

Scott County Board of Supervisors  
October 30, 2018 8:00 a.m.

The Board of Supervisors met as a committee of the whole and pursuant to adjournment with Beck, Kinzer, Holst, Earnhardt and Knobbe present.

Tim Huey, Planning & Development Director, reviewed the proposed addendum to the Comprehensive Plan (Comp Plan) to address wineries as Special Permitted Uses in Ag-General Zoning Districts and the upcoming public hearing. He said the change is to allow Scott County to address if, where and how wineries, in association with vineyards, can be located. He said vineyards are ag-exempt. He said that processing, bottling, marketing wine and having a tasting room or having receptions or parties requires zoning and building code compliance, and that there are significant costs associated with the facilities relative to required fire suppression systems and accessibility of bathrooms. He said those requirements are addressed at the building permit stage, and that Scott County is a long way from that.

He said the public hearing for Thursday will take comments about the Comp Plan, a policy document approved by resolution requiring one Board action. He stated that during this rezoning process he determined the need to amend the Comp Plan to address the zoning ordinance and to address the criteria under which these applications would be reviewed. He said the Comp Plan is used when reviewing subdivisions and has a whole set of general criteria, and this addendum would be to specifically address wineries, associated facilities and under what conditions a special use permit may be approved, but also under what conditions it would be defensible or appropriate to deny such a request. He said a special use permit has to be approved under special circumstances, and it is not automatic as a permitted use is.

He said the Planning Commission unanimously recommended this change. He said the Commission identified four objectives in reviewing special use permits. Number one is location, is it appropriately located, what are the surrounding land uses, is it in conjunction with a vineyard producing grapes, is it in an area zoned A-G.

He said number two is access, is the road adequately constructed to handle the traffic, can folks get in and out, and the policies include the provision that if the Zoning Board of Adjustment (ZBA) determines traffic analysis is needed, it is the obligation of the applicant to prepare in regards to turning movements and turning lanes. He said all these are the general requirements if it's approved, any vineyard that has a winery attached to it, including the applicants, would have to pass.

He said the third objective is the size and scope and that would relate to the number of acres that were in the vineyard and so size of the facilities, buildings and such, should be appropriate for the amount of acreage under production. He said it would not be appropriate for a winery to import a large number of grapes from other vineyards and have a few vines available for show.

He said the fourth objective is dealing with the associated event center and all the aspects like wedding venue, reception hall, a tasting room, what type of food service would be allowed, would it only be catered, would it allow only small plates or a standalone restaurant and how many receptions are allowed per month and how many allowed per year, should there be a limit of hours of operation, outside activities allowed.

He said the final two objectives relate to code compliances and the compatibility with agricultural and residential land uses. He said the Comp Plan amendment would go through a public hearing next Thursday, as would the reading of the text amendment, which allows the Board to consider both final reading of the text amendment and comp plan amendments on the same agenda.

Supervisor Holst asked that looking at objective three, specific to a winery and tasting room, with requirements for parking and lighting etc., why does not objective four, specific to an event center, also include the same requirements as for a tasting facility.

Huey said that an event center would have a tasting room and so the requirements really apply to both. He said it is fine if the Board wants language that specifically applies objective three standards to objective four. He said that of the hundreds of wineries we have across Iowa a very high percentage, probably greater than 50 percent have event centers associated with them. He said you do not get to objective four without having read objective three and objective one and that the amendment anticipates there could be a standalone tasting room without any kind of events able to be held there.

Holst said she is going off the comment of one ZBA member, that if the Board could put more parameters to make their task a little easier when considering a special use permit. She said that one way to read this amendment is that requirements for a tasting room are not applied to an event center.

Huey if you think there are changes that need to be made he would be happy to present changes for the Board to consider.

Supervisor Knobbe suggest to talk about some suggestions or ideas.

Holst said if nothing else, to mirror the requirements for tasting facilities in the requirements for an associated event center.

Huey said it would be easiest to add a sentence in objective four to say all the criteria deemed appropriate for the tasting room also shall apply to the events center, and he added that such a change stays in line with intent of the Planning Commission. He said as far as the ZBA comment, he said the appropriate place for that would be in the text amendment to the ordinance and would include those types of upper end criteria and the Board would know what types of limits they have such as any winery has to have a minimum of five acres of vineyard, or no center shall be larger than a set amount of square footage. He said a reason he did not include it was that he has faith in the ZBA

to come up with reasonable limits and to adjust it to the specific location. He said this clearly is not a one-size-fits-all where the size of an event center in one location may be entirely inappropriate in another location, and that you could allow a larger center in a specific location, but if the ordinance says it cannot be any larger than a specific size you are stuck with that.

Supervisor Kinzer said he was glad it stated that the size of the vineyard was tied to the size of the event center, but asked if the vineyard went away would the event center stay and stay as what it was.

Huey said it would be a condition and enforcement would be part of his job, and if the applicant does not comply, he has the flexibility to call a public hearing and bring people in front of the Board to review it. He said his preference is to send a letter to the applicants and they could voluntarily bring it in to compliance and not have to bring it to the Board.

Supervisor Beck said that it is pretty clear if the winery goes away the event center goes away also.

Kinzer said the Boards will not be the same and that he just wanted to make the clarification.

Huey said he appreciates the concern that what happens if we have a building out there that has been used and designed for a specific use and then they lose their ability to use it for that use. He said that is the risk that small entrepreneurs take. He said this is a winery associated with a vineyard and allows for an event center, a wedding venue or reception hall in association with a tasting room and that one follows the other.

Huey also reviewed the text amendment to the zoning ordinance. He said when a previous applicants discussed their plans, it was a roadmap for gaining approval. He said it requires two readings and that the board had their public hearing. He said the text said that such facilities shall be established in conjunction with the review of the Special Use Permit and in accordance with Scott County Land Use Policies.

Holst asked that, during the public hearing questions were raised about ag-exemptions, primary uses of land and non-ag purposes and asked if those had gotten passed on to him.

Huey said yes he reviewed the comments made. He said personally wishes zoning applied to everyone equally. He said in his 20 years at Scott County determinations of ag-exemption have twice been challenged, and both times the court found the requirements to be stricter than the law allows and the County has amended the policies or ordinance to address them. He said it requires active involvement in farming, growing crops or livestock, and that you actually operate the farm and that it would apply to all buildings that are primarily adapted. They have generally always determined that to be over half. He said the procedure for ag-exemption involves the applicants

submitting their parameters in which they operate, and what they want to build is not usually challenged.

Knobbe said it is important to distinguish between an ag-exemption from zoning requirements for construction of a building and ag classification for taxation.

Huey said he asked County Assessor Tom McManus if this small farmstead remains ag and the surrounding acres are zoned R-1 would the small farmstead retain its ag-exemption. He said McManus said generally no and that it is currently zoned R-1 and that they could grow grapes in R-1.

Huey then reviewed the approval of the first of two readings of an ordinance to rezone 13.2 acres, more or less, from Single-Family Residential (R-1) to Agricultural-General (A-G) legally described as Lot 2 of Great River Hills Addition in Section 14 of LeClaire Township and located on the west side of Great River Road, ¼ mile south of 235th Street. He said the property to the north is a good stable land-use and that probably for our lifetime will remain open space because it has some major natural gas pipelines that come from Manitoba to Chicago and the east coast going under it and that he can confidently say that land will not be developed anytime soon. He said the applicant's neighbor to the west has a lot about ¼ acre deep but he currently has a building permit, has a house under construction on the eastern edge and will have a very long drive. Huey also showed the site plan the applicant submitted.

Knobbe asked where the two neighboring homes were planned to be built.

Huey pointed out the general areas.

Kinzer asked for confirmation that all five acres are not going to be put into production at once.

Applicant Julie Rubino said that being conservative, they would plant a half acre per year, and since they have not planted a vineyard before they wanted to start small and see how the winter took and still have to purchase all of the fertilizer and equipment for the land and hope by year ten they would have planted all five acres.

Supervisor Earnhardt said it would be a while before they would do the wedding event center and tasting room.

Rubino said they do plan to purchase local grapes and fruit to start to make wine sooner than year five and thinking the wedding venue would be in year three.

Holst referred to Supervisor Kinzer's question about adding language to the zoning ordinance and asked where that would be placed.

Huey said he would refer to section 610 proposed which would add it to the special use permit currently. Special use permits addressed in Ag-General zoning are number one,

any special use permit in A-P and so automatically transfer all nine or ten special use permits in A-P to A-G and the only additional ones in A-G are travel trailer parks and this would be the third stating wineries production of native wines in conjunction with a vineyard and associated facilities for the production so you would have that language says is the building meet health and construction codes and conditions placed on special use permit in accordance with the land use policy. He said prior to any issuance of a building permit for the construction they would have to come back to the Planning Commission for a site plan review.

Holst said this is the time to make a change.

Sharma asked if it was the wish of the board for Mr. Huey to come up with some language.

Huey asked what the language would be.

Holst said it was Kinzer's thoughts that if operations of the winery cease the event center would close.

Huey said his department issues 800 building permits per year and there is plenty to do in his office and it would be unrealistic to expect the department to determine what amount of grapes are coming from off the property. He said the Board could include the condition and the applicants are obligated to meet it, but he wants to be realistic with how the enforcement works.

Kinzer said the question too is, are you going to import more than you grow there, as stated in objective three and if that is a condition, would it would be checked annually.

Huey asked the applicant what is the oversight of the Department of Agriculture on obtaining an Iowa Native Wine Permit.

Rubino said she was not positive, but believed to bottle and label a native wine, it would need to be 70 to 80 percent locally grown grapes, but not necessarily grown on-site.

Huey said at the recent meeting of the Convention and Visitors Bureau he was asked how the Bureau can help make this happen. He said he wants to help the applicants be successful and for them to attract people from out of County and maybe come for winetasting on their afternoon daytrip to Scott County and maybe stay overnight in a local hotel. He said he is not looking for ways to shut them down or limit their activities, to make it more difficult to operate their business. He said he is looking to remove restrictions and give them the ability to be successful. He also said he appreciates the concerns of neighbors that there could be issues and problems.

Earnhardt said the winery would bring a lot to the community.

Knobbe said he reached out to two separate appraisers that he has known for a long time and trusts. He said he was concerned primarily for impact on the neighbor's property values and secondarily enjoyable use of their property. He said since he has seen the site plan, it eases his mind seeing the distance of the event center to the nearest home. He said the appraisers said that this is an attractive feature for the neighborhood, and they cited examples up and down 53<sup>rd</sup> Street, Utica Ridge Road, and Elmore Avenue and specifically studied the impact to housing values and had found none. He said one of the appraisers said that is the highest and best use of the property.

Earnhardt said she looked at the site and thought it would fit well in the community.

Holst said when discussing a zoning change she wants to get it right for the future. She also said because of Ag Preservation we have most of our Ag General land in the buffer area with city limits, so by nature going to be up against residential.

Kinzer said he did not think any Board member is against any of this sort of thing with the winery and folks staying overnight and so forth. He said he wants language to be made very clear and to be fair to these applicants and future ones.

Huey also reviewed the approval of the first of two readings of an ordinance to amend permitted and prohibited accessory uses in the Park View Community Area Development Residential District. He said he hopes people feel that he is there to help them and not hunt people down or fine people. He said his job is to get people in compliance, protect property values and protect people's ability to use their private property as they see fit. He said the County will not have any more new community area development districts. He said the amendment will remove the ability for people to have any junk cars, limits the amount of cats and dogs, limits the length of their grass and limits piles of junk. He said he expects Park View Owners Association to be first line of defense and that he likes to think most people want to comply with the rules.

Chris Still, Facility and Support Services (FSS) Maintenance Coordinator, summarized a project in the Health Department. He said in the last capital budget cycle the Health Department requested a project to modify the waiting room to create a space for a separate check-in window for immunization services, and that the project creates a small office in the area that would allow Health Department staff the ability to check in immunization clients, free up the reception counter, reduce congestion and serve other walk-in clientele more efficiently. He said we have an ongoing project to create office space in the Sheriff's Office lower level for the sex offender registry program and that FSS had difficulty obtaining bids for that project due to the small scope of work. He said they asked Precision Builders to prepare a quote for the work in the Health Department and that quote is \$15,250. He said some additional cost may be needed for cabling and furniture, but that they believe those expenses to be minor and not exceed the overall budgeted amount of \$23,000. He said they have reviewed the proposal and are recommending the Board approve the quote.

Holst said she was curious why we got no bids or response.

Still said this decision was based on past experience with the Sheriff's lower-level office where we just did not get bids and that they contacted general contractors who were literally saying that due to the scope of the work being so small that they just were not interested. He speculated that general contractors carry overhead and profit margins for small projects are not large that they are not very appealing. He also said timing is sometimes an issue.

Holst said that this did not go out for bid.

Sharma said it did not go out for bid, and that this project is even smaller than the Sheriff's Office project, but it could have been another three months wait and that the company is just extending the current contract.

Beck said it was the timing for this and wanting to get it done sooner than later.

Ed Rivers, Health Department Director, said this project has been in the works for some time but was delayed for the accreditation.

Earnhardt asked if the health Department had heard about the accreditation.

Rivers said that they could hear about accreditation any time in the next thirty days.

Holst asked about the payment made to Lead Free Quad Cities for \$25,000 and did Rivers have any specifics to what that money is going towards.

Rivers said it is the starting capital for the group to begin to do remediations, and they are in the process of reaching out to the homeowners.

Holst asked if we had gotten any commitment from the City of Davenport for funds.

Rivers said he had not heard yet from the City in regards to funding.

Holst said make sure Davenport gets on board with this before the County spends all of the commitment.

Sharma said the County is working with administration from the City of Davenport and that they are working to strengthening the Ordinance in regards to urban revitalization and that Davenport wants to partner with Scott County.

Knobbe said that Davenport may have up to \$2.7 million for urban revitalization, and some of that money goes for lead abatement.

Earnhardt asked if Genesis Foundation was part of this effort.

Rivers said Genesis was part of the effort.

David Farmer reviewed a one year agreement for stop loss insurance coverage. He said the County is self-insured for health insurance but want to limit potential losses related to health claims. He said this is secondary insurance and that the County retains a certain amount of coverage risk, in this case \$175,000, and then this insurance will step in for anything above that amount. He said traditionally the amount is \$175,000 but it has moved over the past couple of years. He said the County went out to renewal with the consultant and that the consultant recommended to move to Houston International Insurance Group where the County can keep the stop loss deductible at \$175,000, but new for this year is a \$50,000 aggregate which means for an aggregate of employees that reach that \$175,000 level the County will pay the next \$50,000, and that the County is taking on more risk. He said the premium for this insurance would increase \$6,190 versus if the County kept coverage at \$175,000 for everything, insurance would increase \$63,000. He said for calendar year 2019 the consultant estimated an increase of between eight and twelve percent based on industry cost trends. He said taking on additional risk of \$50,000 and beating the trend for a cost \$6,000, helps the County with insurance rates.

Holst said that potentially the \$50,000 may have to be spent.

Farmer said correct.

Holst asked Farmer to explain the Stealth paperwork.

Farmer said Holmes Murphy has a market tool called Stealth. Stealth puts the County's insurance history and application out onto the market to allow firms to bid for coverage. He said 14 carriers were contacted, nine declined to bid and five offered a quotes with various options from each carrier.

Knobbe referred to a memo from the Human Resources Director which cited health related costs for several years including instances where costs were at \$87,500 and asked what the significance of that amount is.

Farmer said our reports to Holmes Murphy do not include individual cases until they get to 50 percent of stop loss coverage, or in this instance 50 percent of \$175,000 which is \$87,500. He said this year the County has two individuals at the 50 percent mark which is evidence that the County is having a better year and looks like we are not going to hit the \$175,000 mark.

Sharma said the quote we received is based on our history. He said three out of the past four years the County hit the stop loss coverage amount. He said if we do not have a bad year we are ahead, and if we have a bad year we know the loss is capped.

Farmer said this is the right financial move.

Earnhardt asked if this was based on the fiscal year or the calendar year.

Farmer said the coverage is for the calendar year.

Beck asked if the \$175,000 stop loss amount was per person and if the \$50,000 amount was aggregated for any and all cases over \$175,000.

Farmer said that was correct.

Sharma said there is one tax suspension request for \$2,513 including interest.

Farmer reviewed a memo from the Scott County Regional Authority (SCRA) asking for the County's approval of the auditor recommended by SCRA. He said that under the Code of Iowa the County has been delegated authority to approve external auditors for gambling authorities. He said he was not part of the selection discussion. He said that all audits are conducted by certified public accountants registered or licensed in the State of Iowa under Chapter 542 who are selected by the board of supervisors in the county in which the licensee operates. He said he did go to the state website to check on the recommended auditor, verified that he has an active license and did not find any deficiencies.

Sharma reviewed the Scott County Strategic Planning Performance Measurement document showing various stages of projects. He said it is an internal document created after the strategic plan was approved and discussed in monthly department head meetings. He said that the Board would look at the strategic plan sometime early next year so that projects that are 100 percent completed come off the list and others will be reviewed by the Board at that time.

Moved by Earnhardt, seconded by Kinzer at 9:28 a.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