

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

The Dubuque City Council met in special session at 5:30 p.m. on November 18, 2019 in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol (via telephone); Chairperson Jones; Council Members Del Toro, Resnick, Shaw, Sprank; City Manager Van Milligen, City Attorney Brumwell

Absent: Mayor Pro Tem Rios

Chairperson Jones called the meeting to order and stated that this is a special session of the City Council called for the purpose of conducting a work session on Sustainable Dubuque.

**WORK SESSION
SUSTAINABLE DUBUQUE
Dubuque's Path Forward to Improved Air Quality 2019**

Sustainable Community Coordinator Gina Bell introduced presenters Dave Lyons, Sustainable Innovations Consultant from the Greater Dubuque Development Corporation; Chandra Ravada, Director of Transportation, Planning and Transit Services for East Central Intergovernmental Agency (ECIA); and Mary Rose Corrigan, City of Dubuque Public Health Specialist. Topics included:

- Emission baseline inventory 2008
- Ozone design values 1999-2010, 1999-2018 Stockton, Clinton & Coggon Monitors
- Programs and projects implemented from 2008-2018
- Comparison of pollutants from 2008-2014
- Comparison of emission contributor from 2008-2014
- Comparison of emission reduction in Dubuque & Scott Counties 2008-2014
- Comparison of emissions by sources between Dubuque & Scott Counties 2008-2014
- Emissions inventory from 2008-2018
- Potosi Monitor Raw Data from 2008-2018
- Future initiatives: US 52/SW Arterial Project; East/West Corridor Improvements; STREETS Signal project; Climate Action Plan Update; Dubuque Metropolitan Area Solid Waste Agency (DMASWA) Project; Water and Resource Recovery Center (W&RRC) RNG Expansion Phase 2
 - Smart Traffic Routing with Efficient & Effective Traffic Systems (STREETS)
 - University Avenue Overlap section
 - Long-term projects after 2020

The presenters responded to questions from the City Council related to how particulates are calculated, and the effect of national wildfires and local road conditions have on air quality.

There being no further business, motion by Shaw to adjourn at 5:53 p.m. Seconded by Del Toro. Motion carried 6-0.

/s/Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:00 p.m. on November 18, 2019 in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol (via telephone); Chairperson Jones; Council Members Del Toro, Resnick, Shaw, Sprank; City Manager Van Milligen, City Attorney Brumwell

Absent: Mayor Pro Tem Rios

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. Standout Community Organization Pursuing Equity (S.C.O.P.E.) Award - Multicultural Family Center: Operation New View Board Member Laura Roussell and previous S.C.O.P.E. recipient presented the Thomas Determan S.C.O.P.E. Award to the Multicultural Family Center. The award was accepted by MFC Director Jacqueline Hunter.

PROCLAMATION(S)

1. Small Business Saturday (November 23, 2019): Was accepted by Chairperson Ric Jones on behalf of the Dubuque Area Chamber of Commerce.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Del Toro. Council Member Shaw requested Item

No. 17 be held for separate discussion. Marvin Ney requested Item No. 18 be held for separate discussion. Motion carried 6-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Commission and Working Groups of 10/22; City Council proceedings of 11/4, 11/12; Historic Preservation Commission of 9/25; Housing Commission of 10/22, 11/14; Historic Preservation Commission of 9/25; Human Rights Commission of 9/9, 9/26; Library Board of Trustees of 9/6; Transit Advisory Board of 10/24; Zoning Advisory Commission of 11/6; Zoning Board of Adjustment of 10/24; Proof of Publication for City Council Proceedings of 10/21. Upon motion the documents were received and filed.

2. 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. 396-19 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.

3. Abstracts of Votes: City Clerk transmitting the Abstracts of Votes for the November 5, 2019 General Election as certified by the Dubuque County Auditor. Upon motion the documents were received and filed.

4. Dubuque Jaycees 2020 Fireworks Request: Correspondence from Thomas Parsley, General Manager for Radio Dubuque, in partnership with the Dubuque Jaycees, requesting approval to conduct a fireworks display on Friday, July 3, 2020 from 9:00 p.m. to 10:30 p.m. on Volunteer Road between Hawthorne St. and Lime St. in conjunction with the closure of indicated streets and A.Y. McDonald Park as part of a special event request. A rain date of July 4, 2020 is also requested. Upon motion the document was received, filed and approved.

5. Drug Abuse Resistance Education (DARE) Program Agreement with Dubuque Community School District: City Manager recommending approval of the Fiscal Year 2019-2020 Drug Abuse Resistance Education (DARE) Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

6. School Resource Officer (SRO) Agreement with Dubuque Community Schools: City Manager recommending approval of the Fiscal Year 2019/2020 School Resource Officer (SRO) Agreement with the Dubuque Community School District and recommends acceptance of the School District's financial support retroactive to the start of the 2019/2020 school year. Upon motion the documents were received, filed and approved.

7. Awarding the Ice Harbor Flood Gate Abutment Repair Project: City Manager recommending adoption of a resolution authorizing award of the construction contract for the Ice Harbor Flood Gate Abutment Repair Project CIP# 7202792 to Tricon General Construction. Upon motion the documents were received and filed, and Resolution No. 397-19 Awarding public improvement contract for the Ice Harbor Flood Gate Abutment Repair Project was adopted.

8. Recording the Award of the City Hall Sidewalk Heating Boilers and Sensor System Project: City Manager recommending that the award for the City Hall Sidewalk Heating Boilers and Sensor System Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

9. Accepting the Water Main Extension to Tamarack Park (Phase 1): City Manager recommending adoption of the resolution to accept the improvements and authorize the final payment for the Water Main Extension to Tamarack Park (Phase 1) project to Top Grade Excavating. Upon motion the documents were received and filed, and Resolution No. 398-19 Accepting the Tamarack Park Water Main Extension (Phase 1) Project and authorizing final payment to the contractor was adopted.

10. Acceptance of Dubuque Industrial Center West - McFadden Farm Grading Phase I Project: City Manager recommending adoption of the resolution providing acceptance of the construction contract for the Dubuque Industrial Center West-McFadden Farm Grading Phase I to Peterson Contractors, Inc. of Reinbeck, Iowa. Upon motion the documents were received and filed, and Resolution No. 399-19 Accepting the DICW - McFadden Farm Grading Phase I Project and authorizing the payment of the contract amount to the contractor was adopted.

11. Acceptance of Sanitary Sewer Easement from PTC, LLC for Property at 18th and Elm Streets: City Manager recommending acceptance of the Grant of Easement for Public Sanitary Sewer Utility from PTC LLC for property at 1800 Elm Street. Upon motion the documents were received and filed, and Resolution No. 400-19 Accepting a Grant of Easement for the public sanitary sewer through, over and across part of Lot 171A in East Dubuque Addition, in the City of Dubuque, Iowa was adopted.

12. North Cascade Road Right-of-Way Dedication Plat from Property Owners Steger and Tjarks: City Manager recommending that the City Council adopt a resolution approving the Acquisition Plats that will provide the additional right-of-way needed for the North Cascade Road Reconstruction Project. Upon motion the documents were received and filed, and Resolution No. 401-19 Approving the Acquisition Plats of Lot A of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 34, T89N, R2E of the 5th P.M., Dubuque County, Iowa and Lot 1-1-A and Lot 1-1-B of the Southeast Quarter of the Southwest Quarter of Section 34, T89N, R2E of the 5th P.M., Dubuque County, Iowa was adopted.

13. Vacant and Abandoned Buildings and Problem Property Assessments: City Manager recommending adoption of a resolution authorizing the City to certify problem property 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. 402-19 Authorizing the City of collect delinquent problem property charges in accordance with 14-1J1 International Property Maintenance Code Section 106.5 and/or Section 109.5 Code of Ordinances of the City of Dubuque, Iowa was adopted.

14. Finance Department Modified Staffing Change: City Manager recommending approval to modify the staffing request change approved by City Council on October 21, 2019 to request a full-time Budget/Financial Analyst. Upon motion the documents were received, filed and approved.

15. Request for Assistant Housing and Community Development Director: City Manager recommending the addition of a Full-Time Assistant Housing and Community Development Director to be implemented in the current fiscal year. Upon motion the documents were received, filed and approved.

16. Transitioning the Lead and Healthy Homes Inspector to a Permanent Position: City Manager recommending transitioning one Lead and Healthy Homes Inspector position to a permanent FTE position that will span funding sources necessary to hold continuity to both grant funded positions and the general housing code enforcement team. Upon motion the documents were received, filed and approved.

17. Integrated Parking Service (IPS) Smart Parking Pilot: City Manager recommending approval to enter into an agreement with IPS Group, Inc. to implement a 60-day smart parking pilot with the option to extend an additional 30 days. Motion by Shaw to table. Seconded by Del Toro. Mr. Shaw expressed his concerns with incomplete information within the scope of project area of the contract and was concerned that more efficient enforcement would create a heightened number of citations. Motion failed 4-2 with Shaw and Del Toro voting nay.

Motion by Shaw to receive and file and approve the recommendation. Seconded by Del Toro. Council Member Shaw reiterated his concerns. Transportation Services Manager Renee Tyler responded to questions from the City Council stating that with this being a pilot project, data is still being analyzed so the scope of project details such as placement, timing and number of meters are being discussed. Motion carried 5-1 with Shaw voting nay.

18. Paramount Ambulance Request: Correspondence from Marvin Ney of Paramount Ambulance requesting a change in the City's policy to include privately-owned emergency services the use of Opticon, the City's Emergency Traffic Signal Pre-Emption. Motion by Resnick to receive and file the documents and refer to the City Manager. Seconded by Shaw. Marvin Ney of Paramount Ambulance Service, 5070 Wolff Rd, reiterated his request stating that the matter is a public safety issue and that use of the system should be allowed through the Mutual Aid Agreement. Responding to questions from the City Council, City Manager Van Milligen stated that, if referred to him, he and City staff will enter discussions and review of the Mutual Aid Agreement, discuss fees and exemptions if the private service were called upon by the City. Motion carried 6-0. [Also see Public Input section].

19. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of programming changes on or about December 15, 2019. Upon motion the document was received and filed.

20. Signed Contract: Hillcrest Family Services agreement for holiday display in Murphy Park. Upon motion the document was received and filed.

21. Improvement Contracts / Performance, Payment and Maintenance Bonds: Robinson Brothers Environmental, Inc. for the Multicultural Family Center Hazardous Building Materials Removal Project; Temperley Excavating, Inc. for the Bowling and Beyond Site Foundation Removal Project. Upon motion the documents were received, filed and approved.

22. Alcohol Compliance Civil Penalty for Alcohol License Holder – Big 10 Mart: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Big 10 Mart, 1875 JFK Road. Upon motion the documents were received, filed and approved.

23. Alcohol Compliance Civil Penalty for Alcohol License Holder – Neighbors Tap: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Neighbors Tap, 1899 Rockdale Road. Upon motion the documents were received, filed and approved.

24. 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. 403-19 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.

25. Dubuque Racing Association Depreciation and Improvement Fund Expenditure Request: City Manager recommending approval of a request from Dubuque Racing Association President Jesus Aviles is requesting approval to spend from the Depreciation and Improvement Fund to replace the concrete near the main valet canopy at the Q Casino. Upon motion the documents were received, filed and approved.

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 6-0.

1. Lower Bee Branch Creek Security Network Project: City Manager recommending preliminary approval of the proposed plans, specifications, form of contract, and construction estimate; establishing the date of the public hearing; and authorizing the City Clerk to advertise for bids for the Lower Bee Branch Security Network Project. It is further recommended that a public hearing be set for December 2, 2019. Upon motion the documents were received and filed and Resolution No. 404-19 Preliminary approval of plans, specifications, form of contract, and estimated cost; setting date of the 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 December 2, 2019 in the Historic Federal Building.

BOARDS/COMMISSIONS

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

1. Building Code and Advisory Appeals Board: One, 3-Year term through August 1, 2021 (Vacant At-Large term of Luchsinger). Applicant: Russell Bickle, 933 White St.

2. Community Development Advisory Commission: One, 3-Year term through February 15, 2020 (Vacant At-Large term of Pinnola). Applicant: Hilary Dalton, 1629 Washington St. Ms. Dalton spoke in support of her appointment and provided a brief biography.

Appointments were made to the following Commissions.

3. Housing Commission: One, 3-Year term through August 17, 2022 (Vacant At-Large term of Schwendinger). Applicants: Hilary Dalton, 1629 Washington St. as additional applicant; Suzanne Stroud, 234 East 14th St. While at the podium, Ms. Dalton spoke in support of her appointment to this commission. Upon roll-call vote of 6-0, Ms. Stroud was appointed the remainder of a 3-year term through August 17, 2022.

4. Long Range Planning Advisory Commission: One, 3-Year term through July 1, 2022 (Vacant term of Wright). Applicant: John Krayer, 6510 Wellington Ln. Motion by Shaw to appoint Mr. Krayer to the remainder of a 3-year term through July 1, 2022.

PUBLIC HEARINGS

1. Request to Rezone 900 Seippel Road: Proof of publication on notice of public hearing to approve a request from Joe Delaney to rezone property at 900 Seippel Road from AG Agricultural Zoning District to CS Commercial Service and Wholesale Zoning District, 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 Del Toro. Assistant Planner Wally Wernimont provided a staff report. Responding to questions from Ann McClain, 255 Bradley St., developer Joe Delaney stated that the property would be used for storage units as outlined in his original 2008 plan. Motion carried 6-0.

Motion by Shaw for final consideration and passage of Ordinance No. 49-19 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by reclassifying hereinafter described property from AG Agricultural District to CS Commercial Service and Wholesale District. Seconded by Del Toro. Motion carried 6-0.

2. Greater Downtown Urban Renewal District - Resolution of Adoption: Proof of publication on notice of public hearing to consider approval of an Amended and Restated

Urban Renewal Plan for the Greater Downtown Urban Renewal District, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 405-19 Approving the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Del Toro. Motion carried 6-0.

3. Merge, LLC Development Agreement: Proof of publication on notice of public hearing to consider approval of a Development Agreement between Merge, LLC and the City of Dubuque providing for the sale of City-owned real estate in Greater Downtown Urban Renewal District to Merge, LLC and the issuance of Urban Renewal Tax Increment Revenue Grant obligations. Motion by Del Toro to receive and file the documents and adopt Resolution No. 406-19 Approving disposal of an interest in real property owned by the City of Dubuque by sale through a Development Agreement with Merge, LLC. Seconded by Shaw. Motion carried 6-0.

Brent Dahlstrom of Merge Urban Development Group, 604 Clay Street, Cedar Rapids; David Lyons, Sustainable Innovation Consultant, and Kristin Dietzel, Vice President of Workforce Solutions for the Greater Dubuque Development Corporation, 900 Jackson Street; and Wally Wernimont, Assistant Planner for the City of Dubuque, provided verbal and slide presentations of the project. Topics included a description of Opportunity Zones, design review requirements, overlay with Port of Dubuque Master Plan and Imagine Dubuque Comprehensive Plan, the history and need for rental units, and the relationship to workforce recruitment and retention. The presenters, City Manager Van Milligen, and David Lyons responded to questions during public input from Sam Feehan, 1055 Kelly Lane; Michael Tilp, 2559 Elm Street; Nino Erba, 36 W. 4th Street; Derek Duehr, 3395 Ventura Ct.; John Wegmann, 1710 Jackson Street; Hilary Dalton, 1629 Washington Street; Mary Sand, 880 Goethe Street; and Brad Cavanagh, 565 Fenelon Place. Topics of discussion included average rent rates, property tax percentage calculations; clarification on the acceptance of Housing Choice Vouchers, assuring the use of local labor, description of Opportunity Zones, pet-friendly options, and smart/green design features.

4. Establishment of the Dubuque Urban Revitalization District: Proof of publication on notice of public hearing to consider approval of the Dubuque Urban Revitalization Plan, and the City Manager recommending approval. Motion by Resnick to receive and file the documents, adopt the Resolution 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 Del Toro. Motion carried 6-0. Resolution No. 407-19 Rescinding resolutions creating certain Urban Revitalization Plans and adopting a new Dubuque Urban Revitalization Plan was adopted.

Assistant Planner Wally Wernimont provided a verbal presentation describing the history, purpose, and eligibility of Urban Revitalization Districts in Dubuque and how they relate to property improvement opportunities for property owners.

Mr. Wernimont and City Assessor Troy Patzner responded to questions from the City Council and during public input from Charles Beinborn, 2615 Hillcrest Road; Kathy Brimeyer, 2226 Jackson Street; Mary Sand 880 Goethe Street; David Hockenberry, 1015 W. 3rd Street; and John Wegmann, 1710 Jackson Street. Topics of discussion included the difference in tax abatement between residential and commercial properties; timely

increases to income qualification; improvement project qualifications; construction requirements; completion timelines; other grant/funding opportunities; building permit process; the difference between urban revitalization, TIF and urban renewal districts; and the tax abatement and re-assessment process.

Motion by Resnick for final consideration and passage of Ordinance No. 50-19 Amending Ordinance No. 6-19 which amended City of Dubuque Code of Ordinances title 3, Revenue and Taxation, Chapter 2 Revitalization Areas by adopting a new Section 3-2-14 Establishing the Alta Vista Urban Revitalization Area and establishing requirements for qualifying property owners; Ordinance No. 51-19 Repealing Ordinance No. 12-2006 which established the Garfield Place II Urban Revitalization Plan; and Ordinance No. 52-19 Amending the City of Dubuque Code of Ordinances Title 3, Revenue and Taxation, Chapter 2 Revitalization Areas, by Repealing Sections 3-2-2 through and including 3-2-9 and Section 3-2-12 and adopting a new Section 3-2-2 Establishing the Dubuque Revitalization Area and requirements for qualifying property owners. Seconded by Shaw. Motion carried 6-0.

PUBLIC INPUT

Molly Dietzel, 2651 Broadway, spoke in opposition to giving Paramount Ambulance Service permission to use the City's Opticon Emergency Traffic Signal Pre-Emption citing her personal experiences and negative issues in other jurisdictions. Ms. Dietzel added that the City Council should provide oversight on how the technology is used, and deny the request and the authority [for Paramount] to use lights and sirens at all.

ACTION ITEMS

1. Request Work Session on Imagine Dubuque Implementation Update: City Manager recommending the City Council schedule a Work Session for Tuesday, February 4, 2020, at 5:30 p.m. in the Council Chambers, regarding a recommended Collective Impact framework for implementation of Imagine Dubuque 2037: A Call to Action, the City's 2017 Comprehensive Plan. Motion by Resnick to receive and file the documents and set the work session as recommended pending schedule conflicts. None were noted. Seconded by Shaw. At the request of Council Member Del Toro, Council Member-Elect Laura Roussell acknowledged her availability from the gallery. Motion carried 6-0.

There being no further business, Chairperson Jones declared the meeting adjourned.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 11/27