

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

The Dubuque City Council met in regular session at 6:00 p.m. on May 7, 2018 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Del Toro, Jones, Larson, Resnick, Rios, Shaw; 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 Managers Association (ICMA) Fellowship Exchange Program (Impromptu): Assistant City Manager Cori Burbach introduced the current Fellows Gyaw Shine Oo from Myanmar, Pei Ying Ong of Brunei, and Sarawut Peakhunthod of Thailand. Each fellow provided a brief biography and stated their goals for the four-week visit.

2. Tree City USA 2017 Recognition: Leisure Services Manager Marie Ware and Trees Forever Member Laura Roussell presented the Tree City USA 2017 Award.

3. 2018 River Action Eddy Award: Civil Engineer Deron Muehring presented the 2018 River Action Eddy Award the City received from River Action for the Bee Branch Creek Restoration Project.

4. Dubuque365.com Best of 2018 Award: City Leisure Services Manager Marie Ware and Dubuque365ink Manager Bryce Parks presented the Dubuque365.com Best of 2018 Award received by the Five Flags Civic Center. H.R. Cook, Manager of the Five Flags Center for SMG accepted the award.

5. Leading Environmentalism and Forwarding Sustainability (LEAFS) Award: Transportation Services Manager Candace Eudaley-Loebach presented the U.S. Environmental Protection Agency (EPA) Region 7 award for outstanding contributions to environmentalism and sustainability at Superfund sites.

PROCLAMATION(S)

1. Women's Health Week (May 13-18, 2018) was accepted by Public Health Specialist Mary Rose Corrigan.

2. Bike-to-Work Week (May 14-18, 2018) was accepted by Pat Prevenas, Treasurer for the Tri-State Triathlon Vision and Rob Williams of the Bike Coop.

3. Kids-to-Parks Day (May 19, 2018) was accepted by Leisure Services Manager Marie Ware.

4. Preservation Month (May 2018) was accepted by the Historic Preservation Commission Chairperson Emily Hilgendorf, Commissioner Christina Monk, and Planning Services Manager Laura Carstens.

5. Apples for Students Months (June-July 2018) was accepted by St. Mark Youth Enrichment Outreach Coordinator Beth McGorry.

CONSENT ITEMS

Motion by Resnick 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: Cable TV Commission of 5/2; City Council Proceedings of 4/16, 4/23, 4/30; Civil Service Commission of 4/26; Historic Preservation Commission of 4/19; Investment Oversight Advisory Commission of 4/25; Library Board of Trustees of 2/22; Zoning Board of Adjustment of 4/26; Proof of Publication for City Council Proceedings of 4/2, 4/16, 4/23; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 3/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Nicole Homer for personal injury, Cathy Ludwig for property damage, Dennis Schlegel for property damage, Robert Wilbricht 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: Cathy Ludwig for property damage, Dennis Schlegel for property damage, Robert Wilbricht. It is further advised that the claim from Nicole Homer for personal injury be referred to Cottingham & Butler Insurance Services, Inc. the agent for the Dubuque Regional Airport. Upon motion the documents were received, filed, and concurred.

4. Dubuque Pacific Islander Health Project: City Manager transmitting the public information brochure on the Dubuque Pacific Islander Health Project. Upon motion the document was received and filed.

5. Make it in Greater Dubuque Promotional Brochure: City Manager transmitting the Make it in Greater Dubuque promotional brochure from the Greater Dubuque Development Corporation. Upon motion the document was received and filed.

6. National League of Cities Rebuild and Reimagine America's Infrastructure Brochure: City Manager transmitting the public information brochure Rebuild and Reimagine America's Infrastructure from the National League of Cities. Upon motion the document was received and filed.

7. Cultural & Entertainment District Re-Designation: City Manager recommending approval of the Dubuque Main Street application for the re-designation of the Downtown Dubuque Cultural Corridor as a State-recognized Cultural & Entertainment District, with expansion to include the Historic Millwork District on the east and the Flat Iron Park area on the south. Upon motion the documents were received and filed, and Resolution No. 117-18 Approving and supporting application to Iowa Department of Cultural Affairs for re-designation of Dubuque Cultural & Entertainment District was adopted.

8. Creek Wood Park Playground Project Award: City Manager recommending that the award for the Creek Wood Park Playground Equipment and Installation be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed, and made a Matter of Record.

9. Proposed Administrative Plan Changes for Housing Choice Voucher (HCV) Administrative Plan: City Manager recommending approval of a resolution approving amendments to the Housing Choice Voucher Administrative Plan. Upon motion the documents were received and filed, and Resolution No. 118-18 Approving the Amendments to the Housing Choice Voucher Administrative Plan was adopted.

10. 2018 Pavement Marking Project Award: City Manager recommending award of the construction contract for the 2018 Pavement Marking Project to the only bidder, SELCO, Inc. Upon motion the documents were received and filed, and Resolution No. 119-18 Awarding public improvement contract for the 2018 Pavement Parking Project was adopted.

11. Pine Knoll Subdivision / Katrina Circle Acceptance of Public Roadway Improvements: City Manager recommending acceptance of the public improvements that the owners, Pine Knoll Homeowners Association, have recently completed in Pine Knoll Subdivision. Upon motion the documents were received and filed, and Resolution No. 120-18 Accepting Public Roadway Improvements in Pine Knoll Subdivision in the City of Dubuque was adopted.

12. Pine Knoll Subdivision / Katrina Circle Right-of-Way Acceptance of Warranty Deed: City Manager recommending acceptance of a Warranty Deed from Pine Knoll Homeowners Association for the Katrina Circle Street right-of-way (Lot A of Pine Knoll Subdivision). Upon motion the documents were received and filed, and Resolution No. 121-18 Accepting a conveyance of property (Lot A of Pine Knoll Subdivision in the City of Dubuque, Iowa) from Pine Knoll Home Owners Association and dedication of property as public right-of-way was adopted.

13. Continuum of Care Special Needs Assistance Program Sponsor Agency Agreement: City Manager recommending approval of an agreement for services with East Central Development Corporation for administration of the Continuum of Care Special Needs Assistance Program that provides rental assistance to homeless persons with disabilities. Upon motion the documents were received, filed and approved.

14. Pre-Annexation Agreement - Licht-Samuelson: City Manager recommending approval of a Pre-Annexation Agreement with Terry D. Licht and Karen K. Samuelson as a result of approving the Final Plat of Buena Vista Court 2 and required by the City's Fringe Area Development Standards of the Unified Development Code. Upon motion the documents were received and filed, and Resolution No. 122-18 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Terry D. Licht and Karen K. Samuelson was adopted.

15. Pre-Annexation Agreement – Kinsella: City Manager recommending approval of a Pre-Annexation Agreement with Michael B. and Julie Kinsella for property located at 13929 North Cascade Road in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 123-18 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Michael B. and Julie Kinsella was adopted.

16. Iowa Great Places Re-Designation Application: City Manager recommending approval of the application submitted by the City of Dubuque and its partners to the Iowa Arts Council to be re-designated as an Iowa Great Place. Upon motion the documents were received, filed and approved.

17. Iowa Department of Transportation (IDOT) Lease Agreement with Jule Operations Center for CDL Testing Course: City Manager recommending approval to enter into an agreement with the Iowa Department of Transportation for the use of the CDL course at the Jule Operations and Training Center for Commercial Driver's License testing. Upon motion the documents were received, filed and approved.

18. Dubuque Metropolitan Area Transportation Study (DMATS) Transit Planning Memorandum of Understanding: City Manager recommending approval of the Memorandum of Understanding with the Dubuque Metropolitan Area Transportation Study (DMATS) for Transit Planning and Programming that outlines procedures for complying with Federal Transit Administration regulations to ensure eligibility for state and federal funding. Upon motion the documents were received, filed and approved.

19. 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, Dubuque Community Schools and the City of Dubuque to purchase media equipment. Upon motion the documents were received, filed and approved.

20. Accepting Grant of Easement for Storm Drain Utility - Cummins Street Retaining Wall Project: City Manager recommending acceptance of a Grant of Easement from Dennis and Tony Runde for Storm Drain Utility across part of Lot 19-3 of Mineral Lot 90 and Part of Mineral Lot 87, and Lot 1-5-1 of Mineral Lot 89; and Lot 2-1-6 in Block 2 of Hamblin Subdivision in the City of Dubuque, as part of the Cummins Street Retaining Wall Project. Upon motion the documents were received and filed, and Resolution No.

124-18 Accepting a Grant of Easement for Storm Drain Utility Across Part of Lot 19-3 of Mineral Lot 90 and part of Mineral Lot 87, and Lot 1-5-1 of Mineral Lot 89; and Lot 2-1-6 in Block 2 of Hamblin Subdivision in the City of Dubuque, Iowa was adopted.

21. Acceptance of Grant of Easement from Loras College for Storm Drain Utility: City Manager recommending acceptance of a Grant of Easement for Storm Drain Utility across part of Lot 2-2-2-17-3 of Mineral Lot 90 and Lot 2-2-18-3 of Mineral Lot 90 in the City of Dubuque as part of the Cummins Street Retaining Wall Project. Upon motion the documents were received and filed, and Resolution No. 125-18 Accepting a Grant of Easement for Storm Dain Utility across part of Lot 2-2-2-17-3 of Mineral Lot 90 and Lot 2-2-18-3 of Mineral Lot 90 in the City of Dubuque was adopted.

22. Transfer of Bike Trail at 12th Street from Interstate Power & Light to the City of Dubuque: City Manager recommending approval of the second amendment to the original Revocable Property License Agreement that would transfer these bike trail segments to the City of Dubuque. Upon motion the documents were received, filed and approved.

23. Platting of City Property on Innovation Drive: City Manager recommending approval of the Plat of Survey for Dubuque Industrial Center North Third Addition in the City of Dubuque per a Development Agreement with Medline Industries, Inc. 126-18 Approving Plat of Survey of Dubuque Industrial Center North Third Addition in the City of Dubuque, Iowa was adopted.

24. Engineering Department Confidential Account Clerk Position: City Manager recommending approval to eliminate one of the two part-time Confidential Account Clerk positions within the Engineering Department and create a full-time Confidential Account Clerk position. Upon motion the documents were received, filed and approved.

25. Adopting Code Supplement No. 28: City Clerk recommending adoption of Supplement No. 28 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed, and Resolution No. Upon motion the documents were received and filed, and Resolution No. 127-18 Adopting Supplement No. 28 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

26. Restrictive Covenant for Residential Real Estate - 1449 Jackson Street: City Manager recommending approval of a resolution attaching a Restrictive Covenant to 1449 Jackson Street requiring that the property be owner-occupied for a 21-year period. Upon motion the documents were received and filed, and Resolution No. 128-18 Attaching Single-Family Residence Restrictive Covenant to 1449 Jackson Street, Dubuque, Iowa was adopted.

27. Signed Contract(s): Revocable License for Convivium Urban Farmstead, 2805 Jackson Street for a geothermal drain pipe along the White Street right-of-way. Upon motion the document was received and filed.

28. Improvement Contracts / Performance, Payment and Maintenance Bonds: D&D Concrete, Inc., for the 2018 Asphalt Overlay Ramp Project One; Drew Cooks & Sons Excavating Co., Inc., for the Thomas Place Retaining Wall Project; Eastern Iowa Directional Drillers for the Grandview Avenue Streetlight & Fiber Project; Midwest Concrete, Inc., for the 2018 Asphalt Overlay Ramp Project Two; Portzen Construction, Inc., for the 22nd Street Storm Sewer Improvements Project (Elm to White Streets). Upon motion the documents were received, filed and approved.

29. Tobacco Compliance Civil Penalty for Tobacco License Holder – BP Fuel: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for BP Fuel, 1450 Loras Blvd. Upon motion the documents were received, filed and approved.

30. 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. 129-18 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 Resnick 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 Jones. Motion carried 7-0.

1. Vacate Public Utility Easement - 3507 Keystone Drive / J&K Real Estate: City Manager recommending that a public hearing be set for May 21, 2018, to consider vacation of public utility easements on Lot 1 and 2 of Pooh's Corner – J & K Real Estate Property at Key Way Drive and Keystone Drive. Upon motion the documents were received and filed and Resolution No. 130-18 Resolution of Intent to vacate and dispose of City interest in Public Utility Easements over and across Lot 1 and 2 of Pooh's Corner in the City of Dubuque, Dubuque County, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 21, 2018 in the Historic Federal Building.

2. Sale of City-Owned Property at 1449 Jackson Street: City Manager recommending that the City Council schedule a public hearing for May 21, 2018, for the purpose of disposing of City-owned real property located at 1449 Jackson Street to Community Housing Initiatives. Upon motion the documents were received and filed and Resolution No. 131-18 Resolution of Intention to dispose of City-owned property, specifically, the south one-half of the middle one-fifth of Lot 494 in the City of Dubuque, Iowa, according to the United States Commissioners Map of the Town of Dubuque, Iowa – 1449 Jackson Street was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 21, 2018 in the Historic Federal Building.

3. Vacate Access Easement in Westbrook Subdivision: City Manager recommending that a public hearing be set for May 21, 2018, to consider vacation of an access easement on Lot E of Westbrook Subdivision as requested by Callahan Construction Inc., for a proposed storage building. Upon motion the documents were received and filed and Resolution No. 132-18 Resolution of Intent to vacate and dispose of City interest in an Access Easement over and across Lot E of Westbrook Subdivision in the City of Dubuque, Dubuque County Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 21, 2018 in the Historic Federal Building.

4. Phase 3 – HMA Pavement Milling and Resurfacing Project US52 / White Street (9th to 11th Streets) and 11th Street (White to Elm Streets) Initiate: City Manager recommending initiation of the public bidding procedure for the HMA Pavement Milling and Resurfacing Project on US52 / White Street from 9th to 11th Streets and on 11th Street from White to Elm Streets, and further recommends that a public hearing be set for May 21, 2018. Upon motion the documents were received and filed and Resolution No. 133-18 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 May 21, 2018 in the Historic Federal Building.

5. 30-Inch Force Main Project Phase III Initiate: City Manager recommending initiation of the public bidding procedure for Phase III of the 30-Inch Force Main Relocation Project from 11th Street to 12th Street, and further recommends that a public hearing be set for May 21, 2018. Upon motion the documents were received and filed and Resolution No. 134-18 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 May 21, 2018 in the Historic Federal Building.

6. Black Hills / Iowa Gas Utility Company, LLC Non-Exclusive Franchise Agreement: Senior Counsel recommending adoption of a resolution setting a public hearing on a proposed franchise for May 21, 2018 and dispenses with an election on the adoption of the ordinance as provided by Iowa law. Upon motion the documents were received and filed and Resolution No. 135-18 Setting a public hearing on an ordinance granting to Black Hills/Iowa Gas Utility Company, L.L.C. D/B/A Black Hills Energy, a Delaware Corporation, its Successors and Assigns, the Right and Non-Exclusive Franchise to maintain and operate its existing gas distribution system in the City of Dubuque, Iowa, for a period of 25 years, and authorizing the City to collect franchise fees was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 21, 2018 in the Historic Federal Building.

BOARDS/COMMISSIONS

Application was reviewed for the following Board/Commission.

1. Electrical Code Board: One, 3-year term through May 21, 2021 (Expiring term of Uhlrich). Applicant: Paul Uhlrich, 489 Olympic Heights Rd.

PUBLIC HEARINGS

1. Consolidated Funding Application (Jule Transit): Proof of publication on notice of public hearing to conduct a public hearing on the Consolidated Funding Application between the City of Dubuque / Jule Transit and the Iowa Department of Transportation and the City Manager recommending approval. Motion by Larson to receive and file the document and adopt Resolution No. 136-18 Approval of grant application to the Iowa DOT for Consolidated Funding. Seconded by Jones. Motion carried 7-0.

2. Transit Advisory Board Youth Pass Recommendation: Proof of publication on notice of public hearing to consider approval of the Transit Advisory Board recommendation to increase the price of the annual youth pass for youth aged 11-18 years from \$10 per year to \$15 per year and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 137-18 Establishing the fare for the annual Fixed-Route Youth Pass. Seconded by Resnick. Motion carried 7-0.

3. 17th Street Storm Sewer Improvement Project from Elm Street to Heeb Street: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the 17th Street Storm Sewer Improvements Project (Elm to Heeb Streets) and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 138-18 Approval of plans, specifications, form of contract, and estimated cost for the 17th Street Storm Sewer Project (Elm to Heeb Streets). Seconded by Resnick. Motion carried 7-0.

PUBLIC INPUT

Dennis and Karen Valley, 2613 Dodge Street, and owners of Growth Industries (ABC A Better Clean), requested that the City Council consider an amendment to the Code of Ordinances that would allow a licensed door-to-door solicitor to leave a door hanger without making direct contact with the homeowner. City Attorney Crenna Brumwell stated that she is researching the matter and will be in contact with Mr. and Mrs. Valley.

ACTION ITEMS

1. JFK Road and NW Arterial Right-Turn-Lane Improvements Project Award: City Manager recommending award of the construction contract for the JFK Road and NW Arterial Right-Turn-Lane Improvements Project to the low bidder Midwest Concrete, Inc., subject to Iowa DOT approval of the award. Motion by Jones to receive and file the documents and adopt Resolution No. 139-18 Awarding the Public Improvement Contract for the Northwest Arterial - JFK Intersection Right-Turn-Lane Improvements Iowa DOT Project No. STP-A-2100 (688)--86-31. Seconded by Resnick. Motion carried 7-0.

2. University Avenue and N. Grandview Avenue Roundabout Intersection Improvement Project Award: City Manager recommending award of the construction contract for the University Avenue and N. Grandview Avenue Roundabout Intersection Improvement Project to the low bidder Eastern Iowa Excavating & Concrete, LLC. Motion by Resnick to receive and file the documents and adopt Resolution No. 140-18 Awarding Public Improvement Contract for the University Avenue and North Grandview Avenue Roundabout Intersection Improvement Project Iowa DOT Project No. STP-A-2100 (689)-86-31. Seconded by Larson. Responding to questions from the City Council, Assistant City Engineering explained the process behind the subject IDOT approval, how bid criteria and strict timeline impacts project costs and how the project schedule will fit into the school summer dismissal and fall start up. Motion carried 7-0.

3. SW Arterial / English Mill Road Reconstruction Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Southwest Arterial / English Mill Road Reconstruction – Grading, Bridge & Paving Project as completed by Taylor Construction, Inc. Motion by Jones to receive and file the documents and adopt Resolution No. 141-18 Accepting the Southwest Arterial / English Mill Road Reconstruction, Grading, Bridge & Paving Project, Iowa DOT Project No. HDP-2100 (657)--7131 and authorizing the payment of the contract amount to the contractor. Seconded by Del Toro. Motion carried 7-0.

4. City Council Pre-Approval of Accounts Payable: City Manager recommending that City payments be first approved by City Council and further recommends exceptions to that policy consistent with state law. Motion by Del Toro to receive and file the documents and adopt Resolution No. 142-18 Approving Pre-Payment of Claims. Seconded by Larson. Responding to questions from the City Council, City Manager Van Milligen stated that the change and list of exceptions are a matter of State Code as interpreted by the State Auditor and may result in a delay in vendor payments adding that the alternate week check runs will not impact the City's cash position. Motion carried 6-1 with Shaw voting nay.

5. Greater Dubuque Development Corporation Board Membership Appointments: Correspondence from the Greater Dubuque Development Corporation requesting appointments of two City Council representatives on its Board of Directors for July 2018 through June 2019. Current representatives are Council Members Brett Shaw and Luis Del Toro. Following discussion, the City Council concurred on retaining the current Council representation. Responding to an inquiry by Mayor Buol, City Manager Van Milligen confirmed the Mayor's representation, and staff representatives City Manager Van Milligen and the Economic Development Director Maurice Jones.

6. Southwest Arterial April Update Video: Cable TV Division presented a video of the recent progress of the Southwest Arterial Project (April 2018). Motion by Resnick to receive and file the information. Seconded by Jones. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Shaw expanded on Dennis Valley's comments made during Public Input about amending the door-to-door solicitor ordinance. Mr. Shaw supported a review of allowing distributing door hangers as a business tool, but also expressed concerns he's received from citizens over unwanted circulars being left at doors.

Council Member Jones recognized everyday heroes among City employees who keep the city running 24/7 citing such things as flood water pumping. Mr. Jones also asked for assistance in identifying the City employee, possibly from Public Works, who assisted a paper delivery person who was having a medical emergency and who remained on the scene until Dubuque Fire personal arrived.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:24 p.m. to discuss pending litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Mayor Buol stated for the record that the attorney who will consult with City Council on the issues to be discussed in the closed session is City Attorney Crenna Brumwell. Motion carried 7-0.

Upon motion, the City Council reconvened in open session at 8:20 p.m. giving staff proper direction.

There being no further business, upon motion the City Council adjourned at 8:21 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 5/16