

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

The Dubuque City Council met in special session at 5:00 p.m. on October 5, 2015 in the Historic Federal Building, 350 W. 6th Street.

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

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 Sustainable Dubuque.

**WORK SESSION
SUSTAINABLE DUBUQUE**

Sustainability Coordinator Cori Burbach, Sustainable Innovations Consultant for Greater Dubuque Development Corp. David Lyons, and Vice President of Operations for the Community Foundation of Greater Dubuque Eric Dregne provided a slide presentation on Sustainable Dubuque, Sustainable Innovations, and Project HOPE as they relate to the Sustainable Dubuque Vision and Principles. Topics included:

- The Growing Sustainable Communities Conference
- Star Communities outcomes/scores
- Sustainable Dubuque Collaborations
- Proposed Resiliency Commission
- Sustainable Innovations
 - StartUp Dubuque
 - Partnerships
 - Dubuque Broadband Initiative, Access and Services
 - Energy
 - Future Innovations Discussions
- Project HOPE
 - Mission
 - Re-Engage Dubuque
 - Opportunity Dubuque
 - Network mapping

There being no further business, upon motion the City Council adjourned at 6:19 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/14

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

The Dubuque City Council met in regular session at 6:30 p.m. on October 5, 2015 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 (via phone)

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)

Head Start Day (October 14, 2015) was accepted by Brenda Sullivan of Operation: New View Community Action Agency, 1473 Central Avenue.

White Cane Safety Day (October 15, 2015) was accepted by Pam Gagne, Treasurer, Tri-State Blind Society, 3333 Asbury Rd.

Trick-or-Treat Night (October 31, 2015) was accepted by Mayor Buol.

Arts and Humanities Month (October 2015) was accepted by Marina O'Rourke, Arts and Cultural Affairs Advisory Commission Chairperson.

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 9/21; Civil Service Commission of 9/17; Community Development Advisory Commission of 9/16; Housing Commission of 8/25; Housing Trust Fund Advisory Committee of 9/17, 9/21; Human Rights Commission of 8/10; Park and Recreation Advisory Commission of 9/8; Sister City Relationships Advisory Commission of 9/16; Proof of publication for City Council Proceedings of 9/8. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Lynn Ann Chillook for personal injury/vehicle damage; Liberty Mutual on behalf of Daniel Bellows for personal injury; Patrick Maiden for vehicle damage; Don Pettit for vehicle damage; Frank Vlach, III for vehicle damage. 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: Liberty Mutual on behalf of Daniel Bellows for personal injury; Lynn Ann Chillook for personal injury/vehicle damage; Patrick Maiden for vehicle damage; Don Pettit for vehicle damage; Frank Vlach, III for vehicle 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 for the tenth consecutive year and Certificates of Recognition for budget preparation to Budget Director Jennifer Larson for the Fiscal Year 2015/2016. Upon motion the documents were received and filed.

5. Dubuque National Service Partnership Award: City Manager transmitting information the Corporation for National and Community Service recognizing the Dubuque National Service Partnership with an award in honor of retired Senator Tom Harkin. Upon motion the documents were received and filed.

6. Port of Dubuque Clean Marina Certification: City Manager transmitting information on the recent award to the Port of Dubuque Marina making it the first certified Clean Marina in Iowa. Upon motion the documents were received and filed.

7. NICC Outreach Success Coach Report: City Manager transmitting a report by Samaria Neely, Outreach Success Coach at NICC. Upon motion the documents were received and filed.

8. Catfish Creek Watershed: City Manager transmitting educational brochures for the Catfish Creek Watershed. Upon motion the documents were received and filed.

9. Southwest Arterial Project - Consultant Selection for Construction Engineering Services: City Manager recommending concurrence with the selection of IIW, P.C. as the first-ranked consultant and requests approval for the City Manager to execute the Standard Consultant Contract with IIW, P.C. to provide all phases of Construction Engineering Services for both the English Mill Road Reconstruction Project and the Military Road Reconstruction Project. Upon motion the documents were received, filed and concurred.

10. Acceptance of Deed - CW Wolff, LLC (SELCO): City Manager recommending approval of a resolution accepting the Quit Claim Deed related to the purchase of the alley between Main Street and Salina Street by CW Wolff, LLC (SELCO). Upon motion the documents were received and filed and Resolution No. 331-15 Accepting the Deed to certain real estate from CW Wolff, LLC in Dubuque County, Iowa, was adopted.

11. Authorized Depository Institutions: City Manager recommending approval of a resolution increasing the maximum balance allowed at Fidelity Bank and Trust. Upon

motion the documents were received and filed and Resolution No. 332-15 Naming Depositories was adopted.

12. Assignment & Assumption Agreements - Cottingham & Butler, Inc.: City Manager recommending approval of a resolution consenting to the Assignment and Assumption Agreement between Town Clock Building Company and Cottingham & Butler, Inc. and a second resolution consenting to the Assignment and Assumption Agreement between Security Investments, LLC and Cottingham & Butler, Inc. Upon motion the documents were received and filed and Resolution No. 333-15 Consenting to the Assignment of: 1) City of Dubuque, Iowa, Downtown Rehabilitation Loan Program Loan Agreement, Number: DRLP#2-01 dated June 28, 2001; 2) Promissory Note dated June 28, 2001; 3) Mortgage to City of Dubuque, Iowa dated June 28, 2001 and recorded as Instrument No. 9858-01, and 4) Mortgage to City of Dubuque, Iowa dated May 20, 2002 and recorded as Instrument No. 9234-02, between the City of Dubuque, Iowa and Town Clock Building Company to Cottingham & Butler, Inc.; and Resolution No. 334-15 Consenting to the Assignment of: 1) City Of Dubuque, Iowa, Downtown Rehabilitation Loan Program Loan Agreement, Number: DRLP#3-98 Dated November 13, 1998; 2) Promissory Note dated January 24, 2008; and 3) Mortgage to City of Dubuque, Iowa Dated January 24, 2008 and recorded as Instrument No. 2008-00001182, between the City of Dubuque, Iowa and Security Investments, LLC to Cottingham & Butler, Inc. were adopted.

13. Restrictive Covenant for 1849 Jackson Street: City Manager recommending approval of a resolution attaching a single-family residence restrictive covenant to 1849 Jackson Street prior to the City's disposal of the property. Upon motion the documents were received and filed and Resolution No. 335-15 Attaching a Single Family Resident Restrictive Covenant, to 1849 Jackson Street, Dubuque, Iowa, was adopted.

14. Grandview/Loras and Grandview/University Intersection Improvements Project - Set Fair Market Value and Start Eminent Domain Proceedings: City Manager recommending approval of a resolution which establishes and sets the Just Compensation Valuation (Fair Market Value) for each identified permanent easement to be acquired based on the Eminent Domain Value Finding Appraisals Reports for the Grandview/Loras and Grandview/University Intersection Improvements project. Upon motion the documents were received and filed and Resolution No. 336-15 Establishing the fair market value of real property for the Grandview / Loras and Grandview / University Intersection Improvements Project, directing good faith negotiations for the acquisition of property and authorizing the commencement of Eminent Domain proceedings, if necessary, to acquire property was adopted.

15. Acceptance of Storm Sewer Easement at 2810 Wildwood Court: City Manager recommending acceptance of a Grant of Permanent Easement for Storm Sewer across 2810 Wildwood Court from Stan and Charalin Simon. Upon motion the documents were received and filed and Resolution No. 337-15 Accepting a grant of Permanent Easement for storm sewer through, over and across part of Lot 1 of S. Simon Place, in the City of Dubuque, Iowa, was adopted.

16. Brunskill Street Place Storm Water Detention Facility Acceptance: City Manager recommending acceptance of the storm water detention facility that the developer, McDermott Brothers Construction, has completed and is dedicating in Brunskill Street Place in the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 338-15 Accepting stormwater detention facilities in Brunskill Street Place, in the City of Dubuque, Iowa, was adopted.

17. Acceptance of a Permanent Easement for Storm Sewer at 2595 Fulton Street: City Manager recommending rescission of Resolution No. 318-15 and approval of a new resolution correcting the legal description and property owner information in connection with the acceptance of a permanent easement for storm sewer across a portion of residential property at 2595 Fulton Street from Andrea and Joel Leach. Upon motion the documents were received and filed and Resolution No. 339-15 Rescinding Resolution 318-15 and accepting a Grant of Permanent Easement for storm sewer through, over and across part of Lot 27 in Highland Addition, in the City of Dubuque, Iowa, was adopted.

18. Grant of Permanent Easement and Agreements - Bus Shelters: City Manager recommending Council approval of Easement Agreements and acceptance of Grants of Permanent Easement for bus shelters at Windsor Park Retirement Apartments, 801 Davis Street, and Goodwill Industries, 2121 Holliday Drive. Upon motion the documents were received and filed and Resolution No. 340-15 Approval of an agreement and accepting a Grant of Permanent Easement for a bus shelter located at Goodwill Industries, 2121 Holliday Drive in Dubuque, Iowa; and Resolution No. 341-15 Approval of an agreement and accepting a Grant of Permanent Easement for a bus shelter located at Windsor Park Retirement Apartments, 801 Davis Street in Dubuque, Iowa, were adopted.

19. Restated Plan Document & Summary Plan Description for Point of Service Health Care Plan: City Manager recommending approval for the City Manager to execute the Restated Plan Document and Summary Plan Description for the City's health care plan that incorporates all of the amendments. Upon motion the documents were received, filed and approved.

20. Alternative Services Concepts, LLC (ASC) Agreement: City Manager recommending authorization to execute an agreement with Alternative Services Concepts, LLC (ASC) for worker's compensation claims services. Upon motion the documents were received, filed and approved.

21. 2015 Department of Justice Body Worn Camera Grant Acceptance: City Manager recommending approval of the acceptance of the 2015 Department of Justice Body Worn Camera Grant. Upon motion the documents were received, filed and approved.

22. School Resource Officer Agreement: City Manager recommending approval of the Fiscal Year 2015-2016 School Resource Officer Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

23. Drug Abuse Resistance Education (DARE) Program Agreement: City Manager recommending approval of the Fiscal Year 2015-2016 DARE Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

24. 2015 Justice Assistance Grant (JAG) Application: City Manager recommending acceptance of the 2015 Justice Assistance Grant (JAG) application. Upon motion the documents were received, filed and approved.

25. Iowa's Clean Air Attainment Program (ICAAP) Application for Funding Traffic Improvements - NW Arterial and Pennsylvania Avenue: City Manager recommending approval of a resolution authorizing the City of Dubuque to submit an application to the Iowa Department of Transportation for Iowa's Clean Air Attainment Program (ICAAP) to assist with funding a proposed right turn lane on Pennsylvania Avenue at the Northwest Arterial. Upon motion the documents were received and filed and Resolution No. 342-15 Authorizing the filing of a grant application with the Iowa Department of Transportation for Iowa Clean Air Attainment funding for the City of Dubuque Pennsylvania Avenue and NW Arterial Right Turn Lane Improvement was adopted.

26. Iowa's Clean Air Attainment Program (ICAAP) Application for Funding Traffic Improvements - NW Arterial and John F. Kennedy Road: City Manager recommending approval of a resolution authorizing The City of Dubuque to submit an application to the Iowa Department of Transportation for Iowa's Clean Air Attainment Program (ICAAP) to assist with funding a proposed right turn lane on John F. Kennedy Road at the Northwest Arterial. Upon motion the documents were received and filed and Resolution No. 343-15 Authorizing the filing of a grant application with the Iowa Department of Transportation for Iowa Clean Air Attainment funding for the City of Dubuque John F. Kennedy Road and NW Arterial Right Turn Lane Improvements was adopted.

27. Code of Ordinances - Adoption of Supplement No. 19: City Clerk recommending adoption of Supplement No. 19 to the City of Dubuque Code of Ordinances, which codifies Ordinance Nos. 29-15 through 38-15, 40-15, 41-15, 42-15, 43-15 and 45-15 through 51-15 as adopted by the City Council through August 3, 2015. Upon motion the documents were received and filed and Resolution No. 344-15 Adopting Supplement No. 19 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

28. Compact of Mayors: City Manager transmitting Mayor Buol's letter of commitment to join the Compact of Mayors. Upon motion the documents were received and filed.

29. Federal Energy Regulatory Commission (FERC) Correspondence: Correspondence providing the City's response to the Federal Energy Regulatory Commission's (FERC) Notice of Preliminary Permit Application proposing to study the feasibility of a hydroelectric project at Lock and Dam No. 11. Upon motion the documents were received and filed.

30. Improvement Contracts/Performance and Maintenance Bonds: Midwest Concrete, Inc., for the 2015 Asphalt Overlay Access Ramp Project Four. Upon motion the documents were received, filed and approved.

31. Alcohol and Tobacco License 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. 345-15 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. 346-15 Approving applications for retail cigarette/tobacco sales/nicotine/vapor 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 7-0.

1. Sewer Shed 7 and 10 Manhole Replacement Project: City Manager recommending initiation of the public bidding procedure for the 2015 Sewershed 7 and 10 Manhole Replacement Project, and further recommends that a public hearing be set for October 19, 2015. Upon motion the documents were received and filed and Resolution No. 347-15 2015 Sewershed 7 & 10 Manhole Replacement Project; 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 19, 2015 in the Historic Federal Building.

2. English Ridge - Housing Urban Renewal District: City Manager recommending approval of a Resolution of Necessity that finds that a Housing Urban Renewal Plan for the English Ridge area is both necessary and appropriate, and set a public hearing on the proposed plan for November 2, 2015. Upon motion the documents were received and filed and Resolution No. 348-15 Resolution of Necessity finding that certain property in English Ridge Subdivision is an Economic Development Area and that the development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting a date for hearing on a proposed Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 2, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments to the following commissions were made at this meeting.

1. Civic Center Advisory Commission: One, 3-year term through June 29, 2016 (Vacant term of Scott). Applicant: A. Alanda Gregory, 1560 Iowa St. #3. Motion by Connors to

appoint Ms. Gregory to a 3-year term through June 29, 2016. Seconded by Resnick. Motion carried 7-0.

2. Housing Commission: Three, 3 year terms through August 17, 2018 (Expiring At-Large term of Fernandes; vacant At-Large term of Holz; and vacant Section 8-Recipient Term of Eubanks). Applicants: Anna Fernandes, 2191 Broadlawn (Qualifies for At-Large); Nicolas Hobson, 1592 Locust St., (Qualifies for At-Large) (Additional Applicant); Jill Kedley, 237 Southgate Dr. (Qualifies for At-Large); Coralita Shumaker, 305 W. 16th St. (Qualifies as Section 8 Recipient) (Additional Applicant). Motion by Jones to appoint Coralita Shumaker to the Section 8 Recipient term through August 17, 2018. Seconded by Jones. Motion carried 7-0. Upon roll-call vote (Fernandes – 7; Hobson – Connors; and Kedley – Braig, Lynch, Jones, Resnick, Buol, Sutton) Anna Fernandes and Jill Kedley were appoint to 3-year terms through August 17, 2018.

3. Transit Advisory Board: One, 3 year term through July 30, 2016 (Vacant term of Knight). Applicants: Joel Lightcap, 1985 Alta Vista St.; Carrie Lohrmann, 1879 Denver Dr. #7B. Upon roll-call vote (Lightcap – Lynch, Connors; Lohrmann – Braig, Jones, Resnick, Buol, Sutton). Carrie Lohrmann was appointed to a 3-year term through July 30, 2016.

PUBLIC HEARINGS

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

1. Voluntary Annexation - Bahl Property: Proof of publication on notice of public hearing to consider approval of a voluntary annexation request from Martin J. and Linda C. Bahl, and Terrance G. Bahl, for 1.3 acres of their property from Asbury Road north to Forest Hills Subdivision in the City of Asbury and the City Manager recommending approval. Motion by Lynch to receive and file the documents and approve Resolution No. 349-15 Approving an application for voluntary annexation of territory to the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

2. Sale of Property at 1501-1503 Bluff Street: Proof of publication on notice of public hearing to consider disposing of City-owned real property at 1501 - 1503 Bluff Street to Ethan D. and Valerie R. Winn and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 350-15 Disposing of City interest in real property located at 1501-03 Bluff Street in the City of Dubuque, Iowa. Seconded by Resnick. Motion carried 7-0.

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

ACTION ITEMS

1. StartUp Dubuque Presentation: Greater Dubuque Development Corp. (GDDC) CEO Rick Dickinson introduced David Lyons, GDDC Sustainable Innovations Consultant, NICC President Dr. Liang Chee Wee and Cartegraph CEO Jake Schneider who provided

a presentation on GDDC's StartUp Dubuque program, a concierge-level service that provides startup tools and resources for new businesses and entrepreneurs located in the Schmid Innovation Center, 900 Jackson St. Motion by Jones to receive and file the information. Seconded by Connors. Motion carried 7-0.

2. Donation of Sculptures: Correspondence from artist James Avery requesting that the City accept the donation of two transportation-themed sculptures for display inside a public building. Motion by Connors to receive and file the documents and accept the donation. Seconded by Braig. City Manager Van Milligen stated that the City has available storage of the artwork until staff brings options for final display locations to the Council at a later date. Motion carried 7-0.

3. Upper Bee Branch Creek Mississippi River Trail Project Award: City Manager recommending award of the construction contract for the Upper Bee Branch Creek Mississippi River Trail Project to the sole bidder, Portzen Construction, Inc., subject to Iowa Department of Transportation approval. Motion by Braig to receive and file the documents and adopt Resolution No. 351-15 Awarding Public Improvement Contract for the Upper Bee Branch Creek Mississippi River Trail (MRT) Iowa DOT Project No. SB-IA-2100(675)--7T-31. Seconded by Connors. Motion carried 7-0.

4. Lake Eleanor Road Lift Station and Water Main Extension Project Award: City Manager recommending award of the construction contract for the Lake Eleanor Road Lift Station and Water Main Extension Project to the low bidder, Horsfield Construction, Inc. Motion by Lynch to receive and file the documents and adopt Resolution No. 352-15 Awarding Public Improvement Contract for the Lake Eleanor Road Lift Station and Water Main Extension Project. Seconded by Connors. Motion carried 7-0.

5. Enhanced Neighborhood Support Report: City Manager submitting a status report on current community efforts to invest in people and neighborhoods to have a high quality of life and preserve the ability of citizens to feel and be safe; and recommending modification of the City's current street lighting policy, and the addition of security cameras in the current and future fiscal years. Motion by Jones to receive and file the documents and approve the recommendations. Seconded by Braig. Consensus among the City Council that public safety is inherent in all Council goals, Council and staff have been committed over time to safety concerns and installing solutions, and that public safety includes proactive neighbors. City Engineer Gus Psihoyos and Housing and Community Development Director Alvin Nash addressed questions about street lighting effected by tree trimming and rental housing maintenance inspections. Council Member Lynch suggested staff meet with area mental health partners as part of the process. Motion carried 6-1 with Sutton voting nay.

6. Request to Schedule Work Session on Enhanced Neighborhood Support: City Manager recommending approval to schedule a work session for October 19, 2015, at 5:00 p.m. on Enhanced Neighborhood Support. Motion by Braig to receive and file the documents and set the work session as recommended. Seconded by Resnick. Motion carried 7-0.

7. Request to Schedule Work Session on Project H.O.P.E.: City Manager recommending approval to schedule a work session for November 16, 2015, at 5:30 p.m. on Project H.O.P.E. Motion by Braig to receive and file the documents and set the work session as recommended. Seconded by Resnick. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:09 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Connors. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 9:24 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:25 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/15