

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 17, 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

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Council Member Resnick requested No. 13 ArtPlace America - Letter of Intent be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council proceedings of 11/3; Five Flags Center Commission of 10/27; Historic Preservation Commission of 10/16; Library Board of Trustees Update of 10/20; Zoning Advisory Commission of 11/05; Zoning Board of Adjustment of 10/23; Proof of Publication for City Council proceedings of 10/20. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Lonnie Smothers for personal injury and John Young 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: Michelle Green for vehicle damage, Kortni Oliver for vehicle damage, Lonnie Smothers for personal injury, John Young for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Dubuque Main Street Award: City Manager transmitting the Certificate of Recognition for the Dubuque Main Street Best Public Improvement Project award for the two-way street conversion project on Elm Street. Upon motion the document was received and filed.

5. Iowa 32 Bike/Hike Trail Phase 5 - Resource Enhancement and Protection (REAP) Grant Agreement: City Manager recommending approval of the Fiscal Year 2015 Resource Enhancement and Protection (REAP) Grant Agreement for Phase 5 of the

Iowa 32 Bike/Hike Trail. Upon motion the documents were received and filed and Resolution No. 353-14 Authorizing REAP Grant Agreement with the Iowa Department of Natural Resources for Phase 5 of the Iowa 32 Bike/Hike Trail was adopted.

6. Alternative Services Concepts - Claims Service Contract: City Manager recommending approval of the Claims Service Contract with Alternative Service Concepts and authorization for the City Manager to execute the contract. Upon motion the document was received, filed and approved.

7. Plat of Survey - Hancock Subdivision: Zoning Advisory Commission recommending approval of the Plat of Survey for Hancock Subdivision (10126 Key West Drive) subject to waiving the lot area for Lot 2. Upon motion the documents were received and filed and Resolution No. 354-14 Approving the Plat of Survey of Hancock Subdivision in Dubuque County, Iowa was adopted.

8. Pre-Annexation Agreement - John A. and Celeste R. Fischer: City Manager recommending approval of a Pre-Annexation Agreement with John A. and Celeste R. Fisher in conjunction with their request for approval of the Plat of Survey of Hancock Subdivision in Dubuque County, which is within two miles of the City of Dubuque corporate limits. Upon motion the documents were received and filed and Resolution No. 355-14 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa, and John A. and Celeste R. Fischer was adopted.

9. Dubuque Industrial Center South - Paving/Utilities - Phase II Acceptance: City Manager recommending acceptance of the Dubuque Industrial Center South PCC Paving and Utilities, Phase II, as completed by Horsfield Construction, Inc. Upon motion the documents were received and filed and Resolution No. 356-14 Approving a Housing Enterprise Zone Program agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC was adopted.

10. Iowa Department of Transportation Agreement for use of Local Agency Roads as a detour for US 52 Bridge Rehabilitation: City Manager recommending approval for the Mayor to execute an agreement with the Iowa Department of Transportation for the use of local roads as an authorized detour route for the South Grandview Avenue at US 52 Overpass – Bridge Rehabilitation Project. Upon motion the documents were received and filed and Resolution No. 357-14 Approving the Iowa Department of Transportation Agreement for Use of Local Agency Roads as Detours for the South Grandview at US 52 Overpass Bridge Rehabilitation Project was adopted.

11. State of Iowa Annual Financial Report for Fiscal Year 2014: City Manager recommending approval of the City of Dubuque's Fiscal Year 2014 Annual Financial Report. Upon motion the document was received, filed and approved.

12. WBBW Holliday Stormwater Facilities Fee Agreement Assignment to Warrior Enterprises, LLC: City Manager recommending approval of the Assignment of interest in the Stormwater Facilities Fee Agreement assigning WBBW Holliday Development,

LLC's interest in Lot 1 of Holliday 6th Addition to the purchaser of that property, Warrior Enterprises, LLC. Upon motion the document was received, filed and approved.

13. ArtPlace America - Letter of Intent: City Manager recommending approval of the submittal of a Letter of Intent/Pre-Application prepared by Geri Schafer, Art Management Consultant and Economic Development Coordinator Megan Starr requesting ArtPlace America funding for the development and construction of Creative Commons, a 100' x 400' linear park to be located at 4th and Bell Streets in the Port of Dubuque. Motion by Resnick to table. Motion failed for lack of second. Motion by Jones to receive, file and approve. Seconded by Braig. Steve Ulstad, Ulstad Architects and Economic Development Coordinator Megan Starr responded to questions from Council member Resnick regarding budgetary concerns and application responses. Council member Braig clarified for the public that at this time the council is only being asked to approve the Letter of Intent supporting the seeking of grant funding and that there is no financial obligation being requested or approved by the city at this time. Motion carried 6-1 with Resnick voting nay.

14. Iowa Mississippi River Parkway Commission (IMRPC): Iowa Mississippi River Parkway Commission submitting their Annual Report for 2013/2014. Upon motion the document was received and filed.

15. Weaver Castle - Housing Enterprise Zone Agreement: City Manager recommending approval of a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC. Upon motion the documents were received and filed and Resolution No. 258-14 Approving a Housing Enterprise Zone Program agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC was adopted.

16. Unison Solutions - Capstone Microturbine Factory Protection Plan Agreement: City Manager recommending approval of the Capstone Turbine Factory Protection Plan End User Agreement with Unison Solutions for the three 200kw microturbines located at the Water & Resource Recovery Center. Upon motion the document was received, filed and approved.

17. Improvement Contract(s)/Maintenance Bonds: R&W Restoration, LLC for the 429 Rhomberg Demolition and Building Stabilization Project. Upon motion the document was received, filed and approved.

18. Tobacco Compliance – Civil Penalty for Tobacco License Holder – 5 Star Tattoos: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for 5 Star Tattoos, 901 Rhomberg Avenue. Upon motion the document was received, filed and approved.

19. 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. 359-14 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.

PUBLIC HEARINGS

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

1. Unified Development Code Text Amendment - Keeping of Hens: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend the Unified Development Code regarding the keeping of hens as a Conditional Use in the R-1 and R-2 Residential Districts 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 Braig. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 66-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, By Amending Article 16-8-5.10 Conditional Uses by eliminating the Keeping of Hens and Amending Articles 16-5-2-2 (R-1) And 16-5- 3-2 (R-2) to delete the Keeping of Hens for Egg Production as a Conditional Use in R-1 and R-2 Residential Districts. Seconded by Braig. Motion carried 7-0.

2. Iowa Greyhound Association Lease: Proof of publication on notice of public hearing to consider the intent to dispose of a portion of the greyhound racing facility by lease to the Iowa Greyhound Association and the City Attorney recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 360-14 Disposing of an interest in real property by lease with Iowa Greyhound Association. Seconded by Resnick. Motion carried 7-0.

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

ACTION ITEMS

1. Sidewalk Installation - 480 Wartburg Place: City Manager transmitting information on the sidewalk waiver request by Tim and Christine Conlon, owners of 480. Wartburg Place, and requesting City Council direction. Correspondence from Attorney Steve Juergens on behalf of the property owners. Council discussion was had regarding the waiver request and how it differs from other requests. Restate motion by Lynch to receive and file and grant the waiver. Seconded by Jones. Motion carried 7-0.

2. General Obligation Capital Loan Notes, Series 2014B and Taxable General Obligation Capital Loan Notes, Series 2014C: City Manager recommending approval of the suggested proceedings for directing sale of \$18,815,000 General Obligation Capital

Loan Notes, Series 2014B and \$7,615,000 Taxable General Obligation Capital Loan Notes, Series 2014C and awarding the Bonds to the best bidder. Motion by Connors to receive and file the documents and adopt Resolution No. 361-14 Directing sale of \$18,815,000 General Obligation Capital Loan Notes, Series 2014B and Resolution No. 362-14 Directing sale of \$7,615,000 Taxable General Obligation Capital Loan Notes, Series 2014C. Seconded by Braig. Financial Advisor, Tionna Pooler, from Independent Public Advisors, LLC. spoke regarding the bidding process and results. Motion carried 7-0.

3. Request to Schedule Inclusive Dubuque Work Session: City Manager requesting that the City Council schedule the quarterly work session on Inclusive Dubuque for Monday, February 2, 2015, at 5:00 p.m. Motion by Braig to set the work session as recommended. Seconded by Connors. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 6:59 p.m.

/s/Trish L. Gleason, CMC
Assistant City Clerk