

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 15, 2010 in the Historic Federal Building

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

Absent: Council Member Voetberg

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 Major Tom Mason of the Salvation Army.

PRESENTATION

International Livable Communities Award was presented by Sustainable Community Coordinator Cori Burbach.

PROCLAMATION

Five Flags Theater 100th Anniversary Week (November 15 – 20, 2010) was accepted by Five Flags Theater Lobby Committee Co-Chair Ali Levasseur, 405 Main Street.

CONSENT ITEMS

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

Minutes and Reports Submitted: Cable TV Regulatory Commission of 4/14; Cable TV Teleprogramming Commission of 9/14; City Council of 11/1; Community Development Advisory Commission of 10/6; Investment Oversight Commission of 10/27; Park and Recreation Commission of 10/12; Zoning Advisory Commission of 11/3; Zoning Board of Adjustment of 10/27

Proof of publication of City Council Proceedings of October 18, 2010

Library Board of Trustees Update from the Meeting of September 30, 2010

Upon motion the documents were received and filed.

Notice of Claims/Suits: Daniel Stark 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: Donna Cooksley for vehicle damage; Darlene Ryan for vehicle damage; Daniel Stark for vehicle damage. Upon motion the documents were received, filed and concurred.

Human Rights Commission: Resignation of Katrina Wilberding from the Human Rights Commission. Upon motion the document was received, filed and the resignation accepted.

Green Alley Project: City Manager recommending acceptance of the Green Alley Project (15th – 16th between Washington and Elm Streets) as completed by Connolly Construction, Inc. in the final contract amount of \$164,306.81. Upon motion the documents were received and filed and Resolution No. 437-10 Accepting the Green Alley Project (15th – 16th between Washington and Elm Streets) and authorizing payment of the contract amount to the contractor was adopted.

Copper Field Subdivision – Acceptance of Public Improvements: City Manager recommending acceptance of the public improvements which the developer, Copper Mill Construction, has completed in Copper Field Subdivision in the City of Dubuque, Iowa. Upon motion the documents were received and filed and Resolution No. 438-10 Accepting improvements in Copper Field Subdivision was adopted.

2010 Sidewalk Assessment: City Manager recommending approval of the levy of a special assessment for a public sidewalk replacement at 662 West 8th Street. Upon motion the documents were received and filed and Resolution No. 439-10 Adopting the final assessment schedule for the 2010 Sidewalk Assessment Project was adopted.

Census 2010 Final Participation Rates: City Manager submitting the Census 2010 final participation rates and a media release from the U.S. Census Bureau. Upon motion the documents were received and filed.

Dubuque Levee and Floodwall Certification – PAL Progress Report #4: City Manager recommending approval of revised sections of the Operation and Maintenance Manual and the revised Emergency Flood Control Plan, both dated October 2010, and transmittal of the City of Dubuque's Provisionally Accredited Levee (PAL) Progress Report #4 to FEMA for certification of the Dubuque levee and floodwall system along the Mississippi River. Upon motion the documents were received, filed, and approved.

South Siegert Farm Lease Extension: City Manager recommending approval of an amendment of the farm lease with William and Janet Siegert for the South Siegert Farm to extend the lease to March 1, 2012. Upon motion the documents were received and filed and Resolution No. 440-10 Approving an amendment to the farm lease between the City of Dubuque, Iowa and William and Janet Siegert was adopted.

AmeriCorps Grant: City Manager recommending approval of the execution of the grant application to the Iowa Commission on Volunteer Services for the City of Dubuque AmeriCorps Program. Upon motion the documents were received, filed, and approved.

Sisters of Charity – Water Meter Wireless Network Equipment License Agreement: City Manager recommending approval of the Water Meter Wireless Network Equipment License Agreement between the City and the Sisters of Charity. Upon motion the documents were received, filed, and approved.

Quarterly Investment Report: City Manager transmitting the September 30, 2010 Quarterly Investment Report. Upon motion the documents were received and filed.

Fiscal Year 2010 Annual Financial Report: City Manager transmitting the Fiscal Year 2010 Annual Financial Report. Upon motion the documents were received and filed.

Green and Healthy Homes Initiative: City Manager recommending approval of the submission of a letter of commitment to become a Green and Healthy Homes Pilot City through the National Green and Healthy Homes Initiative. Upon motion the documents were received, filed, and approved.

Special Assessment: City Manager recommending approval of the levy of a special assessment for non-payment of a Settlement Order against Julie LeClere, 2489 Hempstead Street. Upon motion the documents were received and filed and Resolution No. 441-10 Adopting the schedule of special assessment for a lien against the property and directing the City Clerk to certify the schedule of assessment to the County Treasurer and to publish notice thereof was adopted.

Sustainable Dubuque VISTA Position: City Manager recommending approval of the extension of the Sustainable Dubuque VISTA position for one year. Upon motion the documents were received, filed, and approved.

U.S. Conference of Mayors: Communication from Tom Cochran, U.S. Conference of Mayors, releasing the two most recent Brownfield publications in which Dubuque is featured. Upon motion the documents were received and filed.

Dubuque Initiatives: Communication from Dubuque Initiatives to Michael Brannon, Dubuque Community School Board, related to the District's facility planning process. Upon motion the document was received and filed.

Mediacom: Communication from Lee Grassley, Mediacom Senior Manager – Government Relations, advising of rate changes effective on or about December 1, 2010.

Communication from Lee Grassley, Mediacom Senior Manager – Government Relations, advising of channel changes that will occur on or about December 20, 2010.

Upon motion the documents were received and filed.

Citizen Communication: Communication and petition from Joan Wehrspann regarding recreational burning in the City of Dubuque. Upon motion the documents were received and filed.

PEG Capital Grant Expenditure Request: City Manager recommending approval of the Cable TV Tele-Programming Commission recommendation for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities in the amount of \$86,000 for Loras College to purchase new studio cameras and a new production switcher. Upon motion the documents were received, filed, and approved.

National Civic Review: City Manager transmitting information from the Fall 2010 special issue of National Civic Review on the *Civics of Sustainability*, which includes an article written by Planning Services Manager Laura Carstens entitled "Defining, Inspiring, and Implementing Sustainability." Upon motion the documents were received and filed.

Signed Contracts: Cooperative Winter Road Maintenance Agreement; Catfish Lift Station Standby Generator Contract; and Raymond Place / Maiden Lane Retaining Wall Repair Award Recording Memo. Upon motion the documents were received and filed.

Liquor License Transfer: Transfer of the liquor license of The Rotary Club of Dubuque to 700 Locust Street on November 20/21 and November 22/23 for the Mercy Festival of Trees event. Upon motion the documents were received, filed, and approved.

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. 442-10 Granting the issuance of a Class "B" Beer Permit to Jumpin' Jane's Indoor Party; and a Class "C" Beer Permit to Iowa Street Market and Plaza 20 / BP Amoco; and Resolution No. 443-10 Granting the issuance of a Class "B" (Hotel/Motel) Liquor License to Hotel Julien Dubuque, Grand Harbor Resort, and Holiday Inn Five Flags; a Class "C" Beer/Liquor License to Yen Ching Restaurant and Bridge Restaurant; a Class "B" Wine Permit to Iowa Street Market; and a Class "WBN" Native Wine Permit to Dubuque Area Chamber of Commerce were adopted.

PUBLIC HEARINGS

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

Request to Rezone – End of Radford Court (Tabled from October 18, 2010): Proof of publication on notice of public hearing to consider a request from John Herrig / Flint Drake / Radford Development, LLC, to rezone property located at the end of Radford Court from C-2 Neighborhood Shopping Center District to R-4 Multi-Family Residential District and Zoning Advisory Commission recommending approval.

Communication from Planning Services Manager Laura Carstens advising that 31.7% of the adjacent property owners within 200 feet of the rezoning are in opposition; therefore, a super-majority vote of the City Council is necessary to approve the rezoning request.

Communication from John Herrig asking that his request be tabled until December 6, 2010.

Motion by Jones to remove the proposed ordinance amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at the end of Radford Court from C-2 Neighborhood Shopping Center District to R-4 Multi-Family Residential District from the table. Seconded by Connors. Motion carried 6-0.

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. Motion failed 4-2 with Buol, Lynch, Resnick and Braig voting nay. There was no motion for a first reading of the proposed ordinance.

Planning Services Manager Laura Carstens provided a staff report. Zoning Advisory Commission Chairperson Jeff Stiles responded to questions from City Council. Attorney Mark Sullivan of Reynonlds & Kenline Law Firm spoke in opposition to the proposed ordinance on behalf of adjacent property owner and wife Marna Sullivan, 4617 Camelot Drive. He informed the City Council that while he did not officially represent other property owners in attendance, his remarks did reflect their viewpoints. Mr. Sullivan stated that the applicant failed to prove that the C-2 zoning is in error. Property owners Sally Schneider, 1941 Hummingbird Drive; Karen Maury, 1981 Hummingbird Drive; Marna Sullivan, 4617 Camelot Drive; Greg Wollmuth,

1885 North Court; Robert/Angie Hohmann, 1866 Hummingbird Drive spoke in opposition to the rezoning citing foot traffic across private property, storm water runoff, increased vehicular traffic and dangerous intersections and street crossings as additional issues.

American Red Cross – Request to Amend ID Institutional District: Proof of publication on notice of public hearing to consider a request from Mike McDonough / American Red Cross to amend their ID Institutional District to modify Section 2(D) Signs regarding allowed size, height and illumination. 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. Motion failed 4-2 with Buol, Lynch, Resnick and Braig voting nay. Planning Services Manager Laura Carstens provided a staff report. American Red Cross representative Mike McDonough spoke in favor of the proposed ordinance. Rick Droeske of Lange Sign Group, 1780 IL Route 35, East Dubuque, provided technical information about the sign. Property owners Victoria Kruser, 2443 Asbury Road; and Kathy Flynn Thurlow, 2425 Asbury Road, spoke in opposition to the sign citing traffic distraction, over lighting, and neighborhood character as primary issues. There was no motion for a first reading of the proposed ordinance. Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the amendment of Ordinance 49-86, which established the American Red Cross ID Institutional District by modifying Section 2(D) Signs regarding allowed size, height and illumination.

Unified Development Code – Text Amendment: Proof of publication on notice of public hearing to consider a request from the City of Dubuque to amend Article 13 of the Unified Development Code to clarify the number of bicycle parking spaces required for parking lots over 50 spaces and Zoning Advisory Commission 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 Braig. Motion carried 6-0. Planning Services Manager Laura Carstens provided a staff report.

Motion by Jones for final consideration and passage of Ordinance No. 60-10 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Article 13, Site Design Standards, to clarify the number and location of bicycle parking spaces required for parking lots over 50 spaces. Seconded by Braig. Motion carried 6-0.

Request to Annex – Dubuque Metropolitan Area Solid Waste Agency: Proof of publication on notice of public hearing to consider a request from the Dubuque Metropolitan Area Solid Waste Agency to voluntarily annex and rezone 318.25 acres of property on the west side of the City of Dubuque and City Manager recommending that this item be tabled to December 20, 2010. Motion by Connors to receive and file the documents and table to December 20, 2010. Seconded by Braig. Motion carried 6-0.

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

ACTION ITEMS

Dubuque Industrial Center North – Final Plat: City Manager recommending approval of the final plat of the Dubuque Industrial Center North First Addition (North Siegert Farm) and naming the new street Innovation Drive, unless the City Council chooses a different name. Motion by Connors to receive and file the documents and adopt Resolution No. 444-10.

Approving the final plat of Dubuque Industrial Center North First Addition in the City of Dubuque, Iowa. Seconded by Lynch. Motion carried 6-0.

RIO-CDBG Multi-Family Rental Unit Production: City Manager recommending approval of an application for \$5.9 million of RIO-CDBG Multi-Family Rental Unit Production – Round 3 funding to create multi-family rental units in the Caradco Building. Motion by Jones to receive and file the documents and adopt Resolution No. 445-10 Resolution of support to the Iowa Department of Economic Development, on behalf of Caradco Building, LLLP, for submittal of an application for a RIO-CDBG Disaster Multi-Family Unit Production Round 3 Application. Seconded by Braig. Motion carried 6-0.

Purchase of Transit Vehicles: City Manager recommending approval to incur costs for replacement of the Keyline bus fleet and to add Intelligent Transportation Systems (ITS) technology on the buses. Motion by Lynch to receive and file the documents and adopt Resolution No. 446-10 Authorizing the purchase of a new transit fleet and adding Intelligent Transportation System Technologies (ITS). Seconded by Resnick. Transit Manager Barbara Morck responded to questions from City Council. Motion carried 6-0.

Purchase of Light Duty Transit Vehicles – Request for Proposals: City Manager recommending approval of the issuance of a Request for Proposals for the purpose of obtaining a Light Duty Sprinter vehicle purchasing contract that contains the clean diesel engine option for Keyline Transit. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 6-0.

Southwest Arterial / Value Engineering Study Update: City Manager transmitting an update on the results of the preliminary design Value Engineering evaluations for the Southwest Arterial project. Motion by Connors to receive and file the documents. Seconded by Jones. Motion carried 6-0. Assistant City Engineer Bob Schiesl provided a slide presentation on the project and responded to questions from City Council.

Expansion of Washington Neighborhood Yard Lighting Initiative Program: City Manager recommending approval of expanding the Washington Neighborhood Yard Lighting Initiative to older neighborhoods in the City as well as to the low/moderate income (target areas) of the City. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 6-0.

Sustainability at Work Presentation: Presentation on “Sustainability at Work: How Sustainability is Enhancing Dubuque’s Economic Competitiveness.” Motion by Connors to receive and file the information. Seconded by Resnick. Motion carried 6-0. Sustainable Community Coordinator Cori Burbach provided a video presentation and introduced Candace Eudaly of ECIA, Smarter City Project Manager David Lyons and Sustainable Cities Network President Tom Woodward. Each spoke about the Buyer Supplier Network, the Petal Project, Green Economy, Sustainability Innovation Consortium, and the Sustainable City Network.

COUNCIL MEMBER REPORTS

Jones reported on the award Paramount Ambulance recently received in Des Moines.

CLOSED SESSION

Motion by Jones at 9:35 p.m. to go into closed session regarding pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa. Seconded by Resnick. Motion carried 6-0.

Upon motion the City Council reconvened in open session at 9:51 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:52 p.m.

/s/Jeanne F. Schneider, CMC
City Clerk

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