

Scott County Board of Supervisors  
November 16, 2017 5:00 p.m.

The Board of Supervisors met pursuant to adjournment with Kinzer, Holst, Beck, Earnhardt and Knobbe present. The Board recited the pledge of allegiance.

Moved by Knobbe, seconded by Kinzer approval of the minutes of the November 2, 2017 Regular Board Meeting, the minutes of the November 14, 2017 Special Board Meeting (Election Canvass) and the minutes of the November 14, 2017 Committee of the Whole Meeting (including closed session). All Ayes.

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

NOW THEREFORE BE IT RESOLVED BY THE SCOTT COUNTY BOARD OF SUPERVISORS that the following approved Priority Year project shall be ADVANCED to the Program's Accomplishment year and the following New Project shall be added to the Accomplishment year: Project Number Local ID TPMS #: FM-C082(515)—55-82 TPMS ID: 13570, Project Location Description of work Section-Township-Range; F31(290th St) From Y4E East to New Liberty and Highway 130, AADT; 280, Type Work Fund basis; 336 HMA Paving, Prior FY; FY 20, Accomplishment year (\$1000's of dollars); New amount; \$3,000; Totals \$3,000, Net change; + \$3,000, Totals + \$3,000. Project Number Local ID TPMS #: L-618 TPMS ID: 37097, Project Location Description of work Section-Township-Range; From Dixon City Limits South to F31, AADT; 80, Type Work Fund basis; 336 HMA Paving, Prior FY, Accomplishment year (\$1000's of dollars); New amount; \$165; Totals \$165, Net change; + \$165, Totals + \$165.

Moved Beck, seconded by Holst approval of the first of two readings of an ordinance to rezone 6.56 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G), legally described as part of the NW¼ of the NW¼ of Section 2, Sheridan Township, located at 25820 162nd Avenue. Roll Call: All Nays.

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 6.56 ACRES IN SECTION 2, SHERIDAN TOWNSHIP FROM AGRICULTURAL-PRESERVATION (A-P) TO AGRICULTURAL-GENERAL (A-G), 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-Preservation (A-P) to Agricultural-General (A-G) to-wit:

An approximately 6.56-acre tract in Part of the Northwest Quarter of the Northwest Quarter of Section 2, in Township 79 North, Range 3 East of the 5<sup>th</sup> P.M.

Section 2. This ordinance changing the above described land to Agricultural-General (A-G) is approved. The Planning and Zoning Commission recommended denial of the change.

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 Holst that the following resolution be approved. All Ayes.

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 16<sup>th</sup> day of November, 2017 considered the final plat of GEIST'S THIRD ADDITION, a subdivision in Part of the NW ¼ of the SE ¼ of Section 7, T78N R5E (Pleasant Valley Township), being a replat of Outlot A, Lot 1, and Part of Lot 4 of Geist's Second Addition in 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 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. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the bid for the second floor Clerk of Court Remodeling Project construction is accepted and the contract is awarded to Daxon Construction in the amount of \$349,000.00. 2) That the Director of Facility & Support Services is hereby authorized to execute contract documents on behalf of the Scott County Board of Supervisors. 3) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) That the bids received for structured telecommunications cabling for the Courthouse Second Floor Clerk of Court project is hereby approved and awarded to Zalks Inc dba Preferred Cable Solutions in the amount of \$12,963.67. 2) This resolution shall take effect immediately.

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

BE IT RESOLVED: 1) The hiring of Bradley Frick for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate. 2) The hiring of Adrian Jones for the position of Deputy Sheriff in the Sheriff's Office at the entry level rate.

Moved by Holst, seconded by Beck approval of the second of three readings of an ordinance to amend Chapter 23 of the Scott County Code relative to Onsite Wastewater Treatment and Disposal Systems. Roll Call: All Ayes.

AN ORDINANCE TO AMEND CHAPTER 23, OF THE SCOTT COUNTY CODE  
RELATIVE TO ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:  
SECTION 1.

The following is a summary of the substantive changes:

Under Sec. 23-6, A. FEES, change items 1, 2, 5, and 6 to read:

1. \$235.00 for a permit to construct a private sewage disposal system.
2. \$110.00 for a permit to install or replace pipes, septic tanks or distribution box.
5. \$95.00 for a septic tank abandonment permit.
6. \$275.00 for a time of transfer inspection

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 Holst, seconded by Beck approval of the second of three readings of an ordinance to amend Chapter 24 of the Scott County Code relative to Non-public Water Supply Wells. Roll Call: All Ayes.

AN ORDINANCE TO AMEND CHAPTER 24, OF THE SCOTT COUNTY CODE  
RELATIVE TO NONPUBLIC WATER SUPPLY WELLS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:  
SECTION 1.

Under Sec. 24-5, A. FEES, change items No. 1 to read:

1. \$315.00 for a Permit to construct a water well.

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

BE IT RESOLVED: 1) That the Agreement between Scott County Emergency Management Agency and Scott County to provide consultation services for the County by employees of EMA is hereby terminated as of June 30, 2018. 2) That the Director of Budget and Administrative Services is hereby authorized to remit a termination letter on behalf of the Board. 3) This resolution shall take effect immediately with termination as of June 30, 2018.

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

BE IT RESOLVED: 1) That the appointment of Tim Huey, to the Lower Cedar Watershed Management Authority for a one (1) year term expiring on December 31, 2017 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Knobbe, seconded by Kinzer a motion to suspend the rules to waive the third and final reading of an ordinance to amend Chapter 19 of the Scott County Code relative to Fireworks. All Ayes.

Moved by Knobbe, seconded by Kinzer a motion to waive the third reading of an ordinance to amend Chapter 19 of the Scott County Code relative to Fireworks. Roll Call: All Ayes.

Moved by Knobbe, seconded by Kinzer approval of the second and final reading of an ordinance to amend Chapter 19 of the Scott County Code relative to Fireworks. Roll Call: All Ayes.

Section 1. That Chapter 19 of the Scott County Iowa Code, be and the same is hereby amended to read as follows:

#### CHAPTER 19 FIREWORKS

##### SECTIONS:

##### 19-1. DEFINITIONS

##### 19-2. SALE OF CONSUMER FIREWORKS

- 19-3. CONSUMER FIREWORKS ALLOWED AS SPECIFIED
- 19-4. PERMIT FOR PUBLIC DISPLAY FIREWORKS
- 19-5. REQUIREMENTS OF APPLICATION FOR PERMIT
- 19-6. SHERIFF'S INVESTIGATION
- 19-7. CRITERIA FOR DETERMINATION AND BASIS FOR DENIAL
- 19-8. SEIZURE OF PROHIBITED FIREWORKS
- 19-9. PENALTY PROVISION

SEC. 19-1. DEFINITIONS

A. For purposes of this chapter, the terms "Consumer Fireworks", "Display Fireworks", and "Novelties" shall have the respective meanings enumerated in Iowa Code §727.2, which definitions are incorporated by reference. Consumer Fireworks do not include "Novelties" or "Display Fireworks" as defined herein.

B. The term "Organized Group" shall mean any firm, partnership, corporation, association, or other organization of individuals which was not formed solely or primarily for the purpose of obtaining a fireworks permit as hereinafter provided.

SEC. 19-2 SALE OF CONSUMER FIREWORKS

The sale of any consumer fireworks shall at all times be conducted in accordance with all federal, state and local laws, including, but not limited to, Iowa Code Chapters 100 and 727 and the administrative rules adopted by the Iowa State Fire Marshal relating to the sale, transfer, and purchase of fireworks. For avoidance of doubt, any person desiring to sell fireworks within the unincorporated boundaries of the County shall obtain the applicable permit, including, but not limited to, a casual sales license and zoning regulations, as prescribed by County Code.

SEC. 19-3 CONSUMER FIREWORKS ALLOWED AS SPECIFIED

Consumer Fireworks may be used on July 3 and July 4 from 2 PM until 11 PM and on the night of December 31 from 10 PM until 12:30 AM on the immediate following day. A person shall not use, explode or discharge Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property. A person that uses, explodes or discharges Consumer Fireworks shall have responsibility to clean up all debris created by the fireworks. A person shall not release or cause to be released an untethered sky lantern.

SEC. 19-4 PERMIT FOR DISPLAY FIREWORKS

The authority to grant permits for the supervised public exhibit of display fireworks which is granted to the County Board of Supervisors in accordance with the provisions of Chapter 727 of the Code of Iowa is specifically delegated to the Sheriff's Office. The Sheriff's Office may upon application grant a permit for the supervised public display of fireworks by a municipality, fair association, amusement park, government entity, or other organized group. If such permit is granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.

The County Board of Supervisors may upon its own motion review any application for a permit which has been granted or denied by the Sheriff's Office, and may affirm or reverse the decision of the Sheriff's Office.

SEC. 19-5 REQUIREMENTS OF APPLICATION FOR PERMIT

An application for a permit shall be available in the Sheriff's Office. Application for permit for display fireworks shall be made in writing at least fourteen (14) days in advance of date of the display to the Sheriff's Office and include:

A. A request for permit and a statement concerning the reason for proposed display;

B. The name of the organized group applying for the permit and the name(s), social security number, date of birth and the address of the person or persons who will act as its agent or representative(s);

C. Location, date and time of the proposed display in case of rain, an alternative date may be indicated;

D. The name of the person or persons who will conduct the proposed display and a copy of the current certificate or license as a pyro technician.

E. At the time application is made for a permit; attach thereto a certificate of insurance naming the applicant as insured and Scott County shall be named as an additional insured on the policy. The applicant shall maintain bodily injury liability insurance/property damage liability insurance in the amount of \$1,000,000 per occurrence / 2,000,000 aggregate.

In addition the applicant agrees by the execution hereof the permit to indemnify and hold harmless Scott County against all liabilities, costs and expenses which may arise in consequence of the granting of this permit; except as may result from the sole negligence or willful misconduct of Scott County.

F. A one hundred dollar (\$100.00) fee. Said fee shall be refundable if the application is denied. Subject to approval of said application, the fee shall be deposited in the county general fund.

#### SEC. 19-6. SHERIFF'S INVESTIGATION

The Sheriff's Office who may conduct any investigation deemed necessary to determine whether a permit should be granted for display fireworks. The applicant shall immediately provide to the Sheriff's Office all additional information requested to further this investigation. The Sheriff's Office shall grant or deny the application within seven (7) days of the date it is received. Upon making its determination, the Sheriff's Office shall immediately inform the applicant whether the application was granted or denied.

#### SEC. 19-7. CRITERIA FOR DETERMINATION AND BASIS FOR DENIAL

The Sheriff's Office shall consider each of the following criteria in making its determination whether to grant or deny an application for display fireworks. In the event that an application is denied, the Sheriff's Office shall submit to the applicant a written statement which will briefly detail which of the following criteria the denial was based upon, as well as any other factors which were considered as basis for denying the application.

A. The size and location of the proposed display site as each relates to the potential for damage to nearby property or injury to persons;

B. The training, experience and past reliability of the person or persons named in the application to conduct the proposed display. Specifically, whether a certified and licensed pyro technician will conduct the display may be taken under consideration.

C. The manner in which the organized group making the application conducted past fireworks displays;

D. Whether or not all of the requirements of an application per permit as set forth in Section 19-5 were complied with by the applicant. Specifically, any application which is not accompanied by a bond or certificate of insurance as required in Section 19-5 (F) shall be denied;

E. The likelihood that the time or date of the display would unreasonably disturb nearby residents;

F. Any special safety considerations which the Sheriff's Office might determine to be unique to the particular proposed display and the applicant's proposed manner of dealing with those special safety considerations.

If an application is denied, the applicant shall be given an opportunity to amend the application and to resubmit it to the Sheriff's Office. The Sheriff's Office shall consider the amended application in light of its written statement of the reasons for denial of the original application. If it appears that the amendments to the application adequately remedy the situation or situations which gave rise to denial of the original application, then the amended application for a permit shall be granted.

#### SEC. 19-8. SEIZURE OF PROHIBITED FIREWORKS

The Sheriff's Office shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this Chapter.

SEC. 19-9. PENALTY PROVISION A person who violates this chapter commits a simple misdemeanor punishable as follows:

- A. First Offense                      \$250
- B. Second Offense                     \$400
- C. Third and Subsequent             \$625

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable 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.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Moved by Knobbe, seconded by Kinzer 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 287611 through 287849 as submitted and prepared for payment by the County Auditor, in the total amount of \$926,326.57. 2) This resolution shall take effect immediately.

Bryan Brockhouse, 18344 Spencer Road, Pleasant Valley, asked the Board about the enforcement of an Ordinance regarding a neighbor's fence. He said he wanted to see the Planning and Zoning Department look into and do their jobs of enforcing the zoning laws in regards to fences.

Moved by Kinzer, seconded by Knobbe at 5:22 p.m. a motion to adjourn. All  
Ayes.

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Carol Earnhardt, Chair of the Board  
Scott County Board of Supervisors

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ATTEST: Roxanna Moritz  
Scott County Auditor