

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

The Dubuque City Council met in special session at 5:00 p.m. on February 17, 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 Hydraulic Fracturing and Alternative Fuels.

**WORK SESSION
Environmental Stewardship Advisory Commission Report on Hydraulic
Fracturing and Alternative Fuels**

Public Works Director Don Vogt provided background and information on the proposed purchase of compressed natural gas (CNG) refuse vehicles in the recommended FY 2015 budget and the decision to purchase only diesel vehicles since research, technology, fuel credits and prices have changed. The department will continue to explore and compare hybrid vehicles.

Public Health Specialist Mary Rose Corrigan provided a presentation of the hydraulic fracturing process from the U.S. Environmental Protection Agency's web site. Environmental Stewardship Advisory Commission Chairperson Mike Buelow reviewed the Commission's report.

Mr. Vogt, Mr. Buelow; Commissioner Chad Oberdoerster; professor and geologist for the University of Dubuque Dale Easley responded to questions regarding the drilling process and materials used, contamination, regulations, vehicle safety, and the history of "fracking" throughout the country. Paul Schultz, 1008 Victoria Pl. addressed the Council regarding emissions, flow back water storage, and pollution-related issues. City Manager Van Milligen added information on the City's position for future methane gas recovery.

The City Council concluded that without more research and an established position from the U.S. Environmental Protection Agency the City would not pursue the use of CNG at this time.

There being no further business, upon motion the City Council adjourned at 6:09 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 2/26

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

The Dubuque City Council met in regular session at 6:30 p.m. on February 17, 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

PROCLAMATION(S)

1. Problem Gambling Awareness Month (March 2014): Postponed to March 3, 2014.

PRESENTATION(S)

1. Environmental Protection Agency (EPA) Smart Growth Award: Assistant City Manager Teri Goodmann presented the EPA Smart Growth Achievement Award - Corridor or Neighborhood Revitalization category for the Historic Millwork District and Washington Neighborhood to the City Council.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Dwight Duckstein requested that #15. Zoning Advisory Commission - North Grandview Avenue Parking be held for separate discussion. Motion carried 7-0

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 12/17/13; City Council proceedings of 2/3, 2/10; Civic Center Advisory Commission of 1/27; Historic Preservation Commission of 1/16; Historic Preservation Education Task Force of 2/6; Investment Oversight Advisory Commission of 1/22; Library Board of Trustees of 12/19/13; Long Range Planning Advisory Commission of 1/15; Zoning Advisory Commission of 2/5; Proof of Publication for City Council proceedings of 1/21; Proof of Publication for List of Claims/Summary of Revenues for month ended 12/31/13. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Scott Duehr for vehicle damage, Zachary Gries for property damage, Jerry Grutz for property damage, Kischel Harris for personal injury and property damage (2), Jeffrey Herbst for vehicle damage, Mary Heister/State Farm Mutual for vehicle damage, Mark Matel for vehicle damage, Jason McCann for vehicle damage, James Pancratz for vehicle damage, Michael Pancratz for vehicle damage,

Ann Powell for vehicle damage, James Thill for vehicle damage; Jeff Tracy for vehicle 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: Scott Duehr for vehicle damage, Jerry Grutz for property damage, Kischel Harris for personal injury and property damage (2), Mary Heister for vehicle damage, Jeffrey Herbst for vehicle damage, Interstate Power & Light for property damage, Robert Lange for vehicle damage, Ryan Leick for vehicle damage, Mark Matel for vehicle damage, Jason McCann for vehicle damage, James Pancratz for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Environmental Protection Agency (EPA) - Notice of Stipulation of Settlement: City Attorney advising that the Environmental Protection Agency (EPA) is rescinding its demand for a stipulated penalty for the April 19, 2013 sanitary sewer overflow. Upon motion the documents were received and filed.

5. Environmental Protection Agency (EPA) Education Grant: City Manager recommending approval of a Letter of Commitment and partnership with the University of Iowa in the EPA Environmental Education Grant Application for air quality. Upon motion the documents were received, filed and approved.

6. Sustainable Dubuque Monthly Project Status Report: City Manager transmitting the Sustainable Dubuque Monthly Project Status Report for January 2014. Upon motion the documents were received and filed.

7. 2014 Federal Legislative Priorities: City Manager recommending adoption of the 2014 Federal Legislative Priorities. Upon motion the documents were received, filed and approved.

8. Certified Local Government (CLG) Annual Report: City Manager transmitting the 2013 Certified Local Government (CLG) Annual Report. Upon motion the documents were received and filed.

9. Iowa Utilities Board - Distributed Generation Letter of Support: City of Dubuque letter to the Iowa Utilities Board in support of distributed generation policies and standards. Upon motion the documents were received, filed and approved.

10. CIPP Lining Project Acceptance: City Manager recommending acceptance of the construction contract for the FY 2013 and FY 2014 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project, as completed by Visu Sewer Clean and Seal. Upon motion the documents were received and filed and Resolution No. 34-14 Accepting the Sanitary Sewer Cured-in-Place Pipe Lining Project and authorizing the payment to the contractor was adopted.

11. Grand River Center Floor Settlement Remediation Project Acceptance: City Manager recommending acceptance of the construction contract for the Grand River

Convention Center – Floor Settlement Remediation Project as completed by Hayward Baker. Upon motion the documents were received and filed and Resolution No. 35-14 Accepting the Grand River Convention Center Floor Settlement Remediation Project and authorizing the payment of the contract amount to the contractor was adopted.

12. Catfish Station Electrical Repairs FEMA - Project Acceptance: City Manager recommending acceptance of the construction contract for the Catfish Station Electrical Repairs FEMA project as completed by A&G Electric. Upon motion the documents were received and filed and Resolution No. 36-14 Accepting the Catfish Station Electrical Repairs FEMA and authorizing the payment of the contract amount to the contractor was adopted.

13. Urban Revitalization Program 2013 Applications: City Manager recommending approval of 13 applications for residential property tax exemption. Upon motion the documents were received and filed and Resolution No. 37-14 Approving property tax abatement applications submitted by property owners in recognized Urban Revitalization areas and authorizing the transmittal of the approved applications to the City Assessor was adopted.

14. Financial Advisor Contract Amendment: City Manager recommending approval of a contract amendment with the City's Financial Advisor, Piper Jaffray. Upon motion the documents were received, filed and approved.

15. Zoning Advisory Commission - North Grandview Avenue Parking: Zoning Advisory Commission requesting consideration of removing the on-street parking spaces along the east side of North Grandview Avenue between 3rd Street and the intersection at Grandview Avenue, Delhi and Grace Streets. Director of Facilities for Finely Hospital Dwight Duckstein spoke in support of the request. Motion by Jones to receive and file and refer to the City Manager. Seconded by Connors. Motion carried 7-0.

16. Paragon Square, LLC - Rescinding Development Agreement: City Manager recommending rescinding Resolution No. 281-11, which approved the Development Agreement with Paragon Square, LLC for property located at 2887 and 2901 Central Avenue. Upon motion the documents were received and filed and Resolution No. 38-14 Rescinding Resolution No. 281-11, which approved the Development Agreement with paragon square, LLC for the property located at 2887 and 2901 Central Avenue was adopted.

17. Iowa Department of Transportation PCC Patching: Correspondence from the Iowa Department of Transportation notifying the City of Dubuque that it proposes to let three PCC patching projects on April 15, 2014 on areas of US Hwy 20, Iowa 32 and US Hwy 61. Upon motion the document was received and filed.

18. Stipulation of Settlements - US Bank Property Tax Appeals: City Attorney recommending approval of Stipulation of Settlements regarding two tax assessment appeals filed by US Bank NA. Upon motion the documents were received, filed and approved.

19. Worker Adjustment and Retraining Notification (WARN) - Jeld-Wen, Inc.: Correspondence from Jeld-Wen, Inc., notifying the City of Dubuque that it will experience permanent closure of its facility at 250 East 8th Street on March 28, 2014. Upon motion the documents were received and filed.

20. Cornerstone Government Affairs Service Agreement: City Manager recommending approval of an agreement with Cornerstone Government Affairs, LLC to assist the City in pursuit of the elimination of pari-mutuel greyhound dog racing in Dubuque. Upon motion the documents were received, filed and approved.

21. Progressive Processing, LLC: City Manager recommending authorization of the submission of an Economic Development Assistance Contract by Progressive Processing, LLC (a subsidiary of Hormel Foods Corporation), the City of Dubuque and the Iowa Economic Development Authority. Upon motion the documents were received and filed and Resolution No. 39-14 Authorizing the execution of an Economic Development Assistance Contract by Progressive Processing, LLC, the City of Dubuque, and the Iowa Economic Development Authority was adopted.

22. Signed Contracts: Partnership Agreement with Global Green USA. Upon motion the document was received and filed.

23. Alcohol Compliance Civil Penalty for Alcohol License Holders - Main Street Steak and Chophouse: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Main Street Steak and Chophouse, 342 Main Street. Upon motion the documents were received, filed and approved.

24. 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. 40-14 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 Connors 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.

1. Fiscal Year 2015 Recommended Budget as Amended: City Manager recommending that the City Council set a public hearing for March 5, 2014, on the Fiscal Year 2015 City budget, Operating and Capital Improvement Program as amended for the City of Dubuque.

City Manager recommending that the City Council set a public hearing for March 5, 2014 to consider a fare increase for the Jule Transit System.

Public Works Director providing information regarding a budget request to purchase two compressed natural gas (CNG) solid waste collection vehicles in Fiscal Year 2015.

Transit Advisory Board submitting a letter of support for the proposed fare increase.

Upon motion the documents were received and filed and Resolution No. 41-14 Setting the date for the public hearing on the Fiscal Year 2015 Budget as amended for the City of Dubuque; Resolution No. 42-14 Setting the date for the public hearing on the Five-Year Capital Improvement Program as amended for Fiscal Years 2015 through 2019 for the City of Dubuque; and Resolution No. 43-14 Setting the date for a public hearing on the Transit Fixed-Route and Paratransit fare increase were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 5, 2014 in the Historic Federal Building.

2. Iowa and Locust Streets Parking Ramp Repair Project: City Manager recommending approval of the initiation of the bidding process for the Iowa and Locust Streets Parking Ramp Repair Project, preliminary approval of the construction plans and specifications and the Resolution of Necessity, and further recommends that a public hearing be set for March 3, 2014. Upon motion the documents were received and filed and Resolution No. 44-14 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 3, 2014 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding appointment to the following Boards/Commissions:

1. Civic Center Advisory Commission: One, 3-year term through June 29, 2016 (Expired term of Hill). Applicants: McKenzie Hill, 394 ½ Bluff St., #2;
2. Housing Code Appeals Board: One, 3-year term through January 11, 2017 (Expired term of Young). Applicants: David Young, 1594 Central Ave.;
3. Mechanical Board: Two, 3-year terms through March 16, 2017 (Expiring terms of Giese and Hillard). Applicants: Tom Giese, 395 Villa St.; Gary Hillard, 2826 Muscatine St.

PUBLIC HEARINGS

Upon motion the rules were suspended allowing anyone present to address the City Council on the following:

1. Request to Rezone - 1342 Forest Lane: Proof of publication on notice of public hearing to consider a request by DeeAnn Ballard, 1342 Forest Lane, to rezone property from R-2 Two Family Residential to OR Office Residential 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 and responded to Council concerns about how the rezoning would impact future businesses in this location. Ms. Ballard stated that she's been in business for 21 years and parking would consist of one to two cars for client

appointments and overlap adding that she has off-street/driveway parking. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 13-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1342 Forest Lane from R-2 Two-Family residential District to OR Office Residential District. Seconded by Braig. Motion carried 7-0.

2. Request to Amend Institutional District - 350 North Grandview Avenue: Proof of publication on notice of public hearing to consider a request by Finley Hospital, 350 North Grandview Avenue, to amend the Finley Hospital Institutional District to permit the construction of a 25,000 square-foot, four-story addition to the west side of the hospital building 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. Planning Services Manager Laura Carstens provided staff report. Dwight Duckstein, Facilities Manager for Finley Hospital stated that there are current plans to move the helipad but could become a roof-top pad in the future. Motion carried 6-0 with Lynch abstaining stating that he is on the Finley Hospital Board of Directors.

Motion by Jones for final consideration and passage of Ordinance No. 14-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the amendment of Ordinances 35-93, 59-00, and 5-05 and approval of an amended Campus Development Plan for the Finley Hospital Institutional District. Seconded by Resnick. Motion carried 6-0 with Lynch abstaining.

3. Sales Tax Increment Revenue Bonds (Flood Mitigation Program): Proof of publication on notice of public hearing to consider the issuance of Not to Exceed \$29,000,000 Sales Tax Increment Revenue Bonds (Flood Mitigation Program) and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 45-14 Instituting proceedings to take additional action for the issuance of not to exceed \$29,000,000 Sales Tax Increment Revenue Bonds. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

1. Citizen Petition - St. Ambrose Street Parking: Sharon Hienz submitting a citizen petition and requesting to address the Council on behalf of residents of St. Ambrose Street regarding placing restrictions on residential parking due to issues with Sr. High School. Motion by Braig to receive and file the document and refer to the City Manager. Seconded by Jones. Motion carried 7-0.

2. SRF Green Alley Bid Set 1 Project Award: City Manager recommending award of the contract for the SRF Green Alley Bid Set 1 Project to the low bidder East Iowa Construction. Motion by Jones to receive and file the documents and adopt Resolution

No. 46-14 Awarding the public improvement contract for the SRF Green Alley Bid Set 1 Project. Seconded by Connors. Motion carried 7-0.

3. Request to Rezone - 1060 Edina Street (Third Reading): Request by John & Angie Long; Ron & Denise Reeg to rezone property 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 Jones for final consideration and passage of Ordinance No. 15-15 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 Connors. Motion carried 6-1 with Resnick voting nay.

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

5. Storm Water Utility Revenue Capital Loan Notes, \$1,029,000 Taxable Series 2014A (State of Iowa Revolving Fund Loan): City Manager providing the suggested proceedings to authorize issuance of \$1,029,000 Storm Water Utility Revenue Capital Loan Notes, Taxable Series 2014A (State of Iowa Revolving Fund Loan) through the Iowa Water Pollution Control Works Financing Program. Motion by Braig to receive and file the documents and adopt Resolution No. 47-14 Approving and authorizing the Form of Loan and Disbursement Agreement by and between the City of Dubuque and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$1,029,000 Storm Water Utility Revenue Capital Loan Notes, Taxable Series 2014A, of the City of Dubuque, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said Notes. Seconded by Connors. Motion carried 7-0.

6. Iowa Statewide Urban Design and Specifications Program (SUDAS): City Manager recommending that the City Council formally adopt the Iowa Statewide Urban Design and Specifications Program, commonly known as SUDAS. Motion by Lynch to receive and file the documents and adopt Resolution No. 48-14 Approving adoption of the Iowa Statewide Urban Design and Specifications Program for Public Works Improvements. Seconded by Jones. Motion carried 7-0.

7. Request for Work Session - Sustainable Dubuque Quarterly Work Session: City Manager requesting that the City Council schedule the quarterly Sustainable Dubuque Work Session for Monday, April 21, at 5:00 p.m. Motion by Braig to receive and file the documents and set the public hearing as recommended. Seconded by Resnick. Motion carried 7-0.

8. Fiscal Year 2014 Budget Correction: City Manager recommending options for Fiscal Year 2014 Operating and Capital Budget shortfall. Motion by Jones to receive and file the documents and for Council members to provide their recommendations for the April 7, 2014 meeting when the public hearing on the budget amendment will be set. Seconded by Lynch. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Resnick thanked the citizens of Dubuque for helping each other through the recent weather conditions and cautioned safety.

Council Member Jones acknowledged George Maruyama, a long-time Kiwanis member, Mason, church leader, and Scout leader who is moving to St. Paul. MN.

Mayor Buol expressed condolences on behalf of the City Council to the family of Ron Smith, a 16-year member of the Zoning Advisory Commission who passed away February 8.

PUBLIC INPUT

Jacob Long, 4606 Cardinal Drive addressed the Council stating that he had concerns about the petitions recently submitted to Council related to the sale of firearms as a home-base business, voting to remove conditions for home-based businesses and ensuring the interest rate on bond issuances. Council Member Connors addressed the petition submitted by the Sisters of St. Francis. City Manager Van Milligen stated that bonds are not subject to a variable interest rate.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:46 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) of the Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:21 p.m. stating that staff had been given property direction.

There being no further business, upon motion the City Council adjourned at 8:22 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 2/26