

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

The Dubuque City Council met in regular session at 6:30 p.m. on August 3, 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)

Health Center Week (August 9-15, 2015) was accepted by Dr. Daniel Branson, DDS, of the Crescent Community Health Center, 1789 Elm St.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Council Member Connors requested #4 (Teri Goodmann Named Women Woman Heroine of Dubuque by Girl Scouts of Eastern Iowa and Western Illinois) be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of 7/20; Civil Service Commission of 7/14 (2); Community Development Advisory Commission of 7/15; Investment Oversight Advisory Commission of 7/22; Library Board of Trustees of 7/1, 7/16; Park and Recreation Advisory Commission of 7/14; Sister City Relationships Advisory Commission of 7/15; Proof of publication for City Council Proceedings of 7/6; Proof of publication for List of Claims and Summary of Revenues for Month Ending 6/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Cindy Bartolotta for vehicle damage, Joseph Maloney for vehicle damage, William Pline for 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: Cindy Bartolotta for vehicle damage; William Pline for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Teri Goodmann Named Wonder Women - Heroines of Dubuque by Girl Scouts of Eastern Iowa and Western Illinois: Correspondence from the Girl Scouts of Eastern Iowa and Western Illinois honoring Assistant City Manager Teri Goodmann with the Wonder Women - Heroines of Dubuque Award. Motion by Connors to receive and file. Seconded by Jones. Connors congratulated Ms. Goodmann. Motion carried 7-0.

5. White House Climate Action Champion Technical Assistance Request: City Manager recommending approval of a technical assistance application with the Department of Energy as a White House Climate Action Champion. Upon motion the documents were received, filed and approved.

6. Community Development Block Grant (CDBG) FY16 Annual Action Plan Amendment 1: City Manager recommending approval of the Fiscal Year 2016 (Program Year 2015) Annual Action Plan-Amendment 1 for the Community Development Block Grant (CDBG) Program. Upon motion the documents were received and filed and Resolution No. 260-15 Approving Fiscal Year 2016 (Program Year 2015) Annual Action Plan Amendment 1 for Community Development Block Grant (CDBG) funds was adopted.

7. REAP Annual Plan Update and Grant Application for Fiscal Year 2016: City Manager recommending approval of the City of Dubuque's update of the Fiscal Year 2016 Dubuque County REAP Plan, as well as the resolution and the Fiscal Year 2016 REAP grant application for the Eagle Point Park Environmental Restoration Project. Upon motion the documents were received and filed and Resolution No. 261-15 Authorizing Reap Grant Application to Iowa Department of Natural Resources for Eagle Point Park Environmental Restoration Project was adopted.

8. University of Dubuque No Parking District: City Manager transmitting information related to the University of Dubuque No Parking District as it relates to residents on Bennett Street who contributed to the public input session at the July 6, 2015 City Council meeting. Upon motion the documents were received and filed.

9. Iowa Economic Development Authority Solar Ready Award: City Manager recommending approval of an extension of the Iowa Economic Development Authority Solar Ready award contract. Upon motion the documents were received, filed and approved.

10. Cedar Ridge Farm Place No. 7 Storm and Sanitary Sewer Improvements Acceptance: City Manager recommending acceptance of the public improvements that the developers, Nemmers Cedar Ridge Farm Limited Partnership, have recently completed in Cedar Ridge Farm Place No. 7. (Cedar Cross Rd./Cedar Crest Ct.) Upon motion the documents were received and filed and Resolution No. 262-15 Accepting public improvements in Cedar Ridge Farm Place No. 7 in the City of Dubuque, Iowa, was adopted.

11. City and ESI Employer Participation Agreement: City Manager recommending approval of an Employer Participation Agreement between the City of Dubuque and Express Scripts, Inc., for the period January 1, 2015 to December 31, 2015. Upon motion the documents were received, filed and approved.

12. Civil Service Commission: Civil Service Commission submitting the certified list for the position of Water Engineering Assistant. Upon motion the document was received, filed and made a Matter of Record.

13. City Assessors Office - Notification of Tax Appeals: Correspondence from City Assessor Rick Engelken advising the City of 10 property tax appeals from the Dubuque City Board of Review for 2015. Upon motion the documents were received and filed.

14. Quarterly Investment Report: City Manager transmitting the June 30, 2015 Quarterly Investment Report. Upon motion the documents were received and filed.

15. Mystique Casino Repairs, Sealcoat & Restripe Parking Lot Project: Dubuque Racing Association President and CEO Jesús Avilés requesting approval to complete the Mystique Casino Repairs, Sealcoat & Restripe Parking Lot Project using Depreciation and Improvement Funds. Upon motion the documents were received, filed and approved.

16. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Son's Excavating, Inc., for the Lowell St. Reconstruction Project; SELCO, Inc., for the 2015 Pavement Marking Project. Upon motion the documents were received, filed and approved.

17. Alcohol Compliance Civil Penalty for Alcohol License Holder – Diamond Jo Casino: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for the Diamond Jo Casino, 301 Bell Street. Upon motion the documents were received, filed and approved.

18. Alcohol License Renewals: City Manager recommending approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 263-15 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

1. Burlington Trailways Lease Agreement: City Manager recommending that a public hearing be set for August 17, 2015 to approve a lease agreement with Burlington Trailways at the Intermodal Transit Facility. Upon motion the documents were received and filed and Resolution No. 264-15 Setting a public hearing on the disposition of an interest in property owned by the City of Dubuque, Iowa by Lease Agreement to

Burlington Stage Lines, LTD, was adopted setting a public hearing to commence at 6:30 p.m. on August 17, 2015 in the Historic Federal Building.

2. Sale of Property - Weaver Castle, LLC / 396 W. Locust Street: City Manager recommending that a public hearing be set for August 17, 2015, on the sale of 396 W. Locust Street to Weaver Castle LLC. Upon motion the documents were received and filed and Resolution No. 265-15 Resolution of Intent to dispose of an interest in City of Dubuque real estate, setting a time and place for hearing and providing for the publication of notice thereof was adopted setting a public hearing to commence at 6:30 p.m. on August 17, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

Review of applications to the following Boards/Commissions. Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Cable Television Commission: One, 3-year term through July 1, 2017 (Vacant term of Stevens). Applicant: Mark Dolson, 54 Alpine St.

2. Long Range Planning Advisory Commission: One, 3-year term through July 1, 2017 (Vacant term of Beytien). Applicant: Mark Dolson, 54 Alpine St.

Mr. Dolson spoke in support of his appointment to either commission citing a preference for the Long Range Planning Commission.

PUBLIC HEARINGS

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

1. SRF Green Alley Project Bid Set 3 - Year 3: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated cost for the SRF Green alley Bid Set 3 - Year 3 Project and the City Manager recommending approval. Motion by Jones to receive and file Resolution No. 266-15 Approval of plans, specifications, form of contract, and estimated cost for the SRF Green alley Bid Set 3 - Year 3 Project; Resolution No. 267-15 Resolution with Respect to the Adoption of the Resolution of Necessity proposed for the SRF Green Alley Bid Set 3 - Year 3 Project; and Resolution No. 268-15 Approving the Schedule of Assessments and estimate of total cost for the SRF Green alley Bid Set 3 - Year 3 Project. Seconded by Lynch. Motion carried 7-0.

2. NW Arterial Hike/Bike Trail Phase 4 & 5: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the NW Arterial Hike/Bike Trail Phases 4 & 5 Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 269-15 Approval of plans, specifications, form of contract, and estimated costs for the Iowa 32 Hike/Bike Train - Phases 4 & 5 Project. Seconded by Lynch. City Manager Van Milligen reported after the fact that funding was approved

through the Capital Improvement Project budget process from the sales tax portion of the general fund. Motion carried 7-0.

3. Federal Building Lease with Iowa State University: Proof of Publication on notice of public hearing to consider a Lease Agreement between the City of Dubuque and the Iowa State University in the Historic Federal Building and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 270-15 Approving the disposal of an interest in real property owned by the City of Dubuque by lease between the City of Dubuque, Iowa and Iowa State University of Science and Technology. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

1. Southwest Arterial/English Mill Road Reconstruction Project Award: City Manager recommending award of the construction contract to the low bidder Taylor Construction, Inc., subject to Iowa Department of Transportation approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 271-15 Awarding public improvement contract for the Southwest Arterial Project English Mill Road Reconstruction - Grading, Bridge & Paving Project Iowa DOT Project No. HDP-2100 (657)--71-31. Seconded by Connors. Responding to questions from the City Council, Assistant City Engineer Bob Schiesl stated that the project is done according to state standards because of the use of federal funding; and that should the City ever annex the property, upgrading to City standards could be done with minimal throw-away costs. Motion carried 7-0.

2. Text Amendment - Residential Freestanding Solar Arrays (2nd Reading): 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. Planning Services Manager transmitting additional information. 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 Resnick. Planning Services Laura Carstens and Assistant Planner Kyle Kritz addressed questions from the City Council regarding consideration of the option of using a ratio between the lot and array sizes and the Zoning Board of Adjustment's appeal process that uses the criteria outlined in the Code of Ordinances. Motion failed 5-2 with Connors and Lynch voting nay.

Jones moved seconded reading of a 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 Resnick. Motion carried 6-1 with Lynch voting nay.

3. Code of Ordinances Amendment - Titles 14 & 16 Southwest Arterial Moratorium Extensions: City Manager recommending approval of four ordinances which extend the moratoriums for the construction, rezoning, subdivision review, and site plan approval in the Southwest Arterial Corridor and the East/West Corridor Study Areas for an additional 12 months. 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 Braig. 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 14 Building and Development, Chapter 2 Building Construction, Demolition and Moving, Section 14-2-4 Moratorium for Construction or Other Work on Certain Streets, Areas, or Facilities by Extending the Moratorium; Ordinance No. 47-15 Amending the City of Dubuque Code of Ordinances Title 16 Unified Development Code Chapter 13 Site Design Standards, Section 16-13-2 Applicability by Extending the Moratorium; Ordinance No. 48-15 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code Chapter 9 Zoning Advisory Commission Applications and Procedures, Section 16-9-5-3 City Council Action by Extending the Moratorium; and Ordinance No. 49-15 Amending Dubuque Code of Ordinances, Title 16 Unified Development Code, Chapter 11 Land Subdivision, Section 16-11-2 Applicability by Amending the Moratorium. Seconded by Braig. Motion carried 7-0.

4. Code of Ordinances Amendment - Title 12 Cable Television Commission: City Manager recommending approval of an ordinance creating a new Title 2, Chapter 11, which establishes the Cable Television 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. 50-15 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions by Repealing Chapter 11 Cable Television Commission and Adopting a New Chapter 11 Cable Television Commission in Lieu Thereof Establishing the Cable Television Commission and Providing for the Powers, Operation, Membership, and Meetings. Seconded by Connors. Motion carried 7-0.

5. Code of Ordinances Amendment - Title 2 Housing Trust Fund Advisory Committee: City Manager recommending approval of an amendment to the City of Dubuque Code of Ordinances regarding the Housing Trust Fund Advisory Committee. 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 Connors. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 51-15 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 5 Housing Agency and Community Development Commissions, Article D Trust

Fund Advisory Committee by Repealing Section 2- 5D-6 Committee Established; Membership; Functions and Adopting a New Section 2-5D-6 Housing Trust Fund Advisory Committee in Lieu Thereof Establishing the Trust Fund Advisory Committee and Providing for the Powers, Operation, Membership, and Meetings. Seconded by Connors. Motion carried 7-0.

6. Request for Work Session - Sustainable Dubuque: City Manager recommending that the City Council schedule the Sustainable Dubuque Quarterly Work Session for September 8, 2015 at 5:00 p.m. Motion by Connors to set the work session as recommended. Seconded by Lynch. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 7:12 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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