

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

The Dubuque City Council met in special session at 5:00 p.m. on November 21, 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 Family Self-Sufficiency Program.

**WORK SESSION
Family Self-Sufficiency Program**

Housing and Community Development Director David Harris introduced staff members Carroll Clark, Erica Haugen, and Ermina Soler who provided a slide presentation on the Family Self-Sufficiency Experience, the Bridges Initiative (Bridges Out of Poverty, Getting Ahead and Circles). Topics discussed included:

Family Self-Sufficiency Experience

- Family responsibilities
- Program coordinator responsibilities
- Section 8 Voucher participation; contracts and case management
- Program initiatives, education and employment outcomes

Bridges Initiative

- Bridges Out of Poverty; training programs, funding sustainability, continuing education and employment success outcomes
- Getting Ahead
 - Program initiatives, education and employment success outcomes and graduation
- Circles
 - Program history, initiatives, demographics and success outcomes

Measuring changes in social equity and real-life impact

Resources, partnerships, case studies, and reporting measures

There being no further business, upon motion the City Council adjourned at 5:38 p.m.

/s/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 November 21, 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 Council.

PLEDGE OF ALLEGIANCE

INVOCATION

Major Tom Mason, Salvation Army

SWEARING IN

Fourth Ward City Council Member Lynn Sutton

Mayor Buol presented the Individual-Career Award from the Iowa Emergency Medical Services Association (IEMSA) to Fire Captain Roger Wernimont.

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: Airport Commission of 9/12, Cable Teleprogramming Commission 9/6, City Council Proceedings of 11/7, Historic Preservation Commission Education Task Force of 11/2, Housing Code Appeals Board of 7/19, Housing Commission of 9/27, Park and Recreation Commission of 10/11, Zoning Advisory Commission of 11/2, Zoning Board of Adjustment of 10/27

Library Board of Trustees Update from Meeting of October 27, 2011

Upon motion the documents were received and filed.

Notice of Claims/Suits: Jason Duggan for vehicle damage, Christina Forsythe for vehicle damage, Roger Ruh for vehicle damage, Betty Tigges 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: Jason Duggan for vehicle damage, Kenneth Miller for vehicle damage, Christina Forsythe for vehicle damage. Upon motion the documents were received, filed and concurred.

Wingate Place Subdivision – Acceptance of Improvements: City Manager recommending acceptance of the public improvements that the developers, GNZ Properties, Inc., Larry A. Miller and Delbert G. Miller, have recently completed in Wingate Place No. 3 and Wingate

Place No. 4. Upon motion the documents were received and filed and Resolution No. 374-11 Accepting public improvements in Wingate Place No. 3 and Wingate Place No. 4 was adopted.

Water Pollution Control Plant Construction Camera Documentation Services: City Manager recommending selection of Multivista to provide construction camera documentation services for the Water Pollution Control Plant Modifications Project for a proposed fee of \$65,985, and approval to negotiate and enter into an agreement with Multivista. Upon motion the documents were received, filed, and approved.

H₁B Technical Skills Training Grant – Letter of Support: City Manager transmitting correspondence in support of *Skill Up: Up-skilling IT in Iowa & Wisconsin* proposal submitted by Northeast Iowa Community College in response to the H₁B Technical Skills Training Grants program. Upon motion the documents were received, filed, and approved.

ABC Supply – Amendment to Lease Agreement: City Manager recommending approval of the First Amendment to the lease agreement with American Builders and Contractor's Supply Company, Inc. (ABC Supply). Upon motion the documents were received and filed and Resolution No. 375-11 Approving a First Amendment to the lease agreement between the City of Dubuque, Iowa, and American Builders and Contractor's Supply Co., Inc. (ABC Supply) was adopted.

Voluntary Dental Plan – Acceptance of Renewal Rates: City Manager recommending approval of the premiums for the dental plan, which are paid by the employee. Upon motion the documents were received, filed, and approved.

Delinquent Water, Sewer, Storm Water, and Refuse Assessments: City Manager recommending approval to certify delinquent water, sewer, storm water and refuse 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. 376-11 Adopting the Schedule of Assessments for delinquent water, sewer, refuse and stormwater accounts and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

Drug Abuse Resistance Education (DARE): City Manager recommending approval of the 2011/2012 Drug Abuse Resistance Education (DARE) agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed, and approved.

Plat of Survey – J.J. Kemp Place: Zoning Advisory Commission recommending approval of the Plat of Survey of J.J. Kemp Place (408 Hill Street) as requested by James R. and Jo A. Edwards. Upon motion the documents were received and filed and Resolution No. 350-11 Approving the Plat of Survey of J.J. Kemp Place in the City of Dubuque, Iowa, was adopted.

Plat of Survey – McNamer Acres #3: Zoning Advisory Commission recommending approval of the Plat of Survey of McNamer Acres #3 (west end of Manson Road) as requested by Marty McNamer. Upon motion the documents were received and filed and Resolution No. 378-11 Approving the Plat of Survey of McNamer Acres #3 in the City of Dubuque, Iowa, was adopted.

Final Plat – Knepper Addition: Zoning Advisory Commission recommending approval of the Final Plat of Knepper Addition (1834 Creek Wood Drive) as requested by Buesing & Associates. Upon motion the documents were received and filed and Resolution No. 379-11 Approving the Final Plat of Knepper Addition in the City of Dubuque, Iowa, was adopted.

Mines of Spain – Resource Enhancement and Protection (REAP) Grant: City Manager recommending approval of the Resource Enhancement and Protection (REAP) grant agreement with the Iowa Department of Natural Resources for \$200,000 in funds to be used toward acquisition of 52.19 acres adjacent to the E.B. Lyons Interpretive Center and the Mines of Spain State Recreation Area. Upon motion the documents were received and filed and Resolution No. 380-11 Authorizing REAP Grant Agreement with Iowa Department of Natural Resources for land acquisition for E.B. Lyons Interpretive Center and Mines of Spain was adopted.

Smart Planning Consortium Update: City Manager transmitting an update on the October 5, October 26, and November 9, 2011 Smart Planning Consortium Meetings. Minutes of the October 5 and October 26, 2011 meetings, Housing Goals and Objectives, and Smart Planning Public Input Meeting schedule are also provided. Upon motion the documents were received and filed.

Demolition of Flood-Damaged Properties: City Manager recommending approval of a contract with ECIA which utilizes FEMA Public Assistance funds for administration, fencing and demolition costs associated with the flood damaged properties at 1580 Old Mill Road, 1658 Manson Road and 1654 Manson Road. Upon motion the documents were received, filed, and approved.

Iowa League of Cities – Audit Committee: City Manager submitting correspondence that Finance Director Ken TeKippe will be serving on the Iowa League of Cities' Audit Committee. Upon motion the documents were received, filed, and approved.

2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project: City Manager recommending acceptance of the construction contract for the 2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project as completed by Visu-Sewer, Inc., in the final contract amount of \$94,363.75. Upon motion the documents were received and filed and Resolution No. 381-11 Accepting the 2011 Sewer Cured-in-Place Pipe (CIPP) Lining Project and authorizing the payment of the contract amount to the contractor was adopted.

Dubuque Audubon Society – Letter of Support: City Manager transmitting correspondence from the Dubuque Audubon Society in support of the proposed Overlooks and Floating Island enhancements for the Lower Bee Branch Creek Restoration Project. Upon motion the documents were received and filed.

Cottingham & Butler, Inc., Amendments to CEBA and Enterprise Zone Agreements: City Manager recommending amendments to the CEBA and Enterprise Zone Agreements for Cottingham & Butler, Inc. Upon motion the documents were received and filed and Resolution No. 382-11 Authorizing the Approval of an amendment to the CEBA and Enterprise Zone Agreements with Cottingham & Butler, Inc., was adopted.

Mediacom Communications: Communication from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of rate adjustments. Upon motion the documents were received and filed.

Creek Wood Park – Alliant Energy Grant Application: City Manager recommending approval to apply for an Alliant Energy Foundation grant for development of Creek Wood Park. Upon motion the documents were received, filed, and approved.

Bee Branch Creek Restoration Project – Acquisition of Lot 351: City Manager recommending the acquisition of the W ½ and E ½ Lot 351 East Dubuque Addition (Junnie & Rich's Coin Partnership) through the process of eminent domain at the appraised value of \$66,950 for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 383-11 Authorizing the acquisition by eminent domain of certain real property owned by Junnie & Rich's Coin Partnership in the City of Dubuque, Iowa, was adopted.

Property Acquisition of Excess County Parcels: City Manager recommending acquisition of five excess parcels that the Dubuque County Treasurer is disposing of. Upon motion the documents were received, filed, and approved.

Abstract of Votes: Dubuque County Board of Supervisors submitting the Abstract of Votes for the General Election held the 8th day of November, 2011. Upon motion the documents were received and filed.

Signed Contracts: A) Contract with Mark Fondell Excavating, Inc., for demolition of 2263 and 2275 Elm Street; B) 2011-2012 Americorps Grant Application; C) IBM FOAK Agreement Change Request Form. Upon motion the documents were received and filed.

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.384-11 Granting the issuance of a Class "C" Beer/Liquor License to Double Shot, Bridge Restaurant; a Class "C" Liquor License to Cookin' Something Up; a Class "B" Wine License to Sam's Club #4973, Iowa Street Market; a Class "WBN" Native Wine License to Kwik Stop Food Market, Plaza 20 BP/Amoco, Freddie's Popcorn Co.; and Resolution No. 385-11 Granting the issuance of a Class "C" Beer Permit to Iowa Street Market, Kwik Stop Food Mart, Plaza 20 BP/Amoco, Sam's Club #4973 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.

General Obligation Bonds: City Manager recommending setting a public hearing for December 5, 2011 on the proposition of selling not to exceed \$9,000,000 in General Obligation Bonds for essential corporate purposes. Upon motion the documents were received and filed and Resolution No. 386-11 Fixing date for a meeting on the proposition of the issuance of not to exceed \$9,000,000 General Obligation Bonds (for essential corporate purposes) of the City of Dubuque, Iowa, and providing for publication of notice thereof was adopted setting a public

hearing for a meeting to commence at 6:30 p.m. on December 5, 2011 in the Historic Federal Building.

General Obligation Urban Renewal Bonds: City Manager recommending setting a public hearing for December 5, 2011 on the proposition of selling not to exceed \$5,000,000 in General Obligation Urban Renewal Bonds for Greater Downtown Improvements. Upon motion the documents were received and filed and Resolution No. 387-11 Fixing date for a meeting on the proposition of the issuance of not to exceed \$5,000,000 General Obligation Bonds (for urban renewal purposes) of the City of Dubuque, Iowa, 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 December 5, 2011 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments to the following Boards/Commissions:

Environmental Stewardship Advisory Commission: One 3-year term through October 1, 2014 (expired term of Cawley). Applicant: Wayne Klostermann, 2636 Queen Street; and Julie Beck, 1390 Glen Oak (Additional Applicant). Upon roll call vote of 4-3, Wayne Klostermann was appointed to the Environmental Stewardship Advisory Commission for a 3-year term through October 1, 2014. Sutton, Braig and Resnick voting for Beck.

Human Rights Commission: One 3-year term through January 1, 2014 (vacant term of Gloss). Applicants: Nickie Blume, 2523 Washington Street; and Miquel Jackson, 631 University Avenue. Upon roll call vote of 5-2, Miquel Jackson was appointed to the Human Rights Commission for a 3-year term through January 2014. Lynch and Resnick voting for Blume.

Zoning Advisory Commission: One 3-year term through July 1, 2013 (vacant term of Stiles). Applicant: Eugene Bird, Jr., 3357 Arrowwood Lane. Motion by Braig to appoint Eugene Bird to the Zoning Advisory Commission for a 3-year term through July 2, 2013. Seconded by Jones. Motion carried 7-0.

PUBLIC HEARINGS

Request to Amend Planned Unit Development – Asbury Plaza: Zoning Advisory Commission recommending approval to amend the Asbury Plaza Planned Unit Development to allow for a right-in/right-out access to the Northwest Arterial and to amend the list of permitted uses, height and sign regulations.

City Manager recommending additional amendments to the Asbury Plaza Planned Unit Development.

Correspondence from O'Connor & Thomas on behalf of the developers requesting that the request to amend the Planned Unit Development for Asbury Plaza be tabled to December 19, 2011.

Motion by Connors to receive and file the documents and table to December 19, 2011 a proposed ordinance amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code by rescinding Ordinances 4-96, 44-99, 97-02, 41-03, 51-05 and 65-06, which established regulations for Asbury Plaza, a planned unit development with a Planned Commercial Designation, located at the northwest corner of Highway 32 and Asbury Road and now being amended to allow vehicle sales and vehicle service or repair as permitted uses and amend regulations for signage and building height. Seconded by Braig. Motion carried 7-0.

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

Request to Rezone – 2155 Rockdale Road: Zoning Advisory Commission recommending approval to rezone property located at 2155 Rockdale Road from R-3 Moderate Density Multi-Family Residential District to C-3 General Commercial District as requested by Joe Sack, Triple J Land Co. LLC / Daryl Bircher, DSD Properties.

Citizen petition in opposition to the proposed rezoning.

Citizen petitions in support of the proposed rezoning.

Motion by Jones to receive and file the documents and table to December 5, 2011 a proposed ordinance Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code by reclassifying hereinafter described property located at 2155 Rockdale Road from R-3 Moderate Density Multi-Family Residential District to C-3 General Commercial District. Seconded by Resnick. Business Owner/Developer Daryl Biecher, 7762 Wildnest Lane, spoke in favor of the proposed ordinance and addressed issues raised by property owners. Planning Services Manager Laura Carstens provided a staff report. Richard Cheney, 2270 Jaeger Drive, spoke in opposition to the proposed ordinance on behalf of area residents and cited increased traffic, the impact of proposed residential development, commercial property, the future Southwest Arterial, and detour issues. Table Mound Elementary School Principal Brenda Mitchell spoke in opposition to the proposed ordinance and cited concerns related to the school and the presence of children. Motion carried 7-0.

Grand River Center – Exhibit Hall Carpet Replacement Project: Proof of publication on notice of public hearing to consider approval of the plans and specifications for the Grand River Center Exhibit Hall Carpet Replacement Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 388-11 Approving the plans, specifications, form of contract, and estimated cost for the Grand River Center Exhibit Hall Carpet Replacement Project. Seconded by Braig. Motion carried 7-0.

Old Main Urban Revitalization Area Plan: Proof of publication on notice of public hearing to consider an amendment to the Old Main Urban Revitalization Area Plan and the City Manager recommending approval.

Correspondence from the Long Range Planning Commission recommending approval of the Old Main Urban Revitalization Area Plan and finding that it is consistent with the 2008 Dubuque Comprehensive Plan

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 Resnick. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 50-11 Amending the existing Old Main Urban Revitalization Area Plan pursuant to Chapter 404 of the Code of Iowa. Seconded by Jones. Motion carried 7-0.

University of Dubuque Geothermal Line – Bennett Street Easement: Proof of publication on notice of public hearing to consider granting an easement under Bennett Street to accommodate the geothermal system for the University of Dubuque Performing Arts Center and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 389-11 Granting easement for private utility to University of Dubuque for an underlying portion of Bennett Street. Seconded by Braig. Motion carried 7-0.

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

ACTION ITEMS

Multicultural Family Center – 2010-2011 Annual Report: Multicultural Family Center Director Tara Velez and Board President Gil Spence, to present the Center's 2010-2011 Annual Report. Motion by Connors to receive and file the information. Seconded by Jones. Ms. Velez introduced members of the Center's Board of Directors and provided a slide presentation on the mission, history and programs of the Multicultural Family Center. Motion carried 7-0.

Urban Mobility Coordinator: Motion by Jones to receive and file the information. Seconded by Braig. Director of Transit Operations Barbara Morck introduced Urban Mobility Coordinator Michelle Huseman. Ms. Huseman provided information on her professional background. Motion carried 7-0.

Neighborhood Watch Program – Safe Community Task Force Recommendation: City Manager transmitting information regarding the Neighborhood Watch Program as recommended by the Safe Community Task Force. Motion by Lynch to receive and file the information and approve the recommendation. Seconded by Braig. Motion carried 7-0.

City Hall HVAC Improvements Project: City Manager recommending award of the contract to the low bidder, Tri-Con Construction, in the amount of \$684,323, which includes the base bid for \$669,451 and Alternates 2 and 4. Motion by Braig to receive and file the information and adopt Resolution No. 390-11 Awarding the public improvement contract for the City Hall HVAC System Improvements Project. Seconded by Jones. Motion carried 7-0.

Request for Proposal - Automated Red Light and Speed Camera Enforcement Program: City Manager recommending implementation of a Red Light and Speed Camera Enforcement Program and the issuance of a Request for Proposals to select a vendor. Restated motion by Jones to receive and file the documents, approve the issuance of the Request for Proposals and schedule a work session on the topic for January 30, 2011. Seconded by Connors. Extensive discussion by the City Council included concerns over the need for safety, requesting more research and input from staff and citizens, the relationship to the Council's goals and priorities, and the program process. Responding to questions from the City Council, City Manager Van Milligen stated that the Council would have three to four additional opportunities to review and vote on the recommendation. Motion carried 5-2 with Braig and Resnick voting nay.

Family Self-Sufficiency – Program Coordinator: City Manager recommending funding of \$26,853 be provided in the current fiscal year to continue the second Family Self-Sufficiency Coordinator position. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Central Avenue – Two-Hour Parking: City Manager recommending approval of an ordinance to remove the two-hour parking on the east side of Central Avenue from East 24th Street to a point approximately 225 ft. south of East 24th Street. 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.

Motion by Jones for final consideration and passage of Ordinance No. 51-11 Amending section 9-14-321.602(C) of the Code of Ordinances of the City of Dubuque, Iowa, providing for two-hour parking by deleting certain portions of Central Avenue. Seconded by Braig. Motion carried 7-0.

Proposed Contract with Nancy Richardson: City Manager recommending the City enter into an agreement with former Iowa Department of Transportation Director Nancy Richardson to provide advocacy services related to federal transportation policy and funding. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Request for Work Session – Intermodal Center Design Concepts: City Manager requesting scheduling a work session on the Intermodal Center design concepts as soon as a date is available, but no later than December 10, 2011. Motion by Braig to receive and file the documents and schedule a work session for December 5, 2011. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Sutton reported on the upcoming Festival of Trees on November 26.

Mayor Buol reported on his attendance at the recent National League of Cities Conference in Phoenix, Arizona, and the amount of interest in Dubuque's sustainability efforts during the sessions he facilitated.

There being no further business, upon motion the City Council adjourned at 8:44 p.m.

Kevin S. Firnstahl
City Clerk

1t 11/30