

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

The Dubuque City Council met in special session at 5:30 p.m. on December 5, 2011 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Member Lynch

Mayor Buol read the call and stated this is a special session of the City Council to conduct a work session on the draft Intermodal Center design concepts.

WORK SESSION

Draft Intermodal Center Design Concepts

Assistant Economic Development Director Aaron DeJong provided background information on the request for proposal process. DeJong reviewed several of the campus components including the Jule terminal hub, passenger rail platform, and parking facilities adding that the scope of the project is still evolving. Site issues include the realignment of 9th and Elm Streets and the Hwy 52 official route.

Tim Schroder, Vice President of Neuman Monson Architects, provided a slide presentation on the draft design concepts, general layout and components of the project. Highlights included ideas for the passenger rail platform, overhead walkway from the terminal hub to the parking facilities, exterior materials, landscaping, and gateway signage. Specific design options will be forthcoming to the City Council following the request for proposal process.

There being no further business, upon motion the City Council adjourned at 6:02 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 December 5, 2011 in the Historic Federal Building, 350 W. 6th Street.

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

Absent: Council Member Kevin Lynch

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 was provided by Cindy Pierce of Temple Beth El.

CONSENT ITEMS

Motion by Jones to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Braig. Will Johnson, 2920 Keyway Street, requested (#21) Citizen Petition - Red Light / Speed Enforcement Cameras be held for separate discussion. Motion carried 6-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 10/25, City Council of 11/21, Civic Center Commission of 9/26, Community Development Advisory Commission of 10/19, Transit Advisory Board of 11/17

Library Board of Trustees Update from Meeting of November 17, 2011

Proof of publication for City Council Proceedings of Meeting of November 7, 2011.

Upon motion the documents were received and filed.

Notice of Claims and Suits: Judge Real Estate for property damage, Marylin Kennedy for property damage. Upon motion the documents were received, filed and referred to the City Attorney.

Disposition of Claims and Suits: 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: Judge Real Estate, LLC for property damage, Marylin Kennedy for property damage, Roger Ruh for vehicle damage. Upon motion the documents were received, filed and concurred.

2011 CDBG Access Ramp Installation Project: City Manager recommending acceptance of the construction contract for the 2011 CDBG Access Ramp Installation Project, as completed by Skyline Trucking & Storage, Inc., in the final contract amount

of \$32,320. Upon motion the documents were received and filed and Resolution No. 391-11 Accepting the 2011 CDBG Access Ramp Installation Project and authorizing the payment of the contract amount to the contractor was adopted.

2011 Drain Tile Project: City Manager recommending acceptance of the 2011 Drain Tile Project improvements and authorizing the payment of the contract amount of \$16,865.64 to Connolly Construction, Inc. Upon motion the documents were received and filed and Resolution No. 392-11 Accepting the 2011 Drain Tile Project and authorizing the payment of the contract amount to the contractor was adopted.

School Resource Officer (SRO) Agreement: City Manager recommending approval of the Fiscal Year 2011/2012 School Resource Officer Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed, and approved.

RISE Funding Agreement - East 7th Street Improvements: City Manager recommending approval of a project agreement with the Iowa Department of Transportation for RISE funding to reconstruct East 7th Street in downtown Dubuque. Upon motion the documents were received and filed and Resolution No. 393-11 Approving an agreement for R.I.S.E. funding with the Iowa Department of Transportation relating to redevelopment of East 7th Street in downtown Dubuque was adopted.

Bee Branch Creek Restoration Project - Acquisition of 2420 Washington Street: City Manager recommending approval to purchase property at 2420 Washington Street from Don and Joyce Schoenberger for the appraised value of \$69,000 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. 394-11 Approving the acquisition of real estate owned by Don and Joyce Schoenberger in the City of Dubuque was adopted.

Bee Branch Creek Restoration Project - Acquisition of 2239 Prince Street: City Manager recommending approval to purchase property at 2239 Prince Street from Kim Kluga for the appraised value of \$64,000 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. 395-11 Approving the acquisition of real estate owned by Kim Kluga in the City of Dubuque was adopted.

Code of Ordinances - Supplement No 6.: City Clerk submitting Supplement No. 6 to the City of Dubuque Code of Ordinances, which includes Ordinance Nos. 37-11, 43-11, 46-11, and 47-11. Upon motion the documents were received and filed and Resolution No. 396-11 Adopting Supplement No. 6 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Green Industrial Supply, Inc. - Iowa Values Funds (IVF): City Manager recommending authorizing a contract with the Iowa Economic Development Authority

(IEDA) for Iowa Values Funds (IVF) Financial Assistance benefits on behalf of Green Industrial Supply, Inc. Upon motion the documents were received and filed and Resolution No. 397-11 Approving an Iowa Values Fund financial assistance contract by and among the Iowa Department of Economic Development, the City of Dubuque and Green Industrial Supply, Inc. was adopted.

Dubuque County Cooperative Winter Maintenance Agreement: City Manager recommending approval of the new Cooperative Winter Maintenance Agreement between the City and County of Dubuque. Upon motion the documents were received, filed, and approved.

Friends of the Mines of Spain Recognition: City Manager transmitting correspondence from the National Association for Interpretation informing the City that the Friends of the Mines of Spain has received an award for Excellence in Interpretive Support. Upon motion the documents were received and filed.

Healthy Homes & Childhood Lead Poisoning Prevention: City Manager recommending approval of a contract with the Dubuque County Board of Health and the Iowa Department of Public Health for continued funding of the Childhood Lead Poisoning Prevention Program and a renewed agreement with the Visiting Nurse Association for services related to the Childhood Lead Poisoning Prevention Program and Healthy Homes Program. Upon motion the documents were received, filed, and approved.

Office of Healthy Homes and Lead Hazard Control Assessment: Correspondence from the U.S. Department of Housing and Urban Development's Office of Healthy Homes and Lead Hazard Control informing the City's that it's Healthy Homes and Lead Hazard Control program has received a Green designation and that its overall program performance is outstanding. Upon motion the documents were received and filed.

2011 Weed/Junk/Garbage Enforcement Programs: City Manager recommending the levy of special assessments for the second half of the 2011 Weed/Junk/Garbage Enforcement Programs in the total amount of \$867.50, which is being levied against eight separate parcels of property. Upon motion the documents were received and filed and Resolution No. 398-11 Adopting the Schedule of Assessments for second half of 2011 and directing the City Clerk to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof was adopted.

Mediacom Communications: Correspondence from Senior Manager of Government Relations for Mediacom Communications Lee Grassley correcting the amount of rate change stated in correspondence dated November 8, 2011. Upon motion the document was received and filed.

PetData, Inc. - Contract Renewal: City Manager recommending approval of a renewal agreement with PetData, Inc. for the pet licensing service that processes the

sale of all dog and cat licenses in the City of Dubuque. Upon motion the documents were received, filed, and approved.

Proudly Accessible Dubuque - Quarterly Update: City Manager transmitting the quarterly update from Proudly Accessible Dubuque. Upon motion the document was received and filed.

Raymond Place / Maiden Lane Retaining Wall Repair: City Manager recommending acceptance of the construction contract for the Raymond Place/Maiden Lane Retaining Wall Repair Project, as completed by Top Grade Excavating, Inc., in the final contract amount of \$225,796.54, and adoption of the Final Schedule of Assessments. Upon motion the documents were received and filed and Resolution No. 399-11 Accepting the Raymond Place/Maiden Lane retaining wall repair project and authorizing the payment of the contract amount to the contractor; and Resolution No. 400-11 Adopting the Final Assessment Schedule for the Raymond Place / Maiden Lane Retaining Wall Repair Project were adopted.

Citizen Petition - Red Light / Speed Enforcement Cameras: Will Johnson submitting a citizen petition in opposition to the proposed red light / speed enforcement cameras. Motion by a Braig to receive and file the documents. Seconded by Jones. Will Johnson, 2920 Keyway Street, provided informational handouts and spoke in opposition to the proposed program on behalf of the petitioners. Motion carried 6-0.

Dubuque Terminals - Amendment to Lease Agreement: City Manager recommending approval of the First Amendment to the Lease Agreement between the City of Dubuque, Iowa, and Dubuque Terminals, Inc. (The Ice Harbor Lease). Upon motion the documents were received and filed and Resolution No. 401-11 Approving a First Amendment to the Lease Agreement between the City of Dubuque, Iowa, and Dubuque Terminals, Inc., was adopted.

Crescent Community Health Center - Immediate Facility Improvement Grant: City Manager submitting correspondence to the Health Resources and Services Administration in support of Crescent Community Health Center's application for an Immediate Facility Improvement grant. Upon motion the documents were received, filed, and approved.

10th & Central Parking Ramp and Fire Headquarters Expansion Project: City Manager recommending acceptance of the construction contract for the 10th & Central Parking Ramp and Fire Headquarters Expansion Project, as completed by J.P. Cullen & Sons, Inc., in the final contract amount of \$7,906,417. Upon motion the documents were received and filed and Resolution No. 402-11 Accepting the 10th and Central Parking Ramp and Fire Headquarters Expansion and authorizing the payment of the contract amount to the contractor, J.P. Cullen & Sons, Inc., was adopted.

Dubuque Racing Association: City Manager recommending approval of the refinancing of the existing Dubuque Racing Association debt at more favorable terms

with the same lenders, American Trust and Savings Bank and Dubuque Bank & Trust as requested by Dubuque Racing Association President and CEO, Jesús Avilés. Upon motion the documents were received, filed, and approved.

Brookings Institution Metropolitan Policy Program: City Manager transmitting correspondence from the Brookings Institution, the Hitachi Corporation, and the American Association for the Advancement of Science thanking Mayor Buol for participating in the closing discussion of the Eco-Engineering: Building Sustainable Cities forum on October 6, 2011. Upon motion the document was received and filed.

City of Dubuque State Legislative Issues for the 2012 Session: City Manager recommending approval of the City of Dubuque's State of Iowa Legislative Priorities to be adopted by the City Council and presented to legislators at the annual Legislative Dinner on December 7, at 5:30 p.m. at the Grand River Center. Upon motion the documents were received, filed, and approved.

Platinum Holdings, LLC- Debt Refinancing: City Manager recommending approval of a request from Platinum Holdings, LLC (The Grand Harbor) to refinance their debt. Upon motion the documents were received and filed and Resolution No. 403-11 Approving Consent and Subordination to Third Mortgage Agreement for Platinum Holdings, LLC in favor of American Trust & Savings Bank and approving an amendment to First Mortgage Agreement with American Trust & Savings Bank; Resolution No. 404-11 Approving Consent and Subordination to Second Mortgage Agreement for Platinum Holdings, LLC in Favor of E.C.I.A Business Growth, Inc.; and Resolution No. 405-11 Approving an Assignment of Amended Development Agreement, Assignment of Lease, and Assignment of Parking Use Agreement to ECIA Business Growth, Inc., were adopted.

Brownfields Grant Application: City Manager recommending submittal of an application to the U.S. Environmental Protection Agency for \$400,000 in financial assistance in doing Brownfield Assessment in the City of Dubuque. Upon motion the documents were received, filed, and approved.

Watershed Management Authority - Phase I Grant: City Manager recommending approval of the acceptance of a \$24,500 Community Development Block Grant (CDBG) for the purpose of creating a Watershed Management Authority Board for the Catfish Creek Watershed. Upon motion the documents were received and filed and Resolution No. 406-11 Authorizing acceptance of a Community Development Block Grant award in the amount of \$24,500 for the creation of a Watershed Management Authority Board for the Catfish Creek Watershed was adopted.

10th and Central Avenue Parking Facility - Adoption of Mortgage: City Manager recommending approval of a resolution adopting the First Priority Mortgage required by the U.S. Department of Commerce, Department of Economic Development Administration relative to their grant award of \$1.5 million towards the construction of the Central Avenue Parking Ramp. Upon motion the documents were received and filed

and Resolution No. 407-11 Authorizing the City Manager to sign an Agreement and Mortgage in favor of the U.S. Department of Commerce, Economic Development Administration related to EDA Award # 05-01-04941 for the construction of the 10th and Central Parking Facility was adopted.

Signed Contracts: A) Giese Roofing Short Form Contract for the Fire Station No. 5 Roof Replacement; B) Strand Associates, Inc., Amendment No.5 for the Water Pollution Control Plant Modifications Project. Upon motion the documents were received and filed.

Liquor License Renewals: City Manager recommending approval of annual liquor license renewals as submitted. Upon motion the documents were received and filed and Resolution No. 408-11 Granting the issuance of a Class "LB" (Hotel/Motel) Liquor License to Holiday Inn Dubuque Five Flags; a Class "C" Beer/Liquor License to Pepper Sprout, Inc.; a Class "B" Wine to Hy-Vee # 2; and a Class "WBN" Native Wine to the Engraved Gift Collection and the Dubuque Area Chamber of Commerce; and Resolution No. 409-11 Granting the issuance of a Class "C" Beer Permit to Hy-Vee # 2 were adopted.

ITEMS TO BE SET FOR PUBLIC HEARING

Motion by Connors 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 6-0.

Bonson Block, LLC - Development Agreement: City Manager recommending setting a public hearing for December 19, 2011 to consider a proposed development agreement with Bonson Block, LLC for property at 356 Main Street. Upon motion the documents were received and filed and Resolution No. 410-11 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 Bonson Block L.L.C., and providing for the publication of notice thereof setting a public hearing for a meeting to commence at 6:30 p.m. on December 19, 2011 in the Historic Federal Building.

Scale House Building Project: City Manager recommending initiation of the bidding process for the Purina Drive Weigh Scale House Project, and further recommends that a public hearing be set for January 3, 2012. Upon motion the documents were received and filed and Resolution No. 411-11 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 (Purina Drive Weigh Scale House Building Project) setting a public hearing for a meeting to commence at 6:30 p.m. on January 3, 2012 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; applicant appointments will be made at the next City Council meeting.

Human Rights Commission: Two 3-year terms through January 1, 2015 (Expiring terms of Allen and Stewart). Applicants: Anthony Allen, 1725 ½ Delhi Street; and R.R.S. Stewart, 460 Summit Street. Mr. Allen and Ms. Stewart spoke in support of their respective appointments.

Mediacom Charitable Foundation: Two 1-year terms through December 31, 2012 (Expiring terms of Chavenelle and Twining). Applicants: Gail Chavenelle, 1155 Kelly Lane; and Connie Twining, 421 N. Booth Street. Ms. Twining spoke in support of her appointment.

PUBLIC HEARINGS

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 Zwack, Triple J Land Co. LLC / Daryl Biechler, DSD Properties. 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. Assistant Planning Services Manager Kyle Kritz provided a staff report. Developer Daryl Biechler, 7762 Wildnest Lane and owner of Rock Solid Masonry, spoke in support of the proposed ordinance stating that conditions had been resolved and thanked the Council and staff for their guidance. Richard Cheney, 2270 Jaeger Drive, stated that the issues had been resolved to the approval of the neighbors. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 52-11 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 with conditions. Seconded by Resnick. Motion carried 6-0.

General Obligation Urban Renewal Bonds: Proof of publication on notice of public hearing to consider the issuance of not to exceed \$5,000,000 in General Obligation Urban Renewal Bonds for Greater Downtown Improvements and the City Manager recommending approval. Motion by Braig to receive and file the documents and a adopt Resolution No. 412-11 Instituting proceedings to take additional action for the issuance of not to exceed \$5,000,000 General Obligation Bonds. Seconded by Connors. Motion carried 6-0.

General Obligation Bonds: Proof of publication on notice of public hearing to consider the issuance of not to exceed \$9,000,000 in General Obligation Bonds for Essential

Corporate Purposes and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 413-11 Instituting proceedings to take additional action for the issuance of not to exceed \$9,000,000 General Obligation Bonds. Seconded by Connors. Motion carried 6-0.

Lower Bee Branch Creek Overlook Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and the estimated cost of \$1,170,411 for the Lower Bee Branch Creek Overlook Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 414-11 Approval of plans, specifications, form of contract, and estimated cost for the Lower Bee Branch Creek Overlook Project. Seconded by Jones. Motion carried 6-0.

Lower Bee Branch Floating Island Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and the estimated cost of \$198,495 for the Lower Bee Branch Creek Floating Island Project and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 415-11 Approval of plans, specifications, form of contract, and estimated cost for the Lower Bee Branch Creek Floating Island Project. Seconded by Jones. Responding to questions from the City Council, Civil Engineer Deron Muehring stated that the cost of the project is based on that of the materials used. The vendor assembles the project and it is anchored in the water. There are about 3,000 island project currently in the country. Motion carried 6-0.

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

ACTION ITEMS

Project Concern Assistance and Expense Reports: Project Concern Executive Director Nancy Lewis to provided a verbal report on the assistance and expenses of the July 2011 storm event. Motion by Jones to receive and file the documents and listen to the report. Seconded by Braig. Ms. Lewis reviewed the history of how Project Concern became a call center for the July 2011 storm event, shared cost figures, and described successes and weaknesses in the process. Motion carried 6-0.

Grand River Center Exhibit Hall Carpet Replacement Project: City Manager recommending award of the Grand River Center Exhibit Hall Carpet Replacement Project contract to the low bidder, Floor Show Companies, in the amount of \$89,358. Motion by Connors to receive and file the documents and adopt Resolution No. 416-11 Awarding Contract (Grand River Center Exhibit Hall Carpet Replacement Project). Seconded by Jones. Responding to questions from the City Council, Leisure Services Manager Marie Ware stated that recycling the old carpet was a component of the bid. Motion carried 6-0.

2011 Hazard Mitigation Grant Program Buy-Out: City Manager recommending approval to submit the City of Dubuque's 2011 Hazard Mitigation Grant Program

(HMGP) Buyout Application in the amount of \$673,718 for four flood damages properties in the Manson Road/Old Mill Road area. Motion by Jones to receive and file the documents and adopt Resolution No. 417-11 Authorizing HMPG grant application for acquisition of flood-damaged properties. Seconded by Braig. Motion carried 6-0.

A.Y. McDonald - Financial Assistance Application: City Manager recommending authorization to submit an application for financial assistance to the Iowa Economic Development Authority on behalf of A.Y. McDonald for a major expenditure at the Dubuque facility. Motion by Jones to receive and file the documents and adopt Resolution No. 418-11 Authorizing the filing of an application for state financial assistance on behalf of A.Y. McDonald Mfg. Co. Seconded by Braig. Motion carried 6-0.

Arts and Cultural Affairs Coordinator Position: City Manager recommending approval to increase the Arts and Cultural Affairs Coordinator from a part-time 10 hours per week (.25 FTE) position to a part-time 20 hours per week (.5 FTE position). Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Arts and Cultural Affairs Coordinator Jan Stoffel described her duties and the expansion of the arts programs in Dubuque. Motion carried 6-0.

Purchase of Services - Survey of Iowa Cities: City Manager submitting research how contracts for purchase of services are handled by other cities in Iowa. Restated motion by Connors to receive and file the documents, that the Purchase of Services budget process remains as it is or the next fiscal year, and immediately direct the Community Development Advisory Commission to develop a purchase of services funding review process for City Council approval by May 2012. Seconded by Braig. Council discussion included concerns about budgeting a specific amount that would always cap out with the number of requests, sunseting of annual requests, and distinguishing between purchase of services and non-profit agency services. Motion carried 6-0.

Operation New View Community Action Agency: Correspondence from Operation New View Executive Director M. Thomas Stoval requesting City representation on the Agency's Board of Directors for 2012. Currently Council Members Lynn Sutton and David Resnick, and City Manager designee Assistant Budget Director Jason Hartman. Motion by Connors to re-appoint Council Members Sutton and Resnick and the City Manager or his designee (currently Assistant Budget Director Jason Hartman). Seconded by Braig. Resnick stated that he is willing to serve another term but would like to consider alternating membership next year with another Council member to gain experience from a different board appointment. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Sutton reported on the Martin Luther King, Jr. essay contest on Saturday, December 10, at the Dubuque Community School District Forum Building and that volunteer judges are needed.

PUBLIC INPUT

Joseph Jacobsmeier, 1343 Loras Boulevard, stated that the revenue received from the proposed red light and speed enforcement camera program could fund the Purchase of Services requests.

Susan Honda of Federal Way, Washington, stated that she is in town visiting her son and complimented the Council on what a nice community Dubuque is.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:09 p.m. regarding pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa. Seconded by Resnick. Motion carried 6-0.

Upon motion the City Council reconvened in open session at 9:04 p.m. stating that staff had been given proper direction.

There being no further business, upon motion, the City Council adjourned at 9:05 p.m.

/s/Kevin S. Firnstahl
City Clerk

1t 12/14