

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

The Dubuque City Council met in regular session at 6:00 p.m. on April 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(S)

1. Mayor's Day of Recognition for National Service (April 4, 2017) was accepted by AmeriCorps Member Sam Zebarth.
2. The Month of the Young Child/Child Abuse Prevention Month (April 2017) & Week of the Young Child (April 23-29, 2017) was accepted by Sherri Edwards of Dubuque County Early Childhood; and Sherry Kennedy of Dubuque Association for the Education of Young Children.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: Building Code and Advisory Appeals Board of 3/21; City Council Proceedings of 3/20; Civil Service Commission of 3/2; Library Board of Trustees of 2/23; Sister City Relationships Advisory Commission of 3/22; Transit Advisory Board of 3/9; Zoning Board of Adjustment of 3/23; Proof of Publication for City Council Proceedings of 3/6, 3/7; Proof of Publication for List of Claims and Summary of Revenues Month Ending 2/28. Upon motion the documents were received and filed.
2. Notice of Claims and Suits: Mark Laird for property damage; Marvin and Mary Ritt for vehicle damage; Teamsters Local 120 for property damage, Rachel Wedewer for vehicle damage and personal injury; Linda Wessels 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: Kaitlyn Birch for personal injury and vehicle damage; Mark Laird for property damage; Marvin and Mary Ritt for vehicle damage; Teamsters Local 120 for

property damage; Rachel Wedewer for personal injury and vehicle damage; Linda Wessels for personal injury. Upon motion the documents were received, filed and concurred.

4. IDNR Working for Clean Water Publication: City Manager transmitting the Working for Clean Water publication from the Iowa Department of Natural Resources (IDNR) in which Catfish Creek is featured as a 2016 watershed success. Upon motion the documents were received and filed.

5. Greater Dubuque Development Corp. 2022 Campaign: City Manager transmitting the Greater Dubuque Development Corp. 2022 Campaign Brochure. Upon motion the documents were received and filed.

6. Annual Public Housing Agency (PHA) Plan: City Manager recommending approval to submit the Annual Public Housing Agency (PHA) Plan along with the Certification for Consistency with the Consolidated Plan. Upon motion the documents were received and filed and Resolution No. 116-17 Authorizing the Mayor to execute the Certification by State or Local Office of Public Housing Agency (PHA) Plan's Consistency with the Consolidated Plan and Approval of the PHA Annual Plan was adopted.

7. Art on the River 2017 Artwork Selections: Arts and Cultural Affairs Advisory Commission recommending approval of the selections for the 2017 Art on the River exhibition. Upon motion the documents were received, filed and approved.

8. Urban Revitalization Applications for Residential Property Tax Abatement: City Manager recommending approval of a resolution rescinding Resolution 58-17 and adopting a resolution correcting Calendar Year 2016 applications for residential property tax abatement. Upon motion the documents were received and filed and Resolution No. 117-17 Rescinding Resolution No. 58-17 and 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.

9. Express Scripts Programs: City Manager recommending approval for the City Manager to sign the 2017 PBM Agreement Service Addendum with Express Scripts. Upon motion the documents were received, filed and approved.

10. Medical Associates MMPI-2 Testing Services: City Manager recommending approval of a one-year agreement with the psychologists at Medical Associates Clinic to provide MMPI-2 Testing Services administered to all new Firefighters and Police Officers. Upon motion the documents were received, filed and approved.

11. Benefit Consulting and Actuarial Services: City Manager recommending approval of the selection of Gallagher Benefit Services, Inc., to perform benefit consulting and actuarial services related to the City's employee health, life, accidental death and

dismemberment, disability, prescription drug and dental benefit plans. Upon motion the documents were received, filed and approved.

12. Series 2017ABC General Obligation Bonds Completion of Sale: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2017A, Series 2017B and Series 2017C General Obligation Bonds. Upon motion the documents were received and filed and Resolution No. 118-17 Appointing Wells Fargo Corporate Trust Services of Minneapolis, Minnesota, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing the execution of the Agreement; Resolution No. 119-17 Authorizing and providing for the issuance of \$8,495,000 General Obligation Bonds, Series 2017A, and levying a tax to pay said Bonds; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate; Resolution No. 120-17 Appointing Wells Fargo Corporate Trust Services of Minneapolis, Minnesota, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing the execution of the Agreement; Resolution No. 121-17 Authorizing and providing for the issuance of \$9,745,000 General Obligation Urban Renewal Refunding Bonds, Series 2017B, and levying a tax to pay said Bonds; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate; Resolution No. 122-17 Appointing Wells Fargo Corporate Trust Services of Minneapolis, Minnesota, to serve As Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing the execution of the Agreement; and Resolution No. 123-17 Authorizing and providing for the issuance of \$2,120,000 Taxable General Obligation Urban Renewal Refunding Bonds, Series 2017C, and levying a tax to pay said Bonds; approval of the Continuing Disclosure Certificate were adopted.

13. Request to Initiate PUD Rezoning of Chaplain Schmitt Island: City Manager recommending approval to initiate the application process for a PUD Planned Unit Development rezoning of Chaplain Schmitt Island consistent with the 2014 Master Plan. Upon motion the documents were received, filed and approved.

14. Contract Assignment from Selser Schaeffer Architects to 563 Design LLC: City Manager recommending assignment of the contract from Selser Schaeffer Architects to 563 Design, LLC which allows the City to continue working with 563 Design LLC to conclude four project contracts. Upon motion the documents were received, filed and approved.

15. Hodge Companies Assignment of Real Estate Lease and Agreement: City Manager recommending approval of the Assignment of Real Estate Lease and Agreement between Hodge Company and Dubuque Bank and Trust Company. Upon motion the documents were received, filed and approved.

16. Design and Resiliency Team (DART) Technical Assistance Application: City Manager recommending approval for the City of Dubuque to apply for a Design & Resiliency Team technical assistance project and for Sustainable Community

Coordinator Cori Burbach to serve on a technical assistance team. Upon motion the documents were received, filed and approved.

17. Community Development Block Grant (CDBG) Fiscal Year 2017 Amendment 2: City Manager recommending approval of the Fiscal Year 2017 Annual Action Plan Amendment 2 for the Community Development Block Grant (CDBG) program. Upon motion the documents were received and filed and Resolution No. 124-17 Approving Fiscal Year 2017 (Program Year 2016) Annual Action Plan Amendment 2 for Community Development Block Grant (CDBG) funds was adopted.

18. Jackson Street Right-of-Way Acquisition Plat and Dedication: City Manager recommending approval of the Acquisition Plat of City Lot 386A, in the City of Dubuque, and acceptance of the dedication of said lot for right-of-way purposes related to the SR Jackson Real Estate, LLC Warehouse Renovation Project at 1065 Jackson Street. Upon motion the documents were received and filed and Resolution No. 125-17 Approving the Acquisition Plat of City Lot 386A in the City of Dubuque, Iowa was adopted.

19. Marquette Hall Resolution of Support: City Manager recommending approval of a Resolution in support of a Workforce Housing Tax Incentive Program application to be submitted to the Iowa Economic Development Authority (IEDA) by Cohen Esrey for Marquette Hall project. Upon motion the documents were received and filed and Resolution No. 126-17 Resolution in Support of a Workforce Housing Tax Incentive Program application to be submitted to the Iowa Economic Development Authority (IEDA) by Cohen Esrey for Marquette Hall Project was adopted.

20. Iowa Economic Development Authority Contact - Amendment No. 9: Correspondence from the Iowa Economic Development Authority (IEDA) submitting Amendment No. 9 that confirms completion of the contracts for Caradco Building and Linseed Oil/Paintworks Building projects. Upon motion the documents were received and filed.

21. Signed Contracts: Dubuque Jaycees Lease for Veterans' Memorial Park Community Garden; Dubuque Water Sports Club Lease for a section of Chaplain Schmitt Island. Upon motion the documents were received and filed.

22. Alcohol Compliance Civil Penalty for Alcohol License Holder - BP Station: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for BP Station, 1450 Loras Blvd. Upon motion the documents were received, filed and approved.

23. Tobacco Compliance – Civil Penalty for Tobacco License Holder - BP Station: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for BP Station, 1450 Loras Blvd. Upon motion the documents were received, filed and approved.

24. 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. 127-17 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 Resnick. Motion carried 7-0.

1. Proposed Jule Transit Service Reductions and Changes: City Manager recommending that the City Council set a public hearing for April 17, 2017 to consider approval of selected reductions and changes to the Jule Transit fixed-route service and schedules. Upon motion the documents were received and filed and Resolution No. 128-17 Setting the date for a public hearing on Transit Fixed-Route Service Reductions was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April 17, 2017 in the Historic Federal Building.

2. Bee Branch Creek Restoration Project - Floating Island Project Initiation: City Manager recommending approval of the proposed plans, specifications, form of contract and construction estimate for the Lower Bee Branch Creek Floating Island Project in the 16th Street Detention Basin. It is further recommended that a public hearing be set for April 17, 2017. Upon motion the documents were received and filed and Resolution No. 129-17 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 was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April 17, 2017 in the Historic Federal Building.

3. State Revolving Fund (SRF) Loan Environmental Review for Westside Water System Improvements Project: City Manager recommending that the City Council schedule a public hearing for April 17, 2017, to discuss the results of the environmental review as provided by the State Revolving Fund's Department of Natural Resources for the Westside Water System Improvements Project. Upon motion the documents were received and filed and Resolution No. 130-17 Approval of an Environmental Review as provided by SRF's Department of Natural Resources for the Westside Water System Improvements Project and ordering the advertisement for public notice was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April, 17, 2017 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions. Applicant appointments will be made at the next City Council meeting.

1. Civil Service Commission: One, 3-year term through April 6, 2020 (Expiring term of White). Applicant: Daniel White, 2919 Elm St.

2. Community Development Advisory Commission: One, 3-year term through February 15, 2020 (Expired At-Large Term of James). Applicant: Lindsay James, 2494 Pearl St.

3. Mediacom Charitable Foundation: One, 1-year term through December 31, 2017 (Expired Term of Twining). Applicant: Constance Twining, 421 N. Booth St. Ms. Twining spoke in support of her appointment and provided a brief biography.

Appointment was made to the following Commission.

4. Human Rights Commission: One, 3-year term through January 1, 2020 (Vacant term of Lenhart). Applicant: Jessica Perry (Indigo Channing), 160 N. Algona St. Motion by Connors to appoint Ms. Perry to a 3-year term through January 1, 2020. Seconded by Lynch. Motion carried 7-0.

PUBLIC HEARINGS

1. Request to Release and Dispose of Easement - Tri-State Shred / Old Bellevue Road: Proof of publication on notice of public hearing to consider 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 the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 131-17 Disposing 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. Seconded by Jones. Motion carried 7-0.

PUBLIC INPUT

Paul Uzel, 61 N. Algona St., addressed the City Council about designating Dubuque as a welcoming community.

Myra Jo Kalb, 12471 Eton Cr.; Susan Conlon-Kalb, 12470 Eton Cr.; Ron Breitbach, 13223 Derby Grange Rd.; Kristin Clark, 12210 Forest Meadow Dr.; Phil Kalvelage, 16785 Clay Hill Rd.; Joe Mettelle, 16559 Clay Hill Rd.; Mariann Groom, 16693 Clay Hill Rd.; addressed the City Council either in opposition to or expressed concerns about the rezoning request and proposed subdivision. Loren Steger, 16013 Paradise Ln.; Dave Riniker, 12568 Kennedy Rd. and Robert Sabers, Attorney for Derby Grange, LLC, spoke in favor of the proposed subdivision.

John Tallent, Chief Executive Officer for Medical Associates; and Kay Takes, President of Mercy Medical Center, addressed the City Council regarding their concerns with Action Item #7 Medical Plan Third-Party Administration Services and Stop Loss Coverage agreement with Wellmark of Iowa.

ACTION ITEMS

1. Request to Rezone - Derby Grange, LLC / 12568 John F. Kennedy Road (Second Reading): Zoning Advisory Commission recommending approval of 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.

Restated motion by Jones to amend the ordinance. Seconded by Connors. Motion carried 7-0.

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 6-1 with Del Toro voting nay.

Motion by Jones for final consideration and passage of Ordinance No. 12-17 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property, in conjunction with annexation, located at 12481 Kennedy Road from County Agricultural District to City R-1 Single-Family Residential and R-2 Two-Family Residential Districts. Seconded by Connors. (Super majority requirement). Motion carried 6-1 with Del Toro voting nay.

2. Request to Rezone - Jim Kress / Derby Grange Road (Second Reading): Zoning Advisory Commission recommending approval of 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.

Motion by Connors 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 Lynch. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 13-17 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property, in conjunction with annexation, located along Derby Grange Road from County Agricultural District to City R-1 Single-Family Residential District. Seconded by Lynch. Motion carried 7-0.

3. Rustic Point Area Voluntary Annexation: (Tabled from March 20, 2017 meeting): City Manager recommending 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).

Motion by Jones to remove from the table. Seconded by Lynch. Motion carried 7-0.

Motion by Jones to Receive and filed the documents and adopt Resolution No. 132-17 Approving an application for voluntary annexation of territory to the City of Dubuque, Iowa. Seconded by Lynch. Motion carried 7-0.

4. Derby Grange Road Housing Urban Renewal Plan: (Tabled from March 20, 2017 meeting): City Manager recommending approval of a Resolution adopting the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area.

Motion by Connors to remove from the table. Seconded by Lynch. Motion carried 7-0.

Motion by Connors to receive and file the documents and adopt Resolution No. 133-17 Approving the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area. Seconded by Lynch. Motion carried 7-0.

5. Derby Grange Road Housing Urban Renewal Plan – Ordinance (Tabled from the march 20, 2017 meeting): 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 remove from the table. Seconded by Resnick. Motion carried 7-0.

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. 14-17 Providing that general property taxes levied and collected each year on all property located within the Derby Grange Road 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 Derby Grange Road Housing Urban Renewal Area. Seconded by Resnick. Motion carried 7-0.

6. Grade Level Reading Update: City Manager providing a report from the Leisure Services Department on the initiatives and actions related to the Campaign for Grade Level Reading as well as efforts of the past year and future actions. Recreation Division Manager Dan Kroger provided a slide presentation. Highlights included community solutions action plan 2012; The 3 P's of people, planning and partners; weaving services together; AmeriCorps Partners in Learning; programs provided by the Recreation Division, Dubuque Community School District; St. Mark Youth Enrichment; and results of each partner's efforts. Motion by Lynch to receive and file the information. Seconded by Resnick. Motion carried 7-0.

7. Medical Plan Third-Party Administration Services and Stop Loss Coverage: City Manager recommending approval of the selection of Wellmark of Iowa as the third-party administrator for the City's medical plan. Motion by Connors receive and filed the documents and approve the recommendation. Seconded by Resnick. City Manager Van

Milligen responded to questions from the City Council regarding the RFP process, favoring local business, and cost savings. Motion carried 7-0.

8. Award Contract-Five Flags Theater Masonry Project: City Manager recommending award of the contract for the Five Flags Theater Masonry Project to the low bidder, Hydro-Tech. Motion by Lynch to receive and file the documents and adopt Resolution No. 134-17 Awarding the Public Improvement Contract for the Five Flags Theater Masonry Rehabilitation Project. Seconded by Resnick. Motion carried 7-0.

9. Award Contract-Ham House Masonry Rehabilitation Project: City Manager recommending award of the Ham House Masonry Rehabilitation Project contract to the low bidder, Evans-Mason, Inc. Motion by Connors to receive and file the documents and adopt Resolution No. 135-17 Awarding the Public Improvement Contract for the Ham House Masonry Rehabilitation Project. Seconded by Rios. Motion carried 7-0.

10. Award SRF Green Alley Project Bid Set 4 Year 3: City Manager recommending award of the construction contract for the Award SRF Green Alley Project Bid Set 4 Year 3 to the low bidder, Portzen Construction, Inc. Motion by Lynch to receive and file the documents and adopt Resolution No. 136-17 Awarding Public Improvement Contract for the SRF Green Alley Bid Set 4 - Year 3 Project. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Del Toro reported on April being Autism Awareness Month.

Council Member Resnick reported on his attendance at the recent Taste of the World event sponsored by the Multicultural Family Center.

Mayor Buol reported on his and staff attendance at the recent Dubuque Chamber of Commerce visit to Washington, DC to discuss issues effecting Dubuque.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:19 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.

Upon motion, the City Council reconvened in open session at 8:27 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:28 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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