

MINUTES OF JUNE 16, 18, AND 23, 2014  
DUBUQUE COUNTY BOARD OF SUPERVISORS  
Present: Wayne Demmer, Daryl Klein and Eric Manternach  
Chair Demmer called the meeting to order at 8:00 a.m.

WORKSESSION - WITH COUNTY ENGINEER

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

CITY VIEW DRIVE FACILITY

After speaking with Architect Kevin Eipperle, Mr. Wilkinson presented updated cost estimates for Road Department maintenance buildings and County departmental offices for Roads, Zoning, Health, County Assessor and Treasurer satellite.

DUST CONTROL

John White, 1633 Stoffel Road, Bernard spoke with the Board regarding applying used vegetable oil out of fryers in restaurants on his gravel road for dust control. Mr. Wilkinson will check with the Iowa DNR to see if the vegetable oil substance would be environmentally safe and will obtain approval from the Board before allowing Mr. White to apply the substance on the road.

RURAL COUNTY TRANSPORTATION PROGRAM

Epworth City Mayor Tom Gassman made a request to the Board to change the Epworth project under the Dubuque County Rural Community Transportation Program. Initially, the project was to install a turning lane on Jacoby Drive West accommodating traffic turning south onto Center Avenue. The City is now proposing to do a project which involves street patching, crossing beacon installation, and sidewalk installation. The Board approved the change and an agreement will be submitted for the Board's approval.

MASSEY MARINA LANE BRIDGE 1316

Mr. Wilkinson told the Board that Schroeder Construction is scheduled to begin repairs on the Massey Marina Lane bridge within the next two to three weeks, subject to the level of the Mississippi River. Mr. Wilkinson said the repairs that are being done on the bridge should bring the bridge back to legal weight limit for at least a couple of years.

SEAL COAT ROADS

Mr. Wilkinson requested an estimate from Maintenance Superintendent Chad Danielson to

finish the patching on Spoden Road. Mr. Danielson estimated it would cost approximately \$20,000. Mr. Wilkinson is wondering if we should be patching or doing a more permanent fix on these roads, like Spoden Road, that are lengthy and at a distance from maintenance facilities. The Board would like to do a road tour to evaluate some of the roads that are badly in need of repair.

#### DAMAGE CLAIM - JON BERKLEY

The Board discussed the damage claim submitted by Jon Berkley for damage to his vehicle while traveling on Hartbecke Road.

Motion by Manternach, seconded by Klein, carried unanimously to receive and refer the claim to the County Attorney to submit to the insurance company.

#### APPROVAL OF MINUTES OF JUNE 2 AND 10, 2014

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

#### CONSENT ITEMS

County receipt of IDNR Manure Management Annual Update for Steve Hoeger; Renewal of Class LC liquor license for Graceland Tavern L.L.C; Renewal of Class WBN native wine permit for Crystal Lake Cave, L.L.C.

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

#### PROOF OF PUBLICATION - PUBLIC HEARINGS

Motion by Klein, seconded by Manternach, carried unanimously to receive and file the proofs of publication for Notice of Public Hearing - Amendment to Zoning Ordinance - ZC#05-05-14 - Brian & Jan McGarry - A-1 to R-1, Notice of Public Hearing - Amendment to Dubuque County Code of Ordinances - Chapter 1 - Zoning and Chapter 2 - Subdivision and Platting, Notice of Public Hearing - Amendment to Dubuque County Code of Ordinances - Chapter 33 - Water Well Construction and Chapter 34 - Wastewater Disposal; Notice of Public Hearing concerning the bridge repair, erosion control project on South Mound Road, Bridge S-312, Project LFM-B312-7X-31.

PUBLIC HEARING - SOUTH MOUND ROAD BRIDGE REPAIR, EROSION CONTROL PROJECT, BRIDGE S-312, PROJECT LFM-B312-7X-31

Chair Demmer opened the public hearing.

County Engineer Bret Wilkinson said the South Mound Road bridge has a restricted weight limit and the repair would open up for all traffic so they do not have a long detour.

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

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - ZC#05-05-14 - BRIAN & JAN MC GARRY - A-1 TO R-1

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea explained the applicants are requesting to rezoning from A-1 Agricultural to R-1 Rural Residential 3.6 acres, more or less, to plat off the property to sell and to allow a single family residential home to be built. The property is located 4.49 miles southeast of the City of Dubuque along Dayton Road.

Ms. O'Shea said she received a comment from Ruth Weber who is against the rezoning because of site distance and also received a comment from Mark and Julie Reiss who are against the rezoning because they are concerned additional property development will occur in the future and unsafe access to the property.

Brian McGarry, 6512 Dayton Road, Dubuque would like to plat off the property to sell to a family to build a home. He also had questions on the zoning district of other parcels in the area. Mr. McGarry said the proceeds from the sale of the property would go into forestry for wildlife.

Mark Reiss, 6568 Dayton Road, Dubuque said in answer to Mr. McGarry's question on how his property became an A-1 district was because it was a second home on his parents' farm. Mr. Reiss said if the property requesting to be rezoned is opened to R-1, what is it to say that the other property owned by the McGarrys' would be a subdivision and that is why they are against the rezoning.

Francis Weber, 6479 Dayton Road, Dubuque is concerned that below his driveway on Dayton Road there is a grade of a hill which, if there ever was a driveway, is a safety concern and also once another home is built it may be a precedent we are setting if opened up to R-1. Mr. Weber also said there is a petition with signatures that are against the rezoning.

Joseph Kies, 30239 239<sup>th</sup> Avenue, LaMotte presented the petition from landowners that are

against the rezoning and feels it is not a good place for a home.

John Arenz, 39585 239<sup>th</sup> Avenue, LaMotte gave a history of the property and is not in favor of the rezoning because of urban sprawl, being a precedent setting nature and a safety issue.

John Giesemann, 24736 389<sup>th</sup> Street, LaMotte said he owns property across the road from the property that is being requested to be rezoned. He said the road is steep and narrow near the property and is against the rezoning.

Ms. O'Shea answered questions of the Board.

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

Motion by Manternach, seconded by Klein, carried unanimously to deny the rezoning.

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

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea said the moratorium for permits and rezoning in the Southwest Arterial corridor has again been requested to be extended. Ms. O'Shea said this is the sixth year on the moratorium. Landowners can obtain permits, but approval of the Southwest Arterial Committee must be obtained first.

John Luckstead, 3642 Echo Hills Drive, Bellevue said the moratorium makes no difference because the City's intent is to keep him from doing business and the DOT's intent is to destroy property and taxpayers' money. He said he can not have a decent discussion with the City or DOT on what is happening on his property.

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

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

1. Strike and replace Section 1-22 of Chapter 1 as follows:

- 1-22 a MORATORIUM FOR PERMITS AND REZONING IN THE SOUTHWEST ARTERIAL CORRIDOR  
The administrative officer shall not issue any permit for any new construction or substantial enlargement, alteration, repair or remodeling of any structure,

building or sign in the Southwest Arterial Corridor but not to include demolition, as delineated on the drawings and maps on file at the Dubuque County Zoning Office from the effective date of this Section to July 1, 2015, except where a vested right to the issuance of such permit accrued prior to the effective date of this section. In addition, said administrative officer nor the Board of Supervisors shall give final approval to any zoning reclassification (rezoning) request for property in the Southwest Arterial Corridor that lies within the county limits of the county of Dubuque, as shown delineated on drawings on file in the County Zoning Office from the effective date of this section to July 1, 2015 except where a vested right to the issuance of said approval accrued to any person, firm or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the Administrative Officer and the County Board of Supervisors may approve a requested zoning upon a determination that the proposed rezoning will not negatively impact the acquisition of right-of-way along the preferred alignment of the Southwest Arterial Corridor. The County Board of Supervisors and administrative officer shall also consider any recommendation from the Southwest Arterial Technical Committee regarding potential negative impact, if any, that would result from approval of the requested re-zoning and the subsequent development of the parcel(s).

2. Strike and replace Section 2-64.2 of Chapter 2 as follows:

2-64.2 Notwithstanding any other provision of this chapter, a proposed plat that divides any parcel within the Southwest Arterial Corridor into two or more lots, and any preliminary plat within the Southwest Arterial Corridor shall be submitted to the Dubuque County Board of Supervisors for review. No plat for any subdivision or re-subdivision of property in the Southwest Arterial Corridor as shown delineated on drawings on file with the Dubuque County Zoning Office, shall be approved by the County Board of Supervisors from the effective date of this section to July 1, 2015, except where a vested right or the issuance of said approval accrued to any person, firm or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the Board of Supervisors may approve a proposed plat or preliminary plat upon a determination that the proposed subdivision will not negatively impact the acquisition of right-of-way along the preferred alignment of the Southwest Arterial Corridor. The applicant shall provide the Dubuque County Board of Supervisors with a plat prepared by a licensed engineer or land surveyor that accurately depicts the parcel(s) to be subdivided and the location of the Southwest Arterial Corridor Boundaries. The Dubuque County Board of Supervisors shall also consider any recommendation from the Southwest Arterial Technical Committee concerning potential negative impacts, if any, that would result from approval

of the proposed plat or preliminary plat and the subsequent development of the parcel(s).

A report on the proposed amendment has been received from the Dubuque County Zoning Commission; notice of the public hearing has been published as required by law; and a public hearing has been held on June 16, 2014.

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

Motion by Klein, seconded by Manternach, carried unanimously to suspend the requirement that this amendment be considered and voted on for passage at two prior meetings.

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

#### PUBLIC HEARING - AMENDMENT TO CHAPTER 33 - WATER WELL CONSTRUCTION AND CHAPTER 34 - WASTEWATER DISPOSAL - DUBUQUE COUNTY CODE OF ORDINANCES

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea said this amendment will affect the septic systems and well permits that are issued by the Health Department.

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

#### AMENDMENT TO CHAPTER 33 - WATER WELL CONSTRUCTION AND CHAPTER 34 - WASTEWATER DISPOSAL - DUBUQUE COUNTY CODE OF ORDINANCES

1. Strike and replace Section 33.3a as follows:

- 33.3 a The administrative authority shall not issue any permits under this chapter for any non-public water well construction for property in the Southwest Arterial Corridor that lies within the County limits of the County of Dubuque as shown delineated on drawings at the County Zoning Department from the effective date of this section to July 1, 2015, except where a vested right to the issuance of such approval occurred to any person, firm or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the administrative authority may approve a requested permit under this Chapter upon a determination that the proposed non-public water well

will not negatively impact the acquisition of right-of-way along the preferred alignment of the Southwest Arterial Corridor. The administrative authority shall consider any recommendation from the Southwest Arterial Technical Committee regarding potential negative impacts, if any, that would result in the approval of the requested permit.

1. Strike and replace Section 34-5 as follows:

34-5 Notwithstanding any other provision of this chapter, the administrative officer shall not issue permits for an onsite waste water treatment and disposal system or authorize the building of said system for any property that lies within the property limits of Dubuque County as shown delineated on drawings on file with the County Zoning Department from the effective date of this ordinance to July 1, 2015 except where a vested right to the issuance of said approval accrued to any person, firm, or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the administrative officer may approve an on-site wastewater treatment and disposal system upon a determination that the proposed system will not negatively impact the acquisition of right-of-way along the preferred alignment of the Southwest Arterial Corridor. The administrative officer shall also consider any recommendation from the Southwest Arterial Technical Committee regarding potential negative impacts, if any, that would result from the approval of the proposed on-site waste water treatment and disposal system.

A report on the proposed amendment has been received from the Dubuque County Zoning Commission; notice of the public hearing has been published as required by law; and a public hearing has been held on June 16, 2014.

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

Motion by Klein, seconded by Manternach, carried unanimously to suspend the requirement that this amendment be considered and voted on for passage at two prior meetings.

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

RESOLUTION 14-139 - AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT WITH GOODWILL INDUSTRIES OF NORTHEAST IOWA, INC. AND FIXING A DATE FOR A HEARING ON THE PROPOSED ISSUANCE OF REVENUE BONDS OR NOTES

WHEREAS, the County of Dubuque, State of Iowa (the “County” or “Issuer”), is a County authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, 2013 as amended (the “Act”), to issue revenue bonds or notes for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the “Code”) which is exempt from federal income tax under Section 501(a) of the Code (a “Tax Exempt Organization”) or to retire any existing indebtedness on a facility for a Tax Exempt Organization; and

WHEREAS, the Issuer has been requested by Goodwill Industries of Northeast Iowa, Inc. (the “Borrower”), a Tax Exempt Organization, to issue revenue bonds or notes, in an aggregate principal amount not to exceed \$600,000 (the “Notes”), in one or more series, pursuant to the Act, and to loan said amount to the Borrower for the purposes of: (1) financing the costs for acquiring, constructing, renovating, improving, equipping and furnishing of Borrower’s retail store to be located at 214 4<sup>th</sup> Street SE, Dyersville, Iowa (the “Project”) including related site improvements and ancillary buildings and (2) financing the costs of issuance and certain other costs associated with the issuance of the Notes; and

WHEREAS, it is proposed to finance the foregoing through the issuance of the Notes and to loan the proceeds from the sale of the Notes to the Borrower under a loan agreement between the Issuer and the Borrower (the “Loan Agreement”), the obligations of which will be sufficient to pay the principal of, premium, if any, and interest on the Notes as and when the same shall be due and payable; and

WHEREAS, the Notes, if issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of, premium, if any, and interest on the Notes shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, before the Notes may be issued, it is necessary to conduct a public hearing on the proposal to issue the Notes, all as required and provided for by Section 419.9 of the Act and Section 147(f) of the Code; and

WHEREAS, a Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto, has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such Agreement, to pursue proceedings necessary under the Act to issue the Notes for such purpose;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the Issuer, as follows:

Section 1. The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Chairperson is hereby

authorized to execute said Memorandum of Agreement and the County Auditor is hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto.

Section 2. Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement.

Section 3. This Board shall meet at 9:00 o'clock a.m. on the 14th day of July, 2014, in the Board's Chambers at the Dubuque County Courthouse, 720 Central Avenue, Dubuque, Iowa, at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Notes referred to in the preamble hereof.

Section 4. The County Auditor is hereby directed to give notice of intention to issue the Notes, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the County. The notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE REVENUE BONDS OR NOTES  
(GOODWILL INDUSTRIES PROJECT)

The Board of Supervisors of Dubuque County, Iowa, (the "Issuer") will meet on the 14th day of July, 2014, at 9:00 o'clock a.m., in the Board of Supervisors Chambers at the Dubuque County Courthouse, 720 Central Avenue, Dubuque, Iowa, for the purpose of conducting a public hearing on the proposal to issue revenue bonds or notes of the Issuer, in an aggregate principal amount not to exceed \$600,000 (the "Notes"), in one or more series, and to loan said amount to Goodwill Industries of Northeast Iowa, Inc. (the "Borrower"), for the purposes of: (1) financing the costs for acquiring, constructing, renovating, improving, equipping and furnishing of Borrower's retail store to be located at 214 4<sup>th</sup> Street SE, Dyersville, Iowa (the "Project") including related site improvements and ancillary buildings and (2) financing the costs of issuance and certain other costs associated with the issuance of the Notes. The Borrower will own and operate the Project.

The Notes, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Notes will be payable solely and only from amounts received by the Issuer under a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Notes as and when the same

shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Notes. Written comments may also be submitted to the Issuer at the Dubuque County Courthouse, 720 Central Avenue, Dubuque, Iowa 52001. Written comments must be received by the above hearing date.

Section 5. On the basis of representations of the Borrower, the Issuer declares (a) that the Borrower intends to undertake the Project, (b) that other than (I) expenditures to be paid or reimbursed from sources other than the Notes, or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or the date of the Borrower's reimbursement resolution, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Notes, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project to be reimbursed by the Notes have heretofore been made by the Borrower and no expenditures will be made by the Borrower until after the date of this Resolution, and © that the Borrower reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of the Notes. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 6. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-139.

#### NOTICE OF PUBLIC HEARING - HERBER ROAD BRIDGE REPLACEMENT PROJECT - PPCB, BRIDGE S-416, PROJECT BROS-C031(76)-8J-31

Motion by Klein, seconded by Manternach, carried unanimously to advertise for a public hearing to be held on Monday, June 30, 2014 at 5:30 p.m. in the Supervisors' Chambers, Dubuque County Courthouse, 4<sup>th</sup> Floor, Dubuque, concerning the bridge replacement-PPCB project on Herber Road, Bridge S-416, Project BROS-C031(76)-8J-31.

#### PROOF OF PUBLICATION - PROCUREMENT PROCEDURES

Motion by Manternach, seconded by Klein, carried unanimously to receive and file the proofs of publication for Notice to Bidders for bridge repair, erosion control project on

Koopman Road, Bridge S-1012, Project L-DHIR17-73-31; Notice to Bidders for bridge repair, erosion control project on Oakland Farms Road, Bridge S-1204, Project L-DHIR23-73-31, both for the Dubuque County Highway Department.

RECEIPT AND RECOMMENDATION OF BIDS - OAKLAND FARMS ROAD BRIDGE REPAIR, EROSION CONTROL PROJECT, BRIDGE S-1204, PROJECT L-DHIR23-73-31

The following bids were read into the record by County Engineer Bret Wilkinson:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
<u>Gansen Excavating</u> Dubuque, IA	\$ 17,200.00
<u>Steger Construction</u> Dyersville, IA	\$ 38,927.00
<u>Top Grade Excavating</u> Farley, IA	\$104,700.00
<u>Tschiggfrie Excavating Co.</u> Dubuque, IA	\$ 41,599.00

Mr. Wilkinson recommended to accept the low bid as stated in the resolution later in the meeting.

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

RECEIPT AND RECOMMENDATION OF BIDS - KOOPMAN ROAD BRIDGE REPAIR, EROSION CONTROL PROJECT, BRIDGE S-1012, PROJECT L-DHIR17-73-31

The following bids were read into the record by County Engineer Bret Wilkinson:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
<u>Gansen Excavating</u> Dubuque, IA	\$ 47,861.00
<u>Steger Construction</u> Dyersville, IA	\$ 70,908.40

<u>Top Grade Excavating</u> Farley, IA	\$ 97,178.20
<u>Tschiggfrie Excavating Co.</u> Dubuque, IA	\$ 70,553.10
<u>Connolly Construction</u> Peosta, IA	\$ 70,714.35
<u>Eastern Iowa Excavating &amp; Concrete</u> Cascade, IA	\$ 58,751.75

Mr. Wilkinson recommended to accept the low bid as stated in the resolution later in the meeting.

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

**REQUEST FOR QUOTES - SNOW EQUIPMENT: TWO (2) DUMP BOXES, TWO (2) POWER ANGLE PLOWS, TWO (2) TAILGATE SPREADERS, TWO (2) PATROL WINGS AND ALL HYDRAULICS FOR THE DUBUQUE COUNTY HIGHWAY DEPARTMENT**

Motion by Manternach, seconded by Klein, carried unanimously to advertise for a bid opening to be held on Thursday, June 26, 2014 at 3:05 p.m. in the Supervisors' Chambers at the Dubuque County Courthouse, 4<sup>th</sup> floor, 720 Central Avenue, Dubuque, for snow equipment: two (2) dump boxes, two (2) power angle plows, two (2) tailgate spreaders, two (2) patrol wings and all hydraulics for the Dubuque County Highway Department.

**REQUEST FOR QUOTES - DUBUQUE COUNTY SUNNYCREST MANOR ON-SITE FOOD SERVICES**

Motion by Klein, seconded by Manternach, carried unanimously to advertise for a bid opening to be held on Monday, August 11, 2014 at 9:00 a.m. in the Supervisors' Chambers, Dubuque County Courthouse, 4<sup>th</sup> floor, 720 Central Avenue, Dubuque, for on-site food services to be provided at Dubuque County Sunnycrest Manor.

**REQUEST FOR QUOTES - DUBUQUE COUNTY SUNNYCREST MANOR ON-SITE HOUSEKEEPING AND LAUNDRY/LINEN SERVICES**

Motion by Manternach, seconded by Klein, carried unanimously to advertise for a bid opening to be held on Monday, August 11, 2014 at 9:00 a.m. in the Supervisors' Chambers,

Dubuque County Courthouse, 4<sup>th</sup> floor, 720 Central Avenue, Dubuque, for on-site housekeeping and laundry/linen services to be provided at Dubuque County Sunnycrest Manor.

RESOLUTION 14-140 - 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	DATE APPROVED	NAME	PAY RATE
Conservation	TPT Conservation Aide	02-10-14	Tyler Decker	\$ 9.00
Sunnycrest	PPT PI/CNA	04-21-14	Samantha Weiner	\$11.71
Sunnycrest	PPT PI/CNA	04-07-14	Marjorie Martin	\$11.71
Sunnycrest	PPT PI/CNA	04-07-14	Sherrie Kennedy	\$11.71
Sunnycrest	PPT PI/CNA	04-07-14	Amber McMullen	\$11.71
Sunnycrest	PPT PI/CNA	04-07-14	Antionette Baker	\$11.71
Sheriff	PPT Correctional Officer	01-14-14	Daniel Higgins	\$21.23
Conservation	TPT Urban Youth Leader	05-05-14	Joseph Specht	\$15.00
Conservation	TPT Urban Youth Crew	05-05-14	Megan Donovan	\$ 7.25
Conservation	TPT Urban Youth Crew	05-05-14	Trevor Carroll	\$ 7.25
Conservation	TPT Urban Youth Crew	05-05-14	Kody Kaiser	\$ 7.25
Conservation	TPT Urban Youth Crew	05-05-14	Keegan Uthe	\$ 7.25

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-140.

RESOLUTION 14-141 - APPOINTMENT OF DEPUTY PERSONNEL FOR FY15

WHEREAS, pursuant to the Code of Iowa, Section 331.903, the County Attorney, County Auditor, County Recorder, County Sheriff and County Treasurer may each appoint, with the approval of the Board of Supervisors, one or more deputies, assistants or clerks for whose acts the principal officer is responsible; and

WHEREAS, the approval of each appointment is to be adopted by resolution in the minutes of the Board of Supervisors.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors herewith approves the appointment of the following deputies for the aforementioned officers for fiscal year 2014:

COUNTY ATTORNEY: First Assistant Christine Corken, Assistants Brigit Barnes, Timothy Gallagher, Lyle Galliard, Alisha Stach-Lorang, Michael Whalen, Ryan Gallagher, Shea Chapin and Joshua Vander Ploeg.

AUDITOR: First Deputies Suzanne Breitbach and Tom O'Neill; Second Deputy William Welter and Third Deputy Ramona Manternach.

RECORDER: First Deputies Karolyn Kennedy and Diane Gavin;

SHERIFF: Chief Deputy Greg Egan, Captain Dale Snyder, Captain Robert Lynn, Captain Michael Muenster; Sergeants Jon Behne, John Higgins, Kevin Niemer, David Riniker, Patrick McMahon, Harley Pothoff, Curtis Schultz, Gary Pape and David Boardman. Deputies Edward Baker, Jill Bellmann, Shane Bockenstedt, Nancy Bodnar, Michael Brehm, Anthony Dalsing, Patrick Day, Kevin Egan, Shane Freiburger, Robert Freund, Sean Gallagher, Keith Gednalski, Todd George, Lisa Gillespie, William Grant, Michael Halbur, Kevin Hoffman, Natalie Hosch, Jeffrey Hoyne, Sara Jenaman, Kelly Kauffmann, Daniel Kearney, Timothy Kelly, Joseph Kennedy, Ryan Kettmann, Robert Klein, Brad Krause, Ryan Kremer, Brooke Lawler, Robert Lee, Jeffrey Maas, Lisa McGranahan, Jessalyn McKeon, Sara Miller, Margaret Mitchell, Jeremy Mootz, Sarah Moser, Brenda Naab, Ronald Neumann, Raymond Nicks, William Ostola, Elaine Palen, Aaron Potter, Daniel Richman, Benjamin Roberts, Erich Schaul, Tyler Schmitt, Dorothy Schroeder-Kutsch, Matthew Sitzmann, Mark Snyder, Tina Tallman, David Tomkins, Lukasz Trojanowski, Christopher Wahlert, Donald Weig, Elizabeth Wilhelm-Kelly, Amanda White and Adam Williams.

TREASURER: First Deputies Randy Wedewer and Janelle Duwe.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-141.

**RESOLUTION 14-142 - APPROVE ADDENDUM TO HOSPICE SERVICE AGREEMENT BETWEEN DUBUQUE COUNTY/SUNNYCREST MANOR AND ABOVE AND BEYOND HOSPICE CARE**

WHEREAS, Dubuque County has been presented with an Addendum to the current agreement between Dubuque County and Above and Beyond Home Health Care, Inc. for hospice services for Sunnycrest Manor residents; and

WHEREAS, the Addendum reflects the new Medicare requirements for hospice services.

NOW, THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors approves and authorizes the Chairperson to sign the Addendum to the current agreement between Dubuque County and Above and Beyond Home Health Care, Inc. for hospice services for Sunnycrest Manor residents.

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-142.

RESOLUTION 14-143 - REQUEST FOR PAYMENT #55 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 \$ 6,350.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves the Request for Payment Report # 55 in the amount of \$ 6,350 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 14-143.

RESOLUTION 14-144 - REQUEST FOR PAYMENT #63 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 \$ 119,557.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves the Request for Payment Report # 63 in the amount of \$ 119,557 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 14-144.

RESOLUTION 14-145 - APPROVE EIDE BAILLY ENGAGEMENT LETTER TO CONDUCT  
FY14 DUBUQUE COUNTY AUDIT

WHEREAS, Dubuque County has been presented with an Engagement Agreement with Eide Bailly to conduct the fiscal year 2014 Dubuque County audit.

NOW, THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors approves and authorizes the Chairperson to sign the Engagement Agreement with Eide Bailly to conduct the fiscal year 2014 Dubuque County audit.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-145.

RESOLUTION 14-146 - APPROVE CONTRACTOR AND NECESSARY DOCUMENTS FOR  
OAKLAND FARMS ROAD BRIDGE REPAIR, EROSION CONTROL PROJECT, BRIDGE S-  
1204, PROJECT L-DHIR23-73-31

WHEREAS, bids were received on June 12, 2014 for the bridge repair, erosion control project on Oakland Farms Road, Bridge S-1204, Project L-DHIR23-73-31 and Gansen Excavating, Inc. of Dubuque, Iowa submitted the low bid of \$17,200.00, and

WHEREAS, the County Engineer has reviewed the bids and recommends accepting the bid submitted by Gansen Excavating, Inc.,

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 Oakland Farms Road project.

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-146.

RESOLUTION 14-147 - APPROVE CONTRACTOR AND NECESSARY DOCUMENTS FOR  
KOOPMAN ROAD BRIDGE REPAIR, EROSION CONTROL PROJECT, BRIDGE S-1012,  
PROJECT L-DHIR17-73-31

WHEREAS, bids were received on June 12, 2014 for the bridge repair, erosion control project on Koopman Road, Bridge S-1012, Project L-DHIR17-73-31 and Gansen Excavating, Inc. of Dubuque, Iowa submitted the low bid of \$47,861.00, and

WHEREAS, the County Engineer has reviewed the bids and recommends accepting the bid submitted by Gansen Excavating, Inc.,

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 Koopman Road project.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-147.

**RESOLUTION 14-148 - APPROVE NECESSARY RIGHT OF WAY DOCUMENTS WITH PROPERTY OWNERS FOR BRIDGE REPLACEMENT PROJECT - PPCB ON HERBER ROAD, BRIDGE S-416, PROJECT BROS-C031(76)–8J-31**

WHEREAS, it is necessary to secure right-of-way for the bridge replacement - PPCB project on Herber Road, Bridge S-416, Project BROS-C031(76)–8J-31,

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa, hereby approve and direct the Chair to sign the necessary right-of-way documents with property owners for the project on Herber Road.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-148.

**RESOLUTION 14-138 - AMENDED - TO CORRECT ERROR REGARDING COST**

WHEREAS, Resolution 14-138 was adopted on June 2, 2014 with an error that stated “\$104,407 for the two trucks” and is now amended to read as follows:

WHEREAS, quotes were received on May 29, 2014 for two current model tandem, heavy duty trucks, minimum 58,000 GVWR for the Dubuque County Highway Department and Truck Country of Iowa, Inc. of Dubuque, Iowa submitted a quote of \$101,411 per truck plus \$2,450 per unit for an extended base warranty 36 month/150,000 mile and \$546 per unit for an unlimited 5-year transmission warranty for a total of \$104,407 per truck, and

WHEREAS, the County Engineer has reviewed said quotes and recommends Dubuque County accept the quote as submitted by Truck Country of Iowa, Inc.,

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa hereby approve and direct the Chair to sign the necessary documents, upon receipt of the signed documents from the vendor, for two tandem trucks.

Motion by Manternach, seconded by Klein, carried unanimously to approve and authorize the Chair to sign Resolution 14-138, as amended.

RESOLUTION 14-149 - APPROVE FY15 AGREEMENT WITH REGION 8 REGIONAL TRANSIT AUTHORITY FOR TRANSPORTATION SERVICES FOR THE RESIDENTS OF SUNNYCREST MANOR

WHEREAS, Dubuque County has been presented with an FY15 Service Agreement for Region 8 Regional Transit Authority for transport services for Sunnycrest Manor residents.

NOW, THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors approves and authorizes the Chairperson to sign the FY15 service agreement for Region 8 Regional Transit Authority for transport services for Sunnycrest Manor residents.

Motion by Klein, seconded by Manternach, carried unanimously to approve and authorize the Chair to sign Resolution 14-149.

PERSONNEL REQUISITIONS

Motion by Klein, seconded by Manternach, carried unanimously to table the personnel requisitions for Sunnycrest Manor until the worksession later in the meeting.

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

WORKSESSION - WITH ZONING ADMINISTRATOR

Upon reconvening at 10:15 a.m., the Board met with Zoning Administrator Anna O'Shea regarding the following entrance permits:

ENTRANCE PERMIT FOR CITY OF DUBUQUE

The Board met with Ms. O'Shea, County Engineer Bret Wilkinson, and Ryan Benjederdes from IIW regarding an entrance permit request from the City of Dubuque for property along Bellevue Heights Road which is owned by the City and includes the EB Lyons Interpretive Center.

Motion by Klein, seconded by Manternach, carried unanimously to approve the entrance permit variance.

ENTRANCE PERMIT FOR CARL & ELAINE BURKLE/BARD MATERIALS

The Board met with Ms. O'Shea, County Engineer Bret Wilkinson, and Ben Schroeder from Bard Materials regarding an entrance permit request for Carl and Elaine Burkle/Bard Materials for property .6 miles north of the City of Dyersville along Christoph Road.

Motion by Manternach, seconded by Klein, carried unanimously to approve the entrance permit variance.

Motion by Manternach, seconded by Klein, carried unanimously to remove the middle driveway when house is destroyed.

#### ENTRANCE PERMIT FOR RICHARD & LAURELEE ANDERSON

The Board met with Ms. O'Shea, County Engineer Bret Wilkinson and Richard Anderson regarding an entrance permit request for property located off of Kaune Lane.

Motion by Klein, seconded by Manternach, carried unanimously to approve the entrance permit variance, subject to discussion the Board had that the Andersons are on a 40' county gravel road and there will be no planned changes to the road.

#### WORKSESSION - WITH COUNTY SHERIFF AND COUNTY ENGINEER

The Board met with Sheriff Don Vrotsos, Captain Dale Snyder, County Attorney Ralph Potter and County Engineer Bret Wilkinson to review the proposed new Special Events Ordinance in order to regulate special events occurring on secondary roads and county right of way.

Mr. Potter will make changes that were discussed and prepare the ordinance in final form for a public hearing.

#### WORKSESSION - WITH COUNTY AUDITOR

The Board met with County Auditor Denise Dolan for an update on the new phone system. Deputy Commissioner of Elections Tom O'Neill was also present.

Ms. Dolan and Mr. O'Neill also gave a report on the election equipment for the primary election.

Mr. O'Neill gave notice to the Board that a recount of the June 3, 2014 Democratic Primary election for Dubuque County Supervisors will be conducted under current election laws.

Motion by Klein, seconded by Manternach, carried unanimously to approve the recount of the June 3, 2014 Democratic Primary election for Dubuque County Board of Supervisors.

## WORKSESSION - WITH SUNNYCREST INTERIM NURSING HOME ADMINISTRATOR

The Board met, by telephone, with Kathy Jenkins and Diane Peters with Health Dimensions regarding Sunnycrest Manor staffing.

Motion by Manternach, seconded by Klein, carried unanimously to approve the personnel requisitions of Sunnycrest Manor for three (3) permanent, full-time CNA staff, two (2) permanent, part-time CNA staff and a permanent, full-time clinical administrator manager.

## RESIDENCY DETERMINATION OF CLIENTS

Motion by Klein, seconded by Manternach, carried unanimously to approve services for cases #200292, 200353, 163322, 200384, 41229, 161607, 200110, 177449 and 200423.

Motion by Manternach, seconded by Klein, carried unanimously to recess at 12:07 p.m. until 1:00 p.m.

## GENERAL ASSISTANCE

Upon reconvening at 1:02 p.m., 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 F-4-32.

Upon returning to regular session, motion by Manternach, seconded by Klein, carried unanimously to approve the requested services for case F-4-32.

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-10-37.

Upon returning to regular session, motion by Klein, seconded by Manternach, carried unanimously approve services for case B-10-37.

## WORKSESSION - WITH CONSERVATION DIRECTOR

The Board met with Conservation Director Brian Preston to discuss applying for a State Recreational Trail Grant which would require matching funds from the county. Mr. Preston said he would be asking for the matching funds in FY16.

The Board directed Mr. Preston to proceed and file for the trail grant.

## WORKSESSION - WITH COUNTY SHERIFF

The Board met with Sheriff Don Vrotsos regarding the purchase of taser equipment from forfeiture funds. Present from the Sheriff's office was Assistant Jail Administrator Tom Fitzpatrick, Deputy Brad Krause, Captain Bob Lynn, Sergeant Dave Boardman, Investigator J. J. Mootz and Captain Dale Snyder. Also present was IMWCA Senior Loss Control Representative Dean Schade, Tim English from O'Connor and English Insurance Agency and Taser International Regional Manager Ron Bellendier.

Mr. Bellendier gave a presentation to the Board in regard to the use of tasers and answered questions from the Board.

Motion by Klein, seconded by Manternach, carried unanimously to approve the purchase of the taser equipment.

## WORKSESSION - WITH DUBUQUE COUNTY FAIR BOARD

The Board met with Dubuque County Fair Association Manager Jami Blum, Board of Directors President Daryl Biechler, Finance Manager Angie Sigwarth and Chad Wagner from DB&T regarding a request for a low interest loan to the Dubuque County Fair Association.

The Board will wait until after the Dubuque County Fair receipts are in from the 2014 fair to determine the amount of loan that will be provided to the Fair Association.

Motion by Manternach, seconded by Klein, carried unanimously to recess at 4:53 p.m. until Wednesday, June 18, 2014 at 1:30 p.m.

The Board reconvened at 1:33 p.m. on Wednesday, June 18, 2014, with Supervisors Demmer and Klein present and Supervisor Manternach absent.

## CONSENT ITEMS

Motion by Klein, seconded by Demmer, carried unanimously to approve the cigarette permits for Mid Mart, Inc., Harvey's Airline Inn Ltd. and Hwy 20 Auto Truck Plaza LLC.

## WORKSESSION - WITH GRONEN PROPERTIES

The Board met with John Gronen of Gronen Properties, Jim Urell from Covenant Construction Group and Rich Bean from Novelty Iron Works regarding cost analysis for

restoration or build out for Dubuque County office space.

Motion by Demmer, seconded by Klein, carried unanimously to recess at 2:33 p.m. until Monday, June 23, 2014 at 9:00 a.m.

The Board reconvened at 9:00 a.m. with Supervisors Demmer and Klein present and Supervisor Manternach absent.

COMMUNICATION - FROM ELECTION RECOUNT BOARD REGARDING BOARD OF SUPERVISORS BALLOT RECOUNT FROM THE JUNE 3, 2014 PRIMARY ELECTION

Recount of Votes for Dubuque County Supervisors:

David J. Baker	2,499
Tom Hancock	2,536
Jim JJ Keene	281
Roger J. Oberbroeckling	769
Donna L. Smith	2,650
Jim Specht	575
R.R.S. Stewart	790

Motion by Klein, seconded by Demmer, carried unanimously to adjourn at 9:10 a.m. until Monday, June 30, 2014 at 5:30 p.m.

\_\_\_\_\_  
Wayne Demmer, Chair  
Board of Supervisors

ATTEST:

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Mona Manternach  
Deputy Auditor