

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

The Dubuque City Council met in regular session at 6:00 p.m. on 4<sup>th</sup> day of March 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**

**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: City Council proceeding of 2/11, 2/13, 2/18, 2/21, 2/25, 2/27; Civil Service Commission of 12/21/18, 2/12/19, Human Rights Commission of 1/14; Park and Recreation Advisory Commission of 2/12; Proof of Publication for City Council Proceedings of 2/4, 2/7, 2/11, 2/13; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 1/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Hope Ehlinger for vehicle damage, Audrey Gottschalk for vehicle damage, Zachary Hallman for vehicle damage, Andrés Liza for property damage, Kalyn Nowacki for vehicle damage, Conor Shoellhorn for vehicle damage, Nicole and Ricardo Woods for personal injury/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: Audrey Gottschalk for vehicle damage, Andrés Leza for property damage, Kalyn Nowacki for vehicle damage, Conor Shoellhorn for vehicle damage, Nicole and Ricardo Woods for personal injury/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. 69-19 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. Fiscal Year 2020 County Tax Increment Financing (TIF) Report: City Manager transmitting the Annual Tax Increment Financing (TIF) Report that has been filed with Dubuque County Auditor Denise Dolan. Upon motion the documents were received and filed.

6. Certified Local Government (CLG) Annual Report: City Manager recommending approval of the Calendar Year 2018 Certified Local Government (CLG) Annual Report. Upon motion the documents were received, filed and approved.

7. Land and Water Conservation Fund (LWCF) Grant Application for the Bee Branch Creek Trail Connector: City Manager recommending approval of an application to the Iowa Department of Natural Resources for a Land and Water Conservation Fund (LWCF) Grant to complete the Bee Branch Creek Trail Connector. Upon motion the documents were received and filed, and Resolution No. 70-19 Authorizing Land and Water Conservation Fund (LWCF) Grant application to Iowa Department of Natural Resources for Bee Branch Creek Trail Connector was adopted.

8. Community Attractions and Tourism (CAT) Grant Agreement for Miracle League: City Manager transmitting the award of a CAT grant and requesting approval of the resolution and the Grant Agreement for the Community Attractions and Tourism (CAT) grant to Enhance Iowa for the Miracle League of Dubuque Baseball Field and All-Inclusive Playground Project. Upon motion the documents were received and filed, and Resolution No. 71-19 Authorizing CAT Grant Agreement with Enhance Iowa for the Miracle League of Dubuque Baseball Field and All-Inclusive Playground Project was adopted.

9. Awarding the 2019 Grand River Center Decorative Concrete Repair Project: City Manager recommending award of the construction contract for the 2019 Grand River Center Decorative Concrete Repair Project to the low bidder D&D Concrete, Inc. Upon motion the documents were received and filed, and Resolution No. 72-19 Awarding public improvement project for the Grand River Center - Decorative Concrete Repair Project was adopted.

10. Design Mill, Inc. Third Amendment to Iowa Values Funds Financial Assistance Contract: City Manager recommending approval of a resolution authorizing the Third Contract Amendment to the Iowa Values Funds Financial Assistance Contract by and among the Iowa Economic Development Authority, Design Mill, Inc., and the City of Dubuque. Upon motion the documents were received and filed, and Resolution No. 73-19 Approving a Third Amendment to the Economic Development Financial Assistance Contract by and among Design Mill, Inc., the City of Dubuque and the Iowa Department of Economic Development was adopted.

11. Acceptance of the 30th Street to Leibe Street Sanitary Sewer Reconstruction Project: City Manager recommending acceptance of the construction contract for the 30th Street to Leibe Street Sanitary Sewer Reconstruction Project, as completed by Temperley Excavating, Inc. Upon motion the documents were received and filed, and Resolution No.

74-19 Accepting the 30th Street and Leibe Street Sanitary Sewer Reconstruction Project and authorizing the payment to the contractor was adopted.

12. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Lead Mechanic and GIS Applications Specialist. Upon motion the documents were received, filed and made a Matter of Record.

13. Grass/Weed Cutting and Garbage Collection Assessments - Housing Department: City Manager recommending that the City Council adopt a resolution authorizing the City Clerk to certify grass and weed cutting and garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed, and Resolution No. 75-19 Authorizing the City to collect delinquent grass and weed cutting and garbage collection charges in accordance with Title 6-4-3A and Title 6-8-2 of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

14. Vacant and Abandoned Buildings and Problem Property Assessments: City Manager recommending approval of a resolution authorizing the City to certify problem property charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed, and Resolution No. 76-19 Authorizing the City to collect delinquent problem property charges in accordance with 14-GE International Property Maintenance Code Section 106.5 and/or Section 109.5 Code of Ordinances of the City of Dubuque, Iowa was adopted.

15. Alternative Service Concepts (ASC) Addendum to Workers' Compensation Claims Administrative Services Agreement: City Manager recommending approval of an Addendum to the Agreement with Alternative Services Concepts for services related to the administration of the City's Worker's Compensation Program that extends the current Agreement from March 1, 2019 to May 31, 2019. Upon motion the documents were received, filed and approved.

16. Amendment to the Collective Bargaining Agreement between the City and International Union of Operating Engineers, Local #234: City Manager recommending approval of an Amendment to the Collective Bargaining Agreement in effect from July 1, 2017 to June 30, 2022, between the City of Dubuque and the International Union of Operating Engineers, Local #234. Upon motion the documents were received and filed, and Resolution No. 77-19 Approving the Amendment to the collective Bargaining Agreement in effect from July 1, 2017 to Jun 30, 2022, between the City of Dubuque, Iowa, and the International Union of Operating Engineers, Local #234 and authorizing the Mayor to sign the Amendment was adopted.

17. Q Casino Request for Expenditure from Depreciation and Improvement Fund: Dubuque Racing Association President and CEO Jesús Avilés requesting City Council approval to expend money from the Depreciation and Improvement Fund (D&I) for grease

receptors serving the kitchens at Q Casino. Upon motion the documents were received, filed and approved.

18. Urban Revitalization Multi-Family Value Increase Requirements: City Manager recommending approval of a resolution that approves a required 10% valuation increase for multi-family properties to be eligible for tax abatement under Iowa Code Chapter 404 Urban Revitalization. Upon motion the documents were received and filed, and Resolution No. 78-19 Setting the required percent increase in actual value for multi-residential assessed property to qualify for urban revitalization was adopted.

19. Request for Proposals - Four Mounds Park Ecological Restoration Project: City Manager recommending approval of the Request for Proposals for qualified consulting services for Phase 1 Permitting and Implementation of Ecological Restoration Plan and Interpretation Plans for Four Mounds Park. Upon motion the documents were received, filed and approved.

20. Dubuque County Historical Society Funding Request to Johanna Favrot Fund: City Manager recommending approval of a resolution authorizing the Dubuque County Historical Society to apply for funding from the Johanna Favrot Fund of the National Trust for Historic Preservation for an Historic Structure Report for the Mathias Ham House. Upon motion the documents were received and filed, and Resolution No. 79-19 Approving Johanna Favrot Grant application to the National Trust of Historic Preservation for Historic Structure Report of the Mathias Ham House was adopted.

21. Additional Hours for Finance Part-Time Confidential Account Clerks: City Manager recommending approval of additional hours for the two part-time Confidential Account Clerks in the Finance Department. Upon motion the documents were received, filed and approved.

22. Legislative Correspondence Regarding Property Tax Rates: City Manager providing a copy of a letter to State Legislators regarding property tax rates. Upon motion the documents were received and filed.

23. Legislative Correspondence - HSB100 and SSB1141 Land Use and Zoning: City Manager providing a copy of correspondence sent to State Legislators expressing opposition to State preemption of local land use and zoning issues. Upon motion the documents were received and filed.

24. Legislative Correspondence - HSB185 Net Metering on Solar Energy Systems: City Manager providing a copy of correspondence sent to State Legislators expressing opposition to the elimination of many benefits and incentives related to net metering on solar energy systems. Upon motion the documents were received and filed.

25. 2019 Federal Legislative Priorities: City Manager recommending adoption of the City of Dubuque 2019 Federal Legislative Priorities. Upon motion the documents were received, filed and approved.

26. Signed Contract(s): Dubuque Area Labor-Management Council Short-Term Lease in the Historic Federal Building. Upon motion the documents were received and filed.

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. 80-19 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. 2019 Decorative Concrete Maintenance Project Initiate: City Manager recommending initiation of the public bidding procedure for the 2019 Decorative Concrete Maintenance Project, and further recommends that a public hearing be set for March 18, 2019. Upon motion the documents were received and filed, and Resolution No. 81-19 Preliminary approval of plans, specifications, form of contract, and estimated costs; setting date of public hearing on plans, specifications, form of contract, and estimated cost 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.

2. Seippel Road Water Main Relocation Project Landfill Access Frontage Road Initiate: City Manager recommending initiation of the public bidding procedure for the Seippel Road Water Main Relocation Project, and requests the City Council grant preliminary approval of the construction plans and specifications, and establish March 18, 2019 as the date of the public hearing. Upon motion the documents were received and filed, and Resolution No. 82-19 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 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**

Applications were reviewed for the following Boards and Commissions. Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Community Development Advisory Commission: One, 3-Year term through February 15, 2020 (Vacant term of James). Applicant: Ellen Pinnola, 1420 Glen Oak St. Ms Pinnola spoke in support of her appointment and provided a brief biography.

2. Long-Range Planning Advisory Commission: One, 3-Year term through July 1, 2020 (Vacant term of James). One, 3-Year term through July 1, 2021 (Vacant term of Darter). Applicants: Michael Peroski, 1935 Coates St.; Tyler Stoffel, 960 Boyer St. Mr. Peroski

and Mr. Stoffel spoke in support of their respective appointments and provided brief biographies.

3. Mechanical and Plumbing Code Board: One, 3-Year term through March 16, 22 (Expiring term of Hillary). Applicant: Daniel Hillary, 3087 Arbor Oaks Dr.

## **PUBLIC HEARINGS**

1. Residential Parking Permit District H Amendment - Norland Drive: Proof of publication on notice of public hearing to consider approval of an ordinance amending Parking Permit District H to include both sides of Norland Drive from Keymont Drive to Keystone Drive with current day/time parking restrictions being assumed for this addition, and the City Manager recommending approval. 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. Patricia Meyer, 1860 Norland Dr.; Connie Klein, 1861 Norland Dr.; and Ron Axtell, 1895 Norland Dr. spoke in support of the amendment. Responding to questions from City Council, City Engineer Gus Psihoyos provide a history of the residential parking districts, how staff evaluated the street, and the issues with student parking from area schools adjacent to neighborhoods. City Council suggested that staff have discussion with Dubuque Community Schools to partner for a solution. Motion carried 7-0.

Motion by Larson for final consideration and passage of Ordinance No. 11-19 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.

2. Residential Parking Permit District H Amendment - Sharon Drive: Proof of publication on notice of public hearing to consider approval of an ordinance amending Parking Permit District H to include both sides of Sharon Drive from Pennsylvania Avenue to Key Corners with current day/time parking restrictions being assumed for this addition, and the City Manager recommending approval. 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. Robert Bott, 1718 Sharon Dr. spoke in support of the amendment and suggested the school district consider student carpooling. Motion carried 7-0.

Motion by Larson for final consideration and passage of Ordinance No. 12-19 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 Del Toro. Motion carried 7-0.

3. N. Cascade Road Reconstruction Project Right-of-Way Property Acquisition: Proof of publication on notice of public hearing to consider approval of a resolution which establishes and sets the Just Compensation Valuation (Fair Market Value) for each identified property to be acquired or condemned based on the certified Acquisition

Appraisal and Review Appraisal reports, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 83-19 Establishing the fair market value of real property for the North Cascade Road Reconstruction Project, directing good-faith negotiations for the acquisition of property and authorizing the commencement of eminent domain proceedings, if necessary, to acquire the property. Seconded by Jones. Motion carried 7-0.

4. Marquette Place Sanitary Sewer and Water Main Reconstruction Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and the estimated cost for the Marquette Place Sanitary Sewer and Water Main Reconstruction Project and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 84-19 Approval of plans, specifications, form of contract, and estimated cost for the Marquette Place Sanitary Sewer and Water Main Reconstruction Project. Seconded by Del Toro. Motion carried 7-0.

5. Water Distribution System Pressure Zone 2 Improvements: Roosevelt Street 1.25 MG Elevated Water Tower Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost of \$5,227,672 for the Water Distribution System Pressure Zone 2 Improvements: Roosevelt Street 1.25 MG Elevated Water Tower Project, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 85-19 Approval of plans, specifications, form of contract, and estimated cost for the Water Distribution System Pressure Zone 2: Roosevelt Street 1.25 MG Elevated Water Tower Project Contracts A and B. Seconded by Larson. Motion carried 7-0.

## **PUBLIC INPUT**

Eric Schulz, 1045 W. 3<sup>rd</sup> Street, spoke in opposition of the additional housing inspector position requested in the upcoming FY20 budget recommendation and provided a handout of data to the Council.

Joe Zuccaro, 1765 Plymouth Ct., spoke about the Five Flags Civic Center Study, questioning the need for a second study and requesting the issue be put on the November ballot. Mr. Zuccaro also questioned whether a staff member could facilitate the poverty study requested in the upcoming FY20 budget recommendation thereby saving the City the cost of the consultant.

Nino Erba, 1505 Fairview Pl., questioned the need for and purpose behind the farmers' market permit recommended on the forthcoming Action Agenda and concurred with Mr. Schulz on the additional housing inspector position.

## **ACTION ITEMS**

1. Five Flags Civic Center Activities Report and Presentation: HR Cook, SMG General Manager, shared an update on the Five Flags Civic Center activities and events, as well as highlight some festivities to celebrate the upcoming 40th anniversary of Five Flags. Motion by Shaw to receive and file the information. Seconded by Del Toro. Topics

included: gross ticket sales, attendance and event days statistics; operations review; food and beverage financials; FY19 events; new promoters; venue partners and promoters; ticket buyers' demographics; website statistics; media relations; upcoming events. Mr. Cook responded to questions from the City Council regarding the breakdown of proceeds and artist's control, customer spending patterns and the impact of the economy on attendance. Motion carried 7-0.

2. Dubuque Initiatives Report: Dubuque Initiatives Board President Doug Horstmann reviewed sections of the Dubuque Initiatives Board activities in calendar year 2018. Motion by Resnick to Receive and file the information. Seconded by Larson. Responding to questions from the City Council, Mr. Horstmann stated that Dubuque Initiatives is a private, not-for-profit entity that acts as a catalyst to support the City and other entities with economic development opportunities. Motion carried 7-0.

3. Awarding the Catfish Creek Emergency Stream Bank Repair Project: City Manager recommending award of the construction contract for the Catfish Creek Emergency Stream Bank Repair Project to the low bidder Legacy Corporation. Motion by Jones to receive and file the documents and adopt Resolution No. 86-19 Awarding public improvement contract for the South Fork of the Catfish Creek Sanitary Interceptor Sewer Stream Bank Emergency Repair Project. Seconded by Resnick. Motion carried 7-0.

4. Awarding the 22nd Street/Kaufmann Avenue Storm Sewer Improvement Project from White to Kleine Streets: City Manager recommending award of the 22nd Street/Kaufmann Avenue Storm Sewer Improvements Project construction contract for Option A (White Street to Kleine Street) to the low bidder Portzen Construction. Motion by Larson to receive and file the documents and adopt Resolution No. 87-19 Awarding public improvement contract for the 22nd street / Kaufmann Avenue Storm Sewer Improvements Project (White Street to Kleine Street). Seconded by Del Toro. Responding to questions from the City Council, Civil Engineer Jon Dienst described the mandatory eight-week phased project and the efforts the City is doing to inform residents of the changes in traffic patterns during construction. City Manager Van Millgen stated that a public open house about the project will be conducted from 2-6 p.m. on Tuesday, March 19, 2019 at the Jule Operations and Training Center, 929 Kerper Blvd. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 4 Farmers' Markets: City Manager recommending approval of the creation of a Farmers' Market Permit and an amendment to the Farmers' Market Ordinance. 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. Responding to questions from the City Council, Assistant City Manager Cori Burbach stated that this will replaced the individual vendor fees previously required due to changes at the State level regarding farmer's markets. City Attorney Brumwell added that while the City has liability coverage, proof of insurance is required from the market organizers. Motion carried 7-0.



Motion by Jones for final consideration and passage of Ordinance No. 13-19 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 4 Central Market. Seconded by Resnick. Motion carried 7-0.

6. Request for Work Session - Project HOPE Quarterly Update: City Manager recommending that the City Council schedule a work session for a Project HOPE Quarterly Update for March 18, 2019 at 5:30 p.m., in the City Council Chambers. Motion by Resnick to receive and file the documents and set the work session as recommended. Seconded by Larson. Council Member Del Toro expressed a conflict but would review information after the fact. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Larson requested consensus from the Council on pursuing a city-wide declaration for a \$10-per-hour minimum wage. At which time, Council Member Shaw asked about the process for getting such an issue heard such as during a budget hearing. Mayor Buol clarified that the Council Member Reports agenda section is a way for Council Members to share personal or professional information or matters of community interest and is not for requesting agenda items for Council discussion. It was agreed that Ms. Larson's request was best discussed at the annual City Council goal setting session scheduled for August 12-14, 2019.

There being no further business, upon motion the City Council adjourned at 7:46 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 3/13