

Clinton County Board of Supervisors

Clinton County Administration Building
1900 North Third Street

Daniel A. Srp, Chairperson
Shawn Hamerlinck, Vice Chairperson
John F. Staszewski

P.O. Box 2957
Clinton, Iowa 52733-2957
Telephone: (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, June 27, 2016, 9:00 A.M.; Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA.

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

9:15 a.m. Formal Action & Motions

CONSENT AGENDA

- RESOLUTION 2016-141: Administrative Salaries for FY2017
- RESOLUTION 2016-142: Communication Salaries for FY2017
- RESOLUTION 2016-143: General Services Salaries for FY2017
- RESOLUTION 2016-144: Various salary for FY2017
- RESOLUTION 2016-145: Non-union FY17 wages for Engineer's Department/Secondary Roads
- RESOLUTION 2016-146: Sheriff's Office Personnel Salaries for FY2017
- RESOLUTION 2016-147: Sheriff's Office Administrative Personnel Salaries for FY2017
- RESOLUTION 2016-148: Sheriff's Office Deputies, Civilian Correctional Officers and Office Personnel Salaries for FY2017
- RESOLUTION 2016-149: Tax sale certificate (15-0026) redemption
- MOTION: Utility permit number 10-83 for Eastern Iowa Light and Power
- MOTION: Utility permit number 10-84 for Eastern Iowa Light and Power
- MOTION: Utility permit number 16-185 for Windstream Communications

RESOLUTIONS

- Approve a contract with Clapsaddle-Garber Associates for gas pipeline construction inspection for the County
- Approve a contract with Carosh Compliance Solutions for HIPAA compliance services

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

9:30 a.m. Public Hearing

The Supervisors welcome public comment on a proposed application for the Anderson Subdivision. Possible action may follow this hearing.

9:35 a.m. Public Hearing

The Supervisors welcome public comment on a proposed application for the Rittmer's 3rd Addition. Possible action may follow this hearing.

9:40 a.m. Public Hearing

The Supervisors welcome public comment on a proposed amendment to the Clinton County Floodplain Management Ordinance to clarify certain requirements for the construction of accessory structures in the Floodway Fringe District and updating the effective date of Official Floodplain Zoning Map. Possible action may follow this hearing.

9:45 a.m. Public Hearing

The Supervisors welcome public comment on a proposed amendment to the Clinton County Zoning Ordinance to change the requirements for severing an existing farm dwelling within 1,320 feet of an existing livestock confinement operation or feed lot. Possible action may follow this hearing.

9:50 a.m. Property purchase

The Supervisors may enter into a closed session in accordance with Code of Iowa Sec. 21.5(j) to discuss a possible purchase of property. Possible action may follow the closed session.

RESOLUTION 2016 - 141

BE IT RESOLVED by the Clinton County Board of Supervisors that pursuant to Chapter 331.904 (1), (2), (3), Code of Iowa, the annual salaries for administrative personnel of the various offices FY 2016-2017 are hereby established:

Ross Barlow	Assistant County Attorney	\$92,293.00
Robin Strausser	Assistant County Attorney	\$80,203.00
Cheryl Newport	Assistant County Attorney	\$80,203.00
Amanda Myers	Assistant County Attorney	\$75,254.00
James McHugh	Assistant County Attorney	\$61,842.00
Lynn Kirchhoff	Budget Director	\$61,285.00
Jill McDonald	Assistant to the Auditor	\$63,911.00
Nancy A. Howson	Deputy Auditor	\$46,286.00
Rebecca Weaver	Deputy Auditor	\$57,019.00
Natalie Ehm	Deputy Auditor	\$57,019.00
Kyle Leist	GIS Technician	\$42,000.00
Debbie Jo Elkins	Deputy Recorder	\$52,403.00
Sherry Sperry	Deputy Recorder	\$49,128.00
Lori Michaelsen	Deputy Treasurer	\$56,292.00
Marcia Opheim	Deputy Treasurer	\$49,007.00
Samantha Giuliani	Deputy Treasurer	\$45,000.00
Allison Swanson	Deputy Treasurer	\$43,378.00

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue biweekly pay checks in payment of same without further action of this Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

June 27, 2016

RESOLUTION 2016 - 142

WHEREAS, an agreement has been made between the Clinton County Board of Supervisors and the Clinton County Communications Commission, of which Commission, Clinton County is a member, and the Clinton County Communications Operators are covered by said agreement; and

WHEREAS, the following employees are covered by said agreement for the period July 1, 2016, through June 30, 2017:

Ruthellen Bates	Kellene Hosette
S. LeeAnn Birdsley	Rhya Kowzic
Lynn Broadrick	Crystal Lant
Margaret Crosthwaite	Adam Lemke
Marcia DeBoer	Betty J. McCullough
Sara Eagle	Brent Vogel

BE IT RESOLVED by the Clinton County Board of Supervisors that the County Auditor be and is hereby authorized to issue biweekly pay checks on the General Basic Fund in payment of wages, as set out in said agreement without further action of this Board.

BE IT FURTHER RESOLVED by the Clinton County Board of Supervisors that the County Auditor be and is hereby authorized to pay longevity and shift differential as per union contract without further action of this Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION 2016- 143

WHEREAS, an agreement having been made between the Clinton County Board of Supervisors and General Services union employees represented by Public, Professional and Maintenance Employees, IBPAT 2003, applicable to the employment of said employees; and

WHEREAS, the following employees are covered by said agreement:

- Grade 1: Kelli Riley
- Grade 3: June Mielk; Steven Tegeler
- Grade 4: David Hendrickson; Allen Ketelsen; John McElroy; Michelle Stearns
- Grade 5: Christine Bruhn; Melissa Clay; Denise Dodson; Debra Irish; Natalie Kristensen; Cynthia Perry, Tami Stoddard; Jennifer Woodard
- Grade 6: Jean Horan; Lori Johnson; Barbara Mussman-Weber
- Grade 7: Lisa Abbott; Karen Brix; Teresa Decker; Mathew Lancaster; Penny Linden; Robert Schaefer
- Grade 8: Paul Burn; William Costello; Grant Henry; Charles Jacobsen; Jill Schmidt; David Schneden; Jessica Steines
- Grade 9: Darin Voss; Ryan Waltz
- Grade 10: Mark Roberts
- Grade 11: Chip Brown; Darla Brown; Tracy Dickey; Andra Ehredt; Christine Meier; Mark Mussmann; Shane Sikkema; Brad Taylor; Sherry Tubbs;
- Grade 12: Paul Banowetz; Handy Ehredt

BE IT RESOLVED by the Clinton County Board of Supervisors that the County Auditor be and is hereby authorized to issue biweekly pay checks on the various funds in payment of wages, as set out in said agreement, for said job classifications without further action of this Board.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to increase the hourly pay rate for eligible personnel covered by PPME 2003 contract, as step raises are earned FY 2016-2017 and to disburse longevity to qualifying personnel without further action of this Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION 2016 - 144

WHEREAS, the Clinton County Board of Supervisors have considered the appointment of the following personnel of various county offices for the period from July 1, 2016 through June 30, 2017.

BE IT RESOLVED by the Clinton County Board of Supervisors that said personnel be and are hereby appointed to the position indicated.

Todd J. Kinney	County Engineer	\$110,963.00 Yearly
Eric Dau	Communications Director	\$57,677.00 Yearly
Corey Johnson	Building Maintenance Manager	\$57,775.00 Yearly
Karen Petersen	Office Manager	\$62,914.00 Yearly
Edward Staszewski	Veterans Affairs Director	\$38,087.00 Yearly
Walter Wickham	Conservation Director	\$79,257.00 Yearly
Shane McClintock	Environmental Services Director	\$53,560.00 Yearly
Lisa Frederick	Admin Asst, Environmental Services	\$17.67 Hourly
Chance Kness	Emergency Management Coordinator	\$64,465.06 Yearly
Amanda Pearson	Emergency Management Admin Asst	\$38,146.15 Yearly
Dannie Howard	Operations Officer	\$45,000.00 Yearly
Patricia A. Robinson	Director of Case Management	\$65,949.00 Yearly
Robyn Landon	Medicaid Case Management Supervisor	\$55,997.00 Yearly
Rebecca J. Eskildsen	ICG/MR CM Director	\$68,379.00 Yearly
Kimberly Ralston	Assistant MH Coordinator	\$61,543.00 Yearly
Celestine Hlubek	Administrative Assistant	\$41,512.00 Yearly
Margaret Kuhl	Clinton County Justice Coordinator	\$48,925.00 Yearly
Elizabeth Smith	IT Director	\$66,435.00 Yearly
Brian Briese	Network Systems Analyst	\$56,470.00 Yearly
Edward Reuter	Maintenance Supervisor	\$48,497.00 Yearly

BE IT FURTHER RESOLVED by the Clinton County Board of Supervisors that the County Auditor be and is hereby authorized to issue biweekly pay checks on the various funds in payment of salaries without further actions of this Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION # 2016-145

June 27, 2016

WHEREAS, the Board of Supervisors of Clinton County, Iowa, having considered the appointment of the following personnel to the Clinton County Secondary Road Department for the period from July 1, 2016, through June 30, 2017, now

THEREFORE BE IT RESOLVED that said personnel be and are hereby appointed to the positions indicated:

Elliott Pennock	Asst. County Engineer	\$66,950/Year
Velda I. Arvola	Office Manager	\$23.19/Hour*
Donn Holst	Road Maintenance Foreman	\$72,905/Year
Gregory Oldsen	Shop Foreman	\$27.32/Hour
Jeff A. Oster	Bridge Foreman	\$27.32/Hour
<i>Ryan Weaver</i>	<i>Engineering Technician-4</i>	

\$25.75/Hour

***Hourly rate contingent upon continuing accounts payable responsibilities.**

BE IT FURTHER RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the "Regulations for Non-Union County Engineer's Personnel," be applicable for the employment of the above personnel for said period.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue bi-weekly warrants on the Secondary Road Fund in payment of salaries without further order of the Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

ATTEST:

Eric Van Lancker
County Auditor
County of Clinton
State of Iowa

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

June 27, 2016

RESOLUTION 2016 - 146

WHEAREAS, pursuant to Chapter 331.904 (1), (2), (3), Code of Iowa, the annual salaries for administrative personnel of the Clinton County Sheriff's Office for fiscal year 2016-17 are hereby established.

BE IT RESOLVED by the Clinton County Board of Supervisors that the salaries for administrative personnel are hereby established for fiscal year July 1, 2016 through June 30, 2017.

Kevin G. Cain	Chief Deputy	\$77,728.25
Thomas Paarmann	Lieutenant	\$73,156.00
Craig Eberhart	Lieutenant	\$73,156.00
Steven L. Cundiff	Sergeant	\$29.72 hourly
Paul Hammond	Sergeant	\$29.72 hourly
J. Scott Reyhons	Sergeant	\$29.72 hourly
Stephen Diesch	Sergeant	\$29.72 hourly

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to increase the hourly rate of pay for longevity when the proper notification is received from the Sheriff's Office, without further action of this Board.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to increase the hourly rate of pay for EMT Certification when the proper notification is received from the Sheriff's Office, without further action of this Board.

BE IT RESOLVED that the County Auditor be and is hereby authorized to issue biweekly pay checks in payment of same without further action of this Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, Auditor, County of Clinton, State of Iowa

June 27, 2016

RESOLUTION 2016 - 147

WHEREAS, the Clinton County Board of Supervisors have considered the appointment of the following personnel of the Clinton County Sheriff's Office for the period from July 1, 2016 through June 30, 2017.

BE IT RESOLVED by the Clinton County Board of Supervisors that said personnel be and are hereby appointed to the position indicated.

Tara Sbertoli	Sheriff's Admin Assist	\$20.65 hourly
Laura Davis	Civil Process Director	\$62,350.78 yearly
Elizabeth Eikenberry	Secretary (P/T)	\$18.52 hourly
Randy Meier	Senior's vs. Crime	\$14.51 hourly
James Robertson	Bailiff	\$18.06 hourly
Gean Moore	Bailiff	\$16.62 hourly
Clarence Henry	Bailiff	\$16.16 hourly
Michael Wirth	Bailiff	\$16.16 hourly
Don Weis	Bailiff	\$16.16 hourly
Steve Dyson	Bailiff	\$15.85 hourly
Jess Paul	Bailiff	\$15.85 hourly
Roger Drey	Bailiff	\$15.45 hourly
Vacant	Bailiff	\$15.00 hourly

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to increase the hourly rate of pay for longevity when the proper notification is received from the Sheriff's Office, without further action of this Board.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue biweekly pay checks in payment of same without further action of this Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson, Clinton County Board of Supervisors

ATTEST: _____
Eric Van Lancker, County Auditor
County of Clinton, State of Iowa

June 27, 2016

RESOLUTION 2016- 148

WHEREAS, pursuant to Chapter 331.904 (1), (2), (3), of the Code of Iowa, the annual salaries of Sheriff's Deputies, Civilian Correctional Officers and Office Personnel for fiscal year 2016-17 are hereby established.

BE IT RESOLVED by the Clinton County Board of Supervisors that salaries for the following Sheriff's Deputies, Civilian Correctional Officers and Office Personnel be and are hereby established for the fiscal year July 1, 2016 through June 30, 2017.

Allen Soenksen	Deputy Sheriff	\$26.42 hourly
Jeffrey Ernst	Deputy Sheriff	\$26.42 hourly
Stacey Bussie	Deputy Sheriff	\$26.42 hourly
Jessup Schroeder	Deputy Sheriff	\$26.42 hourly
Thomas Christoffersen	Deputy Sheriff	\$26.42 hourly
Scott Wainwright	Deputy Sheriff	\$26.42 hourly
Brian Grell	Deputy Sheriff	\$26.42 hourly
Christopher Sivright	Deputy Sheriff	\$26.42 hourly
Matthew Owens	Deputy Sheriff	\$26.42 hourly
Cole Hamilton	Deputy Sheriff	\$26.42 hourly
Mark Mahmens	Deputy Sheriff	\$26.42 hourly
Alisha Wirth	Deputy Sheriff	\$26.42 hourly
Zachary Lange	Deputy Sheriff	\$26.42 hourly
Brandon VanBlaricome	Deputy Sheriff	\$26.42 hourly
Jacob Dever	Deputy Sheriff	\$26.42 hourly
Ben Watts	Deputy Sheriff	\$26.42 hourly
Clayton Rabe	Deputy Sheriff	\$26.42 hourly
Karen Jess-Jungen	Secretary	\$19.07 hourly
Debra Determan	Secretary	\$19.07 hourly
Kimberly Spittler	Secretary	\$19.07 hourly
Sheri Plum	Civilian Correctional Officer	\$19.07 hourly
Bryan McClimon	Civilian Correctional Officer	\$19.07 hourly
Lori Nichols	Civilian Correctional Officer	\$19.07 hourly
Christopher Atkinson	Civilian Correctional Officer	\$19.07 hourly
Julie Cramer	Civilian Correctional Officer	\$19.07 hourly
Tracey Friederichsen	Civilian Correctional Officer	\$19.07 hourly
Megan Goodall	Civilian Correctional Officer	\$19.07 hourly
Ronald Shanahan	Civilian Correctional Officer	\$19.07 hourly
Andrew Long	Civilian Correctional Officer	\$19.07 hourly

Hailey Hall	Civilian Correctional Officer	\$19.07 hourly
Joshua Wehde	Civilian Correctional Officer	\$19.07 hourly
Jaimie Storjohann	Civilian Correctional Officer	\$19.07 hourly
Vacancy	Civilian Correctional Officer	\$19.07 hourly
Vacancy	P.T. Correctional Officer	\$19.07 hourly

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to increase the hourly pay rate of Sheriff's Deputies, Civilian Correctional Officers, and Office Personnel for longevity when proper notification is received from the Office of Sheriff, as per union contract, without further action of this Board.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to increase the hourly pay rate of Sheriff's Deputies for EMT certification when proper notification is received from the Office of Sheriff, as per union contract, without further action of this Board.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue biweekly pay checks in payment of same without further action of this Board.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker, Auditor
County of Clinton, State of Iowa

RESOLUTION # 2016-149

WHEREAS, has petitioned for a Tax Sale Certificate Redemption under provisions of Code of Iowa, Section 447.9, on the following described property:

5116 9th Street, Camanche, IA

Parcel # 1018180000

WHEREAS, eligibility for said 447.9 tax sale certificate redemption has been verified by Kim Ralston, CAP Director.

BE IT RESOLVED by the Clinton County Board of Supervisors that the redemption of the tax sale certificate 15-0026 be and is hereby approved. Additionally the Clinton County Board of Supervisors approves the payment of the interest due to the holder of Tax Sale Certificate ADAIR 0058/BMO HARRIS; C/O BMO16; PO BOX 1414; Minneapolis, MN; 55480. The County Treasurer is authorized to make entry on this record accordingly.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker
County Auditor
County of Clinton
State of Iowa

APPLICATION FOR APPROVAL OF CONSTRUCTION
WITHIN CLINTON COUNTY RIGHT-OF-WAY

This is a Permit Application for telecommunications, electric, gas, water, drainage utilities and other miscellaneous work within county ROW. The applicant agrees to comply with the following permit requirements. Compliance shall be determined by the sole discretion of the County Engineer as deemed necessary to promote public health, safety and the general welfare. These requirements shall apply unless waived in writing by the County Engineer prior to installation.

Applicant Name: Eastern Iowa Light & Power
Street Address: 500 S. 5th Street
City, State, Zip: Dewitt, IA, 52742
Contact Person: Larry Mork: 563-649-3146 x7393 or 563-529-3748

1. Location Plan. An applicant shall file a completed location plan as an attachment to this Permit Application. The location plan shall set forth the location of the proposed utility and/or construction on the secondary road system and include a description of the proposed installation.
2. Written Notice. At least 10 working days prior to the proposed construction, an applicant shall file with the County Engineer a written notice stating the time, date, location and nature of the proposed construction.
3. Inspection. The County Engineer may provide a full-time inspector during the installation of utility lines and construction within ROW to insure compliance with this permit. The inspector may have the right, during reasonable hours and after showing proper identification, to enter any installation site in the discharge of the inspector's official duties, and to make any inspection or test that is reasonably necessary to protect the public health, safety and welfare.
4. Inspection Fees. Upon approval of the application by the Board of Supervisors, the permit will be issued by the County Engineer upon payment of the required prepaid \$100.00 permit fee made payable to the County Treasurer's office. Inspection fees may be required by the County Engineer and paid by the applicants. The applicant shall pay actual costs directly attributable to the installation inspection conducted by the County Engineer.
5. Requirements. The installation inspector shall assure that the following requirements have been met:
 - A) Construction signing shall comply with the Manual on Uniform Traffic Control Devices.
 - B) Depth - (Add additional depth if ditch has silted to the thickness of the deposited silt.) The minimum depth of cover shall be as follows:

Telecommunications.....	36"	Electric.....	48"
Gas.....	48"	Water.....	60"
Sewer.....	60"		

- C) The applicant shall use reference markers in the right-of-way ("R.O.W.") boundary to locate line and changes in alignment as required by the County Engineer. A permanent warning tape shall be placed one (1) foot above all underground utility lines.
 - D) All tile line locations shall be marked with references located in the R.O.W. line.
 - E) No underground utility lines shall cross over a crossroad drainage structure without written approval.
 - F) Residents along the utility route shall have uninterrupted access to public roads. An all-weather access shall be maintained for residents adjacent to the project.
 - G) A joint assessment of the road surfacing shall be made by the applicant and the County Engineer both before and after construction. After construction, granular surfacing shall be added to the road by the applicant to restore the road to its original condition. After surfacing has been applied, the road surface shall be reviewed by the County Engineer once the road has been saturated, to determine if additional surfacing on the roadway by the applicant is necessary.
 - H) All damaged areas within the R.O.W. shall be repaired and restored to at least its former condition by the applicant or the cost of any repair work caused to be performed by the County will be assessed against the applicant.
 - I) Areas disturbed during construction which present an erosion problem shall be solved by the applicant in a manner approved by the County Engineer.
 - J) All trenches, excavations, and utilities that are knifed shall be properly tamped.
 - K) All utilities shall be located between the bottom of the backslope and the bottom of the foreslope, unless otherwise approved in writing by the County Engineer prior to installation.
 - L) Paved road crossings shall be bored. The depth below the road surface shall match the minimum depth of cover for the respective utility.
6. Non Conforming Work. The County Engineer may suspend the installation at any time if the applicant's work does not meet the requirements set forth in this Permit.
 7. Emergency Work. In emergency situations, work may be initiated by an applicant without first obtaining a permit. However, a permit must be obtained within fourteen (14) days of initiation of the work. All emergency work shall be done in conformity with the provisions of this ordinance and shall be inspected for full compliance.
 8. County Infraction. Violation of this permit is a county infraction under Iowa Code Section 331.307, punishable by a civil penalty of \$100 for each violation. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.
 9. Hold Harmless. The utility company shall save the County harmless of any damages resulting from the applicant's operations. A copy of a certificate of insurance naming the County as an additional insured for the permit work shall be filed in the County Engineer's office prior to installation. The minimum limits of liability under the insurance policy shall be \$1,000,000.

- 10. Permit Required. No applicant shall install any lines unless such applicant has obtained a permit from the County Engineer and has agreed in writing that said installation will comply with all ordinances and requirements of the County for such work. Applicants agree to hold the County free from liability for all damage to applicant's property which occurs proximately as a result of the applicant's failure to comply with said ordinances or requirements.
- 11. Relocation. The applicant shall, at any time subsequent to installation of utility lines, at the applicant's own expense, relocate or remove such lines as may become necessary to conform to new grades, bridge construction, alignment or widening of R.O.W. resulting from maintenance or construction operations for highway improvements.

06-16-2016

DATE

Eastern Iowa Light & Power

NAME OF APPLICANT OR COMPANY

BY

Jerry K. Mack EASTERN IA LIGHT & Power

RECOMMENDED FOR APPROVAL:

DATE

COUNTY ENGINEER

APPROVAL:

DATE

CHAIRPERSON, BOARD OF SUPERVISORS

N
Z

110 Ft
Barre
Access
210 Ave



CLINTON COUNTY ENGINEER

Clinton County Administration Building
1900 North Third Street
P.O. Box 2957
Clinton, Iowa 52733-2957
563-244-0564
Fax: 563-243-3739

June 27, 2016

Larry Mork
Eastern Iowa Light & Power
500 S. 5th Street
DeWitt, Iowa 52742
563-649-3146 x7393

Subject: Permit 10 – 83 for Electrical Utility Installation

Dear Larry,

Please find enclosed one signed copy of your requested permit for construction within the county right-of-way. The permit was approved based on the following stipulation:

- Eastern Iowa Light & Power shall not place guy wires within 10 feet of the edge of shoulder.
- Eastern Iowa Light & Power shall bore all utility work within County ROW at a minimum depth of 48-inches.
- Utility cable shall be bored under culverts or installed around the ends of culverts. This stipulation applies to all culverts located within the county right-of-way.

Please call 24 hours before construction and keep one copy of the permit and construction plans at the job site. As built plans or a letter stating that the above permitted utility has been constructed as permitted will be required within sixty (60) days of construction. The \$100 permit fee is waived. If you have any questions, please call the office at the above listed number.

Thank you,

Elliott Pennock
Asst. Clinton County Engineer

**CLINTON COUNTY
BOARD OF SUPERVISORS
MOTION**

June 27, 2016

Supervisor _____ moved to authorize the Chairperson to sign Utility Permit Number 10 – 83 for Eastern Iowa Light and Power to bore underground electrical lines across 210th Avenue in Section 24 of Brookfield Township T83N-2E.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Motion _____

APPLICATION FOR APPROVAL OF CONSTRUCTION
WITHIN CLINTON COUNTY RIGHT-OF-WAY

This is a Permit Application for telecommunications, electric, gas, water, drainage utilities and other miscellaneous work within county ROW. The applicant agrees to comply with the following permit requirements. Compliance shall be determined by the sole discretion of the County Engineer as deemed necessary to promote public health, safety and the general welfare. These requirements shall apply unless waived in writing by the County Engineer prior to installation.

Applicant Name: Eastern Iowa Light & Power
Street Address: 500 S. 5th Street
City, State, Zip: Dewitt, IA, 52742
Contact Person: Aaron Healy: 563-649-3146 x7390 or 563-529-3723

1. Location Plan. An applicant shall file a completed location plan as an attachment to this Permit Application. The location plan shall set forth the location of the proposed utility and/or construction on the secondary road system and include a description of the proposed installation.
2. Written Notice. At least 10 working days prior to the proposed construction, an applicant shall file with the County Engineer a written notice stating the time, date, location and nature of the proposed construction.
3. Inspection. The County Engineer may provide a full-time inspector during the installation of utility lines and construction within ROW to insure compliance with this permit. The inspector may have the right, during reasonable hours and after showing proper identification, to enter any installation site in the discharge of the inspector's official duties, and to make any inspection or test that is reasonably necessary to protect the public health, safety and welfare.
4. Inspection Fees. Upon approval of the application by the Board of Supervisors, the permit will be issued by the County Engineer upon payment of the required prepaid \$100.00 permit fee made payable to the County Treasurer's office. Inspection fees may be required by the County Engineer and paid by the applicants. The applicant shall pay actual costs directly attributable to the installation inspection conducted by the County Engineer.
5. Requirements. The installation inspector shall assure that the following requirements have been met:
 - A) Construction signing shall comply with the Manual on Uniform Traffic Control Devices.
 - B) Depth - (Add additional depth if ditch has silted to the thickness of the deposited silt.) The minimum depth of cover shall be as follows:

Telecommunications.....	36"	Electric.....	48"
Gas.....	48"	Water.....	60"
Sewer.....	60"		

- C) The applicant shall use reference markers in the right-of-way ("R.O.W.") boundary to locate line and changes in alignment as required by the County Engineer. A permanent warning tape shall be placed one (1) foot above all underground utility lines.
 - D) All tile line locations shall be marked with references located in the R.O.W. line.
 - E) No underground utility lines shall cross over a crossroad drainage structure without written approval.
 - F) Residents along the utility route shall have uninterrupted access to public roads. An all-weather access shall be maintained for residents adjacent to the project.
 - G) A joint assessment of the road surfacing shall be made by the applicant and the County Engineer both before and after construction. After construction, granular surfacing shall be added to the road by the applicant to restore the road to its original condition. After surfacing has been applied, the road surface shall be reviewed by the County Engineer once the road has been saturated, to determine if additional surfacing on the roadway by the applicant is necessary.
 - H) All damaged areas within the R.O.W. shall be repaired and restored to at least its former condition by the applicant or the cost of any repair work caused to be performed by the County will be assessed against the applicant.
 - I) Areas disturbed during construction which present an erosion problem shall be solved by the applicant in a manner approved by the County Engineer.
 - J) All trenches, excavations, and utilities that are knifed shall be properly tamped.
 - K) All utilities shall be located between the bottom of the backslope and the bottom of the foreslope, unless otherwise approved in writing by the County Engineer prior to installation.
 - L) Paved road crossings shall be bored. The depth below the road surface shall match the minimum depth of cover for the respective utility.
6. Non Conforming Work. The County Engineer may suspend the installation at any time if the applicant's work does not meet the requirements set forth in this Permit.
 7. Emergency Work. In emergency situations, work may be initiated by an applicant without first obtaining a permit. However, a permit must be obtained within fourteen (14) days of initiation of the work. All emergency work shall be done in conformity with the provisions of this ordinance and shall be inspected for full compliance.
 8. County Infraction. Violation of this permit is a county infraction under Iowa Code Section 331.307, punishable by a civil penalty of \$100 for each violation. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.
 9. Hold Harmless. The utility company shall save the County harmless of any damages resulting from the applicant's operations. A copy of a certificate of insurance naming the County as an additional insured for the permit work shall be filed in the County Engineer's office prior to installation. The minimum limits of liability under the insurance policy shall be \$1,000,000.

10. Permit Required. No applicant shall install any lines unless such applicant has obtained a permit from the County Engineer and has agreed in writing that said installation will comply with all ordinances and requirements of the County for such work. Applicants agree to hold the County free from liability for all damage to applicant's property which occurs proximately as a result of the applicant's failure to comply with said ordinances or requirements.
11. Relocation. The applicant shall, at any time subsequent to installation of utility lines, at the applicant's own expense, relocate or remove such lines as may become necessary to conform to new grades, bridge construction, alignment or widening of R.O.W. resulting from maintenance or construction operations for highway improvements.

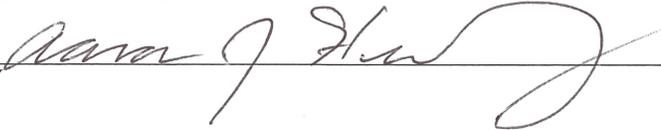
06-20-2016

DATE

Eastern Iowa Light & Power

NAME OF APPLICANT OR COMPANY

BY



**RECOMMENDED FOR
APPROVAL:**

DATE

COUNTY ENGINEER

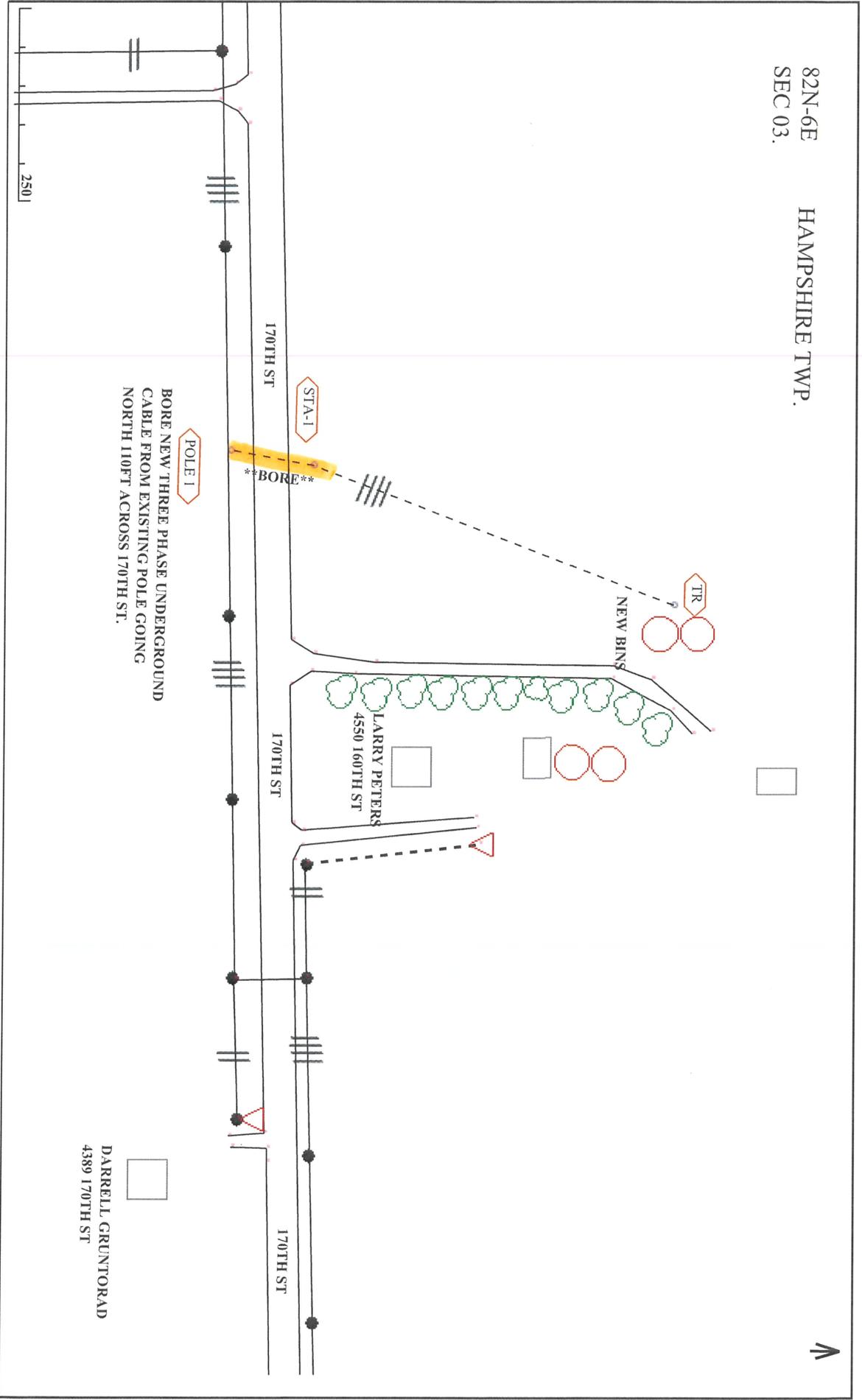
APPROVAL:

DATE

CHAIRPERSON, BOARD OF SUPERVISORS

82N-6E
SEC 03.

HAMPSHIRE TWP.



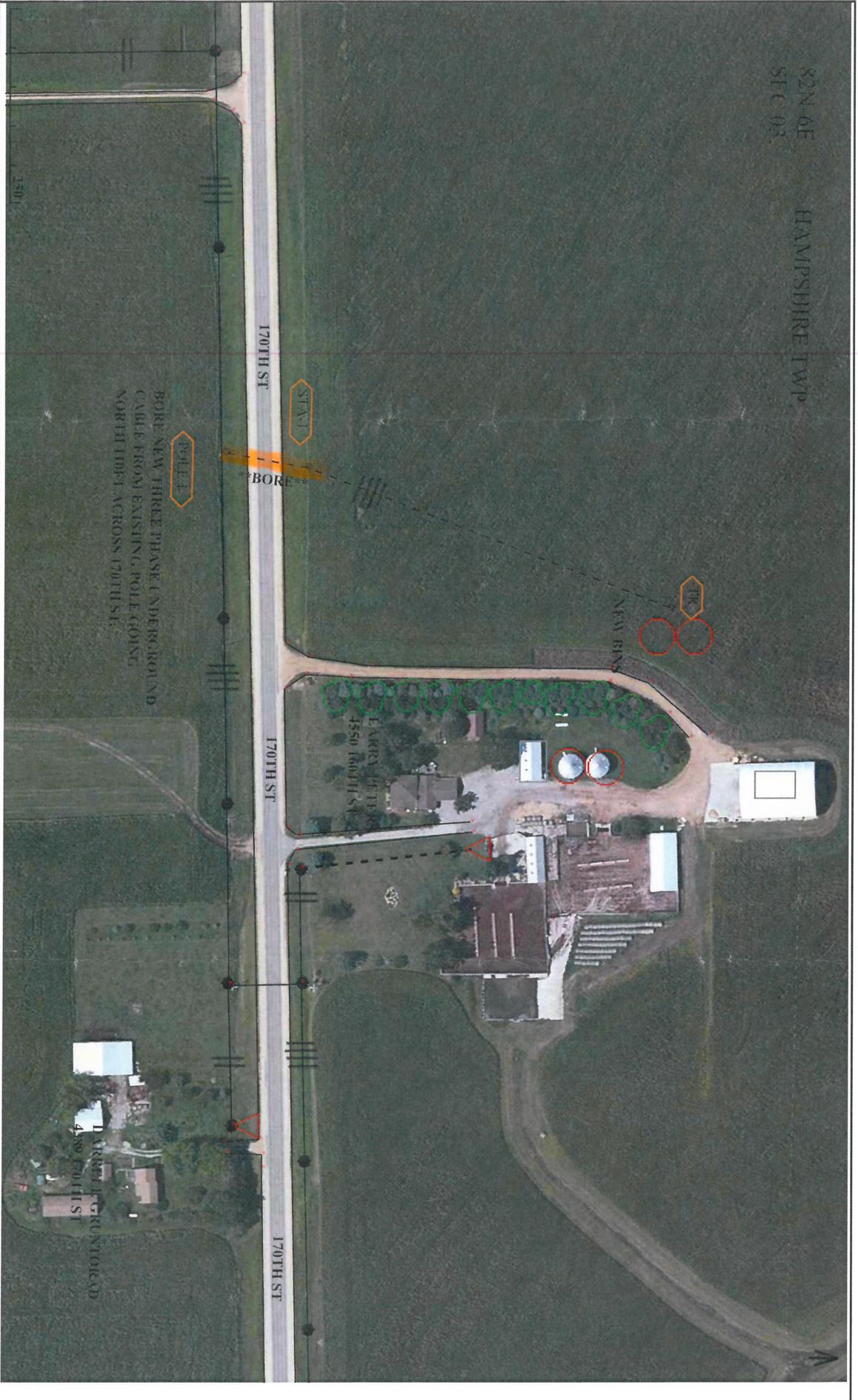
BORE NEW THREE PHASE UNDERGROUND
CABLE FROM EXISTING POLE GOING
NORTH 110FT ACROSS 170TH ST.

DARRELL GRUNTORAD
4389 170TH ST

250

82N-6E
SEC. 03

HAMPSHIRE TWP



POLE NEW THREE PHASE UNDERGROUND
CABLE FROM EXISTING POLE GOING
NORTH 100 FT ACROSS 170TH ST.

pole 1

170TH ST

170TH ST

170TH ST

STAN 1

BORE

NEW BINS

LARRY PETERSON
4550 160TH ST

DARRYL GRUNTORAD
4589 160TH ST

CLINTON COUNTY ENGINEER

Clinton County Administration Building
1900 North Third Street
P.O. Box 2957
Clinton, Iowa 52733-2957
563-244-0564
Fax: 563-243-3739

June 27, 2016

Aaron Healy
Eastern Iowa Light & Power
500 S. 5th Street
DeWitt, Iowa 52742
563-649-3146 x7390

Subject: Permit 10 – 84 for Electrical Utility Installation

Dear Aaron,

Please find enclosed one signed copy of your requested permit for construction within the county right-of-way. The permit was approved based on the following stipulation:

- Eastern Iowa Light & Power shall not place guy wires within 10 feet of the edge of shoulder.
- Eastern Iowa Light & Power shall bore all utility work within County ROW at a minimum depth of 48-inches.
- Utility cable shall be bored under culverts or installed around the ends of culverts. This stipulation applies to all culverts located within the county right-of-way.

Please call 24 hours before construction and keep one copy of the permit and construction plans at the job site. As built plans or a letter stating that the above permitted utility has been constructed as permitted will be required within sixty (60) days of construction. The \$100 permit fee is waived. If you have any questions, please call the office at the above listed number.

Thank you,

Elliott Pennock
Asst. Clinton County Engineer

**CLINTON COUNTY
BOARD OF SUPERVISORS
MOTION**

June 27, 2016

Supervisor _____ moved to authorize the Chairperson to sign Utility Permit Number 10 – 84 for Eastern Iowa Light and Power to bore underground electrical lines across 170th Street in Section 3 of Hampshire Township, T82N-6E.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Motion _____

CLINTON COUNTY ENGINEER

Clinton County Administration Building
1900 North Third Street
P.O. Box 2957
Clinton, Iowa 52733-2957
563-244-0564
Fax: 563-243-3739

PAID, CK#928996, \$100, 6/23/16

June 27, 2016

Windstream Communications Inc.
Attn: LaKisha Johnson
11101 Anderson Dr., Suite 100
Little Rock, AR 72212
501-748-7628

Subject: Permit #16-185 WO#: 71346903-000005

Please find enclosed one signed copy of your requested permit for construction within the county right-of-way. This permit was approved based on the following stipulation:

- Windstream Communications shall bore all utility work within County ROW at a minimum depth of 36-inches.
- Cable shall be bored under culverts. This stipulation applies to all culverts located with the county right-of-way.
- Windstream Communications shall not place guy wires within 10 feet of the edge of shoulder.

Please call 24 hours before construction and keep one copy of the permit and construction plans at the job site. As built plans or a letter stating that the above permitted utility has been constructed as permitted will be required within sixty (60) days of construction.

As built plans or a letter stating that the above permitted utility has been constructed as permitted will be required within sixty (60) days of construction.

Please submit the \$100 permit fee (PAID, #909224) made payable to the Clinton County Engineer's Office. Should you have any questions, please call the office at the above listed number. Thank you.

Sincerely,

Elliott Pennock, EIT
Assistant County Engineer

**CLINTON COUNTY
BOARD OF SUPERVISOR
MOTION**

June 27, 2016

Motion by Supervisor _____ to authorize the Chairperson to sign
Utility Permit Number 16-185 is for Windstream Communications of Iowa to bore and
install underground fiber optic along the north side of 180th Street in Section 15 of T82-
R3N in Welton Township.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Motion _____

CLINTON COUNTY ENGINEER

Clinton County Administration Building
1900 North Third Street
P.O. Box 2957
Clinton, Iowa 52733-2957
563-244-0564
Fax: 563-243-3739

PAID, CK#928996, \$100, 6/23/16

June 27, 2016

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Please call 24 hours before construction and keep one copy of the permit and construction plans at the job site. As built plans or a letter stating that the above permitted utility has been constructed as permitted will be required within sixty (60) days of construction.

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Sincerely,

Elliott Pennock, EIT
Assistant County Engineer

**CLINTON COUNTY
BOARD OF SUPERVISOR
MOTION**

June 27, 2016

Motion by Supervisor _____ to authorize the Chairperson to sign
Utility Permit Number 16-185 is for Windstream Communications of Iowa to bore and
install underground fiber optic along the north side of 180th Street in Section 15 of T82-
R3N in Welton Township.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Motion _____

RESOLUTION #2016-_____

June 27, 2016

WHEREAS, requests for qualifications were solicited by Clinton County for natural gas pipeline inspection services as allowed by Iowa Code Chapter 479 on June 15, 2016, from the following firms:

1. Clapsaddle-Garber Associates, Inc.
2. Shive-Hattery, Inc.
3. Missman, Inc.
4. IIW Engineers (Declined to submit qualifications)

AND WHEREAS, the County Engineer has interviewed each of the firms who submitted their qualifications and recommends based on project experience and qualifications that the contract be awarded to Clapsaddle-Garber Associates, Inc.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the contract for construction inspection services be awarded to:

Clapsaddle-Garber Associates, Inc. at the hourly rates listed for the actual cost of the work performed as directed by the County Engineer.

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

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

ATTEST:

Eric Van Lancker
County Auditor
County of Clinton
State of Iowa

Chairman
Clinton County Board of Supervisors

June 23, 2016

Board of Supervisors
Clinton County Administrative Bldg.
1900 N. 3rd Street
PO Box 2957
Clinton, IA 52733-2957

Re: Terms of Agreement – HIPAA Compliance Consulting

This letter sets forth the terms of agreement between Clinton County (“Clinton”) and Carosh Media and Marketing, LLC dba Carosh Compliance Solutions, LLC (“Carosh”).

- 1) **Carosh Services:** Carosh agrees to provide Clinton with its HIPAA Security and Privacy Program. Detailed deliverables are outlined in “Appendix A” attached.
- 2) **Clinton’s Responsibilities:** Clinton will be responsible for the following:
 - a) Designate a Clinton executive with decision making authority as the point of contact with Carosh during the term of this agreement.
 - b) Schedule meetings to review Assessment Results and sign off on policies and procedures developed and implemented during the term of this agreement.
 - c) Designate a Clinton employee to act an internal Project Manager during the term of this agreement.
 - d) Designate both a Chief Privacy Officer and a Chief Security Officer
 - e) Provide access to the appropriate personnel to conduct and approve the Security and Privacy Risk Assessments, and to develop and implement the remediation plan.
 - f) Provide a suitable, private workspace with internet access, for Carosh personnel when working on site.
- 3) **Payments:** The overall cost for all services, are outlined below¹:

¹ Payments are due, in two payments, and initial payment of 60% of the total project and a second payment equal to 40% of the total project.

The information in this document is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact Carosh Compliance Solutions by phone or email and destroy all copies of this document.

Document Number: 6.23.2016 07:03

Project Costs

Planning and Facilitation	No Charge
Privacy and Security Risk Assessment	2,000
Remediation	1,000
HIPAA Attestation	1,500
Annual Support	1,000
	<hr/>
Total	\$5,500
Vulnerability Scans (internal and external) ²	500
Additional Remediation Support ³	3,000
Additional Locations ⁴	3,750
	<hr/>
	7,250
	<hr/>
	\$12,750

- a) The fees for all services are due as follows:
 - i) \$7,650 on the signing of this agreement and receipt of an invoice by Clinton from Carosh.
 - ii) \$5,100 on the delivery and approval of the Remediation Plan generated from the Security Risk Assessment.

4) **Travel and Expenses:** Travel is billed at cost from Carosh’s closest office (Iowa City, IA). Transportation is billed at the then IRS approved rate per mile. All travel is billed net 30 days.

5) **Additional Services:** If Clinton desires to have Carosh perform work or render services in connection with the project, other than provided for by the expressed intent of this Agreement, these will be considered Additional Services.

Additional Services are subject to a change order, or extension to the Agreement, setting forth the nature and scope thereof and the compensation there for as determined by mutual agreement between Clinton and Carosh. Work under such change order or extension shall not proceed unless and until so authorized by Clinton.

² The external vulnerability scan consists of up to 5 IP addresses for each location
³ Carosh personnel will assist in customizing all Policies and Procedures on behalf Clinton, minimizing the time required by Client Personnel
⁴ Project will included all physical locations, and departments, within the County required to comply with the HIPAA Regulations. Departments covered include but may not be limited to; Public Health, Mental Health and Disability, Sheriff and Jail, Treasurer and Licensing, and Auditor.

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- 6) **Term and Termination:** This agreement shall remain in force for a period of one (1) year. Notwithstanding the foregoing, Clinton shall have the right to terminate this agreement at any time upon giving Carosh at least thirty (30) days advance written notice thereof and having paid Carosh any monies then due and/or owed.
- 7) **Liability:** By retaining the services of Carosh Compliance Solutions, you agree that you have had the opportunity to investigate and verify the credentials, of Carosh's staff and you agree that Carosh Compliance Solutions is qualified to perform the required services. Clinton will indemnify and hold Carosh harmless against any and all liability imposed or claimed, including attorney's fees and other legal expenses, arising directly or indirectly from any act or failure of Clinton. Carosh will indemnify and hold Clinton harmless against any and all liability imposed or claimed, including attorney's fees and other legal expenses, arising directly or indirectly from any act or failure of Carosh.
- 8) **Confidentiality:** Each party acknowledges that it will have access to certain confidential information of the other party ("Confidential Information") that is marked or otherwise identified as proprietary or confidential at the time of disclosure or that by its nature would be understood by a reasonable person to be proprietary or confidential. Each party understands that all such Confidential Information is and shall remain the property of the respective party. Each party agrees that: (a) it will hold the Confidential Information of the other party in confidence with at least the same degree of care as it uses for its own confidential information of the same nature, but not less than a reasonable degree of care; (b) it will not use the Confidential Information of the other party except as expressly permitted under this Agreement; and (c) it will not disclose any Confidential Information of the other party to any third party, except to that party's officers, directors, attorneys, accountants, and other advisors on a need to know basis and only in the event that such parties are bound to safeguard the Confidential Information pursuant to obligations that are at least as protective as the restrictions in this Agreement.
- 9) **Marketing:** Upon the Completion of phase two of this engagement (delivery and acceptance of the Remediation Plan):
- a) Carosh will have the right to identify Clinton as a customer, and as such:
 - i) Publish, on the Carosh website, Clinton's logo along with a link back to Clinton's website
 - ii) Issue with Carosh, a joint and mutually approved press release announcing the selection of Carosh for use as Clinton's HIPAA compliance, audit and attestation provider, at a time acceptable to Clinton.
 - iii) Provide to Carosh, on Clinton letterhead, a letter, signed by Clinton, outlining Carosh's performance during the project.

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Document Number: 6.23.2016 07:03

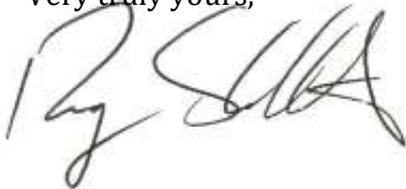
All such material may be used by Carosh in its marketing activities. Clinton will have the right to prior approval of any materials containing the use of its name, logo, press release, and letter, which approval shall not be unreasonably withheld.

- 10) **Non-solicitation:** The Parties mutually agree that during the term of this engagement and for twelve (12) months after the termination thereof, regardless of the reason for the termination, neither party will directly or indirectly, on their own behalf or on behalf of or in conjunction with any person or legal entity, recruit, solicit, or induce, or attempt to recruit, solicit, or induce, any non-clerical employee of the other while performing duties under this agreement, to terminate their employment relationship with the Party.
- 11) **Waiver or Modification:** This letter and attachments constitute the sole agreement between Clinton and Carosh. No waiver or modification of this agreement shall be valid unless it is in writing and signed by both Clinton and Carosh.
- 12) **Assignment:** This agreement cannot be assigned by Clinton or Carosh, without the prior written consent of the other party, which consent shall not be unreasonably withheld.
- 13) **Authorization:** This Agreement has been in all respects duly authorized, executed and delivered by and on behalf of Clinton and Carosh. It is valid and binding upon, and inures to the benefit of Clinton and Carosh and their successors, heirs and permitted assigns.
- 14) **Governing Law:** This agreement is subject to, and governed by, the laws of the State of Iowa.
- 15) **Notices:** All notices shall be in writing addressed to Clinton at the above address and to Carosh to the address as noted below. Notice will have been given as of the 3rd business day the notice has been postmarked by either Certified First class United States mail or the expedited delivery date from Federal Express or United Parcel Service.

If the terms and conditions set forth are satisfactory, please sign and return a copy to our office.

We are looking forward to working with Clinton and to a long and mutually profitable relationship.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Ry SA', is written over the 'Very truly yours,' text.

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Document Number: 6.23.2016 07:03

Roger Shindell
President & CEO
Carosh Media and Marketing, llc
dba Carosh Compliance Solutions, llc

AGREED TO AND ACCEPTED THIS ____ DAY OF _____, 2016

For: Clinton County Iowa

By:

Name:

Title

Signature

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Document Number: 6.23.2016 07:03

June 27, 2016

RESOLUTION # 2016-____

WHEREAS, Clinton County is required to follow the rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

WHEREAS, The Clinton County Board of Supervisors desires to adhere to the regulations set within HIPAA and to avoid penalties that accompany HIPAA violations; and

WHEREAS, Carosh Compliance Solutions has presented its services and fees in relation to HIPAA compliance; now

THEREFORE BE IT RESOLVED, by the Clinton County Board of Supervisors that the Clinton County Board Chairman is hereby authorized to sign a contract with Carosh Compliance Solutions to provide HIPAA compliance services.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Chairman, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

STAFF REPORT

DATE: June 27, 2016

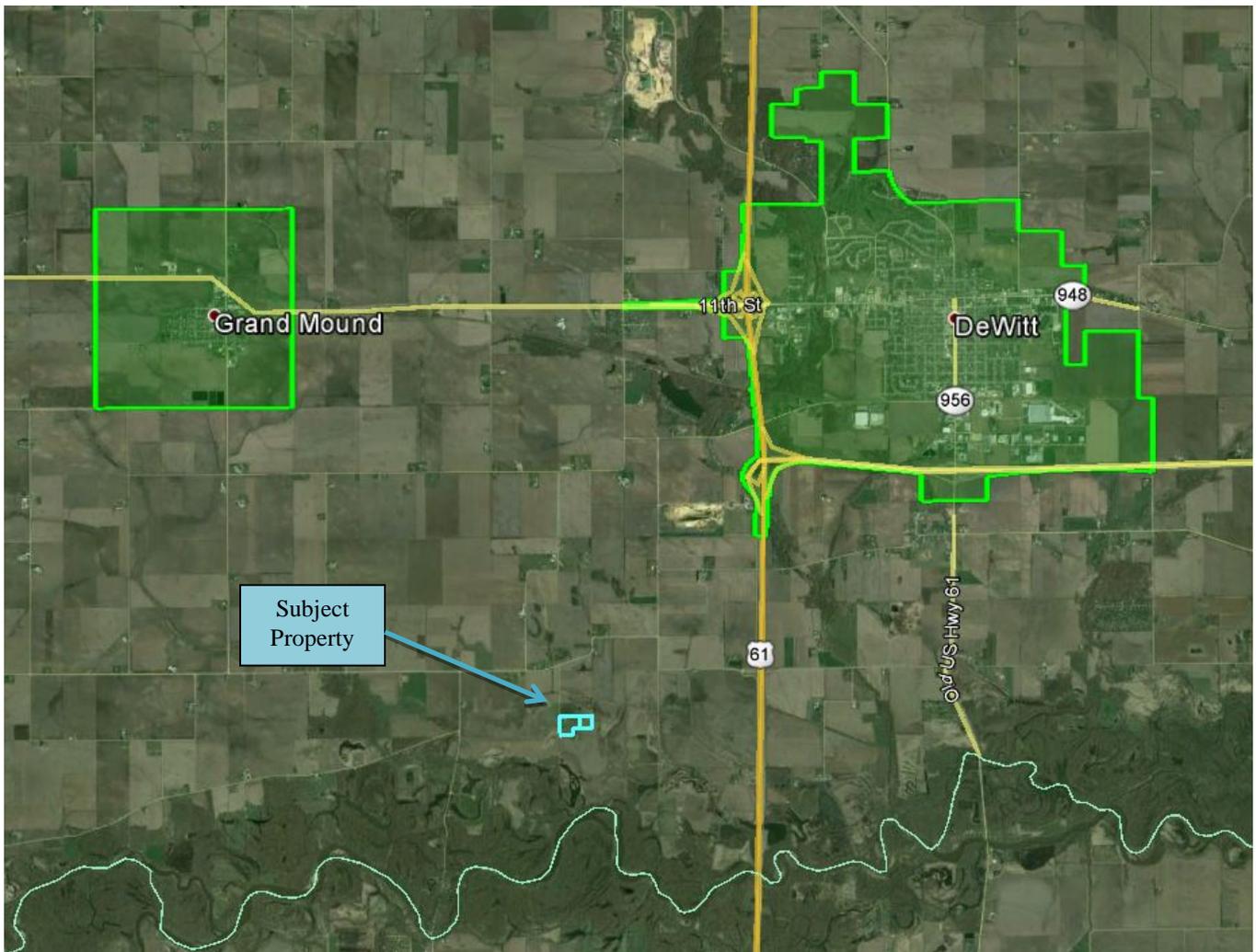
TO: Clinton County Board of Supervisors

FROM: Clinton County Planning and Zoning Office
Nate Mueller

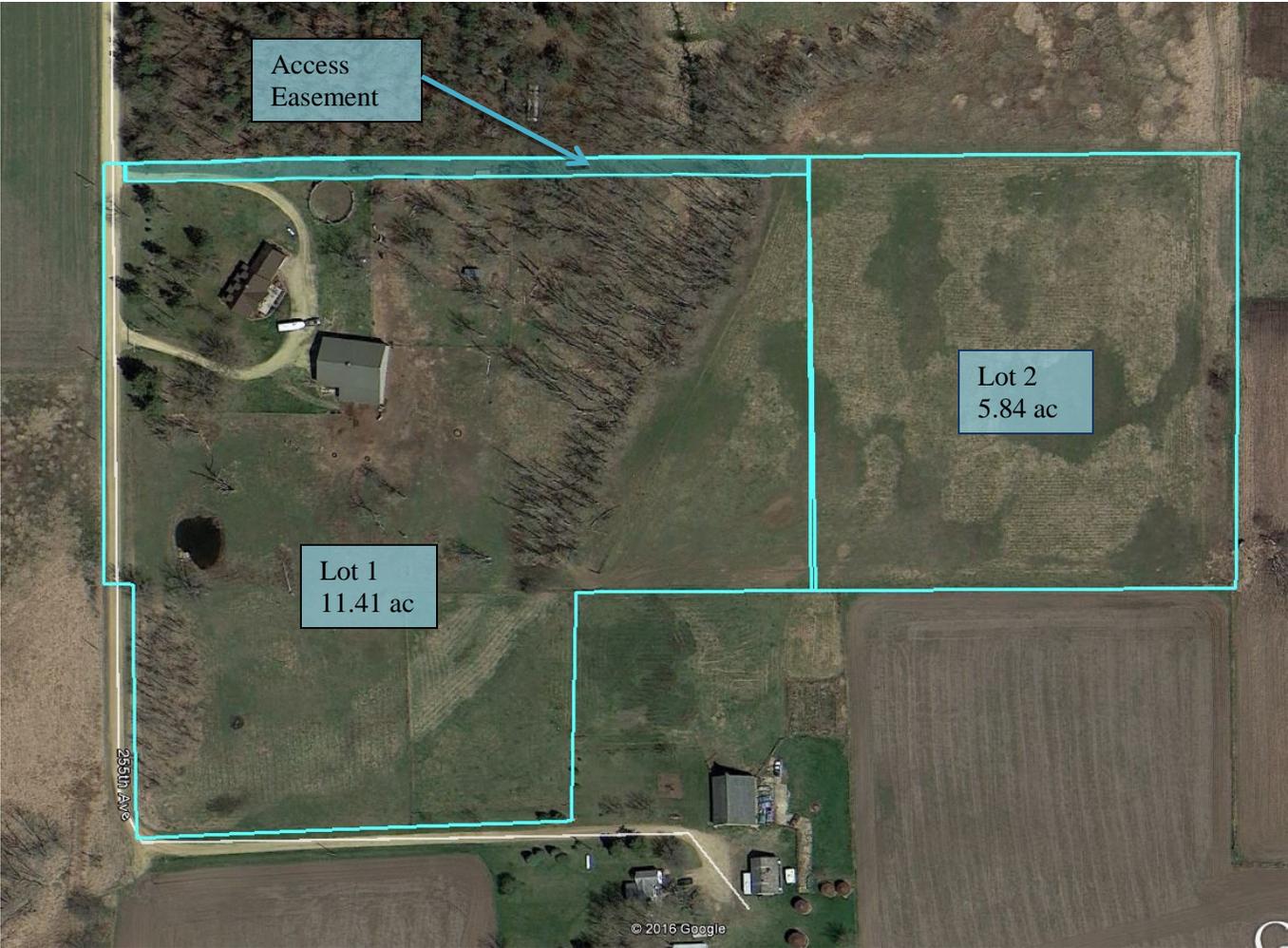
RE: Application 3967 of Charles & Kristy Anderson requesting approval of an application to create a 2-lot Minor Subdivision to be known as Anderson Subdivision.

Location

The proposed subdivision is located in the SW ¼ of the NE ¼ of Section 34, Township 81 North, Range 3 East of the 5th P.M. in Clinton County, Iowa. This is a 2-lot subdivision consisting of 17.25 acres located on the east side of 255th Ave. approx. 2000 feet south of its intersection with 270th St. in DeWitt Township.



Proposed lots for Anderson Subdivision:



Background and Details

The purpose of this application is to split an existing parcel into 2 developable lots – Lot 1 will be retained by Charles and Kristy Anderson and will contain the existing house and buildings. Lot 2 will be developed as a residential lot in the near future. There are no existing buildings on proposed lot 2.

There are 9 residences within a ½ - mile of the site, which is currently zoned AR-1 and is primarily crop and timber ad pasture ground. The proposed lots will have agricultural uses on all sides, as well as a single residential lot located adjacent to the south.

Details of the Proposal:

The regular bulk standards, normally permitted uses, and special exception uses from the AR-1 Zoning District of the Clinton County Zoning Ordinance will apply to all lots in the proposed subdivision:

Lot size/	<u>Lot 1</u> – 11.41 acres – Residential — Lot will contain the existing home
Anticipated Use	<u>Lot 2</u> – 5.84 acres – Residential — Lot will contain a new single family home
Front setback	50 feet
Side setback	15 feet
Rear setback	40 feet
Building Height - max	35 feet or 2 ½ stories
Density Allowed	1 lot per 5 acres

County Engineer’s Review of Proposed Driveway Access

Both lots will share an existing access onto 255th Avenue. Any new accesses onto County roads are subject to permitting and review by the County Secondary Roads Department. Final location and design requirements of any new access will be determined at the time of permitting. New driveways must meet separation and site distance requirements.

County Health Department Review of Well and Septic System Suitability

With an existing system and a parcel size of 11.41 acres, the County Health Department does not foresee any problems replacing the septic system on proposed lot 1. With a lot size of 5.84 acres, the Department does not foresee problems developing adequate wastewater facilities on proposed Lot 2 *subject to review of a soil analysis or percolation test*. Any new or replacement wells or wastewater treatment systems installed on any lot in the future are subject to permitting and review by the County Health Department. Final wastewater suitability and design will be determined at the time of permitting.

Planning & Zoning Commission Review and Recommendation

The Zoning Commission held a Public meeting on June 1, 2016 in DeWitt. After taking public comment and reviewing the application, the Commission voted 4 – 0 (Hand absent) to recommend approval of this application

Staff Recommendation

Staff recommends approval of this Subdivision.

Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Anderson Subdivision

- 1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

An acceptable soil analysis or percolation test will be required before any septic systems can be constructed or reconstructed in this subdivision. New septic systems are subject to County Health Department approval and permitting and applicants are strongly encouraged to work closely with the County Sanitarian to make sure preliminary designs meet all applicable State and County regulations.

- 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonable foreseeable needs of the subdivision.**

Any new wells or connections to existing wells are subject to County Health Department approval and permitting. All lots within this subdivision are required to share a single water supply unless granted a variance by this Commission and the Board of Supervisors.

- 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to electric and telephone service.**

Utility Services are available at this location. Electrical service is provided by Eastern Iowa Light and Power. Telephone and internet service, if needed, is provided by Windstream.

- 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.**

Lot 1 will have sufficient frontage on 255th Ave; which is gravel-surface County road. Lot 2 will access 255th Ave via a platted 25-foot access easement along the northern boundary of Lot 1. An Access Easement Agreement will be required with the recorded plat proceeding for this subdivision. No extension of public utilities is required for development on this site.

- 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection.**

This subdivision is located in the Central Community School District. Fire protection will be provided by the Grand Mound Volunteer Fire Department which is located within 6 miles. Police protection is provided by the Clinton County Sheriff's Department.

- 6. The site represents an overall development pattern that is consistent with the goals and policies on the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County.**

This development is in an area designated Suburban Residential on the Future Land Use Map, which encourages development of this type. The proposed lots are located in an area that contains minimal active farm ground due to the timber cover and use as horse pasture. No infrastructure improvements are required for this development.

7. The site and application conform to all applicable provisions of these regulations.

The proper application procedures have been followed for this application.

The site is zoned AR-1, which allows 1 dwelling unit per 5 acres. This subdivision proposes to split 17.25 acres into 2 lots, which is a density of approximately 1 dwelling unit per 8.6 acres.

The Corn Suitability Ratings for proposed lot 1 is not considered as it contains buildings, timber cover, and a small pond. The intended use of lot 1 is within the limits set forth in the Zoning Ordinance. Only 4.9% of the potentially tillable ground on proposed lot 2 has a CSR greater than 60, which is below the 25% limit for non-farm lots set forth by the Ordinance.

8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

255th Ave is a gravel-surface dead-end local road which had a traffic count of 10 VPD in the most recent DOT study (2014). There is capacity for additional traffic on this road sufficient to handle any increased volume expected to be produced by 1 additional residential lot.

9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.

No new streets are proposed in this subdivision. The Access Easement proposed should provide sufficient access to 255th Ave.

10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.

Development on either of the proposed lots will have adequate and safe access to 255th Ave, which is a gravel-surface dead-end local road. If the property owners wish to establish a new access they will have to meet driveway separation distances as well as Secondary Roads site distance, design, and permitting requirements.

11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.

The lot design for this subdivision meets the requirements of the ordinance and reflects good land planning and site engineering principles.

12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils geology, hydrology, floodplains, wetlands, vegetation and trees.

The site is primarily pasture and timber ground. No crop ground will be removed from production at this time. There is no mapped floodplain on the property and there are no extreme slopes, topography, soil geology, or wetlands to consider on any of the proposed lots.

13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

No dedications of land or rights-of-way are required for this subdivision.

RESOLUTION # 2016 - _____

**RESOLUTION APPROVING THE FINAL PLAT OF
ANDERSON SUBDIVISION, CLINTON COUNTY, IOWA**

WHEREAS Charles & Kristy Anderson have filed subdivision application 3967 requesting preliminary and final approval of a proposed minor subdivision to be known and designated as Anderson Subdivision, located in the SW ¼ of the NE ¼ of Section 34, Township 81 North, Range 3 East of the 5th P.M. in Clinton County, Iowa, and

WHEREAS the Clinton County Planning and Zoning Commission held a public meeting on June 1, 2016 in DeWitt, Iowa to consider this application, and

WHEREAS the Clinton County Board of Supervisors held a public hearing on June 27, 2016 to hear comments for and against the application; and

WHEREAS it appears that all requirements of the Clinton County Zoning Ordinance, Subdivision Regulations, Floodplain Management Ordinance, Airport Overlay Ordinance, Master Plan, and the laws of the State of Iowa have been complied with,

NOW, THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the Final Plat of ANDERSON SUBDIVISION, CLINTON COUNTY, IOWA, be and the same is hereby approved and the Chair is authorized to sign the final plat prior to recording:

Roll Call: Staszewski: _____

Hamerlinck: _____

Srp: _____

**Daniel A. Srp, Chairperson
Clinton County Board of Supervisors**

ATTEST:

**Eric Van Lancker, County Auditor
County of Clinton, State of Iowa**

STAFF REPORT

DATE: June 27, 2016

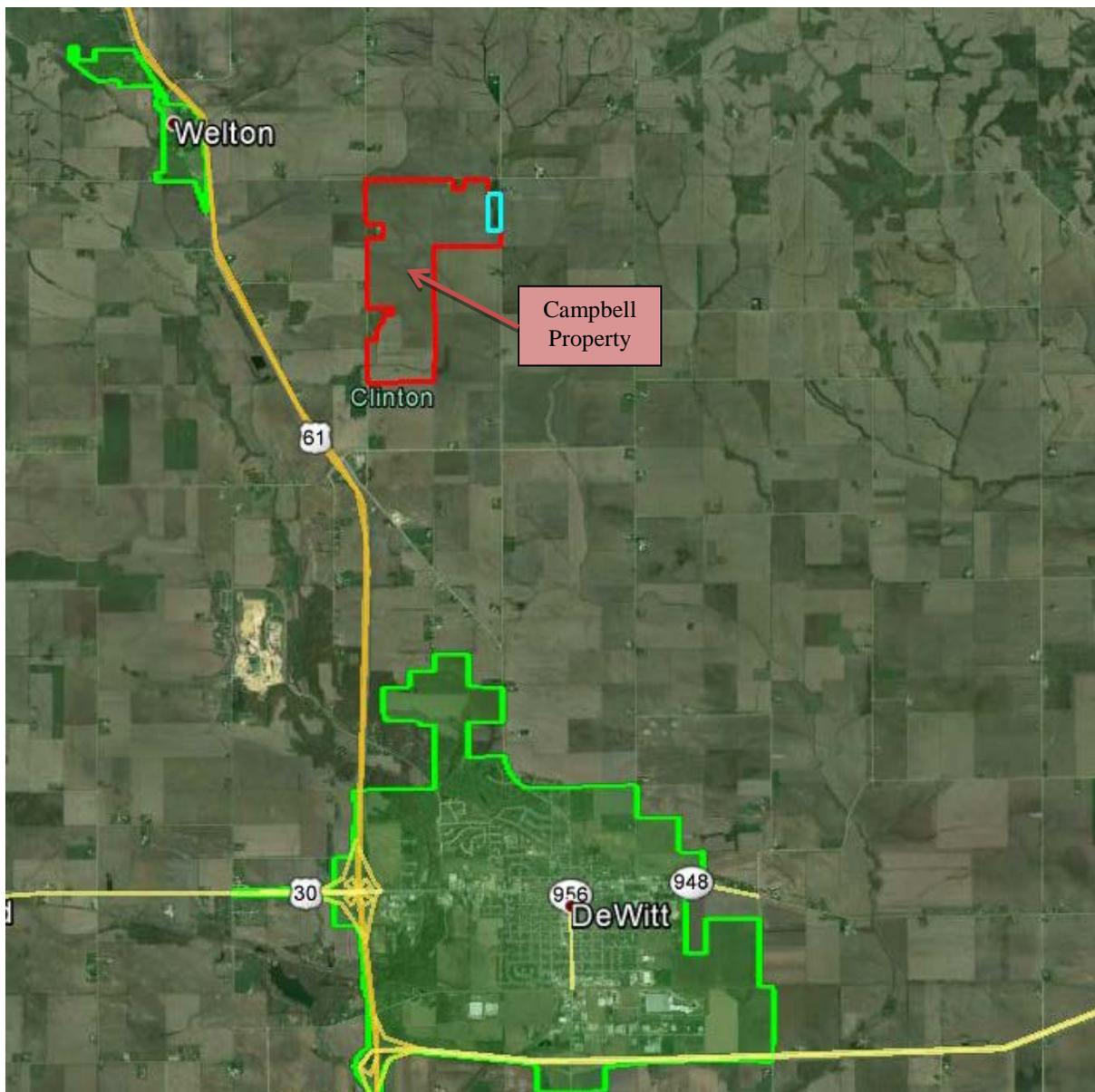
TO: Clinton County Board of Supervisors

FROM: Clinton County Planning and Zoning Office
Nate Mueller

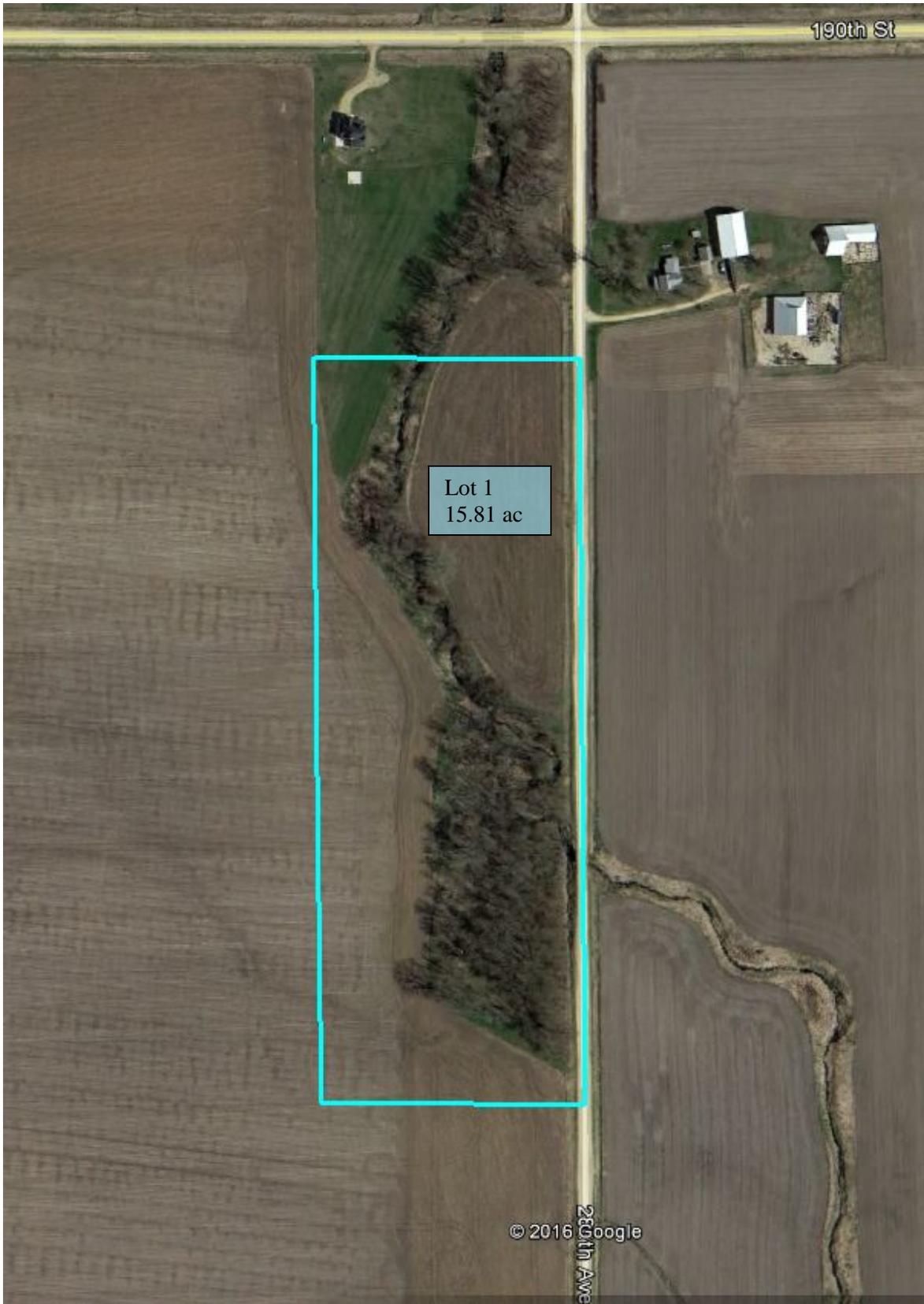
RE: Application 3968 of Dennis & Kristin Siebs-Campbell requesting approval of an application to create a 1-lot Minor Subdivision to be known as Rittmer's 3rd Addition.

Location

The proposed subdivision is located in the E ½ of the NE ¼ of Section 24, Township 82 North, Range 3 East of the 5th P.M. in Clinton County, Iowa. This is a 1-lot subdivision consisting of 15.81 acres located on the west side of 280th Ave approx. 600 feet south of its intersection with 190th Street in DeWitt Township.



Proposed lots for Rittmer's 3rd Addition:



Background and Details

The purpose of this application is to split a new non-farm lot from an existing farm. Proposed Lot 1 will be developed and used as a residential lot in the near-to-intermediate future. The applicant intends to retain ownership of the remaining farm ground. There are no existing buildings on proposed lot 1.

There are 8 residences within a ½-mile. The site is currently zoned A-1 and is primarily crop ground and timber. The lot will have residential uses to the north and agricultural uses to the south, east, and west.

Details of the Proposal:

The regular bulk standards, normally permitted uses, and special exception uses from the A-1 Zoning District of the Clinton County Zoning Ordinance will apply to all lots in the proposed subdivision:

Lot size/Anticipated Use	<u>Lot 1</u> – 6.10 acres – Residential — Lot will contain a new home
Front setback	50 feet
Side setback	15 feet
Rear setback	40 feet
Building Height - max	35 feet or 2 ½ stories
Density Allowed	1 lot per 40 acres - the applicant's attorney will need to submit an acceptable Agricultural Easement to allow for the increased density in this A-1 district.

County Engineer's Review of Proposed Driveway Access

Lot 1 has two existing field accesses onto 280th Avenue. Any new or upgraded accesses onto County roads are subject to permitting and review by the County Secondary Roads Department. Final location and design requirements of any new access will be determined at the time of permitting. New driveways must meet separation and site distance requirements.

County Health Department Review of Well and Septic System Suitability

With a proposed parcel size 15.81 acres, the County Health Department does not foresee any problems finding area to site a septic system on proposed lot 1. Because the likely building areas are near areas of mapped floodplain, there is potential for high ground water which could make siting a conventional sub-surface treatment field difficult. The applicant should be aware of these potential complications and understand that an alternative treatment system may be necessary *subject to staff review of a soil analysis or percolation test*. Any new or replacement wells or wastewater treatment systems installed on any lot in the future are subject to permitting and review by the County Health Department. Final wastewater suitability and design will be determined at the time of permitting.

Planning & Zoning Commission Review and Recommendation

The Zoning Commission held a Public meeting on June 1, 2016 in DeWitt. After taking public comment and reviewing the application, the Commission voted 4 – 0 (Hand absent) to recommend approval of this application *subject to the condition that the applicants submit an acceptable Agricultural Easement to Planning & Zoning staff prior to recording of the final plat proceeding*.

Staff Recommendation

Staff recommends approval of this Subdivision subject to the conditions recommended by the Zoning Commission.

Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Rittmer's 3rd Addition

- 1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

An acceptable soil analysis or percolation test will be required before any septic systems can be constructed or reconstructed in this subdivision. New septic systems are subject to County Health Department approval and permitting. The applicants will need to work closely with the County Sanitarian to make sure preliminary designs are flood resistant and meet all applicable State and County regulations.

- 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonable foreseeable needs of the subdivision.**

Any new wells or connections to existing wells are subject to County Health Department approval and permitting. All lots within this subdivision are required to share a single water supply unless granted a variance by this Commission and the Board of Supervisors.

- 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to electric and telephone service.**

Utility Services are available at this location. Electrical Service is provided by Eastern Iowa Light & Power. Telephone and internet service, if needed, are provided by either Windstream or Mediacom.

- 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.**

All proposed lots have existing access or sufficient frontage to site a new access onto 280th Ave; which is gravel-surface minor County road. The applicant will need to work with Secondary Roads if they desire to install any new driveways in the future. No extension of public utilities is required for development on this site.

- 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection.**

This subdivision is located in the Central Community School District. Fire protection will be provided by the DeWitt Volunteer Fire Department which is located within 5 miles. Police protection is provided by the Clinton County Sheriff's Department.

- 6. The site represents an overall development pattern that is consistent with the goals and policies on the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County.**

This development is in an area designated Agricultural on the Future Land Use Map, which allows for limited development of this type. The proposed lot is located in an area that contains some active farm ground, however no infrastructure improvements are required for this development. Because the applicants have yet to submit an acceptable Agricultural Easement to allow for the increased density in the A-1 district, *staff recommends that approval of the application be subject to the applicants submitting an acceptable Agricultural Easement prior to recording.*

7. The site and application conform to all applicable provisions of these regulations.

The proper application procedures have been followed for this application.

The site is zoned A-1, which allows 1 dwelling unit per 40 acres. The applicants will have to submit an acceptable Agricultural Easement to allow for the increased density in the A-1 district

The Corn Suitability Ratings for the timber areas of the proposed lot is not considered as it cannot be actively row-cropped. The lot will contain approximately 3.2 acres of high-CSR crop ground (avg CSR = 86) which could potentially be removed from production – this represents 20.6% of the total lot area which is within the 25% limit for non-farm lots set forth by the Ordinance.

8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

280th Street is a gravel-surface minor road which had a traffic count of 60 VPD in the most recent DOT study (2014). There is capacity for additional traffic on this road sufficient to handle any increased volume expected to be produced by 1 additional residential lot.

9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.

No new streets are proposed in this subdivision.

10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.

Development on the proposed lot will have adequate and safe access to 280th Ave, which is a gravel-surface minor road. If the applicant wishes to establish a new access they will have to meet driveway separation distances as well as Secondary Roads site distance, design, and permitting requirements.

11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.

The lot design for this subdivision meets the requirements of the ordinance and reflects good land planning and site engineering principles.

12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils geology, hydrology, floodplains, wetlands, vegetation and trees.

The site is primarily crop and timber ground with an area of mapped flood plain cutting through the middle of the lot. The applicant should have adequate area to develop lot 1 without building in the 100-yr floodplain. Less than 2 acres of crop ground could be removed from production at the time that Lot 1 is developed. There are no extreme slopes, topography, or soil geology, to consider on any of the proposed lots.

13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

No dedications of land or rights-of-way are required for this subdivision.

RESOLUTION # 2016 - _____

**RESOLUTION APPROVING THE FINAL PLAT OF
RITTMER'S 3RD ADDITION, CLINTON COUNTY, IOWA**

WHEREAS Dennis Campbell & Kristin Siebs-Campbell have filed subdivision application 3968 requesting preliminary and final approval of a proposed minor subdivision to be known and designated as Rittmer's 3rd Addition, located in the E ½ of the NE ¼ of Section 24, Township 82 North, Range 3 East of the 5th P.M. in Clinton County, Iowa, and

WHEREAS the Clinton County Planning and Zoning Commission held a public meeting on June 1, 2016 in DeWitt, Iowa to consider this application, and

WHEREAS the Clinton County Board of Supervisors held a public hearing on June 27, 2016 to hear comments for and against the application; and

WHEREAS it appears that all requirements of the Clinton County Zoning Ordinance, Subdivision Regulations, Floodplain Management Ordinance, Airport Overlay Ordinance, Master Plan, and the laws of the State of Iowa have been complied with,

NOW, THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the Final Plat of RITTMER'S 3RD ADDITION, CLINTON COUNTY, IOWA, be and the same is hereby approved subject to the following conditions and the Chair is authorized to sign the final plat prior to recording:

1. The applicant shall submit an acceptable Agricultural Easement to Planning & Zoning staff prior to recording of the final plat proceeding.

Roll Call: Staszewski: _____

Hamerlinck: _____

Srp: _____

**Daniel A. Srp, Chairperson
Clinton County Board of Supervisors**

ATTEST:

**Eric Van Lancker, County Auditor
County of Clinton, State of Iowa**

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Roll Call: Staszewski: _____

Hamerlinck: _____

Srp: _____

**Daniel A. Srp, Chairperson
Clinton County Board of Supervisors**

ATTEST:

**Eric Van Lancker, County Auditor
County of Clinton, State of Iowa**

STAFF REPORT

DATE: June 27, 2016
TO: Clinton County Board of Supervisors
FROM: Clinton County Planning and Zoning Office
RE: An Ordinance Amending the Clinton County Floodplain Management Ordinance to clarify requirements for the construction of accessory structures in the Floodway Fringe District and update the effective date of the official Floodplain Zoning Map.

Background

The City of Clinton recently received final approval from FEMA to change sections of the official floodplain map to reflect areas that are currently protected by the levee along the river front. Because FEMA updates entire panels when there are changes, these significant changes within City Limits also included small areas of unincorporated Clinton County that were unaffected by the levee protection area, but were still updated when the map was re-issued. The proposed amendment to the Floodplain Management Ordinance would change the effective date for the 7 panels affected to November 4, 2016. The rest of the map panels covering Clinton County would remain unchanged.

Because we are going through the process of an ordinance amendment to update the effective date of the map panels, the DNR has also requested that we include updated language about the design requirements for Accessory structures in the Floodway Fringe district. This language was recommended by FEMA as a change to the DNR's model ordinance (which Clinton County's Ordinance is based off of) to better reflect FEMA standards for fringe development. The recommended language has been provided by the DNR's floodway and dam safety program directors and is considered a requirement for our local floodplain ordinance to remain legally sound.

Proposed Amendments

1. Subsection II.B of the Clinton County Floodplain Management Ordinance is hereby amended by deleting the phrase, "July 18, 2011" between the words "dated" and "which" and replacing it with the phrase, "November 4, 2016" between "dated" and "which".
2. Subsection V.B.11.a of the Clinton County Floodplain Management Ordinance is hereby amended by deleting the phrase, "accessory" between the words "structures" and "to" and replacing it with the phrase, "that are incidental" between "structures" and "to".
3. Subsection V.B.11.a of the Clinton County Floodplain Management Ordinance is hereby amended by deleting subsections V.B.11.a.(1), V.B.11.a.(2), and V.B.11.a.(6) in their entirety and replacing them with the following:
 - (1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.
 - (2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (6) The structure's walls shall include openings that satisfy the provisions of Section V.B.4.a.

Review of Text Amendment Criteria (9.3.2.B.7) for an Ordinance Amendment updating side-yard setback requirements for accessory structures.

Clinton County Zoning Ordinance section 9.3.2.B.7: “When a proposed amendment would result in a change in the text of this ordinance but would not result in a change of the zoning map, the recommendation of the Planning & Zoning Commission shall describe:”

a. Whether such a change is consistent with the intent and purpose of this ordinance and the goals and policies of the Master Plan.

The intent of the Floodplain Management Ordinance is to, “...protect and preserve the rights, privileges and property of Clinton County and its residents...” FEMA has issued a ruling that the current development requirements for accessory structures in the floodway fringe district do not adequately protect the property of Clinton County and its residents in the event of a 100-yr flood event. The changes are necessary to ensure that structures are adequately protected from such an event. The effective map date update is needed for the ordinance to remain legally enforceable and for the County to continue to participate in the NFIP.

b. Whether the change is a result of an error or omission in the original text.

There was an error in the original text of the accessory structure design requirements in the model ordinance provided by the DNR. At the time of adoption (2011) the text was accurate of best-management-practices, but since that time FEMA has issued a ruling that the original wording is not adequate and has requested these changes. The effective map date change is not an error or omission of the original text – simply an update to a previously adopted date.

c. The areas that are most likely to be directly affected by such change and the likely effects.

These changes will equally effect all individuals who wish to develop property located in the mapped 100-year floodplain. The effective map date changes should not impact any property owners in the unincorporated areas of the County.

d. The changes in physical, social, or economic conditions or development practices that justify the proposed change.

These changes are both recommended by the DNR and required by FEMA. There has been no change in local physical, social, or economic conditions that spurred these developments.

Planning & Zoning Commission Recommendation

The Zoning Commission held a Public meeting on June 1st, 2016 in DeWitt. After taking public comment and reviewing the application, the Commission voted 4 – 0 (Commissioner Hand absent) to recommend approval of this ordinance amendment.

Staff Recommendation

Staff recommends approval of this Ordinance Amendment.

RESOLUTION #2016 - _____

BE IT RESOLVED, that the Clinton County Board of Supervisors will meet on the **18th day of July, 2016 at 9:30 a.m.** in Conference Room B at the Clinton County Administration Building, 1900 North 3rd Street, Clinton, Iowa 52732 for the purpose of hearing the final reading on a proposed text amendment to the Clinton County Floodplain Management Ordinance to clarify certain requirements for the construction of accessory structures in the Floodway Fringe District and updating the effective date of Official Floodplain Zoning Map; and

BE IT FURTHER RESOLVED, the Clinton County Board of Supervisors authorizes the Planning and Zoning Director to prepare and submit the proper Public Hearing notice to the appropriate media outlets.

Roll Call: Staszewski: _____

Hamerlinck: _____

Srp: _____

**Daniel A. Srp, Chairperson
Clinton County Board of Supervisors**

ATTEST:

**Eric Van Lancker, County Auditor
County of Clinton, State of Iowa**

STAFF REPORT

DATE: June 27, 2016

TO: Clinton County Board of Supervisors

FROM: Clinton County Planning and Zoning Office

RE: An Ordinance amending the Clinton County Zoning Ordinance to allow the severance of existing farm dwellings within 1320 feet of existing/established livestock feedlot or confinement operations.

Background

The Clinton County Zoning Ordinance currently requires that a land owner wishing to sell a single family residence separately from farm structures located within 1320 feet of a livestock feedlot or confinement feeding operation obtain Special Exception Permit approval from the Board of Adjustment (BOA) before the new non-farm lot can be platted. Over the last 5 years the BOA has seen these requests become a rubber-stamp formality, and has asked Staff to present an Amendment that would allow administrative approval to prevent frivolous board meetings on issues that precedent has effectively already dictated.

The proposed amendments to the Zoning Ordinance would create a separate review process that treats a request to sever an *existing* dwelling within 1320 feet of *existing* livestock operations as a request that could be administratively approved without needing formal Board action. A request to sever a bare non-farm lot within 1320 of an existing livestock operation would still require BOA approval.

Proposed Amendments

1. Subsection 4.1.4 of the Clinton County Zoning Ordinance is hereby amended by deleting subsections 4.1.4.a-c in their entirety and replacing them with the following:
 - a. An Agricultural Warning Notice, approved as to form by the County Attorney and prepared by Planning & Zoning Staff, is recorded with the plat and included as part of the deed of the home to be separated from the farm.
 - b. Notification of the request shall be sent to all property owners within 500 feet of the subject property as well as all sitting members of the Board of Adjustment. If the Planning & Zoning Office receives written opposition to the request within 14 days of the date of mailing, the decision to not include the typical farm buildings with the home must be made by the Board of Adjustment as an application for Special Exception as provided in Section 3.6.1 or 3.6.2 of this Ordinance.
2. Subsection 4.1.4 of the Clinton County Zoning Ordinance is hereby amended by deleting the phrase, “If any of these conditions are not met, or” at the beginning of paragraph 3.
3. Subsection 4.1.4 of the Clinton County Zoning Ordinance is hereby amended by deleting the word, “must” between the words “home” and “be” and replacing it with the word “may” between the words “home” and “be”.
4. Subsection 3.6.1.B.3 of the Clinton County Zoning Ordinance is hereby amended by adding the phrase “newly constructed” between the words “dwelling” and “non-farm”.
5. Subsection 3.6.2.B.3 of the Clinton County Zoning Ordinance is hereby amended by adding the phrase “newly constructed” between the words “dwelling” and “non-farm”.

Review of Text Amendment Criteria (9.3.2.B.7) for an Ordinance Amendment updating procedure for severing an existing dwelling within 1320 of an existing feedlot.

Clinton County Zoning Ordinance section 9.3.2.B.7: “When a proposed amendment would result in a change in the text of this ordinance but would not result in a change of the zoning map, the recommendation of the Planning & Zoning Commission shall describe:”

a. Whether such a change is consistent with the intent and purpose of this ordinance and the goals and policies of the Master Plan.

The intent of the original Amendment was to avoid future conflict between residential uses and livestock producers, the latter of which tend to produce the majority of nuisance complaints in the county. Arranging uses to avoid conflict is Goal 1.1 of the Master Plan.

In the situations addressed by this amendment, the livestock and residential uses are coexisting and usually have been for many years. The landowners are usually separating the residence from the income producing farm ground for estate planning or mortgage underwriting purposes and many times the residence and farm operation remain under common ownership, or one of the two is passed on within the family. In the event that the non-farm residence is sold to a third party, even a minimal amount of due diligence on the part of the real estate agent or buyer will inform them that livestock is present nearby and could potentially impact the enjoyment of their property. They are also informed of the potential nuisance by the ag warning notice, which these changes still require to be recorded with the plat of survey so it becomes part of the abstract. Because the conflict between rural residential and livestock producer is still addressed and adequately reported, this amendment does not go against the intent of the master plan.

b. Whether the change is a result of an error or omission in the original text.

This requirement was originally added to the zoning ordinance in 2003. The intent at that time was to reduce conflicts between rural residential uses and intensive livestock operations, and also to protect ag producers by preventing neighboring land owners from establishing a residence as a way to roadblock a livestock development application. The observed impact of this requirement is that it has not been needed to protect ag producers, and has primarily served to add administrative delays to family farmers in Clinton County who wish to separate their residence from their income-producing farm ground, usually for estate planning or mortgage underwriting purposes. In most cases observed over the last 5 to 7 years, the residence and the livestock operation have remained under common ownership or been passed on within the same family, so there was no conflict between the residential use and the livestock use to begin with. The fact that the original text has created these unforeseen barriers to family farmers by not differentiating between existing development and new development can be considered an omission.

c. The areas that are most likely to be directly affected by such change and the likely effects.

This change will impact all areas of the county equally as livestock feedlots and/or confinements can be found in every township. The greatest impact should be seen on existing farmsteads where the owner wishes to divide the existing house onto a separate parcel and leave the existing livestock buildings and areas with the surrounding farm ground.

d. The changes in physical, social, or economic conditions or development practices that justify the proposed change.

The majority of new livestock development in the County is facilities that house 990 – 995 Animal units. These facilities are commercial in nature and are rarely – if ever – built on existing home sites. These facilities almost always meet the greater separation distance required by a 1000+AU facility because they want to keep the potential for expansion on the table. The DNR’s residential separation requirement is 1875 for these larger facilities, so the County preventing development within 1320 feet does not protect these producers because an opposing land owner can go 1321 feet away, circumvent County protections, and still disrupt the development.

The recent trend in parcel splits within 1320 feet of livestock development is almost exclusively to separate an existing dwelling from an existing livestock operation for estate planning or mortgage underwriting purposes. This means that the rules are only serving to hinder family-farmers and do not adequately protect large-scale ag producers anyway.

Planning & Zoning Commission Recommendation

The Zoning Commission held a Public meeting on June 1st, 2016 in DeWitt. After taking public comment and reviewing the application, the Commission voted 4 – 0 (Commissioner Hand absent) to recommend approval of this ordinance amendment.

Staff Recommendation

Staff recommends approval of this ordinance amendment.

