

Clinton County Board of Supervisors

Clinton County Administration Building
1900 North Third Street

Dan Srp, Chairman
Tom Determann, Vice-Chairman
Jim Irwin, Jr.

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, July 13, 2020, 9:00 A.M. Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA. The public may join the meeting by phone by dialing 1-408-418-9388 and entering the access code 623839162. The public may also join through the internet by following this web address: <https://globalpage-prod.webex.com/join> Enter meeting Code: 623839162 and then password clinton23.

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

9:15 a.m. Formal Action & Motions
Claims Approval
Coronavirus/COVID-19 update

CONSENT AGENDA

- RESOLUTION 2020-187: Resignation – Sheriff’s Office
- RESOLUTION 2020-188: Tax Suspension Request 427.8 – Fallesen
- RESOLUTION 2020-189: Tax Suspension Request 427.9 – King
- RESOLUTION 2020-190: Tax Suspension Request 427.9 – Davis

RESOLUTIONS

- RESOLUTION: Approve payment of claims for the Law Enforcement Center project
- RESOLUTION: Authorize the chairman to sign the equitable sharing agreement and certification with the Department of Justice and Department of Treasury Asset Forfeiture Program
- RESOLUTION: Approve tree and brush spraying agreement for various drainage districts
- RESOLUTION: Resolution to adopted the amended County Floodplain Ordinance

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

1. Courthouse landscaping

9:45 a.m. County Hometown Pride Community update
The Supervisors will receive a report from Francis Boggus, Clinton County Hometown Pride Community Coach.

10:30 a.m. Possible Closed Session with possible action to follow
The Supervisors may enter into a closed session per Code of Iowa Section 21.5(1)(c)

July 13, 2020

RESOLUTION 2020-187

RESOLUTION ACCEPTING THE RESIGNATION OF
GEAN MOORE FROM THE SHERIFF'S OFFICE

WHEREAS, the Clinton County Sheriff has accepted the resignation of Gean Moore, as a part-time bailiff/security.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa that the County Auditor be and is hereby authorized to stop issuance of biweekly paychecks on the General Basic Fund, Office of Sheriff, to Gean Moore, after accrued benefits are paid effective after his last day of employment on July 31, 2020.

Roll Call:

Irwin: Yes No

Determann: Yes No

Srp: Yes No

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

July 13, 2020

RESOLUTION 2020-188

RESOLUTION TO AUTHORIZE PROPERTY TAX SUSPENSION REQUEST PER
CODE OF IOWA SECTION 427.8 FOR BRIAN FALLESEN, CLINTON

WHEREAS, brian fallesen has petitioned for a property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

2046 442nd avenue, Clinton, IA parcel # 3204970000 & # 3204971000

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 Treasurer is authorized to make entry on the 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 2019 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

Roll Call:

Irwin: Yes No

Determann: Yes No

Srp: Yes No

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

July 13, 2020

RESOLUTION 2020-189

RESOLUTION TO AUTHORIZE A TAX SUSPENSION REQUEST
PER CODE OF IOWA SECTION 427.9 FOR RUTH KING, CLINTON

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

238 3rd Avenue S, Clinton, IA

parcel #: 8013270000

WHEREAS, eligibility for said suspension has been verified by the Iowa Department of Human Services; now.

BE IT RESOLVED by the Clinton County Board of Supervisors that tax suspension (for the collection of taxes, special assessments, and rates or charges, including interest, fees and costs) be and is hereby approved and the County Treasurer shall make entry on her records accordingly, all under provision of Section 427.9, Code of Iowa; and

BE IT FURTHER RESOLVED that tax suspension under provision of Section 427.9, Code of Iowa is for the 2019 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

Roll Call:

Irwin: Yes No

Determann: Yes No

Srp: Yes No

Chairperson, Daniel A. Srp

Attest:

County Auditor, Eric Van Lancker

July 13, 2020

RESOLUTION 2020- 190

RESOLUTION TO AUTHORIZE A TAX SUSPENSION REQUEST
PER CODE OF IOWA SECTION 427.9 FOR YVONNE DAVIS, CLINTON

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

2345 N 5th Street, Clinton, IA

parcel #: 862521000

WHEREAS, eligibility for said suspension has been verified by the Iowa Department of Human Services; now

BE IT RESOLVED by the Clinton County Board of Supervisors that tax suspension (for the collection of taxes, special assessments, and rates or charges, including interest, fees and costs) be and is hereby approved and the County Treasurer shall make entry on her records accordingly, all under provision of Section 427.9, Code of Iowa; and

BE IT FURTHER RESOLVED that tax suspension under provision of Section 427.9, Code of Iowa is for the 2019 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

Roll Call:

Irwin: Yes No

Determann: Yes No

Srp: Yes No

Chairperson, Daniel A. Srp

Attest:

County Auditor, Eric Van Lancker

July 13, 2020

RESOLUTION 2020-_____

RESOLUTION TO AUTHORIZE THE PAYMENT OF
LAW ENFORCEMENT CENTER PROJECT CLAIMS

WHEREAS, Clinton County voters approved a proposition to issue General Obligation Bonds not to exceed \$22,000,000 for the purpose to pay for the costs of designing, constructing, equipping and furnishing a jail, sheriff's office, 911/communications center and emergency management agency office and demolition of the existing facility; and

WHEREAS, the Clinton County Board of Supervisors have deemed it best practice to review each claim for payment for said project; and

WHEREAS, the appropriate Clinton County officials have reviewed the claim(s) listed below and recommend payment; and

WHEREAS, the following list of claims have been submitted for payment on said project:

VENDOR	AMOUNT	INVOICE DATE
Simmons Perrine Moyer Bergman PLC	\$2,118.00	05/31/2020

BE IT RESOLVED by the Clinton County Board of Supervisors that said claims have been duly reviewed and approved for payment; and

BE IT FURTHER RESOLVED the County Auditor is authorized to make said payments within the standard claim payment process from the Capital Projects Fund.

Roll Call:

Irwin: Yes No
Determann: Yes No
Srp: Yes No

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

July 13, 2020

RESOLUTION 2020-

RESOLUTION TO AUTHORIZE THE BOARD OF SUPERVISOR CHAIR TO SIGN THE
EQUITABLE SHARING AGREEMENT AND CERTIFICATION (ESAC)

WHEREAS, the Clinton County Sheriff's Office desires to enter into an agreement with the Department of Justice and the Department of the Treasury Asset Forfeiture Program for the purpose of sharing federal forfeiture proceeds through the Equitable Sharing Program; and

WHEREAS, the Sheriff's Office must annually submit an ESAC in the eShare portal, regardless of whether funds were received or maintained during the fiscal year, in order to maintain compliance. The ESAC must be reviewed and approved by the Sheriff and the Board of Supervisor Chair that allocates appropriated funding to the Sheriff's Office; and

WHEREAS, the Sheriff desires the Clinton County Board of Supervisor Chair to sign the agreement for FY 2020, end date of June 30, 2020; now

THEREFORE, BE IT RESOLVED by the Clinton County Board of Supervisors that the Clinton County Board of Supervisor Chair is hereby authorized to sign the agreement, which has been reviewed and approved by the Clinton County Attorney.

Roll Call:

Irwin: Yes No

Determann: Yes No

Srp: Yes No

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION 2020 – _____

RESOLUTION AUTHORIZING THE CHAIR OF THE CLINTON COUNTY BOARD OF SUPERVISORS – ACTING AS CHAIR OF THE BOARD OF TRUSTEES FOR CLINTON COUNTY DRAINAGE DISTRICT’S 5, 10, 15, 17, 23 and 28 – TO SIGN AN AGREEMENT FOR TREE AND BRUSH SPRAYING WITH B&W CONTROL SPECIALISTS.

WHEREAS the Clinton County Board of Supervisors, acting as Statutory Drainage District Trustees for Drainage District’s 5, 10, 15, 17, 23 and 28 has requested a proposal from B&W Control Specialists for control of noxious weeds, and tree and brush control in Drainage District’s 5, 10, 15, 17, 23 and 28; and

WHEREAS a proposal from B&W Control Specialists has been received; now

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors acting as Statutory Drainage District Trustees for Drainage District’s 5, 10, 15, 17, 23 and 28 that a contract be awarded to B&W Control Specialists as listed in its proposal; and

BE IT FURTHER RESOLVED that the Chairperson be and is hereby authorized to sign the proposal and the attached AGREEMENT FOR TREE AND BRUSH SPRYAING on behalf of Drainage District’s 5, 10, 15, 17, 23 and 28.

Roll Call:

Irwin: Yes No

Determann: Yes No

Srp: Yes No

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION # 2020 - _____

RESOLUTION APPROVING A TEXT AMENDMENT TO THE FLOODPLAIN
MANAGEMENT ORDINANCE OF CLINTON COUNTY, IOWA

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on June 2, 2020 and following said hearing the Commission recommended approval of the attached text amendments to the Clinton County Floodplain Management Ordinance; and

WHEREAS the Clinton County Board of Supervisors held a public hearing and first reading of the proposed text amendments on July 6, 2020 to consider said amendment and to hear comments for and against; and

WHEREAS the Clinton County Board of Supervisors held a second reading of the proposed text amendment on July 13, 2020 to consider said amendment; now

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

1. The attached ordinance numbered 2020-01 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:

Irwin: Yes No

Determann: Yes No

Srp: Yes No

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

July 13, 2020

ORDINANCE 2020 – 01

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY FLOODPLAIN MANAGEMENT ORDINANCE TO UPDATE THE ORDINANCE IN ORDER TO ENSURE FULL COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM AND THE STATE OF IOWA

Section 1: Be it enacted by the Clinton County Board of Supervisors that the text of the Clinton County Zoning Ordinance be amended as follows:

See Attached: Exhibit “A”

Section 2: The change as hereinabove set forth shall be entered and made part of the Floodplain Management ordinance 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 13th day of July, 2020 by the Board of Supervisors, Clinton County, State of Iowa.

Jim Irwin

Tom Determann

Chairperson, Daniel A. Srp

ATTEST:

County Auditor, Eric Van Lancker

Exhibit “A”

1. Amend Section II (B) Establishment of Official Floodplain Zoning Map by deleting it in its entirety and replace with the following in lieu thereof:

The Flood Insurance Rate Map (FIRM) for Clinton County and Incorporated Areas, dated July 22, 2020, which were prepared as part of the Flood Insurance Study for Clinton County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

2. Amend Section V (B) by inserting the following provisions:

Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

3. Amend Section V (B) (1) (a) by deleting it in its entirety and replace with the following in lieu thereof:

Be designed and adequately anchored to prevent flotation, collapse or lateral movement.

4. Amend Section V (B) (4) (c) by deleting it in its entirety and replace with the following in lieu thereof:

New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities elevated or floodproofed to a minimum of one (1) foot above the base flood elevation).

5. Amend Section V (B) (5) by deleting it in its entirety and replace with the following in lieu thereof:

Factory-built homes:

All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the

State Building Code.

6. Amend Section V (B) (11) by deleting it in its entirety and replace with the following in lieu thereof:

11. Accessory Structures to Residential Uses

- a. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.

2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.

5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

6. The structure's walls shall include openings that satisfy the provisions of Section V (B) (4) (a) of this Ordinance.

- b. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

7. Amend Section V by incorporating the following provisions:

14. Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the

Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

8. Amend Section VII (A) (2) by incorporating the following provisions:
 - i. Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 1. Development placed within the Floodway (Overlay) District results in any of the following:
 - (i) An increase in the Base Flood Elevations, or
 - (ii) Alteration to the floodway boundary
 2. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 3. Development relocates or alters the channel.
Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.
 - j. Perform site inspections to ensure compliance with the standards of this Ordinance.
 - k. Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

9. Amend Section XII by incorporating the following definitions:

APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

BASE FLOOD ELEVATION (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

ENCLOSED AREA BELOW LOWEST FLOOR – The floor of the lowest enclosed area in a building when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION V (B) (4) (a) of this Ordinance, and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or

- storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - d. The enclosed area is not a "basement" as defined in this section.

FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

10. Amend Section XII by revising the following definitions:

FLOODWAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.

LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

SPECIAL FLOOD HAZARD AREA (SFHA) - The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

11. Amend Ordinance 2011-01 by deleting all references to '100-year flood' and '100-year flood level' and replace with 'base flood' and 'base flood

elevation' respectively in the following sections:

- Section IV (C) (1)
- Section V (B) (2)
- Section V (B) (3)
- Section V (B) (5)
- Section V (B) (6)
- Section V (B) (7)
- Section V (B) (8)
- Section V (B) (10)
- Section VI (B)
- Section VII (B) (2) (d)
- Section VII (C) (4) (b)

12. Amend Ordinance 2011-01 by deleting all references to 'building(s)' with 'structure' in the following sections:

- Section IV (C) (5)
- Section V (B) (2)
- Section V (B) (3)
- Section VII (B) (2) (e)
- Section VII (B) (2) (e)
- Section VII (C) (4) (d)
- Section XII (definition of Basement)

13. Amend Ordinance 2011-01 by deleting all references to 'use(s)' with 'development' in the following sections:

- Section IV (C)
- Section IV (C) (1)
- Section IV (C) (2)
- Section IV (C) (3)
- Section V (B)
- Section VI (A)
- Section VI (B)
- Section VI (C)