

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

The Dubuque City Council met in special session at 5:15 p.m. on December 21, 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

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 Source of Income Update.

**WORK SESSION
SOURCE OF INCOME UPDATE**

Housing and Community Development Director Alvin Nash and Source of Income (SOI) Committee Members Laura Carstens, Planning Services Manager; John Pregler, Long Range Planning Commission; Patrick Norton, Zoning Advisory Commission; and Crenna Brumwell, City Attorney's Office; presented an update on the SOI Committee's work and next steps. Topic included:

- Definition of source of income vs. income
- SOI Committee formation and purpose
- SOI issues and goals
- Composition of the SOI Committee
- SOI Subcommittee (source of income analysis, housing choice voucher/landlord policy, administrative analysis and policy)
- SOI related definitions: fair housing, affirmatively furthering fair housing, affordable housing, and affordable subsidy
- SOI chart of state and local laws and proposed legislation
- SOI Committee timeline for 2015 and 2016

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

There being no further business, upon motion the City Council adjourned at 5:46 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 12/30

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

The Dubuque City Council met in regular session at 6:30 p.m. on December 21, 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

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. Dubuque-Area Labor Management Council (DALMC) Awards: DALMC Executive Director Kelly Cooper presented the 2015 awards for Great Job Honor Roll to Jule Transit employee Mike Feltes (accepted by Candace Eudaley-Loeboch) and the Labor-Management Partnership Award to the City of Dubuque/Jule Transit and the Teamsters Local 120.

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 12/7, 12/14; Civil Service Commission of 12/7; Library Board of Trustees of 10/22, Park and Recreation Commission of 11/10; Zoning Advisory Commission of 12/2; Proof of Publication of City Council Proceedings for 11/16; Proof of Publication for Delinquent Water, Sewer, Refuse & Stormwater Collection Accounts of 11/20, 11/27. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Duane Crippes for personal injury; Dean Donath for vehicle damage; Suit by Joe Zwack for historical significance jurisdiction. 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: Duane Crippes for personal injury, Dean Donath for vehicle damage, Donna Moeller for personal injury. Upon motion the documents were received, filed and concurred.

4. Compact of Mayors: City Manager transmitting the December 2015 Compact of Mayors newsletter Climate Leadership at the Local Level: Global Impact of the Compact of Mayors. Upon motion the documents were received and filed.

5. John F. Kennedy and Wacker Signal Replacement Project Acceptance: City Manager recommending acceptance of the construction contract for the John F. Kennedy Road & Wacker Drive Traffic Signal Replacement Project as completed by Portzen Construction, Inc. Upon motion the documents were received and filed and Resolution No. 425-15 Accepting the John F. Kennedy Road & Wacker Drive Traffic Signal Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

6. Acceptance of John F. Kennedy PCC Panel Replacement Project between 32nd Street and NW Arterial: City Manager recommending acceptance of the construction contract for the John F. Kennedy Road PCC Panel Replacement Project between 32nd Street and NW Arterial as completed by Eastern Iowa Excavating & Concrete. Upon motion the documents were received and filed and Resolution No. 426-15 Accepting the John F. Kennedy Road PCC Panel Replacement Project between 32nd Street and NW Arterial and authorizing the payment of the contract amount to the contractor was adopted.

7. Acceptance of Public Improvements - Sky Blue Estates Subdivision: City Manager recommending acceptance of the public improvements that the developer, EKMLLC, has recently completed in Sky Blue Estates Subdivision. Upon motion the documents were received and filed and Resolution No. 427-15 Accepting public improvements in the Sky Blue Estate Subdivision in the City of Dubuque, Iowa was adopted.

8. Novelty Iron Works - 4th Amendment to DA: City Manager recommending approval of a 4th Amendment to the Novelty Iron Landlord LLC Development Agreement in order to modify the parking arrangement by deleting Section 3.1 in its entirety. Upon motion the documents were received and filed and Resolution No. 428-15 Approving the 4th Amendment to the Development Agreement between the City of Dubuque, Iowa and Novelty Iron Landlord, LLC was adopted.

9. First Amendment to Development Agreement for 253 Main Street: City Manager recommending approval of the First Amendment to Development Agreement with Kenneth Oberbroeckling for redevelopment of 253 Main Street to extend the completion date to March 1, 2016. Upon motion the documents were received and filed and Resolution No. 429-15 Approving the First Amendment to the Development Agreement between the City of Dubuque, Iowa and Kenneth Oberbroeckling was adopted.

10. Restrictive Covenant for 2300 Jackson Street: City Manager recommending approval of a Resolution attaching a Restrictive Covenant to the property at 2300 Jackson Street requiring owner-occupancy for a 21-year period. Upon motion the documents were received and filed and Resolution No. 430-15 Attaching a Single-Family, Owner-Occupied Residence Restrictive Covenant to 2300 Jackson Street, Dubuque, IA was adopted.

11. Platting of City Property in Dubuque Industrial Center South: City Manager recommending approval of the Plat of Survey for Lot 1 and 2 of Dubuque Industrial Center South Second Addition in the City of Dubuque in order to create two new lots to be marketed for potential development. Upon motion the documents were received and filed and Resolution No. 431-15 Approving Plat of Survey of Dubuque Industrial Center South Second Addition in the City of Dubuque, Dubuque County, Iowa was adopted.

12. Plat of Survey for Dolter Place No. 2: Zoning Advisory Commission recommending approval of the Plat of Survey for Dolter Place No. 2 subject to waiving the lot area for Lot 1. Upon motion the documents were received and filed and Resolution No. 432-15 Approving the Plat of Survey for Dolter Place No. 2 in the City of Dubuque, Iowa was adopted.

13. Pre-Annexation Agreement – Oberbroeckling: City Manager recommending approval of a Pre-Annexation Agreement with Richard A. Oberbroeckling and Ronald L. Oberbroeckling for property located adjacent to the City of Dubuque corporate city limits and as established by the City's Fringe Area Development Standards of the Unified Development Code. Upon motion the documents were received and filed and Resolution No. 433-15 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Richard A. Oberbroeckling and Ronald L. Oberbroeckling was adopted.

14. Pre-Annexation Agreement - City of Dubuque: City Manager recommending approval of pre-annexation agreements and covenants for the City-owned well and lagoon parcels in the Twin Ridge Subdivision in Key West. Upon motion the documents were received and filed and Resolution No. 434-15 Approving a Pre-Annexation Agreement by the City of Dubuque, Iowa (Lot 2, Lot B); and Resolution No. 435-15 Approving a Pre-Annexation Agreement by the City of Dubuque, Iowa (Lot 18) were adopted.

15. PEG Capital Grant Expenditure Request: City Manager recommending approval of the Cable TV Commission's request for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for the City of Dubuque to install digital encoding equipment for each PEG channel on the Dubuque system. Upon motion the documents were received, filed and approved.

16. Permits Plus Software Upgrade: City Manager recommending replacement of Permits Plus software with the latest cloud-hosted web-based solution from Accela. Upon motion the documents were received, filed and approved.

17. National League of Cities (NLC) Financial Inclusion Cohort Application: City Manager transmitting the National League of Cities (NLC) Financial Inclusion Cohort application in partnership with Project HOPE. Upon motion the documents were received and filed.

18. Water Infrastructure Resiliency Finance Center: City Manager transmitting correspondence to the Iowa Department of Natural Resources regarding Dubuque volunteering to participate in the EPA-Funded Water Infrastructure Resiliency Finance Center pilot program. Upon motion the documents were received and filed.

19. City Assessor's Office - Notification of Property Tax Appeals: Correspondence from City Assessor Rick Engelken advising the City of four property tax appeals before the Iowa Property Assessment Board. Upon motion the documents were received and filed.

20. Civil Service Commission: Civil Service Commission submitting the re-certified list for the position of Firefighter. Upon motion the documents were received, filed and Made a Matter of Record.

21. Improvement Contracts / Performance, Payment and Maintenance Bonds: Connolly Construction, Inc., for the 2015 SCADA (Flow Metering Stations) Manhole Installation Project. Upon motion the documents were received, filed and approved.

22. Signed Contracts: Amendment #4 to the Recyclables Processing and Marketing Agreement between the Dubuque Metropolitan Area Solid Waste Agency (DMASWA), Dittmer Recycling and the City of Dubuque. Upon motion the documents were received and filed.

23. 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. 436-15 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 7-0.

1. SW Arterial Right of Way Property Acquisition: City Manager recommending the City Council schedule a public hearing for January 19, 2016, on the intent to commence a public improvement project and to establish Just Compensation Valuation (Fair Market Value) of necessary right-of-way property which the City intends to acquire or condemn, if required, for the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 437-15 Setting a public hearing on the intent to commence a public improvement project for the Southwest Arterial Project and to acquire agricultural land for the Project and to establish just compensation valuation (fair market value) of necessary right-of-way property which the City intends to acquire or condemn if required for the Southwest Arterial Project was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 19, 2016 in the Historic Federal Building.

BOARDS/COMMISSIONS

Application Review

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions. Applicant appointments will be made at the next City Council meeting.

1. Electrical Code Board: One, 3-year term through May 21, 2017 (Vacant Electrical background term of Reiss). Applicant: Zach Dowell, 2055 Winne Ct. Mr. Dowell spoke in support of his appointment.

Appointments were made to the following Boards/Commissions

2. Mechanical Board: One, 3-year term through March 16, 2016 (Vacant term of Kelly). Applicant: Dan Hillary, 3087 Arbor Oaks. Motion by Jones to appoint Dan Hillary to a 3-year term through March 16, 2016. Seconded by Connors. Motion carried 7-0.

3. Mediacom Charitable Foundation: Two, 1-year terms through December 31, 2016 (Expired terms of Chavenelle and Twining). Motion by Braig to appoint Gale Chavenelle and Connie Twining to 1-year terms through December 31, 2016. Seconded by Resnick. Motion carried 7-0.

4. 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. Upon roll call vote of 7-0, Dora Serna was appointed to a 3-year term through July 30, 2017.

5. 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. Upon roll call vote of 7-0, Keith Ahlvin was appointed to a 5-year term through March 25, 2020.

PUBLIC HEARINGS

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

1. Historic Millwork District PUD Amendment - Northwest Corner of Elm and 11th Streets: Proof of publication on notice of public hearing to consider a request from JD & C, LLC to amend the Historic Millwork District Planned Unit Development for property located at the northwest corner of Elm & 11th Streets to accommodate an off-street parking lot 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. Janice Roerig-Blong of JD&C spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 75-15 Amending Title 16, the Unified Development Code of the City of Dubuque Code of Ordinances by rescinding Ordinances 02-12, 38-13, and 10-15 which established regulations for a PUD Planned Unit Development District with a Planned Commercial Designation for the Historic Millwork District PUD and now being amended to allow for the development of a new parking lot at the northwest corner of 11th and Elm Streets. Seconded by Connors. Motion carried 7-0.

2. Request to Rezone - 2222 Queen Street (former Sacred Heart School): Proof of publication on notice of public hearing to consider a request by Cohen-Esrey Affordable Partners to rezone property located at 2222 Queen Street from R-2A Alternate Two-Family Residential District to OR Office 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 Lynch. Brian Sweeney of Cohen Esrey spoke in support of the request and responded to questions from the City Council. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 76-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2222 Queen Street from R-2A Alternate Two-Family Residential District to OR Office Residential District. Seconded by Braig. Motion carried 7-0.

3. General Obligation Bonds Series 2016BC - Essential Corporate Purpose: Proof of publication on notice of public hearing to approve the suggested proceedings for the public hearing on the issuance of General Obligation Bonds Series 2016BC and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 438-15 Instituting proceedings to take additional action for the issuance of not to exceed \$15,555,000 General Obligation Bonds. Seconded by Connors. Responding to questions from Council Member Resnick, the City Manager Van Milligen reviewed the handout included in the agenda that addressed city debt and the top 10 city projects that utilize debt issuance. Council Member Resnick suggested that the City Council demonstrate a commitment to debt reduction by considering a policy of 50% debt reduction by 2030 or for possible discussion at a later date. Mayor Buol and Council Members Connors and Jones stated that the City has a debt repayment stream and such a stringent policy would not allow flexibility for projects already in progress or unforeseen catastrophes. Motion carried 7-0.

4. General Obligation Bonds Series 2016ABC - General Corporate Purpose: Proof of publication on notice of public hearing to consider approval of the suggested proceedings for the public hearing on the issuance on the issuance of not to exceed \$505,000 in Tax-Exempt General Obligation Bonds Series 2016ABC and the City Manager recommending

approval. Motion by Braig to receive and file the documents and adopt Resolution No. 439-15 Instituting the proceedings to take additional action for the issuance of not to exceed \$505,000 General Obligation Bonds. Seconded by Connors. Motion carried 6-1 with Resnick voting nay.

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

ACTION ITEMS

1. Request to Address Council from the Alternative Learning Center Students: Request from the students of the Alternative Learning Center to address the City Council regarding what they have learned this semester about Sustainable Dubuque. Motion by Jones to receive and file the information and listen to the presentation. Seconded by Braig. Sustainability Coordinator Cori Burbach introduced Tim Hitzler of the Alternative Learning Center and Global Science students Evelyn Rose-Tolstedt, Wade Murphy Kissling, Dillon Thill, and Steffon Baldwin who provided the City Council with a handout and presented facts, pros and cons, and survey results related to glass recycling. A question and answer period with the City Council followed the presentation. Motion carried 7-0.

2. Name Change Proposal - Multicultural Family Center Building (Tabled from 9/21/15): Correspondence from the Multicultural Family Center Board President John Stewart supporting the renaming of 1157 Central Avenue to the "Ruby Sutton Building." City Manager submitting information on potential costs related to the proposed name change. Motion by Sutton to remove from the table. Seconded by Braig. Motion carried 7-0. Motion by Sutton to receive and file the documents and rename the building at 1157 Central Avenue as the "Ruby Sutton Building." Seconded by Braig. Motion carried 7-0.

3. Human Rights Commission Recommendations on Criminal Justice: Human Rights Commission submitting its recommendations on criminal justice. Motion by Jones to receive and file the documents. Seconded by Connors. The City Council specifically discussed the proposed topic of banning the check box on job applications that indicates the applicant has had a felony conviction and questioned the City's authority in becoming involved in the hiring practices of private business. Motion carried 6-1 with Lynch voting nay.

4. Poison Free Parks Information and Call to Action: City Manager recommending the formation of a City Work Group to draft an Integrated Pest Management Plan for the city to be presented to the City Council for approval by July 1, 2015. It is also recommended that the Park and Recreation Commission as well as the Environmental Stewardship Advisory Commission appoint one representative each to the work group in addition to a member of the Dubuque Poison Free Parks group. Restated motion by Connors to receive and file the documents, approve the recommendation and that the additional appointment from the Dubuque Poison Free Parks group be a resident of the city. Seconded by Braig. Motion carried 7-0.

5. Donation Requests and Bench Agreements for 2 New Benches on Riverwalk: City Manager transmitting two agreements for approval by the City Council for two new memorial benches on the Riverwalk. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Lynch. Motion carried 7-0.

6. Bee Branch Creek Restoration Project Property Acquisition - 2496 Washington Street: City Manager recommending the City Council establish the fair market value of the property owned by Morrison Brothers on Washington Street between E. 24th Street and E. 25th Street, authorize the City Manager to begin negotiations to acquire the property required for the Bee Branch Creek Restoration Project, and approve authorization to acquire the property through eminent domain proceedings should negotiations fail. Motion by Jones to receive and file the documents and adopt Resolution No. 440-15 Establishing the fair market value and authorizing the acquisition by Eminent Domain of Certain Real Property owned by Morrison Brothers in the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

7. J. Thomas Zaber vs. City of Dubuque - Franchise Fees Litigation: City Manager recommending that the Mayor and City Council designate any remaining funds following distribution from the Settlement Fund from J. Thomas Zaber vs. City of Dubuque franchise fee litigation be used to reduce the principal of the Judgment Bond. Motion by Jones to receive and file the documents and adopt Resolution No. 441-15 Providing that any unclaimed funds in the escrow account from the Franchise Fee Class Action Settlement in Zaber V. City of Dubuque be used for payment of the Judgment Bond. Seconded by Braig. Motion carried 7-0.

8. Wisconsin Independent Network, LLC (WIN) Co-location and Shared Services Agreement: City Manager recommending approval of a Co-Location and Shared Services Agreement between the City of Dubuque and Wisconsin Independent Network, LLC. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

9. Request for Work Session - Dubuque Area Convention and Visitors Bureau: City Manager requesting approval to schedule a work session on February 15, 2016, at 5:15 p.m. with the Dubuque Area Convention and Visitors Bureau. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Members Braig and Sutton thanked the citizens of the City of Dubuque, City staff and fellow Council Members for their support through the years as they come to the end of their elected terms.

Mayor Buol reported on the 2015 COP21 climate conference in Paris, France, during the week of December 7, 2015 where he presented on Dubuque's Water & Resource Recovery Center, Historic Millwork District and the Bee Branch Creek Restoration Project.

There being no further business, upon motion the City Council adjourned at 8:20 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 12/30