

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

The Dubuque City Council met in special session at 5:00 p.m. on January 7, 2013 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

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

Absent: Mayor Buol

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 Dubuque County Regional Smart Plan.

**WORK SESSION  
Dubuque County Regional Smart Plan**

Planning Services Manager Laura Carstens, ECIA Transportation Planner Dan Fox, and Dubuque County Zoning Administrator Anna O'Shea presented an overview of the Dubuque County Regional Smart Plan to the City Council. Highlights included:

1. Purpose/Mission
  - a. Foster cooperation among communities, help the region attract economic development, protect and preserve community resources, improve resiliency to disaster, and encourage a strong community identity;
  - b. Address Iowa smart planning principles and elements as outlined in Iowa Code Chapter 18B.
2. Overview of the 14 Smart Planning Elements
3. Overview of the 10 Smart Planning Principles
4. Overview of the Smart Planning Grants
5. Summary of the Smart Planning Consortium
6. Description of the Smart Planning Process
7. Review of Consortium and Input Meetings
8. Results; strengths, issues, opportunities
9. Land Use Maps; future and existing land use
10. Benefits of Adopting the Plan

City Council had discussion with the presenters following the presentation.

There being no further business, upon motion the City Council adjourned at 5:32 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on January 7, 2013 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Pro Tem Lynch, Mayor Buol (via phone); Council Members Braig, Connors, Jones, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Mayor Pro Tem Lynch 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 Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Connors requested (#13) IBM Amendment to Joint Development Agreement be held for separate discussion. Motion carried 6-0. (Clerk error in not calling for Buol.)

Minutes and Reports Submitted: Cable TV Commission of 12/5/12; City Council Proceedings of 12/17/12, Community Development Advisory Commission of 12/12/12; Historic Preservation Commission Education Task Force of 12/6/12; Safe Community Advisory Committee of 11/14/12; Proof of Publication for City Council Proceedings of 12/3/12; Proof of Publication for List of Claims and Summary of Revenues for Month Ending November 30, 2012. Upon motion the documents were received and filed.

Notice of Claims and Suits: Leroy Benson for vehicle damage and Joseph Schumacher for vehicle damage. Upon motion the documents were received, filed and referred to the City Attorney.

Disposition of Claims: Joseph Schumacher for vehicle damage. Upon motion the documents were received, filed and concurred.

City Council 2011 Official Proceedings: City Clerk submitting the Official City Council Proceedings for 2011. Upon motion the documents were received, filed and approved.

Request for Proposals - Updated Design Guidelines Manual: City Manager recommending approval of the release of a Request for Proposals for an Updated Design Guidelines Manual for the historic districts and the downtown. Upon motion the documents were received, filed and approved.

Delinquent Grass and Weed Cutting and Garbage Collection Accounts: City Manager recommending adopting of a resolution authorizing the City certify the grass and weed cutting and garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 1-13 Authorizing the City to collect delinquent grass and weed cutting and garbage collection charges in accordance with Title 6-6- 3C2o; Title 6-6-4B3 & Title 6-6B of the Code OF Ordinances of the City of Dubuque, Iowa, was adopted.

Vacant and Abandoned Building and Problem Property Collection Accounts: City Manager recommending adoption of a resolution authorizing the City to certify vacant and abandoned building and problem property charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed and Resolution No. 2-13 Authorizing the City to collect delinquent vacant and abandoned building and problem property charges in accordance with Title 6-6-3B1h; Title 6-6-4B3 & Title 6-6B of the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

2012 Brick Manhole Replacement Project, Bid Pkg. 2 Project Acceptance: City Manager recommending acceptance of the public improvements and authorizing final payment to the contractor for the 2012 Brick Manhole Replacement Project, Bid Package 2, as completed by Tschiggfrie Excavating. Upon motion the documents were received and filed and Resolution No. 3-13 Accepting the 2012 Brick Manhole Replacement Project Bid Package 2 and authorizing payment of the contract amount to the contractor was adopted.

Fiscal Year 2014 County Tax Increment Financing (TIF) Report: City Manager transmitting the Annual Tax Increment Financing (TIF) Report for Fiscal Year 2014, which has been filed with Dubuque County Auditor Denise Dolan. Upon motion the documents were received and filed.

Sustainable Dubuque Project Monthly Status Report: City Manager transmitting the monthly Sustainable Dubuque Project Status Update for December 2012. Upon motion the documents were received and filed.

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

Catfish Creek Watershed Management Plan - Public Education Signs: City Manager transmitting information on the Catfish Creek Watershed Stream Crossings signs. Upon motion the documents were received and filed.

IBM - Amendment to Joint Development Agreement: City Manager recommending approval of Amendment No. 6 to the IBM Joint Development Agreement No. W0954778 that will allow IBM to include data obtained from Dubuque as sample information in IBM products and services. Upon motion the documents were received, filed and approved.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Price Industrial Electric for the Eagle Point Well Fields Electrical Upgrade 2012 Project. 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. 4-13 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. (Temporarily lost phone connection with Mayor Buol.)

Dubuque County Regional Smart Plan: City Manager recommending that a public hearing be set for January 22, 2013, on the final draft of the Dubuque County Regional Smart Plan. Upon motion the documents were received and filed and Resolution No. 5-13 Setting a public hearing on the Dubuque County Regional Smart Plan was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 22, 2013 in the Historic Federal Building.

Rousselot, Inc. - Development Agreement: City Manager recommending setting a public hearing for January 22, 2013 to approve a Development Agreement with Rousselot, Inc. for a 9,000 square foot expansion to its facility at 2350 Kerper Boulevard. Upon motion the documents were received and filed and Resolution No. 6-13 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa, on the proposed issuance of Urban Renewal Tax Increment Revenue Grant Obligations and the approval of a Development Agreement with Rousselot, Inc., and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on January 22, 2013 in the Historic Federal Building.

Community Development Block Grant (CDBG) - Annual Action Plan: City Manager recommending that a public hearing be set for February 21, 2013, on the Fiscal Year 2014 Annual Action Plan. Upon motion the documents were received and filed and Resolution No. 7-13 Setting a public hearing on the Fiscal Year 2014 (Program Year 2013) Community Development Block Grant (CDBG) Annual Action Plan was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 21, 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:

Community Development Advisory Commission: Two 3-Year terms through February 1, 2016 (Expiring terms of Caldwell and Maloy). Applicants: Theresa M. Caldwell, 1633 Elm St.; and Paula Maloy, SVM, 2950 Kaufmann Ave.

Safe Community Advisory Committee: Nine 1-Year terms through December 31, 2013 (Expiring terms of Allen, Bragg, Callahan, Cheatham, Daack, Ernst, Stillings, Stork, and Welch). Applicants: Anthony Allen, 1725 Delhi St.; Mary Rae Bragg, 350 Kaufmann Ave. Apt 1; Ann Ernst, 899 Mt. Carmel Rd.; Shaunel Evans, 925 Rhombert Ave.; Doug Stillings, 1255 Locust St.; Susan Stork, 2115 Golden Eagle Dr.; and Christopher Welch, 164 Main St. Ms. Ernst and Mr. Stillings spoke in support of their respective appointments.

Sister City Relationships Advisory Commission: Two 3-Year Terms through February 1, 2016 (Expiring terms of Phillips and Thurn) Applicants: Betty J. Phillips, 3047 Kane Ct.; and Louise Thurn, 3037 Kaufmann Ave. Ms. Thurn spoke in support of her reappointment.

Appointment was made to the following Board/Commission:

Mediacom Charitable Foundation: One 1-Year term through December 31, 2013 (Expiring term of Twining). Applicants: Connie Twining, 421 N Booth St. Motion by Braig to appoint Connie Twining to a one-year term through December 31, 2013. Seconded by Resnick. Motion carried 7-0.

## **PUBLIC HEARINGS**

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

Water & Resource Recovery Center Cogeneration Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract and estimated costs for the Water & Resource Recovery Center Cogeneration Project and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 8-13 Approving the plans, specifications, form of contract, and estimated cost for the Water & Resource Recovery Center Cogeneration Project. Seconded by Connors. City Manager Van Milligen and Water & Resource Recovery Center Manager Jonathan Brown responded to questions from the City Council regarding the project costs, bidding process, local and regional markets for by-

products, turbine efficiency and maintenance, potential for grant monies and, and generating electricity and additional revenues. Motion carried 6-1 with Lynch voting nay.

Sewer Revenue Capital Loan Notes: Proof of publication on notice of public hearing to consider the issuance of not to exceed \$2,400,000 Sewer Revenue Capital Loan Notes from the Iowa Water Pollution Control Works Financing Program and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 9-13 Instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$2,400,000 Sewer Revenue Capital Loan Notes. Seconded by Resnick. Motion carried 6-1 with Lynch voting nay.

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

### **ACTION ITEMS**

Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented the quarterly update on the activities of the Greater Dubuque Development Corporation. Highlights included information on achieving or surpassing goals in the areas of low unemployment, increased job growth, increased new commercial and residential construction, an increased average wage, and creating a talented workforce. Motion by Connors to receive and file the information. Seconded by Resnick. Motion carried 7-0.

City Hall HVAC Project Acceptance: City Manager recommending acceptance of the 2012 City Hall HVAC Project, as completed by Tricon Construction. Motion by Braig to receive and file the documents and adopt Resolution No. 10-13 Accepting the 2012 City Hall HVAC Project and authorizing the payment of the contract amount to the contractor. Seconded by Connors. Motion carried 7-0.

Comprehensive Annual Financial Report (CAFR): City Manager transmitting the Fiscal Year 2012 Comprehensive Financial Report (CAFR), Auditor's Communication with Those Charged with Governance Letter, along with the City Finance staff's response. Motion by Connors receive and file the documents. Seconded by Braig. Finance Director Ken TeKippe and Dave Kale of Eide Bailly provided information regarding the preparation of the report and responses to the auditors. Motion carried 7-0.

City Council Appointments to Boards and Commission: Correspondence from M. Thomas Stovall, Executive Director of Operation: New View Community Action Agency, requesting that the City make appointments to the Board of Directors at the first meeting in January 2013 (currently City Council Members Lynn Sutton and David Resnick), and a representative appointed by the City Manager (currently Alvin Nash).

Mayor and City Council appointments to various Boards and Commissions.

Motion by Connors to receive and file the documents; adopt the changes as indicated to the City Clerk; reappoint Council Members Sutton and Resnick and the City

Manager's representative Alvin Nash, and that staff be directed to draft a letter to Operation: New View regarding amendment of the Agency's bylaws as they relate to membership and City representation. Seconded by Braig. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Connors reported on the attendance of the Wahlert High School Debate Club at tonight's meeting and indicated that she will contact them about the youth commissioner vacancy on the Environmental Stewardship Advisory Commission.

Council Member Jones reported on the death of City Conference Board Member Fritz (John) Ganshirt.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 7:51 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa.

Upon motion, the City Council reconvened in open session at 8:20 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:21 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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