

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

The Dubuque City Council met in regular session at 6:00 p.m. on August 15, 2016 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Connors, Jones, Lynch, Resnick, Rios (Via phone); Assistant City Manager Steinhauser, City Attorney Lindahl

Absent: Del Toro

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. Welcome Back College Students Weeks (August 22-September 5, 2016) was accepted by Jan Powers, Director of Workforce Solutions for Greater Dubuque Development Corp.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Motion carried 6-0.

1. Minutes and Reports Submitted: Arts and Cultural Advisory Commission of 6/28; City Council Proceedings of 7/26; 8/1, 8/2, 8/3, 8/4; Community Development Advisory Commission of 7/19; Dubuque County Emergency Management Commission Minutes of 11/3/2015; 2/16/2016; 5/17/2016; Five Flags Civic Center Advisory Commission of 7/25; Housing Commission of 7/26; Investment Oversight Advisory Commission of 7/27; Library Board of Trustees of 5/26, 6/6, 6/23; Park and Recreation Commission of 7/12; Transit Advisory Board of 7/14; Zoning Advisory Commission of 8/3; Zoning Board of Adjustment of 7/28; Proofs of Publication for City Council Proceedings of 7/11, 7/18, 7/26; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 6/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Terry Frost for property damage; Martha Intveld 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: Terry Frost for property damage; Martha Intveld for vehicle damage. Upon motion the documents were received, filed and concurred.

4. AmeriCorps Partners in Learning 2016-17 Grant Agreement: City Manager recommending approval of a grant agreement with the Iowa Commission on Volunteer Services for the AmeriCorps Program. Upon motion the documents were received, filed and approved.

5. Continuum of Care Phoenix Housing Special Needs Assistance Program: City Manager recommending approval of a contract with the U.S. Department of Housing and Urban Development (HUD) for administration of the Continuum of Care Phoenix Housing Special Needs Assistance Program that provides rental assistance for homeless, disabled persons. Upon motion the documents were received, filed and approved.

6. Request for Proposals - Outdoor Pools Facility Assessment Consultant Services: City Manager recommending approval of a Request for Proposal for consultant services for an in-depth assessment of both Flora and Sutton Pools. Assessment to include a detailed report on a maintenance plan and recommendations, as well as develop a master plan for long-term planning. Upon motion the documents were received, filed and approved.

7. Southwest Arterial Property Acquisition Parcel 76 – Siebe: City Manager recommending approval of a resolution accepting the Grant of Permanent Utility Easement from Wesley A. Siebe and Sandra S. Siebe for the purchase of a permanent utility easement for the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 297-16 Accepting a Grant of Permanent Utility Easement for the Southwest Arterial Project from Wesley A. and Sandra S. Siebe was adopted.

8. Four Mounds Strategic Planning Agreement; City Manager recommending approval of an agreement between the City of Dubuque and Four Mounds Foundation for development of short and long-term strategic planning. Upon motion the documents were received, filed and approved.

9. Rite Hite / Iowa Economic Development Authority Contract: City Manager recommending approval of a contract by and among Rite Hite/AB(MC)2, the City of Dubuque and the Iowa Economic Development Authority for expansion of Rite Hite's operations in Dubuque. Upon motion the documents were received and filed and Resolution No. 298-16 Authorizing the execution of a contract for State Business Financial Assistance by and among Rite Hite/AB(MC)2, the City of Dubuque, Iowa and the Iowa Economic Development Authority was adopted.

10. Community Housing Initiatives (CHI) Agreement: City Manager recommending approval of an agreement between Community Housing Initiatives - Washington Neighborhood Housing Partnership and the City of Dubuque's Housing & Community

Development Department. Upon motion the documents were received, filed and approved.

11. Hillcrest Family Services Environmental Review Determination: City Manager recommending approval for the Mayor to execute the Environmental Review Determination for Hillcrest Family Services Continuum of Care-Funded Program. Upon motion the documents were received, filed and approved.

12. Quarterly Investment Report for July 30, 2016: City Manager transmitting the June 30, 2016 Quarterly Investment Report. Upon motion the documents were received and filed.

13. NW Arterial Fiber Optics - John F. Kennedy Road to US 52 Project Acceptance: City Manager recommending acceptance of the construction contract for the NW Arterial Fiber Optics – JFK to US 52 Project as completed by Portzen Construction, Inc. Upon motion the documents were received and filed and Resolution No. 299-16 Accepting the NW Arterial Fiber Optics - JFK to US 52 Project and authorizing the payment of the contract amount to the contractor was adopted.

14. 2016 Sewershed 7, 11 and 12 Manhole Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the FY16 Sewershed 7, 11 and 12 Sanitary Sewer Manhole Project as completed by Connolly Construction, Inc. Upon motion the documents were received and filed and Resolution No. 300-16 Accepting the FY16 Sewershed 7, 11, and 12 Sanitary Sewer Manhole Project and authorizing the payment to the contractor was adopted.

15. 2015 SCADA (Flow Metering Stations) Manhole Installation Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the 2015 SCADA (flow metering stations) Manhole Installation Project, as completed by Connolly Construction, Inc. Upon motion the documents were received and filed and Resolution No. 301-16 Accepting the 2015 SCADA (Flow Metering Stations) Manhole Installation Project and authorizing the payment to the contractor was adopted.

16. Dubuque County Board of Health 28E Agreement: City Manager recommending approval to continue the City's contract for the inspection of swimming pools and spas, tattoo parlors and tanning facilities in Dubuque County. Upon motion the documents were received, filed and approved.

17. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of monthly rental pricing adjustments for its digital transport adapters (DTA) on or about September 1, 2016. Upon motion the documents were received and filed.

18. Improvement Contracts / Performance, Payment and Maintenance Bonds: Commercial Flooring Company for the Grand River Center Ballroom, Concourse and River Room Carpet Replacement Projects; Top Grade Excavating, Inc. for the 30-Inch Sanitary Sewer Force Main Relocation Phase II. Upon motion the documents were received, filed and approved.

19. Alcohol Compliance Civil Penalty for Alcohol License Holder – Chances R: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Chances R, 1046 Central Avenue. Upon motion the documents were received, filed and approved.

20. Alcohol Compliance Civil Penalty for Alcohol License Holder – Kwik Stop Food Mart: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Kwik Stop Food Mart, 4039 Pennsylvania Avenue. Upon motion the documents were received, filed and approved.

21. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Kwik Stop #78: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Kwik Stop #78, 4039 Pennsylvania Avenue. Upon motion the documents were received, filed and approved.

22. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Ron's Discount Smokes: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Ron's Discount Smokes & Beverage Center, 3300 Asbury Road. Upon motion the documents were received, filed and approved.

23. Alcohol Compliance Civil Penalty for Alcohol License Holder – Yardarm: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Yardarm, 1201 Shiras Avenue Extension. Upon motion the documents were received, filed and approved.

24. 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. 302-16 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 Jones. Motion carried 6-0.

1. Removal of Phyllrich Drive from Residential Parking Permit District H: City Manager recommending a public hearing be set for September 6, 2016, on the removal of Phyllrich Drive from Residential Parking Permit District H. Upon motion the documents were received and filed, setting a public hearing for a meeting to commence at 6:00 p.m. on September 6, 2016 in the Historic Federal Building.

2. Dubuque Industrial Center West - Resolution of Necessity for Urban Renewal Plan Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District is both necessary and appropriate and sets a public hearing on the proposed amendment for September 19, 2016. Upon motion the documents were received and filed and Resolution No. 303-16 Resolution of Necessity finding that certain new subareas should be established within the Dubuque Industrial Center Economic Development District, that the establishment of said subareas is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Amended and Restated Urban Renewal Plan for said district to include the new subareas was adopted, setting a public hearing for a meeting to commence at 6:00 p.m. on September 19, 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. Long Range Planning Advisory Commission: One, 3-year term through July 1, 2019 (Vacant term of Prochaska), Applicant: Michael Wright, 385 Burch St.

2. Transit Advisory Board: One, 3-year term through July 30, 2019 (Expired term of Lohrmann). Applicant: Carrie Lohrmann, 1879 Denver Dr.

Appointments were made to the following Boards/Commission.

3. Housing Commission: Three, 3-year terms through August 17, 2019 (Expiring Terms of Heimke, Schwendinger, and Wall). Applicants: Wesley Heimke, 2350 Knob Hill Dr.; Dorothy Schwendinger, 3390 Windsor Ave.; David Wall, 333 W. 17th St. Motion by Connors to appoint Wesley Heimke, Dorothy Schwendinger and David Wall each to a 3-year term through August 17, 2019. Seconded by Lynch. Motion carried 6-0.

4. Mechanical and Plumbing Code Board: One, 3-year term through March 16, 2019 (Expired term of Papin). Applicant: Paul Papin, 2955 Jackson. Motion by Jones to reappoint Paul Papin to a 3-year term through March 16, 2019. Seconded by Resnick. Motion carried 6-0.

## **PUBLIC HEARINGS**

1. Request to Rezone - Dubuque Pony League for Acreage South of Derby Grange Road: Proof of publication on notice of public hearing to consider a request by Dubuque PONY League / Greg Yoko to rezone approximately thirty (30) acres located south of Derby Grange Road from R-2 Two-Family Residential and C-3 General Commercial Districts to CR Commercial Recreation 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. Greg Yoko, 3660 Seville Street gave a presentation on the plans for the softball/baseball diamonds. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 40-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located south of Derby Grange Road from R-2 Two-Family Residential and C-3 General Commercial Districts to Cr Commercial Recreation District Seconded by Jones. Motion carried 6-0.

2. Request for Text Amendment Title 16 - Public and Private Parks as Permitted Uses in Downtown Commercial and Central Business Districts: Proof of publication on notice of public hearing to consider a request by the City of Dubuque for an Amendment to the C-4 Downtown Commercial and C-5 Central Business Districts to allow Public and Private parks as a permitted use and the Zoning Advisory Commission recommending approval. 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. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 41-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Articles 16-5-14.1(C-4) and 16-5-15.1(C-5) to Establish Private and Public Parks as a Permitted Use in Each District. Seconded by Resnick. Motion carried 6-0.

3. Heritage Trail Head Parking Lot Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Heritage Trail Head Parking Lot Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 304-16 Approval of plans, specifications, form of contract, and estimated cost for the Heritage Trail Head Parking Lot Project. Seconded by Jones. Motion carried 6-0.

4. BioResource Development, LLC - Lease at Water & Resource Recovery Center: Proof of publication on notice of public hearing to consider a Lease between the City of Dubuque and BRD Three, LLC at the Water and Resource Recovery Center. It is further recommended that the City Council approve the Development and Operating

Agreement and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 305-16 Disposing of an interest in City of Dubuque-owned property by Lease between the City of Dubuque and BRD Three, LLC and approving the Water and Resource Recovery Center Gas System Development and Operating Agreement between the City of Dubuque and BRD Three, LLC. Seconded by Jones.

Greater Dubuque Development Corporation President and CEO Rick Dickinson, Water and Resource Recovery Center Plant Manager William O'Brien, President of BioResource Development LLC Greg MacLean, Greater Dubuque Development Corporation Smarter Sustainable Consultant David Lyons provided a presentation on the proposed BioGas project at the Water and Resource Recovery Center. Councilmember Resnick left the council chambers at 6:35 p.m. and returned at 6:44 p.m. Motion carried 6-0.

### **ACTION ITEMS**

1. Alliant Energy Community Annual Partnership Assessment (CAPA): Craig Clefish, Key Account Manager for Alliant Energy, reported on the Community Annual Partnership Assessment (CAPA). Motion by Jones to receive and file the documents and listen to the presentation. Key Accountant for Alliant Energy, Craig Clefish, gave the presentation. Seconded by Connors. Motion carried 6-0.

2. Inclusive Dubuque Quarterly Update: Inclusive Dubuque Network partners made a presentation on Inclusive Dubuque's accomplishments since April 2016. Motion by Lynch to receive and file the documents and listen to the presentation. Seconded by Resnick. Councilmember Resnick left the council chambers at 7:25 p.m. and returned at 7:31 p.m. Inclusive Dubuque Coordinator Katrina Farren-Eller, Community Foundation of Greater Dubuque Vice President of Strategic Initiatives Eric Dregne, Sociology Professor for Loras College Rick Anderson, Human Rights Director Kelly Larson, Multi-Cultural Family Center Assistant Director Sarah Peterson, Dubuque Black Men Coalition Member Anderson Sainci, League of United Latin American Citizens (LULAC) members Dora Serna and Lee Sanchez, Dubuque Museum of Art Executive Director David Schmitz presented on topics that included: Operating Principals History of the Network, Measuring the Networks Impact, Peer-Learning Council's 5 Year Equity Learning Program, City Equity Initiatives, Changing the Narrative, Mentorship Program with League of United Latin American Citizens (LULAC). Anderson Sainci responded to questions from the council. Motion carried 6-0.

3. Request for Work Session - USDA Grant Partnership with the Iowa League of Cities: City Manager requesting the City Council schedule a work session on Monday, October 10, 2016 at 6:00 p.m. on the USDA grant partnership with the Iowa League of Cities on Nutrient Trading. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Lynch. Councilmember Jones stated he would not be able to attend, due to a prior training commitment. Motion carried 6-0.

4. Request for Work Session - Sustainable Dubuque Quarterly Report: City Manager requesting the City Council schedule the Sustainable Dubuque Quarterly Work Session for Tuesday, August 30, 2016 at 6:00 p.m. in the Historic Federal Building, City Council Chambers. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 6-0.

### **COUNCIL MEMBER REPORTS**

Councilmember Connors reported on the 10<sup>th</sup> Anniversary Celebration at Orange Park on Washington Street for Crescent Community Health Center, as well as, the Annual Legislative Days where State Officials met with local individuals to hear concerns and priorities.

### **CLOSED SESSION**

Motion by Jones at 7:38 p.m. to convene in closed session regarding 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 and Assistant City Attorney Crenna Brumwell. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:00 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:03 p.m.

/s/Trish L. Gleason, CMC  
Assistant City Clerk

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