

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

The Dubuque City Council met in special session at 5:15 p.m. on February 16, 2015 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members, Braig, Jones, Lynch, Resnick, Sutton (5:21 p.m.); City Manager Van Milligen, City Attorney Lindahl

Absent: Council Member Connors

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a work session on Inclusive Dubuque.

**WORK SESSION
Inclusive Dubuque**

Eric Dregne, Vice President of Strategic Initiatives for the Community Foundation of Greater Dubuque; Sarah Harris, Vice President of Workforce Operations for the Greater Dubuque Development Corporation; and Jessica Rose, Inclusive Dubuque Coordinator, provided a slide presentation on the activities of Inclusive Dubuque. Topics included:

- Mission statement / purpose
- History of Inclusive Dubuque
- Progress: staff and communications, ID Network Partners
- Community Equity Profile: definition, timeline; data, community dialogues, community surveys, content specialists, increased awareness
- Workforce data and skills analysis

There being no further business, upon motion the City Council adjourned at 5:55 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on February 16, 2015 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members, Braig, Connors (via phone), 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. Motion carried 7-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 12/16/14; City Council proceedings of February 2, 4, 5 and 10; Five Flags Civic Center Advisory Commission of 1/22; Investment Oversight Advisory Commission of 1/28; Library Board of Trustees of 12/18/14; Zoning Advisory Commission of 2/4; Proof of publication for City Council proceedings of 1/20, Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Steven Klein for vehicle damage; Carl Noel for property damage; Rick Willey for vehicle damage; Estal vs. City of Dubuque for personal injury. 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: Steven Klein for vehicle damage; Carl Noel for property damage; Rick Willey for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Sustainable Dubuque Project Status Report: City Manager transmitting the Quarterly Sustainable Dubuque Project Status Report for January 2015. Upon motion the documents were received and filed.

5. Quarterly Investment Report for December 31, 2014: City Manager transmitting the December 31, 2014 Quarterly Investment Report. Upon motion the documents were received and filed.

6. Dubuque Regional Airport - New Terminal Entrance Road Project Acceptance and RISE Grant Closure: City Manager recommending acceptance of the construction

contract for the Airport U.S. 61 and New Terminal Entrance Road Intersection Project as completed by Flynn Company and RISE grant closure. Upon motion the documents were received and filed and Resolution No. 40-15 Accepting the U.S. 61 and New Terminal Entrance Intersection Project and closure of the Revitalize Iowa's Sound Economy (RISE) Grant was adopted.

7. Irrevocable License - 1000 Main Street: City Manager recommending approval of an Irrevocable License at 1000 Main Street with 1840 LLC to keep an existing encroachment adjacent to the building in the public right-of-way on E. 10th Street. Upon motion the documents were received, filed and approved.

8. Purchase of Land for Right-of-Way - 767 University Avenue: City Manager recommending approval of the purchase of an abutting sliver for 767 University Avenue from Anna Elliott. Upon motion the documents were received and filed and Resolution No. 41-15 Approving the acquisition of land owned by Anna Elliott at 767 University, Abutting Silver in the City of Dubuque was adopted.

9. Property Acquisition - 2300 Jackson Street: City Manager recommending approval to purchase a house located at 2300 Jackson Street from the Dolores A. Walbrun Estate for rehabilitation and resale. Upon motion the documents were received and filed and Resolution No. 42-15 Approving the acquisition of real estate owned by the Dolores A. Walbrun Estate at 2300 Jackson Street in the City of Dubuque was adopted.

10. Preliminary Plat - Derby Grange Acres: Zoning Advisory Commission recommending approval of the Preliminary Plat for Derby Grange Acres subject to waiving lot frontage for Lot 6 and street width requirements for Country View Drive and Country View Court. Upon motion the documents were received, filed and approved.

11. Dubuque Board of Realtors Agreement: City Manager recommending approval of a three year agreement with the City of Dubuque's Housing & Community Development Department and the Dubuque Board of Realtors for the listing of City-owned properties. Upon motion the documents were received, filed and approved.

12. Census Boundary Map Adjustment - Joint Resolution with the City of Asbury: City Manager recommending approval of a resolution that affirms a joint agreement with the City of Asbury that seeks to correct and resolve discrepancies between the U.S. Census Bureau's boundary maps and the actual corporate limits of Asbury and Dubuque, and requesting the U.S. Census Bureau to adjust the boundary and annexation survey maps. Upon motion the documents were received and filed and Resolution No. 43-15 Joint Agreement to adjust U.S. Census Bureau boundary and annexation survey (BAS) maps along a shared boundary of the City of Dubuque, Iowa and the City of Asbury, Iowa, was adopted.

13. Code of Ordinances - Adoption of Supplement No. 17: City Clerk recommending adoption of Supplement No. 17 to the City of Dubuque Code of Ordinances, which codifies Ordinance Nos. 55-14, 56-14, 57-14, 59-14, 60-14, 64-14, 65-14 and 66-14 as adopted by the City Council through December 31, 2014. Upon motion the documents were received and filed and Resolution No. 44-15 Adopting Supplement No. 17 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

14. Alcohol and Tobacco License Renewals: City Manager recommending approval of annual liquor, beer, wine and tobacco license applications as submitted. Upon motion the documents were received and filed and Resolution No. 45-15 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; and Resolution No. 46-15 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 Jones. Motion carried 7-0.

1. Sale of City-Owned Property - 1318 Jackson Street: City Manager recommending setting a public hearing for March 2, 2015, for the purpose of disposing of City-owned real estate at 1318 Jackson Street to Alison Levasseur and Shane Lenane. Upon motion the documents were received and filed and Resolution No. 47-15 of Intention to dispose of City-owned property, specifically, north half o Lot 56 in East Dubuque an Addition to the City of Dubuque, Iowa, according to the recorded plat thereof - 1318 Jackson Street, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 2, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

1. Review of applications to the following board/commission. Applicants were invited to address the City Council regarding their appointment.

Investment Oversight Advisory Commission: One, 3-year term through July 1, 2015 (Vacant term of Runde). Applicant: Rachael Ferraro, 2538 Jackson St.

2. Appointments were made to the following board/commissions.

Community Development Advisory Commission: One, 3-year term through February 15, 2018 (Expired term of Wainwright), Applicant: Thomas Wainwright, 1788 Lori St. Motion by Jones to appoint Thomas Wainwright to a 3-year term through February 15, 2018, Seconded by Braig. Motion carried 7-0.

Sister City Relationships Advisory Commission: Three, 3-Year terms through February 1, 2018 (Expired terms of Jochum, Lee and McNamara) Applicants: Jeffrey Jochum, 3750 Aerostar Dr.; Phyllis Lee, 520 South Grandview Ave.; Patrick McNamara, 381 Moore Heights. Motion by Braig to appoint Jeffrey Jochum, Phyllis Lee, and Patrick McNamara to 3-year terms through February 1, 2018.

PUBLIC HEARINGS

Upon motion the rules were suspended allowing anyone present to address the City Council.

1. Request to Rezone - 1100 Carmel Drive: Proof of publication on notice of public hearing to consider approval of a request by the Sisters of Charity BVM / Lakota Group to rezone property located at 1100 Carmel Drive from R-1 Single-Family Residential to PUD Planned Unit Development, and the Zoning Advisory Commission recommending approval subject to listing seminary and museum as conditional uses. 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. Sr. Teresa Hadro, BVM, introduced Mike Jansen of IIW Surveyors who provided a slide presentation about the request that included additional clarifications of conditional uses and planning for persons with disabilities. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 9-15 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by Reclassifying Hereinafter Described Property Located at 1100 Carmel Drive From R-1 Single-Family Residential to PUD Planned Unit Development with a PR Planned Residential Designation. Seconded by Lynch. Motion carried 7-0.

2. Request to Rezone - 221 & 250 East 8th Street and 300 East 9th Street: Proof of publication on notice of public hearing to consider approval of a request from the City of Dubuque to rezone property located at 221 & 250 East 8th Street and 300 East 9th Street from HI Heavy Industrial to PUD Planned Unit Development with a PC Planned Commercial description; 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 Resnick. Planning Services Manager Laura Carstens provided a staff report and spoke on behalf of the City of Dubuque as applicant. Jeff Goodman of Goodman Law, PC, of West Des Moines, on behalf of JELD-WEN Property Manager Jeff Woolworth; and JELD-WEN employee Justin [Wherrity] spoke in opposition to the rezoning. Dan McDonald, Greater Dubuque Development Corporation, 900 Jackson Street, spoke in support of the rezoning. Motion carried 6-1 with Sutton voting nay.

Motion by Jones for final consideration and passage of Ordinance No. 10-15 Amending Title 16, The Unified Development Code of the City of Dubuque Code of Ordinances by Amending Ordinance 02-12 Which Established Regulations for a PUD Planned Unit Development District with a Planned Commercial Designation for the Historic Millwork District PUD and now Being Amended to Allow for the Inclusion of 221 & 250 E. 8th Street and 300 E. 9th Street. Seconded by Braig. Motion carried 7-0.

3. SRF Green Alley Project Bid Set 6 - Year 1: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the SRF Green Alley Project Bid Set 6 - Year 1 Project and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 48-15 Approval of plans specifications, form of contract, and estimated

cost for the SRF Green Alley Bid Set 6 - Year 1 Project; Resolution No. 49-15 with Respect to the adoption of the Resolution of Necessity proposed for the SRF Green Alley Bid Set 6 - Year 1 Project; and Resolution No. 50-15 Approving Schedule of Assessments and estimated total cost for the SRF Green Alley Bid Set 6 – Year 1 Project. Seconded by Jones. Motion carried 7-0.

4. SRF Green Alley Bid Set 3 - Year 2: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the SRF Green Alley Bid Set 3 - Year 2 Project and the City Manager Recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 51-15 Approval of plans, specifications, form of contract, and estimated cost for the SRF Green Alley Bid Set 3 - Year 2 Project; Resolution No. 52-15 with Respect to the adoption of the Resolution of Necessity Proposed for the SRF Green Alley Bid Set 3 - Year 2 Project; and Resolution No. 53-15 Approving Schedule of Assessments and estimate of total cost for the SRF Green Alley Bid Set 3 – Year 2 Project. Seconded by Lynch. Civil Engineer Jon Dienst responded to questions regarding parking and sanitary/sewer issues that may arise during construction. Motion carried 7-0.

5. 2015 Asbury Road Pavement Rehabilitation Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the 2015 Asbury Road Pavement Rehabilitation Project and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 54-15 Approval of plans, specifications, form of contract, and estimated cost for the 2015 Asbury Road Pavement Rehabilitation project. Seconded by Lynch. Assistant City Engineer Bob Schiesl described the project and responded to questions regarding property owner notifications and traffic flow during construction. Motion carried 7-0.

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

ACTION ITEMS

1. Request to Address the City Council - Mitch Quade: Correspondence from Mitch Quade, 509 Nordic Trail, Mount Horeb, WI, requesting to address the City Council regarding a waiver of a pre-annexation agreement related to a farm on Swiss Valley Road. Motion by Jones to receive and file the information. Seconded by Resnick. Mr. Quade provided a presentation and handouts that supported his request for a waiver of the requirement of a pre-annexation agreement for the division of his family farm on Swiss Valley Road for purposes of estate management and agricultural farming. Motion carried 7-0.

2. Port of Dubuque Marina Report 2014: City Manager transmitting the Port of Dubuque Marina Annual Report for 2014. Recreation Supervisor Dan Kroeger and Recreation Facilities Supervisor Ben Alden provided a verbal report on the activities, facilities, and financial status of the Port of Dubuque Marina over the last couple of Fiscal Years. Motion by Lynch to receive and file the information. Seconded by Braig. Motion carried 7-0.

3. Code of Ordinances Amendment Title 10 - Sledding in Parks: City Manager recommending approval of an Ordinance amendment to add designated areas at Falk and Hillcrest Parks for 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 Braig. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 11-15 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 Braig. Motion carried 7-0.

4. Code of Ordinances Amendment Chapter 8 - Street Tree & Landscaping of Public Right-of-Way: City Manager recommending approval of the revised Street Tree and Landscaping on Public Right-of-Way Policy and an amendment to Section 6-8-1: Trees and Landscaping. 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. 12-15 Amending City of Dubuque code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 8 Trees and Weeds, Section 6-8-1 Trees and Landscaping by adding Non-Woody Vegetation and Other Landscaping to the City Manager's authority for the Street tree and Landscaping on Public Right of Way Policy. Seconded by Lynch. Motion carried 7-0.

5. Fiscal Year 2015 Budget Correction: City Manager submitting a list of Fiscal Year 2015 Capital Improvement Projects selected for possible elimination, substitution and/or later reconsideration through the Fiscal Year 2017 budget process. Motion by Braig to receive and file. Seconded by Jones. City Manager Van Milligen explained that this information is related to the current Fiscal Year and will come to the Council for public hearing in April. Council discussion included clerical miscalculation, housing inspection fee increases, and decreased gambling revenue as well as decreased spending and ways to increase revenues. Motion carried 7-0.

6. Arts Master Plan Consultant Services Recommendation: City Manager recommending approval of the selection of Lord Cultural Resources to facilitate the development of an Arts and Culture Master Plan. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

7. Dubuque Racing Association - 6th Amendment to Lease Agreement: City Manager recommending approval of an amendment to the lease agreement with the Dubuque Racing Association that requires a City of Dubuque Police Officer or County Sheriff to be present during all hours of operations at Mystique Casino. Motion by Jones to receive and file the documents and approve [the request]. Seconded by Connors. Motion carried 7-0.

8. Five Flags Civic Center Advisory Commission Membership: Communication from the Five Flags Civic Center Advisory Commission recommending dismissal of a commissioner for lack of attendance and to declare the position vacant. Motion by Jones to receive and file the documents and declare the position vacant. Seconded by Braig. Motion carried 7-0.

PUBLIC INPUT

Jacob Long, 4604 Cardinal Drive; and Allen Troupe, 2003 Keyway, addressed the City Council about moving the Public Input section of the agenda to the beginning of the meeting.

John Herrig, 13750 Surrey Lane, expressed his opposition to the proposed Fiscal Year 2016 housing inspection fee increases and his concerns over governmental transparency and Council representation.

Brandon Ahler, 123 Bluff Street, addressed the City Council about his concerns over parking issues and possible violations in the neighborhood and offered suggestions. His contact information was taken for referral to staff.

CLOSED SESSION

Motion by Jones at 8:50 p.m. to enter into closed session to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) Code of Iowa. Seconded by Braig. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 9:05 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:06 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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