

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

PUBLIC NOTICE is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: MONDAY, November 30, 2015, 9:00 A.M.; Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA.

9:00 a.m. Review Correspondence & Claims
Call to Order – Pledge of Allegiance

9:15 a.m. Formal Action & Motions

CONSENT AGENDA

- RESOLUTION 2015-308: Resignation – Case Management
- RESOLUTION 2015-309: Resignation – Case Management
- RESOLUTION 2015-310: Mobile home property tax adjustments (various)
- RESOLUTION 2015-311: Mobile home property tax adjustments (James)
- RESOLUTION 2015-312: Award a contract for snow removal at the DeWitt Satellite Office
- RESOLUTION 2015-313: Tax suspension requests – Code of Iowa Sec. 427.8 (Otten)

RESOLUTIONS

- Authorize the board chairman to sign the agreement with the Samuels Group for professional services for value engineering and detailed budget estimates for the proposed replacement jail project.
- Set a public hearing date for proposed changes to the County Indigent Burial Policy

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

9:30 a.m. Public Hearing with possible action
Public comment is welcome on a proposed FY2016 budget amendment.

9:35 a.m. Public Hearing with possible action
Public comment is welcome on a proposed subdivision application of Richard Samson for the S.A.M. Subdivision final plat approval.

9:40 a.m. Public Hearing with possible action
Public comment is welcome on a proposed subdivision application of Gerald Farrell and Carl McNamee for the Iron Hill Subdivision final plat approval.

9:50 a.m. Public Hearing with possible action
Public comment is welcome on the proposed disposition of two parcels of land owned by the County.

9:55 a.m. Drainage Districts

The Board of Trustees will discuss and possibly take action on the following:

- a request to outlet a private tile into Drainage District #17
- A request for a repair on Drainage District #23 for a main ditch berm elevation
- A request for repair on Drainage District #23 Lateral 2 for cleaning

November 30, 2015

RESOLUTION #2015-308

BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the resignation of Amber Ledvina-Geurink, Targeted Case Manager, Office of Case Management, be and is hereby accepted effective midnight, November 30, 2015.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to discontinue pay checks effective said date.

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

Chairperson, John Staszewski

ATTEST:

County Auditor, Eric Van Lancker

November 30, 2015

RESOLUTION #2015-309

BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the resignation of Cynthia Griep, Targeted Case Manager, Office of Case Management, be and is hereby accepted effective midnight, November 30, 2015.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to discontinue pay checks effective said date.

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

Chairperson, John Staszewski

ATTEST:

County Auditor, Eric Van Lancker

November 30, 2015

Resolution # 2015-310

Whereas, adjustments on the following mobile homes must be made according to code of Iowa Section 435.25 and 555B.8 to the Clinton County tax records of \$1028.00.

Stephanie Tague	Vin#47989040019	Dist 0780	Trailer moved to Muscatine Co	\$102.00
Royal Pines Village	Vin#SSDAL42641	Dist 0780	Trailer in dealer inventory	\$ 67.00
Royal Pines Village	Vin#MP1513207	Dist 0780	Trailer in dealer inventory	\$ 63.00
Royal Pines Village	Vin#18L02699	Dist 0780	Trailer in dealer inventory	\$109.00
Bevan Paarmann	Vin#M603183	Dist 0780	Trailer abandoned-tore down	\$207.00
Jamiee Bailey	Vin#60125315	Dist 0780	Trailer abandoned thru courts	\$220.00
Jack Reeves	Vin#06L14903	Dist 0780	Trailer abandoned thru courts	\$260.00

Therefore be it resolved, by the Clinton County Board of Supervisors that county records be adjusted by the county treasurer on the county system to reflect the above changes.

Shawn Hammerlink _____

Dan Srp _____

John Staszewski, Chair _____

John Staszewski, Board Chairperson

Attest: _____

Eric Van Lancker, County Auditor

November 30, 2015

Resolution # 2015-311

Whereas, Mary L James purchased a mobile home and an adjustment must be made per code of Iowa Section 435.23 to the Clinton County tax records in the amount of \$109.00.

Therefore be it resolved, by the Clinton County Board of Supervisors that county records be adjusted by the county treasurer on the county system to reflect the additional property tax on parcel 18L02699 in the county system.

Shawn Hammerlink _____

Dan Srp _____

John Staszewski, Chair _____

John Staszewski, Board Chairperson

Attest: _____

Eric Van Lancker, County Auditor

November 30, 2015

RESOLUTION # 2015 - 312

WHEREAS, the Clinton County Board of Supervisors has considered the Snow Removal Agreement and bids received for snow and ice removal of the parking lot, sidewalk and entrances of the Clinton County Satellite Offices located in DeWitt, Iowa for the fiscal year 2015-2016; and

WHEREAS, only one bid was received and that vendor is listed below:

- AEJ Enterprises LLC (dba J & L Enterprises LLC)

WHEREAS, the Building Maintenance Manager recommends entering into an agreement with AEJ Enterprises due in part the contractor's fees have not changed in the last three years for snow and ice removal at the Clinton County Satellite Office in DeWitt, Iowa;

THEREFORE BE IT RESLOVED by the Board of Supervisors of Clinton County Iowa that the bid be awarded to AEJ Enterprises LLC and the Chairperson of the Board of Supervisors be authorized to execute said agreement on behalf of Clinton County, Iowa.

ROLL CALL:

Hamerlinck: _____

Srp: _____

Staszewski: _____

John F. Staszewski, Chairperson

ATTEST:

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

November 30, 2015

RESOLUTION # 2015-313

WHEREAS, DONNA F. OTTEN has petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

1215 8TH AVE N, CLINTON IA

PARCEL #80-28600000

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 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: _____

John Staszewski, Chairperson
Clinton County Board of Supervisors

ATTEST:

Eric Van Lancker
County Auditor
County of Clinton
State of Iowa

November 30, 2015

RESOLUTION # 2015 - _____

WHEREAS, the Clinton County Board of Supervisors desire for Clinton County Justice Coordinating Commission (CCJCC) and CCJCC Jail Facility committee to continue to study a replacement Law Center for Clinton County; and

WHEREAS, CCJCC Jail Site Selection committee met and selected the site and a professional site evaluation was conducted; and

WHEREAS, preliminary architectural drawings and cost projections have been completed; and

WHEREAS, the Samuels Group provides professional services such as value engineering and detailed budget estimates for the design and development of the proposed replacement Law Center; and

WHEREAS, the Clinton County Sheriff's Office (CCSO) has a Jail Room and Board Fund established pursuant to Iowa Code 356.7, which would provide for costs of a professional budget estimate;

THEREFORE BE IT RESOLVED the Clinton County Board of Supervisors direct CCJCC to proceed with securing professional services with the Samuels Group in the amount of \$5,000 for the purpose of a detailed budget estimate and presentation, to be funded by the CCSO Jail Room and Board Fund.

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski _____

Chairperson Staszewski
Clinton County Board of Supervisors

ATTEST:

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

Agreement for Professional Services

Clinton County



TABLE OF ARTICLES

- 1 INTENT
- 2 CONSULTANT'S RESPONSIBILITIES
- 3 CLIENT'S RESPONSIBILITIES

ARTICLE 1 - INTENT

This Agreement is between Clinton County known as the "Client" and The Samuels Group, Inc. known as the "Consultant" for the authorization of professional services to be provided regarding the pre-referendum services for the new Sheriff's office known as the "Project".

The Client identifies the following representative for the Project:

Corey Johnson
Clinton County Sheriff's Office
241 7th Avenue North
Clinton, IA 52732

The Samuels Group, Inc. identifies the following representative for the Project:

Kurt Berner, Vice President
The Samuels Group, Inc.
311 Financial Way, Suite 300
Wausau, WI 54401

PROJECT: To provide pre-referendum services to assist with the planning and evaluation of the proposed new Sheriff's office.

ARTICLE 2 - CONSULTANTS RESPONSIBILITIES

The services described below are for the planning and evaluation of the proposed new Sheriff's office in Clinton County, IA. The Samuels Group will work in collaboration with Shive-Hattery and the County to provide value engineering, detailed budget estimates and expert advice for the design and development of the proposed facility.

Budget Estimates and Presentation

Includes detailed budget estimate and one presentation to the stakeholders. The Samuels Group will work closely with Shive Hattery and the county to include project scope and details to ensure cost decisions align with project needs and budget.

Meeting Participation

The Samuels Group provides value engineering during the design phase of the project by evaluating the constructability of the design and layout. We will offer cost saving suggestions or alternative solutions. Cost implications regarding material and design decisions can be vet out quickly to keep project moving forward. The Samuels Group will also present to the board upon request.



Revisions

After a detailed budget is completed, any updates and revisions to the budget will be billed at an hourly rate.

FEE: Clinton County may pick and choose the level of involvement provided by The Samuels Group based on their needs. Service and fees include:

Budget Estimate and Presentation	\$5,000
Meeting Participation	\$1,200 per meeting
Revisions	\$85 per hour

ARTICLE 3 – CLIENT’S REPSONSIBILITIES

Unless otherwise provided for under this Agreement, the Client will provide information in a timely manner regarding requirements for the Project, including the Client’s program, other objectives, schedule, constraints and criteria, special equipment, systems, and site requirements.

The Samuels Group, Inc. shall review the program furnished by the Client and provide an evaluation to ascertain the requirements of Project. Collectively the Client and The Samuels Group shall arrive at a mutual understanding of such requirements.

Please sign and return the document to Kurt Berner, kberner@samuelsgroup.net.

ACKNOWLEDGEMENT OF AGREEMENT:

On behalf of Client: _____ dated this ____ day of _____, 201_.

On behalf of the Consultant: _____ dated this ____ day of _____, 201_.



RESOLUTION 2015 - _____

BE IT RESOLVED, that the Clinton County Board of Supervisors will hold a Public Hearing on _____ at _____ in Conference Room B at the Clinton County Administrative Building, 1900 N. 3rd Street, Clinton, Iowa 52732 for the purpose of soliciting public comment to proposed changes to the Clinton County Indigent Burial Policy.

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**

STAFF REPORT

DATE: November 30, 2015

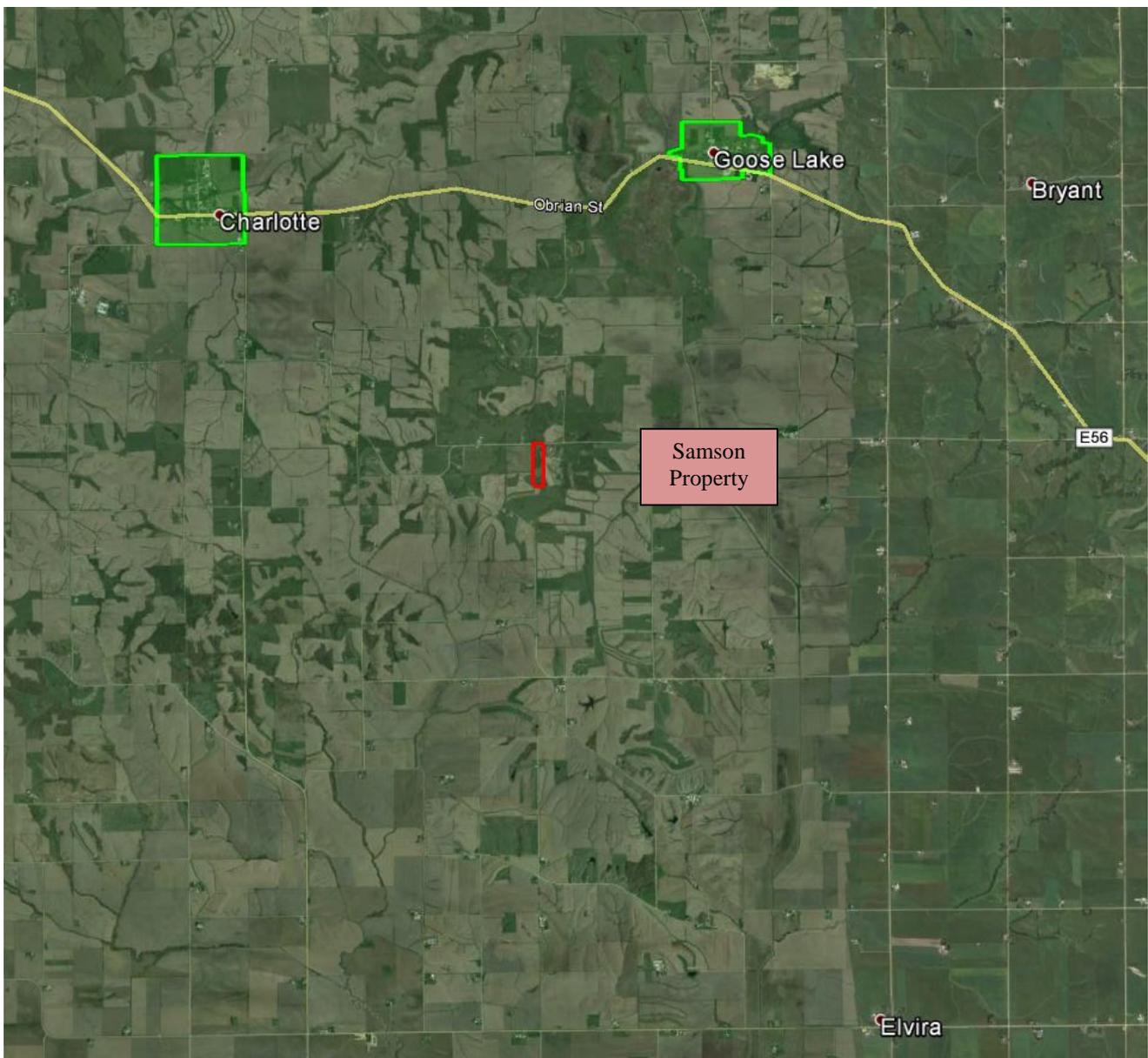
TO: Clinton County Board of Supervisors

FROM: Clinton County Planning and Zoning Office
Nate Mueller

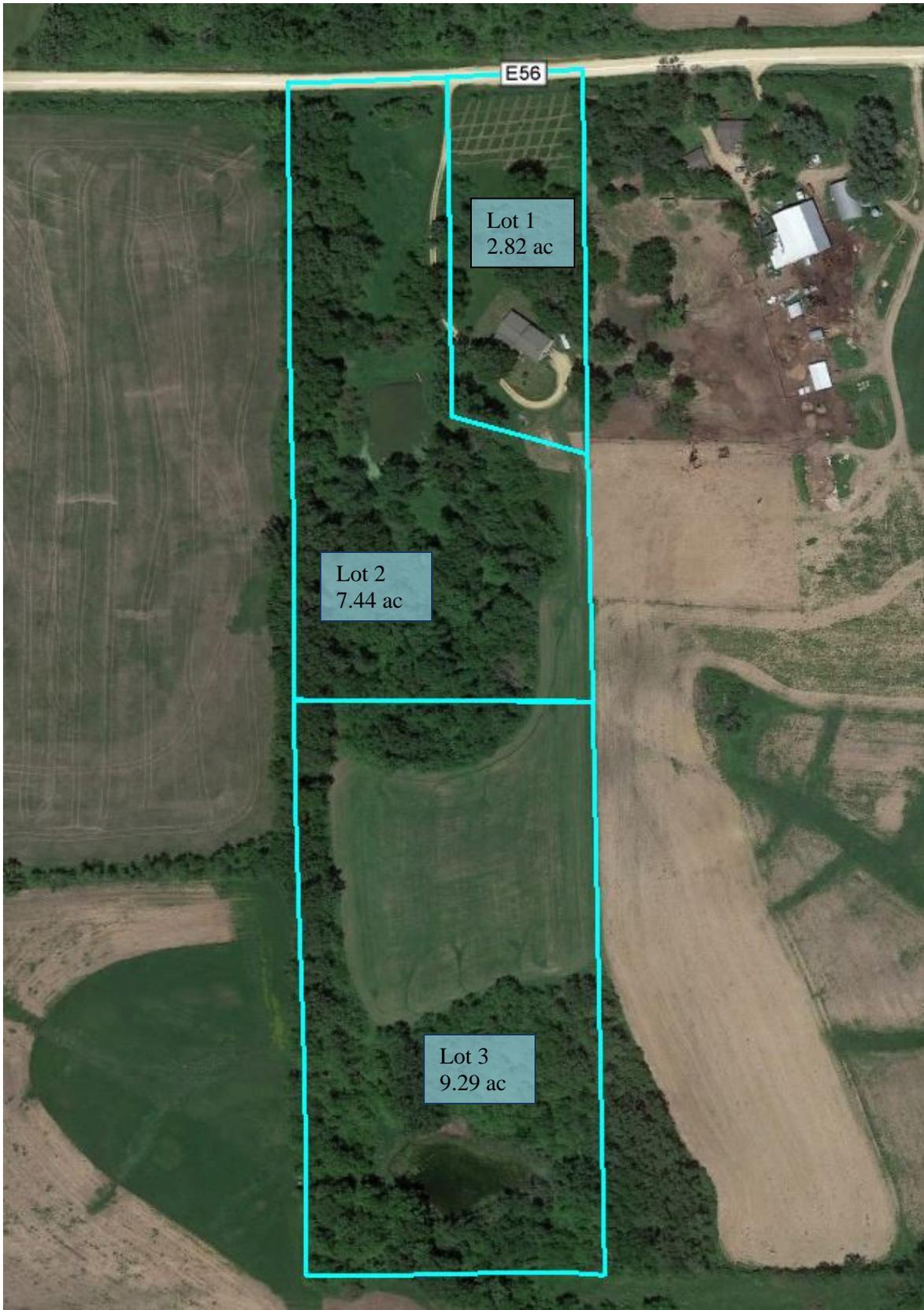
RE: Application 3909 of Richard Samson, requesting approval of an application to create a 3-lot Minor Subdivision to be known as S.A.M. Subdivision.

Location

The proposed subdivision is located in the W ½ of the NW ¼ of Section 8, Township 82 North, Range 5 East of the 5th P.M. in Clinton County, Iowa. This is a 3-lot subdivision consisting of 19.55 acres located on the south side of 170th Street approx. 1100 feet west of its intersection with 352nd Ave. in Center Township.



Proposed lots for S.A.M. Subdivision:



Background and Details

The purpose of this subdivision application is to split a lot with an existing home into 3 developable lots – Lot 1 will contain the existing home and be used as a residential lot, Lots 2 and 3 will remain undeveloped at this time, but will eventually be developed and used as non-farm lots as well. There are no existing buildings on proposed lot 2 or lot 3.

There are 3 residences within a ¼-mile and 10 within ½-mile. The site is currently zoned AR-1 and is primarily crop and timber ground. These residential lots will have agricultural uses on all sides. To help minimize future conflict between the ag operations in the area and the non-farm residence, ***Staff recommends that the applicants be required to record an Ag-Warning Notice with the plat proceeding as a condition of approval.***

Details of the Proposal:

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

Lot size/	<u>Lot 1</u> – 2.82 acres – Residential — Lot will contain the existing home
Anticipated Use	<u>Lot 2</u> – 7.44 acres – Residential — Lot will contain a new non-farm home
	<u>Lot 3</u> – 9.29 acres – Residential — Lot will contain a new non-farm home
Front setback	50 feet
Side setback	15 feet
Rear setback	40 feet
Building Height - max	35 feet or 2 ½ stories
Density Allowed	1 lot per 5 acres

County Engineer’s Review of Proposed Driveway Access

The plat shows all lots utilizing the existing access. Any new accesses onto County roads are subject to permitting and review by the County Secondary Roads Department. 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

With an existing system and a parcel size of 2.82 acres, the County Health Department does not foresee any problems replacing the septic system on proposed lot 1. With lot sizes of 7.44 and 9.29, the Department does not foresee problems developing adequate wastewater facilities on proposed Lot 2 or proposed Lot 3 ***subject to review of a soil analysis or percolation test.*** Any new or replacement wells or wastewater treatment systems installed on any 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

The Zoning Commission held a Public meeting on November 4th, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 3 – 0 (Hand and Whitman absent) to recommend approval of this application ***subject to the condition that an Ag-Warning notice prepared by Planning & Zoning staff be recorded with the final plat proceeding.***

Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Drake's Run Subdivision

- 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.

- 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 are required to share a single 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 Eastern Light & Power. Telephone service, if needed, is provided by Windstream.

- 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.**

The final plat contains a 20 foot ingress/egress easement that will serve all proposed lots and utilize an existing access onto 170th Street; which is a gravel-surface County road. The applicant has indicated that they do not plan to install any new driveways at this time. 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 School District. Fire protection will be provided by the Charlotte Volunteer Fire Department which is located within 5 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-Recreational on the Future Land Use Map, which allows for development of this type. The proposed non-farm lots are located in an area that contains minimal active farm ground due to the residence and timber. No infrastructure improvements are required for this development. To help minimize future conflict between the nearby cattle operation and the non-farm residence, *Staff recommends that the applicants be required to record an Ag-Warning Notice with the plat proceeding as a condition of approval.*

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 AR-1, which allows 1 dwelling unit per 5 acres. This subdivision proposes to split 19.55 acres into 3 lots, which is a density of approximately 1 dwelling unit per 6.5 acres.

The Corn Suitability Ratings for Lot 1 and Lot 2 are not factored in as they contain no farmable land. These lots and their uses are within the limits set forth in the Zoning Ordinance. The active farm ground on proposed Lot 3 has a CSR of 58, which is within the limits for non-farm lots set forth by the Ordinance.

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.

170th Street is a gravel-surface road which had a traffic count of 80 VPD in the most recent DOT study (2014). There is capacity for additional traffic on this road sufficient to handle any increased volume expected to be produced by 2 additional non-farm lots.

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.

With the provision of an acceptable Access Easement Agreement, development on any of the proposed lots will have adequate and safe access to 170th Street, which is a gravel-surface minor 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 timber ground with a small area of crop land. Approximately 3.5 acres of crop ground will be removed from production on Lot 3, but it is low quality ground (CSR = 58). There is no mapped floodplain on the property and there are no extreme slopes, topography, soil geology, or wetlands to consider on any of the proposed lots.

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.

RESOLUTION # 2015 - _____
RESOLUTION APPROVING THE FINAL PLAT OF
S.A.M. SUBDIVISION, CLINTON COUNTY, IOWA

WHEREAS Richard Samson has filed subdivision application 3909 requesting preliminary and final approval of a proposed minor subdivision to be known and designated as S.A.M. Subdivision, located in the W ½ of the NW ¼ of Section 8, Township 82 North, Range 5 East of the 5th P.M. in Clinton County, Iowa, and

WHEREAS the Clinton County Planning and Zoning Commission held a public meeting on November 4, 2015 in DeWitt, Iowa to consider this application, and

WHEREAS the Clinton County Board of Supervisors held a public hearing on November 30, 2015 to hear comments for and against the application; and

WHEREAS it appears that all requirements of the Clinton County Zoning Ordinance, Subdivision Regulations, Master Plan, and the laws of the State of Iowa have been complied with,

NOW, THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the Final Plat of S.A.M. SUBDIVISION, CLINTON COUNTY, IOWA, be and the same is hereby approved subject to the following condition and the Chair is authorized to sign the final plat prior to recording:

1. An Ag-Warning notice prepared by Planning & Zoning staff be recorded with the final plat proceeding.

Roll Call: **Hamerlinck:** _____

Srp: _____

Staszewski: _____

John Staszewski, Chairperson
Clinton County Board of Supervisors

ATTEST:

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

STAFF REPORT

DATE: November 30, 2015

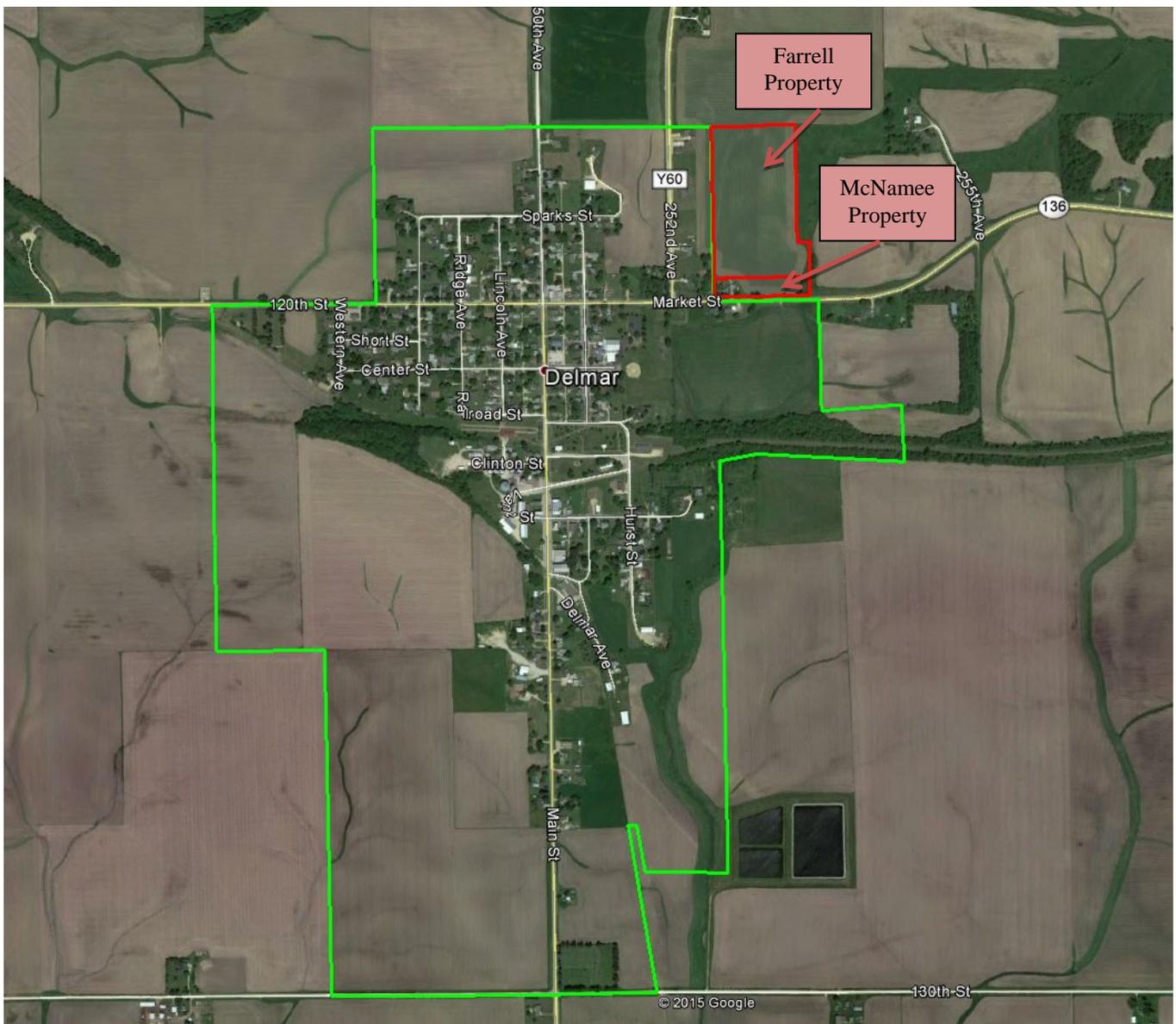
TO: Clinton County Board of Supervisors

FROM: Clinton County Planning and Zoning Office
Nate Mueller

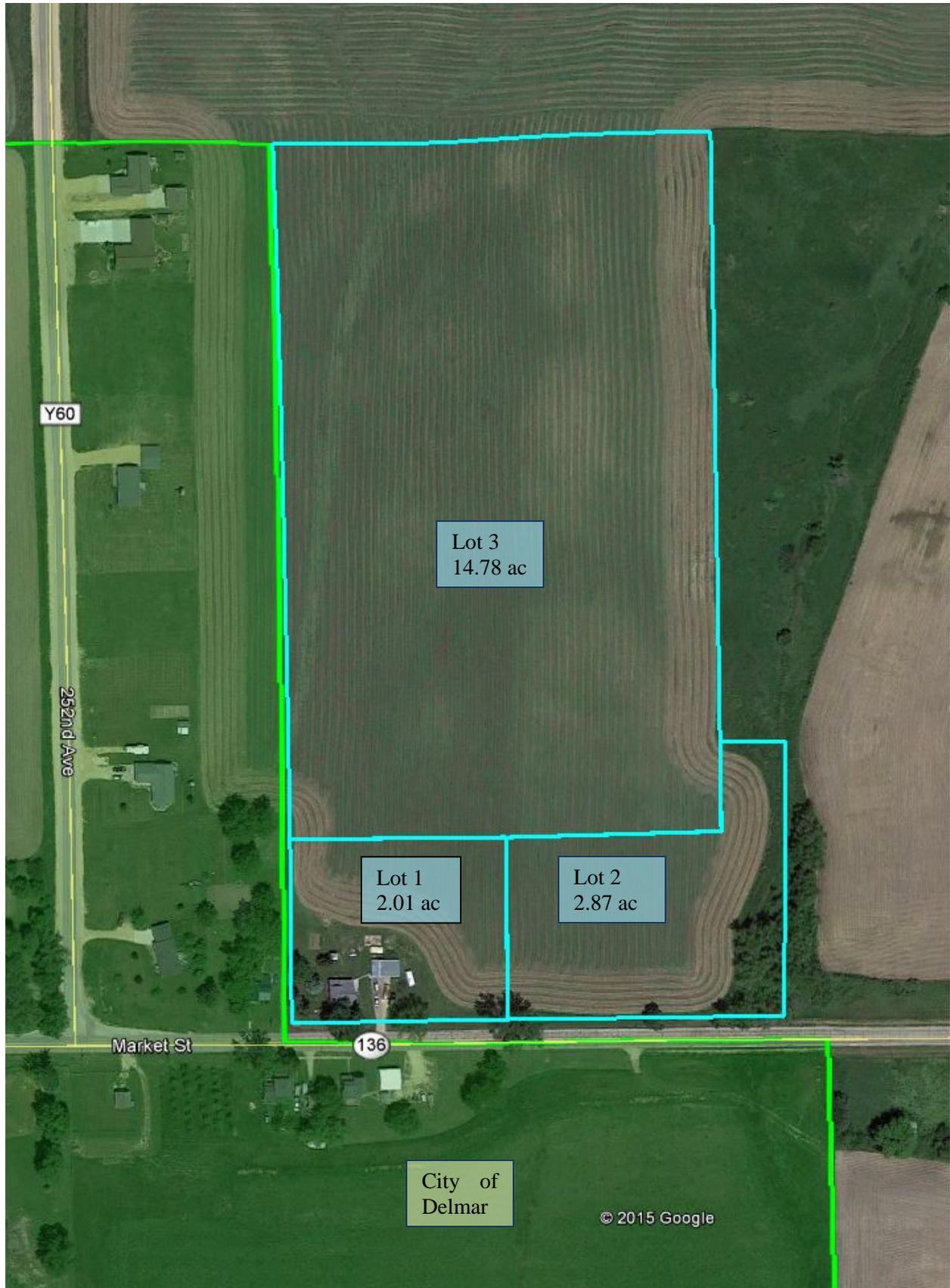
RE: Application 3916 of Ron Shanahan, Gerald Farrell, and Carl McNamee requesting approval of an application to create a 3-lot Minor Subdivision to be known as Iron Hill Subdivision.

Location

The proposed subdivision is located in the SE ¼ of the SW ¼ of Section 10 Township 83 North, Range 3 East of the 5th P.M. in Clinton County, Iowa. This is a 3-lot subdivision consisting of 19.66 acres located on the north side of Hwy 136 adjacent to the east corporate limit of Delmar in Bloomfield Township.



Proposed lots for Iron Hill Subdivision:



Background and Details

The purpose of this subdivision application is to split 2 existing lots – one non-farm residential lot and one undeveloped agricultural lot – into 3 total lots. Lot 1 will contain the existing residence and continue to be used as a residential lot, Lot 2 will be developed residentially and be used as a non-farm lot, and Lot 3 will contain the remaining ag ground and continue to be used for ag production. There are no existing buildings on proposed lot 2 or proposed lot 3.

There are over 30 residences within a ¼ mile due to the fact that the site is located directly adjacent to the Delmar City limits. The site is currently zoned A-1 and is primarily crop ground except for the existing residence. The new residential lot will have agricultural uses to the north and east, and residential uses (including incorporated city lots) to the east and south. The applicant has indicated that they intend to incorporate proposed Lot 2 into the City of Delmar and seek access to City water and City sewer.

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 all lots in the proposed subdivision:

Lot size/	<u>Lot 1</u> – 2.01 acres – Residential – Lot will contain the existing non-farm home
Anticipated Use	<u>Lot 2</u> – 2.87 acres – Residential — Lot will contain a new non-farm home
	<u>Lot 3</u> – 14.78 acres – Agricultural – Ground will remain in ag production
Front setback	50 feet
Side setback	15 feet
Rear setback	40 feet
Building Height - max	35 feet or 2 ½ stories
Density Allowed	1 lot per 40 acres - the applicant’s attorney has submitted an acceptable Agricultural Easement to allow for the increased density in this A-1 district.

County Engineer’s Review of Proposed Driveway Access

Lot 1 currently has access only Hwy 136. Lot 3 currently has access both from Hwy 136 and from Richland St. to the west. Any new accesses onto County roads are subject to permitting and review by the County Secondary Roads Department. New access for Lot 2 will be off State Highway 136, which is subject to permitting and review by the Iowa DOT. Final location and design requirements of any new access will be determined at the time of permitting.

County Health Department Review of Well and Septic System Suitability

With an existing system and a parcel size of 2.01, the County Health Department does not foresee any problems replacing the existing septic system on proposed Lot 1. With 2.87 acres, the department does not foresee problems developing adequate wastewater facilities on proposed Lot 2 subject to review of a soil analysis or percolation test. There is no new well or septic systems planned for Lot 3. Any new or replacement wells or wastewater treatment systems installed on any 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

The Zoning Commission held a Public meeting on November 4th, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 3 – 0 (Hand and Whitman absent) to recommend approval of this application.

Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Iron Hill Subdivision

- 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.

- 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 are required to share a water supply unless they connect to a municipal water supply or are 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 F&B Communications. Both providers have approved the easements show on the Final Plat.

- 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.**

All residential lots will have direct access onto Hwy 136 which is a hard-surface State highway. Lot 1 has an existing driveway, and Lot 3 has an existing field access. A new driveway will need to be installed to access proposed Lot 2. 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 Delwood Community School District. Fire protection will be provided by the Delmar Volunteer Fire Department which is located within ½ mile. 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. While the proposed non-farm lots include areas that are actively farmed, their location on a state highway and adjacent to an incorporated city boundary make development of this pattern at this location consistent with the Master Plan. 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 for Lot 1 are not factored in as the site contains existing buildings. As such, this lot and its uses are within the limits set forth in the Zoning Ordinance. Lot 2 does contain high-quality soils, but the applicant has indicated that this area is likely to be annexed into the City of Delmar. Lot 3 will remain a 'farm lot' primarily adapted for ag use so CSR values for this lot 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.

Hwy 136 is a hard-surface road which had a traffic count of 1200 VPD in the most recent DOT study (2014). There is capacity for additional traffic on this road sufficient to handle any increased volume, expected from one additional non-farm residential 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 Hwy 136, which is a hard-surface arterial road. If the property owners wish to establish a new access they will have to meet driveway separation distances as well as Iowa DOT 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 with a few trees and an existing residence and out-buildings. Approx. 3 acres of crop ground could be removed from production, but the non-farm use is clustered along a state highway adjacent to an incorporated city. There is no mapped floodplain on the property and there are no extreme slopes, topography, soil geology, or wetlands to consider on either lot.

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.

RESOLUTION #2015 - ____

WHEREAS, the Clinton County Board of Supervisors (hereinafter “Board”) has determined certain Clinton County property is no longer needed for County purposes. The property, divided into two parcels, is located in the unincorporated town of Malone, Iowa. Specifically, the parcels are identified as Parcel “A” and Parcel “C”.

Parcel “A” is legally described as follows:

Being a part of the northwest quarter of the northeast quarter of section 24, township 81 north, range 4 east of the 5th p.m. Clinton County, Iowa, more particularly described as follows: Beginning at the northwest corner of lot one in block one in the original town of Malone; thence north 81 degrees 28’ 29” west, 47.81 feet to the east row line of 335th Avenue; thence north 89 degrees 14’ 58” east, 251.09 feet; thence south 08 degrees 31’ 31” west, 40.47 feet to the north line of block one in the original town of Malone; thence north 81 degrees 28’ 29” west, 200.00 feet along the north line of block one in the original town of Malone to the point of beginning. Said parcel contains 5,015 square feet and is subject to easements of record.

Parcel “C” is legally described as follows:

Being a part of the northwest quarter of the northeast quarter of section 24, township 81 north, range 4 east of the 5th p.m. Clinton County, Iowa, more particularly described as follows: Beginning at the northeast corner of lot four in block one in the original town of Malone; thence North 8 degrees 31’ 31” east, 40.47 feet; thence north 89 degrees 14’ 58” east, 48.65 feet; thence south 07 degrees 45’ 26” west, 48.32 feet to the north line of block one in the original town of Malone; thence north 81 degrees 28’ 29” west, 48.67 feet along the north line of block one in the original town of Malone to the point of beginning. Said parcel contains 2,147 square feet and is subject to easements of record.

(hereinafter “Malone Property”).

WHEREAS, the Board has determined – based upon recommendation of the Clinton County Engineer, that it would be best to sell the Malone Property to the neighboring property owners to provide owner access and property development, as well as reduce county road maintenance.

WHEREAS, the Malone Property is to be offered and sold by Special Warranty Deed.

WHEREAS, the Board proposes to sell Parcel “A” to Charles and Sandra Matthiesen, 3357 252 St., DeWitt, IA 52742 for \$230; and Parcel “C” to William D. and Pamela Sterbenz, 3359 252 St., DeWitt, IA 52742 for \$100. Another condition of sale is the

purchasers will be required to retain their own legal counsel and be responsible for associated costs to do any title work, as well as prepare and record the special warranty deed.

WHEREAS, a public hearing regarding the sale of Parcels “A” and “C” was held on November 30, 2015 at 9:50 AM at the Clinton County Administration Building.

THEREFORE BE IT RESOLVED the Clinton County Board of Supervisors does hereby convey Parcel “A” as previously described to Charles and Sandra Matthiesen for the sale price of \$230.00 and does hereby convey Parcel “C” to William D. And Pamela Sterbenz for the sale price of \$100.00.

Roll Call:

Hammerlinck: _____

Srp: _____

Staszewski: _____

Chairperson
Clinton County Board of Supervisors

ATTEST:

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