

MINUTES OF AUGUST 10 AND 18, 2015  
DUBUQUE COUNTY BOARD OF SUPERVISORS  
Present: Daryl Klein, Tom Hancock and Wayne Demmer  
Chair Klein called the meeting to order at 8:07 a.m.

WORKSESSION - WITH COUNTY ENGINEER

The Board met with Interim County Engineer Anthony Bardgett regarding the following:

FEMA - ROAD AND BRIDGE ORDINANCE

Bardgett told the Board that FEMA wants the County to adopt an ordinance that follows the State and Federal standards for bridges in the county. He has a template that was given to him to prepare the ordinance and will work on drafting one.

ENGINEER'S REPORT

Bardgett said he is currently developing plans for replacing bad cross road pipes and resurfacing Mud Lake Road. He is looking to possibly include paving Circle Ridge Road in the same set of plans, depending on the timing of shifting federal aid funds around. Bardgett is anticipating a February or March letting which will put construction around June or July.

Bardgett is currently developing plans for reconstructing Key West Drive. The plan is to remove the old pavement and replace with adequate subbase and new asphalt. New curb and gutter will also be a part of this project. This project will be planned for a February or March letting putting construction around June or July.

Bardgett said contract rock is expected to be placed on the Farley Road the end of this week. This will help with the grade of the road and give the motor grader operator more material to grade the road with. At this point, Bardgett said they are surveying the road to develop a solid set of plans. The goal is to have plans ready for a February or March letting. This will put construction around May or June. The plan is to repair the grade and pave as much of the road as possible. This will depend on how much of the grade needs to be adjusted and given time for settlement.

Bardgett advised the Board that paving is expected to start shortly after Labor Day on Asbury Road. The road will be open to traffic, but reduced to one lane in the work zone area.

Regarding bridge inspections, Bardgett said a recent inspection of a bridge on Bellevue Heights Road showed there are sever shear cracks in the concrete beams. The bridge is a 1920's era bridge and he is recommending to close the bridge. This particular road is a horseshoe road with easy alternate access to Hwy 52.

## OUTSTANDING CHECKS FOR MUD LAKE ROAD RIGHT OF WAY

Accountant Dan Konichek told the Board there are two checks that were issued in March for Mud Lake Road right of way that are outstanding. The Board directed Konichek to send the residents, who have not yet cashed their checks, a certified letter requesting them to cash the checks immediately.

## MOTOR GRADER PURCHASE

Motion by Demmer, seconded by Hancock, carried unanimously, to accept the State bid for a 2015 John Deere 772G motor grader, with snow wing, in the amount of \$257,625.00.

## WORKSESSION - WITH ZONING ADMINISTRATOR

The Board met with Zoning Administrator Anna O'Shea regarding an entrance permit for Brandon Simon. Mr. Simon would like to extend a field entrance on his property off of N. Pleasant Grove Road so he can access a new cattle shed he is building on the site.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the entrance permit variance.

Motion by Demmer, seconded by Hancock, carried unanimously, to recess at 8:56 a.m.

## PROCLAMATION 15-005 - 25<sup>TH</sup> ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

NOW, THEREFORE, the Dubuque County Board of Supervisors, on behalf of the staff and citizens of Dubuque County, do hereby recognize the National Disability Employment Awareness Month in Dubuque County, Iowa, and urge employers to welcome the talents of all people, including people with disabilities.

Motion by Hancock, seconded by Demmer, carried unanimously, to adopt Proclamation 15-005. Judy Schmidt and R.R.S. Stewart accepted the Proclamation.

## APPROVAL OF MINUTES OF MEETING OF JULY 27 AND 30, 2015

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the minutes.

## CONSENT ITEMS

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the recommendation from the Dubuque County Assessor regarding allowed and disallowed Homestead Credit, Military Exemptions and Disabled Veterans exemptions for 2015.

New Class LC liquor license - Massey Properties, LLC - Vicky Kramer; Renewal of Class BB beer permit - Fly DBQ Café - Christine Beckman; Renewal of class WCN native wine permit - Sunset Ridge Winery, LLC; Renewal of Class LC liquor license - Dubuque Lodge #297 Benevolent and Protective Order; IDNR Manure Management Update from Roling Acres

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the preceding consent items.

## PROOF OF PUBLICATION - PUBLIC HEARING

Motion by Hancock, seconded by Demmer, carried unanimously, to receive and file the proofs of publication for Notice of Public Hearing, Amendments to Dubuque County Code of Ordinances, Chapter 1 - Zoning, Chapter 2 - Subdivision and Platting, Chapter 33 - Water Well Construction and Chapter 34 - Wastewater Disposal; Notice of Public Hearing, Amendments to Zoning Ordinance, ZC#04-03-14 - John & Maria Smith Trust - A-1 Agricultural to A-2 Agricultural Residential, ZC#07-08-15 - Nita-Ho Property Owners Association Inc. & Jeff & Mary Jo Westhoff - A-1 Agricultural to A-2 Agricultural Residential, ZC#07-09-15 - Donald & Mary McDermott - A-1 Agricultural to A-2 Agricultural Residential, ZC#07-10-15 - Harold & Janet Soppe - A-1 Agricultural to A-2 Agricultural Residential, ZC#07-11-15 - Richard & Mary Hoefer - A-1 Agricultural to A-2 Agricultural Residential, ZC#07-12-15 - Jane Daly Landry, etal & Larry & Carol Shuhert - A-1 Agricultural to A-2 Agricultural Residential, ZC#07-14-15 - Travis & Alicia Turnis - A-1 Agricultural to A-2 Agricultural Residential.

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

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea said this amendment is regarding the SW Arterial corridor moratorium and is in the 7<sup>th</sup> year. The moratorium is on zoning certificates, plats, rezoning applications, all for the property located in the SW Arterial corridor. This moratorium is to aid and preserve the securing of right of way and to ensure the development does not inadvertently occur during the SW Arterial process. This moratorium will expired

on June 30, 2016.

Motion by Demmer, seconded by Hancock, 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, 2016, 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, 2016 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, 2016, 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).

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the amendment.

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

Motion by Demmer, seconded by Hancock, carried unanimously, that the amendment be adopted and 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

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea said in order to be issued a permit for water well construction and wastewater disposal, property owners need to have approval from the SW Arterial review committee.

Motion by Hancock, seconded by Demmer, carried unanimously, to close the public hearing.

AMENDMENT TO CHAPTER 33 - WATER WELL CONSTRUCTION AND CHAPTER 34 - WASTEWATER DISPOSAL

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, 2016, 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, 2016 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.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the amendment.

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

Motion by Hancock, seconded by Demmer, carried unanimously, that the amendment be adopted and 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 ZONING ORDINANCE - ZC#04-03-14 - JOHN & MARIA SMITH TRUST - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea said she has been working with the Zoning Board and letting them know that the Board of Supervisors is primarily concerned with protecting and preserving agricultural land and is not interested in creating any subdivisions out in the county with the A-2 zoning district, but are interested in trying to protect the balance of the property.

O'Shea explained the applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential one (1) acre, more or less, to plat off the existing home that their son currently occupies and wants to purchase. The property is located 2 miles north of the City of Graf along Asbury Road. There are issues to deal with because Asbury Road was relocated so the owners of the property to the north actually own some of this property south of the road.

Dave Schneider, Schneider Land Surveying, 906 1<sup>st</sup> Street North, Farley, explained why the property boundaries on each side of Asbury Road need to be corrected.

Motion by Hancock, seconded by Demmer, carried unanimously to close the public hearing.

**AMENDMENT TO ZONING ORDINANCE - ZC# 04-03-14 - JOHN & MARIA SMITH TRUST - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

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

ZC# 04-03-14 John & Maria Smith Trust A-1 Agricultural to A-2 Agricultural Residential  
The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1 acre, more or less, to plat off the existing home that their son currently occupies and wants to purchase. The property is located 2 miles north of the City of Graf along Asbury Road and is legally described as Part of Lot 2 of the Southwest Quarter, Southwest Quarter

of Section 7, and part of the Northwest Quarter, Northwest Quarter of Section 18, all in Township (T89N R1E) Center Township, Dubuque County, Iowa.

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 Monday, August 10, 2015.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the rezoning.

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

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

**PUBLIC HEARING - NITA-HO PROPERTY OWNERS ASSOCIATION, INC. & JEFF & MARY JO WESTHOFF - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea said the applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 0.26 acre, more or less, to allow for the building of a single family cabin to be used 6 months of the year. The property is located adjacent to the Jackson County line along Nita Drive.

Motion by Demmer, seconded by Hancock, carried unanimously, to close the public hearing.

**AMENDMENT TO ZONING ORDINANCE - ZC#07-08-15 - NITA-HO PROPERTY OWNERS ASSOCIATION, INC. & JEFF & MARY JO WESTHOFF - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

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

ZC#07-08-15 Nita-Ho Property Owners Association Inc. & Jeff & Mary Jo Westhoff A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 0.26 acres, more or less, to allow for the building of a single family cabin to be used 6 months of the year. The property is located adjacent to the Jackson County Line along Nita Drive and is legally described as Nita-Ho Valley Place-Lot 1 Block 1 Section 33, (T88N R4E) Mosalem Township, Dubuque County, Iowa.

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 Monday, August 10, 2015.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the rezoning.

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

Motion by Demmer, seconded by Hancock, carried unanimously, that the amendment be adopted and 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 ZONING ORDINANCE - ZC#07-09-15 - DONALD & MARY MCDERMOTT - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea said the applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1.78 acres, more or less, to allow for a cabin next to their pond for recreational use. The property is located 3.31 miles south of Epworth along Pleasant Grove Road.

Motion by Hancock, seconded by Demmer, carried unanimously, to close the public hearing.

**AMENDMENT TO ZONING ORDINANCE - ZC#07-09-15 - DONALD & MARY MCDERMOTT - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

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

ZC# 07-09-15 Donald & Mary McDermott A-1 Agricultural to A-2 Agricultural Residential  
The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1.78 acres, more or less, to allow for a cabin next to their pond for recreational use. The property is located 3.31 miles south of Epworth along Pleasant Grove Road, and is legally described as W ½ SW NW Section 34,(T88N R1W) Taylor Township, Dubuque County, Iowa.

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 Monday, August 10, 2015.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the rezoning.

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

Motion by Hancock, seconded by Demmer, carried unanimously, that the amendment be adopted and 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 ZONING ORDINANCE - ZC#07-10-15 - HAROLD & JANET SOPPE - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea explained the applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 5.5 acres, more or less, for sale purposes to allow for a single family home to be built on the site. The property is located 1.46 miles southeast of the City of Worthington along Highway 136. The Zoning Board recommended to approve the rezoning, subject to conditions.

Bill Burger, 510 3<sup>rd</sup> Street, Worthington, representing the Soppes, said it is their intent to sell the 5.5 acres. The Soppe's original intent was to sell the house and buildings. However, the structures were in bad shape so they decided to tear them down so the property would sell, not realizing that by doing that they would have to rezone the property.

Motion by Demmer, seconded by Hancock, carried unanimously to close the public hearing.

**AMENDMENT TO ZONING ORDINANCE - ZC#07-10-15 - HAROLD & JANET SOPPE - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

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

ZC# 07-10-15 Harold & Janet Soppe A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 5.5 acres, more or less, for sale purposes to allow for a single family home to be built on the site. The property is located 1.46 miles southeast of the City of Worthington along Highway 136, and is legally described as Lot 1 SE NE Section 05, (T87N R2W) Cascade Township, Dubuque County, Iowa.

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 Monday, August 10, 2015.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the rezoning.

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

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

**PUBLIC HEARING - ZC#07-11-15 - RICHARD & MARY HOEFER - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea said the applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 4.2 acres, more or less, to allow the home and the site to be sold. The property is located 1 mile south of the City of Farley along Luechs Road.

Dave Schneider, Schneider Land Surveying, 906 1<sup>st</sup> Street North, Farley, said the Hoefers have built a new home in Peosta and are looking to sell the house and buildings on this property and retain the rest of the crop ground for rental purposes.

Motion by Demmer, seconded by Hancock, carried unanimously to close the public hearing.

**AMENDMENT TO ZONING ORDINANCE - ZC#07-11-15 - RICHARD & MARY HOEFER - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL**

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

ZC# 07-11-15 Richard & Mary Hoefer A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 4.2 acres, more or less, to allow the home and the site to be sold. The property is located 1 mile south of the City of Farley along Luechs Road, and is legally described as SE SE Section 17, (T89N R1W) Taylor Township, Dubuque County, Iowa.

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 Monday, August 10, 2015.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the rezoning.

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

Motion by Demmer, seconded by Hancock, carried unanimously, that the amendment be adopted and 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 ZONING ORDINANCE - ZC#07-12-15 - JANE DALY LANDRY, ETAL & LARRY & CAROL SHUHERT - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea explained the applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 3.4 acres, more or less, to allow the home and the cattle barn across the road to be sold. The property is located 0.46 miles north of the City of Bankston along Asbury Road.

Joe Daly, 14097 Holy Cross Road, Farley, manager of this property, said the owners are wanting to plat off of the house and barn from the farm property so it can be sold. The present owners live outside the area and do not want to continue to have the expense of upkeep on the dwelling and barn. Also, the driveway to the property has to be moved to gain access to the 40 acres surrounding the property.

Motion by Demmer, seconded by Hancock, carried unanimously, to close the public hearing.

AMENDMENT TO ZONING ORDINANCE - ZC#07-12-15 - JANE DALY LANDRY, ETAL & LARRY & CAROL SHUHERT - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL

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

ZC# 07-12-15 Jane Daly, Landry Etal & Larry & Carol Shuhert A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 3.4 acres, more or less, to allow the home and the cattle barn across the road to be sold. The property is located 0.46 miles north of the City of Bankston along Asbury Road, and is legally described as NE NE Section 16, (T89N R1W) and the SE NE Section 16, (T89N R1W) both in Iowa Township, Dubuque, County, Iowa.

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 Monday, August 10, 2015.

Motion by Demmer, seconded by Hancock, carried unanimously to approve the rezoning, subject to conditions.

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

Motion by Demmer, seconded by Hancock, carried unanimously, that the amendment be adopted and 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 ZONING ORDINANCE - ZC#07-14-15 - TRAVIS & ALICIA TURNIS - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL

Chair Klein opened the public hearing.

Zoning Administrator Anna O'Shea said the applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1.93 acres, more or less, to allow the home and the farm building site to be sold. The property is located 0.39 miles south of the City of Peosta along North Cascade Road.

Dave Schneider, Schneider Land Surveying, 906 1<sup>st</sup> Street North, Farley, said the owners bought the ground for crop ground and are looking to sell off the building site, but the question is how much should be rezoned to A-2? Obviously, it will be less than what would qualify as Ag Exempt. The A-2 rezoning applications have been on hold until the Board of Supervisors received the Riniker court ruling. Since this is the first application since the court ruling, does the Board of Supervisors want to rezone the whole thing on the condition of not building on the remainder or do they want to rezone a parcel that is small enough so it will not allow a two acre net parcel so someone could create two buildable lots? The Turnis' want to sell at least 3.3 acres. That could be larger if they decide to sell the entire building area. They do not have a buyer yet. The question is what would a potential buyer want and that is why they illustrated the two options. The Turnis' could potentially use the bin and the shed for their own operation on the far east side.

The Board said each application would be looked at separately to determine the number of acres to rezone.

Motion by Hancock, seconded by Demmer, carried unanimously, to close the public hearing.

AMENDMENT TO ZONING ORDINANCE - ZC#07-14-15 - TRAVIS & ALICIA TURNIS - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL

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

ZC# 07-14-15 Travis & Alicia Turnis A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1.93 acres, more or less, to allow the home and the farm building site to be sold. The property is located 0.39 miles south of the City of Peosta along North Cascade Road, and is legally described as Part of Lot 1 of the Northwest ¼ of the Northeast ¼ of Section 22, (T88N R1E) Vernon Township, Dubuque County, Iowa.

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 Monday, August 10, 2015.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the rezoning.

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

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

PROOF OF PUBLICATION - PROCUREMENT PROCEDURES

Motion by Demmer, seconded by Hancock, carried unanimously, to receive and file the proofs of publication for Notice to Bidders for the RCP culvert replacements on Asbury Road and Five Points Road, Project L-C16(02)-73-31 for the Dubuque County Highway Department and Request for Proposal for two (2) new 2016 Ford Police Interceptor Utility, 4 Door AWD, for the Dubuque County Sheriff's Office.

RECEIPT OF BIDS - PROJECT L-C16(02)-73-31, THE ROADWAY CULVERT REPLACEMENT AND GRADING PROJECT ON ASBURY ROAD AND FIVE POINTS ROAD

The following bids were received:

<u>Vendor</u>	<u>Bid Amount</u>
<u>Horsfield Construction, Inc.</u> Epworth, IA	\$282,966.83

<u>Top Grade Excavating, Inc.</u> Farley, IA	\$324,574.95
<u>Steger Construction</u> Dyersville, IA	\$436,497.83
<u>Mainline Excavating Co., Inc.</u> Dubuque, IA	\$272,291.59

Motion by Demmer, seconded by Hancock, carried unanimously, to receive and refer the bids to the Interim County Engineer for a recommendation.

RECEIPT OF BIDS AND RECOMMENDATION FROM COUNTY SHERIFF FOR TWO (2) NEW 2016 FORD POLICE INTERCEPTOR UTILITY, 4 DOOR AWD

Sheriff Don Vrotsos read the following bids into the record:

<u>Vendor</u>	<u>Bid Amount</u>
<u>Warthan Brothers Ford</u> Maquoketa, IA	\$28,225/each - \$56,450 total
<u>Runde Auto Group</u> Manchester, IA	\$27,760/each - \$55,520 total
<u>Victory Ford</u> Dyersville, IA	\$27,194/each - \$54,388 total
<u>Mike Finnin Ford</u> Dubuque, IA	\$27,081/each - \$54,162 total

Sheriff Vrotsos recommended to accept the bid from Mike Finnin Ford for the purchase of two (2) 2016 Ford Police Interceptor Utility, 4 door AWD, patrol vehicles for the purchase price of \$27,081 each, for a total of \$54,162.

Motion by Hancock, seconded by Demmer, carried unanimously, to receive and accept the recommendation from the Sheriff.

RESOLUTION 15-191 - 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
Secondary Roads	PFT County Engineer	06-08-15	Anthony Bardgett	\$129,989.29
Auditor/Elections	PPT Voter Mechanic	07-27-15	David Noon	\$13.42
Sheriff	PPT Correctional Officer	05-28-15	Amanda Hovind	\$22.03

Motion by Demmer, seconded by Hancock, carried unanimously, to approve and authorize the Chair to sign Resolution 15-191.

RESOLUTION 15-192 - AMEND RESOLUTION 15-149 ADDING AN ADDITIONAL DEPUTY AUDITOR

WHEREAS, on June 22, 2015, the Board of Supervisors approved deputies in the offices of the County Attorney, Auditor, Recorder, Sheriff and Treasurer for the fiscal year 2016; and

WHEREAS, one additional deputy has been designated by County Auditor Denise Dolan.

NOW, THEREFORE, BE IT RESOLVED that this resolution will amend Resolution Number 15-149 to add the following deputy to the office of the Dubuque County Auditor: Jenny Hillary, effective on or about July 28, 2015.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve and authorize the Chair to sign Resolution 15-192.

DUPLICATE WARRANT - ALYSSA DAVIDSHOFER

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the duplicate warrant.

RESOLUTION 15-193 - 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, communicate 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, communicate 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 2016.

Motion by Demmer, seconded by Hancock, carried unanimously to approve and authorize the Chair to sign Resolution 15-193.

AMENDMENT TO ZONING ORDINANCE - ZC#03-02-14 - MARK & LORIE RINIKER - A-1 TO A-2

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

ZC#03-02-14	Mark & Lorie Riniker	A-1 TO A-2
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The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1.08 acres more or less, to allow the existing farmhouse to be platted off from the remainder of the farm property. The property is located 1.75 miles west of the city of Bankston along Dyersville East Rd and is legally described as Lot 1 of Gaul Acres, Plat 1 Section 19 (T89N R1W) Iowa Township, and Dubuque County, Iowa. This application was previously denied, the applicants filed suit and the district court has ordered the application be approved. However, the matter has been appealed and that appeal is pending.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the rezoning of 1.08 acres of the Mark & Lorie Riniker property legally described as Lot 1 of Gaul Acres, Plat 1 Section 19 (T89N R1W) Iowa Township, in Dubuque County, Iowa, from A-1, Agricultural to A-2, Agricultural Residential pursuant to a recent court order and subject to appeal.

RESOLUTION 15-195 - REQUEST FOR PAYMENT #71 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 \$ 602.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves the Request for Payment Report # 71 in the amount of \$ 602 to be submitted to the Iowa Department of Economic Development. Upon receipt of payment, the County will remit to ECIA.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve and authorize the Chair to sign Resolution 15-195.

**RESOLUTION 15-196 - REQUEST FOR PAYMENT #87 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 \$ 580,014.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves the Request for Payment Report # 87 in the amount of \$ 580,014 to be submitted to the Iowa Department of Economic Development. Upon receipt of payment, the County will remit to ECIA.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve and authorize the Chair to sign Resolution 15-196.

**RESOLUTION 15-197 - APPROVE FUNDING AGREEMENT WITH CITY OF ASBURY FOR HMA 4" NEW PAVING, PROJECT LFM-16(01)-7X31**

WHEREAS, Dubuque County and the City of Asbury have scheduled the HMA 4" new paving project on a portion of Asbury Road, Project LFM-16(01)-7X-31, and

WHEREAS, Dubuque County will design, let, construct and inspect said project and the City of Asbury agrees to reimburse Dubuque County for the joint participating project costs estimated to be \$74,789.10, and

WHEREAS, it is necessary for Dubuque County and the City of Asbury to enter into an agreement regarding said project,

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa hereby approve and direct the Chair to sign the Funding Agreement between Dubuque County and the City of Asbury for the HMA 4" new paving project on Asbury Road.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve and authorize the Chair to sign Resolution 15-197.

**RESOLUTION 15-198 - APPROVING CHANGE IN CEO NOTIFICATION FOR CAREER LINK GRANT 14-CRL-001**

WHEREAS, Dubuque County is the recipient of Career Link Grant, 14-CRL-001, and

WHEREAS, subsequent to the award of the grant, the Board of Supervisors named a new Chairperson.

NOW THEREFORE, the Dubuque County Board of Supervisors approves notification of the new Board Chairperson and authorizes the Chair to sign the notification.

Motion by Hancock, seconded by Demmer, carried unanimously, to approve and authorize the Chair to sign Resolution 15-198.

**RESOLUTION 15-199 - APPROVE FUND TRANSFER #2**

WHEREAS, certain Fund Transfers were contained in the Fiscal Year 2016 Budget, adopted on March 09, 2015.

NOW, THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors amends and authorizes the following fund transfers:

From	To	Current Transfer Amount	Change	Amended Transfer Amount
General Basic	General Supplement	0	\$1,500,000	\$1,500,000
General Basic	Long Term Capital Projects	\$500,000	\$0	\$500,000
Rural Basic	Library	\$522,995	\$0	\$522,995
Rural Basic	Zoning	\$205,279	\$0	\$205,279

Rural Basic	Roads	\$3,592,339	\$0	\$3,592,339
General Supplement Health Insurance		\$29,000	\$0	\$29,000
General Supplement Risk Management Insurance		\$1,015,00	\$0	\$1,015,00

Motion by Demmer, seconded by Hancock, carried unanimously to approve and authorize the Chair to sign Resolution 15-199.

**RESOLUTION 15-200 - APPROVE TEMPORARY CLOSING OF A PORTION OF POTTER HILL ROAD DURING GRAN FONDO EVENT**

WHEREAS, the Dubuque Gran Fondo competitive cycling event will be held on Saturday, August 22, 2015 and includes travel through the City of Dubuque, Heritage Trail, Asbury, Bankston, Dyersville, Epworth, and Graf, and

WHEREAS, safety coordinators for the event have requested a temporary closing of a portion of Potter Hill Road during the Dubuque Gran Fondo competitive cycling event hours, and

WHEREAS, emergency vehicles will have access, if necessary, during the temporary closure,

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa do hereby approve the temporary closing of a portion of Potter Hill Road during the Dubuque Gran Fondo competitive cycling event hours.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve and authorize the Chair to sign Resolution 15-200.

**DUPLICATE WARRANT - TODD GEORGE**

Motion by Hancock, seconded by Demmer, carried unanimously, to approve the duplicate warrant.

**COMMUNICATION - FROM CITY OF SHERRILL REGARDING VOLUNTARY ANNEXATION APPLICATIONS**

Motion by Demmer, seconded by Hancock, carried unanimously, to receive and file the communication.

COMMUNICATION - FROM CITY OF DUBUQUE REGARDING CONSULTATION WITH AFFECTED TAXING BODIES FOR THE DUBUQUE INDUSTRIAL CENTER ECONOMIC DEVELOPMENT DISTRICT URBAN RENEWAL AREA PLAN

Motion by Hancock, seconded by Demmer, carried unanimously, to receive and file the communication.

COMMUNICATION - FROM CITY OF PEOSTA REGARDING PETITION FOR ANNEXATION FROM SPIEGEL FAMILY REALTY COMPANY IOWA, LLC AND ROYAL OAKS DEVELOPMENT

Motion by Demmer, seconded by Hancock, carried unanimously, to receive and file the communication.

PERSONNEL REQUISITIONS

Motion by Demmer, seconded by Hancock, carried unanimously, to table the personnel requisitions for Sunnycrest Manor until the worksession later in the meeting with the Interim Sunnycrest Administrator.

Motion by Demmer, seconded by Hancock, carried unanimously, to recess at 10:15 a.m.

EXECUTIVE SESSION - WITH COUNTY ATTORNEY

Upon reconvening at 10:20 a.m., motion by Demmer, seconded by Hancock, carried unanimously to enter executive session with County Attorney Ralph Potter, Interim County Engineer Anthony Bardgett and Administrative Assistant Mary Ann Specht pursuant to Iowa Code Section 21.5(1)©.

WORKSESSION - WITH INTERIM COUNTY ENGINEER (CONTINUED)

Upon returning to regular session, Interim County Engineer Anthony Bardgett continued his work session with the Board to discuss the Farley Road and final numbers on the project that Bardgett received from Skyline Construction.

Motion by Demmer, seconded by Hancock, carried unanimously, to recess at 10:48 a.m.

## WORKSESSION - WITH MIDWEST ORGANIC

Upon reconvening at 11:30 a.m., the Board met with Jake McAllister and Craig Kluesner from Midwest Organic Solutions for an update on the compost facility. Zoning Administrator Anna O'Shea and City of Epworth Mayor Jacob Reuter were also present.

McAllister and Kluesner told the Board they are making changes to control the strong odor coming from the facility and treated the pond with a solution to take the place of aerators.

Mayor Reuter said he wants Midwest Organic to succeed, but the odor needs to be controlled.

Motion by Demmer, seconded by Hancock, carried unanimously, to recess.

## GENERAL ASSISTANCE HEARINGS

Upon reconvening at 1:00 p.m., motion by Demmer, seconded by Hancock, carried unanimously, to enter executive session with General Assistance Caseworker Doug Slaats regarding case H-9-34.

Upon returning to regular session, motion by Demmer, seconded by Hancock, carried unanimously, to approve services for case H-9-34.

Motion by Demmer, seconded by Hancock, carried unanimously, to enter executive session with General Assistance Caseworker Doug Slaats regarding case M-10-15.

Upon returning to regular session, motion by Demmer, seconded by Hancock, carried unanimously, to deny assistance for case M-10-15.

Motion by Demmer, seconded by Hancock, carried unanimously to recess at 1:43 p.m.

## WORKSESSION - WITH INTERIM SUNNYCREST ADMINISTRATOR

Upon reconvening at 2:20 p.m., the Board met with Interim Sunnycrest Administrator Kelly McMahon and County Budget Director Michelle Patzner to discuss staffing at Sunnycrest Manor.

McMahon discussed the personnel requisitions that were tabled at today's meeting. She also discussed the need for adult day care in the area and would like to implement additional programming. Security at Sunnycrest Manor during the evening hours, the enforcement of

no smoking, mental health beds and going green in the facility were other ideas McMahon would like to see implemented.

Motion by Demmer, seconded by Hancock, carried unanimously, to approve the personnel requisitions of Sunnycrest Manor for one (1) permanent, full-time CNA, one (1) permanent, part-time CNA, one (1) permanent, part-time CNA/PI, two (2) permanent, full-time LPN/RN positions, two (2) permanent, part-time LPN/RN positions and two (2) permanent, part-time nutrition workers.

Motion by Demmer, seconded by Hancock, carried unanimously, to recess at 3:05 p.m.

#### JOINT MEETING - WITH SUNNYCREST MANOR OPERATIONAL BOARD MEMBERS

Upon reconvening at 3:33 p.m., the Board met with members of the Sunnycrest Manor Operational Board members for discussion. Present from the Operational Board were Dave Gaylor, Scott DeSousa, Jan Imhof and Kevin Stevens. Also present were County Budget Director Michelle Patzner.

The Sunnycrest Manor Operational Board asked the Board of Supervisors what goals and accomplishments they are looking for from them and where they want to see Sunnycrest Manor in the future. The Operational Board said they would like to see Sunnycrest find more ways of increasing revenue, be more economical and review the current admissions policy.

Motion by Demmer, seconded by Hancock, carried unanimously, to recess at 4:25 p.m. until Tuesday, August 18, 2015 at 9:00 a.m.

The Board reconvened at 9:04 a.m., with Supervisors Klein and Hancock present, and Supervisor Demmer absent, due to attending a funeral.

#### WORKSESSION - WITH FEH DESIGN

The Board met with Christy Monk from FEH Design, County Maintenance Director Chris Soeder and IT Superintendent Nathan Gilmore to discuss a revision to the Advertisement for Proposals for the Dubuque County office space project.

Motion by Hancock, seconded by Klein, carried unanimously, to rescind the mandatory pre-proposal meeting requirement, require that any additional interested proposers meet with FEH directly, change the proposal due date from August 31, 2015 at 3:00 p.m. to September 14, 2015 at 3:00 p.m., change the project substantial completion and occupancy date from

December 31, 2016 to June 30, 2017, and approve the amended Advertisement for Proposals and related documents for the Dubuque County office space project.

EXECUTIVE SESSION - PER IOWA CODE SECTION 21.5(1)©

Motion by Hancock, seconded by Klein, carried unanimously, to enter executive session with Interim County Engineer Anthony Bardgett and Administrative Assistant Mary Ann Specht pursuant to Iowa Code Section 21.5(1)©.

Upon returning to regular session, motion by Hancock, seconded by Klein, carried unanimously to adjourn at 10:17 a.m until Monday, August 24, 2015 at 5:30 p.m.

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Daryl Klein, Chair  
Board of Supervisors

ATTEST:

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Mona Manternach  
Deputy Auditor