

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

The Dubuque City Council met in regular session at 5:30 p.m. on January 6, 2020 in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Cavanagh, Jones, Roussell, Shaw, Sprank; City Manager Van Milligen, City Attorney Brumwell

Absent: Council Member Resnick

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.

**CLOSED SESSION**

5:30 PM

1. Review of Security Procedures: Police Department staff will review security procedures with City Council Members. Motion by Jones to convene in closed session at 5:33 p.m. pursuant to Iowa Code Chapter 21.5(1)(k) Confidential Records, and City of Dubuque Resolution No. 337-10. Seconded by Shaw. Mayor Buol stated for the record that the attorney who will consult with City Council on the issue to be discussed in the closed session is City Attorney Crenna Brumwell. Motion carried 7-0.

Having finished the review, upon motion, the City Council reconvened in open session at 5:56 p.m. Council Member David Resnick joined the meeting.

**PLEDGE OF ALLEGIANCE**

**SWEARINGS-IN**

1. Swearing-In of Council Members-Elect and Mayor Pro Tem: Mayor Buol administered the Oath of Office to Council Member-Elect Laura Roussell, (Ward 2); Council Member-Elect Brad Cavanagh (Ward 4); Council Member-Elect David Resnick (At-Large); and Mayor Pro Tem Ric Jones.

**PROCLAMATION(S)**

1. Human Slavery and Trafficking Prevention Month (January 2020) was accepted by Sr. Mira Mosel and Sr. Patricia Conlon on behalf of Tri-State Coalition Against Human Trafficking.

2. 100th Anniversary of the 19th Amendment to the U.S. Constitution giving women the right to vote, (1920 – 2020) was accepted by Tamara Prenosil, President of the Dubuque Chapter of the League of Women Voters.

## CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Council Member Cavanagh requested that Item Nos. 11 & 12 held for separate discussion. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of 12/16/19; Civil Service Commission of 12/19/19; Housing Commission of 11/26/19, 12/17/19; Library Board of Trustees of 11/21/19 and Council Update No. 193 of 12/19/19; Transit Advisory Board of 11/14/19; Zoning Board of Adjustment of 12/19/19; Proof of publication for City Council Proceedings of 12/2/19; Proof of publication for List of Claims and Summary of Revenues for Month Ending 11/30/19. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Sara Burke for property damage; John Herrig for property damage; Carol Klinkhammer 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: Sara Burke for property damage, John Herrig for property damage, and Carol Klinkhammer for property damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommending City Council approval for payment of City expenditures. Upon motion the documents were received and filed, and Resolution No. 1-20 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. January-February 2020 City News Public Information Brochure: City Manager providing a copy of City News, the City of Dubuque Official Newsletter for January /February 2020. Upon motion the document was received and filed.

6. December 2019 Bee Branch Watershed Flood Mitigation Project News: City Manager providing a copy of the December 2019 City of Dubuque Bee Branch Watershed Flood Mitigation Project News Public Information Brochure. Upon motion the document received and filed.

7. 2019 Municipal Equality Index for City of Dubuque: City Manager transmitting information on City of Dubuque's final score on the Human Rights Campaign's 2019 Municipal Equality Index (MEI). Upon motion the document was received and filed.

8. Successful Business Strategies for Codigestion at Water and Resource Recovery Facilities: City Manager providing a copy of an article on Successful Business Strategies for Codigestion at Water and Resource Recovery facilities as published by BioCycle November/December 2019 that references the City of Dubuque. Upon motion the document was received and filed.

9. Civil Service Commission - Certified Lists: Civil Service Commission submitting the Certified List for the positions of Mechanic, Public Safety Dispatcher and Police Captain. Upon motion the documents were received, filed and made a Matter of Record.

10. Vacant and Abandoned Buildings and Problem Property Assessments: City Manager recommending approval of a resolution authorizing the City to certify problem property charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed, and Resolution No. 2-20 Authorizing the City to collect Delinquent Problem Property Charges in accordance with 14-1J1 International Property Maintenance Code Section 106.5 and/or Section 109.5 Code of Ordinances of the City of Dubuque, Iowa was adopted.

11. Proposed Amendment to License Agreement between City of Dubuque and NVIDIA Corporation and Non-Disclosure Agreement: City Manager recommending approval of an amendment to the existing License Agreement between the City of Dubuque and the NVIDIA Corporation to allow the sharing of certain traffic information for a joint research project and approval of a Non-Disclosure Agreement between the parties. Motion by Cavanagh to receive and file the documents and approve the recommendations for both Item Nos. 11 & 12. Seconded by Resnick. Council Member Cavanagh questioned if the agreement(s) were setting a precedent for sharing data and what the history was behind the documents. City Manager Van Milligen cited previous similar agreements the City has/had with IBM and Watson Research Center. Sustainable Innovations Coordinator for Greater Dubuque Development Corporation David Lyons explained how the City will benefit from the data collected and added that, per the agreement, no sharing or use of the data can be done outside of the terms of the agreements without the approval of the City. Motion carried 7-0.

12. Proposed License Agreement between City of Dubuque and Latent Logic: City Manager recommending approval of a License Agreement to allow the sharing of certain traffic information for a joint research project with Latent Logic. Upon motion with Item No. 11, the documents were received, filed and approved.

13. Project Parcel 1 Widmeier Holdings, LLC Right-of-Way Plat and Dedication - Pennsylvania Ave. and Radford Rd. Intersection Improvements: City Manager recommending approval of the Acquisition Plat and acceptance of the dedication of a lot for right-of-way purposes at the intersection of Pennsylvania Avenue and Radford Road as part of a future Pennsylvania Avenue and Radford Road Intersection Improvements Project. Upon motion the documents were received and filed, and Resolution No. 3-20 Approving the Acquisition Plat of Lot 2-1-A of Northrange Subdivision No. 1 in the City of Dubuque, Iowa was adopted.

14. Project Parcel 2 Widmeier Investments, LLC Right-of-Way Plat and Dedication - Pennsylvania Ave. and Radford Rd. Intersection Improvements: City Manager recommending approval of the Acquisition Plat of and acceptance of the dedication of a lot for right-of-way purposes at the intersection of Pennsylvania Avenue and Radford

Road as part of a future Pennsylvania Avenue and Radford Road Intersection Improvements Project. Upon motion the documents were received and filed, and Resolution No. 4-20 Approving the Acquisition Plat of Lot 2-1-1-1-A, Block 1, Northrange Industrial Park, in the City of Dubuque, Iowa was adopted.

15. Project Parcel 3 Widmeier Holdings, LLC Right-of-Way Plat and Dedication - Pennsylvania Ave. and Radford Rd. Intersection Improvements: City Manager recommending approval of the Acquisition Plat and acceptance of the dedication of a lot for right-of-way purposes at the intersection of Pennsylvania Avenue and Radford Road as part of a future Pennsylvania Avenue and Radford Road Intersection Improvements Project. Upon motion the documents were received and filed, and Resolution No. 5-20 Approving the Acquisition Plat of lot 1-2-1-1-A, Block 2, Northrange Industrial Park, in the City of Dubuque, Iowa was adopted.

16. North Cascade Road Reconstruction Property Right-of-Way Plat and Dedication - Howard and Sandra Arensdorf: City Manager recommending approval of the Acquisition Plat for property purchased from Howard and Sandra Arensdorf for additional right-of-way for the North Cascade Road Reconstruction Project, from the bridge over Catfish Creek to Edval Lane. Upon motion the documents were received and filed, and Resolution No. 6-20 Approving the Acquisition Plat of Lot 2-1-B of the Southeast Quarter of the Southwest Quarter of Section 34, Township 89 North, Range 2 East of the 5th Principal Meridian in Dubuque County, Iowa was adopted.

17. North Cascade Road Reconstruction Right-of-Way Plat and Dedication – Jeffrey Arensdorf and Howard and Sandra Arensdorf Property: City Manager recommending approval of the Acquisition Plat for property purchased from Jeffrey Arensdorf and Howard and Sandra Arensdorf for additional right-of-way for the North Cascade Road Reconstruction Project, from the bridge over Catfish Creek to Edval Lane. Upon motion the documents were received and filed, and Resolution No. 7-20 Approving the Acquisition Plat of Lot 2-2-A of Ohmert Farm in Section 3, Township 88 North, Range 2, East of the 5th Principal Meridian, in Dubuque County Iowa was adopted.

18. Acceptance of Grant of Easement for Water Main and Fiber Cable Utilities over Arensdorf Property on North Cascade Road: City Manager recommending acceptance of a Grant of Easement for Water Main and Fiber Cable Utilities across the Howard and Sandra Arensdorf property as part of the North Cascade Road Water Main Extension Project. Upon motion the documents were received and filed, and Resolution No. 8-20 Accepting a Grant of Easement for water main and fiber optic cable utilities through, over and across part of Lot 3-1 of SW 1/4 of SE 1/4 of Section 34, T89N, R2E of the 5th P.M. in the City of Dubuque, Iowa was adopted.

19. Acceptance of Bee Branch East Blum Site Foundation & Contaminated Soil Removal Project: City Manager recommending acceptance of the public improvement contract for the Bee Branch East Blum Site Foundation and Contaminated Soil Removal Project as completed by Tschiggfrie Excavating Company. Upon motion the documents were received and filed, and Resolution No. 9-20 Accepting the Bee Branch East Blum

Site Foundation and Contaminated Soil Removal Project and authorizing the payment of the contract amount to the contractor was adopted.

20. Acceptance Bowling & Beyond Site - Foundation Removal Project: City Manager recommending acceptance of the public improvement contract for the Bowling & Beyond Site – Foundation Removal Project, as completed by Temperley Excavating, Inc. Upon motion the documents were received and filed, and Resolution No. 10-20 Accepting the Bowling & Beyond Site - Foundation Removal Project and authorizing the payment of the contract amount to the contractor was adopted.

21. Asphalt Art Initiative Grant Application: City Manager recommending approval of a grant application submitted to Bloomberg (Foundation) Philanthropies' Asphalt Art Initiative to fund the 'Sustainability Awareness Bus Stop Sidewalk Murals' project to be overseen by the Office of Arts and Cultural Affairs and developed in collaboration with City's Transit Division and Sustainability Office. Upon motion the documents were received, filed and approved.

22. Travel Iowa Tourism Grant Application and Award: City Manager recommending acceptance of a grant award from the Iowa Economic Development Authority's Travel Iowa Tourism Grant program to support promotion of the City's Art on the River program in 2020. Upon motion the documents were received, filed and approved.

23. Signed Contracts: Snow removal contracts with Dan Arensdorf Construction, Hamel Parking Lot Service, Skyline Construction, and Steffen's Lawn and Snow Service. Upon motion the documents were received and filed.

24. Business License Refund: Request from Knicker's Saloon, 2186 Central Avenue, for a refund of Liquor License No. LC0015483 due to the business being sold. Upon motion the documents were received, filed and approved.

25. 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. 11-20 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 Shaw 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 Jones. Motion carried 7-0.

1. Roshek Building Revocable License and Grant of Easements: City Attorney recommending adoption of the attached resolution setting a public hearing on the Roshek Building Revocable License and Grant of Easements on January 21, 2020. Upon motion the documents were received and filed, and Resolution No. 12-20 Setting a public hearing

on the Revocable License and Grant of Easements by the City of Dubuque, Iowa to Roshek Property, LLC was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on January 21, 2020 in the Historic Federal Building.

2. North Cascade Road Water Main Extension - Creek Crossing Project: City Manager recommending initiation of the public bidding procedure for the North Cascade Road Water Main Extension – Creek Crossing Project, and further recommends that a public hearing be set for January 21, 2020. Upon motion the documents were received and filed, and Resolution No. 13-20 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 6:00 p.m. on January 21, 2020 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

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

1. Historic Preservation Commission: One, 3-Year term through July 21, 2021 (Vacant term of Cavanagh). Applicant: Craig Reber, 760 Fremont Ave. Council Member Jones made note of correspondence received from Mr. Reber in favor of his appointment to this commission and the Resilient Community Commission.

2. Mediacom Charitable Foundation: One, 1-Year term through December 31, 2020 (Expiring term of Chavenelle). Applicant: Gail Chavenelle, 1155 Kelly Lane. Council Member Jones made note of correspondence received from Ms. Chavenelle in favor of her appointment.

3. Resilient Community Advisory Commission: One, 3-Year term through July 21, 2021 (Vacant, Cross-Representative term of Roussell). Applicant: Craig Reber, 760 Fremont Ave.

4. Zoning Advisory Commission: One, 3-Year term through July 1, 2021 (Vacant term of Roussell). Applicant: Brittany Loeffelholz, 1414 N. Algona St. Ms. Loeffelholz spoke in support of her appointment and provided a brief biography.

## **PUBLIC HEARINGS**

1. Chaplain Schmitt Island Veteran's Memorial Site Improvements: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Chaplain Schmitt Island Veteran's Memorial Site Improvements Project, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt resolution No. 14-20 Approval of plans, specifications, form of contract, and estimated cost for the Chaplain Schmitt Veteran's Memorial Project. Seconded by Shaw. Responding to concerns from the City Council, City Manager Van Milligen stated that he did not anticipate bids to come in over estimate with the Chaplain Schmitt Island Committee having narrowed down the designs and included alternate designs. He reminded Council that they could again have the choice to approve rejection of the bids if they came in over estimate. Motion carried 7-0.

## **PUBLIC INPUT**

John Pregler, 1525 Pego Ct., expressed his opinion regarding replacing the Five Flags Center by agreeing that something needs to be done with the facility but adding that he was against the scenario recommended by the Five Flags Civic Center Commission. Mr. Pregler had concerns with what he saw as a potential negative tax impact on low- and fixed-income residents as a result of a bond issuance for funding the project.

Raymond Harrington, 2535 Central Avenue, referring to Public Hearing No. 1, questioned why there were no veterans on the Champlain Schmidt Island Veterans Memorial Site Committee.

Jim Wagner, 2425 Division Street, and Director of the Veterans' Freedom Center, asked about what changes had been made to the project referring to Public Hearing No. 1. City Manager Van Milligen stated that only changes to some design elements were made and that the plan to move the Vietnam Veterans Memorial did not change. He added that he'd be happy to meet with Mr. Wagner and his representatives to review plans.

## **ACTION ITEMS**

1. Recommendations Regarding the Future of the Five Flags Civic Center: Five Flags Civic Center Advisory Commission endorsing scenario 4/hybrid, and recommending that the City Council move expeditiously to draft a ballot for the next available voting date on March 3, 2020 for the Five Flags Civic Center Expansion Project. Restated motion by Resnick to receive and file the documents, concur with the recommendation for the Scenario 4 Hybrid, and refer to the City Attorney for preparation of the ballot language to include the bond amount for Council approval and in anticipation of a September 8, 2020 referendum date. Seconded by Shaw. Motion carried 6-1 with Shaw voting nay.

Council discussion included that from Council members who did and didn't support the scenario recommendation; concerns that a March 3, 2020 referendum date is too short of a timeline for discussion and distribution information to the public about the project and the referendum; concerns with why demolition and alternate locations were not provided as scenarios in the proposal; resident income challenges related to the bond issuance; and the accomplishments of the current facility given its aging capacity. City Attorney Brumwell responded to questions related to the required ballot language and submission deadlines. Leisure Services Manager Marie Ware and Five Flags Civic Center Commission Chairperson Nicholas Huff stated that the FCC Commission was unanimous in their recommendation of the Scenario 4 Hybrid and that a September 2020 referendum was acceptable if the March date was not feasible.

2. Awarding the Lower Bee Branch Security Network Project: City Manager recommending award of the Lower Bee Branch Security Network Project contract to the low bidder Utility Service Contractors. Motion by Resnick to receive and file the documents and adopt Resolution No. 15-20 Awarding Public Improvement Contract for the Lower Bee Branch Creek Security Network Project. Seconded by Jones. Motion carried 7-0.

3. Request for Work Session, January 13, 2020 on Socrata Open Performance: City Manager recommending that the City Council schedule a work session for Monday, January 13 at 6:00 p.m. in the Council Chambers for reviewing the Socrata Open Performance Dashboard. Motion by Jones to receive and file the documents and set the work session as recommended. Seconded by Roussell. Jones, Resnick and Buol cannot attend but will view the video afterward. Motion carried 7-0.

4. Request for Work Session on the Dubuque County Conservation Board Master Park Plan Draft Presentation: City Manager recommending that the City Council schedule a work session for January 21, 2020 at 5:30 p.m. in the Council Chambers, regarding the Dubuque County Conservation Comprehensive Parks, Trails, and Open Spaces Master Plan. Motion by Shaw to receive and file the documents and set the work session as recommended. Seconded by Resnick. Mayor Buol stated that he would not be able to attend and would view the video afterward. Motion carried 6-0 with Jones having momentarily stepped from the Chambers.

5. Request for Work Sessions for January 28, 2020: City Manager recommending that the City Council schedule three work sessions for Tuesday, January 28, 2020 at 6:00 p.m. in the Council Chambers for 1) Reviewing the Performance Analysis of Solid Waste Operations and Rate Review Study completed by Foth Infrastructure and Environment, LLC. Greater Dubuque Development Corporation President & CEO Rick Dickinson requesting two Work Sessions for 2) Workforce Solutions Update; and 3) Reviewing the results of the latest national Site Selection Survey. Motion by Resnick to receive and file the documents and set the work session as recommended. Seconded by Shaw. Council Member Cavanagh cannot attend but will view the video afterward. Motion carried 7-0.

6. Request for Work Sessions for February 10, 2020: City Manager recommending that the City Council schedule two work sessions for February 10, 2020 at 6:00 p.m. in the Council Chambers on 1) 2018 Annexation Study Update, and 2) State of Iowa Nutrient Trading Pilot Project. Motion by Jones to receive and file the documents and set the work session as recommended. Seconded by Cavanagh. No schedule conflicts were expressed. Motion carried 7-0.

7. Request for Work Session for March 2, 2020 - Central Avenue Corridor Streetscape Master Plan Draft: City Manager recommending that the City Council schedule a work session for March 2, 2020 at 5:30 p.m. in the Council Chambers on the Central Avenue Corridor Streetscape Master Plan draft. Motion by Jones to receive and file the documents and set the work session as recommended. Seconded by Roussell. No schedule conflicts were expressed. Motion carried 7-0.

8. Mayor and City Council Appointments to Various Boards and Commissions: City Clerk recommending that the City Council review their appointments to various boards and commissions for any changes in membership for the 2020 Calendar Year terms. Following discussion, Council Member Roussell will replace Council Member Shaw on the Operation New View Board. Council Member Shaw expressed interest in being a representative on the Dubuque Area Metropolitan Solid Waste Agency Board. Council

Member Resnick stated that he would consider that for 2021. All other appointments stand as submitted.

9. SW Arterial and US 61/151 Bridge at Dusk Video: Cable TV Division showed a video of the recent opening of the SW Arterial / US 61/151 overpasses at Old Davenport Road, Tamarack Drive, and Elmwood Drive at dusk. Motion by Resnick to receive and file the information. Seconded by Jones. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Roussell expressed her appreciation to the Dubuque Chapter of the League of Women Voters for their proclamation commemorating the 100<sup>th</sup> anniversary of the adoption of the 19<sup>th</sup> Amendment to the U.S. Constitution given women the right to vote coinciding with her first night as a council person.

There being no further business, Mayor Buol declared the meeting adjourned.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 1/15