

Clinton County Board of Supervisors

Clinton County Administration Building
1900 North Third Street

John F. Staszewski, Chairperson
Dan Srp, Vice Chairperson
Shawn Hamerlinck

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Clinton, Iowa 52733-2957
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www.clintoncounty-ia.gov

PUBLIC NOTICE is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: TUESDAY, APRIL 28, 2015, 9:00 A.M.; Clinton County Administration Building, Conference Room B, 1900 N. 3rd St., Clinton, IA.

9:00 a.m. Review Correspondence & Claims

Call to Order – Pledge of Allegiance

9:15 a.m. Formal Action & Motions

RESOLUTIONS

- Approval of second-half payments to county-supported outside agencies
- Approval of second-half payments to county libraries
- Personnel appointment – Roadside Management part-time
- Personnel appointment – Secondary Roads
- Personnel resignation – Roadside Management
- Clinton County HIPAA Privacy Officer appointment
- Clinton County ADA Coordinator appointment

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

9:30 a.m. Public Hearing with Possible Action to Follow

Public comment is welcome on Subdivision Application 3837 of Ray Petersen for Erna Petersen Addition.

9:35 a.m. Public Hearing with Possible Action to Follow

Public comment is welcome on Subdivision Application 3844 of Ron Seys and Gerald & Marjorie Gisel for Seys Subdivision.

9:40 a.m. Discussion

An introduction to ICAP/IMWCA with County Risk Management Services Representative Ross Sporer and Julie Bray, AC Root Agency.

April 28, 2015

RESOLUTION 2015-_____

BE IT RESOLVED by the Clinton County Board of Supervisors that the County Auditor be and is hereby authorized to issue checks on the General Basic Fund and Rural Basic Fund to the following listed entities for the amounts detailed, representing the second-half allocation FYE 2015:

Camanche Historical Society/Gateway Genealogical Society	\$ 1,000.00
Carroll Assistance Center	\$ 1,500.00
Clinton Municipal Airport Commission	\$ 6,750.00
Quality Jobs 4 A Strong Future	\$23,000.00
Clinton Symphony	\$ 500.00
Clinton County Agriculture Society (4-H Clubs)	\$17,500.00
Clinton County Fireworks Association	\$ 2,500.00
Clinton County Historical Society	\$ 2,250.00
Clinton County Soil and Water Conservation	\$ 1,750.00
Clinton County Solid Waste Agency (R.B.)	\$41,655.00
Concerned DeWitt Citizens, Ltd.	\$ 2,000.00
DeWitt Development Company (includes business education coordinator)	\$14,680.00
EICC – Workforce	\$ 4,349.00
Felix Adler Child Discovery Center	\$ 1,250.00
Milestone Agency on Aging	\$ 3,000.00
Community Action of Eastern Iowa	\$ 2,100.00
Retired Senior Volunteer Program	\$ 3,500.00
River Bend Services, Inc.	\$ 3,203.50
YWCA Domestic Violence/Sexual Assault Resource Center	\$ 12,500.00
Clinton Humane Society	\$ 2,500.00

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

Chairperson, John Staszewski

ATTEST:

County Auditor, Eric Van Lancker

April 28, 2015

RESOLUTION 2015 - _____

WHEREAS, Clinton County has allocated \$87,568.00 in County funds for county libraries FY 2014-2015; and

WHEREAS, thirty percent (30%) of the funds, \$26,270.40, are divided equally to the libraries in the cities of Calamus, Camanche, Clinton, DeWitt, Lost Nation and Wheatland, in the amount of \$4,378.40; and

WHEREAS, seventy percent (70%) of the funds, \$61,297.60 are disbursed to the libraries based on circulation as follows:

	Circulation	% of Total	Amount
Calamus	74	0.21%	\$128.72
Camanche	1,659	4.61%	\$2,825.82
Clinton	4,660	12.94%	\$7,931.91
DeWitt	27,238	75.66%	\$46,377.76
Lost Nation	1,745	4.85%	\$2,972.93
Wheatland	624	1.73%	\$1,060.45

THEREFORE, BE IT RESOLVED by the Clinton County Board of Supervisors that the County Auditor be and is hereby authorized to issue checks on the Rural Basic Fund in the following amounts representing the second-half allocation for each library:

Calamus	\$2,189.20	\$64.36	\$2,253.56
Camanche	\$2,189.20	\$1,412.91	\$3,602.11
Clinton	\$2,189.20	\$3,965.95	\$6,155.15
Frances Banta Waggoner Community Library, DeWitt	\$2,189.20	\$23,188.88	\$25,378.08
Lost Nation	\$2,189.20	\$1,486.46	\$3,675.66
Wheatland	\$2,189.20	\$530.22	\$2,719.42

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

John Staszewski, Chairperson

Attest:

Eric Van Lancker, County Auditor

RESOLUTION #2015-_____

April 28, 2015

WHEREAS, the Board of Supervisors of Clinton County, Iowa, authorize the Roadside Management Department to hire Roadside Temporary part-time employees; and

THEREFORE BE IT RESOLVED, by the Board of Supervisors of Clinton County, Iowa, that the following employees be hired by the Roadside Management Department:

- **Approve the appointment of Dennis Fairbanks as Roadside Temporary part-time employee, effective May 4, 2015 at a pay rate of \$16.95 per hour.**
- **Approve the appointment of Harold Stansbarger as Roadside Temporary part-time employee, effective May 4, 2015 at a pay rate of \$16.25 per hour.**
- **Approve the appointment of Tom Kinney as Roadside Temporary part-time employee, effective May 4, 2015 at a pay rate of \$15.06 per hour.**

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue bi-weekly warrants on the Rural Basic Fund in payment of salaries without further order of the Board.

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

ATTEST:

**Eric Van Lancker
County Auditor
County of Clinton
State of Iowa**

**Chairman
Clinton County Board of Supervisors**

RESOLUTION #2015 -- _____

April 28, 2015

WHEREAS, The Board of Supervisors of Clinton County, Iowa, having adopted “Regulations for Non-Union Personnel” applicable to the employment of non-union County Engineer’s Office personnel, and

WHEREAS, it is necessary to make certain changes in the regulation as to the employment status and/or addition of non-union employees, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the following change be made:

Accept the resignation of Andy Friederichsen, Roadside Manager effective April 22, 2015.

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

ATTEST:

**Eric Van Lancker
County Auditor
County of Clinton
State of Iowa**

**Chairman
Clinton County Board of Supervisors**

April 28, 2015

RESOLUTION # 2015-_____

WHEREAS, Clinton County adopted policies and procedures for the Health Insurance Portability and Accountability Act of 1996 (HIPAA) on April 9, 2003; and

WHEREAS, HIPAA regulations require the designation of a privacy officer to be responsible for “the development and implementation of the policies and procedures necessary for compliance”; and

WHEREAS, Clinton County further assures every effort will be made to ensure appropriate administrative, technical, and physical safeguards to protect the privacy of personal health information; and

WHEREAS, Clinton County designates Case Management Director Patti Robinson as the Clinton County HIPAA Privacy Officer to be responsible for initiating and monitoring HIPAA, and all other responsibilities as required including training of employees; and

THEREFORE BE IT RESOLVED, that Case Management Director Patti Robinson is here by appointed as the Clinton County HIPAA Privacy Officer.

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

Chairperson, John Staszewski

ATTEST:

County Auditor, Eric Van Lancker

April 28, 2015

RESOLUTION #2015-_____

WHEREAS, Title II of the Americans with Disabilities Act (ADA) of 1990 and ADA Amendments Act of 2008 (ADAAA) and its implementing regulations, 28 C.F.R. § 35.106, § 35.107 require each Title II entity (City/County) to designate at least one employee as the ADA Coordinator to be responsible for coordinating compliance with the ADA-AA; to execute a transition plan; to execute a self evaluation plan; to publish notice of the relevant provisions of the ADA to all persons who may be interested in the county's programs, activities and services; and to adopt a grievance procedure to resolve complaints alleging a violation of Title II of the ADA & ADAAA; and

WHEREAS, a designated member of the Board of Supervisors shall be appointed ADA Coordinator for Clinton County; and

THEREFORE BE IT RESOLVED that Clinton County Building Maintenance Manager Corey Johnson is here by designated as the Clinton County ADA Coordinator.

Roll Call:

Hamerlinck: _____

Srp: _____

Staszewski: _____

Chairperson, John Staszewski

ATTEST:

County Auditor, Eric Van Lancker

STAFF REPORT

DATE: April 28, 2015

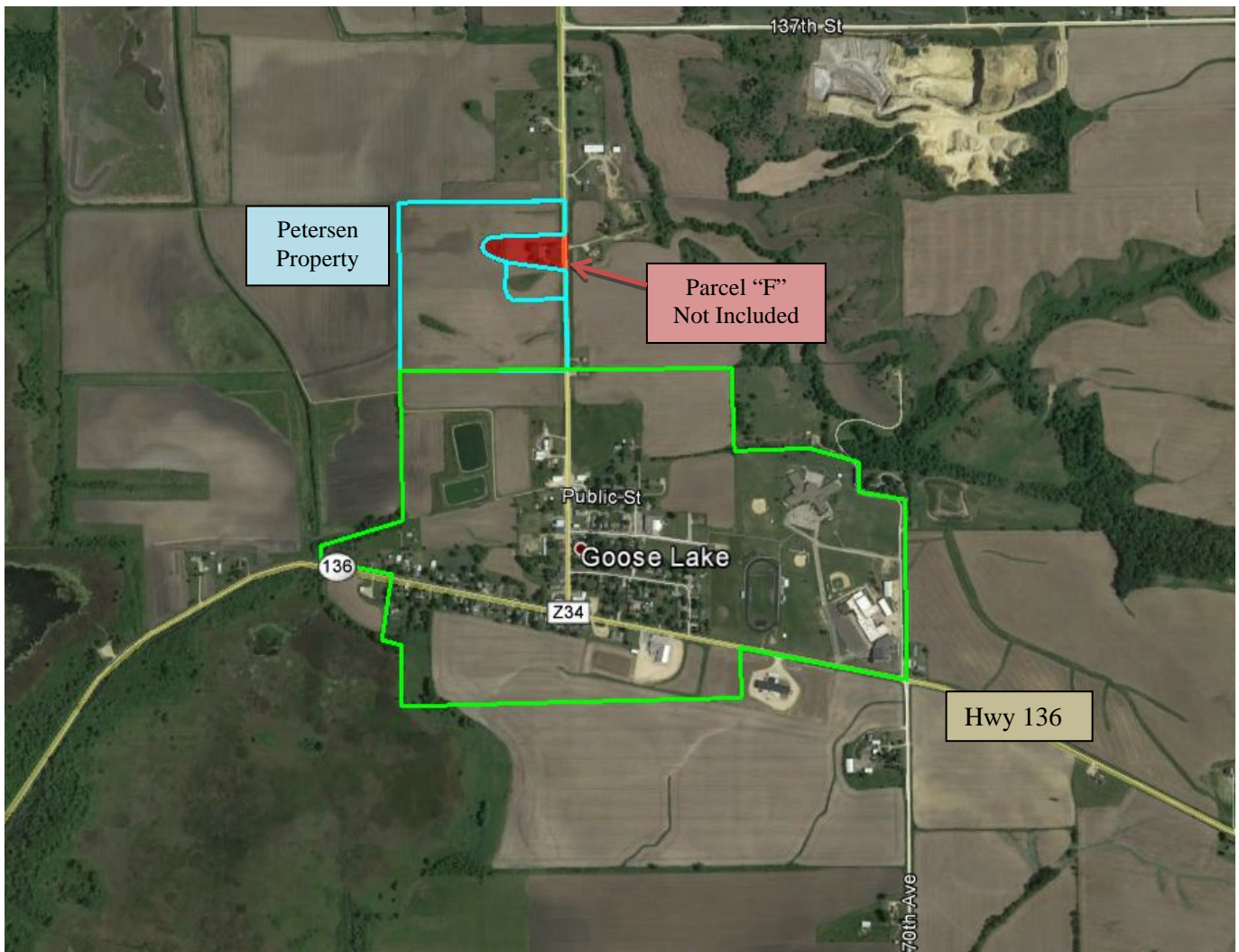
TO: Clinton County Board of Supervisors

FROM: Clinton County Planning and Zoning Office
Nate Mueller

RE: Application 3837 of Ray Petersen requesting approval of an application to create a 2-lot Minor Subdivision to be known as Erna Petersen Addition.

Location

The proposed subdivision located in the NE ¼ of the NW ¼ of Section 28, Township 83 North, Range 5 East of the 5th P.M. in Clinton County, Iowa. This is a 2-lot subdivision consisting of 36.17 acres located on the west side of 362nd Avenue approximately 0.5 miles north of Goose Lake in Deep Creek Township.



Proposed lots for Erna Petersen Addition:



Background and Details

The purpose of this subdivision application is to split an existing parcel of 36.17 acres into 2 lots – Lot 1 will be developed as a new residential non-farm lot. Lot 2 will remain as farm ground. There are no existing buildings on either of the proposed lots.

The original residence and buildings were split off through plat of survey in 2014. The site has agricultural uses on all sides, although the crop ground immediately to the south is within the city limits of Goose Lake. Goose Lake does not have extraterritorial review of subdivisions. Including the existing home on Parcel “F”, there are 6 residences within a ¼ mile and many more within ½ mile. The site is currently zoned AR-1 and is primarily crop and timber ground.

Details of the Proposal:

The regular bulk standards, normally permitted uses, and special exception uses from the AR-1 Zoning District of the Clinton County Zoning Ordinance will apply to both lots in the proposed subdivision:

Lot size – Anticipated Use	<u>Lot 1</u> – 2.60 acres – Residential – This lot will contain a new residence. <u>Lot 2</u> – 33.57 acres – Agricultural – This ground will remain in ag production and will contain the existing farm home.
Front setback	50 feet
Side setback	15 feet
Rear setback	40 feet
Building Height - max	35 feet or 2 ½ stories
Density Allowed	1 lot per 5 acres.

County Engineer’s Review of Proposed Driveway Access

Any new accesses onto County roads are subject to permitting and review by the County Engineer’s Office. Final location and design requirements of any new access will be determined at the time of permitting. New driveways must meet separation and site distance requirements.

County Health Department Review of Well and Septic System Suitability

There will be a new well and septic system installed on Lot 1. There is no well or septic planned for Lot 2. The septic system on Parcel F was replaced within the past 18 months, and the Soil analysis done at that time showed areas of shallow bedrock in the vicinity of the north lot line of Lot 1. With a parcel size of 2.60 acres the County Health Department does not foresee any problems developing adequate wastewater facilities on proposed Lot 1, however the applicant and future purchasers of Lot 1 should be aware of septic system siting when choosing where to site the home. As always, septic design and placement is *subject to review of a soil analysis or percolation test*, and any new or replacement wells or wastewater treatment systems installed on either lot in the future are subject to permitting and review by the County Health Department. Final wastewater suitability and design will be determined at the time of permitting.

Planning & Zoning Commission Recommendation

The Zoning Commission held a Public meeting on April 1st, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 4 - 0 (Commissioner Hand Abstaining) to recommend approval of this application.

Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Erna Petersen Addition

- 1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

An acceptable soil analysis or percolation test will be required before any septic systems can be constructed or reconstructed in this subdivision. New septic systems are subject to County Health Department approval and permitting and applicants are strongly encouraged to work closely with the County Sanitarian to make sure preliminary designs meet all applicable State and County regulations for septic systems in a floodplain.

- 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonable foreseeable needs of the subdivision.**

Any new wells or connections to existing wells are subject to County Health Department approval and permitting. All lots within this subdivision must share a water supply unless granted a variance by this Commission.

- 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to electric and telephone service.**

Utility Services are available at this location. Electrical Service is provided by Interstate Power & Light Company. Telephone service, if needed, is provided.

- 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.**

Both lots will have direct access onto 362nd Avenue which is a hard-surface County road. Lot 1 will require a new access onto 362nd Avenue, while Lot 2 has an existing field access. No extension of public utilities is required for development on this site.

- 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection.**

This subdivision is located in the Northeast Community School District. Fire protection will be provided by the Preston Volunteer Fire Department which is located within 6.0 miles. Police protection is provided by the Clinton County Sheriff's Department.

- 6. The site represents an overall development pattern that is consistent with the goals and policies on the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County.**

This development is in an area designated Suburban Residential on the Future Land Use Map, which allows for development of this type.

- 7. The site and application conform to all applicable provisions of these regulations.**

The proper application procedures have been followed for this application.

The site is zoned AR-1, which allows 1 dwelling unit per 5 acres.

The Corn Suitability Ratings and uses are within the limits set forth in the Zoning Ordinance. Seventy five percent of Lot 1 has CSR of 42, and Lot 2 will remain a 'farm lot' in crop production so CSR values for this lot are not factored into the approval.

- 8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.**

362nd Avenue is a hard-surface road which had a traffic count of 1550 VPD in the most recent DOT study (2010). There is excess capacity for additional traffic on this road sufficient to handle the increased volume that can be expected by the creation of one additional lot.

- 9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.**

No new streets are proposed in this subdivision.

- 10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.**

Development on any of the proposed lots will have adequate and safe access to 362nd Avenue, which is a hard-surface major collector road. If the property owners wish to establish a new access they will have to meet driveway separation distances as well as Secondary Roads site distance, design, and permitting requirements.

- 11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.**

The lot design for this subdivision meets the requirements of the ordinance and reflects good land planning and site engineering principles.

- 12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils geology, hydrology, floodplains, wetlands, vegetation and trees.**

The site is primarily crop ground except for a few rock outcrops. Development on Lot 1 is expected to occur along the road, and there are no existing trees and vegetation to be threatened by the subdivision. There are no extreme slopes, topography, soil geology, or wetlands to consider on either Lot.

- 13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.**

No dedications of land or rights-of-way are required for this subdivision.

Planning & Zoning Staff Recommendation

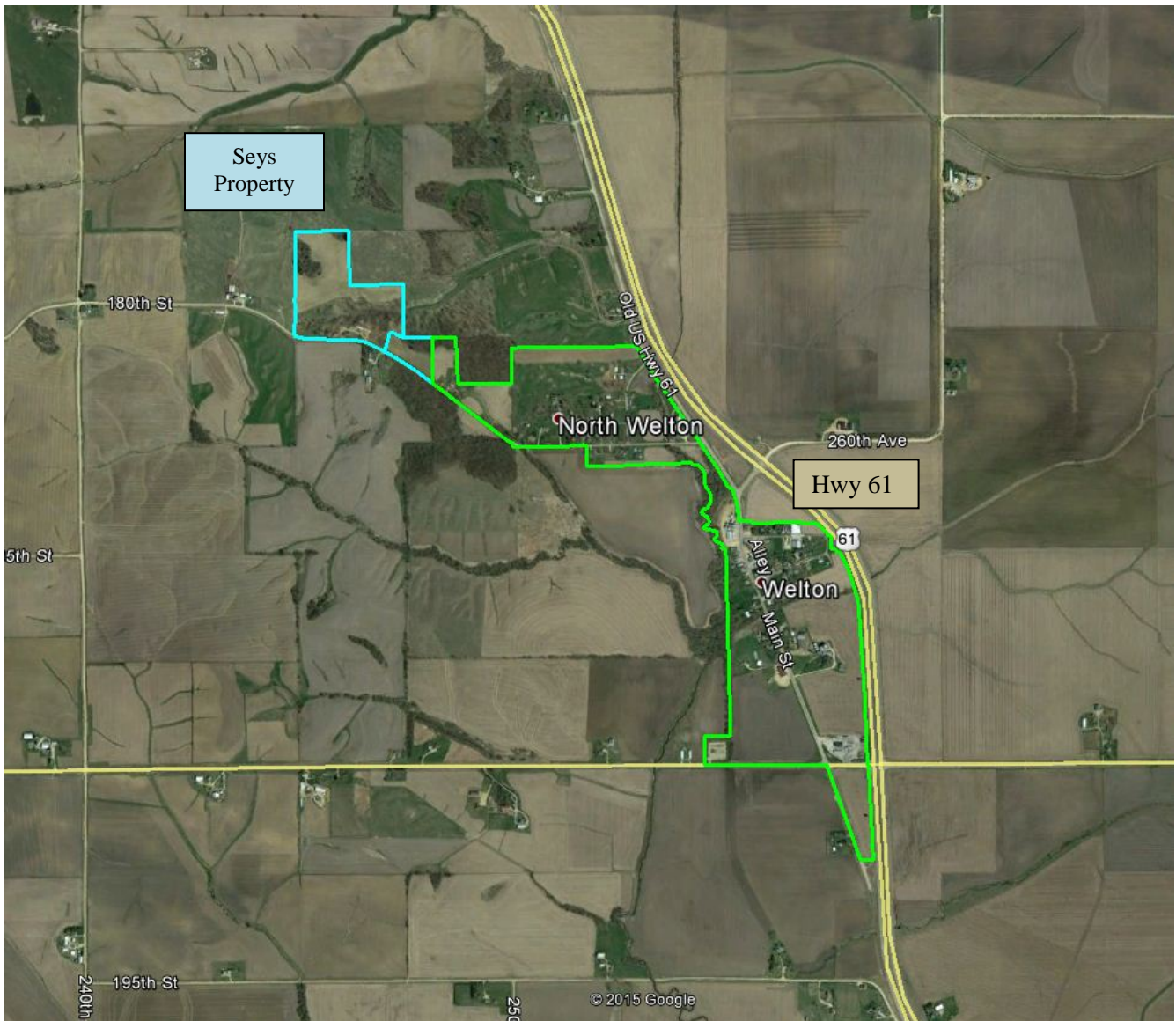
The plat appears to be correct, and the applicant has met the requirements of the Clinton County Zoning, Subdivision, Floodplain and Airport Ordinances. Staff recommends approval.

STAFF REPORT

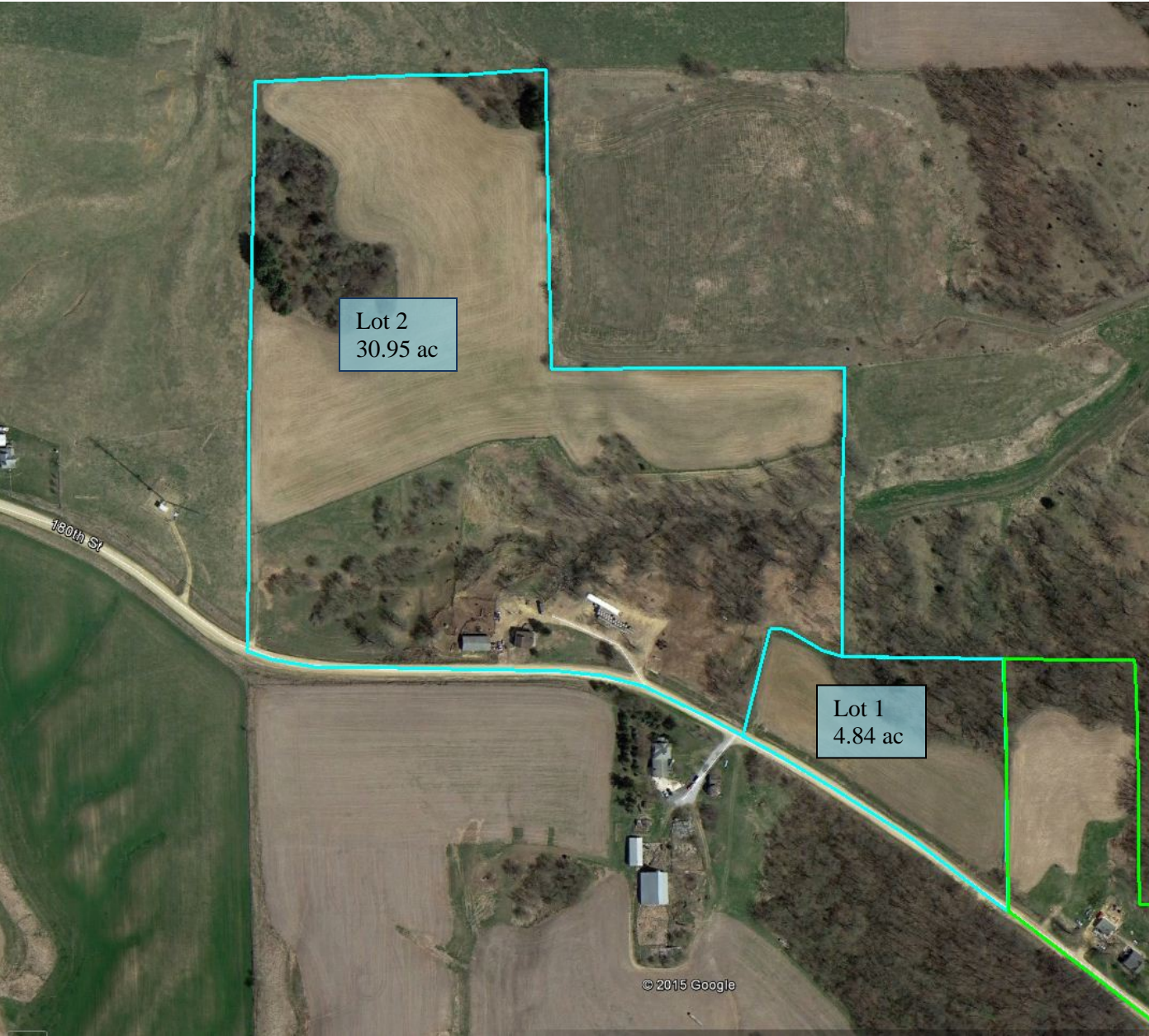
DATE: April 1, 2015
TO: Clinton County Planning and Zoning Commission
FROM: Clinton County Planning and Zoning Office
Nate Mueller
RE: Application 3844 of Ron Seys & Gerry Gisel requesting approval of an application to create a 2-lot Minor Subdivision to be known as Seys Subdivision.

Location

The proposed subdivision is located in the NE ¼ of Section 16 and the SW ¼ of the SE ¼ of Section 9, Township 82 North, Range 3 East of the 5th P.M. in Clinton County, Iowa. This is a 2-lot subdivision consisting of 35.79 acres located on the north side of 180th Street approximately 0.5 miles west of Welton in Welton Township.



Proposed lots for Seys Subdivision:



Background and Details

The purpose of this subdivision application is to split an existing parcel of 35.79 acres into 2 lots – Lot 1 will be developed as a new residential non-farm lot. Lot 2 will contain the existing home and buildings and will remain as farm ground. There are no existing buildings on proposed lot 1.

The original residence and buildings will remain with Lot 2. The site has agricultural uses on all sides, although the crop ground immediately to the east and southeast is within the city limits of Welton. Welton does not have extraterritorial review of subdivisions. Including Mr. Seys's existing home there are 6 residences within a ¼ mile and many more within ½ mile. The site is currently zoned A-1 and is primarily crop and timber ground.

Details of the Proposal:

The regular bulk standards, normally permitted uses, and special exception uses from the A-1 Zoning District of the Clinton County Zoning Ordinance will apply to both lots in the proposed subdivision:

Lot size – Anticipated Use	<u>Lot 1</u> – 4.84 acres – Residential – This lot will contain a new residence. <u>Lot 2</u> – 30.95 acres – Agricultural – This ground will remain in ag production and will contain the existing farm home.
Front setback	50 feet
Side setback	15 feet
Rear setback	40 feet
Building Height - max	35 feet or 2 ½ stories
Density Allowed	1 lot per 40 acres - the applicant's attorney is working with staff to file an acceptable Agricultural Easement to allow for the increased density in this A-1 district.

County Engineer's Review of Proposed Driveway Access

Any new accesses onto County roads are subject to permitting and review by the County Engineer's Office. Final location and design requirements of any new access will be determined at the time of permitting. New driveways must meet separation and site distance requirements.

County Health Department Review of Well and Septic System Suitability

With a parcel size of 4.84 acres, the County Health Department does not foresee any problems developing adequate wastewater facilities on proposed Lot 1 subject to review of a soil analysis or percolation test. There is no new well or septic planned for Lot 2. Any new or replacement wells or wastewater treatment systems installed on either lot in the future are subject to permitting and review by the County Health Department. Final wastewater suitability and design will be determined at the time of permitting.

Planning & Zoning Commission Recommendation

The Zoning Commission held a Public meeting on April 1st, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 5 – 0 to recommend approval of this application.

Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Seys Subdivision

- 1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

An acceptable soil analysis or percolation test will be required before any septic systems can be constructed or reconstructed in this subdivision. New septic systems are subject to County Health Department approval and permitting and applicants are strongly encouraged to work closely with the County Sanitarian to make sure preliminary designs meet all applicable State and County regulations for septic systems in a floodplain.

- 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonable foreseeable needs of the subdivision.**

Any new wells or connections to existing wells are subject to County Health Department approval and permitting. All lots within this subdivision must share a water supply unless granted a variance by this Commission.

- 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to electric and telephone service.**

Utility Services are available at this location. Electrical Service is provided by Eastern Light & Power. Telephone service, if needed, is provided by Windstream.

- 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.**

Both lots will have direct access onto 180th Street which is a gravel-surface County road. Lot 1 may require a new access onto 180th Street, or they may improve the existing field access. Lot 2 has an existing access at 2462 180th Street. No extension of public utilities is required for development on this site.

- 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection.**

This subdivision is located in the Central Clinton Community School District. Fire protection will be provided by the Welton Volunteer Fire Department which is located within 0.5 miles. Police protection is provided by the Clinton County Sheriff's Department.

- 6. The site represents an overall development pattern that is consistent with the goals and policies on the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County.**

This development is in an area designated Agricultural on the Future Land Use Map, which allows for limited development of this type. The applicants will have to submit an acceptable Agricultural Easement to allow for the increased density in the A-1 district. No infrastructure improvements are required for this development.

- 7. The site and application conform to all applicable provisions of these regulations.**

The proper application procedures have been followed for this application.

The site is zoned A-1, which allows 1 dwelling unit per 40 acres. The applicants are working with staff to submit an acceptable Agricultural Easement to allow for the increased density in the A-1 district.

The Corn Suitability Ratings and uses are within the limits set forth in the Zoning Ordinance. Almost all of Lot 1 has CSR of 58, and Lot 2 will remain a 'farm lot' in crop production so CSR values for this lot are not factored into the approval.

8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

180th Street is a gravel surface road which had a traffic count of 60 VPD in the most recent DOT study (2010). There is excess capacity for additional traffic on this road sufficient to handle the increased volume that can be expected by the creation of one additional lot.

9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.

No new streets are proposed in this subdivision.

10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.

Development on any of the proposed lots will have adequate and safe access to 180th Street, which is a gravel minor road. If the property owners wish to establish a new access they will have to meet driveway separation distances as well as Secondary Roads site distance, design, and permitting requirements.

11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.

The lot design for this subdivision meets the requirements of the ordinance and reflects good land planning and site engineering principles.

12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils geology, hydrology, floodplains, wetlands, vegetation and trees.

The site is primarily crop ground except for the trees and brush running through Lot 2. Development on Lot 1 is expected to occur along the road so any existing trees and vegetation should not be threatened by the subdivision. There are no extreme slopes, topography, soil geology, or wetlands to consider on Lot 1.

13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

No dedications of land or rights-of-way are required for this subdivision.

Planning & Zoning Staff Recommendation

The plat appears to be correct, and the applicant has met the requirements of the Clinton County Zoning, Subdivision, Floodplain and Airport Ordinances. Staff recommends approval.