

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

The Dubuque City Council met in special session at 6:00 p.m. on October 20, 2014 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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 Closed Session regarding pending litigation and property acquisition – Chapter 21.5(1)(c), -(j) Code of Iowa

**CLOSED SESSION**

Motion by Jones to convene in closed session at 6:01 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(C), -(J) of the Code of Iowa

Having given staff proper direction, upon motion the City Council reconvened in open session at 6:26 p.m.

There being no further business, upon motion the City Council adjourned at 6:27 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on October 20, 2014 in the Historic Federal Building, 350 W. 6<sup>th</sup> 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**

**PRESENTATION**

International City/County Management Association Fellowship Exchange: ICMA Fellows Ade Siti Barokah, and Mariani Yanti from Indonesia, introduced themselves and presented Mayor Buol with a gift.

**PROCLAMATION(S)**

Keeping the Lights on Afterschool Day (October 23, 2014) was accepted by Amanda Avenarius, Program Director for St. Mark Youth Enrichment;

Andrew Connolly Make a Difference Day (October 25, 2014) was accepted by Amanda Hohmann and staff from Operation: New View Community Action Agency.

**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 proceeding of 10/2, 10/6; Human Rights Commission of 9/8; Library Board of Trustees of 8/28; Library Board of Trustees Update of 9/25; Sister City Advisory Commission of 9/24; Zoning Advisory Commission of 10/1; Proof of Publication for City Council proceedings of 9/15; Proof of Publication for List of Claims and Summary of Revenues Month Ending 8/31. Upon motion the documents were received and filed.

2. 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: June Crimmins for property damage, Kelly Davis for vehicle damage, Stephen Launspach for property damage. Upon motion the documents were received, filed and concurred.

3. Notice of Claims and Suits: June Crimmins for property damage, Kelly Davis for vehicle damage; Stephen Launspach for property damage; City of Dubuque vs. Michael Dennison, et al. Upon motion the documents were received, filed and referred to the City Attorney.

4. Sustainable Dubuque Quarterly Report: City Manager transmitting the Sustainable Dubuque Quarterly Report for September 2014. Upon motion the documents were received and filed.

5. Sustainable Dubuque Community Grant Recommendations: City Manager recommending approval of the quarterly Sustainable Dubuque Community grant applications. Upon motion the documents were received, filed and approved.

6. Overview of Climate Change Impacts in the United States: City Manager transmitting information about the National Climate Assessment from the U.S. Global Change Research Program. Upon motion the documents were received and filed.

7. Final Plat for Steger Heights No. 2: Zoning Advisory Commission recommending approval of the Final Plat for Steger Heights No. 2 subject to waiving the lot frontage requirement for Lots 1, 3 and 4. Upon motion the documents were received and filed and Resolution No. 322-14 Approving the Final Plat Steger Heights Plat 2 in the City of Dubuque, Iowa, was adopted.

8. WBBW Holliday Development Stormwater Fee Agreement Assignment to SJCG Properties: City Manager recommending approval of the Assignment of Stormwater Facilities Fee Agreement assigning WBBW Holliday Development, LLC's interest in Lot 2 of Holliday 6th Addition, and Lot 1 of Lot 6 of Holliday 3rd Addition to the purchaser of that property, SJCG Properties, LLC. Upon motion the documents were received, filed and approved.

9. Iowa Economic Development Authority (IEDA) - Community Energy Management Program Agreement: City Manager recommending approval for executing the City Energy Management Program Agreement. Upon motion the documents were received, filed and approved.

10. Multicultural Family Center Phase II Renovation: City Manager recommending approval of the execution of a Professional Services Agreement between the City of Dubuque and Selser Schaefer Architects for design and construction administration services for the Multicultural Family Center –Phase II Renovation Project. Upon motion the documents were received, filed and approved.

11. Property Acquisition - 610 Wilbur Street: City Manager recommending approval to purchase the property at 610 Wilbur Street owned by Brian and Cynthia Harker for the removal of deteriorating retaining walls on the property and stabilization of the bluff embankment to allow for the reconstruction of Wilbur Street so that it can be reopened to

vehicular traffic. Upon motion the documents were received and filed and Resolution No. 323-14 Approving the acquisition of real estate owned by Brian and Cynthia Harker in the City of Dubuque was adopted.

12. Property Acquisition - 215 Cousins Road (SW Arterial Project): City Manager recommending acceptance of the Warranty Deed to the property at 215 Cousins Road in connection with the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 324-14 Accepting the deed to certain real estate in Dubuque County, Iowa from Thomas A. Pfeiffer and Charlotte K. Pfeiffer was adopted.

13. Property Acquisition - 103 Cousins Road (SW Arterial Project): City Manager recommending acceptance of the Warranty Deed to the property at 103 Cousins Road in connection with the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 325-14 Accepting the deed to certain real estate in Dubuque County, Iowa from Dennis H. Kollars and Susan A. Kollars was adopted.

14. Property Acquisition - 121 Cousins Road (SW Arterial Project): City Manager recommending Council acceptance of the Warranty Deed to the property at 121 Cousins Road in connection with the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 326-14 Accepting the deed to certain real estate in Dubuque County, Iowa from Arthur D. Rokusek and Karen K. Rokusek was adopted.

15. GNZ Property Tax Appeals: City Attorney advising that the petitioners for the GNZ Properties and Housing Cooperative have withdrawn their property tax appeals. Upon motion the documents were received and filed.

16. Kunkel & Associates, Inc. Urban Revitalization Area: City Manager recommending approval of a Resolution of Finding for the Kunkel & Associates property in the Dubuque Technology Park. Upon motion the documents were received and filed and Resolution No. 327-14 Urban Revitalization Resolution of Finding that the Rehabilitation, Conservation, Redevelopment, Economic Development, or a combination thereof of Lot 6 Block 2 of Dubuque Technology Park in the City of Dubuque, Iowa is necessary in the interest of public health, safety, or welfare of the residents of the City was adopted.

17. Linseed Oil, LLC - Collateral Assignments to Merrimac and Betty Building, LLC: City Manager recommending approval of collateral assignments of both the Development Agreement and the Community Development Block Grant (CDBG) Subrecipient Agreement for the Linseed Oil Building project to Dubuque Bank & Trust. Upon motion the documents were received and filed and Resolution No. 328-14 Approving Collateral Assignment of Development Agreement and Collateral Assignment of Subrecipient Agreement related to rehabilitation of the former Linseed Oil Building was adopted.

18. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City of programming changes on or about November 9, 2014. Upon motion the documents were received and filed.

19. Signed Contract(s): Agreement with the Red Cross for Emergency Shelters; Dubuque Intermodal Transportation Center Change Order #1 (Parts I & II). Upon motion the documents were received and filed.

20. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook and Sons Excavating, Inc., for the SRF Green Alley Project Bid Set 2 - Year 2. Upon motion the documents were received and filed.

21. Alcohol Compliance Civil Penalty for Alcohol License Holders – Extreme Pub: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Exxtreme Pub, 1701 Central Avenue. Upon motion the documents were received, filed and approved.

22. Alcohol Compliance Civil Penalty for Alcohol License Holders – Knicker's Saloon: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Knicker's Saloon, 2186 Central Avenue. Upon motion the documents were received, filed and approved.

23. 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. 329-14 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. 330-14 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

### **ITEMS 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. North Cascade Road Area - Housing Urban Renewal Plan: City Manager recommending approval of a Resolution of Necessity that finds that a Housing Urban Renewal Plan for the North Cascade Road Area is both necessary and appropriate, and sets a public hearing on the proposed amendment for December 1, 2014. Upon motion the documents were received and filed and Resolution No. 331-14 Resolution of Necessity finding that certain property along North Cascade Road is an Economic Development Area and that the Development of said Area is necessary in the interest of the residents of the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 1, 2014 in the Historic Federal Building.

2. Taxable General Obligation Capital Loan Notes (Urban Renewal and Parking), Series 2014C: City Manager recommending that a public hearing be set for November 3, 2014, on the proposition of selling not to exceed \$8,625,000 in Taxable General Obligation Bonds. Upon motion the documents were received and filed and Resolution No. 332-14 Fixing date for a meeting on the authorization of a Loan Agreement and the issuance of not to exceed \$8,265,000 General Obligation Capital Loan Notes, Series 2014, of the City of Dubuque, State Of Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 3, 2014 in the Historic Federal Building.

3. Tax-Exempt General Obligation Bonds Series 2014B: City Manager recommending that a public hearing be set for November 3, 2014, on the proposition of selling not to exceed \$18,335,000 in Tax-Exempt General Obligation Bonds. Upon motion the documents were received and filed and Resolution No. 333-14 Fixing date for a meeting on the authorization of a Loan Agreement and the issuance of not to exceed \$18,335,000 General Obligation Capital Loan Notes, Series 2014, of the City of Dubuque, State of Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 3, 2014 in the Historic Federal Building.

4. Taxable General Obligation Bonds, Series 2014C: City Manager recommending that a public hearing be set for November 3, 2014, on the proposition of selling not to exceed \$500,000 in Taxable General Obligation Bonds. Upon motion the documents were received and filed and Resolution No. 334-14 Fixing date for a meeting on the authorization of a Loan Agreement and the issuance of not to exceed \$500,000 General Obligation Capital Loan Notes, Series 2014, (for General Corporate Purposes) of the City of Dubuque, State of Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 3, 2014 in the Historic Federal Building.

5. Tax-Exempt General Obligation Bonds, Series 2014B: City Manager recommending that a public hearing be set for November 3, 2014, on the proposition of selling not to exceed \$575,000 in Tax-Exempt General Obligation Bonds. Upon motion the documents were received and filed and Resolution No. 335-14 Fixing date for a meeting on the authorization of a Loan Agreement and the issuance of not to exceed \$575,000 General Obligation Capital Loan Notes, Series 2014, (for General Corporate Purposes) of the City of Dubuque, State of Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 3, 2014 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Appointments were made to the following commissions:

1. Community Development Advisory Commission: One, 3 year term through February 15, 2016 (Vacant term of Corken). Applicant: Michelle Hinke, 973 Patricia Ann Dr.

Motion by Connors to appoint Michelle Hinke to a 3-year term through February 15, 2016. Seconded by Lynch. Motion carried 7-0.

2. Environmental Stewardship Advisory Commission: One, 3 year term through October 1, 2017 (Vacant term of Bergum), Applicant: Lalith Jayawickrama, 2360 Cherry St. Motion by Braig to appoint Lalith Jayawickrama to a 3-year term through October 1, 2017. Seconded by Jones. 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. Request for Planned Commercial District Amendment - Theisen's: Proof of publication on notice of public hearing to consider a request by Theisen's / STP Holdings / Tony Theisen to amend the Theisen's PC Planned Commercial District sign regulations at 2900 Dodge Street and the Zoning Advisory Commission recommending approval. 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. Tony Theisen spoke in support of the amendment. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 61-14 Amending Title 16 the Unified Development Code of the City of Dubuque Code of Ordinances, by Amending Ordinance 35-03 which established regulations for a PUD Planned Unit Development District with a PC Planned Commercial Designation for Theisen's and now being amended to allow for new signage. Seconded by Braig. Motion carried 7-0.

2. Request to Rezone 2663 Roosevelt Street: Proof of publication on notice of public hearing to consider a request by Leonard & Jody Koopman to rezone property located at 2663 Roosevelt Street from R-1 Single Family Residential to AG Agriculture to permit Row Crops, Orchards and Livestock and the Zoning Advisory Commission recommending approval. 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 Braig. Leonard Koopman, 501 Sunset Ridge, spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 62-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2663 Roosevelt from R-1 Single-Family Residential District to AG Agricultural District. Seconded by Lynch. Motion carried 7-0.

3. Request to Rezone 815 Rose Street: Proof of publication on notice of public hearing to consider a request by B.M. Properties / Brandon Merrick to rezone property located at 815 Rose Street from R-2 Two Family Residential to R-3 Moderate Density Multi

Family Residential to permit the addition of a dwelling unit to an existing 5-plex and the Zoning Advisory Commission recommending approval with conditions. 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 Braig. Mr. Merrick spoke in support of the request and responded to questions from City Council regarding off-street parking and snow removal. Planning Services Manager Laura Carstens provided a staff report and noted that the Zoning Board of Adjustment will also review the request. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 63-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 815 Rose Street from R-2 Two-Family Residential District to R-3 Moderate Density Multi-Family Residential District with conditions as established in the attached Memorandum of Agreement. Seconded by Lynch. Motion carried 7-0.

4. Linseed Oil Paintworks Building - Amendment to Development Agreement: roof of publication on notice of public hearing to consider amending the Development Agreement with Wilmac Property Company for the property located at 151 East 9th Street and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 336-14 Approving the First Amendment to the Development Agreement between the City of Dubuque, Iowa, and Betty Building, LLC. Seconded by Connors. Motion carried 7-0.

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

### **ACTION ITEMS**

1. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented the quarterly update on the activities of the Greater Dubuque Development Corporation and addressed receiving the award for Economic Excellence, a review of recent economic development achievements, and the addition of staff members David Lyons and Rob Apel. A video on the *Thrive* newcomers program was shown. Motion by Lynch to receive and file the information. Seconded by Braig. Motion carried 7-0.

2. English Mill Water Main Extension Project Award (Tabled from October 2, 2014): City Manager to make a final recommendation on the award of the English Mill Water Main Extension Project. Motion by Jones to remove from the table. Seconded by Braig. Motion carried 7-0. Restated motion by Jones to receive and file the documents and reject the award. Seconded by Lynch. Motion carried 7-0.

3. English Mill Road Pumping Facility Project Award (Tabled from October 2, 2014): City Manager to make a final recommendation on the English Mill Road Pumping Facility Project Award. Motion by Braig to remove from the table. Seconded by Connors. Mo-



tion carried 7-0. Restated motion by Jones to reject the award. Seconded by Lynch. Motion carried 7-0.

4. Upper Bee Branch Creek Restoration Project - 429 Rhomberg Avenue Stabilization Project Award: City Manager recommending award of the contract for the 429 Rhomberg Stabilization Project to the low bidder R&W Restoration, LLC. Motion by Braig to receive and file the documents and adopt Resolution No. 337-14 Awarding public improvement contract for the 424 Rhomberg Stabilization Project. Seconded by Connors. Motion carried 6-1 with Lynch voting nay.

5. Environmental Stewardship Advisory Commission - Retail Plastic Bag Elimination: Correspondence from the Environmental Stewardship Advisory Commission requesting additional action on implementing the retail plastic bag reduction plan. Restated motion by Connors to receive and file the documents and direct staff to continue to have discussions with businesses and provide updates to the City Council. Seconded by Jones. Public Health Specialist Mary Rose Corrigan and Sustainable Community Coordinator Cori Burbach responded to questions from the City Council, which discussed the response from and economic impact on local businesses, monitoring national reduction programs, and voluntary programs vs. regulated enforcement. Motion carried 7-0.

6. Code of Ordinances Amendment - Title 9 Speed Limit Reduction: City Manager recommending approval of an amendment to City Ordinance 9-7-321.285 to reduce the speed limit from 35 mph to 25 mph on Kerper Boulevard from Pine Street to 11th Street. 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. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 64-14 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 7 Operation, Division 5 Speed Restrictions, Section 9-7-321.285 Limits Generally by amending the speed limit for a portion of Kerper Boulevard from 35 M.P.H. to 25 M.P.H. Seconded by Connors. Motion carried 7-0.

7. Request for Work Session - Dubuque Metropolitan Area Solid Waste Agency: City Manager requesting that the City Council schedule a work session for Monday, November 3 at 5:30 p.m. regarding the Dubuque Metropolitan Area Solid Waste Agency's overview of current Agency operations, plans for the future, and need to borrow monies for upcoming capital projects. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Connors. Motion carried 7-0.

8. Request for Work Session - Sustainable Dubuque Quarterly Work Session: City Manager requesting that the City Council set the quarterly Sustainable Dubuque Work Session for Monday, December 1, at 5:00 p.m. Motion by Braig to receive and file the documents and set the work session as recommended. Seconded by Connors. Motion carried 7-0.

9. National League of Cities Voting Delegates: Correspondence from the National League of Cities requesting that the City designate a voting delegate and alternate National League of Cities Annual Business meeting on November 22, 2014. Motion by Connors to receive and file the documents and select Mayor Buol and Council Member Lynn Sutton as the voting delegate and alternate respectively. Seconded by Jones. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones reported on the recent passing of Dr. Doug Butzier who served as the Fire Department's Physician Medical Director.

Council Member Connors asked that any mail addressed to the City Council include the identity of the sender.

Mayor Buol reported on the success of the 7<sup>th</sup> Annual Growing Sustainable Communities Conference held October 7 and 8 at the Grand River Center.

There being no further business, upon motion the City Council adjourned at 8:00 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 10/29