

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

The Dubuque City Council met in regular session at 6:00 p.m. on September 19, 2016 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol (via phone), Mayor Pro-Tem Lynch; Council Members Connors, Del Toro, Jones, Resnick, Rios; City Manager Van Milligen, City Attorney Lindahl

Mayor Pro-Tem Lynch 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. National Museum of African-American History and Culture Day (September 24, 2016) was accepted by Ernest Jackson of the Black Men's Coalition; Michela Houston, President of the Clarke University Black Student Union; Amonde Lawhorn, President of the Black Student Union of the University of Dubuque; and 9 additional representatives.

2. Crop Walk Day (October 4, 2016) was accepted by Erich Moeller of Holy Trinity Church.

CONSENT ITEMS

Motion by Jones to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Council Member Connors requested items #4 & #5 be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: Cable TV Commission of 9/7; City Council Proceedings of 9/6, 9/12; Library Board of Trustees of 7/28 and Council Update #152 of 8/25; Long Range Planning Advisory Commission of 8/17; Zoning Advisory Commission of 9/7; Zoning Board of Adjustment of 8/25; Proof of Publication for City Council Proceedings of 8/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: National Agribusiness Insurance Co. / Mary Althaus for vehicle damage; Ciara Neeley for vehicle damage; Richard Sherman II 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: National Agribusiness Insurance Co. / Mary Althaus for vehicle

damage; Richard Sherman II for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Randy Peck Receives Labor Relations Award of Excellence: City Manager transmitting information about Personnel Manager Randy Peck receiving the Labor Relations Award of Excellence from the Iowa Public Employer Labor Relations Association (IaPELRA). Upon motion the documents were received and filed.

5. Jule Transit FTA Ridership Award: City Manager transmitting information about Jule Transit Manager Candace Eudaley accepting the Ridership Award of Excellence from the Federal Transit Administration at the Transit Midwest Conference. Upon motion the documents were received and filed.

Motion by Connors to receive and file the documents related to Consent Items 4 & 5. Seconded by Jones. Connors recognized and commended staff on their respective awards. Motion carried 7-0.

6. Replacement Agency for Project Concern: City Manager recommending approval to replace Project Concern with East Central Development Corporation, a non-profit division of East Central Intergovernmental Association, as the sponsor agency to manage the Shelter Care Plus Program under the Continuum of Care Grant. Upon motion the documents were received and filed and Resolution No. 319-16 Authorizing the Mayor to execute a contract for the Continuum of Care Special Needs Assistance Grant for Supportive Services designating East Central Development Corporation as sponsor agency was adopted.

7. Washington Neighborhood Housing Trust Fund Grant Application: City Manager recommending approval for the commitment of local matching funds for a grant application being submitted by the City of Dubuque Housing Trust Fund Committee to the Iowa Finance Authority State Housing Trust Fund for continued support of homeownership in the Washington Neighborhood. Upon motion the documents were received and filed and Resolution No. 320-16 Approving commitment of matching funds for an application to the Iowa Finance Authority (IFA) for State Housing Trust Funds was adopted.

8. US EPA Consent Decree September 30, 2016 Semiannual Report: City Manager recommending authorization to certify the September 30, 2016 Consent Decree Semi Annual Report for submittal to the US Department of Justice, US EPA and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

9. Friends of St. Mary's d/b/a Steeple Square - Third Amendment to Development Agreement: City Manager recommending approval of the Third 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. 321-16 Approving the Third

Amendment to the Development Agreement between the City of Dubuque, Iowa and Friends of St. Mary's d/b/a Steeple Square was adopted.

10. Great Lakes Career Ready Internship Grant Program: City Manager recommending approval to utilize the Great Lakes Career Ready Internship Grant Program in order to employ a Loras College student as a temporary intern in the Circles Program-Housing and Community Development Department the fall semester beginning September 12, 2016 until December 23, 2016. Upon motion the documents were received, filed and approved.

11. Request for Proposals - Fire Stations Rooftop Solar: City Manager recommending approval to issue a Request for Proposals for the design and potential installation of solar photovoltaic systems on the City's six fire station rooftops, and approval for the City Manager to execute a contract with a recommended firm should solar construction during Fiscal Year 2017 be recommended, based on the requirement that there be no upfront capital investments. Upon motion the documents were received, filed and approved.

12. Northfork Trails Subdivision - Acceptance of Improvements: City Manager recommending acceptance of the public improvements on Keymont Court that the developer, 4-ALL LLC, has recently completed in North Fork Trails No. 5, Lots 1 through 10. Upon motion the documents were received and filed and Resolution No. 322-16 Accepting public improvements in North Fork Trails No. 5 - Lots 1 through 10 was adopted.

13. Green Industrial Supply, Inc. - IEDA Contract Second Amendment: City Manager recommending approval of a resolution authorizing a second amendment to a contract with the Iowa Economic Development Authority (IEDA) for Iowa Values Funds Financial Assistance benefits on behalf of Green Industrial Supply, Inc. Upon motion the documents were received and filed and Resolution No. 323-16 Approving a Second Amendment to the Economic Development Financial Assistance Contract by and among Green Industrial Supply, Inc., the City of Dubuque, and the Iowa Department of Economic Development was adopted.

14. Delinquent Weed, Junk, and Garbage Collection Accounts (Health Services): City Manager recommending the levy of special assessments for the Weed/Junk/Garbage Enforcement Programs which is being levied against 16 separate parcels of property inspected from October 5, 2015 to June 21, 2016. Upon motion the documents were received and filed and Resolution No. 324-16 Adopting the Schedule of Assessments for 2016 and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

15. City Street Financing Report for Fiscal Year 2016: City Manager recommending approval of the City of Dubuque's Fiscal Year 2016 City Street Financing Report. Upon motion the documents were received and filed and Resolution No. 325-16 Approving the City of Dubuque Fiscal Year 2016 City Street Financing Report was adopted.

16. 2016 Justice Assistance Grant (JAG) Acceptance: City Manager recommending acceptance of the 2016 Justice Assistance Grant (JAG). Upon motion the documents were received, filed and approved.

17. Visiting Nurses Association Home Advocate Contract Extension: City Manager recommending approval to extend the Visiting Nurse Association agreement through January 2017. Upon motion the documents were received, filed and approved.

18. Alternative Services Concepts (ASC) Renewal Rates: City Manager recommending approval of Alternative Services Concepts (ASC) renewal rates for worker's compensation claims administration effective October 1, 2016 through September 30, 2017. Upon motion the documents were received, filed and approved.

19. Dubuque Main Street Program Agreements: City Manager recommending approval of a resolution and Program Agreement between Dubuque Main Street, the City of Dubuque and the Iowa Department of Economic Development. Upon motion the documents were received and filed and Resolution No. 326-16 Resolution of Support and Financial Commitment for the Main Street Program in Dubuque was adopted.

20. City of Asbury Request to Use Tax Increment Financing for Hawkeye Care Facility: City Manager recommending approval of the Joint Agreement with the City of Asbury allowing the City of Asbury to utilize tax increment financing for the relocation of the Hawkeye Care Facility to Asbury from Dubuque. Upon motion the documents were received and filed and Resolution No. 337-16 Approving a Joint Agreement with the City of Asbury for the relocation of Hawkeye Care Facility from the City of Dubuque to the City of Asbury, for the purpose of undertaking an urban renewal project was adopted.

21. Improvement Contracts / Performance, Payment and Maintenance Bonds: Midwest Concrete, Inc. for the 2016 Asphalt Overlay Access Ramp Projects Two and Three. Upon motion the documents were received, filed and approved.

22. Alcohol Compliance Civil Penalty for Alcohol License Holder – Aldi, Inc.: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Aldi, Inc., #30, 2160 Holliday Drive. Upon motion the documents were received, filed and approved.

23. Business License Refund: Request by GPM Midwest, LLC for a refund of the liquor license BC0030362 for Fas Mart #5159 located at 2175 Central Avenue, due to a license upgrade. Upon motion the documents were received, filed and approved.

24. 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. 327-16 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. 328-16 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 Connors 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. Opening Doors - Partial Releases of Mortgages: City Manager recommending that the City Council set a public hearing be set for October 3, 2016, on the partial release of three mortgages granted by Opening Doors to the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 329-16 Resolution of Intent to dispose of an interest in real estate by Partial Release of certain mortgages granted by Opening Doors to the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on October 3, 2016 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointment was made to the following commission.

1. Long Range Planning Advisory Commission: One, 3-year term through July 1, 2017 (Expired term of Clements). Applicant: Ronald Collins, 243 Cardiff St. Motion by Jones to appoint Mr. Collins to the remainder of a 3-year term through July 1, 2017. Seconded by Connors. Motion carried 7-0.

PUBLIC HEARINGS

1. Dubuque Regional Airport Parking Lot Repair Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Dubuque Regional Airport Parking Lot Repair Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 330-16 Approval of plans, specifications, form of contract, and estimated cost for the Dubuque Regional Airport Parking Lot Repair Project 2016. Seconded by Jones. Motion carried 7-0.

2. NW Arterial and Chavenelle Road Left Turn Lane Improvement Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Northwest Arterial/Chavenelle Road Intersection Left Turn Lane Improvement Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 331-16 Approval of plans, specifications, form of contract, and estimated cost for the Northwest Arterial / Chavenelle Intersection Left Turn Lane Improvement Project. Seconded by Del Toro. The City Manager stated that the project relates directly to detours related to the Southwest Arterial project construction. Motion carried 7-0.

3. Dubuque Industrial Center West - Urban Renewal Plan Amendment: Proof of publication on notice of public hearing to approve the Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District and the City Manager recommending approval. Motion by Del Toro to receive and file the documents and adopt Resolution No. 332-16 Approving the Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District. Seconded by Jones. Motion carried 7-0.

4. Code of Ordinances Amendment - Title 16 Downtown Design / Architectural Guidelines: Proof of publication on notice of public hearing to consider approval of a request by the City of Dubuque to amend the Unified Development Code to replace, in various sections, references to Downtown Design Guidelines with Architectural Guidelines in Sections 16-10 and 16-3 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 Del Toro. Motion carried 7-0. Planning Services Manager Laura Carstens provided a staff report.

Motion by Connors for final consideration and passage of Ordinance No. 44-16 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 10 Historic Preservation Commission Applications and Procedures, Section 16-10-10 Standards for Review by References Architectural Guidelines; and Ordinance No. 45-16 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 13, Site Design Standards, Section 16-13-2 Applicability to Reference Architectural Guidelines. Seconded by Del Toro. Motion carried 7-0.

5. Code of Ordinances Amendment - Titles 15 & 16 Meeting Requirement for Long Range Planning Advisory Commission, Zoning Advisory Commission, and the Zoning Board of Adjustment: Proof of publication on notice of public hearing to consider approval of a request by the City of Dubuque to change the meeting requirement for the Long Range Planning Advisory Commission, the Zoning Board of Adjustment and the Zoning Advisory Commission and the Zoning Advisory Commission recommending approval. Motion by Del Toro 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. Planning Services Manager Laura Carstens provided a staff report.

Motion by Del Toro for final consideration and passage of Ordinance No. 46-16 Amending City of Dubuque Code of Ordinances Title 15 Planning and Zoning, Chapter 2 Long Range Planning Advisory Commission, Section 15-2-10 Meetings by Changing the Meeting Requirement; Ordinance No. 47-16 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 8 Zoning Board of Adjustment Applications and Procedures, Section 16-8-1 Zoning Board of Adjustment by Changing the Meeting Requirement; and Ordinance No. 48-16 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 9 Zoning Advisory

Commission Applications and Procedures, Section 16-9-1 Zoning Advisory Commission by Changing the Meeting Requirement. Seconded by Jones. Motion carried 7-0.

6. Fiscal Year 2017 First Budget Amendment: Proof of publication on notice of public hearing to consider approval of the first Fiscal Year 2017 Budget Amendment, which amends the Fiscal Year 2017 budget for City Council actions since the beginning of the fiscal year. Motion by Jones to receive and file the documents and adopt Resolution No. 333-16 Amending the Current Budget for the Fiscal Year Ending June 30, 2017. Seconded by Connors. Responding to questions from the City Council, City Manager Van Milligen stated that the amendment contained only changes approved or requested by the City Council. Motion carried 7-0.

7. Lease of Property to Interstate Power and Light Company for Construction of Solar Array: Proof of publication on notice of public hearing to consider approval of 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 and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 334-16 Disposing of an interest in real property located in the City of Dubuque, Iowa by lease between the City of Dubuque and Interstate Power and Light Company. Seconded by Jones. Responding to questions from the City Council, Sustainable Innovations Consultant for the Greater Dubuque Development Corporation David Lyons, described how much energy would be generated, how the energy would be transmitted from the array and that development designs would involve Council approval. City Manager Van Milligen stated that adjacent development could not shade the array. Motion carried 7-0.

ACTION ITEMS

1. Heritage Trail Head Parking Lot Project Award: City Manager recommending award of the construction contract for the Heritage Trail Head Parking Lot Project to the low bidder Temperly Construction. Motion by Connors to receive and file the documents and adopt Resolution No. 335-16 Awarding public improvement contract for the Heritage Trail Head Parking Lot Project. Seconded by Resnick. Motion carried 7-0.

2. Timber Ridge Estates Preliminary Plat: Zoning Advisory Commission recommending approval of the preliminary plat for Timber Ridge Estates subject to waiving the street width. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Planning Services Manager Laura Carstens provided a staff report and responded to questions from the City Council regarding Dubuque County street development standards versus City street development standards with respect to street width, private maintenance, parking and the potential for annexation. Motion carried 7-0.

3. Dubuque Industrial Center West Urban Renewal Ordinance: City Manager recommending Council approval of an ordinance amending the Tax Increment

ordinance for the Dubuque Industrial Center Economic Development District that allow tax increment financing to be used in the new Subareas H, I and J of the District. 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. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 49-16 Amending Ordinance No. 55-15, Previously Amended, Providing that general property taxes levied and collected each year on all property located within the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Area of the City of Dubuque, County of Dubuque, State of Iowa, by and for the benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and other Taxing Districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said city in connection with the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Redevelopment Project. Seconded by Connors. Motion carried 7-0.

4. Property Acquisition - 6450 Pennsylvania Avenue: City Manager recommending approval of the acquisition of 6450 Pennsylvania Avenue from Douglas M. and Dianne M. Fritsch and further recommends authorization of the acceptance of the Warranty Deed and any other related steps necessary to carry out the terms of the Offer. Motion by Connors to receive and file the documents and adopt Resolution No. 336-16 Approving the acquisition of real estate owned by Douglas M. and Dianne M. Fritsch in the City of Dubuque. Seconded by Jones. Responding to questions from the City Council, City Manager Van Milligen explained that the City was contacted about purchasing the property and acquire adjacent properties as they become available. City Engineer Gus Psihoyos explained how the Dubuque County valuation was used to arrive at a purchase price. Motion carried 7-0.

5. Fair Housing Testing Requests for Proposals: City Manager recommending approval of the selection of the Fair Housing Center of Nebraska and Iowa to provide both the originally proposed testing as well as the testing based on disability, and allow the City Attorney's Office to negotiate the contract subject to City Manager approval. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Rios. Responding to questions from the City Council, Assistant City Attorney Crenna Brumwell addressed how the testing would be conducted and how the results would be utilized in the areas of enforcement, education, intervention and training of staff and landlords. Motion carried 7-0.

6. Request for Work Session - Bee Branch Creek Restoration Project Walking Tour: City Manager recommending that the City Council schedule a work session for a walking tour of the Bee Branch Creek Restoration Project for Monday, October 24, 2016, at 5:00 p.m. Motion by Connors to receive and file the documents and set the work session as recommended. Council Member Jones stated that he is unavailable. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones reported on the NICC / Dubuque Sheriff Law Enforcement Simulator ribbon cutting at 4:30 p.m. on October 10, 2016 at NICC's downtown campus.

Mayor Buol recognized and congratulated City Attorney Barry Lindahl for 41 years of service and 768 Council meetings as City Attorney as he transitions to part-time Senior Counsel beginning October 1, 2016.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:08 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Mayor Pro-Tem Lynch 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, and Attorney Ivan Webber. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:05 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:06 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 9/28