

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 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; City Manager Van Milligen, 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

INTRODUCTION

1. International City/County Management Association Fellowship Exchange Program: City Manager welcomed and introduced ICMA Fellow Lieutenant Colonel Greg Ank of Fort Sam, Houston, Texas.

PROCLAMATION(S)

1. Community Days of Caring Weekend (April 24 & 25, 2015) was accepted by CDC Committee Members Lisa Bauer and Julie Kronlage;
2. Dubuque Yoga Festival Weekend (May 1-3, 2015) was accepted by Julia and Scott Theisen of Body and Soul Spa;
3. Laughter Day (May 4, 2015) was accepted by Patrick Sterenchuk of Laughter Yoga.

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: City Council Proceedings of 4/6, Civil Service Commission of 4/8, Human Rights Commission of 3/9, Library Board of Trustees Report of 4/1, Zoning Advisory Commission of 4/1, Zoning Board of Adjustment of 3/26, Proof of Publication for City Council Proceedings of March 12 & 16, Proof of Publication for List of Claims and Summary of Revenues for Month Ending 2/28. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Robert & Sally Boynton for vehicle damage, Betty Brennan for property damage, David & Margaret Ehlers for property damage, Thomas Gaul/JC Real Estate for property damage, Ernesto Gutierrez for vehicle damage, Karen

Harrington for property damage, Harold & Betty Welter 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: Betty Brenan for property damage, Robert & Sally Boynton for vehicle damage, Thomas Gaul/JC Real Estate for property damage, Ernesto Gutierrez for vehicle damage, Karen Harrington for property damage, Trigger Happy Tattoo for loss of revenue, Harold and Betty Welter for property damage. Upon motion the documents were received, filed and concurred.

4. Sustainable Dubuque Community Grant Recommendations: City Manager recommending funding of nine Sustainable Dubuque Community grant requests as submitted by Sustainable Dubuque Coordinator Cori Burbach and the Application Review Committee. Upon motion the documents were received, filed and approved.

5. Storybook Hill Children's Zoo Boosters - Renewal of Lease: City Manager recommending approval of a one-year lease that may be renewed by mutual agreement for four more one-year terms with Dubuque Children's Zoo Boosters, Inc., for approximately ten acres of Roosevelt Park on North Cascade Road to operate the Storybook Hill Children's Zoo. Upon motion the documents were received, filed and approved.

6. Five Flags Center - Fiscal Year 2016 Detailed Operating Budget: City Manager recommending approval of the Fiscal Year 2016 Five Flags Center proposed operating budget submitted by SMG. Upon motion the documents were received, filed and approved.

7. Lower Main Development, LLC Subordination Agreement: City Manager recommending approval of the execution of the Subordination Agreement with Lower Main Development, LLC for the mortgage on the property located at 137 Main Street. Upon motion the documents were received, filed and approved.

8. Linseed Oil Paintworks Building Project - Contract Amendment No. 7: City Manager recommending approval of an amendment to the CDBG Contract extending the completion deadline to December 31, 2015 for the Linseed Oil Paintworks Building project. Upon motion the documents were received and filed and Resolution No. 121-15 Authorizing the execution of an Amendment to the Community Development Block Grant (CDBG) Housing Disaster Recovery Fund Contract between the Iowa Economic Development Authority and the City of Dubuque for the Linseed Oil Paintworks Company Building Extending the contract completion deadline was adopted.

9. Pier Pressure Marine IA, Inc. - Collateral Assignment: City Manager recommending approval of the Collateral Assignment of Lease Agreement among Pier Pressure Marine IA, Inc., Lessee (Borrower), City of Dubuque, Iowa, Lessor, and East

Dubuque Savings Bank, Lender. Upon motion the documents were received, filed and approved.

10. Arts and Culture Master Plan - Consultant Agreement: City Manager recommending approval of a contract between the City of Dubuque and Lord Cultural Resources to develop an Arts and Culture Master Plan. Upon motion the documents were received, filed and approved.

11. Dubuque Industrial Center Economic Development District - Agricultural Land Area Agreement: City Manager recommending approval of an agreement between the City and a property owner, Doris A. Graf, for the inclusion of her agricultural property in the proposed expansion of the Dubuque Industrial Center Economic Development District. Upon motion the documents were received and filed and Resolution No. 122-15 Approving an agreement to include certain agricultural land in an amended Urban Renewal Plan for Dubuque Industrial Center Economic Development District was adopted.

12. Amendment to Collective Bargaining Agreement - Teamsters Local No. 120: City Manager recommending an Amendment to the Collective Bargaining Agreement with the Teamsters Union Local 120 to provide for a work week that consists of ten hours per day and four days per week for the Maintenanceworker, Airfield Maintenanceworkers and Mechanic assigned to the Airport Department. Upon motion the documents were received, filed and approved.

13. U.S. Army Corps of Engineers Correspondence: The City Manager transmitting the City of Dubuque's comments to Rock Island District's letter inviting comments regarding possible future changes to Public Law 84-99 Rule Making. Upon motion the document was received and filed.

14. Acquisition Plat - John F. Kennedy Road and West 32nd Street Right-of-Way: City Manager recommending acceptance of additional right-of-way at the intersection of JFK Road and West 32nd Street for certain intersection improvements required by agreement with Kivlahan Farms, LLC. Upon motion the documents were received and filed and Resolution No. 123-15 Approving the Acquisition Plat of Lots A and B of Block 2 of Arbor Estates in the City of Dubuque, Iowa, was adopted.

15. Iowa and Locust Streets Parking Ramps Repair Project Acceptance: City Manager recommending acceptance of the construction contract for the Iowa and Locust Streets Parking Ramps Repair Project, as completed by Western Waterproofing. Upon motion the documents were received and filed and Resolution No. 124-15 Accepting the Iowa and Locust Parking Ramp Repair Project and authorizing the payment of the contract amount to the contractor was adopted.

16. Arrowhead Drive Storm Sewer Project Acceptance: City Manager recommending that the completion and acceptance of the Arrowhead Drive Storm Sewer Project as completed by Top Grade Excavating be officially recorded in the minutes of the City

Council. Upon motion the documents were received and filed and Resolution No. 139-15 Authorizing the Arrowhead Drive Storm Sewer Project and authorizing the payment to the contractor was adopted.

17. 2015 Access Ramp Installation Project One Award: City Manager recommending that the award for the 2015 Access Ramp Installation Project – Project One to Midwest Concrete, Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

18. Urban Deer Management Plan 2015-2016: City Manager recommending approval of the 2015-2016 City of Dubuque Urban Deer Management Plan as approved by the Environmental Stewardship Commission at their April 7, 2015 meeting. Upon motion the documents were received, filed and approved.

19. Dubuque Metropolitan Area Solid Waste Agency: Correspondence from the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) advising the City of the Agency's Fiscal Year 2016 budget and fee schedule. Upon motion the documents were received and filed.

20. Dubuque Circles® Initiative Contract with Circles® USA: City Manager recommending authorization for the Mayor to sign the contract with Circles® USA for consulting services for the Dubuque Circles® chapter. Upon motion the documents were received, filed and approved.

21. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City of programming changes effective on or about June 1, 2015. Upon motion the document was received and filed.

22. Improvement Contracts / Performance, Payment and Maintenance Bonds: Iowa Erosion Control, Inc. for the 2015 Asbury Road Pavement Rehabilitation Project; Mueller, Inc. for the Fire Station 2 Restroom Remodel; Drew Cook & Sons Excavating Co., Inc. for the SRF Green Alley Project Bid Set 6 - Year 1; Portzen Construction, Inc. for the SRF Green Alley Project Bid Set 3 - Year 2. Upon motion the documents were received, filed and approved.

23. Tobacco Compliance – Civil Penalty for Tobacco License Holder – The Great Vape: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for The Great Vape, 3250 Central Avenue. Upon motion the documents were received, filed and approved.

24. Alcohol Compliance Civil Penalty for Alcohol License Holder – Pizza Hut: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Pizza Hut #4691, 320 East 20th Street. Upon motion the documents were received, filed and approved.

25. 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. 125-15 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. 126-15 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. SRF Green Alley Project Bid Set 1 - Year 3: City Manager recommending initiation of the public bidding process for the SRF Green Alley Project Bid Set 1 - Year 3 Project, and further recommends that a public hearing be set for May 18, 2015. Upon motion the documents were received and filed and Resolution No. 127-15 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. 128-15 Approving the Plats, Schedule of Assessments and estimate of total cost for the SRF Green Alley Bid Set 1 - Year 3 Project; Resolution No. 129-15 Resolution of Necessity for the SRF Green Alley Bid Set 1 - Year 3 Project; and Resolution No. 130-15 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 May 18, 2015 in the Historic Federal Building.

2. Trinity Affordable Housing Corporation's Purchase of Sheridan Village Apartments: City Manager recommending that a public hearing be set for May 18, 2015 to approve the issuance of tax-exempt bonds related to Trinity Affordable Housing Corporation's proposed purchase of Sheridan Village Apartments. Upon motion the documents were received and filed setting a public hearing for a meeting to commence at 6:30 p.m. on May 18, 2015 in the Historic Federal Building.

3. Industrial Center Urban Renewal - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity that finds that an Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District is both necessary and appropriate and sets a public hearing on the proposed amendment for June 1, 2015. Upon motion the documents were received and filed and Resolution No. 131-15 Resolution of Necessity finding that certain areas adjacent to the established Dubuque Industrial Center Economic Development District meet the definition of an Economic Development Area under the Urban Renewal Law, that development of said Area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting dates of hearing and consultation on a proposed amendment to the Amended and Restated Urban Renewal Plan for said District was

adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 1, 2015 in the Historic Federal Building.

4. Utility Extension to the Dubuque Regional Airport: City Manager recommending initiation of the public bidding process for the Utility Extension to the Dubuque Regional Airport, and further recommends that a public hearing be set for May 4, 2015. Upon motion the documents were received and filed and Resolution No. 132-15 Preliminary approval of plans, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specifications, form of contract, and estimated costs; and ordering the advertisement for bids 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.

5. Tax-Exempt General Obligation Bonds Series 2015: City Manager recommending that a public hearing be set for May 4, 2015, on the proposition of selling not to exceed \$3,000,000 in Tax-Exempt General Obligation Bonds, the proceeds of which will be used to pay the costs of the settlement of the franchise fee litigation. Upon motion the documents were received and filed and Resolution No. 133-15 Fixing date for a meeting on the proposition of the issuance of not to exceed \$3,000,000 General Obligation Bonds of the City of Dubuque, State of Iowa (Essential Corporate Purpose), and providing for publication of notice thereof 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.

6. Sales Tax Increment Revenue Bonds (Flood Mitigation Program): City Manager recommending that a public hearing be set for May 4, 2015, on the proposition of selling not to exceed \$24,500,000 in Sales Tax Increment Revenue Bonds (Flood Mitigation Program), the proceeds of which will be used to pay costs of the Bee Branch Watershed Flood Mitigation Project. Upon motion the documents were received and filed and Resolution No. 134-15 Fixing date for a meeting on the proposition of the issuance of not to exceed \$24,500,000 Sales Tax Increment Revenue Bonds of Dubuque, Iowa, and providing for publication of notice thereof 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

1. Appointment to the Electrical Code Board: One 3-Year term through May 21, 2017 (Vacant term of Pfohl). Applicants: Zach Dowell, 2055 Winne Ct. (Qualifies as Journeyman/Maintenance); and Andy Palmer, 1865 Rosemont St. (Additional Applicant - Qualifies as Journeyman/Maintenance). Upon roll-call vote of 5-2 (Resnick and Connors voting for Dowell), Andy Palmer was appointed to a 3-year term through May 21, 2017. Council Member Jones reiterated that applicants to City boards and commissions are strongly encouraged to attend the Council meeting on which the application appears to speak to the appointment.

PUBLIC HEARINGS

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

1. Request to Rezone - 1072 Locust Street: Proof of publication on notice of public hearing to approve a request by Ted Stackis to rezone property located at 1072 Locust Street from OR Office Residential to OC Office Commercial District and the Zoning Advisory Commission recommending approval. 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 Lynch. Planning Services Manager Laura Carstens provided a staff report. Elizabeth Shade, 647 Chestnut Street, spoke in support of the rezoning on behalf of the owner stating that she is planning to move her business, Indulgence Salon and Spa, to that location. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 25-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code by reclassifying hereinafter described property located at 1072 Locust Street from OR Office Residential District to OC Office Commercial District. Seconded by Lynch. Motion carried 7-0.

2. Upper Bee Branch Creek Channel, Streets and Utilities Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Upper Bee Branch Creek – Channel, Street and Utilities Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 135-15 Approval of plans, specifications, form of contract, and estimated cost for the Upper Bee Branch Creek - Channel, Streets & Utilities Project. Seconded by Connors. Motion carried 7-0. Civil Engineer Deron Muehring and Communications Specialist Kristin Hill gave a presentation on the history, construction phases, amenities, funding and public communication efforts surrounding the project.

3. Upper Bee Branch Creek Structures Project: Proof of publication on notice of public hearing to consider approval of the plans, specification, form of contract and estimated cost for the Upper Bee Branch Creek – Structures Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 136-15 Approval of plans, specifications, form of contract, and estimated cost for the Upper Bee Branch Creek - Structures Project. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

1. SRF Green Alley Project Bid Set 7 - Year 1 Award: City Manager recommending award of the construction contract for the SRF Green Alley Project Bid Set 7- Year 1 to the low bidder McDermott Excavating. Motion by Connors to receive and file the

documents and adopt Resolution No. 137-15 Awarding public improvement contract for the SRF Green Alley Bid Set 7 - Year 1 Project. Seconded by Jones. Motion carried 7-0.

2. Iowa Flood Mitigation Program Amendment No. 1: City Manager recommending adoption of a resolution authorizing an amendment to the Bee Branch Watershed Flood Mitigation Project, State Flood Mitigation Board Funding Agreement. Motion by Connors to receive and file the documents and adopt Resolution No. 138-15 Authorizing the execution of an amendment to the agreement with the State of Iowa Flood Mitigation Board which authorizes the City's use of Sales Tax Increment Funding for the Bee Branch Watershed Flood Mitigation Project. Seconded by Lynch. Motion carried 7-0.

3. Code of Ordinances Amendment Title 10 – Parks: City Manager recommending approval an amendment to City of Dubuque Code of Ordinances 10-5B-4A removing the word "unleashed" related to prohibiting animals in parks. 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. 26-15 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations, Section 10-5B-4 Dogs, Cats and Other Domestic Animals by correcting the Title to Subsection A. Seconded by Connors. Motion carried 7-0.

4. Code of Ordinances Amendment Title 9 - School Buses Discharging Pupils: City Manager recommending approval of an amendment to City of Dubuque Code of Ordinances Title 9, Chapter 11 School Buses Discharging Pupils to mirror the Iowa Code. 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 Lynch. Motion carried 7-0. Responding to questions from the City Council, Assistant City Attorney Maureen Quann provided an explanation of the amendment regarding higher monetary offenses and multiple violations.

Motion by Connors for final consideration and passage of Ordinance No. 27-15 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 11 School Buses to Mirror the State Code. Seconded by Lynch. Motion carried 7-0.

5. Code of Ordinances Amendment Title 1 - General Penalty for Misdemeanor Violations: City Manager recommending approval to amend City of Dubuque Code of Ordinances Section 1-4-1, General Penalty, to eliminate imprisonment as a penalty for misdemeanor violations under City Code. 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. Responding to questions from the City Council, Assistant City Attorney Maureen Quann and Police Chief Mark Dalsing further explained the amendment regarding retaining the option of

jail time depending upon the severity of the crime and whether the violation is written under City Code or State Code.

Motion by Jones for final consideration and passage of Ordinance No. 28-15 Amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 4 General Penalty, Section 1-4-1 General Penalty by eliminating imprisonment as a penalty for misdemeanor violations. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Connors requested that the Chamber's audio system be reviewed as she has received comments that the proceedings cannot be heard in the back of the Chambers. Assistant City Manager Cindy Steinhauser stated that she will investigate and reminded Council that the volume is greatly affected by the speaker's voice projection and positioning at the microphone.

ADJOURNMENT

There being no further business, upon motion the City Council adjourned at 8:19 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 4/29