

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

The Dubuque City Council met in regular session at 6:30 p.m. on January 3, 2011 in the Historic Federal Building.

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

Absent: Council Members Braig and 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 Reverend Maria Wiblin of Hillcrest Family Services.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Motion carried 5-0.

Minutes and Reports Submitted: City Council of 12/20 and 12/21; Environmental Stewardship Advisory Commission of 12/7; Historic Preservation Commission of 12/16; Library Board of Trustees of 11/16

Investment Oversight Advisory Commission's 70th Quarterly Report

Library Board of Trustees Update from Meeting of December 15, 2010

Proof of publication of City Council Proceedings of December 6, 2010

Upon motion the documents were received and filed.

Notice of Claims/Suits: David Klavitter for property damage; Walter Joniec for vehicle damage. Upon motion the documents were received, filed, and referred to the City Attorney.

City Attorney advising that the following claim has been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: David Klavitter for property damage. Upon motion the document was received, filed, and concurred.

Purchase of Property – Bee Branch Creek Restoration Project: City Manager recommending approval of the purchase of a commercial property, located at 500 Rhomberg Avenue and owned by PJ's Tap, LLC, 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. 1-11 Approving the acquisition of real estate owned by PJ's Tap, LLC in the City of Dubuque was adopted.

2010 Drain Tile Project: City Manager recommending acceptance of the construction contract for the 2010 Drain Tile Project, as completed by Drew Cook & Sons Excavating, in the final contract amount of \$20,272.84. Upon motion the documents were received and filed and Resolution No. 2-11 Accepting the 2010 Drain Tile Project and authorizing payment of the contract amount to the contractor was adopted.

NAI Region 5 Awards Nomination for the Friends of the Mines of Spain: City Manager recommending approval of a letter of support for the Interpretation Award Nomination for the Friends of the Mines of Spain. Upon motion the documents were received, filed, and approved.

Trees Forever Grant Application: City Manager recommending approval of the submission of a \$7,000 Trees Forever grant application to fund a small portion of the 485 trees planned along the lower portion of the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 3-11 Support of Trees Forever Application for funding for the Bee Branch Creek Restoration Project was adopted.

Westbrook Park Temporary Location Lease: City Manager recommending approval of an amendment to the lease between the City and Callahan Construction, Inc. to change the location for Westbrook Park from Lots 38 and 39 to Lots 1 and 2. Upon motion the documents were received, filed, and approved.

Residency Requirement for Sister City Relationships Advisory Commission: Communication from Jeffrey L. Walters submitting his application to the Sister City Relationships Advisory Commission and advising that he lives outside the City limits. Upon motion the documents were received and filed.

Advisory Board for the National ADA Coordinator Certification Program: City Manager transmitting information on the appointment of Human Rights Director Kelly Larson to the Advisory Board for the ADA Coordinator Certification Program. Upon motion the documents were received and filed.

EMS Student Contract with NICC: City Manager recommending approval to execute an Emergency Medical Services Student contract with Northeast Iowa Community College. Upon motion the documents were received, filed, and approved.

Signed Contracts: Bee Branch Creek Restoration Project – Phase I Environmental Assessment. 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. 4-11 Granting the issuance of a Class “C” Beer Permit to Hartig Drug Company #4 and Sam’s Club #4973; and Resolution No. 5-11 Granting the issuance of a Class “B” (Hotel/Motel) Liquor License to Best Western Plus Hotel and Conference Center / Champps Americana; a Class “C” Beer/Liquor License to Breezer’s Pub and The Lounge; and a Class “B” Wine Permit to Sam’s Club, Dubuque Religious Center and Hartig Drug #4 were adopted.

ITEM TO BE SET FOR PUBLIC HEARING

Motion by Lynch to receive and file the documents, adopt the resolution, set the public hearing as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Jones. Motion carried 5-0.

Release of Easements – Lot 1 of Yiannias Place: City Manager recommending that a public hearing be set for January 18, 2011 to consider a request from Brian Kane, representing Key City Investment Company, for the release of easements in Yiannias Place in the City of

Dubuque. Upon motion the documents were received and filed and Resolution No. 6-11 Resolution of intent to dispose of City interest in Easement "B" and Easement "D" in Lot 1 and Lot 1A of Yiannias Place 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 January 18, 2011 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:

Housing Code Appeals Board: One 3-year term through January 11, 2014 (Term of Young). Applicant: David Young, 1572 Central Avenue

Sister City Relationships Advisory Commission: Setting 10 Initial Terms: Three 1-year terms through February 1, 2012; Three 2-year terms through February 1, 2013; Four 3-year terms through February 1, 2014. Applicants: Sheila Castaneda, 1014 Dunham Drive; Michael Coty, 125 Bluff Street; Larissa Filimonenko, 2260 Samantha Drive; Jeffrey Jochum, 3750 Aerostar Drive; Richard Landis, 2390 Clarke Crest Drive; Pat McNamara, 1041 Shady Oaks Drive; William McIntee, 1339 Belmont Street; Eric Miller, 1290 W. 5th Street, #1; Betty Phillips, 3047 Kane Court; Louise Thurn, 3037 Kaufmann Avenue; and Annalee Ward, 2758 Tiffany Court. Ms. Castaneda, Mr. Coty, Ms. Filimonenko, Mr. Jochum, Mr. McNamara, Ms. Phillips and Ms. Ward spoke in support of their respective appointments.

ACTION ITEMS

Historic Preservation Commission: Communication from the Historic Preservation Commission advising that they have renewed their commitment to public outreach and providing a report on the initial efforts. Motion by Connors to receive and file the documents. Seconded by Lynch. HPC Chairperson David Klavitter provided a verbal report. Motion carried 5-0.

Amendments to the Housing Code: City Manager recommending approval of amendments to the Housing Code to require crime-free training, to require tenant criminal background checks and to designate certain rental property owners as Priority Category. Motion by Jones to receive and file the documents and consider the first reading of the proposed ordinances amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation, and Environment, Chapter 6 Housing Regulations, Section 6-6-7 Licenses and Inspections requiring a property owner, manager, or licensed real estate professional to participate in the crime-free, multi-housing program as a condition of a license issuance or renewal for a rental dwelling operating license; and amending the City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation, and Environment, Chapter 6 Housing Regulations by adopting a new Section 6-6-11 Priority Category; amending Chapter 6 Housing Regulations by adopting a new Section 6-6-12 Procedure for Hearing Appeal of Priority Category Status; and amending Chapter 6 Housing Regulations by adopting a new Section 6-6-13 Inspection of Properties Owned by Priority Category. Seconded by Connors. Responding to questions from City Council, Assistant City Attorney Crenna Brumwell and Police Chief Mark Dalsing stated that the background checks will be maintained by the Police Department's Records Division, and information gained from the checks could be used by police in addition to their current search methods. Landlord license fees do not fully cover the City's expenses for providing the free service, and background checks are limited to adult applicants named on the lease. Dalsing

added that he believes the checks provide accurate information from across all 50 states and three prior addresses. Motion carried 5-0.

Federal Emergency Management Agency (FEMA) Flood Plain Map Update: City Manager providing an update on the City of Dubuque's Technical Appeal of FEMA's Preliminary Digital Flood Insurance Rate Map for our community. Motion by Jones to receive and file the documents. Seconded by Resnick. Motion carried 5-0.

Extension of Southwest Arterial Moratorium: City Manager recommending approval of the extension of the development moratorium for the Southwest Arterial Corridor to July 1, 2012. Motion by Connors to receive and file the documents and consider the first reading of the proposed ordinance amending the City of Dubuque Code of Ordinances by amending Title 14 (Buildings and Development) and by amending Title 16 (Unified Development Code) extending the development moratorium for the Southwest Arterial Corridor to July 1, 2012. Seconded by Jones. Motion carried 5-0.

Solar Thermal Licensing, Permitting and Inspections: City Manager recommending approval of amending the Code of Ordinances to create a Solar Thermal licensing system and empower Solar Thermal permits and inspections. Motion by Lynch to receive and file the documents and consider the first reading of the proposed ordinances amending City of Dubuque Code of Ordinances Title 14 Building and Development by adding Chapter 13 Solar Thermal Licenses which requires a license in order to perform work on solar thermal systems; and amending City of Dubuque Code of Ordinances Title 14 Building and Development by adding Chapter 14 Solar Thermal Systems requiring permits and inspections for work performed on solar thermal systems and setting forth the standards for solar thermal systems. Seconded by Jones. Motion carried 5-0.

Selection of Color for "The Jule": City Manager submitting color options for "The Jule" for City Council consideration. Motion by Connors to receive and file the documents and select the green "Mountain Dew" color option. Seconded by Resnick. Motion carried 5-0.

Friends of the Mines of Spain Advisory Board: City Manager requesting that the City Council designate a representative to the Friends of the Mines of Spain Advisory Board. Motion by Connors to receive and file the documents and appoint Mayor Buol as the representative. Seconded by Lynch. Motion carried 5-0.

Amendment to Iowa Finance Authority (IFA) Loan Agreement: City Manager recommending approval of an amendment to the Iowa Finance Authority loan agreement for financing a portion of the costs of projects in the Historic Millwork District in an amount up to \$4,500,000. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 5-0.

Community Development Block Grant Award to CARADCO Project: City Manager recommending that the City indicate its interest in accepting a \$5.9 million Community Development Block Grant award for the CARADCO Project to the Iowa Department of Economic Development. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 5-0.

AV Preeminent Rating for City Attorney: Notification that City Attorney Barry Lindahl has

been awarded the AV Preeminent Rating from the Martindale-Hubbell Peer Review. Motion by Connors to receive and file the documents. Seconded by Resnick. City Council Members congratulated the City Attorney. Motion carried 5-0.

COUNCIL MEMBER REPORTS

Mayor Buol passed on Happy New Year wishes to all.

Jones extended an invitation to the opening of the Special Olympics on January 10 at the Grand River Center.

PUBLIC INPUT

Joseph Noel, 315 West Locust, thanked the City Council for their efforts in facilitating what he considered to be an attractive and functional Burlington/Trailways bus hub at Rhomberg and Elm Streets.

CLOSED SESSION

Motion by Jones to go into closed session at 7:28 p.m. regarding Pending Litigation and Property Acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa and Collective Bargaining Strategy pursuant to Iowa Code Chapter 20.17(3). Seconded by Resnick. Motion carried 5-0.

Upon motion at 8:39 p.m., the City Council reconvened in open session stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:40 p.m.

/s/Jeanne F. Schneider, CMC
City Clerk

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