

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 4, 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 Mayor Roy D. Buol.

SWEARING-IN

Fourth Ward Council Member Lynn Sutton

PROCLAMATION

Public Health Week (April 4 – 10, 2011) was accepted by Health Services Manager Mary Rose Corrigan.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Braig requested (#14) 2011 Art on the River Exhibition be held for separate discussion. Motion carried 6-0.

Minutes and Reports Submitted: City Council of 3/21; Historic Preservation Commission of 3/17; Housing Commission of 2/22; Human Rights Commission of 2/14; Long Range Planning Advisory Commission of 3/16; Sister City Relationships Advisory Commission of 3/16; Zoning Board of Adjustment of 3/24

Proofs of publication of City Council Proceedings of February 15 and 28, March 1, 3, 7, 10, and 12, 2011 and List of Claims and Summary of Revenues for Month Ended February 28, 2011

Upon motion the documents were received and filed.

Notice of Claims/Suits: Michael Phillips for property damage; Dale J. Kenkel for vehicle damage; Rachel Chavez for vehicle damage. Upon motion the documents were received and 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: Monica Welter for vehicle damage; Joyce Terris for property damage; Dale J. Kenkel for vehicle damage

City Attorney recommending approval of the claim of Michael Phillips for property damage. Upon motion the documents were received, filed and concurred.

Dubuque Metropolitan Area Solid Waste Agency Voluntary Annexation: Communication from Marie Steenlage, City Development Board Administrator, submitting the Findings of Fact and Conclusions of Law and the Final Order filed by the City Development Board approving the City's voluntary annexation. Upon motion the document was received and filed.

Iowa Department of Transportation – US 151/61 Capacity Improvements: City Manager recommending approval of an Iowa Department of Transportation (Iowa DOT) Cooperative Agreement for Primary Road Project as it relates to the US 151/61 Corridor Project and the construction of a southbound right-turn lane on US 151/61 at Lake Eleanor Road. Upon motion the documents were received and filed and Resolution No. 107-11 Approving the Iowa Department of Transportation Cooperative Agreement for Primary Road Project (Agreement No. 2011-16-123) between the Iowa Department of Transportation and the City of Dubuque for the US 151/61 Corridor Project was adopted.

Railroad Property Purchase – 6th and Jackson Street: City Manager recommending approval to purchase Lot 1 of Lot 3 of Milwaukee Industrial Tract No. 1 in the City of Dubuque from the Chicago, Central & Pacific Railroad Company for the hike/bike trail in the Historic Millwork District. Upon motion the documents were received and filed and Resolution No. 108-11 Accepting a conveyance of property of Lot 1 of Lot 3 of Milwaukee Industrial Tract No. 1 in the City of Dubuque was adopted.

Final Plat – Engine House No. 1 Subdivision: City Manager recommending approval of the final plat of Lot 1 and Lot A of Engine House No. 1 Subdivision in the City of Dubuque, Dubuque County, Iowa. Upon motion the documents were received and filed and Resolution No. 109-11 Approving the plat of Lot 1 and Lot A of Engine House No. 1 Subdivision in the City of Dubuque, Dubuque County, Iowa, was adopted.

American Council of Engineering Companies 2011 Engineering Excellence Award for the East-West Corridor Connectivity Study: City Manager transmitting information on the state and national recognition received from the American Council of Engineering Companies (ACEC) for the East-West Corridor Connectivity Study. Upon motion the documents were received and filed.

Veterans' Park Community Garden Partnership with Dubuque Jaycees: City Manager recommending approval of a one-year agreement with the Dubuque Jaycees to operate a community garden at Veterans' Memorial Park. Upon motion the documents were received, filed, and approved.

EPA Community Action for a Renewed Environment (CARE) Grant Application: City Manager recommending approval of an EPA CARE grant application in the amount of \$96,426. Upon motion the documents were received, filed, and approved.

Worker's Compensation Settlement Agreement: Attorney Les V. Reddick recommending approval of the Agreements for Settlement with respect to two workers' compensation claims filed by Randall A. DeMoss. Upon motion the documents were received, filed, and approved.

Management Agreement – Miller Riverview Park: City Manager recommending approval of the Management Agreement with Kenneth M. Clayton for Miller Riverview Park. Upon motion the documents were received, filed, and approved.

Cartegraph Strategic Advisory Board: City Manager recommending approval for Information Services Manager Chris Kohlmann and Street and Sewer Maintenance Supervisor John Klosterman to represent the City at the Cartegraph Strategic Advisory Board meeting in Washington DC. Upon motion the documents were received, filed, and approved.

Planning for Historic Preservation and New Job Creation Article: City Manager transmitting an article authored by Economic Development Director Dave Heiar on Planning for Historic Preservation and New Job Creation which appeared in the Economic Development Journal. Upon motion the documents were received and filed.

2011 Art on the River Exhibition: Arts and Cultural Affairs Advisory Commission requesting City Council concurrence with the selection of artwork for the 2011 Art on the River Competition. Motion by Braig to receive and file the documents. Seconded by Jones. Ms. Braig expressed recognition of the exhibition and thanked the Commission for their work. Motion carried 7-0.

Port of Dubuque Marina Project – Amended Grant Agreement: City Manager recommending approval of the execution of an Amendment to the City's Federal BIG Tier II Funding Agreement Contract for the development of a transient boating marina facility at the Port of Dubuque. Upon motion the documents were received, filed, and approved.

2011 Fire Hydrant Painting Project: City Manager recommending award of the public improvement contract for the 2011 Fire Hydrant Painting Project to Ted Stackis Construction in the amount of \$59,800. Upon motion the documents were received and filed and Resolution No. 110-11 Awarding public improvement contract for the 2011 Fire Hydrant Painting Project was adopted.

Northwest Arterial Hike / Bike Trail – Phase 3 Project: City Manager recommending award of the public improvement contract for the Northwest Arterial Hike / Bike Trail – Phase 3 Project to Drew Cook and Sons Excavating, Inc in the amount of \$143,599.60. Upon motion the documents were received and filed and Resolution No. 111-11 Awarding public improvement contract for the Northwest Arterial Hike / Bike Trail – Phase 3 Project was adopted.

Request for Proposals – ARC Transfer Center: City Manager recommending approval of the issuance of a Request for Proposal for the final design and engineering of the Phase I canopy, and preliminary design of the Phase II enclosure, for the ARC Transfer Center for The Jule. Upon motion the documents were received, filed, and approved.

Central Avenue HMA Resurfacing – 21st to 32nd Street Project: City Manager recommending award of the public improvement contract for the Central Avenue HMA Resurfacing – 21st to 32nd Street Project to River City Paving in the amount of \$1,361,772.11. Upon motion the documents were received and filed and Resolution No. 112-11 Awarding public improvement contract for the Central Avenue HMA Resurfacing – 21st to 32nd Street Project was adopted.

Citizen Communications: Communication from John Kirpes, Pfohl's Inc., in opposition to the possibility of a drive thru in the alley of Hartig Drug on Locust Street.

Communication from Jim and Dorothy Dodds, 710 Laurel Street, in opposition to the proposed extension of sewer lines on Laurel Street.

Communication from Tom and Judy Edmonds, 700 Laurel Street, in opposition to the proposed extension of sewer lines on Laurel Street.

Upon motion the documents were received and filed.

Legislative Communication: Communication from Senator Charles E. Grassley regarding the Community Development Block Grant (CDBG) Program. Upon motion the document was received and filed.

River Enhancement Community Attraction and Tourism (RECAT) Grant: City Manager recommending approval of the additional local match required by Vision Iowa for the River Enhancement Community Attraction and Tourism (RECAT) grant. Upon motion the documents were received and filed and Resolution No. 113-11 Approving additional local match for the RECAT Program for funding for America's River Project III was adopted.

Our Town Grant: City Manager recommending approval of a Letter of Support to the National Endowment for the Arts for the Our Town Grant. Upon motion the documents were received, filed, and approved.

City Hall HVAC System – Revised: City Manager providing updated information on the water-usage data for the City Hall HVAC system. Upon motion the documents were received, filed, and approved.

Morton Salt Agreement: City Manager recommending approval to inform Morton Salt International LLC of the City's intent to purchase up to 7,000 tons of salt from their remaining supplies on May 1st. Upon motion the documents were received, filed, and approved.

Volunteer Management Software: City Manager recommending approval of the purchase of management software for management of spontaneous volunteers as well as volunteers to the many programs and departments of the City and community. Upon motion the documents were received, filed, and approved.

Mediacom: Communication from Les Grassley, Senior Manager – Government Relations, advising of a rate increase on or about May 1, 2011. Upon motion the document was received and filed.

Vision Iowa Agreement: City Manager recommending approval of the River Enhancement Community Attraction and Tourism agreement for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 114-11 Approving the River Enhancement Community Attraction and Tourism Program Grant Agreement between the Vision Iowa Board and the City of Dubuque, Iowa for the Bee Branch Creek Restoration Project was adopted.

Signed Contracts: A. Water Pollution Control Plant Modifications Project – Change Order No. 6; and B. Bunker Hill Pumping Station Renovation. Upon motion the documents were received and filed.

Liquor License Transfer: Request of Jumpin' Jane's Indoor Party and Play Center to permanently transfer their liquor license from 2055 Holiday Drive to 4292 Dodge Street. 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. 115-11 Granting the issuance of one new permit to sell cigarettes to Fareway Stores, Inc. #114; Resolution No. 116-11 Granting the issuance of a Class "C" Beer Permit to Hartig Drug Company, Mulgrew Oil Company and K-Mart #4018; and Resolution No. 117-11 Granting the issuance of a Class "C" Beer/Liquor License to Noonan's Tap, Neighbor's Tap, Hammer Time Bar, The Hub, Clarke University, Olive Garden Restaurant, Whiskey River, Loras College Campus Center, Joliet Building Corporation and Marco's Italian American Food; a Class "B" Wine Permit to Hartig Drug, K-Mart #4018 and Fareway Store #114; a Class "WBN" Native Wine Permit to National Mississippi River Museum and 16th Street Auto/Truck Plaza; and a Class "E" Liquor License to Fareway Store #114 were 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 7-0.

Flexsteel Project: City Manager recommending that a public hearing be set for April 18, 2011 to consider the disposition of approximately 27,137 square feet of property in the Port of Dubuque to Flexsteel Industries, Inc. for the purpose of constructing a 40,000 square foot multi-story office building and approval of a Development Agreement relating thereto. Upon motion the documents were received and filed and Resolution No. 118-11 Resolution of intent to dispose of an interest in City of Dubuque real estate and fixing the date for a public hearing of the City Council of the City of Dubuque on the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a Development Agreement relating thereto with Flexsteel Industries, 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 April 18, 2011 in the Historic Federal Building.

Fiscal Year 2011 Third Budget Amendment: City Manager recommending that a public hearing be set for April 18, 2011 to consider adoption of the Fiscal Year 2011 Third Budget Amendment. Upon motion the documents were received and filed and Resolution No. 119-11 Setting the date for public hearing on the Fiscal Year 2011 Third Budget Amendment was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 18, 2011 in the Historic Federal Building.

Kaufmann Avenue Utility Project (John F. Kennedy Road to Chaney Road): City Manager recommending initiation of the public bidding process for the Kaufmann Avenue Utility Project (John F. Kennedy Road to Chaney Road) and that a public hearing be set for April 18, 2011. Upon motion the documents were received and filed and Resolution No. 120-11 Preliminary approval of plans, 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 for the Kaufmann Avenue Utility Project (John F. Kennedy Road to

Chaney Road) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 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 Commission: One 3-year term through August 17, 2011 (Term of Sutton). Applicant: Amy Eudaley, 950 Wood Street.

PUBLIC HEARINGS

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

Franklin Investments, LLC – Development Agreement: Proof of publication on notice of public hearing to consider entering into a Development Agreement with Franklin Investments, LLC for redevelopment of the property located at 39 Bluff Street. Motion by Connors to receive and file the documents and adopt Resolution No. 121-11 Approving a Development Agreement with Franklin Investments, LLC for the property located at 39 Bluff Street. Seconded by Jones. Motion carried 7-0.

Acquisition of Property for the Southwest Arterial: Proof of publication on notice of public hearing on a portion of the Southwest Arterial Project and making the final site selections for that portion of the project. Motion by Jones to receive and file the documents and adopt Resolution No. 122-11 Approving a portion of the Southwest Arterial project and making the final selection of a site for a portion of the Southwest Arterial project. Seconded by Resnick. Betty Tigges, 2082 Admiral Street, spoke in opposition to acquiring more of her parcel and the dead-end spur that will be created for the project stating it is dangerous. Responding to questions from City Council, Assistant City Engineer Bob Schiesl stated the type of spur that will be created at the intersection of North Cascade and English Mill Roads will serve the property owners that remain when construction is finished and that it is a common spur design not known to be dangerous. Motion carried 7-0.

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

ACTION ITEMS

2011 Dubuque Works Annual Report and Resource Guide: Greater Dubuque Development Corporation Director Rick Dickinson and Director of Work Force Development Sarah Harris to present the 2011 Dubuque Works Annual Report and Resource Guide. Motion by Jones to receive and file the information. Seconded by Connors. Mr. Dickinson and Ms. Harris provided a slide presentation on the Dubuque Works Workforce Initiative Year-End 2010-2011 accomplishments. Motion carried 7-0.

Westbrook Subdivision – Phase I: City Manager recommending approval of an Amendment to the Development Agreement with Joel Callahan, President of Callahan Construction, for extension of City assistance for Phase One of Westbrook Subdivision to July 1, 2012. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Responding to questions from City Council, developer Joel Callahan, 7629 Commerce

Park, stated that litigation with the City of Asbury and a shift in the primary target for sales caused a slow start but 18 contracts are included in the next phase. Motion carried 7-0.

Final Plat – Westbrook Subdivision – Phase II: City Manager recommending approval of the final plat of Westbrook Subdivision – Phase II. Motion by Jones to receive and file the documents and adopt Resolution No. 123-11 Authorizing approval of the final plat of Westbrook Subdivision No. 2 in the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

Westbrook Subdivision – Phase II: City Manager recommending approval a of Development Agreement with Joel Callahan, President of Callahan Construction, Inc., for Phase Two of Westbrook Subdivision, with the incentives for PVC pipe for sanitary sewer and water lines, with the restriction on underground storage tanks, and the 25% assessment provision. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Responding to questions from City Council, Water Plant Manager Bob Green explained the properties of the PVC piping used and the reasoning for the restrictions. Motion carried 7-0.

Complete Streets Policy: City Manager recommending approval of a Complete Streets Policy for the City of Dubuque.

Communication from Charles Winterwood, White Pine Group of the Sierra Club, in support of a strong complete streets policy.

Motion by Connors to receive and file the documents and adopt Resolution No. 124-11. Adopting a Complete Streets Policy. Seconded by Jones. Motion carried 7-0.

Long Range Planning Advisory Commission Liaison: Communication from the Long Range Planning Advisory Commission requesting that the City Council re-evaluate appointing a City Council Liaison to serve on the Long Range Planning Advisory Commission. Motion by Connors to receive and file the documents. Seconded by Braig. Ms. Braig read a prepared statement into the Record. Council reached consensus to reconsider the matter in the future. Motion carried 7-0.

Smart Planning Consortium: City Manager transmitting information from the recent Dubuque Region Smart Planning Consortium meetings held on February 9, 2011, and March 9, 2011, as well as the March 2, 2011 public input session with elected and appointed officials. Motion by Connors to receive and file the documents. Seconded by Resnick. Planning Services Manager Laura Carstens stated that City Council Members are welcome to attend any and all meetings of the Consortium adding that the broader, regional approach of the Consortium relates well to the comprehensive plans of all participants.

New Name for the Water Pollution Control Plant: City Manager recommending approval to name the reconstructed Water Pollution Control Plant the Water and Resource Recovery Center. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Resnick expressed disapproval for the new name stating that it doesn't relate to the purpose of the facility and may be confused with recycling facilities. Motion carried 6-1 with Resnick voting nay.

Southwest Arterial Project – Right-of-Way Acquisition: City Manager recommending that the Just Compensation Value (Fair Market Value) be established for the property to be acquired

for the Southwest Arterial. Motion by Jones to receive and file the documents and adopt Resolution No. 125-11 Establishing the Fair Market Value of real property for the Southwest Arterial project, directing good faith negotiations for the acquisition of property and authorizing the commencement of eminent domain proceedings, if necessary, to acquire property. Seconded by Connors. Motion carried 7-0.

Alcohol License Violations: City Manager recommending adoption of modified liquor license penalties, which includes a system of escalating fines and suspension options for licensees and permittees upon violation. 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. Responding to questions from City Council, Van Milligen stated that this process creates options for the licensees and permittees and that the City looked at the financial impact on businesses to determine reasonable penalty rates. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 29-11 Amending the City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 2 Liquor Control, Article B Liquor, Beer, and Wine Licenses and Permits by repealing Sections 4-2B-15 Suspension and Revocation Generally; Grounds and 4-2B-16 Suspension and Revocation; Specific Terms, and adopting new Sections 4-2B-15 Suspension and Revocation Generally; Grounds and 4-2B-16 Suspension and Revocation; Specific Terms in lieu thereof, providing for the suspension and revocation of alcoholic beverage licenses and the penalties and remedies for violations. Seconded by Braig. Motion carried 7-0.

PUBLIC INPUT

David Hammer, 720 Laurel Street, expressed opposition to the City's requirement that the residents of Laurel Street hook up to the City's sanitary sewer system. Hammer added that most of the homes are below the sewer system which will require electric pumps and create other problems.

Van Milligen stated that the City has a meeting scheduled with the Laurel Street residents and the project will come before the Council. He added that the City is implementing an existing policy.

Stacie Neldaughter, 1605 Lincoln Avenue, expressed her concerns over the process and disapproval of her request for a proclamation commemorating Gay Pride Month.

Mayor Buol reiterated the process for submitting a proclamation and informed Ms. Neldaughter that requests require a local connection. If she was able to provide that, he would consider the proclamation for June 2011.

Randy Vannorsdel, 11856 Irene Lane, spoke in opposition to proclaiming a Gay Pride Month and thanked Council for their support of a Complete Streets policy.

There being no further business, upon motion the City Council adjourned at 8 17 p.m.

/s/Kevin S Firnstahl
Assistant City Clerk