

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

The Dubuque City Council met in regular session at 6:00 p.m. on August 7, 2017 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Member Resnick

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. 2017 Walgreens Happy & Healthy Champion Award: Kimberly Walz, Director of Local Government Relations for Walgreens, presented Mayor Roy D. Buol with the 2017 Walgreens Happy & Healthy Champion Award for his commitment to making Dubuque a healthy and sustainable community.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council Proceedings of 7/17, 7/20, 7/24; Investment Oversight Advisory Commission of 7/26; Park and Recreation Commission of 7/11; Proofs of publication for City Council Proceedings of 7/5, 7/10, 7/11, 7/17, 7/20, 7/24. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Alec Benson for vehicle damage, Lester & Susan Bettcher for property damage, Linda Breitbach for personal injury, Charles and Ruth Ellis for property damage, Timothy Kelly for vehicle damage, Mark Lansing for vehicle damage, Monique Hopkins for vehicle damage, Aislinn O'Brien for vehicle damage, Lynn Pollock for vehicle damage, suit by Chris Cullen for Civil Service veteran's points application. 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: Lester and Susan Bettcher for property damage, Linda Breitbach for

personal injury, Ruth Ellis for property damage, Monique Hopkins for vehicle damage, Timothy Kelly for vehicle damage, Mark Lansing for vehicle damage, Aislinn O'Brien for vehicle damage, Lynn Pollock for vehicle damage, suit by Chris Cullen for Civil Service veteran's points application. Upon motion the documents were received, filed, and concurred.

4. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting: City Manager transmitting correspondence from the Finance Officers Association (GFOA) awarding Finance Director Jean Nachtman and the City of Dubuque the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ended June 30, 2016. Upon motion the documents were received and filed.

5. Dubuque County Emergency Management July 11-12, 2017 Storm Recovery Efforts: City Manager transmitting correspondence from Emergency Management Coordinator Tom Berger related to recovery efforts for the storm on July 11 and July 12, 2017. Upon motion the document was received and filed.

6. Opportunity Dubuque Outcomes: City Manager transmitting information from Opportunity Dubuque on the outcomes of its collaborative job training programs. Upon motion the document was received and filed.

7. "Industrial Strength" Article from bizTimes: City Manager transmitting an article from bizTimes related to regional industrial parks. Upon motion the document was received and filed.

8. AmeriCorps Partners in Learning / Iowa Commission on Volunteer Service 2017-2018 Summer-Only Grant: City Manager recommending approval to execute the 2017-2018 AmeriCorps Partners in Learning Summer-Only Grant. Upon motion the documents were received, filed and approved.

9. Public Works Department - Creation of Sewer Maintenance Foreman: City Manager recommending approval to eliminate one Foreman position and create one Sewer Maintenance Foreman position in the Public Works Department. Upon motion the documents were received, filed and approved.

10. Four Mounds HEART Community Development Block Grant Contract: City Manager recommending approval of the Community Development Block Grant (CDBG) Agreement with the Four Mounds HEART program for Fiscal Year 2018. Upon motion the documents were received, filed and approved.

11. Contracted Services Agreement - Hills and Dales Senior Center Lifetime Program Fiscal Year 2018: City Manager recommending approval of the Hills and Dales Senior Center Lifetime Program Contracted Service Agreement that provides for educational, recreational and social programs to senior citizens at the 3505 Stoneman Road facility. Upon motion the documents were received, filed and approved.

12. Washington Tool Library Community Development Block Grant Contract: City Manager recommending approval of the Community Development Block Grant (CDBG) Agreement with Washington Tool Library to provide tool lending for low- and moderate-income residents. Upon motion the documents were received, filed and approved.

13. Community Development Block Grant National Disaster Resilience (CDBG-NDR) Program Contract Amendment No. 1: City Manager recommending approval of Amendment No. 1 to the current contract with the Iowa Economic Development Authority for the CDBG-NDR Housing Contract to comply with language revisions requested by HUD. Upon motion the documents were received, filed and approved.

14. Fiscal Year 2018 Community Development Block Grant (CDBG) Annual Action Plan Amendment 1: City Manager recommending approval of a resolution to submit the FY 2018 CDBG Annual Action Plan Amendment 1 to the United States Department of Housing and Urban Development (HUD) for the HUD Program Year 2017. Upon motion the documents were received and filed and Resolution No. 268-17 Adopting the Fiscal Year 2018 (Program Year 2017) Community Development Block Grant (CDBG) Annual Action Plan was adopted.

15. Fiscal Year 2018 REAP Plan Update, Grant Application and Committee Representative: City Manager recommending approval of the City of Dubuque's update of the Fiscal Year 2018 Dubuque County Resource Enhancement and Protection (REAP) Plan Resolution, Fiscal Year 2018 REAP Grant application for Phase 2 of the Environmental Restoration Management Plan for Eagle Point Park, and confirmation of Council Member Joyce Connors as the City representative on the Fiscal Year 2018 Dubuque County REAP Committee. Upon motion the documents were received and filed and Resolution No. 269-17 Authorizing REAP Grant application to Iowa Department of Natural Resources for Phase 2 of Eagle Point Park Environmental Restoration Management Plan was adopted.

16. Sanitary Sewer Extension Easement Agreement - Coates Property: City Manager recommending approval of a resolution approving the Agreement with Mrs. Eileen Coates that allows the City to install a sanitary sewer across her property, and authorizing the City Attorney to accept and record the Easement on behalf of the City. Upon motion the documents were received and filed and Resolution No. 270-17 Approving an Agreement by and between the City of Dubuque, Iowa and Eileen C. Coates providing for the installation of a sanitary sewer across Coates' property and accepting a Grant of Permanent Easement for the purpose of constructing and maintaining the sanitary sewer was adopted.

17. Verified Claims Extending Restrictions on Use of Property for Dubuque Industrial Center and Dubuque Technology Park: City Manager recommending that the Verified Claims be submitted to the City Council for approval, which will renew the Covenants in the Dubuque Industrial Center and Technology Park for an additional 21 years from the date of the recording of the Verified Claims. Upon motion the documents were received and filed and Resolution No. 271-17 Approving a Verified Claim pursuant to Iowa Code

Sec. 614.24 to renew Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens and Charges for property in Dubuque Industrial Center West, Dubuque Industrial Center West 2nd Addition, Dubuque Industrial Center West 5th Addition, and Dubuque Industrial Center North First Addition; and Resolution No. 272-17 Approving a Verified Claim pursuant to Iowa Code Sec. 614.24 to Renew Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens and Charges for Property in Dubuque Technology Park were adopted.

18. Pre-Annexation Agreement - Barbara A. Gantenbein: City Manager recommending approval of a Pre-Annexation Agreement with Barbara A. Gantenbein in conjunction with approving the Plat of Survey of Gantenbein Acres No. 2 in Dubuque County and established by the City's Fringe Area Development Standards of the Unified Development Code. Upon motion the documents were received and filed and Resolution No. 273-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Barbara A. Gantenbein was adopted.

19. Pre-Annexation Agreement - Oakland Farms Real Estate Company: City Manager recommending approval of a Pre-Annexation Agreement with Oakland Farms Real Estate Company in conjunction with approving the Final Plat for Oakland Farms Estates in Dubuque County, and established by the City's Fringe Area Development Standards of the Unified Development Code. Upon motion the documents were received and filed and Resolution No. 274-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Oakland Farms Real Estate Company was adopted.

20. Pre-Annexation Agreement - James L. and Laura V. Jelinske: City Manager recommending approval of a Pre-Annexation Agreement with James L. and Laura V. Jelinske in conjunction with approving the Plat of Survey for Jelinske Place No. 2 in Dubuque County and established by the City's Fringe Area Development Standards of the Unified Development Code. Upon motion the documents were received and filed and Resolution No. 275-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and James L. And Laura V. Jelinske was adopted.

21. Iowa Department of Transportation ICAAP Funding Agreement for the Northwest Arterial and John F. Kennedy Road Turn Lane Improvement: City Manager recommending approval of a Resolution authorizing the Mayor to execute a Funding Agreement with the Iowa Department of Transportation for an Iowa Clean Air Attainment Program (ICAAP) Grant to assist with the construction of a right turn lane on the north leg of JFK Road with traffic signal adjustments at the Northwest Arterial and JFK Road intersection. Upon motion the documents were received and filed and Resolution No. 276-17 Approving the Iowa Department of Transportation Agreement for Iowa Clean Air Attainment Program Grant for the City of Dubuque John F. Kennedy Road and NW Arterial Right-Turn Lane Improvement was adopted.

22. 2017 Asphalt Overlay Access Ramp Project One Acceptance: City Manager recommending acceptance of the construction contract for the 2017 Asphalt Overlay Access Ramp Project One as completed by Dan Arensdorf Construction. Upon motion

the documents were received and filed and Resolution No. 277-17 Accepting the 2017 Asphalt Overlay Access Ramps Project One and authorizing the payment of the contract amount to the contractor was adopted.

23. Stair Replacement Project - 11th and Alice Streets: City Manager recommending that the award and completion for the Stair Replacement 11th and Alice Streets Project to Drew Cook & Sons Excavating Co., Inc. be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

24. 2017 Asphalt Overlay Access Ramp Project Three Award: City Manager recommending that the award for the 2017 Asphalt Overlay Access Ramp Project Three to Midwest Concrete, Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

25. Authorized Depository Institutions: City Manager approval of a resolution that adds Frost Bank as an authorized depository institution, replacing BBVA Compass as the depositor for licensing fees collected by PetData, Inc. Upon motion the documents were received and filed and Resolution No. 278-17 Naming Depositories was adopted.

26. Quarterly Investment Report: City Manager transmitting the June 30, 2017 Quarterly Investment Report. Upon motion the documents were received and filed.

27. Appointment to Community Development Advisory Commission: Housing Commission recommending approval to appoint Commissioner Rick Baumhover as the Commission's representative on the Community Development Advisory Commission. Upon motion the documents were received, filed and approved.

28. Signed Contracts: Area Residential Care, Inc. for vocational Services; Canadian Pacific Railroad Amendment to Service Agreement for Bee Branch Creek Railroad Culverts; Four Mounds Foundation for use of City-owned building at 1101 Central Avenue; Iowa Department of Health Memorandum of Understanding for surveillance of mosquito-borne diseases in Iowa. Upon motion the documents were received and filed.

29. 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. 279-17 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 Del Toro. Motion carried 6-0.

1. State Revolving Fund (SRF) Loan Notes for Roosevelt Water Tower Planning and Design Project: City Manager recommending approval of a Resolution fixing the date of August 21, 2017, for a public hearing on the proposition of selling not to exceed \$475,000 in Water Planning and Design State Revolving Funds (SRF) Loan Notes for the Roosevelt Water Tower Project. Upon motion the documents were received and filed and Resolution No. 280-17 Fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$475,000 Water Revenue Capital Loan Notes of the City of Dubuque, Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on August 21, 2017 in the Historic Federal Building.

2. Bee Branch Healthy Homes, Community Development Block Grant-National Disaster Recovery (CDBG-NDR) Housing Projects Bid Set #1: City Manager recommending initiation of the public bidding procedure for the Bee Branch Healthy Homes Community Development Block Grant-National Disaster Recovery Housing Projects Bid Set #1, and further recommends that a public hearing be set for August 21, 2017. Upon motion the documents were received and filed and Resolution No. 281-17 Preliminary approval of plans, 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 August 21, 2017 in the Historic Federal Building.

BOARDS/COMMISSIONS

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

1. Arts and Cultural Affairs Advisory Commission: One, 3-year term through June 30, 2019 (Vacant term of Bratcher). Applicants: Ali Levasseur, 1318 Jackson St.; Amy Ressler, 1505 Fairview Pl. Ms. Levasseur spoke in support of her appointment and provided a brief biography. Kate Larson, 2535 Traut Terrace, read a prepared statement from Ms. Ressler in support of her appointment and provided a brief biography.

2. Building Code and Advisory Appeals Board: One, 3-year term through August 1, 2020 (Expiring term of Swift). Applicant: Thomas Swift, 1875 Admiral St. (Qualifies for Commercial Contractor).

3. Historic Preservation Commission: One, 3-year term through July 1, 2018 (Vacant term of Terry). Applicant: Stefanie-Candace Jenaman, 250 West 6th St. (Qualifies for At-Large).

4. Housing Board of Appeals: One, 3-year term through January 11, 2018 (Vacant term of Schaub). Applicant: Christoffer Lammer-Heindel, 1145 Mt Pleasant St. Mr. Lammer-Heindel spoke in support of his appointment and provided a brief biography.

Appointments were made to the following boards/commissions.

5. 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). Motion by Connors to appoint Mr. Borovic to the remainder of a 3-year term through February 15, 2020. Seconded by Lynch. Motion carried 6-0.

6. Housing Commission: One, 3-year term through August 17, 2018 (Vacant term of Kedley). Applicant: Shane Hoeper, 252 N. Grandview Ave. Motion by Jones to appoint Mr. Hoeper to the remainder of a 3-year term through August 17, 2018. Seconded by Lynch. Motion carried 6-0.

7. Library Board of Trustees: One, 4-year term through July 1, 2021 (Expiring term of Willis). Additional Vacancies since July 17, 2017 Meeting: One, 4-year term through July 1, 2018 (Vacant term of Trotter); One, 4-year term through July 1, 2019 (Vacant term of Weiss). Applicants: Greg Gorton, 1295 Prairie St.; Rosemary Kramer, 2554 Rosewood Dr.; Pam Mullin, 2050 Mullen Rd.; Ann Pelelo, 2125 Simpson St. Upon Council concurrence, Mayor Buol appointed Mr. Gorton to a 4-year term through 2021, Ms. Kramer to the remainder of a 4-year term through 2018, and Ms. Pelelo to the remainder of a 4-year term through 2019.

PUBLIC HEARINGS

1. Derby Grange Road Housing Urban Renewal Area Plan Amendment No. 1: Proof of publication on notice of public hearing to consider approval of Amendment No. 1 to the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area that adds additional land to the Area and confirms the list of proposed projects to be undertaken in the Area, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 282-17 Approving Amendment No. 1 to the Urban Renewal Plan for the Derby Grange Road Housing Urban Renewal Area. Seconded by Connors. Motion carried 6-0.

PUBLIC INPUT

Rebecca Nolan, 702 Fenelon Place, addressed the City Council about her concerns with being a vendor at the Farmer's Market and receiving conflicting information from Dubuque Main Street that she believes is removing her from selling at the Farmer's Market due to her needs for clean up time. Ms. Nolan provided a handout. City Manager Van Milligen advised the City Council that the City contracts with Dubuque Main Street to manage and regulate the Farmer's Market.

ACTION ITEMS

1. Smarter Travel Post-Project Update: East Central Intergovernmental Agency (ECIA) Director Kelley Deutmeyer and Transportation Director Chandra Ravada presented a post-project update on the Smarter Travel Project. Topic included: project overview of

Smart Travel 2012 and Smarter Travel 2015-2017; project goal related to Jule Transit; volunteer requirements; project outcomes; meaningful/purposeful locations; optimized bus routes; total project costs, post process; accolades; and next steps/STREETS project. Ms. Deutmeyer presented the City Council and Jule Transit with the 2017 Excellence in Regional Transportation Award for its support and participation in the project. Motion by Connors to receive and file the documents and information. Seconded by Lynch. Motion carried 6-0.

2. Arts and Cultural Affairs Advisory Commission Funding Recommendations for Fiscal Year 2018 Operating Support and Special Projects: Arts and Cultural Advisory Affairs Advisory Commission recommending approval of the Fiscal Year 2018 funding requests for operating support and special projects. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 6-0.

3. Dubuque Airport Rental Car Parking Lot Project Award: City Manager recommending award of the Dubuque Airport Rental Car Parking Lot Project construction contract to the low bidder McClain Excavating. Motion by Lynch to receive and file the documents and adopt Resolution No. 283-17 Awarding public improvement contract for the Dubuque Airport Rental Car Parking Lot Project 2017. Seconded by Connors. Motion carried 6-0.

4. Grandview Avenue and Loras Boulevard Traffic Signal Reconstruction Project Award: City Manager recommending award of the Grandview Avenue and Loras Boulevard Traffic Signal Reconstruction Project construction contract to the low bidder Portzen Construction. Motion by Connors to receive and file the documents and adopt Resolution No. 284-17 Awarding public improvement contract for the Grandview Avenue and Loras Boulevard Intersection Improvement Project. Seconded by Jones. Motion carried 6-0.

5. Phase I 17th Street Storm Sewer Improvement Project Award: City Manager recommending award of the Phase I 17th Street Storm Sewer Improvement Project construction contract to the low bidder Portzen Construction, Inc. Motion by Connors to receive and file the documents and adopt Resolution No. 285-17 Awarding public improvement contract for Phase 1 17th Street Storm Sewer Improvements Project. Seconded by Lynch. Motion carried 6-0.

6. Naming Recognition Request - Kids in Dubuque Skate (K.I.D.S.): City Manager recommending approval of the naming recognition request submitted by Dubuque Skate for the skatepark project. Motion by Del Toro to receive and file the documents and approve the recommendation. Seconded by Jones. Council Member Connors thanked the skate groups and the park and Recreation Commission for their commitment to the project. Motion carried 6-0.

7. City Manager Authority to Execute Contracts and Leases: City Manager recommending approval of a resolution that would increase the City Manager's authority

to execute public improvement contracts to limits provided in Iowa Law and change the reporting requirement to City Council for such contracts, purchases, leases and insurance contract renewals to the to any regular meeting of the City Council. Motion by Connors to receive and file the documents and adopt Resolution No. 286-17 Authorizing the City Manager to execute contracts and leases on behalf of the City of Dubuque. Seconded by Del Toro. Motion carried 6-0.

8. Code of Ordinances Amendment - Title 7 Animal Control - Exceptions to Keeping and Licensing Restrictions: City Manager recommending approval of two amendments to correct and update references to city and state code sections in the City's animal control ordinance. 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 Seconded by Lynch. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 37-17 Amending City of Dubuque Code of Ordinances Title 7 Police, Fire and Public Safety, Chapter 6 Animal Control, Article D Dangerous Animals, Section 7-6D-4 Exceptions to Keeping and Licensing Restrictions. Seconded by Lynch. Motion carried 6-0.

9. Code of Ordinances Amendment - Title 1 Mayor and City Council Salary Compensation: City Clerk submitting an amendment to the City of Dubuque Code of Ordinances Title 1 adjusting City Council Member salaries effective January 1, 2018 as recommended by the Compensation Task Force and approved by City Council on July 17, 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 Lynch. Motion failed 4-2 with Rios and Del Toro voting nay.

Motion by Connors to consider the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 6 Mayor and City Council, Section 1-6-2 Compensation. Seconded by Jones. Motion carried 4-2 with Rios and Del Toro voting nay.

There being no further business, upon motion the City Council adjourned at 6:48 p.m.

The City Council then conducted a non-public meeting regarding collective bargaining and employment conditions pursuant to Chapter 20.17(3) and Chapter 21.9 of the Code of Iowa.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 8/16