

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

The Dubuque City Council met in regular session at 6:30 p.m. on May 16, 2011 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol, Council Members Sutton, 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 Reverend Loren Hirschy of Word of Life Church.

PROCLAMATION

Kids to Parks Day (May 21, 2011) was accepted by Leisure Services Manager Marie Ware.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Motion carried 7-0.

Minutes and Reports Submitted: Cable Community Teleprogramming Commission of 3/1; City Council proceedings of 5/2; Civil Service Commission of 3/16; Human Rights Commission of 4/11; Investment Oversight Advisory Commission of 4/27; Sister City Relationships Advisory Commission of 5/4; Transit Advisory Board of 4/14; Zoning Advisory Commission of 5/4; Zoning Board of Adjustment of 4/28

Investment Oversight Advisory Commission 72nd Quarterly Report

Library Board of Trustees Update from April 28, 2011 Meeting

Proofs of Publication for City Council Proceedings of April 18, 2011 and Lists of Claims and Summary of Revenues for month ended March 31, 2011

Upon motion the documents were received and filed.

Notice of Claims/Suits: Jeff and Janice Bahl for vehicle damage; Danielle Basten for vehicle damage; Kevin Ciesielski for vehicle damage; Anna Mormann for property 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: Jeff and Janice Bahl for vehicle damage; Kevin Ciesielski for vehicle damage; Anna Mormann for property damage. Upon motion the documents were received, filed and concurred.

Request for Release of Funds for Community Development Block Grant (CDBG): City Manager recommending approval of a resolution authorizing the Request to Release Funds for the proposed projects approved in the FY 2012 (Program Year 2011) Annual Action Plan for Community Development Block Grant (CDBG) activities. Upon motion the documents were

received and filed and Resolution No. 160-11 Authorizing request for release of Community Development Block Grant funds for Fiscal Year 2012 (Program Year 2011) was adopted.

Quarterly Investment Reports: City Manager transmitting the March 31, 2011 Quarterly Investment Report. Upon motion the documents were received and filed.

Iowa Department of Cultural Affairs: City Manager recommending approval to submit a grant application to the Iowa Department of Cultural Affairs to provide partial funding for the City of Dubuque's Arts and Cultural Affairs Coordinator position. Upon motion the documents were received, filed, and approved.

Delinquent Water, Sewer, Refuse and Storm Water Collection Accounts: City Manager recommending approval of the submission of delinquent water, sewer, refuse and storm water collection accounts to the Dubuque County Treasurer. Upon motion the documents were received and filed and Resolution No. 161-11 Adopting the Schedule of Assessments for delinquent water, sewer, refuse and storm water accounts and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

Federal Emergency Management Agency (FEMA): City Manger transmitting a communication from Luis Rodriguez of the Engineering Management Branch of the Federal Emergency Management Agency notifying the City of the final flood elevation determination for the City of Dubuque. Upon motion the documents were received, filed and referred to the City Manager.

Dubuque Metropolitan Area Solid Waste Agency (DMASWA) – Annexation: City Manager transmitting a communication from Marie Steenlage, City Development Board Administrator, notifying the City that the documents granting rights of annexation into the City of Dubuque to the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) have been recorded.

Dubuque Metropolitan Area Solid Waste Agency (DMASWA) – Recycling: Communication from Chuck Goddard, Dubuque Metropolitan Area Solid Waste Agency Administrator, advising the City that electronics will no longer be buried at the Dubuque Metro Landfill and recommending recycling options. Upon motion the documents were received and filed.

2011 Sidewalk Assessment Project: City Manager recommending approval of the final assessments for the Sidewalk Assessment Project at 80-82 Clarke Drive. Upon motion the documents were received and filed and Resolution No. 162-11 Adopting the Final Assessment Schedule for the Sidewalk Assessment Project was adopted.

Assistant City Attorney: City Attorney recommending the appointment of Maureen A. Quann as Assistant City Attorney. Upon motion the documents were received and filed and Resolution No. 163-11 Approving the appointment of Maureen A. Quann as Assistant City Attorney for the City of Dubuque was adopted.

Franklin Investments, Inc.: City Manager recommending approval of a Housing Enterprise Zone Program Agreement by and among the Iowa Department of Economic Development, the City of Dubuque and Franklin Investments, LLC related to the redevelopment of a historic building located at 39 Bluff Street. Upon motion the documents were received and filed and

Resolution No. 164-11 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Department of Economic Development, the City of Dubuque and Franklin Investments, LLC was adopted.

Arts Our Town Grant: City Manager recommending submittal of a grant to the National Endowment for the Arts (NEA) for the Arts Our Town Grant to further arts initiatives in the Historic Millwork District. Upon motion the documents were received, filed, and approved.

Dubuque Main Street Farmer's Market Banner Design: City Manager recommending approval of the banner design for the Dubuque Main Street Farmer's Market banner to be hung on light poles on 12th, 13th and Iowa Streets. Upon motion the documents were received, filed, and approved.

Dubuque Community School District: Communication from Shirley Horstman and Ruth Ellis of the Dubuque Community School District thanking the City for its support of the 21st Century Community Learning Center grant, which they received this past April. Upon motion the document was received and filed.

U.S. Department of Housing and Urban Development (HUD): City Manager transmitting a communication from Jordan Garrison, Governmental Technical Representative from HUD, advising the City of their approval of the Lead Hazard Control Grant Program final report. Upon motion the documents were received and filed.

Mediacom: Communication from Lee Grassley, Sr. Manager of Government Relations for Mediacom Communications Company, notifying the City of programming changes. Upon motion the document was received and filed.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of medical officer and scale operator. Upon motion the documents were received, filed and made a Matter of Record.

Mines of Spain Agricultural Exhibit – HRDP Grant Application: City Manager recommending approval to submit a grant application of the Friends of the Mines of Spain for a Historic Resource Development Program (HRDP) grant to fund a new History of Agriculture at the Mines of Spain Exhibit. Upon motion the documents were received, filed, and approved.

Mines of Spain Agricultural Exhibit – SSNHA Grant Application: City Manager recommending approval to submit a grant application of the Friends of the Mines of Spain for a Silos and Smokestacks National Heritage Areas (SSNHA) grant to fund a new History of Agriculture at the Mines of Spain Exhibit. Upon motion the documents were received, filed, and approved.

Holy Ghost Catholic Historic District: City Manager transmitting the Holy Ghost Catholic Historic District, 2887-2921 Central Avenue, for nomination to the National Register of Historic Places. Upon motion the documents were received, filed, and approved.

Four Mounds Estate – HRDP Grant Application: City Manager transmitting a grant application of the Four Mounds Foundation to the State Historic Preservation for Historic Resource Development Program (HRDP) grant funds for the exterior rehabilitation of the White

House and the access around it at the Four Mounds Estate Historic District. Upon motion the documents were received, filed, and approved.

Mathias Ham House – HRDP Grant Application: City Manager transmitting a grant application of the Dubuque County Historical Society to the State Historic Preservation Office for the Historic Resource Development Program (HRDP) grant funds for interior restoration of the Mathias Ham House. Upon motion the documents were received, filed, and approved.

Iowa Department of Transportation – Consolidated Funding: City Manager recommending approval of the Consolidated Funding application and Authorizing Resolution that was submitted to the Iowa Department of Transportation for Fiscal Year 2012 funding for The Jule. Upon motion the documents were received, filed, and approved.

Signed Contracts: A) Municipal Services Center Cold Storage Mezzanine Project; B) Building Roof Replacement for Flora and Sutton Pools; C) Iowa Street Parking Ramp Re-Lamping Project; D) 2011 City of Dubuque Sidewalk, General Concrete and Miscellaneous Right-of-Way Work. Upon motion the documents were received and filed.

Liquor License - Transfer of Service: Application of the Rotary Club of Dubuque to transfer their liquor license from 135 W. 8th Street to A.Y. McDonald Park on June 9, 2011 for the ARC Games. 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. 165-11 Granting the issuance of a Class “B” Beer Permit (5-Day) License to the Dubuque Jaycees; a Class “C” Beer Permit to Casey’s General Store #2420, Casey’s General Store #2421, and Walgreens #6154; and Resolution No. 166-11 Granting the issuance of a Class “B” (Hotel/Motel) Liquor License to Days Inn & Spirits Bar & Grill; a Class “C” Beer/Liquor License to Kalmes Breaktime Bar & Grill, Easy Street, Shenanigan’s, and Northside Bar; a Special Class “C” Liquor License to Olde Main Cookery, and Naughty Dog Deli and Coffee Bar; a Class “B” Wine License to Walgreens #6154, and Olde Main Cookery; and a Class “WBN” Native Wine License to Casey’s General Store #2420, Casey’s General Store #2421, and Naughty Dog Deli and Coffee Bar 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 Jones. Motion carried 7-0.

Kaufmann Avenue Resurfacing HMA Resurfacing Project: City Manager recommending initiation of the public bidding process for the Kaufmann Avenue Hot Mix Asphalt (HMA) Resurfacing Project and that a public hearing be set for June 6, 2011. Upon motion the documents were received and filed and Resolution No. 167-11 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 June 6, 2011 in the Historic Federal Building.

ABC Supply Lease Agreement: City Manager recommending setting a public hearing on the proposed lease of a building located at 250 S. Main Street to American Builders and Contractor's Supply Co., Inc (ABC). Upon motion the documents were received and filed and Resolution No. 168-11 Intent to dispose of an interest in real property owned by the City of Dubuque by lease between the City of Dubuque, Iowa, and American Builders and Contractor's Supply Co., Inc., 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:

Electrical Code Board: Five 3-year terms through May 21, 2014 (Expiring terms of Dixon, Hammel, Mueller, Pfohl and Reiss). Applicants: James Dixon, 2505 Marquette Place; Dan Hammel, 3163 Hillcrest Road, #4; Ronald Mueller, 3780 Sunlight Ridge; Kevin Pfohl, 1878 Hummingbird Drive (Additional Applicant); and Elaine Reiss, 2222 Roosevelt Street (Additional Applicant). Motion by Connors to appoint James Dixon, Dan Hammel, Ronald Mueller, Kevin Pfohl, and Elaine Reiss to the Electrical Code Board for 3-year terms through May 21, 2014. Seconded by Lynch. Motion carried 7-0.

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. Following a roll-call vote of 5-2, Amanda Elkins was appointed to the Safe Community Advisory Committee for a 1-year term through December 31, 2011.

PUBLIC HEARINGS

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

Hillcrest Family Services – Request to Amend ID Institutional District: Proof of Publication on the notice of public hearing to consider a request by Hillcrest Family Services to amend the ID Institutional District for property located at 2005 Asbury Road and the 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. Michael Luedtke, Vice President of Finance for Hillcrest Family Services, spoke in support of the request adding that a setback had been made in the original site plan to alleviate traffic concerns in the area. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 32-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, rescinding Ordinances 41-92, 55-00, 18-03 and 08-09 and approving an amended Campus Development Plan for Hillcrest Family Services ID Institutional District for a new chapel, gymnasium and classroom building. Seconded by Resnick. Motion carried 7-0.

Walter Development, LLC and TM Logistics, Inc.: Proof of publication on notice of public hearing to consider the sale of 2.616 acres in the Dubuque Industrial Center West to Walter Development, LLC and TM, Logistics, to build a 10,000 sq. ft. office for expansion plans of their current business. Motion by Lynch to receive and file the documents and adopt Resolution No. 169-11 Approving a Development Agreement providing for the sale of 2.616

acres in the Dubuque Industrial Center West 4th Addition to Walter Development, LLC and TM, Inc. Seconded by Jones. Motion carried 7-0.

US Hwy 61 / 151 Capacity Improvements: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and the estimated cost for the US 61/151 Capacity Improvements Project. Motion by Lynch to receive and file the documents and adopt Resolution No. 170-11 Approval of plans, specifications, form of contract, and estimated cost for the US 16/151 Capacity Improvements Project, Iowa DOT Project No. STP-A-061-9(128) – 22-31. Seconded by Braig. Motion carried 7-0.

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

ACTION ITEMS

Dubuque Initiatives: City Manager recommending approval of an amendment to the Development Agreement between the City of Dubuque and Dubuque Initiatives for the redevelopment of the Roshek Building. Motion by Jones to receive and file the documents and adopt Resolution No. 171-11 Approving the second amendment to the Roshek Building Development Agreement. Seconded by Braig. Responding to questions from City Council, Economic Development Director Dave Heiar provided information regarding the increase in tax credits and additional project allowance. Motion carried 7-0.

Safe Community Task Force Recommendation - Urban Youth Corps: City Manager recommending approval of a grant agreement with the Iowa Department of Transportation Urban Youth Corps program. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Responding to questions from City Council, Leisure Services Manager Marie Ware stated that it is expected applicants will be recruited from the Dubuque area from promotion through City programs and local agencies. Motion carried 7-0.

2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project Award: City Manager recommending the award of the contract for the 2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project to Visu-Swer, Inc., in the amount of \$94,219.00. Motion by Lynch to receive and file the documents and adopt Resolution No. 172-11 Awarding public improvement contract for the 2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project. Seconded by Resnick. Motion carried 7-0.

AmeriCorps Vista Summer Associate: City Manager recommending approval of an AmeriCorps Vista Memorandum of Agreement for an AmeriCorps Vista summer associate position with the Iowa Commission on Volunteer Service. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Non-Profit and Commercial Energy Efficiency Revolving Loan Fund: City Manager recommending approval of an agreement with ECIA Business Growth to administer the City's Non-Profit and Commercial Energy Efficiency Revolving Loan Fund program as allocated through the AARA (Stimulus Package) Energy Efficiency and Conservation Block Grant (EECBG). Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Intermodal Transportation Center Consultant Selection: City Manager recommending authorization to negotiate a contract with Neumann Monson for Phase II (Design Engineering) to further investigate the attributes of the Historic Millwork District as a site for the Intermodal Transportation Center and begin preliminary design. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

Bicycle Friendly Community: City Manager recommending the appointment of Planning Services Manager Laura Carstens as Bicycle Program Manager as part of the application process to be designated as a Bicycle Friendly Community by the League of American Bicyclists. Motion by Connors to receive and file the documents and concur with the recommendation. Seconded by Jones. Motion carried 7-0.

Green Dubuque: City Manager transmitting a communication from Jason Schatz, President of Green Dubuque, Inc., requesting a City Council work session to present the recommendations of the Dubuque Community Greenhouse Gas Reduction Task Force. Motion by Jones to receive and file the documents and have Office Manager Juanita Hilkin schedule the work session. Seconded by Connors. Motion carried 7-0.

Sister City Relationships: Mayor Buol submitting the proclamation for establishing an official Sister City relationship with Dornbirn, Austria. Motion by Lynch to receive and file the documents and approve the proclamation. Seconded by Braig. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 7:16 p.m.

/s/Kevin S. Firnstahl
Acting City Clerk

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