

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

The Dubuque City Council met in regular session at 6:00 p.m. on December 4, 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**

**PROCLAMATION(S)**

1. Eradication of Generational Poverty Day (December 7, 2017) was accepted by Fountain of Youth Program President Caprice Jones, 1199 Main St.; Treasurer R.R.S. Stewart; and Board Member/Formal V.P. Terry Stewart.

**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 11/20, 11/27; Civil Service Commission of 11/21; Library Board of Trustees Council Update #165 of 11/16; Sister City Relationships Advisory Commission of 11/15; Transit Advisory Board of 11/14; Proof of Publication for City Council Proceedings of 11/6; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 10/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Rob Donovan on behalf of Donovan Properties, LLC for property damage, Ramona Fraction 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: Donovan Properties, LLC for property damage; and Ramona Fraction for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Iowa Economic Development Authority (IEDA) Site Certification: City Manager transmitting information on the Iowa Economic Development Authority announcement that a "development-ready" site in Dubuque's Industrial Center West is the latest industrial

site to achieve certification through the Iowa Certified Sites Program. Upon motion the documents were received and filed.

5. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Assistant Chief of Police and Police Corporal. Upon motion the documents were received, filed and made a Matter of Record.

6. Westside Water System Improvements - Water Meter Replacement Project Re-Authorization for Solicitation of Cost Proposals: City Manager recommending re-authorization to solicit cost proposals for the Westside Water System Improvements - Water Meter Replacement Project 2018. Upon motion the documents were received, filed and approved.

7. Boards and Commission Application Amendment: City Manager recommending approval of a revised application for the Boards and Commissions program that includes a page for tracking demographics information. Upon motion the documents were received, filed and approved.

8. Ham House Masonry Rehabilitation Project Acceptance: City Manager recommending acceptance of the construction contract for the Ham House Masonry Rehabilitation Project, as completed by Evans-Mason, Inc. Upon motion the documents were received and filed and Resolution No. 376-17 Accepting the Ham House Masonry Rehabilitation and authorizing the payment of the contract amount to the contractor was adopted.

9. East Central Intergovernmental Agency (ECIA) Fiscal Year 2017 Annual Report: City Manager transmitting the Fiscal Year 2017 Annual Report from the East Central Intergovernmental Agency (ECIA). Upon motion the document was received and filed.

10. Abstract of Votes - 2017 General Election: City Clerk transmitting the Abstract of Votes for the November 7, 2017 General Election as certified by the Dubuque County Auditor. Upon motion the document was received and filed.

11. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of rate adjustments being implemented on or about January 1, 2018. Upon motion the document was received and filed.

12. 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. 377-17 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 Resnick. Motion carried 7-0.

1. Vacation of Plat of Survey of Hurst Addition (Lots 1 & 2): City Manager recommending that the City Council set a public hearing for December 18, 2017 to vacate the Plat of Survey for Lot 1 and Lot 2 of Hurst Addition. Upon motion the documents were received and filed and Resolution No. 378-17 Resolution of Intent to vacate Plat of Lot 1 and Lot 2 of Hurst Addition, in the City of Dubuque, Iowa comprised of Lot 31 through Lot 36 of O'Neill's Addition in the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on December 18, 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/Commissions. Applicant appointments will be made at the next City Council meeting.

1. Community Development Advisory Commission: One, 3-year term through February 15, 2020 (Vacant Low- to Moderate-Income term of Blok). Applicant: Gerald Hammel Jr., 1225 ½ Rhomberg Ave. (Qualifies for Low- to Moderate-Income).

2. Historic Preservation Commission: One, 3-year term through July 1, 2018 (Vacant At-Large term of Terry). Applicant: Kayla Morrison, 2175 Clarke Dr. (Qualifies as At-Large).

3. Housing Board of Appeals: One, 3-year term through January 11, 2021 (Expiring term of Gotz). Applicant: Mary Gotz, 1844 Bennett St.

4. Human Rights Commission: Three, 3-year terms through January 1, 2021 (Expiring terms of Allen, Davis, Borovic). Applicants: Anthony Allen, Address verified within corporate city limits; Nicole Borovic, 3163 Hillcrest Rd.; Frederick Davis Jr., 176 Alpine St. #5; Ashley Melchert, 1265 Thomas Pl. Ms. Borovic spoke in support of her appointment and provided a brief biography.

5. Mediacom Charitable Foundation: One, 1-year term through December 31, 2018 (Expiring term of Chavenelle). Applicant: Gail Chavenelle, 1155 Kelly Ln.

### **PUBLIC HEARINGS**

1. Request to Rezone 3900 Block of Inwood Avenue (Tabled from November 20, 2017 Meeting.): Proof of Publication for notice of public hearing to consider a request from Brandon Merrick to rezone the 3900 block of Inwood Avenue from R-1 Single-Family Residential to R-2 Two-Family Residential Zoning District and the Zoning Advisory Commission recommending approval.

Motion by Jones to removed from the table. Seconded by Connors. Motion carried 7-0.

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. Motion carried 7-0.

Planning Services Manager Laura Carstens provided a staff report. Ms. Carstens and Zoning Advisory Commission Chairperson Tom Henschel responded to questions from the City Council about history of the use of R1 and R2 zoning stating that it relates to the level of density desired by the Council and confirmed that the rezoning can only apply to the area requested by the applicant. Developer/applicant Brandon Merrick responded to questions from the City Council relating to the compelling reason for the zoning change, and stated that he's developing the property because of a strong market demand for townhomes, that he will sell the units and not rent, and that the project is for 2 side-by-side units and not 4 homes. Oakley Bandy, 3841 Inwood; Robert Vandermeulen, 3940 Oneida, Ron Kuhl 3994 Oneida; and Kelly Hingtgen, 3461 Foothill, on behalf of her father who owns property in the noted area, all spoke in opposition to the request citing increased building density and vehicles, substandard gravel streets without curb and gutter, stormwater drainage, and opposition to potential rental of the property as problematic with the proposed development. The City Council discussed the level of density being neutral with side-by-side units compared to single-family structures, stormwater runoff being addressed through the permit process, and the capacity for any area property owners to rent. Council Member Connors specifically requested that, should the rezoning pass, the property owners welcome the newcomers to the neighborhood.

Motion by Jones for final consideration and passage of Ordinance No. 44-17 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at the end of Inwood Avenue from R-1 Single-Family Residential District to R-2 Two-Family Residential District. Seconded by Connors. Motion carried 7-0.

2. Metx, LLC Development Agreement and Intent to Dispose of Property at and Adjacent to 1690 Elm Street: Proof of publication on notice of public hearing to consider approval of the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the disposition of City owned real estate relating to a previously approved Development Agreement with Metx, LLC, and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 379-17 Approving the issuance of Urban Renewal Tax Increment Revenue Obligations and the disposition of City-owned real estate pursuant to the Development Agreement between the City of Dubuque, Iowa and Metx, LLC. Seconded by Lynch. Responding to questions from the City Council about the City's investment in Crescent Community Health Center, City Manager Van Milligen stated that the CCHC has outgrown its current space and that the new space will allow the Center to combine into one space and expand services, adding that while the City provided support for development of the current building where the Center is housed, the City still owns a portion of that parking lot and disposition of the lot will have to be worked out. Motion carried 7-0.

3. SS Event Center, LLC (aka Steeple Square) Development Agreement - 101 E. 15th Street: Proof of publication on notice of public hearing to consider approval the proposed issuance of Urban Renewal Tax Increment Revenue Obligations relating to a previously approved Development Agreement with SS Event Center, LLC, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 380-17 Approving the issuance of Urban Renewal Tax Increment Revenue Obligations relating to a previously approved Development Agreement with SS Event Center, LLC. Seconded by Resnick. Motion carried 7-0.

4. Greater Downtown Urban Renewal District Amendment: Proof of publication on notice of public hearing to consider approval of a proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 381-17 Approving the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Connors. Motion carried 7-0.

5. Peru Road Urban Renewal District - Resolution of Adoption: Proof of publication on notice of public hearing to consider approval of a proposed Urban Renewal Plan for the Peru Road Urban Renewal Area and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 382-17 Approving the Urban Renewal Plan for the Peru Road Urban Renewal Area. Seconded by Lynch. Motion carried 7-0.

## **PUBLIC INPUT**

Tom Hoelscher, 780 Angella St., addressed the City Council about the amendment to the City's noise ordinance discussed at the November 20 City Council meeting suggesting that there should first be a dialogue between the neighbors and the educational institutions creating the music/noise issue with a possible one-year period to gain an accurate picture of the issue. Mr. Hoelscher added that it's usually the practice events that are the source of the undesirable noise and not the events themselves, Loras College has made a difference by working with its students, and that perhaps a committee could be formed to review the issue.

## **ACTION ITEMS**

1. Derby Grange Sanitary Sewer Project Award: City Manager recommending award of the Derby Grange Sanitary Sewer Project construction contract to the low bidder Connolly Construction, Inc. Motion by Lynch to receive and file the documents and adopt Resolution No. 383-17 Awarding Public Improvement Contract for the Derby Grange Sanitary Sewer Extension Project. Seconded by Connors. Motion carried 7-0.

2. Peru Road Urban Renewal Area - Tax Increment Financing District Ordinance: City Manager recommending adoption of an ordinance approving the Tax Increment Financing District for the Peru Road Urban Renewal Area created primarily for economic

development (commercial and industrial) and blight mitigation and redevelopment of the soon-to-be-vacated Flexsteel manufacturing facility. Motion by Resnick 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 Resnick for final consideration and passage of Ordinance No. 45-17 Providing that general property taxes levied and collected each year on all property located within the Peru Road Urban Renewal Area of the City of Dubuque, County of Dubuque, State of Iowa, by and for the benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and other Taxing Districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said City in connection with the Urban Renewal Plan for the Peru Road Urban Renewal Area. Seconded by Connors. Motion carried 7-0.

3. Southwest Arterial Construction Year in Review Video: Cable TV Division presented a video of the Southwest Arterial Project construction year in review. Motion by Connors to receive and file the information. Seconded by Resnick. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Mayor Buol recognized Boy Scouts from Troop #94 who were in attendance.

There being no further business, upon motion the City Council adjourned at 7:16 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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