

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

The Dubuque City Council met in special session at 5:30 p.m. on September 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 (joined at 5:38 p.m.)

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 on the Sustainable Dubuque Project Update.

WORK SESSION

Sustainable Dubuque Coordinator Cori Burbach, Raki Gianakorous and Jason Schatz of Green Dubuque, Dan McDonald of Greater Dubuque Development Corporation, and Smarter Sustainable Dubuque Project Manager David Lyons provided a slide presentation, which highlighted the following topics. City Council had discussion with the speakers following the presentation.

- Growing Sustainable Communities Conference, October 2 & 3, 2012; www.gscdubuque.com
- Alternative Energy Asset Map (University of Iowa Student Project)
- Community & Business Engagement
- Innovation Consortium
- Community Climate Action Plan
 - Green House Gas Reduction and Resiliency: strategies & sectors
 - Business Partners: input, survey & goals
 - Community Input: students, public events, focus groups
- Smarter Travel Project
 - economic and services impact: transportation savings
 - health and wellness impact: air pollution
 - safety
 - delivery to activity centers
 - history of transit in Dubuque: impact of changes, improvement process
 - Smart Travel: devices, data collection and analysis
 - Impact of Changes

There being no further business, upon motion the City Council adjourned at 6:19 p.m.

Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 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 City Council.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

SWEARING IN

Mayor Buol Swore In Mayor Pro Tem Kevin Lynch (September 2012-April 2013)

PROCLAMATIONS

Voices from the Warehouse – Innov8; Break the Paradigm Days (September 8-October 5, 2012) was accepted by Voices Co-Chair Geri Shafer and team representatives. Dubuque Oktoberfest Day (September 15, 2012) was accepted by Terry Mozena for co-sponsor Premier Bank.

PRESENTATION

2012 K9 Olympics Performance Awards: Police Chief Mark Dalsing presented the 2012 K9 Olympics Performance Awards to K9 handler Officer Brian Wullweber and his K9 partner "Brix."

CONSENT ITEMS

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Braig. Motion carried 7-0.

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission 7/24, City Council proceedings of 8/20, Community Development Advisory Commission of 8/15, Historic Preservation Commission 8/16, Human Rights Commission of 7/9, Library Board of Trustees minutes of 7/26 and Board update of 7/26 and 8/23, Long Range Planning Advisory Commission of 8/15, Mechanical Board of 8/9, Safe Community Advisory Committee of 5/9, Proof of Publication for City Council proceedings of 8/6.

Upon motion the documents were received and filed.

Notice of Claims and Suits: American Concessions for property damage, Monica Halverson for vehicle damage, and Steven Kaiser for property damage, and James Schueller 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: Americana Concessions for property damage, Monica Halverson for vehicle damage, Steven Kaiser for property damage, and James Schueller for vehicle damage. Upon motion the documents were received, filed and concurred.

City of Hamilton, Ohio: Correspondence and proclamation from Joshua Smith, City Manager of Hamilton, Ohio, thanking the City of Dubuque for welcoming their delegation and providing a tour of Dubuque on July 28-30, 2012. Upon motion the documents were received and filed.

Flexsteel Industries - Acceptance of Sidewalk Easement: City Manager recommending acceptance of the easement for a sidewalk across Flexsteel Industries, Inc., at the southwest corner of Bell and 5th Streets. Upon motion the documents were received and filed and Resolution No. 226-12 Accepting the Grant of Easement for sidewalk through, under and across part of Lot 1 of 1 of Adams Company's 4th Addition in the City of Dubuque, Iowa, was adopted.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Fischer Lanes: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Fischer Lanes, 880 Locust Street. Upon motion the documents were received, filed, and approved.

Dubuque Industrial Center North - Acceptance of Storm Sewer and Access Easements: City Manager is recommending acceptance of storm sewer and access easements from 2013 Dubuque, LLC for existing storm sewer and access across Lot 1 Dubuque Industrial Center North Second Addition. Upon motion the documents were received and filed and Resolution No. 227-12 Accepting the grant of an easement for storm sewer and access through, over and across a part of Lot 1 of Dubuque Industrial Center North Second Addition in the City of Dubuque, Iowa, was adopted.

Collective Bargaining Agreement Amendment - International Union of Operating Engineers, Local #234: City Manager recommending approval of a ten hour per day and four day work week for full-time Public Safety Dispatchers through September 30, 2013. Upon motion the documents were received and filed.

Dubuque Regional Airport - Land Acquisition Plat: City Manager recommending approval of the land acquisition plat for the land acquired from Ronald and Ellen Hartman. Upon motion the documents were received and filed and Resolution No. 228-

12 Approving Plat of Survey of Lot 1 and Lot 2 of the Northwest Quarter of the Northwest Quarter of Section 27, Township 88 North, Range 2 East of the Fifth Principal Meridian, Dubuque County, Iowa; and Resolution No. 229-12 Approving Plat of Survey of Lot 1 and Lot 2 of the Southwest Quarter of the Southwest Quarter of Section 22, Township 88 North, Range 2 East of the Fifth Principal Meridian, Dubuque County, Iowa, were adopted.

Consent Decree Semiannual Report: City Manager recommending submittal of the September 2012 Semiannual Report for the U.S. Environmental Protection Agency Consent Decree. Upon motion the documents were received, filed, and approved.

Gallagher Benefit Services - Consulting and Actuarial Services Agreement: City Manager recommending approval of an amendment to the Administrative Services Agreement with Gallagher Benefit Services for benefit consulting and actuarial services effective July 1, 2012, through June 30, 2014, and authorize the City Manager to sign the Amendment. Upon motion the documents were received, filed, and approved.

Statewide Program for Monitoring Post-Construction Controls - Letter of Support: City Manager recommending that the City send a letter of general support for a statewide effort to help track and inspect post-construction controls and to create an on-line database that all inspectors can use. Upon motion the documents were received, filed, and approved.

Volunteer Generation Fund Grant: City Manager recommending that the City accept a Volunteer Generation Fund Grant Award from the Iowa Commission on Volunteer Service, which will allow the City to use volunteering as a strategy to meet some of the Safe Community Task Force recommendations. Upon motion the documents were received, filed, and approved.

Fiscal Year 2012 City Street Financing Report: City Manager recommending approval of the City Street Financing Report for Fiscal Year 2012. Upon motion the documents were received and filed and Resolution No. 230-12 Approving the City of Dubuque Fiscal Year 2012 City Street Financing Report was adopted.

Purchase of Services Agreement - Green and Healthy Homes Initiative: City Manager recommending execution of a contract with the Community Foundation of Greater Dubuque to provide a Home Advocate for the Green and Healthy Homes Initiative. Upon motion the documents were received, filed, and approved.

Iowa Mississippi River Parkway Commission (MRPC) - 2012 Annual Report: Iowa MRPC Chair John Goodmann submitting the 2012 Iowa Mississippi River Parkway Commission's annual report. Upon motion the documents were received and filed.

Federal Emergency Management Agency (FEMA): Correspondence from Luis Rodriguez of the Federal Emergency Management Agency (FEMA), Engineering Management Branch, providing the City with information on the appeals process and

notification of publication for the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) determinations. Upon motion the documents were received, filed and referred to the City Manager.

Arts and Cultural Affairs Advisory Commission / Investment Oversight Commission: Commissioner John King submitting his resignation to the Arts and Cultural Affairs Advisory Commission and the Investment Oversight Advisory Commission due to a change in residency. Upon motion the document was received, filed and the resignation accepted.

Housing Commission: Commissioner Dave Kapler submitting his resignation to the Housing Commission. Upon motion the document was received, filed and the resignation accepted.

Iowa Municipal Professionals Academy: Correspondence from Cindy Kendall of the ISU Extension and Outreach, Office of State and Local Programs thanking the City for supporting the attendance of City Clerk Kevin Firnstahl and Assistant City Clerk Trish Gleason at the 2012 Iowa Municipal Professionals Academy. Upon motion the document was received and filed.

U.S. Department of Housing and Urban Development (HUD): Correspondence from Shannon Steinbauer, Government Technical Representative for the U.S. Department of Housing and Urban Development advising that the City's Healthy Homes and Lead Hazard Control Program has received an overall performance rating of 100 out of 100 and providing some instruction on the program's relationship to the Green and Healthy Homes Initiatives. Upon motion the documents were received and filed.

Code of Ordinances - Adoption of Supplement No. 10: City Clerk recommending adoption of Supplement No. 10 to the City of Dubuque Code of Ordinances, which adopts Ordinance Nos. 35-12, 36-12, 37-12, 38-12, 39-12, 40-12, and 41-12 as adopted by the City Council through August 20, 2012. Upon motion the documents were received and filed and Resolution No. 231-12 Adopting Supplement No. 10 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Dubuque Main Street - Resolution of Support: City Manager recommending approval of the Program Agreement between Dubuque Main Street, the City of Dubuque, and the Iowa Department of Economic Development. Upon motion the documents were received and filed and Resolution No. 232-12 Resolution of support and financial commitment for the Main Street Program in Dubuque was adopted.

IBM Research - Amendment to Joint Development Agreement: City Manager recommending an amendment to the existing Joint Development Agreement with IBM Research to support a Department of Energy Smart Grid Data Access Grant. Upon motion the documents were received, filed, and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Contract with A&G Electric for the North End Neighborhood Trail Lighting Project and Stackis Construction for the Fire Hydrant Repainting Project Phase II 2012. Upon motion the documents were received, filed, and approved.

Signed Contracts: Contract with Davis Construction for the Allison-Henderson Park Building Remodel and Digital Designs for exterior bus decal advertising production. Upon motion the documents were received and filed.

Alcohol License Applications: City Manager recommending approval of annual beer, liquor and wine license applications as submitted. Upon motion the documents were received and filed and Resolution No. 233-12 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 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 Connors. Motion carried 7-0.

Vacate of Property - 2500 Kerper Blvd. (Key City Plating): City Manager recommending setting a public hearing for September 17, 2012, to consider vacation of a lot known as Lot 2A of McGraw-Hill, Key City Plating Replat. Upon motion the documents were received and filed a public hearing was set for a meeting to commence at 6:30 p.m. on September 17, 2012 in the Historic Federal Building.

Fiscal Year 2013 First Budget Amendment: City Manager recommending the first Fiscal Year 2013 Budget Amendment be set for public hearing for September 17, 2012. Upon motion the documents were received and filed and Resolution No. 234-12 Setting the date for the public hearing on Amendment No. 1 to the Fiscal Year 2013 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 17, 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:

Cable Television Commission: One 3-year term through July 1, 2015 (Vacant term of Herrig). Applicant: Kathleen McMullen, 1308 Curtis St.

Civic Center Commission: One 3-year term through June 29, 20123 (Vacant term of Field). Applicant: Kirstin Pope, 5388 Park Place. Ms. Pope spoke in support of her appointment.

Housing Commission: One 3-year terms through August 17, 2014 (Vacant Term of Krey). Applicant: Rick J. Baumhover, 601 Garfield Ave. #104. Mr. Baumhover spoke in support of his appointment.

Human Rights Commission: Two 3-year terms through January 1, 2013 and January 1, 2015 (Vacant Terms of Krey and Hansen). Applicants: Rick J. Baumhover, 601 Garfield Ave. #104. Howard Lee III, 516 Lincoln Ave. Mr. Baumhover spoke in support of his appointment.

Zoning Advisory Commission: Two 3-year terms through July 1, 2015 (Vacant terms of Hardie and Miller). Applicants: Rick Baumhover, 601 Garfield Ave. #104; Stephen Hardie, 62 Freemont Ave.; Charles Miller, 7010 Asbury Rd. Mr. Miller spoke in support of his appointment. Mr. Baumhover requested that his application be withdrawn from consideration for this commission.

PUBLIC HEARINGS

Request to Amend Planned Unit Development - Asbury Plaza (Tabled from June 18, 2012): Proof of publication on notice of public hearing to consider a request by O'Connor & Thomas, P.C., Asbury Dubuque, LC, and Richardson Investments, LLC to amend the Asbury Plaza Planned Unit Development to allow for a right-in/right-out access to the Northwest Arterial and to amend the list of permitted uses, height and sign regulations and the Zoning Advisory Commission recommending approval.

Correspondence from O'Connor & Thomas on behalf of the developers requesting that the application be withdrawn from consideration. City Manager advising that City staff has no objection to the request for withdrawal. Motion by Connors to remove from the table. Seconded by Jones. Motion carried 7-0.

Motion by Connors to receive and file the documents and accept the withdrawal. Seconded by Resnick. Motion carried 7-0.

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

2013 Dubuque, LLC (FedEx) - Vacate Storm Sewer Easement and Blanket Easement: Proof of publication on notice of public hearing to consider the vacation of a blanket access easement and a portion of storm sewer easement on Lot 1 Dubuque Industrial Center North Second Addition, as requested by Carl Ruedebusch, representing the purchasers of the lot, 2013 Dubuque, LLC, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 235-12 Disposing of City interest in storm sewer and access easements on Lot 1 Dubuque Industrial Center North Second Addition in the City of Dubuque, Dubuque County, Iowa. Seconded by Jones. Motion carried 7-0.

Green Alley Permeable Pavers Supplemental Environmental Project (SEP): Proof of publication on notice of public hearing to consider approval of plans specifications, form of contract and estimated cost for the Green alley Permeable Pavers Supplemental Environmental Project (SEP) between Jackson and Washington Streets from 16th to

17th and between Jackson and White Streets from 17th to 18th and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 236-12 Approval of plans, specifications, form of contract, and estimated cost for the Green Alley Permeable Pavers Supplemental Environmental Project (Between Jackson and Washington Streets from 16th to 17th and between Jackson and White Streets from 17th to 18th). Seconded by Lynch. Dorothy Krayner, 1205 Park Street, spoke in support of the project on behalf of Emmanuel Congregational United Church of Christ at 1795 Jackson Street. Motion carried 7-0.

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

ACTION ITEMS

Meter District Amendment - Historic Millwork District (Third 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.

Correspondence from the Dubuque Police Protective Association in opposition to the Meter District Amendment.

Motion by Jones to receive and file the documents and adopt Ordinance No. 48-12 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 Resnick. Responding to questions from City Council, Parking System Supervisor Tim Horsfield reiterated that meters would be installed as residential, retail and unexpected demands in the area dictated. He also stated that installations would be done through onsite assessments and communication with property owners. Motion carried 5-2 with Lynch and Sutton voting nay.

Grand River Center - Floor Settlement Remediation Project: City Manager recommending that a public hearing be set for September 17, 2012, for the Grand River Convention Center - Floor Settlement Remediation Project and to authorize advertisement for proposals. Motion by Jones to receive and file the documents, adopt Resolution No. 237-12 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 (Grand River Convention Center Floor Settlement Remediation Project), and set a public hearing for a meeting to commence at 6:30 p.m. on September 17, 2012. Seconded by Resnick. Motion carried 7-0.

Intermodal Transportation Campus - Design Award: City Manager recommending award of the multi-phased final design and construction oversight of the Intermodal Transportation Campus Phase I contract to Neumann-Monson of Iowa City, IA. Motion

by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Responding to questions from City Council, Economic Development Director Dave Hair and Parking System Supervisor Tim Horsfield provided information on the breakdown of design fees paid to date and for components of the final design. Motion carried 6-1 with Braig voting nay.

Citizen Correspondence: Correspondence from Amy Spiegelhalter, 3739 Inwood Avenue, requesting the City install a sidewalk on Peru Road from the Casey's General Store to the Heritage Trail. Motion by Connors to receive and file the documents and refer to the City Manager for staff to explore and present information at a future meeting. Seconded by Resnick. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Buol reported on being contacted by Bud Isenhardt who thanked the Mayor and City staff for the many little projects such as neighborhood parks that the City has completed and is working on.

CLOSED SESSION

Motion by Jones to convene in closed session at 7:32 p.m. regarding pending litigation pursuant to Chapter 21.5(1)(c), Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 7:50 p. m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 7:51 p.m.

Kevin S. Firnstahl, CMC
City Clerk