

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

The Dubuque City Council met in regular session at 6:00 p.m. on August 19, 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; City Manager Van Milligen, City Attorney Brumwell

Absent: Council Members Rios and Shaw

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. D.A.R.E 2019 Outstanding Instructor Award: Police Chief Mark Dalsing presented the D.A.R.E 2019 Outstanding Instructor Award to School Resource Officer Rick Fullmer.

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 5-0.

1. Minutes and Reports Submitted: City Council Proceedings of 8/5; Building Code Board of 7/16; Community Development Advisory Commission of 7/17; Historic Preservation Fair Committee of 7/18; Human Rights Commission of 7/8; Investment Oversight Advisory Commission of 7/24; Library Board of Trustees of 6/27; Resilient Community Advisory Commission of 8/1; Zoning Advisory Commission of 8/7; Zoning Board of Adjustment of 7/25. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Susan Beckman for property damage, Mike and Jeanne Duggan for property damage, Brian Feldman for property damage, Bill and Kathy Miller for property damage; Tiffany Anderson vs. City of Dubuque et al. 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: Susan Beckman for property damage, Mike and Jeanne Duggan for property damage, Brian Feldman for property damage, Bill and Kathy Miller for property damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommended City Council approval for payment of City expenditures. Upon motion the documents were received and filed, and Resolution No. 284-19 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. RAGBRAI 2020 Letter of Support: Correspondence from Mayor Roy D. Buol supporting Dubuque's application to host RAGBRAI 2020. Upon motion the documents were received and filed.

6. Greater Dubuque Development Board of Directors and Executive Committee: Correspondence from the Greater Dubuque Development Corporation informing the City Manager that he has been elected to the GDDC Development Board of Directors and Executive Committee. Upon motion the documents were received and filed.

7. AmeriCorps Partner in Learning Grant Agreement 2019-2020: City Manager recommended approval of an agreement for AmeriCorps Partners in Learning Grant Continuation for Program Year 2019-2020. Upon motion the documents were received, filed and approved.

8. AmeriCorps Healthy Futures Grant Agreement Approval 2019-2020: City Manager recommended approval of an agreement for AmeriCorps Partners in Learning: Healthy Futures for Program Year 2019-2020. Upon motion the documents were received, filed and approved.

9. Iowa Department of Transportation Traffic Safety Improvement Program for STREETS Equipment Grant Application: City Manager recommended authorization for the City of Dubuque to submit an application in partnership with Dubuque Metropolitan Area Transportation Study for an Iowa Department of Transportation Traffic Safety Improvement Program to assist with funding Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) improvements. Upon motion the documents were received and filed, and Resolution No. 285-19 Approving the Iowa Department of Transportation Agreement for Traffic Safety Improvement Program Funding for Phase I of Smart Traffic Routing with Efficient and Effective Traffic Signals (STREETS) Project was adopted.

10. Addendum to the Administrative Services Agreement between the City of Dubuque and RxBenefits, Inc.: City Manager recommended approval of an addendum to the Administrative Services Agreement between the City of Dubuque and RxBenefits, Inc. that establishes the prescription drug plan rebates and discounts effective January 1, 2019. Upon motion the documents were received, filed and approved.

11. Amendment to the Collective Bargaining Agreement between the City and the International Union of Operating Engineers, Local #234: City Manager recommended approval of an Amendment to the Collective Bargaining Agreement with the International

Union of Operating Engineers, Local #234, effective October 1, 2019 through September 30, 2020. Upon motion the documents were received, filed and approved.

12. Restrictive Covenant for 445 Loras Boulevard: City Manager recommended approval of a resolution attaching a 21-year, single-family-occupancy, restrictive covenant to 445 Loras Boulevard. Upon motion the documents were received and filed, and Resolution No. 286-19 Attaching Single-Family Occupancy Restrictive Covenant to 445 Loras Boulevard, Dubuque, Iowa was adopted.

13. Chaplain Schmitt Veteran's Memorial Project - Rejection of Bids: City Manager recommended rejection of the bids received for the Chaplain Schmitt Veterans Memorial Project due to all three bids being substantially over the estimated construction cost. Upon motion the documents were received and filed, and Resolution No. 287-19 Rejecting competitive bid proposals received for the Chaplain Schmitt Veteran's Memorial Project was adopted.

14. Acceptance of 2019 Asphalt Overlay Ramp Project One: City Manager recommended acceptance of the construction contract for the 2019 Asphalt Overlay Access Ramp Project One as completed by Drew Cook & Sons Excavating Co. Inc. Upon motion the documents were received and filed, and Resolution No. 288-19 Accepting the 2019 Asphalt Overlay Access Ramp Project one and authorizing the final payment to the contractor was adopted.

15. Acceptance of 2019 Asphalt Overlay Ramp Project Two: City Manager recommended acceptance of the construction contract for the 2019 Asphalt Overlay Access Ramp Project Two, as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed, and Resolution No. 289-19 Accepting the 2019 Asphalt Overlay Access Ramp Project Two and authorizing the final payment to the contractor was adopted.

16. Acceptance of 2019 Asphalt Overlay Ramp Project Three: City Manager recommended acceptance of the construction contract for the 2019 Asphalt Overlay Access Ramp Project Three, as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed, and Resolution No. 290-19 Accepting the 2019 Asphalt Overlay Access Ramp Project Three and authorizing the final payment to the contractor was adopted.

17. 2019 Voluntary Sidewalk Repairs Assessments Needham Place (5th to 7th Streets): City Manager recommended approval of a resolution to establish the Final Assessment Schedule for the 2019 Voluntary Sidewalk Repairs Assessments for Needham Place, 5th Street to 7th Street. Upon motion the documents were received and filed, and Resolution No. 291-19 Adopting the Final Assessment Schedule for Voluntary Assessment Project on Needham Place Sidewalks - 5th Street to 7th Street was adopted.

18. Acceptance of Sanitary Sewer Improvements across Cedar Ridge Farm Place No. 16: City Manager recommended acceptance of the public improvements, including

sanitary sewer and appurtenances, that the developer, Nemmers Cedar Ridge Farm Limited Partnership, has recently completed across Part of Lot 1 in Cedar Ridge Farm Place No. 16. Upon motion the documents were received and filed, and Resolution No. 292-19 Accepting Public Sanitary Sewer Improvements Across Part of Lot 1 of Cedar Ridge Farm Place No. 16 in the City of Dubuque, Iowa was adopted.

19. Acceptance of Storm Water Detention Facility Improvements in Pebble Cove Subdivision: City Manager recommended acceptance of the public storm water detention facility improvements that the developer, Kivlahan Farms L.C., has recently completed in Pebble Cove Subdivision Phase 1. Upon motion the documents were received and filed, and Resolution No. 293-19 Accepting Public Storm Water Detention Facility Improvements in Pebble Cove Subdivision (Phase 1), in the City of Dubuque, Iowa was adopted.

20. Acceptance of the Dubuque Skate Park Project: City Manager recommended acceptance of the Dubuque Skate Park Project, as completed by Drew Cook and Sons Excavating, Inc. Upon motion the documents were received and filed, and Resolution No. 294-19 Accepting the Dubuque Skate Park Project and authorizing the payment of the contract amount to the contractor was adopted.

21. Acceptance East Blum Deconstruction Project: City Manager recommended acceptance of the public improvement contract for the Building Deconstruction Project at the East Blum Site as completed by S&S Builders. Upon motion the documents were received and filed, and Resolution No. 295-19 Accepting the East Blum Site Building Deconstruction Project was adopted.

22. Acceptance of the Orchard Drive Water Main Extension Project: City Manager recommended acceptance of the construction contract for the Orchard Drive Water Main Extension Project, as completed by Drew Cook & Sons Excavating Company, Inc. Upon motion the documents were received and filed, and Resolution No. 296-19 Accepting the Orchard Drive Water Main Extension Project and authorizing the final payment to the contractor was adopted.

23. Recording the Award for the Van Buren Street Energy Dissipator Project: City Manager recommended that the award for the Van Buren Street Energy Dissipator Project to Drew Cook & Sons Excavating Co., Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

24. Recording the Award for the Hillcrest Road / Rosemont Street Storm Sewer Reconstruction Project: City Manager recommended that the award for the Hillcrest Road / Rosemont Street Storm Sewer Reconstruction Project to Temperly Excavating, Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

25. Signed Contracts: Blackstone Environmental (2) for environmental support services and Chromium VI Data Review at the Water Treatment Plant; Dubuque County Lease Agreement for Federal Building space; Eastern Iowa Asphalt Maintenance, Inc. for resurfacing/restriping 6 surface lots; Kone Elevator Maintenance Renewal Agreement; 563Design Amendment No. 3 for Multicultural Family Center; IIW Professional Services Inspection Contract for Roosevelt Street Water Tower Project; James Orr Coating Inspection, LLC for Roosevelt St. Water Tower Technical Coating Inspection Services; Racom 800Mhz Radio Agreement. Upon motion the documents were received and filed.

26. 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. 297-19 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. 298-19 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 Jones. Motion carried 5-0.

1. Vacate Public Utility Easements for Padre Pio Health Care Center, Inc. (Stone Hill): City Manager recommended that the City Council set a public hearing for September 3, 2019 on the disposal of the City's interest in a Public Utility Easement of Stone Hill Community Subdivision. Upon motion the documents were received and filed, and Resolution No 299-91 Resolution of Intent to vacate and dispose of City interest in a Public Utility Easement over and across Lot 1-1-3 of Stone Hill Community Subdivision #1, in the City of Dubuque, Iowa was adopted, setting a public hearing for a meeting to commence at 6:00 p.m. on September 3, 2019 in the Historic Federal Building.

2. Fire Station No. 6 Improvements: City Manager recommended initiation of the public bidding procedure for Fire Station 6 External Stairwell Addition Project, and further recommends that a public hearing be set for September 3, 2019. Upon motion the documents were received and filed, and Resolution No. 300-19 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 September 3, 2019 in the Historic Federal Building.

3. Fiscal Year 2020 Budget Amendment No. 1: City Manager recommended that the first Fiscal Year 2020 Budget Amendment be set for public hearing for September 3, 2019. Upon motion the documents were received and filed, and Resolution No. 301-19 Setting the date for the public hearing on Amendment No. 1 to the Fiscal Year 2020 Budget for

the City of Dubuque was adopted, setting a public hearing for a meeting to commence at 6:00 p.m. on September 3, 2019 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their desire to serve on the following board/commission.

1. Resilient Community Advisory Commission: One, 3-Year term through July 1, 2022 (Vacant term of Lohrmann) Applicants: Candace Eudaley-Loebach, 1715 Glen Oak St.; Trevor Fannon, 476 Central Ave. Ms. Eudaley-Loebach spoke in favor of her appointment.

2. Housing Commission: One, 3-Year term through August 17, 2022 (Expiring term of Borovic) Applicant: David Wall, 1710 ½ White St. Motion by Jones to appoint Mr. Wall to the 3-year term through August 17, 2022. Seconded by Resnick. Motion carried 5-0.

3. Housing Trust Fund Advisory Committee: One, 3-Year term through August 17, 2022 (Expiring term of Walsh). Applicant: Dorothy Schwendinger, 3390 Windsor Ave. Motion by Jones to appoint Mr. Schwendinger to the 3-year term through August 17, 2022. Seconded by Larson. Motion carried 5-0.

PUBLIC HEARINGS

1. Institutional District (ID) Amendment - 3475 & 3485 Windsor Ave, and 1001 Assisi Drive (Stonehill/Assisi Village): Proof of publication on notice of public hearing to consider approval of a request from Benjamin Beard to rezone property at 3475, 3485 Windsor Avenue, and 1001 Assisi Drive to unify the current ID Institutional, Planned Unit Development and R-1 Single-Family Zoning Districts of the Padre Pio Health Center and Assisi Village into a single, Planned Unit Development with a Planned Residential designation, and to allow an addition to be built on the south side of the Assisi Village building; and the Zoning Advisory Commission recommending approval. Restated motion by Larson to receive and file the documents and pass the first reading of a proposed ordinance amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, Rescinding Ordinances 66-95, 25-97, 45-11 and 36-16 Approving an Amended Conceptual Development Plan for the Padre Pio Health Care Center and Assisi Village, Rezone the Existing Institutional District to Planned Unit Development, and Rezone Property Along Sheridan Road from R-1 to Planned Unit Development. Seconded by Del Toro. City Planning Services Manager Laura Carstens provide a staff report. Motion carried 5-0.

2. Vacating a Grant of Easement for Water Main and Sanitary Sewer Utilities over property on Marquette Place: Proof of publication on notice of public hearing to approve vacating a Grant of Easement for Water Main and Sanitary Sewer Utilities over Lot 1 of Hefel Place owned by Christopher M. Hefel, as part of the Marquette Place Street Sanitary Sewer and Water Main Reconstruction Project and the City Manager recommending

approval. Motion by Jones to receive and file the documents and adopt Resolution No. 302-19 Disposing of property by vacating City interest in an easement for water main and sanitary sewer utilities over and across Lot 1 of Hefel Place, in the City of Dubuque, Iowa Seconded by Resnick. Motion carried 5-0.

3. Westside Water System Fire Hydrant Installation Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Westside Water System Fire Hydrant Installation Project, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 303-19 Approval of plans, specifications, form of contract, and estimated cost for the Westside Water System Fire Hydrant Installation Project Seconded by Jones. Motion carried 5-0.

ACTION ITEMS

1. Awarding Contract for the Eagle Point Park Environmental Restoration Project – (Phase 1) Turf Conversion & Soil Quality Restoration: City Manager recommended award of the contract for the Eagle Point Park Environmental Restoration Project - Phase 1 Turf Conversion & Soil Quality Restoration to the sole bidder, Applied Ecological Services. Motion by Larson to receive and file the documents and adopt Resolution No. 304-19 Awarding the public improvement contract for the Eagle Point Park Environmental Restoration Project (Phase 1) Turf Conversion and Soil Quality Restoration (SQR). Seconded by Jones. Motion carried 5-0.

2. Crown Holdings, Inc. Contract with Iowa Economic Development Authority (IEDA): City Manager recommended approval of a contract among Crown Holdings, Inc. and Subsidiaries and Crown Cork & Seals USA, Inc., the City of Dubuque, and the Iowa Economic Development Authority. Motion by Jones to receive and file the documents and adopt Resolution No. 305-19 Authorizing the execution of a contract for State Business Financial Assistance by and among Crown Holdings, Inc., and Subsidiaries and Crown Cork & Seals USA, Inc., the City of Dubuque, Iowa, and the Iowa Economic Development Authority. Seconded by Del Toro. Motion carried 5-0.

3. Cellular Telephone L.P. (US Cellular) Proposed Master Lease Agreement and Supplement: City Manager recommended approval of a Master Lease Agreement and Supplement for US Cellular to deploy “small cell” infrastructure in Dubuque in the future. Motion by Jones to receive, file, and approved the documents. Seconded by Resnick. Responding to questions from the City Council David Lyons, Sustainable Innovations Consultant for Greater Dubuque Development Corporation, stated that using a lease supplement expedites installations in comparison to renegotiating a new lease for each instance and that the City retains rights over its poles in terms of cameras and power, etc. Mr. Lyons added that the City Council will have total review if there is future movement to 5G and will have authority over public notifications. He also noted that the FCC has new studies regarding the safety of 5G, but that the issue remains unresolved. Motion carried 5-0.

4. Hillcrest Road - Rosemont Street Detention Basin Easement Agreement with Plastic Center, Inc.: City Manager recommended approval of an Easement Agreement to acquire an easement from Plastic Center, Inc. for the Hillcrest-Rosemont Detention Basin Project and acceptance of a Grant of Easement from Plastic Center, Inc. Motion by Jones to receive and file the documents and adopt Resolution No. 306-19 Approving an Easement Agreement between the City of Dubuque, Iowa and Plastic Center, Inc., and accepting the Grant of Easement from Plastic Center, Inc. Seconded by Del Toro. Motion carried 5-0.

5. East-West Corridor Moratorium Extension: City Manager recommended approval of a three-year extension to the moratorium for construction, rezoning, subdivision review, and site plan approval in the East-West Corridor Study Area. Motion by Jones to receive and file the documents and pass the first reading of a proposed ordinance Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 2 Building Construction, Demolition and Moving, Section 14-2-4 Moratorium for Construction or Other Work on Certain Streets, Areas, or Facilities by Extending the Moratorium. Seconded by Del Toro. Motion carried 5-0

6. Code of Ordinances Amendment - Title 9 Residential Parking Permit Program Limitations: City Manager recommended an amendment to existing City Ordinance 9-14-321.722 (B): Residential Parking Permit Program Established - Parking Study to include amendments to the timeline for completing a parking study in the petitioned area, maximum number of site visits, and setting minimum conditions for City Council approval for creation of a residential parking permit district. Motion by Jones to receive and file the documents and pass the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Division 7 Residential Parking Permit Program, Section 9-14-321-722 Residential Parking Permit Program Established. Seconded by Resnick. Responding to questions from the City Council, City Engineering Gus Psihoyos stated that the City has tried to perfect the program over the years and has not modeled it after any city. Motion carried 5-0.

7. Code of Ordinances Amendment - Title 14 Adoption of the 2017 National Electric Code: City Manager recommended approval of an amendment to the City of Dubuque Code of Ordinances, Title 14 Building and Development, Chapter 1 Building Codes, Article D Electric Code. Motion by Larson to receive and file the documents and pass the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article D Electrical Code, Sections 14-1D-1 National Electrical Code Adopted and 14-1D-2 National Electrical Code Amendments. Seconded by Del Toro. Motion carried 5-0.

8. Code of Ordinances Amendment - Title 14 Adoption of the 2018 International I-Codes: City Manager recommended adoption of amendments to the City of Dubuque Code of Ordinances, Title 14 Building and Development, Chapter 1 Building Codes that update the current City of Dubuque Code of Ordinances from the 2015 editions to the 2018 editions. Motion by Jones to receive and file the documents and pass the first reading of a proposed ordinances: amending City of Dubuque Code of Ordinances Title

14 Building and Development, Chapter 1 Building Codes, Article A Building Code and Regulations, Sections 14-1A-1 International Building Code Adopted And 14-1A-2 International Building Code Amendments; Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article B Residential Code, Sections 14-1B-1 International Residential Code Adopted and 14-1B-2 International Residential Code Amendments; amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article F Mechanical Code, Sections 14-1F-1 International Mechanical Code Adopted and Section 14-1F-2 International Mechanical Code Amendments; Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article G Fuel Gas Code, Sections 14-1G-1 Fuel Gas Code Adopted and 14-1G-2 Fuel Gas Code Amendments; Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article H Plumbing Code, Sections 14-1H-1 International Plumbing Code Adopted and 14-1H-2 International Plumbing Code Amendments; Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article J Property Maintenance Code, Sections 14-1J-1 International Property Maintenance Code Adopted and 14-1J-2 International Property Maintenance Code Amendments; Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes; Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article E Fire Code and Regulations, Section 14-1E-1 International Fire Code Adopted and 14-1E-2 International Fire Code Amendments. Seconded by Resnick. Motion carried 5-0.

9. Greenhouse Gas Inventory Update: City Manager transmitting the final report from the University of Northern Iowa's Center for Energy and Environmental Education, which conducted an update to the Dubuque's community-wide Greenhouse Gas Inventory. Motion by Resnick to receive and file the documents. Seconded by Del Toro. Motion carried 5-0.

COUNCIL MEMBER REPORTS

Reading from a prepared statement, Council Member Kate Larson announced her resignation from the Third Ward Council seat as of December 31, 2019 adding that it has been a pleasure and honor serving the citizens of the Third Ward.

CLOSED SESSION

Professional Evaluation(s) – Chapter 21.5(1)(i) Code of Iowa

Motion by Larson to convene in closed session at 6:42 p.m. to discuss professional evaluations pursuant to Chapter 21.5(1)(i) of the Code of Iowa. Seconded by Del Toro. Mayor Buol stated for the record that the attorney who will consult with City Council on the issues to be discussed in the closed session is City Attorney Crenna Brumwell.

Upon motion, the City Council reconvened in open session at 7:32 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:33 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 8/23