

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

The Dubuque City Council met in regular session at 6:30 p.m. on October 1, 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 City Council.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

May the spirit of wisdom keep our hearts and minds open as we endeavor to serve the common good.

**PROCLAMATIONS**

Crop Walk Day (October 7, 2012) was accepted by Dorothy Krayner, 1205 Park Street.

Trick-or-Treat Night (October 31, 2012) was accepted by Mayor Buol;

Arts and Humanities Month (October 2012) was accepted by Arts Commission Chair Marina O'Rourke, 2084 Mullin Road;

Make a Will Month (October 2012) was accepted by Library Director Susan Henricks and Make a Will Month Committee Member Joan Ness.

**PRESENTATION(S)**

Iowa American Public Works Award - Historic Millwork District: Civil Engineer II Jon Dienst presented the American Public Works Association (APWA), Iowa Chapter, Project of the Year Award in Transportation for the Historic Millwork District Complete Streets Project.

**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: City Council proceedings of 9/17; Housing Code Board of Appeals of 6/19; Housing Commission of 8/28; Sister City Relationships Advisory Commission of 9/5; Transit Advisory Board of 9/13; Proof of Publication for

City Council proceedings of 8/28, 8/29, and 9/4. Upon motion the documents were received and filed.

Notice of Claims and Suits: Dubuque Hose and Hydraulic for property damage; Janice Even for vehicle damage; Cindy Hedley for property damage; Frank Vlach, III, 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: Dubuque Hose and Hydraulics for property damage, Cindy Hedley for property damage. Upon motion the documents were received, filed and concurred.

Iowa Great River Road Corridor Management Plan: City Manager recommending approval of a \$1,000 financial contribution to support the redevelopment of the Corridor Management Plan for the Iowa Great River Road. Upon motion the documents were received, filed and approved.

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

Circles Initiative Grant Application: City Manager recommending approval of the grant applications for the Community Impact Grant and the Theisen's More for Your Community Grant for the Circles Initiative, as submitted to the Community Foundation of Greater Dubuque. Upon motion the documents were received, filed and approved.

East Central Iowa Intergovernmental Agency (ECIA) - Management Contract Amendment: City Manager recommending approval of an Amendment to the Management Agreement between the City of Dubuque and East Central Intergovernmental Association to reflect the addition of the Urban Mobility Coordinator position. Upon motion the documents were received, filed and approved.

Federal Emergency Management Agency (FEMA) - Buy-Out Program Demolition Bidding: City Manager recommending approval of the bid specifications and demolition agreement to allow re-bidding for the demolition of the flood damaged property at 1654 Manson Road. Upon motion the documents were received, filed and approved.

Hillcrest Family Services - Murphy Park Agreement: City Manager recommending approval of an agreement with Hillcrest Family Services for use of Murphy Park from October 30th through January 10th to set up a holiday light display. Upon motion the documents were received, filed and approved.

Eleventh Street Stair and Handrailing Repair Project Acceptance: City Manager recommending acceptance of the public improvements for the 11th Street Stair and

Handrail Repair Project, as completed by Drew Cook & Sons Excavating. Upon motion the documents were received and filed and Resolution No. 263-12 Accepting the 11th Street Stair and Handrailing Repair Project, and authorizing the payment of the contract amount to the contractor was adopted.

Drainage Basin Master Plan Update: City Manager recommending approval to enter into a professional services agreement with HDR Engineering to update the Drainage Basin Master Plan to include current and planned undertakings. Upon motion the documents were received, filed and approved.

Iowa DOT Title VI Assurances and Nondiscrimination Agreement: City Manager recommending approval of the Title VI Assurances and Title VI Nondiscrimination Agreement between the Iowa Department of Transportation (IDOT) and the City of Dubuque related to local projects that are eligible for federal aid funding, and appointing City Engineer Gus Psihoyos as the Title VI Coordinator. Upon motion the documents were received, filed and approved.

Environmental Stewardship Advisory Commission: Commissioner Gayle Walter submitting her resignation from the Environmental Stewardship Advisory Commission. Upon motion the documents were received, filed and the resignation accepted.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Cashier and Confidential Account Clerk. Upon motion the documents were received, filed and made a Matter of Record.

Catfish Creek Watershed Management Plan - Grant Application: City Manager recommending submittal of a grant application to the Iowa Department of Natural Resources for the Catfish Creek Watershed Management Plan. Upon motion the documents were received and filed and Resolution No. 264-12 Authorizing grant application to Iowa Department of Natural Resources for creation of a Watershed Plan for the Catfish Creek Watershed Management Authority was adopted.

St. Mary's Condominiums - Housing Enterprise Zone Agreement: City Manager recommending approval of the Housing Enterprise Zone Program Agreement for St. Mary's Condominiums, LLC for redevelopment of the former St. Mary's School Building located at 1501 Jackson Street into 10 multi-family housing units. Upon motion the documents were received and filed and Resolution No. 265-12 Approving a Housing Enterprise Zone Program Agreement by and among the Iowa Economic Development Authority, the City of Dubuque and St. Mary's Condominiums, LLC was adopted.

Dubuque Convention and Visitors Bureau: Keith Rahe, President of the Dubuque Convention and Visitors Bureau (CVB) submitting information from the September 20, 2012 CVB Advisory Board meeting. Upon motion the documents were received and filed.

Request for Proposals - 5th and Bluff Street Public Restroom Design: City Manager

recommending approval of the Request for Proposals for the 5th and Bluff Street Public Restroom Project Design. 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. 266-12 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 Resnick. Motion carried 7-0.

General Obligation Bonds Series 2012E: City Manager recommending that a public hearing be set for October 15, 2012, on the proposition of selling not to exceed \$700,000 in General Obligation Bonds, the proceeds of which will be used to pay costs of projects in the City budget previously approved by the City Council. Upon motion the documents were received and filed and Resolution No. 267-12 Fixing date for a meeting on the proposition of the issuance of not to exceed \$700,000 of General Obligation Bonds, Series 2012E (for General Corporate Purposes) 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 15, 2012 in the Historic Federal Building.

Essential Corporate Purpose General Obligation Bonds Series 2012E: City Manager recommending that a public hearing be set for October 15, 2012 on the proposition of selling not to exceed \$4,000,000 in General Obligation Bonds, the proceeds of which will be used to pay costs of projects in the City budget previously approved by the City Council. Upon motion the documents were received and filed and Resolution No. 268-12 Fixing date for a meeting on the proposition of the issuance of not to exceed \$4,000,000 General Obligation Bonds, Series 2012E, (for Essential Corporate Purposes) 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 15, 2012 in the Historic Federal Building.

General Obligation Urban Renewal Bonds: City Manager recommending that a public hearing be set for October 15, 2012, on the proposition of selling not to exceed \$12,000,000 in General Obligation Urban Renewal Bonds, the proceeds of which will be used to fund urban renewal projects in the City budget previously approved by the City Council. Upon motion the documents were received and filed and Resolution No. 269-12 Fixing date for a meeting on the proposition of the issuance of not to exceed \$12,000,000 General Obligation Urban Renewal Bonds (for Urban Renewal Purposes) 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 15, 2012 in the Historic Federal Building.

Bowling & Beyond, Inc. - Termination of Leases: City Manager recommending that a public hearing be set for October 15, 2012, to consider the proposed agreement to terminate leases with Bowling & Beyond Dubuque, Inc. Upon motion the documents were received and filed and Resolution No. 270-12 Setting date for public hearing on the proposition of approving an agreement to terminate leases with Bowling & Beyond Dubuque, Inc. for a building located in the newly amended Greater Downtown Urban Renewal District and to approve payment for such agreement to Bowling & Beyond Dubuque, Inc., was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 15, 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:

Arts and Cultural Affairs Advisory Commission: One 3-Year term through June 30, 2015 (Vacant term of King). \*Business Professional Living/Working within the Cultural District. Applicants: Mary Bridget Corken, 469 Emmett St. Apt 26; Tom Farley, 491 W 4th St.; Gina Siegert, 405 Southern Ave. Mr. Farley spoke in support of his appointment.

Housing Commission: One 3-Year term through September 8, 2015 (Vacant term of Kapler). Applicant: Patricia Foster, 3565 Lunar Dr.

Housing Trust Fund Advisory Committee: One 3-Year term through September 8, 2015 (Expiring term of Hingtgen). Applicant: Doris Hingtgen, 309 Hill St. Ms. Hingtgen spoke in support of her appointment.

Safe Community Advisory Committee: One 1-Year term through December 31, 2012 (Vacant term of Elkins). Applicant: Christopher J. Welch, 164 Main St.

### **PUBLIC HEARINGS**

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

Amended and Restated Urban Renewal Plan Greater Downtown UR District: Proof of publication on notice of public hearing to consider adoption of the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District to support reinvestment efforts in the district and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 271-12 Approving the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Jones. Motion carried 7-0.

General Obligation Refunding Bonds Series 2012G: Proof of publication on notice of public hearing to approve the suggested proceedings for the public hearing on the issuance of General Obligation Bonds and approval of a "Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$950,000

General Obligation Bonds, Series 2012G and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 272-12 Instituting proceedings to take additional action for the issuance of not to exceed \$950,000 General Obligation Refunding Bonds, Series 2012G. Seconded by Jones. Motion carried 7-0.

Port of Dubuque - Watermain Extension Project: Proof of publication on notice of public hearing to consider the approval of plans, specifications, form of contract and estimated cost for the Port of Dubuque Watermain Extension Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 273-12 Approval of plans, specifications, form of contract, and estimated cost for the Port of Dubuque Watermain Extension Project. Seconded by Jones. Motion carried 7-0.

Request to Vacate – Peosta Street (Giese Companies): Proof of publication on notice of public hearing to consider a request by Giese Companies to vacate a portion of Peosta Street abutting their property at 2125 Kerper Blvd. and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 274-12 Vacating a portion of Peosta Street to be known as Lot A of Giese Subdivision in the City of Dubuque, Iowa; and Resolution No. 275-12 Disposing of City interest in Lot A of Giese Subdivision in the City of Dubuque, Dubuque County, Iowa. Seconded by Jones. Motion carried 7-0.

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

### **ACTION ITEMS**

International City/County Managers Association (ICMA) Climate Change Fellowship: ICMA Climate Change Fellow Greg Bruce from Townsville, Queensland, Australia, reported on his activities and global connections regarding Sustainable Dubuque and sustainability since his exchange to Dubuque, in October 2011. Motion by Connors to receive and file the information. Seconded by Resnick. Motion carried 7-0.

Grand River Center Floor Settlement Project Award: City Manager recommending that the improvement contract for the Grand River Center Floor Settlement Remediation project be awarded to Hayward Baker, Inc. Motion by Connors to receive and file the documents and adopt Resolution No. 276-12 Awarding the public improvement contract for the Grand River Center Floor Settlement Repair Project. Seconded by Resnick. Motion carried 7-0.

Clemons et al. vs. City of Dubuque and Brian Wullweber: City Attorney submitting settlement information on Clemons et al. vs. City of Dubuque and Brian Wullweber. Motion by Jones to receive and file the documents and defer to ICAP's assessment of the Clemons et al. vs. City of Dubuque and Brian Wullweber case and refrain from objecting to the settlement. Seconded by Lynch. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**

Council Member Connors reported on the death of Jim Michalski, former Council Member Ann Michalski's husband, and commented on how he exemplified the good citizen.

Council Member Resnick reported on the retirement of area band leader Jerry Accola who is known for recreating the sound of the Eddy Howard Orchestra.

Council Member Lynch reported on the 175th anniversary celebration of the Dubuque Police Department, which he attended as Mayor Pro Tem.

There being no further business, upon motion the City Council adjourned at 7:32 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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