

AUGUST 13, 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.

REPORTS

The July 2012 monthly report of the Commission of Veterans Affairs, submitted by Ed Staszewski, Director, was presented, approved and filed.

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

The following resolution was presented and on motion adopted.

RESOLUTION #2012-230

WHEREAS, Clinton County has appropriated certain funds from its FY2012-2013 budget for medical examiner services to the citizens of Clinton County and that the aforementioned funds be allocated to medical examiner investigator service Providers through an approved Contract

WHEREAS, said Providers of service are as follows:

Paul Doyle, Medical Examiner Investigator

BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the aforementioned Contracts be and are hereby accepted and the Chairperson be and is hereby authorized to sign the Contracts on behalf of Clinton County.

Roll Call:

Staszewski: Yes

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-231

WHEREAS, Clinton County has appropriated certain funds from its FY 2013 budget for substance abuse services to the citizens of Clinton County and that the aforementioned funds be allocated to area substance abuse service Providers through an approved County Provider and Program Participation Agreement.

WHEREAS, said Provider of service is as follows:

St. Luke's Hospital

BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the aforementioned County Provider and Program Participation Agreement be and is hereby accepted and the Chairperson be and is hereby authorized to sign the Preferred Provider agreement on behalf of Clinton County.

Roll Call:

Staszewski: Yes

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-232

WHEREAS, on October 16, 2006 the Clinton County Board of Supervisors adopted written procedures for assignment of tax sale certificates per Resolution #2006-255.

WHEREAS, the Clinton County Attorney and Treasurer have not seen the use as anticipated, and recommend the written procedures as adopted be discontinued effective immediately.

WHEREAS, the Clinton County Attorney and Treasurer recommend that the provisions of Iowa Code Section 446.31 will adequately address issues related to the County's divestiture of tax sale certificates.

BE IT RESOLVED by the Board that the Procedure for Assignment of Tax Sale Certificates adopted the

16th day of October 2006 is null and void effective immediately.

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

Resolution #2012-233 discussion:

Chairman Brian Schmidt said he understood the County Treasurer's desire to increase service to the residents of Clinton County, but added he has issues that the proposed location of the satellite office is in a private business within a city that has other business competing in the same industry.

County Attorney Mike Wolf said there is no problem with the lease and its value. Wolf said the idea is a way to gauge the need necessary to serve a portion of the county. He is satisfied with the lease. He added it is the Board of Supervisors role to approve property use by the County. He spoke with the County's insurance carrier and it would be added to the insurance coverage as another County location if the lease is approved. Wolf said the lease costs can be covered within the Treasurer's Office budget. Wolf said the location was chosen for security reasons.

Schmidt asked if another County has done something like what is proposed. Clinton County Treasurer Rhonda McIntyre said Scott County does it now and it's located in a private business. Wolf said he doesn't see any statutory restriction to the lease. Schmidt said he is concerned the County will increase foot traffic for one business and not another.

Supervisor John Staszewski asked if McIntyre spoke with other banks. McIntyre answered yes.

Davisson asked if she could vote or if she should abstain because the proposed location is her personal bank. She likes the idea, but is concerned with a conflict of interest. She believes the location will get used a lot. Wolf appreciated Davisson's concerns and said it would be appropriate if she abstained.

Staszewski said with all due respect to the Treasurer he will vote against it because it favors one bank from another. He would support the plan if it were located in a different location.

The following resolution was presented and on motion failed.

RESOLUTION #2012-233

WHEREAS, the Clinton County Treasurer (Treasurer) desires to better serve the residents of Clinton County with a DeWitt Satellite Office.

WHEREAS, Clinton County's Board of Supervisors (Board) determines that it is appropriate to determine the scope of services needed at a future permanent satellite office site.

WHEREAS, the Clinton County Treasurer requests Board approval to enter into a lease agreement with DeWitt Bank & Trust to open a satellite office for the purpose of determining the need for such services in a permanent setting in the Clinton County Government Annex Building.

WHEREAS, the Treasurer has amounts budgeted for the lease and staffing requirements attendant with the lease.

BE IT RESOLVED the Board authorizes the Clinton County Treasurer to enter into the proposed lease with DeWitt Bank & Trust on a month-to-month basis; to be reviewed by the Treasurer and Board no later than the end of August 2013.

Roll Call:
Staszewski: No
Davisson: Abstain
Schmidt: No
Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-234

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

time workers will be furnished if awarded. She has toured what is open and reasonable around Clinton and there isn't a lot of space for what they need.

Barnett said the four communities previously awarded the Blue Zones designation had donated office space. She said the office space would be for 18 to 36 months.

Cullen had previously worked with Van Lancker to view potential space in the Clinton County Administration Building and believes one potential room could work for their needs. The Board of Supervisors agreed to provide a resolution of support at its next meeting.

10:02 A.M. Public Hearing on Railport 28E Agreement – Proposed Amendment

PUBLIC HEARING

Chairperson Schmidt called the Public Hearing to order at 10:02 a.m. Present were Supervisors Staszewski, and Davisson; Board of Supervisors Admin Assistant Roberta Lewis; County Auditor Eric Van Lancker; County Attorney Mike Wolf and members of the press and public.

The purpose of the Public Hearing was to solicit comments concerning a proposed amendment to the 28E agreement between the City of Clinton and Clinton County concerning the Lincolnway Railport Project.

Proof of publication was presented, accepted and approved.

No comments were received before the meeting.

Dennis Starling, Calamus, read a statement he prepared. A question was asked as to who attended the discussions to come up with this proposal. Supervisor Jill Davisson said the attorneys worked on the wording. Wolf said the amendment is a draft and if adopted that is how the amendment would read. He said the draft is used as a starting place of discussion. Starling said he was a member of the Clinton County Board of Supervisors when the current 28E was approved. Starling said the City of Clinton approached the County about financing part of the railport. He said the Board of Supervisors conducted public hearings and meetings about joining the effort. Starling said the Board of Supervisors did not favor the County becoming a partner in the development of the park. He said the Board of Supervisors agreed to help by loaning the money and the City would pay back the County portion. Starling said the proposed amendment has nothing to do with development of park and it's being used to provide a financial bailout of the City of Clinton by the County. He added the modification only benefits the City and it releases the City from paying back the \$6 million loan. Starling said if this were the agreement in 2009, he believes the Board of Supervisors would have voted against it. He said the County should not gift the \$6 million when there are many areas in the County that could use the money. He asked the Board of Supervisors to reject the amendment.

Marty Ray, Clinton County resident, said he wasn't aware of the draft of the amendment. He said he is not in favor of giving the City of Clinton \$6 million. He said it can't be used for County projects if it is given away to the City. Ray asked why should the people of Clinton County have to pay for the sins of the Clinton City Council.

Clinton Mayor Mark Vulich said the City of Clinton is not broke. He said some troubles have been taken care of in the last year. He said he is proud to be Mayor and admits there have been difficult times, but those have been addressed. Vulich said he never liked the original 28E because he preferred a partnership instead of a debtor/lender relationship.

Davisson said in 2009 when the public hearing was conducted she was vocal that the agreement was not going to work the way it was worded. She believes it is appropriate to sit down and review this agreement. She said the people of the City of Clinton will have to potentially pay for the \$6 million twice. She added the public hearing has reopened the issue so she can get answers she couldn't get in 2009 due to time constraints placed on the approval of bond issue.

Staszewski said he supports the railport project, but is uncomfortable with a new 10 year agreement.

Ray asked if a vote could be taken to approve the 28E amendment. Van Lancker said he does not believe that is an issue that could be placed on the ballot, but it could be researched. Van Lancker said the issue of bonding for the money could have been placed on the ballot in 2009 when the County was going through the bonding process.

Schmidt said the information on the draft amendment has been available for review. He reminded everyone this is the first discussion on the amendment. He believes the reimbursement to the County is what kept the bond issue from going to a referendum. He believes the \$6 million went to the railport, not the City and

that the repayment should come back from the railport. He said he is uncomfortable with the board structure proposed in the amendment. He believes there should be an elected representative on that board.

Staszewski agrees the pay back issue needs to be discussed. He is uncomfortable because the citizens of Clinton County believed the money was going to be repaid. He said that was the belief when he voted to approve the agreement.

Grant Wilke, of Clinton and former Board of Supervisors member, said both sides of the original 28E agreement lacked legal advice because some questions went unanswered. He said decisions are made with the information available at that time. He asked the Board of Supervisors to be very deliberate about what it is being asked to do as part of the proposed amendment to the 28E agreement.

Motion made by Supervisor Staszewski to adjourn the public hearing.

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

Motion carried. The public hearing was adjourned at 11:08 a.m. and the Board of Supervisors returned to general session.

11:20 A.M. General Discussion/No Action – Security Provisions Clinton County Buildings

Chairman Schmidt said in October 2010 the Board of Supervisors asked for assistance to develop recommendations for security measures for the County buildings.

County Attorney Mike Wolf explained the reason why the security record is included under the County's confidential records policy and why those records can be discussed in closed session. He said the security provisions could be discussed up to a point of certain detail that is then covered by the confidential records policy.

Clinton County Justice Coordinator Brian McKenrick reviewed the steps taken to reach the point of this meeting's discussion.

11:31 A.M. A.T.B.C. Discussion of Confidential Records Pursuant to Confidential Records Policy Implemented as Part of Iowa Code Section 22.7(50) Authorized by 21.5(1)

Motion made by Supervisor Davisson to enter into a closed session per Iowa Code Section 21.5(1) and the County's Confidential Records Policy to discuss confidential records concerning implementation of security measures in Clinton County buildings.

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

Motion carried. The closed session started at 11:31 a.m.

The closed session was adjourned by Chairman Schmidt at 12:27 p.m. and the Board of Supervisors returned to general session.

The Board of Supervisors adjourned to meet on Tuesday, August 14, 2012.

Eric Van Lancker, County Auditor

Brian Schmidt, Chairperson

-APPROVED-

County Auditor

Chairperson