

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

The Dubuque City Council met in regular session at 6:30 p.m. on March 16, 2015 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)

1. National Arts Advocacy Day (March 23, 2015)
2. Junior Achievement Day (April 2, 2015) was accepted by Stephanie Ludovissy, JA of the Heartland Development Director for the Tri-State Area, 900 Jackson Street, LL5-2F, Dubuque
3. Autism Awareness Month (April 2015) was accepted by; Marilyn Althoff, Executive Director of Hills & Dales, 759 Bluff St., Patrick Rellihan, Michelle Rellihan, 2538 Marywood Dr. and Allyson Beytien 1091 Valentine Dr.

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 of 3/6; Civil Service Commission of 3/6; Human Rights Commission of 2/9; Zoning Advisory Commission of 3/4; Zoning Board of Adjustments of 2/6; City Council Proceedings of 2/10, 2/16, 2/23. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Dale Bries for property damage; Harry Gassman for property damage; Joel Laaker 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: Dale Bries for property damage; Harry Gassman for vehicle damage; Joel Laaker for property damage; Barbara Soley for property damage. Upon motion the documents were received, filed and concurred.

4. EPA Education Grant - Air Quality: Sustainable Community Coordinator Cori Burbach is transmitting information on the University of Iowa's application for the EPA Environmental Education program. Upon motion the documents were received and filed.

5. Civil Service Commission: Civil Service Commission submitting the certified list for the position of Parking System Technician. Upon motion the documents were received and filed.

6. Public, Educational, and Government (PEG) Capital Expenditure Request: City Manager recommending approval of the Cable TV Commission recommendation for funding from the (PEG) Capital Grant for Access Equipment and Facilities in the amount of \$16,400 for Loras College for a slow-motion replay system and portable video recorder. Upon motion the documents were received, filed and approved.

7. City Council 2014 Official Proceedings: City Clerk submitting the Official City Council Proceedings for 2014. Upon motion the documents were received, filed and approved.

8. Green Industrial Supply, Inc. - Amending State Contract: City Manager recommending approval of an amendment to a contract with the Iowa Economic Development Authority for Iowa Values Funds Financial Assistance benefits on behalf of Green Industrial Supply, Inc. Upon motion the documents were received and filed and Resolution No. 78-15 Approving an Amendment to the Economic Development Financial Assistance Contract by and among Green Industrial Supply, Inc., the City of Dubuque, and the Iowa Department of Economic Development was adopted.

9. Collective Bargaining Agreement Dubuque Professional Firefighters: City Manager recommending approval of a two year Collective Bargaining Agreement with the Dubuque Professional Firefighters Association, Local #353. Upon motion the documents were received and filed and Resolution No. 79-15 Approving the agreement between the City of Dubuque, Iowa, and Dubuque Professional Firefighters Association, Local #353 and Authorizing the Mayor to sign the agreement was adopted.

10. Environmental Sanitarian Position: City Manager recommending approval to eliminate the position of Environmental Sanitarian Assistant and create an additional Environmental Sanitarian position, which will be compensated at GE-32. Upon motion the documents were received, filed and approved.

11. Sanitary and Storm Sewer Easement from Nemmers Cedar Ridge Farm Acceptance: City Manager recommending acceptance of a sanitary and storm sewer easement from Nemmers Cedar Ridge Farm Limited Partnership for proposed public sanitary and storm sewers across part of Lot 2 and Lot 4 in Cedar Ridge Farm Place No. 7 in the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 80-15 Accepting A Grant of Easement for sanitary and storm sewer through, over and across part of Lot 2 and Lot 4 in Cedar Ridge Farm Place No. 7, in the City of Dubuque, Iowa was adopted.

12. Southwest Arterial Project - English Mill Reconstruction Black Hills Energy Gas Pipeline Relocation Reimbursement Agreement: City Manager recommending approval and authorization for the Mayor to execute a Utility Relocation Reimbursement Agreement with Black Hills Energy Corporation for the relocation of the high pressure natural gas main impacted by the English Mill Road Reconstruction Project, as part of the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 81-15 Approving a Utility Relocation Reimbursement Agreement with Black Hills Energy Corporation for the relocation of the Peosta Feed High Pressure Natural Gas Main associated with the English Mill Road Reconstruction Project and the continued development and advancement of the southwest arterial project was adopted.

13. 346-348 W Locust - 1st Amendment to the Development Agreement: City Manager recommending approval of the 1st Amendment to Development Agreement that extends the completion date to December 31, 2015. Upon motion the documents were received and filed

and Resolution No. 82-15 Approving the First Amendment to the Development Agreement between the City of Dubuque, Iowa and Weaver Castle, LLC. was adopted.

14. 324-326 W Locust - 1st Amendment to Development Agreement: City Manager recommending approval of the 1st Amendment to Development Agreement that extends the completion date to June 30, 2015. Upon motion the documents were received and filed and Resolution No. 83-15 Approving the First Amendment to the Development Agreement between the City of Dubuque, Iowa and Weaver Castle, LLC. was adopted.

15. Pre-Annexation Agreement - Joseph M. And Deborah L. Vize: City Manager recommending approval of a Pre-Annexation Agreement with Joseph M. and Deborah L. Vize, property owners, in conjunction with a request for approval of the Final Plat of Vize Place in Dubuque County. Upon motion the documents were received and filed and Resolution No. 84-15 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Joseph M. and Deborah L. Vize was adopted.

16. Final Plat for Vize Place: Zoning Advisory Commission recommending approval of the Final Plat for Vize Place subject to waiving the lot frontage requirement for lot 4. Upon motion the documents were received and filed and Resolution No. 85-15 Approving the Final Plat of Vize Place in Dubuque County, Iowa was adopted.

17. Fiscal Year 15 Cured-in-Place-Pipe (CIPP) Lining Project Acceptance: City Manager recommending acceptance of the construction contract for the FY15 Sanitary Sewer Cured-in-Place-Pipe (CIPP) Lining Project, as completed by Visu-Sewer Clean & Seal. Upon motion the documents were received and filed and Resolution No. 86-15 Accepting the FY15 Sanitary Sewer Cured-In-Place Pipe Lining Project and authorizing the payment to the contractor was adopted.

18. Snow Removal Assessment - 1495 Glen Oak Street 2014-2015: City Manager recommending approval of the Final Assessment for one property at 1495 Glen Oak Street for the 2014-2015 Snow Removal from City Right-of-Way Program. Upon motion the documents were received and filed and Resolution No. 87-15 Adopting the Final Assessment Schedule for the 2014-2015 Snow Removal Assessment – Right-Of-Way Obstruction Removal Assessment Project for 1495 Glen Oak Street was adopted.

19. 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. 88-15 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 Braig. Motion carried 7-0.

1. 253 Main St. - Development Agreement: City Manager recommending City Council set a public hearing for April 6, 2015, on the Development Agreement with Ken Oberbroeckling to redevelop property at 253 Main Street. Upon motion the documents were received and filed and Resolution No. 89-15 Fixing the date for a Public Hearing of the City Council of the City of Dubuque, Iowa on the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the Execution of a Development Agreement relating thereto with Ken

Oberbroeckling, and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 6, 2015 in the Historic Federal Building.

2. 1576 Locust - Development Agreement: City Manager recommending the City Council set a public hearing for April 6, 2015, on the Development Agreement with Weaver Castle LLC for redevelopment of 1576 Locust Street. Upon motion the documents were received and filed and Resolution No. 90-15 Fixing the date for a Public Hearing of the City Council of the City of Dubuque, Iowa on the execution of a Development Agreement relating thereto with Weaver Castle, LLC and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 6, 2015 in the Historic Federal Building.

3. Fiscal Year 2015 Second Budget Amendment: City Manager recommending the second Fiscal Year 2015 Budget Amendment be set for public hearing for April 6, 2015. Upon motion the documents were received and filed and Resolution No. 91-15 Setting the date for the public hearing on Amendment No. 2 to Fiscal Year 2015 budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 6, 2015 in the Historic Federal Building.

4. Vacate Access, Utility and Storm Water Drainage Easement Lot C Reche's Subdivision - University of Dubuque Physician's Assistant Building Addition: City Manager recommending that a public hearing be set for April 6, 2015, on the disposal of the City's interest in the subject property. Upon motion the documents were received and filed and Resolution No. 92-15 Of Intent to Vacate and Dispose of City Interest in an access, utility, and storm water drainage easement over and across Lot C of Reche's Subdivision in the City of Dubuque, Dubuque County, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 6, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their application to the following boards/commissions:

1. Environmental Stewardship Advisory Commission: One, 3 Year term through October 1, 2017 (Vacant term of Splittstoesser) Applicant: Jalee Lynn Frommelt, 2540 Anamosa Dr. Jalee Lynn Frommelt spoke in favor of her appointment.

2. Housing Code Appeals Board: One, 3 Year term through January 11 1, 2016 (Vacant term of Kinsella) Applicant: Ronald White, 3197 Highland Park Dr.

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

Library Board of Trustees: One, 4 Year term through July 1, 2016 (Vacant term of Anderson-Bricker) Applicants: Angela Allred, 1465 Parkway St. (Additional Applicant) Tom Hamilton, 982 Center Pl., Pat Maddux, 1685 Fox Dr., Christina Monk, 2005 N. Main St. Mayor Buol appointed Angela Allred to the Library Board of Trustees for a 4-year term through July 1, 2016.

Mechanical Code Board: Two, 3 year terms through March 16, 2018 (Expiring terms of Grothe and Valaskey) Applicants: David Grothe, 2544 Elm (additional Applicant), Corey Valaskey, 1385 Alta Vista. Motion by Braig to reappoint David Grothe and Corey Valaskey to 3 year terms through March 16, 2018. 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 Rezone - 1550 Clarke Drive: Proof of publication on notice of public hearing to consider a request by Clarke University/Daisy Halorson to rezone property at 1550 Clarke Drive to amend the Institutional District to allow new outdoor lighting and expansion of outdoor athletic facilities and the Zoning Advisory Commission recommending approval, with conditions that a direct sidewalk connection be extended from the 179-space parking lot to both athletic fields. 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 Connors. Planning Services Manager Laura Carstens provided a staff report. Patrick Norton Zoning Board of Adjustment Chair responded to questions. Charles Kintzinger, 2212 Aspen Dr. spoke regarding concerns such as lighting, noise and installation process. Motion carried 6-0 with Resnick abstaining.

Motion by Jones for final consideration and passage of Ordinance No. 21-15 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 Clarke University ID Institutional District to allow expansion of recreation fields an installation of new lights north of the Student Activity Center. Seconded by Braig. Motion carried 6-0 with Resnick abstaining.

2. Request to Rezone - 2750 Balboa Drive: Proof of publication on notice of public hearing to consider a request by Mary's Inn to rezone the property at 2750 Balboa Drive to rezone property from R-1 Single-Family Residential district to R-3 Moderate Density Multi-Family Residential district and the Zoning Advisory Commission recommending approval, with the condition that the list of permitted uses be limited to a single-family home. 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 Resnick. Planning Services Manager Laura Carstens provided a staff report. Attorney John Freund, 1005 Main St representing Mary's Inn presented information regarding the rezoning request. Citizens; Mike Irvin 2760 Balboa Dr., Lisa Tilp 2735 Balboa Dr., George Portzen 2753 Balboa Dr. spoke against the rezoning request. Allen Troupe 2003 Key Way Apt. 2, Tim Rahf, 2750 Balboa Dr., and Harry Blewett Ruhl & Ruhl Realtor spoke in favor of the rezoning request. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 22-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2750 Balboa Drive from R-1 Single-Family Residential District to R-3 Moderate Density Multi-Family Residential District with conditions as established in the attached Memorandum of Agreement. Seconded by Braig. Motion carried 7-0.

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

ACTION ITEMS

1. Code of Ordinances Amendment - Title 6 Housing Code Appeals Board: City Manager recommending approval of an ordinance which creates a new Title 6, Chapter 6, Section 6-6-8 which establishes the Housing Code Appeals Board and provides for the powers, operation, membership, and meetings, and reduces membership from seven residents to five residents. 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. 23-15 Amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment,

Chapter 6 Housing Regulations by Repealing Section 6-6-8 Housing Code Appeals Board and Adopting A New Section 6-6-8 Housing Code Appeals Board in Lieu Thereof Establishing the Housing Code Appeals Board, Providing for the Powers, Operation, Membership, and Meetings, and Reducing Membership From Seven (7) Residents To Five (5) Residents Seconded by Jones. Motion carried 7-0.

2. Rental Property Management Program: City Manager recommending approval of an Ordinance which updates the name of the program. 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 Connors. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 24-15 Amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 6 Housing Regulations, Section 6-6-7 Licenses and Inspections by changing the program name from Crime Free Multi-Housing to Successful Rental Property Management. Seconded by Connors. Motion carried 7-0.

3. 2015 Asbury Road Rehabilitation Project Award: City Manager recommending award of the construction contract to the low bidder, Iowa Erosion Control, Inc. Motion by Braig to receive and file the documents and adopt Resolution No. 93-15 Awarding Public Improvement Contract for the 2015 Asbury Road Pavement Rehabilitation Project. Seconded by Lynch. Motion carried 7-0.

4. Novelty Iron Works - 3rd Amendment to Development Agreement: City Manager recommending approval of a Third Amendment to the Novelty Iron Works Development Agreement. Motion by Connors to receive and file the documents and adopt Resolution No. 94-15 Approving the Third Amendment to the Development Agreement between the City of Dubuque, Iowa and Novelty Iron Landlord, LLC. Seconded by Jones. Motion carried 7-0.

5. Art on the River - Arts and Cultural Affairs Advisory Commission Recommendation: The Arts and Cultural Affairs Advisory Commission is recommending that the City Council concur with the 2015 Art on the River jury selections and recommendations for outdoor sculpture at the Port of Dubuque. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Connors gave a shout out to local youth at Hempstead High School for their wonderful presentation of a class project regarding what youth need in Dubuque. Connors also acknowledged Olivia Fransen a 6th grader at Eleanor Roosevelt Middle School who won the Iowa League of Cities 5th annual "If I Were Mayor...." Contest. In addition, Connors spoke regarding an open house she attended where Wahlert Catholic High School students showed off their winning antiroll-back devises for wheel chairs.

There being no further business, upon motion the City Council adjourned at 8:09 p.m.

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