

Scott County Board of Supervisors  
July 24, 2018 8:00 a.m.

The Board of Supervisors met as a committee of the whole and pursuant to adjournment with Earnhardt, Knobbe, Beck, Kinzer and Holst present.

Jon Burgstrum, County Engineer, reviewed the third and final reading to amend Chapter 13 to place stop signs in Park View around Neil Armstrong Elementary School. He said the new signs have been ordered and hope to be in place by the time school starts.

Burgstrum reviewed HMA resurfacing projects L-920--73-82 on 190<sup>th</sup> Avenue from 270<sup>th</sup> Street south 1.02 miles and L-819--73-82 on 270<sup>th</sup> Street from 210<sup>th</sup> Avenue east to 220<sup>th</sup> Avenue and on 220<sup>th</sup> Avenue from 270<sup>th</sup> Street north approximately 0.41 miles. He said both projects were let tied together under one proposal on June 29, 2018 and the low bid was from Valley Construction for \$755,593.18.

Supervisor Holst asked what the lift will be on these projects.

Burgstrum said it would be two, 1.5 inch lifts.

Auditor Moritz introduced David Chester, new employee in the Auditor's Office.

Barbara Pardie, Fleet Manager, reviewed the bids to purchase a mid-size SUV for Facility and Support Services (FSS). She said FFS is in need of a replacement vehicle that can hold more passengers than the current 2010 Prius. She said the low state bid for the motor pool vehicle plus manuals is \$26,918.00 from Stivers Ford.

Supervisor Kinzer commented that Ford Explorers are made in Chicago.

Pardie also reviewed the bids to purchase two small size sedans for the Health Department to replace two 2010 Honda Insights. She said the low state bid for the vehicles plus manuals is \$33,264.00 from Dewey Ford. She said the two current vehicles have been in for maintenance quite a bit already and are in need of new batteries costing \$2,500 each.

Holst asked how many vehicles are in the Health Department fleet.

Pardie said she would get back to the Board on that number.

Kinzer asked how it was decided on the Ford Fusion.

Pardie said the bid went out for small sedans and the Fusion was the model that came back in the bids.

Kinzer said the Ford Fusion is made in Mexico.

Tim Huey, Planning and Development Director, reviewed the Final Plat of a 31-lot subdivision of a 29-acre tract in Butler Township submitted by Valley Construction near Park View. He said the preliminary plat was approved in 2017. He said it has been zoned residential since 1981 or earlier and includes four cul-de-sacs and lots ranging in size from 80,000 to 30,000 square feet. He described the area referring to the plat map. He said that ten lots will have frontage on two roads, three lots will have frontage on three roads, and setback requirements will reduce the area of the building envelope. The Planning and Zoning Commission (Commission) required a covenant for these lots for the size of the building to fit within the building envelope to make clear that the setback conditions are not a hardship and therefore not subject to possible variance. He said that the lots will be connected to Park View sewer and water. He described the road set back and utility easements. He said storm water management was designed to detain a 24 hour 100 year rain event with release of water set for a five year event. He said that neighbors had expressed concerns about storm water management during the preliminary plat review, but that no neighbor expressed concerns during the final plat review.

Supervisor Beck asked where the detention structures were located on the plat map.

Jim Haas of the applicant Valley View Farms Development, LLC, indicated on the map where the structures were located. Huey said that maintenance of the structures will be the responsibility of the homeowners association.

Huey said all the requirements of the preliminary plat had been met, including connection to the Park View sewer and water system and approval by the City of Long Grove. He said that the Secondary Roads Department had approved the street plan and the amount of the bond to insure construction. He said the one outstanding issue is road maintenance. He recommended that if the Board decides not to accept the streets into the county road system that the resolution include a provision for the home owners association to maintain the streets.

Haas reviewed his group's history with the property. It has been zoned R1 for years. He said the developers are dealing with three jurisdictions, Scott County, Park View and the City of Long Grove. He said this property will have at least 30,000 foot lots and Park View has agreed to connect the subdivision to the Park View sewer and water system. He said the Preliminary Plat was approved by the Commission and Scott County Board last year. He said the main issue is road maintenance and reviewed the subdivision ordinance chapters. He said the current ordinance is a systematic process for approval and that various provisions of the subdivision ordinance require the county to accept the roads once all those provisions are met. He said that the developer has relied on the ordinance. He said there is an inconsistent application of the ordinance and cited various subdivisions in which the county accepted the roads into the county system. Also, he referred to a 2008 moratorium on new subdivisions during which the subdivision ordinance was revised, and that the opportunity to address this issue existed at that time but the ordinance was not revised. He referred to an Iowa State University report which stated that failure to meet county roads standards was the

reason roads were not accepted by counties and that the streets in question meet county standards. He said that he contacted officials in several Iowa counties including Johnson, Clinton and Polk Counties which accept roads for maintenance, and that Dubuque County makes it clear in that county's policy it will not take such roads. He said a decision to not take the roads would be unfair and inequitable.

Huey clarified the situation regarding the 2008 moratorium and said it occurred when the County adopted a new Comprehensive Plan after a two year process. The Commission and the Board of Supervisors decided on a six month moratorium on new applications to review the new rules and implement any changes.

Kinzer said Burgstrum was very adamant a year ago that he would recommend to not take the roads. He also asked Rob Cusack, Assistant County Attorney, if the Board has authority to either accept or not accept the roads.

Cusack said his opinion is that the Board has the authority to accept or not accept and disagrees with the default position that the ordinance says the Board will accept. He said the authority to approve implies the authority to not approve.

Holst said she was quite clear when this went before the Commission for preliminary plat approval that there should be a stipulation that the roads would be picked up by the homeowners association and that at some point the stipulation was taken out. She said that she wanted that put back in but she didn't press the issue understanding that this would be decided with the final plat.

Beck thanked Haas for laying his information. He said the Board needs to change the ordinance so that the county can move forward in not accepting any new roads and this is the point in time to make the decision. He agreed that it should be consistent and that the wording says will recommend and does not say will accept. He suggested that the Board take the County Engineer's recommendation on the final plats to not accept the roads and direct staff to clean up the ordinances to make them clear.

Holst asked Burgstrum or Huey if there is a mid-range road standard, something less than the standard for county roads, such as not requiring curbs and drainage, as the County moves forward with possible ordinance changes.

Burgstrum said the current subdivision ordinance includes the standard the roads must be built to, but does not say then they will be accepted by the County. He said that the standards are a protection for home owners to insure they have good roads. He said there are some roads developed before the standard was adopted which are bad roads.

Huey said the subdivision ordinance incorporated the State Urban Design Standards when it was adopted. He said that Davenport, Bettendorf and other jurisdictions have adopted these standards which creates a level playing field for development. He said developers can apply for a variance from the road standards for private roads.

Haas said that the subdivision ordinance states that when all requirements are met the roads will be recommended to the Engineer and Board for acceptance to the County road system. He also said that last year when the preliminary plat was approved Kinzer stated that this was a preliminary plat in regards to the maintenance of the roads and that he hoped the developer will work with the neighbors regarding drainage issues. He said that he believed the taxes generated from the development of these lots would pay for the costs of maintaining the roads. He said the developers feel if they are turned down that they are not being treated fairly and that a decision to not accept the roads could be appealed in district court.

Kinzer clarified that his comment last year was in regards to drainage issues when constructing the roads. He said it was discussed a year ago to not accept the roads and that he was not in favor of taking over subdivision roads.

Earnhardt agreed with Kinzer and Beck, that last year the County Engineer recommended not taking the roads and that the County is not in the business of providing city services and does not recommend accepting the roads.

Knobbe said it is about the money and that the low tax rate is a big attraction to build out in the County. He compared the tax rate in the County to the tax rate in the cities. He cited the various services which the County provides for all citizens, such as health services, sheriff protection and conducting elections. He said the higher taxes in the cities help pay for road maintenance in the cities. He said there is not money to maintain all roads in the county.

Caroline Ruhl, applicant, said that housing inventory is at a 19 year low. She said that to grow, the area desperately needs more housing inventory to bring more people to the area who will pay more taxes. She said the County needs to be more development and builder friendly. She said that these new homes will be in the \$400,000 price range and taxes generated from these homes would more than pay for road maintenance costs.

Beck said he does not think this is an anti-growth policy. He said the maintenance of the roads goes to the home owners association and is absorbed by the person buying the house. He cited farmers who may have quarter mile long drives who pay the same levy rate but do not have the County plow their drives. He said the ordinance is not as clear as it should be and will be changed.

Huey reviewed the Final Plat of Venwoods Estates 4th Addition, a proposed six lot residential subdivision in Pleasant Valley Township submitted by Pete Stopulos. He said the property is within two miles of the Bettendorf city limits, the lots would be served by Iowa-American Water Company and meet the City of Bettendorf minimum lot size and sidewalks requirements. He reviewed the plat map. He said storm water drainage and detention was designed into previous Venwoods developments and are adequate to meet storm water requirements.

Jens Baker, Venwoods representative, said he lives on the original portion of Venwoods where the roads are maintained by the County. He said he has the same opinion about the ordinance regarding maintaining roads as the Valley View Farms representatives. He said he was told that the addition is just a continuance of the current roads that are County maintained. He said that it seemed that the County was not moving the goal post but taking the goal posts away. He said the roads exceed County standards and that the six homes will be will be high end and bring in enough tax dollars to overcome the cost of maintaining lane.

Kinzer asked Baker who had told him that the roads would be accepted by the county.

Baker said that many people told him the road would be accept by the County and the first time he heard that the road may not be accepted was when he met with the County Engineer.

Beck recalled that in 2017 during the preliminary plat approval the issue of not accepting the roads was made clear.

Holst asked Baker to have the developer's engineer speak with the Taylor family, neighbors to the development, regarding a concern they have with storm water detention pond.

Baker said that there has been no change in the storm water design. He said there have been discussions with the Taylors in the past and that capacity has not changed.

Huey said that he believed that there was a typographical error in a previous report regarding 10.2 and 12.0 acres and a letter recognizing and correcting the error should suffice.

Baker said that such a letter would be forthcoming.

Sarah Bartholomew, part owner of the neighboring property, addressed the Board about the typographical error and home owner association maintenance of the road.

Huey reviewed funding for the Partners of Scott County Watersheds. He described the history and objectives of the Partners. He said Supervisor Kinzer and himself are appointed County representatives. He said the FY19 County budget includes a \$5,000 contribution to the Partners of Scott County Watersheds and that the County provides up to \$25,000 of matching funds for Natural Resources Conservation Service grants for rural or agricultural soil conservation projects. He said the Partners have a coordinator position which pays at about an entry level position. He said because the pay is so low it is difficult to attract and keep a coordinator.

Amy Kay, Partners chair, said the Partners' coordinator resigned a few months ago and this would be a good time to revamp the position. She said that typically coordinators leave the position after about two years of service. She said the funding hasn't gone up

in about ten years, and the Partners received a proposal from Eastern Iowa Community College (EICC) to absorb the coordinator position. She said that EICC has many additional resources which could assist the Partners. She asked the Board to consider increased funding for FY20. She said Davenport has agreed to increase funding and Bettendorf is now considering an increase. She said the Partners need to raise at least \$8,000 more than their current budget in order to take advantage of the EICC offer.

Earnhardt asked if this request would be for FY20 and what the salary is for the coordinator position.

Kay said that the increase would be for FY20 and the salary is \$34,000 and the position does not include benefits.

Beck said that there are two issues, whether to increase the County contribution and whether the funding would go to Soil and Water Conservation or to the Partners.

Jerry Mohr said the Partners currently are housed in the Soil and Water Conservation building and could be moved. He said County funding goes to the Partners, not the Soil and Water Conservation District.

Holst asked who would be the member of the Cedar River Watershed Authority, the EICC or the Partners.

Kay said the Partners would remain the member. She said that under the proposal with EICC the position pay would be split evenly between EICC and the Partners but that the position would cover Partners activities 60 percent of the time and 40 percent for EICC activities. She said a professional services agreement would be drafted between EICC and the Partners and available for public review.

Kinzer asked who raised the possible partnership with EICC.

Huey said that EICC is a member of the Partners and had made the offer as a member.

Holst said that she appreciated that the Partners are a grassroots groups and wanted to ensure that EICC did not have undue influence over the work of the Partners.

Beck asked how much Davenport and Bettendorf would increase funding.

Kay said that Davenport would increase to \$10,000 with Bettendorf still under consideration. She said that Eldridge contributes \$2,000.

Roxanna Moritz, Auditor, reviewed changing out e-poll books. She said there is a possibility of upcoming special elections and that the Auditor's office has election training coming up. She said new printers may be needed in the near future.

Matt Hirst, IT Director, said that e-poll books are sole sourced through Precinct Atlas and prescribed by the Secretary of State. Precinct Atlas conducted competitive bidding.

Beck asked how many poll books are at each location.

Moritz said the number needed is calculated based on voter turnout and the same day registration volume in general elections at each of the polling locations.

Park View Water and Sanitary District Board representatives Myron Schiebe and Joe McKeown reviewed a request to change the number of trustees from three to five members. Schiebe said state law allowed for the change and that the Board of Supervisor needed to authorize the change.

Huey reviewed the possibility of Scott County making multi-family rental inspections. He said the proposal was brought forward by residents of Park View. He said the current housing code gives the ability to condemn dangerous substandard structures. He said this could be tailored to apply to Park View multi-family rentals. The proposal would require owners to register their units, pay a \$25 license fee every three years, conduct background checks on new tenant applicants and submit proof of checks. The code also requires leases with each tenant. Huey said inspections would be performed on a complaint only basis, and that he would have to see how much of a burden the new inspections would cause to the Planning and Development Department.

Holst asked if the Department would make inspections based on a complaint by a tenant or also by a complaint from someone in the community.

Huey said complaints could be from a tenant or a landlord.

Holst asked about the ability to do special assessments of Park View residents to pay for inspections.

Mary Thee, Assistant County Administrator, said that would be an issue for the Attorney's office to offer an opinion.

Beck asked if the cost of making an inspection would be charged back to the owner.

Huey said no unless there is a correction required and then the owner may have to apply for a building permit.

Beck asked if the code would handle non-tenants moving in with a current tenant.

Huey said dealing with that situation would be at the Department's discretion. He did not see how the Department would deal with rental agreement violations such as non-tenants moving in with a tenant.

Kinzer asked if background checks are legal.

Mahesh Sharma, County Administrator, said the tenants have to give consent to the background check.

Kinzer asked if something happens in the three year period, could the permit be revoked.

Huey said the permits could be revoked and it was up to the Board to decide the duration of the permits.

Huey updated the Board on a recent meeting in Park View with the Association and Representative Norlin Mommsen regarding zoning ordinance amendments requested by the Park View Homeowners Association. He said the Association presented him with a list of things they would like the zoning ordinance to address. He said the list included requiring yard lights, especially in the multifamily areas, eliminate junk vehicles visible on lots, no farm animals, limits on the number of pets, prohibition of weeds, junk and debris, require home owner association approval of building permits for new housing, room additions and pools, and restrictions on home businesses. He sent the Association an application. He said if the Association or anybody else submits an application, it will go to the Planning and Zoning Commission and then to the Board of Supervisors for approval.

Holst asked about street lights.

Huey said there are no street light, but residents have yard lights and suggested the owners talk to MidAmerican Energy about their programs and put yard lights in the multifamily section.

Earnhardt said Representative Mommsen said Tim did a great job and was very helpful.

Tammy Speidel, Facility and Support Services Director, discussed the audio/visual recording of the Board of Supervisors meetings. She said she met recently with Supervisor Beck and wanted to give the entire Board an update and share some of the history of the product reviews from 2016. She said a committee reviewed three products in 2016 but did not have budgeted dollars at that time. She said recently they had Communications Engineering Company, a local firm, review the County's needs for the audio and video portions. She said there are challenges for doing audio only. They provided three quotes. One was for video, one for audio and one quote was for projector replacement for an \$80,667 total, \$49,200 for audio recording, \$17,700 for video and \$13,700 to replace the electronics. The budget is for \$50,000. This would be going out to bid through public purchasing. She also said the Board would want to manage the meetings and tab through the recordings to items with meeting management software. She thinks the project would be a March, 2019 installation.

Beck mentioned the option to record training sessions.



Speidel said yes this could be a way to record mandatory training sessions, such as violence in the workplace, to be used internally at a later and more convenient time.

Beck noted that there could be negative aspects to video recording being

Earnhardt asked how many hits has the website gotten with the expanded minutes.

Matt Hirst, IT Director, said he would provide numbers to the Board.

Speidel said that Bettendorf officials believed that most reference to their meetings came from internal sources. She also said that special care would need to be taken to make clear who is speaking with an audio only module.

Holst said when they tabled this in 2016, it was a module in ECM.

Hirst said it was a module and is comparable to the other service reviewed in 2016. He said the products now are subscription based with the provider offering storage in the cloud.

Speidel raised the point that Board meetings do not always take place in the Board Room and other rooms may need to be added for equipment installation.

Beck asked about the current timeline.

Hirst said they could meet in a couple of weeks to review RFP requirements, issue the RFP in late September and give the vendors one month to respond. He thought a November time frame would be mildly aggressive.

Farmer said they would amend the current budget if needed.

Hirst said using video is a good way to identify who is speaking.

Earnhardt said that she would prefer to post recordings on the County website and not on YouTube.

Holst asked about audio to text software.

Cathy Voelkers, Official Records Clerk, said the software does not currently work.

Beck observed that voice translators do not work very well.

Holst asked if anyone can ask for a copy of the audio made by the Auditor's Office.

Roland Caldwell, Operations Manager, said that someone requesting a copy would need to provide their own medium for holding the recording, but the recording is publically available.

Kinzer thanked Speidel and Hirst for presenting and giving the pros and cons on the project and wants them to report back to the Board with updates.

Mary Thee, Human Resources Director, reviewed the hiring of Shane Mhoon for the position of part-time Custodial Worker in Facilities & Support Services at the entry level rate, the hiring of Payton Carpio for the position of Maintenance General Laborer in Facilities & Support Services at the entry level rate and the hiring of Sheryl Fanning for the position of Cook in the Sheriff's Office at the entry level rate.

Holst asked if the FSS position was specific to cleaning Waste Commission facilities.

Speidel said it is related to that position, but right now FSS is short staffed and part-time staff has been reporting to the Waste facilities. She said the County will rotate staff to the Waste Commission facilities about every 6 months.

Holst asked about the North Scott Press article regarding the increase of cleaning time at the Waste facilities.

Speidel said yes, the Commission had requested an increase in their cleaning hours.

Holst asked is Beck would share when the next Waste Commission meeting would be.

Moved by Earnhardt, seconded by Beck at 11:20 a.m. a motion to adjourn. All Ayes.

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

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ATTEST: Roxanna Moritz  
Scott County Auditor