

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 15, 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, Rousell, 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**

**PROCLAMATION(S)**

1. Dubuque Service Partnership and Vaccine Clinic Volunteer Appreciation Day (November 15, 2021) was accepted by Marie Zoromski, Director of the Senior Volunteer Program, on behalf of the Dubuque County Incident Management Team.

2. Pancreatic Cancer Awareness Day (November 18, 2021) was accepted by Diane Oglesby-Rambousek on behalf of the Michael W. Oglesby Foundation.

3. Small Business Saturday (November 27, 2021) was accepted by Dan Sullivan, Vice President of Membership of the Dubuque Area Chamber of Commerce, on behalf of the Small Business Saturday Coalition and the Dubuque Area Chamber of Commerce.

**CONSENT ITEMS**

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

1. Minutes and Reports Submitted: City Council proceedings of 11/1; Arts and Cultural Affairs Commission of 9/07, 9/28, and 10/19; Investment Oversight Advisory Commission of 10/26; Library Board of Trustees Update of 10/28; Zoning Advisory Commission of 11/3; Proof of publication for City Council proceedings of 10/4, 10/18, and 10/20; Proof of publication for List of Claims and Summary of Revenues for Month Ended September 30, 2021. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Anthony T. Cobbins for vehicle damage; Vanderloo and White Animal Hospital for property damage. Upon motion the documents were received, filed, and referred to the City Attorney.

3. 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. 390-21 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.

4. September 30, 2021 Quarterly Investment Report: City Manager transmitted the September 30, 2021 Quarterly Investment Report. Upon motion the documents were received and filed.

5. Fiscal Year 2022 Detailed Budget for the Five Flags Civic Center: City Manager transmitted the Fiscal Year 2022 Budget for the Five Flags Civic Center. Upon motion the documents were received and filed.

6. Iowa Arts & Culture Marketing Grant Award (Iowa CARES Act) to Five Flags Civic Center: City Manager transmitted information related to the \$11,300 Iowa Arts & Culture Marketing Grant Award to Five Flags Civic Center to support their work to advance arts and culture in Iowa. Upon motion the documents were received and filed.

7. Iowa Department of Cultural Affairs Iowa Arts & Culture Marketing Grant Application and Award: City Manager recommended acceptance of a \$15,000 grant award from the Iowa Department of Cultural Affairs Arts & Culture Marketing Grant program to support an umbrella communications campaign to capture and brand the uniqueness of Dubuque's creative and cultural assets, while emphasizing the safety protocols undertaken by the sector and communicating out the City's ongoing mitigation directives related to the COVID-19 pandemic. Upon motion the documents were received, filed, and approved.

8. Approval of Fiscal Year 2022 Contract Service Agreement with Hills & Dales Senior Center and Community Development Block Grant Agreement with Iowa State University Extension: City Manager recommended approval of the Fiscal Year 2022 contract service agreement for Hills & Dales Senior Center and Community Development Block Grant (CDBG) agreement with the Iowa State University (ISU) extension. Upon motion the documents were received, filed, and approved.

9. Americans for the Arts' Arts & Economic Prosperity 6 Partner Contract for Execution: City Manager recommended approval of the execution of the Americans for the Arts' Arts & Economic Prosperity 6 Partner Contract. Upon motion the documents were received, filed, and approved.

10. Iowa Department of Cultural Affairs' American Rescue Plan Arts Grants - Organizations Agreement for Execution: City Manager recommended approval of the Iowa Department of Cultural Affairs' American Rescue Plan Arts Grants—Organization Grant Agreement and requested the City Council authorize the City Manager to execute the grant agreement. Upon motion the documents were received, filed, and approved.

11. Arts & Culture Master Plan Community Engagement Public Information Brochure: City Manager provided a copy of the Arts & Culture Master Plan Community Engagement public information brochure. Upon motion the documents were received and filed.

12. Fiscal Year 2021 Grants Under the Route Planning Restoration Program: City Manager recommended approval to apply for the Fiscal Year 2021 Grants under the Route Planning Restoration Program. Upon motion the documents were received, filed, and approved.

13. Construction Contract for Bee Branch Healthy Homes Program: 1560 Iowa Street: City Manager recommended approval of the bid from Bel-Aire Home Improvement LLC in the amount of \$165,634.80 for construction at 1560 Iowa Street. Upon motion the documents were

received and filed, and Resolution No. 391-21 Awarding Bee Branch Healthy Homes Program Contract for 1560 Iowa Street Construction Project was adopted.

14. Signed Contract(s): Drew Cook & Sons Excavating Co. Inc. for the John F. Kennedy Water Main Extension - Forest Glen Ct. to Daisy Trail Project; Ferguson Waterworks for the Water Meter R900 Migration; McDermott Excavating Company for the South Gate Drive to Simpson Street Water Main Project. Upon motion the documents were received and filed.

15. Pre-Annexation Agreement - Jeffrey and Carolyn Burger: City Manager recommended approval of a Pre-Annexation Agreement with Jeffrey and Carolyn Burger, for property located at 9565 Monticello Drive in Dubuque County, in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 392-21 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Jeffery and Carolyn Burger was adopted.

16. Ambulance Billing Vendor - Selection Recommendation: City Manager recommended approval of the selection of Digitech Computer, LLC as the new Ambulance Billing Vendor effective January 1, 2022, and requests City Council approval to negotiate with Digitech for a contract. Upon motion the documents were received, filed, and approved.

17. Design of the Old Mill Road Lift Station and Force Main: City Manager recommended City Council authorization to release a Request for Proposals for the Design of the Old Mill Road Lift Station and Force Main. Upon motion the documents were received, filed, and approved.

18. Platting of City Property in Dubuque Industrial Center North First Addition: City Manager recommended approval of the Plat of Survey of Lot 1-C and Lot 2-C of Dubuque Industrial Center North First Addition in the City of Dubuque. Upon motion the documents were received and filed, and Resolution No. 393-21 Approving Plat of Survey of Lot 1-C and Lot 2-C Dubuque Industrial Center North First Addition, in the City of Dubuque, Iowa was adopted.

19. Roadway Improvement Project Stoneman Road and JFK Road: City Manager recommended approval of a Development Agreement with developer GreenState Credit Union (GSCU) for the construction of public roadway improvements at the intersection of Stoneman Road and JFK Road. Upon motion the documents were received and filed, and Resolution No. 394-21 Approving an Agreement for Construction of Roadway Improvements on Stoneman Road and JFK Road between the City of Dubuque, Iowa and GreenState Credit Union was adopted.

20. 2021 Stumps/Sidewalks Project One: City Manager recommended acceptance of the construction contract for the 2021 Stumps/Sidewalks Project One, as completed by G & R Tree Service, in the final contract amount of \$105,940.88. Upon motion the documents were received and filed, and Resolution No. 395-21 Accepting the 2021 Stumps / Sidewalks Project One and authorizing the payment to the contractor was adopted.

21. Mystique Community Ice Center: Floor Slab Void Filling, Lifting and Leveling Project - Acceptance of Public Improvement Project: City Manager recommended acceptance of the construction contract for the Mystique Community Ice Center Floor Slab Void Filling, Lifting and Leveling Project, as completed by URETEK USA Inc., in the final contract amount of \$96,760.76, which is a 40.2% increase from the original contract amount of \$69,000.00. Upon motion the documents were received and filed, and Resolution No. 396-21 Accepting the Mystique

Community Ice Center Floor Slab Void Filling, Lifting and Leveling Project and authorizing the payment to the contractor was adopted.

22. Abstract of Votes - 2021 General Election: City Clerk transmitted the Abstract of Votes for the November 2, 2021 General Election as certified by the Dubuque County Auditor. Upon motion the documents were received and filed.

23. Adoption of Code of Ordinances Supplement No. 2021 S-5: City Clerk recommended adoption of Supplement No. 2021 S-5 to the City of Dubuque Code of Ordinances that codifies Ordinance Nos. 28-21 through 36-21. Upon motion the documents were received and filed, and Resolution No. 397-21 Adopting Supplement No. 2021 S-5 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

24. Civil Service Commission - Certified List: Civil Service Commission submitted the certified list for the position of Police Officer. Upon motion the documents were received, filed and made a Matter of Record.

25. 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. 398-21 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 Farber. Motion carried 7-0.

1. 2021 Redistricting Plan for City Wards & Precincts: City Manager recommended the City Council set a public hearing for December 6, 2021, on the 2021 Redistrict Plan for City Wards and Precincts. Upon motion the documents were received and filed, and Resolution No. 399-21 Setting a Public Hearing on 2021 Redistricting Plan for the Wards & Precincts of the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 6, 2021, in the Historic Federal Building.

2. Proceedings for Public Hearing on the Issuance of Not to Exceed \$1,570,000, Water Revenue Capital Loan Notes (Interim Financing) State Revolving Funds, Planning and Design Loan Applications: City Manager recommended that a public hearing be set for December 6, 2021, on the proposition of selling not to exceed \$1,570,000 in Water 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 Webber Property Water Distribution System Improvements Project. Upon motion the documents were received and filed, and Resolution No. 400-21 Fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$1,570,000 Water 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 December 6, 2021, in the Historic Federal Building.

3. Proceedings for Public Hearing on the Issuance of Not to Exceed \$900,000, Sewer Revenue Capital Loan Notes (Interim Financing) State Revolving Funds, Planning and Design Loan Applications: City Manager recommended that a public hearing be set for December 6,

2021, on the proposition of selling not to exceed \$900,000 in Sewer Revenue Capital Loan Notes (Interim Financing) State Revolving Loan Fund Program. Upon motion the documents were received and filed, and Resolution No. 401-21 Fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$900,000 Sewer 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 December 6, 2021 in the Historic Federal Building.

4. 2022 John F. Kennedy Road Sidewalk Installation Project: City Manager recommended City Council approval of the Resolution of Necessity, approval of the Preliminary Schedule of Assessments and establishing December 6 as the date of the public hearing for the 2022 John F. Kennedy Road Sidewalk Installation Project between Asbury Road and the Northwest Arterial. Upon motion the documents were received and filed and Resolution No. 402-21 Necessity for the 2022 John F. Kennedy Road Sidewalk Installation Project; and Resolution No. 403-21 Approving the preliminary plats, schedule of assessments and estimate of total cost for the 2022 John F. Kennedy Road Sidewalk Installation Project was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 6, 2021 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Appointments were made to the following boards/commissions.

i. Civic Center Advisory Commission - Rescheduled from November 1, 2021, City Council Meeting. Two, 3-Year terms through June 29, 2024 (Expired terms of Daugherty and Parks). Applicants: Brenda Christner, 655 Florence St.; Tyler Daugherty, 6527 N. Wilshire Ln.; Bryce Parks, 2770 Van Buren Ave. Upon roll call vote, Mr. Daugherty and Mr. Parks were appointed to the two 3-year terms through June 29, 2024. Mr. Daugherty and Mr. Parks received all 7 votes, respectively.

ii. Resilient Community Advisory Commission: One, 3-Year term through July 1, 2024 (Vacant term of Booth). Applicant: Katharine Connolly, 205 Bryant Street. Motion by Roussell to appoint Ms. Connolly to the three-year term through July 1, 2024. Seconded by Cavanagh. Motion carried 7-0.

## **PUBLIC HEARINGS**

1. Request to Rezone Property at Bies Drive: Proof of publication on notice of public hearing to consider City Council approval of a request from Dave Frommelt, American Realty, to rezone property located at Bies Drive from C-3c General Commercial zoning district with conditions to PR Planned Residential zoning district to allow for the development of a multi-family residential development, and Zoning Advisory Commission recommended approval. 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 Sprank. Planning Services Manager Wally Wernimont provided a staff report. Responding to questions from the City Council, Mr. Wernimont stated that the property owner will be required to install sidewalks and that all property owners within 200 feet of the property were notified of the rezoning request. Applicant Dave Frommelt, 995 Prince Phillip Dr., stated that he represented the developer and provided input on the removal of trees on the property and the access points for the property. Responding

to a question from the City Council, Mr. Frommelt stated that the developer would need to confirm whether the apartments would be market rate. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 39-21 Amending Title 16 of the Unified Development Code of the City of Dubuque Code of Ordinances by reclassifying hereinafter described property located at Bies Drive from C-3c General Commercial with conditions to PUD Planned Unit Development District with a PR Planned Residential District Designation and adopting a Conceptual Development Plan for two 28-unit multi-family residential buildings with detached garages. Seconded by Sprank. Motion carried 7-0.

2. Request to Rezone Property at the corner of Peru Road, Louise Street and Monroe Avenue: Proof of publication on notice of public hearing to consider City Council approval of a request from Denise Foht to rezone property located at the corner of Peru Road, Louise Street and Monroe Avenue from R-1 Single-Family Residential zoning district to R-3 Moderate Density Multi-Family Residential zoning district to accommodate an off-premise residential garage, and Zoning Advisory Commission recommended approval. Motion by Cavanagh 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 Roussell. Planning Services Manager Wally Wernimont provided a staff report. Responding to a question from the City Council, Mr. Wernimont stated that the maximum space approved for the garage on the property is 700 feet, and that any additional area intended for the garage would require approval from the Zoning Board of Adjustment. Applicant Denise Foht, 723 Peru Road, stated that the garage would be fully enclosed. Motion carried 7-0.

Motion by Cavanagh for final consideration and passage of Ordinance No. 40-21 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying Lot 1 - 1 Evelyn Tharp Place Located at the corner of Peru Road, Louise Street and Monroe Avenue from R-1 Single-Family Residential District to R- 3 Moderate Density Multi-Family Residential Zoning District. Seconded by Roussell. Motion carried 7-0.

3. Request to Rezone Property at 1597 Delhi Street: Proof of publication on notice of public hearing to consider City Council approval of a request from Jeff Adams to rezone property located at 1597 Delhi Street from ID Institutional zoning district to C-2 Neighborhood Shopping Center zoning district, and Zoning Advisory Commission recommended approval. 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 Cavanagh. Planning Services Manager Wally Wernimont provided a staff report. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 41-21 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1597 Delhi Street from ID Institutional District to C-2 Neighborhood Shopping Center District. Seconded by Cavanagh. Motion carried 7-0.

4. Bee Branch Gate and Pump Replacement Project: Proof of publication on notice of public hearing to consider City Council authorization to enter into a Consent to Easement Structures Agreement with the United States Army Corps of Engineers (USACE) as a requirement for the City to proceed with the Bee Branch Gate and Pump Replacement Project, and City Manager recommended approval. Motion by Jones to receive and file the documents and adopt Resolution No. 404-21 Disposing of interest in real estate through Agreement with the US Army Corps of Engineers. Seconded by Sprank. Motion carried 7-0.

5. Proposed Lease Agreement Between the City of Dubuque and Comelec Internet Services: Proof of publication on notice of public hearing to consider City Council approval of a lease with Comelec Internet Services for space on the 3rd Street Water Tower, and City Manager recommended approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 405-21 Approving the disposal of an interest in real property owned by the City of Dubuque by Lease Supplement between the City of Dubuque, Iowa and Comelec Internet Services, LLC. Seconded by Jones. Motion carried 7-0.

### **ACTION ITEMS**

1. Dubuque Airport Master Plan Study and Airport Layout Plan Update: City Manager recommended City Council approval of the Dubuque Regional Airport Master Plan Study and Airport Layout Plan Update recently prepared by Coffman and Associates. Motion by Roussell to receive and file the documents and approve the plan. Seconded by Farber. City Council members expressed appreciation for the plan and suggested a future presentation to educate the public on the plan. Motion carried 7-0.

2. Resilient Community Advisory Commission Ordinance Update: City Manager recommended City Council approval of an ordinance amendment for the Resilient Community Advisory Commission regarding meeting frequency. Motion by Cavanagh 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 Sprank. City Council members expressed support for the amendment to allow greater flexibility for the commission. Motion carried 7-0.

Motion by Cavanagh for final consideration and passage of Ordinance No. 42-21 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 6 Resilient Community Advisory Commission, Section 2-6-10 Meetings. Seconded by Sprank. Motion carried 7-0.

3. Fiscal Year 2022 Community Development Block Grant Agreement with Northeast Iowa School of Music: City Manager recommended City Council approval of the Community Development Block Grant Agreement with Northeast Iowa School of Music (NISOM) as part of the Neighborhood Recreation Program. Motion by Roussell to receive and file the documents and approve the agreement. Seconded by Cavanagh. Motion carried 7-0.

4. Central Avenue Corridor Streetscape Master Plan Draft - Work Session Request: City Manager requested the City Council schedule a work session for December 20, 2021, at 5:30 p.m. on the Central Avenue Corridor Streetscape Master Plan Draft review. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Sprank. No schedule conflicts were expressed. Motion carried 7-0.

5. Five Flags Civic Center Studies Review and Prior Actions Presentation Request for Work Session: City Manager requested the City Council schedule a work session for January 24, 2022, at 6:30 p.m. on the Five Flags Civic Center Studies Review and Prior Actions Presentation. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Farber. No schedule conflicts were expressed. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Sprank reported on meeting with residents of the Alpine Mobile Park and encouraged any of the mobile park residents with concerns to contact him.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 7:29 p.m. to discuss Pending Litigation and Purchase or Sale of Real Estate – Chapter 21.5(1)(c),(j) Code of Iowa. Seconded by Rousell. 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 Brumwell. Motion carried 7-0.

The City Council reconvened in open session at 11:27 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Buol declared the meeting adjourned at 11:28 p.m.

/s/Adrienne N. Breitfelder  
City Clerk

1t 11/24