

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

The Dubuque City Council met in regular session at 6:00 p.m. on April 15, 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 (Joined at 6:11 p.m.), 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.

PRESENTATION

1. The Women's Leadership Network Outstanding in Field recognition was presented to Leisure Services Manager Marie Ware by Assistant City Manager Cori Burbach.

PROCLAMATIONS

1. Arbor Day (April 26, 2019) was accepted by Laura Roussell and Hoby Wood of the local Trees Forever and City Forester Tom Kramer.

2. Community Development Week (April 22-26, 2019) was accepted by Dean Bolz of the Community Development Advisory Commission.

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: Airport Commission of 3/25; Arts and Cultural Affairs Advisory Commission of 3/22; Catfish Creek Watershed Management Authority of 3/6; 4/4; City Council proceedings of 4/1; Community Development Advisory Commission of 3/20; Five Flags Civic Center Commission of 3/25; Historic Preservation Commission of 3/21; Historic Preservation Commission Fair Committee of 3/21; Library Board of Trustees Council Update #181 of 3/28; Long Range Planning Advisory Commission of 3/20; Resilient Community Advisory Commission of 4/4; Zoning Advisory Commission of 4/3; Zoning Board of Adjustment of 3/28; Proof of publication for City Council Proceedings of 3/18. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Van Meter, Inc. 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: C. Dennis Gansemer for vehicle damage; Donna Sindahl for vehicle damage; Van Meter, Inc. for property 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. 130-19 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. Crescent Community Health Center 2018 Annual Report: City Manager providing a copy of the 2018 Annual Report for the Crescent Community Health Center. Upon motion the document was received and filed.

6. ITC Midwest Economic Impact Brochure: City Manager providing a copy of the public information brochure from ITC Midwest on the local economic impact of its electrical transmission system. Upon motion the document was received and filed.

7. U.S. Environmental Protection Agency Consent Decree Semi Annual Report: City Manager transmitting the March 31, 2019 Semi Annual Consent Decree Report that has been submitted to the United States Environmental Protection Agency as required by the Consent Decree. Upon motion the documents were received and filed.

8. Restrictive Covenant for 1100 Roosevelt Street: City Manager recommended approval of a resolution attaching a 21-year Owner-Occupied Restrictive Covenant to 1100 Roosevelt Street. Upon motion the documents were received and filed, and Resolution No. 131-19 Attaching Single-Family Occupancy Restrictive Covenant to 1100 Roosevelt Street, Dubuque, Iowa was adopted.

9. HRDP Grant Application for Eagle Point Park Archeological Survey: City Manager recommended approval of an application for Historic Resource Development Program (HRDP) Grant for continuation of the Phase I Archeological Survey at Eagle Point Park. Upon motion the documents were received and filed, and Resolution No. 132-19 Authorizing HRDP Grant Application to State Historic Preservation Office for Continuation of Phase I Archaeology Survey at Eagle Point Park was adopted.

10. Sustainable Dubuque Grants: City Manager recommended approval of five grant applications from the Sustainable Dubuque Grant Program as approved by the Resilient Community Advisory Commission. Upon motion the documents were received, filed and approved.

11. Dubuque County Multi-Jurisdictional Hazard Mitigation Plan Approval: City Manager recommended approval of the Dubuque County Multi-Jurisdictional Hazard Mitigation Plan approved by the Federal Emergency Management Agency (FEMA) on

February 28, 2019. Upon motion the documents were received and filed, and Resolution No. 133-19 Adopting the Dubuque County Multi-Jurisdictional Local Hazard Mitigation Plan was adopted.

12. Michael and Jacqueline Wood vs. City et al. Dismissal: Senior Counsel advising of the dismissal of claims against the City by Michael and Jacqueline Wood related to a September 12, 2016 vehicle accident. Upon motion the documents were received and filed.

13. Fiscal Year 2020 Detailed Budget for the Five Flags Civic Center: City Manager recommended approval of the detailed Fiscal Year 2020 Budget for the Five Flags Civic Center submitted by SMG. Upon motion the documents were received, filed and approved.

14. Amendment to the Collective Bargaining Agreement Between the City of Dubuque and Teamsters Local No.120: City Manager recommended an Amendment to the Collective Bargaining Agreement with the Teamsters Local No. 120 effective from April 22, 2019, through September 2, 2019. Upon motion the documents were received, filed and approved.

15. Amendment to the Collective Bargaining Agreement between the City and the Dubuque Professional Firefighters Association, Local No. 25: City Manager recommended approval of an Amendment to the Collective Bargaining Agreement between the City of Dubuque and the Dubuque Professional Firefighters Association, Local No. 25. Upon motion the documents were received and filed, and Resolution No. 147-19 Approving the Amendment to the Collective Bargaining Agreement in effect from July 1, 2017 to June 30, 2022, between the City of Dubuque, Iowa, and the Dubuque Professional Firefighters Association, Local No. 25 and authorizing the Mayor to sign the Amendment was adopted.

16. Fiscal Year 2020 Wage Plan and Benefit Package for Non-Bargaining Unit Employees: City Manager recommended approval of the Fiscal Year 2020 Wage Plan and Benefit Package for Non-Bargaining Unit Employees effective July 1, 2019, for general employee classifications and non-assigned classifications. Upon motion the documents were received and filed, and Resolution No. 134-19 Approving the Wage Plan and Benefit Package for Non-Bargaining Unit Employees for Fiscal Year 2020 was adopted.

17. Pre-Annexation Agreement - The Estate of Phyllis F. Decker: City Manager recommended approval of a Pre-Annexation Agreement with the Estate of Phyllis F. Decker as part of the approval for the Final Plat of Stone Quarry No. 2. Upon motion the documents were received and filed, and Resolution No. 135-19 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and the Estate of Phyllis F. Decker was adopted.

18. Final Plat Dubuque Sports Complex: Zoning Advisory Commission recommended approval of the Final Plat of Dubuque Sports Complex, 12612 Nightengale Lane, subject to waiving the lot frontage requirement for Lot 1 Dubuque Sports Complex. Upon motion the documents were received and filed, and Resolution No. 136-19 Approving the Final Plat of Dubuque Sports Complex in Dubuque County, Iowa was adopted.

19. Steeple Square (SS) Event Center - Collateral Assignment of Development Agreement: City Manager recommended approval of a Collateral Assignment of the Development Agreement with SS Event Center, LLC for the 101 E. 15th Street Project to Dubuque Bank & Trust. Upon motion the documents were received and filed, and Resolution No. 137-19 Approving Collateral Assignment of Development Agreement between the City of Dubuque, Iowa and SS Event Center, LLC related to the rehabilitation of 101 E. 15th Street was adopted.

20. Right-of-Way Plat and Dedication - Steeple Square LLC Block Redevelopment Project: City Manager recommended approval of the Acquisition Plat of City Lot 484-A, in the City of Dubuque, Iowa, (public alley between Jackson, White, 15th and 16th Streets) and acceptance of the dedication of said lot for Right-of-Way purposes. Upon motion the documents were received and filed, and Resolution No. 138-19 Approving the Acquisition Plat of City Lot 484-A in the City of Dubuque, Iowa was adopted.

21. Port of Dubuque Marina Staff Reclassification Request: City Manager recommended creation of a temporary seasonal manager position and an assistant Marina manager position for the 2019 season in the Port of Dubuque Marina. Upon motion the documents were received, filed and approved.

22. Tobacco Compliance Civil Penalty for Tobacco License Holder – Altered State: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for the Altered State, 1523 Central Avenue. Upon motion the documents were received, filed and approved.

23. Tobacco Compliance Civil Penalty for Tobacco License Holder – Casey's General Store #2420: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Casey's General Store #2420, 2699 Rockdale Road. Upon motion the documents were received, filed and approved.

24. Tobacco Compliance Civil Penalty for Tobacco License Holder – Eagle Country Market: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Eagle Country Market, 1800 Elm Street. Upon motion the documents were received, filed and approved.

25. Tobacco Compliance Civil Penalty for Tobacco License Holder – Kwik Stop #58: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Kwik Stop #58 3340 JFK Road. Upon motion the documents were received, filed and approved.

26. Tobacco Compliance Civil Penalty for Tobacco License Holder – Kwik Stop #74: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Kwik Stop #74, 2360 Central Avenue. Upon motion the documents were received, filed and approved.

27. Tobacco Compliance Civil Penalty for Tobacco License Holder – Kwik Stop #84: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Kwik Stop #84, 2335 University Avenue. Upon motion the documents were received, filed and approved.

28. Tobacco Compliance Civil Penalty for Tobacco License Holder – Neighborhood Quick Mart: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Neighborhood Quick Mart, 690 W. Locust Street. Upon motion the documents were received, filed and approved.

29. Tobacco Compliance Civil Penalty for Tobacco License Holder – Oky Doky #8: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Oky Doky #8, 535 Hill Street. Upon motion the documents were received, filed and approved.

30. Tobacco Compliance Civil Penalty for Tobacco License Holder – Sid's' Beverage Store, Inc.: City Manager recommended approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Sid's Beverage Store, Inc., 2727 Dodge Street. Upon motion the documents were received, filed and approved.

31. Signed Contract(s): Armani Community Services Advertising Contract with Jule Transit for bus displays; and the Dubuque Children's Zoo Boosters short-term lease for a portion of FDR Park to operate the Storybook Hill Children's Zoo. Upon motion the documents were received and filed.

32. Improvement Contracts / Performance, Payment and Maintenance Bonds: D&D Concrete, Inc. for the Grand River Center Decorative Concrete Repair Project; Portzen Construction, Inc. for the 22nd Street/Kaufmann Avenue Storm Sewer Improvements Project (White Street to Kleine Street); Top Grade Excavating, Inc. for the Marquette Place Sanitary Sewer & Water Main Reconstruction Project. Upon motion the documents were received, filed and approved.

33. Alcohol 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. 139-19 Approving applications for beer, liquor, and/or wine permits, as required by City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 2 Liquor Control, Article B Liquor, Beer and Wine Licenses and Permits was adopted.

ITEMS SET FOR PUBLIC HEARING

Motion by Shaw 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. Sale of City-Owned Property at 1100 Roosevelt Street: City Manager recommended that the City Council set a public hearing for May 6, 2019 on the intent to dispose of City-owned property at 1100 Roosevelt Street to Dubuque and Jackson County Habitat for Humanity that includes a 21-year Restrictive Covenant as an owner-occupied, single-family residential use. Upon motion the documents were received and filed, and Resolution No. 140-19 of Intent to Dispose of an Interest in City of Dubuque real estate, setting a time and place for hearing 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 May 6, 2019 in the Historic Federal Building.

BOARDS/COMMISSIONS

Application was reviewed to the following Board.

1. Building Code and Advisory Appeals Board: One, 3-Year Term through August 1, 2019 (Vacant Journeyman/Carpenter term of Schwendinger). Applicant: Derek Duehr, 3395 Venture Ct. (Qualifies as Journeyman/Carpenter). Mr. Duehr spoke in support of his appointment and provided a brief biography.

Appointments were made to the following Commissions.

2. Cable Television Commission: One, 3-Year term through July 1, 2021 (Vacant term of Dolson). Applicant: Richard Baumhover, 601 Garfield Ave. Motion by Larson to appoint Mr. Baumhover to the 3-year term through July 1, 2021. Seconded by Shaw. Motion carried 7-0.

3. Community Development Advisory Commission: One, 3-Year term through February 15, 2022 (Vacant LMI term of Caldwell). Applicants: Richard Baumhover, 601 Garfield Ave. (Qualifies as LMI Representative); and Jeff Lenhart, 1274 Locust St. (Qualifies as LMI Representative and additional applicant). Upon roll-call vote, with Del Toro voting for Mr. Baumhover, Jell Lenhart was appointed to the 3-year term through February 15, 2022.

PUBLIC HEARINGS

1. Three Amigos, LLC - Development Agreement: Proof of publication on notice of public hearing to consider approval of a proposed Development Agreement between the City of Dubuque and Three Amigos, LLC for redevelopment of the property at 898 Jackson Street, and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 141-19 Approving a Development Agreement between the City of Dubuque, Iowa and Three Amigos, LLC

including the issuance of Urban Renewal Tax Increment Revenue Obligations, for the Redevelopment of 898 Jackson Street. Seconded by Del Toro. Motion carried 7-0.

2. University of Dubuque ID Amendment - South Commons: Proof of publication on notice of public hearing to consider a request from James Steiner/University of Dubuque to Amend ID Institutional Zoning District for 2180 Grace Street to develop new south quad and reassemble bell tower along Grace Street, and the Zoning Advisory Commission recommending approval. Motion by Shaw 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. Keith Wipperfurth, Director of Construction for the University of Dubuque, spoke in support of the request and responded to questions from the City Council by stating that UD had just acquired a residence on Grace Street. Planning Services Assistant Planner Wally Wernimont provided a staff report. Motion carried 7-0.

Motion by Shaw for final consideration and passage of Ordinance No. 20-19 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the approval of an Amended Campus Development Plan for the University of Dubuque to the creation of the South Quad Area. Seconded by Resnick. Motion carried 7-0.

3. Bee Branch Healthy Homes (CDBG-NDR) Housing Rehabilitation Project for 278 W. 17th Street: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Bee Branch Healthy Homes (CDBG-NDR) Housing Rehabilitation Project for 278 W. 17th Street, and the City Manager recommending approval. Motion by Larson to receive and file the documents and adopt Resolution No. 142-19 Approval of Plans Specifications, form of contract, and estimated cost for 278 W. 17th Street Housing Rehabilitation Improvements Project. Seconded by Jones. Responding to questions from the City Council, Housing and Community Development Director Alexis Steger provided a summary of the project. Motion carried 7-0.

4. Status of Funded Activities for Community Development Block Grant, National Disaster Resilience (CDBG-NDR) Housing Grant: Proof of publication on notice of public hearing to consider approval of 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, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 143-19 To Receive and file public hearing on Status of Funded Activities - Contract #13-NDRH-001 for the Community Development Block Grant, National Disaster Resilience (CDBG-NDR) Housing Grant. Seconded by Resnick. Mark Schneider, Community Development and Public Services Director for ECIA, made a brief presentation summarizing the project and provided data on the success of previous projects in terms of applications received, housing construction contracts let, housing units completed, and home advocate contacts made. Motion carried 7-0.

5. Fiscal Year 2019 Second Budget Amendment: Proof of publication on notice of public hearing to consider approval of the second Fiscal Year 2019 Budget Amendment, and the City Manager recommending approval. Motion by Larson to receive and file the documents and adopt Resolution No. 144-19 Amending the current budget for Fiscal Year Ending June 30, 2019 as last amended on October 1, 2018. Seconded by Resnick. Motion carried 7-0.

6. NW Arterial and Pennsylvania Avenue Right-Turn-Lane Improvement Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract, and estimated cost for the NW Arterial and Pennsylvania Avenue Right-Turn Lane Improvement Project, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 145-19 Approval of plans, specifications, form of contract and estimated cost for the Northwest Arterial - Pennsylvania Avenue Right-Turn-Lane Project. Seconded by Del Toro. Responding to questions from the City Council regarding future improvements at that intersection, City Manager Van Milligen stated that aside from the highway being kept in a “state of good repair,” there is no expectation of major improvements by the IDOT ahead of the imminent transfer of jurisdiction of IA32 from the IDOT to the City. The City would have to apply for grant funding to make major improvements once it takes ownership of IA32. Concern over pedestrian traffic crossing with the northbound, right-turning traffic was discussed with the suggestion of a right red arrow to help with pedestrian safety. Council Member Resnick noted that this past winter was tough on local roads generally, and repairs will take time. Motion carried 7-0.

ACTION ITEMS

1. Greater Dubuque Development Corporation (GDDC) - Quarterly Update and Opportunity Dubuque Biannual Report: President and CEO Rick Dickinson deferred the quarterly update to speak on the new Big Life Small Community campaign just launched and review the Opportunity Dubuque Biannual Report. City Manager recommended acceptance of the Opportunity Dubuque Biannual Report. Motion by Resnick to receive and file the documents, view the presentation and accept the Opportunity Dubuque Biannual Report as recommended. Seconded by Del Toro. Motion carried 7-0.

Kristen Dietzel, Vice President of Workforce Solutions with GDDC, provided a verbal and slide presentation on the Big Life Small Community campaign and associated video. This campaign connects newcomers, current residents and employers with online community resources such as housing, education, transportation, entertainment, pets, city government, community engagement, education programs and relocation information. Ms. Dietzel provided a history of the Opportunity Dubuque program and expanded on the outcomes of the program that provide skills and education that enable participants to enter the workforce and/or continue with their education.

2. Grand River Center Presentation of Annual Report: Mitzi Yordy, Manager of the Grand River Center, presented the 2018 Annual Report and update of activities in the current fiscal year and plans for the future. Topics included the purpose of the GRC, 2018 outcomes, recognition of the employee team, promotional strategy, website data, annual

group comparison, annual market segment data 2018 and 2019 forecasted, completed and planned facility improvements projects, sustainability efforts, partnerships, and 2018 and 2019 bookings. Motion by Shaw to receive and file the documents. Seconded by Larson. Motion carried 7-0.

3. Release of Funds Request for 278 West 17th Street: City Manager recommended authorization for the Mayor to execute a Request for Release of Funds and Certification for Community Development Block Grant (CDBG) for the 278 West 17th Street Rehabilitation Project and adoption of a resolution to submit to the U.S. Department of Housing and Urban Development (HUD). Motion by Larson to receive and file the documents and adopt Resolution No. 146-19 Authorizing request for Release of Funds and Certification for Community Development Block Grant (CDBG) Funds for the 278 West 17th Street Project. Seconded by Jones. Motion carried 7-0.

4. Request for Work Session on Imagine Dubuque Implementation: City Manager recommended that the City Council schedule a work session for May 28, 2019 at 6:00 p.m. in the City Council Chambers regarding the process and timeline for implementation of Imagine Dubuque 2037: A Call to Action. Motion by Larson to receive and file the documents and schedule the work session as recommended. Seconded by Del Toro. No schedule conflicts were noted. Motion carried 7-0.

5. Request for Work Session on Sustainable Dubuque: City Manager recommended that the City Council schedule a work session for May 6, 2019 at 5:30 p.m. in the Council Chambers regarding Sustainable Dubuque, Greenhouse Gas Inventory and Climate Action Plan. Motion by Shaw to receive and file the documents and schedule the work session as recommended. Seconded by Resnick. No schedule conflicts were noted. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Resnick reported on the many arts events he attended and were available in the community during the last two weeks.

Council Member Jones congratulated the DREAM Center on its many successful outcomes and depth of commitment. Council Member Larson concurred.

Mayor Buol reported on the two community members that he witnesses voluntarily picking up trash during their early morning walks and asked all citizens to not litter and to help pick up debris.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:27 p.m. to discuss pending litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Mayor Buol stated for the record that the attorneys who will consult with City Council on the issues to be discussed in the closed session are City Attorney Crenna Brumwell and Attorney Les Reddick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 7:48 p.m. stating that staff had been given property direction.

There being no further business, upon motion the City Council adjourned at 7:49 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 4/24