

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

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

Present: Mayor Pro-Tem Jones; Council Members Braig, Lynch, Resnick, City Manager Van Milligen, City Attorney Lindahl

Absent: Mayor Buol; Council Members Connors and Sutton

Mayor Pro-Tem Jones 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**

Mayor Pro-Tem Jones announced that the City of Dubuque was named a 2012 All America City by the National Civil League based on the City's plan to ensure that more children are reading at grade level by the end of third grade. Jones credited the coalition that included Every Child/Every Promise, Carnegie-Stout Public Library, the Community Foundation of Greater Dubuque, the Dubuque Area Chamber of Commerce and leaders and experts from area schools, colleges, universities, nonprofits, businesses, city government and philanthropies.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Motion carried 4-0.

Minutes and Reports Submitted: City Council proceedings of 6/18

Proof of publication for City Council proceedings of 6/4. Upon motion the documents were received and filed.

Notice of Claims and Suits: Donna McKnight for property damage; North Grandview Estates, LLC/Richard Henkel vs. City of Dubuque for installation of streets; Tina Pfeiler for vehicle 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: Claim by Donna McKnight for property damage, claim by Tina Pfeiler for vehicle damage. Upon motion the documents were received, filed and concurred.

Safe Community Advisory Committee: Committee Member Amanda Elkins submitting her resignation from the Safe Community Advisory Committee. Upon motion the document was received, filed and the resignation accepted.

Excess Worker's Compensation Insurance Renewal: City Manager recommending approval of the Worker's Compensation Excess Insurance renewal with Safety National effective July 1, 2012 through June 30, 2013. Upon motion the documents were received, filed, and approved.

Mediacom Dubuque Digital Upgrade 2012: City Manager providing an update on Mediacom's continuing transition away from analog signals toward all digital television in Dubuque. Upon motion the documents were received and filed.

Hunter Equity, LLC / 2013 Dubuque, LLC (FedEx): City Manager recommending approval of a Consent and Subordination Agreement with CrossFirst Bank. Upon motion the documents were received, filed, and approved.

Kaufmann Avenue HMA Resurfacing - Project Acceptance: City Manager recommending acceptance of the Kaufmann Avenue HMA Resurfacing Project (John F. Kennedy Road to Carter Road), as completed by Top Grade Excavating, Inc., in the final contract amount of \$560,742.09. Upon motion the documents were received and filed and Resolution No. 169-12 Accepting the Kaufmann Avenue HMA Resurfacing Project (John F. Kennedy Road to Carter Road), Iowa DOT Project No. STP-U-2100 (662)--70-31 and authorizing the payment of the contract amount to the contractor was adopted.

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

Mines of Spain Trail - State Recreation Trail Grant Application: City Manager recommending approval to submit a 2012 State Recreational Trails grant application in the amount of \$170,500 to the Iowa Department of Transportation for development of the Mines of Spain Trail and Trailhead Project. Upon motion the documents were received and filed and Resolution No. 170-12 Authorizing State Recreational Trails Grant Application to Iowa Department of Transportation for development of the Mines of Spain Trail and Trailhead was adopted.

Code of Ordinances - Adoption of Supplement No. 9: City Clerk recommending adoption of Supplement No. 9 to the City of Dubuque Code of Ordinances, which adopts Ordinance Nos. 21-12, 22-12, 23-12, 24-12, 25-12, 29-12, 31-12 and 32-12. Upon motion the documents were received and filed and Resolution No. 171-12 Adopting Supplement No. 9 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

Homelessness Prevention and Rapid Re-Housing program (HPRP) Amendment: City

Manager recommending approval of Amendment Three to the Project Concern, Inc. Agreement for the Homelessness Prevention and Rapid Re-Housing Program. Upon motion the documents were received, filed, and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Sons Excavating for 2012 Brick Manhole Replacement Project No. 4; Horsfield Construction, Inc. for Ramona Street Panel Replacement Project; Winger Construction Company for deconstruction of 517 East 22nd Street. Upon motion the documents were received and filed.

Signed Contracts: Racom Critical Communications for AVL Equipment Service Agreement and IP Video Service Support, Coca-Cola Beverage Agreement with the Leisure Services Department. Upon motion the documents were received and filed.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Baymont Inn & Suites: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Baymont Inn & Suites, 4025 McDonald Drive. Upon motion the documents were received, filed, and approved.

Alcohol and Tobacco License Applications: 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. 172-12 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. 173-12 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

WP Investments, LLC – Acceptance of Deeds: City Attorney recommending the acceptance of deeds for two properties on 16th Street from WP Investments, LLC related to the Bee Branch Creek Restoration Project. Upon motion the documents were received and filed and Resolution No. 174-12 Accepting the deed to certain real estate in Dubuque County, Iowa from WP Investments, LLC (East ½ of Lot 252); and Resolution No. 175-12 Accepting the deed to certain real estate in Dubuque County, Iowa from WP Investments, LLC (Tracs I, II & III) 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 4-0.

Theisen Supply, Inc.: City Manager recommending that a public hearing be re-set for July 16, 2012, to approve disposition of approximately 5.7 acres in the Dubuque Industrial Center West to Leo Theisen for the purpose of constructing an 80,000 square foot warehouse expansion. Upon motion the documents were received and filed and

Resolution No. 176-12 Resolution of Intent to dispose of an interest in City of Dubuque real estate and fixing the date for a public hearing of the City Council of The City Of Dubuque, Iowa on the proposed issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a Development Agreement relating thereto with Leo A. Theisen and Theisen Supply, Inc. and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on July 16, 2012 in the Historic Federal Building.

Annexation Request - C3 Investments: City Manager recommending that a public hearing be set for July 16, 2012 on the annexation request of C3 Investments Trust for 0.063 acres of property on the south side of the City of Dubuque adjacent to Timber-Hyrst Subdivision. 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 July 16, 2012 in the Historic Federal Building.

Sewer Revenue Capital Loan Notes (Refunding Water Revenue Capital Loan Notes Series 2010C): City Manager recommending that a public hearing be set for July 16, 2012 on the proposition of issuing not to exceed \$3,058,000 in Clean Water State Revolving Fund Loan Notes to refund \$3,058,000 Water Revenue Capital Loan Notes (Drinking Water State Revolving Loan Fund), Series 2010C for the City Wide Water Meter Replacement and Unmeasured Flow Reducer Installation Project. Upon motion the documents were received and filed and Resolution No. 177-12 Fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$3,058,000 Sewer Revenue Capital Loan Notes of 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 July 16, 2012 in the Historic Federal Building.

Sewer Revenue Capital Loan Notes (State Revolving Fund Sponsored Project): City Manager recommending that a public hearing be set for July 16, 2012 on the proposition of issuing not to exceed \$9,400,000 in Sewer Revenue Capital Loan Notes, (State Revolving Fund Sponsored Project). Upon motion the documents were received and filed and Resolution No. 178-12 Fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$9,400,000 Sewer Revenue Capital Loan Notes 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 July 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:

Building Code Boards of Appeals: Two 3-year terms through August 1, 2015 (Expiring at-large term of Luchsinger and ADA term of Cruise). Applicants: Marla Cruise, 905 Rockdale Road (ADA Representative); and Richard Luchsinger, 2875 Brueck Road (At-Large)

Zoning Board of Adjustment: One 5-year term through March 25, 2017 (Expiring term of Gibbs). Applicant: William J. Gibbs, 440 S. Grandview Avenue.

## **PUBLIC HEARINGS**

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

Holliday Third Addition - Vacate of Sanitary Sewer: Proof of publication on notice of public hearing to consider request from James Kaune of IIW, PC requesting the vacating of a sanitary sewer easement in the Holliday Third Addition and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 179-12 Disposing of City interest in a sanitary sewer easement over and across Lot 7 and Lot 2 of 8 in Holliday Third Addition in the City of Dubuque, Dubuque County, Iowa; and Resolution No. 180-12 Release of sanitary sewer easement over and across Lot 7 and Lot 2 of 8 in Holliday Third Addition in the City of Dubuque, Dubuque County, Iowa. Seconded by Braig. Motion carried 4-0.

Holliday Third Addition - Vacate of Storm Sewer Easement: Proof of publication on notice of public hearing to consider a request from Nick Lange of Buesing & Associates for the vacating and relocation of a storm sewer easement in the Holliday Third Addition and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 181-12 Approving plat of storm sewer easement; Resolution No. 182-12 Disposing of City interest in a storm sewer easement on Lot 1 of Holliday Third Addition in the City of Dubuque, Dubuque County, Iowa; and Resolution No. 183-12 Release of storm sewer easement over Lot 1 Holliday Third Addition in the City of Dubuque, Dubuque County, Iowa. Seconded by Resnick. Motion carried 4-0.,

North End Trail Lighting Project: Proof of publication on notice of public hearing to approve the plans and specifications, estimated cost and form of contract for the North End Trial Lighting Project and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 184-12 Approval of plans and specifications, form of contract and estimated cost for the North End Neighborhood Trial Lighting Project. Seconded by Resnick. Leisure Services Manager Marie Ware provided a description of the lighting stating that it pertained to the City portion of the off-street section of the trail. Motion carried 4-0.

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

## **ACTION ITEMS**

Request for Closed Session: City Manager requesting a closed session for Monday, July 16, at 5:30 p.m. to discuss legal matters and rescheduling the tour of the Water & Resource Recovery Center that was scheduled for July 16, to Monday, August 20, at 4:30 p.m. Motion by Lynch to receive and file the documents and set the closed session as requested. Seconded by Resnick. Motion carried 4-0.

## **COUNCIL MEMBER REPORTS**

Council Member Resnick made special note of the Alda Kaufman exhibit at the Dubuque Museum of Art and the dedicated Dragon Boat team, which he experienced at the recent Water Trail ribbon cutting.

There being no further business, upon motion the City Council adjourned at 6:43 p.m.

/s/Kevin S. Firnstahl  
City Clerk

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