

Scott County Board of Supervisors
July 6, 2023 5:20 p.m.

The Board of Supervisors met pursuant to adjournment with Paustian, Rawson, Beck, Dickson and Maxwell present. The Board recited the Pledge of Allegiance.

Moved by Paustian, seconded by Rawson a motion approving the minutes of the June 20, 2023 Committee of the Whole and the June 22, 2023 Board Meeting. Roll Call: All Ayes.

Moved by Paustian, seconded by Rawson a motion to open a Public Hearing for First Reading for the amendment to the Scott County Ordinance to Amend Chapter 6 - Zoning for Unincorporated Areas, Section 6-4 Farm Exceptions and Section 6-5 Definitions, and add new Section 6-6 "W" - Hazardous Liquid Pipelines. Roll Call: All Ayes.

Mary Lou Engler, of Eldridge, thanked the board for the 1600-foot restriction and would like to see more safety guidelines.

Courtney Johnson thanked the board for the 1600-foot setback and believes that is a great start.

Molly Regan, of Bettendorf, asked the board to email her the Ordinance so she could read it.

Moved by Paustian, seconded by Rawson a motion to close the Public Hearing. Roll Call: All Ayes.

Moved by Paustian, seconded by Rawson that the following four consent agenda items be approved. Roll Call: All Ayes.

BE IT RESOLVED: 1) As the local governing body responsible for the approval of annexations within the County, the Scott County Board of Supervisors has on this 6th day of July, 2023, considered the annexation of parcel number 921521010 to the City of Maysville, Iowa, part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15 in Hickory Grove Township of Scott County, Iowa. 2) The Board of Supervisors waives the requirement for a consultation meeting between the City, County and Township to discuss the annexation. 3) The Board of Supervisors does hereby support the annexation of said parcel to the City of Maysville, Iowa. 4) That this resolution shall take effect immediately. (140-2023)

BE IT RESOLVED: 1) As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 6th day of July, 2023, considered the final plat of Olathea Overlook. Said plat is a subdivision in Lot 4 of the Amended Final Plat of Great River Hills, an addition to Scott County, Iowa, being part of the SW $\frac{1}{4}$ of the fractional Section 14 and part of the SE $\frac{1}{4}$ of Section 15, all in LeClaire Township of Scott County, Iowa, and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve the final plat of said subdivision. 2) The Board of Supervisors does not approve the dedication of the roads

within this subdivision to Scott County nor accept such roads on Scott County's Secondary Road System 3) The Homeowners Association shall be responsible for maintenance of the subdivision private road and the Restrictive Covenants filed with this Final Plat shall include legal provisions for the Homeowners Association to be responsible for the private road, storm water drainage system and all common areas. 4) The Board Chairman is authorized to sign the Certificate of Approval on behalf of the Board of Supervisors and the County Auditor to attest to his signature. 5) That this resolution shall take effect immediately. (141-2023)

BE IT RESOLVED: 1) The hiring of Kristen McCutcheon for the position of GIS Parcel Technician with the Auditor's Office at entry level rate. 2) The hiring of Graham Vanderpool for the position of Grounds Maintenance Worker with the FSS Department at entry level rate. (142-2023)

BE IT RESOLVED: 1) The Scott County Board of Supervisors approves for payment all warrants numbered 325499 through 325761 as submitted and prepared for payment by the County Auditor, in the total amount of \$2,047,494.25. 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 \$148,494.22. 3) That this resolution shall take effect immediately. (143-2023)

Moved by Maxwell, seconded by Dickson a Motion to approve the first of three readings to Amend portions of Chapter 6 of the Scott County Code of Ordinances. Amend Sections 6-4 Farm Exceptions and Section 6-5 Definitions and add new Section 6-6 "W" - Hazardous Liquid Pipelines. Roll Call: All Ayes.

AN ORDINANCE TO AMEND PORTIONS OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY TO CREATE REGULATIONS FOR HAZARDOUS LIQUID PIPELINES.

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

Section 1. Amend Section 6-4(B) FARM EXEMPTIONS of the Zoning Ordinance for Unincorporated Scott County by editing:

A special exemption applies to certain matters regulated by the Iowa Utility Board. The exemption from complying with the ordinance applies to public utilities and associated structures and equipment. Exempted public utilities are urged to comply voluntarily with the zoning requirements and Scott County Land Use Policies. This exemption does not include communications towers for telephone, cellular, and cable television companies, and other public and private towers as referenced in Section 6-9 D.(1) herein below.

Section 2. Amend Section 6-5 DEFINITIONS of the Zoning Ordinance for Unincorporated Scott County by editing:

Section 6-5(98) PIPELINE All parts of those physical facilities through which a gas or liquid moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

Section 6-5(101) PUBLIC UTILITY A public utility as defined in the Iowa Code Chapter 476.1 and municipally owned waterworks or wastewater facilities, waterworks having less than two thousand customers, joint water utilities established pursuant to Iowa Code Chapter 389, rural water districts incorporated and organized pursuant to Iowa Code Chapters 357A and 504, cooperative water associations incorporated and organized pursuant to Iowa Code Chapter 499, districts organized pursuant to Iowa Code Chapter 468, or a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person's own use.

Section 3. Amend the Zoning Ordinance for Unincorporated Scott County by adding a new Section 6-6 W as follows:

6-6. GENERAL REGULATIONS PROVISIONS

W. Hazardous Liquid Pipelines: Hazardous liquid pipelines are allowed in A-P and A-G districts, subject to the requirements of this section. These standards do not apply to existing pipelines.

1. Setbacks Required.
 - A. A setback of 1,600 feet shall be required from all dwellings, areas zoned R-1 (Single Family Residential), R-2 (Multi-Family Residential), CAD-R (Community Area Development Residential), CAD-PVC (Community Area Development Parkview Commercial), C-1 (Neighborhood Commercial), C-2 (Commercial and Light Industrial), I (Industrial), and I-F (Industrial Floating), retirement and nursing homes, family homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, human service facilities, campgrounds, day camps, cemeteries, stables, amphitheatres, shooting ranges, golf courses, stadiums, parks, houses of worship, auditoriums and structures containing a confined animal feeding operation large enough to be subject to the master matrix process.
 - B. A setback of 1,600 feet shall also be required from city boundaries and areas identified as "To Be Annexed" on the Future Land Use Map.
 - C. The setback shall be measured from the pipeline to the closest point of the building or property line, depending on the identified use type.
2. Emergency Plan. A copy of an emergency response or preparedness plan shall be submitted to assist with the County's emergency response planning. The plan may be a preliminary or draft version of an emergency response plan that would meet the requirements of the federal Pipeline and Hazardous Materials Safety Administration. The County will determine whether the

information in the plan is sufficient for the County to plan its own emergency response and may request additional information.

3. Authorizations Required. Any person proposing to construct a hazardous liquid pipeline shall obtain all required federal, state, and local permits and any private easements or other land use permissions prior to commencing construction and submit documentation of such authorizations with the permit application.
4. Petition for Reduced Setback. Any person proposing to construct a hazardous liquid pipeline can apply to the Scott County Zoning Board of Adjustment for a special use to allow a hazardous liquid pipeline with a reduced setback from that required in Section 6-6 W(1)A. The application should include a detailed third party report prepared by a qualified professional engineer that includes plume modeling and other relevant information on why the required setback is excessive and how the proposed reduced setback will be safe.

Section 4. Amend the Zoning Ordinance for Unincorporated Scott County by editing Section 6-9 B(5) as follows:

Public utilities and gas/commodity pipe lines and associated structures and equipment, including substations and hazardous liquid pipelines which shall meet the standards of Sec 6.6 W, which includes required setbacks and other requirements. All structures of the utilities which exceed 35 feet shall be located where disruption of agricultural, residential or commercial activity is minimized. The base of towers shall be located at least the distance of the height of the tower from any existing, and adjacent neighboring structure(s).

Section 5. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 6. 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 7. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Moved by Dickson, seconded by Maxwell that the following resolution (144-2023) be approved. Roll Call: Four Ayes with Paustian voting Nay.

Chairman Beck stressed that the amount being approved with this resolution for ARPA funding is \$100,000.

BE IT RESOLVED: 1) Scott County is in receipt of Coronavirus State and Local Fiscal Recovery Fund as added by the American Rescue Plan Act. 2) The County hereby agrees to the terms and conditions within the grant agreement(s) between Scott County and the QC Convention and Visitors Bureau. 3) The Director of Budget and Administrative Services is hereby authorized to execute said agreement on behalf of the Scott County Board of Supervisors. 4) This resolution shall take effect immediately.

County Administrator Mahesh Sharma spoke on less than six months for the MEDIC transition to a county department. He also reviewed there are candidates they plan to interview for the MEDIC Department Head at the end of July or early August. The Consultant hired for the transition will be at the July 27th Board meeting to give a final report. He also reminded the board that Strategic Planning meetings are coming up at the SECC building and gave an update on YJRC housing issues, including out of county housing.

Supervisor Beck spoke on a Bi-State meeting with a presentation on a cross country trail that would span from Washington D.C. to Washington state. He also reviewed an upcoming EMA meeting.

Supervisor Paustian reviewed an upcoming transportation meeting and upcoming windmill meeting in Durant.

Moved by Maxwell, seconded by Dickson at 5:40 p.m. a motion to adjourn. All Ayes.

Ken Beck, Chair of the Board
Scott County Board of Supervisors

ATTEST: Kerri Tompkins
Scott County Auditor

A video recording of the meeting is available on the Scott County website at:
<https://www.scottcountyiowa.gov/board/board-meetings>.