

Clinton County Board of Supervisors

Jim Irwin, Chairman

Dan Srp, Vice Chairman

Erin George

Clinton County Administration Building
1900 North Third Street; Clinton, Iowa 52732
563-244-0575 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, July 10, 2023, 9:00 A.M. Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA. The public may also join the meeting on Zoom 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

CONSENT AGENDA

- RESOLUTION 2023-160: Retirement – Secondary Road Department
- RESOLUTION 2023-161: Appointment – Conservation
- RESOLUTION 2023-162: July 3, 2023, cash count certification
- RESOLUTION 2023-163: Road closure for the Crossroads Triathlon
- MOTION: Utility permit number 6-34 for F & B Communications

RESOLUTIONS

- RESOLUTION: Award a paving contract for a project on 170th Street
- RESOLUTION: Award FY24 Rural County Transportation Program funds
- RESOLUTION: Adopt Ordinance 2023-03 amending the County Zoning Ordinance

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

1. Severance of territory from the City of Welton
2. Clinton Humane Society and County Animals

July 10, 2023

RESOLUTION 2023-160

RESOLUTION TO ACCEPT RETIREMENT OF JILL MCDONALD FROM THE
COUNTY SECONDARY ROAD DEPARTMENT

WHEREAS, it is necessary to make certain changes in the status of employees of Clinton County; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the following changes are made:

Accept the retirement of Jill McDonald (Office Manager), effective July 21, 2023.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

July 10, 2023

RESOLUTION 2023 – 161

RESOLUTION TO HIRE KARRI RUTENBECK AS FULL-TIME PARK SUPERVISOR FOR THE CONSERVATION BOARD

WHEREAS, the Board of Supervisors of Clinton County, Iowa, having adopted “Regulations for Non-Union County Personnel” applicable to the employment of non-union personnel, and

WHEREAS, it is necessary to make certain changes in the regulation as to the appointment of non-union employees, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the following changes are made:

Approve the appointment of Karri Rutenbeck for the position of Park Supervisor, at the rate of \$22.93 per hour, effective July 10th, 2023; and

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue bi-weekly paychecks on the Conservation Administrative General Fund –Salaries of Regular Employees in payment of wages without further order of the Board.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

July 10, 2023

RESOLUTION 2023 - 162

RESOLUTION CERTIFYING CASH ON HAND AT THE START OF THE CLINTON COUNTY 2024 FISCAL YEAR

The Clinton County Board of Supervisors, having interviewed the different County Officials and Department Heads, does hereby report cash on hand in the various offices before the opening of business on Monday, July 3, 2023, as follows:

CONSERVATION		
Rock Creek – Weekend cash sales		\$ 2,794.60
Rock Creek – Registers		\$ 215.47
Rock Creek – Lockbox change		\$ 294.45
RECORDER/REGISTRAR		
Cash in Drawer (Clinton)		\$ 200.00
Cash in Drawer (DeWitt)		\$ 100.00
SHERIFF		
Petty Cash		\$ 33.38
Gun Permit/Permit to Purchase		\$ 0.00
Weapon/Driving/Accident Report		\$ 0.00
SHERIFF – CIVIL DEPARTMENT		
Cash on Hand		\$ 100.00
TREASURER		
Cash in Drawers		\$ 900.00
Cash in Vault		\$ 1,000.00
Cash in Drawers – DeWitt		\$ 200.00
Cash in Vault – DeWitt		\$ 100.00

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

ATTEST:

Chairperson, Jim Irwin Jr.

County Auditor, Eric Van Lancker

July 10, 2023

RESOLUTION 2023- 163

RESOLUTION TO APPROVE ROAD CLOSURE REQUEST
FOR THE CROSSROADS TRIATHLON

WHEREAS: Clinton County has received a completed request form for temporary road closure as follows:

Request From:	DeWitt Crossroads Triathlon (City of DeWitt)
Purpose of Closure:	Triathlon
Date & Time:	Saturday, July 22, 2023; 8:00 A.M.-11:00 A.M. (Approx.)
Roads Involved:	Lake Killdeer 330 th Avenue to 245 th Street to DeWitt to Y-70 from DeWitt to 190 th Street

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors, in a spirit of cooperation do hereby approve the aforementioned road closures for the above specified time and the event sponsor has requested that the Secondary Road Department provide the proper road closure signage and the Secondary Road Department will not be reimbursed by the City of DeWitt.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

July 10, 2023

MOTION by Supervisor _____ to authorize the Chairperson to sign Utility Permit Number 6-34 for F&B Communications to place Fiber optics cable along the roads along 280th Avenue In the county right-of-way located in section 19 T83N R04E of the Waterford Township.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

MOTION: _____

July 10, 2023

RESOLUTION 2023-_____

RESOLUTION TO AWARD HMA MAINTENANCE PAVING ON 170TH STREET

WHEREAS the Clinton County Board of Supervisors has considered the quotes received on June 20, 2023, for a HMA Maintenance Paving project located on 170th Street between US 67 and County Road Z-50; and

WHEREAS the total amount of each quote received was as follows:

Manatts, Inc.	\$607,972.99
Mathy Construction Co.	\$615,848.94

THEREFORE BE IT RESOLVED that the Board of Supervisors of Clinton County, Iowa, concurs with the County Engineer's recommendation and the contract for said work be awarded to the low quote, as follows:

Manatts, Inc.	\$607,972.99
Eastern Iowa Asphalt Division Camanche, IA	

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors be authorized to execute said contracts on behalf of Clinton County, Iowa.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

July 10, 2023

RESOLUTION 2023-

RESOLUTION TO AWARD FY 2024 RURAL COUNTY TRANSPORTATION PROGRAM FUNDS

WHEREAS, the Board of Supervisors of Clinton County, Iowa, created a Rural Transportation Program (RCTP) which establishes a \$75,000 fund for small cities in Clinton County to apply for to complete transportation related projects, and

WHEREAS, ECIA staff have reviewed the applications for FY 2024 funding based on project eligibility and the RCTP Ranking Committee has assigned a numerical ranking based on the evaluation criteria in the application guidelines, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the Board accept the ranking from the committee and award the following funding amounts to the Cities listed in the table below.

City Name	Project Name	Award Amount
Wheatland	Toronto Street Sidewalk Improvements	\$25,000
Toronto	Mill Street Sidewalk Improvements	\$23,200
Calamus	2 nd Street Improvements	\$19,135
	Total	\$67,335

*\$5,000 set aside for ECIA administration cost and \$2,665 used as match for SS4A application

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION 2023 - _____

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 June 6, 2023 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 July 3, 2023 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 July 10, 2023 to consider said amendment;

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

1. The attached ordinance numbered 2023-03 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:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

ORDINANCE #2023 – 03

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY ZONING ORDINANCE TO
UPDATE SECTION 4.2.18.

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 10th Day of July, 2023 by the Board of Supervisors, Clinton County, State of Iowa.

Erin George

Dan Srp

Chairperson, Jim Irwin

Clinton County Board of Supervisors

ATTEST:

County Auditor, Eric Van Lancker

Exhibit "A"

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY ZONING ORDINANCE TO UPDATE SECTION 4.2.18.

1. Amend Ordinance 2016-03 by adding following sections 4.2.18.G with the following:

General

1. The Project shall be kept and maintained in good repair and condition at all times: neat, clean, and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

Setbacks

2. The Project shall maintain a minimum distance of 300 feet between all habitable structures and the Project's solar panels. Landowners may waive all or part of this setback if they choose.
3. The Project shall maintain a minimum distance of 100 feet between the U.S. Highway 30 right-of-way and all aboveground project infrastructure.

Landscape Buffering

4. The Project shall install and maintain landscape buffering along adjacent, non-participating residential parcels, if requested by the adjacent, non-participating residential parcel owner, at a rate of at least six (6) trees per one hundred (100) feet. For the avoidance of doubt, the landscape buffering would be located along the sides of any adjacent, nonparticipating residential parcels that abut the Project. The trees shall be sufficient size at planting to reach 8 feet within 3 years, and the Project shall promptly replace any diseased or dead trees. There shall be an annual review of buffer trees and landscaping.
5. The Project will use commercially reasonable efforts to locate trees as far from adjacent, nonparticipating residential property lines as practicable.

Local Employment

6. The Project shall hold a local job fair and shall make a good faith effort to hire local employees to construct and maintain the Project. The Project shall track and report annually to the Clinton County Board of Supervisors the number of local employees hired.

Soil and Water Sampling

7. The Project shall submit a Soil and Water Sampling plan to Clinton County prior to construction as part of the Zoning Permit and Final Site Plan approval process. The number of samples, sampling timing, and testing methodology shall be mutually agreed upon by the Project and the Clinton County Engineer.

Construction Hours

8. Construction laydown areas shall be located in a manner to minimize impacts to nonparticipating residences and shall be set back at least 500 feet from nonparticipating residences.
9. Construction hours shall be daylight hours, not earlier than 7am and not later than 7pm, Monday through Saturday. For this purpose, construction does not include meetings of crews or operation of cars, light trucks, or forklifts. Exceptions to this shall be made on a case-by-case basis by the Clinton County Zoning Director.

Road Use and Repair

10. The Project shall enter into a Road Use and Repair Agreement with Clinton County prior to construction satisfactory to the Clinton County Engineer.

11. The Project shall conduct a pre-construction survey in coordination with the County Engineer to determine the condition of existing roads and drainage structures. The survey shall include photographs and a written agreement to document the condition of the public facility.
12. Clinton County shall provide on-going road maintenance and dust control measures deemed appropriate at the expense of the applicant utilizing their standard rates charged to cities within the county.
13. The Project shall be responsible for restoring or paying damages as agreed to by the County Engineer sufficient to restore the road(s) and bridges to preconstruction conditions.
14. Financial security shall be submitted before construction covering up to 100% of estimated cost for repairs as agreed to by the Project and the County Engineer.

Decommissioning

15. Decommissioning of the Project shall include removal of all project infrastructure, including underground installations, and shall include the restoration of the grounds and roads utilized to their condition prior to the removal of the infrastructure.
16. The Project shall submit an updated Decommissioning Plan to Clinton County prior to construction as part of the Zoning Permit and Final Site Plan approval process.
17. The Decommissioning Plan shall include a decommissioning cost estimate prepared by a state licensed professional engineer.
18. The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond obtained from a surety authorized by the Iowa Insurance Commissioner, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The initial bond amount shall be the amount set in the project application. The form, source and amount of bond shall be approved by the county board of supervisors.
19. The Project shall provide the decommissioning cost guaranty before the start of construction and shall maintain the financial security thereafter for as long as each is in existence or upon discontinuance, decommissioning, or abandonment prior to completion.
20. The Project shall revise and update the decommissioning cost estimate every five (5) years from the date of approval to account for inflation, cost and value changes, and advances in decommissioning technologies and approaches over the life of the project.
21. If Clinton County disputes the decommissioning cost estimate provided by the Project, the estimate shall be reviewed by a mutually agreed upon third party engineer.

RE Overlay District Term

22. The Renewable Energy Overlay District shall expire after the earlier of (a) completion of decommissioning of the Project, or (b) forty-one (41) years following the commercial operation date of the Project. 41 years would account for the 40-year maximum operational period under lease agreements and the 1 year decommissioning period.

Insurance

23. The Project shall at all times during construction and operation of the project maintain a broad general liability insurance policy commensurate with industry standards. Certificates of insurance shall be provided to Clinton County upon request. The Project shall name Clinton County as an additional insured under said insurance. The Project shall indemnify and hold Clinton County and

its employees, agents and representatives free and harmless from any third party claims for damages to property directly caused by the Project arising from the installation, operation, and decommissioning of the project; provided, however, such indemnification obligation shall not apply if such damage was caused by Clinton County or any of its employees, agents or representatives.

Fire Safety

24. The Project shall coordinate with emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services.
25. The Project shall provide the Grand Mound Volunteer Fire Department and Calamus Volunteer Fire Department all pertinent information in case of a fire or other emergency on site to ensure safe operation and emergency response, including but not limited to specific training, 24-hour contact information, access to lock boxes (e.g. Knox Boxes), access point locations, the locations of shut offs and circulation patterns. The Project shall update the fire departments of any changes to such information and provide an annual tour for any new fire department volunteers. The Project shall provide, at the Project's sole cost, any equipment, keys, or codes as necessary for the fire departments to gain entry to the site in the event of an emergency.

Assignment

26. Any instrument assigning ownership or control of the Project shall include express language requiring any future owners of the Project to construct, maintain, and operate the Project in compliance with all Clinton County requirements, unless modified by a condition of this approval. For the avoidance of doubt, these requirements include the decommissioning and site restoration obligations and road use and repair obligations. If there is a change in ownership, the Project shall notify the Clinton County Planning and Zoning Director within 30 days of any such transfer, assignment, or sale.

Drainage

27. The Project shall be responsible for maintaining the integrity of the drainage system so as not to cause drainage issues within the project area or on neighboring properties.
28. The Project shall be responsible for reasonably prompt repair of damage to public drainage systems stemming from construction, operation or maintenance. In the event of impacts to public drainage systems within the project footprints, the Project shall ensure that this does not affect neighboring properties. There shall be in place at all times a defined procedure for the county to notify the applicant of any drainage issue. In the event the applicant fails to take or make a prompt effort to address the same, the county may at the applicant's expense act to correct the situation.
29. If drainage infrastructure or systems on non-participating properties are damaged by any cause connected with the project, the Project shall restore the drainage infrastructure or system to a condition at least as good as the pre-construction condition.

Soils

30. Top soils shall not be removed during development, unless as part of a remediation effort. If removed, the full depth of topsoil shall be replaced.
31. Soils shall be planted and maintained in deep rooted perennial vegetation to prevent erosion, manage runoff and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the Project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season.
32. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.