

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

The Dubuque City Council met in regular session at 6:30 p.m. on August 1, 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**

**PRESENTATION(S)**

Iowa Governor's Volunteer Award Presentation: Leisure Services Manager Marie Ware and AmeriCorps Program Director Mary Bridgett Corken-Deutsch presented the Iowa Governor's Volunteer Award to AmeriCorps Partners in Learning volunteer Liz Griffin.

**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: Catfish Creek Watershed Authority of 4/26; City Council Proceedings of 7/18; Historic Preservation Commission of 7/21; Human Rights Commission of 6/13; Long Range Planning Advisory Commission of 7/20; Mechanical Board of 7/19; Sister City Relationships Advisory Commission of 7/20; Proof of Publication for City Council Proceedings of 7/5/16; Proof of publication for List of Claims and Summary of Revenues for Month Ending 5/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Anthony Elskamp for property damage; Mark and Catherine Helling for property damage; Craig McGrane 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: Anthony Elskamp for property damage; Catherine Helling for property damage; Craig McGrane for vehicle damage. Upon motion the documents were received, filed and concurred

4. U.S. Conference of Mayors Advisory Board: Correspondence from Senator Chuck Grassley; New York City Mayor Bill de Blasio; and Rochester Hills, MI, Mayor Bryan Barnett congratulating Mayor Buol on his election to the U.S. Conference of Mayors Advisory Board. Upon motion the documents were received and filed.

5. Teri Goodmann to Serve on US EPA Local Government Advisory Committee: City Manager transmitting correspondence from the U.S. Environmental Protection Agency inviting Assistant City Manager Teri Goodmann to serve on the EPA's Local Government Advisory Committee. Upon motion the document was received and filed.

6. Recognition of Mary Bridget Corken-Deutsch and AmeriCorps Volunteers: City Manager transmitting correspondence from the Dubuque Community School District recognizing AmeriCorps Program Director Mary Bridget Corken-Deutsch and AmeriCorps Volunteers for helping to improve student reading proficiency. Upon motion the document was received and filed.

7. Greater Dubuque Development Corporation 2016 Annual Report: City Manager transmitting the 2016 Annual Report for Greater Dubuque Development Corporation. Upon motion the document was received and filed.

8. Resource Enhancement and Protection (REAP) Plan Update, Grant Application and Committee Representative: City Manager recommending approval of the City of Dubuque's FY 2017 Resource Enhancement and Protection (REAP) Plan update and the resolution authorizing the REAP grant application for the Valentine Park Expansion – Land Acquisition Project. It is further recommended that the City Council confirm Council Member Joyce Connors as the City representative on the Dubuque County REAP Committee. Upon motion the documents were received and filed and Resolution No. 283-16 Authorizing REAP Grant Application to Iowa Department of Natural Resources for Valentine Park Expansion - Land Acquisition Project was adopted, the plan update approved, and Council Member Joyce Connors confirmed as the Council REAP Representative.

9. Friends of the Mines of Spain Funding Request: Correspondence from the Friends of the Mines of Spain requesting funding for the historic Pine Chapel. Upon motion the documents were received, filed and referred to the City Manager.

10. Citizen Petition - English Ridge Green Space: Petition submitted by the residents of English Ridge Subdivision requesting the City to provide funding for development of a green space in the area of Stone Valley Drive. Upon motion the document was received, filed and referred to the City Manager.

11. Citizen Petition - Withdrawal from Residential Parking Permit District H: Petition from the residents on Phyllrich Drive requesting withdrawal from the existing Residential Parking Permit District H by removing Phyllrich Drive between Keystone Drive and

Keymont Drive. Upon motion the document was received, filed and referred to the City Manager.

12. Pre-Annexation Agreement - Gary J. Bakes: City Manager recommending approval of a Pre-Annexation Agreement with Gary J. Backes, for property located at 10750 Key West Drive. Upon motion the documents were received and filed and Resolution No. 284-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Gary J. Backes was adopted.

13. Pre-Annexation Agreement - Elizabeth R. Kirpes Trust: City Manager recommending approval of a Pre-Annexation Agreement and Covenants with the Elizabeth R. Kirpes Trust, for property located at 10704 Key West Drive. Upon motion the documents were received and filed and Resolution No. 285-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and the Elizabeth R. Kirpes Trust was adopted.

14. Pre-Annexation Agreement - Larry and Sharon McDermott: City Manager recommending approval of a Pre-Annexation Agreement with Larry E. and Sharon A. McDermott for Lot 6 and Lot 2-6 of paradise Heights Subdivision No. 3 / 13384 BMR Lane. Upon motion the documents were received and filed and Resolution No. 286-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Larry E. and Sharon A. McDermott was adopted.

15. Pre-Annexation Agreement - Benjamin L. Moyer: City Manager recommending approval of a Pre-Annexation Agreement and Covenants with Benjamin L. Moyer, property owner of 1072 Lake Eleanor Road, which is part of the Twin Ridge Subdivision. Upon motion the documents were received and filed and Resolution No. 287-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Benjamin L. Moyer was adopted.

16. Grand River Center Air Wall Project Award: City Manager recommending that the award for the Grand River Center Air Wall Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

17. Operating Engineers Collective Bargaining Amendment: City Manager recommending approval of an Amendment to the Collective Bargaining Agreement with the International Union of Operating Engineers, Local #234, to provide for a work week that consists of ten hours per day and four days per week for full-time Public Safety Dispatchers effective October 1, 2016 through September 30, 2017. Upon motion the documents were received, filed and approved.

18. Sustainable Dubuque Community Grant Recommendations: City Manager recommending approval of six projects for funding from the Sustainable Dubuque Community Grant Program. Upon motion the documents were received, filed and approved.

19. University of Nebraska-Lincoln (UNL) Climate Adaptation Project: City Manager recommending approval for Sustainable Community Coordinator Cori Burbach to participate in the University of Nebraska-Lincoln High Plains Regional Climate Center Climate Adaptation Project at no cost to the City of Dubuque. Upon motion the documents were received, filed and approved.

20. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of changes to the MCC channel line-up on or about August 30, 2016. Upon motion the documents were received and filed.

21. Code of Ordinances - Adoption of Supplement No. 22: City Clerk recommending adoption of Supplement No. 22 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed and Resolution No. 288-16 Adopting Supplement No. 22 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

22. Alcohol Compliance Civil Penalty for Alcohol License Holder – Hartig Drug Co.: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Hartig Drug Co., 2255 John F. Kennedy Road. 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. 289-16 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 Del Toro. Motion carried 7-0. The City Clerk stated that a resolution had been added to item #2.

1. Heritage Trail Head Parking Lot Project: City Manager recommending initiation of the public bidding procedure for the Heritage Trail Head Parking Lot Project, and further recommends that a public hearing be set for August 15, 2016. Upon motion the documents were received and filed and Resolution No. 290-16 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 6:00 p.m. on August 15, 2016 in the Historic Federal Building.

2. BioResource Development, LLC - Lease at Water & Resource Recovery Center: City Manager recommending a public hearing be set for August 15, 2016, on the Lease between the City of Dubuque and BRD Three, LLC at the Water and Resource Recovery Center. The night of the public hearing, the City Council will also be considering the Development and Operating Agreement. Upon motion the documents were received and filed and Resolution No. 291-16 Resolution of Intent to dispose of an interest in the City of Dubuque-owned property by lease between the City of Dubuque and BRD Three, LLC was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on August 15, 2016 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Applicants were invited to address the City Council regarding their appointment to the following Boards/Commissions.

1. Housing Commission (Review): Three, 3-year terms through August 17, 2019 (Expiring Terms of Heimke, Schwendinger, Wall). Applicants: Wesley Heimke, 2350 Knob Hill Dr.; Dorothy Schwendinger, 3390 Windsor Ave.; David Wall, 333 W. 17th St. Mr. Wall spoke in support of his re-appointment.

2. Mechanical and Plumbing Code Board (Review): One, 3-year term through March 16, 2019 (Expired term of Papin). Applicant: Paul Papin, 2955 Jackson St. Mr. Papin spoke in support of his appointment

Appointments were made to the following Boards/Commission.

3. Human Rights Commission (Appointment): One, 3-year term through January 1, 2019 (Vacant term of Jones). Applicant: Kate Parks, 486 Clarke Dr. Motion by Connors to appoint Ms. Parks to a 3-year term through January 1, 2019. Seconded by Jones. Motion carried 7-0.

4. Investment Oversight Advisory Commission: One, 3-year term through July 1, 2019 (Expiring term of Ruden). Applicant: Gary Ruden, PO Box 835. Motion by Lynch to appoint Mr. Ruden to a 3-year term through July 1, 2019. Seconded by Del Toro. Motion carried 7-0.

5. Zoning Advisory Commission: One, 3-year term through July 1, 2018 (Vacant term of Dietzel); and one, 3-year term through July 1, 2019 (Expiring Term of Norton). Applicants: Patrick Norton, 920 Valentine Dr.; and Rich Russell, 2045 Embassy West Dr. Motion by Jones to appoint Mr. Russel to a 3-year term through July 1, 2018 and Mr. Norton to a 3-year term through July 1, 2019. Seconded by Resnick. Motion carried 7-0.

## **PUBLIC HEARINGS**

1. Sale of Property - Lot 1-16 and Lot 2-16 in Linhein Subdivision (Behind 850 Mt. Carmel Road): Proof of publication on notice of public hearing to consider approval of the

sale of city-owned property legally described as Lot 1-16 and Lot 2-16 in Linhein Subdivision to Scott and Sandra Cairns and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 292-16 Disposing of an interest in real property by Deed to R. Scott Cairns and Sandra K. Cairns. Seconded by Jones. Motion carried 7-0.

2. 210 Jones Street - Urban Revitalization Plan: Proof of publication on notice of public hearing to consider adoption of an Urban Revitalization Plan for the 210 Jones Street Urban Revitalization Area and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 293-16 Approving the Adoption of an Urban Revitalization Plan for the 210 Jones Street Urban Revitalization Area. Seconded by Del Toro. Motion carried 7-0.

3. Annexation - Dubuque Industrial Center West: Proof of publication on notice of public hearing to consider approval of 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. Motion by Jones to receive and file the documents and adopt Resolution No. 294-16 Approving an application for voluntary annexation of territory to the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

4. Grandview Avenue and Loras Boulevard / Grandview Avenue and University Avenue Intersection Improvements Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Grandview Avenue and Loras Boulevard and the Grandview Avenue and University Avenue Intersection Improvements Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 295-16 Approval of plans, specifications, form of contract, and estimated cost for the Grandview Avenue and Loras Boulevard and Grandview Avenue and University Avenue Intersection Improvement Project. Responding to questions from the City Council, City Manager Van Milligen and City Engineer Gus Psihoyos provided information about how traffic flow will be handled at these intersections during peak traffic hours as impacted by the opening of the nearby roundabout adding an explanation of the types of grant funds that are used for site-specific projects and re-distributed for projects that are not. Seconded by Connors. Motion carried 7-0.

## **PUBLIC INPUT**

Jacob Long, 4604 Cardinal Drive, referencing a recent article in the Telegraph Herald newspaper, expressed his opinion about his fear of public censorship and Council criticism adding that the change to an earlier start time for City Council meetings is unfair to newly-elected officials.

AmeriCorps National Civilian Community Corps members Rebecca and Brenan, 350 E. 3<sup>rd</sup> St. (The William M. Black), addressed the City Council about the ANCC's mission of service and their current project of restoring the shorelines of the Ice Harbor wetlands.

They requested information be distributed to local, like-minded organizations and volunteers interested in independent service projects of any size. The speakers provided an informational brochure to the City Clerk for distribution.

## **ACTION ITEMS**

1. Smarter Travel Update Presentation: East Central Intergovernmental Association (ECIA) Director Chandra Ravada, ECIA Grants/Development Coordinator Marla Quinn, and Jule Transit Director Candace Eudaley provided a presentation on the Year 1 Update for the IBM Smarter Travel Project. Topics included: History of travel in Dubuque 1980's to 2010; Impact of Jule Transit route changes; process to improve Jule Transit; project description; proposed analytics/optimization process; project sample size and volunteer requirements; travel diary; mobile application; data analytics; corridor speed and travel time; bus route optimization approach; role of Jule staff. Motion by Lynch to receive and file the information. Seconded by Connors. Motion carried 7-0.

2. Comprehensive Plan - Draft Communications Engagement Plan: City Manager recommending approval of the Communications-Engagement Plan for the 2017 City of Dubuque Comprehensive Plan. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Del Toro. Planning Services Manager Laura Carstens provided a presentation on the draft plan. Topics included a definition of a comprehensive plan; why a comprehensive plan is important to residents; description of the Long Range Planning Advisory Commission; 2017 plan framework, community engagement process, tools and events; working groups; communication partners; and the 2016-2017 schedule. Ms. Carstens responded to questions from the City Council regarding the use of the STAR Community goal areas as a measurement tool in addition to other activities. Motion carried 7-0.

3. Bee Branch Watershed Flood Mitigation Project Update: Civil Engineer Deron Muehring made a presentation to the City Council that provided an update on the various phases of the Bee Branch Watershed Flood Mitigation Project. Topics included a review of the status of several infrastructure improvement projects; monitoring/maintenance of the W. 32<sup>nd</sup> St. Detention Basin, Lower Bee Branch Creek Restoration Project, overlook structure, floating island and the flood gate replacement; Upper Bee Branch Creek Restoration construction status and current functionality; recent flooding activity at 22<sup>nd</sup> St./Kaufmann Ave. and 17<sup>th</sup> St./W. Locust St. and respective future improvements; status of Bee Branch railroad culverts; and an update on the impervious surface reduction projects (Green Alley's). Fire Chief Rick Steines reported on the impact flood mitigation has already had on the Fire Department's activities during recent rain events. Motion by Connors to receive and file the documents. Seconded by Del Toro. Motion carried 7-0.

4. Code of Ordinances Amendment - Title 2 Board of Library Trustees: City Manager recommending approval of an ordinance which adds a new Title 2, Chapter 7 which establishes the Board of Library Trustees and provides for the powers, operation, membership and meetings. 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. City Manager Van Milligen and City Attorney Barry Lindahl responded to questions from the City Council regarding State mandates that govern libraries, city funding and that the annual appointment of officers doesn't preclude an officer from being appointed to terms. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 37-16 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions by Repealing Chapter 7 Board of Library Trustees and adopting a new Chapter 7 Board of Library Trustees in lieu thereof establishing the Board of Library Trustees and Providing for the Powers, Operation, Membership, and Meetings. Seconded by Lynch. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 9 Use of Crosswalks: City Manager recommending approval of an amendment to the City of Dubuque Code of Ordinance governing crossing roadways. 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. In response to questions from the City Council, Assistant City Attorney Maureen Quann explained that this amendment arose from discussions about the new roundabout at Grandview Avenue and Delhi Street, and she offered information about the requirements for pedestrians crossing at marked and unmarked crosswalks and the impact on drivers. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 38-16 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 8 Pedestrians' Rights and Duties by repealing Section 9-8-321.328 Crossing at Other than Crosswalk and Section 9-8-321.330 Use of Crosswalks; and by enacting a new Section 9-8-321.328 Use of Crosswalks Providing for the Procedure for Using Crosswalks in the City. Seconded by Rios. Motion carried 7-0.

6. Code of Ordinances Amendment - Title 14 East-West Corridor Moratorium Extension: City Manager recommending approval of a three-year extension to the moratorium for construction, rezoning, subdivision review, and site plan approval in the East-West Corridor Study Area. 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.

Motion by Lynch for final consideration and passage of Ordinance No. 39-16 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 2 Building Construction, Demolition and Moving, Section 14-2-4 Moratorium for Construction or Other Work on Certain Streets, Areas, or Facilities by extending the Moratorium. Seconded by Connors. Motion carried 7-0.

7. Supplemental Agreement Between the City of Dubuque, City of Sageville and Dubuque County: City Manager recommending approval of a resolution authorizing the Mayor to execute a Supplemental Agreement between the City of Dubuque, the City of Sageville, and Dubuque County which will allow for the transfer of jurisdiction for the roadway segment of the Northwest Arterial (U.S. Highway 52/U.S. Highway 3). Motion by



Lynch to receive and file the documents and adopt Resolution No. 296-16 Approving a Supplemental Agreement between the City of Sageville, Iowa, the City of Dubuque, Iowa, and Dubuque County, Iowa. Seconded by Connors. Responding to questions from the City Council, City Manager Van Milligen explained that the agreement is still contingent upon approval of the Transfer of Jurisdiction and that while there is no funding involved with this agreement, the City will still have maintenance responsibilities. Motion carried 7-0.

8. Compensation Plan for City Attorney's Office Reorganization: City Attorney recommending approval of the proposed compensation plan for the reorganization of the City Attorney's Office scheduled to take place October 1, 2016. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Council Member Del Toro expressed his concern over the increase in wages for the assistant city attorney position and the impact it may have on future hiring in the department. The remaining Council Members believed it to be a well-thought out transitional plan consistent with the City's wage schedule that provided continuity of service without adding additional expenses. Motion carried 6-1 with Del Toro voting nay.

9. Twenty-Fourth Amendment to City Manager Employment Agreement: Submittal of the Twenty-Fourth Amendment to City Manager Employment for approval. Motion by Jones to receive and file the documents and approve the Amendment. Seconded by Connors. Council Member Del Toro expressed his concern with what he believes is a higher-than-average cost per capita related to the City Manager's salary, the "creeping up" of expenses, and favored a cap on salaries. Council Member Connors spoke against the concept of salary caps. Council Member Resnick supported the agreement stating that was in line and deserved and thanked Mr. Van Milligen for his dedication. Mayor Buol stated that this reflects the quality of the city and noted the City Manager's integrity, perseverance and commitment. Motion carried 6-1 with Del Toro voting nay.

10. Request for Work Session - Quarterly Sustainable Dubuque: City Manager recommending the City Council schedule the Sustainable Dubuque Quarterly Work Session for Monday, August 29, 2016 at 6:00 p.m. This item was referred back to the City Manager for an alternate date as Council Member Resnick is unavailable on that date.

11. Request for Work Session - Bee Branch Creek Restoration Project Walking Tour: City Manager recommending the City Council schedule a work session for a Bee Branch Creek Restoration Project walking tour on Monday, September 12, 2016, at 5:30 p.m. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**

Council Member Del Toro recognized Dubuque citizens Curt Ehlinger who is performing a run across the United States to raise funds and awareness for Muscular Dystrophy and Kayla Banwarth who is competing at the Olympic Games in Rio de Janeiro as part of the U.S. Women's Volleyball Team.

Motion by Jones to enter into closed session at 9:03 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. 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, and Assistant City Attorney Maureen Quann. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 10:04 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 10:05 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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