

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

The Dubuque City Council met in regular session at 6:00 p.m. on February 20, 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

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 1/17, 1/30, 2/6, 2/9, 2/13; Community Development Advisory Commission of 1/24; Five Flags Civic Center Advisory Commission of 2/6; Library Board of Trustees of 12/15/16; Parks and Recreation Advisory Commission of 1/10; Proof of Publication for City Council Proceedings of 1/17; Proof of Publication for List of Claims and Summary of Revenues Month Ending 12/31/16. Upon motion the documents were received and filed.

2. 2016 Aquatic Facility Evaluation Report: City Manager transmitting the 2016 Aquatics Facility Evaluation completed by MSA Professional Services and Water Technology, Inc. Upon motion the documents were received and filed.

3. Certified Local Governments (CLG) Annual Report: City Manager recommending approval of the 2016 Certified Local Government Annual Report for the City of Dubuque as required by the State Historical Society of Iowa. Upon motion the documents were received, filed and approved.

4. Golf Cart Lease: City Manager recommending approval of a 5-year lease with Harris Golf Carts for 60 Yamaha golf carts for the Bunker Hill Golf Course. Upon motion the documents were received, filed and approved.

5. Authorized Depository Institutions: City Manager recommending approval of a resolution adding DuTrac Community Credit Union as an authorized depository institution for the City of Dubuque, which will allow DuTrac to bid on City of Dubuque checking, savings, money market or certificate of deposit accounts. Upon motion the documents were received and filed and Resolution No. 55-17 Naming Depositories was adopted.

6. Upper Bee Branch Creek Restoration Project & Pump Station Agreement: City Manager recommending approval of an agreement whereby the City of Dubuque would, as part of the Upper Bee Branch Creek Restoration Project, replace the existing gravity sanitary sewer service lateral at 525 East 19th Street with a private sanitary sewer pump station and associated force main discharge pipe located in the Pine Street right-of-way. Upon motion the documents were received and filed and Resolution No. 56-17 Approving an Agreement Between the City of Dubuque, Iowa and B & M Properties & Storage, LLC was adopted.

7. 2016 Pavement Marking Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the 2016 Pavement Marking Project, as completed by SELCO, Inc. Upon motion the documents were received and filed and Resolution No. 57-17 Accepting the 2016 Pavement Marking Project and authorizing the payment to the contractor was adopted.

8. Memorandum of Understanding - Santiago, Dominican Republic: City Manager recommending approval for the Mayor and the City Manager to execute a Memorandum of Understanding between the Town Hall of the Municipality of Santiago and the City of Dubuque. Upon motion the documents were received, filed and approved.

9. Urban Revitalization Applications for Calendar Year 2016: City Manager recommending approval of a Resolution approving property tax abatement applications for 18 residential properties and 3 commercial properties in recognized Urban Revitalization Areas, and authorizing transmittal to the City Assessor for final review and determination of the amount of property tax abatement. Upon motion the documents were received and filed and Resolution No. 58-17 Approving Property Tax Abatement Applications Submitted by Property Owners in Recognized Urban Revitalization Areas and Authorizing the Transmittal of the Approved Applications to the City Tax Assessor was adopted.

10. Transfer of Deed - 595 Angella Street: City Manager recommending approval to amend the contract for sale of the property at 595 Angella Street. Upon motion the documents were received and filed and Resolution No. 59-17 Approving an Amendment to the Land Contract Between the City of Dubuque, Iowa and Craig Nesteby was adopted.

11. Miller Riverview Campground Operations and Fee Recommendations: City Manager recommending approval of changes to the Miller Riverview Campground operations related to both management and fees. Upon motion the documents were received, filed and approved.

12. Iowa Department of Transportation (IDOT) Notification of Project Bid Letting: Correspondence from the Iowa Department of Transportation (IDOT) informing the City that it will bid a US 20 Interchange Ramps Project during the 2017 construction season. Upon motion the documents were received and filed.

13. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of programming changes implemented on or about February 16, 2017. Upon motion the document was received and filed.

14. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Kwik Stop #300: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Kwik Stop #300, 1215 East 16th Street. Upon motion the documents were received, filed and approved.

15. Alcohol Compliance Civil Penalty for Alcohol License Holder – Kwik Stop #300: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Kwik Stop #300, 1215 East 16th Street. Upon motion the documents were received, filed and approved.

16. 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. 60-17 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 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 Connors. Motion carried 7-0.

1. SRF Green Alley Project Bid Set 4 - Year 3 Project Initiation: City Manager recommending initiation of the public bidding procedure for the SRF Green Alley Bid Set 4 – Year 3 Project, and further recommends that a public hearing be set for March 20, 2017. Upon motion the documents were received and filed and Resolution No. 61-17 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; Resolution No. 62-17 Approving the preliminary plats, schedule of assessments and estimate of total cost for the SRF Green Alley Bid Set 4 - Year 3 Project; Resolution No. 63-17 Resolution of Necessity for the SRF Green Alley Bid Set 4 - Year 3 Project; and Resolution No. 64-17 Fixing the date of public hearing on Resolution of Necessity were adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 20, 2017 in the Historic Federal Building.

2. Rustic Point Area Annexation: City Manager recommending that the City Council schedule a public hearing for March 20, 2017 on the Rustic Point Area annexation of approximately 56 acres owned by four property owners: Marlene L. Brimeyer (1.42 acres), Derby Grange LLC (50.4 acres), James F. and Janet M. Kress (2.99 acres), and the City of Dubuque (1.35 acres). Upon motion the documents were received and filed and

Resolution No. 65-17 Setting a public hearing on the 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 March 20, 2017 in the Historic Federal Building.

3. South Pointe Housing Urban Renewal Area - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity that finds that an Urban Renewal Plan for the South Pointe Housing Urban Renewal Area is both necessary and appropriate and sets a public hearing for March 20, 2017. Upon motion the documents were received and filed and Resolution No. 66-17 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 March 20, 2017 in the Historic Federal Building.

4. Five Flags Theater Masonry Rehabilitation Project Initiation: City Manager recommending preliminary approval of the construction plans and specifications and initiate the bidding procedure for the Five Flags Theater Masonry Rehabilitation Project and further recommends that a public hearing be set for March 6, 2017. Upon motion the documents were received and filed and Resolution No. 67-17 Five Flags Theater Masonry Rehabilitation Improvement Project; 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 March 6, 2017 in the Historic Federal Building.

5. Ham House Masonry Rehabilitation Project Initiation: City Manager recommending preliminary approval of the construction plans and specifications and initiate the bidding procedure for the Ham House Masonry Rehabilitation Project and further recommends that a public hearing be set for March 6, 2017. Upon motion the documents were received and filed and Resolution No. 68-17 Ham House Masonry Rehabilitation Improvement Project; 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 March 6, 2017 in the Historic Federal Building.

6. Derby Grange Road Housing Urban Renewal Plan - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity that finds that an Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area is both necessary and appropriate and sets a public hearing on the proposed plan for March 20, 2017. Upon motion the documents were received and filed and Resolution No. 69-17 Resolution of Necessity Finding That Certain Property in and Near Rustic Point Estates and Timber Ridge Estates 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 March 20, 2017 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointment was made to the following Board/Commission.

1. Housing Commission: One, 3-year term through August 17, 2018 (Vacant At-Large term of Craddieth). Applicants: Shane Hoepfer, 2520 North Grandview Ave.; Brett Shaw, 995 Richards Rd. (Additional Applicant). Upon roll call vote (Shaw = Connors, Lynch, Buol, Jones; Hoepfer = Resnick, Rios, Del Toro), Brett Shaw was appointed to a 3-year term through August 17, 2018.

PUBLIC HEARINGS

1. Series 2017A General Obligation Bonds: Proof of publication on notice of public hearing to consider approval of the suggested proceedings to take additional action for the issuance of General Obligation Bonds, Series 2017A, proceedings to direct advertisement for sale, and approval of electronic bidding procedures and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 70-17 Instituting proceedings to take additional action for the issuance of not to exceed \$8,950,000 General Obligation Bonds; and Resolution No. 71-17 Directing the advertisement for sale of \$8,830,000 (dollar amount subject to change) General Obligation Bonds, Series 2017A, and approving electronic bidding procedures. Seconded by Connors. Motion carried 7-0.

2. Series 2017B General Obligation Urban Renewal Refunding Bonds: Proof of publication on notice of public hearing to consider approval of the suggested proceedings take additional action of the issuance of General Obligation Urban Renewal Refunding Bonds, Series 2017B, proceedings to direct advertisement for sale, and approval of electronic bidding procedures, and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 72-17 Instituting proceedings to take additional action for the issuance of not to exceed \$10,250,000 General Obligation Urban Renewal Refunding Bonds; and Resolution No. 73-17 Directing the advertisement for sale of \$8,830,000 (Dollar amount subject to change) General Obligation Bonds, Series 2017A, and approving electronic Bidding procedures. Seconded by Jones. Motion carried 7-0.

3. Series 2017C Taxable General Obligation Urban Renewal Refunding Bonds: Proof of publication on notice of public hearing to consider approval of the suggested proceedings to take additional action for the issuance of Taxable General Obligation Urban Renewal Refunding Bonds, Series 2017C, proceedings to direct advertisement for sale, and approval of electronic bidding procedures, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 74-17 Instituting proceedings to take additional action for the issuance of not to exceed \$2,200,000 Taxable General Obligation Urban Renewal Refunding Bonds; and

Resolution No. 75-17 Directing the advertisement for sale of \$2,155,00 (dollar amount subject to change) Taxable General Obligation Urban Renewal Refunding Bonds, Series 2017C, and approving electronic bidding procedures. Seconded by Connors. Motion carried 7-0.

PUBLIC INPUT

Paul Uzel, 61 N. Algona Street addressed the City Council about a welcoming community proclamation, forthcoming petition and other efforts being done to welcome newcomers to the community.

R.R.S Stewart, 460 Summit St., on behalf of Dubuque for Refugee Children and the NAACP, requested the City Council pass a resolution stating that the Council will not spend city money to enforce federal immigration policy except in specific situations. Ms. Stewart provided information that the Human Rights Commission and Human Rights Department previously considered and provided regarding source of income issues and providing affordable housing urging the Council to add a time frame for reviewing voluntary measures (being considered under Action Item #1).

Mason Kobliska, 1959 Lincoln Ave., addressed the City Council about alternatives to reducing plastic bag usage through tax abatement with businesses, appealing to the consumer and rewarding good behavior.

Brad Brissey, 1326 Tomahawk Drive, and a member of the Board of Realtors, addressed the City Council in opposition to mandated participation in state and federal housing programs citing plenty of available housing and supporting property owners right to choose participation.

Kerry O'Connor, 1975 N. Grandview Ave., spoke in support of a source of income ban and favored a review of voluntary measures if adopted by Council.

Matt Zanger, 261 Southgate Dr., urged the City Council not to agree with the Source of Income Committee's recommendations stating that he believes they will result in continued discriminatory actions instead of a change of culture.

Diane McClain, 255 Bradley St., as member of the Dubuque Area Landlords Association and Board Member, informed the Council that landlords will work hard to embrace the Source of Income recommendations if approved.

Council Member Connors stated that she favored the idea of setting a time limit for review of the source of income recommendations.

ACTION ITEMS

1. Source of Income Committee Final Report: City Manager recommending the City Council concur with the Source of Income Committee's Final Report and direct the City Manager to move forward with the Implementation Strategy for Options #4 and #6 recommended in the Committee's Final Report. After lengthy Council discussion that included concerns with federal guidelines/changes, disappointment with groups not working together, and dislike for mandates, restated motion by Lynch to receive and file the documents, concur with the recommendation and add an annual review/reporting component to the measure. Seconded by Resnick. Motion carried 6-1 with Rios voting nay.

2. Port of Dubuque Marina Annual Report 2016: City Manager transmitting the Port of Dubuque Marina Annual Report for 2016. Motion by Lynch to receive and file the information. Seconded by Resnick. Recreation Division Manager Dan Kroger provided a slide presentation that included information on highlights, partnerships, marketing, survey data, marina store, dockage, fuel, financials, 2017 goals, staffing, and history of the marina. Motion carried 7-0.

3. Skate Park Final Design Concept and Specification Location: City Manager recommending approval of the final design concept and specification location of Flora Park for the site of the skate park. Motion by Connors to receive and file and approve the recommendation. Seconded by Jones. Responding to questions from the City Council, Park Division Manager Steve Fehsal provided information on what community outreach efforts. Motion carried 7-0.

4. Imagine Dubuque Comprehensive Plan Update: City Manager transmitting information for the Imagine Dubuque presentation. Motion by Connors to receive and file the information. Seconded by Jones. Mike Hoffman of Teska Associates provided a slide presentation. Highlights included a 2016 timeline, 2017 timeline, outreach overview and components, representative demographic data, events, focus/interview groups and workshops, promotion, idea collection, emerging themes, and what's next for the plan. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:50 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. For the record, 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. Motion carried 7-0.

Upon motion, the City Council reconvened in open session at 8:15 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:16 p.m.

/s/Kevin S. Firnstahl
City Clerk

1t 3/1