

MINUTES OF SEPTEMBER 26, 2016  
DUBUQUE COUNTY BOARD OF SUPERVISORS  
Present: Wayne Demmer, Daryl Klein and Jay Wickham  
Chair Demmer called the meeting to order at 11:33 a.m.

#### WORKSESSION WITH DMASWA ADMINISTRATOR - FUNDING PROJECT

The Board met with DMASWA Administrator John Foster and City of Dubuque Public Works Director John Klosterman.

It was explained that DA Davidson would be the loan administrator with Dorsey and Whitney as Bond Counsel for bonding for a ten (10) acre cell at the landfill. This is being moved up from October 2017 because phase 1 and 2 will be full by October 2018. This covers 145,000 tons per year over 75 years.

Klein asked what are the ramifications if the Board didn't approve the two resolutions being addressed at tonight's meeting. Wickham asked if the City can do this without county assistance. Klosterman's response was no. Wickham and Klein both stated the Board has no say in decision making yet they are expected to assist with the funding.

Motion by Wickham, seconded by Klein, carried unanimously, to recess at 12:35 p.m. until 12:40 p.m.

#### GENERAL RELIEF HEARINGS

Upon reconvening at 12:40 p.m. the Board met with Veterans Affairs/General Relief Director Randy Rennison. There was discussion on better ways to streamline the General Relief case hearings rather than clients appearing in front of the Board. Rennison is not comfortable being the sole decision maker and states his staff does an outstanding job.

The General Relief case hearings have been held in fifteen (15) minute increments that leave voided time slots when the individual does not attend the hearing. Rather than scheduling in this manner all hearings will be set at one time and be seen in order of attendance.

Motion by Klein, seconded by Wickham, carried unanimously, to contribute \$300-\$400 for indigent burial with no right to appeal and to table the cremation policy.

Motion by Wickham, seconded by Klein, 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 Wickham, seconded by Klein, carried

unanimously, to approve rent assistance for case F-4-38.

Motion by Klein, seconded by Wickham , carried unanimously, to enter executive session with General Assistance Caseworkers Doug Slaats and Nick Agan regarding case B-11-13.

Upon returning to regular session, motion by Klein, seconded by Wickham, carried unanimously, to deny assistance for case B-11-13.

Motion by Klein, seconded by Wickham, carried unanimously, to deny assistance for cases M-10-28, H-8-35 and B-11-14 due to not showing up for hearing.

#### EXECUTIVE SESSION PER IOWA CODE 21.5 (1)(c)

Motion by Klein, seconded by Wickham, carried unanimously, to enter executive session with Attorney Les Reddick, Sheriff Don Vrotsos, Deputy Sheriff Gary Pape, Assisstant Dubuque Police Chief Terry Tobin, and Administrative Assistant Mary Ann Specht.

There was discussion and an update on the impending shooting range for the Sheriff's department.

Upon returning to regular session, no action was taken.

#### EXECUTIVE SESSION PER IOWA CODE 21.5 (1)(j)

Motion by Wickham, seconded by Klein, carried unanimously, to enter executive session with FEH Representatives Christy Monk and Kevin Eipperle, Maintenance Superintendent Chris Soeder, IT Superintendent Nathan Gilmore, Deputy Commissioner of Elections Jenny Hillary, and Administrative Assistant Mary Ann Specht.

There was discussion and an update on the Office Space Project.

Upon returning to regular session, no action was taken.

#### ENGINEER'S REPORT

County Engineer Anthony Bardgett gave his update of projects that are in progress by the Secondary Road Department. All are on schedule and projected to be complete by end of season.

## WORKSESSION WITH SENATOR TOD BOWMAN - LEGISLATIVE ISSUES

The Board met with Senator Tod Bowman and the Assistant Dubuque City Manager Teri Goodmann.

The Board expressed their concerns in regards to water quality, privatizing medicare, State mandates and mental health to name a few. Klein stated he is confident Senator Bowman is behind the Board on their concerns and understands our dilemmas. Bowman said it is easier to stop a bill than to pass a bill.

## MINUTES OF SEPTEMBER 12 AND 20, 2016

Motion by Klein, seconded by Wickham, carried unanimously, to approve the minutes of September 12, and 20, 2016.

## CONSENT ITEMS

Renewal Class LC Liquor License for Rhody's Double J, LLC, new LC Liquor License for Barnstormer's Bar and Grill located at the Dubuque Regional Airport.

Motion by Wickham, seconded by Klein, carried unanimously, to approve above consent items.

## NOTICES OF PUBLIC HEARING - AMENDMENT TO CHAPTER 22 - RURAL ADDRESS SYSTEM, DUBUQUE COUNTY CODE OF ORDINANCES, NOTICE OF PUBLIC HEARING - FY 17 BUDGET AMENDMENT #1, AND NOTICE OF PUBLIC HEARING - FY 17 DECREASE IN BUDGET APPROPRIATIONS.

Motion by Klein, seconded by Wickham, carried unanimously, to advertise for a public hearing to be held on Monday, October 10, 2016 at 9:00 a.m. for the above-mentioned items.

## NOTICE OF PUBLIC HEARING - AMENDMENTS TO ZONING ORDINANCE - ZC#09-30-16 RICHARD REUTER AND DANIEL & JILL REUTER - A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL, ZC#09-31-16 KENNETH & DARLA HOSCH - A-1 AGRICULTURAL TO B-1 BUSINESS, ZC#09-32-16 MCALLISTER REAL ESTATE LLC A-1 AGRICULTURAL TO B-1 BUSINESS

Motion by Wickham, seconded by Klein, carried unanimously, to advertise for public hearing to be held on Monday, October 10, 2016 at 9:00 a.m. for the above-mentioned Amendments

to Zoning Ordinance.

RESOLUTION 16-247 - 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
CPC	PFT Clerk III - MHDD	08-22-16	Jessalyn Weber	\$19.17
Sunnycrest	PRN LPN	07-08-16	Kyle Tomaszewski	\$20.33

Motion by Klein, seconded by Wickham, carried unanimously, to approve and authorize the Chair to sign Resolution 16-247.

RESOLUTION 16-248 - APPROVING FY17 IDPH SUBSTANCE ABUSE PREVENTION SERVICES CONTRACT #588 7 SS31 (DARE)

WHEREAS, Dubuque County has been presented with a FY2017 County Substance Abuse Prevention Contract, Contract #588 6 SS31, between Dubuque County and the Iowa Department of Public Health which provides \$10,000 to fund the FY17 Dubuque County DARE Program to provide substance abuse prevention and related services for Dubuque County.

NOW, THEREFORE, BE IT RESOLVED, that the Dubuque County Board of Supervisors hereby approves and authorizes the Chairperson to sign the FY2017 County Substance Abuse Prevention Contract, Contract #588 6 SS31, between Dubuque County and the Iowa Department of Public Health which provides substance abuse prevention and related services for Dubuque County.

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-248.

RESOLUTION 16-249 - APPROVING REQUEST FOR PAYMENT #8 FOR CAREER LINK GRANT - CDBG #14-CRL-001

WHEREAS, the East Central Intergovernmental Association (ECIA) is administering Career Link Grant CDBG #14-CRL-001; and

WHEREAS, the signature of the Chair of the Dubuque County Board of Supervisors is required on the draw for the grant; and

WHEREAS, Draw # 8 in the amount of \$ 4,200 has been prepared for the Chair's signature.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves and authorizes the Chair to sign Draw # 8 for CDBG #14-CRL-001.

Motion by Klein, seconded by Wickham, carried unanimously, to approve and authorize the Chair to sign Resolution 16-249.

**RESOLUTION 16-250 - APPROVING REQUEST FOR PAYMENT #9 FOR CAREER LINK GRANT - CDBG #14-CRL-001**

WHEREAS, the East Central Intergovernmental Association (ECIA) is administering Career Link Grant CDBG #14-CRL-001; and

WHEREAS, the signature of the Chair of the Dubuque County Board of Supervisors is required on the draw for the grant; and

WHEREAS, Draw # 9 in the amount of \$ 2,236.36 has been prepared for the Chair's signature.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby approves and authorizes the Chair to sign Draw # 9 for CDBG #14-CRL-001.

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-250.

**RESOLUTION - APPROVING CONFIRMATION LETTER RETAINING DORSEY & WHITNEY LLP FOR LEGAL REPRESENTATION FOR THE DUBUQUE METROPOLITAN AREA SOLID WASTE AGENCY'S PROJECT**

Motion by Wickham, seconded by Klein, carried unanimously, to table resolution.

**RESOLUTION - APPROVING AGREEMENT WITH D A DAVIDSON FOR FINANCIAL ADVISOR SERVICES FOR JOINT FINANCING PROJECT WITH DUBUQUE**

METROPOLITAN AREA SOLID WASTE AGENCY

Motion by Wickham, seconded by Klein, carried unanimously, to table resolution.

RESOLUTION 16-251 - APPROVING ABATED PROPERTY TAXES

Whereas ; The City of Dubuque is currently the owner of parcel #'s DUBA, 1013451010,1013451009,1013451008,1013451006,1013451007,1013451005,1013451004,1013451003,1013451002,1013451001,1506226007,1506226005,1032128021,1026126018,1026126010,1026104010,1026104009,1026104003,1024284007,1024284006,1024108009,1505101002,DUBAA,1029300011,10209301001,1029126002,1029100006,1029100005,102910000310TABDC1503151005,1512351019,1511428006. Also the City of Dubuque has acquired some homes by court order and are rehabbing them. They are DUBA1024278017, 1024130013, 1024128001, 1023477014, 1024457016. After applying prorated taxes of \$9,467.04, there remains \$12,908.96 to be abated from the 2015 current tax.

Whereas; Dubuque County has acquired parcel #'s, DUBA 1013358008, 1013186009, 1013401025, 1312304009, \$126 will need to be abated from the 2015 current tax.

Whereas; the City of Worthington has purchased Parcel #WORWD, 1231201003, after applying \$49.00 of prorated taxes \$49.00 will need to be abated from the 2015 current tax.

Whereas, the city of Peosta has acquired PEOWA, 1410376001, \$8.00 need to be abated from the 2015 tax rolls.

Whereas; The City of Asbury has acquired 1 parcel of property, ASBDC, 1020152017 for access to Asbury Park. After applying prorated taxes of \$159, \$79.00 will need to be abated from the 2015 tax rolls.

Whereas, Mary's Inn has purchased DUBA 1014302002 as a home for pregnant mothers, they are exempt for the 2016 taxes however purchased it after the date that they could apply for the 2015 exemption will need to abate \$3,474.00 of taxes from the 2015 current tax.

Whereas; the State of Iowa has acquired DRGDC 0631376001. This is ROW property. After applying \$279.00 of prorated tax, \$637 will need to be abated from the 2015 current tax.

NOW THEREFORE BE IT RESOLVED by the Dubuque County Board of Supervisors, in accordance with the 2015 Iowa Code Chapter 445.63, \$17,281.96 in 2015 current tax

shall be abated.

Motion by Klein, seconded by Wickham, carried unanimously, to approve and authorize the Chair to sign Resolution 16-251.

RESOLUTION - APPROVING JOINT AGREEMENT WITH THE CITY OF DUBUQUE TO ALLOW THE CITY TO CONNECT THE NORTH CASCADE ROAD URBAN RENEWAL AREA WITH THE ENGLISH RIDGE URBAN RENEWAL AREA

Motion by Wickham, seconded by Klein, carried unanimously, to table the resolution.

RESOLUTION 16-252 - APPROVING THE UPDATE TO RESOLUTION REGARDING THE SALE OF ITEMS NOT CONSIDERED FIXED ASSETS

WHEREAS, the Dubuque County Board of Supervisors adopted Resolution 91-418, on December 16, 1991 and Resolution 93-177, on June 14, 1993, regarding the sale of items not considered to be fixed assets, and

WHEREAS, paragraph 7 of Resolution 91-418 reads, “Upon notice of items that are saleable by the Board of Supervisors, the Board may make the items available to private, not for profit agencies in the community, upon its own discretion”, and

WHEREAS, within normal maintenance operations of the Dubuque County Secondary Roads Department, the department acquires various salvageable items which have no value to Dubuque County, however may possess some value to private individuals, and

WHEREAS, Dubuque County Residency or Land Ownership will be required to purchase said items, and

WHEREAS, Dubuque County will not be held liable for any possible damage claims arising from assisting in loading any items, and

WHEREAS, Dubuque County will not be involved in the hauling of these items, and

WHEREAS, all sales will be final, and

WHEREAS, the following prices have been determined as a fair salvageable value and are non-negotiable for the following referenced items:

USED CULVERT PIPE

50% of new prices - updated in January

<u>USED GRADER BLADES</u>	\$ 1.00 per foot
<u>USED SIGN POSTS</u>	* No longer available for sale
<u>USED BRIDGE MAINTENANCE LUMBER</u>	* No longer available for sale

*\* If salvageable the county will use.*

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa hereby approve the above referenced items to be sold at their respective values with all transactions signed and reviewed by the County Engineer and deposited with the County Treasurer.

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-252.

#### RESOLUTION 16-253 - APPROVE ROAD RESTRICTIONS TO COTTINGHAM ROAD

WHEREAS, truck traffic has increased on Cottingham Road due to the closure of Seippel Road for construction by the Iowa DOT, and

WHEREAS, this increased traffic has resulted in potentially unsafe conditions for residents along the roadway, and

WHEREAS, there are two narrow, functionally obsolete bridges along the roadway, and

WHEREAS, there are numerous new culverts with patched pavement settling after construction earlier this summer along the roadway, and

WHEREAS, Sections 321.236(8), 321.255, 321.471 and 321.473 of the 1991 Code of Iowa empowers local authorities to impose restrictions as to the weight of vehicles to be operated on any highway under their jurisdiction and Section 321.463 establishes the penalty for violating said restrictions, and

WHEREAS, permits will be available at the County Engineer's Office for vehicles exceeding the posted weight restriction,

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Dubuque County, Iowa that no vehicle with more than three axles in configuration or combination may be operated or towed at any time on the Cottingham Road. For the purposes of this resolution, "combination" shall be defined as provided in Section 321.1(9) of the Code of Iowa.

Vehicles necessary for normal farming operations, local deliveries, rubbish vehicles making deliveries or pickups along the roadway, and county maintenance vehicles shall be exempt from the weight restrictions on these roadways.

The County Engineer is hereby directed to have erected such signs as are necessary to advise the traveling public of these limits, in accordance with Section 321.472, Code of Iowa.

Motion by Klein, seconded by Wickham, carried unanimously, to approve and authorize the Chair to sign Resolution 16-253.

**RESOLUTION 16-254 - APPROVING IOWA DOT RIGHT OF WAY AGREEMENT NO. 2016-C-229 FOR A PRIMARY HIGHWAY PROJECT, FOR PROJECT NO. STPN-052-2(124)-2J-31(ROW) AND STP-052-2(121)-2C-31 (CONST) ON US 52**

WHEREAS, the Iowa Department of Transportation has presented Dubuque County with a Right of Way Agreement for a Primary Highway Project, Iowa DOT Agreement No. 2016-C-229 for Project No. STPN-052-2(124)--2J-31 (ROW) and STP-052-2(121)--2C-31 (Const) on US 52: Grade and pave from Tollgate Road (Y13) north to the east corporation limits of Luxemburg, and

WHEREAS, in connection with this project any real estate and rights to the real estate necessary for right of way at the connection of any public, Dubuque County, road and a primary highway project, any access road or frontage road, or any permanent utility easements which will be under the jurisdiction of Dubuque County may be acquired by the DOT, for and in the name of the county.

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.

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-254.

**RESOLUTION 16-255 - APPROVING IOWA DOT PRECONSTRUCTION AGREEMENT NO.2017-C-028 FOR A PRIMARY HIGHWAY PROJECT, FOR PROJECT NO. NHSX-03-1(25)-3H-31 ON IOWA 32 (SOUTHWEST ARTERIAL)**

WHEREAS, the Iowa Department of Transportation has presented Dubuque County with a Preconstruction Agreement for a Primary Highway Project, Iowa DOT Agreement No. 2017-C-028 for Project No. NHSX-032-1(25)--3H-31 on Iowa 32 (Southwest Arterial): Grading from English Mill Rd to Catfish Creek, 2.72 mile 4-lane roadway, and

WHEREAS, the DOT will bear all costs except those allocated to Dubuque County under other terms of the agreement, and

WHEREAS, upon completion of construction, Dubuque County shall assume responsibility for all future maintenance operations associated therewith, all at no additional expense or obligation to the DOT:

- i. A temporary connector road between Iowa 32 and North Cascade Road for a distance of approximately 2,400 feet and will be paved on a future project.
- ii. A granular surfaced public frontage road on the south side of Iowa 32 extending from North Cascade Road easterly for a distance of approximately 3,450 feet.
- iii. A fence and gates along the temporary connector road.

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.

Motion by Klein, seconded by Wickham, carried unanimously, to approve and authorize the Chair to sign Resolution 16-255.

#### RESOLUTION 16-256 - APPROVING A "NO PARKING" ZONE ON KEY WEST DRIVE

WHEREAS, the Dubuque County Board of Supervisors is empowered under the authority of Section 321.236 Sub. (1) of the Iowa Code to prohibit the standing or parking of vehicles on designated highways under their jurisdiction, and

WHEREAS, The Board of Supervisors recognizes that on road parking of vehicles along Key West Drive should not be allowed due to the designated bike lanes.

THEREFORE BE IT RESOLVED that the Board of Supervisors of Dubuque County, Iowa hereby approve a "No Parking" zone on Key West Drive starting at Military Road to the city limits of Dubuque at Kremer Park Drive and signs to be posted.

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-256.

#### RESOLUTION 16-257 - APPROVING TEMPORARY CLOSURE OF RUPP HOLLOW ROAD AT THE HERITAGE TRAIL OCTOBER 15, 2016

WHEREAS, the Dubuque/Delaware County Coalition Against Domestic Violence will be holding its 8th annual Race Against Violence on the Heritage Trail on Saturday, October 15, 2016, and

WHEREAS, the Dubuque/Delaware County Coalition Against Domestic Violence has submitted a Special Event Permit and requested a temporary road closure of Rupp Hollow Road at the Heritage Trail from approximately 8:00am to 10:00am on Saturday, October 15, 2016, 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 closure of Rupp Hollow Road at the Heritage Trail from approximately 8:00am to 10:00am on Saturday, October 15, 2016.

Motion by Klein, seconded by Wickham, carried unanimously, to approve and authorize the Chair to sign Resolution 2016-257.

#### RESOLUTION 16-258 - AWARDING BID FOR SALE OF BONDS TO PREMIER BANK

WHEREAS, D. A. Davidson assisted Dubuque County in requesting bids for the sale of \$4,110,000 General Obligation Bonds, Series 2016; and

WHEREAS, two bids were received; and

WHEREAS, D. A. Davidson has analyzed the bids and recommends awarding the bid to Premier Bank.

NOW, THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors hereby awards the sale of \$4,110,000 General Obligation Bonds, Series 2016, to Premier Bank.

Motion by Wickham, seconded by Klein, carried unanimously, to approve and authorize the Chair to sign Resolution 16-258.

#### RESOLUTION 16-259 - AUTHORIZING AND APPROVING A LOAN AGREEMENT AND PROVIDING FOR THE ISSUANCE OF A \$4,110,000 GENERAL OBLIGATION COUNTY PURPOSE NOTE AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME

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) (collectively, the “Essential Projects #1), 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 (collectively, the “Essential Projects #2), 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 (the “General Purpose Project #1”), 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 (the “General Purpose Project #2”), 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 (collectively, the “General Purpose Projects #3”), 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 (the “General Purpose Project #4”), 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 (the “General Purpose Project #5”), 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 (the “General Purpose Project #6”) (collectively all of the aforementioned projects are hereinafter referred to as the “Projects”), 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 to be issued in evidence of the County’s obligation under the Loan Agreement; and

WHEREAS, Piper Jaffray & Co. as placement agent (the “Placement Agent”), has arranged the sale of the Note to Premier Bank, Dubuque Iowa (the “Lender”); and

WHEREAS, it is necessary at this time to authorize and approve the Loan Agreement and to make provision for the issuance of the Note;

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

Section 1. The County hereby determines to enter into the Loan Agreement with the Lender, in substantially the form as has been placed on file with the Board, providing for a loan to the County in the principal amount of \$4,110,000 for the purpose or purposes set forth in the preamble hereof.

The Chairperson and County Auditor are hereby authorized and directed to sign the Loan Agreement on behalf of the County, and the Loan Agreement is hereby approved.

Section 2. The Note is hereby authorized to be issued in the principal amount of \$4,110,000, shall be dated as of the date of delivery to the Lender (anticipated to be October 6, 2016) and shall be payable as to both principal and interest in the manner hereinafter specified.

Advances (each an “Advance”) of principal on the Note may be requested from the Lender by either the County Auditor or County Treasurer in such amounts and at such times as shall be needed to pay the costs of the Projects; provided, however, that each Advance will be in the amount of \$1,000 each or multiples thereof; and no Advances will be made after March 31, 2018. The date and amount of each Advance shall be entered by the Lender on the Schedule of Advances on the Note, and each principal advance shall bear interest from the date of such entry.

The County shall request Advancements in the aggregate amount of not less than \$1,800,000 by no later than May 1, 2017. On April 1, 2018, the Lender shall calculate the sum of all

Advances (the “Total Advances”) made against the Note, and, in the event that the aggregate amount of Advances under the Note are less than \$4,110,000, the difference shall be treated as a prepayment of principal hereunder.

Bankers Trust Company, Des Moines, Iowa, is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the “Registrar” or the “Paying Agent.” The City shall enter into an agreement (the “Registrar/Paying Agent Agreement”) with the Registrar, in substantially the form as has been placed on file with the City Council; the Mayor and City Clerk are hereby authorized and directed to sign the Registrar/Paying Agent Agreement on behalf of the City; and the Registrar/Paying Agent Agreement is hereby approved.

Principal of the Note shall be payable in annual installments due on June 1 in each of the years and in the respective amounts as follows:

<u>Year</u>	<u>Principal Installment</u>
2017	\$1,800,000
2018	\$2,310,000

Interest on the Note shall be payable in semiannual installments due on each June 1 and December 1, commencing December 1, 2016 and continuing to, and including, final maturity on June 1, 2018. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. The Note shall bear interest at the rate of 1.87% per annum.

Payment of both principal of and interest on the Note shall be made to the registered owner appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the payment date and shall be paid to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest shall be payable only upon presentation and surrender of the Note to the Paying Agent.

The County reserves the right to prepay principal of the Note in whole or in part at any time prior to and in inverse order of maturity on terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the prepayment date.

The Note shall be executed on behalf of the County with the official manual or facsimile signature of the Chairperson and attested by the official manual or facsimile signature of the County Auditor and shall be fully registered Note without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Note shall cease to be such officer before the delivery of the Note, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Note shall be fully registered as to principal and interest in the name of the owner on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owner or its legal representatives or assigns. The Note shall be transferable without cost to the registered owner thereof only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of any owners of the Note shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 3. The Note shall be in substantially the following form:

(Form of Note)

**UNITED STATES OF AMERICA  
STATE OF IOWA  
DUBUQUE COUNTY**

**GENERAL OBLIGATION COUNTY PURPOSE NOTE, SERIES 2016**

\$4,110,000

RATE	MATURITY DATE	NOTE DATE	CUSIP
1.87%	June 1, 2018	October 6, 2016	_____

Dubuque County (the “County”), Iowa, for value received, promises to pay in the manner hereinafter provided to Premier Bank, Dubuque, Iowa (the “Lender”) or registered assigns, the principal sum of FOUR MILLION ONE HUNDRED TEN THOUSAND DOLLARS, or so much thereof as is advanced by the Lender hereunder and noted on the Schedule of Advances hereto, in lawful money, together with interest on the outstanding principal hereof from the date of each Advance (as hereinafter defined), or from the most recent payment date on which interest has been paid, except as the provisions hereinafter set forth with respect to prepayment prior to maturity may be or become applicable hereto.

The Lender has made a commitment to make periodic advances (the “Advances”) to the City in an aggregate principal amount not to exceed \$4,110,000 under this Note, such

Advances to be made during the time period commencing on the Note Date and continuing until March 31, 2018. Each such Advance made by the Lender shall be entered by the Lender on the Schedule of Advances hereof and shall bear interest from the date of such entry.

The County shall request Advancements in an aggregate amount not less than \$1,800,000 by no later than May 1, 2017. On April 1, 2018, the Lender shall calculate the sum of all Advances (the "Total Advances") made against this Note, and, in the event that the aggregate amount of Advances under this Note are found to be less than \$4,110,000, the difference shall be treated as a prepayment of principal hereunder. All payments will be applied first to the payment of interest due and next to the reduction of principal.

Principal of this Note is payable in annual installments on June 1 in each of the respective years and in the respective installment amounts as follow:

<u>Year</u>	<u>Principal Installment</u>
2017	\$1,800,000
2018	\$2,310,000

Interest on this Note shall be payable in semiannual installments due on each June 1 and December 1, commencing December 1, 2016 and continuing to, and including, final maturity on June 1, 2025. This Note bears interest at the rate of 1.87% per annum. Interest will be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Both principal of and interest on this Note are payable to the registered owner appearing on the registration books of Bankers Trust Company, Des Moines, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent") at the close of business on the fifteenth day of the month next preceding the payment date in lawful money of the United States of America to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest shall be payable only upon presentation and surrender of this Note to the Paying Agent.

This Note is issued by the County to evidence its obligation under a certain Loan Agreement, dated as of the date hereof (the "Loan Agreement") entered into by the County for the purpose or purposes as set forth in the resolution (the "Resolution") authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of this Note.

This Note is issued pursuant to and in strict compliance with the provisions of Chapters 76 and 331 of the Code of Iowa, 2015, and all other laws amendatory thereof and supplemental thereto, and in conformity with the Resolution, and reference is hereby

made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Note and the rights of the owner of the Note.

The County reserves the right to prepay principal of this Note in whole or in part at any time prior to and in inverse order of maturity on terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the prepayment date.

This Note is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the County in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Note to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The County, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the County, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Note were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Note as the same will respectively become due; and that the total indebtedness of the County, including this Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Dubuque County, Iowa, by its Board of Supervisors, has caused this Note to be executed by its Chairperson and attested by its County Auditor, on October 6, 2016.

DUBUQUE COUNTY, IOWA  
By (DO NOT SIGN) \_\_\_\_\_  
Chairperson, Board of Supervisors

Attest:

(DO NOT SIGN) \_\_\_\_\_  
County Auditor

SCHEDULE OF ADVANCES



Section 5. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Note as the same become due, there is hereby ordered levied on all the taxable property in the County in each of the years while the Note is outstanding the following direct annual tax:

For collection in the fiscal year beginning July 1, 2017, sufficient to produce the net annual sum of \$1,850,171; and

For collection in the fiscal year beginning July 1, 2018, sufficient to produce the net annual sum of \$2,353,197.

Section 6. A certified copy of this resolution shall be filed with the Dubuque County Auditor, and the Auditor shall be and is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Note hereby authorized and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Note remains outstanding and unpaid, any funds of the County which may lawfully be applied for such purpose, may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Note as the same become due, and if so appropriated, the taxes for any given fiscal year as provided for in Section 5 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for such purpose, and evidenced in the County's budget.

Section 7. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds to the sum thus advanced.

Section 8. It is the intention of the County that interest on the Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Note will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Note as a “Qualified Tax Exempt Obligation” as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 9. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. 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 16-259.

#### PROOF OF PUBLICATION - ZONING CASES

- 1) ZC#07-24-16 Hartbecke Road Property
- 2) ZC#08-26-16 Shirley Lake Trust and Jim & Lisa Sporer
- 3) ZC#08-27-16 Michael & Mary Arthofer and Ben Arthofer
- 4) ZC#08-28-16 Timber Ridge Estates LLC
- 5) ZC#08-29-16 Dennis & Debra Schmitt and Justin & Stacy Schmitt

Motion by Wickham, seconded by Klein, carried unanimously, to receive and file above mentioned proofs of publication for zoning cases.

COMMUNICATION- TEAMSTERS LOCAL UNION NO. 120 LETTER OF INTENT TO BARGAIN COLLECTIVELY FOR THE DUBUQUE CITY ASSESSORS UNIT, COLLECTIVELY FOR THE DUBUQUE COUNTY ADMINISTRATIVE DEPUTIES UNIT, COLLECTIVELY FOR THE DUBUQUE COUNTY ASSESSORS UNIT, COLLECTIVELY FOR THE DUBUQUE COUNTY ROADS UNIT, COLLECTIVELY FOR THE DUBUQUE COUNTY COURTHOUSE UNIT

Motion by Klein, seconded by Wickham, carried unanimously, to receive, file and refer to personnel the above letters of intent.

#### PERSONNEL REQUISITIONS

Motion by Wickham, seconded by Klein, carried unanimously, to approve the personnel requisitions for two (2) permanent full-time Deputy Sheriff's (male) at the Sheriff's Office- Jail Division.

Motion by Klein, seconded by Wickham, carried unanimously, to recess at 6:17 p.m until 9:00 a.m. Monday, October 10, 2016.

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Wayne Demmer, Chair  
Board of Supervisors

ATTEST:

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Mary J. Habel  
Dubuque County Deputy Auditor