

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

The Dubuque City Council met in special session at 5:30 p.m. on March 21, 2016 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

Absent: Mayor Buol

Mayor Pro-Tem Jones read the call and stated this is a special session of the City Council called for the purpose of conducting a work session on the U.S. EPA Semi Annual Consent Decree Update.

**WORK SESSION  
U.S. EPA Semi Annual Consent Decree Update**

Environmental Engineer Denise Ihrig introduced staff and provided a slide presentation. Topics included:

- History of the Clean Water Act, National Pollutant Discharge Elimination System (NPDES) and Consent Decree
- Sanitary Sewer Overflows (SSOs)
  - Causes and Reporting
- Capacity, Management, Operation, and Maintenance (CMOM) Program
  - Fats, Oils and Grease (FOG) Program
- Remedial Measures: Corrections and Upgrades)
- Water & Resource Recovery Center
- SEP Green Alleys
- Corrective Actions Identified Through Source Detection
  - Inflow & Infiltration (I&I)
    - Source Detection and Summary
    - Sewershed Improvements
  - SCADA Collection System
- Compliance and Success
- Next Steps

The City Council had discussion with staff following the work session.

There being no further business, upon motion the City Council adjourned at 6:15 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 21, 2016 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol (via phone); Mayor Pro-Tem Jones; Council Members Connors, Del Toro, Lynch, Resnick, Rios; City Manager Van Milligen, City Attorney Lindahl

Mayor Pro-Tem Jones 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**

National League of Cities 2016 First Place City Cultural Diversity Award was presented to the City of Dubuque for its support of Inclusive Dubuque and its efforts to develop a community equity profile by Kate Zanger of Clarke College, John Stewart of the Multicultural Family Center, Eric Dregne of the Community Foundation of Greater Dubuque and Katrina Farren-Eller of Inclusive Dubuque.

**PROCLAMATION(S)**

Autism Awareness Month (April 2016) was accepted by Laura Keehner of Hills and Dales, 1011 Davis Street. City Manager Van Milligen added that the Historic Federal Building will be lighted in blue lights in recognition of the event.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Andrew Makovec requested (#7) Andrew Makovec Claim Appeal be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Minutes of 3/7, 3/14; Human Rights Commission of 2/8; Library Board of Trustees of 1/28 and Council Update of 2/26; Zoning Advisory Commission of 3/2; Proof of Publication for City Council Proceedings of 2/15, 2/17, 2/18, 2/22, and 2/24; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 1/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Catherine Christensen for personal injury; Laura Gerner for property damage; William and Racquel McClellan and Ramone Bowen, Jr. for personal injury and property damage; Iraidia Nazario for property damage. Upon motion the documents were received, filed and referred to the City Attorney.

3. Disposition of Claims: City Attorney advising that the following claims have been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: Catherine Christensen for personal injury; Laura Gerner for property damage; William and Racquel McClellan and Ramone Bowen, Jr. for personal injury and vehicle damage; Iraida Nazario for property damage. Upon motion the documents were received, filed and concurred.

4. Civil Service Commission - Certified Lists: Civil Service Commission submitting the certified list for the position of Water Distribution Equipment Operator. Upon motion the documents were received, filed and made a Matter of Record.

5. Heritage Works Letter of Support for Eagle Point Park Celebration and Symposium: City Manager transmitting Mayor Buol's Letter of Support for Heritage Works to produce a celebration for and academic symposium about Alfred Caldwell's work at Eagle Point Park. Upon motion the document was received and filed.

6. Acceptance of Donation of Lot Adjacent to Southern Park: City Manager recommending acceptance of the donation from Dubuque County of Lot 2 of Subdivision of Lot 6 of John Breakey's Dubuque located adjacent to Southern Park. Upon motion the documents were received and filed and Resolution No. 87-16 Accepting the Deed to certain real estate in Dubuque County, Iowa from Dubuque County, Iowa was adopted.

7. Andrew Makovec Claim Appeal: City Attorney recommending denial of the appeal of a claim against the City by Andrew Makovec for property damage. Motion by Resnick to receive and file and refer to the City Attorney with the new information provided by Mr. Makovec. Seconded by Connors. Andrew Makovec spoke and provided information he obtained from the Public Works Department and requested reconsideration of the decision to deny the appeal. Motion carried 7-0.

8. General Obligation Bonds Series 2016ABC Complete Action: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2016A, Series 2016B and Series 2016C General Obligation Bonds. Resolution No. 88-16 (Series 2016A) Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing the Execution of the Agreement. Upon motion the documents were received and filed and Resolution No. 89-16 (Series 2016A) Amending the "Resolution Authorizing and Providing for the Issuance and Levying a Tax for the Payment Thereof" passed May 4, 2015, by substituting a new Resolution therefore, authorizing and providing for the issuance of \$2,830,000 General Obligation Bonds, Series 2016A, and levying a tax to pay said Bonds; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate; Resolution No. 90-16 (Series 2016B) Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and Authorizing the execution of the Agreement; Resolution No. 91-16 (Series 2016B) Authorizing and providing for the issuance of \$10,920,000 General Obligation Refunding Bonds, Series 2016B, and levying a tax to pay said Bonds;

approval of the Tax Exemption Certificate and Continuing Disclosure Certificate; Resolution No. 92-16 (Series 2016C) Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and Authorizing the execution of the Agreement; and Resolution No. 93-16 (Series 2016C) Authorizing and providing for the issuance of \$4,145,000 General Obligation Bonds, Series 2016C, and levying a tax to pay said Bonds; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate were adopted.

9. U.S. EPA Consent Decree Semiannual Report: City Manager recommending approval and authorization for the City Manager to certify and submit the City of Dubuque's March 31 Semi Annual Report to the US Department of Justice, US Environmental Protection Agency and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

10. Stipulation of Settlement – Adams Company Property Tax Appeal: City Attorney recommending approval of the Stipulation of Settlement for a property tax appeal filed by the Adams Company for property located at 8040 Chavenelle Road. Upon motion the documents were received, filed and approved.

11. Holy Family Catholic Schools Indemnification Agreement: City Manager recommending approval of an agreement between Holy Family Catholic Schools and the City of Dubuque for the purpose of stream cleanup and testing activities at the Bee Branch Creek. Upon motion the documents were received, filed and approved.

12. Application for Summer USDN Fellow: City Manager recommending approval of an application for a summer Fellow to be placed with the Human Rights Department to support My Brother's Keeper Network. Upon motion the documents were received, filed and approved.

13. Rousselot Dubuque, Inc. Contract Amendment: City Manager recommending approval of an Amended Enterprise Zone Contract between Rousselot Dubuque, Inc., the Iowa Economic Development Authority and the City of Dubuque, which extends Rousselot's job creation requirements to December 31, 2016. Upon motion the documents were received and filed and Resolution No. 94-16 Approving an Amendment to the Economic Development Assistance Contract by and among Rousselot Dubuque, Inc., the City of Dubuque, and the Iowa Economic Development Authority was adopted.

14. Final Plat of Dubuque Industrial Center South Third Addition: Zoning Advisory Commission recommending approval of the Final Plat of Dubuque Industrial Center South Third Addition. Upon motion the documents were received and filed and Resolution No. 95-16 Approving the final Plat Dubuque Industrial Center Third Addition in the City of Dubuque, Iowa was adopted.

15. Request to Award 30- and 42-inch Sanitary Sewer Force Main and Lift Station Assessment and Rehabilitation Project: City Manager recommending authorization for the City to enter into a contract with Strand Associates to perform engineering consulting

services including, but not limited to, survey inspection and assessment of the City's 30- and 42-inch sanitary sewer force mains and Terminal Street and Cedar Street Lift Stations. Upon motion the documents were received, filed and approved.

16. Request for Release of Funds – CDBG: City Manager recommending approval of a resolution authorizing the Request Release of Funds for the proposed projects approved in the Amended Fiscal Year 2016 (Program Year 2015) Annual Action Plan for Community Development Block Grant (CDBG) activities. Upon motion the documents were received and filed and Resolution No. 96-16 Authorizing Request for Release of Community Development Block Grant Funds for Fiscal Year 2016 (Program Year 2015) was adopted.

17. East-West Corridor DMATS STP Funding Application: City Manager recommending authorization for the City of Dubuque to submit an application for a Dubuque Metropolitan Area Transportation Study (DMATS) Surface Transportation Program (STP) Grant to assist with funding the intersection improvements for University Avenue "Overlap Section" between Pennsylvania and Loras Boulevard as part of the East-West Corridor Improvements. Upon motion the documents were received and filed and Resolution No. 97-16 Authorizing the filing of a Transportation Improvement Program grant application with the Dubuque Metropolitan Area Transportation Study (DMATS) Surface Transportation Program (STP) to assist with the funding of intersection improvements for University Avenue "overlap section" between Pennsylvania and Loras Boulevard as part of the East-West Corridor Improvements was adopted.

18. DMATS Transit Planning Memorandum of Understanding: City Manager recommending approval of a Memorandum of Understanding with the Dubuque Metropolitan Area Transportation Study (DMATS) for Transit Planning and Programming that outlines procedures for complying with Federal Transit Administration regulations to ensure eligibility for state and federal funding. Upon motion the documents were received, filed and approved.

19. University of Iowa H-AQAST Grant Application: City Manager recommending approval of a Letter of Support for the University of Iowa for a Health and Air Quality Applied Sciences Team grant application. Upon motion the documents were received, filed and approved.

20. Downtown Rehabilitation and Housing Creation Grant Program: City Manager recommending approval of two grant awards for 1804-1812 Central Avenue for Downtown Rehabilitation and Housing Creation proposed grant awards for first quarter of 2016. Upon motion the documents were received, filed and approved.

21. Request for Proposal - Eagle Point Park Environmental Restoration Management Plan: City Manager recommending approval to release a Request for Proposal to create an Environmental Restoration Management Plan for Eagle Point Park. Upon motion the documents were received, filed and approved.

22. Improvement Contracts / Performance, Payment and Maintenance Bonds: Top Grade Excavating, Inc., for the Catfish Creek Interceptor Sewer Repair 2016. Upon motion the documents were received, filed and approved.

23. Signed Contracts: Conlon Construction Change Order No. 13 for the Dubuque Intermodal Transit Center; Portzen Construction Change Order Nos. 6, 7 & 8 for the Upper Bee Branch Creek Restoration Channel, Streets & Utilities Project; Dubuque Jaycees Lease Agreement for Veteran's Memorial Park Community Garden; Dubuque Water Sports Club Lease Agreement for a section of Schmitt Island. Upon motion the documents were received and filed.

24. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Hy-Vee Wine & Spirits “A:” City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Hy-Vee Wine & Spirits "A," 3500 Dodge Street. Upon motion the documents were received, filed and approved.

25. Alcohol Compliance Civil Penalty for Alcohol License Holder – Town Clock Inn: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for the Town Clock Inn, 799 Town Clock Plaza. Upon motion the documents were received, filed and approved.

26. Alcohol License Renewals: City Manager recommending approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 98-16 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 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. Old Mill Road Lease Agreement Amendment – Hartig: City Manager recommending a public hearing be set for April 4, 2016 to consider an amended and restated lease agreement with David S. Hartig, Jr., with respect to City-owned residential and commercial properties on Old Mill Road. Upon motion the documents were received and filed and Resolution No. 99-16 Resolution of Intent to dispose of an interest in City-owned real property by Amendment to Lease Agreement between the City of Dubuque and David S. Hartig, Jr. for the lease of certain real property at 1620, 1650, 1695 and 1699 Old Mill Road 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.

2. Dubuque Industrial Center South Building Pad One Sanitary Sewer Extension: City Manager recommending initiation of the public bidding procedure for the Dubuque Industrial Center South, Building Pad 1 Sanitary Sewer Extension, and further

recommends that a public hearing be set for April 4, 2016. Upon motion the documents were received and filed and Resolution No. 100-16 Dubuque Industrial Center South, Building Pad 1 Sanitary Sewer Extension - 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 April 4, 2016 in the Historic Federal Building.

3. Fiscal Year 2016 Sewershed 7, 11, and 12 Sanitary Sewer Manhole Project: City Manager recommending initiation of the public bidding procedure for the FY16 Sewershed 7, 11 and 12 Sanitary Sewer Manhole Project, and further recommends that a public hearing be set for April 4, 2016. Upon motion the documents were received and filed and Resolution No. 101-16 FY16 Sewershed 7, 11 and 12 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 April 4, 2016 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

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

1. Community Development Advisory Commission: One, 3-year term through February 15, 2019 (Vacant term of Maloy, At-Large). Applicants: Dean Boles, 1715 Geraldine Dr. Receipt of letter from Mr. Boles expressing his desire to serve on this commission. Jay Schiesl, 195 W. 17th St.; and Tom Stovall, 3345 Tibey Ct. Mr. Stovall spoke in support of his appointment.

2. Housing Commission: One, 3-year term through August 17, 2018 (Vacant term of Foster). Applicant: Janice Craddieth, 1455 Washington St.

Appointments were made to the following boards/commissions:

3. Community Development Advisory Commission – Appointment: One, 3-year term through February 15, 2018 (Vacant term of Kelley, former LMI Area Representative). Applicant: Julie Woodyard, 2015 Washington (Qualifies for LMI Area Representative). Motion by Lynch to receive and file the documents and appoint Julie Woodyard to the remainder of a 3-year term through February 15, 2018. Seconded by Connors. Motion carried 7-0.

4. Historic Preservation Commission – Appointment: One, 3-year term through July 1, 2016 (Vacant term of Whalen). Applicant: Juan Nieto, 510 West 11th St. Motion by Lynch to appoint Juan Nieto to the remainder of a 3-year term through July 1, 2016. Seconded by Connors. Motion carried 7-0.

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

and Dan Hillary to 3-year terms through March 16, 2019. Seconded by Lynch. Motion carried 7-0.

6. Zoning Board of Adjustment – Appointment: One, 5-year term through March 25, 2021 (Expiring term of McCoy). Applicant: Jonathan McCoy, 263 Main St. Motion by Resnick to appoint Jonathan McCoy to a 5-year term through March 25, 2021. Seconded by Connors. Motion carried 7-0.

## **PUBLIC HEARINGS**

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

1. Request to Rezone 3125 Cedar Crest Ridge: Proof of publication on notice of public hearing to consider a request from Joe Bitter to rezone property located at 3125 Cedar Crest Ridge from CS Commercial Service and Wholesale to C-3 General Commercial, to permit an indoor recreation facility 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. Developer Kathy Bitter, 2275 Wedgewood Dr., spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 6-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 3125 Cedar Crest Ridge from CS Commercial Service and Wholesale District to C-3 General Commercial District. Seconded by Lynch. Motion carried 7-0.

2. Request to Rezone 210 Jones Street: Proof of publication on notice of public hearing to consider a request from Chris Miller to rezone property located at 210 Jones Street from C-4 Downtown Commercial to C-3 General Commercial for climate-controlled storage and commercial/retail use and the Zoning Advisory Commission recommending approval. Motion by Resnick 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. Developer Chris Miller spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Resnick for final consideration and passage of Ordinance No. 7-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 210 Jones Street from C-4 Downtown Commercial District to C-3 General Commercial District. Seconded by Lynch. Motion carried 7-0.

3. Fiscal Year 2016 Sewershed 5 Manhole Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the FY16 Sewershed 5 Sanitary Sewer Manhole Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 102-16 Approval of plans, specifications, form of contract, and



estimated cost for the FY16 Sewershed 5 Sanitary Sewer Manhole Project. Seconded by Connors. Motion carried 7-0.

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

### **ACTION ITEMS**

1. Comprehensive Annual Financial Report (CAFR) and Auditor's Communication: City Manager transmitting the Fiscal Year 2015 Comprehensive Financial Report (CAFR), Auditor's Communication with Those Charged with Governance Letter, along with the City Finance staff's responses to auditor's findings. Motion by Lynch to receive and file the documents. Seconded by Resnick. Eide Bailly CPA Audit Partner Dave Cahill provided a verbal report on the various sections of the CAFR and responded to questions from the City Council related to recent pension funding standards and bond ratings. Motion carried 7-0.

2. Code of Ordinances Title 6 - Adopting the International Property Maintenance Code (First Reading): City Manager recommending adoption of the International Property Maintenance Code to replace the City's existing Housing Code and used for the rental inspection program. Correspondence from Behr's Funeral Home, the Downtown Neighborhood and Historic Bluffs Neighborhood Associations, and Mary Gotz regarding adoption of the International Property Maintenance Code. Motion by Resnick to receive and file the documents and consider the first reading of a proposed ordinance repealing Title 6, Chapter 6 of the City Of Dubuque Code Of Ordinances and all other ordinances or parts of laws in conflict therewith; adopting the 2015 Edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structure in the City of Dubuque; providing for the issuance of permits and collection of fees therefor; and adopting a new Article within Title 14, Chapter 1 as Article J. Seconded by Rios. City Manager Van Milligen stated that there was no consensus provided by the Housing Code Board of Appeals. Assistant City Attorney Crenna Brumwell, Housing and Community Development Director Alvin Nash, and Housing Inspector Ben Pothoff provided a slide presentation. Motion carried 7-0.

3. Recommendation of Nine Pesticide-Free Parks: City Manager transmitted information on the progress of the Integrated Pest Management Work Group and recommendation of nine pesticide-free parks. Motion by Connors to receive and file the documents. Seconded by Resnick. Motion carried 7-0.

4. Property Acquisition - Morrison Brothers' Washington Street Properties: City Manager recommending approval to acquire property on Washington Street between E. 24<sup>th</sup> Street and E. 25<sup>th</sup> Street from Morrison Brothers required for the Bee Branch Creek Restoration Project. Motion by Connors to receive and file the documents and adopt

Resolution No. 103-16 Approving the acquisition of real estate owned by Morrison Brothers in the City of Dubuque. Seconded by Lynch. Motion carried 7-0.

5. 2016 Bridge Repair and Maintenance Project Award: City Manager recommending award of the construction contract for the 2016 Bridge Repairs and Maintenance Project to the low bidder Tschiggfrie Excavating Co. Motion by Lynch to receive and file the documents and adopt Resolution No. 104-16 Awarding public improvement contract for the 2016 Bridge Repairs and Maintenance Project. Seconded by Connors. Motion carried 7-0.

6. Heeb Street Retaining Wall Reconstruction Project Award: City Manager recommending award of the construction contract for the Heeb Street Retaining Wall Reconstruction Project to the low bidder McDermott Excavating. Motion by Lynch to receive and file the documents and adopt Resolution No. 105-16 Awarding public improvement contract for the Heeb Street Retaining Wall Reconstruction Project. Seconded by Resnick. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 7:49 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 3/30