

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

The Dubuque City Council met in regular session at 6:30 p.m. on December 16, 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 Connors. Council Member Resnick requested (#20) Family Self-Sufficiency Coordinators Funding be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 11/5, Catfish Creek Watershed Management Authority of 10/22, City Council proceedings of 12/2, Civil Service Commission of 11/11, Housing Commission of 10/22, Human Rights Commission of 11/18, Library Board of Trustees of 10/24, Long Range Planning Advisory Commission of 11/20, Zoning Advisory Commission of 12/4, Zoning Board of Adjustment of 11/21, Proof of Publication for City Council proceedings of 11/18. Upon motion the documents were received and filed.

Notice of Claims and Suits: Melissa Gilstrap for property damage, Dawn Sheffer 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: Melissa Gilstrap for property damage and Dawn Sheffer for vehicle damage. Upon motion the documents were received, filed and concurred.

Bee Branch Creek Watershed Flood Mitigation Project: City Manager transmitting the Bee Branch Creek Watershed Flood Mitigation Project Brochure. Upon motion the document was received and filed.

Fiscal Year 2015 Annual Tax Increment Financing (TIF) Report: City Manager transmitting the Annual Tax Increment Financing (TIF) Report that has been filed with Dubuque County Auditor Denise Dolan. Upon motion the documents were received and filed.

Human Rights Commission: Commissioner Michael Elliott submitting his resignation from the Human Rights Commission. Upon motion the document was received, filed and the resignation accepted.

Housing Commission: Commissioner Judie Root submitting her resignation from the Housing Commission. Upon motion the document was received, filed and the resignation accepted.

Civil Service Commission: Civil Service Commission submitting the certified list for the position of Foreman. Upon motion the documents were received, filed and made a Matter of Record.

Final Plat - Brunskill Street Place No. 2: Zoning Advisory Commission recommending approval of the final plat for Brunskill Street Place No 2 subject to waiving the lot frontage requirements for Lots 2 through 6. Upon motion the documents were received and filed and Resolution No. 349-13 Approving the final Plat of Brunskill Street Place No. 2 in the City of Dubuque, Iowa, was adopted.

Final Plat - Freedom Ridge Estates Plat 2: Zoning Advisory Commission recommending approval of the final plat for Freedom Ridge Estates Plat 2 subject to waiving lot frontage for Lots 1, 2, and 4. Upon motion the documents were received and filed and Resolution No. 350-13 Approving the Final Plat Freedom Ridge Estates, Plat 2, in the City of Dubuque, Iowa, was adopted.

Final Plat - Katra Subdivision: City Manager recommending approval of the Final Plat of Katra Subdivision, subject to allowing a 22-foot paving width for Katra Court, a 25.88-foot lot frontage for Lot 5, and waiving Sections 11-20 Water Supply 11-21 Sanitary Sewer, 11-23 Obligation to Install Improvements, and 11-24 Improvement Guarantees. Upon motion the documents were received and filed and Resolution No. 351-13 Approving the Final Plat of Katra Subdivision in Dubuque County, Iowa, was adopted.

Freedom Ridge Estates Pre-Annexation Agreement: City Manager recommending approval of a Pre-Annexation Agreement with John and Tina Perry, property owners of 10600 Freedom Ridge Drive. Upon motion the documents were received and filed and Resolution No. 352-13 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and John W. and Tina M. Perry was adopted.

IDOT Excess Right-of-Way Acceptance of Patent - Curtis and Bryant Streets: City Manager recommending acceptance of the Patent from the State of Iowa conveying four remnant parcels at Curtis and Bryant Streets to the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 353-13 Accepting a conveyance of property (Lots E, F, G, and H in Bonson & Stewart's Subdivision in the City of Dubuque, Dubuque County, Iowa) was adopted.

Seippel Road Commercial Park - Acceptance of Public Improvements: City Manager recommending acceptance of the public improvements that the developer, Seippel Road, LLC, has recently completed in Seippel Road Commercial Park Subdivision. Upon motion the documents were received and filed and Resolution No. 354-13 Accepting public improvements in Seippel Road Commercial Park Subdivision in the City of Dubuque, Iowa, was adopted.

Thirty-Inch Force Main Project Phase I Acceptance: City Manager recommending acceptance of the construction contract for Phase I of the 30-Inch Force Main Relocation Project from 9th Street to 11th Street as completed by Portzen Construction. Upon motion the documents were received and filed and Resolution No. 355-13 Accepting Phase I of the 30-Inch Force Main Relocation Project from 7th Street to 12th Street and authorizing the payment of the contract amount to the contractor was adopted.

Jule Transit System ITS Project Acceptance: City Manager recommending acceptance of the Jule Intelligent Transportation Project as completed by Trapeze Group. Upon motion the documents were received and filed and Resolution No. 356-13 Accepting the Jule Intelligent Transportation (ITS) Project and authorizing the payment of the contract amount to the contractor was adopted.

Spahn & Rose vs. City of Dubuque: City Attorney recommending approval of a Release and Dismissal in the case of Spahn & Rose vs. City of Dubuque related to the 2011 force main break at the former Public Works Garage. Upon motion the documents were received, filed and approved.

Iowa Natural Heritage Foundation Warranty Deed: City Attorney recommending approval of a resolution accepting the Warranty Deed for the former Bottoms property adjacent to the E.B. Lyons Interpretive Center. Upon motion the documents were received and filed and Resolution No. 357-13 Accepting the deed to certain real estate in Dubuque County, Iowa from the Iowa Natural Heritage Foundation was adopted.

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

Family Self-Sufficiency Coordinators Funding: City Manager recommending approval of additional funding in Fiscal Year 2014 to continue employment of the three Family Self-Sufficiency Program Coordinators. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. City Manager Van Milligen explained the nature of the program and its funding stating that future funding will need to be approved through the City's budget process or the program may not continue. Motion carried 7-0.

TriState Quality Metals Economic Development Assistance Contract: City Manager recommending approval of the submission of an Economic Development Assistance Contract by TriState Quality Metals, LLC, the City of Dubuque and the Iowa Economic Development Authority. Upon motion the documents were received and filed and Resolution No. 358-13 Authorizing the execution of an Economic Development Assistance Contract by TriState Quality Metals, LLC, the City of Dubuque and the Iowa Economic Development Authority was adopted.

2012 City Council Official Proceedings: City Clerk submitting the Official Proceedings of the City Council for 2012. Upon motion the documents were received, filed and approved.

Improvement Contracts and Maintenance Bonds: Ted Stackis Construction for the Fire Hydrant Painting Program Phase 4. 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. 359-13 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.

BOARDS/COMMISSIONS

Applications to the following Boards/Commissions were reviewed.

Human Rights Commission: Three 3-year terms through January 1, 2017 (vacant term of Elliott and Expiring terms of Beacham and Jackson) Applicants: Andrea Beacham, 1548 Pego Ct.; Miquel Jackson, 2130 Woodland Dr., Apt 11; Christopher Ostwinkle, Ph.D., 3678 Pennsylvania Ave., Apt O-183

Mediacom Charitable Foundation: Two 1-year terms through December 31, 2014 (Expiring terms of Chavenelle and Twining) Applicants: Gail Chavenelle, 1155 Kelly Ln.; Connie Twining, 421 N. Booth St.

PUBLIC HEARINGS

Voluntary Annexation - Truck Country, 10785 U.S. Highway 61/151: Proof of publication on notice of public hearing to consider the request by McCoy Family Properties for the voluntary annexation of territory south of the City, and generally located at Truck Country, 10785 U.S. Highway 61/151 and the City Manager recommending tabling to the January 6, 2014 meeting. Motion by Jones to receive and file the documents and table to January 6, 2014. Seconded by Braig. Motion carried 7-0.

ACTION ITEMS

50% by 2030 Community Climate Action and Resiliency Plan: City Manager recommending approval of the final 50% by 2030 Community Climate Action and Resiliency Plan. Motion by Jones to receive and file and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Inclusive Dubuque Funding Support: City Manager recommending approval of a request from Inclusive Dubuque for ongoing support of \$75,000 per year to support the implementation of the Inclusive Dubuque Initiative. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. A video of the Inclusive Dubuque kickoff press conference was presented. Inclusive Dubuque coordinator Jessica Rose responded to questions about the collective impact model. City Council had discussion on how the funds would be used, establishing goals, metrics and status reports. Motion carried 7-0.

Bus Storage and Maintenance Facility: City Manager recommending approval of a budget scenario and submission of a Surface Transportation Program grant application for the Bus Storage Maintenance Facility project at the former site of the Public Works Garage, 925 Kerper Blvd. Motion by Connors to receive and file the documents, approve the recommendation and adopt Resolution No. 360-13 Authorizing the filing of a grant application with the Dubuque Metropolitan Area Transportation Study for Surface Transportation Program Funding for the City of Dubuque (Bus Storage and Maintenance Facility). Seconded by Braig. Transportation Directory for ECIA Chandra Ravada and Jule Transit Manager Candace Eudaley provided a slide presentation on the history, current status, and budget of the project. Motion carried 7-0.

Code of Ordinances Amendment - Title 7 Hunting and Target Practice: City Manager recommending approval of an Ordinance to change Section 7-5A-16(B)(10) to be consistent with 7-5A-16(A)(10) related to target practice. 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. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 55-13 Amending City of Dubuque code of Ordinances Title 7 Police, fire, and Public Safety, Chapter 5 Offenses, Section 7-5A-16 Hunting and Target Practice Permitted by changing "firearm or other weapon" to "shotgun" for Code consistency. Seconded by Braig. Motion carried 7-0.

Code of Ordinances Amendment - Title 9 Motor Vehicles - Overtaking, Passing on Right: City Manager recommending an ordinance, which amends City of Dubuque Code of Ordinances Section 9-7-321.302: Overtaking, Passing on Right to mirror the Iowa Code. 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. 56-13 Amending City of Dubuque Code of Ordinances title 9 Motor Vehicles and Traffic, Chapter 7 Operation, Section 9-7-321.302 Overtaking, Passing on Right to mirror State Code. Seconded by Braig. Motion carried 7-0.

Fire Station No. 4 Improvements - Mechanical and Restroom Upgrade Project Award: City Manager recommending award of the Fire Station No. 4 Improvements - Mechanical and Restroom Upgrade Project to Maryville Construction. Motion by Jones to receive and file the documents and adopt Resolution No. 361-13 Awarding public improvement project for the Fire Station No. 4 Mechanical and Restroom Upgrade Project. Seconded by Connors. Motion carried 7-0.

Jule Transit Facility Roof and Fire Sprinkler Repair Project Award: City Manager recommending award of the construction documents and construction administration contract to FEH Associates, Inc. Motion by Jones to receive and file the documents and adopt Resolution No. 362-13 Awarding construction document preparation and construction administration contract for the Jule Transit Facility Roof and Sprinkler Repair Project. Seconded by Connors. Motion carried 7-0.

Request for Work Session - Bee Branch Creek Restoration Project Design: City Manager requesting a work session on Monday, January 6, 2014 at 5:00 p.m. to discuss design elements of the Upper Bee Branch Creek Restoration Project. Motion by Braig to receive and file the documents and set the work session as recommended. Seconded by Connors. Motion carried 7-0.

Request for Work Session - Design Guidelines Manual: City Manager requesting a work session for Tuesday, January 21, 2014 at 5:15 p.m. to review the final draft of the design guidelines manual. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Braig. Motion carried 7-0.

Request for Work Session - Housing and Community Development: City Manager requesting a work session for Monday, February 3, 2014 at 5:00 p.m. to provide information on the organizational changes made in the Housing and Community Development Department. Motion by Braig to receive and file the documents and set the work session as recommended. Seconded by Connors. Motion carried 7-0.

Request for Work Session - Compressed Natural Gas: City Manager requesting a work session on Monday, February 17, 2014 at 5:00 p.m. to discuss compressed natural gas. 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

Mayor Buol reported on receiving a Christmas card from an anonymous visitor to Dubuque who commented on the beauty of the city.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:11 p.m. to discuss pending litigation, property acquisition and law enforcement matters pursuant to Chapter 21.5(1)(c), -(g), -(j) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:36 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:37 pm.

/s/Kevin S Firnstahl, CMC
City Clerk

1t 12/25