

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

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

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

Dubuque County Fair Week (July 23-28, 2013) was accepted by Fair Queen Allison Green.

Dubuque Colts Drum and Bugle Corps 50th Anniversary Year was accepted by Colts Development Director Greg Orwoll.

United Way Campaign Time was accepted by United Way Co-Chair Gary Dolphin.

PRESENTATION(S)

Mayor Buol introduced the All-America City Award presentation and documentary videos, which were then played. Mayor Pro-Tem Connors and Assistant City Manager Steinhauser commented on the experience, which took place in Denver, Colorado.

CONSENT ITEMS

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

Minutes and Reports Submitted: Civil Service Commission of 6/19; City Council proceedings of 7/1, Library Board of Trustees minutes of 5/23 and Report of 6/27; Park and Recreation Advisory Commission of 6/25; Safe Community Advisory Committee of 1/9, Zoning Advisory Commission of 7/2; Zoning Board of Adjustment of 6/27; Proof of Publication for City Council Proceedings of 6/3 and 6/17; Proof of Publication for List of

Claims and Summary of Revenues for Month Ended 5/31. Upon motion the documents were received and filed.

Notice of Claims and Suits: Nicole Klausman for property damage; Elizabeth Tabor 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: Stephen Collins for personal injury; Nicole Klausman for property damage; and Elizabeth Tabor for vehicle damage. Upon motion the documents were received, filed and concurred.

College and University Partnerships Contracts: City Manager recommending approval of contracts for College/University Transit Partnership with Clarke University, Loras College and University of Dubuque for the 2013-2014 school year. Upon motion the documents were received, filed and approved.

Dubuque County Retired and Senior Volunteer Program Update: City Manager transmitting the monthly Dubuque County Retired and Senior Volunteer Program report. Upon motion the documents were received and filed.

Fiscal Year 2014 Worker's Compensation Excess Insurance Renewal: City Manager recommending approval of the Fiscal Year 2014 Workers' Compensation Excess Insurance Renewal Rate as submitted by Safety National effective July 1, 2013 through June 30, 2014. Upon motion the documents were received, filed and approved.

Eide Bailly Audit Planning Communication: Eide Bailly Business Advisors submitting Planning Communication letter related to the Fiscal Year Ended June 30, 2013 audit. Upon motion the documents were received and filed.

Federal Transit Administration (FTA) - Opinion of Counsel: City Attorney submitting an Opinion of Counsel setting out the authority of the City to apply for Federal Transit Administration (FTA) funding for transit projects and recommending adoption of a resolution authorizing the City of Dubuque to apply for FTA funding. Upon motion the documents were received and filed and Resolution No. 204-13 Authorizing the filing of applications with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance authorized by 49 U.S.C Chapter 53, Title 23, United States Code and other Federal Statues Administered by the Federal Transit Administration was adopted.

Iowa Economic Development Authority - Catfish Creek Watershed Planning Amendment: Correspondence from the Iowa Economic Development Authority advising the City that Community Development Block Grant (CDBG) Contract Number 08-DRIFWP-203 - Amendment Number 004 (Catfish Creek Watershed Planning Extension) is amended as of July 1, 2013. Upon motion the documents were received and filed.

Iowa Economic Development Authority - Multi-Family New Production Round 5: City Manager recommending approval to negotiate and execute an amendment to the existing funding agreement with the Iowa Economic Development Authority related to the notice of receipt of the Multi-Family New Production Community Development Block Grant Award for the Linseed Oil Paintworks Building at 901 Jackson Street. Upon motion the documents were received and filed and Resolution No. 205-13 Authorizing the acceptance of Community Development Block Grant Housing Disaster Recovery Funds from the Iowa Economic Development Authority on behalf of the Wilmac Property Company was adopted.

Convention and Visitors Bureau Executive Board Report: Dubuque Convention and Visitors Bureau Executive Board submitting meeting minutes of June 26, 2013 as required by their Purchase of Service Agreement. Upon motion the documents were received and filed.

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

Stormwater Utility Revenue Capital Loan Notes (State Revolving Loan Fund): City Manager recommending revisions to the staff memo from the June 17, 2013 public hearing so that the City is further considered for the Economic Development Administration Disaster grant for a portion of day-lighting Bee Branch Creek and its associated flood plain portion of green infrastructure. Upon motion the documents were received, filed and approved.

Citizen Petition - 2555 Kerper Blvd. Weed Maintenance: Citizen petition submitted by Wanda Madden on behalf of property owners adjacent to the former Thermoline building at 2555 Kerper Blvd. regarding overgrown weeds and grass behind the building. Upon motion the documents were received, filed and referred to the City Manager.

Dubuque Jaycees-Radio Dubuque 2014 Fireworks Request: Correspondence from Thomas Parsely, General Manager of Radio Dubuque and on behalf of the Dubuque Jaycees, requesting permission to conduct a fireworks display on Thursday, July 3, 2014 from 9:00 p.m. to 10:30 p.m. on Volunteer Road between Hawthorne and Lime Streets with a rain date of July 4, 2014. Upon motion the documents were received, filed and approved.

Project Pass - Non-Profit Partnership: City Manager recommending approval of "Project Pass," a partnership with Project Concern and the Community Foundation of Greater Dubuque. Upon motion the documents were received, filed and approved.

Signed Contracts: Strand Associates Change Order #20 with Miron Construction, Inc., for the Water & Resource Recovery Center Renovation Project. Upon motion the documents were received and filed.

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. 206-13 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. 207-13 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 Resnick. Motion carried 7-0.

Ninth Street to Eleventh Street One-Way to Two-Way Conversion: City Manager recommending initiation of the bidding process for the 9th Street and 11th Street One-Way to Two-Way Conversion Project, and further recommends that a public hearing be set for August 5, 2013. Upon motion the documents were received and filed and Resolution No. 208-13 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 (9th Street and 11th Street One- Way to Two-Way Conversion Project) 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.

Sale of City-Owned Property at 2234 Washington Street: City Manager recommending setting a public hearing for August 5, 2013 to dispose of City-owned real property located at 2234 Washington Street to Abram and Leah Miller. Upon motion the documents were received and filed and Resolution No. 209-13 Resolution of Intention to dispose of City-owned property, specifically, Lot 1 Bee Branch Subdivision No. 10, in the City of Dubuque, County of Dubuque, Iowa, according to the Recorded Plat thereof, 2234 Washington Street, 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.

Eagle Point Water Plant, Lot 339 - Grant of Easement for Private Utilities: City Manager recommending setting a public hearing for August 5, 2013, for the granting of an easement across a portion of the Eagle Point Water Plant property to accommodate proposed water and sewer service lines to Charles R. and Colleen R. Sroka for their property at 2561 Front Street. Upon motion the documents were received and filed and Resolution No. 230-13 Resolution of Intent to dispose of City interest by Grant of Easement for private utility to Charles R. and Colleen R. Sroka for an underlying portion

of Lot 339 of Eagle Point (AKA Ham's Addition) 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.

Purina Drive Barge Docking Facility Repair Project: City Manager recommending initiation of the bidding process for the Purina Drive Barge Docking Facility Repair Project, and further recommends that a public hearing be set for August 5, 2013. Upon motion the documents were received and filed and Resolution No. 231-13 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 (Purina Drive Barge Docking Facility Repair Project) 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.

Iowa and Locust Street Parking Ramps Repair Project: City Manager recommending initiation of the bidding process for the Iowa and Locust Street Parking Ramps Repair Project, and recommends the City Council give preliminary approval to the construction plans and specifications and approve the resolution. It is further recommended that a public hearing be set for August 5, 2013. Upon motion the documents were received and filed and Resolution No. 232-13 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 (Iowa and Locust Parking Ramps Repair Project) 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.

Elm Street Reconstruction Project 9th to 12th Streets: City Manager recommending initiation of the bidding process for the Elm Street Reconstruction Project (9th to 12th Streets), and further recommends that a public hearing be set for August 5, 2013. Upon motion the documents were received and filed and Resolution No. 233-13 Setting date of public hearing on plans, specifications, form of contract, and estimated cost 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.

Weaver Castle, LLC Development Agreement for 346-348 W. Locust Street: City Manager recommending set a public hearing for August 19, 2013, on a Development Agreement with Weaver Castle, LLC to redevelop the property located at 346-348 West Locust Street. Upon motion the documents were received and filed and Resolution No. 203-13 (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; (3) Soliciting competing proposals; and (4) Rescinding Resolution Nos. 156-13 and 201-13 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 19, 2013 in the Historic Federal Building.

Federal Emergency Management Agency (FEMA) - Catfish Station Electrical Repairs: City Manager recommending initiation of the bidding process for the Water & Resource Recovery Center Catfish Station Electrical Repairs FEMA Project, and further recommends that a public hearing be set for August 19, 2013, to consider approving the plans, specifications, form of contract and estimated cost for the Catfish Station Electrical Repairs FEMA. Upon motion the documents were received and filed and Resolution No. 234-13 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 (Water & Resource Recovery Center Catfish Station Electrical Repairs (FEMA) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 19, 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, 2016 (Expiring term of Kolf). Applicant: F. James Kolf, 114 Princeton Pl.

Civic Center Commission: Two – 3 year terms one through June 29, 2015 and one through June 29, 2016 (Vacant terms of Kurt and Fuller). Applicants: Tyler Daugherty, 418 Emmett St.; and Adrienne Scott, 471 ½ Locust St. Ms. Scott spoke in support of her appointment(s).

Housing Commission: Two – 3 year terms through August 17, 2016 (Expiring terms of Root and Schwendinger) Applicants: Judie Root, 2312 Washington St.; and Dorothy Schwendinger, 3525 Windsor. Mayor Buol stated that Ms. Schwendinger had submitted correspondence to the City Council in support of her appointment.

Human Rights Commission: One – 3 year term through January 1, 2016 (Vacant term of Root). Applicants: Tom LoGuidice, 786 Stone Ridge Place; and Adrienne Scott, 471 ½ Locust St.

Safe Community Advisory Committee: One – 1 year term through December 31, 2013 (Vacant term of Callahan). Applicant: Adrienne Scott, 471 ½ Locust St.

Appointments to the following board/commission:

Investment Oversight Advisory Commission: One – 3 year term through July 1, 2016 (expiring term of Ruden). Applicant: Gary Ruden, 325 W. 1st Street. Motion by Lynch to appoint Gary Ruden to one 3-year term through July 1, 2016. Seconded by Jones. Motion carried 7-0.

PUBLIC HEARINGS

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

Request to Rezone - 380 Cedar Cross Road: Proof of publication on notice of public hearing to consider a request by Royal Oaks Development to rezone an 11-acre parcel located at 380 Cedar Cross Road from AG Agricultural to C-3 General Commercial

District 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 Connors. Developer for Royal Oaks, A.J. Spiegel, spoke in favor of the request. Planning Services Manager Laura Carstens and Zoning Advisory Commission Chairperson Charlie Miller provided a staff report and responded to questions regarding the voluntary planting of trees and when conditions apply to zoning requests. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 36-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 380 Cedar Cross Road from AG Agricultural to C-3 General Commercial District. Seconded by Connors. Motion carried 7-0.

Request to Rezone - 1048 and 1060 White Street: Proof of publication on notice of public hearing to consider a request by Miner Properties to rezone property located at 1048-1060 White Street from Historic Millwork District Planned Unit Development to C-4 Downtown Commercial Zoning District 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 Connors. Planning Services Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 37-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1048 and 1060 White Street from Planned Unit development district to C-4 Downtown Commercial District with Conditions. Seconded by Connors. Motion carried 7-0.

Request to Amend Planned Unit Development - Historic Millwork District: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend the Historic Millwork District Planned Unit Development District Conceptual Plan to allow off-street parking needed for redevelopment projects 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 Braig. Planning Services Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 38-13 Amending Title 16, the Unified Development Code of the City of Dubuque Code of Ordinances by amending Ordinance 02-12 Which Established Regulations for a PUD Planned Unit Development District with a Planned Commercial Designation for the Historic Millwork District PUD and now being amended to allow for the development of two new parking lots at the intersection of 11th and Elm Streets. Seconded by Braig. Motion carried 7-0.

Dubuque Industrial Center South PCC Paving and Utilities: Proof of publication on notice of public hearing to consider the approval of plans, specifications, form of contract, and estimated cost for the Dubuque Industrial Center South PCC Paving and Utilities 2013 Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 235-13 Approval of plans, specifications, form of contract, and estimated cost for the Dubuque Industrial Center South PCC Paving and Utilities - 2013 Project. Seconded by Braig. Motion carried 7-0.

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

ACTION ITEMS

Code of Ordinances Title 14 - 2012 International Building Codes: City Manager recommending adoption of the 2012 International Building, Residential, Plumbing, Mechanical, Fuel Gas and Energy Conservation Codes published by the International Code Council, Inc. 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 Jones. Building Services Manager Rich Russell and Fire Chief Dan Brown responded to questions. Chief Brown stated that the Fire Department is conducting a two-part information session to educate contractors on the specifications for residential sprinklers in conjunction with a fire demonstration module. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 39-13 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article A Building Code and Regulations, Sections 14-1A-1 International Building Code Adopted and 14-1A-2 International Building Code Amendments; Article B Residential Code, Sections 14-1B-1 International Residential Code Adopted and 14-1B-2 International Residential Code Amendments; Article C Energy Conservation Code, Sections 14-1C-1 International Energy Conservation Code Adopted and 14-1C-2 International Energy Conservation Code Amendments; Article F Mechanical Code, Sections 14-1F-1 International Mechanical Code Adopted, 14-1F-2 International Mechanical Code Amendments, and 14-1F-3 Fees; Article G Fuel Gas Code, Sections 14-1G-1 Fuel Gas Code Adopted and 14-1G-2 Fuel Gas Code Amendments; and Article H Plumbing Code, Sections 14-1H-1 International Plumbing Code Adopted, 14-1H-2 International Plumbing Code Amendments, 14-1H-3 Licensure and Certification, 14-1H-4 Backflow Prevention Requirements for New Residential Construction, 14-1H-5 Backflow Prevention Requirements for Existing Water Services, and 14-1H-6 Inspection Fees by Repealing Such Sections and Enacting New Sections in Lieu Thereof Adopting the 2012 International Building, Residential, Energy Conservation, Fire, Mechanical, Fuel Gas, and Plumbing Codes. Seconded by Connors. Motion carried 7-0.

Code of Ordinances Title 6 Amendment - 2012 International Fire Code: City Manager recommending adoption of the 2012 International Fire Code published by the International Code Council, Inc. Motion by Connors to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for

passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Braig. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 40-13 Amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 9 Fire Prevention Regulations, Section 6-9-3 Blasting, Fireworks and Open Burning; Permits and Fees, Section 6-9-4 Service Stations, Section 6-9-5 Bulk Storage Tank Licenses, and Section 6-9-6 Smoke Detection; and Amending Title 14 Building and Development, Chapter 1 Building Codes, Article E Fire Code and Regulations, Section 14-1E-1 International Fire Code Adopted, Section 14-1E-2 International Fire Code Amendments, and Section 14-1E-3 International Fire Code Enforcement by updating the International Fire Code from the 2009 version to the 2012 version and changing all references of "Chief of the Fire Department" to "Fire Chief." Seconded by Braig. Motion carried 7-0.

Code of Ordinances Title 10 Amendment - Intoxicating Beverages at the Port of Dubuque Marina: City Manager recommending an ordinance amendment adding the Port of Dubuque Marina to the list of places that allow the possession, consumption or use of alcoholic wine, beer or other intoxicating beverages. Motion by Connors to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Braig. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 41-13 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations, Section 10-5B-2 Intoxicating Beverages by adding the Port of Dubuque Marina as an exemption. Seconded by Braig. Motion carried 7-0.

Brownfields Petroleum and Hazardous Substances Assessment Grant: City Manager recommending approval of a resolution authorizing the execution of the Cooperative Agreement Application and associated contract documents pertaining to the Brownfields Petroleum and Hazardous Substances Assessment Grants Program in order to receive funds from the U.S. Environmental Protection Agency. Motion by Jones to receive and file the documents and adopt Resolution No. 236-13 Authorizing the filing of a Cooperative Agreement Application with the U.S. Environmental Protection Agency for the receipt of Brownfields Petroleum and Hazardous Substances Assessment Grants. Seconded by Connors. Motion carried 7-0.

Request to Schedule Work Session - Sustainable Dubuque: City Manager requesting a quarterly work session with the City Council for Sustainable Dubuque before the regularly scheduled meeting on Monday, August 19, 2013 at 5:00 p.m. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Resnick. Motion carried 7-0.

Request to Schedule Work Session - Washington Neighborhood Master Plan and Market Analysis: City Manager requesting a work session with the City Council regarding the Washington Neighborhood Master Plan and Market Analysis before the regularly scheduled City Council meeting on August 5, 2013 from 5:00 p.m. to 6:15 p.m.

Motion by Braig to receive and file the documents and set the work session as recommended. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones reported on the success of the Music in Jackson Park event for which he and Council Member Resnick performed.

Council Member Resnick commented on the beautification of the many private homes that he has noted during recent walks and bike rides and complimented the homeowners for their efforts.

Mayor Buol and Council Member Connors remembered former City Engineer John White who recently died at the age of 91.

CLOSED SESSION

Motion by Jones at 8:03 p.m. to convene in closed session 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 8:25 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:26 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 7/24