

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

The Dubuque City Council met in regular session at 6:30 p.m. on January 5, 2015 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**

**PROCLAMATION(S)**

1. Camp Lifetree Week (June 21-27, 2015): was accepted by Mark Beard, Executive Director, Camp Lifetree Dubuque.

**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: Civil Service Minutes 12/15; Human Rights Commission Minutes 11/10; Library Board Minutes 10/20 and 11/19; Sister City Minutes 11/12; Parks and Recreation Minutes 12/9; Proof of Publication for City Council proceedings of 12/1. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Society Ins. (Marian Backes) for personal injury; Queck Capital 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: Marian Backes for personal injury. Upon motion the documents were received, filed and concurred.

4. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City of programming additions and rate adjustments on or about January 15<sup>th</sup>. Upon motion the documents were received and filed.

5. Proposed Amendment for 2015 State Priorities: City Manager recommending the Food Residual Composting issue be deleted from the City of Dubuque's 2015 State Legislative Priorities. Upon motion the documents were received, filed and approved.

6. Bloomberg Philanthropies Public Art Challenge - Letter of Intent: City Manager recommending approval to submit a Bloomberg Philanthropies Public Art Challenge Letter of Intent. Upon motion the documents were received, filed and approved.

7. Iowa Community Attraction and Tourism (CAT) Grant Request: The National Mississippi River Museum & Aquarium requesting endorsement of an application for a grant from the Iowa Community Attraction and Tourism (CAT) program. Upon motion the documents were received and filed and Resolution No. 01-15 Authorizing Community Attraction and Tourism (CAT) Grant Application from the National Mississippi River Museum & Aquarium of the Dubuque County Historical Society, was adopted.

8. Property Acquisition - 1980 Rockdale Road: City Manager recommending approval to acquire property located at 1980 Rockdale Road from Ruth Willis. Upon motion the documents were received and filed and Resolution No. 02-15 Approving the Acquisition of Real Estate Owned by Ruth A. Willis in the City of Dubuque, Iowa, was adopted.

9. Property Acquisition - 396 W. Locust Property: City Manager recommending approval to acquire property at 396 West Locust Street from DB&T Community Corp. Upon motion the documents were received and filed and Resolution No. 03-15 Approving the Acquisition of real estate owned by DB&T Community Development Corp at 396 West Locust in the City of Dubuque, was adopted.

10. SRF Green Alley Project Bid Set 3 Year 1: City Manager recommending acceptance of the construction contract for the SRF Green Alley – Bid Set 3 Year 1 Project, and further recommending adoption of the Final Schedule of Assessments. Upon motion the documents were received and filed and Resolution No. 04-15 Accepting the SRF Green Alley Project - Bid Set 3 Year 1 and Authorizing the payment of the contract amount to the contractor and Resolution No. 05-15 Adopting the Final Assessment Schedule for the SRF Green Alley Project - Bid Set 3 Year 1, were adopted.

11. SRF Green Alley Project Bid Set 5 Year 1: City Manager recommending acceptance of the construction contract for the SRF Green Alley – Bid Set 5 Year 1 Project, and further recommending adoption of the Final Schedule of Assessments. Upon motion the documents were received and filed and Resolution No. 06-15 Accepting the SRF Green Alley Project - Bid Set 5 Year 1 and Authorizing the payment of the contract amount to the contractor and Resolution No. 07-15 Adopting the Final Assessment Schedule for the SRF Green Alley Project - Bid Set 5 Year 1, were adopted.

12. Pre-Annexation Agreement - 14682 Old Highway Rd., Rodney and Diann Mozena: City Manager recommending approval of a Pre-Annexation Agreement with Rodney M. and Diann T. Mozena, property owners at 14682 Old Highway Road. Upon motion the documents were received and filed and Resolution No. 08-15 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Rodney M. and Diann T. Mozena, was adopted.

13. Title Transfer for 1598 Washington: City Manager recommending approval authorizing the transfer of title for City-owned real property located at 1598 Washington Street, to Community Housing Initiatives Inc. Upon motion the documents were received and filed and Resolution No. 09-15 Approving the Transfer of Title of Real Estate located at 1598 Washington Street, in the City of Dubuque, Iowa, was adopted.

14. Alcohol Compliance Civil Penalty for Alcohol License Holder – Aldi, Inc. #80: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Aldi, Inc. #80, 2160 Holliday Dr. Upon motion the documents were received, filed and approved.

15. Liquor License Renewals: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 10-15 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.

## **BOARDS/COMMISSIONS**

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

1. Housing Code Appeals Board: Two, 3 year terms through January 11, 2018 (Expiring terms of Gotz and Miller) Applicants: Mary Gotz, 1844 Bennett St. and Fred Miller, 2462 Central Ave. Motion by Braig to appoint Ms. Gotz, and Mr. Miller, to 3-year terms through January 11, 2018. Seconded by Resnick. Motion carried 7-0.

2. Human Rights Commission: Three, 3 year terms through January 1, 2018 (Expiring terms of Allen, Lee 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 1<sup>st</sup> St.; Nikkole Nutter, 2897 Asbury Rd.; R.R.S Stewart, 460 Summit St.; and Shirley Templeton Vaughn, 2973 Castle Woods Ln. Upon roll call vote, Mr. Davis Jr. (Braig, Buol, Connors, Jones, Lynch, Resnick, Sutton) and Ms. Templeton Vaughn (Braig, Buol, Connors, Jones, Resnick, Sutton) were appointed to 3-year terms through January 1, 2018. Upon Tie-breaking roll call vote, Mr. Allen (Buol, Connors, Jones, Lynch) was appointed to a 3-year term through January 1, 2018. Upon roll call vote, Ms. Nutter (Braig, Buol, Jones, Lynch, Resnick, Sutton), was appointed to a 3 year term through January 1, 2017.

3. Zoning Advisory Commission: One, 3 year term through July 1, 2015 (Vacant term of Miller) Applicants: Justin McCarthy, 315 River Ridge St.; Laura Roussell, 3224 Bittersweet Ln.; and Greg Yoko, 3660 Seville. Upon roll call vote, Ms. Roussell (Braig, Buol, Connors, Jones, Resnick) was appointed to a 3 year term through July 1, 2015.

4. Zoning Board of Adjustments: One, 5 year term through March 25, 2017 (Vacant term of Gibbs) Applicant: Bethany Golombeski, 65 Cambridge Ct. Motion by Lynch to appoint Ms. Golombeski to a 5-year term through March 25, 2017. Seconded by Braig. 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. Interstate Power and Light Company Franchise Agreement: Proof of publication on notice of public hearing to consider 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 and the City Manager 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. 01-15 Repealing Ordinance No. 58-93 and 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. Seconded by Braig. Raki Giannakouros, 1640 Lawndale Street, spoke regarding the deration of the agreement and possible renegotiations. Motion carried 7-0.

2. Black Hills Energy Corporation Franchise Amendment: Proof of publication on notice of public hearing to consider 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%) and the City Manager recommending approval. City Attorney Lindahl recommending to table and recess until January 20, 2015. Restated motion by Connors to table and recess until January 20, 2015 meeting. Seconded by Lynch. Motion carried 7-0.

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

## **ACTION ITEMS**

1. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending June 30, 2014 and Auditor's Presentation: City Manager transmitting the Fiscal Year 2014 Comprehensive Financial Report (CAFR), Auditor's Communication with Those Charged with Governance Letter, the City Finance staff responses to auditor's findings and Eide Bailly CPA Audit Partner Dave Cahill's presentation. Motion by Braig to receive, file and listen to presentation. Dave Cahill gave an oral presentation. Seconded by Connors. Motion carried 7-0.

2. 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 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 6-1 with Resnick voting nay.

Motion by Jones for final consideration and passage of Ordinance No. 03-15 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 Lynch. Motion carried 6-1 with Resnick voting nay.

3. Grand River Center Annual Report: Mitzi Yordy, Manager of the Grand River Center, made a presentation to the City Council on the 2014 Annual Report and updates of activities in the current fiscal year and plans for the future. Motion by Connors to receive, file and listen to presentation. Seconded by Jones. Motion carried 7-0.

4. Emerald Ash Borer Readiness Plan: City Manager recommending adoption of the Emerald Ash Borer (EAB) Readiness Plan. Motion by Jones to receive, file and approve the documents. Seconded by Braig. Motion carried 7-0.

5. Adoption of the 2014 National Electrical Code: City Manager recommending adoption of the 2014 edition of the National Electrical Code. Motion by Braig 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 Resnick. Motion carried 7-0.

Motion by Braig for final consideration and passage of Ordinance No. 04-15 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article D Electrical Code by adopting The National Electrical Code, 2014 Version With Amendments thereto; and adopting a new Section 14-1d-3 Establishing the Electrical Code Board and Providing for the Powers, Operation, Membership, and Meetings. Seconded by Connors. Motion carried 7-0.

6. Update on Bee Branch Creek Restoration Project: City Engineer Gus Psihoyos is providing an update regarding the proposed construction schedule for the Upper Bee Branch Creek Restoration Project. Motion by Jones to receive and file. Seconded by Braig. Civil Engineer Deron Muehring and Bee Branch Project Communication Specialist Kristen Hill provided a staff report and slide presentation. Motion carried 7-0.

7. Property Acquisition - 400 East 22<sup>nd</sup> Street (Deconstruction Project): City Manager recommending approval to deconstruct 400 E. 22<sup>nd</sup> Street as required for the construction of the Bee Branch Creek Restoration Project. Motion by Lynch to receive, file and approve the documents. Seconded by Braig. Motion carried 7-0.

8. "River Boat Bench" Agreement - Shawna Lipper: City Manager recommending approval to present agreement to Shawna Lipper. Motion by Braig to receive, file and approve the City Manager presenting the agreement to Shawna Lipper. Seconded by Connors. Motion carried 6-1 with Lynch voting nay.

9. Request to Schedule Convention & Visitors Bureau Budget Work Session: City Manager requesting that the City Council schedule a work session on the Dubuque Area Convention & Visitors Bureau Budget for February 2, 2015 at 5:30 p.m. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Braig. Motion carried 7-0.

#### **PUBLIC INPUT**

Jacob Long, 4604 Cardinal Dr., spoke regarding his concerns about the laws that govern the Public Input section of the agenda.

There being no further business, upon motion the City Council adjourned at 8:38 p.m.

/s/Trish L. Gleason, CMC  
City Clerk

1t 1/14