

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

The Dubuque City Council met in regular session at 6:30 p.m. on August 4, 2014 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Lynch, Resnick (via conference phone), 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)**

Health Center Week (August 10-16, 2014) was accepted by Public Health Specialist and Crescent Community Health Center Board Chair Mary Rose Corrigan and CHC Executive Director Julie Woodyard, 1789 Elm Street.

**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 7/21; Human Rights Commission of 6/14; Investment Oversight Advisory Commission of 7/23; Library Board of Trustees Update of 7/24; Proof of Publication for City Council proceedings of 7/7. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Dwayne and Susan Murphy for property damage, Andrew Schroeder for property damage, Zuhdija Zulic for property damage; City of Dubuque vs. Dena Kurt et. al. 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: Dwayne and Susan Murphy for property damage, Steve Maker for vehicle for property damage. Upon motion the documents were received, filed and concurred.

4. Government Finance Officers Association - Certificate of Achievement: City Manager transmitting the 26th consecutive Certificate of Achievement for Excellence in

Financial Reporting from the Government Officer's Finance Association (GFOA). Upon motion the document was received and filed.

5. Multicultural Family Center - Phase II Renovation: City Manager recommending approval of the consultant selection committee's recommendation for hiring Selser Schaefer Architects to provide architectural design and construction administration services for the Multicultural Family Center – Phase II Renovation Project. Upon motion the documents were received, filed and approved.

6. Property Acquisition - 321 E. 22nd Street: City Manager recommending approval to purchase a residential dwelling located at 321 E. 22nd Street owned by Gary E. Bay and Susan M. Bay as part of the acquisition program associated with the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 225-14 Approving the acquisition of real estate owned by Gary E. Bay and Susan M. Bay in the City of Dubuque was adopted.

7. Quarterly Investment Report - June 30, 2014: City Manager transmitting the June 30, 2014 Quarterly Investment Report. Upon motion the documents were received and filed.

8. AmeriCorps Partners in Learning Grant Award 12-13 (Grant 12-AC-13): City Manager recommending approval of the grant agreement with the Iowa Commission on Volunteer Service for the City of Dubuque AmeriCorps Program. Upon motion the documents were received, filed and approved.

9. Lamar Companies Lease: City Manager recommending approval of a Renewal Lease Agreement with the Lamar Companies for a term commencing July 1, 2014, and terminating June 30, 2015 to allow for a Lamar-owned sign on City property at 280 South Locust Street. Upon motion the documents were received, filed and approved.

10. Stipulation of Settlement - AMC Showplace Theatres, Inc. Property Tax Appeals: City Attorney recommending approval of a Stipulation of Settlement with AMC Showplace Theaters, Inc., for property tax appeals. Upon motion the documents were received, filed and approved.

11. Approval of Plat - Aviation Drive: City Manager recommending approval of the plat of City property, which includes Aviation Drive, in order for Dubuque County to formally recognize and assign the name. Upon motion the documents were received and filed and Resolution No. 226-14 Approving the Plat of Roadway Easement for a Permanent Roadway Easement Located in the Northwest Quarter of Section 35, Township 88 North, Range 2 East of the 5th Principal Meridian, Dubuque County, Iowa Hereinafter Known as Lot A of Said Northwest Quarter was adopted.

12. Approval of Plats - Jecklin Lane: City Manager recommending approval of the plats of City property for the relocated Jecklin Lane. Upon motion the documents were received and filed and Resolution No. 227-14 Approving the Acquisition Plat for Tract A

for the Relocation of Jecklin Lane and Tract B for the Vacation of Existing County Road Right of Way in Lot 1 of the Replat of the Southwest Quarter of the Southwest Quarter in Section 22, Township 88 North, Range 2 East of the 5th Principal Meridian, Dubuque County, Iowa; and Resolution No. 228-14 Approving the Acquisition Plat for Tract A for the Relocation of Jecklin Lane in Lot 1 of the Replat of the Northwest Quarter of the Northwest Quarter, and Tract B for the Vacation of Existing County Road Right of Way in the Northeast Quarter of the Northwest Quarter, and In Lot 1 of the Northwest Quarter of the Northwest Quarter all in Section 27, Township 88 North, Range 2 East of the 5th Principal Meridian, Dubuque County, Iowa, were adopted.

13. Approval of Plat – Merlin Lane: City Manager recommending approval of the plat of City property that includes the relocated Merlin Lane. Upon motion the documents were received and filed and Resolution No. 229-14 Approving the Acquisition Plat of Lot B for the Relocation of Merlin Lane Located in the Southeast Quarter of the Northwest Quarter of Section 35, Township 88 North, Range 2 East of the 5th Principal Meridian, Dubuque County, Iowa, was adopted.

14. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City of channel relocations that will take place on or about September 1, 2014. Upon motion the document was received and filed.

15. Improvement Contracts/Maintenance Bonds: Fred Jackson Tuckpointing Co., Inc. for the North Softening Basins Rehabilitation Project; Portzen Construction, Inc. for the John F. Kennedy Rd. and Wacker Drive Traffic Signal Replacement Project. Upon motion the documents were received, filed and approved.

16. 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. 230-14 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. Intent to Dispose of Property by Easement - Jecklin Lane: City Manager recommending setting a public hearing for August 18, 2014 on the disposition of a portion of Jecklin Lane. Upon motion the documents were received and filed and Resolution No. 231-14 Setting a public hearing on the disposition of property by easement to Dubuque County was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 18, 2014 in the Historic Federal Building.

2. Intent to Dispose of Property by Easement - Merlin Lane: City Manager recommending setting a public hearing for August 18, 2014 on the disposition of a portion of Merlin Lane. Upon motion the documents were received and filed and Resolution No. 232-141 Setting a public hearing on the disposition of property by easement to Dubuque County was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 18, 2014 in the Historic Federal Building.

3. Dubuque Technology Park - Economic Development District Amendment: City Manager recommending approval of a Resolution of Necessity that finds that an Amended and Restated Urban Renewal Plan for the Dubuque Technology Park Economic Development District is both necessary and appropriate, and sets a public hearing on the proposed amendment for September 2, 2014. Upon motion the documents were received and filed and Resolution No. 233-14 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 September 2, 2014 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Appointments to the following commissions were made at this meeting:

1. Housing Commission: One, 3-year term through August 17, 2017 (Expiring term of Baumhover). Applicant: Rick Baumhover, 601 Garfield Ave #104. Motion by Lynch to appoint Rick Baumhover to a 3-year term through August 17, 2017. Seconded by Connors. Motion carried 7-0.

2. Human Rights Commission: One, 3-year term through January 1, 2016 (Vacant term of Helgager). Applicants: Nikkole Nutter, 2897 Asbury Rd.; Susan Stone, 1384 Solon St. Upon roll call vote of 7-0, Susan Stone was appointed to a 3-year term through January 1, 2016.

### **PUBLIC HEARINGS**

Upon motion the rules were suspended to allow anyone present to address the City Council and the following items.

1. Elm Street Parking Lot Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost of the Elm Street Parking Lot Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 234-14 Approval of plans, specifications, form of contract, and estimated cost for the Elm Street Parking Lot Project. Seconded by Braig. Motion carried 7-0.

2. SRF Green Alley Project Bid Set 5 - Year 1: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost of the SRF Green Alley Project Bid Set 5 - Year 1 and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 235-14 Approval of Plans, Specifications, Form of Contract, and Estimated Cost for the SRF Green Alley Bid Set 5 – Year 1 Project; Resolution No. 236-14 Resolution with Respect to the Adoption of the Resolution Of Necessity Proposed for the SRF Green Alley Bid Set 5 – Year 1 Project; and Resolution No. 237-14 Approving Schedule of Assessments and Estimate of Total Cost for the SRF Green Alley Bid Set 5 – Year 1 Project. Seconded by Connors. Motion carried 7-0.

3. SRF Green Alley Project Bid Set 1 - Year 2: 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 Project Bid Set 1 - Year 2 and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 238-14 Approval of Plans, Specifications, Form of Contract, and Estimated Cost for the SRF Green Alley Bid Set 1 – Year 2 Project; Resolution No. 239-14 Resolution with Respect to the Adoption of the Resolution of Necessity Proposed for the SRF Green Alley Bid Set 1 – Year 2 Project; and Resolution No. 240-14 Approving Schedule of Assessments and Estimate of Total Cost for the SRF Green Alley Bid Set 1 – Year 2 Project. Seconded by Jones. Motion carried 7-0.

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

### **ACTION ITEMS**

1. Serenity Ridge Subdivision: Developer John Herrig requesting to address the City Council regarding the intersection of Plaza Drive and Derby Grange Road related to Serenity Ridge Subdivision. Motion by Connors to receive and file the documents and refer to the City Manager. Seconded by Jones. Mr. Herrig, 13570 Surrey Lane, described the issue surrounding the connection of Plaza Drive to Derby Grange Road in terms of speed limit, visibility and costs. Mr. Herrig offered to provide a portion of the associated costs citing that the improvement would be of benefit to the City in terms of economic development and EMS access. City Manager Van Milligen stated that he is available to meet with Mr. Herrig to discuss the issue further. Motion carried 7-0.

2. Convention and Visitors Bureau Quarterly Report: Executive Director Keith Rahe provided a verbal quarterly report for the Dubuque Convention and Visitors Bureau. Motion by Connors to receive and file the information. Seconded by Jones. Mr. Rahe highlighted the 2014 America's River Festival, tourism growth, community branding, economic impact, quality of life, visitor demographics, tours and events, economic impact, and hotel occupancy. Motion carried 7-0.

3. Code of Ordinances Amendment - Title 12 Airport Commissions: City Manager recommending approval of a new Title 12 for three ordinances which provides for administration and enforcement of the Airport, creates the office of Airport Administrator,

establishes general and Airport zoning regulations, and establishes the Airport Commission, Airport Zoning Commission, and Airport Zoning Board of Adjustment. 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 Connors. Airport Manager Bob Grierson explained the changes in outdated code language. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 51-14 Amending City of Dubuque Code of Ordinances Title 12 Airport By Repealing Title 12 Airport and Adopting a New Title 12 Airport In Lieu Thereof Providing for Administration and Enforcement of the Airport; Creating the Office of Airport Administrator; Establishing General Regulations for the Airport; Establishing Airport Zoning Regulations; Establishing the Airport Commission; Establishing the Airport Zoning Commission; and Establishing the Airport Zoning Board of Adjustment. Seconded by Connors. Motion carried 7-0.

4. Code of Ordinances Amendment - Title 2 Investment Oversight Advisory Commission: City Manager recommending approval of an ordinance with a new Title 2, Chapter 3, which establishes the Investment Oversight Advisory Commission and provides for the powers, operation, membership and meetings. Motion by Lynch 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. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 52-14 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions by Repealing Chapter 3 Investment Oversight Advisory Commission and Adopting a New Chapter 3 Investment Oversight Advisory Commission in Lieu Thereof Establishing the Investment Oversight Advisory Commission and Providing for the Powers, Operation, Membership, and Meetings. Seconded by Jones. Motion carried 7-0.

5. Iowa Department of Transportation - Safety Grant Application: City Manager recommending authorization for the City of Dubuque to submit a grant application to the State of Iowa for Traffic Safety Improvement Program funding for the North Grandview Avenue and Delhi Street Roundabout Intersection Improvement. Motion by Braig to receive and file the documents and adopt Resolution No. 241-14 Authorizing the Filing of a Grant Application with the Iowa Department of Transportation for Traffic Safety Improvements funding for the City of Dubuque North Grandview Avenue and Delhi Street roundabout intersection improvement. Seconded by Connors. Responding to questions from the City Council, City Engineer Gus Psihoyos described the project and location and provided information on the meeting with businesses adjacent to the intersection. Psihoyos added that bicyclists would have to merge with the regular traffic through the roundabout. Motion carried 7-0.

6. Regional Conservation Partnership Program Competitive Pre-Application Proposal: City Manager recommending approval of the pre-proposal application for the USDA Regional Conservation Partnership Program. Motion by Lynch to receive and file

the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

7. Dubuque County Resource Enhancement and Protection (REAP) Plan and City Representative: City Manager recommending approval of the City of Dubuque's update of the Fiscal Year 2015 Dubuque County Resource Enhancement and Protection (REAP) Plan, as well as the resolution and the Fiscal Year 2015 REAP Grant application for Phase 5 of the Iowa 32 (Northwest Arterial) Bike/Hike Trail. It is further recommended that the City Council confirm the City representative on the Dubuque County REAP Committee to attend the committee meeting on August 12, 2014. Motion by Lynch to receive and file the documents, adopt Resolution No. 242-14 Authorizing REAP Grant Application to Iowa Department of Natural Resources for Iowa 32 Bike/Hike Trail (Phase 5); and re-confirm Council Member Joyce Connors as the City's representative. Seconded by Jones. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Connors thanked the Parks and Recreation staff for the Lighted Boat Parade event held on August 2 in the Port of Dubuque.

Council Member Jones expressed sympathy for the communities of Farley and Epworth regarding the fatal vehicular accident that happened on August 2 west of Dubuque.

There being no further business, upon motion the City Council adjourned at 7:19 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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