

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

The Dubuque City Council met in special session at 5:30 p.m. on April 2, 2012 in the Historic Federal Building, 350 W. 6th Street.

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

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a work session on the 9th Street to 11th Street One-Way to Two-Way Conversion.

**WORK SESSION
9th Street to 11th Street One-Way to Two-Way Conversion**

City of Dubuque Civil Engineer Jon Dienst, Julie Neeble of IIW Engineers & Surveyors, and Mike Grunewald of Brown Traffic Control provided a slide presentation on the proposed one-way to two-way conversion of 9th to 11th Streets. Mr. Dienst provided project history and information on the traffic capacity and feasibility studies and intermodal facility campus layout. Ms. Neeble presented an overview of the existing and proposed Hwy 52 routing, geometric and traffic capacity considerations. Mr. Brunwald provided information on the existing downtown traffic system, signal coordination for proposed designs, and residential expectations.

City Council discussion included concerns about how the conversion might impact truck parking and loading/unloading for residential and commercial properties within the Historic Millwork District, communicating with the property owners in the HMD, utilizing public input sessions, and avoiding “mixmaster” geometric configurations.

There being no further business, upon motion the City Council adjourned at 6:26 p.m.

/s/Kevin S. Firnstahl
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 2, 2012 in the Historic Federal Building, 350 W. 6th Street.

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

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

PROCLAMATION(S)

Kids to Parks Day - May 19, 2012 was accepted by Leisure Services Manager Marie Ware; NCAA Division III Identity Initiative Week - April 9-15, 2012, was accepted by Sue Hafkemeyer, Director of Community Relations for Loras College, and Bob Quinn, Director of Intercollegiate Athletics for Loras College.

PRESENTATION(S)

International Society of Arboriculture Award of Achievement: Leisure Services Manager Marie Ware introduced John Harthorn, Award Committee Board Member for the Midwest Chapter of the International Society of Arboriculture who presented City Forester Steve Pregler with the ISA Award of Achievement

CONSENT ITEMS

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

Minutes and Reports Submitted: City Council Proceedings of 3/19, Civil Service Commission of 2/15, Community Development Advisory Commission of 3/21, Historic Preservation Commission of 3/15, Human Rights Commission of 1/9, Library Board of Trustees of 2/23, Sister City Relationships Advisory Commission of 3/21, Library Board of Trustees Updates from Meetings of 2/23 and 3/22. Proofs of Publication for City Council Proceedings of 2/23, 3/5 and 3/7. Upon motion the documents were received and filed.

Notice of Claims and Suits: Linda Decker for property damage and Erich Vierkant 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: Linda Decker for property damage, Erich Vierkant for property damage. Upon motion the documents were received, filed and concurred.

Dubuque Water Sports Club Lease: City Manager recommending approval of the annual lease with the Dubuque Water Sports Club (formerly Dubuque Water Ski Club). Upon motion the documents were received, filed, and approved.

Hunter Equity, LLC - Assignment of Development Agreement: City Manager recommending approval of the Assignment of the Development Agreement from Hunter Equity, LLC to 2013 Dubuque, LLC (Ruedebusch Development & Construction, Inc.) for the construction of an office/distribution facility for Fed-Ex in the Dubuque Industrial Center North Second Addition. Upon motion the documents were received and filed and Resolution No. 81A-12 Approving the Assignment of the Development Agreement between the City of Dubuque, Iowa, and Hunter Equity, LLC to 2013 Dubuque, LLC, was adopted.

Whitewater Creek Bridge Funding Request: Historic Preservation Commission requesting approval to use \$42,487 in Historic District Public Improvement Program (HDPIP) funds for completion of the White Water Creek Bridge Project. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Hearing Continuance - Cookin' Something Up: City Manager recommending approval of the request to remove the hearing for Cookin' Something Up from the City Council Agenda on April 2, 2012, to be rescheduled at a later date, pending witness and legal representation availability. Upon motion the documents were received, filed, and approved.

Fire Station No. 5 Roof Replacement – Acceptance: City Manager is recommending acceptance of the construction contract for the Fire Station No. 5 Roof Replacement Project, as completed by Giese Roofing Company, in the final contract amount of \$27,072. Upon motion the documents were received and filed and Resolution No. 82-12 Accepting the Fire Station No. 5 Roof Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

Fire Department Headquarters Roof Replacement, 2011 – Acceptance: City Manager recommending acceptance of the construction contract for the Fire Headquarters Roof Replacement Project - 2011, as completed by Giese Roofing Company, in the final contract amount of \$53,390. Upon motion the documents were received and filed and

Resolution No. 83-12 Accepting the Fire Headquarters Roof Replacement Project - 2011 and authorizing the payment of the contract amount to the contractor was adopted.

Safe Routes to School Program Project Agreement: City Manager recommending approval of the Iowa Department of Transportation Agreement for a Safe Routes to School Program Project between the Iowa Department of Transportation and the City of Dubuque for funding of Dubuque school safety improvements. Upon motion the documents were received and filed and Resolution No. 84-12 Approving the Iowa Department of Transportation (DOT) Agreement for Safe Routes to School Program Project (Iowa DOT Agreement 10-SRTS-011) for Dubuque school safety improvements was adopted.

Mayor Buol Featured at the Eco-Engineering: Building Sustainable Cities Forum: City Manager transmitting the Eco-Engineering: Building Sustainable Cities program from the annual Hitachi/Brookings Institute forum held October 6, 2011, which features Mayor Roy D. Buol. Upon motion the documents were received and filed.

Wireless Network License Agreement - Table Mound School Update: City Manager approval of an Amended Wireless Network Equipment License Agreement with Dubuque Community Schools to allow for a 900Mhz antennae and a network connection to be co-located with the existing water meter wireless network equipment at Table Mound School. Upon motion the documents were received, filed, and approved.

Wireless Network License Agreement - Wartburg Theological Seminary: City Manager recommending approval of a Water Meter Wireless Network Equipment License Agreement between the City of Dubuque and Wartburg Theological Seminary for placement of an R450 Collector, antennae and telecommunications equipment on a building at Wartburg Theological Seminary. Upon motion the documents were received, filed, and approved.

Water Meter Wireless Network Equipment Lease Agreement- DMASWA and Radio Dubuque: City Manager recommending approval of a Water Meter Wireless Network Equipment Lease Agreement in partnership with the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) and Radio Dubuque. Upon motion the documents were received, filed, and approved.

Sustainable Dubuque Project Status Update: City Manager transmitting the monthly Sustainable Dubuque Project Status Update for March 2012. Upon motion the documents were received and filed.

2012 Art on the River Exhibition Selection: Arts and Cultural Affairs Advisory Commission requesting concurrence with the selection of artwork for the 2012 Art on the River Competition. Upon motion the documents were received, filed, and approved.

Iowa Department of Inspections and Appeals New Inter-Agency Agreement: City

Manager recommending approval of an inter-agency agreement with the Iowa Department of Inspections and Appeals for performance of food and hotel licensing, inspections and enforcement with respect to retail food establishments. Upon motion the documents were received, filed, and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Madison Street Retaining Wall Emergency Repair Project - McAuliffe Excavating, Inc. Upon motion the documents were received and filed.

Signed Contracts: A) Contract with Fraser Design for services related to the White Water Creek Bridge nomination to the National Register of Historic Places; B) Short Form Public Improvement Contract with Great Plains Landscaping for replacement of the retaining wall at 1561 Parkway; C) Contract with IIW, P.C. for the Northend Trail Lighting Project; D) Contract with Presentations for the interpretive signs for the Dubuque Water Trail Project; E) Contract with Terracon Consultants, Inc., for environmental response action services related to the former maintenance garage site at 925 Kerper Blvd.; F) Miron Construction Co., Change Order No. 14 for the Water Pollution Control Plant Modifications Project. Upon motion the documents were received and filed.

Alcohol Compliance Civil Penalty for Alcohol License Holders- El Paisano Grocery: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for El Paisano Grocery, 1543 Central Avenue. Upon motion the documents were received, filed, and approved.

Alcohol License Renewals and 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. 85-12 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 Resnick. Motion carried 7-0

Second Annexation Request - 10924 Key West Drive: City Manager recommending that a public hearing be set for April 16, 2012 on the second annexation request of Catherine C. Christopherson for an additional parcel at 10924 Key West Drive. Upon motion the documents were received and filed and a public hearing was set for a meeting to commence at 6:30 p.m. on April 16, 2012 in the Historic Federal Building.

Fiscal Year 2012 Second Budget Amendment: City Manager recommending a public hearing be set for April 16, 2012 to consider Amendment No. 2 to the Fiscal Year 2012

Budget. Upon motion the documents were received and filed and Resolution No. 86-12 Setting the date for the public hearing on Amendment No. 2 to the Fiscal Year 2012 Budget for the City of Dubuque setting a public hearing for a meeting to commence at 6:30 p.m. on April 16, 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.

Environmental Stewardship Advisory Commission: One three-year term through October 1, 2014 (Vacant term of Klostermann). Applicants: Julie Beck, 1390 Glen Oak Street; Andrea Helgager, 40 Main Street, #300. Ms. Beck and Ms. Helgager spoke in support of their respective appointments.

Appointments to be made at this meeting:

Cable TV Commission: One three-year term through July 1, 2014 (last of 7 newly created positions) Applicant: Ronald Tigges, 4927 Wildflower Drive. Motion by Connors to appoint Ronald Tigges to the Cable TV Commission for a three-year term through July 1, 2014. Seconded by Braig. Motion carried 7-0.

PUBLIC HEARINGS

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

Dubuque Industrial Center South - Grading & Utilities 2012 Project Phase I: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and the estimated cost for the Dubuque Industrial Center South Grading and Utilities 2012 Project, Phase I and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 87-12 Approval of plans, specifications, form of contract, and estimated cost for the Dubuque Industrial Center South Grading & Utilities 2012 Project, Phase I. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

Retail Single-Use Plastic Bag Reporting Ordinance (Second Reading): 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 consider the second 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 Jones.

Responding to questions from City Council, Sustainability Coordinator Cori Burbach stated that since the March 19 Council meeting, she and Resource Management Coordinator Paul Schultz had either meet or talked with additional grocers and retailers and found there was general support for the reporting; and that smaller, local businesses were more likely to report their information. City Council discussed the need for establishing a base line and offering a voluntary reporting approach first before resorting to one that is ordinance based as well as concerns over attaining the 90 percent goal. City Attorney Lindahl confirmed that information received as part of the reporting process and shared with city staff would be considered public information. Motion carried 4-3 with Lynch, Resnick, and Braig voting nay.

Carnegie-Stout Public Library Signs: The Carnegie-Stout Public Library and Historic Preservation Commission submitting recommendations regarding the Library's exterior signage at the request of the City Council from the December 20, 2011 meeting. Restated motion by Connors to receive and file the documents and recommend that the existing sign remain and be painted to blend with the Library building. Seconded by Braig. Library Board Vice President Mike Willis and Historic Preservation Commission Chairperson Dave Klavitter read respective correspondence for the record with corresponding recommendations. Responding to questions from the City Council Planning Services Manager Laura Carstens provided background information on the permit process and explained that the Historic Preservation Commission, by ordinance, serves as an advisory design review body to the City Council regarding historic preservation issues. Carstens also stated that City is exempt from its own regulations. Mayor Buol expressed his concern about setting a precedent. Motion failed 3-4 with Lynch, Resnick, Sutton, and Buol voting nay.

Motion by Resnick to require either the Library's Option #4 (pillars replaced with a solid, limestone-faced base) or the alternative presented by the Historic Preservation Commission and referred to as Option #5 (replace pillars with colored concrete base no more than 12 inches above the ground) and allowing the Library Board of Trustees to choose. Seconded by Sutton. Motion carried 6-1 with Braig voting nay.

A.Y. McDonald Contract with Iowa Economic Development Authority: City Manager recommending Council approval of a Financial Assistance Contract with the Iowa Economic Development Authority for Iowa Values Funds and High Quality Jobs Program Financial Assistance benefits on behalf of A.Y. McDonald. Motion by Lynch to receive and file the documents and approve Resolution No. 88-12 Approving an Iowa Values Fund Financial Assistance Contract by and among the Iowa Economic Development Authority, the City of Dubuque and A.Y. McDonald Mfg. Co. Seconded by Resnick. Motion carried 7-0.

Environmental Protection Agency (EPA) Green Infrastructure Program - Letter of Interest: City Manager recommending approval for the Mayor to execute a letter for the Environmental Protection Agency (EPA) Green Infrastructure Program, which requests that the City of Dubuque be included in the EPA Green Infrastructure Program. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Resnick reported on his attendance at the Taste of the World event held March 31 at Five Flags adding that it was a wonderful event that embraces cultural differences.

Lynch reported on the success of the Dubuque Area Chamber of Commerce's Dancing with the Stars – Dubuque Style and acknowledged the Judges' Choice Award received by Assistant City Manager Cindy Steinhauser.

There being no further business, upon motion the City Council adjourned at 7:49 p.m.

/s/Kevin S. Firnstahl
City Clerk

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