

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

The Dubuque City Council met in regular session at 6:30 p.m. on July 18, 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

STATEMENT BY MAYOR ROY D. BUOL

Mayor Buol read a prepared statement saying in part that the basic tenet of civility and the standards of courtesy, respect and consideration are expected by and from elected officials and citizens. Addressing issues with negative remarks toward or about a council member or members, or members of city staff will be deemed out of order. The same standards in place for public input are in place at the Council table. As elected leaders we have a responsibility to uphold a high standard for communications, representation and decision making about which our community as a whole can be proud.

PROCLAMATION(S)

Dubuque County Fair Week (July 26-31, 2016) was accepted by Ann Schuster, Dubuque County Fair Board President

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 7/5, 7/11; Community Development Advisory Commission of 6/21; Housing Commission of 6/28; Library Board of Trustees of 2/25, 3/24, 4/28; Library Board of Trustees Council Update of 6/23; Zoning Advisory Commission of 7/6; Proof of publication for City Council Proceedings of 6/20. Upon motion the documents were received and filed.

2. Disposition of Claims: City Attorney advising that the following claim has been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: Shannon's Sports Bar for property damage. Upon motion the documents were received, filed and concurred.

3. Notice of Claims and Suits: Shannon's Sports Bar for property damage. Upon motion the documents were received, filed and referred to the City Attorney.

4. Anderson Sainci Appointed to the Iowa Commission on Volunteer Service: City Manager transmitting correspondence from the Office of the Governor advising that Resource Management Coordinator Anderson Sainci has been appointed to the Iowa Commission on Volunteer Service. Upon motion the documents were received and filed.

5. City of Dubuque Dollars & Cents Brochure: City Manager transmitting the City of Dubuque's Dollars & Cents public information brochure that describes the City's utility rates, property taxes, online open budget access, general revenues and expenditures, and debt reduction plan. Upon motion the documents were received and filed.

6. Second Amendment to Development Agreement - Friends of St. Mary's d/b/a Steeple Square: City Manager recommending approval of the Second Amendment to the Development Agreement between the City of Dubuque and Friends of St. Mary's d/b/a Steeple Square for the property located at 1501 Jackson Street. Upon motion the documents were received and filed and Resolution No. 272-16 Approving the Second Amendment to the Development Agreement between the City of Dubuque, Iowa and Friends of St. Mary's d/b/a Steeple Square was adopted.

7. Assignment of Development Agreement - Friends of St. Mary's d/b/a Steeple Square: City Manager recommending approval of the assignment of the Development Agreement with Friends of St. Mary's d/b/a Steeple Square for the property located at 1501 Jackson Street to Jackson Street School, LLC. Upon motion the documents were received and filed and Resolution No. 273-16 Approving the assignment of the Development Agreement between the City of Dubuque and Friends of St. Mary's d/b/a Steeple Square from Friends of St. Mary's d/b/a Steeple Square to Jackson Street School, LLC was adopted.

8. Pre-Annexation Agreement - Lee M. Nesteby: City Manager recommending approval of a Pre-Annexation Agreement with Lee M. Nesteby, property owner of 10672 Key West Drive. Upon motion the documents were received and filed and Resolution No. 274-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Lee M. Nesteby was adopted.

9. CS Technologies, Inc. Agreement: City Manager recommending approval of a Master Co-Location and Shared Services Agreement between the City of Dubuque and CS Technologies, Inc. to pull fiber through approximately 58,928 feet of City-owned conduit. Upon motion the documents were received, filed and approved.

10. College Transit Partnership Contracts: City Manager recommending approval of the contracts with Clarke University, Loras College and University of Dubuque for continuation of the college partnership for the 2016-2017 school year. Upon motion the documents were received, filed and approved.

11. Public Works Truck Driver to Utility Worker - Retitling of Position: City Manager recommending the City Council approve the retitling of the position of Truck Driver to Utility Worker. Upon motion the documents were received, filed and approved.

12. ADA Review and Update of Self-Evaluation and Transition Plan Consultant Selection: City Manager recommending approval of the selection of Recreation Accessibility Consultants, LLC as the consultant to conduct an ADA Review and Update of Self-Evaluation and Transition Plan. Upon motion the documents were received, filed and approved.

13. Port of Dubuque Marina Report: City Manager transmitting the Port of Dubuque Marina Monthly Report outlining results for Fiscal Year 2016. Upon motion the documents were received and filed.

14. Grand River Center Ballroom Carpet Replacement Project Award: City Manager recommending the award for the Grand River Center Ballroom Carpet Replacement Project to Commercial Flooring be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

15. Grand River Center Concourse and River Room Carpet Replacement Project Award: City Manager recommending the award for the Grand River Center Concourse and River Room Carpet Replacement Project to Commercial Flooring be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

16. EPA Brownfield Cleanup Grant - Application and Award: Economic Development Director Maurice Jones is transmitting a memo to notify City Council of the City's application to the Environmental Protection Agency for Cleanup financial assistance for the proposed remediation of contamination at 501 East 15th Street. Upon motion the documents were received, filed and approved.

17. Improvement Contracts / Performance, Payment and Maintenance Bonds: Top Grade Excavating, Inc. for the Truck Country Sanitary Sewer North Extension Project. Upon motion the documents were received, filed and approved.

18. Alcohol Compliance Civil Penalty for Alcohol License Holder – Northside Bar: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Northside Bar, 276 Jackson Street. Upon motion the documents were received, filed and approved.

19. 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. 275-16 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. 276-16 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. Grandview Avenue at Loras Boulevard and Grandview Avenue and University Avenue Intersection Improvements Project: City Manager recommending initiation of the public bidding procedure for the Grandview Avenue and Loras Boulevard and Grandview Avenue and University Avenue Intersection Improvement Project, and further recommends that a public hearing be set for August 1, 2016. Upon motion the documents were received and filed and Resolution No. 277-16 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 August 1, 2016 in the Historic Federal Building.

2. Sale of Property - Lot 1-16 and Lot 2-16 in Linhein Subdivision (Mt. Carmel Road): City Manager recommending the City Council set a public hearing for August 1, 2016, on the sale of Lot 1-16 and Lot 2-16 in Linhein Subdivision to Scott and Sandra Cairns. Upon motion the documents were received and filed and Resolution No. 278-16 Intent to dispose of an interest in City-owned real property by sale to R. Scott Cairns and Sandra K. Cairns 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.

BOARDS/COMMISSIONS

Applications to the following boards/commissions were reviewed. Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Human Rights Commission: One, 3-year term through January 1, 2019 (Vacant term of Jones). Applicant: Kate Parks, 486 Clarke Dr. Ms. Parks spoke in support of her appointment.

2. Investment Oversight Advisory Commission: One, 3-year term through July 1, 2019 (Expiring term of Ruden). Applicant: Gary Ruden, PO Box 835.

3. Zoning Advisory Commission: (Corrected) Two, 3-year terms through July 1, 2018 (Vacant term of Dietzel and expiring term of Norton). Mayor Buol acknowledged receipt of correspondence from Rich Russell writing in support of his appointment. Applicants: Patrick Norton, 920 Valentine Dr.; Rich Russell, 2045 Embassy West Dr. Mr. Norton

spoke in support of his appointment and noted the correction to the number of vacancies in light of his expiring term.

PUBLIC HEARINGS

1. Request to Rezone - 485 North Grandview Avenue: Proof of publication on notice of public hearing to consider a request by Richard Hartig to rezone property located at 485 North Grandview Avenue from OC Office Commercial District to C-2 Neighborhood Commercial Shopping Center District and the Zoning Advisory Commission recommending approval. Motion by Connors to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Jones. Motion carried 6-0 with Lynch abstaining due to a conflict of interest. Planning Services Manager Laura Carstens provided a staff report.

Motion by Connors for final consideration and passage of Ordinance No. 34-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 485 North Grandview Avenue from OC Office Commercial District to C-2 Neighborhood Shopping Center District. Seconded by Jones. Motion carried 6-0 with Lynch abstaining due to a conflict of interest.

2. Request to Rezone - 2162 Rockdale Road: Proof of publication on notice of public hearing to consider a request by Bruce Radtke to rezone a portion of 2162 Rockdale Road from R-1 Single-Family Residential to C-3 General Commercial District to permit business expansion 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 Jones. Motion carried 6-0 with Lynch abstaining due to a conflict of interest. Planning Services Manager Laura Carstens provided a staff report.

Motion by Connors for final consideration and passage of Ordinance No. 35-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2162 Rockdale Road from R-1 Single-Family Residential District to C-3 General Commercial District. Seconded by Jones. Motion carried 6-0 with Lynch abstaining due to a conflict of interest.

3. Amend Institutional District - Padre Pio Health Care Center: Proof of publication on notice of public hearing to consider a request from Straka Johnson Architects, PC / Stonehill Franciscan Services, 3160 Sheridan Road, to expand the Padre Pio Health Care Center Institutional District to facilitate construction of a secondary access to Sheridan Road and the Zoning Advisory Commission recommending approval. Motion by Lynch to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Connors. Motion carried 7-0. City Manager Van Milligen responded to questions regarding the potential for sidewalks in the

area as they relate to the City's sidewalk program and issues with connections to existing sidewalks, future development, expense and severe topography.

Motion by Lynch for final consideration and passage of Ordinance No. 36-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, Rescinding Ordinance 45-11 and approving an amended Campus Development Plan for Padre Pio Health Care Center Institutional District to rezone 3160 Sheridan Road from R-1 Single-Family Residential District to ID Institutional District and Construct a new access drive to Sheridan Road. Seconded by Connors. Motion carried 7-0.

4. Sale of Property - 595 Angella Street: Proof of publication on notice of public hearing to consider the sale of city-owned property located at 595 Angella Street to Craig Nesteby and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 279-16 Disposing of City interest in real property located at 595 Angella Street, in the City of Dubuque, Iowa. Seconded by Rios. City Manager Van Milligen responded to questions from City Council (inadvertently raised during Action Item #2) about the City placing 21-year, owner-occupied covenants on properties it acquires, rehabilitates and sells. He added that a goal of the covenants is to help decrease density in neighborhoods historically built as single-family, residential homes and disperse the concentration of rental properties while maintaining a level of affordable rental properties. Motion carried 7-0.

5. Sale of Property - 321 Valeria Street: Proof of publication on notice of public hearing to consider the sale of property located at 321 Valeria Street to Dawn M. Redfern a/k/a Dawn M. Adams and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 280-16 Disposing of City interest in real property located at 321 Valeria Street, in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

6. Sale of Property - 2283 White Street: Proof of publication on notice of public hearing to consider the sale of property located at 2283 White Street to Shawn and Christina Hanen and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 281-16 Disposing of City interest in real property located at 2283 White Street in the City of Dubuque, Iowa. Seconded by Lynch. Motion carried 7-0.

ACTION ITEMS

1. Arts Master Plan Presentation to Council: Economic Development Director Maurice Jones introduced the presentation. Priya Sircar, Senior Consultant for Lord Cultural Resources, provided a slide presentation on the final draft of the Arts and Culture Master Plan for the City of Dubuque. Topics included the purpose of the plan; planning process; key issues, needs and opportunities; vision statement; goals; priorities and strategies; public art policy recommendations, roles and responsibilities; recommendations for the advisory commission; and master plan implementation steps. Motion by Connors to receive and file the documents and hear the presentation. Seconded by Jones. Motion carried 7-0.

2. Arts and Cultural Program - FY17 Operating Support Requests: Arts and Cultural Affairs Advisory Commission requesting approval of the 13 eligible FY 2017 Arts and Cultural Operating Support funding requests and authorizing the City Manager to sign the funding agreements. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Lynch. Motion carried 7-0.

3. Arts and Cultural Program - FY17 Special Projects Grants: Arts and Cultural Affairs Advisory Commission recommending approval of the six FY 2017 Arts and Culture Grants for Special Projects and authorize the City Manager to sign the grant agreements. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

4. Submission of Fire Department Strategic Plan: City Manager recommending approval of a strategic plan for the Fire Department. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

5. Property Acquisition - 730 Cody Drive: City Manager recommending approval of a Resolution authorizing the purchase of 730 Cody Drive and acceptance of the deed for property owned by George and Dorothy Roepsch. Motion by Lynch to receive and file the documents and adopt Resolution No. 282-16 Approving an offer to buy real estate and acceptance for the purchase of certain real estate in Dubuque County, Iowa from George E. and Dorothy S. Roepsch. Seconded by Rios. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Connors reported on the sidewalk chalk drawing event that took place at 8th and Iowa Streets prior to the Council meeting in support of the Dubuque Police Department.

Council Member Del Toro responded to Mayor Buol's statement from the beginning of the meeting saying in part that he was elected to represent the citizens of Ward 2 and to question items which warrant scrutiny and review. He added that he does not think there has been any unprofessional decorum to date at the Council table and that questions and discussions make for a successful, high-performing organization. He thanked and urged citizens to continue to share their thoughts on Council decisions.

Mayor Buol clarified that he is addressing the terminology used during discussions that is directed at Council, staff or persons at the podium.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:53 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Lynch. Mayor Buol stated for the record that the attorneys who will consult with City Council on the issues to be discussed in the closed session are City Attorney Barry

Lindahl, Assistant City Attorney Crenna Brumwell, Assistant City Attorney Maureen Quann, Attorney Steven Tyler and Attorney Ivan Webber. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 9:16 p.m. stating that staff had been given proper direction.

There being no further business upon motion the City Council adjourned at 9:17 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 7/27