

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

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

Present: Mayor Buol; Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton; Assistant City Manager Cindy Steinhauser, 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)

Fair Housing Month (April 2013);
Family and Medical Leave Act 20th Anniversary; and
Women's History Month (March 2013) were accepted by R.S.S. Stewart, Vice Chairperson of the Human Rights Commission.

CONSENT ITEMS

Motion by Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 7-0.

Minutes and Reports Submitted: Cable TV Commission of 2/6; City Council Proceedings of 2/28 and 3/4; Historic Preservation Education Task Force of 3/7; Library Board of Trustees of 1/24 and 2/11; Library Board of Trustees Update of 2/28; Mechanical Code Board of 3/7; Park & Recreation Commission of 2/12; Safe Community Advisory Committee of 1/9; Zoning Advisory Commission of 3/6; Zoning Board of Adjustment of 2/28; Proof of Publication for City Council Proceedings of 2/18; 2/19, 2/21, 2/25, 2/26, 2/27, and 2/28. Upon motion the documents were received and filed.

Notice of Claims and Suits: Carla Olivarez for vehicle damage, Robert Sarazin for property damage, Donna Schmitt for vehicle damage, Bart Weiden for vehicle damage. Upon motion the documents were received, filed and referred to the 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: Carla Olivarez for vehicle damage, Bart Wieden for vehicle damage. Upon motion the documents were received, filed and concurred.

State of Iowa - Old Highway Road Acceptance of Easements: City Manager recommending acceptance of a Watermain, Fiber Optic Lines and Appurtenances Easement from the State of Iowa for existing watermain and fiber optic lines along the northerly right-of-way line of Old Highway Road near Radford Road. Upon motion the documents were received and filed and Resolution No. 82-13 Accepting the grant of an easement for watermain, fiber optic lines and appurtenances through, under and across a part of Lot 2-1 and Lot 2-1-A all in the SE ¼ - SW ¼ Section 29, T89N, R2E, 5th P.M. in the City of Dubuque, Dubuque County, Iowa, was adopted.

Acceptance of Deed - 735 Caledonia Place: City Manager recommending acceptance of the deed for 735 Caledonia Place from the James P. Lammer Estate. Upon motion the documents were received and filed and Resolution No. 83-13 Accepting the deed to certain real estate in Dubuque County, Iowa, from James P. Lammer Estate was adopted.

Homelessness Prevention and Rapid Re-Housing Program - Grant Close Out: City Manager recommending approval for the Mayor to sign the grant closeout certification and other required documentation to close out the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant the City received in 2009. Upon motion the documents were received and filed and Resolution No. 84-13 Authorizing execution of a Homelessness Prevention and Rapid Re-Housing (HPRP) Grantee Closeout Certification with the U.S. Department of Housing and Urban Development was adopted.

Iowa DOT - Railroad Grade Crossing Repair Agreement at East 14th Street: City Manager recommending approval of the State of Iowa Federal-Aid Grade Crossing Surface Repair Agreement for the construction of surface improvements at the East 14th Street railroad grade crossing. Upon motion the documents were received and filed and Resolution No. 85-13 Approving State of Iowa Federal-Aid Grade Crossing Surface Repair Agreement for the construction of surface improvements at the railroad crossing located at East 14th Street (Agreement 376125P) was adopted.

Federal Emergency Management Agency (FEMA) - Flood Insurance Rate Map Changes: City Manager transmitting correspondence from the Federal Emergency Management Agency (FEMA) regarding revisions to five panels of the City's Flood Insurance Rate Maps (FIRM) along the City's riverfront. Upon motion the documents were received and filed.

Plat of Survey - Littleton and Sawyer's Subdivision, Plat 2: Zoning Advisory Commission recommending approval of the Plat of Survey Littleton and Sawyer's Subdivision Plat 2 subject to waiving the lot frontage requirements for Lots 1 and 2 as

requested by MK Properties, LLC. Upon motion the documents were received and filed and Resolution No. 86-13 Approving the Plat of Survey Littleton and Sawyer's Subdivision, Plat 2 in the City of Dubuque, Iowa, was adopted.

AmeriCorps Program - Clerical Assistant: City Manager recommending approval for the continuation of a Clerical Assistant under the AmeriCorps Partners in Learning Grant. Upon motion the documents were received, filed and approved.

Asbestos Survey and Monitoring of Abatement - Old Mill and Mason Roads: City Manager recommending approval of the award to Carno ATC for 35 samples and all required reports related to Asbestos Survey and Monitoring of Abatement for the flood-damaged properties at 1711 Old Mill Road and 1654 Manson Road. Upon motion the documents were received, filed and approved.

PEG Capital Expenditure Request: City Manager recommending approval of the Cable TV Commission recommendations for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities up to \$200 for Mediacom to purchase a video demodulator to improve the signal quality of the Mercy Mass video feed. Upon motion the documents were received, filed and approved.

Old House Enthusiasts - Grant Application: City Manager recommending approval for the Historic Preservation Commission to apply for a \$1,500 grant from the Old House Enthusiasts for digitizing historic City Directories. Upon motion the documents were received, filed and approved.

U.S. Housing and Urban Development - Sequestration Correspondence: City Manager transmitting two letters from the U.S. Department of Housing and Urban Development (HUD) concerning the effects of the Sequestration budget on the programs of the Housing and Community Development Department. Upon motion the documents were received and filed.

Urban Youth Corps Grant: City Manager recommending approval of the Urban Youth Corps Grant application to the Iowa Department of Transportation for hiring three 16 to 21-year-old youths to work specific tasks in the park system this summer. Upon motion the documents were received, filed and approved.

Dubuque Water Sports Club - Lease Approval: City Manager recommending approval of the annual lease with the Dubuque Water Sports Club (formerly Dubuque Water Ski Club) for a section of Schmitt Island. Upon motion the documents were received, filed and approved.

Dubuque Metropolitan Area Solid Waste Agency (DMASWA): Correspondence from the Board of Directors of the Dubuque Metropolitan Area Solid Waste Agency informing the City that the DMASWA has voted to extend its Waste Delivery Contract for an additional year commencing July 1, 2013 through June 30, 2014. Upon motion the documents were received and filed.

Interstate Power and Light Company Power Purchase Agreement: City Manager recommending approval of a Power Purchase Agreement between the City of Dubuque and Interstate Power and Light Company. Upon motion the documents were received, filed and approved.

Request for Proposal - Water & Recourse Recovery Center Energy Management Consulting: City Manager recommending approval to distribute a Request for Proposal for a consultant to optimize energy use by the Water & Resource Recovery Center's new industrial equipment and for Energy Star commissioning of the administration building. Upon motion the documents were received, filed and approved.

Iowa DOT Emergency Detour Agreement - Catfish Creek Bridge Replacement: City Manager recommending approval for the Mayor to execute an agreement with the Iowa Department of Transportation for the use of local roads as an authorized emergency detour route for US 52/61/151 improvements and Catfish Creek Bridge Replacement Project. Upon motion the documents were received and filed and Resolution No. 87-13 Approving the Iowa Department of Transportation Agreement for Use of Local Agency Roads as an Emergency Detour route for US 52/61/151 Improvements and Catfish Creek Bridge Replacement Project was adopted.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Fischer Lanes: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Fisher Lanes, 880 Locust Street. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Happy Joe's Old Fashioned Ice Cream & Pizza Parlor: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Happy Joe's, Old Fashioned Ice Cream & Pizza Parlor, 855 Century Drive. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Salsa's Mexican Restaurant: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Salsa's Mexican Restaurant, 1091 Main Street. Upon motion the documents were received, filed and approved.

Business License Refunds: Request by Ric Worcester from Off Minor for a refund of a liquor license in the amount of \$422.50. Request by Bandana's Missouri, LLC from Bandana's Bar-B-Q for a refund of a liquor license in the amount of 168.75. 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 and filed and Resolution No. 88-13 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.

Weaver Castle, LLC - Development Agreement for 324-326 W. Locust Street: City Manager recommending that a public hearing be set for April 1, 2013, to approve a Development Agreement with Weaver Castle, LLC to redevelop property located at 324-326 W. Locust Street into four apartments. Upon motion the documents were received and filed and Resolution No. 89-13 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa, on the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a Development Agreement relating thereto with Weaver Castle, LLC, and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 1, 2013 in the Historic Federal Building.

Request to Vacate University Avenue Extension - MRJD Properties: City Manager recommending approval of a request by MRJD Properties to vacate portion of University Avenue Extension adjacent to Iowa Auto Glass at 2796 University Avenue and that a public hearing be set for April 1, 2013 on the disposal of this property. Upon motion the documents were received and filed and Resolution No. 90-13 Resolution of Intent to vacate and dispose of City interest in Lot 2A University Avenue Extension Place in the City of Dubuque, Iowa, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 1, 2013 in the Historic Federal Building.

BOARDS/COMMISSIONS

Review of application to the following board/commission:

Civil Service Commission: 1 three-year term through April 6, 2017 (Expiring term of White). Applicant: Daniel White, 2919 Elm Street.

PUBLIC HEARINGS

30-Inch Force Main Project Phase I (9th - 11th Streets): City Manager recommending rescinding Resolution No. 78-13, which will cancel the public bidding process for Phase I of the 30 Inch Force Main Relocation Project from 9th Street to 11th Street and re-initiate the project at a future City Council meeting once the plans and specifications have been updated to reflect the new scope of work. Motion by Lynch to receive and file the documents and adopt Resolution No. 91-13 Rescinding Resolution No. 78-13, Approving preliminary plans, specifications, form of contract and estimated cost; setting date of public hearing on plans, specifications, form of contract and estimated cost; and

ordering the advertisement of bids for phase I of the 30 Inch Force Main Relocation Project from 9th Street to 11th Street. Seconded by Jones. Motion carried 7-0.

Petition to Vacate - University Avenue Extension: City Manager recommending rescission of Resolution No. 74-13, resulting in the cancellation of the intent to vacate and dispose of City interest to Dubuque Mattress, Inc. for the vacating petition of University Avenue Extension. Motion by Lynch to receive and file the documents and adopt Resolution No. 92-13 Rescinding Resolution No. 74-13 Intent to Vacate and Dispose of City Interest in Lot 2A University Extension Place. Seconded by Jones. Motion carried 7-0.

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

Request to Vacate - Sanitary Sewer Easement at University Extension Place: Proof of publication on notice of public hearing to consider a request by Douglas Dolter of Dubuque Mattress, Inc., to dispose of city interest in a sanitary sewer easement over Lot 2 University Extension Place and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 93-13 Disposing of City Interest in a sanitary sewer easement in Lot 2 University Extension Place in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

SEP Green Alley Permeable Pavers Project - Loras Boulevard and Arlington Streets from Prairie Street to Dell Street: Proof of publication on notice of public hearing to approve plans, specifications, form of contract, and estimated cost for the SEP Green Alley Permeable Paver Project (Between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street) and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 94-13 Approval of plans, specifications, form of contract, and estimated cost for SEP Green Alley Permeable Paver Project (Between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street). Seconded by Braig. City Engineer Gus Psihoyos responded to questions regarding the concrete makeup of the pavers and used in the perimeter framing and steep grade areas. Motion carried 7-0.

Unified Development Code Text Amendment Articles 5 & 14: Parks and Parking: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend Appendix A (The Zoning Ordinance) of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Article 14-6, Off-Street Parking Requirements, to add Parks, Public or Private, and Similar Natural Recreation Areas to the list of Land Uses 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. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 17-13 Amending Appendix A (The Zoning Ordinance) of the City of Dubuque Code of

Ordinances, Unified Development Code, by amending Article 14-6, Off-Street Parking Requirements, to add Parks, Public or Private, and Similar Natural Recreation Areas to the list of Land Uses and by Amending Article 5, Zoning Districts, to modify how Parks is listed as a Permitted Use. Seconded by Resnick. Motion carried 7-0.

Unified Development Code Text Amendment - Sidewalk Installation: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend Article 13-3.6(A) of the Unified Development Code regarding installation of sidewalks 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 Braig. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 18-13 Amending City of Dubuque Code of Ordinances, Title 16 Unified Development Code, Chapter 13 Site Development Standards, Section 3-6(A) Sidewalks and Walkways, to reference the General Sidewalk Requirements in the Code of Ordinances. Seconded by Braig. Motion carried 7-0.

Wilmac Property Company - Linseed Oil Paintworks Building: Proof of publication on notice of public hearing to consider entering into a Development Agreement for the property located at 151 East 9th Street (Corner of 9th and Jackson) and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 95-13 Approving issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a Development Agreement relating thereto with Wilmac Property Company. Seconded by Connors. Motion carried 7-0.

Sewer Revenue Capital Loan Notes - State of Iowa Revolving Fund Loan: City Manager recommending approval of the suggested proceedings for the issuance of not to exceed an additional \$700,000 Sewer Revenue Capital Loan Notes from the Iowa Water Pollution Control Works Financing Program. Motion by Braig to receive and file the documents and adopt Resolution No. 96-13 Ratifying, confirming and approving publication of Notice of Public Hearing for the issuance of an additional amount of not to exceed \$700,000 Sewer Revenue Capital Loan Notes; and Resolution No. 97-13 Instituting proceedings to take additional action for the authorization of a loan and disbursement agreement and the issuance of an additional amount of not to exceed \$700,000 Sewer Revenue Capital Loan Notes. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

Park & Recreation Commission - Pets in Parks Recommendation: Council Member Ric Jones submitting a request to reconsider a proposed ordinance allowing leashed, licensed dogs in City parks.

Correspondence from the Park & Recreation Commission relaying additional recommendations related to Veteran's Memorial Plaza and play areas. Correspondence from Health Services relaying current violation statistics related to pets in parks. Correspondence from Leisure Services relaying research about other cities related to pets in parks. Materials from the March 4, 2013 Council Meeting.

Motion by Jones to reconsider the proposed ordinance. Seconded by Braig. Motion carried 7-0.

Restated motion by Jones to consider the first reading of a proposed ordinance (with recommended changes) amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation By Adding Definitions Relating to Animals; Restricting Horsedrawn Vehicles; Permitting Dogs, Cats, and Domesticated Animals in Certain Parks, Open Spaces, and Trails Subject to Conditions; Establishing Leash and Waste Clean-Up Requirements; Prohibiting Animals Running At-Large Within Parks, Open Spaces, or Trails; Permitting the Exercising of Dogs off Leash in Certain Areas; and Revising Park, Open Spaces and Trail Descriptions. Seconded by Braig. Motion carried 4-3 with Connors, Lynch, and Sutton voting nay. (The second reading of this ordinance is scheduled for April 15, 2013).

City Council requested the following changes be made to the ordinance for the second reading: 1) One-year trial period with evaluation; 2) Evaluation on enforcement options; 3) Shorten the list of eligible parks; and 4) A clear definition of the geography of play areas. Council also requested information from staff related to funding of the associated costs of amenities such as waste bag, signage and public education. Council discussion included concerns over health and safety, increased enforcement options, additional costs, and impact on hosted events and pavilions. Leisure Services Manager responded to questions from the City Council.

City Hall Envelope Restoration (Tuckpointing) - Project Award: City Manager recommending award of the contract for the City Hall Envelope Restoration (tuckpointing) to the low bidder, Randy Williams d/b/a R & W Restoration. Motion by Braig to receive and file the documents and adopt Resolution No. 98-13 Awarding the public improvement contract for the City Hall Envelope Restoration (Tuckpointing) Project. Seconded by Connors. Responding to questions, Architect Jeff Morton provided a clarification on the base bid and unit pricing of the bid tabulation and the qualifications of the successful contractor. Motion carried 7-0.

Water & Resource Recovery Center Cogeneration Facilities - Award of Contract: City Manager recommending award of the contract for the Water & Resource Recovery Center Cogeneration Facilities Project to Total Mechanical Systems Incorporated. Motion by Jones to receive and file the documents and adopt Resolution No. 99-13 Awarding the public improvement contract for the Water & Resource Recovery Center Cogeneration Project. Seconded by Connors. W&RRC Manager Jonathon Brown and Randy Wertz of Strand Associates responded to questions regarding approximate costs, payback, and life expectancy of the turbines. Motion carried 7-0.

Housing Assistance Payment Fund Balance: City Manager recommending funds be deposited into the Housing Assistance Program fund from identified savings in the

general fund to comply with a U.S. Department of Housing and Urban Development (HUD) reporting requirement. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Housing and Community Development Funding Partnership: City Manager recommending approval of a proposed partnership between the Community Housing Initiatives (CHI), Dubuque Bank and Trust (DB&T) and the City Housing Department to restore about 18 units in the Washington Neighborhood. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Housing and Community Development Director Alvin Nash responded to questions regarding the commercial/residential makeup of the units and provided more information on CHI. Motion carried 7-0.

Sustainable Dubuque - Request for Work Session: City Manager recommending that the City Council schedule a Sustainable Dubuque quarterly work session for Monday, May 6, at 5:00 p.m. to hear the final reports from the University of Iowa-Iowa Initiative for Sustainable Communities students. Motion by Connors to schedule the work session as recommended. Seconded by Jones. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Braig expressed an interest in a work session on the Historic Millwork District at a future date.

Resnick and Buol reported on their attendance at the recent Taste of the World event sponsored by the Multicultural Family Center stating that they thought it a successful and well attended event.

There being no further business, upon motion the City Council adjourned at 7:53 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 3/27