

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

The Dubuque City Council met in special session at 5:30 p.m. on April 1, 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, City Attorney Lindahl

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a closed session regarding pending litigation pursuant to Chapter 21.5(1)(c) of Code of Iowa.

Motion by Jones to convene in closed session at 5:40 p.m. to discuss pending litigation pursuant to Chapter 21.5(1)(c) of Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 6:32 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 6:33 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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

The Dubuque City Council met in regular session at 6:37 p.m. on April 1, 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, 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.

**PROCLAMATION(S)**

Week of the Young Child (April 14-20, 2013) was accepted by Louise Ottavi, Chair, Advocacy/Public Awareness Committee for Dubuque County Early Childhood; and Pat Emerson, Child Care Director, Dubuque Community Y, and member of Dubuque Association for the Education of Young Children.

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Motion carried 7-0.

Minutes and Reports Submitted: City Council proceedings of 3/18, Civil Service Commission of 3/20, Community Development Advisory Commission of 3/20, Housing Commission of 12/4/12, Human Rights Commission of 2/11, Proof of Publication for City Council proceedings of 3/4. Upon motion the documents were received and filed.

Notice of Claims and Suits: Angela Darnell for personal injury; Jessica Fitzgibbons for property damage; Robert Peil, Sr. for personal injury. 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: Angela Darnell for personal injury, Jessica Fitzgibbons for property

damage, Robert Sarazin for property damage, Donna Schmitt for vehicle damage. Upon motion the documents were received, filed and concurred.

Circles® Program - Training Center Think Tank, Inc. Contract: City Manager recommending approval of a contract with the Circles® Training Center Think Tank, Inc. for consulting services for the Circles® Initiative for the July 2013-June 2014 contract. Upon motion the documents were received, filed and approved.

Loras College - Department of Justice Violence Against Women Grant: City Manager recommending approval of the Memorandum of Understanding with Loras College for a grant through the Department of Justice Office of Violence Against Women. Upon motion the documents were received, filed and approved.

University of Dubuque - Department of Justice Violence Against Women Grant: City Manager recommending approval of the Memorandum of Understanding with the University of Dubuque for a grant through the Department of Justice Office of Violence Against Women. Upon motion the documents were received, filed and approved.

Helping Services for Northeast Iowa, Inc.: City Manager recommending approval of an agreement with Helping Services of Northeast Iowa to provide up to four officers on an overtime basis to conduct patrols specifically aimed at underage parties. Upon motion the documents were received, filed and approved.

SEP Green Alley Permeable Pavers Project (Loras Blvd and Arlington Street from Prairie to Dell Streets) - Award of Contract: City Manager recommending award of the contract for the SEP Green Alley Permeable Pavers Project between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street to the low bidder, Portzen Construction, Inc. Upon motion the documents were received and filed and Resolution No. 100-13 Awarding public improvement contract for the SEP Green alley Permeable Pavers Project between Loras Boulevard and Arlington Streets from Prairie Street to Dell Street was adopted.

Workers' Compensation Settlement Agreement: Attorney Les Reddick, representing the City of Dubuque, recommending approval of an Agreement for Settlement regarding a Workers' Compensation claim that was filed against the City of Dubuque by Transit employee Wayne Strohmeyer. Upon motion the documents were received, filed and approved.

2013 Art on the River Exhibition - Artwork Selection: Arts and Cultural Affairs Advisory Commission requesting concurrence with the selection of artwork for the 2013 Art on the River Competition. Upon motion the documents were received, filed and concurred.

Community Development Advisory Commission: Commissioner Adam Rathje submitting his resignation from the Community Development Advisory Commission. Upon motion the documents were received, filed and the resignation accepted.

Civil Service Commission: Civil Service Commission submitting the certified list for the position of Golf Course Technician. Upon motion the document was received, filed and made a Matter of Record.

Shelter Plus Care Five-Year Grant Closeout: City Manager recommending authorization for the Mayor to execute documents to close out the Fiscal Year 2007 Shelter Plus Care Five-Year Grant. Upon motion the documents were received, filed and approved.

Swift Water Adventure Tours -Docking Agreement: City Manager recommending approval of a docking agreement with Swift Water Adventure Tours to embark and disembark passengers at the Port of Dubuque Marina. Upon motion the documents were received, filed and approved.

McGraw-Hill Companies - Second Amendment to Development Agreement: City Manager recommending approval of the Second Amendment to Development Agreement to change the name of McGraw-Hill Education, LLC to McGraw-Hill Global Education, LLC. Upon motion the documents were received and filed and Resolution No. 101-13 Approving Second Amendment of the Development Agreement between the City of Dubuque, Iowa and McGraw-Hill Companies, Inc. was adopted.

Signed Contracts: Teska Associates, Inc. for Washington Neighborhood Market Analysis. Upon motion the document was received and filed.

Alcohol License Renewals: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 102-13 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 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.

Safe Routes To School - Dubuque School Safety Improvements Project: City Manager recommending initiation of the public bidding procedure for the Safe Routes to School Program - Dubuque School Safety Improvements Project, and further recommends that a public hearing be set for April 15, 2013. Upon motion the documents were received and filed and Resolution No. 103-13 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 (Safe Routes to School Program - Dubuque School Safety

Improvements Project #SRTS-U-2100(663)8U-31) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 15, 2013 in the Historic Federal Building.

Bunker Hill Pump Station Improvement Project: City Manager recommending initiation of the bidding process for the Bunker Hill Pump Station Improvement Project, and further recommends that a public hearing be set for April 15, 2013. Upon motion the documents were received and filed and Resolution No. 104-13 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 (Bunker Hill Pump Station Improvement Project) was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 15, 2013 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Appointment to the following commission: Civil Service Commission: 1 three-year term through April 6, 2016 (Expiring term of White). Applicant: Daniel White, 2919 Elm Street. Upon Council concurrence, Mayor Buol appointed Daniel White to the Civil Service Commission for a three-year term through April 6, 2016.

### **PUBLIC HEARINGS**

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

Weaver Castle, LLC - Development Agreement for 324-326 W. Locust Street: Proof of publication on notice of public hearing to approve a Development Agreement with Weaver Castle, LLC to redevelop property located at 324-326 W. Locust Street into four apartments and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 105-13 Approving issuance of Urban Renewal Tax Increment Revenue Obligations and the execution of Development Agreement relating thereto with Weaver Castle, LLC. Seconded by Jones. Motion carried 7-0.

Request to Vacate University Avenue Extension - MRJD Properties: Proof of publication on notice of public hearing to consider a request by MRJD Properties to vacate a portion of University Avenue Extension adjacent to Iowa Auto Glass at 2796 University Avenue and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 106-13 Disposing of City Interest Lot 2A University Extension Place in the City of Dubuque, Iowa; and Resolution No. 107-13 Vacating a portion of University Avenue Extension in the City of Dubuque, Iowa. Seconded by Braig. Motion carried 7-0.

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

## **ACTION ITEMS**

Sewer Revenue Capital Loan Notes - Series 2013 State Revolving Fund Loan: City Manager recommending approval of the suggested proceedings to complete action required on the \$3,048,000 Sewer Revenue Capital Loan Notes from the State of Iowa Revolving Fund Loan Iowa Water Pollution Control Works Financing Program. Motion by Connors to receive and file the documents and adopt Resolution No. 108-13 Approving and authorizing a form of loan and disbursement agreement by and between the City of Dubuque, Iowa and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$3,048,000 Sewer Revenue Capital Loan Notes, Series 2013, of the City of Dubuque, Iowa, under the provisions of the City Code of Iowa, and providing for a method of payment of said notes. Seconded by Resnick. Motion carried 7-0.

Revised Purchase of Services Grant Recommendations for Fiscal Year 2014: Community Development Advisory Commission submitting revised funding recommendations for the Fiscal Year 2014 Purchase of Service Grant applications. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

Smarter Sustainable Dubuque - Proposed Health and Wellness Pilot and Joint Development Agreement: City Manager recommending approval of a Joint Development Agreement and associated Intelligent Operations Center Licensing and Hosting Agreement for the Health and Wellness Pilot with IBM. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Sustainable Dubuque Community Grants: City Manager recommending approval of the Sustainable Dubuque Community Grant Program. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

Code of Ordinances - Motor Truck Route Violations: City Manager recommending approval of a change to City of Dubuque Code of Ordinances 9-16-321.901, which deals with Motor Truck Route violations within the City of Dubuque. 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 Resnick. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 19-13 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 16 Miscellaneous City Provisions, Division 2 Trucks and/or Machinery, Sections 9-16-321.901 Motor Truck Routes and 9-16-321.902 Motor Truck Routes Prohibited on Designated Streets by combining both sections to correct a discrepancy regarding the applicable fine and clarify that all truck route violations are scheduled violations. Seconded by Resnick. Motion carried 7-0.

Code of Ordinances - Hunting and Target Practice: City Manager recommending approval of an amendment to the Hunting/Target Practice Ordinance which remedies differences between the ordinance and the Deer Management Program and also separates shotgun hunting and target practice from bow and arrow hunting. 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 Braig. Motion carried 7-0.

Motion by Connors for final consideration and passage of Ordinance No. 20-13 Amending City of Dubuque Code of Ordinances Title 7 Police, Fire and Public Safety, Chapter 5 Offenses, Article A General Offenses, Section 7-5A-16 Hunting and Target Practice Permitted by separating the provisions for shotgun hunting and target practice from the provisions for bow and arrow hunting and target practice, adding approved times for hunting and target practice within the City of Dubuque, adding a reference to the annual Deer Management Program for bow and arrow hunting, and inserting an exception for events that have been approved through a Special Events Permit. Seconded by Jones. Motion carried 7-0.

Code of Ordinances - Weapons, Firearms and Fireworks: City Manager recommending approval of an amendment to City Code Ordinances 7-5A-10: Weapons, Firearms and Fireworks to include, among other changes, the wording to prohibit the firing and carrying of spring loaded and replica guns. 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 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 21-13 Amending City of Dubuque Code of Ordinances Title 7 Police, Fire and Public Safety, Chapter 5 Offenses, Article A General Offenses, Section 7-5A-10 Weapons, Firearms and Fireworks by adding a prohibition on replica firearms represented as real firearms, a prohibition on spring loaded guns and air guns except in accordance with Section 7-5A-16, and incorporating a reference to the Deer Management Program for hunting. Seconded by Connors. Motion carried 7-0.

Iowa DOT - Purchase of Right-of-Way at Curtis and Bryant Streets: City Manager recommending approval of the purchase of the excess Iowa Department of Transportation right-of-way at the east end of Curtis Street just west of Bryant Street. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Resnick. Motion carried 7-0.

Port of Dubuque Marina Project Bid Package No. 1 - Transient Docks & Utilities: City Manager recommending acceptance of the construction contract for the Port of Dubuque Marina Project, Bid Package No. 1 - Transient Docks & Utilities Project and authorizing final payment of the contract amount to the contractor, Dubuque Barge & Fleeting Service Co. d/b/a Newt Marine Service. Motion by Connors to receive and file the documents and adopt Resolution No. 109-13 Accepting the Port of Dubuque Marina

Project, Bid Package 1 - Transient Docks and Utilities and authorizing the payment of the contract amount to the contractor. Seconded by Resnick. Motion carried 7-0.

Port of Dubuque Marina Project Bid Package No. 2 - Amenities Building & Site Work: City Manager recommending acceptance of the construction contract for the Port of Dubuque Marina Project, Bid Package No. 2 - Amenities Building & Site Work and authorizing final payment of the contract amount to the contractor, Portzen Construction, Inc. Motion by Connors to receive and file the documents and adopt Resolution No. 110-13 Accepting the Port of Dubuque Marina Project, Bid Package No. 2 - Amenities Building & Site Work and authorizing the payment of the contract amount to the contractor. Seconded by Jones. Motion carried 7-0.

Port of Dubuque Marina Project - Facility Management Proposals: City Manager recommending rejection of the Port of Dubuque Marina facility management proposals and issuance of a new Request for Proposal. Motion by Lynch to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 4-3 with Braig, Lynch, and Sutton voting nay. Council discussion included concerns over rejecting proposal from a local bidder, the pros/cons of issuing another RFP, city management of project components, and project and grant timelines.

### **COUNCIL MEMBER REPORTS**

Council Member Lynch requested Council concurrence on the possibility of the City operating the control tower at the Dubuque Regional Airport. City Manager Van Milligen will refer the subject to staff for a future agenda.

Mayor Buol reported on the recent kickoff of the Mississippi River Cities and Towns Initiative in Washington D.C., an alliance of mayors working to bring conservation and economic issues affecting the Mississippi River to the attention of Federal Government.

There being no further business, upon motion the City Council adjourned at 7:54 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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