

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

The Dubuque City Council met in special session at 5:30 p.m. on February 7, 2011 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 that this was a special meeting of the City Council called for the purpose of discussing the Convention and Visitors Bureau Budget and Work Plan.

Keith Rahe, Executive Director of the Dubuque Convention and Visitors Bureau, introduced CVB staff members and presented a slide presentation on the Bureau's Fiscal Year 2012 budget including information regarding partnerships, awards, tourism statistics and marketing efforts. Mr. Rahe then responded to questions from the City Council.

There being no further business, upon motion the City Council adjourned at 6:15 p.m.

/s/Jeanne F Schneider, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on February 7, 2011 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 Dr. Reverend Ken Bickel of First Congregational UCC.

CONSENT ITEMS

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

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 11/23; City Council of 1/18; Civil Service Commission of 12/6 and 1/14; Historic Preservation Commission of 1/20; Housing Code Appeals Board of 10/19; Housing Commission of 11/23; Investment Oversight Advisory Commission of 1/27; Long Range Planning Advisory Commission of 1/19; Park and Recreation Commission of 1/11

Substance Abuse Services Center Fiscal Year 2011 Second Quarter Report

Library Board of Trustees Update from the Meeting of January 27, 2011

Investment Oversight Advisory Commission 71st Quarterly Report

Proofs of publication of City Council Proceedings of January 3 and 18, 2011 and List of Claims and Summary of Revenues for Month Ended December 31, 2010

Upon motion the documents were received and filed.

Notice of Claims/Suits: Jennifer Ney for personal injury/property damage; Emily Marie Leicht for vehicle damage; Marion Durrah vs. City of Dubuque, et al; Susan Schueller for vehicle damage; Clay W. Gronen 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: Michael Willis for vehicle damage; Miriah Roath for personal injury and vehicle damage; Katie Schaefer for vehicle damage; Jennifer Ney for personal injury/property damage; Kayla McLaughlin for vehicle damage; Christa Welu Trust for property damage. Upon motion the documents were received, filed and concurred.

Management Agreement for Bunker Hill Golf Course: City Manager recommending approval of a management agreement with G.M.S., Inc. (George Stephenson) for the Bunker Hill Golf Course for the period beginning March 1, 2011 and ending November 30, 2011. Upon motion the documents were received, filed, and approved.

Federal Emergency Management Agency (FEMA): Communication to Bob Bissell, FEMA Region VII, regarding the Scientific Review Panel Notification for FEMA Preliminary DFIRM. Upon motion the document was received and filed.

North End Neighborhood Association: Communication from the North End Neighborhood Association thanking the City for the combined efforts that made possible the FEMA decision to accept the revised flood map created by the City of Dubuque's consultant CDM. Upon motion the document was received and filed.

Master Consulting Services Agreement: City Manager recommending approval of the First Amendment to the Master Consulting Services Agreement with David Lyons to extend the agreement through June 30, 2012. Upon motion the documents were received, filed, and approved.

Legislative Correspondence: Communication to the Legislative Information Office urging the

Iowa Legislature to maintain both the Iowa Smart Planning Bill and the I-JOBS II funding.

Communication to area legislators expressing opposition of the City of Dubuque to several aspects of Governor Branstad's budget.

Upon motion the documents were received and filed.

Smart Planning Bill: Communication from the Long Range Planning Advisory Commission advising that the Commission supports the Iowa Smart Planning Bill and related expenses and urging the City Council to support it also. Upon motion the document was received and filed.

Complete Streets Policy: Communication from the Long Range Planning Advisory Commission advising that Complete Streets are consistent with the 2008 Dubuque Comprehensive Plan and recommending that the City Council adopt a Complete Streets Policy. Upon motion the document was received and filed.

Harvest View Estates Sixth Addition: City Manager recommending re-approval of the final plat of Harvest View Estates Sixth Addition. Upon motion the documents were received and filed and Resolution No. 26-11 Authorizing the re-approval of the final plat of Harvest View Estates Sixth Addition in the City of Dubuque, Iowa, was adopted.

Save America's Treasures (SAT) Program Funding: City Manager's communication to The Honorable Ken Salazar, Secretary of the Department of Interior, regarding the importance of ensuring that Save America's Treasures is included as a priority in the 2012 budget at the \$25 million level. Upon motion the document was received and filed.

Natural Gas Wireless Network Equipment License Agreement: City Manager recommending approval of the Natural Gas Wireless Network Equipment License Agreement between the City of Dubuque and Black Hills Energy. Upon motion the documents were received, filed, and approved.

Resolution of Protest to Preliminary DFIRM for the City of Dubuque: Communication to Richard Leonard, FEMA Region VII, expressing gratitude for the assistance and cooperation that FEMA has shown with respect to re-mapping the Bee Branch and other areas of the City. Upon motion the document was received and filed.

Central Avenue HMA Resurfacing Project: City Manager recommending approval of an Iowa Department of Transportation (Iowa DOT) Cooperative Agreement for Primary Road Project for the Central Avenue HMA Resurfacing Project, from 21st to 32nd Street. Upon motion the documents were received and filed and Resolution No. 27-11 Approving the Iowa Department of Transportation Cooperative Agreement for Primary Road Project (Agreement No. 2011-16-079) for the Central Avenue HMA Resurfacing with Milling Project, from 21st to 32nd Street was adopted.

Bee Branch Deconstruction Project: City Manager recommending acceptance of the Bee Branch Deconstruction Project as completed by Gronen Restoration in the amount of \$332,058.65 for Bid Groups 1, 2, 4, 6, 12, and 13; Tschiggfrie Excavating in the amount of \$622,097.28 for Bid Groups 3, 5, 8, 9, 10, 11, 14, and 15; and Ted Stackis Construction in the amount of \$141,742.63 for Bid Group 7. Upon motion the documents were received and filed and Resolution No. 28-11 Accepting the building deconstruction associated with the Bee Branch Creek Restoration Project, Bid Groups 1, 2, 4, 6, 12, and 13, and authorizing the

payment of the contract amount to the contractor; Resolution No. 29-11 Accepting the building deconstruction associated with the Bee Branch Creek Restoration Project, Bid Groups 3, 5, 8, 9, 10, 11, 14 and 15, and authorizing the payment of the contract amount to the contractor; and Resolution No. 30-11 Accepting the building deconstruction associated with the Bee Branch Creek Restoration Project, Bid Group 7, and authorizing the payment of the contract amount to the contractor were adopted.

Plat Approval: Kerper Boulevard – 12th Street to 16th Street: City Manager recommending approval of the plat of Lot 1 and Lot A of Bee Branch Subdivision No. 2 in the City of Dubuque, Dubuque County, Iowa. Upon motion the documents were received and filed and Resolution No. 31-11 Approving the final plat of Lot 1 and Lot A of Bee Branch Subdivision No. 2 in the City of Dubuque, Dubuque County, Iowa, was adopted.

Vacant and Abandoned Building (VABs) and Problem Property Assessments: City Manager recommending approval of vacant and abandoned building and problem property assessments. Upon motion the documents were received and filed and Resolution No. 32-11 Authorizing the City to collect delinquent vacant and abandoned building and problem property charges in accordance with Title 6-6-3B1h; Title 6-6-4B3 and Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Grass and Weed Cutting Assessments: City Manager recommending approval to certify grass and weed cutting charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 33-11 Authorizing the City to collect delinquent grass and weed cutting and garbage collection charges in accordance with Title 6-6-3C2o; Title 6-6-4B3 and Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Delinquent Water, Sewer, Refuse and Storm Water Collection Accounts: City Manager recommending approval of the submission of delinquent water, sewer, refuse and storm water collection accounts to the Dubuque County Treasurer. Upon motion the documents were received and filed and Resolution No. 34-11 Adopting the Schedule of Assessments for delinquent water, refuse, sewer and storm water collection accounts and directing the Clerk to certify the schedule of assessments to the County Treasurer and to publish notice thereof was adopted.

Comprehensive Annual Financial Report (CAFR): City Manager transmitting the 2010 Comprehensive Annual Financial Report (CAFR). Upon motion the documents were received and filed.

Sister City Relationships Advisory Commission: Communication from Eric Miller advising that he will be unable to accept an appointment to the Sister City Relationships Advisory Commission. Upon motion the document was received and filed and the resignation accepted.

Workers' Compensation Claims: City Manager recommending approval of the settlement of the workers' compensation claims of Michael Clancy and Kevin Sweeney. Upon motion the documents were received, filed, and approved.

Levee Certification – Interior Drainage Study Agreement Amendment: City Manager recommending approval to amend the City's agreement with CDM to include the interior

drainage study required as a prerequisite for levee certification. Upon motion the documents were received, filed, and approved.

Historic Millwork District Streetscape and Utilities – V&K Amendment No. 2: City Manager recommending approval of Amendment No. 2 to the Historic Millwork District Streetscape and Utilities Professional Engineering Services Agreement between the City and Veenstra & Kimm, Inc. (V&K). Upon motion the documents were received, filed, and approved.

Citizen Petition: Petition submitted by Judith Hertin, 2074 Morningview Road, regarding school taxes. Upon motion the documents were received and filed.

A.Y. McDonald Manufacturing Iowa Demonstration Fund Application: Communication to the Iowa Department of Economic Development in support of the application submitted by A.Y. McDonald Manufacturing for financial assistance from the IDED's Demonstration Fund. Upon motion the document was received and filed.

Quarterly Investment Report: City Manager transmitting the December 31, 2010 Quarterly Investment Report. Upon motion the documents were received and filed.

Preliminary DFIRM Revised Panels: City Manager transmitting correspondence with the Federal Emergency Management Agency (FEMA) regarding revised panels for the preliminary Digital Flood Insurance Rate Map (DFIRM) for our community. Upon motion the documents were received and filed.

Envision 2010 Brochure: Submittal of the new Envision 2010 progress report brochure. Upon motion the document was received and filed.

Dubuque Industrial Center North First Addition – Covenants: City Manager recommending approval of the same covenants that govern the Dubuque Industrial Center West for the Dubuque industrial Center North First Addition. Upon motion the documents were received and filed and Resolution No. 35-11 Adopting the Third Amended and Restated Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens and Charges with respect to Dubuque Industrial Center North First Addition was adopted.

Signed Contracts: (A) 975 Central Parking Ramp Change Order #PS-02; (B) Water Pollution Control Plant Modifications – Miron Construction Co., Inc. Change Order No. 3; (C) JELD-WEN Chipper Agreement; (D) Water Pollution Control Plant Modifications – Strand Associates, Inc. – Engineering Services Agreement – Outfall Sewer Assessment; (E) Water Pollution Control Plant Modifications – Miron Construction Co., Inc. Change Order No. 4; (F) Water Pollution Control Plant Modifications – MWH Americas, Inc. Additional Service Agreement II; (G) Water Pollution Control Plant Modifications – Strand Associates, Inc. – Construction Related Services Agreement; and (H) Water Pollution Control Plant Modifications – EcoSmart Building, PC – Additional Services for Utility Rebate Verification. 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. 36-11 Granting the issuance of a Class "C" Beer Permit to Oky Doky #8 and Hartig Drug #8; and Resolution No. 37-11 Granting the issuance of a Class "C" Beer/Liquor License to

Tony's Place and Dubuque Mining Company; a Special Class "C" Liquor License to Pusateri's; a Class "B" Wine Permit to Oky Doky #8 and Hartig Drug #8; and a Class "WBN" Native Wine Permit to Cedar Cross Amoco were adopted.

ITEMS TO BE SET FOR PUBLIC HEARING

Motion by Jones 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 Lynch. Motion carried 6-0.

Sale of Property at 346 East 19th Street: City Manager recommending that a public hearing be set for February 22, 2011 to consider approval of the sale of property at 346 East 19th Street. Upon motion the documents were received and filed and Resolution No. 38-11 Resolution of intent to dispose of City-owned property, specifically, North ½ of Lot 97, except the West 57'6" thereof, in East Dubuque Addition in the City of Dubuque, Iowa according to the recorded plat thereof – 346 East 19th Street was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 22, 2011 in the Historic Federal Building.

Washington Neighborhood Conservation District Expansion: City Manager recommending that a public hearing be set for February 22, 2011 to consider approval of an amendment to expand the Washington Street Neighborhood Conservation District. Upon motion the documents were received, filed, and approved setting a public hearing for a meeting to commence at 6:30 p.m. on February 22, 2011 in the Historic Federal Building.

Engine House #1 MT, LLC Lease: City Manager recommending that a public hearing be set for February 22, 2011 to consider approval of a proposed 40-year lease between the City of Dubuque and Engine House #1 MT, LLC., a subsidiary of Dubuque Initiatives, for Engine House #1, which formerly housed the Housing Department offices. Upon motion the documents were received and filed and Resolution No. 39-11 Resolution to set hearing on disposal of interest in real property to Engine House #1 MT, LLC, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 22, 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:

Mechanical Board: One 3-year term through March 16, 2014 (Term of Hillard). Applicant: Gary Hillard, 2826 Muscatine Street.

Sister City Relationships Advisory Commission: One 3-year term through February 1, 2014 (Term of Miller). Applicants: Jill Connors, 720 Nevada Street, and Phyllis Lee, 520 S. Grandview Avenue. Ms. Connors and Ms. Lee spoke in support of their respective appointment.

Transit Advisory Board: One 3-year term through July 30, 2011 (Term of Croissant)

Applicant: R.R.S. Stewart, 460 Summit Street. Ms. Stewart spoke in support of her appointment.

Appointments to the following Boards/Commissions: Community Development Advisory Commission: One 3-year term through February 15, 2014 (Term of Michalski). Applicant: Ann

Michalski, 1520 Altura Drive. Motion by Braig to appoint Ann Michalski to the Community Development Advisory Commission for a 3-year term through February 15, 2014. Seconded by Resnick. Motion carried 6-0.

PUBLIC HEARINGS

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

Expansion of Faley Properties, LLC and Faley Enterprises, Inc. (IWI): Proof of publication on notice of public hearing to consider approval of the disposition of Dubuque Industrial Center West property to Faley Properties, LLC and Faley Enterprises, Inc. for the purpose of constructing a 65,000 square foot office/distribution center and City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 40-11 Approving a Development Agreement providing for the sale of 8.369 acres in the Dubuque Industrial Center West to Faley Properties, LLC and Faley Enterprises, Inc. Seconded by Jones. Motion carried 6-0.

Plastic Center, Inc. – Development Agreement: Proof of publication on notice of public hearing to consider entering into a Development Agreement with Plastic Center, Inc. for the purpose of redeveloping properties located at 426 West 5th Street and 951, 955 and 957 Main Street and City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 41-11 Approving a Development Agreement with Plastic Center, Inc. for the property located at 426 West 5th Street and 951, 955 and 957 Main Street. Seconded by Jones. Motion carried 6-0.

Southwest Arterial – North Cascade Road Bridge Construction Project: Proof of publication on notice of public hearing to consider approval of the plans and specifications, form of contract, estimated cost for the North Cascade Road Bridge Construction Project and award of the contract to Minnowa Construction, Inc., in the amount of \$1,408,542.50 and City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 42-11 Approval of plans, specifications, form of contract, and estimated cost for the North Cascade Road Bridge Project; and Resolution No. 43-11 Awarding public improvement contract for the North Cascade Road Bridge Construction Project. Seconded by Braig. Responding to questions from City Council, Assistant City Engineer Bob Schiesl provided additional information about the qualifications and background of Minnowa Construction, Inc. Motion carried 6-0.

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

ACTION ITEMS

Greater Dubuque Development Corporation: Rick Dickinson, Executive Director – Greater Dubuque Development Corporation, to provide a verbal update. Motion by Lynch to receive and file the information. Seconded by Resnick. Mr. Dickinson introduced staff and described their duties and highlighted the work of GDDC, IBM, Dubuque workforce statistics, and national marketing efforts. Mr. Dickinson responded to questions from the City Council. Motion carried 6-0.

Alamo / Historic Millwork District Parking: City Manager recommending approval of the Assignment of Rights in Purchase Agreement from Warehouse Redevelopment, LLC to Rouse and Dean Foundry, LLC. Motion by Connors to receive and file the documents and adopt Resolution No. 44-11 Approving an Assignment of Rights in Purchase Agreement for property in the Historic Millwork District, commonly referred to as the Alamo Site, to Rouse and Dean Foundry, LLC. Seconded by Braig. Motion carried 6-0.

Historic Millwork District Complete Streets Project: City Manager recommending award of the contract for the Historic Millwork District Complete Streets Project to Portzen Construction in the amount of \$5,575,005.92. Motion by Jones to receive and file the documents and adopt Resolution No. 45-11 Awarding public improvement contract for the Historic Millwork District Complete Streets Project. Seconded by Lynch. Motion carried 6-0.

Southwest Arterial Value Engineering Study: City Manager recommending approval of the recommendations of the preliminary design Value Engineering evaluation and support the proposed design modifications being incorporated into the Final Design phase for the Southwest Arterial project. Motion by Connors to receive and file the documents and adopt Resolution No. 46-11 Approving and supporting the Value Engineering recommendations for the final design phase of the Southwest Arterial. Seconded by Braig. Responding to questions from City Council, Assistant City Engineer Bob Schiesl addressed funding information and safety concerns. Motion carried 6-0.

Request for Proposals – Biosolids Management Program: City Manager recommending approval of the issuance of a Request for Proposals to seek qualified contractors interested in developing, implementing, and maintaining a biosolids management program for the Water Pollution Control Plant (WPCP). Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 6-0.

First Amendment to Development Agreement with Maylay Holdings, LLC, and Vanguard Countertops, Inc.: City Manager recommending approval of the First Amendment to the Development Agreement between the City of Dubuque and Malay Holdings, LLC, and Vanguard Countertops, Inc., to provide for a three year extension of the job creation period to January 1, 2014. Motion by Jones to receive and file the documents and adopt Resolution No. 47-11 Approving the First Amendment to the Malay Holdings, LLC and Vanguard Countertops, Inc., Development Agreement. Seconded by Connors. Motion carried 6-0.

Teamsters Local Union No. 120 – Collective Bargaining Agreement: City Manager recommending approval of the collective bargaining agreement between the City of Dubuque and the Teamsters Local Union No. 120 for Fiscal Year 2012. Motion by Jones to receive and file the documents and adopt Resolution No. 48-11 Approving the agreement between the City of Dubuque, Iowa and the Teamsters Local Union No. 120 and authorizing the Mayor to sign the agreement. Seconded by Lynch. City Council thanked the Teamsters Union and City employees for their teamwork. Motion carried 6-0.

Dubuque Professional Firefighters Association, Local #353 – Collective Bargaining Agreement: City Manager recommending approval of the collective bargaining agreement between the City of Dubuque and the Dubuque Professional Firefighters Association Local #353 for Fiscal Year 2012. Motion by Jones to receive and file the documents and adopt Resolution No. 49-11 Approving the agreement between the City of Dubuque, Iowa, and the

Dubuque Professional Firefighters Association Local #353 and authorizing the Mayor to sign the agreement. Seconded by Braig. Motion carried 6-0.

K9 Acquisition: City Manager recommending approval to proceed with the adoption of a U.S. Army trained K9, purchase of equipment and training of a new handler. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 6-0.

Safe Community Task Force Recommendation Implementation - Volunteer Center Coordinator: City Manager recommending approval of an Iowa Commission on Volunteer Service AmeriCorps VISTA position grant application for a Volunteer Center Coordinator and a Memorandum of Agreement for the position. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Responding to questions from City Council, Leisure Services Manager Marie Ware stated that the coordinator would be located at the Leisure Services Office. Motion carried 6-0.

James Street – Request for Removal of Two-Hour Parking: City Manager recommending approval of the removal of two-hour parking on the east side of James Street from Mazzuchelli Heights to West 3rd Street. 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 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 10-11 Amending Section 9-14-321.602(c) of the Code of Ordinances of the City of Dubuque, Iowa, providing for two-hour parking by deleting James Street, east side, from Mazzuchelli Heights to West 3rd Street. Seconded by Braig. Motion carried 6-0.

Disabled Parking Space Fine Increase: City Manager recommending approval of a disabled parking space fine increase from \$100.00 to \$200.00 to reflect State of Iowa changes. 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.

Motion by Jones for final consideration and passage of Ordinance No. 11-11 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Section 9-14-321.621 Parking Violations; Fines by increasing the fine for disabled parking violations from \$100.00 to \$200.00. Seconded by Braig. Motion carried 6-0.

Rental License Requirement Amendments: City Manager recommending approval of amendments to the rental licensing ordinance. 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. Responding to questions from City Council, Van Milligen provided examples of possible exceptions and stated that he would only waive the requirement under advisement of the City Attorney and the Police Chief. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 12-11 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 adding a provision which allows the City Manager to waive the crime free multi-housing program requirement as a condition of a rental license; and adds a provision which allows the City Manager to waive the

criminal background check requirement as a condition of a rental license. Seconded by Braig. Motion carried 6-0.

Work Session – Sustainable Dubuque: City Manager requesting that a work session regarding Sustainable Dubuque be scheduled for March 7, 2011 at 5:00 p.m. Motion by Jones to receive and file the document and approve the request. Seconded by Lynch. Motion carried 6-0.

Fiscal Year 2012 Operating Budget and Capital Improvement Program: City Manager submitting the Fiscal Year 2012 Operating Budget and Five Year Capital Improvement Program. Motion by Connors to receive and file documents. Seconded by Jones. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Jones stated that he would like staff to explore expanding the recently passed ordinance affecting landlords to include property theft by tenants. City Attorney Lindahl and Police Chief Mark Dalsing provided information about city and state theft laws, current procedures and the information already available to landlords and tenants.

Buol reported on his attendance at the recent U.S. Conference of Mayors and specifically the Civility Accord presented by the Mayor of Tucson, Arizona, which addresses good citizen-elected official relations.

CLOSED SESSION

Motion by Jones to go into closed session at 8:02 p.m. regarding pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa. Seconded by Braig. Motion carried 6-0.

Upon motion the City Council reconvened in open session at 8:44 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:45 p.m.

/s/Jeanne F. Schneider, CMC
City Clerk

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