

**CITY OF DUBUQUE, IOWA
CITY COUNCIL INFORMAL GATHERING**

The Dubuque City Council gathered informally between 5:00 and 5:30 p.m. on December 3, 2018 for an Open House Tour of the 396 W. Locust Street rehabilitation project conducted by City Housing Department staff and HEART Project partners.

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

The Dubuque City Council met in regular session at 6:00 p.m. on December 3, 2018 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Del Toro, Jones, Larson, 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 Emergency Medical Services Association (IEMSA) Career EMS Provider of the Year Award: Fire Chief Rick Steines and EMS Supervisor Wayne Dow presented the IEMSA Career EMS Provider of the Year award to Fire Equipment Operator Jeff Breitbach.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated with exception to Item No. 27. Seconded by Del Toro. Thomas Coyle requested Item No. 27 be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council proceedings of November 19, 26; Housing Commission of 10/23; Transit Advisory Board of 11/15. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: William Brown 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: William Brown for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommending Council approval for payment of City expenditures. Upon motion the documents were received, filed and approved.

5. Fiscal Year 2018 Iowa Urban Renewal Annual Report: City Manager recommending approval of the Fiscal Year 2018 Iowa Urban Renewal Report for the City of Dubuque. Upon motion the documents were received and filed, and Resolution No. 353-18 Approving the Fiscal Year 2018 Urban Renewal Report for the City of Dubuque was adopted.

6. 2019 State Legislative Priorities (Amended) - City of Dubuque: City Manager submitting amended 2019 State Legislative Priorities previously approved at the November 19, 2018 City Council meeting to include updated public health priorities incorporated into the Public Health section. Upon motion the documents were received, filed and approved.

7. 2019 State Legislative Priorities - Dubuque County: City Manager providing a copy of the Dubuque County 2019 State Legislative Priorities. Upon motion the documents were received and filed.

8. 2019 State Legislative Priorities - Dubuque Community School District: City Manager providing a copy of the Dubuque Community School District's 2019 State Legislative Priorities. Upon motion the documents were received and filed.

9. Amended Winter Road Maintenance 28E Cooperative Agreement with Dubuque County: City Manager recommending approval of a new Winter Road Maintenance Agreement between the City of Dubuque and Dubuque County. Upon motion the documents were received and filed, and Resolution No. 354-18 Approving an amended 28E Cooperative Winter Maintenance Agreement between the City of Dubuque and Dubuque County was adopted.

10. Local College Access Network Grant Letter of Support: City Manager recommending approval to submit a letter of support of the Community Foundation of Greater Dubuque's application for a Local College Access Network Implementation Grant from the Iowa Student Aid Commission. Upon motion the documents were received, filed and approved.

11. Drug Abuse Resistance Education (DARE) Program Agreement with Holy Family School District for School Year 2018/2019: City Manager recommending approval of the Fiscal Year 2018/2019 Drug Abuse Resistance Education (DARE) Agreement between the City of Dubuque Police Department the Holy Family School District. Upon motion the documents were received, filed and approved.

12. City of Dubuque Tow Contract - Change of Ownership: City Manager recommending approval of changes to the Tow Contract for FY2019-FY2021 to reflect the change of ownership of Wenzel's Towing. Upon motion the documents were received, filed and approved.

13. Employer Mandate Reporting Services Agreement: City Manager recommending approval of an agreement with Cottingham & Butler Insurance Services to prepare and file the required Internal Revenue Service forms 1094-C and 1095-C on behalf of the City of Dubuque. Upon motion the documents were received, filed and approved.

14. Vegetation Removal Assessment for 290 Bryant Street: City Manager recommending approval of a resolution establishing the Final Assessment Schedule for overgrown vegetation obstructing visibility for vehicular traffic and encroaching the public right-of-way. Upon motion the documents were received and filed, and Resolution No. 355-18 Adopting the Final Assessment Schedule for the 2018 Overgrown Vegetation Assessment - visibility and right-of-way obstruction removal assessment project was adopted.

15. 30th Street to Leibe Street Sanitary Sewer Reconstruction Project Award: City Manager recommending that the award for the 30th Street to Leibe Street Sanitary Sewer Reconstruction Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

16. Accepting the Cummins Street Retaining Wall Reconstruction Project: City Manager recommending acceptance of the construction contract for the Cummins Street Retaining Wall Reconstruction Project, as completed by Drew Cook & Sons Excavating, Inc. Upon motion the documents were received and filed, and Resolution No. 356-18 Accepting the Cummins Street Retaining Wall Reconstruction Project and authorizing the payment to the contractor was adopted.

17. Acceptance of Veteran's Park Pickle Ball Courts Project: City Manager recommending acceptance of the construction contract for the Veteran's Park Pickle Ball Courts Project, as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed, and Resolution No. 357-18 Accepting the Veteran's Park Pickle Ball Courts Project and authorizing the payment to the contractor was adopted.

18. Acceptance of Subdivision Water Main and Fiber Optics Improvements in Timber Ridge Estates Subdivision: City Manager recommending acceptance of the public water main and fiber optics conduit improvements that the developer, Timber Ridge Estates, LLC has recently completed in Timber Ridge Estates Subdivision in Dubuque County. Upon motion the documents were received and filed, and Resolution No. 358-18 Accepting public water main and fiber conduit improvements in Timber Ridge Estates Subdivision, in Dubuque County, Iowa was adopted.

19. Acceptance of Grant of Easement for Sanitary Sewer Utility from 3000 Jackson, LC: City Manager recommending acceptance of a Grant of Easement for Sanitary Sewer Utility across Part of Lot 2-1 in Liebe's Subdivision No. 3 and Part of Lot 1 and Lot 2 of Dinosaur Place in the City of Dubuque as part of the 30th and Jackson Street Sanitary Sewer Reconstruction Project. Upon motion the documents were received and filed, and Resolution No. 359-18 Accepting a Grant of Easement for Sanitary Sewer Utility across part of Lot 2-1 in Liebe's Subdivision No. 3 and part of Lot 1 and Lot 2 of Dinosaur Place, in the City of Dubuque, Iowa was adopted.

20. Bee Branch Railroad Infrastructure (Culvert) Improvements - Engineering Task Order No. 18-01: City Manager recommending approval of Task Order 18-01 for Strand Associates to provide engineering services for the Bee Branch Railroad Culverts Project. Upon motion the documents were received, filed and approved.

21. Upper Bee Branch Creek Railroad Culverts Project, Property Acquisition Agreement and Easements from B&M Properties & Storage, LLC: City Manager recommending approval of resolutions approving the acquisition agreement and the acquisition of a permanent storm sewer easement, a temporary access and storage easement, and a temporary construction easement at the 525 E. 19th Street property owned by B&M Properties & Storage, LLC necessary for the construction and maintenance of the Upper Bee Branch Railroad Culverts Project. Upon motion the documents were received and filed, and Resolution No. 360-18 Approving the Purchase Agreement for the Acquisition of Easements through certain real property owned by B&M Properties & Storage, LLC in the city of Dubuque, Iowa for the Bee Branch Railroad Culverts Project; and Resolution No. 361-18 Accepting Grants of Easements through certain real property owned by B&M Properties & Storage, LLC in the City of Dubuque, Iowa for the Bee Branch Railroad Culverts Project were adopted.

22. Acceptance of Subdivision Improvements in English Ridge Subdivision No. 3: City Manager recommending acceptance of the public improvements that the developer, English Ridge, LLC, has recently completed in English Ridge Subdivision No. 3. Upon motion the documents were received and filed, and Resolution No. 362-18 Accepting public improvements in English Ridge Subdivision No. 3 in the City of Dubuque, Iowa was adopted.

23. Acceptance of Subdivision Improvements in English Ridge Subdivision No. 6: City Manager recommending acceptance of the public improvements that the developer, English Ridge, LLC, has recently completed in English Ridge Subdivision No. 6. Upon motion the documents were received and filed, and Resolution No. 363-18 Accepting public improvements in English Ridge Subdivision No. 6 in the City of Dubuque, Iowa was adopted.

24. Acceptance of Subdivision Improvements in English Ridge Subdivision No. 7: City Manager recommending acceptance of the public improvements that the developer, English Ridge, LLC, has recently completed in English Ridge Subdivision No. 7. Upon motion the documents were received and filed, and Resolution No. 364-18

Accepting public improvements in English Ridge Subdivision No. 7 in the City of Dubuque, Iowa was adopted.

25. Part-Time Marketing Coordinator for Carnegie-Stout Public Library: City Manager recommending approval of a part-time Library Marketing Coordinator position for a two-year time period from the James Mutschler Trust Fund as approved by the Library Board of Trustees. Upon motion the documents were received, filed and approved.

26. Water Department Personnel Complement Change: City Manager recommending approval of the elimination of the position of Water Meter Inspector and the creation one additional Water Distribution Maintenance Worker position to be filled in Fiscal Year 2019. Upon motion the documents were received, filed and approved.

27. Tom Coyle Claim Denial Appeal: City Attorney recommending denial of the appeal of a claim against the City for vehicle damage filed by Tom Coyle. Resubmitted at Mr. Coyle's request to provide opportunity to address the City Council. Motion by Resnick to receive and file the documents and concur with the denial. Seconded by Jones. Thomas Coyle, 13947 Mueller Parkway, Sherrill, IA, provided handouts to the City Council illustrating the City's road repair timeline that he felt supported payment of the claim. Motion to concur with the denial carried 4-3 with Shaw, Rios, and Del Toro voting nay.

28. 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. 365-18 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. Applicant appointments will be made at the next City Council meeting.

1. Housing Board of Appeals: Two, 3-year terms through January 11, 2022 (Expiring terms of Spence and White). Applicants: Gil Spence, 975 Grove Terrace; Ron White, 3197 Highland Park Dr. Mr. Spence spoke in support of his appointment and provided a brief biography.

2. Human Rights Commission: Two, 3-year terms through January 1, 2022 (Expiring terms of Breitfelder and Parks). Applicants: Adrienne Breitfelder, 1365 Solon St.; Kathrin Parks, 486 Clarke Dr. Ms. Parks spoke in support of her appointment and provided a brief biography.

3. Mediacom Charitable Foundation: One, 1-year term through December 31, 2019 (Expiring term of Chavenelle). Applicant: Gail Chavenelle, 1155 Kelly Lane.

PUBLIC HEARINGS

1. Black Hills Energy / SW Arterial Grant of Permanent Utility Easement: Proof of publication on notice of public hearing to consider disposal of an interest in real estate by Quit Claim Deed from the City of Dubuque, Iowa to Black Hills Energy Corporation for the Southwest Arterial Project (near English Mill Road), and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 366-18 Disposing of City interest in real estate by Quit Claim Deed by the City of Dubuque, Iowa to Black Hills Energy Corporation for the Southwest Arterial Project. Seconded by Larson. Motion carried 7-0.

2. BP Pipeline Utility Relocation - Conveyance of a Permanent Utility Easement: Proof of publication on notice of public hearing to consider disposal of an interest in real property owned by the City of Dubuque by Grant of Permanent Easement to BP Pipelines (North America), Inc., for the Southwest Arterial Project (near Knepper Lane), and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 367-18 Disposing of an interest in real property owned by the City of Dubuque by Grant of Permanent Easement to BP Pipelines (North America), Inc. for the Southwest Arterial Project. Seconded Larson. Motion carried 7-0.

3. Alta Vista Urban Revitalization Area: Proof of publication on notice of public hearing to consider establishment of the Alta Vista Urban Revitalization District (1225 Alta Vista Street), and the City Manager recommending approval. Motion by Jones to receive and file the documents and conduct the public hearing. Seconded by Resnick. Scott Kwiecinski, Development Manager for Horizon Development Group, 5201 East Terrace Drive, Madison, WI, spoke in support of the proposed project and provided a brief description of the plan and funding efforts. For the record, City Attorney Brumwell stated the Council Member Resnick did not have a conflict of interest for being a member of the parish within the proposed district. Motion carried 7-0.

4. Radford Road Urban Revitalization Area: Proof of publication on notice of public hearing to approve the establishment of the Radford Road Urban Revitalization District, and the City Manager recommending approval. Motion by Jones to receive and file the documents and conduct the public hearing. Seconded by Resnick. Lynn Sutton, 859 Air Hill, expressed concerns about what she felt was a development in an isolated location being far from amenities such as bus service and groceries. Housing Commission Member Brad Cavanaugh, 565 Fenelon Pl., responded to questions from the City Council stating that while the location might be a challenge currently, it helps deconcentrate rentals in other areas of town and provides low-income options for the West End. He added that the LI tax credits and funding require very low-income thresholds and he will encourage 3- to -4-bedroom units with the developer as desired by the Council. City Manager Van Milligen, Housing Department Manager Alexis Steger and Mr. Cavanaugh also provided examples of area amenities in proximity to the

development such as shopping, current bus routes/stops, job opportunities in the Dubuque Industrial Park and other employment within a walkable distance. Motion carried 7-0.

5. Peru Road Urban Renewal District (2018.1): Proof of publication on notice of public hearing to consider approval of the Amended and Restated Peru Road Urban Renewal Plan for the Peru Road Urban Renewal Area, and the City Manager recommending approval. The City Clerk stated for the record that staff recommended a change in the suggested disposition asking that Council conduct the public hearing and defer action to the December 17, 2018 meeting. This would allow time for correction to an existing, overlaying UR designation as presented in the City Manager's revised memo. Motion by Jones to receive and file the documents, conduct the public hearing and defer action to the December 17, 2018 meeting. Seconded by Resnick. Motion carried 7-0.

ACTION ITEMS

1. Greater Dubuque Development Corporation - Quarterly Report: President and CEO Rick Dickinson verbally presented a quarterly update on the activities of the Greater Dubuque Development Corporation. Topics included: an existing businesses update that highlight Flexsteel's new development; national marketing efforts as illustrated by site preparation of the former McFadden property; renewable energy, biogas and CNG production; Start Up Dubuque continued actions and entrepreneurial services; True North/North End development status, ESRI data collection, upcoming announcements in January 2019; Housing rehabilitations; county population growth; and workforce solutions focusing on issues related to single-parent as head-of-household. Motion by Resnick to receive and file the information. Seconded by Jones. Motion carried 7-0.

2. Economic Development Administration (EDA) Grant Application for Phase 5 of the Bee Branch Watershed Flood Mitigation Project: City Manager recommending approval to apply for an Economic Development Disaster Recovery Grant from the U.S. Economic Development Administration (EDA) to secure funding for the Bee Branch Gate Replacement/Pumping Station Project and pledge local matching funds. Motion by Resnick to receive and file the documents and adopt Resolution No. 368-18 Approving a U.S. Economic Development Administration Disaster Relief Opportunity Grant Application and pledging the local match in the amount of \$5,135,000 from General Obligation Bonds or an SRF Loan for construction of a new culvert inlet structure and stormwater pumping station at the 16th Street Detention Basin. Seconded by Jones. Responding to questions from the City Council, City Manager Van Milligen described the potential for slowing other projects impacted by the flow of funding sources and changes in tax revenue. He added that state SRF loans are a preferred funding source because of their desirable terms, low interest rates, and the provision to fund sponsored projects through lowered interest rates and refinancing. Motion carried 7-0.

3. Park and Recreation Facility Naming Policy Recommendation: City Manager recommending approval of the Park and Recreation Facility Naming Policy recommendation from the Parks and Recreation Advisory Commission. Motion by Larson to receive and file the documents and approve the recommendation. Seconded by Jones. Responding to questions from the City Council, Leisure Services Manager Marie Ware stated that this policy fits well under existing naming policies and that the proposed agreement retains the City Council's right to name or rename if a sponsor goes out of business or is defamed in some manner. Motion carried 7-0.

4. Presentation on Balancing Act Budget Simulation and Taxpayer Receipt Software: Budget Director Jennifer Larson gave a live presentation of the Balancing Act Budget Simulation and Taxpayer Receipt software that allows users to anonymously calculate and submit a sample city budget using real-time figures and to calculate tax receipts based on actual properties. Ms. Larson noted that the user data is compiled for tracking of budget information that will be shared with Council during the FY2020 budget process. Motion by Resnick to receive and file the information. Seconded by Shaw. Motion carried 7-0.

5. Request for Work Session - Travel Dubuque: City Manager recommending that the City Council set Travel Dubuque's annual City budget work session for February 4, 2019 at 5:30 p.m. in the Council Chambers. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Resnick. No scheduling conflicts were noted at the time. Motion carried 7-0.

6. Request for Work Session -Inclusive Dubuque Quarterly Report: City Manager recommending that the City Council schedule the Inclusive Dubuque Work Session for January 28, 2019 at 6:00 p.m., in the City Council Chambers. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Resnick. No scheduling conflicts were noted at the time. Motion carried 7-0.

7. Southwest Arterial Construction Update Video: Cable TV Division presented a video of the recent progress of the Southwest Arterial Project for November 2018. Motion by Del Toro to receive and file the information. Seconded by Larson. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Shaw congratulated Rick Dickinson and the team involved in the success of Opportunity Dubuque.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:20 p.m. to discuss pending litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Mayor Buol stated for the record that the attorneys who

will consult with City Council on the issues to be discussed in the closed session are City Attorney Crenna Brumwell and Attorney Les Reddick. Motion carried 7-0.

Upon motion at 8:23 p.m., the City Council reconvened in open session having provided staff with proper direction.

There being no further business, upon motion the City Council adjourned at 8:24 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 12/12