

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 19, 2012 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Braig, Connors, Lynch, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Absent: Council Member Jones

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

MOMENT OF SILENCE

May the spirit of wisdom keep our hearts and minds open as we endeavor to serve the common good.

PRESENTATION(S)

City of Townsville, Queensland, Australia: Mayor Jenny Hill and Integrated Sustainability Services Executive Manager Greg Bruce presented the City Council with a plaque of the Seal of Townsville, and Mayor Buol presented Ms. Hill and Mr. Bruce with a copy of Dr. Abdul Sinno's book *Scenic Treasures of the Midwest*.

1000 Friends of Iowa - 2012 Best Development Awards: Planning Services Laura Carstens presented the 2012 Best Development Awards from the 1000 Friends of Iowa for the Historic Millwork District Complete Streets Project (New Civic Project) and Riverworks Development (Mixed Use Project).

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated with exception to item #7. Seconded by Braig. Attorney Art Gilloon requested (#7) Partial Release of Mortgage - Davis be removed from the agenda. Motion carried 6-0.

Minutes and Reports Submitted: City Council proceedings of 11/5, Civic Center Advisory Commission of 7/23, Investment Oversight Advisory Commission of 10/24, Safe Community Advisory Committee of 9/12, Zoning Advisory Commission of 11/7,

Zoning Board of Adjustment of 10/25, Proof of Publication for City Council proceedings of 10/15. Upon motion the documents were received and filed.

Notice of Claims and Suits: Lyle Christopherson for vehicle damage. Upon motion the documents were received, filed and referred to the City Attorney.

Preferred Health Choices - Administrative Services Amendment V: City Manager recommending approval to increase the monthly administrative services fee; to approve Amendment V of the Administrative Services Agreement with Health Choices to provide COBRA administration, payment collection and distribution of the certificates of credible coverage services; and authorize the City Manager to sign the amendment. Upon motion the documents were received, filed and approved.

Total Administrative Services Corporation (TASC) - Approval of Renewal Rates: City Manager recommending approval of the administrative services fee of Total Administrative Services Corporation (TASC), the City's flexible spending plan administrator, effective January 1, 2013, through December 31, 2015. Upon motion the documents were received, filed and approved.

2012 Weed, Junk, and Garbage Assessments: City Manager is recommending the levy of special assessments for the Weed/Junk/Garbage Enforcement Programs for the period from March 2012 to October 30, 2012. Upon motion the documents were received and filed and Resolution No.310-12 Adopting the Schedule of Assessments for 2012 and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

Fiscal Year 2012 Annual Financial Report: City Manager recommending approval of the City of Dubuque's Fiscal Year 2012 Annual Financial Report. Upon motion the documents were received, filed and approved.

Partial Release of Mortgage – Davis: City Manager recommending approval of a partial release of a mortgage executed by Bryce S. Davis and Cynthia J. Davis to the City of Dubuque Housing and Community Development Department. Upon motion this item was removed from the agenda.

Federal Emergency Management Agency (FEMA) - Technical Appeal: City Manager recommending approval of the City of Dubuque's technical appeal of FEMA's revised floodplain maps. Upon motion the documents were received, filed and approved.

Iowa Department of Transportation Grant Agreement - Mines of Spain Trail and Trailhead: City Manager recommending approval of an agreement with the Iowa Department of Transportation for a State Recreational Trails grant for development of the Mines of Spain Trail and Trailhead Project. Upon motion the documents were received and filed and Resolution No. 311-12 Authorizing State Recreational Trails Grant Agreement with Iowa Department of Transportation for development of the Mines of Spain Trail and Trailhead was adopted.

Plat of Survey - McNamer Acres #4: Zoning Advisory Commission recommending approval of the Plat of Survey for McNamer Acres #4 (1600 Block of Old Mill Road) subject to waiving the lot frontage requirement for Lot 1. Upon motion the documents were received and filed and Resolution No. 312-12 Approving the Plat of Survey of McNamer Acres #4 in the City of Dubuque, Iowa, was adopted.

Port of Dubuque Watermain Extension Project - Canadian Pacific Railroad Agreement: City Manager recommending approval of a Utility Crossing Permit with the Canadian Pacific Railroad to allow for the construction of the Port of Dubuque Watermain Extension Project. Upon motion the documents were received, filed and approved.

PEG Capital Expenditure Request: City Manager recommending approval of the Cable TV Commission's request for up to \$15,000 from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities to purchase production equipment, including a camera, tripod, lights, accessories, editing computer, and software for Sageville School. Upon motion the documents were received, filed and approved.

Workers' Compensation Compromise Settlement Agreements: City Attorney recommending approval of three Compromise Settlement Agreements regarding the Randall Koster Workers' Compensation claims that were filed against the City of Dubuque. Upon motion the documents were received, filed and approved.

Multi-Family Rental Unit New Production - Round 5: City Manager recommending approval for City Staff, along with ECIA, to work with area developers for submittal of CDBG Multi-Family Rental Unit Production - Round 5 applications, and to narrow the field to the most competitive applications. Upon motion the documents were received, filed and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Giese Manufacturing for the Historic White Water Creek Bridge Restoration Project Phase 5 - Fencing; Tschiggfrie Excavating, Inc. for the Port of Dubuque Watermain Extension Project. Upon motion the documents were received, filed and approved.

Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses applications as submitted. Upon motion the documents were received and filed and Resolution No.313-12 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; and Resolution No. 314-12 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

ITEMS TO BE SET FOR PUBLIC HEARING

Motion by Connors 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.

Code of Ordinances - Residential Parking Permit District Amendment: City Manager recommending that a public hearing be set for December 3, 2012 to consider a Residential Parking Permit District Amendment on Marjorie Circle from Pennsylvania Avenue to Amy Court , Amy Court from Marjorie Circle to northern terminus, and Lucy Drive from Pennsylvania Avenue to Welu Drive. Upon motion the documents were received, filed and a public hearing was set for a meeting to commence at 6:30 p.m. on December 3, 2012 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments were made to the following Boards and Commissions:

Civic Center Advisory Commission: One 3-year term through June 29, 2013 (Vacant term of Fields). Applicants: McKenzie R. Hill, 394 ½ Bluff St. #2; and Jeff Lenhart, 1711 Clarke Dr. Upon roll call vote of 6-0, McKenzie Hill was appointed to the Civic Center Advisory Commission for a 3-year term through June 29, 2013.

Environmental Stewardship Advisory Commission: One 3-year term through October 1, 2015 (Expired term of Walter). Applicants: David Koch, 1950 Admiral St.; and Gina Makris, 166 Bluff St. Upon roll call vote of 5-1 (Sutton voting for Makris), David Koch was appointed to the Environmental Stewardship Advisory Commission for a 3-year term through October 1, 2015.

Human Rights Commission: One 3-year term through January 1, 2015 (Vacant term of Krey). Applicant: Jeff Lenhart, 1711 Clarke Dr. Motion by Braig to appoint Jeff Lenhart to the Human Rights Commission for a 3-year term through January 1, 2015. Seconded by Lynch. Motion carried 6-0.

Investment Oversight Advisory Commission: One 3-year term through July 1, 2015 (Vacant term of King). Applicant: Rick Runde, 1034 Barbaralee Dr. Motion by Lynch to appoint Rick Runde to the Investment Oversight Advisory Commission for a 3-year term through July 1, 2015. Seconded by Connors. Motion carried 6-0.

Mediacom Charitable Foundation: One 1-year term through December 31, 2013 (Expired terms of Chavenelle). Applicant: Gail Chavenelle, 1155 Kelly Ln. Motion by Braig to appoint Gail Chavenelle to the Mediacom Charitable Foundation for a 1-year term through December 31, 2013. Seconded by Lynch. Motion carried 6-0.

Mississippi River Partnership Council: One 3-year term through December 31, 2015. Applicant: Edward Cawley, 598 Needham St. Motion by Lynch to appoint Edward Cawley to the Mississippi River Partnership Council for a 3-year term through December 31, 2015. Seconded by Resnick. Motion carried 6-0.

PUBLIC HEARINGS

Upon motion the rules were suspended allowing anyone present to address the City Council.

Brunskill Road Bridge Reconstruction Project: Proof of publication on notice of public hearing to consider the plans, specifications, estimated cost, and form of contract for the Brunskill Road Bridge Reconstruction Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 315-12 Approval of plans, specifications, form of contract, and estimated cost for the Brunskill Road ridge Reconstruction Project, Iowa DOT NO. BROS-2100 (659)--8J-31. Seconded by Braig. Motion carried 6-0.

Hillcrest Family Services - Request to Vacate Storm Sewer Easement: Proof of publication on notice of public hearing to consider a request by Hillcrest Family Services to vacate a storm sewer easement on Lot 1 of Peterson Subdivision No. 2 and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 316-12 Release of storm sewer easements over and across a portion of Lot 1 Peterson Subdivision No. 2 in the City of Dubuque, Dubuque County, Iowa; and Resolution No. 317-12 Disposing of City interest in storm sewer easements on Lot 1 of Peterson Subdivision No. 2 in the City of Dubuque, Dubuque County, Iowa. Seconded by Braig. Motion carried 6-0.

Request to Rezone - 2995 Asbury Road: Proof of publication on notice of public hearing to consider a request from Louis and Irene Bassler to rezone property located at 2995 Asbury Road from R-1 Single-Family Residential to OR Office Residential and the Zoning Advisory Commission recommending approval. Motion by Lynch 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. Louis Bassler, 13774 Surrey Lane spoke in support of the request. Planning Services Laura Carstens provided a staff report. Pete Gieschen, 150 Devon Drive, was informed that the request applies to only that parcel. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 57-12 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2995 Asbury from R-1 Single Family Residential District to OR Office Residential District. Seconded by Braig. Motion carried 6-0.

University of Dubuque - Amend ID District: Proof of publication on notice of public hearing to consider a request from the University of Dubuque, 2000 University Avenue, to amend the ID Institutional District Campus Plan to change an outdoor practice field into an indoor practice facility and the Zoning Advisory Commission recommending approval. Motion by Connors 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

Braig. Jim Steiner, Vice President of Finance for the University of Dubuque addressed questions from the City Council about concerns from the surrounding neighbors including additional noise and light pollution, vehicular and pedestrian traffic, litter, security and landscape screening. Planning Services Manager Laura Carstens provided a staff report. Amy Kane, 168 Princeton Place, expressed her concerns for changes taking place at the University of Dubuque regarding snow and rain runoff, light pollution, fencing/retaining walls, limited green space, and declining property values. Dan McDonald, 300 Main Street, spoke in favor of the request on behalf of Greater Dubuque Development Corporation. Pete Gieschen, 150 Devon Drive, inquired about the expanding footprint of the University's campus. Mr. Steiner provided a rebuttal to the concerns expressed and stated that the University does not solicit purchases of property. Mayor Buol stated that although he is an employee of the University of Dubuque, the City Attorney advises that there is no conflict of interest. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 58-12 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the amendment of Ordinance No. 2-11 and approval of an Amended Campus Development Plan for the University Of Dubuque to allow construction of an indoor practice facility on the South Campus west of University Park Drive. Seconded by Resnick. Motion carried 6-0.

Upon motion the rules were reinstated limiting discussion to the City Council.

ACTION ITEMS

Dubuque Main Street - NEA "Our Town" Grant / ArtSpace Feasibility Study Update: Dubuque Main Street Executive Director Dan LoBianco provided a report on the Nation Endowment for the Arts (NEA) Our Town Grant and ArtSpace Feasibility Study. Motion by Lynch to receive and file the information. Seconded by Resnick. Mr. LoBianco stated that the next steps include identifying the arts groups mostly likely to be stakeholders and finding funding for a feasibility study. Motion carried 6-0.

Code of Ordinances - ADA Readily Achievable Determinations (Second Reading): City Manager recommending approval of an update to the City's Accessibility Code to clarify how the readily achievable standards is determined and provide for the use of alternative methods of reasonable accommodations in the event that the barrier removal is not readily achievable. Motion by Connors 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 Braig. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 59-12 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article I Accessibility Code for Readily Achievable Changes, Section 14-11-3 Removal of Architectural Barriers if Readily Achievable by adding language to clarify that the determination of Readily Achievable within the City of Dubuque will be made by the City Manager. Seconded by Braig. Motion carried 6-0.

General Obligation Bonds, Series 2012E - Complete Issuance: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2012E bond issuance. Motion by Connors to receive and file the documents and adopt Resolution No. 318-12 Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement; and Resolution No. 319-12 Authorizing and providing for the issuance of \$3,640,000 General Obligation Bonds, Series 2012E, and levying a tax to pay said bonds. Seconded by Braig. Motion carried 6-0.

Taxable General Obligation Bonds, Series 2012F - Complete Issuance: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2012F bond issuance. Motion by Connors to receive and file the documents and adopt Resolution No. 320-12 Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement; and Resolution No. 321-12 Authorizing and providing for the issuance of \$1,035,000 Taxable General Obligation Bonds, Series 2012F, and levying a tax to pay said bonds. Seconded by Resnick. Motion carried 6-0.

General Obligation Urban Renewal Bonds, Series 2012H - Complete Issuance: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2012H bond issuance. Motion by Lynch to receive and file the documents and adopt Resolution No. 322-12 Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement; and Resolution no. 323-12 Authorizing and providing for the Issuance of \$2,385,000 General Obligation Urban Renewal Bonds, Series 2012H, and levying a tax to pay said bonds. Seconded by Resnick. Motion carried 6-0.

Taxable General Obligation Refunding Bonds, Series 2012I - Complete Issuance: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2012I bond issuance. Motion by Lynch to receive and file the documents and adopt Resolution No. 324-12 Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement; and Resolution No. 325-12 Authorizing and providing for the issuance of \$7,285,000 Taxable General Obligation Refunding Bonds, Series 2012I, and levying a tax to pay said bonds. Seconded by Braig. Motion carried 6-0.

Historic Preservation Commission - Technical Assistance Program: Historic Preservation Commission submitting guidelines for the Historic Preservation Technical Assistance Program to help property owners prepare preservation tax credit applications. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 6-0.

Code of Ordinances - Tax Increment Financing (TIF) District, Greater Downtown Urban Renewal District: City Manager recommending approval of an ordinance amending the Tax Increment Financing District for the Greater Downtown Urban Renewal District. Motion by Lynch 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 Braig. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 60-12 Amending Ordinance Nos. 33-11, Previously Amended, and 88-02, Providing that General Property Taxes Levied and Collected Each Year on all Property Located Within the Greater Downtown Urban Renewal District of the City of Dubuque, County of Dubuque, State of Iowa, by and for the Benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and other Taxing Districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said City in connection with the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Braig. Motion carried 6-0.

Code of Ordinances - Construction Storage Plans: City Manager recommending approval of an ordinance change to require a construction materials storage plan to be included with plan submittals so there is less of an impact on neighboring property owners. Motion by Lynch 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 Connors. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 61-12 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article A Building Code and Regulations, Section 14-1A-2 International Building Code Amendments; Chapter 2 Building Construction, Demolition and Moving, Section 14-2-2 Application for Permit and Section 14-2-3 Permit Issuance; Generally by Requiring a Plan for Storage of Materials be Provided on the Application for a Building Permit, Making Renewal of a Building Permit Subject to Compliance with the Conditions on the Original Building Permit, Requiring the Storage of Construction Materials to Comply with the City Code from the Date of Issuance Through Day 179, and Requiring Compliance with the City Code and Maintenance of the Site as Determined by the City Manager from Day 180 Through Completion of the Project. Seconded by Braig. Motion carried 6-0.

Well Field Electrical Upgrades Project Award: City Manager recommending award of contract for the Well Field Electrical Upgrades Project to Price Industrial Electric. Motion

by Lynch to receive and file the documents and adopt Resolution No. 326-12 Awarding Public Improvement Contract for Well Field Electrical Upgrades Project. Seconded by Braig. Motion carried 6-0.

City Expo - Date and Format Change: City Manager recommending approval to hold City Expo in early September, and to form a task force of staff from other departments to solicit input and involvement in redesigning City Expo to encourage more innovative displays and activities at this event. Motion by Connors to receive and file. Seconded by Resnick. Public Information Officer Randy Gehl stated that he is working with city departments and Community Engagement Coordinator Nikola Pavelic for a redesign of and innovations for the annual event. Council concurred with the idea and for keeping the person-to-person format between staff and citizens. Motion carried 6-0.

Sustainable Dubuque - Quarterly Work Session Request: City Manager requesting approval to schedule a Sustainable Dubuque Quarterly Work Session for December 17, 2012, at 5:00 p.m. Motion by Lynch to receive and file the documents and set the work session as requested. Seconded by Braig. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Connors reported on the Blue Zone Program workshop and staff visit, which encourages communities to become healthier through easy and attainable choices.

Braig acknowledged the election of her daughter to the City Council of Sartell, Minnesota.

Resnick expressed thanks for the great city staff and citizen partnerships in the spirit of the upcoming holiday.

Mayor Buol reported on his and the City Manager's invitational visit to Grapewine, Texas, to present on Dubuque's Council/Manager form of government.

PUBLIC INPUT

Jule Transit System Employees Wayne Strohmeyer, Doug Brehm, Dawn Pollack, and Pat Healy expressed their concerns about what they believe is a disparity between the number of part-time and full-time bus driver positions, available hours and scheduling issues in the department and requested that the City Council review the issue in the next fiscal year budget.

There being no further business, upon motion the City Council adjourned at 8:21 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 11/28