

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

The Dubuque City Council met in regular session at 6:30 p.m. on July 1, 2013 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

Mayor Pro Tem Connors 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)**

Disabilities Month (June 2013) was accepted by R.R.S. Stewart, Vice Chairperson of the Human Rights Commission; and Judy Schmidt, Vice Chair of the Iowa Democratic Party Disabilities Caucus.

**PRESENTATION(S)**

U.S. Conference of Mayors Climate Protection Award was presented to the City Council by Assistant City Manager Cindy Steinhauser.

U.S. Conference of Mayors Lead-Safe for Kids' Sake Grant Award was presented to the City Council by Assistant City Manager Cindy Steinhauser.

National Civic League - 2013 All America City Award was presented to the City Council by Assistant City Manager Cindy Steinhauser; and Barry Gentry, Senior Vice President of the Dubuque Area Chamber of Commerce.

Iowa Department of Transportation 2012 Most Improved Transit System Award was presented to the City Council by ECIA Executive Director Kelly Deutmeyer.

## CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Council Member Jones requested (#9) Citizen Correspondence - Maus Park be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: Airport Commission of 5/4, Arts and Cultural Affairs Advisory Commission of 5/28, City Council proceedings of 6/17, Housing Commission of 5/28, Housing Code Appeals Board of 9/18/12, Human Rights Commission of 5/13, Park and Recreation Advisory Commission of 5/14. Upon motion the documents were received and filed.

Notice of Claims and Suits: Claim by Stephen Collins for vehicle damage and Joan and Vernon Puls for property 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: Joan and Vernon Puls for property damage. Upon motion the documents were received, filed and concurred.

Purchase of Services Agreement - Project Concern Information and Referral (CDBG): City Manager recommending approval of a Purchase of Service Agreement for Fiscal Year 2014 with Project Concern, Inc. to help provide financial counseling and medical services information and referral services to low- and moderate-income residents of the City of Dubuque. Upon motion the documents were received, filed and approved.

Sewer Cured-in-Place Pipe (CIPP) Lining Project Award: City Manager recommending the award of the contract to the low bidder, Visu-Sewer, Inc. Upon motion the documents were received and filed and Resolution No. 191-13 Awarding Public Improvement Contract for FY2013 and FY2014 Sewer Cured-In-Place Pipe (CIPP) Lining Project was adopted.

Purchase of Services Agreement Opening Doors (CDBG): City Manager recommending approval of a Purchase of Service Agreement for Fiscal Year 2014 with Opening Doors for operational costs for Teresa Shelter and Maria House, a transitional facility. Upon motion the documents were received, filed and approved.

FY 2014 Annual Action Plan Amendment 1: City Manager recommending approval of the FY2014 Annual Action Plan Amendment 1 for the Community Development Block Grant (CDBG) program. Upon motion the documents were received and filed and Resolution No. 192-13 Approving Fiscal Year 2014 (Program Year 2013) Annual Action Plan Amendment 1 for Community Development Block Grant (CDBG) Funds was adopted.

Chaplain Schmitt Island Master Plan Consultant Selection: City Manager recommending approval to retain the Cunningham Group as the consultant for the Chaplain Schmitt Island Master Plan and authorize City staff to negotiate a contract for services. Upon motion the documents were received, filed and approved.

Citizen Correspondence - Maus Park: Correspondence from Connie Kintzle, President of the Dubuque County Conservation Society, regarding a restoration of Maus Park be included in the South Port Project. Motion by Jones to receive and file the documents. Seconded by Resnick. Bill Kemp of the Dubuque Conservation Society requested that the City Council consider including renovation of Maus Park in any plans for the South Port project. Motion carried 7-0.

Acquisition of Property - 20 W. 18th Street: City Manager recommending approval to purchase property at 20 West 18th Street owned by Michael J. and Victoria L. Sawvell. Upon motion the documents were received and filed and Resolution No. 193-13 Approving the acquisition of real estate owned by Michael J. and Victoria L. Sawvell was adopted.

Federal Emergency Management Agency (FEMA) - North Catfish Creek: City Manager transmitting information regarding correspondence from the Federal Emergency Management Agency (FEMA) advising that the modifications to the flood plain for a portion of the North Fork of the Catfish Creek, the Federal Insurance Rate Map (FIRM), and the Federal Insurance Study Report (FISR) now are in effect. Upon motion the documents were received and filed.

2013 Justice Assistance Grant (JAG) Application: City Manager recommending approval of the 2013 Justice Assistance Grant (JAG) application from the Edward Byrne Memorial Assistance Grant program. Upon motion the documents were received, filed and approved.

State Recreational Trail Grant - MRT Side Trip Grant Application: City Manager recommending approval of the application for State Recreational Trail grant funds for the Hales Mill Loop and the resolution authorizing the Mayor to sign and submit the application for State Recreational Trail grant funds for the Hales Mill Loop. Upon motion the documents were received and filed and Resolution No. 194-13 Authorizing State Recreational Trails Grant Application to Iowa Department of Transportation for development of Iowa 32 Trail portion of Hales Mill Loop was adopted.

Property Acquisition - 2424 Washington Street: City Manager recommending approval of the Resolution approving the Offer to Buy Real Estate and Acceptance for property located at 2424 Washington Street owned by Gene Miller. Upon motion the documents were received and filed and Resolution No. 195-13 Approving the acquisition of real estate owned by Gene Miller in the City of Dubuque was adopted.

Dubuque County Early Childhood Board: Correspondence from Chairperson Julie Woodyard inviting a member of the City Council to serve on the Dubuque County Early Childhood Board. Upon motion the documents were received and filed.

Environmental Protection Agency (EPA): Correspondence from U.S. EPA Region 7 Public Affairs Specialist Debra King submitting a public meeting notice announcing a proposed plan and public comment periods for the Peoples Natural Gas Superfund site in the City of Dubuque. Upon motion the documents were received and filed.

Immanuel Congregational United Church of Christ: Correspondence from Emmanuel Congregational United Church of Christ thanking the City for the permeable paver alley from 17th to 18th Streets between Jackson and White Streets and inviting the Council to a Rally in the Alley celebration on July 7, 2013. Upon motion the documents were received and filed.

Radio Tower Capital Improvement Project: City Manager recommending approval of an adjustment to the CIP project for the radio tower that will allow the money to be used to upgrade the current tower instead of moving to a new tower. Upon motion the documents were received, filed and approved.

City Assessor's Office: City Assessor Rick Engelken transmitting Notices of Appeal and Petition for property tax appeals filed with the Property Assessment Appeal Board. Upon motion the documents were received and filed.

Signed Contracts: Walker Restoration Consultants contracts related to repairs in the Iowa Street and Locust Street parking ramps. Upon motion the documents were received and filed.

Improvement Contracts and Maintenance Bonds: Tschiggfrie Excavating, Inc., for the Highway 151/61 Water Main Relocation Project. Upon motion the documents were received, filed and approved.

Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses as submitted. Upon motion the documents were received and filed and Resolution No. 196-13 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. 197-13 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

## ITEMS TO BE SET FOR PUBLIC HEARING

Motion by 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.

Dubuque Industrial Center South PCC Paving and Utilities: City Manager recommending initiation of the bidding process for the Dubuque Industrial Center South PCC Paving and Utilities – 2013 Project, and further recommend that a public hearing be set for July 15, 2013. Upon motion the documents were received and filed and Resolution No. 198-13 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on July 15, 2013 in the Historic Federal Building.

Dove Harbor Development and Lease Agreement: City Manager recommending authorization of a 30-day public notice on the competitive disposition of approximately 7.87 acre site Dove Harbor. Upon motion the documents were received and filed and Resolution No. 199-13 (1) Approving the minimum requirements, competitive criteria, and offering procedures for the development and the lease of certain real property and improvements in the Greater Downtown Urban Renewal District; (2) Determining that the lease submitted by Gavilon Grain, LLC satisfies the offering requirements with respect to the real property and improvements and declaring the intent of the City Council to approve the lease with Gavilon Grain, LLC in the event that no competing proposals are submitted; and (3) soliciting competing proposals was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 5, 2013 in the Historic Federal Building.

City Salt Site Development and Lease Agreement: City Manager recommending authorization of a 30-day public notice on the competitive disposition of approximately 6.02 acre Salt Site located adjacent to the Peosta Channel. Upon motion the documents were received and filed and Resolution No. 200-13 (1) Approving the minimum requirements, competitive criteria, and offering procedures for the development and the lease of certain real property and improvements in the Greater Downtown Urban Renewal District; (2) Determining that the lease submitted by Gavilon Grain, LLC. satisfies the offering requirements with respect to the real property and improvements and declaring the intent of the City Council to approve the lease with Gavilon Grain, LLC. in the event that no competing proposals are submitted; and (3) Soliciting competing proposals. was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 5, 2013 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Applicants were invited to speak regarding their appointment to the following board/commission:

Investment Oversight Advisory Commission: One – 3 year terms through July 1, 2016 (expiring term of Ruden). Applicant: Gary Ruden, 325 W 1st Street.

Appointments were made to the following boards/commissions:

Community Development Advisory Commission: One – 3 year term through February 15, 2016 (vacant term of Koshakji). Applicant: Mary Bridget Corken, 2353 Martin Dr. Motion by Braig to appoint Mary Bridget Corken to the remainder of a 3-year term through February 15, 2016. Seconded by Lynch. Motion carried 7-0.

Historic Preservation Commission (Reconsideration): One – 3 year terms through July 1, 2016 (expiring terms of McDonell; Jackson Park District). Applicant: Robert M. McDonell, 135 West 17th St. The application of Benjamin Beard, Churchill St. was removed in lieu of an application from a Jackson Park Historic District resident application. Motion by Jones to reconsider and appoint Robert McDonell to a 3-year term through July 1, 2016. Seconded by Resnick. Motion carried 7-0.

Zoning Advisory Commission: One – 3 year term through July 1, 2016 (expiring term of Norton). Applicant: Patrick Norton, 920 Valentine Dr. Motion by Braig to appoint Patrick Norton to a 3-year term through July 1, 2016. Seconded by Resnick. Motion carried 7-0.

## **PUBLIC HEARINGS**

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

Weaver Castle, LLC – Development Agreement for 346-348 W. Locust Street: Proof of publication on notice of public hearing to consider a Development Agreement with Weaver Castle, LLC to redevelop the property located at 346-348 West Locust Street and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 201-13 Approval disposal of an interest in real property owned by the City of Dubuque by sale through a Development Agreement with Weaver Castle, LLC. Seconded by Jones. Motion carried 7-0.

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

## **ACTION ITEMS**

30-Inch Force Main Replacement Project Phase I Award: City Manager recommending award of the contract for the 30-Inch Force Main Relocation Project from 7th Street to 12th Street around the former Public Works Garage Site and the Alliant Energy site to the low bidder, Portzen Construction. Motion by Lynch to receive and file the documents and adopt Resolution No. 202-13 Awarding public improvement contract for the 30-Inch force Main Relocation Project Phase I from 9th Street to 11th Street. Seconded by Jones. City Engineer Gus Psihoyos responded to questions regarding the unknown cost of soil contamination and that some contractors chose not to participate in the Hazmat training as part of the project bid. Motion carried 7-0.

Code of Ordinances - Title 8 Human Rights Amendment: City Manager recommending approval of an amendment to Dubuque Ordinance Section 8-3A-2, which deals with defenses, exemptions and exclusions to the disability protections. 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 Braig. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 31-13 Amending City of Dubuque Code of Ordinances Title 8 Human Rights, Chapter 3 Unfair and Discriminatory Practices, Article A Disability Discrimination, Section 8-3A-2 Defenses, Exemptions and Exclusions by moving transvestism, transexualism and gender identity from Criminal Behavior to General Exclusion. Seconded by Braig. Motion carried 7-0.

Code of Ordinances - Southwest Arterial Corridor and East/West Corridor Moratorium Amendments: City Manager recommending adoption of four ordinances, which extend the moratoriums for construction, rezoning, subdivision review, and site plan approval in the Southwest Arterial Corridor and the East/West Corridor Study Areas. 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 Lynch for final consideration and passage of Ordinance No. 32-13 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 2 Building Construction, Demolition and Moving, Section 14-2-4 Moratorium for Construction or Other Work on Certain Streets, Areas or Facilities by Extending The Moratorium; Ordinance No. 33-13 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 9 Zoning Advisory Commission Applications and Procedures, Section 16-9-5-3 City Council Action by Extending Moratorium; Ordinance No. 34-13 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 11 Land Subdivision, Section 16-11-2 Applicability by Extending the Moratorium; and Ordinance No. 35-13 Amending the City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 13 Site Design

Standards, Section 16-13-2 Applicability by Extending the Moratorium. Seconded by Braig. Motion carried 7-0.

Convention and Visitors Bureau Advisory Committee: Correspondence from President and CEO Keith Rahe requesting two City Council appointments to the Dubuque Convention and Visitors Bureau Advisory Committee in addition to the representative already serving on the Board of Directors. Motion by Jones to receive and file the documents and appoint Council Members Joyce Connors and Lynn Sutton to the CVB Advisory Committee. Seconded by Braig. Motion carried 7-0.

Purchase and Installation of Security Cameras: City Manager recommending approval of purchase and installation of additional security cameras. Motion by Braig to Receive and file the documents and approve the recommendation. Seconded by Jones. City Manager Van Milligen, Street and Sewer Maintenance Supervisor John Klostermann, Traffic Engineer Duane Richter, and Police Chief Mark Dalsing responded to City Council questions regarding the criteria for choosing locations; cost effectiveness; impact on incidents; signage; interdepartmental training and use; and the development of a City policy related to surveillance cameras. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones remembered the 19 firefighters who died recently in the forest fires near Prescott, Arizona.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 7:54 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:55 stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:56 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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