by Earnhardt 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) City of Davenport has requested the abatement of taxes for the following parcels: L0017A01D; 2015; \$19,478.00, F0051-45; 2015; \$540.00, G0020-33; 2015; \$404.00, G0036-17; 2015; \$50.00, L0008-19; 2015; \$4,996.00, Y0651-OLA; 2015; \$2.00, Y0701-OLB; 2015; \$8.00, 20503-OLB; 2014 & 2015; \$172.00. 3) The County Treasurer is hereby

directed to strike the amount of property taxes due on these parcels in accordance with Iowa Code Section 445.63. 4) This resolution shall take effect immediately.

Moved by Holst, seconded by Earnhardt that the following resolution be approved. Roll Call: Four Ayes with Sunderbruch abstaining due to a conflict of interest.

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$13,500,000 AGGREGATE PRINCIPAL AMOUNT OF REVENUE REFUNDING BONDS (RIDGECREST VILLAGE PROJECT), SERIES 2016 (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 FIFTH 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 2016, in one or more series, in an aggregate principal amount not to exceed \$13,500,000 (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 2006, originally issued in the principal amount of \$13,820,000 (the "Prior Bonds"), the proceeds of which were used to (a) refund the Issuer's previous issues of \$11,500,000 Revenue Bonds (Ridgecrest Village Project), Series 2000A and \$2,500,000 Revenue Bonds (Ridgecrest Village Project), Series 2000B, Extendable Rate Adjustment Securities<sup>SM</sup> (EXTRAS<sup>SM</sup>), (b) fund a debt service reserve fund for the Prior Bonds, and (c) 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 \$13,500,000, 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 Fifth Amendment to Loan Agreement, Mortgage and Security Agreement among the Issuer, the Borrower and the Lender (the "Fifth 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"), the Third Amendment to Loan Agreement, Mortgage and Security Agreement dated as of September 1, 2006 (the "Third Amendment to Mortgage"), and the Fourth Amendment to Loan Agreement, Mortgage and Security Agreement dated as of December 1, 2015 (the "Fourth Amendment to Mortgage," and

together with the First Amendment to Mortgage, the Second Amendment to Mortgage, the Third Amendment to Mortgage, the Fifth 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 2016 Note (as defined in the Loan Agreement) on a parity with the Series 2015 Note (as defined in the Loan Agreement), is authorized and approved and the execution and delivery of the Fifth 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 Fifth 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 Fifth 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 Sunderbruch, seconded by Earnhardt a motion to approve filing of quarterly financial reports from various county offices. All Ayes.

Moved by Sunderbruch, 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 279116 through 279388 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,643,377.90. 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 \$93,180.79. 3) This resolution shall take effect immediately.

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

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

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ATTEST: Roxanna Moritz  
Scott County Auditor