

Scott County Board of Supervisors
July 9, 2020 5:00 p.m.

The Board of Supervisors met pursuant to adjournment with Maxwell, Beck, Knobbe, Croken and Kinzer present. Due to social distancing concerns relating to COVID19, Supervisors and staff were spaced apart during the meeting with some staff participating via telephone. The Board recited the Pledge of Allegiance.

Moved by Beck, seconded by Maxwell a motion approving the minutes of the June 25, 2020 Regular Board Meeting. All Ayes.

Moved by Beck, seconded by Maxwell a motion to open a public hearing relative to a proposed road vacation for a portion of a platted alley located in the Southeast Quarter of Section 7, Township 78 North, Range 5 East. All Ayes.

No one from the public spoke.

Moved by Beck, seconded by Maxwell a motion to close the public hearing. All Ayes.

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

BE IT RESOLVED: 1) That the Board of Supervisors wants to offer their sincere appreciation to Lynn Gibson for her many years of dedicated service to Scott County. 2) That the Board of Supervisors extends their best wishes to Lynn and wishes her well in future endeavors. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the Board of Supervisors wants to offer their sincere appreciation to Clayton Lloyd for his many years of dedicated service to Scott County. 2) That the Board of Supervisors extends their best wishes to Clayton and wishes him well in future endeavors. 3) This resolution shall take effect immediately.

Supervisor Knobbe thanked Clayton Lloyd for his service.

Clayton Lloyd said he has appreciated the opportunity to serve.

Tim Huey, Planning and Development Director, thanked all of the members who have served on the Planning and Zoning Commission and the Zoning Board of Adjustment.

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

BE IT RESOLVED: 1) That the Board of Supervisors wants to offer their sincere appreciation to Kim Guy for her many years of dedicated service to Scott County. 2) That the Board of Supervisors extends their best wishes to Kim and wishes her well in future endeavors. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the Board of Supervisors wants to offer their sincere appreciation to Ed Winborn for his many years of dedicated service to Scott County. 2) That the Board of Supervisors extends their best wishes to Ed and wishes him well in future endeavors. 3) This resolution shall take effect immediately.

Supervisor Kinzer thanked all of the members for serving.

Under other items of interest, the Board took public comments.

Matthew Shaw, 2504 Olympia Drive, Bettendorf, said he supports every person wearing a mask anytime they choose but does not think anyone should be forced to wear one.

Jeanita McNulty, 7016 124th Street, Blue Grass, said she is not against masks but does not want the Board to determine when to wear one.

Meg Reed, 722 W 16th Street, Davenport, said this is very much about personal choice.

Neil Helle, 3465 Overland Drive, Bettendorf, said he personally wears masks and people should wear masks but questioned the constitutionality of mandating mask wearing.

Nicole Dopler, Rock Island, Illinois, said she worked in a medical practice in Iowa and was fired from her job for asking people and coworkers to wear masks and said she wants the Board to approve a mask mandate for the safety of workers.

Henry Marquard, 4056 Tanglefoot Terrace, Bettendorf, said he is the Government and Community Relations Officer for Genesis Health Systems. He said that Genesis is not taking a formal position on the issue of mandating masks, but does ask the community to take strong action in regards to mask wearing. He said Genesis is very concerned with the numbers and trends in the community and throughout the State of Iowa. He said in the last week positive tests doubled. He said Genesis is very worried about a surge and the ability to manage a surge. He said Genesis is putting robust plans in place to deal with the surge but it would be best to not put those plans to the test. He said masks are incredibly effective as proven by the data.

Mary Maher, 2639 Davie Street, Davenport, said we should require masks in public and we should send a message to Governor Reynolds that our local governments want a mandate.

Kay Pence, 20642 270th Street, Eldridge, said she is the Vice-president of the Iowa Alliance for Retired Americans and said she supports wearing masks that could slow the spread of the virus. She cited various business groups in support of masks.

Anne Johnson, 4719 Greenbrier Drive, Davenport, said she feels the science does not support wearing masks as a cure all and cited a medical journal article which stated masks do not offer significant protection to those wearing them.

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

BE IT RESOLVED: 1) That the contract for HMA Resurfacing Project No. L-421--73-82 (290th Street from Pioneer Village east 1.98 miles to Utica Ridge Road) be awarded to Tri-City Blacktop Inc. contingent on the unit prices listed in the contract. 2) That the Chairperson be authorized to sign the contract documents on behalf of the Board. 3) That this resolution shall take effect immediately.

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

Kinzer said this forklift is assembled in Indiana.

BE IT RESOLVED: 1) That the bid for one 2020 Toyota Model 8FBCU20 electric forklift for Facility and Support Services is approved and hereby awarded to Hupp Toyota Lift, Davenport, IA in the amount of \$26,734.00. 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the table of organization for the Health Department be increased by 0.2 FTE to the Maternal, Child, and Adolescent Health Nurse position for a total of 1.0 FTE. 2) It is understood that if grant funding is not available this position will be eliminated. 3) This resolution shall take effect October 1, 2020.

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

BE IT RESOLVED: 1) That the following appointment for an unexpired two (2) year term expiring on December 31, 2020 is hereby approved: Sherri Harris, County Medical Examiner Investigator (CME-I). 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the FY2021 Contractual Agreement between the Center for Alcohol & Drug Services, Inc. (CADS) and Scott County is hereby approved for service areas as follows: Detoxification, Evaluation and Treatment; \$295,432, Inmate Substance Abuse Treatment and Criminal Justice Client Case Management; \$198,000, Jail Based Assessment and Treatment; \$154,899, Total: \$648,331. 2) That the chairman is hereby authorized to sign said agreement. 3) This resolution shall take effect on immediately.

Moved by Croken, seconded by Kinzer the second of three readings of an ordinance to repeal Chapter 32 of the Scott County Code relative to Solid Waste Haulers. Roll Call: All Ayes.

AN ORDINANCE TO REPEAL CHAPTER 32, OF THE SCOTT COUNTY CODE RELATIVE TO SOLID WASTE HAULERS

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

SECTION 1. That Chapter 32 "Solid Waste Haulers" of the Scott County Code, be and the same is hereby repealed in its entirety.

SECTION 2. REPEALER All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Moved by Maxwell, seconded by Beck a motion approving a beer/liquor license renewal for Wapsi Willys. All Ayes.

Moved by Maxwell, seconded by Beck 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 306038 through 306282 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,769,957.74. 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 \$135,913.27. 3) This resolution shall take effect immediately.

Moved by Maxwell, seconded by Beck a motion requiring the wearing of masks in all public spaces throughout Scott County whenever the ability to maintain safe social distance is impossible or impractical.

Croken said there has been much discussion of the constitutionality of local governments doing such things and called the Board's attention to the Supreme Court case that affirms the rights of local governments to take such action in times of epidemic

and other public health crisis, Jacobson v Massachusetts which was recently reaffirmed by Chief Justice Roberts. He said Supervisors received an opinion from the Iowa Attorney General based on the doctrine of preemption. He said preemption is a principle that allows a superior level of government to override the decisions of local governments. He said in the case of public health it is inappropriate for the Governor to claim preemption because the situation greatly varies between the 99 counties of Iowa with the virus surging in some counties. He said Scott County is experiencing the highest unemployment of the five largest counties and higher than the state average. He said Scott County is being uniquely affected by the public health crisis and the Board should have the authority to make any restrictions necessary to insure the health of the people of Scott County. He said Scott and other counties should challenge the Governor on this position. He said the Governor's proclamation should be the minimum required response to the epidemic but not the maximum response.

Moved by Maxwell, seconded by Beck to amend the motion by removing "requiring" and replacing with "strongly encouraging". Supervisor Beck requested a roll call vote. Roll Call: All Ayes.

Croken said he supported the amendment.

Kinzer said the County Attorney's opinion is that the Board does not have the ability to enact such a mandate and the issue is that the Board would take local control away from the officials of the governments in the county. He asked how would the mandate be enforced and who will enforce it. He said there were many unanswered questions about mandates. He said he does not support a mandate.

Beck said there are numerous papers and opinions and experts cannot agree. He said we need good practices, if you are sick stay home, frequent proper hand washing, maintain six foot distancing and face coverings used correctly. He said the Iowa Attorney General issued an opinion that said counties do not have the authority to make decisions inconsistent with the Governor. He said the County should adhere to the Governor's plan which does not mandate face masks and work together with the other municipalities in Scott County.

Knobbe said this is very divisive issue, and the population that we have heard from is almost perfectly divided fifty/fifty on this issue and very passionate on both sides. He said he agrees with the motion to amend. He said he does not think the Board has the right to mandate, but the Supervisors are unified in the desire to increase the usage of face masks in Scott County. He also said Supervisors encourage social distancing, hand washing and to do all the things that will help stop the spread. He said the spread is real and the County has not seen the full effect yet. He said the average age of infection went down substantially but then has gone back up showing that younger people are now spreading the disease to older people. He said face mask usage must increase. He urged all Scott County citizens and businesses to join in best practices to fight the disease.

Croken said public health is the province of the county. He said cities do not operate departments of public health. He said that no one claims wearing masks is a panacea.

Kinzer said that the Supervisors have not heard from the Board of Health on this issue.

The Board voted on the motion as amended. Roll Call: All Ayes.

Moved by Maxwell, seconded by Beck a motion requiring the wearing of masks by all visitors in the Scott County facilities whenever it is impossible or impractical to maintain a safe social distance.

Beck suggested the Board table this item and allow the administrative group and department heads to vet this out internally with employees. He said this is an administrative action.

Beck moved to table the motion, seconded by Maxwell. Roll Call: All Ayes.

Maxwell said there was a similar discussion last Board cycle about employees wearing masks, and after that discussion he thought it was up to the Supervisors to decide that issue. He said then the department heads decided that all employees should wear masks. He asked if this is an item that, when the Board comes back to the next meeting, will have already been decided on.

Knobbe said the action the management team took involves only employees, those employees report to that management team, who has jurisdiction over them. He said because this involves the public, only the Board can make this decision.

Beck said he was expecting an item for both the employees and public.

Mary Thee, Assistant County Administrator, said the first motion requires staff to strongly encourage members of the public that come into County buildings to wear masks. She said the present motion to require visitors to County facilities to wear masks should come from the Board rather than administration.

Maxwell said that tabling the action would allow gauging the public response to the encouragement to wear mask and inform the decision on whether to require it is too many people do not wear masks.

Beck said he thought that delaying action would allow for better definition of in what County facilities masks should be required.

Knobbe said he supports the motion to table. He said to the public this is a test to see how we behave and to see if we take seriously what the data is telling us about the recent increase in this disease.

Croken said he is concerned with tabling because of the current state of the surge. He said employee health and safety is what is motivating him, but if tabling the motion results in learning more from employees about their concerns then he supports it.

Knobbe said a minimum of two weeks is needed to allow staff to put some definition around the motion.

Under other items of interest, David Farmer, Budget and Administrative Services Director, reviewed FY20 Revenue as of July 9, 2020. He said the estimated percentage of unassigned fund balance is 21.4 percent but expects that number to drop to the 15 to 18 percent range once all of the bills are paid and by not transferring \$800,000 to the Capital Fund as originally planned.

He reviewed General Fund Revenues to date, and noted the County is at 99.3 percent of the amended budget and the County GAAP Expenditures are at \$62,930,110.

Knobbe said the Board received news from Matt Mendenhall, CEO of the Regional Development Authority, that the revenue for Rhythm City Casino for June was at \$396,000, a new all-time high.

Farmer said in June the average daily population in the Scott County Jail, excluding federal inmates, was increasing and at 213.26. He said for June the average number of self-reported veterans in the jail was 3.09, and the number of individuals with mental health concerns was 76.14.

He said the combined average daily juvenile detainee population at the JDC and Jail was 18.4 for June, and the yearly average went from 33.16 in FY19 to 20.94 to end FY20.

He said in June there were 4,693 rounds of golf, which was a 12.9 percent increase from last year. He said the golf course ended FY20 with 26,141 rounds, which is an 8.5 percent increase from FY19.

Mary Thee requested that the Supervisors consider whether to continue with separate Committee of the Whole and Board meetings or to combine them into one meeting, and to give County Administrator Mahesh Sharma their feedback.

Kinzer said he would be willing to participate via telephone to allow space for staff and public to be in the Board room during meetings. He also said he would agree to the Chairperson scheduling rotation of Supervisors.

Croken said he has no problem with combining the meetings.

Beck said he would be all for that as well.

Knobbe said most counties and many cities have combined meetings.

Mahesh Sharma said the consensus is to combine the meetings and he will combine the Committee of the Whole and Board meeting to Thursdays.

Knobbe told Sharma to proceed.

Moved by Kinzer, seconded by Beck at 6:37 p.m. a motion to adjourn. All Ayes.

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

ATTEST: Roxanna Moritz
Scott County Auditor