

Scott County Board of Supervisors
July 27, 2017 5:00 p.m.

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

Moved by Knobbe, seconded by Kinzer approval of the minutes of the July 13, 2017 Regular Board Meeting and the minutes of the July 25, 2017 Committee of the Whole Meeting (including Closed Session). All Ayes.

Moved by Beck, seconded by Holst a motion to open a public hearing relative to the reclassification of Class "B" road to Class "C" road on a section of 260th Avenue. All Ayes.

No one from the public spoke.

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.

BE IT RESOLVED: 1) That Scott County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier. After consultation with the County Engineer, the County has the authority to specify certain roads within the County as Area Service "C" roads pursuant to Iowa Code Section 309.57 (1995) as amended by House File 419 (1996).

2) Scott County established an Ordinance to set up the procedures and policies to re-classify said roads.

3) The County has received a petition, attached to this Resolution, signed by all landowners adjoining the road, requesting that a portion of 260th Ave between 250th Street and 257th Street (approximately .75 mile) be classified as an Area Service "C".

4) That Scott County does hereby establish the road described as an Area Service "C" road, with restricted access and a minimal level of maintenance.

5) This resolution shall take effect immediately.

PETITION

CLASS "C" ROAD

The undersigned hereby petition the Board of Supervisors to establish the following described road as a Class "C" road. We understand that the road will then be gated by the county and only limited access allowed.

Description of road located on the line between sections 4 & 5 T79N, R5E, of 5th P.M. the center line of which is described as follows:

Commencing at a stone at the S.W. corner of section 4 T79N, R5E, of the 5th P.M. running thence northerly to a point 33 feet west of the SW corner of the NW 1/4 of section 4 T79N R5E, of the 5th P.M., thence continuing northerly to a point in the center line of the Argo-Princeton road which said point is 1479.5 feet north of the SW corner of NW 1/4 of section 4-79-5 measured on section line and is 21.6 feet northwesterly from the west line of the NW 1/4 of section 4-79-5 measured on the center line of Argo-Princeton road, herein described road to be 66 feet wide from the SW corner of section 4-79-5 to a point 965 feet north of the SW corner of the NW 1/4 of section 4-79-5 and is 50 feet wide from the last mentioned point to the center line of the Argo- Princeton road.

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE</u> |
|------------------------------|----------------------------|--------------|
| Dan Schurr, Dan Schurr | 3009 Wisconsin St Leclair | 563-529-4865 |
| Nick Flanker, Nick Flanker | 25866 250th St Leclair | 563-370-3232 |
| Stephen Clark, Stephen Clark | 25981 25TH ST PRINCETON IA | 563 289-5411 |
| LEE HASEBROCK | 26020 25TH ST PRINCETON IA | (402)850-372 |
| Edna Kolcher | 26208 250th St Leclair | 289-5558 |
| MICHAEL L. AULIER | 24666 25TH ST PRINCETON IA | 563-289-4952 |

Moved by Beck, seconded by Holst the second and final reading of an ordinance to amend the zoning map by rezoning approximately 3.93 acres in Section 6, Butler Township from Neighborhood Commercial (C-1) to Commercial-Light Industrial (C-2). Roll Call: All Ayes.

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 3.93 ACRES IN SECTION 6, BUTLER TOWNSHIP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO COMMERCIAL-LIGHT INDUSTRIAL (C-2), 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 Neighborhood Commercial (C-1) to

Commercial-Light Industrial (C-2) to-wit: Part of the Southeast Quarter of the Northeast Quarter of Section 6, in Township 80 North, Range 4 East of the 5th P.M., more particularly described as follows: Commencing at the SW corner of the SE ¼ of the NE ¼ of said Section 6; thence N. 89° 53'44" E. a distance of 562.56 feet; thence N. 00°06'16" W. a distance of 340 feet to a point of intersection on the S. line of real estate reserved by Rudolph Litscher and Grace M. Litscher, husband and wife, in a Real Estate Contract dated September 17, 1982, and recorded as Document No. 12355-82 in the office of the Recorder for Scott County, Iowa; thence S. 89°45'50" W. along said line a distance of 104.80 feet; thence N. 74°10'35" W. a distance of 270.24 feet; thence S. 89°45'50" W. a distance of 133.58 feet to a point on the easterly right of way line of U.S. Highway #61; thence S. along the easterly right of way line of said U.S. Highway #61 to the S. Line of the S. line of the SE Quarter of the NE Quarter of said Section 6. Subject to easements of record, including easements for ingress and egress, and easement for drainage granted to the Public by Easement dated September 17, 1982, recorded as Document No. 12354-82 in the office of Recorder for Scott County, Iowa.

Section 2. This ordinance changing the above described land to Commercial-Light Industrial is approved as recommended by the Planning and Zoning Commission with the following conditions: Any new lighting fixtures shall be confined to the west side of the principal building and shall be directed away from any nearby residences; All outdoor activities shall cease by 10:00 P.M.; No bands or other musical entertainment shall play outdoors; No camping shall take place on the property; And all easements of record for ingress and egress shall remain unobstructed by parked vehicles.

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 Holst that the following resolution be approved. Supervisor Kinzer told the Board that at the June Committee of the Whole the Board delayed discussion and at the July Watershed Meeting, the agreement was approved. He urged the Board to approve the agreement. Supervisor Holst spoke in opposition of the resolution and asked that the following statement be included in the minutes. "I support the effort. It is the creation of a new government body to whom the voter cannot give consent I oppose. I would like a structure where the elected Soil and Conservation Commissioners and the Board of Supervisors are responsible for the

development of the Watershed Plan. And, with no long term funding mechanism defined, I don't want this to become an unfunded mandate". Four Ayes, with Holst voting Nay.

BE IT RESOLVED: 1) Scott County proposes to enter into an Agreement that would establish a Watershed Management Authority within the Lower Cedar Watershed (Hydrologic Unit Code #07080206) to enable cooperation in watershed planning and improvements pursuant to Iowa Code Chapter 466B.23. 2) Chapter 28E of the Code of Iowa provides the authority for public agencies to enter into agreements for their mutual advantage. 3) In 2010, Iowa lawmakers passed legislation authorizing the creation of Watershed Management Authorities. 4) A Watershed Management Authority (WMA) is a mechanism for cities, counties, Soil and Water Conservation Districts (SWCDs) and stakeholders to cooperatively engage in watershed planning and management. 5) This Agreement is made and entered into by the eligible political subdivisions within the Lower Cedar Watershed that adopt these Articles of Agreement. 6) The Scott County Board of Supervisors approves the Articles of Agreement for the Lower Cedar Watershed Management Authority, a copy of which is attached hereto and incorporated herein by this reference. 7) The Chairman of the Scott County Board of Supervisors is hereby authorized to sign this agreement and file a copy of this Resolution and Agreement with the Secretary of State, as required by Chapter 28E, Iowa Code. 8) 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 bids for the Administrative Center fourth floor carpet replacement project are hereby approved and awarded to Paragon Commercial Interiors in the amount of \$77,011.48. 2) This resolution shall take effect immediately.

Moved by Beck, seconded by Holst that the following resolution be approved. Supervisor Holst spoke in opposition of the resolution and asked that the following statement be included in the minutes. "We received a lower price to our Request for Service". Supervisor Beck spoke in opposition of the resolution and asked that the following statement be included in the minutes. "Scott County needs to develop a purchasing policy for procurement of professional services so there is consistency in the selection criteria". Three Ayes, with Beck and Holst voting Nay.

BE IT RESOLVED: 1) That the proposal for the second floor Clerk of Court the project design services from Wold Architects and Engineers is hereby approved and awarded in the amount of \$23,000.00. 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 Beck, seconded by Holst that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) That the proposal for the Tremont space repurpose project design services from Walker Coen Lorentzen Architects and Engineers is hereby approved and awarded in the amount of \$29,000.00. 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 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 City of Davenport has requested a revision of the abatement of suspended taxes and special assessments from 1992 through 2017 for Parcel G0034-25 to the amount of \$11,065.64. 3) The County Treasurer is hereby directed to strike the amount of property taxes due on this City of Davenport parcel in accordance with Iowa Code Section 445.63. 4) This resolution shall take effect immediately.

Moved by Knobbe, seconded by Kinzer that the following resolution be approved. Supervisor Holst spoke in opposition of the resolution and asked that the following statement be included in the minutes. "Our County's debt grows with offering grants and then requires us to comply with regulations that stand in the way of the growth needed to pay back the debt. I prefer to see the program prioritized, and if justified, placed in our local budget". Four Ayes, with Holst voting Nay.

BE IT RESOLVED: 1) That the Violence Against Women grant contract with the Crime Victim Assistance Division of the Iowa Department of Justice and the Sheriff's Office is hereby approved as presented in the amount of \$59,848. 2) That the chairman is hereby authorized to sign said contract. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the RACOM service support contract with the Sheriff's Office is hereby approved as presented in the amount of \$18,640.32. 2) That Sheriff Lane is hereby authorized to sign said contract. 3) 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 CommVault backup software maintenance and support from CDWG in the amount of \$15,328.04 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Knobbe, seconded by Kinzer a motion approving a beer/liquor license renewal and a new outdoor service beer/liquor license for Wapsi Willys. 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 285143 through 285440 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,232,610.00. 2) This resolution shall take effect immediately.

Moved by Kinzer, seconded by Knobbe at 5:25 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