

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

The Dubuque City Council met in regular session at 6:00 p.m. on August 21, 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

PROCLAMATION(S)

1. Welcome Students Weeks (August 21 - September 5, 2017) was accepted by Kristin Dietzel, Vice President of Workforce Solutions for Greater Dubuque Development Corp. 900 Jackson Street, Suite 109.

2. Irish Hooley Music Festival Day (August 26, 2017) was accepted by Event President Rob McCullough and Coordinator Robert Felderman.

3. Boy Scouts of America 100th Anniversary Week (September 17-23, 2017) was accepted by Bruce Hallahan, President of the NE Iowa Council of Boy Scouts of America.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated except for Items No. 5 & 29. Seconded by Rios. Paul Schultz requested that Item No. 5 be pulled for separate discussion, and Council Member Del Toro requested #29 be pulled for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: Cable TV Commission of 8/2; City Council Proceedings of 8/7, 8/14; Civil Service Commission of 8/3; Five Flags Civic Center Commission of 7/31; Historic Preservation Commission of 7/20; Long Range Planning Advisory Commission of 7/19; Zoning Advisory Commission of 8/2; Zoning Board of Adjustment of 7/27; Proof of Publication for City Council Proceedings of 8/1, 8/2, 8/3; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 6/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Acuity Insurance on behalf of Richard Hartig for vehicle damage, Marie Backes for vehicle damage, Catherine Behnke for property damage, Alec Lee Benson for vehicle damage, Michael Elliott for property damage, Jean Holdener for

vehicle damage, Scott Morris for property damage, Nick Nadermann for property damage, Jessica West 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: Acuity Insurance on behalf of Richard Hartig for vehicle damage, Marie Backes for vehicle damage, Catherine Behnke for property damage, Alec Lee Benson for vehicle damage, Jean Holdener for vehicle damage, Scott Morris for property damage, Nick Nadermann for property damage, Jessica West for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Iowa Department of Cultural Affairs Correspondence: Correspondence from the Iowa Department of Cultural Affairs and the National Park Service congratulating the City of Dubuque for being a Certified Local Government and partner in the Federal Preservation program since August 26, 1985. Upon motion the documents were received and filed.

5. Solid Waste Management Programs: City Manager providing the public information brochure for the City's Solid Waste Management programs and additional services. Paul Schultz, 2008 Victoria St., expressed his concerns over wording in the Food Scraps/Yard Waste Collection section of the brochure that stated as available to all Dubuque residents and business and that compostable bags were listed as unacceptable. Mr. Schultz believes this wording to be untrue in his experience and suggested changing the wording for the online version of the brochure, correcting future publications, and for the City to consider adapting the food scrap program to enable renters to join. City Manager Van Milligen stated that the brochure was informational only and that an expansion of the program would be recommended through the budget process. If possible, the errors in text will be fixed for this printing and for future printings of the brochure. Motion by Lynch to receive and file the documents. Seconded by Connors. Motion carried 7-0.

6. Fair Housing Testing Round 2: City Attorney submitting information gathered from Round 2 of the Fair Housing Testing. Upon motion the documents were received and filed.

7. Proceedings to Complete Action on Stormwater Utility Revenue Capital Loan Note, Series 2015B Catfish Creek Sponsorship: City Manager recommending approval of the Proceedings to Complete Action on issuance of Stormwater Utility Revenue Capital Loan Notes, Series 2015B related to the Catfish Creek Sponsorship. Upon motion the documents were received and filed and Resolution No. 288-17 Amending the original Resolution, approved on June 15, 2015, said Resolution Approving and Authorizing a Loan and Disbursement Agreement with the Iowa Finance Authority and Authorizing and Providing for the Issuance of Stormwater Utility Revenue Capital Loan Notes, Series 2015B, in order to provide for the funding of a sponsored project under the terms of a new Series 2015B Note to be issued in the principal amount of \$30,941,000, which includes approval of a Supplemental Tax Exemption Certificate was adopted.

8. Delinquent Garbage Collection Charges - Housing and Community Development Department: City Manager recommending that the City Council adopt a resolution authorizing the City Clerk to certify garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 289-17 Authorizing the City to collect delinquent garbage collection charges in accordance with Title 6-4-3A; Title 6-4-5A and Title 6-4-5B of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

9. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified List for the Fire Promotional position of Medical Officer and the Certified List for the position of Landfill Foreman. Upon motion the documents were received, filed and made a Matter of Record.

10. Mutual Aid Agreement with Jamestown Fire Department: City Manager recommending City Council approval of a new Mutual Aid Agreement with Jamestown Fire Department of Kieler, Wisconsin. Upon motion the documents were received, filed and approved.

11. Fiscal Year 2017 City Street Financing Report: City Manager recommending adoption of a resolution approving the City of Dubuque's Fiscal Year 2017 City Street Financing Report. Upon motion the documents were received and filed and Resolution No. 290-17 Approving the City of Dubuque Fiscal Year 2017 City Street Financing Report was adopted.

12. Consolidated Annual Performance and Evaluation Report (CAPER): City Manager recommending approval of a resolution authorizing submission to HUD of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period of July 1, 2015 through June 30, 2016. Upon motion the documents were received and filed and Resolution No. 291-17 Authorizing the submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the period commencing July 1, 2015 and concluding June 30, 2016 was adopted.

13. Preliminary Plat of Oakland Ridge Estates: Zoning Advisory Commission recommending approval of the Preliminary Plat of Oakland Ridge Estates subject to waiving the street width for Luna Street, Mackenzie Ridge, Lauren Lane, Alea Lane, Marissa Court, Conner Court and Carriage Court. Upon motion the documents were received, filed and approved.

14. Plat of Survey - Jelinske Place No. 2: Zoning Advisory Commission recommending approval of the Plat of Survey for Jelinske Place No. 2. Upon motion the documents were received and filed and Resolution No. 393-17 Approving the Plat of Survey of Jelinske Place No. 2 in Dubuque County, Iowa was adopted.

15. Plat of Survey - Marquette Hall Revitalization Project: City Manager recommending approval of the Plat of Survey of Lot 34-A of Sanford Subdivision to facilitate the development of the former Sacred Heart School building by Marquette Hall, LLC at 2222 Queen Street. Upon motion the documents were received and filed and Resolution No. 293-17 Approving the Plat of proposed vacated alley between Regent Street and Queen Street in Sanford Subdivision, in the City of Dubuque, Iowa was adopted.

16. Clean Water State Revolving Fund (SRF) Sponsorship Program - Midtown Transfer and Catfish Creek Watershed Pervious Alley Construction Project: City Manager recommending authorization to submit a Clean Water State Revolving Fund Sponsorship Project application to the Iowa Department of Natural Resources to secure funding for the Midtown Transfer and Catfish Creek Watershed Pervious Alley Construction Project. Upon motion the documents were received and filed and Resolution No. 294-17 Authorization to submit a Clean Water SRF Sponsorship Program application to provide funding for the Midtown Transfer and Catfish Creek Watershed Pervious Alley Construction Project was adopted.

17. Public, Educational, and Government (PEG) Capital Grant Expenditure Request: City Manager recommending approval of the Cable TV Commission's request for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for the City of Dubuque to purchase three HD cameras, three camera batteries, protective filters and SD media cards. Upon motion the documents were received, filed and approved.

18. Iowa Finance Authority - Washington Neighborhood/Housing Trust Fund Application: City Manager recommending approval to commit funds from the Greater Downtown Tax Increment Financing Urban Renewal District as budgeted to be used as a match to the Housing Trust Fund Committee's application to the Iowa Finance Authority for a grant from the State Housing Trust Fund. Upon motion the documents were received and filed and Resolution No. 295-17 Approving commitment of matching funds for an application to the Iowa Finance Authority (IFA) for State Housing Trust Funds was adopted.

19. Eagle Point Park Environmental Restoration Project Funding: City Manager recommending adoption of a resolution authorizing submittal of a Clean Water State Revolving Fund (SRF) Sponsorship Project application to the Iowa Department of Natural Resources to secure funding for the Eagle Point Park Environmental Restoration Project. Upon motion the documents were received and filed and Resolution No. 296-17 Authorization to submit a Clean Water SRF Sponsorship Program application to provide funding for the Eagle Point Park Environmental Restoration Project was adopted.

20. Certified Local Government Grant Application for Historic Preservation Commission Scholarships: City Manager recommending Council approval to transmit the Certified Local Government grant application for scholarships to enable at least two Historic Preservation Commission members to attend the 2018 National Alliance of Preservation Commissions Forum to be held in Des Moines Iowa, on July 18-22, 2018.

Upon motion the documents were received and filed and Resolution No. 297-17 Authorizing CLG Grant application to State Historic Preservation Office for Scholarships for Historic Preservation Commissioners to attend National Preservation Conference was adopted.

21. Resource Enhancement and Protection (REAP) Grant for Valentine Park Expansion – Notice of Use Restrictions: City Manager recommending approval of a resolution agreeing to the terms of the Notice of Use Restrictions from the Iowa Department of Natural Resources for the Valentine Park Expansion – Roepsch Property. Upon motion the documents were received and filed and Resolution No. 298-17 Approving the Notice of Use Restrictions related to REAP Grant Agreement #17-R4-ED for Valentine Park Expansion - Roepsch Property was adopted.

22. 2017 Justice Assistance Grant (JAG) Application: City Manager recommending approval to submit the 2017 Justice Assistance Grant (JAG) application. Upon motion the documents were received, filed and approved.

23. Fiscal Year 2017 Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) Improvements Funding: City Manager recommending approval of a resolution authorizing the City of Dubuque to submit an application in partnership with the Iowa Department of Transportation and the Dubuque Metropolitan Area Transportation Study, for a Federal Highway Administration Accelerated Innovation Deployment (AID) demonstration application to assist with funding Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) improvements. Upon motion the documents were received and filed and Resolution No. 299-17 Authorizing the filing of Accelerated Innovation Deployment (AID) Demonstration Application with Federal Highway Administration (FHWA) in partnership with Iowa Department of Transportation (IADOT) and Dubuque Metropolitan Area Transportation Study (DMATS) to assist with the funding of Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) Improvements was adopted.

24. Fiscal Year 2019 Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) Improvements: City Manager recommending adoption of a resolution authorizing the City of Dubuque to submit an application for an Iowa Department of Transportation Traffic Safety Improvement Program (TSIP) grant application to assist with funding Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) Improvements. Upon motion the documents were received and filed and Resolution No. 300-17 Authorizing the filing of a grant application with the Iowa Department of Transportation for Traffic Safety Improvement Program funding for the City of Dubuque to assist with the funding of Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) Improvements was adopted.

25. Hawkeye Area Community Action Program / Continuum of Care Certification of Consistency: City Manager recommending approval to provide Certification of Consistency with the Fiscal Year 2016-2020 Consolidated Plan for Hawkeye Area

Community Action Program so they may submit application for Continuum of Care Funds. Upon motion the documents were received, filed and approved.

26. Continuum of Care "SNAP" Program Renewal Application: City Manager recommending approval of a one year renewal application to the U.S. Department of Housing and Urban Development for the administration of the Continuum of Care Special Needs Assistance Program (SNAP), which provides rental assistance to homeless persons with disabilities. Upon motion the documents were received and filed and Resolution No. 301-17 Authorizing the Mayor to execute an application for the Continuum of Care Grant and authorizing the Director of Housing and Community Development and the City Manager to approve the application was adopted.

27. Heritage Trail Head Parking Lot Improvements Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Heritage Trail Head Parking Lot Project, as completed by Temperley Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 302-17 Accepting the Heritage Trail Head Parking Lot Project and authorizing the payment of the contract amount to the contractor was adopted.

28. Twenty-Fifth Amendment to City Manager Employment Agreement: Submittal of the Twenty-Fifth Amendment to City Manager Employment Agreement. Upon motion the documents were received, filed and approved.

29. Establishing the Compensation of the City Attorney: Council Member Del Toro expressed his concerns over not realizing the payroll savings as indicated in the recent office restructuring. He believed this to be an overcorrection of a salary disparity issue that needed to be addressed and is not a criticism of the job being done in the City Attorney's Office. Motion by Lynch to receive and file the documents and adopt Resolution No. 303-17 Establishing the compensation of the City Attorney. Seconded by Jones. Motion carried 6-1 with Del Toro voting nay.

30. Improvement Contracts / Performance, Payment and Maintenance Bonds: Midwest Concrete, Inc. for 2017 Asphalt Overlay Ramp Project Three; Portzen Construction, Inc. for N. Grandview Avenue/Loras Boulevard. Intersection Improvements Project. Upon motion the documents were received, filed and approved.

31. Signed Contracts: CDB Utility Contractors Short Form Public Improvement Contracts for Windsor Avenue and 22nd Street and the Windsor Avenue and Rhomberg Avenue Intersections Signalization Projects. Upon motion the documents were received and filed.

32. Business License Refund: Request by Brian Konrady for a refund of the liquor license LC0040660 for Fife's, Dubuque located at 1113 Main Street in the amount of \$422.50 due to business being sold. Upon motion the documents were received, filed and approved.

33. Alcohol License Renewals: City Manager recommending approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 304-17 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 7-0.

1. Fiscal Year 2018 First Budget Amendment: City Manager recommending that the first Fiscal Year 2018 Budget Amendment be set for public hearing for September 5, 2017. Upon motion the documents were received and filed and Resolution No. 305-17 Setting the date for the public hearing on Amendment No. 1 to the Fiscal Year 2018 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on September 5, 2017 in the Historic Federal Building.

2. Marquette Hall, LLC Vacating Petition for Alley Between Regent and Queen Streets: City Manager recommending that a public hearing be set for September 5, 2017 to consider a request from Marquette Hall, LLC to vacate a 20-foot wide alley between Regent Street and Queen Street to facilitate development of the former Sacred Heart School property at 2222 Queen Street. Upon motion the documents were received and filed and Resolution No. 306-17 Resolution of Intent to vacate the alley between Regent Street and Queen Street in Sanford Subdivision, to be known as Lot 34A of Sanford Subdivision, in the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on September 5, 2017 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their appointment to the following Boards/Commissions.

1. Airport Commission: Two, 4-year terms through September 14, 2021 (Expiring terms of Brotherton and Even). Applicants: Doug Brotherton, 2823 Hickory Hill; Chris Even, 120 S. Grandview Ave.; Scott Leibfried, 3211 Honeysuckle Ln.; Yahaira Lugo, 1671 Avoca St. Mr. Leibfried spoke in support of his appointment and provided a brief biography.

2. Electrical Code Board: One, 3-year term through May 21, 2020 (Expired term of Pfohl). Applicant: Kevin Pfohl, 1878 Hummingbird Dr. (Qualifies with Electrical Background)

Appointments were made to the following boards/commissions.

3. Arts and Cultural Affairs Advisory Commission: One, 3-year term through June 30, 2019 (Vacant term of Bratcher – Arts Rep). Applicants: Ali Levasseur, 1318 Jackson St. (Qualifies as Art Rep); Amy Ressler, 1505 Fairview Pl. (Qualifies as Art Rep). Additional Applicant: Bibi Burke, 1155 Arrowhead Dr. – (Qualifies as Art Rep). Upon roll-call vote of Levasseur = Connors, Buol, Jones, Resnick; Ressler: -0-; Burke = Lynch, Del Toro, Rios; Ms. Levasseur was appointed to a 3-year term through June 30, 2019 in the Arts Representative category.

4. 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). Motion by Lynch to appoint Mr. Swift to a 3-year term through August 1, 2020 in the Commercial Contractor category. Seconded by Connors. Motion carried 7-0.

5. 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). Motion by Jones to appoint Ms. Jenaman to the remainder of a 3-year term through July 1, 2018 in the at-large category. Seconded by Lynch. Motion carried 7-0.

6. Housing Board of Appeals: One, 3-year term through January 11, 2018 (Vacant term of Schaub). Applicant: Christoffer Lammer-Heindel, 1145 Mt. Pleasant St. Motion by Lynch to appoint Mr. Lammer-Heindel to the remainder of a 3-year term through January 2018.

PUBLIC HEARINGS

1. Bee Branch Healthy Homes, Community Development Block Grant-National Disaster Recovery (CDBG-NDR) Housing Projects Bid Set #1. This item was removed from the agenda at the request of the City Manager.

2. State Revolving Fund (SRF) Loan Notes for Roosevelt Water Tower Planning and Design Project: Proof of publication on notice of public hearing to consider approval of suggested proceedings for the public hearing on the issuance of a not-to-exceed \$475,000 State Revolving Fund (SRF) Planning & Design Loan and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 307-17 Instituting Proceedings to take additional action for the authorization for a Loan and Disbursement Agreement and the issuance of not-to-exceed \$475,000 Water Revenue Capital Loan Notes. Seconded by Connors. Motion carried 7-0.

3. Code of Ordinances Text Amendment - Title 16 Unified Development Code - Allowable signage for Adult Day Care Services and Licensed Child Care Facilities in Residential Districts: Proof of publication on notice of public hearing to consider a request from the Cozy Corner Adult Day Care to amend Title 16 Unified Development Code Section 8 to establish allowable signage for Adult Day Care Services and licensed child care facilities in Residential Districts and the Zoning Advisory Commission recommending

approval. Motion by Lynch 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 Jones. Planning Services Manager Laura Carstens provided a staff report. Applicant Mariko Wilbricht spoke in support of the amendment. Ms. Carstens responded to questions from the City Council concerning community outreach and neighborhood impact. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 38-17 Amending Title 16 of the City of Dubuque Unified Development Code, by amending 16-8-5.10 to permit freestanding signs for licensed adult day care services and licensed child care centers. Seconded by Jones. Motion carried 6-0 with Rios abstaining for conflict of interest with owning a day care facility.

ACTION ITEMS

1. Agreement with Timber Ridge Estates, L.L.C.: City Manager recommending approval of an agreement with Timber Ridge Estates, L.L.C. for the development of residential housing within the Derby Grange Road Housing Urban Renewal Area. Motion by Lynch to receive and file the documents and adopt Resolution No. 308-17 Approving an Agreement between the City of Dubuque, Iowa and Timber Ridge Estates, L.L.C. for the development of property in the Derby Grange Road Housing Urban Renewal Area Economic Development District. Seconded by Connors. Motion carried 7-0.

2. Recommendation to Name the Housing & Community Development Department Conference Room After Ann Michalski: This item was removed from the agenda at the request of the City Manager and will come back to a future agenda.

3. 2017 Asphalt Overlay Access Ramp Project Four Award: City Manager recommending that the award for the 2017 Asphalt Overlay Access Ramp Project Four to Midwest Concrete, Inc., be officially recorded in the minutes of the City Council. Motion by Jones to receive and file and make a Matter of Record. Seconded by Resnick. Motion carried 7-0.

4. Code of Ordinances Amendment - Title 11 Regulations on Nonfranchised Communications Systems in the Public Right-Of-Way: City Manager recommending approval of a revision to the City of Dubuque Code of Ordinances Title 11 Rights-of-Way, Chapter 1 Nonfranchised Communications System. Motion by Lynch to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Connors. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 39-17 Amending City of Dubuque Code of Ordinances Title 11 Rights-of-Way, Chapter 1 Nonfranchised Communications Systems. Seconded by Connors. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 1 Mayor and City Council Salary Compensation (Second Reading): 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 Jones to consider the second 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 Connors. Motion carried 6-1 with Del Toro voting nay.

There being no further business, upon motion the City Council adjourned at 7:48 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 8/30