

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

The Dubuque City Council met in regular session at 6:00 p.m. on May 1, 2017 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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**

**SWEARING IN**

1. Mayor Buol administered the Oath of Office to Mayor Pro-Tem Joyce Connors for the term May 1, 2017 through December 31, 2017.

**PRESENTATION**

1. International City/County Management Association (ICMA) Fellowship Exchange: Assistant City Manager Cindy Steinhauser introduced the visiting ICMA Fellows Ms. Astrid Soray Fitriani of Indonesia, Mr. Hendri of Indonesia, and Ms. Mi Hoang of Vietnam. Each Fellow greeted the City Council and provided a brief biography.

**PROCLAMATION(S)**

1. Dubuque Noon Lions Club 95th Anniversary Week (May 8-15, 2017) was accepted by Dubuque Noon Lion's Club President Dr. Alan Harves.

2. DuRide in Service to Older Americans Month (May 2017) was accepted by Greg Orwoll, DuRide Executive Director, 2728 Asbury Rd, Suite 330 and DuRide Board Member Cori Burbach.

3. Great Give Day Proclamation (May 11, 2017) was accepted by Wendy Sweeney, Non-Profit Partnership Coordinator for the Community Foundation of Greater Dubuque, 700 Locust St.

4. Historic Preservation Month (May 2017) was accepted by Historic Preservation Commission Chairperson Christina Monk.

5. Kids to Parks Day (May 20, 2017) was accepted by Leisure Services Manager Marie Ware.

6. Mental Health Month (May 2017) was accepted by Mental Health America of Dubuque County President Sue Whitty.

7. Public Service Recognition Week (May 7-13, 2017) was accepted by Fire Marshal Mike McMahon.

## **CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Council Member Connors requested item #5 Cindy Steinhauser Receives Women of Achievement Award be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council proceedings of 4/17, 4/24; Community Development Advisory Commission of 3/21; Historic Preservation Commission of 4/20; Transit Advisory Board of 4/13; Proof of Publication for City Council proceedings of 4/3, 4/10. Upon motion the documents were received and filed.

2. 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: Henry Goldstein for property damage. Upon motion the documents were received, filed and concurred.

3. Notice of Claims and Suits: Henry Goldstein for property damage. Upon motion the documents were received, filed and referred to the City Attorney.

4. 2017 Ken Kringle Historic Preservation Awards: Historic Preservation Commission transmitting the recipients of the 2017 Ken Kringle Historic Preservation Award. Upon motion the documents were received and filed.

5. Cindy Steinhauser Receives Women of Achievement Award: City Manager transmitting the press release announcing Assistant City Manager Cindy Steinhauser receiving the Achievements in Her Field Award from the Women's Leadership Network that recognizes and honors women who have already, or aspire to, provide significant contributions in their professional, personal and volunteer roles in the community. Motion by Connors to receive and file the documents. Seconded by Resnick. Connors recognized Ms. Steinhauser's achievements and congratulated her on her new appointment as City Manager for the City of Frankfort, Kentucky. Motion carried 7-0.

6. Single-Use Plastic Bag Reduction Strategy Update: Correspondence from Loras College Honor Project students Morgan Dolan, Margaret Clements, Abigail Kirchner, and Christine McDonald that provides an update from their November 21, 2016 presentation to Council on their research into reducing single-use plastic checkout bags in Dubuque. Upon motion the documents were received and filed.

7. Award of Project - 2017 Asphalt Overlay Access Ramp Project One: City Manager recommending that the award for the 2017 Asphalt Overlay Access Ramp Project One to Dan Arensdorf Construction, Inc. be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and make a Matter of Record.

8. Eagle Point Park Nomination to the National Register of Historic Places: Historic Preservation Commission recommending approval of the Eagle Point Park Nomination to the National Register of Historic Places and authorize the Mayor to sign the Certified Local Government Evaluation form. Upon motion the documents were received, filed and approved.

9. Assignment of Development Agreement for 356 Main Street: City Manager recommending approval of a resolution that assigns the Development Agreement from Bonson Block L.L.C. to JHTD Plaza, LLC for redeveloped property at 356 Main Street. Upon motion the documents were received and filed and Resolution No. 152-17 Approving the Assignment of the Development Agreement between the City of Dubuque and Bonson Block, LLC from Bonson Block, LLC to JHTD Plaza, LLC was adopted.

10. College and University Transit Partnership Contracts for Fiscal Year 2018: City Manager recommending approval of the contract for College/University Transit partnership with Clarke University, Loras College and University of Dubuque for the 2017-2018 school year. Upon motion the documents were received, filed and approved.

11. Grandview and University Avenues Roundabout Midtown Transfer Impacts: City Manager recommending submittal of an Iowa Department of Transportation Public Transit Infrastructure Grant to support development of a bus transfer location at Allison-Henderson Park. Upon motion the documents were received, filed and approved.

12. Ham House - First Amendment to Lease: City Manager recommending approval of a First Amendment to the Ham House Lease with the Dubuque County Historical Society to rectify insurance requirements. Upon motion the documents were received and filed and Resolution No. 153-17 Approving the First Amendment to Lease Agreement between the City of Dubuque, Iowa and Dubuque County Historical Society was adopted.

13. Historic Preservation Commission - Dubuque County Courthouse Roof: Historic Preservation Commission recommending approval of a request from Dubuque County for re-roofing the Dubuque County Courthouse with conditions. Upon motion the documents were received, filed and approved.

14. 2016-2017 Snow Removal Assessments: City Manager recommending approval of a resolution establishing the Final Assessment Schedule for the 2016-2017 Snow Removal from City Right-of-Way. Upon motion the documents were received and filed and Resolution No. 154-17 Adopting an Assessment Schedule of unpaid snow and or ice removal charges and directing the Clerk to certify the same to the Dubuque County Treasurer for collection in the same manner as property taxes was adopted.

15. Iowa Department of Health Childhood Lead Poisoning Prevention Program Letter of Support: City Manager recommending approval for the City Manager to sign a Letter of Support to the Iowa Department of Public Health for the continuation of the Childhood

Lead Grant funding with the Centers for Disease Control and Prevention. Upon motion the documents were received, filed and approved.

16. Steeple Square Letter of Support: City Manager recommending approval of a Letter of Support for the Steeple Square project to facilitate redevelopment of the former St. Mary's church and rectory buildings along White Street between 15th and 16th Streets. Upon motion the documents were received, filed and approved.

17. Improvement Contracts / Performance, Payment and Maintenance Bonds: Portzen Construction, Inc. for the SRF Green Alley Bid Set 4-Year 3 Project; Commercial Flooring for the Grand River Center Administrative Offices Carpet Replacement Project. Upon motion the documents were received, filed and approved.

18. 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. 155-17 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. Fiscal Year 2017 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project Initiate: City Manager recommending initiation of the public bidding procedure for the FY17 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project, and further recommends that a public hearing be set for May 15, 2017. Upon motion the documents were received and filed and Resolution No. 156-17 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 15, 2017 in the Historic Federal Building.

2. Timber Ridge / Rustic Point Water Main Extension 2017 Project Initiation: City Manager recommending approval to the Resolution of Necessity, establish the public hearing for May 15, 2017, and authorize the City Clerk to advertise for bid proposals for the Timber Ridge/Rustic Point Water Main Extension 2017 Project. Upon motion the documents were received and filed and Resolution No. 157-17 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 15, 2017 in the Historic Federal Building.

3. Reallocation of General Obligation Bond Series 2012B: City Manager recommending setting a public hearing for May 15, 2017, on a proposal to reallocate the unspent proceeds of the General Obligation Bond Series 2012B from the construction, reconstruction and repair of street, sidewalk and streetscape improvements to fund the acquisition and improvements of the United States Postal Service parking lot located at the corner of Locust and 5th Streets; the acquisition, demolition and improvements of 1146 Elm Street; and parking improvements at 300 9th Street. Upon motion the documents were received and filed and Resolution No. 158-17 Fixing the date for a meeting on the proposal to reallocate certain unspent proceeds of the General Obligation Bonds, Series 2012B, of the City of Dubuque, Iowa, and providing for publication thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 15, 2017 in the Historic Federal Building.

4. Greater Downtown Urban Renewal District - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity that finds that a proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District is both necessary and appropriate, and sets a public hearing on the proposed Plan for June 5, 2017. Upon motion the documents were received and filed and Resolution No. 159-17 Resolution of Necessity finding that certain areas to be included within the Greater Downtown Urban Renewal District meet the definition of a blighted area under the Urban Renewal Law, and that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed Amended and Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on June 5, 2017 in the Historic Federal Building.

5. South Pointe Housing Urban Renewal Area - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity that finds that a proposed Amended and Restated Urban Renewal Plan for the South Pointe Housing Urban Renewal Area is both necessary and appropriate, and sets a public hearing on the proposed Plan for June 5, 2017. Upon motion the documents were received and filed and Resolution No. 160-17 Resolution of Necessity finding that certain areas to be included within the South Pointe Housing Urban Renewal Area meet the definition of an Economic Development Area under the Urban Renewal Law, and that development of said Areas are necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed Amended and Restated Urban Renewal Plan for said Area was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on June 5, 2017 in the Historic Federal Building.

6. Initiation for Condemnation for Coates Property at 13102 Derby Grange Road: City Manager recommending that the City Council set the fair market value for the 13102 Derby Grange Road property easement, authorize negotiations with property owner Mrs. Eileen Coates and set for public hearing the initiation of the condemnation process for June 5, 2017. Upon motion the documents were received and filed and Resolution No. 161-17 Establishing fair market value, directing good faith negotiations, and setting public hearing concerning the possible exercise of Eminent Domain authority by the City of

Dubuque to acquire land or rights in agricultural land for a proposed site-specific public improvement project at 13102 Derby Grange Road was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on June 5, 2017 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Review of applications to the Electrical Code Board. Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Electrical Code Board: Two, 3-year terms through May 21, 2020 (Expiring Terms of Dixon and Palmer). Applicants: James Dixon, 2505 Marquette Pl.; and Andy Palmer, 1865 Rosemont St.

## **PUBLIC HEARINGS**

1. Vacating Petition - 1065 Jackson Street Right-of-Way: Proof of publication on notice of public hearing to consider disposing 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, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 162-17 Vacating 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, to be known as Lot 2 of City Lot 386A, in the City of Dubuque, Iowa; and Resolution No. 163-17 Disposing of City interest in Lot 2 of City Lot 386A, in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

2. 2017 Pavement Marking Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the 2017 Pavement Marking Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 164-17 Approval of plans, specifications, form of contract and estimated cost for the 2017 Pavement Marking Project. Seconded by Resnick. Charles Winterwood, 155 Montrose Terrace, and a member of Tri-State Trial Vision, addressed the City Council regarding his thoughts on pavement markings that benefit pedestrians, bicycles, and mass transit. Responding to questions from the City Council, City Engineer Gus Psihoyos stated that staff can provide a proposal on the cost and availability of longer-wearing products and identifying high-traffic areas where it might be used. Motion carried 7-0.

## **PUBLIC INPUT**

Nino Erba, 672½ Central Avenue, addressed the City Council about his concerns with recent Jule Transit bus route changes/reductions particularly in the Freemont Avenue/Key West area where he stated connection to IDOT's Driver's License Bureau is needed.

Responding to questions from the City Council, City Manager Van Milligen stated that he will address this in an upcoming meeting with Economic Development Director Maurice Jones and Transit Manager Candace Eudaley.

## **ACTION ITEMS**

1. Five Flags Center Quarterly Report: SMG Regional General Manager HR Cook shared a quarterly report on the Five Flags Civic Center. Highlights included operating expenses and revenues for Fiscal Year 2016-2017; notable events from December 2016 through April 2017; event photos; notable upcoming events; digital statistics related to social media usage; the top 10 cities the Center's web traffic is generated from; media relations; partnerships; and capital initiatives for 3<sup>rd</sup> and 4<sup>th</sup> quarters. Motion by Connors to receive and file the documents. Seconded by Del Toro. Motion carried 7-0.

2. Award of Project - Lower Bee Branch Creek Floating Island Project: City Manager recommending award of the Lower Bee Branch Creek Floating Island Project construction contract to the low bidder ENCAP, Inc., contingent upon approval from the Iowa Department of Natural Resources and ENCAP, Inc. becoming registered to transact business in the State of Iowa. Motion by Lynch to receive and file the documents and adopt Resolution No. 165-17 Awarding public improvement contract for the Lower Bee Branch Creek Floating Island Project. Seconded by Connors. Responding to questions from the City Council, City Attorney Brumwell stated that registering to do business in Iowa was not a condition for accepting the bid, but the contract was registered as of April 19, 2017. City Manager Van Milligen addressed RECAT grant funding fulfillment related to this project. Engineer Deron Muehring described the environmental benefits, cost effectiveness and ongoing maintenance of the project. Motion carried 7-0.

3. Chaplain Schmitt Island Master Plan Amendment: City Manager recommending approval to amend the Chaplain Schmitt Island Master Plan adopted by City Council on July 21, 2014, to remove the option of housing from the Master Plan. Motion by Connors to receive and file the documents and adopt Resolution No. 166-17 Amending the Chaplain Schmitt Island Master Plan. Seconded by Jones. Responding to questions from the City Council, Planning Services Manager Laura Carstens stated that the decision to remove the housing option arose from discussions with stakeholders and concerns with floodplain issues/requirements, potential for noise generated from entertainment facilities, and zoning conflicts all not conducive with a housing component. Motion carried 7-0.

4. Settlement Authority Changed: City Attorney recommending approval of a resolution which will formally grant authority for settlement of certain claims to the City Manager and City Attorney. Motion by Connors to receive and file the documents and adopt Resolution No. 167-17 Authorizing the City Manager and the City Attorney to settle claims against the City. Seconded by Lynch. City Attorney Brumwell stated that the request establishes a formal policy and expedites the claim process and that approval/denial of claims is still the responsibility of the City's insurance entity. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 1 Rescheduling of Regular City Council Meetings: City Manager recommending an amendment to the Code of Ordinances 1-6A-3: Types of Meetings that would allow the Mayor or a majority of the members of the City Council to reschedule a regular meeting of the Council. 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. Responding to questions from the City Council, City Attorney Brumwell provided information on how several other Iowa cities handle the same issue, that the amendment does not affect the list of City holidays already outlined in the Code that preclude the City Council from meeting, and that this provides the City Council with the ability to change a regular meeting date should unforeseen circumstances arise. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 17-17 Amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 6 Mayor and City Council Article A Rules and Procedure Section 1-6A-3 Types of Meetings by adding a new Section 1-6A-3(E), Rescheduling of Regular Meetings. Seconded by Lynch. Motion carried 7-0.

6. Southwest Arterial Project Update and Work Session: City Manager transmitting a status update on the development, advancement, and construction progress for the Southwest Arterial (U.S. 52) Project and requesting a work session be scheduled for Monday, July 10, 2017 at 6:00 p.m. Motion by Connors to receive and file the documents and set the work session at recommended. Seconded by Resnick. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones reported on the recent death of community philanthropist Richard (Dick) Schmid and on the death of Iowa State Trooper Mark Burbridge in Pottawattamie County.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 7:21 p.m. to discuss pending Litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. 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 7:30 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:31 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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