

DECEMBER 19, 2022

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

CONSENT AGENDA

Resolutions 2022-365 through 2022-368 were approved on the Consent Agenda:

RESOLUTION 2022-365

WHEREAS, John L. Kies, Assistant County Attorney, of the County Attorney's Office, has given his resignation effective December 30, 2022; now

THEREFORE BE IT RESOLVED, by the Board of Supervisors of Clinton County, Iowa, that the employment of John L. Kies, Assistant County Attorney, with the County Attorney's Office will end effective December 30, 2022, at midnight; and

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to discontinue paychecks for wages effective December 30, 2022, at midnight.

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

RESOLUTION 2022-366

WHEREAS, a vacancy will exist in the County Attorney's Office for a full time Assistant County Attorney as of January 1, 2023; and,

WHEREAS, the Clinton County Attorney has approved the application of Lisa Maidak for this position; now

THEREFORE BE IT RESOLVED that Lisa Maidak be appointed to this position effective the 9th day of January, 2023, with an undetermined date of termination. Her salary shall be established at \$89,793 per year; and to start with 2 weeks (10 paid days) accrued paid vacation; and

BE IT FURTHER RESOLVED that this Board shall amend the County Attorney's FY 22-23 budget to pay the salary adjustments; and

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue biweekly pay checks on the General Basic Fund without further action of this Board.

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

RESOLUTION 2022-367

WHEREAS, pursuant to Iowa Code Section 445.63 the City of Calamus is entitled to abatement of penalty interest, taxes / rates, and charges owed as detailed:

Calamus	4200310000	192 2 St	\$290.00
Calamus	4200690000	301 2 St	\$234.00
Calamus	4200710000	2 St	\$7.00

THEREFORE BE IT RESOLVED pursuant to Code of Iowa Sections 445.63 taxes, penalty interest, rates, and charges outstanding and billed to the City of Calamus 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 county record for fiscal year 2022-2023 in the same manner.

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

RESOLUTION 2022-368

BE IT RESOLVED by the Clinton County Board of Supervisors that the County Auditor be and is hereby authorized to issue checks on the General Basic Fund to the following listed entities for the amounts detailed, representing the first-half allocation FY2023:

Carroll Assistance Center	\$ 225.00
DeWitt Referral Center	\$ 1,500.00
Milestone Area Agency on Aging	\$ 3,000.00
Retired Senior Volunteer Program	\$ 2,625.00
YWCA Clinton	\$20,000.00

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

RESOLUTIONS

The following resolution was presented and on motion approved:

RESOLUTION 2022-369

WHEREAS, in March of 2021, Clinton County was given approval by FEMA for public assistance funding for costs related to emergency non-congregate sheltering in the County in response to the COVID-19 pandemic;

and

WHEREAS, said public assistance was awarded to Clinton County at a 100% reimbursement for costs associated with non-congregate homeless sheltering; and

WHEREAS, FEMA has announced it will revert said public assistance back to its traditional public assistance award formula of 75% federal funding and 25% local match starting April 1, 2022; and

WHEREAS, the Clinton County Board of Supervisors approved continuation of the local match through December 31, 2022; and

WHEREAS, Clinton County has identified the continued need for said funding in the County; now

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors commits to funding said public assistance up to 25% of the required local match through March 31, 2023, or when the FEMA public assistance ends, whichever happens earliest.

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

The following resolution was presented and on motion approved:

RESOLUTION 2022-370

WHEREAS, it is in the best interest of Clinton County to establish and review policies from time to time; and

WHEREAS, the Clinton County Board of Supervisors desires to define the procedures and fees associated with handling open records requests made to the County; now

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the Clinton County Open Records Request Policy filed in the County Auditor's Office be and is hereby adopted effective this date; and BE IT FURTHER RESOLVED that this policy be distributed accordingly by the County Auditor's Office.

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

RESOLUTION 2022-371 discussion: Ron Lott, Clinton, supports the resolution despite mostly being ceremonial. He said it is still needed to show support around the State.

Lee Cartwright, Charlotte, said rights are under attack and this gives law enforcement tools.

Supervisor Srp said this Board traditionally avoids these types of political policies and former Supervisor Shawn Hammerlink worked toward avoiding them from the Boardroom. Srp said this does set a precedence welcoming these political policies into the Boardroom. He said he supported the amendment on the ballot but doesn't believe this is needed and is concerned with how the resolution addresses the state legislature. Srp said the resolution doesn't add a layer of protection or changes the way things are done in the County.

Chairman Determann said there are usually things that have come before them and they don't have anything to do with and a lot are feel good resolutions and he believes this is different and will support it.

The following resolution was presented and on motion approved:

RESOLUTION 2022-371

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed"; and

WHEREAS, the right of the people to keep and bear arms was approved on this November's Iowa ballot as follows: "The right of the people to keep and bear arms shall not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right shall be subject to strict scrutiny."; and

WHEREAS, the right of the people to keep and bear arms for the defense of life, liberty, and property is regarded as an inalienable right by the people of Clinton County, Iowa; and

WHEREAS, the people of Clinton County, Iowa, derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Clinton County using all types of firearms allowable under the United States Constitution and the laws of the State of Iowa; and

WHEREAS, Iowa State Senators and State Representatives have also sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa; and

WHEREAS, it is desirable to declare that Clinton County is a Second Amendment Sanctuary County, as Clinton County opposes the enactment of any legislation that would infringe upon the constitutional right of the people of Clinton County to keep and bear arms; now

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors hereby declares Clinton County to be a Second Amendment Sanctuary County, and hereby states its opposition to the enactment of any legislation that would infringe upon the constitutional right of the people of Clinton County to keep and bear arms; and

BE IT FURTHER RESOLVED no part of this declaration shall be construed to prevent county or local law enforcement from assisting state or federal law enforcement in a constitutionally lawful matter or investigation.

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

Tom Determann, Chairperson

DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

County Auditor Eric Van Lancker said the Supervisor Vacancy Committee will meet this afternoon to review submitted letters of interest and discuss how the process will continue. He reminded the Board that recently elected County officials will be sworn in on Wednesday at 9 a.m. at the Courthouse. Van Lancker said there is also a trustee opening for the Miles Benefited Fire District. He said this seat is appointed jointly by this Board and the Jackson County Board of Supervisors. Van Lancker said applicants will be asked to submit a letter of interest. He said the application for Boards and Commissions is not included on the new website and asked the Board to consider reviewing that application and having it posted on the website. Van Lancker thanked Determann for his service to Clinton County and wished him well in Des Moines as a State Representative and hoped he would carry the flag of local authority for counties to the Capitol.

Srp said the County Conservation Foundation is meeting tonight and they are working on a website to improve support for the parks. He reminded the Board that the retirement party for Dan Howard in the EMA is tomorrow. He said the County Conservation Board will also meet tomorrow and they will talk about how ARPA funds may benefit the parks and they will review the carbon capture pipeline route that will go through Conservation territory and review the budget they will present to the Board.

Irwin said the HR Director position is getting close to being resolved.

Determann congratulated Ralston/Purina for receiving a state job credit for a new expansion in Clinton. Determann thanked citizens of Clinton County for electing him to the Board of Supervisor and it has been an honor and thanked all the elected officials he worked with. He said the elected officials work together well for all of Clinton County.

County Sheriff Bill Greenwalt thanked Determann for his service to Clinton County. He reviewed an incident that happened in the fog on Highway 61 a couple of weeks ago. He said all agencies worked well together. He said the active shooter training class is scheduled for late January and thanked the Board for providing ARPA funds for that training. Greenwalt added the County Resource Center recently conducted a quarterly meeting and the new coordinator is doing a great job. Greenwalt said the juvenile detention situation continues to be an issue with the jail and the County Attorney office. He said finding beds in Iowa or Western Illinois has been difficult. County Attorney Mike Wolf said they are working on emergency hearings to assist with the juvenile detention issue to hold the juvenile sight and sound separated in the County facility.

County Treasurer Dustin Johnson thanked Determann for his service. He said the DOT will be starting new software and he will be sending staff to trainings soon.

DISCUSSION WITH POSSIBLE ACTION

Local Assistance and Tribal Consistency Fund Application: Van Lancker said this is another opportunity through ARPA for the County to receive \$100,000. He said Budget Director Nick Manrique has reviewed the application and reporting process. They agree it would be worth applying for the County. He said other counties in the state are applying for the funding. He said the funds can be used like ARPA funds have been previously assigned.

MOTION by Supervisor Srp to authorize the County Auditor's Office to apply for the Local Assistance and Tribal Consistency Funding.

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

Motion carried.

10:08 A.M. Public Hearing

Chairman Determann called a public hearing to order to solicit comments on a proposed budget amendment to the FY23 Clinton County Budget.

Proof of publications was presented, accepted and returned for filing.

Present were the Supervisors Irwin and Srp, County Auditor Eric Van Lancker, County Sheriff Bill Greenwalt, public and media.

No comments were recorded previously to the hearing.

Van Lancker explained this is to provide funding for mandated juvenile detention and includes an administrative adjustment for the mental health fund budget.

Srp asked if the impact also includes an increase in juvenile charges. Greenwalt said it is both policy and charges filed against juveniles. He said this is an issue that is increasing across the state.

MOTION by Supervisor Srp to adjourn the public hearing.

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

Motion carried. Public hearing adjourned at

10:26 a.m.

The following resolution was presented and on motion approved:

RESOLUTION 2022-372

WHEREAS, certain departments in the various funds of the County may overspend and there are sufficient funds available in the said service areas to cover these expenditures; now

THEREFORE BE IT RESOLVED by the Board of Supervisors that the following office funds be adjusted to wit:

General Fund – Revenues	from	\$13,513,092.88	to	\$13,250,115.88
General Fund – Expenses	from	\$15,664,379.84	to	\$15,401,402.84
General Supp. Fund – Expenses	from	\$7,361,181.80	to	\$7,511,181.80
Eastern Iowa Mental Health Region Fund - Rev	from	\$0	to	\$262,977.00
Eastern Iowa Mental Health Region Fund – Exp.	from	\$0	to	\$262,977.00

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to make the above adjustments.

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

10:27 A.M. Public Hearing

Chairman Determann called a public hearing to order to solicit comments on a proposed plan for the Clinton County Courthouse elevator replacement project.

Proof of publications was presented, accepted and returned for filing.

Present were the Supervisors Irwin and Srp, County Auditor Eric Van Lancker, County Attorney Mike Wolf, County Facilities Director Corey Johnson, public and media.

No comments were recorded previously to the hearing.

Johnson summarized the project. Wolf expressed concern of having trials at the Courthouse while the elevator is being replaced. Van Lancker and Johnson said they have talked about this previously and are aware of the scheduling concerns. Johnson said they will discuss the calendar when a contractor has been awarded a contract.

MOTION by Supervisor Srp to adjourn the public hearing.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Motion carried. Public hearing adjourned at 10:34 a.m.

11:30 A.M. Anticipated Closed Session

MOTION by Supervisor Srp to enter a closed session per Code of Iowa 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Motion carried. The Board entered a closed session at 11:31 a.m.

Chairman Determann adjourned the closed session at 12:02 p.m.

MOTION by Supervisor Srp to proceed as discussed in closed session with legal counsel.

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

REPORTS

The Commission of Veteran Affairs November 2022 monthly report was presented, approved and filed.

The Board of Supervisors adjourned to meet Tuesday, January 3, 2023.

Eric Van Lancker, County Auditor

Tom Determann, Chairperson

-APPROVED-

County Auditor

Chairperson