

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

The Dubuque City Council met in regular session at 6:00 p.m. on July 17, 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

PRESENTATION(S)

1. Verbal Status Report on Storm Damage Clean Up: Emergency Management Director Tom Berger, Public Works Director John Klostermann, Leisure Services Manager Marie Ware, and City Engineer Gus Psihoyos provided a verbal status report on the July 11, 2017 storm damage clean up. Topics included: stating of rain totals and wind velocities; areas of town most effected; local flooding, city and residential tree damage; street damage; engagement of emergency operations activities and timelines, clean up teams and procedures, volunteer and staff hours. ongoing clean up and projected costs.

PROCLAMATION(S)

1. Dubuque County Fair Week (July 25-30, 2017) was accepted by Dubuque County Fair General Manager Kevin Kotz.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council Proceedings of 7/5, 7/10, 7/11; City Council Compensation Task Force of 6/26; Civil Service Commission of 6/29; Community Development Advisory Commission of 6/29; Historic Preservation Commission of 6/15; Library Board of Trustees of 5/25; Library Board of Trustees Council Update #162 of 6/22; Long Range Planning Advisory Commission of 6/20; Resilient Community Advisory Commission of 6/1; Transit Advisory Board of 6/29; Zoning Advisory Commission of 7/5; Zoning Board of Adjustment of 6/27; Proof of Publication for City Council Proceedings of 6/12, 6/19, 6/21; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 5/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: John Gansemer for vehicle damage; David MacKenzie for vehicle damage; Jane Worm 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: John Gansemer for vehicle damage, David MacKenzie for vehicle damage, and Jane Worm for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Inclusive Dubuque 2017 Advancing Equity Report: City Manager transmitting the 2017 Advancing Equity: Community Efforts and Outcomes report from Inclusive Dubuque. Upon motion the document was received and filed.

5. CodeRED Emergency Notification System: City Manager providing the public information brochure on the CodeRED Emergency Notification System. Upon motion the document was received and filed.

6. St. Ambrose University Dubuque Police Traffic Stop Summary: City Manager providing the St. Ambrose University Dubuque Police Traffic Stop Summary presented at the July 12, 2017 City Council work session. Upon motion the document was received and filed.

7. Bee Branch Healthy Homes Resiliency Program Brochure: City Manager providing the Bee Branch Health Homes Resiliency Program public information brochure. Upon motion the document was received and filed.

8. Imagine Dubuque Draft Future Land Use Map: City Manager transmitting information on the draft Imagine Dubuque Future Land Use Map proposed process for seeking public input. Upon motion the documents were received and filed.

9. Jule Transit Route Changes: City Manager providing a public information brochure reflecting the Jule Transit route changes. Upon motion the document was received and filed.

10. Finley Hospital for Cancer Survivor Park Lease Agreement: City Manager recommending approval of a three-year Lease Agreement with Finley Hospital for Cancer Survivor Park with stipulations. Upon motion the documents were received, filed and approved.

11. Four Mounds Capacity Building Report: City Manager recommending City Council acceptance of the Capacity Building Report completed by Four Mounds Foundation for development of short- and long-term strategic planning. Upon motion the documents were received, filed and approved.

12. Federal Historic Tax Credit Projects in Iowa: City Manager providing information from the National Trust for Historic Preservation and the Historic Tax Credit Coalition on projects in Iowa that have received Federal Historic Tax Credits from 2002 to 2015. Upon motion the documents were received and filed.

13. AmeriCorps Grant Agreement for Fiscal Year 2017-2018: City Manager recommending approval of the 2017-2018 AmeriCorps Partners in Learning Campaign for Grade Level Reading Agreement with the Iowa Commission on Volunteer Service. Upon motion the documents were received, filed and approved.

14. Pre-Annexation Agreement – John G. and Kelly L. Schlichte: City Manager recommending approval of a Pre-Annexation Agreement with John G. and Kelly L. Schlichte, property owners of Lot 11 in Twin Ridge Subdivision No. 4. Upon motion the documents were received and filed and Resolution No. 253-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and John G. and Kelly L. Schlichte was adopted.

15. Plat of Survey - Linwood-Burden Avenue Place No. 2: Zoning Advisory Commission recommending approval of the Plat of Survey for Linwood-Burden Avenue Place No. 2 subject to waiving the lot frontage requirement for Lot 1 as requested by Buesing & Associates. Upon motion the documents were received and filed and Resolution No. 254-17 Approving the Plat of Survey of Linwood-Burden Avenue Place No. 2 in the City of Dubuque, Iowa was adopted.

16. Plat of Survey Lot 1-1 and Lot 2-1 of Dubuque Industrial Center West 2nd Addition: Zoning Advisory Commission recommending approval of the Plat of Survey Lot 1-1 and Lot 2-1 of Dubuque Industrial Center West 2nd Addition subject to waiving the lot frontage requirement for Lot 2 of 1 as requested by the City of Dubuque Engineering Department. Upon motion the documents were received and filed and Resolution No. 255-17 Approving the Plat of Survey of Lot 1-1 & Lot 2-1 of Dubuque Industrial Center West 2nd Addition in the City of Dubuque, Iowa was adopted.

17. Final Plat - East Dubuque No. 3 / 232 E. 14th Street: Zoning Advisory Commission recommending approval of the Final Plat for East Dubuque No. 3 / 232 E. 14th Street as requested by Community Housing Initiatives, Inc. Upon motion the documents were received and filed and Resolution No. 256-17 Approving the Final Plat of East Dubuque No. 3, in the City of Dubuque, Iowa was adopted.

18. Northwest Arterial and Chavenelle Road Left Turn Lane Improvement Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Northwest Arterial / Chavenelle Intersection Left Turn Lane Improvements Project, as completed by Eastern Iowa Excavating & Concrete, LLC. Upon motion the documents were received and filed and Resolution No. 257-17 Accepting the Northwest Arterial / Chavenelle Intersection Left Turn Lane Improvements Project and authorizing the final payment to the contractor was adopted.

19. Acceptance of Grant of Easement of Water Main Utility at 14755 North Cascade Road: City Manager recommending acceptance of the Grant of Easement for Water Main Utility across Broadview Court LLC property at 14755 North Cascade Road as part of the Westside Water System Improvements 2017: Contract C HWY 20 Water Main Extension that include water main extension and connection to the Barrington Lakes water system to the City of Dubuque water supply. Upon motion the documents were received and filed and Resolution No. 258-17 Accepting A Grant of Easement for Water Main Utility Through, Over and Across Part of Lot 1A-2 E ½ SW Fract. ¼ & NW Fract. ¼ SW ¼, and part of Lot 1-2 E ½ SW Fract. ¼ & NW Fract. ¼ SW ¼, all in Section 7, T88N, R2E of 5TH P.M., Dubuque County, Iowa was adopted.

20. BP Pipelines, Inc., / Southwest Arterial Project Utility Relocation Reimbursement Agreement: City Manager recommending approval and authorization for the City Manager to execute a Phase II – Construction Utility Relocation Reimbursement Agreement with BP Pipelines (North America) Inc. for the relocation of a petroleum distribution pipeline impacted by the Southwest Arterial and the future East Grading Phase II Project. Upon motion the documents were received and filed and Resolution No. 259-17 Approving a Phase II Construction Utility Relocation Reimbursement Agreement with BP Pipelines (North America) Inc. for the relocation of a petroleum distribution pipeline associated with the East Grading Project and the continued development and advancement of the Southwest Arterial Project was adopted.

21. Continuum of Care Special Needs Assistance Program Sponsor Agreement with East Central Development Corporation: City Manager recommending approval of an agreement for services with East Central Development Corporation for administration of the Continuum of Care Special Needs Assistance Program that program provides rental assistance to homeless persons with disabilities. Upon motion the documents were received, filed and approved.

22. Traffic Safety Grant - University Avenue / Grandview Avenue Roundabout Project: City Manager recommending approval 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 roundabout at the intersection of University Avenue and Grandview Avenue. Upon motion the documents were received and filed and Resolution No. 260-17 Approving the Iowa Department of Transportation Agreement for Traffic Safety Improvement Program Funding for the City of Dubuque University Avenue and Grandview Avenue intersection improvements was adopted.

23. Fiber Optic Cable Facilities Agreement Between City of Dubuque and MCC Iowa, LLC: City Manager recommending approval of the Fiber Optic Cable Facilities Agreement between the City of Dubuque and MCC Iowa, LLC (Mediacom). Upon motion the documents were received, filed and approved.

24. Assignment of Communication Systems Right-of-Way Easement with AT&T: City Manager recommending approval of the Assignment of Communication Systems Right-

of-Way and Easement related to the disposition or abandonment of a conduit and fiber route owned by AT&T. Upon motion the documents were received, filed and approved.

25. Park and Recreation Commission Correspondence on Priorities: Park and Recreation Commission providing the City Council with its recommendations on projects or activities it feels should be priorities for park and recreation facilities and areas during the upcoming Fiscal Year 2019 goal setting, budget preparations and budget hearings. Upon motion the documents were received and filed.

26. Greater Dubuque Development Corporation 2016-2017 Annual Report: City Manager transmitting the Greater Dubuque Development Corporation 2016-2017 Annual Report. Upon motion the documents were received and filed.

27. Greater Dubuque Development Corporation Annual Meeting Keynote Speaker Remarks: City Manager submitting remarks of the Greater Dubuque Development Corporation Annual Meeting Keynote Speaker, Dr. Thomas Tuttle. Upon motion the documents were received and filed.

28. Greater Dubuque Development Corporation Skills Gap Analysis: City Manager transmitting the Fall 2016 Greater Dubuque Region Skills Gap Analysis from the Greater Dubuque Development Corp. Upon motion the documents were received and filed.

29. Greater Dubuque Development Corporation Laborshed Analysis: City Manager transmitting the 2017 Laborshed Analysis from the Greater Dubuque Development Corp. Upon motion the documents were received and filed.

30. Office of Auditor of the State: Correspondence from the Office of Auditor of State informing the City of a request for a re-audit of the City for Fiscal Year ended June 30, 2016. Upon motion the documents were received and filed.

31. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Sons Excavating Co., Inc. for the 2017 Windsor Sanitary Sewer Manhole Project; Portzen Construction, Inc. for the Water System Improvements 2017 Contract A (English Mill Road/North Cascade Road Water Main Ext.); Portzen Construction, Inc. for the Water System Improvements 2017 Contract B (English Mill Road Pumping Facility). Upon motion the documents were received, filed and approved.

32. 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. 261-17 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.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their desire to serve on the following boards/commissions.

1. Community Development Advisory Commission: One, 3-year term through February 15, 2020 (Vacant term of Blok). Applicant: Nicole Borovic, 3163 Hillcrest Rd. (Qualifies as Low- to Moderate-Income Representative)

2. Housing Commission: One, 3-year term through August 17, 2018 (Vacant term of Kedley). Applicant: Shane Hoeper, 252 N. Grandview Ave.

3. Library Board of Trustees (Mayor appointment): One, 4-year term through July 1, 2021 (Expiring term of Willis). Applicants: Greg Gorton, 1295 Prairie St.; Rosemary Kramer, 2554 Rosewood Dr.; Pam Mullin, 2050 Mullen Rd.; Ann Pelelo, 2125 Simpson St. Each applicant spoke in support of their respective appointment and provided a brief biography.

Appointments were made to the following boards/commission.

4. Housing Commission: One, 3-year term through August 17, 2020 (Expiring terms of Baumhover). Applicant: Richard Baumhover, 601 Garfield Ave. Motion by Jones to appoint Mr. Baumhover to a 3-year term through August 17, 2020. Seconded by Resnick. Motion carried 7-0.

5. Resilient Community Advisory Commission: One, 3-year term through June 30, 2020 (Expiring term of Kennicker). Applicant: Robin Kennicker, 2929 Elm St. (Qualifies as Commission Representative). Motion by Connors to appoint Ms. Kennicker to a 3-year term through June 30, 2020. Seconded by Lynch. Motion carried 7-0.

6. Transit Advisory Board: Two, 3-year terms through July 30, 2020 (Expiring terms of Enderson and Serna). Applicants: George Enderson Jr., 511 St. George St. (Additional Application); Dora Serna, 2160 Marion St. Motion by Connors to appoint Mr. Enderson and Ms. Serna to 3-year terms through July 30, 2020. Seconded by Jones. Motion carried 7-0.

PUBLIC HEARINGS

1. Request to Rezone - Seippel Court Commercial Park (8180 Seippel Road): Proof of publication on notice of public hearing to approve a request from Brian Lammers to rezone Lot 9 of Seippel Court Commercial Park (8180 Seippel Road) from CS Commercial Service and Wholesale to AG Agricultural and the Zoning Advisory Commission recommending approval. Motion by Jones to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Connors. Developer Brian Lammers, spoke in support of the request and provided background on the development. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 35-17 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at the end of Seippel Court from CS Commercial Service and Wholesale District to AG Agricultural District. Seconded by Connors. Motion carried 7-0.

2. Dubuque Regional Airport Rental Car Parking Lot Project 2017: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract, and estimated cost for the Dubuque Regional Airport Rental Car Parking Lot Project 2017 and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 262-17 Approval of plans, specifications, form of contract, and estimated cost for the Dubuque Regional Airport Rental Car Parking Lot Project 2017. Seconded by Resnick. Motion carried 7-0.

3. Grandview Avenue and Loras Boulevard Traffic Signal Reconstruction Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the Grandview Avenue and Loras Boulevard Traffic Signal Reconstruction Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 263-17 Approval of plans, specifications, form of contract, and estimated cost for the Grandview Avenue & Loras Boulevard Intersection Improvement Project. Seconded by Jones. Motion carried 7-0.

4. Phase I - 17th Street Storm Sewer Improvement Project: Proof of publication on notice of public hearing to approve the plans, specifications, form of contract and estimated cost for the Phase 1 - 17th Street Storm Sewer Improvement Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 264-17 Approval of plans, specifications, form of contract, and estimated cost for the Phase 1 17th Street storm Sewer Improvements Project. Seconded by Del Toro. Civil Engineer Deron Muehring responded to questions from the City Council regarding the extreme curb height in the project area stating that the expectation is to reconstruct it to usual street standard adding that requirements related to historic structures and the potential use of federal funds may impact that decision. Motion carried 7-0.

5. Black Hills Energy Grant of Easement: Proof of publication on notice of public hearing to consider approval of a Grant of Easement to Black Hills Energy to facilitate connection of the gas system being constructed by BRD Three, LLC at the Water & Resource Recovery Center to Black Hills Energy's Dubuque Gas Distribution System and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 265-17 Disposing of an interest in City of Dubuque real estate pursuant to an Easement Granted by the City of Dubuque to Black Hills/Iowa Gas Utility Company, LLC dba Black Hills Energy to facilitate connection of the gas system being constructed by BRD Three, LLC at the Water Resource & Recovery Center to Black Hills Energy's Dubuque Gas Distribution System. Seconded by Resnick. City Manager Van Milligen provided additional information on the sale of Bio CNG and its

future use in City vehicles, and the potential for related environmental credits. Motion carried 7-0.

ACTION ITEMS

1. Bee Branch Creek Greenway Opening Celebration: City Manager provided the Bee Branch Creek Greenway ribbon cutting celebration invitation for 4:00 p.m. on Wednesday, July 19, at the Bee Branch Amphitheater with events from 5:00 to 7:00 p.m. Motion by Lynch to receive and file the documents. Seconded by Connors. City Manager Van Milligen reiterated the itinerary and activities scheduled for the celebration. Civil Engineer Deron Muehring addressed the readiness of the greenway in response to questions from the City Council regarding the construction fencing.

2. EPA Brownfields Area Wide Plan - South Port Update: The City of Dubuque's consultant, Shive Hattery, will give a presentation on their work administering the 2015 EPA Brownfields Area Wide Planning Grant for the South Port area. Motion by Connors to receive and file the documents. Seconded by Resnick. Economic Development Director Maurice Jones and representatives of Shive Hattery, Inc. Dave Tallman and Stacey Brockett provided a brief presentation. Topics included: grant background, a description of project teams and stakeholders, the project schedule December 2015-September 2017, and a review of the preferred concept. Mr. Tallman and Ms. Brockett responded to questions from the City Council regarding concerns over the rail crossing impacting access and egress for the South Port and alternatives routes. Motion carried 7-0.

3. Final Plat of Rustic Point Estates Subdivision – Phase 1: City Manager recommending approval of the Final Plat of Rustic Point Estates Subdivision – Phase 1. Motion by Connors to receive and file the documents and adopt Resolution No. 266-17 Authorizing approval of the Final Plat of Rustic Point Estates in the City of Dubuque, Iowa. Seconded by Lynch. Motion carried 7-0.

4. Rustic Point Estates Subdivision - Kress Right-of-Way. Acquisition and Dedication Plat: City Manager recommending approval of the Acquisition Plat of Lot A of Lot 2, Lot B of Lot 2, and Lot C of Lot 2, in Tscherner Place No. 4, from James F. and Janet M. Kress, which provides additional right-of-way for the public streets (Rustic Point Lane, Barnwood Lane, and Derby Grange Road) in and adjacent to Rustic Point Estates Subdivision. Motion by Connors to receive and file the documents and adopt Resolution No. 267-17 Approving the Acquisition Plat of Lot A of Lot 2, Lot B of Lot 2, and Lot C of Lot 2, in Tscherner Place No. 4, in the City of Dubuque, Dubuque County, Iowa. Seconded by Lynch. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 9 Official Traffic Control Signals: City Manager recommending approval of an amendment to the City of Dubuque Code of Ordinances so that City Code will mirror the Iowa Code regarding official traffic control signals which includes a flashing yellow arrow signal, a steady upraised hand signal, a flashing upraised hand signal, an upraised hand with countdown signal, and a walking

person signal. 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 Lynch. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 36-17 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 7 Operation, Division 1 Traffic Signs, Signals and Markings, Section 9-7-321.257 Official Traffic Control Signals to mirror the State Code. Seconded by Lynch. Motion carried 7-0.

6. City Council Salary Compensation Task Force Recommendation: City Council Compensation Task Force submitting its recommendation for Council Member salaries effective January 1, 2018. Restated motion by Connors to receive and file the documents and concur with the recommendation. Seconded by Resnick. City Council discussed the necessity, appropriateness and timing of an increase and its potential appeal to future candidates for Council. Motion carried 5-2 with Del Toro and Rios voting nay.

COUNCIL MEMBER REPORTS

Council Member Jones reported on moving his mother, Ruth Jones, back to Dubuque after 14 years of living away.

There being no further business, upon motion the City Council adjourned at 7:29 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 7/26