

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

The Dubuque City Council met its regular session on October 17, 2011 at 6:30 p.m. in the Historic Federal Building, 350 W. 6<sup>th</sup> 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 Council.

Pledge of Allegiance

Invocation was provided by Deacon Tim LoBianco of Resurrection Catholic Church

**PROCLAMATIONS**

Dubuque Make-a-Difference Day (October 22, 2011) was accepted by Tom Stovall. Operation: New View Community Action Agency, 1473 Central Avenue and representatives of the Make a Difference Committee; Veterans' Appreciation Month (November 2011) was accepted by Glen Gassman, Iowa Workforce Development, 680 Main Street.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Connors. Braig requested (#16) WMK Investment Properties – Wild Rose Lane be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: City Council of 10/3; Human Rights Commission of 8/10 and 9/28; Human Rights/Transit/Housing Summit of 8/15; Library Board of Trustees of 2/24, 3/24, 4/28, and 5/26; Zoning Advisory Commission of 10/5

Proofs of publication for City Council Proceedings of September 19, 2011; and List of Claims and Summary of Revenues for month ended August 31, 2011.

Upon motion the documents were received and filed.

Notice of Claims/Suits: Claim by Jennifer Burkart for vehicle damage, Donald Miller for property damage, Dennis and Catherine Mohr for property damage, Rahkee Norman for vehicle damage, Rose Schaepe for vehicle damage, Ronald Schnee for personal injury/property damage, Chelsea Smith for vehicle damage, Terryl Stewart for vehicle damage, Brendan Quann 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: Jennifer Burkart for vehicle damage, Donald Miller for property damage, Dennis and Catherine Mohr for property damage, Ronald Schnee for personal injury/property damage, Chelsea Smith for vehicle damage, Brendan Quann for property damage. Upon motion the documents were received, filed and concurred.

2011 Drain Tile Program: City Manager recommending that the award for the 2011 Drain Tile Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed, and made a Matter of Record.

Blanche Avenue Resurfacing Project: City Manager recommending that the award for the Blanche Avenue Resurfacing Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed, and made a Matter of Record.

Plat of Survey – Bee Branch Subdivision No 1: City Manager recommending approval of the Plats of Survey of Lots 1-1, 2-1, 1-2 and 2-2 of Bee Branch Subdivision No. 1. Upon motion the documents were received and filed and Resolution No. 343-11 Approving Plat of Survey of Lot 1-1 and Lot 2-1 of Bee Branch Subdivision No. 1 in the City of Dubuque, Dubuque County, Iowa; and Resolution No. 344-11 Approving Plat of Survey of Lot 1-2 and Lot 2-2 of Bee Branch Subdivision No. 1 in the City of Dubuque, Dubuque County, Iowa, were adopted.

Sanitary Sewer Easement – Middle Fork Catfish Creek: City Manager recommending acceptance of a sanitary sewer easement from Ricky Rhomberg for the Middle Fork Catfish Creek interceptor sewer (1572 Old Mill Road). Upon motion the documents were received and filed and Resolution No. 345-11 Accepting the grant of an easement for sanitary sewer through, under and across parts of Lot 1 of Mineral Lot 7, Lot 1 of 1 and Lot 2 of Mineral Lot 512, Lot 10 of Mineral Lot 501, Lots 1, 2, 13 and 14 of Rockdale, and the north one-half and south one-half of a vacated street abutting Lots 1, 2, 13 and 14 of Rockdale and also abutting Lot 10 of Mineral Lot 501 all in the City of Dubuque, Iowa, was adopted.

Plat of Survey – Leibfried Place: Zoning Advisory Commission recommending approval of the Plat of Survey for Leibfried Place (2304 and 2310 Eagle Street) as requested by Dan and Bernadette Leibfried. Upon motion the documents were received and filed and Resolution No. 346-11 Approving the Plat of Survey of Leibfried Place in the City of Dubuque, Iowa, was adopted.

Plat of Survey - 16<sup>th</sup> and Jackson Streets: Zoning Advisory Commission recommending approval of the Plat of Survey for Lot 493 in the original town of Dubuque as requested by Richard Runde. Upon motion the documents were received and filed and Resolution No. 347-11 Approving the Plat of Survey of the Subdivision of City Lot 493 in the original town of Dubuque in the City of Dubuque, Iowa, was adopted.

Plat of Survey – 340 Olympic Heights: Zoning Advisory Commission recommending approval of the Plat of Survey for Gillespie’s Third Addition (340 Olympic Heights) as requested by Allen Weber. Upon motion the documents were received and filed and Resolution No. 348-11 Approving the Plat of Survey for Lot 1 of Lot 1 and Lot 2 of Lot 1 of Gillespie’s Third Addition in the City of Dubuque, Iowa, was adopted.

Trees Forever Grant Application – Street Tree Enhancement Project: City Manager recommending approval of the submission of a \$7,000 Trees Forever Grant application and the City’s letter of support for the Street Tree Enhancement Project. Upon motion the documents were received and filed and Resolution No. 349-11 Support of Trees Forever application for funding for the Street Tree Enhancement Program was adopted.

Metz et al. vs. City of Dubuque: City Attorney recommending approval of a Release and Settlement Agreement and authority for the City Manager to sign on behalf of the City. Upon motion the documents were received, filed, and approved.

Historic Preservation Commission: Commissioner Michael Knight submitting his resignation from the Historic Preservation Commission. Upon motion the document was received, filed and the resignation was accepted.

Workers' Compensation Claims Administration: City Manager recommending approval of the renewal rates for Alternative Services Concepts (ASC), the City's Worker's Compensation Claims Administrator effective October 1, 2011 through October 30, 2012. Upon motion the documents were received, filed, and approved.

Federal Emergency Management Agency (FEMA): Correspondence from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) informing the City that the Dubuque Local Flood Protection Project Levee is in compliance with minimum certification requirements outlined in Title 44 of the Code of Federal Regulations. Upon motion the documents were received and filed.

Signed Contracts: A) Tenth and Central Avenue Parking Ramp Final Change Order 010-PS, B) System Leak Detection contract with Westrum Leak Detection, Inc., C) Grand River Center Smart Electric Meter design documents with KJWW of Rock Island, IL, D) Vendor Service Agreement with RJN to conduct smoke testing near the Bee Branch and Sycamore Lift Station, E) Mutual Aid and Contingency Agreement – Dubuque County Emergency Medical Services Association. Upon motion the documents were received and filed.

WMK Investment Properties – Wild Rose Lane: City Manager transmitting correspondence from WMK Investment Properties, Steve Wieland, Larry McDermott, and Ken Kress seeking a remedy to the speed limit and sight distance requirements for the entrance to Wild Rose Lane off Middle Road. Motion by Braig to receive and file. Seconded by Connors. Responding to questions from City Council, City Manager Van Milligen stated that staff has determined the area unsafe and the responsibility is on the developer to take corrective measures. Motion carried 7-0.

Water Meter Wireless Network Equipment License Agreement: City Manager recommending approval of an Amended Water Meter Wireless Network Equipment License Agreement with Dubuque Community Schools that will allow placement of a low-power 900Mhz broad band access point at Table Mound Elementary School, along with cabling from that access point to the room where network equipment is located. 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. 350-11 Granting the issuance of a Class "C" Beer/Liquor License to L. May Restaurant, Dog House Lounge, Bank Bar & Grille, Jumper's Sports Bar, Rainbow Lounge, Europa Haus & Bierstube, Channel Inn Restaurant; and a Class "C" Liquor License to Hu Hot Mongolian Grill; and Resolution No. 351-11 Granting the issuance of a Class "B" Beer Permit to Happy Joe's Ice Cream & Pizza Parlor 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.

Sale of Property – 2315 Jackson Street: City Manager recommending setting a public hearing for November 7, 2011 to consider the sale of City-owned property located at 2315 Jackson Street to Raymond Pfeiffer for the purchase price of \$74,000. Upon motion the documents were received and filed and Resolution No. 352-11 Resolution of Intention to dispose of City-owned property, specifically, East ½ of Lot 24A in L.H. Langworthy Addition in the City of Dubuque, County of Dubuque, Iowa, according to the recorded plat thereof, 2315 Jackson Street, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 7, 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: Plumbing Code Board. One 3-year term through November 2, 2014 (expiring term of Willenborg). Applicant: Harlan Willenborg, 3254 Lake Ridge Drive

Appointments to the following Boards/Commissions:

Environmental Stewardship Advisory Commission: One 3-year term through October 1, 2014 (expiring term of Klostermann). Applicants: Wayne Klostermann, 2636 Queen Street; Stacy Splittstoesser, 1694 Radford Road, #18. Upon roll call vote of 5-2 (Buol and Connors voting for Klostermann), Stacy Splittstoesser was appointed to the Environmental Stewardship Advisory Commission for a 3-year term through October 1, 2014.

Long Range Planning Advisory Commission: One 3-year term through July 1, 2014 (vacant term of Braig). Applicant: Craig Beytien, 1091 Valentine Drive. Motion by Lynch to appoint Craig Beytien to the Long Range Planning Advisory Commission for a 3-year term through July 1, 2014. Seconded by Braig. Motion carried 7-0.

## **PUBLIC HEARINGS**

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

Request to Rezone – 901 Rhomberg Avenue: Proof of publication on notice of public hearing to consider a request from Chad Hallahan to rezone property located at 901 Rhomberg Avenue from C-1 Neighborhood Commercial District to C-2 Neighborhood Shopping Center District 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. Motion carried 7-0. Planning Services Manager Laura Carstens provided a staff report. Responding to questions from City Council, Business owner Chad Hallahan stated that he owns the business as an individual. Carstens clarified that the step up in zoning is required by the Unified Development Code to accommodate this type of business.

Motion by Jones for final consideration and passage of Ordinance No. 48-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying

hereinafter described property located at 901 Rhomberg Avenue from C-1 Neighborhood Commercial District to C-2 Neighborhood Shopping Center District. Seconded by Braig. Motion carried 7-0.

Timber-Hyrst Place No. 3 – Release of Easements: Proof of publication of notice of public hearing to consider releasing the existing utility storm sewer and access easements on Lot 2 of Timber-Hyrst Place No. 3 and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 353-11 Disposing of City interest in an existing twenty-foot wide storm sewer and utility easement, and a 25-foot wide access easement on Lot 2 of Timber-Hyrst Place No. 3 in the City of Dubuque, Iowa. Seconded by Connors. Motion carried 7-0.

City Hall HVAC System Improvements Project: Proof of publication of notice of public hearing to approve the plans, specifications, form of contract, and estimated cost for the City Hall HVAC System Improvements Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 354-11 Adopting plans and specifications form of contract and estimated cost for the City Hall–HVAC System Improvements Project. Seconded by Braig. Responding to questions from City Council, City Manager Van Milligen stated that this is a necessary improvement that will realize savings adding that a cooling tower will be placed next to the City Hall generator. Motion carried 7-0.

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

### **ACTION ITEMS**

Veteran’s Freedom Center: Correspondence from the Board of Directors of the Veteran’s Freedom Center requesting assistance from the City of Dubuque to secure a new location for the Veteran’s Freedom Center. This item was removed from the agenda.

Greenhouse Gas Reduction 50% by 2030 – Phase II: Correspondence from Jason Schatz of Green Dubuque requesting \$40,000 in funding to support Phase II of the Greenhouse Gas Reduction 50% by 2030 Plan - Phase II. Restated motion by Connors to receive, file, and refer to the City Manager. Seconded by Jones. City Council discussion included concerns about identifying a funding source or placing it within the City’s budget process, one-time payment vs. long-term commitment, using existing staff, and the need for more detail concerning the project’s budget and details of deliverables. Motion carried 7-0.

Purchase of Service Agreements – Budget Process: Correspondence from Council Member Karla Braig requesting City Council discussion on the budget process for purchase of services. Restated motion by Braig to receive and file the document and refer to staff to research the procedures with other major metropolitan cities similar to Dubuque and return a report. Seconded by Connors. City Council discussion included exploring a more fair and transparent process for the allocation of funds; does an agency provide a measurable public good; consider emergency situations, sunset funding option, and a review of the current procedure. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**

Buol reported on his being the first to be asked to substitute for keynote speaker Mayor Mitch Landrieu of New Orleans at a recent sustainability summit in Washington, DC, crediting Dubuque's sustainability leadership for the opportunity.

Braig reported on the success of Dubuque's Growing Sustainable Communities Conference held October 11 and 12 noting that videos of keynote speakers and session audio recordings are available on the City's web page ([www.cityofdubuque.org](http://www.cityofdubuque.org)).

Connors reported on the recent visit by the ICMA Fellows visiting from Australia, Greg Bruce and Ian Fitzgibbons, and invited people to view Mr. Bruce's blog which compliments Dubuque and the sustainability conference.

Sutton warned against a possible recent phone scam, which requests money for unpaid City tickets.

There being no further business, upon motion the City Council adjourned at 7:59 p.m.

Kevin S. Firnstahl  
City Clerk