

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

The Dubuque City Council met in special session at 5:30 p.m. on March 7, 2016 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Connors, Del Toro, Jones, Lynch, Resnick, Rios; 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 levee breach preparedness and prevention activities.

**WORK SESSION
Levee Breach Preparedness and Prevention Activities**

Public Works Director Don Vogt introduced staff members John Klostermann, Street and Sewer Maintenance Supervisor; Laura Carstens, Planning Services Manager; and Deron Muehring, Civil Engineer who provided a slide presentation on the levee/floodwall system. Topics included:

- History of Levee/Floodwall System
 - Review of Historic Flood Events
 - Prior Modest Protection Efforts
 - Funding and Construction
 - System Improvements
 - Army Corps of Engineers and City Oversight & Inspection Requirements
- City Responsibilities and Preparation
- Maintenance & Pre-Flood Event Operations
- Flood Event Action Steps with River Stage Predictions
- Post Flood Repair
- Flood Control Budget
- Levee/Floodwall FEMA Certification and Background
- Engineering Technical Review
- Interior Drainage Review
- Seepage & Stability Evaluation
- Recommended Flood Insurance & FEMA Rate Maps
- Levee System Breach Analysis, Risk and Goal
- Time to Depth Summary, Scenarios & Models
- Levee Safety Action Classification

The City Council had discussion with staff following the presentation.

There being no further business, upon motion the City Council adjourned at 6:23 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on March 7, 2016 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Connors, Del Toro, Jones, Lynch, Resnick, Rios; 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

PROCLAMATION

Kids to Parks Day (May 21, 2016) was accepted by Leisure Services Manager Marie Ware.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Council Member Del Toro requested (#10) WS Live Release of Obligation on Forgivable Loan be held for separate discussion. Council Member Connors requested (#13) Appeal of Claim by Andrew Makovec be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of 2/15, 2/17, 2/18, 2/22, 2/24; Civil Service Commission of 2/11, 2/23; Historic Preservation Commission of 2/18; Library Board of Trustees of 12/17/15; Long Range Planning Advisory Commission of 2/17; Proof of Publication for City Council Proceedings of 2/1, 2/2, 2/3, 2/4, 2/8, 2/10; Proof of Publication for List of Claims and Summary of Revenues for Month Ended 12/31/15. Upon motion the documents were received and filed.

2. Notice of Claim and Suits: Area Residential Care for Property Damage; Mark Pottebaum for property damage; Ron Smith & Sons Construction for vehicle damage; Katelyn Shima for vehicle damage. Upon motion the documents were received, filed and concurred. (Duplicated title Disposition of Claims on original agenda). 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: Area Residential Care for property and vehicle damage; Mark Pottebaum for property damage; Ron Smith & Sons Construction for vehicle damage; Katelyn Shima for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Forbes Recognition of Dubuque: City Manager transmitting an article from Forbes.com recognizing Dubuque as one of the "Best Cities to Climb the Economic Ladder." Upon motion the document was received and filed.

5. University of Iowa Recognizes City Attorney Barry Lindahl: City Manager transmitting the University of Iowa College of Law 150 People which recognizes City Attorney Barry Lindahl. Upon motion the document was received and filed.

6. Main Street Challenge Grant - Revisions to Central Avenue Façade Commitments: City Manager recommending approval of revisions to the Main Street Challenge Grant for façade improvements to properties in the Central Avenue Corridor. Upon motion the documents were received, filed and approved.

7. Delinquent Problem Property Assessments: City Manager recommending adoption of a resolution authorizing the City to certify problem property charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 55-16 Authorizing the City to collect delinquent problem property charges in accordance with Title 6-6-3B1h; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

8. Grass and Weed Cutting and Garbage Collection Accounts: City Manager recommending adoption of a resolution authorizing the City to certify grass and weed cutting and garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 56-16 Authorizing the City to collect delinquent grass and weed cutting and garbage collection charges in accordance with Title 6-6-3C2o; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

9. Hotel Julien - Downtown Rehabilitation Loan Subordination: City Manager recommending approval of a loan agreement with HJD Landlord, LLC, and a subordination agreement with American Trust & Savings Bank concerning a Downtown Rehabilitation Loan for the Hotel Julien. It is further recommended that the Mayor be authorized to execute the loan agreement as well as the letter of consent and subordination agreement. Upon motion the documents were received and filed and Resolution No. 57-16 Approving a Loan Agreement and Mortgage between the City of Dubuque and HJD Landlord, LLC and a Subordination Agreement by and among HJD Landlord, LLC, the City of Dubuque and American Trust and Savings Bank was adopted.

10. WS Live - Release of Obligation on Forgivable Loan: City Manager recommending approval to release WS Live from any further obligations under Loan Agreement CDBG #1-2009 as of December 31, 2015, and authorizing staff to send a letter to the company acknowledging that the terms have been met and that the promissory note is considered paid in full. Motion by Jones to Receive and file the documents and adopt Resolution No. 58-16 Acknowledging satisfaction of the terms of a Loan Agreement providing for a Community Development Block Grant Loan of three hundred seventy-five thousand dollars (\$375,000) to WS Live, LLC. Seconded by Resnick. Council Member Del Toro

abstained from the vote stating that he is an employee of WS. Live. Motion carried 6-0 with Del Toro abstaining.

11. Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Lab Technician, Lead Mechanic, Serviceworker and Scale Operator. Upon motion the documents were received, filed and made a Matter of Record.

12. Workers' Compensation Settlement Agreements: City Manager recommending approval of two agreements for Settlement regarding the Workers' Compensation Claims that were filed against the City of Dubuque by Arthur Hedley Jr. Upon motion the documents were received, filed and approved.

13. Appeal of Claim by Andrew Makovec: Correspondence from Andrew Makovec appealing the denial of his claim for property damage. Motion by Connors to receive and file the documents and refer to the City Attorney. Seconded by Rios. Following questions from Council Member Connors, City Attorney Lindahl explained the process for re-investigating appealed claims, and City Clerk Firnstahl will correct Mr. Makovec's first name to "Andrew" as it was misstated as "Brian" on the agenda. Motion carried 7-0.

14. Asphalt Overlay Access Ramp Project #4 Acceptance: City Manager recommending acceptance of the public improvement construction contract and authorization of payment to Midwest Concrete, Inc. for the 2015 Asphalt Overlay Access Ramp Project Four. Upon motion the documents were received and filed and Resolution No. 59-16 Accepting the 2015 Asphalt Overlay Access Ramp Project Four and authorizing the payment to the contractor was adopted.

15. Catfish Creek Interceptor Sewer Repair Project Award: City Manager recommending that the award for the Catfish Creek Interceptor Sewer Repair Project to Top Grade Excavating, Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

16. Eagle Point Park Parking Lot Resurfacing Project Award: City Manager recommending that that the award for the Eagle Point Parking Lot Resurfacing Project to River City Paving be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

17. Pavement Marking Project Phase I Acceptance: City Manager recommending acceptance of the public improvement construction contract for the 2015 Pavement Marking Project Phase I as completed by SELCO, Inc. Upon motion the documents were received and filed and Resolution No. 60-16 Accepting the 2015 Pavement Marking Project Phase I and authorizing the payment to the contractor was adopted.

18. Pavement Marking Project Phase II Acceptance: City Manager recommending acceptance of the public improvement construction contract for the 2015 Pavement Marking Project Phase II, as completed by SELCO, Inc. Upon motion the documents were received and filed and Resolution No. 61-16 Accepting the 2015 Pavement Marking Project Phase II and authorizing the payment to the contractor was adopted.

19. Land and Water Conservation Fund Grant Application for Eagle Point Park Environmental Restoration: City Manager recommending approval to submit a Fiscal Year 2016 Land and Water Conservation Fund Grant Application to the Iowa Department of Natural Resources for the Eagle Point Park Environmental Restoration Project. Upon motion the documents were received and filed and Resolution No. 62-16 Authorizing LWCF Grant Application to Iowa Department of Natural Resources for Eagle Point Park Environmental Restoration Project was adopted.

20. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City that the company will begin transforming its remaining analog channels to a digital format on April 13, 2016. Upon motion the documents were received and filed.

21. Improvement Contracts / Performance, Payment and Maintenance Bonds: Connolly Construction, Inc. for Timber-Hyrst Sanitary Sewer Extensions (North & South Lines); Portzen Construction, Inc. for the NW Arterial Fiber Optics - JFK to US 52 Project. Upon motion the documents were received, filed and approved.

22. Signed Contracts: IDOT Supplemental Agreement for Maintenance and Repair of Primary Roads in Municipalities; Management Agreement with Kenneth and Nancy Clayton for Miller-Riverview Park Campground; Dubuque Children's Zoo Boosters, Inc. Lease Agreement for Roosevelt Park; Tri-State Modelers Lease Agreement for Roosevelt Park. Upon motion the documents were received and filed.

23. 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. 63-16 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. 64-16 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. Fiscal Year 2016 Sewershed 5 Sanitary Sewer Manhole Project: City Manager recommending initiation of the public bidding procedure for the FY16 Sewershed 5 Sanitary Sewer Manhole Project, and further recommends that a public hearing be set for March 21, 2016. Upon motion the documents were received and filed and Resolution No. 65-16 FY16 Sewershed 5 Sanitary Sewer Manhole 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 March 21, 2016 in the Historic Federal Building.

2. Grant of Easement for Ingress and Egress Across City-Owned Property - Manson Road: City Manager recommending setting a public hearing for April 4, 2016, on a request received from Nancy A. Comer McNamer and Martin J. McNamer for the granting of an easement across a portion City-owned property to access their property, Lot 1 of McNamer Acres No. 4, from the Manson Road Right-of-Way. Upon motion the documents were received and filed and Resolution No. 66-16 Resolution of Intent to Dispose of City interest by Grant of Ingress and Egress Easement to Nancy A. Comer McNamer and Martin J. McNamer over a portion of Lot 1-2-1-1-1-1-1-2-1-4 and Lot 2-2-1-1-1-1-1-2-1-4 of Mineral Lot 501, in the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 4, 2016 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. Applicant appointments will be made at the next City Council meeting.

1. Community Development Advisory Commission: One, 3 year term through February 15, 2017 (Vacant term of Kelley, former LMI Area Representative). Applicant: Julie Woodyard, 2015 Washington St. (Qualifies for LMI Area Representative)

2. Historic Preservation Commission: One, 3-year term through July 1, 2016 (Vacant term of Whalen, W. 11th St. Historic District Resident). Applicant: Juan Nieto, 510 W. 11th St. (Qualifies for the W. 11th St. Historic District Resident). Mr. Nieto spoke in support of his appointment.

3. Mechanical Code Board: Two, 3-year terms through March 16, 2019 (Expiring terms of Billmeyer and Hillary). Applicants: Ronald Billmeyer, 2341 Coventry Park; Dan Hillary, 3087 Arbor Oaks.

4. Zoning Board of Adjustment: One, 5-year term through March 25, 2021 (Expiring term of McCoy). Applicant: Jonathan McCoy, 263 Main St. Mr. Receipt of letter from Mr. McCoy expressing his desire to be reappointed.

PUBLIC HEARINGS

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

1. SW Arterial Right-of-Way Property Acquisition: Proof of publication on notice of public hearing 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 and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 67-16 Establishing the fair market value of real property for the Southwest Arterial Project, directing good faith negotiations for the acquisition of property and authorizing the commencement of Eminent Domain proceedings, if necessary, to acquire property. Seconded by Connors. Gary Valentine, 11429 Edval Lane, stated that he has concerns with splitting his farmland for the project and the potential use of eminent domain adding that he would like a copy of the land appraisal for his property and the opportunity to seek his own appraisal and negotiate a purchase price. Responding to questions from the City Council, Assistant City Engineer Bob Schiesl explained the requirements and timeline the City must follow with land

acquisition for this project stating that Mr. Valentine will receive the information and have the opportunity to negotiate following City Council approval and notification to property owners. Motion carried 7-0.

2. Paragon Square Urban Revitalization Plan: Proof of publication on notice of public hearing for the Paragon Square Urban Revitalization Plan which provides for a ten-year, one-hundred percent tax abatement for the redevelopment of the property located at 2887-2901 Central Avenue, the former Holy Ghost Convent and School. Motion by Connors to receive and file the documents and conduct the public hearing. Seconded by Jones. Motion carried 7-0.

3. Marquette Hall Urban Revitalization Plan: Proof of publication on notice of public hearing for the Marquette Hall Urban Revitalization Plan, which provides for a ten-year, one-hundred percent tax abatement for the redevelopment of the former Sacred Heart Elementary School, located at 2222 Queen Street, into 28 historic and affordable senior apartments. Motion by Connors to receive and file the documents and conduct the public hearing. Seconded by Lynch. Community Development Specialist Erica Haugen explained the requirement for a 30-day comments period before final approval of all four revitalization plans. Motion carried 7-0.

4. University Lofts Urban Revitalization Plan: Proof of publication on notice of public hearing for the University Lofts Urban Revitalization Plan which provides for the construction of a 56-unit, senior multi-family housing at the corner of Alta Vista and University. Motion by Jones to receive and file the documents and conduct the public hearing. Seconded by Resnick. Responding to questions from the City Council related to new construction plans being appropriate for the surrounding historic buildings, Planning Services Manager Laura Carstens explained that the while the site review committee will review plans and provided guidance, architectural design guidelines cannot be mandated since the project is not within a designated historic district. Motion carried 7-0.

5. Lange Estate Urban Revitalization Area: Proof of publication on notice of public hearing for the Lange Estate Urban Revitalization Plan which establishes an urban revitalization district at 3275 Pennsylvania Avenue and will provide for a ten-year residential abatement on the value of improvements, including new construction, for the proposed senior housing development. Motion by Lynch to receive and file the documents and conduct the public hearing. Seconded by Connors. Scott Kwiecinski, Development Manager for Horizon Development Group, Madison, WI, described the project, spoke in support of the recommendation and stated that HDG had reviewed the feedback provided by the Long Range Planning Advisory Commission. Responding to questions from the City Council, LRPAC Chairperson Chad Darter explained that the Commission felt the project was not entirely in compliance with the City's Comprehensive Plan adding that it could be developed without the tax abatement since it is a green site and not a redevelopment site. Motion carried 7-0.

6. 2016 Bridge Repair Maintenance Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost of \$399,545 for the 2016 Bridge Repairs and Maintenance Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 68-16 Approval of plans, specifications, form of contract, and estimated

cost for the 2016 Bridge Repairs and Maintenance Project. Seconded by Jones. Motion carried 7-0.

7. Heeb Street Retaining Wall Reconstruction Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the Heeb Street Retaining Wall Reconstruction Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 69-16 Approval of plans, specifications, form of contract, and estimated cost for the Heeb Street Retaining Wall Reconstruction Project. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

1. General Obligation Bond Sale, Series 2016ABC: City Manager recommending approval of the suggested proceedings for directing sale of the \$2,830,000 General Obligation Settlement Bonds, Series 2016A, \$11,505,000 General Obligation Refunding Bonds, Series 2016B and \$4,155,000 General Obligation Bonds, Series 2016C and awarding the bonds to the best bidder. The bond sale was held on March 7, 2016 at 11:00 a.m. and the results brought to the meeting. Motion by Connors to receive and file the documents and adopt the resolutions. Seconded by Jones. Tionna Pooler of Independent Public Advisors reviewed the bond sale, interest rates, bond rating and recommendation. Motion carried 7-0.

Resolution No. 70-16 Directing sale of \$2,830,000 General Obligation Bonds, Series 2016A; Resolution No. 71-16 Directing sale of \$11,505,000 General Obligation Refunding Bonds, Series 2016B; Resolution No. 72-16 Directing sale of \$4,155,000 General Obligation Bonds, Series 2016C; Resolution No. 73-16 Authorizing the redemption of outstanding General Obligation Bonds, Series 2003, of the City of Dubuque, State of Iowa, dated October 15, 2003, and directing Notice be given; Resolution No. 74-16 Authorizing the redemption of outstanding General Obligation Bonds, Series 2005A, of the City of Dubuque, State of Iowa, dated April 18, 2005, and directing Notice be given; Resolution No. 75-16 Authorizing the redemption of outstanding General Obligation Urban Renewal Bonds, Series 2005B, of the City of Dubuque, State of Iowa, dated April 18, 2005, and directing Notice be given; Resolution No. 76-16 Authorizing the redemption of outstanding General Obligation Bonds, Series 2006A, of the City of Dubuque, State of Iowa, dated May 2, 2006, and directing Notice be given; Resolution No. 77-16 Authorizing the redemption of outstanding General Obligation Stormwater Bonds, Series 2008A, of the City of Dubuque, State of Iowa, dated November 4, 2008, and directing Notice be given; Resolution No. 78-16 Authorizing the redemption of outstanding General Obligation Urban Renewal Bonds, Series 2008B, of the City of Dubuque, State of Iowa, dated November 4, 2008, and directing Notice be given.

2. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented the quarterly update on the activities of the Greater Dubuque Development Corporation. Highlights included review of the meeting and exceeding the NEXT Campaign's four goals ahead of schedule in the areas of labor force; residential, commercial and industrial construction; average wage and population. Mr. Dickinson informed Council that Kristin Dietzel has been added to GDDC's staff as Vice President

of Workforce Solutions; and it has received awards from the Small Business Development Corporation and the Iowa Association of Councils of Boards and Directors of Community Colleges. Responding to questions from the City Council, Mr. Dickinson state that data is reviewed monthly from the Department of Labor and that the Financial Services sector is seeing the most growth. Motion by Connors to receive and file the information. Seconded by Jones. Motion carried 7-0.

3. City Hall Electrical Service Project Award: City Manager recommending award of the construction contract to the low bidder Hawkeye Electric for the base bid to replace the main 600 amp electrical service distribution panel and Alternative #1 to install subpanels on the first, second and third floors. Motion by Connors to receive and file the documents and adopt Resolution No. 79-16 Awarding public improvement contract for the Dubuque City Hall – Electrical Service Project. Seconded by Jones. Responding to questions from the City Council, Project Manager Steve Brown stated that Hawkeye Electric does have an office in Dubuque but that Iowa Code general terms require acceptance of the lowest responsive, responsible bidder regardless of location. Motion carried 7-0.

4. Fiscal Year 2016 Sewer Cured-in-Place Pipe (CIPP) Lining Project Award: City Manager recommending award of the construction contract for the FY16 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project to the low bidder SAK Construction, LLC. Motion by Lynch to receive and file the documents and adopt Resolution No. 80-16 Awarding public improvement contract for the FY16 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project. Seconded by Connors. Motion carried 7-0.

5. Code of Ordinances Amendment – Title 10 Public Ways and Property / Historic Preservation Regulations: City Manager recommending approval of an Ordinance correcting the reference for Historical Preservation to Title 16, Chapter 10, rather than the current Title 14, Chapter 6. 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 Resnick. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 1-16 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-3 Compliance with Historic Preservation Regulations by changing the reference location of the Historic Preservation Commission Applications and Procedures Provisions within the Code. Seconded by Resnick. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Connors reported on the Black History Month event organized by the Multicultural Family Center and held at Inspire Café stating that it was a great celebration.

City Manager Van Milligen provided an update on Senator Pam Jochum's proposed legislation related to the state's crime rates as discussed at the legislative dinner in November 2015.

CLOSED SESSION

Motion by Jones at 7:45 p.m. to convene in closed session regarding pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:25 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:26 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 3/16