

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

The Dubuque City Council met in special session at 4:30 p.m. on September 17, 2012 at the Dubuque Regional Landfill, 14501 U.S. Hwy 20 W.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Resnick, Sutton; City Manager Van Milligen; and Dubuque County Supervisor Eric Manternach

Absent: Council Member Lynch, City Attorney Lindahl

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a tour of the Dubuque Metropolitan Area Solid Waste Agency – Landfill Cell #9.

**WORK SESSION TOUR**

Dubuque Metropolitan Area Solid Waste Agency – Landfill Cell #9 at the Dubuque Regional Landfill, 14501 U.S. Hwy 20 W.

Public Works Director Don Vogt led a bus tour of the Dubuque Regional Landfill with focus on the opening and configuration of Cell #9. Bev Wagner, Brian Christianson, Bob Ramsey, Chris Lawn, Chuck Goddard, and Doug Hughes provided information on the various areas, functions and lifespan of the landfill and responded to questions. Other highlights included Regional Recycling Center, yard waste and shingling recycling processing sites, flare station, and rock crushing area.

There being no further business, upon motion the City Council adjourned at 5:27 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 9/26

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 17, 2012 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Absent: Council Member Lynch

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.

Presentation of the Colors by the Dubuque Honor Guard in honor of the 175th Anniversary of the Dubuque Police Department

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**PROCLAMATION(S)**

Dubuque Police Department 175th Anniversary Week (September 23-29, 2012) was accepted by Police Chief Mark Dalsing, Captain Kevin Klein, and Corporal Travis Kramer.

Day of Peace (September 21, 2012) was accepted by Clarke University Chaplain Amy Golm and representatives of the Day of Peace Committee.

Kiwanis Peanut Days (September 28 & 29, 2012) was accepted by Kevin Stevens, Dubuque Kiwanis Club Peanut Days Co-Chair.

**CONSENT ITEMS**

Motion by Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Motion carried 6-0.

Minutes and Reports Submitted: City Council proceedings of 8/27, 8/28, and 9/4, Civil Service Commission of 8/27 and 9/6, Community Development Advisory Commission of 9/5, Historic Preservation Task Force of 9/5, Housing Trust Fund Advisory Committee of 9/4, Human Rights Commission of 8/13, Park and Recreation Commission of 8/14, Zoning Advisory Commission of 9/5, Zoning Board of Adjustment of 8/23, Proof of Publication for City Council proceedings of 8/20. Upon motion the documents were received and filed.

Notice of Claims and Suits: Nicole Haverland for vehicle damage, Gary Pitzen for vehicle damage, Christine Putnam for personal injury. 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: Nicole Haverland for vehicle damage, Gary Pitzen for vehicle damage. Upon motion the documents were received, filed and concurred.

Government Finance Officers Association (GFOA): City Manager advising that the Government Finance Officers Association (GFOA) has awarded the City a Certificate of Achievement for Excellence in Financial Reporting for the 2011 Certified Annual Financial Report (CAFR). Upon motion the documents were received and filed.

Community Development Block Grant Recovery (CDBG-R): City Manager recommending authorization for the Mayor to sign documents to close out the Community Development Block Grant Recovery (CDBG-R) associated with the American Recovery and Reinvestment Act of 2009. Upon motion the documents were received and filed and Resolution No. 238-12 Authorizing execution of a Community Development Block Grant Recovery (CDBG-R) Grant Closeout Agreement with the U.S. Department of Housing and Urban Development was adopted.

Consolidated Annual Performance and Evaluation Report (CAPER): City Manager recommending submission of the Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development Department (HUD) for the period of July 1, 2011 through June 30, 2012. Upon motion the documents were received and filed and Resolution No. 239-12 Authorizing the submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the period commencing July 1, 2011 and concluding June 30, 2012 was adopted.

Iowa Finance Authority - Housing Trust Fund Application: City Manager recommending submittal of a grant request to the Iowa Finance Authority to support home ownership activities in the Washington Neighborhood and to commit the matching funds. Upon motion the documents were received and filed and Resolution No. 240-12 Approving commitment of matching funds for an application to the Iowa Finance Authority (IFA) for state housing trust funds was adopted.

City Council Goals and Priorities 2012-2014: Submission of the 2012-2014 City Council goals and priorities from the August 27 and 28, 2012 City Council Goal Setting Session. Upon motion the documents were received and filed.

Housing Trust Fund Advisory Committee: Correspondence from the Housing Commission requesting approval for Commissioners Amy Eudaley and Jim Holz to be appointed as the Commission's representatives on the Housing Trust Fund Advisory Committee. Upon motion the documents were received, filed, and approved.

Childhood Lead Poisoning Prevention Programs: City Manager recommending approval of a contract with the Dubuque County Board of Health and the Iowa Department of Public Health for continued funding of the Childhood Lead Poisoning Prevention Program (CLPPP) and a renewed agreement with the Visiting Nurse Association for services related to the CLPPP and Healthy Homes Program. Upon motion the documents were received, filed, and approved.

Housing and Community Development Director - Limited Account Authorization: City Manager recommending that Housing and Community Development Department Director Alvin Nash be granted authority to sign checks for specialized City of Dubuque bank accounts. Upon motion the documents were received and filed and Resolution No. 241-12 Authorizing certain designated employees of the City of Dubuque authorization to execute checks on behalf of the City of Dubuque was adopted.

Housing Enterprise Zone Program Agreement - Wilmac Property Company: City Manager recommending approval of a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Wilmac Property Company related to the redevelopment of the former Betty Building located at 151 East 9th Street. Upon motion the documents were received and filed and Resolution No. 242-12 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and Wilmac Property Company was adopted.

Plat of Survey - North Fork Trails #4: Zoning Advisory Commission recommending approval of the Plat of Survey of North Fork Trails No. 4 (3400 Keymont Drive) subject to waiving the lot frontage requirements for Lot 2. Upon motion the documents were received and filed and Resolution No. 243-12 Approving the Plat of Survey of North Fork Trails No. 4 in the City of Dubuque, Iowa, was adopted.

Final Plat - Harvest View Estates 11th Addition: Zoning Advisory Commission recommending approval of the Final Plat of Harvest View Estates 11th Addition (Millstone Drive). Upon motion the documents were received and filed and Resolution No. 244-12 Approving the Final Plat of Harvest View Estates 11th Addition in the City of Dubuque, Iowa, was adopted.

Department of Education - Smart Grid Data Access Grant: City Manager recommending acceptance of a Smart Grid Data Access Grant from the U.S. Department of Energy for the Smarter Electricity Iowa Project. Upon motion the documents were received, filed, and approved.

Volunteer Solutions Software - Memorandum of Agreement: City Manager recommending approval of a Memorandum of Agreement for agencies who post their volunteer opportunities on-line using the City managed Volunteer Solutions Software. Upon motion the documents were received, filed, and approved.

Fire Hydrant Painting Program Phase I – Acceptance: City Manager recommending

acceptance of the Phase I Fire Hydrant Painting Program as completed by Ted Stackis Construction. Upon motion the documents were received and filed and Resolution No. 245-12 Accepting Phase 1 of the fire Hydrant Painting Program and authorizing the payment of the contract amount to the contractor was adopted.

Healthy Homes Demonstration Grant Program: Correspondence from the U.S. Department of Housing and Urban Development advising that the City's Healthy Homes Demonstration Work Plan Program has received an overall performance rating of 90 out of 100 and a Green designation. Upon motion the documents were received and filed.

Greater Dubuque Development Corporation (GDDC) - Annual Report 2011-2012: Greater Dubuque Development Corporation President and CEO Rick Dickinson submitting GDDC's 2011-2012 Annual Report. Upon motion the documents were received and filed.

Arbor Estates Phase 3 - Acceptance of Detention Facilities & Warranty Deed: City Manager recommending acceptance of the storm water detention facilities that the developer, Kivlahan Farms, L.C., has recently completed in Arbor Estates - Phase 3, and a warranty deed for the detention area and sanitary sewer lift station lot. Upon motion the documents were received and filed and Resolution No. 246-12 Accepting stormwater detention facilities in Arbor Estates Phase 3; and Resolution No. 247-12 Accepting a conveyance of property described as Lot 12 of Block 9 and Lot 15 of the replat of Lot 15 in Block 7 all in Arbor Estates in the City of Dubuque, Dubuque County, Iowa, was adopted.

2012 Sidewalk Assessment Program: City Manager recommending approval of a resolution establishing the final assessment schedule for the 2012 Sidewalk Assessment Program. Upon motion the documents were received and filed and Resolution No. 248-12 Adopting the final Schedule of Assessments for the 2012 Public Right-of-Way Sidewalk Repair Assessment Project was adopted.

2012 Brick Manhole Replacement Project – Acceptance: City Manager recommending acceptance of the public improvements for the 2012 Brick Manhole Replacement Project, Bid Package 1, as completed by Drew Cook & Sons. Upon motion the documents were received and filed and Resolution No. 249-12 Accepting the 2012 Brick Manhole Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

Mystique Casino Re-Roofing Request: City Manager recommending approval of Mystique Casino's request to re-roof the original structure of the Mystique Casino. Upon motion the documents were received, filed, and approved.

Dubuque County Safe Youth Coalition: Dubuque County Safe Youth Coalition submitting an informational packet regarding drug and alcohol management and training in partnership with Helping Services of Northeast Iowa and the State of Iowa Alcoholic Beverages Division. Upon motion the documents were received, filed and referred to

the City Clerk.

Eleventh Street Stair and Hand Railing Repair Project: City Manager recommending that the costs of the 11<sup>th</sup> Street Stair and Handrail Repair Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

City Utility Extensions to the Airport - Design Consultant Selection: City Manager recommending the selection of WHKS as the professional design consultant to complete the design for the utility extensions to the Dubuque Regional Airport. Upon motion the documents were received, filed, and approved.

Volunteer Generation Fund Grant Agreement: City Manager recommending approval of the Volunteer Generation Fund Grant agreement. Upon motion the documents were received, filed, and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Portzen Construction for the 5 Points Traffic Signal Reconstruction Project. Upon motion the documents were received, filed, and approved.

Signed Contracts: Iowa Department of Transportation Supplemental Agreements for Lighting and Primary Road Maintenance; Miron Construction Co. Change Order No. 17 for the Water Pollution Control Plant Modifications project. Upon motion the documents were received and filed.

Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 250-12 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 Jones 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 6-0.

General Obligation Refunding Bonds: City Manager recommending that a public hearing be set for October 1, 2012, on the proposition of selling not to exceed \$950,000 in General Obligation Refunding Bonds. Upon motion the documents were received and filed and Resolution No. 251-12 Fixing Date for a meeting on the proposition of the issuance of not to exceed \$950,000 General Obligation Refunding Bonds, Series 2012G, (for an Essential Corporate Purpose) 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 October 1, 2012 in the Historic Federal Building.

Port of Dubuque Watermain Extension Project: City Manager recommending initiation of the public bidding procedure for the Port of Dubuque Watermain Extension Project, and that a public hearing be set for October 1, 2012. Upon motion the documents were received and filed and Resolution No. 252-12 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 (Port of Dubuque Watermain Extension Project) 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.

Request to Vacate - Peosta Street (Giese Companies): City Manager recommending that a public hearing be set for October 1, 2012 to consider a request by Giese Companies to vacate a portion of Peosta Street abutting their property at 2125 Kerper Blvd. Upon motion the documents were received and filed and Resolution No. 253-12 Resolution of Intent to vacate and dispose of City interest in a portion of Peosta Street to be known as Lot A of Giese Subdivision in the City of Dubuque, Iowa; and Resolution No. 254-12 Approving Plat of Proposed Vacated Peosta Street were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 1, 2012 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Appointments were made to the following board/commissions:

Cable Television Commission: One 3-year term through July 1, 2015 (Vacant term of Herrig). Applicant: Kathleen McMullen, 1308 Curtis Street. Motion by Jones to appoint Kathleen McMullen to the Cable Television Commission for a 3-year term through July 1, 2015. Seconded by Braig. Motion carried 6-0.

Civic Center Commission: One 3-year term through June 29, 20123 (Vacant term of Field). Applicant: Kirstin Pope, 5388 Park Place – Application withdrawn for residency reasons.

Housing Commission: One 3-year terms through August 17, 2014 (Vacant term of Krey). Applicant: Rick J. Baumhover, 601 Garfield Ave. #104. Motion by Connors to appoint Rick Baumhover to the Housing Commission for a 3-year term through August 17, 2014. Seconded by Resnick. Motion carried 6-0.

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; and Howard Lee III, 516 Lincoln Ave. Motion by Connors to appoint Rick Baumhover and Howard Lee, III to the Human Rights Commission for 3-year terms through January 1, 2013 and 2015 respectively. Motion failed for lack of a second.

Motion by Connors to appoint Howard Lee, III to the Human Rights Commission for a 3-year term through January 1, 2015. Seconded by Resnick. Motion carried 6-0.

Zoning Advisory Commission: Two 3-year terms through July 1, 2015 (Vacant terms of Hardie and Miller). Applicants: Stephen Hardie, 62 Freemont Ave.; Charles Miller, 7010 Asbury Rd. Motion by Braig to appoint Stephen Hardie and Charles Miller to the Zoning Advisory Commission for 3-year terms through July 1, 2015. Seconded by Jones. Motion carried 6-0.

## **PUBLIC HEARINGS**

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

Vacate of Property - 2500 Kerper Blvd. (Key City Plating): Proof of publication on notice of public hearing to consider vacating a portion of Kerper Blvd. abutting property at 2500 Kerper Blvd. (Key City Plating) and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 255-12 Vacating a portion of Kerper Boulevard abutting Lot 2 of McGraw-Hill, Key City Plating Replat in the City of Dubuque, Iowa, at 2500 Kerper Boulevard; and Resolution No. 256-12 Disposing of City interest in Lot 2A of McGraw-Hill, Key City Plating Replat in the City of Dubuque, Dubuque County, Iowa. Seconded by Braig. Motion carried 6-0.

Fiscal Year 2013 First Budget Amendment: Proof of publication on notice of public hearing to consider approval of the Fiscal Year 2013 First Budget Amendment, which amends the Fiscal Year 2013 budget for City Council actions since the beginning of the Fiscal Year, and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 257-12 Amending the current budget for Fiscal Year Ending June 30, 2013. Seconded by Jones. Motion carried 6-0.

Grand River Center - Floor Settlement Remediation Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and the estimated cost for the Grand River Convention Center Floor Settlement Remediation Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 258-12 Approval of plans, specifications, form of contract, and estimated cost for the Grand River Center floor Settlement Remediation Project. Seconded by Resnick. Motion carried 6-0.

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

## **ACTION ITEMS**

Green Alley Permeable Pavers Supplemental Environmental Project (SEP) - Project Award: City Manager recommending award of the contract for the SEP Green Alley Permeable Pavers Project (between Jackson and Washington Streets from 16th to 17th; and between Jackson and White Streets from 17th to 18th) to the low bidder, Drew Cook and Sons Excavating. Motion by Braig to receive and file the documents and adopt Resolution No. 259-12 Awarding public improvement contract for the SEP



Green Alley Permeable Pavers Project - Between Jackson & Washington Streets from 16<sup>th</sup> to 17<sup>th</sup> and between Jackson & White Streets from 17<sup>th</sup> to 18<sup>th</sup> Seconded by Jones. Motion carried 6-0.

ARC Transfer Center Phase I Project - Rejection of Bids: City Manager recommending rejection of all bids received for the construction of the Area Residential Care Jule Transfer Center Phase I Project and recommends the project go through value engineering and redesign because all bids exceeded the budget. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 6-0.

Code of Ordinances Amendment - Alcohol Violations: City Manager recommending that an ordinance amendment be adopted to refer all contested alcohol violations to the Iowa Alcoholic Beverages Division. 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 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 49-12 Amending 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, Section 4-2B-15 Suspension and Revocation Generally; Grounds, Section 4-2B-16 Suspension and Revocation; Specific Terms; and Section 4-2B-17 Appeal and Hearing by Providing a Notice of Violation; Opportunity for Settlement or Hearing with the Iowa Alcoholic Beverages Division. Seconded by Jones. Motion carried 6-0.

Code Ordinances Amendment - Parking Violations and Fines: City Manager recommending approval to amend City Ordinance 9-14-321.621: Parking Violations; Fines: to include language allowing the City Manager to waive fines on vehicles ticketed while the owner was involved in providing emergency response services to the City. 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 Braig. Motion carried 6-0.

Motion by Jones. for final consideration and passage of Ordinance No. 50-12 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Section 9-14-321.621 Parking Violations; Fines by adding a provision which allows the City Manager to waive parking violation fines for emergency responders. Seconded by Braig. Motion carried 6-0.

Code of Ordinances Amendment - Road Work Zones: City Manager recommending approval to amend City Ordinance 9-1-321.1 to provide a definition of a Road Work Zone to mirror the State Code and approve an amendment to 9-16-321.1003 to detail the fine schedule for violations in Road Work Zones. 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 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 51-12 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 1 General Provisions, Section 9-1-321.1 Definitions by adding a definition for Road Work Zones and Chapter 16 Miscellaneous City Provisions, Division 3 Administration by adding a new provision relating to Road Work Zones. Seconded by Jones. Motion carried 6-0.

Code of Ordinances Amendments - Utility Billing Assessments: City Manager recommending ordinance amendments that will streamline the process to certify unpaid rates and charges to the County Treasurer by assigning the responsibility to the Finance Director. Motion by Connors to receive and file the documents, adopt Resolution No. 260-12 Delegating authority to the Finance Director-City Treasurer to prepare Schedule of Assessments for delinquent water, sewer, refuse and stormwater accounts and to certify the Schedule of Assessments to the County Treasurer and to publish notice thereof and further moved 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 6-0.

Motion by Connors for final consideration and passage of:

Ordinance No. 52-12 Amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 7 City Officers and Employees, Section 7 Finance Director-City Treasurer Authorizing the Finance Director-City Treasurer to certify delinquent utility billing charges to the County Treasurer;

Ordinance No. 53-12 Amending City of Dubuque Code of Ordinances Title 13 Public Utilities, Chapter 1 Water Use and Service, Article C Rates, Section 4 Payment of Bills Providing the Procedure for Delinquent Water Service Charges, Establishing a Lien for Nonpayment of such charges, and authorizing the Finance Director-City Treasurer to certify such delinquent charges to the County Treasurer;

Ordinance No. 54-12 Amending City of Dubuque Code of Ordinances Title 13 Public Utilities, Chapter 2 Sewers and Sewage Disposal, Article C Rates, Section 13-2C-5 Lien for Failure to Pay by providing the procedure for delinquent sewers and sewage disposal charges, establishing a lien for nonpayment of such charges, and authorizing the Finance Director-City Treasurer to certify such delinquent charges to the County Treasurer;

Ordinance No. 55-12 Amending City of Dubuque Code of Ordinances Title 13 Public Utilities, Chapter 4 Stormwater Management, Section 11 Billing, Delinquent Accounts and Collection Procedures providing the procedure for delinquent stormwater management charges, establishing a lien for nonpayment of such charges, and authorizing the Finance Director-City Treasurer to certify such delinquent charges to the County Treasurer; and

Ordinance No. 56-12 Amending City of Dubuque Code of Ordinances Title 13 Public Utilities, Chapter 6 Solid Waste, Article A City or Private Collection Service, Section 13-6A-7 Charges; Billing and Collection by providing the procedure for delinquent solid waste charges, establishing a lien for nonpayment of such charges, and authorizing the Finance Director-City Treasurer to certify such delinquent charges to the County Treasurer. Seconded by Resnick. Motion carried 6-0.

Eagle Point Energy - 1, LLC: City Manager recommending an amendment to the Eagle Point Energy - 1, LLC License Agreement for the solar power cells on the Municipal Services Building. Motion by Connors to receive and file the documents and adopt Resolution No. 261-12 Approval of an amendment to the License Agreement regarding solar photovoltaic equipment between the City of Dubuque, Iowa, and Eagle Point Energy - 1, LLC. Seconded by Braig. Motion carried 6-0.

Bee Branch Creek Restoration Project Service Agreement with Railroad: City Manager recommending a Service Agreement between Dakota, Minnesota, & Eastern (DM&E) Railroad Corporation, a corporation doing business as Canadian Pacific (CP), and the City of Dubuque relating to the design of the proposed railroad bridge to be constructed as part of the Bee Branch Creek Restoration Project. Motion by Braig to receive and file the documents and adopt Resolution No. 262-12 Authorizing the Service Agreement made and entered into by and between the City Of Dubuque, Iowa and Dakota, Minnesota & Eastern Railroad Corporation, doing business as Canadian Pacific. Seconded by Jones. Motion carried 6-0.

### **COUNCIL MEMBER REPORTS**

Council Member Sutton reported on her attendance at the Mexican Independence Day event in Jackson Park.

There being no further business, upon motion the City Council adjourned at 7:17 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 9/26