

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

The Dubuque City Council met in regular session at 6:30 p.m. on July 5, 2016 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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(S)**

Sister Cities International Day (July 15, 2016) was accepted by Sister City Relationships Advisory Commission Chairperson Jeff Jochum.

**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 6/20; Community Development Advisory Commission of 6/15; Civil Service Commission of 6/21; Park and Recreation Advisory Commission of 6/14; Proof of Publication for City Council Proceedings of 6/2; Proofs of Publication for 2016 Water Quality Report for the City of Dubuque and 2015 Water Quality Report for Twin Ridge Corp. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Jacob Leib for property damage; Cheryl Leirmoe-Kaiser for vehicle damage; Susan Swanson 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: Jacob Leib for property damage; Cheryl Leirmoe-Kaiser for vehicle damage; Susan Swanson for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Eagles "Eyes on the Future" People that Make a Difference: City Manager transmitting Dubuque Eagles "Eye's on the Future" Committee's People Who Make a

Difference recognition of the Dubuque Police Department and Public Works Employee William Kelly. Upon motion the documents were received and filed.

5. Fair Housing Training Under Voluntary Compliance Agreement: City Manager recommending approval for the City Manager to execute an agreement with Clear Impact to conduct the Fair Housing Training under the Voluntary Compliance Agreement. Upon motion the documents were received, filed and approved.

6. Legal Aid Fair Housing Initiatives Program - Letters of Support: City Manager recommending approval of letters of support from the Human Rights Department and the Housing & Community Development Department to support Iowa Legal Aid's Fair Housing Initiative Program with planning and implementing local fair housing outreach events over the next year and distributing fair housing materials created by Legal Aid. Upon motion the documents were received, filed and approved.

7. Iowa Cancer Consortium - Radon Grant Application: City Manager recommending approval for the City Manager to execute a contract for a grant award from the Iowa Cancer Consortium to purchase short-term Radon kits to be used to compliment funds of the Lead & Healthy Homes Program, Rehabilitation Program, and the National Disaster Resiliency Program. Upon motion the documents were received, filed and approved.

8. Upper Bee Branch Creek, Landscaping Improvement Additions: City Manager recommending approval to modify the landscape design for the Upper Bee Branch Creek Project to allow for the substitution of My Holiday Lawn® bluegrass seeding in place of fescue sod & seeding, and expand the irrigation system to be able to water the seeded areas, trees, and plantings along the entire Upper Bee Branch Creek Project corridor. Upon motion the documents were received, filed and approved.

9. Fiscal Year 2015 Carter Road Detention Basin Manhole Repair Project Award and Completion: City Manager recommending that the award and completion of the FY15 Carter Road Detention Basin Manhole Repair Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

10. Acceptance of Lake Eleanor Lift Station and Water Main Improvement Project: City Manager recommending acceptance of the construction contract for the Lake Eleanor Lift Station Project as completed by Horsfield Construction, Inc. Upon motion the documents were received and filed and Resolution No. 255-16 Accepting the Lake Eleanor Lift Station and Water Main Extension Project and authorizing the payment of the contract amount to the contractor was adopted.

11. Stone Brook Center Second Addition - Dedication of Lot for Storm Water Detention Basin: City Manager recommending the dedication of Lot D of Stone Brook Center Second Addition to the City of Dubuque to be used as a storm water detention basin owned and maintained by the City. Upon motion the documents were received and filed

and Resolution No. 256-16 Accepting Lot D in Stone Brook Center Second Addition in the City of Dubuque, Iowa was adopted.

12. Stone Brook Center Second Addition - Acceptance of Storm Water Detention Facility: City Manager recommending acceptance of the storm water detention facility that the developer, NEZTROP, LLC, has recently completed and is dedicating in Stone Brook Center Second Addition to the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 257-16 Accepting stormwater detention facilities in Stone Brook Center Second Addition in the City of Dubuque, Iowa was adopted.

13. 2015 Sewershed 7 & 20 Manhole Replacement Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the 2015 Sewershed 7 & 20 Manhole Replacement Project, as completed by Top Grade Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 258-16 Accepting the 2015 Sewershed 7 & 20 Manhole Replacement Project and authorizing the payment to the contractor was adopted.

14. Lowell Street Reconstruction Project Acceptance: City Manager recommending acceptance of the construction contract for the Lowell Street Reconstruction Project as completed by Drew Cook and Sons Excavating. Upon motion the documents were received and filed and Resolution No. 259-16 Accepting the Lowell Street Reconstruction Project and authorizing the payment to the contractor was adopted.

15. Dubuque Intermodal Transportation Center Project Acceptance: City Manager recommending acceptance of the construction contract for the Dubuque Intermodal Transportation Center as completed by Conlon Construction. Upon motion the documents were received and filed and Resolution No. 260-16 Accepting the Dubuque Intermodal Transportation Center and authorizing the payment of the contract amount to Conlon Construction Co. was adopted.

16. Property Acquisition - 2407 Queen Street: City Manager recommending approval to acquire property located at 2407 Queen Street from the Estate of Joseph E. Bell. Upon motion the documents were received and filed and Resolution No. 261-16 Approving the acquisition of real estate owned by the Joseph E. Bell Estate at 2407 Queen Street in the City of Dubuque was adopted.

17. Iowa DOT 5-Year Maintenance Agreement and Supplemental Agreements: City Manager recommending approval for the City Manager to execute Iowa Department of Transportation Supplemental Agreements for Local Primary Highway Maintenance, Pavement Markings, Julien Dubuque Bridge Sidewalk Maintenance, Street Sweeping Maintenance and Traffic Signal. Upon motion the documents were received, filed and approved.

18. Iowa DOT Funding Agreement - University Avenue and Asbury Road: City Manager recommending approval of a Federal Aid Funding Agreement with the Iowa Department of Transportation (Iowa DOT) for future capacity improvements at the

intersection of University Avenue and Asbury Road. Upon motion the documents were received and filed and Resolution No. 271-16 Approving the Iowa Department of Transportation Federal Aid Funding Agreement for University Avenue - Asbury Road Intersection improvements was adopted.

19. Hope Evangelical Free Church Parking Agreement: City Manager recommending approval of a five-year Parking Agreement with Hope Evangelical Free Church that will allow them access to the Locust Street Parking Ramp on Sundays for a weekly cost. Upon motion the documents were received and filed and Resolution No. 262-16 Approving a Parking Agreement between the City of Dubuque, Iowa and the Hope Evangelical Free Church was adopted.

20. Purchase of Services Grant Agreement - St. Mark Youth Enrichment: City Manager recommending approval of a Purchase of Services Agreement with St. Mark Youth Enrichment Before & After School Program for Fiscal Year 2017. Upon motion the documents were received, filed and approved.

21. Purchase of Services Grant Agreement - Hillcrest Family Services: City Manager recommending approval of a Purchase of Services Agreement with Hillcrest Family Services for Fiscal Year 2017 for the Diversity Committee to provide cultural competency training for staff. Upon motion the documents were received, filed and approved.

22. Purchase of Services Grant Agreement - Opening Doors: City Manager recommending approval of a Purchase of Services Agreement with Opening Doors for Fiscal Year 2017 to fund a full-time staff person to manage the Opening Doors Cottage Industry Startup to teach formerly homeless women job skills that will help them become tax-paying members of the community. Upon motion the documents were received, filed and approved.

23. Purchase of Services Grant Agreement - Dubuque Dream Center: City Manager recommending approval of a Purchase of Services Agreement with Dubuque Dream Center for Fiscal Year 2017 to provide academic support for school-aged youth at-risk or presently reading below grade level. Upon motion the documents were received, filed and approved.

24. Purchase of Services Grant Agreement - Lutheran Services in Iowa: City Manager recommending approval of a Purchase of Services Agreement with Lutheran Services in Iowa Community Wraparound Services for Fiscal Year 2017 to allow a degreed Social Worker to provide in-home services on a variety of topics including, but not limited to, parenting, behavioral issues, referral to community resources and skills sessions. Upon motion the documents were received, filed and approved.

25. Purchase of Services Grant Agreement - Riverview Center: City Manager recommending approval of a Purchase of Services Agreement with Riverview Center for Fiscal Year 2017 to help fund Riverview Center Sexual Assault Therapy Services. Upon motion the documents were received, filed and approved.

26. Purchase of Services Grant Agreement - Cedar Valley Friends of the Family: City Manager recommending approval of a Purchase of Services Agreement with Cedar Valley Friends of the Family Northeast Iowa Shelter Services for Fiscal Year 2017 to provide immediate, confidential safety to anyone fleeing domestic or sexual violence across Northeast Iowa. Upon motion the documents were received, filed and approved.

27. Purchase of Services Grant Agreement - St. John's Lutheran Church: City Manager recommending approval of a Purchase of Services Agreement with St. John's Lutheran Church for Fiscal Year 2017 to help fund St. John's Lutheran Church, Almost Home, which provides overnight shelter to homeless men. Upon motion the documents were received, filed and approved.

28. Purchase of Services Grant Agreement - My GEAR Outreach: City Manager recommending Council approval of a Purchase of Services Agreement with My GEAR Outreach for Fiscal Year 2017 to provide an overnight bag to children entering foster care for the first time containing items they may need while in foster care. Upon motion the documents were received, filed and approved.

29. Pre-Annexation Agreement – Sweeney: City Manager recommending approval of a Pre-Annexation Agreement with William P. Sweeney, owner of property located at 10524 Key West Drive, which is part of the Twin Ridge and Key West Drive projects. Upon motion the documents were received and filed and Resolution No. 263-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and William P. Sweeney was adopted.

30. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of the addition of foreign language channels effective on or about July 20, 2016. Upon motion the documents were received and filed.

31. Dubuque Bulldog Lacrosse Club: Correspondence from the Dubuque Bulldog Lacrosse Club requesting the use of the empty lots in the Technology Park for practice areas. Upon motion the documents were received, filed and referred to the City Manager.

32. Signed Contracts: A.Y. McDonald Mfg. Co. & Interstate Power and Light Company Revocable Property License Agreement for a portion of 12th Street property; DISTek Integration, Inc. short-term Lease and Site Access Agreement for 3rd-floor space in the Historic Federal Building; Strand Associates agreement for technical services related to the Terminal Street Pumping Station and Force Main Evaluation. Upon motion the documents were received and filed.

33. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Sons Excavating for the Verena Court Project. Upon motion the documents were received, filed and approved.

34. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Moondog Music: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Moondog Music, 806 Wacker Drive #120. Upon motion the documents were received, filed and approved.

35. Alcohol Compliance Civil Penalty for Alcohol License Holder – National Mississippi River Museum and Aquarium: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for National Mississippi River Museum and Aquarium, 350 E. 3rd Street. Upon motion the documents were received, filed and approved.

36. Business License Refund: Request by Ron Nemmers for a refund of the liquor license LA0000178 for Dubuque Golf and Country Club located at 1800 Randall Place in the amount of \$97.50 due to license upgrade. Upon motion the documents were received, filed and approved.

37. 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. 264-16 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. Sale of Property - 595 Angella Street: City Manager recommending a public hearing be set for July 18, 2016, on the sale of property located at 595 Angella Street to Craig Nesteby. Upon motion the documents were received and filed and Resolution No. 265-16 Resolution of Intent to dispose of City of Dubuque real estate, setting a time and place for hearing and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on July 18, 2016 in the Historic Federal Building.

2. Sale of Property - 321 Valeria Street: City Manager recommending a public hearing be set for July 18, 2016 on the sale of property located at 321 Valeria Street to Dawn M. Redfern a/k/a Dawn M. Adams. Upon motion the documents were received and filed and Resolution No. 266-16 Resolution of Intent to dispose of an interest in City of Dubuque real estate, setting a time and place for hearing and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on July 18, 2016 in the Historic Federal Building.

3. Sale of Property - 2283 White Street: City Manager recommending a public hearing be set for July 18, 2016 on the sale of property located at 2283 White Street to Shawn and Christina Hanen. Upon motion the documents were received and filed and Resolution No. 267-16 Resolution of Intent to dispose of an interest in City of Dubuque real estate, setting a time and place for hearing and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on July 18, 2016 in the Historic Federal Building.

4. Annexation - Dubuque Industrial Center West: City Manager recommending the City Council set a public hearing for August 1, 2016, on a 100% voluntary annexation request filed by the City Manager for approximately 21.14 acres of newly acquired land near the Dubuque Industrial Center West north of Humke Road and west of Seippel Road to facilitate a lease with Alliant Energy for a new solar energy site. Upon motion the documents were received and filed and Resolution No. 268-16 Setting a public hearing on an application for voluntary annexation of territory to the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 1, 2016 in the Historic Federal Building.

## **PUBLIC HEARINGS**

1. Dubuque River Rides Docking Lease Agreement: Proof of publication on notice of public hearing to consider approval of a Docking Lease Agreement with Dubuque River Rides in the Dubuque Ice Harbor and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 269-16 Approving the disposal of an interest in real property owned by the City of Dubuque by Docking License Agreement between the City of Dubuque, Iowa and Dubuque River Rides. Seconded by Jones. Motion carried 7-0.

## **ACTION ITEMS**

1. Code of Ordinances Amendment Title 1 Start Time for City Council Meetings (Final Reading): City Attorney submitting a proposed ordinance adjusting the start time for regular meetings. Motion by Del Toro to postpone indefinitely. Seconded by Jones. Motion failed 3-4 with Connors, Jones, Buol, and Lynch voting nay.

Motion by Connors for final consideration and passage of Ordinance No. 28-16 Amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 6 Mayor and City Council, Article A Rules and Procedure, Section 1-6A-3 Types of Meeting by establishing the meeting time for regular City Council meetings of 6:00 PM. Seconded by Jones. Motion carried 4-3 with Rios, Resnick and Del Toro voting nay.

2. Code of Ordinances Amendment - Title 2 Resilient Community Advisory Commission (2nd Reading): City Manager is recommending the formation of a Resilient Community Advisory Commission as initiated during the August 2015 City Council goal-setting process. Consistent with the approved recommendation, the words, "...to create a viable, livable and equitable community" have been added to the purpose statement. 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 Jones. Motion carried 6-1 with Del Toro voting nay. Responding to questions from the City Council, City Manager Van Milligen defined the difference between the recently applied for resiliency grant the resiliency community advisory commission. Sustainability Coordinator Cori Burbach addressed the “adverse vulnerabilities: and other common words that appeared in the community engagement report and used to define the commission. Council Member Connors requested that the list of tasks and member qualifications be included in the information when staff advertises for applicants.

Motion by Connors for final consideration and passage of Ordinance No. 32-16 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions by Repealing Chapter 6 Environmental Stewardship Advisory Commission and Adopting a New Chapter 6 Resilient Community Advisory Commission in Lieu Thereof Establishing the Resilient Community Advisory Commission and Providing for the Powers, Operation, Membership, and Meetings. Seconded by Jones. Motion carried 6-1 with Del Toro voting nay.

3. Code of Ordinances Amendment Title 4 - Solicitor's License: City Manager recommending adoption of an ordinance that modifies the provision for denial, suspension, or revocation by giving the City more guidance when handling a solicitor's license. 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. 33-16 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 5 Solicitor's License, Section 4-5-10 Denial, Suspension, or Revocation of License by modifying the reasons for denial, suspension, or revocation of a license. Seconded by Resnick. Motion carried 7-0.

4. 30-Inch Sanitary Sewer Force Main Project Phase II Award: City Manager recommending award of the construction contract for the Phase II of the 30 -Inch Force Main Relocation Project from 11th Street to 12th Street to the low bidder Top Grade Excavating, Inc. Motion by Connors to receive and file the documents and adopt Resolution No. 270-16 Awarding the public improvement contract for Phase II of the 30-Inch Force Main Relocation Project from 11th Street to 12th Street. Seconded by Lynch. Motion carried 7-0.

5. Request for Proposals - Fair Housing Testing: City Manager recommending approval of the release of a Request for Proposals for Fair Housing Testing, as approved during the Fiscal Year 2017 budget process. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**



Council Member Resnick reported on having seen traffic signals that blink green before turning yellow and single-lane roundabouts during his recent visit to Austria and suggested staff explore the concepts. He added how impressed he was with seeing Dubuque upon his return and complimented staff and citizens for their contribution.

There being no further business, upon motion the City Council adjourned at 7:14 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 7/13