

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

The Dubuque City Council met in regular session at 6:00 p.m. on December 18, 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. Human Slavery and Human Trafficking Prevention Month (January 2018) and Human Trafficking Awareness Day (January 11, 2018) was accepted by Sr. Mary Lechtenburg OSF and Sr. Joy Peterson PVB of the Tri-State Coalition Against Human Trafficking.

**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: Cable TV Commission of 12/6; City Council Proceedings of 12/4; Dubuque County Emergency Management Commission of 8/1/17; Five Flags Civic Center Commission of 11/27; Human Rights Commission of 11/13; Long Range Planning Advisory Commission of 11/28; Park and Recreation Commission of 11/14; Zoning Advisory Commission of 12/6; Zoning Board of Adjustment 11/16; Proof of publication for City Council Proceedings of 11/13, 11/20, 11/27. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Douglas Spyrison for property 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: Douglas Spyrison for property damage. Upon motion the documents were received, filed, and concurred.

4. Awards and Recognitions for the City of Dubuque: City Manager transmitting the public information brochure listing awards and recognitions for the City of Dubuque. Upon motion the document was received and filed.

5. City Focus: City Manager transmitting the Fall 2017 City Focus public information brochure. Upon motion the document was received and filed.

6. Eagle Point Park - National Register of Historic Places: City Manager transmitting correspondence from the Iowa Department of Cultural Affairs that Eagle Point Park has been listed as a Historic District in the National Register of Historic Places effective November 27, 2017. Upon motion the documents were received and filed.

7. Dubuque Ranked #12 on "30 Best Small Cities in the U.S." List: City Manager transmitting information from the online travel source Alot Travel, ranking Dubuque #12 on its list of the "30 Best Small Cities in the U.S." Upon motion the document was received and filed.

8. Human Rights Department Annual Report: City Manager transmitting the Fiscal Year 2017 Annual Report of the Human Rights Department. Upon motion the document was received and filed.

9. Fiscal Year 2019 Annual Tax Increment Financing (TIF) Report: City Manager transmitting the Annual Tax Increment Financing Report that has been filed with Dubuque County Auditor Denise Dolan. Upon motion the document was received and filed.

10. Baker Tilly Study - Historic Tax Credit Program is an Economic Driver for Iowa: City Manager transmitting information from the Historic Tax Credit Economic Impact Study as performed by the accounting firm of Baker Tilly. Upon motion the document was received and filed.

11. Veterans' Memorial Plaza Fund Donation: City Manager recommending acceptance of the Veterans' Memorial Plaza Fund for use at veterans' memorials. Upon motion the documents were received and filed and Resolution No. 384-17 Accepting a gift of funds from Veteran's Memorial Plaza For the maintenance, care, and expansion of the Chaplain Schmitt Island Veteran's Memorial Plaza and authorizing the sale of additional pavers to be used for the Chaplain Schmitt Island Veteran's Memorial Plaza or any Veteran's Memorial within the City of Dubuque was adopted.

12. Tree City USA Application: City Manager recommending approval for the Mayor to execute the Tree City USA application for the City to become a Tree City USA. Upon motion the documents were received, filed and approved.

13. Schedule of Assessments for Garbage/Junk Collection and Weed Cutting for 2017 (Health Services): City Manager recommending approval of the levy of special assessments for Weed/Junk/Garbage Enforcement Programs with the Health Services Department for properties enforced on from June 15, 2017 to October 12, 2017. Upon motion the documents were received and filed and Resolution No. 385-17 Adopting the Schedule of Assessments for 2017 and Directing the City Clerk to Certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

14. Actuarial Valuation of Post-Employment Benefit Plans: City Manager recommending approval of the selection of Menard Consulting, Inc. to conduct the GASB-

75 actuarial valuation for 2018. Upon motion the documents were received, filed and approved.

15. Adopting Code Supplement No. 27: City Clerk recommending adoption of Supplement No. 27 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed and Resolution No. 386-17 Adopting Supplement No. 27 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

16. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Utility Worker and Mechanic. Upon motion the documents were received, filed and made a Matter of Record.

17. Kunkel & Associates, Inc. Contract Amendment #1 with the Iowa Economic Development Department (IEDA): City Manager recommending approval of a resolution authorizing a first amendment to a contract with the Iowa Economic Development Authority (IEDA) for High Quality Jobs Program Financial Assistance benefits on behalf of Kunkel & Associates, Inc., that extends the periods for job creation and maintenance. Upon motion the documents were received and filed and Resolution No. 387-17 Approving a First Amendment to the Economic Development Financial Assistance Contract by and among Kunkel & Associates, Inc., the City of Dubuque and the Iowa Department of Economic Development was adopted.

18. Iowa Department of Transportation -Local Detour Agreement for Southwest Arterial Interchange Bridge Over US Highway 20: City Manager recommending authorization for the Mayor to execute an agreement with the Iowa Department of Transportation for the use of local roads as an authorized detour route for the Southwest Arterial Overpass Interchange Bridge Over US Highway 20 Project. Upon motion the documents were received and filed and Resolution No. 388-17 Approving the Iowa Department of Transportation Agreement for use of local agency roads as detours for the Southwest Arterial Overpass Bridge over US Highway 20 was adopted.

19. Giese Manufacturing Company, Inc. - 1st Amendment to Development Agreement: City Manager recommending approval of the 1st Amendment to the Giese Manufacturing Company, Inc. Development Agreement that corrects the termination date to July 1, 2019. Upon motion the documents were received and filed and Resolution No. 389-17 Approving the First Amendment to the Development Agreement between the City of Dubuque, Iowa and Giese Manufacturing Company, Inc. was adopted.

20. Grandview Avenue and Loras Boulevard Traffic Signal Reconstruction Project Acceptance: City Manager recommending acceptance of the public improvement for the Grandview Avenue & Loras Boulevard Intersection Improvement Project as completed by Portzen Construction, Co. Upon motion the documents were received and filed and Resolution No. 390-17 Accepting the Grandview Avenue & Loras Boulevard Intersection Improvement Project and authorizing the payment of the contract amount to the contractor was adopted.

21. Airport Parking Lot Project 2016 Acceptance: City Manager recommending acceptance of the public improvement for the Dubuque Airport Parking Lot Repair Project

2016 as completed by Tom Kueter Construction Co. Upon motion the documents were received and filed and Resolution No. 391-17 Accepting the Dubuque Airport Parking Lot Repair Project 2016 and authorizing the payment of the contract amount to the contractor was adopted.

22. Asphalt Overlay Access Ramp Project Three Acceptance: City Manager recommending acceptance of the construction contract for the 2017 Asphalt Overlay Access Ramp Project Three as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 392-17 Accepting the 2017 Asphalt Overlay Access Ramps Project Three and authorizing the payment of the contract amount to the contractor was adopted.

23. Asphalt Overlay Access Ramp Project Four Acceptance: City Manager recommending acceptance of the construction contract for the 2017 Asphalt Overlay Access Ramp Project Four as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 394-17 Accepting the 2017 Asphalt Overlay Access Ramps Project Four and authorizing the payment of the contract amount to the contractor was adopted.

24. Lower Bee Branch Creek Floating Island Project Acceptance: City Manager recommending acceptance of the construction contract for the Lower Bee Branch Creek Floating Island Project as completed by ENCAP, Inc. Upon motion the documents were received and filed and Resolution No. 395-17 Accepting the Lower Bee Branch Creek Floating Island Project and authorizing the payment of the contract amount to the contractor was adopted.

25. Purchase of Property on Valley Street for Villa Street Drainage Improvements: City Manager recommending approval to purchase real estate on Valley Street from Larry and Debra Lyons that will be used as part of the Villa Street Drainage Improvements Project. Upon motion the documents were received and filed and Resolution No. 396-17 Approving the acquisition of real estate owned by Lawrence G. and Debra J. Lyon in the City of Dubuque was adopted.

26. Q Casino Request for Funding Projects from Depreciation and Improvement Fund: City Manager recommending approval of a request from Dubuque Racing Association President Jesús M. Avilés for funding three repair projects from the Depreciation and Improvement Fund. Upon motion the documents were received, filed and approved.

27. 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 Loras College to purchase newsroom integration software. Upon motion the documents were received, filed and approved.

28. Signed Contracts: U.S. Department of Commerce - Economic Development Administration Amendment to Financial Assistance Award for the Upper Bee Branch Creek Restoration Project - Channel, Streets & Utilities Project. Upon motion the documents were received and filed.

29. Improvement Contracts / Performance, Payment and Maintenance Bonds: Connolly Construction, Inc. for the Derby Grange Road Sanitary Sewer Extension Project. Upon motion the documents were received, filed and approved.

30. Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco license applications as submitted. Upon motion the documents were received and filed and Resolution No. 397-17 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; and Resolution No. 398-17 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code Chapter 453A.47A were 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. Master Lease Agreement with Southwestco Wireless Inc. d/b/a Verizon Wireless: City Manager recommending that a public hearing be set for January 16, 2018, on a proposed Water Tower and Ground Space Lease for Verizon to expand their capacity at the 3rd Street Water Tower at 3rd and College Streets. Upon motion Resolution No. 399-17 Intent to dispose of an interest in real property owned by the City of Dubuque by lease between the City of Dubuque, Iowa and Southwestco Wireless, Inc. d/b/a Verizon Wireless was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on January 16, 2018 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Appointments were made to the following boards/commissions.

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. Motion by Lynch to appoint Mr. Hamel to the remainder of a 3-year term through February 15, 2020. Seconded by Connors. Motion carried 7-0.

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). Motion by Lynch to appoint Ms. Morrison to the remainder of a 3-year term through July 1, 2018. Seconded by Connors. Motion carried 7-0.

3. Housing Board of Appeals: Two, 3-year terms through January 11, 2021 (Expiring terms of Gotz and Lammer-Heindel). Applicants: Mary Gotz, 1844 Bennett St.; Christoffer Lammer-Heindel, 1145 Mt. Pleasant St. (Additional applicant). Motion by Lynch to appoint Ms. Gotz and Mr. Lammer-Heindel to 3-year terms through January 11, 2021. Seconded by Connors. Motion carried 7-0.

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; and Ashley Melchert, 1265 Thomas Pl. Upon roll-call vote: Allen = 7 (Connors, Buol, Jones, Del Toro, Rios, Resnick, Lynch); Borovic = 7 (Connors, Buol, Jones, Del Toro, Rios, Resnick, Lynch); Davis = 1 (Rios); Melchert = 6 (Connors, Buol, Jones, Del Toro, Resnick, Lynch); Mr. Allen, Ms. Borovic, and Ms. Melchert were appointed to 3-year terms through January 1, 2021.

5. Mediacom Charitable Foundation: One, 1-year term through December 31, 2018 (Expiring term of Chavenelle). Applicant: Gail Chavenelle, 1155 Kelly Ln. Motion by Lynch to appoint Ms. Chavenelle to a 1-year term through December 31, 2018. Seconded by Connors. Motion carried 7-0.

## **PUBLIC HEARINGS**

1. Vacation of Plat of Survey of Hurst Addition (Lots 1 & 2): Proof of publication on notice of public hearing to consider approval to vacate the Plat of Survey of Lot 1 and Lot 2 of Hurst Addition, comprised of Lot 31 through Lot 36 of O'Neill's Addition in the City of Dubuque, Iowa and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 400-17 Approving the vacation of the Plat of Survey of Lot 1 and Lot 2 of Hurst Addition, in the City of Dubuque, Iowa, and Approving the use of the former Legal description, namely: Lot 31, Lot 32, Lot 33, Lot 34, Lot 35 and Lot 36 of O'Neill's Addition in the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

## **ACTION ITEMS**

1. Greater Dubuque Development Corporation - Quarterly Report: President and CEO Rick Dickinson, 900 Jackson Street, presented the quarterly update on the activities of the Greater Dubuque Development Corporation. Motion by Lynch to receive and file the information. Seconded by Connors. Motion carried 7-0. Topics included the GDDC monthly newsletter that can be viewed from the GDDC webpage or received by subscribing to the e-mail list; Awards and recognition of Greater Dubuque 2022 five-year plan, Opportunity Dubuque workforce solutions program, Flexsteel new facility groundbreaking with November 2018 completion date; launched 2016-2017 Info Action compilation of face-to-face business consultations; Human Resources Action consultation results; Start Up Dubuque partnership FY16-17 report; Cottingham & Butler expansion; Universal Tank growth in the Dubuque Industrial Center; DubuqueWorks Five-Year Strategy 2017-2022 and partnerships; McFadden property site-certification as development ready; 2017 Skills Gap Analysis announcement; Launched Leadership Committee; broadband services expansion and infrastructure investment; and the January 16, 2018 breakfast with broadband vendors. Mr. Dickinson thanked outgoing Council Member Joyce Connors and Kevin Lynch for their service, sacrifices and support throughout their terms on the City Council.

2. Contracted Services Agreement Amendment with Travel Dubuque / Convention and Visitors Bureau for Sister City Activities: City Manager recommending approval of an amendment to the Contracted Services Agreement with Travel Dubuque / Convention and Visitors Bureau related to transitioning Sister City activities to Travel Dubuque. Motion by Connors to receive and file the documents and adopt Resolution No. 401-17 Approving an Amended Agreement between the City of Dubuque, Iowa and Dubuque Area Convention and Visitors Bureau. Seconded by Jones. City Attorney Brumwell clarified the legal name of the agency is still the Convention and Visitors Bureau it is d/b/a Travel Dubuque.

3. Code of Ordinances Amendment - Title 2 Repealing Sister City Relationships Advisory Commission: City Manager recommending adoption of an amendment to the City of Dubuque Code of Ordinances officially repealing the Sister City Relationships Advisory Commission contingent upon City Council approval of an amendment to the Travel Dubuque Contracted Services Agreement. 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 Lynch. The City Clerk acknowledged Council Members Connors and Lynch, Sister City Commissioners (some were present) and the Travel Dubuque staff who were present for their support of Sister City activities. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 46-17 Repealing Ordinance No 59-10 which established the Sister City Relationships Advisory Commission. Seconded by Lynch. Motion carried 7-0.

4. Request for Work Session - Travel Dubuque / Convention and Visitors Bureau: Travel Dubuque President & CEO Keith Rahe requests City Council approval to schedule the annual Travel Dubuque City budget work session for Monday, February 5, 2018 at 5:30 p.m. Motion by Connors to receive and file the documents and schedule the work session as recommended providing the Council Members-Elect were available on that date. Seconded by Jones. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 8 Human Rights - Unfair and Discriminatory Practices: City Manager recommending approval of an ordinance which amends City of Dubuque Code of Ordinances, Section 8-3-4: Credit, to mirror Iowa Code and include familial status as a protected class for credit discrimination purposes. 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 carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 47-17 Amending City of Dubuque Code of Ordinances Title 8 Human Rights, Chapter 3, Unfair and Discriminatory Practices, Section 8-3-4. Seconded by Lynch. Motion carried 7-0.

6. Request for Proposal - East-West Corridor Preliminary Engineering Design - Professional Consultant Services: City Manager recommending approval to initiate the Request for Proposals process to seek professional consultant services to complete the Preliminary Engineering Design and NEPA/Environmental Study Phase to advance the development of the East-West Corridor Capacity Improvements along University Avenue

at the intersections at Loras Boulevard, Asbury Road, and at Pennsylvania Avenue. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

7. AECOM Technical Services, Inc.- SW Arterial Consultant Supplemental Agreement No. 19: City Manager recommending authorization to execute a supplemental agreement with AECOM Technical Services, Inc., which approves revisions to the original scope of services to the Consultant Professional Services Contract to perform final engineering design to complete the 4-lane construction of the Southwest Arterial Project, subject to the concurrence of the Iowa Department of Transportation. Motion by Connors to receive and file the documents and adopt Resolution No. 402-17 Approving the Consultant Professional Services - Supplemental Agreement No. 19 between the City of Dubuque and AECOM Technical Services, Inc. to perform final engineering design to complete the 4-lane construction of the Southwest Arterial Project. Seconded by Lynch. Motion carried 7-0.

8. Fiscal Year 2019 Budget and Fiscal Policy Guidelines: City Manager recommending adoption of the Fiscal Year 2019 Budget Policy Guidelines. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. City Manager Van Milligen provided a brief slide presentation on the budget process, and about issues impacting the Fiscal Year 2019 budget including elimination of property tax backfill at the state level; evaluating the freezing, unfreezing or elimination of several City positions; and debt reduction strategy. Mr. Van Milligen responded to questions from the City Council regarding utility rates that will be determined later in the budget process, increasing the City's financial reserves, reflecting the percentage of debt reduction to include debt amounts that do not impact the statutory debt limit, and delaying presentation of the Policy Guidelines until January to help inform newly elected Council Members. Motion carried 6-1 with Rios voting nay.

### **COUNCIL MEMBER REPORTS**

Council Member Resnick suggested considering creating a policy or procedure regarding the City Council membership and representation on various boards and commissions to facilitate change and learning. Council Member Connors stated that despite annual discussion of appointments, it's important for all Council Members to step up and offer their seats to other Council Members.

Outgoing Council Members Connors and Lynch thanked their families, City staff and citizens for their support during their tenure on the City Council and wished Council Members-Elect Kate Larson and Brett Shaw good luck.

Mayor Buol, on behalf of the City Council, expressed his appreciation for Ms. Connors' and Mr. Lynch's years of service that helped make Dubuque the community it is today.

There being no further business, upon motion the City Council adjourned at 7:15 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk