

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

The Dubuque City Council met in regular session at 6:00 p.m. on January 3, 2017 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

PROCLAMATION

Radon Action Month (January 2017) was accepted by Robb Beltran and Bret Patterson of Patterson Comfort & Safety and Public Health Specialist Mary Rose Corrigan

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of 12/19; Civil Service Commission of 12/15; Human Rights Commission of 11/14; Library Board of Trustees of 9/22, 10/27, 11/17; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 11/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Tom Giese for property damage; Yamako Kobaia for vehicle damage; Bryon Lehnen for vehicle damage; Roling Sanitation, LLC 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: Yamako Kobaia for vehicle damage; Bryon Lehnen for vehicle damage; Roling Sanitation, LLC for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Imagine Dubuque Flyer: City Manager transmitting the Imagine Dubuque public information flyer. Upon motion the documents were received and filed.

5. City of Dubuque Department Contact Sheet: City Manager transmitting the City of Dubuque public information contact sheet for City Council and City department managers. Upon motion the documents were received and filed.

6. QHQ Settlement Agreement: City Attorney recommending approval of a Settlement Agreement and Amendment to a Stormwater Facilities Fee Agreement between QHQ Properties, LLC and the City of Dubuque. Upon motion the documents were received, filed and approved.

7. Joint Vehicle Fuel Sales Agreement with Dubuque County: City Manager recommending approval of an agreement with Dubuque County for the sale of vehicle fuel for Dubuque County Sheriff vehicles. Upon motion the documents were received and filed and Resolution No. 1-17 Authorizing a Purchase Agreement between the City of Dubuque and Dubuque County to allow Dubuque County to purchase vehicle fuel from the City of Dubuque Municipal Services Center's Vehicle Refueling Facility was adopted.

8. Amendment to Real Estate Contract - 2283 White Street: City Manager recommending approval to amend a real estate contract with Shawn C. and Christina M. Hanen for 2283 White Street to allow the City to perform the survey and re-platting to consolidate the two parcels into a single parcel. Upon motion the documents were received and filed and Resolution No. 2-17 Intent to amend the original contract for 2283 White Street to allow the City to perform the survey and re-platting to consolidate the two parcels into a single parcel was adopted.

9. Acceptance of 2016 Delmonaco Drive Drain Tile Project: City Manager recommending acceptance of the public improvement construction contract for the 2016 Delmonaco Drive Drain Tile Project, as completed by Key City Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 3-17 Accepting the 2016 Delmonaco Drive Drain Tile Project and authorizing the payment to the contractor was adopted.

10. Central Iowa Water Association (CIWA) - Barrington Lakes Agreement: Assistant City Attorney Maureen Quann providing information on the Barrington Lakes water distribution system and service related to the CIWA Settlement Agreement. Upon motion the documents were received and filed.

11. Acquisition Plat and Dedication - Kerper Blvd. Right-of-Way Sanitary Sewer Repair Project: City Manager recommending approval of the Acquisition Plat of Lot 1B of Block 19 in River Front Subdivision No. 3, in the City of Dubuque, Iowa and acceptance of the dedication of said lot for right-of-way purposes. Upon motion the documents were received and filed and Resolution No. 4-17 Approving the Acquisition Plat of Lot 1B of Block 19, River Front Subdivision No. 3, in the City of Dubuque, Iowa was adopted.

12. Approval of Plat of Survey for Vacating a Portion of Kerper Blvd. Right-of-Way: City Manager recommending approval of the Plat of Survey of Lot 1C of Block 19 of River Front Subdivision No. 3, (Kerper Blvd. at Fengler St.) in the City of Dubuque in conjunction with a Vacating Petition with Giese Company, LLC. Upon motion the documents were received and filed and Resolution No. 5-17 Approving plat of proposed vacated right-of-way of a portion of Kerper Boulevard adjacent to Lot 1 of Block 19 of River Front Subdivision No. 3, in the City of Dubuque, Iowa was adopted.

13. Stipulation of Settlement Property Tax Appeal: Senior Counsel recommending approval of the Stipulation of Settlement for a property tax appeal filed by Lowe's Home Centers, Inc., for property located at 4100 Dodge Street. Upon motion the documents were received, filed and approved.

14. National Disaster Resilience Grant - General Administrative Services Contract: City Manager recommending award of a contract to East Central Intergovernmental Association for General Administration services to operate the Bee Branch Healthy Homes Resiliency Program. Upon motion the documents were received and filed and Resolution No. 6-17 Approving the Contract for 2016 CDBG National Disaster Resiliency Housing Grant Administration to East Central Intergovernmental Association was adopted.

15. National Disaster Resilience Grant - Flood Damage Repair Management Contract: City Manager recommending award of a contract to East Central Intergovernmental Association for Healthy Homes Flood Damage Repair Management services to operate the Bee Branch Healthy Homes Resiliency Program. Upon motion the documents were received and filed and Resolution No. 7-17 Approving the Contract for 2016 CDBG National Disaster Resiliency Housing Grant Administration to East Central Intergovernmental Association was adopted.

16. National Disaster Resilience Grant - Home Advocate Contract: City Manager recommending award of a contract to the Visiting Nurse Association to provide Home Advocacy services to operate the Bee Branch Healthy Homes Resiliency Program. Upon motion the documents were received and filed and Resolution No. 8-17 Approving the contract for 2016 CDBG National Disaster Resiliency Housing Grant Administration to Visiting Nurse Association was adopted.

17. Applewood IV, LLC - Storm Sewer Construction Agreement: City Manager recommending approval of an agreement whereby Applewood IV, LLC would construct a public storm sewer extension from the intersection of JFK Road and Pennsylvania Avenue to the property at 3275 Pennsylvania. Upon motion the documents were received and filed and Resolution No. 9-17 Approving a Storm Sewer Construction Agreement between the City of Dubuque, Iowa and Applewood IV, LLC was adopted.

18. DMATS STP Grant Funding Application - Capacity and Intersection Improvements for the East-West Corridor Improvements: City Manager recommending authorization for the City of Dubuque to officially submit an application for a Dubuque Metropolitan Area Transportation Study Surface Transportation Program Grant in Fiscal Year 2021 to assist with funding property acquisition and the construction of three roundabout intersections at University-Loras, University-Asbury, and University-Pennsylvania as part of the East-West Corridor Improvements. Upon motion the documents were received and filed and Resolution No. 10-17 Authorizing the filing of a Transportation Improvement Program Grant Application with the Dubuque Metropolitan Area Transportation Study (DMATS) Surface Transportation Program (STP) to assist with the funding of intersection improvements for University Avenue "Overlap Section" between Pennsylvania and Loras Boulevard as part of the East-West Corridor Improvements was adopted.

19. EPA Brownfields Assessment Grant Application for 2017: City Manager recommending approval of an application to the Environmental Protection Agency (EPA) for a Brownfields Assessment Grant for proposed environmental assessments in the Washington Neighborhood and North End areas. Upon motion the documents were received, filed and approved.

20. Fiscal Year 2018 Annual County TIF Report: City Manager providing the Annual Tax Increment Financing Report that has been filed with Dubuque County Auditor Denise Dolan. Upon motion the documents were received and filed.

21. Improvement Contracts / Performance, Payment and Maintenance Bonds: Tricon Construction Group for the Jule Operations and Training Center Suggested Disposition: Upon motion the documents were received, filed and approved.

22. Alcohol Compliance Civil Penalty for Alcohol License Holders – Grand Harbor Resort and Water Park: City Manager recommending approval of the Acknowledgement/Settlement Agreement for an alcohol compliance violation for Grand Harbor Resort and Water Park, 350 Bell Street. Upon motion the documents were received, filed and approved.

23. Alcohol Compliance Civil Penalty for Alcohol License Holder – Kwik Stop #848: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Kwik Stop #848, 3201 Central Avenue. Upon motion the documents were received, filed and approved.

24. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Kwik Stop #848: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Kwik Stop #848, 3201 Central Avenue. Upon motion the documents were received, filed and approved.

25. Tobacco and Alcohol 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. 11-17 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. 12-17 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code 453A.47A were adopted.

ITEMS SET FOR PUBLIC HEARING

1. Vacate Petition for a Portion of Kerper Blvd. Right-of-Way: City Manager recommending setting a public hearing for January 17, 2017, to approve the vacation of a portion of Kerper Boulevard right-of-way north of the intersection of Fengler Street and Kerper Boulevard adjacent to Lot 1 of Block 19 of River Front Subdivision No. 3. Upon motion the documents were received and filed and Resolution No. 13-17 Intent to vacate and dispose of City Interest in a portion of the right-of-way of Kerper Boulevard adjacent to Lot 1 of Block 19 Of

River Front Subdivision No. 3, to be known as Lot 1C of Block 19 of River Front Subdivision No. 3, in the City of Dubuque, Iowa by sale to Giese Company LLP 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.

2. Sale of 1069 Vernon Street: City Manager recommending that a public hearing be set for January 17, 2017, to approve the sale of 1069 Vernon Street to Craig Norton. Upon motion the documents were received and filed and Resolution No. 14-17 Intent to dispose of an interest in City of Dubuque real estate, setting a time and place for hearing and providing for the publication of notice thereof 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

Appointments were made to the following boards/commissions:

1. Housing Code Appeals Board – Appointment: One, 3-year term through January 11, 2020 (Expiring term of Young) Applicant: David Young, 420 Burch St. Motion by Connors to receive and file the documents and appoint David Young to a 3-year term through January 11, 2020. Seconded by Lynch. Motion carried 7-0.

2. Human Rights Commission – Appointment: One, 3-year term through January 1, 2020 (Expiring term of Schiesl) Applicants: Ashley Melchert, 1257 1/2 Jackson St. (Additional Applicant) and Jay Schiesl, 195 W. 17th St. Upon roll call vote, Jay Schiesl was appointed to a 3-year term through January 1, 2020. (Melchert = Resnick; Schiesl = Connors, Del Toro, Rios, Lynch, Jones and Buol)

PUBLIC INPUT

Public comments were received by Chris Olson, 1090 Grove Terrace who spoke for her Mother-in-law who was unable to be present regarding the lack of low income housing. Lindsey Darrouzet 2765 Pleasant View Drive spoke in favor of a Source of Income (SOI) ordinance.

ACTION ITEMS

1. Grant Wood Mississippi River Region Parks 2 People Initiative: The Grant Wood Mississippi River Region representatives presented information on the Grant Wood Mississippi River Region Parks to People initiative, Mississippi Circuit projects and progress to date. Motion by Connors to receive and file the documents and listen to the presentation. Seconded by Lynch. Motion carried 7-0.

Leisure Services Manager Marie Ware and Assistant Director of Jackson County Economic Alliance Nick Hockenberry provided a verbal presentation that recapped the process and resources used to develop the Parks 2 People Initiative.

2. Grand River Center Annual Report: Grand River Center Manager Mitzi Yordy presented the Grand River Center's Annual Report for 2016. Motion by Jones to receive and file the documents and listen to the presentation. Grand River Center Manager Mitzi Yordy provided a verbal presentation. Topics included the Center's purpose; 2016 guest count and local spending figures; promotional strategy and awards; annual groups comparison; actual and 2017 forecasted market segment and partnerships.

3. Eagle Point Solar - 5, LLC - Contract for Fire Station Rooftop Solar: City Manager recommending approval of a Power Purchase Agreement and a Collateral Assignment Agreement with Eagle Point Solar for the installation of rooftop solar arrays on Fire Headquarters and Stations 2 through 5. Motion by Lynch to receive and file the documents and adopt Resolution No. 15-17 Approving a Solar Power Purchase Agreement and a Collateral Assignment Agreement between the City of Dubuque, Iowa and Eagle Point Solar Energy - 5, LLC an Iowa Limited Liability Company. Seconded by Resnick. Sustainability Coordinator Cori Burbach and CEO of Eagle Point Solar Berry Shear provided a presentation on the upcoming Fire Station Rooftop Solar project. Motion carried 7-0.

4. Code of Ordinances Amendment - Title 2 Resilient Community Advisory Commission: City Manager recommending approval of an amendment to the Code of Ordinances related to the Resilient Community Advisory Commission to provide for the staggering of member terms for the initial appointments and future recruitment.

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 Connors. Motion carried 7-0.

Motion by Jones to consider the first reading of the proposed Ordinance No. 1-17 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 6 Resilient Community Advisory Commission, Section 2-6-7 Terms by setting the initial terms and terms for the members of the Commission. Seconded by Connors. Motion carried 7-0.

5. Resilient Community Advisory Commission Appointments: Appointments for membership on the Resilient Community Advisory Commission concurrent with ordinance establishing terms for cross-representatives and the initial terms for at-large members.

Cross-representative Applicants: Dean Boles, 1715 Geraldine Dr.; Steven Drahozal, 683 W. 11th St.; Nicholas Huff, 3075 Olde Country Ct.; Robin Kennicker, 2929 Elm St.; Carrie Lohmann, 1879 Denver Dr.; Kate Parks, 486 Clarke Dr.; Laura Roussell, 3224 Bittersweet; Rich Russell, 2045 Embassy West Dr.

Upon roll call vote, Steven Drahozal (4), Robin Kennicker (4), and Laura Roussell (4) were appointed as Cross Representatives until the expiration of their terms on the cross represented board or commission; Dean Boles = Rios, Lynch; Steven Drahozal = Rios, Resnick, Jones, Buol; Nicholas Huff = Connors; Robin Kennicker = Del Toro, Resnick, Jones, Buol; Carrie Lohmann = Connors, Del Toro; Kate Park s= Rios, Lynch; Laura Roussell = Connors, Resnick, Lynch, Jones, Buol; Rich Russell = Del Toro

At-Large Applicants: Sara Booth, 2015 Chaney Rd.; Benjamin Darr, 419 Winona St.; Dean Boles, 1715 Geraldine Dr.; Stephanie Grutz, 6176 Centura Ct.; Nicholas Huff, 3075 Olde Country Ct.; Carrie Lohmann, 1879 Denver Dr.; Jared McGovern, 755 Chestnut St.; Mike Muench, 2805 Jackson St.; Kate Parks, 486 Clarke Dr.; Sergio Perez, 1325 Cox St.; Rich Russell, 2045 Embassy West Dr.; Paul Schultz, 1008 Victoria St.; Leah Specht, 3248 Bittersweet Ln.

Roll call votes were taken to narrow the pool of applicants to six: Dean Boles (5), Sara Booth (4), Benjamin Darr (5), Stephanie Grutz (6), Carrie Lohmann (4) and Leah Specht (5). Motion by Lynch to appoint Sara Booth and Benjamin Darr each to a 3-year term through July 1, 2018; Carrie Lohmann and Leah Specht each to a 3-year term through July 1, 2019; Dean Boles and Stephanie Grutz each to a 3-year term through July 1, 2020. Seconded by Lynch. Motion carried 7-0.

6. DMATS STP Grant Funding Application - University Avenue and Grandview Avenue Intersection Improvements: City Manager recommending authorization to officially submit an application for a Dubuque Metropolitan Area Transportation Study (DMATS) Surface Transportation Program (STP) Grant in Fiscal Year 2018 to assist with the construction costs for the construction of a single-lane roundabout at the intersection of University Avenue and Grandview Avenue. Motion by Connors to receive and file the documents and adopt Resolution No. 16-17 Authorizing the filing of a Transportation Improvement Program Grant Application with the Dubuque Metropolitan Area Transportation Study (DMATS) Surface Transportation Block Grant (STBG) to assist with the funding of intersection improvements for University Avenue and Grandview Avenue as part of the East-West Corridor Improvements. Seconded by Jones. Motion carried 7-0.

7. Fiscal Year 2018 Budget and Fiscal Policy Guidelines: City Manager recommending adoption of the Fiscal Year 2018 Budget Policy Guidelines. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Lynch. Motion carried 7-0

8. Mayor and City Council Appointments to Various Boards and Commissions: Review of Mayor and City Council appointments to various boards and commissions for 2017 and Correspondence from Operation: New View Community Action Agency requesting the City Council's 2017 representatives (currently Council Member Rios and Resnick). Motion by Connors to receive and file and approve the appointments as follows: Del Toro will replace Connors on the Greater Dubuque Development Corporation (GDDC) Board, Del Toro will replace Rios on the Operation: New View Community Action Agency and Lynch will replace Rios on the Dubuque County Early Childhood Board. All other appointments will stand. Seconded by Jones. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Mayor Buol wished everyone a Happy New Year. Council Member Jones invited everyone to attend the opening ceremony for the Special Olympic Winter Games Monday, January 9th at 6:00 p.m. behind the Grand River Center, 500 Bell Street.

There being no further business, upon motion the City Council adjourned at 7:44 p.m.

/s/Trish L. Gleason, CMC, Assistant City Clerk

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