

STATE OF IOWA )  
 ) Ss:  
 DELAWARE COUNTY )

January 30, 2012  
 Manchester, Iowa  
 1:15 PM

The Delaware County Board of Supervisors met in regular session this date at 1:15 pm with all members present. Also present were, Pat Dede, Ron Kelchen, Mary Jane Gudenkauf, Robert J. Gudenkauf, Randy A. Mahoney, Bob Sack, Karen Cameron, Bill Lux, Marcheta R. Cooley, Mrs. Al (Rose) Smith, Alfred E. Smith, Dave Smith, Dave Fry, Loren Black, Phyllis Locke, Pauletta Carbaugh, Charlie Reeves, John Carbaugh, Jim Locke, Scott Wall, Diane Bauers, Maxine Schultz, Bonnie Hughes, Bill Hughes, Eldon Ries, Greg Bandfield, Dave Hardin, Gary Johannes, Jim Wittnebel, Dorothy Thomas, Shirley Christensen, Monica Keuter, Leo Monaghan, Michelle Carton, Linda Jay, Chip Hughes, Sharon Gudenkauf, James Driscoll, Carole Lafferty, Alice Satterly, Cheryl Schatzle, Bill Wallace, Joe Vap, Mary Ann Recker, Larry Peter, Tom Reeves, Greg Carroll, Norman Boss, Eve Peter, Jenny Garvin, Elaine Ott, Betty Bowers, Jack Klaus, Connie Nebel, Steve Detrich, Jim Singsank, Steve Leonard, Don Quint, Larry Bell, Gary Grimm, Jim Timmer, Norman Wellman, Dean Sherman, Donna Boss, Paul Roberg, Bruce Schneider, Jerry Gotto, Mary Kay Starks, John Mack, Patrick Vance, Keith Kramer, Nate Dunn, Tirzah Wedewer, Laurie Kramer, Nancy Grimm, Larry Aschbrenner, Daryl Kunkel, Nicole Turpin, Donna Taylor, Scott Wilson, Ann Wilson-Grant, Robert Klima, Deborah Peyton, Carolyn Wilson, Anthony Bardgett, Carla Becker, and three (3) members of the media. Shirley E. Helmrichs, Chairperson, called the meeting to order.

Motion made by Madlom, second by Ries and carried to approve the minutes from the January 23, 2012 regular session. All Ayes

Motion made by Ries, second by Madlom and carried to approve the following employees to attend their respective meetings: Peggy Petlon to attend the NE Iowa CPC meeting in West Union on February 3, 2012; Pat Oberbroeckling, Dennis Dugan, Doug Bush, Casey Langel and Jim Diers to attend the Work Zone Safety class in Cedar Rapids on February 2, 2012; Norman Wellman and Mike Ryan to attend the Emergency Management Severe Weather workshop in Davenport on February 2, 2012; and Shirley Helmrichs to attend the Corrections meeting in Waterloo on February 3, 2012. All Ayes

Motion made by Madlom, second by Ries and carried to approve the following claims for payment including the January 27, 2012 payroll in the amount of \$153,951.57 warrant #22372 - #22482:

Abbe Center Comm Care	Prescription Medicine	14404.50	Joseph Koopman	Rent Payments	310.00
Abbe Center MH	Emergency Treatment	6843.40	Kuhlman Quarries	Roads	144.36
Accent Laser Services Inc	Supplies	285.90	Legislative Services Agency	Typing/Printing/Binding	180.00
Advanced Systems Inc	Supplies	201.77	Jill Lewis	Buildings-Repair/Maint	150.00
Advancement Services	Work Activity Services	1255.80	Linn Co Community Services	Work Activity Services	214.44
Alliant Energy	Service	713.75	Linn Co Sheriff	Transportation	126.27
Altorfer Inc	Repair/Maint- Vehicle	228.14	Mail Services LLC	Postage & Mailing	480.10
Area Payee Services	Representative Payee	37.00	Main Street Repair	Repair/Maint- Vehicle	215.93
Area Residential Care Inc	Sheltered Workshop	311.48	Manchester Press	Publications	516.39
Auto Trim Design	Repair/Maint- Vehicle	60.00	Manchester Public Library	Contrib-Other Govt	7172.02
Banacom Signs	Repair/Maint- Vehicle	40.00	Manchester Signs LLC	Assessor-Car Expense	15.50
Benton Co Social Service	Basic Needs - Other	207.50	Maquoketa Valley REC	Electrical Power	97.71
Bi-County Disposal Inc	Sanitation Disposal	9.60	Mediacom LLC	Misc Supplies	29.94
Black Hills Energy	Service	1610.55	Midwest Business Products	Supplies	103.06
Black Hills Energy	Assistance	205.01	Monkeytown	Supplies	90.29
Bob Stephen Motors Inc	Motor Vehicle	20125.77	Margaret M Norem	Medical & Health Services	81.66
R Ried Boom MD	Medical/Health Services	75.00	Opportunity Village	Basic Needs - Other	520.80
Boubin Tire Co	Repair/Maint-Misc Equip	17.91	Palmer Hardware	Buildings-Repair/Maint	173.73
Claudia J Cahalan	Supplies	3.94	Penn Center Inc	RCF	17755.27
Carr & Carr Attorneys	Diagnostic Evaluation	48.30	Racom Corp	Radio & Communications	2350.86
County Case Management	Data Processing	655.50	Regional Medical Center	Emergency Treatment	1677.00
Central Iowa Water	Water Use & Sewer	41.44	RTA	General Transportation	310.80
City Laundering Co	Misc Supplies	59.63	Reliance Telephone Inc	Telephone Services	300.00
Colesburg Public Library	Contrib-Other Govt	1748.14	Gerald L Ries	Employee Mileage/Subs	16.65
Consolidated Energy Co LLC	Utilities	55.00	Rise LTD	Work Activity Services	147.20
D&S Portables Inc	Custodial Supplies	244.00	Rite Price Office Supply	Supplies	152.94
Del Co Public Health	Refunds/Reimburse	13463.92	River Valley Cooperative	Natural -LP Gas-Fuel Oil	3328.96
Delhi Lumber	Steel-Iron-Related Metals	23.45	Runde Auto Group	Repair/Maint- Vehicle	90.70
Delhi Public Library	Contrib-Other Govt	2151.57	Ruth Suckow Mem Library	Contrib-Other Govt	2151.57
Dell Marketing LP	Data Processing	2633.99	Melanie A Schroeder	Employee Mileage/Subs	254.20
Kristin Denniger Attorney	Legal Rep Commitment	138.00	Scott VanKeppel LLC	Steel-Iron-Related Metals	249.80
DJ Repair	Repair/Maint- Vehicle	33.00	Sioux Sales Company	Apparel/Uniforms	164.67
Dolan Insurance Agency	Blanket County Insurance	769.00	Solutions Inc	Data Processing	1608.45
Don & Walt LLC	Buildings	3369.66	Spectrum Industries	Supported Comm Living	92.48
Dons Truck Sales Inc	Construction/Maint	1055.87	St Lukes Hospital	Diagnostic Evaluation	721.52
E Central Dist of Assessors	Dues & Memberships	450.00	St Lukes	Safety Items	100.00
ECIA	Flood Demolition Project	13679.19	Standard Auto Parts LLC	Lubricants	202.32
Edgewood Auto & Tire	Repair/Maint-Const Equip	48.30	State Hygienic Lab	Medical & Health Services	51.00
Edgewood Locker Inc	Education & Training	23.94	Systems Unlimited Inc	Work Activity Services	144.50
Edgewood Public Library	Contrib-Other Govt	1613.53	Taylor Construction Inc	Bridges	32572.38
Edgewood Saw & Supply	Construction/Maint	120.46	Terminal Supply Company	Construction/Maint	137.97
City of Edgewood	Traffic & St Sign	921.39	Three Rivers Inc	Fuels	29317.72
Ed's Lawn Care	Buildings-Repair/Maint	180.00	David D Timmer	Employee Mileage/Subs	45.51
Tina Elgin	Buildings-Repair/Maint	500.00	Trans Iowa Equipment LLC	Construction/Maint	92986.91
Emeritus at Silver Pines	RCF	2419.97	Treasurer State of Iowa	Inpatient/Hospital	30651.10
ES&S Inc.	Maint-Election Equip	13163.96	U of IA Dental School	Basic Needs - Other	1000.00
April Fisher	Custodial Supplies	82.50	Ubben Building Supply	Construction/Maint	153.00
G&G Living Centers Inc	Work Activity Services	521.60	US Postmaster	Postage & Mailing	45.00
Garlyn R Glanz	Postage & Mailing	1.28	Vanguard Appraisals Inc	Appraisal Services	3600.00
Group Services Inc	Self-Funding	10058.27	VISA / Mastercard	Education & Training	509.99
Autumn C Halweg	Miscellaneous	4.00	Visiting Nurse Association	Representative Payee	82.25
Heather Andregg	Buildings-Repair/Maint	100.00	Walmart Community	Custodial Supplies	367.01
Henderson Products	Construction/Maint	43.00	Weber Paper Company	Custodial Supplies	553.77
Erin Herbold-Swalwell	Education & Training	190.92	Blue Cross & Blue Shield	Cobra/Life Insurance	2306.96
Hopkinton Public Library	Contrib-Other Govt	2151.57	FE Welterlen Motors Inc	Repair/Maint- Vehicle	724.50
Houlihan Sanitation Service	Sanitation Disposal	154.00	West Payment Center	Magazines/ Newspaper	135.50
IA Prison Industries	Land	14872.88	Widner Drug & Gift	Prescription Medicine	172.80
ISAC	Education & Training	185.00	Windstream	Telephone Service	359.15
John Deere Financial	Custodial Supplies	79.25	Windstream	Telephone Service	1255.11
Johnson Co Sheriff	Sheriff Transportation	31.50	Zee Medical Inc	Medical & Lab Supplies	61.80
Keltek Inc	Repair/Maint-Radio Equip	1342.08	Zep Manufacturing Co	Shop Equipment	272.70

All Ayes

There were no "Applications for Approval of Underground Construction on Delaware County Right-of-Way" submitted for consideration at today's meeting. All Ayes

There were no manure management plan updates submitted for today's meeting.

The Board briefly discussed the need for a public forum to allow property owners, taxpayers, residents and business owners the opportunity to be heard in regards to the request for Delaware County to help fund the rebuilding efforts at Lake Delhi.

Motion made by Ries, second by Madlom and carried to set Wednesday, February 29, 2012 at 7:00 pm as the date and time of a public forum to allow the public to comment on the request for Delaware County to support the rebuilding of the Lake Delhi dam with a \$3 million emergency bond. Said forum will be held at the Pavilion located on the Delaware County Fairgrounds in Manchester. All Ayes

Motion made by Ries, second by Madlom and carried to acknowledge receipt of the Delaware County Agricultural Extension Council's proof of bond and Certificate of Organization for the 2012 calendar year. All Ayes

Motion made by Madlom, second by Ries and carried to approve the contract renewal with Inukshuk Technologies, LLC for website maintenance. The contract includes two (2) service hours per month in consideration of \$1,800. All Ayes

Motion made by Ries, second by Madlom and carried to approve the following resolution regarding records in the Assessor's Office:

**RESOLUTION  
DESTRUCTION OF RECORDS  
JANUARY 20, 2012**

Pursuant to the 2009 Code of Iowa, Section 331.323 sub section 2D, and Sections 50.19 and 48A.32, we do hereby authorize the destruction of the following records in the Delaware County Assessor's Office:

Board of Review Petitions – 1988 thru 2001  
Board of Review Special Session Petitions – 1999  
Board of Review – Court Case 2003 – 2005  
Assessment Reports – 1970  
Mass Appraisal Information – 1981 – 1983  
Road Appraisals – 1989  
Abstracts – 1987 thru 2000  
Budget Information – 1982 thru 2005  
Conference Board Meeting / Agenda – 1986  
Sales Ratio Reports / Equalization – 1998 – 2003  
Letters of Correction Copies – 1990 thru 1999  
Machinery & Equipment Information – 1988 thru 2001  
Claims Information 2003 thru 2005  
Expired Abatements 1987 thru 2000

/S/ Shirley E. Helmrichs, Chairperson

/S/ Jerry Ries

/S/ Jeff Madlom

ATTEST:

/S/ Carla K. Becker, Delaware County Auditor

All Ayes

Motion made by Madlom, second by Ries and carried to approve the 8 month Class C Liquor License renewal for Backbone Golf & Country Club located at 1244 400<sup>th</sup> Street in Strawberry Point. This license is effective on March 1, 2012 with Outdoor Service Area and Sunday Sales privileges. All Ayes

Motion made by Ries, second by Madlom and carried to approve Delaware County serving as Fiscal Sponsor for the following entities applying for 2012 Grant through the Foundation for the Future of Delaware County:

The Delaware County Tourism Committee  
The Delaware County Fair Society  
The Pineview Cemetery Association

All Ayes

Motion made by Madlom, second by Ries and carried to approve the transfer of \$29,371.00 from the Rural Services Fund into the Secondary Roads Fund as approved in the FY2012 Certified Budget. All Ayes

Motion made by Ries, second by Madlom and carried to remove Chris Wessels from the position of Bremen Township Trustee due to extenuating circumstances. All Ayes

Motion made by Ries, second by Madlom and carried to appoint John Bagge to the position of Bremen Township Trustee. All Ayes

This being the date and time set for a Public Hearing in regards to the Proposed Re-Classification of a portion of Hopkinton & County Line Road from a Class "C" to a Class "B", Chairperson Helmrichs opened the public hearing at 1:32 pm.

Anthony Bardgett, County Engineer, stated that through recent research, he cannot find anywhere in the records of the County where the portion on Hopkinton & County Line Road in question was ever vacated or classified. Since there is no record, he must assume that the county's easement is still in existence and that the roadway is classified as a Class "A" roadway even though the county is not maintaining it as such. Since the roadway is currently just a grassy path, he is recommending re-classifying that portion as a Class "B".

Jim Singsank, Secretary/Treasurer of Flatrock Forest Group, Inc., an adjoining land owner to the Hopkinton & County Line Road addressed the Board regarding the events which have unfolded since he heard of the proposed re-classification. He believes that the road should not be reclassified as a Class B since it would allow the general public to utilize it without question. He stated that the roadway actually stops in the middle of Flatrock's property. He has spent a lot of time researching this roadway with Brad Burger, County Surveyor, and Anthony Bardgett, County Engineer. He then outlined in detail what that research entailed. In conclusion, Mr. Singsank stated that, "there is no proof that the Hopkinton and County Line Road exists any longer and there is no tax being deducted for this road from property owned by Kelchen, Knipper, Gudenkauf and Flatrock, and there is no official county plat book in the Auditor's Office which shows there is a road still in place, and that the "ghost road" has no classification now and it is not on any county roads list.

He urged the Board to either dismiss it altogether or to table the issue until more research can be conducted. He thanked the Board for their time as well as Brad Burger and Deputy Assessor Andrea Schmidt.

David Smith addressed the Board in favor of the re-classification of said roadway. His parents are in the process of establishing clear title to property in Dubuque County which could be accessible with this roadway. He requested that the Board re-classify the roadway at least as a Class "B" for the following reasons: Convenience of access. The roadway is much more accessible than the present access in Dubuque County; Safety for his father. Since they do not have to cross a river or walk up steep grade as they do from the east, it would be much easier access for his elderly father; Transportation of equipment. Currently they have to walk the equipment in

to help his father maintain his property; this would allow vehicles to transport equipment in; and finally access to his father's property. Since this roadway is the only public route his father has to access his property without pursuing a private easement from landowners.

Mrs. Rose Smith stated that she has been paying taxes on the property in Dubuque County for 10 years and is very close to receiving a deed to clear title.

Robert Gudenkauf, an adjacent property owner, stated in 1820 it was designated a road. If it isn't a road, then anyone that travels east on the roadway past Knipper's is trespassing, including Mr. Singsank. He is not in favor of gates on the roadway (Class "C").

Ron Kelchen, adjacent property owner, has no qualms with the Smith family going across his property to access theirs. He also is not in favor of gating the roadway.

Anthony Bardgett stated that he had originally intended to propose reclassifying the roadway as a Class "C" and allowing it to be gated. However, he had received a lot of negative feedback on that and thus decided to propose a Class "B". The only difference between a Class "B" and a Class "C" is that a Class "C" roadway can be gated with keys given to adjacent property owners and those using it for access. Since he cannot find any documentation at this time that the roadway has ever been vacated, he must assume that the easement still exists and is a Class "A" roadway.

The Board asked Mr. Bardgett how much time he would need to finish his research in this matter. Mr. Bardgett stated that two weeks would be enough time.

Motion made by Ries, second by Madlom and carried to table the consideration of reclassifying a portion of the Hopkinton and County Line Road for at least two weeks to allow the County Engineer to research the matter further. All Ayes

Motion made by Madlom, second by Ries and carried to approve the following resolution regarding a road closure:

**RESOLUTION FOR ROAD CLOSURE  
X49 West of Dyersville**

**WHEREAS**, the Dyersville Economic Development Corporation requests the closure of X49 (332<sup>nd</sup> Ave) between 12<sup>th</sup> Ave SW and 1<sup>st</sup> Ave W from approximately 10:45 a.m. to 11:15 a.m. on March 17, 2012 due to their annual Gaelic Gallop run, and

**WHEREAS**, the Dyersville Economic Development Corporation will provide any and all necessary traffic control devices and law enforcement during the run event,

**NOW THEREFORE BE IT RESOLVED** that the Delaware County Board of Supervisors has approved the Dyersville Economic Development Corporation's request for road closure of X49 (332<sup>nd</sup> Ave).

Passed and approved this 30<sup>th</sup> day of January 2012.

/S/ Shirley E. Helmrichs, Chair

County Board of Supervisors

ATTEST:

/S/ Carla Becker, County Auditor

All Ayes

**ENGINEER'S REPORT:**

None.

**NEXT MEETING**

The next regular session of the Board will be on Monday, February 6, 2012 at 1:15 pm at the Supervisor's Office in the courthouse.

**PUBLIC COMMENTS:**

Nicole Turpin, ECIA, addressed the Board regarding the progress of the demolition project from the 2010 flood. She stated that five (5) structures have been removed. Four (4) of the structures are below the Hawker resort and the other is the Beatty property. Seeding and grading will be finished in the spring when weather permits. There was some damage done by the contractor. Lansing Brothers has been notified of the damages and is set to replace a retaining wall that was damaged during demolition. A retaining wall near the Beatty property was also damaged along with damage to the roadway. She would like the Board members to do a site visit with the contractor on Wednesday morning to see the damages.

In regards to the other properties set for demolition, all are now deteriorated to the point that they cannot enter them to inspect for asbestos. Even though this may make the demolition more expensive, it will also decrease the amount of paperwork and inspections needed. We are still waiting for FEMA to release the funding for the remaining structures so the county can go out for bids.

Chairperson Helmrichs addressed those present and thanked those who had sent nearly 200 e-mails voicing their opinion on the request for county funding of the Lake Delhi rebuilding effort. She also reiterated that the Board had set February 29<sup>th</sup> at 7:00 pm as a public forum to solicit comments from the public regarding the Board's upcoming decision. She then opened the floor to those present who wished to make additional comments regarding the funding request.

Patrick Vance, a life-long resident of the county, was the first to address the Board. He stated that much has happened since the first Board meeting he attended back in September of 2010. "A lot of people have made a commitment to get the Lake back", he stated, "Now it is the Board of Supervisors' turn. If you take the emotion out of it and simply look at the facts, it makes sense to go ahead with it."

Several residents of the lake, including John Mack, Nate Dunn, Dave Fry, Daryl Kunkel, Steve Leonard, Pat Dede, Betty Bowers, Larry Aschbrenner, Randy Mahoney, Bruce Schneider, Gary Grimm, Michelle Carton, Bob Klima, Marcheta Coeoy, Greg Bandfield, Dianne Bauers, and Jerry Gotto, reiterated Mr. Vance's comments in favor of the Board of Supervisors funding support.

Many of the property owners spoke not only of the implication of decreased valuations on the taxes of Delaware County residents, but also of the economic impact of the Lake District not being there. Daryl Kunkel stated that he alone brings up to 250 people a year to his cabin. Dianne Bauers stated that a visitor from Hawaii extended his four (4) day skiing trip to two (2) weeks because he enjoyed the area so much. He even called it an "Oasis in the corn fields".

The district was referred to many times as an "economic engine" for the county. Many people spoke of the guests from outside of the county that come and spend money here because of the Lake District.

County residents Ann Wilson-Grant and Steve Dircks stated that they were not residents of the district and have no intention of ever being residents of the Lake District and yet they were both in favor of the board approving the funding. Mrs. Wilson-Grant stated "my late husband used to say 'sometimes you have to spend money to make money'. I really support this."

Norman Boss, resident of Prairie Township, stated he was not opposed to the rebuilding but was also concerned about how the county was going to pay for the \$4 million needed to rebuild the bridge. He urged the Board to be careful how much extra funding they approve for the dam rebuilding knowing that the bridge needs built as well.

There were also several local bankers and business persons in attendance who encouraged the funding approval for economic reasons. Keith Kramer, F & M Bank, stated he did not want Delaware County to find themselves in the same housing crisis that Minnesota and other neighboring states find themselves. He feels that if the dam is not rebuilt, once these people leave they are not coming back to Delaware County. "We are a garden spot to live", he stated. "The lake district is an economic engine for Delaware County. It is what brings in the outside money into the county. Counties fight for tourism dollars like this."

Dave Fry, a member of the Watershed Committee and a district resident, stated that this is a timing issue as well. There have been many hours put in educating the local and state legislators as to the necessity of state and local funding. With this being an election year, all the key players will be changing. Senator Hancock and Representative Steve Lukan are not even running for re-election. Everything would virtually have to start over from the beginning. The Governor is there, the state legislators are there and the local district funding is approved. The relationship between the county and the district has come a long way. He encouraged the Board members to vote yes for the emergency bond. "We need to continue to work together so that Delaware County can reap the benefits that the lake district has to offer" he stated. "The Lake District residents may not be the highest stake holder in this, it may be ALL of Delaware County's residents."

Supervisor Ries stated that when the dam breach happened, they heard the rebuilding would take anywhere from \$3 million to \$15 million. As a Board, they were looking for exact figures before they committed to anything. Just last week they found out from the study that it's estimated at \$11.9 million.

Chairperson Helmrichs was the last to speak. She stated that her son who is in FFA has a shirt which says, 'This is where I come from and these are my people'. The members of the Board will be finishing up their individual research in their own way. She understands that the past 19 months have been devastating for some. The county has tried to do what it could with the debris removal and demolition programs. The Board members value everyone's opinions. It is best if you personalize your e-mails and letters rather than just sending a form letter. She had received a phone call from Dick Jones, Lake Resident and former Delaware County business owner, from his winter home in Florida. He told her a story regarding a man named Tom Robinson who owned a cabin in the district. That gentleman liked the area so much he wanted to start a Delaware County branch of the company he worked for. That company was Rockwell Collins.

There being no further business before the Board, Chairperson Helmrichs asked for a motion to adjourn.

Motion made by Madlom, second by Ries and carried to adjourn the meeting at 3:10 pm. All Ayes

These minutes have been read and approved.

/S/ Shirley E. Helmrichs, Chairperson

/S/ Carla K. Becker, County Auditor