

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

The Dubuque City Council met in regular session at 6:30 p.m. on December 15, 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

PROCLAMATION(S)

U.S. Senator Tom Harkin Proclamation was read by the Mayor.

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: Cable TV Commission Minutes 11/5; Civil Service Minutes 11/25; Civil Service Hearing 12-1; Electrical Code Board Minutes 11/24; Historical Preservation Commission Minutes 11/20; Joint Labor Management Health Care Committee Minutes 10/23; Long Range Planning Advisory Commission Minutes 11/19; Zoning Board of Adjustments Minutes 11/20; Zoning Advisory Commission Minutes 12/3; Proof of Publication for City Council proceedings of 11/17; Proof of Publication for List of Claims and Summary of Revenues for the Month 10-31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Rose Ann Koerperich for personal injury; Janaan and Mary Redmond for property damage; Ethel Schneider for property 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: Rose Anne Koerperich for personal injury; Janaan Redmond for property damage; Ethel Schneider for property damage; Jordan Stackis for vehicle damage; University of Dubuque for property damage. Upon motion the documents were received, filed and concurred.

4. Total Administrative Services Corporation (TASC) Fee Renewal: City Manager recommending approval of the administrative services fee of Total Administrative Services Corporation (TASC), the City's flexible spending plan administrator. Upon motion the documents were received, filed and approved.

5. Civil Service Commission: Civil Service Commission submitting the certified list for the position of Records Clerk. Upon motion the documents were received, filed and made a Matter of Record.

6. SRF Green Alley Project Bid Set 4 - Year 1 Acceptance: City Manager recommending acceptance of the construction contract and the establishment of the Final Schedule of Assessments for the SRF Green Alley – Bid Set 4 Year - 1 Project, as completed by Drew Cook and Sons Excavating. Upon motion the documents were received and filed and Resolution No. 379-14 Accepting the SRF Green Alley Project - Bid Set 4 Year - 1 and authorizing the payment of the contract amount to the contractor and Resolution No. 379-14A Adopting the Final Assessment Schedule for the SRF Green Alley Project - Bid Set 4 Year 1 were adopted.

7. Collective Bargaining Agreement Amendment - Teamsters Local 120 (Bus Operators): City Manager recommending approval of the Amendment to the Collective Bargaining Agreement between the City of Dubuque and Teamsters Local No. 120 (Bus Operators) effective December 1, 2014. Upon motion the documents were received, filed and approved.

8. Snow Removal Assessment North Booth Street: City Manager recommending approval of the Final Assessment Schedule for 1050 North Booth Street for the 2014-2015 Snow/Ice Removal from City Right-of-Way Program. Upon motion the documents were received and filed and Resolution No. 380-14 Adopting the Final Assessment Schedule for the 2014-2015 Snow/Ice Removal Assessment – Right-of-Way Obstruction Removal Assessment Project was adopted.

9. Actuarial Valuation of Post Employment Benefit Plans: City Manager recommending that the SilverStone Group be selected to conduct the GASB-45 actuarial valuation for 2015. Upon motion the documents were received, filed and approved.

10. Curb Access Ramps Phase 4 Acceptance: City Manager recommending acceptance of the Asphalt Overlay Project – Curb Access Ramps Phase Four, as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 381-14 Accepting the Asphalt Overlay Project Curb Access Ramps Phase Four and authorizing the payment of the contract amount to the contractor was adopted.

11. Center Grove Storm Sewer Project Acceptance: City Manager recommending that the award for the West 32nd Street Storm Sewer Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

12. One-Way to Two-Way Conversion Project Acceptance: City Manager recommending acceptance of the 9th Street and 11th Street One-Way to Two-Way Conversion Project, as completed by Portzen Construction. Upon motion the documents were received and filed and Resolution No. 382-14 Accepting the 9th Street and 11th Street One-Way to Two-Way Conversion Project and authorizing the payment of the contract amount to the contractor was adopted.

13. Water and Resource Recovery Center Cement Curb Project: City Manager recommending that the award for the Water & Resource Recovery Center Concrete Curb Installation Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

14. West 32nd Street Storm Sewer Project Acceptance: City Manager recommending that the award for the West 32nd Street Storm Sewer Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

15. Bee Branch Creek Basin Overlook Project, Project Endorsement: City Manager recommending approval of a resolution establishing the City's support for the Lower Bee Branch Overlook at the 15th Street Detention Basin Project and providing assurance that the City will maintain the improvements for 20 years following completion of the project. Upon motion the documents were received and filed and Resolution No. 383-14 Providing the City's support for the Lower Bee Branch Overlook at the 16th Street Detention Basin Project and assurance that the improvements will be maintained following completion of the project was adopted.

16. Title Transfer for 1598 Washington Street: City Manager recommending approval of a resolution transferring title of City-owned real property located at 1598 Washington Street to Community Housing Initiatives Inc. (CHI). Upon motion the documents were received and filed and Resolution No. 384-14 Approving the Transfer of Title of Real Estate Located at 1598 Washington Street, in the City of Dubuque, Iowa was adopted.

17. Dollinc LLC Property Tax Appeals: City Attorney submitting correspondence advising that 13 property assessment appeals were withdrawn by the taxpayer at the Property Assessment Appeal Board for the 2013 and 2014 assessment years. Upon motion the documents were received, filed and made a Matter of Record.

18. Iowa Department of Transportation Grant Agreement - Heritage Trail Parking Lot: City Manager recommending approval of the Iowa Department of Transportation Grant Agreement for the County/City Heritage Trail Parking Lot along S. John Deere Road near US 52 and IA 32. Upon motion the documents were received and filed and Resolution No. 385-14 Authorizing IDOT Grant Application for Development of County/City Heritage Trail Parking Lot was adopted.

19. Cities of Service City Hall Americorps VISTA Program: City Manager recommending approval of an application for the Cities of Service City Hall AmeriCorps VISTA Program. Upon motion the documents were received, filed and approved.

20. Pre-Annexation Agreement - Larry McDermott: City Manager recommending approval of the LT Investments, LLC Pre-Annexation Agreement in accordance with the Fringe Area Development Standards. Upon motion the documents were received and filed and Resolution No. 391-14 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and LT Investments, LLC was adopted.

21. Clean Diesel Grant Contract: City Manager recommending approval of the United States Environmental Protection Agency Clean Diesel Grant to install specialized muffler systems on four of the City of Dubuque's heavy trucks. Upon motion the documents were received, filed and approved.

22. Signed Contracts: Conlon Construction Change Order #2 for the Dubuque Intermodal Transportation Center. Upon motion the document was received and filed.

23. FY14 Human Rights Department Annual Report: Human Rights Director Kelly Larson is transmitting the Human Rights Commission's Annual Report for Fiscal Year 2014. Upon motion the documents were received, filed and made a Matter of Record.

24. Cornerstone Government Affairs Service Agreement: City Manager recommending approval of an agreement with Cornerstone Government Affairs, LLC to assist the City in identifying a solution to the pari-mutuel issue between the Iowa Greyhound Association and the Iowa Thoroughbred Association. Upon motion the documents were received, filed and approved.

25. Liquor License Renewals: 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. 386-14 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. 387-14 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. Interstate Power and Light Company Franchise Agreement: City Attorney recommending approval of a resolution setting a public hearing for January 5, 2015. Upon motion the documents were received and filed and Resolution No. 388-14 Setting a Public Hearing on an Ordinance granting to Interstate Power and Light Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Dubuque, Iowa, an electric system and to furnish and sell electric energy to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 5, 2015 in the Historic Federal Building.

2. Black Hills Energy Corporation Franchise Amendment: City Attorney recommending approval of a resolution setting a public hearing for January 5, 2015. Upon motion the documents were received and filed and Resolution No 389-14. Setting a Public Hearing on an amendment to City Of Dubuque Code of Ordinances Sec. 11-4-23: Franchise Fee, authorizing the City Council to impose a franchise fee not to exceed three percent (3%) on the gross revenue generated from the distribution and sale of natural gas or mixed gas within the City of Dubuque, by increasing such authority to five percent (5%) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 5, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

Review of Applications to the following Board/Commission. Applicants are invited to address the Council regarding their application.

1. Housing Code Appeals Board: One, 3 year term through January 11, 2018 (Expiring term of Miller) Applicant: Fred Miller, 2462 Central Ave.

2. Human Rights Commission: Two, 3 year terms through January 1, 2018 (Expiring terms of Allen and Stewart) One, 3 year term through January 1, 2017 (Vacant term of Ostwinkle) Applicants: Anthony Allen, PO Box 1721 Frederick Davis Jr., 348 West 1st St. Nikkole Nutter, 2897 Asbury Rd. R.R.S Stewart, 460 Summit St. Shirley Templeton Vaughn, 2973 Castle Woods Ln. This commission is subject to the State of Iowa Gender Balance Law. 9 Commissioners total; currently 3 males/3 females

3. Zoning Advisory Commission: One, 3 year term through July 1, 2015 (Vacant term of Miller) Applicants: Justin McCarthy, 315 River Ridge St. Mr. McCarthy spoke in support of his appointment. Laura Roussell, 3224 Bittersweet Ln. Ms. Roussell spoke in support of her appointment. Greg Yoko, 3660 Seville. This commission is subject to the State of Iowa Gender Balance Law. 7 Commissioners total; currently 5 males/1 female

4. Zoning Board of Adjustments: One, 5 year term through March 25, 2017 (Vacant term of Gibbs) Applicant: Bethany Golombeski, 65 Cambridge Ct. This commission is subject to the State of Iowa Gender Balance Law. 5 Commissioners total; currently 3 males/1 female

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

1. Mediacom Charitable Foundation: One, 1 year term through December 31, 2015 (Expired term of Chavenelle) Applicant: Gail Chavenelle, 1155 Kelly Lane. Motion by Braig to appoint Gail Chavenelle to a one year term through December 31, 2015. Seconded by Resnick. 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 to Amend ID District for New Education Facility - University of Dubuque: Proof of publication on notice of public hearing to consider a request by University of Dubuque to amend the Institutional District on Auburn Street to construct a new educational facility adjoining the University Science Center 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. Motion Carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 68-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the approval of an Amended Campus Development Plan for the University of Dubuque to allow construction of a new Education Facility for the Physician Assistant Program. Seconded by Jones. James Steiner Vice President of Finance and Auxiliary Services University of Dubuque spoke regarding the new facility. Planning Services Manager Laura Carstens provided a staff report. Adam Schwendinger spoke regarding concerns with the lack of viable parking for residents in this area. Motion carried 7-0.

2. Request to Amend ID District, Stoltz Center Gym Addition - University of Dubuque: Proof of publication on notice of public hearing to consider a request by University of Dubuque to amend the Institutional District on McCormick Street to construct an addition to the Stoltz Center gymnasium to increase the seating capacity and the Zoning Advisory Commission recommending approval. 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. 69-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the approval of an Amended Campus Development Plan for the University of Dubuque to allow construction of an addition to the Stoltz Center Gymnasium. Seconded by Braig. James Steiner Vice President of Finance and Auxiliary Services University of Dubuque spoke regarding the addition. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

3. Request to Amend ID District, Addition to Boiler Room Building - Loras College: Proof of publication on notice of public hearing to consider a request by Loras College to amend the Institutional District at 755 Loras / 1450 Loras Parkway (formerly Cox Street) to create an addition to the existing Boiler Room building 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. Motion Carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 70-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the approval of an Amended Campus Development Plan for Loras College to allow construction of a new Welcome Center. Seconded by Braig. John McDermott Assistant Vice President Physical Resources Physical Plant Loras College spoke regarding the addition. Planning Services Manager Laura Carstens provided a staff report. Allen Troupe, 2003 Keyway spoke regarding student safety when crossing the street. Motion carried 7-0.

4. Request to amend Dubuque Industrial Center ID District: Proof of publication on notice of public hearing to consider a request by Dubuque Humane Society / Maria Benham to amend the Dubuque Industrial Center Planned Unit Development to permit an electronic message sign at 4242 Chavenelle Road 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 Jones. Motion Carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 71-14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Ordinance 22-07, which established regulations for Dubuque Industrial Center, A Planned Unit Development with a Planned Industrial Designation, located at the Southwest Corner of Highway 32 and Chavenelle Road and now being amended to allow electronic message center signs within the Dubuque Industrial Center Seconded by Lynch. Maria Benham President/CEO Dubuque Humane Society spoke regarding the request. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

5. 2075 Holliday Drive Rezoning Request - Warrior Enterprises, LLC: Proof of publication on notice of public hearing to consider a request by Brian Kane / Warrior Enterprises, LLC to rezone property located at 2075 Holliday Drive (Lot 1 of Holliday 6th Addition) from C-2 Neighborhood Shopping Center District to C-3 General Commercial zoning district 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. Motion Carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 72.14 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located along Holliday Drive from C-2 Neighborhood Shopping Center District with Conditions to C-3 General Commercial District with Conditions Seconded by Braig. Brian Kane 2100 Asbury Rd. representing Warrior Enterprises LLC Pat McGrath Auto Center, spoke regarding request. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

6. Kunkel & Associates, Inc. - Urban Revitalization Area Plan: Proof of publication on notice of public hearing to consider adoption of an Urban Revitalization Plan for the Kunkel & Associates Urban Revitalization Area with final approval on January 20, 2015 agenda and the City Manager recommending approval. Motion by Braig to receive, file, hold the public hearing and defer action to January 20, 2015 meeting. Dan McDonald Vice President of Existing Business for Greater Dubuque Development and Kim Kunkel President Kunkel Associates spoke regarding request. Seconded by Lynch. Motion carried 7-0.

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

ACTION ITEMS

1. Lawful Source of Income Consideration: City Manager recommending an alternative process related to the Source of Income issue than that offered by the Human Rights Commission. Motion by Connors to receive, file and approve. Seconded by Braig. Housing and Community Development Director Alvin Nash answered Council questions. Motion carried 7-0.

2. Local & Regional Government Alliance on Race & Equity - Request to Join Amicus Curiae Brief: City Manager recommending approval for the City of Dubuque to sign an amicus curiae brief in a case called Inclusive Communities Project v. Texas Department of Housing and Community Development that is pending before the United States Supreme Court. Motion by Jones to receive, file and approve. Seconded by Braig. Motion carried 7-0.

3. Diversity and Inclusion in Boards and Commissions: City Clerk recommending approval of a resolution for Diversity and Inclusion in Boards and Commissions, which measures the community's progress towards becoming a more sustainable community. Motion by Connors to receive and file and adopt Resolution No. 390-14 Affirming the Dubuque City Council's commitment to diversity and inclusion through broad recruitment and appointments to city boards and commissions so that residents of varied backgrounds are represented and have the opportunity to provide input. Seconded by Jones. Motion carried 7-0.

4. Code of Ordinances Amendment Title 10 - Sledding in City Parks: City Manager recommending approval of an ordinance prohibiting sledding, downhill skiing, snowboarding or tobogganing on City property except in designated areas of certain parks. 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 failed 5-2 with Resnick and Braig voting nay.

Motion by Connors to consider the first reading of a proposed ordinance amending Title 10 Public Ways And Property, Chapter 5 Parks and Recreation, Article B Use Regulations by adopting a new Section 10-5b-23 Prohibiting Sledding, Downhill Skiing, Snowboarding or Tobogganing Except in Certain Designated Areas in Certain City Parks. Seconded by Jones. Motion carried 6-1 with Resnick voting Nay.

5. River Boat Bench - Gift to City: The Arts and Cultural Affairs Commission recommending that the city accept the gift of a River Boat Bench as proposed and the City Manager recommending not to accept this donation of artwork. Restated motion by Connors to receive and file and approve recommendation to deny the acceptance of the gift. Seconded by Braig. Motion fails 3-4 with Lynch, Resnick, Sutton and Braig voting Nay. Motion by Resnick to approve the acceptance of the gift of a River Boat Bench. Seconded by Lynch. Motion carried 5-2 with Buol and Connors voting Nay.

6. Fiscal Year 2016 Budget and Fiscal Policy Guidelines: City Manager recommending adoption of the Fiscal Year 2016 Budget Policy Guidelines. Motion by Connors to receive and file the documents and approve. Seconded by Braig. Motion carried 6-1 with Resnick voting Nay.

COUNCIL MEMBER REPORTS

Council Member Sutton presented a Partnership Award from Operation New View Community Activity Agency. Council Member Resnick reminded citizens to buy local this holiday season. Council Member Lynch wished News Director at Radio Dubuque, Ron Bock, a happy retirement.

PUBLIC INPUT

Jacob Long, 4604 Cardinal Drive requested that the City Council move the public Input section to the beginning of the agenda.

There being no further business, upon motion the City Council adjourned at 8:43 p.m.

/s/Trish L. Gleason, CMC
City Clerk