

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

The Dubuque City Council met in regular session at 6:30 p.m. on March 2, 2015 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton; Assistant City Manager Goodmann, 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 Connors requested Number 5. Request to Reschedule Sustainable Dubuque Work Session and Number 21. Request for Work Session - Catfish Creek Watershed Management Authority be held for separate discussion. Motion carried 7-0.

Motion by Connors to receive and file the documents and dispose of as indicated. Seconded by Resnick. Motion carried 7-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 1/27; Catfish Creek Watershed Management Authority of 12/3/14; Civil Service Commission of 2/20; City Council Proceedings of 2/16 and 2/23; Historic Preservation Commission of 2/19; Human Rights Commission of 1/12; Long Range Planning Advisory Commission of 2/18; Proof of Publication for City Council Proceedings of 2/2, 2/5, and 2/4. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Janna Frost for property damage; Shila Johnson for personal injury; Carl Noel for property damage; Danyiel Peterson for property damage; Barbara Soley for property damage; Audrea Steward for personal injury; Swiss Valley Farms Cooperative for personal injury / 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: Janna Frost for vehicle damage; Shila Johnson for personal injury; Danyiel Peterson for property damage; Audrea Steward for personal injury; Swiss Valley Farms Cooperative for personal injury / vehicle damage. Upon motion the documents were received, filed and concurred.

4. 2015 Federal Legislative Priorities: City Manager recommending adoption of the 2015 Federal Legislative Priorities. Upon motion the documents were received, filed and approved.

5. Request to Reschedule Sustainable Dubuque Work Session: City Manager recommending approval to reschedule the Sustainable Dubuque Work Session from March 16 to May 4. Upon motion the documents were received, filed and approved.

6. Midtown Loop & Feeder Grant Certificate of Completion: City Manager recommending acceptance of the Mid-Town Loop & Feeder Pilot Route Project as completed. Upon motion the documents were received, filed and approved.

7. Urban Revitalization Applications: City Manager recommending approval of 15 applications for residential property tax exemption. Upon motion the documents were received, filed and Resolution No. 57-15 Approving property tax abatement applications submitted by property owners in recognized Urban Revitalization areas and authorizing the transmittal of the approved applications to the City Tax Assessor was adopted.

8. Consent Decree Semi Annual Report: City Manager recommending approval to certify the March 31st Semi Annual Consent Decree Report to be submitted to the U.S. Department of Justice, U.S. EPA and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

9. Legislative Correspondence: Communication to the Legislative Information Office expressing the City of Dubuque's opposition to the Residential Occupancy Bill as well as to the Governor's Justice Department Appropriations Bill. Upon motion the documents were received and filed.

10. East Central Intergovernmental Association (ECIA) Administrative Services Contract Amendment #4: City Manager recommending review and approval of the 4th Amendment of East Central Intergovernmental Association's contract for administrative services related to the Linseed Oil Building portion of the City's Community Development Block Grant contract #08-DRH-212. Upon motion the documents were received, filed and Resolution No. 58-15 Approving Amendment # 4 to the Contract for Services with East Central Intergovernmental Association was adopted.

11. Special Assessment - 1849 Jackson Street Demolition: City Manager recommending that the cost of demolition and related work for 1849 Jackson Street be assessed to the property. Upon motion the documents were received, filed and Resolution No. 59-15 Adopting the Schedule of Special Assessment for a lien against the property at 1849 Jackson Street and directing the City Clerk to certify the Schedule of Assessment to the County Treasurer and to publish notice thereof was adopted.

12. Delinquent Grass/Weed Cutting and Garbage Collection Accounts: City Manager recommending adopting of a Resolution authorizing the City to certify grass and weed cutting and garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received, filed and Resolution No. 60-15 Authorizing the City to collect delinquent grass and weed cutting and garbage collection charges in accordance with Title 6-6- 3C2o; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

13. Pre-Annexation Agreement - Arboretum Development, LLC: City Manager recommending approval of a Pre-Annexation Agreement with Arboretum Development, LLC

in conjunction with their request for approval of a Final Plat in Dubuque County, in accordance with the City of Dubuque Fringe Area Development Standards. Upon motion the documents were received, filed and Resolution No. 61-15 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Arboretum Development, LLC was adopted.

14. Iowa 32 Trail Phase 3 Notice of Use Restrictions: City Manager recommending approval of a Notice of Use Restrictions for the Iowa 32 Bike/Hike Trail-Phase 3 and authorize the City Clerk to record the Notice of Use Restrictions with the Dubuque County Recorder. Upon motion the documents were received, filed and Resolution No. 62-15 Approving the Notice of Use Restrictions related to Phase 3 of the Iowa 32 Bike/Hike Trail was adopted.

15. Sedgwick - Iowa Values Fund Contract Amendment: City Manager recommending approval of an amendment to an Iowa Values Fund agreement with the Iowa Economic Development Authority and Sedgwick Claims Management Service, Inc. Upon motion the documents were received, filed and Resolution No. 63-15 Authorizing a Contract Amendment to the Economic Development Financial Assistance Contract by Sedgwick Claims Management Services, Inc., the City of Dubuque, and the Iowa Department of Economic Development was adopted.

16. Tri-State Modelers - Renewal of Lease: City Manager recommending approval of a one-year lease agreement with Tri-State Modelers that may be renewed by mutual agreement for four more one-year terms for a section of the former Roosevelt Park. Upon motion the documents were received, filed and approved.

17. Support Letters for Community Health Centers 2015: City Manager recommending approval for the Mayor to sign letters of support on behalf of Crescent Community Health Center in support of not cutting Federally Qualified Health Centers funding. Upon motion the documents were received, filed and approved.

18. Growing Sustainable Communities Conference contract with Sustainable City Network: City Manager recommending approval of a contract with Sustainable City Network, which is owned and operated by Woodward Communications, Inc., to host the 2015 Growing Sustainable Communities Conference and the registration fee as scheduled. Upon motion the documents were received, filed and approved.

19. Federal Communication Commission (FCC) Franchising Appeal Request: City Manager recommending approval to participate in the potential appeal of an FCC order which may open the door for cable operators to deduct I-Net support and other in-kind services from their franchise fee payment. Upon motion the documents were received, filed and approved.

20. Timber-Hyrst Subdivision Phase 4 Storm Water Management: City Engineer Gus Psihoyos providing information regarding Timber-Hyrst Subdivision storm water management concerns. Upon motion the documents were received, filed.

21. Request for Work Session - Catfish Creek Watershed Management Authority: City Manager recommending a work session be set for April 6, 2015 at 5:30 PM on the Catfish

Creek Watershed Management Plan. Upon motion the documents were received, filed and approved.

22. Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received, filed and Resolution No. 64-15 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 Connors. Motion carried 7-0.

1. SRF Green Alley Project Bid Set 7 - Year 1: City Manager recommending that a public hearing be set for April 6, 2015 for preliminary approval of the construction plans and specifications, approval of the Resolution of Necessity, approval of the Preliminary Schedule of Assessments and initiation of the public bidding process for the SRF Green Alley Bid Set 7 - Year 1 Project. Upon motion the documents were received, filed and Resolution No. 65-15 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 and Resolution No. 66-15 Approval of the plats, schedule of assessments and estimate of total cost for the SRF Green Alley Bid Set 7 - Year 1 Project and Resolution No. 67-15 of Necessity for the SRF Green Alley Big Set 7 - Year 1 Project and Resolution No.68-15 Fixing date of public hearing on the Resolution of Necessity were adopted. A public hearing is set for a meeting to commence at 6:30 p.m. on April 6, 2015 in the Historic Federal Building.

2. Maquoketa Valley Electric Cooperative Franchise Agreement: City Attorney recommending that a public hearing be set for March 12, 2015 amending the City of Dubuque Code of Ordinances Section 11-5B-23, by increasing the franchise fee to 5% of the gross revenue generated from the sale of electricity within the city by Maquoketa Valley Electric Cooperative. Upon motion the documents were received, filed and Resolution No. 69-15 Setting a public hearing on an Amendment to City of Dubuque Code of Ordinances Sec. 11-5B-23: Franchise Fee, which imposed a franchise fee of three percent (3%) on the gross revenue generated from the distribution and sale of electricity by Maquoketa Valley Electric Cooperative within the City of Dubuque, by increasing such fee to five percent (5%) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 12, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applications to the following Boards/Commissions were reviewed. Applicants were invited to address the City Council on their respective appointment.

Library Board of Trustees (MAYOR APPOINTMENT): One, 4 Year term through July 1, 2016 (Vacant term of Anderson-Bricker) Applicants: Tom Hamilton, 982 Center Pl., Pat Maddux, 1685 Fox Dr., Christina Monk, 2005 N. Main St.

Ms. Monk, Mr. Hamilton and Mr. Maddux spoke in support of their individual appointment. Additional applicant Angela Allred spoke in support of her appointment. Mechanical Code Board: One, 3 year term through March 16, 2018 (Expiring term of Valaskey) Applicant: Corey Valaskey, 1385 Alta Vista

Appointment was made to the following Commission.

Investment Oversight Advisory Commission: One, 3 year term through July 1, 2015 (Vacant term of Runde) Applicant: Rachael Ferraro, 2538 Jackson St. Motion by Connors to appoint Rachael Ferraro to a 3-year term through July 1, 2015. Seconded by Jones. 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. Sale of City-Owned Property - 1318 Jackson Street: Proof of publication on notice of public hearing to approve the sale of City-Owned property located at 1318 Jackson Street to Alison G. Levasseur and Shane P. Lenane and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 70-15 Approving the sale of real estate specifically North Half of Lot 56 in East Dubuque an Addition to the City of Dubuque, Iowa, According to the recorded plat thereof - 1318 Jackson Street. Seconded by Resnick. Motion carried 7-0.

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

ACTION ITEMS

1. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson to present the quarterly update on the activities of the Greater Dubuque Development Corporation. Motion by Lynch to receive and file the documents and listen to presentation. Seconded by Resnick. Mr. Dickinson responded to questions from Council member Resnick. Motion carried 7-0.

2. SRF Green Alley Project Bid Set 3 - Year 2 Award: City Manager recommending award of the SRF Green Alley Bid Set 3 – Year 2 Project construction contract to the low bidder Portzen Construction. Motion by Connors to receive and file the documents and adopt Resolution No. 71-15 Awarding Public Improvement Contract for the SRF Green Alley Bid Set 3 - Year 2 Project. Seconded by Braig. Civil Engineer Jon Dienst responded to questions from Council member Connors. Motion carried 7-0.

3. SRF Green Alley Project Bid Set 6 Year - 1 Award: City Manager recommending award of the SRF Green Alley Bid Set 6 – Year 1 Project construction contract to the low bidder Drew Cook & Sons Excavating. Motion by Connors to receive and file the documents and adopt Resolution No. 72-15 Awarding the Public Improvement Contract for the SRF Green Alley Bid Set 6 - Year 1 Project. Seconded by Jones. Motion carried 7-0.

4. Environmental Protection Agency (EPA) PM Advance Path Forward: City Manager recommending approval of the revised Path Forward for submittal to the Environmental Protection Agency's PM Advance Program. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Sustainable

Community Coordinator Cori Burbach responded to questions from council. Council person Braig read into the record an email from citizen Paul Schultz. Motion carried 7-0.

PUBLIC INPUT

Jacob Long, 4604 Cardinal Dr., addressed the council stating his concerns regarding the cities credit rating as well as the upcoming budget discussions.

Allen Troupe 2003 Key Way Apt. 2, addressed the council regarding the cost of cleanup of a vandalized parking ramp as well as the increase in inspection fees.

CLOSED SESSION

Property Acquisition - Code of Iowa Chapter 21.5 (1)(j)

Motion by Jones to convene in closed session at 7:12 p.m. to discuss property acquisition pursuant to Chapter 21.5(1)(j) of the Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 7:42 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:43 p.m.

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