

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

The Dubuque City Council met in regular session at 6:30 p.m. on February 22, 2011 in the Historic Federal Building.

Present: Mayor Buol, Council Members Braig, Connors, Jones, Lynch, Resnick, 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 Carolyn Farrell, BVM

CONSENT ITEMS

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

Minutes and Reports Submitted: City Conference Board of 3/1 and 3/18/10; City Council of 2/7, 2/9, and 2/15; Housing Commission of 1/25; Human Rights Commission of 1/10; Library Board of 12/15; Mechanical Board of 2/10; Zoning Advisory Commission of 2/2; Zoning Board of Adjustment of 1/27. Upon motion the documents were received and filed.

Notice of Claims/Suits: Glen Koelker for vehicle damage; Joanne McKay for vehicle damage; Tyler Hoyt for vehicle damage; Michael Hubanks for vehicle damage; Rick J. Putnam for vehicle damage; Sarah Trantham for vehicle damage; Rich Haigh for vehicle damage; John P. Kelly for vehicle damage; Angela Steur for property 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: Glen Koelker for vehicle damage; Joanne McKay for vehicle damage; Clay Gronen for vehicle damage; Michael Hubanks for vehicle damage; Rick J. Putnam for vehicle damage; Sarah Trantham for vehicle damage; Rich Haigh for vehicle damage; John P. Kelly for vehicle damage; Angela Steur for property damage. Upon motion the documents were received, filed and concurred.

Southwest Arterial Consultant Supplemental Agreement – Final Design: City Manager recommending approval of Supplemental Agreement No. 7 with AECOM Technical Services, Inc. for the final engineering design phase of the Southwest Arterial Project subject to the concurrence of the Iowa Department of Transportation. Upon motion the documents were received and filed and Resolution No. 50-11 Approving the Consultant Professional Services - Supplemental Agreement between AECOM Technical Services, Inc. and the City of Dubuque for the final engineering design phase of the Southwest Arterial Project was adopted.

Southwest Arterial Consultant Supplemental Agreement – North Cascade Road Bridge Construction Project: City Manager recommending approval of Supplemental Agreement No. 8 with AECOM Technical Services, Inc. to provide construction engineering services for the

North Cascade Road Bridge Construction Project (Phase I of the Southwest Arterial Project) subject to the concurrence of the Iowa Department of Transportation. Upon motion the documents were received and filed and Resolution No. 51-11 Approving the Consultant Professional Services - Supplemental Agreement between AECOM Technical Services, Inc. and the City of Dubuque for construction engineering services for the North Cascade Road Bridge Construction Project (Phase 1 of the Southwest Arterial Project) was adopted.

Smart Planning Consortium: City Manager recommending approval to submit a request for technical assistance from the Environmental Protective Agency by the Dubuque Smart Planning Consortium. Upon motion the documents were received, filed, and approved.

Smart Planning Grant Agreement: City Manager recommending approval of an agreement with the Iowa Department of Economic Development (IDED) for a Smart Planning Grant with Dubuque County, the City of Dubuque, and six small cities (Asbury, Cascade, Dyersville, Epworth, Farley and Peosta) to cover up to 50% of the cost for a new or updated comprehensive plan for each participant. Upon motion the documents were received, filed, and approved.

Certified Local Government (CLG) Annual Report: City Manager transmitting the 2010 Certified Local Government (CLG) Annual Report. Upon motion the documents were received and filed.

2010 National Park Service (NPS) Annual Products Report: City Manager transmitting the 2010 National Park Service (NPS) Annual Products Report and Baseline Questionnaire. Upon motion the documents were received and filed.

2010 Urban Revitalization Program Applications: City Manager recommending approval of 2010 Urban Revitalization Program applications for residential property tax exemptions. Upon motion the documents were received and filed and Resolution No. 52-11 Approving residential property tax exemption applications submitted by property owners in recognized urban revitalization areas and authorizing the transmittal of the approved applications to the City Assessor was adopted.

Request for Proposals – Annual Auditing Services: City Manager recommending approval of the issuance of a Request for Proposals for the City's annual audit. Upon motion the documents were received, filed, and approved.

Downtown Rehabilitation Loan – 1132-1136 Locust Street: 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 Judy Davison to support rehabilitation of properties located at 1132-1136 Locust Street. Upon motion the documents were received and filed and Resolution No. 53-11 Authorizing a Letter of Commitment and additional actions concerning a Downtown Rehabilitation Loan, Façade Grant, Design Grant and Financial Consultant Grant to Judy Davison was adopted.

Community Development Block Grant (CDBG) Administration: City Manager recommending approval of a proposal from East Central Intergovernmental Association in the amount of \$7,500 to administer the Community Development Block Grant for the Caradco Building, LLLP, project. Upon motion the documents were received and filed and Resolution No. 54-11

Approving the contract for 2010 CDBG Grant Administration to East Central Intergovernmental Association was adopted.

City Development Board: Communication from Marie Steenlage, City Development Board Administrator, advising that the voluntary annexation request of the Dubuque Metropolitan Area Solid Waste Agency will be heard by the Board on March 9, 2011.

Notice of meeting to consider the City of Dubuque's voluntary annexation within the urbanized area of the cities of Peosta and Centralia.

Upon motion the documents were received and filed.

Knight Soul of the Community 2010: Copy of the *Knight Soul of the Community 2010* Report. Upon motion the document was received and filed.

American Council of Engineering Companies (ACEC): Communication from the American Council of Engineering Companies (ACEC) advising that the City's East / West Corridor Connectivity Study has earned a National Recognition Award in the American Council of Engineering Companies 2011 Engineering Excellence Awards competition. Upon motion the document was received and filed.

Iowa League of Cities: Communication from the Iowa League of Cities advising that Council Member Joyce Connors' name has been submitted for appointment to the National League of Cities Human Development Committee. Upon motion the document was received and filed.

Citizen Communication: Communication from Loras Pape regarding taxes. Upon motion the document was received and filed.

U.S. Department of Housing and Urban Development (HUD): City Manager recommending approval of the execution of grant agreements with the U.S. Department of Housing and Urban Development for the Lead Hazard Control and Healthy Homes Product grants. Upon motion the documents were received and filed and Resolution No. 55-11 Authorizing execution of a Lead Hazard Control Grant Agreement and Healthy Homes Production Agreement with the U.S. Department of Housing and Urban Development was adopted.

Handan City: Communication from Lv Jinlong, Vice Secretary General of Handan City Government, expressing great sorrow on the death of Council Member Dirk Voetberg. Upon motion the document was received and filed.

Signed Contracts: A. Change orders for Fire Station Expansion and 975 Central Avenue Ramp Construction Project; B. Five Flags Concert Lighting Bid Award Request; and C. Water Pollution Control Plant Update Project – Change Order #5. 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. 56-11 Granting the issuance of a Class "C" Beer/Liquor License to Hammerheads Bar and Billiards, Players Sports Bar, Northside Bar, Gin Rickey's, Town Clock Inn, Bootleggers Pub, and The Clubhouse was adopted.

ITEMS TO BE SET FOR PUBLIC HEARING

Motion by Lynch 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 Braig. Motion carried 6-0.

Sanitary Sewer Easement – Faley Properties, LLC: City Manager recommending that a public hearing be set for March 7, 2011 to consider a request from Faley Properties, LLC d/b/a IWI Motor Parts to obtain an easement for a sanitary sewer lateral that will serve their development of Lot 2 of Dubuque Industrial Center North First Addition. Upon motion the documents were received and filed and Resolution No. 57-11 Intent to dispose of a sanitary sewer easement in the City of Dubuque and fixing the date for a public hearing on the proposed disposal of a sanitary sewer easement in the Dubuque Industrial Center North First Addition to Faley Properties, LLC and Faley Enterprises, Inc. and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 7, 2011 in the Historic Federal Building.

Fire Hydrant Painting Project: City Manager recommending initiation of the bidding process for Phase I of the Fire Hydrant Painting Program and that a public hearing be set for March 7, 2011. Upon motion the documents were received and filed and Resolution No. 58-11 Preliminary approval of the plans and specifications, form of contract, and estimated cost; setting date of public hearing on the plans and specifications, form of contract, and estimated cost; and ordering the advertisement for bids was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 7, 2011 in the Historic Federal Building.

Fiscal Year 2012 Budget and Capital Improvement Program: City Manager recommending that a public hearing be set for March 10, 2011 to consider approval of the Fiscal Year 2012 Budget and Fiscal Year 2012 – 2016 Capital Improvement Program. Upon motion the documents were received and filed and Resolution No. 59-11 Setting the date for the public hearing on the Fiscal Year 2012 Budget for the City of Dubuque; and Resolution No. 60-11 Setting the date for the public hearing on the Five Year Capital Improvement Program for Fiscal Years 2012 through 2016 for the City of Dubuque were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 10, 2011 in the Historic Federal Building.

Dubuque Industrial Center Economic Development District: City Manager recommending that a public hearing be set for March 7, 2011 to consider an amendment to the Dubuque Industrial Center Economic Development District. Upon motion the documents were received and filed and Resolution No. 61-11 Resolution of Necessity finding that certain areas adjacent to the Dubuque Industrial Center Economic Development District meet the definition of an Economic Development Area under the Urban Renewal Law, and that development of said areas is necessary in the interest of the residents of the City of Dubuque, Iowa and to rescind Resolution No. 20-11 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 7, 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: Community Development Advisory Commission: One 3-year term through February 15, 2014 (Term of Shaw). Applicant: David Shaw, 2765 Broadway Street.

Appointments to the following Boards/Commissions:

Mechanical Board: Two 3-year terms through March 16, 2014 (Term of Hillard and Giese)

Applicants: Gary Hillard, 2826 Muscatine Street; and Tom Giese, 395 Villa Street. Motion by Braig to receive and file the documents and appoint Gary Hillard and Tom Giese to the Mechanical Board for 3-year terms through March 16, 2014. Seconded by Connors. Motion carried 6-0.

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. Upon roll call vote, Jill Connors was appointed to the Sister City Relationships Advisory Commission for a 3-year term through February 1, 2014.

Transit Advisory Board: One 3-year term through July 30, 2011 (Term of Croissant). Applicant: R.R.S. Stewart, 460 Summit Street. Motion by Connors to receive and file the documents and appoint R.R.S. Stewart to the Transit Advisory Board for a 3-year term through July 30, 2011. Seconded by Lynch. Motion carried 6-0.

PUBLIC HEARINGS

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

Sale of Property at 346 East 19th Street: Proof of publication on notice of public hearing to consider approval of the sale of property at 346 East 19th Street to Kevin L. and Becky M. Lightfoot and City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 62-11 Approving the sale of real estate located at 346 East 19th Street in the City of Dubuque, Iowa. Seconded by Braig. Motion carried 6-0.

Request to Rezone – Bedrock Development, LLC / McFadden Family Partnership: Proof of publication on notice of public hearing to consider a request from Bedrock Development, LLC / McFadden Family Partnership to rezone property located on the south side of Pennsylvania Avenue, east of Heacock Road, from R-3 Moderate Density Multi-Family Residential District to AG Agricultural District 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 Lynch. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 13-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located on the south side of Pennsylvania Avenue, east of Heacock Road, from R-3 Moderate Density Multi-Family Residential District to AG Agricultural District. Seconded by Lynch. Motion carried 6-0.

Request to Rezone – 39 Bluff Street – Gary Carner, Franklin Investment LLC: Proof of publication on notice of public hearing to consider a request from Gary Carner, Franklin Investment LLC, to rezone property located at 39 Bluff Street from R-3 Moderate Density Multi-Family Residential District to OR Office Residential District and Zoning Advisory Commission recommending approval. 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 Resnick. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 14-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 39 Bluff Street from R-3 Moderate Density Multi-Family Residential District to OR Office Residential District. Seconded by Resnick. Motion carried 6-0.

Washington Neighborhood Conservation District Expansion: Proof of publication on notice of public hearing to consider approval of an amendment to expand the Washington Street Neighborhood Conservation District and Historic Preservation Commission recommending approval.

City Manager recommending that the boundaries of the proposed Washington Street Neighborhood Conservation District be modified.

Communication from Heartland Financial requesting that the property owned by Dubuque Bank and Trust Company on White Street be exempted from the Washington Street Conservation District.

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. Planning Services Manager Laura Carstens and Housing and Community Development Director David Harris provided a slide presentation that reviewed the neighborhood's revitalization and demolition area. Carstens further explained the conservation district's economic and social value and the effect of the designation. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 15-11, including the recommended modifications by the City Manager, Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Article 10-11-A-4 pertaining to expansion of the Washington Street Neighborhood Conservation District. Seconded by Braig. Motion carried 6-0.

Engine House #1 MT, LLC Lease: Proof of publication on notice of public hearing to consider 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.

City Manager recommending that the City Council rescind the Public Hearing to enact a lease between the City of Dubuque and Engine House #1 MT, LLC., a subsidiary of Dubuque Initiatives, for the former Housing and Community Development Department offices.

Motion by Connors to receive and file the documents and adopt Resolution No. 63-11 Rescinding Resolution No. 39-11 to hold a public hearing regarding a lease with Engine House #1 MT, LLC. Seconded by Braig. Motion carried 6-0.

ACTION ITEMS

Every Child / Every Promise: City Manager recommending approval of the \$25,000 request from Every Child / Every Promise to disperse already budgeted funds to help implement the First Years First Initiative, the child care mapping and information system, and the Leader in Me Program. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 6-0.

International Union of Operating Engineers – Collective Bargaining Agreement: City Manager recommending approval of the collective bargaining agreement between the City of Dubuque and the International Union of Operating Engineers for Fiscal Years 2012, 2013 and 2014. Motion by Jones to receive and file the documents and adopt Resolution No. 64-11 Approving the agreement between the City of Dubuque, Iowa and the International Union of Operating Engineers and authorizing the Mayor to sign the agreement. Seconded by Braig. Motion carried 6-0.

Wage Plan and Compensation Package for Non-Bargaining Unit Employees: City Manager recommending approval of the Wage Plan and Compensation Package for non-bargaining unit employees for Fiscal Years 2012, 2013 and 2014. Motion by Connors to receive and file the documents and adopt Resolution No. 65-11 Approving Wage Plan and Compensation Package for non-bargaining unit employees for Fiscal Years 2012, 2013 and 2014. Seconded by Braig. Responding to questions from City Council, Van Milligen stated that the old sick leave payout plan will be discontinued and employees with less than 20 years of service would be eliminated from the new plan. Motion carried 6-0.

Safe Community Task Force Recommendations Implementation – Boarded-Up Windows and Doors Ordinance: City Manager recommending adoption of a Boarded-Up Openings Ordinance that establishes requirements for the exterior security and appearance of buildings. 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. The City Manager clarified that the ordinance grandfathers existing properties and applies to future properties. Planning Services Manager explained the discussion behind the evolution of the ordinance and how it applies to and affects commercial and residential structures. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 16-11 Amending the City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article A Building Code and Regulations by adopting a new Section 14-1A-5 Exterior Security and Appearance of Buildings, Establishing Requirements for the Exterior Security and Appearance of Buildings. Seconded by Braig. Motion carried 6-0.

2011 Federal Legislative Priorities: City Manager recommending approval of the Fiscal Year 2011 Federal Legislative Priorities. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 6-0.

Sister City Relationships Advisory Commission: Appointment of a City Council representative to the Sister City Relationships Advisory Commission. Motion by Lynch to receive and file the documents and appoint Connors as the representative. Seconded by Connors. Motion carried 6-0.

Fourth Ward Vacancy: City Attorney transmitting information regarding the filling of the vacancy in the office of Fourth Ward City Council Member. Motion by Lynch to receive and file the documents and adopt Resolution No. 66-11 Resolution of Intent to fill a vacancy in the office of Fourth Ward City Council Member by appointment. Seconded by Braig. Motion carried 6-0.

Following discussion, City Council reached consensus on the process of accepting letters of interest/resumes from residents of the Fourth Ward through the City Clerk's Office by 5:00 p.m. on Monday, March 7 with interviews scheduled for a special session on Saturday, March 12 at 10:00 a.m. in the Historic Federal Building. Appointment will be made at the March 21, 2011 regular meeting.

CLOSED SESSION

Motion by Jones to go into closed session 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 8:14 p.m. stating that staff had been given proper direction.

There being no further business upon motion the City Council adjourned at 8:15 p.m.

/s/Jeanne F. Schneider, CMC
City Clerk

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