

Clinton County Board of Supervisors

Jim Irwin, Chairman

Dan Srp, Vice Chairman

Erin George

Clinton County Administration Building
1900 North Third Street; Clinton, Iowa 52732
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, March 13, 2023, 9:00 A.M. Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA. The public may also join the meeting on Zoom by phone by dialing 1-253-215-8782 and entering the access code 9341856401. The public may also join through the internet by following this web address: <https://zoom.us/join> Enter meeting Code: 9341856401 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
Canvass of Votes from the March 7 Special Elections

RESOLUTIONS

- RESOLUTION: Approve final payment for a road rehabilitation project on 140th Street
- RESOLUTION: Approve final payment for a pavement preservation fog seal project on E-63
- RESOLUTION: Approve final payment for a pavement preservation fog seal project on Y-4E
- RESOLUTION: Approve final payment for a pavement preservation fog seal project on F-12
- RESOLUTION: Terminate development agreement with Clinton Catalyst
- RESOLUTION: Update qualifications for the Clinton County Home Base Iowa incentives
- RESOLUTION: ECIA Brownfields Coalition Memorandum of Agreement
- RESOLUTION: ECIA Brownfields Coalition Revolving Loan Fund (RLF) Program reorganization of coalition members

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

1. All Systems Overweight Permit route review

9:45 a.m. ECIA update

The Supervisors will receive various updates from ECIA including the Brownfields program and the HUD lead grant.

10:00 a.m. FY24 Budget Discussion

The Supervisors will discuss the previously presented proposed budgets and other budget-related issues including, but not limited to, budget presentations scheduled for a future date, various tax levies, fund balances, the current FY23 budget in its entirety, the past FY22 budget in its entirety, capital projects (in progress and proposed), ARPA funds, LATC funds, various state and federal grants, wages, employee health benefits, IPERS, FICA, union contracts, library funding, outside agency funding, economic development funding, any pending or anticipated litigation, office supplies, computers and other related technologies, copier leases and other office equipment leases, leases on any vehicles, all previous annual audits, staffing levels, the County Conservation Board, the County 911 Board, the County Emergency Management Commission, building operational expenses (including, but not limited to, internet, electrical, water, sewer, etc) project revenues for the current FY23 budget and FY24 budget, grant applications, special projects, records archiving, existing and potential 28E agreements, the County Five-Year Secondary Road plan, roadside weed spraying, drainage districts, disposition of County-owned property, employee trainings, mileage rates, vehicle and equipment purchases and repairs, contracts for services, etc.

March 13, 2023

RESOLUTION 2023-_____

RESOLUTION TO APPROVE FINAL PAYMENT FOR HSIP-SWAP-CO23(129)—FJ- 23
ROAD REHABILITATION REPLACEMENT PROJECT ON Z-40

WHEREAS, the Clinton County Secondary Roads Five Year Construction Program includes a road rehabilitation project on Z-40 from 140th Street to the County Line, Project No. HSIP-SWAP-CO23(129)—FJ-23, and

WHEREAS, construction of said project HSIP-SWAP-CO23(129)—FJ-23 has been completed by the contractor and the work has been approved and accepted by the County Engineer.

THEREFORE BE IT RESOLVED that the Board of Supervisors of Clinton County, Iowa, shall approve the final payment to said contractor.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

March 13, 2023

RESOLUTION 2023-_____

RESOLUTION TO APPROVE FINAL PAYMENT FOR FM-CO23(127)- -55-23
PAVEMENT PRESERVATION FOG SEAL PROJECT ON E-63

WHEREAS, the Clinton County Secondary Roads Five Year Construction Program includes a pavement preservation fog seal project on E-63 from US 61 to Y-70, Project No. FM-CO23(127)- -55-23, and

WHEREAS, construction of said project FM-CO23(127)- -55-23 has been completed by the contractor and the work has been approved and accepted by the County Engineer.

THEREFORE BE IT RESOLVED that the Board of Supervisors of Clinton County, Iowa, shall approve the final payment to said contractor.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

March 13, 2023

RESOLUTION 2023-_____

RESOLUTION TO APPROVE FINAL PAYMENT FOR FM-CO23(126)- -55-23
PAVEMENT PRESERVATION FOG SEAL PROJECT ON Y-4E

WHEREAS, the Clinton County Secondary Roads Five Year Construction Program includes a pavement preservation fog seal project on Y-4E from US 30 to the Scott County Line, Project No. FM-CO23(126)- -55-23, and

WHEREAS, construction of said project FM-CO23(126)- -55-23 has been completed by the contractor and the work has been approved and accepted by the County Engineer.

THEREFORE BE IT RESOLVED that the Board of Supervisors of Clinton County, Iowa, shall approve the final payment to said contractor.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

March 13, 2023

RESOLUTION 2023-_____

RESOLUTION TO APPROVE FINAL PAYMENT FOR FM-CO23(125)- -55-23
PAVEMENT PRESERVATION PROJECT FOG SEAL ON F-12

WHEREAS, the Clinton County Secondary Roads Five Year Construction Program includes a pavement preservation fog seal project on F-12 from Elvira to the City Limits of Clinton, Project No. FM-CO23(125)- -55-23, and

WHEREAS, construction of said project FM-CO23(125)- -55-23 has been completed by the contractor and the work has been approved and accepted by the County Engineer.

THEREFORE BE IT RESOLVED that the Board of Supervisors of Clinton County, Iowa, shall approve the final payment to said Contractor.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

March 13, 2023

RESOLUTION 2023-_____

RESOLUTION DECLARING THE DEVELOPMENT AGREEMENT BY AND BETWEEN CLINTON COUNTY, IOWA, AND CLINTON CATALYST, LLC TERMINATED IN ITS ENTIRETY AND APPROVING AND AUTHORIZING EXECUTION, DELIVERY, AND RECORDING OF THE NOTICE OF TERMINATION

WHEREAS, Clinton County and Clinton Catalyst, LLC (the “Developer”) entered into a Development Agreement on January 2, 2018 approved by the County pursuant to Resolution 2018-13 (the “Agreement”); and

WHEREAS, the Agreement required the Developer to, among other things, maintain ownership of and operations in the former Ashford University facility (the “Development Property”), have a minimum number of students enrolled in the educational program on the Development Property, and timely certify compliance with the Agreement, under the terms and conditions of the Agreement; and

WHEREAS, the Developer has sold the Development Property to a third-party without the County’s consent, in violation of the terms of the Agreement, which consequently is an Event of Default under the Agreement; and

WHEREAS, the Developer has failed to have the minimum number of students enrolled during the certification period covered by the Developer’s Annual Certification due April 1, 2020, and failed to timely submit the required certifications, in violation of the terms of the Agreement, which consequently are Events of Default under the Agreement; and

WHEREAS, on January 30, 2023, the County sent the Developer a Notice of Default in the manner required by the terms of the Agreement, which Notice of Default identified the above-described violations of the Agreement as well as other deficiencies as Events of Default that, pursuant to the terms of the Agreement, the Developer had 30 days after the Notice of Default to cure before the County would pursue remedies under the Agreement; and

WHEREAS, the Developer has not cured the Events of Default and remains in violation of the terms of the Agreement; and

WHEREAS, the County Auditor has caused a Notice of Termination to be prepared to document termination of the Agreement; and

WHEREAS, the Clinton County Board of Supervisors now desires to terminate the Agreement and to authorize the Chairman to take additional action with respect to the terminated Agreement, including but not limited to action related to additional remedies under the Agreement; now

THEREFORE, BE IT RESOLVED by the Clinton County Board of Supervisors that the Agreement is hereby terminated in its entirety; and

BE IT FURTHER RESOLVED that the form and content of the Notice of Termination, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Board Chairman and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal, deliver, and record the Notice of Termination for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers , and that from and after the execution and delivery of the Notice of Termination, the Board Chairman and County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Notice of Termination as executed.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

March 13, 2023

RESOLUTION 2023-_____

RESOLUTION UPDATING THE COUNTY HOME BASE IOWA VETERAN INCENTIVES

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 previously approved Clinton County incentives on November 5, 2018; and

WHEREAS, the Clinton County Supervisors wish to provide the County incentives to more veterans through broader eligibility requirements than what was included in Resolution 2018-318 dated November 5, 2018; now

THEREFORE BE IT RESOLVED that the Clinton County Board of Supervisors commits to its Home Base Iowa partnership by offering the following incentives to veterans who qualify through a prescribed application process:

- Reimbursement of expenses up to \$275 per visit, up to two times a year, for a qualifying veteran to interview with a business in Clinton County
- A one-time home purchase closing cost reimbursement of up to \$1,500 for a home located in Clinton County

BE IT FURTHER RESOLVED that the Clinton County Board of Supervisors will offer the one-time incentives to veterans who relocate to the community after a veteran has been discharged from military service as honorably, under honorable conditions or general; and

BE IT FURTHER RESOLVED that this resolution also rescinds Resolution 2018-318 dated November 5, 2018.

Roll Call:

George:	Yes	No
Srp:	Yes	No
Irwin:	Yes	No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

March 13, 2023

RESOLUTION 2023-_____

RESOLUTION AUTHORIZING THE CLINTON COUNTY BOARD CHAIRMAN TO SIGN
THE BROWNFIELDS COALITION MEMORANDUM OF AGREEMENT

WHEREAS, the East Central Intergovernmental Association has been awarded a U.S. EPA Brownfields Coalition Revolving Loan Fund Grant; and

WHEREAS, the U.S. EPA Brownfields Coalition Revolving Loan Fund requires the establishment of a Brownfields Coalition; and

WHEREAS, the U.S. EPA Brownfields Coalition Revolving Loan Fund states that funds can only assist Coalition Members; now

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the Board Chairman shall be authorized to sign the Brownfield Coalition Memorandum of Agreement and enter into the Brownfield Coalition.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin, Jr.

ATTEST:

County Auditor, Eric Van Lancker

BROWNFIELDS COALITION
MEMORANDUM OF AGREEMENT
FOR THE EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION REGION

This Memorandum of Agreement remains in full force and effect and replaces all prior Brownfields Memorandum of Agreements for the ECIA Brownfields Revolving Loan Fund (BRLF) effective immediately upon execution by the coalition members stated here within.

This Memorandum of Agreement documents the roles and responsibilities of East Central Intergovernmental Association (ECIA), Cedar County, Clinton County and Jackson County collectively "Coalition Members" with regard to the FY18 U.S. Environmental Protection Agency (EPA) Brownfields Revolving Loan Fund Grant awarded by EPA to ECIA as the Lead Coalition Member.

1. EPA has awarded the East Central Intergovernmental Association (ECIA) a Brownfields Coalition Revolving Loan Fund Grant that runs from October 1, 2018 through September 30, 2023 along with any supplemental funding request. ECIA is responsible to EPA for management of the cooperative agreements and compliance with the statutes, regulations, and terms and conditions of the award, and ensuring that all members of the coalition are in compliance with the terms and conditions.
2. It is the responsibility of ECIA to provide timely information to the Coalition Members regarding the management of the cooperative agreement and any changes that may be made to the cooperative agreement over the period of performances.
3. It is the responsibility of all Coalition Members to maintain open communications and share all information relative to this Memorandum of Agreement in order to make accurate and timely decisions. The Coalition Members are as follows:
 - ECIA – Lead Coalition Member
 - Cedar County, Clinton County & Jackson County
4. Activities funded through include capitalizing a revolving loan fund to be used for loans or subgrants for cleanup and for eligible programmatic expenses as outlined in the cooperative agreement. ECIA has retained Impact7G under 40 CFR 30 & 31 to undertake various activities funded through this cooperative agreement and may procure additional environmental consultants as needed.
5. ECIA, in consultation with the Coalition Members and/or the designated BRLF Advisory Committee, will use a modified site selection process that meets the requirements of the Brownfields Revolving Loan Fund Program and will ensure that a minimum of 2 loans and 1 subgrant are made over the life of the Brownfields Revolving Loan Fund Program cooperative agreement. Selected sites will be submitted to EPA for prior approval to ensure eligibility.
6. Upon designation of the specific sites, it will be the responsibility of ECIA to work with the coalition member in whose geographic area the site is located to finalize the scope of work for the consultant and/or contractor for the Brownfields Revolving Loan Fund Program. It may be the responsibility of the Coalition Member, where the site is located to obtain all required permits, easements, and/or access agreements as may be necessary to undertake the

assessment at the selected site. The Coalition Member may help the redeveloper in obtaining all required permits, easements, etc. needed for the Brownfields Revolving Loan Fund Program site-cleanup. If this Coalition Member does not have the capacity to perform these activities ECIA may assist in securing the necessary site access agreement and permits.

7. ECIA is responsible for ensuring that other activities as negotiated in the Brownfields Revolving Loan Fund Program workplan, such as community outreach and involvement, are implemented in accordance with a schedule agreed upon by ECIA and the coalition, and the coalition member in whose geographic area the site to be assessed or assisted is located.

By signing below, each coalition member agrees to this Memorandum of Agreement.

East Central Intergovernmental
Name: _____
Title: _____
Date: _____

Cedar County
Name: _____
Title: _____
Date: _____

Clinton County
Name: _____
Title: _____
Date: _____

Jackson County
Name: _____
Title: _____
Date: _____

RESOLUTION 2023-_____

RESOLUTION TO APPROVE THE REORGANIZATION OF COALITION MEMBERS FOR THE ECIA BROWNFIELDS COALITION REVOLVING LOAN FUND (RLF) PROGRAM

WHEREAS, the East Central Intergovernmental Association has been awarded a U.S. EPA Brownfields Coalition Revolving Loan Fund Grant and the county of Clinton is a member of said Coalition; and

WHEREAS, the ECIA Brownfields Coalition RLF initially was established with 38 coalition members including cities and counties. Each coalition member must sign off an acknowledgement for any potential Brownfield site that may utilize the program; and

WHEREAS, to streamline and improve the efficiency of the site eligibility process ECIA would like to reduce the number of coalition members from the 38-coalition member to as few as 2 coalition members. Further EPA has changed program requirements limiting coalitions to no more than four coalition members. Therefore, the ECIA Coalition has determined that it would be in the best interest of the Coalition to reduce the Coalition size to four members and all other Coalition members have submitted letters to ECIA to withdraw from the Coalition. The remaining Coalition members will be ECIA as lead Coalition Member and the counties of Cedar, Clinton, and Jackson; and

WHEREAS, if each existing coalition member agrees to the new organization a new Memorandum of Agreement will be executed by the remaining coalition members; and

THEREFORE, BE IT RESOLVED BY THE JACKSON COUNTY, IA BOARD OF SUPERVISORS agrees to the reorganization of the ECIA Brownfields Coalition RLF grant and subsequently authorizes the Board of Supervisor Chairperson to sign a new Brownfield Coalition Memorandum of Agreement regarding the reorganization of the Brownfields Coalition.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2023 by the Clinton County Board of Supervisors.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin, Jr.

ATTEST:

County Auditor, Eric Van Lancker