

April 23, 2012

The Board of Supervisors of Clinton County, Iowa, met. Present were Supervisors Schmidt, Staszewski and Davisson. The minutes of the previous meeting were read and approved.

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

The following resolution was presented and on motion adopted.

RESOLUTION 2012-93

WHEREAS, Section 331.323(2)(d) of the Code of Iowa states the Board of Supervisors may authorize a county officer to destroy records that are not required to be kept as permanent records; and

WHEREAS, the County Auditor's Office has identified records appropriately for destruction and has inventoried said records as follows:

- Election documents from the 2010 Primary Election except for canvass books and officials results
- Election documents from the 2011 School Elections except for canvass books and officials results

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the County Auditor be authorized to destroy said records in an appropriate and secure manner.

Roll Call:

Staszewski: Yes

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-94

WHEREAS, the Iowa Code Section 309.41 allows the informal letting of contracts, and the size, scope and schedule of this project makes the informal letting procedure the most cost effective; and

WHEREAS, the Clinton County Board of Supervisors has considered the bids received on April 18, 2012 for supplying concrete precast box culvert sections, end sections and necessary connection materials for the bridge replacement project at J-2908 (170th Avenue), Section 29 of Grant Township.

WHEREAS, the total amount of each bid was as follows:

<u>Contractor Name</u>	<u>Bid Amount</u>
CRETEX	\$39,031.60
Rinker Materials	No Bid
County Systems	No Bid

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

Cretex Concrete Products Midwest, Inc. \$39,031.60

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

Roll Call:

Staszewski: Yes

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-95

WHEREAS, the Iowa Code Section 309.41 allows the informal letting of contracts, and the size, scope and schedule of this project makes the informal letting procedure the most cost effective; and

WHEREAS, the Clinton County Board of Supervisors has considered the bids received on April 18, 2012 for supplying concrete precast box culvert sections, end sections and necessary connection materials for the bridge replacement project at J-2909 (170th Avenue), Section 29 of Grant Township.

WHEREAS, the total amount of each bid was as follows:

<u>Contractor Name</u>	<u>Bid Amount</u>
CRETEX	\$42,965.60
Rinker Materials	No Bid
County Systems	No Bid

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

Cretex Concrete Products Midwest, Inc. \$42,965.60

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

Roll Call:
Staszewski: Yes
Davisson: Yes
Schmidt: Yes
Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-96

WHEREAS, the Board of Supervisors of Clinton county, Iowa ("Board"), are able to purchase (for \$1750) a small parcel of real property located at 226 11th St., DeWitt; legally described as the SE Portion of lot 2 in Porth's 1st Addition measuring 16.5' N of the SE corner and 66' W of the SE Corner; and

WHEREAS, the Board desires to purchase the property to square up the larger parcel of County owned property located at 226 11th Street, DeWitt, Iowa, to properly fit a garage structure onto its existing building;

WHEREAS, the \$1750 purchase price is justified, as Clinton County is advised by its architect it would have to spend more to make structural building adjustments to an alternative garage design without the property purchase.

BE IT RESOLVED the Board Chair is authorized to sign a purchase agreement for this parcel; and wherefore, the purchase agreement shall be a public record upon the seller's signing.

Roll Call:
Staszewski: Yes
Davisson: Yes
Schmidt: Yes
Brian Schmidt, Chairperson

Motion made by Supervisor Davisson to authorize the Chairperson of the County Board of Supervisors to sign the Iowa Department of Public Health County Substance Abuse Prevention Services Request for Bid – Fiscal Year 2013.

Roll Call:
Staszewski: Yes
Davisson: Yes
Schmidt: Yes

Motion carried.

Motion made by Supervisor Staszewski to authorize the County Auditor to make a payment to the Clinton Area Chamber of Commerce for a Clinton County sponsorship to the Chamber's annual Washington DC trip and the Des Moines Day event at the State Capitol.

Roll Call:
Staszewski: Yes
Davisson: Yes
Schmidt: Yes

Motion carried.

Motion made by Supervisor Davisson to authorize the Chairperson to sign Utility Permit Number 10-37 for Eastern Iowa Light and Power to bore and trench a section of underground power line and place two new overhead poles within the county right-of-way located in Section 29 and 30 of DeWitt Township near the intersection of 210th Street and 290th Avenue.

Roll Call:

Staszewski:	Yes
Davisson:	Yes
Schmidt:	Yes

Motion carried.

Motion made by Supervisor Staszewski to authorize the Chairperson to sign Utility Permit Number 4-26 for Grand Mound Cooperative Telephone Association to place a section of underground fiber optic cable within the county right-of-way located in Section 8, 9 and 18 of Welton Township along the west side of 230th Avenue and the north side of 180th Street.

Roll Call:

Staszewski:	Yes
Davisson:	Yes
Schmidt:	Yes

Motion carried.

Discussion was held on the motion to return a planning and zoning matter back to the Planning and Zoning Commission for reconsideration.

Clinton County Attorney Mike Wolf explained the reasons for the reversal as detailed in the motion. He said those issues need to be reviewed.

Clinton County Planning and Zoning Administrator Gail Thomas explained the evolution of the matter. She is concerned about the issues being considered at all before the landowner spends any additional money on the project. Thomas said she allowed the vote to proceed because it was not a close relationship and the time was running low for the Planning & Zoning Commission to respond to the application. She also decided that since it was a review body instead of a decision making body, she believed the vote could proceed. The commission member in question abstained during a vote once previously on the same request.

Chairman Schmidt said the commission member was placed in an uncomfortable position to vote on the matter because of the expiring timeline and lack of attendance by the Commission at the meeting. Schmidt said the Board of Supervisors is the deciding body, but it relies on recommendations from the Planning and Zoning Commission.

Thomas said her recommendation was that the rezoning be approved with the condition that the rezoning plat be approved in 180 days. She said she didn't include that within the proposed ordinance.

Thomas said there was one objection from the property owner who lives across the road from the proposed development concerning driveways and safety.

Phil Boussetot, the requesting party of the rezoning, said the relationship with the Planning and Zoning Commission member is distant. He added he has also spoken with the County Engineer's office and believes the driveway issue can be resolved.

Supervisor Davisson said concern still exists because there was opposition and there appears to be some question about how the procedures were followed concerning the potential conflict of interest.

Wolf agreed with Davisson's concerns. Supervisor Staszewski also agreed with Davisson's concerns of conflict, especially with zoning where an ordinance change is involved.

Boussetot said the opposing party was at all the Planning and Zoning Commission meetings. He believes the opposition would have said something if they were still concerned. He again expressed his belief that the relationship issue is great enough to not cause a conflict.

Wolf said there is still a concern of a conflict. Wolf said the Planning and Zoning member abstained the first time the request was presented and should have the second time. He said this can be presented as fact in court.

Thomas asked if the two issues included in the motion are resolved will there be reasonable assurance there won't be other issues to surface.

Davisson said that's not a guarantee and Wolf said that's not an issue for today.

Schmidt said this is a good project that deserves a clear process.

Bousselot said this will set his project start back to July. Davisson said if the County were sued over the previous actions it could delay the project by two or three years.

Motion made by Supervisor Davisson to move the Future Land Use Map Amendment / Bousselot Rezoning matter that came before the Board of Supervisors on April 16, 2012, be returned to the Planning & Zoning Commission for the following reasons:

- It is the concern of the Board of Supervisors that a member of the Planning & Zoning Commission had a conflict of interest (due to close family ties) in the matter, and would be disqualified to vote on this matter. Whereas, the Planning & Zoning Commission lacked a quorum of qualified voting members.
- The Clinton County Engineer has information necessary to be presented and considered to provide the Planning & Zoning Commission a complete understanding of the matter. Whereas, the Board of Supervisors believes that information has not yet been presented or considered by the Planning & Zoning Commission.

It is by this motion that the Board of Supervisors must send the matter to the Planning & Zoning Commission to consider this matter with a quorum of qualified members with due consideration of the additional necessary Clinton County Engineer's Office information.

Roll Call:

Staszewski:	Yes
Davisson:	Yes
Schmidt:	Yes

Motion carried.

GENERAL PUBLIC

Pat Hartung, Deep Creek Township, invested in a farm in northern Clinton County with his brother and they are building a cattle shed. The property is on a narrow gravel road. He has spoken with the Secondary Roads staff about a driveway. The maximum width is 50 feet. Hartung would like a 75-foot driveway. He said the livestock trailers are now longer and there is a hill approaching the property. He believes extending the driveway would give adequate road for the trucks to pull onto the property safely. He said a commercial ag allowance should be considered in such instances. Supervisor Schmidt said this issue should be discussed. He said he has spoken with haulers who have the same concerns. Schmidt said it could be scheduled for next week's Board of Supervisors meeting.

Tom Determann, Clinton, said he sent a letter of support for the Highway 30 project and asked the Board of Supervisors to sign it and send to the Illinois Department of Transportation.

DEPARTMENT HEADS, ELECTED OFFICIALS, AND EMPLOYEES

Clinton County Auditor Eric Van Lancker reported that absentee voting in his office will begin on Thursday, April 26th. He also requested a motion to authorize the Chairperson to sign a letter of termination of agreement with HealthTrans.

Motion made by Supervisor Staszewski to authorize the Chairman to sign the letter of termination of agreement with HealthTrans.

Roll Call:

Staszewski:	Yes
Davisson:	Yes
Schmidt:	Yes

Motion carried.

Zoning Administrator Gail Thomas said a news release was published three months ago seeking volunteers to fill a vacancy on the Clinton county Board of Adjustment. She reported one application has been received and said that an appointment should be considered at an upcoming Board of Supervisors meeting.

10:19 A.M. Discussion on the DNR's Propose Maintenance Project on the South End of Goose Lake WMA with Iowa DNR Representative, Curt Kemmerer

Supervisor Schmidt told Kemmerer that property owners around the project area are pleased with the recent communications with them.

Kemmerer presented DNR's proposed project to renovate the dike structure in Drainage District #17. He said he has met with all the adjacent property owners and an owner downstream from the project. He believes the discussions went well and the property owners appear to support the renovation project and maintenance management plan. Kemmerer is asking for approval to move forward with the renovation project on the dike structure that is in Drainage District #17.

Supervisor Staszewski said the approval of the project will need to be scheduled for consideration as the Drainage District #17 Board of Trustees.

Schmidt said the plans will be forwarded to the County Engineer and Drainage District #17 will be scheduled to meet in two weeks to consider approval of said plans.

10:30 A.M. Discussion on the Proposed Sale of the Sheriff's Satellite Office in DeWitt

Clinton County Sheriff Rick Lincoln said the Candlelight building in DeWitt has been progressing and the next step is to sell the current Sheriff's Satellite office in DeWitt.

County Attorney Mike Wolf said counties are given a lot of discretion on how they can sell real property. He said the Board of Supervisors should determine how they want to sell and then conduct a public hearing. He said this discussion is to brainstorm how the Board of Supervisors wants to sell the property.

Supervisor Davisson asked if a close date would be allowed so the Sheriff's Office can stay in the building until the Candlelight is finished.

Sheriff Lincoln said they are considering a lease agreement with the purchaser of the property. Lincoln said the architect is certain the Sheriff's Office will be in the Candlelight building before winter of this year. He said the ability to lease the current building through the end of the calendar year should be appropriate.

Supervisor Davisson said the best manner for selling County real estate in her experience has involved a live auction or a sealed bid and auction. She said those methods draw truly interested bidders.

Van Lancker mentioned the sealed bids and auction was the most recent procedure the County used when it sold the County Farm building property.

Wolf suggested using a method that would limit the auction to the top three bidders to ensure that only those serious bidders are included in the auction.

Lincoln said the most recent appraisal of the current office was \$123,000. A new roof has been added since in an amount of \$20,000.

Wolf said a new appraisal wouldn't be required. He said a current estimate from the County Assessor may be helpful.

Motion made by Supervisor Davisson that the method of sale of the current Sheriff's Annex Building in DeWitt would be sealed bids and auction that would include the top three bidders only allowed to participate in the auction.

Roll Call:

Staszewski:	Yes
Davisson:	Yes
Schmidt:	Yes

Motion carried.

Wolf and Van Lancker will work on a resolution to be presented next week to set the public hearing date.

Supervisor Schmidt hopes to have plans from the architect on the Candlelight building presented to the Board of Supervisors next week.

The Board of Supervisors adjourned to meet on Monday, April 30, 2012.

Eric Van Lancker, County Auditor

Brian Schmidt, Chairperson

-APPROVED-

County Auditor

Chairperson