

Scott County Board of Supervisors
November 15, 2018 5:00 p.m.

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

Moved by Beck, seconded by Kinzer a motion to approve the minutes of the November 1, 2018 Regular Board Meeting, the minutes of the November 13, 2018 Committee of the Whole Meeting (including Closed Session) and the minutes of the November 13, 2018 Special Committee of the Whole Meeting (including Closed Session). All Ayes.

Moved by Beck, seconded by Kinzer 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 2018 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.

Representatives from the Lions Club International accepted the proclamation, thanked the Board and said Diabetes awareness is a new focus project for the group.

Moved by Beck, seconded by Kinzer the first of three readings of an ordinance to amend Chapter 13-34 of the Scott County Code relative to designated speed limits on Scott County Secondary Roads (Section 13-34R-County). Roll Call: All Ayes.

AN ORDINANCE TO AMEND CHAPTER 13-34 OF THE SCOTT COUNTY CODE RELATIVE TO DESIGNATED SPEED LIMITS ON SCOTT COUNTY SECONDARY ROADS.

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

SECTION 1.

Add to Sec. 13-34R, Add Item No. 13 and 14 to read:

R. County

14. 35 MPH – On 52nd Avenue from 50th Avenue north 1,600 feet.

15. 55 MPH - On 102nd Avenue from Y4E north 2,800 feet.

35 MPH – On 102nd Avenue from a point 2,800 feet north of Y4E north 2,650 feet to the end of pavement.

35 MPH – On 285th Street from 102nd Avenue east 980 feet.

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 Kinzer the first of three readings of an ordinance to amend Chapter 13-34 of the Scott County Code relative to designated speed limits on Scott County Secondary Roads (Section 13-34S, Wapsi River Environmental Education Center). Roll Call: All Ayes.

AN ORDINANCE TO AMEND CHAPTER 13-34 OF THE SCOTT COUNTY CODE RELATIVE TO DESIGNATED SPEED LIMITS ON SCOTT COUNTY SECONDARY ROADS.

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

SECTION 1.

Add Sec. 13-34S, Add Item No. 1 to read:

S. Wapsi River Environmental Education Center

1. 25 MPH - On 52nd Avenue from 1,600 feet north of 50th Avenue north to the Park.

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 Kinzer that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) The Scott County Planning and Zoning Commission held a Public Hearing on October 16, 2018 to consider and take public comments on an addendum to the language of Chapter Two: Vision, Goals and Objectives of the Comprehensive Plan that would establish land use policies to guide the review and any approval of Special Use Permits for wineries and associated facilities in unincorporated Scott County. 2) The Planning and Zoning Commission determined that that this addendum is in keeping with the economic development objectives of the adopted Comprehensive Plan that encourage Scott County to promote a diverse regional economy and opportunities that promote tourism and improve the quality of life. 3) As adopted, the Scott County Comprehensive Plan encourages development to occur within cities but the policies also state that when development does occur in rural Scott County that it be on marginal agricultural land and that it meet a preponderance of the other criteria for land use changes. 4) As stated when it was originally adopted in 2008, the Comprehensive Plan is not intended to be a static document but an active and dynamic Plan that will be regularly reviewed and updated. 5) The Board of Supervisors held its own public hearing on this proposed Comprehensive Plan addendum on November 1, 2018. 6) The Board of Supervisors hereby adopts and incorporates this addendum to Chapter Two: Vision, Goals and Objectives, as recommended by the Planning and Zoning Commission, as elements of the Scott County Comprehensive Plan. 7) This resolution shall take effect immediately.

Moved by Beck, seconded by Kinzer a motion to amend the Ordinance (6-10.D. Special Permitted Uses) by replacing the updated language. All Ayes.

Moved by Beck, seconded by Kinzer the second and final reading 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 and shall comply with the requirements of a State Native wine liquor license. 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 center shall also total no more in floor area than 1% of the total

area of the property. Construction and operation of any event center shall require documentation of a minimum of two years of vineyard operation and such an event center 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 center 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 second and final reading 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: Kinzer, Earnhardt, Knobbe and Beck voting Aye with Holst voting Nay.

Andrea Faulhaber, 1212 Woodland Lane, LeClaire, Iowa addressed the Board. She said that she and her husband Brock own 23333 277th Avenue, LeClaire, land which is adjacent to the land to be rezoned. She said that she was speaking on behalf of several relatives who had planned to reside at the Faulhaber's Addition pending the Board's decision. She said that she and her relatives had relied on the rezoning from A-G to R-1 and purchased their property which was a significant financial investment. She

said they now were shocked to hear that the Board is being asked to reverse its rezoning decision to allow for a vineyard, wine tasting room and an event center. She said the plan presented by the applicants is clearly for a commercial business and that the amount of farming planned on the property does not meet the ag-exempt definition.

Faulhaber said they believe this commercial-like business would negatively impact their property values and would pose significant safety concerns as well as invite a potential criminal element and increase noise and traffic in the area. She said her husband is a licensed realtor and has been contacted by interested parties to purchase parcels and keep it residential. She said these parties are looking to build four to five homes, with values from four hundred to six hundred thousand dollars, which would bring increased revenue to the County. She also said she and her husband own a construction company and that their dream is to purchase the back 39.27 acre parcel to develop a multiple residential neighborhood and that if this current proposal is approved, they will not pursue the purchase because the desirability to own a home in the area will be greatly diminished. She strongly urged the Board to vote no and hold to the decision that the property remain zoned residential.

Bryce Flaherty, applicant, said all the complaints were addressed in previous meetings and public hearings. He said he is sorry the Faulhabers are not willing to listen to any other reason and does not feel it is fair to hold the Board hostage by saying they are going to leave the community if the Board votes this way.

Supervisor Kinzer said that he commended the Chair for allowing public comment even though this was not a public hearing.

Supervisor Beck commented that both parties are very passionate about what they believe, but that things can work out. He said in his experience things always seem a little worse than they really are, but that is not downplaying this situation. He said he hopes both parties will work together. He said he felt confident that the rezoning would work for all parties.

Supervisor Holst said she thought questions raised by the Faulhabers were answered at a previous meeting, but if they had not she asked Mr. Huey to answer questions relating to what percent of a property would be required in order to meet agricultural uses and one about the construction of non-ag buildings.

Tim Huey, Planning and Development Director, said that Scott County has twice lost court challenges for being too strict in determining ag-exemption. He said there is nothing in state law that defines ag-exemption, and it is up to each County to approve zoning ordinances to determine the basis for granting ag-exemption. He said what was reviewed tonight was straight out of the criteria from the Planning and Zoning office and the comp plan includes guidance for determining ag-exemption based on an activity standard, not an acreage standard. He said the Zoning Board of Adjustment (ZBA) will be reviewing the special use permit at its November meeting. He said the ZBA also hears appeals of denials of ag-exemption by the Planning and Development

Department. He said that at least half the area of buildings would need to be used for ag purposes in order to qualify for ag-exemption.

Holst said in Scott County ag-general zoned land is near residential developments, and that this fact makes a different situation than perhaps other counties that have adopted vineyard ordinances. She said her concern is where any of these would go, not this particular application. She said since the Board does not review Board of Adjustment decisions she feels she has to send a message the ZBA to be very cognizant about residential neighbors these decisions.

Huey said one thing the Board requested that was included in the ordinance was that the winery would be no larger than one percent of the total area of the property and puts the one percent of the total area restriction on the size of the event center. He said the ordinance requires a vineyard to be in operation for two years before construction of an event center.

Holst thanked the Board and staff for changes in the ordinance.

Kinzer cited provisions from the amendment that construction and operation of any event center shall require documentation of two years of vineyard operation and such an event center shall only be permitted to operate in conjunction with an active vineyard and wine production on the property. He said that was something vetted pretty good and wanted to make sure that if this did not go we still (would not) have an event center.

Huey said the event center would not be permitted to operate if the vineyard is not in production.

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 second and final reading 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.

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

BE IT RESOLVED: 1) The hiring of Douglass Adams for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate. 2) The hiring of Christopher Laye for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate. 3) The hiring of Curt Wilson for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate. 4) The hiring of Jonathan Johnson for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate. 5) The hiring of Robert Gibbs for the position of part-time Custodial Worker in the Facility & Support Services Department at the entry level rate. 6) The hiring of Enrique Hernandez for the position of part-time Custodial Worker in the Facility & Support Services Department at the entry level rate.

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

BE IT RESOLVED: 1) The authority of the IT Director to sign a statement of work with DataBank IMX for ECM project phase 3 in the amount of \$48,585 is hereby approved. 2) 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 purchase of SolarWinds software maintenance and support from PCMG in the amount of \$24,082.10 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Earnhardt, seconded by Holst that the following resolution be approved. Roll Call: All Ayes, with Holst voting Nay on invoices L-819-73-82B from Valley Construction Company in the amount of \$166,354.65 and L-920-73-82B from Valley Construction Company in the amount of \$5,117.91, both regarding HMA Resurfacing.

Holst said that staff was not available to answer questions she had regarding the invoices for the HMA project and that she would not support the payments from the Secondary Roads Departments. She said, right now, it appears the number is over what was approved and that she wanted that confirmed.

BE IT RESOLVED: 1) The Scott County Board of Supervisors approves for payment all warrants numbered 294931 through 295210 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,548,731.82. 2) This resolution shall take effect immediately.

Under other items of interest, Holst updated the Board on the 7th Judicial District meeting and said they are starting to operate close to a deficit due to funding cut backs and fewer federal prisoners. She said the next PSA statewide implementation team meeting is November 20th to review research results and determine how to handle the gap between the end of the current program and when the legislature will approve a new program.

Kinzer updated the Board on the Partners of Scott County Watersheds meeting. He said that the Partners felt they needed to have a seat on the Lower Cedar Watershed Board and to have some thoughts on whatever happens as opposed to not. He said that the Lower Cedar Watershed Board is looking for some seed money to get going. He said the Soil and Water Conservation District has pledged one thousand dollars and he asked the Board of Supervisors to consider a onetime contribution of five hundred dollars. He said if the Board of Supervisors chooses to contribute, it can be done in the next fiscal year. He said he has updated the Supervisors on the direction of the Partners Board and that they have been through three different directors and have come to change their way of thinking so the board doesn't go away. He said, so, selfishly, he is going to protect the Partners, but feels a onetime funding mechanism for the Lower Cedar Watershed for them to get off the ground and would go towards a webpage and advertising to better inform the public about the importance of watersheds.

Knobbe asked what the total goal would be.

Kinzer said that the goal would be ten thousand dollars to start.

Earnhardt asked how many members are on the Lower Cedar Watershed Board.

Kinzer read from a list of member jurisdictions, including several counties and cities, and he said meetings are well attended.

Earnhardt reported that the Eastern Iowa Mental Health Region Board will hold strategic planning meetings on December 6th and 13th and she invited the Supervisors to attend the sessions.

Mahesh Sharma reviewed an email sent to the Board from Lori Elam regarding the need for winter overflow shelter and that Kings Harvest may not be available to provide shelter beginning December 1st. Sharma said a meeting with various groups was held, with Humility of Mary and United Way volunteering assistance, and that other communities would be asked to contribute. He said Scott County was asked to provide \$5,000. He said if the Board was amenable the County can cover this cost from the General Fund. He said that without a winter overflow shelter the costs Scott County pays for emergency lodging would increase. Earnhardt asked how much Davenport was contributing.

Sharma said Davenport would also contribute \$5,000.

Holst asked who is looking into a long-term solution.

Tim Huey, as Chairman of the Scott County Housing Council, said this group is considering a contribution of \$500. He said that Kings Harvest was entirely run by volunteers, but that Humility of Mary has paid staff and this was the reason for the request for contributions. He said the Transitional Housing and Homelessness Council is seeking longer term solutions to homelessness. He added that the Salvation Army has closed its meal site and closed the only shelter for families.

Kinzer said if not us, whom and asked if the Red Cross has some funding mechanism for this.

Huey said they are exploring all avenues of funding.

Sharma reported on the recent Urban County Coalition meeting. He said the discussion involved setting priorities for the upcoming year and that he would provide the Board with the modified language setting forth the priorities.

Earnhardt said the primary issues were property tax backfill, mental health funding and unfunded mandates.

Earnhardt reported on the upcoming Economic Development Summit. She said that Scott County, Quad Cities First and the Bi-State Regional Commission will sponsor the event in February at the Water Front Convention Center. She said topics include value added agricultural products and funding for workforce development.

Huey said it would last one half day, have two tracks, and with two breakout sessions in each track.

Sharma reported the Director of the Scott Emergency Communications Center (SECC) had resigned effective December 7th. He said that the SECC board gave direction to staff to develop a proposal for an interim director and recommendation for hiring a recruitment company for the search for a new director.

Sharma reported on the Medic Board of Directors meeting. He said Medic has hired a consultant who is reviewing operations to see if there are ways to get funding. He said that the State of Iowa has funds available, but only provides money to organizations that are governmental or part of a 28E intergovernmental agreement. He said Medic is exploring whether 28E is an option. He said that if this option goes forward Scott County would be asked to be a party to a 28E agreement along with Bettendorf and Davenport.

Sharma also said that two new recently elected board members would be having orientation in the month of December, including bringing the new members up to speed regarding the budget.

Moved by Earnhardt, seconded by Kinzer at 6:07 p.m. a motion to adjourn. All Ayes.

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

ATTEST: Roxanna Moritz
Scott County Auditor