

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

The Dubuque City Council met in regular session at 6:00 p.m. on September 6, 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 (Joined at 6:24 p.m.) Assistant City Manager Cindy Steinhauser, 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

SWEARING IN

1. Mayor Buol administered the Oath of Office to Mayor Pro-Tem Kevin Lynch.

PROCLAMATION(S)

1. Kayla Banwarth Day (August 25, 2016) was read by Mayor Buol having presented the original to Ms. Banwarth at a previous event.
2. Days of Peace and Ceasefire (September 13-25, 2016) was accepted by Days of Peace Committee Members R.R.S. Stewart and Evelyn Nadeau.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council Proceedings of 8/15, 8/30; Community Development Advisory Commission of 8/16; Library Board of Trustees Update #151 of 7/28; Transit Advisory Board of 8/11; Proof of Publication for City Council Proceedings of 8/1, 8/2, 8/3, 8/4 and 8/15; Proof of Publication for List of claims and Summary of Revenues for Month Ending 7/11. Upon motion the documents were received and filed.
2. Notice of Claims and Suits: Barbara Kelly for vehicle damage; Newel Marcov for vehicle damage; and James Weitz for property 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: Barbara Kelly for vehicle damage; Newel Marcov for vehicle damage; and James Weitz for property damage. Upon motion the documents were received, filed and concurred.

4. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting: City Manager transmitting the 28th consecutive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for Fiscal Year ended June 30, 2015. Upon motion the documents were received and filed.

5. Ermina Soler Named Wonder Women: Heroines of Dubuque by Girl Scouts of Eastern Iowa and Western Illinois: Correspondence from the Girl Scouts of Eastern Iowa and Western Illinois honoring Circles Coordinator Ermina Soler with the Wonder Women - Heroines of Dubuque Award. Upon motion the documents were received and filed.

6. Dubuque Jaycees 2017 Fireworks Request: Correspondence from Thomas Parsley, General Manager for Radio Dubuque, in partnership with the Dubuque Jaycees requesting approval to conduct a fireworks display on Sunday, July 3, 2017 from 9:00 p.m. to 10:30 p.m. on Volunteer Road between Hawthorne and Lime Streets with a rain date of July 4. Upon motion the documents were received, filed and approved.

7. Appointment to Housing Trust Fund Committee: Housing Commission recommending approval to appoint Commissioner Dorothy Schwendinger as the Commission's representative on the Housing Trust Fund Committee. Upon motion the documents were received, filed and approved.

8. Workers' Compensation Settlement for James Hoerner: City Attorney recommending approval of an Agreement for Settlement regarding a Workers' Compensation claim that was filed against the City of Dubuque by James Hoerner. Upon motion the documents were received, filed and approved.

9. Zaber v. City of Dubuque: City Attorney transmitting the Court ruling from Zaber v. City of Dubuque ordering the distribution of unclaimed funds from the settlement account to four charitable organizations and requesting authorization for the City Attorney's Office to take such action as may be appropriate to seek review of the ruling by the Iowa Appellate Courts. Upon motion the documents were received, filed and approved.

10. Iowa DOT Funding Agreement - NW Arterial and Chavenelle Road Left Turn Lane Improvements: City Manager recommending approval for the Mayor to execute a Funding Agreement with the Iowa Department of Transportation for an Urban-State Traffic Engineering Program (U-STEP) grant to assist with the construction of proposed left turn lane improvements at the intersection of the Northwest Arterial and Chavenelle

Road. Upon motion the documents were received and filed and Resolution No. 306-16 Approving a Funding Agreement (No. 6-16-USTEP-15) with the Iowa Department of Transportation for an Urban-State Traffic Engineering Program (U-STEP) Grant to assist with the construction of proposed left turn lane improvements at the intersection of Northwest Arterial and Chavenelle Road was adopted.

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

12. Public Works - Change in Equipment Operator Position: City Manager recommending approval to create one additional Landfill Equipment Operator position and eliminate one Equipment Operator II position in the Public Works Department. Upon motion the documents were received, filed and approved.

13. Pre-Annexation Agreement – TeKippe: City Manager recommending approval of a Pre-Annexation Agreement with Kenneth J. and Marlene TeKippe, property owners of Lot 9 in Twin Ridge Subdivision No. #4. Upon motion the documents were received and filed and Resolution No. 307-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Kenneth J. and Marlene TeKippe was adopted.

14. Pre-Annexation Agreement - Hardwood Flooring Services, Inc.: City Manager recommending approval of a Pre-Annexation Agreement with Hardwood Flooring Services, Inc., proper owner of 10638 Key West Drive. Upon motion the documents were received and filed and Resolution No. 308-16 Approving a Pre-annexation Agreement between the City of Dubuque, Iowa and Hardwood Flooring Services, Inc. was adopted.

15. Purchase of Services Grant - Four Mounds HEART Program: City Manager recommending approval of a Community Development Block Grant Agreement with Four Mounds HEART Program for Fiscal Year 2017 to provide youth education and training opportunities. Upon motion the documents were received, filed and approved.

16. Tri-State Occupational Health Agreement Amendment: City Manager recommending approval of an Amendment to the Agreement between Tri-State Occupational Health, L.L.C. and the City of Dubuque for case management services for workers compensation claims and Police and Fire job related injuries and illnesses. Upon motion the documents were received, filed and approved.

17. Childhood Lead Poisoning Prevention Programs Contracts and Subcontracts: City Manager recommending approval of a contract with the Dubuque County Board of Health and the Iowa Department of Public Health for continued funding of the Childhood Lead Poisoning Prevention Program, and a renewed agreement with the Visiting Nurse Association for services related to the Childhood Lead Poisoning Prevention Program

and Healthy Homes Program. Upon motion the documents were received, filed and approved.

18. Felderman's Subdivision - Acceptance of Improvements: City Manager recommending acceptance of the public improvements that the developer, Arboretum Development LLC, has recently completed in Felderman's Subdivision. Upon motion the documents were received and filed and Resolution No. 309-16 Accepting public improvements in Felderman's Subdivision in the City of Dubuque, Iowa was adopted.

19. Pebble Cove Subdivision and Pebble Cove #2 Subdivision - Acceptance of Improvements: City Manager recommending acceptance of the public improvements that the developer, Kivlahan Farms L.C., has recently completed in Pebble Cove Subdivision and Pebble Cove #2 Subdivision. Upon motion the documents were received and filed and Resolution No. 310-16 Accepting public improvements in Pebble Cove Subdivision and Pebble Cove #2 Subdivision, in the City of Dubuque, Iowa was adopted.

20. 2016 Asphalt Overlay Access Ramp Project Two Award: City Manager recommending the award for the 2016 Asphalt Overlay Access Ramp Project Two be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

21. 2016 Asphalt Overlay Access Ramps Project Three Award: City Manager recommending that the award for the 2016 Asphalt Overlay Access Ramp Project Three be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

22. AECOM Technical Services, Inc. - SW Arterial Supplemental Agreement No. 17: City Manager recommending authorization to execute a supplemental agreement with AECOM Technical Services, Inc., subject to the concurrence of the Iowa Department of Transportation, which approves revisions to the original scope of services to the Consultant Professional Services Contract to complete the final engineering design phase of the Southwest Arterial. Upon motion the documents were received and filed and Resolution No. 311-16 Approving the Consultant Professional Services - Supplemental Agreement No. 17 between AECOM Technical Services, Inc. and the City of Dubuque for the completion of final engineering design phase of the Southwest Arterial Project was adopted.

23. Signed Contracts: Wenzel Towing Service Contract Amendment to FY 2016-2018 Contract. Upon motion the documents were received and filed.

24. Alcohol Compliance Civil Penalty for Alcohol License Holder – Buffalo Wild Wings: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Buffalo Wild Wings, 2805 Northwest Arterial. Upon motion the documents were received, filed and approved.

25. Alcohol Compliance Civil Penalty for Alcohol License Holder - Ron's Discount Smokes: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Ron's Discount Smoke & Beverage Center #1, 3300 Asbury Road. Upon motion the documents were received, filed and approved.

26. 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. 312-16 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.

1. NW Arterial and Chavenelle Road Left Turn Lane Improvement Project: City Manager recommending initiation of the public bidding procedure for the Northwest Arterial/Chavenelle Road Intersection Left Turn Lane Improvements Project, and further recommends that a public hearing be set for September 19, 2016. Upon motion the documents were received and filed and Resolution No. 313-16 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 September 19, 2016 in the Historic Federal Building.

2. Fiscal Year 2017 First Budget Amendment: City Manager recommending the first Fiscal Year 2017 Budget Amendment be set for public hearing for September 19, 2016. Upon motion the documents were received and filed and Resolution No. 314-16 Setting the date for the public hearing on Amendment No. 1 to the Fiscal Year 2017 Budget for the City of Dubuque 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.

3. Dubuque Regional Airport Parking Lot Repair Project 2016: City Manager recommending initiation of the public bidding procedure for the Dubuque Airport Parking Lot Repair Project 2016, and further recommends that a public hearing be set for September 19, 2016. Upon motion the documents were received and filed and Resolution No. 315-16 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 September 19, 2016 in the Historic Federal Building.

4. Lease of Property to Interstate Power and Light Company for Construction of Solar Array: City Manager recommending the City Council set a public hearing for September 19, 2016, to approve a lease with Interstate Power and Light Company for approximately 21.14 acres of property recently acquired by the City of Dubuque near the Dubuque Industrial Center West north of Humke Road and west of Seippel Road for construction of a solar array. Upon motion the documents were received and filed and Resolution No. 316-16 Resolution of Intent to dispose of an interest in City of Dubuque owned property by lease between the City of Dubuque and Interstate Power and Light Company 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

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, 2017 (Vacant term of Clements). Applicant: Ronald Collins, 243 Cardiff St.

Appointments were made to the following Boards/Commissions.

2. Long Range Planning Advisory Commission: One, 3-year term through July 1, 2019 (Vacant term of Prochaska). Applicant: Michael Wright, 385 Burch St. Motion by Connors to appoint Mr. Wright to a 3-year term through July 1, 2019. Seconded by Lynch. Motion carried 7-0.

3. Transit Advisory Board: One, 3-year term through July 30, 2019 (Expired term of Lohrmann). Applicant: Carrie Lohrmann, 1879 Denver Dr. Motion by Jones to appoint Ms. Lohrmann to a 3-year term through July 30, 2019. Seconded by Lynch. Motion carried 7-0.

PUBLIC HEARINGS

1. Removal of Phyllrich Drive from Residential Parking Permit District H: Proof of publication on notice of public hearing to consider the removal of Phyllrich Drive from Residential Parking Permit District H and the City Manager 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 Resnick. City Engineer Gus Psihoyos responded to questions from the City Council regarding changes in student parking in the residential area since the completion of Hempstead High School's parking renovation project. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 42-16 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Division 7 Residential Parking Permit Program, Section 9-14-

321.740 Residential Parking Permit District H by removing Phyllrich Drive between Keystone Drive and Keymont Drive. Seconded by Resnick. Motion carried 7-0.

PUBLIC INPUT

Jill Crippes, 2257 Chaney Road #1, addressed the City Council about her interest in purchasing the Five Flags Center and use it as a church. Mayor Buol advised Ms. Crippes to submit her proposal to the City Clerk for submission to the City Council.

ACTION ITEMS

1. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented a verbal update on the activities of the Greater Dubuque Development Corporation. Topics included meeting and exceeding the goals of the NEXT Campaign in the areas of job creation, population growth, average wage, expanding and developing NEXT Campaign goals beyond Fiscal Year 2017. Mr. Dickinson responded to questions from the City Council regarding Moody's Investor Service assessments and predictions for cities that do not factor in present and future programs that may benefit the city's rating. He added the GDDC tracks Moody's reports and makes inquiries. Mr. Dickinson also addressed the analytics of regional job growth and how it is impacted by population growth and the inability to break it down by community. Motion by Jones to receive and file the information. Seconded by Lynch. Motion carried 7-0.

2. Five Flags Civic Center Quarterly Report: SMG Regional General Manager HR Cook provided the quarterly report on the Five Flags Civic Center. Topics included: a financial report, a breakdown of events and attendance, notable events past and future, new logo unveiling, business partnerships, concession changes and the addition of a new, recurring event for dog owners, "Wags at Flags" during the winter months. Motion by Connors to receive and file the information. Seconded by Jones. Motion carried 7-0.

3. Cottingham & Butler Insurance Services, Inc. - IEDA Contract: City Manager recommending approval of a contract among Cottingham & Butler Insurance Services, Inc., the City of Dubuque and the Iowa Economic Development Authority. Motion by Lynch to receive and file the documents and adopt Resolution No. 317-16 Authorizing the execution of a Contract for State Business Financial Assistance by and among Cottingham & Butler Insurance Services, Inc., the City of Dubuque, Iowa, and the Iowa Economic Development Authority. Seconded by Connors. Motion carried 7-0.

4. Rejection of Bids - Grandview Avenue and Loras Boulevard and Grandview Avenue and University Avenue Intersection Improvement Projects: City Manager recommending the rejection of the competitive bid proposals received for the Grandview Avenue & Loras Boulevard and Grandview Avenue & University Avenue Intersection Improvement Project due to the reconsideration of a traffic control device for the intersection improvements at Grandview Avenue & University Avenue. Motion by Lynch to receive and file the documents and adopt Resolution No. 318-16 Rejecting

competitive bid proposals received for the Grandview Avenue & Loras Boulevard and Grandview Avenue & University Avenue Intersection Improvement Project. Seconded by Resnick. Motion carried 7-0. City Manager Van Milligen and City Engineer Gus Psihoyos responded to questions from the City Council regarding the impact the change would have on grant funding, the impact on current and future traffic flow from the recently completed roundabout. At the request of City Council, staff will inquire with consultants about the option of a mini/painted roundabout.

5. Code of Ordinances Amendment - Title 15 Swimming Pool Regulations: City Manager recommending approval of a change to Title 14-9-1 of the City of Dubuque Code of Ordinances redefining the depth and amending fencing regulations for swimming pools to be consistent with the International Property Maintenance Code. 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 Del Toro. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 43-16 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 9 Swimming Pools, Sections 14-9-1 Definition and 14-9-4 Fencing Requirements to make language consistent with the International Property Maintenance Code. Seconded by Del Toro. Motion carried 7-0.

6. Traffic Stop Analysis Project: City Manager recommending approval of a Memorandum of Understanding between the City of Dubuque and St. Ambrose University to complete a traffic stop study in Dubuque. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Police Chief Mark Dalsing responded to questions from the City Council regarding the qualifications of St. Ambrose University, current and ongoing departmental intercultural training, and concerns about justifying the need for the analysis versus putting the funds toward improving the current system. Motion carried 6-1 with Del Toro voting nay.

7. Expansion of Conservation District to Include 553 E. 14th Street: City Manager recommending approval of the expansion of the Washington Neighborhood Conservation District to include 553 E. 14th Street. Motion by Connors to consider the first reading of a proposed ordinance amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Article 10-11-A-4 pertaining to expansion of the Washington Street Neighborhood Conservation District. Motion failed for lack of a second.

Motion by Resnick to table to October 17, 2016. Seconded by Del Toro. Motion carried 5-2 with Buol and Jones voting nay.

8. Building Conditions Report for Property at 3000 Jackson Street: Building Services Manager Todd Carr, Assistant City Attorney Maureen Quann, Assistant City Attorney Crenna Brumwell and Planning Services Manager Laura Carstens presented a Building Conditions Report for property at 3000 Jackson Street, a portion of the former Dubuque Brewing and Malting Company complex (a/k/a H&W Building). Topics included historical

background, code enforcements and timelines by City departments, court enforcement and timelines by City Attorney's Office, response to July 21, 2016 partial building collapse, work plan to remove threat to public safety, and overview of the City's code enforcement tools. Staff and the City Manager responded to questions from the City Council regarding the imminent threat of public safety, comparisons to other preservation projects, property/business insurance, and options the property owner has for the future of the building. Staff will provide updates to the City Council on the safety issue and any changes in the disposition of the property. Motion by Connors to receive and file the documents. Seconded by Lynch. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Mayor Buol invited citizens to the State of the City Address at 7 p.m. on Thursday, September 8, 2016 in the City Council Chambers, 350 W. 6th Street (second floor). The Address will be broadcast on cable channel 8 and digital 117.2.

There being no further business, upon motion the City Council adjourned at 9:21 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 9/14