

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 18, 2011 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol, Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton, 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 Sr. Jennifer Rausch, Sisters of the Presentation.

PROCLAMATIONS

The Month/Week of the Young Child (April 10 – 16, 2011) was accepted by Joanne Wurtz, Chairperson of the Dubuque County Empowerment Board, 2728 Asbury Road; and Ann Willenbring, Director of the Resurrection Child Care Center, 4300 Asbury Road; Community Development Block Grant Week (April 25 – 30, 2011)

PRESENTATION

Main Street Iowa Awards were presented by Dubuque Main Street Executive Director Dan LoBianco.

CONSENT ITEMS

Motion by Jones to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Connors requested (#1) Minutes and Reports be held for separate discussion. Jones requested (#3) Citizen Communications be held for separate discussion. Braig requested (#15) Amendment to Collective Bargaining Agreement – Bus Operators be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 2/22; City Council of 4/4; Electrical Code Board of 3/21; Environmental Stewardship Advisory Commission of 4/5; Park and Recreation Commission of 3/8; Sister City Relationships Advisory Commission of 4/6; Zoning Advisory Commission of 4/6

Proof of publication of City Council Proceedings of March 21, 2011

Motion by Connors to receive and file the documents. Seconded by Jones. Connors addressed the minutes from the Environmental Stewardship Advisory Commission relating to a car washing policy and asked for a written response from staff about alternatives for organizations in terms of location and products used for these types of events. Van Milligen stated he will have staff research it and return a report to Council. Motion carried 7-0.

Notice of Claims/Suits: William Peck for property damage; J. Thomas Zaber for property damage; Randy and Tina Miller for property damage; State Farm Insurance for William and

Rebecca Carr; Joyce M. Terris for property damage; Lois Weinschenk 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: Rachel Chavez for vehicle damage; J. Thomas Zaber for property damage; William Peck for property damage. Upon motion the documents were received, filed and concurred.

Citizen Communications: Communication from Rachel K. Daack, 800 Laurel Street, in opposition to the proposed extension of sewer lines on Laurel Street.

Communication from Paula Kaufman regarding the pollution problem in Dubuque.

Communication from Gary R. Kircher, 312 East 22nd Street, regarding the Veterans' Memorial Plaza on Chaplain Schmitt Island.

Communication from Steven A. Krieg, 1576 Bies Drive, regarding a water main extension and water runoff on Bies Drive.

Motion by Jones to receive and file the documents and refer to the City Manager. Seconded by Braig. Jones spoke in support of the communication from Gary Kircher regarding additional directional and memorial signage for the Veterans' Memorial Plaza. Motion carried 7-0.

Public Transit Infrastructure Grant (PTIG) Program: City Manager recommending approval of the submittal of a grant application under the Public Transit Infrastructure grant (PTIG) Program to secure State funding for facility improvements at The Jule. Upon motion the documents were received, filed, and approved.

Federal Emergency Management Agency (FEMA): Communication from Richard Leonard, FEMA, advising that the City's PAL designation will expire on May 17, 2011 and that all necessary documentation required demonstrating that the Dubuque Local Flood Protection Project Levee is in full compliance with Code of Federal Regulations needs to be submitted by that date. Upon motion the document was received, filed and referred to the City Manager.

U.S. Department of Housing and Urban Development: Communication from Betty J. Bottiger, Office of Fair Housing and Equal Opportunity, advising that the U.S. Department of Housing and Urban Development (HUD) plans to conduct a limited civil rights compliance review of the City's HUD funded programs. Upon motion the document was received, filed and referred to the City Manager.

Purchase of Property – 2109 Kniest Street: City Manager recommending approval of the purchase of property at 2109 Kniest Street as part of the acquisition program for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 126-11 Approving the acquisition of real estate owned by Glenn Casey in the City of Dubuque was adopted.

US 61/151 Corridor Project – Iowa DOT Agreement: City Manager recommending approval of an Iowa Department of Transportation Agreement for Urban-State Traffic Engineering Program (U-STEP) as it relates to the US 61/151 Corridor Project and the installation of traffic signals and pavement widening at the intersections of Maquoketa Drive, Twin Valley Drive and US 52. Upon motion the documents were received and filed and Resolution No. 127-11 Approving the Iowa Department of Transportation Agreement for an Urban-State Traffic Engineering Program (U-Step) Project (Agreement No. 06-11-Ustep-03) between the Iowa

Department of Transportation and the City of Dubuque for the US 61/151 Corridor Project was adopted.

PTC LLC – 1800 Elm Street: City Manager recommending approval of Irrevocable Licenses for PTC LLC to keep and maintain the existing encroachments of the loading dock, gas meter and protective pillars in the public right-of-way of Pine Street behind the Eagle Country Market on 1800 Elm Street. Upon motion the documents were received, filed, and approved.

Carnegie-Stout Public Library Renovation Project – Contract No. 12: City Manager recommending acceptance of the Carnegie-Stout Public Library Renovation Project – Contract No. 12 as completed by Westphal & Co., Inc., in the amount of \$1,142,863.37. Upon motion the documents were received and filed and Resolution No. 128-11 Accepting the Carnegie-Stout Public Library Renovation Project – Contract No. 12 and authorizing payment of the contract amount to the contractor was adopted.

Environmental Covenant – Former Dubuque Hardwoods Site: City Manager recommending approval of an Environmental Covenant on Lot 2 Riverwalk Ninth Addition (former Dubuque Hardwoods site) in the Port of Dubuque to prohibit drinking water wells on the property. Upon motion the documents were received and filed and Resolution No. 129-11 Approving an Environmental Covenant on Lot 2 of Riverwalk Ninth Addition in the Port of Dubuque was adopted.

State of Iowa Financial Assistance Application for Flexsteel Industries, Inc.: City Manager recommending approval of a Financial Assistance application to the Iowa Department of Economic Development on behalf of Flexsteel Industries, Inc., with a commitment of local matching funds, which are included in the Development Agreement that is a separate agenda item. Upon motion the documents were received and filed and Resolution No. 130-11 Authorizing the filing of an application for State Financial Assistance on behalf of Flexsteel Industries, Inc., was adopted.

Golden Silo Award: Press release advising that the Mines of Spain has received a Golden Silo Award for Outstanding Partner from the Silos and Smoke Stacks National Heritage Area for showing support and partnering with SSNHA on numerous occasions to create awareness for the Heritage Area. Upon motion the document was received and filed.

Amendment to Collective Bargaining Agreement – Teamsters Local No. 120: City Manager recommending approval of an amendment to the Collective Bargaining Agreement between the Teamsters Local No. 120 and the City of Dubuque to provide for a work week that consists of ten hours per day and four days per week for the Airport Maintenance workers and Airport Mechanic. Upon motion the documents were received, filed, and approved.

Amendment to Collective Bargaining Agreement – Bus Operators: City Manager recommending approval of an amendment to the Collective Bargaining Agreement between the Teamsters Local No. 120 (Bus Operators) and the City to permit part-time employees to work 1,664 or more hours in fiscal Year 2011. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Resnick. Braig questioned why part-time bus operator hours will increase to just 416 hours less than full-time operators. Van Milligen stated that the increase in hours is an annual cap and only for this fiscal year. Motion carried 7-0.

Fifth Street Parking Ramp Re-Lighting: City Manager transmitting information regarding the retro fitting of the lighting in the Fifth Street Parking Ramp. Upon motion the documents were received and filed.

2011 – 2012 Deer Management Plan: City Manager recommending approval of the 2011 – 2012 Deer Management Plan. Upon motion the documents were received, filed, and approved.

Julien's Journal: Copy of March 2011 article in *Julien's Journal* featuring Assistant City Manager Cindy Steinhauser. Upon motion the document was received and filed.

Metropolitan Coalition Grant Application: City Manager recommending support of the submittal of a grant to the Iowa Office of Energy Independence, in partnership with seven communities who are members of the Metropolitan Coalition, the largest cities in the State of Iowa. Upon motion the documents were received, filed, and approved.

Purchase of Property – 2263 Elm Street: City Manager recommending approval of the purchase of property at 2263 Elm Street 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. 131-11 Approving the acquisition of real estate owned by Robert D. and Livija Klauer in the City of Dubuque was adopted.

Historic Preservation Commission: Communication from Peggy Stover submitting her resignation from the Historic Preservation Commission. Upon motion the document was received and filed and the resignation accepted.

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

Audit Services Recommendation: City Manager recommending approval of the selection of Eide Bailly, LLP to provide audit services for the City of Dubuque for a five-year period. Upon motion the documents were received, filed, and approved.

Alcohol Compliance – Civil Penalty for Alcohol License Holder: City Manager recommending acceptance of the Acknowledgement/Settlement Agreement for Cookin' Something Up for their first offense alcohol compliance violation. Upon motion the documents were received, filed, and approved.

Signed Contracts: Water Pollution Control Plant Modifications Project – MWH America's, Inc., Budget Increase Request. Upon motion the documents were received and filed.

Liquor License and Cigarette Permit Applications: City Manager recommending approval of annual liquor license and cigarette permit renewals as submitted. Upon motion the documents were received and filed and Resolution No. 132-11 Granting the issuance of a new cigarette permit to Let's Roll Tobacco I.A.; Resolution No. 133-11 Granting the issuance of a Class "B" Beer Permit to Catfish Festival and McAleece Park/Recreation Complex; and Resolution No. 134-11 Granting the issuance of a Class "A" Liquor License to Dubuque Golf and Country Club and Dubuque Lodge #355; Class "C" Beer/Liquor License to Lot One, Catfish Charlie's, The

Lift and Monk's Kaffee Pub; and a Class "WBN" Native Wine License to Dubuque Arboretum Association were adopted.

Mayor Buol acknowledged the International City Manager's Association Fellows in attendance, Mr. Ou Jianping and Mr. Guo Jiankui, who were visiting from China.

ITEMS TO BE SET FOR PUBLIC HEARING

Motion by Connors 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 7-0.

Proceedings for Reallocation of General Obligation Bonds Series 2009A and Series 2010A: City Manager recommending that a public hearing be set for May 2, 2011 to consider the reallocation of General Obligation Bonds Series 2009A and Series 2010A. Upon motion the documents were received and filed and Resolution No. 135-11 Fixing date for a meeting on the proposal to reallocate certain unspent proceeds of the General Obligation Bonds, Series 2009A (Taxable Build America Bonds), and General Obligation Bonds, Series 2010A Bonds, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 2, 2011 in the Historic Federal Building.

2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project: City Manager recommending initiation of the bidding process for the 2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project and further recommends that a public hearing be set for May 2, 2011. Upon motion the documents were received and filed and Resolution No. 136-11 Preliminary approval of plans, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specifications, form of contract, and estimated cost; and ordering the advertisement for bids for the 2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 2, 2011 in the Historic Federal Building.

Engine House #1 LLC – Development Agreement: City Manager recommending that a public hearing be set for June 6, 2011 to consider a development agreement between the City of Dubuque and Engine House #1, LLC., a subsidiary of Dubuque Initiatives, to sell and rehabilitate the Engine House #1 building (18th Street), which formerly housed the Housing Department offices. Upon motion the documents were received and filed and Resolution No. 137-11 (1) Approving the minimum requirements, competitive criteria, and offering procedures for the development of certain real property and improvements in the proposed expansion area of the Greater Downtown Urban Renewal District; (2) Determining that the Development Agreement submitted by Engine House #1, LLC satisfies the offering requirements with respect to the real property and improvements and declaring the intent of the City Council to approve the Development Agreement with Engine House #1, LLC in the event that no competing proposals are submitted; and (3) Soliciting competing proposals was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 6, 2011 in the Historic Federal Building.

Paragon Square Urban Revitalization Plan: City Manager recommending that a public hearing be set for June 6, 2011 to consider establishment of the Paragon Square Urban Revitalization Plan. Upon motion the documents were received and filed and Resolution No.

138-11 Finding that the designation of the Paragon Square Urban Revitalization Plan is necessary in the interest of the public health, safety and welfare of the residents of the City of Dubuque, Iowa, and providing for a public hearing thereon was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 6, 2011 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments to the following Boards/Commissions: Housing Commission: Three 3-year terms through August 17, 2011 (Term of Frommelt, Helling, and Sutton). Applicants: Amy Eudaley, 950 Wood Street; Patricia Rogaskie, 1502 ½ Elm Street (Additional Applicant); Regine Ronek, 2282 White Street (Additional Applicant). Motion by Jones to receive and file the documents and appoint Amy Eudaley, Patricia Rogaskie, and Regine Ronek to the Housing Commission for 3-year terms through August 17, 2011. Seconded by Braig. Connors requested that the applicants be allowed to speak. Ms. Eudaley, Ms. Rogaskie, and Ms. Ronek each spoke in support of their respective appointment. Motion carried 7-0.

PUBLIC HEARINGS

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

Rezoning Request – 2505 Elm Street: Proof of publication on notice of public hearing to consider a request from Reverend Richard Mihm, Dubuque Rescue Mission, to rezone property located at 2505 Elm Street from R-2A Alternate Two-Family Residential District to OR Office Residential 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 Braig. Dubuque Rescue Mission Executive Director, Richard Mihm, spoke in support of the request. Planning Services Manager Laura Carstens provided a staff report. Zoning Advisory Commission Chairperson Jeff Stiles spoke in support of the request on behalf of the Commission and provided information from the Commission’s public hearings. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 30-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2505 Elm Street from R-2A Alternate Two-Family Residential District to OR Office Residential District. Seconded by Braig. Motion carried 7-0.

Expansion of Flexsteel Industries, Inc., in the Port of Dubuque: Proof of publication on notice of public hearing to consider disposing 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 a Development Agreement relating thereto and City Manager recommending approval. Motion by Connors to receive and file the information and adopt Resolution No. 139-11 Approving a Development Agreement providing for the sale of approximately 27,137 sq. ft. and a permanent easement of 1,003 sq. ft. in the Port of Dubuque to Flexsteel Industries, Inc. Seconded by Braig. Greater Dubuque Development Corporation Vice President for Existing Businesses Dan McDonald spoke in support of the project. Responding to questions from City Council, Flexsteel CEO Ron Klosterman stated that the company did look at various locations. Resnick referenced the Port of Dubuque Master Plan

and expressed concern about the Port of Dubuque becoming an office park with limited public space. Van Milligen provided details about the acquisition grant used for the project, job creation, term of the agreement, and the POD Master plan as compared to the Planned Unit Development ordinance relative to this area. Motion carried 6-1 with Resnick voting nay.

Fiscal Year 2011 Third Budget Amendment: Proof of publication on notice of public hearing to consider adoption of the Fiscal Year 2011 Third Budget Amendment and City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 140-11 Adopting the Fiscal Year 2011 Third Budget Amendment. Seconded by Connors. Motion carried 7-0.

Kaufmann Avenue Utility Project (John F. Kennedy Road to Chaney Road): Proof of publication on notice of public hearing to consider the plans, specifications, form of contract, and estimated cost for the Kaufmann Avenue Utility Project (John F. Kennedy Road to Chaney Road) and City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 141-11 Approving plans, specifications, form of contract, and estimated cost for the Kaufmann Avenue Utility Project (John F. Kennedy Road to Chaney Road). Seconded by Braig. Responding to questions from City Council, City Engineer Gus Psihoyos stated that the street reconstruction phase of the project will be bid by the State on June 21, 2011 adding that the utility phase is not eligible for state funding while the street construction phase is. Motion carried 7-0.

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

ACTION ITEMS

Preliminary Plat – Liberty Subdivision: Zoning Advisory Commission recommending approval of the preliminary plat of Liberty Subdivision waiving the paving width of the proposed public street from 31 feet to 27 feet and allowing a single access length of 1,950 feet.

Zoning Advisory Commission requesting that the City make appropriate improvements to Liberty Avenue in the eventuality that the proposed Liberty Subdivision is approved and developed.

Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Speaking for area residents, Ken Anglin, 925 Liberty Avenue, spoke in opposition to the request and expressed their collective concerns including the minimal street area, limited parking, increased truck traffic, and water drainage. Mr. Anglin requested that the request be denied or tabled. Responding to questions from City Council, Zoning Advisory Commission Chairperson Jeff Stiles stated that the street is substandard and needs attention. Planning Services Manager Laura Carstens provided information regarding average traffic patterns. Fire Chief Dan Brown stated that fire vehicles have appropriate access. City Engineer Gus Psihoyos stated that the street could be widened through property acquisition and the use of retaining walls adding that it would be an assessable project. Motion carried 5-2 with Braig and Resnick voting nay. Development partner, Rick Ehrlich, 10662 Diesel Drive, stated that houses are sold contingent to approval and that Graceland, LLC can help maintain the current condition of the street by controlling their truck traffic during development. Motion carried 5-2 with Braig and Resnick voting nay.

Smart Growth Development: City Manager recommending approval to commit \$2,000 for the efforts of Smart Growth Development as they work toward improving the Historic Tax

programs that fund many rehabilitation projects in the City of Dubuque. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Amendment to Joint Development Agreement with IBM: City Manager recommending approval of an amended IBM Joint Development Agreement on Smarter Water to extend and expand the community access to Smarter Water information and tools. This item was removed from the agenda.

Sustainable Dubuque Watershed Network: City Manager recommending approval of a proposed research project to be undertaken in partnership with the University of Iowa to develop the Sustainable Dubuque Watershed Network. Motion by Connors to receive and file the documents and approve the recommendation. Responding to questions from City Council, Water Pollution Control Plant Manager Jonathon Brown and Resource Management Coordinator Paul Schultz stated that research would be coordinated by a high level team from the University of Iowa that includes graduate students and professors of a two-year program and that they are confident it is a quality program. Seconded by Braig. Motion carried 7-0.

Police Department – Tenant Background Check Service Provider: City Manager recommending approval of the selection of Rental Services, Inc., of Arvada, Colorado, to provide criminal history background checks as part of the City of Dubuque service to local landlords. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Responding to questions from City Council, Assistant Police Chief Terry Tobin stated that the contract prices are guaranteed for one year with thirty-day notice by the vendor or seven-day notice by the City. Tobin added that background checks would take possibly 3 days. Van Milligen stated that landlords are required to do background checks with services that meet the City's standards, but are not required to use the City's service. Motion carried 7-0.

Port of Dubuque Marina Dock System and Utilities Project – Bid Package #1: City Manager recommending award of the contract for the Port of Dubuque Marina Dock System and Utilities Project – Bid Package #1 to Dubuque Barge & Fleeting Service Co., d/b/a Newt Marine Service of Dubuque, Iowa. Motion by Resnick to receive and file the documents and adopt Resolution No. 142-11 Awarding public improvement contract for the Port of Dubuque Marina Dock System and Utilities Project – Bid Package #1. Seconded by Jones. Motion carried 7-0.

Glass Curbside Collection Policy: City Manager recommending City of Dubuque discontinue the curbside collection of glass for recycling effective July 2, 2011 and that an education and promotion campaign be initiated as soon as possible to explain to the City of Dubuque customers the reasons for the recommended policy change.

Communication from Charles F. Goddard, DMASWA Administrator, advising that the Dubuque Metropolitan Area Solid Waste Agency will no longer subsidize the curbside collection of glass for recycling.

Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Lynch questioned the recommendation and disagreed with the reasons for discontinuing collection stating that it is not walking the walk of sustainability and has minimal budget impact. Jones stated that currently there is no benefit to glass collection and that the City must first have a buyer for the recycled glass. Motion carried 6-1 with Lynch voting nay.

Growing Sustainable Communities Conference: City Manager recommending approval of a contract with Sustainable Cities Network for the Growing Sustainable Communities Conference. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Wellmark Foundation Letter of Intent: City Manager recommending approval of a Letter of Intent to the Wellmark Foundation requesting \$25,000 in funding of healthy local foods projects. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Letter of Support for Green Dubuque EPA Environmental Justice Small Grant Application: City Manager recommending approval of a Letter of Support for Green Dubuque's application to the EPA Environmental Justice Small Grant program. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. Responding to questions from City Council, Van Milligen stated that since this is a private group it would need to request a work session with the City Council. Sustainability Coordinator Cori Burbach stated that Green Dubuque is open to having a work session with the City Council. Motion carried 7-0.

EPA Climate Showcase Communities Grant: City Manager advising that the City of Dubuque has been awarded an EPA Climate Showcase Communities grant in the amount of \$473,136. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

CLOSED SESSION

Motion by Jones at 9:34 p.m. to enter into closed session regarding pending litigation, property acquisition, and professional competency pursuant to Chapter 21.5(1)(c)(j)(i) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion at 10:41 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 10:42 p.m.

Jeanne F. Schneider, CMC
City Clerk

1t 4/27