

MARCH 13, 2023

The Board of Supervisors of Clinton County, Iowa, met. Present were Supervisor Srp. Supervisors George and Irwin joined the meeting via Zoom. 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 Approval

The Board of Supervisors met as the Board of Canvassers and proceeded to canvass the votes of the Special Election for Calamus-Wheatland, Central Dewitt, Midland and Northeast school districts held on March 7, 2023. Results of the canvass are posted on the Clinton County Elections website at: www.clintoncountyelections.com and have been placed on file and available for review in the office of the County Auditor.

RESOLUTIONS

The following resolution was presented and on motion approved:

RESOLUTION 2023-62

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; Srp: Yes; Irwin: Yes.

Daniel A. Srp, Vice-Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2023-63

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; Srp: Yes; Irwin: Yes.

Daniel A. Srp, Vice-Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2023-64

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; Srp: Yes; Irwin: Yes.

Daniel A. Srp, Vice-Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2023-65

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; Srp: Yes; Irwin: Yes.

Daniel A. Srp, Vice-Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2023-66

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; Srp: Yes; Irwin: Yes.

Daniel A. Srp, Vice-Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2023-67

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; Srp: Yes; Irwin: Yes.

Daniel A. Srp, Vice-Chairperson

DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

County Auditor Eric Van Lancker reported a subdivision access discussion is scheduled for next week. He said a second canvass for votes in the Calamus-Wheatland Special Election will be required next week to add in Scott County votes to the total.

Chairman Irwin said the Board needs to return to the proposal for a welcome to Clinton County sign on Highway 30. Irwin said the EMA Commission will ask Constellation for a larger reimbursement for radiological trainings and exercises that are mandated. He said the EMA Director has taken on a lot more since the state lead position has retired. Supervisor Srp said ECIA has sent the County a reminder that it has two seats to appoint on the Regional Housing Authority.

County Treasurer Dustin Johnson said other county treasurers are working together to add information to the tax bills for public education purposes. Johnson said he is working on adjusting to higher interest rates for the county investments.

DISCUSSION WITH POSSIBLE ACTION

All Systems Overweight Permit Route Review: County Engineer Todd Kinney said the county has until July to add roads to the permit program. He said if the county takes action now, they will be able to start receiving revenue from this program. He said bridges on paved roads have been reviewed. His office has come up with the list to send to the State for roads to be included. Kinney said they have everything they need to update the map on the DOT website. He said they will take requests to add gravel roads and they will be reviewed on a case-by-case basis. Kinney said the revenue should start being realized in May.

9:45 A.M. ECIA Update

ECIA representative Matt Specht said the EPA wants the revolving loan fund to be streamlined down to four members from 38. He said it won't change much in the way matches are met for applications. Specht said the HUD lead grant is doing well in Clinton County as it has had seven applications from all around the county.

The following resolution was presented and on motion approved:

RESOLUTION 2023-68

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; Srp: Yes; Irwin: Yes.

Daniel A. Srp, Vice-Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2023-69

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, the Clinton County Board of Supervisors agrees to the reorganization of the ECIA Brownfields Coalition RLF grant and subsequently authorizes the Board of Supervisors Chairperson to sign a new Brownfield Coalition Memorandum of Agreement regarding the reorganization of the Brownfields Coalition.

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

Daniel A. Srp, Vice-Chairperson

10:15 A.M. FY24 Budget Discussion

The Board briefly discussed the proposed budget.

The Board of Supervisors adjourned to meet Monday, March 20, 2023.

Eric Van Lancker, County Auditor
Chairperson

Daniel A. Srp, Vice-Chairperson

-APPROVED-

County Auditor

Vice-Chairperson