

Scott County Board of Supervisors
November 2, 2017 5:00 p.m.

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

Moved by Knobbe, seconded by Kinzer approval of the minutes of the October 19, 2017 Regular Board Meeting and the minutes of the October 31, 2017 Committee of the Whole Meeting. All Ayes.

Moved by Beck, seconded by Holst a motion to open a public hearing relative to an application to rezone 6.56 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G) in Sheridan Township. All Ayes.

Tim Huey, Planning and Development Director, explained the application and public hearing procedures and talked about the Planning Commission results.

Joseph and Lori Cawiezell, 25820 162nd Avenue, Long Grove, applicants, talked about their future plans to build a smaller home on the divided area and said they dispute the Planning and Zoning Commission issues with the application regarding urban sprawl. They also said the neighborhood already contains several houses.

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

Moved by Beck, seconded by Holst a motion to open a public hearing relative to the 2017 Scott County Multi-Jurisdictional local hazard mitigation plan update. All Ayes.

Dave Donovan, Emergency Management Agency Coordinator, explained the plan.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Scott County Board of Supervisors as follows: 1) That we hereby proclaim November 2017 as Diabetes Awareness Month in Scott County, Iowa, and encourage all citizens to help fight this disease and its deadly complications, including heart and kidney disease, stroke, blindness, and amputation, by increasing awareness of the risk factors for diabetes, and by providing support to those suffering from diabetes. 2) This resolution shall take effect immediately.

Moved Beck, seconded by Holst approval of the third and final reading of an ordinance to amend Chapter 13 Section 13-47B-1a relative to the placement of a yield sign on Scott County Secondary Roads. Roll Call: All Ayes.

AN ORDINANCE TO AMEND CHAPTER 13, SEC. 13-47B-1a OF THE SCOTT COUNTY CODE RELATIVE TO PLACEMENT OF YIELD SIGNS ON SCOTT COUNTY SECONDARY ROADS.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:
SECTION 1.

Under Sec. 13-47B-1a., Change Item No. a. to read:

From the East entrance at the intersection of 52nd Ave and 310th St

SECTION 2.

The County Auditor is directed to keep and maintain a copy of the Ordinance in the County Auditor's office.

SECTION 3. SEVERABILITY CLAUSE

If any of the provisions of the Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance 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 parts of Ordinances in conflict with the provisions of this 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.

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

BE IT RESOLVED: 1) The Scott County Board of Supervisors is empowered under authority of Sections 321.236 Sub. (8), 321.255 and 321.471 to 321.473 to prohibit the operation of vehicles or impose limitations as to weight thereof on designated highways or highway structures under their jurisdiction. 2) The County Engineer has completed or has caused to be completed the Structure Inventory and Appraisal of certain Scott County Bridges, in accordance with the National Bridge Inspection Standards and has determined that the status of certain bridges should change. 3) The County Engineer has determined that the following Scott County Bridges are now adequate for legal loads at allowable operating limits: County Bridge Number; FHWA Number; Feature Crossed; Location; Previous Load Limit; Present Load Limit, 33B Allens Grove; 303381; Tributary to Mud Creek; 80-02-33; 14,21,21; Legal, 6B Liberty; 303070; Tributary to Rock Creek; 80-01-06; 21,31,40; Legal. 4) The County Engineer has determined that the following Scott County Bridges are inadequate for two-lane legal loads at allowable operating stress: County Bridge Number; FHWA Number; Feature Crossed; Location; Load Limit, 7 Princeton; 302910; Lost Creek; 79-05-07; 13,16,16, 8A Butler; 303590; Glynn Creek; 80-04-08; One Truck on Bridge, 17C Sheridan; 302670; Hickory Creek; 79-03-17; One Truck on Bridge, 27H LeClaire; 302990; McCarty Creek; 79-05-27; 22,30,30, 29E Cleona; Big Elkhorn Creek; 79-01-29; 20,32,38. 5) That vehicle and load limits are established and that signs be erected advising of the permissible maximum weights on the bridges listed. 6) That vehicle and load limit signs be removed advising

of permissible maximum weights on the bridges listed. 7) This resolution shall take effect immediately.

Moved by Beck, seconded by Holst a motion to substitute a revised resolution for the Farm to Market application. All Ayes.

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

NOW THEREFORE BE IT RESOLVED BY THE SCOTT COUNTY BOARD OF SUPERVISORS that this county is formally requesting that the Farm to Market Review Board approve the following modifications to its farm to market system:

Section 1: Road segments proposed for addition to the farm to market system: 290th Street from Hwy 130 to 10th Avenue (0.700 miles), Allens Grove Road from Y4E to Y52 (3.971 miles), 205th Street from Z30 to City of LeClaire Corporate Limits (2.765 miles), Total Mileage added to the Farm to Market System: 7.436 miles.

Section 2: Road segments within city corporate limits as farm to market extensions: Holland Street from City of LeClaire Corporate Limits to Hwy 67 (1.823 Miles), Total Mileage added to Farm to Market Extension System: 1.823 miles.

Section 3: Road segments proposed for deletion from the farm to market system: 155th Avenue from F45 to City of Eldridge Corporate Limits (0.333 Miles), 155th Avenue from City of Eldridge Corporate Limits to Slopertown Road (0.506 miles), 155th Avenue from Slopertown Road to City of Davenport Corporate Limits (0.048 miles), Slopertown Road from 155th Avenue to City of Eldridge Corporate Limits (0.251 miles), Total Mileage deleted from the Farm to Market System: 1.138 miles.

Section 4. Road segments proposed for deletion from the farm to market extension system: Buttermilk Road from City of Eldridge North Corporate Limits to City of Eldridge South Corporate Limits (1.680 miles), Division Street from City of Davenport Corporate Limits to Northwest Boulevard (2.367 miles), Northwest Boulevard from Division Street to Kimberly Road (2.027 miles), Slopertown Road from City of Eldridge Corporate Limits to S. 1st Street (0.645 miles), Middle Road from I-80 to Devils Glen Road (3.643 miles), Devils Glen Road from Middle Road to Hwy 67 (1.563 miles), Total Mileage deleted from the Farm to Market extension system: 11.925 miles.

Section 5. The Scott County Board of Supervisors, in lawful session this 2nd day of November, 2017 hereby adopts this farm to market modification resolution.

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

BE IT RESOLVED: 1) Updates to the Scott County Multi-Jurisdictional Local Hazard Mitigation as prepared by Bi-State Regional Commission (under contract to the Scott County Emergency Management Agency) with input from all participating municipalities, school districts and the local community college district are hereby approved, pending review for approval by the State of Iowa Department of Homeland Security and Emergency Management and the Federal Emergency Management Agency. 2) That the resulting 2017 Scott County Multi-Jurisdictional Local Hazard Mitigation Plan update

document is hereby adopted as the official plan for Scott County, pending the submittal and final review process. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the quote for exterior campus signage is hereby approved and awarded to Takeform in the amount of \$18,895.07. 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the bid for abatement of asbestos on the second floor of the Courthouse is hereby approved and awarded to Environmental Management Services of Iowa, Inc. in the amount of \$13,825.00. 2) This resolution shall take effect immediately.

Moved by Beck, seconded by Holst a motion approving the letter addressed to the City of Davenport regarding proposed amendment to the North Urban Renewal Area Plan to allow the use of tax increment financing funds to reimbursement the City's General Fund for economic development staffing costs. All Ayes.

Moved by Beck, seconded by Holst a motion approving the letter addressed to the City of Bettendorf regarding proposed Tax Increment Financing (TIF) for the Ascentra Credit Union new company headquarters downtown Bettendorf. Four Ayes, with Holst voting Nay.

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

BE IT RESOLVED: 1) That said Board of Supervisors does hereby recognize the retirement of Ardel Wright and conveys its appreciation for 31 years of faithful service to Scott County. 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The hiring of Katelyn Rigdon for the position of Correction Officer in the Sheriff's Office at the entry level rate.

Moved by Holst, seconded by Beck approval of the first of three readings of an ordinance to amend Chapter 23 of the Scott County Code relative to Onsite Wastewater Treatment and Disposal Systems. Roll Call: All Ayes.

**AN ORDINANCE TO AMEND CHAPTER 23, OF THE SCOTT COUNTY CODE
RELATIVE TO ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS**

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:
SECTION 1.

The following is a summary of the substantive changes:

Under Sec. 23-6, A. FEES, change items 1, 2, 5, and 6 to read:

1. \$235.00 for a permit to construct a private sewage disposal system.
2. \$110.00 for a permit to install or replace pipes, septic tanks or distribution box.
5. \$95.00 for a septic tank abandonment permit.
6. \$275.00 for a time of transfer inspection

SECTION 2.

The County Auditor is directed to keep and maintain a copy of the Ordinance in the County Auditor's office.

SECTION 3. SEVERABILITY CLAUSE

If any of the provisions of the Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance 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 parts of Ordinances in conflict with the provisions of this 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.

Moved by Holst, seconded by Beck approval of the first of three readings of an ordinance to amend Chapter 24 of the Scott County Code relative to Non-public Water Supply Wells. Roll Call: All Ayes.

AN ORDINANCE TO AMEND CHAPTER 24, OF THE SCOTT COUNTY CODE
RELATIVE TO NONPUBLIC WATER SUPPLY WELLS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:
SECTION 1.

Under Sec. 24-5, A. FEES, change items No. 1 to read:

1. \$315.00 for a Permit to construct a water well.

SECTION 2.

The County Auditor is directed to keep and maintain a copy of the Ordinance in the County Auditor's office.

SECTION 3. SEVERABILITY CLAUSE

If any of the provisions of the Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance 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 parts of Ordinances in conflict with the provisions of this 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.

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

BE IT RESOLVED: 1) The 2016 property taxes due September 2017 and March 2018 for Valorie Anderson, 1335 West 13th Street, Davenport, Iowa, Parcel: H0025-31 in the amount of \$1,145.00 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 Beck that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The collection of property taxes and special assessments and for Karen Straw, 3624 State Street Lot 44, Bettendorf, Iowa, in the amount of \$89.00 including interest are hereby suspended. 2) That the collection of all property taxes including interest assessed against the parcel at 3624 State Street Lot 44, Bettendorf, Iowa remaining unpaid shall be suspended for such time as Karen Straw remains the owner of such property, and during the period he/she 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 Knobbe, 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 \$22,857 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Knobbe, seconded by Kinzer 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 Scott Treasurer has requested that the taxes due for 2015 and 2016 for parcel #921603005 owned by the State of Iowa in the amount of \$894.00 be abated. 3) The County Treasurer is hereby directed to strike the amount of property taxes due on State of Iowa parcel #921603005 in accordance with Iowa Code Section 445.63. 4) This resolution shall take effect immediately.

Moved by Knobbe, seconded by Kinzer approval of the first of three readings of an ordinance to amend Chapter 19 of the Scott County Code relative to Fireworks. Roll Call: All Ayes.

Section 1. That Chapter 19 of the Scott County Iowa Code, be and the same is hereby amended to read as follows:

CHAPTER 19 FIREWORKS

SECTIONS:

19-1. DEFINITIONS

19-2. SALE OF CONSUMER FIREWORKS

19-3. CONSUMER FIREWORKS ALLOWED AS SPECIFIED

19-4. PERMIT FOR PUBLIC DISPLAY FIREWORKS

19-5. REQUIREMENTS OF APPLICATION FOR PERMIT

19-6. SHERIFF'S INVESTIGATION

19-7. CRITERIA FOR DETERMINATION AND BASIS FOR DENIAL

19-8. SEIZURE OF PROHIBITED FIREWORKS

19-9. PENALTY PROVISION

SEC. 19-1. DEFINITIONS

A. For purposes of this chapter, the terms "Consumer Fireworks", "Display Fireworks", and "Novelties" shall have the respective meanings enumerated in Iowa Code §727.2, which definitions are incorporated by reference. Consumer Fireworks do not include "Novelties" or "Display Fireworks" as defined herein.

B. The term "Organized Group" shall mean any firm, partnership, corporation, association, or other organization of individuals which was not formed solely or primarily for the purpose of obtaining a fireworks permit as hereinafter provided.

SEC. 19-2 SALE OF CONSUMER FIREWORKS

The sale of any consumer fireworks shall at all times be conducted in accordance with all federal, state and local laws, including, but not limited to, Iowa Code Chapters 100 and 727 and the administrative rules adopted by the Iowa State Fire Marshal relating to the sale, transfer, and purchase of fireworks. For avoidance of doubt, any person desiring to sell fireworks within the unincorporated boundaries of the County shall obtain the applicable permit, including, but not limited to, a casual sales license and zoning regulations, as prescribed by County Code.

SEC. 19-3 CONSUMER FIREWORKS ALLOWED AS SPECIFIED

Consumer Fireworks may be used on July 3 and July 4 from 2 PM until 11 PM and on the night of December 31 from 10 PM until 12:30 AM on the immediate following day. A person shall not use, explode or discharge Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property. A person that uses, explodes or discharges Consumer Fireworks shall have responsibility to clean up all debris created by the fireworks. A person shall not release or cause to be released an untethered sky lantern.

SEC. 19-4 PERMIT FOR DISPLAY FIREWORKS

The authority to grant permits for the supervised public exhibit of display fireworks which is granted to the County Board of Supervisors in accordance with the

provisions of Chapter 727 of the Code of Iowa is specifically delegated to the Sheriff's Office. The Sheriff's Office may upon application grant a permit for the supervised public display of fireworks by a municipality, fair association, amusement park, government entity, or other organized group. If such permit is granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.

The County Board of Supervisors may upon its own motion review any application for a permit which has been granted or denied by the Sheriff's Office, and may affirm or reverse the decision of the Sheriff's Office.

SEC. 19-5 REQUIREMENTS OF APPLICATION FOR PERMIT

An application for a permit shall be available in the Sheriff's Office. Application for permit for display fireworks shall be made in writing at least fourteen (14) days in advance of date of the display to the Sheriff's Office and include:

A. A request for permit and a statement concerning the reason for proposed display;

B. The name of the organized group applying for the permit and the name(s), social security number, date of birth and the address of the person or persons who will act as its agent or representative(s);

C. Location, date and time of the proposed display in case of rain, an alternative date may be indicated;

D. The name of the person or persons who will conduct the proposed display and a copy of the current certificate or license as a pyro technician.

E. At the time application is made for a permit; attach thereto a certificate of insurance naming the applicant as insured and Scott County shall be named as an additional insured on the policy. The applicant shall maintain bodily injury liability insurance/property damage liability insurance in the amount of \$1,000,000 per occurrence / 2,000,000 aggregate.

In addition the applicant agrees by the execution hereof the permit to indemnify and hold harmless Scott County against all liabilities, costs and expenses which may arise in consequence of the granting of this permit; except as may result from the sole negligence or willful misconduct of Scott County.

F. A one hundred dollar (\$100.00) fee. Said fee shall be refundable if the application is denied. Subject to approval of said application, the fee shall be deposited in the county general fund.

SEC. 19-6. SHERIFF'S INVESTIGATION

The Sheriff's Office who may conduct any investigation deemed necessary to determine whether a permit should be granted for display fireworks. The applicant shall immediately provide to the Sheriff's Office all additional information requested to further this investigation. The Sheriff's Office shall grant or deny the application within seven (7) days of the date it is received. Upon making its determination, the Sheriff's Office shall immediately inform the applicant whether the application was granted or denied.

SEC. 19-7. CRITERIA FOR DETERMINATION AND BASIS FOR DENIAL

The Sheriff's Office shall consider each of the following criteria in making its determination whether to grant or deny an application for display fireworks. In the event that an application is denied, the Sheriff's Office shall submit to the applicant a written statement which will briefly detail which of the following criteria the denial was based

upon, as well as any other factors which were considered as basis for denying the application.

A. The size and location of the proposed display site as each relates to the potential for damage to nearby property or injury to persons;

B. The training, experience and past reliability of the person or persons named in the application to conduct the proposed display. Specifically, whether a certified and licensed pyro technician will conduct the display may be taken under consideration.

C. The manner in which the organized group making the application conducted past fireworks displays;

D. Whether or not all of the requirements of an application per permit as set forth in Section 19-5 were complied with by the applicant. Specifically, any application which is not accompanied by a bond or certificate of insurance as required in Section 19-5 (F) shall be denied;

E. The likelihood that the time or date of the display would unreasonably disturb nearby residents;

F. Any special safety considerations which the Sheriff's Office might determine to be unique to the particular proposed display and the applicant's proposed manner of dealing with those special safety considerations.

If an application is denied, the applicant shall be given an opportunity to amend the application and to resubmit it to the Sheriff's Office. The Sheriff's Office shall consider the amended application in light of its written statement of the reasons for denial of the original application. If it appears that the amendments to the application adequately remedy the situation or situations which gave rise to denial of the original application, then the amended application for a permit shall be granted.

SEC. 19-8. SEIZURE OF PROHIBITED FIREWORKS

The Sheriff's Office shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this Chapter.

SEC. 19-9. PENALTY PROVISION A person who violates this chapter commits a simple misdemeanor punishable as follows:

- | | |
|-------------------------|-------|
| A. First Offense | \$250 |
| B. Second Offense | \$400 |
| C. Third and Subsequent | \$625 |

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable 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.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Moved by Knobbe, seconded by Kinzer a motion approving a beer/liquor license renewal for Lady Di's Parkview Inn. All Ayes.

Moved by Knobbe, 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 287325 through 287594 as submitted and prepared for payment by the County Auditor, in the total amount of \$901,571.97. 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 \$75,718.37. 3) This resolution shall take effect immediately.

Moved by Kinzer, seconded by Knobbe at 5:28 p.m. a motion to adjourn. All Ayes.

Carol Earnhardt, Chair of the Board
Scott County Board of Supervisors

ATTEST: Roxanna Moritz
Scott County Auditor