

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

The Dubuque City Council met in regular session at 6:00 p.m. on April 17, 2017 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Member Lynch

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

PRESENTATION

1. Dubuque Eagles' Eyes on the Future: Michael Duehr of the Fraternal Order of Eagles introduced 14 members of the Eyes on the Future Youth Committee with mention to those unable to attend.

PROCLAMATION(S)

1. Arbor Day (April 28, 2017) was accepted by Laura Roussell, 3224 Bittersweet Ln., with representatives of Dubuque Trees Forever.

2. Dubuque Days of Caring (April 28, 2017) was accepted by Dubuque Days of Caring Chairperson Jessy Ehrlich.

CONSENT ITEMS

Motion by Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Council Member Resnick requested #11 U.S. Postal Service Parking Purchase Agreement be held for separate discussion. Motion carried 6-0.

1. Minutes and Reports Submitted: Cable TV Commission of 4/5; City Council Proceedings of 4/3, 4/10; Five Flags Civic Center Commission of 3/27; Historic Preservation Commission of 3/16; Human Rights Commission of 3/13; Long Range Planning Advisory Commission of 3/15; Resilient Community Advisory Commission of 4/6; Zoning Advisory Commission of 4/5; Proof of Publication for City Council Proceedings of 3/20. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Lindsay Nadermann for property damage; Gene Allen Ninneman for property damage; and Jade Wiegel for vehicle damage. Upon motion the documents were received and 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: Lindsay Nadermann for property damage; Gene Ninneman for property damage; and Jade Wiegel for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Bee Branch Creek Grand Opening Invitation: City Manager providing the invitation for the Bee Branch Creek grand opening on Wednesday, July 19, 2017 at the Bee Branch Amphitheater. Upon motion the document was received and filed.

5. Consent Decree Semi Annual Report March 31, 2017: City Manager transmitting the March 31, 2017 Semi Annual Consent Decree Report that has been submitted to the United State Environmental Protection Agency as required by the Consent Decree. Upon motion the documents were received and filed.

6. Request for Proposal - Water Meter Replacement Project - Vernon Water System and Barrington Lakes Subdivision: City Manager recommending approval to issue a Request for Proposal for the Westside Water System Improvements, Water Meter Replacement Project that would solicit bids from Iowa licensed plumbing contractors to replace the existing approximately 320 water meters with the current City of Dubuque water meter system hardware in Cedar Crest, Key City, Wildwood Estates Subdivisions (known as the Vernon Water System) and Barrington Lakes Subdivision.

7. Greater Downtown Urban Renewal District Amendment - Resolution Nunc Pro Tunc: City Manager recommending approval of a Resolution correcting the legal description in the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District adopted March 6, 2017. Upon motion the documents were received and filed and Resolution No. 90-17A Nunc Pro Tunc correcting and amending a scrivener's error in certain legal descriptions included in the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District was adopted.

8. South Pointe Housing Urban Renewal Area - Resolution Nunc Pro Tunc: City Manager recommending approval of a Resolution correcting the legal description in the Urban Renewal Plan for the South Pointe Housing Urban Renewal Area adopted March 11, 2017. Upon motion the documents were received and filed and Resolution No. 101-17A Nunc Pro Tunc correcting and amending a scrivener's error in certain legal descriptions included in the Urban Renewal Plan for the South Pointe Housing Urban Renewal District was adopted.

9. Derby Grange Road Housing Urban Renewal Area - Resolution Nunc Pro Tunc: City Manager recommending approval of a resolution correcting the legal description in the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area adopted

April 3, 2017. Upon motion the documents were received and filed and Resolution No. 133-17A Nunc Pro Tunc Correcting and amending a scrivener's error in certain legal descriptions included in the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal District was adopted.

10. Property Exchange Agreement - Creek Wood Park: City Manager recommending approval of the Property Exchange Agreement with Jeff and Jill Reimer exchanging ownership of Lot 1-2 Timber-Hyrst Place #2 (currently owned by the City of Dubuque) for Lot 2 Timber-Hyrst Place No. 8 (currently owned by the Reimers). Upon motion the documents were received and filed and Resolution No. 137-17 Approving a Property Exchange Agreement with Jeff and Jill Reimer for the exchange of certain real property in Dubuque County, Iowa located along Creek Wood Drive was adopted.

11. U.S. Postal Service - Parking Purchase Agreement: City Manager recommending approval of an Agreement of Purchase and Sale to purchase the 8,474-square foot parking lot located at the corner of Locust and 5th Streets from the U.S. Postal Service. Motion by Resnick to receive and file the documents and adopt Resolution No. 138-17 Approving an Agreement for the Purchase of Real Estate in the City of Dubuque, Iowa commonly referred to as The Historic Federal Building Post Office Parking Lot from the United States Postal Service. Seconded by Connors. Resnick relayed concerns expressed by the owner of the Redstone Inn about the difficulties with parking in the area, the need for assistance with parking, and the hope of purchasing the lot prior to learning of the agreement. Motion carried 6-0.

12. Circles® USA Contract: City Manager recommending approval of a one year contract with Circles® USA for use of the Circles® brand and consulting services for the Dubuque Circles® Initiatives. Upon motion the documents were received, filed and approved.

13. Pre-Annexation Agreement - Michael J. and Rebecca M. McMahon (Twin Ridge Subdivision): City Manager recommending approval of a Pre-Annexation Agreement with Michael J. and Rebecca M. McMahon, property owners of Lots 2 and 3 in Twin Ridge Subdivision No. 5. Upon motion the documents were received and filed and Resolution No. 139-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Michael J. and Rebecca M. McMahon was adopted.

14. Pre-Annexation Agreement - Troy M. and Theresa A. Budde (Key West Drive): City Manager recommending approval of a Pre-Annexation Agreement with Troy M. and Theresa A. Budde, for property located at 10906 Key West Drive. Upon motion the documents were received and filed and Resolution No. 140-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Troy M. and Theresa A. Budde was adopted.

15. Five Flags Civic Center - Fiscal Year 2017 Detailed Operating Budget: City Manager recommending approval of the detailed Fiscal Year 2017 Operating Budget for

the Five Flags Civic Center submitted by SMG. Upon motion the documents were received, filed and approved.

16. Civil Service Commission: Civil Service Commission submitting the Certified Lists for the positions of Water Plant Operator and Public Works Field Supervisor. Upon motion the documents were received, filed and made a Matter of Record.

17. Approval of Plat of Survey - 1065 Jackson Street Right-of-Way: City Manager recommending approval of the Plat of Survey of Lot 1 and Lot 2 of City Lot 386A to facilitate the construction of the proposed deck and access ramp improvements at 1065 Jackson Street for SR Jackson Real Estate, LLC. Upon motion the documents were received and filed and Resolution No. 141-17 Approving Plat of Proposed Vacated Right-of-Way of a portion of Jackson Street adjacent to City Lots 384, 385, 386, 387, and the South Half of 388, said right of way being a part of City Lot 386A, in the City of Dubuque, Iowa was adopted.

18. Iowa Department of Transportation (IDOT) - Transit Consolidated Funding Application: City Manager recommending approval of the submittal of the Consolidated Funding Application to the Iowa Department of Transportation for The Jule's annual operating and maintenance allocations, the Lobbying Cost Certificate, Certificate of Cost Allocation Plan and Authorizing Resolution. Upon motion the documents were received and filed and Resolution No. 142-17 Approval of Grant Application to Iowa DOT for Consolidated Funding was adopted.

19. Master Licensing Agreement (MLA) with Mobilitie/Network Technology IA LLC: City Manager recommending approval of a Master Licensing Agreement with Mobilitie/Network Technology IA LLC, which represents one portion of a comprehensive strategy to improve the connectivity of Dubuque through new broadband and wireless investments. Upon motion the documents were received, filed and approved.

20. Proposed Incentive to Assist Downtown Building Owners with Fire Escape Compliance: City Manager recommending approval of an amendment to the Downtown Façade Program to include eligibility for financial assistance to repair exterior fire escapes. Upon motion the documents were received, filed and approved.

21. Southwest Arterial Project Consultant Professional Services Supplemental Agreement: City Manager recommending Council approval of a Resolution authorizing the City Manager to execute a supplemental agreement with AECOM Technical Services, Inc. which approves revisions to the original scope of services to the Consultant Professional Services Contract to complete the final engineering design phase of the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 143-17 Approving the Consultant Professional Services - Supplemental Agreement No. 18 between AECOM Technical Services, Inc. and the City of Dubuque for the completion of final Engineering Design Phase of the Southwest Arterial Project was adopted.

22. Signed Contracts: Five Flags Study and Assessment Contract with Conventions, Sports, and Leisure (CSL); Release of Real Estate Mortgage for Jorja Moore, 890 Iowa Street. Upon motion the documents were received and filed.

23. Alcohol and Tobacco 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. 144-17 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. 144-17A Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code Chapter 453A.47A were adopted.

ITEMS SET FOR PUBLIC HEARING

The 2017 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project was removed from the agenda prior to motion.

Motion by Jones 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 6-0.

1. Vacating Petition - 1065 Jackson Street Right-of-Way: City Manager recommending that a public hearing be set for May 1, 2017, on the disposition of the City's interest in Jackson Street right-of-way between 10th Street and 11th Street adjacent to SR Jackson Real Estate, LLC warehouse building, 1065 Jackson Street. Upon motion the documents were received and filed and Resolution No. 145-17 Resolution of Intent to vacate and dispose of City interest in a portion of Jackson Street adjacent to City Lots 384, 385, 386, 387, and the south half of 388, said right of way being a part of City Lot 386A, in the City of Dubuque, Iowa to SR Jackson Real Estate LLC was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 1, 2017 in the Historic Federal Building.

2. 2017 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project: This item was removed from the agenda.

3. 2017 Pavement Marking Project: City Manager recommending that the City Council grant preliminary approval of the construction plans and specifications, and establish May 1, 2017, as the date for public hearing for the 2017 Pavement Marking Project. Upon motion the documents were received and filed and Resolution No. 146-17 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 May 1, 2017 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments were made to the following boards/commissions.

1. Civil Service Commission: One, 3-year term through April 6, 2020 (Expiring term of White). Applicant: Daniel White, 2919 Elm St. Upon City Council concurrence, Mayor Buol appointed Daniel White to a 3-year term through April 6, 2020.

2. Community Development Advisory Commission: One, 3-year term through February 15, 2020 (Expiring At-Large Term of James. Applicant: Lindsay James, 2494 Pearl St. Motion by Connors to appoint Lindsay James to a 3-year term through February 15, 2020. Seconded by Del Toro. Motion carried 6-0.

3. Mediacom Charitable Foundation: One, 1-year term through December 31, 2017 (Expired Term of Twining). Applicant: Constance Twining, 421 N. Booth St. Motion by Connors to appoint Constance Twining to a 1-year term through December 31, 2017. Seconded by Resnick. Motion carried 6-0.

PUBLIC HEARINGS

1. Request to Rezone - Northwest Corner of Asbury Road and Evergreen Drive: Proof of publication on notice of public hearing to consider approval of a request from Rick Ehrlich to rezone property located at the northwest corner of Asbury Road and Evergreen Drive from R-2 Two-Family Residential to OR Office Residential, to construct a building to accommodate a home office and the Zoning Advisory Commission recommending approval. 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 Del Toro. Rick Ehrlich, 558 Mill Run spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Mr Ehrlich and Ms. Carstens responded to question from the City Council regarding off-street parking, modifications to the structure, and concerns about how business might impact the area if the property is sold in the future. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 15-17 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at the northwest corner of Asbury Road and Evergreen Drive from R-2 Two-Family Residential District to OR Office Residential District. Seconded by Resnick. Motion carried 6-0.

2. Lower Bee Branch Creek Restoration Project - Floating Island Project Initiation: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and construction estimate for the Lower Bee Branch Creek Floating Island Project in the 16th Street Detention Basin and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 147-17 Approval of plans, specifications, form of contract and estimated cost for the Lower Bee Branch Creek Floating Island Project. Seconded by Del Toro. Motion carried 5-1 with Del Toro voting nay.

3. Proposed Jule Transit Service Reductions and Changes: Proof of publication on notice of public hearing to consider approval of selected reductions and changes to the Jule Transit fixed-route service and schedules and the City Manager recommending approval. Staff made a presentation. Motion by Del Toro to receive and file the documents, listen to the presentation and adopt Resolution No. 148-17 Accepting fixed-route service reductions. Seconded by Connors. Transit Manager Candace Eudaley provided a slide presentation that summarized the reductions and expansions; planning process; IBM Smarter Travel, ridership and route data; and planned outreach. Motion carried 6-0.

4. State Revolving Fund (SRF) Loan Environmental Review for Westside Water System Improvements Project: Proof of publication on notice of public hearing 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. directing staff to submit the required documentation and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 149-17 Approval of Environmental Review as provided by SRF's Department of Natural Resources for the Westside Water System Improvement Project. Seconded by Resnick. Motion carried 6-0.

ACTION ITEMS

1. Award of Contract - Westside Water System Improvements - English Mill and North Cascade Road Water Main Extension and the English Mill Road Pump Station: City Manager recommending award of Contract A: English Mill and North Cascade Road Water Main Extension to the apparent low bidder Portzen Construction, and the award of Contract B English Mill Road Pump Station to the apparent low bidder Portzen Construction subject to the approval of the Department of Natural Resources State Revolving Fund Agency. Motion by Connors to receive and file the documents and adopt Resolution No. 150-17 Awarding public improvement contract for Westside Water System Improvements - English Mill and North Cascade Road Water Main Extension and the English Mill Road Pump Station Project. Seconded by Jones. Motion carried 6-0.

2. Code of Ordinances Amendment - Title 14 Housing Board of Appeals: City Manager recommending approval of an ordinance which adjusts a reference to the Housing Code Appeals Board following the adoption of the International Property Maintenance Code and the repeal of the former Housing Code. 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 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 16-17 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article J Property Maintenance Code, Section 14-1J-3 Rental Licenses by replacing the reference to "Housing Code Appeals Board" with "Housing Board of Appeals." Seconded by Del Toro. Motion carried 6-0.

3. Greater Downtown Urban Renewal District Amendment - Ordinance Correction: City Manager recommending approval of an ordinance correcting the legal description in the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District adopted March 6, 2017. 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 Del Toro. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 6-17A Correcting and amending Ordinance No. 6-17, Providing that general property taxes levied and collected each year on all Property Located within the Greater Downtown Urban Renewal District of 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 the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Del Toro. Motion carried 6-0.

4. South Pointe Housing Urban Renewal Area - Ordinance Correction: City Manager recommending approval of an Ordinance correcting the legal description in the Urban Renewal Plan for the South Pointe Housing Urban Renewal Area adopted March 20, 2017. 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 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 11-17A Correcting and amending 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 of 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 the Urban Renewal Plan for the South Pointe Housing Urban Renewal Area. Seconded by Connors. Motion carried 6-0.

5. Derby Grange Road Housing Urban Renewal Area - Ordinance Correction: City Manager recommending approval of an Ordinance correcting the legal description in the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area adopted April 3, 2017. 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 Resnick. Responding to questions from the City Council, City Attorney Brumwell explained that legal descriptions will now be reviewed by the County Auditor's Office for accuracy prior to City Council approval. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No.14-17A Correcting and amending 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 of 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 the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area. Seconded by Resnick. Motion carried 6-0.

6. City Council Salary Compensation Review Process Initiation: City Clerk submitting information for initiating the process of reviewing City Council salary compensation beginning January 1, 2018. Motion by Connors to receive and file the documents and direct the City Clerk to begin the process. Seconded by Resnick. Mayor Buol reiterated that City Council Members should provide the name of their task force representative to the City Clerk by May 1, 2017. Motion carried 6-0.

7. Request for Quarterly Sustainable Dubuque Work Session: City Manager recommending that the City Council schedule a Sustainable Dubuque Quarterly Work Session for Monday, May 8, 2017 at 6:00 p.m. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Jones expressed sympathies on behalf of the City Council to Council Member Kevin Lynch on the death of his brother and on the death of Special Olympics organizer and community leader Paul Gorrell.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:07 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 closed session is City Attorney Crenna Brumwell. Motion carried 6-0.

Upon motion, the City Council reconvened in open session at 7:35 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:36 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 4/26