

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

The Dubuque City Council met in regular session at 6:00 p.m. on January 22, 2019 in the Historic Federal Building, 350 W. 6th 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. Eagles Eyes on the Future Month (January 2019) was accepted by Michael Duehr of the Fraternal Order of Eagles, 1175 Century Drive.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Ginger Smith requested Item #20 be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: Airport Commission of 5/15/18, 6/25/18, 8/6/18, 9/24/18; City Council Proceedings of 1/7/19; Cable TV Commission of 1/9/19; Library Board of Trustees Minutes of 10/25/18, 11/29/18; and Council Update #178 of 12/20/18; Resilient Community Advisory Commission of 10/4/18, 11/1/18, 12/6/18 and 1/3/19; Transit Advisory Board of 1/10/19; Zoning Advisory Commission of 1/2/19; Proof of Publication for City Council Proceedings of 12/17/18. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: SPT Real Estate, LLC / Shawn Thomas, Sr., 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: SPT Real Estate, LLC / Shawn Thomas, Sr., for property damage. Upon motion the documents were received, filed, and concur.

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. 23-19 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. Historic Route 20 Designation: City Manager recommending approval of a resolution in support of the designation of Highway 20 in the City limits of Dubuque as Historic Route 20. Upon motion the documents were received and filed, and Resolution No. 24-19 Declaring support of designation and intent of the placement of Historic Route 20 signage on the state-maintained road was adopted.

6. Finance Department - Cashier Position: City Manager recommending approval to eliminate one Cashier position and create one Account Clerk I position in the Finance Department. Upon motion the documents were received, filed and approved.

7. Industrial Electronics Technician: City Manager recommending that the vacant Maintenance Electrician position at the Water and Resource Recovery Center be reclassified and retitled as an Industrial Electronics Technician and the Electronic Technician position also be retitled as an Industrial Electronics Technician. Upon motion the documents were received, filed and approved.

8. Civil Service Commission - Certified List: Civil Service Commission submitting the Certified List for the position of Bus Operator. Upon motion the documents were received, filed, and made a Matter of Record.

9. Resilient Community Advisory Commission Request to Declare Position Vacant: Correspondence from the Resilient Community Advisory Commission requesting that a position be declared vacant and a replacement appointed. Upon motion the documents were received, filed and approved.

10. Kohl's Property Tax Appeal Stipulation of Settlement: Senior Counsel recommending approval of a Stipulation of Settlement for a property tax appeal filed by Kohl's for their property at 2595 NW Arterial. Upon motion the documents were received, filed and approved.

11. Pre-Annexation Agreement - Mathy Construction: City Manager recommending approval of a Pre-Annexation Agreement with Mathy Construction Company for property located at 4900 Dodge Street, which is located outside the City limits. Upon motion the documents were received and filed, and Resolution No. 25-19 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Mathy Construction Company was adopted.

12. Pre-Annexation Agreement - Brian and Angela Link: City Manager recommending approval of a Pre-Annexation Agreement with Brian R. and Angella M. Link, property owners of Lot 4 in Twin Ridge Subdivision No. 4. Upon motion the documents were received and filed, and Resolution No. 26-19 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Brian R. and Angella M. Link was adopted.

13. Community Housing Initiative (CHI) Second Amendment to Agreement: City Manager recommending approval of the Seconded Amendment to the Agreement

between the City of Dubuque and Community Housing Initiatives (CHI) to reflect the increased amount of the City's contribution for the remaining 16 units. Upon motion the documents were received and filed, and Resolution No. 27-19 Approving the Second Amendment to the Agreement between the City of Dubuque, Iowa and Community Housing Initiatives was adopted.

14. Fiscal Year 2019 Community Development Block Grant Annual Action Plan Amendment 1: City Manager recommending approval of the Fiscal Year 2019 Amendment 1 to the Community Development Block Grant (CDBG) Annual Action Plan. Upon motion the documents were received and filed, and Resolution No. 28-19 Adopting Amendment 1 to the Fiscal year 2019 (Program Year 2018) Community Development Block Grant (CDBG) Annual Action Plan was adopted.

15. Purina Drive Salt Storage Fabric Building Project Acceptance: City Manager recommending acceptance of the construction contract for the Purina Drive Salt Storage Fabric Building Project as completed by A & B Construction Limited. Upon motion the documents were received and filed, and Resolution No. 29-19 Accepting the Purina Drive Salt Storage Fabric Building Project and authorizing the payment of the contract amount to the contractor was adopted.

16. Acceptance of Public Improvements in South Pointe Subdivision: City Manager recommending acceptance of the public improvements that the developer, Dubuque South Pointe, LLC, has recently completed in South Pointe Subdivision. Upon motion the documents were received and filed, and Resolution No. 30-19 Accepting Public Improvements in the South Pointe Subdivision in the City of Dubuque, Iowa was adopted.

17. Acceptance of 2017 Windsor Avenue Sanitary Sewer Manhole Project: City Manager recommending acceptance of the public improvement construction contract for the 2017 Windsor Avenue Sanitary Sewer Manhole Project as completed by Drew Cook & Sons Excavating. Upon motion the documents were received and filed, and Resolution No. 31-19 Accepting the 2017 Windsor Avenue Sanitary Sewer Manhole Project was adopted.

18. Upper Bee Branch Creek Railroad Culverts Project - Revised Notice to Bidders and Bid Letting Date: City Manager recommending approval of a resolution changing the deadline for submission of bids for the Upper Bee Branch Creek Railroad Culverts Project to 2:00 p.m. on February 5, 2019. Upon motion the documents were received and filed, and Resolution No. 32-19 Ratifying, confirming, and approving the change in deadline for submission of bids and publication of an Amended Notice to Bidders for the Upper Bee Branch Creek Railroad Culverts Project was adopted.

19. Dubuque Metropolitan Area Solid Waste Agency (DMASWA) Budget and Fee Schedule: Correspondence from the Dubuque Metropolitan Solid Waste Agency informing the City of the Agency's Fiscal Year 2020 Budget and Fee Schedule. Upon motion the documents were received and filed.

20. Citizen Petition for Residential Parking District for Norland Drive: Citizen Petition submitted by Tony Fassbinder on behalf the Norland Drive neighborhood supporting a

Residential Parking District from 7:00 a.m. to 3:00 p.m. Monday through Friday. Motion by Resnick to receive and file the documents and refer to the City Manager. Seconded by Jones. Ginger Smith requested that the City Council temporarily suspend or allow one-side parking within Residential Parking Permit District H until the Hempstead Pool construction project that is displacing the student parking is complete. She stated that amending the District is only pushing the student parking and congestion to streets further east of the school. Motion carried 7-0.

21. Signed Contract(s): Revocable License with Bries Holding, LLC for an ADA access ramp at 1046 Central Avenue. Upon motion the documents were received and filed.

22. 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. 33-19 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

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 Resnick. Motion carried 7-0.

1. Dubuque County Historical Society Ice Harbor Fifth Amendment to Lease Agreement: Senior Counsel recommending that the City Council set a public hearing on February 4, 2019 to consider the intent to dispose of an interest in City-owned real estate by Fifth Amendment to Lease Agreement between the City of Dubuque, Iowa and Dubuque County Historical Society (DCHS). Upon motion the documents were received and filed, and Resolution No. 34-19 Intent to dispose of an interest in real property by Fifth Amendment to Lease between the City of Dubuque, Iowa and Dubuque County Historical Society was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on February 4, 2019 in the Historic Federal Building.

2. Public Hearing for Fiscal Year 2020 Community Development Block Grant Annual Action Plan: City Manager recommending that the Fiscal Year 2020 Community Development Block Grant Annual Action Plan be set for public hearing on February 13, 2019. Upon motion the documents were received and filed, and Resolution No. 35-19 Setting a public hearing on the Fiscal Year 2020 (Program year 2019) Community Development Block Grant (CDBG) Annual Action Plan budget was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on February 13, 2019 in the Historic Federal Building.

3. 22nd Street/Kaufmann Avenue Storm Sewer Improvements Project (White Street to Kleine Street): City Manager recommending initiation of the public bidding procedure for the 22nd Street/Kaufmann Avenue Storm Sewer Improvements Project (White Street to Kleine Street), adoption of resolutions preliminarily approving the proposed plans, specifications, form of contract, and estimated cost, and further recommends that a public

hearing be set for February 18, 2019. Upon motion the documents were received and filed, and Resolution No. 36-19 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 February 18, 2019 in the Historic Federal Building.

BOARDS/COMMISSIONS

Review of applications to the following boards/commissions. Applicants were invited to address the City Council regarding their application for appointment.

1. Community Development Advisory Commission: One, 3-Year term through February 15, 2022 (Expiring terms of Boles and Hinke): Applicants: Dean Boles, 1715 Geraldine Dr.; Hinke, Michelle, 973 Patricia Ann Dr.

2. Investment Oversight Committee: One, 3-Year term through July 1, 2021 (Vacant term of Ferraro). Applicant: Luke Schiltz, 2955 Van Buren St. Mr. Schiltz spoke in support of his appointment and provided a brief biography.

3. Mediacom Charitable Foundation: One, 1-Year term through December 31, 2019 (Expired term of Twining). Applicant: Constance Twining, 1818 Avalon Rd.

4. Resilient Community Advisory Commission: Commission requesting Carrie Lohmann be appointed to the vacant term of Drahozal which has a cross-representation requirement thus allowing her current At-Large term to be filled. One, 3-Year term through August 30, 2019 (Vacant Cross representation term of Drahozal)

Applicants: Carrie, Lohmann, 1879 Denver Dr. (Currently on the Transit Advisory Board, Qualifies for Cross Representation); One, 3-Year term through July 1, 2019 (Vacant At-Large term of Lohmann), One, 3-Year term through July 1, 2021 (Vacant At-Large term of Darr). Applicants: Jacob Kahlhaas, 1125 Richards Rd.; and Adam Hoffman, 1910 Marion St. Mr. Hoffman spoke in support of his appointment and provided a brief biography.

PUBLIC HEARINGS

1. Approving a Development Agreement by and among the City of Dubuque, Dupaco Voices, LLC, and Dupaco Community Credit Union to Redevelop Property at 1000 Jackson Street: Proof of publication on notice of public hearing to consider approval of 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, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 37-18 Approving a Development Agreement by and among the City of Dubuque, Iowa, Dupaco Voices, LLC, and Dupaco Community Credit Union, including providing for the issuance of Urban Renewal Tax Increment Revenue Obligations, for the redevelopment of 1000 Jackson Street. Seconded by Resnick. Dupaco President and CEO Joe Hearn, 3999 Pennsylvania

Avenue, spoke in support of the request, described the project, thanked staff and recognized Dupaco's volunteer Board Members for their work on the project. Architect Jeff Morton, 206 Bluff Street, displayed several conceptual illustration boards and described some details of the project. Mr. Morton responded to questions from the City Council regarding possible preservation of the existing mural and internal artwork. Dubuque Main Street President/CEO Dan LoBianco, 1069 Main Street; Ryan Peters of RDG, 900 Jackson Street; Duane Haggerty, Heritage Works, 210 W. 1st Street; City Transit Advisory Board Member Robert Daughters; Fountain of Youth Director Caprice Jones, 1497 Central Avenue; Four Mounds Foundation Operations/Marketing Manager Jill Courtney, 4900 Peru Road; and Opening Doors Executive Director Carol Gebhart, 2100 Asbury Road, all spoke in support of the recommendation.

City Council discussion included concerns over parking impacts and what need there is for Smart Meters, questions regarding office vs. commercial space within the building, potential for negative funding impact on the North End Neighborhood development, positive benefit to area not-for-profit agencies, shifts in transportation needs and options alleviating parking, and the trust in Dupaco as a community partner. City Manager Van Milligen addressed the magnitude of Dupaco's investment and questions and concerns regarding the terms of the agreement and what city actions could be a violation of the agreement. Greater Dubuque Development Corporation President and CEO, Rick Dickinson addressed the City Council about the benefits over time to the North End Neighborhood and Central Avenue Corridor resulting from the True North Program. Motion carried 5-2 with Rios and Shaw voting nay.

2. Request to Rezone 690 W. Locust Street: Proof of publication on notice of public hearing to consider a request from Kava Real Estate, LLC to rezone property at 690 W. Locust St. from C-1 Neighborhood Commercial District to C-3 General Commercial District, and the Zoning Advisory Commission recommending approval with the condition that a bar/tavern be struck from the list of permitted uses. 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. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 7-19 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 690 W. Locust Street from C-1 Neighborhood Commercial District to C-3 General Commercial District with conditions, as established in the attached Memorandum of Agreement. Seconded by Resnick. Motion carried 7-0.

3. Request to Amend Planned Unit Development (PUD) for Warren Plaza: Proof of publication on notice of public hearing to consider approval of a request from Josh Kuhn to amend the Warren Plaza Planned Unit Development (PUD) at 3500 Dodge Street to permit 3 freestanding directory signs, with the Zoning Advisory Commission recommending approval of two, 30-square-foot signs; and one, 65-square-foot sign. 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. Assistant Planner Wally Wernimont provided a staff report and responded to questions

from the City Council regarding updating this area to be consistent and current with other PUDs. Motion carried 7-0.

Motion by Larson for final consideration and passage of Ordinance No. 8-19 Amending Title 16, the Unified Development Code of the City of Dubuque Code of Ordinances by rescinding Ordinance 21-17 which provides regulations for the Warren Place PUD Planned Unit Development District with a Planned Commercial Designation at 3500 Dodge Street and now being amended to allow for the installation of three directional signs. Seconded by Del Toro. Motion carried 7-0.

PUBLIC INPUT

Jerry Maro, 10366 Timothy St., Asbury, address the Source of Income Report and proposed ordinance upcoming on the Action Agenda. Mr. Maro was glad that the report had no discussion of the percentage of landlords participating in the Housing Choice Voucher Program believing that the calculations were inaccurate. He took exception to the issue of limited advertising of units and describe the accessibility to rental information as well as the changes being made with the Landlords' Association. He concluded by stating that on behalf of the Association, he objected to any measure that would force landlords to take housing choice vouchers.

Lynn Sutton, 859 Air Hill, relayed a personal experience with helping a resident find housing and the issues they encountered. She added that while she is against any program mandates, residents cannot be denied housing.

Jessica Perry, 1560 Iowa Street., stated she felt it is difficult to find housing accepting vouchers, that some landlords can be derogatory toward perspective renters and that there is a limited window for finding an apartment that accepts vouchers before it goes off the market.

Derek Clark, 1086 Wood Street, Dubuque Renters' Union, referenced the criminal background check detail as being vague, and believed the treatment of tenants using vouchers and the quality of their housing should be known.

Kaylee Kerper, 1560 Iowa Street., Dubuque Renters' Union, thanked the Council/Manager for submitting the letter to area Legislators and added that the request for data collection in the recommendation is not asking much.

ACTION ITEMS

1. Code of Ordinances Amendment Title 16 - Zoning Advisory Commission Voting Quorum (Final 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 final consideration and passage of Ordinance No. 2-19 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 Rezoning and Text Amendments. Seconded by Resnick. Council Members Del Toro and Rios reiterated their opposition to the amendment believing that the current process doesn't present enough of a barrier to warrant the amendment. Motion carried 4-3 with Del Toro, Rios and Shaw voting nay.

2. Source of Income Annual Report, Recommendations and Proposed Code of Ordinances Amendment - Title 14 Housing Choice Voucher Program: City Manager transmitting the 2018 Source of Income Annual Report and recommending that the City Council approval of an ordinance requiring property owners or managers to report which rental units accept Housing Choice Vouchers during the annual rental license process, generates a list of participating landlords, and collects data that will allow for further analysis of the housing needs in the City of Dubuque. 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. City Manager Van Milligen, City Attorney Brumwell and Housing and Community Development Director Alexis Steger responded to questions from the City Council regarding the impact on the 2020 licensing cycle, central data collection software and measuring matrix, HUD vs. City requirements, and landlord training on applicant screenings. Motion carried 7-0.

Motion by Larson for final consideration and passage of Ordinance No. 9-19 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article J Property Maintenance Code, Section 14-1J-3 Rental Licenses. Seconded by Resnick. Motion carried 7-0.

3. Childcare Pilot Project Funding: City Manager recommending approval to provide the initial funding for the Childcare Pilot Project that provides free childcare to Opportunity Dubuque students and graduates. Motion by Jones to receive and file the documents and adopt Resolution No. 38-19 Approving funding for the Opportunity Dubuque Childcare Pilot Program. Seconded by Resnick. Responding to questions from the City Council, Greater Dubuque Development Corporation President/CEO Rick Dickinson provided some background and details about the program in terms of committee discussions, receiving support and measuring needs from local business CEO's and human resources personnel, concerns with and regulation of pop-up childcare centers, current and future providers.

Council Member Rios stated that he would be abstaining from the vote for a conflict of interest as he owns a childcare business, but wanted to address the Council as a citizen and business owner. Then, speaking from the dais, Mr. Rios believed that the pilot program has promise, but expressed his concerns about the childcare pop-up centers possibly skirting regulation regarding serving of meals, restrooms ratios, and affecting the equitable treatment of all childcare businesses. Mr. Rios feels that there is already quality, affordable childcare available in town and suggested that downtown businesses be approach regarding a second-shift childcare option. Motion carried 6-0 with Rios abstaining.

4. Letter to Federal Legislators-Partial Federal Shutdown effect on Housing Choice Vouchers and Additional Information on What the Government shutdown means for Dubuque: City Manager providing a letter to Federal Legislators regarding the partial Federal shutdown effect on Housing Choice Vouchers and additional information on what the Government shutdown means for Dubuque. Motion by Jones to receive and file. Seconded by Resnick. Motion carried 7-0.

5. Recommendations to Improve the Customer Experience Based Upon the Smart Meter Pilot: City Manager recommending that the City move forward with creating a comprehensive plan for the implementation of a Smart Parking Services Platform. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Council Member Shaw spoke in opposition to the pilot recommending that the capital and maintenance investment be retained and that the use of parking meters be abandoned. Buol, Resnick and Jones spoke to the benefits of the pilot citing the automation as convenient and that the parking data collection would be valuable. Motion carried 6-1 with Shaw voting nay.

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

COUNCIL MEMBER REPORTS

Council Member Del Toro thanked the citizens who attended the meeting despite the inclement weather. Out of concern for the safety of staff and citizens, Mr. Del Toro suggested that the City Council consider developing a policy for delaying, postponing or canceling City Council meetings in the event of inclement weather.

There being no further business, upon motion the City Council adjourned at 9:35 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 1/30