

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

The Dubuque City Council met in regular session at 6:00 p.m. on February 18, 2019 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Del Toro, Jones, Larson, Resnick, Rios (Joined at 6:03 p.m.), 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

PRESENTATION(S)

1. Fire Unit Commendations: Fire Chief Rick Steines presented commendations to several Fire Unit Personnel and Emergency Responders for a December 3, 2018 rescue situation: Engine 501 – Shift One, Lt. M. Fitzpatrick, Medical Officer S. Janecke, and FF D White; Engine 503 – Shift One, Lt. S. Berkley, FEO C. Lawrence, FF T. Krapfl; Engine 506 – Shift One, Lt. T. George, FEO D. Merkes; Ladder 512 – Shift One, Lt. M. Lynch, FEO K. Mueller; Medic 551 – Shift One, Lt. M. Weitz, FF J. Schmitt; Command 528 – Shift One, AC M. Ludescher, FEO R. Klaren

2. Iowa Tourism Outstanding Community Award Presentation [Postponed to March 4, 2019.]

PROCLAMATION(S)

1. Read Across America Day Proclamation (March 4, 2019) was accepted by Beth McGrory of St. Mark Youth Enrichment, 1201 Locust St.

2. American Legion Centennial Month (March 2019), was accepted by Bob Felderman, Commander of Post 6.

3. Irish-American Heritage Month Proclamation (March 2019), was accepted by Bob Felderman, Recording Secretary of the Ancient Order of the Hibernians #2.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Motion carried 7-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 2/6; City Council Proceedings of 2/4, 2/7; Airport Commission of 1/28; Catfish Creek Watershed Management Authority of 2/7; Five Flags Civic Center Commission of 2/4; Investment Oversight Advisory Commission of 1/23; Library Board of Trustees City Council Update #179 of 1/24; Zoning Advisory Commission of 2/6; Zoning Board of

Adjustment of 1/24; Proof of Publication for City Council Proceedings of 1/22, 1/28. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Trever Allen for vehicle damage, Brian and Dee Collins for property damage, Robert Krohmer for vehicle damage, Eric Mueller for property damage; lawsuit by Jerry Brandenburg for personal injury. 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: Trever Allen for vehicle damage; Brian and Dee Collins for property damage; Robert Krohmer for vehicle damage; and Eric Mueller for property 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. 49-19 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. Quarterly Investment Report for December 31, 2018: City Manager transmitting the attached December 31, 2018 Quarterly Investment Report. Upon motion the documents were received and filed.

6. Human Rights Department Annual Report: City Manager transmitting the FY2019 Human Rights Department Annual Report. Upon motion the documents were received and filed.

7. Intermodal Transportation Center Featured in IA Architect Magazine: City Manager providing an excerpt from IA Architect Magazine in which the Dubuque Intermodal Transportation Center is featured. Upon motion the document was received and filed.

8. Bee Branch Watershed Flood Mitigation Project News: City Manager providing a copy of the Bee Branch Watershed Flood Mitigation Project News public information brochure. Upon motion the document was received and filed.

9. Landlord's Priority Category Owner/Agent Guidesheet: City Manager providing information on a Landlord's "Priority Category" designation and a recently created guide sheet. Upon motion the document was received and filed.

10. Dubuque Main Street Loan Pool Specs 2019: City Manager providing a copy of Dubuque Main Street's Central Avenue Acquisition and Rehabilitation Funding Loan Pool specifications. Upon motion the document was received and filed.

11. DuRide Brochure and Information: City Manager providing a copy of the DuRide public information brochure and statistics report from the February 13, 2019 FY20 Budget Hearing No 3. Upon motion the document was received and filed.

12. Dupaco Community Credit Union - IEDA Application: City Manager recommending approval of a resolution authorizing the submission of an Iowa Economic Development Authority Business Financial Assistance Application by Dupaco Voices LLC, Dupaco RE Management LLC, Dupaco Holding, LLC, and Dupaco Community Credit Union to the Iowa Economic Development Authority. Upon motion the documents were received and filed, and Resolution No. 50-19 Authorizing the filing of an application for State Business Financial Assistance on behalf of Dupaco Voices, LLC, Dupaco RE Management, LLC, Dupaco Holdings, LLC and Dupaco Community Credit Union was adopted.

13. Addition of Economic Development Intern: City Manager recommending approval to hire a temporary intern for the Economic Development Department starting immediately. Upon motion the documents were received and filed, and Resolution No. 51-19 Approving the creation of an Economic Development Intern position was adopted.

14. Complete Action \$2,763,000 Sewer Revenue Capital Loan Notes, Series 2019 (State of Iowa Revolving Fund Loan) - Kerper Boulevard Sanitary Sewer Reconstruction Project: City Manager recommending approval of the suggested proceedings to complete action required on the \$2,763,000 Sewer Revenue Capital Loan Notes (State Revolving Loan Fund Program) to be used to fund the Kerper Boulevard Sanitary Reconstruction project and the Eagle Point Park Environmental Restoration Sponsorship Project. Upon motion the documents were received and filed, and Resolution No. 52-19 Series Resolution Authorizing and providing for the issuance and securing the payment of \$2,763,000 Sewer Revenue Capital Loan Notes, Series 2019 by the City of Dubuque, Iowa under the provisions of Chapter 384 of the Code of Iowa, providing for a Method of Payment thereof, approving Loan and Disbursement Agreement, Tax Exemption Certificate, and other related matters was adopted.

15. Purchase of Services Grant Agreement - Operation New View Community Action Agency: City Manager recommending approval of a Purchase of Services Grant Agreement with Operation New View Community Action Agency for Fiscal Year 2019 for the Tenant-Based Rental Assistance. Upon motion the documents were received, filed and approved.

16. Urban Revitalization Area Tax Abatement Applications: City Manager recommending approval of a Resolution approving property tax abatement applications for 14 residential properties in recognized Urban Revitalization Areas, and authorizing transmittal to the City Assessor for final review and determination of the amount of property tax abatement. Upon motion the documents were received and filed, and Resolution No. 53-19 Approving Property Tax Abatement Applications submitted by property owners in recognized Urban Revitalization Areas and authorizing the Transmittal of the approved application to the City Tax Assessor was adopted.

17. Mathias Ham House Campus Restoration Project Matching Funding Request: City Manager recommending approval of a matching funding request for the Iowa Great Places grant received by the Dubuque County Historical Society for the Mathias Ham House Campus Restoration Project. Upon motion the documents were received, filed and approved.

18. Awarding the NW Arterial & Plaza Drive Mastarm Replacement Project: City Manager recommending that the contract award for the Northwest Arterial & Plaza Drive Mastarm Replacement Project to Voltmer, Inc. be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

19. Platinum Holdings, LLC Property Tax Appeal Dismissal: Senior Counsel submitting information on the dismissal of a property tax appeal brought by Platinum Holding, LLC for property at 350 Bell Street. Upon motion the documents were received and filed.

20. Dedication of Permanent Sanitary Sewer and Underground Electric Easement - Steeple Square / Jackson Street Alley: City Manager recommending acceptance of the Dedication of Permanent Sanitary Sewer and Underground Electric Easement across Parts of Lots 1, 2 and 3 of City Lot 493 and City Lot 484 and Adjacent Public Alley, in the City of Dubuque, which is located in the block between Jackson, White, 15th and 16th Streets. Upon motion the documents were received and filed, and Resolution No. 54-19 Accepting a Dedication of Permanent Sanitary Sewer and Underground Electric Easement across parts of Lots 1, 2 And 3 of City Lot 493 and City Lot 484 and adjacent public alley, in the City of Dubuque, Iowa was adopted.

21. Letter to State Legislators Regarding Legislative Property Tax Issues: City Manager providing a copy of a letter to State Legislators regarding legislative property tax issues. Upon motion the document was received and filed.

22. Iowa Department of Transportation (IDOT) Notification: Correspondence from the Iowa Department Transportation notifying the City of a HMA (Hot Mix Asphalt) Joint and Crack Sealing project on US 52 from Iowa 32 to North John Deere Road during Calendar Year 2019. Upon motion the document was received and filed.

23. USDA Rural Utilities Services Notice of Extension of Public Comment Period: Correspondence from the USDA Rural Utilities Services notifying the City of the extension of the public comment period for Draft Environmental Impact statement for proposed Cardinal-Hickory Creek Transmission Line. Upon motion the document was received and filed.

24. Alcohol License Renewals: 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. 55-19 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

1. Residential Parking Permit District H Amendment - Norland Drive – Initiate: City Manager recommending that the City Council set a public hearing for March 4, 2019, on the proposed amendment to Parking Permit District H to include both sides of Norland Drive from Keymont Drive to Keystone Drive. Upon motion the documents were received and filed, and Resolution No. 56-19 Setting a public hearing on amending Residential

Parking Permit District H to include both sides of Norland Drive from Keymont to Keystone Drive was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 4, 2019 in the Historic Federal Building.

2. Residential Parking Permit District H Amendment Sharon Drive – Initiate: City Manager recommending that the City Council set a public hearing for March 4, 2019, on the proposed amendment to Parking Permit District H to include both sides of Sharon Drive from Pennsylvania Avenue to Key Corners. Upon motion the documents were received and filed, and Resolution No. 57-19 Setting a public hearing on amending Residential Parking Permit District H to include both sides of Sharon Drive from Pennsylvania Avenue to Key Corners was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 4, 2019 in the Historic Federal Building.

3. Marquette Place Sanitary Sewer and Water Main Reconstruction Project – Initiate: City Manager recommending initiation of the public bidding procedure for the Marquette Place Sanitary Sewer and Water Main Reconstruction Project, and further recommends that a public hearing be set for March 4, 2019. Upon motion the documents were received and filed, and Resolution No. 58-19 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 March 4, 2019 in the Historic Federal Building.

4. North Cascade Road Set Fair Market Value: City Manager recommending that the City Council set a public hearing for March 4, 2019 on the intent to commence a public improvement project and to establish Just Compensation Valuation (Fair Market Value) of necessary right-of-way property which the City intends to acquire or condemn, if required, for the North Cascade Road Reconstruction Project. Upon motion the documents were received and filed, and Resolution No. 59-19 Setting a public hearing on the intent to commence a Public Improvement Project for the North Cascade Road Reconstruction Project and to acquire agricultural land for the Project and to establish just Compensation Valuation (Fair Market Value) of necessary right-of-way property which the City intends to acquire or condemn if required was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 4, 2019 in the Historic Federal Building.

5. Water Distribution System Zone 2 Improvements: Roosevelt Street 1.25MG Elevated Water Tower Project: City Manager recommending that the City Council set March 4, 2019 as the public hearing for the Water Distribution System Pressure Zone 2 Improvements: Roosevelt Street 1.25 MG Elevated Water Tower Project, Contract A and Contract B. Upon motion the documents were received and filed, and Resolution No. 60-19 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 March 4, 2019 in the Historic Federal Building.

6. Fiscal Year 2020 City of Dubuque Recommended Budget: City Manager recommending that the City Council set a public hearing for March 7, 2019, on the Fiscal Year 2020 City budget, operating and capital improvement program, for the City of Dubuque. Upon motion the documents were received and filed, and Resolution No. 61-

19 Setting the date for the public hearing on the Fiscal Year 2020 Budget as Amended for the City of Dubuque; and Resolution No. 62-19 Setting the date for the public hearing on the Five-Year Capital Improvement Program for Fiscal Year 202 through 2024 for the City of Dubuque were adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 7, 2019 in the Historic Federal Building.

7. Greater Downtown Urban Renewal District - Resolution of Necessity: City Manager recommending approval of a resolution that authorizes and directs the City Manager to prepare a proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District and sets a public hearing on the proposed Amended and Restated Urban Renewal Plan for March 18, 2019. Upon motion the documents were received and filed, and Resolution No. 63-19 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District, and setting dates of hearing and consultation on a proposed Amended and Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 18, 2019 in the Historic Federal Building.

8. Voluntary Annexation: City Manager recommending that the City Council set a public hearing for March 18, 2019 on the 100% voluntary annexation request filed by Michael Portzen, SWAD, LLC for approximately 28.48 acres of property, concurrent with rezoning. Upon motion the documents were received and filed, and Resolution No. 64-19 Setting a public hearing on an application for voluntary annexation of territory to the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 18, 2019 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointment was made to the following board/commission.

1. Community Development Advisory Commission: One, 3-Year term through February 15, 2022 (Expiring term of Boles). Applicant: Dean Boles, 1715 Geraldine Dr. Motion by Jones to appoint Mr. Boles to the 3-year term through February 15, 2022. Seconded by Larson. Motion carried 7-0.

PUBLIC HEARINGS

1. Request to Rezone Property Located at W. 32nd Street & North Grandview Avenue: Proof of publication on notice of public hearing to consider a request from Ehrlich Properties, LLC to rezone property located at the corner of W. 32nd St. and N. Grandview Ave. from R-1 Single Family Residential District to R-4 Multi-Family Residential District, 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 Larson. Assistant Planner Wally Wernimont provide a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 10-19 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at southwest corner of W. 32nd Street

and North Grandview Avenue from R-1 Single-Family Residential District to R-4 Multi-Family Residential District. Seconded by Larson. Motion carried 7-0.

2. 22nd Street/Kaufmann Ave. Storm Sewer Improvement Project (White St. to Kleine St.): Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the 22nd Street/Kaufmann Ave. Storm Sewer Improvement Project from White St. to Kleine St., and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 65-19 Approval of plans, specifications, form of contract, and estimated cost for the 22nd street/Kaufmann Avenue Storm Sewer Project (White Street to Kleine Street). Seconded by Larson. Motion carried 7-0.

3. Grand River Center Decorative Concrete Repair Project: Proof of Publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Grand River Center Decorative Concrete Repair Project, and the City Manager recommending approval. Motion by Larson to receive and file the documents and adopt Resolution No. 66-19 Approval of plans, specifications, form of contract, and estimated cost for the Grand River Center - Decorative Concrete Repair Project. Seconded by Resnick. Motion carried 7-0.

4. Upper Bee Branch Creek Railroad Culverts Project Stormwater Management Utility Revenue Capital Loan Notes (SRF) Program): Proof of publication on notice of public hearing to consider approval of the suggested proceedings for the public hearing on the issuance of Stormwater Utility Revenue Capital Loan Notes (State Revolving Loan Program) prepared by Bond Counsel and to present a resolution for City Council to adopt entitled "Resolution Instituting Proceedings to Take Additional Action for 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; and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 67-19 Instituting proceedings to take additional action for 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. Seconded by Jones. Motion carried 7-0.

ACTION ITEMS

1. Five Flags Civic Center Quarterly Report: The City Clerk announced that this item will be rescheduled to a future meeting.

2. Awarding the Bee Branch Creek Restoration Project Railroad Crossing Culvert Project: City Manager recommending adoption of the attached resolution awarding the construction contract for the Upper Bee Branch Creek Railroad Culverts Project to Tricon General Construction, Inc. and modifying the construction schedule of improvements associated with the Bee Branch Watershed Flood Mitigation Plan outlined herein. Motion by Jones to receive and file the documents and adopt Resolution No. 68-19 Approving the construction contract for the Upper Bee Branch Creek Railroad Culverts Project. Seconded by Resnick. Motion carried 7-0.

3. Request for Work Session - Inclusive Dubuque Quarterly Report: City Manager requesting that the City Council schedule a work session on Inclusive Dubuque for April 29, 2019 at 6:00 p.m., in the Council Chambers. Motion by Jones to receive and file the documents and set the work session as recommended. Seconded by Resnick. Council Member Jones stated that he may have a scheduling conflict, but will attempt to make the work session. Motion carried 7-0.

4. Request to Reschedule February 3, 2020 City Council Meeting: Correspondence from Council Member Ric Jones request that the City Council reschedule the February 3, 2020 City Council meeting to February 4, 2020 to avoid a conflict with the Iowa Caucuses. Motion by Resnick to receive and file the documents and reschedule as recommended. Seconded by Larson. Motion carried 7-0.

5. Request to Develop Guidelines for Cancellation of City Council Meetings Due to Weather: Correspondence from Council Member Luis Del Toro requesting a review of the City Code guidelines and a staff recommendation for canceling City Council meetings due to inclement weather. Restated motion by Resnick to receive and file the documents and refer to the City Attorney. Seconded by Del Tor. Motion carried 5-2 with Buol and Jones voting nay.

There being no further business, upon motion the City Council adjourned at 7:17 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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