

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

The Dubuque City Council met in regular session at 6:30 p.m. on March 16, 2020 in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

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

By telephone (COVID-19 Social Distancing): Council Members Jones and Roussell

Prior to the start of the meeting, the Fire Department displayed the new Mini Pumper on 6th Street.

Mayor Buol read the call and stated this is a regular session of the City Council called for the purpose of conducting such business that may properly come before the City Council.

PLEDGE OF ALLEGIANCE

PRESENTATION(S)

1. COVID-19 Update: Mayor Buol presented and read his State of Emergency Declaration proclamation outlining community and organizational mandates in response to the COVID-19 pandemic. Public Health Specialist Mary Rose Corrigan provided updated information and response activities within the City and Dubuque County. Ms. Corrigan especially noted that the local citizen call center is through the Visiting Nurse Association at 563-556-6200 adding that persons believing they have the virus should first call their health care provider for specific instructions. Ms. Corrigan then responded to questions from the City Council.

PROCLAMATION(S)

1. Natural Gas Utility Workers' Day (March 18, 2020): was accepted by Mayor Buol on behalf of the American Public Gas Association.

2. Soil & Water Conservation District 75th Anniversary (March 26, 2020): was accepted by Mayor Buol on behalf of the Dubuque Soil & Water Conservation District.

3. Census Day (April 1, 2020): was accepted by Assistant Planner Guy Hemenway on behalf of the Census 2020 Complete Count Committee.

4. Sexual Assault Awareness Month (April 2020): was accepted by Mayor Buol on behalf of the Riverview Center.

CONSENT ITEMS

The City Clerk announced an additional attachment received related to the Resilient Community Advisory Commission documents under Consent Item #1.

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Cavanagh. Council Member Cavanagh requested that Item #1 be held for separate discussion specific to the Resilient Community Advisory Commission. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings 2/27, 3/2, 3/9; Community Development Advisory Commission of 2/19; Historic Preservation Commission of 2/20; Housing Commission of 2/25/20; Library Board of Trustees of 1/23; Resilient Community Advisory Commission of 3/5 with Attachments; Zoning Advisory Commission of 3/4; Zoning Board of Adjustment of 2/27; Proof of Publication for City Council Proceedings of 2/10, 2/17, 2/24, 2/26, 2/27. Motion by Resnick to receive and file the documents. Seconded by Cavanagh. Council Member Cavanagh stated that he had received correspondence in opposition to the automated refuse collection and asked about possible updates to the budget on the issue. City Manager Van Milligen staff had meet and reviewed the RCAC's recommendations, and that the budget documents will include the recommendation modifications. Motion carried 7-0.

2. 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. 82-20 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.

3. 2020 Census Trilingual Utility Bill Insert: City Manager providing a copy of the four-page brochure on the 2020 Census, featuring information in English, Marshallese, and Spanish, being mailed with City of Dubuque utility bills from March 18 through April 9. The goal of the publication is to encourage all Dubuque residents to participate in the Census to ensure a complete count. Upon motion the documents were received and filed. Upon motion the document was received and filed.

4. Congressional Delegation Correspondence Regarding Infrastructure Bill: Mayor Roy Buol's correspondence to Federal Legislators urging passage of national infrastructure legislation. Upon motion the documents were received and filed.

5. Acceptance of 17th Street Storm Sewer Improvements Project - Elm Street to Heeb Street: City Manager recommending acceptance of the construction contract and approving the Final Schedule of Assessments for the 17th Street Storm Sewer Improvements Project (Elm to Heeb), as completed by Langman Construction. Upon motion the documents were received and filed, and Resolution No. 83-20 Accepting the 17th Street Storm Sewer Improvements Project (Elm to Heeb Streets) and authorizing the payment of the contract amount to the contractor; and 84-20 Adopting the final Assessment Schedule for the 17th Street Storm Sewer Improvements Project (Elm to

Heeb Streets) were adopted.

6. Certified Local Government (CLG) Grant Agreement - Eagle Point Park Phase 1 Archeology Survey: City Manager recommending approval of a Fiscal Year 2020 grant agreement through the Certified Local Government grant program by the State Historic Preservation Office under the Iowa Department of Cultural Affairs for Continued Preservation Planning at Eagle Point Park with a Phase I Archeology Survey. Upon motion the documents were received and filed, and Resolution No. 85-20 Approving CLG Grant Agreement with the Iowa Department of Cultural Affairs for continued preservation planning at Eagle Point Park was adopted.

7. Request for Proposals - Parking Ramp Maintenance Needs Assessment Project: City Manager recommending authorization to release a Request for Proposals for engineering services related to conducting a maintenance needs assessment for each of the City's seven parking structures and that the City Manager be authorized to negotiate an agreement with the recommended consultant. Upon motion the documents were received, filed and approved.

8. Dubuque Metropolitan Area Solid Waste Agency (DMASWA) Waste Minimization Grant for Multicultural Family Center Expansion: City Manager recommending approval of a waste minimization grant application to the Dubuque Metropolitan Area Solid Waste Agency for the Multicultural Family Center expansion. Upon motion the documents were received, filed and approved.

9. Metx, LLC - Second Amendment to Development Agreement: City Manager recommending approval of the Second Amendment to Development Agreement with Metx, LLC, which extends the completion date of the minimum improvements to September 30, 2020. Upon motion the documents were received and filed, and Resolution No. 86-20 Approving the Second Amendment to Development Agreement between the City of Dubuque, Iowa and Metx, LLC was adopted.

10. National League of Cities Census Rapid Response Grant Proposal: City Manager recommending approval to submit a Census Rapid Response Grant proposal to the National League of Cities to reach historically undercounted populations for the Census 2020 Complete Count campaign. Upon motion the documents were received, filed and approved.

11. 2020 AmeriCorps Creating Opportunities Teen Grant Application: City Manager recommending approval of the 2020 AmeriCorps Formula Grant application recently submitted to the Iowa Commission on Volunteer Services and now submitted to the Corporation for National and Community Service. Upon motion the documents were received, filed and approved.

12. Memorandum of Understanding with Operation New View for TBRA Grant Administration: City Manager recommending approval of a Memorandum of Understanding with Operation New View to ensure the Tenant-Based Rental Assistance

grant received by Operation New View is administratively viable and supported. Upon motion the documents were received and filed, and Resolution No. 87-20 Approving a Memorandum of Understanding between the City of Dubuque and Operation New View for Administrative Assistance under the Tenant-Based Rental Assistance Program was adopted.

13. TripSpark - Ranger Purchase: City Manager recommending approval to purchase 17 Rangers from TripSpark for the Jule's Fixed Route Automatic Vehicle Locator System. Upon motion the documents were received, filed and approved.

14. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of programming changes on or about March 31, 2020. Upon motion the documents were received and filed.

15. Imagine Dubuque Implementation - Approval of Coordinators: City Manager transmitting the approved list of City staff and community partners identified to serve as Coordinators for the 110 recommendations that will implement the Imagine Dubuque Comprehensive Plan. Upon motion the documents were received and filed.

16. Signed Contract(s): ChargePoint, Inc. cloud plan and assure maintenance and management plan for the electric vehicle charging stations for the Intermodal Ramp. Upon motion the documents were received and filed.

17. 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. 88-20 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 Resnick. Motion carried 7-0.

1. Intent to Dispose of Property at 2320 Mineral Street: City Manager recommending that the City Council set a public hearing for April 6, 2020, for the purpose of disposing of City-owned real property located at 2320 Mineral Street to Danielle K. Atchison. Upon motion the documents were received and filed and Resolution No. 89-20 Intent to dispose of an interest in City of Dubuque real estate, setting a time and place of hearing and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on April 6, 2020 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.

1. Building Code and Advisory Appeals Board: One, 3-Year term through August 1, 2021 (Vacant At-Large term of Luchsinger) Applicant: George Cooley, 2255 Francis St. (Qualifies as At-Large Applicant)

2. Zoning Advisory Commission: One, 3-Year term through July 1, 2022 (Vacant term of Belmont). Applicant: Matthew Mulligan, 1167 Hunters Ridge.

Appointments were made to the following Boards and Commissions.

3. 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.; and Dieter Muhlack, 2464 Matthew John Dr. Motion by Shaw to appoint Mr. Giese and Mr. Muhlack to 3-year terms through March 16, 2023. Seconded by Cavanagh. Motion carried 7-0.

4. Zoning Board of Adjustment: One, 5-Year term through March 25, 2025 (Expiring term of Ahlvin). Applicant: Keith Ahlvin, 264 S. Grandview Ave. Motion by Cavanagh to appoint Mr. Ahlvin to the 5-year term through March 25, 2025 . Seconded by Shaw. Motion carried 7-0.

PUBLIC HEARINGS

1. Planned Unit Development (PUD) Amendment 1100 Carmel Drive: Proof of publication on notice of public hearing to consider approval of a request from IIW, P.C., Cody T. Austin / BVM-PHS Senior Housing Inc., to amend the PUD Planned Unit Development District at 1100 Carmel Drive to accommodate a secondary emergency access for a senior living community, and the Zoning Advisory Commission recommending approval. Motion by Resnick 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. Developer representative Sr. Terri Hadrow, BVM of Mt. Carmel, and Mike Jansen of IIW Engineering and Design described the project history, details and the purpose of the request. Planning Services Manager Laura Carstens provided a staff report. Ms. Carstens distributed a handout and responded to questions from the City Council regarding the infeasibility of alternate routes, required fire codes that must be met, and how any future changes to the proposal must be met with Council approval.

Kris and Greg Gorton, 1845 S. Grandview Avenue; Mark Supple, 1050 Shady Oaks Drive; and Dawnell Gordon, 1023 Shady Oaks Drive, spoke in opposition to the amendment citing excessive stormwater runoff, increased pedestrian traffic and possible vehicular traffic, and further exploration of alternate routes. Ms. Gorton and Mr. Supple provided handouts. The City Clerk acknowledged email correspondence received during the meeting from Kaylin Bodine, Kathy Bodine, and Jolene Horsfield, in opposition to the amendment. (Emails from Thomas King, III, 1081 Shady Oaks Drive; and Mark Supple, 1056 Shady Oaks Drive, opposing the amendment were distributed to Council prior to the

start of the meeting). Zoning Advisory Commission Chair Martha Christ, City Engineering Gus Psihoyos, Fire Marshall Mark Burkle, City Manager Van Milligen, and IIW Representative Mike Jansen provided rebuttal. Motion carried 7-0.

Motion by Resnick for final consideration and passage of Ordinance No. 12-20 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by repealing Ordinance No. 29-18 and adopting an Amended PUD Planned Unit Development with a PR Planned Residential designation, and Conceptual Development Plan to accommodate a secondary emergency access for the development of a senior living community. Seconded by Sprank. Motion carried 7-0.

2. Cedar Street Force Main Air Vacuum Release Valve Replacement Project: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Cedar Street Force Main Air Vacuum Release Valve Replacement Project, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 90-20 Approval of plans, specifications, form of contract, and estimated cost for the Cedar Street Force Main Air Vacuum Release Valve Replacement Project. Seconded by Cavanagh. Motion carried 7-0.

PUBLIC INPUT

Lynn Lampe. 11898 JFK Road, Dubuque Landlord Association, addressed the Council about his ability to provide affordable housing for low-income residents; concerns with the proposed automated garbage collection having a negative impact on low-income residents; and the idea of providing educational training opportunities geared for children to learn proper cleaning and personal hygiene techniques in the wake of the COVID-19 pandemic.

ACTION ITEMS

1. Award of Contract for Eagle Point Park Environmental Restoration Project Phase 2 Bioretention Basin Construction, Tree Removal, and Native Vegetation Establishment: City Manager recommending award of the Eagle Point Park Environmental Restoration Project Phase 2 Bioretention Basin Construction, Tree Removal, and Native Vegetation Establishment contract to the low bidder Mainline Excavating Co., Inc. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 91-20 Awarding the public improvement contract for the Eagle Point Park Environmental Restoration Project: Phase 2) Bioretention Basin Construction, Tree Removal, and Native Vegetation Establishment. Seconded by Resnick. Motion carried 7-0.

2. Award of Millwork District Parking Lot #1 Project: City Manager recommending award of the Millwork District Parking Lot #1 Project construction contract to the low bidder Eastern Iowa Excavating & Concrete, LLC. Motion by Resnick to receive and file the documents and adopt Resolution No. 92-20 Awarding public improvement project for the Millwork District Parking Lot #1 Project. Seconded by Shaw. Motion carried 7-0.

3. Code of Ordinances Amendment - Title 2 Cable TV Commission: City Manager recommending approval of an amendment to the City of Dubuque Code of Ordinances Title 2 Boards and Commissions Chapter 11 to more accurately reflect the duties of the Cable TV Commission. Motion by Resnick 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 Resnick for final consideration and passage of Ordinance No. 13-20 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions Chapter 11 Cable Television Commission providing for the powers, operation, membership, and meetings of the Cable Television Commission. Seconded by Shaw. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Shaw requested review of fee increases and budget items that alleviate citizen tax burden. City Manager Van Milligen stated that the City Council can review budget items they want reconsidered at the final budget hearing. It was asked that Council Members inform the City Clerk what items they want targeted for reconsideration.

Mr. Van Milligen added that the State is considering extending the deadline for final certification of the budget to April 30 as a result of the COVID-19 pandemic, which could affect the dates of the budget meetings currently scheduled.

Mayor Buol reiterated that everyone should stay safe, check on each other, and limit exposure (social distancing) in response to the COVID-19 pandemic.

There being no further business, Mayor Buol declared the meeting adjourned at 9:17 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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