

MINUTES OF OCTOBER 20, 2014  
DUBUQUE COUNTY BOARD OF SUPERVISORS  
Present: Wayne Demmer, Daryl Klein and Eric Manternach  
Chair Demmer called the meeting to order at 8:07 a.m.

EXECUTIVE SESSION - INTERVIEW WITH ROBERT RICHARDSON FOR DUBUQUE COUNTY MAINTENANCE SUPERINTENDENT POSITION - CLOSED SESSION PURSUANT TO IOWA CODE CHAPTER 21.5(1)(I)

Motion by Klein, seconded by Manternach, carried unanimously to enter executive session with Personnel Director Mary Ann Specht, County Budget Director Michelle Patzner and Robert Richardson to conduct an interview for the Dubuque County Maintenance Superintendent position.

EXECUTIVE SESSION - INTERVIEW WITH CHRIS SOEDER FOR DUBUQUE COUNTY MAINTENANCE SUPERINTENDENT POSITION - CLOSED SESSION PURSUANT TO IOWA CODE CHAPTER 21.5(1)(I)

Upon returning to regular session, motion by Klein, seconded by Manternach, carried unanimously to enter executive session with Personnel Director Mary Ann Specht, County Budget Director Michelle Patzner and Chris Soeder for an interview for the Dubuque County Maintenance Superintendent position.

Upon returning to regular session, motion by Klein, seconded by Manternach, carried unanimously to approve the hiring of Chris Soeder for the Dubuque County Maintenance Superintendent.

Motion by Manternach, seconded by Klein, carried unanimously to recess at 10:00 a.m. until 10:30 a.m.

WORKSESSION - WITH SUNNYCREST BOARD OF TRUSTEES

Upon reconvening at 10:30 a.m., the Board met with Sunnycrest Hospital Board of Trustees and Operational Board Member Kevin Stevens and Sunnycrest Manor Activity Director Beth Houselog to discuss the remodeling of the maintenance building at Sunnycrest Manor for the Gemini Day Program.

Motion by Klein, seconded by Manternach, carried unanimously to approve repurposing the loan to use on the Gemini project, if necessary.

## EXECUTIVE SESSION - REGARDING PENDING OR POTENTIAL LITIGATION PURSUANT TO IOWA CODE SECTION 21.5(1)©

Motion by Manternach, seconded by Klein, carried unanimously to enter executive session with County Attorney Ralph Potter, Administrative Assistant Mary Ann Specht, County Budget Director Michelle Patzner, Sunnycrest Operational Board members Dave Gaylor, Kevin Stevens, Scott DeSousa and Jason Olson from Eide Bailly, via telephone, regarding possible litigation.

## WORKSESSION - WITH DUBUQUE COUNTY HISTORICAL SOCIETY

Upon returning to regular session, the Board met with Dubuque County Historical Society President and CEO Jerry Enzler, Executive Director Mike Sanders and Treasurer Mike Budde to discuss out of pocket costs if the Historical Society would move out of the Old Jail and relocate at another facility. Also present was IT Superintendent Nathan Gilmore.

## GENERAL ASSISTANCE HEARINGS

Veterans Affairs Director Charlie Brimeyer discussed a checklist of items clients will need to bring with them for an appointment with the General Assistance staff for assistance. Mr. Brimeyer also discussed a program the Substance Abuse Services Center is offering for addiction and gambling treatment.

Motion by Klein, seconded by Manternach, carried unanimously to enter executive session with General Assistance Caseworker Doug Slaats and County Budget Director Michelle Patzner regarding case W-6-41.

Upon returning to regular session, motion by Klein, seconded by Manternach, carried unanimously to approve assistance of \$600.00, subject to landlord agreeing not to evict client.

Motion by Manternach, seconded by Klein, carried unanimously to enter executive session with General Assistance Caseworker Doug Slaats and regarding case H-9-40.

Upon returning to regular session, motion by Manternach, seconded by Klein, carried unanimously to approve assistance for case H-9-40.

Motion by Klein, seconded by Manternach, carried unanimously to enter executive session with General Assistance Caseworker Doug Slaats and County Budget Director Michelle Patzner regarding case B-10-38.

Upon returning to regular session, motion by Klein, seconded by Manternach, carried unanimously to approve assistance for case B-10-38.

Motion by Manternach, seconded by Klein, carried unanimously to recess at 1:47 p.m.

#### WORKSESSION - WITH DUBUQUE METROPOLITAN AREA SOLID WASTE AGENCY

Upon reconvening at 2:00 p.m., the Board met with City of Dubuque Public Works Director Don Vogt, DMASWA Agency Administrator John Foster, Communication and Education Coordinator Bev Wagner and Facility Supervisor Doug Hughes to discuss services and funding.

#### WORKSESSION - WITH IT SUPERINTENDENT

The Board met with IT Superintendent Nathan Gilmore regarding the internet bandwidth project he is proposing for today's needs and supporting future technology for Dubuque County. County Budget Director Michelle Patzner was present.

#### WORKSESSION WITH ZONING ADMINISTRATOR

##### ENTRANCE PERMIT #14-45

Zoning Administrator Anna O'Shea met with the Board regarding an entrance permit variance for Daniel and Mary Ann Breitbach. Present were Daniel Breitbach, County Engineer Bret Wilkinson and County Budget Director Michelle Patzner.

Motion by Manternach, seconded by Klein, carried unanimously to approve the entrance permit variance for Daniel and Mary Ann Breitbach.

##### ENTRANCE PERMIT #14-46

Zoning Administrator Anna O'Shea met with the Board regarding an entrance permit variance for Jacob and Beverly Reiter. Present were Jake Reiter, Tom and Tammy Connolly, County Engineer Bret Wilkinson and County Budget Director Michelle Patzner.

Motion by Klein, seconded by Manternach, carried unanimously to approve the entrance permit variance to be placed on the east side of the power pole, if possible.

## ZONING VIOLATION CASE UPDATES

Zoning Administrator Anna O'Shea spoke to the Board regarding a zoning violation back in 2006 regarding developer, Dan Dietz, and a road not being completed to county specifications. A lot which was purchased by Hiram Heysinger, who was present for this work session along with his attorney Nathan Runde, and Norman Helton, Homeowners Association, cannot be issued a building permit because the road along the lot is not in compliance with the County Ordinance. Mr. Heysinger was not aware of this situation at the time he purchased the lot and wants to construction a new residence.

Ms. O'Shea requested a county attorney opinion back in 2006 and had not received a response to date regarding this violation. The Board directed Ms. O'Shea to contact the County Attorney for a response to her request and report back to the Board with her findings.

Ms. O'Shea also updated the Board on other pending zoning violation cases.

## EROSION CONTROL VIOLATION UPDATE

There was discussion regarding erosion control problems in the Timber-Hyrst Estates off of North Cascade Road and what the plans are to resolve the issues.

## WORKSESSION - WITH COUNTY ENGINEER

The Board met with County Engineer Bret Wilkinson regarding the following:

### HOLY CROSS SALT STORAGE FACILITY

At the request of the Board, Mr. Wilkinson spoke to the County Attorney for an opinion regarding possible contamination on property the County is interested in purchasing and whose liability it would be if the County were to purchase the property.

County Attorney Ralph Potter would not commit to whether this particular issue could result in liability or not because each case is different and recommended doing a complete soil survey before purchasing the property.

### PROJECT UPDATES

Mr. Wilkinson updated the Board on the Swiss Valley Road, Farley Road, Mud Lake Road and Asbury Road projects.

## GENERAL ROAD DEPARTMENT DISCUSSION

There was discussion regarding the request for proposals for the new trucks on tonight's agenda and the south abutment replacement of bridge 36 on Timber Ridge Trail.

Mr. Wilkinson informed the Board that the Sand Springs Road project is nearly completed.

Motion by Manternach, seconded by Klein, carried unanimously to recess at 5:24 p.m.

The Board reconvened at 5:30 p.m., with all Board members present.

## APPROVAL OF MINUTES OF OCTOBER 6, 2014

Motion by Klein, seconded by Manternach, carried unanimously to approve the minutes.

## CONSENT ITEMS

New Class C liquor license - Sacred Heart Church, Bernard, Iowa; Quarterly report of the Recorder

Motion by Manternach, seconded by Klein, carried unanimously to approve the preceding consent items.

## CONTINUATION OF PUBLIC HEARING - CHAPTER 63 - SPECIAL EVENTS ORDINANCE

Chair Demmer announced the continuation of the public hearing.

Molly Grover, President and CEO of Dubuque Area Chamber of Commerce, requested to continue the public hearing until the Chamber meets on October 30th to review the changes made to the Ordinance after the last public hearing.

Motion by Klein, seconded by Manternach, carried unanimously to continue the public hearing.

## CONTINUATION OF PUBLIC HEARING - AMENDMENT TO COUNTY CODE OF ORDINANCES - CHAPTER 1 - ZONING AND CHAPTER 2 - SUBDIVISION AND PLATTING

Chair Demmer announced the continuation of the public hearing.

Zoning Administrator Anna O'Shea explained the amendments to the ordinances.

Mike Weber, 26789 4<sup>th</sup> Avenue, Bernard requested clarification on parts of the proposed ordinances.

Ms. O'Shea answered questions of the Board.

Mr. Weber made additional inquiries regarding the ordinances.

Motion by Klein, seconded by Manternach, carried unanimously to close the public hearing.

#### AMENDMENT TO COUNTY CODE OF ORDINANCES - CHAPTER 1 - ZONING AND CHAPTER 2 - SUBDIVISION AND PLATTING

The following amendment to the Dubuque County Zoning Ordinance is proposed.

Official notice is hereby given in accordance with the provisions of Section 331.305, current Code of Iowa, to all interested citizens of Dubuque County, Iowa that the Dubuque County Board of Supervisors will hold a public hearing concerning proposed amendments to Chapter 1 - Zoning Ordinance and Chapter 2 - Subdivision and Platting Ordinance, Dubuque County Code of Ordinances on Monday, October 20, 2014 at 5:30 p.m. in the Supervisors Office at the Dubuque County Courthouse.

A report on the proposed amendment has been received from the Dubuque County Zoning Commission; notice of public hearing has been published as required by law; and public hearings were held on September 22, 2014, October 6, 2014 and October 20, 2014.

Motion by Klein, seconded by Manternach, carried unanimously to approve the Ordinance amendment.

Motion by Klein, seconded by Manternach, carried unanimously that the amendment be adopted and that the zoning administrator be directed to enter the appropriate changes to the official zoning ordinance and that the Auditor be directed to arrange for the publication of the official zoning ordinance amendment in the official county newspapers as required by law.

#### REQUEST FOR PROPOSALS - COURTHOUSE AND RELATED PARKING LOTS SNOW REMOVAL FOR 2014-2015, 2015-2016 AND 2016-2017 WINTER SEASONS

Motion by Manternach, seconded by Klein, carried unanimously to advertise for a bid opening to be held on Friday, October 31, 2014 at 3:00 p.m. in the Supervisors Chambers at

the Dubuque County Courthouse, 4<sup>th</sup> Floor, 720 Central Avenue, Dubuque for snow removal for the Courthouse, Law Enforcement Center and 705-707 Central Avenue parking lots for the 2014-2015, 2015-2016 and 2016-2017 winter seasons.

REQUEST FOR PROPOSALS - ONE LARGE PICKUP, HEAVY DUTY, 4-WHEEL DRIVE, REGULAR CAB, 8' BOX, 10,700 LB. GVWR MINIMUM, STRAIGHT SIDE BODY, V8 ENGINE, AUTOMATIC TRANSMISSION, NEW MODEL YEAR AND TWO LARGE PICKUPS, HEAVY DUTY, 4-WHEEL DRIVE, REGULAR CAB, 8' BOX, 9,500 LB. GVWR MINIMUM, STRAIGHT SIDE BODY, V8 ENGINE, AUTOMATIC TRANSMISSION, NEW MODEL YEAR FOR THE DUBUQUE COUNTY HIGHWAY DEPARTMENT

Motion by Klein, seconded by Manternach, carried unanimously to table the request for proposals for more information from the Road Department.

REQUEST FOR PROPOSALS - SNOW REMOVAL FOR SUNNYCREST MANOR FOR THE 2014-2015 WINTER SEASON

Motion by Manternach, seconded by Klein, carried unanimously to advertise for a bid opening to be held at 3:00 p.m. on Friday, October 31, 2014 in the Supervisors Chambers at the Dubuque County Courthouse, 4<sup>th</sup> Floor, 720 Central Avenue, Dubuque for snow removal from Sunnycrest Manor, 2375 Roosevelt Street, Dubuque, Iowa for the 2014-2015 winter season.

RESOLUTION 14-257 - APPOINTMENT OF DEPUTIES ASSISTANTS AND CLERKS

WHEREAS, position vacancies have been approved for the following appointments by the Board of Supervisors through the Personnel Requisition Process.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors approves and certifies the following appointments to the Auditor for payroll implementation:

DEPARTMENT	POSITION	NAME	PAY
Sunnycrest	Nutrition Worker	Latoya Glenn	\$9.74

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-257.

RESOLUTION 14-258 - APPROVING APPLICATION FOR DUBUQUE BANK & TRUST PROCUREMENT PROGRAM

WHEREAS, Dubuque County's procurement policy authorizes the use of procurement cards; and

WHEREAS, following research the County has decided to use the procurement card program administered by Dubuque Bank and Trust.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves the application for the Dubuque Bank and Trust procurement program.

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-258.

RESOLUTION 14-259 - APPROVE NECESSARY DOCUMENTS WITH CONTRACTOR FOR PROJECT L-B316-73-31, THE SOUTH ABUTMENT REPLACEMENT OF BRIDGE 316 ON TIMBER RANGE TRAIL

WHEREAS, proposals were received on October 16, 2014 for the south abutment replacement project on Timber Range Trail, Bridge 316, Project L-B316-73-31 and Taylor Construction submitted the low bid of \$95,491, and

WHEREAS, the County Engineer has reviewed the bid and recommends accepting the bid submitted by Taylor Construction,

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa hereby approve and direct the Chair to sign the necessary contract documents, upon receipt of the signed documents from the Contractor, for the Timber Range Trail bridge project.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-259.

RESOLUTION 14-260 - REQUEST FOR PAYMENT #61 FOR JUMPSTART FEDERAL HOUSING REHABILITATION PAYMENT PROGRAM 08-DRH-004

WHEREAS, Dubuque County is the fiduciary agent for Jumpstart Federal Housing rehabilitation program #08-DRH-004; and

WHEREAS, the East Central Intergovernmental Association has disbursed funds in the amount of \$ 44,240.



NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves the Request for Payment Report # 61 in the amount of \$ 44,240 to be submitted to the Iowa Department of Economic Development. Upon receipt of payment, the County will remit to ECIA.

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-260.

#### RESOLUTION 14-261 - REQUEST FOR PAYMENT #71 FOR JUMPSTART FEDERAL HOUSING REHABILITATION PAYMENT PROGRAM 08-DRH-204

WHEREAS, Dubuque County is the fiduciary agent for Jumpstart Federal Housing rehabilitation program #08-DRH-204; and

WHEREAS, the East Central Intergovernmental Association has disbursed funds in the amount of \$ 168,076.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves the Request for Payment Report # 71 in the amount of \$ 168,076 to be submitted to the Iowa Department of Economic Development. Upon receipt of payment, the County will remit to ECIA.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-261.

#### DUPLICATE WARRANT - CITY OF DURANGO

Motion by Klein, seconded by Manternach, carried unanimously to approve the duplicate warrant.

#### RESOLUTION 14-262 - APPROVE JOINT AGREEMENT WITH CITY OF DUBUQUE TO CREATE THE URBAN RENEWAL AREA KNOWN AS THE NORTH CASCADE ROAD HOUSING URBAN RENEWAL AREA

WHEREAS, Dubuque County Board of Supervisors has been presented with a Joint Agreement with the City of Dubuque to create the established urban renewal area known as the North Cascade Road Housing Urban Renewal Area, so as to include properties located within two miles of, but outside the corporate limits, of the City of Dubuque, for the purpose of undertaking an urban renewal project; and

WHEREAS, the Dubuque County Board of Supervisors has reviewed the proposed Urban Renewal Plan for said area and has determined to consent to the creation of the District as so proposed.

NOW, THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors approves and authorizes the Chairperson to sign the Joint Agreement with the City of Dubuque to create the urban renewal area known as the North Cascade Road Housing Urban Renewal Area, so as to include properties located within two miles of, but outside the corporate limits, of the City of Dubuque, for the purpose of undertaking an urban renewal project per Iowa Code Section 403.17(4).

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-262.

#### RESOLUTION 14-263 - APPROVE SPEED LIMIT FOR CLOVER LANE

WHEREAS, the establishment of speed limits on secondary roads is defined by the Code of Iowa, Section 321.290, and

WHEREAS, the County Engineer has reviewed Clover Lane and asks that the Board of Supervisors determine and declare reasonable and proper speed limit for Clover Lane to be 35 mph from Asbury Road to the end of Clover Lane,

THEREFORE BE IT RESOLVED by the Board of Supervisors of Dubuque County, Iowa that the recommended speed limit for Clover Lane herein above specified, be and is hereby approved and established as the speed limit for said road effective the date of the posting of the speed limit signs, following the adoption of this resolution.

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-263.

#### RESOLUTION 14-264 - APPROVE MEMORANDUM OF UNDERSTANDING FOR URBAN COUNTY COALITION MEMBERSHIP

WHEREAS, Dubuque County has been presented with a Memorandum of Agreement to participate in the Urban County Coalition with Johnson, Linn, Scott and Blackhawk counties to jointly develop and advocate for issues of mutual interest to the General Assembly, Executive Branch of the State of Iowa and other appropriate agencies, departments and organizations and to collaborate on strategic planning to jointly develop regional solutions to issues of mutual interests.

NOW, THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors approves the Memorandum of Agreement to participate in the Urban County Coalition with Johnson, Linn, Scott and Blackhawk counties to jointly develop and advocate for issues of mutual interest to the General Assembly, Executive Branch of the State of Iowa and other appropriate agencies, departments and organizations and to collaborate on strategic planning to jointly develop regional solutions to issues of mutual interests and authorize and approve the funding of \$20,000 for fiscal year 2015.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-264.

#### RESOLUTION 14-265 - APPROVE 1<sup>ST</sup> QUARTER DARE EXPENSES FOR FY15

WHEREAS, Dubuque County has received a Substance Abuse Grant from the Iowa Department of Public Health for FY2015 and is required to file quarterly claims for reimbursement one-fourth (1/4) of the expenses incurred in connection with the DARE program.

THEREFORE, the Dubuque County Board of Supervisors approves and authorizes the Chairperson to sign the 1st Quarter Report for reimbursement of expenses for the 2015 County Substance Abuse Grant in the amount of \$2,014.46.

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-265.

#### COMMUNICATION - FROM TEAMSTERS LOCAL UNION 120 REGARDING INITIAL COLLECTIVE BARGAINING PROPOSAL FOR THE CITY OF DUBUQUE ASSESSOR UNIT

Motion by Manternach, seconded by Klein, carried unanimously to receive and refer the communication to Personnel and budget.

#### COMMUNICATION - FROM THE CITY OF DUBUQUE REGARDING CONSULTATION WITH AFFECTED TAXING BODIES FOR THE GREATER DOWNTOWN URBAN RENEWAL PLAN

Motion by Klein, seconded by Manternach, carried unanimously to receive and file the communication.

COMMUNICATION - FROM AFSCME LOCAL 2843 REGARDING INTENT TO ENTER COLLECTIVE BARGAINING FOR REPRESENTED EMPLOYEES AT SUNNYCREST MANOR

Motion by Manternach, seconded by Klein, carried unanimously to receive and refer the communication to Personnel.

COMMUNICATION - FROM THE CITY OF DUBUQUE REGARDING JOINT AGREEMENT OF EXERCISING URBAN RENEWAL IN DUBUQUE COUNTY, WITHIN TWO MILES OF CITY LIMITS ALONG NORTH CASCADE ROAD

Motion by Klein, seconded by Manternach, carried unanimously to receive and file the communication.

COMMUNICATION - FROM THE IOWA DEPARTMENT OF HUMAN SERVICES REGARDING NOTIFICATION OF COUNTY MEDICAID OFFSET AMOUNT

Motion by Manternach, seconded by Klein, carried unanimously to receive and file the communication and refer to budget.

PERSONNEL REQUISITIONS

Motion by Klein, seconded by Manternach, carried unanimously to approve the personnel requisitions of Sunnycrest Manor for a permanent, part-time environmental services worker (2 positions), a permanent, full-time business office manager and two (2) permanent, part-time receptionist/cashiers; of the Sheriff's Office a permanent, part-time correctional officer (female).

Motion by Manternach, seconded by Klein, carried unanimously to adjourn at 6:10 p.m. until Monday, November 3, 2014 at 9:00 a.m.

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Wayne Demmer, Chair  
Board of Supervisors

ATTEST:

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Mona Manternach  
Deputy Auditor