

**CITY OF DUBUQUE, IOWA
CITY COUNCIL PROCEEDINGS
SPECIAL SESSION**

The Dubuque City Council met in special session at 5:00 p.m. on October 6, 2014 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a work session on Inclusive Dubuque and a Closed Session regarding pending litigation and property acquisition – Chapter 21.5(1)(c), -(j) Code of Iowa

**WORK SESSION
Inclusive Dubuque**

Inclusive Dubuque Coordinator Jessica Rose introduced the mission partners Dr. Liang Chee Wee, Eric Dregne, Pauline Chilton, Erica Ysquierdo, Barry Gentry, Kari McCann, Randy Martinez, Keith Rahe, and Kelly Larson who presented on the following topics:

- Why do we do this work?
- The process;
- Knight Soul of the Community;
- Vision: a community where all feel respected, valued and engaged;
- Mission: to advance equity and inclusion to meet the economic and cultural needs of a diverse community;
- Definitions: diversity, equity, inclusion;
- Defining Inclusive Dubuque: A network of partner organizations who provide direct service and support to community members;
- Mission partners identified;
- Objectives:
 - Identify the needs/solutions,
 - Increase awareness and engagement,
 - Support partner-led action;
- Progress update;
- Next steps:
 - Community Equity Assessment

The City Council had discussion with the representatives following the presentation.

CLOSED SESSION

Motion by Jones to convene in closed session at 5:37 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Braig. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 6:29 p.m. having given staff proper direction.

There being no further business, upon motion the City Council adjourned at 6:31 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/15

**CITY OF DUBUQUE, IOWA
CITY COUNCIL PROCEEDINGS
REGULAR SESSION**

The Dubuque City Council met in regular session at 6:33 p.m. on October 6, 2014 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Mayor Buol read the call and stated this is a regular session of the City Council called for the purpose of conducting such business that may properly come before the City Council.

PLEDGE OF ALLEGIANCE

PROCLAMATION(S)

1. White Cane Safety Day (October 15, 2014) was accepted by Mayor Buol;
2. Trick-or-Treat Night (October 31, 2014) was accepted by Mayor Buol;
3. Disabilities Awareness Month (October 2014) was accepted by R.R.S. Stewart of the Human Rights Commission;
4. Arts and Humanities Month (October 2014) was accepted by Marina O'Rourke, Vice Chair of the Arts and Cultural Affairs Advisory Commission;
5. Make a Will Month (October 2014) was accepted by Susan Henricks, Library Director and Make-a-Will Month Committee member.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council proceedings of 9/15; Civil Service Commission of 7/28, 9/22; Five Flags Civic Center Commission of 8/20; Zoning Board of Adjustment of 9/25; Proof of Publication for City Council proceedings of 9/2. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: David Baker for vehicle damage, Suit by Cheryl Fuller, Arthur Hedley for vehicle damage, Norman Homb for vehicle damage, Barbara Lombardi for personal injury, Peggy Naumann for vehicle damage, James Shippy for property damage, Brad Siegert for property damage, Suit by QHQ Properties. Upon motion the documents were received, filed and referred to the City Attorney.

3. Disposition of Claims: City Attorney advising that the following claims have been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: David Baker for vehicle damage, Enterprise Rent-a-Car for vehicle

damage, Arthur Hedley for vehicle damage, Norman Homb for vehicle damage, Barbara Lombardi for personal injury, Peggy Neumann, James Shippy for property damage, Brand Siegert of property damage. Upon motion the documents were received, filed and concurred.

4. Government Finance Officers Association- Distinguished Budget Presentation Award: Correspondence from the Government Finance Officers Association (GFOA) advising that it has awarded the Distinguished Budget Presentation Award to the City of Dubuque and Certificates of Recognition for Budget Preparation to Budget Director Jennifer Larson and Senior Budget Analyst Mary Brooks for the Fiscal Year 2014/2015. Upon motion the documents were received and filed.

5. SRF Green Alley Project Bid Set 1 -Year 1 Project Acceptance

City Manager recommending acceptance of the construction contract and the establishment of the Final Schedule of Assessments for the SRF Green Alley- Bid Set 1 Year 1 Project, as completed by East Iowa Construction. Upon motion the documents were received and filed and Resolution No. 300-14 Accepting the SRF Green Alley Project- Bid Set 1 year 1 and authorizing the payment of the contract amount to the contractor; and Resolution No. 300-14A Adopting the final assessment schedule for the SRF Green Alley Project- Bid Set 1 Year 1 were adopted.

6. SRF Green Alley Project Bid Set 2- Year 1 Acceptance: City Manager recommending acceptance of the construction contract for the SRF Green Alley- Bid Set 2 Year 1 Project, as completed by Drew Cook and Sons Excavating, and adoption of the Final Schedule of Assessments. Upon motion the documents were received and filed and Resolution No. 301-14 Accepting the SRF Green Alley Project- Bid Set 2 Year 1 and authorizing the payment of the contract amount to the contractor; and Resolution No. 301-14A Adopting the Final Assessment Schedule for the SRF Green Alley Project- Bid Set 2 Year 1 were adopted.

7. Acceptance of Storm Sewer Easement- Greenfield Development, LLC: City Manager recommending acceptance of a storm sewer easement from Greenfield Development LLC for a proposed City storm sewer construction project across a part of Lot 2-1-1-1-2 of Louis H. Walter Place, near 801 Cedar Cross Road. Upon motion the documents were received and filed and Resolution No. 302-14 Accepting a Grant of Easement for storm sewer through, over and across a part of Lot 2-1-1-1-2 of Louis H. Walter Place in the City of Dubuque, Dubuque County, Iowa, was adopted.

8. Acceptance of Storm Sewer Easement- Cedar Ridge Farm Place No. 3: City Manager recommending acceptance of a storm sewer easement from Julian G. Nemmers for a proposed City storm sewer construction project across a part of Lot 2 of 4 of Cedar Ridge Farm Place No. 3 near 801 Cedar Cross Road. Upon motion the documents were received and filed and Resolution No. 303-14 Accepting a Grant of Easement for storm sewer through, over and across a part of Lot 2 of 4 of Cedar Ridge Farm Place No. 3 in the City of Dubuque, Dubuque County, Iowa, was adopted.

9. Timber Hyrst Estates No. 4- Accepting Culvert, Embankment and Storm Water Impoundment Easement: City Manager recommending acceptance of a Grant of Easement for Pipe Culvert, Embankment Slope, and Storm Water Impoundment from Gary Valentine as part of the Timber-Hyrst Estates No. 4 Project. Upon motion the documents were received and filed and Resolution No. 304-14 Accepting the grant of a Culvert Pipe, Embankment Slope, and Storm Water Impoundment Easement through, over and across a part of Lot 1 of Valentine Place No. 3, in the City of Dubuque, Dubuque County, Iowa, was adopted.

10. Gallagher Benefit Services Renewal: City Manager recommending approval of an Amendment to the Administrative Services Agreement with Gallagher Benefit Services for benefit consulting and actuarial services effective October 1, 2014, through June 30, 2016. Upon motion the documents were received, filed and approved.

11. Delta Dental Voluntary Dental Plan: City Manager recommending approval of the renewal rates with Delta Dental for the Voluntary Dental Plan beginning January 1, 2015 through December 31, 2015. Upon motion the documents were received, filed and approved.

12. Case Management Workers' Compensation Claims: City Manager recommending approval to enter into an Agreement with Tri-State Occupational Health, L.L.C. effective October 6, 2014 through September 30, 2015 to provide case management of workers compensation claims and police and fire job related injuries and illnesses. Upon motion the documents were received, filed and approved.

13. Iowa Clean Air Attainment Program (ICAAP) Grant Application- Midtown Loop (Grey Line) and Feeder (Express): City Manager recommending approval of an application for Iowa Clean Air Attainment Program (ICAAP) grant funds for the third year of the SmarterTravel: Midtown Loop (Grey Line) and Feeder (Express). It is further recommended that the City Council approve a resolution stating that it shall (1) commit the necessary local match funding for project implementation and (2) upon project completion, commit to adequately maintaining and operating the routes through maintenance-level budgeting. Upon motion the documents were received and filed and Resolution No. 305-14 Endorsing the submission of an Iowa Clean Air Attainment Program (ICAAP) Grant application to the Iowa Department of Transportation to fund the Midtown Loop (Grey Line) and Feeder (Express) Routes was adopted.

14. Letter of Support- Regional Conservation Partnership Program: City Manager recommending approval of a letter of support for the Regional Conservation Partnership Program. Upon motion the documents were received, filed and approved.

15. Alternative Services Concepts Workers' Compensation Administration Renewal Rates: City Manager recommending approval of renewal rates with Alternative Services Concepts for workers' compensation claims administration for October 1, 2014 through September 30, 2015. Upon motion the documents were received, filed and approved.

16. EDA Grant Authorized Representative- Upper Bee Branch Creek Restoration Project: City Manager recommending approval to establish the City Manager as an Authorized Representative with the authority to execute and deliver documents as necessary in order for the City to receive U.S. Economic Development administration Disaster Relief Program funds for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 306-14 Establishing the City Manager as an Authorized Representative regarding the agreement between the U.S. Department of Commerce's Economic Development Administration and the City of Dubuque, Iowa for the Upper Bee Branch Creek Restoration was adopted.

17. Express Scripts Agreement: City Manager recommending approval of a new Employer Participation Agreement with Express Scripts effective January 1, 2014 to December 31, 2014. Upon motion the documents were received, filed and approved.

18. Shepherd, Inc., Iowa Economic Development Authority (IEDA) Settlement: City Manager recommending approval of the execution of a Settlement Agreement between the Iowa Economic Development Authority, Shepherd, Inc. and the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 307-14 Authorizing the execution of a Settlement Agreement for CEBA Loan Agreement 04-CEBA-05 by and between the Iowa Economic Development Authority, Shepherd, Inc., and the City of Dubuque was adopted.

19. Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Bus Operator, Horticulturalist, Lead Mechanic and Maintenance Worker. Upon motion the documents were received, filed and made a Matter of Record.

20. Mystique Casino-- Request to Repair Sidewalks, Resealing and Painting of Decorative Concrete: City Manager recommending approval of a request from Mystique Casino President and CEO Jesus Aviles to use the Depreciation and Improvement Fund and to do some sidewalk and entryway improvements. Upon motion the documents were received, filed and approved.

21. Mississippi River Cities and Towns Initiative: City Manager transmitting information from the Mississippi River Cities and Towns Initiative annual meeting held September 16-18, 2014. Upon motion the documents were received and filed.

22. Mississippi River Sustainable Development Fund: City Manager transmitting information on the Mississippi River Sustainable Development Fund announcing major sustainable efforts to promote Mississippi River commerce and health. Upon motion the documents were received and filed.

23. Linseed Oil - Assignment of Development Agreement: City Manager recommending approval of the assignment of the Development Agreement with Wilmac Property Company to Betty Building, LLC for the property located at 151 East 9th Street. Upon motion the documents were received and filed and Resolution No. 308-14 Approving the assignment of the Development Agreement between the City of Dubuque

and Wilmac Property Company from Wilmac Property Company to Betty Building, LLC was adopted.

24. Linseed Oil- Assignment of CDBG Subrecipient Agreement: City Manager recommending approval of a Subrecipient Agreement with Wilmac Property Company to facilitate the redevelopment of the Linseed Oil Paintworks Building at 901 Jackson Street. Upon motion the documents were received and filed and Resolution No. 309-14 Approving the assignment of the Community Development Block Grant (CDBG) Housing Disaster Recovery Fund Contract Subrecipient Agreement between the City of Dubuque and Wilmac Property Company, from Wilmac Property Company to Merrimac Restoration, Inc., was adopted.

25. Business License Refund: Request from Molo Oil for a refund of the Tobacco Permit DBQ-024-15 for Puff-N-Snuff located at 1101 Rhomberg Ave. Upon motion the documents were received, filed and approved.

26. Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses applications as submitted. Upon motion the documents were received and filed and Resolution No. 310-14 Approving applications for beer, liquor, and/or wine permits, as required by City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 2 Liquor Control, Article B Liquor, Beer and Wine Licenses and Permits; and Resolution No. 311-14 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

ITEMS TO BE SET FOR PUBLIC HEARING

Motion by Lynch to receive and file the documents, adopt the resolutions, set the public hearings as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Jones. Motion carried 7-0.

1. Linseed Oil -Amendment to Development Agreement 10/20/14: City Manager recommending that a public hearing be set for October 20, 2014, on amending the Development Agreement with Wilmac Property Company for the property located at 151 East 9th Street. Upon motion the documents were received and filed and Resolution No. 312-14 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa, on the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of an Amendment to the Development Agreement between the City of Dubuque, Iowa and Betty Building, LLC, and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 20, 2014 in the Historic Federal Building.

2. 911 High Bluff Retaining Wall Project 11/3/14: City Manager recommending authorization for the public hearing procedure and special assessment process for the 911 High Bluff Retaining Wall Repair Project, and further recommends that a public hearing be set for November 3, 2014, to approve the final assessment process. Upon

motion the documents were received and filed and Resolution No. 313-14 Setting date of public hearing on special assessment was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 3, 2014 in the Historic Federal Building.

BOARDS/COMMISSIONS

Review of Applications: Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

Community Development Advisory Commission: One, 3 year term through February 15, 2016 (Vacant term of Corken). Applicant: Michelle Hinke, 973 Patricia Ann Dr.

Environmental Stewardship Advisory Commission: One, 3 year term through October 1, 2017 (Vacant term of Bergum). Applicant: Lalith Jayawickrama, 2360 Cherry St. Mr. Jayawickrama spoke in support of his appointment.

Appointment of Applicants: Appointments of Applicant(s). Appointment was made to the following commission:

Airport Commission: Two, 4-year terms through September 14, 2018 (Expiring terms of Accinelli and Daoud). Applicants: Steven Accinelli, 3007 Huntington Dr.; R.J. Blocker, 880 Kane St.; Dan Nicholson, 889 Walker St. Upon roll call vote: Accinelli-6 (Sutton, Braig, Buol, Connors, Jones, Lynch); Blocker-6 (Resnick, Sutton, Braig, Buol, Connors, Jones); and Nicholson-2 (Resnick, Lynch), Steven Accinelli and R. J. Blocker were appointed to 4 year terms through September 14, 2018.

PUBLIC HEARINGS

Upon motion, the rules were suspended allowing anyone present to address the City Council on the following items.

1. Upper Bee Branch Creek Restoration Project- 429 Rhomberg Avenue Stabilization Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Upper Bee Branch Creek Restoration Project- 429 Rhomberg Avenue Stabilization Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and approve Resolution No. 314-14 Approval of plans, specifications, form of contract, and estimated cost for the 429 Rhomberg Stabilization Project. Seconded by Jones. Planning Services Laura Carstens and Civil Engineer Deron Muehring responded to questions from the City Council regarding funding requirements, historic designation, and rehabilitation/deconstruction options and appeal. Motion carried 5-2 with Lynch and Resnick voting nay.

2. Rockfarm Holdings, Inc. - Development Agreement and Property Acquisition: Proof of publication on notice of public hearing to consider approval of a Development Agreement between the City of Dubuque and Rockfarm Holdings, Inc., and for the acquisition of 4.28 acres in the Dubuque Technology Park Economic Development District, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 315-14 Approving a Development

Agreement by and between the City of Dubuque, Iowa and Rockfarm Holdings, Inc. providing for the sale of Lot 7 Block 2 of Dubuque Technology Park in the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

Upon motion the rules were reinstated limiting discussion to the City Council.

ACTION ITEMS

1. English Mill Water Main Extension Project- Approval of Specifications (Tabled from September 15, 2014): City Manager recommending approval of the plans, specifications, form of contract and the estimated cost for the English Mill Road Water Main Extension Project. Motion by Jones to remove from the table. Seconded by Resnick. Motion carried 7-0.

Motion by Jones to receive and file the documents and adopt Resolution No. 316-14 Approval of specifications, form of contract, and estimated cost for the English Mill Water Main Extension Project. Seconded by Connors. Motion carried 7-0.

2. English Mill Road Pumping Facility Project- Approval of Specifications (Tabled from September 15, 2014): City Manager recommending approval of the plans, specifications, form of contract and the estimated cost for the English Mill Road Pumping Facility Project. Motion by Connors to remove from the table. Seconded by Lynch. Motion carried 7-0.

Motion by Connors to receive and file the documents and adopt Resolution No. 317-14 Approval of specifications, form of contract, and estimated cost for the English Mill Road Pumping Facility Project. Seconded by Lynch. Motion carried 7-0.

3. English Mill Road Water Main Extension Project Award: City Manager recommending award of the contract for the English Mill Road Water Main Extension Project to the low bidder, McClain Excavating Company, Inc. Motion by Jones to table until the October 20, 2014 meeting. Seconded by Braig. Motion carried 7-0.

4. English Mill Road Pumping Facility Project Award: City Manager recommending award of the English Mill Road Pumping Facility Project contract to the only bidder, Portzen Construction, Inc. Motion by Braig to table to the October 20, 2014 meeting. Seconded by Resnick. Motion carried 7-0.

5. Kunkel & Associates, Inc., Urban Revitalization Application: City Manager recommending approval of a resolution authorizing the submission of a Business Financial Assistance Application by Kunkel & Associates, Inc., to the Iowa Economic Development Authority. Motion by Lynch to receive and file the documents and adopt Resolution No. 320-14 Authorizing the filing of an application for state business financial assistance on behalf of Kunkel & Associates, Inc. Seconded by Connors. Motion carried 6-0. (Jones having left the room at 7:55 – 7:57 p.m.)

6. Code of Ordinances Amendment- Title 2 Arts and Cultural Affairs Advisory Commission: City Manager approval of an ordinance which repeals Title 2, Chapter 8

Arts and Cultural Affairs Advisory Commission and adoption of a new Title 2, Chapter 8 which establishes the Arts and Cultural Affairs Advisory Commission and provides for the powers, operation, membership and meetings. Motion by Connors to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Braig. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 59-14 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions by repealing Chapter 8 Arts and Cultural Affairs Advisory Commission and adopting a new Chapter 8 Arts and Cultural Affairs Advisory Commission in lieu thereof establishing the Arts and Cultural Affairs Advisory Commission and providing for the powers, operation, membership, and meetings. Seconded by Braig. Motion carried 7-0.

7. Code of Ordinances Amendment- Title 5 Transit Advisory Board: City Manager recommending approval of an amendment to Code of Ordinances, Title 5 Transit Advisory Board that provides for additional definitions as recommended by the Federal Transit Administration. Motion by Connors to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Lynch. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 60-14 Amending City of Dubuque Code of Ordinances Title 5 Transit System, Chapter 1 Transit Advisory Board; General Provisions, Section 5-1-14 Fare Increase or Reduction in Service, Procedure by adding the definition for Substantial Reduction in Service. Seconded by Lynch. Motion carried 7-0.

8. Four Mounds HEART Program • Memorandum of Understanding: City Manager recommending approval of a Memorandum of Understanding between the City of Dubuque's Housing and Community Development Department and Four Mounds Foundation for the Housing Education and Rehabilitation Training (HEART) Program. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. Housing and Community Development Director Alvin Nash providing information on property ownership and the various funding sources related to the program. Motion carried 7-0.

9. Home Base Iowa Business: City Manager recommending approval for the City of Dubuque becoming a Home Base Iowa Business and authorize the City Manager to sign the agreement. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

10. Hass Institute- Local and Regional Government Alliance on Race and Equity: City Manager recommending approval for the City of Dubuque to enter into a Memorandum of Agreement with the Haas Institute and to join the Local and Regional Government Alliance on Race and Equity. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Human Rights Director Kelly Larson

provided background information related to the selection of the Hass Institute. Motion carried 7-0.

11. Final Plat of English Ridge Subdivision No. 6: City Manager recommending approval of the final plat of English Ridge Subdivision No. 6. Motion by Connors to receive and file the documents and adopt Resolution No. 321-14 Authorizing approval of the Final Plat of English Ridge Subdivision No. 6 in the City of Dubuque, Iowa. Seconded by Lynch Motion carried 7-0.

12. East Dubuque Ambulance Assist- Medical Aid Agreement: City Manager recommending approval of an agreement for Paramedic Services with the City of East Dubuque, Illinois. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

13. Request for Work Session- Dubuque Metropolitan Area Solid Waste Agency (DMASWA): City Manager requesting that the City Council schedule a Work Session for Monday, October 20, at 5:30p.m. regarding the Dubuque Metropolitan Area Solid Waste Agency's (DMASWA) overview of current Agency operations, plans for the future, and need to borrow monies for upcoming capital projects. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Lynch. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Braig acknowledged members of Boy Scout Troop #94 who were in attendance.

City Manager Van Milligen reported on his opportunity to read that last letter and Christmas card sent home by Chaplain Aloysius H. Schmitt during WWII and on the efforts of Assistant City Manager Teri Goodmann to have the Congressional Medal of Honor posthumously awarded to Chaplain Schmitt for his heroism at Pearl Harbor.

PUBLIC INPUT

Marvin Ney, 10973 Songbird Drive, Peosta, reported on his pride in the Dubuque community and how he attributes the success and expansion of his local business, Paramount Ambulance, to Dubuque's success.

There being no further business, upon motion the City Council adjourned at 8:25 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/15