

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

The Dubuque City Council met in special session at 4:30 p.m. on October 21, 2013 at the Dubuque Regional Airport Jet Center, 11000 Airport Road.

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 tour of the Dubuque Regional Airport new terminal project.

**WORK SESSION
Tour of the Dubuque Regional Airport new terminal project**

Airport Manager Bob Gierson provided a tour of the new airport terminal project still under construction highlighting the design, layout, technology and sustainability elements.

There being no further business, upon motion the City Council adjourned at 5:05 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/30

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

The Dubuque City Council met in regular session at 6:30 p.m. on October 21, 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

PROCLAMATION(S)

Andrew Connolly Make-a-Difference Day (October 26, 2013) was accepted by co-chair Jennifer Connolly.

PRESENTATION(S)

ICMA International Sustainability Fellows Program: Assistant City Manager Cindy Steinhauser introduced Yigang Feng of Hunan Province, China; and Peter Ridge of Palmerston North, New Zealand, who addressed the City Council.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated with exception to item No. 6 (Novelty Iron, Landlord, LLC - Collateral Assignment of Development Agreement) and item No. 14 (Appeal of Claim - Shirley Wiegand). Seconded by Resnick. Council Member Connors requested item No. 6 be held for separate discussion and item No. 15 was removed from the agenda at the request of the City Attorney. Motion carried 7-0.

Minutes and Reports Submitted: Cable TV Commission of 9/4; City Council proceedings of 10/7; Library Board of Trustees of 8/22 and 9/26; Zoning Advisory Commission of 10/2; Zoning Board of Adjustment of 9/26. Upon motion the documents were received and filed.

Notice of Claims and Suits: Resurrection Church for property damage; Aaron Walling for vehicle damage; Walter Womack for lost wages. 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: Walter Womack for lost wages. Upon motion the documents were received, filed and concurred.

Managing Underwriter Services: City Manager recommending approval of the selection of R.W. Baird for managing underwriting services. Upon motion the documents were received, filed and approved.

Dodds River Terminal, Inc. Quit Claim Deed: City Attorney recommending approval of the settlement and accepting of the quit claim deed from Dodds River Terminal, Inc. Upon motion the documents were received and filed and Resolution No. 310-13 Accepting the deed to certain real estate in Dubuque County, Iowa from Dodds River Terminal, Inc. was adopted.

Novelty Iron, Landlord, LLC - Collateral Assignment of Development Agreement: City Manager recommending approval of a Collateral Assignment of Development Agreement from Novelty Iron Landlord LLC to The National Bank out of Bettendorf. Motion by Connors to receive and file the documents and adopt Resolution No. 301-13 Approving the Collateral Assignment of Development Agreement between the City of Dubuque, Iowa, Novelty Iron Landlord LLC, and the National Bank. Seconded by Braig. The City Manager and City Attorney provided information related to TIF payments and the City's liability. Motion carried 7-0.

E.B. Lyons Interpretive Area - Land and Water Conservation Fund Grant: City Manager recommending approval of the Land and Water Conservation Fund Grant Agreement with the Iowa Department of Natural Resources to assist with land acquisition and development of the E.B. Lyons Interpretive Area Expansion at the Mines of Spain Recreation Area. Upon motion the documents were received and filed and Resolution No. 302-13 Authorizing Land and Water Conservation Fund Grant Agreement with Iowa Department of Natural Resources for Acquisition and Development of E.B. Lyons Interpretive Area Expansion at the Mines of Spain State Recreation Area was adopted.

Final Plat - Pine Knoll Subdivision (Katrina Circle): Zoning Advisory Commission recommending approval of the Final Plat for Pine Knoll Subdivision subject to waiving the lot frontage requirement for Lots 3, 4, and 5. Upon motion the documents were received and filed and Resolution No. 303-13 Approving the Final Plat of Pine Knoll Subdivision in the City of Dubuque, Iowa, was adopted.

Asbury Tank Reconditioning Project Acceptance: City Manager recommending acceptance of the construction contract for the reconditioning of the Asbury Tank Reconditioning Project, as completed by Classic Protective Coatings. Upon motion the documents were received and filed and Resolution No. 304-13 Accepting the Asbury Tank Reconditioning Project and authorizing the payment of the contract amount to the contractor was adopted.

Zoning Advisory Commission: Communication from Zoning Advisory Commission requesting City Council approval to appoint Commissioner Michael Belmont as a representative to the Airport Zoning Advisory Commission. Upon motion the documents were received, filed and approved.

Alternative Services Concepts Renewal Rates: City Manager recommending approval of the renewal rates from Alternative Services Concepts for services related to the administration of the City's Worker's Compensation Program effective October 1, 2013 through September 30, 2014. Upon motion the documents were received, filed and approved.

Supplemental Environmental Project (SEP) Completion Report: City Manager recommending approval to certify and submit the City of Dubuque's Supplemental Environmental Project Completion Report to the U.S. Department of Justice, US Environmental Protection Agency and the Iowa Department of Natural Resources. Upon motion the documents were received and filed.

Rainbo Oil Co. (DBA Kwik Stop C-Stores) - First Amendment to Lease Agreement: City Manager recommending approval of the First Amendment to the Lease Agreement with Rainbo Oil Co., d/b/a Kwik Stop C-Stores for a portion of the 16th Street corridor property. Upon motion the documents were received and filed and Resolution No. 305-13 Approving the First Amendment to the Lease Agreement between the City of Dubuque, Iowa and Rainbo Oil, Co. DBA Kwik Stop C-Stores was adopted.

Appeal of Claim - Shirley Wiegand: City Attorney recommending denial of a claim by Shirley Wiegand for property damage. Upon motion this item was removed from the agenda.

Ellyn Bechen et al. vs. City of Dubuque and Dubuque Racing Association, LTD: City Attorney submitting a Dismissal with Prejudice related to the Ellyn Bechen et al. vs. City of Dubuque and Dubuque Racing Association, LTD law suit. Upon motion the documents were received and filed.

Nicholas Steffen vs. City of Dubuque et al.: City Attorney submitting a Stipulated Dismissal with Prejudice and executed Release related to the Nicholas Steffen vs. City of Dubuque et al law suit. Upon motion the documents were received and filed.

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 the University of Dubuque to purchase a portable video switcher to enable on-location multi-camera productions. Upon motion the documents were received, filed and approved.

Iowa Department of Public Health Third-Party Agreement: City Manager recommending approval of a Third Party Network Agreement in order to use the Healthy

Homes Lead Poisoning Surveillance System for the Healthy Homes and Childhood Lead Poisoning Prevention Programs. Upon motion the documents were received, filed and approved.

Mediacom Communications Company: Communication from Mediacom Communications Company advising the City of programming changes on or about October 28, 2013. Upon motion the documents were received and filed.

Dubuque Main Street - Main Street Iowa 2013 Challenge Grant: City Manager recommending approval of an endorsement of the Dubuque Main Street application to the Iowa Economic Development Authority for a 2013 Main Street Iowa Challenge Grant. Upon motion the documents were received, filed and approved.

Signed Contracts: CEC Contract for technology support in the Port of Dubuque; Neumann Monson contract amendment for the Intermodal Transportation Center; Strand Associates Amendment No. 6 for Construction Services related to the W&RRC Modification Project. Upon motion the documents were received and filed.

Improvement Contracts and Maintenance Bonds: Portzen Construction Contract for the 16th Street Railroad Crossing Approach Pavement Removal and Replacement Project. Upon motion the documents were received, filed and approved.

Business License Refund: Request by Rainbo Oil Co. for a refund of the liquor license for Kwik Stop formally located at 4110 Dodge St. in the amount of \$37.50. 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. 306-13 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 Jones. Motion carried 7-0.

Sale of Property - 1787 Washington Street (Row House): City Manager recommending setting a public hearing for November 4, 2013, on the sale of 1787 Washington Street to Danika M. Carstens. Upon motion the documents were received and filed and Resolution No. 307-13 Resolution of Intention to dispose of City-owned property, specifically, Lot 1 of Lot 2 of the East 1/2 of Lot 91 in the East Dubuque Addition, in the City of Dubuque, Iowa, according to the recorded plat thereof - 1787

Washington Street was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 4, 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.

Environmental Stewardship Advisory Commission: One 3-year term through October 1, 2014 (vacant term of Splittstoesser). Applicants: Jacob Bergum, 247 West 11th St. #8; and Gina Makris, 166 Bluff St. Ms. Makris and Mr. Bergum spoke in support of their respective appointments.

Parks and Recreation Advisory Commission: One 3-year term through June 30, 2014 (Vacant term of Harris). Applicants: Robin Kennicker, 904 Lincoln Ave.; and Randy Neal, 3771 Hillcrest Rd. Ms. Kennicker spoke in support of her appointment.

Safe Community Advisory Committee: One 1-year term through December 31, 2013 (Vacant term of Cheatham). Applicant: Ronald Hammel II, 419 Clark St.

PUBLIC HEARINGS

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

Request to Rezone - 1828 Carter Road: Proof of publication on notice of public hearing to consider a request by Harry Blewett (Dubuque Board of Realtors) to rezone property at 1828 Carter Road from OR Office Residential to C-2 Neighborhood Shopping Center 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 Jones. Harry Blewett, 1670 Fox Drive, spoke in favor of the proposed rezoning and addressed questions regarding parking. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 49-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by Reclassifying hereinafter described property located at 1828 Carter Road from OR Office Residential to C-2 Neighborhood Shopping Center District. Seconded by Braig. Motion carried 7-0.

Request to Rezone - 2612 / 2614 / 2616 University Avenue: Proof of publication on notice of public hearing to consider a request by Deanne & David Hohmann DBQ Dance Studio and Gymnastics Club, to rezone property at 2612/2614/2616 University Avenue from C-1 Neighborhood Commercial and R-1 Single-Family Residential District to OR Office Residential 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

Jones. Planning Services Manager Laura Carstens provided a staff report. Ms. Carstens and Zoning Advisory Commission Chairperson Patrick Norton addressed questions regarding parking and storm water management. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 50-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2612, 2614, and 2616 University from C-1 Neighborhood Commercial District and R-1 Single-Family Residential District to OR Office Residential District. Seconded by Braig. Motion carried 7-0.

Request to Rezone - 4396 Peru Road: Proof of publication on notice of public hearing to consider a request by Nancy Heiar to rezone a portion of property at 4396 Peru Road from R-1 Single Family Residential to C-2 Neighborhood Shopping Center 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 Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 51-13 Amending Title 16 of the city of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 4396 Peru Road from R-1 Single-Family Residential District to C-2 Neighborhood Shopping Center District. Seconded by Resnick. Motion carried 7-0.

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

ACTION ITEMS

Convention and Visitors Bureau Quarterly Report: President Keith Rahe provided the first quarterly report (July-October 2013), for the Dubuque Convention and Visitors Bureau since becoming a 501(c)(3) that included information on the structure of the CVB, Travel Iowa Impact Study, marketing Co-op Program, sales recap and upcoming sales, hospitality, and sports and events. Motion by Connors to receive and file the documents and information. Seconded by Braig. Motion carried 7-0.

TriState Quality Metals, LLC - State of Iowa Business Financial Assistance Application: City Manager recommending approval of the submission of a Business Financial Assistance Application to the Iowa Economic Development Authority on behalf of TriState Quality Metals, LLC. Motion by Braig to receive and file the documents and adopt Resolution No. 308-13 Authorizing the filing of an application for State Business Financial Assistance on behalf of Tristate Quality Metals, LLC. Seconded by Jones. Motion carried 7-0.

Design Mill, Inc. - Economic Development Assistance Contract: City Manager recommending approval of an Economic Development Assistance Contract with Design Mill, Inc., the City of Dubuque, and the Iowa Economic Development Authority. Motion

Braig to receive and file the documents and adopt Resolution No. 309-13 Authorizing the execution of an Economic Development Assistance contract by Design Mill, Inc., the City of Dubuque and the Iowa Economic Development Authority. Seconded by Connors. Motion carried 7-0.

National League of Cities Voting Delegates: Correspondence from the National League of Cities requesting that the City designate a voting delegate and alternate voting delegate for the upcoming National League of Cities Annual Business meeting on November 16, 2013. Motion by Connors to receive and file the documents and appoint Mayor Buol as the voting delegate. Seconded by Resnick. Motion carried 7-0.

Sustainable Dubuque - Request for Work Session: City Manager recommending that the City Council schedule a Sustainable Dubuque quarterly work session for Monday, December 2, at 5:00 p.m. Motion by Lynch 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 Connors reported on her pleasure with the recent 3rd Annual All the Way Home event and parade encouraging citizens to attend next year's event.

Mayor Buol reported on his attendance at the Mississippi River Cities and Towns Summit recently held in Memphis, that addressed the river's infrastructure, investment specifics, the economy of the river, and container barges.

There being no further business, upon motion the City Council adjourned at 7:41 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 10/30