

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

The Dubuque City Council met in special session at 5:00 p.m. on May 20, 2013 at the Port of Dubuque Marina.

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 tour of the Port of Dubuque Marina.

**WORK SESSION
Port of Dubuque Marina Tour**

Leisure Services Manager, Marie Ware led a tour of the Port of Dubuque Marina that is scheduled to open June 1, 2013. Council expressed how wonderful everything looked.

There being no further business upon motion the City Council adjourned at 5:46 p.m.

/s/Trish L Gleason, CMC
Assistant City Clerk

1t 5/29

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

The Dubuque City Council met in regular session at 6:30 p.m. on May, 20, 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

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)

Board of Realtors 100th Anniversary was accepted by Harry Blewett, President of the Dubuque Board of Realtors.

CONSENT ITEMS

Motion by Lynch 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: City Council Proceedings of 5/6, City Council Compensation Task Force of 4/10 and 4/29, Five Flags Civic Center of 1/28, Historic Preservation Commission of 4/18, Historic Preservation Commission Education Task Force of 5/2, Library Board of Trustees of 3/28, Park and Recreation Advisory Commission of 4/2 and 5/6, Zoning Advisory Commission of 5/1, Zoning Board of Adjustment of 4/25, Proof of publication for City Council Proceedings of 4/1 and 4/15, Proof of publication for List of Claims and Summary of Revenues for Month Ended 3/31/13. Upon motion the documents were received and filed.

Notice of Claims and Suits: Area Residential Care for property damage and Maria Reyes for vehicle damage. Upon motion the documents were received and 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: Area Residential Care for property damage, Christine Johnson for personal injury, Maria Reyes for vehicle damage. Upon motion the documents were

received and filed and concurred.

Request for Qualifications - Transit Department Roof Replacement and Sprinkler System Upgrade: City Manager recommending approval to release a Request for Qualifications for the replacement of two sections of the Transit Facility roof and the upgrade of its sprinkler system. Upon motion the documents were received, filed and approved.

ARC Transfer Center Phase I Project - Amendment of Easement: City Manager recommending approval of an Amended Easement Agreement with Area Residential Care, Inc. for the ARC Transfer Center Phase I (Canopy) Project. Upon motion the documents were received, filed and approved.

Five Flags Center - Room Rental Rates: City Manager recommending approval of room rental rate increases submitted by SMG, the company managing Five Flags Center. Upon motion the documents were received, filed and approved.

Hazard Mitigation Property Acquisition Demolition Award: City Manager recommending award of the contract for abatement of asbestos-containing materials and demolition of flood-damaged properties at 1711 Old Mill Road and 1654 Manson Road through the FEMA 404 Buy-Out Program to the low bidder, Lansing Brothers Construction Company, Inc. Upon motion the documents were received, filed and approved.

Jule Interim Director and DOT Designated Signatory: City Manager recommending approval of naming the current Jule Operations Supervisor Jodi Johnson as the Interim Transit Manager and recommends City Council authorization of a resolution for the Iowa Department of Transportation/Office of Public Transit indicating the Interim Transit Manager or the Transit Manager are the designated signatories for the Iowa Department of Transportation/Office of Public Transit related documents. Upon motion the documents were received, filed and approved.

2013 Pavement Marking Project Award: City Manager recommending that the award for the 2013 Pavement Marking Project to Selco, Inc. be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and approved.

2012 National Park Service Annual Report: City Manager transmitting the 2012 National Park Service Annual Products Report and Baseline Questionnaire. Upon motion the documents were received and filed.

Corporate Aircraft Hangar Roof Repair: City Manager recommending approval to reallocate funds for the removal and replacement of the existing roof of the Pictaio Aerospace Corporate Hangar at the Dubuque Regional Airport. Upon motion the documents were received, filed and approved.

2013-2014 Urban Deer Management Plan: City Manager recommending approval of the 2013-2014 City of Dubuque Urban Deer Management Plan. Upon motion the documents were received, filed and approved.

Tour Dubuque - Trail and Park Use Agreement: City Manager recommending allowing Tour Dubuque Trikes on the Riverwalk and other areas approved by the City with a one-year trial period as approved by the Park and Recreation Advisory Commission. Upon motion the documents were received, filed and approved.

Catfish Creek Watershed Management Plan Consultant: City Manager recommending approval of the selection of Applied Ecological Services as the consultant for the Catfish Creek Watershed Management Plan, and authorize City staff to negotiate a contract for services. Upon motion the documents were received, filed and approved

Sanitary Sewer Manhole Replacement (7th and White Streets) Project Award: City Manager recommending that the award for the 7th and White Streets Sanitary Sewer Manhole Replacement Project to Top Grade Excavating be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a matter of record.

Collective Bargaining Agreement Amendment for Operating Engineers Local #234: City Manager recommending approval of an amendment to the Collective Bargaining Agreement between the City of Dubuque and the International Union of Operating Engineers, Local #234. Upon motion the documents were received, filed and approved

Sewer Revenue Capital Loan Notes Series 2013B Complete Action on Issuance: City Manager recommending approval of the suggested proceedings to complete action required on the \$3,058,000 Sewer Revenue Capital Loan Notes (Series 2013B) through the Iowa Water Pollution Control Works Financing Program. Resolution 149-13 approving and authorizing a Form of Loan and Disbursement Agreement by and between the City of Dubuque, Iowa and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$3,058,000 Sewer Revenue Capital Loan Notes, Series 2013B, of the City of Dubuque, Iowa, under the provisions of the City Code of Iowa, and providing for a method of payment of said notes. Upon motion the documents were received, filed and resolution adopted.

Acceptance of Easement from Hwy 151 & 61 Development, LLC: City Manager recommending acceptance of the Grant of Easement for public and private utilities, sidewalk, underground electric, fiber optic cable, traffic signals and other appurtenances from HWY 151&61 Development, LLC along the northerly right-of-way line of East Sixteenth Street. Resolution 150-13 accepting the Grant of an Easement for public and private utilities, sidewalk, underground electric, fiber optic cable, traffic signals and other appurtenances through, under and across parts of Lot 1 Riverview Plaza No. 2, and Lot 1 and Lot 2 Riverview Plaza No. 3 all in the City of Dubuque, Dubuque County, Iowa. Upon motion the documents were received, filed and resolution adopted.

Weaver Castle Enterprise Zone Contract for 324-326 West Locust Street: City Manager recommending approval of a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC for redevelopment of 324-326 West Locust Street. Resolution 151-13 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC. Upon motion the documents were received, filed and resolution adopted (Weaver Castle EZ).

Weaver Castle Enterprise Zone Contract for 407-409 Loras Blvd.: City Manager recommending approval of a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC for redevelopment of 407-409 Loras Boulevard. Resolution 152-13 approving a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC. Upon motion the documents were received, filed and resolution adopted.

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

Request for Proposals - E.B. Lyons Interpretive Area: City Manager recommending approval to post a Request for Proposals for consulting services for development of the E. B. Lyons Interpretive Area at the Mines of Spain State Recreation Area. Upon motion the documents were received, filed and approved.

Port of Dubuque Marina Seasonal Staffing: City Manager recommending approval of a staffing plan, job descriptions and salary grade for the Port of Dubuque Marina that include a Marina Manager, Cashier/Clerk and Dock Attendant. Upon motion the documents were received, filed and approved.

Request for Easement - 2561 Front Street: Correspondence from Chuck Sroka requesting a 20 ft. utility easement for sewer and water at 2561 Front Street. Upon motion the documents were received, filed and referred to City Manager.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Applebee's Neighborhood Bar and Grill: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Applebee's Neighborhood Bar and Grill, 1395 Associates Drive. Upon motion the documents were received, filed and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: a) Max Smith Construction for the 508 East 16th Street Utility Project, b) Top Grade Excavating, Inc. for the 7th and White Streets Manhole Reconstruction Project. Upon motion the documents were received, filed and approved.

Liquor and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses applications as submitted. Resolution 153-13 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. Resolution 154-13 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A. Upon motion the documents were received, filed and resolutions 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 notices as prescribed by law. Seconded by Resnick. Motion carried 7-0.

Vacate Storm Sewer Easement Timber Hyrst Estates No. 2: City Manager recommending that a public hearing be set for June 3, 2013, on the disposal of the City's interest in a storm sewer easement Timber-Hyrst Estates #2 to Robert A. and Beth M. Hartig. Resolution 155-13 Resolution of Intent to vacate and dispose of City interest in storm sewer easements over and across Lot 1 and Lot 2 Timber-Hyrst Estates #2 in the City of Dubuque, Dubuque County, Iowa. Upon motion the documents were received, filed, Resolution(s) adopted, public hearing set for 6/3/13.

Voluntary Annexation Request - 13034 Seippel Road / Hillcrest Family Services: City Manager recommending that a public hearing be set for June 17, 2013 on the voluntary annexation request by Hillcrest Family Services for their 10-acre property located at 13034 Seippel Road. Upon motion the documents were received, filed, Resolution(s) adopted, public hearing set for 6/17/13.

Weaver Castle, LLC - 346-348 W. Locust Street: City Manager recommending that a public hearing be set for July 1, 2013, on the Development Agreement with Weaver Castle, LLC to redevelop the property located at 346-348 West Locust Street. Resolution 156-13 (1) approving the minimum requirements, competitive criteria, and offering procedures for the development and the sale of certain real property and improvements in The Greater Downtown Urban Renewal District; (2) determining that the Offer to Purchase submitted by Weaver Castle, LLC satisfies the offering requirements with respect to the real property and improvements and declaring the intent of the City Council to approve the sale to Weaver Castle, LLC in the event that no competing proposals are submitted; and (3) soliciting competing proposals. Upon motion the documents were received, filed, Resolution(s) adopted, public hearing set for 7/1/13.

BOARDS/COMMISSIONS

Applicants were invited to address the Council regarding their application for appointment.

Electrical Code Board: One 3-Year term: through May 21, 2014 (Vacant term of Mueller). Applicant: David B. Wilson, 2918 Washington. David Wilson spoke in favor of his application.

PUBLIC HEARINGS

Rescinding 30-inch Force Main Project Phase I (9th - 11th Streets): City Manager recommending rescinding Resolution No. 139-13, 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 Statewide Urban Design and Specification (SUDAS). Resolution 157-13 Rescinding Resolution No. 139-13, 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. Motion by Braig to receive, file and adopt the resolution. Seconded by Connors. Motion carried 7-0

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

Request To Rezone - 8005 Seippel Court: Proof of publication on notice of public hearing to consider a request by Jon Kluck, 8005 Seippel Court, to rezone existing CS Commercial Service and Wholesale District with conditions to reduce the north side setback from 50 feet to 20 feet 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 Jones. Motion carried 7-0

Motion by Connors for final consideration and passage of Ordinance 23-13 Amending the City of Dubuque Code of Ordinances, Title 16, Unified Development Code, by reclassifying hereinafter described property located at 8005 Seippel Court from Planned CS Commercial Service and Wholesale District with Conditions to CS Commercial Service and Wholesale District with Conditions. Associate Planner, Kyle Kritz provided a staff report. Seconded by Braig. Motion carried 7-0.

Unified Development Code Text Amendment - Free Standing Signs: Proof of publication on notice of public hearing to consider a request by Premier Bank, 140 W 9th Street, to amend Article 15-11.10 to permit freestanding signs along W. 9th St. between Iowa and Main Streets in a C-4 Downtown Commercial Zoning 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 Braig. Motion carried 7-0

Motion by Connors for final consideration and passage of Ordinance 24-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by repealing Section 15-11.10 Schedule of Sign Regulations for the C-5 Central Business District and adopting a new Section 15-11.10 Schedule of Sign Regulations for the C-5 Central Business District in lieu thereof, pertaining to the addition of freestanding identification signs from Main Street to Iowa Street along the east side of 9th Street. Associate Planner, Kyle Kritz provided a staff report. Seconded by Braig. Motion carried 7-0.

Unified Development Code Text Amendment - Towers And Antennas: Proof of publication on notice of public hearing to consider a request by City of Dubuque to amend Section 7-2 Towers and Antennas of the Unified Development Code to establish timelines for review of applications 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. Motion carried 7-0

Motion by Jones for final consideration and passage of Ordinance 25-13 Amending City of Dubuque Code of Ordinances, Title 16 Unified Development Code, Chapter 7 Supplemental Use Regulations, Section 7-2.3 Communication Tower Standards and Section 7-2.4 Antennas to add timelines for review of applications related to installation of communication towers and antennas. Associate Planner, Kyle Kritz provided a staff report. Seconded by Resnick. Motion carried 7-0.

Unified Development Code Text Amendment - Street Names on Preliminary Plats Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend Section 11-7(D) Major Subdivisions and Section 11-15(H) Streets of the Unified Development Code to require that street names be included on preliminary plats 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 Connors. Motion carried 7-0

Motion by Lynch for final consideration and passage Ordinance 26-13 Amending City of Dubuque Code of Ordinances, Title 16 Unified Development Code, Chapter 11 Land Division, Section 11-7(D)(3) Major Subdivision and Section 11-15(H) Streets to require street names on preliminary plats. Associate Planner, Kyle Kritz provided a staff report. Seconded by Connors. Motion carried 7-0.

Unified Development Code - Flood Hazard Overlay District: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend Section 6-4 Flood Hazard Overlay District of the Unified Development Code and the Zoning Advisory Commission recommending approval. Motion by Connors to receive, and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be

passed be suspended. Seconded by Braig. Motion carried 7-0

Motion by Connors for final consideration and passage of Ordinance 27-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by repealing Section 6-4 Flood Hazard Overlay District and enacting a new Section 6-4 Flood Hazard Overlay District to comply with National Flood Insurance Program requirements. Associate Planner, Kyle Kritz provided a staff report. Seconded by Braig. Motion carried 7-0.

Highway 61/151 South - Technology Park Annexation: Proof of publication on notice of public hearing to consider an application for voluntary annexation of territory on Highway 61/151 south of the Technology Park on the south side of the City of Dubuque and the City Manager recommending approval. Motion by Braig to receive, file, and adopt Resolution 158-13 Approving application for voluntary annexation of territory to the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

Midwest Energy Solutions / MF Enterprises, LLC - Grant of Easement on East 16th Street: Proof of publication on notice of public hearing to consider granting an easement for MF Enterprises, LLC for a compressed natural gas conduit and piping system between the BP Station and the proposed convenience store on the south side on East 16th Street right-of-way and the City Manager recommending approval. Motion by Connors to receive, file, and adopt Resolutions 159-13 Disposing of City Interest by Grant of Easement for private utility to MF Enterprises LLC for an underlying portion of East 16th Street and Resolution 160-13 Granting Easement for private utility to FM Enterprises LLC for an underlying portion of East 16th Street. Seconded by Braig. Motion carried 7-0.

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

ACTION ITEMS

Grand River Center Management - Management Contract Renewal: City Manager recommending approval of the Grand River Center Management Agreement with Platinum Hospitality Group, LLC that will extend the relationship with Platinum Hospitality Group, LLC for an additional three-year term from April 26, 2013 through April 25, 2016 and two additional three-year options upon mutual agreement. Motion by Lynch to receive, file and adopt Resolution 161-13 approval of a Facility Management Agreement between the City of Dubuque, Iowa, and Platinum Hospitality Group, LLC. Seconded by Resnick. Motion carried 7-0.

Dubuque Regional Humane Society: Correspondence from Jane McCall, President and CEO of the Dubuque Regional Humane Society, advising the City that the DRHS is declining the offer of city funds for a pet park at their new facility. Motion by Connors to receive and file correspondence. Jones spoke regarding the advocacy group FIDO's, (Friendly Intelligent Dog Owners) wishes to be included in further conversations regarding this issue. Seconded by Resnick. Motion carried 7-0.

Warehouse Trust, LLC Brownfield Redevelopment Tax Credit Application: City Manager recommending approval of a Brownfield Redevelopment Tax Credit Application to the Iowa Economic Development authority on behalf of Warehouse Trust, LLC for rehabilitation of the Novelty Iron Works Building at 1079 Elm Street. Motion by Connors to receive, file and adopt Resolution 162-13 approving a Brownfield Redevelopment Tax Credit application to the Iowa Economic Development authority on behalf of Warehouse Trust, LLC. David Heiar, Economic Development Director, was present to answer Council questions. Seconded by Jones. Motion carried 7-0.

Pilot Intersection Painting Project at 18th and Washington Streets: City Manager recommending approval for a pilot street mural painting project at the intersection of 18th Street and Washington Street. Motion by Braig to receive, file and approve recommendation. Megan Starr spoke regarding the annual maintenance of this project. A citizen spoke in favor of the project but not the location. Seconded by Connors. Motion carried 7-0.

Sustainable Dubuque Community Grants: City Manager recommending funding of 12 applications to the new Sustainable Dubuque Community Grant Program. Motion by Braig to receive, file and approve recommendation. Seconded by Connors. Motion carried 7-0.

Port Of Dubuque Marina Fees, Budget And Logo: City Manager recommending approval of the 2013 marina fees, Fiscal Year 2013 and Fiscal Year 2014 marina revenue and expenditure budget. Motion by Connors to receive, file and approve recommendation. Accepting debit cards and access to public restrooms were discussed by Council. Seconded by Braig. Motion carried 7-0.

City Council Salary Compensation: City Council Compensation Task Force submitting its recommendation for incoming Council Member salaries effective January 1, 2014. Motion by Connors to receive, file, and approve recommendation. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council person Connors attended the Main Street Awards event in Des Moines, Iowa. Council person Jones attended the Kiwanis Club meeting with the Sister City Advisory Committee and Dornbirn Austria's City Manager.

PUBLIC INPUT

Phil French of 385 East 13th St., spoke regarding current crime in downtown Dubuque and what is being done about it.

Peter Swanson formally of 8 Lindberg Terrace; discussed his 4th Amendment rights. Mr. Swanson was gaveled out by the Mayor and was escorted from the building.

There being no further business, upon motion the City Council adjourned at 7:42 p.m.

/s/Trish L. Gleason, CMC
Assistant City Clerk

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