

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

The Dubuque City Council met in special session at 5:30 p.m. on March 4, 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 Every Child / Every Promise program.

**WORK SESSION  
Every Child / Every Promise**

Presentation on the activities and successes of the Every Child / Every Promise program by Eric Dregne, Vice President of Programs for the Community Foundation of Greater Dubuque; Stan Reingans, Superintendent of Schools, Lynn Devaney, Associate Superintendent of Schools, Troy Rabbett, Development and Marketing Director for St. Mark Community Center, Shirley Hoertsman, Director of Student Services for Dubuque Schools; and Marie Ware, Leisure Services Manager. Topics included:

- Vision / Mission
- Five Promises: healthy start, effective education, caring adults, safe places, opportunities to serve
- Current Objectives
- Successes
- Leadership Enrichment After-School Programs (LEAP)
- St. Mark Community Center:
  - history & background,
  - school year educational programs
  - high-impact partnerships
  - school readiness
  - school attendance
  - summer learning
  - out-of-school time
  - Summer Academy Pilot
  - Partnerships
- Campaign for Grade-Level Reading

There being no further business, upon motion the City Council adjourned at 6:26 p.m.

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 March 4, 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 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.

**PROCLAMATION(S)**

Mason's Child Identification Day (March 9, 2013) was accepted by Chris Stechman of the Dubuque Masons, 1155 Locust St.

IPOST Month (March 2013) was accepted by Diane Asmussen of the Finley Hospital 350 N Grandview Ave.

**CONSENT ITEMS**

Motion by Connors to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 6-0.

Minutes and Reports Submitted: City Council Proceedings of 2/18, 2/21, 2/25, 2/26, and 2/27; Civil Service Commission of 2/13; Historic Preservation Commission of 2/20, Human Rights Commission of 1/14, Long Range Planning Advisory Commission of 2/20; Proof of Publication for City Council Proceedings of 2/4 and 2/5; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 1/31/13. Upon motion the documents were received and filed.

Notice of Claims and Suits: Bobbie Bisdorf-Jost for vehicle 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: Bobbie Bisdorf-Jost for vehicle damage. Upon motion the documents were received, filed and concurred.

Sustainable Dubuque Project Status Update: City Manager transmitting the Sustainable Dubuque Project Status Update for January 2013. Upon motion the documents were received and filed.

5 Points Traffic Reconstruction - Project Acceptance: City Manager recommending acceptance of the construction contract for the 5 Points Traffic Signal Reconstruction Project, as completed by Portzen Construction. Upon motion the documents were received and filed and Resolution No. 67-13 Accepting the 5 Points Traffic Signal Reconstruction Project and authorizing the payment of the contract amount to the contractor was adopted.

Manson Road Emergency Watermain and Bridge Repair - Project Acceptance: City Manager recommending acceptance of the construction contract for the Manson Road Bridge and Watermain Emergency Repair Project, as completed by Taylor Construction. Upon motion the documents were received and filed and Resolution No. 68-13 Accepting the Manson Road Bridge and Water Main Emergency Repair Project and authorizing the payment of the contract amount to the contractor was adopted.

US 151/61 Capacity Improvements - Project Acceptance: City Manager recommending acceptance of the construction contract for the US 151-61 Capacity Improvements Project, as completed by Tschiggfrie Excavating. Upon motion the documents were received and filed and Resolution No. 69-13 Accepting the US 151-61 Capacity Improvements Project, Iowa DOT Project No. STP-A-061-8(128)22-31 and authorizing the payment of the contract amount to the contractor was adopted.

Washington Street Parking Lot - Project Acceptance: City Manager recommending acceptance of the construction contract for the Washington Street Parking Lot Project, as completed by McDermott Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 70-13 Accepting the Washington Street Parking Lot Project and authorizing the payment of the contract amount to the contractor was adopted.

Tschiggfrie Excavating Company Claim: Correspondence from O'Connor & Thomas Law Firm on behalf of Tschiggfrie Excavating Company objecting to release of retained funds for materials and labor related to the Water & Pollution Control Plant Modifications Project. Upon motion the documents were received, filed and referred to the City Manager.

The Jule - Consolidated Funding Authorizing Resolution: City Manager recommending approval and signature on the Authorizing Resolution for The Jule's FY

2014 Consolidated Funding. Upon motion the documents were received, filed and approved.

Collective Bargaining Agreement Amendment - Teamsters Local No. 120: City Manager recommending approval of an amendment to the Collective Bargaining Agreement with the Teamsters Union to provide for a work week that consists of ten hours per day and four days per week effective April 22, 2013 through September 27, 2013 for the Maintenanceworker, Airfield Maintenanceworkers and Mechanic assigned to the Airport. Upon motion the documents were received, filed and approved.

Request for Proposals - Catfish Creek Watershed Management Plan: City Manager recommending approval of the Request for Proposals (RFP) for consulting services to prepare the Catfish Creek Watershed Management Plan. Upon motion the documents were received, filed and approved.

Purchase of Property - 735 Caledonia Place: City Manager requesting authorization to sign the Offer to Buy Real Estate and Acceptance Agreement for 735 Caledonia Place. Upon motion the documents were received, filed and approved.

Consent Decree Semi-Annual Report: City Manager recommending approval to certify the March 31st Semi Annual Consent Decree Report to be submitted to the U.S. Department of Justice, U.S. EPA and the Iowa Department of Natural Resources. Upon motion the documents were received, filed and approved.

Certified Local Government (CLG) - 2012 Annual Report: City Manager transmitting the 2012 Certified Local Government (CLG) Annual Report. Upon motion the documents were received and filed.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Purchasing Coordinator and Traffic Engineer. Upon motion the documents were received, filed and made a Matter of Record.

Actuarial Valuation of Post-Employment Benefit Plans: City Manager recommending that the SilverStone Group be selected to conduct the GASB-45 actuarial valuation for 2013. Upon motion the documents were received, filed and approved.

IDOT Local Road Detour Agreement - 30-Inch Force Main Project: City Manager recommending authorization for the Mayor to execute an agreement with the Iowa Department of Transportation for the use of local roads as an authorized detour route for the Phase I - 30-inch Force Main Relocation Project from 7th to 12th Streets. Upon motion the documents were received and filed and Resolution No. 71-13 Approving the Iowa Department of Transportation Agreement for use of local agency roads as detours for Phase I - 30 Inch Force Main Relocation Project from 7th to 12th Streets was adopted.

Healthy Homes and Lead-Based Hazard Control - Quarterly Progress Reports: Correspondence from the U.S. Department of Housing and Urban Development (HUD) informing the City that its Healthy Homes Demonstration Work Plan has achieved an overall performance rating of 100 out of 100 and has received a Green Designation and that the Lead-Based Hazard Control Grant Work Plan has achieved an overall performance rating of 100 out of 100. Upon motion the documents were received and filed.

Sisters of St. Francis: Correspondence from the Sisters of St. Francis thanking the City of Dubuque for its support of Mayors for Peace and nuclear weapons abolition by 2020. Upon motion the documents were received and filed.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Clark Gas Station: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Clark Gas Station, 700 Rhomberg Avenue. Upon motion the documents were received, filed and approved.

Tobacco Compliance - Civil Penalty for Tobacco License Holders - Clark Petroleum: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Clark Petroleum, 700 Rhomberg Avenue. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Dubuque Quick Stop Mart: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Dubuque Quick Stop Mart, 1401 Central Avenue. Upon motion the documents were received, filed and approved.

Tobacco Compliance - Civil Penalty for Tobacco License Holders - Dubuque Quick Stop Mart: City Manager recommending approval of the Acknowledgment/Settlement Agreement for a tobacco compliance violation for Dubuque Quick Stop Mart, 1401 Central Avenue. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Eagles Club: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for the Eagles Club, 1175 Century Drive. 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 as submitted. Upon motion the documents were received and filed and Resolution No. 72-13 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. 73-13 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 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 Resnick. Motion carried 6-0.

Petition to Vacate - Portion of University Avenue Extension: City Manager recommending that a public hearing be set for March 18, 2013 to consider a request from Douglas Dolter, Dubuque Mattress, Inc., to vacate a portion of University Avenue Extension adjacent to Iowa Auto Glass at 2796 University Avenue. Upon motion the documents were received and filed and Resolution No. 74-13 Resolution of Intent to vacate and dispose of City interest in Lot 2A University Avenue Extension Place in the City of Dubuque, Iowa; and Resolution No. 75-13 Approving a Plat of the proposed vacating of a portion of University Avenue Extension Right-of-Way were adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 18, 2013 in the Historic Federal Building.

Petition to Vacate - Sanitary Sewer Easement at University Extension Place: City Manager recommending that a public hearing be set for March 18, 2013 to consider a request by Douglas Dolter of Dubuque Mattress, Inc. to consider the vacation of a sanitary sewer easement in Lot 2 University Extension Place. Upon motion the documents were received and filed and Resolution No. 76-13 Resolution of Intent to dispose of city interest and vacate a Sanitary Sewer Easement over Lot 2 University Extension Place 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 March 18, 2013 in the Historic Federal Building.

SEP Green Alley Permeable Pavers Project - Loras Boulevard and Arlington Streets from Prairie Street to Dell Street: City Manager recommending initiation of the public bidding procedure for the SEP Green Alley Permeable Pavers Project between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street, and further recommends that a public hearing be set for March 18, 2013. Upon motion the documents were received and filed and Resolution No. 77-13 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 SEP Green Alley Permeable Paver Project (Between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street.) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 18, 2013 in the Historic Federal Building

30-Inch Force Main Project (Phase I - 9th - 11th Streets): City Manager recommending initiation of the bidding process for Phase I (9th Street to 11th Streets) of the 30-Inch Force Main Relocation Project and the water main on Elm Street from 9th to 11th, and further recommends that a public hearing be set for March 18, 2013. Upon motion the documents were received and filed and Resolution No. 78-13 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 (Phase I of the 30 Inch Force Main Relocation Project From 9th Street to 11th Street) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 18, 2013 in the Historic Federal Building.

Wilmac Property Company - Linseed Oil Paintworks Building: City Manager recommending that a public hearing be set a for March 18, 2013 to consider entering into a Development Agreement for the property located at 151 East 9th Street (Corner of 9th and Jackson). Upon motion the documents were received and filed and Resolution No. 79-13 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 Wilmac Property Company, 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 March 18, 2013 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Appointments were made to the following Board:

Mechanical Code Board: Two 3-Year terms through March 16, 2016 (Expiring terms of Billmeyer and Papin). Applicants: Ronald Billmeyer, 2375 Theda; Paul Papin, 2955 Jackson St. Motion by Braig to appoint Ronald Billmeyer and Paul Papin to 3-year terms through March 16, 2016. Seconded by Jones. Motion carried 6-0.

### **PUBLIC HEARINGS**

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

Petition to Vacate - Portion of Old Highway Road: Proof of publication on notice of public hearing to consider disposal of a portion of Old Highway Road at the intersection of Radford Road for the National Guard Readiness Center and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 80-13 Disposing of City Interest In Lot 2-1-A Of The SE  $\frac{1}{4}$  - SW  $\frac{1}{4}$  Section 29, T89N, R2E, 5th P.M. in the City of Dubuque, Dubuque County, Iowa; and Resolution 81-13 Vacating a portion of Old Highway Road near Radford Road in the City of Dubuque, Iowa, were adopted.

### **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. Topics included Business retention and expansion, and workforce solutions. Motion by Jones to receive and file the information. Seconded by Resnick. Motion carried 6-0.

Park & Recreation Commission - Pets in Parks Recommendation: Park & Recreation Commission submitting its recommendations regarding pets in city parks and on trails. by amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation By Adding Definitions Relating to Animals; Restricting Horsedrawn Vehicles; Permitting Dogs, Cats, and Domesticated Animals in Certain Parks, Open Spaces, and Trails Subject to Conditions; Establishing Leash and Waste Clean-Up Requirements; Prohibiting Animals Running At-Large Within Parks, Open Spaces, or Trails; Permitting the Exercising of Dogs off Leash in Certain Areas; and Revising Park, Open Spaces and Trail Descriptions.

City Council discussion included conversation about child safety, health concerns, enforcement, compromises, possible monitoring for future revision, and acknowledging the Commission's work and research.

Motion by Jones to consider the first reading of the proposed ordinance. Seconded by Braig. Motion failed 5-1 with Braig voting yay.

Code of Ordinances - Pawn/Secondhand Dealers & Junk/Salvage Operators Amendment: City Manager recommending adoption of the revised ordinance regarding Pawn/Secondhand Dealers and Junk/Salvage Operators. Police Chief Mark Dalsing and Assistant City Attorney Crenna Brumwell provided a brief presentation that provided background information about the process and public input used in the amendment process. 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 6-0.

Motion by Connors for final consideration and passage of Ordinance No. 14-13 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations by repealing Chapter 6 Junk and Secondhand Dealers and adopting a new Chapter 6 Pawnbrokers and Secondhand Dealers; Junk and Autosalvage Dealers in lieu thereof. Seconded by Resnick. Motion carried 6-0.

Parking Lot Request - 156 Main Street: City Manager recommending approval of a request from Platinum Supplemental Insurance, Inc. to construct a new surface off-street parking lot at 156 Main Street in the Old Main Historic District. Motion by Braig to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 5-1 with Jones voting nay.

Code of Ordinances - Electric Transmission Line Company Licensing: City Manager recommending approval of an Electric Transmission Line Company Licensing Ordinance. 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. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 15-13 Establishing the procedure for licensing electric transmission line companies. Seconded by Connors. Motion carried 6-0.



Code or Ordinances - Solicitor's License: City Manager recommending adoption of a new Title 4, Chapter 5, Solicitor's License, that combines the existing Title 4, Chapter 5, Door to Door Sales and Title 4, Chapter 9, Peddlers and Transient Merchants. Motion by Braig 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 6-0.

Motion by Braig for final consideration and passage of Ordinance No. 16-13 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations by repealing Chapter 5 Door to Door Sales and Chapter 9 Peddlers and Transient Merchants and adopting a new Chapter 5 Solicitor's License in lieu thereof. Seconded by Jones. Motion carried 6-0.

### **PUBLIC INPUT**

Jeff Lenhart, 1711 Clarke Drive, provided an update on the recent Complaint Free Dubuque event noting that it drew 400 people and raised \$3,500 for the Dubuque Rescue Mission.

Rich Misky, 3199 Sheridan Rd. commented on his concerns over the city's debt issuance, repayment, and property tax increase.

There being no further business, upon motion the City Council adjourned at 7:56 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 3/13