

Scott County Board of Supervisors  
November 1, 2018 5:00 p.m.

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

Moved by Beck, seconded by Kinzer a motion to approve the minutes of the October 18, 2018 Regular Board Meeting and the minutes of the October 30, 2018 Committee of the Whole Meeting. All Ayes.

Moved by Beck, seconded by Kinzer a motion to open a public hearing relative to a proposed addendum to the Comprehensive Plan to address wineries as Special Permitted Uses in Ag-General Zoning Districts. All Ayes.

The applicants, Bryce Flaherty, 2431 19<sup>th</sup> Avenue, Rock Island, Illinois, and Julia Rubino, 524 Brown Street, Bettendorf, Iowa, thanked the Board for taking the time to hear their proposed amendments. They presented site-specific information and addressed topics on which the public and the Board expressed concerns. Flaherty said there are currently 74,198 housing units in Scott County but there are no vineyards or wineries. He said their vision is to build a vineyard, tasting room, house and wedding venue in phases and that this will not be an overnight operation but a process of slowly adding on over the next five to ten years. He said it costs about \$8,500 to plant an acre of grapes.

Rubino presented a timeline for turning the land back to a farmable state, planting up to 1.5 acres and other construction in the first three years and reviewed what would tentatively be done in the four to six and seven to ten year timeframes.

Flaherty said they have received some feedback and concerns on the wedding venue and that they wanted to make clear that they see this is being critical to the success of their business, as an additional way to attract new guests, increase brand awareness, provide an additional avenue of selling wine and will help offset a poor harvest like Iowa saw this year due to excessive rain.

Rubino showed a slide of the proposed site plan and property and stated that the property is a rural setting. She detailed on the map where they plan each feature of their vineyard, winery, tasting room, wedding venue and their private home.

Flaherty said that now that the Board has seen and heard what they are planning, they wanted to address the concerns expressed and that they understand that a small number of people may not be as excited about this as they are. He said they fully support their right to voice their concerns and that certainly it is the Board's responsibility with the citizens of Scott County. He explained the three main concerns they have heard about. He said they are the noise, site appropriateness and traffic.

He said that they do not plan to have long, noisy events such as rock concerts, especially as they plan to live on-site. He said that there are existing sources of noise such as trains, highway traffic and river traffic, and any noise generated by the wedding venue would be minimal in comparison. He said that the three nearest neighbors to the planned wedding venue would be 1150 feet, 1170 feet and 3500 feet, respectively, from the site.

He said that being close to the businesses in LeClaire would create a synergistic effect benefitting all the businesses. He said that many in the community support their proposed venture, including 27 business owners who signed a petition asking the Board to approve the text amendment and four owners who wrote letters of support to the Board.

He said the road serving the area is not a quiet country road but a state highway built to accommodate large amounts of traffic. He said the most recent DOT study found that on average 4,360 vehicles drove daily on that stretch of highway. He said that the entrance to the property would be designed for safety and visibility and to reduce light pollution. He said the area surrounding the vineyard is rural, with a minimal number of houses and large areas of active farmland.

He compared the wedding venue to golf courses and their club houses, citing their similar usage to the wedding venue but built in the middle of cities with houses located much closer than the homes in the area in question.

He said that the applicants had no intention to open a restaurant. He said that there are other nearby businesses which could provide catering services. He said they plan to offer snack food such as charcuterie plates. He said the planned hours of operation would be Wednesday through Sunday with the latest regular closing time being 8:00 p.m. and special events closing at 11:00 p.m.

He thanked the Board's for its time and consideration.

Supervisor Earnhardt thanked the applicants and said they spent a lot of time on the presentation.

No one else from the public spoke.

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

Moved by Beck, seconded by Kinzer the first of two readings of an ordinance to amend a portion of Section 6-10.D. Special Permitted uses in the "Agricultural-General District (A-G)" of the Zoning Ordinance for Unincorporated Scott County. Roll Call: All Ayes.

AN ORDINANCE TO AMEND A PORTION OF SECTION 6-10.D. SPECIAL PERMITTED USES IN THE "AGRICULTURAL-GENERAL DISTRICT (A-G)" OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY

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

Section 1. Amend Section 6-10 "Agricultural-General District (A-G)" of the Zoning Ordinance for Unincorporated Scott County

D. Special Permitted Uses by adding:

(3) Wineries for the production of native Iowa wine in conjunction with a vineyard and associated facilities for the production, bottling, marketing and sale of the wine. May also include associated facilities for tastings and other events held on the premises. The tasting rooms shall be for the service of wine produced on the property and such facilities may have food service but the State liquor license shall be limited to the service of native Iowa wines. The size of the wine production and tasting room facilities shall total no more in floor area than 1% of the total area of the property and the size of an associated event venue shall also total no more in floor area than 1% of the total area of the property. Construction and operation of any event venue shall require documentation of a minimum of three years of vineyard operation and such a venue shall only be permitted to operate in conjunction with an active vineyard and wine production on the property. The number, size and frequency of events shall be established at the time the Special Use Permit is approved. All such facilities shall meet all building, accessibility and health codes and any other conditions or requirements for the approval of such facilities shall be established in conjunction with the review and approval of the Special Use Permit and shall be in accordance with Scott County Land Use Policies.

One single family residence shall be permitted on the property for the owner or manager of the vineyard/wine production operation. Such a residence may also be ag-exempt if it meets the criteria to be considered a farm house. Any accessory building(s) which are primarily adapted for the growing and production of fruit or other agricultural crops on the property shall be considered ag-exempt.

Prior to the issuance of any building permit for the construction of such winery, tasting room or event venue a Site Plan Review will be approved by the Planning and Zoning Commission in accordance with provisions of Section 6-29 A.-F.

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.

Moved by Beck, seconded by Kinzer the first of two readings of an ordinance to amend the Zoning Map by rezoning approximately 13.2 acres in Section 14, LeClaire Township from Single-Family Residential (R-1) to Agricultural-General (A-G), all within unincorporated Scott County. Roll Call: All Ayes.

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 13.2 ACRES IN SECTION 14, LECLAIRE TOWNSHIP FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO AGRICULTURAL-GENERAL (A-G), ALL WITHIN UNINCORPORATED SCOTT COUNTY.

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 Single-Family Residential (R-1) to Agricultural-General (A-G) to-wit: Lot 2 of Great River Hills Addition, Section 14, LeClaire Township

Section 2. This ordinance changing the above described land to Agricultural-General (A-G) 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 Beck, seconded by Kinzer the first of two readings of an ordinance to amend a portion of Section 6-14.C. Accessory Permitted uses in the "Community Area Residential District (CAD-R)" of the Zoning Ordinance for Unincorporated Scott County. Roll Call: All Ayes.

AN ORDINANCE TO AMEND A PORTION OF SECTION 6-14.C. ACCESSORY PERMITTED USES IN THE “COMMUNITY AREA DEVELOPMENT RESIDENTIAL DISTRICT (CAD-R)” OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY

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

Section 1. Amend Section 6-14 “Community Area Development Residential District (CAD-R)” of the Zoning Ordinance for Unincorporated Scott County

C. Accessory Permitted Uses by repealing and replacing with:

(1) Accessory uses customarily incidental to any of the permitted uses in this District. Only one commercial vehicle may be parked and/or stored on the property unless it is used in conjunction with an approved home business. Accessory uses not permitted include, but are not limited to, the following uses: the visible accumulation of domestic junk such as vehicular parts, tires, trailers, salvaged building materials, broken or junk appliances, and the visible presence of any junk vehicle on a residential lot not stored entirely within an enclosed garage shall also be considered a prohibited accessory use (See Section 6-5.60. Junk Vehicle). Grasses and/or weeds that are in excess of 10 inches and are not a native or landscaped planting shall be considered a prohibited accessory use. Any accessory commercial use which is not approved as a home business as outlined in Section 6-6. V. is not permitted,

(2) Home occupations conducted entirely within the dwelling (not in attached or detached garage) and in compliance with all other requirements of Section 6-6.V.,

(3) Not more than four domestic pets of any species. No public or private kennels for domestic animals nor any domestic livestock are permitted.

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.

Tim Huey, Planning and Development Director, addressed the Board regarding the process for approving the Park View Ordinance. He also addressed the Board regarding the various actions for approving the proposed winery and event center.

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

BE IT RESOLVED: 1) That the bid for the Health Department Lobby Modification construction project is accepted and the contract is awarded to Precision Builders in the amount of \$15,250.00. 2) That the Director of Facility & Support Services is hereby authorized to execute contract documents on behalf of the Scott County Board of Supervisors. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The hiring of Monica Nickels for the position of part-time Medical Lab Technician in the Health Department at the entry level rate.

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

BE IT RESOLVED: 1) That the proposal from Houston International Insurance Group (HIIG) for one year agreement for specific and aggregate stop loss coverage is hereby accepted and approved. 2) That the Human Resources Director hereby authorized to sign the health insurance contracts for services on behalf of the Board. 3) 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 2017 property taxes due in September 2018 and March 2019 for Sarah Mills, 3604 Fair Avenue, Davenport, Iowa, in the amount of \$2,513.00 including interest are hereby suspended. 2) The County Treasurer is hereby directed 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 Earnhardt, 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) The selection Randy Linn, CPA certified public accountant to conduct the annual audit for the Scott County Regional Authority in Scott County is hereby approved. 2) This selection of Randy Linn, CPA shall remain in effect and renew automatically each year until the Board of Supervisors receives a request from the Scott County Regional Authority to appoint another certified public accounting firm to perform the annual audits contemplated under Iowa Code Chapter 99F.13. 3) This resolution shall take effect immediately.

Supervisor Kinzer asked Earnhardt to share what she learned regarding approval of an auditor for the Riverboat Development Authority (RDA).

Earnhardt replied that the RDA picks its own auditor and the contract with the City of Davenport does not require having an auditor approved by the City.

Moved by Earnhardt, seconded by Holst 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 294651 through 294917 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,540,976.42. 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 \$96,877.42. 3) This resolution shall take effect immediately.

Supervisor Beck reviewed the recent joint meeting between the City of Bettendorf and City of Davenport regarding the Waste Commission presentation on the recycling center's recyclables. He said that in many areas of the country there are a lot of issues with falling prices. He said the Waste Commission has locked in some prices. He also said that although prices have been dropping, the Commission still has sources for most of the recyclables. He said income from the recyclables is a bonus, with the main benefit of recycling being avoiding the cost of landfilling the recycled materials. He said that the Commission works very hard for all of Scott County to make sure that we do the best to keep the cost down and be environmentally friendly as well.

Moved by Earnhardt, seconded by Kinzer at 5:24 p.m. a motion to adjourn. All Ayes.

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Tony Knobbe, Chairman of the Board  
Scott County Board of Supervisors

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ATTEST: Roxanna Moritz  
Scott County Auditor