

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

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

Present: Mayor Buol, Council Members, Braig, Connors, Jones, Lynch, Resnick (Via Telephone), 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 Pastor Rex Rains of New Life Church.

**PROCLAMATIONS**

ARC Corporate Community Games Day (June 9, 2011) presented and read; Dump-the-Pump Day (June 16, 2011) presented and read; Juneteenth Day (June 19, 2011) was accepted by Kathy Sutton, NAACP Treasurer and Juneteenth Day committee member; Gay Pride Month (June 2011) was accepted by Jessica Perry of Rainbow Pride; Apples for Students Months (June/July 2011) was accepted by Karen Tuecke of St. Mark Community Center.

**CONSENT ITEMS**

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

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 4/26; City Council Proceedings of 5/16; Community Development Advisory Commission of 4/20; Environmental Stewardship Advisory Commission of 5/4; Housing Code Appeals Board of 2/15; Housing Commission of 4/26; Long Range Planning Advisory Commission of 5/18; Safe Community Advisory Committee of 4/13

Proof of Publication for City Council Proceedings of May 2, 2011  
Upon motion the documents were received and filed.

Notice of Claims/Suits: Jennifer Hess for vehicle damage; James Lehman for vehicle damage; Gina Lynch for vehicle damage; Tricia Mergen for vehicle 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: Danielle Basten for vehicle damage; Jennifer Hess for vehicle damage; James Lehman for vehicle damage; Gina Lynch for vehicle damage. Upon motion the documents were received, filed, and concurred.

Gardener and Assistant Gardener: City Manager recommending that the positions of Gardener and Assistant Gardener be re-titled as Horticulturist and Assistant Horticulturist and approval to eliminate one Gardener position, creation of one Horticulturist position, and

eliminate two Assistant Gardner positions and create two Assistant Horticulturist positions. Upon motion the documents were received, filed, and approved.

Natural Resources and Sustainable Practices Specialist: City Manager recommending the elimination of a Foreman position in the Leisure Services Department and the creation of a Natural Resources and Sustainable Practices Specialist position. Upon motion the documents were received, filed, and approved.

Landfill Equipment Operator: City Manager recommending the elimination of the Landfill Foreman position in the Public Works Department and the creation of a Landfill Equipment Operator position. Upon motion the documents were received, filed, and approved.

Lead Mechanic: City Manager recommending the elimination of one Lead Mechanic position in the Leisure Services Department and creating one Mechanic position. Upon motion the documents were received, filed, and approved.

Collective Bargaining Agreement (Bus Operators): City Manager recommending approval of a three-year Collective Bargaining Agreement between the City of Dubuque and the Teamsters Local Union No. 120 (Bus Operators) for the contract period beginning July 1, 2011. Upon motion the documents were received and filed and Resolution No.173-11 Approving the agreement between the City of Dubuque, Iowa, and the Teamsters Local Union No. 120 (Bus Operators) and authorizing the Mayor to sign the agreement was adopted.

Request to Vacate – 1900 Block of Garfield Avenue: Communication from Brian Goranson, 1956 Garfield Avenue, requesting that the City vacate the alley behind the east side of the 1900 block of Garfield Avenue. Upon motion the document was received, filed, and referred to the City Manager.

Dubuque Metropolitan Area Solid Waste Agency (DMASWA): Communication from Iowa Secretary of State Matt Schultz informing the City that the documents pertaining to the voluntary annexation of territory to the City of Dubuque for the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) have been filed. Upon motion the document was received and filed.

City of Dubuque Code of Ordinances: City Manager recommending rescinding Resolution No. 77-11 and approval of Supplement No. 4 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed and Resolution No. 174-11 Rescinding Resolution No. 77-11 and adopting Supplement No. 4 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Long Range Planning Advisory Commission: Communication from the Long Range Planning Advisory Commission requesting that the City Council give strong consideration to gender equality and diversity when considering applicants. Upon motion the document was received and filed.

Westbrook Subdivision Phase 1: City Manager recommending acceptance of the public improvements with exceptions on North Westbrook Drive, South Westbrook Drive, Trails Edge Drive, Pebble Creek Drive, and Commerce Park, which the developer, Callahan Construction,

has recently completed in Westbrook Subdivision – Phase 1. Upon motion the documents were received and filed and Resolution No. 175-11 Accepting public improvements in Westbrook Subdivision – Phase 1 was adopted.

Historic Federal Building: City Manager transmitting correspondence from Rachel Franklin Weekly of the U.S. Department of the Interior – National Park Service in response to the City's December 2010 biennial report on the Historic Federal Building. Upon motion the documents were received and filed.

Spiegel Development Agreement – First Amendment: City Manager recommending approval of the first Amendment to the Development Agreement with Spiegel Family Realty Company Iowa, LLC to provide for a two-year extension of the job creation period. Upon motion the documents were received and filed and Resolution No. 176-11 Approving the First Amendment to the Spiegel Family Realty Company Iowa, LLC Development Agreement was adopted.

Downtown Housing Program – Bonson's Block Ventures, LLC: City Manager recommending approval of a Downtown Housing Program extension to Bonson's Block Ventures, LLC allowing the developer an additional six months, until December 31, 2011, for project completion. Upon motion the documents were received and filed and Resolution No. 177-11 Approving an extension for the Downtown Housing Program Grant Award to Bonson's Block Ventures, LLC, was adopted.

Request for Proposals – Grand River Center Electric Smart Meters Design: City Manager recommending the issuance of a Request for Proposals for the Grand River Center electric smart meters design. Upon motion the documents were received, filed, and approved.

Dubuque Water Sports Club – Lease Agreement: City Manager recommending approval of the annual lease with the Dubuque Water Sports Club (formerly Dubuque Water Ski Club). Upon motion the documents were received, filed, and approved.

Bunker Hill Golf Course Irrigation Renovation Project: City Manager recommending acceptance of the Bunker Hill Golf Course Irrigation Renovation Project as completed by Midwest Irrigation, LLC in the final contract amount of \$159,380.00. Upon motion the documents were received and filed and Resolution No. 178-11 Accepting the Bunker Hill Golf Course Irrigation Renovation Project and authorizing the payment of the contract amount to the contractor was adopted.

E. B. Lyons Nature Center Expansion Project: City Manager recommending acceptance of the E. B. Lyons Nature Center Expansion Project as completed by Stumpf Construction, Inc., in the final contract amount of \$1,304,654.54. Upon motion the documents were received and filed and Resolution No. 179-11 Accepting the E. B. Lyons Nature Center Expansion Project and authorizing the payment of the contract amount to the contractor was adopted.

Green and Healthy Homes Initiative: City Manager recommending approval to execute a compact to become a green and Healthy Homes Pilot City through the National Green and Healthy Homes Initiative. Upon motion the documents were received, filed, and approved.

Sustainable Dubuque: City Manager transmitting the Sustainable Dubuque Project Status Report for April 2011. Upon motion the documents were received and filed.

Community Oriented Policing Services (COPS): City Manager recommending approval to submit a Community Oriented Policing Services (COPS) Hiring Grant in the amount of \$224,729 for the purpose of obtaining grant funding for one Community Policing Outreach Corporal. Upon motion the documents were received and filed.

Wellmark Foundation Healthy Local Foods Grant: City Manager recommending approval of a Letter of Intent to the Wellmark Foundation requesting \$25,000 in funding for healthy local foods projects. Upon motion the documents were received, filed and approved.

Bee Branch Creek Restoration Project – Engineering Services: City Manager recommending approval and execution of an agreement with HDR Engineering (HDR) whereby HDR will provide engineering services related to the railroad bridge required for the Bee Branch Creek Restoration Project. Upon motion the documents were received, filed and approved.

Signed Contracts: 1) Miron Construction Co. Change Order No. 7 for the Water Pollution Control Plant Modifications; 2) TwistHDM (Limelight) contract for the re-lamping of the Iowa Street Parking Ramp; 3) Green Dubuque, Inc., improvement contract to perform storm drain labeling; 4) Ted Stackis Construction contract for deconstruction of properties on Kniest Street for the Bee Branch Creek Restoration Project; 5) R&R Visuals contract for the Water Pollution Control Plant Modifications Outfall Assessment. Upon motion the documents were received and filed.

Liquor License Applications: City Manager recommending approval of annual liquor and cigarette license renewals as submitted. Upon motion the documents were received and filed and Resolution No. 180-11 Granting the issuance of thirty-two (32) renewal permits to sell cigarettes within the City of Dubuque; Resolution No. 181-11 Granting the issuance of a Class “C” Beer/Liquor License to Buffalo Wild Wings, Fischer Lanes, Diamond Jo Casino, Los Aztecas III, Monk’s Kaffee Pub (1-Day Outdoor Sale), Rainbow Lounge (1-Day Outdoor Sale); a Special Class “BW” Liquor License to Off Minor; a Class “B” Wine Permit to Walgreen’s #11942, HyVee Wine & Spirits, and Hartig Drug #2; and a Class “WBN” Native Wine to Accessorize Me; and Resolution No. 182-11 Granting the issuance of a Class “B” Beer Permit to Dubuque All That Jazz; a Class “C” Beer Permit to Walgreen’s #11942, HyVee Wine & Spirits, Kwik Start #495, and Hartig Drug #2 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.

Vacating Petition – University of Dubuque: City Manager recommending that a public hearing be set for June 20, 2011 to consider a request from the University of Dubuque to vacate a portion of unimproved public alley west of Algona Street between West Third Street and Bennett Street.

Communication from the University of Dubuque requesting that the City vacate a portion of the street/alley abutting the University's property at 2184, 2164 and 2154 Bennett Street and 2154 W. 3<sup>rd</sup> Street to provide parking for its performing arts center.

Upon motion the documents were received and filed and Resolution No. 183-11 Resolution of Intent to vacate and dispose of City interest in Lot 3A of Bennett Street Subdivision in the City of Dubuque, Dubuque County, Iowa, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 20, 2011 in the Historic Federal Building.

Holy Ghost Urban Renewal District: City Manager recommending approval of a Resolution of Necessity finding that the creation of a new Holy Ghost Urban Renewal District is both necessary and appropriate and that a public hearing be set for July 18, 2011. Upon motion the documents were received and filed and Resolution No. 184-11 Resolution of Necessity finding that certain property bounded by 28<sup>th</sup> Street, 30<sup>th</sup> Street, Central Avenue and the bluff is a blighted area and that the redevelopment of said area is necessary in the interest of the residents of the City of Dubuque, Iowa, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on July 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: Human Rights Commission: Two 3-year terms through January 1, 2012 (vacant terms of Apel and Sutton). Applicants: Regine Ronek, 2282 White Street; Judie Root, 364 Hill Street.

### **PUBLIC HEARINGS**

Paragon Square Urban Revitalization Plan: City Manager recommending approval to remove the Paragon Square Urban Revitalization Area Plan from the Public Hearing Agenda. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Sutton. Motion carried 7-0.

### **SUSPEND THE RULES**

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

Paragon Square Urban Revitalization Plan: Proof of publication on notice of public hearing to consider approval of the proposed Paragon Square Urban Revitalization Area Plan. This item was removed from the agenda by a previous motion.

Engine House #1 LLC – Development Agreement: Proof of publication on notice of public hearing 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 (1805 Central Avenue), which formerly housed the Housing Department offices and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 185-11 (1) The disposal of an interest in real property owned by the City of Dubuque by sale between the City of Dubuque, Iowa, and Engine House #1, LLC, an Iowa Limited Liability Company; and (2) Approval of a development agreement

with Engine House #1, LLC to rehabilitate 1805 Central Avenue. Seconded by Connors. Responding to questions from City Council, Van Milligen provided additional clarification of the Historic Tax Credits and stated that the project could encourage additional renovation in the area. Motion carried 7-0.

Kaufmann Avenue HMA Resurfacing Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and the estimated cost for the Kaufmann Avenue HMA Resurfacing Project (John F. Kennedy Road to Carter Road) and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 186-11 Approval of plans, specifications, form of contract, and estimated cost for the Kaufmann Avenue HMA Resurfacing Project (John F. Kennedy Road to Carter Road), Iowa DOT Project No. STP-U-2100 (662)--70-31. Seconded by Connors. Responding to questions from City Council, City Engineer Gus Psihoyos stated that in order to keep project costs low, the City's Public Works Department will complete the section from Carter Road to Chaney Road. Motion carried 7-0.

ABC Supply Lease Agreement: Proof of publication on notice of public hearing to consider a five-year lease of a building located at 10 S. Main Street to American Builders and Contractor's Supply Co., Inc. (ABC), and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 187-11 Approving the disposal 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. (ABC Supply). Seconded by Braig. Motion carried 7-0.

## **REINSTATE THE RULES**

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

## **ACTION ITEMS**

Greater Dubuque Development Corporation – Report: Rick Dickinson Executive Director – Greater Dubuque Development Corporation, provided a verbal update on the activities of the Greater Dubuque Development Corporation that included information on local, national and global exposure for the City, job growth, average wage, commercial construction, staffing, and future goals. Motion by Lynch to receive and file the information. Seconded by Braig. Motion carried 7-0.

Dubuque Packing Company Memorial: Communication from Chuck Stoltz, former Chairman and President of the Dubuque Packing Company, proposing an informative tribute memorial located at the southwest corner of 16<sup>th</sup> and Sycamore Streets. Motion by Braig to receive and file the documents and accept the donation. Seconded by Connors. Motion carried 7-0.

Final Plat – English Ridge Subdivision No. 2: City Manager recommending approval of the Final Plat of English Ridge Subdivision No. 2. Motion by Connors to receive and file the documents and adopt Resolution No. 188-11 Authorizing approval of the Final Plat of English Ridge Subdivision No. 2 in the City of Dubuque, Iowa. Seconded by Jones. Responding to questions from City Council, Assistant Planner Kyle Kritz state that this project is grandfathered and not subject to the 40-Point language of the Unified Development Code. He

added that open space was not required in this phase as it was dedicated in the first phase. Motion carried 7-0.

Downtown Rehabilitation Loan Program - 39 Bluff Street: City Manager recommending a resolution approving a Letter of Commitment for a Downtown Rehabilitation Loan of \$300,000, Design Grant for \$10,000, a Façade Grant of \$10,000 and a Financial Consultant Grant of \$5,000 for Franklin Investments, LLC to support their rehabilitation of property located at 39 Bluff Street (former Central Alternative School building). Motion by Lynch to receive and file the documents and adopt Resolution No. 189-11 Authorizing a Letter of Commitment and additional actions concerning a Downtown Rehabilitation Loan, Design Grant, Façade Grant and Financial Consultant Grant to 39 Bluff Street. Seconded by Jones. Motion carried 7-0.

Fiscal Year 2012 Arts and Cultural Funding Program for Operating Support: Arts and Cultural Affairs Advisory Commission recommending approval of 14 Fiscal Year 2012 Arts and Cultural Funding Program Operating Support requests and authorization for the City Manager to sign the funding agreements. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Tax Increment Financing Ordinance for the Greater Downtown Urban Renewal District: City Manager recommending approval of an ordinance amending the Tax Increment Financing District for the Greater Downtown Urban Renewal District to establish the use of Tax Increment Financing collection on recently expanded areas of the district. Motion by Connors to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Jones. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 33-11 Amending Ordinance Nos. 51-10, 64-97 and 43-94, each as previously amended, providing that general property taxes levied and collected each year on all property located within the Greater Downtown Urban Renewal District of the City of Dubuque, County of Dubuque, State of Iowa, by and for the benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said City in connection with the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Jones. Motion carried 7-0.

U.S. 61 / 151 Capacity Improvements Project: City Manager recommending award of the public improvement contract for the U.S. 61/151 Capacity Improvements Project to Tschiggfrie Co., Inc., in the amount of \$964,338.65. Motion by Jones to receive and file the documents and adopt Resolution No. 190-11 Awarding public improvement contract for the US 61/151 Capacity Improvements Project, Iowa DOT Project No. STP-A-061-8(128) – 22-31. Seconded by Connors. Responding to questions from City Council, City Engineer Gus Psihoyos stated that the project should be completed fall of 2011. Motion carried 7-0.

Iowa Department of Transportation (IDOT): City Manager recommending approval of a request to the Iowa Department of Transportation (IDOT) to convert 9<sup>th</sup> and 11<sup>th</sup> Streets from one-way to two-way traffic in the Historic Millwork District. Motion by Connors to receive and file the documents and adopt Resolution No. 191-11 Requesting the Iowa Department of

Transportation approve the conversion of 9<sup>th</sup> and 11<sup>th</sup> Streets to two-way traffic. Seconded by Jones. Responding to questions from City Council, Assistant Economic Development Director Aaron DeJong stated that the project affects the east side of Central Avenue and costs involve changes to signals, turn lanes, and curbing. Motion carried 7-0.

Towing Services – Amendment to Contract: City Manager recommending approval of a request from Wenzel Towing for an increase in fees for the remainder of the contract period related to the increase in fuel costs. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Responding to questions from City Council, Acting Police Chief Terry Tobin stated that the contract allows for all towing requested by the City and that a citizen is responsible for the costs incurred for their vehicles. (Additional information was shared during Public Input). Motion carried 7-0.

Catfish Creek Watershed Partnership – 28E Agreement: City Manager recommending approval to enter into a 28E agreement for the Catfish Creek Watershed Partnership with Dubuque County and the Dubuque Soil and Water Conservation District (DSWCD) for the development of a Watershed Management Plan for the Catfish Creek Watershed Basin.

Communication from the Environmental Stewardship Advisory Commission.

Motion by Connors to receive and file the documents and adopt Resolution No. 192-11 Authorizing the execution of a 28E Agreement with Dubuque County and the Dubuque Soil and Water Conservation District regarding the preparation and implementation of a watershed management plan for the Catfish Creek Watershed Basin. Seconded by Braig. Motion carried 7-0.

Fundraising Car Washes: City Manager transmitting information regarding fundraising car washes within the City of Dubuque as it relates to stormwater management and the City's National Pollution Discharge Elimination System (NPDES) municipal separate storm sewer system (MS4) permit.

Communication from the Environmental Stewardship Advisory Commission.

Motion by Connors to receive and file the documents. Seconded by Braig. Resnick expressed a recommendation for all car washes to use the sanitary sewer, biodegradable soap, barrier and filtration equipment, and pre-fabricated kits. Motion carried 7-0.

Bee Branch Creek Restoration Project – Purchase of Property and Design Modifications: City Manager recommending approval to begin the process of acquiring additional property for the Bee Branch Creek Restoration Project and project design modifications. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

Greater Dubuque Development Corporation – Board Appointments: Communication from Rick Dickinson, Greater Dubuque Development Corporation, requesting appointments to the Greater Dubuque Development Corporation Board of Directors (currently Mayor Roy Buol, City Manager Michael Van Milligen, Economic Development Director Dave Heiar and City Council Members Joyce Connors and Kevin Lynch). Motion by Jones to receive and file the document and re-appoint Mayor, Council Members Connors and Lynch, City Manager Van Milligen and Economic Development Director Heiar. Seconded by Braig. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**



Braig reported on the upcoming HEART Program fund raising event at Monk's Kaffee Pub on June 12 from 1-5 p.m.

Jones encouraged residents to continue to patronize the businesses along Central Avenue during the street reconstruction.

Connors asked staff to explore options for blocking off streets, which could potentially hurt businesses during City projects.

### **PUBLIC INPUT**

Central Avenue business owners Heidi Koltes (Heidi's Home Baked Goods, 27<sup>th</sup> & Central), Aaron Fagan (Fagan's Shoe Repair, 2327 Central), Bill Beauchamp (Tri-State Auto, 2403 Central) expressed their concerns over the decrease in business and parking difficulty since the closing of Central Avenue for reconstruction. They stated that directional signage is confusing and ineffective and requested assistance from the City. Tony Willis (Heidi's Home Baked Goods employee) and Mike Ansel, 2780 Central Avenue, spoke in support of the business owners. Mr. Ansel informed the Council about a traffic ticket he received while trying to maneuver through the construction area. Responding to questions from City Council, City Manager Van Milligen and City Engineer Gus Psihoyos stated that additional options are being considered to expedite the project and that they will speak with the affected property owners.

Billy Swinton, 1301 Main Street, inquired about a cap on fees for towed vehicles. Acting Police Chief Terry Tobin responded by stating that a cap is not part of the City's contract and that arrangements for the payment of fees would be between the citizen and the towing company and not the responsibility of the City adding that abandoned vehicles are auctioned after 90 days.

There being no further business, upon motion the City Council adjourned at 8:43 p.m.

/s/Kevin S. Firnstahl  
Acting City Clerk

1t 6/15