

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 18, 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

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 10/2; City Council proceedings of 11/4; Civic Center Advisory Commission of 10/28; Civil Service Commission of 11/12; Library Board of Trustees of 9/26 and update of 10/24; Safe Community Advisory Committee of 9/11; Zoning Advisory Commission of 11/6; Proof of Publication for City Council proceedings of 10/21; Proof of Publication for List of Claims and Summary of Revenues Month Ended 9/30. Upon motion the documents were received and filed.

Notice of Claims and Suits: Scott Estal for personal injury; Nancy Freiburger for personal injury; Joseph Healey for property damage; Steven Steines 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: Robert Allemann for property damage; Nancy Freiburger for personal injury. Upon motion the documents were received, filed and concurred.

Project HOPE - National League of Cities Conference Presentation: correspondence from Eric Dregne, Vice President of Strategic Initiatives for the Community Foundation of Greater Dubuque, informing the City that Project HOPE was invited to present on Re-Engage Dubuque at the National League of Cities Conference in Seattle, Washington, November 13-16, 2013. Upon motion the documents were received and filed.

Abstract of Votes - 2013 General Election: Dubuque County Board of Supervisors submitting the Abstract of Votes for the General Election held the 5th day of November, 2013. Upon motion the documents were received and filed.

Smarter Cities Challenge - Workforce Solutions: City Manager recommending approval of the IBM Smarter Cities Challenge application to address workforce development issues. Upon motion the documents were received, filed and approved.

Fiscal Year 2013 State of Iowa Annual Financial Report: City Manager recommending approval of the City of Dubuque's Fiscal Year 2013 Annual Financial Report. Upon motion the documents were received, filed and approved.

Gavilon Grain - Assignment of Gypsum Storage and Handling Agreement with Beneficial Reuse Management: City Manager recommending approval of the Assignment of the Gypsum Storage and Handling Agreement from the City of Dubuque to Gavilon Grain. Upon motion the documents were received and filed and Resolution No. 321-13 Approving the assignment of Gypsum Storage and Handling Agreement between the City of Dubuque, Iowa and Gavilon Grain, LLC was adopted.

Usha Park Parking Lot Project - Recording Memo: City Manager recommending that the award for the Usha Park Parking Lot Project to Drew Cook & Sons Excavating, Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

Plat of Survey - 1895 Kennedy Road: Zoning Advisory Commission requesting approval of the Plat of Survey for Westview Shopping Center Place No. 4 Lots 1 and 2. Upon motion the documents were received and filed and Resolution No. 322-13 Approving the Plat of Survey Lot 1 and Lot 2 of Westview Shopping Center Place No. 4 was adopted.

REAP Grant Agreement for Iowa 32 Bike/Hike Trail - Phase 4: City Manager recommending approval of a resolution and the Fiscal Year 2014 REAP grant agreement related to Phase 4 of the Iowa 32 Bike/Hike Trail along the Northwest Arterial from Holliday Drive to Pennsylvania Avenue. Upon motion the documents were received and filed and Resolution No. 323-13 Authorizing REAP Grant application to Iowa Department of Natural Resources for Phase 4 of the Iowa 32 Bike/Hike Trail was adopted.

AmeriCorps Grant Application: City Manager recommending approval of the 2014-2015 AmeriCorps Grant application recently submitted to the Iowa Commission on Volunteer Service. Upon motion the documents were received, filed and approved.

Dodd's River Terminal, Inc.: City Attorney submitting a Quit Claim Deed and Resolution releasing all interests in certain real estate in the South Port related to Dodd's River Terminal, Inc. Upon motion the documents were received and filed.

Purchase of Property - 1401 and 1421 Elm Street: City Manager recommending authorization for the City of Dubuque to enter into a purchase agreement with Angela Mangeno to acquire 1401-1421 Elm Street. Upon motion the documents were received and filed and Resolution No. 324-13 Approving the acquisition of real estate known as Lot 142 in East Dubuque Addition 1401-1421 Elm Street in the City of Dubuque, Iowa, was adopted.

Purchase of Property - 2426 Washington Street: City Manager recommending acquisition of property at 2426 Washington Street from Merlin and Mary Rose Reuter, authorizing acceptance of the Warranty Deed and any other related steps necessary to carry out the terms of the offer. Upon motion the documents were received and filed and Resolution No. 325-13 Approving the acquisition of real estate owned by Merlin Reuter and Mary Rose Reuter in the City of Dubuque was adopted.

Purchase of Property - 510 East 22nd Street: City Manager recommending approval to purchase property at 510 E. 22nd Street from Anomaly on Music Row, L.C., and authorize acceptance of the Warranty Deed and any other related steps necessary to carry out the terms of the offer. Upon motion the documents were received and filed and Resolution No. 326-13 Approving the acquisition of real estate owned by Anomaly on Music Row, L.C. in the City of Dubuque was adopted.

Purchase of Property - 427-429 Rhomberg Avenue: City Manager recommending approval to purchase property at 427-429 Rhomberg Avenue and authorize acceptance of the Warranty Deed and any other related steps necessary to carry out the terms of the offer. Upon motion the documents were received and filed and Resolution No. 327-13 Approving the Acquisition of real estate owned by John P. Mihalakis and Richard L. Billmeyer, D/B/A Junie & Rich's Coin Partnership, in the City of Dubuque was adopted.

Code of Ordinances - Adoption of Supplement No. 13: City Clerk recommending adoption of Supplement No. 13 to the City of Dubuque Code of Ordinances, which codifies Ordinance Nos. 19-13 through 22-13, 24-13 through 27-13, 30-13 through 35-13, and 39-13 through 48-13 as adopted by the City Council and enacted through September 20, 2013. Upon motion the documents were received and filed and Resolution No. 328-13 Adopting Supplement No. 13 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

ARC Transfer Center Phase I Project Acceptance: City Manager recommending acceptance of the construction contract for the ARC Transfer Center Phase I Project, as completed by Murphy Construction. Upon motion the documents were received and filed and Resolution No. 329-13 Accepting the ARC Transfer Center Phase I Project and authorizing the payment of the contract amount to the contractor was adopted.

Historic Preservation Commission: Historic Preservation Commission submitting a request to appoint Commissioner Robert McDonnell as a temporary commissioner for the Jackson Park Historic District due to a change in residency and until such time that a

resident of the district applies and is appointed. Upon motion the documents were received, filed and approved.

Citizen Correspondence: Correspondence from Dave and Anne Hartig regarding the use of engine brakes within the city limits. Upon motion the documents were received, filed and referred to the City Manager.

Sixteenth Street Railroad Crossing Approach Pavement Removal and Replacement Project Acceptance: City Manager recommending acceptance of the construction contract for the 16th Street Railroad Crossing Approach Pavement Removal and Replacement Project, as completed by Portzen Construction, Inc. Upon motion the documents were received and filed and Resolution No. 330-13 Accepting the 16th Street Railroad Crossing Approach Pavement Removal & Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

Signed Contracts: Docking license agreement with American River Transportation Co., d/b/a Artco Fleeting Service. Upon motion the documents were received and filed.

Alcohol Compliance Civil Penalty for Alcohol License Holders – Mindframe Theaters: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Mindframe Theaters, 555 JFK Road, #105. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders – Olive Garden Italian Restaurant: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Olive Garden Italian Restaurant, 3350 Dodge Street. 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. 331-13 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 - West of 1895 John F. Kennedy Road: City Manager recommending that a public hearing be set for December 2, 2013, for the purpose of disposing of the 1.4 acre City-owned parcel adjacent to and west of 1895 John F. Kennedy Road to Molo Oil Company. Upon motion the documents were received and filed and Resolution No. 332-13 Resolution of Intent to dispose of an interest in City-

owned real property by sale to Molo Oil Company was adopted setting a public hearing for December 2, 2013 in the Historic Federal Building.

PUBLIC HEARINGS

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

Request to Rezone - 1822 Creek Wood Drive: Proof of publication on notice of public hearing to consider a request by Marty McNamer to rezone property at 1822 Creek Wood Drive from C-2c Neighborhood Shopping Center District with Conditions to R-3 Moderate Density Multi-Family 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 Braig. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 52-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1822 Creek Wood Drive from C-2 Neighborhood Shopping Center District with conditions to R-3 Moderate Density Multi-Family Residential District. Seconded by Braig. Motion carried 7-0.

Sale of Property - 317-319 East 22nd Street: Proof of publication on notice of public hearing to consider the sale of City-owned real estate at 317-319 East 22nd Street to Danielle L. Minnick and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt the Resolution No. 333-13 Approving the sale of real estate specifically 317-319 East 22nd Street. Seconded by Jones. Motion carried 7-0.

Fire Station No. 4 Mechanical and Restroom Upgrade Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Fire Station No. 4 Mechanical and Restroom Upgrade Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 334-13 Approval of plans, specifications, form of contract, and estimated cost for the Fire Station No. 4 Mechanical and Restroom Upgrade Project. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

Sustainable Dubuque Community Grant Recommendations Round 3: City Manager recommending funding of Round 3 of the Sustainable Dubuque Community grant applications. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

Drainage Basin Master Plan 2013 Amendment: City Manager recommending adoption of the 2013 Amendment to the Drainage Basin Master Plan. Motion by Jones to receive and file the documents and adopt Resolution No. 335-13 Adopting the City of Dubuque 2013 Drainage Basin Master Plan Amendment. Seconded by Connors. Civil Engineers Deron Muehring and Jon Dienst responded to questions from the City Council regarding the criteria by which the alleys are chosen for permeable pavers, cost comparisons, soil conditions, slope/grade issues and assessments. Motion carried 6-1 with Resnick voting nay.

State Flood Mitigation Grant Application: City Manager recommending approval to submit an application to the State of Iowa Flood Mitigation Program Board for \$98,494,178 in state sales tax increment funding for the Bee Branch Watershed Flood Mitigation Project. Motion by Braig to receive and file the documents and adopt Resolution No. 336-13 Approving application for State of Iowa Flood Mitigation Program funding for the Bee Branch Watershed Flood Mitigation Project; and Resolution No. 337-13 Local match resolution for the Flood Mitigation Program. Seconded by Braig. Civil Engineer Deron Muehring, Planning Services Manager Laura Carstens, Assistant City Manager Teri Goodmann, and Budget Director Jenny Larson presented a slide presentation that provided information on Dubuque's flooding history and associated costs; watershed hydrology; Drainage Basin Master Plan; watershed solutions and project phases; conformance with City goals, priorities, policies and initiatives; citizen advisory committee; funding options, sources and funding request; partnerships; financial detail; and state sales tax increment funding; The video documenting the flood of July 2011 was presented. Staff responded to questions from City Council. Motion carried 7-0.

Special Assessments Interest Rates: City Manager recommending approval to reduce the special assessment interest rate from 9% to 3%, creating an opportunity for property owners to pay their assessments at 3% interest over 15 years. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Braig welcomed Boy Scout Troup 48 and thanked them for attending the meeting. Braig also asked for consensus from the Council for asking staff to investigate ordinances regulating payday establishments and for the Environmental Stewardship Advisory Commission to provide information on fracking. Both items were referred to staff.

Council member Jones acknowledged Troup 48 Scout Master and Building Services Inspector Jeff Zasada and thanked the Fire Department for their efforts on the early-morning fire on Roosevelt Street.

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

/s/Kevin S. Firnstahl, CMC
City Clerk

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