

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

The Dubuque City Council met in special session at 5:30 p.m. on September 7, 2021, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Cavanagh, Farber, Jones, Resnick, Roussell (attended virtually), Sprank; City Manager Van Milligen, 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 Sustainable Dubuque update.

**WORK SESSION  
Sustainable Dubuque Update**

Planning Services Manager Wally Wernimont made a presentation on sustainability practices as they relate to the planning department. Topics included:

- Unified Development Code (UDC)
- Sustainable Division Development
  - Conservation Subdivision
  - Solar Subdivision
  - Cottage Design Subdivision
- Other Options for Sustainability Points
- Site Plan Design Standards
- Site Development: Low Impact Development Tools
- Landscaping Requirements
- Site Landscaping
- Trees and Shrubs
- Street Trees
- Parking Lot Landscaping
- Parkland Development
- Imagine Dubuque

Mr. Wernimont responded to questions from the City Council regarding lot specifications of cottage design subdivisions, requirements for streets annexed into the city to attain sustainability points, and which developments achieve higher sustainability points. Mr. Wernimont stated that the Planning Services Department's staff memos for City Council agenda items detail the sustainability points that an applicant has accrued.

There being no further business, Mayor Buol declared the meeting adjourned at 6:24 p.m.

/s/Adrienne N. Breitfelder  
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 7, 2021, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Cavanagh, Farber, Jones, Resnick, Roussell (attended virtually), Sprank; City Manager Van Milligen, 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**

**PRESENTATION(S)**

1. COVID-19 Update: Mary Rose Corrigan, Public Health Specialist for the City of Dubuque, provided an update on the COVID-19 pandemic and response activities. Ms. Corrigan responded to questions from the City Council regarding hospital capacity, frequency of state reporting, and potential impacts of the upcoming flu season.

**PROCLAMATION(S)**

1. Days of Peace and Non-Violence (September 11-September 29, 2021) was accepted by Art Roche, R.R.S. Stewart, and Mira Mosle on behalf of the Dubuque International Day of Peace Coordinating Committee.

2. National Recovery Month (September 2021) was accepted by Sue Greene on behalf of ZTM Sober Living.

3. National Library Card Signup Month (September 2021) was accepted by Library Director Nick Rossman on behalf of Carnegie Stout Public Library.

4. St. John's Community Kindness Month (September 2021) was accepted by John Stewart on behalf of St. John's Episcopal Church Kindness Community Campaign.

**CONSENT ITEMS**

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

1. Minutes and Reports Submitted: City Council Proceedings of 8/16, 8/23, 8/24, and 8/25; Library Board of Trustees Minutes of 7/22; Proof of publication for City Council

proceedings of 8/2, 8/9, and 8/16; Proof of publication for List of Claims and Summary of Revenues for Month Ended 7/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Dennis Viertel for vehicle damage. Upon motion the documents were received, filed, and referred to the City Attorney.

3. Disposition of Claims: City Attorney advised that the following claims have been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: Dennis Viertel for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommended City Council approval for payment of City expenditures. Upon motion the documents were received and filed, and Resolution No. 291-21 Authorizing the Director of Finance and Budget/City Treasurer to make certain payments of bills that must be paid and approved for payment in accordance with City procedures was adopted.

5. Proposed Downtown Rehabilitation Grant Award for 1540 Central Avenue: City Manager recommended approval of a Downtown Rehabilitation Loan Program Grant Award to Real Property Investments, LLC in the maximum amount of \$50,000 for rehabilitation of 1540 Central Avenue. Upon motion the documents were received and filed, and Resolution No. 292-21 Approving a Grant Agreement between the City of Dubuque, Iowa and Real Property Investments, LLC for the Redevelopment of 1540 Central Avenue was adopted.

6. Amendment to Fiscal Year 2022 Contracted Service Agreement with Dubuque Area Convention and Visitors Bureau (a.k.a. Travel Dubuque): City Manager recommended adoption of a resolution approving the First Amendment to the Fiscal Year 2022 Contracted Service Agreement with Travel Dubuque. Upon motion the documents were received and filed, and Resolution No. 293-21 Approving the First Amendment to Agreement between the City of Dubuque, Iowa and Dubuque Area Convention and Visitors Bureau (a.k.a. Travel Dubuque) was adopted.

7. Contract Amendment to State of Iowa Direct Financial Assistance Contract by and among Medline Industries, Inc. MRE DIA, LLC, the City of Dubuque, and the Iowa Economic Development Authority: City Manager recommended approval of a resolution authorizing a contract amendment between Medline Industries, Inc., MRE DIA, LLC, the City of Dubuque and the Iowa Economic Development Authority which modifies the project completion date for its job creation requirements from March 31, 2021, to December 31, 2022. Upon motion the documents were received and filed, and Resolution No. 294-21 Approving the Contract Amendment to the Economic Development Financial Assistance Contract by and among Medline Industries, Inc., MRE DIA, LLC, the City of Dubuque, Iowa, and the Iowa Economic Development Authority was adopted.

8. Approval of Assignment Agreement, Medline Industries, Inc. Corporate Reorganization: City Manager recommended approval of resolutions and First

Amendment and Assignment Agreement for Medline Industries, Inc. and its subsidiaries. Upon motion the documents were received and filed, and Resolution No. 295-21 Approving an Assignment Agreement between MRE DIA, LLC and MRE Propco, LP and Resolution No. 296-21 Approving the First Amendment to Amended and Restated Development Agreement between the City of Dubuque, Iowa and Medline Industries, Inc. were adopted.

9. Summary of COVID – 19 Vaccination efforts by City of Dubuque: City Manager transmitted a summary of COVID-19 Vaccination efforts by the City of Dubuque. Upon motion the documents were received and filed.

10. Recommendations for Supporting Local Governments making American Rescue Plan (ARP) Eligible Expenditures: Correspondence from Chuck Isenhardt, Iowa State Representative of House District 100, on recommendations he has provided to Iowa Governor Kim Reynolds for supporting local governments making American Rescue Plan (ARP) eligible expenditures. Upon motion the documents were received and filed.

11. Appointment of Liaison to the Long Range Planning Commission: Housing Commission recommended that Commissioner Amy Eudaley continue as the Housing Commission Liaison to the Long Range Planning Commission. Upon motion the documents were received, filed, and approved.

12. Appointment of Liaison to the Community Development Advisory Commission: Housing Commission recommended that Commissioner Hilary Dalton continue as the Housing Commission Liaison to the Community Development Advisory Commission. Upon motion the documents were received, filed, and approved.

13. Washington Neighborhood / Housing Trust Fund Application: City Manager recommended approval of a resolution authorizing commitment of \$34,951.64 from Greater Dubuque Downtown TIF as a match to the Housing Trust Fund Committee's application to the Iowa Finance Authority for a \$183,956 grant from the State Housing Trust Fund for continued support of homeownership and rehabilitation activities in the Washington Neighborhood. Upon motion the documents were received and filed, and Resolution No. 297-21 Approving commitment of matching funds for an application to the Iowa Finance Authority (IFA) for State Housing Trust Funds was adopted.

14. Notice of Application for Family Self Sufficiency Coordinator Grant: City Manager recommended approval to submit a \$133,507 grant application to the US Department of Housing & Urban Development (HUD) for renewal funding for two Family Self-Sufficiency (FSS) Program Coordinators for the calendar year 2022. Upon motion the documents were received and filed, and Resolution No. 298-21 Authorizing the Director of Housing and Community Development to execute an application for the HUD Family Self-Sufficiency Program Grant and authorizing the Director of Housing and Community Development and the City Manager to approve the application was adopted.

15. Human Trafficking Training and Bus Wrap: City Manager transmitted information about training provided in March of 2021 to the Jule bus operators by the Tri State Coalition Against Human Trafficking and Slavery, as well as a promotional bus wrap applied to a City of Dubuque bus to raise awareness about human trafficking. Upon motion the documents were received and filed.

16. Signed Contract(s): Service Agreement with Dakota, Minnesota & Eastern Railroad Corporation (Canadian Pacific) for the 17th Street Storm Sewer Project; Interim Management Agreement with Dubuque Community Ice and Recreation Center for management of Mystique Community Ice Center; Parking Agreement with Q Casino for use of a City-owned area for parking on specified dates. Upon motion the documents were received and filed.

17. Improvement Contracts / Performance, Payment and Maintenance Bonds: Drew Cook & Sons Excavating for Green Alley Repair of 2417 White Street; Drew Cook & Sons Excavating for the Chavenelle Road Water Main Improvements; G&R Tree Service for the 2021 Stumps/Sidewalks Project One; Horsfield Construction, Inc. for the Chavenelle Road Reconstruction Project - Radford Road to Northwest Arterial; SELCO, Inc. for the 2021 Pavement Marking Project; Temperley Excavating, Inc. for the Wood St. Sanitary / Water Project. Upon motion the documents were received, filed, and approved.

18. 2021 Asphalt Overlay Access Ramp Project 2: City Manager recommended acceptance of the construction contract for the 2021 Asphalt Overlay Access Ramp Project 2, as completed by S & S Builders, in the final contract amount of \$93,349.29. Upon motion the documents were received and filed, and Resolution No. 299-21 Accepting the 2021 Asphalt Overlay Access Ramp Project 2 and authorizing the payment to the contractor was adopted.

19. Chaplain Schmitt Veterans Memorial Project – Acceptance of the Construction Contract: City Manager recommended acceptance of the construction contract for the Chaplain Schmitt Veterans Memorial Project, as completed by Conlon Construction, in the final contract amount of \$2,579,595.77. Upon motion the documents were received and filed, and Resolution No. 300-21 Accepting the Chaplain Schmitt Veterans Memorial Project, and authorizing the payment to the contractor was adopted.

20. Acceptance of Grants of Easements for Hike/Bike Trail and Public Utilities from Property Owners on Chavenelle Road in the City of Dubuque as Part of the Chavenelle Road Hike/Bike Trail Project - Phase 2: City Manager recommended acceptance of a Grant of Easement from Dubuque Initiatives, Chavenelle Warehouse Development, LLC, A.Y. McDonald Mfg. Co., F.H. Uelner Precision Tools and Dies, Inc. and AB(MC)2, LLC for hike/bike trail and public utilities as part of the Chavenelle Road Hike/Bike Trail Project-Phase 2. Upon motion the documents were received and filed, and Resolution No. 301-21 Accepting Grants of Easement for hike/bike trail and public utilities associated with the Chavenelle Road Hike/Bike Trail Project - Phase 2, in the City of Dubuque, Iowa was adopted.

21. Acceptance of Grants of Easement for Sanitary Sewer Utility from Barbara and Calvin Gatch, in the City of Dubuque, as Part of the Sanitary Sewer Improvements – Table Mound System Project: City Manager recommended acceptance of the dedication of Grants of Easement for Sanitary Sewer Utility across properties owned by Barbara and Calvin Gatch, in the City of Dubuque, as part of the Sanitary Sewer Improvements – Table Mound System Project. Upon motion the documents were received and filed, and Resolution No. 302-21 Accepting Grants of Easement for sanitary sewer utility across parts of Lot 1 and 2 of the subdivision of the Northwest Quarter of the Northwest Quarter of Section 7, T88N, R3E, of the 5th P.M., Dubuque County, Iowa was adopted.

22. Adoption of Code of Ordinances Supplement Nos. 2021 S-4 and 2021 S-4 Replacement: City Clerk recommended adoption of Supplement Nos. 2021 S-4 and 2021 S-4 Replacement to the City of Dubuque Code of Ordinances that codifies Ordinance Nos. 11-21 through 27-21. Supplement No. 2021 S-4 Replacement was required to correct a misprinted date in Supplement No. 2021 S-4. Upon motion the documents were received and filed, and Resolution No. 303-21 Adopting Supplement Nos. 2021 S-4 and 2021 S-4 Replacement to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

23. Liquor License Renewals: City Manager recommended approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed, and Resolution No. 304-21 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 Resnick to receive and file the documents, adopt the resolutions, and set the public hearings as indicated. Seconded by Jones. Motion carried 7-0.

1. Fiscal Year 2022 First Budget Amendment: City Manager recommended the first Fiscal Year 2022 Budget Amendment be set for public hearing for September 20, 2021. Upon motion the documents were received and filed and Resolution No. 305-21 Setting the date for the public hearing on Amendment No. 1 to the Fiscal Year 2022 Budget for the City of Dubuque was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 20, 2021, in the Historic Federal Building.

2. Tiffany Court - Lead Mine Sinkhole Subsidence Remediation Project: Initiate Public Improvement Bidding Process: City Manager recommended initiation of the public bidding procedure for the Tiffany Court – Lead Mine Sinkhole Subsidence Remediation Project, and further recommended that a public hearing be set for September 20, 2021. Upon motion the documents were received and filed and Resolution No. 306-21 Tiffany Court - Lead Mine Sinkhole Subsidence Remediation Project: 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 September 20, 2021, in the Historic Federal Building.

3. Kennedy Road Water Main Extension Project 2021: Initiate Public Bidding and Set the Public Hearing Date: City Manager recommended preliminary approval to the construction plans and specifications; and establish September 20, 2021, as the date for the public hearing; and hereby authorize the City Clerk to advertise for bid proposals for the Kennedy Road Water Main Extension Project 2021. Upon motion the documents were received and filed and Resolution No. 307-21 Kennedy Road Water Main Extension Project 2021: 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 September 20, 2021, in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Applications were reviewed for the following Boards and Commissions. Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

i. Airport Commission: Two, 4-Year terms through September 14, 2025 (Expiring terms of Brotherton and Kurtz-Weber). Applicants: Douglas Brotherton, 2823 Hickory Hill Dr.; Marianne Kurtz-Weber, 955 Prince Philip Dr. *This commission is subject to the State of Iowa Gender Balance Law. 5 Commissioners total; currently 1 male/2 females/2 openings.* Mr. Brotherton spoke in support of his appointment and provided a brief biography. Ms. Kurtz-Weber also spoke in support of her appointment and provided a brief biography.

ii. Building Code Advisory and Appeals Board: One, 3-Year term through January 1, 2024 (Vacant HVAC Construction Professional term of Swift). Applicant: Corey Valaskey, 1385 Alta Vista (Applying for HVAC Construction Professional).

iii. Historic Preservation Commission: One, 3-Year term through July 1, 2024 (Vacant term of Doyle). Applicant: William Doyle, 1591 White St. *This commission is subject to the State of Iowa Gender Balance Law. 9 Commissioners total; currently 5 males/2 females/2 openings \*Opening was advertised for 90 days while non-male identifying applicants were sought in adherence with Iowa Code 69.16A Gender Balance. Additional openings on the commission are being advertised for 90 days while nonmale identifying applicants are sought in adherence with Iowa Code 69.16A Gender Balance.*

iv. Housing Trust Fund Advisory Committee: One, 3-Year term through August 17, 2024 (Expired term of Holz). Applicant: James Holz, 3010 Indiana Ct.

v. Long Range Planning Advisory Commission: One, 3-Year term through July 1, 2024 (Vacant term of Pregler). Applicant: Beth McGrath, 2575 Saint Anne Dr.

## PUBLIC HEARINGS

1. Petition to Vacate a portion of Grace Street, in the City of Dubuque, Iowa: University of Dubuque - Grace Street Vacate Agreement: Proof of publication on notice of public hearing to consider the vacating and disposal of the Grace Street right of way described as Lot 14A of O'Hare's Subdivision, in the City of Dubuque, Iowa, for a purchase price of \$80,491.50, and City Manager recommended approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 308-21 Vacating a portion of Grace Street, in the City of Dubuque, Iowa, to be known as Lot 14A Of O'Hare's Subdivision, in the City of Dubuque, Iowa and Resolution No. 309-21 Disposing of City Interest in Lot 14A of O'Hare's Subdivision, in the City of Dubuque, Iowa. Seconded by Jones. Adam Schwendinger, 1845 Bennett St., spoke about potential issues from traffic being re-routed because of Grace Street's closure. Keith Obeforth, Assistant Vice President for University of Dubuque, stated that the university is still confirming the final design for proposed campus improvements on Grace Street. City Council members expressed support for the vacate agreement. Motion carried 7-0.

2. Proceedings for Public Hearing on the Issuance of Not to Exceed \$290,000, Sewer Revenue Capital Loan Notes (Interim Financing) State Revolving Funds, Planning and Design Loan Applications: Proof of publication on notice of public hearing to consider City Council approval of the suggested proceedings for a public hearing on the issuance of not to exceed \$290,000 in Sewer Revenue Capital Loan Notes (Interim Financing) State Revolving Loan Fund Program, the proceeds of which will be used to pay planning and design costs for High Strength Waste Receiving & Storage Project, and City Manager recommended approval. Motion by Jones to receive and file the documents and adopt Resolution No. 310-21 Instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$290,000 Sewer Revenue Capital Loan Notes and Resolution No. 311-21 Approving and authorizing a form of Interim Loan and Disbursement Agreement by and between the City of Dubuque and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$290,000 Sewer Revenue Capital Loan Notes Anticipation Project Note, Series 2021, of the City of Dubuque, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said note. Seconded by Sprank. Responding to a question from the City Council, Water Resource and Recovery Center (WRRC) Manager William O'Brien stated that co-digestion was not considered when the WRRC was built in 2013. City Manager Van Milligen stated that the Iowa Finance Authority (IFA) loans money to counties and cities for water and wastewater projects, and the loans allow the city to use the loan's interest for other projects. Motion carried 7-0.

3. Sale of City-Owned Property at 654 Clarke Drive: Proof of publication on notice of public hearing to consider City Council approval of the Purchase Agreement and Special Warranty Deed for the sale of City-owned real property located at 654 Clarke Drive to Torrent Property Management LLC for the amount of \$35,250, and City Manager recommended approval. Motion by Jones to receive and file the documents and adopt



Resolution No. 312-21 Disposing of city interest in real property located at 654 Clarke Drive, in the City of Dubuque, Iowa. Seconded by Farber. Motion carried 7-0.

### **ACTION ITEMS**

1. Fiscal Year 2022 Arts & Culture Creative Resiliency Grant Funding Recommendation: City Manager recommended City Council concurrence with the Arts & Cultural Affairs Advisory Commission recommendation for recipients and funding levels of the Fiscal Year 2022 Arts & Culture Creative Resiliency Grants. Motion by Cavanagh to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

2. Fiscal Year 2022 Dollars and Cents Video: Media Services showed a video highlighting information in the Fiscal Year 2022 Dollars and Cents public information brochure. Link to video: <https://youtu.be/jcG1vR1KdOc>. Motion by Jones to receive and file the documents and view the video. Seconded by Resnick. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Mayor Buol reported on attending the Rooted Table event hosted by Project Rooted on Sunday, September 5<sup>th</sup>. Mayor Buol stated that it was a great community event.

Council Member Jones reported on the Public Safety Committee hosting an event on Saturday, September 11, at the Regional Emergency Responders Training Facility to commemorate the anniversary of September 11, 2001.

Council Member Farber reported on recent activities of the Sister City Committee. Ms. Farber stated the committee is hosting a photo exhibit highlighting the city's three sister cities from October 14 through October 16.

Council Member Resnick reported on his recent visit to A.Y. McDonald and recent citizen input he received thanking the city for their involvement in trying to resolve the sinkhole on Tiffany Court (Item Set for Public Hearing No. 2). Mr. Resnick also thanked city staff for displaying the new buses outside of the Historic Federal Building prior to the City Council meeting.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 8:04 p.m. to discuss purchase or sale of real estate – Chapter 21.5(1)(j) Code of Iowa. Seconded by Farber. Mayor Buol stated for the record that the attorney who will consult with City Council on the issues to be discussed in the closed session is City Attorney Crenna Brumwell. Motion carried 7-0.

Upon motion, the City Council reconvened in open session at 9:03 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Buol declared the meeting adjourned at 9:04 p.m.

/s/Adrienne N. Breitfelder  
City Clerk

1t 9/15