

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

The Dubuque City Council met in special session at 5:00 p.m. on December 19, 2011 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Pro-Tem Sutton, Council Members Braig, Connors, Jones, Lynch Resnick; City Manager Van Milligen, City Attorney Lindahl.

Absent: Mayor Roy D. Buol

Mayor Pro-Tem Sutton read the call and stated that this is special session of the City Council called for the purpose of conducting a work session on the Modern Roundabout - Implementation Plans & Public Outreach

WORK SESSION

The Modern Roundabout - Implementation Plans & Public Outreach

City Engineer Gus Psihoyos and provided background information on the topic of roundabouts and stated that the City has been working with Ourston Roundabouts Engineering, Inc., on the Southwest Arterial project. Staff members visited sites in other states and has networked with other cities on the design and possible implementation of roundabouts in Dubuque.

Mark Lenters, President of Ourston Roundabouts, provided a slide presentation that included information on:

- Background on roundabouts
- Roundabout pros and cons
- Implementation strategy
- Modern roundabout – rotary, traffic circle, traffic calming circle, rotary conversions, high-capacity modern roundabouts, yield control, circulatory roadway, central island
- Crash/fatality study results for converted signalized and two-way stop intersections
- Pedestrian and school features
- Americans with Disabilities Act (ADA) compliance
- Economic development and commercial concerns
- Photos and videos of sample sights, before/after conversion
- Aesthetics
- Pros and cons
- Implementation planning and strategy
- Measureable actions and area-wide education campaigns

City Council discussion included the misperception of an adverse impact on adjacent businesses, pedestrian assertiveness training, pedestrian safety components, repair and maintenance, vehicle speed and distracted drivers, and construction costs compared to signaled intersections.

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 19, 2011 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Pro-Tem Sutton, Council Members, Braig, Connors, Jones, Lynch Resnick; City Manager Van Milligen, City Attorney Lindahl.

Absent: Mayor Roy D. Buol

Mayor Pro-Tem Sutton read the call and stated that this is a regular session of the City Council called for the purpose of conducting such business that may properly come before the Council.

Pledge of Allegiance

INVOCATION

Invocation was provided by Pastor John Sorenson of Lord of Life Lutheran Church.

SWEARING IN

Swearing In of Mayor Pro-Tem Ric Jones

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 6-0.

Minutes and Reports Submitted: Cable Community Teleprogramming Commission of 11/1, Library Board of Trustees of 10/27, City Council Proceedings of 12/5, Civic Center Commission of 11/7, Environmental Stewardship Advisory Commission of 11/1, Historic Preservation Commission of 11/17, Historic Preservation Commission Education Task Force of 12/7, Long Range Planning Advisory Commission of 11/16, Safe Community Advisory Committee of 9/14 and 11/9, Sister City Relationships Advisory Commission of 12/7, Zoning Advisory Commission of 12/7, Zoning Board of Adjustment of 11/17

Proofs of Publication for City Council Proceedings of 11/21 and List of Claims and Summary of Revenues for the Month Ended 10/31/11. Upon motion the documents were received and filed.

Notice of Claims and Suits: Katherine Creamer for personal injury. 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: Katherine Creamer for personal injury. Upon motion the documents were received, filed and concurred.

Charitable Donation of Duplex at 346 and 348 West Locust Street: City Manager recommending Council acceptance of the charitable donation of 346-348 West Locust Street, and authorize City staff to seek a qualified developer for the historic rehabilitation of this property. Upon motion the documents were received and filed and Resolution No. 419-11 Accepting the deed to certain real estate in Dubuque County, Iowa, from Lynn D. Lampe and Janet P. Schmitt was adopted.

Flynn Ready Mix - Certificate of Completion: City Manager recommending approval of a Certificate of Completion for Flynn Ready-Mix Concrete Co. acknowledging completion of their obligations to construct Minimum Improvements as stipulated in the Development Agreement. Upon motion the documents were received, filed, and approved.

Blanche Avenue Resurfacing Project: City Manager recommending acceptance of the construction contract for the Blanche Avenue Resurfacing Project, as completed by River City Paving, in the final contract amount of \$39,967.19. Upon motion the documents were received and filed and Resolution No. 420-11 Accepting the Blanche Avenue Resurfacing Project and authorizing the payment of the contract amount to the contractor was adopted.

Final Plat - English Ridge Subdivision No. 2 Securities Extension: City Manager recommending Council approval of the 180-day extension for the developer to submit the necessary securities for English Ridge No. 2. Upon motion the documents were received and filed and Resolution No. 421-11 Authorizing re-approval of the Final Plat of English Ridge Subdivision No. 2 in the City of Dubuque, Iowa, was adopted.

Fiscal Year 2013 Tax Increment Financing Annual Report: City Manager submitting the Annual Tax Increment Financing (TIF) Report that has been filed with Dubuque County Auditor Denise Dolan. Upon motion the documents were received and filed.

Fiscal Year 2012 Annual Action Plan Amendment 2: City Manager recommending approval of the FY 2012 Annual Action Plan- Amendment 2 for the Community Development Block Grant (CDBG) program and Homelessness Prevention and Rapid Re-Housing Program as approved by the Community Development Advisory Commission. Upon motion the documents were received and filed and Resolution No. 422-11 Approving Fiscal Year 2012 (Program Year 2011) Annual Action Plan Amendment 2 for Community Development Block Grant (CDBG) and Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds was adopted.

Human Rights Commission - Annual Report: City Manager transmitting the Fiscal Year 2011 Human Rights Commission's Annual Report. Upon motion the document was received and filed.

Mines of Spain - National Scenic Byways Grant: City Manager recommending approval of the submission of an application to the Iowa Department of Transportation for \$500,000 in Fiscal Year 2012 National Scenic Byway grant funds for the Mines of Spain Land Acquisition Project. Upon motion the documents were received, filed, and approved.

PEG Capital Expenditure Request: City Manager recommending approval of the Cable TV Tele-Programming Commission recommendation for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities in the amount of \$15,500 for the City of Dubuque to replace the playback server in the CityChannel 8 TV Control Room. Upon motion the documents were received, filed, and approved.

McGraw-Hill Company - Worker Adjustment and Retaining Notification (WARN): City Manager submitting correspondence from Jody Willging, Human Resources Representative for McGraw-Hill Education/Customer Operations, notifying the City of an employee layoff under the Federal Worker Adjustment and Retraining Notification (WARN) Act. Upon motion the document was received and filed.

Plat of Survey - Schmechel Place: Zoning Advisory Commission recommending approval of the Plat of Survey of Lot 1 of Schmechel Place (9000 Block of Old Military Road) subject to waiving the lot frontage requirement for Lot 1. Upon motion the documents were received and filed and Resolution No. 423-11 Approving the Final Plat of Survey of Lot 1 of Schmechel Place in the County of Dubuque, Iowa, was adopted.

Prudential Insurance Company: City Manager recommending approval of the final Tax Increment Financing (TIF) payment in the amount of \$338,219.90 to Prudential Insurance Company, as provided in the 1999 Development Agreement. Upon motion the documents were received, filed, and approved.

Housing and Urban Development - Section 3 Plan: City Manager recommending approval of the Section 3 Plan, which requires the City, as recipient of HUD funds, to provide job training, employment, and construction contracting opportunities for low- or very-low income residents in connection with HUD funded projects and activities. Upon motion Resolution No. 424-11 Approving a Section 3 Plan for the City of Dubuque, Iowa, was adopted.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Inspector II and Equipment Operator I. Upon motion the documents were received, filed and made a Matter of Record.

Airport Hazard Mitigation Grant Application: City Manager recommending approval of a Hazard Mitigation Grant Program application to FEMA and the Iowa Homeland Security & Emergency Management Agency for funding a "safe room" in the New Terminal Facility at the Airport. Upon motion the documents were received and filed and Resolution No. 425-11 Hazard Mitigation Grant Program was adopted.

Signed Contracts: A) Improvement contract with Tricon Construction for the City Hall HVAC System Improvement Project; B) Contract with Ted Stackis Construction for the deconstruction of 1502 Maple Street; C) Contract with Ted Stackis Construction for the deconstruction of 2349 and 2350 Elm Street. Upon motion the documents were received and filed.

Sustainable Dubuque Monthly Report: City Manager is transmitting the Sustainable Dubuque project status update for November 2011. Upon motion the documents were received and filed.

Lower Bee Branch Creek - Overlook Project: City Manager recommending rejecting the current bids for the Bee Branch Creek Overlook Project to allow the evaluation of potential changes prior to re-initiating the bidding process in early 2012. Upon motion the documents were received and filed and Resolution No. 426-11 Rejecting all competitive bid proposals received for the Lower Bee Branch Creek Overlook Project was adopted.

Lower Bee Branch Creek - Floating Island Project: City Manager recommending rejection of all bids for the construction of the Lower Bee Branch Creek Floating Island Project and re-bidding the project at a later date. Upon motion the documents were received and filed and Resolution No. 427-11 Rejecting all competitive bids proposals received for the Lower Bee Branch Creek Floating Island Project was adopted.

Port of Dubuque Watermain Connection: City Manager recommending approval to enter into a contract with Portzen Construction to extend the 12" watermain into the Port of Dubuque at a cost of \$130,000. Upon motion the documents were received, filed, and approved.

SEP Green Alley Project Acceptance: City Manager recommending acceptance of the improvements for the SEP Green Alley Project between White and Jackson Street from 9th to 10th Street, as completed by Portzen Construction, Inc, in the final contract amount of \$127,155.99. Upon motion the documents were received and filed and Resolution No. 428-11 Accepting the SEP Green Alley Project, Between White & Jackson Streets, from 9th to 10th Streets, and authorizing the payment of the contract amount to the contractor was adopted.

Tobacco Compliance - Civil Penalty for Tobacco License Holders: City Manager recommending approval of the Acknowledgement/Settlement Agreements for a first offense tobacco compliance violation for Kwik Stop, 4110 Dodge Street. Upon motion the documents were received, filed, and approved.

Alcohol Compliance - Civil Penalty for Alcohol License Holders: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a first offense alcohol compliance violation for Kwik Stop, 4110 Dodge Street. 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. 429-11 Approving the issuance of a Class "C" Beer/Liquor License to Bowling & Beyond, The Screaming Eagle, Cue Masters Billiards, The Moracco, Instant Replay; a Class "B" Wine License to Puff n Stuff; and a Class "WBN" Native Wine License to Hy-Vee Gas #2, Steve's Ace Home & Garden; and Resolution No. 430-11 Approving the issuance of a Class "C" Beer Permit to Clark Gas Station, Puff n Stuff 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 6-0.

White Water Creek Bridge - Nomination for Landmark Status: Historic Preservation Commission requesting that a proposed ordinance Amending Title 16 Chapter 10 (Historic Preservation) of the City of Dubuque Code of Ordinances, Unified Development Code, by adding a new Section 16-10-7(B)(10) Designating the White Water Creek Bridge as a Landmark and supporting documentation be forwarded to the State Historic Preservation Office and that a public hearing be set for February 6, 2012 to consider the landmark status of the White Water Creek Bridge. Upon motion the documents were received and filed and Resolution No. 431-11 Setting the date for a public hearing on an ordinance designating the White Water Creek Bridge as a City landmark was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 6, 2012 in the Historic Federal Building.

Green Alley Permeable Pavers Project - 17th to 18th Streets: City Manager recommending initiation of the public bidding procedure for the Green Alley Permeable Pavers Project (17th - 18th, between Jackson & Washington Streets), and further recommends that a public hearing be set for January 3, 2012. Upon motion the documents were received and filed and Resolution No. 432-11 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 (Green Alley Permeable Pavers Project - 17th - 18th, between Jackson and Washington Streets); Resolution No. 433-11 Approving the Plat, Schedule of Assessments and estimate of total cost and setting date of public hearing on Resolution of Necessity; and Resolution No. 434-11 Resolution of Necessity for the Green Alley Permeable Pavers Project (17th – 18th, between Jackson & Washington Streets) were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 3, 2012 in the Historic Federal Building.

Senator Harkin - Historic Federal Building Lease Renewal: City Manager recommending that a public hearing be set for January 3, 2012, on a nine-year lease extension with Senator Harkin for office space in the Historic Federal Building. Upon

motion the documents were received and filed and Resolution No. 435-11 Resolution of Intent to dispose of an interest in real property owned by the City of Dubuque by lease between the City of Dubuque, Iowa and the Federal Government on behalf of Senator Harkin was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 3, 2012 in the Historic Federal Building.

A.Y. McDonald State Assistance - Application Amendment: City Manager recommending that a public hearing be set for January 3, 2012 to modify the application for financial assistance submitted to the Iowa Economic Development Authority on behalf of A.Y. McDonald. Upon motion the documents were received and filed and Resolution No. 436-11 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 A.Y. McDonald Mfg. Co., 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 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.

Housing Code Appeals Board: One 3-year term through January 11, 2015 (Expiring term of Miller). Applicant: red Miller, 2462 Central Avenue.

Investment Oversight Advisory Commission: One 3-year term through July 1, 2012 (Vacant term of Melendez). Applicant: Ashlie Simonson, 44 S. Algona Street

Appointments to the following Commissions:

Human Rights Commission: Three 3-year terms through January 1, 2015 (Expiring terms of Allen, Hansen and Stewart). Applicants: Anthony Allen, 1725 ½ Delhi Street; Kurt Hansen, 511 Nocturnal Lane (Additional Applicant); R.R.S. Stewart, 460 Summit Street. Motion by Lynch to appoint Anthony Allen, Kurt Hansen and R.R.S. Stewart to the Human Rights Commission for 3-year terms through January 1, 2015. Seconded by Resnick. Motion carried 6-0.

Mediacom Charitable Foundation: Two 1-year terms through December 31, 2012 (Expiring terms of Chavenelle and Twining). Applicants: Gail Chavenelle, 1155 Kelly Lane; Connie Twining, 421 N. Booth Street. Motion by Lynch to appoint Gail Chavenelle and Connie Twining to the Mediacom Charitable Foundation for 1-year terms through December 31, 2012. Seconded by Resnick. Motion carried 6-0.

PUBLIC HEARINGS

Request to Amend Planned Unit Development - Asbury Plaza (Tabled from November 21, 2011): Proof of publication on notice of public hearing to consider a request by O'Connor & Thomas, P.C., Asbury Dubuque, LC, and Richardson Investments, LLC 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 and the Zoning Advisory Commission recommending approval.

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 January 17, 2012.

Motion by Connors to remove from the table. Seconded by Lynch. Motion carried 6-0.

Motion by Connors to table until January 17, 2012. Seconded by Braig. Motion carried 6-0.

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

Request to Rezone - 2763 University Avenue: Proof of Publication on notice of public hearing to consider rezoning property located at 2763 University Avenue as requested by Julie Hammel and Tom and Dave Kluck to permit a 72-foot-wide common building, 60-foot maximum width approved on the existing conceptual plan 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. Assistant Planner Kyle Kritz provided a staff report. Zoning Advisory Commission Chairperson Charlie Harris responded to questions from City Council. Developer Tom Kluck, 2499 LaVista Street, stated that this represents the final changes to the request. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 53-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by Rescinding Ordinances 36-09 And 41-11, Which Established Regulations for a Planned Unit Development with a Planned Residential Designation, Located North of the University Avenue and Ethel Street Intersection, and Now Being Amended to Allow Adding Decks to the Common Building. Seconded by Jones. Motion carried 6-0.

Request to Amend PUD - 2175 Holliday Drive: Proof of Publication on notice of public hearing to consider a request by Green Acres Storage, LLC to amend the existing PC Planned Commercial District for property located at 2175 Holliday Drive to allow mini-storage as a permitted use and increase building height to 45 feet and the Zoning Advisory Commission recommending approval. 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 Jones. Developer Seth Green, 5315 J Street, Cedar Rapids, spoke in support of the proposed ordinance and responded to questions from City Council. Attorney Craig Remke, 700 Locust Street, spoke in opposition to the proposed ordinance on behalf of Rockford Industrial Supply, which owns adjacent property. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 54-11 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development

Code, by rescinding Ordinances 15-99 and 03-02, which established regulations for a Planned Unit Development with a Planned Commercial Designation, located at the southwest corner of the Northwest Arterial and Asbury Road and adopting a revised ordinance allowing Mini-Warehousing as a Permitted Use and amending the maximum building height. Seconded by Braig. Motion carried 6-0.

Bonson Block, LLC - Development Agreement for 356 Main Street: Proof of Publication on notice of public hearing to approve a development agreement with Bonson Block, LLC to redevelop property located at 356 Main Street and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 437-11 Approving a development agreement with Bonson Block, LLC for the property located at 356 Main Street. Seconded by Connors. Motion carried 6-0.

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

ACTION ITEMS

Safe Community Advisory Committee: Safe Community Advisory Committee recommending continuation of the Committee through December 31, 2012 and Committee Member Doug Stillings, 1255 Locust Street, to provided a report on the activities of the Committee for 2011. Motion 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 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 55-11 Amending Ordinance No. 55-10 which created the Safe Community Advisory Committee by extending the sunset of the Committee and the terms of the members from December 31, 2011 to December 12, 2012. Seconded by Braig. Motion carried 6-0.

Carnegie-Stout Public Library Signs: Historic Preservation Commission submitting a design review recommendation for the Carnegie-Stout Public Library signs.

Historic Preservation Commission Chairperson David Klavitter request to address the City Council.

Library Board of Trustees President Paula Connors request to address the City Council.

Restated motion by Braig to receive and file the documents and that the Historic Preservation Commission, the Library Board of Trustees and Lange Sign Company continue to meet and return a resolution to the City Council at the April 2, 2012 Council meeting. Seconded by Jones. Historic Preservation Commission Chairperson David Klavitter, Library Board President Paula Connors and Lange Sign Company owner Dan Lange all respectively provided information on the historic requirements, design elements and replacement issues related to the different solutions. Motion carried 6-0.

Sewershed 11 Corrective Action Plan: City Manager recommending submittal of the Sewershed 11 Corrective Action Plan to the agencies stated in the Consent Decree. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 6-0.

Acquisition of Property from W.C. Stewart and Stew-Mc Development, Inc.: City Manager recommending acceptance of the deeds for 12.93 acres located in a water way south of Target and Center Grove Drive from W.C. Stewart and approving the purchase of .41 acres from Stew-Mc Development Inc. for the purchase price of \$185,000. Motion by Jones to receive and file the documents and adopt Resolution No. 438-11 Accepting the deed to certain real estate in Dubuque County, Iowa from W. C. Stewart Construction, Inc.; and Resolution No. 439-11 Accepting the deed to certain real estate in Dubuque County, Iowa from Stew-MC Development, Inc. Seconded by Braig. Responding to questions from City Council, Economic Development Director Dave Heiar and Van Milligen provided information on the land value and development as it related to Phase II of the Historic Millwork District. Motion carried 6-0.

Citizen Petition - Jule Transit Services: Terri Berry submitting a citizen petition requesting the reactivation of former Jule bus lines and to retain newer physical coverage areas. Motion by Braig to receive and file and refer to the City Manager. Seconded by Jones. Responding to questions from City Council, Transit Manager Barbara Morck stated that she has met with Ms. Berry regarding resolution of issues. Motion carried 6-0.

Crime Free Multi-Housing Landlord Training Program Update: City Manager transmitting an update on the City of Dubuque's Crime Free Multi-Housing Landlord Training Program, with specific emphasis on changes that have been made to respond to the Safe Community Task Force recommendations. Motion by Jones to receive and file the documents. Seconded by Braig. Motion carried 6-0.

City Council Meeting Schedule: City Manager recommending approval of an ordinance that City Council meetings are affected only by City holidays. 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 Resnick. Motion carried 6-0.

Motion by Lynch for final consideration and passage of Ordinance No. 56-11 Amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 6 Mayor and City Council Article A Rules and Procedure Section 1-6a-3 Types of Meetings by Specifying City Holidays. Seconded by Resnick. Motion carried 6-0.

There being no further business, upon motion the City Council adjourned at 8:32 p.m.

/s/Kevin S. Firnstahl
City Clerk

1t 12/28