

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

The Dubuque City Council met in special session at 5:00 p.m. on July 5, 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 (joined at 5:11 p.m.)

Mayor Buol read the call and stated this is a special session of the City Council to conduct a work session on the Greenhouse Gas Emissions Reduction Plan.

**WORK SESSION
GREENHOUSE GAS EMISSIONS REDUCTION PLAN**

Jason Schatz and Jason Hensen of Green Dubuque provided a slide presentation on reducing greenhouse gas emissions by 50 percent by the year 2030. Topics included:

- Goals: engage with climate change, feasibility/test of target, demonstrate feasibility of target, planning process
- Community Involvement
- Community support through local businesses, Facebook, word of mouth, speaker events
- Website: www.dubuqueghgplan.org
- Public service announcements
- Community workshops
- Private sector support

Key Partners: Greater Dubuque Development Corps, Dubuque 2.0, Innovations Consortium, Sustainable Dubuque, University of Iowa Students

Feasibility Study and Executive Summary

Local opportunity and Impact

Responding to questions from the City Council, Mr. Schatz and Mr. Hensen discussed the potential for assistance with staffing needs and stated that they envisioned initial start up of the plan and then providing periodic review within a few years. They added that the plan is voluntary and is a measureable continuation of existing programs without regulation or mandating. They requested that the City Council consider adopting a resolution of support for reducing greenhouse gas emissions and initiate the planning process at a future meeting.

There being no further business, upon motion, the City Council adjourned at 5:53 p.m.

/s/Kevin S. Firnstahl
Acting City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on July 5, 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 that this is a regular session of the City Council to act upon such business that may properly come before the Council.

Pledge of Allegiance

Invocation was provided by Pastor Peter Marshall of Dubuque Bible Church.

PRESENTATIONS

Transit Manager Barbara Morck presented the Most Improved Transit System 2010 award from the Iowa Department of Transportation and the Award of Excellence for the Highest Percentage Decrease in Cost Per Ride from the Federal Transit Administration.

Mayor Buol and former Mayor Walt Pregler reported on the recent USS Dubuque decommissioning ceremony that they attended in San Diego. Mayor Buol presented the City with the ship's last flag, which will be displayed along with the ship's bell when it arrives.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Ronald (Ken) Nelson, 1624 Rhomberg Avenue, requested (#3) Citizen Communication be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 5/24; City Council Proceedings of 6/20 and 6/27; Transit Advisory Board of 6/9

Proof of Publication for City Council Proceedings for Meeting of June 6, 2011

Official Proceedings of the City Council for Calendar Year 2010

Upon motion the documents were received and filed.

Notice of Claims/Suits: Camille Blackburn for vehicle damage; Geraldine Hayes for property damage; Elizabeth Kabelis for vehicle damage; Mike and Cindy Paradiso for property damage; Jeff Powers for vehicle damage; State Farm Insurance on behalf of Shawn Troester and Miriah Roath 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: Ed Biederman for vehicle damage; Patrick Donovan for property and vehicle damage; Elizabeth Kabelis for vehicle damage; Trista Kuhl for property damage; Mike and Cindy Paradiso for property

damage; Jeff Powers for vehicle damage; Wanda Schaller for personal injury. Upon motion the documents were received, filed and concurred.

Citizen Communication: Communication from Ronald Kenneth Nelson stating that he believes police officers are unjustly citing motorcyclists and that the City consider using setting specific decibel readings regarding noise limits as they relate to the City's noise ordinance. Motion by Connors to receive and file the information and refer to the City Manager. Seconded by Jones. Ronald (Ken) Nelson, 1624 Rhomberg Avenue, read a prepared statement which expressed his belief that the Police Department is unfairly enforcing the noise ordinance as it relates to motorcycle mufflers. Motion carried 7-0.

Fiscal Year 2012 Community Development Block Grant (CDBG) Agreement: City Manager recommending authorization of a Community Development Block Grant (CDBG) agreement with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$1,126,998 for the program year beginning July 1, 2011 and ending June 30, 2012. Upon motion the documents were received and filed and Resolution No. 206-11 authorizing Execution of a Community Development Block Grant Agreement with the U.S. Department of Housing and Urban Development was adopted.

Iowa 32 Geometric and Signalization Improvements – US 20 to John F. Kennedy Road: City Manager recommending acceptance of the Iowa 32 Geometric and Signalization Improvements – US 20 to John F. Kennedy Road project as completed by Portzen Construction, Inc., in the final contract amount of \$669,133,27. Upon motion the documents were received and filed and Resolution No. 207-11 Accepting the IA 32 Geometric and Signalization Improvements Project, U.S. 20 to John F. Kennedy Road (Iowa DOT Project No. STP-A-32-1(29)--86-31), and authorizing the payment of the contract amount to the contractor was adopted.

Quibby, LLC – Housing Enterprise Zone Program: 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 Quibby, LLC for redevelopment of property located at 1132 and 1134 Locust Street. Upon motion the documents were received and filed and Resolution No. 208-11 Approving a Housing Enterprise Zone Program agreement by and among the Iowa Department of Economic Development, the City of Dubuque and Quibby, LLC was adopted.

DuRide – Fiscal Year 2012 Agreement: City Manager recommending approval of an agreement with DuRide for Fiscal Year 2012 (July 1, 2011 to June 30, 2012) providing for transportation services to seniors in and around Dubuque and East Dubuque. Upon motion the documents were received, filed, and approved.

Plat of Survey – Bee Branch Subdivision No. 1: City Manager recommending approval of the Plat of Survey for Lot 1 and Lot 2 of Bee Branch Subdivision No. 1, (2300 Washington Street), which will allow the homes at 320 and 324 East 24th Street to be moved onto the new lots. Upon motion the documents were received and filed and Resolution No. 209-11 Approving Plat of Survey of Lot 1 and Lot 2 of Bee Branch Subdivision No. 1 in the City of Dubuque, Dubuque County, Iowa, was adopted.

Workers' Compensation Excess Insurance Renewal: City Manager recommending Safety National as the City's excess workers' compensation carrier effective July 1, 2011 through June 30, 2012, and further recommending approval of the renewal rate of \$.138 per \$100 of payroll submitted by Safety National. Upon motion the documents were received, filed, and approved.

2011 Community Development Block Grant Ramp Installation: City Manager recommending award of the 2011 Community Development Block Grant (CDBG) Access Ramp Installation Project to Skyline Trucking & Storage, Inc., in the amount of \$30,767.00 for the replacement of twenty-one (21) access ramps at various locations within the City. Upon motion the documents were received, filed, and approved.

2010 Community Fluoridation Reaffirmation Award: City Manager transmitting a communication from the Iowa Department of Health (IDPH) congratulating the City on receiving the 2010 Community Fluoridation Reaffirmation Award from the Association of State and Territorial Dental Directors (ASTDD), the American Dental Association (ADA), and the Centers for Disease Control and Prevention (CDC). Upon motion the documents were received and filed.

Mediacom: Communication from Lee Grassley, Senior Manager for Government Relations, Mediacom Communications Corporation, informing the City of cable television programming changes. Upon motion the document was received and filed.

State Historical Society of Iowa (SHSI): City Manager transmitting a press release from the State Historical Society of Iowa (SHSI) announcing that the Hotel Julien is the recipient of the SHSI's *William J. Wagner Award* for recognition of a historic preservation project which best exemplified the use of the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings. Upon motion the document was received and filed.

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

Signed Contracts: 1) Contract with Digital Designs for the layout, production and installation of the new Jule logos and advertising on City bus exteriors; 2) Change Order #PS-08 with J.P. Cullen & Sons, Inc., for the landscaping related to the 10th and Central parking ramp project. Upon motion the documents were received and filed.

Liquor License Transfer: Application of the Rotary Club of Dubuque to transfer their liquor license from 135 W. 8th Street to the Alliant Amphitheater, Port of Dubuque, on July 30, 2011 for the Rock and Soul Reunion. Upon motion the documents were received, filed, and approved.

Business License 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. 210-11 Granting the issuance of a Class "C" Beer/Liquor License to Applebee's Neighborhood Bar/Grill; Adobo's Mexican Grill; Off Minor, Rondavoo, Easy Street; a Special Class "C" Liquor License to Bell Tower Productions; a Special Class "C" Liquor License to Irish Hooley; and a Class "WBN" Native Wine Permit to Hancock House Bed

and Breakfast Inn; Resolution No. 211-11 Granting the issuance of a Class "B" Beer Permit (5-Day License) to Dubuque All That Jazz (August/September); and Resolution No. 212-11 Granting the issuance of a Cigarette Permit to Eagle Country Market, Hammerheads Bar & Billiards, Lucky 13, Mystique Casino, and the Walnut Tap were adopted.

ITEM TO BE SET FOR PUBLIC HEARING

Motion by Jones to receive and file the documents, set the public hearing as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Braig. Motion carried 7-0.

Redistricting Plan for City Wards and Precincts: City Manager recommending that a public hearing be set for July 18, 2011 for review and approval of the new Ward and Precinct Redistricting maps. Upon motion the documents were received and filed 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: One 3-year term through January 1, 2013 (Vacant term of Davis). Applicant: Nickie Blume, 2523 Washington Street.

Transit Advisory Board: Three 3-year terms through July 30, 2014 (expiring terms of Enderson, Lightcap, and Stewart). Applicants: George Enderson, 511 St. George Street; Joel Lightcap, 1985 Alta Vista Street; and R.R.S. Stewart, 460 Summit Street.

Appointments were made to the following commissions:

Historic Preservation Commission: Three 3-year terms through July 1, 2014, At-Large/Architect, Langworthy, Old Main and Cathedral Historic Preservation Districts requirements, (Expiring terms of Klavitter, Rapp and Wand; One 3-year term through July 1, 2012 (Vacant term of Stover). Applicants: David Klavitter, 1090 West Third Street (Langworthy District resident); Mitzi Krey, 423 W. 3rd Street. (Cathedral District resident); Joseph Rapp, 27 Locust Street (Additional Applicant) (Old Main District Interim); and Christopher Wand, 942 Mt. Pleasant Street (At-Large/Architect). Upon roll call vote David Klavitter, Mitzi Krey, and Christopher Wand were appointed to the Historic Preservation Commission for 3-year terms through July 1, 2014. Motion by Connors to appoint Joseph Rapp to the Historic Preservation Commission for a 3-year term through July 1, 2012. Seconded by Braig. Motion carried 7-0.

Investment Oversight Advisory Commission: One 3-year term through July 1, 2014 (Expiring term of Blocker). Applicant: Paul Lassance, 4846 Embassy Court. Motion by Braig to appoint Paul Lassance to the Investment Oversight Advisory Commission for a 3-year term through July 1, 2014. Seconded by Resnick. Motion carried 7-0.

Library Board of Trustees (Mayor Appointment): Four 4-year, re-staggered terms: two terms through July 1, 2012 and two terms through July 1, 2015 (Expiring terms of Connors and Hammer; and expiring/vacant terms of Leeper and Smith): Applicants: Paula Connors, 818 S. Grandview Avenue; David Hammer, 720 Laurel Street; John Anderson-Bricker, 903 Merz Street (Additional Applicant); David Cochran, 1200 Glen Oak Street (Additional Applicant); Jenny Leigh Harris, 3560 Pennsylvania Avenue, #7 (Additional Applicant). Upon Council concurrence, Mayor Buol appointed John Anderson-Bricker and Paula Connors to the Library

Board of Trustees for 4-year terms through July 1, 2012; and David Hammer and Jenny Leigh Harris to 4-year terms through July 1, 2015.

Long Range Planning Advisory Commission: Two 3-year terms through July 1, 2014 (Expiring terms of Van Iten and Vincent). Applicants: Richard Van Iten, 3273 Bittersweet Lane; and Alan Vincent, 1010 Dunham Drive. Motion by Braig to appoint Richard Van Iten and Alan Vincent to the Long Range Planning Advisory Commission for 3-year terms through July 1, 2014. Seconded by Jones. Motion carried 7-0.

Park and Recreation Advisory Commission: Three 3-year terms through June 30, 2014 (Expiring term of Nadeau, vacant terms of Blocklinger and Noble). Applicants: Chuck Harris, 2473 Jackson Street; Kenneth Klinge, 2267 Carter Road; Evelyn Nadeau, 663 Fenelon Place. Motion by Connors to appoint Chuck Harris, Kenneth Klinge, and Evelyn Nadeau to the Park and Recreation Commission for 3-year terms through June 30, 2014. Seconded by Braig. Motion carried 7-0.

TV Cable Regulatory Commission: Two 3-year term through June 30, 2014 (Expiring terms of Tigges and Webster). Applicants: Ron Tigges, 4927 Wild Flower Drive (Additional Applicant); and Walt Webster, 3509 Asbury Road. Motion by Lynch to appoint Ron Tigges and Walt Webster to the TV Cable Regulatory Commission for 3-year terms through June 30, 2014. Seconded by Connors. Motion carried 7-0.

TV Cable Community Teleprogramming Commission: Three 3-year terms through June 30, 2014 (Expiring terms of Herrig, Hoverman, and Maloney). Applicants: George Herrig, 2395 W. 32nd Street; Sr. Carol Hoverman, 1555 White Street (Additional applicant); and Pauline Maloney, 506 St. George Street. Motion by Jones to appoint George Herrig, Sr. Carol Hoverman, and Pauline Maloney to the TV Cable Community Teleprogramming Commission for 3-year terms through June 30, 2014. Seconded by Braig. Motion carried 7-0.

Zoning Advisory Commission: Three 3-year terms through July 1, 2014 (Expiring Terms of Christ, Henschel and Smith)/ Applicants: Martha Christ, 88 Princeton Place; Eugene Bird, Jr., 3357 Arrowwood Lane (Additional applicant); Thomas Henschel, 6630 Wellington Lane; and Ron Smith, 1640 Justin Lane (Additional applicant). Upon roll call vote, Martha Christ, Thomas Henschel, and Ron Smith were appointed to the Zoning Advisory Commission for 3-year terms through July 1, 2014.

PUBLIC HEARINGS

Dubuque Industrial Center – Planned Unit Development District (Tabled on December 20, 2010): City Manager requesting that this item be tabled to July 3, 2012. Proof of publication on notice of hearing to consider a request from the City of Dubuque/ Dubuque Initiatives to amend the Planned Unit Development (PUD) for the Dubuque Industrial Center, located on Chavenelle Road and the Northwest Arterial, to change the designation of property from open space to commercial and Zoning Advisory Commission recommending approval, with conditions. Motion by Connors to remove from the table. Seconded by Braig. Motion carried 7-0.

(Resnick left the meeting at 7:01 p.m.)

Motion by Connors to receive and file the documents and table to July 3, 2012. Seconded by Lynch. Motion carried 6-0.

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

Port of Dubuque Marina – Bid Package No 2 Amenities Building: Proof of publication on notice of public hearing to consider the plans, specifications, form of contract and estimated cost of \$1,982,300 for the Port of Dubuque Marina Bid Package No. 2 – Amenities Building and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 213-11 Approval of plans, specifications, form of contract, and estimated cost for the Port of Dubuque Marina Project, Bid Package No. 2 – Amenities Building & Site Work. Seconded by Jones. Motion carried 6-0.

General Obligation Urban Renewal Bonds: Proof of publication on notice of public hearing to consider the issuance of not to exceed \$1,265,000 General Obligation Urban Renewal Bonds for Dubuque Industrial Center West Improvements and Downtown Improvements and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 214-11 Instituting proceedings to take additional action for the issuance of not to exceed \$1,265,000 General Obligation Bonds. Seconded by Jones. Motion carried 6-0.

General Obligation Bonds – Essential Corporate Purposes: Proof of publication on notice of public hearing to consider the issuance of not to exceed \$7,035,000 General Obligation Bonds for Essential Corporate Purposes and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 215-11 Instituting proceedings to take additional action for the issuance of not to exceed \$7,035,000 General Obligation Bonds. Seconded by Jones. Motion carried 6-0.

General Obligation Bonds – Nonessential Corporate Purposes: Proof of publication on notice of public hearing to consider the issuance of not to exceed \$700,000 General Obligation Bonds for nonessential corporate purposes and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 216-11 Instituting proceedings to take additional action for the authorization and issuance of not to exceed \$700,000 General Obligation Bonds. Seconded by Braig. Motion carried 6-0.

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

ACTION ITEMS

Request to Rezone – 3087 Central Avenue - Second Reading (First Reading on June 20, 2011): Consideration of a request from Jeff and Mindy Stiles to rezone property at 3087 Central Avenue from R-3 Moderate Density Multi-Family Residential District to R-4 Multi-Family Residential District and the Zoning Advisory Commission. Motion by Jones to receive and file the documents and consider the second reading of a proposed ordinance amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 3087 Central Avenue from R-3 Moderate Density Multi-Family Residential District to R-4 Multi-Family Residential District. Seconded by Connors. Responding to questions from the City Council, Assistant Planner Kyle Kritz stated that the recent need for housing has caused a slight increase in similar requests to rezone to a higher density classification adding that denial would not change the current number of units or zoning. Motion failed 4-2 with Braig and Buol voting nay. (Super majority required due to the percentage of opposing adjacent property owners)

Retail Plastic Bags: City Manager recommending a strategy to reduce the use of single-use plastic checkout bags by 90 percent in Dubuque by July 1, 2017. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Lynch. Responding to questions from the City Council, Public Health Specialist Mary Rose Corrigan stated that there is a concern with cross contamination with recycling bags and that vendors have a way of compressing and weighing bags to obtain a measurable count of recycled bags. Jones reiterated that this plan does not propose a ban on retail plastic bags. Motion carried 6-0.

Kaufmann Avenue Hot Mix Asphalt (HMA) Resurfacing Project: City Manager recommending award of the Kaufmann Avenue HMA Resurfacing Project (John F. Kennedy Road to Carter Road), to Top Grade Excavating, Inc., in the amount of \$517,601.34, subject to the Iowa Department of Transportation concurrence. Motion by Braig to receive and file the documents and adopt Resolution No. 217-11 Awarding public improvement contract 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 Jones. Motion carried 6-0.

Fiscal Year 2012 Special Project Arts and Cultural Affairs Program: Arts and Cultural Affairs Advisory Commission recommending approval of the Fiscal Year 2012 Arts and Cultural Grant Program for Special Projects and authorization for the City Manager to sign the grant agreements. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 6-0.

Federal Emergency Management Agency (FEMA): City Manager transmitting an update on the adoption of the City's new Digital Flood Insurance Rate Maps (DFIRM) as approved by the Federal Emergency Management Agency (FEMA), which become effective October 18, 2011. Motion by Lynch to receive and file the documents. Seconded by Connors. Motion carried 6-0.

Urban Forest Evaluation Study: City Manager recommending acceptance of the 2011 Urban Forest Evaluation Study prepared by Confluence and directing staff to prepare a comprehensive tree management plan and stand-alone tree policy. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 6-0.

Water and Resource Recovery Center: City Manager recommending approval to negotiate a contract with Nutriject Systems, Inc., of Hudson, Iowa, for bio-solids management at the Water and Resource Recovery Center. Motion by Connors to received and file the documents and approve the recommendation. Seconded by Jones. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Mayor Buol thanked everyone involved with the July 3 fireworks display and commended the Dubuque Jaycees and Radio Dubuque or their work.

CLOSED SESSION

Motion by Jones to enter into closed session at 8:04 p.m. regarding pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa. Seconded by Lynch. Motion carried 6-0.

Upon motion the City Council reconvened in open session at 8:30 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:31 p.m.

/s/Kevin S. Firnstahl
Acting City Clerk

1t 7/13