

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

The Dubuque City Council met in regular session at 6:00 p.m. on April 1, 2019 in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Del Toro, Jones, Larson, Resnick, Rios (Joined at 6:02 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

Bear Scout Pack #55 from Kennedy Elementary School and Den Leader Jenni Malcolm led the reciting of the Pledge of Allegiance.

PROCLAMATION(S)

1. National Service Recognition Day (April 2, 2019) was accepted by Heather Satterly, Program Director, AmeriCorps Partners in Learning, 1550 Clarke Drive; and Marie Zoromski of the Retired and Senior Volunteer Program (RSVP), 350 N. Grandview Avenue.

2. Days of Caring (April 26, 2019) was accepted by Amanda Iburg, Days of Caring Co-Chair, c/o Young Professionals, 300 Main Street, Suite 200.

3. Sexual Assault Awareness Month (April 2019) was accepted by Katie Bailey of the Riverview Center, 2600 Dodge St Ste D4.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council Proceedings of 3/18; Park and Recreation Commission of 3/12; Transit Advisory Board of 3/14; Proof of Publication for City Council Proceedings of 2/25, 2/27, 3/4, 3/7, 3/11; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 2/28. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Adrian Appelman for property damage, Wade Duncan for vehicle damage, C. Dennis Gansemer for vehicle damage, Donna Sindahl for vehicle

damage. Francis J. Ward 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: Adrian Appelman for property damage, Wade Duncan for vehicle damage, Francis J. Ward for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommended Council approval for payment of City expenditures. Upon motion the documents were received and filed, and Resolution No. 108-19 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. 2018 in Review: Creating an Equitable Community of Choice: City Manager providing a copy of the Creating an Equitable Community of Choice Public Information Brochure. Upon motion the document was received and filed.

6. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Water Distribution Maintenance Worker and Help Desk Support Technician. Upon motion the documents were received, filed and made a Matter of Record.

7. Doctor-on-Demand Co-Payments: City Manager recommended approval to set the co-payment for Doctor-on-Demand service for all employees. Upon motion the documents were received, filed and approved.

8. Annual Public Housing Agency (PHA) Plan: City Manager recommended approval of the submission of the Annual Public Housing Agency Plan along with the Certification of Consistency with the Consolidated Plan to the U.S. Department of Housing and Urban Development. Upon motion the documents were received and filed, and Resolution No. 109-19 Authorizing the Mayor to execute the Certification by State or Local Office of Public Housing Agency (PHA) Plan's Consistency with the Consolidated Plan and Approval of the PHA Annual Plan was adopted.

9. Accepting Creek Wood Park Construction Project: City Manager recommended acceptance of the Creek Wood Park Project as completed by Gansen Excavating Inc. Upon motion the documents were received and filed, and Resolution No. 110-19 Accepting Creek Wood Park Project and authorizing the payment of the contract amount to the contractor was adopted.

10. Two Bits, LLC - Grant of Easement for Water Main Utility Relocation: City Manager recommended acceptance of a Grant of Permanent Public Utility Easement from Two Bits, LLC for the relocation of City water main that will be impacted by the upcoming Iowa Department of Transportation US Hwy 20 / Swiss Valley Road Interchange Project. Upon

motion the documents were received and filed, and Resolution No. 111-19 Accepting Grant of Permanent Public Utility Easements for water main relocation from Two Bits, LLC was adopted.

11. Accela Consulting Services: City Manager recommended approval to enter into a contract with Byrne Software Technologies to provide advanced scripting and reporting services related to the City of Dubuque's Accela Automation platform used for Building Permits, Housing Rental Licenses and Right-of-Way Permits. Upon motion the documents were received, filed and approved.

12. Comelec Internet Services - Proposed Master Agreement for Shared-Use Projects and Project Statement: City Manager recommended approval of a Master Agreement for Shared-Use Projects and Project Statement with Comelec Internet Services for a conduit collaboration to expand fiber services within the Dubuque Industrial Park and to implement fiber to the home extensions. Upon motion the documents were received, filed and approved.

13. Signed Contract(s): Dubuque Area Labor-Management Council Short-Term Lease in the Historic Federal Building for 2019-2021. Upon motion the document was received and filed.

14. Improvement Contracts / Performance, Payment and Maintenance Bonds: Legacy Corporation for the Catfish Creek South Fork Sanitary Interceptor Sewer Stream Bank Emergency Repair Project. Upon motion the document was received, filed and approved.

15. Business License Refund: Request from Java Joe's Coffee House for a refund of the Liquor License No. LC0042997 located at 342 Main Street due to business closing. Upon motion the document was received, filed and approved.

16. Alcohol and Tobacco License Applications: City Manager recommended approval of annual liquor, beer, wine and tobacco license applications as submitted. Upon motion the documents were received and filed, and Resolution No. 112-19 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; and Resolution No. 113-19 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code Chapter 453A.47A were adopted.

ITEMS SET FOR PUBLIC HEARING

Motion by Resnick 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 Del Toro. Motion carried 7-0.

1. Development Agreement with Three Amigos, LLC for 898 Jackson Street: City Manager recommended that the City Council set a public hearing for April 15, 2019, on a proposed Development Agreement between the City of Dubuque and Three Amigos, LLC for redevelopment of the property at 898 Jackson Street. Upon motion the documents were received and filed, and Resolution No. 114-19 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on a proposed Development Agreement between the City of Dubuque, Iowa, and Three Amigos, LLC 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 April 15, 2019 in the Historic Federal Building.

2. Bee Branch Health Homes (CDBG-NDR) Housing Rehabilitation Project for 278 W. 17th Street – Initiate: City Manager recommended initiation of the public bidding procedure for the housing rehabilitation project at 278 W. 17th Street, 30 units, and further recommends that a public hearing be set for April 15, 2019. Upon motion the documents were received and filed, and Resolution No. 115-19 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 April 15, 2019 in the Historic Federal Building.

3. Status of Funded Activities for Community Development Block Grant, National Disaster Resilience (CDBG-NDR) Housing Grant: City Manager recommended that the City Council set a public hearing for April 15, 2019, on the Status of Funded Activities Contract #13-NDRH-001 for Community Development Block Grant, National Disaster Resilience Housing Grant, locally known as the Bee Branch Healthy Homes Resiliency Program. Upon motion the documents were received and filed, and Resolution No. 116-19 Setting a public hearing on the status of funded activities Contract #13-NDRH-001 for the Community Development Block Grant, National Disaster Resilience (CDBG-NDR) Housing Grant was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April 15, 2019 in the Historic Federal Building.

4. Fiscal Year 2019 Second Budget Amendment: City Manager recommended that the second Fiscal Year 2019 Budget Amendment be set for public hearing for April 15, 2019. Upon motion the documents were received and filed, and Resolution No. 117-19 Setting the date for the public hearing on Amendment No. 2 to the fiscal Year 2019 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April 15, 2019 in the Historic Federal Building.

5. NW Arterial and Pennsylvania Avenue Right-Turn Lane Improvement Project – Initiate: City Manager recommended initiation of the public bidding procedure for the Northwest Arterial – Pennsylvania Avenue Right Turn Lane Project, adoption of the attached resolutions preliminarily approving the construction plans and specifications, and establishing April 15, 2019, as the date for the public hearing. Upon motion the documents were received and filed, and Resolution No. 118-19 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 April 15, 2019 in the Historic Federal Building.

6. Proposed Issuance of General Obligation Bonds Series 2019 A, B, C and D: City Manager recommended that a public hearing be set for May 6, 2019, on the proposition of selling Not-to-Exceed \$13,035,000 in General Obligation Bonds Series 2019 A, B, C and D. Upon motion the documents were received and filed, and Resolution No. 119-19 Fixing date for a meeting on the proposition of the issuance of Not-to-Exceed \$10,045,000 General Obligation Bonds of the City of Dubuque, State of Iowa (for Essential Corporate Purposes), and providing for publication of notice thereof; Resolution No. 120-19 Fixing date for a meeting on the proposition of the issuance of Not-to-Exceed \$700,000 General Obligation Bonds of the City of Dubuque, State of Iowa (for General Corporate Purposes), and providing for publication of notice thereof; Resolution No. 121-19 Fixing date for a meeting on the proposition of the issuance of Not-to-Exceed \$600,000 General Obligation Bonds of the City of Dubuque, State of Iowa (for General Corporate Purposes), and providing for publication of notice thereof; and Resolution No. 122-19 Fixing date for a meeting on the proposition of the issuance of Not-to-Exceed \$1,690,000 General Obligation Bonds of the City of Dubuque, State of Iowa (for Essential Corporate Urban Renewal Purposes), and providing for publication of notice thereof were adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 6, 2019 in the Historic Federal Building.

7. Iowa Department of Transportation (IDOT) Consolidated Funding Application: City Manager recommended that the City Council schedule a public hearing for May 6, 2019, on the submittal of the Consolidated Funding Application to the Iowa Department of Transportation for the Jule's annual operating and maintenance allocations, the Lobbying Cost Certificate, Certificate of Cost Allocation Plan and Authorizing Resolution. Upon motion the documents were received and filed, and Resolution No. 123-19 Setting the date for a public hearing on Iowa DOT Consolidated Funding Application was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on May 6, 2019 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applications were reviewed for the following boards/commission. The applicant was invited to address the City Council regarding their desire to serve on the following Boards/Commissions. Appointments will be made at the next City Council meeting.

1. Cable Television Commission: One, 3-Year term through July 1, 2021 (Vacant term of Dolson). Applicant: Richard Baumhover, 601 Garfield Ave. Mr. Baumhover spoke in support of his appointment to this and the following commission and provided a brief biography.

2. Community Development Advisory Commission: One, 3-Year term through February 15, 2022 (Vacant LMI term of Caldwell). Applicant: Richard Baumhover, 601

Garfield Ave. (Meets LMI requirements). Mr. Baumhover addressed his appointment during the former item.

PUBLIC HEARINGS

1. Prairie Farms Dairy, Inc. - Development Agreement: Proof of publication on notice of public hearing to consider approval of a proposed development Agreement between the City of Dubuque, Iowa and Prairie Farms Dairy, Inc. including the issuance of Urban Renewal Tax Increment Revenue Obligations, and providing for the publication of notice thereof, and the City Manager recommended approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 124-19 Approving a Development Agreement by and between the City of Dubuque, Iowa and Prairie Farms Dairy, Inc. providing for the issuance of Urban Renewal Tax Increment Revenue Obligations for the Expansion of 3510 Central Avenue. Seconded by Resnick. Responding to questions from the City Council, City Manager Van Milligen stated that while the developer had already begun the project due to a tight customer demand and with making some assumptions, the City made the developer aware of the requirement for Council approval for financial assistance. Motion carried 6-1 with Larson voting nay.

2. Master Agreement for Shared Use Projects and Intent to Dispose of an Interest in Real Property by Lease Agreement to the Iowa Communications and Technology Commission (ICN): Proof of publication on notice of public hearing to consider approval of the Master Agreement for Shared Use Projects and Lease Agreement for space within a City telecommunications facility located at 1515 W. 3rd Street between the City and the State of Iowa, Telecommunications and Technology Commission, operating as the Iowa Communications Network (ICN), and the City Manager recommended approval. Motion by Del Toro to receive and file the documents and adopt Resolution No. 125-19 Approving the disposal of an interest in real property owned by the City of Dubuque by leases between the City of Dubuque, Iowa and the Iowa Communications and Technology Commission (ICN). Seconded by Jones. Responding to questions from the City Council, David Lyons, Sustainable Innovations Consultant for Greater Dubuque Development Corporation; and Chris Kohlmann, Information Services Manager for the City of Dubuque, addressed the issues with the City becoming more competitive and desirable for internet providers by collaborating on existing assets, and creating redundancy in technology to better provide service and “up time” for residents during internet-related emergencies and unexpected outages. Motion carried 7-0.

ACTION ITEMS

1. Awarding the 2019 Decorative Concrete Maintenance Project: City Manager recommended award of the construction contract for the 2019 Decorative Concrete Maintenance Project to the low bidder, Skyline Storage & Trucking, Inc. Motion by Jones to receive and file the documents and adopt Resolution No. 126-19 Awarding public improvement contract for the 2019 Decorative Concrete Maintenance Project. Seconded by Del Toro. Motion carried 7-0.

2. Award the Seippel Road Water Main Relocation Project: City Manager recommended award of the construction contract for the Seippel Road Water Main Relocation Project to the low bidder Horsfield Construction, Inc. Motion by Jones to receive and file the documents and adopt Resolution No. 127-19 Awarding Public Improvement Contract for the Seippel Road Water Main Relocation Project. Seconded by Del Toro. Motion carried 7-0.

3. Awarding the Water Distribution System Pressure Zone 2 Improvements: Roosevelt Street 1.25 MG Elevated Water Tower Project: City Manager recommended award of the Water Distribution System Pressure Zone 2 Improvements: Roosevelt Street 1.25 MG Elevated Water Tower Project Contracts A and B, pending approval by the Department of Natural Resources State Revolving Fund agency. Motion by Larson to receive and file the documents and adopt Resolution No. 128-19 Awarding the public improvement contracts for the Water Distribution System Pressure A one 2: Roosevelt Street 1.25 Million-Gallon, elevated Water Tower Projects Contracts A and B. Seconded by Del Toro. Motion carried 7-0.

4. Assignment of the City of Dubuque, Dubuque Initiatives, and Flexsteel Industries, Inc. Redevelopment Project Agreement: Senior Counsel recommended adoption of a resolution consenting to the Assignment of the Redevelopment Project Agreement from Dubuque Initiatives to Jackson Street Redevelopment, LLC (Flexsteel Industries, Inc.) subject to conditions. Motion by Jones to receive and file the documents and adopt Resolution No. 129-19 Consenting to the Assignment of the Redevelopment Project Agreement by and among the City of Dubuque, Iowa, Dubuque Initiatives, and Flexsteel Industries, Inc., to Jackson Street Redevelopment. Seconded by Del Toro. Motion carried 7-0.

5. Request for Work Session - Central Avenue Corridor Streetscape Master Plan: City Manager requesting that the City Council schedule a work session for 6:00 p.m. on May 13, 2019 in the City Council Chambers to review a draft of the Central Avenue Corridor Streetscape Master Plan. Motion by Jones to receive and file the documents and schedule the work session as recommended pending any schedule conflicts among the Council. Seconded by Resnick. No conflicts were noted. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Shaw reported on receiving citizen correspondence inquiring about the bringing and end to the continued expansion of residential parking permit districts. Mr. Shaw said that he reached out to the School District about their unused [parking] capacity and their acknowledgement of the issue and hopes to hear from the DCSD.

There being no further business, upon motion the City Council adjourned at 6:35 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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