

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

The Dubuque City Council met in regular session at 6:00 p.m. on October 3, 2016 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Connors, Del Toro, Jones, Lynch, Resnick, Rios; City Manager Van Milligen, City Attorney Brumwell

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

Mayor Buol welcomed recently appointed City Attorney Crenna Brumwell.

PRESENTATION(S)

1. International Economic Development Council 2016 Leadership Award was presented to Mayor Roy D. Buol by Rick Dickinson, Executive Director and CEO of Greater Dubuque Development Corp.

2. Tom McDonald Safety (ISRMSA) Award: Civil Engineer Jon Dienst presented the Tom McDonald Safety Award from the Iowa Streets and Road Maintenance Supervisors Association (ISRMSA) recognizing the City of Dubuque for the Grandview Avenue/Delhi Street/Grace Street Roundabout Project.

PROCLAMATION(S)

1. Keeping the Lights on After School Day (October 13, 2016) was accepted by Beth McGorry of St. Mark Youth Enrichment, 1201 Locust Street.

2. White Cane Safety Day (October 15, 2016) was accepted by Judy Jacobs and Mary Bargas on behalf of Tri-State Blind Society and Dubuque Association for the Blind respectively, 3333 Asbury Road.

3. Gentleman Day (October 19, 2016) was accepted by: Nelly Hill of Waypoint Services Dubuque, 452 W. 4th Street.

4. Trick-or-Treat Night (October 31, 2016) was accepted by Mayor Roy D. Buol.

5. Chaplain Aloysius Schmitt Week (October 3-7, 2016) was accepted by Dick Bridges, Past Commander, American Legion Post 6, 1306 Delhi Street.

6. Arts and Humanities Month (October 2016) was accepted by Arts and Cultural Affairs Commissioners Ellen Henkels, Susan Reidel, David Schmitz, and Mary Armstrong

7. Make-a-Will Month (October 2016) was accepted by Make-a-Will Month Committee Members Susan Henricks, David Schmitz, and Ric Jones.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council Proceedings 9/19; Civil Service Commission of 8/9, 9/26; Sister City Relationships Advisory Commission of 9/14; Proofs of Publication on City Council Proceedings of 9/6, 9/12; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 8/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Marvin Brantley for vehicle damage; Donna Klein 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: Marvin Brantley for vehicle damage; Donna Klein for property damage; Ciara Neealy for vehicle damage. Upon motion the documents were received, filed and concurred.

4. International Day of Peace Recognition of City Employees: City Manager transmitting information about Human Rights Director Kelly Larson and Circles Coach Ermina Soler receiving recognition from Dubuque's International Day of Peace Committee. Upon motion the documents were received and filed.

5. Dubuque Fire Department - 2016 Mission: Lifeline® EMS Silver Award: The Dubuque Fire Department received a 2016 Mission: Lifeline® EMS Silver Award from the American Heart Association for implementing quality improvement measures for the treatment of patients who experience severe heart attacks. Motion by Jones to receive and file. Seconded by Connors. Jones recognized Fire Department staff for their achievement. Motion carried 7-0.

6. Pool Assessment Study Consultant Selection: City Manager recommending approval of the selection of MSA Professional Services, Inc. to complete a facility assessment and report (Tasks 1A and 1B) for both the Flora and Sutton Pools. Upon motion the documents were received, filed and approved.

7. Acceptance of Ingress and Egress Easement - 3080 Cedar Crest Court: City Manager recommending acceptance of a Grant of Ingress and Egress Easement over property at 3080 Cedar Crest Court. Upon motion the documents were received and filed and Resolution No. 338-16 Accepting a Grant of Ingress and Egress Easement through, over and across part of Lot 2 of Lot 3 of Cedar Ridge Farm Place No. 7, in the City of Dubuque, Iowa was adopted.

8. Acceptance of Permanent Easement for Sanitary Sewer - 4825 Asbury Road: City Manager recommending acceptance of a Grant of Sanitary Sewer Easement from Half Moon, LLC for a permanent sanitary sewer easement across 4825 Asbury Road. Upon motion the documents were received and filed and Resolution No. 339-16 Accepting a Grant of Easement for Sanitary Sewer through, over and across part of Lot 1 of 2 of Remakel Place, in the City of Dubuque, Iowa was adopted.

9. Acceptance of Grant of Sanitary Sewer Utility Easement - 3225 Pennsylvania Avenue: City Manager recommending acceptance of a Grant of Sanitary Sewer Easement from Dubuque Senior Housing IV, LLC, for a permanent easement for sanitary sewer across part of 3225 Pennsylvania Avenue. Upon motion the documents were received and filed and Resolution No. 340-16 Accepting a Grant of Easement for Sanitary Sewer Through, over and across part of Lot 1 of Lange Estate, in the City of Dubuque, Iowa was adopted.

10. Upper Mississippi River - A Vital Resource for Regional Economic Prosperity Brochure: City Manager transmitting the Upper Mississippi River - A Vital Resource for Regional Economic Prosperity Brochure. Upon motion the documents were received and filed.

11. Friends of St. Mary's / Steeple Square - Fourth Amendment to Development Agreement: City Manager recommending approval of the Fourth 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. 341-16 Approving the Fourth Amendment to the Development Agreement between the City of Dubuque, Iowa and Friends of St. Mary's d/b/a Steeple Square was adopted.

12. Friends of St. Mary's / Steeple Square - Collateral Assignment of Development Agreement: City Manager recommending approval of a Collateral Assignment of the Development Agreement for the 1501 Jackson Street project to Dubuque Bank & Trust. Upon motion the documents were received and filed and Resolution No. 342-16 Approving Collateral Assignment of Development Agreement related to rehabilitation of 1501 Jackson Street was adopted.

13. Request for Professional Consulting Engineering Services: City Manager recommending authorization to seek proposals for qualified professional engineering consultants to assist the City in obtaining favorable financing for budgeted sanitary sewer and associated water main capital improvement projects through the State of Iowa's State Revolving Loan fund. Upon motion the documents were received, filed and approved.

14. Dubuque County General Relief Fund: City Manager recommending approval of Fiscal Year 2017 Water Leak Repair funds to provide Dubuque County a 50/50 match for payments from the Dubuque County General Relief Fund beginning in Fiscal Year 2017. Upon motion the documents were received, filed and approved.

15. "First Job" Recruiting and Hiring Compact: City Manager recommending approval for the City of Dubuque becoming a participant in the "First Job" Recruiting and Hiring Compact as part of the My Brother's Keeper initiative by signing on to the "First Job" Recruiting and Hiring Compact. Upon motion the documents were received, filed and approved.

16. Dubuque Racing Association Request to Refinance Existing DRA Loan: City Manager recommending approval of a request from Dubuque Racing Association President and CEO Jesús Avilés to refinance the loan obligations coming due December 1, 2016. Upon motion the documents were received, filed and approved.

17. Alcohol Compliance Civil Penalty for Alcohol License Holder – Easy Street: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Easy Street, 30 Main Street. Upon motion the documents were received, filed and approved.

18. Alcohol Compliance Civil Penalty for Alcohol License Holder – Holiday Inn Dubuque Five Flags: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Holiday Inn Dubuque Five Flags, 450 Main Street. Upon motion the documents were received, filed and approved.

19. 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. 343-16 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.

BOARDS/COMMISSIONS

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

1. Building Code and Advisory Appeals Board: One, 3-year term through August 1, 2019 (Vacant term of Kolf, Architect/Engineer Representative). Applicant: Benjamin Beard (Qualifies as Architect/Engineer Representative).

2. Community Development Advisory Commission: One, 3-year term through February 15, 2017 (Vacant term of Craddieth, Low/Moderate Income Area Representative). Applicant: Sara Burley, 2622 Broadway St. (Qualifies as LMI Representative). Ms. Burley spoke in support of her appointment.

PUBLIC HEARINGS

1. Opening Doors - Partial Release of Mortgages: Proof of publication for notice of public hearing to consider the partial release of three mortgages granted by Opening Doors to the City of Dubuque and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 344-16 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. Seconded by Lynch. Motion carried 7-0.

PUBLIC INPUT

Brenda Wickham, 1779 Chaney Road, addressed the City Council regarding her desire to allow dogs in Flora Park.

ACTION ITEMS

1. Dubuque Regional Airport Parking Lot Repair Project 2016 Award: City Manager recommending award of the construction contract for the Dubuque Airport Parking Lot Repair Project 2016 to the low bidder Tom Kueter Construction Co., Inc. Motion by Lynch to receive and file the documents and adopt Resolution No. 345-16 Awarding the public improvement contract for the Dubuque Airport Parking Lot Repair Project 2016. Seconded by Jones. Motion carried 7-0.

2. NW Arterial / Chavenelle Road Left Turn Lane Improvement Project Award: City Manager recommending award of the construction contract for the NW Arterial / Chavenelle Road Turn Lane Improvement Project to the low bidder Eastern Iowa Excavating & Concrete, LLC. Motion by Lynch to receive and file the documents and adopt Resolution No. 346-16 Awarding the public improvement contract for the Northwest Arterial / Chavenelle Intersection Left Turn Lane Improvement Project (Iowa DOT Project No. UST-032-1(49)--4A-31). Seconded by Rios. Responding to questions from the City Council, City Engineer Gus Psihoyos stated that he will inquire about the impact on the left turn lane from eastbound Hwy 20 onto northbound NW Arterial during the detour period. Motion carried 7-0.

3. Park and Recreation Advisory Commission - Request to Change Washington Park Landscape Mode for Pest Management: Park and Recreation Advisory Commission recommending changing Washington Park from a "Mode 1" to a "Mode 2" Landscape in the Integrated Pest Management Program (IPM). Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 4-3 with Resnick, Del Toro and Buol voting nay. During discussion, Leisure Services Manager Marie Ware responded to questions from the City Council regarding the impact on staffing with increased hand work and line trimming and the appearance of green space in and around parks and playground equipment that are no longer chemically maintained, increased public signage and education; and receipt of public comment.

4. Park and Recreation Advisory Commission - Fiscal Year 2018 Budget Priority List: Park and Recreation Advisory Commission submitting its Fiscal Year 2018 Budget

Priorities for City Council consideration. Motion by Jones to receive and file. Seconded by Rios. City Council determined that this information will be considered through the Fiscal Year 2018 budget process. Motion carried 7-0.

5. Arts and Cultural Affairs Advisory Commission Master Plan Recommendation: The Arts and Cultural Affairs Advisory Commission recommending the acceptance of the Arts and Cultural Master Plan as submitted by Lord Cultural Resources. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 6-1 with Resnick voting nay. Arts Coordinator Debra Alleyne, Arts Commission members Sue Reidel and David Schmitz provided a slide presentation about the purpose, planning and process in developing the Arts and Culture Master Plan including: defined goals, priorities and strategies, promotion and support, policies and recommendations, and next steps. During discussion, the presenters responded to questions from the City Council regarding concerns over adding additional bureaucracy and staff, commission term limits, and changing the current successful process. City Manager Van Milligen stated that the recommendations come from the Commission and do not increase his level of authority adding that the recommendations outlined in the plan would come back to the Council for discussion and final approval.

6. Request for Work Session - Comprehensive Plan Quarterly Update: City Manager recommending the City Council schedule a work session on November 14, 2016 at 6:00 p.m. for the first quarterly update for Imagine Dubuque, the new City of Dubuque Comprehensive Plan. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Connors. Motion carried 7-0.

7. Request for Work Session - Source of Income Report: City Manager recommending the City Council schedule a work session for November 28, 2016, at 6:00 p.m. for the Source of Income Committee to present their report. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones reported on the City receiving the 2016 Dubuque Main Street People's Choice Impact Award for the Historic Millwork District.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:59 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Connors. Mayor Buol stated for the record that the attorney who will consult with the City Council on issues to be discussed in closed session is City Attorney Crenna Brumwell. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:51 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:52 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/12