

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

The Dubuque City Council met in special session at 5:00 p.m. on February 3, 2014 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol (joined at 5:05 p.m.); Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl (joined at 5:15 p.m.

Mayor Pro Tem Resnick read the call and stated this is a special session of the City Council called for the purpose of conducting a work session on the Housing and Community Development Department.

**WORK SESSION
HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Housing and Community Development Director Alvin Nash; staff members Erica Lessears, Kim Glaseer, Erica Haugen; and partners Audrey Bergfeld, Victoria Kruser, Chris Olson, Eric Degne, Todd Carr and Megan Starr provided a slide presentation on the activities of the Housing and Community Development Department. The agenda was as follows:

1. Introduction: Alvin Nash
2. Housing & Community Development Presentation
 - a. Overview of Department Activities, Ericka Lessears, Family Self-Sufficiency Coordinator
 - b. Sustainable Living, Ermina Soler, Circles Coach, with Program Participant Audrey Bergfeld
 - Assisted Housing
 - Family Self-Sufficiency
 - Circles Initiative
 - c. Neighborhood Revitalization, Kim Glaser, Healthy Homes Program Manager, with Program Participant Victoria Kruser
 - d. Safe and Healthy Homes, Kim Glaser, Healthy Homes Program Manager
 - Rental Licensing and Inspection
 - Healthy Homes Program
 - Lead Hazard Control Program
 - e. Community Development Process, Erica Haugen, Community Development Specialist
 - f. Community Partners
 - Chris Olson, representing Four Mounds HEART Program
 - Eric Dregne, representing Project H.O.P.E. and Green & Healthy Homes Initiative
 - Todd Carr, representing Community Housing Initiatives

Megan Starr, representing Washington Neighborhood Development Corporation

- g. Challenges and Opportunities, Alvin Nash, Director
3. Discussion and Questions

There being no further business, upon motion the City Council adjourned at 6:08 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on February 3, 2014 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

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Council Member Resnick requested #16 Bee Branch Watershed Project Communications Specialist and #17 Acquisition of Property - Intermodal Transportation Facility be held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: Airport Commission of 6/24/13, 8/26/13, 10, 28, 13 and 12/16/13; City Council proceedings of 1/21; Civil Service Commission of 1/15, 1 22 and 1/30; Electrical Code Board of 1/27; Housing Commission of 12/3/13 and 1/28; Library Board of Trustees Update of 1/23; Park and Recreation Commission of 1/14; Zoning Board of Adjustment of 1/23; Proofs of Publication for City Council proceedings of 1/6 and 1/7. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: David Fisch for vehicle damage, Interstate Power and Light for property damage, Robert Lange for vehicle damage, Ryan Leick 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: Area Residential Care for property damage, Jason and Amanda Bickal for vehicle damage, David Fisch for vehicle damage, Mediacom Communications Company for vehicle damage. Upon motion the documents were received, filed and concurred.

4. SRF Green Alley Year 2 Bid Sets - Consultant Services Recommendation: City Manager recommending approval of the selection of the engineering consultants for the

SRF Green Alleys - Year 2 – Bid Sets. Upon motion the documents were received, filed and approved.

5. Final Plat - Dubuque Industrial Center South: City Manager recommending approval the Final Plat of Dubuque Industrial Center South First Addition. Upon motion the documents were received and filed and Resolution No. 21-14 Approving the Final Plat Dubuque Industrial Center South First Addition in the City of Dubuque, Iowa, was adopted.

6. Dubuque Industrial Center South Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens and Charges: City Manager recommending consideration and adoption of the Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens, and Charges for the Dubuque Industrial Center South. Upon motion the documents were received and filed and Resolution No. 22-14 Adopting the Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens and Charges for Dubuque Industrial Center South First Addition was adopted.

7. Housing Enterprise Zone Agreement for Weaver Castle - 346-348 W. Locust Street: City Manager recommending adoption of the resolution for the proposed Housing Enterprise Zone Program Agreement for Weaver Castle, LLC for redevelopment of 346-348 W. Locust Street. Upon motion the documents were received and filed and Resolution No. 23-14 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Weaver Castle, LLC, was adopted.

8. Reimbursement Resolution - Bee Branch Watershed Flood Mitigation Project Phase 7 - Land Acquisition: City Manager recommending approval of a reimbursement resolution to serve as “official intent” to reimburse project expenditures for the Bee Branch Watershed Flood Mitigation Project as required under the federal tax-exempt bond regulations. Upon motion the documents were received and filed and Resolution No. 24-14 Resolution 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 specified Projects was adopted.

9. Old Town Neighborhood NRHP Nomination CLG Grant Agreement: City Manager recommending approval of the Certified Local Government (CLG) grant and resolution related to the National Register of Historic Places (NRHP) nomination for the Old Town Neighborhood. Upon motion the documents were received and filed and Resolution No. 25-14 Authorizing a CLG Grant-in-Aid-Agreement with the State Historical Society of Iowa to prepare the Old Town Neighborhood National Register of Historic Places nomination was adopted.

10. DMATS Grants for Speed Shields and Trail Counters: City Manager recommending approval of Dubuque Metropolitan Area Transportation Study (DMATS)

grants for 12 speed shields and 14 trail counters to the City of Dubuque and Dubuque County. Upon motion the documents were received, filed and approved.

11. AmeriCorps VISTA Application - Impact Volunteering for Economic Opportunity: City Manager recommending approval to pursue an Iowa Campus Compact VISTA member in collaboration with Loras College in order to continue our pilot work around the impact volunteers can have on economic opportunity. Upon motion the documents were received, filed and approved.

12. Quarterly Investment Report: City Manager transmitting the December 31, 2013 Quarterly Investment Report covering the period from October 1, 2013 through December 31, 2013. Upon motion the documents were received and filed.

13. Mediacom Communications Company: Correspondence from Mediacom Communications Company advising the City of rate changes and new customer activation fees to be implemented on or about February 22, 2014. Upon motion the documents were received and filed.

14. City Assessor's Office: Correspondence from City Assessor Rick Engelken advising the City of a property tax Notice of Appeal and Petition going before the Property Assessment Appeal Board for two Walgreen's locations. Upon motion the documents were received and filed.

15. Purchase of Property from Iowa Department of Transportation: City Manager recommending approval to purchase a piece of property on Bluff Street just off Highway 20 from the Iowa Department of Transportation. Upon motion the documents were received, filed and approved.

16. Bee Branch Watershed Project Communications Specialist: City Manager requesting the creation of a full-time Communications Specialist position to assist with the communication work related to the Bee Branch Creek Watershed project, which has been put on an accelerated schedule. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Braig. Resnick expressed his concerns over adding a full-time position. City Manager Van Millgen stated that the massive scope of the project precipitated the need for communications with costs being recharged to the project. Motion carried 6-1 with Resnick voting nay.

17. Acquisition of Property - Intermodal Transportation Facility: City Manager requesting approval to purchase a piece of property in the Historic Millwork District from the Iowa Department of Transportation. Motion by Resnick to receive and file the documents and approve the recommendation. Seconded by Braig. City Manager Van Milligen provided a revised memo with updated information and addressed questions about funding and the decision to purchase at this time. Motion carried 7-0.

18. Transit Advisory Board - Letter of Support: Transit Advisory Board submitting a Letter of Support for the Jule Transit route changes implemented January 6, 2014. Upon motion the documents were received and filed.

19. Civil Service Commission: Civil Service Commission submitting the certified list for the position of Recreation Program Supervisor. Upon motion the document was received and filed and made a Matter of Record.

20. Business License Refund: Request by Mark Hancock for a refund of the liquor license LC0022360 for Happy's Place located at 2323 Rockdale Rd. in the amount of 633.75. Upon motion the documents were received, filed and approved.

21. 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. 26-14 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 TO BE 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. Sales Tax Increment Revenue Bonds (Flood Mitigation Program): City Manager providing the suggested proceedings to set the date of the public hearing on the proposed issuance of not to exceed \$29,000,000 Sales Tax Increment Revenue Bonds. Upon motion the documents were received and filed and Resolution No. 27-14 Fixing date for a meeting on the proposition of the issuance of not to exceed \$29,000,000 Sales Tax Increment Revenue Bonds (Flood Mitigation Program) 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 February 17, 2014 in the Historic Federal Building.

BOARDS/COMMISSIONS

1. Community Development Advisory Commission Three, 3-year terms through February 15, 2017 (Expiring terms of Craddieth, Michalski and Shaw) Applicants: Robert W. Blok II, 2447 University Ave. (Additional Application); Janice Craddieth, 1455 Washington St.; Ann Michalski, 1520 Altura Dr. Motion by Braig to appoint all three applicants to the Community Development Advisory Commission. Seconded by Resnick. Motion carried 7-0.

2. Sister City Relationships Advisory Commission: Four, 3-year terms through February 1, 2017 (Expiring terms of Castaneda, Felderman, Landis and Ward).

Applicants: Sheila Castaneda, 1014 Dunham Dr.; Robert Felderman, 241 Southgate Dr.; Dick Landis, 2390 Clarke Crest Dr.; and Annalee Ward, 2758 Tiffany Ct. Motion by Connors to reappoint all four applicants to the Sister City Relationships Advisory Commission. Seconded by Lynch. Motion carried 7-0.

PUBLIC HEARINGS

Upon motion the rules were suspended allowing anyone present to address the City

1. SRF Green Alley Bid Set 1 Project: Proof of publication on notice of public hearing to consider the approval of the plans, specifications, form of contract and the estimated cost and to adopt the Resolution of Necessity and the Preliminary Schedule of Assessments for the SRF Green Alley Bid Set 1 Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt the Resolutions No. 28-14 Approval of plans, specifications, form of contract, and estimated cost for the SRF Green Alley Bid Set 1 Project; Resolution No. 29-14 With respect to the adoption of the Resolution of Necessity Proposed for the SRF Green Alley Bid Set 1 Project; and Resolution No. 30-14 Approving Schedule of Assessments and estimate of total cost for the SRF Green Alley Bid Set 1 Project. Seconded by Braig. Suzanne Sheldon, 617 Lincoln Avenue; Phil Mihalakis, 2602 Hacienda Drive; Jacob Long, 4604 Cardinal Drive, Rick Jones, 619 Lincoln Avenue, and Barb Becker 587 West Locust St. spoke in opposition to the project. Responding to questions from the City Council, Civil Engineer Jon Dienst described the materials used, associated costs, and long-term maintenance related to the project. Motion carried 7-0.

2. Franchise Fee Ordinance Amendment - Alliant Energy: Proof of publication on notice of public hearing to consider an amendment to the Franchise Fee Ordinances with Alliant Energy 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 Connors. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 6-14 Repealing Section 3 of Ordinance No. 58-03 Providing for a Rebate of Franchise Fees for Exempt Sales of Electricity to Customers of Interstate Power Company, Its Successors and Assigns, and Establishing a Procedure for Requesting a Rebate of Such Fees. Seconded by Connors. Motion carried 7-0.

3. Franchise Fee Ordinance Amendment - Black Hills Energy: Proof of publication on notice of public hearing to consider an amendment to the Franchise Fee Ordinances with Black Hills Energy 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 Connors. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 7-14 Repealing Section 3 of Ordinance No. 59-03 and Section 3 of Ordinance No. 76-03 Providing for a Rebate of Franchise Fees for Exempt Sales of Natural and Mixed Gas to

Customers of Peoples Natural Gas, its Successors and Assigns, and Establishing a Procedure for Requesting a Rebate of Such Fees. Seconded by Connors. Motion carried 7-0.

4. Franchise Fee Ordinance Amendment - Maquoketa Valley Electric Cooperative: Proof of publication on notice of public hearing to consider an amendment to the Franchise Fee Ordinances with Maquoketa Valley Electric Cooperative and the City Manager 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 Braig. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 8-14 Repealing the Third Unnumbered Paragraph of Section 23 of Ordinance No. 20-04 Providing for a Rebate of Franchise Fees for Exempt Sales of Electricity to Customers of Maquoketa Valley Electric Cooperative, its Successors and Assigns, and Establishing a Procedure for Requesting a Rebate of Such Fees. Seconded by Lynch. Motion carried 7-0.

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

ACTION ITEMS

1. EPA Smart Growth Achievement Award: City Manager transmitting the EPA Smart Growth Achievement Award - Corridor or Neighborhood Revitalization category for the Historic Millwork District and Washington Neighborhood. Motion by Connors to receive and file the documents. Seconded by Resnick. Mayor Buol provided an explanation of the award. Motion carried 7-0.

2. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2013: City Manager transmitting the Fiscal Year 2013 Comprehensive Financial Report (CAFR), Auditor's Communication with Those Charged with Governance Letter, and the City's Finance staff responses to auditor's findings. Motion by Lynch to receive and file the documents. Seconded by Braig. Dave Cahill of Eide Bailly made a verbal presentation that explained the sections of the report. Motion carried 7-0.

3. Five Flags Center Annual Report Presentation: Five Flags Center Manager Joyce White of SMG made a verbal presentation of the budget, 2013 activities, and 2014 scheduled events of Five Flags, and a breakdown of how the Center is used. Motion by Connors to receive and file the documents. Seconded by Jones. Jones requested that recently purchased chairs replace the old chairs for public events in the Bijou Room. Motion carried 7-0.

4. Grand River Center 2013 Annual Report Presentation: Grand River Center Manager Mitzi Yordy provided a slide presentation regarding the Grand River Center 2013 Annual Report highlighting the services provided by the GRC, marketing initiatives, group comparisons, economic impact, sustainability efforts, and budget.

Motion by Connors to receive and file the documents. Seconded by Jones Motion carried 7-0.

5. Code of Ordinances Title 16 Unified Development Code Amendment - Home-Based Businesses (First Reading August 29, 2013; Tabled September 3, 2013) City Manager submitting information related to amending Section 7-1.3 of the City of Dubuque's Unified Development Code to add firearm sales to the list of prohibited home-based businesses. Motion by Connors to remove from the table. Seconded by Jones. Motion carried 5-2.

Restated motion by Connors to consider the second reading of a proposed ordinance amending City of Dubuque Code of Ordinances, Title 16 Unified Development Code, Chapter 7 Supplemental Use Regulations Section 7-1.3 Prohibited Home-Based Business Uses to add Firearm Sales as a Prohibited Home-Based Business. Seconded by Jones. Motion failed 6-1 with Connors voting yay.

6. Request to Rezone - 1060 Edina Street (Second Reading): Request by John & Angie Long; Ron & Denise Reeg to rezone property at located at 1060 Edina (Parcels 10-23-477-006 & 10-23-477-007) from R-1, Single Family Residential Zoning District, to R-2, Two-Family Residential Zoning 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 Braig. Motion failed 5-2 with Resnick and Jones voting nay.

Motion by Jones to consider the second reading of a proposed ordinance Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1060 Edina from R-1 Single-Family Residential District to R-2 Two-Family Residential District. Seconded by Braig. Motion carried 6-1 with Resnick voting nay.

7. State Flood Mitigation Grant Funding Agreement: City Manager recommending adoption of a resolution authorizing the City's use of sales tax increment funds for the Bee Branch Watershed Flood Mitigation Project and authorizing the execution of an agreement with the Iowa Flood Mitigation Board required for the City's receipt of sales tax increment funds. Motion by Jones to receive and file the documents and adopt Resolution No. 31-14 Authorizing the execution of an agreement with the State of Iowa Flood Mitigation Board and Authorizing the City's use of sales tax increment funding for the Bee Branch Watershed Flood Mitigation Project. Seconded by Lynch. Motion carried 7-0.

8. Clean Air Attainment Strategy: City Manager providing information and requesting City Council authorization for the Mayor to cosign the letter with Dubuque Metropolitan Area Transportation Study requesting participation in EPA's PM Advance Program-Supporting Local Efforts to Improve Air Quality. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

9. Architectural Design Guidelines Manual: City Manager recommending approval of the final update of the City of Dubuque's Design Guidelines Manual. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

10. Comprehensive Plan Update - Community Engagement Plan: City Manager recommending approval of the Community Engagement Plan for the update of the 2008 Comprehensive Plan. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Planning Services Manager stated that one highlight of the plan is that under-represented groups will have a menu of opportunities for engagement. Motion carried 7-0.

11. Code of Ordinances Amendment - Dubuque Industrial Center South Economic Development District: City Manager recommending approval of a tax increment ordinance for the Dubuque Industrial Center Economic Development District. 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. 10-14 Amending Ordinance No. 70-08, Previously Amended, Providing that General Property Taxes Levied and Collected Each Year on all Property Located within the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Area of the City of Dubuque, County of Dubuque, State of Iowa, by and for the Benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and Other Taxing Districts, be Paid to a Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by Said City in Connection with the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Redevelopment Project. Seconded by Braig. Motion carried 7-0.

12. Code of Ordinances Amendment - Title 10 Public Ways and Property: City Manager recommending wording changes to City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation to include the described wording changes to make the ordinance consistent. 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.

Motion by Connors for final consideration and passage of Ordinance No. 11-14 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation by including Parks, Parkways, Trails, and Open Spaces in all references to Park Facilities for Code consistency. Seconded by Jones. Motion carried 7-0.

13. Safety and Security Camera Acceptable Use Administrative Policy: City Manager recommending approval of a safety and security camera acceptable use Administrative

Policy. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Jones. City Manager Van Milligen and Police Chief Mark Dalsing provided information on what the policy would govern and prohibit and placement guidelines with respect to public and residential areas. Motion carried 7-0.

14. Campaign Finance Reform: City Council Member Ric Jones recommending adoption of a resolution establishing a position of the City of Dubuque to support efforts to pass an amendment to the United States Constitution related to campaign finance reform. Motion by Braig to receive and file the document and adopt Resolution No. 32-14 Resolution to establish as a position of the Dubuque City Council that corporations should not receive the same constitutional rights as natural persons do, and that because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard. Seconded by Connors. Motion carried 5-2 with Lynch and Resnick voting nay.

15. Fiscal Year 2015 Budget Transmittal: City Manager submitting the Fiscal Year 2015 Budget Transmittal Message. Motion by Connors to receive and file the documents. Seconded by Resnick. City Manager Van Milligen provided a slide presentation regarding the financial history and current fiscal state of the City and its achievements. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 10:21 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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