

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

The Dubuque City Council met in regular session at 6:00 p.m. on October 21, 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

PROCLAMATION(S)

1. Lead Poisoning Prevention Week (October 20-26, 2019) was accepted by City of Dubuque Resiliency Coordinator Sharon Gaul.
2. Lights on After School Day (October 24, 2019) was accepted by Beth McGorry, Outreach Coordinator, St. Mark Youth Enrichment, 1201 Locust Street.
3. Extra Mile Day (November 1, 2019) was accepted by City of Dubuque AmeriCorps/VISTA Program Director Heather Slatterly.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Council Members Shaw, Resnick and Jones requested No. 5 be held for separate discussion; and Diane McClain, 255 Bradley Street, requested Nos. 24 & 25 be held for separate discussion. Motion carried 6-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 9/27; Arts and Cultural Affairs Master Plan Task Force of 9/24; City Council Proceedings of 10/7; Community Development Advisory Commission of 9/18; Library Board of Trustees of 8/22; Zoning Advisory Commission of 10/2; Zoning Board of Adjustment of 9/26. Upon motion the documents were received and filed.
2. Notice of Claims and Suits: Roxanne Ties Brenner for property damage, Matthew and Amanda Saylor for property damage, Sheri Scheffert 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: Roxanne Ties Brenner for property damage, Matthew and Amanda Saylor for property damage, Sheri Scheffert for property damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommending City Council approval for payment of City expenditures. Upon motion the documents were received and filed, and Resolution No. 368-19 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. 2020 State Legislative Priorities: City Manager recommending approval of the City of Dubuque 2020 State Legislative Priorities to be presented to legislators at the annual Legislative Dinner. Motion by Shaw to receive and file the documents and strike the language associated to addressing unemployment benefits for seasonal employees. Seconded by Resnick. Responding to questions from the City Council, City Manager Van Milligen stated that the intent is to eliminate unemployment benefits only for temporary employees hired to limited-term positions. Chandra Ravada, Transportation Director for ECIA, spoke about adding rail transportation to the priorities and about the City of Waterloo's interest in studying a rail link from Dubuque to Waterloo. Motion failed 3-3.

Motion by Shaw to receive and file and approve the documents. Seconded by Resnick. Motion carried 5-1 with Rios voting nay.

6. 2019 City Council Goals and Priorities: City Manager providing a copy of the 2019 City Council Goals and Priorities public information brochure. Upon motion the document was received and filed.

7. City Manager Letter to State Legislators - State of Iowa Needs to be an Equitable State of Choice: City Manager submitting a copy of his letter to State legislators on how the State of Iowa needs to be an equitable state of choice. Upon motion the documents were received and filed.

8. Sustainable Dubuque Grant Recommendations: City Manager recommending approval of the Resilient Community Advisory Commission's recommendation for funding of nine projects from the Sustainable Dubuque Community Grant Program. Upon motion the documents were received, filed and approved.

9. Metx, LLC Amendment to Development Agreement: City Manager recommending approval of an Amendment to Development Agreement with Metx, LLC that provides for the purchase price due at closing will be paid from the TIF funds received. Upon motion the documents were received, filed and approved.

10. East Central Development Corporation Assignment of Agreements to Community Solutions of Eastern Iowa: City Manager recommending approval of the Assignment of Purchases of Services and Agreement for services between East Central Development Corporation and Community Solutions of Eastern Iowa and authorizes the Mayor to execute the new Purchase of Services Agreement and the Continuum of Care agreement

with Community Solutions of Eastern Iowa on behalf of the City. Upon motion the documents were received and filed, and Resolution No. 369-19 Approving the Assignment of a Purchase of Services Agreement between the City of Dubuque and East Central Development Corporation from East Central Development Corporation to Community Solutions Eastern Iowa; and Resolution No. 370-19 Approving an Agreement for services between the City of Dubuque and East Central Development Corporation from East Central Development Corporation to Community Solutions of Eastern Iowa were adopted.

11. Finance Department Staffing Change Request: City Manager recommending approval to eliminate the Budget Manager position, add an additional full-time Budget/Financial Analyst position, and add a part-time Accountant position. Upon motion the documents were received, filed and approved.

12. Accepting the Chavenelle Road Storm Sewer Project: City Manager recommending acceptance of the public improvement construction contract for the Storm Sewer Construction Chavenelle Road – First Supply 2019 Project, as completed by Eastern Iowa Excavating & Concrete, LLC. Upon motion the documents were received and filed, and Resolution No. 371-19 Accepting the Storm Sewer Construction Chavenelle Road - First Supply 2019 Project and authorizing the final payment to the contractor was adopted.

13. Accepting the Usha Park Parking Lot Expansion Project: City Manager recommending acceptance of the construction contract for the Usha Park Parking Lot Expansion Project, as completed by Eastern Iowa Excavating & Concrete, LLC. Upon motion the documents were received and filed, and Resolution No. 372-19 Accepting the Usha Park Parking Lot Expansion Project and authorizing the payment of the contract amount to the contractor was adopted.

14. Accepting the Dubuque Montessori Parking Lot Asphalt Paving Project: City Manager recommending acceptance of the construction contract for the Dubuque Montessori Parking Lot Asphalt Paving Project, as completed by River City Paving. Upon motion the documents were received and filed, and Resolution No. 373-19 Accepting the Dubuque Montessori Parking Lot Asphalt Paving Project and Authorizing the payment to the contractor was adopted.

15. Approving Plat of Survey for Ahmed Place (1597-1599 Washington Street): Zoning Advisory Commission recommending approval of the Plat of Survey for Lot 1 & Lot 2 of Ahmed Place (1597-1599 Washington Street) subject to waiving the lot area for Lot 1 & Lot 2 of Ahmed Place. Upon motion the documents were received and filed, and Resolution No. 374-19 Approving the Plat of Survey of Lot 1 & Lot 2 of Ahmed Place in the City of Dubuque, Iowa was adopted.

16. Platting of City Property on Chavenelle Road - McFadden Farm Place: City Manager recommending approval of the Plat of Survey for Lot 1-2 and 2-2 of McFadden Farm Place on Chavenelle Road as part of a development agreement between the City,

Unison Solutions, BAS Development and Walter Development. Upon motion the documents were received and filed, and Resolution No. 375-19 Approving Plat of Survey of Lot 1-2 and Lot 2-2 of McFadden Farm Place in the City of Dubuque, Dubuque County, Iowa was adopted.

17. Platting of City Property on Chavenelle Rd - McFadden Farm Place No. 4: City Manager recommending approval of the Plat of Survey for Lot 1 and 2 of McFadden Farm Place No. 4 and the Plat of Survey for Lot 1-2 and 2-2 of McFadden Farm Place No. 4 in the City of Dubuque as part of a development agreement between the City and Walter Development LLC. Upon motion the documents were received and filed, and Resolution No. 376A-19 Approving Plat of Survey of Lot 1 and 2 of McFadden Farm Place No. 4 in the City of Dubuque, Dubuque County, Iowa; and Resolution No. 376B-19 Approving Plat of Survey of Lot 1-2 and Lot 2-2 of McFadden Farm Place No. 4 in the City of Dubuque, Dubuque County, Iowa were adopted.

18. Iowa Department of Transportation Title VI Documents: City Manager recommending approval for the Mayor to execute the Title VI/Non-Discrimination Assurances document required by the Iowa Department of Transportation. Upon motion the documents were received, filed and approved.

19. Bee Branch Watershed Flood Mitigation Project, Iowa Mitigation Board, 3rd Amendment to Funding Agreement: City Manager recommending approval an amendment to the funding agreement with the State Flood Mitigation Board in order to utilize state sale tax increment funding for the Bee Branch Watershed Flood Mitigation Project. Upon motion the documents were received and filed, and Resolution No. 377-19 Authorizing an Amendment to the Funding Agreement between the City of Dubuque and the State of Iowa Flood Mitigation Board for the City's use of Sales Tax Increment funding for the Bee Branch Watershed Flood Mitigation Project was adopted.

20. Contracted Service Agreement with the Four Mounds HEART Program for Fiscal Year 2020: City Manager recommending approval of the Community Development Block Grant (CDBG) Grant Agreement with Four Mounds HEART Program for Fiscal Year 2020. Upon motion the documents were received, filed and approved.

21. Contracted Service Agreement with the Washington Tool Library for Fiscal Year 2020: City Manager recommending approval of the Community Development Block Grant (CDBG) Agreement with the Washington Tool Library for Fiscal Year 2020. Upon motion the documents were received, filed and approved.

22. Contracted Service Agreement with Hills & Dales Senior Lifetime Center for Fiscal Year 2020: City Manager recommending approval of the Community Development Block Grant (CDBG) Agreement with Hills and Dales for the Senior Center Lifetime Program for Fiscal Year 2020. Upon motion the documents were received, filed and approved.

23. Abstract of Votes: City Clerk transmitting the Abstract of Votes for the October 8, 2019 Primary Election as certified by the Dubuque County Auditor. Upon motion the document was received and filed.

24. Bee Branch Healthy Homes Administrative Plan Amendment to Require Acceptance of Housing Choice Vouchers: City Manager recommending approval of an Amendment to the Bee Branch Healthy Homes Administrative Plan to require rental property owners that participate in the program to accept Housing Choice Vouchers from qualified prospective tenants for the duration of their forgivable loan agreement with the City of Dubuque. It is further recommended that staff be directed to submit the amendment to the Iowa Economic Development Authority for adoption and approval of the changes. Motion by Resnick to table both No. 24 and No. 25. Seconded by Del Toro. Diane McClain of the Dubuque Area Landlords Association requested that both items be tabled to allow further discussion with DALA and city staff. City Manager Van Milligen concurred adding that the recommendation has to be submitted and approved by HUD before starting. Motion carried 5-1 with Rios voting nay.

25. Lead Grant Administrative Plan Amendment to Require Acceptance of Housing Choice Vouchers: City Manager recommending approval to amend the Lead & Healthy Homes Work Plan to require rental property owners that participate in the program to accept Housing Choice Vouchers from qualified prospective tenants for the duration of their forgivable loan agreement with the City of Dubuque. It is further recommended that the amendment be submitted to the U.S. Department of Housing and Urban Development (HUD) for adoption and approval of the changes. (This item was combined with No. 24. Motion by Resnick. Seconded by Del Toro. Motion carried 5-1 with Rios voting nay.

26. Code of Ordinances – Adoption of Supplement No. 33: City Clerk recommending adoption of Supplement No. 33 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed, and Resolution No. 378-19 Adopting Supplement No. 33 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

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. 379-19 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 Del Toro. Motion carried 6-0.

1. Fiscal Year 2020 Budget Amendment No. 2: City Manager recommending that the second Fiscal Year 2020 Budget Amendment be set for public hearing for November 4,

2019. Upon motion the documents were received and filed and Resolution No. 380-19 Setting the date for the public hearing on Amendment No. 2 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 November 4, 2019 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments were made to the following boards/commissions.

1. Human Rights Commission: One, 3-Year term through January 1, 2021 (Vacant term of Templeton). Applicants: Dan Chatfield, 2780 Pennsylvania Ave.; Michael J. Durnin, 3560 Pennsylvania Ave.; Kathy McCarthy, 3491 Waller St. Upon roll-call vote, Kathy McCarthy was appointed to the 3-year term through January 1, 2021. (McCarthy = Rios, Jones, Resnick, Buol, Del Toro; Durnin = Shaw; Chatfield = -0-). Later in the meeting, City Clerk Firnstahl clarified that the correct gender makeup is 5 males, 3 females, with one vacancy.

2. Transit Advisory Board: One, 3-Year term through July 30, 2022 (Vacant term of Lohrmann). Applicant: Luanna Gerdemann, 4929 Little Valley Dr. Upon unanimous roll-call vote, Ms. Gerdemann was appointed to the 3-year term through July 30, 2022.

PUBLIC HEARINGS

1. Request to Rezone 757 W. 8th Street: Proof of publication on notice of public hearing to consider a request from Steve Knepper to rezone property located at 757 W. 8th Street from R-2A Alternate Two-Family Residential Zoning District to R-3 Moderate Density Multi-Family Residential Zoning District, and the Zoning Advisory Commission recommending approval. 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 Shaw. Property owner and developer Steve Knepper spoke in support of the rezoning and provided a brief description of the project. Assistant Planner Wally Wernimont provided a staff report. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 48-19 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 757 W. 8th Street from R-2A Alternate Two-Family Residential District To R-3 Moderate Density Multi-Family Residential District. Seconded by Shaw. Motion carried 6-0.

2. Multicultural Family Center Expansion and Renovation Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the Multicultural Family Center Expansion and Renovation Project, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 381-19 Approval of plans, specifications, form of contract, and estimated cost for the Multicultural Family Center Expansion and Renovation Project. Seconded by Resnick. Responding to questions from the City Council, City Manager Van Milligen and Recreation Division Manager Dan Kroger stated

that there are plans to use the MFC as a satellite office for Leisure Services but that since the Center is operated by its own Board, the City will partner with the Center and the Dubuque Community School District for space and event planning. Motion carried 6-0.

ACTION ITEMS

1. Sewer Revenue Capital Loan Note, Series 2019 State of Iowa Revolving Loan Fund – Sponsored Project Amendment: City Manager recommending approval of the suggested proceedings to amend the Kerper Boulevard Sanitary Sewer Revenue Capital Loan Note, Series 2019 State Revolving Fund Loan that provides for funding of the Eagle Point Park Environmental Restoration sponsorship project. Motion by Shaw to receive and file the documents and adopt Resolution No. 382-19 Amending the original Resolution, approved on February 18, 2019, said Resolution Approving and Authorizing a Loan and Disbursement Agreement with the Iowa Finance Authority and authorizing and providing for the issuance of Sewer Revenue Capital Loan Note, Series 2019, in order to provide for the funding of a Sponsored Project under the terms of a new Series 2019 Note to be issued in the principal amount of \$2,652,630.89, which includes approval of a Supplemental Tax Exemption Certificate. Seconded by Jones. Motion carried 6-0.

2. Request for Work Session on Project H.O.P.E.: City Manager recommending that the City Council schedule a work session on the Project Hope Quarterly Update for December 2, 2019, at 5:30 p.m. in the City Council Chambers. Motion by Shaw to set the work session as recommended since there were no schedule conflicts expressed. Seconded by Jones. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Jones reported on the Candidates Forum sponsored by the League of Women Voters scheduled for Wednesday, October 23, in the Council Chambers.

There being no further business, Resnick motioned to adjourn at 6:53 p.m. Seconded by Jones. Motion carried 6-0.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/30