

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

The Dubuque City Council met in special session at 5:15 p.m. on January 21, 2014 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Absent: Council Member Lynch

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 Design Guidelines Manual.

**WORK SESSION  
DESIGN GUIDELINES MANUAL**

Planning Services Manager Laura Carstens, Assistant Planner Dave Johnson, and Planning Technician Eric Van Buskirk provided a slide presentation on the Architectural Design Guidelines Manual:

Merging Sustainability, Accessibility, Historic Districts and Downtown Overlay

- Current design guidelines
- Benefits of design guidelines
- Project steps
- Combining documents: guidelines, styles, and architectural terms
- Review of table of contents and format
- Planning a preservation project
- Developing an improvement strategy
- Identifying sensitive areas, details and features, historic and alternative materials, and windows
- Commercial properties and additions
- Residential properties and additions
- Site and landscape design; fences, walls, and gates
- New buildings; materials, residential/commercial massing, and context
- Awnings and canopies, building lighting and signs
- Sustainability principles and energy efficiency
- Appendix
- Architectural styles and design terms
- Implementation; current and proposed.

The City Council had discussion with staff following the presentation.

There being no further business, upon motion the City Council adjourned at 5:54 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on January 21, 2014 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Absent: Council Member Lynch

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 Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 6-0.

1. Minutes and Reports Submitted: Cable TV Commission of 11/6, City Council proceedings of 1/6 and 1/7, Civil Service Commission 12/11, Historic Preservation Commission 12/19, Human Rights 12/9 and 12/11, Zoning Advisory Commission 1/8, Zoning Board of Adjustment 12/19. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Area Residential Care for property damage, Philip Baumann for vehicle damage, Jason and Amanda Bickal for vehicle damage, Cindi Harker for property damage, Mediacom (James Busch) for vehicle damage. Upon motion the documents were received, filed and referred to 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: Phillip Bauman for vehicle damage, and Cyndi Harker for property damage. Upon motion the documents were received, filed and concurred.

4. Catfish Creek Watershed Management Authority Board - Dubuque Industrial Center South: The Catfish Creek Watershed Management Authority requests the possibility of creating a wetlands mitigation bank in partnership with the City at the newly-developed Dubuque Industrial Center South. Upon motion the documents were received, filed and referred to the City Manager.

5. Plat of Survey - 3338 Center Grove Road: Zoning Advisory Commission recommending approval of the Plat of Survey for Centre Grove Plat 3 (3338 Center Grove) subject to waiving lot frontage for Lot 1. Upon motion the documents were received and filed and Resolution No. 5-14 Approving the Plat of Survey Centre Grove Plat 3 in city of Dubuque, Iowa, was adopted.

6. Storm Sewer and Sanitary Sewer Easement Acceptance - Part of Lot 2 Centre Grove Plat 2, and Lots 21A, 22A, and 26 of Center Grove: City Manager recommending acceptance of a storm sewer and sanitary sewer easement from Myla and Company for an existing storm sewer and recently constructed sanitary sewer across part of Lot 2 Centre Grove Plat 2, and Lots 21A, 22A, and 26 of Center Grove, in the City of Dubuque, Dubuque County, Iowa. Upon motion the documents were received and filed and Resolution No. 6-14 Accepting the grant of an easement for storm sewer and sanitary sewer through, over and across a part of Lot 2 Centre Grove Plat 2, and Lots 21A, 22A, and 26 of Center Grove, in the City of Dubuque, Dubuque County, Iowa, was adopted.

7. Accept Storm and Sanitary Easements for Beverly Avenue Improvements: City Manager recommending acceptance of the storm and sanitary sewer easements from Brian and Michelle Roling, Flat Iron Development LLC, and Marlin and Ritchie Avenarius for a recently constructed storm sewer and existing sanitary sewer near the south end of Beverly Avenue in the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 7-14 Accepting the Grant of Easement for sanitary sewer through, over and across the southerly twenty (20) feet of Lot 73 of Lenox Addition in the city of Dubuque, Dubuque County, Iowa; Resolution No. 8-14 Accepting the Grant of Easement for storm sewer through, over and across the southerly ten (10) feet of Lot 73 of Lenox addition in the City of Dubuque, Dubuque County, Iowa; Resolution No. 9-14 Accepting the Grant of Easement for storm sewer through, over and across a part of a twenty foot (20') wide strip abutting the northerly boundary line of Lot 1 of Lot 1 of Lot 2 of Bonson Farm Sub, in the City of Dubuque, Iowa, from the centerline of Beverly Ave. extended to the westerly boundary line of said Lot, in the City of Dubuque, Dubuque County, Iowa; and Resolution No. 10-14 Accepting the Grant of Easement for storm sewer through, over and across a part of Lot 2 of Avenarius Place in the City of Dubuque, Dubuque County, Iowa, were adopted.

8. Fifth and Bluff Streets Restroom Project Acceptance: City Manager recommending acceptance of the 5th and Bluff Streets Restroom Project, as completed by Portzen Construction. Upon motion the documents were received and filed and Resolution No. 11-14 Accepting the 5th and Bluff Restroom Project and authorizing the payment of the contract amount to the contractor was adopted.

9. Helping Services for Northeast Iowa Subcontract: City Manager recommending approval of a subcontract with Helping Services for Northeast Iowa, Inc. for overtime funding to provide special patrols aimed at violations of underage drinking laws. Upon motion the documents were received, filed and approved.

10. Recommendation for Consultant for Collective Impact Volunteering Outreach Strategy: City Manager recommending entering a contract not to exceed \$13,000 with Plaid Swan to create an outreach strategy for collective impact volunteering under the Volunteer Generation Fund Grant. Upon motion the documents were received, filed and approved.

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

12. ICMA International Fellowship Exchange Application: City Manager recommending that the City of Dubuque apply to the International City/County Management Association (ICMA) to serve as a site for the ICMA International Fellowship Exchange. Upon motion the documents were received, filed and approved.

13. National Endowment for the Arts - Our Town Grant Application: City Manager recommending approval of the submission of a National Endowment for the Arts (NEA) Our Town grant application. Upon motion the documents were received, filed and approved.

14. Sister City Relationship Advisory Commission: Commissioner Larissa Filimonenko submitting her resignation from the Sister City Relationship Advisory Commission. Upon motion the documents were received, filed and the resignation accepted.

15. U.S. Environmental Protection Agency (EPA) - Notice of Stipulated Penalty Demand: City Manager transmitting correspondence received from the U.S. Environmental Protection Agency - Region 7. Upon motion the documents were received, filed and referred to the City Manager.

16. Civil Service Commission: Civil Service Commission submitted the [re]certified list for the position of Firefighter. Upon motion the documents were received, filed and made a Matter of Record.

17. Improvement Contracts and Maintenance Bonds: Maryville Construction Company for the Fire Station No. 4 Mechanical and Restroom Upgrade Project. Upon motion the documents were received, filed and approved.

18. Alcohol Compliance Civil Penalty for Alcohol License Holder - Beecher Beverage: City Manager recommending approval of the Alcohol Compliance Settlement Agreement with Beecher Beverage, 1691 Asbury Road. Upon motion the documents were received, filed and approved.

19. Alcohol Compliance Civil Penalty for Alcohol License Holder - Pizza Hut: City Manager recommending approval of the Alcohol Compliance Settlement Agreement

with Pizza Hut #4690, 2075 John F. Kenney Road. Upon motion the documents were received, filed and approved.

20. Business License Refund: Request of Angela Mangeno for a refund of the liquor license LC0020645 for Angie's Bar located at 1401 Elm St. in the amount of \$633.75. Upon motion the documents were received, filed and approved.

21. 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. 12-14 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 Jones 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 6-0.

1. SRF Green Alley Bid Set 1: City Manager recommending initiation of the bidding process for the SRF Green Alley Bid Set 1 Project and further recommends that a public hearing be set for February 3, 2014. Upon motion the documents were received and filed and Resolution No. 13-14 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 (SRF Green Alley Bid Set 1 Project); Resolution No. 14-14 Approving the Plats, Schedule of Assessments and estimate of total cost for the SRF Green Alley Bid Set 1 Project; Resolution No. 15-15 Resolution of Necessity for the SRF Green Alley Bid Set 1 Project; and Resolution No. 16-14 Fixing date of public hearing on Resolution of Necessity were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 3, 2014 in the Historic Federal Building.

2. Franchise Fee Ordinance Amendment - Alliant Energy: City Manager recommending that a Public Hearing be set for February 3, 2014, to amend the Franchise Fee Ordinances with Alliant Energy. Upon motion the documents were received and filed and Resolution No. 17-14 Setting a Public Hearing on a proposed ordinance Amending the Franchise Fee Ordinances under the City's Electric Franchise with Alliant Energy by repealing section 3 of Ordinance No. 58-03 Providing for a Rebate of Franchise Fees for Exempt Sales of Electricity to Customers of Interstate Power Company, its Successors and Assigns, and Establishing a procedure for Requesting a Rebate of Such Fees was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 3, 2014 in the Historic Federal Building.

3. Franchise Fee Ordinance Amendment - Black Hills Energy: City Manager recommending that a Public Hearing be set for February 3, 2014, to amend the

Franchise Fee Ordinances with Black Hills Energy. Upon motion the documents were received and filed and Resolution No. 18-14 Setting a Public Hearing on a proposed ordinance Amending The Franchise Fee Ordinances under the City's Gas Franchise with Black Hills Energy by repealing Section 3 of Ordinance No. 59-03 And Section 3 of Ordinance No. 76-03 Providing For A Rebate of Franchise Fees For Exempt Sales of Natural and Mixed Gas to Customers of Peoples Natural Gas, Its Successors and Assigns and Establishing a Procedure for Requesting a Rebate of Such Fees was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 3, 2014 in the Historic Federal Building.

4. Franchise Fee Ordinance Amendment - Maquoketa Valley Electric Cooperative: City Manager recommending that a Public Hearing be set for February 3, 2014, to amend the Franchise Fee Ordinances with Maquoketa Valley Electric Cooperative. Upon motion the documents were received and filed and Resolution No. 19-14 Setting a Public Hearing on a proposed ordinance Amending the Franchise Fee Ordinances under the City's Electric Franchise with Maquoketa Valley Electric Cooperative by repealing the third unnumbered paragraph of Section 23 of Ordinance No. 20-04 Providing for a Rebate of Franchise Fees for Exempt Sales of Electricity to Customers of Maquoketa Valley Electric Cooperative, its Successors and Assigns, and Establishing a Procedure for Requesting a Rebate of Such Fees was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 3, 2014 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Applicants were invited to address the City Council regarding their application for appointment to the following boards/commissions:

1. Community Development Advisory Commission: Two, 3-year terms through February 15, 2014 (Expiring terms of Craddieth, Michalski) Applicants: Janice Craddieth, 1455 Washington St.; and Ann Michalski, 1520 Altura Dr.

2. Sister City Relationship Advisory Commission: Four, 3-year terms through February 1, 2014 (Expiring terms of Castaneda, Felderman, Landis and Ward) Applicants: Sheila Castaneda, 1014 Dunham Dr.; Robert Felderman, 241 Southgate Dr.; Dick Landis, 2390 Clarke Crest Dr.; and Annalee Ward, 2758 Tiffany Ct. Mr. Landis spoke in support of his reappointment and that of the other applicants.

## **PUBLIC HEARINGS**

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

1. Request to Rezone - 1060 Edina Street: Proof of publication on notice of public hearing to consider a request by John & Angie Long; Ron & Denise Reeg to rezone property at located at 1060 Edina (Parcels 10-23-477-006 & 10-23-477-007) from R-1, Single Family Residential Zoning District, to R-2, Two-Family Residential Zoning 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 Resnick. Motion failed 5-1 with Resnick voting nay. Council Member Resnick took exception with the request comparing it against the Washington Street Neighborhood.

Motion by Jones to consider the first reading of a proposed ordinance amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1060 Edina from R-1 Single-Family Residential District to R-2 Two-Family Residential District. Seconded by Braig. Planning Services Laura Carstens provided a staff report. Motion carried 5-1 with Resnick voting nay.

2. Request to Rezone - 1857 Miller Road: Proof of publication on notice of public hearing to consider a request by Thomas L. Henschel to rezone property located at 1857 Miller Road (Parcels 15-02-204-010 & 15-02-129-024) from R-1, Single-Family Residential Zoning District, to AG, Agriculture Zoning 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 Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 5-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1857 Miller Road from R-1 Single Family Residential District to AG Agricultural District. Seconded by Braig. Motion carried 6-0.

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

## **ACTION ITEMS**

1. Weis Grocery - 400 East 22nd Street: Assistant City Attorney Crenna Brumwell recommending Approval of the "Offer to Buy Real Estate and Acceptance" of real property located at 400 East 22nd Street. Motion by Braig to receive and file the documents and adopt Resolution No. 20-14 Approving the acquisition of real estate owned by the Four Mounds Foundation in the City of Dubuque. Seconded by Jones. Responding to questions from the City Council, City Manager Van Milligen identified a funding source, and Police Chief Mark Dalsing addressed questions about location and budget. Motion carried 6-0.

2. Community Development Advisory Commission Purchase of Service Grant Ranking Summary: City Manager transmitting the Fiscal Year 2015 Purchase of Service recommendations as submitted by the Community Development Advisory Commission. Motion by Braig to receive and file the documents and refer to the City Manager. Seconded by Jones. City Manager Van Milligen stated that the funding requests may



change through the budget process and that the Council could consider changing the process whereby it identifies the funding amount first then determines the distribution. Motion carried 6-0.

3. Request for Work Session - Community Engagement Plan: City Manager recommending setting a work session for the amended date of April 7 at 5:00 p.m. on the community engagement plans moving forward. Motion by Jones to set the work session recommended Seconded by Connors. Motion carried 6-0.

4. Request for Work Session - Convention and Visitors Bureau Budget: City Manager recommending setting a work session for the amended date of March 3, 2014 at 5:30 p.m. to discuss the Dubuque Convention and Visitors Bureau budget. Motion by Braig to set the work session as recommended. Seconded by Resnick. Motion carried 6-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones requested and received Council consensus on placing a resolution to Congress overturning United America related to campaign funding on a future agenda.

There being no further business, upon motion the City Council adjourned at 7:08 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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