

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

The Dubuque City Council met in special session at 5:30 p.m. on November 3, 2014 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, Assistant City Attorney Brumwell

Mayor Buol 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 Dubuque Metropolitan Area Solid Waste Agency.

**WORK SESSION**

Dubuque Metropolitan Area Solid Waste Agency (DMASWA)

Solid Waste Agency Administrator John Foster provided a slide presentation which gave an overview of solid waste management services and future projects for the Dubuque Metropolitan Area Solid Waste Agency (Landfill). Topics included:

- DMASWA Background, establishment and board membership
- Mission statement
- Site location and layout
- Core services
- Environmental education
- Diversion opportunities
- Yard debris management
- Hazardous waste management
- Landfill operations
- Landfill design
- Future Projects

DMASWA Education Coordinator Bev Wagner provided information on the educational components of the agency that includes tours, community outreach, whole-school programs and recognitions for sustainability.

There begin no further business, upon motion the City Council adjourned at 5:59 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 6:30 p.m. on November 3, 2014 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, Assistant City Attorney Brumwell

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)**

Veterans' Day (November 11, 2014) was accepted by Commander Pete Eisbach of the American Legion Post #6, 1306 Delhi Street;

Philanthropy Day (November 15, 2014) was accepted by Allisa Riegler, Associate Director of Annual Funds & Special Events at Clarke College, 1550 Clarke Drive;

Adoption Month (November 2014) was accepted by Kara Magnison, Post Adoptive Support Supervisor for Iowa KidsNet, 180 W. 15<sup>th</sup> Street

Hospice Month (November 2014) was accepted by Carole Carroll, Hospice of Dubuque, 2255 JFK Road;

Hunger and Homelessness Awareness Month (November 2014) was accepted by Ryan Brimeyer, Dubuque Rescue Mission, 398 Main Street.

**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.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission of 8/26; City Council proceedings of 10/20; Civil Service Commission of 10/23; Housing Commission of 10/28; Investment Oversight Advisory Commission of 10/22; Library Board of Trustees of 9/25; Proof of Publication for City Council proceedings of 10/2, 10/6; Proof of Publication for List of Claims and Summary of Revenues for Month Ended 9/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Area Residential Care for property damage; Michelle Green for vehicle damage; Megan Herber for vehicle damage; Kortni Oliver for vehicle damage; Progressive Northern Insurance/Chad Parker for personal injury/vehicle damage; City of Dubuque vs. Robert Meier, et al. Upon motion the documents were received, filed and referred to the City Attorney.

3. 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: Area Residential Care for Property Damage, Megan Herber for vehicle damage, Chad Parker/ Progressive Northern Insurance Co. for personal injury/vehicle damage. Upon motion the documents were received, filed and concurred.

4. Intelligent Communities Recognition: City Manager providing information on an application submitted to compete in the Intelligent Communities Forum competition. Upon motion the document was received and filed.

5. International City/County Management Association (ICMA) - Letter of Support: City Manager submitting a Letter of Support for the International City/County Management Association team's Urban Land Use and Climate Change Adaptation Planning Program (CLIMA-PLAN) proposal in response to USAID's Request for Application RFA-517-14-000003 in the Dominican Republic. Upon motion the document was received, filed and approved.

6. Quarterly Investment Report: City Manager transmitting the Quarterly Investment Report for September 30, 2014. Upon motion the documents were received and filed.

7. Curb Access Ramps Phase One - Asphalt Overlay Project Acceptance: City Manager recommending adoption of a resolution accepting the improvements and establishing the final contract amount for the Asphalt Overlay Project – Curb Access Ramps Phase One as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 339-14 Accepting the Asphalt Overlay Project Curb Access Ramps Phase One and authorizing the payment of the contract amount to the contractor was adopted.

8. Curb Access Ramps Phase Two - Asphalt Overlay Project Acceptance: City Manager recommending adoption of a resolution accepting the improvements and establishing the final contract amount for the Asphalt Overlay Project-Curb Access Ramps Phase Two as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed and Resolution No. 340-14 Accepting the Asphalt Overlay Project Curb Access Ramps Phase Two and authorizing the payment of the contract amount to the contractor was adopted.

9. Curb Access Ramp Phase Four Project Award: City Manager recommending that the award for the 2014 Access Ramp Installation Project-Phase Four to Midwest Concrete, Inc., be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

10. Iowa Economic Development Authority - Contract Amendment No. 5: Correspondence from the Iowa Economic Development Authority (IEDA) advising the City that it is granting Amendment No. 5 to the Community Development Block Grant

(CDBG) contract (Catfish Creek Watershed Planning). Upon motion the documents were received and filed.

11. Signed Contract(s): Epic Construction for selective demolition of the Dubuque Furniture and Flooring property; Top Grade Excavating for the Arrowhead Storm Sewer Project. Upon motion the documents were received and filed.

12. Improvement Contracts and Maintenance Bonds: A&G Electric for the Floodwall Pumping Stations High Water Level Alarm and Level Control Project. Upon motion the documents were received, filed and approved.

13. Civil Service Commission: Civil Service Commission submitting the certified lists for the positions of Bus Operator and Transit Dispatcher/Scheduler. Upon motion the documents were received, filed and made a Matter of Record.

14. Alcohol Compliance Civil Penalty for Alcohol License Holder - AWN Stop Mart: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for AWN Stop Mart, 1998 Jackson Street. Upon motion the documents were received, filed and approved.

15. Tobacco Compliance – Civil Penalty for Tobacco License Holder – AWN Stop Mart: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for AWN Stop Mart, 1998 Jackson Street. Upon motion the documents were received, filed and approved.

16. Alcohol Compliance Civil Penalty for Alcohol License Holder – Copper Kettle: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for the Copper Kettle, 2987 Jackson Street. Upon motion the documents were received, filed and approved.

17. Alcohol Compliance Civil Penalty for Alcohol License Holder – Crust Italian Kitchen and Bar: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for Crust Italian Kitchen and Bar, 299 Main Street. Upon motion the documents were received, filed and approved.

18. Alcohol Compliance Civil Penalty for Alcohol License Holder - 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.

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

20. Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 341-14 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 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 Connors. Motion carried 7-0.

1. Kunkel & Associates, Inc. - Urban Revitalization Area Plan: City Manager recommending that a public hearing be set for December 15, 2014, regarding the proposed Urban Revitalization Plan for the Kunkel & Associates, Inc. Urban Revitalization Area. Upon motion the documents were received and filed and Resolution No. 342-14 Fixing the date for a public hearing on the matter of the adoption of a proposed Urban Revitalization Plan for the Kunkel & Associates Urban Revitalization Area was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 15, 2014 in the Historic Federal Building.

### **PUBLIC HEARINGS**

Upon motion the rules were suspended allowing anyone present to address the City Council on the following items:

1. 911 High Bluff Retaining Wall Project: Proof of publication on notice of public hearing to consider approval of the Final Schedule of Assessments for the 911 High Bluff Retaining Wall Repair Project and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 343-14 Adopting the Final Assessment Schedule for the 911 High Bluff Retaining Wall Repair Project. Seconded by Jones. Assistant City Attorney Crenna Brumwell and City Engineer Gus Psihoyos responded to questions from the City Council concerning liability surrounding privately owned retaining walls, how property owners might determine ownership of a retaining wall, and how the associated costs are calculated for repair of retaining walls that are partially on public property or impact the public right-of-way. Motion carried 7-0.

2. Taxable General Obligation Bond Series 2014C (Urban Renewal and Parking): Proof of publication on notice of public hearing to consider approval of the suggested proceedings for the public hearing on the issuance of \$8,625,000 General Obligation Capital Loan Notes, advertisement for the sale and approval of electronic bidding procedures and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 344-14 Instituting proceedings

to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$8,265,000 General Obligation Capital Loan Notes, Series 2014; and Resolution No. 345-14 Directing the advertisement for sale of \$7,615,000 (dollar amount subject to change) Taxable General Obligation Capital Loan Notes, Series 2014C, and approving Electronic Bidding Procedures and Official Statement. City Manager Van Milligen responded to questions regarding statutory debt capacity and projections, and funding/repayment sources. Motion carried 6-1 with Resnick voting nay.

3. Tax-Exempt General Obligation Bond Series 2014B: Proof of publication on notice of public hearing to consider approval of the suggested proceedings for the public hearing on the issuance of \$18,335,000 General Obligation Capital Loan Notes, advertisement for the sale and approval of electronic bidding procedures and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 346-14 Instituting proceedings to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$18,335,000 General Obligation Capital Loan Notes, Series 2014; and Resolution No. 347-14 Directing the advertisement for sale of \$18,815,000 (dollar amount subject to change) General Obligation Capital Loan Notes, Series 2014B, and approving electronic bidding procedures and Official Statement. Seconded by Jones. Motion carried 7-0.

4. Taxable General Obligation Bond Series 2014C: Proof of publication on notice of public hearing to consider approval of the suggested proceedings for the public hearing on the issuance of \$500,000 General Obligation Capital Loan Notes and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 348-14 Instituting proceedings to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$500,000 General Obligation Capital Loan Notes, Series 2014. Seconded by Braig. Motion carried 7-0.

5. Tax-Exempt General Obligation Bond Series 2014B: Proof of publication on notice of public hearing to consider approval of the suggested proceedings for the public hearing on the issuance of \$575,000 General Obligation Capital Loan Notes and the City Manager recommending approval. Motion by Connors to receive and file the documents and adopt Resolution No. 349-14 Instituting proceedings to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$575,000 General Obligation Capital Loan Notes, Series 2014. Seconded by Jones. Motion carried 7-0.

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

### **ACTION ITEMS**

1. Dubuque Metropolitan Solid Waste Agency (DMASWA) Financing Plan: City Manager recommending authorization for the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) to borrow money and endorse the financing plan for its Cells #4-#8 closure and Cell #9 Phase II construction projects. Motion by Jones to receive and file

the documents and adopt Resolution No. 350-14 Consenting to Financing Plan for Dubuque Metropolitan Area Solid Waste Agency. Seconded by Resnick. Michael Maloney and Chip Schultz from D.A. Davidson provided a slide presentation describing city/county financing options. Motion carried 7-0.

2. Dubuque Racing Association and Iowa Greyhound Association Lease Agreement and Public Hearing: City Attorney recommending adoption of the resolution approving the Fifth Amendment to the Amended and Restated Lease Agreement between Dubuque Racing Association and the City and approving the Consent to the Sublease between the Dubuque Racing Association and Iowa Greyhound Association; and further recommending that the City Council adopt the Resolution of Intent to Dispose of a portion of the greyhound racing facility by lease with Iowa Greyhound Association, setting a public hearing on the lease for November 17, 2014. The DRA-IGA Sublease document will be distributed at the meeting. Motion by Lynch to receive and file the documents and adopt Resolution No. 351-14 Approving the Fifth Amendment to Amended and Restated Lease Agreement between the Dubuque Racing Association and the City of Dubuque and approving the Consent to the Sublease between the Dubuque Racing Association and Iowa Greyhound Association; and Resolution No. 352-14 Intent to dispose of an interest in real property by Lease with Iowa Greyhound Association. Seconded by Jones. Motion carried 7-0.

3. Code of Ordinances Amendment - Title 9 Alternate Side Street Parking: City Manager recommending approval to amend City Ordinance 9-14-321.627 Alternate Side Street Parking to include newly metered street parking within the Historic Millwork District to facilitate street sweeping and ice/snow operations. 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. 65-14 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 14 Parking, Division 1 Generally, Section 9-14-321.627 Alternate Side Street Parking by adding Alternate Side Street Parking within the Historic Millwork District. Seconded by Connors. Motion carried 7-0.

4. Neighbor2Neighbor Pilot (N2N): Staff provided a presentation on the Neighbor2Neighbor Pilot (N2N) program aimed at promoting interaction, collaboration and strong relationships among neighbors in an effort to make neighborhoods healthier, safer, and friendlier. Motion by Connors to receive and file the documents. Seconded by Braig. Police Chief Mark Dalsing provided a description of how the N2N program evolved from focus groups to pilot program and provided examples of how neighbors can engage with one another. Motion carried 7-0.

## **COUNCIL MEMBER REPORTS**

Council Member Braig reminded everyone of Election Day, November 4, 2014.

## **CLOSED SESSION**

Motion by Jones to enter into closed session at 7:36 p.m. to discuss pending litigation and property acquisition pursuant to Chapter 21.5(1)(c), -(j) of the Code of Iowa. Seconded by Braig. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:10 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 8:11 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 11/12