

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

The Dubuque City Council met in regular session at 6:30 p.m. on May 7, 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 to act upon such business that may properly come before the Council.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

PROCLAMATION(S)

Dubuque Noon Lions Club 90th Anniversary Week (May 6-12, 2012) was accepted by current Lions Club President Dave Howe and incoming Lions Club President Eldon Hefel.

Nursing Home Week (May 13-19, 2012) was accepted by Barbara Barker Administrator for Luther Manor, 3131 Hillcrest Road.

Peace Officers' Memorial Week (May 13-19, 2012) was accepted by Police Chief Mark Dalsing and Corporal Travis Kramer of the City of Dubuque Police Department.

Preservation Month (May 2012) was accepted by Historic Preservation Commission Chairperson David Klavitter.

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: Arts and Cultural Affairs Advisory Commission of 3/27, City Council Proceedings of 4/16, Community Development Advisory, Commission of 4/18, Dubuque County Emergency Management Commission of 2/7, Environmental Stewardship Advisory Commission of 4/3, Historic Preservation Commission of 4/19, Human Rights Commission of 3/22, Library Board of Trustees of 3/22, Safe Community Advisory Committee of 3/14, Transit Advisory Board of 4/12, Zoning Board of Adjustment of 4/26

Library Board of Trustees Update from Meeting of 4/26

Proofs of Publication for City Council Proceedings of 4/2 and 4/16, and List of Claims and Summary of Revenues for Month Ended 3/31

Upon motion the documents were received and filed.

Notice of Claims and Suits: Steve Bartels for vehicle damage, Bechen, et al vs. City of Dubuque / Dubuque Racing Association d/b/a Mystique Casino for personal injury, David Jansen for property damage. Upon motion the documents were received and filed and referred to 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: Steve Bartels for vehicle damage. Upon motion the documents receive, file and concurred.

2012 Justice Assistance Grant (JAG) Application: City Manager recommending approval to accept the 2012 Justice Assistance Grant (JAG) award in the amount of \$37,320 from the Edward Byrne Memorial Assistance Grant Program. Upon motion the documents were received, filed, and approved.

County Board of Health - Subcontract Amendment: City Manager recommending approval of an amended Subcontract for the Healthy Homes and Childhood Lead Poisoning Prevention Services between the Dubuque County Board of Health and the City of Dubuque. Upon motion the documents were received, filed, and approved.

Iowa Department of Transportation - Urban Youth Corps Grant Agreement: City Manager recommending approval of an Urban Youth Corps Grant Agreement with the Iowa Department of Transportation for \$23,478 to provide transportation-related employment and training opportunities to youth between the ages of 16 and 21 who face barriers to employment. Upon motion the documents were received, filed, and approved

Code of Ordinances - Adoption of Supplement No. 8: City Clerk recommending adoption of Supplement No. 8 to the City of Dubuque Code of Ordinances, which adopted Ordinance Nos. 1, 3-5, and 14-20, 2012. Upon motion the documents were received and filed and Resolution No. 100-12 Adopting Supplement No. 8 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Community Development Block Grant (CDBG) Fiscal Year 2013 Agreement: City Manager recommending approval for the Mayor to sign a Community Development Block Grant (CDBG) Agreement with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$928,372 for the program year beginning July 1, 2012 and ending June 30, 2013. Upon motion the documents were received and filed and Resolution No. 101-12 Authorizing Execution of a Community Development Block Grant Agreement with the U.S. Department of Housing and Urban Development was adopted.

Housing Commission / Human Rights Commission: Commissioner Regine Ronek submitting her resignation from the Housing Commission and Human Rights Commission. Upon motion the documents were received and filed and the resignation accepted.

Project Concern - Fiscal Year 2012-2013 Funding Changes: City Manager transmitting correspondence from Project Concern that provides a synopsis of changes in the agency's 2012-2013 Fiscal year. Upon motion the document was received and filed.

State Historical Society of Iowa: Correspondence from the State Historical Society of Iowa informing the City that the Cathedral Historic District (Amendment and Update) and the Upper Central Avenue Commercial Historic District (1460-1965 Central Avenue) will be considered by the State National Register Nominations Review Committee for nomination to the National Register of Historic Places. Upon motion the documents were received and filed.

10th Annual Ken Kringle Award: Correspondence from Senator Pam Jochum congratulating the City on receiving the 10th Annual Ken Kringle Award recognizing the renovation of the Washington Street Rowhouses. Upon motion the document was received and filed.

Dubuque Soil and Water Conservation District - Catfish Creek Watershed Management Authority: City Manager recommending approval of a contract with the Dubuque Soil and Water Conservation District for the creation of the Catfish Creek Watershed Management Authority. Upon motion the documents were received and filed and Resolution No.102-12 Approving a contract for watershed planning between the City of Dubuque, Iowa, and the Dubuque Soil and Water Conservation District was adopted.

Historic Resource Development Program (HRDP) Grant Application - Four Mounds Estate: City Manager recommending authorization to sign the ownership form in support of the Historic Resource Development Program grant application for barn restoration at the Four Mounds Estate Historic District. Upon motion the documents were received and filed and Resolution No.103-12 Authorizing HRDP grant application to the State Historical Society of Iowa for Barn Restoration Project at Four Mounds Estate Historic District was adopted.

Historic Resource Development Program (HRDP) Grant Application Historic/Architectural Survey and Evaluation Phase VI: City Manager recommending approval for the Mayor to sign the Historic Resource Development Program grant application for Phase VI Historic/Architectural Survey and Evaluation in the amount of \$15,000. Upon motion the documents were received and filed and Resolution No. 104-12 Authorizing HRDP grant application to the State Historical Society of Iowa for Phase VI Historical/Architectural Survey and Evaluation was adopted.

Substance Abuse Services Center: Substance Abuse Services Center Executive Director Diane K. Thomas submitting the Center's Third Quarter Report. Upon motion the document was received and filed.

Fiscal Year 2013 Community Development Block Grant (CDBG) Program: City

Manager recommending approval of the Release of Funds for the proposed projects approved in the Fiscal Year 2013 (Program Year 2012) Annual Action Plan for Community Development Block Grant (CDBG) activities. Upon motion the documents were received and filed and Resolution No. 105-12 Authorizing request for release of Community Development Block Grant Funds for Fiscal Year 2013 (Program Year 2012) was adopted.

Quarterly Investment Report: City Manager transmitting the March 31, 2012 Quarterly Investment Report. Upon motion the documents were received and filed.

PetData, Inc. - Revised Agreement: City Manager recommending approval of a revised renewal agreement with PetData, Inc., for the pet licensing services that processes the sale of all dog and cat licenses in the City. Upon motion the documents were received, filed, and approved.

Plastic Center Development Agreement Second Amendment: City Manager recommending approval of the Second Amendment to the Development Agreement with Plastic Center Inc. to redevelop properties located at 426 W. 5th Street and 951, 955 and 957 Main Street. Upon motion the documents were received, filed and Resolution No. 106-12 Approving the Second Amendment to the Plastic Center, Inc., Development Agreement was adopted.

Request for Proposals - Thirty-Inch Force Main: City Manager recommending approval to release a Request for Proposals for the design to relocate the 30-inch force main from 12th Street to 7th Street. Upon motion the documents were received, filed, and approved.

Collective Bargaining Agreement Amendment - Teamsters Local Union No. 120 (Bus Operators): City Manager recommending approval of an amendment to the Collective Bargaining Agreement between the City of Dubuque and the Teamsters Local Union No. 120 (Bus Operators). Upon motion the documents were received, filed, and approved.

Plat of Survey - Bee Branch Subdivision No. 9: City Manager recommending approval of the Plat of Survey of Lots 1 and 2 of Bee Branch Subdivision No. 9. Upon motion the documents were received and filed and Resolution No. 107-12 Approving Plat of Survey of Lot 1 and Lot 2 of Bee Branch Subdivision No. 9 in the City of Dubuque, Dubuque County, Iowa, was adopted.

Iowa Public Art Network Conference: City Manager recommending approval to submit a letter of interest to the Iowa Arts Council to host an Iowa Public Art Network Conference in partnership with the Iowa Arts Council, Dubuque Museum of Art and the Voices from the Warehouse Organizing Committee. Upon motion the documents were received, filed, and approved.

Watershed Management Authority (WMA) Progress Report No. 2: City Manager

transmitting the Catfish Creek Watershed Management Authority Progress Report No. 2. Upon motion the document was received and filed.

Excess County Parcels - Acceptance of Quit Claim Deeds: City Manager recommending acceptance of quit claim deeds for five (5) excess parcels that the Dubuque County Treasurer offered to the City of Dubuque for purchase and approved by the City Council at the November 21, 2011 meeting. Upon motion the documents were received and filed and Resolution No. 108-12 Accepting a conveyance of property: the North ½ of the West 25 Feet of Lot 760 of A. McDaniels Subdivision; Resolution No. 109-12 Accepting a Conveyance of property: the South ½ of the West 25 Feet of Lot 760 of A. McDaniels Subdivision; Resolution No. 110-12 Accepting a conveyance of property: Lot 31 Of Levi's Addition in the City of Dubuque; Resolution No. 111-12 Accepting a conveyance of property: Lot D of Block 12 of Key Knolls Subdivision in the City of Dubuque; and Resolution No. 112-12 Accepting a conveyance of property: Lot 3 of Lot 1 of Mineral Lot 233 in the City of Dubuque were adopted.

Federal Emergency Management Agency (FEMA) - Buyout Grant Agreement for Flood-Damaged Homes: City Manager recommending approval of the City of Dubuque's 2011 Hazard Mitigation Grant Program Buyout Agreement with the Iowa Homeland Security and Emergency Management Division for acquisition and removal of four flood-damaged properties in the Manson Road/Old Mill Road area. Upon motion the documents were received, filed and Resolution No. 113-12 Authorizing 2011 HMGP Grant Agreement and related contracts for buyout of four flood-damaged properties was adopted.

City Towing Contract: City Manager recommending proposed changes to the City of Dubuque towing contract which is set to expire on July 1, 2012. Upon motion the documents were received, filed, and approved.

PEG Capital Expenditure Request: City Manager recommending approval of the Cable TV Commission's request for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for up to \$2,200 to purchase and install, in the Historic Federal Building Media Room, a device that will hold multiple video clips and instantly play them back. Upon motion the documents were received, filed, and approved.

Area Residential Care (ARC) Transfer Center - Phase II: City Manager recommending approval of a \$300,000 Public Transit Infrastructure Grant (PTIG) program application to the Iowa Department of Transportation for construction of a Transfer Center at the Area Residential Care Foundation (ARC). Upon motion the documents were received, filed, and approved.

Banner Policy Recommendation: City Manager requesting approval on revisions to the City of Dubuque banner policy and process. Upon motion the documents were received, filed, and approved.

North Cascade Road Bridge Replacement Project - 28E Agreement: City Manager

recommending approval for the Mayor to execute an Intergovernmental 28E Funding Agreement with Dubuque County for the North Cascade Road Bridge Replacement Project in Dubuque County. Upon motion the documents were received, filed and Resolution No. 114-12 Approving an Intergovernmental 28E Funding Agreement between the City of Dubuque and Dubuque County for the North Cascade Road Bridge Replacement Project, Iowa DOT Project No. STP-U-2100 (671) 5E-31 was adopted.

Vacant and Abandoned Building and Problem Property Collection Accounts: City Manager recommending authorization to certify vacant and abandoned building and problem property charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received, filed and Resolution No. 115-12 Authorizing the City to collect delinquent vacant and abandoned building and problem property charges in accordance with Title 6-6-3B1h; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Delinquent Garbage Collection Accounts: City Manager recommending authorization to certify garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received, filed and Resolution No. 116-12 Authorizing the City to collect delinquent garbage collection charges in accordance with Title 6-6-3C2o; title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Sustainable Dubuque Project Status Update: City Manager transmitting the monthly Sustainable Dubuque Project Status Update for April 2012. Upon motion the document was received and filed.

Dubuque Golf and Country Club - 2012 Fireworks Request: Communication from Rich Bugalski, Dubuque Golf and Country Club, requesting permission to display fireworks on Wednesday, July 4, 2012 (rain date of Thursday, July 5, 2012) on the Dubuque Golf and Country Club grounds. Upon motion the documents were received, filed, and approved.

Signed Contracts: A) IDOT Roadway Maintenance Agreement; B) Professional Services Agreement with Shive-Hattery, Inc., for design of traffic signalization reconstruction at JFK Road and Wacker Drive intersection; and C) Consultant Contract Amendment with JJR for Port of Dubuque Marina Project. Upon motion the documents were received and filed.

ARC Transfer Center Phase I - Easement Agreement: City Manager recommending approval of an Easement Agreement with Area Residential Care, Inc. for the canopy structure to be built at the Area Residential Care Facility at JFK Circle for protection from weather of passengers waiting to board and de-board from fixed route and paratransit buses. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Fiesta Cancun: City

Manager recommending approval of the Acknowledgment/Settlement Agreement for a first offense alcohol compliance violation for Fiesta Cancun Authentic Mexican Restaurant, 2515-1 NW Arterial. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders- Gin Rickey's Bar: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Gin Rickey's Bar, 1447 Central Avenue. Upon motion the documents were received, filed, and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders- Kalmes Breaktime Bar and Grill: City Manager recommending approval of the Acknowledgment/ Settlement Agreement for an alcohol compliance violation for Kalmes Breaktime Bar and Grill, 1097 Jackson 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 licenses as submitted. Upon motion the documents were received, filed and Resolution No.117-12 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.118-12 Approving the applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

BOARDS/COMMISSIONS

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions:

Electrical Code Board: Two 3-year terms through May 21, 2015 (Expiring terms of Schmidt and Uhrich) Applicants: Robert Schmidt, 2184 Orchard Drive; and Paul Uhrich, 489 Olympic Heights Road.

Historic Preservation Commission: 1 three-year term through July 1, 2012 (vacant at-large term of Knight). Applicant Otto Krueger, 2521 Wheatland Drive, spoke in support of his appointment.

PUBLIC HEARINGS

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

Proceedings on the Issuance of Not to Exceed \$475,000 General Obligation Bonds: For General Corporate Purposes and the City Manager recommending approval. Motion by Connors to receive, file and adopt Resolution No. 119-12 Instituting proceedings to take additional action for the authorization and issuance of not to exceed \$475,000 General Obligation Bonds. Seconded by Braig. Motion carried 7-0.

Proceedings on the Issuance of Not to Exceed \$600,000 General Obligation Bonds: For General Corporate Purposes and the City Manager recommending approval. Motion by Jones to receive, file and adopt Resolution No. 120-12 Instituting proceedings to take additional action for the issuance of not to exceed \$600,000 General Obligation Bonds. Seconded by Braig. Motion carried 7-0.

Proceedings on the Issuance of Not to Exceed \$700,000 General Obligation Bonds: For General Corporate Purposes and the City Manager recommending approval. Motion by Connors to receive, file and adopt Resolution No.121-12 Instituting proceedings to take additional action for the issuance of not to exceed \$700,000 General Obligation Bonds. Seconded by Jones. Motion carried 7-0.

Proceedings on the Issuance of Not to Exceed \$8,650,000 General Obligation Bonds: For Essential Corporate Purpose and the City Manager recommending approval. Motion by Connors to receive, file and adopt Resolution No. 122-12 Instituting proceedings to take additional action for the issuance of not to exceed \$8,650,000 General Obligation Bonds. Seconded by Jones. Motion carried 7-0.

Proceedings on the Issuance of Not to Exceed \$5,575,000 General Obligation Urban Renewal Bonds: The City Manager recommending approval. Motion by Jones to receive, file and adopt Resolution No. 123-12 Instituting proceedings to take additional action for the issuance of not to exceed \$5,575,000 General Obligation Bonds. Seconded by Braig. 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 (Third Reading, Tabled from April 16, 2012 meeting): City Manager recommending that the request for a plastic bag reporting ordinance be withdrawn. it is further recommended that a voluntary system of plastic bag reporting be established through the end of 2013 and that there be an extension of all the target dates by one full year. The Phase I goal would move from July 1, 2013, to July 1, 2014, and the other target dates would also be extended. At the end of 2013, compliance issues could be examined and reporting modifications recommended, if needed.

Motion by Jones to remove from the table. Seconded by Braig. Motion carried 7-0.

Motion by Jones to receive, file, and approve the City Manager's recommendations. Seconded by Connors. Resource Management Coordinator Paul Schultz and Scott Dittmer of Dittmer Recycling presented a brief video and responded to questions from the City Council. Motion carried 7-0.

Purchase of Service Grant Process: City Manager recommending approval of the Purchase of Service grant process for implementation in Fiscal Year 2014. Motion by Jones to receive, file and approve the recommendation. Seconded by Braig. Motion carried 7-0.

Arts and Culture Program - Fiscal Year 2013 Operating Support Requests: Arts and Cultural Affairs Advisory Commission requesting approval of the Fiscal Year 2013 Arts and Culture Funding Program for Operating Support recommendations and associated funding agreements. Motion by Braig to receive, file and approve the recommendation. Seconded by Resnick. Neighborhood Development Specialist Jerelyn O'Connor provided background information on the program and grant applicants. Motion carried 7-0.

Code of Ordinances - Excavation in Rights-of-Way Amendment: City Manager recommending approval of an amendment to the City of Dubuque Code of Ordinances, Title 10 Public Ways & Property, Chapter 2 Excavations to reference the City's Policy for Excavation in Rights-of-Way. 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. Motion carried 7-0

Motion by Connors for final consideration and passage of Ordinance No. 31-12 Amending City of Dubuque Code of Ordinances Title 10 Public Ways & Property, Chapter 2 Excavations, Section 10-2 by adding a new subsection 10-2-6 B to reference the policy for excavation in rights-of-way. Seconded by Resnick. Motion carried 7-0.

Code of Ordinances – Mufflers; Prevention of Noise Amendment: City Manager recommending approval of amendments to City Code Section 9-12-321.346 Mufflers; Prevention of Noise, by modifying the requirement for proof of a violation. 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. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 32-12 Amending City Of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 12 Equipment, Section 9-12- 321.436 Mufflers; Prevention of Noise by modifying the requirement of proof for a violation. Seconded by Braig. Motion carried 7-0

Historic Millwork District Banners: City Manager recommending approval of the design and purchase of 30 banners for the Historic Millwork District core area of Jackson and Washington Streets from 9th to 11th Streets and along 10th Street between Jackson and Elm Streets. Motion by Braig to receive, file, and approve the recommendation. Seconded by Connors. Motion carried 6-1 with Lynch voting nay.

Catfish Creek Watershed Management Authority - Draft 28E Agreement: City Manager requesting review and comment on the draft Catfish Creek Watershed Management Authority 28E Agreement with the City of Dubuque, Dubuque County, the City of Asbury, the City of Peosta, the City of Centralia and the Dubuque Soil and Water Conservation District. It is further requested that the City Council appoint three Dubuque representatives to serve on the Catfish Creek Watershed Management Authority Board

of Directors. Motion by Connors to receive, file and adopt Resolution No. 124-12 Approving 28E Agreement for the Catfish Creek Watershed Management Authority. Seconded by Jones. Responding to questions from the City Council, Planning Services Laura Carstens and Swiss Valley Urban Conservationist Eric Schmechel stated that current committee members could form part of the group that acts as an advisory body and that Mr. Schmechel and a City engineer will be responsible for facilitating the meetings. City Manager Van Milligen stated that it is the City Council's decision on the process for choosing representation. Motion carried 7-0.

Waiver of Special Assessments - 400 East 22nd Street: City Manager recommending approval to delay application of the \$4,150 in special assessments, due to work performed by the Housing Department to address exterior code violations at this abandoned property. Motion by Connors to receive, file, and approve the recommendation. Seconded by Resnick. Motion carried 7-0

Greater Dubuque Development Corporation - Board Member Appointments: Communication from Rick Dickinson, Greater Dubuque Development Corporation, requesting appointments to the Greater Dubuque Development Corporation Board of Directors (currently Mayor Roy Buol, City Manager Michael Van Milligen, Economic Development Director Dave Heiar and City Council Members Joyce Connors and Kevin Lynch). Motion by Jones to reappoint Council Members Connors and Lynch (one year terms from July 1, 2012 through June 30, 2013) and that Mayor Roy Buol, City Manager Michael Van Milligen, and Economic Development Director Dave Heiar continue to serve in their current capacity. Seconded by Resnick. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Resnick thanked Mayor Buol for all the time he spends promoting and representing the City of Dubuque.

Mayor Buol reported on his recent trip to Sweden and Germany with the National League of Cities to speak on Sustainable Dubuque.

PUBLIC INPUT

Kate Lydon, 123 Bluff Street, presented an internet petition showing support for allowing dogs in all the city parks. Robin McFarland, of That's My Dog, spoke in support of the issue. City Manager Van Milligen will submit the issue to a future meeting for referral to the Parks and Recreation Commission.

There being no further business, upon motion the City Council adjourned at 8:27 p.m.

/s/Trish L. Gleason
Assistant City Clerk

1t 5/16