

SEPTEMBER 24, 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 #2012-270

WHEREAS, Sheriff Rick Lincoln desires the Clinton County Sheriff's Office to enter into a 28E contractual agreement with the State of Iowa Alcoholic Beverages Divisions (ABD); and

WHEREAS, the ABD will pay Clinton County Sheriff's Office \$50.00 for each establishment for which a deputy conducts a tobacco compliance check.

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors authorize the signing of the contract between the Clinton County Sheriff and the ABD to be effective after both parties sign said contract.

Roll Call:

Staszewski: Yes

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-271

WHEREAS, Danny and Patricia Phipps have petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

1121 26<sup>th</sup> Avenue N., Clinton IA

Parcel #86-14350093

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 2011 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

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-272

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

Andresen, Larry	227 36th Ave N, Clinton Ia	86-27530000
Anderson, Terry	844 11th Ave S, Clinton Ia	80-03950000
Asaadi, Mohammad H.	123 Lawrence St, Clinton Ia	80-10100000
Austin, Todd R.	1823 Middle Rd, Camanche Ia	10-16850000
Berg, Ken	233 2nd Ave N, Clinton Ia	80-02850000
Blint, Warren L.	725 Middle Rd, Camanche Ia	10-08440000
Boutwell, Tammy	5000 Lincolnway Lot 76, Clinton Ia	1LS26182
Brown, Judith D.	914 Lincoln Blvd, Clinton Ia	80-08390000

Brown, Mary Louise	640 6th Ave S, Clinton Ia	80-25330000
Buckley, Sherry	538 7th Ave S, Clinton Ia	80-19880000
Clark, Shirley	804 12th Ave S, Clinton Ia	80-46060000
Cook, Peter	2650 237th Ave, DeWitt Ia	44-04773000
Davis, Hertis And Faye	1911 Circle Drive N, Clinton Ia	80-46580000 & 80-50520000
Davis, Lionel	2345 N 5th St, Clinton Ia	86-25210000
Fuidge, Joann	216 22 <sup>nd</sup> Ave N, Clinton Ia	86-24070000
Hein, Terry	511 4th St, Camanche Ia	10-04150000
Hoagland, Phillip	651 3rd Ave S, Clinton Ia	80-00670000
Huginin, Barbara	1129 8 <sup>th</sup> Ave S, Clinton Ia	80-07810000
Jensen, Rodney & Kathy	2417 Pershing Blvd, Clinton Ia	86-05260000
Jetter, Theodosia	815 Melrose Ct, Clinton Ia	80-07860000
Johnston, Kimberly	300 15 <sup>th</sup> Ave S, Clinton Ia	80-59120000
Jones, Duane & Mary	1021 23rd Ave N, Clinton Ia	86-23000000
Jones, Duane & Mary	1021 23rd Ave N, Clinton Ia	86-23340000
Kinney, Lydia	602 3rd Ave S, Clinton Ia	80-00870000
Larson, Kim	1520 27th Ave S, Clinton Ia	80-06520000
Lass, Donald & Marcia	818 Park Place, Clinton Ia	84-00600000
Lewis, Roger E & Florence	630 1st Ave, Clinton Ia	80-47310000
Meeks, Paul J.	563 3 <sup>rd</sup> Ave S, Clinton Ia	80-18910000
Mitchell, Randy	318 2 <sup>nd</sup> Ave S, Clinton Ia	80-15060000
Napierkowski, Rosemarie	723 10th Ave S, Clinton Ia	80-37520000
Petersen, Lucille L.	139 N 5th St, Clinton Ia	80-24120000
Pickens, Phyllis	530 11th Ave S, Clinton Ia	80-57090000
Plum, Dorothy	520 South 7th St, Clinton Ia	80-25570001
Postma, Pamela	1001 N 3rd St, Clinton Ia	84-03610000
Ruscher, Carol L.	237 2nd Ave S, Clinton Ia	80-13340000
Shaw, Karen	821 N 3rd St, Clinton Ia	84-03480000
Schreiner, Mary Ellen	2515 Pershing, Clinton Ia	86-13080000
Sibley, Linda J.	1227 8 <sup>th</sup> Ave S, Clinton Ia	80-68210000
Stauffer, Larry	735 15th Ave S, Clinton Ia	80-35150000
Thompson, Sandra E.	3015 N 2nd Street, Clinton Ia	86-03590000
Thompson, Amy Lynn	2509 Garfield St, Clinton Ia	86-16240000
Tingley, Sheryl F.	2614 Cleveland St, Clinton Ia	86-05850000
Turner, Charles & Jody	1117 8th Ave S, Clinton Ia	80-07770000
Vance, Gary & Ruth	310 6th Ave, DeWitt Ia	20-07320000
Winter, James L.	214 17th Place, Clinton Ia	82-06490000

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 2011 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

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2012-273

WHEREAS, the Board of Supervisors of Clinton County, Iowa, having adopted "Regulations for Non-Union Personnel" applicable to the employment of non-union County Engineer's Office personnel, and

WHEREAS, it is necessary to make certain changes in the regulation as to the employment status and/or addition of non-union employees, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the following change be made:

Accept the resignation of Scott Boone Zimmerman, Assistant County Engineer, effective September 27, 2012.

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

The following resolution was presented and on motion adopted.

RESOLUTION #2012-274

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 Sign Replacement Policy (2012 Revision) be approved as submitted.

1. Traffic Sign Repair and Replacement

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

The following resolution was presented and on motion adopted.

RESOLUTION #2012-275

WHEREAS, the Clinton County Board of Supervisors has considered the change order proposal submitted by Sheets Design Build to issue a credit in the amount of \$1,011.00 for changes to the water and sewer system for the Clinton County Government DeWitt Annex 2012 renovations project.

THEREFORE BE IT RESOLVED that the Chairperson of the Board of Supervisors be authorized to execute said change order proposal on 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 #2012-276

WHEREAS, the Clinton County Board of Supervisors has considered the change order proposal submitted by Sheets Design Build to add metal stud framing to north and west walls in the amount of \$1,899.00 for the Clinton County Government DeWitt Annex 2012 renovations project. This change order will be funded out of the budgeted contingency funds for this building.

THEREFORE BE IT RESOLVED that the Chairperson of the Board of Supervisors be authorized to execute said change order proposal on 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 #2012-277

WHEREAS, the Clinton County Board of Supervisors has considered the change order proposal submitted by Sheets Design Build for removing poured slab, rock filling and re-pouring the slab and footings in the former kitchen area in the amount of \$13,477.00 for the Clinton County Government DeWitt Annex 2012 renovations project. This change order will be funded out of the budgeted contingency funds for this building.

THEREFORE BE IT RESOLVED that the Chairperson of the Board of Supervisors be authorized to execute said change order proposal on 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 #2012-278

WHEREAS, the Clinton County Board of Supervisors has considered the change order proposal submitted by Sheets Design Build to issue a credit in the amount of \$436.00 for unused ceiling drywall for the Clinton County Government DeWitt Annex 2012 renovations project.

THEREFORE BE IT RESOLVED that the Chairperson of the Board of Supervisors be authorized to execute said change order proposal on 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 #2012-279

BE IT RESOLVED that the Clinton County Board of Supervisors will hold a Public Hearing on Monday, October 1, 2012, at 10:00 a.m. in Conference Room B at the Clinton County Administration Building, 1900 N. 3<sup>rd</sup> St., Clinton, Iowa 52732 for the purpose of soliciting public comments on the installation of a replacement generator at the Clinton County Law Center; and

WHEREAS, the Clinton County Board of Supervisors authorizes Administrative Assistant Roberta Lewis to prepare and submit the proper Public Hearing notice to the appropriate media outlets.

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

The following resolution was presented and on motion adopted.

RESOLUTION #2012-280

WHEREAS, Gerald and Marjorie Gisel were assessed, billed and paid taxes twice a year for more than two years on the same land under two different parcel numbers, two different legal descriptions, and two different ownerships according to the records of the County Assessor.

FURTHER, Gerald and Marjorie Gisel have requested a refund of the 2009-2010 assessments and abatement of the 2011 assessment for the parcel number 6404510000 pursuant to the Code of Iowa, Section 445.60.

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the County Treasurer and County Auditor shall abate the 2011 property tax of Gerald and Marjorie Gisel and refund the taxes paid for 2009-2010 to the Gisel's and update the County records as such.

Roll Call:

Staszewski: Yes

Davisson: Yes

Schmidt: Yes

Brian Schmidt, Chairperson

## GENERAL PUBLIC

## DEPARTMENT HEADS, ELECTED OFFICIALS and EMPLOYEES

Clinton County Auditor Eric Van Lancker reported that absentee voting at his office will begin on Thursday for the November 6 General Election. He told the Board of Supervisors to anticipate increased traffic in the building through Election Day.

Todd Kinney, Clinton County Engineer, reviewed the sign policy that was approved by Resolution #2012-274.

Clinton County Attorney Mike Wolf, said Assistant County Attorney Brian Donnelly has an opportunity to enter into private practice and therefore will be leaving his position in the office. Wolf said money was budgeted for his position after the grant money recently expired. Wolf said the budgeted amount for the position for the remainder of the fiscal year is \$42,000 plus benefits through June 30, 2012. Wolf said after speaking with his staff it would be his opinion to hire someone for the open position and continue with an assistant through that time period. Wolf said he's had three people express interest in the position. Wolf said he is planning on taking applications to fill that position. Wolf added if we see a reduction in services for mental health that is predicted as a result of new state legislation then we may see an increase in crime and jail time.

9:56 A.M. Presentation of a check to Clinton County for a distribution of cumulative reserve funds from the Iowa Communities Assurance Pool by ICAP Representative Russ Sporer

ICAP Representative Russ Sporer and local insurance agents for ICAP, John Root and Julie Bray of A.C. Root Agency presented a check to Clinton County. Sporer said Clinton County is one of 69 counties in Iowa that belong to both ICAP and IMWCA. He said both organizations are member-owned entities and because you own it, you have equity in ICAP. Sporer explained when a County joins it begins to build equity. He said as time goes by and the County becomes vested, ICAP returns equity as performance and experience allows. Sporer said this is the fifth equity check in as many years for Clinton County totaling \$126,000 during those years. He said that's a result of good loss control and good underwriting. Sporer said receiving the five equity checks in a row along with Clinton County being a repeat recipient of IMWCA's best practices reflects the County's dedication to reducing loss control. Sporer said he applauds Clinton County for its efforts to address loss control and presented a check to the County in the amount of \$24,695.32.

Chairman Brian Schmidt acknowledged the County Risk Management Committee that works toward employee safety.

Sporer added that the committee's work is commendable and the support from the Board of Supervisors is also invaluable.

10:02 A.M. Gateway Impact Coalition – Clean Out Your Medicine Cabinet – Saturday, September 29, 2012 – Derrick Clark

Clark reported the event is Saturday with drop off locations around the County. He said Clinton County citizens can drop off medication, prescription or over the counter drugs, with no questions asked. Clark said the drugs are taken to a landfill for proper disposal. Clark said they are working toward finding permanent locations for drug drop offs.

10:15 A.M. Board of Trustees for Drainage Districts

- Drainage District #21 – Discussion/Possible Action – Possible Repair Option Selection

Motion made by Supervisor Staszewski to recess as the Board of Supervisors and convene as Board of Trustees for Drainage District #21.

Roll Call:

Staszewski: Yes  
Davisson: Yes  
Schmidt: Yes

Motion carried. Board of Supervisors recessed and Board of Trustees convened at 10:15 a.m.

Clinton County Engineer Todd Kinney reported that repair options for Drainage District #21 were discussed at a recent public hearing. Kinney said the public hearing was conducted on Sept. 17 with five land owners present. He added the originator of the repair request was not in attendance. Kinney said seven repair options were considered. He recommended Option 1B to replace line A, with a slight increase in capacity and maximized coverage depth at 3.5 feet compared to 2-2.5 feet. Kinney said a property owner with a majority of points in the project area was hesitant to spend the \$56,000 for Option 1B. Kinney said after some discussion it appears that Option 5, spot repairs in the problem areas, is what the land owners agreed upon. Kinney said Option 5 will cost approximately \$5,000.

Supervisor Jill Davisson doesn't believe that will solve the problem. Davisson said she realizes the significant cost, but as trustees of this Drainage District, she's not sure we are doing the right thing by not replacing the line. Davisson said it is pretty obvious there needs to be a bigger project to make this a properly functioning area.

Schmidt said he understands wanting to do things right, but the board also has to consider the land owners' opinions.

The following resolution was presented and on motion adopted.

RESOLUTION #2012-DD21-02

WHEREAS, the Clinton County Board of Supervisors acting as Trustees for Drainage District #21 (DD#21) have received a request for repairs to the DD #21 drainage system, and;

WHEREAS, the Clinton County Board of Supervisors acting as Trustees for DD #21 have instructed the Clinton County Engineer to prepare a condition report for DD #21 and the report has been submitted by the Clinton County Engineer, and;

WHEREAS, the Clinton County Board of Supervisors acting as Trustees for DD #21 held a hearing to solicit comments from DD #21 landowners and interested parties on the proposed repair project prior to authorizing the repairs and preparation of plans and specifications.

THEREFORE BE IT RESOLVED by the Board of Supervisors acting as Trustees for DD #21 that option number 5 (five) be selected as the repair method as described in the condition report and that the repairs are desirable and feasible.

Roll Call:

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

Motion made by Supervisor Davisson to adjourn as Board of Trustees of Drainage District #21 and reconvene as Board of Supervisors.

Roll Call:

Staszewski: Yes  
Davisson: Yes  
Schmidt: Yes

Motion carried. Board of Trustees adjourned and Board of Supervisors reconvened in general session at 10:29 a.m.

10:30 A.M. Staff Summary of Denger Master Matrix – Zoning Administrator

PUBLIC HEARING

Chairperson Schmidt called the Public Hearing to order at 10:30 a.m. Present were Supervisors Staszewski and Davisson; Board of Supervisors Administrative Assistant Roberta Lewis; County Auditor Eric Van Lancker; County Zoning Administrator Gail Thomas and members of the press and public.

The purpose of the Public Hearing was to solicit comments on the permit application for a confinement feeding operation by Dave and Nate Denger.

Proof of publication was presented, accepted and returned for filing.

Zoning Administrator Gail Thomas presented a Staff Summary of the Denger Master Matrix. Thomas said the County visited the site. She reviewed the features of the site. The expansion will create an additional capacity of 2,400 hogs. She said 440 points are needed for approval. The applicant scored the project at 475 points. Thomas' score is 470 with the difference being she did not identify an emergency action plan in the application. Thomas' recommendation is that the DNR review the accuracy of the lot dimensions and also recommends local approval of the application.

No public comments were made or filed before the hearing.

Motion made by Supervisor Davisson to adjourn the Public Hearing.

Roll Call:

Staszewski: Yes  
Davisson: Yes  
Schmidt: Yes

Motion carried. The public hearing was adjourned at 10:36 a.m.

The following resolution was presented and on motion adopted.

RESOLUTION #2012-281

WHEREAS, Iowa Code Section 459.304 sets out the procedure if a Board of Supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, Clinton County did adopt such a resolution during the month of January 2012, and transmitted that resolution to the Iowa Department of Natural Resources; and

WHEREAS, counties that have adopted a construction evaluation resolution may submit to the Department of Natural Resources (IDNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, the Clinton County Board of Supervisors has received a construction permit application for a proposed expansion of a confinement feeding operation from Denger South in the NW ¼ of the SW ¼ of Section 28 Township 83 N Range 3 E; and

WHEREAS the Board's recommendation to the IDNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

WHEREAS, the Board of Supervisors has conducted an evaluation of that construction permit application using the Master matrix created in Iowa Code Section 459.305 and intends to forward the results of that evaluation to the Iowa Department of Natural Resources; and

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County that the Board of Supervisors hereby recommends approval of the application made by Denger South for expansion of a confined animal feeding operation.

Roll Call:

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

The Board of Supervisors adjourned to meet on Monday, October 1, 2012.

Eric Van Lancker, County Auditor

Brian Schmidt, Chairperson

-APPROVED-

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chairperson