

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

The Dubuque City Council met in regular session at 6:30 p.m. on December 3, 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.

**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 11/19; Community Development Advisory Commission of 11/14; Housing Commission of 10/23; Library Board of Trustees Update and Survey Results of 11/15; Park and Recreation Commission of 9/18; Sister City Relationships Advisory Commission of 11/14; Proofs of Publication for City Council proceedings of 11/5, List of Claims and Summary of Revenues for Month Ending 10/31, and Fiscal Year 2012 Financial Report. Upon motion the documents were received and filed.

Notice of Claims and Suits: Peter Apel for vehicle damage, Lawrence Vize 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: Peter Apel for vehicle damage, Lyle Christopherson for property damage, Lawrence Vize for property damage. Upon motion the documents were received, filed and concurred.

Bunker Hill Golf Course Outing Fee: City Manager recommending approval for changing fees for Bunker Hill Golf Course Outings. Upon motion the documents were received, filed and approved.

Certificate of Completion for McGraw Hill Companies, Inc.: City Manager recommending approval of a Certificate of Completion for McGraw Hill Companies, Inc. acknowledging that their obligations to construct Minimum Improvements (building construction, interior improvements, and site improvements in the Port of Dubuque) have been met. Upon motion the documents were received, filed and approved.

Certificate of Completion - Bonson Block, 356 Main St.: City Manager recommending approval of a Certificate of Completion for 356 Main Street - Bonson Block. Upon motion the documents were received, filed and approved.

Hike/Bike Trail IA 32 - Project Acceptance: City Manager recommending acceptance of the construction contract for the Iowa 32 Hike-Bike Trail - Phase 4, as completed by Drew Cook and Sons Excavating Co. Upon motion the documents were received and filed and Resolution No. 327-12 Accepting the Iowa 32/ Hike/Bike Trail Phase 4 Project and authorizing the payment of the contract amount to the contractor was adopted.

2012 Community Development Block Grant (CDBG) Ramps Project Completion: City Manager recommending that the award and completion of the 2012 CDBG Access Ramp Installation Project by D&D Superior Concrete be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

Green Alley Permeable Pavers Project Acceptance (17-18th Between Washington and Jackson Streets): City Manager recommending acceptance of the construction contract and the establishment of the Final Schedule of Assessments for the Green Alley Permeable Pavers Project (17th-18th between Jackson and Washington Streets). Upon motion the documents were received and filed and Resolution No. 328-12 Accepting the Green Alley Permeable Pavers Project (17th-18th between Jackson & Washington Streets) Project and authorizing the payment of the contract amount to the contractor; and Resolution No. 329-12 Adopting the Final Schedule of Assessments for the Green alley Permeable Pavers (17th-18th Between Jackson & Washington Streets) Project were adopted.

Beverly Avenue Storm Sewer Project Acceptance: City Manager recommending acceptance of the public improvement for the Beverly Avenue Storm Sewer Construction Project and authorization for final payment to the contractor, Drew Cook and Sons Excavating Co., Inc. Upon motion the documents were received and filed and Resolution No. 330-12 Accepting Beverly Avenue Storm Sewer Construction Project and authorizing the payment of the contract amount to the contractor was adopted.

Brick Manhole Bid Package #3 Project Acceptance: City Manager recommending acceptance of the public improvements for the 2012 Brick Manhole Replacement

Project, Bid Package 3, and authorization for final payment to the contractor, McDermott Excavating. Upon motion the documents were received and filed and Resolution No. 331-12 Accepting the 2012 Brick Manhole Replacement Project bid Package 3 and authorizing the payment of the contract amount to the contractor was adopted.

Eagle Point Park Washout Project Acceptance: City Manager recommending acceptance of the construction contract for the Eagle Point Park Washout Repair Project, as completed by Connolly Construction, Inc. Upon motion the documents were received and filed and Resolution No. 332-12 Accepting the Eagle Point Park Washout Repair Project and authorizing the payment of the contract amount to the contractor was adopted.

North End Trail Lighting Project Acceptance: City Manager recommending acceptance of the North End Trail Lighting Project, as completed by A & G Electric. Upon motion the documents were received and filed and Resolution No. 333-12 Accepting the North End Trail Lighting Project and authorizing the payment of the contract amount to the contractor was adopted.

Consent Decree Sewershed 12 Corrective Action Plan: City Manager recommending approval of the Corrective Action Plan for Sewershed 12, and submittal to the US Department of Justice, US EPA and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

Veterans' Memorial Ball Field Lease Extension with Clarke University: City Manager recommending approval of the First Amendment to the Usage Agreement with Clarke University for Softball Field 2 in Veterans' Memorial Park, which extends the agreement through December 31, 2016. Upon motion the documents were received and filed and Resolution No. 334-12 Approving a First Amendment to the Usage Agreement with Clarke University for Veterans' Memorial Park, Field 2 was adopted.

AmeriCorps VISTA Project Application: City Manager recommending approval of an AmeriCorps VISTA Project Application e-filed with the Corporation of National and Community Service for four VISTA positions to assist with the third grade reading initiative. Upon motion the documents were received, filed and approved.

German Bank Building - Transfer of Loan: City Manager recommending approval of the Assignment of a Development Agreement and Downtown Rehabilitation Loan Agreement from German Bank Building, LLLP to James Madison, Inc. for the German Bank Building located at 342 Main Street. Upon motion the documents were received and filed and Resolution No. 335-12 Authorizing the Assignment of the German Bank Building, LLLP (342 Main Street) Development Agreement and Downtown Rehabilitation Loan Agreement to James Madison, Inc., was adopted.

Traffic Engineer Position: City Manager recommending approval to eliminate the vacant Traffic Engineering Assistant position and create a Traffic Engineer position in

the Engineering Department. Upon motion the documents were received, filed and approved.

Part-Time Confidential Account Clerk Position: City Manager recommending approval to hire a Part-Time Confidential Account Clerk in the Engineering Department to provide administrative support for the Bee Branch Creek Restoration Project. Upon motion the documents were received, filed and approved.

GRO1000 Gardens & Green Spaces Grant Awards Program: City Manager recommending approval of a GRO1000 Gardens & Green Spaces \$25,000 grant application submitted to the US Conference of Mayors in partnership with the Dubuque Rescue Mission. Upon motion the documents were received, filed and approved.

McGraw-Hill Companies - Assignment of Development Agreement: City Manager recommending approval of an Assignment of the Development Agreement from the McGraw-Hill Companies, Inc. to McGraw-Hill Education, LLC. Upon motion the documents were received and filed and Resolution No. 336-12 Consenting to the Assignment of the Development Agreement between the City of Dubuque, Iowa, and McGraw-Hill Companies to McGraw-Hill Education, LLC was adopted.

Code of Ordinances - Adoption of Supplement No. 11: City Clerk recommending adoption of Supplement No. 11 to the City of Dubuque Code of Ordinances, which adopts Ordinance Nos. 45-12 through 56-12 as adopted by the City Council through September 17, 2012. Upon motion the documents were received and filed and Resolution No. 337-12 Adopting Supplement No. 11 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Hostess Brands WARN Notification: Correspondence from Hostess Brands, Inc., received November 20, 2012 advising the City of the company's bankruptcy proceedings, employee separations, and liquidation pursuant to the Worker Adjustment and Retraining Notification Act. Upon motion the documents were received and filed.

State Urban Renewal (TIF) Report for Fiscal Year 2012: City Manager recommending approval of the Fiscal Year 2012 State Urban Renewal Annual Report. Upon motion the documents were received and filed and Resolution No. 338-12 Approving the Fiscal Year 2012 Urban Renewal Report for the City of Dubuque was adopted.

2013 State Legislative Priorities: City Manager submitting the State of Iowa Legislative Priorities for 2013 for adoption by the City Council and presentation to legislators at the annual Legislative Dinner on December 12, 2012 at the Grand River Center. Upon motion the documents and additional handouts were received, filed and approved.

911 Center / Emergency Operations Center - Needs Assessment Recommendation: City Manager recommending approval of the selection of Wold Architects as the vendor

to provide the Needs Assessments for the Emergency Communications/Emergency Operations Centers. Upon motion the documents were received, filed and approved.

Signed Contracts: Nancy J. Richardson for General Consulting Services for surface transportation development; Professional Services Agreement with WHKS & Co., for design of the utilities extension to the Dubuque Regional Airport. Upon motion the documents were received and filed.

Business License Refund: Request by Sarah Gates for a refund of the liquor license for The District Bar in the amount of \$211.25. 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. 339-12 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.

## **BOARDS/COMMISSIONS**

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

Community Development Advisory Commission: One 3-Year term through February 15, 2014 (Vacant term of Smith). Applicant: Janice Craddieth, 1455 Washington;

Housing Code Board of Appeals: One 3-Year term through January 11, 2015 (Expiring term of Schaub). Applicant: Robert Schaub, 1745 Embassy West #2;

Human Rights Commission: One 3-Year term through January 1, 2015 (Expiring term of Helgager). Applicant: Andrea Helgager, 40 Main St. #300.

## **PUBLIC HEARINGS**

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

Code of Ordinances - Residential Parking Permit District Amendment: Proof of publication on notice of public hearing to consider a Residential Parking Permit District Amendment on Marjorie Circle from Pennsylvania Avenue to Amy Court, Amy Court from Marjorie Circle to northern terminus, and Lucy Drive from Pennsylvania Avenue to Welu Drive and the City Manager recommending approval. 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. Karen Leubka, 1660 Marjorie Circle, spoke in support of the ordinance citing concerns over limited access for EMS, mail and refuse, and safety issues with traffic speed and congestion. Cynthia

Sanders, 1482 Lucy Drive, was informed by the City Manager that the current residential parking permits would be honored. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 62-12. Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Division 7 Residential Parking Permit Program, Section 9-14-321.736 Residential Parking Permit District D by Adding Marjorie Circle Between Pennsylvania Avenue and Amy Court and adjusting the days of the parking restrictions to cover school days only. Seconded by Resnick. Motion carried 7-0.

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

### **ACTION ITEMS**

Safe Community Advisory Committee: Chairperson Doug Stillings presented a report on the implementation status of Safe Community Task Force recommendations, request from Safe Community Advisory Committee to continue, and a request from the City Manager to schedule a work session for February 18, 2013 at 5:15 p.m. Motion by Lynch to receive and file the documents and set the work session as recommended. Mr. Stillings provided a report on the accomplishments and progress of the Committee and recommended continuation of the Safe Community Advisory Committee. Motion carried 7-0.

Community Development Advisory Commission Purchase of Service Grant Applications: City Manager and the Community Development Advisory Commission submitting recommendations for the Fiscal Year 2014 Purchase of Service Grant funding to be made through the Fiscal Year 2014 Budget process. Motion by Connors to receive and file the documents and refer to the City Manager for the December 17, 2012 meeting. Seconded by Jones. City Council discussion included allowing time for the City Manager to review the impact of budgeting for Purchase of Service Agencies that have a 28E Agreement with the City versus non-essential agencies and organizations. Community Development Specialist Aggie Tauke provided information on the Commission's review process and funding recommendations. Motion carried 7-0.

Fifth and Bluff Streets Restroom Project Design Recommendation: City Manager recommending approval to hire Ament Design to prepare a design solution for the 5th and Bluff Public Restroom Project. Motion by Connors to receive and file the documents and table to the December 17, 2012 meeting. Seconded by Jones. Resnick requested more information for comparing the firms involved. Motion carried 7-0.

ARC Transfer Center Phase I Project Award: City Manager recommending award of the contract for the ARC Transfer Center Phase I Project to the low bidder, Murphy Construction. Motion by Jones to receive and file the documents and adopt Resolution No. 340-12 Awarding public improvement contract for the ARC Transfer Center Phase I Project. Seconded by Connors. Responding to questions from City Council, Economic Development Director Dave Heiar stated that the City has a lease with ARC for the property so landscaping is not included in the project.

Brunskill Road Bridge Reconstruction Project Award: City Manager recommending approval of the award of the contract to the low bidder, Taylor Construction, Inc., subject to the concurrence and approval of the Iowa Department of Transportation. Motion by Lynch to receive and file the documents and adopt Resolution No. 341-12 Awarding public improvement contract for the Brunskill Road Bridge Reconstruction Project Iowa DOT Project No. BROS-2100 (659)--8J-31. Seconded by Jones. Motion carried 7-0.

Dubuque County Smart Plan - Request for Work Session: City Manager recommending that the City Council schedule a work session for January 7, 2013, on the Dubuque County Regional Smart Plan. Motion by Braig to receive and file the documents and set the work session as recommended. Seconded by Jones. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Mayor Buol and Council Members Connors and Sutton reported on the National League of Cities Congress of Cities that they recently attended in Boston.

There being no further business, upon motion the City Council adjourned at 7:21 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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