

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

The Dubuque City Council met in regular session at 6:30 p.m. on December 7, 2015 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

Absent: Mayor Buol

Mayor Pro-Tem Sutton 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**

**CONSENT ITEMS**

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

1. Minutes and Reports Submitted: Cable TV Commission of 10/14; City Council Proceedings of 11/16; Historic Preservation Commission of 11/19; Library Board of Trustees Update of 11/19; Sister City Relationships Advisory Commission of 11/18; Zoning Board of Adjustment of 11/19; Proofs of Publication for City Council Proceedings of 11/2; Proofs of Publication for List of Claims and Summary of Revenues for Months Ending 9/20, 10/31 Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Matt Daykin for vehicle damage, Shannon Martin for property damage, Donna Moeller for personal injury. Upon motion the documents were received, filed and referred to the City Attorney.

3. SCADA Manhole Installation Project Award: City Manager recommending award of the construction contract for the 2015 SCADA (Flow Metering Stations) Manhole Installation Project to the low bidder, Connolly Construction, Inc. Upon motion the documents were received and filed and Resolution No. 404-15 Awarding public improvement contract for the SCADA (Flow Metering Stations) Manhole Installation Project was adopted.

4. 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: Matt Daykin for vehicle damage; Shannon Martin for property damage; Betty Tigges for loses related to eminent domain. Upon motion the documents were received, filed and concurred.

5. Abstract of Votes - 2015 General Election: Dubuque County Supervisors submitting the Abstract of Votes from the November 3, 2015 General Election. Upon motion the documents were received and filed.

6. Paragon Square and Marquette Place Senior Housing Projects - Letters of Commitment: City Manager recommending approval of two letters of financial support for senior housing projects in downtown Dubuque by Paragon Square Senior Housing, LLLP at 2887-2901 Central Avenue (former Holy Ghost School) and Marquette Hall, LLC at 2222 Queen Street (former Sacred Heart School). Upon motion the documents were received, filed and approved.

7. Acceptance of Asphalt Overlay Access Ramp Project One: City Manager recommending acceptance of the construction contract for the 2015 Asphalt Overlay Access Ramp Project One as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 405-15 Accepting the 2015 Asphalt Overlay Project Curb Access Ramps Project One and authorizing the payment of the contract amount to the contractor was adopted.

8. Acceptance of Asphalt Overlay Access Ramp Project Two: City Manager recommending acceptance of the construction contract for the 2015 Asphalt Overlay Access Ramp Project Two as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 406-15 Accepting the 2015 Asphalt Overlay Project Curb Access Ramps Project Two and authorizing the payment of the contract amount to the contractor was adopted.

9. Acceptance of Asphalt Overlay Access Ramp Project Three: City Manager recommending acceptance of the construction contract for the 2015 Asphalt Overlay Access Ramp Project Three as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 407-15 Accepting the 2015 Asphalt Overlay Project Curb Access Ramps Project Three and authorizing the payment of the contract amount to the contractor was adopted.

10. Acceptance of SRF Green Alley Project Bid Set 1 - Year 2: City Manager recommending acceptance of the construction contract for the SRF Green Alley-Bid Set 1 Year 2 Project as completed by Drew Cook and Sons Excavating and adopting the Final Schedule of Assessments. Upon motion the documents were received and filed and Resolution No. 408-15 Accepting the SRF Green Alley Project - Bid Set 1 Year 2 and authorizing the payment of the contract amount to the contractor; and Resolution No. 409-15 Adopting the Final Assessment Schedule for the SRF Green Alley Project Bid Set 1 Year 2 were adopted.

11. Acceptance of Sanitary Sewer Main Improvements - Arbor Estates No. 2: City Manager recommending acceptance of the public improvements that the developer, Riverdream Properties LLC, has recently completed in Arbor Estates No. 2. Upon motion

the documents were received and filed and Resolution No. 410-15 Accepting public improvements in Arbor Estates No. 2 in the City of Dubuque, Iowa, was adopted.

12. Acceptance of Fire Station #4 Improvements - Mechanical & Restroom Upgrade Project: City Manager recommending acceptance of the construction contract for the Fire Station #4 Improvements – Mechanical and Restroom Upgrade Project, as completed by Maryville Construction Company. Upon motion the documents were received and filed and Resolution No. 411-15 Accepting the Fire Station No. 4 - Mechanical & Restroom Upgrade Project and authorizing the payment to the contractor was adopted.

13. Acceptance of Public Roadway Improvements at John F Kennedy Road and West 32nd Street: City Manager recommending acceptance of the public roadway improvements that the developer, Kivlahan Farms L.C., has recently completed at the intersection of John F. Kennedy Road and West 32nd Street. Upon motion the documents were received and filed and Resolution No. 412-15 Accepting public roadway improvements at JFK Road and West 32nd Street in the City of Dubuque, Iowa, was adopted.

14. Weaver Castle, LLC Amendment to Development Agreement for 1576-1578-1580 Locust Street: City Manager recommending approval of the 2nd Amendment to Development Agreement with Weaver Castle, LLC for 1576-1578-1580 Locust Street extending the completion date to April 30, 2016. Upon motion the documents were received and filed and Resolution No. 413-15 Approving the Second Amendment to the Development Agreement between the City of Dubuque, Iowa and Weaver Castle, LLC, was adopted.

15. Weaver Castle, LLC Amendment to Development Agreement for 324-326 W. Locust Street: City Manager recommending approval of the Second Amendment to Development Agreement with Weaver Castle, LLC to allow the developer to be paid the Downtown Housing Incentive for an additional apartment at 324-326 W. Locust Street. Upon motion the documents were received and filed and Resolution No. 414-15 Approving the Second Amendment to the Development Agreement between the City of Dubuque, Iowa and Weaver Castle, LLC was adopted.

16. Appeal of Claim by Frank Vlach: City Attorney recommending denial of the appeal of a claim against the City by Frank Vlach for vehicle damage. Upon motion the documents were received, filed and concurred.

17. Sewershed 10 Corrective Action Plan and Submittal of Reports: City Manager recommending approval of and authorization for the City Manager to certify the Corrective Action Plan for Sewershed 10 and submittal of the certified report to the U.S. Department of Justice, U.S. Environmental Protection Agency and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

18. Swimming Pool Concessions Staffing: City Manager recommending approval of the addition of staffing in the amount of .479 Full Time Equivalent (FTE's) for Fiscal Year

2016 and 1.44 FTE's in the future budgets for the purpose of operating the concession stands at Flora and Sutton Pools. Upon motion the documents were received, filed and approved.

19. Water Department - Request to Create a Separate Civil Service Classification: City Manager recommending approval to eliminate one Equipment Operator II position and create one Water Distribution Equipment Operator position in the Water Department. Upon motion the documents were received, filed and approved.

20. Freshwater Mussels and the Renewal of the Dubuque Ice Harbor: City Manager transmitting information from the U.S. Fish and Wildlife Service Midwest Region about Freshwater Mussels and the renewal of the Dubuque Ice Harbor. Upon motion the documents were received and filed.

21. Dubuque Intermodal Transportation Center (DITC) Signage: Historic Preservation Commission recommending approval of the internally illuminated electronic message center sign for the DITC parking ramp, as submitted, with suggestions. Upon motion the documents were received, filed and approved.

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

23. Bee Branch Creek Flood Control Pumping Station Gates and Primary Electrical Service Replacement Project: City Manager recommending the City enter into an agreement with IIW, P.C. for design and engineering services, including the alternative design analysis, for the Bee Branch Flood Control Pumping Station Gates and Primary Electrical Service Replacement Project. Upon motion the documents were received, filed and approved.

24. U.S. EPA Urban Waters Small Grant Application: City Manager recommending approval of an application for U.S. EPA Urban Waters Small Grant in order to secure funding to identify the source of the E. coli bacteria found in the Bee Branch Creek and establishing the City Manager as an authorized representative of the City regarding the grant. Upon motion the documents were received and filed and Resolution No. 415-15 Approving an application for water monitoring and establishing the City Manager as an authorized representative regarding the agreement between the U.S. Environmental Protection Agency and the City of Dubuque, Iowa for Urban Waters Small Grant was adopted.

25. Total Administrative Services Corporation Flexible Spending Plan Fee Renewal: City Manager recommending approval of the administrative services fee proposed by Total Administrative Services Corporation for the flexible spending plan effective January 1, 2016, through December 31, 2016. Upon motion the documents were received, filed and approved.

26. Iowa Scenic Byways Jurisdiction Agreement: City Manager recommending authorization for the Mayor to execute a Jurisdiction Agreement with the Iowa Department of Transportation for the Iowa Scenic Byways Program to remove and replace the Iowa Great River Road signs. Upon motion the documents were received and filed and Resolution No. 416-15 Approving a Jurisdiction Agreement between the City of Dubuque and the Iowa Department of Transportation for the Iowa Scenic Byways Program to remove and replace the Iowa Great River Road signs was adopted.

27. SW Arterial Supplemental Agreement No. 15: City Manager recommending authorization for the City Manager to execute the Consultant Professional Services – Supplemental Agreement with AECOM Technical Services, Inc. for the final engineering design phase of the Southwest Arterial Project, subject to the concurrence of the Iowa Department of Transportation. Upon motion the documents were received and filed and Resolution No. 417-15 Approving the Consultant Professional Services - Supplemental Agreement No. 15 between AECOM Technical Services, Inc., and the City of Dubuque for the completion of final engineering design phase of the Southwest Arterial Project was adopted.

28. Civil Service Commission: Civil Service Commission submitting the Certified Lists for the positions of Firefighter and Mechanic. Upon motion the documents were received, filed and make a Matter of Record.

29. Community Development Block Grant (CDBG) Annual Action Plan Fiscal Year 2016 Amendment 2: City Manager recommending approval of the FY 2016 Community Development Block Grant Annual Action Plan – Amendment 2 that reallocates funds from the prior FY 2015 Annual Plan into the FY 2016 Annual Plan and reprograms funds for existing and new projects. Upon motion the documents were received and filed and Resolution No. 418-15 Approving Fiscal Year 2016 (Program Year 2015) Annual Action Plan Amendment 2 for Community Development Block Grant (CDBG) Funds was adopted.

30. Fiscal Year 2017 Annual TIF Report: City Manager transmitting the Annual Tax Increment Financing Report for Fiscal Years 2017 that has been filed with Dubuque County Auditor Denise Dolan. Upon motion the documents were received and filed.

31. State of Iowa Annual Financial Report FY 2015: City Manager recommending approval of the City of Dubuque Fiscal Year 2015 Annual Financial Report. Upon motion the documents were received, filed and approved.

32. South Fork Streambank Restoration Project: City Manager recommending the award of the South Fork Streambank Project to MSA Professional Services for the purposes of survey, design and construction inspections. Upon motion the documents were received, filed and approved.

33. Improvement Contracts / Performance, Payment and Maintenance Bonds: IDOT/Portzen Construction for the Upper Bee Branch Creek Mississippi River Trail; Top Grade Excavating, Inc., for the 2015 Sewershed 7 & 10 Brick Manhole Replacement Project. Upon motion the documents were received, filed and approved.

34. Alcohol Compliance Civil Penalty for Alcohol License Holder – Neighbor's Tap: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Neighbor's Tap, 1899 Rockdale Road. Upon motion the documents were received, filed and approved.

35. Alcohol Compliance Civil Penalty for Alcohol License Holder – Pizza Hut #4691: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Pizza Hut #4691, 320 East 20th Street. Upon motion the documents were received, filed and approved.

36. Alcohol License Applications: City Manager recommending approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 419-15 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 was 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. General Obligation Bond Series 2016ABC - General Corporate Purpose: City Manager recommending that a public hearing be set for December 21, 2015, on the proposition of selling not to exceed \$505,000 in Tax-Exempt General Obligation Bonds, the proceeds of which will be used to pay costs of roof improvements to the Historic Federal Building and tuck-pointing at the Ham House. Upon motion the documents were received and filed and Resolution No. 420-15 Fixing date for a meeting on the proposition of the issuance of not to exceed \$505,000 General Obligation Bonds of the City of Dubuque, State of Iowa (for General Corporate Purposes), and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 21, 2015 in the Historic Federal Building.

2. General Obligation Bonds Series 2016BC - Essential Corporate Purpose: City Manager recommending that a public hearing be set for December 21, 2015, on the proposition of selling not to exceed \$15,555,000 in Tax-Exempt General Obligation Bonds, the proceeds of which will be used to pay costs of Airport New Terminal improvements, sanitary sewer improvements, water system improvements, and refund previously issued general obligation bonds. Upon motion the documents were received and filed and Resolution No. 421-15 Fixing date for a meeting on the proposition of the

issuance of not to exceed \$15,555,000 General Obligation Bonds of the City of Dubuque, State of Iowa (for Essential Corporate Purposes), and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 21, 2015 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

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

1. Mechanical Board: One, 3-year term through March 16, 2016 (Vacant term of Kelly). Applicant - Dan Hillary, 3087 Arbor Oaks. Mr. Hillary spoke in support of his appointment.

2. Mediacom Charitable Foundation: One, 1-year term through December 31, 2016 (Expired terms of Chavenelle). Applicant - Gail Chavenelle, 1155 Kelly Lane.

3. Transit Advisory Board: One, 3-year term through July 30, 2017 (Vacant term of Stedman). Applicants: Joel Lightcap, 1985 Alta Vista St., and Dora Serna, 2160 Marion St. Ms. Serna spoke in support of her appointment.

4. Zoning Board of Adjustment: One, 5-year term through March 25, 2020 (Expired term of Bird). Applicants: Keith Ahlvin, 264 S. Grandview; and Eugene Bird, 3985 Mount Vail Ridge. Mr. Ahlvin spoke in support of his appointment.

## **ACTION ITEMS**

1. Greater Dubuque Development Corporation - Quarterly Update: GDDC President and CEO Rick Dickinson provided a verbal report on the activities of the Greater Dubuque Development Corporation. Topics included recognizing the passing of community member Bob Peacock; thanking out-going Council Members Braig and Sutton for their service; meeting or exceeding the NEXT Campaign goals of job creation; average wage; residential/commercial construction; and population growth; Mr. Dickinson responded to questions related to Access Dubuque Jobs web redesign; talent recruitment efforts; job skills education; downtown crime concerns, trends in economic development and potential budget savings. Motion by Lynch to receive and file the information. Seconded by Braig. Motion carried 6-0.

2. Bee Branch Creek - Basin Overlook & 22nd Street Parking Lot Project Award: City Manager recommending award of the construction contract for the Bee Branch Creek – Basin Overlook & 22<sup>nd</sup> Street Parking Lot Project to the low bidder, Portzen Construction, Inc., subject to Iowa Department of Transportation approval. Motion by Connors to receive and file the documents and adopt Resolution No. 422-15 Awarding the public improvement contract for the Bee Branch Creek - Basin Overlook & 22nd Street Parking Lot Project, Iowa DOT Project No. TAP-U-2100(683)--81-31. Seconded by Jones. City Manager Van Milligen and City Engineer Gus Psihoyos responded to questions regarding providing update reports to the City Council and how IDOT involvement effects the design and bidding process. Motion carried 6-0.

3. Transit Bus Storage Facility Project Consultant Selection: City Manager recommending approval of the selection of Kueny Architects to provide architectural

design, engineering and construction administration services for the City of Dubuque – Transit Bus Storage Facility Project and provide authority to negotiate an agreement and execute a contract. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Jones. Transit Manager Candace Eudaley responded to questions regarding the process of using a selection committee and requirements of the FTA. Motion carried 6-0.

4. EPA Brownfield Area-Wide Planning Grant - Service Contract: City Manager recommending approval to enter into a contract with Shive Hattery, Inc., for the administration of the 2015 Environmental Protection Agency Brownfields Area-Wide Planning Cooperative Agreement. Motion by Lynch to receive and file the documents and adopt Resolution No. 423-15 Authorizing the City Manager to negotiate a contract with Shive Hattery, Inc., for grant administration for the 2015 Environmental Protection Agency Brownfields Area-Wide Planning Cooperative Agreement. Seconded by Connors. Motion carried 7-0.

5. 100 Resilient Cities Challenge: City Manager recommending approval of the City of Dubuque's application to the Rockefeller Foundation's 100 Resilient Cities Challenge. Motion by Connors to receive and file the documents and approved the recommendation. Seconded by Jones. City Manager Van Milligen responded to questions regarding the definition of resiliency, relation to City Council goals and the comparison between the resiliency officer position required by the grant and the City's current sustainability coordinator. Motion carried 5-1 with Resnick voting nay.

6. Code of Ordinances Amendment - Title 10 Public Ways and Property Permit Requirements: City Manager recommending approval of an ordinance revising Section 10-3D-2 Permit Requirements; Fees, authorizing the City Manager to establish the fee amounts for accessibility-related encroachments or encroachments that benefit the public. 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 Lynch. City Manager Van Milligen responded to questions regarding similar processes of other cities and the potential burden on the City Manager or his successor. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 73-15 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 3 Encroachments on Public Places, Article D other Encroachments, Section 10-3D-2 Permit Requirements; Fees to clarify how fees are set and for consistency with other codes. Seconded by Lynch. Motion carried 6-0.

7. Code of Ordinances Amendment - Title 2 Housing Commission: City Manager recommending approval of an ordinance that amends Section 2-5B-5 to reduce the number of cross representatives to be consistent with the Housing Trust Fund Advisory Committee. 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 Resnick. Motion carried 6-0.



Motion by Connors for final consideration and passage of Ordinance No. 74-15 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 5 Housing Agency and Community Development Commissions, Section 2-5B-5 Membership by reducing the number of cross representatives to be consistent with the Housing Trust Fund Advisory Committee. Seconded by Lynch. Motion carried 6-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones reported on the passing of community member Bob Peacock.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 7:43 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 6-0.

Upon motion at 7:59 p.m., the City Council reconvened in open session stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:00 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 12/16