

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

The Dubuque City Council met in regular session at 6:30 p.m. on June 1, 2015 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Member Braig

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)

LGBT+ Pride Month (June 2015) was accepted by Jessi Perry on behalf of Rainbow Pride, Peer Support Specialist for Hillcrest Family Services, 225 W. 6th St.;

Juneteenth Celebration Day (June 20, 2015) was accepted by Mayor Buol;

Apples for Students Months (June/July 2015) was accepted by Beth McGory, Outreach Coordinator for St. Mark Youth Enrichment Center, 1201 Locust St.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Motion carried 6-0.

1. Minutes and Reports Submitted: City Council Proceedings of 5/18; Civil Service Commission of 5/20; Housing Code Appeals Board of 3/17; Housing Trust Fund Advisory Committee of 5/14; Park and Recreation Commission of 5/12; Proof of Publication for City Council Proceedings of 5/4; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 3/31; Proof of Publication for the 2015 Water Quality Report; Proof of Publication for Delinquent Utilities Collection Accounts 5/15, 5/22. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: City of Dubuque vs. Edward F. Davis et al; City of Dubuque vs. Chad R. Hansen et al. Upon motion the documents were received, filed and referred to the City Attorney.

3. Government Finance Officers Association (GFOA) - Certificate of Achievement: City Manager transmitting the 27th consecutive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association

(GFOA) for Fiscal Year ended June 30, 2014. Upon motion the documents were received and filed.

4. Final Plat North Fork Trails No. 5 (Phase II): City Manager recommending approval of the Final Plat of North Fork Trails No. 5 as the submitted Final Plat is in compliance with the City of Dubuque Unified Development Code. Upon motion the documents were received and filed and Resolution No. 182-15 Authorizing approval of the Final Plat of North Fork Trails No. 5 in the City of Dubuque, Iowa, was adopted.

5. Property Acquisition - Bee Branch Subdivision No. 12 / Dubuque Community School District: City Manager recommending approval of the acquisition of Lot 2 of Bee Branch Subdivision No. 12 – a portion of Audubon School property, from the Dubuque Community School District required to construct the multi-use trail and for installation of the sanitary interceptor sewer as part of the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 183-15 Approving the acquisition of real estate owned by Dubuque Community School District, in the City of Dubuque and acceptance of the Deed to such property was adopted.

6. Specific and Aggregate Stop Loss Insurance Renewal: City Manager recommending approval to accept the proposal presented by AIG for Health and Prescription Drug Plans - Specific and Aggregate Stop Loss Insurance for the plan year beginning July 1, 2015, and ending June 30, 2016, and maintaining the specific stop loss amount. Upon motion the documents were received, filed and approved.

7. Dubuque Intermodal Transportation Center (DITC) - Camera Surveillance System Contract Award: City Manager recommending award of the Dubuque Intermodal Transportation Center Camera Surveillance System Contract to RACOM. Upon motion the documents were received and filed and Resolution No. 184-15 Awarding public improvement contract for camera equipment and installation for the Dubuque Intermodal Transportation Center was adopted.

8. Dubuque Intermodal Transportation Center (DITC) - Gate Control Equipment Contract Award: City Manager recommending award of the Dubuque Intermodal Transportation Center Gate Control Equipment System Contract to ParkingSoft Inc. Upon motion the documents were received and filed and Resolution No. 185-15 Awarding public improvement contract for parking control equipment and installation for the Dubuque Intermodal Transportation Center was adopted.

9. 2015 Access Ramp Installation Project Two Award: City Manager recommending that the 2015 Access Ramp Installation Project – Project Two award to Midwest Concrete, Inc., be officially recorded in the City Council minutes. Upon motion the documents were received, filed and made a Matter of Record.

10. Environmental & Sustainable Management Systems (ESMS) Advisory Audit - Municipal Services Center: City Manager transmitting the final Environmental &

Sustainability Management Systems (ESMS) audit conducted by a Virginia Tech trainer at the Municipal Services Center. Upon motion the documents were received and filed.

11. Eide Bailly Audit Engagement Agreement: City Manager recommending approval of the audit engagement agreement for year ending June 30, 2015 audit from Eide Bailly. Upon motion the documents were received, filed and approved.

12. Owner-Occupancy Restrictive Covenant - 595 Angella Street: City Manager recommending approval to attach a 21-year, owner-occupancy restrictive covenant to property located at 595 Angella Street prior to the City's disposition of the property. Upon motion the documents were received and filed and Resolution No. 186-15 Attaching Owner Occupancy Restrictive Covenant to 595 Angella Street was adopted.

13. Sales Tax Increment Revenue Bonds (Annual Appropriation Property Tax Supported), Senior Bond Series 2015A - Complete Action: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2015A Sales Tax Increment Revenue Bonds, which will fund a portion of the Bee Branch Watershed Project. Upon motion the documents were received, filed and approved.

14. Civil Service Commission: Civil Service Commission submitting the Certified Lists for the positions of Confidential Account Clerk and Police Officer. Upon motion the documents were received and filed.

15. Signed Contracts: Dubuque Metropolitan Area Solid Waste Agency (DMASWA) Waste Delivery Contract 2015-2018; Dubuque Water Sports Club Lease Agreement 2015-2016; Area Residential Care, Inc., Vocational Services Agreement 2015; Choo Choo Charlie's Pool Concession Agreement 2015. Upon motion the documents were received and filed.

16. Improvement Contracts / Performance, Payment and Maintenance Bonds
Top Grade Excavating for the Catfish Creek (Middle Fork) Sanitary Sewer Emergency Repair Project; Drew Cook & Son's Excavating for Storm Sewer Extension 810-1015 Cedar Cross Road; Portzen Construction for the Upper Bee Branch Creek Channel, Streets & Utilities Project. Upon motion the documents were received, filed and approved.

17. Alcohol Compliance Civil Penalty for Alcohol License Holder – The Lift: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for The Lift, 180 Main Street. Upon motion the documents were received, filed and approved.

18. Alcohol and Tobacco License Renewal Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco license applications as submitted. Upon motion the documents were received and filed and Resolution No. 187-15 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. 188-15 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

ITEMS 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 Connors. Motion carried 6-0.

1. SRF Green Alley Project Bid Set 2 - Year 3: City Manager recommending preliminary approval of the Resolution of Necessity and Preliminary Schedule of Assessments, set July 6, 2015 as the date for public hearing and authorize the City Clerk to advertise for bid proposals on the SRF Green Alley Bid Set 2 – Year 3 Project. Upon motion the documents were received and filed and Resolution No. 189-15 Preliminary approval of plans, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specifications, form of contract, and estimated cost; and ordering the advertisement for bids; Resolution No. 190-15 Approving the Plats, Schedule of Assessments and estimate of total cost for the SRF Green Alley Bid Set 2 - Year 3 Project; Resolution No. 191-15 Resolution of Necessity for the SRF Green Alley Bid Set 2 - Year 3 Project; and Resolution No. 192-15 Fixing date of public hearing on Resolution of Necessity was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on July 6, 2015 in the Historic Federal Building.

2. Lowell Street Water Main, Sanitary and Storm Sewer Improvements: City Manager recommending preliminary approval to the Resolution of Necessity, set June 15, 2015 as the date for public hearing and authorize the City Clerk to advertise for bid proposals on the Lowell Street (Abbott to Woodworth) Water Main, Sanitary and Storm Sewer Improvements Project 2015. Upon motion the documents were received and filed and Resolution No. 193-15 Preliminary approval of plans, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specifications, form of contract, and estimated cost; and ordering the advertisement for bids (Lowell Street (Abbott to Woodworth) Water Main, Sanitary & Storm Sewer Improvements Project 2015) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 15, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

1. Arts and Cultural Affairs Advisory Commission: Three, 3-year terms through June 30, 2018 (Expired terms of Henkels - Business Professional in the Cultural and Entertainment District; Siegert - Business Professional Outside the Cultural and Entertainment District and Steffen – At Large). Applicants: Bibi Burke, 1155 Arrowhead Dr. (Qualifies for At-Large); Ellen T. Henkels, 890 W. 3rd St (Qualifies for Business Professional In the Cultural and Entertainment District or At-Large); Lisa Towers pulled

her application from consideration. Ms. Henkels and Ms. Burke spoke in support of their respective appointments.

2. Cable TV Commission: Three 3-year terms through July 1, 2018 (Expired terms of McMullen, Tigges, and Vincent). Applicants: Kathleen McMullen, 1308 Curtis St.; Jennifer Tigges, 4927 Wild Flower Dr.; Alan Vincent, 1010 Dunham Dr.

3. Civic Center Advisory Commission: Two 3-year terms through June 29, 2018 (Expired terms of Daugherty and Parks). Applicants: Tyler Daugherty, 418 Emmett St.; Bryce Parks, 2005 N. Main St.

4. Community Development Advisory Commission: Commission requesting Robert Block II be appointed to the vacant term of Kelley which has a low- to moderate-income residency requirement thus allowing his current At-Large term to be filled. One 3-year term through February 15, 2017 (Vacant term of Michalski) LMI Required. Applicant: Robert Block II, 2447 University (Qualifies for LMI); One 3-year term through February 15, 2017 (Vacant term of Block), At-Large Applicants: Reverend Lindsay James, 2494 Pearl St. (Qualifies for At-Large); Adrienne Scott, 1365 Solon St. (Qualifies for At-Large);

5. Historic Preservation Commission: Two 3-year terms through July 1, 2018 (Expired terms of Schlarman - Cathedral District and Bichell - At-Large). Applicants: Lisa Lawson, 205 Bluff St. (Qualifies for Cathedral District and At-Large); John McAndrews, 350 West 1st St. (Qualifies for Cathedral District and At-Large). Mr. McAndrews spoke in support of his appointment.

6. Human Rights Commission: One 3-year term through January 1, 2017 (Vacant term of Nutter). Applicants: Tanya Engling, 2899 Windsor Ave.; Reverend Lindsay James, 2494 Pearl St.; R.R.S. Stewart, 460 Summit St.

7. Investment Oversight Advisory Commission: Two 3-year terms through July 1, 2018 (Expired terms of Chalmers and Ferraro) Applicants: Brad Chalmers, 1095 W. 3rd St.; Rachael Ferraro, 2538 Jackson St. Ms. Ferraro spoke in support of her appointment.

8. Library Board of Trustees (Mayor appointment): Two 4-year terms through July 1, 2019 (Expired term of Boice and Weiss). Applicants: Jenny Weiss, 2206 Simpson St. Ms. Weiss spoke in support of her appointment. Daniel Boice removed his application from consideration.

9. Long Range Planning Advisory Commission: Two 3-year terms through July 1, 2018 (Expired terms of Darter and Pregler). Applicants: Chad Darter, 2245 Matthew John Dr.; John Pregler, 1525 Pego Ct.; Mark Ward, 2758 Tiffany Ct.

10. Parks and Recreation Advisory Commission: One 3-year term through June 30, 2018 (Expired term of Blocker). Applicants: Robert Blocker, 880 Kane St.; Jennifer Tigges, 4927 Wild Flower Dr.

11. Zoning Advisory Commission: Two 3-year terms through July 1, 2018 (Expired terms of Hardie and Roussell). Applicants: Stephen Hardie, 62 Fremont Ave.; Justin McCarthy, 315 River Ridge St.; Laura Roussell, 3224 Bittersweet Ln.; R.R.S. Stewart, 460 Summit St.

PUBLIC HEARINGS

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

1. Sale of Property at 1513 Washington Street: Proof of publication on notice of public hearing to approve the disposal of City-owned property located at 1513 Washington Street to Community Housing Initiatives, Inc. (CHI), Restrictive Covenant and Special Warranty Deed, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 194-15 Approving the sale of real estate located at 1513 Washington Street by Deed to Community Housing Initiatives, in the City of Dubuque, Iowa. Seconded by Jones. Housing and Community Development Director Alvin Nash addressed questions from the City Council regarding the amount credited to the City by CHI, the restrictive covenant and income assistance. Motion carried 6-0.

2. Sale of Property at 1598 Washington Street: Proof of publication on notice of public hearing to approve disposal of City-owned property located at 1598 Washington Street to Community Initiatives, Inc., (CHI), Restrictive Covenant and Special Warranty Deed, and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 195-15 Ratifying the conveyance of property by Deed to Community Housing Initiatives for 1598 Washington Street. Seconded by Lynch. Housing and Community Development Director Alvin Nash addressed questions from the City Council regarding the use of TIF and information on the use of restrictive covenants in other cities and the inappropriate use of such properties. Motion carried 6-0.

3. Sale of Property at 1421 Elm Street: Proof of publication on notice of public hearing to approve the disposal of City-owned property located at 1421 Elm Street to Jacob G. Robertson, Purchase Agreement, Restrictive Covenant and Special Warranty Deed, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 196-15 Disposing of City interest in real property located at 1421 Elm Street, in the City of Dubuque, Iowa. Seconded by Connors. Motion carried 6-0.

4. Dubuque Industrial Center Urban Renewal Plan Amendment: Proof of publication on notice of public hearing to consider approval of an Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 197-15 Approving the Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District. Seconded by Lynch. Motion carried 6-0.

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

ACTION ITEMS

1. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson provided a verbal update on the activities of the Greater Dubuque Development Corporation. Topics included increased job growth; decreased unemployment; potential opportunities from the recent delegation visit to Dubuque's Sister City of Handan, China; significant anniversaries of staff employment. Responding to questions from the City Council, Mr. Dickinson recent information regarding IBM. Motion by Lynch to receive and file the information. Seconded by Connors. Motion carried 6-0.

2. SRF Green Alley Project Bid Set 1 Year 3 – Award: City Manager recommending award of the construction contract to the low bidder, Portzen Construction, for the SRF Green Alley Project Bid Set 1 Year 3. Motion by Jones to receive and file the documents and adopt Resolution No. 198-15 Awarding public improvement contract for the SRF Green Alley Bid Set 1 - Year 3 Project. Seconded by Connors. The City Manager address questions from the City Council regarding the effect of fewer bids and bid increases on the total project budget by stating that the City will continue to reconstruct as many alleys as the grant will support. Motion carried 6-0.

3. Code of Ordinances Amendment - Title 16 Public Drinking Water Well and Non-Public (Geothermal) Well: City Manager recommending approval of amendments to the current City Public Water Well Ordinance and the establishment of a new section of the ordinance as it relates to Non-Public Water Supply Wells. 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 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 37-15 Amending the City of Dubuque Code of Ordinances by Deleting Section 16-11-20: Water Supply and Adopting the Following New Section 16-11-20: Water; Section 16-11-20-1:Definitions; Section 16-11-20-2: Water Supply; Section 16-11-20-3: Geothermal Well Standards; and Section 16-11-20-4: Water Well Supply System. Seconded by Jones. Motion carried 6-0.

4. Code of Ordinances Amendment - Title 10 Park Rangers: City Manager recommending repeal of City Ordinance 10-5A-1 which requires a Park Ranger to be a certified Law Enforcement Officer. Restated motion by Connors to receive and file the documents and consider the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article A Administration by repealing Section 10-5A-1 Park Rangers as park rangers are no longer Certified Law Enforcement Officers. Seconded by Lynch. Leisure Services Manager Marie Ware and Police Chief Mark Dalsing responded to questions from the City Council related to the perception of park rangers as law enforcement officers, vehicle markings, and park coverage by both the Park Division and Police Department. Council weighed the option of a policy decision pending more information on the practices of other Iowa cities. Motion carried 5-1 with Sutton voting nay.

5. Code of Ordinances Amendment - Dubuque Industrial Center Economic Development District: City Manager recommending approval to amend the tax increment ordinance for the Dubuque Industrial Center Economic Development District allowing tax increment financing to be used in the new Subarea F of the District, the newly acquired Graf Farm. 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 Jones. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 39-15 Amending Ordinance No. 10-14, Previously Amended, Providing That General Property Taxes Levied and Collected Each Year On All Property Located Within the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Area of the City of Dubuque, County of Dubuque, State of Iowa, by and for the Benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and Other Taxing Districts, be Paid to a Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by Said City in Connection With the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Redevelopment Project. Seconded by Jones. Motion carried 6-0.

6. Code of Ordinances Amendment - Title 16 Historic Preservation Commission: City Manager recommending approval of an ordinance to amend Title 16, Chapter 10 which establishes the Historic Preservation Commission and provides for the powers, operation, membership, meetings, applications and procedures. Motion by Lynch 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 Jones. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 40-15 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 10 Historic Preservation Commission Applications And Procedures by establishing the Historic Preservation Commission and Providing for the Powers, Operation, Membership, Meetings, and Applications and Procedures. Seconded by Jones. Motion carried 6-0.

7. Greater Dubuque Development Corporation Board Membership: Correspondence from Rick Dickinson, President and CEO of Greater Dubuque Development Corporation (GDDC), requesting confirmation of the Mayor and two City Council members for membership on the GDDC Board of Directors from July 1, 2015 through June 30, 2016. (Currently Buol, Connors, and Lynch). Motion by Jones to receive and file the documents and reappoint Council Members Connors and Lynch with Mayor Buol's appointment as a requirement of GDDC's bylaws. Seconded by Resnick. Resnick requested a rotation of Council membership on various boards be discussed at the next City Council goal setting session. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Members Connors reported on the Marshallese Constitution Day held May 23 in Comiskey Park and how she believed it to be an enjoyable, inclusive and diverse event.

Council Member Resnick reported on the Silent Bike Ride held May 30 that promoted bike safety throughout the city as Dubuque becomes a more bike-friendly City.

Mayor Buol reported on his experiences during the recent delegation visit to Dubuque's Sister City of Handan, China, and the growing potential for educational exchanges and economic development opportunities.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:26 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Motion carried 6-0.

Upon motion, the City Council reconvened in open session at 8:42 p.m. stating that staff had been given property direction.

There being no further business, upon motion the City Council adjourned at 8:43 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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