

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

The Dubuque City Council met in special session at 5:30 p.m. on April 6, 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 special session of the City Council called for the purpose of conducting a work session for the Catfish Creek Watershed management Plan.

Catfish Creek Watershed Management Plan

- Watershed Planning Steps (Addresses USEPA/Iowa DNR 9 Elements)
- Watershed Field Inventory
- Important Natural Areas
- Future Land Use/Land Cover
- Green Infrastructure Network
- Water Quality Criteria Exceedances
- Pollutant Loading Model Results
- Flood Problem Areas
- Policy Recommendations
- Site Specific Management Measures
- Detention Basin Recommendations
- Wetland Restoration Recommendations
- Streambank, Channel, & Riparian Restoration
- Stream & Riparian Area Restoration
- Green Infrastructure Protection Areas
- Existing Agricultural Management Practices
- High Priority-Critical Areas
- State Revolving Fund (SRF) Sponsorship Project – Catfish Creek
- Other Projects and Future Goals

There being no further business, upon motion the City Council adjourned at 6:01 p.m.

/s/Trish Gleason, Assistant City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 6, 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. Community Development Week (April 6-11) accepted by Theresa Caldwell President of The Washington Neighborhood Association
2. Mayor's Day of Recognition for National Service (April 7) Natalie Blatz with AmeriCorp Partners in Learning and Beth Kelchen, Project Director with Retired and Senior Volunteer Program
3. Smart Money Week (April 18 - 25) accepted by Amy Muchmore, Adult Services Manager, Carnegie-Stout Public Library

**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 2/25, 3/10; Historic Preservation Commission of 3/19; Library Board of Trustees of 1/22, 2/17; Sister City Relationship Advisory Commission of 3/18; Proof of Publication City Council proceedings of 2/15, 3/2, 3/3, 3/5. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Shanita Alexander for vehicle damage; Kristine Blakeman for vehicle damage; Carol Boge for property damage; Linda Chong for property damage; Jennifer Feist for personal injury; Will Gross for property damage; Robert Hall for property damage; Laura Merritt for property damage; James Meyer for property damage; Thomas Miller for personal injury; Mark Sarazin for property damage; Elizabeth Smith for property damage; Trigger Happy Tattoo for revenue loss; Joyce and Albert Wiendenbacher 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: Shanita Alexander for vehicle damage; Kristine Blakeman for vehicle damage; Carol Boge for property damage; Linda Chong for property damage; Jennifer Feist for personal injury; Will Gross for property damage; Robert Hall for property damage; Laura Merritt for property damage; James Meyer for property damage; Thomas Miller for personal injury; Mark Sarazin for property damage; Joyce and Albert Wiendenbacher for property damage. Upon motion the documents were received, filed and concurred.

4. AmeriCorps VISTA Project Application: City Manager recommending approval of the AmeriCorps VISTA grant application to the Corporation for National and Community Service for four VISTA positions focused on the Third Grade Reading Initiative. Upon motion the documents were received, filed and approved.

5. Dubuque Marina Assignment of Lease: City Manager recommending approval of the Assignment of Lease with the understanding that the Assignment of Lease should not be considered by Pier Pressure Marine IA, Inc. as any indication of whether the City will or will not agree to an extension of the Lease. Upon motion the documents were received, filed and approved.

6. North Cascade Road Developers Agreement: City Manager recommending approval of the North Cascade Road Developers Agreement. Upon motion the documents were received, filed and approved.

7. US Department of Housing and Urban Development (HUD) Resiliency Grant Application - Phase I: City Manager recommending approval for the submission of a Phase I application to the US Department of Housing and Urban Development National Disaster Resilience Competition. Upon motion the documents were received, filed and approved.

8. Community Working/Investing in Neighborhood Stabilization (WINS) Grant Program: City Manager recommending approval of the submittal of The Wells Fargo/U.S. Conference of Mayors Community WINS (Working/Investing in Neighborhood Stabilization) Grant Program joint application in partnership with the Community Foundation of Greater Dubuque and Northeast Iowa Community College. Upon motion the documents were received, filed and approved.

9. Art on the River - Arts and Cultural Affairs Advisory Commission Modified Recommendation: The Arts and Cultural Affairs Advisory Commission is recommending that the City Council concur with the updated 2015 Art on the River jury selections and recommendations for outdoor sculpture at the Port of Dubuque. Upon motion the documents were received, filed and approved.

10. Community Development Block Grant FY15 Annual Action Plan-Amendment 2: City Manager recommending approval of the Community Development Block Grant Fiscal Year 2015 Annual Action Plan- Amendment 2. Upon motion the documents were received and filed and Resolution No. 95-15 Approving Fiscal Year 2015 (Program Year

2014) Annual Action Plan Amendment 2 for Community Development Block Grant (CDBG) Funds was adopted.

11. PetData Contract Renewal: City Manager recommending approval of a renewal agreement with PetData, Inc. for the pet licensing service that processes the sale of all dog and cat licenses in the City of Dubuque. Upon motion the documents were received, filed and approved.

12. Concession Agreement - Flora and Sutton Swimming Pool: City Manager recommending acceptance of the latest bid from Paul Connors to operate the pool concessions. Upon motion the documents were received, filed and approved.

13. Iowa Department of Transportation Grant Agreement for County/City Trailhead - Corrected Version: City Manager recommending approval of the corrected version of the Iowa Department of Transportation grant agreement for the County/City Heritage Trail Parking Lot along S. John Deere Road. Upon motion the documents were received, filed and approved.

14. Multicultural Family Center Agreement: City Manager recommending approval of the First Amendment to the Agreement between the City of Dubuque and the Multicultural Family Center. Upon motion the documents were received, filed and approved.

15. Water & Resource Recovery Center (W&RRC) Cogeneration Facilities Project Acceptance: City Manager recommending acceptance of the construction contract for the Water and Resource Recovery Center Cogeneration Facilities Project, as completed by Total Mechanical Services, Inc. Upon motion the documents were received and filed and Resolution No. 96-15 Accepting the Water and Resource Recovery Cogeneration Facilities Project and Authorizing the Payment of the Contract Amount to the Contractor was adopted.

16. Acceptance of Temporary Easement for Grading and Construction and a Permanent Easement for Sanitary Sewer from Davis Place LLC.: City Manager recommending acceptance of a temporary easement for grading and construction and a permanent easement for sanitary sewer from The Davis Place LLC. Upon motion the documents were received and filed and Resolution No. 97-15 Accepting a Grant of Temporary Easement for Grading and Construction and Permanent Easement for Sanitary Sewer Through, Over and Across Part of Lot 3 in Davis Place II, in the City of Dubuque, Iowa was adopted.

17. Final Plat for Derby Grange Acres: City Manager recommending approval of the Final Plat of Derby Grange Acres subject to allowing 22-foot paving width for Country View Drive and Country View Court, a 25-foot lot frontage for Lot 6, and waiving Sections 11-20 Water Supply, 11- 21 Sanitary Sewer, 11-23 Obligation to Install Improvements, and 11-24 Improvement Guarantees. Upon motion the documents were

received and filed and Resolution No. 98-15 Approving the Final Plat of Derby Grange Acres in Dubuque County, Iowa was adopted.

18. Utility Easements - Furuseth Property: City Manager recommending approval of the purchase of an Easement Agreement from Patricia Furuseth for the construction of the utility extension to the Dubuque Regional Airport and approval of resolutions authorizing the City Manager to take such further action as is required to complete the purchase of the Easements. Upon motion the documents were received and filed and Resolution No. 99-15 Approving the Acquisition of Easements Upon Real Estate Owned by Patricia F. Furuseth In Dubuque County, Iowa and Resolution No. 100-15 Accepting Grant of Easements Upon Real Estate Owned by Patricia F. Furuseth in Dubuque County, Iowa were adopted.

19. Utility Easements - O'Rourke Property: City Manager recommending approval of the purchase of an Easement Agreement from Paul O'Rourke for the construction of the Utility Extension to the Dubuque Regional Airport and approval of a resolution authorizing the City Manager to take such further action as is required to complete the purchase of the Easements. Upon motion the documents were received and filed and Resolution No. 101-15 Approving the Acquisition of Easements Upon Real Estate Owned by O'Rourke Farms LLC in Dubuque County, Iowa and Resolution No. 102-15 Accepting Grant of Easements Upon Real Estate Owned By O'Rourke Farms LLC In Dubuque County, Iowa were adopted.

20. Utility Easements - Speigel Property: City Manager recommending approval of a Grant of Easement for the Royal Oaks Development Corporation Property and authorization for the City Manager to execute the Grant of Easement for the proposed construction of the Utility Extension to the Dubuque Regional Airport. Upon motion the documents were received and filed and Resolution No. 103-15 Accepting Grant of Easement Upon Real Estate Owned by Royal Oaks Development Corporation in Dubuque County, Iowa was adopted.

21. Utility Easements - Tracy Property: City Manager recommending approval of the purchase of an Easement Agreement from William D. Tracy, William C. Tracy and Kay J. Tracy for the construction of the Utility Extension to the Dubuque Regional Airport and approval of a resolution authorizing the City Manager to take such further action as is required to complete the purchase of the Easements. Upon motion the documents were received and filed and Resolution No. 104-15 Approving the Acquisition of Easements Upon Real Estate Owned by William D. Tracy, William C. Tracy, Kay J. Tracy In Dubuque County, Iowa and Resolution No. 105-15 Accepting Grant of Easements Upon Real Estate Owned by William D. Tracy, William C. Tracy, Kay J. Tracy In Dubuque County, Iowa were adopted.

22. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company informing the City of programming adjustments being implemented on or about April 15, 2015. Upon motion the documents were received and filed.

23. EPA Brownfields Area-Wide Planning Program Grant: City Manager recommending approval and acceptance of the Environmental Protection Agency Brownfields Area-Wide Planning Program Grant. Upon motion the documents were received, filed and approved.

24. Signed Contracts: Bee Branch Creek Railroad Crossing, Amendment to Service Agreement with Canadian Pacific; Full Circle Organics, LLC Renewal of Agreement. Upon motion the documents were received and filed.

25. Letter of Commitment - Greater Dubuque Agriculture and Construction Machinery Manufacturing Community Application: Submittal of this Letter of Commitment to the Greater Dubuque Agriculture and Construction Machinery Manufacturing Community application under consideration from Northeast Iowa Community College and our tri-state area partners for a regional Investing in Manufacturing Communities Partnership designation. Upon motion the documents were received, filed and approved.

26. Airport Utility Extension Project - Accepting Deed to Lot 1 of Silver Oaks: City Attorney Barry Lindahl recommending adoption of the resolution. Upon motion the documents were received and filed and Resolution No. 106-15 Accepting the Deed to Lot 1 of Silver Oaks in Section 23, Table Mound Township, Dubuque County, Iowa, According to the Recorded Plat Thereof from Royal Oaks Development Corporation was adopted.

27. Alcohol Compliance Civil Penalty for Alcohol License Holder - Sam's Club: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Sam's Club #4973, 4400 Asbury Road. Upon motion the documents were received, filed and approved.

28. Tobacco Compliance Civil Penalty for Tobacco License Holder - Dave's Conoco: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Dave's Conoco, 500 Locust St. Upon motion the documents were received, filed and approved.

29. Tobacco Compliance Civil Penalty for Tobacco License Holder - Family Dollar: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Family Dollar #1599, 2013 Central Avenue #4. Upon motion the documents were received, filed and approved.

30. 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. 107-15 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. Upper Bee Branch Creek Channel, Streets and Utilities Project: City Manager recommending authorizing the public bidding process and establish a public hearing for April 20, 2015 for the Upper Bee Branch Creek – Channel, Street and Utilities Project. Upon motion the documents were received and filed and Resolution No. 108-15 Upper Bee Branch Creek – Channel, Streets, & Utilities Project 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 20, 2015 in the Historic Federal Building.

2. Upper Bee Branch Creek Structures Project: City Manager recommending authorizing the public bidding process and establish a public hearing for April 20, 2015 for the Upper Bee Branch Creek – Structures Project. Upon motion the documents were received and filed and Resolution No. 109-15 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 20, 2014 in the Historic Federal Building.

3. North Cascade Road Housing - Urban Renewal Plan Amendment: City Manager recommending City Council adopt the Resolution of Necessity to begin the process of creating the Urban Renewal Plan for the North Cascade Road Housing Urban Renewal Area and set a public hearing for May 4, 2015 on adoption of the Amended Plan for the North Cascade Road Housing Urban Renewal Area. Upon motion the documents were received and filed and Resolution No. 110-15 Of Necessity Finding That Certain Property Along North Cascade Road is an Economic Development Area and that the Development of Said Area is Necessary in the Interest of the Residents of the City of Dubuque, Iowa, and Setting a Date for Hearing on a Proposed Amendment to Urban Renewal Plan for Said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 4, 2015 in the Historic Federal Building.

## BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their appointment to the following Boards/Commissions:

1. Electrical Code Board: One, 3 Year term through May 21, 2017 (Vacant term of Pfohl), Applicant: Zach Dowell, 2055 Winne Ct. (Qualifies as Journeyman/Maintenance)

Appointments to the following Boards or 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. Motion by Braig to appoint Jalee Lynn Frommelt, to a 3-year term through October 1, 2017. Seconded by Connors. Motion carried 7-0.

2. Housing Code Appeals Board: One, 3 Year term through January 11, 2016 (Vacant term of Kinsella) Applicant: Ronald White, 3197 Highland Park Dr. Motion by Jones to appoint Ronald White to a 3-year term through January 11, 2016. Seconded by Lynch. Motion carried 7-0.

## **PUBLIC HEARINGS**

Upon motion the rules were suspended to allow anyone present to address the City Council and the following items.

1. SRF Green Alley Project - Bid Set 7 Year 1: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost of the SRF Green Alley Project Bid Set 7 - Year 1 and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 111-15 Approval of Plans, Specifications, Form of Contract, and Estimated Cost for the SRF Green Alley Bid Set 7 – Year 1 Project and Resolution No. 112-15 With Respect to the Adoption of the Resolution of Necessity Proposed for the SRF Green Alley Bid Set 7 – Year 1 Project and Resolution No. 113-15 Approving Schedule of Assessments and Estimate of Total Cost for the SRF Green Alley Bid Set 7 – Year 1 Project. Seconded by Jones. Motion carried 7-0.

2. 253 Main St. - Development Agreement: Proof of publication on notice of public hearing for the approval of the Development Agreement with Ken Oberbroeckling to redevelop property at 253 Main Street into four market rate apartments and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 114-15 Approving a Development Agreement Between the City of Dubuque, Iowa and Ken Oberbroeckling and the Issuance of Urban Renewal Tax Increment Revenue Obligations. Seconded by Connors. Motion carried 7-0.

3. 1576 Locust St. - Development Agreement: Proof of Publication on notice of public hearing to approve the Development Agreement with Chris and Gary Stelpflug for redevelopment of property located at 1576 Locust Street into three apartments and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 115-15 Approving a Development Agreement Between the City of Dubuque, Iowa and Weaver Castle, LLC. Seconded by Resnick. Motion carried 7-0.

4. Fiscal Year 2015 Second Budget Amendment: City Manager recommending approval of the second Fiscal Year 2015 Budget Amendment. Motion by Jones to receive and file the documents and adopt Resolution No. 116-15 Amending the Current Budget for the Fiscal Year Ending June 3 2015 (as amended last on 09/15/2014). Jacob Long, 4604 Cardinal Dr., addressed the council stating his concerns regarding the cities credit rating, increased fees and upcoming debt. Seconded by Braig. Motion carried 7-0.



5. Vacate Access, Utility and Storm Water Drainage Easement Lot C Reche's Subdivision - University of Dubuque Physician's Assistant Building Addition: Proof of publication on notice of public hearing to vacate the easement of Lot C Reche's Subdivision, and transfer of ownership and maintenance responsibilities for the public sanitary sewer at no cost to the University of Dubuque in exchange for the transfer of ownership and maintenance of the sanitary sewer main to the University of Dubuque. Motion by Connors to receive and file the documents and adopt Resolution No. 117-15 Disposing 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. Seconded by Braig. Motion carried 7-0.

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

### **ACTION ITEMS**

1. Eagle Point Energy Power Purchase Agreement Reinstatement: City Manager recommending approval of reinstating the August 1, 2011 Agreement with Eagle Point Energy- 1, LLC effective May 1, 2015. Motion by Lynch to receive and file the documents and adopt Resolution No. 118-15 Reinstating the August 1, 2011 Agreement for Solar License and Power Purchase between the City of Dubuque, Iowa and Eagle Point Energy- 1, LLC. Seconded by Jones. Motion carried 7-0.

2. Property Acquisition - Doris A. Graf Farm: City Manager recommending approval of an Offer to Buy Real Estate and Acceptance to purchase the 166.3 acre Graf Farm. Motion by Lynch to receive and file the documents and adopt Resolution No. 119-15 Approving the Acquisition of Real Estate owned by Doris A. Graf in Dubuque County, Iowa. Seconded by Connors. Motion carried 7-0.

3. Premier Bank Intercreditor Agreement: City Manager recommending approval of an Intercreditor Agreement with Premier Bank for the German Bank Building, 342 Main Street. Motion by Connors to receive and file the documents and adopt Resolution No. 120-15 Approving an Intercreditor Agreement Between the City of Dubuque, Iowa and Premier Bank. Seconded by Jones. Motion carried 7-0.

4. Funding to Increase Library Hours: City Manager recommending approval of an allocation in the Fiscal year 2016 budget, subject to a future budget amendment. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

5. Examining Board Member Appointment: Correspondence from Rick Engelken, City Assessor requesting appointment of a City Council member to the Examining Board pursuant to Iowa Code 441.3 and documentation of such appointment. Motion by Connors to receive and file the documents and appoint Council member Lynch to the Examining Board. Seconded by Lynch. Motion carried 7-0.

6. Request for Work Session - Parks to People: City Manager recommending City Council schedule a work session on May 18, 2015 at 5:15 pm for Parks to People. Motion by Jones to set the work session as recommended. Seconded by Braig. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council member Braig acknowledged and thanked Boy Scout Troop 69 for attending the City Council meeting.

Council member Lynch requested staff devote time to investigating and improving options to prevent possible child abductions.

Council member Jones congratulated Ben Jacobson from the Telegraph Harold on his recent promotion

### **PUBLIC INPUT**

Allen Troupe 2003 Key Way Apt. 2, thanked the council for their decision to rezone the property at 2750 Balboa Drive for Mary's Inn.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 7:45 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 8:12 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:13 p.m.

/s/Trish L. Gleason, Assistant City Clerk

1t 4/15