

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

The Dubuque City Council met in regular session at 6:00 p.m. on Monday, November, 21, 2016 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Connors, Del Toro, Jones, Lynch, Resnick, Rios (via telephone); 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

PROCLAMATION

Small Business Saturday (November 26, 2016) was accepted by Molly Grover, President & CEO of the Dubuque Area Chamber of Commerce.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. County Supervisor Jay Wickham requested (#9) Dubuque Metropolitan Area Solid Waste Agency Financing Plan be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of 11/3, 11/7, 11/14; Cable TV Commission of 11/2; Library Board of Trustees of 8/25, 9/12; Transit Advisory Board of 10/6; Zoning Advisory Commission of 11/2; Zoning Board of Adjustment of 10/27; Proof of publication for City Council Proceedings of 10/27, 11/3; Proof of publication for Notice of Delinquent Water, Sewer, Refuse & Stormwater Collection Accounts of 10/28. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Jarrod Wernimont for property damage; City of Dubuque vs. Dull Mullen / Abigail Land Holdings 10 LLC. 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: Jarrod Wernimont for property damage. Upon motion the documents were received, filed and concurred.

4. Investment Policy Certificate of Excellence Award: Communication from the Association of Public Treasurers of the United States and Canada presenting the City of

Dubuque with the Investment Policy Certificate of Excellence Award. Upon motion the documents were received and filed.

5. Quarterly Investment Report: City Manager transmitting Quarterly Investment Report for September 30, 2016. Upon motion the documents were received and filed.

6. Iowa Urban Renewal Annual Report for Fiscal Year 2016: City Manager recommending approval of the Fiscal Year 2016 Iowa Urban Renewal Report for the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 389-16 Approving the Fiscal Year 2016 Urban Renewal Report for the City of Dubuque was adopted.

7. Fiscal Year 2016 State of Iowa Annual Financial Report: City Manager recommending approval of the City of Dubuque Fiscal Year 2016 State of Iowa Annual Financial Report. Upon motion the documents were received, filed and approved.

8. City of Dubuque 2017 State Legislative Priorities: City Manager transmitting the City of Dubuque recommended 2017 State Legislative Priorities to be presented to area legislators at the annual Legislative Dinner on November 29, 2016, at 5:30 p.m. at the Grand River Center. Upon motion the documents were received, filed and approved.

9. Dubuque Metropolitan Area Solid Waste Agency (DMASWA) Financing Plan: City Manager recommending City Council authorization for the Dubuque Metropolitan Area Solid Waste Agency to borrow money and endorse the financing plan for its Cell #9 Phase III Construction Project. Motion by Jones to receive and file the documents and adopt Resolution No. 390-16 Consenting to Financing Plan for Dubuque Metropolitan Area Waste Authority. Seconded by Resnick. County Supervisor Jay Wickham addressed the City Council requesting that other financing options be explored that involve the City or the Agency. City Manager Van Milligen described the Board of Supervisors' past approvals of the agreement. Motion carried 6-1 with Del Toro voting nay.

10. US EPA Consent Decree Certification Remedial Measures: City Manager recommending approval for the City Manager to certify and submit the City of Dubuque Certification of Work Completed Through 2016 to the US Department of Justice, US EPA and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

11. Total Administrative Services Corporation (TASC) Renewal Fee Approval: City Manager recommending approval of the renewal rates received from the City's flexible spending plan administrator, Total Administrative Services Corporation, effective January 1, 2017, through December 31, 2017. Upon motion the documents were received, filed and approved.

12. Gallagher Benefit Services Renewal: City Manager recommending approval of an amendment to the Administrative Services Agreement with Gallagher Benefit Services, Inc. for benefit and consulting and actuarial services effective July 1, 2016 through

December 31, 2016, and authorize the City Manager to sign the amendment. Upon motion the documents were received, filed and approved.

13. City Hall Electrical Service Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Dubuque City Hall Electrical Service Project, as completed by Hawkeye Electrical. Upon motion the documents were received and filed and Resolution No. 391-16 Accepting the Dubuque City Hall - Electrical Services Project and authorizing the payment to the contractor was adopted.

14. 2016 Bridge Repair and Maintenance Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the 2016 Bridge Repairs and Maintenance Project, as completed by Tschiggfrie Excavating, Co. Upon motion the documents were received and filed and Resolution No. 392-16 Accepting the 2016 Bridge and Maintenance Project and authorizing the payment to the contractor was adopted.

15. Workers Compensation Claims Administrative Services Agreement: City Manager recommending approval of the Agreement between the City of Dubuque and Alternative Services Concepts for services related to the administration of the City's Worker's Compensation Program, and authorization for the City Manager to execute the Agreement. Upon motion the documents were received, filed and approved.

16. Iowa DOT Cooperative Agreement for Improvement to US Highway 20 / Menards Frontage Road: City Manager recommending approval of a resolution authorizing the Mayor to execute the Iowa Department of Transportation Cooperative Preconstruction Funding Agreement for the Southwest Arterial – Menards Frontage Road and Improvements to U.S. Highway 20. Upon motion the documents were received and filed and Resolution No. 393-16 Approving the Cooperative Preconstruction Funding Agreement (Agreement No. 2016-16-207) between the City of Dubuque and Iowa Department of Transportation for the Southwest Arterial - Menards Frontage Road and Improvement to US Highway 20 was adopted.

17. Iowa DOT Preconstruction Agreement for SW Arterial / US Highway 20 Interchange Grading Project: City Manager recommending approval of a resolution authorizing the Mayor to execute the Iowa Department of Transportation Preconstruction Funding Agreement for the Southwest Arterial – US Highway 20 Interchange Grading Project. Upon motion the documents were received and filed and Resolution No. 394-16 Approving the Preconstruction Funding Agreement (Agreement No. 2017-4-002) between the City of Dubuque and Iowa Department of Transportation for the Southwest Arterial - US Highway 20 Interchange Grading Project was adopted.

18. Iowa DOT Preconstruction Funding Agreement - Southwest Arterial - West Grading Project: City Manager recommending approval of a resolution authorizing the Mayor to execute the Iowa Department of Transportation Preconstruction Funding Agreement for the Southwest Arterial – West Grading Project. Upon motion the documents were

received and filed and Resolution No. 395-16 Approving the Preconstruction Funding Agreement (Agreement No. 2017-4-001) between the City of Dubuque and Iowa Department of Transportation for the Southwest Arterial - West Grading Project was adopted.

19. Zoning Advisory Commission: Communication from Zoning Advisory Commission requesting City Council approval to appoint Commissioner Tom Henschel and Commissioner Michael Belmont as representative to the Airport Zoning Commission. Upon motion the documents were received, filed and approved.

20. Pre-Annexation Agreement – Bradley: City Manager recommending approval of a Pre-Annexation Agreement with Brian D. Bradley and Jeffrey S. Bradley in conjunction with approving the Final Plat for Bradley Acres. Upon motion the documents were received and filed and Resolution No. 396-16 Approving the Pre-Annexation Agreement between the City of Dubuque, Iowa and Brian D. Bradley and Jeffrey S. Bradley was adopted.

21. Public Works Department - Retitling Three Truck Driver Positions to Utility Worker: City Manager recommending a City Council motion creating three Utility Worker positions and eliminating three Truck Driver positions associated with the retitling of the Truck Driver position to Utility Worker approved July 18, 2016. Upon motion the documents were received, filed and approved.

22. 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. 397-16 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

1. Reallocate General Obligation Bond Series 2012H: City Manager recommending setting a public hearing for December 5, 2016, on a proposal to reallocate not to exceed \$820,500 of the unspent proceeds of the General Obligation Bond Series 2012H from the renovation of the second floor of the Multicultural Family Center to fund the construction of the Jule Operations and Training Center. Upon motion the documents were received and filed and Resolution No. 398-16 Fixing date for a meeting on the proposal to reallocate certain unspent proceeds of the General Obligation Bonds, Series 2012H, of the City of Dubuque, Iowa, and providing for publication of notice thereof 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

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

1. Airport Commission: One, 4-year term through September 14, 2020 (Expired term of Wagner). Applicants: Sue Clemenson, 2469 Hacienda Rd.; and Scott Leibfried, 3211 Honeysuckle Ln. Ms. Clemenson and Mr. Leibfried spoke in support of their respective appointments and provided brief biographies.

2. Building Code and Advisory Appeals Board: One, 3-year term through August 1, 2018 (Vacant term of Cruise – ADA Representative). Applicant: Katrina Wilberding, 3715 Asbury Rd.

3. Civic Center Commission: One, 3-year term through June 29, 2019 (Expired term of Gregory). Applicant: Nicholas Huff, 3075 Olde Country Ct. Mr. Huff spoke in support of his appointment and provided a brief biography.

4. Zoning Advisory Commission: One, 3-year term through July 1, 2019 (Expired term of Belmont). Applicant: Michael Belmont, 222 Dillion St.

PUBLIC HEARINGS

1. Freestanding Solar Array Text Amendment: Proof of publication on notice of public hearing to consider approval of a request from Greater Dubuque Development Corporation to amend the Unified Development Code to establish an administrative waiver process for free-standing solar arrays. 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. Planning Services Manager Laura Carstens provided a staff report. She and David Lyons, Sustainable Innovation Consultant for Greater Dubuque Development Corp., responded to questions from the City Council regarding guidelines for solar arrays in Historic Districts, the design review and appeal process, the impact and solutions for glare from panels, and the size of panel arrays. Motion carried 6-1 with Rios voting nay.

Motion by Lynch for final consideration and passage of Ordinance No. 58-16 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by Amending 16-3-11 to establish administrative waiver process for freestanding solar arrays in Residential and Office Districts. Seconded by Connors. Motion carried 6-1 with Rios voting nay.

2. Vacate Storm Sewer and Sanitary Sewer Easement at 3225 and 3275 Pennsylvania Avenue: Proof of publication on notice of public hearing to approve the vacate of a storm and sanitary sewer easement across Lot 1 and Lot 2 of Lange Estate (3225 & 3275 Pennsylvania Avenue) and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 399-16 Disposing

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 ¼ of the Southwest ¼ of Section 22, T89N, R2E) in the City of Dubuque, Dubuque County, Iowa. Seconded by Jones. Motion carried 7-0.

3. Jule Operations and Training Center Project: Proof of publication on notice of public hearing to approve plans, specifications, form of contract and estimated cost for the Jule Operations and Training Center Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 400-16 Approval of plans, specifications, form of contract, and estimated cost for the Jule Operations and Training Center Project. Seconded by Lynch. Motion carried 7-0.

4. Greater Downtown Urban Renewal District Amendment: Proof of publication on notice of public hearing to approve an amendment to the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 401-16 Approving the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Jones. Motion carried 7-0.

5. North Cascade Road Housing Urban Renewal Area Amendment: Proof of publication on notice of public hearing approving an Amended and Restated Urban Renewal Plan for the North Cascade Road Housing Urban Renewal Area and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 402-16 Approving the Amended Urban Renewal Plan for the North Cascade Road Housing Urban Renewal Area. City Manager Van Milligen and City Attorney stated that these amendments need to be in place in order to identify a funding source prior to any future actions related to urban renewal areas. Motion carried 6-1 with Del Toro voting nay.

6. English Ridge Housing Urban Renewal Area Amendment: Proof of publication on notice of public hearing approving the Amended and Restated English Ridge Housing Urban Renewal Plan and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 403-16 Approving the Amended and Restated Urban Renewal Plan for the English Ridge Housing Urban Renewal Area. Seconded by Resnick. Motion carried 6-1 with Del Toro voting nay.

PUBLIC INPUT

Jacob Long, 4604 Cardinal Drive, spoke in reference to finding solutions to the use of plastic shopping bags and changing the start time of City Council meetings back to 6:30 p.m.

Diane McClain, 255 Bradley St., spoke in reference to the City Council's upcoming work session on the Source of Income report and requested that the Council carefully review the report adding that landlords be allowed to retain a choice to participate in the Housing Choice Voucher program (Section 8) should changes to the program be considered.

Michael Green, 2481 Hempstead St., spoke in reference to keeping the right of a landlord to choose participation in the Housing Choice Voucher program, the availability of current housing and substandard/older buildings.

Julie Gross, 18040 Riverside Rd., expressed her opposition to what she believes is unnecessarily adding Housing Department staff to manage and police housing programs, increased inspection fees and being told to participate in such programs.

ACTION ITEMS

1. Loras College Honors Project - Single-Use Plastic Checkout Bags: Loras College Honors Project Students Morgan Dolan, Abigail Kirchner and Christine McDonald made a presentation and responded to questions from the City Council regarding single-use plastic checkout bags. Three options were provided: reduce through a ban, no action, or a compromise through user fees. The presenters provided information on ecological threats, their research with businesses, how and what fees could be implemented, certain exemptions, what percentage of the fees could be retained by business and the city, implementation and health issues related to reusable bags, recycling opportunities, and public education. Restated motion by Lynch to receive and file the documents and refer to staff. Seconded by Jones. Motion carried 4-3 with Rios, Del Toro, and Resnick voting nay.

2. Sister City Relationships Advisory Commission: Sister City Relationships Advisory Commission recommending City Council approval to transition to a nonprofit organization under an agreement with the Dubuque Convention and Visitors Bureau. Motion by Jones to receive and file the documents, approve the recommendation and hear the presentation. Seconded by Resnick. Sister City Commission Chairperson Jeff Jochum and Commissioner Dick Landis provided a presentation that explained the history and makeup of the Commission and the City's three Sister City relationships. They further described the research and benefits to the transition. Motion carried 7-0.

3. Timber Ridge Estates Final Plat: City Manager recommending approval of the Final Plat of Timber Ridge Estates subject to allowing 22-foot paving width for Forest Glen Court and Timber Court, and waiving Sections 11-20 Water Supply, 11-21 Sanitary Sewer, 11-23 Obligation to Install Improvements, and 11-24 Improvement Guarantees. Motion by Lynch to receive and file the documents and adopt Resolution No. 404-16 Approving the Final Plat of Timber Ridge Estates in Dubuque County, Iowa. Seconded by Connors. Motion carried 7-0.

4. Sky Blue Estates #2 Final Plat: City Manager recommending approval of the Final Plat of Sky Blue Estates #2 as it is in compliance with the City of Dubuque Unified Development Code, subject to waiving the right-of-way width for Sky Blue Drive and Zephyr Drive. Motion by Jones to receive and file the documents and adopt Resolution No. 405-16 Authorizing approval of the Final Plat of Sky Blue Estates #2 in the City of Dubuque, Iowa. Seconded by Del Toro. Connors expressed her concerns and those of residents in the area about serious water runoff still occurring with development despite

it being addressed with the developers and city engineers. City Manager will provide a response to Council. Motion carried 7-0.

5. Greater Downtown Urban Renewal District Amendment: City Manager recommending approval of an ordinance amending the Tax Increment Financing District for the Greater Downtown Urban Renewal District that will authorize the inclusion of three adjacent areas, the new North End, West Locust Street Corridor and University Avenue Corridor. 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. 59-16 Amending Ordinance No. 45-14, Previously Amended, and Ordinance No. 61-08, providing that general property taxes levied and collected each year on all property located within the Greater Downtown Urban Renewal District 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 Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Lynch. Motion carried 7-0.

6. Request for Work Session - Bee Branch Creek Restoration Project Walking Tour: City Manager requesting that the City Council schedule work session walking tours of the Bee Branch Creek Restoration Project on Monday, April 10, 2017 at 5:30 p.m.; and Monday, May 22, 2017 at 5:30 p.m. Motion by Connors to receive and file the documents and set the work sessions as recommended. Seconded by Lynch. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Mayor Buol reported on his attendance and presentation at the recent National League of Cities Conference in Pittsburg, PA, regarding engaging small- and medium-sized cities in sustainability.

Council Member Connors reported on her presentation to a Cub Scout group about elected officials noting the great level of knowledge about government with the scouts and leaders.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:10 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. Motion carried 7-0. For the record, the attorney who consulted with City Council on the issues discussed in the closed session was City Attorney Crenna Brumwell.

Upon motion, the City Council reconvened in open session at 8:49 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:50 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 11/30