

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 2, 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

SWEARING IN

Swearing In of Mayor Pro Tem Karla A Braig

PROCLAMATION

1. Voices X Make Your Mark Days (September 6 - October 14) was accepted by Geri Shafer, Voices Productions, 1207 Adeline St. Joining Ms. Shafer was Paula Connors and Ali Levasseur.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 7-0.

1. Minutes and Reports Submitted: Housing Commission 6/24, Human Rights Commission 7/14. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Robert Donovan for vehicle damage, Cheryl Fuller for personal injuries, James Gibbs for property damage, Katie Jacobson for vehicle damage, Gerald Klein for property damage, Scott and Ann Morris for property damage, Jose' Lo'pez Ramirez 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: Robert Donovan for vehicle damage, Cheryl Fuller filed by Attorney Jeffrey Walters for personal injury, James Gibbs for property damage, Katie Jacobson for vehicle damage, Gerald Klein for property damage, Ike and Linda Lasoya for property damage, Ann Morris for property damage, Jose' Lo'pez Ramirez for vehicle damage, Tim Wittstock for property damage, Lawrence Vize for property damage. Upon motion the documents were received, filed and concurred.

4. Federal Emergency Management Association (FEMA) Assistance to Firefighter's Grant Acceptance: City Manager recommending approval of the acceptance of the Federal Emergency Management Association (FEMA) the Assistance to Firefighter's Grant. Upon motion the documents were received, filed and approved.

5. Cities of Service Blueprint Application: City Manager recommending approval of the submittal of an application to Future Talk to become a Cities of Service Blueprint. Upon motion the documents were received, filed and approved.

6. Nomination of Eagle Point Park for National Register of Historic Places and CLG Grant Application for Eagle Point Park – NRHP Nomination and Phase 1 Archeological Survey: City Manager recommending City Council support for the nomination of Eagle Point Park to the National Register of Historic Places (NRHP), acceptance of the generous offer of Dr. Julie Schlarman to list Eagle Point Park on the National Register as an in-kind donation, submittal of a Certified Local Government Grant Application for the nomination and Phase I Archeological Survey. Upon motion the documents were received and filed and Resolution No. 266-14 Authorizing CLG Grant Application to State Historic Preservation Office for Eagle Point Park NRHP Nomination and Phase 1 Archeological Survey Project was adopted.

7. English Mill Road Watermain Extension Partnership Agreement: City Manager recommending approval of a Partnership Agreement with English Ridge LLC for the construction of a watermain from the intersection of Cavendish Lane and Stone Valley Drive west to the intersection of English Mill Road and the future extension of Stone Valley Drive. Upon motion the documents were received and filed and Resolution No. 267-14 Approving a Partnership Agreement between the City of Dubuque, Iowa and English Ridge LLC was adopted.

8. English Mill Road Watermain Extension Purchase Agreement: City Manager recommending approval of the acquisition of Lot B of English Ridge Subdivision No. 5 and associated watermain and access easements and authorizing the City Manager to execute the Offer to Buy and the City Council to accept the deed for such property. City Manager also recommending accepting the Grant of Access and Watermain Utility Easement through and across a part of Lot A of English Ridge Subdivision No. 5, in the City of Dubuque, Iowa. Upon motion the documents were received and filed and Resolution No. 268-14 Approving the Acquisition of Real Estate Owned by English Ridge, LLC in the County of Dubuque and Resolution No. 269-14 Accepting the Grant of an Access and Watermain Utility Easement Through, Over and Across a Part of Lot A of English Ridge Subdivision No. 5, in the City of Dubuque, Dubuque County, Iowa were adopted.

9. National Scenic Byways/State Recreational Trail Grant Agreement: City Manager recommending approval to enter into an agreement with the Iowa Department of Transportation in order to utilize the National Scenic Byways Grant and the State Recreational Trails Grant for the Upper Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 270-14 Approving the National Scenic Byways and State Recreational Trail Grant Agreement between the Iowa Department of Transportation and the City of Dubuque, Iowa for the Bee Branch Creek Mississippi River Trail Route in the Upper Bee Branch Creek Restoration Project was adopted.

10. Identity Theft Prevention Program Update: City Manager recommending approval of an update to the City's Identity Theft Prevention Program to include areas of City operation in addition to utilities. Upon motion the documents were received, filed and approved.

11. Final Plat – Miller Place No. 2: Zoning Advisory Commission recommending approval of the Final Plat of Miller Place No.2 subject to waiving lot frontage requirements for Lot 1 Miller Place No. 2. Upon motion the documents were received and filed and Resolution No. 271 Approving the Final Plat of Miller Place No. 2 in Dubuque County, Iowa was adopted.

12. Pre-Annexation Agreement - Spiegel Family Realty Company Iowa, LLC: City Manager recommending approval of the Spiegel Family Realty Company Iowa, LLC Pre-Annexation Agreement for Lot 1-2 of Miller Place in accordance with the Fringe Area Development Standards, and authorize the Mayor to sign the agreement on behalf of the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 272-14 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Spiegel Family Realty Company Iowa, LLC was adopted.

13. Pre-Annexation Agreement - Doris Graf: City Manager recommending approval of the Doris Graf Pre-Annexation Agreement for Lot 1 of Graf Farm Subdivision in accordance with the Fringe Area Development Standards, and authorize the Mayor to sign the agreement on behalf of the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 273-14 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Doris Graf was adopted.

14. Consent Decree Semi Annual Report - September 2014: City Manager requesting approval to certify the September 30th Semi Annual Consent Decree Report to be submitted to the U.S. Department of Justice, U.S. EPA and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

15. Fiscal Year 2014 City Street Financing Report: City Manager recommending approval of the Fiscal Year 2014 City Street Financing Report. Upon motion the documents were received and filed and Resolution No. 274-14 Approving the City of Dubuque Fiscal Year 2014 City Street Financing Report was adopted.

16. Multicultural Family Center Agreement: City Manager recommending approval of an Agreement between the City of Dubuque and the Multicultural Family Center. Upon motion the documents were received, filed and approved.

17. Workers' Compromise Settlement - Alvy Kennedy: City Attorney recommending approval of Compromise Settlement for Alvy Kennedy vs. City of Dubuque. Upon motion the documents were received, filed and approved.

18. Alcohol Compliance Civil Penalty for Alcohol License - Diamond Jo Casino: City Manager recommending approval of the Alcohol Compliance Settlement Agreement with Diamond Jo Casino, 301 Bell Street. Upon motion the documents were received, filed and approved.

19. 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. 275-14 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 and Resolution No. 276-14 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 notices as prescribed by law. Seconded by Connors. Motion carried 7-0.

1. FY15 First Budget Amendment: City Manager recommending the first Fiscal Year 2015 Budget Amendment be set for public hearing on September 15, 2014. Upon motion the documents were received and filed and Resolution No. 277-14 Setting the date for the Public Hearing on Amendment No. 1 to the Fiscal Year 2015 Budget for the City of Dubuque was adopted. A public hearing is set for a meeting to commence at 6:30 p.m. on September 15, 2014 in the Historic Federal Building.

2. English Mill Road Pumping Facility Project: City Manager recommending initiation of the bidding process for the English Mill Road Pumping Facility Project, and further recommending that a public hearing be set for September 15, 2014. Upon motion the documents were received and filed and Resolution No. 278-14 English Mill Road Pumping Facility Project 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 was adopted. A public hearing is set for a meeting to commence at 6:30 p.m. on September 15, 2014 in the Historic Federal Building.

3. English Mill Water Main Extension Project: City Manager recommending initiation of the bidding process for the English Mill Water Main Extension Project, and further recommends that a public hearing be set for September 15, 2014. Upon motion the documents were received and filed and Resolution No. 279-14 English Mill Road Water Main Extension Project 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 was adopted. A public hearing is set for a meeting to commence at 6:30 p.m. on September 15, 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. Airport Commission: One, 4-year term through September 14, 2018 (Expiring term of Accinelli); Applicant: Steven Accinelli, 3007 Huntington Dr.

2. Zoning Board of Adjustment: One, 5-year term through March 25, 2019 (Vacant term of Hutchinson); Applicant: Joyce Pope, 560 West 13th St.

Appointments to the following commissions to be made at this meeting:

1. Housing Commission: One, 3-year term through August 17, 2017 (Expiring term of Eudaley); Applicant: Amy Eudaley, 950 Wood St. Motion by Lynch to appoint Amy Eudaley to a 3-year term through August 17, 2017. Seconded by Connors. Motion carried 7-0.

2. Sister City Relationship Advisory Commission: One, 3-year term through February 1, 2016 (Vacant term of Rhomberg); Applicant: Bryan Zygmunt, 608 Clarke Dr. Motion by Lynch to appoint Bryan Zygmunt to a 3-year term through February 1, 2016. Seconded by Connors. Motion carried 7-0.

PUBLIC HEARINGS

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

1. Dubuque Technology Park - Economic Development District Amendment: Proof of publication on notice of public hearing to consider a Resolution of Necessity for an Amendment to the Dubuque Technology Park Economic Development District Urban Renewal Plan to include Subarea C and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 280-14 Approving the Amended and Restated Urban Renewal Plan for the Dubuque Technology Park Economic Development District. Seconded by Jones. Motion carried 7-0.

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

ACTION ITEMS

1. Eagle Point Solar: Motion by Lynch to receive and file and hear presentation. Barry Shear, President of Eagle Point Solar, provided a slide presentation on the process and outcome of a Supreme Court case which would allow municipalities to purchase solar energy. Shear responded to questions from the council. Seconded by Jones. Motion carried 7-0.

2. Wells Fargo Bank, N.A Deed Donation - Property at 767 University Avenue along with Cash Contribution: City Manager recommending the City accept donation of the property at 767 University Avenue along with a \$20,000 cash contribution from Wells Fargo Bank. Motion by Braig to receive and file the documents and adopt Resolution No. 281-14 Accepting the Deed to Certain Real Estate in Dubuque County, Iowa from Wells Fargo Bank, NA. Seconded by Connors. Motion carried 7-0.

3. City Code Ordinance Amendment - Definition of Motorized Bicycle or Motor Bicycle: City Manager recommending approval of an amendment to City Code Ordinance 9-1-321.1 regarding the definition of Motorized Bicycle or Motor Bicycle. 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. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No 56-14 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 1 General Provisions, Section 9-1-321.1 by changing the definition of Motorized Bicycle or Motor Bicycle to mirror State Code in the Speed Capacity of a Motorized Bicycle or Motor Bicycle. Seconded by Braig. Motion carried 7-0

4. City Code of Ordinances Amendment - Title 10- Sidewalk Installation and Repair: City Manager recommending approval of an amendment to Section 10-1-2-B Sidewalk Installation and Repair of the City of Dubuque Code of Ordinances. 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. Motion carried 7-0. Attorney Lindahl responded to questions from the council and explained that this amendment was based on an Iowa Supreme Court ruling and that Iowa City, Iowa has already passed a similar ordinance.

Motion by Connors for final consideration and passage of Ordinance No. 57-14 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 1 Streets, Sidewalks and Other Public Places, Section 10-1-2-B Sidewalk Installation and Repair by further defining the duty and liability of the abutting property owner. Seconded by Braig. Motion carried 7-0.

5. Dubuque County Emergency Management Commission: Tom Berger of the Dubuque County Emergency Management Agency (EMA) requesting a new appointment of the Mayor or Mayor's representative on the EMA Commission due to the retirement of Fire Chief Dan Brown. Mayor Buol recommending appointment of Fire Chief Rick Steines, as the representative to the EMA Commission. Motion by Connors to approve the mayor recommendation of Fire Chief Rick Steines as the representative to the EMA Commission. Seconded by Braig. Motion carried 7-0.

6. FY 2015 Annual Action Plan Amendment 1: City Manager recommending approval of the Fiscal Year 2015 Annual Action Plan- Amendment 1 for the Community Development Block Grant (CDBG) program. Motion by Braig to receive and file the documents and adopt Resolution No. 282-14 Approving Fiscal Year 2015 (Program Year 2014) Annual Action Plan Amendment 1 for Community Development Block Grant (CDBG) Funds. Seconded by Jones. Motion carried 7-0.

7. Southwest Arterial Supplemental Agreement No. 14: City Manager recommending authorization for the Mayor to execute the Consultant Professional Services – Supplemental Agreement with AECOM Technical Services, Inc. for the final engineering design phase of the Southwest Arterial Project, subject to the concurrence of the Iowa Department of Transportation. Motion by Lynch to receive and file the documents and adopt Resolution No. 283-14 Approving the Consultant Professional Services - Supplemental Agreement No. 14 between AECOM Technical Services, Inc. and the City of Dubuque for the completion of final engineering design phase of the Southwest Arterial Project. Seconded by Connors. Motion carried 7-0.

8. SRF Green Alley Bid Set 2 Year 2 - Postponement of the Award: City Manager recommending postponement of the award of the contract until the September 15, 2014 City Council meeting. Motion by Braig to receive and file the documents and adopt Resolution No. 284-14 Postponing the Award of the Contract for the SRF Green Alley Bid Set 2 – Year 2 Project. Seconded by Connors. Motion carried 7-0.

9. Park and Recreation Advisory Commission Correspondence: Restated Motion by Jones to receive and file the documents and instruct the Parks and Recreation Advisory Commission to hold a public hearing regarding dogs in parks. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones congratulated everyone involved in the Labor Day Parade for having a successful event. Council agreed that staff should look into regulations requiring drivers in all parades to be of legal age, citing public safety as the concern.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:45 p.m. to discuss property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion at 8:20 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 8:21 p.m.

/s/Trish Gleason, CMC
Assistant City Clerk