

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 5, 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**

Veterans Day (November 11, 2012) was accepted by John Richardson of American Legion Post #6;

Philanthropy Day (November 15, 2012) was accepted by Dan McCarthy, Executive Director of the Finley Health Foundation, 350 N. Grandview, and representing the Association of Fundraising Professionals, Greater Tri-State Chapter.

Key Club Week (November 5-9, 2012) was accepted by Natalie Walgren of Illinois/Eastern Iowa Key Club Region #15;

Hospice Month (November 2012) was accepted by Carole Carroll, Hospice of Dubuque, 2255 John F. Kennedy Road.

**PRESENTATION**

National Association of Development Organizations (NADO) 2012 Innovation Award: Candace Eudaley and Chandra Ravada of the East Central Intergovernmental Association (ECIA) presented the 2012 NADO Innovation Award to the City of Dubuque for its role in the Smarter Travel Pilot Study.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Braig. Jacob Long, 4604 Cardinal Drive requested that (#5) IBM for Smarter Electricity Iowa - Amendment to Joint Development Agreement be held for separate discussion. Motion carried 7-0.

Minutes and Reports Submitted: Art and Cultural Advisory Commission of 9/25, Building Code Board of Appeals of 10/26, City Council Proceedings of 10/15, Community Development Advisory Commission of 10/17, Dubuque County Emergency Management Commission of 8/7, Housing Commission of 9/25, Historic Preservation of 10/18 and 9/20, Library Board of Trustees of 8/23, 9/27 and Reports of 9/27 and 10/25, Long Range Planning Advisory Commission of 9/19, Transit Advisory Board of 10/11, Proof of Publication for City Council Proceedings of 10/1. Upon motion the documents were received and filed.

Notice of Claims and Suits: Rachel Galazin for vehicle damage, Sandra Juergens for vehicle damage, Darrell Whitt 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: Jennifer Cooper for loss of income, Rachel Galazin for vehicle damage, Sandra Juergens for vehicle damage, Archie Ralston for vehicle damage, Darrell Whitt for property damage. Upon motion the documents were received, filed and concurred.

2012 Brick Manhole Replacement Project Bid Package 4 - Project Acceptance: City Manager recommending acceptance of the public improvements for the 2012 Brick Manhole Replacement Project Bid Package 4 as completed by Drew Cook & Sons. Upon motion the documents were received and filed and Resolution No. 291-12 Accepting the 2012 Brick Manhole Replacement Project Bid Package 4 and authorizing the payment of the contract amount to the contractor was adopted.

IBM for Smarter Electricity Iowa - Amendment to Joint Development Agreement: City Manager recommending approval of an Amended Joint Development Agreement with IBM Research authorizing software licenses necessary to proceed with the Department of Energy Smart Grid Data Access Grant and reflecting a delay in the implementation dates. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Jacob Long, 4604 Cardinal Drive, addressed the Council about concerns he had with public-private partnerships and requested discussion regarding the expenses, funding and competitiveness of the agreement. Responding to questions, Sustainability Coordinator Cori Burbach and Information Services Manager Chris Kohlmann stated that the program is fully funded through grant funds from the Department of Energy and does not compromise competitiveness since IBM is considered a sole-source provider of the products required for the Intelligent Operations Center. Mayor Buol stated that public-private partnerships are essential and invaluable to City projects. Motion carried 7-0.

Sungard OSSI - Public Safety Software Contract: City Manager recommending approval to enter into a contract with Sungard OSSI for the public safety software for the

City of Dubuque and its partner public safety agencies. Upon motion the documents were received, filed and approved.

Alternative Services Concepts - Workers' Compensation Renewal Rates: City Manager recommending approval of the renewal rates from Alternative Services Concepts for services related to the administration of the City's Worker's Compensation Program for the period October 1, 2012, through October 30, 2013. Upon motion the documents were received, filed and approved.

Renewal Rate for Voluntary Dental Plan: City Manager recommending approval of the renewal rates for the Delta Dental plan for January 1, 2013, through December 31, 2012. Upon motion the documents were received, filed and approved.

Hostess Brands WARN Notification: Correspondence from Jeff Parlato, Vice President of Human Resources and Labor Relations, providing an update to the Worker Adjustment and Retraining Notification (WARN) for Hostess Brands. Upon motion the documents were received and filed.

Design Review Guidelines Update - Grant Application: City Manager recommending approval of the submittal of a National Trust for Historic Preservation Funds grant to update and consolidate multiple existing design manuals into one comprehensive easy to use and understand document. Upon motion the documents were received and filed and Resolution No. 292-12 Authorizing grant application for NTHP Funds to update and consolidate design guideline manuals was adopted.

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

Plumbing Board: Board Member Dan Harris submitting his resignation from the Plumbing Board. Upon motion the document was received, filed and the resignation accepted.

Iowa Economic Development Authority - Heartland Financial Contract: City Manager recommending approval of a contract with the Iowa Economic Development Authority for Iowa Values Funds (IVF) Financial Assistance benefits on behalf of Heartland Financial USA, Inc. for an expansion of office space in the Roshek Building. Upon motion the documents were received and filed and Resolution No. 293-12 Approving an Iowa Values Fund Financial Assistance Contract by and among the Iowa Economic Development Authority, the City of Dubuque and Heartland Financial USA, Inc. was adopted.

Purchase of Property - 1318 Jackson Street: City Manager recommending approval to purchase a house located at 1318 Jackson Street from the Marcellus J. Pottebaum Trust. Upon motion the documents were received and filed and Resolution No. 294-12 Approving the acquisition of real estate located at 1318 Jackson Street in the City of Dubuque was adopted.

Federal Emergency Management Agency (FEMA) Buy-Out - Demolition Contract: City Manager recommending approval of the award of the Regulated Asbestos Containing Material demolition contract to Environmental Management Services of Iowa, Inc., to allow for the demolition of the flood-damaged property at 1654 Manson Road through the FEMA 403 Buy-Out Program. Upon motion the documents were received, filed and approved.

E. B. Lyons Interpretive Area Expansion - REAP Grant Agreement: City Manager recommending approval of an agreement with the Iowa Department of Natural Resources for development of Phase 1 of the 52-acre E.B. Lyons Interpretive Area Addition at the Mines of Spain State Recreation Area. Upon motion the documents were received and filed and Resolution No. 295-12 Authorizing REAP Grant Agreement with Iowa Department of Natural Resources for development of E.B. Lyons Interpretive Area Addition - Phase 1 at the Mines of Spain was adopted.

White Water Creek Bridge Relocation Project, Phase 4 Wood Decking - Project Acceptance: City Manager recommending acceptance of the construction contract for the Historic White Water Creek Bridge Relocation Project, Phase 4 - Wood Decking, as completed by Klauer Construction Company. Upon motion the documents were received and filed and Resolution No. 296-12 Accepting the Historic White Water Creek Bridge Relocation Project, Phase 4 - Wood Decking and authorizing the payment of the contract amount to the contractor was adopted.

Technical Assistance Building Blocks for Sustainable Communities: City Manager submitting a Letter of Interest to the U.S. Environmental Protection Agency for Technical Assistance Building Blocks for Sustainable Communities. Upon motion the document was received, filed and approved.

Sustainable Dubuque Project Monthly Status Update: City Manager transmitting the Sustainable Dubuque Project Status Update for the months of September and October, 2012. Upon motion the documents were received and filed.

Local Sustainability Matching Fund Grant Application: City Manager recommending approval of Local Sustainability Matching Fund grant application to support the Green & Healthy Homes Initiative. Upon motion the documents were received, filed and approved.

Federal Emergency Management Agency (FEMA) - 2012 Community Resilience Innovation Challenge Grant: City Manager transmitting information on the FEMA 2012 Community Resilience Innovation Challenge Grant that the City applied for in partnership with Sustainable Strategies DC. Upon motion the documents were received, filed and approved.

Facade Design Work - Central Avenue: City Manager recommending approval to utilize available UDAG funds to assist property owners on Central Avenue in the

Washington Neighborhood with conceptual design work for the facades on their commercial buildings. Upon motion the documents were received, filed and approved.

Memo of Understanding IDOT Parking Ticket Registration Holds: City Manager recommending approval of a Memorandum of Understanding with the State of Iowa Department of Motor Vehicles related to placement of holds by the City against any vehicle registrations that have unpaid parking tickets. Upon motion the documents were received, filed and approved.

Request to Vacate - National Guard Readiness Center: Communication from Richard Wolbers of Straka Johnson Architects on behalf of the National Guard Readiness Center requesting that the City vacate a portion of City-owned property at the intersection of 5001 Old Highway Road and 1035 Radford Road. Upon motion the documents were received, filed and referred to the City Manager.

Belmont Forum and G8 Research Council Initiative: City Manager submitting correspondence to Dr. Nathaniel G. Pitts of the Belmont Forum and G8 Research Council regarding the City's participation in the Urban Hydrology and Water Sustainability Initiative. Upon motion the documents were received, filed and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Connolly Construction, Inc. for the Eagle Point Park Washout Repair Project; Hayward Baker, Inc. for the Grand River Convention Center Floor Settlement Remediation Project; Klauer Construction Company for the Historic White Water Creek Bridge Restoration Project Phase 4 - Wood Decking; McDermott Excavating for the 2012 Drain Tile Project. Upon motion the documents were received, filed and approved.

Signed Contracts: Contract with Schroeder Construction for the Upper Bee Branch Creek Restoration Project. Upon motion the document was received and filed.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Olive Garden Restaurant: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Olive Garden Restaurant, 3350 Dodge Street. Upon motion the documents were received, filed and approved.

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. 297-12 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 Resnick. Motion carried 7-0.

Brunskill Road Bridge Reconstruction Project: City Manager recommending initiation of the public bidding process for the Brunskill Road Bridge Reconstruction Project, and further recommends that a public hearing be set for November 19, 2012. Upon motion the documents were received and filed and Resolution No. 298-12 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 (Brunskill Road Bridge Reconstruction Project Iowa DOT Project No. BROS-2100 (659)8J-31) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 19, 2012 in the Historic Federal Building.

Hillcrest Family Services - Request to Vacate Storm Sewer Easement: City Manager recommending approval of a request from Hillcrest Family Services to vacate a storm sewer easement on Lot 1 of Peterson Subdivision No. 2 and further recommends that a public hearing be set for November 19, 2012. Upon motion the documents were received and filed and Resolution No. 299-12 Resolution of Intent to vacate and dispose of city interest in storm sewer easements over and across Lot 1 of Peterson Subdivision No. 2 in the City of Dubuque, Dubuque County, Iowa, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 19, 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:

Civic Center Commission: One 3-Year term through June 29, 2013 (Vacant term of Fields). Applicants: McKenzie R. Hill, 394 ½ Bluff St. #2; Jeff Lenhart, 1711 Clarke Dr. Ms. Hill and Mr. Lenhart spoke in support of their respective appointments.

Environmental Stewardship Advisory Commission: One 3-Year term through October 1, 2015 (Expired term of Walter). Applicants: David Koch, 1950 Admiral St.; Gina Makris, 166 Bluff St.

Human Rights Commission: One 3-Year term through January 1, 2015 (Vacant term of Krey). Applicant: Jeff Lenhart, 1711 Clarke Dr. Mr. Lenhart spoke in support of his appointment.

Investment Oversight Advisory Committee: One 3-Year term through July 1, 2015 (Vacant term of King). Applicant: Rick Runde, 1034 Barbaralee Dr.

Mediacom Charitable Foundation: One 1-Year term through December 31, 2013 (Expired term of Chavenelle). Applicant: Gail Chavenelle, 1155 Kelly Lane.

Mississippi River Partnership Council: One 3-Year term through December 31, 2015 (Expired term of Cawley). Applicant: Edward Cawley, 598 Needham St.

## **PUBLIC HEARINGS**

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

Sale of Property - 2513-2515 White Street: Proof of publication on notice of public hearing to consider the sale of City-owned property located at 2513-2515 White Street to James Ferring and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 300-12 Approving the sale of real estate specifically 2513-2515 White Street. Seconded by Connors. Jacob Long, 4604 Cardinal Drive, questioned how the property was originally acquired. City Manager Van Milligen stated that the City Council approved the acquisition in 2010. Motion carried 7-0.

Eagle Point Water Plant Well Field Electrical Upgrades 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 Eagle Point Water Plant Well Field Electrical Upgrades Project and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 301-12 Approval of plans, specifications, form of contract, and estimated cost for the Eagle Point Water Plant Well Field Electrical Upgrades Project. Seconded by Jones. Motion carried 7-0.

ARC Transfer Center Phase I Project: Proof of publication on notice of public hearing to consider the plans, specifications, form of contract and the estimated cost for the ARC Transfer Center Phase I Project and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 302-12 Approval of plans, specifications, form of contract, and estimated cost for the ARC Transfer Center Phase 1 Project. Seconded by Resnick. Responding to questions from City Council, Transit Manager Barbara Morck provided an explanation of the project stating that phase 1 provides for a canopy at the Jule Transit System's west side transfer center on John F. Kennedy Road. Additional amenities such as enclosures and restrooms are planned for phase 2 within the next year. Motion carried 7-0.

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

## **ACTION ITEMS**

Greater Dubuque Development Corporation: President and CEO Rick Dickinson provided a quarterly update of the activities of the Greater Dubuque Development Corporation. Mr. Dickinson credited the City Council's initiatives and public-private partnerships for the community's successes and described a number of commercial business expansions that have taken place in the last year. Mr. Dickinson also addressed the low unemployment rate, low property tax rate, and focus on workforce training as well as Dubuque's lead in the areas of financial and insurance services, customer service and manufacturing. Motion by Lynch to receive and file the information. Seconded by Jones. Motion carried 7-0.

Code of Ordinances - ADA Readily Achievable Determinations: City Manager recommending approval of an update to the City's Accessibility Code to clarify how the readily achievable standard is determined and provide for the use of alternative methods of reasonable accommodations in the event that the barrier removal is not readily achievable. Restated motion by Connors to receive and file the documents and consider the first reading of a proposed ordinance amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article I Accessibility Code for Readily Achievable Changes, Section 14-11-3 Removal of Architectural Barriers if Readily Achievable by adding language to clarify that the determination of Readily Achievable within the City of Dubuque will be made by the City Manager. Seconded by Braig. Responding to questions from the City Council, City Manager Van Milligen stated that determinations would be made with the aid of staff advisors and that the City cannot safeguard against federal interpretation of "readily accessible." Proudly Accessible Dubuque will be contacted for their input on the issue. Motion carried 7-0.

Blue Zone Project Finalist: City Manager requesting that the Mayor and at least two City Council Members attend and represent City Policy Leadership at the Blue Zones site visit on November 15, 2012. Motion by Connors to receive and file the documents and select Council Members Braig, Connors, Lynch, and Sutton as attendees. Public Health Specialist Mary Rose Corrigan and Blue Zone Leadership Team Member Sara Pickley provided details of the event. Motion carried 7-0.

Moody's Investors Service: City Manager transmitting the Moody's Investors Service bond ratings and detailed comments for five current bond issues. Motion by Jones to receive and file the documents. Seconded by Resnick. City Manager Van Milligen provided information on how the City's Comprehensive Plan and Council goals and priorities direct debt issuance, debt service and the budgeting/scheduling of Capital Improvement Projects adding information on the City's current financial health and retention of its Aa1 bond rating.

Sale of General Obligation Bonds, Series 2012E, F, H & I: City Manager advising that the results of the sale of \$3,695,000 General Obligation Bonds, Series 2012E; \$1,050,000 Taxable General Obligation Bonds, Series 2011F; \$2,420,000 General Obligation Urban Renewal Bonds, Series 2012H; and \$7,034,000 Taxable General Obligation Refunding Bonds will be brought to the November 5, 2012 City Council meeting for approval. Motion by Braig to receive and file the documents and adopt Resolution No. 303-12 Directing the sale of General Obligation Bonds, Series 2012E; Resolution No. 304-12 Directing the sale of Taxable General Obligation Bonds, Series 2012F; Resolution No. 305-12 Directing the sale of General Obligation Urban Renewal Bonds, Series 2012H; and Resolution No. 306-12 Directing the sale of Taxable General Obligation Refunding Bonds, Series 2012I. Seconded by Jones. Tim Oswald of Piper-Jaffray reviewed the bond sale with the City Council. Motion carried 7-0.



General Obligation Refunding Bonds, Series 2012G - Complete Action on Issuance: City Manager recommending approval of the suggested proceedings to complete the action required on the recent Series 2012G refunding bond issuance. Motion by Jones to receive and file the documents and adopt Resolution No. 307-12 Appointing Wells Fargo Bank, National Association of Minneapolis, Minnesota, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing the execution of the Agreement; and Resolution No. 308-12 Authorizing and providing for the issuance of \$950,000 General Obligation Refunding Bonds, Series 2012G, and levying a tax to pay said bonds. Seconded by Connors. Motion carried 7-0.

Downtown Housing and Downtown Rehabilitation Loan / Grant Program Incentives: City Manager recommending approval of updated program guidelines for the City's downtown economic development incentive programs. Motion by Jones to receive and file the documents and adopt Resolution No. 309-12 Amending the guidelines for the Downtown Housing Incentive, Downtown Rehabilitation Loan, Planning and Design Grant, Façade Grant and Financial Consultant Grant Program within the Greater Downtown Urban Renewal District. Seconded by Connors. Motion carried 7-0.

Sister City - Dornbirn, Austria: Mayor Buol presented the proclamation that officially designates the City of Dornbirn, Austria, and the City of Dubuque, Iowa, as Sister Cities. The Mayor and City Clerk Firnstahl updated City Council on their recent delegation visit to the City of Dornbirn. A newly released video provided by the City of Dornbirn describing their city was presented.

### **PUBLIC INPUT**

Jacob Long, 4604 Cardinal Drive, expressed his concerns about the less well-off areas of the city, the City's indebtedness, revenue projections and sources, long-term public-private partnerships, and utilities monopolies. Mr. Long added that the on-line version of the City's budget documents are difficult to understand.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 8:38 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 8:49 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:50 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 11/14