

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

The Dubuque City Council met in special session at 5:00 p.m. on May 5, 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 Landscaping Design

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

Civil Engineer Deron Muehring, Mike Bridwell of Strand Associates, Inc., and Abbie Moilien of Ken Saiki Design (Madison, WI) provided a slide presentation on the landscaping design elements for the Upper Bee Branch Creek Restoration Project. Topics included:

Planting and Aesthetics

- Part I
 - Overall plan view
 - Inlet planting plan, seating and flagpoles
 - Inlet crossing planting plan and biofields
 - Outlet planting plan, seating and flagpoles
- Part II
 - Rhomberg Avenue crossing planting plan, bridge, and bridge planting plan
 - Lincoln Avenue to 22nd Street area planting plans
 - Orchard amenity and planting plan
 - Amphitheater amenity and planting plan
 - 22nd Street parking lot and planting plan
 - Slide Play Area amenity and planting plan
 - Prince Street and 24th Street area and planting plan
 - 24th Street Bike Trailhead/Overlook planting plan
 - 24th Street outfall and planting plan
 - Channel cross sections and lunger construction
 - Retaining wall options and water levels

City Council had discussion with the presenters and staff following the presentation. Leisure Services Manager Marie Ware and Northend Neighborhood Association President Chuck Harris responded to questions.

There being no further business, upon motion the City Council adjourned at 5:47 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 5/14

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

The Dubuque City Council met in regular session at 6:30 p.m. on May 5, 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. Kids to Parks Day (May 17, 2014) was accepted by Park Division Manager Steven Fehsal;
2. Bike to Work Week (May 12-16, 2014): was accepted by Parrish Maruug, 1072 Central, on behalf of TriState Trail Vision;
3. Mental Health Month (May 2014): was accepted by Debra Klein, 18 Hickory St. East Dubuque, IL on behalf of Mental Health America;
4. Preservation Month (May 2014) was accepted by Historic Preservation Commission Chairperson Bob McDonell and Commissioner Chris Olson.

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: City Council Proceedings of 4/21, Community Development Advisory Commission of 4/23, Historic Preservation Commission of 4/17, Housing Commission of 3/25, Human Rights Commission of 3/10, Investment Oversight Advisory Commission of 4/23, Long Range Planning Advisory Commission of 4/16, Sister City Relationships Advisory Commission of 4/16, Zoning Board of Adjustment of 4/24, Proof of Publication for City Council Proceedings of 4/7. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Danny Boleyn for property damage, Gina Harkey for property damage, Sondra Koch for property damage, McCrea vs City of Dubuque for gender discrimination, Amy Muchmore for vehicle damage, Jeffry Potts for vehicle damage, Amy Zirtzman for personal injury. Upon motion the documents were received, filed and referred to the City Attorney.

3. Disposition of Claims: Danny Boleyn for property damage, Sondra Koch for property damage, Gina Harkey for property damage, Amy Muchmore for vehicle damage, Jeffry Potts for vehicle damage, and Amy Zirtzman for personal injury. Upon motion the documents were received, filed and concurred.

4. Riverview Center: Correspondence from Faye Clark, Executive Director of the Riverview Center, thanking the City Council for the Purchase of Services grant to support a sexual assault therapist position. Upon motion the document was received and filed.

5. Volunteer Hall of Fame Recognition: City Manager transmitting information about AmeriCorps Partners in Learning member Becca Johnson being inducted into the State of Iowa Volunteer Hall of Fame. Upon motion the documents were received and filed.

6. Washington Neighborhood Intersection Painting Project at 16th and Washington Streets: City Manager recommending approval of a street intersection painting project at 16th and Washington Streets. Upon motion the documents were received, filed and approved.

7. Community Development Block Grant (CDBG) - Amendment 2: City Manager recommending approval of the Fiscal Year 2014 Annual Action Plan Amendment 2 for the Community Development Block Grant (CDBG) program, which provides for an amendment to the Fiscal Year 2013 and Fiscal Year 2014 Annual Action Plans by reallocating funds from the prior Fiscal Year 2013 Annual Plan into the Fiscal Year 2014 Annual Plan and reprogramming funds for existing and new projects. Upon motion the documents were received and filed and Resolution No. 126-14 Approving Fiscal Year 2014 (Program Year 2013) Annual Action Plan Amendment 2 for Community Development Block Grant (CDBG) Funds was adopted.

8. Quarterly Investment Report: City Manager transmitting the Quarterly Investment Report for March 31, 2014. Upon motion the documents were received and filed.

9. Notices of Expiration of Right of Redemption: City Manager recommending approval for any attorney in the City Attorney's office to sign Notices of Expiration of Right of Redemption. Upon motion the documents were received and filed and Resolution No. 127-14 Authorizing the attorneys in the City of Dubuque City Attorney's Office to sign Notices of Expiration of Right of Redemption was adopted.

10. Public Transit Infrastructure Grant (PTIG) - Bus Storage Facility: City Manager recommending approval to move forward with an application to the Public Transit

Infrastructure Grant program to seek additional funding for the Bus Storage Facility. Upon motion the documents were received and filed and Resolution No. 128-14 Approval of grant application to Public Transit Infrastructure Grant (PTIG) Program for Bus Storage Facility was adopted.

11. Jule Transit System - Consolidated Funding Application: City Manager recommending approval of the Consolidated Funding Application, as submitted, and approve signature of the Lobbying Cost Certificate, Certificate of Cost Allocation Plan and Authorizing Resolution for the Iowa Department of Transportation Consolidated Funding Application for Fiscal Year 2015 for The Jule. Upon motion the documents were received and filed and Resolution No. 129-14 Approval of grant application to Iowa DOT for consolidated funding was adopted.

12. Housing Enterprise Zone Agreement - 253 Main St.: City Manager recommending approval of a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Ken Oberbroeckling for Housing Enterprise Zone benefits related to the redevelopment of 253 Main Street. Upon motion the documents were received and filed and Resolution No. 130-14 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Ken Oberbroeckling was adopted.

13. Iowa Department of Transportation Acceptance of Patents - Lots at Intermodal Facility Property: City Manager recommending acceptance of Patents from the State of Iowa conveying excess state right-of-way properties along Elm Street between 9th and 11th Street. Upon motion the documents were received and filed and Resolution No. 131-14 Accepting a conveyance of property (Lot 1 of Intermodal Place No. 1 in the City of Dubuque, Dubuque County, Iowa); Resolution No. 132-14 Accepting a conveyance of property (Lot 1 of Lot 1 of Lot 2 of Lot 3 of City Lot 505 and Lot 1 of Intermodal Place No. 2 in the City of Dubuque, Dubuque County, Iowa); and Resolution No. 133-14 Accepting a conveyance of property (Lot 1 of Intermodal Place No. 3 in the City of Dubuque, Dubuque County, Iowa) were adopted.

14. Iowa Department of Transportation - Acceptance of Patent for Bluff Street Lot: City Manager recommending acceptance of a Patent from the State of Iowa conveying excess state right-of-way property on Bluff Street. Upon motion the documents were received and filed and Resolution No. 134-14 Accepting a conveyance of property (Lot 1 of Pixler Place No. 2 in the City of Dubuque, Dubuque County, Iowa) was adopted.

15. Rockfarm Holdings, Inc.: City Manager recommending authorization of the submission of an Economic Development Assistance Contract by Rockfarm Holdings, Inc., the City of Dubuque and the Iowa Economic Development Authority. Upon motion the documents were received and filed and Resolution No. 135-14 Authorizing the execution of an Economic Development Assistance Contract by and between Rockfarm Holdings, Inc., the City of Dubuque and the Iowa Economic Development Authority for the Construction of Company Headquarters in Dubuque was adopted.

16. Health Choices Administrative Services Fee: City Manager recommending approval of Amendment VI to the Administrative Services Agreement with Health Choices effective July 1, 2014 through June 30, 2016. Upon motion the documents were received, filed and approved.

17. Area Residential Care, Inc., (ARC) - Vocational Services Agreement: City Manager recommending approval of the Area Residential Care, Inc., Vocational Services Agreement for 2014 for the cleanup of litter and raking of playground safety surfaces at four department locations. Upon motion the documents were received, filed and approved.

18. Fiber Optic Cable Facilities Agreement with Dubuque County: City Manager recommending approval of a Fiber Optic Cable Facilities Agreement between the City of Dubuque and Dubuque County that will provide network connectivity from the Historic Federal Building to the Dubuque County Courthouse. Upon motion the documents were received, filed and approved.

19. Pre-Annexation Agreement – Jelinske: City Manager recommending approval of a Pre-Annexation Agreement with James and Laura Jelinske in accordance with the Fringe Area Development Policy. Upon motion the documents were received and filed and Resolution No. 136-14 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa, and James L. and Laura V. Jelinske was adopted.

20. Inclusive Dubuque - Contracted Services Agreement: City Manager recommending approval of a Contracted Services Agreement with Inclusive Dubuque. Upon motion the documents were received, filed and approved.

21. Spark vs. City of Dubuque: City Attorney recommending approval of a settlement related to Spark vs. the City of Dubuque regarding a bankruptcy violation. Upon motion the documents were received, filed and approved.

22. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City of changes in programming taking place on or about June 1, 2014. Upon motion the document was received and filed.

23. Enterprise Zone Commission Membership: City Manager recommending recognition of the appointments of Peggy Murray (Iowa Workforce Development) and Daniel White (Northeast Iowa Community College) to the Enterprise Zone Commission, and approve the reappointment of City Manager Michael C. Van Milligen to serve on the Commission. Upon motion the documents were received, filed and approved.

24. Signed Contracts: Dittmer Recycling 2nd Amendment to Agreement for processing and marketing of recyclables. Upon motion the document was received and filed.

25. Alcohol Compliance Civil Penalty for Alcohol License Holders – Lot 1: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Lot 1, 100 Main Street. Upon motion the documents were received, filed and approved.

26. 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. 137-14 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 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. E.B. Lyons Interpretive Area Expansion Project: City Manager recommending initiation of the bidding process for the E.B. Lyons Interpretive Area Expansion Project, and further recommends that a public hearing be set for May 19, 2014. Upon motion the documents were received and filed and Resolution No. 138-14 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 May 19, 2014 in the Historic Federal Building.

BOARDS/COMMISSIONS

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

1. Electrical Code Board: Two 3-year terms through May 21, 2017 (Expired terms of Dixon and Wilson). Applicants: James Dixon, 2505 Marquette Pl.; and David Wilson, 2918 Washington St. Mr. Wilson spoke in favor of his appointment.

PUBLIC HEARINGS

1. Water Treatment Plant North Softening Basins Rehabilitation Project: City Manager recommending rescinding Resolution No. 107-14, Give preliminary approval to the specifications for the Water Treatment Plant North Softening Basins Rehabilitation Project, and establish May 19, 2014 as the date for the public hearing on the specifications for this project. Motion by Jones to receive and file the documents; adopt Resolution No. 139-14 Preliminary approval of the specifications, form of contract, and estimated cost; setting date of public hearing on the specifications, form of contract, and estimated cost; and ordering the advertisement for bids; and re-set the public hearing

for a meeting to commence at 6:30 p.m. on May 19, 2014 in the Historic Federal Building. Seconded by Lynch. Motion carried 7-0.

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

2. SRF Green Alley Project - Bid Set 4: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the SRF Green Alley Bid Set 4 Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 140-14 Approval of plans, specifications, form of contract and estimated cost for the SRF Green Alley Bid Set 4 Project; Resolution No. 141-14 Resolution with respect to the adoption of the Resolution of Necessity proposed for the SRF Green Alley Bid Set 4 Project; and Resolution No. 142-14 Approving Schedule of Assessments and estimate of total cost for the SRF Green Alley Bid Set 4 Project. Seconded by Jones. Motion carried 7-0.

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

ACTION ITEMS

1. Pre-Annexation Requirement Waiver Request - Jon Luckstead Plat: Correspondence from Jon Luckstead appealing the City Council's decision to require a Pre-Annexation Agreement for property located at 10496 Ironwood Drive in Tamarack Business Park and further requesting to address the City Council. City Manager recommending that the City Council require the Pre-Annexation Agreement in accordance with the Fringe Area Development Standards. Mr. Luckstead, 3642 Echo Hills Drive, Bellevue, IA presented and spoke in favor of the waiver request. Planning Services Manager Laura Carstens and Assistant City Attorney Maureen Quann responded to questions from the City Council and points raised by Mr. Luckstead. Motion by Lynch to receive and file the documents and deny the waiver request. Seconded by Connors. Motion carried 7-0.

2. Citizen Petition - Support of Minimum Wage Increase: Tom Johnson of the Dubuque Catholic Worker House submitting a citizen petition requesting a City Council resolution supporting an increase in the state minimum wage to \$10.10 an hour and index it to the cost of living. Motion by Connors to receive and file the document. Seconded by Braig. Motion carried 7-0.

3. Dubuque Racing Association - Purchase Hilton Garden Inn Hotel: City Manager recommending approval of a request from the Dubuque Racing Association to purchase the Hilton Garden Inn Hotel. Motion by Jones to receive and file the documents and adopt Resolution No. 143-14 Authorizing the DRA to make alterations to the facilities in excess of ten thousand dollars (\$10,000), finance capital improvements by incurring debt and using future fund dollars as part of a down payment to facilitate an Asset Purchase Agreement for substantially all of the assets of Dubuque Casino Hotel, LLC.,

including but not limited to the Hilton Garden Inn and Houlihan's Restaurant assets and operations. Seconded by Connors. Jesus Avilés, President & Chief Executive Officer for the Mystique Casino, responded to questions from the City Council. Motion carried 7-0.

4. Prairie Farms Water Usage Agreement: City Manager recommending approval of an agreement with Prairie Farms Dairy for a substantial increase in the amount of City water they use in the plant. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

5. Sales Tax Increment Revenue Bonds Series 2014A: City Manager recommending approval of the form and distribution of a preliminary official statement relating to the offering and sale of Sales Tax Increment Revenue Bonds, Second Lien Series 2014A. Motion by Connors to receive and file the documents and adopt Resolution No. 144-14 Approving form and distribution of a Preliminary Official Statement relating to the offering and sale of Sales Tax Increment Revenue Bonds (unlimited property tax supported), Second Lien Series 2014. Seconded by Jones. Motion carried 7-0.

6. J. Thomas Zaber vs. City of Dubuque - Franchise Fee Litigation: City Attorney recommending approval of a settlement agreement for J. Thomas Zaber vs. City of Dubuque; and City Manager recommending approval to request Alliant Energy, Maquoketa Valley Electric and Black Hills Energy to agree to amend the Franchise Agreements to allow for a 5% utility franchise fee. Motion by Connors to receive and file the documents, approve the recommendation, and adopt Resolution No. 145-14 Approving a Settlement Agreement in J. Thomas Zaber, Et. Al v. City of Dubuque, Iowa, Iowa District Court for Dubuque County, Case No. CVCV054663. Seconded by Jones. Motion carried 6-1 with Resnick voting nay.

7. Greater Dubuque Development Corporation Board Membership: Correspondence from Rick Dickinson, President and CEO of Greater Dubuque Development Corporation (GDDC) requesting confirmation of the Mayor and two City Council members for membership on the GDDC Board of Directors from July 1, 2014 through June 30, 2015. Restated motion by Connors to receive and file the documents and reappoint Mayor Buol, Council Members Connors and Lynch, City Manager Van Milligen, and Economic Development Director Maurice Jones to the GDDC Board of Directors. Seconded by Braig. Motion carried 7-0.

8. Request for Work Session - Chaplain Schmitt Island Master Plan: City Manager requesting that the City Council schedule a work session on the Chaplain Schmitt Island Master Plan for Monday, June 2, 2014 at 5:00 p.m. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Sutton reported on her participation and that of Corporal Brendan Welsh in the recent Chamber of Commerce's Dancing With the Stars Dubuque Style fundraiser.

There being no further business, upon motion the City Council adjourned at 8:08 p.m.

/s/Kevin S. Firstahl, CMC\
City Clerk

1t 5/14