

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

The Dubuque City Council met in regular session at 6:00 p.m. on September 4, 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

SWEARING IN

1. Mayor Buol administered the Oath of Office to Mayor Pro Tem Luis Del Toro for the term September 1, 2018 through April 30, 2019. Mayor Buol thanked Council Member Resnick for his service as Mayor Pro Tem.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Shaw. Motion carried 6-0.

1. Minutes and Reports Submitted: City Council Proceedings for 8/20; Community Development Advisory Commission of 8/15; Library Board of Trustees of 6/28; Library Board of Trustees Council Update #174 of 8/24; Proof of Publication for City Council proceedings of 7/16, 8/6, 8/8, 8/14; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 7/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: William Baum for vehicle damage; Hertz Rent-a-Car for vehicle damage; Adam Jordan for vehicle damage; Lynn McCormick/Partners Mutual Insurance for vehicle damage; Melvin Moss for vehicle damage; Jeremy Noel for property damage; Marilyn Thoma for vehicle 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: Melvin Moss for vehicle damage. Hertz Rent-a-Car for vehicle damage; Adam Jordan for vehicle damage; Lynn McCormick/Partners Mutual Insurance for vehicle damage; Melvin Moss for vehicle damage; Jeremy Noel for property damage; and Marilyn

Thoma 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. Contracted Service Agreement - Washington Tool Library for Fiscal Year 2019: City Manager recommending execution of the Fiscal Year 2019 Contracted Service Agreement with the Washington Tool Library. Upon motion the documents were received, filed and approved.

6. Iowa Greyhound Association Lease Amendment: City Manager recommending approval of an Amendment to the Lease Agreement with Iowa Greyhound Association that provides for a five-year term commencing January 1, 2020. Upon motion the documents were received and filed, and Resolution No. 257-18 Approving an Amendment to Lease Agreement between the City of Dubuque, Iowa and Iowa Greyhound Association was adopted.

7. 2018 Asphalt Overlay Access Ramp Project One Acceptance: City Manager recommending acceptance of the construction contract for the 2018 Asphalt Overlay Access Ramp Project One, as completed by D & D Superior Concrete, LLC. Upon motion the documents were received and filed, and Resolution No. 258-18 Accepting the 2018 Asphalt Overlay Access Ramp Project one and authorizing the payment to the contractor was adopted.

8. 2018 Asphalt Overlay Access Ramp Project Two Acceptance: City Manager recommending acceptance of the construction contract for the 2018 Asphalt Overlay Access Ramp Project Two, as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed, and Resolution No. 259-18 Accepting the 2018 Asphalt Overlay Access Ramp Project Two and authorizing the payment to the contractor was adopted.

9. Twin Ridge Lift Station Abandonment Project Award: City Manager recommending award of the construction contract for the Twin Ridge Lift Station Abandonment Project to the low bidder Gansen Excavating, Inc. Upon motion the documents were received and filed, and Resolution No. 260-18 Awarding Public Improvement Project for the Twin Ridge Lift Station Abandonment Project was adopted.

10. Accepting Grant of Storm Sewer Easement from SPT Real Estate LLC / 602 Peru Road: City Manager recommending acceptance of a Grant of Easement from SPT Real Estate LLC for Storm Sewer across Parts of Lot 1 and Lot 2 of Haberkorn Place as part of a private parking lot improvements project at 602 Peru Road. Upon motion the documents were received and filed, and Resolution No. 261-18 Accepting a Grant of Easement for storm sewer through, under and across parts of Lot 1 and Lot 2 of Haberkorn Place, in the City of Dubuque, Iowa was adopted.

11. Bee Branch Railroad Culverts Project, Easement Acquisitions, Setting Fair Market Value, Resolution Amendments: City Manager recommending approval to amend previously adopted resolutions establishing the fair market value of certain permanent and temporary easements to be acquired through real property owned by HWY 151 & 61 Development, LLC at East 16th Street and certain permanent and temporary easements to be acquired through real property owned by Canadian Pacific Railway at 506 Garfield Avenue. Upon motion the documents were received and filed, and Resolution No. 262-18 Amending Resolution No. 228-18 Establishing the fair market value and authorizing the acquisition by Eminent Domain of easements through certain real property owned by Hwy 151 & 61 Development, LLC in the City of Dubuque, Iowa by changing the title to Easement Exhibit B to "Temporary Easement Exhibit B;" and Resolution No. 263-18 Amending Resolution No. 231-18 Establishing the fair market value and authorizing the acquisition by Eminent Domain of easements through certain real property owned by Canadian Pacific Railway in the City of Dubuque, Iowa by changing the title to Easement Exhibit B to "Permanent Easement Exhibit B" and adding a reference to Temporary Easement Exhibit E were adopted.

12. Contracted Service Agreement - Hills and Dales Senior Center Lifetime Program for Fiscal Year 2019: City Manager recommending execution of the Fiscal Year 2019 Contracted Service Agreement with Hills and Dales Senior Center Lifetime Program. Upon motion the documents were received, filed, and approved.

13. AmeriCorps Program Year 2018-2019 Grant Agreement: City Manager recommending approval of an agreement for AmeriCorps Partners in Learning Summer-Only Grant Continuation for Program Year 2018-2019 through the summer of 2019. Upon motion the documents were received, filed, and approved.

14. 2018-19 AmeriCorps Partners in Learning Planning Grant Agreement Related to Health, Wellness and Environmental Stewardship: City Manager recommending approval of an AmeriCorps Partners in Learning Planning Grant Agreement for Program Year 2018-2019 related to health, wellness and environmental stewardship. Upon motion the documents were received, filed, and approved.

15. Mayor's Letter of Support to Senator Grassley Regarding Segal AmeriCorps Education Award: Letter of Support to Senator Chuck Grassley encouraging co-sponsorship of S.1042, legislation sponsored by Senators Johnny Isakson (R-GA) and Michael Bennet (D-CO) to provide tax relief for individuals who have earned a Segal AmeriCorps Education Award and use it to pay for college tuition, vocational school, or to pay down qualified student loan debt. Upon motion the documents were received and filed.

16. Crescent Community Health Center Letter of Support: City Manager recommending approval to sign a Letter of Support for the Crescent Community Health Center's Services Area Competition Grant to Health Resources and Services Administration. Upon motion the documents were received, filed, and approved.

17. Employee Changes to Support Family Self-Sufficiency Programming: City Manager recommending elimination of the Circles® Coach position and the creation of a Section 8 Caseworker position to ensure success of the Family Self-Sufficiency Programming. Upon motion the documents were received, filed and approved.

18. Fiber Optic Conduit Damage Claim Settlement with Tschiggfrie Excavating Co.: Senior Counsel recommending approval of a settlement offer regarding a claim that the City has made against Tschiggfrie Excavating Co., for damage to a fiber conduit and fiber optic cable at Hwy US 61 and Olde Davenport Road. Upon motion the documents were received, filed and approved.

19. Signed Contract(s): Second Amendment to the Farm Lease between the City of Dubuque and Carl Reiss and Anthony John Reiss. Upon motion the document was received and filed.

20. Improvement Contracts / Performance, Payment, and Maintenance Bonds: Midwest Concrete for Veterans Park Pickleball Court Construction Project. Upon motion the document was received, filed, and approved.

21. 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. 264-18 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 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. Tamarack Park Water Main Extension Project 2018 Initiate: City Manager recommending initiation of the public bidding procedure for the Tamarack Park Water Main Extension Project 2018, and further recommends that a public hearing be set for September 17, 2018. Upon motion the documents were received and filed and Resolution No. 265-18 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 September 17, 2018 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their appointment to the following Boards/Commissions.

1. Parks and Recreation Advisory Commission: One, 3-year term through June 30, 2019 (Vacant term of Lyness). Applicant: Robert McCoy, 265 Main St.

Appointments were made to the following Commissions.

2. Airport Commission: Two, 4-year terms through July 1, 2022 (Expiring terms of Acinelli and Blocker). Applicants: Robert Blocker, 880 Kane St.; Jennifer Chambers, 940 Kelly Ln.; Michael Phillips, 1029 Dunham Dr. Upon roll-call vote: Phillips = 0; Chambers = 6 (Shaw, Del Toro, Buol, Resnick, Larson, Jones); Blocker = 6 (Shaw, Del Toro, Buol, Resnick, Larson, Jones), Mr. Blocker and Ms. Chambers were appointed both to 4-year terms through July 1, 2022.

3. Housing Commission: One, 3-year term through August 17, 2021 (Vacant term of Fernandes), Applicants: Michelle Becwar, 2115 Coates St. (Additional Applicant); Antonino T. Erba, 1505 Fairview Pl.; Sam Wooden, 1135 Rosedale Ave. Upon roll-call vote, Becwar = 1 (Buol); Erba = 1 (Shaw); Wooden = 4 (Del Toro, Resnick, Larson, Jones), Mr. Wooden was appointed to a 3-year term through August 17, 2021.

4. Zoning Advisory Commission: One, 3-year term through July 1, 2021 (Expiring term of Russell), Applicant: Rich Russell, 2045 Embassy West Dr. Motion by Jones to appoint Mr. Russell to the 3-year term through July 1, 2021. Seconded by Resnick. Motion carried 6-0.

PUBLIC HEARINGS

1. Intent to Dispose of an Interest in Real Property to Southwestco Wireless, Inc., d/b/a Verizon Wireless: Proof of publication for notice of public hearing to consider the disposition 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, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 266-18 Disposing of an interest in real property owned by the City of Dubuque by Lease Supplement between the City of Dubuque, Iowa and Southwestco Wireless, Inc. d/b/a Verizon Wireless. Seconded by Del Toro. Motion carried 6-0.

PUBLIC INPUT

Dan LoBianco, Executive Director at Dubuque Main Street and Michaela Freiburger, Program Specialist at Dubuque Main Street spoke regarding the upcoming event entitled "Build a Better Block." The family-oriented event will be held in the 1800 block of Central Avenue, highlighting the potential of the area for business, the arts, and community engagement. The event will feature pop-up shops, food and entertainment for children.

ACTION ITEMS

1. America's River III Campaign: City Manager recommending Council approval of the America's River III fundraising campaign and associated naming opportunities and giving levels. Assistant City Manager Teri Goodmann thanked Honorary Chair Persons Norma Denlinger, Gary Dolphin, and Sue Hafkemeyer for all their support, hard work and dedication thus far in the fundraising campaign process. Gary Dolphin and Sue Hafkemeyer spoke thanking all involved in the fundraising campaign process. Randy Gehl, Public Information Officer demonstrated how to use the America's River III / Bee Branch Creek Restoration web page for naming opportunities and additional information on the project. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 6-0.

2. McFadden Farm Grading Phase I Project - Project Award: City Manager to recommend award of the McFadden Farm Grading Phase I Project. Documentation was distributed at the meeting due to the timing of the bid opening at 2:00 p.m., September 4, 2018. Motion by Del Toro to receive and file the documents and adopt Resolution No. 267-18 Awarding Public Improvement Contract for the McFadden Farm Grading Phase I Project. Seconded by Jones. Motion carried 6-0.

3. Millwork District Parking Lot #2 (Elm Street Parking Lot) - Project Award: City Manager recommending award of the construction contract for the Millwork District Parking Lot #2 Project to the low bidder Drew Cook & Sons Excavating, Co. Motion by Resnick to receive and file the documents and adopt Resolution No. 268-18 Awarding Public Improvement Contract for the Millwork District Parking Lot #2 Project. Seconded by Jones. Motion carried 6-0.

4. Dubuque Main Street's Build a Better Block Event Map and Details: City Manager transmitting the event map and schedule details for Dubuque Main Street's Build a Better Block event September 14 through 23, 2018. Angela Wolfe Kelley, Senior Vice President of Heartland Financial USA, Inc. reiterated the information that Mr. LoBianco and Ms. Freiburger introduced during the Public Input section of the agenda. Motion by Larson to receive and file the documents. Seconded by Del Toro. Motion carried 6-0.

5. Code of Ordinances Amendment - Title 9 Street Storage: City Manager recommending approval of an amendment to the Street Storage Ordinance which requires vehicles be operational, registered, and licensed. 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 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 30-18 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 15 Impoundment of Vehicles, Division 3 Street Storage, Section 9-15-321.761 Definition. Seconded by Resnick. Motion carried 6-0.

6. Code of Ordinances Amendment - Title 6 Prohibited and Exempt Noises (2nd Reading): City Manager recommending approval of an update to the prohibited noises and

exempt noises ordinances to update 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. Motion by Jones to receive and file the documents and that the requirement that the proposed ordinance be considered and voted on for passage at one Council meeting prior to the meeting at which it is to be passed be suspended. Seconded by Resnick. Motion failed 4-2 with Shaw and Buol voting Nay.

Motion by Jones to pass the second reading of the proposed ordinances amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 5 Noises; and Section 6-5-1 Prohibited Noises and City of Dubuque Code of Ordinances Title 6, Health, Housing, Sanitation and Environment, Chapter 5 Noises, Section 6-5-3 Exempt Noises. Seconded by Resnick. Motion carried 4-2 with Shaw and Buol voting Nay.

7. SW Arterial Construction Update Video: Cable TV Division showed a video of the recent progress of the Southwest Arterial Project for August 2018. Motion by Resnick to receive and file the information. Seconded by Shaw. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Larson spoke regarding the storm damage from the September 2nd storm and that the City will be picking up debris.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:17 p.m. to discuss pending litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) of the Code of Iowa. Seconded by Resnick. Motion carried 6-0. 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.

Upon motion, the City Council reconvened in open session at 7:48 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:50 p.m.

/s/Trish L. Gleason, CMC
Assistant City Clerk

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