

Clinton County Board of Supervisors

Clinton County Administration Building
1900 North Third Street

Dan Srp
Tom Determann
Jim Irwin, Jr.

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www.clintoncounty-ia.gov

PUBLIC NOTICE is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: Monday, February 28, 2022, 9:00 A.M. Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA. The public may join the Zoom meeting by phone by dialing 1-253-215-8782 and entering the access code 9341856401. The public may also join through the internet by following this web address: <https://zoom.us/join> Enter meeting Code: 9341856401 and then password clinton23.

9:00 a.m. Review Correspondence & Claims
Call to Order – Pledge of Allegiance

9:15 a.m. Formal Action & Motions
Claims Approval

RESOLUTIONS

- RESOLUTION: Consent to the sale of property in the Lincolnway Railport
- RESOLUTION: Set a public hearing for the proposed County FY23 budget
- RESOLUTION: Set a public hearing to review proposed voting precincts for Clinton County
- RESOLUTION: Approve a text amendment to the County Zoning Ordinance (Ordinance 2022-01)
- MOTION: Approve Drainage District 2022 assessments

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

1. County indigent cremation policy review
2. Cell tower in County right-of-way update
3. Fiscal Year 2023 budget review

9:45 a.m. Public Hearing

The Supervisors will conduct a public hearing to solicit public comments on a proposed preliminary plat for a major subdivision in Section 25 of DeWitt Township.

10:00 a.m. Long Range Transportation Plan Update

The Supervisors will receive an update from Chandra Ravada of ECIA on the Long Range Transportation Plan.

11:00 a.m. ArcaSearch Board of Supervisors Minutes Training

The Supervisors will receive a demonstration from David Frank of ArcaSearch how to search the recently scanned Board of Supervisors minutes books.

RESOLUTION 2022 –

RESOLUTION TO AUTHORIZING CLINTON COUNTY CONSENT TO THE SALE OF PROPERTY IN THE LINCOLNWAY RAILPORT

WHEREAS, the County of Clinton and the City of Clinton previously entered into a Joint 28E Agreement for the Lincolnway Railport Project which provides, in part, the City cannot sell land located in the Lincolnway Railport until the County has approved said transfer; and

WHEREAS, the Joint 28E Agreement further provides for payment of one-half (1/2) of the sale proceeds to be paid to Clinton County and one-half (1/2) to the City from each property sold; and

WHEREAS, the City of Clinton has entered into an Option Agreement with Wabash Cannonball, LLC, which sets forth the terms for the potential transfer of approximately 96.02 acres of land in the Lincolnway Railport to Wabash Cannonball, LLC (“Wabash Option Agreement”); and

WHEREAS, the City of Clinton has entered into a Real Estate Purchase Agreement with Amp Properties, LLC, which sets forth the terms for the potential transfer of approximately 38.07 acres of land in the Lincolnway Railport to Amp Properties, LLC (“Amp Purchase Agreement”); now

THEREFORE, BE IT RESOLVED the Board of Supervisors of Clinton County, Iowa, consents to the sale of property in the Lincolnway Railport by the City of Clinton under the terms provided in the Wabash Option Agreement and the Amp Purchase Agreement, as well as any amendments thereto agreed upon by the City of Clinton and the respective buyers; and

BE IT FURTHER RESOLVED the Board of Supervisors of Clinton County, Iowa, condition its approval pursuant to the Joint 28E Agreement that the City of Clinton honor its commitment to payment of one-half (1/2) of the sale proceeds to be paid to Clinton County and one-half (1/2) to the City from each property sold; and

BE IT FURTHER RESOLVED a determination of the calculation of sale proceeds to be divided between Clinton County and the City of Clinton will be decided at a later date following additional discussions between the City and County.

Roll Call:

Srp:	Yes	No
Irwin:	Yes	No
Determann:	Yes	No

Chairperson, Tom Determann

ATTEST:

County Auditor, Eric Van Lancker

February 28, 2022

RESOLUTION 2022-

RESOLUTION TO SET A PUBLIC HEARING FOR MARCH 21 AT 9:45 A.M.
TO SOLICIT COMMENTS ON THE PROPOSED FY2023 CLINTON COUNTY BUDGET

WHEREAS, the fiscal year 2022-2023 budget for Clinton County is to be certified by March 31 of each year per Iowa Code 331.434(7); and

WHEREAS, it is required per Iowa Code 331.434(3) and Iowa Code 331.434(4) to set a time and place for a Public Hearing on the fiscal year 2022-2023 budget to allow taxpayers to present objections to or arguments in favor of any part of the budget; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that a Public Hearing be conducted on Monday, March 21, 2022, at 9:45 a.m. in the Board of Supervisors Room, Clinton County Administration Building, 1900 N. Third Street, Clinton, Iowa, for the aforementioned purpose; and

BE IT FURTHER RESOLVED that the County Auditor is hereby directed to cause a publication to be made of a notice of the meeting in the official county newspapers and that such publication be not less than 10 nor more than 20 days before the date of the public meeting on the fiscal 2022-2023 budget; and

BE IT FURTHER RESOLVED that by approval of this resolution by the Board of Supervisors of Clinton County that Resolution 2022-62 be rescinded thereby canceling the previously scheduled public hearing to solicit comments on the proposed FY2023 County budget scheduled for March 14, 2022.

Roll Call:

Srp: Yes No

Irwin: Yes No

Determann: Yes No

Chairperson, Tom Determann

ATTEST:

County Auditor, Eric Van Lancker

February 28, 2022

RESOLUTION 2022-_____

RESOLUTION TO SET A PUBLIC HEARING FOR MARCH 14 AT 9:45 A.M.
TO SOLICIT COMMENTS ON PROPOSED COUNTY VOTING PRECINCTS

WHEREAS, the Clinton County Board of Supervisors is considering combining precincts for voting purposes within the County; and

WHEREAS, it is required per Iowa Code 49.4 to set a time and place for a public hearing on the proposed ordinance to define voting precincts in Clinton County to allow County residents to present objections to or arguments in favor of any part of the proposed ordinance; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that a public hearing be conducted on Monday, March 14, 2022, at 9:45 a.m. in the Board of Supervisors Room, Clinton County Administration Building, 1900 N. Third Street, Clinton, Iowa, for the aforementioned purpose; and

BE IT FURTHER RESOLVED that the County Auditor is hereby directed to cause a publication to be made of a notice of the meeting in the official county newspapers and that such publication to be not less than 4 nor more than 20 days before the date of the said public hearing.

Roll Call:

Srp: Yes No

Irwin: Yes No

Determann: Yes No

Chairperson, Tom Determann

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION 2022 - _____

RESOLUTION APPROVING A TEXT AMENDMENT TO THE
ZONING ORDINANCE OF CLINTON COUNTY, IOWA

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on February 1, 2022 and following said hearing the Commission recommended approval of the attached text amendments to the Clinton County Zoning Ordinance; and

WHEREAS, the Clinton County Board of Supervisors held a public hearing and first reading of the proposed text amendments on February 21, 2022 to consider said amendment and to hear comments for and against; and

WHEREAS, the Clinton County Board of Supervisors held a second reading of the proposed text amendment on February 28, 2022 to consider said amendment;

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors as follows:

1. The attached ordinance numbered 2022-02 is hereby adopted.
2. The Auditor is directed to publish said ordinance as required by law.
3. This ordinance shall be in effect from and after its adoption and publication as required by law.

Roll Call:

Srp: Yes No

Irwin: Yes No

Determann: Yes No

Chairperson, Tom Determann

ATTEST:

County Auditor, Eric Van Lancker

ORDINANCE 2022 – 02

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY ZONING ORDINANCE TO UPDATE SECTION 4.2.13 TELECOMMUNICATIONS TOWERS AND ANTENNAS, SO IT IS IN COMPLIANCE WITH IOWA CODE 8C.

Section 1: Be it enacted by the Clinton County Board of Supervisors that the text of the Clinton County Zoning Ordinance be amended as follows:

See attached Exhibit “A”

Section 2: The change as hereinabove set forth shall be entered and made part of the Zoning and Ordinance of the County of Clinton, Iowa.

Section 3: If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4: This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

PASSED AND ADOPTED this 28th day of February, 2022 by the Board of Supervisors, Clinton County, State of Iowa.

Dan Srp

Jim Irwin

Chairperson, Tom Determann

Clinton County Board of Supervisors

ATTEST:

County Auditor, Eric Van Lancker

Exhibit "A"

I. Amend Chapter 4 section 4.2.13.E.1 by deleting it and replacing it with the following:

Co-location. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations, applicant's technical design requirements, or is economically burdensome to the applicant.

II. Amend Chapter 4 section 4.2.13.D to correct the numbering of the application requirements.

III. Amend Chapter 4 section 4.2.13.D.6 by deleting is and replacing it with the following:

Pursuant to Subsection E(1), evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property.

IV. Amend Chapter 4 section 4.2.13.E by deleting the following sections:

- 4.2.13.E.2
- 4.2.13.E.4

February 28, 2022

MOTION by Supervisor _____ to assess the following 2022 billing assessment amounts to the respective Drainage Districts and the Board of Supervisors will allow waivers as indicated for these assessments:

DRAINAGE DISTRICT		AMOUNT LEVIED	WAIVER AMORTIZATION
DRAINAGE DISTRICT 5		\$1,210.05	10 YEAR
DRAINAGE DISTRICT 6		\$234.61	N/A
DRAINAGE DISTRICT 7	MAIN	\$94,080.85	20 YEAR
DRAINAGE DISTRICT 8	ALL POINTS	\$1,120.53	10 YEAR
DRAINAGE DISTRICT 10	ALL POINTS	\$234.61	10 YEAR
DRAINAGE DISTRICT 10	LATERAL 5	\$193.20	10 YEAR
DRAINAGE DISTRICT 15	ALL POINTS	\$63.58	N/A
DRAINAGE DISTRICT 15	LATERAL 1	\$1,090.00	10 YEAR
DRAINAGE DISTRICT 15	LATERAL 8	\$327.00	10 YEAR
DRAINAGE DISTRICT 15	LATERAL 9	\$521.71	10 YEAR
DRAINAGE DISTRICT 18		\$63.58	N/A
DRAINAGE DISTRICT 22		\$12,835.59	20 YEAR
DRAINAGE DISTRICT 23	MAIN	\$8,436.50	10 YEAR
DRAINAGE DISTRICT 23	LATERAL 4	\$14.31	N/A
DRAINAGE DISTRICT 28		\$2,664.95	10 YEAR
	TOTAL	\$123,091.07	

Roll Call:

Srp: Yes No

Irwin: Yes No

Determann: Yes No

Motion _____.