

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

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

Tour de Dubuque Ride for Hospice Day (August 18, 2012) was accepted by Gene Rouske, Kevin Vaassen, and Brian Meloccaro of Custom Riders, Inc. 2885 Davenport Street.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Kelly Hingtgen, 3416 Foothill Road, requested No. 14 City Clerk's Salary Compensation be held for separate discussion. No. 18 Request to Accept Donation of 735 Caledonia Place was amended to correct a name change. No. 24 Tower Lease Agreement – Dubuque County 911 and Radio Dubuque was pulled from the agenda. Motion carried 7-2.

Minutes and Reports Submitted: Cable TV Commission of 6/6, City Council Proceedings of 7/16, Civic Center Advisory Commission of 3/5, Civil Service Commission of 7/12, Dubuque County Emergency Management Commission of 5/1, Historic Preservation Commission of 7/19, Housing Commission of 6/26, Human Rights Commission of 6/18, Sister City Relationships Advisory Commission of 7/18, Zoning Advisory Commission of 7/5, Proof of Publication for City Council Proceedings of 6/27 and 7/2. Upon motion the documents were received and filed.

Notice of Claims and Suits: Bill and Laura Merritt for vehicle damage, Jennifer Sheldon 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: Bill and Laura Merritt for vehicle damage, Jennifer Sheldon for property damage. Upon motion the documents were received, filed and concurred.

Smarter Cities Pioneers: Correspondence from Janet Ang, Managing Director of IBM/Singapore, thanking Mayor Buol for his participation in the Evening with Smarter Cities Pioneers held July 3, 2012 in Singapore. Upon motion the document was received and filed.

Bell Tower Theater: Correspondence from the Bell Tower Theater thanking the City Council for the 2013 Arts and Culture Grant award for Special Projects. Upon motion the document was received and filed.

Civil Service Commission: Civil Service Commission submitting the certified lists for Golf Course Supervisor and Water Plant Operator. Upon motion the document was received, filed and made a Matter of Record.

Cable TV Commission: Commissioner George Herrig submitting his resignation from the Cable TV Commission. Upon motion the document was received, filed and the resignation accepted.

Community Development Advisory Commission: Commissioner Abbey Smith submitting her resignation from the Community Development Advisory Commission due to a change in residency. Upon motion the document was received, filed and the resignation accepted.

7th Street Retaining Wall Repair - Project Acceptance: City Manager recommending acceptance of the construction contract for the 7th Street Retaining Wall Reconstruction Project, as completed by Portzen Construction, Inc. Upon motion the documents were received and filed and Resolution No. 203-12 Accepting the 7th Street Retaining Wall Reconstruction Project and authorizing the payment of the contract amount to the contractor was adopted.

Request for Proposals - 911 Center Needs Assessment: City Manager recommending approval of the release of a Request for Proposal for the 911 Center Needs Assessment. Upon motion the documents were received, filed, and approved.

Dubuque Regional Airport T-Hangar Paving: City Manager recommending approval to transfer \$3,100 in operating funds to the Dubuque Regional Airport T-Hangar Paving capital improvement project for the local 5% match in the event it is needed. Upon motion the documents were received, filed, and approved.

Mediacom: Correspondence from Lee Grassley, Senior Manager of Government Relation for Mediacom informing the City of rate adjustments to be implemented on or about September 1, 2012. Upon motion the document was received and filed.

License Agreement - Stone Cliff Winery: City Manager recommending approval to

renew the License Agreement with Stone Cliff Winery through August 31, 2015. Upon motion the documents were received, filed, and approved.

City Clerk Salary Compensation: Fiscal Year 2012 City Clerk salary compensation submitted for approval. Motion by Braig to receive and file the document and approve. Seconded by Jones. Kelly Hingtgen, 3416 Foothill Road, questioned the salary increase as compared against the job posting and General Employees Wage Plan. Mayor Buol stated that Ms. Hingtgen would receive a written response. Motion carried 7-0.

Dubuque Area Convention and Visitors Bureau: Dubuque Area Convention and Visitors Bureau (CVB) submitting the minutes from the CVB Advisory Board meeting of July 19, 2012. Upon motion the document was received and filed.

Dubuque County Smart Planning Consortium Update: City Manager transmitting an update on the work of the Dubuque County Smart Planning Consortium on the draft Dubuque County Regional Smart Plan for sustainable development and upcoming public input meetings. Upon motion the documents were received and filed.

Dubuque Jaycees / Radio Dubuque - 2013 Fireworks Request: Correspondence from Thomas Parsley, General Manager of Radio Dubuque, requesting permission to conduct a fireworks display on Tuesday, July 3, 2013 from 9:00 p.m. to 10:30 p.m. on Volunteer Road between Hawthorne and Lime Streets with a rain date of July 4, 2013. Upon motion the documents were received, filed, and approved.

Request to Accept Donation of 735 Caledonia Place: City Manager recommending approval to accept the "as is" donation of 735 Caledonia Place from the James P. Lammers Estate, which will be used as an addition to Hilltop Park. Upon motion the documents were received, filed, and approved.

Madison Street Retaining Wall Repair - Project Acceptance: City Manager is recommending acceptance of the construction contract for the Madison Street Retaining Wall Repair Project, as completed by McAuliffe Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 204-12 Accepting the Madison Street Retaining Wall Repair Project and authorizing the payment of the contract amount to the contractor was adopted.

Stipulation of Settlement - Property Tax Appeal: City Attorney recommending approval of the Stipulation of Settlement for Oak Park Place, LLC for 2010-2012 property tax appeals. Upon motion the documents were received, filed, and approved.

Sister City Relationships Advisory Commission: Commissioner Jill Connors submitting her resignation from the Sister City Relationships Advisory Commission. Upon motion the documents were received, filed and the resignation accepted.

Project HOPE Core Committee: Correspondence from Eric Dregne, Vice President of Programs for the Community Foundation of Greater Dubuque, submitting the Project

HOPE Core Committee meeting minutes of July 19, 2012. Upon motion the documents were received and filed.

Purina Drive Weigh Scale House - Project Acceptance: City Manager recommending acceptance of the Purina Drive Weigh Scale House Project, as completed by Stumpf Construction. Upon motion the documents were received and filed and Resolution No. 205-12 Accepting the Purina Drive Weigh Scale House Building Project and authorizing the payment of the final contract amount to the contractor was adopted.

Tower Lease Agreement - Dubuque County 911 and Radio Dubuque, Inc.: City Manager recommending approval of a Tower Lease Agreement among the City of Dubuque, the Dubuque County Joint E911 Board and Radio Dubuque, Inc. to locate Emergency Communications radio and Police MCT radio equipment on the Radio Dubuque, Inc. tower. (This item was removed from the agenda).

2012 Justice Assistance Grant (JAG) Application: City Manager recommending approval of the 2012 Justice Assistance Grant (JAG) application. Upon motion the documents were received, filed, and approved.

InterCity Bus Grant Application: City Manager recommending approval to submit an application to the Iowa Department of Transportation Office of Public Transit for an InterCity Bus Assistance Program grant to help with the build-out of the intercity bus portion of the Intermodal Center/Terminal. Upon motion the documents were received, filed, and approved.

Beneficial Reuse Management, LLC - Handling Agreement: City Manager recommending approval of a storage and handling agreement with Beneficial Reuse Management, LLC to store gypsoil in the industrial riverfront area. Upon motion the documents were received, filed, and approved.

Gavilon Grain, LLC - Salt Handling Contract: City Manager recommending approval of a salt handling contract with Gavilon Grain, LLC for the 2012-2013 season. Upon motion the documents were received, filed, and approved.

Quarterly Investment Report: City Manager transmitting the June 30, 2012 Quarterly Investment Report. Upon motion the documents were received and filed.

Request for Proposals - Dubuque Regional Airport Utilities Extension: City Manager recommending authorization to release a Request for Proposals for the design of the utility extensions to the Dubuque Regional Airport. Upon motion the documents were received, filed, and approved.

Mentor Engineering, Inc. - Contract Amendment: City Manager recommending approval of an amended contract with Mentor Engineering, Inc. for ITS equipment purchase and installation for The Jule. Upon motion the documents were received, filed, and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Heiar Brothers Fencing contract for the Murphy Park Fencing Project. Upon motion the documents were received and filed.

Signed Contracts: Strand Associates Change Order No. 16 for the Water Pollution Control Plant Modifications Project, Ted Stackis Construction Quotation for the Fire Hydrant Painting Program Phase II, Towing Services Contract Extension with Wenzel Towing. Upon motion the documents were received and filed.

Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses applications as submitted. Upon motion the documents were received and filed and Resolution No. 206-12 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 was adopted.

### **ITEMS TO BE SET FOR PUBLIC HEARING**

Motion by Connors 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 Braig. Motion carried 7-0

Downtown Urban Renewal District Amendment: City Manager recommending adoption of a Resolution of Necessity that begins the process of amending the Urban Renewal Plan for the Greater Downtown Urban Renewal District to expand the District to include the area generally known as North Kerper Boulevard and that a public hearing on the proposed amendment be set for October 1, 2012. Upon motion the documents were received and filed and Resolution No. 207-12 Resolution of Necessity finding that certain areas adjacent to the Greater Downtown Urban Renewal District meet the definition of an Economic Development Area under the Urban Renewal Law, and that development of said areas is necessary in the interest of the residents of the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 1, 2012 in the Historic Federal Building.

Sale of Property - 1777 Washington Street: City Manager recommends setting a public hearing be set for August 20, 2012, on the sale of 1777 Washington Street to Alberto Luna. Upon motion the documents were received and filed and Resolution No. 208-12 Resolution of Intention to Dispose of City-owned property, specifically, Lot 2 of Lot 2 of the East ½ of Lot 90; and Lot 1 of Lot 1 of the East ½ of Lot 91; in East Dubuque Addition, in the City of Dubuque, Iowa, according to the recorded plat thereof - 1777 Washington Street, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 20, 2012 in the Historic Federal Building.

Sale of Property - 2312 Washington Street: City Manager recommending setting a public hearing for August 20, 2012, on the sale of 2312 Washington Street to Judie E.

Root. Upon motion the documents were received and filed and Resolution No. 209-12 Resolution of intention to dispose of City-owned property, Lot 1 Bee Branch Sub. No. 4, in the City of Dubuque, Iowa according to the recorded plat thereof - 2312 Washington Street, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 20, 2012 in the Historic Federal Building.

Vacating Petition - 2500 Kerper Blvd.: City Manager recommending approval of a request to vacate a portion of Kerper Blvd abutting Key City Plating at 2500 Kerper Blvd. for a purchase price of \$3,915, plus platting, publication and filing fees, and recommends that a public hearing be set for August 20, 2012, on the disposal of this property. Upon motion the documents were received and filed and Resolution No. 210-12 Approving a plat of the proposed vacating of a portion of Kerper Boulevard; and Resolution No. 211-12 Resolution of intent to vacate and dispose of city interest in a portion of Kerper Boulevard, to be known as Lot 2A of McGraw-Hill Key City Plating Re-Plat in the City of Dubuque, Dubuque, County, Iowa were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 20, 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.

Airport Commission: One 4-year term through September 14, 2016 (Expiring term of Wagner). Applicants: Amy Wagner, 4555 Camelot Dr.; Robert J. Blocker, 880 Kane St. Mr. Blocker spoke in support of his appointment.

Historic Preservation Commission: Three 3-year terms: One Architect At-Large term (vacant term of Wand effective September 1, 2012) through July 1, 2014; One At-Large term (expired term of Krueger) through July 1, 2015; One Cathedral District term (vacant interim term of Krey) through July 1, 2014. Applicants: Otto Krueger, 2521 Wheatland Drive (qualifies for At-Large or Interim Cathedral District); Julie Schlarman, 1599 Bluff St. (qualifies for At-Large or Interim Cathedral District); Benjamin Beard, 1854 Churchill St. (qualifies for all three positions). Ms. Schlarman, Mr. Beard, and Ms. Monk spoke in support of their respective appointments.

Housing Commission: Three 3-year terms through August 17, 2015 (Expiring terms of Culbertson and Holz and vacant term of Ronek). Applicants: Dorothy Culbertson, 2095 University Ave.; Anna S. Fernandes, 2191 Broadlawn Rd.; Jim Holz, 3010 Indiana Court

## **PUBLIC HEARINGS**

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

5 Points Signal Reconstruction Project Rebid: Proof of publication on notice of public hearing to consider approval of the plans and specifications, form of contract and estimated cost for the 5 Points Traffic Signal Reconstruction Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 212-12 Approval of plans, specifications, form of contract, and estimated cost for the 5 Points Traffic Signal Reconstruction Project – Rebid. Seconded by Lynch. Connors expressed concerns to Traffic Engineer Dave Ness about increased traffic on Elm Street approaching the 5 Points intersection resulting from redevelopment of the Historic Millwork District. Motion carried 7-0.

ARC Transfer Center Phase I Project: Proof of publication on notice of public hearing to consider the approval of the plans, specifications, form of contract and the estimated cost for the ARC Transfer Center Phase I Canopy – 2012 Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 213-12 Approval of plans, specifications, form of contract, and estimated cost for the ARC Transfer Center Phase I Canopy - 2012 Project. Seconded by Braig. Motion carried 7-0.

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

## **ACTION ITEMS**

Automated Traffic Enforcement (Second Reading): City Manager recommending approval of Automated Traffic Enforcement for the City of Dubuque. Mayor Buol read from a prepared statement.

Motion by Braig to table indefinitely a proposed ordinance amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic by adding a New Chapter 17 Automatic Traffic Enforcement, Providing for Automatic Traffic Enforcement and Establishing Penalties for Violations. Seconded by Jones. Responding to questions from City Council, City Attorney Lindahl stated that while this item is tabled to a date uncertain, a Council Member may request that it be brought back before the Council at any time. Motion carried 7-0.

Meter District Amendment - Historic Millwork District: City Manager recommending approval of an ordinance expanding the Downtown Meter District to include White Street from 5th Street to 11th Street on both sides, 8th Street both sides White Street to Washington, 9th Street both sides White Street to Elm Street, 10th Street both sides from White Street to Elm Street, 11th Street both sides from White Street to Elm Street, Jackson Street both sides from 8th Street to 11th Street, and Washington Street both sides from 8th Street to 11th Street.

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 failed 5-2 with Lynch and Sutton voting nay.

Motion by Connors to consider the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Section 9-14-321.666 Municipal Parking Meter District Established by Expanding the Downtown Meter District. Seconded by Braig. Motion carried 5-2 with Lynch and Sutton voting nay.

Request for Proposals - Financial Advisor: City Manager recommending approval of Piper Jaffray for financial advisor services for City of Dubuque in connection with issuing bonds for future projects, bond refundings, and debt capacity, debt structuring and cashflow analysis. Motion by Connors to receive and file and approve the recommendation. Seconded by Braig. Responding to questions from City Council, Budget Director Jenny Larson stated that the City's previous financial advisor was PFM whose contract expired in May. Motion carried 7-0.

Iowa Economic Development Authority (IEDA) and Rousselot, Inc. Contract: City Manager recommending approval of the submission of a Financial Assistance Application to the Iowa Economic Development Authority (IEDA) on behalf of Rousselot, Inc. Motion by Jones to receive and file the documents and adopt Resolution no. 214-12 Authorizing the filing of an application for state financial assistance on behalf of Rousselot, Inc. Seconded by Braig. Motion carried 7-0.

Intermodal Transportation Design Award: City Manager recommending authorization to contract with Neumann Monson for the final design and for construction oversight of the Intermodal Transportation Campus. This item was removed from the agenda.

REAP Annual Plan, Representative, and Grant Application: City Manager recommending approval of the City of Dubuque's Fiscal Year 2013 update to the Dubuque County Resource Enhancement and Protection (REAP) Plan and grant application for development of the E.B. Lyons Interpretive Area Addition at the Mines of Spain. Motion by Connors to receive and file the documents and adopt Resolution No. 215-12 Authorizing REAP grant application to the Iowa Department of Natural Resources for E. B. Lyons Interpretive Area Addition at the Mines of Spain. Seconded by Jones. Motion carried 7-0.

Mullen Road Name Change: Citizen correspondence related to changing the spelling of Mullen Road to Mullin Road. Motion by Jones to receive and file the documents and proceed with changing the name and street signs. Seconded by Lynch. Motion carried 7-0.

## **PUBLIC INPUT**

Mike Heitz, 2891 North Ridge Road; Laura Bies, 17136 Cedar Cross Road; and Shane Duggan, 2005, Simpson Street, each spoke in support of updating the current



skate park at McAleece Park and adding more parks around the city. They believed that the current park is outdated and unsafe and should be updated with technology which has improved since the park opened. They asked that the expense be considered in the upcoming budget process and Council goal setting.

Leo Broughton, Tour Dubuque, 195 Main Street, provided information on Tour Dubuque's green form of Trikke transportation asking that it be considered for use by other entities in the City including government.

There being no further business, upon motion the City Council adjourned at 7:27 p.m.

Kevin S. Firnstahl, CMC  
City Clerk

1t 8/15