

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

The Dubuque City Council met in regular session at 6:00 p.m. on October 1, 2018 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol (via telephone), Mayor Pro Tem Del Toro; Council Members Jones, Larson, Resnick, Rios, Shaw; City Manager Van Milligen, City Attorney Brumwell

Mayor Pro Tem Del Toro 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)**

Mayor Pro Tem Del Toro thanked Kristina Castaneda and Nate Jenkins for providing music prior to the start of the meeting in recognition of Arts and Humanities Month.

2. St. Columbkille's Elementary School Green Ribbon Schools Award: Assistant City Manager Cori Burbach presented the U.S. Department of Education's Green Ribbon Schools award to St. Columbkille's Elementary School. The award was accepted by School Principal Barb Roling and school representatives.

3. Rising Star Award Presentation: Steve Fisher of TH Media and BizTimes presented the Rising Star Award to Arts and Cultural Affairs Coordinator Debra Alleyne.

**PROCLAMATION(S)**

1. Crop Walk Day (October 7, 2018) was accepted by Reverend Father Dustin Lyon of St. Elias the Prophet Church.

2. Lights on Afterschool Day (October 25, 2018) was accepted by Beth McGorry of St. Mark Youth Enrichment.

3. Arts and Humanities Month (October 2018) was accepted by David Schmitz of the Arts and Cultural Affairs Commission and the Dubuque Museum of Art, and Michael Jelinske of St. Mark Youth Enrichment Art Smarts Program.

4. Trick-or-Treat Night (October 31, 2018, 5:30-7:30 p.m.) was accepted by Mayor Pro Tem Luis Del Toro.

**CONSENT ITEMS**

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

1. Minutes and Reports Submitted: City Council Proceedings for 9/17; Civil Service Commission of 8/30, 9/26; Park and Recreation Advisory Commission of 9/11; Transit Advisory Board of 9/13; Proof of publication for City Council proceedings of 9/4, 9/10. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Dubuque County Sheriff's Office for property damage, Bettye Kronstad for vehicle damage, Mark Topf for property damage. 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: Kelsey Caspersen for vehicle damage, Dubuque County Sheriff's Office for property damage, Bettye Kronstad for vehicle damage, Mark Topf for property damage, Brock Tyner for vehicle damage, Doug Winner for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommending Council approval for payment of City expenditures. Upon motion the documents were received, filed and approved.

5. State Fireworks Grant Award: City Manager recommending acceptance of a grant from the Iowa State Fire Marshal to purchase a rated storage magazine for confiscated fireworks. Upon motion the documents were received, filed and approved.

6. Consolidated Annual Performance and Evaluation Report (CAPER) July 1, 2017 to June 30, 2018: City Manager recommending approval of a resolution authoring submission to HUD of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period of July 1, 2017 through June 30, 2018. Upon motion the documents were received and filed, and Resolution No. 285-18 Authorizing the submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the period commencing July 1, 2017 and concluding June 30, 2018 was adopted.

7. Civil Service Commission - Certified List: Civil Service Commission submitting the Certified List for the position of Police Lieutenant. Upon motion the document was received, filed, and made a Matter of Record.

8. Eagle Point Park Environmental Restoration Management Project Consultant Selection: City Manager recommending approval of the selection of Emmons & Olivier Resources Inc., to undertake the Eagle Point Park Environmental Restoration Management Project Design, Construction Management and Grant Administration. Upon motion the documents were received, filed and approved.

9. K9s4COPS Grant Application: City Manager recommending approval to submit a grant application to K9s4COPs. Upon motion the documents were received, filed and approved.

10. AmeriCorps Healthy Futures Planning Grant Program Coordinator Approval: City Manager recommending approval for the position of AmeriCorps Healthy Futures Program Coordinator temporary position, as provided for in the AmeriCorps Healthy Future Grant Planning Agreement. Upon motion the documents were received, filed and approved.

11. Purchase of Services Grant Recommendations for Fiscal Year 2019: City Manager recommending approval of the Fiscal Year 2019 Purchase of Services grant funding applications as submitted by the Community Development Advisory Commission. Upon motion the documents were received, filed and approved.

12. Project Acceptance - 2018 Asphalt Overlay Ramp Project Three: City Manager recommending acceptance of the construction contract for the 2018 Asphalt Overlay Access Ramp Project Three as completed by Midwest Concrete, Inc. Upon motion the documents were received and filed, and Resolution No. 286-18 Accepting the 2018 Asphalt Overlay Access Ramp Project Three and authorizing the payment to the contractor was adopted.

13. Project Acceptance - 2018 Asphalt Overlay Ramp Project Four: City Manager recommending acceptance of the construction contract for the 2018 Asphalt Overlay Access Ramp Project Four, as completed by Reuter Mechanical Inc, d/b/a East Iowa Construction. Upon motion the documents were received and filed, and Resolution No. 287-18 Accepting the 2018 Asphalt Overlay Access Ramp Project Four and authorizing the payment to the contractor was adopted.

14. Keymont Court - North Fork Trails Subdivision Acceptance of Street and Paver Improvements: City Manager recommending acceptance of the maintenance of the permeable paver street in North Fork Trails No. 5, Lots 1 through 10. Upon motion the documents were received and filed, and Resolution No. 288-18 Accepting Maintenance of Street Improvements in North Fork Trails No. 5 - Lots 1 through 10 was adopted.

15. Healthy Homes & Childhood Lead Poisoning Prevention Program Contract and Subcontracts: City Manager recommending approval of a contract with the Dubuque County Board of Health and the Iowa Department of Public Health for continued funding of the Childhood Lead Poisoning Prevention Program, and a renewed agreement with the Visiting Nurse Association for services related to the Childhood Lead Poisoning Prevention Program and Healthy Homes Program. Upon motion the documents were received, filed and approved.

16. Wellmark Blue Cross and Blue Shield of Iowa Administrative Services Agreement: City Manager recommending approval of the Administrative Services Agreement between the City of Dubuque and Wellmark Blue Cross and Blue Shield of Iowa effective July 1, 2018, through June 30, 2019, and authorize the City Manager to sign the agreement. Upon motion the documents were received, filed and approved.

17. Release of All Civil Claims Related to 999 Maquoketa Drive: City Manager recommending approval of a Settlement Agreement and Release of All Claims between the City of Dubuque and Michael and Angela Friederick for civil claims. Upon motion the documents were received and filed, and Resolution No. 289-18 Approving a Settlement Agreement and Release of Claims between Michael and Angela Friederick and the City of Dubuque for release of all civil claims was adopted.

18. Lloyd Raymond Haywood Lawsuit Dismissal: Senior Counsel providing correspondence and Judgment confirming dismissal of the lawsuit filed by Lloyd Raymond Haywood. Upon motion the documents were received and filed.

19. Signed Contract(s): Applied Ecological Services for the Valentine Park Restoration SRF Project. Upon motion the document was received and filed.

20. Improvement Contracts / Performance, Payment and Maintenance Bonds: Advanced Environmental Testing and Abatement, Inc. for Asbestos Abatement at the former Bowling and Beyond Site; Drew Cook & Sons Excavating Co, Inc. for the Millwork District Parking Lot #2 (Elm Street); Gansen Excavating, Inc., for Twin Ridge Lift Station Abandonment; Mainline Excavating Co., Inc. for the Eagle Point Park Watermain Extension & Water Service Replacement Phase I; Peterson Contractors, Inc. for the McFadden Farm Grading Phase I; Playpower LT Farmington, Inc. for the Flora Park 2-5-Year-Old Playground Equipment and Poured-in-Place Surfacing Project. Upon motion the documents were received, filed and approved.

21. Business License Refund: Request from Champps Americana Restaurant and Bar previously located at 3100 Dodge Street for a refund of the Liquor License No. LB0001995 due to business closing; Request from Cuemaster Billiards Bar previously located at 900 Central Avenue for a refund of the Liquor License No. LC0042329 due to business closing; and request from North Side Liquor located at 2013 Central Avenue for a refund of Tobacco Permit No. DBQ-39-19 due to business name change and business reorganization. Upon motion the documents were received, filed and approved.

22. Alcohol License Applications: City Manager recommending approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed, and Resolution No. 290-18 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 Jones 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 Resnick. Motion carried 7-0.

1. Miracle League of Dubuque Lease Agreement: City Manager recommending that a public hearing be set for October 15, 2018, to consider a Lease Agreement between the City of Dubuque and Miracle League of Dubuque for a portion of Veteran's Park. Upon motion the documents were received and filed, and Resolution No. 293-18 Setting date of public hearing on Lease Agreement between the City of Dubuque, Iowa and the Miracle League of Dubuque was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on October 15, 2018 in the Historic Federal Building.

2. Alta Vista Urban Revitalization Area: City Manager recommending approval of a Resolution of Finding under Iowa Code Chapter 404, which is required to develop an Urban Revitalization Plan for 1225 Alta Vista Street. It is further recommended that a public hearing be set for November 5, 2018 to adopt an Urban Revitalization Plan for the Nativity Urban Revitalization Area. Upon motion the documents were received and filed, and Resolution No. 291-18 Urban Revitalization Resolution of Finding that the Rehabilitation, Conservation, Redevelopment, Economic Development, or a combination thereof of Church of the Nativity PL in the City of Dubuque, Iowa is necessary in the interest of public health, safety, or welfare of the residents of the City was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 5, 2018 in the Historic Federal Building.

3. Radford Road Urban Revitalization Area: City Manager recommending approval of a Resolution of Finding under Iowa Code Chapter 404, which is required to develop an Urban Revitalization Plan for 1895 Radford Road. It is further recommended that a public hearing be set for November 5, 2018 to adopt an Urban Revitalization Plan for the Radford Road Urban Revitalization Area. Upon motion the documents were received and filed, and Resolution No. 292-18 Urban Revitalization Resolution of Finding that the rehabilitation, conservation, redevelopment, economic development, or a combination thereof of Lot 1 Wolff Place No 2 in the City of Dubuque, Iowa is necessary in the interest of public health, safety, or welfare of the residents of the City was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 5, 2018 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions. Applicant appointments will be made at the next City Council meeting.

1. Airport Commission: One, 4-year term through July 1, 2022 (Vacant term of Chambers). Applicant: Michael Phillips, 1029 Dunham Dr. Mr. Phillips spoke in support of his appointment and provided a brief biography.

2. Housing Commission: One, 3-year term through August 17, 2021 (Vacant term of Hoepfer). Applicants: Michelle Becwar, 2115 Coates St.; and Antonino T. Erba, 1505 Fairview Pl. Ms. Becwar spoke in support of her appointment and provided a brief biography.

3. Human Rights Commission: One, 3-year term through January 1, 2020 (Vacant term of Perry). Applicants: Erin Muenster, 2030 Embassy West Dr.; David Olson, 909 Spires Dr.; and Samuel Wright, 508 West Locust St. Mr. Olson and Mr. Wright spoke in support of their respective appointment and provided brief biographies.

4. Resilient Community Advisory Commission: One, 3-year term through July 1, 2020 (Vacant term of Hoeper). Applicants: Lalith Jayawickrama, 2360 Cherry St.; and Laura Loucks, 444 ½ 5th St. Mr. Jayawickrama and Ms. Loucks spoke in support of their respective appointments and provided brief biographies.

## **PUBLIC HEARINGS**

1. Fiscal Year 2019 First Budget Amendment: Proof of publication for notice of public hearing to consider approval of the First Budget Amendment for Fiscal Year 2019, and the City Manager recommending approval. Motion by Resnick to receive and file and adopt Resolution No. 294-18 Amending the current budget for the Fiscal Year ending June 30, 2019. Seconded by Shaw. Motion carried 7-0.

2. Intent to Dispose of an Interest in Real Property Owned by the City of Dubuque by Lease Supplements Between the City of Dubuque, Iowa and Southwestco Wireless, Inc. D/B/A Verizon Wireless: Proof of publication on notice of public hearing to consider disposal of an interest in real property owned by the City of Dubuque by Lease Supplements between the City of Dubuque, Iowa and Southwestco Wireless, Inc. D/B/A Verizon Wireless, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 295-18 Disposing of an interest in real property owned by the City of Dubuque by Lease Supplements between the City of Dubuque, Iowa and Southwestco Wireless, Inc. D/B/A Verizon Wireless. Seconded by Resnick. Motion carried 4-3 with Del Toro, Larson and Shaw voting nay.

Citing research sources, Hillary Baker, 2572 Broadway Street; and Bryan Blair and son, 3895 Creston Street, expressed their concerns with what they believe are negative effects on health and environment from radio frequency energy caused by cell towers and transmissions. Mr. Blair added that he disapproved of the site selection as he felt it would devalue property.

During lengthy discussion, Sustainable Innovations Coordinator David Lyons of Greater Dubuque Development Corporation responded to questions from the City Council citing issues with state and federal pre-emption, loss of local control through legislative prohibitions, frequency strength, benefits to the city and emergency management services, location over installations, buried equipment vs. pole-mounted requirements, small cell vs. 5G verbiage, future agreements with other large companies and contract wording, installation on public right-of-way vs. private property installations, legal implications and challenges stemming from local prohibitions, and discussing the pro/con health research.

3. Maquoketa Valley Electric Cooperative Extension of Franchise: Proof of publication for notice of public hearing to consider approval of an extension to Maquoketa Valley

Electric Cooperative's electric franchise agreement, and the City Manager recommending approval.

Motion by Shaw 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 Jones. Motion carried 7-0.

Motion by Shaw for final consideration and passage of Ordinance No. 38-18 Extending the term of the Franchise granted to Maquoketa Valley Electric Cooperative. Seconded by Jones. Motion carried 7-0.

4. Maquoketa Valley Electric Cooperative Franchise Agreement: Proof of publication on notice of public hearing to consider approval of an ordinance granting a new Franchise Agreement with Maquoketa Valley Electric Cooperative. Motion by Jones to table the item to November 5, 2018. Seconded by Resnick. Motion carried 7-0.

5. Maquoketa Valley Electric Cooperative Franchise Fee: Proof of publication on notice of public hearing to consider approval of an ordinance imposing a franchise fee of 5% on Maquoketa Valley Electric Cooperative. Motion by Jones to table the item to November 5, 2018. Seconded by Resnick. Motion carried 7-0.

## **PUBLIC INPUT**

Dr. Angela Brandel of the University of Dubuque; Steven Chavez, 7288 Rte. 52 So.; and Michael Wilder, 370 Julien Dubuque Drive, with other committee members requested that the City Council consider an annual proclamation recognizing Indigenous Peoples' Day for October 8 to raise awareness and recognition of the struggles of America's indigenous people and refuting the history of Christopher Columbus. Mayor Buol stated that he could be supportive following some research with fellow mayor colleagues.

## **ACTION ITEMS**

1. Arts and Culture Master Plan Update: Arts and Cultural Affairs Coordinator Debra Alleyne and Commissioner David Schmitz Member provided a slide presentation on arts and cultural activities over the last 12 months. Highlights included: ongoing achievements, economic impact, community arts representatives, master plan overview, task forces and working groups, and 2012-2018 timeline. Motion by Shaw to receive and file the documents. Seconded by Larson. Motion carried 7-0.

2. Miracle League of Dubuque - Field Development Agreement, Naming Recognition Request and CAT Grant Application for Veteran's Memorial Park: City Manager recommending approval of Miracle League Field Development Agreement, Naming Recognition Request and CAT Grant Application for the Veteran's Memorial Park. Motion by Jones to receive and file the documents, approve the Field Development Agreement and Naming Recognition request, and adopt Resolution No. 296-18 Approving CAT Grant application to Enhance Iowa for Miracle League of Dubuque Baseball Field and All-Inclusive Playground Project. Seconded by Resnick. Motion carried 7-0.

3. SW Arterial Construction Update Video: Cable TV Division presented a video of the recent progress of the Southwest Arterial Project for September 2018). Motion by Resnick to receive and file the information. Seconded by Larson. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones reported that he would support an Indigenous Peoples' Day proclamation as requested by Dr. Brandel during Public Input.

### **CLOSED SESSION**

Motion by Jones to convene in closed session at 8:48 p.m. to discuss pending litigation and real estate transfer negotiations pursuant to Chapter 21.5(1)(c), -(j) of the Code of Iowa. Seconded by Shaw. Mayor Pro Tem Del Toro 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.

The City Council reconvened in open session at 9:30 p.m. stating that staff had been given proper direction.

There being no further business, upon motion the City Council adjourned at 9:31 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 10/10