

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

The Dubuque City Council met in regular session at 6:00 p.m. on November 7, 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

PRESENTATION(S)

1. American Water Works Association - Iowa 2016 Outstanding Service Award: American Water Works Association - Iowa Section Board of Directors Chairperson Roy Hesemann presented the AWWA-IA Outstanding Service Award to Water Plant Manager Bob Green.

2. American Planning Association's Iowa Chapter Best Practice Award for Architectural Guidelines: Planning Services Manager Laura Carstens presented the American Planning Association's Iowa Chapter (APA-IA) Best Practice Award to the City of Dubuque for its Architectural Guidelines.

PROCLAMATION(S)

1. Philanthropy Day (November 15, 2016) was accepted by Kelly Meyers, Regional Fundraising Advisory, Amperage Marketing & Fundraising, 3280 St. Anne Drive, Dubuque.

2. Pancreatic Cancer Awareness Day (November 17, 2016) was accepted by Diane Oglesby Rambousek, President, Michael W. Oglesby Foundation, PO Box 777, Dubuque.

3. Hospice Month (November 2016) was accepted by Lavonne Noel, Executive Director, Hospice of Dubuque, 2255 JFK Road, Dubuque.

4. Hunger and Homelessness Awareness Month (November 2016) was accepted by Teresa Shelter resident Alexxis.

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 10/17, 10/24, 10/27; Civil Service Commission of 10/25; Historic Preservation Commission of 10/20; Investment Oversight Advisory Commission of 10/26; Library Board of Trustees Update #154 of 10/27; Long Range Planning Advisory Commission of 10/19; Mechanical and Plumbing Board of 10/20; Park and Recreation Advisory Commission of 9/29; Transit Advisory Board of 10/6; Proof of Publication for City Council Proceedings of 10/3, 10/10, 10/17, 10/24; Proof of Publication on Notice of Delinquent Utility Accounts of 10/21; Proof of Publication for List of Claims and Summary of Revenues Month Ending 9/30/16. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: CenturyLink for property damage; CenturyLink for property damage; Thomas Klinkhammer for vehicle damage; Saul Moreno for vehicle damage; Linda Stark for property damage; John Stewart for vehicle damage; and Joan Tully 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: CenturyLink for property damage; Thomas Klinkhammer for vehicle damage; Saul Moreno for vehicle damage; Linda Stark for property damage; John Stewart for vehicle damage; and Joan Tully for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Don Vogt Receives Outstanding Professional Achievement Award: City Manager transmitting information on the Iowa Society of Solid Waste Operations (ISOSWO) presenting retired Public Works Director Don Vogt with the 2016 Outstanding Professional Achievement Award. Upon motion the documents were received and filed.

5. Southwest Arterial Brochure: City Manager transmitting the City of Dubuque public information brochure for the Southwest Arterial / U.S. Highway 52. Upon motion the document was received and filed.

6. C.H.A.N.G.E. Brochure: City Manager transmitting a copy of the public information C.H.A.N.G.E brochure (Comprehensive Housing Activities for Neighborhood Growth & Enrichment) from the Housing and Community Development Department. Upon motion the document was received and filed.

7. Grant of Easement for Storm Sewer - Applewood IV Senior Housing: City Manager recommending Acceptance of the Grant of Storm Sewer Easement from Dubuque Senior Housing IV, LLC through, over and across part of Lot 1 of Lange Estate in the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 366-16 Accepting a Grant of Easement for storm sewer through, over and across part of Lot 1 of Lange Estate, in the City of Dubuque, Iowa was adopted.

8. Dubuque Industrial Center South Verena Court Entrance Road Project Acceptance: City Manager recommending acceptance of the public improvement construction contract

for the Dubuque Industrial Center South, Verena Court Project, as completed by Drew Cook & Sons Excavating Co., Inc. Upon motion the documents were received and filed and Resolution No. 367-16 Accepting the Dubuque Industrial Center South - Verena Court Project and authorizing the payment to the contractor was adopted.

9. Key West Drive Watermain Extension Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Key West Drive Water Main Extension Project, as completed by Top Grade Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 368-16 Accepting the Key West Drive Water Main Extension Project and authorizing the payment to the contractor was adopted.

10. SRF Green Alley Project Bid Set 1- Year 3 Acceptance: City Manager recommending acceptance of the construction contract and the establishment of the Final Schedule of Assessments for the SRF Green Alley Bid Set 1 – Year 3 Project as completed by Portzen Construction. Upon motion the documents were received and filed and Resolution No. 369-16 Accepting the SRF Green Alley Project Bid Set 1 - Year 3 and authorizing the payment of the contract amount to the contractor; and Resolution No. 370-16 Adopting the Final Assessment Schedule for the SRF Green Alley Project Bid Set 1 - Year 3 was adopted.

11. Delinquent Bush, Brush and Vegetation Collection Accounts (Leisure Services): City Manager recommending approval of the Final Assessment Schedule for bushes / brush / vegetation enforcement against the owner of private property at 2901 Olde Country Lane. Upon motion the documents were received and filed and Resolution No. 371-16 Adopting the Schedule of Assessments for 2910 Olde Country Lane and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof were adopted.

12. Delinquent Garbage Collection Charges (Housing Department): City Manager recommending approval of a resolution authorizing the City to certify garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 372-16 Authorizing the City to collect delinquent garbage collection charges in accordance with Title 6-6-3C2o; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

13. Special Assessment for Sidewalk Repair - 2749 Broadway Street: City Manager recommending the levy of special assessment for the sidewalk repair at 2749 Broadway. Upon motion the documents were received and filed and Resolution No. 373-16 Adopting the Final Assessment Schedule for Sidewalk Replacement Assessment Project was adopted.

14. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified List for Fire Promotional positions of Assistant Fire Chief, Assistant Fire Marshal, Fire Captain, Fire Lieutenant, EMS Supervisor and Medical Office; and the Recertified

List for the position of Utility Worker. Upon motion the documents were received, filed and made a Matter of Record.

15. Retitling of Forester Position: City Manager recommending approval of the elimination of one Forester position and the creation of one Urban Forester position in the Leisure Services Department. Upon motion the documents were received, filed and approved.

16. Acceptance of Deed for Property at 730 Cody Drive: City Manager recommending approval of a resolution accepting the deed to property purchased from George E. and Dorothy S. Roepsch located at 730 Cody Drive. Upon motion the documents were received and filed and Resolution No. 374-16 Accepting the Deed to certain real Estate in Dubuque County, Iowa from George E. Roepsch and Dorothy S. Roepsch was adopted.

17. Property Tax Appeal Settlement for Nordstrom, Inc.: Senior Counsel recommending approval of the Stipulations of Settlement regarding property tax assessment appeals filed by Nordstrom, Inc., for property at 5050 Chavenelle Road. Upon motion the documents were received, filed and approved.

18. W.C. Stewart Construction v. Dubuque Regional Airport & City of Dubuque: City Manager recommending approval of a resolution which authorizes the City Manager to arrange for payment on the best terms and conditions possible in the case of W.C. Stewart Construction, Inc. v. Dubuque Regional Airport, Dubuque Regional Airport Commission, and the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 375-16 Authorizing the City Manager to pay the judgment against the City for the benefit of W.C. Stewart Construction, Inc. and negotiate the terms and conditions of payment was adopted.

19. Workers' Compensation Settlement Agreement for Doug Brehm: City Attorney recommending approval of a Workers' Compensation Settlement Agreement filed by Transit employee Doug Brehm. Upon motion the documents were received, filed and approved.

20. Housing Choice Voucher Administrative Plan Amendments: City Manager recommending City Council approval of changes to the Housing Choice Voucher/Section 8 Chapter 4 Applications, Waiting List and Tenant Selection Administrative Plan. Upon motion the documents were received and filed and Resolution No. 376-16 Approving amendments to the Section 8 Administrative Plan was adopted.

21. Delta Dental Plan Renewal: City Manager recommending approval of the Delta Dental renewal rates for the plan year beginning January 1, 2017 through December 31, 2017. Upon motion the documents were received, filed and approved.

22. Iowa Department of Transportation Project Notice: Correspondence from the Iowa Department of Transportation (IDOT) notifying the City of an upcoming bid letting for deck

joint repair on U.S. Hwy 61 at Peosta Channel in March 2017. Upon motion the documents were received and filed.

23. Signed Contract(s): Four Mounds Foundation Winter Farmer's Market Lease of 1101 Central Avenue; Hillcrest Family Services Lease of Louis Murphy Park for holiday light display; Unison Solutions, Inc. Biogas Technology Demonstration License for the Water & Resource Recovery Center. Upon motion the documents were received and filed.

24. Improvement Contracts / Performance, Payment and Maintenance Bonds: Eastern Iowa Excavating & Concrete, LLC for the Chavenelle Rd./NW Arterial Turn Lane Improvements Local Road Detour; Temperley Excavating for the Heritage Trailhead Parking Lot Project. Upon motion the documents were received, filed and approved.

25. Alcohol Compliance Civil Penalty for Alcohol License Holder – Chocolaterie Stam Dubuque: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Chocolaterie Stam Dubuque, 269 Main Street. Upon motion the documents were received, filed and approved.

26. 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. 377-16 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. 378-16 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 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 Resnick. Motion carried 7-0.

1. Southwest Arterial - Military Road Reconstruction Project Initiate: City Manager recommending initiation of the public bidding procedure through the Iowa Department of Transportation for the Southwest Arterial – Military Road Reconstruction Project, and further recommends that a public hearing be set for November 14, 2016. Upon motion the documents were received and filed and Resolution No. 379-16 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 was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 14, 2016 in the Historic Federal Building.

2. Jule Operations and Training Center Project Initiate: City Manager recommending initiation of the public bidding procedure for the Jule Operations and Training Center

Project, and further recommends that a public hearing be set for November 21, 2016. Upon motion the documents were received and filed and Resolution No. 380-16 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 November 21, 2016 in the Historic Federal Building.

3. Vacate Storm Sewer and Sanitary Sewer Easement at 3225 and 3275 Pennsylvania Avenue: City Manager recommending the City Council set a public hearing for November 21, 2016 to vacate the storm and sanitary sewer easement across Lot 1 and Lot 2 of Lange Estate in the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 381-16 Resolution of Intent to vacate and dispose of City interest in a Storm and Sanitary Sewer Easement over and across Lot 1 and Lot 2 of Lange Estate (Originally platted as Lot 1-2 of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, T89N, R2E) in the City of Dubuque, Dubuque County, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 21, 2016 in the Historic Federal Building.

4. South Pointe Housing Urban Renewal Area: City Manager recommending approval of a Resolution of Necessity that finds that the Urban Renewal Plan for the South Pointe Housing Urban Renewal Area is both necessary and appropriate and sets a public hearing on the proposed plan for December 5, 2016. Upon motion the documents were received and filed and Resolution No. 382-16 Resolution of Necessity finding that certain property in and near the South Pointe Subdivision 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 Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on December 5, 2016 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointment was made to the following Board/Commission.

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. Motion by Lynch to appoint Mr. Walsh to a 3-year term through August 17, 2019. Seconded by Jones. Motion carried 7-0.

PUBLIC INPUT

Mary Gotz, 1844 Bennett Street, and member of the Dubuque Landlord's Association, addressed future changes the City Council might be considering to the Housing Choice Voucher program and her concerns that they would limit the choice of landlords to participate in the program or not. Ms. Gotz equated the choice to that of health care choices or that of local grocers to participate in the SNAP program. She questioned the need for an ordinance amendment since empty Section 8 housing exists.

ACTION ITEMS

1. Iowa Mission of Mercy Summary Report: Dr. Heyo Tjarks, DDS provided a verbal report regarding the Iowa Mission of Mercy Clinic held on September 23 and 24, 2016 at the Five Flags Center. Dr. Tjarks thanked the staff and volunteers who participated and provided statistical information on the success of the event in terms of the number of clients served and procedures completed. Motion by Jones to receive and file the information. Seconded by Lynch. Motion carried 7-0.

2. National Disaster Resiliency Grant Update: Assistant City Manager Teri Goodman, Housing & Community Development Department Director Alvin Nash and City Engineer Gus Psihoyos provided a status report on the HUD National Disaster Resiliency Competition Grant. Topics included introduction of support staff and partners; an explanation of the purpose, time line and financial breakdown of the grant; infrastructure improvements and schedule; and a description of the healthy homes repair types and rehabilitation services, grant income guidelines and the home advocate component. Motion by Connors to receive and file the documents. Seconded by Del Toro. Motion carried 7-0.

3. Cable Television Division - High-Definition Upgrade: Cable TV Coordinator Craig Nowack made a presentation to City Council showing the capabilities of the new video production facilities that will be used to produce City Council meetings in high definition. Highlights included new cameras, speakers and monitors in the Chambers; improved conference telephone interface and enhanced technology room equipment and capabilities. Responding to questions from the City Council, Mr. Nowack explained that wireless hearing devices are available upon request. Motion by Connors to receive and file the information. Seconded by Lynch. Motion carried 7-0.

4. Marquette Hall - Urban Revitalization Area Designation: City Manager recommending approval of a resolution to establish Marquette Hall (2222 Queen Street) as a property that meets the requirements for designation as an Urban Revitalization Area. Motion by Lynch to receive and file the documents and adopt Resolution No. 383-16 Finding that the designation of the Marquette Hall Urban Revitalization Plan is necessary in the interest of public health, safety, and welfare of the residents of the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

5. University Lofts - Urban Revitalization Area Designation: City Manager recommending approval of a resolution to establish University Lofts (1225 Alta Vista Street) as a property that meets the requirements for designation as an Urban Revitalization Area. Motion by Connors to receive and file the documents and adopt Resolution No. 384-16 Finding that the designation of the University Lofts Urban Revitalization Plan is necessary to encourage needed housing and residential development providing safe, affordable housing for the residents of the City of Dubuque. Seconded by Lynch. Motion carried 7-0.

6. Full Circle Communities - Request for Urban Revitalization Designation: City Manager recommending approval of a request for local support from Full Circle Communities for the proposed re-development of the former Four Oaks building at 180 W. 15th Street into 36 residential units targeted to people with disabilities and veterans. Motion by Jones to receive and file the documents and adopt Resolution No. 385-16 Finding that the designation of the Fifteenth Street Apartments is in the Jackson Park Urban Revitalization District and therefore eligible for Urban Revitalization Tax Abatement for the redevelopment of 180 W. 15th Street, Dubuque, IA providing safe, affordable housing for the residents of the City of Dubuque. Seconded by Connors. Responding to questions from the City Council, Full Circle Communities Project Manager Jordan Bartle addressed the issue of on-street parking stating that the project received an exemption from the Zoning Board of Adjustment and that these types of developments generally see less demand for parking. Motion carried 7-0.

7. IDOT Transfer of Jurisdiction Agreement : City Manager recommending approval for the Mayor to execute the Transfer of Public Road Jurisdiction Agreement between the City of Dubuque and the Iowa Department of Transportation for public road segments of US 52/Iowa 3 and Iowa 32 (Northwest Arterial) that are within the City's corporate limits. Motion by Lynch to receive and file the documents and adopt Resolution No. 386-16 Approving the Transfer of Public Road Jurisdiction Agreement between the City of Dubuque and Iowa Department of Transportation. Seconded by Del Toro. Motion carried 7-0.

8. 210 Jones Street - Urban Revitalization Area Ordinance: City Manager recommending approval of an Ordinance adopting an Urban Revitalization Plan for the 210 Jones Street Urban Revitalization Area to assist in the redevelopment of this property. 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 Lynch. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 57-16 Amending City of Dubuque Code of Ordinances Title 3, Revenue and Taxation, Chapter 2 Revitalization Areas, by adopting a new Section 13: 210 Jones Street Urban Revitalization Area, and establishing requirements for qualifying property owners. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Connors reported on the Dubuque Chamber of Commerce 7th Diversity Summit held November 3, 2016 stating that it had excellent speakers and was well attended.

Mayor Buol reported on his presentation at the Resilient Lacrosse Summit in Lacrosse, Wisconsin regarding Dubuque's best practices in the area of resiliency. Mayor Buol reminded everyone of tomorrow's general election and encouraged everyone to vote.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:51 p.m. to discuss pending litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Connors. 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 Assistant City Attorney Maureen Quann. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:10 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:11 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 11/16