

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

The Dubuque City Council met in special session at 5:30 p.m. on July 2, 2018 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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 special session of the City Council called for the purpose of conducting a work session on Community-Oriented Policing.

**WORK SESSION  
COMMUNITY-ORIENTED POLICING**

Police Chief Mark Dalsing conducted the work session through a slide presentation. Topics included:

- History of Community-Oriented Policing since 1993;
- Mission Statement and Purpose;
- Partnerships & Problem Solving (P<sup>2</sup>);
- Principles of Community-Oriented Policing;
- Community empowerment & partnerships;
- Long-Term, Proactive Problem solving;
- Expansion of the Police role
- Organizational Chart of the Police Department and promotional history
- Characteristics of Community-Oriented Policing Officers
- Landlord Interaction
- Nuisance Ordinance identification of properties, violation reporting and follow-up.
- Monitoring of community events
- Public Committees membership and representation
- Neighborhood Associations meeting attendance
- Internal Working Group discussions within City Departments

There being no further business, upon motion the City Council adjourned at 5:50 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 7/11

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

The Dubuque City Council met in regular session at 6:00 p.m. on July 2, 2018 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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**

**PRESENTATIONS**

1. Association of State Floodplain Managers' Award for the Bee Branch Watershed Flood Mitigation Project: Civil Engineer Deron Muerhing presented the 2018 James Lee Witt Local Award for Excellence in Floodplain Excellence from the Association of State Floodplain Managers for the Bee Branch Watershed Flood Mitigation Project to the City Council.

2. 1000 Friends of Iowa Award for the Bee Branch Creek Restoration Project: Civil Engineer Deron Muehring presented the 1000 Friend of Iowa 2017 Best Development Jurors' Choice Award for the Bee Branch Creek Restoration Project to the City Council.

**CONSENT ITEMS**

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

1. Minutes and Reports Submitted: City Council Proceedings of 6/18, 6/25; Five Flags Civic Center Commission of 5/16; Library Board of Trustees of 4/26; Proof of Publication for City Council Proceedings of 6/4; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 5/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Sherry Saunders for vehicle damage, Allan Simms for vehicle damage, Donna Stecher for personal injury. Upon motion the documents were received, filed, and referred to the City Attorney

3. Disposition of Suits: 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: Rainbo Oil Company for property damage, Sherry Saunders for vehicle

damage, Allan Simms for vehicle damage, Donna Stecher for personal injury. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommending Council approval for payment of City expenditures. Upon motion the documents were received, filed and approved.

5. GFOA Certificate of Achievement for Excellence in Financial Reporting: City Manager transmitting the 30th Consecutive Certificate of Achievement for Excellence in Financial Reporting received from the Government Finance Officers Association that recognizes the City's Comprehensive Annual Financial Report (CAFR). Upon motion the document was received and filed.

6. 2018 City of Dubuque Water Quality Report: City Manager providing notice that the City of Dubuque has published its annual water quality consumer confidence report. Upon motion the document was received and filed.

7. Letter of Support for Steeple Square: City Manager requesting approval to submit a Letter of Support for the Steeple Square project. Upon motion the document was received, filed and approved.

8. Annual Public Housing Agency (PHA) Plan: City Manager recommending approval of the submission of the Annual Public Housing Agency Plan along with the Certificate for Consistency with the Consolidated Plan to the U.S. Department of Housing and Urban Development. Upon motion the documents were received and filed, and Resolution No. 203-18 Authorizing the Mayor to execute the Certification by State or Local Office of Public Housing Agency (PHA) Plan is consistent with the Consolidated Plan and approval of the PHA Annual Plan was adopted.

9. Delinquent Weed/Grass Cutting and Garbage/Junk Collection Accounts (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 October 13, 2017 to June 4, 2018. Upon motion the documents were received and filed, and Resolution No. 196-18 Adopting the Schedule of Assessments for 2018 and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

10. Port of Dubuque Marina Temporary Position: City Manager recommending that the creation of a temporary seasonal Assistant Marina Manager position for the 2018 season. Upon motion the documents were received, filed and approved.

11. Medical Plan Administrative Services Fee and Stop Loss Insurance Coverage Renewal: City Manager recommending renewal of the Medical Plan Administrative Services Fee and Stop Loss Insurance Coverage. Upon motion the documents were received, filed and approved.

12. Gallagher Benefit Services Renewal Proposal: City Manager recommending approval of the renewal proposal from Gallagher Benefit Services, Inc. for benefit consulting and actuarial services effective July 1, 2018 through June 30, 2019 and authorize the City Manager to sign the Amendment. Upon motion the documents were received, filed and approved.

13. PetData, Inc. -Renewal of Contract for Pet Licensing Services: City Manager recommending approval of a contract renewal with PetData, the company providing pet licensing services for the City. Upon motion the documents were received, filed and approved.

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

15. Flora Park Waterproofing Project Award: City Manager recommending that the award for the Flora Park Maintenance Building Waterproofing Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

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

17. Veteran's Park Pickle Ball Court Construction Project Award: City Manager recommending that the award for the Veteran's Park Pickle Ball Courts Project 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.

18. Fiscal Year 2017 Sewershed 10 Manhole Project Acceptance: City Manager recommending acceptance of the public improvement construction contract for the FY17 Sewershed 10 Sanitary Sewer Manhole Project, as completed by Drew Cook & Sons Excavating. Upon motion the documents were received and filed, and Resolution No. 197-18 Accepting the FY17 Sewershed 10 Sanitary Sewer Manhole Project was adopted.

19. John F. Kennedy Road Concrete Panel Replacement Project: City Manager recommending that the award for the John F. Kennedy Concrete Panel Replacement Project to Drew Cook & Sons Excavating 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.

20. Consultant Selection for Central Avenue Corridor Streetscape Master Plan: City Manager recommending selection of RDG Planning & Design as the consultant for the

Central Avenue Corridor Streetscape Master Plan process. Upon motion the documents were received, filed and approved.

21. Collective Bargaining Agreement Between the City of Dubuque and the Dubuque Police Protective Association: City Manager transmitting the results of the arbitration hearing related to the Collective Bargaining Agreement between the City of Dubuque and the Dubuque Police Protective Association. Upon motion the documents were received and filed.

22. License Agreement between City of Dubuque and NVIDIA Corporation: City Manager providing the License Agreement between the City of Dubuque and NVIDIA Corporation to allow the sharing of certain traffic information. Upon motion the documents were received and filed.

23. Swiss Valley Interchange Project Approving Plats, Accepting Deeds and Easement: Senior Counsel recommending approval of a resolution accepting IDOT Plats, Warranty Deed and Easement for the Storm Sewer from DMASWA and Quit Claim Deed from William and Joyce Watters for the Swiss Valley Interchange Project. Upon motion the documents were received and filed, and Resolution No. 198-18 Approving Acquisition Plats from the Iowa Department of Transportation for the Swiss Valley Interchange Project for the Landfill Frontage Road; Accepting the Related Warranty Deed and Easement for Storm Sewer from Dubuque Metropolitan Area Solid Waste Agency; and Accepting the Related Quitclaim Deed from William J. Watters and Joyce E. Watters was adopted.

24. Proposed amendment to Master Co-location and Shared Services Agreement between the City of Dubuque and ImOn Communications LLC: City Manager recommending approval of an amendment to an existing Master Agreement and Project Statement in place between the City of Dubuque and ImOn Communications LLC. Upon motion the documents were received, filed and approved.

25. Signed Contract(s): Blackstone Environmental, Inc., to provide professional environmental consulting services to the City of Dubuque related to an environmental assessment review of the Morrison Brothers' 24th Street facility. Upon motion the documents were received and filed.

26. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Son Excavating Co., Inc. for the Cummins Street Retaining Wall Reconstruction Project; Eastern Iowa Excavating & Concrete, LLC for the HMA Milling and Resurfacing Project US52 White and 11th St.; Langman Construction, Inc., for the 17th Street Storm Sewer Improvements Elm St. to Heeb St. Project; Reuter Mechanical, Inc. (dba East Iowa Construction) for the 2018 Asphalt Overlay Ramp Project Four; S&S Builders for the Stump and Sidewalk Removal and Repair Project; Top Grade Excavating Inc. for the 30-Inch Sanitary Sewer Force Main Relocation Phase III Washington St. (7th St. to 9th St.). Upon motion the documents were received, filed and approved.

27. 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. 199-18 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 Del Toro. Motion carried 7-0.

1. Thompson Truck and Trailer, LLC Lease: City Manager recommending that the City Council set a Public Hearing for July 16, 2018, on a Lease Agreement between the City of Dubuque and Thompson Truck and Trailer LLC. Upon motion the documents were received and filed, and Resolution No. 200-18 Resolution of Intent to dispose of an interest in real property owned by the City of Dubuque by lease between the City of Dubuque, Iowa and Thompson Truck and Trailer, LLC a Delaware Corporation was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on July 16, 2018 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Applicant(s) were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Electrical Code Board: One, 3-year term through May 21, 2020 (Expiring term of Dowell). Applicant: Tom Townsend, 1940 Amelia Dr. Mr. Townsend spoke in support of his appointment and provided a brief biography.

Appointments were made to the following Boards/Commissions.

2. Resilient Community Advisory Commission:

Cross Representation Position: One, 3-year term through June 30, 2021 (Expiring Cross Representation term of Roussell). Applicant: Laura Roussell, 3224 Bittersweet Ln. Motion by Jones to appoint Ms. Roussell to the 3-year term. Seconded by Larson. Motion carried 7-0.

At-Large: Two, 3-year terms through June 30, 2021 (Expiring At-Large terms of Booth, Darr). Applicants: Sara Booth, 876 Yale Ct. #3; Benjamin Darr, 419 Winona St.; Lalith Jayawickrama, 2360 Cherry St.; Laura Roussell, 3224 Bittersweet Ln. Upon roll-call vote, Ms. Booth and Mr. Darr were appointed to 3-year terms. (Vote: Both = Resnick, Buol, Jones, Larson, Del Toro; Darr = Shaw, Rios, Jones, Larson, Del Toro; Jayawackrama – Shaw, Resnick, Rios, Buol; Roussell = -0-)

### **PUBLIC INPUT**

Action Item No. 4 Tiered Inspection Program: Lynn Sutton, 859 Air Hill, expressed her concerns regarding the Tiered Inspection Program stating that there is a lack of clarity in the wording and asking how it differed from the November 2017 document. She added that she believes property inspection rotations are not being followed on problem properties and that inspection enforcement fines are being forgiven.

Antonin Erba, 1505 Fairview, expressed his concerns over what he perceived as a lack of citizen input into the Tiered Inspection Program and asked if tenants had been solicited for input. Mr. Erba also related a personal story about his previous horrific living conditions.

Action Item No. 1 John F. Kennedy Rd. Sidewalks (from Asbury Road to the NW Arterial):

Citizens who spoke in opposition to the item included: Joleen and Mike Rettenberger, 2291 Gordon Dr.; Carol Meyer, 2644 JFK. Rd.; and Sheri Clancy, 2691 Marywood Dr. Speakers cited a lack of need, heavy traffic and speeds unsafe for sidewalks, issues with property owners removing snow from rear lot lines and the financial assessment burden of the project.

Citizens who spoke in support included: Todd Gilligan, 2999 Olde Country Ln.; Steve Molina, 3285 Spring Valley Rd.; Bill Stoffel, 2905 Fox Hollow Dr.; Sally Shearer, 2935 Fox Hollow Dr.; Gary Cording, 3210 Spring Valley Rd.; and Mark Neemers, 801 Davis St. Speakers cited a need for accessibility to walking trails and area amenities, the need for pedestrian safety, and the burgeoning development of the area resulting in increased pedestrian traffic.

Action Item No. 2 Five Flags Civic Center Assessment and Study: Citizens who spoke in support of the item included: Antonin Erba, 1505 Fairview Pl.; Mark Wahlert, 1525 Douglas St.; Mark Heiderscheid, 3074 Sundown Ct.; Helen Magee, 611 S. Grandview Ave.; Bill Stoffel, 2905 Fox Hollow Rd.; John Perry, 250 W. 6<sup>th</sup> St.; John Pregler, 1525 Pego Ct.

## **ACTION ITEMS**

1. John F. Kennedy Road Sidewalks: City Manager transmitting information about the John F. Kennedy Road sidewalks. Following lengthy discussion, restated motion by Jones to advance the public improvement project as usual with the condition that the City would be responsible for snow removal in the block adjacent to the Gordon Drive properties. City Engineer provided information on why sidewalks might not exist in some other areas of town due to issues with right-of-way, easements and property ownership. Motion carried 5-2 with Rios and Del Toro voting nay.

2. Five Flags Civic Center Assessment and Study: Five Flags Civic Center Commission submitting the Assessment and Study and Report regarding the future of the Five Flags Civic Center and recommending that the City Council select Scenario #4. City Manager providing information on downtown parking availability. Following lengthy discussion,

Motion by Jones to receive and file the documents. Seconded by Rios. Motion carried 5-2 with Resnick and Del Toro voting nay.

3. Memorandum of Understanding with IADU Table Mound MHP, LLC: City Manager recommending approval of a Memorandum of Understanding (MOU) with IADU Table Mound MHP, LLC (Table Mound) for the repairs and improvements to its water distribution system, sanitary sewer collection system, to make the system compliant with Iowa Department of Natural Resources (IDNR) requirements and to City standards, and to dedicate portions of the system to the City. Motion by Resnick to receive and file the documents and adopt Resolution No. 201-18 Approving a Memorandum of Understanding between the City of Dubuque and IADU Table Mound MHP, LLC for repairs and improvements to its water distribution and sanitary sewer collection system. Seconded by Shaw. Motion carried 7-0.

4. Rental Housing Tiered Inspection Program - Code Amendment and Adoption of Program: City Manager recommending 1) Passage of an ordinance amending the City of Dubuque Code of Ordinances Title 14, Chapter 1 Building Codes, Article J Property Maintenance Code, Section 14-1J-3 Rental Licenses; and 2) Adoption of the resolution allowing the City Manager to implement and amend the Tiered Inspection Program as needed to achieve outcomes described in the City Council's Goals & Priorities. 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 Resnick. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 21-18 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article J Property Maintenance Code, Section 14-1J Rental Licenses. Seconded by Shaw. Motion carried 7-0.

Motion by Jones to adopt Resolution No. 202-18 Resolution of the City Council of the City of Dubuque, Iowa adopting the Rental Housing Tiered Inspection Program. Seconded by Shaw. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 10 Park and Recreation Advisory Commission: City Manager recommending approval of an ordinance which adds a new Section 10-5A-2 which establishes the Park and Recreation Advisory Commission and provides for the powers, operation, membership and meetings. 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 Larson. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 22-18 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article A Administration by repealing Section 10-5A-2 Park and Recreation Advisory Commission and adopting a new section 10-5A-2 Park and Recreation Advisory Commission in lieu thereof Establishing the Park and Recreation Advisory Commission and providing for the Powers, Operation, Membership, and Meetings. Seconded by Shaw. Motion carried 7-0.



6. Code of Ordinances Amendment - Title 10 Open Season and Hours for Certain City Recreational Spaces: City Manager recommending adoption of an ordinance which prohibits camping in all parks, parkways, trails, and open spaces, except Miller-Riverview Park, unless approved by the City Manager or through a special events permit. Motion by Larson 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 Resnick. Motion carried 7-0.

Motion by Larson for final consideration and passage of Ordinance No. 23-18 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations, Section 10-5B-22 Open Season and Hours Generally. Seconded by Resnick. Motion carried 6-1 with Larson voting nay.

7. Code of Ordinances Amendment - Title 1 Mayor Pro Tem: City Manager recommending adoption of an ordinance amendment that provides for the prior appointment of a presiding officer in the event the Mayor and Mayor Pro Tem are absent or participating by telephone and cannot preside over a City Council meeting. 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. 24-18 Amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 6 Mayor and City Council, Section 1-6-3 Mayor Pro Tem. Seconded by Jones. Motion carried 7-0.

8. Biogas Conversion Project Video: The Cable TV Division showed a video on the Biogas Conversion Project and media conference recently held at the Water & Resource Recovery Center. Motion by Jones to receive and file the information. Seconded by Shaw. Motion carried 7-0.

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

### **CLOSED SESSION**

Motion by Jones at 9:03 p.m. to convene in closed session 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 9:36 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:37 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 7/11