

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

The Dubuque City Council met in regular session at 6:30 p.m. on March 19, 2012 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**PRESENTATION(S)**

Veterans' Memorial Plaza: Richard Goebel and Dick Bridges of the Board of Directors for the Veterans' Memorial Plaza presented City Council with a photo of the Plaza in gratitude for its support of the project.

365 Community Impact Awards: Jerelyn O'Connor, Neighborhood Development Specialist, presented the 365 Impact Awards received by the City at the March 6, 2012 ceremony. Categories included: Overall Individual: Public Information Officer Randy Gehl; Overall Idea: Millwork District Partners; Art: Art on the River; Family: Music in Jackson Park

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Motion carried 7-0.

Minutes and Reports Submitted: City Conference Board of 1/30; City Council Proceedings of 2/29, 3/5, and 3/7; Five Flags Civic Center Commission of 2/6; Historic Preservation Commission of 3/7; Zoning Advisory Commission of 3/7

Proof of Publication for City Council Proceedings of 2/20, 2/21, 2/27, and 2/29

Upon motion the documents were received and filed.

Notice of Claims and Suits: Joshua Boffeli for property damage, Archie Ralston for personal injury, Kathleen Stierman for property damage. Upon motion the documents were received, filed and referred to the City Attorney.

Disposition of Claims: 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: Joshua Boffeli for property damage, Archie Ralston for personal injury,

Kathleen Stierman for property damage. Upon motion the documents were received, filed and concurred.

Appeal of Claim: Correspondence from Gary and Shirley Jameson appealing the denial of their February 13, 2012 claim against the City of Dubuque for property damage. Upon motion the document was received, filed and referred to the City Attorney.

Collective Bargaining Agreement Amendment - Teamsters Local No. 120: City Manager recommending approval of an amendment to the Collective Bargaining Agreement with the Teamster Union to provide for a work week that consists of ten hours per day and four days per week for the Airport Maintenance workers and Airport Mechanic. Upon motion the documents were received, filed, and approved.

Biosolids Management Agreement: City Manager is recommending that the City of Dubuque enter into an agreement with Nutri-Ject Systems, Inc. of Hudson, Iowa, for the Water & Resource Recovery Center (W&RRC) Biosolids Management Program. Upon motion the documents were received, filed, and approved.

Third Annual Taste of the World: City Manager submitting information on the Third Annual Taste of the World event, sponsored by the Multicultural Family Center to be held Saturday, March 31, 2012 at Five Flags Center. Upon motion the document was received and filed.

Environmental Protection Agency Consent Decree Semi-Annual Report: City Manager submitting the Environmental Protection Agency (EPA) Consent Decree March 5, 2012, Semiannual Report. Upon motion the documents were received and filed.

Fourth Street Parking Ramp Name Change: City Manager recommending re-naming the Fourth Street Parking Ramp to the Five Flags Ramp, which will provide an association between the parking ramp and events held at Five Flags Center. Upon motion the documents were received, filed, and approved.

Dubuque Packing Company Memorial – Acceptance: City Manager recommending acceptance of the Dubuque Packing Company Memorial. Upon motion the documents were received and filed and Resolution No. 75-12 Accepting the Dubuque Packing Company Memorial and authorizing payment of the contract to the contractor was adopted.

Iowa Department of Transportation - Supplemental Agreement for Maintenance of Primary Roads: City Manager recommending approval of the Supplemental Agreement for Maintenance of Primary Roads in Municipalities (Supplemental Agreement) between the Iowa Department of Transportation and the City of Dubuque. Upon motion the documents were received, filed, and approved.

Iowa Department of Transportation - Fiscal Year 2012 Supplemental Agreement for Traffic Signal Maintenance: City Manager recommending approval of the Supplemental Agreement for Maintenance of Primary Roads in Municipalities between the Iowa Department of Transportation and the City of Dubuque (City) for the annual maintenance of traffic signals and cabinets at US 52/61/151 at the intersection with Twin Valley Drive and Iowa 3/US 52 at the intersection of Iowa 32 (Northwest Arterial). Upon motion the documents were received, filed, and approved.

Growing Sustainable Communities - Conference Management Agreement: City Manager recommending approval of the attached agreement with Sustainable City Network, Inc. for co-management of the 5th Annual Growing Sustainable Communities Conference to be held October 2-3, 2012. Upon motion the documents were received, filed, and approved.

Sustainable Dubuque Project Status Update: City Manager submitting the Sustainable Dubuque Project Status Update for February 2012. Upon motion the documents were received and filed.

Request for Qualifications - Intermodal Center Construction Documents: City Manager recommending authorization for a Request for Qualifications to solicit consultant interest in design development, construction documentation, and construction administration services for the Dubuque Intermodal Campus. Upon motion the documents were received, filed, and approved.

Department of Energy Smart Grid Data Access Grant: City Manager recommending approval of an application to the Department of Energy Smart Grid Data Access Program in the amount of \$500,000. Upon motion the documents were received, filed, and approved.

Delinquent Water, Sewer, Refuse and Stormwater Accounts: City Manager recommending authorization to certify the delinquent water, sewer, refuse and stormwater accounts 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. 76-12 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.

Iowa Watershed Project Letter of Interest: City Manager recommending approval of a Letter of Interest requesting that the Catfish Creek Watershed be included as an Iowa Watershed Project and to authorize the Mayor to sign the Letter of Interest. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Public Hearing - Cookin' Something Up: City Manager recommending that a public hearing be set for April 2, 2012, regarding the Alcohol Compliance Violation second Offense for Cookin' Something Up, 1640 JFK Road. Upon

motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Bluff Street Brew Haus: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a first offense alcohol compliance violation for the Bluff Street Brew Haus, 372 Bluff Street. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Steve's Ace Hardware: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a first offense alcohol compliance violation for Steve's Ace Hardware, 3350 JFK Road. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Creslanes Bowling: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a first offense alcohol compliance violation for Creslanes Bowling, 255 S. Main Street. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Days Inn/Spirits Bar and Grill: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a first offense alcohol compliance violation for Days Inn/Spirits Bar and Grill, 1111 Dodge Street. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Pizza Hut #4691: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a first offense alcohol compliance violation for Pizza Hut #4691, 320 East 20th Street. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Freddie's Popcorn: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a first offense alcohol compliance violation for Freddie's Popcorn, 1086 Main Street. Upon motion the documents were received, filed, and approved.

Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 77-12 Applications for beer, liquor, and/or wine permits, as required by City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 2 Liquor Control, Article B Liquor, Beer and Wine Licenses and Permits was 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.

Dubuque Industrial Center South - 2012 Grading and Utilities Phase I: City Manager recommending initiation of the public bidding process for the Dubuque Industrial Center South Grading & Utilities - 2012 Project, Phase I and that a public hearing be set for April 2, 2012. Upon motion the documents were received and filed and Resolution No. 78-12 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 (Dubuque Industrial Center South Grading & Utilities - 2012 Project, Phase I) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 2, 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.

Cable TV Commission: 1 three-year term through July 1, 2014 (last of 7 newly created positions). Applicant: Ronald Tigges, 4927 Wildflower Drive.

Appointment made at this meeting:

Civil Service Commission: 1 three-year term through April 6, 2015 (Expiring term of Takes). Applicant: Betty Takes 1245 Dunleith Court. Upon City Council concurrence, Mayor Buol appointed Betty Takes to the Civil Service Commission for a three-year term through April 6, 2015.

### **PUBLIC HEARINGS**

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

Hunter Equity, LLC - Development Agreement: Proof of publication on notice of public hearing to consider approval of a Development Agreement with Hunter Equity, LLC for the sale of 12.4 acres in Dubuque Industrial Center West and construction of an 80,000 square-foot distribution center for Fed-Ex. Motion by Lynch to receive and file the documents and adopt Resolution No. 79-12 Approving a Development Agreement providing for the sale of 12.4 acres in the Dubuque Industrial Center West to Hunter Equity, LLC. Seconded by Braig. Motion carried 7-0.

Request to Amend ID Institutional District - Clarke University: Proof of publication on notice of public hearing to consider a request by Clarke University, 1550 Clarke Drive, to amend the ID Institutional District to allow a science addition and new 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 Braig. Brian Scholtes from Clarke University, spoke in favor of the project. Planning Services Manager Laura Carstens

provided a staff report. Council Member Resnick stated that the City Attorney saw no conflict of interest in Mr. Resnick's vote on this issue as he is an employee of Clarke University.

Motion by Connors for final consideration and passage of Ordinance No. 27-12 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by providing for the approval of an amended campus development plan for the Clarke University ID Institutional District to allow construction of a science addition and associated parking lot at the intersection of Clarke Drive and Clarke Crest Drive. Seconded by Braig. Motion carried 7-0

Request to Rezone - Middle Road and Seippel Road: Proof of publication on notice of public hearing to consider a request by Callahan Construction to rezone property located at the southwest corner of Middle Road and Seippel Road from CS Commercial Service and Wholesale District to R-1 Single-Family Residential District, R-2 Two Family Residential District, and R-3 Moderate Density Multi-Family Residential District 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. Tom, Larson of Buesing and Associates, spoke in support of the rezoning as the engineering firm for the project. Planning Services Manager Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 28-12 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at the southwest corner of Middle Road and Seippel Road from CS Commercial Service and Wholesale District to R-1 Single-Family Residential District, R-2 Two-Family Residential District, and R-3 Moderate Density Multi-Family Residential District. Seconded by Jones. Motion carried 7-0.

Voluntary Annexation- 10924 Key West Drive: Proof of publication on notice of public hearing to consider a request by Catherine C. Christopherson for the voluntary annexation of 10924 Key West Drive and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 80-12 Approving application for voluntary annexation of territory to the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

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

### **ACTION ITEMS**

Project HOPE Update: Eric Dregne, Vice President of Programs for the Community Foundation of Greater Dubuque, presented the spring 2012 update on Project HOPE, which included information on the Project HOPE Coalition, targeting disengaged communities, working for collective impact, objectives, connecting people to education skills, pathways to employment, and helping families build financial assets. Motion by

Connors to receive and file the information. Seconded by Resnick. Motion carried 7-0.

Dubuque Police Department New Uniform Shoulder Patch: Police Chief Mark Dalsing presented the Dubuque Police Department's new uniform shoulder patch and a brief summary of its development and history. Motion by Jones to receive and file the information. Seconded by Connors. Motion carried 7-0.

Sunset Ridge Sidewalk Installation Waiver: Correspondence from Freund Law Firm, P.C. on behalf of Timothy and Kelly Sherman requesting a waiver of the requirement that a sidewalk be installed at 720 Sunset Ridge. Restated motion by Connors to receive and file the documents and approve the waiver. Seconded by Resnick. Tim Sherman, 720 Sunset Ridge, explained the information he received regarding the sidewalk requirement he received at the time he purchased the property and built a house after the last street reconstruction and shared neighborhood survey information. Council discussed the intent of the last street reconstruction as it pertained to sidewalk installation on the west side of the street. Motion carried 7-0.

Preliminary Plat - Brickyard Estates: Zoning Advisory Commission recommending approval of the Preliminary Plat for Brickyard Estates (Southwest corner of Middle Road and Seippel Road) as requested by Callahan Construction, Inc. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

Code of Ordinances - Farmers' Market Amendment: City Manager recommending approval of an amendment to the ordinance that sets for the conditions for the outdoor Farmers' Market around City Hall. 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 Lynch. Dan LoBianco, Executive Director for Dubuque Main Street provided an explanation of how vendors will designate their items are produced locally or procured elsewhere. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 29-12 Amending City of Dubuque Code of Ordinances Chapter 4 Central Market, Section 4-4-1 Market Area Delineated by Extending the South Boundary of the Market Area; Section 4-4-2 Farmers' Market; Display of Merchandise by Providing for the Sale of Goods Which have been Raised, Produced, Procured or Crafted by Local Vendors; and Section 4-4-6 Revocation of Permit by Revoking Permits for Goods Sold that were not Raised, Produced, Procured or Crafted by Local Vendors. Seconded by Connors. Motion carried 7-0.

Retail Single-Use Plastic Bag Reporting: City Manager requesting approval of an ordinance that will require retailers, based on size, to report their purchase and distribution of plastic bags in order to measure community-wide progress towards the adopted goal of reducing single-use plastic bag use 90% by 2017 in Dubuque. 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 Braig. Council discussed concerns over the perception of mandatory reporting and relayed concerns by businesses about the data being disclosed publicly. Sustainability Coordinator Cori Burbach and Resource Management Coordinator Paul Schultz stated that local retailers had been contacted about collaborating on the reduction and that data could be easily gotten from retailer inventory numbers. Ms. Burbach added that data would not be marketed publicly. Motion failed 5-2 with Lynch and Resnick voting nay.

Motion by Connors to consider the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances Title 6 Health, Housing, Sanitation and Environment, Chapter 2 Establishments and Hotel Sanitation, by Adopting a New Section 6-2-2 Single-Use Plastic Bag Reduction. Seconded by Braig. Motion carried 5-2 with Lynch and Resnick voting nay.

Dubuque Intermodal Center Phase II - TIGER IV Grant Application: City Manager recommending approval of a grant application for funding of Phase II for the Dubuque Intermodal Transportation Center in the Historic Millwork District. Motion by Braig to receive and file the documents and adopt Resolution No. 81-12 Endorsing the submission of a Tiger IV Grant application to the Federal Transit Administration (FTA) to fund Phase II of the Intermodal Transportation Center. Seconded by Connors. Motion carried 7-0.

Work Session - University of Iowa Sustainable Dubuque: City Manager requesting a work session be set for Tuesday, May 8, at 5:30 p.m. to hear presentations from the students participating in the University of Iowa Initiative for Sustainable Communities partnership with Sustainable Dubuque. Motion by Lynch to receive and file the documents and set the public hearing as recommended. Seconded by Connors. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Sutton reported on her attendance at the recent the National League of Cities conference in Washington DC and presented the Intercultural Competence Initiative 2<sup>nd</sup> Place award that the City of Dubuque received from the League.

Connors reported on her attendance at the same conference and pointed out the valuable sessions, which indicated that business and young people are also looking at the whole of a community when looking to relocate.

There being no further business, upon motion the City Council adjourned at 8:38 p.m.

/s/Kevin S. Firnstahl  
City Clerk

1t 3/28