

MINUTES OF SEPTEMBER 12 AND 20, 2016
DUBUQUE COUNTY BOARD OF SUPERVISORS
Present: Daryl Klein and Jay Wickham Absent: Demmer
Vice Chair Klein called the meeting to order at 8:00 a.m.

WORKSESSION - WITH COUNTY ENGINEER

The Board met with County Engineer Anthony Bardgett for general road department discussion. Bardgett reports the Plum Creek Bridge, West Flannagan Road Bridge Pfeiler Road Bridge, South Mound Road Bridge and Leuchs Road Bridge will be completed by fall.

Key West Drive is now open to traffic. Final lift this week for Mud Lake Road/Circle Ridge Road. Once work is done on Rupp Hollow Road/Clear Creek Road then River City will start work on Asbury Road, then Farley Road.

Chair Wayne Demmer arrived from his legislative meeting at 8:24 a.m.

There is a resolution in place authorizing engineer to sell items not considered to be fixed assets of the secondary roads department. Pricing will be updated and Klein recommends adding the clause sales will only be made to county residents.

Motion by Klein, seconded by Wickham, carried unanimously, to recess at 8:42 a.m. until 9:00 a.m.

PROCLAMATION 16-003 - DAYS OF PEACE AND CEASE FIRE

NOW, THEREFORE, the Dubuque County Board of Supervisors, on behalf of the staff and citizens of Dubuque County, do hereby recognize THE INTERNATIONAL DAY OF PEACE and proclaim September 13th to 25th as DAYS OF PEACE AND CEASE FIRE in Dubuque County, Iowa and urge residents to further affirm a vision of our world at peace by fostering cooperation between individuals, organizations, and nations.

Motion by Klein, seconded by Wickham, carried unanimously, to adopt Proclamation 16-003. "DAYS OF PEACE AND CEASE FIRE". Mr. Art Roach received the Proclamation.

APPROVAL OF MINUTES OF MEETINGS OF AUGUST 22, 2016 & SEPTEMBER 6, 2016

Motion by Wickham, seconded by Klein, carried unanimously, to approve the minutes of meetings of August 22, 2016 and September 6, 2016.

CONSENT ITEMS

Receipt of DNR construction permit application for Andy Rahe for a confinement feeding operation and Manure Management Plan for said operation, and Manure Management Plan Update for BKK Enterprises.

Motion by Klein, seconded by Wickham, carried unanimously, to receive and file above consent items.

PROOF OF PUBLICATION - PUBLIC HEARINGS

Motion by Wickham, seconded by Klein, carried unanimously, to receive and file the publications.

PUBLIC HEARING - CHAPTER 14-PROPERTY TAX EXEMPTION FOR SPECULATIVE SHELL BUILDINGS

Chair Demmer opened the public hearing.

Administrative Assistant to the Board Mary Ann Specht explained currently there is not an ordinance in place that allows for no tax increase in spec buildings until building is sold. Passing of this ordinance will establish a method to allow a property tax exemption.

With no one speaking for or against the ordinance, motion by Klein, seconded by Wickham, carried unanimously, to close the public hearing.

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

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

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - ZC#07-24-16 - HARTBECKE ROAD PROPERTY, LLC M-2 HEAVY INDUSTRIAL CONDITIONAL TO M-2 HEAVY INDUSTRIAL CONDITIONAL

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea explained the change would include materials allowed

to be outdoor recycled. After February 28, 2017 meat and meat products will no longer be allowed.

Epworth Mayor Sandy Gassman spoke in favor of the zoning change. She thanked the Board for their help in resolving this issue, Hartbecke Road Property for working diligently in eliminating the offensive smell, and she thanked the zoning department for their help.

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

AMENDMENT TO ZONING ORDINANCE - ZC#07-24-16 - HARTBECKE ROAD PROPERTY, LLC M-2 HEAVY INDUSTRIAL CONDITIONAL TO M-2 HEAVY INDUSTRIAL CONDITIONAL

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

ZC#07-24-16 Hartbecke Road Property, LLC M-2 Heavy Industrial Conditional to M-2 Heavy Industrial Conditional

The applicants are requesting to rezone from M-2 Heavy Industrial Conditional to M-2 Heavy Industrial Conditional 11 acres more or less, to allow any use allowed in the M-1 Industrial district; a construction office and yard which will include outdoor recycling, processing, crushing, sales and storage of asphalt, cement, aggregate, wood, etc; commercial storage buildings with outdoor storage allowed and the composting of yard waste and organic materials not including meat or meat products after February 28, 2017. The property, located .75 miles west of the City of Epworth just east of the intersection of Hartbecke Rd. and U.S. Route 20 is legally described as Lot 1 of the SW ¼ SE ¼, Section 9 (88N R1W) Taylor Township, Dubuque County, Iowa.

1. For the following uses only: All uses allowed under the M-1 Industrial district per the Dubuque County Zoning Ordinance; Construction firm office and site; Construction material processing including crushing, recycling, sales and storage of cement, asphalt, rock, aggregate, wood, drywall and other construction materials; composting of yard waste, wood and garden materials; and storage buildings.
2. All semi-trucks and dump trucks pulling a trailer leaving the property for the purpose of heading east on Highway 20 are required (for safety reasons) to turn right (West) onto Highway 20 for the purpose of using the Farley, Iowa interchange to access the East bound lanes of Highway 20.
3. Composting with animal products, drywall and food composting shall cease by March 31, 2017 or sooner with DNR approval.
4. Grinding or crushing of cement, asphalt, rock, aggregate, wood, drywall and other construction materials will only take place during daylight hours.
5. The storm water retention pond will be removed upon DNR approval. If it cannot be removed due to storm water regulations, then the pond must be aerated and the aeration

supplemented with other treatment as needed to control its odor.

6. Acceptance of animal and food product materials will cease the later of: 1) 70 days after rezoning approval by the Dubuque County Board of Supervisors; or 2) DNR approval of the adjustment.

7. All odors, including odors from the retention pond, must be contained within the property or adequately addressed to avoid complaints. If odor complaints are received by the Dubuque County Zoning Office, the county has the authority to shut down the operation after a hearing with the Board of Supervisors.

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 September 12, 2016.

Motion by Wickham, seconded by Klein, carried unanimously, to approve the rezoning.

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

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

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - ZC#08-25-16 - ROBERT AND CARISSA TRILK - A-1 AGRICULTURAL TO M-1 INDUSTRIAL

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea explained this was a violation case. Klein doesn't see how this is not the spot zoning the Board is trying to avoid. O'Shea stated the Board of Adjustments makes decisions over zoning. They are designing a special use permit that may allow certain M-1 industrial work to be conducted in A-1.

Robert and Carissa Trilk, 14805 Route 20, spoke about their ten year construction business and that they only store their construction trailer on the property. They have started to make furniture and purchased a plasma cutter for metal. Wickham asks for their patience while creating a new zoning code and Demmer said by changing zoning they don't know what type of business would move in.

Curt Kissling, 5109 Park Place, Asbury, asked if DMATS has weighed in on this to discuss the future. Demmer asked about the long term comprehensive plan if this will open up for more industry in the area.

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

AMENDMENT TO ZONING ORDINANCE - ZC#08-25-16 - ROBERT AND CARISSA TRILK - A-1 AGRICULTURAL TO M-1 INDUSTRIAL

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

ZC#08-25-16 Robert & Carissa Trilk A-1 Agricultural to M-1 Industrial

The applicants are requesting to rezone from A-1 Agricultural to M-1 Industrial ½ acre more or less, to allow for a contractors business/shop and to make custom metal products including furniture, signs, railings, metal art etc. The property located 0.12 miles south of the City of Dubuque along U.S. Highway 20, is legally described as S ½ NE NE Section 12, (T88N R1E) Vernon Township, Dubuque County, Iowa.

To allow only for the uses as a contractor business and shop and to make custom metal products including furniture, signs, railings, metal art, etc.

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 September 12, 2016.

Motion by Klein, seconded by Wickham, carried unanimously, that the amendment be denied but to allow the operations to continue until a solution is obtained through the special use permit process.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - ZC#08-26-16 - SHIRLEY LAKE TRUST & JIM & LISA SCORER A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea explained the division of the home and buildings from the rest of the farm for the couple to live there and assist in the farming operations.

Abutting property owner Paul Kluesner called O'Shea to voice his approval.

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

AMENDMENT TO ZONING ORDINANCE - ZC#08-26-16 - SHIRLEY LAKE TRUST A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL

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

ZC#08-26-16 Shirley Lake Trust A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 2.25 acres more or less, to separate the home and buildings from the farm land and to allow the daughter & son-in-law to live in the home and assist in the farming operation. The property located 0.78 miles southwest of the City of Holy Cross along Kluesner Road, is legally described as SW SW Section 19, (T90N R1W) Concord Township, Dubuque County, Iowa.

1. That 2.25 acres more or less around the home be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural.
2. That the balance of that parcel is not allowed to have another dwelling unless the property is rezoned for that use.

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 September 12, 2016.

Motion by Wickham, seconded by Klein, carried unanimously, to approve the rezoning.

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

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

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - ZC#08-27-16 - MICHAEL & MARY ARTHOFER AND BEN ARTHOFER A-1 AGRICULTURAL TO R-3 SINGLE FAMILY RESIDENTIAL

Zoning Administrator Anna O'Shea explained the rezoning would allow for two additional homes to be built on 4.46 acres.

With noone addressing the Board, motion by Klein, seconded by Wickham, carried unanimously, to close the public hearing.

AMENDMENT TO ZONING ORDINANCE - ZC#08-27-16 - MICHAEL & MARY ARTHOFER AND BEN ARTHOFER A-1 AGRICULTURAL TO R-3 SINGLE FAMILY RESIDENTIAL

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

ZC#08-27-16 Michael & Mary Arthofer & Ben Arthofer A-1 Agricultural to R-3 Single Family Residential

The applicants are requesting to rezone from A-1 Agricultural to R-3 Single Family Residential 4.46 acres more or less, to create three lots and to allow for two (2) additional homes to be built. The property, located 4.23 miles south of the City of Peosta along Ryan Road, is legally described as Lot 2-1 NW NW Section 06, (T87N R2E) Washington Township, Dubuque County, Iowa and Lot 1-1 Anton J Fischer Place in both Section 01, (T87N R1E) Prairie Creek Township, and Section 6, (T87N R2E) Washington 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 September 12, 2016.

Motion by Klein, seconded by Wickham, carried unanimously, to approve the rezoning.

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

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - ZC#08-28-16 - TIMBER RIDGE ESTATES LLC A-1 AGRICULTURAL TO R-2 SINGLE FAMILY RESIDENTIAL

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea explained there will be 17 residential lots on the 19 acres.

Property owner Barney Bishop who lives across the street from this proposed subdivision voiced his concerns regarding stormwater runoff. O'Shea said the issue will be addressed when the subdivision plat comes before the Board.

The developer Matt Horsfield spoke to assure Mr. Bishop and the Board the storm water will be addressed. His intent is to include swales in the design. Mr. Bishop is not against the zoning change, his only concern is the water.

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

AMENDMENT TO ZONING ORDINANCE - ZC#08-28-16 - TIMBER RIDGE ESTATES LLC A-1 AGRICULTURAL TO R-2 SINGLE FAMILY RESIDENTIAL

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

ZC# 08-28-16 Timber Ridge Estates LLC A-1 Agricultural to R-2 Single Family Residential
The applicants are requesting to rezone from A-1 Agricultural to R-2 Single Family Residential 19 acres more or less, to create 17 residential lots. The property is located 0.36 miles north of the City of Dubuque along Kennedy Road, and is legally described as W 19.85 AC N ½ SE NE Section 09, (T89N R1E) Dubuque 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 September 12, 2016.

Motion by Wickham, seconded by Klein, carried unanimously, to approve the rezoning.

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

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

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - ZC#08-29-16 - DENNIS & DEBRA SCHMITT AND JUSTIN & STACY SCHMITT A -1 AGRICULTURAL T A-2 AGRICULTURAL RESIDENTIAL

Chair Demmer opened the public hearing.

Zoning Administrator Anna O'Shea explained Justin would like to build a home and continue working the family farm.

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

AMENDMENT TO ZONING ORDINANCE - ZC#08-29-16 - DENNIS & DEBRA SCHMITT AND JUSTIN & STACY SCHMITT A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL

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

ZC#08-29-16 Dennis & Debra Schmitt & Justin Schmitt A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 2 acres more or less, to allow the son to build a home and continue to assist in the farming operation. The property, located 0.75 miles north of the City of Sherrill along Balltown Road is legally described as Lot 2-3 SE SE Lying S of RD Section 11, (T90N R1E) Jefferson Township, Dubuque County, Iowa.

1. That 2 acres more or less be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural.
2. That the balance of that parcel is not allowed to have another dwelling unless the property is rezoned for that use.

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 September 12, 2016.

Motion by Klein, seconded by Wickham, carried unanimously, to approve the rezoning

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

Motion by Klein, seconded by Wickham, that the amendment be adopted and that the zoning administrator be directed to enter the appropriate changes on the official zoning map and that the Auditor be directed to arrange for the publication of the amendment and portion of the official zoning map as amended in the official county newspapers as required by law.

RESOLUTION 16-242 - APPROVE NECESSARY DOCUMENTS WITH JIM SCHROEDER CONSTRUCTION, INC, FOR THE BRIDGE REPLACEMENT ON STEIL LANE ROAD PROJECT L-B17(06)-73-31

WHEREAS, bids were received on August 22, 2016 for the bridge replacement on Steil Lane, Project L-B17(06)–73-31 and Jim Schroeder Construction, Inc., Bellevue, Iowa submitted the low bid of \$116,359.82, and

WHEREAS, the Dubuque County Engineer has reviewed the bids and recommends accepting the bid submitted by Jim Schroeder Construction, 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 with Jim Schroeder Construction, Inc. for the bridge replacement on Steil Lane.

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-242.

RESOLUTION 16-243 - APPROVE PLANS AND SPECIFICATIONS FOR THE BRIDGE REPLACEMENT ON KEMP ROAD PROJECT BROS-C031(80)-8J-31

WHEREAS, plans and specifications have been prepared by Dubuque County and approved by the Dubuque County Engineer for the bridge replacement on Kemp Rd, Project BROS-C031(80)--8J-31, and

WHEREAS, this project will be let by the Iowa Department of Transportation, subject to the Dubuque County Board of Supervisors approval and signature on the plans,

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa hereby approve the plans and specifications for said project.

Motion Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-243.

RESOLUTION 16-244 - APPROVE FEDERAL-AID AGREEMENT #6-16-HBPS-22 FOR PROJECT BROS-C031(80)-8J-31, BRIDGE REPLACEMENT ON KEMP ROAD

WHEREAS, the Iowa Department of Transportation has presented Dubuque County with a Federal-aid Agreement for a Non-Primary Highway Project, Iowa DOT Agreement No. 6-16-HBPS-22 for Project No. BROS-C031(80)–8J-31 on Kemp Road, and

WHEREAS, Dubuque County was approved for partial funding through the Surface Transportation Program (STP) fund with the portion of project costs reimbursed with STP funds limited to a maximum of either 80% of eligible costs (other than those reimbursed with Federal funds) or the amount stipulated in the approved Statewide Transportation

Improvement Program (STIP), whichever is less, and the remaining balance funded by local funds,

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa hereby approve and direct the Chair to sign said agreement with the Iowa Department of Transportation.

RESOLUTION 16-245 - AWARDING A GENERAL OBLIGATION COUNTY PURPOSE NOTE, SERIES 2016

WHEREAS, the Board of Supervisors (the “Board”) of Dubuque County, Iowa (the “County”) heretofore proposed to enter into a General Obligation County Purpose Loan Agreement (the “Essential Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$2,470,000, pursuant to the provisions of Section 331.402 of the Code of Iowa, for the purpose of paying the cost, to that extent, of: constructing and equipping a shop facility for the Secondary Roads Department (\$600,000); equipping the County Courthouse and administrative offices with information technology equipment (\$805,000); acquisition and installation of security cameras at the Old Jail Facility (\$250,000); installing flooring and HVAC improvements at the County Courthouse (\$325,000); constructing County conservation buildings and building improvements (\$215,000); equipping of the public safety offices with a shooting simulator (\$180,000); acquiring public safety communications equipment (\$140,000); and equipping the public safety facilities with security cameras (\$180,000), and pursuant to law and prior action of the Board, has published notice of the proposed action and has held a hearing thereon on March 28, 2016; and

WHEREAS, the Board has also heretofore proposed to enter into a General Obligation Loan Agreement (the “Essential Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$216,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of the acquisition of peace officer communication equipment and the construction and installation of HVAC, sidewalk and carpeting replacements and improvements at the Dubuque Law Enforcement Center, and has published notice of the proposed action and has held a hearing thereon on July 11, 2016; and

WHEREAS, the Board has also heretofore proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$175,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of funding the fiscal year 2018 vehicle and equipment acquisition program for the County Sheriff’s Department, and in lieu of calling an election therefor, has published notice of the proposed action and has held a hearing thereon on July 11, 2016, and as of such date, no petition was filed with

the County asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the County; and

WHEREAS, the Board has also heretofore proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$172,500 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of funding the fiscal year 2019 vehicle and equipment acquisition program for the County Sheriff’s Department, and in lieu of calling an election therefor, has published notice of the proposed action and has held a hearing thereon on July 11, 2016, and as of such date, no petition was filed with the County asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the County; and

WHEREAS, the Board has also heretofore proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #3”) and to borrow money thereunder in a principal amount not to exceed \$250,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of (1) improving and equipping County parks; (2) constructing recreation trail bridge improvements; and (3) replacing fencing and acquiring a mower for the County Conservation Department, and in lieu of calling an election therefor, has published notice of the proposed action and has held a hearing thereon on July 11, 2016, and as of such date, no petition was filed with the County asking that the question of entering into the General Purpose Loan Agreement #3 be submitted to the registered voters of the County; and

WHEREAS, the Board has also heretofore proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #4”) and to borrow money thereunder in a principal amount not to exceed \$263,600 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of acquiring equipment and vehicles for the County Conservation Department, and in lieu of calling an election therefor, has published notice of the proposed action and has held a hearing thereon on July 11, 2016, and as of such date, no petition was filed with the County asking that the question of entering into the General Purpose Loan Agreement #4 be submitted to the registered voters of the County; and

WHEREAS, the Board has also heretofore proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #5”) and to borrow money thereunder in a principal amount not to exceed \$300,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of acquiring two tandem dump trucks in fiscal year 2017 for use by the County Secondary Roads Department, and in lieu of calling an election therefor, has published notice of the proposed action and has held a hearing thereon on July 11, 2016, and as of such date, no petition was filed with the County asking that the question of entering into the General Purpose Loan Agreement #5 be submitted to the registered voters of the County; and

WHEREAS, the Board has also heretofore proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #6”) and to borrow money thereunder in a principal amount not to exceed \$265,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of acquiring a motor grader in fiscal year 2017 for use by the County Secondary Roads Department, and in lieu of calling an election therefor, has published notice of the proposed action and has held a hearing thereon on July 11, 2016, and as of such date, no petition was filed with the County asking that the question of entering into the General Purpose Loan Agreement #6 be submitted to the registered voters of the County; and

WHEREAS, pursuant to Section 331.445 of the Code of Iowa, the County has combined the Essential Purpose Loan Agreement #1, the Essential Purpose Loan Agreement #2, the General Purpose Loan Agreement #1, the General Purpose Loan Agreement #2, the General Purpose Loan Agreement #3, the General Purpose Loan Agreement #4, the General Purpose Loan Agreement #5 and the General Purpose Loan Agreement #6 into a single loan agreement (the “Loan Agreement”); and

WHEREAS, D.A. Davidson & Co., the County’s municipal advisor, has recommended a negotiated sale of a General Obligation County Purpose Note, Series 2016 in a principal amount not to exceed \$4,112,100 (the “Note”) to be issued in evidence of the County’s obligation under the Loan Agreement to Premier Bank, Dubuque, Iowa (the “Purchaser”); and

WHEREAS, it is now necessary to award the sale of the Note to the Purchaser;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Dubuque County, Iowa, as follows:

Section 1. The County shall enter into the Loan Agreement with the Purchaser in substantially the form as will be placed on file with the County, providing for a loan to the County in a principal amount not to exceed \$4,112,100 for the purposes set forth in the preamble hereof.

Section 2. The proposal of the Purchaser referred to in the preamble is hereby accepted, and the Note is hereby awarded to the Purchaser at the price specified in such proposal.

Section 3. Further action with respect to the approval of the Loan Agreement and the issuance of the Note is hereby adjourned to the Board of Supervisors meeting to be held on September 26, 2016.

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Motion by Klein, seconded by Wickham, carried unanimously, to approve and authorize the Chair to sign Resolution 16-245.

RESOLUTION 16- 246 - 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
Sunnycrest	PPT PRN PI/CNA	08-30-16	Andrew Schiltz	\$14.00

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-246.

DAMAGE CLAIM - KELLY GARD

Motion by Klein, seconded by Wickham, carried unanimously, to send the claim to our insurance company and for the Secondary Roads department to do what is necessary to barricade the area.

COMMUNICATION - TOM HOSMANEK REGARDING HILLSIDE ROAD BRIDGE

Motion by Demmer, seconded by Wickham, carried unanimously, to receive and file.

COMMUNICATION - CITY OF DYERSVILLE - CONSOLIDATED DYERSVILLE ECONOMIC DEVELOPMENT DISTRICT AMENDMENT

Motion by Klein, seconded by Wickham, carried unanimously, to receive and file.

COMMUNICATION - DAIRYLAND POWER COOPERATIVE - REGARDING ANNUAL GRAIN BIN CLEARANCE INFORMATION

Motion by Wickham, seconded by Klein, carried unanimously, to receive and refer to Zoning

APPOINTMENT - MH-DD STAKEHOLDERS COMMITTEE - PROVIDER

Motion by Klein, seconded by Wickham, carried unanimously, to appoint Deborah Devenuta to a three (3) year term ending June 30, 2019.

PERSONNEL REQUISITIONS

Motion by Wickham, seconded by Klein, carried unanimously, to approve the personnel requisitions for Sunnycrest for a permanent part-time nursing scheduler; Sheriff's Office - two (2) permanent part-time Correctional Officers-Jail Division.

TABLED AND PENDING ITEMS

Motion by Wickham, seconded by Klein, carried unanimously, to approve the Class WCN Native Wine Permit for Sunset Ridge Winery, LLC.

Motion by Klein, seconded by Wickham, carried unanimously, to approve the Minutes of July 25, 28 and August 1, 2016 as amended.

WORKSESSION WITH ZONING ADMINISTRATOR

ENTRANCE PERMITS

The Board met with Zoning Administrator Anna O'Shea and Michael Lahey.

Motion by Wickham, seconded by Klein, carried unanimously, to approve a new entrance with the removal of a field entrance and the Engineer to agree to removal of a culvert.

The Board met with Zoning Administrator Anna O'Shea and Raymond Mueller.

Motion by Klein, seconded by Wickham, carried unanimously, to approve both of Mr. Mueller's entrances and he agrees the St. Joseph's Drive entrance does not become a parking lot.

ZONING VIOLATION UPDATES

The Board met with Zoning Administrator Anna O'Shea and John Ward to discuss violations on Mr. Ward's property. O'Shea had photos showing a trailer with two vehicles that is new to the property. Ward said his son had just pulled them out of the building to work on his boat. Ward asked for an extension. Klein said his work schedule needs to change, this is ongoing and has to come to an end now. If he needs to he should hire someone to clean up

the property. Demmer said this has been on-going for two years and showed the photo from two years ago and one taken in August. The August photo showed more stuff on the property.

Motion by Wickham, seconded by Klein, carried unanimously, Mr. Ward is to become compliant and resolve all issues by October 31, 2016 or the County will move to legal action. Klein stressed to him as of November 1st, if not in compliance, we will take legal action.

The Board met with Zoning Administrator Anna O'Shea to discuss Knapp Trailer Park violations. Amy Knapp was not in attendance. O'Shea explained the progress that is being made. Two trailers were to be removed by this date and nine are gone. Wickham suggested she talk with other trailer park managers to see what they have in writing for tenants to keep up their lot. Wickham asked O'Shea to thank Ms Knapp for her willingness to improve the park, to help her develop a management plan, have the blight trailers gone, the place to look livable, respectable, garbage gone and no storage of vehicles. She has until April with no need to come before the Board until that time.

EXECUTIVE SESSION - PURSUANT TO IOWA CODE SECTION 21.5 (1)(a)

Motion by Klein, seconded by Wickham, carried unanimously, to enter into closed session. Upon returning to regular session, motion by Klein, seconded by Wickham, carried unanimously to suspend the property tax for case #T1202.

Motion by Klein, seconded by Wickham, carried unanimously, to recess at 12:00 p.m. for a few minutes.

Supervisor Wickham left the meeting at 12:00 p.m.

GENERAL ASSISTANCE HEARINGS

Upon reconvening motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #A-3-43.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried unanimously, to pay half the rent for case #A-3-43.

Motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #F-4-38.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried

unanimously, to deny assistance to case #F-4-38.

Motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #G-4-37.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried unanimously, to approve electric assistance to case #G-4-37.

Motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #S-10-34.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried unanimously, to approve rent and electric assistance to case #S-10-34.

Motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #G-4-36.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried unanimously, to approve part of the rent with verification of vehicles and they pay rest of rent for case #G-4-36.

Motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #C-5-8.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried unanimously, to approve rent assistance to case #C-5-8.

Motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #H-10-12.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried unanimously, to deny assistance to case #H-10-12.

Motion by Klein, seconded by Demmer, carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case #B-11-22.

Upon returning to regular session, motion by Klein, seconded by Demmer, carried unanimously, to assist with half the rent for case #B-11-22.

Supervisor Wickham returned to the meeting at 2:00 p.m.

WORKSESSION - ECIA REGARDING IRP REVOLVING LOAN PROSPECT

The Board met with Jerry Schroeder of ECIA, Harris Golf Cars Vice-President Steve Haldeman, Dubuque Bank and Trust representatives Ron Sterr and Michael Maloney.

Haldeman is looking to purchase 10.5 acres north of Dubuque on Hwy 52 to relocate his golf car business. Schroeder explained that the County supports a revolving loan fund to assist small businesses such as this for economic development growth, at a lower interest rate. Schroeder will begin the loan process paperwork for Haldeman.

WORKSESSION WITH AUDITOR REGARDING CLAIMS PAYMENT PROCESS

The Board met with County Auditor Denise Dolan and Accounts Payable Clerk Paula Herber to discuss a smoother claims processing system.

Klein says there has to be a better way to do claims to cut down on staff time and the Boards time to sign. Some claims are so small yet require three signatures and asked if this is necessary. Herber asked about if the repetitive bills that come every month could be put on a list for just one signature. She also asked if there is a dollar amount they would be comfortable with, to be included on the claims list. It was discussed and thought \$250 and under as a starting point to see how it works.

WORKSESSION WITH ASSISTANT TO THE BOARD AND COUNTY AUDITOR REGARDING AGENDA PREPARATION POLICY

The Board met with Assistant to the Board Mary Ann Specht, Budget Director Michelle Patzner, and County Auditor Denise Dolan.

Specht said there is an issue with the Wednesday at noon deadline to get things on the agenda. The resolution is outdated and should be brought up to date. Both Klein and Wickham said they are fine with getting their packets on Friday.

Dolan explained there is a long process of putting the agenda and the packets together. There needs to be a deadline otherwise things are coming in too late in the week making the process rushed. Dolan pointed out Specht has the authority to put items on the agenda up until the time the dropbox document is created.

The Board agrees there needs to be a deadline and it should remain at noon on Wednesday with the exception to the rule for last minute additions by 4:00 p.m. on Thursday.

WORKSESSION WITH FACILITIES SUPERINTENDENT

The Board met with Maintenance Superintendent Chris Soeder for an update on projects.

The courthouse HVAC system is 30% complete in the cooling mode.

There are water leaks to the exterior of the courthouse building that are currently being tuckpointed. Soeder said over the next two (2) years the Board should be budgeting \$170,000 for outside maintenance to the courthouse.

The cleaning contract has been in place for three months and there have been employee issues that are being resolved.

Motion by Klein, seconded by Wickham, carried unanimously, to recess at 4:17 p.m. until 9:00 a.m. September 20, 2016.

The Board reconvened at 9:00 am on Tuesday, September 20, 2016 with Demmer and Klein in attendance and Wickham absent.

CANVASS OF DUBUQUE COMMUNITY SCHOOL DISTRICT PPEL ELECTION OF SEPTEMBER 13, 2016 (50.24)

PUBLIC MEASURE - Shall the Board of Directors of the Dubuque Community School District, in the Counties of Dubuque and Jackson, State of Iowa, be authorized to continue levy and annual Physical Plant and Equipment Levy upon all taxable property in said School District.

Yes	2,148	No	535
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Declare the above public measure approved.

PERSONNEL REQUISITION - SUNNYCREST MANOR PLANT SUPERVISOR

Motion by Klein, seconded by Demmer, carried unanimously, to approve the personnel requisition for a permanent full-time Maintenance Supervisor at Sunnycrest Manor.

WORKSESSION - COUNTY AUDITOR REGARDING CLAIMS PAYMENT PROCESS

The Board met with County Auditor Denise Dolan and Accounts Payable Clerk Paula Herber to discuss the claims payment process. Herber had two samples of claims lists to show the Board. It was determined any claims on the list will be compiled with the list on top for the Board's signatures. This gives Herber the authority to process payments.

Motion by Klein, seconded by Demmer, carried unanimously, to adjourn at 10:07 a.m. until 11:15 a.m. September 26, 2016.

Wayne Demmer, Chair
Board of Supervisors

ATTEST:

Mary J. Habel
Dubuque County Deputy Auditor