

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

The Dubuque City Council met in regular session at 6:00 p.m. on June 19, 2017 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

Absent: Council Member Del Toro

Mayor Buol read the call and stated this is a regular session of the City Council called for the purpose of conducting such business that may properly come before the City Council.

**PLEDGE OF ALLEGIANCE**

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Motion carried 6-0.

1. Minutes and Reports Submitted: City Council Proceedings of 6/5, 6/12; Civil Service Commission of 5/30; Library Board of Trustees Report #161 of 5/25; Park and Recreation Commission of 5/9; Zoning Advisory Commission of 6/7; Zoning Board of Adjustment of 5/25; Proof of publication for City Council Proceedings of 5/15, 5/12. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Anderson Windows for property damage, Herbert Cook for vehicle damage, Ron Ludwig for vehicle damage, Judie Root for property damage, James Schreiner for personal injury/vehicle damage, Skyler Lee Tracy for vehicle 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: Anderson Windows for property damage, Herbert Cook for vehicle damage, Ron Ludwig for vehicle damage, Judie Root for property damage, James Schreiner for personal injury/vehicle damage, Skyler Lee Tracy for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Administrative Services Agreement with SisCo: City Manager recommending approval of an Administrative Services Agreement with Self Insured Services Company (SisCo) for COBRA Administration of the Medical and Dental Plans and Administration of

the Short-Term Disability Plan effective July 1, 2017. Upon motion the documents were received, filed and approved.

5. Civil Service Commission - Certified List: Civil Service Commission submitting the Certified List for the position of Police Officer. Upon motion the documents were received, filed and made a Matter of Record.

6. Workers' Compensation Excess Insurance Renewal for Fiscal Year 2018: City Manager recommending approval of the workers' compensation excess insurance renewal rate submitted by Safety National, our current carrier, effective July 1, 2017 through June 30, 2018. Upon motion the documents were received, filed and approved.

7. Preferred Health Choices - Administrative Services Agreement Amendment VIII: City Manager recommending approval of an amendment to the Administrative Services Agreement with Preferred Health Choices to provide run-out administration services through June 30, 2018. Upon motion the documents were received, filed and approved.

8. Specific and Aggregate Stop Loss Insurance-Health and Prescription Drug Plans: City Manager recommending approval of the selection of Wellmark, who submitted the low quote, as the specific and aggregate stop loss carrier for the health and prescription drug plans for Fiscal Year 2018. Upon motion the documents were received, filed and approved.

9. Novelty Iron Works - 5th Amendment to Development Agreement: City Manager recommending approval of the 5th Amendment to Development Agreement with Novelty Iron Landlord, LLC which allows for payment of grants based upon valuation of the entire property and which also reflects the change of name for Triumph Community Bank. Upon motion the documents were received and filed and Resolution No. 212-17 Approving the Fifth Amendment to the Development Agreement between the City of Dubuque, Iowa and Novelty Iron Landlord, LLC was adopted.

10. Dubuque County Flood Hazard Mapping Project - City of Dubuque: City Manager transmitting correspondence to the Federal Emergency Management Agency (FEMA) expressing the City's agreement with the modeling, methods and results of the Dubuque County Flood Hazard Mapping Project and continued partnership during the refinement of the new Flood Insurance Rate Map. Upon motion the documents were received and filed.

11. Highway 20 Conduit Project from Wacker Drive to Hill Street - Project Award: City Manager recommending that the award for the Highway 20 Conduit - Wacker Drive to Hill Street to Volkins, Inc. be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

12. Plat of Survey - D & E Rainbow Acres: Zoning Advisory Commission recommending approval of the Plat of Survey of D&E Rainbow Acres waiving the lot frontage requirement for Lot 1. Upon motion the documents were received and filed and

Resolution No. 213-17 Approving the Plat of Survey of D&E Rainbow Acres in the City of Dubuque, Iowa was adopted.

13. Plat of Survey for City Property at Creek Wood Park: City Manager recommending approval of a Plat of Survey for Lot 1-2 and 2-2 of Timber-Hyrst Place #2 in the City of Dubuque per a Property Exchange Agreement with Jeff and Jill Reimer. Upon motion the documents were received and filed and Resolution No. 214-17 Approving Plat of Survey of Lot 1-2 and 2-2 of Timber-Hyrst Place #2 in the City of Dubuque, Iowa was adopted.

14. Plat of Survey - Lot 176A - 17th Street: City Manager recommending approval of a resolution approving the Plat of Survey of Lot 176A of East Dubuque Addition in the City of Dubuque, Iowa. Upon motion the documents were received and filed and Resolution No. 215-17 Approving Plat of proposed vacated right-of-way of 17th Street between Elm Street and Pine Street, said right-of-way being a part of City Lot 176A of East Dubuque Addition, in the City of Dubuque, Iowa was adopted.

15. Consulting Engineering Services for Storm Sewer Improvements: City Manager recommending approval to negotiate and enter into a contract for IIW, PC to provide engineering services for the 17th Street/West Locust Street Storm Sewer Improvements Project and the 22nd Street/Kaufmann Avenue Storm Sewer Improvement Project, both associated with the Community Development Block Grant Program Disaster Recovery - National Disaster Resiliency funds for the Bee Branch Watershed Flood Mitigation Project. Upon motion the documents were received, filed and approved.

16. Iowa Department of Transportation Traffic Safety Improvement Funding Agreement - NW Arterial and Pennsylvania Avenue: City Manager recommending authorization for the Mayor to execute a Funding Agreement with the Iowa Department of Transportation for a Traffic Safety Improvement Grant to assist with the construction of a proposed right-turn lane on Pennsylvania Avenue at the Northwest Arterial intersection. Upon motion the documents were received and filed and Resolution No. 216-17 Approving a Funding Agreement (2017-TS-015) with the Iowa Department of Transportation for a Traffic Safety Improvement Grant to assist with the construction of a proposed right-turn lane improvement on Pennsylvania Avenue at the Northwest Arterial intersection was adopted.

17. Advocacy for State Summit on Opioids: City Manager recommending approval for the Mayor to execute a letter on behalf of the City of Dubuque supporting an Opioid Summit and state policy development. Upon motion the documents were received and filed.

18. State Flood Mitigation Project - Amendment to Funding Agreement: City Manager recommending approval to seek an amendment to the State Flood Mitigation Board Funding Agreement for the Bee Branch Watershed Flood Mitigation Project. Upon motion the documents were received, filed and approved.

19. Boarded-Up Properties Bi-Annual Report: City Manager transmitting an inventory and review of boarded-up windows and doors for City Council review. Upon motion the document was received and filed.

20. Improvement Contracts / Performance, Payment and Maintenance Bonds: ENCAP, Inc. for the Lower Bee Branch Creek Floating Island Project; Hawkeye Electric for the Jackson Park Lighting Project; SELCO, Inc. for the 2017 Pavement Marking Project. Upon motion the documents were received, filed and approved.

21. Alcohol Compliance Civil Penalty for Alcohol License Holder - American Legion Post #6: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for American Legion Post #6, 1306 Delhi Street. Upon motion the documents were received, filed and approved.

22. Alcohol Compliance Civil Penalty for Alcohol License Holder - Red Robin America's Gourmet Burgers & Spirits: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Red Robin America's Gourmet Burgers & Spirits, 2775 NW Arterial. Upon motion the documents were received, filed and approved.

23. Alcohol Compliance Civil Penalty for Alcohol License Holder – Vinny Vanucci's Little Italy: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Vinny Vanucci's Little Italy, 164 Main Street. Upon motion the documents were received, filed and approved.

24. Alcohol and Tobacco License 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. 217-17 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. 218-17 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**

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 6-0.

1. Intent to Dispose of City Property / Exchange Agreement - Creek Wood Park: City Manager recommending that the City Council set a public hearing for July 5, 2017, on the disposal of City property at and next to Creek Wood Park. Upon motion the documents were received and filed and Resolution No. 219-17 Intent to dispose of an interest in City of Dubuque real estate located along Creek Wood Drive pursuant to a Property Exchange Agreement between the City of Dubuque and Jeff and Jill Reimer and fixing the date for

a public hearing and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on July 5, 2017 in the Historic Federal Building.

2. Vacate of Right-of-Way - 17th Street – Initiate: City Manager recommending approval of a resolution setting a public hearing for July 5, 2017, on the disposal of the 17th Street right-of-way between Elm Streets and Pine Streets to METX, LLC. Upon motion the documents were received and filed and Resolution No. 220-17 Resolution of Intent to vacate and dispose of City interest in 17th Street between Elm Street and Pine Street, said right-of-way being a part of City Lot 176A of East Dubuque Addition, in the City of Dubuque, Iowa to METX, LLC was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on July 5, 2017 in the Historic Federal Building.

3. Grandview and Loras Traffic Signal Reconstruction Project – Initiate: City Manager recommending initiation of the public bidding procedure for the Grandview Avenue and Loras Boulevard Intersection Improvement Project, and further recommends that a public hearing be set for July 17, 2017. Upon motion the documents were received and filed and Resolution No. 221-17 Preliminary approval of plan, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specification, 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 July 17, 2017 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

1. Cable Television Commission: Three, 3-year terms through July 1, 2020 (Expiring terms of Hoverman, Maloney and Tigges). Applicants: Carol Hoverman, 1555 White St.; Thomas Major, 1725 Lori St.; Pauline Maloney, 506 George St.; Ronald Tigges, 4927 Wild Flower Dr. Upon roll-call vote Carol Hoverman, Pauline Mahoney, and Ronald Tigges were appointed to 3-year terms through July 1, 2020. Hoverman = 6 (Connors, Rios, Buol, Jones, Resnick, Lynch); Major = 1 (Rios); Maloney = 6 (Connors, Rios, Buol, Jones, Resnick, Lynch); Tigges = 5 (Connors, Buol, Jones, Resnick, Lynch).

2. Electrical Code Board: One, 3-year term through May 21, 2020 (Expired term of Wilson, At-Large). Applicant: David Wilson, 2918 Washington St. (Qualifies as At-Large). Motion by Jones to appoint Mr. Wilson to a 3-year term through May 21, 2010. Seconded by Resnick. Motion carried 6-0.

3. Historic Preservation Commission: One, 3-year term through July 1, 2020 (Expiring term of Monk, Architect At-Large). Applicant: Christina Monk, 2005 N. Main St. (Qualifies as Architect At-Large). Motion by Connors to appoint Ms. Monk to a 3-year term through July 1, 2020. Seconded by Resnick. Motion carried 6-0.

4. Investment Oversight Advisory Commission: One, 3-year term through July 1, 2020 (Expiring term of Lassance). Applicant: Paul Lassance. 4846 Embassy Ct. Motion by

Lynch to appoint Mr. Lassance to a 3-year term through July 1, 2020. Seconded by Connors. Motion carried 6-0.

5. Long Range Planning Advisory Commission: Three, 3-year terms through July 1, 2020 (Expiring terms of Collins, Dolson and Vincent). Applicants: Ronald Collins, 243 Cardiff St.; Mark Dolson, 54 Alpine St.; Thomas Major, 1725 Lori St.; Alan Vincent, 565 Woodland Ridge. Upon roll-call vote, Mr. Collins, Mr. Dolson, and Mr. Vincent were appointed to 3-year terms through July 1, 2020. Collins = 6 (Connors, Rios, Buol, Jones, Resnick, Lynch); Dolson = 6 (Connors, Rios, Buol, Jones, Resnick, Lynch); Major = 2 (Resnick, Lynch); Vincent = 4 (Connors, Rios, Buol, Jones).

6. Park and Recreation Advisory Commission: Three, 3-year terms through June 30, 2020 (Expiring Terms of Hoffmann, Kennicker and Klinge). Applicants: Paul Hoffmann, 174 Bradley St.; Robin Kennicker, 2929 Elm St.; Kenneth Klinge, 2267 Carter Rd.; Rebecca Kuhle, 2566 Pearl St.; Luke Roth, 904 Barbaralee Dr. Upon roll-call vote, Mr. Hoffman, Ms. Kennicker and Mr. Klinge were appointed to 3-year terms through June 30, 2020. Hoffman = 2 (Resnick, Lynch); Kennicker = 6 (Connors, Rios, Buol, Jones, Resnick, Lynch); Klinge = 4 (Rios, Buol, Del Toro, Resnick).

The City Clerk reported the vote totals in error. Ms. Kule and Mr. Roth actually tied with 3 votes each. Kuhle = Connors, Rios, Jones; Roth = Connors Buol, Lynch A re-vote will be taken at the July 5, 2017 City Council meeting.

7. Zoning Advisory Commission: One, 3-year term through June 30, 2020 (Expiring Term of Christ).: Applicant: Martha Christ, 88 Princeton Pl. Motion by Jones to appoint Ms. Christ to a 3-year term through June 30, 2010. Seconded by Connors. Motion carried 6-0.

## **PUBLIC HEARINGS**

1. Sale of Property - 2249 Harold Street: Proof of publication on notice of public hearing to consider approval to dispose of City-owned property, specifically, Lot 30 and the North 5 Feet of Lot 33 in J.P. Schroeder's Addition to Dubuque, in the City of Dubuque, Iowa, according to the recorded plat thereof – 2249 Harold Street, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 222-17 Approving the sale of real estate specifically Lot 30 and the north 5 feet of Lot 33 in J.P. Schroeder's Addition to Dubuque in the City of Dubuque, Iowa, according to the recorded plat thereof - 2249 Harold Street. Seconded by Connors. Motion carried 6-0.

2. 210 Jones Street, LLC Development Agreement: Proof of publication on notice of public hearing to consider approval of the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a Development Agreement relating thereto with 210 Jones, LLC and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 223-17 Approving a Development Agreement by and between the City of Dubuque, Iowa and 210 Jones, LLC

providing for the issuance of Urban Renewal Tax Increment Revenue Obligations for the Redevelopment of 210 Jones Street. Seconded by Connors. Motion carried 6-0.

3. Westside Water System Improvements 2017 Contract C Highway 20 Watermain Extension: 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 2017 Contract C Highway 20 Water Main Extension, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 224-17 Approval of plans, specifications, form of contract, and estimated cost for the Westside Water System Improvements Hwy 20 Water Main Extension. Seconded by Connors. Motion carried 6-0.

4. Sewer Revenue Capital Loan Notes - Kerper Boulevard Sanitary Sewer Reconstruction Projects: Proof of publication on notice of public hearing to consider the sale of not-to-exceed \$3,600,000 in Sewer Revenue Capital Loan Notes (State Revolving Loan Fund Program) for the Kerper Boulevard sanitary sewer reconstruction projects and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 225-17 Instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the Issuance of not-to-exceed \$3,600,00 Sewer Revenue Capital Loan Notes. Seconded by Lynch. Motion carried 6-0.

5. Water Revenue Capital Loan Notes - (State Revolving Loan Fund Program): Proof of publication on notice of public hearing to consider the sale of not-to-exceed \$10,200,000 in Water Revenue Capital Loan Notes (State Revolving Loan Fund Program) for the purchase and improvements associated with the City of Dubuque's acquisition of the Vernon and Barrington Lakes water systems and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 226-17 Instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not-to-exceed \$10,200,000 Water Revenue Capital Loan Notes. Seconded by Connors. Motion carried 6-0.

## **PUBLIC INPUT**

Nino Erba, 672 ½ Central Avenue, congratulated the Mayor on continuing with the Paris Climate Agreement, and asked about what the City is doing to continue efforts to address climate change. Mayor Buol responded with references to the City's 50% reduction in greenhouse gas emissions by 2030 program and the installation of solar panels on roofs of several City facilities.

Nick Molo, 955 Washington Street, requested that the City Council reconsider its ban on the use of fireworks and urged support of a compromise in the upcoming ordinance amendment.

Melissa Springer, 810 S. Grandview Avenue, and representing Mercy Turning Point Treatment Center, requested that the City Council make the opioid epidemic, drug overdosing and trafficking a priority.

## **ACTION ITEMS**

1. Code of Ordinances Amendment - Titles 7 & 10 Firearms, Fireworks and Environmental Stewardship Advisory Commission (Second Reading): City Manager recommending approval of amendments to City of Dubuque Code of Ordinances Sections 7-5A-10, Weapons, Firearms and Fireworks; 7-5A-16, Hunting and Target Practice Permitted; and 10-5B-12, Possession of Firearms, Weapons and Fireworks. City Manager submitting a revised memo and staff memo. Mr. Van Milligen verbally referenced national and local statistics on fires and injuries caused by fireworks.

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. The City Council discussed the potential for compromise between the new state law and the City's proposed ordinance amendment, the challenge and confusion a complex ordinance containing compromises might cause especially in terms of public information; the individual choices of citizens, and the City Council's duty to provide public safety. Motion failed 5-1 with Rios voting nay.

Motion by Jones to consider the second reading of three proposed ordinances amending City of Dubuque Code of Ordinances Title 7 Police, Fire and Public Safety, Chapter 5 Offenses, Article A General Offenses, Section 7-5A-10 Weapons, Firearms and Fireworks; amending City of Dubuque Code of Ordinances Title 7 Police, Fire and Public Safety, Chapter 5 Offenses, Article A General Offenses, Section 7-5A-16 Hunting and Target Practice Permitted; and amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations, Section 10-5B-12 Possession of Firearms, Weapons and Fireworks. Seconded by Connors. Motion carried 6-0.

2. Rejection of Bids - Kerper Boulevard Sanitary Sewer Reconstruction Project: City Manager recommending that the City Council reject the bids received for the Kerper Boulevard Sanitary Sewer Reconstruction Project so the Engineering staff can re-evaluate the design and incorporate any cost saving measures. Motion by Connors to receive and file the documents and adopt Resolution No. 227-17 Rejecting competitive bid proposal received for the Kerper Boulevard Sanitary Sewer Reconstruction Project. Seconded by Resnick. Motion carried 6-0.

3. Procedure to Complete Action on Water Revenue Capital Loan Notes - (State Revolving Loan Fund Program): City Manager recommending approval of the suggested proceedings to complete action required on the \$10,198,000 Water Utility Revenue Capital Loan Notes from the State of Iowa Revolving Fund Loan Iowa Drinking Water Facilities Financing Program. Motion by Lynch to receive and file the documents and adopt Resolution No. 228-17 Series Resolution Authorizing and providing for the issuance and securing the payment of \$10,198,000 Water Revenue Capital Loan Notes, Series 2017 by the City of Dubuque, Iowa under the provisions of Chapter 384 of the Code of Iowa, providing for a method of payment thereof, approving Loan and Disbursement Agreement, and other related matters. Seconded by Connors. Motion carried 6-0.



4. Zone 2 Water Pressure Improvements: City Manager recommending authorization to begin the process to build a water tower off Roosevelt Road in Water Pressure Zone #2, which encompasses the area in and around Roosevelt Road and Peru Road, including the Sky Blue Estates subdivision, the existing Alpine Park development and Eagle Valley subdivision. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 6-0.

5. Request for Work Session - St. Ambrose University Presentation on the Dubuque Police Department Traffic Stop Analysis: City Manager recommending approval to schedule a work session for a St. Ambrose University Presentation on the Dubuque Police Department Traffic Stop Analysis for 6:00 p.m. on Tuesday, July 11, 2017. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Connors. Jones stated that he is unavailable on that date and therefore will not be in attendance. Motion carried 6-0.

There being no further business, upon motion the City Council adjourned at 6:49 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 6/28