

OCTOBER 25, 2021

The Board of Supervisors of Clinton County, Iowa, met. Present were Supervisors Determann, Irwin and Srp. Minutes of the previous meeting were read and approved.

9:00 A.M. Review Correspondence and Claims Call to Order – Pledge of Allegiance

9:15 A.M. Formal Action & Motions Claims were approved unanimously

Coronavirus/COVID-19 update: County Community Health Manager Michele Cullen reported 100 new cases in the last seven days. She said that is about the same as last week. She said the 14-day positivity rate is down to 9.5%. Cullen said hospitalizations are down in the region to 93, but Mercy had an uptick to eight while Genesis down to seven. She reported Clinton County is just over 50% vaccinated. Cullen said booster guidance was given last week. She said they will do a booster clinic on Wednesday and most of the pharmacies are now giving boosters. Cullen said they are currently waiting for a committee to meet next week to give guidance on children.

CONSENT AGENDA

Resolutions 2021-288 through 2021-289 and two (2) Motions were approved on the Consent Agenda:

RESOLUTION 2021-288

WHEREAS, the Clinton County HR Director has accepted the resignation of Jennifer Lane as a shared position with the County Attorney's office as a HR Secretary 1/Secretary 1 Attorney's Office; now

THEREFORE BE IT RESOLVED by the Board of Supervisor of Clinton County, Iowa, that the County Auditor be and is hereby authorized to stop issuance of biweekly paychecks for Jennifer Lane. Jennifer Lane's last day of employment will be October 29, 2021.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Tom Determann, Chairperson

RESOLUTION 2021-289

WHEREAS, pursuant to Iowa Code section 445.16, the Treasurer deems it is impractical to pursue collection of the total amount due through the tax sale or personal judgment remedies. The Treasurer recommends that the Board of Supervisors enter into a written agreement, as submitted, with Orren Thompson for the sum of \$300 to be paid and disbursed through apportioning, for CH07-0400 with certificate transfer fee of \$10 to be paid and deposited into the County General Fund: 10-13000000 \$474.00

THEREFORE BE IT RESOLVED pursuant to Code of Iowa section 445.16 remaining taxes owing shall be abated and the Treasurer is hereby authorized to make amendment to the county records indicating said abated tax for the parcels as noted, and the county Auditor shall update the record for fiscal year 2022-2023 in the same manner.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Tom Determann, Chairperson

MOTION by Supervisor Irwin to authorize the Chairperson to sign Utility Permit Number 10-129 for EI L&P to bore underground cable east ditch of 300th Ave in the county right-of-way located in Section 31 T82 R2E of Grant TWP.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Motion carried.

MOTION by Supervisor Irwin to close the County Administration Building to the public on Wednesday, December 15, 2021, to accommodate County employee training.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Motion carried.

RESOLUTIONS

The following resolution was presented and on motion approved:

RESOLUTION 2021-290

WHEREAS, the Iowa Legislature in 2014 overwhelmingly passed the HBI Act, known as Home Base Iowa, which is a one-of-a-kind program assisting veterans and transitioning service members from active duty military to civilian life; and

WHEREAS, the Home Base Iowa program private-public partnership provides a high-level of commitment and resources for our veterans, transitioning service members and their families; and

WHEREAS, the program offers countless resources to help veterans and their families with education and in transitioning to a new community with focused support and individuals who want to help; and

WHEREAS, Clinton County, Iowa, became a Home Base Iowa Community Partner through formal action on March 8, 2016; and offers an incentive to veterans locating to Clinton County; now

WHEREAS, Clinton County, Iowa, offers incentives through Home Base Iowa to veterans who qualify through formal action on April 11, 2016; now

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors awards Michael Langley the amount of \$1,500.00 for the qualified reimbursement for a home purchase closing cost; and

BE IT FURTHER RESOLVED that the Clinton County Auditor be authorized to pay the claim in the amount of \$1,500.00 to Michael Langley from the General Basic Miscellaneous Fund.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Tom Determann, Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2021-291

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on August 24, 2021 and following said hearing the Commission recommended approval of the attached text amendments to the Clinton County Zoning Ordinance; and

WHEREAS, the Clinton County Board of Supervisors held a public hearing and first reading of the proposed text amendments on September 13, 2021 to consider said amendment and to hear comments for and against; and

WHEREAS, the Clinton County Board of Supervisors held a second public hearing and second reading of the proposed text amendments on October 18, 2021 to consider said amendment and to hear comments for and against; and

WHEREAS, the Clinton County Board of Supervisors held a third reading of the proposed text amendment on October 25, 2021 to consider said amendment;

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

1. The attached ordinance numbered 2021-02 is hereby adopted.
2. The Auditor is directed to publish said ordinance as required by law.
3. This ordinance shall be in effect from and after its adoption and publication as required by law.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Tom Determann, Chairperson

ORDINANCE 2021 – 02

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY ZONING ORDINANCE TO UPDATE THE ZONING DISTRICTS AND REMOVE SPECIAL EXCEPTION USES FROM THE A-1, AR-1, C-1, C-2, M-1, AND M-2 ZONING DISTRICTS AND SECTION IV.

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:

I. Amend Chapter III Zoning Districts / Maps / Uses, by adding the following section 3.6.10 Renewable Energy Overlay District (RE):

3.6.10 RE Renewable Energy Overlay District

A. Purpose. The RE Renewable Energy Overlay District is intended to allow for the orderly development of utility scale solar and wind farm energy projects. This section establishes an overlay district that serves the following purposes:

1. To encourage and support the development and use of alternative and renewable energy resources.
2. To encourage development that conforms to the goals, objectives and Master Plan that pertains to the area in which the development is proposed.
3. To encourage sustainable and energy efficient development which aims to strengthen the global response to the threat of climate change.

B. Geographic Location. The renewable energy overly district shall be geographically located in the areas currently zoned A-1 (Prime Agriculture), AR-1 (Agricultural Recreation), C-1 (Highway Commercial), C-2 (Rural Support Commercial), M-1 (Limited Industrial), or M-2 (General Industrial).

C. Permitted Uses. Uses allowed in the renewable energy overlay district shall include commercial wind energy conversion systems and utility scale solar installations.

D. Rezoning Application. A commercial wind energy conversion system and utility scale solar installation requires an application to rezone the area to be used to renewable energy overlay district pursuant to Section 9.3.2 of the ordinance. Such application shall include the requirements listed under Section 4.2.16 or 4.2.18, for commercial wind energy conversion system or utility scale solar installation, respectively.

E. Additional Requirements. Additional requirements within this chapter and other county ordinances shall apply to the development in the renewable energy overlay district, including but not limited to, the supplementary conditions listed in chapter IV of this ordinance.

II. Amend Ordinance 2008-02 by deleting the Special Exception Uses in the following sections:

- Section 3.6.1.D.20
- Section 3.6.2.D.18
- Section 3.6.5.D.6
- Section 3.6.6.D.5
- Section 3.6.7.D.5

- Section 3.6.8.D.10
- III. Amend Ordinance 2016-03 by deleting the Special Exception Uses in the following sections:
- Section 3.6.1.D.21
 - Section 3.6.2.D.19
 - Section 3.6.5.D.7
 - Section 3.6.6.D.6
 - Section 3.6.7.D.6
 - Section 3.6.8.D.11
- IV. Amend Ordinance 2008-02 by deleting reference to Board of Adjustment in the below sections and replacing it with Board of Supervisors:
- Section 4.2.16.A.11
 - Section 4.2.16.A.12
 - Section 4.2.16.A.13
 - Section 4.2.16.C.4
- V. Amend Ordinance 2008-02 by deleting reference to Special Exception Use in section 4.2.16.D and replacing the following:
- Ordinance Map Amendment
- VI. Amend Ordinance 2016-03 by deleting in its entirety Section 4.2.18.A and replacing it with the below:
- A. Major site plan required: A site plan shall be submitted and reviewed as part of the approval of a utility scale solar installation.
- VII. Amend Ordinance 2016-03 by deleting in its entirety Section 4.2.18.B and replacing it with the below:
- B. Additional information: The following information shall be submitted on the site plan or in narrative form, supplied by the utility scale solar installation owner, operator or contractor installing the structure(s), and reviewed as part of the approval of a utility scale solar installation:
1. Number, location and spacing of solar panels/arrays.
 2. Planned location of underground or overhead electric lines.
 3. Project development timeline.
 4. Operation and maintenance plan.
 5. Decommissioning plan.
- VIII. Amend Ordinance 2016-03 by deleting references to Board of Adjustment in the below sections and replacing it with Board of Supervisors:
- Section 4.2.18.C.1
 - Section 4.2.18.C.2
- IX. Amend Ordinance 2016-03 by adding the following section 4.2.18.F:
- F. Avoidance and Mitigation of Damages to Public Infrastructure.
1. Roads. Applicants shall identify all roads to be used for the purpose of transporting Solar panels, substation parts, Construction Material, and/or equipment for construction, operation or maintenance of the Utility scale solar installation and obtain applicable weight and size permits from the impacted Road Authority(ies) prior to construction.
 2. Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the impacted local Road Authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Clinton County Engineer during all phases of construction. Applicant shall enter into a Road Use and Repair Agreement with the Road Authority prior to construction.
 3. Drainage System. The Applicant shall be responsible for reasonably prompt repair of damage to public drainage systems stemming from construction, operation or maintenance of the Utility Scale Solar Installation.
 4. Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable Road Authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Clinton County Attorney's Office shall be submitted covering up to 100% of estimated cost for repairs as agreed to by the applicant and such Road Authority(ies). This requirement may be waived by the Board of Supervisors by recommendation from the Clinton County Engineer.

Section 2: The change as hereinabove set forth shall be entered and made part of the Zoning and 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 20th day of September, 2021 by the Board of Supervisors, Clinton County, State of Iowa.

Signed: Jim Irwin, Jr.; Signed: Tom E. Determann, Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2021-292

WHEREAS, the Clinton County Board of Supervisors, based on the recommendation of the Clinton County IT Director and Facilities Director, wish to enter into an agreement with Tri-City Electric to upgrade the Clinton County Courthouse Security Camera System for \$24,250.00; now

THEREFORE BE IT RESOLVED the Clinton County Board of Supervisors authorizes IT Director Paul Banowetz to sign the agreement with Tri-City.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes.

Tom Determann, Chairperson

GENERAL PUBLIC

Ginger Pinge, County resident, would like an agenda topic about the solar projects on next week's agenda. She also requested a meeting by the Board on the topic be conducted in Grand Mound.

DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

County Auditor Eric Van Lancker reported absentee voting for the November 2 City/School Election continues in his office through the week. He said he will be out of the office a couple of days this week for poll worker training. He reminded the Board that will need to meet that afternoon of November 8 to canvass the results of the November 2 election. He reminded the Board of the Utilities Board meeting in Grand Mound on Wednesday in regards to the Hawkeye Solar Project. Van Lancker also said the Baptist church on the corner may use the County Administration Parking lot on Saturday for its trunk or treat event if it experiences spill over.

Supervisor Srp said the Conservation Board will be asking for the Board of Supervisors to have a joint meeting in the near future.

Supervisor Irwin said the Resource Center was busy last month demonstrating how well it has been received. He said there are about 30 partners involved in the center with about 10 very active helping to cover the office. He added the Mental Health Region is adding additional services for children and families. Irwin said law enforcement and communications has been receiving training to help triage a person who is in crisis.

Chairman Determann said the Grow Clinton County committee met last week to meet with its new lobbyist. He said the CTC Center groundbreaking was last week and will be good for the County. He said the County also closed on the new building on Manufacturing Drive in Clinton.

County Sheriff Bill Greenwalt reminded people to be careful with it being Halloween this weekend. He said this last weekend was a successful 'Turn in your Medication' day. He added jail population was 86 on Sunday.

County Treasurer Dustin Johnson reported they have been working on the tax rolls to clean them up moving forward. He said GIS has been assisting with that project. He expects cross-county vehicle titling to be a hot topic at the upcoming County Treasurer's Annual meeting. He said business from Scott County could easily tie up staff in Clinton without any financial return. He said that means Clinton County taxpayers would be subsidizing service for other counties residents. He added he will ask soon for an increase in fees for non-sufficient funds payments.

County Facilities Director Corey Johnson reported the parking lot at the Administration Building was painted during the weekend. He said they did not have blue for the handicapped spots so that will be done next year when the paint is available.

HR Director Dawn Aldridge said wellness screenings were conducted last week and flu shots start this week into next week.

DISCUSSION WITH POSSIBLE ACTION

Emergency Management Staffing Update: Supervisor Srp and EMA Director Chance Kness reviewed the staffing in the EMA office in regards to a pending retirement. Srp said on August 18 the Emergency Management Commission voted to support an extension of a traditional staffing window by six months to replace an employee. He said the extension would be funded through FEMA funds. He said the commission is seeking to learn the intent of the Board of Supervisors as the commission could begin the hiring process. Determann said they would discuss it during the budget discussions. Srp said the commission would like more clarification. Determann said his issue is setting a precedence of hiring a person with that large amount of overlap. Srp said the County has hired up to six-

months overlap for training reasons. Irwin said he can live with the six months, but doesn't support using FEMA funds that could be spent on something else to hire a person for 12 months overlap. Irwin said there is still a struggle of who has what authority. He said if there is no use for those dollars then they should be sent back to FEMA. Srp said the funds are for labor used for emergency response and that's what the money should be used for. Irwin said there may be an issue of time management in that department. He said Muscatine County does not have an EMA director and they have dealt with the FEMA money for emergency response. Irwin said Muscatine and Cedar counties have a combined two full-time people with more industry between them and more population. Srp asked if the programs are the same in those counties. Irwin said they should be the same, but our EMA has grown into a much bigger empire. He said the budget is \$500,000 and it has a carryover of more than \$471,000. Srp said that is set up by the Code of Iowa. Srp said the budget for the department has not grown significantly during the last few years and doesn't agree with the empire building claim. Srp wants to know what the Supervisors have for intent for the six months before the position becomes open. Irwin asked what happens if the person planning to retire decides not to retire. Srp said the employee will provide a letter certifying when he will retire. Determann asked if that letter is binding. Aldridge said the employee can be held to the specifications of a retirement letter. Determann said he won't support hiring someone for the six months before the opening. Irwin said he would discuss it during budget planning as was originally planned. Irwin said this discussion couldn't take place when he originally wanted because the director was out of the office during that time. He said there were days when there was only one person in the office. He called it poor management. Srp said Irwin should be cautious with that claim. Irwin said it is a fact there are three people employed in the office and there was only one person in the office to answer calls. Irwin wants a list of duties the office does. Kness said he has a list of all of the meetings and programs based on the Code of Iowa. Srp said it is not up to the EMA staff to respond to the Board of Supervisors about what they do. Irwin said they are an employee of the County. Irwin said he is a public employee who should provide answers to anyone in the public. Srp said this is about influencing the Commission which makes decisions for EMA. Srp doesn't want to see this type of division in Clinton County. Irwin said he would not support anything beyond six months of hiring before the retirement. He said he looks forward to the conversation in January. Irwin said he would support the six months overlap for training purposes. Srp left the meeting at 10:45 a.m.

HR/County Attorney Staffing Update: HR Director Dawn Aldridge said the person currently in the position has resigned. She did an informal exit interview with her. She said her workload has doubled as she processes all the misdemeanors in the County Attorney's Office. She said she was asking for more time to spend in the County Attorney's Office. Aldridge said she would like to ask for a full-time position and she guessed Wolf would probably like one as well. She said with a full-time assistant she could assign more duties for that position to do as they would be there for more time. She said if it is kept a split position then she would defer the position be kept in the County Attorney office due to the workload and training needed. Aldridge said the County Attorney suggested the same schedule, but she doesn't believe that would work. The Board decided to reschedule this discussion for next week in hopes the County Attorney will be able to join the conversation.

Retaining an Independent HR Legal Consultant: Chairman Determann said on advice of legal counsel that the Board should retain independent counsel for a review of an HR matter.

MOTION by Supervisor Irwin to retain independent legal counsel to review a current HR situation and report the findings to outside counsel Amy Reasner of Lynch Dallas.

Roll Call: Srp: Absent; Irwin: Yes; Determann: Yes.

Motion carried.

The Board of Supervisors adjourned to meet Monday, November 1, 2021.

Eric Van Lancker, County Auditor

Tom Determann, Chairperson

-APPROVED-

County Auditor

Chairperson