

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

The Dubuque City Council met in special session at 5:30 p.m. on May 18, 2020.

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually and aired live on CityChannel Dubuque (Mediacom cable channels 8 and 117.2), streamed live on the city's website at www.cityofdubuque.org/media, and streamed live on the City's Facebook page at www.facebook.com/cityofdubuque.

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 broadband expansion.

**WORK SESSION
Broadband Expansion
Acceleration Initiative**

Information Services Manager Chris Kohlmann, Traffic Engineer Dave Ness, and Sustainable Innovation Consultant for the Greater Dubuque Development Corporation David Lyons conducted a work session on Dubuque Broadband Expansion/Acceleration Initiative. Topics included:

- Dubuque Broadband Acceleration Initiative history: status, new strategy, cations, innovations, and deliverables.
- Partners, growth, value
- Creating capacity
- 2020/2021 "Tiger by the Tail"
 - Record new collaborative builds
 - Acceleration of fiber-to-the-home (FTTH) initiatives
 - Efforts on equity
 - Alliant joint build
 - SW Arterial build: ITS corridor development partnership with IDOT
 - Unite Private Network (UPN)/US Cellular (USCC)
 - Chavenelle and Radford Roads
- Leveraging public/private partnerships to lower city costs and improve city services
- ImOn new area communication timeline
- MVLink
- Comelec Internet Services
- Acting on Equity: collaborations, data collection systems
- Building for equity opportunities
- Wireless status in Dubuque

The presenters responded to questions from the City Council following the presentation.

There being no further business, Mayor Buol declared the work session adjourned at 6:32 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 5/27

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

The Dubuque City Council met in regular session at 6:33 p.m. on May 18, 2020.

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually and aired live on CityChannel Dubuque (Mediacom cable channels 8 and 117.2), streamed live on the city's website at www.cityofdubuque.org/media, and streamed live on the City's Facebook page at www.facebook.com/cityofdubuque. Public input options were provided through: Contact the City Council at www.cityofdubuque.org/councilcontacts; City Clerk's Office at ctyclerk@cityofdubuque.org; and during the meeting at www.facebook.com/cityofdubuque

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. COVID-19 Update: Mary Rose Corrigan, Public Health Specialist for the City of Dubuque, provided an update on the COVID-19 pandemic and response activities including case data from the Dubuque County Public Health Incident Management Team; information from Governor Reynolds' most recent proclamation and guidelines; community testing / Testiowa.gov update; contact tracing and target testing; housing needs, personal protective equipment donations and requests; Brain/Mental Health Month (May); Joint Information System / Public Information coordination and media outlets; and information and guidelines on looking ahead and what can be done now.

2. Renee Tyler Receives University of Arkansas Clinton School Public Service Award: Assistant City Manager Cori Burbach introduced Clinton School. Clinton School of Public Service Dean Susan Hoffpauir who virtually presented Transportation Services Director Renee Tyler with the Public Service Award as the student who has demonstrated excellence in public service. Ms. Tyler was also chosen by her peers as a commencement speaker along with journalist Wolf Blitzer and President Bill Clinton.

PROCLAMATION(S)

1. Public Health Nurses' Recognition Day (May 18, 2020) was accepted by Mary Rose Corrigan, Public Health Specialist for the City of Dubuque.

2. Public Works Week (May 17-23, 2020) was accepted by Public Works Director John Klostermann and Civil Engineer Jon Dienst.

3. Police Officers' Recognition Week (May 17-28, 2020) was accepted by Police Chief Mark Dalsing.

4. Men's Health Month Proclamation (June 2020) was accepted by City of Dubuque Wellness Committee Chairperson Ken Miller.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council proceedings of 5/4; Community Development Advisory Commission of 4/21; Long Range Planning Advisory Commission of 4/15; Zoning Advisory Commission of 5/6; Zoning Board of Adjustment of 4/22; Proof of Publication for City Council proceedings of 4/16, 4/20, 4/22, 4/23, and 4/29. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Heather Flohr for vehicle damage, Nancy Gourley for property damage, JoAnn Witterholt-Weigel 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: Heather Flohr for vehicle damage, Nancy Gourley for property damage, and Jo Ann Witterholt-Weigel 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. 145-20 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. 2020 Consumer Confidence Water Quality Report: City Manager providing notice that the City of Dubuque will be publishing its annual consumer confidence report documenting the 2019 water quality results. Upon motion the documents were received and filed.

6. 2020 Outdoor Summer Pool Opening and Season Information: City Manager transmitting information regarding the Flora and Sutton outdoor swimming pool opening and season. Upon motion the document was received and filed.

7. Pre-Annexation Agreement for 13395 N. Cascade Road: City Manager recommending approval of a Pre-Annexation Agreement with Robert J. Anthony for property located at 13395 North Cascade Road. Upon motion the documents were received and filed, and Resolution No. 146-20 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Robert J. Anthony was adopted.

8. Release of Mortgage - Lower Main Development, LLC for 137-153 Main Street: City Manager recommending approval of a Release of Real Estate Mortgage to Lower Main Development, LLC for the Downtown Rehabilitation Loan for the property at 137-153 Main Street. Upon motion the documents were received and filed, and Resolution No. 147-20 Approving Release of Mortgage by the City of Dubuque, Iowa on the property at 137-153 Main Street owned by Lower Main Development, LLC was adopted.

9. Request for Proposals - COVID-19 Shelter Staffing Assistance: City Manager transmitting a Request for Proposals for Shelter Staffing Assistance for the COVID-19 City Isolation Shelter that was released on May 8, 2020, which would be paid through Community Development Block Grant Funds. Upon motion the documents were received, filed and approved.

10. Subdivision Development Agreement for a Portion of Silver Oaks Estates: City Manager recommending approval of a Subdivision Development Agreement with developer Royal Oaks Development Corporation for construction of public improvements and the dedication of public street right-of-way and associated easements in Silver Oaks Estates in the City of Dubuque. Upon motion the documents were received and filed, and Resolution No. 148-20 Approving a Subdivision Development Agreement for a portion of Silver Oaks Estates between the City of Dubuque, Iowa and Royal Oaks Development Corporation was adopted.

11. Downtown Rehabilitation Loans for W. 5th Street and Main Street Properties: City Manager recommending approval of a loan agreement between the City of Dubuque and Plastic Center, Inc. for residential and commercial improvements made at 426-428 W. 5th Street and 951-957 Main Street (Betty Jane Block). Upon motion the documents were received, filed and approved.

12. CARich Properties, LLC - First Amendment to Development Agreement for 278 W. 17th Street: City Manager recommending approval of the First Amendment to Development Agreement with CARich Properties, LLC to redevelop property at 278 W. 17th Street into a 30-unit residential complex affordable to low- and moderate-income residents. Upon motion the documents were received and filed, and Resolution No. 149-20 Approving the First Amendment to Development Agreement between the City of Dubuque, Iowa and CARich Properties, LLC was adopted.

13. 2020 Department of Justice Coronavirus Emergency Funding Grant Application: City Manager recommending approval to submit the 2020 Coronavirus Emergency Supplemental Funding Program Grant application for a two-year grant awarded under the

Coronavirus Emergency Supplemental Funding (CESF) Program. Upon motion the documents were received, filed and approved.

14. Iowa Municipalities Workers' Compensation Association (IMWCA) Resolution Authorizing Membership: City Manager recommending approval of a Resolution authorizing the City to apply for membership in the Iowa Municipalities Workers' Compensation Association as approved by the City Council on May 4, 2020.

Upon motion the documents were received and filed, and Resolution No. 150-20 Authorizing the City to apply for membership in the Iowa Municipalities Workers' Compensation Association (IMWCA) was adopted.

15. Flexsteel Industries, Inc. Announcement of Planned Action: Correspondence from Flexsteel Industries, Inc. announcing planned action for exiting its Recreational Vehicle and Hospitality business affecting its global headquarters and Dubuque Operations sites. Upon motion the documents were received and filed.

16. Media Campaign in Support of Immigrant Communities: City Manager recommending approval for the City of Dubuque to join other community organizations in a messaging campaign to support immigrant communities in the wake of COVID-19. Upon motion the documents were received, filed and approved.

17. Civil Service Commission - Certified List: Civil Service Commission submitting the certified list for the position of Police Officer. Upon motion the documents were received, filed and made a Matter of Record.

18. Improvement Contracts / Performance, Payment and Maintenance Bonds: Midwest Concrete, Inc. for the 2020 Asphalt Overlay Ramp Project One. Upon motion the documents were received, filed and approved.

19. Alcohol Compliance Civil Penalty for Alcohol License Holder – Wal-Mart: City Manager recommending approval of the Acknowledgement/Settlement Agreement for an alcohol compliance violation for Wal-Mart Supercenter #204, 4200 Dodge Street. Upon motion the documents were received, filed and approved.

20. Tobacco Compliance Civil Penalty for Tobacco License Holder – Dollar General: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Dollar General Store #6896, 605 W. Locust Street. Upon motion the documents were received, filed and approved.

21. Tobacco Compliance Civil Penalty for Tobacco License Holder – Spencer Gifts: City Manager recommending approval of the Acknowledgement/Settlement Agreement for a tobacco compliance violation for Spencer Gifts, 555 J.F. Kennedy Road. 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. 151-20 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 Cavanagh 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. University of Dubuque Grant of Easement on Algona Street Right-of-Way: City Manager recommending that the City Council set a public hearing for June 1, 2020 to consider granting the easement to the University of Dubuque for the private utilities conduit through the Algona Street right-of-way. Upon motion the documents were received and filed, and Resolution No. 152-20 Resolution of Intent to dispose of City interest by Grant of Easement for private utility to University of Dubuque for an underlying portion of Algona Street was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 1, 2020.

2. Iowa Department of Transportation (IDOT) Consolidated Funding Application: City Manager recommending that a public hearing be set for June 15, 2020, on the Iowa Department of Transportation (IDOT) Consolidated Funding Application to explain the state and federal funding requests. Upon motion the documents were received and filed, and Resolution No. 153-20 Setting the date for a public hearing on Iowa DOT consolidated Funding application was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 15, 2020.

In the event that a meeting at the Historic Federal Building location is not possible as a result of the COVID-19 pandemic, instructions for a virtual meeting and public input will be posted on the meeting agenda the Friday prior to the meeting date at <https://www.cityofdubuque.org/agendas> or by contacting the City Clerk's Office at 563-589-4100.

PUBLIC HEARINGS

For the record, public input options were provided through Contact the City Council at www.cityofdubuque.org/councilcontacts; and during the meeting through the City Clerk's Office at ctyclerk@cityofdubuque.org, and www.facebook.com/cityofdubuque.

1. Request to Rezone - 3000 and 3040 Jackson Street: Proof of publication on notice of public hearing to consider approval of a request from Steve Emerson, 3000 Jackson, LLC to rezone property at 3000 and 3040 Jackson Street from LI Light Industrial Zoning District to C-4 Downtown Commercial Zoning District, and the Zoning Advisory Commission recommending approval. Motion by Sprank 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 Resnick. Planning Services Manager Wally Wernimont provide a staff report. Developer Steve Emerson spoke in support of the project and rezoning providing information on funding, timeframe and exploring the mixed-use component of the reconstruction plans. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

Motion by Sprank for final consideration and passage of Ordinance No. 18-20 Amending Title 16 of the City of Dubuque Code of Ordinance, Unified Development Code by reclassifying hereinafter described property located at the northeast corner of the intersection of Jackson and 30th Streets from LI Light Industrial District to C-4 Downtown Commercial District. Seconded by Resnick. Motion carried 7-0.

2. Code of Ordinances Text Amendment - Title 16 Community Gardens: Proof of publication on notice of public hearing to consider approval of a request from the City of Dubuque to define Community Gardens as “a publicly or privately owned parcel where people gather to grow produce and flowers.” List Community Gardens as a permitted use in all Residential and OR Office Residential Districts, and the Zoning Advisory Commission recommending approval. Motion by Cavanagh 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 Roussell. Planning Services Manager Wally Wernimont provided a staff report on behalf of the City. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

Motion by Cavanagh for final consideration and passage of Ordinance No. 19-20 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Chapter 16-2-3, Definitions, to add a definition of Community Gardens, and by amending Chapters 16-5-2.1, 16-5-3.1, 16-5-4.1, 16-5-5.1, 16-5-6.1 and 16-5-7.1 to add Community Gardens as a permitted use. Seconded by Sprank. Motion carried 7-0.

3. Greater Downtown Urban Renewal District - Resolution of Adoption: Proof of publication on notice of public hearing to consider approval of an Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 154-20 Approving the amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Sprank. Responding to questions from the City Council, City Manager Van Milligen and Economic Development Director Jill Connors clarified the purpose of the amendment that adds to the district a tract of land adjacent to the Four Mounds Estate owned by the City. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

4. Bell Atlantic Mobile Systems, LLC (d/b/a Verizon Wireless) Grant of Easement – Small Cell Equipment in Flora Park: Proof of publication on notice of public hearing to consider approval of a grant of easement to Bell Atlantic Mobile Systems LLC, d/b/a Verizon Wireless, for 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, and the City Manager recommending approval. Motion by Roussell to receive and file the documents and adopt Resolution No. 155-20 Disposing of an interest in real property by Grant of Easement to Bell Atlantic Mobile systems, LLC, D/B/A Verizon Wireless, for small cell equipment in Flora Park. Seconded by Cavanagh. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

5. Kaufmann Avenue Storm Sewer Improvement Project from Francis Street to North Main Street: Proof of publication on notice of public hearing to consider approval of the plans, specifications, form of contract and estimated cost for the Kaufmann Avenue Storm Sewer Project from Francis Street to North Main Street. Motion by Resnick to receive and file the documents and adopt Resolution No. 156-20 Approval of plans, specifications, form of contract, and estimated cost for the Kaufmann Avenue Storm Sewer Improvement Project from Francis Street to North Main Street. Seconded by Sprank. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

6. 2020 Pavement Marking Project: Proof of publication on notice of public hearing to consider approval of plans, specifications, form of contract, and estimated cost for the 2020 Pavement Marking Project, and the City Manager recommending approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 157-20 Approval of the plans, specifications, form of contract, and estimated cost for the 2020 Pavement Marking Project. Seconded by Cavanagh. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

7. Fiscal Year 2020 Budget Amendment No. 3: Proof of publication on notice of public hearing to consider approval of the Fiscal Year 2020 Budget Amendment No. 3, and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 158-20 Amending the current budget for the Fiscal Year Ending June 30, 2020 as amended last on November 4, 2019. Seconded by Resnick. Responding to questions from the City Council, Director of Budget and Finance Jenny Larson stated that capital improvement projects are delayed, canceled or under review. City Manager Van Milligen stated that the construction of the boat dock for Viking River Cruises is budgeted for with savings remaining from the docking study. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

PUBLIC INPUT

Public input options were provided through: Contact the City Council at www.cityofdubuque.org/councilcontacts; City Clerk's Office at ctyclerk@cityofdubuque.org; and during the meeting at www.facebook.com/cityofdubuque. The City Clerk and Public Information Officer stated that no public input was received.

ACTION ITEMS

1. Letters to Members of Congress - Supplemental Funding Support for Local Government; Mayor Roy D. Buol providing copies of letters to Senator Grassley, Senator Ernst, and Congresswoman Finkenauer regarding supplemental funding support for local government. Motion by Roussell to receive and file the documents. Seconded by Resnick. Motion carried 7-0.

2. Federal Funding Provision to Provide Healthcare Coverage for United States Marshallese Residents: Letters submitted to Senator Grassley, Senator Ernst, and Congresswoman Finkenauer supporting federal funding provision to provide healthcare coverage for United States Marshallese residents. Motion by Cavanagh to receive and file the documents. Seconded by Shaw. Motion carried 7-0.

3. Awarding the Julien Dubuque Drive Sanitary Project: City Manager recommending award of the Julien Dubuque Drive Sanitary Project construction contract to the low bidder Drew Cook & Sons Excavating Company, Inc. Motion by Jones to receive and file the documents and adopt Resolution No. 159-20 Awarding Public Improvement Contract for the Julien Dubuque Dr. Sanitary Project. Seconded by Resnick. Motion carried 7-0.

4. Small Business Construction-Impacted Microloan: City Manager recommending approval of a resolution approving a Contract for Services by and among the City of Dubuque, Dubuque Initiatives and East Central Intergovernmental Association for the 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 and adopt Resolution No. 160-20 Authorizing the execution of a Contract for Services by and among East Central Intergovernmental Association, Dubuque Initiatives, and the City of Dubuque, Iowa. Seconded by Resnick. Motion carried 7-0.

5. Greater Downtown Urban Renewal District - North Peru Road Subarea Ordinance: City Manager recommending adoption of an ordinance amending the tax increment financing district for the Greater Downtown Urban Renewal District that will expand the District to include the new North Peru Road Subarea. 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. 20-20 Amending Ordinance No. 26-17, Previously amended, providing that general property taxes levied and collected each year on all property located within the Greater Downtown Urban Renewal District of the City of Dubuque, County of Dubuque, State of Iowa, by and for the benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and other Taxing Districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including Bonds issued or to be issued, incurred by said City in connection with the Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District. Seconded by Sprank. Motion carried 7-0.

Mayor Buol requested Action Items Nos. 6, 7 & 8 be combined in one motion. Motion by Roussell to receive and file the information and view the three video presentations. Seconded by Cavanagh. Motion carried 7-0.

6. Southwest Arterial Construction Update Video: Media Services Division showed a video of the recent progress of the Southwest Arterial Project (April 2020).

7. Roosevelt Street Water Tower Construction Video Update: Media Services Division showed a video of the recent progress of the Roosevelt Street Water Tower Construction.

8. Public Service Announcement and video from the City's Arts and Culture Partners: Media Services Division showed a Public Service Announcement (PSA) produced through the collaborative efforts of members of Dubuque's arts and cultural community.

COUNCIL MEMBER REPORTS

Mayor Buol reminded residents to stay safe and stay home, and wear masks whenever and wherever possible.

There being no further business, Mayor Buol declared the meeting adjourned at 8:26 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 5/29