

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

The Dubuque City Council met in regular session at 6:00 p.m. on August 20, 2018 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Member Shaw

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

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Council Member Larson requested #1 be held for separate discussion. Motion carried 6-0.

1. Minutes and Reports Submitted: City Council Proceedings of 8/6, 8/8, 8/13, 8/14, 8/15; Civil Service Commission of 6/26, 7/26, 7/31; Community Development Advisory Commission of 7/18; Housing Commission of 7/24; Library Board of Trustees Council Update #173 of 7/26; Resilient Community Advisory Commission of 4/5, 5/3, 6/7; Zoning Advisory Commission of 8/1; Proof of Publication for City Council Proceedings of 7/23. Motion by Larson to receive and file the documents. Seconded by Resnick. Ms. Larson thanked the members of the boards and commissions that provided feedback to the City Council for this year's goal setting session. Motion carried 6-0.

2. Notice of Claims and Suits: Thomas Coyle for vehicle damage; Robert Duster for property damage; Channing Ellison for vehicle damage; Robert Johnsen/Nationwide for vehicle damage; TFM, Co. for property damage; Daniel and Christina True 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: Thomas Coyle for vehicle damage, Channing Ellison for vehicle damage; TFM Co. for property damage, Daniel and Christina True for property damage. Upon motion the documents were received, filed and concurred.

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

5. Travel Dubuque Letter of Support for Five Flags Center Redevelopment: Correspondence from the Travel Dubuque Board / Convention and Visitors Bureau in support of a Five Flags Civic Center redevelopment. Upon motion the document was received and filed.

6. Greater Dubuque Development Corporation Annual Report 2017-2018: City Manager providing a copy of the Greater Dubuque Development Corporation Annual Report 2017-2018. 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 Assistant Planner. Upon motion the documents were received, filed, and made a Matter of Record.

8. Acceptance of Property at 686-688 University Avenue: City Manager recommending approval of a resolution accepting a Quit Claim Deed and Affidavit of Surviving Spouse for property at 686-688 University Avenue. Upon motion the documents were received and filed, and Resolution No. 240-18 Approving the acquisition of real estate owned by Deane C. and Manolita C. Dement, in the City of Dubuque, Iowa was adopted.

9. Request for Proposals - Downtown Commercial Building Exterior Evaluation and Assessment Project: City Manager recommending approval of the release of a Request for Proposals for qualified firms to undertake the Downtown Commercial Building Evaluation and Assessment Project. Upon motion the documents were received, filed and approved.

10. Medline Industries, Inc. Contract with Iowa Economic Development Authority: City Manager recommending approval of an Economic Development Assistance Contract by and among Medline Industries, Inc., MREDIA, LLC (Medline), the City of Dubuque, and the Iowa Economic Development Authority. Upon motion the documents were received and filed, and Resolution No. 241-18 Authorizing the execution of an Economic Development Assistance Contract by and among Medline Industries, Inc., MREDIA, LLC, the City of Dubuque, Iowa, and the Iowa Economic Development Authority was adopted.

11. Washington Neighborhood / Housing Trust Fund Application Match: City Manager recommending approval to commit funds from the Greater Downtown Tax Increment Financing Urban Renewal District as budgeted to be used as a match to the Housing Trust Fund Committee's application to the Iowa Finance Authority for a grant from the State Housing Trust Fund for continued support of homeownership and rehabilitation activities in the Washington Neighborhood. Upon motion the documents were received and filed, and Resolution No. 242-18 Approving commitment of matching funds for application to the Iowa Finance Authority (IFA) for State Housing Trust Funds was adopted.

12. Certified Local Government (CLG) Grant Application for Preservation Planning – Four Mounds Park: City Manager recommending approval of Four Mounds Foundation’s grant application through the Certified Local Government Program for preservation planning for long-term protection of the Burial Mounds Area at Four Mounds Park. Upon motion the documents were received and filed, and Resolution No. 243-18 approving a CLG grant application to State Historic Preservation Office for Preservation Planning at Four Mounds Estate Historic District was adopted.

13. Certified Local Government (CLG) Grant Application - Preserve Iowa Summit: City Manager recommending approval of the City’s application for a Certified Local Government (CLG) Program Grant for hosting the 2020 Preserve Iowa Summit at the invitation of the State Historical Society of Iowa, and approval of a resolution for Dubuque to host the 2020 Preserve Iowa Summit. Upon motion the documents were received and filed, and Resolution No. 244-18 Approving CLG Grant Application to State Historic Preservation Office for hosting the 2020 Preserve Iowa Summit was adopted.

14. Cottingham & Butler Insurance Services, Inc., Contract Amendment: City Manager recommending approval of a resolution authorizing an amendment to Contract 15-DF-034 by and among Cottingham & Butler Insurance Services, Inc., the City of Dubuque, and the Iowa Economic Development Authority. Upon motion the documents were received and filed, and Resolution No. 245-18 Approving an amendment to the Economic Development Financial Assistance Contract by and among Cottingham & Butler Insurance Services, Inc., the City of Dubuque, Iowa, and the Iowa Economic Development Authority was adopted.

15. Tri-State Occupational Health Agreement Amendment: City Manager recommending approval of an Amendment to the Agreement between Tri-State Occupational Health, L.L.C. and the City of Dubuque for case management services for workers compensation claims and police and fire job related injuries and illnesses. Upon motion the documents were received, filed and approved.

16. International Union of Operating Engineers, Local #234 Amendment to the Collective Bargaining Agreement: City Manager recommending approval of an Amendment to the Collective Bargaining Agreement between the City of Dubuque and the International Union of Operating Engineers, Local #234, to provide for a work week that consists of ten hours per day and four days per week for full-time Public Safety Dispatchers. Upon motion the documents were received, filed and approved.

17. Key West Fire Department - Accepting Sanitary Sewer Easement: City Manager recommending acceptance of a Grant of Easement from the Key West Community Fire Department, Inc. for a Sanitary Sewer Utility across Part of Lot 1 of Twin Ridge Subdivision No. 2 in Dubuque County as part of the Twin Ridge Lift Station Abandonment Project. Upon motion the documents were received and filed, and Resolution No. 246-18 Accepting a Grant of Easement for Sanitary Sewer Utility Across Part of Lot 1 of Twin Ridge Subdivision No. 2, in the County of Dubuque, Iowa was adopted.

18. Bowling & Beyond Site - Asbestos Abatement Project Award: City Manager recommending award of the construction contract for the Bowling & Beyond Site - Asbestos Abatement Project to the low bidder Advanced Environmental Testing & Abatement. Upon motion the documents were received and filed, and Resolution No. 247-18 Awarding Public Improvement Contract for the Bowling & Beyond Site - Asbestos Abatement Project was adopted.

19. Washington Park Gazebo Painting Project Acceptance: City Manager recommending acceptance of the Washington Park Gazebo Painting Project as completed by Colonial Painting and Decorating, Inc. Upon motion the documents were received and filed, and Resolution No. 248-18 Accepting the Washington Park Gazebo Painting Project and Authorizing the payment of the contract amount to the contractor was adopted.

20. Adopting Code Supplement No. 29: City Clerk recommending adoption of Supplement No. 29 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed, and Resolution No. 249-18 Adopting Supplement No. 29 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

21. Signed Contract(s): Municipal Collections of America, Inc., Collection Services Agreement; Dubuque Community School District Revocable License for use of right-of-way at Alta Vista Campus. Upon motion the documents were received and filed.

22. Improvement Contracts / Performance, Payment and Maintenance Bonds: Midwest Concrete, Inc., for Veterans Park Pickleball Court Construction Project. Upon motion the documents were received, filed and approved.

23. 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. 250-18 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 Del Toro 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 6-0.

1. Intent to Dispose of an Interest in Real Property to Southwestco Wireless, Inc. D/B/A Verizon Wireless: City Manager recommending recommend the City Council set a public hearing for September 4, 2018, to dispose of an interest in real property owned by the City of Dubuque by lease between the City of Dubuque, Iowa and Southwestco Wireless,

Inc. d/b/a Verizon Wireless or proposed placement of a small cell and associated equipment in the public right-of-way at the northeast corner of the intersection of Embassy West Drive and Middle Road. Upon motion the documents were received and filed, and Resolution No. 251-18 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 Southwestco Wireless, Inc. D/B/A Verizon Wireless was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on September 4, 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. Applicant appointments will be made at the next City Council meeting.

1. Airport Commission: Two, 4-year terms through July 1, 2022 (Expiring terms of Accinelli and Blocker). Applicants: Robert Blocker, 880 Kane St.; Jennifer Chambers, 940 Kelly Ln.; Michael Phillips, 1029 Dunham Dr.

2. Housing Commission: One, 3-year term through August 17, 2021 (Vacant term of Fernandes). Applicants: Antonino T. Erba, 1505 Fairview Pl.; Sam Wooden, 1135 Rosedale Ave. Mr. Erba spoke in support of his appointment and provided a brief biography.

3. Zoning Advisory Commission: One, 3-year term through July 1, 2021 (Expiring term of Russell). Applicant: Rich Russell, 2045 Embassy West Dr.

Appointments to the following commissions to be made at this meeting.

4. Transit Advisory Board: One, 3-year term through July 30, 2021 (Expiring term of Esser). Additional Vacancy of one, 3-year term through July 30, 2020 (Vacant term of Stiles). Applicants: Robert Daughters, 1631 Jackson St.; Matthew Esser, 90 Main St.

Upon roll-call vote, Robert Daughters was appointed to the 3-year term through July 30, 2020. (Daughters = Resnick, Larson, Jones, Buol, Rios; Esser = Del Toro)

Motion by Jones to appoint Mr. Esser to the 3-year term through July 30, 2021. Seconded by Resnick. Motion carried 6-0.

PUBLIC HEARINGS

1. Planned Unit Development (PUD) Amendment for 1100 Carmel Drive: Proof of publication for notice of public hearing to consider approval of a request from Pope Architects/ Sisters of Charity BVM to amend the PUD Planned Unit Development District at 1100 Carmel Drive to facilitate the development of a senior living community and the Zoning Advisory Commission recommending approval. 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. On behalf of the applicant, Sisters of

Charity BVM, Sister Teri Hadro, BVM, spoke in support of the request and provided a brief description of the project. Bill Hagstrom of Presbyterian Homes and Mike Jansen of IIW Engineers further described the project. Planning Services Manager Laura Carstens provided a staff report. Responding to questions from the City Council, Mr. Hagstrom stated that the new building's exterior would be similar in look and style but would not compete with the original historic structure. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 29-18 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by reclassifying hereinafter described property located at 1100 Carmel Drive from R-1 Single-Family Residential to PUD Planned Unit Development with a PR Planned Residential Designation and amending the existing Planned Unit Development Regulations to facilitate the development of a Senior Living Community. Seconded by Resnick. Motion carried 6-0.

2. Petition to Vacate Alley in D.N. Cooley's Subdivision for Housing Department Project Adjacent to 396 West Locust Street: Proof of publication for notice of public hearing to consider vacating a 10-foot-wide alley adjacent to the property at 396 West Locust Street and just west of the intersection of West 17th Street and West Locust Street to facilitate a Housing Department project, and the City Manager recommending approval. Motion by Del Toro to receive and file the documents and adopt Resolution No. 252-18 Vacating the 10-foot-wide alley adjacent to Lots 14 and 15 in D.N. Cooley's Subdivision, in the City of Dubuque, Iowa, to be known as Lot 15A of D.N. Cooley's Subdivision, in the City of Dubuque, Iowa. Seconded by Larson. Motion carried 6-0.

3. Millwork District Parking Lot #2 - Elm Street Parking Lot Project: Proof of publication for notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Millwork District Parking Lot #2 Project (aka Elm Street Parking Lot), and the City Manager recommending approval. Motion by Larson to receive and file the documents and adopt Resolution No. 253-18 Approval of plans, specifications, form of contract, and estimated cost for the Millwork District Parking Lot #2 Project. Seconded by Resnick. Responding to questions from the City Council, City Manager Van Milligen provided a brief history of the past and future parking requirements and needs in the Historic Millwork District. Motion carried 6-0.

4. Twin Ridge Lift Station Abandonment Project: Proof of publication for notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Twin Ridge Lift Station Abandonment Project, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 254-18 Approval of plans, specifications, form of contract, and estimated cost for the Twin Ridge Lift Station Abandonment Project. Seconded Del Toro. Motion carried 6-0.

5. Dubuque Industrial Center West - McFadden Farm Grading Phase I Project: Proof of publication for notice of public hearing to consider approval of the plans, specifications, form of contract and the estimated cost for the Dubuque Industrial Center West – McFadden Farm Grading Phase I Project, and the City Manager recommending approval.

Motion by Resnick to receive and file the documents and adopt Resolution No. 255-18 Approval of plans, specifications, form of contract, and estimated cost for the DICW - McFadden Farm Grading Phase I Project; and Resolution No. 256-18 Authorization to advertise for bids for the DICW - McFadden Farm Grading Phase I Project. Seconded by Jones. Motion carried 6-0.

PUBLIC INPUT

Representing the Friends of Fair Housing with the NAACP Dubuque Chapter, Lynn Sutton, 859 Air Hill; and Tom Loguidice, 786 Stone Ridge Pl., addressed the City Council regarding the progress and continued needs they have witnessed in rental housing code enforcements. Ms. Sutton and Mr. Loguidice expressed concerns regarding repeated extensions for violations that they perceive as some landlords' way of avoiding violations and fines. Ms. Sutton relayed her experiences and those of some tenants about being intimidated and/or threatened when building code violations are identified or reported.

ACTION ITEMS

1. Black Hills Energy Annual Report: Laura Roussell, Senior Community Affairs Manager; and Mark Ernst, Customer Relations Manager, for Black Hills Energy presented the company's annual report. Mr. Roussell addressed their contact sheet, safety brochure, annual personalized report for Dubuque, and the corporate environmental report. Mr. Ernst provided information on the BHE pipeline serving Dubuque's south end, promoting compressed natural gas vehicles, partnering with the W&RRC and the DMASWA for the capture of methane and renewable natural gas. Motion by Resnick to receive and file the documents. Seconded by Del Toro. Motion carried 6-0.

2. Northeast Iowa Community College (NICC) Bond Levy Update: NICC President Dr. Liang Chee Wee provided an update on the College's September 11, 2018 referendum for continuing the current bond levy. Highlights included information on the College's need for upgrades to technology, security, infrastructure, and flexible training space. Dr. Wee addressed the regional impact of NICC and referenced the handouts distributed. Motion by Jones to receive and file the documents. Seconded by Resnick. Motion carried 6-0.

3. Code of Ordinances Amendment - Title 6 Prohibited and Exempt Noise (2nd Reading as Amended from the August 6, 2018 Meeting): City Attorney recommending abandoning the 2nd reading of the originally proposed ordinance due to additional amendments from staff since the August 6, 2018 reading. Motion by Jones to receive and file the documents and abandon the 2nd reading of the ordinance as recommended. Seconded by Larson. Responding to a request by City Council, City Attorney Brumwell stated that the reason for the abandonment was due to additional language changes that staff identified since the amendments Council voted on with the first reading of August 6, 2018. Motion carried 6-0.

4. Code of Ordinances Amendment - Title 6 Prohibited and Exempt Noise as Amended: City Attorney recommending approval of an update to the prohibited noises and exempt

noises ordinances to update and correct some terminology in the prohibited noises ordinance and add provisions and sections that further clarifying the use, prohibitions and exemptions of outdoor music or amplified noise. This amendment includes changes requested by Council and suggested by staff from the August 6, 2018 City Council meeting. 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. Mayor Buol stated that he was conflicted about voting the ordinance through in the absence of Council Member Shaw who had voiced some concerns at the August 6, 2018 meeting. Motion failed 5-1 with Buol voting nay.

Motion by Jones to consider the first reading of proposed ordinances amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 5 Noises, Section 6-5-1 Prohibited Noises; and amending City of Dubuque Code of Ordinances Title 6, Health, Housing, Sanitation and Environment, Chapter 65 Noises, Section 6-5-3 Exempt Noises. Seconded by Resnick. Motion carried 6-0.

There being no further business, upon motion the City Council adjourned at 6:58 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 8/29