

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

The Dubuque City Council met in special session at 5:15 p.m. on May 19, 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 payday lenders.

**WORK SESSION
Payday Lenders**

Planning Services Manager Laura Carstens, Assistant Planner Kyle Kritz and Associate Planner Guy Hemenway provided a slide presentation on payday lender institutions and related zoning issues. Topics included:

- Definition of payday loans and lenders
- Number and location of payday lender businesses in Dubuque
- Comparisons to other Iowa cities
- Various zoning separation buffers and restriction options
- Separation from/relationship to residential areas
- Relationships to Community Development Block Grant (CDBG) target areas
- Impact of zoning regulations
- Recommendation

City Council had discussion with staff following the presentation regarding public financial education programs, business proliferation, state legislation, and zoning options.

The City Council reached consensus on referring the matter to the Zoning Advisory Commission for drafting letters to state legislators to place on a future City Council agenda.

There being no further business, upon motion the City Council adjourned at 5:53 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 5/28

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

The Dubuque City Council met in regular session at 6:30 p.m. on May 19, 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

INTRODUCTIONS

International City/County Managers Association (ICMA) Fellowship Exchange members, Dulce Guterres Junior and Angela Tavares DeJesus from the country of Timor Leste introduced themselves and described what they are learning from Dubuque to help their country decentralize its government.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Council Member Connors requested item #9 North End Neighborhood Association Petition be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: Cable TV Commission of 4/2, City Council proceedings of 5/5, Five Flags Civic Center Advisory Commission of 4/28, Human Rights Commission of 4/14, Library Board of Trustees of 2/27, Zoning Advisory Commission of 5/7, Proof of Publication for City Council proceedings of 4/21, Proof of Publication for List of Claims and Summary of Revenues for Month Ended 3/31. Upon motion the documents were received and filed.

2. Humanities Iowa Grant - Sister City Commission: City Clerk Kevin Firnstahl recommending approval of the submission of a Humanities Iowa mini grant application in the amount of \$3,000 for the Handan, China, Sister City photo display. Upon motion the documents were received, filed and approved.

3. Community Development Block Grant (CDBG) Request to Release Funds: City Manager recommending approval of the Request for Release of Funds for the proposed projects approved in the Fiscal Year 2015 (Program Year 2014) Annual Action Plan for Community Development Block Grant activities. Upon motion the documents were received and filed and Resolution No. 146-14 Authorizing request for release of Community Development Block Grant funds for Fiscal Year 2015 (Program Year 2014) was adopted.

4. Iowa Department of Transportation: Correspondence from the Iowa Department of Transportation advising the City that it proposes to let a bridge rehabilitation project on US 52 at Grandview Avenue on October 21, 2014. Upon motion the documents were received and filed.

5. Workers' Compensation Settlement - Weidenbacher Claim: City Attorney recommending approval of an Agreement for Settlement regarding a workers' compensation claim that was filed against the City of Dubuque by Mark Weidenbacher. Upon motion the documents were received, filed and approved.

6. Workers' Compensation Settlement - Hillard Claim: City Attorney recommending approval of an Agreement for Settlement regarding a workers' compensation claim that was filed against the City of Dubuque by Richard Hillard. Upon motion the documents were received, filed and approved.

7. Key City Investment Co. - Acceptance of Utility Easement: City Manager acceptance of a utility easement from Key City Investment Co. for the construction of underground electric, fiber optic cable, traffic signals and other appurtenant improvements associated with the JFK & Wacker Driver Intersection Improvements Traffic Signalization project. Upon motion the documents were received and filed and Resolution No. 147-14 Accepting the grant of a utility easement through, over and across a part of Lot 2-11 Yiannias Place, in the City of Dubuque, Dubuque County, Iowa, was adopted.

8. Development Services Activity - Revised Fiscal Year 2015 Fee Schedule: City Manager recommending approval of a revised Fiscal Year 2015 fee schedule for the Development Services Activity in the Planning Services Department. It is further recommended the City Council approve a resolution rescinding the previous fees and adopting a new fee schedule. Upon motion the documents were received and filed and Resolution No. 148-14 Rescinding Resolution No. 70-14, Establishing a Schedule of Development Services Fees, and adopting in lieu thereof a new Schedule of Development Services Fees as provided in Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code was adopted.

9. North End Neighborhood Association Petition: Correspondence from the North End Neighborhood Association petitioning the City of Dubuque to collaborate on a street lighting project in the 2500 block of Jackson Street. Motion by Connors to receive and file the documents and refer to the City Manager. Seconded by Lynch. Connors stated that this has been an issue for the neighborhood for some time. Motion carried 7-0.

10. PEG Capital Expenditure Request: City Manager recommending approval of the Cable TV Commission recommendation for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities to provide new field production gear for Loras College. Upon motion the documents were received, filed and approved.

11. Crescent Community Health Center Letters of Support: City Manager recommending approval to sign letters of support for Crescent Community Health

Center and Federally Qualified Health Centers funding. Upon motion the documents were received, filed and approved.

12. Improvement Contracts and Maintenance Bonds: Drew Cook & Sons Excavating Co, Inc., for SRF Green Alley Project Bid Sets 2 and 3; River City Paving (aka Mathy Construction) for the White Street (11th-21st Street) HMA Resurfacing with Milling Project. Upon motion the documents were received, filed and approved.

13. 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. 149-14 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. Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project Fiscal Year 2015: City Manager recommending initiation of the bidding process for the Fiscal Year 2015 Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project, and further recommends that a public hearing be set for June 2, 2014. Upon motion the documents were received and filed and Resolution No. 150-14 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 June 2, 2014 in the Historic Federal Building.

2. Jule Transit Facility Roof and Sprinkler Repair Project: City Manager recommending initiation of the bidding process for the Jule Transit Facility Roof & Sprinkler Repair Project, and further recommends that a public hearing be set for June 2, 2014. Upon motion the documents were received and filed and Resolution No. 151-14 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 June 2, 2014 in the Historic Federal Building.

3. Residential Parking Permit District "D" Amendment: City Manager recommending that a public hearing be set for June 2, 2014, on an amendment to Residential Parking Permit District "D" by adding Alicia Street from Pennsylvania Avenue to Andrea Street, both sides, and Marjorie Circle from Amy Court to Andrea Street, both sides. It is further recommended that the portion of the petition not meeting the 80% criteria be excluded from Residential Parking Permit District "D." Upon motion the documents were received and filed and Resolution No. 152-14 Setting a public hearing on amending Residential Parking Permit District D to include Alicia Street and Marjorie Circle was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 2, 2014 in the Historic

Federal Building.

4. Greater Downtown Urban Renewal District Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an amendment of the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District is both necessary and appropriate and sets a public hearing on the proposed amendment for June 16, 2014. Upon motion the documents were received and filed and Resolution No. 153-14 Resolution of Necessity finding that certain areas adjacent to the Greater Downtown Urban Renewal District meet the definition of a Blighted Area under the Urban Renewal Law, and that development of said areas is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Amended and Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 16, 2014 in the Historic Federal Building.

5. Technology Park Urban Renewal District Amendment: City Manager recommending approval of a Resolution of Necessity that: 1) finds that an Amended and Restated Urban Renewal Plan for the Dubuque Technology Park Economic Development District is both necessary and appropriate; 2) enters into a Joint Agreement with the County for said amendment; and 3) sets a public hearing on the proposed amendment for June 16, 2014. Upon motion the documents were received and filed and Resolution No. 154-14 Resolution of Necessity finding that certain areas adjacent to the established Dubuque Technology Park Economic Development District meet the definition of an Economic Development Area under the Urban Renewal Law, that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Amended And Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 16, 2014 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Civil Service Commission: One 4-year term through April 6, 2018 (Vacant term of Schilling); Applicant: Mary Lynn Neuhaus, 1595 Montrose Terrace. Ms. Neuhaus spoke in support of her appointment.

2. Long Range Planning Advisory Commission: One 3-year term through July 1, 2017 (vacant term of Van Iten); Applicant: Joshua Clements, 561 Jefferson St. Mr. Clements spoke in support of his appointment.

Appointment was made to the following Board/Commission:

3. Electrical Code Board: Three 3-year terms through May 21, 2017 (Expired terms of Dixon, Hammel, and Wilson); Applicants: James Dixon, 2505 Marquette Pl.; Dan Hammel, 2922 Fox Hollow Dr.; and David Wilson, 2918 Washington St. Motion by Braig to appoint Mr. Dixon, Mr. Hammel and Mr. Wilson to 3-year terms through May 21, 2017. Seconded by Resnick. Motion carried 7-0.

PUBLIC HEARINGS

1. Request to Rezone - 1100 Carmel Drive: Proof of publication on notice of public hearing to consider a request by Sisters of Charity BVM / The Lakota Group to rezone property at 1100 Carmel Drive from R-1, Single-Family Residential, to PUD, Planned Unit Development and the Zoning Advisory Commission recommending denial. Correspondence from the applicant requesting the public hearing be rescheduled to June 16, 2014. Motion by Connors to receive and file the documents and reschedule the public hearing to June 16, 2014. Seconded by Braig. Motion carried 7-0.

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

2. Request to Rezone - 3674 Crescent Ridge: Proof of publication on notice of public hearing to consider a request by Dr. Mary Lynn Neumeister to rezone the property at 3674 Crescent Ridge from R-1, Single-Family Residential, to C-3, General Commercial Zoning District and the Zoning Advisory Commission recommending denial. Restated 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 Jones. Mary Lynn Neumeister spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Zoning Advisory Commission Chairperson Patrick Norton and Assistant Planner Kyle Kritz responded to questions from the City Council and explained how the current membership makeup of the commission precipitated a 3-1 vote thereby requiring an automatic denial by the Commission. Mr. Kritz added that no communication was received from the Iowa Department of Transportation related to the request. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 34-14 Amending Title 16 of The City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 3674 Crescent Ridge from R-1 Single-Family Residential District to C-3 General Commercial District. Seconded by Lynch. Motion carried 7-0.

3. Water Treatment Plant North Softening Basins Rehabilitation Project: Proof of publication on notice of public hearing to consider approval of the specifications, form of contract and the estimated cost for the Water Treatment Plant North Softening Basins Rehabilitation Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 155-14 Approval of specifications, form of contract, and estimated cost for the Water Treatment Plant North Softening Basins Rehabilitation Project. Seconded by Braig. Motion carried 7-0.

4. E. B. Lyons Interpretive Area Expansion Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost of the E. B. Lyons Interpretive Area Expansion Project and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 156-14 Approval of plans, specifications, form of contract, and estimated cost for the E. B. Lyons Interpretive Area Expansion Project. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

1. SRF Green Alley Project Bid Set 4 - Project Award: City Manager recommending award of the SRF Green Alley Project Bid Set 4 contract to the low bidder Drew Cook and Sons Excavating Co., Inc. Motion by Braig to receive and file the documents and adopt Resolution No. 157-14 Awarding public improvement contract for the SRF Green Alley Bid Set 4 Project. Seconded by Jones. Motion carried 7-0.

2. Sisters of St. Francis - Request to Donate Peace Pole: Parks and Recreation Commission recommending approval to accept a peace pole gift from the Sisters of St. Francis of the Holy Family and place the pole in Washington Park. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. City Manager Van Milligen stated that the specific location within Washington Park would be decided by Leisure Services Manager Marie Ware. Motion carried 7-0.

3. Environmental Stewardship Advisory Commission: Correspondence from the Environmental Stewardship Advisory Commission recommending that the City Council include sustainability and environmental stewardship options in its promotion of Tax Increment Finance (TIF). Motion by Connors to receive and file the documents and refer to the City Manager. Seconded by Resnick. City Manager Van Milligen stated that the item would be brought back to the City Council to include approval of specific wording. Motion carried 7-0.

4. Bond Purchase Agreement - Sales Tax Increment Revenue Bonds (Unlimited Property Tax Supported), Second Lien Series 2014A: City Manager recommending approval of the Bond Purchase Agreement and the Master Resolution in connection with the issuance of Sales Tax Increment Revenue Bonds (Unlimited Property Tax Supported), Second Lien Series 2014A. Motion by Jones to receive and file the documents and adopt Resolution No. 158-14 Approving the form and authorizing execution of a Bond Purchase Agreement in connection with the issuance of Sales Tax Increment Revenue Bonds (Unlimited Property Tax Supported), Second Lien Series 2014; and Resolution No. 159-14 Master resolution relating to the issuance of Sales Tax Increment Revenue Bonds by the City of Dubuque under the provisions of Chapter 418 of the Code of Iowa, authorizing and providing for the issuance and securing the payment of Sales Tax Increment Revenue Bonds (Unlimited Property Tax Supported), Second Lien Series 2014, and providing for a method of payment thereof, and related matters. Seconded by Connors. Finance Director Ken TeKippe, Tim Oswald of Piper Jaffray, and Tom Gavin of R.W. Baird presented background information and the results of the bond issuance. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 10 Special Events and Waiver Policy (Tabled from April 7, 2014): City Manager recommending adoption of a revised Special Events Permit Ordinance and Waiver Policy. Correspondence from Art Gilloon to address the City Council. Motion by Jones to remove from the table. Seconded by Braig. Motion carried 7-0.

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 Braig.

Assistant City Attorney Crenna Brumwell provided a slide presentation stating that the primary modification to the proposed ordinance from the last version was to define specific language related to assemblies where no permit, fees, insurance or indemnification is required and notification to the City Manager is encouraged. Ms. Brumwell further stated that language was added regarding interfering with a lawful assemblies and defining special events. The existing language regarding events on private property was corrected to only regulate events on private property in a couple of scenarios, a new Chapter 8 related to valet parking was created, and the existing unlawful assembly provision was moved to Title 7. Mr. Gilloon, after addressing the Council from the gallery, was informed that there would be no public input at this time. Motion carried 6-1 with Lynch voting nay.

Motion by Jones for final consideration and passage of Ordinance No. 35-14 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property by repealing Chapter 4 Parades and Assemblies and Enacting a new Chapter 4 Parades, Assemblies and Special Events in lieu thereof; adopting a New Chapter 8 Valet Drop Off Parking; Permit Requirements; and Amending Title 7 Police, Fire and Public Safety, Chapter 5 Offenses, Article A General Offenses by adopting a new Section 7-5A-18 Unlawful Assembly. Seconded by Connors. Motion carried 6-1 with Lynch voting nay.

COUNCIL MEMBER REPORTS PUBLIC INPUT

Council Member Connors reported on the recent delegation visit from the Sister City of Dornbirn, Austria, during which the official Sister City proclamation was reaffirmed between Mayor Buol and Mayor Andrea Kaufmann of Dornbirn. Ms. Connors added that the experience was encouraging and that the delegation found many ideas to share with Dornbirn.

Council Member Jones reported on a recent Telegraph Herald Letter to the Editor that described a disparity between the costs of traffic violations and those of more serious crimes that end with suspended fines and sentences. He agreed with the injustice and believes the disparity should be addressed.

PUBLIC INPUT

Art Gilloon, 535 Heritage Drive, requested that the City Council change the process for reviewing ordinances to allow for public input believing that the current process sends the wrong message to citizens.

Jacob Long, 4604 Cardinal Drive, concurred with Mr. Gilloon, and requested that the City Council move the Public Input section to the beginning of the agenda.

Alex Wehrspann, 1388 Thomas Place, asked the City Council to address backyard burning as a public health issue and to more strictly regulate when, where, and what can be burned.

Joan Wehrspann, 1388 Thomas Place, addressed the City Council regarding her health issues that she attributes to backyard burning stating that it is not in keeping with the City's sustainability principles. Ms. Wehrspann also expressed frustration with the City following her requests for enforcement of illegal burning.

Jack Mescher, 1235 Mt. Loretta Drive, addressed the Council regarding what he believes are limited methods of communicating with the City Council and requested that the process for public input be changed.

Jonathon McCoy, 263 Main Street, addressed the City Council about his concerns on behalf of the Old Main Association and as a Main Street property owner that the lower Main Street area is seeing resurgence in rough public behavior specifically during the late-night hours.

Allen Troupe, 2203 Key Way, requested that the City Council change its procedure regarding the ability to address the Council on ordinances and cited the City of Waterloo's procedure as an example.

Mark Lansing, 3761 Hillcrest Road, expressed his opinion that citizens just need to feel that the Council is listening to them.

Jeff Lenhart, 1270 Locust Street, stated that he felt lucky to be living in Dubuque and said that joining a City commission is the best thing he's done.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:09 p.m. to discuss property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Connors. Motion carried 7-0.

Upon motion at 8:36 p.m., the City Council reconvened in open session stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:37 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 5/28