

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

The Dubuque City Council met in special session at 5:30 p.m. on February 6, 2017 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Members Del Toro, Rios

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a work session for the Dubuque Convention and Visitors Bureau

WORK SESSION
Dubuque Convention and Visitors Bureau

Keith Rahe, President and CEO of the Dubuque Area Convention and Visitors Bureau introduced staff and provided a slide presentation on the activities and budget of the CVB. Topics included:

- The Power of Tourism
- Highlights of Fiscal Year 2017
- Partnerships/Markets
- The Economic Impact of Travel
- Upcoming in Fiscal Year 2018
- Meetings, Groups and Events
- Staff and positions
- Fiscal Year 2018 Financial Expectations

There being no further business, upon motion the City Council adjourned at 5:46 p.m.

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

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

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

Absent:

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 7-0.

1. Minutes and Reports Submitted: Cable TV Commission of 1/4; Civil Service of 1/23; Investment Oversight Advisory Commission of 1/25; Library Board of Trustees Update, Plan of Service; Zoning Board of Adjustments of 1/26; Proof of Publication for City Council Proceedings of 1/3. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Sharon Pfeiler for personal injury; Richard White 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: Richard White for vehicle damage; Sharon Pfeiler for personal injury. Upon motion the documents were received, filed and concurred.

4. Rhomberg Avenue Bridge Article: City Manager transmitting Rhomberg Avenue Bridge article from ASPIRE™ The Concrete Bridge Magazine. Upon motion the documents were received, filed and made a Matter of Record.

5. City of Dubuque 2016 Year in Review: Upon motion the documents were received and filed.

6. 2017 Federal Legislative Priorities: City Manager recommending adoption of the 2017 Federal Legislative Priorities. Upon motion the documents were received, filed and approved.

7. Public, Educational, and Government (PEG) Capital Grant Fund Request: City Manager recommending approval of the Cable TV Commission recommendation for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities. Upon motion the documents were received, filed and approved.

8. Civil Service Commission - Certified List: Civil Service Commission submitting the Certified List for the position of Bus Operator. Upon motion the documents were received, filed and made a Matter of Record.

9. Sustainable Dubuque Community Grants: City Manager recommending approval of the following two projects for funding from the Sustainable Dubuque Community Grant Program. Upon motion the documents were received, filed and approved.

10. Partners for Places Grant Application: City Manager recommending approval to submit a grant application in partnership with the Community Foundation of Greater Dubuque to the Partners for Places grant program. Upon motion the documents were received, filed and approved.

11. Follow-up Source of Income Statistics: Housing and Community Development Department Director Alvin Nash, Human Rights Director Kelly Larson, City Attorney Crenna Brumwell, Planning Services Manager Laura Carstens and Community Development Specialist Erica Haugen are transmitting follow-up information requested by the City Council on two statistics in the Source of Income Committee Report presented at the November 28, 2016 City Council Work Session. Upon motion the documents were received and filed.

12. Eagle Point Park Restoration Plan: City Manager recommending approval and adoption of the Eagle Point Park Environmental Restoration Management Plan. Upon motion the documents were received, filed and approved.

13. Grant of Permanent Utility Easement - SW Arterial Project Acceptance: City Manager recommending acceptance of a permanent utility easement for the Southwest Arterial Project across Parcel 161 owned by Elizabeth Reuter. Upon motion the documents were received and filed and Resolution No. 32-17 Accepting a Grant of Permanent Utility Easements for the Southwest Arterial Project from Elizabeth Reuter was adopted.

14. Power Coatings, LLC Settlement Agreement: Senior Counsel Lindahl recommending approval of a settlement agreement of this case which is pending in the Iowa District Court for Dubuque County. Upon motion the documents were received, filed and approved.

15. Fair Housing Testing: City Attorney submitting results for the first round of Fair Housing Testing conducted the week of November 7, 2016. Upon motion the documents were received and filed.

16. City of Dubuque Housing Choice Voucher Program - Administrative Plan Amendment: City Manager recommending approval of changes to the Housing Choice Voucher/Section 8 Administrative Plan. Upon motion the documents were received and filed and Resolution No. 33-17 Approving Amendments to the Section 8 Administrative Plan was adopted.

17. Timber-Hyrst Estates No. 4 Subdivision Improvements Acceptance: City Manager recommending acceptance of the public improvements that the developers, North Cascade Road Developers, LLC, have recently completed in Timber-Hyrst Estates No. 4, except for the storm water detention facilities and accessible sidewalk ramps and sidewalk along the east side of Creekwood Drive from Station 70+50 to North Cascade Road. Upon motion the documents were received and filed and Resolution No. 34-17 Accepting Public Improvements in Timber-Hyrst Estates No. 4 in the City of Dubuque, Iowa was adopted.

18. Community Development Block Grant Annual Action Plan - Fiscal Year 2017 Amendment No. 1: City Manager recommending approval of the FY 2017 Annual Action Plan – Amendment 1 for the Community Development Block Grant program. Upon motion the documents were received and filed and Resolution No. 35-17 Approving Fiscal Year 2017 (Program Year 2016) Annual Action Plan Amendment 1 for Community Development Block Grant (CDBG) Funds was adopted.

19. Iowa 32 Bike-Hike Trail Phase 4 - Notice of Use Restrictions: City Manager recommending approval of a resolution approving the terms of the Notice of Use Restrictions for the Iowa 32 Bike/Hike Trail – Phase 4. Upon motion the documents were received and filed and Resolution No. 36-17 Approving the Notice of Use Restrictions related to Phase 4 of the Iowa 32 Bike-Hike Trail was adopted.

20. IIW, P.C. for Engineering Design and Inspection Services Professional Service Agreement: City Manager recommending authorization to enter into an agreement with IIW, P.C. to complete professional engineering design services associated with the English Mill Pump Station and Water Main Extension to the former Central Iowa Water Association's Vernon Water and Barrington Lakes water systems. Upon motion the documents were received and filed and Resolution No. 37-17 Approving Professional Engineering Design and Inspection Services Contract Between the city of Dubuque and IIW, P.C. for the English Mill Road Pump Station and Water Main Extension to Vernon Water System and Barrington Lakes Project was adopted.

21. Home Advocate Contract Extension: City Manager recommending approval of a Second Amendment to Subcontract with Visiting Nurse Association for the Healthy Homes and Childhood Lead Poisoning Prevention Program which extends the agreement from February 1, 2017 through September 30, 2018. Upon motion the documents were received, filed and approved.

22. Kennedy Road Right-of-Way Acquisition (Brimeyer): City Manager recommending approval of a resolution approving the agreement with Mrs. Brimeyer, accepting the Easement, and approving the Pre-Annexation Agreement. Upon motion the documents were received and filed and Resolution No. 38-17 Approving an Agreement by and Between the city of Dubuque, Iowa and Marlene L. Brimeyer Providing for the Annexation of Right-Of-Way Along Kennedy Road and the Intersection of Derby Grange Road, a Grant of Easement for Public Utilities for the Right-Of-Way Along Kennedy Road and the Intersection of Derby Grange Road, a Pre-Annexation Agreement for the Remainder of the Brimeyer Property; and Accepting the Grant of Easement and Approving the Pre-Annexation was adopted.

23. Catfish Creek Interceptor Sewer Repair Project Acceptance: City Manager recommending acceptance of the Catfish Creek Interceptor Sewer Repair Project, as completed by Top Grade Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 39-17 Accepting the Catfish Creek Interceptor Sewer Repair Project and Authorizing the Payment to the Contractor was adopted.

24. Brunskill Road Bridge Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Brunskill Road Bridge Reconstruction Project, as completed by Taylor Construction, Inc. Upon motion the documents were received and filed and Resolution No. 40-17 Accepting the Brunskill Road Bridge Reconstruction Project, Iowa DOT Project No. BROS- 2100 (659)-8J-31, and Authorizing the Payment to the Contractor was adopted.

25. BP Pipeline Utility Relocation Reimbursement Agreement Phase I - SW Arterial Project: City Manager recommending approval for the City Manager to execute a Phase 1 Design Utility Relocation Reimbursement Agreement with BP Pipelines (North America) Inc. for the relocation of a petroleum distribution pipeline impacted by the Southwest Arterial and the future East Grading Project. Upon motion the documents were received and filed and Resolution No. 41-17 Approving a Phase I Design Utility Relocation Reimbursement Agreement with BP Pipelines (North America) Inc. for the Relocation of a Petroleum Distribution Pipeline Associated with the East Grading Project and the Continued Development and Advancement of the Southwest Arterial Project was adopted.

26. Business License Refunds: Request of Rainbo Oil Company for a refund of the tobacco permit DBQ-052-17 and liquor license; LE0002418 for Kwik Stop #68 located at 1200 Cedar Cross Rd. due to business closing; request from Daniel Abbott for a refund of the tobacco permit DBQ-076-17 for River Rat Vapes located at 500 Bell St. due to the completion of the special event. Upon motion the documents were received, filed and approved.

27. Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses applications as submitted. Upon motion the documents were received and filed and Resolutions No. 42-17 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. 43-17 Approving applications for retail cigarette/tobacco sales 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 Connors. Motion carried 7-0.

1. Community Development Block Grant - Fiscal Year 2018 Annual Action Plan: City Manager recommending the City Council set a public hearing for review of the Community Development Block Grant Annual Action Plan on February 16, 2017 in conjunction with the Housing & Community Development Department's budget hearing. Upon motion the documents were received and filed and Resolution No. 44-17 Setting a Public Hearing on the Fiscal Year 2018 (Program Year 2017) Community Development Block Grant (CDBG) Annual Action Plan was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on February 16, 2017 in the Historic Federal Building.

2. General Obligation Bonds - Series 2017ABC: City Manager recommending a public hearing be set for February 20, 2017, on the proposition of selling not to exceed \$21,400,000 in General Obligation Bonds, the proceeds of which will be used to pay costs for ambulance replacement, and refund previously issued general obligation bonds. Upon motion the documents were received and filed and Resolutions No. 45-17 Fixing Date for a Meeting on the Proposition of the Issuance of not to Exceed \$8,950,000 General Obligation Bonds, Series 2017A of the City of Dubuque, State of Iowa (For Essential Corporate Purposes), and Providing for Publication of Notice Thereof and Resolution No. 46-17 Fixing Date for a Meeting on the Proposition of the Issuance of not to Exceed \$10,250,000 General Obligation Urban Renewal Refunding Bonds, Series 2017B of the City of Dubuque, State of Iowa (for an Essential Corporate Purpose), and Providing for Publication of Notice Thereof and Resolution No. 47-17 Fixing Date for a Meeting on the Proposition of the Issuance of not to Exceed \$2,200,000 Taxable General Obligation Urban Renewal Refunding Bonds, Series 2017C of the City of Dubuque, State of Iowa (for an Essential Corporate Purpose), and Providing for Publication of Notice Thereof were adopted setting a public hearing for a meeting to commence at 6:00 p.m. on February 20, 2017 in the Historic Federal Building.

3. Greater Downtown Urban Renewal District Amendment - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity that finds that a proposed 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 plan for March 6, 2017. Upon motion the documents were received and filed and Resolution No. 48-17 of Necessity Finding that Certain Areas to be Included Within the Greater Downtown Urban Renewal District Meet the Definition of a Blighted Area Under the Urban Renewal Law, and that Development of said Area Is Necessary in the Interest of the Residents of the City of Dubuque, Iowa, and Setting Dates of Hearing and Consultation on a Proposed 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 March 6, 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 Commission: One, 3-year term through August 17, 2018 (Vacant At-Large term of Craddieth) Applicant: Shane Hoeper, 2520 North Grandview Ave spoke in favor of his appointment.

Appointments were made to the following Boards/Commissions.

2. Community Development Advisory Commission: One, 3-year term through February 15, 2020 (Expiring term of Blok) Applicant: Robert W. Blok, 2447 University Ave. Motion by Connors to appoint Robert W. Blok to a 3-year term through February 15, 2020. Seconded by Jones. Motion carried 7-0.

3. Investment Oversight Advisory Commission: One, 3-year term through July 1, 2018

(Vacant term of Chalmers) Applicant: Franz Becker, 1847 Finley St. Motion by Lynch to appoint Franz Becker to a 3-year term through July 1, 2018. Seconded by Resnick. Motion carried 7-0.

4. Sister City Relationship Advisory Commission: Four, 3-year terms through February 1, 2020 (Expiring terms of Castaneda, Felderman, Landis and Ward) Applicants: Sheila Castaneda, 1014 Dunham Dr.; Robert Felderman, 241 Southgate Dr.; Dick Landis, 2390 Clarke Crest Dr.; Annalee Ward, 2758 Tiffany Ct. Motion by Connors to appoint Sheila Castaneda, Robert Felderman, Dick Landis, Annalee Ward each to a 3-year term through February 1, 2020. Seconded by Lynch. Motion carried 7-0.

PUBLIC INPUT

Chris Cullen, 877 Stone Ridge Place addressed the veteran's preference process in reference to Civil Service testing.

ACTION ITEMS

1. Dubuque Initiatives - Release of City Loan Guarantee for Roshek Building Project: Dubuque Bank & Trust Company President and CEO Doug Horstmann is informing the city of the release of the Roshek Building City of Dubuque Loan Guarantee on behalf of Dubuque Initiatives. Motion by Lynch to receive and file the documents. Greater Dubuque Development Corporation President and CEO Rick Dickinson gave a brief history of the Roshek Building. Mr. Dickinson responded to questions from Council. Seconded by Connors. Motion carried 7-0.

2. Dubuque Initiatives - 4th Amendment to Development Agreement for Roshek Building: City Manager recommending approval of an amendment to the Development Agreement between the City of Dubuque and Dubuque Initiatives for the redevelopment of the Historic Roshek Building. Motion by Connors to receive and file the documents and adopt Resolution No. 49-17 Approving the Fourth Amendment to the Development Agreement Between the City of Dubuque, Iowa and Dubuque Initiatives. Seconded by Jones. Motion carried 7-0.

3. Comprehensive Annual Financial Report (CAFR) and Auditor's Communication: City Manager transmitting the Fiscal Year 2016 Comprehensive Financial Report (CAFR), Auditor's Communication with Those Charged with Governance Letter, the City Finance staff responses to Auditor's Findings and Eide Bailly CPA Audit Partner Brian Unsen made a presentation. Motion by Connors to receive and file the documents and Make Matter of Record. Seconded by Jones. Motion carried 7-0.

4. 2016 Iowa Mission of Mercy - Dubuque Video Presentation: City Manager recommending approval to share the Iowa Mission of Mercy 2016 video of the Clinic held on September 23-24, 2016 at the Five Flags Center. Motion by Connors to receive, file and approve the viewing of the video. Seconded by Del Toro. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 6 Prohibited / Exempt Noises: City Manager

recommending approval of amendments to Ordinance 6-5-1 Prohibited Noises by broadening the scope of prohibited noises and Ordinance 6-5-3 regarding Exempt Noises by removing the disorderly conduct exemption. 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. 4-17 Amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 5 Noises, Section 6-5-1 Prohibited Noises by Broadening the Scope of Prohibited Noises and Ordinance No. 5-17 Amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 5 Noises, Section 6-5-3 Exempt Noises by Removing the Disorderly Conduct Exemption Seconded by Connors. Motion carried 7-0.

6. Plastic Bag Reduction Strategy Follow-up: City Manager recommending that a ban, tax, or fee on single-use plastic bags not be established and direction is requested regarding further staff dedication to voluntary efforts. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Del Toro. After a lengthy discussion by Council, topics included: The use of cloth bags, personal volunteer ban, positive reinforcement, education, re-establishing a task force and presenting the issue to the newly appointed Resilient Community Advisory Commission.

Restate motion by Jones to receive and file the documents and direct legal staff to develop options for a ban of single use plastic bag ordinance. Del Toro declined to second the motion. Seconded by Rios. Motion carried 4-3 with Resnick, Connors, Del Toro voting Nay.

7. Presentation of FY 2018 Budget Recommendation: City Manager submitting the Fiscal Year 2018 Recommended Budget Transmittal Message and provided a presentation. Motion by Connors to receive and file. Seconded by Lynch. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones requested that staff present at a future meeting the rules and regulations regarding flashing yellow lights and the development of Best Practice Policies for Drones. Council member Jones also apologized to the Dubuque Chamber of Commerce for taking ownership and referring to the Leadership Dubuque Program as a program developed by the City.

Council Member Lynch reported on his attendance, in the absence of the Mayor, to a meeting of a newly formed group called Trees Forever.

Council Member Resnick reported on his attendance to a wake of a citizen of Dubuque who has contributed so much to the community and wanted to reiterate the request by Council Member Jones regarding the flashing yellow lights.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:31 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 Resnick. Motion carried 7-0.

Upon motion, the City Council reconvened in open session at 9:22 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:24 p.m.

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