

FEBRUARY 28, 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

RESOLUTIONS

A resolution approving the sale of land at the Lincolnway Railport was delayed for a week. Supervisor Srp would like the resolution to reflect the amount still owed to the County in the resolution. He would like it held for a week to gather more information about the sale. He doesn't want to delay this process too long, but wants more information. He said it could be written that a condition to approve the sale is the City agrees on the debt owed to the County prior to the sale. Chairman Determann said he believes there is time to approve the resolution.

The following resolution was presented and on motion approved:

RESOLUTION 2022-66

WHEREAS, the fiscal year 2022-2023 budget for Clinton County is to be certified by March 31 of each year per Iowa Code 331.434(7); and

WHEREAS, it is required per Iowa Code 331.434(3) and Iowa Code 331.434(4) to set a time and place for a Public Hearing on the fiscal year 2022-2023 budget to allow taxpayers to present objections to or arguments in favor of any part of the budget; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that a Public Hearing be conducted on Monday, March 21, 2022, at 9:45 a.m. in the Board of Supervisors Room, Clinton County Administration Building, 1900 N. Third Street, Clinton, Iowa, for the aforementioned purpose; and

BE IT FURTHER RESOLVED that the County Auditor is hereby directed to cause a publication to be made of a notice of the meeting in the official county newspapers and that such publication be not less than 10 nor more than 20 days before the date of the public meeting on the fiscal 2022-2023 budget; and

BE IT FURTHER RESOLVED that by approval of this resolution by the Board of Supervisors of Clinton County that Resolution 2022-62 be rescinded thereby canceling the previously scheduled public hearing to solicit comments on the proposed FY2023 County budget scheduled for March 14, 2022.

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

The following resolution was presented and on motion approved:

RESOLUTION 2022-67

WHEREAS, the Clinton County Board of Supervisors is considering combining precincts for voting purposes within the County; and

WHEREAS, it is required per Iowa Code 49.4 to set a time and place for a public hearing on the proposed ordinance to define voting precincts in Clinton County to allow County residents to present objections to or arguments in favor of any part of the proposed ordinance; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that a public hearing be conducted on Monday, March 14, 2022, at 9:45 a.m. in the Board of Supervisors Room, Clinton County Administration Building, 1900 N. Third Street, Clinton, Iowa, for the aforementioned purpose; and

BE IT FURTHER RESOLVED that the County Auditor is hereby directed to cause a publication to be made of a notice of the meeting in the official county newspapers and that such publication to be not less than 4 nor more than 20 days before the date of the said public hearing.

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

The following resolution was presented and on motion approved:

RESOLUTION 2022-68

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on February 1, 2022 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 February 21, 2022 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 February 28, 2022 to consider said amendment;

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

1. The attached ordinance numbered 2022-02 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 2022 – 02

AN ORDINANCE AMENDING THE TEXT OF THE CLINTON COUNTY ZONING ORDINANCE TO UPDATE SECTION 4.2.13 TELECOMMUNICATIONS TOWERS AND ANTENNAS, SO IT IS IN COMPLIANCE WITH IOWA CODE 8C.

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 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 28<sup>th</sup> day of February, 2022 by the Board of Supervisors, Clinton County, State of Iowa.

Exhibit “A”

I. Amend Chapter 4 section 4.2.13.E.1 by deleting it and replacing it with the following:

Co-location. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations, applicant's technical design requirements, or is economically burdensome to the applicant.

II. Amend Chapter 4 section 4.2.13.D to correct the numbering of the application requirements.

III. Amend Chapter 4 section 4.2.13.D.6 by deleting is and replacing it with the following:

Pursuant to Subsection E(1), evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property.

IV. Amend Chapter 4 section 4.2.13.E by deleting the following sections:

- 4.2.13.E.2
- 4.2.13.E.4

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

ATTEST: Eric Van Lancker (Signed), County Auditor, County of Clinton, State of Iowa

MOTION by Supervisor Srp to assess the following 2022 billing assessment amounts to the respective Drainage Districts and the Board of Supervisors will allow waivers as indicated for these assessments:

<u>DRAINAGE DISTRICT</u>	<u>AMOUNT LEVIED</u>	<u>WAIVER AMORTIZATION</u>
DRAINAGE DISTRICT 5	\$1,210.05	10 YEAR
DRAINAGE DISTRICT 6	\$234.61	N/A
DRAINAGE DISTRICT 7 MAIN	\$94,080.85	20 YEAR
DRAINAGE DISTRICT 8 ALL POINTS	\$1,120.53	10 YEAR
DRAINAGE DISTRICT 10 ALL POINTS	\$234.61	10 YEAR
DRAINAGE DISTRICT 10 LATERAL 5	\$193.20	10 YEAR
DRAINAGE DISTRICT 15 ALL POINTS	\$63.58	N/A
DRAINAGE DISTRICT 15 LATERAL 1	\$1,090.00	10 YEAR
DRAINAGE DISTRICT 15 LATERAL 8	\$327.00	10 YEAR
DRAINAGE DISTRICT 15 LATERAL 9	\$521.71	10 YEAR
DRAINAGE DISTRICT 18	\$63.58	N/A
DRAINAGE DISTRICT 22	\$12,835.59	20 YEAR
DRAINAGE DISTRICT 23 MAIN	\$8,436.50	10 YEAR
DRAINAGE DISTRICT 23 LATERAL 4	\$14.31	N/A
DRAINAGE DISTRICT 28	<u>\$2,664.95</u>	10 YEAR
<b>TOTAL</b>	<b>\$123,091.07</b>	

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

Motion carried.

GENERAL PUBLIC

Mike Heilman, a communications attorney in West Des Moines, said one of his clients owns a communications cell tower in Clinton County. He spoke about Code of Iowa chapter 8C in regards to installation of cell towers. He said if applications are not acted on within 150 days they are automatically granted. He said cities had to review their zoning ordinances due to 8C to accommodate changes made by 8C. He said cities have adopted a moratorium to

bring cell tower into compliance with 8C. He recommended that the County review its zoning ordinances in regards to 8C. Barnes said the County will need to review this issue by Heilman.

#### DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

County Auditor Eric Van Lancker reported his office will be conducting a Special Election for the City of Low Moor on Tuesday. He said the canvass will be included in next week's agenda.

Supervisor Srp said Early Childhood met and reviewed its documentation and Clinton County's participation with that organization was recognized. Srp said the Polar Plunge at Conservation went well on Saturday. He said it appears the State will award one more year to the Hometown Pride program due to the pandemic year.

County Sheriff Bill Greenwalt said he will have a resolution soon to appoint to a vacancy on the Civil Service Commission.

Supervisor Irwin said the Resource Center is finishing up the JAG grant application that is due on Wednesday.

County Facilities Director Corey Johnson reported the courthouse elevator meeting was postponed until today. He said he will be working with Van Lancker to review polling locations in the County for ADA compliance. Johnson said he has a follow up meeting with Alliant Energy on the energy audit.

County Treasurer Dustin Johnson reported tax payments came in heavy on Friday and expect more today. He said his office is in the process of hiring for a recent retirement in his office.

#### DISCUSSION WITH POSSIBLE ACTION

County Indigent Cremation Policy Review: County Community Assistance Director Kim Ralston reviewed proposed updates to the policy.

Cell Tower in County Right-Of-Way Update: County Engineer Todd Kinney reported. County Attorney Mike Wolf said the tower is sited improperly and could not have been awarded a variance if had gone through the appropriate channels. Wolf said the effective option the County has in its ordinance is to issue a civil penalty. He said a County infraction needs to be filed for each day the infraction occurs. He said that should be filed in District Court and ask that in lieu of penalties the tower be removed. He said penalties could go up to \$1,000. Wolf said there is a permit issued for the cabling in the right-of-way, but there is no permit for a structure. Kinney said the County has not received a response from the cell tower owner.

Fiscal Year 2023 Budget Review: County Attorney Mike Wolf said he needs an extra attorney position in order to meet demands by drug and mental health court going to in-person proceedings. James McHugh, Assistant Attorney, explained mental health court and said in the long-term this will benefit the County. He said to start, it is an intensive process; more than regular probation. John Kies, Assistant Attorney, spoke about drug court. He said Clinton County has been good about participating in drug court. He spoke about how he and McHugh have to trade off to cover for each other from time to time. He said since drug court started it has been robbing Peter to pay Paul. He said it is taking time out of court preparation for cases outside of drug court. Srp asked about the need for more staffing for the mental health and drug court as he has had judges say that a lot of County attorney time is not needed for many proceedings. McHugh said he does hearings every Friday for mental health court. McHugh said he has found it important to be in court to argue the interests of those involved in the process. Kies said their participation is vital in drug court. He said these courts may save time for the court system, but a person goes through the process for a year. Ross Barlow, Assistant Attorney, said he's lucky if he can find four hours to prep for a two-day trial which should use four days of preparation. Barlow said he's lost some vacation time and hasn't taken a full week of vacation from work in two decades. He said if they had adequate staffing levels they would be able to have another attorney pick up while they were gone. He said he cuts corners too often because there is not enough time to get everything done. Robin Strausser, Assistant Attorney, said her husband is a judge and he can go on vacation because someone covers for him while he's gone. She said for her to take time off she has to work several hours before leaving on vacation and things are stacked on her desk when she returns. Srp said a few years ago an attorney left the office and it was decided to spread the salary among the other attorneys. He asked what happened to work load since then. He said at the time it was decided the attorneys were willing to take on more work for more money. Srp said the investigator was added to the office to relieve some work load. Srp said the Board is being asked to increase the office by 25%. Barlow said they had a victim witness coordinator and full-time receptionist which were lost a few years ago due to lack of funding. Barlow said the time study was done while they were doing the basic work without a trial. He said it doesn't reflect taking or returning from vacation or sick time. Strausser said the time study was done at an odd time as it was during COVID and a lot of their regular court duties were not captured. She said attorneys have left the office because of the demands on time. She said it was a struggle to use their vacation time. Irwin said he's frustrated because what the attorneys talked about is not reflected in the time study. He said he's not prepared to make a decision today. Wolf said the Black Hawk Area County Drug Task Force is looking to be active in the rural portions of the County. McHugh said the program will be great for the community, but it will be more time consuming for their office. Determann said he would like to see the office provide their own hours in March that actually shows what they have testified about. He said he would like to see

more documentation. Irwin said there are time constraints to approve the new budget. Srp said adding three people to the office at once is what he is struggling with. Srp said he would prefer to leave the budget as it is. He said the wage study should be completed soon and should show them more information.

9:54 A.M. Public Hearing

Chairman Determann called a public hearing to order to solicit comments on a proposed preliminary plat for a major subdivision.

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

Present were Supervisors Irwin and Srp, County Auditor Van Lancker, County Engineer Todd Kinney, County Planning & Zoning Director Thomas Barnes, public and media.

Barnes reviewed the proposed plat.

Kinney asked about driveways for the subdivision. Barnes said the landowners are aware they need to visit with the County Engineer about driveways.

MOTION by Supervisor Srp to adjourn the public hearing.

Roll Call: Srp: Yes; Irwin: Yes; Determann: Yes. Motion carried. Public hearing adjourned at 9:57 a.m.

10:00 A.M. Long Range Transportation Plan Update

ECIA representative Chandra Ravada reviewed the transportation plan.

11:00 A.M. ArcaSearch Board of Supervisor Minutes Training

The Supervisors received instruction from David Frank of ArcaSearch on how to use the search of recently digitized files.

The Board of Supervisors adjourned to meet Monday, March 7, 2022.

Eric Van Lancker, County Auditor

Tom Determann, Chairperson

-APPROVED-

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County Auditor

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Chairperson