

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

The Dubuque City Council met in special session at 5:30 p.m. on April 4, 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, Assistant City Attorney Brumwell.

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 Sustainable Dubuque.

**WORK SESSION
Sustainable Dubuque**

Sustainability Coordinator Cori Burbach, Public Health Specialist Mary Rose Corrigan, Carrie Lohmann of Trailhead Energy, and Raki Giannakouros of Green Dubuque and Blue Sky Solar presented on the following topics.

- Georgetown University Energy Prize
- EPA Environmental Education Grant: Air Quality Education
- 50% by 2030 Community Climate Action & Resiliency Plan
- Resilient Community Advisory Commission: Community Engagement Progress

The City Council had discussion with the presenters following the presentation.

There being in further business, upon motion the City Council adjourned at 6:21 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 4, 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, Assistant City Attorney Brumwell.

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(S)

1. Mayor's Day of Recognition for National Service (April 5, 2016) was accepted by VISTA representatives Brynn McDonnell, Katherine Sipple, and Hannah Pope.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of 3/21; Library Board of Trustees Council Update 3/24; Park and Recreation Commission of 3/8; Sister City Relationships Advisory Commission of 3/16; Proof of publication of City Council Proceedings for 3/7, 3/14. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: National Casualty Company/ #1 Green Cab for vehicle 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: National Casualty Company/#1 Green Cab for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Request for Proposals - Mathias Ham House Masonry Rehabilitation: City Manager recommending approval of the release of a Request for Proposals for a consultant to provide architectural/engineering services for masonry rehabilitation of the Mathias Ham House. Upon motion the documents were received, filed and approved.

5. Request for Proposals - Five Flags Theater Masonry Rehabilitation and Fire Escape: City Manager recommending approval of the release of a Request for Proposals for a consultant to provide architectural/engineering services for the Five Flags Theater Masonry Rehabilitation and Fire Escape Project. Upon motion the documents were received, filed and approved.

6. Request for Proposals - Comprehensive Plan Update: City Manager recommending approval of the release of a Request for Proposals for the City of Dubuque Comprehensive Plan Update. Upon motion the documents were received, filed and approved.

7. Environmental Covenant for the Old City Garage Site: City Manager recommending approval of the Environmental Covenant and Release of Prior Property Restriction for the Old City Garage Site at 925 Kerper Boulevard. Upon motion the documents were received and filed and Resolution No. 106-16 Approving an Environmental Covenant and Release of Prior Property Restriction for the Old City Garage Site, formerly Peoples Natural Gas, at 925 Kerper Boulevard, Dubuque, Iowa as requested by the Iowa Department of Transportation was adopted.

8. Lower Main Development, LLC Subordination Agreement: City Manager recommending approval of a Subordination Agreement with Lower Main Development, LLC which provides the City's loan is subordinate to the mortgage of Dupaco Community Credit Union for the Platinum Building. Upon motion the documents were received, filed and approved.

9. Andrew Makovec Claim Appeal: City Attorney recommending approval of the appeal of a claim against the City by Andrew Makovec for property damage. Upon motion the documents were received, filed and concurred.

10. Kory Monahan Settlement Agreement: City Attorney recommending approval of a Settlement Agreement in the case of Kory Monahan v. Ryan Clark and the City of Dubuque. Upon motion the documents were received, filed and approved.

11. Grand River Center Management Contract Renewal - Platinum Hospitality: City Manager recommending approval of the Grand River Center Management Agreement Amendment with Platinum Hospitality Group, LLC. Upon motion the documents were received and filed and Resolution No. 107-16 Approval of an Amendment to the Facility Management Agreement between the City of Dubuque, Iowa and Platinum Hospitality Group, LLC was adopted.

12. Visiting Nurses Association (VNA) - Lead & Healthy Homes Contract: City Manager recommending approval of an agreement with the Dubuque Visiting Nurse Association for services related to the Housing and Urban Development (HUD) Lead Hazard Control and Healthy Homes Program. Upon motion the documents were received, filed and approved.

13. Health Choices Administrative Services Fee: City Manager recommending approval of the Health Choices administrative services fee effective July 1, 2016 through June 30, 2017, and authorization for the City Manager to sign the Amendment to the Administrative Services Agreement. Upon motion the documents were received, filed and approved.

14. 2015-2016 Snow and Ice Removal from Public Right-of-Way Assessments: City Manager recommending establishing the final assessments for the 2015-2016 Snow Removal from City Right-of-Way. Upon motion the documents were received and filed and Resolution No. 108-16 Adopting the final Assessment Schedule for the 2015-2016 Snow Removal Assessment - Right-of-Way Obstruction Removal Assessment Project was adopted.

15. Pre-Annexation Agreement - Frederick J. Henneberry #1: City Manager recommending approval of a Pre-Annexation Agreement with Frederick J. Henneberry, property owner of Lots 1 and 2 of Timothy Place in the Twin Ridge Subdivision. Upon motion the documents were received and filed and Resolution No. 109-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Frederick J. Henneberry was adopted.

16. Pre-Annexation Agreement - Frederick J. Henneberry #2: City Manager recommending approval of a Pre-Annexation Agreement with Frederick J. Henneberry, property owner of Lot 7 in Twin Ridge Subdivision No. 2. Upon motion the documents were received and filed and Resolution No. 110-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Frederick J. Henneberry was adopted.

17. Pre-Annexation Agreement - Linda L. Sanford: City Manager recommending approval of a Pre-Annexation Agreement with Linda L. Sanford, property owner of Lot 12 in Twin Ridge Subdivision No. 2. Upon motion the documents were received and filed and Resolution No. 111-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Linda L. Sanford was adopted.

18. Building Services Fiscal Year 2017 Permit Fees: City Manager recommending rescission of Resolution No. 84-16 and approval of a new resolution correcting the errors in the FY17 permit and license fees for the Building Services Department. Upon motion the documents were received and filed and Resolution No. 112-16 Rescinding Resolution No. 84-16 Establishing a new Schedule of Building Permit and License Fees and adopting in lieu thereof a new Schedule of Building Permit and License Fees was adopted.

19. 28E Agreement - Dubuque Community School District: City Manager recommending approval of a 28E Agreement with Dubuque Community School District for the construction of public roadway improvements at the intersection of West Locust Street and Clarke Drive to accommodate proposed campus improvements at Senior High School. Upon motion the documents were received and filed and Resolution No. 113-16 Approving a 28E Agreement for construction of roadway improvements at West Locust

Street and Clarke Drive between the City of Dubuque, Iowa and Dubuque Community School District was adopted.

20. Signed Contract(s): Swift Water Adventure Tours Docking Agreement for the Port of Dubuque Marina. Upon motion the documents were received and filed.

21. Improvement Contracts / Performance, Payment and Maintenance Bonds: River City Paving for the Eagle Point Parking Lot Resurfacing Project. Upon motion the documents were received, filed and approved.

22. Alcohol Compliance Civil Penalty for Alcohol License Holder – Chocolaterie Stam: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Chocolaterie Stam, 269 Main Street. Upon motion the documents were received, filed and approved.

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. 114-16 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. 2016 Pavement Marking Project: City Manager recommends initiation of the public bidding procedure for the 2016 Pavement Marking Project, and further recommends that a public hearing be set for April 18, 2016. Upon motion the documents were received and filed and Resolution No. 115-16 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 18, 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.

1. Sister City Relationships Advisory Commission – Review: One, 3-year term through February 1, 2019 (Vacant term of Zygmunt). Applicant: Rachel McDermott, 1007 ½ W. 3rd St. Ms. McDermott spoke in support of her appointment.

Appointments were made to the following Boards/Commissions.

2. Community Development Advisory Commission – Appointment: One, 3-year term through February 15, 2019 (Vacant term of Maloy, At-Large). Applicants: Dean Boles, 1715 Geraldine Dr.; Jay Schiesl, 195 W. 17th St.; Tom Stovall, 3345 Tibey Ct. Upon roll-call vote (Boles: Buol, Jones, Del Toro, Lynch, Resnick, Connors), (Stovall: Rios), Dean Boles was appointed to a 3-year term through February 15, 2019.

3. Housing Commission – Appointment: One, 3-year term through August 17, 2018 (Vacant term of Foster); Applicant: Janice Craddieth, 1455 Washington St. Motion by Jones to appoint Ms. Craddieth to a 3-year term through August 7, 2018. Seconded by Resnick. Motion carried 7-0.

PUBLIC HEARINGS

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

1. Old Mill Road Lease Agreement Amendment – David S. Hartig, Jr.: Proof of publication for notice of public hearing 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 and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 116-16 Disposing of an interest in real property by lease with David S. Hartig, Jr. Seconded by Resnick. Motion carried 7-0.

2. Grant of Easement for Ingress and Egress Across City-Owned Property - Manson Road: Proof of publication for notice of public hearing to consider approval of a request 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 and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 117-16 Disposing of City interest by Grant of Easement for Ingress and Egress to Nancy A. Comer McNamer and Martin J. McNamer across 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; and Resolution No. 118-16 Granting Easement for Ingress and Egress to Nancy A. Comer McNamer and Martin J. McNamer across 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. Seconded by Resnick. Motion carried 7-0.

3. Dubuque Industrial Center South Building Pad One Sanitary Sewer Extension Project: Proof of publication for notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Dubuque Industrial Center South, Building Pad 1 Sanitary Sewer Extension Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 119-16 Approval of plans, specifications, form of contract, and estimated

cost for the Dubuque Industrial Center South, Building Pad 1 Sanitary Sewer Extension Project. Seconded by Jones. Motion carried 7-0.

4. Fiscal Year 2016 Sewershed 7, 11, and 12 Sanitary Sewer Manhole Project: Proof of publication for notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the FY16 Sewershed 7, 11 and 12 Sanitary Sewer Manhole Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 120-16 Approval of plans, specifications, form of contract, and estimated cost for the FY16 Sewershed 7, 11, and 12 Sanitary Sewer Manhole Project. Seconded by Resnick. Motion carried 7-0.

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

ACTION ITEMS

1. Code of Ordinances Title 6 - Adopting the International Property Maintenance Code (2nd 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, Mary Gotz, and Terry Mozena regarding adoption of the International Property Maintenance Code.

Motion by Jones to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Connors. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 8-16 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 Connors. Motion carried 7-0.

2. Fiscal Year 16 Sewershed 5 Manhole Project Award: City Manager recommending award of the construction contract for the FY16 Sewershed 5 Sanitary Sewer Manhole Project to the low bidder McDermott Excavating. Motion by Lynch to receive and file the documents and adopt Resolution No. 121-16 Awarding public improvement contract for the FY16 Sewershed 5 Sanitary Sewer Manhole Project. Seconded by Connors. Motion carried 7-0.

3. Placement of Public Input on City Council Agenda: City Attorney and City Clerk submitting information for City Council discussion about the placement of the Public Input

section on the City Council agenda. Motion by Connors to receive and file the documents and have discussion. Seconded by Resnick. Mayor Buol asked that the discussion lead to final wording of a motion. Discussion centered around placing public input before or after other agenda categories; establishing a maximum time for the entire section as well as a time limit for individual comment; if comments would be allowed on Action Agenda Items, all items and/or items not on the evening's agenda; consideration of Council Members' and citizens' work schedules; and consider adjusting the start time of regular sessions of the Council to 6:00 p.m. Staff was asked to draft two amendments that would allow Council to discuss adjusting the meeting start time separate from the public input item.

Restated motion by Connors for staff to draft two amendments to the City of Dubuque Code of Ordinances; One to place public input at the podium after the Public Hearing section of the Council agenda for input on Action Agenda items or other non-agenda/City Council business topics to exclude Consent and Public Hearing items with a five-minute time limit on individual comments for a combined maximum of 30 minutes for all comments; and a second amendment adjusting the start time of the Council's regular sessions to 6:00 p.m. Seconded by Resnick. Motion carried 7-0.

4. Request for Work Session - Skills Gap Report: City Manager recommending the City Council schedule a work session for Monday, May 2, 2016 at 5:30 p.m. for Greater Dubuque Development Corporation President & CEO Rick Dickinson to give a presentation on the Skills Gap Report. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 7-0.

5. Request for Work Session - Bee Branch Creek Restoration Project Walking Tour: City Manager recommending the City Council schedule a work session/walking tour of the Bee Branch Creek Restoration Project for Monday, May 9, 2016 beginning at 5:30 p.m. at the parking lot at Garfield Avenue and Pine Street. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Del Toro. Council was reminded that May 9 is not a regular Council meeting night. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Mayor Buol reported on the Mississippi River Cities and Towns Initiative White House Water Summit he attended in Washington D.C. March 7-10, 2016 noting topics around national and regional water issues.

PUBLIC INPUT

Larry Regan of A1 Taxi, Brett Hahlen of #1 Green Cab and Mark Lightcap of Starlight Taxi expressed their concerns with UBER potentially doing business in Dubuque and what they perceived as possible disparities between the local taxi companies and UBER citing driver/company licensing, driver background checks, insurance requirements, ridership coverage and community connections. Mayor Buol asked that the speakers

provide information to the City Clerk to be included with information coming from staff for Council review.

CLOSED SESSION

Mayor Buol stated for the record that the attorney who will consult with the City Council on the issues to be discussed in closed session is Assistant City Attorney Crenna Brumwell.

Motion by Jones to convene in closed session at 7:35 p.m. to discuss 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 7:45 p.m. stating that staff had reported an update to City Council.

There being no further business, upon motion the City Council adjourned at 7:46 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 4/13