

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

The Dubuque City Council met in regular session at 6:30 p.m. on January 20, 2015 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol (via phone), Mayor Pro Tem Braig; Council Members Connors, Jones, Lynch, Resnick, Sutton; Assistant City Manager Steinhauser, City Attorney Lindahl

Mayor Pro Tem Braig 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 Connors. Motion carried 7-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 9/30/14, 11/18/14, and 10/21/14; Cable TV Commission of 12/03/14; Human Rights Commission of 12/18/14; Long Range Planning Advisory Commission of 12/17/14; Zoning Advisory Commission of 1/7/15; Zoning Board of Adjustments of 12/18/14; City Council Proceedings of 1/5/14; Proof of Publication for City Council Proceedings of 12/15/14. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Claim by A-1 Taxi Service for vehicle damage; Claim by Brian Jacobson submitted by First Financial Asset Management for vehicle damage; Claim by Lloyd Droessler submitted by Rural Mutual Insurance for vehicle damage; Mullen vs. City of Dubuque Suit. 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: Brian Jacobson for vehicle damage, Queck Capital for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Harvard Kennedy School Innovations in American Government - Round Two: City Manager recommending submittal of the 2014 Round Two Supplemental Application Information to the Harvard Kennedy School for Innovations in American Government Award. Upon motion the documents were received, filed and approved.

5. Certified Local Government (CLG) Grant Agreement - Eagle Point Park: City Manager recommending approval of the CLG Grant Agreement with the State Historic Preservation Office, in order to prepare a nomination to the National Register of Historic

Places and to conduct a Phase 1 Archeological Survey for Eagle Point Park. Upon motion the documents were received and filed and Resolution 11-15 Authorizing a CLG Grant-in-Aid-Agreement with the State Historical Society of Iowa to prepare an Intensive Survey and Evaluation and National Register Of Historic Places Nomination for Eagle Point Park was adopted.

6. Interactive Kiosks - Catfish Creek Watershed Management Authority Phase II Grant: City Manager recommending approval of purchase of interactive kiosks for the Catfish Creek Watershed Management Authority's Phase II Grant, and to reject the bids from outside consultants to develop the kiosks. Upon motion the documents were received, filed and approved.

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

8. Continuing Disclosure Policy: City Manager recommending adoption of the Continuing Disclosure Policy to comply with the Federal Securities Laws. Upon motion the documents were received, filed and approved.

9. Final Plat for Siegert's Place Fifth Addition: Zoning Advisory Commission recommending approval of the Final Plat for Siegert's Place Fifth Addition. Upon motion the documents were received and filed and Resolution No. 12-15 Approving the Final Plat of Siegert's Place Fifth Addition in the City of Dubuque, Iowa, was adopted.

10. Property Acquisition - 1980 Rockdale Road: City Manager recommending acceptance of the deed to property located at 1980 Rockdale Road owned by Ruth A Willis. Upon motion the documents were received and filed and Resolution No. 13-15 Accepting the Deed to certain real estate in the City of Dubuque, Iowa, from Ruth A. Willis was adopted.

11. Jule Transit Facility Roof & Sprinkler Repair Project Acceptance: City Manager recommending acceptance of the construction contract for The Jule Facility Roof Repair Project, as completed by Bel Aire Home Improvement, and acceptance of the construction contract for The Jule Facility Sprinkler Repair Project, as completed by Continental Fire & Sprinkler. Upon motion the documents were received and filed and Resolution No. 14-15 Accepting the Jule Transit Facility Roof Repair Project and authorizing the payment of the contract amount to the contractor; and Resolution No. 15-15 Accepting the Jule Transit Facility Sprinkler Repair Project and authorizing the payment of the contract amount to the contractor were adopted.

12. Water & Resource Recovery Center Wild Flower Planting Project Acceptance: City Manager recommending acceptance of the Water & Resource Recovery Center Wild Flower Planting Project by Nauman Nursery, Inc. Upon motion the documents were received and filed and Resolution No. 16-15 Accepting the Water & Resource Recovery Center Wild Flower Planting Project and authorizing the payment to the contractor was adopted.

13. Signed Contracts: Conlon Construction Change Order #3 for the Dubuque Intermodal Transportation Center. Upon motion the document was received and filed.

14. 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. 17-15 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.

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 Jones. Motion carried 7-0.

1. FY 2016 Community Development Block Grant (CDBG) Annual Action Plan: City Manager recommending that a public hearing be set for February 10, 2015 in conjunction with the Housing & Community Development Department's budget hearing, regarding the review of the Community Development Block Grant Annual Action Plan. Upon motion the documents were received and filed and Resolution No. 18-15 Setting a Public Hearing on the fiscal year 2016 (program year 2015) Community Development Block Grant (CDBG) Annual Action Plan was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 10, 2015 in the Historic Federal Building.

2. SRF Green Alley Bid Set 3 Year 2: City Manager recommending that a public hearing be set for February 16, 2015, regarding the initiation of the public bidding process for the SRF Green Alley Bid Set 3 – Year 2 Project. Upon motion the documents were received and filed and Resolution No. 19-15 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; Resolution No. 20-15 Approving the Plats, Schedule of Assessments and Estimate of Total Cost for the SRF Green Alley Bid Set 3 - Year 2 Project; Resolution No. 21-15 of Necessity for the SRF Green Alley Bid Set 3 - Year 2 Project; and Resolution No. 22-15 Fixing Date of Public Hearing on Resolution of Necessity were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 16, 2015 in the Historic Federal Building.

3. SRF Green Alley Project Bid Set 6 Year 1: City Manager recommending that a public hearing be set for February 16, 2015, regarding the initiation of the public bidding process for the SRF Green Alley Bid Set 6 – Year 1 Project. Upon motion the documents were received and filed and Resolution No. 23-15 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; Resolution No. 24-15 Approving the Plats, Schedule of Assessments and Estimate of Total Cost for the SRF Green Alley Bid Set 6 - Year 1 Project: Resolution No. 25-15 Resolution of Necessity for the SRF Green Alley Bid Set

6 - Year 1 Project; and Resolution No. 26-15 Fixing Date of Public Hearing on Resolution of Necessity were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 16, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the Council regarding their application to the following board/commission:

Mediacom Charitable Foundation: One, 1 year term through December 31, 2015 (Expired term of Twining). Applicant: Connie Twining, 421 N. Booth St.

PUBLIC HEARING(S)

Motion by Connors to remove from the table. Seconded by Jones. Motion carried 7-0.

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

1. Black Hills Energy Corporation Franchise Amendment (Tabled from January 5, 2015): Public Hearing on an Ordinance Amending City of Dubuque Code of Ordinances 11-4-23 Authorizing the City Council To Impose a Franchise Fee On The Sale of Natural and Mixed Gas by Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy and City Manager recommending approval. Motion by Jones to reconvene the public hearing, 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 6-1 with Resnick voting nay.

Motion by Connors for final consideration and passage of Ordinance No. 2-15 Amending 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 By Black Hills/Iowa Gas Utility Company, LLC D/B/A Black Hills Energy Within the City of Dubuque, by Increasing Such Authority to Five Percent (5%). Seconded by Jones. Motion carried 6-1 with Resnick voting nay.

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

ACTION ITEMS

1. Kunkel & Associates, Inc. - Urban Revitalization Area Plan: City Manager recommending approval of the Urban Revitalization Plan for the Kunkel and Associates Urban Revitalization Area, Lot 6, Block 2 of Dubuque Technology Park, and the adoption of the ordinance establishing the Kunkel and Associates Urban Revitalization Area. Motion by Lynch to receive and file the documents and adopt Resolution No. 27-15 Approving the Adoption of an Urban Revitalization Plan for the Kunkel & Associates Urban Revitalization Area. Seconded by Resnick. Motion carried 7-0.

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 Lynch. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 5-15 Amending City of Dubuque Code of Ordinances Title 3, Revenue and Taxation, Chapter 2 Revitalization Areas, by Adopting a New Section 10 Kunkel and Associates, Establishing the Kunkel and Associates Urban Revitalization Area, and Establishing Requirements for Qualifying Property Owners. Seconded by Lynch. Motion carried 7-0.

2. Code of Ordinances Amendment (UDC) - SW Arterial Development Moratorium: City Manager recommending approval of the Ordinance to remove the property included in the Final Plat of Siegert's Place Fifth Addition from the Southwest Arterial Corridor Moratorium area. 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. 6-15 Amending Dubuque Code of Ordinances, Title 16 Unified Development Code, Chapter 11 Land Subdivision, Section 16-11-2 Applicability By Amending the Moratorium. Seconded by Jones. Motion carried 7-0.

3. Code of Ordinance Amendment Title 10 - Sledding in City Parks: City Manager recommending approval of an ordinance amendment that would add designated areas in three additional parks to allow sledding. 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 Resnick. Responding to questions from the City Council, Leisure Services Manager Marie Ware stated that other parks are under consideration as site obstructions and insurance issues are discussed. Ms. Ware added that she is not aware of any increased traffic issues at the parks previously designated for sledding. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 7-15 Amending Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations 10-5b-23 Prohibiting Sledding, Downhill Skiing, Snowboarding or Tobogganing Except in Certain Designated Areas in Certain City Parks Adding Additional Parks Where Sledding and Other Snow Activities Are Permitted. Seconded by Connors. Motion carried 7-0.

4. Operation: New View Community Action Agency - Board Membership: Operation: New View Community Action Agency requesting an update of City Council representation on its Board of Directors. (Currently Council Members David Resnick and Lynn Sutton). Motion by Connors to receive and file the document and reappoint Council Members Resnick and Sutton. Seconded by Lynch. Motion carried 7-0.

5. Request for Work Session - Sustainable Dubuque Quarterly Work Session: City Manager recommending that the City Council schedule the next quarterly Sustainable

Dubuque work session for March 16, 2015 at 5:00 p.m. Motion by Lynch 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 6:51 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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