

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

The Dubuque City Council met in special session at 5:00 p.m. on September 16, 2013 at the Water & Resource Recovery Center, 795 Julien Dubuque Drive.

Present: Mayor Buol; Council Members Connors, Jones, Lynch, Resnick, Sutton; City Manager Van Milligen (Joined at 5:06 p.m.), City Attorney Lindahl, Assistant City Manager Cindy Steinhauser.

Absent: Council Member Braig.

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting a tour of the Water & Resource Recovery Center.

**WORK SESSION**

Tour of the Water & Resource Recovery Center

W&RRC Manager Jonathan Brown guided a tour of interior administration and lab areas and exterior surroundings of the Water & Resource Recovery Center (W&RRC) in anticipation of the completion of the renovation project next month.

There being no further business upon motion the City Council adjourned at 5:45 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 9/25

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 16, 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**

**PROCLAMATION(S)**

Constitution Week (September 17-23, 2013) was accepted by Eileen Coursey, Daughters of the American Revolution, 2222 Central Avenue;

Days of Peace and Ceasefire Days (September 20-21, 2013) was accepted by R.R.S. Stewart, Vice Chair of the Human Rights Commission on behalf of the Dubuque International Day of Peace Coordinating Committee, 5451 Meadow Court, Asbury;

Crop Walk Day (October 6, 2013) Rev. Maryann LoGuidice, Crop Walk Committee Chairperson, 1205 Park St.;

United States Marine Corps League Month (October 2013) was accepted by Ken Runde, Steve Norpel, and Jerry Cottrell of the Marine Corps League Detachment 101, 623 Garfield Street.

**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 7/23; City Council proceedings of 9/3; Civil Service Commission of 9/11; Community Development Advisory Commission of 9/4; Housing Trust Fund Committee of 9/6; Park and Recreation Advisory Commission of 8/13; Safe Community Advisory Committee of 8/14; Sister City Relationships Advisory Commission of 8/1 and 8/13; Zoning Advisory Commission of 9/4; Proof of Publication of City Council proceedings for 8/19, 9/20, 9/21; Proof of Publication for List of Claims and Summary of Revenues for Month Ended 7/31. Upon motion the documents were received and filed.

Notice of Claims and Suits: Teresa Molland for vehicle damage and Rebecca Lynn Norton 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: Teresa Molland for vehicle damage; Rebecca Lynn Norton for vehicle damage. Upon motion the documents were received, filed and concurred.

Appeal of Claim - Shirley Wiegand: Communication from Lisa Lepsche appealing the denial of a claim for property damage on behalf of her mother, Shirley Wiegand. Upon motion the documents were received, filed and referred to the City Attorney.

Consolidated Annual Performance and Evaluation Report (CAPER) Fiscal Year 2013: City Manager recommending approval of the submission of the Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development for the period July 1, 2012, through June 30, 2013. Upon motion the documents were received and filed and Resolution No. 284-13 Authorizing the submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the period commencing July 1, 2012 and concluding June 30, 2013 was adopted.

Street Financing Report for Fiscal Year 2013: City Manager recommending approval of the City of Dubuque's Fiscal Year 2013 City Street Financing Report. Upon motion the documents were received and filed and Resolution No. 285-13 Approving the City of Dubuque Fiscal Year 2013 City Street Financing Report was adopted.

Iowa Finance Authority - Housing Trust Fund Application: City Manager recommending approval to submit an Iowa Finance Authority Housing Trust Fund application for continued support of homeownership activities in the Washington Neighborhood and authorizing commitment of the matching funds. Upon motion the documents were received and filed and Resolution No. 286-13 Approving commitment of matching funds for an application to the Iowa Finance Authority (IFA) for State Housing Trust Funds was adopted.

Wynstone Subdivision: City Manager recommending acceptance of the public improvements that the developer, Streelegray, Inc., has recently completed in Wynstone Subdivision. Upon motion the documents were received and filed and Resolution No. 287-13 Accepting public improvements in the Wynstone Subdivision in the City of Dubuque, Iowa, was adopted.

Preliminary Plat - Katra Subdivision: Zoning Advisory Commission recommending approval of the Preliminary Plat for the Katra Subdivision west of 17387 Humke Road subject to waiving the lot frontage for Lot 5 and allowing a 22-foot wide private street. Upon motion the documents were received, filed and approved.

Hillcrest Family Services - Agreement for Murphy Park: City Manager recommending approval of an agreement with Hillcrest Family Services for use of Murphy Park from

October 30, 2013 through January 10, 2014 to set up a holiday light display. Upon motion the documents were received, filed and approved.

Brownfields Assessment Grant Administration - Award of Contract: City Manager recommending approval of the selection of East Central Intergovernmental Association for project management and grant administration for the 2013 EPA Brownfields Assessment grant. Upon motion the documents were received and filed and Resolution No. 288-13 Authorizing contract approval to East Central Intergovernmental Association for grant administration for the 2013 Environmental Protection Agency Brownfields Assessment Cooperative Agreement was adopted.

Sustainable Dubuque Monthly Project Status Report: City Manager transmitting the Sustainable Dubuque Monthly Project Status Report for August 2013. Upon motion the documents were received and filed.

Request for Proposal - Managing Underwriter Services: City Manager recommending approval of the Request for Proposal (RFP) for managing underwriting services. Upon motion the documents were received, filed and approved.

Signed Contracts: Helms and Associates Supplementary Service Agreement for the Purina Drive Barge Docking Facility Repair Project. Upon motion the documents were received and filed.

Business License Refunds: Liquor/tobacco license refund requests by Carolyn Fonck for the Channel Inn, 2010½ Kerper Blvd.; and Lori Metcalf for the Cedar Cross Amoco, 1200 Cedar Cross Rd. Upon motion the documents were received, filed and approved.

Alcohol License Applications: City Manager recommending approval of liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 289-13 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.

### **BOARDS/COMMISSIONS**

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

Airport Commission: Two 4-year terms through September 14, 2017 (Expiring terms of Brotherton and Santillo). Applicants: R.J. Blocker, 880 Kane St.; Douglas Brotherton, 2823 Hickory Hill; Chris Even, 120 S. Grandview Ave.; Dan Nicholson, 889 Walker St.; G. Scott Yaunches, 2670 Marywood Dr. Mr. Blocker and Mr. Nicholson spoke in support of their respective appointments.

Environmental Stewardship Advisory Commission: Three 3-year terms through October 1, 2016 (Expiring terms of Buelow, Oberdoerster, and Sinha). Applicants:

Michael Buelow, 2131 Graham Circle; Chad Oberdoerster, 420 Summit St.; Aditi Sinha, 900 S. Grandview Ave .

One 3-year youth term through June 1, 2016 (vacant term of Miller). Youth Applicant: Kyle Leytem. 1235 Valentine Dr.

Appointments to the following boards/commissions made at this meeting:

Community Development Advisory Commission: One 3-year term through February 15, 2015 (Vacant term of Rathje). Applicant: Angela Kelley, 205 Bluff St. Apt 2E. Motion by Braig to appoint Angela Kelly to [the remainder of] a 3-year term through February 15, 2015. Seconded by Connors. Motion carried 7-0.

Zoning Advisory Commission: One 3-year term through July 1, 2016 (Expired term of Bird). Applicant: Michael Belmont, 222 Dillion St. Motion by Lynch to appoint Michael Belmont to a 3-year term through July 1, 2016. Seconded by Jones. Motion carried 7-0.

## **PUBLIC HEARINGS**

Request to Rezone - 1072 Locust Street: Proof of publication on notice of public hearing to consider a request by Leslie Shalabi and Mike Muench to rezone property located at 1072 Locust St. from OR Office Residential to C-4 Downtown Commercial District and the Zoning Advisory Commission recommending approval with conditions.

Correspondence from Leslie Shalabi and Mike Muench requesting withdrawal of their request to rezone as they have withdrawn their offer to purchase the property.

Motion by Jones to approve the withdrawal. Seconded by Resnick. Motion carried 7-0.

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

Catfish Station Electrical Repairs FEMA: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract, and estimated cost for the Catfish Station Electrical Repairs and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 290-13 Approving the plans, specifications, form of contract, and estimated cost for the Catfish Station Electrical Repairs FEMA. Seconded by Jones. W&RRC Manager Jonathan Brown responded to questions from City Council and explained that this project replaces the temporary emergency repairs made following the rain event of 2011.

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

## **ACTION ITEMS**

Alignment of the Bee Branch Creek Restoration Project: City Manager recommending a change to the alignment of the Bee Branch Creek Restoration Project where it crosses the railroad property at 506 Garfield Avenue. A video of the recent flooding history of Dubuque was presented. Motion by Connors to receive and file the documents and adopt Resolution No. 291-13 Adjusting the alignment of the Bee Branch Creek Restoration Project. Seconded by Jones. Civil Engineer Deron Muehring responded to questions from City Council regarding how the new culvert configuration

will affect water flow, the completion of upstream construction and total project completion date. Motion carried 7-0.

Bee Branch Creek Restoration Project - Acquisition of 422 and 430 Garfield Avenue: City Manager recommending approval to establish the fair market value and acquisition proceedings for properties located at 422 and 430 Garfield Avenue related to the Bee Branch Creek Restoration Project. Motion by Braig to receive and file the documents and adopt Resolution No. 292-13 Establishing the fair market value of certain real property for the Bee Branch Creek Restoration Project, directing good faith negotiations for the acquisition of the property and authorizing the commencement of eminent domain proceedings, if necessary, to acquire the property. Seconded by Jones. Motion carried 7-0.

Code of Ordinances - Amendment to Title 4 Business and License Regulations: City Manager recommending approval of amendments to Title 4, Business and License Regulations, Chapter 6, as it relates to pawnbrokers, secondhand dealers, junk and auto salvage dealers; which designate that proof of financial responsibility must be established by posting a bond. 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. 48-13 Amending City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 6 Pawnbrokers and Secondhand Dealers; Junk and Auto Salvage Dealers, Article A Pawnbrokers and Secondhand Dealers, Section 4-6A-7 Proof of Financial Responsibility, and Article B Junk Dealers and Auto Salvage Dealers, Section 4-6B-7 Proof of Financial Responsibility by deleting the requirement of liability insurance. Seconded by Resnick. Motion carried 7-0.

Catfish Station Electrical Repairs FEMA - Project Award: City Manager recommending award of the contract for the Catfish Station Electrical Repairs FEMA Project to low bidder A&G Electric of Dubuque, Iowa. Motion by Connors to receive and file the documents and adopt Resolution No. 293-13 Awarding the public improvement contract for the Catfish Station Electrical Repairs. Seconded by Jones. Motion carried 7-0.

## **PUBLIC INPUT**

Kathleen Shanley, 23 Territory Drive, Galena, IL, provided information on the preservation of the historic Frenress Farmstead at 19140 US Rt. 20 W.

There being no further business, upon motion the City Council adjourned at 7:29 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

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