

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

The Dubuque City Council met in special session at 5:30 p.m. on November 16, 2015 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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 special session of the City Council called for the purpose of conducting a work session on Project HOPE.

**WORK SESSION  
Project HOPE Update**

Economic Development Director Maurice Jones provided an introduction to the work session and introduced presenters Eric Dregne of the Community Foundation of Greater Dubuque; Lana Wood of Project Hope; Stan Rheingans of Dubuque Community Schools; Kristen Dietzel and Gisella Aitken-Shadle of NICC; and Marla Lucke of Iowa Works. Topics included:

- The Community Foundation of Greater Dubuque support network with Project HOPE for economic opportunity
- Unemployment rate by race/gender
- Poverty rate by race
- Educational attainment and poverty rate
- Project HOPE mission: to increase access to opportunity for all community members
- Project HOPE network members
- Re-Engage Dubuque Program
- Dubuque Community School District student dropout rate
- Re-engaged students by race and gender 2014-2015
- Opportunity Dubuque: Connects workers to training and employers with skilled workers
- NICC Success Model demographics
- Career pathway map; Project HOPE targeted workforce strategy
- Community Workforce Network
  - Sector boards
  - Shared outcomes
  - Success model strategy: recruitment, assessment, addressing barriers, advising, education & training, job placement
- Helping families build financial security
- Supporting family economic security: Bank on Dubuque

- Supporting provider networks for change
- Network map identifies providers and supports collaborative approach to meeting the needs of youth and adults in the community.
- Coach's Peer Learning Network
- Community Assessment

A question/answer period with City Council followed the presentation.

There being no further business, upon motion the City Council adjourned at 6:04 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 11/25

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 16, 2015 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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**

**PRESENTATION(S)**

1. Iowa Legislator of the Year 2015 - Award Presentation to Senator Pam Jochum  
Iowa League of Cities Government Affairs and Legislative Counsel Robert Palmer presented Iowa Senator and Iowa Senate President Pam Jochum with the Iowa Legislator of the Year Award 2015 (Home Rule)

2. Tony Goldman Award: Mary Mulgrew Gronen presented the City with the Tony Goldman Award given to Gronen Restoration and the City of Dubuque from the National Trust for Historic Preservation and National Trust Community Investment Corporation recognizing the Caradco Building Project. A short video of the project was played.

**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 11/2; Civil Service Commission of 11/15; Five Flags Civic Center Commission of 10/26; Investment Oversight Advisory Commission of 10/28; Library Board of Trustees of 9/24; Long Range Planning Advisory Commission of 10/21; Zoning Advisory Commission of 11/5; Proof of publication for City Council Proceedings of 10/19; Proof of publication for Delinquent Water, Sewer, Refuse & Stormwater Collection Accounts for 10/17, 10/24. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Nick and Sarah Ryan for property damage; Betty Tigges for financial loss; Thomas J. Miller vs. City of Dubuque for personal injury. 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: Nick Ryan for property damage. Upon motion the documents were received, filed and concurred.

4. 2016 State Legislative Priorities: City Manager submitting the 2015 State of Iowa Legislative Priorities for adoption and presentation to legislators at the annual Legislative Dinner on November 23, 2015. Upon motion the documents were received, filed and approved.

5. Vacant Properties: The True Costs to Communities: City Manager transmitting information from the National Vacant Properties Campaign. Upon motion the documents was received and filed.

6. Iowa Department of Transportation Title VI Assurances and Title VI Non-discrimination Agreement: City Manager recommending approval of an updated Title VI Assurances and Title VI Nondiscrimination Agreement between the Iowa Department of Transportation and the City of Dubuque related to the City's receipt of federal aid funding. Upon motion the documents were received, filed and approved.

7. Purchase of Twin Ridge Water, Inc.: City Manager recommending acceptance of the Warranty Deed and Quit Claim Deed to two parcels of property the City of Dubuque gained title to as part of the Twin Ridge Asset Purchase Agreement and the Offer to Buy Real Estate and Acceptance by and between the City and the Grace M. Mueller Revocable Family Trust and the Raymond M. Mueller Irrevocable Family Trust. It is further recommended that the City Council approve a lease that was a term and exhibit in the Asset Purchase Agreement, and the Offer to Buy, and the City's consent to a restriction on the well parcel that the City acquired ownership to as part of the Asset Purchase Agreement. Upon motion the documents were received and filed and Resolution No. 386-15 Accepting the Warranty Deed to certain real estate in Dubuque County, Iowa and the Quit Claim Deed to certain real estate in Dubuque County, Iowa, and approving other supporting documents related to the Asset Purchase Agreement for the sale and transfer of existing assets by and between the City of Dubuque, Iowa and Twin Ridge Water, Inc., in Dubuque County, Iowa and the Offer to Buy and Acceptance for the acquisition of real estate owned by the Grace M. Mueller Revocable Family Trust and Raymond M. Mueller Irrevocable Family Trust in Dubuque County, Iowa was adopted.

8. Southgate Lift Station: City Manager recommending approval of a resolution accepting the grant of easement for sanitary sewer lift station and the dedication of the sewage lift station, sanitary force main, and gravity sanitary sewer known as the Southgate Lift Station, as required by the Asset Purchase Agreement by and between the City of Dubuque and Twin Ridge Water, Inc. Upon motion the documents were received and filed and Resolution No. 387-15 Accepting the sewage lift station, sanitary sewer force main, and gravity sanitary sewer located in Southgate Center Addition and accepting the Grant of Easement through, under, and across the balance of Lot A

Southgate Center Second Addition the maintenance of the sewage lift station and piping located in the balance of Lot A Southgate Center Second Addition was adopted.

9. Acceptance of 610 Wilbur Street Deconstruction Project: City Manager recommending acceptance of the construction contract for the building deconstruction at 610 Wilbur Street that was completed by D.F. Excavating, LLC in the amount of \$21,480 as part of the Wilbur Street Retaining Wall and Embankment Stabilization Project. Upon motion the documents were received and filed and Resolution No. 388-15 Accepting the Building Deconstruction at 610 Wilbur Street Project and authorizing the payment of the contract amount to the contractor was adopted.

10. Stoltz Street Retaining Wall Project Acceptance: City Manager recommending acceptance of the construction contract for the Stoltz Street Retaining Wall Repair Project as completed by W.C. Stewart. Upon motion the documents were received and filed and Resolution No. 389-15 Accepting the Stoltz Street Retaining Wall Repair Project and authorizing the payment of the contract amount to the contractor was adopted.

11. Acceptance of Permanent Easement for Storm Sewer Utility from Padre Pio Health Care Center, Inc.: City Manager recommending acceptance of a permanent easement for storm sewer across property owned by Pio Health Care Center, Inc., located at 1001 Assisi Drive. Upon motion the documents were received and filed and Resolution No. 390-15 Accepting a Grant of Permanent Easement for Storm Sewer Utility through, over and across part of Lot 3-1 of Block 7 in Phase 1 of Stone Hill Community Subdivision No. 1, in the City of Dubuque, Iowa was adopted.

12. Canadian Pacific Railroad - CP Positive Train Control Infrastructure: City Manager transmitting staff's response to the Canadian Pacific Railroad regarding its CP Positive Train Control Infrastructure (tip towers) installations. Upon motion the documents were received and filed.

13. Creative Risk Solutions as Subrogee of Scott Estal vs. City of Dubuque: City Attorney recommending approval of a Settlement in the case of Creative Risk Solutions as Subrogee of Scott Estal vs. City of Dubuque subject to receiving a satisfactory release. Upon motion the documents were received, filed and approved.

14. HUD National Disaster Resiliency Competition Submission: City Manager recommending approval to submit a Phase II application to the US Department of Housing and Urban Development National Disaster Resilience Competition. Upon motion the documents were received, filed and approved.

15. Employer Mandate Reporting Services Agreement: City Manager recommending approval of an agreement with Cottingham & Butler Insurance Services to prepare and file the required Internal Revenue Service forms 1094-C and 1095-C on behalf of the City associated with the Patient Protection and Affordable Care Act beginning in 2016. Upon motion the documents were received, filed and approved.

16. Fiscal Year 2015 Iowa Urban Renewal Annual Report: City Manager recommending approval of the Fiscal Year 2015 State Urban Renewal Annual Report. Upon motion the documents were received and filed and Resolution No. 391-15 Approving the Fiscal Year 2015 Urban Renewal Report for the City of Dubuque was adopted.

17. Quarterly Investment Report for September 30, 2015: City Manager transmitting the Quarterly Investment Report for September 30, 2015. Upon motion the documents were received and filed.

18. Property Acquisition - 501 E. 15th Street Amendment to Purchase Agreement: City Manager recommending approval of an amendment to the purchase agreement for the acquisition of 501 E. 15<sup>th</sup> Street for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 392-15 Amending the Purchase Agreement for the Acquisition of Real Estate owned by Blum Properties, Inc., in the City of Dubuque was adopted.

19. Proposed Housing Choice Voucher/Section 8 Administrative Plan Changes: City Manager approval of two changes to the Housing Choice Voucher/Section 8 Administrative Plan related to increasing the voucher unit size and adjusting the standards on fair market rents. Upon motion the documents were received, filed and approved.

20. Response to Mr. Daniel Boots: City Manager transmitting a response to Daniel Boots regarding his request for information on affirmatively furthering fair housing. Upon motion the documents were received and filed.

21. 2013 IRS Audit: City Manager transmitting correspondence from the Internal Revenue Service - Tax Exempt and Government Entities Division reporting no changes to the City's reported tax. Upon motion the documents were received and filed.

22. Citizen Petition - Isborn Avenue: Residents of Isborn Avenue submitting a petition requesting the City consider constructing a cul-de-sac at the end of the street. Upon motion the document was received, filed and referred to the City Manager.

23. Civil Service Commission: Civil Service Commission submitting the Certified List for the position of Accountant. Upon motion the document was received, filed and made a Matter of Record.

24. Appeal of Claim by Frank Vlach: Correspondence from Frank Vlach appealing denial of his claim against the City for vehicle damage. Upon motion the documents were received, filed and referred to the City Attorney.

25. Alcohol and Tobacco License Renewals: 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. 393-15 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. 394-15 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code 453A.47A were adopted.

## **BOARDS/COMMISSIONS**

1. Housing Commission: One, 3 year term through August 17, 2018 (Vacant At-Large term of Foster). Applicant: Nicolas Hobson, 1592 Locust St. (Qualifies for At-Large). No motion entered.

## **PUBLIC HEARINGS**

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

1. Request to Rezone - Northwest Corner of Asbury Road and Evergreen Drive: Proof of Publication on notice of public hearing to consider a request from Julie Cheung and Alex Fursou to rezone property at the northwest corner of Asbury Road and Evergreen Drive (3150 Asbury Road) from R-1 Single-Family Residential District to R-2 Two-Family Residential District and the Zoning Advisory Commission recommending approval. 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. Planning Services Manager Laura Carstens provided a staff report. Zoning Advisory Commission Chairperson Patrick Norton and Ms. Carstens responded to questions from the City Council regarding traffic, parking and the original zoning and change in circumstances surrounding the rezonings of this parcel. Property owner Julie Cheung, 3150 Asbury Rd., spoke in support of the request citing a previous denial to rezone to commercial and questioned the reasons for opposition. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 70-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at the northwest corner of Asbury Road and Evergreen Drive from R-1 Single-Family Residential District to R-2 Two-Family Residential District. Seconded by Lynch. Motion carried 6-0.

2. Request to rezone - Northwest Corner of University Avenue and Alta Vista Street: Proof of publication on notice of public hearing to consider a request from MV Residential Development, LLC to rezone property at the Northwest corner of University Avenue and Alta Vista from R-2 Two-Family Residential District to OR Office Residential District and the Zoning Advisory Commission recommending approval. 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 Connors. Pete Schwiegeraht, Developer for the Miller-Valentine (MV) Midwest Region, 9349 WaterStone Blvd., Cincinnati, OH, provided

a history of the company, described the project and responded to questions from the City Council. Jim Gonyier, 935 Oxford St., expressed his concern over the removal of existing trees, the effect of area traffic on the mobility of elderly residents, and traffic enforcement in that area of University Avenue. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 71-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at the northwest corner of University Avenue and Alta Vista Street from R-2 Two-Family Residential District to OR Office Residential District. Seconded by Connors. Motion carried 6-0.

3. 2015 SCADA (Flow Metering Stations) Manhole Installation Project: Proof of publication on notice of public hearing to approve the plans, specifications, form of contract, and estimated cost for the 2015 SCADA Manhole Installation Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 395-15 Approval of plans, specifications, form of contract, and estimated cost for the 2015 SCADA (Flow Metering Stations) Manhole Installation Project. Seconded by Connors. Motion carried 6-0.

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

### **ACTION ITEMS**

1. Five Flags Center Annual Report Presentation: Five Flags Center Manager Joyce White of SMG provided a verbal report on the current fiscal year activities and future plans for the Five Flags Center and announced her retirement at the end of December 2015. Topics included three-year financial comparison; event categories; Civic Center usage allocation (by space); local, regional and national programming usage for FY 15; notable events FY2015; meetings and conventions FY15; featured special event, photo essay; multiple use timeline; upcoming events; review of staff and community service/relations. Motion by Lynch to receive and file the information. Seconded by Connors. Motion carried 6-0.

2. English Ridge Housing Urban Renewal Area - Correction of Legal Description within Urban Renewal Plan: City Manager recommending approval of a modification to the resolution and ordinance correcting the legal description for the English Ridge Housing Urban Renewal Plan. Motion by Jones to receive and file the documents and adopt Resolution No. 396-15 Amending Resolution No. 38-15 which approved the English Ridge Housing Urban Renewal Area by substituting a new Attachment D to correct the legal description for the English Ridge Housing Urban Renewal District. Seconded by Resnick. Motion carried 6-0.

Motion by Jones 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 Connors. Motion carried 6-0.



Motion by Jones for final consideration and passage of Ordinance No. 72-15 Amending Ordinance No. 68-15 Approving the Urban Renewal Plan for the English Ridge Housing Urban Renewal Area to correct the legal description contained in the Ordinance and the Urban Renewal Plan for the English Ridge Housing Urban Renewal Area. Seconded by Connors. Motion carried 6-0.

3. Derby Grange, LLC - Agreement for Development of Property: City Manager recommending approval of the Agreement with Derby Grange, LLC for the development of property at the northwest corner of John F. Kennedy Road and Derby Grange Road. Motion by Lynch to receive and file the documents and adopt Resolution No. 397-15 Approving an Agreement between the City of Dubuque, Iowa and Derby Grant, LLC, for the development of property at the northwest corner of John F. Kennedy Road and Derby Grange Road. Seconded by Connors. Motion carried 6-0.

4. Derby Grange, LLC - Pre-Annexation Agreement: City Manager recommending approval of the Derby Grange, LLC Pre-Annexation Agreement and covenants for property located at the northwest corner of John F. Kennedy Road and Derby Grange Road, in accordance with the City of Dubuque's Fringe Area Development Standards. Motion by Jones to receive and file the documents and adopt Resolution No. 398-15 Approving a Pre-Annexation Agreement, Covenant Pertaining to Water Service, and Covenant Assessment of Costs of Improvements between the City of Dubuque, Iowa and Derby Grange, LLC. Seconded by Lynch. Motion carried 6-0.

5. REAP Grant Agreement with IDNR - Eagle Point Park: City Manager recommending approval of the Fiscal Year 2016 REAP Grant Agreement with the Iowa Department of Natural Resources for the Eagle Point Park Environmental Restoration Project. Motion by Connors to receive and file the documents and adopt Resolution No. 399-15 Authorizing REAP Grant Agreement with Iowa Department of Natural Resources for Eagle Point Park Environmental Restoration Project. Seconded by Jones. Motion carried 6-0.

6. Applewood IV Urban Revitalization Area Designation (Lange Estate): City Manager recommending approval of a petition for Urban Revitalization Area Designation from Horizon for a 60 unit affordable senior housing development at 3275 Pennsylvania Avenue titled Applewood IV. Motion by Jones to receive and file the documents and adopt Resolution No. 400-15 Finding that the designation of the Lange Estate Urban Revitalization Plan is necessary to encourage needed housing and residential development providing safe, affordable housing for the residents of the City of Dubuque, Iowa. Seconded by Connors. City Manager Van Milligen addressed questions from the City Council about available data on the need for senior housing. Motion carried 6-0.

7. Marquette Hall- Petition for Urban Revitalization Designation (Sacred Heart School): City Manager recommending approval of a petition for Urban Revitalization Area Designation from Cohen-Esrey Affordable Partners for the former Sacred Heart Elementary School, being called Marquette Hall, at 2222 Queen Street. Motion by Lynch to receive and file the documents and adopt Resolution No. 401-15 Finding that the designation of the Marquette Hall Urban Revitalization Plan is necessary in the interest

of the public health, safety, and welfare of the residents of the City of Dubuque, Iowa. Seconded by Jones. City Manager Van Milligen responded to questions from the City Council regarding assessed value as it applies to tax-exempt status of church property vs. income-generating properties following development. Motion carried 6-0.

8. Paragon Square - Urban Revitalization District Designation Petition (Holy Ghost School): City Manager recommending approval of a petition for Urban Revitalization Area Designation from Frantz Community Investors for the Paragon Square Urban Revitalization District. Motion by Connors to receive and file the documents and adopt Resolution No. 402-15 Finding that the designation of the Paragon Square Urban Revitalization Plan is necessary for rehabilitation and conservation of the hereinafter described property and Urban Revitalization Area is necessary in the interests of the public health, safety, and welfare of the residents of the City. Seconded by Jones. Motion carried 6-0.

9. University Lofts - Petition for Urban Revitalization Designation (Nativity School): City Manager recommending recommends approval of a petition for Urban Revitalization Area Designation from MV Residential Development for the University Lofts Urban Revitalization Area District. Motion by Lynch to receive and file the documents and adopt Resolution No. 403-15 Finding that the designation of the University Lofts Urban Revitalization Plan is necessary to encourage needed housing and residential development providing safe, affordable housing for the residents of the City of Dubuque. Seconded by Resnick. Housing and Community Development Director Alvin Nash assured the City Council that this and the previously considered projects will have on-site management. Motion carried 6-0.

10. City Attorney's Office: City Attorney submitting a proposal for future staffing in the City Attorney's Office. Motion by Lynch to receive and file the documents and accept the City Attorney's proposal to transition to part-time effective September 2016 and consider applications from the assistant city attorneys for full-time City Attorney. Seconded by Connors. Motion carried 6-0.

11. Request for Work Session on Source of Income Update: City Manager requesting a work session with the City Council on December 21, 2015 at 5:15 p.m. to discuss the Source of Income process. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 6-0.

12. Request to Schedule Work Session on Community Engagement: City Manager requesting a work session with the City Council on February 1, 2016 at 5:00 p.m. to provide an update on Community Engagement. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Connors. Motion carried 6-0.

## **COUNCIL MEMBER REPORTS**

Council Member Connors requested City Council concurrence on having the City Attorney's Office research best practices on how public input is managed at other Council meetings in Iowa for future discussion by City Council. Concurred.

Council Member Jones thanked Boy Scout Troop 94 for being in attendance.

There being no further business, upon motion the City Council adjourned at 8:49 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 11/25