

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

The Dubuque City Council met in regular session at 6:30 p.m. on January 22, 2013 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 (via phone), City Attorney Lindahl, Assistant City Manager Steinhauser

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 Resnick. Motion carried 7-0.

Minutes and Reports Submitted: City Council proceedings of 1/7, Civil Service Commission of 1/14, Community Development Advisory Commission of 1/2, Historic Preservation Commission Education Task Force of 1/3, Human Rights Commission of 12/10/12, Safe Community Advisory Committee of 1/9, Sister City Relationships Advisory Commission of 1/9, Zoning Advisory Commission of 1/3, Zoning Board of Adjustment of 12/20/12, Proof of publication for City Council proceedings of 12/17/12. Upon motion the documents were received and filed.

Notice of Claims and Suits: Frank Ahlback for vehicle damage, Amelia Brimeyer for personal injury, Richard Curiel Jr. for loss of property, Albert Hoist for personal injury, Roger Meyer for personal injury, Lisa and Chris Vogt for property damage. Upon motion the documents were received, filed and referred to the City Attorney.

Disposition of Claims: Frank Ahlback for vehicle damage; Leroy Benson for vehicle damage; Amelia Brimeyer for personal injury, Richard Curiel, Jr. for loss of property, Albert Hoist for personal injury, Roger Meyer for personal injury. Upon motion the document was received, filed and concurred.

Appeal of Claim by Joseph Healey: Joseph Healey, 2586 Crissy Drive, submitting a Letter of Appeal regarding denial of his claim against the City from December 7, 2012 for sewer line damage. Upon motion the document was received, filed and referred to the City Attorney.

Human Rights Commission - Fiscal Year 2012 Annual Report: City Manager transmitting the Human Rights Commission's Fiscal Year 2012 Annual Report. Upon motion the documents were received and filed.

Request for Proposals - Chaplain Schmitt Island Master Plan: City Manager recommending approval of the Request for Proposal and planning process for the Chaplain Schmitt Island Master Plan. Upon motion the documents were received, filed and approved.

Public, Educational and Government (PEG) Capital Expenditure Request: City Manager recommending approval of the Cable TV Commission's request for up to \$50,000 from the Public, Educational, and Government (PEG) Capital Grant on behalf of the local access community to ensure the on-air playback operations at our four local access origination sites. Upon motion the documents were received, filed and approved.

Workers' Compensation Settlement Agreement: City Attorney recommending approval of an Agreement for Settlement regarding a Workers' Compensation claim that was filed against the City by Jim Melloy. Upon motion the documents were received, filed and approved.

Plat of Survey - Wild Rose Place No. 2: Zoning Advisory Commission recommending approval of the Plat of Survey for Wild Rose Place No. 2 as requested by WMK Investment Properties, LLC. Upon motion the documents were received and filed and Resolution No.11-13 Approving the Plat of Survey of Wild Rose Place No. 2 in Dubuque County, Iowa, was adopted.

Plat of Survey - 251-253 W. 17th Street: Zoning Advisory Commission recommending approving of the Plat of Survey for property located at 251-253 W. 17th Street as requested by the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 12-13 Approving the Plat of Survey of Lot 1 and Lot 1A of Dorgan's Subdivision No. 2 in Dubuque, Iowa, was adopted.

Iowa Economic Development Authority - CDBG Contract Amendments: Correspondence from the Iowa Economic Development Authority advising the City of Amendment No. 2 to CDBG contract number 008-DRH-212 (Caradco), which extends the contract date to March 31, 2013; and transmitting an executed copy of Amendment No. 3 to CDBG contract number 08-DRIFWP-203 (Watershed Management). Upon motion the documents were received and filed.

QuadGraphics: Correspondence from Gregg Bolt, Executive Vice President of Human Resources and Administration for QuadGraphics, informing the City of plans to restructure certain operations at its facility located at 2470 Kerper Blvd. and the positions effected. Upon motion the documents were received and filed.

Revitalize Iowa's Sound Economy (RISE) - Grant Application: City Manager recommending approval of a resolution endorsing a Revitalize Iowa's Sound Economy (RISE) grant application for a new street to serve approximately 78 acres of new industrial property located on the former South Siegert Farm. Upon motion the documents were received and filed and Resolution No. 13-13 Endorsing the submission

of a Revitalize Iowa's Sound Economy (RISE) Application to the Iowa Department of Transportation for the construction of a new street in Dubuque Industrial Center South was adopted.

Civil Service Commission: Civil Service Commission submitting the certified list for the position of Police Corporal. Upon motion the documents were received and filed.

Brunskill Street Place No. 1: City Manager recommending acceptance of the public sanitary sewer improvements that the developer, McDermott Brothers Construction, has recently completed in Brunskill Street Place No. 1. Upon motion the documents were received and filed and Resolution No. 14-13 Accepting Public Improvements in Brunskill Street Place No. 1 was adopted.

English Ridge Subdivision: City Manager recommending acceptance of the public improvements, with the exception of the stormwater detention facilities, that the developer, English Ridge, LLC has recently completed in English Ridge Subdivision. Upon motion the documents were received and filed and Resolution No. 15-13 Accepting public improvements in English Ridge Subdivision was adopted.

Loras Estates - Sanitary Sewer and Watermain Improvements: City Manager recommending acceptance of the sanitary sewer and watermain improvements that the developers, Ronald L. and Janice M. Smith, have recently completed in Loras Estates. Upon motion the documents were received and filed and Resolution No. 16-13 Accepting sanitary sewer and watermain improvements in Loras Estates was adopted.

Harvest View Estates - Vacate of Sanitary Sewer Easement: City Manager recommending approval of a resolution acknowledging the vacation of the sanitary sewer easement in Harvest View Estates First Addition. Upon motion the documents were received and filed and Resolution No. 17-13 Acknowledging the vacation of a sanitary sewer easement in Lot 1 of Lot 1 of Lot 1 of the east half of the southwest quarter of Section 16, T89N, R2E of the Fifth Principal Meridian in the City of Dubuque, Dubuque County, Iowa, was adopted.

Seippel Road - Dedication of Right-of-Way: City Manager recommending acceptance of a Quit Claim Deed for Seippel Road right-of-way from JLD Investments, LLC. Upon motion the documents were received and filed and Resolution No. 18-13 Accepting a conveyance of property was adopted.

Stipulation of Settlement - Property Tax Appeal: City Attorney recommending approval of the Stipulation of Settlement for Kohl's Department Store, 2595 NW Arterial, property tax protest. Upon motion the documents were received, filed and approved.

Dubuque Jaycees - Veterans' Memorial Park Lease: City Manager recommending approval of a one-year agreement with the Dubuque Jaycees to operate a community garden at Veterans' Memorial Park. Upon motion the documents were received, filed and approved.

North Fork Containment Wall Project: City Manager recommending that the award for the North Fork Containment Wall Project be officially recorded in the minutes of the

City Council. Upon motion the documents were received, filed and made a Matter of Record.

AmeriCorps 2013-2014 Grant Application: City Manager requesting approval to submit the 2013-2014 AmeriCorps grant application. Upon motion the documents were received, filed and approved.

Jeld-Wen, Inc. - Co-Generation Agreement: City Attorney recommending approval of a Co-Generation Agreement between the City and Jeld-Wen, Inc. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Beecher Beverage: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Beecher Beverage, 1691 Asbury Road. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Kwik Star #495: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Kwik Star #495, 2685 Dodge Street. Upon motion the documents were received, filed and approved.

Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco licenses applications as submitted. Upon motion the documents were received and filed and Resolution No. 19-13 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; and Resolution No. 20-13 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were 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.

Asbury Tank Reconditioning Project: City Manager recommending initiation of the bidding process for the Asbury Tank Reconditioning Project and further recommends that a public hearing be set for February 4, 2013. Upon motion the documents were received and filed and Resolution No. 21-13 Preliminary approval of the specifications, form of contract, and estimated cost; setting date of public hearing on the specifications, form of contract, and estimated cost; and ordering the advertisement for bids (Asbury Tank Reconditioning Project) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 4, 2013 in the Historic Federal Building.

Weaver Castle, LLC - Development Agreement: City Manager recommending that public hearing be set for February 4, 2013, to approve a Development Agreement with Weaver Castle, LLC to redevelop property located at 407-409 Loras Boulevard. Upon motion the documents were received and filed and Resolution No. 22-13 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 Obligations and the execution of a Development Agreement relating thereto with Weaver Castle, LLC, 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 February 4, 2013 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Appointments were made to the following Boards/Commission to be made at this meeting:

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. Motion by Lynch to appoint Theresa Caldwell and Paula Maloy to 3-year terms through February 1, 2016. Seconded by Jones. Motion carried 7-0.

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 Rhomberg Ave.; Doug Stillings, 1255 Locust St.; Susan Stork, 2115 Golden Eagle Dr.; and Christopher Welch, 164 Main St. Motion by Connors to appoint all 7 applicants to 1-year terms through December 31, 2013. Seconded by Jones. Motion carried 7-0.

Sister City Relationship 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. Motion by Lynch to appoint Betty Phillips and Louise Thurn to 3-year terms through February 1, 2016. Seconded by Braig. Motion carried 7-0.

## **PUBLIC HEARINGS**

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

Request to Rezone - 900 Seippel Road: Proof of publication on notice of public hearing to consider a request by Joe and Linda Delaney / JLD Investments, LLC to rezone property located at 900 Seippel Road (Lot 2 Seippel Road Commercial Park #4) from CS Commercial Service and Wholesale District with conditions to AG Agricultural District and the Zoning Advisory Commission recommending approval. Motion by Lynch 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. Planning Services Manager Laura Carstens provided a staff report. Motion carried 7-0.

Motion by Lynch for final consideration and passage of Ordinance No. 1-13 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 900 Seippel Road from CS Commercial Service and Wholesale District, with Conditions, to AG Agricultural District. Seconded by Braig. Motion carried 7-0.

Dubuque County Regional Smart Plan: Proof of publication on notice of public hearing to consider adoption of the Dubuque County Regional Smart Plan and the City Manager recommending approval. Motion by Jones to receive and file the documents

including correspondence received from the Long Range Planning Advisory Commission and adopt Resolution No. 23-13 Adopting Dubuque County Regional Smart Plan. Seconded by Resnick. Resnick stated that the entire plan is available for viewing by the public from the City's web page. Motion carried 7-0.

Rousselot, Inc. - Development Agreement: Proof of Publication on notice of public hearing to consider approval of a Development Agreement with Rousselot, Inc., for a 9,000 square-foot expansion to its facility at 2350 Kerper Blvd. and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 24-13 Approving issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of a Development Agreement relating thereto with Rousselot, Inc. Seconded by Jones. Motion carried 7-0.

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

### **ACTION ITEMS**

Five Flags Center Annual Report Presentation: Five Flags Center Manager Joyce White of SMG gave a presentation on the current fiscal year activities and future plans for the Five Flags Center, which included information on positive budget numbers since the elimination of revenue from ice events, percentages of usage in the categories of performing arts, community events, and entertainment; the use of social media services and marketing assessments; and the web site redesign. Motion by Jones to receive and file the documents and information. Seconded by Resnick. Motion carried 7-0.

Automated Vehicle Location (AVL) System Presentation: Street and Sewer Maintenance Supervisor John Klostermann gave a slide presentation regarding the City of Dubuque's Automatic Vehicle Location (AVL) system equipment installed in the Public Works Department's snow and ice control trucks and heavy equipment, which allows the City to electronically track its plowing operations. Klostermann described the new plowing operations map now available on the City's web page that enables citizens to monitor plowing progress and history through color-coded, user-friendly mapping connected to the AVL system. Motion by Connors to receive and file the documents and information. Seconded by Jones. Motion carried 7-0.

Rainbo Oil Lease Agreement- 16th Street Corridor: City Manager recommending utilization of the attached proceedings (1) if a competitive proposal is submitted prior to the posted deadline; or, (2) if no competitive proposal is submitted, recommends approval of the resolution accepting the proposal submitted by Rainbo Oil Co. DBA Kwik Stop C-Stores. Motion by Braig to receive and file the documents and adopt Resolution No. 25-13 Approving disposal of an interest in real property owned by the City of Dubuque by lease agreement with Rainbo Oil Co. DBA Kwik Stop C-Stores. Seconded by Jones. Mayor Buol stated that no proposals had been received. Responding to questions from the City Council, Economic Development Director Dave Heiar stated that due to the relationship between Rainbo Oil and Mulgrew Oil, it is expected that the existing station will service truck traffic and the new station will service standard vehicles. Motion carried 7-0.

Warehouse Redevelopment, LLC - Parking Agreement Amendment: City Manager recommending approval of the First Amendment to Purchase Agreement (Offer to Buy and Acceptance) between the City of Dubuque and Warehouse Redevelopment, LLC related to parking for the Caradco Project. Motion by Connors to receive and file the documents and adopt Resolution No. 26-13 Approving the First Amendment to an agreement for the purchase of real estate In the Historic Millwork District, City of Dubuque, Iowa, commonly referred to as the Alamo Site (Foundry Building Area) from Warehouse Redevelopment, LLC. Seconded by Jones. Responding to questions from the City Council, Economic Development Director Dave Heiar stated that the surface parking lot will remain until details regarding the use of the new facility can be clarified with the Federal Transit Administration at an upcoming meeting in February. Motion carried 7-0.

Request for Proposals - Indoor Aquatic Center Study: City Manager recommending approval of a Request for Proposal for an Indoor Aquatic Center Study. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

Smarter Sustainable Dubuque Pilot Project on Smarter Discards: City Manager recommending approval of a Joint Development Agreement with IBM to test a Proof of Concept related to developing an Intelligent Discard Management module as part of IBM's Smarter City suite of software services. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Responding to questions from the City Council, Resource Management Coordinator Paul Schultz stated that this action approves the development agreement and that information regarding the budget detail will come to the Council at a future meeting. He added that there is funding available and that hardware purchases will remain property of the City. Motion carried 7-0.

Fiscal Year 2014 Budget Policy Guidelines: City Manager recommending adoption of the Fiscal Year 2014 Budget Guidelines. Motion by Braig to receive and file the documents and approve the FY 2014 Budget Policy Guidelines. Seconded by Connors. Responding to questions from the City Council, City Manager Van Milligen discussed the reasoning behind excluding a property tax rate figure due to the impact of a number of components that cannot be determined at this time, such as the Federal Affordable Care Act, Municipal Fire and Police Retirement pensions, and new laws governing Tax Increment Financing. Motion carried 7-0

Every Child / Every Promise: City Manager recommending setting a work session for March 4, 2013 at 5:30 p.m. regarding the progress made on Every Child / Every Promise objectives as requested by the Community Foundation of Greater Dubuque. Motion by Jones to receive and file the document and set the work session as recommended. Seconded by Braig. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**

Mayor Buol reported on his attendance at the recent U.S. Conference of Mayors in Washington D.C. stating that cities across the nation are dealing with a multitude of issues including infrastructure, educated workforce and low graduation rates, sustainability, and specifically gun violence perspectives. Buol also noted that

Indianapolis, Indiana, received a sustainability award for completely converting its city's fleet from oil-based fuel.

Council Member Braig reported on grass roots-level discussions on violence organized by the Sisters of St. Francis at Mt. Carmel. The next meeting will be held on February 3, 2013 at St. Mark Community Center.

Council Member Connors reported on her visit with Senator Pam Jochum at the last Cracker Barrel discussion and encouraged attendance at future discussion, which are held monthly. The next Cracker Barrel will be held on February 2, 2013 at the Diamond Jo Casino and the topic is expected to be property tax changes.

### **PUBLIC INPUT**

Jeff Lenhart, 1711 Clarke Drive, addressed the City Council about an event on the evening of February 22, 2013 at the Diamond Jo Casino where author Will Bowen will discuss his book "A Complaint Free World."

There being no further business, upon motion the City Council adjourned at 8:05 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk