

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

The Dubuque City Council met in special session at 5:30 p.m. on January 17, 2012 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Pro-Tem Jones; Council Members Connors, Lynch, Resnick, Sutton; Assistant City Manager Steinhauser, City Attorney Lindahl

Absent: Mayor Buol, Council Member Braig, City Manager Van Milligen

Mayor Pro-Tem Jones read the call and stated this is a special session of the City Council to conduct a work session the 2011 flood fighting activities of the City of Council Bluffs.

**WORK SESSION
Council Bluffs 2011 Flood Fighting Activities**

Street Maintenance Supervisor John Klostermann provided information and a slide presentation on the flood-fighting activities of the City of Council Bluffs during the flood of 2011.

Site visit to Council Bluffs from Dubuque and Iowa City staff June 30, 2011 and review of: Incident Command Center, Levee System, Pumping Stations, Seepage Blanket Installations. Topics included:

- Flood Issues and System Comparisons
- Partnerships with city, state and federal agencies
- Pre-Flood Activities
 - Flag System
 - Sandbagging Operations
 - HESCO Floodwall System
 - Incident Command Center
 - Media
 - Alert Levels and Related Instructions
 - Evacuation Plan
 - Levee Inspection Team and Levee Issues
 - high water table, sand boils, interior drainage, pumping stations, seepage blankets
 - Other Flood Related Issues
 - unprotected areas
 - Damage Estimates
 - Lessons Learned
 - unified command
 - communications technology

- informing the public
- pumping plan
- staff involvement and care

Responding to questions from City Council, Public Works Director Don Vogt stated that the first concern with Dubuque's levee is overtopping during flood events other than spring snow melt and that Dubuque has several contingency plans.

There being no further business, upon motion the City Council adjourned at 6:07 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 January 17, 2012 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol (via phone), Mayor Pro-Tem Jones; Council Members Connors, Lynch, Resnick, Sutton; City Manager Van Milligen (via phone), Assistant City Manager Steinhauser, City Attorney Lindahl

Absent: Council Member Braig,

Mayor Pro-Tem Jones 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.

City Clerk Kevin Firnstahl introduced Assistant City Clerk Trish Gleason.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

CONSENT ITEMS

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

Minutes and Reports Submitted: City Council Proceedings of 1/3/12, Environmental Stewardship Advisory Commission of 12/6/11 and 1/6/12, Safe Community Advisory Committee of 12/14/11, Transit Advisory Board of 12/8/11, Zoning Advisory Commission of 1/4/12, Proofs of Publication of City Council Proceeding of 12/19/11 and

List of Claims and Summary of Revenues for Month Ending 11/30/11. Upon motion the documents were received and filed.

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: Daniel Davis for vehicle damage, Jeffrey Glen Holt for personal injury/property damage, Diane Streif for vehicle damage. Upon motion the documents were received, filed and concurred.

Community Development Advisory Commission: Commissioner Hillary Stubben submitting her resignation from the Community Development Advisory Commission. Upon motion the document was received, filed and the resignation accepted.

Change in Position Title/Duties: City Manager recommending approval to eliminate one Maintenance worker position and create one Assistant Horticulturist position in the Leisure Services Department. Upon motion the documents were received, filed, and approved.

Final Plat - Giese Subdivision: Zoning Advisory Commission recommending approval of the Final Plat for Giese Subdivision (2225 Kerper Blvd.) as requested by IIW, P.C. / CRDS Development subject to waiving the lot frontage requirement for Lot 1. Upon motion the documents were received and filed and Resolution No. 13-12 Approving the Final Plat for Giese Subdivision in the City of Dubuque, Iowa, was adopted.

Gro1000 Garden and Green Space Grant Application: City Manager recommending approval to submit a Gro1000 Garden and Green Space grant application in the amount of \$25,000 (cash and in-kind). The funds will be used to purchase a greenhouse that would extend both ends of the growing season for the Mission garden. Upon motion the documents were received, filed, and approved.

Pump Room Roof Replacement - Project Acceptance: City Manager is recommending acceptance of the construction contract for the Pump Roof Replacement Project, as completed by Jim Giese Commercial Roofing, in the final contract amount of \$92,193. Upon motion the documents were received and filed and Resolution No. 14-12 Accepting the Pump Room Roof Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

Signed Contracts: A) Tournament cart rental agreement with Harris Golf Carts for 2012, B) Stand Associates Agreement Amendment 1 for Water Pollution Control Plant Project Cogeneration Facilities. Upon motion the documents were received and filed.

PEG Capital Grant Expenditure Request: City Manager recommending approval of the Cable TV Tele-Programming Commission recommendations for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities in the amount of \$11,000 for Loras College for a Carousel bulletin board graphics system and \$12,500 for the City of Dubuque to replace the audience TV

bulletin board computer. Upon motion the documents were received, filed, and approved.

Smarter Travel Recruitment Plan and Budget: City Manager recommending approval of funding for a plan to recruit 1,000 volunteers for the Smarter Travel Pilot Project. Upon motion the documents were received, filed, and approved.

Baskets for Bee Branch and Historic Millwork District and Annual Flowers in Washington Street Dividers: City Manager recommending allocating resources so that the baskets and planters to be used in the lower Bee Branch and Historic Millwork District can start this spring, instead of waiting until 2013. Upon motion the documents were received, filed, and approved.

Alcohol License Applications and Renewals: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 15-12 Approving the issuance of a Class "C" Beer/Liquor License to Hy-Vee C-Store #1 + (Sunday Sale), The Lounge + (Sunday Sale), Taiko Japanese Restaurant + (Sunday Sale), and Mario's Italian Restaurant; and Resolution No. 16-12 Approving the issuance of a Class "B" Beer Permit to Hy-Vee C-Store #1 + (Sunday Sale), Pizza Hut # 4691 + (Sunday Sale), and Pizza Hut # 4690 + (Sunday Sale) 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.

Caradco Landlord, LLC and Warehouse Development, LLC - Grant of Easement: City Manager recommending that a public hearing be set for February 6, 2012 to consider granting an easement across Washington Street to accommodate private service lines for fiber, television, power, telephone, cable, and future needs for the Caradco Landlord LLC & Warehouse Development LLC, property which is in process of renovation at 900 Jackson Street. Upon motion the documents were received and filed and Resolution No. 17-12 Resolution of Intent to dispose of City interest by Grant of Easement for private utility to Caradco Landlord, LLC & Warehouse Development, LLC of Dubuque for an underlying portion of Washington Street 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.

Annual Action Plan - Fiscal Year 2013: City Manager recommending the FY 2013 Annual Action Plan be included in the City budget and a public hearing be scheduled with the Housing and Community Development Department budget work session on February 29. Upon motion the documents were received and filed and Resolution No. 18-12 Setting a public hearing on the Fiscal Year 2013 (Program Year 2012) Community Development Block Grant (CDBG) Annual Action Plan was adopted setting

a public hearing for a meeting to commence at 6:30 p.m. on February 29, 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.

Community Development Advisory Commission: One 3-year term through February 15, 2015 (expiring at-large term of Wainwright). Applicant: Thomas Wainwright, 1788 Lori Street (At-Large). Mr. Wainwright spoke in support of his appointment.

Appointments to the following Boards and Commissions:

Sister City Relationships Advisory Commission: 3 three-year terms through February 1, 2015 (expiring terms of Jochum, McIntee, and McNamara). Applicants: Jeffrey Jochum, 3750 Aerostar Drive; Phyllis Lee, 720 South Grandview Avenue (additional applicant); Patrick McNamara, 1041 Shady Oaks Drive. Motion by Lynch to appoint Jeffrey Jochum, Phyllis Lee and Patrick McNamara to the Sister City Relationships Advisory Commission for 3-year terms through February 1, 2015. Seconded by Resnick. Motion carried 6-0.

PUBLIC HEARINGS

Request to Amend Planned Unit Development - Asbury Plaza (Tabled from December 19, 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 developer requesting the item be tabled to March 5, 2012.

Motion by Connors remove from the table Seconded by Resnick. Motion carried 6-0. Motion by Connors to table until March 5, 2012. Seconded by Resnick. Motion carried 6-0.

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

Request to Rezone - 3150 Asbury Road: Proof of publication on notice of public hearing to consider a request from Julie Cheung and Alex Fursoy to rezone property

from R-1 Single-Family Residential District to OC Office Commercial District and the Zoning Advisory Commission recommending denial.

Citizen correspondence from John Donahue in opposition to the proposed rezoning.

Motion by Connors to concur with the denial. Seconded by Resnick. Property owner and developer Julie Cheung, 3150 Asbury Road, provided background information and spoke in favor of the proposed rezoning. Planning Services Manager Laura Carstens provided a staff report. Adjacent and area property owners Bill Kahler, 2205 Evergreen Street; Dennis McDonough, 2270 Evergreen Street, Colleen Williams, 3151 Asbury Road; Bob and Donna Shaw, 2210 Evergreen Street, Kathy Cruse, 2215 Evergreen Street and Peter Sweeney, 2240 Graham Circle, spoke in opposition to the proposed rezoning citing additional commercial traffic, safety, increased noise, garbage, and decreased property values as issues. Council discussion determined that it was a matter of spot zoning. Motion to deny carried 6-0.

Text Amendment - Complete Streets Policy: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to consider a Text Amendment to Section 16-11-15(k) Streets of the Unified Development Code to incorporate a Complete Streets Policy. 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 Lynch. Planning Services Manager Laura Carstens provided staff report. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 1-12 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by Amending Article 11 Land Subdivision to add Complete Streets Policy Language. Seconded by Resnick. Motion carried 6-0.

Historic Millwork District- Planned Unit Development: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to amend the Historic Millwork District Planned Unit Development (PUD) Conceptual Development Plan to allow for an Intermodal Center and an 80-space surface parking lot 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 Resnick. Planning Services Manager Laura Carstens provided a staff report. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 2-12 Amending Title 16, the Unified Development Code of the City of Dubuque Code of Ordinances by rescinding Ordinance 20-10 which established regulations for a PUD Planned Unit Development District with a Planned Commercial Designation for the Historic Millwork District PUD and now being amended to allow for the Intermodal Center and an 80-space surface parking lot. Seconded by Resnick. Motion carried 6-0.

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

ACTION ITEMS

General Obligation Urban Renewal Bonds Series 2012A and General Obligation Bonds Series 2012B: City Manager recommending advertisement for the sale of the \$4,380,000 General Obligation Urban Renewal Bonds, Series 2012A and \$7,495,000 General Obligation Bonds, Series 2012B and approval of the electronic bidding procedures. Motion by Connors to receive and file the documents and adopt Resolution No. 19-12 Directing the advertisement for sale of \$4,380,000 General Obligation Urban Renewal Bonds Series 2012A and \$7,495,000 General Obligation Bonds Series 2012B, approving electronic bidding procedures, and authorizing distribution of a Preliminary Official Statement. Seconded by Lynch. City Manager Van Milligen and Budget Director Jenny Larson provided information on the current status of the City's debt capacity. Motion carried 6-0.

2011 National Electrical Code: City Manager recommending adoption of the 2011 edition of the National Electrical Code, which will keep the City of Dubuque's electrical ordinance consistent with the State of Iowa's requirements. 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 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 3-12 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article D Electrical Code by Regulating the Approved Applications and Use of NM Cable. Seconded by Resnick. Motion carried 6-0.

Purina Drive Weigh Scale House Building Project Award: City Manager recommending award of the contract to the low bidder, Stumpf Construction, in the amount of \$156,698.80. Motion by Lynch to receive and file the documents and adopt Resolution No. 20-12 Awarding the public improvement contract for the Purina Drive Weigh Scale House Building Project. Seconded by Connors. Discussion included concern over the disparity of costs for some bid components and local business bidders. Responding to questions from City Council, City Manager Van Milligen and City Attorney Lindahl address the law and policies related to choosing the lowest responsive responsible bidder. Public Works Director Don Vogt stated that the department will perform value engineering design on several project components to mitigate costs. Motion carried 6-0.

Convention and Visitors Bureau - Request for Work Session: Convention and Visitors Bureau Executive Director Keith Rahe requesting that the annual Conventional and Visitors Bureau work session for Fiscal Year 2013 be set for 5:30 p.m. on February 6, 2012. Motion by Lynch to receive and file the documents and schedule the work session as requested. Seconded by Connors. Motion carried 7-0.

Fiscal Year 2013 Budget and Fiscal Policy Guidelines: City Manager recommending adoption of the Fiscal Year 2013 Budget Policy Guidelines. The guidelines reflect City Council direction given as part of the August 24 and 25, 2011, goal setting sessions. Motion by Connors to receive and file the documents and approve the recommendation.

Seconded by Sutton. Responding to questions from City Council, City Manager Van Milligen and Budget Director Jenny Larson provided information regarding the increase in costs of health care and the JULE Transit System, which impact the budget and precipitates an anticipated property tax increase.

There being no further business, upon motion the City Council adjourned at 8:28 p.m.

Kevin S. Firstahl
City Clerk

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