

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

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

Absent: Council Member 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

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 11/26; City Council Proceedings of 12/2; Civil Service Commission of 12/6; Human Rights Commission Minutes of 10/14; Library Board of Trustees of 10/24; Zoning Advisory Commission of 12/4; Zoning Board of Adjustment of 11/21; Proof of Publication for City Council Proceedings of 11/4, 11/12, 11/18. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Nancy Fett for vehicle damage; Lawrence Hutton, Jr. for vehicle damage; Jonathan Kueter for vehicle damage; Michael Nagelmaker 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: Lawrence Hutton, Jr. for vehicle damage/personal injury; Jonathan Kueter for vehicle damage; Michael Nagelmaker 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. 423-19 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. Fountain of Youth Eradication of Generational Poverty Day: City Manager providing a copy of the December 7, 2019 agenda for the Fountain of Youth Eradication of Generational Poverty Day meeting. Upon motion the document was received and filed.

6. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified Lists for the positions of Cashier, Environmental Coordinator, and Firefighter/Paramedic. Upon motion the documents were received, filed and made a Matter of Record.

7. Pre-Annexation Agreement - John R. and Emily M. Sewell: City Manager recommending approval of a Pre-Annexation Agreement with John R. and Emily M. Sewell, for property located at 14247 N. Cascade Road, in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 424-19 Approving a Pre-Annexation Agreement Between the City of Dubuque, Iowa and John R. and Emily M. Sewell was adopted.

8. North Cascade Road Right-of-Way Acquisition / Dedication Plat - Cheryl Sheldon: City Manager recommending approval of the Acquisition Plat and acceptance of the dedication of additional right-of-way along North Cascade Road at Park View Lane from property owner Cheryl Sheldon. Upon motion the documents were received and filed, and Resolution No. 425-19 Approving the Acquisition Plat of Lot 10A of F.D.R. Park View Heights, Section 3, Township 88 North Range 2 east of the 5th Principal Meridian in Dubuque County, Iowa was adopted.

9. North Cascade Road Right-of-Way Dedication Plat - Darla K. Till and Charles P. Till: City Manager recommending approval of the Acquisition Plat and acceptance of the dedication of additional right-of-way along North Cascade Road at Park View Lane from property owners Charles P. and Darla K. Till. Upon motion the documents were received and filed, and Resolution No. 426-19 Approving the Acquisition Plat of Lot 2-2-1-2-A of West Fractional Half of the Northwest Quarter Section 3, Township 88 North Range 2 East of the 5th Principal Meridian in Dubuque County, Iowa was adopted.

10. North Cascade Road Right-of-Way Acquisition / Dedication Plat - William E. Apel: City Manager recommending approval of the Acquisition Plat and acceptance of the dedication of additional right-of-way along North Cascade Road east of Park View Lane from property owner William E. Apel. Upon motion the documents were received and filed, and Resolution No. 427-19 Approving the Acquisition Plat of Lot 2A of the East Fractional Half of the Northwest Quarter of Section 3, T88N, R2E of the 5th P.M., Dubuque County, Iowa was adopted.

11. U.S. Department of Housing & Urban Development (HUD) - Family Unification Program Application: City Manager recommending City Council authorization of an application to the U.S. Department of Housing & Urban Development (HUD) for the administration of the Family Unification Program in partnership with Public Child Welfare Agency (Iowa Department of Human Services). It is further recommended that City Manager or his designee be authorized to execute all required documentation for this grant application. Upon motion the documents were received and filed, and Resolution

No. 428-19 Authorizing the Mayor to execute an application for Family Unification Program Grant and authorizing the Director of Housing and Community Development and the City Manager to approve the application was adopted.

12. Family Self-Sufficiency Coordinators Funding for Calendar Year 2020: City Manager recommending approval to continue the two, Family Self-Sufficiency Coordinator positions required to administer the Family Self-Sufficiency Program until December 31, 2020, when additional grant funding may be obtained for the positions. Upon motion the documents were received, filed and approved.

13. Iowa Department of Transportation (IDOT) East / West Corridor Capacity Improvements Funding Agreement: City Manager recommending approval and authorization for the Mayor to execute a Federal-Aid SWAP Funding Agreement with the Iowa Department of Transportation for the development and advancement of the East-West Corridor Capacity Improvements. Upon motion the documents were received and filed, and Resolution No. 429-19 Approving a Federal Aid Swap Funding Agreement (6-19-STBG-SWAP-039) with the Iowa Department of Transportation for the Development and Advancement of East/West Corridor Capacity Improvements was adopted.

14. Drug Abuse Resistance Education (DARE) Program Agreement with Holy Family School District for School Year 2019-2020: 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 Holy Family School District. Upon motion the documents were received, filed and approved.

15. Calendar Year 2019 Urban Revitalization Program Applications: City Manager recommending approval of a resolution approving property tax abatement applications for 30 residential properties in recognized Urban Revitalization Areas, and authoring transmittal to the City Assessor for final review and determination of the amount of property tax abatement. Upon motion the documents were received and filed, and Resolution No. 430-19 Approving property tax abatement applications submitted by property owners in recognized Urban Revitalization Areas and authorizing the transmittal of the approved applications to the City Tax Assessor was adopted.

16. Bishop Block 90 Main Street - Amendment to Loan Agreement: City Manager recommending approval of a resolution extending the loan maturity until June 30, 2020, for Mercy Housing's loan for Bishop Block – 90 Main Street. Upon motion the documents were received and filed, and Resolution No. 431-19 Amending Agreement with Mercy Housing to extend maturity date of loan for property at 90 Main Street was adopted.

17. Acceptance of Grants of Easement for Sanitary Sewer Utility across Silvia Property: City Manager recommending acceptance of a Grant of Easement for Sanitary Sewer Utility from Lori and Brian Silvia for a relocated public sanitary sewer across Part of Lot 64 in Timber-Hyrst Estates #5 in the City of Dubuque. Upon motion the documents were received and filed, and Resolution No. 432-19 Accepting a Grant of Easement for Sanitary Sewer Utility through, under and across part of Lot 64 in Timber-Hyrst Estates #5 in the City of Dubuque, Iowa was adopted.

18. Acceptance of 22nd Street Storm Improvement Project - Phase I Elm Street and White Street: City Manager recommending acceptance of the construction contract and establishment of the Final Schedule of Assessments for the 22nd Street Storm Sewer Improvements Project – Phase I (Elm to White) as completed by Portzen Construction. Upon motion the documents were received and filed, and Resolution No. 433-19 Accepting the 22nd Street Storm Sewer Improvements Project - Phase 1 (Elm to White Streets) and authorizing the payment of the contract amount to the contractor; and Resolution No. 434-19 Adopting the Final Assessment Schedule for the 22nd Street Storm Sewer Improvements Project - Phase 1 (Elm to White Streets) were adopted.

19. Acceptance of Amy Court Storm Improvements Project: City Manager recommending acceptance of the public improvement construction contract for the Amy Court Drainage Improvements Project, as completed by Drew Cook & Sons Excavating Company, Inc. Upon motion the documents were received and filed, and Resolution No. 435-19 Accepting the Amy Court Drainage Improvements Project and Authorizing the final Payment to the contractor was adopted.

20. Acceptance of Van Buren Street Energy Dissipator Project: City Manager recommending acceptance of the public improvement construction contract for the Van Buren Street Energy Dissipator Project, as completed by Drew Cook & Sons Excavating Company, Inc. Upon motion the documents were received and filed, and Resolution No. 436-19 Accepting the Van Buren Street Energy Dissipator Project and Authorizing the final payment to the contractor was adopted.

21. Growing Sustainable Communities Conference Agreement for Whova Mobile Application: City Manager recommending approval to execute an agreement with Whova mobile application to assist with the logistics of the 2020 Growing Sustainable Communities conference. Upon motion the documents were received, filed and approved.

22. Growing Sustainable Communities Conference Agreement with Travel Dubuque: City Manager recommending approval of a contract with Travel Dubuque to host the 2020 Growing Sustainable Communities Conference. Upon motion the documents were received, filed and approved.

23. 2019 Public Right-of-Way Sidewalk Repair Assessment Project: City Manager recommending approval of a Resolution establishing the final assessment schedule for the 2019 Public Right-of-Way Sidewalk Repair Assessment Project. Upon motion the documents were received and filed, and Resolution No. 437-19 Adopting the Final Assessment Schedule for the 2019 Public Right-of-Way Sidewalk Assessment Project was adopted.

24. Tree City USA Application: City Manager recommending approval of an application for Dubuque to become recertified as a Tree City USA as unanimously recommended by the Park and Recreation Commission. Upon motion the documents were received, filed and approved.

25. Finance Confidential Account Clerk Position: City Manager recommending approval to change the shared, part-time Confidential Account Clerk position to a full-time position. Upon motion the documents were received, filed and approved.

26. Improvement Contracts / Performance, Payment and Maintenance Bonds: Sheets Design Build, LLC for the Multicultural Family Center Expansion & Renovation; Tschiggfrie Excavating Co. for 17th Street Railroad Crossing Exploratory Excavation; A-One Geothermal, Inc. for 17th Street Railroad Crossing Exploratory HDD Excavation. Upon motion the documents were received, filed and approved.

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. 438-19 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 Resnick. Motion carried 6-0.

1. Chaplain Schmitt Island Veteran's Memorial Site Improvements: City Manager recommending initiation of the public bidding procedure for the Chaplain Schmitt Veteran's Memorial Project, and further recommends that a public hearing be set for January 6, 2020. Upon motion the documents were received and filed, and Resolution No. 439-19 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 January 6, 2020 in the Historic Federal Building.

PUBLIC HEARINGS

1. Roshek Property Development Agreement (as Amended): Proof of publication on notice of public hearing to consider approval of a Development Agreement as Amended by and among the City of Dubuque, Iowa; Roshek Property, LLC; Cottingham & Butler, Inc.; and Heartland Financial USA, Inc., including the issuance of Urban Renewal Tax Increment Revenue Obligations; and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 440-19 Approving a Development Agreement as Amended by and among the City of Dubuque, Iowa; Roshek Property, LLC; Cottingham & Butler, Inc.; and Heartland Financial USA, Inc. including the issuance of Urban Renewal Tax Increment Revenue Obligations. Seconded by Resnick. Motion carried 4-2 with Shaw and Del Toro voting nay.

Paul Fuerst, 15 S. Algona Street, questioned the current occupancy of existing ramps and proposed alternatives to new construction. Joe Hearn, President/CEO of Dupaco, 3999 Pennsylvania Avenue, spoke in support of the agreement citing Dupaco's own

expansion in the Historic Millwork District and future employee parking/transportation needs, increased leasing in the District, and workforce recruitment and retention. Mike Coyle, 1398 Central Avenue, and a Heartland Financial Board Members, spoke in favor of the agreement, cautioning a short window of opportunity, and adding that the agreement would help Dubuque Initiatives move beyond their obligation to the Roshek Building enabling DI to provide other opportunities. Dave Becker, 800 Main Street, President/CEO for Cottingham & Butler, provided a biography of the company's business, expansions and current/future workforce recruitment and retention needs. Rick Dickinson, President/CEO Greater Dubuque Development Corporation, 900 Jackson Street, spoke in favor of the agreement citing how the sale would enable Dubuque Initiatives to reinvest in other opportunities and how the construction of existing parking ramps has revitalized downtown. He added that excess parking today is a design for the future as evidence in the use of the existing ramps. Candace Eudaley-Loebach, 1715 Glen Oak Street, and former Transit Director for the City, urged the City Council to use the tools and ideas expressed in previous transportation studies before deciding to build new.

City Manager Van Milligen responded to public comment by noting the amount of undeveloped commercial space under consideration in the downtown and Millwork District and the number of potential employees that will create a need for future parking. He also reiterated that the agreement with Dupaco Voices, LLC obligates the City to build parking. Mr. Van Milligen also acknowledged Ms. Eudaley-Loebach's comments on using transportation studies as a resource. City Attorney Brumwell confirmed that Council Members who are representatives on the Dubuque Initiatives Board do not have a conflict of interest with this item.

City Council discussion included concerns over the proposed site selections, historic preservation of building potentially affected by the proposed construction, the control of the quick timeline the negotiating parties hold on the process, the potential for construction of future parking structures, reassignment of Capital Improvement funds to accommodate ramp construction, impact on the debt reduction plan. Council also discussed the potential benefits to the agreement and parking structure construction citing that Cottingham & Butler and Heartland Financial are trusted, tenured Dubuque companies with national connections, changes in personal transportation needs and technology, providing parking as a city obligation to its businesses, workforce recruitment and retention, creating a diverse community of choice, and full and active Roshek Building.

2. Code of Ordinances Amendment Title 9 - Amending Residential Parking Permit District A: Proof of publication on notice of public hearing to consider approval of a request from the University of Dubuque to withdraw Grace Street from North Algona to 270 feet east of McCormick Street from the Residential Parking Permit District "District A." and the City Manager 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 Resnick. Motion carried 6-0.

Motion by Shaw for final consideration and passage of Ordinance No. 53-19 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14

Parking, Division 7 Residential Parking Permit Program Section 9-14-321.733 Residential Parking Permit District A. Seconded by Resnick. Motion carried 6-0.

3. Code of Ordinances Amendment Title 16 - Licensed Child Care Centers in Office, Commercial and Industrial Zoning Districts: Proof of publication on notice of public hearing to consider an amendment to the City of Dubuque Code of Ordinances to permit Licensed Child Care Centers in Office, Commercial and Industrial Zoning Districts, 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. Assistant Planner Wally Wernimont provided a staff report. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 54-19 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Article 16-8-5.20 Conditional Uses and Amending Articles 16-5.7 (OR), 16-5.8 (OS), 16-5.9 (OC), 16-5-10 (C-1), 16-5-11 (C-2), 16-5-12 (C-2A), 16-5-13 (C-3), 16-5-14 (C-4), 16-5-15 (C-5), 16-5-16 (CS), 16-5-17 (CR), 16-5-18 (LI), 16-5-19 (HI), And 16-5-20 by removing Licensed Childcare Center from the list of Conditional Uses and adding Licensed Childcare Center to the list of Permitted Uses. Seconded by Shaw. Motion carried 6-0.

ACTION ITEMS

1. Bee Branch Creek Restoration Project, Phase 9: Flood Mitigation Maintenance Facility, Acquisition of 411 E. 15th Street: City Manager recommending approval to amend the purchase agreement with Blum Properties, Inc. and Alvin Blum for the acquisition of 411 E. 15th Street. Motion by Jones to receive and file the documents and adopt Resolution No. 441-19 Amending the Purchase Agreement for the acquisition of real estate owned by Blum Properties, Inc. in the City of Dubuque. Seconded by Del Toro. Responding to questions from the City Council, City Manager Van Milligen explained how the financial process will work between the City and Blum Properties, Inc. regarding reimbursement if any grant funds are received. Motion carried 5-0 with Jones having momentarily stepped out of the Chambers.

2. Four Mounds HEART Program: City Manager recommending City Council support of the Adult Four Mounds HEART Program by committing funds to rehabilitate the property at 2601 Jackson Street per rehabilitation standards. Motion by Resnick to receive and file the documents and approve the recommendation. Seconded by Shaw. Motion carried 6-0.

3. Code of Ordinances Amendment Title 2 - Arts and Cultural Affairs Advisory Commission Meeting Schedule: City Manager recommending approval of an amendment to the City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 8 Arts and Cultural Affairs Advisory Commission, Section 2-8-10 Meetings, providing that the Commission must meet monthly, but not a designated date. 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 Resnick. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 55-19 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 8 Arts and Cultural Affairs Advisory Commission, Section 2-8-10 Meetings. Seconded by Resnick. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Shaw reported on his recent trip to the State Capital with a group to voice issues about in-state and out-of-state companies purchasing mobile home parks and systematically forcing tenants to move out by raising fees and rentals. Mr. Shaw noted that the state has pre-empted cities from remedying many situations but that cities must continue to help protect these residents. Mr. Shaw thanked Council Member Del Toro for his term of service on the City Council.

Council Member Resnick reported on the recent event at the Fountain of Youth commending the agency's work toward reducing generational poverty.

Council Member Del Toro thanked his family and citizens for their support during his term of service on the City Council and noted that he worked to build the community while listening to different perspectives.

There being no further business, Mayor Buol declared the meeting adjourned at 7:36 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 12/25