

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

The Dubuque City Council met in special session at 5:00 p.m. on February 18, 2013 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a work session on the Safe Community Advisory Committee.

**WORK SESSION  
Safe Community Advisory Committee**

Doug Stillings, Chairperson of the Safe Community Advisory Committee, City Engineer Gus Psihoyos, Housing and Community Development Director Alvin Nash, Planning Services Manager Laura Carstens, Neighborhood Development Specialist Jerleyn O'Connor, Human Rights Director Kelly Larson, and Police Chief Mark Dalsing reported on the implementation status of the Safe Community Task Force recommendations. Topics included:

1. History
2. Task Force Goals
3. SCTF & NIU Research
4. Working with Landlords
  - a. Background checks
5. Traffic & Vehicle Noise Enforcement
6. Community Policing & Interns
7. Surveillance Cameras
  - a. 911 kiosks
  - b. LED Street Lighting
8. Promote Homeownership Citywide through lending programs
9. Attract Niche Businesses
10. Safe Routes to Schools
11. Recommendations

City Council had discussion following the presentation.

There being no further business, upon motion the city council adjourned at 6:03 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on February 18, 2013 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

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.

**PROCLAMATION(S)**

Complaint-Free Day (February 22, 2013) was accepted by Kelly Simon, 22482, Sunrise Lane, Cascade.

Problem Gambling Awareness Week (March 3-9, 2013) was accepted by Courtney Runde of the Substance Abuse Services Center, 799 Main St.

**PRESENTATION(S)**

2012 River City of the Year Award: Planning Services Manager Laura Carstens presented the 2012 River City of the Year award from the Iowa Rivers Revival to Mayor Buol and the City Council.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Council Member Connors requested that (#6) Collective Bargaining Agreement - Teamsters Local No. 120 (Bus Operators) and (#8) Westbrook Subdivision No. 2 - Acceptance of Public Improvements be held for separate discussion. Seconded by Braig. Motion carried 7-0

Minutes and Reports Submitted: Cable TV Commission of 1/2, Catfish Creek Watershed Management Authority of 1/23, City Conference Board of 6/21/12 and 1/9/13, City Council proceedings of 2/4 and 2/5, Civic Center Advisory Commission of 10/28/12, Li-

brary Board of Trustees of 10/25/12, and 11/15/12, Zoning Advisory Commission of 1/26, Zoning Board of Adjustment of 1/24, Proof of Publication for City Council Proceedings of 1/22. Upon motion the documents were received and filed.

Notice of Claims and Suits: Rosalie Morgan for vehicle damage, Michael Schiesl for vehicle damage, Jennifer Swanson for vehicle damage, and Valerie Willis for vehicle damage. Upon motion the documents were received, filed and referred to City Attorney.

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: Rosalie Morgan for vehicle damage, Michael Schiesl for vehicle damage, Jennifer Swanson for vehicle damage, and Valerie Willis for vehicle damage. Upon motion the documents were received, filed and concurred.

Final Plat - Boleyn Fourth Subdivision: Zoning Advisory Commission recommending approval of the Final Plat of Boleyn Fourth Subdivision (17349 Peru Road) as requested by Justin and Paula Licht. Upon motion the documents were received, filed and Resolution No. 42-13 Approving the Final Plat Boleyn Fourth Subdivision, Dubuque County, Iowa, was adopted.

Urban Revitalization Program - 2012 Applications: City Manager recommending approval of 19 applications for residential property tax exemption and that the applications be forwarded to the City Assessor for final review and determination of the amount of property tax exemption. Upon motion the documents were received, filed and Resolution No. 43-13 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.

Collective Bargaining Agreement - Teamsters Local No. 120 (Bus Operators): City Manager recommending approval of an amendment to the Collective Bargaining Agreement with Teamsters Local No. 120 (Bus Operators) to track the hours of work for part-time Bus Operators based on a calendar year instead of the current tracking method based on fiscal year. Motion by Connors to receive and file the documents and approve. Seconded by Braig. Transit Operations Manager Barbara Morck provided information on the process of calculating employee hours over the transition period. Motion carried 7-0

Acceptance of Warranty Deed - 2264 Washington Street: City Manager recommending acceptance of a warranty deed from Jayson D. Eichman for the easterly 27 feet of the Eichman property purchased for the construction of a permeable alley between 2264 Washington Street and the Bee Branch Creek Restoration Project. Upon motion the documents were received, filed and Resolution No. 44-13 Accepting a conveyance of property was adopted.

Westbrook Subdivision No. 2 - Acceptance of Public Improvements: City Manager recommending acceptance of the public improvements that the developer, Callahan

Construction, Inc., has recently completed in Westbrook Subdivision No. 2, with exceptions. Motion by Connors to receive and file the documents and adopt Resolution No. 45-13 Accepting public improvements in Westbrook Subdivision No. 2. Seconded by Braig. City Engineer Gus Psihoyos provided information on the process of inspecting subdivisions. Motion carried 7-0.

Dubuque County - Southwest Arterial 28E Agreement: City Manager recommending approval of an Intergovernmental 28E Funding Agreement with Dubuque County for the Southwest Arterial Project. Upon motion the documents were received, filed and Resolution No. 46-13 Approving an Intergovernmental 28E Funding Agreement between the City of Dubuque and Dubuque County for the Southwest Arterial Project, Iowa DOT Project No. STP-U-2100 (634)--70-31 was adopted.

Tricon Construction - Settlement Agreement: City Manager recommending approval of an Agreement that provides the final resolution of disputed work items related to the acceptance of the construction contract for the Carnegie-Stout Public Library Renovation Project - Contract No. 1 (General Construction) and authorization of payment of the contract retainage to Tricon Construction. Upon motion the documents were received, filed, and approved.

Catfish Creek Watershed Management Authority: City Manager transmitting the adopted Bylaws of the Catfish Creek Watershed Management Authority. Upon motion the documents were received and filed.

Rousselot, Inc. - First Amendment to Development Agreement: City Manager recommending approval of the First Amendment to Development Agreement with Rousselot, Inc. Upon motion the documents were received, filed and Resolution No. 47-13 Approving the First Amendment to the Development Agreement between the City of Dubuque, Iowa, and Rousselot, Inc. was adopted.

Caradco Building, LLP - Contract Amendment with ECIA: City Manager recommending approval of an amendment to the contract with East Central Intergovernmental Association (ECIA) to assist the City with grant administration for the 2010 Iowa Department of Economic Development Community Development Block Grant for the Caradco Building, LLLP project. Upon motion the documents were received, filed and Resolution No. 48-13 Approving Amendment No 1 for 2010 CDBG Grant Administration with East Central Intergovernmental Association was adopted.

National Park Service - Historic Preservation Fund Annual Report: City Manager transmitting the 2011 Historic Preservation Fund 2011 Annual Report from the National Park Service, which features Mayor Roy Buol. Upon motion the documents were received and filed.

Iowa Clean Air Attainment Program - Smarter Travel Study Grant Application: City Manager recommending submission of an application to the Iowa Department of Transportation for an Iowa Clean Air Attainment Program (ICAAP) grant for two additional

years of funding assistance for the Midtown Loop and Feeder and the Nightrider bus routes and a third year of funding for the Shopping Circulator. Upon motion the documents were received, filed and Resolution No. 49-13 Endorsing the submission of an Iowa Clean Air Attainment Program (ICAAP) Grant Application to the Iowa Department of Transportation to fund the IBM Smarter Travel Project and continuation of two pilot route and Shopping Circulator Route services was adopted.

Iowa Governor's Traffic Safety Bureau Grant: City Manager recommending approval of the Iowa Governor's Traffic Safety Bureau Section 402 State and Community Highway Safety Grant. Upon motion the documents were received, filed, and approved.

Dubuque Regional Airport - New Terminal Facility: City Manager recommending approval to seek and accept federal Airport Improvement Program funds in 2013, with the intent to apply bond proceeds from sales in early 2014 as the local match. Upon motion the documents were received, filed, and approved.

Zoning Board of Adjustment: Commissioner Randy Klauer submitting advance notification of his intent to resign from the Zoning Board of Adjustment pending a change in residency. Upon motion the documents were received, filed, and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Ferguson Water Works/Davies Services for the Fire Hydrant Painting Program Phase 3. Upon motion the documents were received, filed, and approved.

Tobacco Compliance - Civil Penalty for Tobacco License Holders - Hy-Vee Store #2: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Hy-Vee Store #2 at 2394 NW Arterial. Upon motion the documents were received, filed, and approved.

Tobacco Compliance - Civil Penalty for Tobacco License Holders - Kwik Stop: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Kwik Stop, 4110 Dodge Street. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Hy-Vee Store #2: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Hy-Vee Store #2 at 2395 NW Arterial. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Kwik Stop: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Kwik Stop, 4110 Dodge Street. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - River City Bistro: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an

alcohol compliance violation for River City Bistro (Holiday Inn) at 450 Main Street. Upon motion the documents were received, filed, and approved.

Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received, filed and Resolution No. 50-13 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 TO BE SET FOR PUBLIC HEARING**

Motion by Lynch 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 Braig. Motion carried 7-0.

Petition to Vacate - Portion of Old Highway Road: City Manager recommending approval of the plat and disposal of a portion of Old Highway Road at the intersection of Radford Road for the National Guard Readiness Center and that a public hearing be set for March 4, 2013, on the disposal of the property. Upon motion the documents were received, filed and Resolution No. 51-13 Resolution of Intent to vacate and dispose of city interest in Lot 2-1-A of the SE ¼ - SW ¼ Section 29, T89N, R2E, 5th P.M. in the City of Dubuque, Dubuque County, Iowa was adopted. Upon motion the documents were received, filed and Resolution No. 52-13 Approving plat of proposed vacated portion of Old Highway Road at Radford Road was adopted.

Fiscal Year 2014 Operating and Capital Budget: City Manager recommending that a public hearing be set for February 28, 2013, on the Fiscal Year 2014 City budget, Operating and Capital Improvement Program, for the City of Dubuque. Upon motion the documents were received, filed and Resolution No. 53-13 Setting the date for the public hearing on the Fiscal Year 2014 Budget for the City of Dubuque was adopted. Upon motion the documents were received, filed and Resolution No. 54-13 Setting the date for the public hearing on the Five Year Capital Improvement Program for Fiscal Years 2014 through 2018 for the City of Dubuque was adopted.

### **BOARDS/COMMISSIONS**

Applications were reviewed for the following commission: Mechanical Code Board: Two 3-Year terms through March 16, 2016 (Expiring terms of Billmeyer and Papin). Applicants: Ronald Billmeyer, 2375 Theda Dr. and Paul Papin, 2955 Jackson St.

### **PUBLIC HEARINGS**

Dubuque Industrial Center - PUD Amendment (Tabled June 5, 2011): Proof of publication on notice of hearing to consider a request from the City of Dubuque/ Dubuque Initiatives to amend the Planned Unit Development (PUD) for the Dubuque Industrial

Center, located on Chavenelle Road and the Northwest Arterial, to change the designation of property from open space to commercial and Zoning Advisory Commission recommending approval, with conditions. City Manager recommending that this item be tabled to July 7, 2014. Motion by Connors to remove from table. Seconded by Resnick. Motion carried 7-0. Motion by Connors to table to July 7, 2014. Seconded by Resnick. Motion carried 7-0.

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

Request to Rezone - 501 Seippel Road: Proof of publication on notice of hearing to consider a request by the City of Dubuque to rezone property located at 501 Seippel Road (Lot 1 of 1 and Lot 1 of 2 South Fork Industrial Subdivision #1) from AG Agricultural District to PUD/PI Planned Unit Development with a Planned Industrial designation 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 Resnick. Planning Services Manager Laura Carstens provided a staff report. Karen Rokusek, 1211 Cousins Road, addressed the City Council about her concerns that the wooded area reserved as a green space buffer abutting her property could someday be developed. Responding to questions, Ms. Carstens, Zoning Advisory Commission Chairperson Charlie Miller, and Economic Development Director Dave Heiar stated that the Zone O designation of the wooded area keeps it under the entire PUD conceptual plan and any change in zoning would require a review by the Zoning Advisory Commission, notification to neighbors, and City Council approval. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 2-13 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by reclassifying hereinafter described property located north and south of Seippel Road and north of U.S. Highway 20 from AG Agricultural District to PUD Planned Unit Development with a PI Planned Industrial designation for the Dubuque Industrial Center South. Seconded by Resnick. Motion carried 7-0.

**OFFICIAL PUBLICATION  
ORDINANCE NO. 2-13**

**AMENDING TITLE 16 OF THE CITY OF DUBUQUE CODE OF ORDINANCES UNIFIED DEVELOPMENT CODE BY RECLASSIFYING HEREINAFTER DESCRIBED PROPERTY LOCATED NORTH AND SOUTH OF SEIPPEL ROAD AND NORTH OF U.S. HIGHWAY 20 FROM AG AGRICULTURAL DISTRICT TO PUD PLANNED UNIT DEVELOPMENT WITH A PI PLANNED INDUSTRIAL DESIGNATION FOR THE DUBUQUE INDUSTRIAL CENTER SOUTH.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. That Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, is hereby amended by reclassifying the hereinafter described property from AG Agricultural District to PUD Planned Unit Development District with a PI

Planned Industrial designation and adopting a conceptual development plan, a copy of which is attached to and made a part hereof, for the Dubuque Industrial Center South as stated below, to wit:

Lot 1 of 1 and Lot 1 of 2 South Fork Subdivision #1, and to the centerline of the adjoining public right-of-way, all in the City of Dubuque, Iowa.

Section 2. Attached hereto and made a part of this zoning reclassification approval is the Conceptual Development Plan for the Dubuque Industrial Center South Planned Unit Development marked Exhibit A. It is recognized that minor shifts or modifications to the general plan layout may be necessary and compatible with the need to acquire workable street patterns, grades, and usable building sites. The general plan layout, including the relationship of land uses to the general plan framework and the development requirements shall be used as the implementation guide.

A) Definitions

1) Building-related Features

Building-related features are defined as all construction items which rise above the grade surface of the lot. These include:

- a) The primary building.
- b) All accessory or secondary buildings.
- c) All exterior storage areas.
- d) Exterior refuse collection areas.
- e) Exterior mechanical equipment.
- f) Containerized or tank storage of liquids, fuels, gases and other materials.

2) Vehicle-related Features

Vehicle-related features are defined as all areas used for the movement and parking of all vehicles within the lot. These include:

- a) Employee and visitor parking spaces.
- b) Driveways from the street right-of-way line to and from parking spaces.
- c) Loading spaces outside of the building.
- d) Maneuvering spaces outside the building.
- e) Parking spaces for company-owned commercial vehicles.
- f) Fire lanes.
- g) Railroad tracks

3) Open Space Features

Open space features are defined as those exterior areas and developed features of the lot which include:

- a) Landscape space containing lawn areas and plantings.
- b) Paved, hard-surfaced pedestrian areas such as walkways, plazas, entryways and courtyards.
- c) Storm water management facilities not otherwise used for building-related or vehicle-related purposes.
- d) Open recreation areas and recreational trail.
- e) Other non-building and non-vehicular related space.

B. Use Regulations



Zone D: *General Purpose and Description.* Zone D is intended to provide a location for heavy industrial uses. Exterior storage is allowed, provided it is screened from view from public right-of-way.

- 1) Principal permitted uses shall be limited to:
  - a) Railroad and public or quasi-public utilities.
  - b) Corporate offices.
  - c) Mail order houses.
  - d) Printing and publishing.
  - e) Laboratories for research and engineering.
  - f) Moving/storage facilities.
  - g) Wholesale sales/distributor.
  - h) Freight transfer facilities.
  - i) Fuel and ice dealers.
  - j) Cold storage/locker plants.
  - k) Packing and processing of meat, dairy or food products, not to include stockyards or slaughter houses.
  - l) Compounding, processing and package of chemical products.
  - m) Manufacture, assembly, repair or storage of electrical and electronic products, components or equipment.
  - n) Warehousing and storage facilities, not to include mini-warehouses.
  - o) Manufacturing, processing, fabrication, assembling, packaging or other comparable treatment of goods or materials.
- 2) Conditional uses shall be limited to the following:
  - a) Day care center, within a primary office/industrial building or as an accessory structure on the same lot. Day care centers are subject to state regulations and requirements of Article 8-20, Licensed Child Care Center, of the Unified Development Code.
- 3) Accessory uses shall be limited to the following:
  - a) Retail outlets within a primary office/industrial building, selling products produced on-site and only as accessory to the principal use.
  - b) Any use customarily incidental and subordinate to the principal use it serves.
- 4) Temporary uses shall be limited to the following:

Any use listed as a permitted use within the PUD District of a limited duration as established in Article 3-19 and as defined in Article 2-3 of the Unified Development Code.
- 5) The provision of off-street parking shall be regulated by Article 14 of the City of Dubuque's Unified Development Code.

Zone O: *General Purpose and Description.* Zone O is intended to serve as an amenity to the industrial park, provide public areas and control of storm water to protect downstream properties.

- 1) Principal permitted uses shall be limited to:
  - a) Railroads and public or quasi-public utilities.
  - b) Parks, nature areas, playgrounds and similar recreational uses.

- c) Picnic areas.
  - d) Recreational trails.
  - e) Club houses, shelter houses, tennis courts, playground equipment, or other recreational buildings and structures when associated with parks, nature areas, playgrounds and recreational facilities.
  - f) Construction of dams, reservoirs, detention ponds and similar storm water control facilities.
- 2) Conditional uses (*reserved for future use*).
  - 3) Accessory uses shall be limited to the following:
    - a) Any use customarily incidental and subordinate to the principle use it serves.
  - 4) Temporary uses (*reserved for future use*).

**C. Lot Bulk Regulations**

Development of land in Zones D and O shall be regulated as follows:

- 1) All building structures and activities shall be located in conformance with the attached conceptual development plan and all final site development plans shall be approved in accordance with provisions of this ordinance and Article 12 of the Unified Development Code.
- 2) All building-related features in Zones D and O shall be in accordance with the following bulk regulations chart:

	<b>Minimum lot area in acres</b>	<b>Lot front-age minimum feet</b>	<b>Front yard setback minimum feet</b>	<b>Side yard setback minimum feet</b>	<b>Rear yard setback minimum feet</b>	<b>Building height maximum feet</b>
Zone O	N/A	N/A	N/A	N/A	N/A	N/A
Zone D	2 acres	100	50	25	50	100

- a) Lots smaller than minimum will be allowed if the parcel is consolidated or combined with a larger lot. Substations for public and quasi-public utilities shall be exempt from lot frontage and lot area requirements.
- b) Maximum lot coverage shall be 80 percent. All building and vehicle related features shall be considered when calculating total land area coverage, except fire lanes and railroad tracks.
- c) Maximum building height shall be as stipulated in the bulk regulations chart above, except the following may exceed the height limit: cooling towers, condensers, elevator bulkheads, stacks and other necessary mechanical equipment and their protective housing. Heating, ventilating and air conditioning (HVAC) equipment is limited to 10 feet above height limitation.
- d) Within required front, side and rear setbacks, only driveways, fire lanes, railroad tracks, open space features and primary and secondary signage are allowed. Parking lots may encroach up to 50% into the required front yard setback.

**D. Parking and Loading Regulations**

- 1) All vehicle-related features, except for railroad tracks, shall be surfaced with either asphalt or concrete.
- 2) All parking and loading spaces shall be delineated on the surfacing material by painted stripes or other permanent means.
- 3) The number, size and design of parking spaces shall be governed by ap-

plicable provisions in Articles 13 and 14 of the City of Dubuque Unified Development Code.

4) The number, size and design and location of parking spaces designated for persons with disabilities shall be according to the local, state or federal requirements in effect at the time of development.

5) The location and number of private driveway intersections with public streets shall be reviewed and approved by the City Engineer.

6) No on-street maneuvering of delivery vehicles will be allowed on any street. Lots shall provide all necessary maneuvering space for delivery vehicles within the boundaries of the lots.

7) All loading docks for shipping and receiving raw and manufactured goods shall be designed to provide for the direct movement of goods between the delivery vehicle and the interior of the building.

**E. Exterior Storage Regulations**

Exterior storage shall be in accordance with the following regulations:

	<b>Allowable Products Store</b>	<b>Allowable Location</b>	<b>Allowable Screening Materials</b>	<b>Minimum Opacity</b>	<b>Maximum Height of Screening</b>
Zone D	Raw or finished goods; equipment	Rear or side yards	Similar to building color	50%	12 feet
Zone O	PROHIBITED				

1) Exterior storage of materials, which could be blown into the air or strewn about by the wind, shall be prohibited.

2) Exterior storage, where allowed, shall not encroach into a front yard. A front yard may exceed the required front yard setback.

3) The ground area coverage of exterior storage areas shall be the area contained inside the required screening. This area shall be considered to be a building-related feature for purposes of calculating total land area coverage.

4) Exterior storage must be screened from view from adjacent public right-of-way.

5) The screening height shall be measured from the ground level outside the line of the screen. Screens built on sloping grades shall be stepped so that their top line shall be horizontal.

6) Required screening is intended to buffer surrounding property from the negative visual impact created by the storage of raw or finished goods, materials and equipment that can adversely impact the value of adjacent property.

7) The City Planner may grant a waiver for screening to exceed the maximum height allowed, when topography or height of individual finished products or equipment could make it impossible to completely screen a storage area from every vantage point. The City Planner may not grant waiver in maximum screening height for raw materials or stacked goods.

8) All exterior entrances to a screened storage area shall be provided with a gate or door of similar design to that of the screen.

9) Long-term storage of products or materials in semi-trailers or **shipping containers** is prohibited.

F. Exterior Trash Collection Area Requirements

- 1) Exterior trash collection areas shall include collection bins, dumpsters, and similar waste receptacles for the short-term storage and collection of trash. Trash shall include garbage, scrap, recyclables, debris and similar materials.
- 2) The storage of trash shall be limited to that produced by the principal permitted use and accessory uses of the lot. Exterior storage of trash, which could be blown into the air or strewn about by the wind, shall be prohibited.
- 3) The ground area coverage of exterior trash collection areas shall be the area contained inside the required screening. This area shall be considered a building-related feature for purposes of calculating total land area coverage.
- 4) Exterior trash collection areas shall be located in rear or side yards only. Exterior trash collection areas shall not encroach into a front yard. A front yard may exceed the required front yard setback.
- 5) All exterior trash collection areas and the materials contained therein shall be screened from view from the adjacent public right-of-way.
- 6) The screening shall be a completely opaque fence, wall or other feature not exceeding a height of 10 feet measured from the ground level outside the line of the screen. Screens built on sloping grades shall be stepped so that their top line shall be horizontal.
- 7) Exposed materials used to construct the opaque screen shall be similar in appearance to materials used for exterior building walls. All exterior entrances to a screened trash area shall be provided with a gate or door of similar design to that of the screen.
- 8) If a 10-foot high screen fails to shield the exterior trash collection area from view from the adjacent public right-of-way, evergreen plantings may be required in addition to the screening. Evergreen plant materials shall be selected and designed so that they will screen the area from the adjacent public right-of-way within five (5) years.

G. Landscaping Regulations

The following landscape regulations shall apply to each lot:

- 1) Plant Materials: The open space area of each lot shall be planted with permanent lawn and ground covers, shrubs and trees. It is the intent of these regulations that the development of required open spaces shall reflect a high quality of environmental design.
- 2) Landscaping: The following is the minimum requirement of trees and shrubs, by number and size, and the type of ground cover required. Street trees planted in public street right-of-way shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be in accordance with the City of Dubuque Street Tree Policy. Existing trees and shrubs to be retained on-site may be counted toward fulfillment of the landscaping requirements.
  - a) Minimum tree planting requirements for any new development in the

Dubuque Industrial Center South shall be one (1) tree of the following size per 1,600 square feet of **required** open space:

40% minimum: 2-2 1/2" caliper diameter deciduous and/or 8-foot height or greater evergreen.

Balance: 1 1/2 - 2" caliper diameter deciduous and/or 6-foot height evergreen.

b) Minimum shrub requirements at the time of planting for any development in the PUD District shall be 6 shrubs, or 1 shrub per 1,000 square feet of **required** open space, whichever is greater. Shrubs shall be a minimum of 18" height or minimum of one (1) gallon potted.

3) Landscape berms and/or plantings shall be required as screening for parking areas adjacent to public streets and shall be a minimum of three (3) feet in height and can utilize natural grade changes to achieve the required 50% opacity landscaping screen. Parking lot screening is in addition to required landscaping of open space areas.

4) Trees shall be provided in all parking lot islands, which are of sufficient size to ensure the growth and survival of the trees. Trees planted in parking lot islands may be counted toward the minimum tree planting requirements.

5) The developer of any lot fronting Seippel Road and/or other Public Streets shall participate in the planting trees compatible in species and spacing with tree plantings, which have previously been completed by the City along Seippel Road.

6) The installation of required planting materials may be phased in direct proportion to the phasing of building construction. Required landscaping shall be installed by the date the Building Services Department issues an occupancy certificate, or if winter weather prevents planting, within six months of being issued an occupancy certificate.

7) The lot owner is required to replant any and all plant materials which have died due to any cause during the effective period of this PUD Ordinance.

8) A detailed landscape plan shall be required as part of submittal for final site development plan approval.

9) The area between the public street and the right-of-way line shall be planted with grass and maintained by the lot owner.

#### H. Sign Regulations

1) Applicability of City of Dubuque Ordinances: The provisions of the City of Dubuque Unified Development code Article 15 Signs shall apply unless further regulated by this section.

2) Off-Premise Signs: Off-premise signs shall be prohibited.

3) On-Premise Signs: On-premise signs shall be erected or constructed in accordance with the following regulations:

a) Allowable content: signs, messages, and graphics shall be limited to the following contents:

1) Industrial Center signs: limited to identification of Dubuque Industrial Center South.

- Entrance signs
- Directory signs

2) Company primary signs: limited to identification of uses in Zone D.

- Identification of company name
- Identification of company products or services
- Graphic symbol or logo identified with the company

3) Secondary signs: Allowable in all zones.

- Street address.
- Directional messages necessary for the safe and efficient flow of vehicular and pedestrian traffic on the lot.
- Identification of visitor entrances to the building, shipping and receiving docks and other delivery points.
- Identification of assigned parking spaces and parking spaces accessible to persons with disabilities.
- Temporary announcements of pending or new construction.
- Commemorative messages.

b) Schedule of sign regulations: allowable structure type, size, number and height shall be limited to the following requirements:

Type of Sign	Maximum size	Maximum Number	Allowable Structure type	Maximum Height*
Industrial Center Entrance Signs	200 square feet per sign face	Three (3) signs	Monument	12 feet
Industrial Center Directory Signs	30 square feet per sign face	Three (3) signs	Monument	8 feet
Company Primary Signs	10% of building wall sign is mounted on or 400 total square feet of sign area, whichever is less.	2 signs per street frontage per business	Wall-mounted	Below eave or parapet
	150 square feet per sign face	1 sign per business restricted to interior street frontages only	Monument	10 feet
Secondary signs	6 square feet per sign face	No maximum number	Wall-mounted	10 feet
			Monument	6 feet

\*The height of the monument-style signs shall be measured from average grade to top of sign structures.

c) Variances: Variances from sign requirements for size, number and height may be requested. Such variances shall be reviewed by the Zoning Board of Adjustment in accordance with Article 8-6 of the Unified Development

Code.

d) Lighting: Signs may be illuminated only by means of indirect lighting, whereby all light sources and devices are shielded from view by opaque or translucent materials, or internally illuminated by means of a light source completely enclosed by the sign panel.

e) Motion: No signs may include any device or means, mechanical, electrical or natural, which shall cause any motion of the sign panel or any part thereof. No flashing lights or changing colors shall be allowed.

#### I. Maintenance Assessments

1) The City will cause the construction of such improvements as the City deems appropriate in the Public Areas of this PUD District shown on the Plan. Maintenance and repair of the Public Areas and its improvements is the responsibility of the City with fifty percent (50%) of costs of such maintenance and repair assessed to and paid by the owners of property in this PUD District. Private connections to the Public Areas and the subsequent maintenance and repair of such private connections are the responsibility of each owner and may not be constructed without the prior written approval of the City.

2) The City will assess against the properties in this PUD District in each assessment year an annual assessment for the purpose of paying fifty percent (50%) of the actual costs of the City's maintenance and repair of the Public Areas and the actual costs associated with maintaining and lighting the park entrance signs. Said assessment may also include the establishment of a capital improvements reserve fund for such purposes. Upon establishment of such assessment levy, the owner of each lot must pay to the City a pro rata share (as hereinafter defined) of such assessment.

The owner waives any and all rights to further notice, to object to the assessments, the amount of the assessments, the procedure for certifying the assessments or to any other rights the owner would have as provided in Iowa Code Chapter 364 and Chapter 384 and that the schedule of assessments may be certified by the City to the Dubuque County Treasurer for collection in the same manner as provided in Iowa Code Chapter 364 and Chapter 384.

3) If such pro rata share is not paid within thirty (30) days after its due date, the owner agrees that that amount of such pro rata share will become a lien upon the lot obligated to pay the same and will bear interest from the due date at the highest legal contract rate applicable to a natural person. The owner further agrees that the City may bring an action at law against any owner obligated to pay the same, or foreclose the lien against the lot.

The owner agrees that the owner is also obligated to reimburse the City for the City's costs and reasonable attorney's fees of any collection efforts. The owner agrees that the owner may not waive or otherwise avoid liability for an assessment provided herein by non-use of the Public Areas or abandonment of a lot.

4) An owner's pro rata share is equal to a fraction, the numerator of which is the gross square feet area of the lot or lots owned by the owner and the

denominator of which is the gross square feet area of all lots in this PUD District exclusive of the Public Areas and public rights-of-way.

#### J. Performance Standards

The development and maintenance of uses in this PUD District shall be established in conformance with the following standards

- 1) Platting: The conceptual development plan shall serve as the preliminary plat for this PUD District. Subdivision plats and improvement plans shall be submitted in accordance with Article 11. Land Subdivision, of the City of Dubuque Unified Development Code.
- 2) Site Plans: Final site development plans shall be submitted in accordance with Article 12 Site Plans and Article 13 Site Design Standards prior to construction of each building and vehicle-related feature unless otherwise exempted by Article 12.
- 3) Storm Water Conveyance: The developer of each lot shall be responsible for providing surface or subsurface conveyance(s) of storm water from the lot to existing storm sewers or to flow line of open drainage ways outside the lot in a means that is satisfactory to the Engineering Department of the City of Dubuque. Other applicable regulations enforced by the City of Dubuque relative to storm water management and drainage shall apply to properties in the PUD District.
- 4) Noises: Noises generated within the PUD District shall be regulated by Chapter 33, Article IV, Noises, of the City of Dubuque Code of Ordinances.
- 5) Flood Plain Regulations: The area of the PUD District that lies within the flood plain of Catfish Creek shall be subject to the regulations of Article 6-4 of the Unified Development Code.
- 6) Phased construction of buildings and parking spaces: The construction of off-street parking spaces may be phased in proportion to the percentage of total building floor area constructed at any one time. Ground area set aside for future parking, loading spaces or driveways or for parking provided in excess of the minimum required number of parking spaces shall not reduce the minimum required area for open space.
- 7) Other Codes and Regulations: These regulations do not relieve an owner from other applicable City, County, State or Federal Codes, regulations, laws and other controls relative to the planning, construction, operation and management of property in the PUD District.

#### K. Transfer of Ownership

Transfer of ownership or lease of property in this PUD District shall include in the transfer or lease agreement a provision that the purchaser or lessee acknowledges awareness of the conditions authorizing the establishment of the district.

#### L. Modifications

Any modifications of this Ordinance must be approved by the City Council in accordance with zoning reclassification proceedings of Article 9-5 of the Unified Development Code.

#### M. Recording

A copy of this ordinance shall be recorded at the expense of the property owner(s) with the Dubuque County Recorder a permanent record of the conditions accepted



as part of this reclassification approval within ten (10) days after the adoption of this ordinance. This ordinance shall be binding upon the undersigned and his/her heirs, successors and assigns.

Section 3. The foregoing amendment has heretofore been reviewed by the Zoning Advisory Commission of the City of Dubuque, Iowa.

Section 4. This Ordinance shall take effect upon publication as provided by law.

Passed, approved and adopted this 18<sup>th</sup> day of February, 2013.

Roy D. Buol, Mayor:

Attest: Kevin S. Firnstahl, City Clerk

Published in the Telegraph Herald newspaper on the 22<sup>nd</sup> day of February 2013.

/s/Kevin S. Firnstahl, City

Request to Rezone - 165 Westside Court: Proof of publication on notice of hearing to consider a request from Mark Arthofer to rezone property located at 165 Westside Court from PC Planned Commercial to CS Commercial Services and Wholesale District 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 Resnick. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 3-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located south of 165 Westside Court from Planned Unit Development District to CS Commercial Service and Wholesale District. Seconded by Resnick. Motion carried 7-0.

**OFFICIAL PUBLICATION  
ORDINANCE NO. 3-13**

**AN ORDINANCE AMENDING TITLE 16 OF THE CITY OF DUBUQUE CODE OF ORDINANCES, UNIFIED DEVELOPMENT CODE, BY RECLASSIFYING HEREINAFTER DESCRIBED PROPERTY LOCATED SOUTH OF 165 WESTSIDE COURT FROM PLANNED UNIT DEVELOPMENT DISTRICT TO CS COMMERCIAL SERVICE AND WHOLESALE DISTRICT.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. That Title 16 of the City of Dubuque Code of Ordinances, the Unified Development Code, is hereby amended by reclassifying the hereinafter-described property from Planned Unit Development District to CS Commercial Service and Wholesale District, to wit:

Lot 2-1 of Arthofer's Skyline Addition, and to the centerline of the adjoining public right-of-way, all in the City of Dubuque, Iowa.

Section 2. That the foregoing amendment has heretofore been reviewed by the Zoning Advisory Commission of the City of Dubuque, Iowa.

Section 3. This Ordinance shall take effect immediately upon publication, as provided by law.

Passed, approved and adopted this 18<sup>th</sup> day of February, 2013.

Roy D. Buol, Mayor:

Attest: Kevin S. Firnstahl, City Clerk

Published in the Telegraph Herald newspaper on the 22<sup>nd</sup> day of February 2013.

/s/Kevin S. Firnstahl, City Clerk

Sale of Property - 2290 Washington Street: Proof of publication on notice of hearing to consider the sale of City-owned property at 2290 Washington Street to Katherine Toskey and the City Manager recommending approval. Motion by Braig to receive and file the documents, and adopt Resolution No. 55-13 Approving the sale of real estate specifically 2290 Washington Street. Seconded by Jones. Motion carried 7-0.

Sale of Property - 2320 Washington Street: Proof of publication on notice of hearing to consider the sale of City-owned property at 2320 Washington Street to Samantha and Nolan Hein and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 56-13 Approving the sale of real estate specifically 2320 Washington Street. Seconded by Resnick. Motion carried 7-0.

City Hall Envelope Restoration (Tuckpointing) Project: City Manager recommending approval of the plans, specifications, form of contract and the estimated cost for the City Hall Envelope Restoration (Tuckpointing) Project. Motion by Connors to receive and file the documents and adopt Resolution No. 57-13 Approving plans and specifications. Seconded by Jones. Motion carried 7-0.

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

### **ACTION ITEMS**

Arts and Cultural Affairs Advisory Commission - Special Project Grant Program: Arts and Cultural Affairs Advisory Commission recommending approval of changes to the Arts and Culture Special Project Grant Program. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Asbury Tank Reconditioning Project Award: City Manager recommending award of the contract for the Asbury Tank Reconditioning Project to the low bidder, Classic Protective Coatings. Motion by Jones to receive and file the documents and adopt Resolution No 58-13 Awarding public improvement contract for Asbury Tank Reconditioning Project CIP 740-2204. Seconded by Connors. Motion carried 7-0.

Code of Ordinances - Environmental Stewardship Advisory Commission Membership: City Manager recommending approval or an ordinance change to the Environmental Stewardship Advisory Commission membership which would allow the age of the youth member to be up to 30 years old at the time of appointment. 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 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 4-13 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 6 Environmental Stewardship Advisory Commission, Section 2-6-1 Commission Created; Composition and Section 2-6-3 Term; Filling of Vacancies; Compensation, by Establishing Youth Membership Age Guidelines and Uniform Term Lengths. Seconded by Braig. Motion carried 7-0.

**OFFICIAL PUBLICATION  
ORDINANCE NO. 4-13**

**AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 2 BOARDS AND COMMISSIONS, CHAPTER 6 ENVIRONMENTAL STEWARDSHIP ADVISORY COMMISSION, SECTION 2-6-1 COMMISSION CREATED; COMPOSITION AND SECTION 2-6-3 TERM; FILLING OF VACANCIES; COMPENSATION, BY ESTABLISHING YOUTH MEMBERSHIP AGE GUIDELINES AND UNIFORM TERM LENGTHS**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. Section 2-6-1 of the City of Dubuque Code of Ordinances is amended to read as follows:

**2-6-1: COMMISSION CREATED; COMPOSITION:**

There is hereby created an environmental stewardship advisory commission, which shall consist of seven (7) members, who shall all be residents of the city, and shall include representation from diverse segments of the city's population. It is desirable to select some members who may have helpful backgrounds with environmental/biological science, healthcare, business/industry, and environmental/civic groups. In addition, the council must make a good faith effort to recruit and appoint members who will inherit the environment and are under the age of thirty (30) at the time of appointment.

Section 2. Section 2-6-3 of the City of Dubuque Code of Ordinances is amended to read as follows:

**2-6-3: TERM; FILLING OF VACANCIES; COMPENSATION:**

A. Term: The term of office for a member of the commission shall be three (3) years or until a successor is duly appointed.

Section 3. This Ordinance takes effect upon publication.

Passed, approved, and adopted the 18<sup>th</sup> day of February, 2013.

Roy D. Buol, Mayor:

Attest: Kevin S. Firnstahl, City Clerk

Published in the Telegraph Herald newspaper on the 22<sup>nd</sup> day of February 2013.

/s/Kevin S. Firnstahl, City Clerk

Code of Ordinances - Public Nuisance Amendment: City Manager recommending approval of an amendment to the Public Nuisance Ordinance to deal with large quantities of accumulations in residential areas. Motion by Connors to receive and file the documents and that the requirement that a proposed ordinance be considered and vot-

ed 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 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 5-13 Amending City of Dubuque code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 4 Nuisances, Section 6-4-3 Public Nuisance Defined; Public Nuisances Enumerated by Adding Conditions, Conduct, and Activities Which Constitute Public Nuisances. Seconded by Resnick. Motion carried 7-0.

**OFFICIAL PUBLICATION  
ORDINANCE NO. 5-13**

**AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 6 HEALTH, HOUSING, SANITATION AND ENVIRONMENT, CHAPTER 4 NUISANCES, SECTION 6-4-3 PUBLIC NUISANCE DEFINED; PUBLIC NUISANCES ENUMERATED BY ADDING CONDITIONS, CONDUCT, AND ACTIVITIES WHICH CONSTITUTE PUBLIC NUISANCES**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. Section 6-4-3 of the City of Dubuque Code of Ordinances is amended to read as follows:

**6-4-3: PUBLIC NUISANCE DEFINED; PUBLIC NUISANCES ENUMERATED:**

Whatever is injurious to the public health or safety or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by the public shall be deemed a "public nuisance". A "public nuisance" shall include, but not be limited to, the following:

A. Accumulations: Any yard waste, solid waste, vehicle parts, garbage, noxious substances or hazardous wastes, junk, unused building materials, salvage material or other offensive substances thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, public or private lot, whether vacant or occupied, or upon any pond or pool of water, except for:

K. Unsanitary Accumulations: Failing to keep a building, dwelling, structure, business and parts thereof, or grounds clean and free of any unsanitary accumulations of dirt, filth, rubbish, or garbage, including all property outside the lot and property lines and inside the curb lines.

Q. Furniture: Indoor upholstered furniture or upholstered furniture which is not designed for outdoor use but which is maintained or located on any uncovered porch, lawn, parking lot, driveway, or public right-of-way.

R. Combustible Items: Any accumulation of combustible items such as mattresses, boxes, paper, automobile tires and tubes, old clothes, rags, or any other combustible materials or objects of a like nature.

S. Construction and Building Materials: Outdoor storage of construction and building materials, except those that are stored in a manner to protect their utility, prevent deterioration, and are reasonably expected to be used at the site.

T. Appliances or Appliance Parts: Outdoor storage of appliances or appliance parts, except those that are reasonably expected to be used at the site, which are stored in a matter to protect their utility, prevent deterioration, and protect people from becoming trapped within them.

U. Burned or Partially Burned Buildings and Structures: Any building or other structure which has been burned, partially burned, or otherwise partially destroyed, which is unsightly or hazardous to the safety of any person or structurally unsound to the extent that the city manager reasonably determines there is a likelihood of personal or property injury to any person or property entering the premises.

V. Miscellaneous: Any act done or committed by any person or any substance or thing kept, maintained, placed, or found in or on any public or private place which is annoying or damaging or injurious or dangerous to the public health, welfare, or safety and every action or thing done, permitted, maintained, allowed, or continued on any public or private property, by any person which is liable to or does endanger, annoy, damage, or injure any person or inhabitant of the City or property of said person or inhabitant.

Section 2. This Ordinance takes effect upon publication.

Passed, approved, and adopted the 18<sup>th</sup> day of February, 2013.

Roy D. Buol, Mayor:

Attest: Kevin S. Firnstahl, City Clerk

Published in the Telegraph Herald newspaper on the 22<sup>nd</sup> day of February 2013.

/s/Kevin S. Firnstahl, City Clerk

Code of Ordinances - Taxi Meter Requirement Amendment: City Manager recommending approval of an amendment to City of Dubuque Code of Ordinances Section 4-7B-3 Taximeter Required, to exempt taxicabs that charge a flat rate to passengers from the requirement of having a taximeter in use at all times. Motion by Braig 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 7-0.

Motion by Braig for final consideration and passage of Ordinance No. 6-13 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 7 Vehicles for Hire and Public Transportation, Article B Motorized Vehicles for Hire, Section 4-7B-3 Taximeter Required, by exempting taxicabs that charge a flat rate. Seconded by Connors. Motion carried 7-0.

**OFFICIAL PUBLICATION  
ORDINANCE NO. 6-13**

**AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 4 BUSINESS AND LICENSE REGULATIONS, CHAPTER 7 VEHICLES FOR HIRE AND PUBLIC TRANSPORTATION, ARTICLE B MOTORIZED VEHICLES FOR HIRE, SECTION 4-7B-3 TAXIMETER REQUIRED, BY EXEMPTING TAXICABS THAT CHARGE A FLAT RATE**

Section 1. Section 4-7B-3 of the City of Dubuque Code of Ordinances is amended to read as follows:

**4-7B-3: TAXIMETER REQUIRED:**

No person may operate a taxicab without a taximeter fastened in front of the passengers, visible to them at all times day and night, and after sundown the face of the taximeter must be illuminated. Taxicab meters are not required in taxicabs charging a flat rate to passengers, but flat rates must be posted in a

taxicab in a location that is visible to passengers at all times.  
Section 2. This Ordinance takes effect upon publication.  
Passed, approved, and adopted the 18<sup>th</sup> day of February, 2013.

Roy D. Buol, Mayor:

Attest: Kevin S. Firnstahl, City Clerk

Published in the Telegraph Herald newspaper on the 22<sup>nd</sup> day of February 2013.

/s/Kevin S. Firnstahl, City Clerk

Code of Ordinances - Taxi Business and Driver's Permits Amendments: City Manager recommending approval of an amendment to City of Dubuque Code of Ordinances repealing Section 4-7B-8 Operator's Permit Requirements; Insurance; Fees and Section 4-7B-9 Driver's License Requirements; Fee and adopt a new Section 4-7B-8 Taxicab Business License and Taxicab Driver's Permit. 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 Resnick. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 7-13 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 7 Vehicles for Hire and Public Transportation, Article B Motorized Vehicles for Hire, by Repealing Section 4-7B-8 Operator's Permit Requirements; Insurance; Fees and Section 4-7B-9 Driver's License Requirements; Fee and adopting a new Section 4-7B-8 Taxicab Business License and Taxicab Driver's Permit in lieu thereof. Seconded by Resnick. Motion carried 7-0.

**OFFICIAL PUBLICATION  
ORDINANCE NO. 7-13**

**AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 4 BUSINESS AND LICENSE REGULATIONS, CHAPTER 7 VEHICLES FOR HIRE AND PUBLIC TRANSPORTATION, ARTICLE B MOTORIZED VEHICLES FOR HIRE, BY REPEALING SECTION 4-7B-8 OPERATOR'S PERMIT REQUIREMENTS; INSURANCE; FEES AND SECTION 4-7B-9 DRIVER'S LICENSE REQUIREMENTS; FEE AND ADOPTING A NEW SECTION 4-7B-8 TAXICAB BUSINESS LICENSE AND TAXICAB DRIVER'S PERMIT IN LIEU THEREOF**

Whereas, the City of Dubuque Code of Ordinances Title 4, Chapter 7, Article B, Section 8 provides for the licensing and regulation of taxicab businesses; and

Whereas, the City of Dubuque Code of Ordinances Title 4, Chapter 7, Article B, Section 9 provides for the permitting and regulation of taxicab drivers; and

Whereas, the City Council finds that it is in the best interest of the City of Dubuque to combine the licensing, permitting, and regulation of the taxicab businesses and drivers into one ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:**

Section 1. City of Dubuque Code of Ordinances, Title 4, Chapter 7, Article B, Sections 4-7B-8 and 4-7B-9 are repealed.

Section 2. Section 4-7B-8 attached hereto is hereby adopted.

Section 3. This Ordinance takes effect upon publication.  
Passed, approved, and adopted the 18<sup>th</sup> day of February, 2013.

Roy D. Buol, Mayor:

Attest: Kevin S. Firnstahl, City Clerk

Published in the Telegraph Herald newspaper on the 22<sup>nd</sup> day of February 2013.  
/s/Kevin S. Firnstahl, City Clerk

**ARTICLE B.**  
**MOTORIZED VEHICLES FOR HIRE**

**4-7B-8: TAXICAB BUSINESS LICENSE AND TAXICAB DRIVER'S PERMIT:**

**A. Taxicab Business License Requirements; Insurance; Fees.**

1. Taxicab Business License Required: No person may operate a taxicab alone or as part of taxicab business without first having obtained a taxicab business license from the city clerk.

2. Application For Taxicab Business License:

a. An application for a taxicab business license must be filed with the city clerk's office on a form provided by the city clerk.

b. The chief of police will investigate each applicant for a taxicab business license and a report of such investigation will be attached to the application for consideration by the city clerk.

3. Consideration Of Application: The city clerk will, in consultation with the chief of police and upon consideration of the application and the required reports attached thereto, approve or reject the application.

4. Insurance Prerequisite To Issuance; Continuance In Effect: The taxicab business owner must at all times while the license is in effect provide insurance as required by the city manager.

5. Fees: No taxicab business license will be issued or renewed unless the holder thereof has paid an annual taxicab business license fee established by the city manager and an annual vehicle fee established by the city manager for each vehicle in such taxicab business. Such fees are for one (1) year commencing April 1<sup>st</sup>.

6. Denial, Suspension, Or Revocation Of Permit:

a. The city clerk may deny, suspend, or revoke issuance of a taxicab business license for good cause, including but not limited to, any of the following:

(1) Violation of any of the provisions of this article;

(2) Discontinuation of operations for more than sixty (60) days;

(3) Violation of any ordinances of the City or laws of the United States or the state of Iowa or any other state that demonstrates the lack of fitness of the taxicab vehicle permit holder to offer public transportation; or

(4) Misrepresentation on the application for a taxicab business license.

b. Prior to the denial, suspension, or revocation, the taxicab business license holder must be given not less than ten (10) days' written notice by

the city clerk.

c. In the event of a denial, suspension, or revocation of a taxicab business license, no other taxicab business license may be issued to such person for a period of two (2) years thereafter.

7. Appeal: Within ten (10) days after written notice of the revocation, suspension, or denial of issuance of a taxicab business license, an applicant or license holder may file with the city clerk a written notice of appeal to the city manager from such revocation, suspension, or denial. The city manager must provide the taxicab business with notice and an opportunity to be heard on the issue of whether the taxicab business license was properly revoked, suspended, or denied.

8. Taxicabs Registered With City Clerk: The applicant or license holder must register all vehicles operating as taxicabs for the taxicab business with the city clerk. Any new vehicles that begin operating as taxicabs after the taxicab business license is obtained must be registered with the city clerk within fourteen (14) days after such vehicles are acquired.

9. Display Of Taxicab Business License: The taxicab business license must be displayed at the taxicab business location. A copy of the taxicab business license also must be displayed in each vehicle operating as a taxicab for the business and may not be removed until the expiration of the permit.

10. Personal Nature; Transferability: The taxicab business license is personal to the business and may not be sold, assigned, mortgaged, or otherwise transferred. The taxicab business license applies to all registered vehicles operating as taxicabs for the license holder.

11. Property Of City Clerk Upon Loss Or Closure: If any taxicab business license issued under this article is lost or mislaid or the taxicab business closes or ceases operations, the license holder must report such fact to the city clerk immediately. Where a taxicab business license is lost or mislaid, a duplicate license will be issued upon payment of the fee as established by the city manager.

#### B. Driver's Permit Requirements; Fee:

1. Permit Required: No person may drive a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab may allow it to be so driven, unless the driver of said taxicab holds a valid taxicab driver's permit issued under the provisions of this article.

##### 2. Application For Driver's Permit:

a. An application for a taxicab driver's permit must be filed with the city clerk's office on a form provided by the city clerk.

b. An applicant must have, at a minimum, a valid Iowa Class D-3 chauffeur's license or equivalent license issued by another state to obtain a taxicab driver's permit. Temporary restricted licenses or work permit privileges are not sufficient to obtain a taxicab driver's permit.

c. The chief of police will investigate each applicant for a taxicab driver's permit and a report of such investigation will be attached to the application for consideration by the city clerk. Such report will state whether the applicant has, at a minimum, a valid Iowa Class D-3 chauffeur's license or equivalent license issued by another state.

3. Consideration Of Application: The city clerk will, in consultation with the chief



of police and upon consideration of the application and the required reports attached thereto, approve or reject the application.

4. Issuance Of Permit; Duration; Annual Fee:

a. Upon approval of an application for a taxicab driver's permit, the city clerk will issue a permit to the applicant upon the payment of the fee as established by the city manager or the city manager's designee. Such permit will be in effect for the remainder of the calendar year. The permit must be renewed every calendar year thereafter upon the payment of the fee as established by the city manager unless the license for the preceding year is suspended or has been revoked.

b. The driver must wear the taxicab driver's permit upon the clothing of the driver at all times while operating the taxicab.

5. Compliance With City, State, And Federal Laws: A taxicab driver permitted under this article must comply with all city, state, and federal laws.

6. Denial, Suspension, Or Revocation Of Permit:

a. The city clerk may deny, suspend, or revoke a taxicab driver's permit for good cause, including but not limited to, any of the following:

(1) Failure or refusal to comply with the provisions of this article;

(2) Violation of any ordinances of the city, or laws of the United States, the state of Iowa or any other state that demonstrates the lack of fitness of the holder to offer public transportation;

(3) Misrepresentation on the application for a taxicab driver's permit; or

(4) Violations against or loss, denial, suspension, or revocation of a taxicab driver's state of Iowa Class D-3 chauffeur's license or equivalent license issued by another state.

b. Prior to suspension or revocation, the taxicab driver must be given not less than ten (10) days' written notice by the city clerk.

c. In the event of such denial, suspension, or revocation of a taxicab driver's permit, no other taxicab driver's permit will be issued to such person for a period of two (2) years thereafter.

7. Appeal: Within ten (10) days after written notice of the denial, suspension, or revocation of a taxicab driver's permit, a taxicab driver may file with the city clerk a written notice of appeal to the city manager from such revocation, suspension, or denial. The city manager must provide the taxicab driver with notice and an opportunity to be heard on the issue of whether the taxicab driver's permit was properly revoked, suspended, or denied.

8. Personal Nature; Transferability: The taxicab driver's permit is personal to the driver and may not be sold, assigned, mortgaged, or otherwise transferred.

9. Job Change: The taxicab's driver's permit remains valid and personal to the driver through a change of employment. If a taxicab driver becomes employed by another taxicab company after the issuance of the taxicab driver's permit, such a change of employment must be reported to the city clerk within fourteen (14) days.

10. Property Of City Clerk Upon Loss: If any taxicab driver's permit issued under this article is lost or mislaid, the taxicab driver must report such fact to the city

clerk immediately. A duplicate permit will be issued upon payment of the fee as established by the city manager.

11. Reporting Requirements: If suspension, revocation, or any other disciplinary action is taken against a taxicab driver's state of Iowa Class D-3 chauffeur's license or equivalent license issued by another state, the taxicab driver must report such action to the city clerk's office.

Code of Ordinances - Non-Motorized Vehicles Amendment: City Manager recommending approval of an amendment to Code of Ordinances Title 4, Chapter, 7, Article A Non-Motorized Vehicles, to establish procedures for the issuance of licenses for all non-motorized transportation businesses, operator permits and establish appeal procedures for application denials for a license or permit. Motion by Braig 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 Jones. Motion carried 7-0.

Motion by Braig for final consideration and passage of Ordinance No. 8-13 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 7 Vehicles for Hire and Public Transportation, Article A Nonmotorized Vehicles, by Establishing the Procedures for the Issuance of Licenses for All Nonmotorized Transportation Businesses, Operator Permits for Operators of Such Nonmotorized Vehicles, and the Appeal Procedure for a Denial of an Application for a License or Permit. Seconded by Connors. Motion carried 7-0.

**OFFICIAL PUBLICATION  
ORDINANCE NO. 8-13**

**AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 4 BUSINESS AND LICENSE REGULATIONS, CHAPTER 7 VEHICLES FOR HIRE AND PUBLIC TRANSPORTATION, ARTICLE A NON-MOTORIZED VEHICLES, BY ESTABLISHING THE PROCEDURES FOR THE ISSUANCE OF LICENSES FOR ALL NON-MOTORIZED TRANSPORTATION BUSINESSES, OPERATOR PERMITS FOR OPERATORS OF SUCH NON-MOTORIZED VEHICLES, AND THE APPEAL PROCEDURE FOR A DENIAL OF AN APPLICATION FOR A LICENSE OR PERMIT**

Section 1. Title 4, Chapter 7, Article A of the City of Dubuque Code of Ordinances is amended to read as follows:

**ARTICLE A  
NON-MOTORIZED VEHICLES**

**4-7A-1: DEFINITIONS:**

The following words and phrases, when used in this article, shall have the following meanings:

**HORSEDRAWN CARRIAGE:** A chauffeured non-motorized vehicle pulled by horses and engaged in the business of carrying passengers.

**NON-MOTORIZED VEHICLE:** Any conveyance designed to carry an operator and passengers which is propelled by a means other than a motor.

**OPERATOR:** Any person who operates a non-motorized vehicle for the transport of passengers and who receives compensation for such service in wages or commissions or who is otherwise paid, directly or indirectly.

PEDICAB: A chauffeured non-motorized vehicle, propelled by pedals, for the business of carrying passengers.

4-7A-2: POSTING OF RATES:

No person may operate a non-motorized vehicle without posting in clear view within the passenger compartment a printed rate card large enough to be read by the passengers in the vehicle, showing the rates.

4-7A-3: OPERATION REQUIREMENTS:

A. Age of Operator: The operator of a non-motorized vehicle must be a person who is at least eighteen (18) years of age and who holds a valid motor vehicle operator's license.

B. Year Round Operation: The months of operation of a non-motorized vehicle may be year round beginning April 1.

C. Routes: non-motorized vehicles may be operated only on routes within the Main Street district cultural corridor as established by the city manager. The city manager may change such routes at any time in the event of a sudden hazard, construction, special event, or as the city manager otherwise determines necessary.

D. Parking: The operator of a non-motorized vehicle may stop, stand, or park at any non-restricted meters in the Main Street district cultural corridor.

E. Stopping For Picking Up Or Dropping Off: When collecting fees or picking up or dropping off passengers, the operator may stop, stand, or park the non-motorized vehicle only in approved locations or parallel to the curb, taking care not to block traffic lanes, crosswalks, or intersections, or to otherwise impede the flow of vehicular or pedestrian traffic.

F. Use of Streets: non-motorized vehicles may be operated only on city streets and may not be operated on sidewalks.

G. Conducting Business on Private Property: The operator of a non-motorized vehicle may not conduct business on private property without the prior consent of the property owner.

H. Use of Passenger Compartment: Passengers are limited to the passenger compartment of the non-motorized vehicle and may not board or exit the vehicle while it is in motion or in a traffic lane or intersection.

I. Alcoholic Beverages Prohibited: No open alcoholic beverage container or consumption of alcoholic beverages is allowed in a vehicle or in the possession of the operator or passengers.

J. Posting Notices Of Charges And Routes: The operator of a business providing non-motorized vehicle transportation must post notices in each non-motorized vehicle and in each waiting room or at each station owned or used by the operator stating the charges and routes or methods of operation.

K. Vehicle Equipment: non-motorized vehicles must be equipped with headlights, taillights, reflectors, and a slow moving vehicle sign.

L. Safe Condition of Vehicle: The owner or operator of a non-motorized vehicle must keep it in safe operating condition at all times. The chief of police is hereby authorized, either on complaint of any person or otherwise, to inspect a non-motorized vehicle and upon discovery of any unsafe condition, to notify the person operating the vehicle to cease operation. Thereupon said non-motorized vehicle must be kept off the street until such unsafe condition has been corrected.

#### 4-7A-4: BUSINESS LICENSE REQUIREMENTS; FEES; INSURANCE:

A. Business License Required: No person may operate a pedicab, horse-drawn carriage, or other non-motorized passenger transportation business for the purpose of public transportation, whether or not passengers are charged for the service, without first obtaining an annual license therefor as provided in this article.

##### B. Application for Business License:

1. An application for a non-motorized transportation business license must be filed with the city clerk on a form provided by the city clerk.

2. The chief of police will investigate each application for a non-motorized transportation business license and a report of such investigation will be attached to the application for consideration by the city clerk.

C. Consideration of Application: The city clerk will, in consultation with the chief of police and upon consideration of the application and the information required herein, approve or reject the application.

D. Insurance: Prior to the issuance of a license, the applicant must submit to the city clerk proof of, and must maintain at all times during operation of the business, such insurance as the city manager shall determine appropriate.

E. Fees: At the time of issuance of a non-motorized vehicle license, the applicant must pay to the city manager a non-motorized vehicle license fee established by the city manager.

##### F. Denial, Suspension, or Revocation Of License:

1. A license may be denied, suspended, or revoked by the city clerk for good cause, including but not limited to, any of the following: misrepresentation on the application for a non-motorized transportation license, a violation of any of the provisions of this article, any other ordinances of the city, or laws of the United States or the state of Iowa which demonstrate the lack of fitness of the licensee to offer public transportation.

2. Prior to the denial, suspension, or revocation, the licensee must be given not less than ten (10) days' written notice by the city clerk.

3. In the event of the denial, suspension, or revocation of a non-motorized vehicle license, no other non-motorized vehicle license may be issued to the applicant for a period of two (2) years.

G. Display: The non-motorized transportation license must be fastened upon the vehicle and may not be removed until the expiration of the license.

H. Transfer Restricted: No non-motorized transportation license may be sold, assigned, mortgaged, or otherwise transferred.

#### 4-7A-5: OPERATOR'S PERMIT REQUIREMENTS:

A. Operator's Permit Required: No person may operate a non-motorized vehicle for hire upon the streets of the city and no person who owns or controls such vehicle may permit it to be so driven, and no such vehicle may be so driven at any time for hire, unless the driver of such vehicle has first been issued an operator's permit under the provisions of this article.

##### B. Application For Operator's Permit:

1. An application for an operator's permit must be filed with the city clerk on a form provided by the city clerk.

2. The city clerk will cause the chief of police to investigate each applicant for

a permit and a report of such investigation will be submitted to the city clerk. Such report will state whether or not the applicant has a valid motor vehicle operator's license.

C. Consideration of Application: The city clerk will, upon consideration of the application and the reports required by this article, approve or reject the application.

D. Issuance of Permit; Duration; Annual Fee:

1. Upon approval of an application for a permit, the city clerk will issue a permit to the applicant upon the payment of an annual fee as determined by the city manager. Such permit will be in effect for the remainder of the calendar year. The permit may be renewed every calendar year thereafter upon the payment of an annual fee unless the permit for the preceding year has been denied, suspended, or revoked.

2. The operator must wear the license upon his or her clothing at all times during the operation of the vehicle.

E. Compliance With City, State, and Federal Laws: An operator permitted under this article must comply with all applicable city, state, and federal laws in the operation of the non-motorized vehicle.

F. Denial, Suspension, or Revocation of Permit:

1. The city clerk may suspend, revoke, or deny issuance of an operator's permit for good cause, including but not limited to, any of the following:

a. Failure or refusal to comply with the provisions of this article;

b. Violation of any ordinances of the city, or laws of the United States, the state of Iowa or any other state that demonstrates the lack of fitness of the holder to offer public transportation; or

c. Misrepresentation on the application for an operator's permit;

2. Prior to the denial, suspension, or revocation, an operator must be given not less than ten (10) days' written notice by the city clerk.

3. In the event of the denial, revocation, or suspension of an operator's permit, no other operator's permit may be issued to the person for a period of one (1) year thereafter.

G. Appeal: Within ten (10) days after the denial, suspension or revocation of an operator's permit, a non-motorized vehicle operator may file with the city clerk a written notice of appeal to the city manager from such denial, suspension, or revocation. The city manager must provide the non-motorized vehicle operator with notice and an opportunity to be heard on the issue of whether the operator's permit was properly denied, suspended, or revoked.

H. Personal Nature; Transferability: The non-motorized vehicle operator's permit is personal to the operator and may not be sold, assigned, mortgaged, or otherwise transferred.

I. Property Of City Clerk Upon Loss: If any operator's permit issued under this article is lost or mislaid, the operator must report such fact to the city clerk immediately. A duplicate permit will be issued upon payment of the fee as established by the city manager.

Section 2. This Ordinance takes effect on publication.

Passed, approved, and adopted the 18<sup>th</sup> day of February, 2013.

Roy D. Buol, Mayor:

Attest: Kevin S. Firnstahl, City Clerk

Published in the Telegraph Herald newspaper on the 22<sup>nd</sup> day of February 2013.

/s/Kevin S. Firnstahl, City Clerk

Multi-Family Rental Unit Production Round 5 - 2811-12 Jackson Street: City Manager recommending approval of an application for CDBG Multi-Family Rental Unit Production - Round 5 funding as part of a project to create multi-family rental units at 2811-2812 Jackson Street. Motion by Connors to receive and file the documents and adopt Resolution No. 59-13 Resolution of Support to the Iowa Economic Development Authority on behalf of Queck Property Management Group for submittal of an application for a CDBG Disaster Multi-Family Unit Production Round 5 Application. Seconded by Braig. Motion carried 7-0.

Multi-Family Rental Unit Production Round 5 - 901 Jackson Street: City Manager recommending approval of an application for CDBG Multi-Family Rental Unit Production - Round 5 funding as part of a project to create multi-family rental units at 901 Jackson Street. Motion by Resnick to receive and file the documents and adopt Resolution No. 60-13 Resolution of Support to the Iowa Economic Development Authority, on behalf of Tim McNamara, Wilmac Property Group, for submittal of an application for a CDBG Disaster Multi-Family Unit Production Round 5 Application. Seconded by Jones. Motion carried 7-0.

Iowa Clean Air Attainment Program (ICAAP) - Rail Improvements Grant Application: City Manager recommending the City submit a grant application through the Iowa Department of Transportation Iowa Clean Air Attainment Program (ICAAP) to provide needed improvements in the Port of Dubuque for passenger rail service from Chicago. Motion by Connors to receive and file the documents and adopt Resolution No. 61-13 Endorsing the submission of an Iowa Clean Air Attainment Program (ICAAP) Grant Application to the Iowa Department of Transportation to fund improvements to accommodate passenger rail improvements. Seconded by Braig. Responding to questions from the City Council, the City Manager, Economic Development Director Dave Heiar and Transportation Director for ECIA Chandra Ravada provided information on securing grant funds, matching funds, project timeline, the impact of the Illinois rail project, negotiations with the different railroads, and the benefits of locating passenger rail in the Port of Dubuque as opposed to the Historic Millwork District. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Mayor Buol congratulated the Dubuque Senior High Speech Team on winning the State competition.

There being no further business, upon motion the City Council adjourned at 7:58 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk