

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 21, 2015 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Pro-Tem Sutton; Council Members Braig Connors, Jones, Lynch, Resnick; Assistant City Manager Steinhauser, City Attorney Lindahl

Absent: Mayor Roy D. Buol, City Manager Michael Van Milligen

Mayor Pro-Tem Sutton 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)

Crop Walk Day (October 4, 2015) was accepted by Crop Walk Committee Chairperson Maryann LoGuidice, 1205 Park St.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Motion carried 6-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 8/25; Library Board of Trustees of 8/27; Zoning Advisory Commission of 9/2. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Rick Heston for property damage; Ken Lang for vehicle damage; Stave Rutz for vehicle damage; Aaron Strong 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: Joan Heston for property damage; Ken Lang for vehicle damage; Steve Rutz for vehicle damage; Aaron Strong for vehicle damage. Upon motion the documents were received, filed and concurred.

4. Assistance to Firefighter's Grant Award and Acceptance: City Manager recommending approval of the acceptance of the Assistance to Firefighter's Grant award for replacement of the exercise equipment in all fire stations. Upon motion the documents were received, filed and approved.

5. Upper Mississippi River - A Vital Resource for Regional Economic Prosperity: City Manager submitting the handout entitled Upper Mississippi River, A Vital Resource for

Regional Economic Prosperity. Upon motion the documents were received, filed and made a Matter of Record.

6. Delta Dental Voluntary Dental Plan: City manager recommending approval of the Delta Dental renewal rates for the plan year January 1, 2016, through December 31, 2016. Upon motion the documents were received, filed and approved.

7. Hillcrest Family Services Agreement: City Manager recommending approval of an agreement with Hillcrest Family Services to use Murphy Park for Reflections in the Park (October 30, 2015-January 10, 2016). Upon motion the documents were received, filed and approved.

8. FY 2015 Consolidated Annual Performance Evaluation Report (CAPER): City Manager recommending approval of a resolution authoring submission to HUD of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period of July 1, 2014 through June 30, 2015. Upon motion the documents were received and filed and Resolution No. 316-15 Authorizing the Submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the Period Commencing July 1, 2014 and Concluding June 30, 2015 was adopted.

9. Iowa Department of Inspections and Appeals Contract: City Manager recommending approval of the Iowa Department of Inspections and Appeals renewal agreement with the City of Dubuque for performance of food and hotel licensing, inspections and enforcement with respect to retail food establishments. Upon motion the documents were received, filed and approved.

10. Tristate Occupational Health Agreement Amendment: City Manager recommending approval of an Amendment to the Agreement between Tri-State Occupational Health, LLC for case management services for workers compensation claims and police and fire job-related injuries and illnesses. Upon motion the documents were received, filed and approved.

11. America's River Corporation Contracted Services Agreement Amendment: City Manager recommending execution of a contract with America's River Corporation for Fiscal Year 2016. Upon motion the documents were received, filed and approved.

12. Restrictive Covenant - 767 University Avenue: City Manager recommending approval of a resolution attaching a Restrictive Covenant to 767 University Avenue that requires the property be owner-occupied for 21 years. Upon motion the documents were received and filed and Resolution No. 317-15 Attaching Single Family Residence Restrictive Covenant, to 767 University Avenue, Dubuque, Iowa was adopted.

13. Request for Proposal - 30- and 42-Inch Force Main Inspection Project: City Manager recommending approval to issue a Request for Proposals to seek consultants and/or firms to work alongside the City and coordinate the inspection, emergency response planning and needs assessment for current and future design changes to the City's 30- and 42-inch sanitary sewer force mains located between Cedar Street Lift Station and the Water & Resource Recovery Center. Upon motion the documents were received, filed and approved.

14. Acceptance of Grant of Permanent Easement for Storm Sewer - 2595 Fulton Street: City Manager recommending acceptance of a Grant of Permanent Easement for Storm Sewer from Andrea and Joel Leach over a portion of their property at 2595 Fulton Street with the City of Dubuque owning and maintain the new storm sewer utility. Upon motion the documents were received and filed and Resolution No. 318-15 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 was adopted.

15. Dubuque Intermodal Transportation Center Sign Request: Historic Preservation Commission recommending approval of the monument-style freestanding sign for Jule Transit, Elm and 9th Streets, to serve the Dubuque Intermodal Transportation Center. Upon motion the documents were received, filed and approved.

16. Cedar Cross Storm Sewer Extension Project Acceptance: City Manager recommending that the award for the Cedar Cross Storm Sewer Extension Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

17. Access Ramp Installation Project - Project Four Acceptance: City Manager recommending that the award for the 2015 Access Ramp Installation Project – Project Four be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

18. Property Acquisition - McFadden Properties, LLP: City Attorney recommending adoption of a resolution accepting the deed to property owned by McFadden Properties, LLP in Dubuque County, Iowa. Upon motion the documents were received and filed and Resolution No. 319-15 Accepting the Deed to Certain Real Estate owned by McFadden Properties, LLP in Dubuque County, Iowa was adopted.

19. Property Acquisition - McFadden Family Partnership, LLP: City Attorney recommending adoption of a resolution accepting the deed to property owned by McFadden Family Partnership, LLP in Dubuque County, Iowa. Upon motion the documents were received and filed and Resolution No. 320-15 Accepting the Deed to Certain Real Estate owned by McFadden Family Partnership, LLP in Dubuque County, Iowa was adopted.

20. Tobacco Compliance – Civil Penalty for Tobacco License Holder – The Konnexion Dubuque: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for The Konnexion, 1099 University Ave. Upon motion the documents were received, filed and approved.

21. Alcohol License Applications: City Manager recommending approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 321-15 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 Jones. Motion carried 6-0.

1. Sale of Property at 1501- 1503 Bluff Street: City Manager recommending that a public hearing be set for October 5, 2015, for the purpose of disposing of City- owned real property at 1501-1503 Bluff Street to Ethan D. and Valerie R. Winn. Upon motion the documents were received and filed and Resolution No. 322-15 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 for a meeting to commence at 6:30 p.m. on October 5, 2015 in the Historic Federal Building.

2. Request to Vacate - Sanitary Sewer Easement 3045 Indiana Court: City Manager recommending that a public hearing be set for October 19, 2015, on the disposal of a sanitary sewer easement across Lot 1 of Indiana Subdivision No. 2 in the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 323-15 Resolution of Intent to Vacate and Dispose of City Interest in a Sanitary Sewer Easement Over and Across Lot 1 of Indiana Subdivision No. 2 in the City of Dubuque, Dubuque County, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 19, 2015 in the Historic Federal Building.

3. Greater Downtown Urban Renewal District - Urban Renewal Plan Amendment: City Manager recommending adoption of a Resolution of Necessity that finds that an amendment to the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District is both necessary and appropriate, and sets a public hearing on the proposed amendment for October 19, 2015. Upon motion the documents were received and filed and Resolution No. 324-15 Resolution of Necessity Finding That Certain Areas Included Within The Greater Downtown Urban Renewal District Meet the Definition of a Blighted Area or an Economic Development Area Under the Urban Renewal Law, and That Development of Said Areas 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 19, 2015 in the Historic Federal Building.

BOARDS/COMMISSIONS

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

1. Civic Center Advisory Commission: One, 3-year term through June 29, 2016 (Vacant term of Scott). Applicant: A. Alanda Gregory, 1560 Iowa St. #3.

2. Housing Commission: Two, 3-year terms through August 17, 2018 (Expiring term of Fernandes and Vacant term of Holz) Applicants: Anna Fernandes, 2191 Broadlawn Rd.; Jill Kedley, 237 Southgate Dr.

3. Transit Advisory Board: One, 3-year term through July 30, 2016 (Vacant term of Knight). Applicants: Joel Lightcap, 1985 Alta Vista St.; Carrie Lohrmann, 1879 Denver Dr. #7B

Appointments were made to the following commissions.

1. Environmental Stewardship Advisory Commission: One, 3-year term through October 1, 2018 (Expired term of Koch). Applicant: David Koch, 1950 Admiral St. Motion by Braig to appoint David Koch to a 3-year term through October 1, 2018. Seconded by Resnick. Motion carried 6-0.

2. Historic Preservation Commission:

One, 3-year term through July 1, 2017 (Vacant term of Lawson - Cathedral Historic District). Applicant: John Mc Andrews, 350 W. 1st St. (Qualifies for Cathedral Historic District Resident)

Four, 3-year terms through July 1, 2018 (Vacant terms of Krueger At-Large and Happ-Olson At-Large) (Mc Andrews At- Large) and (Rapp Old Main Historic District Interim). Applicants: Emily Hilgendorf, 1511 N. Algona St. (Qualifies for At-Large) (Additional Applicant); Robert McDonell, 4050 Peru Rd. (Qualifies for At-Large / Current Jackson Park Historic District Interim applying for At-Large); Susan Price, 653 ½ White St. (Qualifies for At-Large); D. Joseph Rapp, 27 Locust St. (Old Main Historic District – Interim)

The City Council discussed the application of Susan Price. Motion by Jones to appoint

John McAndrews to a 3-year term for the Cathedral Historic District Resident through July 1, 2017; and

Emily Hilgendorf and Robert McDonell to 3-year, At-Large terms through July 1, 2018; and D. Joseph Rapp to a 3-year Old Main Historic District Interim term through July 1, 2018. Seconded by Connors. Motion carried 5-1 with Braig voting nay.

PUBLIC HEARINGS

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

1. Rezoning Request - 3275 Pennsylvania Ave: Proof of publication on notice of public hearing to consider a request by Horizon Development Group, Inc. (Applewood Senior Apartments) to rezone property from R-1 Single Family Residential District to PR Planned Residential District to permit construction of a 60-unit senior apartment residence and the Zoning Advisory Commission recommending approval with conditions. 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. Planning Services Manager Laura Carstens provided a staff report. Scott Kwiecinski, Development Manager for Horizon Development Group, Madison, WI spoke in support of the request. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 58-15 Amending Appendix A (The Zoning Ordinance) of the City of Dubuque Code of Ordinances by Reclassifying Hereinafter Described Property Located at 3275 Pennsylvania Avenue From R-1 Single-Family Residential District To PUD Planned Unit Development District With a PR Planned Residential District Designation, and Adopting a Conceptual Development Plan for Applewood Senior Housing Phase IV. Seconded by Lynch. Motion carried 6-0.

2. Rezoning Request - 412 Loras Blvd: Proof of publication on notice of public hearing to consider a request by Jenk Enterprises, Inc. to rezone property from OR Office Residential District to OC Office Commercial District to permit a bridal shop and the Zoning Advisory Commission recommending approval. 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. Applicant Cathleen Enabnit of Jenk Enterprises spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 59-15 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 412 Loras Blvd. from OR Office Residential District to OC Office Commercial District. Seconded by Connors. Motion carried 6-0.

3. Rezoning Request - 468 E. 12th Street: Proof of publication on notice of public hearing to consider a request by M-M&M, LLC to rezone property from Planned Unit Development with a PC Planned Commercial District designation to MHI Modified Heavy Industrial District and the Zoning Advisory Commission recommending denial. Motion by Jones to receive and file and concur with the denial. Seconded by Connors. Phil Mihalakis, 2602 Hacienda Dr., spoke in favor of the rezoning and responded to questions from the City Council regarding development plans. Planning Services Manager Laura Carstens provided a staff report. Ms. Carstens and Zoning Advisory Commission Chairperson Patrick Norton responded to questions from the City Council regarding allowed uses and the application process. Motion carried 4-2 with Lynch and Sutton voting nay.

4. Lake Eleanor Lift Station and Water Main Extension Project: Proof of publication on notice of public hearing to consider the approval of the construction plans, specifications, form of contract and estimated cost for the Lake Eleanor Road Lift Station and Water Main Extension Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 325-15 Approval of Plans, Specifications, Form of Contract, and Estimated Cost for the Lake Eleanor Lift Station Project. Seconded by Connors. Motion carried 6-0.

5. Federal Building Lease - 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 Braig to receive and file the documents and adopt Resolution No. 326-15 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 Resnick. Motion carried 6-0.

6. Fiscal Year 2016 First Budget Amendment: Proof of publication on notice of public hearing to approve the first Fiscal Year 2016 Budget Amendment, which amends the Fiscal Year 2016 budget for City Council actions since the beginning of the fiscal year and includes items for which City Council has expressed support and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 327-15 Amending the Current Budget for the Fiscal Year Ending June 30, 2016. Seconded by Jones. Budget Director Jenny Larson responded to questions from the City Council about the referenced budgeted items and public/private funding amounts for the skate park. Motion carried 6-0.

7. Bunker Hill Golf Course Irrigation Phase 2 Project: Proof of publication on a notice of public hearing to consider the approval of the plans, specifications, form of contract and estimated cost for the Bunker Hill Irrigation Replacement Phase 2 Project and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 328-15 Approval of Plans, Specifications, Form of Contract, and Estimated Cost for the Bunker Hill Irrigation Replacement Phase 2. Seconded by Connors. Parks Manager Dan Kroger responded to questions from the City Council regarding Bunker Hill's revenues as an Enterprise Fund and funding for project costs. Motion carried 6-0.

8. Sale of Property - 2525 Windsor Avenue: Proof of publication on notice of public hearing to consider sale of 2525 Windsor Avenue to Ted Stackis Construction and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 329-15 Disposing of City Interest in Real Property Located at 2525 Windsor Avenue, in the City of Dubuque, Iowa. Seconded by Jones. Responding to questions from the City Council, Housing and Community Development Director Alvin Nash provided background on the property's ownership. Motion carried 6-0.

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

ACTION ITEMS

1. Sister City Relationships Advisory Commission: Chairperson Dick Landis provided a presentation of the activities of the Commission. Topics included: a history of the Commission, background on Dubuque's three Sister Cities, Commission activities, outcomes and strategic planning. Motion by Jones to receive and file the information. Seconded by Resnick. Motion carried 6-0.

2. Secondhand Dealer Business License Appeal - Ace Construction, 460 West Locust Street: Louis Mihalakis, owner of Ace Construction, requests that the City Council review his appeal and that he be heard on the matter regarding the denial of a Secondhand Dealers Business License for Ace Construction. Restated motion by Lynch to receive and file the documents and concur with the City Manager's recommendation to deny the license. Seconded by Jones. Attorney Susan Hess, 775 Sinsinawa Ave., East Dubuque, IL, and representing Mr. Mihalakis, cited his qualifications, contract work for the City of Dubuque, and acknowledged past violations. She requested that the City Manger's decision be reversed. Responding to questions by the City Council, Planning Services Manager Laura Carstens provided background on a related previous zoning denial and current code violation. Police Chief Mark Dalsing provided information on Mr. Mihalakis' criminal record as it pertains to the City's ordinance. Motion carried 6-0.

3. Name Change Proposal - Multicultural Family Center, 1157 Central Avenue: The Dubuque Branch of the NAACP submitting a proposal to rename the Multicultural Family Center located at 1157 Central Avenue to The Ruby Sutton Multicultural Family Center, and the Multicultural Family Center Board of Directors submitting correspondence. Mayor Pro Tem Sutton asked that the item be tabled to provide time for her family to grieve the loss of her mother. Jones explained that while the City owns the building, the name of the Center is controlled by the MFC Board of Directors. Motion by Braig to table the item. Seconded by Lynch. Motion carried 6-0.

4. Consent to Sale and Release Liens of Property - 759 Bluff Street: City Manager recommending approval of a resolution approving the Agreement to Release Liens and Consent to Sale, the Amended and Restated Agreement for Covenants and Restrictions, the Release of Real Estate Mortgage, and Termination of Notes relating to the sale of 759 Bluff Street by 759 Bluff, LP to Hills and Dales Child Development Center. Motion by Jones to receive and file the documents and adopt Resolution No. 330-15 Approving the Agreement to Release Liens and Consent to Sale Between 759 Bluff, LP and the City of Dubuque, Iowa, and the Release of Liens by the City of Dubuque. Seconded by Connors. City Attorney Lindahl explained the City's lien responsibility with the property. Motion carried 6-0.

5. Code of Ordinances Amendment – Title 14 Plumbing Code Board: City Manager recommending approval of an ordinance which adds a new Title 14, Chapter 1, Article H, Section 14-1H-7 which establishes the Plumbing Code Board 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 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 61-15 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article H Plumbing Code by adopting a new Section 14-1H-7 Establishing the Plumbing Code Board and providing for the powers, operation, membership, and meetings. Seconded by Connors. Motion carried 6-0.

6. Code of Ordinances Amendment – Title 15 Long Range Planning Advisory Commission: City Manager recommending approval of an ordinance which adds a new Title 15, Chapter 2 which establishes the Long Range Planning Advisory Commission and provides for the powers, operation, membership and meetings. 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 Resnick. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 62-15 Amending City of Dubuque Code of Ordinances Title 15 Planning and Zoning by Repealing Chapter 2 Long Range Planning Advisory Commission and adopting a Chapter 2 Long Range Planning Advisory Commission in lieu thereof establishing the Long Range Planning Advisory Commission and providing for the powers, operation, membership, and meetings. Seconded by Jones. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Resnick reported on the 30th anniversary of Dubuque Main St. and congratulated its staff on their dedication.

There being no further business, upon motion the City Council adjourned at 8:51 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk