

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

The Dubuque City Council met in special session at 5:00 p.m. on July 18, 2011 in the Historic Federal Building, 350 W. 6th Street.

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

Mayor Buol read the call and stated this is a special session of the City Council to conduct a work session on the Quarterly Sustainable Dubuque Update.

**WORK SESSION
QUARTERLY SUSTAINABLE DUBUQUE UPDATE**

Sustainability Coordinator Cori Burbach provided a brief overview of the work session and introduced Eric Dregne of Dubuque 2.0, Rick Dickinson of Greater Dubuque Development Corp., and David Lyons of IBM. Topics included:

1. Sustainable Dubuque Update: social/cultural vibrancy
 - a) green buildings, healthy local foods, community knowledge, reasonable mobility, and green industry
 - b) Dubuque*works* workforce initiative
 - connecting talent to opportunity
 - AccessDubuqueJobs.com
 - CEO Network
 - cleaning up the image of the “dirty job”
 - battling local brain drain
 - building bridges to employment
 - one-stop concierge service
 - recruit, relocate, retain
2. Smarter, Sustainable Dubuque
 - a) Water Study complete; extension/expansion opportunity
 - b) smarter natural gas
 - c) smarter travel
 - d) smarter health
 - e) smarter electricity
 - Smarter Electricity Pilot study - intent, implementation , and training
 - accessing the energy portal and demonstration
 - Smarter Sustainable Dubuque Help Desk - 563.590.6111
3. Sustainable Dubuque Indicators (SDI) project – Dubuque 2.0
 - a) indicators and indicator measurement for the 11 sustainability principles
 - b) renewable energy asset mapping
 - c) portrait of poverty in Dubuque
 - d) local foods in local institutions
 - e) design of Green and Health Homes Program

There being no further business, upon motion the City Council adjourned at 6:03 p.m.

/s/Kevin S. Firnstahl
Acting City Clerk

1t 7/27

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

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

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

Pledge of Allegiance

Invocation was provided by Chaplain Dave Pacholke of Finley Hospital.

PROCLAMATIONS

Fair Week (July 26-31, 2011) was accepted by Dubuque County Fair General Manager Jamie Blum; Bank on Dubuque Month (July 2011) was accepted by Eric Dregne, Vice President of Programs, Community Foundation of Greater Dubuque.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Larry McDermott, 14407 Hwy 20 W., requested (#7) Wild Rose Estate be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: Cable Community Teleprogramming Commission of 6/7; City Council proceedings of 7/5 and 7/6; Civil Service Commission of 6/1; Historic Preservation Commission of 6/16; Long Range Planning Advisory Commission of 6/15; Zoning Advisory Board of 7/6; Zoning Board of Adjustment of 6/23

Proofs of Publication for City Council proceedings of June 20 and 27; List of Claims and Summary of Revenues for Month Ended May 31, 2011

Upon motion the documents were received and filed.

Notice of Claims/Suits: Amy Feipel for property damage; Mark Jennings for vehicle damage; Daniel Konichek for vehicle damage; Janet Romberg for property damage. Upon motion the documents were received, filed, and referred to the City Attorney.

City Attorney advising that the following claims have been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: Amy Feipel for property damage; Daniel Konichek for vehicle damage; Geraldine Hayes for property damage; Janet Romberg for property damage. Upon motion the documents were received, filed, and concurred.

Dubuque Jaycees – Fireworks Display: Communication from Tom Parsley, General Manager for Radio Dubuque, requesting permission to display fireworks on behalf of Radio Dubuque and the Dubuque Jaycees on July 3, 2012, with a rain date of July 4, 2012. Upon motion the documents were received, filed, and approved.

University of Dubuque – Fireworks Display: Communication from Security Officer Ross Salwolke on behalf of the University of Dubuque requesting permission to display fireworks at Chalmers Field on September 20, 2011 at approximately 10:25 p.m. for the Under the Lights football game. Upon motion the documents were received, filed, and approved.

Friends of the Mines of Spain: City Manger transmitting a communication from Mines of Spain Park Ranger Wayne Buchholtz informing the City that the Friends of the Mines of Spain has received the Excellence in Interpretation award from the National Association of Interpreters. Upon motion the documents were received and filed.

Environmental Excellence Award: City Manager transmitting a press release announcing that the City of Dubuque is one of 20 Iowa organizations and businesses which will receive the Environmental Excellence award from Governor Terry E. Branstad. Upon motion the documents were received and filed.

Wild Rose Estates: Communication from Ken Kress on behalf of WMK Investment Properties requesting assistance with issues pertaining to the Final Plat for Wild Rose Estates on Middle Road.

City Manager transmitting information in response to a communication received from the developer of Wild Rose Estates residential development on Middle Road in Dubuque County, just outside the City of Dubuque city limits.

Developer Larry McDermott, 14407, Hwy 20 W. stated that he believes the lack of speed enforcement along Middle Road is delaying the placement of access to the Wild Rose subdivision and preventing the approval of the final plat. Motion by Connors to receive and file the documents and refer to the City Manager. Seconded by Braig. Motion carried 7-0.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Laborer and Parking System Technician. Upon motion the documents were received and filed and made a Matter of Record.

PEG Capital Expenditure Grant Requests: City Manager recommending approval of the Cable TV Teleprogramming Commission's recommendation for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for a request from the Dubuque Community School District for up to \$3,000 for equipment and software upgrades to enable them to properly use their automation system to produce and operate a regular program schedule for their educational access channel and a request from Loras College for up to \$2,000 for a software upgrade for the operation of the shared educational access channel and six on-camera lights for their field production cameras. Upon motion the documents were received, filed, and approved.

Bee Branch Creek Restoration Project – Purchase of Property: City Manager recommending the purchase of property on Maple Street owned by G&S Real Estate as part of the acquisition program associated with the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 235-11 approving the acquisition of real estate owned by G&S Real Estate in the City of Dubuque was adopted.

Delinquent Snow and Ice Removal and Garbage Collection Accounts: City Manager recommending approval to certify snow and ice removal charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion

the documents were received and filed and Resolution No. 218-11 Authorizing the City to collect delinquent snow and ice removal and garbage collection charges in accordance with Title 6-6-3C2o; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

Vacant and Abandoned Building and Problem Property Assessments: City Manager recommending authorizing the City Clerk to certify vacant and abandoned building and problem property charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 219-11 Authorizing the City to collect delinquent vacant and abandoned building and problem property charges in accordance with Title 6-6-3B1h; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

3087 Central Avenue Update: City Manager transmitting information on the development history for the property at 3087 Central Avenue. Upon motion the documents were received and filed.

Supplemental Engineering Project (SEP) Work Plan: City Manager recommending approval of a work plan for the Supplemental Engineering Project (SEP) as required by the Consent Decree related to the City's Wastewater Management System. Upon motion the documents were received, filed, and approved.

Southwest Arterial - Supplemental Agreement No. 9: City Manager recommending approval of the execution of a supplemental agreement with AECOM Technical Services, Inc. in the amount of \$126,700, which approves revisions to the original scope of services to the Consultant Professional Services Contract to complete the final engineering design phase of the Southwest Arterial Project. Upon motion the documents were received and filed and Resolution No. 220-11 Approving the Consultant Professional Services -Supplemental Agreement No. 9 between AECOM Technical Services, Inc., and the City of Dubuque for the final engineering design phase of the Southwest Arterial Project was adopted.

Morrison Bros. Company– First Amendment to Development Agreement: City Manager recommending approval of the First Amendment to the Development Agreement with Morrison Bros. Company to provide for a one-year extension of the job creation period to June 1, 2012. Upon motion the documents were received and filed and Resolution No. 221-11 Approving the First Amendment to the Morrison Bros. Company Development Agreement was adopted.

Cottingham & Butler Ins. Inc. – First Amendment to Development Agreement and the Downtown Rehabilitation Loan Agreement: City Manager recommending approval of the First Amendment to the Amended and Restated Development Agreement and an amendment to the Downtown Rehabilitation Loan Agreement, both with Cottingham & Butler, Inc. and Security Investments, LLC. Upon motion the documents were received and filed and Resolution No. 222-11 Approving the First Amendment to the Amended and Restated Development Agreement between and among the City of Dubuque, Iowa, Cottingham & Butler, Inc., and Security Investments, LLC; and Resolution No. 223-11 Approving the First Amendment to Downtown Rehabilitation Loan Program Loan Agreement, Number: DRLP #1-07 between the City of Dubuque, Iowa, and Security Investments, LLC were adopted.

Community Foundation of Greater Dubuque – Project H.O.P.E. Contract: City Manager recommending approval of a contract for services with the Community Foundation of Greater Dubuque relating to Project H.O.P.E. (Helping Our People Excel), an initiative of the City of Dubuque. Upon motion the documents were received, filed, and approved.

Paragon Square, 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 Paragon Square, LLC, that will provide 18 new market-rate housing units in the downtown. Upon motion the documents were received and filed and Resolution No. 224-11 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Department of Economic Development, the City of Dubuque and Paragon Square, LLC was adopted.

Dubuque Industrial Center West – South Siegert Farm: City Manager recommending award of a contract to IIW Engineers for design and construction services associated with the development of the South Siegert Farm for a cost not to exceed \$428,120. Upon motion the documents were received, filed, and approved.

2011 Justice Assistance Grant (JAG) Application: City Manager recommending approval of the 2011 Justice Assistance Grant (JAG) application. Upon motion the documents were received, filed, and approved.

Historic Preservation Commission – West Locust Street Off-Street Parking: Communication from the Historic Preservation Commission requesting that the City Council explore parking solutions for the West Locust and Bluff Street area. Upon motion the documents were received, filed, and referred to the City Manager.

State Historical Society of Iowa (SHSI): Correspondence from Deputy State Historical Preservation Officer Barbara Mitchell informing the City that the Holy Ghost Catholic Historic District (2887-2921 Central Avenue) was accepted for nomination to the National Register of Historic Places by the State Nominations Review Committee. Upon motion the documents were received and filed.

Signed Contracts: 1) AmeriCorps Agreement - No Cost Extension Amendment; 2) Lease Agreement with Spahn and Rose Lumber Company. Upon motion the documents were received and filed.

Liquor License Transfer: Request from the National Mississippi River Museum and Aquarium to transfer their liquor license to the Port of Dubuque on August 6, 2011 for the Taste of Dubuque. Upon motion the documents were received, filed, and approved.

Business License Applications: City Manager recommending approval of annual liquor, beer and cigarette license renewals as submitted. Upon motion the documents were received and filed and Resolution No. 225-11 Granting the issuance of a Class “C” Beer/Liquor License to Knicker’s Saloon, the Walnut Tap, and House of China; a Special Class “C” Liquor License (5-Day Special Event) to Music N More Productions; a Class “B” Wine Permit to Sid’s Beverage Store and Road Ranger; a Class “WBN” Native Wine Permit to the Mandolin Inn and Kwik Stop Food Mart; Resolution No. 226-11 Granting the issuance of a Class “C” Beer Permit to Sid’s Beverage, Road Ranger and Kwik Stop; and Resolution No. 227-11 Granting the

issuance of a permit to sell cigarettes and cigarette papers to Awn Stop Mart, Dubuque Quick Stop Mart, Friendly Locust Mart, and Instant Replay 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 Connors. Motion carried 7-0.

Green Alley Permeable Pavers Project: City Manager recommending preliminary approval of the construction plans and specifications, approval of the Resolution of Necessity, approval of the Preliminary Schedule of Assessments and initiation of the public bidding process for the Green Alley Permeable Pavers Project (17th – 18th, between Jackson & Washington Streets), and further recommends that a public hearing be set for August 1, 2011. Upon motion the documents were received and filed and Resolution No. 228-11 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 (Green Alley Permeable Pavers Project 17th – 18th, between Jackson & Washington Streets); Resolution No. 229-11 Approving the plat, schedule of assessments and estimate of total cost and setting date of public hearing on Resolution of Necessity (Green Alley Permeable Pavers Project 17th – 18th, between Jackson & Washington Streets); and Resolution No. 230-11 Resolution of Necessity for the Green Alley Permeable Pavers Project (17th – 18th, between Jackson & Washington Streets) were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 1, 2011 in the Historic Federal Building.

Eagle Point Energy – 1, LLC – License and Power Purchase Agreement: City Manager recommending that a public hearing be set for August 1, 2011, on approval of a 25-year License and Power Purchase Agreement with Eagle Point Energy – 1, LLC to install solar panels on the Public Works facility on Kerper Court and provide electricity to the facility. Upon motion the documents were received and filed and Resolution No. 231-11 Intent to dispose of an interest in real property owned by the City of Dubuque by license between the City of Dubuque, Iowa, and Eagle Point Energy – 1, LLC, an Iowa Limited Liability Company, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 1, 2011 in the Historic Federal Building.

Sale of Property – 1052 Rush Street: City Manager recommending the sale of a City-owned vacant lot at 1052 Rush Street to Routley Construction for \$5,000 for participation in the East Central Intergovernmental Association plan for the Iowa Department of Economic Development Single-Family New Production Round #2 Program, and that a public hearing be set for August 1, 2011, to consider disposal of the property. Upon motion the documents were received and filed and Resolution No. 232-11 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 disposition of City-owned property to Routley Construction and providing for the publication of notice thereof (Lot 171 Union Addition in the City of Dubuque, Iowa – 1052 Rush Street) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 1, 2011 in the Historic Federal Building.

Sale of Property – 1895 Wood Street: City Manager recommending the sale of a City-owned vacant lot at 1895 Wood Street to Routley Construction for \$1.00 for participation in the East

Central Intergovernmental Association plan for the Iowa Department of Economic Development Single-Family New Production Round #2 Program, and that a public hearing be set for August 1, 2011, to consider disposal of the property. Upon motion the documents were received and filed and Resolution No. 233-11 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 disposition of City-owned property to Routley Construction and providing for the publication of notice thereof (Lot 51 Rosedale Addition in the City of Dubuque, Iowa - 1895 Wood Street) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 1, 2011 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments to the following Boards/Commissions:

Human Rights Commission: One 3-year term through January 1, 2013 (Vacant term of Davis). Applicants: Nickie Blume, 2523 Washington Street; and Mitzi Krey, 433 W. 3rd. Street (Additional applicant). Upon roll call vote of 6-1 (Jones voting for Blume), Mitzi Krey was appointed to the Human Rights Commission for a 3-year term through January 1, 2013.

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. Motion by Lynch to appoint George Enderson, Joel Lightcap, and R.R. S. Stewart to the Transit Advisory Board for 3-year terms through July 30, 2014. Seconded by Resnick. Motion carried 7-0.

PUBLIC HEARINGS

Planned Residential District Amendment – 2763 University Avenue: Communication from Tom Kluck withdrawing his application to amend the Planned Residential District for property located at 2763 University Avenue.

Proof of publication on notice of public hearing to consider a request from Tom Kluck to amend the Planned Residential District at property located at 2763 University Avenue to permit a 60-foot by 30-foot, two-story common building with three apartments on the second story; set back 20 feet from the north side property line and the Zoning Advisory Commission recommending denial.

Citizen communications and petition from Bruce and Annabelle Schaal and Gus Hammer in opposition to the rezoning request.

Motion by Connors to accept the withdrawal. Seconded by Jones. Motion carried 7-0.

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

Holy Ghost Urban Renewal District: Proof of publication on notice of public hearing to consider approval of the Holy Ghost Urban Renewal District and the City Manager recommending approval.

Communication from the Long Range Planning Commission approving the Urban Renewal Plan for the Holy Ghost Urban Renewal District.

Motion by Braig to receive and file the documents and adopt Resolution No. 234-11 Approving the Urban Renewal Plan for the Holy Ghost Urban Renewal District. Seconded by Connors. Motion carried 7-0.

ID Institutional District Amendment – Hillcrest Family Services: Proof of publication on notice of public hearing to consider a request from Hillcrest Family Services to amend the ID Institutional District for property located at 2005 Asbury Road to allow the proposed chapel to be located 15 feet from the front property line (Wilbrecht Lane) and the Zoning Advisory Commission recommending approval. Motion by Jones to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Braig. Michael Luedtke, Vice President of Finance for Hillcrest Family Services, stated that the reduced set back will allow the plan to be more symmetrical. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 36-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, amending Ordinance 32-11, approving an amended Campus Development Plan for Hillcrest Family Services Institutional District for a new chapel. Seconded by Braig. Motion carried 7-0.

Redistricting Plan for City Wards and Precincts: Proof of Publication on notice of public hearing to review and approve the new Ward and Precinct Redistricting maps, agreement with Dubuque County and the City Manager recommending approval. Motion by Connors to receive and file the documents, approve the agreement, 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. The public hearing was opened and held. No vote was taken on the first motion. Responding to questions from the City Council, County Auditor Denise Dolan stated that the new boundaries will take effect January 1, 2012 and would not affect the 2011 election. Motion by Jones to recess the public hearing and table to the August 1, 2011 City Council meeting. Seconded by Connors Motion carried 7-0.

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

ACTION ITEMS

Amendment to Housing Code: City Manager recommending an amendment to the Housing Code at Section 6-6-11A removing Sections 6 and 7 related to the Habitual Offender definition. 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. 37-11 Amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation, and Environment, Chapter 6 Housing Regulations, Section 6-6-11 Habitual Violator by removing the provision relating to violations of other codes and changing the title. Seconded by Braig. Motion carried 7-0.

General Obligation Bonds: City Manager recommending advertisement for the sale of the \$6,330,000 General Obligation Bonds, Series 2011A and \$1,590,000 Taxable General Obligation Bonds, Series 2011B and approval of the electronic bidding procedures. Motion by Jones to receive and file the documents and adopt Resolution No. 236-11 Directing the advertisement for sale of \$6,330,000 General Obligation Bonds, Series 2011A and \$1,590,000

Taxable General Obligation Bonds, Series 2011B, and approving electronic bidding procedures. Seconded by Braig. Motion carried 7-0.

Iowa Finance Authority – Caradco, LLLP: City Manager recommending approval of a \$4.5 million load utilizing funding from the Iowa Finance Authority (IFA) to Caradco Building, LLLP. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

International Business Machines (IBM) – Amendment to Joint Development Agreement No. W0954778: City Manager recommending approval of an amendment to the existing IBM Joint Development Agreement on Smarter Water to extend and expand the community access to Smarter Water information and tools. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Meter Interface Units (MIU) Project: City Manager recommending approval of a Change Order in the estimated amount of \$43,056 to change out approximately 509 existing Neptune R-900 Meter Interface Units (MIUs) with the Neptune R-450 MIUs and the removal of four (4) Gateway Antennas. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Jones asked that staff evaluate the impact of the current heat wave on employees and citizens.

Resnick reported on the positive remarks about the city he received from a former student who recently moved back to Dubuque.

Connors suggested local agencies such as Dubuque Main Street take efforts to familiarize new residents with local events.

CLOSED SESSION

Motion by Jones to go into closed session at 7:36 p.m. regarding pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa. Seconded by Braig. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 7:52 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:53 p.m.

Kevin S. Firnstahl
Acting City Clerk

1t 7/27