

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 16, 2012 in the Historic Federal Building.

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

Absent: Mayor Buol, City Attorney Lindahl

Mayor Pro-Tem Jones read the call and stated this is a regular session of the City Council to act upon such business that may properly come before the Council.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**PROCLAMATION(S)**

Week of the Young Child (April 22-28, 2012) was accepted by Sherri Edwards, Director, Dubuque County Early Childhood, 2728 Asbury Road.

**CONSENT ITEMS**

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

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 1/24 and 2/28, Cable TV Commission of 4/3, City Council proceedings of 4/2, Civil Service Commission of 3/15 and 4/6, Housing Commission of 3/27, Housing Trust Fund Committee of 8/19/11 and 4/4/12, Transit Advisory Board of 3/8, Zoning Advisory Commission of 4/4, Zoning Board of Adjustment of 3/22

Proofs of publication for City Council proceedings of 3/19 and List of Claims and Summary of Revenues for Month Ending 2/29

Upon motion the documents were received and filed.

Review of Denial of Claim by Gary and Shirley Jameson: City Attorney recommending denial of an appeal of a claim against the City for property damage filed by Gary and Shirley Jameson. Upon motion the documents were received, filed and concur with denial.

Intermodal Contract Amendment 3: City Manager is transmitting information on Amendment 3 to the Intermodal Contract with IIW Engineers for selection of an Intermodal site and extra work required regarding the location of a bus storage facility.

Upon motion the documents were received, filed, and approved.

Intermodal Contract Amendment 4: City Manager transmitting information on Amendment 4 to the Intermodal Contract with IIW Engineers for selection of an Intermodal site and extra work required related to an environmental review of the rail line and overnight location site for passenger rail service. Upon motion the documents were received, filed, and approved.

2012-2013 Urban Deer Management Plan: City Manager recommending approval of the 2012-2013 City of Dubuque Urban Deer Management Plan. Upon motion the documents were received, filed, and approved.

2011 National Park Service (NPS) Reports: City Manager transmitting the 2011 National Park Service (NPS) Annual Products Report and Baseline Questionnaire. Upon motion the document was received and filed.

New Terminal Aircraft Deice Fluid (ADF) Containment/Collection Project: City Manager recommending approval of funding the Aircraft Deice Fluid (ADF) Containment facility in the Fiscal Year 2013 budget rather than the Fiscal Year 2014 budget. Upon motion the documents were received, filed, and approved.

Five Flags Center - Fiscal Year 2013 Detailed Operating Budget: City Manager recommending approval of the Fiscal Year 2013 Five Flags Center proposed operating budget submitted by SMG. Upon motion the documents were received, filed, and approved.

Flood Disaster Legislative Amendment: City Manager recommending approval of a contract with David Adelman of Cornerstone in the amount of \$7,500 to assist City staff in amending House File 2465 to provide eligibility for the City of Dubuque's Bee Branch project for State of Iowa Flood Disaster money. Upon motion the documents were received, filed, and approved.

Acceptance of Storm Sewer Easements - 2600 and 2608 Matthew John Drive: City Manager recommending acceptance of storm sewer easements from Gerald D. and Patricia H. Richard and James F. and Karilyn M. Steffen for a storm sewer extension across 2600 and 2608 Matthew John Drive. Upon motion the documents were received and filed and Resolution No. 89-12 Accepting the grant of an easement for storm sewer under and across Lot 2 Harvest View Estates 4th Addition in the City of Dubuque, Dubuque County, Iowa; and Resolution No. 90-12 Accepting the grant of an easement for storm sewer under and across Lot 3 Harvest View Estates 4th Addition in the City of Dubuque, Dubuque County, Iowa, were adopted.

Landfill Equipment Operator Position: City Manager recommending approval to create one additional Landfill Equipment Operator position. Upon motion the documents were received, filed, and approved.

Dubuque Metropolitan Area Solid Waste Agency (DMASWA): Correspondence from the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) notifying the City that DMASWA is extending the Waste Delivery Contract with the City for an additional one-year term commencing July 1, 2012 through June 30, 2013. Upon motion the documents were received and filed.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Bus Operator, Firefighter, Fire Equipment Operator, Fire Lieutenant, Fire Captain, EMS Supervisor, Assistant Fire Chief, and Assistant Fire Marshal. Upon motion the documents were received, filed and made a Matter of Record.

Signed Contracts: Short Form Improvement Contract with Fischer Brothers, LLC for the Sutton Pool Water Slide Refinishing. Upon motion the document was received and filed.

Cookin' Something Up - Order Setting Hearing: City Manager recommending that the City Council reschedule the April 2, 2012 Alcohol Compliance Hearing for Cookin' Something Up until June 4, 2012, due to a conflict for their legal representative. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Adobo's Mexican Grill: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Adobo's Mexican Grill, 756 Main Street. Upon motion the documents were received, filed, and approved.

Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco license as submitted. Upon motion the documents were received and filed and Resolution No. 91-12 Approving 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; and Resolution No. 92-12 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A 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 Resnick. Motion carried 6-0.

General Corporate Purpose General Obligation Bonds - \$475,000: City Manager recommending that a public hearing be set for May 7, 2012, on the proposition of selling not to exceed \$475,000 in General Obligation Bonds, the proceeds of which will be used to pay costs of repainting the Library mezzanine ceiling and installation of security cameras in the Locust Street Ramp. Upon motion the documents were received and filed and Resolution No. 93-12 Fixing date for a meeting on the proposition of the

issuance of not to exceed \$475,000 of General Obligation Bonds and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 7, 2012 in the Historic Federal Building.

General Corporate Purpose General Obligation Bonds - \$600,000: City Manager recommending that a public hearing be set for May 7, 2012, on the proposition of selling not to exceed \$600,000 in General Obligation Bonds, the proceeds of which will be used to pay costs of City Hall exterior brick work. Upon motion the documents were received and filed and Resolution No. 94-12 Fixing date for a meeting on the proposition of the issuance of not to exceed \$600,000 of General Obligation Bonds and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 7, 2012 in the Historic Federal Building.

General Corporate Purpose General Obligation Borrowing - \$700,000: City Manager recommending that a public hearing be set for May 7, 2012, on the proposition of selling not to exceed \$700,000 in General Obligation Bonds, the proceeds of which will be used to pay costs of Fire Station improvements, Five Flags Arena roof and light fixtures replacement and replacement of the Grand River Center outdoor sign. Upon motion the documents were received and filed and Resolution No. 95-12 Fixing date for a meeting on the proposition of the issuance of not to exceed \$700,000 of General Obligation Bonds and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 7, 2012 in the Historic Federal Building.

Essential Corporate Purpose General Obligation Bonds - \$8,650,000: City Manager recommending that a public hearing be set for May 7, 2012, on the proposition of selling not to exceed \$8,650,000 in General Obligation Bonds, the proceeds of which will be used to pay costs of water and sanitary utility extensions from Technology Park South to the Airport, relocation of E911 equipment to a different tower, replacement of a Fire pumper truck, roof replacement at Bunker Hill, improvements at Bunker Hill and Flora and Sutton pools, local match of Federal Emergency Management Agency Flood Buyout Program for properties sustaining substantial damage in the July 2011 flood event, Airport improvements including local match on the New Terminal project and sanitary sewer, storm water and water improvements. Upon motion the documents were received and filed and Resolution No. 96-12 Fixing date for a meeting on the proposition of the issuance of not to exceed \$8,650,000 General Obligation Bonds (for Essential Corporate Purposes) of the City of Dubuque, Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 7, 2012 in the Historic Federal Building.

Urban Renewal General Obligation Bonds - \$5,575,000: City Manager recommending that a public hearing be set for May 7, 2012 on the proposition of selling not to exceed \$5,575,000 in General Obligation Urban Renewal Bonds, the proceeds of which will be used to fund urban renewal project activities under the authority of Chapter 403 of the Code of Iowa and the Amended and Restate Urban Renewal Plans for Greater Downtown and Dubuque Industrial Center Urban Renewal Areas, including

those costs associated with the expansion of Dubuque Industrial Center West to farmland known as South Siegert Farm and costs associated with Washington Neighborhood Subarea (Includes Bluff/West Locust) Building Incentive & Rehabilitation Program. This program provides low-interest loans and grants for rehabilitation and adaptive reuse of buildings in the Greater Downtown Urban Renewal District Washington Neighborhood Subarea. Upon motion the documents were received and filed and Resolution No. 97-12 Fixing date for a meeting on the proposition of the issuance of not to exceed \$5,575,000 General Obligation Bonds (for Essential Corporate Purposes) of the City of Dubuque, Iowa, and providing for publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 7, 2012 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

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. Upon roll-call vote of 5-1 (Sutton voting for Helgager), Julie Beck was appointed to the Environmental Stewardship Advisory Commission for a three-year term through October 1, 2014.

### **PUBLIC HEARINGS**

Request to Amend Planned Unit Development - Asbury Plaza (Tabled from March 5, 2012): 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 June 18, 2012. Motion by Connors to remove from the table. Seconded by Resnick. Motion carried 6-0.

Motion by Connors to table to June 18, 2012. Seconded by Lynch. Motion carried 6-0.

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

Request to Rezone - 1700 Block of Rhomberg Avenue: Proof of publication on notice of public hearing to consider a request from Mike Portzen / Holy Spirit Parish to rezone property located in the 1700 block of Rhomberg Avenue from R-2A Two-Family Residential District to R-4 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 Lynch. Planning Services Laura Carstens provided a staff report. Developer Mike Portzen stated that there will be 32 units available for sale and that renting the units until they are purchased may also be an option. Portzen added that background checks and covenants will be included in tenant/buyer agreements. Motion carried 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 30-12 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located in the 1700 block of Rhomberg Avenue from R-2A Alternate Two-Family Residential District to R-4 Multi-Family Residential District. Seconded by Braig. Motion carried 6-0.

Second Annexation Request - 10924 Key West Drive: Proof of publication on notice of public hearing to consider a second annexation request of Catherine C. Christopherson for an additional parcel at 10924 Key West Drive and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 98-12 Approving application for voluntary annexation of territory to the City of Dubuque, Iowa. Seconded by Connors. Motion carried 6-0.

Fiscal Year 2012 Budget Amendment No. 2: Proof of publication on notice of public hearing to consider the second Fiscal Year 2012 Budget Amendment, which amends the Fiscal Year 2012 budget for City Council actions, and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 99-12 Amending the current budget for the Fiscal Year ending June 30, 2012 (as amended last on September 29, 2011). Seconded by Braig. Motion carried 6-0.

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

### **ACTION ITEMS**

Retail Single-Use Plastic Bag Reporting Ordinance (Third 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.

Chamber of Commerce President and CEO Molly Grover requesting to address the City Council regarding the Chamber's position on the proposed Ordinance prior to the third reading.

Motion by Braig to table the third 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 to May 7, 2012. Seconded by Connors. Motion carried 6-0

Caradco Landlord, LLC - Iowa Finance Authority Collateral Amendment: City

Manager recommending approval of an amendment to the loan documents for the \$4.5 million loan provided by the Iowa Finance Authority to the City of Dubuque, which has in turn been loaned by the City to Caradco Landlord, LLC for the Caradco Building Project. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 6-0.

### **PUBLIC INPUT**

James Ferring, 1913 Jackson Street, addressed the City Council regarding an issue he has with a local pawn shop being in possession of property that he alleges was taken from his home during a robbery in June 2011. The City Manager referred Mr. Ferring to Police Chief Mark Dalsing, who was present at the meeting.

### **ADJOURNMENT**

There being no further business, upon motion the City Council adjourned at 7:02 p.m.

/s/Kevin S. Firnstahl  
City Clerk