

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

The Dubuque City Council met in special session at 4:30 p.m. on August 20, 2012 at the Water & Resource Recovery Center, 795 Julien Dubuque Drive.

Present: Mayor Buol; Council Members Braig, Lynch, Sutton; City Manager Van Milligen. Council Members Jones and Resnick, and City Attorney Lindahl joined at 4:40 p.m.

Absent: Council Member Connors

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a work session tour of the Water & Resource Recovery Center Renovation Project.

**WORK SESSION
Tour – Water & Resource Recovery Center**

Water & Resource Recovery Center Manager Jonathon Brown and Adam Klass of Unison Solutions provided a tour of portions of the interior and exterior areas of the W&RRC and provided an overview of the functions of each area. Highlights included the laboratory, recovered waste water used for the heating/cooling system and the anaerobic digester and methane gas processing systems.

There being no further business, upon motion the City Council adjourned at 5:15 p.m.

Kevin S. Firnstahl, CMC
City Clerk

1t 8/29

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

The Dubuque City Council met in regular session at 6:30 p.m. on August 20, 2012 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Braig (joined at 6:36 p.m.), 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

PROCLAMATIONS

Irish Hooley Day (August 25, 2012) was accepted by Mayor Buol; Civic Awareness Month (September 2012) was accepted by Mayor Buol; Life Insurance Awareness Month (September 2012) was accepted by Ron McDonald of Bradley Beck & McDonald and the Dubuque Association of Insurance and Financial Advisors; and Rod Bremer of Northwestern Mutual Life Insurance Company; United Way Campaign Time (September 2012) was accepted by Campaign Co-Chair Judy Wolf, 215 W. 6th Street.

PRESENTATION

City Manager Van Milligen introduced Alvin Nash, the newly appointed Housing and Community Development Department Director. Mr. Nash spoke regarding his background and qualifications.

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Scott Kunde of Wenzel Towing, 3195 Hughes Court requested (#16) 2013-2015 Towing Contract Recommendation be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 6/26, City Council proceedings of 8/6, Investment Oversight Advisory Commission of 7/25, Library Board of Trustees of 6/8, Park and Recreation Advisory Commission of 12/13/11 through 7/10/12 and Work Session of 7/24, Zoning Advisory Commission of 8/1, Zoning Board of Adjustment of 7/26, Proof of publication for City Council proceedings of 7/16. Upon motion the documents were received and filed.

Notice of Claims and Suits: Melissa and Chad Driscoll for property damage and Spahn & Rose Lumber, Co. vs. City of Dubuque for property damage at 925 Kerper Blvd. 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: Melissa Driscoll for property damage. Upon motion the documents were received, filed and concurred.

U.S. Department of Housing and Urban Development (HUD): Correspondence from Yolanda Chaves, Deputy Assistant Secretary for Grant Programs with HUD, requesting that the City resolve all open Community Development Block Grant (CDBG) activities as identified in the Inspector General's 2011 audit of the CDBG program. Upon motion the documents were received, filed and referred to the City Manager.

Dubuque Arboretum and Botanical Gardens: Correspondence from Jack Frick, Board President of the Dubuque Arboretum and Botanical Gardens thanking the City for the grant that was received through the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) applied toward materials and labor of six recycling bins. Upon motion the document was received and filed.

Sustainable Dubuque Project Status Update: City Manager submitting the Sustainable Dubuque Project Status Update for July 2012. Upon motion the documents were received and filed.

5 Points Traffic Signal Reconstruction Project Rebid Award: City Manager recommending bid award of the 5 Points Traffic Signal Reconstruction Project to the low bidder, Portzen Construction. Upon motion the documents were received and filed and Resolution No. 216-12 Awarding construction contract for 5 Points Traffic Signal Reconstruction Rebid Project was adopted.

Citizen Correspondence - That's My Dog: Correspondence from Robin MacFarlane, President of That's My Dog, in favor of repealing the ban on dogs in City parks. Upon motion the documents were received and filed.

Phase VI Historical/Architectural Survey and Evaluation Grant Application: City Manager recommending approval of a State Historic Preservation Office for Historic Resource Development Program grant funds application for the Phase VI Historic/Architectural Survey and Evaluation. Upon motion the documents were received and filed and Resolution No. 217-12 Authorizing HRDP Grant Application to the State Historical Society of Iowa for Phase VI Historic/Architectural Survey and Evaluation was adopted.

Dubuque County Multi-Jurisdictional Hazard Mitigation Plan: City Manager recommending adoption of the Dubuque County-Wide Multi-Jurisdictional Hazard

Mitigation Plan, as completed by the East Central Intergovernmental Association. Upon motion the documents were received and filed and Resolution No. 218-12 Approving the adopting of the Dubuque County Multi-Jurisdictional Hazard Mitigation Plan, and requesting approval of Plan at the federal level was adopted.

Explosives Detection K9 Acquisition: City Manager recommending acquisition of an explosives detection K9. Upon motion the documents were received, filed, and approved.

Human Rights Commission: Commissioner Kurt Hansen submitting his resignation from the Human Rights Commission. Upon motion the document was received, filed and the resignation accepted.

Final Plat - Patricia Ann Acres Subdivision No. 3: Zoning Advisory Commission recommending approval of the Final Plat of Patricia Ann Acres Subdivision No. 3 subject to waiving lot frontage for Lot 6. Upon motion the documents were received and filed and Resolution No. 219-12 Approving the Final Plat of Patricia Ann Acres Subdivision No. 3 in the City of Dubuque, Iowa, was adopted.

Smart Growth Development Funding: City Manager recommending that the City contribute \$2,000 from the Economic Development Department Federal Initiatives budget to statewide Smart Growth Development as they try to improve the funding levels for historic rehabilitation projects. Upon motion the documents were received, filed, and approved.

AmeriCorps Partners in Learning Grant Award 12-13 (Grant 12-AC-13): City Manager recommending approval of the grant agreement with the Iowa Commission on Volunteer Service for the City of Dubuque AmeriCorps Program. Upon motion the documents were received, filed, and approved.

2013-2015 Towing Contract – Recommendation: City Manager recommending the award of the City of Dubuque 2013- 2015 Towing Contract to Burt Steve and Son Garage, Inc. Restated motion by Connors to receive and file the documents and approve the recommendation. Seconded by Lynch. Scott Kunde of Wenzel Towing, 3195 Hughes Court, cited several concerns he had with the evaluation process and why he believed the selected vendor did not meet the required bid criteria. Assistant Police Chief Terry Tobin responded to questions from City Council and explained the selection committee's evaluation process and reasoning. Motion carried 7-0.

Ramona Street - Project Acceptance: City Manager recommending acceptance of the public improvement and authorization of the final payment for the Ramona Street and Pamela Court Panel Replacement Project. Upon motion the documents were received and filed and Resolution No. 220-12 Accepting the Ramona Street Panel Replacement, from Mt. Loretta to Adeline Street Project, and authorizing the payment of the contract amount to the contractor was adopted.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Tom Kueter Construction, Co., Inc. for Dubuque Industrial Center South Grading and Utilities 2012 Phase I Rebid. Upon motion the documents were received and filed.

University of Dubuque "Light Up Chalmers" - 2012 Fireworks Request: Correspondence from Ross Salwolke, Security Officer for The University of Dubuque, requesting permission to conduct a fireworks display on September 1, 2012 at starting approximately 9:25 p.m. on the baseball field at the south point of the left field line. Upon motion the document was received, filed, and approved.

Business License Refund: Request of Michael Schmidt for a refund of the liquor license for Bowling & Beyond in the amount of \$422.50. Upon motion the documents were received, filed, and approved.

Alcohol License Renewals: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 221-12 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 Lynch. Motion carried 7-0.

SEP Green Alley Project: City Manager recommending that public hearing be set for September 4, 2012 to consider the preliminary approval of plans and specifications for the SEP Green Alley Project (between Jackson and Washington Streets from 16th to 17th and between Jackson and White Streets from 17th to 18th). Upon motion the documents were received and filed and Resolution No. 222-12 Preliminary approval of plans, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specifications, form of contract, and estimated cost; and ordering the advertisement for bids SEP Green Alley Project (between Jackson and Washington Streets from 16th to 17th Streets and between Jackson and White Streets from 17th to 18th Streets) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 4, 2012 in the Historic Federal Building.

FedEx - Vacate of Storm Sewer: City Manager recommending that a public hearing be set for September 4, 2012 to consider vacating a Storm Sewer Easement and Blanket Access Easement - Lot 1 Dubuque Industrial Center North Second Addition. Upon motion the documents were received and filed and Resolution No. 223-12 Resolution of Intent to vacate and dispose of City interest in storm sewer and access easements over and across a part of Lot 1 of Dubuque Industrial Center North Second Addition in the City of Dubuque, Iowa, was adopted setting a public hearing for a

meeting to commence at 6:30 p.m. on September 4, 2012 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments made at this 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. Upon unanimous roll call vote, Amy Wagner was appointed to the Airport Commission for a 4-year term through September 14, 2016.

Historic Preservation Commission: Three 3-year terms: One Architect 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; Julie Schlarman, 1599 Bluff St.; Benjamin Beard, 1854 Churchill St.; Christina Monk, 2005 North Main St.. Upon roll call vote Julie Schlarman (Buol, Connors, Resnick, Braig) was appointed to the Interim Cathedral Historic District position, Otto Krueger (Buol, Jones, Lynch, Sutton) was appointed to the At-Large Position, and Christina Monk (Buol, Connors, Jones, Lynch, Resnick, Braig) was appointed to the Architect position.

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.; and Jim Holz, 3010 Indiana Court. Motion by Connors to appoint Dorothy Culbertson, Anna Fernandes, and Jim Holz to the Housing Commission for 3-year terms through August, 17, 2015. Seconded by Braig. Motion carried 7-0.

PUBLIC HEARINGS

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

Sale of Property - 1777 Washington Street: Proof of publication on notice of public hearing to consider the sale of property located at 1777 Washington Street to Alberto Luna and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 224-12 Approving the sale of real estate located at 1777 Washington Street, in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

Sale of Property - 2312 Washington Street: Proof of publication on notice of public hearing to consider the sale of property located at 2312 Washington Street to Jude E. Root and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 225-12 Approving the sale of real estate

located at 2312 Washington Street, in the City of Dubuque, Iowa. Seconded by Braig. Motion carried 7-0.

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

ACTION ITEMS

Project HOPE Update: Eric Dregne, Vice President of Programs for the Community Foundation of Greater Dubuque, provided a slide presentation on the activities of Project HOPE. Motion by Connors to receive and file the information. Seconded by Braig. Motion carried 7-0.

Meter District Amendment - Historic Millwork District (Second Reading): 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 Jones to consider the second 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. Resnick stated that he believes the City will be reasonable with the service and install meters only as development dictates. Motion carried 5-2 with Lynch and Sutton voting nay.

Dubuque Peace and Justice: Correspondence from Richard Fischer of Dubuque Peace and Justice requesting the City of Dubuque apply for membership in Mayors for Peace, which supports the abolition of nuclear weapons by August 6, 2020. Motion by Connors to receive and file the documents and accept the invitation to apply for membership. Seconded by Braig. Richard Fischer of Dubuque Peace and Justice, 656 Molony Road, Bernard, spoke regarding the mission of the Mayor for Peace. Motion carried 7-0.

Social Host Ordinance Amendment: City Manager recommending the addition of a reference to City Code Section 1-4-1 to the ordinance allowing for a criminal penalty for violations of the ordinance. 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 Resnick. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 46-12 Amending Ordinance 45-12 which amended City of Dubuque Code of Ordinances Title 7 Police, Fire and Public Safety, Chapter 5 Offenses by adding a new Article E, Social Host Responsibility, clarifying the definition of Social Host as defined in Section 7-5E-2 and establishing that a violation of Section 7-5E-4 is a Municipal Infraction or Misdemeanor. Seconded by Resnick. Motion carried 7-0.

Control of Vehicle Ordinance Amendment: City Manager recommending City Code Section 9-7-321.288 Control of Vehicle be amended so that the word "bridge" will be deleted from Section B3 and the designation "road work zone," will replace descriptive terminology in Section B6 making the ordinance consistent with State Code. 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 Jones. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 47-12 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 7 Operation, Section 9-7-321.288 Control of Vehicle to mirror the Iowa Code revision which removes bridge from B(3) and modifies the provision on construction to use road work zone for consistency as a term defined by the Iowa Code. Seconded by Braig. Motion carried 7-0.

Dubuque Metropolitan Area Solid Waste Agency Landfill Cell #9 Project: City Manager recommending scheduling a City Council work session for September 17, 2012, at 4:30 p.m. to tour the Dubuque Metropolitan Area Solid Waste Agency Landfill Cell #9 Project. Motion by Braig to receive and file the documents and set the the work session as recommended. Seconded by Jones. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:47 p.m. regarding 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 at 7:55 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:56 p.m.

Kevin S. Firnstahl, CMC
City Clerk