

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 15, 2013 in the Historic Federal Building, 350 W. 6th Street.

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

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)

Young Professionals Community Days of Caring Day (April 26, 2013) was accepted by Julie Kronlage of the Dubuque Convention and Visitors Bureau.

Laughter Day (May 5, 2013) was accepted by Patrick Sterenchuk of Laughter Yoga, 239 Alpine Street.

Dress Blue for MS Day (May 3, 2013) was accepted by Barbara Robbins, 6190 Glen Eagle Court, during Public Input.

CONSENT ITEMS

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

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 1/22, City Council proceedings of 4/8, Civil Service Commission of 4/18, Electrical, Code Board of 3/25, Historic Preservation Commission of 3/21, Historic Preservation Commission Education Task Force of 4/4, Library, Board of Trustees Update of 3/28, Long Range Planning Advisory Commission of 3/20, Park and Recreation Advisory Commission of 3/12, Zoning Board of Adjustment of 3/28, Proof of Publication for City Council proceedings of 3/18, Proof of Publication for List of Claims and Summary of Revenues for month ended 2/28. Upon motion the documents were received and filed.

Notice of Claims and Suits: Candy Hirsch for personal injury; William Latham for property damage; Anna Mae McClain for vehicle damage; Turpin Dodge Chrysler Jeep

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: Candy Hirsch for personal injury; Lee Latham for property damage; Anna Mae McClain for vehicle damage; Robert Piel, Sr. for personal injury; Turpin Dodge Chrysler Jeep for vehicle damage. Upon motion the documents were received, filed and concurred.

The Moving Wall™: Certificate of Appreciation from The Moving Wall™ thanking the City of Dubuque for its support during its stop in the Port of Dubuque. Upon motion the document was received and filed.

Hazard Mitigation Property Acquisition Demolition Program: City Manager recommending approval of the bid specifications for abatement of asbestos-containing materials and demolition of the flood-damaged structures at 1711 Old Mill Road and 1654 Manson Road. Upon motion the documents were received, filed and approved.

Five Flags Center - Fiscal Year 2014 Detailed Operating Budget: City Manager recommending approval of the Fiscal Year 2014 Five Flags Center proposed operating budget submitted by SMG. Upon motion the documents were received, filed and approved.

Fiscal Year 2014 Community Development Block Grant Program: City Manager recommending approval of the Request for Release of Funds for the proposed projects approved in the Fiscal Year 2014 (Program Year 2013) Annual Action Plan for Community Development Block Grant activities. Upon motion the documents were received and filed and Resolution No. 112-13 Authorizing Request for Release of Community Development Block Grant Funds for Fiscal Year 2014 (Program Year 2013) was adopted.

Dubuque Golf & Country Club - Fireworks Request: Correspondence from Richard Bugalski, General of the Dubuque Golf & Country Club requesting permission to display fireworks on Thursday, July 4, 2013 at about 9:30 p.m. on the DG&CC grounds with a rain date of July 5, 2013. Upon motion the document was received, filed and approved.

Emergency Fire Dispatch (EFD) and Emergency Police Dispatch (EPD) Protocols: City Manager recommending approval to purchase Emergency Fire Dispatch and Emergency Police Dispatch Protocols from the Academy of Emergency Dispatch (Priority Dispatch). Upon motion the documents were received, filed and approved.

Prosperity Eastern Iowa (PEI) Membership: City Manager recommending approval to amend the Fiscal Year 2014 budget to increase the City's membership dues for Prosperity Eastern Iowa. Upon motion the documents were received, filed and approved.

Multicultural Family Center - Future Talk Program Assistant: City Manager recommending approval of the creation of a Future Talk Program Assistant position at the Multicultural Family Center. Upon motion the documents were received, filed and approved.

Iowa Economic Development Authority - Rousselot Dubuque, Inc.: City Manager recommending approval of an amended contract with the Iowa Economic Development Authority for financial assistance on behalf of Rousselot Dubuque, Inc. for an expansion of their facility at 2350 Kerper Boulevard. Upon motion the documents were received and filed and Resolution No. 113-13 Approving an Economic Development Assistance Contract by and among Rousselot Dubuque, Inc., the City of Dubuque and the Iowa Economic Development Authority was adopted.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Account Clerk I, Land Surveyor, and Police Lieutenant. Upon motion the documents were received, filed and made a Matter of Record.

Zoning Board of Adjustment: Commissioner Michael Ruden submitting his resignation from the Zoning Board of Adjustment. Upon motion the documents were received, filed and the resignation accepted.

Request for Proposal - Port of Dubuque Marina Startup and Operation Consultant Services: City Manager recommending approval of the selection of Westrec Marinas for startup and operation consultant services for the Port of Dubuque Marina. Upon motion the documents were received, filed and approved.

Request for Proposal - Telecommunications Carrier Assessment: City Manager recommending approval of the release of a joint Request for Proposal for Telecommunications Services for Dubuque County and the City of Dubuque for local voice, long distance, wide area network and internet services. Upon motion the documents were received, filed and approved.

Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company informing the City of rate adjustments being implemented on or about May 1, 2013. Upon motion the document was received and filed.

Sustainable Dubuque Monthly Project Status Report: City Manager transmitting the Sustainable Dubuque Project Status Report for March 2013. Upon motion the documents were received and filed.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Classic Protective Coatings, Inc. for the Asbury Water Tank Reconditioning Project; Nauman Nursery, Inc. for Dubuque Pack Memorial Landscaping; Portzen Construction, Inc. for

the SEP Green Alley Project (Loras/Arlington). Upon motion the documents were received, filed and approved.

Signed Contracts: Management Agreement with Kenneth Clayton for Miller-Riverview Park and Dubuque Water Sports Club. Upon motion the document was received and filed.

Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses applications as submitted. Upon motion the documents were received and filed and Resolution No. 114-13 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; and Resolution No. 115-13 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

Grand River Center Management Agreement Extension: City Manager recommending approval of a temporary extension of the existing agreement with Platinum Hospitality Group, LLC for management of the Grand River Center. Upon motion the documents were received and filed and Resolution No. 117-13 Approval of an amendment to the Facility Management Agreement between the City of Dubuque, Iowa, and Platinum Hospitality Group, LLC 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. Heather Kakert with Ament Design and Gary Blosch of the Building Services Department provided a brief presentation on the Fifth and Bluff Streets Public Restroom Project.

Fifth and Bluff Streets Public Restroom Project: City Manager recommending initiation of the public bidding process for the 5th and Bluff Public Restroom Project, and further recommends that a public hearing be set for May 6, 2013. Upon motion the documents were received and filed and Resolution No. 118-13 Preliminary approval of plans, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specifications, form of contract, and estimated cost; and ordering the advertisement for bids (5th and Bluff Public Restroom Project) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 6, 2013 in the Historic Federal Building.

Water Main Relocation Project - Hwy. 151/61 and South Grandview Avenue Overpass: City Manager recommending initiation of the bidding process for the Highway 151/61 South Grandview Avenue Overpass Water Main Relocation Project, and further recommends that a public hearing be set for May 6, 2013. Upon motion the documents were received and filed and Resolution No. 119-13 Preliminary approval of the

specifications, form of contract, and estimated cost; setting date of public hearing on the specifications, form of contract, and estimated cost; and ordering the advertisement for bids (Hwy. 151/61 South Grandview Avenue Overpass Water Main Relocation Project) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 6, 2013 in the Historic Federal Building.

Sale of Property - 2268 Washington Street: City Manager recommending that a public hearing be set for May 6, 2013 on the sale of City-owned real estate at 2268 Washington Street to Kaylyn A. Mullady. Upon motion the documents were received and filed and Resolution No. 120-13 Resolution of Intent to dispose of City-owned property, Lot 1 Bee Branch Sub. No. 7, in the City of Dubuque, Iowa, according to the recorded plat thereof -- 2268 Washington Street, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 6, 2013 in the Historic Federal Building.

Fiscal Year 2013 Second Budget Amendment: City Manager recommending that a public hearing be set for May 6, 2013 on Fiscal Year 2013 Budget Amendment No. 2. Upon motion the documents were received and filed and Resolution No. 121-13 Setting the date for the public hearing on Amendment No. 2 to the Fiscal Year 2013 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 6, 2013 in the Historic Federal Building.

Greater Downtown Urban Renewal District Amendment Including Expansion: City Manager recommending approval of a Resolution of Necessity that finds that an amendment of the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District is both necessary and appropriate and would be expanded to include the area bounded by Harrison, Salina, and Camp Streets. He further recommends that a public hearing on the proposed amendment be set for June 3, 2013. Upon motion the documents were received and filed and Resolution No. 122-13 Resolution of Necessity finding that a certain area adjacent to the Greater Downtown Urban Renewal District meets the definition of a blighted area under the Urban Renewal Law, and that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Urban renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 3, 2013 in the Historic Federal Building.

Lake Ridge - Urban Renewal District Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an Amended and Restated Urban Renewal Plan for the Lake Ridge Economic Development District is both necessary and appropriate and further recommends that a public hearing on the proposed amendment be set for June 3, 2013. Upon motion the documents were received and filed and Resolution No. 123-13 Resolution of Necessity finding that the established Lake Ridge Economic Development District meets the definition of an Economic Development Area under the Urban Renewal Law, and that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Urban Renewal Plan for said District was

adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 3, 2013 in the Historic Federal Building.

Dubuque Brewing and Malting - Urban Renewal District Amendment: City Manager recommending adoption of a Resolution of Necessity that finds that an Amended and Restated Urban Renewal Plan for the Dubuque Brewing and Malting Urban Renewal District is both necessary and appropriate and further recommends that a public hearing on the proposed amendment be set for June 3, 2013. Upon motion the documents were received and filed and Resolution No. 124-13 Resolution of Necessity finding that the established Brewing and Malting Urban Renewal District meets the definition of a Blighted Area under the Urban Renewal Law, and that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed Amendment to the Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 3, 2013 in the Historic Federal Building.

Industrial Center Urban Renewal District Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an amendment of the Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District is both necessary and appropriate and further recommends that a public hearing on the proposed amendment be set for June 3, 2013. Upon motion the documents were received and filed and Resolution No. 125-13 Resolution of Necessity finding that the established Dubuque Industrial Center Economic Development District meets the definition of an Economic Development Area under the Urban Renewal Law, and that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 3, 2013 in the Historic Federal Building.

Technology Park Urban Renewal District Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center / South Economic Development District is both necessary and appropriate; determines that the District shall henceforth be referred to as the Dubuque Technology Park Economic Development District and further recommends that a public hearing on the proposed amendment be set for June 3, 2013. Upon motion the documents were received and filed and Resolution No. 126-13 Resolution of Necessity finding that the established Dubuque Industrial Center / South Economic Development District meets the definition of an Economic Development Area under the Urban Renewal Law, determining that the name and all subsequent references to the district shall change to the Dubuque Technology Park Economic Development District, that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 3, 2013 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions:

Building Code Board of Appeals: One 3-Year term through August 1, 2014 (Vacant term of Anglese). Applicant: Mary Gotz, 1844 Bennett St. Ms. Gotz spoke in support of her appointment.

Zoning Board of Adjustment: Two 5-Year terms: One term through March 25, 2015 (Vacant term of Ruden); and One term through March 25, 2018 (Expiring term of Cremer). Applicants: Eugene Bird, 3357 Arrowwood Ln.; Jeff Cremer, 919 ½ Bluff St.

PUBLIC HEARINGS

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

Safe Routes To School - Dubuque School Safety Improvements Project: Proof of publication on notice of public hearing to consider the approval of plans, specifications, form of contract and estimated cost for the Safe Routes to School Program - Dubuque School Safety Improvements Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 127-13 Approval of plans, specifications, form of contract, and estimated cost for Safe Routes to School Program – Dubuque School Safety Improvements Project #SRTS-U-2100(663)--8U-31. Seconded by Connors. Connors requested that staff provide a status report on the project after one year. Motion carried 7-0.

Bunker Hill Pump Station Improvement Project: Proof of Publication on notice of public hearing to consider the approval of plans, specifications, form of contract and estimated cost for the Bunker Hill Pump Station Improvement Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 128-13 Approval of specifications, form of contract, and estimated cost for the Bunker Hill Pump Station Improvement Project. Seconded by Braig. Park Division Manager Steve Fehsal and Water Plant Manager Bob Green advised the Council that the impact on the adjacent dog park will be kept to a minimum and temporary fencing used during construction. Motion carried 7-0.

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

ACTION ITEMS

Park & Recreation Commission - Pets in Parks Recommendation (Second Reading): Park & Recreation Commission submitting revised recommendations regarding allowing pets in City parks. City Manager submitting informational memos. Motion by Jones to receive and file the documents and consider the second reading of a proposed ordinance 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. Park and Recreation Commissioner Chuck Harris provided information on the amendments recommended by the City Council at the April 1, 2013 meeting. City Council discussed concerns about enforcement, safety, sanitation and cost issues, and a trial period with evaluations. Motion failed 5-2 with Braig and Jones voting yay.

Sewer Revenue Capital Loan Note Series 2010E: City Manager recommending approval of the proceedings to approve the revised loan documents concerning the increase in the principle amount of the Sewer Revenue Capital Loan Note, Series 2010E in order to provide funding for the Bee Branch Watershed Green Infrastructure Project. Motion by Connors to receive and file the documents and adopt Resolution No. 116-13 Amending the Series Resolution (Resolution No. 302-10) approved on August 10, 2010, said Resolution Approving and Authorizing a Loan and Disbursement Agreement by and Between the City of Dubuque and the Iowa Finance Authority and Authorizing and Providing for the Issuance of the \$64,885,000 Sewer Revenue Capital Loan Note, Series 2010E, in order to provide for the funding of the Bee Branch Watershed Green Infrastructure Project under the terms of a new Series 2010E Note in the principal amount of \$74,285,000. Seconded by Lynch. Motion carried 7-0.

Code of Ordinances - Motorcycles and Motorized Bicycles: City Manager recommending approval of an amendment to the Motorcycles and Motorized Bicycles Ordinance that requires that a person operating a motorcycle or motorized bicycle keep at least one hand on the handlebars at all times during operation. Motion by Lynch to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Braig. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 22-13 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 7 Operation, Division 3 Operation of Motorcycles and Motorized Bicycles, Section 9-7-321.275 Motorcycles and Motorized Bicycles by requiring a person operating a motorcycle to keep at least one (1) hand on the handlebars at all times. Seconded by Jones. Motion carried 7-0.

Food Scrap Collection Alternative: City Manager recommending approval of a proposed food scrap and yard debris composting contract with Full Circle Organics, LLC. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Resource Management Coordinator Paul Schultz provided information on what can be recycled with the program, commercial and residential differences, economy, and subscription to the program. Motion carried 7-0.

Request for Work Session - Port of Dubuque Marina Tour: City Manager requesting that the City Council schedule a work session for May 20, 2013, at 5:00 p.m. to tour the Port of Dubuque Marina prior to the June 1, 2013 dedication. Motion by Lynch to receive and file the document and schedule the work session as recommended. Seconded by Connors. Motion carried 7-0.

Request to Schedule Work Session - Historic Millwork District: City Manager requesting that the City Council schedule a work session on Monday, June 17, at 5:15 p.m. on a comprehensive update of the Historic Millwork District. Motion by Connors to receive and file the document and schedule the work session as recommended. Seconded by Lynch. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones received verification to citizen correspondence that the storm water issue on Kaufmann Avenue was being addressed by staff.

Mayor Buol and Council Member Sutton reported on participating in the tree planting program on April 13 at Mt. Pleasant Home.

There being no further business, upon motion the City Council adjourned at 8:05 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 4/24