

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

The Dubuque City Council met in regular session at 6:30 p.m. on August 17, 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)

Welcome Back Students Weeks (August 17-28, 2015) was accepted by Jan Powers of Greater Dubuque Development Corp., 900 Jackson St.

Drive the Great River Road Month (September 2015) was accepted by John Goodmann, Chairperson of the Mississippi River Parkway Commission, 1306 Tomahawk 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 6/3; City Council Proceedings of 8/3; Civic Center Commission of 7/27; Library Board of Trustees of 7/23; Historic Preservation Commission of 7-16; Zoning Advisory Commission of 8/5; Zoning Board of Adjustments of 7/23; Proof of Publication for City Council Proceedings of 7/20; Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Claim by Applewood III (Horizon) for property damage; Claim by Brandy Breitsprecker for property damage; Claim by Trisha Federspiel for vehicle damage; Claim by Sheryl Helling for vehicle damage; Claim by Sisters of the Visitation 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: Applewood III for property damage; Brandy Breitsprecker for property damage; Trisha Federspiel for vehicle damage; Sheryl Helling for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Iowa Finance Authority (IFA) Grant - Matching Funds Request: City Manager recommending approval to commit funds from the North Cascade TIF FY 2016 receipts as a match to the Iowa Finance Authority (IFA) grant from the State Housing Trust Funds. Upon motion the documents were received and filed and Resolution No. 272-15 Approving

Commitment of Matching Funds for an Application to the Iowa Finance Authority (IFA) for State Housing Trust Funds was adopted.

5. Bard Materials - Grant of Temporary Construction Access Easement: City Manager recommending acceptance of a temporary construction access easement from Bard Materials to construct a sanitary sewer interceptor as part of the Bee Branch Creek Project Contract #7 Railroad Sewer Crossing Project in Lot 1-2 and Lot 2A Kerper Industrial Park. Upon motion the documents were received and filed and Resolution No. 273-15 Accepting a Temporary Construction Access Easement for Sanitary Sewer Interceptor Through, Over and Across Part of Lot 1-2 and Lot 2A Kerper Industrial Park, in the City of Dubuque, Iowa, was adopted.

6. City Assessor's Office Notification of Tax Appeals: Correspondence from City Assessor Rick Engelken that provides additional information to the notification of property tax appeals that appeared on the August 3, 2015 Agenda. Upon motion the documents were received and filed.

7. ITC Midwest Easement Agreement - 2849 White Street: City Manager recommending approval of an easement agreement with ITC Midwest for electric transmission line maintenance work at 2849 White Street. Upon motion the documents were received, filed and approved.

8. Trailhead Energy Contract: City Manager recommending approval of the execution of a contract with Trailhead Energy to complete work related to Dubuque's competition as one of 52 semi-finalists for the Georgetown University Energy Prize. Upon motion the documents were received, filed and approved.

9. U.S. Department of Housing and Urban Development Contract - Continuum of Care Special Needs Assistance Program: City Manager recommending approval of the execution of the contract with the U.S. Department of Housing and Urban Development for administration of the Continuum of Care Special Needs Assistance Program (formerly Shelter Plus Care). Upon motion the documents were received, filed and approved.

10. Reimbursement Resolution - Creek Wood Park: City Manager recommending approval of a reimbursement resolution to serve as "official intent" to reimburse the project expenditures for the Creek Wood Park Development Project, as required under the Federal Tax-Exempt Bond Regulation. Upon motion the documents were received and filed and Resolution No. 274-15 Declaring an Official Intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with the Creek Wood Park Project was adopted.

11. Final Plat - Schlosser Place: Zoning Advisory Commission recommending approval of the request subject to waiving the lot frontage requirement for Lot 3 and Lot Area for Lots 1 and 3. Upon motion the documents were received and filed and Resolution No. 275-15 Approving the Final Plat of Schlosser Place in the City of Dubuque, Iowa, was adopted.

12. Pre-Annexation Agreement - Thomas & Judith Priebe: City Manager recommending approval of a Pre-Annexation Agreement with Thomas J. and Judith J. Priebe, for property located at 14928 Old Highway Road. Upon motion the documents were received and filed

and Resolution No. 276-15 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa, and Thomas J. And Judith J. Priebe was adopted.

13. Pre-Annexation Agreement - Joseph & Enid Wysocki: City Manager recommending approval of a Pre-Annexation Agreement with Joseph A. and Enid E. Wysocki, for property located at 14946 Old Highway Road. Upon motion the documents were received and filed and Resolution No. 277-15 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa, and Joseph A. and Enid E. Wysocki was adopted.

14. Acceptance of Grant of Easement - M-M&M, LLC: City Manager recommending acceptance of a Grant of Sanitary Sewer Force Main Easement through, over and across property owned by Phil Mihilakis of M-M&M LLC at 468 East 12th Street. Upon motion the documents were received and filed and Resolution No. 278-15 Accepting a Grant of Easement for Sanitary Sewer Force Main Through, Over And Across Part of Lot 501 and the East 404' of Outlot 501, in the City of Dubuque, Iowa, was adopted.

15. Upper Bee Branch Creek Restoration Project - 429 Rhomberg Stabilization Project: City Manager recommending approval of a resolution to correct the retainage amount for the acceptance of the construction contract for the 429 Rhomberg Building Stabilization Project. Upon motion the documents were received and filed and Resolution No. 279-15 Rescinding Resolution 219-15 and Accepting the 429 Rhomberg Demolition and Building Stabilization Project and Authorizing the Payment to the Contractor was adopted.

16. Iowa Department of Transportation (IDOT) Traffic Safety Improvement Grant - Northwest Arterial and Pennsylvania Avenue Right Turn Lane Improvement: City Manager recommending approval of a resolution authorizing the filing of an application with the Iowa Department of Transportation for Traffic Safety Improvement Program funding for the Northwest Arterial and Pennsylvania Avenue right turn lane improvement. Upon motion the documents were received and filed and Resolution No. 280-15 Authorizing the Filing of a Grant Application With the Iowa Department of Transportation for Traffic Safety Improvements Funding for the City of Dubuque NW Arterial and Pennsylvania Avenue Right Turn Lane Improvement was adopted.

17. Childhood Lead Poisoning Prevention Programs Contracts: City Manager recommending approval of a contract with the Dubuque County Board of Health and the Iowa Department of Public Health for continued funding of the Childhood Lead Poisoning Prevention Program, a renewed agreement with the Visiting Nurse Association for services related to the Childhood Lead Poisoning Prevention Program and Health Homes Program, and an agreement with the Iowa Department of Public Health for data sharing. Upon motion the documents were received, filed and approved.

18. Halle Properties LLC – Grant of Sanitary Sewer, Sidewalk and Storm Sewer Easement: City Manager recommending acceptance of the Grant of Sanitary Sewer and Sidewalk Easement and Grant of Storm Sewer Easement from Halle Properties LLC for existing utilities across their property on John F. Kennedy Road (formerly the Long John Silver's restaurant site). Upon motion the documents were received and filed and Resolution No. 281-15A Accepting a Grant of Easement for Storm Sewer Over and Across Lot 2 of Lot 2 of Lot 2 of the W ½ of the NW ¼ of Section 27; and Lot 2 of Lot 1 of Lot 2 of the NE ¼ of the NE ¼ of Section 28, All in Township 89 North, Range 2 East of the 5th P.M., in the City of

Dubuque, Iowa; and Resolution No. 281-15B Accepting a Grant of Easement for sanitary sewer and sidewalk over and across Lot 2 of Lot 2 of Lot 2 of the W ½ of the NW ¼ of Section 27; and Lot 2 of Lot 1 of Lot 2 of the NE ¼ of the NE ¼ of Section 28, all in Township 89 North, Range 2 East of the 5th P.M., in the City of Dubuque, Iowa, were adopted.

19. Public, Educational, and Government (PEG) Capital Expenditure Request - Dubuque Community Schools District: City Manager recommending approval of the Cable TV Commission recommendation for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for Dubuque Community Schools for a variety of production equipment, including a camcorder, tripod, portable lighting system, microphones and a teleprompter system to be used to produce programming for its educational access channel. Upon motion the documents were received, filed and approved.

20. Grand River Center Digital Display Replacement: City Manager recommending replacement of 35 digital displays at the Grand River Center, subject to a future budget amendment. Upon motion the documents were received, filed and approved.

21. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Family Mart: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Family Mart, 3201 Central Avenue. Upon motion the documents were received, filed and approved.

22. Tobacco Compliance – Civil Penalty for Tobacco License Holder – Ron's Discount Smokes & Beverage Center #1: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Ron's Discount Smokes & Beverage Center #1, 3300 Asbury Road. Upon motion the documents were received, filed and approved.

23. Alcohol Compliance Civil Penalty for Alcohol License Holder – Family Mart: City Manager recommending approval of the Acknowledgment/Settlement Agreement of an alcohol compliance violation for Family Mart, 3201 Central Avenue. Upon motion the documents were received, filed and approved.

24. Alcohol Compliance Civil Penalty for Alcohol License Holder – Ron's Discount Smokes & Beverage Center #1: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Ron's Discount Smokes & Beverage Center #1, 3300 Asbury Road. Upon motion the documents were received, filed and approved.

25. Alcohol License Renewals: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 282-15 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 Resnick. Motion carried 7-0.

1. Upper Bee Branch Creek Restoration Project, Upper Bee Branch Creek Mississippi River Trail (MRT), Iowa DOT Project No. SB-IA-2100(675)--7T-31: City Manager recommending approval of the preliminary plans, specifications, form of contract for the Upper Bee Branch Creek Mississippi River Trail Project and setting September 8, 2015 as the date of public hearing. Upon motion the documents were received and filed and Resolution No. 283-15 Upper Bee Branch Creek Mississippi River Trail (MRT) Iowa DOT Project No. SB-IA-2100(675)—7T-31 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 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

Review of applications for the following Boards/Commission. Applicants were invited to address the City Council regarding their appointment.

1. Arts and Cultural Affairs Advisory Commission: One, 3-year term through June 30, 2018 (Vacant term of Henkels). Applicant: Matthew Gregory, 1560 Iowa St. Unit 3 (Qualifies for Business Professional in the cultural and entertainment district). Mr. Gregory spoke in support of his appointment.

2. Housing Trust Fund Advisory Committee: One, 3 year term through August 17, 2018 (Vacant term of Holz) Applicant: Jim Holz, 3010 Indiana Court.

3. Human Right Commission: One, 3-year term through January 1, 2016 (Vacant term of Lenhart). Applicants: Sarah Fisher, 3045 Kaufmann; R.R.S. Stewart, 460 Summit St. Ms. Fisher spoke in support of her appointment.

Appointments were made to the following Commissions.

4. Cable Television Commission: One 3-year term through July 1, 2017 (Vacant term of Stevens). One 3-year term through July 1, 2018 (Expired term of Hoverman). Applicants: Mark Dolson, 54 Alpine St.; Sr. Carol Hoverman, 1555 White St. Apt 1 (additional applicant). Upon roll-call vote (Braig, Lynch, Jones, Buol), Sr. Hoverman was appointed to the remainder of a 3-year term through July 1, 2017. Motion by Braig to appoint Mark Dolson to a 3-year term through July 1, 2018. Seconded by Resnick. Motion carried 7-0.

5. Long Range Planning Advisory Commission: One 3-year term through July 1, 2017 (Vacant term of Beytien). Applicant: Mark Dolson, 54 Alpine St. Motion by Braig to appoint Mark Dolson to the remainder of a 3-year term through July 1, 2017. 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. Burlington Trailways Lease Agreement: Proof of publication on notice of public hearing to approve a lease agreement with Burlington Trailways at the Intermodal Transit Facility and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 284-15 Disposing of an interest in real property by easement to Burlington Stage Lines, LTD. Seconded by Jones. Motion carried 7-0.

2. Rezoning Request - 900 Seippel Road: Proof of publication on notice of public hearing to consider a request by JLD Investments, LLC to modify the zoning condition applied to the property located at 900 Seippel Road regarding fencing and the City Manager 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 Resnick. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 52-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by Reclassifying Hereinafter Described Property Located at 900 Seippel Road from CSc Commercial Service and Wholesale District with Conditions to CSc Commercial Service and Wholesale District with Conditions as Established in the Attached Memorandum of Agreement. Seconded by Resnick. Motion carried 7-0.

3. Sale of Property - Weaver Castle, LLC / 396 W. Locust Street: Proof of publication on the sale of 396 W. Locust Street to Weaver Castle LLC and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 285-15 Attaching Single Family Residence Restrictive Covenant, Whether Owner Occupied or Single Family Rental, to 396 W. Locust Street, Dubuque, IA; and Resolution No. 286-15 Disposing of City Interest in Real Property Located at 396 W. Locust Street, in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

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

ACTION ITEMS

1. Arts and Culture Master Plan Update: Verbal Update from Arts and Culture Master Plan Consultants Brad King and Priya Sicar of Lord Cultural Resources. Motion by Connors to receive and file the information and listen to the report. Seconded by Jones. Motion carried 7-0. Arts and Cultural Affairs Coordinator Debra Alleyne introduced Brad King and Priya Sicar of Lord Cultural Resources who reported on Phase Two of the three-phase plan regarding public engagement and described the survey and workshops scheduled for arts partners, stakeholders, targeted groups and citizens and what types of media are being used to distribute the information and survey.

2. Text Amendment - Residential Freestanding Solar Arrays (3rd 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. Motion by Jones to consider the final reading and adoption of Ordinance No. 54-15 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 5-2 with Lynch and Connors voting nay.

3. Catfish Creek Watershed Management Plan: City Manager recommending adoption of the Catfish Creek Watershed Management Plan as a policy document to be considered when establishing and updating City regulations, policies and programs that reduce flood risk, improve water quality, and educate people about watershed stewardship. Motion by Connors to receive and file the documents and adopt Resolution No. 287-15 Adopting Catfish Creek Watershed Management Plan. Seconded by Jones. Motion carried 7-0.

4. State of Iowa Water Resource Restoration Sponsored Project Program Funding Agreement - Catfish Creek Watershed Authority Board: City Manager recommending authorization for the Mayor to execute the Agreement with the Catfish Creek Watershed Authority for the purpose of expending funds in State of Iowa Water Resource Restoration Sponsored Project program funding approved for improvements within the Catfish Creek Watershed in accordance with the Catfish Creek Watershed Management. Motion by Connors to receive and file the documents and adopt Resolution No. 288-15 Approving the Agreement between the Catfish Creek Watershed Authority and the City of Dubuque, Iowa, for SRF Water Resource Restoration Project. Seconded by Lynch. Motion carried 7-0.

5. Skate Park Evaluation and Conceptual Design Consultant Selection: City Manager recommending approval of the selection of Pillar Design Studios as the consultant for the Skate Park Evaluation and Conceptual Design Project. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

6. SRF Green Alley Project Bid Set 3 - Year 3 Award: City Manager recommending award of the construction contract to the low bidder Portzen Construction, Inc. Motion by Braig to receive and file the documents and adopt Resolution No. 289-15 Awarding Public Improvement Contract for the SRF Green Alley Bid Set 3 – Year 3 Project. Seconded by Connors. Motion carried 7-0.

7. Iowa 32 Hike-Bike Trail Phase 4 and 5 Project Award: City Manager recommending the award of the construction contract to the low bidder, Drew Cook & Sons Excavating Co., Inc. Motion by Lynch to receive and file the documents and adopt Resolution No. 290-15 Awarding Public Improvement Contract for the Iowa 32 Hike-Bike Trail - Phase 4 & 5 Project. Seconded by Jones. Motion carried 7-0.

8. Bee Branch Creek Restoration Project Property Acquisition - 2450 Washington St and 2442 - 2446 Washington St.: City Manager recommending acquisition of 2450 Washington Street and 2442 - 2446 Washington Street for the Bee Branch Creek Restoration Project and for expansion of Comiskey Park. Motion by Connors to receive and file the documents and adopt Resolution No. 291-15 Approving the Acquisition of Real Estate Owned by Patricia S. Chamberlain, in the City of Dubuque. Seconded by Jones. Motion carried 7-0.

9. Code of Ordinances Amendment - Title 16 Zoning Board of Adjustment: City Manager recommending approval of an ordinance which adds a new Section 16-8-1 which establishes the Zoning Board of Adjustment 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 Connors. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 53-15 Amending City of Dubuque Code of Ordinances Title 16 Unified Development Code, Chapter 8 Zoning Board of Adjustment Applications by Repealing Section 16-8-1 Zoning Board of Adjustment and Adopting a New Section 16-8-1 Zoning Board of Adjustment in Lieu Thereof Establishing the Zoning Board of Adjustment, Providing for the Powers, Operation, Membership, and Meetings. Seconded by Connors. Motion carried 7-0.

10. Public, Educational, and Government (PEG) Capital Expenditure Request - City of Dubuque: City Manager recommending approval of the Cable TV Commission recommendation for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for the City of Dubuque to purchase a drone to capture aerial video and still images of City projects and initiatives. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

11. Request for Work Session - Inclusive Dubuque: City Manager requesting that the City Council schedule the Quarterly Inclusive Dubuque Work Session for November 2, 2015 at 5:00 p.m. Motion by Jones to schedule the work session as recommended. Seconded by Connors. Motion carried 7-0.

12. Request to Schedule Tour of Intermodal Transit Facility and Reschedule Quarterly Sustainable Dubuque Work Session: City Manager requesting that the City Council reschedule the Quarterly Sustainable Dubuque work session to Monday, October 5, at 5:00 p.m. City Manager further requests Council approval to schedule a 30-minute walking tour of the Intermodal Facility on Tuesday, September 8, at 5:30 p.m. (the original date scheduled for the Quarterly Sustainable Dubuque Work Session). Motion by Connors to receive and file the documents and schedule the works sessions as recommended. Seconded by Lynch. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 7:51 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 8/26