

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

The Dubuque City Council met in regular session at 6:30 p.m. on June 4, 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)

Apples for Students Months (June/July 2012) was accepted by Karen Bryant, Events Coordinator for St. Mark Community Center, 1201 Locust Street.

LGBT Pride Month (June 2012) was accepted by Jessi Perry on behalf of Dubuque 365, Dubuque Friends Worship Group, Midwest Equality Coalition, PFLAG—Dubuque Chapter, Rainbow Pride, the Riverview Center, Soul Harbor Ministries, and the Unitarian Universalist Fellowship of Dubuque.

CONSENT ITEMS

Motion by Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated with exception to (#11) Dubuque Industrial Center South – Grading & Utilities Bid Rejection, which was held for separate discussion by John Moyna; and (#14) Gaviion Grain, LLC Salt Handling Contract, which was removed from the agenda.. Seconded by Lynch. Motion carried 7-0.

Minutes and Reports Submitted: City Council proceedings of 5/21, Historic Preservation Commission of 5/17, Safe Community Task Force of 3/14; Proofs of publication for City Council proceedings of 5/7 and 5/8. Upon motion the documents were received and filed.

Grand Opera House: Correspondence from Paul Hemmer, Executive Director of the Grand Opera House, thanking the Arts and Cultural Affairs Advisory Commission for special project and operational support grant funding. Upon motion the document was received and filed.

Arts and Cultural Affairs Advisory Commission: Communication from Commissioner Geri Shafer regarding her decision not to re-apply to the Arts and Cultural Affairs

Advisory Commission. Upon motion the document was received and filed.

TS Business Group, LLC - Grant of Easement for Floodwall Improvements: City Manager recommending acceptance of the Grant of Easement from TS Business Group for Floodwall Improvements behind 1701 Pennsylvania Avenue. Upon motion the documents were received and filed and Resolution No.134-12 Accepting the Grant of Easement for floodwall improvements over and across part of Lot 2 of Lot 2 of the Southeast ¼ of the Southeast ¼ of Section 21, T89N, R2E 5th P.M. in the City of Dubuque, Dubuque County, Iowa, was adopted.

Dubuque Regional Airport - New Passenger Terminal Site Work: City Manager recommending approval to move \$28,462 in Operating Funds to this Capital Project to increase the local match to include a 15% contingency. Upon motion the documents were received, filed, and approved.

Intermodal Transportation Campus - Consultant for Design Phase: City Manager recommending authorization to negotiate a contract with Neumann Monson for the multi-phased final design and for construction oversight of an Intermodal Transportation Campus in the Historic Millwork District. Upon motion the documents were received, filed, and approved.

Authorized Depository Institutions: City Manager recommending approval of a resolution increasing the maximum balance of City funds allowed to be deposited in Dubuque Bank and Trust to \$60,000. Upon motion the documents were received and filed and Resolution No. 135-12 Naming depositories was adopted.

Circles Program Contract - Move the Mountain Contract: City Manager recommending approval of a contract with Move the Mountain for services for the July 2012 - June 2013 contract year, at a cost of \$5,600. Upon motion the documents were received, filed, and approved.

Dubuque Soil and Water Conservation District Contract Amendment: City Manager recommending approval of an amended contract with the Dubuque Soil and Water Conservation District for the Catfish Creek Watershed Management Authority. Upon motion the documents were received and filed and Resolution No.136-12 Approving a contract amendment for watershed planning between the City of Dubuque, Iowa, and the Dubuque Soil and Water Conservation District was adopted.

Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager for Government Relations for Mediacom Communications Company informing the City of programming changes as of June 18, 2012. Upon motion the document was received and filed.

Dubuque Industrial Center South - Grading & Utilities Bid Rejection: City Manager recommending rejection of all competitive bid proposals and that the City Council authorize staff to immediately re-bid the project and authorize the City Clerk to advertise

for proposals. Motion by Jones to receive and file the documents and adopt Resolution No. 137-12 Rejecting all competitive bid proposals received for the Dubuque Industrial Center South Grading and Utilities – 2012 Project, Phase I and directing the City Clerk to re-advertise for the project. Seconded by Braig. John Moyna, C.J. Moyna & Sons, Inc., 24412 Highway 13, Elkader, Iowa, addressed the Council regarding what he believed were issues with the bidding processes, bid addendums, and the publication of bid information, and he ask the City Council to reconsider the rejection of bids. Responding to questions from the City Council, City Engineer Gus Psihoyos and City Attorney Barry Lindahl stated that bids become public information at the time they are opened and read as stated in the Notice to Bidders. Motion carried 7-0.

Federal Emergency Management Agency (FEMA): City Manager recommending approval for the City of Dubuque to proceed through the review and appeal procedures as outlined in the letter received from the Federal Emergency Management Agency (FEMA) dated May 4, 2012. Upon motion the documents were received, filed, and approved.

Sustainable Dubuque Project Status Report: City Manager transmitting the Sustainable Dubuque monthly project status update for May 2012. Upon motion the documents were received and filed.

Gavilon Grain, LLC - Salt Handling Contract: City Manager recommending approval of a salt handling contract with Gavilon Grain, LLC for the 2012-13 season. Upon motion this item was removed from the agenda.

Iowa Department of Transportation (IDOT) - Grade Crossing Surfacing Repair Agreement: City Manager recommending approval of the State of Iowa Federal-Aid Grade Crossing Surface Repair Agreement between the Canadian Pacific Railway d/b/a Dakota, Minnesota & Eastern Railroad Corporation, Iowa Department of Transportation, and the City of Dubuque for the East 16th Street railroad crossing. Upon motion the documents were received and filed and Resolution No. 138-12 Approving State of Iowa Federal-Aid Grade Crossing Surface Repair Agreement for the construction of surface improvements at the railroad crossing located at East 16th Street (Agreement 376127D) was adopted.

Eide Bailly Audit Engagement Agreement: City Manager advising that the annual audit engagement letter to Eide Bailly has been signed and is transmitting information contained in the audit engagement letter. Upon motion the documents were received and filed.

Smart Planning Consortium Update: City Manager transmitting an update to the City Council on the Dubuque County Smart Planning Consortium. Upon motion the documents were received and filed.

Southwest Arterial - AECOM Supplemental Agreement: City Manager recommending approval for the Mayor to execute the Consultant Professional Services - Supplemental

Agreement with AECOM Technical Services, Inc. for the final engineering design phase of the Southwest Arterial, subject to the concurrence of the Iowa Department of Transportation. Upon motion the documents were received and filed and Resolution No. 139-12 Approving the Consultant Professional Services Supplemental Agreement No. 11 between AECOM Technical Services, Inc. and the City of Dubuque for the final engineering design phase of the Southwest Arterial Project was adopted.

Sunset Ridge Reconstruction - Project Acceptance: City Manager recommending acceptance of the improvements, establish the final contract at \$1,225,080.15 and adopt the Final Schedule of Assessments for the Sunset Ridge Reconstruction Project. Upon motion the documents were received and filed and Resolution No. 140-12 Accepting the Sunset Ridge Reconstruction Project and authorizing the payment of the contract amount to the contractor; and Resolution No. 141-12 Adopting the final assessment schedule for the Sunset Ridge Reconstruction Project were adopted.

Homelessness Prevention and Rapid Re-Housing Program (HPRP): Correspondence from the U.S. Department of Housing and Urban Development (HUD) informing the City that it must expend 100 percent of the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant by July 15, 2012. Upon motion the documents were received, filed and referred to the City Manager.

Healthy Homes and Lead Hazard Control Grant Quarterly Report: Correspondence from the U.S. Department of Housing and Urban Development (HUD) Office of Healthy Homes and Lead Hazard Control informing the City that its program has received an overall rating of 100 out of 100 with a Green designation for meeting and/or exceeding most primary benchmarks. Upon motion the documents were received and filed.

Economic Development Administration Disaster Grant - Bee Branch Creek Restoration: City Manager recommending that the City submit a \$4 million grant request to the U.S. Economic Development Administration for the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No.142-12 Approving an application for flood disaster funding to the EDA for the Bee Branch Creek Restoration Project was adopted.

Signed Contracts: A) Dubuque County Elections Lease, B) Twilight River Boat Docking Agreement. Upon motion the documents were received and filed.

Business License Refunds: Request for liquor license refunds for The Twisted Pickle, LLC in the amount of \$211.25; and The District, Inc. in the amount of \$422.50. 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 applications as submitted. Upon motion the documents were received and filed and Resolution No.143-12 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. 144-12 Approving 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; applicant appointments will be made at the next City Council meeting.

Arts and Cultural Affairs Advisory Commission: Three 3-year terms through June 30, 2015 (Expired terms of Henkels, Steffen and Shafer). Specialized positions: 2 Business/Professional representatives (One living/working within the Cultural District); and 1 At-Large living/working outside the Cultural District. Applicants: Ellen Henkels, 890 W. 3rd Street; John Keith King, 489 W. 4th Street; Julie Steffen, 2260 Coates Street; Vince Williams, 3965 Creston Street. Ms. Henkels, Mr. King, and Mr. Williams spoke in support of their respective appointments.

Civic Center Advisory Commission: One 3-year term through June 29, 2015 (Expired term of Parks). Applicant: Bryce Parks, 2005 N. Main Street.

Historic Preservation Commission: One 3-year term through July 1, 2015 (Expired At-Large term of Bichell). Applicant: Mary Loney Bichell, 595 W. 11th Street.

Investment Oversight Advisory Commission: Two 3-year terms through July 1, 2015 (Expired terms of Chalmers and Simonson). Applicants: Brad Chalmers, 1095 W. 3rd Street; John Keith King, 489 W. 4th Street; Ashlie Simonson, 44 S. Algona Street. Mr. King spoke in support of his appointment.

Library Board of Trustees (Mayoral Appointment) Two 4-year terms through July 1, 2016 (Expired terms of Connors and Anderson-Bricker). Applicants: John Anderson-Bricker, 903 Merz Street; Paula Connors, 818 S. Grandview Avenue; John Pregler, 1525 Pego Court. Mr. Anderson-Bricker, Ms. Connors, and Mr. Pregler spoke in support of their respective appointments.

Long Range Planning Advisory Commission: Two 3-year terms through July 1, 2015 (Expired terms of Darter and Pregler). Applicants: Chad Darter, 2544 Matthew John Drive; John Pregler, 1525 Pego Court. Mr. Pregler spoke in support of his appointment.

Park and Recreation Commission: One 3-year term through June 30, 2015 (Expired term of Blocker). Applicant: Robert Blocker, 880 Kane Street. Mr. Blocker spoke in support of his appointment.

Transit Advisory Board: One 3-year term through July 30, 2015 (Expired term of Esser). Applicant: Matthew Esser, 90 Main Street.

Appointment to the following commission:

Human Rights Commission: One 3-year term through January 1, 2013 (Vacant term of Ronek). Applicant: Andrea Helgager, 40 Main Street. Motion by Braig to appoint Andrea Helgager to the Human Rights Commission to complete a vacant 3-year term through January 1, 2013. Seconded by Connors. Motion carried 7-0.

PUBLIC HEARING

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

Loras College Parkway - Grading/Paving, Public Hearing & Award: Proof of publication on notice of public hearing to consider the approval of the plans, specifications, form of contract and estimated cost for the Loras Parkway Project, authorize the City Manager to execute the Subgrantee Agreement, and award the project to Horsfield Construction, Inc. in the amount of \$483,757.45 subject to the approval of the Iowa Department of Transportation. Upon motion the documents were received and filed and Resolution No. 145 Approval of plans, specifications, form of contract, and estimated cost for the Loras Parkway Project (Iowa DOT Project No. TCSP-PA27(003)--9S-31); Resolution No. 146-12 Approving a Subgrantee Agreement between the City of Dubuque and Loras College for the Loras College Parkway PCC Pavement - Grade and Replace Project (Iowa DOT Project No. TCSP-PA27(003)--9S-31); and Resolution No. 147-12 Awarding Public Improvement Contract for the Loras Parkway PCC Pavement - Grade and Replace Project (Iowa DOT Project No. TCSP-PA72(003)--9S-31) were adopted.

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

ACTION ITEMS

Cookin' Something Up - Alcohol Compliance Violation Hearing: Assistant City Attorney Crenna Brumwell conducted a civil penalty hearing on the second alcohol compliance violation as requested by Cookin' Something Up, 1640, John F. Kennedy Road. Mayor Buol swore in the witnesses. Motion by Connors to receive the Exhibits as submitted. Seconded by Braig. Motion carried 7-0

Assistant City Attorney Crenna Brumwell and Attorney for the business Tom Goodman provided opening statements. Testimony was heard from Amy Hedley, Mary Kay Hurm, Kerianne Kane, Stephanie Gorius, Doris Gorius, Corporal Steve Eastvedt, and Officer Shane O'Brien. Motion by Connors to receive and file the documents, and approve the order provided by Assistant City Attorney Brumwell which imposes a \$1,500 civil penalty and the thirty-day suspension of the liquor license as shall be agreed upon by the Chief of Police. Seconded by Resnick. Motion carried 7-0.

Convention and Visitors Bureau Quarterly Report: Director Keith Rahe provided an update on the activities of the Dubuque Convention and Visitors Bureau that included information about changes in staff, What Women Want event, America's River Festival, Three-on-Three Basketball Tournament and the National Grocers' Association Conference. Responding to questions from the Council, Mr. Rahe provided information about the use of hotel/motel taxes, financial statements provided to the Chamber of Commerce Board of Directors and the City of Dubuque's budget process, marketing partnerships and the America's River Board and Festival funding. Motion by Connors to receive and file the information. Seconded by Resnick. Motion carried 7-0.

Demolition Permit Appeal - 1760 Jackson Street: City Manager recommending

approval to issue a demolition permit at 1760 Jackson Street in response to an appeal to City Council by Ted Stackis regarding the Historic Preservation Commission's denial of the permit. Motion by Braig to receive and file and approve the issuance of the demolition permit per the City Manager's recommendation. Seconded by Resnick. Motion carried 7-0.

Sale of Bonds - Taxable General Obligation Bonds Series 2012C and General Obligation Bonds Series 2012D: City Manager advising that the results of the sale of 6,965,000 Taxable General Obligation Bonds Series 2012C and \$7,595,000 General Obligation Bonds Series 2012D will be brought to the June 4, 2012 City Council meeting for approval. Motion by Connors to receive and file the documents and adopt Resolution No. 148-12 Directing the sale of Taxable General Obligation Bonds Series 2012C, and Resolution No. 149-12 Directing the sale of General Obligation Bonds Series 2012D. Seconded by Jones. Judy Vanda of PFM Group reviewed the results of the bond sale and responded to questions from the City Council. Motion carried 7-0.

Appeal of Sidewalk Installation - 449 Lowell Street: Correspondence from Rod and Sharron Chapman appealing the City's requirement for a sidewalk at 449 Lowell Street. Motion by Connors to receive and file the documents and grant an exception to the sidewalk requirement until such time as sidewalks are installed along adjacent properties. Seconded by Resnick. Motion carried 7-0.

Heartland Financial USA, Inc.: City Manager recommending approval of a resolution authorizing the submission of a Financial Assistance application to the Iowa Economic Development Authority on behalf of Heartland Financial USA, Inc. Motion by Connors to receive and file the documents and adopt Resolution No. 150-12 Authorizing the filing of a State of Iowa Financial Assistance application on behalf of Heartland Financial USA, Inc. Seconded by Lynch. Motion carried 7-0.

Catfish Creek Watershed Management Authority - Representatives Selection Process: City Manager transmitting recommendations for the selection process for City of Dubuque representatives, in accordance with the approved 28E agreement for the Catfish Creek Watershed Management Authority for City Council review and approval. Motion by Connors to receive and file the documents and approve the selection of one staff member as recommended by the City Manager and two qualified citizens with an application process similar to that of the current boards and commission program. Seconded by Resnick. Motion carried 7-0.

Upper Central Avenue Commercial Historic District: Historic Preservation Commission recommending approval of the Upper Central Avenue Commercial Historic District review criteria and nomination to the State Nominations Review Committee. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Wilmac Property Group - Multi-Family Rental Unit Production Round 4 Application: City Manager recommending approval of an application for a Community Development

Block Grant (CDBG) Multi-Family Rental Unit Production - Round 4 funding to create multi-family rental units in the Betty Building located at 901 Jackson Street in the Historic Millwork District. Motion by Jones to receive and file the documents and adopt Resolution No. 151-12 Resolution of Support to the Iowa Economic Development Authority, on behalf of Tim Mcnamara/Wilmac Property Group for submittal of an application for a CDBG Disaster Multi-Family Unit Production Round 4 Application. Seconded by Braig. Responding to questions from City Council, Economic Development Director Dave Heiar stated that this is a competitive application with CDBG requirements but still consistent with workforce income level. Motion carried 7-0.

Iowa Finance Authority - Novelty Iron Works: City Manager recommending approval to pursue a \$4.5 million low-interest loan from the Iowa Finance Authority to assist the Novelty Iron Works project, 333 E. 10th Street, in the Historic Millwork District. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Resnick. Responding to questions from City Council, Economic Development Director Dave Heiar stated that this application process has fewer restrictions than the previous CDBG item and is also consistent with workforce level income. Motion carried 7-0.

Request for Qualifications - Site Selection Study and Environmental Analysis for a Bus Storage and Maintenance Facility: City Manager recommending Council approval to distribute a Request for Qualifications for services required to do a site selection study and environmental analysis for a bus storage and maintenance facility. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

Stormwater Management Utility Fee for Fiscal Year 2013: City Manager recommending an amendment to the City of Dubuque Code of Ordinances amending the Stormwater Management Utility Fee which will maintain the rate of \$5.60 per month at least through June 30, 2013. 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 Jones. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 35-12 Amending City of Dubuque Code of Ordinances Section 13-4-5 (D) SFU Rate, Charges, Utility Revenues. Seconded by Braig. Motion carried 7-0.

City Wide Water Meter Replacement and Unmeasured Flow Reducer (UFR) Installation Program - Project Acceptance: City Manager recommending acceptance of the City Wide Water Meter Replacement and Unmeasured Flow Reducer (UFR) Installation Project, as completed by Northern Water Works Supply, in the final contract amount of \$7,324,285. Motion by Connors to receive and file the documents and adopt Resolution No. 152-12 Accepting the City of Dubuque, Iowa, Water Meter Replacement Project. Seconded by Resnick. Motion carried 7-0.

IowaWORKS - Region 1 Workforce Investment Board (RWIB): Communication from

Dave Leary, Region 1 Director for IowaWORKS, Northeast Iowa, requesting nominations to fill a vacancy that exists on the Region 1 Workforce Investment Board (RWIB) historically held by a member of the Dubuque City Council. Motion by Connors to receive the documents and recommend Council Members Jones and Resnick file resumes for consideration to the Region 1 Workforce Investment Board. Seconded by Resnick. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 10:26 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa. Seconded by Braig. Motion carried 7-0.

Upon motion the City Council reconvened in open session stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 10:44 p.m.

/s/Kevin S. Firnstahl
City Clerk

1t 6/13