

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

The Dubuque City Council met in special session at 6:00 p.m. on March 2, 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, Resnick, Roussell, Shaw, 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 Central Avenue Corridor Streetscape Master Plan.

**WORK SESSION  
Central Avenue Corridor Streetscape Master Plan**

Economic Development Director Jill Connors introduced the work session and RDG consultant Ryan Peterson, who conducted the slide presentation. Topic included:

- Acknowledgements: City administration, Steering Committee, Consultant Team, WHKS, RDG, and the Washington Neighborhood;
- Background: Central Avenue Study Area; project timeline 2018-2019;
- Public Input: Engagement Strategy; The Central Event; Spring Fling on Central; Respondent priorities;
- Strategy: identifying emerging themes;
- Analysis: regional opportunities diagram;
- Streetscape Vision: inspirational images; streetscape elements and art;
- Next Steps.

Responding to questions from the City Council, Ms. Connors and Mr. Ryan stated that the traffic study will be conducted several months after the SW Arterial has opened.

There being no further business, motion by Cavanagh to adjourn at 6:26 p.m. Seconded by Shaw. Motion carried 7-0.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 3/11

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

The Dubuque City Council met in regular session at 6:30 p.m. on March 2, 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, Resnick, Roussell, Shaw, 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**

**CONSENT ITEMS**

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

1. Minutes and Reports Submitted: City Council proceedings of 2/17, 2/22, 2/24, 2/26; Community Development Advisory Commission of 1/15; Library Board of Trustees of 12/19/19 and Council Update No. 195 of 2/20/20; Resilient Community Advisory Commission of 1/20; Proof of publication for City Council proceedings of 1/26, 1/27, 1/28, 2/4; Proof of publication for List of Claims and Summary of Revenues for Month Ending 1/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Tamika Carr for personal injury, Jessica Lang for personal injury, Ashley Moore for vehicle damage, Brad Reicherts for vehicle 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: Tamika Carr for personal injury, Jessica Lange for personal injury, Ashley Moore for vehicle damage, Brad Reicherts for vehicle damage, and Emily Treanor 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. 64-20 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. Map of Iowa Historic Population Trends 1850-2018: City Manager providing a copy of Historic Population Trends in Iowa for Decennial Census Years 1850-2018 from the

Legislative Services Agency and the U.S. Census Bureau. Upon motion the document was received and filed.

6. Iowa Population Trends in Age: City Manager providing a copy of Iowa Population Trends in Age from the Legislative Services Agency and the U.S. Census Bureau. Upon motion the document was received and filed.

7. Usage Agreement with Clarke University for Veteran's Memorial Park Softball Field #2: City Manager recommending approval of a three-year extension of the current Usage Agreement with Clarke University for Field 2 in Veterans' Memorial Park. Upon motion the documents were received, filed and approved.

8. Approval of Usage Agreement with Loras College for McAleece Recreation Area Petrakis Field: City Manager recommending approval of a three-year extension to the current Usage Agreement with Loras College for Petrakis Field in McAleece Recreation Area. Upon motion the documents were received, filed and approved.

9. Pre-Annexation Agreement with Arthur J. Fischer: City Manager recommending approval of a Pre-Annexation Agreement with Arthur J. Fischer for property located at 14805 Siegert Lane in Dubuque County, in conjunction with his request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 65-20 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Arthur J. Fischer was adopted.

10. City of Dubuque Comments on Proposed NEPA Changes: City Manager transmitting a draft letter from Mayor Roy D. Buol offering the City's comments to the Council on Environmental Quality regarding the Council on Environmental Quality's Proposal to Change Implementing Regulations for the National Environmental Policy Act (NEPA). Upon motion the documents were received and filed.

11. Acceptance of Improvements in Cedar Lake Subdivision: City Manager recommending acceptance of the public improvements that the developer, Pristine Properties, LLC, has recently completed in Cedar Lake – East Fifteenth Addition. Upon motion the documents were received and filed, and Resolution No. 66-20 Accepting public improvements in Cedar Lake - East Fifteenth Addition in the City of Dubuque, Iowa was adopted.

12. Acceptance of Storm Water Impoundment Easement from Gary Valentine in Timber-Hyrst Subdivision No. 4: City Manager recommending acceptance of a Grant of Easement for Storm Water Impoundment from Gary Valentine as part of the Timber-Hyrst Estates No. 4 Project. Upon motion the documents were received and filed, and Resolution No. 67-20 Accepting a Grant of Easement for Storm Water Impoundment Easement through, over and across a part of Lot 1 of Valentine Place No. 3, in the city of Dubuque, Dubuque County, Iowa was adopted.

13. Acceptance of Sanitary Sewer Improvements across Part of Lot 64 in Timber-Hyrst #5 Subdivision: City Manager recommending acceptance of the public improvements that the developers, Lori E. Silvia and Brian A. Silvia, have recently completed across Part of Lot 64 in Timber-Hyrst Estates #5 Subdivision. Upon motion the documents were received and filed, and Resolution No. 68-20 Accepting Public Sanitary Sewer Improvements across Lot 64 in Timber-Hyrst Estates #5, in the City of Dubuque, Iowa was adopted.

14. Iowa Worker Adjustment and Retraining Notification - Sisters of Charity of the Blessed Virgin Mary (BVM): Correspondence from the Sisters of Charity of the Blessed Virgin Mary (BVM) notifying the City of a permanent termination of 203 employees at its facility at 1100 Carmel Drive. Upon motion the documents were received, filed, and referred to the City Manager.

15. SOO Green HVDC Link Project Co, LLC: Correspondence from SOO Green HVDC Link Project Co., LLC (SOO Green) notifying the City of a public information meeting at 5:30 p.m. on March 16, 2020 at the Hotel Julien, on a proposed 525 kilovolt underground high voltage direct current (HVDC) electric transmission line in Dubuque County, Iowa. Upon motion the documents were received, filed, and referred to the City Manager.

16. Request for Proposal - Smart Traffic Routing with Efficient and Effective Traffic System (STREETS) Project: City Manager recommending approval to initiate the Request for Proposals (RFP) process for professional consultant services to design and implement the Smart Traffic Routing with Efficient and Effective Traffic System (STREETS). Upon motion the documents were received, filed and approved.

17. Iowa Finance Authority (IFA) Housing Trust Fund Agreement: City Manager recommending approval of the Iowa Finance Authority State Housing Trust Fund Grant Agreement for 2020 for continued support of homeownership and rehabilitation activities in the Washington Neighborhood. Upon motion the documents were received and filed, and Resolution No. 69-20 Approving the State Housing Trust Fund Grant Agreement between the Iowa Finance Authority (IFA) and Dubuque's Housing Trust Fund and authorizing the Director of Housing and Community Development and the City Manager to approve the agreement was adopted.

18. CS Technologies - Amendment to Master Co-location and Shared Services Agreement: City Manager recommending approval of an amendment to the Master Co-Location and Shared Services Agreement between the City of Dubuque and CS Technologies. Upon motion the documents were received, filed and approved.

19. ImOn Communications LLC - Third Amendment to Master Co-location and Shared Services Agreement: City Manager recommending approval of a Third Amendment to Master Co-Location and Shared Services Agreement between the City of Dubuque and ImOn Communications LLC. Upon motion the documents were received, filed and approved.

20. Habitat for Humanity Memorandum of Understanding: City Manager recommending approval of a Memorandum of Understanding with Habitat for Humanity ensuring the property at 389 E. 21st Street remain an affordable residential unit upon completion of the project. Upon motion the documents were received and filed, and Resolution No. 70-20 Approving a Memorandum of Understanding between the City of Dubuque and Habitat for Humanity of Dubuque and Jackson County for the requirements associated with the property located at 389 E. 21st Street was adopted.

21. Signed Contract(s): Software License and Services Agreement with Ecolane USA, Inc. for installation of equipment in the Jule's demand response bus fleet. Upon motion the document was received and filed.

22. Business License Refunds: Request from Beecher Liquor for a refund of the Liquor License No. LE0003208 located at 1691 Asbury Rd. due to business being sold and request from Iowa Street Mart for a refund of Tobacco Permit No. DBQ-06-20 located at 1256 Iowa Street due to business being sold. Upon motion the documents were received, filed and approved.

23. 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. 71-20 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.

24. Improvement Contracts / Performance, Payment and Maintenance Bonds: Conlon Construction for the Chaplain Schmitt Island Veterans Memorial Site Improvements; MDE, LLC d/b/a McDermott Excavating, for the North Cascade Road Water Main Extension - Creek Crossing Project. Upon motion the documents were received, filed and approved.

### **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 Resnick. Motion carried 7-0.

1. Jackson Street Reconstruction Project from 11th Street to 12th Street: City Manager recommending initiation of the public bidding procedure for the Jackson Street (11th Street to 12th Street) Reconstruction Project, and further recommends that a public hearing be set for April 6, 2020. Upon motion the documents were received and filed and Resolution No. 72-20 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; and Resolution No. 73-20 Approving the preliminary plats, schedule of assessments and estimate of total cost for the Jackson Street (11th Street to 12th Street) Reconstruction Project; Resolution No. 74-

20 Resolution of Necessity for the Jackson Street (11th Street to 12th Street) Reconstruction Project; and Resolution No. 75-20 Fixing date of public hearing on Resolution of Necessity were adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April 6, 2020 in the Historic Federal Building.

2. Cedar Street Force Main Air Vacuum Release Valve Replacement Project: City Manager recommending initiation of the public bidding process for the Cedar Street Force Main Air Vacuum Release Valve Replacement Project and further recommends that the City Council set a public hearing for March 16, 2020. Upon motion the documents were received and filed and Resolution No. 76-20 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 March 16, 2020 in the Historic Federal Building.

3. Setting Public Hearing for the Fiscal Year 2021 City of Dubuque Recommended Budget: City manager recommending that the City Council set a public hearing for March 26, 2020 on the Fiscal Year 2021 City budget, operating and Capital Improvement Program for the City of Dubuque. Upon motion the documents were received and filed and Resolution No. 77-20 Setting the date for the public hearing on the Fiscal Year 2021 Budget as Amended for the City of Dubuque; and Resolution No. 78-20 Setting the date for the public hearing on the Five-Year Capital Improvement Program for Fiscal Years 2021 through 2025 for the City of Dubuque were adopted setting a public hearing for a meeting to commence at 6:00 p.m. on March 26, 2020 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.

1. Mechanical and Plumbing Code Board: Two, 3-Year terms through March 16, 2023 (Expiring terms of Giese and Muhlack). Applicants: Tom Giese, 395 Villa St.; Dieter Muhlack, 2464 Matthew John Dr. Mr. Muhlack spoke in support of his appointment and provided a brief biography.

2. Zoning Board of Adjustment: One, 5-Year term through March 25, 2025 (Expiring term of Ahlvin). Applicant: Keith Ahlvin, 264 S. Grandview Ave. Mr. Ahlvin spoke in support of his appointment and provided a brief biography.

## **PUBLIC HEARINGS**

1. Millwork District Parking Lot 1 Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the Millwork District Parking Lot 1 Project, and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 79-20

Approval of plans, specifications, form of contract, and estimated cost for the Millwork District Parking Lot #1. Seconded by Rousell. Motion carried 7-0.

2. Eagle Point Park Environmental Restoration Project Phase 2 - Bioretention Basin Construction, Tree Removal and Native Vegetation Establishment: Proof of publication on notice of public hearing to consider approval of the approval of plans, specifications, form of contract, and estimated cost for the Eagle Point Park Environmental Restoration Project Phase 2 - Bioretention Basin Construction, Tree Removal and Native Vegetation Establishment, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 80-20 Approval of plans, specifications, form of contract, and estimated cost for the Eagle Point Park Environmental Restoration Project: Phase 2 Bioretention Basin construction, tree removal, and native vegetation establishment. Seconded by Cavanagh. Motion carried 7-0.

### **PUBLIC INPUT**

Pat Konzen, 3145 Windsor Avenue, speaking relative to Action Item No. 2, provided background information on his claim against the city and requested that the City Council reverse its denial of the claim.

Related to Action Item No. 4, Lisa Johnson, 206 Southgate; Nan Welch, 955 Kelly Lane; Kristen Vaassen, 2319 Manson Road; and Mary Ann Kirkendall, 1215 Valentine Drive, spoke in support of the proposed ordinance amendment allowing leashed pets in parks. Carol Loetscher, 430 Woodland Ridge; Art Gilloon, 535 Heritage Drive; Linda Rush, 955 Kelly Lane; and Keith [Nellis], 705 Garfield Avenue, spoke in opposition to the proposed ordinance amendment allowing leashed pets in parks.

Paul Uzel, 61 N. Algona Street, and of the Dubuque Interfaith Green Coalition, addressed the Council about his concerns with implementing the automated waste collection system and suggested more discussion and public input on the subject.

### **ACTION ITEMS**

1. Greater Dubuque Development Corporation - Quarterly Update: President and CEO Rick Dickinson presented a verbal report on GDDC's recent activities. Topics included: GDDC Newsletter subscription; Coronavirus information sharing with the business community and its relation to Dubuque's high health care ranking; business retention and expansion program via Contact Manager software and Best if Business Award; and the Dubuque Collegiate and Technology Fair. Motion by Resnick to receive and file the information. Seconded by Cavanagh. Motion carried 7-0.

2. Request to Reconsider a Denial of Claim by Patrick Konzen: Correspondence from Council Member David Resnick requesting reconsideration of the denial of a claim against the City filed by Patrick Konzen. Motion by Resnick to reconsider the denial of a claim against the City by Patrick Konzen. Seconded by Shaw. Motion failed 4-3 with Jones, Cavanagh, Buol, and Rousell voting nay. Housing and Community Development Director Alexis Steger responded to questions from the City Council and provided a verbal report on the history of the project and staff efforts to resolve the problems raised by Mr.

Konzen. The City Council concurred that the claim process should be trusted and followed, and that staff should continue to pursue a resolution and requested that Mr. Konzen allow staff access to the property.

3. Awarding the North Cascade Road Reconstruction Project: City Manager recommending award of the North Cascade Road Reconstruction Project contract to the low bidder Top Grade Excavating, Inc. Motion by Jones to receive and file the documents and adopt Resolution No. 81-20 Awarding public improvement construction contract for the North Cascade Road Reconstruction Project, Phase 1 from the Bridge over Catfish Creek to Edval Lane, Iowa DOT Project No. STBG-SWAP-2100 (669)--SG-31. Seconded by Cavanagh. Motion carried 7-0.

4. Code of Ordinance Amendment - Title 10 Allowing Leashed Dogs and Cats in Designated Parks: Park and Recreation Advisory Commission recommending amendments to the City of Dubuque Code of Ordinances allowing leashed dogs and cats in designated parks.

Motion by Cavanagh to amend the second of the two proposed ordinances to include Eagle Point Park and Murphy Park on the list of prohibited areas. Seconded by Rousell. Motion carried 5-2 with Jones and Shaw voting nay.

Restated 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 Shaw. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 9-20 (as amended) Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations, Section 10-5B-1 Definitions; and Ordinance 10-20 Amending City of Dubuque Code of Ordinances Title 10 Public Ways and Property, Chapter 5 Parks and Recreation, Article B Use Regulations by repealing Section 10-5B-4 Dogs, Cats and other Domestic Animals and adopting a new Section 10-5B-4 Dogs and Cats in lieu thereof. Seconded by Shaw. Motion carried 7-0.

5. City Council Priority - Dream Center: City Manager recommending that the Mayor and City Council dedicate \$176,000 in Fiscal Year 2020 and \$100,000 in Fiscal Year 2021 of this already budgeted funding to the Dream Center project. Motion by Resnick to receive and file the documents and approve the recommendation. Seconded by Cavanagh. Motion carried 7-0.

6. City Council Priority - Fountain of Youth / United Way: City Manager that the Mayor and City Council dedicate \$13,031.50 in Fiscal Year 2020 of this already budgeted funding to the United Way for grant matching purposes to benefit the Fountain of Youth. Motion by Resnick to receive and file the documents and approve the recommendation. Seconded by Jones. Motion carried 7-0.

7. Code of Ordinances Amendment - Title 1 Civil Service Employees State of Residency: City Manager recommending approval of an Ordinance that permits the City's



civil service employees to reside in states other than the State of Iowa. 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. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 11-20 Amending City of Dubuque Code of Ordinances Title 1 Administration, Chapter 7 City Officers and Employees. Seconded by Shaw. Motion carried 7-0.

8. Five Flags Civic Center Referendum: Information from City Clerk and City Attorney: City Clerk providing information on the use of voting centers for the September 8, 2020 Five Flags Civic Center referendum. City Attorney providing information on referendum parameters for City Council Members. Motion by Roussell to receive and file the information. Seconded by Jones. Motion carried 7-0.

9. Request to Reschedule Inclusive Dubuque Work Session: City Manager recommending City Council approval to reschedule the April 13, 2020 Inclusive Dubuque Work Session to Monday, April 6, 2020 at 5:30 p.m. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Roussell. No schedule conflicts were noted. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Jones reported on the Dubuque Area Metropolitan Solid Waste Agency (DAMSWA) negotiating a services and marketing agreement for methane gas product. It will go to public hearing at the Agency's March 18, 2020 board meeting.

Council Member Cavanagh reported on his participation in St. Mark Youth Enrichment and Lincoln Elementary after-school reading program and recognized their efforts.

Council Member Roussell offered her thanks for being able to attend the Municipal Leadership Academy II and recognized the Dubuque Dream Center for their impressive graduation ceremony.

Mayor Buol requested and received consensus for calling a work session of the City Council for Monday, March 9, 2020 at 6:00 p.m. in the Council Chambers to hear about Dubuque's preparedness related to the Coronavirus outbreak.

There being no further business, Mayor Buol declared the meeting adjourned at 9:08 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 3/11