

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

The Dubuque City Council met in regular session at 6:00 p.m. on Monday, November 4, 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

Assistant City Manager Cori Burbach introduced the ICMA International Fellow/Young Southeast Asia Leadership Institute Program Kamal Muhammad Raini from Penang, Malaysia.

PROCLAMATION(S)

1. Eagles "Eyes on the Future" Recognition of Brian Ries was accepted by Brian Ries and Michael Duehr.
2. American Legion Auxiliary Unit #6 Centennial (November 9, 2019) was accepted by Post 6 Vice Commander Janet Grass.
3. Veterans Day (November 11, 2019) was accepted by American Legion Auxiliary Post 6 Commander John Zeimet.
4. Philanthropy Day (November 15, 2019) was accepted by Christel Tatro, Member of the Association of Fundraising Professionals, Greater Tri-State Chapter.
5. Pancreatic Cancer Awareness Day (November 21, 2019) was accepted by Diane M. (Oglesby) Rambousek, President, Michael W. Oglesby Foundation.
6. Hospice Month (November 2019) was accepted by Accepted by Hospice Executive Director, Lavonne Noel.
7. Dubuque Family Literacy Month (November 2019) was accepted by Rachel Williams, Youth Impact Coordinator for the Community Foundation of Greater Dubuque.

CONSENT ITEMS

For the record, the City Clerk announced that No. 19 Acknowledgement/Settlement Agreement for a tobacco compliance violation for HyVee Store #1 is pulled from the agenda stating that the vendor is working through the Police Department on an alternative agreement.

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated except for Consent Item No. 19. Seconded by Jones. Motion carried 6-0.

1. Minutes and Reports Submitted: City Council proceedings of 10/21; Civil Service Commission of 10/28; Community Development Advisory Commission of 10/21; Investment Oversight Advisory Commission of 10/23; Proof of Publication for City Council Proceedings of 9/26, 10/7; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 9/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Jerome Ehlers for property damage, John Koenig for property damage, George Langas for personal injury, Julie Rupert 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: Jerome Ehlers for property damage, John Koenig for property damage, George Langas for personal injury, Julie Rupert for vehicle 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. 383-19 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. Quarterly Investment Report: City Manager transmitting the September 30, 2019 Quarterly Investment Report. Upon motion the documents were received and filed.

6. Full Circle Management Fifteenth Street Apartments: City Manager providing a copy of Full Circle Management's tenant application, survey and property information for the Fifteenth Street Apartments. Upon motion the document was received and filed.

7. Race in the Heartland Conference 2019 Program: City Manager providing a copy of the inaugural Race in the Heartland Conference agenda held in Dubuque on October 18-19, 2019. Upon motion the document was received and filed.

8. Growing Sustainable Communities Conference Agenda: City Manager providing a copy of the Growing Sustainable Communities Conference agenda held at the Grand River Center on October 23-25, 2019. Upon motion the document was received and filed.

9. Iowa Partners for Conservation Grant: City Manager recommending authorization to partner with Dubuque County by expanding the scope of work to be performed by the City's engineering consultant, Houston Engineering, in order to provide for additional, shared watershed/flooding planning efforts. Upon motion the documents were received and filed, and Resolution No. 384-19 Authorizing Dubuque County the opportunity and

right to contract with Houston Engineering to continue and extend existing watershed planning efforts to include a multi-hazard water quality and quantity approach was adopted.

10. National Mississippi River Museum & Aquarium Application - Letter of Support for Iowa REAP Grant: City Manager recommending approval of a letter for support from Mayor Roy Buol to the National Mississippi River Museum & Aquarium for its Iowa DNR REAP Conservation Education Program (CEP) grant application. Upon motion the documents were received, filed and approved.

11. Nuisance Garbage Collection Charges (Housing Department): City Manager recommending adoption of a resolution authorizing the City Clerk to certify garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed, and Resolution No. 385-19 Authorizing the City to collect delinquent garbage collection charges in accordance with Title 6-4-3A, Title 6-4-5A and Title 6-4-5B of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

12. Recording the Award of the 2019 Madison St. Retaining Wall Reconstruction Emergency Repair Project: City Manager recommending that the award of the Madison Street Retaining Wall Emergency Repairs 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.

13. Metx, LLC - Amendment to Development Agreement and Collateral Assignment: City Manager recommending approval of an Amendment to Development Agreement and Collateral Assignment of Development Agreement changing the substantial completion date to June 1, 2020. Upon motion the documents were received, filed and approved.

14. 2018 City Council Official Proceedings: City Clerk submitting the completed and indexed City Council's Official Proceedings for calendar year 2018. Upon motion the documents were received, filed and approved.

15. Legislative Initiative - Unemployment Insurance and Seasonal Workers: City Manager recommending removal of the Legislative Initiative for Unemployment Insurance and Seasonal Workers from the Legislative Priorities. Upon motion the documents were received, filed and approved.

16. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Equipment Operator II, Assistant Planner, and Lead Applications/Network Analyst. Upon motion the documents were received, filed and made a Matter of Record.

17. Signed Contract(s): Tri-State Occupational Health, LLC Amendment to Agreement; K&L Leasing Revocable License for use of right-of-way at 778 W. 8th Street; S&R Jackson, LLC Revocable License for use of right-of-way at 1065 Jackson Street; Powers

of Communication Vendor Service Agreement for Census 2020 Communication Consulting. Upon motion the documents were received and filed.

18. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Sons Excavating Company, Inc. for the 2019 Madison Street Retaining Wall Reconstruction Emergency Repair Project. Upon motion the documents were received, filed and approved.

19. Tobacco Compliance Civil Penalty for Tobacco License Holder – HyVee #1: This item was removed from the agenda at the request of the vendor and City staff.

20. Alcohol Compliance Civil Penalty for Alcohol License Holder – Pioneers Rest Stop: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Pioneers Rest Stop, 4900 Old Highway Road. Upon motion the documents were received, filed and approved.

21. 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. 386-19 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.

BOARDS/COMMISSIONS

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

1. Housing Commission: One, 3-Year term through August 17, 2022 (Vacant term of Schwendinger). Applicant: Suzanne Stroud, 234 East 14th St.

2. Long Range Planning Advisory Commission” One, 3-Year term through July 1, 2022 (Vacant term of Wright). Applicant: John Kraye, 6510 Wellington Ln. Mr. Kraye spoke in support of his appointment and provided a brief biography.

PUBLIC HEARINGS

1. Dubuque Industrial Center Urban Renewal Plan - Resolution of Adoption: Proof of publication on notice of public hearing to consider approval of an Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 387-19 Approving the Amended and Restated Urban Renewal Plan Version 2019.1, for the Dubuque Industrial Center Economic Development District. Seconded by Del Toro. Motion carried 6-0.

2. Progressive Processing, LLC Third Amendment to Development Agreement: Proof of publication on notice of public hearing to consider approval of a Third Amendment to the Development Agreement between the City of Dubuque and Progressive Processing, LLC to facilitate Progressive Processing's expansion, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 388-19 Approving the Third Amendment to Development Agreement between the City of Dubuque, Iowa and Progressive Processing, LLC. Seconded by Resnick. Motion carried 6-0.

3. Walter Development, LLC Development Agreement: Proof of publication on notice of public hearing to consider approval of a Development Agreement between the City of Dubuque and Walter Development, LLC, including the issuance of Urban Renewal Tax Increment Revenue Grant Obligations, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 389-19 Approving a Development Agreement by and between the City of Dubuque, Iowa, and Walter Development, LLC for the sale of City-Owned property including the issuance of Urban Renewal Tax Increment Revenue Obligations. Seconded by Jones. Motion carried 6-0.

4. Walter Development, LLC; BAS Development, LLC; and Unison Solutions Development Agreement: Proof of publication on notice of public hearing to consider approval of a Development Agreement by and among the City of Dubuque, Walter Development, LLC, BAS Development, LLC, and Unison Solutions, Inc. providing for the sale of city-owned real estate to BAS Development, LLC and the issuance of Urban Renewal Tax Increment Revenue Grant Obligations, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 390-19 Approving the disposal of an interest in City of Dubuque-owned real estate by sale to BAS Development, LLC, pursuant to a Development Agreement by and among the City of Dubuque, Walter Development, LLC, Bas Development, LLC, and Unison Inc. including the issuance of Urban Tax Increment Revenue Obligations. Seconded by Shaw. Motion carried 6-0.

5. Ice Harbor Flood Gate Abutment Repair Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Ice Harbor Flood Gate Abutment Repair Project, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 391-19 Approval of plans, specifications, form of contract, and estimated cost for the Ice Harbor Flood Gate Abutment Repair Project. Seconded by Resnick. Motion carried 6-0.

6. Fiscal Year 2020 Budget Amendment No. 2: Proof of publication on notice of public hearing to consider approval of the Fiscal Year 2020 Budget Amendment No. 2, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 392-19 Amending the current budget for the Fiscal Year ending June 30, 2020 as amended last on September 3, 2019. Seconded by Del Toro. Motion carried 6-0.

PUBLIC INPUT

Lynn Sutton, 859 Air Hill, advocated for citizens whom she believes are being taken advantage of by landlords in terms of not taking housing choice vouchers for the elderly and disabled, not providing heat, and not preventing lead-free environments.

Carrie Presley, 1241 Prairie Du Chien; Frank Shepard, Sr.; and Kenneth Kings; requested assistance on behalf of the tenants of the Table Mound Mobile Home Park to respond to recent exorbitant increases in lot rent and utility fees at the Park that are seen as an attempt by the landlord, RV Horizons (aka Impact Communities) to exploit tenants and force them to move. Sam Wooden, Housing Commission Member, spoke in opposition to allowing housing choice vouchers to be used for lot rental as presented in Item No. 3 on the forthcoming Action Agenda. Brad Cavanagh, Housing Commission Member, spoke in support of using housing choice vouchers for lot rental stating that it's a real step the City can take that gives residents a choice.

ACTION ITEMS

1. Awarding the Multicultural Family Center Expansion and Renovation Project: City Manager recommending award of the construction contract for the Multicultural Family Center Expansion and Renovation Project to the low bidder Sheets Design Build, LLC. Motion by Jones to receive and file the documents and adopt Resolution No. 393-19 Awarding Public Improvement Contract for the Multicultural Family Center (MFC) Expansion and Renovation Project. Seconded by Resnick. Motion carried 6-0.

2. Hormel Foods Corporation and Progressive Processing LLC State of Iowa Business Financial Assistance Contract: City Manager recommending approval of a resolution authorizing Contract 20-HQJP-008 by and among Hormel Foods and Progressive Processing LLC, the City of Dubuque and the Iowa Economic Development Authority for the investment by Hormel Foods and Progressive Processing for the expansion of its operations in the City of Dubuque. Motion by Jones to receive and file the documents and adopt Resolution No. 394-19 Authorizing the execution of a contract for State Business Financial Assistance by and among Hormel Foods Corporation and Progressive Processing, LLC; the City of Dubuque, Iowa and the Iowa Economic Development Authority. Seconded by Resnick. Motion carried 6-0.

3. Public Housing Authority Policy Update: City Manager recommending that the City Council consider updating the special housing Public Housing Authority Policy types accepted for Housing Choice Vouchers to include manufactured homes. Motion by Jones to receive and file the documents and adopt Resolution No. 395-19 Approving PHA Policy updates for special housing types permitted for families receiving Housing Choice Voucher assistance. Seconded by Shaw. City Council discussion focused on whether or not allowing housing choice vouchers to be used for lot rental is simply "feeding the beast" and enabling the landlord's price increases. Housing and Community Development Director Alexis Steger responded to questions from the City Council stating that even if approved, the landlord does not have to accept the vouchers and that the program is

equitable. She added that vouchers can be used toward mortgages and that the new lot rents are in line with other similar mobile home parks in the area. Motion carried 6-0.

4. Amendment to Bee Branch Healthy Homes Administrative Plan: 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 Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Housing and Community Development Director Alexis Steger responded to questions from the City Council stating that the program is complaint-based, that the landlords must fix issues, accept housing choice vouchers if they are receiving government funding, and still comply with international building codes regardless of participation in the program. Motion carried 6-0.

5. Amendment to Lead & Healthy Homes Work Plan: 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. Motion by Shaw to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 6-0.

6. Request for Work Session on the Five Flags Civic Center Phase 2A Study Presentation: City Manager recommending that City Council schedule a work session for November 12, 2019 in the Council Chambers to present the Five Flags Civic Center Phase 2A Study. Motion by Jones to receive and file the documents and set the work session as recommended pending no Council Member conflicts. Seconded by Del Toro. Resnick stated that he could not be present but would follow up on the information after the fact. Motion carried 6-0.

7. Request for Work Session on State of the Arts Annual Report: City Manager recommending that the City Council schedule a work session for November 12, 2019 in the Council Chambers on the State of the Arts in Dubuque, including a presentation and status report on Dubuque's Arts and Culture Master Plan. Motion by Jones to receive and file the documents and set the work session as recommended pending no Council Member conflicts. Seconded by Del Toro. Resnick reiterated is conflict. Motion carried 6-0.

8. Southwest Arterial Construction Update Video: Cable TV Division showed a video of the recent progress of the Southwest Arterial Project for October 2019. Motion by Resnick to receive and file the information. Seconded by Shaw. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Jones reported on tomorrow's first City Council election in combination with the School Board election and encouraged everyone to vote.

Shaw thanked City staff and the Housing Commission for their responsiveness to the residents of the Table Mound Mobile Home Park.

There being no further business, motion by Jones to adjourn at 7:49 p.m. Seconded by Resnick. Motion carried 6-0.

/s/Kevin S. Firnstahl, CMC
City Clerk

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