

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

The Dubuque City Council met in special session at 5:15 p.m. on September 6, 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 Green Vision Education.

**WORK SESSION
GREEN VISION EDUCATION**

Bev Wagner, Education Coordinator for the Dubuque Metropolitan Area Solid Waste Agency (DMASWA), Brenda Mitchell of Table Mound Elementary School, and Dave Gross of Resurrection Catholic School provided a slide presentation on Green Vision Education. Sustainable Dubuque Coordinator Cori Burbach and Resource Management Coordinator Paul Schultz, responded to questions from City Council. Highlights included:

- Green Vision Education program history
- Green Vision School benefits
- Achieving and maintaining a Green Vision Education award
- Initial assessment points
- Green Vision Patch Partners
 - watershed awareness
 - energy conservation
 - litter-free school
 - sustainable nutrition
 - eco-literacy
- Current Green Vision Education schools
- Schools working toward Green Vision Education award
- Progress portfolio

Green Vision Education Office
1450 Alta Vista Street
Dubuque, Iowa, 52001
563.588.7935

There being no further business, upon motion the City Council adjourned at 5:56 p.m.

Kevin S. Firnstahl
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 6, 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 regular session of the City Council to conduct such business that may properly come before the City Council.

Pledge of Allegiance

Invocation was provided by Joy Peterson, PBVM, Promoter of Peace and Justice, Sinsinawa Dominican Sisters

PROCLAMATIONS

9-11 Memorial Day (September 11, 2011) was accepted by Luke Arensdorf, 52005 Swiss Valley Road, Asbury; Day of Peace and Cease Fire (September 21, 2011) was accepted by Amy Golm, 1847 Carter Road; Shriners Hospitals for Children Day (September 25, 2011) was accepted by Steve Bateman, 3005 Old Country Road, and Dick Lorenz, 2355 Rosedale Street; Voices From The Warehouse District VII: Revolt: Re-Energize Art In America Days (September 10- October 11, 2011) was accepted by Gene Tully, 448 Summit Street

SELECTION OF CITY CLERK

Applicants: Kevin Firnstahl, Acting City Clerk, Dubuque, Iowa; Linda Gaul, City Clerk/Treasurer, City of Earlville, Iowa; Jennifer Quinton, Deputy City Clerk, City of Elgin, Illinois; and Teevie Walker, Assistant City Clerk, City of Valley Center, Kansas. Upon roll call vote of 7-0, Kevin Firnstahl was appointed to the position of City Clerk.

CONSENT ITEMS

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

Minutes and Reports Submitted: City Council Proceedings of 8/15, 8/24 and 8/25; Community Development Advisory Commission of 7/20; Environmental Stewardship Advisory Commission of 8/2; Historic Preservation Commission of 8/18; Historic Preservation Commission Education Task Force of 8/3; Housing Commission of 7/26; Long Range Planning Advisory Commission of 8/17; Transit Advisory Board of 8/11

Proof of Publication for City Council Proceedings of August 2 and 15, 2011

Upon motion the documents were received and filed.

Notice of Claims/Suits: Sarah Anthoney for vehicle damage; Nichole Bauer for vehicle damage; Ann Beau for property damage; Ann Brandel for property damage; Charles Sulcer for vehicle damage; Robert and Katy Wethal for property damage; Marlin Wittman for property

damage; Tim and Kim Wittstock for property damage; Greg and Kim Yoko for personal injury and 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: Sarah Anthony for vehicle damage; Ann Beau for property damage; Ann Brandel for property damage; Nickole O'Connor for property damage; George Weinberg for vehicle damage; Marlin Wittman for property damage; Tim Wittstock for property damage. Upon motion the documents were received, filed and concurred.

National Endowment for the Arts / Art Works: City Manager transmitting correspondence and a press release from Rocco Landesman, Chairman of the National Endowment for the Arts (NEA), congratulating the City on receiving an Our Town grant from the NEA/Art Works to support planning and design related to the Historic Millwork District. Upon motion the document was received and filed.

Investment Oversight Advisory Commission: The Investment Oversight Commission submitting the 73rd Quarterly Report. Upon motion the documents were received and filed.

Office of the City Assessor: Correspondence from City Assessor Rick A. Engelken informing the City that the Conference Board has of a Notice of Appeal and Petition before the Property Assessment Appeal Board in Des Moines. Upon motion the document was received and filed.

Mediacom: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company informing the City of changes in programming. Upon motion the documents were received and filed.

Maintenanceworker Position – Public Works Department: City Manager recommending that the vacant Maintenanceworker position in the Public Works Department be reclassified as an Equipment Operator I, by eliminating the Maintenanceworker position and creating an Equipment Operator I position. Upon motion the documents were received, filed, and approved.

General Obligation Bonds Series 2011A and Taxable General Obligation Bonds Series 2011B: City Manager recommending approval of amendments to Resolution Nos. 269-11 and 271-11 related to authorizing the issuance of General Obligation Bonds Series 2011A and Taxable General Obligation Bonds Series 2011B necessary to conform the authorizing resolution for each series to the definition of “record date.” Upon motion the documents were received and filed and Resolution No. 288-11 Amending Resolution No. 269-11 authorizing the issuance, adopted August 15, 2011. (Series 2011A); and Resolution No. 289-11 Amending Resolution No. 271-11 Authorizing the issuance, adopted August 15, 2011 (Series 2011B) were adopted.

Health Alert Network (HAN): City Manager recommending approval of a Memorandum of Understanding and associated documents for continued use of the Health Alert Network (HAN) portal system with the Iowa Department of Public Health. Upon motion the documents were received, filed, and approved.

Hillcrest Family Services – Parking Agreement: City Manager recommending approval of an agreement with Hillcrest Family Services for 30 parking spaces in Flora Park. Upon motion the documents were received, filed, and approved.

Green Industrial Supply, Inc.: City Manager recommending submittal of a Financial Assistance application to the Iowa Department of Economic Development on behalf of Green Industrial Supply, Inc. Upon motion the documents were received and filed and Resolution No. 290-11 Authorizing the filing of an application for State Financial Assistance on behalf of Green Industrial Supply, Inc. was adopted.

Federal Jobs Access Reverse Commute (JARC) Grant Application: City Manager recommending approval of a partnership with the Regional Transit Authority to apply for a Federal Job Access Reverse Commute (JARC) grant to create evening routes that will operate from 5:30 p.m. to 11:30 p.m. Monday through Thursday. Upon motion the documents were received, filed, and approved.

Google Transit: City Manager recommending approval of a contract with East Central Intergovernmental Association/Dubuque Metropolitan Area Transportation Agency for the development of the interface and submission of General Transit Feed Specifications data for the Google Maps Transit program. Upon motion the documents were received, filed, and approved.

Jeld-Wen, Inc. – Irrevocable License: City Manager recommending approval of an Irrevocable License with Jeld-Wen, Inc. to construct a loading dock on the public right-of-way of Jackson Street between East 7th & East 8th Streets. Upon motion the documents were received, filed, and approved.

Sustainable Dubuque – Monthly Project Status Update: City Manager submitting the Sustainable Dubuque monthly project status update for August 2011. Upon motion the documents were received and filed.

Bee Branch Creek Restoration Project – Acquisition of 513 E. 22nd Street: City Manager recommending approval to purchase property located at 513 East 22nd Street owned by Ron and Sandra Conrad for the appraised value of \$60,000 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. 291-11 Approving the acquisition of real estate owned by Ron and Sandra Conrad in the City of Dubuque was adopted.

Bee Branch Creek Restoration Project – Acquisition of 515 E. 22nd Street: City Manager recommending approval to purchase property located at 515 E. 22nd Street owned by Paul and Helene Hill for the appraised value of \$57,000 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. 292-11 Approving the acquisition of real estate owned by Paul and Helene Hill in the City of Dubuque was adopted.

Bee Branch Creek Restoration Project – Acquisition of 316 E. 24th Street: City Manager recommending approval to purchase property located at 316 E. 24th Street owned by Melvin and Theresa Spiegelhalter for the appraised value of \$67,000 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. 293-11 Approving the acquisition of real estate owned by Melvin and Theresa Spiegelhalter in the City of Dubuque was adopted.

Bee Branch Creek Restoration Project – Acquisition of 2422 Washington Street: City Manager recommending approval to purchase property located at 2422 Washington Street owned by Kevin and Colleen Klein for the appraised value of \$67,000 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. 294-11 Approving the acquisition of real estate owned by Kevin and Colleen Klein in the City of Dubuque was adopted.

2011 Manhole Replacement Project: City Manager recommending acceptance of the construction contract for the 2011 Manhole Replacement Project, as completed by Drew Cook & Sons Excavating, in the amount of \$35,858. Upon motion the documents were received and filed and Resolution No. 295-11 Accepting the 2011 Manhole Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

North Grandview Estates No. 2: City Manager recommending approval to accept a Quit claim Deed for the Stormwater detention facilities in North Grandview Estates No. 2. Upon motion the documents were received and filed and Resolution No. 296-11 Accepting conveyance of property in North Grandview Estates No. 2 to the City of Dubuque was adopted.

Carnegie-Stout Public Library Renovation Project – Contract No. 6: City Manager recommending acceptance of the construction contract for the Carnegie-Stout Public Library Renovation Project – Contract No. 6, Flooring and Tiling, as completed by Commercial Flooring Co., in the final contract amount of \$239,598.62. Upon motion the documents were received and filed and Resolution No. 297-11 Accepting the Carnegie-Stout Public Library Renovation Project, Contract No. 6, Flooring & Tiling, and authorizing the payment of the contract amount to the contractor was adopted.

Four Mounds Foundation – Funding Application: City Manager recommending City Council support of an application from the Four Mounds Foundation to the Community Foundation of Greater Dubuque. Upon motion the documents were received, filed, and approved.

Westbrook Subdivision Phase I: City Manager recommending approval of an Amendment to the Development Agreement with Callahan Construction, Inc. to correct the legal description for Phase I of Westbrook Subdivision. Upon motion the documents were received, filed, and approved.

Kresge Foundation – Advancing Safe and Healthy Homes for Children and Families Initiative: City Manager recommending approval of an application to the Kresge Foundation for an Advancing Safe and Healthy Homes for Children and Families Initiative grant for \$750,000. Upon motion the documents were received and filed and Resolution No. 298-11 Authorizing the Mayor to execute an application to the Kresge Foundation for the Advancing Safe and Healthy Homes for Children and Families Initiative (ASHHCFI) was adopted.

Federal Transit Administration: City Manager transmitting correspondence from Cindy Terwilliger, Deputy Regional Administrator for the Federal Transit Administration Region VII, thanking Transportation Director Barbara Morck and the City for hosting the members of the

Regional VII Livable and Sustainable Communities Partnership on July 25-26, 2011. Upon motion the document was received and filed.

Government Finance Officers Association: The City Manager advising that the City of Dubuque has been awarded its 23rd consecutive Certificate of Achievement for Excellence in Financial Reporting from the Government Officers Finance Association. Upon motion the documents were received and filed.

AmeriCorps – Partners in Learning: City Manager recommending approval to execute a grant agreement with the Iowa Commission on Volunteer Service for the City of Dubuque AmeriCorps Program. Upon motion the documents were received, filed, and approved.

Request for Proposal – Camera Documentation Services: City Manager recommending issuance of a Request for Proposal (RFP) to seek qualified vendors to provide camera documentation of construction at the Water and Resource Recovery Center and to authorize the City Manager to negotiate a contract with the recommended vendor. Upon motion the documents were received, filed, and approved.

Alcohol Compliance – Civil Penalties for Alcohol License Holders – Panchero’s Mexican Grill: City Manager recommending approval of the Acknowledgement / Settlement Agreements for a first offense alcohol compliance violation for Panchero’s Mexican Grill. Upon motion the documents were received, filed, and approved.

Alcohol Compliance – Civil Penalties for Alcohol License Holders – Shannon’s Bar & Grill: City Manager recommending approval of the Acknowledgement / Settlement Agreements for a second offense alcohol compliance violation for Shannon’s Bar & Grill. Upon motion the documents were received, filed, and approved.

Alcohol Compliance – Civil Penalties for Alcohol License Holders – Red Robin America’s Gourmet Burgers & Spirits: City Manager recommending approval of the Acknowledgement / Settlement Agreements for a second offense alcohol compliance violation for Red Robin America’s Gourmet Burgers & Spirits. Upon motion the documents were received, filed, and approved.

Signed Contracts: 1) Water Pollution Control Plant Modifications Project Change Order No. 10 with Miron Construction Co. 2) Water Pollution Control Plant Modifications Project Amendment No. 4 with Strand Associates, Inc. 3) Well Field Electrical Upgrades Project award of Engineering Services Contract to IIW Engineers & Surveyors, P.C. including additional correspondence from Ghassan Halloush of ALLTRANS, Inc. Upon motion the documents were received and filed.

Liquor License Refund: Request from Rick Worcester of Off Minor Bar for a refund on Beer and Liquor Combination License No. BW0093628 in the amount of \$253.13. 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. 299-11 Granting the issuance of a Class “C” Beer/Liquor License to the Twisted Pickle, Grand River Center, Red Robin Burgers, National Mississippi River Museum, Fat Tuesday’s,

Crust Italian Kitchen, and Hilton Garden Inn/Houlihan's; a Class "B" Wine Permit to Wal-Mart Supercenter #2004, Family Mart, Inc., and Crust Italian Kitchen; a Special Class "C" Liquor License (5-Day Special Event) to the Dubuque County Fine Arts Society and Riverview Center/Roshek Center; a Special Class "C" Liquor License (14-Day Special Event) to Dubuque County Fine Arts Society; and Resolution No. 300-11 Granting the issuance of a Class "C" Beer Permit to Family Mart, Phillips 66/Arby's, and Wal-Mart Supercenter #2004 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 Resnick. Motion carried 7-0.

Fiscal Year 2012 Budget Amendment No. 1: City Manager recommending setting a public hearing on September 19, 2011 on the Fiscal Year 2012 Budget Amendment No. 1. Upon motion the documents were received and filed and Resolution No. 301-11 Setting the date for the public hearing on Amendment No. 1 to the Fiscal Year 2012 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 19, 2011 in the Historic Federal Building.

Rose of Dubuque, LP – Development Agreement: City Manager recommending setting a public hearing for September 19, 2011 on a Development Agreement with the Rose of Dubuque, LP for a 70-unit affordable living facility on Lake Ridge Drive. Upon motion the documents were received and filed and Resolution No. 302-11 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa, on the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a Development Agreement relating thereto with the Rose of Dubuque, L.P., and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 19, 2011 in the Historic Federal Building.

Dubuque River Rides, Inc. – Docking Lease Agreement: City Manager recommending setting a public hearing for September 19, 2011 on the proposed Docking License Agreement between the City of Dubuque and Dubuque River Rides, Inc. Upon motion the documents were received and filed and Resolution No. 303-11 Resolution of intent to dispose of an interest in real property by License Agreement with Dubuque River Rides, Inc. was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 19, 2011 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments to the following Boards/Commissions: Zoning Advisory Commission: One 3-year term through July 1, 2013 (Vacant term of Stiles). Applicant: Eugene Bird, 3357 Arrowwood Lane. This appointment was postponed subject to the 2012 State of Iowa Gender Balance Law.

PUBLIC HEARINGS

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

Petition to Vacate – 1900 Block of Garfield Avenue: Proof of publication on notice of public hearing to consider a request by Brian Goranson to vacate a portion of a public alley abutting 1902, 1912, 1946, 1952, and 1956 Garfield Avenue in the City of Dubuque and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 304-11 Vacating a portion of the public alley abutting 1902, 1912, 1946, 1952, and 1956 Garfield Avenue; and Resolution No. 305-11 Disposing of City interest in Lots 148A, 149A, 150A, 151A and 152A in Ham's Addition in the City of Dubuque, Dubuque County, Iowa. Seconded by Jones. Motion carried 7-0.

Sale of Property – 2300 Washington Street: Proof of publication on notice of public hearing to consider disposal of City-owned property at 2300 Washington Street to Habitat for Humanity and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 306-11 Resolution of intention to dispose of City-owned property, specifically, Lot 2 of Bee Branch Subdivision No. 1 in the City of Dubuque, Iowa, according to the recorded Plat thereof - 2300 Washington Street. Seconded by Braig. Motion carried 7-0.

Sale of Property – 2302 Washington Street: Proof of publication on notice of public hearing to consider disposal of City-owned property at 2302 Washington Street to Habitat for Humanity and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 307-11 Resolution of intention to dispose of City-owned property, specifically, Lot 1 of Bee Branch Subdivision No. 1 in the City of Dubuque, Iowa, according to the recorded Plat thereof - 2302 Washington Street. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

Pump Room Roof Replacement Project: City Manager recommending award of the construction contract for the Pump Room Roof Replacement Project to Jim Giese Commercial Roofing in the amount of \$75,433. Motion by Lynch to receive and file the documents and adopt Resolution No. 308-11 Awarding public improvement contract for Eagle Point Water Plant Pump Room Roof Replacement Project - CIP 740-220. Seconded by Connors. Motion carried 7-0.

Creek Wood Park – Timber-Hyrst Place: City Manager recommending acceptance of the donation by Marty McNamer of Lot 2 of Timber-Hyrst Place #2 Subdivision for a mini park. The Park and Recreation Commission recommends naming the park Creek Wood Park as it is located on Creek Wood Drive. It is recommended that the City Council select Creek Wood Park as the name for this park. Motion by Braig to receive and file the documents and adopt Resolution No. 309-11 Accepting the deed to certain real estate in Dubuque County, Iowa, from North Cascade Road Developers, LLC, an Iowa Limited Liability Company. Seconded by Jones. Motion carried 7-0.

Liberty Subdivision – Approval of Final Plat: City Manager recommending approval of the Final Plat for Liberty Subdivision. Motion by Connors to receive and file the documents and adopt Resolution No. 310-11 Authorizing the approval of the Final Plat of Liberty Subdivision in the City of Dubuque, Iowa. Seconded by Jones. Responding to questions from City Council Planning Services Laura Carstens stated that the street condition will be monitored through the Engineering Department as with any development. Motion carried 7-0.

Dubuque Initiatives – 3rd Amendment to Development Agreement: City Manager recommending approval of a resolution amending the Development Agreement between the City of Dubuque and Dubuque Initiatives for the redevelopment of the Historic Roshek Building. Motion by Jones to receive and file the documents and adopt Resolution No. 311-11 Approving the Third Amendment to the Roshek Building Development Agreement. Seconded by Braig. Motion carried 7-0.

Bee Branch Creek Restoration Project – Acquisition of 517 E. 22nd Street: City Manager recommending approval to purchase the lot at 517 East 22nd Street as part of the Bee Branch Creek Restoration Project. Motion by Connors to receive and file the documents and adopt Resolution No. 312-11 Approving the acquisition of real estate located at 517 E. 22nd Street, in the City of Dubuque, Iowa. Seconded by Braig. Motion carried 7-0.

Storm Water Fees for Spec Building: City Manager recommending that Spiegel Family Realty Company Iowa, LLC not be required to pay the storm water fee on the spec building in the Dubuque Industrial Center West until the property is leased or sold, but no later than December 1, 2013. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

Family Self-Sufficiency Program – Request for Work Session: City Manager requesting a City Council work session for November 21, 2011 regarding the Family Self-Sufficiency Program. Motion by Jones to receive and file the documents and schedule a work session for November 21, 2011. Seconded by Braig. Motion carried 7-0.

National League of Cities (NLC): Correspondence from the National League of Cities requesting that the City designate a voting delegate and alternate voting delegate for the upcoming National League of Cities (NLC) Annual Business meeting on November 12, 2011. Motion by Connors to receive and file the information accept the appointment of voting delegate and that Council Member Sutton be appointed as the alternate voting delegate. Seconded by Resnick. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Braig acknowledged the attendance of Boy Scout Troup 10 from Nativity School.

Jones stated that he would like staff to explore expanding the animal control program to include wild animals as a result of foxes seen on Indiana Court.

Resnick stated that the community is lucky have such great institutions of higher learning as well as public and private schools.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:35 p.m. regarding pending litigation pursuant to Chapter 21.5(1)(c) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 7:44 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:45 p.m.

Kevin S. Firnstahl
City Clerk

1t 9/14