

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

The Dubuque City Council met in regular session at 6:00 p.m. on November 6, 2017 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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. International City/County Management Association (ICMA) Fellowship Exchange. Assistant City Manager Cori Burbach introduced ICMA Fellows Mr. Darren Tan of Singapore and Mr. Chankakada (Kakada) Chhoeum of Cambodia. Each gentleman provided a brief biography and thanked the City Council.

2. Bee Branch Floodplain and Stormwater Management Association Award: Project Engineer Steve Brown presented the 2017 Project of the Year Award from the Iowa Floodplain and Stormwater Management Association for the Upper Bee Branch Creek Restoration Project.

**PROCLAMATION(S)**

1. Philanthropy Day (November 15, 2017) was accepted by Shirley Brown of the Association of Fundraising Professionals Tri-State Chapter.

2. Pancreatic Cancer Awareness Day (November 16, 2017) was accepted by Diane Oglesby Rambousek, President of the Michael W. Oglesby Foundation.

3. Israeli Music and Culture Week (November 6-10, 2017) was accepted by Mayor Buol on behalf of the University of Dubuque.

4. Hospice Month (November 2017) was accepted by Hospice of Dubuque Executive Director LaVonne Noel.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Council Member Connors requested #17 Bloomberg Mayors Challenge Application be held for separate discussion. Council

Member Del Toro requested #24 Tiger IX Grant Application be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Minutes of 10/12, 10/16; Civil Service Commission of 10/10, Historic Preservation Commission of 10/19; Human Rights of 9/11, 9/25; Library Board of Trustees of 8/24; Park and Recreation Commission of 10/10; Transit Advisory Board of 10/12; Zoning Board of Adjustment of 10/26; Proofs of Publication for City Council Proceedings of 10/2, 10/3, 10/12, 10/16; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 9/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Renee Furlong for property damage, Brett Kilburg d/b/a Dubuque Dental for property damage, Deanne Lindecker for vehicle damage, Chris Loewenberg for vehicle damage, Martina Swain for vehicle damage, Frank Vans Evers 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: Renee Furlong for property damage, Brett Kilburg d/b/a Dubuque Dental for property damage, Deanne Lindecker for vehicle damage, Chris Loewenberg for vehicle damage, Martina Swain for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Government Finance Officers Association Distinguished Budget Award: Correspondence from the Government Finance Officers Association (GFOA) presenting the City with the Distinguished Budget Presentation Award for Fiscal Year 2016-2017 and recognizing Budget Director Jennifer Larson as being the individual primarily responsible for having achieved the award. Upon motion the documents were received and filed.

5. International City/County Management Association (ICMA) Community Sustainability Award for Bee Branch Watershed Flood Mitigation Project: City Manager transmitting information from the International City/County Management Association (PM Magazine) awarding the City its Community Sustainability Award for the Bee Branch Watershed Flood Mitigation Project. Upon motion the documents were received and filed.

6. Eagle Point Park Resource Enhancement and Protection (REAP) Grant Award: City Manager transmitting information about the City's receipt of a \$200,000 Fiscal Year 2018 Resource Enhancement and Protection (REAP) grant award from the Iowa Department of Natural Resources for Phase 2 implementation of the Eagle Point Park Environmental Restoration Management Plan. Upon motion the documents were received and filed.

7. Landfill Expansion Project - Cell 9 Phase III: City Manager transmitting the Fall 2017 Landfill Expansion Project (Cell 9 Phase III) public information brochure from the Dubuque Metropolitan Area Solid Waste Agency (DMASWA). Upon motion the document was received and filed.

8. Bee Branch Watershed Mitigation Project Receives Iowa Ready Mixed Concrete Association's Excellence in Concrete Awards: Correspondence from the Iowa Ready Mixed Concrete Association (IRMCA) informing the City that it is awarding its Excellence in Concrete awards in the categories of Public Works-Recreational, Recreational Trails, and Sustainable Practices to the Bee Branch Watershed Mitigation Project. Upon motion the documents were received and filed.

9. Authorization to File and Release Property Liens for Lead Hazard Control and Healthy Homes Grant: City Manager recommending authorization for the City Manager or the City Manager's Designee to file and release liens on properties that are participating in the Lead Hazard Control and Healthy Homes Program. Upon motion the documents were received and filed and Resolution No. 348-17 Resolution of the City of Dubuque approving an authorization of the City Manager or the City Manager's designee to file and release liens on properties participating in the Lead Hazard Control and Healthy Homes Grant was adopted.

10. Authorization to File and Release Property Liens for Community Development Block Grant, National Disaster Resilience (CDBG-NDR) Grant: City Manager recommending authorization for the City Manager or the City Manager's Designee to sign forgivable loan documents for the Community Development Block Grant National Disaster Resilience Grant, locally known as the Bee Branch Healthy Homes program. Upon motion the documents were received and filed and Resolution No. 349-17 Resolution of the City of Dubuque approving an authorization of the City Manager or the City Manager's designee to file and release liens on properties participating in the Community Development Block Grant, National Disaster Resilience (CDBG-NDR) Grant was adopted.

11. Five Flags Theater Masonry Rehabilitation Project Acceptance: City Manager recommending acceptance of the construction contract for the Five Flags Theater Masonry Rehabilitation Project as completed by Hydro-Tech Inc. Upon motion the documents were received and filed and Resolution No. 350-17 Accepting the Five Flags Theater Masonry Rehabilitation and authorizing the payment of the contract amount to the contractor was adopted.

12. NW Arterial Hike/Bike Trail Phase 5 Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Iowa 32 Hike-Bike Trail – Phase 5 Project, as completed by Drew Cook & Sons Excavating Co., Inc. Upon motion the documents were received and filed and Resolution No. 351-17 Accepting the Iowa 32 Hike/Bike Trail Phase 5 Project and authorizing the payment of the contract amount to the contractor was adopted.

13. Appeal of Claim by Jessica West: Correspondence from Jessica West appealing denial of her claim for tree damage to her vehicle on July 29, 2017 in Eagle Point Park. Upon motion the documents were received, filed, and referred to the City Attorney.

14. Avoca Street Storm Sewer Improvements Project Award: City Manager recommending that the award for the Avoca Street Storm Sewer Improvements Project

to Dave Schmitt Construction 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.

15. John F. Kennedy Road Ditch Improvements Project Acceptance: City Manager recommending that the award for the John F. Kennedy Road Ditch Improvement Project to Temperley Excavating, Inc. be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

16. 2019 Iowa DOT ICAAP Application for STREETS Improvements - Rescinding Resolution and Resubmittal: City Manager recommending adoption of a resolution rescinding resolution 327-17, which authorized filing the application for Iowa Department of Transportation Iowa Clean Air Attainment Program (ICAAP), and resubmit to clarify in the grant application the City's commitment to match local funding and the City's responsibility for maintaining and operating the project for public use during the project's useful life. Upon motion the documents were received and filed and Resolution No. 352-17 Rescinding the approval of the authorizing of filing an Iowa Clean Air Attainment Program application with the Iowa Department of Transportation (IADOT) in partnership with 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.

17. Bloomberg Mayors Challenge Application: City Manager recommending approval of a Phase I Application to the Bloomberg Mayors Challenge. Motion by Connors to receive and file the document and approve the recommendation. Seconded by Resnick. Assistant City Manager Cori Burbach responded to questions from the City Council about how the child care electronic app noted in the grant application could work, responsibility for on-going maintenance of the app, the amounts of the grant dollars for required design and pilot phases, stakeholder outreach, and external database control. Ms. Burbach added that the City will continue to pursue the project even if it isn't selected for the grant. Motion carried 7-0.

18. Cottingham & Butler Application to IEDA for Business Assistance: City Manager recommending approval of a resolution authorizing the submission of an Iowa Economic Development Assistance Application by Cottingham & Butler, Inc. to the Iowa Economic Development Authority. Upon motion the documents were received and filed and Resolution No. 353-17 Authorizing the filing of an application for State Business Financial Assistance on behalf of Cottingham & Butler, Inc. was adopted.

19. Civil Service Commission - Certified Lists: Civil Service Commission submitting the certified lists for the positions of Firefighter, Sanitation Driver, Equipment Operator I and Equipment Operator II. Upon motion the documents were received, filed and made a Matter of Record.

20. Abstract of Votes: City Clerk transmitting the Abstract of Votes for the October 10, 2017 Primary Election as certified by the County Auditor. Upon motion the documents were received and filed.

21. Wellmark Blue Cross and Blue Shield of Iowa - Revised Administrative Services Agreement: City Manager recommending approval of a revised Administrative Services Agreement with Wellmark Blue Cross and Blue Shield of Iowa to include a reference to Insurance Schedule J, which specifies the City's insurance requirements for professional services. Upon motion the documents were received, filed and approved.

22. Winger Release of Claim in Estate: City Manager recommending approval of a release of claim in the Estate/Conservatorship of Gerald J. Winger, Sr. Upon motion the documents were received, filed and approved.

23. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of its filing of a Notice of Renewal with the Iowa Utilities Board for continuing service in Dubuque. Upon motion the document was received and filed.

24. Tiger IX Grant Application: City Manager recommending approval of the City of Dubuque's Tiger IX Application submitted to the U.S. Department of Transportation. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Jones. Responding to questions from the City Council, City Manager Van Milligen, Assistant City Manager Teri Goodmann, and Assistant City Engineer Bob Schiesl explained how the grant requirements for a project being "shovel ready" along with City Council goals made the 16<sup>th</sup> St./Kerper Blvd./Schmitt Island traffic area a priority opportunity for the grant adding that the annual recurrence of the grant is uncertain. Motion carried 7-0.

25. Funding Agreement with the City of Asbury for the Pennsylvania Avenue / Middle Road Culvert Replacement: City Manager recommending authorization for the Mayor to execute a Funding Agreement with the City of Asbury for the Pennsylvania Avenue /Middle Road Culvert Replacement Project. Upon motion the documents were received and filed and Resolution No. 354-17 Approving a Funding Agreement with the City of Asbury for the Pennsylvania Avenue / Middle Road Culvert Replacement Project was adopted.

26. SW Arterial East Grading Phase 2 Iowa Department of Transportation (IDOT) Cooperative Agreement: City Manager recommending Council authorization for the Mayor to execute the Iowa Department of Transportation Cooperative Agreement for the Southwest Arterial-East Grading Project from Catfish Creek to Military Road. Upon motion the documents were received and filed and Resolution No. 355-17 Approving the Cooperative Agreement (Agreement No. 2018-16-068) between the City of Dubuque and Iowa Department of Transportation for the Southwest Arterial - East Grading Project from Catfish Creek to Military Road was adopted.

27. SW Arterial / US 20 Interchange Overpass Bridge Iowa Department of Transportation (IDOT) Funding Agreement: City Manager recommending authorization for the Mayor to execute the Iowa Department of Transportation Preconstruction Funding Agreement for the relocation of utilities associated with the Southwest Arterial Interchange – US 20 Mainline Dual Bridges Project. Upon motion the documents were received and filed and Resolution No. 356-17 Approving the preconstruction Funding

Agreement (Agreement No. 2018-12-066) between the City of Dubuque and Iowa Department of Transportation for the Southwest Arterial Interchange - US20 Mainline Dual Bridges Project was adopted.

28. Master Co-Location and Shared Services Agreement Between the City of Dubuque, Iowa and Unite Private Networks, LLC: City Manager recommending approval of a Master Co-Location and Shared Services Agreement between the City of Dubuque, Iowa and Unite Private Networks, LLC for improving fiber capacity in the Kerper Blvd., Rhomberg Ave. and Hawthorne Ave. areas. Upon motion the documents were received, filed and approved.

29. Community Housing Initiatives (CHI) - Agreement Amendment: City Manager recommending approval of an Amended Agreement between Community Housing Initiatives and the City of Dubuque's Housing and Community Development Department to move up the funding schedule to the Community Housing Initiatives. Upon motion the documents were received and filed and Resolution No. 357-17 Approving the First Amendment to the Agreement between the City of Dubuque, Iowa and the Community Housing Initiatives was adopted.

30. Grant of Easement for Water Main Utility- 13715 Barrington Lakes Drive: City Manager recommending acceptance of the Grant of Easement for Water Main Utility from Kristine and Randy Nauman across part of Lot 9 of Barrington Lakes No. 3 in Dubuque County, as part of the Westside Water System Improvements 2017: Contract C Hwy 20 Water Main Extension. Upon motion the documents were received and filed and Resolution No. 358-17 Accepting a Grant of Easement for Water Main Utility through, over and across Part of Lot 9 of Barrington Lakes No. 3, Dubuque County, Iowa was adopted.

31. Cohen-Esrey Request for Urban Revitalization Designation for former Holy Ghost School: City Manager recommending approval of a Resolution supporting the Low-Income Housing Tax Credit program application to be submitted to the Iowa Economic Development Authority by Cohen-Esrey for the redevelopment of the former Holy Ghost School and Convent into affordable housing. Upon motion the documents were received and filed and Resolution No. 359-17 Supporting Cohen-Esrey application for low-income housing tax credit for Central Avenue historic residences was adopted.

32. Request for Proposals - Roosevelt Street Water Tower Project: City Manager recommending authorization for staff to solicit proposals from professional engineering firms to assist the City in development of the preliminary engineering report, intended use plan application, archeological and environmental assessments, and the self-assessment Iowa Water System Viability documents, in support of obtaining the necessary funding for the Roosevelt Street Water Tower Project. Upon motion the documents were received, filed and approved.

33. Improvement Contracts / Performance, Payment and Maintenance Bonds: Dave Schmitt Construction, Inc. for the Avoca Street Storm Sewer Extension Project. Upon motion the documents were received, filed and approved.

34. Signed Contracts: Dubuque Initiatives Agreement for 2017-2018. Upon motion the documents were received and filed.

35. 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. 360-17 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 Connors. Motion carried 7-0.

1. Derby Grange Road Sanitary Sewer Extension Project Initiation: City Manager recommending initiation of the public bidding procedure for the Derby Grange Sanitary Sewer Extension Project, and further recommends that a public hearing be set for November 20, 2017. Upon motion the documents were received and filed and Resolution No. 361-17 Preliminary approval of plans, specifications, form of contract and estimated cost; setting date of public hearing on plans, specifications, 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 November 20, 2017 in the Historic Federal Building.

2. Peru Road Urban Renewal District - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity that finds that the proposed Peru Road Urban Renewal Area is a blighted area and that the area is appropriate for an urban renewal project; directs the City Manager to prepare a proposed Urban Renewal Plan for the Peru Road Urban Renewal Area; and sets a public hearing on the proposed plan for December 4, 2017. Upon motion the documents were received and filed and Resolution No. 362-17 Resolution of Necessity finding that certain property near 32nd and Jackson Streets is an Urban Renewal Area, meets the definition of a Blighted Area under the Urban Renewal Law, and that development of said area is necessary in the interest of the residents of the City of Dubuque, Iowa, authorizing and directing the City Manager to prepare an Urban Renewal Plan for the Peru Road Urban Renewal Area, and setting dates of hearing and consultation on a proposed Urban Renewal Plan for said Area was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on December 4, 2017 in the Historic Federal Building.

3. Greater Downtown Urban Renewal District - Resolution of Necessity: City Manager recommending approval of a Resolution authorizing and directing the City Manager to prepare a proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District and sets a public hearing on the proposed Amended and Restated Urban Renewal Plan for December 4, 2017. Upon motion the documents were received and filed and Resolution No. 363-17 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan for the Greater

Downtown Urban Renewal District, And Setting dates of hearing and consultation on a proposed Amended and Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on December 4, 2017 in the Historic Federal Building

### **ACTION ITEMS**

1. Request to Schedule Work Session on Inclusive Dubuque: City Manager recommending that the City Council set the quarterly Inclusive Dubuque Work Session for November 27, 2017 at 6:00 p.m. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 7-0.

2. Southwest Arterial Construction Update Video: Cable TV Division showed a video of the recent progress of the Southwest Arterial Project. Motion by Lynch to receive and file the information. Seconded by Resnick. Responding to questions from the City Council following the video, Assistant City Engineer Bob Schiesl stated that while some construction will take place through the winter months, most has been demobilized by the contractors. He added that certain project bids will be let through the winter in preparation of the spring construction season. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Mayor Buol welcomed several Boy Scouts of Troop #69.

Council Member Resnick reported on the assistance Greater Dubuque Development Corp./True North Program, the City of Dubuque and citizens are providing the Corner Grill as they work through issues created by the Bee Branch Creek construction in the area Elm and 16<sup>th</sup> Streets. Mr. Resnick reminded everyone of Election Day, November 7, 2017.

There being no further business, upon motion the City Council adjourned at 7:08 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 11/15