

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

The Dubuque City Council met in regular session at 6:30 p.m. on October 7, 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

PROCLAMATION(S)

Arts and Humanities Month (October 2013) was accepted by Arts and Cultural Affairs Advisory Commissioner Ellen Henkels;

Bryant Elementary School 75th Anniversary Day (October 19, 2013) was accepted by Principal Vicki Sullivan;

Diversity Month (October 2013) was accepted by Dubuque Area Chamber of Commerce Senior Vice President Barry Gentry;

Make-a-Will Month (October 2013) was accepted by Library Director Susan Henricks;

Trick-or-Treat Night (October 31, 2013) was accepted by Mayor Roy D. Buol.

INTRODUCTION

City Manager Van Milligen introduced the City's newly appointed Economic Development Director Maurice Jones who introduced himself to the City Council.

CONSENT ITEMS

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

Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 8/27; Cable TV Commission of 8/7; City Council proceedings of 9/16; Civil Service Commission of 8/23; Human Rights Commission of 8/12; Park and Recreation Advisory Commission of 9/11; Sister City Relationships Advisory Commission of 10/2; Proof of Publication for City Council proceedings of 9/3 and 9/16; Proof of Publication for Notice of Claims and Summary of Revenues for Month Ending 8/31. Upon motion the documents were received and filed.

Notice of Claims and Suits: Brian McNamara for vehicle damage; Mario Owens 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: Brian McNamara for vehicle damage and Mario Owens for vehicle damage. Upon motion the documents were received, filed and concurred.

Dubuque Regional Airport - Acquisition of 8198 Jecklin Lane: City Manager recommending approval of a resolution and correction deeds for the acquisition of real estate located at 8198 Jecklin Lane for the Dubuque Regional Airport Runway Safety Area Project. Upon motion the documents were received and filed and Resolution No. 294-13 Approving Correction Deeds for the acquisition of real estate located at 8198 Jecklin Lane, Dubuque, Iowa, was adopted.

Leisure Services 2013 Sidewalk Installation Project - Area 1 McAleece/Admiral Sheehy Drive Project Acceptance: City Manager recommending acceptance of the 2013 Leisure Services Sidewalk Installation Project – Area 1 McAleece/Admiral Sheehy Drive as completed by Tschiggfrie Excavating, Inc. Upon motion the documents were received and filed and Resolution No. 295-13 Accepting the 2013 Leisure Services Sidewalk Installation Project Area 1 McAleece/Admiral Sheehy Drive and authorizing the payment of the contract amount to the contractor was adopted.

Express Scripts, Inc. Employer Participation Agreement: City Manager recommending approval of the Employer Participation Agreement with Express Scripts, Inc., and authorization for the City Manager to sign the agreement. Upon motion the documents were received, filed and approved.

Teamsters #120 (Bus Operators) - Amendment to Collective Bargaining Agreement: City Manager recommending approval of an amendment to the Collective Bargaining Agreement with Teamsters Local Union No. 120 (Bus Operators). Upon motion the documents were received, filed and approved.

DARE Agreement for Fiscal Year 2013-2014: City Manager recommending approval of the Fiscal Year 2013 -2014 DARE Agreement between the City of Dubuque Police Department and the Dubuque Community School District. Upon motion the documents were received, filed and approved.

Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Equipment Operator I, Equipment Operator II, and Recreation Program Supervisor. Upon motion the documents were received, filed and made a Matter of Record.

Park and Recreation Advisory Commission: Commissioner Chuck Harris submitting his resignation to the Park and Recreation Advisory Commission. Upon motion the documents were received, filed and the resignation accepted.

Zoning Advisory Commission: Commissioner Charles Miller submitting his resignation from the Zoning Advisory Commission. Upon motion the documents were received, filed and the resignation accepted.

Zoning Board of Adjustment: Communication from Zoning Board of Adjustment requesting City Council approval to appoint Commissioner Heath Hutchinson as a representative to the Airport Zoning Board of Adjustment. Upon motion the documents were received, filed and approved.

Shelter Plus Continuum of Care Fiscal Year 21011Grant: City Manager recommending authorization for the Mayor to sign documents to close out the Fiscal Year 2011 Shelter Plus Care Grant. Upon motion the documents were received, filed and approved.

Iowa DOT InterCity Bus Assistance Program: City Manager recommending approval of the submission of a re-application to the InterCity Bus Assistance Program and authorizing resolution. Upon motion the documents were received, filed and approved.

Westbrook Subdivision and Westbrook Subdivision No. 2 - Acceptance of Stormwater Detention Facilities: City Manager recommending acceptance of the detention facilities and stormwater detention lots that the developer, Callahan Construction, Inc., has completed and is dedicating in Westbrook Subdivision and Westbrook Subdivision No. 2. Upon motion the documents were received and filed and Resolution No. 296-13 Accepting stormwater detention facilities and a deed to Lots B, C, & D in Westbrook Subdivision and Lots O & P in Westbrook Subdivision No. 2, in the City of Dubuque, Iowa, was adopted.

Dubuque Golf & Country Club Property Tax Appeal: City Attorney recommending approval of a Stipulation of Settlement Agreement for a property tax appeal from the Dubuque Golf & Country Club. Upon motion the documents were received, filed and approved.

Iowa Mississippi River Parkway Commission: Chairperson John Goodmann submitting the 2012-2013 Annual Report for the Iowa Mississippi River Parkway Commission. Upon motion the documents were received and filed.

Iowa Economic Development Authority - Sole Source Procurement: Correspondence from the Iowa Economic Development Authority (IEDA) approving a request by the City of Dubuque to use the sole source method of procurement to select the University of Northern Iowa GeoTree GIS Team for a proposed watershed planning model. Upon motion the documents were received and filed.

Iowa Department of Natural Resources - Clean Water State Revolving Fund: Correspondence from the Iowa Department of Natural Resources confirming the update to the City of Dubuque's Clean Water State Revolving Fund application and estimated loan request for the Upper Bee Branch Creek Restoration Project. Upon motion the documents were received and filed.

Improvement Contracts and Maintenance Bonds: Dubuque Barge & Fleeting (DBA Newt Marine Service) for the Purina Drive Barge Dock Maintenance Project. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders – 920 Main Street: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for 920 Main Street. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders – Jumpers Sports Bar & Grill: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Jumpers Sports Bar & Grill, 2600 Dodge Street. Upon motion the documents were received, filed and approved.

Alcohol Compliance Civil Penalty for Alcohol License Holders - Gin Rickey's Bar: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Gin Rickey's Bar, 1447 Central Avenue. Upon motion the documents were received, filed and approved.

Business License Refund: Request from Geneva Ginter for a refund of the liquor license for West Dubuque Tap in the amount of \$422.50. 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. 297-13 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. 298-13 Approving applications for retail cigarette/tobacco sales permits, as required by Iowa Code 453A.47A were adopted.

BOARDS/COMMISSIONS

Appointments to the following commissions were made at this meeting:

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; Dan Nicholson, 889 Walker St.; G. Scott Yaunches, 2670 Marywood Dr. Upon roll-call vote, Doug Brotherton (Buol, Jones,

Lynch, Resnick, Sutton, Braig) and Chris Even (Buol, Connors, Jones, Sutton, Braig) were appointed to 4-year terms through September 14, 2017.

Environmental Stewardship Advisory Commission: Three, 3-year terms through October 1, 2016 (Expiring terms of Buelow, Oberdoerster, and Sinha). Applicants: Michael Buelow, 2131 Graham Cr.; Chad Oberdoerster, 420 Summit St.; Aditi Sinha, 900 S. Grandview Ave. Motion by Braig to appoint Michael Buelow, Chad Oberdoerster and Aditi Sinha to 3-year terms through October 1, 2016. Seconded by Lynch. Motion carried 7-0.

Environmental Stewardship Advisory Commission Youth Appointment: One, 3-year Youth term through June 1, 2016 (Vacant term of Miller). Applicant: Kyle Leytem. 1235 Valentine Dr. Motion by Braig to appoint Kyle Leytem to a 3-year youth term through June 1, 2016. Seconded by Jones. Motion carried 7-0.

ACTION ITEMS

Citizen Correspondence - Pedestrian Crossing at NW Arterial and Pennsylvania Avenue: Correspondence from Deborah Borley, 1809 Glenwood Court requesting to address the City Council regarding a pedestrian crossing at the intersection of NW Arterial. Motion by Connors to receive and file the documents and refer to the City Manager. Seconded by Jones. Ms. Borley addressed the City Council about her concerns over pedestrian safety and potential solutions at the intersection. City Manager Van Milligen provided background information related to upgrades made at the intersection and potential future upgrades. Motion carried 7-0.

Five Flags Management Agreement Extension with SMG: City Manager recommending approval of the Third Amendment to the Management Agreement with SMG for management of the Five Flags Center for the period July 1, 2014 to June 30, 2019 and the use of capital investment funds. Motion by Braig to receive and file the documents and adopt Resolution No. 299-13 Approving the Third Amendment to the Management Agreement between the City of Dubuque, Iowa, and SMG. Seconded by Jones. Leisure Services Manager Marie Ware addressed questions from the City Council regarding clarifying language in the agreement. Motion carried 7-0.

School Resource Officer (SRO) Agreement: City Manager recommending approval of the School Resource Office (SRO) agreement with the Dubuque Community School District for school year 2013-2014. Motion by Jones to receive and file the documents and approve the recommendation. Seconded by Connors. Motion carried 7-0.

Nightrider/College Partnership ICAAP Funding Grant Application: City Manager recommending approval of a Clean Air Attainment Program Grant to continue the Nightrider/College Partnership project for a third year. Motion by Jones to receive and file the documents and adopt Resolution No. 300-13 Endorsing the submission of an Iowa Clean air Attainment Program (ICAAP) Grant Application to the Iowa Department of Transportation to fund the Nightrider Route. Seconded by Connors. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Mayor Buol thanked the staff and representatives who were involved with the planning of the Growing Sustainable Communities Conference and the Iowa League of Cities Conference held in Dubuque on September 24-27.

PUBLIC INPUT

Jacob Long, 4604 Cardinal Drive, addressed the City Council regarding his concerns about road safety and alternative traffic control solutions that were part of past automated traffic control discussions.

Doug Brehm, 896 Berkley Street, addressed the City Council regarding his concerns about health insurance issues related to part-time city bus drivers.

CLOSED SESSION

Motion by Jones to convene in closed session regarding pending litigation and property acquisition pursuant to Chapter 21.5(1)(c)(j) Code of Iowa and Collective Bargaining Strategy pursuant to Chapter 20.17(3) Code of Iowa. Seconded by Resnick. Motion carried 7-0.

Upon motion, the City Council reconvened in open session at 8:19 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:20 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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