

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

The Dubuque City Council met in special session at 5:30 p.m. on December 6, 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 special session of the City Council to conduct a closed session in accordance with Chapter 21.5(1)(c)(j) Code of Iowa.

Motion by Braig to go into closed session at 5:31 p.m. 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 6:28 p.m. stating that staff had been given proper direction.

There begin no further business, upon motion the City Council adjourned at 6:29 p.m.

/s/Jeanne F. Schneider, CMC
City Clerk

1t 12/15

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

The Dubuque City Council met in regular session at 6:30 p.m. on December 6, 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 Deacon Tim LoBianco of Resurrection Catholic Church.

CONSENT ITEMS

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

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 9/28 and 10/26; City Council of 11/15; Community Development Advisory Commission of 11/17; Housing Commission of 9/28; Housing Code Appeals Board of 8/17; Human Rights Commission of 10/11; Library Board of 9/30 and 10/28; Park and Recreation Commission of 11/9

Library Board of Trustees Update from Meeting of October 28, 2010

Proofs of publication of City Council Proceedings of November 1 and 15, 2010 and List of Claims and Summary of Revenues for Month Ended October 31, 2010

Upon motion the documents were received and filed.

Notice of Claims/Suits: TransPaC Solutions for personal injury of Rebecca Voss; John W. McEnery for vehicle damage; Kristi Schreiber for property loss; Amy Osterberger for vehicle damage; Thomas C. Metz and Mary K. Metz, James W. LaBee and Bonita A. LaBee, and F. James Kolf and Molly A. Kolf vs. City of Dubuque for property damage; Mark and Sandra Willis 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: John McEnery for vehicle damage; Amy Osterberger for vehicle damage; TransPaC Solutions on behalf of Rebecca Voss for personal injury; Kristi Schreiber for property damage. Upon motion the documents were received, filed, and concurred.

Homelessness and Rapid Re-Housing Program (HPRP): City Manager recommending approval of an amendment to the Project Concern, Inc. agreement for the Homelessness Prevention and Rapid Re-Housing Program (HPRP). Upon motion the documents were received, filed, and approved.

Amendment to Fiscal Year 2010 and Fiscal Year 2011 Annual Action Plans: City Manager recommending approval of an amendment to the Fiscal Year 2010 and Fiscal Year 2011 Annual Action Plans by reallocating funds from the prior Fiscal Year 2010 Annual Plan into the Fiscal Year 2011 Annual Plan and reprogramming funds for existing and new projects. Upon motion the documents were received and filed and Resolution No. 447-10 Approving a Fiscal Year 2011 (Program Year 2010) Annual Action Plan – Amendment #2 for Community Development Block Grant (CDBG), Homelessness Prevention and Rapid Re-Housing (HPRP) and Community Development Block Grant Recovery (CDBG-R) Funds was adopted.

Acceptance of Worker's Compensation Claims Administrative Services: City Manager recommending approval of an agreement between the City of Dubuque and 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.

National League of Cities: Communication from Donald J. Borut, Executive Director – National League of Cities, congratulating the City of Dubuque on winning the 2010 All-Star

Community Award in the Sustainability Recognition category. Upon motion the document was received and filed.

Environmental Stewardship Advisory Commission: Communication from the Environmental Stewardship Advisory Commission recommending City Council adoption of a Complete Streets Policy for new and existing streets. Upon motion the document was received, filed, and referred to the City Manager.

Weed Assessments: City Manager recommending approval of the levy of special assessments for the second half of the 2010 Weed Enforcement Program. Upon motion the documents were received and filed and Resolution No. 448-10 Adopting the schedule of assessments for second half of 2010 and directing the City Clerk to certify the schedule of assessments to the County Treasurer and to publish notice thereof was adopted.

2010 Intake Reconstruction Project: City Manager recommending acceptance of the 2010 Intake Reconstruction Project as completed by McDermott Excavating in the final contract amount of \$65,999.00. Upon motion the documents were received and filed and Resolution No. 449-10 Accepting the 2010 Intake Reconstruction Project and authorizing payment of the contract amount to the contractor was adopted.

Locust Street Resurfacing Project – 9th to 17th Streets: City Manager recommending acceptance of the Locust Street Resurfacing Project – 9th to 17th Streets as completed by Tschiggfrie Excavating Company in the final contract amount of \$643,936.18. Upon motion the documents were received and filed and Resolution No. 450-10 Accepting the Locust Street Resurfacing Project – 9th to 17th Streets and authorizing payment of the contract amount to the contractor was adopted.

Traffic Signal Mastarm Retrofit Project – Central Avenue at 5th and 7th Streets: City Manager recommending acceptance of the Traffic Signal Mastarm Retrofit Project – Central Avenue at 5th and 7th Streets as completed by A&G Electric in the final contract amount of \$156,897.58. Upon motion the documents were received and filed and Resolution No. 451-10 Accepting the Traffic Signal Mastarm Retrofit Project – Central Avenue at 5th and 7th Streets and authorizing payment of the contract amount to the contractor was adopted.

Replacement of Section 8 Software System: City Manager recommending approval of the issuance of a request for proposals for replacement of the Housing Department's Section 8 financial and tenant management software system. Upon motion the documents were received, filed, and approved.

Housing Enterprise Zone Program Agreement – Bonson's Block Ventures, LLC: City Manager recommending approval of a Housing Enterprise Zone Program Agreement by and among the Iowa Department of Economic Development, the City of Dubuque and Bonson's Block Ventures, LLC for benefits related to the redevelopment of the Bonson Block building located at 356 Main Street. Upon motion the documents were received and filed and Resolution No. 452-10 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Department of Economic Development, the City of Dubuque and Bonson's Block Ventures, LLC, was adopted.

Downtown Rehabilitation Loan and Grants for the Caradco Building Project: City Manager recommending approval of a letter of commitment for a Downtown Rehabilitation Loan of \$300,000, a \$10,000 façade grant, a \$10,000 design grant and a \$15,000 financial consultant grant for John and Mary Gronen to support their rehabilitation of the Caradco Building at 900 Jackson Street in the Historic Millwork District. Upon motion the documents were received and filed and Resolution No. 453-10 Authorizing a letter of commitment and additional actions concerning a Downtown Rehabilitation Loan, Façade Grant, Design Grant and Financial Consultant Grant to Caradco Building, LLLP, was adopted.

National Academy of Public Administration: Press release that City Manager Michael C. Van Milligen has been elected to be a NAPA Fellow and information from the National Academy of Public Administration. Upon motion the documents were received and filed.

Iowa 32 Bike / Hike Trail – Phase 2 Project: City Manager recommending acceptance of the Iowa 32 Bike / Hike Trail – Phase 2 Project as completed by Connolly Construction in the final contract amount of \$266,265. Upon motion the documents were received and filed and Resolution No. 454-10 Accepting the Iowa 32 Bike / Hike Trail – Phase 2 Project and authorizing payment of the contract amount to the contractor was adopted.

Recreation Site Field Supervisor Position: City Manager recommending approval of the creation of a temporary part-time position to assist with staffing at the Multicultural Family Center (MFC). Upon motion the documents were received, filed, and approved.

Design Service Agreement: City Manager recommending approval of a Design Service Agreement with IIW for the Dubuque flood control system and East 12th Street peninsula. Upon motion the documents were received, filed, and approved.

Helping Services for Northeast Iowa: City Manager recommending approval of a subcontract with Helping Services for Northeast Iowa regarding underage alcohol sales compliance checks and monitoring reimbursement. Upon motion the documents were received, filed, and approved.

Human Rights Commission Annual Report: City Manager transmitting the Human Rights Commission's Annual Report for Fiscal Year 2009/2010. Upon motion the documents were received and filed.

Washington Neighborhood Plan: City Manager recommending approval of the Washington Neighborhood Plan to facilitate future implementation of the strategies for the Washington Neighborhood and providing an update on progress. Upon motion the documents were received and filed and Resolution No. 455-10 Adopting the Washington Neighborhood Plan was adopted.

Human Rights Commission: Communication from Pamela Sharrad submitting her resignation from the Human Rights Commission. Upon motion the document was received and filed and the resignation accepted.

3D Modeling Software: City Manager recommending that the City of Dubuque support a 3D Modeling project to support transportation services and economic development in Dubuque County and the region. Upon motion the documents were received, filed, and approved.

Code of Ordinances: City Manager recommending approval of Supplements 2 and 3 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed and Resolution No. 456-10 Adopting Supplements 2 and 3 to the Code of Ordinances of the City of Dubuque was adopted.

Signed Contracts: Water Pollution Control Plant Modifications – Additional Service Agreement; and the 10th and Central Parking Ramp and 10th and Central Fire Headquarters Expansion – Construction Testing and Inspection Services. Upon motion the documents were received and filed.

Business Licenses: City Manager recommending approval of annual liquor license renewals as submitted. Upon motion the documents were received and filed and Resolution No. 457-10 Granting the issuance of a permit to sell cigarettes and cigarette papers to Kwik Stop; Resolution No. 458-10 Granting the issuance of a Class “C” Beer Permit to Hy-Vee #2, Kwik Stop Food Mart (2320 Hwy 61) and Kwik Stop (4110 Dodge Street); and Resolution No. 459-10 Granting the issuance of a Class “C” Beer/Liquor License to Pepper Sprout, Instant Replay and Double Shot; a Class “C” Liquor License to Cookin’ Something Up; a Class “B” Wine Permit to Hy-Vee #2; and a Class “WBN” Native Wine License to I Luv Food, Gotta Have It, Kwik Stop Food Mart (2320 Hwy 61) and Kwik Stop (4110 Dodge Street) were adopted.

ITEM TO BE SET FOR PUBLIC HEARING

Motion by Lynch to receive and file the documents, adopt the resolutions, set the public hearing as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Braig. Motion carried 6-0.

Historic Millwork District Complete Streets Project: City Manager recommending initiation of the public bidding process for the Historic Millwork District Complete Streets Project and that a public hearing be set for December 20, 2010 to consider approval of the plans and specifications, form of contract, estimated cost and Resolution of Necessity. Upon motion the documents were received and filed and Resolution No. 460-10 Preliminary approval of plans, specifications, form of contract, and estimated cost, setting date of public hearing and ordering bids for the Historic Millwork District Complete Streets Project; and Resolution No. 461-10 Approving the plat, schedule of assessments and estimate of total cost and setting date of public hearing on the Resolution of Necessity were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 20, 2010 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:

Human Rights Commission: Three 3-year terms through January 1, 2014 (Terms of Davis, Scott, and Rubenstein); one 3-year term through January 1, 2013 (Term of Sharrad); and one 3-year term through January 1, 2012 (Term of Wilberding). Applicants: Frederick Davis, Jr., 2274½ Washington Street; Kurt Hansen, 511 Nocturnal Lane; and Marcos Rubinstein, 663 Fenelon Place. Mr. Davis and Mr. Hansen spoke in support of their appointment.

Mediacom Cultural Affairs Charitable Foundation: Two 1-year terms through December 31, 2011 (Terms of Chavenelle and Twining). Applicants: Gail Chavenelle, 1155 Kelly Lane; and Connie Twining, 421 N. Booth Street.

Safe Community Advisory Committee: Nine 1-year terms through December 31, 2011. Applicants: Anthony Allen, 1725 Delhi Street; Mary Rae Bragg, 350 Kaufmann Avenue; Diane Callahan, 531 Sapphire Circle; Jonathan Cheatham, 2396 University Avenue; Rachel Daack, 800 Laurel Street; Amanda Elkins, 2257 Chaney Road; Ann Ernst, 899 Mt. Carmel Road; Phil French, 1035 Rockdale Road; Bob Lanka, 2280 Jackson Street; Doug Stillings, 1255 Locust Street; Susan Stork, 2115 Golden Eagle Drive; and Lynn Sutton, 876 Yale Court. Ms. Bragg, Ms. Callahan, Ms. Daack, Ms. Ernst, Mr. French, Mr. Stillings, Ms. Stork, and Ms. Sutton spoke in support of their appointment.

ACTION ITEMS

Request to Reconsider – Radford Court Rezoning: Communication from John Herrig requesting that City Council reconsider the Radford Court rezoning application.

Communications from City Attorney Barry A. Lindahl regarding the reclassification for Radford Court LLC.

Communication from Mark J. Sullivan requesting that the City Council deny the reconsideration application filed by John Herrig.

Mayor Buol reiterated concerns brought up at the November 15th public hearing.

Motion by Jones to reconsider the request and re-open the public hearing. Seconded by Connors. Motion failed 2-4 with Lynch, Resnick, Braig and Buol voting nay.

Motion by Jones to reconsider the request and allow developer John Herrig to rebut public comments only. Motion carried 6-0. Mr. Herrig, 13750 Surrey Lane, spoke and waived his right to rebuttal.

Motion by Braig to receive and file the documents from the November 15th and December 6th meetings. Seconded by Lynch. Motion carried 6-0.

Motion by Connors to receive and file the documents and consider the first reading of 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 Jones. Motion failed 4-2 with Lynch, Resnick, Braig, and Buol voting nay.

City in Motion – An IBM First of a Kind Proposal: City Manager recommending approval of the expansion of the IBM / City of Dubuque Smarter City Partnership into the area of vehicle miles traveled. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 6-0.

Memorandum of Understanding – Black Hills Energy: City Manager recommending approval to enter into a Memorandum of Understanding with Black Hills Energy Corporation to conduct a natural gas pilot program as part of Smarter Sustainable Dubuque. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 6-0.

State of Iowa Financial Assistance Application for Eagle Point Software: City Manager recommending approval of the submission of a Community Economic Betterment Account (CEBA) Program Financial Assistance application to the Iowa Department of Economic

Development on behalf of Eagle Point Software Corporation. Motion by Connors to receive and file the documents and adopt Resolution No. 462-10 Authorizing the filing of an application for State Financial Assistance on behalf of Eagle Point Software. Seconded by Braig. Motion carried 6-0.

Five Flags Civic Center Annual Report: City Manager transmitting the Five Flags Civic Center Annual Report and advising that Five Flags Manager Joyce White will provide an update on activities in the current fiscal year and plans for the future. Motion by Connors to receive and file the documents. Seconded by Braig. Ms. White reviewed highlights from the annual report and described new initiatives for the Center. Motion carried 6-0.

Multicultural Family Center Annual Report: City Manager transmitting the Multicultural Family Center Annual Report and advising that Multicultural Family Center Director Tara Velez will provide an update on the efforts and success of the Center. Motion by Lynch to receive and file the documents. Seconded by Jones. Ms. Velez provided highlights from the Center's first annual report and responded to questions from City Council. Motion carried 6-0.

Results of Public Vote for Rebranding and Renaming KeyLine: City Manager transmitting the results of the public vote for the rebranding and renaming of KeyLine and recommending that the City Council select a new name from the top vote getters. Motion by Connors to receive and file the documents, select the name "JULE", and leave the color choice to staff. Seconded by Braig. Responding to questions from City Council, Economic Development Director Dave Heiar stated that ECIA staff will handle the graphic design work and requests direction from the City Council regarding name and possible color scheme adding that outside design companies will be considered. Transit Director Barbara Morck explained that due to equipment wear patterns it would not be feasible to limit vehicles to specific colors and routes. Motion carried 6-0.

State of Iowa Legislative Priorities – 2011 Session: City Manager recommending approval of the State of Iowa Legislative Priorities for the 2011 session. Motion by Connors to receive and file and approve the recommendation. Seconded by Braig. Motion carried 6-0.

Council Appointments: Communication from Jesús Avilés, Dubuque Racing Association, requesting that the City make appointments to the DRA Board of Directors (currently Mayor Roy Buol, City Council Members Kevin Lynch and Ric Jones, and City Manager Michael C. Van Milligen).

Communication from M. Thomas Stovall, Executive Director of Operation: New View Community Action Agency, requesting that the City make appointments to the Board of Directors (currently City Council Members Ric Jones and David Resnick), and a representative appointed by the City Manager (currently Jason Hartman).

Motion by Connors to receive and file the documents and reappoint the current members to the DRA board and Council Member Resnick to the Operation: New View board. Seconded by Resnick. Jones indicated that he would be agreeable to going off the Operation: New View Board due to schedule conflicts. Connors questioned why three people represent the City on the Operation New View board. Van Milligen suggested appointing one person and checking into the agency's by-laws relative to membership. Motion carried 6-0.

There being no further business, upon motion the City Council adjourned at 8:26 pm.

/s/Jeanne F. Schneider, CMC
City Clerk

1t 12/15