

DECEMBER 30, 2014

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

9:00 A.M. Review of Correspondence and Claims

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

The following resolution was presented and on motion adopted.

RESOLUTION #2014-331

WHEREAS, Section 6B.4 of the Code of Iowa, provides for the appointment by the Board of Supervisors of a Compensation Commission to assess damages taken by right of eminent domain in Clinton County, Iowa, for the year 2015 and

WHEREAS, the following have agreed to serve on said Commission:

Jerome Burken, Loren N. Burken, Kerry A. Burzlaff, Brian L. Holdgrafer, Paul Ketelsen, Thomas Kinney, Baird H. Smith, Frederick Thiede, Matthew R. Brisch, James M. Burke, John Eisenman, Scott Galloway, Janet Hoffman, Alan D. Murphy, Edith R. Pfeffer, Tami Guy, Shelly Leab, Joanne Rogis, Kate Sager, Mary Swanson, Craig Temple, Douglas R. Yegge, William W. Hamilton, Gilbert Lewis, Paul Mulholland, Dennis Starling, Steven E. Tubbs, Brian H. Volkens, David Whitman

THEREFORE BE IT RESOLVED by the Board of Supervisors, Clinton County, Iowa, that the above are hereby appointed as members of the Clinton County Compensation Commission to serve in accordance with the provisions of the above mentioned chapter.

Roll Call:

Staszewski: Yes

Schmidt: Yes

Davisson: Yes

Jill M. Davisson, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2014-332

AUTHORIZING EASTERN IOWA REGIONAL UTILITY SERVICE SYSTEMS (EIRUSS) TO ACT AS ADMINISTRATIVE AGENT FOR ELVIRA WASTEWATER COLLECTION SYSTEM IMPROVEMENT PROJECT

WHEREAS, the Board of Supervisors of Cedar, Clinton, Delaware, Jackson and Jones Counties (collectively hereinafter the "Members") in the State of Iowa, have authorized and executed a certain Eastern Iowa Regional Utility Service Systems Intergovernmental Agreement (the 28E Agreement) pursuant to Chapter 28E of the Code of Iowa; and

WHEREAS, the terms of the 28E Agreement provide for the creation of the Eastern Iowa Regional Utility Service Systems Commission (the "EIRUSS") for the purposes of planning, designing, developing, financing, constructing, owning, operating and maintaining wastewater treatment systems and water systems for and on behalf of the Members and the cities and unincorporated areas within the boundaries of the Members; and

WHEREAS, the unincorporated Elvira community is in need of a decentralized wastewater collection system due to a need to resolve private wastewater system issues in the community;

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, that Clinton County hereby requests and authorizes EIRUSS to undertake the project acting as administrator for the Elvira Wastewater Collection System Improvement Project in Clinton County, Iowa.

Roll Call:

Staszewski: Yes

Schmidt: Yes

Davisson: Yes

Jill M. Davisson, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2014-333
AUTHORIZING CLINTON COUNTY BOARD OF HEALTH TO APPOINT AN ONSITE
AGENT FOR ELVIRA WASTEWATER COLLECTION SYSTEM IMPROVEMENT PROJECT

WHEREAS, the Board of Supervisors of Cedar, Clinton, Delaware, Jackson and Jones Counties (collectively hereinafter the "Members") in the State of Iowa, have authorized and executed a certain Eastern Iowa Regional Utility Service Systems Intergovernmental Agreement (the 28E Agreement) pursuant to Chapter 28E of the Code of Iowa; and

WHEREAS, the terms of the 28E Agreement provide for the creation of the Eastern Iowa Regional Utility Service Systems Commission (the "EIRUSS") for the purposes of planning, designing, developing, financing, constructing, owning, operating and maintaining wastewater treatment systems and water systems for and on behalf of the Members and the cities and unincorporated areas within the boundaries of the Members; and

WHEREAS, the unincorporated Elvira community is in need of a decentralized wastewater collection system due to a need to resolve private wastewater system issues in the community; and

WHEREAS, the Board of Supervisors of Clinton County, authorizes EIRUSS to undertake the project acting as administrator for the Elvira Wastewater Collection System Improvement Project in Clinton County, Iowa; and

WHEREAS, the Board of Supervisors of Clinton County, makes request of the Clinton County Board of Health to appoint an onsite agent of the Board of Health for the Elvira Wastewater Collection System Improvement Project in Clinton County, Iowa;

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County that the Clinton County Board of Supervisors hereby requests and authorizes the Clinton County Board of Health to appoint Clinton County Sanitarian Bob Summers to act as the onsite agent of the Board of Health for the Elvira Wastewater Collection System Improvement Project in Clinton County, Iowa.

Roll Call:

Staszewski: Yes

Schmidt: Yes

Davisson: Yes

Jill M. Davisson, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2014-334
CLINTON COUNTY ADMINISTRATION BUILDING EMERGENCY ACTION PLAN (EAP)

WHEREAS, Clinton County is dedicated to managing the risks of providing services for the public and will do all it can to prevent losses and create a safe work place for employees. Recognizing that losses may occur, Clinton County considers no losses acceptable and will make efforts to identify and treat all loss exposures, and;

WHEREAS, Clinton County recognizes the need to review and update the Emergency Action Plans for its facilities, and;

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors approves the updated Clinton County Administration Building Emergency Action Plan developed by the Risk Management Committee.

Roll Call:

Staszewski: Yes

Schmidt: Yes

Davisson: Yes

Jill M. Davisson, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2014-335
CLINTON COUNTY COURTHOUSE EMERGENCY ACTION PLAN (EAP)

WHEREAS, Clinton County is dedicated to managing the risks of providing services for the public and will do all it can to prevent losses and create a safe work place for employees. Recognizing that losses may occur, Clinton County considers no losses acceptable and will make efforts to identify and treat all loss exposures, and;

WHEREAS, Clinton County recognizes the need to review and update the Emergency Action Plans for its facilities, and;

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors approves the updated Clinton County Courthouse Emergency Action Plan developed by the Risk Management Committee.

Roll Call:
Staszewski: Yes
Schmidt: Yes
Davisson: Yes
Jill M. Davisson, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2014-336

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on September 3, 2014, and following said hearing the Commission recommended approval of the attached text amendments to the Clinton County Zoning and Subdivision Ordinances; and

WHEREAS, the Clinton County Board of Supervisors held a Public Hearing and First Reading of the proposed text amendments on September 29, 2014, to consider said amendments and to hear comments for and against; and

WHEREAS, the Clinton County Board of Supervisors held a Second Reading of the proposed text amendments on October 6, 2014, to consider said amendments; and

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

1. The attached ordinance numbered 2014-02 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
Schmidt: Yes
Davisson: Yes
Jill M. Davisson, Chairperson

The following ordinance was presented and on motion adopted.

ORDINANCE #2014-02

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY ZONING
ORDINANCE TO UPDATE PUBLIC HEARING NOTICE PUBLICATION REQUIREMENTS

Section 1: BE IT ENACTED BY THE CLINTON COUNTY BOARD OF SUPERVISORS THAT THE TEXT OF THE CLINTON COUNTY ZONING AND SUBDIVISION ORDINANCES BE AMENDED AS FOLLOWS:

Amendment to the Clinton County Zoning Ordinance:

1. Subsection 9.2.4.E.4 of the Clinton County Zoning Ordinance is hereby amended by deleting subsection 9.2.4.E.4.b in its entirety and replacing it with the following:
 - b. Notice of Public Hearings of the ZBA shall be given in at least one (1) newspaper of general circulation in the County not less than four (4) nor more than twenty (20) days prior to the meeting.
2. Subsection 9.3.1.A.1 of the Clinton County Zoning Ordinance is hereby amended by deleting the phrase, "at least 15 days prior to the hearing" between the words "once" and "in" and replacing it with the phrase, "not less than four (4) nor more than twenty (20) days prior to the hearing" between the words "once" and "in".

Amendment to the Clinton County Subdivision Ordinance:

1. Subsection 2.1.2.A.1 of the Clinton County Subdivision Ordinance is hereby amended by deleting the

phrase, "at least 15 days before the hearing" between the words "mail" and "to" and replacing it with the phrase, "at least 10 days before the hearing" between the words "mail" and "to".

2. Subsection 2.1.2.B of the Clinton County Subdivision Ordinance is hereby amended by deleting the phrase, "at least 15 days prior to the hearing" between the words "once" and "in" and replacing it with the phrase, "not less than four (4) nor more than twenty (20) days prior to the hearing" between the words "once" and "in".

Section 2: The change as hereinabove set forth shall be entered and made part of the Zoning and Subdivision Ordinances 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 30th day of December, 2014, by the Board of Supervisors, Clinton County, State of Iowa.

Roll Call:

Staszewski: Yes

Schmidt: Yes

Davisson: Yes

Jill M. Davisson, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2014-337

WHEREAS, Clinton County has appropriated certain funds from its FY 2014-2015 budget for medical examiner services to the citizens of Clinton County and that the aforementioned funds be allocated to medical examiner service Providers through an approved Contract.

WHEREAS, said Providers of service include as follows:

Dan Vosatka, Medical Examiner Investigator

Shona Ernst, Medical Examiner Investigator

Maryann Houzenga, Medical Examiner Investigator

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

Roll Call:

Staszewski: Yes

Schmidt: Yes

Davisson: Yes

Jill M. Davisson, Chairperson

The following resolution was presented and on motion adopted.

RESOLUTION #2014-338

WHEREAS, Clinton County maintains a Medical Examiner Investigator program under the direction of Medical Examiner Dr. Eric Petersen;

WHEREAS, the Clinton County Board of Supervisors gives final approval for additional staff;

WHEREAS, Daniel Vosatka, Maryann Houzenga, and Shona Ernst have met the educational and professional requirements per Dr. Petersen to serve in the role of a Medical Examiner Investigator;

BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the following individuals shall serve as Medical Examiner Investigators while under contract with Clinton County;

Dan Vosatka, Medical Examiner Investigator

Shona Ernst, Medical Examiner Investigator

Maryann Houzenga, Medical Examiner Investigator

Roll Call:
Staszewski: Yes
Schmidt: Yes
Davisson: Yes
Jill M. Davisson, Chairperson

Motion was made by Supervisor Schmidt to authorize the Chairperson to sign the Cost Allocation Plan.

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

Motion carried.

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

Chairperson Davisson, participating in her final meeting before retiring as a County Supervisor, thanked supervisors Staszewski and Schmidt for a great working relationship. She also wished luck to Supervisors-elect Hamerlinck and Srp with their first term. Davisson said it has been a blessing to serve Clinton County.

Supervisor Schmidt also thanked Staszewski and Davisson for their work during his term that ends on Jan. 1. Schmidt specifically thanked Davisson for her 24 years of service.

Clinton County Attorney Mike Wolf and Clinton County Auditor Eric Van Lancker thanked the departing supervisors for their service.

Randy Current, Clinton County's contracted drainage district attorney, also thanked Davisson and Schmidt for their service and thanked Davisson for her hard work on the drainage districts in Clinton County.

Nathan Mueller, Clinton County Planning and Zoning Director, distributed the severe weather travel policy that the Board of Supervisors requested.

9:42 A.M. Discussion / Possible Action – Robert E. Starbuck's purchase of assignment and compromise of County held Tax Sale Certificate No. 09-0834, pertaining to parcel #80-14490000 from September 30, 2013

Randy Current, Starbuck's attorney, explained the need for Board of Supervisors action to compromise all the back taxes, interest and assessments as intended with the original action. Wolf said he reviewed the compromise and approved of the resolution.

The following resolution was presented and on motion adopted.

RESOLUTION #2014-339

BE IT RESOLVED that the purpose of this Resolution is to document and clarify the intent and actions of the Clinton County Board of Supervisors regarding its actions involving Clinton County Tax Sale Certificate No. 09-0834. Clinton County was the holder of the Tax Sale Certificate No. 09-0834 regarding the property legally described as lot six (6) in block sixteen (16) in the Plat known as "Town of Clinton" within the City of Clinton, Iowa. That the Board on September 30, 2013, considered the request of Robert E. Starbuck regarding assignment of the Tax Sale Certificate in compromise of all outstanding, accrued and payable taxes along with interest and any penalty as of September 30, 2013.

THAT THE BOARD, by motion, did vote to assign to Robert E. Starbuck the Tax Sale Certificate on September 30, 2013, for the compromised sum of \$2,000.00. It was the further intent and decision of the Board at that time to compromise and abate all outstanding taxes, assessments, penalties and interest regarding this property that had accrued as of September 30, 2013, but through inadvertence, no formal resolution was ever entered of record regarding such.

BE IT FURTHER RESOLVED that the Board of Supervisors, as part of the Board's action to assign the Tax Sale Certificate to Robert E. Starbuck, did by affirmative vote at the Board's meeting on September 30, 2013, abate the total amount due in excess of the compromised sum of \$2,000.00, of all accrued and delinquent taxes, assessments, penalties and interest regarding the above described property as of the date of assignment of the

Tax Sale Certificate No. 09-0834 to Robert E. Starbuck. Said action of abatement being authorized under the provisions of Chapter 445.16 of the Code of Iowa.

Roll Call:

Staszewski: Yes

Schmidt: Yes

Davisson: Yes

Jill M. Davisson, Chairperson

The Board of Supervisors adjourned to meet on Friday, January 2, 2015.

Eric Van Lancker, County Auditor

Jill M. Davisson, Chairperson

-APPROVED-

County Auditor

Chairperson