

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

The Dubuque City Council met in special session at 5:00 p.m. on August 19, 2013 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Pro Tem Connors, Mayor Buol (joined at 5:10 p.m.); 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 special session of the City Council called for the purpose of conducting a work session on Sustainable Dubuque.

**WORK SESSION
Sustainable Dubuque**

Sustainability Coordinator Cori Burbach with a review of the agenda and introduced presenters: Chris Kohlmann, Information Services Manager for the City of Dubuque; Kelsey McElroy, Economic Development & Sustainability Coordinator for ECIA; and Maddie Cairney, Family Self Sufficiency Coordinator for the City of Dubuque who presented on the following topics:

- State of Sustainability
 - Project history and timelines
 - Critical role of partnerships
- Economic Prosperity
 - Creating Green Jobs, expanding markets, saving money
 - Smarter Resource Management
 - Smarter Sustainable Dubuque: Smarter Health and Wellness Pre-Pilot, Smarter Discards
 - Petal Project: Water Conservation, Waste Reduction, Energy Conservation, Community Education
- Environmental Integrity
 - 50% by 2030 Climate Action Plan
 - Catfish Creek Watershed Management Authority
- Social/Cultural Vibrancy
 - Circles Initiative & Family Self-Sufficiency Program
 - Reasonable Mobility
- Community Engagement & Leadership
 - Community Grants Program
 - Community-Created Initiatives
- Community Leader Case Studies
 - Judy Giesen, Resurrection Parish: zero-waste festival
 - Rob Williams, Dubuque Bike Coop: Health and wellness bicycle recycling program

- Ashley Neisis; Washington Neighborhood community garden initiatives
- Sustainable Dubuque Pilot Assistance: Casey Muhm, Director of Sustainable Innovation for the Greater Dubuque Development Corp.
- Sustainable Dubuque as a National Brand: Awards and Recognitions
- Growing Sustainable Communities Conference, September 24-25, 2013.

There being no further business upon motion the City Council adjourned at 6:26 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 8/28

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

The Dubuque City Council met in regular session at 6:30 p.m. on August 19, 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

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting such business that may properly come before the City Council.

PLEDGE OF ALLEGIANCE

PROCLAMATION(S)

Irish Hooley Day (August 24, 2013) was accepted by event coordinator Michael Lange, 563 W. 11th Street;

Welcome College Students Week (August 19-25, 2013) was accepted by Rick Dickinson, Greater Dubuque Development Corporation, 300 Main Street;

50th Anniversary of the March on Washington for Jobs and Freedom (August 28, 2013) was accepted by Mary Sawyer and Judy Schmidt of the Day of Peace Committee and Human Rights Commissioner Anthony Allen;

Geek the Library Month (September 2013) was accepted by Library Director Susan Henricks.

CONSENT ITEMS

Motion by Lynch 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: Cable TV Commission of 6/5; City Council proceedings of 8/5; Community Development Advisory Commission (revised) of 7/17; Park and Recreation Commission (revised) of 6/25; Zoning Advisory Commission of 8/7; Proof of Publication for City Council Proceedings of 7/15 and 7/30; Proof of Publication for List of Claims/Summary of Revenues for month ending 6/30/13. Upon motion the documents were received and filed.

Notice of Claims and Suits: Brian Arbuckle for property damage; DeLos Bohnsock for property damage; Diane Unsen 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: Brian Arbuckle for property damage; Delos Bohnsock for property damage; Diane Unsen for vehicle damage. Upon motion the documents were received, filed and concurred.

Parking License Agreement with Hillcrest Family Services: City Manager recommending approval of a one-year Parking License Agreement with Hillcrest Family Services, Inc. for 30 parking spaces in the Wilbright Lane parking lot in Flora Park. Upon motion the documents were received, filed and approved.

SEP Green Alley Project Acceptance (Jackson and Washington Streets from 16th to 17th and Between Jackson and White Streets from 17th to 18th): City Manager recommending acceptance of the SEP Green Alley Permeable Pavers Project – Between Jackson and Washington Streets from 16th to 17th and between Jackson and White Streets from 17th to 18th, as completed by Drew Cook and Sons Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 263-13 Accepting the SEP Green Alley Permeable Pavers Project – Between Jackson & Washington Streets from 16th to 17th and between Jackson & White Streets from 17th to 18th and authorizing the payment of the contract amount to the contractor was adopted.

SEP Green Alley Permeable Pavers Project Acceptance (Between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street): City Manager recommending acceptance of the SEP Green Alley Permeable Pavers Project – Between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street, as completed by Portzen Construction, Inc. Upon motion the documents were received and filed and Resolution No. 264-13 Accepting the SEP Green Alley Permeable Pavers Project – between Loras Boulevard and Arlington Street from Prairie Street to Dell Street and authorizing the payment of the contract amount to the contractor was adopted.

Iowa and Locust Parking Ramps Restoration Project - Bid Rejection: City Manager recommending rejection of all bids for the Iowa and Locust Parking Ramps Repair Project and to rebid the project under a different format at a later time. Upon motion the documents were received and filed and Resolution No. 265-13 Rejecting public improvement - Iowa and Locust Street Parking Ramp Restoration Project Bid Package #1; and Resolution No. 266-13 Rejecting public improvement - Iowa and Locust Street Parking Ramp Restoration Project Bid Package #2 were adopted.

Acquisition Plat for Right-of-Way at Kerper Blvd. and 16th Street: City Manager recommending approval of the Acquisition Plat of Lot C of Bee Branch Subdivision No. 2 in the City of Dubuque, Iowa, which provides additional right-of-way for Kerper Boulevard at the intersection of East 16th Street. Upon motion the documents were received and filed and Resolution No. 267-13 Approving the Acquisition Plat of Lot C of Bee Branch Subdivision No. 2 in the City of Dubuque, Iowa, was adopted.

PEG Capital Expenditure Request: City Manager recommending approval of the Cable TV Commission recommendations for funding from the Public, Educational, and

Government (PEG) Capital Grant for Access Equipment and Facilities for Loras College to purchase four HD cameras with which to produce programming for the shared educational access channel. Upon motion the documents were received, filed and approved.

2014 CLG Grant - Old Town Neighborhood National Register of Historic Places Nomination: City Manager recommending approval of a Certified Local Government (CLG) grant application to assist with preparing a National Register of Historic Places nomination for the Old Town Neighborhood, located in the Washington Neighborhood. Upon motion the documents were received and filed and Resolution No. 268-13 Authorizing a CLG grant application to the State Historical Society of Iowa to prepare the Old Town Neighborhood National Register of Historical Places nomination was adopted.

Request for Qualifications - Project Management for Brownfields Assessment Cooperative Agreement Project: City Manager recommending approval of the issuance of a Request for Qualifications for project management and planning services for a Brownfields Assessment Cooperative Agreement Project. Upon motion the documents were received, filed and approved.

City of Dubuque and the Dubuque County Board of Health Interagency Agreement: City Manager recommending execution of an Interagency Agreement between the City of Dubuque and the Dubuque County Board of Health for inspection of pools and spas, tattoo parlors and tanning facilities in Dubuque County. Upon motion the documents were received, filed and approved.

Housing Trust Fund Committee/ Community Development Advisory Commission: Communication from Housing Commission Chairperson Jim Holz requesting Council approval to appoint Commissioners Ricardo Woods and Dorothy Schwendinger to the Community Development Advisory Commission and the Housing Trust Fund Committee respectively. Upon motion the document was received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders – Ron's Discount Smokes & Beverage Center: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Ron's Discount Smokes & Beverage Center at 1450 Loras Blvd. Upon motion the documents were received, filed and approved.

Tobacco Compliance – Civil Penalty for Tobacco License Holders – Ron's Discount Smokes & Beverage Center: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Ron's Discount Smokes and Beverage Center at 1450 Loras Blvd. Upon motion the documents were received, filed and approved.

Health Innovation Grant Program Round 2 - Live Well, Dubuque Proposal: City Manager recommending that the City submit a Live Well, Dubuque Federal grant application. Upon motion the documents were received, filed and approved.

Signed Contracts: R&W Restoration Change Order No. 001 for the City Hall Masonry Rehabilitation (Tuck Pointing) Project. Upon motion the documents were received and filed.

Improvement Contracts and Maintenance Bonds: Ted Stackis Construction for deconstruction of 20 W. 18th Street property. Upon motion the documents were received, filed and approved.

Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 269-13 Approving applications for beer, liquor, and/or wine permits, as required by City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 2 Liquor Control, Article B Liquor, Beer and Wine Licenses and Permits was adopted.

ITEMS TO BE SET FOR PUBLIC HEARING

Motion by Lynch to receive and file the documents, adopt the resolutions, set the public hearings as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Connors. Motion carried 7-0.

Fiscal Year 2014 Budget Amendment No 1.: City Manager recommending that a public hearing be set for September 3, 2013 for Fiscal Year 2014 Budget Amendment No. 1. Upon motion the documents were received and filed and Resolution No. 270-13 Setting the date for the public hearing on Amendment No. 1 to the Fiscal Year 2014 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 3, 2013 in the Historic Federal Building.

Water & Resource Recovery Center Catfish Station Electrical Repairs FEMA: City Manager recommending initiation of the bidding process for the Catfish Station Electrical Repairs FEMA Project and further recommends that a public hearing be set for September 16, 2013. Upon motion the documents were received and filed and Resolution No. 271-13 (1) 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 (2) rescinding Resolution No. 234-13 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 16, 2013 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments were made to the following boards/commissions:

Housing Trust Fund Advisory Committee: One 3-year term through September 8, 2016 (Expiring term of Walsh). Applicant: John Walsh, 3116 Spring Valley Rd. Motion by Braig to appoint John Walsh to a 3-year term through September 8, 2016. Seconded by Connors. Motion carried 7-0.

Transit Advisory Board: One 3-year term through July 30, 2016 (Expiring term of Knight). Applicant: Rhonda Knight, 250 West 6th St. Motion by Connors to appoint Rhonda Knight to a 3-year term through July 30, 2016. Seconded by Braig. Motion carried 7-0.

Zoning Board of Adjustment: One 5-year term through March 25, 2018 (At-Will term of Klauer). Applicant: Jonathan McCoy, 263 Main St. Motion by Braig to appoint Jonathan McCoy to a 5-year term through March 25, 2018. Seconded by Connors. Motion carried 7-0.

PUBLIC HEARINGS

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

Code of Ordinances Title 16 Unified Development Code Amendment - Home-Base Businesses: Proof of publication on notice of public hearing to consider a request by Beverly Knockel to amend Section 7-1.3 of the City of Dubuque's Unified Development Code to add firearm sales to the list of prohibited home-based businesses and the Zoning Advisory Commission recommending approval. Restated motion by Connors to receive and file the documents and consider the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances, Title 16 Unified Development Code, Chapter 7 Supplemental Use Regulations Section 7-1.3 Prohibited Home-Based Business Uses to add firearm sales as a prohibited home-based business. Seconded by Jones. Motion carried 5-2 with Lynch and Resnick voting nay.

Assistant Planner Kyle Kritz and Zoning Advisory Commission Chair Charlie Miller provide a staff report and responded to questions from the City Council.

Beverly Knockel, 910 Hawkeye Drive; Mary Sutter, 882 Stone Ridge; Diane & Kevin Koch, 285 So. Grandview Ave.; Suzanne Dobbs, 3745 Buckeye Court; Burton Everist, 2677 Knob Hill Drive; and Patricia Anderson, 970 Hawkeye Drive spoke in favor of the amendment.

John Kemps, 747 Kaufmann Avenue; Jacob Long, 4604 Cardinal Drive; Jennifer Smith, 7804 Trail Edge Drive; Ron Hickson Street, 2608 Rosewood Street; Dan McNamer, 1867 Phyllrich Drive; Will Johnson, 2090 Key Largo Drive; Bob Renne, 1950 Avalon Road; Daryl Klein, 20757 Klein Lane, Durango; Joel Pusateri, 3530 Hillcrest Road; and John Psaros, 2211 Rhomberg Ave. spoke in opposition to the amendment.

Weaver Castle, LLC Development Agreement for 346-348 W. Locust Street: Proof of publication on notice of public hearing to consider approval of a development agreement with Weaver Castle, LLC to redevelop the property located at 346-348 W. Locust Street and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 272-13 Approving the 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 Braig. Motion carried 7-0.

Sale of Property at 2318 Washington Street: Proof of publication on notice of public hearing to consider the disposal of City-owned real property located at 2318 Washington Street to Brian J. Nilles and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 273-13 Approving the sale of real estate located at 2318 Washington Street, in the City of Dubuque. Seconded by Resnick. Motion carried 7-0.

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

ACTION ITEMS

"Together we are one Dubuque" Public Art Proposal Presentation: Project Directors Geri Shafer, 1207 Adeline Street; and Gene Tully, 448 Summit Street, presented a public/private partnership public art proposal entitled "Together we are one Dubuque, and we are a ripple" that is being suggested for the green space at 5th and Bell Streets. Motion by Jones to receive and file the documents and support and endorse the project. Seconded by Connors. Motion carried 7-0.

Addition of Sustainable Dubuque Community Health & Safety Principle: City Manager recommending approval of the addition of Community Health & Safety as the 12th principle in the Sustainable Dubuque model. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Sustainable Dubuque Community Grant Applications: City Manager recommending approval of Round 2 of the Sustainable Dubuque Community grant applications. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Lynch. Motion carried 7-0.

Purina Drive Barge Docking Facility Repair Project Award: City Manager recommending award of the contract for the Purina Drive Barge Docking Facility Repair Project to the low bidder, Newt Marine and further recommends that the City Council recognize that there was an irregularity in the original bid submittal from Newt Marine, waive its original unit pricing bid, and accept its clarified unit pricing.

City Attorney submitting information related to the project award.

Correspondence from Krista L. Taylor, President of Taylor Construction, Inc., requesting to address the City Council regarding the project award.

Correspondence from Krista L. Taylor, President of Taylor Construction, Inc., expressing her concerns about how the bid opening was handled.

Motion by Jones to receive and file the documents, waive the irregularity, accept the revised bid, and adopt Resolution No. 274-13 Awarding the public improvement contract for the Purina Drive Barge Docking Facility Repair Project CIP #6802479. Seconded by Resnick. Krista Taylor, Vice President of Taylor Construction, 7314 Columbus St., New

Vienna, Iowa, spoke in opposition to acceptance of the bid citing bid irregularities. Motion carried 7-0.

Ninth and Eleventh Streets One-Way to Two-Way Conversion Project Award: City Manager recommending award of the contract for the Ninth and Eleventh Streets One-Way to Two-Way Conversion Project to the low bidder, Portzen Construction, Inc. Motion by Braig to receive and file the documents and adopt Resolution No. 275-13 Awarding public improvement contract for the 9th Street and 11th Street One-Way to Two-Way Conversion Project. Seconded by Connors. Motion carried 6-1 with Resnick voting nay.

Request for Work Session - New Airport Terminal Building: City Manager recommending a work session be set for October 21, 2013 at 4:30 p.m. to tour the new Airport Terminal Building. Motion by Lynch to receive and file the documents and set the public hearing as recommended. Seconded by Connors. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 9:00 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 8/28