

AUGUST 11, 2023

The Board of Supervisors of Clinton County, Iowa, met at the Clinton County Satellite Office in DeWitt. Present were Supervisors Irwin, Srp and George. Minutes of the previous meeting were read and approved.

10:30 A.M. Review Correspondence and Claims  
Formal Action & Motions

Call to Order – Pledge of Allegiance  
Claims Approval

### RESOLUTIONS

The following resolution was presented and on motion approved:

#### RESOLUTION 2023-190

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on July 11, 2023, and following said hearing the Commission recommended Approval of the attached map amendment to the Clinton County Zoning Ordinance; and

WHEREAS the Clinton County Board of Supervisors held a public hearing and first reading of the proposed map amendment on August 7, 2023, 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 map amendment on August 11, 2023, to consider said amendments; now

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

1. The attached ordinance numbered 2023-04 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: George: Yes; Srp: Yes; Irwin: Yes.

Jim Irwin, Jr., Chairperson

#### ORDINANCE 2023 - 04

AN ORDINANCE AMENDING THE MAP OF THE CLINTON COUNTY ZONING ORDINANCE RELATIVE TO THE ZONING DESIGNATION OF CERTAIN PROPERTY LOCATED IN SECTION 21, TOWNSHIP 81 NORTH, RANGE 6 EAST OF THE 5TH P.M. IN CLINTON COUNTY, IOWA

BE IT ENACTED BY THE CLINTON COUNTY BOARD OF SUPERVISORS:

Section 1: The zoning district boundaries of the County of Clinton Iowa are herewith changed so as to provide for the change of the following described property:

The Southwest 5 acres of the NW ¼ of the NW ¼ of section 35, township 83 north, range 5, east of the 5<sup>th</sup> P.M. Clinton County Iowa, described as follows:

See Exhibit "A"

within the A-1 (Prime Agricultural) District of Clinton County, Iowa to M-1 (Limited Industrial).

Section 2: The change as hereinabove set forth shall be entered and made part of the zoning map of the County of Clinton, Iowa, which map is made part of the Zoning Ordinance of the County of Clinton, Iowa, by incorporation therein as set forth in Chapter III, Section 3.2 of the said Clinton County Zoning Ordinance, and the Chairperson of the Board of Supervisors in accord with Chapter III, Section 3.2.3 shall promptly note on said map the Ordinance numbers, nature of change and date of change.

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 11<sup>th</sup> day of August 2023, by the Board of Supervisors, Clinton County, State of Iowa.

Signed: Erin George; Signed: Daniel A. Srp; Signed: Jim Irwin, Jr., Chairperson

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

#### Exhibit "A"

This Deed is given to correct Warranty Deed dated April 4, 2018 and recorded on April 17, 2018 as Instrument No. 2018-02474. There were errors in the legal description provided by the surveyor. Hence, it is exempt from transfer tax pursuant to Iowa Code §428A.2(10).

The corrected legal description is: The northwest quarter (NW¼) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., excepting the following: Commencing at a point in the center of Highway No. 136 as now located, where said Highway passes over the center line dividing the north half (N½) and the south half (S½) of said section thirty-five (35) as the point of beginning; thence running northwesterly along the center line of said Highway No. 136, a distance of five and seventy-eight-hundredths (5.78) chains; thence 90° southwesterly, a distance of two and fifty-hundredths (2.50) chains; thence 90° southeasterly, a distance of one and thirty-one-hundredths (1.31) chains; thence 45° south, a distance of two and three-hundredths (2.03) chains to the center line dividing the north half (N½) and the south half (S½) of said section thirty-five (35); thence east along the center line dividing the north half (N½) and the south half (S½) of said section thirty-five (35), a distance of four and seventy-three-hundredths (4.73) chains to point of beginning.

Excepting therefrom, part of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa, more particularly described as follows: Commencing at the northwest corner of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35); thence south one thousand one hundred eighty-eight and twenty-three-hundredths (1188.23) feet along the west line of the northwest quarter (NW $\frac{1}{4}$ ) in section thirty-five (35); thence east eight hundred ninety-one and sixty-six-hundredths (891.66) feet to a steel spike on the center line of Highway No. 136; thence south 21° 36' 04" east, one hundred thirty and seventy-eight-hundredths (130.78) feet to a P.K. nail on the tangent line of the curve on Highway No. 136, being the point of beginning; thence south 15° 53' 00" east, twenty and thirty-one-hundredths (20.31) feet to a P.K. nail marking the P.C. of the curve; thence continuing south 15° 53' 00" east, one hundred forty-nine and twenty-four-hundredths (149.24) feet along the center line of Highway No. 136 to a P.K. nail; thence south 74° 07' 00" west, four hundred forty and no-hundredths (440.00) feet to an iron pin; thence north 15° 53' 00" west, two hundred forty-three and eighteen-hundredths (243.18) feet to an iron pin; thence north 83° 37' 00" east, four hundred forty-six and twelve-hundredths (446.12) feet to the point of beginning. Parcel "B" contains two and eighty-four-thousands (2.084) acres. Also, excepting therefrom a part of the west one-half (W $\frac{1}{2}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa, more particularly described as commencing as a point of reference at a  $\frac{1}{2}$  inch round iron rod stake marking the northwest corner of the said northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35); thence south along the west line of the said northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35), a distance of one thousand one hundred eighty-eight and twenty-three-hundredths (1188.23) feet to a point; thence east, perpendicular to the last named course, a distance of eight hundred ninety-one and sixty-six-hundredths (891.66) feet to a P.K. spike on the center line of Highway No. 136 and being the point of beginning for the land here intended to be described; thence north 64° 13' 00" east, a distance of one hundred nine and eight-hundredths (109.08) feet to a  $\frac{1}{2}$  inch round iron rod stake; thence north 86° 31' 08" east, a distance of four hundred forty-four and forty-five-hundredths (444.45) feet to a  $\frac{1}{2}$  inch round iron rod stake; thence south 10° 10' 21" east, a distance of five hundred sixteen and seventy-one-hundredths (516.71) feet to a  $\frac{1}{2}$  inch round iron rod stake; thence south 77° 43' 38" west, a distance of four hundred seventy-eight and four-hundredths (478.04) feet to a P.K. spike on said center line of Highway No. 136; thence north 15° 53' 00" west along the said center line of Highway No. 136; thence north 15° 53' 00" west, along the said center line, a distance of four hundred ten and thirty-one-hundredths (410.31) feet to a P.K. spike; thence northwesterly along the arc of a curve, concave southwest, having a radius of eight hundred seventy-four and ninety-nine-hundredths (874.99) feet, an arc length of one hundred fifty-one and nineteen-hundredths (151.19) feet to the point of beginning, chord of the last named curve bears north 20° 50' 00" west, a chord length of one hundred fifty-one and no-hundredths (151.00) feet. Subject, however, to the right of way of Highway No.136 over the west thirty-three and no-hundredths (33.00) feet thereof.

Also, excepting therefrom Parcel "C" being part of the southwest quarter (SW  $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) and part of the northwest quarter (NW $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) and part of the southeast quarter (SE $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa, more particularly described as follows: Beginning at the west quarter corner of section thirty-five (35); thence north 00° 15' 21" west, two thousand eight and thirty-hundredths (2008.30) feet along the west line of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35) to the center line of Highway 136; thence along a nontangential curve, concave to the south, with a radius of nine hundred fifty-six and twelve-hundredths (956.12) feet, having an arc length of one thousand two hundred thirty-six and twenty-five-hundredths (1236.25) feet with a chord bearing south 54° 54' 06" east, chord length of one thousand one hundred fifty-one and ninety-one-hundredths (1151.91) feet along the center line of Highway 136 to the northeast corner of Document #4427-99; thence south 83° 22' 09" west, four hundred forty-six and twelve-hundredths (446.12) feet; thence south 16° 14' 19" east, two hundred forty-three and eighteen-hundredths (243.18); thence south 20° 34' 05" east, two hundred thirty-four and eighty-four-hundredths (234.84) feet; thence north 77° 28' 17" east, four hundred twenty-two and seventy-one-hundredths (422.71) feet to the center line of Highway 136; thence south 16° 08' 21" east, two hundred twenty-three and ninety-five-hundredths (223.95) feet along the center line of Highway 136; thence along a tangential curve, concave to the northeast, with a radius of nine hundred fifty-five and no-hundredths (955.00) feet, having an arc length of four hundred nine and seventy-nine-hundredths (409.79) feet with a chord bearing south 28° 53' 29" east, chord length of four hundred twenty-two and twenty-hundredths (422.20) feet along the center line of Highway 136; thence south 40° 43' 29" east, ninety-five and eighty-seven-hundredths (95.87) feet along the center line of Highway 136 to the northeast corner of Document #2014-07378; thence south 57° 55' 13" west, one hundred sixty five and no-hundredths (165.00) feet; thence south 36° 27' 01" east, eighty-six and forty-six-hundredths (86.46) feet; thence south 10° 49' 03" east, one hundred thirty-three and ninety-eight-hundredths (133.98) feet to the south line of the southwest quarter (SW $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35); thence south 89° 56' 23" west, one thousand three hundred eight and sixty-two-hundredths (1308.62) feet along the south line of the southwest quarter (SW $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35) to the point of beginning. Said parcel contains forty-one and fifty-one-hundredths (41.51) acres.

Also, excepting therefrom Parcel "G" being part of the northwest quarter (NW $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) and part of the northeast quarter (NE $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa, more particularly described as follows: Commencing at the northeast corner of the northwest quarter (NW $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35); thence south 00° 17' 20" east, nine hundred ninety-two and twenty-three-hundredths (992.23) feet along the east line of the northwest quarter (NW $\frac{1}{4}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-five (35) to a point of beginning; thence north 86° 15' 47" east, ninety-two and thirty-two-hundredths (92.32) feet; thence south 10° 25' 42" east, one hundred eighteen and no-hundredths (118.00) feet to the northeast corner of Document #2006-01596; thence south 86° 15' 47" west, four hundred forty-four and forty-five-hundredths (444.45) feet along the north line of Document #2006-01596; thence south 63° 57' 39" west, one hundred nine and eight-hundredths (109.08) feet to the center line of Highway No. 136; thence along a nontangential curve concave to the south with a radius of nine hundred fifty-six and twelve-hundredths (956.12) feet, having an arc length of one hundred

seventy-eight and ninety-four-hundredths (178.94) feet with a chord bearing north 31° 04' 59" west, chord length of one hundred seventy-eight and sixty-eight-hundredths (178.68) feet along the center line of Highway No. 136; thence north 86° 15' 47" east, five hundred twenty-one and sixty-eight-hundredths (521.68) feet to the point of beginning. Said parcel contains one and sixty-four-hundredths (1.64) acres.

Also, excepting therefrom Parcel "E", being part of the Southwest Quarter of the Northwest Quarter of Section 35, township 83 North, Range 5 east of the 5th P.M., Clinton County, Iowa, more particularly described as follows: Commencing at the West Quarter corner of Section 35; thence North 00° 15' 21" west, 838.22 feet along the west line of the Northwest Quarter of Section 35; thence North 89° 44' 39" east, 644.61 feet to the point of beginning; thence North 77° 28' 17" east, 422.71 feet to the centerline of Highway 136; thence North 16° 08' 21" west, 260.70 feet along the centerline of Highway 136 to the Southeast corner of Document Number 4427-99; thence south 73° 35' 05" west, 440.00 feet to the Southwest corner of Document Number 4427-99; thence south 20° 34' 04" east, 234.84 feet to the point of beginning. Said parcel contains 2.45 acres and is subject to easements of record.

RESOLUTION 2023-191 discussion: Supervisor George said she is always going to do what is right and one of those fundamental rights is landowner rights. She would never tell a farmer what to plant or what to raise. She asked an Alliant Energy official about the batteries being proposed for the location. He said a lot of substations have had batteries for a long time and they have never had an issue. She also doesn't believe a green energy company will be bad stewards of the land. She believes the neighbors will be surprised how well this project turns out.

Supervisor Srp said he missed the meeting Monday but did review the recording of the meeting. He said a lot of his thoughts about the solar projects have been communicated during the first round of the process. He agrees with George about landowner rights. He said he appreciates the discussion and expanded discussion on the battery storage and having information from professionals like Paul Hayes from Hiller. He believes all the concerns with the application have been addressed.

Chairman Irwin said he agrees with George and Srp. He said they spent a lot of time and energy during the first permit process and considered all of the concerns and gathered answers. He said the battery installation was a difference from the first permit. He did his research and didn't find any concerns. He said he appreciated the information from Hayes during the public hearing and from an email he sent him earlier in the week. He said property rights is probably the biggest deciding factor in this process. He believes the Board has done its due diligence on the permit. Irwin said there are more people signed up for this second phase than the first and he has received calls from people who do support the project. He said he is here to make decisions for what is best for the County and not based on re-election. Irwin said none of the Supervisors take this decision lightly.

The following resolution was presented and on motion approved:

#### RESOLUTION 2023-191

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on May 25<sup>th</sup> and following said hearing the Commission recommended tabling of the attached map amendment to the Clinton County Zoning Ordinance; and

WHEREAS, the Clinton County Planning and Zoning Commission held a Meeting on June 20 and following said meeting the Commission had two votes to approve the map amendment and two votes to deny the map amendment; and

WHEREAS the Clinton County Board of Supervisors held a public hearing and first reading of the proposed map amendment on August 7, 2023, 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 map amendment on August 11, 2023, to consider said amendments; now

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

1. The attached ordinance numbered 2023-05 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: George: Yes; Srp: Yes; Irwin: Yes.

Jim Irwin, Jr., Chairperson

#### ORDINANCE 2023-05

### AN ORDINANCE AMENDING THE MAP OF THE CLINTON COUNTY ZONING ORDINANCE RELATIVE TO THE ZONING DESIGNATION OF CERTAIN PROPERTY LOCATED IN OLIVE AND ORANGE TOWNSHIPS CLINTON COUNTY, IOWA

BE IT ENACTED BY THE CLINTON COUNTY BOARD OF SUPERVISORS:

Section 1: The zoning district boundaries of the County of Clinton Iowa are herewith changed so as to provide for the change of the following described property:

See Appendix A. Participating Parcels in Rezoning Application 4418.

within the A-1 (Prime Agriculture) District of Clinton County, Iowa to RE (Renewable Energy Overlay).

Section 2: The change as hereinabove set forth shall be entered and made part of the zoning map of the County of Clinton, Iowa, which map is made part of the Zoning Ordinance of the County of Clinton, Iowa, by incorporation therein as set forth in Chapter III, Section 3.2 of the said Clinton County Zoning Ordinance, and the

Chairperson of the Board of Supervisors in accord with Chapter III, Section 3.2.3 shall promptly note on said map the Ordinance numbers, nature of change and date of change.

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 11<sup>th</sup> Day of August 2023, by the Board of Supervisors, Clinton County, State of Iowa.

Signed: Erin George; Signed: Daniel A. Srp; Signed: Jim Irwin, Jr., Chairperson

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

The Board of Supervisors adjourned to meet at 9:00 a.m. on Monday, August 14, 2023, at the Clinton County Administration Building, Clinton, Iowa.

Eric Van Lancker, County Auditor

Jim Irwin, Jr., Chairperson

-APPROVED-

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County Auditor

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Chairperson