

Scott County Board of Supervisors
October 22, 2015 5:00 p.m.

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

Moved by Hancock, seconded by Earnhardt approval of the minutes of the October 8, 2015 Regular Board Meeting (including canvass) and the minutes of the October 20, 2015 Committee of the Whole Meeting. All Ayes.

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

BE IT RESOLVED: 1) That the purchase of two large metal pipes for Project L-116 be awarded to Illowa Culvert Inc., Low Moor, IA in the amount of \$38,559.40. 2) That 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 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 three Scott County Bridges are now adequate for legal loads at allowable operating limits: County Bridge Number; FHWA Number; Feature Crossed; Location; Previous Load Limit; Load Limit Now, 30C Cleona; 302450 Big Elkhorn Creek; 79-01-30; 3 tons; Legal, 28J Princeton; 303720; Lost Creek; 80-05-28; 15 tons; Legal, 8A Cleona; 302350; Tributary to Mud Creek; 79-01-08; 20 tons; Legal. 4) The County Engineer has determined that the following Scott County Bridges are now inadequate for two-lane legal loads at allowable operating stress: County Bridge Number; FHWA Number; Feature Crossed; Location; Load Limit, 3D Hickory Grove; 302470; Unnamed Stream; 79-02-03; 11,16,16, 20 Sheridan; 302680; Hickory Creek; 79-3-03-20; 23,35,35, 33B Allens Grove; 303380; Unnamed Stream; 80-02-33; 14,21,21, 27 H LeClaire; 302990; Hickory Creek; 79-05-27; 22,30,30. 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, load limits and signs be removed advising of permissible maximum weights on the bridges listed. 7) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the Board of Supervisors approves the vacation of right of way adjacent to the Wapsipinicon Bridge, just North of McCausland, IA as shown in property plat and legal descriptions on file in the Auditor's Office. Tract 1 and Tract 4 revert to the McCausland Mallards. Tract 2 reverts to the Green Heads and Tract 3 will be retained as right of way by Scott County. 2) That this resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The Scott County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that has been issued a draft permit for the construction of additional confined animal feeding operation building at 23580 20th Avenue in unincorporated Scott County. 2) The Scott County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on September 24, 2015. 3) The Scott County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit. 4) The Scott County Board of Supervisors encourages the Iowa DNR to issue the Final Permit as soon as possible. 5) The Scott County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver. 6) This resolution shall take effect immediately.

Moved by Earnhardt, seconded by Kinzer that the following resolution be approved. Four Ayes, with Holst voting Nay.

BE IT RESOLVED: 1) That the bid for Courthouse Phase three and four construction is accepted and the contract is awarded to Precision Builders in the amount of \$3,400,000.00. 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 Earnhardt, seconded by Hancock that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the bid for abatement of asbestos for the Courthouse Phase 3 and 4 projects is hereby approved and awarded to Advanced Environmental Testing and Abatement, Inc. in a not to exceed amount of \$66,758.25. 2) This resolution shall take place immediately.

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

BE IT RESOLVED: 1) The hiring of Raymond Nees for the position of Planning & Development Specialist in the Planning & Development Department at the entry level rate. 2) The hiring of Antwand Howell for the position of Correction Officer in the Sheriff's Office at the entry level rate.

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

BE IT RESOLVED: 1) The following schedule of family health care premium rates for Scott County employees in calendar year 2016 is hereby approved: Health/Pharmaceutical - \$173.20 / month, Dental - \$11.66 / month, Avesis Vision - \$1.74 / month. 2) Employee's opting to take the Dental supplemental plan shall pay an additional \$5.00/month for single or family coverage. 3) This resolution shall take effect on January 1, 2016.

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

BE IT RESOLVED: 1) The 2014 property taxes due September 2015 and March 2016 for Candy Appleby, 6153 South Concord Street, Davenport, Iowa, Parcel: 31849-12 in the amount of \$381.00 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 Kinzer that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The 2014 property taxes due September 2015 and March 2016 for Theresa Hall, 5610 North Street, Bettendorf, Iowa, Parcel: 841333103 in the amount of \$3,129.00 and utility fees/special assessments of \$42.77, \$40.54 and \$43.75 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 Hancock that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The 2014 property taxes due in September 2015 and March 2016 accrued for Cyrus Sarvestaney, 2114 Gaines Street, Davenport, Iowa, in the amount of \$1521.00 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 Holst, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The 2014 property taxes due in September 2015 and March 2016, accrued by Jay and Sandra DeVore, 1128 East Garfield Street, Davenport, Iowa, in the amount of \$1856.00 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 Holst, seconded by Kinzer that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The 2014 property taxes due in September 2015 and March 2016 for Sara McDaniel, 6030 Fossen Drive, Davenport, Iowa, in the amount of \$643.00 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 Hancock, seconded by Earnhardt that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the Physicians Liability Insurance renewal from Columbia Casualty in the amount of \$17,951.74 be approved. 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) FY15 year-end fund transfers as presented by the County Administrator are hereby approved. 2) This resolution shall take effect immediately.

From Fund	To Fund	Amount	Reason
General Fund	Vehicle	None	Annual Reserve Amount
General Fund	Secondary Roads	\$753,000	Property Tax Funding
General Fund	Electronic Equip	\$850,000	Property Tax Funding
General Fund	Capital	\$1,697,738	Property Tax Funding
General Fund	Capital	\$537,030	Conservation CIP projects
General Fund	Capital	\$3,610,000	Prior Year General Fund Assigned Balance
General Fund	Cons CIP	None	Unused Conservation CIP appropriations
General Fund	Cons Equipment	None	Unused Conservation Equip appropriations
General Fund	General Supplemental	\$5,125,102	Property tax funding
General Fund	Golf Course Enterprise	\$223,361	Conservation Fee Transfer
General Fund	Insurance Fund	\$150,000	Prior Year General Fund Assigned Balance
Rural Services	Secondary Roads	\$2,261,000	Property tax funding
Vehicle Fund	Capital	None	Vehicle purchases
Electronic Equip	Capital	\$850,000	Electronic equipment purchases
Capital	Cons CIP	\$28,451	Unused Conservation CIP funds
Cons Equip	General	\$58,667	Use of Conservation Equip funds
Recorder Mgmt Fees	General	\$20,000	To fund Recorder Record Mgmt authorized expenditures

Moved by Hancock, seconded by Earnhardt that the following resolution be approved. Chairman Sunderbruch stated that he would abstain from voting due to a conflict of interest. Moved by Earnhardt, seconded by Hancock a motion for a Roll Call vote. Hancock, Holst, Earnhardt and Kinzer voting Aye, with Sunderbruch abstaining.

A Resolution authorizing the execution of a Memorandum of Agreement with Christian Retirement Homes, Inc. d/b/a Ridgecrest Village and fixing a date for a

hearing on the proposed issuance of revenue bonds or notes (Ridgecrest Village Project).

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), 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) (the "Series 1993-A Bonds"), (b) finance improvements, equipment and other capital items for the Borrower's facilities located at 4130 Northwest Boulevard, Davenport, Iowa (the "Facility"), (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 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, if 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, interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, before the Bonds may be issued, it is necessary to conduct a public hearing on the proposal to issue the Bonds, all as required and provided for by Section 419.9 of the Act and Section 147(f) of the Internal Revenue Code; and

WHEREAS, a Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto, has been presented to the Issuer which sets forth certain mutual undertakings and agreements between the Issuer and the Borrower, relating to the further processing of said Bonds;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the Issuer, as follows: 1) The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Chairperson is hereby authorized to execute said Memorandum of Agreement and the County Auditor is

hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto. 2) Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement. 3) This Board shall meet on the 19th day of November, 2015, at the Scott County Administrative Center, Davenport, Iowa, at 5:00 o'clock p.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Bonds referred to in the preamble hereof. 4) The County Administrator or her designee is hereby directed to give notice of intention to issue the Bonds, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form: 5) All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. Passed and approved October 22, 2015.

EXHIBIT A MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is between the County of Scott, Iowa, (the "Issuer") and Christian Retirement Homes, Inc. d/b/a Ridgecrest Village (the "Borrower") on this 22nd day of October, 2015 (the "Dated Date").

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The Issuer is authorized by Chapter 419 of the Code of Iowa, as amended (the "Act") to issue revenue bonds 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 issued pursuant to the Act; and

(b) The Borrower wishes to obtain satisfactory assurance from the Issuer that, subject to the public hearing required by the Act and Section 147(f) of Code and the terms of this Agreement, the Bonds (as defined herein) will be issued by the Issuer in a principal amount sufficient to loan said amount to 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 its \$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 (the "Facility"), (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.

2. Undertakings on the Part of the Issuer.

(a) The Issuer will begin the proceedings necessary to authorize the issuance of such bonds, in an aggregate principal amount not to exceed \$3,000,000 (the "Bonds").

(b) Subject to due compliance with all requirements of law and the terms of this Agreement, including the provisions of and the public hearing required by the Act, it will cooperate with the Borrower in the issuance and sale of such Bonds, and the proceeds from the issuance of such Bonds shall be loaned to the Borrower upon terms sufficient to pay the principal of and interest and redemption premium, if any, on such Bonds, as and when the same shall become due.

(c) The Issuer shall determine when, in what amount, and if the Bonds may be issued without causing the Issuer to lose its qualification as a "qualified small issuer" within the meaning of Section 265(b)(3)(C) of the Code.

3. Undertakings on the Part of the Borrower.

(a) It will use all reasonable efforts to cooperate with the Issuer and comply with the Act and all other provisions of law relating to the refunding of the Prior Bonds and the sale of such Bonds.

(b) It will enter into a Loan Agreement with the Issuer under the terms of which the Borrower will obligate itself to pay to the Issuer sums sufficient to pay the principal of and interest and redemption premium, if any, on such Bonds as and when the same shall become due and payable.

4. General Provisions.

(a) All commitments on the part of the Issuer and the Borrower herein are subject to the condition that on or before one year from the date hereof (or such other date as shall be mutually agreed to) the Issuer and the Borrower shall have agreed to mutually acceptable terms relating to the issuance and sale of such Bonds, and mutually acceptable terms and conditions of the documents referred to in paragraph 3 and the proceedings referred to in paragraphs 2 and 3 hereof.

(b) Whether or not the events set forth in part (a) of this paragraph take place or take place within the time set forth or any extension thereof, the Borrower agrees (i) to pay all applicable deposits and review fees required by the Issuer at the times and in the amounts requested and (ii) to reimburse the Issuer for all reasonable and necessary direct out-of-pocket expenses which the Issuer may incur, including but not limited to, legal fees, administrative costs, printing and publication costs and filing fees arising from the execution of this Agreement and the performance, or preparation to perform by the Issuer of its obligations hereunder, or done at the request of the Borrower.

(c) All commitments of the Issuer hereunder are further subject to the conditions that the Issuer shall in no event incur any liability for any act or omission hereunder, and that such Bonds described herein shall not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

The execution of this Memorandum of Agreement by the Issuer is not intended to nor does it create a binding commitment on the part of the Issuer to proceed with the issuance of the Bonds. It is further understood that the issuance of the Bonds

is subject to further review by the Board of Supervisors of the Issuer and compliance with all provisions of the Act and the Code, including the holding of a public hearing with respect thereto.

(d) Preparation of all resolutions, agreements, instruments, certificates or other documents in final form for adoption and execution shall be the sole responsibility of Bond Counsel.

(e) Counsel for the Issuer, if requested by the Borrower or Bond Counsel, shall timely certify the non-existence of threatened litigation, pending litigation or claims with respect to the proposed Bond issue. All other attorneys' opinions or certificates with respect to issuing authority, non-arbitrage, regularity of proceedings, or otherwise shall be the responsibility of Borrower Counsel or Bond Counsel.

(f) In the event Sections 145 and 146 of the Code, restrict the aggregate principal amount of Bonds for Tax-Exempt Organizations which the Issuer may issue in any calendar year, the Issuer may, in its discretion, rescind its commitments under Paragraph 2 hereof, without liability on the part of the Issuer.

(g) All commitments of the Issuer hereunder are further subject to the condition that the Bonds will only be issued if the Issuer determines that such issuance will not cause the Issuer to lose its qualification as a "qualified small issuer" within the meaning of Section 265(b)(3)(c) of the Internal Revenue Code in any year.

Moved by Hancock, seconded by Kinzer that the following resolution be approved. Four Ayes, with Holst voting Nay.

BE IT RESOLVED: 1) That the Urban County Coalition 2016 Legislative Issues and Priorities is hereby approved. 2) This resolution shall take effect immediately.

Moved by Hancock, 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 272103 through 272393 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,014,450.52. 2) This resolution shall take effect immediately.

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

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

ATTEST: Roxanna Moritz
Scott County Auditor