

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

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

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

Absent: Council Member Rios

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

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Motion carried 6-0.

1. Minutes and Reports Submitted: Cable TV Commission of 12/7; City Council Proceedings of 12/5, 12/12; Community Development Advisory Commission of 11/22; Five Flags Civic Center Commission of 11/28; Historic Preservation Commission of 11/17; Long Range Planning Advisory Commission of 11/17; Zoning Board of Adjustment of 11/17; Proof of Publication for City Council Proceedings of 11/21, 11/28. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Elizabeth Hass for personal injury. 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: Elizabeth Hass for personal injury; Michael Jelinske for vehicle damage; Alison Schmitt for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Jule Transit Annual Report: City Manager transmitting the Fiscal Year 2016 Jule Transit Annual Report and highlights of operating statistics. Upon motion the documents were received and filed.

5. Winter Reminders Brochure: City Manager submitting the Winter Reminders public information brochure. Upon motion the documents were received and filed.

6. Sky Blue Estates Stormwater Management: City Manager transmitting information relating to the stormwater management issues that arose during construction of the first phase of the Sky Blue Estates Subdivision and outlining steps taken to address the issues and prevent repeating them as a result of the development of Sky Blue Estates #2. Upon motion the documents were received and filed.

7. Kennedy Road Right-of-Way Acquisition (The Barony Inc.): City Manager recommending approval of the acquisition of real estate owned by The Barony, Inc. along the Kennedy Road right-of-way to clean up the City boundary and facilitate economic development projects in the area. Upon motion the documents were received and filed and Resolution No. 414-16 Approving the acquisition of real estate owned by the Barony, Inc. was adopted.

8. Kennedy Road Right-of-Way Acquisition (Richman): City Manager recommending approval of the acquisition of real estate owned by John and Diane Richman along the Kennedy Road right-of-way to clean up the City boundary and facilitate economic development projects in the area. Upon motion the documents were received and filed and Resolution No. 415-16 Approving the acquisition of real estate owned by John T. and Diane M. Richman was adopted.

9. Bee Branch Creek Restoration Project - Acquisition of 411 E. 15th Street: City Manager recommending approval to amend the purchase agreement for the acquisition of 411 E. 15th Street to reflect the sharing of costs associated with the environmental cleanup required for the City's intended use of the property. Upon motion the documents were received and filed and Resolution No. 416-16 Amending the Purchase Agreement for the Acquisition of real estate owned by Blum Properties, Inc. in the City of Dubuque and authorizing application for U.S. EPA Brownfield Cleanup Grant Funding for the real estate was adopted.

10. Kennedy Road Right-of-Way Acquisition (Gilbert Merritt): City Manager recommending approval of the acquisition of real estate owned by Lawrence Gilbert Merritt along the Kennedy Road right-of-way to clean up the City boundary and facilitate economic development projects in the area. Upon motion the documents were received and filed and Resolution No. 417-16 Approving the acquisition of real estate owned by Lawrence Merritt from his heirs Virginia Jahnke, Madonna Merritt, Carol Nesteby, and Juanita Schlarman was adopted.

11. Pre-Annexation Agreement - Timber Ridge Estates, LLC: City Manager recommending approval of a Pre-Annexation Agreement with Timber Ridge Estates, LLC, in conjunction with a request for approval of the Final Plat of Timber Ridge Estates. Upon motion the documents were received and filed and Resolution No. 418-16 Pre-Annexation Agreement between the City of Dubuque, Iowa and Timber Ridge Estates, LLC was adopted.

12. Timber-Hyrst Estates No. 4 - Time Extension: City Manager recommending approval of an extension of time for North Cascade Developers, LLC to complete the required remaining public improvements in Timber-Hyrst Estates No. 4. Upon motion the

documents were received and filed and Resolution No. 419-16 Amending Resolution No. 181-14 Approving the Final Plat of Timber-Hyrst Estates #4 in the City of Dubuque, Iowa was adopted.

13. Offer to Buy Excess Right-of-Way at Fengler Street and Kerper Boulevard: City Manager recommending approval of an agreement for the City to acquire a portion property owned by Giese Company, LLC in exchange for the vacation of a portion of excess right-of-way on Kerper Boulevard at Fengler Street. Upon motion the documents were received and filed and Resolution No. 420-16 Approving an Offer to Purchase Agreement for the acquisition of property at Fengler Street and Kerper Boulevard between the City of Dubuque, Iowa and Giese Company, LLP was adopted.

14. Request for Proposals - Engineering Services for the Bee Branch Watershed Flood Mitigation Project: City Manager recommending authorization to release an RFP and enter into contract negotiations with an engineering consulting firm to provide services as needed for the design, bidding, and construction of the 22nd Street/Kaufmann Avenue Storm Sewer Improvements and the 17th Street/W. Locust Street Storm Sewer Improvements. Upon motion the documents were received, filed and approved.

15. ICAAP Grant Application for Grandview Avenue and University Avenue Roundabout Project: City Manager recommending authorization to submit an application for an Iowa Clean Air Attainment Program (ICAAP) grant to assist with funding a proposed North Grandview Avenue and University Avenue Roundabout Intersection improvement. Upon motion the documents were received and filed and Resolution No. 421-16 Authorizing the filing of a grant application with the Iowa Department of Transportation for an Iowa Clean Air Attainment Program (ICAAP) Grant for the City of Dubuque North Grandview Avenue and University Avenue Roundabout Intersection Improvement was adopted.

16. Valentine Park - Fiscal Year 2017 REAP Grant Agreement: City Manager recommending approval of the FY2017 Resource Enhancement and Protection (REAP) Grant Agreement with the Iowa Department of Natural Resources for the Valentine Park Expansion – Roepsch Property. Upon motion the documents were received and filed and Resolution No. 422-16 Authorizing FY2017 REAP Grant Agreement with Iowa Department of Natural Resources for Valentine Park Expansion Project - Roepsch Property was adopted.

17. AmeriCorps Partners in Learning Grant Application: City Manager recommending approval of the 2017-2018 AmeriCorps Partners in Learning Campaign for Grade Level Reading Grant application. Upon motion the documents were received, filed and approved.

18. Property Tax Appeal Settlement - Medical Associates Realty, LLC: Senior Counsel recommending approval of the Stipulation of Settlement for a property tax appeal filed by Medical Associates Realty, LLC for property located at 990 Langworthy Street. Upon motion the documents were received, filed and approved.

19. SW Arterial Iowa DOT Funding Agreement Military Road Reconstruction Project: City Manager recommending approval for the Mayor to execute the Iowa Department of Transportation Cooperative Preconstruction Funding Agreement for the Southwest Arterial-Military Road Reconstruction Project. Upon motion the documents were received and filed and Resolution No. 423-16 Approving the Cooperative Preconstruction Funding Agreement (Agreement No. 2017-16-056) between the City of Dubuque and Iowa Department of Transportation for the Southwest Arterial - Military Road Reconstruction Project was adopted.

20. Loras College Usage Agreement for Petrakis Field: City Manager recommending approval of the Usage Agreement with Loras College for Petrakis Field. Upon motion the documents were received, filed and approved.

21. Clarke University Usage Agreement for Veterans' Memorial Field 2: City Manager recommending approval of the Usage Agreement with Clarke University for softball field 2 in Veterans' Memorial Park. Upon motion the documents were received, filed and approved.

22. I-Net User Agreements with Loras College and Clarke University: City Manager recommending approval for the City Manager to execute I-Net Agreements with Loras College and Clarke University to connect the two campuses using Dubuque's I-Net. Upon motion the documents were received, filed and approved.

23. Weaver Castle, LLC - Third Amendment to Development Agreement for 346-348 West Locust Street: City Manager recommending approval of the Third Amendment to the Development Agreement with Weaver Castle, LLC for the redevelopment of property at 346-348 West Locust Street. Upon motion the documents were received and filed and Resolution No. 424-16 Approving the Third Amendment to the Development Agreement between the City of Dubuque, Iowa and Weaver Castle, LLC was adopted.

24. Acceptance of 2016 Asphalt Overlay Access Ramp Project Two: City Manager recommending acceptance of the construction contract for the 2016 Asphalt Overlay Access Ramp Project Two as completed by Midwest Concrete. Upon motion the documents were received and filed and Resolution No. 425-16 Accepting the 2016 Asphalt Overlay Access Ramps Project Two and authorizing the payment of the contract amount to the contractor was adopted.

25. Acceptance of 2016 Asphalt Overlay Access Ramp Project Three: City Manager recommending acceptance of the construction contract for the 2016 Asphalt Overlay Access Ramp Project Three as completed by Midwest Concrete. Upon motion the documents were received and filed and Resolution No. 426-16 Accepting the 2016 Asphalt Overlay Access Ramps Project Three and authorizing the payment of the contract amount to the contractor was adopted.

26. Acceptance of Permanent Easement for Storm Sewer at 545 Villa Street: City Manager recommending acceptance of a Grant of Permanent Easement for Storm Sewer from Bradley and Ann Palzkill over a portion of their property at 545 Villa Street that will

facilitate the construction and on-going maintenance of the Storm Sewer Utility, which the City of Dubuque will own and maintain. Upon motion the documents were received and filed and Resolution No. 427-16 Accepting a Grant of Easement for storm sewer over and across a part of Lot 1 of the Subdivision of Lot 25 in Lev's Addition, in the City of Dubuque, Iowa was adopted.

27. Acceptance of Fiscal Year 2016 Sewershed 5 Sanitary Sewer Manhole Project
City Manager recommending acceptance of the construction contract for the FY16 Sewershed 5 Sanitary Sewer Manhole Project, as completed by McDermott Excavating. Upon motion the documents were received and filed and Resolution No. 428-16 Accepting the FY16 Sewershed 5 Sanitary Sewer Manhole Project was adopted.

28. Acceptance of Dubuque Industrial Center South Building Pad 1 Sanitary Sewer Extension Project: City Manager recommending acceptance of the construction contract for the Dubuque Industrial Center South Building Pad 1 Sanitary Sewer Extension as completed by McDermott Excavating. Upon motion the documents were received and filed and Resolution No. 429-16 Accepting the Dubuque Industrial Center South Building Pad 1 Sanitary Sewer Extension and Authorizing the payment to the contractor was adopted.

29. Acceptance of State of Iowa Land Patent - 250 South Main Street: City Manager recommending acceptance of a State of Iowa Land Patent for conveyance of the title for the tract of land located at 250 South Main Street from the State of Iowa to the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 430-16 Accepting a State Land Patent for the conveyance of title for the tract of land located at 250 South Main Street (Parcel B, located in Block 14 of Dubuque Harbor Company Addition in the City of Dubuque, Dubuque County, Iowa) from the State of Iowa to the City of Dubuque was adopted.

30. Acceptance of Fiscal Year 2016 Sewershed 5, 7, 11 and 12 Manhole Project: City Manager recommending acceptance of the public improvement construction contract for the FY16 Sewershed 5, 7, 11 and 12 Manhole Project, as completed by Visu-Sewer Inc. Upon motion the documents were received and filed and Resolution No. 431-16 Authorizing the FY16 Sewershed 5, 7, 11 & 12 Manhole Project and authorizing the payment to the contractor was adopted.

31. Acceptance of Fiscal Year 2016 CIPP Sanitary Sewer Lining Project: City Manager recommending acceptance of the public improvement construction contract for the FY16 (CIPP) Sanitary Sewer Lining Project, as completed by SAK Construction. Upon motion the documents were received and filed and Resolution No. 432-16 Accepting the FY16 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project and authorizing the payment to the contractor was adopted.

32. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Account Clerk I, Water Meter Repairworker I, Urban Forester, and the re-certified list for the position of Inspector II. Upon motion the documents were received, filed and made a Matter of Record.

33. City Council 2015 Official Proceedings: City Clerk submitting the Official City Council Proceedings for 2015. Upon motion the document was received, filed and approved.

34. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of rate adjustments being implemented on or about January 3, 2017. Upon motion the documents were received and filed.

35. Alcohol Compliance Civil Penalty for Alcohol License Holder – Casey's General Store #3473: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Casey's General Store #3473, 1072 Cedar Cross Road. Upon motion the documents were received, filed and approved.

36. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Casey's General Store #3473: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Casey's General Store #3473, 1072 Cedar Cross Road. Upon motion the documents were received, filed and approved.

37. 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. 433-16 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 Resnick. Motion carried 6-0.

1. Voluntary Annexation - William and Janet Siegert - Old Highway Road: City Manager recommending setting a public hearing for January 17, 2017, on the voluntary annexation request of William and Janet Siegert for five acres of property they own located between Old Highway Road and US Highway 20/Dodge Street, submitted concurrently with an application to rezone the property. Upon motion the documents were received and filed and Resolution No. 434-16 Setting a public hearing on an application for voluntary annexation of territory to the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on January 17, 2017 in the Historic Federal Building.

BOARDS/COMMISSIONS

The City Council reviewed applications to the following Boards and Commissions. Applicants were invited to address the City Council regarding their appointment.

1. Housing Code Appeals Board: One, 3-year term through January 11, 2020 (Expiring term of Young). Applicant: David Young, 420 Burch St.

2. Resilient Community Advisory Commission: Nine, 3-year terms through July 1, 2019. Three, 3-year terms through July 1, 2019 (Cross Representation Appointments). Six, 3-year terms through July 1, 2019 (At-Large Appointments). Sara Booth, 2015 Chaney Rd.; Benjamin Darr, 419 Winona St.; Dean Boles, 1715 Geraldine Dr.; Steven Drahozal, 683 W. 11th St.; Stephanie Grutz, 6176 Centura Ct.; Nicholas Huff, 3075 Olde Country Ct.; Robin Kennicker, 2929 Elm St.; Carrie Lohrmann, 1879 Denver Dr. ; Jared McGovern, 755 Chestnut St.; Mike Muench, 2805 Jackson St.; Kate Parks, 486 Clarke Dr.; Sergio Perez, 1325 Cox St.; Laura Roussell, 3224 Bittersweet; Rich Russell, 2045 Embassy West Dr.; Paul Schultz, 1008 Victoria St.; Leah Specht, 3248 Bittersweet Ln. Ms. Booth, Mr. Darr, Mr. Boles, Mr. Darhozal, Ms. Grutz, Mr. Huff, Ms. Kennicker, Ms. Lohrmann, Ms. Roussell, Mr. Schultz, and Ms. Specht all spoke in support of their respective appointments and provided brief biographies.

Appointments were made to the following Boards/Commissions.

3. Catfish Creek Watershed Management Authority: Two, 4-year terms through July 16, 2020 (Expired terms of Giannakouros and Hoyer). Applicants: Steve Drahozal, 683 W. 11th St.; Neal Patten, 768 Nevada St. Motion by Connors to appoint Mr. Drahozal and Mr. Patten to 4-year terms through July 16, 2020. Seconded by Jones. Motion carried 6-0.

4. Human Rights Commission: One, 3-year term through [corrected term date of January 1, 2020]. (Expiring term of Jackson). Applicant: Miquel Jackson, 2130 Woodland Dr. Motion by Jones to appoint Mr. Jackson to a 3-year term through [January 1, 2020]. Seconded by Lynch. Motion carried 6-0.

5. Mediacom Charitable Foundation (Appointment): One, 1-year term through December 31, 2017 (Expiring term of Chavenelle). Applicant: Gail Chavenelle, 1155 Kelly Ln. Motion by Connors to appoint Ms. Chavenelle to a 1-year term through December 31, 2017. Seconded by Del Toro. Motion carried 6-0.

PUBLIC INPUT

Carol Copland, 1330 Locust St., speaking on behalf of the Dubuque Landlord Association and the East Central Iowa Association of Realtors spoke in opposition to a source of income ordinance and presented a citizen petition in opposition to the ban.

Tom Priebe, Sr., 14928 Old Highway Rd., and Leisure Services seasonal employee, expressed his concerns about what he believes are unsafe working conditions at the Flora Park maintenance building that may have caused his health issues.

Christine Darr, 419 Winona St., spoke in support of a source of income ban.

Evelyn Nadeau, 663 Fenelon Pl., spoke support of a source of income ban.

Brian Enabnit, 105 So. Grandview Ave. spoke in opposition to a source of income ban.
Matthew Zanger, 261 Southgate Dr., spoke in support of a source of income ban.

Jan Schmitt, 11898 JFK Rd., addressed the source of income issue and spoke about landlords not offering housing choice vouchers for high-end units and expressed her belief that tenants can only live where they can afford to live.

Jay Wickham, Dubuque County Supervisor, spoke in opposition to Action Item #1 Central Iowa Water Association Settlement Agreement and Asset Purchase Agreement.

ACTION ITEMS

1. Central Iowa Water Association (CIWA) Settlement Agreement and Asset Purchase Agreement: Assistant City Attorney Maureen Quann recommending approval of a Settlement Agreement and Asset Purchase Agreement with Central Iowa Water Association (CIWA), and the City Manager is recommending the financing strategy. Motion by Jones to receive and file the documents and adopt Resolution No. 436-16 Approving a Settlement Agreement between Central Iowa Water Association and the City of Dubuque for water supply, service and territory, and accepting the Deeds to certain real estate in Dubuque County, Iowa from Central Iowa Water Association. Seconded by Connors. Ms. Quann provided a presentation on the background information and subsequent negotiations with CIWA. City Manager Van Milligen provided information on financing strategy. Ms. Quann, Mr. Van Milligen and Planning Services Manager Laura Carstens responded to questions from the City Council regarding the City's annexation history and process, growing the city's population, the potential impact on the Southwest Arterial project, debt reduction policy and water utility rates. Motion carried 6-0 with Del Toro's "present" vote counting on the prevailing side.

2. Declaration of Official Intent to Reimburse Expenses - Fiscal Year 2016 Water Projects: City Manager recommending approval of the Declaration of Official Intent Resolution for the acquisition of Central Iowa Water Association water system, construction of English Mill Pump Station, and water main extension and improvements. Motion by Connors to receive and file the documents and adopt Resolution No. 437-16 Declaring an Official Intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with the Fiscal Year 2017 Water Projects. Seconded by Jones. Motion carried 6-0.

3. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented the quarterly update on the activities of the Greater Dubuque Development Corporation. Topics included: Recognition by Mid-America Economic Development Council as the Best of the Best in business retention and expansion, workforce solutions program, and the Deal of the Year in a 10-state region for the recent solar array development in collaboration with the City of Dubuque, Alliant Energy, and A.Y McDonald Corporation. Mr. Dickinson announced the funding campaign kickoff in March 2017 for operating funding of GDDC programs for 2017-2022. Motion by Lynch to receive and file the information. Seconded by Jones. Motion carried 6-0.

4. Five Flags Civic Center Quarterly Report: SMG Regional General Manager HR Cook presented the quarterly report on the Five Flags Civic Center. Topics included Fiscal Year

2017 operating expenses and operating revenue, notable events, new website launch with links to partnering organizations, and capital initiatives. Motion by Connors to receive and file the documents. Responding to questions from the City Council, Mr. Cook explained the types of events causing the increase in revenue, and City Manager Van Milligen stated that Five Flags is already on the list for use as an emergency shelter. Seconded by Jones. Motion carried 6-0.

5. Final Plat of Timber-Hyrst Estates #5: City Manager recommending approval of the Final Plat of Timber-Hyrst Estates #5. Motion by Jones to receive and file the documents and adopt Resolution No. 435-16 Approving the Final Plat of Timber-Hyrst Estate #5 in the City of Dubuque, Iowa. Seconded by Connors. Motion carried 6-0.

6. Request for Work Session - Dubuque Area Convention and Visitors Bureau: Dubuque Area Convention & Visitors Bureau President & CEO Keith Rahe requesting the City Council schedule the CVB budget work session for February 6, 2017, at 5:30 p.m. Motion by Jones to receive and file the documents and set the work session as requested. Seconded by Connors. Motion carried 6-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:46 p.m. to discuss pending litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Mayor Buol stated for the record that the attorney who will consult with City Council on the issues to be discussed in the closed session is City Attorney Crenna Brumwell. Seconded by Connors. Motion carried 6-0.

Upon motion, the City Council reconvened in open session at 9:18 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:19 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 12/28