

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

The Dubuque City Council met in regular session at 6:00 p.m. on October 17, 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

INTRODUCTION(S)

International City/County Management Association Fellowship Exchange Program: Assistant City Manager Cindy Steinhauser introduced ICMA Fellows Mr. Siegfred Flaviano of the Philippines, and Mr. Kongkeo Sivilay of Laos. Each Fellow addressed the City Council and provided a brief biography.

PROCLAMATION(S)

1. Andrew Connolly Make-a-Difference Day (October 22, 2016) was accepted by Laura Roussell, Sr. Community Affairs Manager for Black Hills Energy and representatives.

2. Toastmasters Week (October 24-28, 2016) was accepted by Keith Nielsen of Toastmasters International and representatives.

3. Community Planning Month (October 2016) was accepted by Planning Services Manager Laura Carstens.

4. MS Run the US #orangearmy Day (November 1, 2016) was accepted by Curt Ehlinger of MS Run the US.

5. Adoption Month (November 2016) was accepted by Christa Hefel, MPH, Post Adoption Support Specialist, Four Oaks/Iowa Kidsnet.

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: City Council Proceedings of 10/3, 10/10; Community Development Advisory Commission of 9/28; Five Flags Civic Center Commission of 9/26; Historic Preservation Commission of 9/12; Library Board of Trustees Council Update #153 of 9/22; Zoning Advisory Commission of 10/5; Zoning Board of

Adjustment of 9/22; Proof of Publication of City Council Proceedings of 9/19. Upon motion the documents were received and filed.

2. Iowa League of Cities' Conservation Innovation Grant: City Manager transmitting correspondence to the USDA Natural Resources Conservation Service in support of the Iowa League of Cities' Conservation Innovation Grant and providing information on matching funds from the City of Dubuque. Upon motion the documents were received and filed.

3. Delinquent Bush, Brush and Vegetation Collection Accounts: City Manager recommending approval of the Final Assessment Schedule for bushes / brush / and vegetation enforcement against the owner of private property at 1395 Walnut Street. Upon motion the documents were received and filed and Resolution No. 347-16 Adopting the Schedule of Assessments for 1395 Walnut Street and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

4. Bee Branch Watershed Flood Mitigation Project US EPA Brownfields Cleanup Cooperative Grant Agreement: City Manager recommending approval of the Cooperative Agreement with the U.S. Environmental Protection Agency in order to secure Brownfields Cleanup grant funds for the Blum Brownfields Site at 501 E. 15th Street. Upon motion the documents were received and filed and Resolution No. 348-16 Approving the Brownfields Cleanup Grant Agreement between the U.S. Environmental Protection Agency and the City of Dubuque, Iowa for the cleanup of the former Blum Scrap Yard and Recycling facility at 501 E. 15th Street for the Bee Branch Watershed Flood Mitigation Project was adopted.

5. SW Arterial / Military Road Supplemental Agreement No. 1: City Manager recommending the City Council authorize the City Manager to execute a supplemental agreement between the City, the Iowa Department of Transportation, and IIW, P.C., to provide construction engineering services for the Southwest Arterial – Military Road Reconstruction Project. Upon motion the documents were received and filed and Resolution No. 349-16 Approving the Construction Engineering Services Supplemental Agreement No. 1 between the City of Dubuque, the Iowa Department of Transportation, and IIW, P.C. for the Military Road Reconstruction Project was adopted.

6. Grand River Center Air Wall Re-Upholstery Project Acceptance: City Manager recommending acceptance of the Grand River Center Air Wall Re-Upholstery Project as completed by Folding Partition Services and authorizing final payment. Upon motion the documents were received and filed and Resolution No. 350-16 Accepting the Grand River Center Air Wall Re-Upholstery Project and authorizing the payment of the contact amount to the contractor was adopted.

7. Grand River Center Concourse & River Room Carpet Replacement Project Acceptance: City Manager recommending acceptance of the Grand River Center Concourse and River Room Carpet Replacement Project as completed by Commercial

Flooring and authorizing final payment. Upon motion the documents were received and filed and Resolution No. 351-16 Accepting the Grand River Center Concourse and River Room Carpet Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

8. Grand River Center Ballroom Carpet Replacement Project Acceptance: City Manager is recommending acceptance of the Grand River Center Ballroom Carpet Replacement Project as completed by Commercial Flooring and authorizing final payment. Upon motion the documents were received and filed and Resolution No. 352-16 Accepting the Grand River Center Ballroom Carpet Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

9. Dubuque Regional Airport Utilities Extension Project Acceptance: City Manager recommending acceptance of the construction contract for the Utility Extension to the Dubuque Regional Airport, as completed by Miller Trucking and Excavating and authorizing final payment. Upon motion the documents were received and filed and Resolution No. 353-16 Accepting the Utility Extension to the Dubuque Regional Airport Project and authorizing the payment of the contract amount to the contractor was adopted.

10. Heeb Street Retaining Wall Reconstruction Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Heeb Street Retaining Wall Reconstruction Project, as completed by McDermott Excavating and authorizing final payment. Upon motion the documents were received and filed and Resolution No. 354-16 Accepting the Heeb Street Retaining Wall Reconstruction Project and authorizing the payment to the contractor was adopted.

11. 2016 Asphalt Overlay Access Ramp Project One Acceptance: City Manager recommending acceptance of the construction contract for the 2016 Asphalt Overlay Access Ramp Project One as completed by Arensdorf Construction and authorizing final payment. Upon motion the documents were received and filed and Resolution No. 355-16 Accepting the 2016 Asphalt Overlay Project Curb Access Ramps Project One and authorizing the payment of the contract amount to the contractor was adopted.

12. Public Works Equipment Operator I Position: City Manager recommending approval for the position of Maintenanceworker to be replaced with an Equipment Operator I position in the Public Works Department. Upon motion the documents were received, filed and approved.

13. Parking Ramp Gate Equipment Procurement: City Manager recommending approval of the selection of Parking Inc. Systems to replace the gate control equipment for the Iowa Parking Ramp and the Five Flags Parking Ramp. Upon motion the documents were received, filed and approved.

14. Cody Drive Right-of-Way Acquisition Plat: City Manager recommending approval of the Acquisition Plat for property on the east end of Cody Drive and acceptance of the

dedication of said lot for right-of-way purposes related to expansion of Valentine Park. Upon motion the documents were received and filed and Resolution No. 356-16 Approving the Acquisition Plat of Lot 5A of Block 7 except the westerly 75' thereof, of Pioneer Hills, in the City of Dubuque, Iowa was adopted.

15. Dubuque Community School District - School Resource Officer (SRO) Agreement: City Manager recommending approval of the Fiscal Year 2016-2017 School Resource Officer Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

16. Dubuque Community School District 2016-2017 DARE Agreement: City Manager recommending approval of the Fiscal Year 2016-2017 DARE Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

17. Holy Family School District 2016-2017 DARE Agreement: City Manager recommending approval of the Fiscal Year 2016-2017 DARE Agreement between the City of Dubuque Police Department and the Holy Family School District. Upon motion the documents were received, filed and approved.

18. Pre-Annexation Agreement - Jon D. Luckstead: City Manager recommending approval of a Pre-Annexation Agreement with Jon D. Luckstead for property in Tamarack South Subdivision. Upon motion the documents were received and filed and Resolution No. 357-16 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Jon D. Luckstead was adopted.

19. Fire Station Alerting System: City Manager recommending the selection of Racom/U.S. Digital Designs for replacement of the Fire Station Alerting System. Upon motion the documents were received, filed and approved.

20. Craig Pfohl Settlement Agreement: City Attorney recommending approval of a Settlement Agreement in the case of Craig Pfohl v. Officer Wilkens Dieujuste and City of Dubuque. Upon motion the documents were received, filed and approved.

21. 28E Agreement - Key West Fire Department: City Manager recommending approval of a 28E Agreement with the Key West Fire Department to allow them to use City of Dubuque-owned hydrants that are located in the Key West Fire Department Fire District. Upon motion the documents were received, filed and approved.

22. Anderson Corporate Foundation Grant Application for Bus Stop Accessibility in Dubuque's North End and Point Neighborhoods: City Manager recommending approval for Jule Transit to submit an application to the Andersen Corporate Foundation to increase lighting, seating and accessibility, while achieving compliance with the Americans with Disabilities Act, for bus stops in the North End and Point neighborhoods. Upon motion the documents were received, filed and approved.

23. Improvement Contracts / Performance, Payment and Maintenance Bonds: Tom Kueter Construction Co., Inc. for the Dubuque Airport Parking Lot Repair Project 2016. 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. 358-16 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 Connors. Motion carried 7-0.

1. English Ridge Housing Urban Renewal Area Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an Amended and Restated Urban Renewal Plan for the English Ridge Housing Urban Renewal Area is both necessary and appropriate, and sets a public hearing on the proposed amendment for November 21, 2016. Upon motion the documents were received and filed and Resolution No. 359-16 Resolution of Necessity finding that certain property in and near the English Ridge Urban Renewal Area is an Economic Development Area and that the development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting a date for hearing on a proposed Amended and Restated Urban Renewal Plan for said Area was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 21, 2016.

2. Greater Downtown Urban Renewal District Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an amendment of the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District is both necessary and appropriate, and sets a public hearing on the proposed amendment for November 21, 2016. Upon motion the documents were received and filed and Resolution No. 360-16 Resolution of Necessity finding that certain areas to be included within the Greater Downtown Urban Renewal District meet the definition of a Blighted Area or an Economic Development Area under the Urban Renewal Law, and that development of said Areas 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 was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 21, 2016.

BOARDS/COMMISSIONS

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

1. Housing Trust Fund Advisory Committee: One, 3-year term through August 17, 2019 (Expired term of Walsh). Applicant: John Walsh, 316 Spring Valley Rd.

Appointments were made to the following Boards/Commissions:

2. 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). Motion by Connors to appoint Mr. Beard to a 3-year term through August 1, 2019. Seconded by Jones. Motion carried 7-0.

3. 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). Motion by Jones to appoint Ms. Burley to the remainder of a 3-year term through February 15, 2016. Seconded by Resnick. Motion carried 7-0.

PUBLIC HEARINGS

1. Request to Amend ID Institutional District - Finley Hospital: Proof of publication on notice of public hearing to consider a request from Finley Hospital to amend ID Institutional District sign regulations at 1550 /1560 University Avenue to permit two (2) additional, 50 sq. ft. wall-mounted signs and one (1), 80 sq. ft., eleven (11) foot-high monument-style sign to the Kehl Diabetes Center building 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. Planning Services Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 50-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the amendment of Ordinance 14-14, and approval of an amended Campus Development Plan for the Finley Hospital Institutional District. Seconded by Jones. Motion carried 7-0.

2. Request to Amend PUD Planned Unit Development - Plaza 20: Proof of publication on notice of public hearing to consider a request from Plaza 20, Inc. to amend the Plaza 20 PUD Planned Unit Development sign regulations at 2600 Dodge Street to permit one (1) 400 sq. ft. and two (2), 250 sq. ft. freestanding signs and the Zoning Advisory Commission 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 Del Toro. Planning Services Manager Laura Carstens provided

a staff report. Responding to questions from the City Council, Ms. Carstens stated that these are on-premise signs and therefore not effected by regulations that apply to off-premise signs within the Hwy 20/Dodge Street right-of-way and regardless of whether the City or IDOT has jurisdiction over that right-of-way. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 51-16 Amending Title 16, the Unified Development Code of the City of Dubuque Code of Ordinances by rescinding Ordinance 13-16 Which Established Regulations for the Plaza 20 PUD Planned Unit Development District with a Planned Commercial Designation and now being amended to allow for modification of the On-Premise Sign Regulations Applied to Plaza 20. Seconded by Del Toro. Motion carried 7-0.

PUBLIC INPUT

Carol Copeland, Executive Management, 1330 Locust Street; and Lynn Lampe, Vice President of the Dubuque Landlords Association, expressed their opposition to Source of Income code requirements currently under discussion and urged the Council to continue to allow landlords, property owners and housing providers the choice to participate or not in the Housing Choice Voucher and other assistance programs.

ACTION ITEMS

1. State Representative Charles Isenhardt: Mr. Isenhardt addressed the City Council regarding his 2017 Legislative Priorities and asked the Council to keep this information in mind as it develops the City's own Legislative Priorities. Topics included: clean water/soil health; clean energy and climate action; local food system development to improve public health and diversity our agricultural economy; economic/ workforce development to benefit and empower populations underserved by or disadvantaged in our community; access health care, particularly treatment for mental health and substance abuse. Mr. Isenhardt then outlined examples of several initiatives where he and the City might work together on these priorities. Motion by Jones to receive and file the documents. Seconded by Connors. Motion carried 7-0.

2. Expansion of Conservation District to Include 553 E. 14th Street (Tabled from September 6, 2016): City Manager recommending City Council action on one of four options related to the expansion of the Washington Neighborhood Conservation District to include 553 E. 14th Street. Motion by Connors to remove from the table. Seconded by Jones. Motion carried 7-0.

Restate motion by Connors to receive and file the documents and deny the City's request. Seconded by Resnick. Motion carried 6-1 with Rios voting nay. City Attorney Crenna Brumwell and Planning Services Manager Laura Carstens responded to questions from the City Council regarding the City's inability to inspect the interior of non-rental buildings without permission; the City's permitting and design review process within conservation and historic districts, the architectural and historic structure assessment survey; and the inspection history of this property.

3. North Grandview Avenue Right-of-Way Amendment to Purchase Agreement (K&T Real Estate): City Manager recommending approval to amend the purchase agreement for the vacation and disposal of a portion of the North Grandview Avenue right-of-way in the southwest corner of the intersection of North Grandview Avenue and University Avenue. Motion by Connors to receive and file the documents and adopt Resolution No. 361-16 Amending the Purchase Agreement for the vacation and disposal of a portion of the North Grandview Avenue right-of-way in the City of Dubuque. Seconded by Rios. Motion carried 7-0. Responded to questions from the City Council City Manager Van Milligen and City Engineer Gus Psihoyos explained how the amendment will allow the City to use the property for the proposed roundabout at this intersection.

4. Code of Ordinances Amendment Title 14 - References to Housing Code: City Manager recommending approval of an ordinance which adjusts any references to the recently repealed Title 6, Chapter 6 of the City of Dubuque Code of Ordinances to the updated and proper code. 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 Jones. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 52-16 Amending Ordinance 30-16 Which repealed Title 6, Chapter 6 of the City of Dubuque Code of Ordinances and all other Ordinances or parts of Laws in Conflict therewith; Adopted the 2015 Edition of the International Property Maintenance Code, Regulating and Governing the Conditions and Maintenance of all Property, Buildings, and Structures; Provided the Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure that Structures are Safe, Sanitary and fit for Occupation and Use; and Condemning Buildings and Structures Unfit for Human Occupancy and Use, and the Demolition of Such Existing Structure in the City of Dubuque; Provided for the Issuance of Permits and Collection of Fees Therefor; and Adopted a New Article within Title 14, Chapter 1 as Article J; by adjusting the Notice of Violation Provision, adding Definitions for Building Official and Code Official, and modifying the Housing Board of Appeal Provisions to be Consistent with the Provisions for Other Boards and Commissions of the City. Seconded by Rios. Motion carried 7-0.

5. Code of Ordinances Amendment Title 4 - Solicitor's License: City Manager recommending approval of an Ordinance providing that the City Manager must give written notice of the revocation, suspension or denial of renewal to the licensee. 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. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 53-16 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 5 Solicitor's License, Section 4-5-10 Denial, Suspension, or Revocation of License by providing that the City Manager must give written notice of the revocation, suspension, or denial of renewal. Seconded by Lynch. Motion carried 7-0.

6. Code of Ordinances Amendment Title 14 - Mechanical and Plumbing Code Board: City Manager recommending approval of two ordinances to amend Ordinance Nos. 25-16 and 26-16 to make the language for the Mechanical and Plumbing Code Board consistent between the two ordinances. 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. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 54-16 Amending Ordinance 25-16 Which repealed Title 14 Building and Development, Chapter 1 Building Codes, Article F Mechanical Code, Sections 14-1F-1 International Mechanical Code Adopted and 14-1F-2 International Mechanical Code Amendments and adopted new sections in lieu thereof Adopting the 2015 International Mechanical Code; and Ordinance No. 55-16 Amending Ordinance 26-16 Which repealed Title 14 Building and Development, Chapter 1 Building Codes, Article H Plumbing Code, Sections 14-1H-1 International Plumbing Code Adopted and 14-1H-2 International Plumbing Code Amendments and adopted new sections in lieu thereof adopting the 2015 International Plumbing Code. Seconded by Resnick. Motion carried 7-0.

7. Code of Ordinances Amendment Title 14 - Electrical Code: City Manager recommending approval of an ordinance that prohibits the use of PVC when penetrating through a roof and/or soffit. 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. City Manager Van Milligen and City Attorney Brumwell responded to questions from the City Council regarding the use of PVC for electrical purposes vs. heating and cooling purposes. Brumwell added that this recommendation is coming from the Electrical Code Board and refers to the National Electrical Code, not the International Electrical Code. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 56-16 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article D Electrical Code, Section 14-1D-2 National Electrical Code Amendments by amending Uses Not Permitted to include where overhead lines and/or wires attach to PVC. Seconded by Rios. Motion carried 7-0.

8. Request for Work Session - Inclusive Dubuque Quarterly Work Session: City Manager recommending that the City Council schedule the quarterly Inclusive Dubuque Work Session for December 12, 2016, at 6:00 p.m. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 7-0.

9. Request for Special City Council Meeting - South Pointe Subdivision Housing Urban Renewal Area: City Manager recommending that the City Council schedule a special City Council meeting for Thursday, October 27, at 5:30 p.m. in Conference Room B of City Hall, in order to begin the process of considering a Housing Urban Renewal Area to include the South Point subdivision. Restated motion by Lynch to receive and file the

documents and set the work session for a new time of 5:00 p.m. on October 27, 2016. Seconded by Rios. Motion carried 7-0.

10. National League of Cities Voting Delegates: Correspondence from the National League of Cities requesting that the City designate a voting delegate and alternate voting delegate for the upcoming National League of Cities Annual Business meeting on November 19, 2016. Motion by Connors to receive and file the documents and appoint Mayor Buol as the voting delegate as he will be attending the conference. Seconded by Resnick. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:45 p.m. to discuss pending litigation and real estate transfer negotiations 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 Crenna Brumwell and Attorney Conner Wasson. Motion carried 7-0.

Upon motion the City Council adjourned the closed session at 8:25 p.m. stating that staff had been given proper direction.

City Council then met in a non-public meeting to discuss collective bargaining strategy pursuant to Chapter 20.17(3) Code of Iowa.

There being no further business, upon motion the City Council adjourned at 8:36 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/26