

# CLINTON COUNTY BOARD OF SUPERVISORS

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John Staszewski, Chairperson

Dan Srp

Shawn Hamerlinck

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## PUBLIC NOTICE

is hereby given that the above governmental body will meet at the following date,  
time, place: **Monday, February 23, 2015, 9:15 a.m.**

**Board of Supervisors Meeting**  
**Clinton County Administration Building, Conference Room B,**  
**1900 North 3<sup>rd</sup> Street, Clinton, Iowa**

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**9:00 a.m. Review Correspondence and Claims**

**Call to Order – Pledge of Allegiance**

**9:15 a.m. Formal Action: Resolutions and Motions**

**General Public** – This is the time that the public can address the Board. Public comments will be limited to 3 minutes per individual.

**Department Heads, Elected Officials and Employees** – (Updates/Requests will be limited to 5 minutes per department. Lengthier discussions will need to be scheduled as a separate agenda item.)

**10:00 a.m.** Public Hearing to solicit public comments on a petition to vacate a section of public road Right of Way described Plat of Bryant (Town Lot Book “K” Page 554) Block Four Allies and Center Street. Proposed for Vacation: The alley running east and west between West Street (391<sup>st</sup> Ave) and Center Street in Block Four, the Alley running north and south in the center of Block Four and Center Street located between Block Three and Block Four all located in the Plat of Bryant

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## PUBLIC NOTICE

is hereby given that the above governmental body will meet at the following date,  
time, place: **Tuesday, February 24, 2015, 9:15 a.m.**

**Board of Supervisors Meeting**  
**Clinton County Administration Building, Conference Room B,**  
**1900 North 3<sup>rd</sup> Street, Clinton, Iowa**

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**9:00 a.m. Review Correspondence and Claims**

**Call to Order – Pledge of Allegiance**

**9:15 a.m. Formal Action: Resolutions and Motions**

**Resolution** Personnel retirement of William Smith, Engineering Technician IV

**Resolution** Personnel resignation – Sheriff’s Office

**Resolution** Approve final payment to Brandt Construction Co. and Subsidiary for Clinton County Project No. ERC023(98)-58-23

**Resolution** Hiring and wage freeze for Clinton County personnel

**General Public** – This is the time that the public can address the Board. Public comments will be limited to 3 minutes per individual.

**Department Heads, Elected Officials and Employees** – (Updates/Requests will be limited to 5 minutes per department. Lengthier discussions will need to be scheduled as a separate agenda item.)

**9:20 a.m.** Discussion/Possible Action – Department Head Employee Benefit Policy Status

**10:00 a.m.** Public Hearing to solicit public comment on subdivision application 3829 of Jeffrey & Danaca Raab requesting preliminary and final plat approval of Kuehl Family Farm Subdivision

**10:10 a.m.** Possible Action to Follow Public Hearing

**10:15 a.m.** Old Hwy 30 cutoff road project update

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## PUBLIC NOTICE

is hereby given that the above governmental body will meet at the following date,  
time, place: **Tuesday, February 24, 2015, 3:00 p.m.**

**Public Hearing City Assessor’s Budget – City Assessor’s Conference Board**  
**Clinton City Hall, 611 South 3<sup>rd</sup> Street, Clinton, Iowa**

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Clinton County does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. For information on accessibility and to request reasonable accommodations at least three (3) days in advance, please contact our office at 563-244-0575.

**RESOLUTION # 2015-\_\_\_\_\_**

January 13, 2015

WHEREAS, the Board of Supervisors have the power to vacate a highway under their jurisdiction in accordance with Iowa Code Section 306.10 and the Board of Supervisors have received a petition to vacate the following section of public road Right of Way (ROW) described herein, and

WHEREAS, the Code of Iowa requires that a hearing be held for the purpose of closing and vacating the road ROW described herein, and

WHEREAS, notice must be duly published and the adjoining property owners to the road ROW proposed to be vacated, utility companies whose facilities are located within or adjoining the road ROW, agencies in control of any affected state lands, Iowa Department of Transportation District Local Systems Engineer and the Board of Supervisors, be notified by certified mail.

THEREFORE BE IT RESOLVED by the Board of Supervisors that a public hearing be held at 10:00 A.M. on February 23, 2015, at the Clinton County Administration Building (Conference Room B), 1900 North 3<sup>rd</sup> St., Clinton, Iowa.

BE IT FURTHER RESOLVED that proper public notification be given for the purpose of vacating the following described road ROW:

**Original Establishment Description:**

Plat of Bryant (Town Lot Book "K" Page 554) Block Four Allies and Center Street

**Portion Proposed for Vacation:** The alley running east and west between West Street (391<sup>st</sup> AVE) and Center Street in Block Four, the Alley running north and south in the center of Block Four and Center Street located between Block Three and Block Four all located in the Plat of Bryant.

Roll Call:

Hamerlinck: \_\_\_\_\_

Srp: \_\_\_\_\_

Staszewski: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Eric Van Lancker  
County Auditor  
County of Clinton  
State of Iowa

\_\_\_\_\_  
Chairman  
Clinton County Board of Supervisors

**RESOLUTION #2015\_\_\_\_\_**

**February 24, 2015**

**WHEREAS, The Board of Supervisors of Clinton County, Iowa, having adopted "Regulations for Non-Union County Engineer's Personnel" applicable to the employment of non-union 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 retirement of William Smith, Engineering Technician IV, effective February 27, 2015.**

**Roll Call:**

**Hamerlinck: \_\_\_\_\_**

**Srp: \_\_\_\_\_**

**Staszewski: \_\_\_\_\_**

**ATTEST:**

\_\_\_\_\_  
**Eric Van Lancker  
County Auditor  
County of Clinton  
State of Iowa**

\_\_\_\_\_  
**Chairman  
Clinton County Board of Supervisors**

**RESOLUTION 2015-\_\_\_\_\_**

**WHEREAS**, the Clinton County Sheriff has accepted the resignation of STEVE MALLINGER, part-time transport officer.

**THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Board of Supervisors of Clinton County, Iowa that the County Auditor be an is hereby authorized to stop issuance of biweekly paychecks on the General Basic Fund, to STEVE MALLINGER, after accrued benefits are paid effective after his last day of employment on February 11, 2015.

Dated at Clinton, County, Iowa this \_\_\_\_ day of \_\_\_\_\_, 2015.

Roll Call:

Hamerlink: \_\_\_\_\_

Srp: \_\_\_\_\_

Staszewski: \_\_\_\_\_

\_\_\_\_\_  
Chairperson  
Clinton County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Eric Van Lancker  
County Auditor  
County of Clinton  
State of Iowa

**RESOLUTION # 2015-\_\_\_\_\_**

**February 24, 2015**

**WHEREAS: The Clinton County Secondary Roads Five Year Construction Program includes the replacement of a culvert located on Y-4E (130th Avenue), Section 15 of Spring Rock Township, Project No. ER-C023(98)--58-23, and**

**WHEREAS: Construction of said project ER-C023(98)--58-23 has been completed by the Contractor and the work has been approved and accepted by the County Engineer.**

**THEREFORE BE IT RESOLVED that the Board of Supervisors of Clinton County, Iowa, shall approve the final payment to said Contractor, and**

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

**Roll Call:**

**Hamerlinck: \_\_\_\_\_**

**Srp: \_\_\_\_\_**

**Staszewski: \_\_\_\_\_**

**ATTEST:**

\_\_\_\_\_  
**Eric Van Lancker  
County Auditor  
County of Clinton  
State of Iowa**

\_\_\_\_\_  
**Chairperson  
Clinton County Board of Supervisors**



**STAFF REPORT**

**DATE:** February 24, 2015

**TO:** Clinton County Planning and Zoning Commission

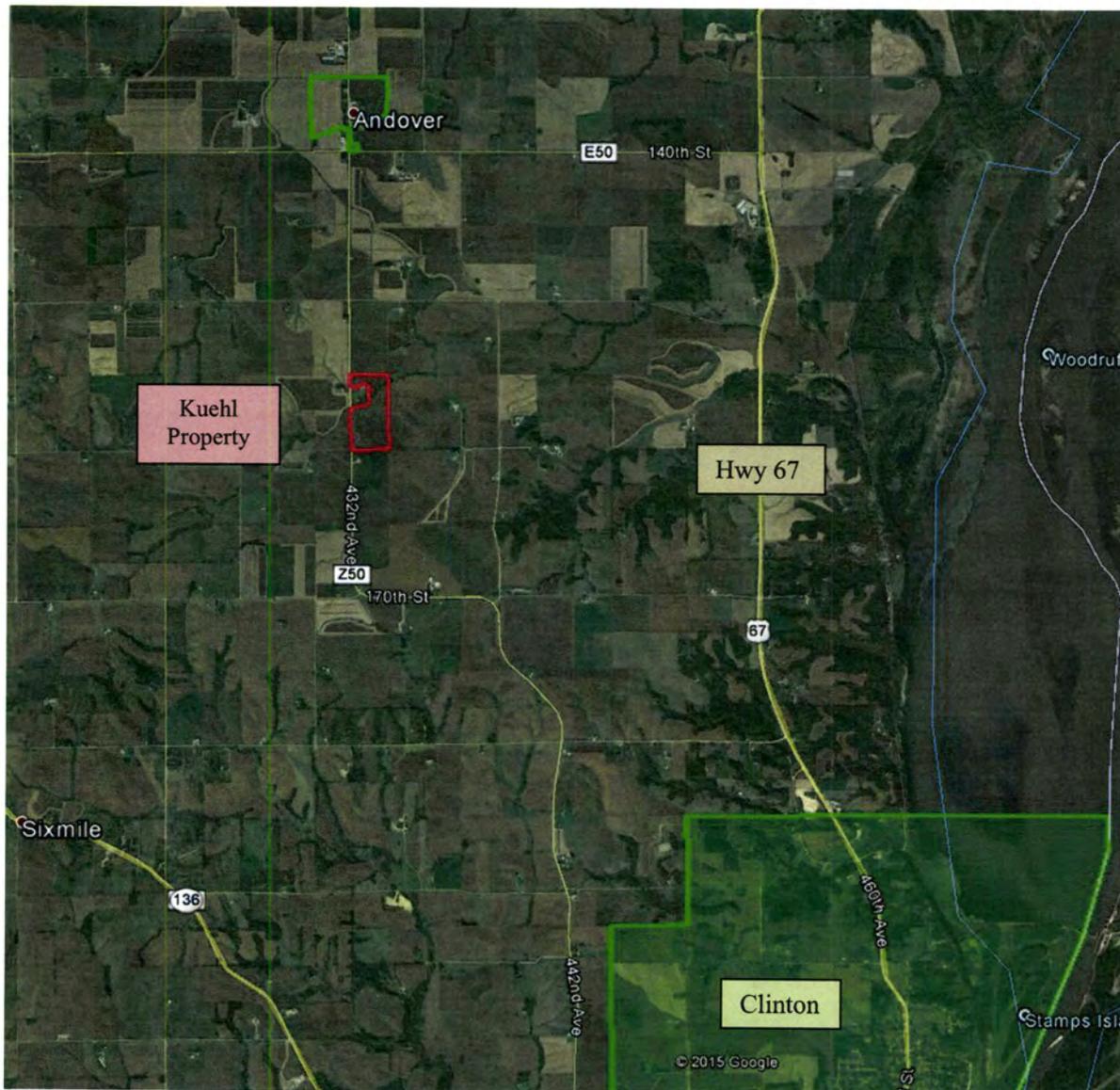
**FROM:** Clinton County Planning and Zoning Office  
Nate Mueller

**RE:** Application 3829 of Jeff & Danaca Raab requesting approval of an application to create a 2-lot Minor Subdivision to be known as Kuehl Family Farm Subdivision.

**Location**

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The proposed subdivision is located in the NE ¼ of the SW ¼ of Section 34, Township 83 North, Range 6 East of the 5th P.M. in Clinton County, Iowa. This is a 2-lot subdivision consisting of 30.136 acres located on the east side of 432<sup>nd</sup> Avenue approximately 1.75 miles south of Andover in Elk River Township.



Proposed lots for Kuehl Family Farm Subdivision:



## **Background and Details**

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The purpose of this subdivision application is to split an existing parcel of 30.136 acres into 2 lots – Lot 1 will be developed as a new residential non-farm lot for Jeff and Danaca Raab, the daughter and son-in-law of the property owners Glen & Linda Kuehl. Lot 2 will remain farm ground. There are no existing buildings on either of the proposed lots.

The original residence and several buildings were split from the farm along with 9.82 acres in 2004. That lot is now owned by Roger Shaw. This subdivision surrounds the Shaw property on 3 sides. Other than this existing home which belongs to Mr. Shaw and the home across 432<sup>nd</sup> Ave that belongs to Dustin Johnson, the site has agricultural uses on all sides. There are 3 residences (Shaw, Johnson, Glen & Linda Kuehl) within a ¼ mile and 7 residences within ½ mile. The site is currently zoned A-1 and is primarily crop ground except for the stream.

### **Details of the Proposal:**

The regular bulk standards, normally permitted uses, and special exception uses from the A-1 Zoning District of the Clinton County Zoning Ordinance will apply to both lots in the proposed subdivision:

<b>Lot size – Anticipated Use</b>	<u>Lot 1</u> – 2.391 acres – Residential – This lot will contain a new residence. <u>Lot 2</u> – 27.744 acres – Agricultural – This ground will remain in ag production.
<b>Front setback</b>	50 feet
<b>Side setback</b>	15 feet
<b>Rear setback</b>	40 feet
<b>Building Height - max</b>	35 feet or 2 ½ stories
<b>Density Allowed</b>	1 lot per 40 acres - the applicant's attorney has filed an acceptable Agricultural Easement to allow for the increased density in this A-1 district.

### **County Engineer's Review of Proposed Driveway Access**

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Any new accesses onto County roads are subject to permitting and review by the County Engineer's Office. Final location and design requirements of any new access will be determined at the time of permitting. New driveways must meet separation and site distance requirements.

### **County Health Department Review of Well and Septic System Suitability**

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With a parcel size of 2.391 acres, the County Health Department does not foresee any problems developing adequate wastewater facilities on proposed Lot 1 subject to review of a soil analysis or percolation test. There is no new well or septic planned for Lot 2. Any new or replacement wells or wastewater treatment systems installed on either lot in the future are subject to permitting and review by the County Health Department. Final wastewater suitability and design will be determined at the time of permitting.

### **Planning & Zoning Commission Recommendation**

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The Zoning Commission held a public meeting on February 4th, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 4 - 0 (Commissioner Hand absent) to recommend approval of this application.

**Commission Findings on Preliminary Plat Subdivision Criteria (2.2.3.D) for Kuehl Family Farm Subdivision**

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- 1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**  
An acceptable soil analysis or percolation test will be required before any septic systems can be constructed or reconstructed in this subdivision. New septic systems are subject to County Health Department approval and permitting and applicants are strongly encouraged to work closely with the County Sanitarian to make sure preliminary designs meet all applicable State and County regulations for septic systems in a floodplain.
- 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonable foreseeable needs of the subdivision.**  
Any new wells or connections to existing wells are subject to County Health Department approval and permitting. All lots within this subdivision must share a water supply unless granted a variance by this Commission.
- 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to electric and telephone service.**  
Utility Services are available at this location. Electrical Service is provided by Alliant Energy. Telephone service, if needed, is provided by Century Link or Mediacom.
- 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.**  
Both lots will have direct access onto 432<sup>nd</sup> Avenue which is a hard-surface County road. Lot 1 will require a new access onto 432<sup>nd</sup> Ave. Lot 2 will utilize the existing field access to the south of the Shaw property. No extension of public utilities is required for development on this site.
- 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection.**  
This subdivision is located in the Northeast Community School District. Fire protection will be provided by the Andover Volunteer Fire Department which is located within 1.75 miles. Police protection is provided by the Clinton County Sheriff's Department.
- 6. The site represents an overall development pattern that is consistent with the goals and policies on the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County.**  
This development is in an area designated Agricultural on the Future Land Use Map, which allows for limited development of this type. The applicants have submitted an acceptable Agricultural Easement to allow for the increased density in the A-1 district. No infrastructure improvements are required for this development.

**7. The site and application conform to all applicable provisions of these regulations.**

The proper application procedures have been followed for this application.

The site is zoned A-1, which allows 1 dwelling unit per 40 acres. The applicants have submitted an acceptable Agricultural Easement to allow for the increased density in the A-1 district.

The Corn Suitability Ratings and uses are within the limits set forth in the Zoning Ordinance. Approximately 75% of Lot 1 has CSR less than 60, and Lot 2 will remain a 'farm lot' in crop production so CSR values are not factored into the approval.

**8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.**

432<sup>nd</sup> Avenue is a hard surface road which had a traffic count of 1020 VPD in the most recent DOT study (2010). There is excess capacity for additional traffic on this road sufficient to handle the increased volume that can be expected by the creation of one additional lot.

**9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.**

No new streets are proposed in this subdivision.

**10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.**

Development on any of the proposed lots will have adequate and safe access to 432<sup>nd</sup> Avenue, which is a paved major collector road. If the property owners wish to establish a new access they will have to meet driveway separation distances as well as Secondary Roads site distance, design, and permitting requirements.

**11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.**

The lot design for this subdivision meets the requirements of the ordinance and reflects good land planning and site engineering principles.

**12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils geology, hydrology, floodplains, wetlands, vegetation and trees.**

The site is primarily crop ground except for the trees around the stream that runs through Lot 2. The only development expected to occur will be away from this stream on Lot 1 along the road to the north of the Shaw property – any existing trees and vegetation should not be threatened by the subdivision. There are no extreme slopes, topography, soil geology, or wetlands to consider on Lot 1. There is mapped flood plain along the stream within Lot 2, but this presents little concern as this area is projected as continued crop production.

**13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.**

No dedications of land or rights-of-way are required for this subdivision.