

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

The Dubuque City Council met in regular session at 6:00 p.m. on June 4, 2018 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Del Toro, Jones, Larson, Resnick, Rios (Joined by phone at 6:30 p.m.), 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**

**PROCLAMATION(S)**

1. Juneteenth Celebration Day (June 16, 2018) was accepted by Ernest Jackson of the Juneteenth Committee.
2. Men's Health Week (June 11-17, 2018) was accepted by Ken Miller of the City of Dubuque Wellness Committee.
3. Home Rule 50th Anniversary Year 2018 was accepted by Mayor Roy D. Buol.

**CONSENT ITEMS**

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

1. Minutes and Reports Submitted: City Council Proceedings of 5/21; Civil Service Commission of 5/16; Historic Preservation Commission of 5/17; Library Board of Trustees of 3/29; Park and Recreation Advisory Commission of 5/8; Proof of Publication for City Council Proceedings of 5/7; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 4/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Sarah Cassella for property damage; and Horsfield Materials, Inc., for vehicle damage; City of Dubuque vs. Gary Bernhard et al.; City of Dubuque vs. Frederick J. Kammiller III, et al. 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: Sarah Cassella for property damage. Upon motion the documents were received, filed, and concur.

4. Washington Neighborhood Homeownership Program Status Report: City Manager transmitting the status report for the Washington Neighborhood Homeownership Program from Community Housing Initiatives (CHI). Upon motion the document was received and filed.

5. Alliant Energy Infographic Brochure on Dubuque Solar Energy: City Manager transmitting the Alliant Energy infographic brochure on Dubuque's solar energy sites. Upon motion the document was received and filed.

6. Dubuque Racing Association 2017 Annual Report: City Manager transmitting the Dubuque Racing Association's (DRA) 2017 Annual Report. Upon motion the document was received and filed.

7. Civil Service Commission - Certified List: Civil Service Commission submitting the certified list for the position of Police Officer. Upon motion the documents were received, filed and made a Matter of Record.

8. Accepting the 2018 Asphalt Overlay Ramp Project 3: City Manager recommending that the award of the 2018 Asphalt Overlay Ramp Project 3 to Midwest Concrete, Inc. be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

9. John F. Kennedy Road Ditch Improvement Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the John F. Kennedy Road Ditch Improvement Project, as completed by Temperley Excavating, Inc. Upon motion the documents were received and filed, and Resolution No. 164-18 Accepting the John F. Kennedy Road Ditch Improvement Project and authorizing the payment of the contract amount to the contractor was adopted.

10. Acceptance of Deed for Stormwater Detention Facility Lots in Cedar Ridge Farm Place No. 15: City Manager recommending approval of resolution accepting property from Nemmers Cedar Ridge Farm Limited Partnership for a storm water detention facility located in Cedar Ridge Farm Place No. 15 (originally Cedar Ridge Farm Place No. 7). Upon motion the documents were received and filed, and Resolution No. 165-18 Accepting the Deed to certain real estate in Cedar Ridge Farm Place No. 15 in the City of Dubuque, Iowa from Nemmers Cedar Ridge Farm Limited Partnership was adopted.

11. Acceptance of Storm Water Detention Facility Improvements in Cedar Ridge Farm Place No. 7: City Manager recommending acceptance of the public storm water detention facility improvements that the developer, Nemmers Cedar Ridge Farm Limited Partnership, has recently completed in Cedar Ridge Farm Place No. 7 Subdivision. Upon motion the documents were received and filed, and Resolution No. 166-18 Accepting public storm water detention facility improvements in Cedar Ridge Farm Place No. 7 Subdivision, in the City of Dubuque, Iowa was adopted.

12. Timber Ridge / Rustic Point Water Main Extension Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Timber Ridge/Rustic Point Water Main Extension Project, as completed by Tschiggfrie Excavating. Upon motion the documents were received and filed, and Resolution No. 167-18 Accepting the Timber Ridge / Rustic Point Water Main Extension Project and authorizing the payment of the contract amount to the contractor was adopted.

13. Avoca Street Storm Sewer Improvement Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the Avoca Street Storm Sewer Improvements Project as completed by Dave Schmitt Co. Upon motion the documents were received and filed, and Resolution No. 168-18 Accepting the Avoca Street Storm Sewer Improvements Project and authorizing the payment of the contract amount to the contractor was adopted.

14. Certified Local Government (CLG) Grant Amendment for Historic Preservation Commission Scholarships: City Manager recommending that the City Council amend the City grant agreement for scholarships for Historic Preservation Commissioners to attend the National Association of Preservation Commissions Forum on July 18-22, 2018. Upon motion the documents were received and filed, and Resolution No. 169-18 Authorizing Amendment of CLG Grant Agreement with State Historic Preservation Office for scholarships for Historic Preservation Commissioners to attend National Forum was adopted.

15. Grant Management Software Recommendation: City Manager recommending approval of the selection of eCivis to provide grant management software. Upon motion the documents were received, filed and approved.

16. Medline Industries, Inc. - Amended & Restated Development Agreement: City Manager recommending approval of the Amended and Restated Development Agreement and the Assignment, Acceptance and Notice with Medline Industries, LLC. Upon motion the documents were received and filed, and Resolution No. 170-18 Approving an Amended and Restated Development Agreement between the City of Dubuque, Iowa and Medline Industries, LLC was adopted.

17. Master Co-location and Shared Services Agreement between the City of Dubuque and Wisconsin Independent Network - Proposed Amendment to Project Statement #1: City Manager recommending approval of an amendment to an existing Master Agreement and Project Statement in place between the City of Dubuque and Wisconsin Independent Network that allows Wisconsin Independent Network to place additional equipment at the 3rd Street Water Tower site. Upon motion the documents were received, filed and approved.

18. 3000-3040 Jackson Street (Dubuque Brewing & Malting Complex) - Letter of Support: City Manager providing a copy of the letter of support to the State Historic Preservation Office for the glass concept proposed by Steven Emerson for the

redevelopment at the former Dubuque Brewing and Malting complex at 3000-3040 Jackson Street. Upon motion the documents were received and filed.

19. 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. 171-18 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; and Resolution No. 172-18 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code Chapter 453A.47A were adopted.

## **BOARDS/COMMISSIONS**

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions. Appointments will be made at the next City Council meeting.

1. Arts and Cultural Affairs Advisory Commission-Business Professional – Living or working in Cultural and Entertainment District Qualification: One, 3-year term through June 30, 2021 (Expiring term of Gregory - Business Professional – Living or working in Cultural and Entertainment District). Applicants qualifying as Business Professional – Living or working in Cultural and Entertainment District: Ryan Decker, 1192 Locust St #3; Tyler Daugherty, 1390 Kaufmann Ave.; Paula Neuhaus, 793 West 3rd St.; Gina Siegert, 405 Southern Ave.; and Amanda Steines, 861 Alpine St. #2. Mr. Decker and Ms. Siegert spoke in support of their respective appointment to the areas they qualify for and provided brief biographies. Letters of support were received by Ms. Chavenelle and Mr. Rock.

2. Arts and Cultural Affairs Advisory Commission - Business Professional Qualification: One, 3-year term through June 30, 2021 (Expiring term of Siegert - Business Professional). Applicants qualifying as Business Professional: Gail Chavenelle, 1155 Kelly Ln.; Tyler Daugherty, 1390 Kaufmann Ave.; Benjamin Drury, 1826 Ellis St.; Rachael Ferraro, 2538 Jackson St.; Jessica Heacock, 726 W. 11th St.; Paula Neuhaus, 793 West 3Rd St.; Steven Rock, 900 South Grandview Ave.; Gina Siegert, 405 Southern Ave.; Amanda Steines, 861 Alpine St. #2; Lizz Tyler, 1030 Melrose Terr.; and Vince Williams, 3965 Creston St.; Chad Witthoeft, 430 Alpine St. Ms. Heacock and Mr. Williams spoke in support of their respective appointment to the areas they qualify for and provided brief biographies.

3. Arts and Cultural Affairs Advisory Commission - At-Large Qualification: One, 3-year term through June 30, 2021 (Expiring term of Henkels - At-Large). Applicants qualifying as At-Large: Bibi Burke, 1155 Arrowhead Dr. Gail Chavenelle, 1155 Kelly Ln.; Ryan Decker, 1192 Locust St #3; Marcus DeJesus, 2951 Olde Country Ln.; Tyler Daugherty, 1390 Kaufmann Ave.; Benjamin Drury, 1826 Ellis St.; Rachael Ferraro, 2538 Jackson St.; Jessica Heacock, 726 W. 11th St.; Nate Jenkins, 590 Samuel St.; Paula Neuhaus, 793 West 3rd St.; Steven Rock, 900 South Grandview Ave.; Gina Siegert, 405 Southern Ave.;

Amanda Steines, 861 Alpine St. #2; Vince Williams, 3965 Creston St.; and Chad Witthoef, 430 Alpine St. Mr. Decker and Mr. Jenkins spoke in support of their respective appointments to the areas they qualify for and provided brief biographies.

4. Cable Television Commission: Three, 3-year terms through July 1, 2021 (Expiring terms of McMullen, Tigges and Vincent). Applicants: Kathleen McMullen, 1308 Curtis St.; Jennifer Tigges, 4927 Wild Flower Dr.; and Alan Vincent, 565 Woodland Ridge

5. Civic Center Advisory Commission: Two, 3-year terms through June 29, 2021 (Expiring terms of Daugherty and Parks). Applicants: Tyler Daugherty, 1390 Kaufmann Ave.; Bryce Parks, 2005 N. Main St.

6. Historic Preservation Commission: Two, 3-year terms through July 1, 2021 (Expiring At-Large term of Hilgendorf and Vacant At-Large term of Happ). One, 3-year term through July 1, 2021 (Expiring Old Main District Interim term of Rapp). Applicants qualify as At-Large and as Interim Commissioner: Emily Hilgendorf, 1511 N. Algona St.; Kayla Morrison, 3523 Lunar Dr.; Daniel (Joseph) Rapp, 27 Locust St. Ms. Hilgendorf spoke in support of her appointment and provided a brief biography. A letter of support was received from Mr. Rapp.

7. Investment Oversight Advisory Commission: One, 3-year term through July 1, 2021 (Expiring term of Becker). Applicant: Franz Becker, 1847 Finley St.

8. Library Board of Trustees: Two, 4-year terms through July 1, 2022 (Expiring terms of Kramer and Poggemiller). Applicants: Rosemary Kramer, 2554 Rosewood Dr.; and Patricia Poggemiller, 3423 Arrowwood Ln. Ms. Kramer spoke in support of her appointment and provided a brief biography. A letter of support was received by Mr. Poggemiller.

9. Long Range Planning Advisory Commission: One, 3-year term through July 1, 2021 (Expiring term of Pregler). Applicant: John Pregler, 1525 Pego Ct.

10. Parks and Recreation Advisory Commission: One, 3-year term through June 30, 2020 (Vacant term of Klinge). One, 3-year term through June 30, 2021 (Expiring term of Tigges). Applicants: Matthew Garrett, 1877 North Ct.; Jennifer Tigges, 4927 Wild Flower Dr. Mr. Garrett spoke in support of his appointment and provided a brief biography.

11. Zoning Advisory Commission: One, 3-year term through July 1, 2021 (Expiring term of Roussell). Applicant: Laura Roussell, 3224 Bittersweet Ln. Ms. Roussell spoke in support of her appointment and provided a brief biography.

## **PUBLIC HEARINGS**

1. Dubuque Skate Park Project at Flora Park: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Dubuque Skate Park Project at Flora Park, and the City Manager

recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 173-18 Approval of plans, specifications, form of contract, and estimated cost for the Dubuque Skate Park Improvement Project. Seconded by Larson. Responding to questions from the City Council, Leisure Services Manager Marie Ware described the inclusive, accessible and age-neutral components of the design for skaters and their spectators and/or caretakers. Motion carried 7-0.

2. Disposal of City Property at 460 E. 18th Street: Proof of publication on notice of public hearing to consider approval of the disposal of property described as Lot 1 of Marde Place in the City of Dubuque, Iowa, by conveyance to Metx, LLC related to development of 1690 Elm Street, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 174-18 Disposing of an interest in City of Dubuque real estate located at 460 East 18th Street and legally described as Lot 1 of Marde Place in the City of Dubuque, Iowa, to Metx, LLC. Seconded by Del Toro. Motion carried 7-0.

3. Development Agreement with 3000 Jackson, LC to Redevelop Property at 3000-3040 Jackson Street (Former Dubuque Malting & Brewing Building) and Including the Issuance of Tax Increment Revenue Obligations: Proof of publication on notice of public hearing to consider approval of the Development Agreement with 3000 Jackson, LC for the redevelopment of property at 3000-3040 Jackson Street (former Dubuque Malting & Brewing Building) to create between 110 and 120 apartments, and the City Manager recommending approval. Motion by Del Toro to receive and file the documents and adopt Resolution No. 175-18 Approving a Development Agreement by and between the City of Dubuque, Iowa and 3000 Jackson, LC for the redevelopment of property at 3000-3040 Jackson Street in the City of Dubuque, Iowa Including the issuance of Tax Increment Revenue Obligations. Seconded by Jones. Chuck Harris, 2473 Jackson Street and member of the Northend Neighborhood Association, spoke in favor of the project but expressed his concerns over the price point and density of the proposed units. David Spahn, CEO of Dubuque Stamping and Manufacturing and owner of R&S Realty, 3190 Jackson Street, stated his concerns for the record over the potential for noise complaints from their 24/7 operations adjacent to a densely populated unit. Developer Steve Emerson responded to the City Council's questions about the project's sustainable/green features; expected commercial uses; potential for noise from adjacent businesses; parking and traffic concerns and solutions; unit costs, sizes and practicality; being pet-friendly, empathy for the history of the building and the neighborhood's relationship with it. He added that the design can be amended based on the Council's input. He added that the Housing Choice Vouchers will be accepted as part of the agreement. City Manager Van Milligen stated that there is no requirement in the agreement to provide market-rate/affordable housing but that census track data could inform the project. Motion carried 7-0.

## **PUBLIC INPUT**

David Solberg, 1387 Tomahawk Drive along with of Rev. John Parsley, 816 Euclid, provided information on continued and growing interest in passenger rail service from the Envision 2010 group and that it would enhance the region.

## **ACTION ITEMS**

1. Greater Dubuque Development Corporation Quarterly Report: President and CEO Rick Dickinson presented a verbal quarterly update on the activities of the Greater Dubuque Development Corporation. Mr. Dickinson highlighted two of GDDC's newsletters containing information on Black Hills Energy's methane gas captured and sale of renewal bio gas from the Water Resource Recover Center; Loras College Students workforce luncheon; GDDC staff recognitions and new hires, Medline Industries expansion; and new satellite locations for Portzen Construction and Heartland Financial. Motion by Resnick to receive and file the information. Seconded by Shaw. Motion carried 7-0.

2. Purina Drive Salt Storage Fabric Building Project Award: City Manager recommending award of the construction contract for the Purina Drive Salt Storage Fabric Building Project to the low bidder A & B Construction, Ltd. Motion by Larson to receive and file the documents and adopt Resolution No. 176-18 Awarding public improvement contract for the Purina Drive Salt Storage Fabric Building. Seconded by Resnick. Motion carried 7-0.

3. 30-Inch Force Main Sanitary Sewer Project Phase III Award: City Manager recommending award of the construction contract for the 30-Inch Force Main Sanitary Sewer Project Phase III to the low bidder Top Grade Excavating, Inc. Motion by Del Tor to receive and file the documents and adopt Resolution No. 177-18 Awarding public improvement contract for Phase III of the 30-Inch Force Main Relocation Project from 7th Street to 12th Street. Seconded by Jones. Motion carried 7-0.

4. Hot Mixed Asphalt (HMA) Pavement Milling & Restoration Project US52 / White Street Award: City Manager recommending award of the construction contract for the HMA Pavement Milling & Restoration Project US52 / White Street to the low bidder Eastern Iowa Excavating & Concrete, subject to the concurrence of the Iowa Department of Transportation. Motion by Larson to receive and file the documents and adopt Resolution No. 178-18 Awarding public improvement contract for the HMA Pavement Milling and Resurfacing Project on US52 White Street from 9th to 11th Street and on 11th Street from White to Elm Street. Seconded by Del Toro. Responding to questions from the City Council, City Engineer Gus Psihoyos stated that the project was designed in-house and that re-bidding the project would likely subject the bids to the expected rise in materials costs. Staff was asked to consider possible impact on residents caused by the concurrent Kaufmann Avenue and 22<sup>nd</sup> Phase II Street project. Motion carried 7-0.

5. Banner Policy after Reed vs. Town of Gilbert, Arizona: City Manager recommending that the City Council revoke or dissolve the City's Banner Policy. Restated motion by Resnick to revoke the City's banner policy. Seconded by Del Toro. The City Council had

considerable discussion on the matter that included over reaching control, amending the display timeline requirement, private property options, freedom of speech concerns that might extend beyond promoting events or businesses, and conflict with Federal Law. City Manager Van Milligen and City Attorney Brumwell clarified that this pertains to City-owned poles and the managing of only the time, location and manner of display. Assistant City Attorney Maureen Quann clarified what displays are exempt by Code, the history of requests to use the banner policy, and other options for banners such as special events permit and the Planning Services and Building Services Departments. Motion failed 4-3 with Buol, Resnick and Jones voting yay.

Motion by Larson to reconsider the item. Seconded by Resnick. Motion carried 5-2 with Del Toro and Rios voting nay.

Motion by Resnick to revoke the banner policy. Seconded by Jones. Additional discussion centered around exposing the City to litigation by no longer being compliant with the Supreme Court and the possibility of amending portions of the policy through a later review. Motion carried 4-3 with Shaw, Del Toro and Rios voting nay.

6. Request for Work Session on Enhanced Broadband Capacity, Access and Equity: City Manager recommending that the City Council schedule a work session for June 11, 2018 to discuss efforts to enhance broadband capacity, access and equity in Dubuque. Motion by Resnick to receive and file the documents and set the work session for June 25, 2018. Seconded by Jones. Buol, Resnick and Del Toro stated that they would not be able to attend the original date of June 11. Jones requested that the work session be scheduled in conjunction with the work session already scheduled for June 25. Resnick stated that he cannot be in attendance on June 25. Motion carried 7-0.

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

## **COUNCIL MEMBER REPORTS**

Council Member Resnick congratulated Fly-By-Night Productions theater company' on 35 years of providing community theater with a celebration at the Smokestack, 62 E. 7<sup>th</sup> St. on June 5.

Council Member Shaw congratulated Dubuque Pride on their June 3 LGBTQ+ celebration at Flora Park and the Smokestack.

Council Member Del Toro reported on the field trip and tour of the city and Council Chambers for Kennedy Elementary School students and hosted by former Council Member Joyce Connors. Mr. Del Toro also reported on the Marshall Islands Constitution Day celebration held May 26 at Flora Park hosted by the Multicultural Family Center. Mr. Del Toro encouraged other Council Members to attend future events and then presented Mayor Buol with a woven photo frame as a gift from the Marshallese Committee.

There being no further business, upon motion the City Council adjourned at 8:16 p.m.

/s/Kevin S. Firnstahl, CMC



City Clerk

1t 6/13