

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

The Dubuque City Council met in special session at 5:30 p.m. on April 6, 2020.

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

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 Inclusive Dubuque.

**WORK SESSION
Inclusive Dubuque Quarterly Report**

Representatives of The Community Foundation of Greater Dubuque presented the quarterly report for Dubuque Initiatives. Paul Duster, Director of Community Initiatives; Jenna Manders, Director of Strategic Relations; Clara Lopez Ortiz, Equity Coordinator; Alex Baum, Knowledge Management Director. Topic included:

- Vision and Values: economic opportunity, equity and inclusion, academic achievement
- Grant-making during a pandemic
- COVID-19 Response – using an inclusive lens
- Nonprofit survival coaching
- Equity and inclusion
- Business leader equity cohort
- Best practices in diversity, equity, and inclusion
- Inclusive Dubuque newsletter
- Inclusive Dubuque network partner meetings
- Needs assessment
 - Project scope
 - Who are our immigrants?
 - Immigration quotas
 - Legality
- The work so far
- Current activities
- Key findings
- Next steps

The presenters responded to questions from the City Council.

There being no further business, Mayor Buol declared the work session adjourned at 6:16 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on April 6, 2020.

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

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

PRESENTATION(S)

1. Mayor Buol's Declaration Proclamation Update; Mayor Roy D. Buol read an update to his March 17, 2020 COVID-19 Declaration Proclamation.

2. COVID-19 Update: Public Health Specialist Mary Rose Corrigan provided an update on county-wide COVID-19 pandemic situation and response activities. Topics included current, local pandemic data for the City of Dubuque, Dubuque County and updates from Governor Reynolds continuing the State Public Health Emergency Declaration and ordering additional closures.

PROCLAMATION(S)

1. National Service Recognition Day (April 7, 2020) was accepted by Mayor Buol on behalf of AmeriCorps Dubuque and the Corporation for National & Community Service.

CONSENT ITEMS

The City Clerk announced that Item No. 19. New Cingular Wireless PCS, LLC - Amended and Restated Lease Agreement is moved to Items to be Set for Public Hearing.

Motion by Jones to receive and file the documents, adopt the resolutions, and dispose of as indicated except for Item No. 19. Seconded by Roussell. The City Clerk and Public Information Officer reported that there was no online public input received related to the Consent Items. Motion carried 7-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission and Work Group of 2/25; City Council Proceedings for March 16, 17, 23, 25; Proof of

Publication for City Council Proceedings of 3/2; Proof of Publication for List of Claims and Summary of Revenues for Month Ending 2/29. Upon motion the documents were received and filed.

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. 101-20 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. 2019 Arts Mean Business Activity Report: City Manager transmitting the Arts Mean Business 2019 Activity Report. Upon motion the document was received and filed.

4. Exclusive Soft Drink Provider Agreement for Leisure Services Facilities: City Manager recommending approval of a three-year Exclusive Soft Drink Provider Agreement with Lime Rock Springs for the Bunker Hill Golf Course, McAleece concession, Flora and Sutton pool concession, Veteran's Memorial Park and the Port of Dubuque Marina. Upon motion the documents were received, filed and approved.

5. SW Arterial intelligent Transportation System (ITS) Agreement: City Manager recommending approval of a Cooperative Funding Agreement with the Iowa Department of Transportation for the development and implementation of an Intelligent Transportation System (ITS) along the U.S. 52 / Southwest Arterial Corridor. Upon motion the documents were received and filed, and Resolution No. 102-20 Approving a Cooperative Funding Agreement (2020-16-033) with the Iowa Department of Transportation for the development and implementation of an Intelligent Transportation System along the U.S. 52 / Southwest Arterial Corridor was adopted.

6. Downtown Rehabilitation Loan Program for 1555 Central Avenue: City Manager recommending approval of a Downtown Rehabilitation Loan Program Grant Award to Tim Specht for façade improvements to 1555 Central Avenue. Upon motion the documents were received, filed and approved.

7. Downtown Rehabilitation Loan Program for 1638 Central: City Manager recommending approval of a Downtown Rehabilitation Loan Program Grant Award to building owner, United Brotherhood of Carpenters & Joiners of America, for façade improvements to 1638 Central Avenue. Upon motion the documents were received and filed.

8. Dubuque Children's Zoo Booster Lease Approval" City Manager recommending approval of the annual renewal to the 5-year lease agreement with the Dubuque Children's Zoo Boosters, Inc. Upon motion the documents were received, filed and approved.

9. Tri-State Modelers Club Lease Agreement: City Manager recommending the annual renewal of a 5-year lease agreement with the Tri-State Modelers Club. Upon motion the documents were received, filed and approved.

10. Congressional Correspondence Requesting Programming Support: Mayor Roy D. Buol's correspondence to U.S. Congressional representatives requesting financial support of certain programs. Upon motion the documents were received and filed.

11. Port of Dubuque LLC (Merge, LLC) First Amendment to Development Agreement: City Manager recommending approval of the First Amendment to Development Agreement with Port of Dubuque LLC to extend the closing from April 2020 to October 1, 2020. Upon motion the documents were received and filed, and Resolution No. 103-20 Approving the First Amendment to Development Agreement between the City of Dubuque, Iowa and Port of Dubuque, LLC was adopted.

12. Sustainable Dubuque Community Grant Award Recommendation: City Manager recommending approval of the Resilient Community Advisory Commission recommendations for four projects for funding from the Sustainable Dubuque Community Grant Program. Upon motion the documents were received, filed and approved.

13. Dubuque Metropolitan Area Solid Waste Agency Waste Minimization Grant Award for Multicultural Family Center Expansion: City Manager transmitting information that the grant application to the Dubuque Metropolitan Area Solid Waste Agency Minimization Grant for the Multicultural Family Center expansion was approved and awarded. Upon motion the documents were received and filed.

14. Proposed Master Co-location and Shared Services and First Amendment between the City of Dubuque and Interstate Power and Light: City Manager recommending approval of a Master Co-Location and Shared Services Agreement, and initial project under that Agreement, with Interstate Power and Light for the installation of a shared fiber conduit route within the City of Dubuque. Upon motion the documents were received, filed and approved.

15. Update on Small Cell Installation Approved for Creston and Rosemont Streets: City Manager providing an update on the installation of a small cell that had previously been approved by City Council but voluntarily delayed by the carrier that is now seeking to move forward with the installation at Creston and Rosemont Streets. Upon motion the documents were received and filed.

16. Iowa Worker Adjustment and Retraining Notification (WARN) - Flexsteel Industries, Inc.: Correspondence from Flexsteel Industries, Inc. notifying the City of a temporary laid off of 40 employees from their facility at 385 Bell Street. Upon motion the documents were received and filed.

17. US EPA Consent Decree Semi Annual Report: City Manager transmitting the March 31, 2020 Consent Decree Semi Annual Report that was submitted to the U.S. Environmental Protection Agency. Upon motion the documents were received and filed.

18. Dubuque Police Protective Association Collective Bargaining Agreement: City Manager recommending approval of the Collective Bargaining Agreement between the City of Dubuque and the Dubuque Police Protective Association (DPPA) effective July 1, 2020 through June 30, 2024. Upon motion the documents were received, filed and approved.

19. New Cingular Wireless PCS, LLC - Amended and Restated Lease Agreement: Upon motion, this item was moved to Items to be Set for Public Hearing.

20. Signed Contract(s): A Cut Above contract for Grinding and Removal of Tree Stumps; 2020 Farm Lease with William Siegert; Dubuque Metropolitan Area Solid Waste Agency Waste Delivery Contract. Upon motion the documents were received and filed.

21. Alcohol Compliance Civil Penalty for Alcohol License Holder – EZ Stop II: City Manager recommending approval of the Acknowledgment/Settlement Agreement for an alcohol compliance violation for EZ Stop II, 700 Rhomberg Avenue. Upon motion the documents were received, filed and approved.

22. Tobacco Compliance Civil Penalty for Tobacco License Holder –Vapor City Outlet: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Vapor City Outlet, 3330 Asbury Road. Upon motion the documents were received, filed and approved.

23. Alcohol License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco license applications as submitted. Upon motion the documents were received and filed, and Resolution No. 105-20 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 was adopted.

ITEMS SET FOR PUBLIC HEARING

Motion by Resnick 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 Cavanagh. Motion carried 7-0.

1. Greater Downtown Urban Renewal District - Resolution of Necessity: City Manager recommending approval of a resolution that authorizes and directs the City Manager to prepare a proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District and sets a public hearing on the proposed Amended and Restated Urban Renewal Plan for May 18, 2020. Upon motion the documents were received and filed and Resolution No. 106-20 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan for the Greater Downtown

Urban Renewal District and Setting the date for a public hearing and consultation on the proposed Amended and Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 18, 2020.

2. Verizon Wireless Grant of Easement - Small Cell Equipment in Flora Park: City Manager recommending approval of a resolution granting Bell Atlantic Mobile Systems LLC, d/b/a Verizon Wireless, a 10 foot-wide easement from the public right-of-way, across City of Dubuque property in Flora Park, to a light pole to access and install underground utilities to operate the small cell equipment on the light pole. Upon motion the documents were received and filed and Resolution No. 107-20 Setting public hearing on the Grant of Easement to Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless, for small cell equipment in Flora Park was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 20, 2020.

3. Intent to Dispose of Property at 1938 Washington to Affordable Housing Network, Inc.: City Manager recommending that the City Council set a public hearing for April 20, 2020, for the purpose of disposing of City-owned real property located at 1938 Washington Street to Affordable Housing Network, Inc., who will rehabilitate and sell the property to an income-qualifying household under 80% median income. Upon motion the documents were received and filed and Resolution No. 108-20 Resolution of Intent to dispose of an interest in City of Dubuque real estate to Affordable Housing Network, Inc., setting a time and place for hearing and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 20, 2020.

4. New Cingular Wireless PCS, LLC - Amended and Restated Lease Agreement: Upon motion this item was moved from the Consent Agenda.

City Manager recommending that the City Council set a public hearing for April 20, 2020, to consider approval of an Amended and Restated Lease Agreement between the City of Dubuque and Cingular Wireless PCS, LLC (AT&T Mobility) for space on the ground and water tower at the City's College Street Water Tower adjacent to Finley Hospital. Upon motion the documents were received and filed and Resolution No. 104-20 Intent to dispose of an interest in real property owned by the City of Dubuque by Lease between the City of Dubuque, Iowa and New Cingular Wireless PCS, LLC was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on April 20, 2020.

BOARDS/COMMISSIONS

Appointments were made to the following Boards and Commission.

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). Motion by Resnick to appoint Mr. Cooley to a 3-year term through August 1, 2021. Seconded by Sprank. Motion carried 7-0.

2. Zoning Advisory Commission: One, 3-Year term through July 1, 2022 (Vacant term of Belmont). Applicant: Matthew Mulligan, 1167 Hunters Ridge. Motion by Jones to appoint Mr. mulligan to a 3-year term through July 1, 2022. Seconded by Cavanagh. Motion carried 7-0.

PUBLIC HEARINGS

1. Walter Development, LLC / Duluth Holdings, Inc. - Amended and Restated Development Agreement: Proof of publication on notice of public hearing to consider approval of an Amended and Restated Development Agreement by and among Walter Development, LLC and Duluth Holdings, Inc. providing for the sale of City-owned real estate to Walter Development, LLC and authorizing the issuance of Urban Renewal Tax Increment Revenue Grant Obligations pursuant to the Development Agreement, and the City Manager recommending approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 109-20 Approving an Amended and Restated Development Agreement by and among the City of Dubuque, Walter Development, LLC, and Duluth Holdings, Inc. for the sale of City-owned property including the issuance of Urban Renewal Tax Increment Revenue Obligations. Seconded by Jones. The City Clerk and Public Information Officer confirmed that there was no online public input received regarding this item. Motion carried 7-0.

2. Sale of Property at 2320 Mineral Street: Proof of publication on notice of public hearing to consider disposing of City-owned real property located at 2320 Mineral Street to Danielle K. Atchison, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 110-20 Disposing of City interest by deed to Danielle K. Atchison. Seconded by Resnick. The City Clerk and Public Information Officer confirmed that there was no online public input received regarding this item. Motion carried 7-0.

3. Gavilon Grain, LLC Lease Agreement - Commercial Street (aka East 7th Street) Property: Proof of publication on notice of public hearing to consider approval of a Lease Agreement with Gavilon Grain, LLC for the Commercial Street (Seventh Street Lease), which will replace the 1971 Lease Agreement, and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 111-20 Disposing of an interest in real property by Lease Agreement between the City of Dubuque, Iowa and Gavilon Grain, LLC - Commercial Street (Seventh Street) Lease. Seconded by Cavanagh. The City Clerk and Public Information Officer confirmed that there was no online public input received regarding this item. For the record, Mr. Delbert Uhlik, Jr. of Gavilon Group, LLC was available on the phone. Motion carried 7-0.

4. Gavilon Grain, LLC Lease Agreement - Purina Drive Property: Proof of publication on notice of public hearing to consider approval of a Lease Agreement between the City of Dubuque and Gavilon Grain, LLC for property on Purina Drive, which will replace the 2002 lease, and the City Manager recommending approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 112-20 Disposing of an interest in real property by Lease Agreement between the City of Dubuque, Iowa and Gavilon

Grain, LLC - Purina Drive Lease. Seconded by Shaw. The City Clerk and Public Information Officer confirmed that there was no online public input received regarding this item. For the record, Mr. Delbert Uhlik, Jr. of Gavilon Group, LLC was available on the phone. Motion carried 7-0.

5. Jackson Street Reconstruction Project from 11th Street to 12th Street: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for Jackson Street (11th Street to 12th Street) Reconstruction Project, and the City Manager recommending approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 113-20 Approval of plans specifications, form of contract, and estimated cost for the Jackson Street (11th to 12th Streets Reconstruction Project. Seconded by Shaw. The City Clerk and Public Information Officer confirmed that there was no online public input received regarding this item. Motion carried 7-0.

PUBLIC INPUT

Due to the COVID-19 pandemic and mandates for social distancing, public input was offered via Facebook Live and through ctyclerk@cityofdubuque.org. The City Clerk and Public Information Officer confirmed that there was no online public input received.

ACTION ITEMS

1. Award Cedar Street Force Main Air Vacuum Release Valve Replacement Project: City Manager recommending award of the Cedar Street Force Main Air Vacuum Release Valve Replacement Project public improvement construction contract to the low bidder Tschiggfrie Excavating Co. Motion by Resnick to receive and file the documents and adopt Resolution No. 114-20 Awarding public improvement contract for the Cedar Street Force Main Air Vacuum Release Valve Replacement Project. Seconded by Jones. Motion carried 7-0.

2. Gavilon Grain, LLC - First Amendment to Lease Agreement - Dove Harbor Lease: City Manager recommending approval of a resolution approving the First Amendment to Lease Agreement between the City of Dubuque and Gavilon Grain, LLC for property on Dove Harbor, and the City Manager recommending approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 115-20 Approving First Amendment to Lease Agreement between the City of Dubuque, Iowa and Gavilon Grain, LLC - Dove Harbor Lease. Seconded by Jones. Motion carried 7-0.

3. Gavilon Grain, LLC- First Amendment to Lease Agreement - Salt Site Lease: City Manager recommending approval of a resolution approving the First Amendment to Lease Agreement between the City of Dubuque and Gavilon Grain, LLC for property on Kerper Boulevard referred to as the Salt Site Lease. Motion by Resnick to receive and file the documents and adopt Resolution No. 116-20 Approving the First Amendment to Lease Agreement between the City of Dubuque, Iowa and Gavilon Grain, LLC - Salt Site Lease. Seconded by Jones. Motion carried 7-0.

4. Memorandum of Understanding with the Iowa Department of Natural Resources (IDNR): City Manager recommending approval of a Memorandum of Understanding with the Iowa Department of Natural Resources. Motion by Cavanagh to receive and file the documents and approve the recommendation. Seconded by Shaw. Motion carried 7-0.

5. Water & Resource Recovery Center Article: City Manager providing a copy of the "Food Waste Co-digestion at Water Resource Recovery Facilities" article from Water Environment & Technology (WE&T) Magazine that features Dubuque's Water & Resource Recovery Center. Motion by Jones to receive and file the documents. Seconded by Cavanagh. Motion carried 7-0.

6. Microloan Agreement with ECIA Business Growth: City Manager recommending approval to draft a contract with ECIA Business Growth for the development and administration of a microloan program to assist downtown businesses adversely affected by lengthy City construction projects. Motion by Cavanagh to receive and file the documents. Seconded by Resnick. Responding to questions from the City Council. City Manager Van Milligen stated that any business impacted by COVID-19 may be eligible and that ECIA will handle marketing the program. Motion carried 7-0.

7. Real Estate Broker Services for Listing City-Owned Land for Sale or Lease: City Manager recommending approval of agreements for real estate broker services of Continental Realty & Investment, LTD to sell or lease City-owned land. Motion by Jones to receive and file the documents and adopt Resolution No. 117-20 Approving Agreements for Real Estate Broker Services between the City of Dubuque, Iowa and Continental Realty & Investment, LTD for the sale or lease of City-owned properties. Seconded by Roussell. Motion carried 7-0.

8. Fire Department Five-Year Strategic Plan: City Manager transmitting a new five-year strategic plan for Fire Department. Motion by Roussell to receive and file the information. Seconded by Resnick. Fire Chief Rick Steines briefly reviewed the plan through verbal report. Motion carried 7-0.

9. Five Flags Civic Center Commission Recommendation Regarding Delay of Referendum Vote: Correspondence from Five Flags Civic Center Commission regarding a recommendation relative to the delay of the Five Flags Civic Center referendum vote currently set by the City Council for September 8, 2020. Restated motion by Cavanagh to receive and file the documents and postpone the referendum. Seconded by Shaw. Responding to discussion by the City Council related to selecting a new date, City Attorney Crenna Brumwell stated that she will provide information on allowable dates in 2021 for a referendum. Motion carried 7-0.

10. Request to Schedule Works Session - Coronavirus Update: City Manager recommending that City Council schedule a work session for Wednesday, April 22, 2020, beginning at 6:30 p.m. to provide an update on coronavirus, City services, City operations and community impact. Motion by Jones to receive and file and schedule the work session

as recommended pending calendar conflicts. Seconded by Resnick. No conflicts were expressed. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:36 p.m. to discuss professional evaluations pursuant to Chapter 21.5(1)(i) Code of Iowa. Seconded by Resnick. 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 Brumwell. Motion carried 7-0.

Upon motion the City Council reconvened in open session at 8:59 p.m. stating the staff had been given proper direction.

There being no further business, Mayor Buol declared the meeting adjourned at 9:00 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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