

OCTOBER 3, 2016

The Board of Supervisors of Clinton County Iowa met. Present were Supervisors Srp, Hamerlinck and Staszewski. Minutes of the previous meeting were read and approved.

9:00 A.M. Review Correspondence and Claims

Call to Order – Pledge of Allegiance

9:15 A.M. FORMAL ACTION: Resolutions and Motions

CONSENT AGENDA

The following Resolutions #2016-231 through #2016-232 and one (1) Motion were approved on the Consent Agenda:

RESOLUTION #2016-231

BE IT RESOLVED by the Clinton County Board of Supervisors that Susan K. Peters and Brenda Shoultz d/b/a BS General Store, will electronically file a new application for a Class C Commercial liquor license with endorsements for Sunday Sales and Outdoor Service, effective November 8, 2016. Said application be and is hereby approved by the Clinton County Board of Supervisors.

Roll Call: Staszewski, Yes; Hamerlinck, Yes; Srp, Yes. Daniel A. Srp, Chairperson

RESOLUTION #2016-232

WHEREAS, Mary JoAnn Horan has petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property: 2606 Roosevelt St., Clinton, IA Parcel #86-28560000

WHEREAS, the 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, Yes; Hamerlinck, Yes; Srp, Yes. Daniel A. Srp, Chairperson

Motion was made by Supervisor Hamerlinck to authorize the Chairperson to sign Utility Permit Number 10-88 for Eastern Iowa Light and Power to install new underground electrical lines in Section 19 of Elk River Township, T83N-6E along the east side of 400th Avenue and in Section 24 of Deep Creek Township, T83N-5E along the west side of 400th Avenue.

Roll Call: Staszewski, Yes; Hamerlinck, Yes; Srp, Yes. Motion carried.

RESOLUTIONS

The following resolution was presented and on motion approved:

RESOLUTION #2016-233

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on September 7, 2016 and following said hearing the Commission recommended approval of the attached text amendments to the Clinton County Zoning Ordinance; and

WHEREAS, the Clinton County Board of Supervisors held a Public Hearing and First Reading of the proposed text amendments on September 26, 2016 to consider said amendment and to hear comments for and against; and

WHEREAS, the Clinton County Board of Supervisors held a Second Reading of the proposed text amendment on October 3, 2016 to consider said amendment; now

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

1. The attached ordinance numbered 2016-03 is hereby adopted.
2. The Auditor is directed to publish said ordinance as required by law.
3. This ordinance shall be in effect from and after its adoption and publication as required by law.

Roll Call: Staszewski, Yes; Hamerlinck, Yes; Srp, Yes. Daniel A. Srp, Chairperson

ORDINANCE #2016-03

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY ZONING ORDINANCE TO PROVIDE FOR REGULATION OF AND THE METHOD OF APPROVAL FOR UTILITY SCALE AND NON-UTILITY SCALE SOLAR INSTALLATIONS, AND ADOPTING A NEW DEFINITION OF "SETBACK".

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

Section 3.6 Zoning District Regulations (Add the following uses to the indicated Zoning Districts.)

- 3.6.1.C (A-1 Prime Agricultural Zoning District)(Accessory Uses)
 - 7. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.1.D (A-1 Prime Agricultural Zoning District)(Special Exception Uses)
 - 21. Utility Scale Solar Installations, as provided in Section 4.2.18 of this ordinance.
- 3.6.2.C (AR-1 Agricultural Recreation Zoning District)(Accessory Uses)
 - 7. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.2.D (AR-1 Agricultural Recreation Zoning District)(Special Exception Uses)
 - 19. Utility Scale Solar Installations, as provided in Section 4.2.18 of this ordinance.
- 3.6.3.C (R-1 Suburban Residential Zoning District)(Accessory Uses)
 - 6. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.4.C (R-2 Urban Residential Zoning District)(Accessory Uses)
 - 4. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.5.C (C-1 Highway Commercial Zoning District)(Accessory Uses)
 - 6. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.5.D (C-1 Highway Commercial Zoning District)(Special Exception Uses)
 - 7. Utility Scale Solar Installations, as provided in Section 4.2.18 of this ordinance.
- 3.6.6.C (C-2 Rural Support Commercial Zoning District)(Accessory Uses)
 - 5. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.6.D (C-2 Rural Support Commercial Zoning District) (Special Exception Uses)
 - 6. Utility Scale Solar Installations, as provided in Section 4.2.18 of this ordinance.
- 3.6.7.C (M-1 Limited Industrial Zoning District)(Accessory Uses)
 - 5. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.7.D (M-1 Limited Industrial Zoning District)(Special Exception Uses)
 - 6. Utility Scale Solar Installations, as provided in Section 4.2.18 of this ordinance.
- 3.6.8.C (M-2 General Industrial Zoning District)(Accessory Uses)
 - 5. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance.
- 3.6.8.E (M-2 General Industrial Zoning District)(Special Exception Uses)
 - 11. Utility Scale Solar Installations, as provided in Section 4.2.18 of this ordinance.

Chapter IV: Supplemental Conditions

New Section

4.2.18 Utility Scale Solar Installations.

The Purpose of this section is to encourage utility scale photovoltaic solar installations. Concentrating solar power (CSP) systems shall be prohibited.

1. **Major site plan and Special Exception Use Permit required:** A site plan shall be submitted and reviewed as part of the approval of a utility scale solar installation. A utility scale solar installation shall require a Special Exception Use Permit.
2. **Additional information:** In addition to all submittal requirements of a Special Exception Use Permit application, the application for a utility scale solar installation shall include the following information on the site plan or in narrative form, supplied by the utility scale solar installation owner, operator or contractor installing the structure(s):
 - a) Number, location and spacing of solar panels/arrays.
 - b) Planned location of underground or overhead electric lines.
 - c) Project development timeline.
 - d) Interconnection agreement.
 - e) Operation and maintenance plan.
 - f) Decommissioning plan.
3. **Site and Structure Requirements**
 - a) **Setback.** Setbacks for all structures (including solar arrays) must adhere to the minimum principal setback standards for the zoning district where the project is located; greater setbacks may be required by the Board of Adjustment.
 - b) **Screening.** A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
 - c) **Utility Connections.** Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
 - a) **Grading plan.** A grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, tree removal, etc.).
 - b) **Glare minimization.** All solar panels must be constructed to minimize glare or reflection

onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard.

- c) **Compliance with local, state and federal regulations.** Utility scale solar installations shall comply with applicable local, state and federal regulations.
 - d) **Appurtenant structures.** All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.
 - e) **Floodplain considerations.** Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain district regulations.
 - f) **Signage.** No signs other than appropriate warning signs, or standard manufacturer's, operator's or installer's identification signage, shall be displayed.
 - g) **Fencing/security.** A security fence must be installed along all exterior sides of the utility scale solar installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.
4. **Operation and maintenance plan.** The applicant shall submit a plan for the operation and maintenance of the solar installation, which shall include measures for maintaining safe access to the installation, stormwater and erosion controls, as well as general procedures for operation and maintenance of the installation.
- a) **Soil erosion and sediment control considerations.** The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general "best management practices" for temporary erosion and sediment control both during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to prevent sediment laden runoff into waterways.
 - b) **Stormwater management considerations.** For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
 - c) **Ground cover and buffer areas.** Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
 - (i) Top soils shall not be removed during development, unless part of a remediation effort.
 - (ii) Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
 - (iii) Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.
 - d) **Cleaning chemicals and solvents.** During operation of the proposed installation, all chemicals or solvents used to clean photovoltaic panels should be low in volatile organic compounds and the operator should use recyclable or biodegradable products to the extent possible. Any onsite storage of chemicals or solvents shall be referenced.
 - e) **Maintenance, repair or replacement of facility.** Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to emergency response officials. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.
5. **Decommissioning and site reclamation plan.**
- a) The application must include a decommissioning plan that describes: the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned; the anticipated site restoration actions; the estimated decommission-

- ing costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.
- b) The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.
 - c) Restoration or reclamation activities shall include but not be limited to the following:
 - i) Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.
 - ii) Re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area, consistent with the county's weed control plan.
 - iii) For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.
 - d) Following a continuous 1 year period in which no electricity is generated, or if substantial action on the project is discontinued for a period of 1 year, the permit holder will have 1 year to complete decommissioning of the utility scale solar installation. Decommissioning shall be completed in accordance with the approved decommissioning plan. The land owner or tenant must notify the County when the project is discontinued.

Chapter IV: Supplemental Conditions

New Section

4.2.19 Non-Utility Scale Solar Installations

1. **Permitted Accessory Use.** Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.
 - a) **Height.** Active solar energy systems must meet the following height requirements:
 - i) Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building mounted mechanical devices or equipment.
 - ii) Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
 - b) **Set Back.** Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - i) Roof-mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - ii) Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
 - c) **Approved Solar Components.** Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
 - d) **Approval Required.** All solar energy systems shall require a Zoning Permit from the Clinton County Planning and Zoning office. Zoning approval does not indicate compliance with Building Code or Electric Code.
 - e) **Compliance with Building Code.** All active solar energy systems shall be consistent with the State of Iowa Building Code and solar thermal systems shall comply with HVAC-related requirements of the Electric Code.
 - f) **Compliance with State Electric Code.** All photovoltaic systems shall comply with the Iowa State Electric Code.
 - g) **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
 - h) **Utility Notification.** All grid connected solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

NEW DEFINITIONS

Add to Chapter II, Section 2.2

Active Solar Energy System - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Concentrating solar power system (CSP). Systems that use lenses/mirrors and tracking systems to focus or reflect a large area of sunlight onto a small area. The concentrated energy is absorbed by a thermal medium, such as water, salt, or a permanently gaseous fluid, and used as a heat source for a conventional power plant, such as a steam power plant, or for a power conversion unit, such as a sterling engine. Although several concentrating solar technologies exist, the most common types are the solar trough, parabolic dish and solar power tower. Energy storage technologies used by concentrating solar thermal devices (e.g. molten salt storage) are also included within this definition.

Ground-mount – a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

Non-Utility Scale Solar Installation (accessory use) - A solar panel or array mounted on a building, pole or rack that is accessory to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use.

Roof-mount – a solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

Solar array - A group of solar panels connected together.

Solar collector - A device or structural feature of a building that collects solar energy and that is part of a system for the collection, storage and distribution of solar energy.

Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

Solar glare - The effect produced by light reflecting from a solar panel with intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar panel - A device composed of groups of individual solar cells used to convert solar energy into electrical current

Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Power purchase agreement - A power purchase agreement refers to a contract entered into by an independent power producer and an electric utility. The power purchase agreement specifies the terms and conditions under which electric power will be generated and purchased. Power purchase agreements require the independent power producer to supply power at a specified price for the life of the agreement.

Photovoltaic - The technology that uses a semiconductor to convert light directly into electricity.

Utility scale solar installation (primary use) - A group of interconnected solar panels/arrays that convert sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity. This definition does not apply to consumer scale solar installations that are constructed primarily to provide power for use onsite.

SECTION 2.2 (DEFINITIONS)-Delete current definition of “Setback” and replace with “Setback. The minimum horizontal distance between a lot line or Right-of-Way line (where applicable) and a building or structure located upon such lot, as required by the provisions of this Ordinance. (See Exhibit 2.2.8 and Chapter III).”

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

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

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

PASSED AND ADOPTED this 3rd day of October, 2016 by the Board of Supervisors, Clinton County, State of Iowa.

Signed: John F. Staszewski; Signed: Shawn Hamerlinck; Signed: Dan A. Srp, Clinton County Board of Supervisors

ATTEST: Eric Van Lancker (Signed), County Auditor, County of Clinton, State of Iowa

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

Clinton County Auditor Eric Van Lancker reminded the Board of Supervisors that the meeting scheduled for October 17 will be conducted at the County Satellite Building in DeWitt and start at 8 a.m. He also reminded the Board that the Exelon practice drill is scheduled for Wednesday. He added the first of four satellite absentee voting opportunities at the County Satellite Building in DeWitt will be this Saturday from 8 a.m. to 1 p.m.

DISCUSSION WITH POSSIBLE ACTION

Planning & Zoning Director Recruitment Update: Supervisor Hamerlinck reported a job offer for the position has been accepted by Thomas Barnes of DeWitt for the position.

The following resolution was presented and on motion approved:

RESOLUTION #2016-234

WHEREAS, the Clinton County Board of Supervisors of Clinton County, Iowa, had extended an employment offer to Thomas Barnes of DeWitt for the position of full-time Clinton County Planning and Zoning Director; and

WHEREAS, Barnes has agreed to the employment offer that includes an annual salary of \$45,000 a year with a 12-month probationary period and that he will earn 90% of said salary for the first six months and then receive the full salary upon a successful evaluation; now

BE IT RESOLVED by the Clinton County Board of Supervisors of Clinton County, Iowa, that said employment offer to Thomas Barnes of DeWitt be accepted for the position of Clinton County Planning and Zoning Director pending the pre-employment screening; also

BE IT FURTHER RESOLVED by the Clinton County Board of Supervisors of Clinton County, Iowa, that the County Auditor be and is hereby authorized to issue biweekly paychecks on the Rural Fund, Office of Planning and Zoning, to Thomas Barnes, as a full-time Planning and Zoning Director, effective October 24, 2016, at an annual salary of \$45,000 to be paid at 90% for the first six months and in full after that following a successful evaluation.

Roll Call: Staszewski, Yes; Hamerlinck, Yes; Srp, Yes. Daniel A. Srp, Chairperson

9:26 A.M. Clinton County Jail Project Update – Discuss Temporary Parking option during Construction, Update on Requests to City of Clinton and Other Related Jail-project Updates

County Building Maintenance Manager Corey Johnson reported a committee reviewed the temporary parking situation during construction, advising that there will be a total of 34 spaces available. He said the day the committee met, there was a jury trial taking place and the lot was full and cars were parked on the street. Johnson said the committee recommends that when construction starts, the bus should be offered for 11 hours a work day from the baseball parking lot to the Courthouse. He said if the Courthouse is as busy as it was last week, it won't only be employees who are parking off-site. Johnson said the committee believes members of the public could also be in need of the transport. He said the committee recommends the transit be operated under the CCJCC office. Johnson said the decision needs to be made soon as the construction will be starting in about a month. Srp said he is waiting on Clinton's City Attorney to draft an agreement with the County for the use of the stadium parking lot. Srp said he's concerned about hiring people if the parking lot agreement is not official. Staszewski asked about the hiring process. Johnson said they will determine tomorrow what specific license is needed to operate the bus. The job will be advertised in the paper. Hamerlinck said he doesn't want to be in the bus business, but he understands the need. Hamerlinck also asked that utilization of the transport be tracked.

The following resolution was presented and on motion approved:

RESOLUTION #2016-235

WHEREAS, the Clinton County Board of Supervisors has agreed with the City of Clinton to provide temporary parking at a designated parking lot for employees and public who work and conduct business in the Clinton County Courthouse during construction of the replacement Jail; and

WHEREAS, the Clinton County Board of Supervisors have purchased a vehicle to transport said employees and public between the designated parking lot and the Clinton County Courthouse; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the Clinton County Justice Coordinating Commission Coordinator be authorized to hire temporary, part-time transport drivers at \$10 an hour for up to 55 hours of service a week from the General Basic Fund, Clinton County Justice Coordinating Commission Department;

BE IT FURTHER RESOLVED that the Clinton County Justice Coordinating Commission Coordinator be authorized to advertise for said temporary, part-time transport drivers.

Roll Call: Staszewski, Yes; Hamerlinck, Yes; Srp, Yes. Daniel A. Srp, Chairperson

Johnson said the architect and project manager are in town today and meeting with jail officials to continue with the jail plans. Srp said the County is working with the City Board of Adjustment to consider the County's variance requests and that the Clinton City Council last week voted to deny the sidewalk variance from the County. He added a Councilperson who voted no last week would reconsider that vote depending on what other issues could be presented. Srp said the sidewalk variance was requested as a safety issue. Srp said the County has officially received a request from the City of Clinton to place a sewer pump station on the corner of the Courthouse property and an easement would be required. Srp has met with Johnson about the long-term impacts of the pump station on the County property. He added a discussion with the City about this request has been added to the October 10 Board of Supervisor meeting agenda.

11:30 A.M. New Jail Replacement Facility Groundbreaking Ceremony

The Supervisors participated in the groundbreaking ceremony for the Jail Replacement Facility project at the Clinton County Courthouse/Law Center campus.

The Board of Supervisors adjourned to meet on Monday, October 10, 2016.

Eric Van Lancker County Auditor

Daniel A. Srp Chairperson

-APPROVED-

County Auditor

Chairperson