

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

The Dubuque City Council met in regular session at 6:30 p.m. on July 20, 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)

Dubuque County Fair Week (July 28-August 2, 2015) was accepted by the Fair's General Manager Jamie Blum.

Americans with Disabilities Act (ADA) 25th Anniversary (July 26, 2015) was accepted by Dubuque Center for Independent Living Board Chair R.R.S. Stewart and Iowa Democratic Party Disability Constituency Caucus Chair Judy Schmidt.

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 Items 18-22 be held for separate discussion. Motion carried 7-0

Motion by Connors to receive and file and approve Items 18-22. Seconded by Resnick. Housing and Community Development Director Alvin Nash provided an explanation of the revisions made to the documents. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of 7/6; Civil Service Commission of 6/14; Human Rights Commission of 6/2, 6/8; Library Board of Trustees of 5/28; Library Board of Trustee Update of 7/1; Park and Recreation Advisory Commission of 6/9; Zoning Advisory Commission of 7/1; Zoning Board of Adjustment of 6/25; Proof of Publication for City Council Proceedings of 6/15; Proof of Publication for List of Claims and Summary of Revenues for Month Ended 5/31. Upon motion the documents were received, filed and approved.

2. Notice of Claims and Suits: Linda Schoenberger for property damage; City of Dubuque vs. Jerryl Gesie et al.; City of Dubuque vs. Jesse Rans et al.; City of Dubuque vs. Blake and Linda Schellenberg et al. 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: Elaine Evers for vehicle damage; Tim Mueller for monetary loss; Linda Schoenberger for property damage. Upon motion the documents were received, filed and concurred.

4. Sustainable Dubuque Community Grant Recommendations: City Manager recommending approval of five grant requests from the Sustainable Dubuque Community Grant program. Upon motion the documents were received, filed and approved.

5. Request for Proposal - Bee Branch Flood Control Pumping Station Gates and Primary Electric Service Replacement Project: City Manager recommending approval to proceed with the issuing of a Request for Proposals for design and engineering services for the Bee Branch Flood Control Pumping Station Gates and Primary Electric Service Replacement Project. Upon motion the documents were received, filed and approved.

6. ITC Midwest Easement Agreement: City Manager recommending approval of two Easement Agreements for Public Sidewalk with ITC Midwest. Upon motion the documents were received, filed and approved.

7. Operating Engineers Collective Bargaining Agreement Amendment: City Manager recommending approval of an Amendment to the Collective Bargaining Agreement with the International Union of Operating Engineers, Local #234 to provide for a work week that consists of ten hours per day and four days per week for full-time Public Safety Dispatchers. Upon motion the documents were received, filed and approved.

8. ISO Public Protection Classification: Correspondence from the Insurance Service Office (ISO) providing results of their recent Public Protection Classification survey that provides an analysis and classification of the structural fire suppression delivery system for Dubuque. Upon motion the documents were received and filed.

9. Limited Term Engineering Technician Position: City Manager recommending approval to create one limited term (duration two years) Engineering Technician position in the Engineering Department. Upon motion the documents were received, filed and approved.

10. Ainley Kennels & Fabrication, Inc. et al. v. City of Dubuque: City Attorney transmitting the Court's ruling regarding the lawsuit brought by 18 manufacturing plaintiffs seeking rebates of natural gas franchise fees. Upon motion the documents were received and filed.

11. Pre-Annexation Agreement - Gronen/Mulgrew: City Manager recommending approval of a Pre-Annexation Agreement with Mary (Mulgrew) Gronen and the Robert J. Mulgrew Marital Trust for approximately 30.5 acres located along White Top Road near

the entrance to Swiss Valley Park in Dubuque County. Upon motion the documents were received and filed and Resolution No. 245-15 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Mary (Mulgrew) Gronen and American Trust And Savings Bank, Trustees of the Robert J. Mulgrew Marital Trust under Article VI of the Last Will and Testament of Robert J. Mulgrew and the Mary Lou Mulgrew Revocable Trust dated January 22, 2008 was adopted.

12. 2015 Pavement Marking Project Award: City Manager recommending that the award for the 2015 Pavement Marking Project to Selco, Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

13. 610 Wilbur Street Deconstruction Project Recording Award Memo: City Manager recommending that the award for the deconstruction of 610 Wilbur Street Project to D.F. Excavating, LLC be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a matter of record.

14. Family Self-Sufficiency Grant Application: City Manager recommending approval to submit a grant application to fund the three existing Family Self-Sufficiency Coordinator positions. Upon motion the documents were received and filed and Resolution No. 246-15 Authorizing the Mayor to execute an application for the HUD Family Self-Sufficiency Program Grant and authorizing the Director of Housing and Community Development and the City Manager to approve the application was adopted.

15. Schedule of Assessments - Garbage/Junk/Weeds, Start 2015: City Manager recommending the levy of special assessments for the Weed/Junk/Garbage Enforcement Programs for properties inspected from November 1, 2014 to June 30, 2015. Upon motion the documents were received and filed and Resolution No. 247-15 Adopting the Schedule of Assessments for 2015 and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

16. CDBG Grant Agreement - Four Mounds HEART Program: City Manager recommending approval of the Community Development Block Grant (CDBG) Grant Agreement with Four Mounds HEART Program. Upon motion the documents were received, filed and approved.

17. Contracted Services Grant Agreement - Hills and Dales Senior Center Lifetime Program: City Manager recommending approval of a revised Contracted Service Agreement with Hills and Dales Senior Center Lifetime Program. Upon motion the documents were received, filed and approved.

18. Purchase of Services Grant Agreement - Opening Doors: City Manager recommending approval of a revised Purchase of Services Grant Agreement with Opening Doors. Upon motion the documents were received, filed and approved.

19. Purchase of Services Grant Agreement- Project Concern Information and Referral: City Manager recommending approval of a revised Purchase of Services Agreement with Project Concern to assist Project Concern's 211 Center. Upon motion the documents were received, filed and approved.

20. Purchase of Services Agreement - Almost Homes at St. John's: City Manager recommending approval of a revised Purchase of Services Grant Agreement with Almost Home at St. John's. Upon motion the documents were received, filed and approved.

21. Purchase of Services Grant - St. Mark Youth Enrichment: City Manager recommending approval of a revised Purchase of Services Grant Agreement with St. Mark's Youth Enrichment. Upon motion the documents were received, filed and approved.

22. Purchase of Services Agreement - Dubuque YMCA/YWCA: City Manager recommending approval of a revised Purchase of Services Grant Agreement with the Dubuque Community YMCA/YWCA Victim Services Shelter. Upon motion the documents were received, filed and approved.

23. Dubuque Furniture & Flooring Selective Demolition & Restoration Project Acceptance: City Manager recommending acceptance of the construction contract for the Dubuque Furniture & Flooring Selective Demolition & Restoration Project as completed by Epic Construction. Upon motion the documents were received and filed and Resolution No. 248-15 Accepting the Dubuque Furniture & Flooring Selective Demolition & Restoration Project and authorizing the payment to the contractor was adopted.

24. Acceptance of EPA Environmental Education Grant: City Manager recommending approval to partner with the University of Iowa to accept the Environmental Protection Agency Environmental Education grant and to enter into an agreement to act as a subgrantee of the University of Iowa. Upon motion the documents were received, filed and approved.

25. Brownfields Assessment Cooperative Agreement Amendment – ECIA: City Manager recommending approval of an amended contract for services from East Central Intergovernmental Association regarding the 2013 EPA Brownfields Assessment Grant. Upon motion the documents were received and filed and Resolution No. 249-15 Authorizing approval of an Amended and Restated Contract between the City of Dubuque, Iowa and East Central Intergovernmental Association for grant administration for the 2013 Environmental Protection Agency Brownfields Assessment Cooperative Agreement was adopted.

26. Brownfields Area-Wide Planning Grant Contract – ECIA: City Manager recommending approval of a contract with East Central Intergovernmental Association

(ECIA) to provide administrative services in relation to the EPA Brownfields Area-Wide Planning Grant. Upon motion the documents were received and filed and Resolution No. 250-15 Approving an agreement between the City of Dubuque, Iowa and East Central Intergovernmental Association for grant administration for the 2015 Environmental Protection Agency Area Wide Planning Grant was adopted.

27. Alcohol Compliance Civil Penalty for Alcohol License Holder – Eagle Country Market: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Eagle Country Market, 1800 Elm Street. Upon motion the documents were received, filed and approved.

28. Alcohol Compliance Civil Penalty for Alcohol License Holder – Fife's: City Manager recommending approval of the Acknowledgement/Settlement Agreement for an alcohol compliance violation for Fife's, 1113 Main Street. Upon motion the documents were received, filed and approved.

29. 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. 251-15 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. NW Arterial Hike/Bike Trail Phases 4 & 5: City Manager recommending initiation of the public bidding procedure for the Iowa 32 Hike-Bike Trail-Phase 4 & 5 Project, and further recommends that a public hearing be set for August 3, 2015. Upon motion the documents were received and filed and Resolution No. 252-15 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 August 3, 2015 in the Historic Federal Building.

2. Federal Building Lease with Iowa State University: City Manager recommending that a public hearing be set for August 3, 2015, on Lease Agreement between the City of Dubuque and the Iowa State University in the Historic Federal Building. Upon motion the documents were received and filed and Resolution No. 253-15 Resolution of Intent to dispose of an interest in real property owned by the City of Dubuque, Iowa by lease between the City and Iowa State University of Science and Technology was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 3, 2015 in the Historic Federal Building.

3. Dubuque Industrial Center Economic Development District - Urban Renewal plan Amendment: City Manager recommending approval of a Resolution of Necessity that begins the process of amending the Urban Renewal Plan for the Dubuque Industrial Center Economic Development District and set a public hearing on the proposed amendment for September 8, 2015. Upon motion the documents were received and filed and Resolution No. 254-15 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 September 8, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments were made to the following Boards/Commissions.

1. Building Code Board of Appeals: One, 3-year term through August 1, 2018 (expired term of Luchsinger). Applicant: Richard Luchsinger, 2875 Brueck Rd. Motion by Braig to appoint Richard Luchsinger to a 3-year term through August 1, 2018. Seconded by Resnick. Motion carried 7-0.

2. Housing Commission: One, 3-year term through August 1, 2018 (expired term of McDonell). Applicant: Robert McDonell, 4050 Peru Rd. Motion by Connors to appoint Robert McDonell to a 3-year term through August 1, 2018. Seconded by Lynch. Motion carried 7-0.

3. Housing Trust Fund Advisory Committee: One, 3-year term through August 1, 2018 (expired term of Hingtgen). Applicant: Doris Hingtgen, 309 Hill St. Motion by Braig to appoint Doris Hingtgen to a 3-year term through August 1, 2018. Seconded by Resnick. Motion carried 7-0.

4. Library Board of Trustees: One, 4-Year term through July 1, 2019 (Vacant term of Boice). Applicant: Pat Maddux, 1685 Fox Dr. Upon Council concurrence, Mayor Buol appointed Pat Maddux to a 4-year term through July 1, 2019.

5. Transit Advisory Board: One, 3-year term through July 3, 2018 (expired term of Esser). Applicant: Matt Esser, 90 Main St. Apt 308. Motion by Lynch to appoint Matt Esser to a 3-year term through July 3, 2018. Seconded by Connors. 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. Rezoning Request - 1500 Block of White Street (101 E. 15th Street): Proof of publication on notice of public hearing to consider a request by Gronen Restoration to rezone the 1500 Block of White Street from R-2A Alternate Two-Family Residential District to OC Office Commercial District 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 Lynch. Planning Services Manager Laura Carstens provided a staff report. Developer John Gronen, 1766 Plymouth Ct., provided a description of the project and addressed parking solutions and ADA compliance. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 44-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 101 E. 15th Street from R-2A Alternate Two-Family Residential District to OC Office Commercial District. Seconded by Lynch. Motion carried 7-0.

2. Request to Rezone - 460/464 West Locust Street: Proof of publication on notice of public hearing to consider a request by Louis Mihalakis/ACE Construction, to rezone property located at 460-464 West Locust Street from C-1 Neighborhood Commercial District to C-3 General Commercial District and the Zoning Advisory Commission recommending denial. Motion by Braig to receive and file the documents and concur with the denial. Seconded by Jones. Developer Louis Mihalakis, 1212 Miller Rd., spoke in favor of the request and described plans for use of the buildings. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

3. Text Amendment - Residential Freestanding Solar Arrays (1st Reading): Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend the Unified Development Code to establish procedures for the review of new freestanding solar arrays 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 Jones. Motion failed 5-2 with Lynch and Sutton voting nay. Planning Services Manager Laura Carstens and Assistant Planner Kyle Kritz provided a staff report and responded to questions from the City Council regarding square footage, dimensions, exceptions and conditional use permit processes. Tim Mueller, 2901 Hillcrest Rd., spoke in opposition to the request and provided several slides of solar arrays citing restrictions in square footage, proportion, dimensions and energy needs. Bob Renne, 1950 Avalon Rd., spoke in opposition to solar arrays and cited information on health issues, environmental impacts and restricted development. Rita Cotrell, 918 Rhomborg, spoke in opposition to solar arrays citing related health issues and proximity to public parks.

Connors moved first reading of the proposed ordinance amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by Amending Articles 16-5-2-2 (R-1), 16-5-3-2 (R-2) 16-5-4.3 (R-2A), 16-5-5.3 (R-3) and 16-5-6.3 (R-4), 16-5-7.3 (OR) and 16-5-9.3 (OC) to establish maximum area and height requirements for

residential freestanding solar arrays. Seconded by Braig. Motion carried 5-2 with Lynch and Sutton voting nay.

4. Southwest Arterial / English Mill Road Reconstruction Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the SW Arterial / English Mill Road Reconstruction Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 255-15 Approval of plans, specifications, form of contract, and estimated cost for the Southwest Arterial - English Mill Road Reconstruction Project. Seconded by Braig. 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 2 - Year 3 Award: City Manager recommending award of the construction contract for the SRF Green Alley Project Bid Set 2 - Year 3 to the low bidder Drew Cook and Sons Excavating. Motion by Connors to receive and file the documents and adopt Resolution No. 256-15 Awarding public improvement contract for the SRF Green alley Bid Set 2 - Year 3 Project. Seconded by Jones. Motion carried 7-0.

2. 2015 Bridge Repairs and Maintenance Project Bid Rejection: City Manager recommending rejection of the single bid proposal received for the 2015 Bridge Repairs and Maintenance Project due to a lack of competitive bids and insufficient funding to proceed with the construction improvements as proposed. Motion by Lynch to receive and file the documents and adopt Resolution No. 257-15 Rejecting competitive bid proposal received for the 2015 Bridge Repairs and Maintenance Project. Seconded by Braig. Responding to questions from the City Council, City Engineer Gus Psihoyos stated that re-bidding the project in January 2016 might produce more favorable bids from multiple contractors currently unavailable with other projects and who would otherwise bid on a project of this scale. Motion carried 7-0.

3. Property Acquisition - McFadden Properties, LLP: City Manager recommending approval of the Offer to Buy Real Estate and Acceptance on behalf of McFadden Properties LLP. Motion by Jones to receive and file the documents and adopt Resolution No. 258-15 Approving an Offer to Buy and Acceptance for the acquisition of real estate owned by McFadden Properties, LLP in Dubuque County, Iowa. Seconded by Lynch. Motion carried 6-1 with Resnick voting nay.

4. 2016-2020 Consolidated Plan for Housing and Community Development: City Manager recommending adoption of the FY 2016-2020 Consolidated Plan, the FY 2016 Annual Action Plan and the Analysis of Impediment to Fair Housing. Motion by Braig to receive and file the documents and adopt Resolution No. 259-15 Adopting the FY 2016-2020 Consolidated Plan for Housing and Community Development; authorizing the Mayor to execute said Plan and all necessary certifications; designating the City

Manager as the authorized Chief Executive Officer for the Consolidated Plan; and directing that said Plan be submitted to the U.S. Department of Housing and Urban Development. Seconded by Connors. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 8 Human Rights Commission: City Manager recommending approval of an ordinance which creates a new Title 8, Chapter 2 which establishes the Human Rights Commission and provides for the powers, operation, membership and meetings. 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. 46-15 Amending City of Dubuque Code of Ordinances Title 8 Human Rights by repealing Chapter 2 Human Rights Commission and adopting a new Chapter 2 Human Rights Commission in lieu thereof Establishing the Human Rights Commission and Providing for the Powers, Operation, Membership, and Meetings. Seconded by Lynch. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 8:27 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 7/29