

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 15, 2014 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton (via phone); City Manager Van Milligen (via phone), Assistant City Manager Teri Goodmann, 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)**

Days of Peace (September 20-21, 2014) was accepted by Art Roche, Chairperson for the Days of Peace Planning Committee, 5451 Meadow Ct., Asbury;

Dubuque Oktoberfest Day (September 27, 2014) was accepted by Greg Malm of the Oktoberfest Steering Committee, 3110 Castle woods Lane ;

Recovery Month (September 2014) was accepted by Emily Carney, Substance Abuse Services Center, 799 Main Street;

Crop Walk Day (October 5, 2014) was accepted by R.R.S. Stewart, Co-Chairperson for the Social Justice Committee, St. Luke United Methodist Church, 1199 Main Street.

**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: Arts and Cultural Affairs Advisory Commission of 8/26; Cable TV Commission of 7/1; City Council Proceedings of 8/4, 8/25, 8/26, 9/2; Community Development Advisory Commission of 7/16 and 8/20; Library Board of Trustees Report of 8/28; Park and Recreation Commission of 8/12; Proof of publication for City Council proceedings of 8/18, 8/25, 8/26; Proof of publication for List of Claims and Summary of Revenues for Month Ended July 31, 2014. Upon motion the documents were received and filed.

2. Property Acquisition - 1513 Washington Street: City Manager recommending approval to purchase a home located at 1513 Washington Street owned by Roger D. Richard for the purpose of rehabbing and reselling to a qualified homebuyer. Upon motion the documents were received and filed and Resolution No. 285-15 Approving

the Acquisition of Real Estate Owned by Roger D. Richard at 1513 Washington Street in the City of Dubuque was adopted.

3. Property Acquisition - 1598 Washington Street: City Manager recommending approval to purchase a home located at 1598 Washington Street owned by Roger D. Richard for the purpose of rehabbing and reselling to a qualified homebuyer. Upon motion the documents were received and filed and Resolution No. 286-14 Approving the Acquisition of Real Estate Owned by Roger D. Richard at 1598 Washington Street in the City of Dubuque was adopted.

4. Property Acquisition - 1501-1503 Bluff Street: City Manager recommending authorization to acquire a duplex located at 1501-1503 Bluff Street from the Washington Neighborhood Development Corporation for the purpose of rehabbing and reselling as two separate properties to two qualified homebuyers. Upon motion the documents were received and filed and Resolution No. 287-14 Approving the Acquisition of Real Estate Owned by the Washington Neighborhood Development Corporation (WNDC) at 1501-03 Bluff Street in the City of Dubuque was adopted.

5. 2014 Access Ramp Installation Project Phase 3: City Manager recommending that the award for the 2014 Access Ramp Installation Project-Phase 3 be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Make Matter of Record.

6. 2014 CDBG Curb Access Ramp Installation Project Acceptance: City Manager recommending acceptance of the construction contract for the 2014 CDBG Curb Access Ramp Installation Project, as completed by Midwest Concrete, Inc. Upon motion the documents were received, filed and approved.

7. Key City Properties, LLC - Pre-annexation Agreement: City Manager recommending approval of Key City Properties, LLC Pre-Annexation Agreement 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. 288-14 Approving a Pre-Annexation Agreement Between the City of Dubuque, Iowa and Key City Properties, LLC, was adopted.

8. Holliday 5th Addition - Stormwater Facilities Fee Agreement: City Manager recommending that the City Council consent to the assignment of interest in the Stormwater Facilities Fee Agreement between the City and WBBW Holliday Development, LLC for Lot 1 of Holliday 5th Addition. Upon motion the documents were received, filed and approved.

9. FY 2014 Consolidated Annual Performance and Evaluation Report (CAPER): City Manager recommending approval of the submission of the Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development for the period July 1, 2013, through June 30, 2014. Upon motion the documents were received and filed and Resolution No. 289-14 Authorizing the

Submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the Period Commencing July 1, 2013 and Concluding June 30, 2014 was adopted.

10. English Ridge Subdivision No. 2 - Acceptance of Subdivision Improvements: City Manager recommending acceptance of the public improvements that the developer, English Ridge, LLC, has recently completed in English Ridge Subdivision No. 2. Upon motion the documents were received and filed and Resolution No. 290-14 Accepting Public Improvements in English Ridge Subdivision No. 2 in the City of Dubuque, Iowa, was adopted.

11. Iowa Finance Authority - Housing Trust Fund Application: City Manager recommending approval to submit an Iowa Finance Authority Housing Trust Fund application for continued support of homeownership activities in the Washington Neighborhood and authorizing commitment of the a match from available General Funds. Upon motion the documents were received and filed and Resolution No. 291-14 Approving Commitment of Matching Funds for an Application to the Iowa Finance Authority (IFA) for State Housing Trust Funds was adopted.

12. 2014 Justice Assistance Grant (JAG) Acceptance: City Manager recommending approval to accept the 2014 Justice Assistance Grant (JAG) award from the Edward Byrne Memorial Assistance Grant program and authorize the signing of the award document and special conditions. Upon motion the documents were received, filed and approved.

13. Request for Proposals - Bunker Hill Golf Irrigation Project: City Manager recommending approval to release a Request for Proposal for design, cost estimates and construction administration services for the Bunker Hill Golf Course Irrigation Project. Upon motion the documents were received, filed and approved.

14. Linseed Oil - CDBG Subrecipient Agreement: City Manager recommending approval of a Subrecipient Agreement between the City of Dubuque and Wilmac Property Company for the redevelopment of 901 Jackson Street according to the terms of the Community Development Block Grant contract. Upon motion the documents were received, filed and approved.

15. Harvest Kitchen & Bar - Amendment to Loan Agreement for Name Change: City Manager recommending approval of an amendment to the July 21, 2014 Loan Agreement with Harvest Kitchen & Bar owned by Offal Food Group, LLC changing the name of the restaurant from Harvest Kitchen & Bar to Brazen Open Kitchen & Bar. Upon motion the documents were received and filed and Resolution No. 292-14 Approving the First Amendment to Loan Agreement between the City of Dubuque, Iowa, and Harvest Kitchen & Bar was adopted.

16. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City of programming additions and rate

adjustments on or about October 1, 2014. Upon motion the documents were received and filed.

17. Signed Contracts: Agreement with IIW for engineering services related to the Roosevelt Street Pumping Facility 2014 Project Upon motion the documents were received and filed.

18. Alcohol Compliance Civil Penalty for Alcohol License Holders - Ron's Discount Smokes: City Manager recommending approval of an Alcohol Compliance Settlement Agreement with Ron's Discount Smokes & Beverage Center, 1691 Asbury Road. Upon motion the documents were received, filed and approved.

19. Business License Refund: Request by Dave Adams for a refund of the tobacco license DBQ-060-15 for Dave's Downtown Conoco, Inc. located at 500 Locust St. in the amount of 75.00 Upon motion the document was received, filed and approved.

### **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. Rockfarm Holdings, Inc. - Development Agreement and Property Acquisition: City Manager recommending that a public hearing be set for October 6, 2014, to approve a Development Agreement between the City of Dubuque and Rockfarm Holdings, Inc. for the acquisition of 4.28 acres in the Dubuque Technology Park Economic Development District. Upon motion the documents were received and filed and Resolution No. 293-14 Intent to dispose of an interest in City of Dubuque Real Estate pursuant to a Development Agreement between the City of Dubuque and Rockfarm Holdings, Inc. and 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 providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 6, 2014 in the Historic Federal Building.

2. Upper Bee Branch Creek Restoration Project - 429 Rhomberg Stabilization Project: City Manager recommending initiation of the bidding process for the 429 Rhomberg Stabilization Project and further recommends that a public hearing be set for October 6, 2014. Upon motion the documents were received and filed and Resolution No. 294-14 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 October 6, 2014 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Applicants were invited to address the Council regarding their application for appointment to the following commission:

Airport Commission: Two, 4-year terms through September 14, 2018 (Expiring terms of Accinelli and Daoud). Applicants: Steven Accinelli, 3007 Huntington Dr.; R.J. Blocker, 880 Kane St.; and Dan Nicholson, 889 Walker St. Mr. Blocker spoke in support of his appointment.

Appointment was made to the following commission:

Zoning Board of Adjustment: One, 5-year term through March 25, 2019 (Vacant term of Hutchinson). Applicant: Joyce Pope, 560 West 13th St. Motion by Connors to appoint Joyce Pope to a 5-year term through March 25, 2019. Seconded by Lynch. Motion carried 7-0.

## **PUBLIC HEARINGS**

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

1. Fiscal Year 2015 Budget Amendment No. 1: Proof of publication on notice of public hearing to consider approval of the first Fiscal Year 2015 Budget Amendment, which amends the Fiscal Year 2015 Budget for City Council actions since the beginning of the Fiscal Year and includes items which City Council has expressed support with the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 295-14 Amending the Current Budget for the Fiscal Year Ending June 30, 2015. Seconded by Braig. Motion carried 7-0.

2. English Mill Road Pumping Facility Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the English Mill Road Pumping Facility Project. Additional correspondence from Frank Smith, Attorney for the Central Iowa Water Association, Assistant City Attorney Maureen Quann, and City Manager Michael Van Milligen. Public hearing conducted. Motion by Jones to close the public hearing. Seconded by Connors. Motion carried 7-0. Motion by Jones to table the item to October 6, 2014. Seconded by Connors. Motion carried 7-0.

3. English Mill Road Water Main Extension Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the English Mill Road Water Main Extension Project. Additional correspondence from Frank Smith, Attorney for the Central Iowa Water Association, Assistant City Attorney Maureen Quann, and City Manager Michael Van Milligen. Public hearing conducted. Motion by Jones to close the public hearing. Seconded by Connors. Motion carried 7-0. Motion by Jones to table the item to October 6, 2014. Seconded by Connors. Motion carried 7-0.

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

## **ACTION ITEMS**

1. Home Base Iowa Community - Resolution of Support: Rick Dickinson, President/CEO of Greater Dubuque Development Corporation, requesting City Council approval of a resolution supporting the City of Dubuque as a Home Base Iowa Community. Motion by Lynch to receive and file the documents and adopt Resolution No. 298-14 Supporting the City of Dubuque as a Home Base Iowa Community. Seconded by Braig. Mr. Dickinson addressed the City Council and provided background information on Home Base Iowa Communities. Mayor Buol read the resolution for the record. Motion carried 7-0.

2. SRF Green Alley Bid Set 2 - Year 2 Project Award: City Manager recommending award of the contract for the SRF Green Alley Bid Set 2 - Year 2 Project to Drew Cook and Sons Excavating. Motion by Braig to receive and file the documents and adopt Resolution No. 299-14 Awarding public improvement contract for the SRF Green Alley Bid Set 2 - Year 2 Project. Seconded by Connors. Resnick stated that he appreciated the delay in awarding the project to provided time for review, but questioned the pace and costs of the project being subject to the contractor and passed on to property owners. Connors stated that delaying the alley projects may result in higher project costs. Motion carried 6-1 with Resnick voting nay.

3. Code of Ordinances Amendment - Dubuque Technology Park Economic Development District: City Manager recommending approval of an ordinance amending the Tax Increment Financing District for the Dubuque Technology Park Economic Development District to expand the district to include Subarea C where Rockfarm Holdings, Inc. will be building and creating 48 jobs. 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. 58-14 Amending Ordinance No. 65-97, as amended by Ordinance No. 44-14, Providing that General Property Taxes Levied and Collected Each Year on all Property Located Within the Dubuque Technology Park Economic Development District, in the City of Dubuque, County of Dubuque, State of Iowa, by and for the Benefit of The State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District and Other Taxing Districts, be paid to a Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by said City in Connection with said Urban Renewal Redevelopment Project. Seconded by Braig. Motion carried 7-0.

4. Novelty Iron Works Facility Tour: Correspondence from Bob Johnson of Novelty Iron Works Landlord, LLC inviting the City Council to tour the Novelty Iron Works redevelopment project at 333 East 10th Street at a time and date convenient for the City Council. Motion by Connors to receive and file the documents and for Council members to contact Mr. Johnson individually or through staff to arrange tour times. Motion carried 7-0.

Motion by Jones to convene in closed session at 7:18 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 7:49 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:50 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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