

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

The Dubuque City Council met in special session at 5:00 p.m. on December 17, 2012 in the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Pro Tem Lynch; Council Members Braig, Connors, Jones, Resnick, Sutton; City Manager Van Milligen. (City Attorney Lindahl and Mayor Buol joined the meeting at 5:04 p.m. and 5:17 p.m. respectively.)

Mayor Pro Tem Lynch 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 Status Report.

WORK SESSION

Sustainable Dubuque Project Status Report.

Sustainability Coordinator Cori Burbach and Smarter Sustainable Dubuque Project Manager David Lyons provided a slide presentation on the history and progress of the Sustainable Dubuque Project. Highlights included:

From the Project's Beginning

- citizen/community engagement
- strategic goals/objectives: structure, planning, education and engagement
- performance measures
- collaboration, partnerships, and membership
- mini grants program
- 2013 indicators report
- marketing and outreach
- engage, retain, and expand business community
- workforce development

Smarter Sustainable Dubuque

- Smarter water, electricity, discard management, transportation, health & wellness
- city in motion
- energy conservation solution
- energy portal
- community engagement platform
- use of data protocol

There being no further business, upon motion the City Council adjourned at 6:21 p.m.

/s/Kevin S. Firnstahl, CMC, City Clerk

1t 12/26

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

The Dubuque City Council met in regular session at 6:30 p.m. on December 17, 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 Barry 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.

PRESENTATION(S)

Carnegie-Stout Public Library LEED Certification: Bruce Hamous, OPN Architects, Cedar Rapids, Iowa, and Chairman of the Eastern Iowa Branch of the Iowa US Green Building Council, presented the LEED Silver Certification in the Existing Building Category to the Carnegie-Stout Public Library and the City Council.

Iowa American Planning Association (APA) Award for Historic Millwork District Complete Streets Project: Planning Services Manager Laura Carstens presented the Iowa Chapter of the American Planning Association's Implementation Award for the Historic Millwork District Complete Streets Project to the City Council.

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: Cable TV Commission of 11/7, Catfish Creek Watershed Management Association of 10/24, City Council Proceedings of 12/3, Civil Service Commission of 12/10, Community Development Advisory Commission of 11/28, Human Rights Commission of 9/10 and 11/19, Zoning Advisory Commission of 12/5, Zoning Board of Adjustment of 11/15, Proof of Publication for City Council Proceedings of 11/19. Upon motion the documents were received and filed.

Notice of Claims and Suits: Joseph Healey for property damage, William Jester for vehicle damage, Roger Richard for loss of property, Brant Schueller for vehicle damage, Mark Stevenson for vehicle damage. Upon motion the documents were received, filed and refer to the City Attorney.

Disposition of Claims: William Jester for vehicle damage, Joseph Healey for property damage, Brant Schueller for vehicle damage, Mark Stevenson for vehicle damage. Upon motion the documents were received, filed and concurred.

DARE Agreement for 2012-2013: City Manager recommending approval of the Fiscal Year 2012-2013 DARE Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

Washington Street Parking Lot Project Award: City Manager recommending that the award for the Washington Street Parking Lot Project be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

Final Plat - Brunskill Street Place No. 1: Zoning Advisory Commission recommending approval of the Final Plat of Brunskill Street Place No. 1 (3000 Block of Brunskill Road) subject to waiving lot frontage for Lots 2 through 6 inclusive and Lot A as requested by McDermott Brothers Construction. Upon motion the documents were received and filed and Resolution No. 342-12 Approving the Final Plat of Brunskill Street Place No. 1 in the City of Dubuque, Iowa, was adopted.

Final Plat - Timber-Hyrst Estates # 3: Zoning Advisory Commission recommending approval of the Final Plat of Timber-Hyrst Estates #3 (2000 Block of Creekwood Drive) subject to waiving the maximum cul-de-sac length as requested by North Cascade Road Developers, LLC. Upon motion the documents were received and filed and Resolution No. 343-12 Approving the Final Plat of Timber-Hyrst Estates No. 3 in the City of Dubuque, Iowa, was adopted.

2012 Sidewalk Assessment Program: City Manager recommending approval of the levy of special assessment for sidewalk repair at 728 Wilson Street. Upon motion the documents were received and filed and Resolution No. 344-12 Adopting the Final Assessment Schedule for the Public Right-of-Way Sidewalk Repair Assessment Project was adopted.

Administrative Services Agreement for Workers' Compensation Claims: City Manager recommending approval of the Worker's Compensation Claims Administrative Services Agreement with Alternative Service Concepts, LLC effective October 1, 2012, through September 30, 2013. Upon motion the documents were received, filed and approved.

White Water Creek Bridge Relocation Project Phase 5 Fencing - Project Acceptance: City Manager is recommending acceptance of the construction contract for the Historic White Water Creek Bridge Relocation Project, Phase 5 - Fencing, as completed by Giese Manufacturing Company, Inc., and authorize payment of the contract. Upon motion the documents were received and filed and Resolution No. 345-12 Accepting the Historic White Water Creek Bridge Relocation Project, Phase 5 - Fencing and authorizing the payment of the contract amount to the contractor was adopted.

VISTA Memorandum of Agreement for 3rd Grade Reading: City Manager recommending approval of an AmeriCorps VISTA Memorandum of Agreement 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.

School Resource Officer (SRO) Agreement for Fiscal Year 2012-2013: City Manager recommending approval of the Fiscal Year 2012/2013 School Resource Officer Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

Safe Community Advisory Committee: Committee Member Rachel Daack submitting her resignation from the Safe Community Advisory Committee. Upon motion the documents were received, filed and the resignation accepted.

Improvement Contracts / Performance, Payment and Maintenance Bonds: McDermott Excavating for the Washington Street Parking Lot Project. Upon motion the documents were received, filed and approved.

Signed Contracts: 1) Iowa Communications Network (ICN) lease for the building beneath the 3rd Street Water Tower, 2) MWH America's Additional Service Request for the Water & Resource Recovery Center Modifications Project, 3) Ted Stackis Construction contract for the Fire Hydrant Painting Program Phase 2. 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. 346-12 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 Braig. Motion carried 7-0.

Water & Resource Recovery Center Cogeneration Facilities: City Manager recommending initiation of the bidding process for the Water and Resource Recovery Center Cogeneration (Co-Gen) Facilities, and further recommends that a public hearing be set for January 7, 2013. Upon motion the documents were received and filed and Resolution No. 347-12 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 (Water & Resource Recovery Center Cogeneration Facilities) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 7, 2013 in the Historic Federal Building.

SRF Loan for Water & Resource Recovery Center Cogeneration Facilities: City Manager recommending that a public hearing be set for January 7, 2013, on the proposition of issuing not to exceed \$2,400,000 in Sewer Revenue Capital Loan Notes. Upon motion the documents were received and filed and Resolution No. 348-12 Fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$2,400,000 Sewer Revenue Capital Loan Notes of 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 January 7, 2013 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:

Mediacom Charitable Foundation: One 1-Year term through December 31, 2013 (Expiring term of Twining). Applicant: Connie Twining, 421 N Booth St. Ms. Twining spoke in support of her appointment.

Appointments to 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 St. Motion by Lynch to appoint Janice Craddieth to a 3-year term through February 15, 2014. Seconded by Connors. Motion carried 7-0.

Housing Code Board of Appeals: One 3-Year term through January 11, 2016 (Expiring term of Schaub). Applicant: Robert Schaub, 1745 Embassy West #2. Motion by Connors to appoint Robert Schaub to a 3-year term through January 11, 2016. Seconded by Resnick. Motion carried 7-0.

Human Rights Commission: One 3-Year term through January 1, 2016 (Expiring term of Helgager). Applicant: Andrea Helgager, 40 Main St. #300. Motion by Braig to appoint

Andrea Helgager to a 3-year term through January 1, 2016. Seconded by Jones. Motion carried 7-0.

PUBLIC HEARINGS

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

Request to Rezone - 390 and 444 North Grandview Avenue: Proof of publication on notice of public hearing to consider a request by Finley Hospital to rezone property located at 390 and 444 North Grandview Avenue from OS Office Service District and OR Office Residential District to ID Institutional District and the Zoning Advisory Commission recommending approval. 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 Connors. President and CEO for Finley Hospital David Brandon spoke in favor of the rezoning and provide some project details. Planning Services Manager Laura Carstens provided a staff report. Council Member Lynch stated for the record that he is the current Board Chair for Finley Hospital, and that the City Attorney has determined there is no conflict of interest with Mr. Lynch voting. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 63-12 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 390 and 444 North Grandview Avenue from OR Office Residential and OS Office Service District to ID Institutional District. Seconded by Connors. Motion carried 7-0.

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

ACTION ITEMS

Sixteenth Street Lease Agreement: City Manager recommending authorization of a 30-day public notice on the competitive disposition of an approximately 3.25 acre site of City-owned property on 16th Street. Motion by Connors to receive and file the documents, approve the recommendation and adopt Resolution No. 349-12 (1) Approving the minimum requirements, competitive criteria, and offering procedures for the development and the lease of certain real property and improvements in the Greater Downtown Urban Renewal District; (2) Determining that the lease submitted by Rainbo Oil Co. satisfies the offering requirements with respect to the real property and improvements and declaring the intent of the City Council to approve the lease with Rainbo Oil Co. in the event that no competing proposals are submitted; and (3) Soliciting competing proposals. Seconded by Jones. Motion carried 7-0.

Revised Purchase of Service Grant Applications for Fiscal Year 2014: (Resubmitted from the December 3, 2012 Meeting). City Manager and the Community Development Advisory Commission submitting revised 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 support the recommendations submitted by the City Manager and the Community Development Advisory Commission. Seconded by Braig. Motion carried 7-0.

Fifth and Bluff Streets Restroom Project Design Recommendation: (Tabled from the December 3, 2012 meeting.) City Manager transmitting a summary of the fees submitted by the six responding firms for design services for the 5th and Bluff Restroom Project and recommending approval to hire Ament Design to prepare a design solution for the project. Motion by Braig to remove from the table. Seconded by Jones. Motion carried 7-0.

Motion by Braig to receive and file and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Annual Action Plan for Fiscal Year 2013 - Amendment 1: City Manager recommending approval of the FY 2013 Annual Action Plan- Amendment 1 for the Community Development Block Grant (CDBG) Program. Motion by Braig to receive and file the documents and adopt Resolution No. 350-12 Approving Fiscal Year 2013 (Program Year 2012) Annual Action Plan Amendment 1 for Community Development Block Grant (CDBG) funds. Seconded by Lynch. Motion carried 7-0.

Code of Ordinances - Liquor Control Amendment: City Manager recommending approval of an amendment to City of Dubuque Code of Ordinances as it pertains to Liquor Licensing Section 4-2A-3 Prohibited Sales and Acts and Section 4-2B-6 Requirements for Premises, eliminating outdated language and adding language that is consistent with the Iowa Code and the City's Unified Development Code. 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. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 64-12 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 2 Liquor Control, Article A Alcoholic Beverages, Section 4-2A-3 Prohibited Sales and Acts by adjusting the language to coincide with an amendment to the Iowa Code; and Article B Liquor, Beer And Wine Licenses and Permits, Section 4-2B-6 Requirements for Premises by deleting a reference to a former zoning classification known as Local Business A District which no longer exists. Seconded by Resnick. Motion carried 7-0.

Neptune IQ - Smarter Water Transition: City Manager recommending approval to purchase software and services for Neptune IQ with NWWWS/Ferguson Group and Neptune Technology for the "early adopter" discounts. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

40 Main, LLC - Fifth Amendment to Development Agreement: City Manager recommending approval of the Fifth Amendment to the Development Agreement with 40 Main, LLC that modifies the repayment terms for the loan to revitalize the property located at 40 Main Street. Motion by Jones to receive and file the documents and adopt Resolution No. 351-12 Approving the Fifth Amendment to the Development Agreement between the City of Dubuque, Iowa, and 40 Main, LLC. Seconded by Connors. Responding to questions from City Council, Economic Development Director Dave Heiar stated that the City is secondary mortgage holder after Premier Bank. Motion carried 7-0.

ITC Midwest, LLC Transmission Line Poles: City Manager recommending approval of the number, alignment and coating preference of power line poles to be constructed in Dove Harbor by ITC Midwest, LLC. Restated motion by Connors to receive and file the documents, support the option of one galvanized pole, and adopt Resolution No. 352-12 Stating the preference for the number, alignment and coating preference of power line poles to be constructed in Dove Harbor. Seconded by Jones. Motion carried 7-0.

Department of Energy Data Access Grant: City Manager recommending approval to decline the Department of Energy Smart Grid Data Access Grant. Motion by Jones to receive and file and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Safe Community Advisory Committee Continuation: City Manager recommending approval to extend the existence of the Safe Community Advisory Committee until December 31, 2013. 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 Lynch. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 65-12 Amending Ordinance No. 55-10 which created the Safe Community Advisory Committee by extending the sunset of the Committee from December 31, 2012 to December 31, 2013. Seconded by Jones. Motion carried 7-0.

Convention and Visitors Bureau - Request for Work Session: Executive Director Keith Rahe requesting that the annual Convention and Visitors Bureau work session with the City Council be set for February 4, 2013 at 5:30 p.m. Motion by Connors to receive and file the documents and set the work session as recommended. Seconded by Braig. Motion carried 7-0.

PUBLIC INPUT

Louis Mihalakis, 1212 Miller Road, stated that he believes bids for projects for the Housing and Community Development Department are going to only Ted Stackis Construction and not being fairly bid. The City Manager will look into the issue.

There being no further business, upon motion the City Council adjourned at 7:45 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 12/26