

Clinton County Board of Supervisors

Clinton County Administration Building
1900 North Third Street

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

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www.clintoncounty-ia.gov

PUBLIC NOTICE is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: MONDAY, November 14, 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 2016-264: Board and Commission re-appointments
- RESOLUTION 2016-265: Tax suspension request – Code of Iowa Sec. 427.8 (Drake)
- RESOLUTION 2016-266: Tax suspension request – Code of Iowa Sec. 427.8 (Feuss)
- RESOLUTION 2016-267: Tax suspension request – Code of Iowa Sec. 427.8 (Kammerer)
- RESOLUTION 2016-268: Tax suspension request – Code of Iowa Sec. 427.9 (Walton)
- RESOLUTION 2016-269: Appointment – Clinton County Justice Coordinating Commission
-

RESOLUTIONS

RESOLUTION: Easement agreement with the City of Clinton

RESOLUTION: Authorize plans and specifications to improve the climate control system at the County Courthouse

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

9:30 a.m. Review and Approval of Gregoire 5th Addition
The Supervisors will review and consider the minor subdivision plat.

9:35 a.m. County Ditch Cleaning and Field Tile Policy
The Supervisors will review and consider changes to the County policy.

9:50 a.m. Bargaining Unit Negotiations (anticipated to be closed)
The Supervisors will meet in accordance to Code of Iowa Section 20.17(3) and as such is not open to the public.

November 14, 2016

RESOLUTION 2016-264

BE IT RESOLVED that the Clinton County Board of Supervisors of Clinton County, Iowa, hereby order the following re-appointments:

Clinton County Conservation Board (Five-Year Term)

John Schnack (re-appointment)

Clinton County Board of Health (Three-Year Term)

Donald J. Thiltgen (re-appointment)

Sheryl L. Ernst (re-appointment)

Roll Call:
Staszewski: _____
Hamerlinck: _____
Srp: _____

ATTEST:

Chairperson, Daniel A. Srp

County Auditor, Eric Van Lancker

RESOLUTION # 2016-265

WHEREAS, Finis Drake has petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

746 13th Avenue s
Clinton, IA 52732

Parcel#: 8039220000

WHEREAS, eligibility for said suspension has been verified by Kim Ralston, CAP Director.

BE IT RESOLVED by the Clinton County Board of Supervisors that tax suspension be and is hereby approved and the County Treasurer is authorized to make entry on her records accordingly, all under provision of Section 427.8, Code of Iowa.

BE IT FURTHER RESOLVED that tax suspension under provision of Section 427.8, Code of Iowa is for the 2015 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Daniel A. Srp, Chairman
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker
County Auditor
County of Clinton
State of Iowa

November 14, 2016

RESOLUTION # 2016-266

WHEREAS, Carl and Laura Feuss have petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

800 Winter Street, Lost Nation, IA

PARCEL #5002410000

WHEREAS, eligibility for said suspension has been verified by Kim Ralston, CAP Director.

BE IT RESOLVED by the Clinton County Board of Supervisors that tax suspension [for the collection of taxes, special assessments, and rates or charges, including interest, fees and costs] be and is hereby approved and the County Treasurer is authorized to make entry on her records accordingly, all under provision of Section 427.8, Code of Iowa.

BE IT FURTHER RESOLVED that tax suspension under provision of Section 427.8, Code of Iowa is for the 2015 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

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

November 14, 2016

RESOLUTION # 2015-267

WHEREAS, Steve H. Kammerer has petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

311 North 5th Street, Clinton IA 52732

Parcel #80-35430000

WHEREAS, Kim Ralston, CAP Director has verified Steve Kammerer's eligibility for said tax suspension.

BE IT RESOLVED by the Clinton County Board of Supervisors that tax suspension [for the collection of taxes, special assessments, and rates or charges, including interest, fees and costs] be and is hereby approved and the County Treasurer is authorized to make entry on her records accordingly, all under provision of Section 427.8, Code of Iowa.

BE IT FURTHER RESOLVED that tax suspension under provision of Section 427.8, Code of Iowa is for the 2015 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

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

November 14, 2016

RESOLUTION # 2016-268

WHEREAS, Willie R. Walton has petitioned for tax suspension under provision of Code of Iowa, Section 427.9, on the following property:

226 17th Place, Clinton, IA

Parcel #: 8206520000

WHEREAS, eligibility for said suspension has been verified by the Iowa Department of Human Services.

BE IT RESOLVED by the Clinton County Board of Supervisors that tax suspension (for the collection of taxes, special assessments, and rates or charges, including interest, fees and costs) be and is hereby approved and the County Treasurer shall make entry on her records accordingly, all under provision of Section 427.9, Code of Iowa.

BE IT FURTHER RESOLVED that tax suspension under provision of Section 427.9, Code of Iowa is for the 2015 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

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

November 14, 2016

RESOLUTION #2016-269

WHEREAS, The Clinton County Board of Supervisors has previously approved the hiring of temporary part-time employees for the Courthouse transport vehicle; and

WHEREAS, Clinton County Justice Coordinating Commission Coordinator Margaret Kuhl and Clinton County Building Maintenance Manager Corey Johnson have conducted employment interviews and have made a recommendation to hire; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that Allen Cousins, James Lauritzen and Kenneth Mohr be appointed as temporary part-time employees as Courthouse transport vehicle operators at the rate of \$10.00 per hour, effective November 14, 2016;

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

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

November 14, 2016

RESOLUTION #2016-_____

WHEREAS, The City of Clinton has determined an underground pump station is required in the area of the northwest corner of the Clinton County Courthouse complex in Clinton, Iowa, for a sewer improvement project and has requested an easement from Clinton County, Iowa; and

WHEREAS, the Clinton County Board of Supervisors conducted a public hearing to solicit public comment on the proposed easement to the City of Clinton on November 7, 2016; and

WHEREAS, the Clinton County Attorney has reviewed and recommended the approval of the proposed easement; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the Easement Agreement between the City of Clinton and Clinton County, Iowa, with a transaction amount of \$600.00 be approved;

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

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

November 14, 2016

RESOLUTION 2016-_____

WHEREAS, the Clinton County Board of Supervisors has received a recommendation from the Clinton County Building Maintenance Manager, the Law Enforcement Center Construction Manager and the Law Enforcement Center Architect in regards to the climate control system for the new Law Enforcement Center and also for the County Courthouse; and

WHEREAS, the recommendation supports the installation of a VAV climate control system in the County Courthouse to allow for efficient operation of the boiler system for both the new Law Enforcement Center and the County Courthouse; now

THEREFORE, BE IT RESOLVED that the Clinton County Board of Supervisors, Iowa, concurs with said recommendation and authorizes Shive-Hattery to proceed with plans and specifications to replace the current heat pump system in the County Courthouse with the recommended VAV system.

Roll Call:

Staszewski: _____

Hamerlinck: _____

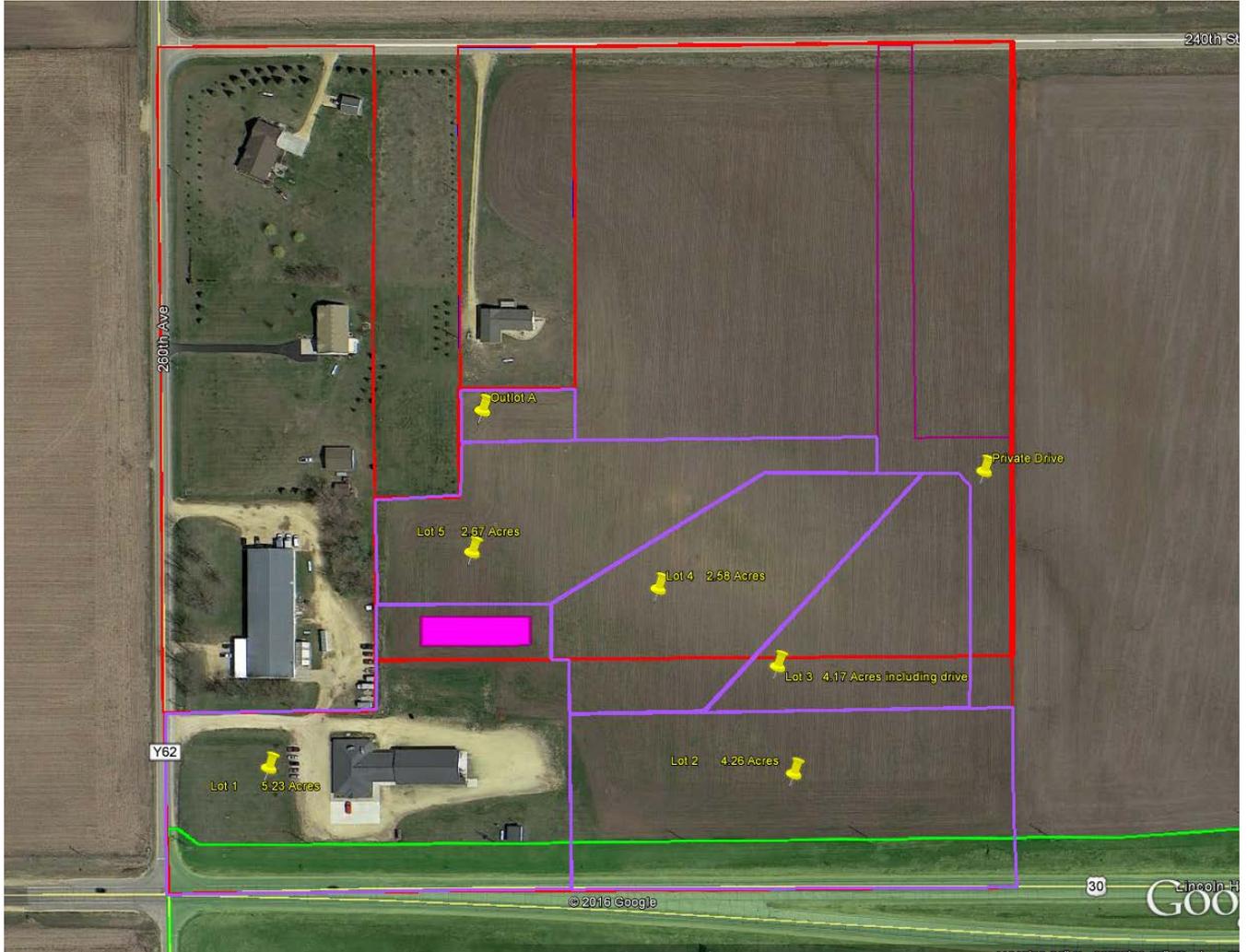
Srp: _____

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

Proposed lots for Gregoire 5th Addition:



Background and Details

The purpose of this subdivision application is 1) to correct a problem created when the DeWitt Vet Clinic inadvertently constructed an accessory cattle working building on property owned by Charles and Denise Gregoire; and 2) to divide the remaining area of the Gregoire property into residential lots so there should be no necessity of a Gregoire 6th Addition. There will also be an outlot to be sold to the owner of Lot 1 of the 2nd Addition to create an even back lot line with the neighboring lots in the 4th Addition. The only buildings on this land are the Vet Clinic buildings.

The Gregoire property has been split several times since the mid-2000s. The original 40 acre parcel includes Grandview Subdivision, Gregoire 1st Addition, Gregoire 2nd Addition, and Gregoire 3rd Addition and Gregoire 4th Addition. This subdivision (5th Addition) is a replat of Lot 2 of the 4th Addition and Lots 1 and 2 of the 1st Addition. There are about 40 residences within ¼ mile of this subdivision. The site is currently partly zoned R-1 (Lot 2 of 4th Addition) which allows a density of 1 lot per 2 acres of the parent parcel and partly C-1 (Lots 1 and 2 of 1st Addition). The property includes crop ground and the DeWitt Vet Clinic property.

Details of the Proposal:

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

- Lot size – Anticipated Use**
- Lot 1 – 3.75 net acres – Commercial – DeWitt Vet Clinic.
 - Lot 2 – 2.98 net acres – Commercial – Corn and Soybeans at this time.
 - Lot 3 – 2.49 net acres – Residential – a residence may be built in the future.
 - Lot 4 – 2.58 net acres – Residential – a residence may be built in the future.
 - Lot 5 – 2.67 net acres – Residential – a residence may be built in the future.

County Engineer’s Review of Proposed Driveway Access

Any new accesses onto County roads are subject to permitting and review by the County Engineer’s Office and the access entrance will require a permit from the Secondary Roads Department. Final location and design requirements of any new access will be determined at the time of permitting. The property owner(s) is/are responsible to pay the cost to construct and maintain the entrance. The county can build the entrance for them, but the property owner will be billed the actual cost of construction. Any shared accesses need to have a written agreement between property owners sharing the access allowing the shared access. New driveways must also meet separation and site distance requirements.

County Health Department Review of Well and Septic System Suitability

All lots will utilize on-site septic systems. With a minimum net parcel size of 2.37 acres, the County Health Department does not foresee any problems developing adequate wastewater facilities *subject to review of a soil analysis or percolation test*. A new well will be drilled which will be shared between lots 3, 4, and 5. Any new or replacement wells or wastewater treatment systems installed on any lots 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.

Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Gregoire 5th 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 and applicants are strongly encouraged to work closely with the County Sanitarian to make sure preliminary designs meet all applicable State and County regulations for septic systems.

- 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 a subdivision must share a water supply unless granted a variance is recommended by this Commission and approved by the Board of Supervisors. Lot 1 has an existing private well for its' water supply. Lot 2, as a commercially zoned lot, may be required to construct a public water supply, depending upon eventual use. Staff recommends that a separate well be permitted on Lot 2. Lot 3, 4 and 5 will be required to share a common well.

- 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 service, if needed, is provided by 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.**

4 lots will utilize a shared driveway which will access onto 240th Street which is a hard-surface County road. Lots 1 and 3 of Gregoire 4th Addition will also use the shared driveway for access. Section 3.4.6.B of the Subdivision Ordinance allows up to 6 residences to have access from a private driveway provided the access is shown on the plat and the accessing property owners are advised that they are responsible for the access drive maintenance. Lot 1 will utilize its' existing access onto 260th Avenue. 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 Clinton Community School District. Fire protection will be provided by the DeWitt Volunteer Fire Department which is located within 2.5 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 Commercial and Suburban Residential on the Future Land Use Map. This property was re-zoned to C-1 and R-1 in 2006. At that time it was determined by the Board of Supervisors that Residential development is appropriate for this area. The residential development is within the density limits allowed in the R-1 district. 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 R-1, which allows 1 dwelling unit per 2 acres. Lots 3, 4 and 5 are mostly within the R-1 district. Lots 1 and 2 are mostly within the C-1 Zoning District. The area being added to Lot 1 where the new building is located is Zoned R-1 but should be re-zoned to C-1 after this subdivision is approved and a legal description is available. CSR is not a consideration for subdivisions in residentially zoned areas.

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.

240th Street is a hard surface road which had a traffic count of 100 VPD in the most recent DOT study (2014). 260th Avenue is a hard surface road with a traffic count of 580 VPD. There is excess capacity for additional traffic on these roads sufficient to handle the increased volume that can be expected by the creation of these additional lots.

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.

Lots 2-5 will share access a private drive along with Lots 1 and 3 of the 4th Addition. This private drive will access onto 240th Street. No new public streets are proposed in this subdivision at this time, however proper area has been reserved for the private drive to become a public road should one become necessary in the future.

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 any of the proposed lots will have adequate and safe access to 240th Street and 260th Avenue, which are paved roads. The private driveway will need to meet Secondary Roads 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 ground on all proposed lots except Lot 1 which has the existing commercial business. The new development within this subdivision should not threaten any existing trees and vegetation. There are no extreme slopes, topography, soil geology, or wetlands to consider on any lots. There is no mapped flood plain on this property.

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.

CLINTON COUNTY SECONDARY ROAD DEPARTMENT DITCH CLEANING AND FIELD TILE POLICY

GENERAL: The County Engineer and the County Board of Supervisors deem roadway drainage as essential work necessary to maintain the County's Secondary Road System. Ditch cleaning work is a priority for the Clinton County Secondary Road Department and will be completed within the limits of the county budget.

SCOPE: The purpose of this policy is to establish the protocol and procedures in which the county will perform ditch cleaning and tile installation work. This policy will set forth the manner in which the county will prioritize ditch-cleaning projects, the procedures in which ditch cleaning can be requested, use of the excavated material, complaint handling, and public relations. The policy will also address roadside improvements such as ditch fills for landscaping to allow mowing of ditches, prevention of farming within the right-of-way, and processing of requests for field tile crossings and outlets and the manner in which field tile outlet structures in road right-of-way will be addressed.

PROCEDURES: Each year priority sites will be selected by the Road Maintenance Foreman, County Engineer and staff for participation in the ditch cleaning program. Projects that directly reduce road base saturation, surface erosion and reduce roadway frost heave are given the highest priority. Requests where landowners are attempting to stem soil erosion are given additional consideration and a higher priority for ditch cleaning than other property owner requests where soil erosion is not being addressed and the road ditch is being filled in due to soil erosion from adjacent land owners.

Additional ditch cleaning work will still be completed based on the needs of the County Secondary Road Department outside of this program. Ditch cleaning work may also be completed as the site aligns with the needs of the county for road/bridge and driveway construction.

- A) **Requests for work:** Requests for participation in the county ditch cleaning program may come from secondary road staff, land owners, tenants, and soil conservation staff. The sites will be reviewed by the Road Maintenance Foreman (or other County staff as directed by the County Engineer) and prioritized by the Road Maintenance Foreman.
- B) **Project site selection:** Sites will be prioritized, selected and placed on the priority list for ditch cleaning based on the following criteria.
- Drainage problems on site are causing road problems adjacent to the ditch. The road cross section is contributing to poor drainage due to secondary ditches. The plugged or filled ditch may be failing to drain resulting in water ponding adjacent to the road or causing erosion of the road surface. This moisture may contribute to frost boils and soft spots developing in the road during the spring thaw or other rainy periods. (1st priority)
 - Drainage problems on site are damaging roadway culverts and tile crossings (2nd priority)
 - Private property field tile drainage and or waterway drainage is being obstructed (3rd priority)
 - Requests by adjacent property owners for ditch cleaning for the purpose of acquiring fill material or lowering the ditch flowline for a proposed tile outlet (lowest priority)

CLINTON COUNTY SECONDARY ROAD DEPARTMENT DITCH CLEANING AND FIELD TILE POLICY

- C) Property owners may hire a private contractor to perform ditch cleaning work on ditches adjacent to their property. The property owner must first obtain a Work in ROW permit from the Clinton County Secondary Road Department prior to completing any work. The limits of excavation shall be set in the permit and the work will be inspected during ditch cleaning operations. Any nonconforming work shall be repaired at the property owner's expense. The property owner and the contractor shall be responsible for all costs associated with completing the work, Iowa One Call notification, traffic control, utility damage, disposal of the material and costs associated with repair of the road surface and appurtenances.

Ditch cleaning location selection for participation in the county program will be reviewed for upstream landowner compliance of good soil conservation practice. Downstream landowner drainage must be adequate to allow road ditch drainage. If downstream drainage is being obstructed by the property owner at a site the request for ditch cleaning will not be scheduled until the downstream drainage obstruction is removed. Projects with uncooperative property owners will not move up in priority until compliance with Soil and Water Conservation District (SWCD) guidelines.

PRIORITY USES OF EXCAVATED MATERIAL

Excavated material from ditches in the course of ditch cleaning will be used to best meet the needs of the Clinton County Secondary Road Department. One of the goals of this program is to retain soil on the original property and work with the property owners to avoid and prevent erosion. The excavated material is not the property of the adjacent landowner and will be used for the best interest of the county as determined by the County Engineer and the Secondary Road Department staff. Consideration for use of the excavated material will be as follows:

1. First Priority: Clinton County Secondary Road needs for use of excavated material for driveway construction and widening, road grade building, bridge construction and maintenance, and other construction and County related needs. Requests for excavated material by all others will only be considered after County needs are met.
2. Second Priority: Adjacent Landowners will be offered material excavated from ditches. The material will be deposited at a location easily accessible to the secondary road department equipment – priority will be given to casting into fields adjacent to ditches. Responsibility for placing the material in its final location and any finish grading necessary will be to the property owner. County crews will rough grade the material cast if necessary. Property owners are encouraged to use the material in areas that promote the conservation of soil. The property owner, tenant, or contractor of the property owner will be responsible to shape and compact the material in a timely manner so that the deposited soil does not become a hazard to traffic or a future erosion problem. County crews will deposit the material only; they will not shape and/or construct earth structures without the direction of the County Engineer. The County is not responsible for the presence of objectionable

CLINTON COUNTY SECONDARY ROAD DEPARTMENT DITCH CLEANING AND FIELD TILE POLICY

content (i.e. rocks, debris, metal, glass or other foreign matter) in the excavated material.

3. Third Priority: Landowners within five miles of ditch. Priority will be given to persons requesting material with the minimum haul distance from the ditch-cleaning site. Material to be hauled over five miles must have the approval of the Road Maintenance Foreman or County Engineer. Unless the sub-foreman determines it to be the most efficient, no consideration will be given to giving equal shares of soil to parties requesting material. The prime consideration will be assuring the efficiency and speed of the ditch cleaning operation. The county crew will deposit the material only; they will not shape final material. Material cannot be used to redirect water flow on to adjacent property or obstruct the roadway drainage onto downstream property.
4. Final Priority: Sub-foremen may direct the final load of any county truck returning to its respective sheds to dispose of the load between ditch cleaning work site and the respective employee's shed as requested by landowners. Material will not be hauled within city limits unless the material is being deposited on land owned by a school, church, non-profit organization or land zoned as agricultural. Residents may contract the hauling of excavated material with a private hauler if the property owner adjacent to the ditch cleaning site gives permission for the material to be hauled off-site and the county does not need the material.

COMPLAINTS BY LANDOWNERS REGARDING UPSTREAM SOIL EROSION

Complaints from landowners regarding soil loss and deposition on downstream property will be directed to the Clinton County SWCD. The County may file an official written complaint with the SWCD on its own behalf if the erosion is substantial and causing hazards for the traveling public (more than the 5 tons per acre per year threshold at 85 pounds per cubic foot soil unit weight). The site will be reviewed with the Board of Supervisors prior to filing and official complaint.

DITCH FILLING FOR LANDSCAPING PURPOSES

Clinton County does not require property owners to mow roadside ditches. Landowners desiring to mow the ditches adjacent to their properties may do so but must comply with Iowa Law and cannot mow designated prairie planting areas. Property owners who would like to fill in their ditches for mowing shall submit a permit application in accordance with the County's Roadside Ditch Alteration Policy. Clinton County does not allow ditches to be filled in where drainage is obstructed, snow traps are created or when roadway safety is not improved.

TILE OUTLETS

Placement of tile outlets into the County ROW is allowable. Persons desiring to outlet a tile into a county ditch must first obtain a tile permit from the Secondary Road Department. Prior

CLINTON COUNTY SECONDARY ROAD DEPARTMENT DITCH CLEANING AND FIELD TILE POLICY

to permit approval, the County staff will review the desired outlet location. There is no fee for the permit review process. The location of the desired outlet may be changed by the County if a more suitable outlet location is determined upon review. Following the approval of the permit, the landowner may have the work completed. The Road Maintenance Foreman shall be contacted at the completion of the work to ensure the work was completed in accordance with the permit and the ditch, backslope and road embankment were not damaged by the contractor. The contractor shall restore the ditch surface and seed all disturbed areas. All seeding activities shall be completed in accordance with Iowa Department of Transportation Specification 2601 (Using permanent seed rates and no fertilizer). Repair work requested by the County not completed by the landowner/contractor within 30 days of written request will be completed by the County and billed to the landowner.

TILE CROSSINGS

All requests to have field tile crossings installed through the county right-of-way must be directed to the Secondary Road Department for a permit and standards for installation. The contractor shall coordinate field installation with the county maintenance crews and local utility companies. The county will furnish and install material necessary to complete tile crossing as their schedule allows. The county will not be responsible for material or contractor work completed adjacent to county right-of-way, that which is part of drainage districts, or work performed at the direction of the landowners without Secondary Road Department approval. Cost for new tile crossing installations shall be borne by the County. After initial installation tile repair work costs shall be the responsibility of the County (including necessary repairs).

The landowner may employ a private contractor to construct a tile crossing at the property owner's expense and submit claims for review and payment by the County. The landowner shall submit a permit application and estimated cost to the County for review and approval prior to beginning any work. The permitting and approval process shall be the same. The landowner is responsible for ensuring that all work complies with wetland legislation as determined by the Natural Resources Conservation Service (NRCS) and/or the Corps of Engineers. Clinton County will not review or coordinate these activities on the landowner's behalf. Construction that results in the ponding of water in county right-of-way is not allowed. Secondary Road Department staff will inspect the work and any work not meeting County requirements will be removed and replaced at the property owner's expense. The property owner is responsible for obtaining a work in ROW permit, utility notification and traffic control.

Dual wall High Density Polyethylene (HDPE) non perforated pipe or equivalent shall be used for all crossings. Drop inlets or risers may be required five feet inside ROW lines. Any material or labor to be billed to the county must be pre-approved in writing and separate from any billing for other work completed. Private individuals installing the tile must have approval in writing and notify the county 48 hours in advance of tile crossing installation. The county will provide any rock necessary to restore the condition of the road surface. The contractor or landowner is to notify the county per the permit terms to allow county maintenance staff to inspect the finished crossing for conformance with county standards before pipe backfilling and after work is complete.

CLINTON COUNTY SECONDARY ROAD DEPARTMENT DITCH CLEANING AND FIELD TILE POLICY

SEPTIC SYSTEMS-NUISANCE COMPLAINTS & HOUSE DRAIN OUTLETS

If a septic system is noted in an area requiring ditch cleaning, and the septic system outlet is determined to be causing a health and safety hazard for personnel attempting to complete ditch cleaning, the area will be bypassed for ditch cleaning and the septic tank outlet location will be reported to the county environmentalist's office for review. House drain outlets into the road right-of-way are allowed as long as the drain only carries gutter rainwater, foundation drains, or non-septic floor drains. House drains determined to be a nuisance, due to the discharge of "grey water", soapy or suspect water will be reported to the county environmentalist's office for investigation.

FARMING IN THE COUNTY RIGHT-OF-WAY

Cultivating farm crops within the right-of-way leads to possible degradation of the ditch bottom and increased erosion. Row crop farming within the right-of-way is not conducive to soil conservation or proper roadside drainage. Farming of the right-of-way is not permitted under the county's permanent easement for road purposes and need not be allowed. This is not intended to prevent haying of the roadside, which is allowed by the Code of Iowa, but only prevent the cultivation of the right-of-way leading to the encroachment of and eventual loss of the county road ditch.

If it is observed that a property owner or their tenants plow and plant crops within the county right-of-way, the landowner will be sent notice by certified mail upon the observation of tilling into the ditch to cease planting in the right-of-way. The property owner will be asked to restore and re-seed the area affected. The county will, at the request of the landowner, delineate the approximate right-of-way line by placing ROW stakes on the right-of-way line for the reference of the property owner. If the right-of-way is not restored, the county may, without further notice, mow the crop; restore the ditch and backslope to the outside of the right-of-way and bill the landowner for the cost of the restorative work. If the bill is not paid, the cost of restorative work will be placed as a tax lien upon the landowner's property.

TILE OUTLET STRUCTURES IN COUNTY ROW

The County does not allow the construction of tile outlet structures (i.e. concrete boxes, metal weirs or other permanent structures which have tile outlets) in the County ROW. Existing tile outlet structures in the County ROW that are in need of repair shall be repaired at the property owner's expense (Work in ROW permit required), unless a written agreement is in place that assigns maintenance of the structure to the County.

The County encourages property owners with outlet structures in need of repair to contact the NRCS office to have the site reviewed as a potential Iowa Financial Incentive Program (IFIP) application candidate. NRCS design and assistance is free to property owners. The program is a 50/50 cost share and applications are taken on a year round basis. Current NRCS guidelines do not allow the construction of tile outlet structures in the County ROW.

CLINTON COUNTY SECONDARY ROAD DEPARTMENT DITCH CLEANING AND FIELD TILE POLICY

Tile outlet structures that are not being maintained by the property owner and not being reviewed for replacement under the IFIP program will be scheduled for removal by the County. The County will notify the property owner in writing that the structure is in need of repair and a response by the property detailing a schedule for repair or replacement is required within 30 days of receipt of the notification letter. The County may remove existing tile outlet structures without notice, which are causing safety or drainage issues to the roadway. Property owners may request the County to remove exiting structures. The cost to remove the structures will be borne by the County.

Existing structures that need replacement and are under review for the IFIP program may be removed by the County and the cost of the removal may be used as part of the private property owner's cost share amount under the IFIP program.

APPROVED BY THE CLINTON COUNTY BOARD OF SUPERVISORS

Supervisors:

ATTEST

DATE

Eric Van Lancker
Clinton County Auditor
State of Iowa

RESOLUTION #2016_____

November 14, 2016

WHEREAS, pursuant to Code of Iowa Section 309.67, the Board of Supervisors of Clinton County, Iowa, is charged with the duty of establishing policies and providing adequate funds to properly maintain the Secondary Road System, and

WHEREAS, it is necessary to make certain changes in current policies and establish new policies, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the following policy is revised as an approved Secondary Road Department Policy and Procedure starting November 14, 2016:

1. Clinton County Secondary Road Department Ditch Cleaning and Field Tile Policy

Roll Call:

Staszewski: _____

Hamerlinck: _____

Srp: _____

ATTEST:

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

**Chairperson
Clinton County Board of Supervisors**