

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

The Dubuque City Council met in regular session on October 3, 2011 at 6:30 p. m. in the Historic Federal Building.

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 called for the purpose of discussing such matters which may properly come before the City Council.

Pledge of Allegiance

Invocation was provided by Sr. Michelle Balek, OSF, Sisters of St. Francis.

SWEARING-IN

City Clerk Kevin S. Firnstahl

Mayor Buol introduced Ian Fitzgibbon and Greg Bruce of the International City/County Managers Association (ICMA) Fellowship Exchange program from Australia. Mr. Fitzgibbon and Mr. Bruce each spoke of their experiences while in Dubuque.

PRESENTATIONS

Iowa League of Cities All-Star Community Award – Unified Development Code was presented to Mayor Buol by Planning Services Manager Laura Carstens. A brief video from the Iowa League of Cities was presented.

Preservation Iowa Award – Historic Shot Tower was presented to Mayor Buol by Planning Services Manager Laura Carstens.

PROCLAMATIONS

White Cane Safety Day (October 15, 2011) was accepted by Bob Nesler, President of the Dubuque Association for the Blind, 1200 S. Grandview Avenue, and on behalf of the Tri-State Blind Society; Trick-or-Treat Night (October 31, 2011) was accepted by Mayor Buol; Arts and Humanities Month (October 2011) was accepted by Geri Shafer, Chairperson, Arts and Cultural Affairs Advisory Commission; Make a Will Month (October 2011) was accepted by Library Director Susan Henricks on behalf of the Make a Will Committee.

CONSENT ITEMS

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

Minutes and Reports Submitted: City Council Proceedings of 9/19, Civil Service of 9/8, Historic Preservation Commission of 9/15, Historic Preservation Education Task Force of 9/7, Housing Commission of 8/23, Long Range Planning Advisory Commission of 9/21, Mechanical Board of 8/11, Transit Advisory Board of 9/8, Zoning Board of Adjustment of 9/22

Proofs of Publication for City Council Proceedings of September 6 and 12, 2011
Proof of Publication for List of Claims and Summary of Revenues for Month Ending July 31, 2011.

Upon motion the documents were received and filed.

Notice of Claims/Suits: Terry Cook for vehicle damage, Brenda Henry for property damage, Timothy McElligott for vehicle damage, and Tressa Tracy 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: Terry Cook for vehicle damage, Brenda Henry for vehicle damage, Timothy McElligott for vehicle damage, and Tressa Tracey for vehicle damage. Upon motion the documents were received, filed and concurred.

US 52 / Central Avenue Traffic Improvements – Project Acceptance: City Manager recommending acceptance of the construction contract for the US 52 Traffic Flow Enhancement Project as completed by Portzen Construction, Inc., in the final contract amount of \$966,332.96. Upon motion the documents were received and filed and Resolution No. 326-11 Accepting the US 52 Traffic Flow Enhancement Project and authorizing the payment of the contract amount to the contractor was adopted.

Bee Branch Creek Restoration Project – Acquisition of 511 E. 22nd Street: City Manager recommending approval to purchase property required for the Bee Branch Creek Restoration Project at 511 E. 22nd Street owned by David A. and Sarah J. Maus for the appraised value of \$50,000. Upon motion the documents were received and filed and Resolution No. 327-11 Approving the acquisition of real estate owned by David A. and Sarah J. Maus in the City of Dubuque was adopted.

Seventh Street Retaining Wall – Emergency Repair Authorization: City Manager recommending authorizing emergency repairs to the retaining wall along 7th Street and the associated street pavement. Upon motion the documents were received and filed and Resolution No. 328-11 Authorizing emergency repairs to the retaining wall on 7th Street and associated street pavement was adopted.

Madison Street Retaining Wall – Emergency Repair Authorization: City Manager recommending authorization for the emergency repair of the Madison Street retaining wall and associated street pavement and sidewalk portions. Upon motion the documents were received and filed and Resolution No. 329-11 Authorizing emergency repairs to the retaining wall on Madison Street and the associated street pavement and sidewalk portions was adopted.

Southwest Arterial / U.S. Highway 20 Traffic Capacity Improvement Study: City Manager recommending approval for the Mayor to execute the Iowa Department of Transportation Funding Agreement for the Southwest Arterial / U.S. Highway 20 Traffic Capacity Improvement Study. Upon motion the documents were received and filed and Resolution No. 330-11 Approving the Iowa Department of Transportation Funding Agreement (Agreement No. 2012-16-011) for the Southwest Arterial / U.S. Highway 20 Traffic Capacity Improvement Study was adopted.

Terracon Consultants, Inc. – Monitoring Well Installations: City Manager recommending approval to execute a License Agreement for Site Assessments for the monitoring well installation on City property located at 25 Main Street by Terracon Consultants, Inc. Upon motion the documents were received, filed and Resolution No. 342-11 Authorizing license agreement for site assessment between the City of Dubuque and Terracon Consultants, Inc., to install monitoring wells on public right-of-way at 25 Main Street was adopted.

Historic Preservation Commission – 1699 Iowa Street: Communication from the Historic Preservation Commission recommending City Council approval of a request to replace a section of damaged limestone curb with concrete steps along W.17th Street adjacent to property at 1699 Iowa Street. Upon motion the documents were received, filed, and approved.

Smart Planning Consortium Update: City Manager transmitting an update on the August 10, August 24 and September 14, 2011 Smart Planning Consortium meetings; and minutes of the August 10 and August 24, 2011 meetings including Land Use Goals and Objectives, and Community Population Projections. Upon motion the documents were received and filed.

Safe Routes to School – Project Funding: City Manager recommending approval to file an application with the Iowa Department of Transportation for a Safe Routes to School Infrastructure Grant to fund durable, high-visibility crosswalks at 44 school locations for a total project cost of \$163,760. Upon motion the documents were received and filed and Resolution No. 331-11 Authorizing the filing of an application with the Iowa Department of Transportation for Safe Routes to School Infrastructure Grant funding for the City of Dubuque was adopted.

Safe Routes to School – Infrastructure Grant: City Manager transmitting a letter of support for the City of Dubuque’s application for the Safe Routes to School Infrastructure Grant. Upon motion the document was received and filed.

Safe Routes to School – Non-Infrastructure Grant: City Manager transmitting a letter of support for the City of Dubuque’s application for the Safe Routes to School Non-Infrastructure Grant. Upon motion the document was received and filed.

Dubuque Police Protective Association: City Manager transmitting information on the arbitration awarded to the Dubuque Police Protective Association. Upon motion the documents were received and filed.

Special Assessment – 1906 Catherine Street: City Manager recommending approval to establish a lien in the amount of \$2,873.61 against Tammy Parker, 1906 Catherine Street, for non-payment of a Settlement Order. Upon motion the documents were received and filed and Resolution No. 332-11 Adopting the Schedule of Special Assessment for a lien against the property and directing the City Clerk to certify the Schedule of Assessment to the County Treasurer and to publish notice thereof was adopted.

Washington Neighborhood – Housing Trust Fund Application: City Manager recommending approval of a grant application to the Iowa Finance Authority for \$132,637 for continued support for homeownership activities in the Washington Neighborhood. Upon motion the documents were received and filed and Resolution No. 333-11 Approving commitment of matching funds for an application to the Iowa Finance Authority (IFA) for State Housing Trust funds was adopted.

Shelter Plus Care Program: City Manager recommending approval of a renewal application to the US Department of Housing and Urban Development (HUD) for administration of the Shelter Plus Care Program. Upon motion the documents were received, filed, and approved.

Hillcrest Family Services: City Manager recommending approval of a Usage Agreement with Hillcrest Family Services for the use of Murphy Park from October 30, 2011 through January 10, 2012 to set up a holiday light display. Upon motion the documents were received, filed, and approved.

Assistance to Firefighters Grant: City Manager recommending approval to apply for the 2011 Assistance to Firefighters Grant in the amount of \$204,000 for a video conferencing system (telepresence) for all six fire stations and the Training Center/EOC. Upon motion the documents were received, filed, and approved.

Civil Service Commission: Civil Service Commission submitting the Certified Lists for the positions of Assistant Horticulturalist, Equipment Operator II, and Landfill Equipment Operator. Upon motion the documents were received, filed and made a Matter of Record.

Workers' Compensation Compromise Settlements: City Attorney requesting approval for the City Manager to execute two Compromise Settlements of Workers' Compensation claims for Terry K. Dolan. Upon motion the documents were received, filed, and approved.

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

Plastic Center, Inc. – First Amendment to Development Agreement: City Manager recommending approval of the First Amendment to the Development Agreement with Plastic Center, Inc., on the properties located at 426 W. 5th Street and 951, 955, and 957 Main Street in downtown Dubuque. The First Amendment to the Development Agreement extends the deadline for completion of construction from October 31, 2011 to April 30, 2012. Upon motion the documents were received and filed and Resolution No. 334-11 Approving the First Amendment to the Plastic Center, Inc., Development Agreement was adopted.

Dubuque Regional Airport – Reappropriation of Funds: City Manager recommending approval to reallocate CIP funds to pay for the removal and replacement of the existing roof of the University of Dubuque hangar (\$45,640) and the current furnace and air conditioning unit for the Fixed Base Operation area of the Jet Center Building (\$11,517). Upon motion the documents were received, filed, and approved.

Acting Lead Public Safety Dispatcher – Collective Bargaining Amendment: City Manager recommending approval of an amendment to the Collective Bargaining Agreement with the International Union of Operating Engineers Local #234, which provides for an additional \$1.00 per hour of compensation to a public safety dispatcher who is placed in charge of a shift when there is no lead public safety dispatcher on duty. Upon motion the documents were received, filed, and approved.

Iowa Mississippi River Parkway Commission: City Manager transmitting the Iowa Mississippi River Parkway Commission Annual Report from August 2011. Upon motion the document was received and filed.

Alcohol Compliance – Civil Penalties for Alcohol License Holders - Bandana's Bar-B-Q: City Manager recommending approval of the Acknowledgement / Settlement Agreement for an alcohol compliance violation for Bandana's Bar-B-Q. Upon motion the documents were received, filed, and approved.

Liquor License Refunds: Casey's General Store Nos. 2420 and 2421 requesting a refund on Class "C" Beer Permit with Native Wine License Nos. BC00274551 and BC007452 each in the amount of \$56.25. Upon motion the documents were received, filed, and approved.

Liquor License Applications: City Manager recommending approval of annual liquor license renewals and cigarette permit applications as submitted. Upon motion the documents were received and filed and Resolution No. 335-11 Granting the issuance of a Class "C" Beer/Liquor License to Denny's Lux Club, Loras College Athletic and Wellness Center, Carlos O'Kelly's Mexican Restaurant, Fiesta Cancun Restaurant; and a Special Class "C" Liquor License (5-Day Special Event) to the Dubuque Art Center; Resolution No. 336-11 Granting the issuance of a Class "C" Beer Permit to Friendly Locust Mart, Hy-Vee Gas #2, and Aldi, Inc., #30; and Resolution No. 337-11 Granting the issuance of a new cigarette permit to Unforgiveable Records were adopted.

North Grandview Estates – Partial Release of Mortgage: City Attorney recommending partial release of real estate mortgage for Lot 6 and authorize the Mayor to sign it on behalf of the City. Upon motion the documents were received, filed, and approved.

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

Timber-Hyrst Place No. 3: City Manager recommending setting a public hearing for October 17, 2011 to consider releasing existing utility storm sewer and access easements on Lot 2 of Timber-Hyrst Place No. 3. Upon motion the documents were received and filed and Resolution No. 338-11 Resolution of Intent to dispose of and release an access, utility and storm sewer easement on Lot 2 of Timber-Hyrst Place No. 3 in the City of Dubuque, Iowa, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 17, 2011 in the Historic Federal Building.

City Hall HVAC System Improvements Project: City Manager recommending initiation of the public bidding procedures for the City Hall HVAC System Improvements Project and setting a public hearing for October 17, 2011. Upon motion the documents were received and filed and Resolution No. 339-11 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 (City Hall HVAC System Improvement Project) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 17, 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:

Environmental Stewardship Advisory Commission: One 3-year term through October 1, 2014 (expiring term of Klostermann). Applicants: Wayne Klostermann, 3254 Lake Ridge Drive; and Stacy Splittstoesser, 1694 Radford Road. Ms. Splittstoesser spoke in support of her appointment.

Long Range Planning Advisory Commission: One 3-year term through July 1, 2014 (vacant term of Braig). Applicant: Craig Beytien, 1091 Valentine Drive. Mr. Beytien spoke in support of his appointment.

Appointments to the following Boards/Commission: Civic Center Advisory Commission. One 3-year term through June, 29, 2013 (vacant term of Fields). Applicant: Jody Willenborg, 3497 Hillcrest Road, #2. Motion by Connors to appoint Jody Willenborg to a 3-year term on the Civic Center Advisory Commission through June 29, 2013. Seconded by Resnick. Motion failed 3-4 with Braig, Buol, Jones, and Lynch voting nay.

PUBLIC HEARINGS

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

Dubuque Regional Airport – Conservation Easement: Proof of publication on notice of public hearing to consider disposal of an interest in City-owned property as set forth in the Declaration of Conservation Covenants and Restrictions Conservation Easement on the specified property at the Dubuque Regional Airport and the City Manager recommending approval. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Responding to questions from the City Council, Airport Manager Bob Grierson clarified the purpose of and the area affected by the Declaration, which will allow the new terminal project to progress. Motion carried 7-0.

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

ACTION ITEMS

Dubuque Convention and Visitors Bureau: Director Keith Rahe provided a verbal update on the past activities, tourism, and goals of the Dubuque Convention and Visitors Bureau. Motion by Lynch to receive and file the information. Seconded by Jones. Motion carried 7-0.

Eagle Point Solar-1, LLC – Lease and Power Purchase Agreement: City Manager recommending rescinding the previous License and Power Purchase Agreement with Eagle Point Energy-1, LLC and adopting a Lease/Purchase of the solar equipment for the roof of the Municipal Services Center on Kerper Court. Motion by Connors to receive and file the documents and adopt Resolution No. 340-11 Approval of a License and Power Purchase Agreement between the City of Dubuque, Iowa, and Eagle Point Energy-1 LLC, an Iowa Limited Liability Company. Seconded by Jones. Responding to questions from City Council, Assistant Economic Development Director Aaron DeJong and the City Manager stated that the agreement pro-

vides a benefit and savings to the City, and supports a local business despite the life span of the technology. Motion carried 6-1 with Resnick voting nay.

Tenant Criminal Background Check Program: City Manager recommending an additional \$38,300 be allocated for continued criminal background check fees through the rest of Fiscal Year 2012. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Responding to questions from City Council, Police Chief Mark Dalsing stated that the background information is kept on file for 30 days and that landlords have the final decision on tenant selection. Council Member Braig questioned if there could be consequences for landlords who do not attend training sessions. Motion carried 7-0.

Lower Bee Branch Creek Restoration Project – I-JOBS II Grant Amendment: City Manager recommending approval of an amendment to the I-JOBS II Grant Agreement for the Bee Branch Creek Restoration Project. Motion by Connors to receive and file the documents and adopt Resolution No. 341-11 Authorizing the execution of the First Amendment to the grant agreement with the Iowa Jobs Board and the Iowa Finance Authority as required for the City's receipt of \$3,965,000 in State I-JOBS funding for the Lower Bee Branch Creek Restoration Project. Seconded by Braig. Motion carried 7-0.

Request for Work Session - Sustainable Dubuque Quarterly Report: City Manager requesting scheduling a work session on Monday, November 7, 2011 at 5:00 p.m. on the Sustainable Dubuque Quarterly Update. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Braig. Motion carried 7-0.

Julien Dubuque's - 250th Birthday Anniversary Committee: City Manager transmitting correspondence from the National Mississippi River Museum and Aquarium requesting a City representative for the committee to celebrate the 250th anniversary of Julien Dubuque's birth. Motion by Connors to receive and file the documents and appoint Council Member Karla Braig to the committee. Seconded by Resnick. Motion carried 7-0.

City Clerk Salary Compensation: Motion by Connors to table the item to after a recess. Seconded by Resnick. Motion carried 7-0.

The City Council recessed from 7:51 p.m. to 8:17 p.m. to discuss the City Clerk Salary Compensation in a non-public meeting pursuant to Chapter 20.9 of the Iowa Open Meetings Law.

City Clerk Salary Compensation: Motion by Lynch to remove from the table. Seconded by Connors. Motion carried 7-0.

Motion by Jones to receive and file the information and set the City Clerk's salary compensation at \$84,052 annually with vacation accrual at four weeks retroactive to September 6, 2011, with step increases based on evaluations and achievement of office goals. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Jones asked that the correspondence provided to City Council from the Board of Directors for the Veterans' Freedom Center requesting assistance with the need for additional space be submitted to a future agenda adding that if anyone is able to help in the meantime to contact the Veterans' Freedom Center.

Resnick complimented the Dubuque Symphony Orchestra for their good work and thanked the citizens for their support of the Orchestra and area arts.

There being no further business, upon motion the City Council adjourned at 8:21 p.m.

Kevin S. Firstahl
City Clerk

1t 10/12