

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

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

PROCLAMATION(S)

1. Irish-American Heritage Month (March 2017) was accepted by Irish Hooley Event Coordinator and Ancient Order of the Hibernians #2 Recording Secretary Bob Felderman.

2. Junior Achievement Day (April 6, 2017) was accepted by Stephanie Ludovissy, Development Director, JA of the Heartland.

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: Building Code Appeals Board of 12/20/16; Cable TV Commission of 3/1; City Council Proceedings of 3/6, 3/7; Community Development Advisory Commission for 2/21; Human Rights Commission of 2/13; Library Board of Trustees Council Update #158 of 2/23; Parks and Recreation Advisory Commission for 2/14; Resilient Community Advisory Commission of 3/2; Sister Cities Relationships Advisory Commission of 1/18; Zoning Advisory Commission for 3/1; Zoning Board of Adjustment for 2/23; Proofs of Publication for City Council Proceedings of 2/13, 2/16, 2/20, 2/22, 2/23 and 2/27. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Kaitlyn Birch for vehicle damage and personal injury; Scott Printing for property 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: Kathaleen Nelson for property damage; Scott Printing for property damage. Upon motion the documents were received, filed and concurred.

4. 365ink Impact Award for Sustainability: City Manager transmitting information on the 365ink Impact Award for Sustainability given to the City of Dubuque in recognition of the Bee Branch Creek Flood Mitigation Project and the Comprehensive Housing Activities for Neighborhood Growth & Enrichment (CHANGE) Program. Upon motion the documents were received and filed.

5. Anderson Sainci Named Millennial Impact Fellow: City of Dubuque News Release advising that Resource Management Coordinator and Supervisor Anderson Sainci has been named a Millennial Impact Fellow by New Profit, a national venture philanthropy fund. Upon motion the documents were received and filed.

6. Leisure Services News Updates March 2017: City Manager transmitting the City of Dubuque Leisure Services News / Updates brochure. Upon motion the documents were received and filed.

7. Bee Branch Healthy Homes Resiliency Program: City Manager transmitting a City of Dubuque public information brochure on the Bee Branch Healthy Homes Resiliency Program. Upon motion the documents were received and filed.

8. Mississippi River Cities and Towns Initiative Annual Meeting Materials: City Manager transmitting material from the 5th Annual Mississippi River Cities & Towns Initiative held February 28 - March 2, 2017 in Washington, DC. Upon motion the documents were received and filed.

9. Stipulation of Settlement for Property Tax Appeal - HyVee Food Stores, 300 S. Locust Street: City Attorney recommending approval of the Stipulation of Settlement for a property tax appeal filed by HyVee Food Stores, Inc. for property located at 300 S. Locust Street. Upon motion the documents were received, filed and approved.

10. Stipulation of Settlement for Property Tax Appeal - HyVee Food Stores, 4800 Asbury Road: City Attorney recommending approval of the Stipulation of Settlement for a property tax appeal filed by HyVee Food Stores, Inc. for property located at 4800 Asbury Road. Upon motion the documents were received, filed and approved.

11. Green Industrial Supply, Inc. - Contract Amendment: City Manager recommending approval of a resolution authorizing an amendment to a contract with the Iowa Economic Development Authority (IEDA) for Iowa Values Funds (IVF) Financial Assistance benefits on behalf of Green Industrial Supply, Inc. Upon motion the documents were received and filed and Resolution No. 94-17 Approving a Third Amendment to the Economic Development Financial Assistance Contract by and among Green Industrial Supply, Inc., the City of Dubuque, and the Iowa Economic Development Authority was adopted.

12. Lead Hazard Control Grant Application 2017: City Manager recommending approval of an application to the U.S. Department of Housing and Urban Development (HUD) for continuation of the Lead-Based Paint Hazard Control Program throughout the

City of Dubuque. Upon motion the documents were received and filed and Resolution No. 95-17 Authorizing the Mayor to Execute an application for a HUD Lead Paint Hazard Control and Healthy Homes Program grant was adopted.

13. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Assistant Horticulturist and Water Distribution Foreman. Upon motion the documents were received, filed and made a Matter of Record.

14. Updates to Special Events Permit Application Booklet: City Manager recommending approval of updates to the City of Dubuque Special Events Permit Application Booklet. Upon motion the documents were received, filed and approved.

15. AT&T - Sale of Communications Equipment and Transfer of Conduit: City Manager recommending approval of the execution of the Bill of Sale of Communications Systems and the transfer of conduit to the City of Dubuque from AT&T Corporation. Upon motion the documents were received, filed and approved.

16. U.S. Department of the Interior Biennial Report for the Historic Federal Building: City Manager transmitting correspondence from the U.S. Department of the Interior related to the City's submission of the Biennial Report for the Historic Federal Building. Upon motion the documents were received and filed.

17. Dubuque Racing Association Improvement Projects Request: City Manager recommending approval of a request from Dubuque Racing Association President & CEO Jesùs Avilès for City Council consent to use the Depreciation and Improvement Fund to complete two capital improvement projects. Upon motion the documents were received, filed and approved.

18. Code of Ordinances - Adoption of Supplement No. 24: City Clerk recommending adoption of Supplement No. 24 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed and Resolution No. 96-17 Adopting Supplement No. 24 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

19. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Fas Mart
City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Fas Mart, 2175 Central Avenue. Upon motion the documents were received, filed and approved.

20. Alcohol Compliance Civil Penalty for Alcohol License Holder – Noonan's Tap: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Noonan's Tap, 1618 Central Avenue. Upon motion the documents were received, filed and approved.

21. 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. 97-17 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 Connors 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 Lynch. Motion carried 7-0.

1. Request to Release Easement - Tri-State Shred / Old Bellevue Road: City Manager recommending approval of the request from Bruce Radtke, President of Tri-State Shred, 2270 Twin Valley Road, to vacate a portion of the Old Bellevue Road public right-of-way easement across Lots 1 and 2 of Gudenkauf Place and Lots 1 and 2 of Twin Valley Place, and further recommends that a public hearing be set for April 3, 2017, on the disposal of the property. Upon motion the documents were received and filed and Resolution No. 98-17 Resolution of Intent to vacate and dispose of City interest in the Old Bellevue Road public right-of-way easement over and across Lot 1 and Lot 2 of Gudenkauf Place and Lot 1 and Lot 2 of Twin Valley Place in the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April 3, 2017 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their appointment to the following Board/Commission.

1. Human Rights Commission: One, 3-year term through January 1, 2020 (Vacant term of Lenhart). Applicants: Jessica Perry (Indigo Channing), 160 N. Algona St.; Kristen Ricondo, 2769 University Ave. Ms. Perry spoke in favor of her appointment. Ms. Ricondo advised the City Council that she is withdrawing her application because she is no longer able to commit to the three-year term.

Appointments were made to the following Boards/Commissions.

2. Community Development Advisory Commission: One, 3-year term through February 15, 2020 (Expiring Low- to Moderate-Income Representative term of Burley). Applicant: Sara Burley, 2622 Broadway (Qualifies as Low- to Moderate-Income Representative). Motion by Connors to appoint Ms. Burley a 3-year term through February 15, 2020. Seconded by Lynch. Motion carried 7-0.

3. Housing Code Appeals Board: One, 3-year term through January 11, 2019 (Vacant term of Miller). Applicant: Gil Spence, 975 Grove Ter. Motion by Jones to appoint Mr. Spence to the remainder of a 3-year term through January 11, 2019. Seconded by Connors. Motion carried 7-0.

4. Mechanical and Plumbing Code Board: One, 3-year term through March 16, 2020 (Expiring Term of Giese). Applicant: Tom Giese, 395 Villa St. Motion by Connors to appoint Mr. Giese to a 3-year term through March 16, 2020. Seconded by Resnick. Motion carried 7-0.

5. Zoning Board of Adjustment: One, 5-year term through March 25, 2022 (Expiring term of Golombeski). Applicant: Bethany Golombeski, 65 Cambridge Ct. Motion by Lynch to appoint Ms. Golombeski to a 5-year term through March 25, 2022. Seconded by Connors. Motion carried 7-0.

PUBLIC HEARINGS

1. Request to Rezone - Derby Grange, LLC / 12568 John F. Kennedy Road: Proof of publication on notice of public hearing to consider a request from Derby Grange, LLC, to rezone 50.4 acres at the Northwest Corner of Kennedy Road and Derby Grange Road (12568 Kennedy Road) from County AG Agricultural to City R-2 Two-Family Residential concurrent with annexation to the City of Dubuque and the Zoning Advisory Commission recommending approval. 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 failed 5-2 with Del Toro and Rios voting nay.

Developer Brian Riniker spoke in favor of the request and provided details of the project. Planning Services Manager Laura Carstens provided a staff report. Suzanne Conlon-Kalb, 12470 Eton Circle, submitted a petition by county residents in opposition to the request. Kristen Bickel-Clark, 12210 Forest Meadow Dr.; Joe Mettile, 16559 Clay Hill Rd.; Brian Moran, 16593 Forest Gate Rd.; Paul Kalb, 12471 Eton Circle; Phillip Kalvelage, 16785 Clay Hill Rd.; Steve Chapman, 16431 Forest Gate Rd.; Nathan Sunkuist, 16393 Forest Gate Rd.; and Kevin Dougherty, 12536 J.F.K Rd. all spoke in opposition to the request. Speakers cited increased traffic posing safety hazards to pedestrian and bike traffic on this portion of JFK Road, increased home density with R-2 zoning, decrease in property values, future enforcement of restrictive covenants and stormwater runoff concerns. Mr. Riniker, Ms. Carstens, and Assistant City Engineer Bob Schiesl provided information that clarified the Code requirement for notifying property owners in zoning requests, the county's authority over maintenance and upgrading of JFK Road and the City's upgrade project at the intersection with the NW Arterial, and the Code requirement for joint review by the County Board of Supervisors. City Council asked staff to inquire about a secondary exit from the Dubuque Soccer Complex.

Planning Services Staff who were present reviewed the petition and informed Council that because of the percentage of property within 200 feet of the request, approval would require a super majority vote of the Council.

Motion by Jones to consider the first reading of the proposed ordinance. Seconded by Lynch. Motion carried 5-2.

Point of Order: Later in the meeting and following research of the Iowa Code, City Attorney Brumwell informed the City Council that the super majority rule created by the 20% petitioning properties would also apply to first readings of an ordinance. Motion by Connors to reconsider Public Hearing #1. Seconded by Resnick. Motion carried 7-0.

Motion by Jones to consider the first reading of the proposed ordinance. Seconded by Connors. Motion carried 7-0.

2. Request to Rezone - Jim Kress / Derby Grange Road: Proof of publication on notice of public hearing to consider a request from Jim Kress to rezone 2.99 acres located along Derby Grange Road from County AG Agricultural to City R-1 Single-Family Residential concurrent with annexation to the City of Dubuque and the Zoning Advisory Commission recommending approval. Restated motion by Connors for first reading of the proposed ordinance. Seconded by Lynch. Developer Jim Kress spoke in support of the request. Planning Services Manager Laura Carstens provided staff report. Motion carried 6-1 with Del Toro voting nay.

3. Rustic Point Area Voluntary Annexation: Proof of publication on notice of public hearing to consider approval of 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) and the City Manager recommending approval. Motion by Connors to receive and file the documents and conduct the public hearing. Seconded by Lynch. Motion carried 7-0.

Planning Services Manager stated that Mr. Riniker and Mr. Kress approved of tabling this item since it relates to their rezoning requests. Suzanne Conlon-Kalb, 12470 Eton Circle, questioned the relationship with the rezonings and annexations versus the purchase of an easement by the City. City Attorney Brumwell stated that the purchase of property from Ms. Brimeyer was by purchase agreement.

Motion by Connors to table the item until the April 3, 2017 meeting. Seconded by Lynch. Motion carried 7-0.

4. Derby Grange Road Housing Urban Renewal Plan: Proof of publication on notice of public hearing to consider approval of a Resolution adopting the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area and the City Manager recommending approval. Motion by Jones to receive and file the documents and conduct the public hearing. Seconded by Connors. Motion carried 7-0.

Suzanne Conlon-Kalb, 12470 Eton Circle, questioned the land use being reserved for agriculture as aligned with the Comprehensive Plan. Planning Services Manager Laura Carstens stated that Ms. Conlon was referring to the County's Regional Smart Plan and land suitability analysis. and that the City uses its own 2012 Comprehensive plan which applies numerous goals and objectives for land use beyond the map. Kristin Clark, 2210 Forest Meadow Dr., stated that part of the plan should be to avoid a similar situation in Asbury where the neighbors are unaware of developments and that properties should not build up to the road if a wider road is needed.

Motion by Jones to table the item to the April 3, 2017 meeting. Seconded by Connors. Motion carried 7-0.

5. South Pointe Housing Urban Renewal Area: Proof of publication on notice of public hearing to consider approval of a resolution approving the Urban Renewal Plan for the South Pointe Housing Urban Renewal Area and the City Manager recommending

approval. Motion by Connors to receive and file the documents and adopt Resolution No. 101-17 Approving the Urban Renewal Plan for the South Pointe Housing Urban Renewal Area. Seconded by Lynch. Motion carried 7-0.

6. SRF Green Alley Project Bid Set 4 - Year 3: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the Green Alley Bid Set 4 - Year 3 Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 102-17 Approval of plans, specification, form of contract, and estimated cost for the SRF Green Alley Bid Set 4 - Year 3 Project; Resolution No. 103-17 Resolution with respect to the Adoption of the Resolution of Necessity proposed for the SRF Green Alley Project Bid Set 4 - Year 3 Project; and Resolution No. 104-17 Approving the Schedule of Assessments and estimate of total cost for the SRF Green Alley Bid Set 4 - Year 3 Project. Seconded by Connors. Motion carried 7-0.

7. Westside Water System Improvements - English Mill and North Cascade Road Water Main Extension and English Mill Road Pump Station Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Westside Water System Improvements that include the English Mill and North Cascade Road Water Main Extension and the English Mill Road Pump Station Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 105-17 Approval of plans, specifications, form of contract, and estimated cost for the Westside Water System Improvements - English Mill and North Cascade Road Water Main Extension and the English Mill Road Pump Station Project. Seconded by Resnick. Motion carried 7-0.

8. Fiscal Year 2017 Second Budget Amendment: Proof of publication on notice of public hearing to consider approval of the Fiscal Year 2017 Second Budget Amendment. Motion by Connors to receive and file the documents and adopt Resolution No. 106-17 Amending the current budget for the Fiscal Year Ending June 30, 2017 as amended last on September 19, 2016. Seconded by Jones. Motion carried 7-0.

PUBLIC INPUT

Paul Uzell, 61 N. Algona Street, requested that the City Council consider proclaiming Dubuque a Welcoming Community, referenced Dubuque's diversity and growth and the upcoming Taste of the World event at the Multicultural Family Center.

ACTION ITEMS

1. Derby Grange Road Housing Urban Renewal Plan – Ordinance: City Manager recommending review and approval of an ordinance creating a tax increment financing district for Derby Grange Road Housing Urban Renewal Area. Motion by Jones to receive and file the documents and table the proposed ordinance until the April 3, 2017 meeting. Seconded by Connors. Motion carried 7-0.

2. South Pointe Housing Urban Renewal Area – Ordinance: City Manager recommending review and approval of an ordinance creating a tax increment financing district for the South Pointe Housing Urban Renewal Area. 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 Resnick. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 11-17 Providing that general property taxes levied and collected each year on all property located within the South Pointe Housing Urban Renewal Area, in 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 said South Pointe Housing Urban Renewal Area. Seconded by Resnick. Motion carried 7-0.

3. Series 2017ABC General Obligation Bond Sale: City Manager recommending approval of the suggested proceedings for directing sale of the \$8,830,000 General Obligation Bonds, Series 2017A, \$10,105,000 General Obligation Urban Renewal Refunding Bonds, Series 2017B and \$2,155,000 Taxable General Obligation Urban Renewal Refunding Bonds, Series 2017C. The Bond Sale was scheduled for March 20. Results were presented at the meeting. Motion by Lynch to receive and file the documents and adopt Resolution No. 107-17 Directing the Sale of \$8,495,000 General Obligation Bonds, Series 2017A; Resolution No. 108-17 Directing the sale of \$9,745,000 General Obligation Urban Renewal Refunding Bonds, Series 2017B; Resolution No. 109-17 Directing the Sale of \$2,120,000 Taxable General Obligation Urban Renewal Refunding Bonds, Series 2017C; Resolution No. 110-17 Authorizing the redemption of outstanding General Obligation Bonds, Series 2009A (Taxable Build America Bonds), of the City of Dubuque, state Of Iowa, dated November 10, 2009, and directing notice be given; Resolution No. 111-17 Authorizing the redemption of outstanding General Obligation Urban Renewal Bonds, Series 2009B (Taxable Build America Bonds), of the City of Dubuque, State of Iowa, dated November 10, 2009, and directing notice be given; Resolution No. 112-17 Authorizing the redemption of outstanding General Obligation Refunding Bonds, Series 2009C, of the City of Dubuque, State of Iowa, dated November 10, 2009, and directing notice be given; Resolution No. 113-17 Authorizing the redemption of outstanding General Obligation Bonds, Series 2010A, of the City of Dubuque, State of Iowa, dated August 30, 2010, and directing notice be given; Resolution No. 114-17 Authorizing the redemption of outstanding Taxable General Obligation Urban Renewal Bonds, Series 2010B, of the City of Dubuque, State of Iowa, dated August 30, 2010, and directing notice be given; Resolution No. 115-17 Authorizing the redemption of outstanding General Obligation Urban Renewal Bonds, Series 2010C, of the City of Dubuque, State of Iowa, dated August 30, 2010, and directing notice be given. Seconded by Resnick. Tionna Pooler, President of Independent Public Advisors of Des Moines, reviewed the results of the bond sale with the City Council. Motion carried 7-0.

4. Upper Bee Branch Creek Light-Pole Banners, Interpretive Signs, and Fiber Utility Cabinets: City Manager recommending approval of the Upper Bee Branch Creek Light-Pole Banners, Interpretive Signs and Fiber Utility Cabinets. Motion by Connors to receive and file the documents, approve the recommendation and hear the presentation. Seconded by Rios. Bee Branch Project Coordinator Kristin Hill provided a slide presentation. Highlights included recommended light pole banners design and installation; Interpretive signage recommended designs and content; fiber utility cabinets vinyl wrap design and locations; and budget impact. Motion carried 7-0.

5. Request for Work Session on EPA Brownfields Grant: City Manager recommending that the City Council schedule a work session for June 12, 2017 at 6:00 p.m. to review the EPA Brownfields Grant. Motion by Jones to receive and file the documents and set the work session as recommended. Seconded by Rios. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Connors reported on inviting Loras College international students to a future Council meeting.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:40 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. 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.

The City Council reconvened in open session at 9:06 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:07 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 3/29