

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

The Dubuque City Council met in regular session at 6:00 p.m. on January 7, 2019 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**

**PROCLAMATION(S)**

1. Human Trafficking Prevention Month (January 2019) was accepted by Sr. Mary Lechtenburg, OSF and Sr. Joy Peterson, PVBM.

**CONSENT ITEMS**

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Council Member Shaw requested Item #12 be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: Catfish Creek Watershed Management Authority of 12/21; City Council Proceedings of 12/17; Five Flags Civic Center Commission of 12/20; Historic Preservation Commission of 12/20; Park and Recreation Commission of 12/11; Zoning Board of Adjustments of 12/20; Proof of publication for City Council Proceedings of 11/26; Proof of publication for City Council Proceeding of 12/3; Proof of publication List of Claims and Revenues for Month Ending 11/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Dittmer Recycling, Inc. for property damage and Jesse Drolema 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: Dittmer Recycling, Inc. for property damage; and Jesse Drolema 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 and filed, and

Resolution No. 1-19 Authorizing the Finance Director-City Treasurer to make certain payments of bills that must be paid and approved for payment in accordance with City procedures was adopted.

5. Landover Corporation - Development Agreement: City Manager recommending approval of the Grant Agreement for Urban Revitalization Area Designation between the City of Dubuque and Landover Corporation, which requires the acceptance of Housing Choice Vouchers in all units developed at 1895 Radford Road. Upon motion the documents were received and filed, and Resolution No. 2-19 Approving a Development Agreement by and between the City of Dubuque, Iowa and Landover Corporation, providing for the issuance of Urban Revitalization Area Designation for the Development of 1895 Radford Road was adopted.

6. Adopt Radford Road Revitalization Plan and Designate Area: City Manager recommending approving the Radford Road Urban Revitalization Plan for the Radford Road Urban Revitalization Area. Upon motion the documents were received and filed, and Resolution No. 3-19 Approving the Adoption of an Urban Revitalization Plan for the Radford Road Urban Revitalization Area was adopted.

7. Cohen-Esrey Development Group, LLC -Development Agreement: City Manager recommending approval of an agreement between the City of Dubuque and Cohen-Esrey Development Group, LLC to develop affordable family housing at 2887 and 2901 Central Avenue (the former Holy Ghost School). Upon motion the documents were received and filed, and Resolution No. 4-19 Approving a Development Agreement by and between the City of Dubuque, Iowa and Cohen-Esrey Development Group, LLC providing for the issuance of Urban Revitalization Designation for the redevelopment of 2887 and 2901 Central Avenue was adopted.

8. Cohen-Esrey Request for City Support for Low-Income Housing Tax Credit Application: City Manager recommending approval of a resolution supporting the Low-Income Housing Tax Credit Program application by Cohen-Esrey to the Iowa Finance Authority for the redevelopment of the former Holy Ghost School and Convent at 2887 and 2901 Central Avenue into affordable family housing. Upon motion the documents were received and filed, and Resolution No. 5-19 Supporting Cohen-Esrey Application for Low-Income Housing Tax Credit for Central Avenue Historic Residences was adopted.

9. Horizon Development Group, Inc. - Development Agreement: City Manager recommending approval of the Grant Agreement for Urban Revitalization Area Designation between the City of Dubuque and Horizon Development Group, Inc. Upon motion the documents were received and filed, and Resolution No. 6-19 Approving a Development Agreement by and between the City of Dubuque, Iowa and Horizon Development Group, Inc. providing for the issuance of Urban Revitalization Area designation for the development of 1225 Alta Vista was adopted.

10. Adopt Nativity / Alta Vista Urban Revitalization Plan: City Manager recommending adoption of a resolution approving the Alta Vista Urban Revitalization Plan for the Nativity

Road Urban Revitalization Area. Upon motion the documents were received and filed, and Resolution No. 7-19 Approving the Adoption of an Urban Revitalization Plan for the Nativity Road Urban Revitalization Area was adopted.

11. Letter to State Legislators -2019 Legislative Priorities: City Manager submitting letter to State Legislators requesting support in creating strategic initiatives around mental health, childcare, quality affordable housing, job training, workforce development, job creation and do all this looking through an equity lens. Upon motion the documents were received, filed and approved.

12. Correspondence from Representative Charles Isenhardt: Representative Charles Isenhardt requesting that his letter of August 18, 2018 regarding strategic planning priorities be officially recorded in the minutes of the City Council. Motion by Shaw to receive and file and make a Matter of Record. Seconded by Resnick. Referencing items No. 2 and No. 9 respectively within Rep. Isenhardt's letter, Shaw favored and sought Council support for the Syringe Service/Needle Exchange Program and a multi-jurisdictional Brain/Mental Health working group. Motion carried 7-0.

13. Westside Water System Improvements Contracts A, B, and C Acceptance and Release of Retainage: City Manager recommending acceptance of the construction contracts and release of retainage for the Westside Water System Improvements Contract A: English Mill Road / North Cascade Road Water Main Extension; Contract B: English Mill Pumping Facility; and Contract C: Highway 20 Water Main Extension Projects as completed by Portzen Construction, Inc. Upon motion the documents were received and filed, and Resolution No. 8-19 Accepting the Westside Water System Improvements, Contract A – English Mill Road / North Cascade Road Water Main Extension; Contract B – English Mill Pumping Facility; and Contract C – Highway 20 Water Main Extension, Project and Authorizing Final Payments to the Contractor was adopted.

14. DollarWise Innovation Grant Application: City Manager recommending authorization to submit an application to the United States Conference of Mayors for a DollarWise Innovation Grant. Upon motion the documents were received and filed, and Resolution No. 9-19 Authorizing the Mayor to execute an application to the United States Conference of Mayors for their DollarWise Innovation Grant and authorizing the Director of Housing and Community Development and the City Manager to approve the application was adopted.

15. Iowa Great Places Contract: City Manager recommending approval of a contract with the Iowa Department of Cultural Affairs to provide an Iowa Great Places grant for restoration of the Mathias Ham House Campus. Upon motion the documents were received, filed and approved.

16. Civil Service Commission - Certified Lists: Civil Service Commission submitting the certified list for Fire Promotional positions of Medical Officer, Fire Captain, EMS Supervisor, Fire Lieutenant, and Assistant Fire Chief along with the certified list for the

position of Scale Operator. Upon motion the documents were received, filed and made a Matter of Record.

17. Environmental Review Determination for Hillcrest Family Services: City Manager recommending approval of an environmental review determination for Hillcrest Supportive Housing Program relative to the Continuum of Care funding award. Upon motion the documents were received, filed and approved.

18. Amending Paying Agent, Bond Registrar and Transfer Agent Agreements - Wells Fargo: City Manager Recommending approval of a resolution to align with current practices of Wells Fargo as the City's Bond Paying Agent. Upon motion the documents were received and filed, and Resolution No. 10-19 Amending Paying Agent; Bond Registrar and Transfer Agent Agreements was adopted.

19. Pre-Annexation Agreement - Molony Foundation: City Manager recommending approval of a Pre-Annexation Agreement with the Donald, James and Mary Kathleen Molony Foundation for the subject property. Upon motion the documents were received and filed, and Resolution No. 11-19 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and the Donald, James and Mary Kathleen Molony Foundation was adopted.

20. Consultant Selection for Comiskey Park Engagement, Design, Construction Management, and Grant Administration Services: City Manager recommending approval of the selection of Saiki Design as the consultant to provide the Comiskey Park Engagement, Design, Construction Management and Grant Administration. Upon motion the documents were received, filed and approved.

21. Workers' Compensation Settlement Agreement for Albert Weidenbacher: City Attorney recommending approval of a Workers' Compensation Settlement Agreement with Leisure Services seasonal employee Albert Weidenbacher. Upon motion the documents were received, filed and approved.

22. Acceptance of Subdivision Improvements in Timber-Hyrst Estates No. 5 Subdivision: City Manager recommending acceptance of the public improvements that the developers, North Cascade Road Developers, LLC, have recently completed in Timber-Hyrst Estates No. 5. Upon motion the documents were received and filed, and Resolution No. 12-19 Accepting Public Improvements in Timber-Hyrst Estates No. 5 in the City of Dubuque, Iowa was adopted.

23. Acceptance of Grant of Easement for Water Main Utility over Tracy Property in Tamarack Park: City Manager recommending acceptance of the Grant of Easement for Water Main Utility from William C. and Kay J. Tracy and William D. Tracy, Trustee of the William D. Tracy Revocable Trust for property located in Tamarack Park. Upon motion the documents were received and filed, and Resolution No. 13-19 Accepting a Grant of Easement for Water Main Utility Through, Over and Across Part of Lot 2 Of Lot 2,

Excepting Therefrom Lot A of Lot 2 of Lot 2, in the Southeast Quarter of Section 14, T88N, R2E of the 5th P.M., In Dubuque County, Iowa was adopted.

24. Establishing Fair Market Value for Right of Way Property Acquisition at Pennsylvania Avenue and Radford Road: City Manager recommending adoption of a resolution which establishes and sets the Just Compensation Valuation (Fair Market Value) for the Pennsylvania Avenue and Radford Road Intersection Improvements Project. Upon motion the documents were received and filed, and Resolution No. 14-19 Establishing the Fair Market Value of Real Property for the Pennsylvania Avenue & Radford Road Intersection Improvements Project, Directing Good Faith Negotiations for the Fee Title Acquisition of Property and Authorizing the Commencement of Eminent Domain Proceedings, if Necessary, to Acquire Property was adopted.

25. Signed Contract(s): Emmons & Olivier Resources, Inc., for Eagle Point Park Environmental Restoration; RDG Planning & Design for the Central Avenue Corridor Streetscape Master Plan; Teska Associates for implementation of the 2017 Comprehensive Plan and the Washington Neighborhood Market Analysis. Upon motion the documents were received and filed.

26. Business License Refunds: Request from Kwik Stop 16th St. #300 for a refund of the Liquor License No. LE0002454 located at 1215 East 16th Street due to downsizing of liquor license to beer and wine only; Beecher Liquor located at 2013 Central Ave. due to business name change and reorganization. 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. 15-19 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 7-0.

1. Dupaco Community Credit Union Development Agreement: City Manager recommending that the City Council set a public hearing for January 22, 2019, on a proposed Development Agreement between and among Dupaco Voices, LLC, Dupaco Community Credit Union and the City of Dubuque providing for the issuance of Urban Renewal Tax Increment Revenue Grant Obligations for development of property at 1000 Jackson Street. Upon motion the documents were received and filed and Resolution No. 16-19 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on a proposed Development Agreement between and among the City of Dubuque, Iowa,

Dupaco Voices, LLC and Dupaco Community Credit Union, including the 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 January 22, 2019 in the Historic Federal Building.

2. Upper Bee Branch Creek Railroad Culverts Project Stormwater Capital Loan Notes (SRF Program): City Manager recommending that the City Council set February 18, 2019 for a public hearing on the proposition of selling not to exceed \$18,000,000 in Stormwater Utility Revenue Capital Loan Notes (State Revolving Loan Fund Program) for the Upper Bee Branch Creek Railroad Culverts Project and Midtown Transfer and Catfish Creek Watershed Pervious Alley Construction Sponsorship Project. Upon motion the documents were received and filed and Resolution No. 17-19 Fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the Issuance of Not to Exceed \$18,000,000 Stormwater Management Utility Revenue Capital Loan Notes of the City of Dubuque, State of Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on February 19, 2019 in the Historic Federal Building.

## **PUBLIC HEARINGS**

1. Roosevelt Street Water Tower Project - SRF Environmental Review: Proof of Publication on notice of public hearing to consider approval of the Roosevelt Street Water Tower Project Environmental Review, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 18-19 Approval of Environmental Review as provided by SRF's Department of Natural Resources for the Roosevelt Street Water Tower Project. Seconded by Larson. Merrill Crawford, 2110 Jonathon Lane, spoke in favor of the project and thanked the council for addressing the water runoff issue that has been plaguing his and his neighbors' houses. Motion carried 7-0.

2. Code of Ordinances Amendment Title 9 - Amending Residential Parking Permit District H: Proof of Publication on notice of public hearing to consider approval of an amendment to the City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, that amends Residential Parking Permit District H, by adding Keystone Drive, both sides, from Phyllrich Drive to its westerly terminus and changes the parking restriction to 7 a.m. to 3 p.m. on school days only, and the City Manager 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 Shaw. Rob Bott, 1718 Sharon Drive, spoke in favor of the amendment and hoped it would resolve issues such as trespassing and trash in yards. Responding to questions from Mr. Bott and the City Council, City Engineering Gus Psihoyos stated that the amendment can be modified in the future and that his department will notify the School District about the effective date for informing students. Mr. Bott will contact staff directly with other questions related to permitting. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 1-19 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Division 7 Residential Parking Permit Program, Section 9-14-321.740 Residential Parking Permit District H. Seconded by Shaw. Motion carried 7-0.

3. Upper Bee Branch Creek Railroad Culverts Project: Proof of Publication on notice of public hearing to consider plans, specifications, form of contract, and estimated cost for the Upper Bee Branch Creek Railroad Culverts Project and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 19-19 Approval of plans, specifications, form of contract, and estimated cost for the Upper Bee Branch Creek Railroad Culverts Project. Seconded by Larson. Motion carried 7-0.

4. Historic Federal Building Roof Restoration Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Historic Federal Building Roof Restoration Project, and the City Manager recommending approval. Motion by Larson to receive and file the document and adopt Resolution No. 20-19 Approval of plans, specifications, form of contract, and estimated cost for the Historic Federal Building Roof Restoration Project. Seconded by Del Toro. Motion carried 7-0.

### **ACTION ITEMS**

1. Code of Ordinances Amendment Title 16 - Zoning Advisory Commission Voting Quorum (Second Reading): Zoning Advisory Commission recommending approval of amending ordinance the Unified Development Code (Zoning Ordinance) sections 16-9-1(J)(5), 16-9-5-2(B), 16-9-6-2(B), and 16-9-6-3 to modify voting requirements for the Zoning Advisory Commission. Motion by Jones for second reading of a proposed ordinance amending Title 16 Unified Development Code of the City Code of Ordinances, by amending Section 16-9-1(J)(5), Section 16-9-5-2(B), Section 16-9-6-2(B) and Section 16-9-6-3 to remove the requirement for a minimum of four affirmative votes by the Zoning Advisory Commission for a recommendation of approval for rezonings and text amendments. Seconded by Resnick. Council Member Del Toro reiterated his concerns from the first reading and cited only two previous zoning instances that would warrant the change. Motion carried 4-3 with Rios, Shaw and Del Toro voting nay.

2. Small Cell Aesthetic Guidelines: City Manager recommending approval of the Small Cell Design Guidelines and ordinance prior to a Federal Communications Commission (FCC)-imposed deadline of January 14, 2019, for having such guidelines in writing. 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 Jones. Responding to questions from the City Council, Cable TV Division Manager Craig Nowack, stated that other cities were researched for comparable guidelines and that it was a collaboration among affected departments. He added that the guidelines can be modified after the required approval date of January 14, 2019. Motion carried 7-0.

Motion by Larson for final consideration and passage of Ordinance No. 3-19 Requiring the City Manager to develop, with the approval of the City Council, written guidelines to establish general procedures and standards, consistent with all applicable Federal and State laws, for the siting, construction, installation, collocation, modification, relocation, operation and removal of small cell wireless technology within the City's right-of-way and on City property. Seconded by Del Toro. Motion carried 7-0.

3. Renaming of Northview Drive to Miracle League Drive: City Manager recommending City Council approval to rename Northview Drive to Miracle League Drive. 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 Del Toro. Motion carried 7-0.

Motion by Larson for final consideration and passage of Ordinance No. 4-19 Renaming Northview Drive to Miracle League Drive. Seconded by Del Toro. Motion carried 7-0.

4. Operation New View Community Action Agency Funding: City Manager recommending approval to provide funding assistance to Operation New View Community Action Agency. Motion by Shaw to receive and file and approve. Seconded by Resnick. Responding to questions from the City Council, City Manager Van Milligen and Council Member Shaw, both ONV Board Members, outlined what solutions and future funding options are being sought by the ONV Board. Motion carried 7-0.

5. Establishing Radford Road Urban Revitalization Area: City Manager recommending adoption of an ordinance designating the Radford Road Urban Revitalization Area. 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. 5-19 Amending City of Dubuque Code of Ordinances Title 3, Revenue and Taxation, Chapter 2 Revitalization Areas, by Adopting a New Section 15 Radford Road, Establishing the Radford Road Urban Revitalization Area, and Establishing Requirements for Qualifying Property Owners. Seconded by Resnick. Motion carried 7-0.

6. Landover Corporation Requests City Support for Low-Income Housing Tax Credit Application: City Manager Recommending Supporting Landover Corporation Application for Low-Income Housing Tax Credit for Radford Road Housing Development. Motion by Shaw to receive and file the documents and adopt Resolution No. 21-19 Supporting Landover Corporation Application for Low-Income Housing Tax Credit for Radford Road Housing Development. Seconded by Resnick. Responding to questions from the City Council, Landover President, Richard Silva stated that approximately 90% of the units will be affordable housing with the remaining 10% at market rate, approximately 5 units will be three-bedroom with the remaining units two- to three-bedroom. Mr. Silva expects the project to be pet friendly. Motion carried 7-0.



7. Establish Nativity / Alta Vista Urban Revitalization Area: City Manager recommending adoption of an ordinance establishing the Nativity / Alta Vista Urban Revitalization Area. 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 Shaw. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 6-19 Amending City of Dubuque Code of Ordinances Title 3, Revenue and Taxation, Chapter 2 Revitalization Areas, by Adopting a New Section 14 Nativity Place, Establishing the Nativity Urban Revitalization Area, and Establishing Requirements for Qualifying Property Owners. Seconded by Shaw. Motion carried 7-0.

8. Horizon Development Group, Inc Requests City Support for Low-Income Housing Tax Credit Application: City Manager recommending approval of a resolution supporting the Low-Income Housing Tax Credit Program application to the Iowa Finance Authority by Horizon Development Group, Inc. for the Nativity Senior Housing Project at 1225 Alta Vista. Motion by Resnick to receive and file the documents and adopt Resolution No. 22-19 Supporting Horizon Development Group, Inc., Application for Low-Income Housing Tax Credit for Nativity Senior Housing Project. Seconded by Jones. Motion carried 7-0.

9. Mayor and City Council Appointments to Various Boards and Commission: City Council to review and determine any changes to Mayor and Council Member appointments and representation on various boards and commissions. Restated motion by Resnick to receive and file the documents and approve the changes as discussed. Seconded by Larson. Following discussion, Council Member Rios will replace Council Member Larson on the Dubuque Initiatives Board. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones reported on the death of firefighter Lt. Eric Hosette and injury to firefighter Adam Cain at a recent silo fire in Clinton, Iowa. Mr. Jones expressed condolences to the family on behalf of the City Council and the Dubuque Fire Department. Additionally, the Special Olympics begins Monday, January 14, with an opening ceremony on the Riverwalk.

Council Member Resnick thanked the City Council and staff for their support and work on the Operation New View funding item. Mr. Resnick expressed gratitude to the four counties' governing bodies for their assistance, and recognized ONV Board President Steve Drahozal, who was in attendance, for his work.

There being no further business, upon motion the City Council adjourned at 7:08 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk