

# Clinton County Board of Supervisors

Clinton County Administration Building  
1900 North Third Street

John F. Staszewski, Chairperson  
Dan Srp, Vice Chairperson  
Shawn Hamerlinck

P.O. Box 2957  
Clinton, Iowa 52733-2957  
Telephone: (563) 244-0575

[www.clintoncounty-ia.gov](http://www.clintoncounty-ia.gov)

**PUBLIC NOTICE** is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: MONDAY, October 5, 2015, 9:00 A.M.; Clinton County Administration Building, Conference Room B, 1900 N. 3<sup>rd</sup> St., Clinton, IA.

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

Call to Order – Pledge of Allegiance

**9:15 a.m.** Formal Action & Motions

## RESOLUTIONS

- Tax suspension requests – Code of Iowa Sec. 427.8
- Tax suspension request – Code of Iowa Sec. 427.9
- Property tax adjustments
- Execute a contract with Health Solutions, LLC for a Clinton County Employee Wellness Program

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

**9:30 a.m.** Drainage District

A public hearing is scheduled to collect public comment on the engineer's report for the proposed repair to DD#17 Lateral A. The Trustees will also consider awarding a contract for the DD#17 Main Ditch repair. The Trustees will also discuss a repair request for DD#7 Lateral D.

**9:40 a.m.** Discussion with possible action

County Case Management Director Patti Robinson will present the amended cost report for fiscal year 2016.

**9:45 a.m.** Discussion with possible action

The Supervisors will consider a resolution to approve retaining outside legal counsel for the purpose of forming a Clinton County Public Safety Authority.

**9:50 a.m.** Discussion with possible action

The Supervisors will receive an update on the Clinton County Courthouse fourth floor storage issue.

October 5, 2015

RESOLUTION # 2015-

WHEREAS, **Lynne A. Jamison** has petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

**627 14<sup>th</sup> Place, Camanche, IA**

**Parcel #1002230000**

WHEREAS, the 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 Treasure 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 2014 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

**Roll Call:**

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

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

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

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**John F. Staszewski, Chairperson**  
**Clinton County Board of Supervisors**

**ATTEST:**

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

October 5, 2015

RESOLUTION # 2015-

WHEREAS, **Randy E. Kemp** has petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

**1712 13<sup>th</sup> Avenue So., Clinton, IA**

**Parcel #8045230000**

WHEREAS, the 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 Treasure 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 2014 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

**Roll Call:**

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

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

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

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**John F. Staszewski, Chairperson  
Clinton County Board of Supervisors**

**ATTEST:**

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

October 5, 2015

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

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

**2523 Garfield Street, Clinton, IA**

**Parcel #: 861620000**

**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 Treasure 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 2014 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

**Roll Call:**

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

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

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

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**John Staszewski, Chairperson  
Clinton County Board of Supervisors**

**ATTEST:**

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

October 5, 2015

Resolution # 2015-\_\_\_\_\_

WHEREAS, the following real estate parcel received but does not qualify for the agricultural land tax credit as defined by Code of Iowa Chapter 426.2 and said parcel is located within Clinton County:

DeWulf Kelly P Trustee parcel 5200690000 Dist # 0580 Agland credit removed \$27.07

WHEREAS, the following real estate parcel qualified for the agricultural land tax credit and family farm tax credit in accordance with Code of Iowa Chapters 425A and 426.2 but did not receive the credits and said parcel is located within Clinton County:

Kay Ricky R & Brenda K parcel 5200690000 Dist # 0580 Agland credit awarded \$26.75  
Family Farm credit awarded \$18.98

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that county records be adjusted and the County Treasurer is hereby authorized to make adjustment on the County system to reflect said changes for the agricultural land tax and family farm tax credits for the parcels identified in fiscal year 2016 for the 2014 assessment period.

Roll Call:

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

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

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

\_\_\_\_\_  
John F. Staszewski, Chairperson  
Clinton County Board of Supervisors

ATTEST:

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

October 5, 2015

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

**WHEREAS**, the Clinton County Board of Supervisors desires to promote wellness throughout its workforce to encourage health, productivity and efficiency; and

**WHEREAS**, a Clinton County Wellness Program has been agreed upon with all of the Clinton County employee bargaining units; and

**WHEREAS**, the Clinton County Health Benefits Committee, in conjunction with Clinton County Health Benefits consultant RJ Lee & Associates A True North Company, conducted a request for proposal process and interviews of vendors to administer the County’s wellness program; and

**WHEREAS**, the Clinton County Health Benefits Committee is recommending the Clinton County Board of Supervisors engage in a contract with Health Solutions, LLC to provide a wellness program for Clinton County employees and spouses;

**THEREFORE BE IT RESOLVED** by the Clinton County Board of Supervisors that the chairperson be authorized to sign the Customer Service Agreement with Health Solutions, LLC as reviewed and approved by the Clinton County Attorney.

Roll Call:

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

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

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

\_\_\_\_\_  
Chairperson, John Staszewski

ATTEST:

\_\_\_\_\_  
County Auditor, Eric Van Lancker

October 5, 2015

**RESOLUTION # 2015-DD17-\_\_\_\_\_**

**WHEREAS:** The Clinton County Board of Supervisors acting as Trustees for Drainage District #17 received a request for repair of the Drainage District 17 (DD17) main ditch adjacent to the Dean Barber property, and

**WHEREAS:** The Clinton County Board of Supervisors acting as Trustees for Drainage District #17 (DD17) approved the County Engineer’s recommendation for the scope of the repair work in DD17 on July 27, 2015 and authorized the Engineer to solicit quotes for the recommended repairs, and;

**WHEREAS,** on September 24, 2015 quotes for the repair work were received as listed below and;

<b>Contractor</b>	<b>Using concrete</b>	<b>Using Class E stone</b>
Ed Kleinschmidt	\$12,700	\$14,300
A&S Excavating	\$13,885	\$15,650
Rittmer Inc.	\$17,900	\$19,900

**WHEREAS:** the Clinton County Engineer has reviewed the quotes and recommends the repair project be awarded to Ed Kleinschmidt Excavating.

**THEREFORE BE IT RESOLVED** that the Board of Supervisors of Clinton County, Iowa, accept the low quote submitted by Ed Kleinschmidt Excavating and authorize the execution of the contract.

**Roll Call:**

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

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

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

**ATTEST:**

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

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

August 11, 2015

To: Mike Wolf, Clinton County Attorney

From: Robert Josten, David Claypool and Cristina Kuhn

As a follow up to our recent conversation, we have revised our July 22 memo to reflect the fact that the facilities will include a jail, law enforcement and communications center and have enclosed a copy of the revised memo for your review.

If the County determines to proceed with this project we will be available to provide services for the following categories of work:

Creation of Authority and holding of the election on the proposal to issue the Bonds. We will prepare the Articles of Incorporation and Bylaws and make the necessary filings to establish the corporation. We will also prepare the necessary resolutions for the City and the County to approve the Articles and Bylaws. We will prepare the ballot proposition, the resolution of the Authority board setting the election and any other documentation necessary to facilitate the holding of the election. We will confer with City and County officials and address any questions or issues that come up during the process. Based upon our experience with other projects of this type, we estimate that our fees for these services will be between \$12,000 to \$15,000.

Bond Counsel services related to the issuance of the Bonds. As Bond Counsel, we will prepare the basic financing documents related to issuance of the Bonds, including the trust agreement, lease agreement, use agreement and other documents related to the issuance of the Bonds. We will also prepare the resolutions to be adopted by the Authority, the City and the County, as necessary, and forms of the various certificates, opinions, and other closing documents necessary to finalize the issuance of the Bonds. If necessary, we will also prepare documentation for an interim project note financing with a local Bank (the "Bank Interim Loan"). Our role as Bond Counsel will also involve the analysis of any state law or federal tax law issues which may arise as a result of the nature of the Project and the structuring of the financing. We will confer with officers and representatives of the Authority, its financial advisors and the Underwriter (if applicable) in addressing these matters and in preparation of the various documents. Additionally, we will prepare and provide guidance on a post issuance compliance policy for the Authority and the County to ensure compliance with the tax exempt requirements of the Bonds after their issuance.

We will coordinate the closing of the financings and at the closings deliver our opinions as to the legality of and tax exempt nature, as applicable, of the Bonds. It will be our responsibility to accumulate the closing documents and provide copies of those documents in a permanent transcript to the parties involved in the financings after the closings. If the Authority engages an Underwriter and the Bonds will be sold through the use of an Official Statement, our responsibilities as Bond Counsel will also include a limited review of the Official Statement

relating only to the legal documents we have prepared as Bond Counsel, including any necessary summaries of the documents we prepared for the Official Statement. Our engagement as Bond Counsel would not include the preparation of or review of the Official Statement, nor the rendering of opinions regarding the Official Statement, except as provided in the foregoing sentence. We estimate that our fees for Bond Counsel services would be between \$38,000 to \$42,000.

Disclosure Counsel services related to the issuance of the Bonds. If an Official Statement is used to market or place the Bonds we are available to act as Disclosure Counsel for the Authority. In acting as Disclosure Counsel, we will assist the Authority in preparing the Official Statement, prepare the Bond Purchase Agreement and Continuing Disclosure Agreement, perform “due diligence” functions and perform certain other functions as may be necessary to fulfill our responsibilities as Disclosure Counsel. We will also provide a legal memorandum (a “blue sky memorandum”) with respect to state securities (blue sky) matters relating to the Bonds, if required by the Underwriter. We estimate that our fees for Disclosure Counsel services would be between \$12,000 to \$15,000 plus an additional fee of up to \$2500 if the Underwriter requires a blue sky memorandum.

Services related to bid letting. Our services outlined previously for creation of the Authority and holding the election and as Bond Counsel and Disclosure Counsel do not include legal work relating to the bidding of the contracts or the construction contract opinions. If the Authority requests our assistance, we will prepare the resolutions, notices and other documents necessary to receive and award the bids. The costs for such preparation of the resolutions and other documents will depend upon the time involved which will be based, in part, upon the complexity of the bids (which include issues that arise in the bidding process such as irregularities, whether the bid is the lowest responsive, responsible bid, etc.) and if multiple bidding is required (for example if some are rejected and rebid). Absent bidding complications and extenuating circumstances, we estimate that our fees for this bidding work will be \$3000 to \$5000.

As we mentioned on the phone, the fees involved in this type of financing are generally higher than you would encounter on a normal county bond issue. All counsel fees are eligible to be paid from proceeds of the Bonds or a Bank Interim Loan at the time of closing. However, if the election fails or the project is abandoned at any time for any reason, we would bill for our services rendered to date at that time. Because the County is the moving force behind this project we would anticipate that the County would pay such fees either directly or by providing the money to the Authority necessary to pay such fees.

## MEMORANDUM

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TO: Clinton County Board of Supervisors and Clinton County Attorney

FROM: Robert Josten, David Claypool and Cristina Kuhn

DATE: August 11, 2015

RE: Clinton County Building Authority

Clinton County, Iowa (the "County") and the City of Clinton, Iowa (the "City") are contemplating the creation of the Clinton County Building Authority (the "Authority"), pursuant to the provisions of Section 346.27 of the Iowa Code, for the purpose of acquiring and constructing a new jail, law enforcement and communications center (the "Facilities") for the joint use of the County and the City.

The Authority will finance the costs of acquisition, construction, furnishing and equipping the Facilities through the issuance of Facilities Revenue Bonds (the "Revenue Bonds") pursuant to authority granted in Section 346.27 of the Iowa Code. Prior to issuing the Revenue Bonds, the Authority will call an election on the question of issuing the Revenue Bonds. All registered voters of the County will be entitled to vote on the question and an affirmative vote of a majority of the votes cast at the election will be required to authorize the issuance and sale of the Revenue Bonds. If approved by the voters and issued by the Authority, the Revenue Bonds will be payable solely from the revenues generated by the operation of the Facilities, including payments under any leases or contracts which the Authority enters into for use of the Facilities. It is anticipated that the County and the City will each enter into long term leases for the use of portions of the Facilities. It is also anticipated that the rental payments under those leases will be sufficient to pay debt service on the Revenue Bonds. Pursuant to Section 346.27(22) of the Iowa Code, the County and the City will be authorized, as needed, to levy and collect a direct annual tax sufficient to pay the annual rental payments under the leases.

The following is a list of actions to be taken by the Board of Supervisors of the County, the City Council of the City, and the Board of Commissioners of the Authority in order to establish the Authority and complete the transactions referred to above:

**I. Actions by the Board of Supervisors of Clinton County.**

- A. Actions Relating to the Formation of the Authority.
1. Adopt Articles of Incorporation of the Authority. §346.27(3)
  2. Provide (in connection with the City) for the recording of the Articles of Incorporation in the office of the County Recorder, the filing of the Articles of Incorporation with the Secretary of State of Iowa, and the publication of the Articles of Incorporation once in the newspapers designated in the Articles of Incorporation.

NOTE: The Authority does not come into existence until such recording, filing and publications occur. §346.27(6)

3. Appoint a Commission Member from County area outside of the corporate limits of the City (2 year term). §346.27(5)
  4. Appoint (in joint action with the City) the third Commission Member (6 year term). §346.27(5)
- B. Actions Subsequent to the Formation of the Authority.
1. Approve Bylaws adopted by the Board of Commissioners, as required by Articles of Incorporation.
  2. Approve the Building Site selected by the Board of Commissioners for the Facilities. §346.27(9)(a)
  3. Adopt a resolution setting forth the proposal to lease any County-owned property to the Authority and setting a public hearing date and providing for publication of a notice of hearing on the proposal (4-20 days in County newspapers). §331.361(2)(a)
  4. Hold the hearing on the proposal to lease the County-owned property to the Authority. §331.361(2)(b)
  5. Concur in the Authority's call of an election on the proposal to issue the Revenue Bonds. §346.27(10)
- C. Actions Subsequent to Successful Election.
1. Approve lease of any County-owned property to the Authority. §346.27(9)(b)
  2. Approve the County lease related to use of the Facilities. §346.27(9)(h)
  3. Adopt a resolution, as needed, levying an annual tax to pay the rental payments under the County lease for the use of the Facilities §346.27(22)

## **II. Actions by the City Council of the City of Clinton.**

- A. Actions Relating to the Formation of the Authority (similar to the County's actions described in Article I above).
1. Adopt Articles of Incorporation of the Authority. §346.27(3)
  2. Provide (in connection with the County) for the recording of the Articles of Incorporation in the office of the County Recorder, the filing of the Articles of Incorporation with the Secretary of State of Iowa, and the publication of the Articles of Incorporation once in

the newspapers designated in the Articles of Incorporation).  
NOTE: The Authority does not come into existence until such recording, filing and publications occur. §346.27(6)

3. Appoint a Commission Member from within the corporate boundaries of the City (4 year term). §346.27(5)
4. Appoint (in joint action with the County) a third Commission Member (6 year term). §346.27(5)

B. Actions Subsequent to the Formation of the Authority.

1. Approve Bylaws adopted by the Board of Commissioners, as required by Articles of Incorporation.
2. Approve the Building Site selected by the Board of Commissioners for the Facilities. §346.27(9)(a)
3. Concur in Authority's call of an election on the proposal to issue the Revenue Bonds. §346.27(10)

C. Actions Subsequent to Successful Election.

1. Approve any City lease or use agreement related to use of the Facilities. §346.27(9)(h)
2. Adopt a resolution, as needed, levying an annual tax to pay the rental payments under any City lease for use of the Facilities. §346.27(22)

**III. Actions to be taken by the Board of Commissioners of the Clinton County Building Authority.**

A. Actions Relating to Formation of the Authority and Calling Election.

1. Adopt Bylaws. §346.27(5)
2. Adopt Rules of Procedures, unless set out in Bylaws §346.27(5)
3. Designate Chairperson, Secretary, and Treasurer. §346.27(5)
4. Approve the Building Site as the site for the Facilities (subject to approval of the City and the County). §346.27(9)(a)
5. Call an election on the proposal to issue the Revenue Bonds (with concurrence of the City and the County). §346.27(10)

NOTE: In addition to publication requirements of §49.53, a notice of election is required to be published once each week for two consecutive weeks. §346.27(10)

6. Adopt resolution describing the Building Site to be acquired, the nature of the existing improvements, the disposition to be made of the existing improvements, the general description of the Facilities to be constructed, the limit of the costs of the project, the period of usefulness of the Facilities and the amount of Revenue Bonds to be issued, along with other details relating to the Revenue Bonds. §346.27(11) and §346.27(12)

B. Actions Subsequent to Successful Election.

1. Approve the Building Site Lease of County-owned property, if needed. §346.27(9)(b)
2. Approve lease for City use of Facilities. §346.27(9)(h)
3. Approve lease for County use of Facilities. §346.27(9)(h)
4. Fix hearing date on plans and specifications and form of contract for the construction of the Facilities (one publication, at least 10 days prior to hearing). §73A.2
5. Fix date for public bidding on contract for construction of Facilities (two publications, first publication at least 15 days prior to bid letting). §73A.18
6. Hold hearing on plans and specifications and adopt resolution finally approving plans and specifications. §73A.2
7. Accept bids and adopt resolution awarding contracts for construction of Facilities and adopt resolution approving executed contracts and performance and payment bonds. §73A.18
8. Adopt resolution setting date for sale of Revenue Bonds.
9. Receive bids on Revenue Bonds and adopt resolution awarding sale of Revenue Bonds. §75.2
10. Adopt resolution authorizing the issuance of the Revenue Bonds, setting rates, and approving financing documents §346.27(12) through §346.27(21)

October 5, 2015

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

WHEREAS, Clinton County desires to enter into an Agreement to retain outside legal counsel for all purposes in connection with formation and implementation of the Clinton County Public Safety Authority (PSA); and

WHEREAS, Clinton County recognizes the firm of Dorsey & Whitney, LLP, due to their specialized training and expertise in this area of law; and

WHEREAS, it is in the best interests of Clinton County to receive such assistance;

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that Clinton County retains Dorsey & Whitney to provide legal assistance to create and implement the Clinton County PSA; and to pay all associated fees (as outlined in their estimates of fees related to a PSA) and pursuant to their fee schedule letter (see attached).

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

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

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

\_\_\_\_\_  
Chairperson

ATTEST:

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County Auditor, Eric VanLancker  
County of Clinton  
State of Iowa