

Scott County Board of Supervisors  
September 3, 2020 5:00 p.m.

The Board of Supervisors met pursuant to adjournment with Kinzer, Maxwell, Beck, Knobbe and Croken 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 August 20, 2020 Regular Board Meeting (including closed session). All Ayes.

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

Cory Bergfeld, Business Manager of IBEW Local 145, thanked the Board for the proclamation and said crews from all over the country came to Scott County to help with storm recovery.

BE IT RESOLVED: 1) That the Board of Supervisors thanks all the electrical line workers, clearance tree trimmers and electricians that have worked hard to get our community up and running after the August 10, 2020 weather event. 2) The Board of Supervisors greatly appreciates their commitment and dedication to serving our community and continued efforts across the state following the derecho. 3) This resolution shall take effect immediately.

Chief Deputy and Jail Administrator Bryce Schmidt reviewed the Sheriff's Office efforts to handle COVID-19 in the Jail. He said at the end of January the Jail was near capacity, holding 325 inmates, and close to 50 were housed out of county. He said typically a significant number of inmates are held for parole violations, a greater number are held for probation violations, and the Sheriff's Office sought ways to reduce those numbers.

He said at the Sheriff's request the Department of Corrections (DOC) expedited parole violation hearings for inmates who also faced criminal charges rather than wait for resolution of those charges. He said the DOC also switched to weekly hearings rather than bi-weekly ones. He said these hearing are conducted through telephone or video conferencing with a DOC judge based in Des Moines. Inmates found to have violated parole are then returned to the DOC to serve their sentences.

He said a task force was put together by District Judge Thomas Reidel to find ways to streamline processing probation violation cases, which are heard by judges in Scott County. He said the task force included personnel from the offices of the Sheriff, County Attorney, Clerk of Court, DOC and defense counsel. He said the task force came up with ways to main-stream and expedite processing probation violations.

He said by March these efforts reduced the population by roughly 50 inmates. He said COVID-19 increased the need to reduce inmate numbers to allow for more space for

social distancing. He said staff looked at the remaining inmates for those who did not have serious violations, such as property crimes, failure to pay child support, or lower felony charges. He said 76 cases were identified for judicial review, and 47 inmates were released. He said to date seven of the 47 released incurred new charges, either for thefts or drugs. He said these efforts reduced inmate numbers to 215 on April 1st and to 198 on April 30th. He said now the Jail holds in the area of 240 to 250 inmates.

Schmidt said new inmates need to be put through a 14 day quarantine, and to create the needed space the special management and intake units, located on the first floor, were turned into 14 day quarantine areas. He said health protocols were put in place for the jail and staff worked with the Health Department for COVID-19 testing in-house and Dr. Chris Posey authorized individuals for testing.

Supervisor Croken asked Schmidt to address citation release.

Schmidt said people facing certain charges are no longer booked into the Jail, which has lowered numbers significantly. He said in the past those charged with offenses such as driving under suspension, driving while barred, intoxicated driver, public intoxication, trespassing and low level thefts were brought to jail. He said the Jail could not hold all of those people and maintain safe social distancing. He said officers can cite and release those charged, giving them court dates for initial appearances. He said when those charged show for their initial appearance they are brought to the Jail for fingerprinting.

Supervisor Beck asked how many tested positive coming in to the Jail.

Schmidt said the numbers are low and the quarantine process helps to keep the number low. He said three inmates have tested positive and all three came to the jail with COVID-19. He said he is more worried about staff and working 12 hour shifts. He said temperatures are taken of all staff coming in. He said one staff member has tested positive who did not contract it while working in the jail. He said the jail population varies due to prisons with outbreaks not accepting new inmates, and it has been more difficult to house inmates out of county due to requirements to quarantine new inmates.

Supervisor Maxwell asked what it costs per day to house the 50 inmates at facilities out of county.

Schmidt said most facilities charge anywhere from \$50 to \$55 per inmate per day.

David Farmer, Budget and Administrative Services Director, said it averages \$83,000 per month for 50 inmates.

Schmidt said it is significantly more costly to house juveniles out of county.

Farmer said the cost to house juveniles out of county averages \$80 to \$110 per day.

Croken said as a member of the Seventh Judicial Services Committee he has admired the efforts of the Sheriff's Office. He asked if there is a need or a reason to go back to the un-streamlined procedures after the COVID-19 pandemic is over.

Schmidt said he thinks the County is going to have to keep the same processes in place because there is only so much room in the Jail.

Croken asked how much it cost for the changes Schmidt outlined to the Board.

Schmidt said it did not cost anything, but rather it was doing business in a different way.

Croken said these changes compare favorably to the cost of increasing the size of the jail by 25 percent.

Schmidt said some changes involve getting defense attorneys to appear for hearings rather than continuing the hearings resulting in keeping inmates in jail who would otherwise be released. He said there is a portion of the jail population which is dangerous to others and those inmates need to remain in jail.

Maxwell said he applauded the increased efficiency but expressed caution in thinking that what works with the threat of COVID will work without that threat. He said continuing these changes into the future will require the cooperation of the judicial system over which the County has no control. He added the jail study indicated that the jail population will increase.

Schmidt said that many court proceedings and short sentences were put on hold due to COVID and that as proceedings increase the number of inmates will also increase. He added that most programming for inmates had to close or be scaled back due to COVID-19. He said many program volunteers are older people. He also said that the Sheriff decided to continue outside finger printing services while many jails decided to close that service.

Kinzer said the public needs to know that the Sheriff's Office will enforce the law, and lawbreakers need to know they will be arrested and go to jail.

Schmidt said officers have used discretion in citing for simple misdemeanors but still hold offenders accountable for higher level crimes.

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

Knobbe asked if this was the first time in his tenure that the Board had been petitioned for a compensation commission.

Mary Thee, Assistant County Administrator, said this is the second time in her career this has come up, and State Code requires petitioners to get permission from the Board of Supervisors in order to file a petition in District Court.

Dan Kresowik, attorney for the petitioners, said he would answer any questions that the Board may have and said this is the first step to go to the compensation commission.

BE IT RESOLVED: 1) Rodney Little Trust has filed a petition with the Board making a complaint against Interstate Power & Light Company aka Alliant Energy for the significant damage due to installation of a natural gas transmission pipeline. 2) Rodney Little Trust has exhausted all attempts to resolve this matter with Alliant Energy. 3) Per Iowa code Section 479.46, the Rodney Little Trust has submitted a petition with a description of damages. 4) The Board approves this petition to allow the Rodney Little Trust to commence proceeding by filing an application with the chief judge for the appointment of the compensation commission. 5) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) Rattlesnake Ranch, LLC has filed a petition with the Board making a complaint against Interstate Power & Light Company aka Alliant Energy for the significant damage due to installation of a natural gas transmission pipeline. 2) Rattlesnake Ranch, LLC has exhausted all attempts to resolve this matter with Alliant Energy. 3) Per Iowa code Section 479.46, the Rattlesnake Ranch, LLC has submitted a petition with a description of damages. 4) The Board approves this petition to allow the Rattlesnake Ranch, LLC to commence proceeding by filing an application with the chief judge for the appointment of the compensation commission. 5) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) Schmalz Family Trust has filed a petition with the Board making a complaint against Interstate Power & Light Company aka Alliant Energy for the significant damage due to installation of a natural gas transmission pipeline. 2) Schmalz Family Trust has exhausted all attempts to resolve this matter with Alliant Energy. 3) Per Iowa code Section 479.46, the Schmalz Family Trust has submitted a petition with a description of damages. 4) The Board approves this petition to allow the Schmalz Family Trust to commence proceeding by filing an application with the chief judge for the appointment of the compensation commission. 5) This resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell a motion to suspend the rules to waive the second and third readings of an ordinance to amend Chapter 5 of the Scott County Code to adopt and amend provisions of the 2015 International Property Maintenance

Code to apply to multifamily and townhouse units within the Community Area Development of Park View in the unincorporated area of Scott County, Iowa.

Tim Huey, Planning and Development Director, said these regulations give the County a mechanism to get and keep apartments up to code and gives the Sheriff a mechanism to encourage and require landlords to keep tenants in line in terms of law enforcement action.

Beck asked if there had been any more comments for or against the ordinance.

Huey said there have been no additional comments.

Croken asked Knobbe to explain suspending the rules and why it would be beneficial.

Knobbe said the rules are in place to give the public adequate time to read, understand and provide input. He said the Board has been discussing this publicly for over a year and have had a lot of public input, but no input recently.

Croken said the situation in Park View required urgent action due to number of calls made by residents to the Sheriff's Office.

Supervisor Kinzer said the waiving of the second and third reading of an ordinance does not happen often.

Beck said the Park View rental issues have been going on for many years.

Supervisor Kinzer requested a roll call vote. Roll Call: All Ayes.

Moved by Beck, seconded by Maxwell a motion to waive the second and third readings of an ordinance to amend Chapter 5 of the Scott County Code to adopt and amend provisions of the 2015 International Property Maintenance Code to apply to multifamily and townhouse units within the Community Area Development of Park View in the unincorporated area of Scott County, Iowa. Roll Call: All Ayes.

Moved by Beck, seconded by Maxwell the first and final reading of an ordinance to amend Chapter 5 of the Scott County Code to adopt and amend provisions of the 2015 International Property Maintenance Code to apply to multifamily and townhouse units within the Community Area Development of Park View in the unincorporated area of Scott County, Iowa. Roll Call: All Ayes.

Croken said that the ordinance should be extended to all of unincorporated Scott County.

Knobbe said the ordinance is a reasonable step which implements some fees which probably will be offset by the reduction in crime and the number of calls to the Sheriff's Office. He said if the ordinance unduly increases expenses to the County the Board

can revisit the ordinance in the future. He said the County cannot assess these costs directly to the citizens of Park View, but there are efforts in the legislature to give counties the same authority as cities to levy separately for such costs.

AN ORDINANCE TO AMEND CHAPTER 5 OF THE SCOTT COUNTY CODE TO ADOPT AND AMEND PROVISIONS OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE TO APPLY TO MULTIFAMILY AND TOWNHOUSE UNITS WITHIN THE COMMUNITY AREA DEVELOPMENT OF PARK VIEW IN THE UNINCORPORATED AREA OF SCOTT COUNTY, IOWA

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:  
Section 1. AMEND CHAPTER 5 OF THE SCOTT COUNTY CODE SECTION 5.7 AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION

The International Property Maintenance Code, 2015 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted as the minimum requirements for the condition of properties and existing structures with regard to the use, occupancy and condition with the following amendments:

- a. **101.1 Title.** Delete the section and replace with these regulations which shall be known as the **Scott County Housing Code** which includes the 2015 International Property Maintenance Code with amendments, hereinafter referred to as "this code".
- b. **102.3 Application of other codes.** Delete the section and replace with Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable procedures and provisions of the Scott County Code, which includes, but is not limited to the National Electrical Code 2014 Edition, and the 2015 Editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Swimming Pool and Spa Code, and the Uniform Plumbing Code. Nothing in this code shall be construed to cancel, modify, or set aside provisions of the Zoning Ordinance for Unincorporated Scott County.
- c. **103.1 General.** For purposes of this code, the Department of Property Maintenance Inspection shall be the Planning and Development Department and the Code Official shall mean the Scott County Planning Director.
- d. **103.5 Fees.** All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.
- e. **106.4 Violation penalties.** Delete the section and replace with Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Nothing herein will prevent prosecution of violations of laws in addition to this code. Violations of this code shall be considered a municipal infraction and civil offense punishable by the provisions of County Code Chapter 29. Continued violations of this code for non-compliance may

- result in suspension or revocation of a Scott County issued Rental Property Permit and occupants may be required to vacate the property.
- f. **107.2 Form.** Add: 7. Be effective notice to anyone having interest in the property whether recorded or not at the time of giving such notice and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains an official copy of the notice in a file maintained by the code official.
  - g. **111 Means of Appeal.** Change all references to the board of appeals to the Scott County Building Board of Appeals.
  - h. **Add new section: 111.1.1 Waiver.** Failure of any person to file an appeal request in accordance with the provisions of this code shall constitute a waiver of the right to a Building Board of Appeals hearing and adjudication of the notice or order, or any portion thereof.
  - i. **111.3 Notice of Meeting.** Change 20 days to 30 days.
  - j. **202 General Definitions.** Add the following definitions:

**RESIDENTIAL PROPERTY REGISTRATION.** A registration with the Scott County Sheriff's Department of a multi-family or townhouse rental property by the operator of rental unit within the Community Area Development known as Park View.

**RESIDENTIAL RENTAL PROPERTY; RESIDENTIAL RENTAL UNIT.** A structure containing four or more dwelling units, also any townhouse unit, which is let, leased or rented from or otherwise occupied by permission of the owner or other person in control of such unit, whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a multi-family residential rental property, or a townhouse rental unit within Park View as the context requires.

**RENTAL PERMIT.** A certificate obtained by an owner or operator from the Scott County authorizing the use of a multi-family or town house within Park View as a rental property by providing a registration application and vouching for the compliance with the applicable provisions of this chapter. Permits not renewed shall expire after 12 months following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

- k. **302.1 Sanitation.** Delete and replace with: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep in a clean and sanitary condition that part of the exterior property which such occupant occupies or controls. This provision shall not relieve the owner of responsibility under 301.2. No exterior accumulation of garbage, refuse, rubbish, household goods, materials or equipment including but not limited to appliances and furnishings manufactured for interior use, shall be permitted. For purposes of this section, an unenclosed porch is an exterior portion of a property or premises.
- l. **302.1.1 Rubbish/Garbage Containers.** Add new section: All rubbish, garbage and refuse containers stored outside and intended to be utilized by a

multi-family or townhouse residential unit shall be shielded from view of the public and surrounding properties by a fence or other approved obstruction. Rubbish, garbage, and refuse shall not be stored outside of the containers inside or outside of the shielded area.

Rubbish, garbage and refuse containers shall be capable of closing fully at all times. In the event the amount of rubbish, garbage and/or refuse prevents the proper closing of the containers, the operator shall cause the container to be collected, emptied or replaced with an empty one, regardless of the normal pick up schedule.

- m. **302.4 Weeds.** Insert 10 inches as the height in inches.
- n. **302.9 Defacement of Property.** Add to the end of the last sentence: within 14 days of being notified of graffiti, carving mutilation or defacement that is a violation of this code.
- o. **304.14 Insect screens.** Delete in its entirety and replace with: Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any area where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved, tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception 1: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Exception 2: From October 31st to March 31st screens may be replaced with storm windows. Screens shall be used in place of storm windows outside of these dates.”

- p. **307.1 Handrails and guardrails. General** delete more than four risers and add four or more risers.
- q. **Add new section 310.1 Public Health Nuisances and Nuisance Activity.** Failure to comply with any of the General Requirements, Property Maintenance Requirements or any determination of public health nuisances under Chapter 25 of the Scott County Code or nuisance activity on any rental property subject to these regulations shall be considered a municipal infraction and civil offense punishable by the provisions of County Code Chapter 29. Continued violations of this code for non-compliance may result in suspension or revocation of a Scott County issued Rental Property Permit and occupant(s) may be required to vacate the property.
- r. **310.2 Nuisance Activity.**

A Nuisance Activity exists when one or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand feet of the property, by an interested party or their permittee(s):

1. Manufacture or delivery of a controlled substance in violation of Iowa Code Chapter 124;
2. Kidnapping as defined in Iowa Code Chapter 710;
3. Arson as defined in Iowa Code Chapter 712;
4. Burglary as defined in Iowa Code Chapter 713;
5. Robbery as defined in Iowa Code Chapter 711;
6. Sex abuse as defined in Iowa Code Chapter 709;
7. Terrorism as defined in Iowa Code Section 708.6;
8. Willful injury as defined in Iowa Code Section 708.4;
9. Sexual exploitation of a minor in violation of Iowa Code Section 728.12;
10. Felony gambling in violation of Iowa Code Chapter 725;
11. Felony criminal mischief as defined in Iowa Code Chapter 716;
12. Animal fighting in violation of Iowa Code Section 717B.7; and
13. A single incident of a health code, environmental, or solid waste violation of such a magnitude that it is deemed a nuisance activity by the Code Official.

A nuisance activity exists when two or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand feet of the property, by an interested party or their permittee(s):

1. Possession of a controlled substance in violation of Iowa Code Chapter 124;
2. Carrying a dangerous weapon as defined in Iowa Code Section 724.4;
3. Riot as defined in Iowa Code Section 723.1;
4. Serious or aggravated misdemeanor criminal mischief as defined in Iowa Code Chapter 716;
5. Prostitution as defined in Iowa Code Section 725.1;
6. Serious or aggravated misdemeanor assault as defined in Iowa Code Chapter 708;
7. Serious or aggravated misdemeanor theft as defined in Iowa Code Chapter 714;
8. Misdemeanor gambling as defined in Iowa Code Chapter 725;
9. False imprisonment as defined in Iowa Code Section 710.7.

A nuisance activity exists when three or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand feet of the property, by an interested party or their permittee(s):

1. Health code violations;
2. Environmental or solid waste violations;
3. Unlawful assembly;
4. Simple misdemeanor of criminal mischief;
5. Simple misdemeanor assault;
6. Simple misdemeanor disorderly conduct; and
7. Criminal trespass.

The above references to provisions of the Iowa Code should not be interpreted to mean that a prosecution or conviction of the specific charge is a necessary prerequisite to an action under this chapter nor shall it be interpreted to mean that proof of the action

beyond a reasonable doubt is required. However, a court conviction on the underlying charge is irrefutable proof of the occurrence.

- s. **602.3 Heat supply.** Delete the 1<sup>st</sup> paragraph only and replace it with Every owner and operator who rents, leases, or lets multi-family dwelling units or townhouses on terms, either expressed or implied, shall furnish heat to the occupants thereof, shall supply heat to maintain a minimum temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances or portable heaters shall not be used to maintain temperature.
- t. **603.7 Carbon monoxide alarms.** Carbon monoxide alarms shall be provided in dwelling units and shall be installed outside of each separate sleeping area within fifteen (15') feet of any bedroom. Such detectors can be battery operated and can be in combination with smoke detectors.
- u. **605.2 Receptacles.** Add to the end of the section All outlets within 6 feet of a water source shall be GFCI protected.
- v. **702.4 Emergency Escape and Rescue Openings.** Add before 1<sup>st</sup> sentence All sleeping rooms shall have one operable Emergency Escape and Rescue opening.
- w. Add new chapter:

## **Chapter 9: Rental Permits Required.**

### **Section 901 General**

**901.1 Scope.** The provisions of this chapter shall apply to all multi-family and townhouse dwelling units used or to be used as a residential rental property as defined in this code within the Community Area Development of Park View.

### **Section 902 Rental Permits**

**902.1 Rental Permit Required.** No person shall lease, rent, or let for occupancy a multi-family residential rental property units in the Community Area Development of Park View, located in unincorporated Scott County, Iowa without first obtaining a Rental Permit. Applications for Rental Permits shall be submitted to the Scott County Sheriff. A separate rental permit shall be issued for each dwelling unit in the multi-family dwelling. Rental Permits shall not be transferred from one owner to another. Each owner of rental property shall register and obtain a permit with the Scott County Sheriff within 30 days of transfer of title or possession of rental property. It shall be the responsibility of the operator to provide to the Scott County Sheriff complete registration information, including contact information, within 30 days of any change of owner or operator. Permits shall be valid for one (1) year, notwithstanding means of denial, revocation or suspension provided in this code.

**902.2 Registration Requirements.** Registration shall be made for each dwelling unit of a multi-family residential rental property and be considered an application for a Rental Permit. Registration shall be made to the Scott County Sheriff by completing such form

and detail as prescribed by this code and the Scott County Sheriff and Building Official. In the event a firm, corporation, LLC or other entity is listed as the owner or operator, a person shall be named as the contact for the organization and full contact information shall be provided.

**902.3 Code Compliance Check List.** The Building Official will provide a check list with the rental registration applications to be filled out by the owner attesting to the compliance of the rental unit with each requirement on the check list. All Rental Registration applications shall include such documentation, as deemed necessary, from the owner that each rental unit complies with the code requirements established by this ordinance. Rental Permits shall not be issued until such time as the rental unit is brought into compliance and the owner so attests.

**902.3 Permit Denied; Appeal.** Any person whose registration for a permit to lease, rent, let, permit, or allow occupancy of a rental property results in the permit being denied may request and shall be granted a hearing on the matter before the Scott County Building Board of Appeals under the procedures established by the Board of Appeals.

**902.4 Permit Fee.** Before the Scott County shall issue a rental permit under the provisions of this chapter, there shall be paid by the owner or operator a rental permit fee, the amount of which shall be set by resolution of the Board of Supervisors. A Permit that has been expired or revoked shall require the fee prior to re-issuance.

**902.5 Permit Suspension.** Whenever, upon inspection of any rental dwelling unit, the Scott County Sheriff or the Building Official finds that conditions or practices exist which are in violation of any provisions of this chapter, the Scott County Sheriff or the Building Official shall give notice in writing to the owner and/or manager of such unit that unless the conditions or practices causing the violation are corrected within a reasonable period, to be determined by the Scott County Sheriff or the Building Official, the permit shall be suspended. At the end of such period, the Scott County Sheriff, Sheriff's Deputy or Building Inspector shall re-inspect such unit and if the Sheriff or Building Official finds that the violations continue to exist may suspend the rental permit by providing by written notice to the operator that the permit has been suspended. Upon receipt of notice of suspension, such owner/operator shall immediately cause occupants to vacate the premises until the Sheriff or Building Official determines the violations have been corrected. In instances where violations of this chapter are confined to one (1) of multiple dwelling units within a premises and in the judgment of the Building Official do not constitute a hazard to health or safety elsewhere, the Building Official shall limit the application of the requirement to vacate the premises to the areas and/or units in which the violations exist.

**902.6 Permit Suspended; Appeal.** Any person whose permit to operate a rental dwelling unit has been suspended or who has received notice from the building official that a permit is to be suspended unless existing conditions or practices are corrected,

may request and shall be granted a hearing on the matter before the Scott County Building Board of Appeals under the procedures established by the Board of Appeals.

### **Section 903 Background Checks**

**903.1 Mandatory Background Checks.** Permit holders shall perform a background check on all persons 18 years of age or older who currently occupy or will occupy a rental unit as of the effective date of this ordinance, whether or not the person(s) has signed a lease. This requirement shall apply with regard to persons already occupying a given rental unit prior to the effective date of this ordinance and all persons that will occupy such units after the effective date of this ordinance.

**903.2 Minimum Requirements of Background Checks.** Background checks may be obtained through the Scott County Sheriff's Office, through a third party engaged in the business of providing background checks or through other approved means. Background checks as referenced here shall include the following at a minimum:

- a.) A report of activity from Iowa Courts Online.
- b.) A report from the Iowa Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice.

Permit holders are encouraged, but not required, to obtain additional background information they deem appropriate. Nothing herein shall be construed to indicate any preference or recommendation on the part of Scott County as to the selection of a tenant. Operators are free to use the information discovered to the degree they see fit.

**903.3 Proof of Background Check.** Upon the Scott County Sheriff's Office's request, operators shall show proof that the background check requirement has been met by providing a receipt, cover sheet or other means that includes the tenants name. The background check is the property of the person ordering the check, and it is within the rights of the operator to withhold the information within once proof of a background check being completed has been provided.

### **Section 904 Mandatory Written Lease**

**904.1 Mandatory written lease.** Owners and operators of all Rental Properties for which a Rental Permit is required must have written leases or written rental agreements with all tenants.

**904.2 Lease Information.** Written lease agreements must contain the following information:

- 904.2.1** The full name of all occupants of the dwelling unit;
- 904.2.2** The street address and unit number to be occupied;
- 904.2.3** The terms of the agreement including the amount of rent and when it is due.
- 904.2.4** The party responsible for utility costs;

- 904.2.5** The terms for the operators access to the dwelling unit, such as 24-hour notice, emergencies, and welfare checks;
- 904.2.6** The method for the operator and tenant to provide written notices to each other, including complete contact information for each party;
- 904.2.7** A notice to the tenants that it shall be a violation of the lease to commit any act or allow any activity to occur on the leased premises which violate any Federal, State, or local laws, regulations, or ordinances which are in effect or which may be enacted during the term of the lease or rental agreement;
- 904.2.8** Provide a description of the arrangement or responsibilities for emergency relocation of tenant(s), if ever needed.
- 904.3 Proof of Lease.** Upon the Scott County Sheriff's Office's request, operators shall show proof that a lease or rental agreement is currently in force.

**Exception-** The requirement for a written lease or rental agreement is waived in the event the landlord and tenant have a familial relationship (defined as spouse, parents, children, brothers, sisters, grandparents, grandchildren, brother-in-law, sister-in-law, mother-in-law, father-in-law, step-family and foster children.)

## **Section 905 Inspections**

**905.1 Inspections.** The Building Official is hereby authorized to enter and make inspections to determine the condition of any unit within a multi-family rental property or townhouse rental property located within the Park View Community Area Development in Scott County in order to perform the duty of safeguarding the health and safety of the occupants and of the general public. Inspections shall be made:

- 905.1.1** Upon receipt of a complaint from a person or party identifying themselves, made or filed with County officials;
- 905.1.2** When just cause is found and a warrant has been obtained after a request to enter has been denied;
- 905.1.3** A public health, safety or welfare emergency is observed or is reasonably believed to exist;
- 905.1.4** A tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, the tenant shall provide written notice to the owner per 562A.21 of Iowa Code. Seven (7) days after tenant notification to the owner, an inspection may be conducted by the building official.
- 905.1.5** An operator makes a request for an inspection. A non-emergency inspection may be made following the terms for accessing the unit provided in the lease.

**905.1.6** When a request for a welfare check is made due to concerns for the occupants wellbeing. When making a welfare check, the Scott County Sheriff's Office shall be present and follow protocol established for such occurrences.

**905.1.7** For the purpose of making inspections, the Building Official is authorized to enter, examine and survey at all reasonable times all such dwellings, dwelling units, rooming houses, rooming units and premises with the consent of the owner, tenant or operator. Such inspections shall be at reasonable times on week days when the owner, operator or responsible occupant is present. In the event that there is sufficient evidence to indicate a violation of this code, and the operator or occupant refuses to allow the Building Official access at reasonable times, the Building Official or a designee shall secure a warrant to inspect the dwelling on the basis of the refusal to allow entry.

**905.2 Inspection Fee.** Under the provision of this chapter, following an initial inspection, there shall be paid by the owner or operator additional rental inspection fees, the amount of which shall be set by resolution of the Board of Supervisors.

## **Section 906 Emergency Order**

**906.1 Emergency Order.** Whenever the Building Official finds that an emergency exists which threatens immediately the public health, the building official may issue an order reciting the existence of such an emergency and requiring that such action be taken as the building official deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately. However, upon petition for an appeal to the building official, shall be afforded a hearing at the earliest expedient time. After such hearing, depending upon its findings as to whether the provisions of this chapter have been complied with, the Building Board of Appeals shall continue such order in effect, modify it or revoke it.

## **Section 907 Conflict**

**907.1 Conflict.** Enforcement of the Housing Code shall not be construed for the particular benefit of any individual or group of persons, other than the general public. In the event of a conflict between this section and any other section of the Housing Code, this section shall govern insofar as applicable.

## **Section 908 Liability**

**908.1 Liability.** Scott County and its employees are not liable for damages to a person or property as a result of any act- or failure to act- in the enforcement of this Code. The Housing Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the County or any County employee be held as assuming any such liability by reason of the inspections authorized by this Code or any approvals issued under this Code.

## **Section 909 Effective Date**

**909.1 Compliance.** Property covered by provisions of this code shall be in compliance within ninety (90) days after the effective date of this Ordinance.

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's Office and publish the new ordinance in accordance with State Law.

Section 3. Severability Clause. If any of the provisions of the 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 4. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its passage and publication as by law provided.

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

Tim Huey reviewed the final plat of Stoney Creek North Addition Subdivision. He said it comes to the Board with the unanimous recommendation of the Planning Commission. He said this is the final subdivision of Stoney Creek development. He said a sewer easement is required in case Bettendorf or LeClaire were to annex the area even though all of the houses are on septic systems. He said the homeowners association will maintain the roads and the roads will meet County standards.

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 3rd day of September, 2020 considered the Final Plat of STONEY CREEK NORTH THIRD ADDITION, a fourteen lot residential subdivision totaling 16.42 acres, more or less, legally described as part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6 and part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, 78 North, Range 5 East of the 5<sup>th</sup> Principal Meridian (Pleasant Valley Township), 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) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The hiring of Takea Burrage for the position of Corrections Officer in the Sheriff's Office at the entry level rate. 2) The hiring of Michael George for the position of Corrections Officer in the Sheriff's Office at the entry level rate. 3) The hiring

of Michael Ozmon for the position of Corrections Officer in the Sheriff's Office at the entry level rate. 4) The hiring of Ryan Allen for the position of Corrections Officer in the Sheriff's Office at the entry level rate.

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

Mary Thee reviewed organizational changes in the Attorney's Office. She said the request was introduced as part of the budget review process last fall, the Attorney's Office requested two positions, a staffing study was completed this summer and the study found the Attorney's Office needs eleven new attorneys, five investigators and two victim/witness specialists. She said the County Attorney is only requesting the two new attorneys. She said recruitment would begin after the end of the year and new office space would need to be acquired.

Croken said the recruitment process does require time and he has no problem voting aye at this time.

Kinzer said he is in support of the resolution.

Knobbe said while he is loath to add staff to the County's rolls without justification, the County Attorney staff has double the workload of any large county in Iowa, the study suggests eleven and Walton only is asking for two.

Maxwell said that overloading the staff can lead to burnout and staff turnover.

Chairman Knobbe requested a roll call vote. Roll Call: All Ayes.

BE IT RESOLVED: 1) That the table of organization for the Attorney's Office be increased by 2.0 FTE Assistant Attorneys (total 9.0 FTE). 2) This resolution shall take effect January 1, 2021.

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

Lori Elam, Community Services Director, reviewed an agreement between Scott County and Community Health Care (CHC). She said CHC allows Community Services to refer people who come for medical care to be seen and develop a health home at CHC. She said fewer referrals are made because more people have insurance, either Medicaid or marketplace. She said the dollar amount remains the same and the budgeting for outcomes are the same and reviewed what services the contract covers.

Beck asked for what the lump sum contract is used and if the full amount is being utilized.

Elam said CHC tracks individuals by income groups and the assistance provided for prescriptions, the amount not captured by the sliding scale fees, assistance for co-pays

and deductibles, in essence the financial assistance for those with no insurance or who are underinsured. She said CHC provides assistance of more than \$600,000 which included all the contracted amount plus more.

Croken said that \$302,067 was oddly specific and asked how it was developed.

Elam said that amount had not changed since Community Services took over the contract from the Health Department and she would find an answer.

BE IT RESOLVED: 1) That the FY21 contractual agreement between Scott County and Community Health Care for provision of comprehensive health care programs with emphasis on low and fixed income populations for Scott County is hereby approved. 2) That the Chairman is hereby authorized to sign said agreement. 3) This resolution shall take effect July 1, 2020.

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

BE IT RESOLVED: 1) The 2019 property taxes due September 2020 and March 2021 for Darryl Hoffman, 7171 W. 60th St., Lot #88, Davenport, Iowa, in the amount of \$148.00 are hereby suspended. 2) The County Treasurer is hereby requested 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 Croken, seconded by Kinzer that the following resolution be approved. All Ayes.

BE IT RESOLVED: 1) The 2019 property taxes, due September 2020 and March 2021 for Tommy Miller, 15 Crestwood Terrace, Davenport, Iowa, in the amount of \$2,356.00 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 Croken, seconded by Kinzer that the following resolution be approved. All Ayes.

Croken asked if this suspension is for taxes previously due.

Lori Elam said Osborn is eligible for the tax suspension, she lived in the house at that point, the taxes were not paid, she was ill and had some issues and she contacted the Treasurer's Office and Community Services stepped in and assisted.

BE IT RESOLVED: 1) The 2018 property taxes due September 2019 and March 2020 for Patricia Osborn, 521 West Columbia Avenue, Davenport, Iowa, in the amount of

\$2,196.00 including interest 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 Maxwell, seconded by Beck that the following resolution be approved. All Ayes.

David Farmer reviewed Non-Congregate Sheltering funding. He said he and Lori Elam worked with the three not-for-profits and developed pass through funding with FEMA for non-congregate care at local facilities for a number of at-risk groups. He said due to COVID-19 space requirements the shelters could not provide for the same number of individuals as usual and had to place individuals at local hotels.

He said when the State created the Relief Fund parameters changed and the state's portion of funding will go from 10 percent of costs to 25 percent of costs, relieving the three non-profit groups of the 15 percent match.

Knobbe asked if there is a final date.

Farmer said the FEMA public assistance declaration is open until December 31, 2020. He said the County continues to apply for FEMA funding every month.

Knobbe asked if there were any additional duties or requirements.

Farmer said additional requirements were tracking of individuals with disabilities or other needs and state or non-government assistance programs. He said reporting also included the number of rooms, the total cost and a breakdown of individuals assisted by age groups.

Croken asked if the CDC moratorium on evictions has reduced the number of homeless. He said, according to Iowa Legal Aid, Davenport has the highest rate of evictions in Iowa, and the CDC moratorium is the only thing standing in the way of a flood of evictions.

Elam said her department has not seen any individuals who have been evicted.

Knobbe said we are shifting the taxpayer burden from county taxes to state and federal taxes and putting the burden on our children, grandchildren and great-grandchildren.

Croken said this is like either pay now or pay later as homelessness causes its own social costs.

BE IT RESOLVED: 1) Scott County is in support of Non-Congregate Sheltering with Scott County, Iowa entered into FEMA Public Assistance pass through funding for The Salvation Army; Family Resources, Inc.; and Humility Homes and Services, Inc. 2) The

State of Iowa increased the state share of reimbursable expenditures from 10% to 25% for FEMA public assistance funds. The additional percentage of expenditures will be reimbursed at the 25% rate. 3) The Community Services Director is authorized to sign the contract amendment. 4) This resolution shall take effect immediately.

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

Farmer reviewed a request for reimbursement from the Iowa Covid-19 Government Relief Fund for \$2,192,572.59 in County expenses. He said Scott County qualifies for a number of expenses, based on \$12.68 per capita, for 25 percent of payroll costs for public health and public safety employees, software and technology infrastructure and equipment used for conducting meetings by telephone or electronic means.

Diane Holst, 20012 240th Street, Eldridge, asked if the spreadsheet can be made available to the public, with the breakdown of costs and staff salaries.

Farmer said the document will be public, but it is not finalized and said he will discuss the request with the external auditors and will file with the State by September 15th.

NOW, THEREFORE BE IT RESOLVED BY THE SCOTT COUNTY BOARD OF SUPERVISORS, Scott County requests reimbursement of \$2,192,572.59 in eligible expenditures in response to the COVID-19 public health emergency.

BE IT FURTHER RESOLVED, Scott County affirms that the above requests for reimbursement follow all formal published Federal and State of Iowa guidance on how the funds should be spent, and understand if the reimbursements are misrepresented, the local government will be liable for any applicable penalty and interest.

HEREBY RESOLVED by the Board of Supervisors for Scott County on this 3rd day of September, 2020.

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

Maxwell said he and Chairman Knobbe interviewed the candidates.

Knobbe said these changes are because of the Iowa Law change that requires members of the Planning and Zoning Commission and the Zoning Board of Appeals be represented by citizens who live outside of any city limits and be gender balanced.

BE IT RESOLVED: 1) That the appointment of Kurt Steward, Dixon, to the Planning and Zoning Commission for an unexpired five (5) year term expiring on January 10, 2024 is hereby approved. 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the appointment of Lori Rochau, rural Davenport, to the Planning and Zoning Commission for an unexpired five (5) year term expiring on January 10, 2025 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Maxwell, seconded by Beck a motion approving beer/liquor license renewals for Mickey's Country Café and Valley Inn. 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 307003 through 307211 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,098,198.15. 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 \$122,012.78. 3) This resolution shall take effect immediately.

Under other items of interest, Croken reviewed local U.S. Census results and said the County is on track to surpass the level of self-reported data from 2010 and is at 72 percent.

David Farmer, Budget and Administrative Services Director, reviewed FY21 Revenue as of September 2, 2020. He said Gaming Revenue was \$125,102 and up \$11,769. He said Recorder Revenue was \$230,674 and Road Use Tax was \$365,432. He said the Local Option Sales Tax was \$412,836 for the first month and said the notice from the State said there will not be a reduction for FY21. He said Interest Income for the first month was \$3,068. He said Building Permits revenue was \$78,111, which is above estimates. He said the \$115,923 in revenue from Sheriff Services is running behind. He said \$67,813 in revenue from Attorney Fine Collection is on pace.

He said total revenues for two months were \$2,223,103 in the General Fund, but we have spent \$11,582,030 for an unassigned fund balance of 5.3 percent as of August 31st.

Knobbe suggested instituting a public comment period at the beginning of the Board meetings to insure those on-line are able to express themselves.

Diane Holst suggested having a public comment section at the end of meetings. She said many times questions will be answered by the discussion.

Mahesh Sharma, County Administrator, said the Board will be going to separate the meetings starting on the next cycle with Committee of the Whole meetings held electronically on Tuesdays at 8:00 a.m. He said Department Head meetings have been

held weekly and some items and presentations from that meeting can be presented at a public Board meeting for the public to hear.

Moved by Beck, seconded by Kinzer at 7:18 p.m. a motion to close the meeting pursuant to Iowa Code Section 21.5(1)(j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. Roll Call: All Ayes.

Moved by Beck, seconded by Maxwell at 7:44 p.m. a motion to convene in open session. Roll Call: All Ayes.

Moved by Maxwell, seconded by Beck at 7:45 p.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