

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

The Dubuque City Council met in regular session at 6:00 p.m. on July 16, 2018 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Del Toro, Jones, Larson, Resnick, Shaw; City Manager Van Milligen, City Attorney Brumwell

Absent: Council Member Rios

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

1. Iowa Department of Transportation Transit Manager of the Year Award: City Manager Van Milligen recognized Transportation Services Manager Candace Eudaley-Loebach with the "Transit Manager of the Year" from the Iowa Public Transit Association and the Iowa DOT.

PROCLAMATION(S)

1. Abraham Lincoln Day (July 17, 2018) was accepted by John Pregler, 1525 Pego Court.
2. Dubuque County Fair Week (July 24-29, 2018) was accepted by Kevin Kotz, General Manager for the Dubuque County Fair Grounds.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Council Member Shaw requested #14 be held for separate discussion. Council Member Del Toro requested that #18 be held for separate discussion Motion carried 6-0

1. Minutes and Reports Submitted: Cable TV Commission of 7/11; City Council Proceedings of 7/2, 7/9; Five Flags Civic Center Commission of 6/25, Housing Commission of 6/26; Library Board of Trustees Council Update #172 or 6/28/18; Zoning Advisory Commission of 7/5; Zoning Board of Adjustment of 6/28; Proof of Publication for City Council Proceedings of 6/18, 6/25. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Kimberly Erickson for vehicle damage, Robert Johnsen for vehicle damage, Anthony King for vehicle damage, Justin Mills for vehicle damage, Jane Marie Walsh 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: Kimberly Erickson for vehicle damage, Robert Johnsen for vehicle damage, Anthony King for vehicle damage, Justin Mills for vehicle damage, Jane Marie Walsh for vehicle damage. 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. Rock Farm Holdings, Inc. Contract Amendment with Iowa Economic Development Authority (IEDA): City Manager recommending approval of an amendment to a Contract among the Iowa Economic Development Authority, Rockfarm Holdings, Inc. and the City of Dubuque for financial benefits for Rockfarm Holdings, Inc. Upon motion the documents were received and filed, and Resolution No. 204-18 Approving an Amendment to the Economic Development Financial Assistance Contract by and among Rockfarm Holdings, Inc., the City of Dubuque, and the Iowa Economic Development Authority was adopted.

6. Continuum of Care (CoC) Special Needs Assistance Program (SNAP): City Manager recommending authorization of a one-year renewal application to the U.S. Department of Housing & Urban Development (HUD) for the administration of the Continuum of Care Special Needs Assistance Program, which provides rental assistance to homeless persons with disabilities. Upon motion the documents were received and filed, and Resolution No. 205-18 Authorizing the Mayor to execute an application for the Continuum of Care Grant and Authorizing the Director of Housing and Community Development and the City Manager to approve the application was adopted.

7. Contracted Service Agreement with America's River Corporation for Fiscal Year 2019: City Manager recommending execution of the Fiscal Year 2019 Contracted Service Agreement with America's River Corporation. Upon motion the documents were received, filed and approved.

8. Creek Wood Park - Timber-Hyrst Estates Covenant Variance: City Manager transmitting a covenant variance for the second lot received from North Cascade Developers, LLC for Creek Wood Park in Timber-Hyrst Estates. Upon motion the documents were received and filed.

9. Washington Park Gazebo Painting Project Award: City Manager recommending that the award for the Washington Park Gazebo Painting Project to Colonial Painting and

Decorating be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

10. Final Plat for Jule Place: Zoning Advisory Commission recommending approval of the Final Plat for Jule Place. Upon motion the documents were received and filed, and Resolution No. 206-18 Approving the Final Plat of Jule Place in the City of Dubuque, Iowa was adopted.

11. Pre-Annexation Agreement - Donald and Carol March: City Manager recommending approval of a Pre-Annexation Agreement with Donald J. and Carol S. March, for property located at 14483 North Cascade Road, in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 207-18 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Donald J. and Carol S. March was adopted.

12. Fiscal Year 2019 Workers Compensation Excess Insurance Renewal: City Manager recommending approval of the workers compensation excess insurance renewal rate submitted by Safety National, our current carrier, effective July 1, 2018 through June 30, 2019. Upon motion the documents were received, filed and approved.

13. 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 to purchase equipment for the Dubuque Regional Airport and the Cable TV Control Room in the City Hall Annex. Upon motion the documents were received, filed and approved.

14. Monthly Rental Assistance Payment Approval: City Manager recommending approval of the Consolidated Annual Contributions Contract and approval of all monthly rental assistance payments to participating landlords not to exceed the agreement threshold for spending. Motion by Shaw to receive and file and adopt Resolution No. 208-18 Approval of certain Housing Department Construction Contracts to allow for timely payment to vendors. Seconded by Resnick. Council Member Shaw expressed his opposition to the State Auditor's demands on municipal expenditures and agreed with the City Manager's process to expedite payments. Motion carried 6-0.

15. Grant Application for Lead and Healthy Homes Submission: City Manager recommending approval of an application to the U.S. Department of Housing and Urban Development (HUD) for continuation of the Lead-Based Paint Hazard Reduction Program. Upon motion the documents were received and filed, and Resolution No. 209-18 Authorizing the Mayor to execute and application for HUD Lead Paint Hazard Control and Healthy Homes Program Grant was adopted.

16. Downtown Rehabilitation and Housing Grant Programs: City Manager recommending approval of six Downtown Rehabilitation and Housing Grant Awards for the 2nd Quarter of 2018. Upon motion the documents were received and filed, and

Resolution No. 210-18 Approving Grant Agreements by and between the City of Dubuque, Iowa and TBill's Properties, LLC; Melissa Hammerand; Janice Esser; Westward Capital Management, LLC; Lakeside Investments, LLC; and Brian Lammers, providing for Downtown Rehabilitation Grants for the redevelopment of certain properties in the City of Dubuque was adopted.

17. National Recreation and Park Association Grant Application for Comiskey Park: City Manager recommending authorization to apply for a grant from the 2018 Great Urban Parks Campaign sponsored by the National Recreation and Park Association for implementation of the Comiskey Park Development Project. Upon motion the documents were received and filed, and Resolution No. 211-18 Authorizing Grant Application to National Recreation and Park Association for Comiskey Park Development was adopted.

18. City Manager Employment Agreement: City Manager's employment agreement submitted for Council approval. Motion by Jones to receive and file the documents and adopt Resolution No. 212-18 Establishing the Compensation of the City Manager. Seconded by Larson. Council Member Del Toro expressed his concerns with the automatic, annual increase in the Manager's car allowance and could not support it being tied to the salary increase without exhibiting a need appropriate to the position. Mr. Del Toro also expressed support for hard caps on salaries. Motion carried 4-2 with Del Toro and Shaw voting nay.

19. City Assessor's Office - Notification of Property Tax Appeals: Correspondence from City Assessor Rick Engelken advising the City of two property tax appeals before the Iowa Property Assessment Board. Upon motion the documents were received and filed.

20. Proposed Amendment to Master Co-location and Shared Services Agreement with CS Technologies: City Manager recommending approval of an amendment to the Master Co-Location and Shared Services Agreement between the City of Dubuque and CS Technologies that would provide broadband capacity and support for a new development in the Historic Millwork District. Upon motion the documents were received, filed and approved.

21. Improvement Contracts / Performance, Payment and Maintenance Bonds: Colonial Painting & Decorating for the Washington Park Gazebo Painting Project; Drew Cook & Sons Excavating Co., Inc. for the John F. Kennedy Rd. Concrete Panel Replacement Project and the Dubuque Skate Park; Game Time/Cunningham Recreation for the Creek Wood Park Playground. Upon motion the documents were received, filed and approved.

22. Signed Contract(s): Agreement with Kim Herrig for cleaning, housekeeping, and/or janitorial services at City offices at 300 Main Street; Revocable License for River City Church Signage; Michael Beck for a bench at 1166 Main St.; LPIKON Properties, LLC for ADA access at 123 Main St. Upon motion the documents were received and filed.

23. 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. 213-18 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 214-18 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 Jones to receive and file the documents, adopt the resolutions, set the public hearings as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Resnick. Motion carried 6-0.

1. Asbestos Abatement Project for Former Bowling & Beyond Site: City Manager recommending initiation of the public bidding procedure for the Bowling & Beyond Site – Asbestos Abatement Project, and further recommends that a public hearing be set for August 6, 2018. Upon motion the documents were received and filed, and Resolution No. 215-18 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 August 6, 2018 in the Historic Federal Building.

2. Dimensional Brewery Company Development Agreement: City Manager recommending that the City Council set a public hearing for August 6, 2018 to approve a Development Agreement with Easy Steve, LLC d/b/a Dimensional Brewing Company for redevelopment of 67 Main Street, including the proposed issuance of Urban Renewal Tax Increment Revenue Obligations. Upon motion the documents were received and filed, and Resolution No. 216-18 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on the approval of a Development Agreement between the City of Dubuque and Easy Steve, LLC d/b/a Dimensional Brewing Company, including the proposed issuance of Urban Renewal Tax Increment Revenue Obligations, and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on August 6, 2018 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Building Code and Advisory Appeals Board: One, 3-year term through August 1, 2021 (Expiring term of Wilberding). Applicant: Katrina Wilberding, 3715 Asbury Rd.

2. Historic Preservation Commission: One, 3-year term through July 1, 2019 (Vacant West 11th Street Historic District term of Nieto). Applicant: Charles Richard (Rick) Stuter, 1296 Prairie St. (Qualifies as 11th District Rep.). Mr. Stuter spoke in support of his appointment and provided a brief biography.

3. Housing Commission: Three, 3-year terms through August 17, 2021 (Vacant At-Large term of McDonnell, Expiring At-Large term of Weitz and Expiring Section 8 Recipient term of Shumaker). Applicants: Brad Cavanagh, 565 Fenelon Pl.; Coralita Shumaker, 2109 Washington St. (Qualifies as Section 8 Recipient); Gail Weitz, 1630 Lori Ct.

4. Housing Trust Fund Advisory Committee: One, 3-year term through August 17, 2021 (Expiring term of Holz)). Applicant: Jim Holz, 3010 Indiana Ct.

5. Civil Service Commission: One, 4-year term through April 6, 2022 (Vacant term of Neuhaus). Applicant: Phil Baskerville, 2945 Van Buren St. Upon Council concurrence, Mayor Buol appointed Mr. Baskerville to the 4-year term.

6. Electrical Code Board: One, 3-year term through May 21, 2020 (Expiring term of Dowell). Applicant: Tom Townsend, 1940 Amelia Dr. Motion by Larson to appoint Mr. Townsend to the 3-year term. Seconded by Jones. Motion carried 6-0.

PUBLIC HEARINGS

1. Request to Rezone - Royal Oaks Development Corporation in Conjunction with Annexation - Tabled from May 21, 2018 Meeting: City Manager recommending that the City Council table the public hearing on the rezoning request for Royal Oaks Development Corporation to a future date to be determined, to allow time for the Zoning Advisory Commission to reconsider the rezoning at a future date to be determined, and then provide a recommendation to the City Council. Motion by Jones to remove from the table. Seconded by Resnick. Motion carried 6-0. Motion by Jones to table the item to a future date to be determined. Seconded by Del Toro. Motion carried 6-0.

2. Voluntary Annexation -Portion of Silver Oaks Estates (Tabled from the May 21, 2018 Meeting): City Manager recommending that the City Council table the public hearing on the voluntary annexation request for Royal Oaks Development Corporation to a future date to be determined, to allow time for the Zoning Advisory Commission to reconsider the rezoning at a future date to be determined, and then provide a recommendation to the City Council. Motion by Jones to removed from the table. Seconded by Resnick. Motion carried 6-0. Motion by Jones to table to a future date to be determined. Seconded by Del Toro. Motion carried 6-0.

3. Request to Rezone - 255 John F. Kennedy Road: Proof of publication on notice of public hearing to consider approval of a request from Key City Investment Company/ Georgie Yiannias to amend the ShopKo PUD Planned Unit Development Zoning District located at 255 JFK Road to allow development of an out lot and the Zoning Advisory Commission recommending approval. 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. Real Estate Agent for the applicant, Steve Moore, spoke in support of the rezoning adding that the lot is "over parked" and can

accommodate the out lot. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Larson for final consideration and passage of Ordinance No. 25-18 Amending Title 16, the Unified Development Code of the City of Dubuque Code of Ordinances by rescinding Ordinance 61-89 and 14-99 which established regulations for the ShopKo PUD Planned Unit Development District with a Planned Commercial Designation and now being amended to allow for the development of an out-lot building. Seconded by Resnick. Motion carried 6-0.

4. Thompson Truck and Trailer, LLC Lease: Proof of publication on notice of public hearing to consider approval of a Lease Agreement between the City of Dubuque and Thompson Truck and Trailer, LLC and the City Manager recommending approval. Motion by ones to receive and file the documents and adopt Resolution No. 217-18 Approving a Lease Agreement between the City of Dubuque, Iowa (City) and Thompson Truck and Trailer, LLC, a Delaware Corporation (Thompson). Seconded by Del Toro. Motion carried 6-0.

PUBLIC INPUT

Christian Stillings, 1298 Locust Street, expressed his support for net neutrality with respect to the ongoing enhanced broadband discussions, but was concerned with the public/private partnerships giving preference to the vendors that provide internet access. Mr. Stillings added that on behalf of the Campaign for a neutral and democratic internet, he asked that the City keep moving forward with exploring options.

ACTION ITEMS

1. Follow-up to June 25, 2018 Work Session on Enhanced Broadband Capacity, Access and Equity in Dubuque: Information Services Manager Chris Kohlmann, Public and Sustainable Innovation Consultant David Lyons facilitated a follow-up discussion to the June 25, 2018 City Council Work Session on Enhanced Broadband Capacity, Access and Equity in Dubuque prior to City Council Goal Setting. The presenters responded to questions from the City Council regarding the definition of net neutrality; the inability to guarantee net-neutral providers, service and privacy; financial capacity for net-neutral competition; country-wide state legislation prohibiting municipal internet, possible litigation; assistance from public/private partnerships; data harvesting at the application level and network level; ultimate control of a system, the potential for state and federal pre-emption at any time; and the need for lobbying public policy at the state and federal levels.

2. Mural Information: City Attorney providing information on murals. Motion by Larson to receive and file the information Seconded by Del Toro. Motion carried 6-0. City Council discussion included murals remaining an issue for private property owners, retaining artistic expression and control, over-saturation, preserving historic accuracy, Council's and the public's perception of art, long-term maintenance responsibility and ownership,

reviewing other communities' best practices. The Council concurred that continued discussion is needed.

3. Code of Ordinances Amendment Title 14 Vacant and/or Abandoned Buildings: City Manager recommending approval of an amendment to the City of Dubuque Code of Ordinances, Title 14, Chapter 4 Licensing of Vacant and/or Abandoned Buildings. 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 Del Toro. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 26-18 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 4 Licensing of Vacant and/or Abandoned Buildings, Section 14-4-1 Definitions. Seconded by Del Toro. Motion carried 6-0.

4. Request to Schedule Work Session - Inclusive Dubuque: City Manager recommending that the City Council schedule the Inclusive Dubuque work session for September 10, 2018 at 6:00 p.m. in the Historic Federal Building. Motion by Resnick to receive and file the documents and schedule the work session as recommended. Seconded by Del Toro. Motion carried 6-0.

5. Request to Schedule Work Session - Project HOPE: City Manager recommending that the City Council schedule a work session for a Project HOPE Update at 5:30 p.m. on August 6, 2018 in the Historic Federal Building. Motion by Del Toro to receive and file the documents and schedule the work session as recommended. Seconded by Larson. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Jones reported on the death of Key West Volunteer Fire Chief Brian Arnold and Dubuque County Sheriff's Deputy Mark Oberhoffer.

Council Member Resnick reported on a citizen inquiry concerned with the closure of 5th Street being considered with the possible Five Flags Civic Center redesign requesting that Council discuss traffic flow concerns during the August Council goal setting.

Council Member Larson congratulated the Leisure Services Department, the Park and Recreation Commission and the Kids in Dubuque Skate (KIDS) Campaign for the success of the skate park project and recent ground breaking.

There being no further business, upon motion the City Council adjourned at 7:33 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 7/25