

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

The Dubuque City Council met in regular session at 6:00 p.m. on September 16, 2019 in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Del Toro, Jones, 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

PRESENTATION(S)

1. Iowa D.A.R.E Officers Association Award: The 2019 Iowa D.A.R.E Officers Association 5-Star Volunteer Award was presented to Michael Duehr of the Fraternal Order of Eagles by Police Chief Mark Dalsing, City of Dubuque D.A.R.E. Officer Police Officer Rick Fullmer and Dubuque County D.A.R.E Officer Sheriff's Deputy Sara Jenaman.

PROCLAMATION(S)

1. Days of Peace and Nonviolence (September 17-29, 2019) was accepted by Barbara Ilton, Chair of the Days of Peace Committee and Committee Members RRS Stewart and Art Roche.

2. Rail Safety Week (September 22-28, 2019) was accepted by Assistant City Engineer Bob Schiesl.

3. Crop Walk Day (October 6, 2019): was accepted by Co-Chair Sara McCaw of Dubuque Area Congregations United.

4. Brain Health Awareness Month (October 2019) was accepted by Clara Capron and Debbie Butler of the Brain Health Now Committee.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 6-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 8/27; City Council Proceedings of 9/3, 9/9; Cable TV Commission of 9/4; Housing Commission of 8/27; Library Board of Trustees of 7/25; Zoning Advisory Commission of 9/4;

Zoning Board of Adjustment of 8/22; Proof of Publication for City Council Proceedings of 8/12, 8/13, 8/14, 8/19. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Ronald Bahr for vehicle damage, Alec Lee Benson for vehicle damage, Michael Dorr for vehicle damage, Keaton Kephart for vehicle damage, Michael and Jill Pankow for property damage, Christy Reed 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: Ronald Bahr for vehicle damage, Alec Lee Benson for vehicle damage, Michael Dorr for vehicle damage, Keaton Kephart for vehicle damage, Michael and Jill Pankow for property damage, Christy Reed 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. 329-19 Authorizing the Director of Finance and Budget/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 2019 State of Iowa Street Financing Report: City Manager recommended approval of the City of Dubuque's Fiscal Year 2019 City Street Financing Report and authorize filing with the Iowa Department of Transportation. Upon motion the documents were received and filed, and Resolution No. 330-19 Approving the City of Dubuque Fiscal Year 2019 City Street Financing Report was adopted.

6. 2019 Washington Neighborhood Market Analysis Update: City Manager transmitting the 2019 Washington Neighborhood Market Analysis Update. Upon motion the document was received and filed.

7. Consultant Selection for Preparation of a Consolidated Plan and Analysis of Impediments for Fair Housing: City Manager recommended approval of the selection of Public Works, LLC to prepare the HUD-approved 2021-2025 Community Development Block Grant Consolidated Plan and to conduct an Analysis of Impediments to Fair Housing, and authorize the City Manager to sign an Agreement for Professional Services with Public Works, LLC. Upon motion the documents were received, filed and approved.

8. Recording the Award for the Hillcrest Rd.-Rosemont St. Detention Basin Project: City Manager recommended that the award for the Hillcrest-Rosemont Detention Basin Project by Eastern Iowa Excavating & Concrete, LLC be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

9. Recording the Award for the Amy Court Drainage Improvements Project: City Manager recommended that the award for the Amy Court Drainage Improvements 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.

10. Iowa Department of Public Health (IDPH) Interagency (28E) Agreement: City Manager recommended approval to continue the City's contract with the Iowa Department of Public Health for the inspection of swimming pools and spas and tattoo parlors in Dubuque County. Upon motion the documents were received, filed and approved.

11. Pre-Annexation Agreement with Bartels and Oberbroeckling: City Manager recommended approval of a Pre-Annexation Agreement with Merlin C. Bartels, Dean H. Bartels and Joan M. Bartels, property owners, and contract buyer Ned Oberbroeckling, for property located at 15397 North Cascade Road, in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 331-19 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Merlin C. Bartels, Dean H. Bartels and Joan M. Bartels and Ned Oberbroeckling was adopted.

12. CSB Consulting Company Redevelopment of Property at 1838 Central Avenue: City Manager recommended approval of a Grant agreement between the City of Dubuque and CSB Consulting Company to redevelop property at 1838 Central Avenue to create three, upper-story apartments in the building. Upon motion the documents were received and filed, and Resolution No. 332-19 Approving a Grant Agreement by and between the City of Dubuque, Iowa and CSB Consulting Company for the redevelopment of 1838 Central Avenue was adopted.

13. Public, Educational, and Government (PEG) Capital Grant Expenditure Request: City Manager recommended approval of a request from the Cable TV Commission for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for Loras College to purchase a new video switcher for its control room. Upon motion the documents were received, filed and approved.

14. Final Plat of Cedar Lake - East Fifteenth Addition: Zoning Advisory Commission recommended approval of the Final Plat of Cedar Lake East Fifteenth Addition. Upon motion the documents were received and filed, and Resolution No. 333-19 Approving Final Plat of Cedar Lake - East Fifteenth Addition, in the City of Dubuque, Iowa was adopted.

15. Housing Commission Liaison Appointment to the Housing Trust Fund Committee: Correspondence from the Housing Commission requesting approval of Commissioner Rick Baumhover to be appointed to the Housing Trust Fund Committee as its liaison. Upon motion the document was received, filed and approved.

16. Federal Emergency Management Association (FEMA) Correspondence: City Manager providing a copy of correspondence to the Federal Emergency Management Association (FEMA) in response to its questions related to the Dubuque County Flood Hazard Mapping Project that include Dubuque's Certified Floodwall/Levee System. Upon motion the documents were received and filed.

17. Amendment to Resolution Approving Prepayment of Claims: City Manager recommended approval of an amendment to the resolution approving prepayment of claims. Upon motion the documents were received and filed, and Resolution No. 334-19 Approving prepayment of claims as amended was adopted.

18. 2020 Census Partnership Program: City Manager recommended approval of a letter from Mayor Roy D. Buol on behalf of the City of Dubuque requesting to join the 2020 Census Partnership Program. Upon motion the documents were received, filed and approved.

19. New Cities of Opportunity Application: City Manager recommended approval to submit the City of Dubuque's New Cities of Opportunity application to the National League of Cities. Upon motion the documents were received, filed and approved.

20. Coalition of Communities Agreement: City Manager recommended approval to join the Coalition of Communities to appeal the Federal Communications Commission's order that allows cable companies to treat in-kind benefits as franchise fees. Upon motion the documents were received, filed and approved.

21. Acceptance of Storm Water Detention - English Ridge Subdivision: City Manager recommended acceptance of the Warranty Deed for the storm water detention lot that the developer, English Ridge, LLC, is dedicating in English Ridge Subdivision. Upon motion the documents were received and filed, and Resolution No. 335-19 Accepting a Deed to Lot A in English Ridge Subdivision, in the City of Dubuque, Iowa was adopted.

22. Acceptance of the West Third Street Pumping Station Standby Generator 2018 Project: City Manager recommended acceptance of the West Third Street Pump Station Standby Generator 2018 project, as completed by A&G Electric. Resolution No. 336-19 Accepting the West Third Pumping Station Standby Generator 2018 Project and authorizing final payment to the contractor was adopted.

23. Bunker Hill Irrigation Replacement Project Phase 3 Initiation of Bids: City Manager recommended initiation of the bidding procedure for the Bunker Hill Irrigation Replacement Project Phase 3 (of 3). Upon motion the documents were received, filed and approved.

24. Citizen Petition for Amendment to Residential Parking Permit District H - Lea Lane: Receipt of Citizen Petition for an amendment to Residential Parking Permit District H to include Lea Lane. Upon motion the document was received, filed, and referred to the City Manager.

25. U.S. Cellular Re-Submittal Master Lease Agreement and Supplement - Dubuque Cellular Telephone L.P. (U.S. Cellular): City Manager recommended re-approval of the Supplemental Agreement with Dubuque Cellular Telephone L.P. (U.S. Cellular) as part of the U.S. Cellular Re-Submittal Master Lease Agreement and Supplement with the City of Dubuque. Upon motion the documents were received, filed and approved.

26. Request for Proposal - Consulting Services for Geodetic Control Network Update and Aerial Photography Project: City Manager recommended approval of the release of a Request for Proposal to provide consulting services for geodetic control network update and aerial photography project. Upon motion the documents were received, filed and approved.

27. Inspector 1 Full-Time Position Reclassified to an Inspector 2: City Manager recommended approval to reclassify one full-time equivalent Inspector 1 position to an Inspector 2 position in the Housing and Community Development Department. Upon motion the documents were received, filed and approved.

28. City Assessor - Notice of Tax Assessment Appeals: Correspondence from City Assessor Troy Patzner advising the City of three 2019 tax assessment appeals from the Dubuque City Board of Review. Upon motion the document was received and filed.

29. Signed Contract(s): Strand Associates, Inc. for the Catfish Creek Sanitary Interceptor Sewer Capacity Analysis Amendment No. 1 to Task Order No. 18-04; and the Cedar/Terminal Streets Force Mains and Lift Stations Assessment and Improvements Project / Cedar Street Force Main Air Release Valve Replacements Task Order No. 19-01; East Central Development Corporation Lease Agreement for Federal Building space; Lamar Companies Lease Agreement for City property located at 280 South Locust Street. Upon motion the documents were received and filed.

30. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Sons Excavating Company, Inc. for the Amy Court Drainage Improvements Project; Eastern Iowa Excavating & Concrete, LLC for the Hillcrest-Rosemont Streets Detention Basin Project. Upon motion the documents were received, filed and approved.

31. Alcohol License Applications: City Manager recommended approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed, and Resolution No. 337-19 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 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 Shaw. Motion carried 6-0.

1. Grant of Easement for Private Parking Lot Improvements Across West 9th Street Right-of-Way: City Manager recommended that the City Council set a public hearing for October 7, 2019 on a Grant of Easement for private parking lot improvements across City-owned property in the West 9th Street right-of-way. Upon motion the documents were received and filed and Resolution No. 338-19 Resolution of Intent to dispose of City

interest by Grant of Easement for private parking lot improvements across part of the West 9th Street right-of-way lying within City Lot 688 in the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on October 7, 2019 in the Historic Federal Building.

2. Sale of City-Owned Property at 799 Rush Street: City Manager recommended that the City Council set a public hearing for October 7, 2019 on the intent to dispose of 799 Rush Street to the abutting property owners, Eric and Beth Hemmer, for consolidation into one parcel. Upon motion the documents were received and filed and Resolution No. 339-19 Resolution 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 October 7, 2019 in the Historic Federal Building.

PUBLIC HEARINGS

1. Proceedings for the Public Hearing on the Authorization of Not-to-Exceed \$170,000 General Fund Lease Agreement – Postage Machine: Proof of publication on notice of public hearing to approve the suggested proceedings for the public hearing on the authorization of a general fund lease agreement not-to-exceed \$170,000 to acquire a postal machine for the City of Dubuque, and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 340-19 Instituting proceedings to take additional action for the authorization of a lease agreement (General Fund) in the principal amount of not-to-exceed \$170,000 to acquire personal property for the City. Seconded by Del Toro. Motion carried 6-0.

2. Proceedings for the Public Hearing on the Authorization of Not-to-Exceed \$25,000 General Fund Lease Agreement – Mail Room Printer: Proof of publication on notice of public hearing to consider approval of the suggested proceedings for the public hearing on the authorization of a general fund lease agreement not-to-exceed \$25,000 for a mail room printer, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 341-19 Instituting proceedings to take additional action for the authorization of a Lease Agreement (General Fund) in the principal amount of not-to-exceed \$25,000 to acquire personal property for the City. Seconded by Shaw. Motion carried 6-0.

PUBLIC INPUT

Tom Townsend, 1940 Amelia Drive, expressed support for the City Council to appoint former Council Member Kate Larson to her vacated Third Ward seat for the interim until the November 5, 2019 election.

ACTION ITEMS

1. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented a verbal update on the quarterly activities of the Greater Dubuque Development Corporation. Topics included: strong current and future regional

economy; support for the Hormel Foods Corporation financial assistance application to the IEDA (Action Item #2); the addition of Crown Holdings, Inc. and Duluth Trading Company; increased workforce solutions and the inaugural college career fair; and the progress of the Big Life, Small City campaign. Motion by Resnick to receive and file the information. Seconded by Jones. Motion carried 6-0.

2. Hormel Foods Corporation - Iowa Economic Development Administration Application: City Manager recommended approval of the submission of a Business Financial Assistance Application to the Iowa Economic Development Authority on behalf of Hormel Foods Corporation and Progressive Processing, LLC for the proposed expansion of its operations in Dubuque. Motion by Jones to receive and file the documents and adopt Resolution No. 342-19 Authorizing the filing of an application with the Iowa Economic Development Authority for business financial assistance on behalf of Hormel Foods Corporation and Progressive Processing, LLC. Seconded by Resnick. Motion carried 6-0.

3. Consultant Selection for Equitable Poverty Prevention Plan: City Manager recommended approval of the selection of Public Works, LLC as the consultant for the Equitable Poverty Prevention Plan and authorization for the City Manager to sign the Agreement for Professional Services with Public Works, LLC. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Shaw. Motion varied 6-0.

4. Third Ward Council Member Vacancy: City Clerk submitting Letters of Interest / Resumes for consideration in filling the Council Member vacancy for the Third Ward. The City Clerk reminded Council that the appointment would be for the interim until the November 5 City election and not until the end of the year as recently reported in the media. Following discussion, restated motion by Shaw for a roll-call vote. Seconded by Del Toro. Upon roll-call vote, the motion failed 3-3. Connors = Resnick, Jones and Buol. Larson = Del Toro, Rios, Shaw. Mayor Buol stated that the seat would then remain vacant until the November 5 election.

COUNCIL MEMBER REPORTS

Council Member Shaw reported on issues expressed to him by the residents of Table Mound Mobile Home Park, many of whom are retired and on fixed incomes, who claim they are being targeted with predatory practices by the landlord.

Motion by Jones to adjourn at 6:53 p.m. Seconded by Resnick. Motion failed 3-3 with Del Toro, Rios and Shaw voting nay.

There being no further business, Mayor Buol declared the meeting adjourned.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 9/25