

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

The Dubuque City Council met in regular session at 6:30 p.m. on May 2, 2011 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

Absent: Council Member Lynch

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 Father Tom Zinkula of Holy Spirit Pastorate.

**SWEARING IN**

Mayor Pro-Tem Lynn Sutton

**PROCLAMATIONS**

Bike to Work Week (May 16-20, 2011) was accepted by Mike Loebach and Candace Eudaley, Co-Chairs of the Bike to Work Week Committee for the Tri-State Trails Vision, 7600 Commerce Park; National Train Day (May 7, 2011) was accepted by Ed Sheppley, 2590 St. Anne Drive, and Jack Paisley, 816 Euclid Street; Preservation Month (May 2011) was accepted by Historic Preservation Commission Chairperson David Klavitter.

**CONSENT ITEMS**

Motion by Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Braig requested (#21) Serve America be held for separate discussion. Motion carried 6-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission 3/22; City Council of 4/18; Historic Preservation Commission of 4/21; Housing Commission of 3/29; Human Rights Commission of 3/10; Long Range Planning Advisory Commission of 4/20

Library Board of Trustees Update from Meeting of March 24, 2011

Proof of Publication of City Council Proceedings of April 4, 2011

Upon motion the documents were received and filed.

Notice of Claims/Suits: Keith Bonnet for vehicle damage; Janice A. Leonard-Harrington for personal injury; Carolyn Leute for personal injury. 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: Keith Bonnet for vehicle damage; Janice Leonard-Harrington for personal injury; Carolyn Leute for personal

injury; Joyce Terris for property damage; Lois Weinschenk for property damage. Upon motion the documents were received, filed, and concurred.

Mediacom: Communication from Mediacom Senior Manager of Government Relations Lee Grassley advising the City of Dubuque of changes in programming. Upon motion the document was received and filed.

United States Department of State: Communication from Kerri-Ann Jones, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, responding to the City's request for a Supplemental Environmental Impact Statement (EIS) for the Keystone XL pipeline. Upon motion the documents were received and filed.

Civic Center Commission: Communication from Marilynne Field submitting her resignation from the Civic Center Commission. Upon motion the document was received and filed and the resignation accepted.

Substance Abuse Services Center (SASC): Substance Abuse Services Center Executive Director Diane K. Thomas submitting the SASC Third Quarter Report. Upon motion the documents were received and filed.

Lead Hazard and Healthy Homes Program: City Manager recommending approval of the execution of the amendments to the contracts for the Lead Hazard and Healthy Homes Program awards through the U.S. Department of Housing and Urban Development. Upon motion the documents were received, filed, and approved.

Purchase of Property – 1753 Washington Street: City Manager recommending purchase of property at 1753 Washington Street for deconstruction and removal. Upon motion the documents were received and filed and Resolution No. 143-11 Approving the acquisition of real estate located at 1753 Washington Street in the City of Dubuque was adopted.

Carnegie-Stout Public Library Renovation Project: City Manager recommending acceptance of the construction contract for the Carnegie-Stout Public Library Renovation Project – Contract No. 3 as completed by Dubuque Glass Company in the final amount of \$292,177. Upon motion the documents were received and filed and Resolution No. 144-11 Accepting the Carnegie-Stout Public Library Renovation Project, Contract No. 3 – aluminum entrances, skylights & glazing systems, and authorizing the payment of the contract amount to the contractor was adopted.

Iowa Department of Transportation (IDOT): City Manager recommending approval of a five-year agreement with the Iowa Department of Transportation (IDOT) for maintenance and repair of primary highways within the City's corporate limits. Upon motion the documents were received, filed, and approved.

Paragon Square Urban Revitalization Area Plan: Communication from the Long Range Planning Advisory Commission recommending approval of the proposed Paragon Square Urban Revitalization Area Plan advising that it is consistent with the 2008 Dubuque Comprehensive Plan. Upon motion the documents were received and filed.

Plat of Survey – Youtzy Subdivision: Zoning Advisory Commission recommending approval of the Plat of Survey for the Youtzy Subdivision as requested by Davie Schneider and Ricky Youtzy. Upon motion the documents were received and filed and Resolution No. 145-11 Approving the Plat of Survey of Youtzy Subdivision in the City of Dubuque, Iowa, was adopted.

Request for Proposals – City Hall Cooling Upgrade Design: City Manager recommending approval to issue a Request for Proposals for the City Hall Cooling Upgrade Project. Upon motion the documents were received, filed, and approved.

Bee Branch Creek Restoration Project – Purchase of 507 Garfield Avenue: City Manager recommending purchase of commercial property at 507 Garfield Avenue from IBC Sales Corporation (Continental Baking Co.) at the appraised value of \$250,000 for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 146-11 Approving the acquisition of real estate owned by IBC Sales Corporation in the City of Dubuque was adopted.

Bee Branch Creek Restoration Project - Purchase 1502 Maple Street: City Manager recommending approval to establish the fair market value of 1502 Maple Street at the appraised value of \$73,000 and authorize the City Manager to begin negotiations to acquire the property for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 147-11 Establishing the fair market value of certain real property owned by Milton E. Schwartz in the City of Dubuque, Iowa, was adopted.

Bee Branch Creek Restoration Project - Purchase of East Dubuque Addition: City Manager recommending approval to establish the fair market value of W ½ and E ½ Lot 351 East Dubuque Addition (NE corner of East 15<sup>th</sup> and Cedar Streets) at the appraised value of \$66,950 and authorize the City Manager to begin negotiations to acquire the property for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 148-11 Establishing the fair market value of certain real property owned by Junnie and Rich's coin in the City of Dubuque, Iowa, was adopted.

Dubuque Regional Airport RISE Grant Agreement: City Manager recommending approval of the Revitalize Iowa's Sound Economy (RISE) grant agreement for the construction of a road west from Highway 61 to access lots in the Dubuque Regional Airport. Upon motion the documents were received and filed and Resolution No. 149-11 Authorizing a Revitalize Iowa's Sound Economy (RISE) grant agreement acceptance for the construction of a road west from Highway 61 to access lots in the Dubuque Regional Airport Industrial Park was adopted.

Fiscal Year 2012 Detailed Operating Budget for the Five Flags Center: City Manager recommending approval of the detailed Fiscal Year 2012 operating budget for the Five Flags Center as submitted by SMG. Upon motion the documents were received, filed, and approved.

Smart Planning Consortium Update: City Manager providing an update on the March 9 and April 6, 2011 Smart Planning Consortium meetings and public participation training for City Council consideration. Upon motion the documents were received and filed.

Mathias Ham House: City Manager submitting a letter of support regarding a grant application for the Mathias Ham House by the Silos and Smokestacks National Heritage Area. Upon motion the documents were received and filed.

Serve America: City Manager submitting a press release from Serve America announcing that, "Ten public and private partner organizations and seven different National Service Programs celebrated the two year anniversary of the Edward M. Kennedy Serve America Act with a 'Serve America' bus tour through Dubuque, Iowa, on April 21, 2011 as one of nine communities selected across the country." Motion by Braig to receive and file the documents. Seconded by Resnick. Braig made special note of Dubuque's recognition and placement among the larger national cities and presented Mayor Buol with a Certificate of Appreciation from Senator Charles Grassley. Motion carried 6-0.

Iowa Finance Authority (IFA): City Manager submitting a communication from David Vaske, Tax Credit Manager for the Iowa Finance Authority, notifying the City that a Low-Income Housing Tax Credit application has been submitted for the Rose of Dubuque Project. Upon motion the documents were received and filed.

Friends of the Mines of Spain: City Manager submitting a press release from the Friends of the Mines of Spain announcing receipt of an award for Excellence in Interpretive Support from the National Association for Interpretation Region 5. Upon motion the documents were received and filed.

Purchase of Property at 375 East 9<sup>th</sup> Street (Alamo Property): City Manager recommending acceptance of a Warranty Deed from Rouse and Dean Building, LLC for property located at 375 East 9<sup>th</sup> Street known as the Alamo property. Upon motion the documents were received and filed and Resolution No. 150-11 Accepting the deed to certain real estate in Dubuque County, Iowa, from Rouse and Dean Foundry Building, LLC was adopted.

Encephalitis Monitoring Memorandum of Understanding (MOU): City Manager recommending approval of a Memorandum of Understanding (MOU) with the Iowa Department of Public Health for services related to Encephalitis and West Nile disease monitoring. Upon motion the documents were received, filed, and approved.

Special Assessment: Communication from John Herrig, 13750 Surrey Lane, requesting that a special assessment for garbage removal at his property at 695 / 697 Caledonia Street be forgiven. Upon motion the documents were received, filed, and referred to the City Attorney.

Dubuque County Fine Arts Society (DCFAS): Mayor Buol submitting a letter of support for the Dubuque County Fine Arts Society (DCFAS) with respect to its Iowa Community Cultural Grant request. 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. 151-11 Granting the issuance of a Class "C" Beer/Liquor License to Carlos O'Kelly's (1-day Outdoor Sale), West Dubuque Tap, Tott's Tap, Shot Tower Inn, Bar X; Class "B" Wine permit to Oky Doky #2, Oky Doky #1, Beecher Beverage, Walgreen Drug #9708; Class "WBN" Native Wine Permit to Keywest Conoco, Tobacco Outlet; Class "WCN" Native Wine Permit to Stone Cliff Winery, Inc.; and Resolution No. 152-11 Granting the issuance of a Class "B" Beer Permit to Dubuque County Fine Arts, Music N More Promotions; Class "C" Beer Permit to Ron's Discount Smokes/Beverage; Walgreens #9708, Beecher Beverage, Keywest Conoco, Tobacco Outlet #504, McCann Service, Oky Doky #1, Oky Doky #2 were adopted.

## **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 Braig. Motion carried 6-0.

US Hwy 61 / 151 Capacity Improvements: City Manager recommending initiation of the public bidding process for the US. Hwy 151/16 Capacity Improvements and that a public hearing be set for May 16, 2011. Upon motion the documents were received and filed and Resolution No. 153-11 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 16, 2011 in the Historic Federal Building.

Walter Development, LLC and TM Logistics, Inc.: City Manager recommending that a public hearing be set for May 16, 2011 on the disposition of approximately 2.616 acres at the Dubuque Industrial Center West for Walter Development, LLC and TM Logistics, Inc. Upon motion the documents were received and filed and Resolution No. 154-11 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, Iowa, on the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a development agreement relating thereto with Walter Development, LLC and TM Logistics, 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 May 16, 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:

Electrical Code Board: Three 3-year terms through May 22, 2011 (Expiring terms of Dixon, Hammel, and Mueller). Applicants: James Dixon, 2505 Marquette Place; Dan Hammel, 3163 Hillcrest Road, #4' and Ronald Mueller, 3780 Sunlight Ridge

Human Rights Commission: Shayna Boxleiter and Kimberly Schroeder requested their application be pulled from consideration.

Safe Community Advisory Committee: One 1-year term through December 31, 2011 (Vacant term of Sutton). Applicants: Amanda Elkins, 2257 Chaney Road, #2; and Douglas Ropa, 1190 University Avenue. Mr. Ropa spoke in support of his appointment.

## **PUBLIC HEARINGS**

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

Greater Downtown Urban Renewal District Expansion: Proof of publication on notice of public hearing to consider expansion of the Greater Downtown Urban Renewal District.

Communication from the Long Range Planning Advisory Commission recommending approval of the proposed Greater Dubuque Urban Renewal District Expansion and advising that it is consistent with the 2008 Dubuque Comprehensive Plan.

Motion by Jones to receive and file the documents and adopt Resolution No. 155-11 Approving the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Braig. Kelly Hingtgen, 3416 Foothill Street, expressed concerns about her belief that the City was incurring debt. City Manager Van Milligen and Economic Development Director Dave Heiar clarified that the measure increases the City's capacity to incur debt and this it would create opportunity for future projects. Motion carried 6-0

Proceedings for Reallocation of General Obligation Bonds Series 2009A and Series 2010A: Proof of publication on notice of public hearing to consider the reallocation of \$121,000 in unspent proceeds of the General Obligation Bonds Series 2009A and Series 2010A and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 155-11 Instituting Proceedings to take additional action and approving the reallocation of certain unspent proceeds of the General Obligation Bonds, Series 2009A (Taxable Build America Bonds), and General Obligation Bonds, Series 2010A of the City of Dubuque, Iowa. Seconded by Braig. Motion carried 6-0.

2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project: Proof of publication on notice of public hearing to consider approval of plans and specifications, form of contract and the estimated cost for the 2011 Sewer Cured-in-Place (CIPP) Lining Project. Motion by Jones to receive and file the documents and adopt Resolution No. 157-11 Approval of plans, specifications, form of contract, and estimated cost for the 2011 Sewer Cured in Place Pipe (CIPP) Lining Project. Seconded by Braig. Responding to questions from City Council, City Engineer Gus Psihoyos explained the CIPP process, cost savings and success. Motion carried 6-0.

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

### **ACTION ITEMS**

Settlement Agreement: City Attorney submitting a Settlement Agreement and General Release for Jeanne Schneider. Motion by Jones to receive and file the documents and approve the agreement. Seconded by Connors. Motion carried 5-1 with Buol voting nay.

City Clerk Recruitment Process: City Manager requesting direction on the City Clerk recruitment process. Motion by Connors to receive and file the documents and confirm consensus on the following items: 1) Council members will submit sample questions to the City Manager for forwarding to the Personnel Director within one week. The Personnel Director will compile the top questions and return the list to Council for inclusion in the application, which shall be ready for advertisement within two weeks; 2) An Iowa Municipal Clerk's certification shall be the minimum requirement and stated in the advertisement; 3) The salary for the Acting City Clerk shall be set at a GE40 rate of the City's wage plan with the same salary range used in the advertisement; 4) Online recruitment sources shall be used to help meet deadlines and expedite the advertisement process; 5) Selection of the appointment schedule for a mid-September start date. Seconded by Braig. Motion carried 6-0.

Long Range Planning Advisory Commission: City Attorney submitting a draft amendment to the Long Range Planning Advisory Commission ordinance eliminating the appointment of a member of the City Council to the Commission.

Communication from Council Member Karla Braig

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 Resnick. Braig read her communication into the Record. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 31-11 Amending City of Dubuque Code of Ordinances Title 15 Planning and Zoning, Chapter 2 Long Range Planning Advisory Commission, Section 15-2-1 Providing for the composition of the Long Range Planning Advisory Commission by eliminating a Member of the City Council on the Commission. Seconded by Connors. Motion carried 6-0.

Purchase of Property – 1104 Riverview Drive: City Manager recommending purchase of property at 1104 Riverview Drive for deconstruction and redevelopment. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 6-0.

Kaufmann Avenue Utilities Project Award of Contract: City Manager recommending award of the contract for the Kaufmann Avenue Utilities Project to McDermott Excavating in the amount of \$227,693.10. Motion by Connors to receive and file the documents and adopt Resolution No. 158-11 Awarding public improvement contract for the Kaufmann Avenue Utility Project. Seconded by Braig. City Engineer Gus Psihoyos stated that the project is expected to be completed August 1, 2011. Motion carried 6-0.

Tenth and Central Parking Ramp Message Center: City Manager recommending approval of the design and placement of a message center adjacent to the parking ramp at 975 Central Avenue.

Communication from the Historic Preservation Commission

Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Resnick expressed concerns regarding the design of the message center being in conflict with the City's Downtown Design Guidelines and that it could be a distraction at a busy intersection made busier with the presence of Fire Headquarters. Motion carried 5-1 with Resnick voting nay.

Operating Protocol for Unreserved Parking Ramps: City Manager recommending changing the operation of the Iowa Street Ramp from a person leasing an individually identified parking space to a person leasing a space that the location on a given day would be on a first-come first-serve basis. Motion by Connors to table to a future meeting. Seconded by Braig. Motion carried 6-0.

Dubuque Levee and Floodwall System Certification: City Manager recommending approval of a resolution adopting the updated Operations and Maintenance Manual, the updated Emergency Flood control Plan, and authorization to submit the documentation for certification of the Dubuque Local Flood Protection Project Levee to the Federal Emergency Management Agency (FEMA). Motion by Jones to receive and file the documents and adopt Resolution No. 159-11 Adopting operations and maintenance manual, emergency flood control plan, and interim risk reduction plan for the Dubuque local flood protection project levee. Seconded by Braig. Motion carried 6-0.

City Council Appointments: Appointments to fill vacancies on City Council boards and committees. Motion by Resnick to appoint Lynn Sutton as the Council representative on the Operation: New View Community Action Agency. Seconded by Braig. Motion carried 6-0.

Motion by Connors to appoint Lynn Sutton as the Council representative on the Convention and Visitors Bureau. Seconded by Resnick. Motion carried 6-0.

Motion by Connors to receive and file the documents with the noted appointments. Seconded by Jones. Motion carried 6-0.

### **COUNCIL MEMBER REPORTS**

Connors reported on the recent visit by a delegation from Dornbirn, Austria, hosted by the Sister City Commission.

### **PUBLIC INPUT**

Marcos Rubinstein, 663 Fenelon Place, asked the City Council to reconsider their recent action regarding discontinuing glass recycling.

Mark Willgen, Fuerste, Carew Law Firm, 200 Security Building, expressed concerns regarding unreserving the parking ramps and asked that public input be sought before any future action is taken.

Jack Dunwoody, 2205 Rhomberg Avenue, suggested reuse of the former City Garage as a possible glass recycling center that could provide job assistance as is done in some other cities.

There being no further business, upon motion the City Council adjourned at 8:23 p.m.

Kevin S. Firnstahl  
Acting City Clerk

1t 5/11