

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 1, 2010 in the Historic Federal Building.

Present: Mayor Buol, Council Members Braig, Connors, Jones, Lynch, Resnick, Voetberg, City Manager Van Milligen, City Attorney Lindahl

Mayor Buol read the call and stated this is a regular session of the City Council to act upon such business that may properly come before the City Council.

Pledge of Allegiance

Invocation was provided by Pastor Scott Griffin of Bible Baptist Church

**PRESENTATIONS**

Iowa Chapter of the American Planning Association – Unified Development Code was presented by Planning Services Manager Laura Carstens; 1000 Friends of Iowa Award – Unified Development Code was presented by Planning Services Manager Laura Carstens; and Iowa Chapter of the American Planning Association – Sustainable Dubuque was presented by Sustainable Community Coordinator Cori Burbach.

**PROCLAMATIONS**

Hospice Month (November 2010) was accepted by Carole Carroll, Hospice of Dubuque, 2255 JFK Road; Philanthropy Day (November 15, 2010) was accepted by Dan McCarthy, Finley Health Foundation, 350 N. Grandview Avenue; and Dubuque Main Street Week (November 1 – 7, 2010) was accepted by DMS Executive Director Dan LoBianco.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Voetberg. Motion carried 7-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 8/31; City Council of 10/18; Historic Preservation Commission of 10/21; Library Board of 8/26

Proof of publication of City Council Proceedings of October 4 and 12, 2010 and List of Claims and Summary of Revenues for Month Ended September 30, 2010

Upon motion the documents were received and filed.

Notice of Claims/Suits: Darlene Ryan for vehicle damage; Donald Cherba for vehicle damage; Sunnycrest Manor for property damage; Jennifer Ney for personal injury; James and Molly Kolf for property damage; Gerald J. Lochner for vehicle damage; Donna J. Cooksley for vehicle damage. Upon motion the documents were received, filed and referred to the City Attorney.

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: Donald Cherba for

vehicle damage; Jennifer Ney for personal injury; Anne Holmberg for personal injury; Sunnycrest Manor for property damage; James and Molly Kolf for property damage; Gerald Lochner for vehicle damage. Upon motion the documents were received, filed and concurred.

Renewal Rates for Voluntary Dental Plan: City Manager recommending approval of the renewal rates for the City's voluntary dental plan. Upon motion the documents were received, filed, and approved.

Renewal Rates for Worker's Compensation Claims: City Manager recommending approval of the renewal rates from Alternative Services Concepts (ASC) for services related to the administration of the City's Worker's Compensation Program. Upon motion the documents were received, filed, and approved.

Trail Project at the Bergfeld Recreation Area: City Manager recommending acceptance of the Trail Project at the Bergfeld Recreation Area as completed by Drew Cook and Sons Excavating in the final contract amount of \$444,582.00. Upon motion the documents were received and filed and Resolution No. 416-10 Accepting the Trail Project at the Bergfeld Recreation Area and authorizing payment of the contract amount to the contractor was adopted.

Iowa Section of the American Water Works Association: City Manager advising that Water Department Manager Bob Green has been elected to the Chair position of the Iowa Section of the American Water Works Association Board of Directors. Upon motion the documents were received and filed.

North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase I: City Manager recommending acceptance of the North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase I as completed by Anstoetter Construction Co., in the final contract amount of \$719,884.12. Upon motion the documents were received and filed and Resolution No. 417-10 Accepting the North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase I and authorizing payment of the contract amount to the contractor was adopted.

North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase II: City Manager recommending acceptance of the North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase II as completed by Portzen Construction, Inc., in the final contract amount of \$1,052,308.47. Upon motion the documents were received and filed and Resolution No. 418-10 Accepting the North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase II and authorizing payment of the contract amount to the contractor was adopted.

North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase III: City Manager recommending acceptance of the North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase III as completed by Portzen Construction, Inc., in the final contract amount of \$1,626,471.56. Upon motion the documents were received and filed and Resolution No. 419-10 Accepting the North Fork Catfish Creek Stormwater and Sanitary Sewer Improvements Project – Phase III and authorizing payment of the contract amount to the contractor was adopted.

National Mississippi River Museum and Aquarium Rivers Center Project – Phase II: City Manager recommending acceptance of the construction contracts for the National Mississippi River Museum and Aquarium Rivers Center Project – Phase II. Upon motion the documents were received and filed; and

Resolution No. 420-10 Accepting the National Mississippi River Museum and Aquarium Rivers Center Project – Phase II (Iowa DOT No. EDP-2100 (652)—7Y-31), Contract No. 1 – General Construction, authorizing payment of the contract amount to the contractor;

Resolution No. 421-10 Accepting the National Mississippi River Museum and Aquarium Rivers Center Project – Phase II (Iowa DOT No. EDP-2100 (652)—7Y-31), Contract No. 2 – Food Service, authorizing payment of the contract amount to the contractor;

Resolution No. 422-10 Accepting the National Mississippi River Museum and Aquarium Rivers Center Project – Phase II (Iowa DOT No. EDP-2100 (652)—7Y-31), Contract No. 4 – Plumbing Systems, authorizing payment of the contract amount to the contractor;

Resolution No. 423-10 Accepting the National Mississippi River Museum and Aquarium Rivers Center Project – Phase II (Iowa DOT No. EDP-2100 (652)—7Y-31), Contract No. 5 – HVAC Systems, authorizing payment of the contract amount to the contractor;

Resolution No. 424-10 Accepting the National Mississippi River Museum and Aquarium Rivers Center Project – Phase II (Iowa DOT No. EDP-2100 (652)—7Y-31), Contract No. 6 – Geothermal Well Systems, authorizing payment of the contract amount to the contractor;

Resolution No. 425-10 Accepting the National Mississippi River Museum and Aquarium Rivers Center Project – Phase II (Iowa DOT No. EDP-2100 (652)—7Y-31), Contract No. 7 – Electrical System, authorizing payment of the contract amount to the contractor were adopted.

US 151/61 at US 52 and US 151/61 at Maquoketa Drive Traffic Signal Project: City Manager recommending approval of the execution of the Iowa Department of Transportation (Iowa DOT) Agreement for Iowa Clean Air Attainment Program (ICAAP) funding for the US 151/61 at US 52 and US 151/61 at Maquoketa Drive Traffic Signal Project. Upon motion the documents were received and filed and Resolution No. 426-10 Approving the Iowa Department of Transportation Federal Aid Funding Agreement for an Iowa Clean Air Attainment Program (ICAAP) Project (Agreement No. 6-10-STPA-26) for the US 151/61 at US 52 and US 151/61 at Maquoketa Drive Traffic Signal Project was adopted.

US 151/61 Capacity Improvements Project – Consultant Selection: City Manager recommending approval of the selection of IIW Engineers and Surveyors, P.C. to perform the street geometric and traffic signal engineering design for the improvements along US 151/61 from US 52/Twin Valley to the Maquoketa Drive Intersection and authorize the City Manager to negotiate a professional Services Agreement and execute a contract with IIW Engineers and Surveyors, P.C. Upon motion the documents were received, filed, and approved.

2009 Sewer Cured-in-Place (CIPP) Pipe Lining Project: City Manager recommending acceptance of the 2009 Sewer Cured-in-Place Pipe (CIPP) Lining Project, as completed by Visu-Sewer Clean & Seal, in the final contract amount of \$142,254.15. Upon motion the documents were received and filed and Resolution No. 427-10 Accepting the 2009 Sewer CIPP Lining Project and authorizing payment of the contract amount to the contractor was adopted.

Dubuque Regional Airport Jet Center Drive Resurfacing Project: City Manager recommending acceptance of the Dubuque Regional Airport Jet Center Drive Resurfacing Project as completed by Eastern Iowa Excavating & Concrete, LLC, in the final contract

amount of \$81,567.83. Upon motion the documents were received and filed and Resolution No. 428-10 Accepting the Dubuque Regional Airport Jet Center Drive Resurfacing Project and authorizing payment of the contract amount to the contractor was adopted.

Bee Branch Creek Restoration Project – Property Acquisition: City Manager recommending approval to purchase a commercial property located at 501 Rhomberg Avenue as part of the acquisition program associated with the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 429-10 Approving the acquisition of real estate owned by Steven J. Smith and Gary L. Carner in the City of Dubuque was adopted.

Certification of Local Government Approval: City Manager recommending City Council certification to the Iowa Finance Authority for Project Concern’s Homeless Shelter Operating Grant funding. Upon motion the documents were received, filed, and approved.

Community Attraction and Tourism (CAT) Marketing Grant Application: City Manager recommending approval of a \$15,000 Community Attraction and Tourism (CAT) Marketing Grant application for marketing the Mines of Spain and the City’s bilingual bike/hike trail system. Upon motion the documents were received and filed and Resolution No. 430-10 Support of a CAT Marketing Program Grant Application for the Mines of Spain and City Bilingual Trail System was adopted.

Federal Emergency Management Agency: City Manager recommending approval of a response letter to FEMA which outlines the City’s concern with the FEMA DFIRM mapping project as it affects the City of Dubuque and clarifies the inclusion of the Julien Dubuque Monument in a special flood hazard area. Upon motion the documents were received, filed, and approved.

Historic Preservation Commission Correspondence: Correspondence from the Historic Preservation Commission regarding the Dubuque Community School District proposed school closures. Upon motion the document was received and filed.

Historic Millwork District Parking Lot Design – Request for Proposals: City Manager recommending approval of the issuance of a Request for Proposals for the Historic Millwork District Parking Lot Design. Upon motion the documents were received, filed, and approved.

“Timmy” Award: Communication from Mary Mulgrew Gronen advising that the Roshek Building Redevelopment Project has won the “Best Historic Rehab Utilizing New Markets Tax Credits” Timmy Award from the National Housing and Rehabilitation Association.

October 2010 Tax Credit Advisor Magazine with 2010 Timmy Award finalists.  
Upon motion the documents were received and filed.

Shelter + Care Program Annual Report: City Manager recommending certification of the Shelter + Care Program annual report. Upon motion the documents were received, filed and approved.

Dubuque Racing Association: City Manager recommending approval of the Second Amendment to Loan Agreement between DRA and American Trust and Savings Bank, the First Amendment to the Assignment of the City-DRA Lease Agreement, and the First Amendment to the Negative Pledge Agreement between the City and American Trust and

Savings Bank. Upon motion the documents were received and filed and Resolution No. 431-10 Approving the Second Amendment to Loan Agreement between Dubuque Racing Association, Ltd. and American Trust and Savings Bank was adopted.

U.S. Department of Housing and Urban Development – Healthy Homes Program Funding: City Manager recommending approval of an application to the U.S. Department of Housing and Urban Development for Healthy Homes Program funding. Upon motion the documents were received and filed and Resolution No. 432-10 Authorizing the Mayor to execute an application for a Healthy Homes Production Program Grant was adopted.

The Best Small Cities to Raise a Family: Article from Yahoo! Real Estate that Forbes has named Dubuque as the top ranked city of “The Best Small Cities to Raise a Family.” Upon motion the documents were received and filed.

Claim of Camille Blackburn for Vehicle Damage: City Attorney submitting information regarding the claim of Camille Blackburn for vehicle damage. Upon motion the documents were received and filed.

Signed Contracts: A. Water Pollution Control Plant Upgrade Project – Strand Associates, Inc. – Construction Related Services Agreement – Amendment #1; B. Water Pollution Control Plant Upgrade Project – Strand Associates, Inc. – Cogeneration Facilities Contract; C. Water Pollution Control Plant Upgrade Project – MWH Americas, Inc. (MWH) – Environmental Contamination Consulting Services; D. Water Pollution Control Plant Upgrade Project – Environmental Management Services of Iowa, Inc. (EMSI) – Asbestos Removal; E. Award of the North Grandview Avenue and Rosedale Avenue Storm Sewer Repair Project contract; F. Structural/Stability Analysis of Dubuque Levy and Floodwall. Upon motion the documents were received and filed.

Liquor License Applications: City Manager recommending approval of annual liquor license renewals as submitted. Upon motion the documents were received and filed and Resolution No. 433-10 Granting the issuance of a Class “C” Beer Permit to Friendly Locust Mart, Aldi, Inc. #30, and Kwik Stop Food Mart; and Resolution No. 434-10 Granting the issuance of a Class “C” Beer/Liquor License to Aragon Tap, Channel Inn Restaurant and L. May; a Class “B” Wine Permit to Aldi, Inc. #30; and a Class “WBN” Native Wine Permit to Kwik Stop Food Mart and Dubuque Humane Society Adoption Center were adopted.

## **PUBLIC HEARING**

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

Sale of Property – 2015 Washington Street: Proof of publication on notice of public hearing to consider the sale of property located at 2015 Washington Street to Jerry Chase and Julie Woodyard and City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 435-10 Approving the sale of real estate, specifically, the northerly 46 feet of Lot 20 in Steiner’s Addition or Subdivision in the City of Dubuque, County of Dubuque, Iowa, according to the recorded plat thereof, 2015 Washington Street. Seconded by Braig. Motion carried 7-0.

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

## **ACTION ITEMS**

Assistance Pool to Encourage Residential Housing in Downtown: City Manager recommending approval of the issuance of a Request for Proposals for the third round of the Downtown Housing Incentives Program. Motion by Connors to receive and file the documents and adopt Resolution No. 436-10 Authorizing the City Manager to solicit proposals for projects to encourage market-rate downtown rental and owner-occupied residential units in the Greater Downtown Urban Renewal District. Seconded by Voetberg. Motion carried 7-0.

Alcoholic Beverages on Leisure Services Property: City Manager recommending approval of a change to the City ordinance which allows and/or prohibits alcoholic beverages in City parks. 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 Jones. Responding to questions from City Council, Leisure Services Manager Marie Ware clarified that the exempted parks are gathering spots suited to larger functions versus the smaller community parks, which tended to be located in residential areas and in proximity to schools. City Attorney Lindahl stated that Dubuque is one of the few larger Iowa cities without a possession law for its parks and that possession of alcoholic beverages is easier to prove than consumption. Motion carried 6-1 with Lynch voting nay.

Motion by Jones for final consideration and passage of Ordinance No. 58-10 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations, Section 10-5B-2 Intoxicating Beverages by prohibiting the possession, consumption, or use of alcoholic liquor, wine, beer, or other intoxicating beverages on park roadways and recreational trails, in park and recreation facility parking lots and vehicles within a park, and in parks, unless specifically exempted or permitted. Seconded by Voetberg. Motion carried 5-2 with Lynch and Resnick voting nay.

Sister City Relationships Advisory Commission: City Council Members Kevin Lynch and Dirk Voetberg recommending creation of the Sister City Relationships Advisory Commission. 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 Voetberg. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 59-10 Amending Title 2 of the City of Dubuque Code of Ordinances by adopting a new Chapter 10 Creating the Sister City Relationships Advisory Commission. Seconded by Braig. Motion carried 7-0.

Cartegraph Corporation Strategic Advisory Board: City Manager advising that the City of Dubuque has been invited to participate in the Cartegraph Corporation Strategic Advisory Board; and, if City Council accepts the invitation, recommending appointment of a staff person to the Board. Motion by Connors to receive and file the documents and appoint the City Manager as the representative staff person. Seconded by Lynch. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**

Braig acknowledged Boy Scout Troop 48 and thanked them for attending.  
Resnick reminded everyone of Election Day, November 2.

There being no further business, upon motion the City Council adjourned at 7:45 p.m.

/s/Jeanne F. Schneider, CMC  
City Clerk

1t 11/10