

Scott County Board of Supervisors
February 7, 2019 5:00 p.m.

The Board of Supervisors met pursuant to adjournment with Kinzer, Maxwell, Beck, Knobbe and Croken present. The Board recited the Pledge of Allegiance.

Moved by Beck, seconded by Maxwell a motion to approve the minutes of the January 24, 2019 Regular Board Meeting and the minutes of the February 5, 2019 Committee of the Whole Meeting. All Ayes.

Moved by Beck, seconded by Maxwell the first of three readings of an ordinance to amend Chapter 13-34 of the Scott County Code relative to designated speed limits on Scott County Secondary Roads. (Section 13-34 Walcott). Roll Call: All Ayes.

AN ORDINANCE TO AMEND CHAPTER 13-34 OF THE SCOTT COUNTY CODE RELATIVE TO DESIGNATED SPEED LIMITS ON SCOTT COUNTY SECONDARY ROADS.

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

SECTION 1.

Add Sec. 13-34O, Replace Item No. 3 and add Item No. 4 to read:

O. Walcott

3. 30 MPH - On 60th Ave (Y40) North from just south of 220th St to just north of Sterling Dr. and

4. 45 MPH – on 60th Ave (Y40) from just North of Sterling Dr. North to the Walcott City Limits.

SECTION 2. The County Auditor is directed to keep and maintain a copy of the Ordinance in the County Auditor's office.

SECTION 3. SEVERABILITY CLAUSE

If any of the provisions of the Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance 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All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. EFFECTIVE DATE

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

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

NOW, THEREFORE BE IT RESOLVED by the Scott County Board of Supervisors on this seventh day of February, 2019, that the Scott County Engineer is authorized to purchase the necessary right-of-way for construction and maintenance during the calendar year 2019, using the values computed in accord with the following schedule of allowances:

SCHEDULE I - AGRICULTURAL LAND:

For land by easement or deed: 3.64 times the assessed valuation per acre as it currently exists at the time an offer is made.

SECTION II - RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LAND:

For land by easement or deed, where such land is classified by the assessor as residential, commercial or industrial for zoning purposes - generally the appraisal method will be used.

SECTION III - FEDERALLY FUNDED PROJECTS, FARM-TO-MARKET FUNDED PROJECTS, AND SPECIAL PURCHASES - APPRAISAL METHOD:

This section will only be utilized when the following conditions are determined to exist:

1. Where any buildings or special improvements or appurtenances exist on the parcel being taken.
2. Where there are definable damages to the remaining property.
3. Where federal funds or farm-to-market funds are involved requiring the complete appraisal method.
4. Where the parcel being taken is not representative of the total piece.
5. For properties as noted under Section II.

The County Engineer will seek two or more quotes for the service of an appraiser for the review by the Board of Supervisors prior to employment of an appraiser. The appraisal document will serve as the basis for purchase of the parcel.

SECTION IV - BORROW:

For land disturbed by reason of borrow or backslope: The value shall be based on the price per cubic yard of material taken - (\$0.30/cu.yd.). Agreement will also be made for the restoration of the area disturbed for borrow or backslope, either by removing and replacing 8 inches of top soil or by other appropriate measures, in accordance with Section 314.12, 1995 Code of Iowa. Compensation for crop loss or other land use loss in borrow or backslope areas will be determined based on the rental value for similar land in the area. If crops have been planted, payment will be made to cover tillage cost, seed cost and fertilizer cost based on the pro-rated actual cost incurred. If the crop is harvested before the area is disturbed there will be no compensation for crop loss.

SECTION V - WATER LINES:

For existing privately owned water lines crossing the roadway: The total cost of any alterations required on the line within the new or existing right-of-way will be at the expense of the County.

SECTION VI - FENCES:

For the relocation of functional fences made necessary by the reconstruction of an existing roadway, a new fence will be allowed for all of the same type as the existing right-of-way fence. Allowances are \$25.00 per rod for woven wire, \$16.00 per rod for barbed wire. If no fence exists, no fence payment will be allowed. The length for payment will be the footage required to fence the new right-of-way. For relocating cross fences to the new right-of-way, the length of fence required to be moved shall be

compensated at the rate for the same type of right-of-way fence above. For angle points introduced into the fence line by the design of the roadway, an allowance of \$166.00 for a two-post panel and \$260.00 for a three-post panel will be made.

NOTE: All salvage from the existing fence shall become the property of the property owner. Payment for fencing will be withheld until all existing fence has been removed and cleared from the right-of-way. If the fence or any part thereof is not removed at the time of construction, it will be removed by Scott County or its contractor and a penalty of \$3.00 per rod assessed and deducted from the fence payment. For the removal of non-functional fences made necessary for the reconstruction of an existing roadway, the County will compensate the owner for his labor and equipment at the following rates:

Woven Wire - \$10.00 per rod

Barbed Wire - \$8.00 per rod

NOTE: All salvage from existing fence shall become the property of the owner. Payment for removal of non-functional fences will be withheld until all existing fences has been removed and cleared from the right-of-way. If fence or any part thereof is not removed at time of construction, it will be removed by Scott County or its contractor and the owner will forfeit any payment tendered for the fence.

DEFINITIONS:

Functional: In good state of repair and capable of containing livestock for which the fence was constructed.

Non-functional: In disrepair and incapable of containing the livestock for which the fence was constructed. Compensation for relocating fences of a type other than those described shall be negotiated.

SECTION VII - TREES AND SHRUBS:

For trees and ornamental shrubs which must be removed from the residence areas: compensation will be made on basis of appraisal by an arborist or by negotiation.

SECTION VIII - INCIDENTAL EXPENSES:

A lump sum of \$50.00 which shall compensate the owner for any out-of-pocket expense incurred as a result of this transaction; i.e., abstracting fees, postage, telephone, etc.

SECTION IX - EASEMENT PRIORITY AGREEMENTS:

Scott County will pay all costs assessed by mortgage holders in executing "Easement Priority Agreements" for the easements obtained under the terms of this policy.

SECTION X:

PASSED AND APPROVED this seventh day of February, 2019, by the Scott County Board of Supervisors.

SECTION XI: This resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell the second and final reading of an ordinance to amend the zoning map by rezoning approximately 33 acres in Section 27, Winfield Township from Agricultural-General (A-G) to Single-Family Residential (R-1), all within unincorporated Scott County. Roll Call: All Ayes.

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 33 ACRES IN SECTION 27, WINFIELD TOWNSHIP FROM AGRICULTURAL-GENERAL (A-G) TO SINGLE-FAMILY RESIDENTIAL (R-1), ALL WITHIN UNINCORPORATED SCOTT COUNTY.

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

Section 1. In accordance with Section 6-31 Scott County Code, the following described unit of real estate is hereby rezoned from Agricultural-General (A-G), to Single-Family Residential (R-1) to-wit:

The SE $\frac{1}{4}$ SW $\frac{1}{4}$, less the west seven (7) acres, of Section 27 of Township 80 North, Range 3 East of the 5th P.M.

Section 2. This ordinance changing the above described land to Residential Single-Family (R-1) is approved as recommended by the Planning and Zoning Commission.

Section 3. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 4. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 5. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

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

BE IT RESOLVED: 1) The Board hereby approves that the Building Inspection Department require all electrical, mechanical and plumbing subcontractors obtain separate permits for work completed under a general construction permit. 2) This resolution shall take effect April 1, 2019.

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

BE IT RESOLVED: 1) The hiring of James Jacobs 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.
All Ayes.

Supervisor Croken said he wanted to applaud County staff and Mary Thee for meeting with the union and negotiating on all permissible items rather than what is mandatory.

BE IT RESOLVED: 1) That the terms of the agreement reached between representatives of Scott County and the AFSCME Local 606 is hereby approved. That the agreement shall be in effect July 1, 2019 through June 30, 2022. 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) The second half of the 2017 property taxes, due in March 2019 for Kristine Trujillo, 524 Wisconsin Street, LeClaire, Iowa in the amount of \$850.00 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 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: William Peter Jerome, M.D. Deputy Medical Examiner. 2) This resolution shall take effect immediately.

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

Croken said he wanted to applaud Jeremy Kaiser and County staff on their creativity in addressing not only the consequences but the causes of our highest rate of incarceration and detention.

Supervisor Maxwell said that there were several citizens that commented to him that they applaud what the County is doing.

BE IT RESOLVED: 1) That the Scott County Juvenile Detention and Diversion Programs will provide the Auto Theft Accountability Program for youth through a contract with the Iowa Department of Human Services ending June 30, 2019. The contract can be renewed for five years with the final year ending on June 30, 2024. 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 Scott County Juvenile Detention and Diversion Programs will enter into a contract with BI.com to receive leased, GPS-enabled ankle bracelets in order to operate the Enhanced In-Home Detention program. The contract is valid for one year and will automatically renew each year unless terminated by one of the parties. 2) This resolution shall take effect immediately.

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

Croken moved and Kinzer seconded a motion amending the resolution to move the meeting time to at least 6:00 p.m. Roll Call: Kinzer and Croken voting Aye, with Maxwell, Beck and Knobbe voting Nay on the amendment. Three Ayes, with Kinzer and Croken voting Nay on the resolution.

Croken said he was making the motion to move the meeting to at least 6:00 o'clock, and preferably later. He said we have an obligation to make public hearings accessible to the public and that 5:00 o'clock on a Thursday does not meet that criteria. He also said that they have had a communication from a citizen regarding the meeting times.

BE IT RESOLVED: 1) A public hearing date on an amendment to the County's current FY19 Budget is set for Thursday, February 21, 2019 at 5:00 p.m. 2) The County Auditor is hereby directed to publish notice of said amendment as required by law. 3) This resolution shall take effect immediately.

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

Croken moved and Kinzer seconded a motion amending the resolution to move the meeting time to at least 6:00 p.m. Roll Call: Kinzer and Croken voting Aye, with Maxwell, Beck and Knobbe voting Nay on the amendment. Roll Call: Maxwell, Beck and Knobbe voting Aye, with Kinzer and Croken voting Nay on the resolution.

Croken said he was also making the motion to amend this resolution, in the interest of transparency and openness, and that they delay the meeting to at least 6:00 p.m.

BE IT RESOLVED: 1) All County departmental FY20 budget requests and all authorized agency FY20 funding requests are hereby authorized for filing and publication as the budget estimate for FY20. 2) The Board of Supervisors hereby fixes the time and place for a public hearing on said budget estimate for Thursday, February 21, 2019 at 5:00 p.m. in the Board Room at the Scott County Administrative Center. 3) The Scott County Auditor is hereby directed to publish the notice and estimate summary as required by law. 4) This resolution shall take effect immediately.

Moved by Maxwell, seconded by Beck a motion approving beer/license renewals for Express Lane Gas & Food Mart #79 and Big 10 Mart #29 and a new beer/liquor license for Express Lane Gas & Food Mart #79 (adding a Class E liquor license). 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 296522 through 296746 as submitted and prepared for payment by the County Auditor, in the total amount of \$803,945.07. 2) This resolution shall take effect immediately.

Under other items of interest, Supervisor Kinzer said the Iowa Workforce Development Board did not have a quorum at its last meeting and will set up a meeting at a later date.

Kinzer said on Tuesday, February 12, 2019, the Lower Cedar Watershed will meet and he thanked the Board of Supervisors for the one time funding to the Watershed of \$500.

Croken reported that he attended the ISAC County Supervisor meeting last week. He said there were a number of issues that he thinks would be of interest to the Board. He said one concern is a bill at the state level that would eliminate local control over fireworks. He said ISAC has registered in opposition to the bill, and he would urge the Supervisors, in the interest of public safety, to take the time to speak to their legislators about that issue.

Moved by Kinzer, seconded by Beck at 5:18 p.m. a motion to adjourn. All Ayes.

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

ATTEST: Roxanna Moritz
Scott County Auditor