

MARCH 24, 2025

The Board of Supervisors of Clinton County, Iowa, met at the Clinton County Administration Building, Clinton, IA. Present were Supervisors George, Irwin and Srp. Minutes from 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

CONSENT AGENDA

The following Resolution 2025-62 through 2025-65 were approved on the Consent Agenda:

RESOLUTION 2025-62

WHEREAS, the Clinton County Attorney is an elected official and the Board of Supervisors does neither consider nor appoint personnel for elected officials, but needs to authorize payroll for the County Auditor; and

WHEREAS, the Clinton County Attorney's Office plans to employ a 40-hour per week, temporary summer legal intern who will be licensed by the Iowa Supreme Court to practice under the supervision of the county attorney; and

WHEREAS, the Clinton County Attorney has approved the application of T. Scott Henry as a summer intern law student (University of Iowa Law Student L-2) which meets standard qualifications to practice in magistrate court; now

THEREFORE BE IT RESOLVED by the Board of Supervisors to approve the hiring of T. Scott Henry for 40 hours per week, at \$20.00 per hour for up to 12 weeks, starting on May 27, 2025 (subject to licensing by the Iowa Supreme Court).

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue biweekly paychecks from the County Attorney's General Basic Fund in payment to T. Scott Henry without further action of this Board.

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

Erin George, Chairperson

RESOLUTION 2025-63

WHEREAS, the Clinton County Sheriff has accepted the resignation of Cassandra Knudtson.

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the County Auditor be and is hereby authorized to stop issuance of biweekly paychecks on the General Basic Fund, Office of the Jail to Cassandra Knudtson. Cassandra's last day is March 26, 2025.

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

Erin George, Chairperson

RESOLUTION 2025-64

WHEREAS, Clinton County and the Treasurer for Clinton County, Iowa, are named Respondents in Iowa Code 657A proceedings for the following property: 1806 Camanche Avenue, Clinton, IA, [Parcel 82-0778-0000] (EQCV050484)

WHEREAS, the Clinton County Attorney requests authorization on behalf of the County to entry of Orders Disclaiming Interest in the above-listed properties and Consents to entry of Orders awarding title to these properties to the City of Clinton; now

THEREFORE BE IT RESOLVED the Clinton County Board of Supervisors authorizes Clinton County Attorney, Michael Wolf, on behalf of Clinton County to consent to entry of Orders in favor of the City of Clinton in the above 657A actions filed awarding title of the above-listed properties to the City of Clinton, Iowa, free and clear of any claims, liens, or encumbrances.

BE IT FURTHER RESOLVED the Clinton County Board of Supervisors authorizes the Clinton County Treasurer, upon the entry of Judgments by the Court in favor of the City of Clinton in the above 657A actions filed, to make an entry in the county system canceling any tax sale certificates of purchase liens against the properties and shall refund tax sale purchase money to the tax sale certificate holder(s) as named (if any) in the 657A action as required pursuant to the provisions of Iowa Code § 657A.10B(6).

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

Erin George, Chairperson

RESOLUTION 2025-65

WHEREAS, Clinton County and the Treasurer for Clinton County, Iowa are named Respondents in Iowa Code 657A proceedings for the following property: 437 9<sup>th</sup> Avenue S, Clinton, IA, [Parcel 80-5618-0000] (EQCV050437)

WHEREAS, the Clinton County Attorney requests authorization on behalf of the County to entry of Orders Disclaiming Interest in the above-listed properties and Consents to entry of Orders awarding title to these properties to the City of Clinton; now

THEREFORE BE IT RESOLVED the Clinton County Board of Supervisors authorizes Clinton County Attorney, Michael Wolf, on behalf of Clinton County to consent to entry of Orders in favor of the City of Clinton in the above 657A actions filed awarding title of the above-listed properties to the City of Clinton, Iowa, free and clear of any claims, liens, or encumbrances.

BE IT FURTHER RESOLVED the Clinton County Board of Supervisors authorizes the Clinton County Treasurer, upon the entry of Judgments by the Court in favor of the City of Clinton in the above 657A actions filed, to make an entry in the county system canceling any tax sale certificates of purchase liens against the properties and shall refund tax sale purchase money to the tax sale certificate holder(s) as named (if any) in the 657A action as required pursuant to the provisions of Iowa Code § 657A.10B(6).

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

Erin George, Chairperson

RESOLUTIONS

The following resolution was presented and on motion approved:

RESOLUTION 2025-66

WHEREAS, the following quotations were received on March 18, 2025, for a new low boy truck cab and chassis, and

Dealer	Ascendance Truck	GATR Truck
Manufacturer	International	Maack
Model	LT625	Pinnacle
Base Price	\$138,000.00	\$150,627
Trade Value	\$3,000	\$5,000

WHEREAS, the County Engineer has reviewed the quotes with the Shop Manager and recommends that the quote be awarded Ascendance Truck for the purchase of one new International LT 625 model truck, and

THEREFORE BE IT RESOLVED that the County Engineer be authorized to execute said purchase agreement on behalf of Clinton County, Iowa.

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

Erin George, Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2025-67

IN that the Iowa Department of Health and Human Services (IHHS) is requesting all records in the Community Services Network (CSN) as part of the Behavioral Health Re-Alignment;

AND that Clinton County is the custodian of the records in the Community Services Network (CSN) as the staff in the Community Services Department has entered the data into the system over the years;

THEREFORE, as the custodian of the records, the IHHS request to release the records is approved and the Chairman is authorized to sign the Data Release Form.

This resolution shall take effect immediately.

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

Erin George, Chairperson

The following resolution was presented and on motion approved:

RESOLUTION 2025-68

WHEREAS, Zoning Permit Application #4480 Clinton County, Iowa was approved for an A-1 zoning district (Prime Agricultural District) on August 14, 2024, for what has come to be understood to be a data-mining business; and

WHEREAS, at the time Permit #4480 was filed it was the understanding of the Zoning Administrator that the applicant was working with utilities and concluded it was a permitted as utilities are a permitted structure, #7, in the A-1 zoning district; and

WHEREAS, on March 12, 2025, Supervisor Irwin brought this to the attention of the Clinton County Attorney, who reviewed the application for Permit #4480 for the new business site in the A-1 zoning district. The Clinton County Attorney recommends this permit be revoked for the following reasons:

- The facility is not a UTILITY, but would be sited right beside the substation located at the site
- The facility is a new business site, NOT a utility substation; instead it will be “working with the utility”
- A-1 Permitted Principal Uses & Structures found at 3.6.1.B. of Clinton County’s Zoning Ordinance does not provide for this new business as a permitted use
- The law provides if the record reveals lack of compliance with an ordinance, “the deficiency is deemed jurisdictional and reliance will not bar revocation. This is so, [the Iowa Supreme Court has] held, because the zoning officer was without authority to grant the permit in the first place.” City of New Hampton v. Blayne-Martin Corp. 594 NW2d 40 (Iowa 1999) (citing City of Lamoni v. Livingston, 392 NW2d 506 (Iowa 1986)); now

WHEREAS, Zoning Permit Application #4480 Clinton County, Iowa approved on August 14, 2024, should be revoked as it is not a legally permissible business (what has come to be understood to be a data-mining business) in an A-1 Prime Agricultural District; and

WHEREAS, Zoning Permit Application #4480 Clinton County, Iowa affirms, in part, above the applicant's signature line the following: "I agree that all construction and uses will comply with the Clinton County master Plan, Zoning Ordinance, Subdivision Regulations, and Flood Plain Ordinance. All provisions of laws and ordinances governing this occupancy will be complied with whether specified or not. The granting of the permit does not presume to give authority to violate or cancel the provision of any state or local law, ordinance or regulation. Violation of any of these ordinance or laws shall result in revocation of the permit (emphasis added); the application of any penalties listed in the Zoning Ordinance and any building under construction or constructed which is in violation may be required to be removed."; now

THEREFORE BE IT RESOLVED by the Board of Supervisors, acting on behalf of Clinton County given Clinton County's unique responsibility for county zoning decisions, approves the Clinton County Zoning Administrators revocation of Zoning Permit Application #4480 for the reasons articulated in this Resolution, and with reservation of additional reasons for which Clinton County may use in any litigation based upon revocation.

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

Erin George, Chairperson

The following resolution was presented and on motion approved:

#### RESOLUTION 2025-69

WHEREAS, the Clinton County Board of Supervisors shall extend the moratorium on applications to rezone to the Renewable Energy Overlay District related to utility-scale wind installations according to section 4.2.16 of the Clinton County Zoning Ordinance, and

WHEREAS, the extension on the moratorium shall be repealed automatically on June 30, 2025, unless extended before that date by resolution of the Board of Supervisors,

NOW, THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the moratorium on applications to rezone to the Renewable Energy Overlay District related to utility-scale wind installations be extended until June 30, 2025.

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

Erin George, Chairperson

The following resolution was presented and on motion approved:

#### RESOLUTION 2025-70

WHEREAS, the Clinton County Board of Supervisors shall place a moratorium on applications for Meteorological Towers (MET Towers), Sodar equipment, and any other equipment related to the development of utility-scale wind turbines, and

WHEREAS, the moratorium shall be repealed automatically on June 30, 2025, unless extended before that date by resolution of the Board of Supervisors,

NOW, THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the moratorium on applications for MET towers, Sodar equipment, and any other equipment related to the development of utility-scale wind turbines be in effect until June 30, 2025.

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

Erin George, Chairperson

#### DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

Supervisors shared their meeting they will each be attending this week.

David Troester County Auditor gave updates for the April 8<sup>th</sup> Special elections.

Dustin Johnson County Treasurer gave a reminder for March property tax collections and that the DeWitt Satellite office will only be open Tuesday, Wednesday, and Thursday starting the week of April 8.

Phil Visser County Conservation gave a reminder for a conservation foundation meeting that night.

#### DISCUSSION WITH POSSIBLE ACTION

Becky Eskildsen County Mental Health Director discussed the transition from 13 mental health regions to 7 mental health regions.

9:39 A.M. Public Hearing

Chairperson George called the public hearing to order. The purpose of the public hearing is to solicit public comment on the Clinton County Secondary Road department 5-year construction program.

Present were the Supervisors, County Auditor and members of the press and public.

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

No comments were received.

MOTION by Supervisor Srp to adjourn the public hearing.

Roll Call: Srp: Yes; Irwin: Yes; George: Yes.  
at 9:44 a.m.

Motion carried. The public hearing was adjourned

9:45 A.M. FY2026 Budget discussion

The Board of Supervisors approved the following claim be allowed and draft issued on the fund in payment thereof:

<u>Vendor</u>	<u>Payable Description</u>	<u>Payment Amount</u>
REDISCOVER RECOVERY COMMUNITY CENTER	VEHICLE PURCHASE / INSURANCE	<u>\$55,000.00</u>
	Grand Total:	\$55,000.00
<u>Fund</u>	<u>Expense Amount</u>	
0032 LOCAL GOVERNMENT OPIOID ABATEMENT FUND	<u>\$55,000.00</u>	
	Grand Total:	\$55,000.00
<u>Vendor</u>	<u>Payable Description</u>	<u>Payment Amount</u>
THE MASTER'S TOUCH LLC	POSTAGE FOR MAILING	<u>\$10,600.00</u>
	Grand Total:	\$10,600.00
<u>Fund</u>	<u>Expense Amount</u>	
4100 COUNTY ASSESSOR	<u>\$10,600.00</u>	
	Grand Total:	\$10,600.00

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

Motion carried.

I, David Troester, Clinton County Auditor, do hereby certify this to be a complete and accurate list of all claims presented to the Clinton County Board of Supervisors on this date. Signed: David Troester, Clinton County Auditor

The Board of Supervisors adjourned to meet at 9:00 a.m. on Thursday, March 27, 2025.

David Troester, County Auditor

Erin George, Chairperson

-APPROVED-

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County Auditor

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Chairperson