

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

The Dubuque City Council met in special session at 5:00 p.m. on April 7, 2014 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Member Braig

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 community engagement.

**WORK SESSION
Community Engagement**

Community Engagement Coordinator Nikola Pavelić provided a slide presentation on the process of creating an institutionalized process for community engagement and a shared understanding between City Council, staff, and community members. Topics included:

- Reason for robust community engagement process
- Benefits of institutionalized community engagement
- Alignment through coordination
- Current status and process
- What does community engagement looks like?
- Outcomes
- Continuous improvements
- What is community engagement?
- Focus areas and projects
- Research and development
- Internal staff group
- Barriers to institutionalizing and practicing community development
- Human Rights Commission
- Work shops
- Comprehensive plan
- Inclusive Dubuque

City Council had discussion with staff following the presentation.
There being no further business upon motion the City Council adjourned at 6:21 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in special regular at 6:30 p.m. on April 7, 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.

PROCLAMATION(S)

1. Smart Money Week (April 5-12, 2014) was accepted by Michelle Hellmer of the Carnegie Stout Public Library;
2. Week of the Young Child (April 6-20, 2014) was accepted by Mayor Buol on behalf of Sherri Edwards, Dubuque County Early Childhood, 2310 Chaney Road.

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: Airport Commission of 3/24; Arts and Cultural Affairs Advisory Commission of 2/25; Cable TV Commission of 3/5; City Council proceedings of 3/17; Community Development Advisory Commission of 3/19; Proofs of Publication for City Council Proceedings of 3/3, 3/5 and 3/17; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 2/28. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Alliant Energy for property damage (2), Ken Dryer for vehicle damage, Easy Street Bar (David Schmitt) for property damage, Karen Gabrielson for property damage, Jill O'Malley for vehicle damage, James Ridley for property damage, Steven Schumacher for property damage, Terra Strohmeyer for vehicle damage, Wayne Welter 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: Alliant Energy (2) for property damage, Ken Dryer for property damage, Easy Street Bar (David Schmitt) for property damage, Karen Gabrielson for property damage, Steven Schumacher for property damage, Terra Strohmeyer for

vehicle damage, Wayne Welter for property damage. Upon motion the documents were received, filed and concurred.

4. Code of Ordinances - Adoption of Supplement No. 14: City Clerk recommending adoption of Supplement No. 14 to the City of Dubuque Code of Ordinances, which codifies Ordinance Nos. 53-13 through 56-13, 3-14, 6-14, 7-14, 8-14, and 11-14 as adopted by the City Council and enacted through February 17, 2014. Upon motion the documents were received and filed and Resolution No. 95-14 Adopting Supplement No. 14 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

5. Assistance to Firefighters Grant Application: City Manager recommending approval of the submission of the Assistance to Firefighters Grant application for 9 tablet computers (IPad type) and software to be used for building inspections by inspectors in the Fire Marshal's office and each of the fire companies in the six fire stations. Upon motion the documents were received, filed and approved.

6. HyVee 2011 Property Tax Appeal - 2395 NW Arterial: City Attorney recommending approval of a Stipulation of Settlement for the HyVee 2011 Property Tax Appeal for 2395 NW Arterial. Upon motion the documents were received, filed and approved.

7. HyVee 2013 Property Tax Appeal - 2395 NW Arterial: City Attorney recommending approval of Stipulation of Settlement for the HyVee 2013 Property Tax Appeal for 2395 NW Arterial. Upon motion the documents were received, filed and approved.

8. HyVee 2013 Property Tax Appeal - 300 South Locust: City Attorney recommending approval of a Stipulation of Settlement for the HyVee 2013 Property Tax Appeal for 300 South Locust. Upon motion the documents were received, filed and approved.

9. Dubuque Industrial Center South - Lease Agreement with William Siegert: City Manager recommending approval of a Farm Lease Agreement with William Siegert for access to property in the Dubuque Industrial Center South for agricultural purposes. Upon motion the documents were received and filed and Resolution No. 96-14 Approving a Farm Lease Agreement between the City of Dubuque, Iowa and William Siegert was adopted.

10. MWH Americas, Inc. - License Agreement: City Manager recommending approval of a License Agreement for Site Assessment and Remediation by MWH Americas, Inc. on behalf of MidAmerican Energy Company. Upon motion the documents were received, filed and approved.

11. Special Assessment - 2272 Central Avenue: City Manager recommending approval of the Final Assessment Schedule for two properties at 2272 Central Avenue for the 2013-2014 Snow Removal from City Right-of-Way Program. Upon motion the documents were received and filed and Resolution No. 97-14 Adopting the Final

Assessment Schedule for the 2013-2014 Snow Removal Assessment – Right-of-Way Obstruction Removal Assessment Project was adopted.

12. Burlington Trailways - Purchase of Service Agreement: City Manager recommending approval of an agreement with Burlington Trailways effective June 1, 2014, until the Intermodal Facility construction is complete. Upon motion the documents were received, filed and approved.

13. Growing Sustainable Community Conference Contract: City Manager recommending approval of an agreement with Sustainable City Network, Inc. and Woodward Communications for co-management of the 7th Annual Growing Sustainable Communities Conference to be held October 7 and 8, 2014. Upon motion the documents were received, filed and approved.

14. Gerald Hingtgen et al. vs. City of Dubuque et al.: City Attorney recommending approval of a Release and Dismissal with Prejudice related to Gerald Hingtgen et al. vs. City of Dubuque et al. Upon motion the documents were received, filed and approved.

15. Iowa Economic Development Authority - Expansion of Enterprise Zone-1: City Manager recommending approval of a request to the Iowa Economic Development Authority for an expansion of the existing Enterprise Zone-1. Upon motion the documents were received and filed and Resolution No. 98-14 Authorizing a request to the Iowa Economic Development authority for an expansion of Enterprise Zone - 1 in the City of Dubuque was adopted.

16. Collective Bargaining Agreement - International Union of Operating Engineers Local 234: City Manager recommending approval of a three-year collective bargaining agreement with the International Union of Operating Engineers, Local #234, that provides for wage increases. Upon motion the documents were received and filed and Resolution No. 99-14 Approving the agreement between the City of Dubuque, Iowa, and the International Union of Operating Engineers, Local 234 and authorizing the Mayor to sign the agreement was adopted.

17. Collective Bargaining Agreement Amendment - Teamsters Local 120: City Manager recommending approval of an amendment to the Collective Bargaining Agreement with the Teamsters Union Local 120 to provide for a work week that consists of ten hours per day and four days per week for the Maintenanceworker, Airfield Maintenanceworkers and Mechanic assigned to the Airport Department. Upon motion the documents were received, filed and approved.

18. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City that it will implement a non-standard converter fee and standardize the electronic reactivation account and electronic change of service fee on or about May 1, 2014. Upon motion the document was received and filed.

19. Dubuque Golf & Country Club - Fireworks Request: Correspondence from Richard Bugalski, General of the Dubuque Golf & Country Club, requesting permission to display fireworks on Friday, July 4, 2014 at about 9:30 p.m. on the DG&CC grounds with a rain date of Saturday, July 5. Upon motion the document was received, filed and approved.

20. Tri-State Advanced Manufacturing Center of Excellence - Letter of Support: City Manager recommending approval of a letter of support for Tri-State Advanced Manufacturing Center of Excellence (being developed by NICC) for designation as a "manufacturing community." Upon motion the documents were received, filed and approved.

21. U.S. Department of Housing and Urban Development - Healthy Homes Production Grant: Correspondence from the U.S. Department of Housing and Urban Development requesting information required to close out the Healthy Homes Production Grant. Upon motion the document was received and filed.

22. Tobacco Compliance – Civil Penalty for Tobacco License Holders - Awn Stop Mart: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Awn Stop Mart, 1998 Jackson Street. Upon motion the documents were received, filed and approved.

23. Tobacco Compliance – Civil Penalty for Tobacco License Holders - Dave's Downtown Conoco: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Dave's Downtown Conoco, 500 Locust Street. Upon motion the documents were received, filed and approved.

24. Tobacco Compliance – Civil Penalty for Tobacco License Holders - Wayne's Convenience Store: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Wayne's Convenience Store, 1965 Central Avenue. Upon motion the documents were received, filed and approved.

25. Alcohol Compliance Civil Penalty for Alcohol License Holders - Bell Tower Productions: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Bell Tower Productions, 2728 Asbury Road. Upon motion the documents were received, filed and approved.

26. Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses applications as submitted. Upon motion the documents were received and filed and Resolution No. 100-14A 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; and Resolution

No. 100-14B Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were 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 Connors. Motion carried 7-0.

1. Fiscal Year 2014 Second Budget Amendment: City Manager recommending the second Fiscal Year 2014 Budget Amendment be set for public hearing for April 21, 2014. Upon motion the documents were received and filed and Resolution No. 101-14 Setting the date for the public hearing on Amendment No. 2 to the Fiscal Year 2014 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 21, 2014 in the Historic Federal Building.

2. Spahn and Rose Lumber Co. - Development Agreement: City Manager recommending that a public hearing be set for April 21, 2014 to consider approval of a Development Agreement between the City of Dubuque and Spahn and Rose Lumber Co. Upon motion the documents were received and filed and Resolution No. 102-14 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on the proposed issuance of Urban Renewal Tax Increment Revenue Grant Obligations and the approval of a Development Agreement with Spahn and Rose Lumber Co., and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 21, 2014 in the Historic Federal Building.

3. SRF Green Alley Project - Bid Set 4: City Manager recommending initiation of the bidding process for the SRF Green Alley Bid Set 4 Project, and further recommends that a public hearing be set for May 5, 2014. Upon motion the documents were received and filed and Resolution No. 103-14 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; Resolution No. 104-14 Approving the plats, schedule of assessments and estimate of total cost for the SRF Green Alley Bid Set 4 Project; Resolution No. 105-14 Resolution of Necessity for the SRF Green Alley Bid Set 4 Project; and Resolution No. 106-14 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 May 5, 2014 in the Historic Federal Building.

4. Water Treatment Plant North Softening Basins Rehabilitation Project: City Manager recommending initiation of the bidding procedure for the Water Treatment Plant North Softening Basins Rehabilitation Project, and further recommends that a public hearing be set for May 5, 2014. Upon motion the documents were received and filed and Resolution No. 107-14 Approval of specifications, form of contract, and estimated cost for the Water Treatment Plant North Softening Basins Rehabilitation

Project was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 5, 2014 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointment was made to the following commission:

Sister City Relationship Advisory Commission: One, 3-year term through February 1, 2017 (Vacant term of Filimonenko). Applicant: Richard Van Iten, 3273 Bittersweet Ln. Motion by Braig to appoint Richard Van Iten to a 3-year term through February 1, 2017. Seconded by Resnick. Motion carried 7-0.

PUBLIC HEARINGS

Upon motion the rules were suspended allowing any one present to address the City Council on the following items:

1. Sale of City Property - 2250 Washington Street: Proof of publication on notice of public hearing to consider approval of a resolution authorizing the sale of City-owned real property located at 2250 Washington Street to Jodie L. Evans and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 108-14 Approving the sale of real estate located at 2250 Washington Street in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

2. HMA Resurfacing Project - White Street from 11th Street to 21st Street: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the White Street HMA Resurfacing with Milling Project, from 11th Street to 21st Street and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 109-14 Approval of plans, specifications, form of contract, and estimated cost for the White Street HMA Resurfacing with Milling Project, from 11th To 21st Street (Iowa DOT Project No. NHSN-52-2(132)—2R-31). Seconded by Braig. City Engineer Gus Psihoyos stated that public informational meetings will be held to keep property owners apprised of construction details. Motion carried 7-0.

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

ACTION ITEMS

1. Purchase of Services Fiscal Year 2015 Grant Funding Recommendation: City Manager requesting approval of the recommended funding for the Fiscal Year 2015 Purchase of Service Grant applications. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

2. SRF Green Alley Project - Bid Set 2 - Project Award: City Manager recommending award of the contract for the Award SRF Green Alley Project - Bid Set 2 to the low bidder Drew Cook and Sons Excavating. Motion by Connors to receive and file the documents and adopt Resolution No. 110-14 Awarding public improvement contract for the SRF Green Alley Bid Set 2 Project. Seconded by Jones. Civil Engineer Jon Dienst stated that contractors are allowed to only work on two-block sections at a time and the Engineering Department will meet with contractors regarding construction plans. Motion carried 7-0.

3. SRF Green Alley Project - Bid Set 3 - Project Award: City Manager recommending award of the contract for the SRF Green Alley Project - Bid Set 3 to the low bidder Drew Cook and Sons Excavating. Motion by Braig to receive and file the documents and adopt Resolution No. 111-14 Awarding public improvement contract for the SRF Green Alley Bid Set 3 Project. Seconded by Connors. Motion carried 7-0.

4. Iowa and Locust Parking Ramp Repair - Project Award: City Manager recommending award of the contract for the Iowa and Locust Ramp Repair Project to the low bidder Western Waterproofing Company. Motion by Jones to receive and file the documents and adopt Resolution No. 112-14 Awarding the public improvement contract for the Iowa and Locust Parking Ramp Repair Project. Seconded by Resnick. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 10 Special Events and Waiver Policy: City Manager recommending approval of changes to the Special Events Permit Ordinance. Staff will provide a presentation. Assistant City Manager Cindy Steinhauser and Assistant City Attorney Crenna Brumwell provided a slide presentation on the background of the special events process and the details of the amendment and responded to questions from City Council. Art Gilloon, 770 Main Street, addressed the City Council regarding his concerns and described three scenarios where he believed First Amendment rights could be jeopardized should the amendment be approved. Restated motion by Connors to table the proposed ordinance amendment to a City Council meeting in or about 30 days. Seconded by Braig. Motion carried 7-0.

6. Request for Work Session - Bee Branch Creek Restoration Project: City Manager requesting a work session be scheduled for Monday, May 5, 2014 at 5:00 p.m. to discuss the landscaping plan for the Upper Bee Branch Creek Restoration Project. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Mayor Buol reported on the success of the recent Chamber of Commerce trip to Washington D.C. and visit with federal staff.

Council Member Braig expressed her gratitude for living in a city such as Dubuque following a recent trip to New Delhi, India, where there is limited traffic control, street lighting and public sanitation.

PUBLIC INPUT

Jacob Long, 4604 Cardinal Drive, addressed the City Council about his desire to have the Public Input section of the agenda moved to the beginning of City Council meetings.

There being no further business, upon motion the City Council adjourned at 7:55 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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