

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

The Dubuque City Council met in regular session at 6:30 p.m. on June 3, 2013 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 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)

Apples for Students Months (June/July 2013) was accepted by Troy Rabbet, of St. Mark Community Center, 1201 Locust St.

Emancipation Proclamation 150th Anniversary & Juneteenth 148th Anniversary was accepted by R.R.S. Stewart, Vice Chairperson of the Human Rights Commission.

LGBT Pride Month Proclamation (June 2013) was accepted by Jessi Perry, of Hillcrest Family Services and on behalf of Rainbow Pride, 225 W. 6th St.

PRESENTATION(S)

Iowa DNR State Parks Bureau Chief: Iowa Department of Natural Resources State Parks Bureau Chief Kevin Szcodronski provided an oral presentation on the National Association of State Parks Directors conference to be held in Dubuque from September 3-6, 2013 and the America's State Tree Woodland Walk to be installed on September 4 at the E.B. Lyons Interpretive Area Expansion as part of the conference.

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: Arts and Cultural Affairs Advisory Commission of 4/23, City Council proceedings of 5/20, Community Development Advisory Commission of 5/15, Housing Commission of 4/9, Human Rights of 4/8, Library Board of Trustees of 4/25, Library Board of Trustees Updates of 4/25 and 5/23, Sister City Relationships Advisory Commission of 5/29, Proof of Publication for Final Assessment Public Right-of-Way of 5/10 and 5/17, Proof of Publication for City Council proceedings of 5/6. Upon motion the documents were received and filed.

Notice of Claims and Suits: Kevin Hammel/JK Trucking for vehicle damage. Upon motion the document was 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: Kevin Hammel/JK Trucking for vehicle damage. Upon motion the documents were received, filed and concurred.

Indiana Court 2012 Drain Tile Project Acceptance: City Manager recommending acceptance of the 2012 Drain Tile Project for Indiana Court as completed by McDermott Excavating. Upon motion the documents were received, filed and approved.

Asbestos Survey and Monitoring of Abatement Contract Amendment: City Manager recommending approval of an amendment to the Cardno ATC Asbestos Survey and Monitoring contract for properties at 1711 Old Mill Road and 1654 Manson Road. Upon motion the documents were received, filed and approved.

Arts and Cultural Affairs Advisory Commission: Commissioner Paul Hemmer submitting his resignation to the Arts and Cultural Affairs Advisory Commission. Upon motion the document was received, filed and the resignation accepted.

Award 2013 Access Ramp Installation Project: City Manager recommending that the award for the 2013 Access Ramp Installation Project awarded on May 13, 2013, to Midwest Concrete, Inc., in the amount of \$20,400.10 be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

Dubuque County Multi-Jurisdictional Hazard Mitigation Plan: City Manager transmitting information regarding the successful completion of the Dubuque County Multi-Jurisdictional Hazard Mitigation Plan and the approval from the Federal Emergency Management Agency (FEMA). Upon motion the documents were received and filed.

The Economic Impact of Main Street Iowa, 1986-2012: City Manager transmitting a report entitled, "Getting Results: The Economic Impact of Main Street Iowa, 1986-2012. Upon motion the document was received and filed.

Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company advising the City of programming changes that will take place on or about June 25, 2013. Upon motion the documents were received and filed.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Hoyne Landscaping and Snowblowing, Inc., for the 2013 Upper Bee Branch Landscape Maintenance; McDermott Excavating for the Safe Routes to School - Dubuque School Safety Improvements Project; Midwest Concrete, Inc., for the 2013 Access Ramp Installation Project Asphalt Overlay Program; Portzen Construction for the Bunker Hill Pumping Facility 2013 Project; and Selco Inc., for the 2013 Pavement Marking Project. Upon motion the documents were received, filed and approved.

Signed Contracts: IIW Engineers & Surveyors for the Purina Drive Salt Dock Remedial Design and Bidding Service Agreement; Strand Associates Amendment No. 2 Design Services for the Water & Resource Recovery Center Cogeneration Facilities Project. Upon motion the documents were received and filed.

Alcohol Compliance Civil Penalty for Alcohol License Holders – My Brother's Place: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for My Brother's Place, 1850 Central Avenue. Upon motion the documents were received and filed.

Business License Refund: Request by Jamal Karbush for a refund of the liquor license for The Ground Round Restaurant in the amount of \$633.75. Upon motion the documents were received, filed and approved.

Alcohol License Applications: City Manager recommending approval of annual liquor, beer, wine license applications as submitted. Upon motion the documents were received and filed and Resolution No. 163-13 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 7-0.

Stormwater Utility Revenue Capital Loan Notes (State Revolving Loan Fund Program) City Manager recommending that a public hearing be set for June 17, 2013 on the proposition of issuing not to exceed \$14,767,000 in Stormwater Utility Revenue Capital Loan Notes (State Revolving Loan Fund Program). Upon motion the documents were received and filed and Resolution No. 164-13 Fixing date for a meeting on the authorization of a loan and disbursement agreement and the issuance of not to exceed

\$14,767,000 stormwater utility revenue capital loan notes of The 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 June 17, 2013 in the Historic Federal Building.

FY2013 and FY 2014 Sewer Cured-in-Place Pipe (CIPP) Lining Project: City Manager recommending the initiation of the public bidding process for the FY2013 and FY2014 Sanitary Sewer Cured-in-Place Pipe Lining Project, and further recommends that a public hearing be set for June 17, 2013. Upon motion the documents were received and filed and Resolution No. 165-13 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 17, 2013 in the Historic Federal Building.

Dubuque Industrial Center South PCC Paving and Utilities 2013 Project: City Manager recommending the initiation of the public bidding process for the Dubuque Industrial Center South PCC Paving and Utilities-2013 Project and further recommends that a public hearing be set for June 17, 2013. This item was removed from the agenda.

30-Inch Force Main Relocation Project – Initiate: City Manager recommending initiation of the public bidding process for the 30-Inch Force Main Relocation Project from 9th Street to 11th Street, and further recommends that a public hearing be set for June 17, 2013. Upon motion the documents were received and filed and Resolution No. 166-13 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 17, 2013 in the Historic Federal Building.

Warehouse Trust, LLC (Novelty Ironworks Building) Development Agreement: City Manager recommending that a public hearing be set for June 17, 2013, on a Development Agreement for Warehouse Trust, LLC (Novelty Iron Works building). Upon motion the documents were received and filed and Resolution No. 167-13 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 Warehouse Trust, 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 June 17, 2013 in the Historic Federal Building.

BOARDS/COMMISSIONS

Applicants were invited to address the Council regarding their application to the following boards/commissions:

Arts and Cultural Affairs Advisory Commission: Four 3-year terms through June 30, 2016 (expiring terms of Hemmer, Kames, O'Rourke-Rosenow, and Riedel). Applicants:

(All applicants qualify for the Arts Representative designation) Tom Farley, 491 West 4th St.; Katherine Kluseman, 1631 Alta Place; Tim Olson, 1090 Grove Terrace; Marina O'Rourke-Rosenow, 2085 Mullin Rd.; Susan Riedel, 282 Kelly's Bluff; Richard Rossignol, 1631 Main St.; Jessica Teckemeyer, 2945 Keokuk St. Mr. Farley, Ms. Kluseman, Mr. Olson, Ms. O'Rourke-Rosenow, and Ms. Riedel spoke in support of their respective appointments.

Civic Center Commission: One 3-year term through June 29, 2016 (expiring term of Bakke) Applicant: Rod Bakke, 3030 Karen St.

Historic Preservation Commission: Two 3-year terms through July 1, 2016 (expiring terms of McDonell - Jackson Park District and Whalen - West 11th District). Applicants: Benjamin Beard, 1854 Churchill St. (Qualifies as Interim 11th St. District resident); Robert M. McDonell, 135 West 17th St. (Qualifies for Jackson Park District resident); Dr. John Whalen, 1105 Highland Pl. (Qualifies for W. 11th St. District resident).

Housing Commission: One 3-year term through August 17, 2015 (Vacant term of Culbertson). Applicant: Robert M. McDonell, 135 West 17th St.

Housing Code Appeals Board: One 3-year term through January 11, 2015 (Vacant term of Newman). Applicant: Mary Gotz, 1844 Bennett St.

Investment Oversight Advisory Commission: One 3-year terms through July 1, 2016 (expiring term of Reisdorf). Applicant: Stephen V. Reisdorf, 740 Brookview Sq. Mr. Reisdorf spoke in support of his appointment.

Library Board of Trustees: Two 4-year terms: One through July 1, 2015 (vacant term of Hammer); and one through July 1, 2017 (expiring term of Willis). Applicants: Daniel Boice, 1225 West 3rd St.; John T. Pregler, 1525 Pego Ct.; Mike Willis, 1365 West 5th St. Mr. Boice, Mr. Pregler and Mr. Willis spoke in support of their respective appointments.

Long Range Planning Advisory Commission: One 3 year-term through July 1, 2016 (expiring term of Winterwood). Applicant: Charles Winterwood, 1555 Montrose Terrace.

Park and Recreation Commission: Three 3-year terms through June 30, 2016 (expiring terms of Hoffmann, Lyness, and Schluter). Applicants: Katherine Lydon, 123 Bluff St.; Karen Lyness, 89 Alpine St.; David Schlueter, 3645 Crescent Ridge. Ms. Lydon and Ms. Lyness spoke in support of their respective appointments. Council Member Jones stated that correspondence was received from Mr. Schlueter in support of his appointment.

Sister City Relationship Advisory Commission: One 3-Year term through February 1, 2016 (vacant term of Coty). Applicant: Robert J. Felderman, 241 Southgate Dr.

Appointment was made the following board/commission:

Electrical Code Board: One 3-year term through May 21, 2014 (Vacant term of Mueller). Applicant: David B. Wilson, 2918 Washington. Motion by Jones to appoint David Wilson to the remainder of one 3-year term through May 21, 2014. Seconded by Resnick. Motion carried 7-0.

PUBLIC HEARINGS

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

Timber-Hyrst Estates #2 Vacate of Storm Sewer Easement: Proof of publication on notice of public hearing to consider a request by Robert A. and Beth M. Hartig to vacate a storm sewer easement between Lots 1 and 2 in Timber-Hyrst Estates #2 and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 168-13 Disposing of city interest in a storm sewer easement between Lots 1 and 2 In Timber-Hyrst Estates # 2 In The City of Dubuque, Iowa. Seconded by Braig. Motion carried 7-0.

Lake Ridge Economic Development District Amendment: Proof of publication on notice of public hearing to consider approval of the amended and restated Urban Renewal Plan for the Lake Ridge Economic Development District and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 169-13 Approving the Amended and Restated Urban Renewal Plan for the Lake Ridge Economic Development District. Seconded by Jones. Motion carried 7-0.

Dubuque Brewing & Malting Urban Renewal District Amendment: Proof of publication on notice of public hearing to consider approval of the Amended and Restated Urban Renewal Plan for the Dubuque Brewing & Malting Urban Renewal District and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 170-13 Approving the Amended and Restated Urban Renewal Plan for the Dubuque Brewing & Malting Urban Renewal District. Seconded by Resnick. Motion carried 7-0.

Dubuque Industrial Center Urban Economic Development District Amendment: Proof of publication on notice of public hearing to consider an amended and restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 171-13 Approving the Amended and Restated Urban Renewal Plan for the Dubuque Industrial Economic Development District. Seconded by Connors. Motion carried 7-0.

Technology Park Economic Development District Amendment: Proof of publication on notice of public hearing to consider the amended and restated Urban Renewal Plan for the newly named Dubuque Technology Park Economic Development District and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 172-13 Approving the Amended and Restated Urban Renewal Plan for the newly named Dubuque Technology Park Economic Development District. Seconded by Braig. Motion carried 7-0.

Downtown Urban Renewal District Amendment: Proof of publication on notice of public hearing to consider approval of the amended and restate Urban Renewal Plan for

the Greater Downtown Urban Renewal District and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 173-13 Approving the Amended and Restated Urban Renewal Plan for The Greater Downtown Urban Renewal District. Seconded by Jones. Economic Development Director Dave Heiar responded to questions from the City Council about the use of urban renewal districts in economic development. Motion carried 7-0.

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, which included information on business retention and expansion, marketing, the addition of a director of sustainable innovations, and plans to relocate the GDDC office to the Historic Millwork District. Motion by Resnick to receive and file the information. Seconded by Jones. Motion carried 7-0.

Dubuque Intermodal Transportation Center: City Manager recommending approval of the number of parking spaces to be included in the Dubuque Intermodal Transportation Center Parking Ramp. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Jones. Chandra Ravada, Director of Transportation for ECIA and Parking System Supervisor Tim Horsfield provided a presentation on the intermodal campus and parking scenarios in the Historic Millwork District and responded to questions from the City Council regarding residential and commercial parking issues, modes of transit, and parking meters. Motion carried 6-1 with Braig voting nay.

Fifth and Bluff Streets Public Restroom Project Award: City Manager recommending award of the contract for the 5th and Bluff Streets Public Restroom Project to the low bidder Portzen Construction, Inc. Motion by Connors to receive and file the documents and adopt Resolution No. 174-13 Awarding public improvement contract for the 5th and Bluff Streets Public Restroom Project. Seconded by Braig. Motion carried 7-0.

Water & Resource Recovery Center Energy Management Consulting Services Recommendation: City Manager recommending approval of the selection of 7th Power Sustainable, LLC to provide the energy management consulting services for the Water & Resource Recovery Center Modification Project. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

Hwy 151/61 South Grandview Avenue Overpass Water Main Relocation Project Award: City Manager recommending approval of the Hwy. 151/61 South Grandview Avenue Overpass Water Main Relocation Project contract to the low bidder, Tschiggfrie Excavating Co. Motion by Connors to receive and file the documents and adopt Resolution No. 175-13 Awarding Contract for the Hwy 151/61 South Grandview Avenue

Overpass Water Main Relocation Project (CIP 740-1405). Seconded by Jones. Water Plant Manager Bob Green responded to questions from the City Council regarding project cost contingencies. Motion carried 7-0.

City of Dubuque TIGER V Grant Application: City Manager recommending approval of a Federal TIGER V Grant application for new bus storage and maintenance facility and rail platform and the funds for the City's local match. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Braig. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones relayed a compliment from a co-worker about Farmer's Market.

Council Member Resnick reported on observing a local fourth-grade class using the 4th St. Elevator for the first time and invited all citizens to explore what downtown has to offer.

Mayor Buol welcomed Ben Jacobson, the new City Government Reporter for the Telegraph Herald Newspaper.

There being no further business, upon motion the City Council adjourned at 8:50 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 6/12