

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

The Dubuque City Council met in regular session at 6:00 p.m. on October 16, 2017 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Connors, Del Toro (arrived at 6:02 p.m.), Jones, Lynch, Resnick, Rios; City Manager Van Milligen, City Attorney Brumwell (via phone)

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. CNG Truck Display: Prior to the meeting, the Public Works Department had the new Compressed Natural Gas (CNG) 58,000 GVW snow and ice control/street maintenance unit and pickup truck on display along 6th Street.

2. Imagine Dubuque American Planning Association Award: Planning Services Manager Laura Carstens presented the Public Outreach award from the Dubuque Iowa Chapter of the American Planning Association (APA) to the City of Dubuque and Teska Associates, Inc. for the Imagine Dubuque Community Engagement Plan.

3. Dubuque Main Street 2017 Best Public Improvement Award: Dubuque Main Street Executive Director Dan LoBianco presented the agency's 2017 Best Public Improvement Award to the City for the Bee Branch Creek Greenway.

4. American Public Works Association Fall Conference Awards: Civil Engineer Jon Dienst, current president of the Iowa Chapter of the APWA presented the APWA Iowa Chapter's Stan Ring Award to Public Works Director John Klostermann and the APWA Project of the Year Award to the City for the North Grandview Ave./Delhi St./Grace St. Roundabout project.

PROCLAMATION(S)

1. Theisen's Day (October 18, 2017) was accepted by Mayor Buol.

2. Lights on After School Day (October 26, 2017) was accepted by Beth McGorry, St. Mark Youth Enrichment Outreach Coordinator

3. Gentleman Day Proclamation (October 26, 2017) was accepted by Waypoint of Dubuque representatives.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council Proceedings of 10/2, 10/3; Five Flags Civic Center Commission of 9/25; Historic Preservation Commission of 9/21; Library Board of Trustees Council Update #154 of 9/27; Park and Recreation Commission of 9/19; Transit Advisory Board of 9/19; Zoning Advisory Commission of 10/4; Zoning Board of Adjustment of 9/28; Proof of Publication for City Council Proceedings of 9/18; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 8/31. Upon motion, the documents were received and filed.

2. Notice of Claims and Suits: Shirley Bolds for personal injury, Kevin Chapman for vehicle damage, Jennifer Griner for vehicle damage, Bruce Krolick for vehicle damage, Clarella Lange for property damage, Stephanie Mihalakis 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: Shirley Bonds for personal injury, Kevin Chapman for vehicle damage, Michael Elliott for property damage, Jennifer Griner for vehicle damage, Bruce Krolick for vehicle damage, Clarella Lange for property damage, Stephanie Mihalakis for vehicle damage, Aaron and Ashley Skrocki for property damage. Upon motion the documents were received, filed, and concurred.

4. Four Mounds Public Information Brochure: City Manager transmitting the Four Mounds public information brochure. Upon motion, the document was received and filed.

5. Authorized Depository Institutions: City Manager recommended approval of a resolution increasing the maximum authorized balance at DuTrac Community Credit Union. Upon motion, the documents were received and filed and Resolution No. 339-17 Naming Depositories was adopted.

6. Consent Decree Semi Annual Report - September 30, 2017: City Manager transmitting the September 30, 2017 Semi Annual Consent Decree Report that has been submitted to the United States Environmental Protection Agency as required by the Consent Decree. Upon motion, the document was received and filed.

7. Compromised Workers' Compensation Settlement - Alan Vondran: City Attorney Crenna Brumwell recommended approval of a Compromised Settlement Agreement regarding a Workers' Compensation claim filed by Alan Vondran. Upon motion the documents were received, filed and approved.

8. Forestry Technician Classification: City Manager requesting that the vacant Maintenance Worker position in the Forestry activity of the Leisure Services Department be reclassified as a Forestry Technician to better meet the needs of the department. Upon motion the documents were received, filed and approved.

9. Pre-Annexation Agreement – McAllister: City Manager recommended approval of a Pre-Annexation Agreement with Patrick T. and Bonnie J. McAllister, property owners of Lot 14 in Twin Ridge Subdivision No. 5. Upon motion, the documents were received and filed and Resolution No. 340-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Patrick T. and Bonnie J. McAllister was adopted.

10. Pre-Annexation Agreement – Quade: City Manager recommended approval of a Pre-Annexation Agreement with Mark W. Quade and E. M. Quade Company, LLC., for the subject property (between Swiss Valley Road and U.S. Hwy 151 known formerly as Fulmer Road and in conjunction with approval of the Plat of Survey of Waldbillig Farm, Dubuque County). Upon motion, the documents were received and filed and Resolution No. 341-17 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Mark W. Quade and E. M. Quade Company, LLC, an Iowa Limited Liability Company was adopted.

11. Site Plan for Dagmar Industries, LLC - Cedar Lake Plaza Planned Unit Development (PUD): The Zoning Advisory Commission recommended approval of the site plan for Dagmar Industries, LLC in Cedar Lake Plaza PUD on Lake Ridge Drive. Upon motion the documents were received, filed and approved.

12. Creek Wood Park - Acceptance of Deed for Park Lot 12 in Timber-Hyrst Estates: City Manager recommended acceptance of property from North Cascade Road Developers, LLC for Creek Wood Park. Upon motion, the documents were received and filed and Resolution No. 342-17 Accepting the Deed to certain real estate in Dubuque County, Iowa from North Cascade Road Developers, LLC was adopted.

13. Grant of Easement for Sanitary Sewer Utility across Blue Sky, Inc. in Asbury Plaza: City Manager recommended acceptance of a Grant of Easement for Sanitary Sewer Utility across Blue Sky, Inc. property at Lot 2 of Asbury Plaza No. 16, as part of the Derby Grange Sanitary Sewer Extension Project. Upon motion, the documents were received and filed and Resolution No. 343-17 Accepting a Grant of Easement for Sanitary Sewer Utility through, over and across part of Lot 2 of Asbury Plaza No. 16, City of Dubuque, Iowa was adopted.

14. Kerper Blvd. Fiber Project - Elm Street to 16th Street - Project Award: City Manager recommended that the public improvement contract award for the Kerper Boulevard Fiber Project – Elm Street to 16th Street, to Utility Service Contractors be officially recorded in the minutes of the City Council. Upon motion the document was received, filed and made a Matter of Record.

15. Jackson Park Street Lighting Project Acceptance: City Manager recommended acceptance of the public improvement construction contract for the Jackson Park Street Lighting Project as completed by Hawkeye Electric. Upon motion, the documents were received and filed and Resolution No. 344-17 Accepting the Jackson Park Street Lighting Project and authorizing the payment of the contract amount to the contractor was adopted.

16. Hwy 20 Conduit - Wacker Drive to Hill Street Project Acceptance: City Manager recommended acceptance of the public improvement construction contract for the Hwy 20 Conduit – Wacker Drive to Hill Street Project, as completed by Volkens, Inc. Upon motion, the documents were received and filed and Resolution No. 345-17 Accepting the Highway 20 Conduit - Wacker Drive to Hill Street Project and authorizing the payment of the contract amount to the contractor was adopted.

17. Carnegie-Stout Public Library Maker Space Project Acceptance: City Manager recommended acceptance of the construction contract for the Carnegie-Stout Public Library Maker Space Project, as completed by Tricon General Construction, Inc. Upon motion, the documents were received and filed and Resolution No. 346-17 Accepting the Carnegie-Stout Public Library Maker Space Project and authorizing the payment to the contractor was adopted.

18. Alternative Services Concepts (ASC) Renewal Rates for Workers' Compensation Claims Administration: City Manager recommended City Council approval of the renewal rates from Alternative Services Concepts for services related to the administration of the City's Workers' Compensation Program effective October 1, 2017 through September 30, 2018. Upon motion the documents were received, filed and approved.

19. Cottingham & Butler Insurance Services Agreement for Employer Mandate Reporting Services: City Manager recommending approval of an agreement with Cottingham & Butler Insurance Services to prepare and file the required Internal Revenue Service forms 1094-C and 1095-C on behalf of the City in accordance with the Patient Protection and Affordable Care Act. Upon motion the documents were received, filed and approved.

20. Proposed Master Co-Location and Shared Services Agreement Between the City of Dubuque, Iowa and ImOn Communications, LLC: City Manager recommended approval of a Master Co-Location and Shared Services Agreement and Project Statement: Sharing Agreement #1 between ImOn Communications, LLC and the City of Dubuque. Upon motion the documents were received, filed and approved.

21. Mediacom Communications Corporation: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Corporation advising the City of program changes on or about October 23, 2017. Upon motion, the document was received and filed.

22. Signed Contracts: Hillcrest Family Services agreement for use of Murphy Park 2017-2018 event. Upon motion, the document was received and filed.

23. Alcohol License Applications: City Manager recommended approval of annual beer, liquor and wine licenses as submitted. Upon motion, the documents were received and filed and Resolution No. 347-17 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

Appointments were made to the following Boards/Commissions.

1. Housing Commission: One, 3-year term through August 17, 2020 (Expired term of Eudaley) Applicant: Amy Eudaley, 950 Wood St. Motion by Connors to appoint Amy Eudaley to a 3-year term through July 1, 2020. Seconded by Resnick. Motion carried 7-0.

2. Human Rights Commission: One, 3-year term through January 1, 2018 (Vacant term of Templeton Vaughn); and one, 3-year term through January 1, 2019 (Vacant term of Dita Meyer) Applicants: Nicole Borovic, 3163 Hillcrest Rd.; Gerald Hammel, Jr., 1225 ½ Rhomberg Ave.; Ashley Melchert, 1265 Thomas Pl. Upon roll-call vote: Hammel, Jr. = 7 (Rios, Jones, Del Toro, Connors, Resnick, Lynch, Buol); Borovic = 5 (Jones, Del Toro, Resnick, Lynch, Buol); and Melchert = 2 (Rios, Connors), Mayor Buol stated that Gerald Hammel, Jr. would be appointed to the 3-year term through January 1, 2019; and Nicole Borovic would be appointed to the 3-year term through January 1, 2018.

PUBLIC HEARINGS

1. South Pointe Planned Unit Development (PUD) Amendment: Proof of publication on notice of public hearing to consider approval of a request from Dubuque South Pointe, LLC to amend the South Pointe Planned Unit Development (PUD) for South Pointe Subdivision on Rockdale Road to allow additional, two-unit dwelling building lots and the Zoning Advisory Commission recommended 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. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 43-17 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by rescinding Ordinance 14-16 which provides regulations for the South Pointe PUD Planned Unit Development District with a Planned Residential Designation and now being amended to re-designate 19 building lots along South Pointe Drive and Long Hollow Drive from Single-Family Detached Dwellings to Townhouse Dwellings Seconded by Connors. Motion carried 7-0.

ACTION ITEMS

1. Arts and Cultural Master Plan Community Enactment Strategy: Arts and Cultural Affairs Advisory Commission recommended adoption of the Arts and Cultural Affairs Master Plan Community Enactment Strategy. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Lynch. Arts and Cultural Affairs Coordinator Debra Alleyne and Arts and Cultural Affairs Advisory Commission Member David Schmitz provided a slide presentation of the plan and responded to questions from the City Council about the 1% budget request by stating such policy decision would come to the City Council as a separate item for discussion and approval. Motion carried 4-3 with Rios, Del Toro and Resnick voting Nay.

2. Five Flags LED Marquee Sign Replacement: City Manager recommended approval to replace the Five Flags Civic Center Marquee sign. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones presented a flag signed by all participants of the Fireball Run special event that occurred on September 25, 2017 and requested that the flag be given to the Dubuque Convention and Visitors Bureau / Travel Dubuque.

There being no further business, upon motion the City Council adjourned at 6:55 p.m.

/s/Trish L. Gleason, CMC
Assistant City Clerk

1t 10/20