

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

The Dubuque City Council met in special session at 5:00 p.m. on January 6, 2014 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 special session of the City Council called for the purpose of conducting a work session on the Upper Bee Branch Creek Restoration Project Design.

**WORK SESSION
Upper Bee Branch Creek Restoration Project Design**

Civil Engineers Deron Muehring and Steve Brown; and Mike Jansen, Mike Bridwell, and Shane Burrow of IIW Engineers and Surveyors, provided a slide presentation on the Upper Bee Branch Creek Restoration Project design. Highlights included:

- Bee Branch Creek Restoration & Gateway
 - current concept and development images
 - phases 4 & 7 of the Bee Branch Watershed Flood Mitigation Project
 - conceptual design
 - phases of Lower Bee Branch construction
 - scenic overlooks, floating island
- Upper Bee Branch Creek Restoration Project
 - level control facility phases I & II
 - biofield and boardwalk
 - bridges, footbridges and amphitheater
 - low-volume drip irrigation system
 - orchard
 - off-street parking nodes and permeable pavements
 - sediment management
 - typical creek cross section
 - headwaters junction and structure
 - hike/bike trails and nodes
 - landscaping and plantings
 - park fixtures, embankment slides, flags
 - safety pier
 - drinking fountains and lighting
 - interpretive signs
 - emergency call boxes and security cameras

There being no further business, upon motion the City Council adjourned at 6:08 p.m.

/s/Kevin S Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on January 6, 2014 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

SWEARING IN

Swearing In of Elected Officials & Mayor Pro Tem

Mayor Roy D. Buol

Ric W. Jones - Council Member At Large

Kevin J. Lynch - Council Member First Ward

Joyce E. Connors - Council Member Third Ward

David T. Resnick - Mayor Pro Tem

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.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 11/26, City Council proceedings of 12/16/13, Community Development Advisory Commission of 12/18, Library Board of Trustees of 11/21, Sister City Relationships Advisory Commission of 12/11, Proof of Publication for City Council Proceedings of 12/2 and 12/16, Proof of Publication for List of Claims and Summary of Revenues for Month Ending 11/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Claim by William David for personal injury, Birgit Siegert for vehicle damage, Tschiggfrie Excavating Company for labor and/or materials and Gloria Williams for property damage. Upon motion the documents were received, filed and referred to the City Attorney.

3. 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: William David for personal injury, Birgit Siegert for vehicle damage,

and Gloria Williams for property damage. Upon motion the documents were received, filed and concurred.

4. Nigerian Consulate Expression of Appreciation: Correspondence from Nigerian Ambassador Geoffrey I. Teneilabe expressing appreciation for his recent visit to Dubuque and presentation at the Multicultural Family Center. Upon motion the documents were received and filed.

5. MidAmerica Economic Development Council Awards: City Manager transmitting the program from the MidAmerica Economic Development Council annual Economic Development awards, which highlights Greater Dubuque Development Corporation's awards for Business Retention & Expansion and Workforce Development. Upon motion the documents were received and filed.

6. Request for Proposals – Collective Impact Volunteering Outreach Strategy: City Manager recommending approval of the release of a Request for Proposals for the development of a brand and outreach strategy for collective impact volunteering under the Volunteer Generation Fund Grant. Upon motion the documents were received, filed and approved.

7. Safety Consulting Services: City Manager recommending approval of the selection of TRICOR Safety Consulting to conduct an assessment and authorization for the City Manager to execute the Service Agreement. Upon motion the documents were received, filed and approved.

8. Hwy. 151/61 S. Grandview Avenue Overpass Water Main Relocation Project Acceptance: City Manager recommending acceptance of the construction contract for the Hwy. 151/61 S. Grandview Avenue Overpass Water Main Relocation Project, as completed by Tschiggfrie Excavating Company. Upon motion the documents were received and filed and Resolution No. 1-14 Accepting the Hwy. 151/61 Grandview Avenue Overpass Water Main Relocation Project and authorizing the payment of the contract amount to the contractor was adopted.

9. Kennedy Mall, Ltd., Acceptance of Utility Easement: City Manager recommending approval of a resolution accepting the Grant of Utility Easement from Kennedy Mall, Ltd., for the JFK and Wacker Drive Intersection Improvements Traffic Signalization Project scheduled for construction in the spring of 2014. Upon motion the documents were received and filed and Resolution No. 2-14 Accepting the grant of utility easement through, and over and across a part of Lot 1-1-1-1-1 of Hawkeye Stock Farm in Sections 27 and 28, Dubuque Township, in the City of Dubuque, Dubuque County, Iowa, was adopted.

10. Iowa Department of Economic Development: Correspondence from the Iowa Department of Economic Development advising the City of an amendment to Community Block Grant Program Contract 08-DRH-212 related to the Caradco Building

and a technical correction to Amendment No. 5 related to the Linseed Oil Building. Upon motion the documents were received and filed.

11. Novelty Iron Landlord - Amendment to Development Agreement: City Manager recommending approval of a Second Amendment to Development Agreement with Novelty Iron Landlord, LLC. Upon motion the documents were received and filed and Resolution No. 3-14 Approving the Second Amendment to the Development Agreement between the City of Dubuque, Iowa, and Novelty Iron Landlord, LLC was adopted.

12. Global Green Grant Application: City Manager recommending approval of the submission of a Sustainable Neighborhood Assessment Grant for the Washington Neighborhood. Upon motion the documents were received, filed and approved.

13. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company informing the City of rate adjustments being implemented on or about February 1, 2014 in addition to more transparency on cable bills related to how specific fees are shown. Upon motion the documents were received and filed.

14. City Assessor's Office: Communication from City Assessor Rick Engelken advising the City of additional property tax appeals going before the Property Assessment Appeal Board and District Court. Upon motion the documents were received and filed.

15. Business License Refund: Request from Rainbo Oil Company for a refund of the liquor license for Kwik Stop, 1200 Cedar Cross Road, in the amount of \$100. Upon motion the documents were received, filed and approved.

BOARDS/COMMISSIONS

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. Motion by Lynch to appoint Andrea Beacham, Miquel Jackson, and Christopher Ostwinkle to 3-year terms through January 1, 2017. Seconded by Braig. Motion carried 7-0.

Mediacom Charitable Foundation: Two 1-year terms through December 31, 2014 (Expiring terms of Chavenelle and Twining). Applicants: Gail Chavenelle, 1155 Kelly Ln.; and Connie Twining, 421 N. Booth St. Motion by Braig to appoint Gail Chavenelle and Connie Twining to 1-year terms through December 31, 2014. Seconded by Resnick. Motion carried 7-0.

PUBLIC HEARINGS

Motion by Jones to remove Item #2 Voluntary Annexation - Truck Country, 10785 U.S. Highway 61/151 from the table. Seconded by Connors. Motion carried 7-0.

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

1. Request to Rezone - Truck Country, 10785 U.S. Route 61: Proof of publication on notice of public hearing to consider a request by McCoy Family Properties to zone property at 10785 U.S. Route 61 pending annexation from Dubuque County B1, Business Zoning District to City of Dubuque C-3 General 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 Resnick. Attorney Peter Arling spoke in favor of the rezoning on behalf of McCoy Family Properties. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 1-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 10785 Highway 61 South from County B-1 Business Districts to City of Dubuque C-3 General Commercial District, concurrent with annexation. Seconded by Resnick. Motion carried 7-0.

2. Voluntary Annexation - Truck Country, 10785 U.S. Highway 61/151 (Tabled from December 16, 2013 meeting): 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 approval. Motion by Connors to receive and file the documents and adopt Resolution No. 4-14 Approving an application for voluntary annexation of territory to the City of Dubuque, Iowa. Seconded by Braig. Motion carried 7-0.

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

ACTION ITEMS

1. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented a verbal update on the activities of the Greater Dubuque Development Corporation. Motion by Lynch to receive and file the information. Seconded by Braig. Motion carried 7-0. Mr. Dickinson congratulated the newly elected official and noted GDDC's new office location in the Schmidt Innovation Center, 900 Jackson Street. Mr. Dickinson focused on the five-year anniversary of IBM's move to Dubuque addressing the City's commitment to the project, realization of the Roshek Building restoration, IBM's payroll contribution to the community, regional hub effects on job growth, population, housing price points and the average wage.

2. America's River Festival Funding Request: City Manager recommending approval of a request from the America's River Corporation for the City of Dubuque to provide aid in offsetting the 2013 America's River Festival shortfall with a contribution from the City. Motion by Connors receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 5-2 with Resnick and Sutton voting nay.

3. Fiscal Year 2015 Budget and Fiscal Policy Guidelines: City Manager recommending adoption of the Fiscal Year 2015 Budget and Fiscal Policy Guidelines. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 6-1 with Resnick voting nay.

4. Code of Ordinances Amendment - Title 4 Business and License Regulations: City Manager recommending approval of revisions to the City of Dubuque Code of Ordinances relating to Pawn/Secondhand Dealers and Junk/Salvage Operators. 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 Braig. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 2-14 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 6 Pawnbrokers and Secondhand Dealers; Junk and Auto Salvage Dealers by Amending the Proof of Financial Responsibility. Seconded by Braig. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 9 Operating Without Registration: City Manager recommending approval of an amendment to City of Dubuque Code of Ordinances Section 9-4-321.98: Operation without Registration, to make it consistent with the State Code. 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 Connors. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 3-14 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 4 Driver's Licenses, Division 1 Generally, Section 9-4-321.98 Operation Without Registration to Mirror the State Code. Seconded by Braig. Motion carried 7-0.

6. Dubuque County Early Childhood Board: Correspondence from Director Sherri Edwards inviting a member of the City Council to serve on the Dubuque County Early Childhood Board. Motion by Braig to receive and file the documents and she will volunteer for the position. Seconded by Resnick. Motion carried 7-0.

7. Operation New View Board Member Appointments: Correspondence from M. Thomas Stovall, Executive Director of Operation: New View Community Action Agency, requesting that the City make appointments to the Board of Directors at the first meeting in January 2014 (currently City Council Members Lynn Sutton and David Resnick), and

a representative appointed by the City Manager (currently Alvin Nash). Motion by Connors to receive and file the documents and re-appoint Council Members Resnick and Sutton. Seconded by Lynch. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Mayor Buol reported on the recent passing of Arnie Honkamp.

PUBLIC INPUT

Jacob Long, 4606 Cardinal Drive, addressed the City Council regarding what he believes is a lack of Council communication with individuals and business owners affected by the Bee Branch Creek Restoration Project, accessibility issues he cites with the new public restrooms at 5th and Bluff Streets, and the percent of food stamp customers he feels is disparate with economic development.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:50 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Braig. Motion carried 7-0.

Upon motion, the City Council reconvened in open session at 9:11 p.m., stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:12 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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