

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

The Dubuque City Council met in regular session at 6:30 p.m. on June 15, 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](http://www.cityofdubuque.org/media), and streamed live on the City's Facebook page at [www.facebook.com/cityofdubuque](http://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. Topics included: current information from the Dubuque County Public Health Incident Management team; COVID-19 case data by state and Dubuque County; Updates on Community Testing, contact tracing and long-term care facility outbreaks; cost sharing for housing isolation facility; and joint public information media/news releases timelines. Ms. Corrigan also provided information about looking ahead and what residents can do now in terms of public health measures and ongoing restrictions and recommendations related to the pandemic. Ms. Corrigan responded to questions from the City Council.

**CONSENT ITEMS**

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Roussell. The City Clerk and the Public Information Office stated that no public input had been received regarding the Consent Agenda items. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council proceedings of 6/1, 6/8; Community Development Advisory Commission of 5/28, 6/2; Five Flags Civic Center Commission of 4/1; Historic Preservation Commission of 5/21; Zoning Advisory Commission of 6/3; Zoning Board of Adjustment 5/28; Proof of publication for City Council proceedings of 5/18; Proof of publication for List of Claims and Summary of Revenues for Month Ending 4/30. Upon motion the documents were received, filed.

2. Notice of Claims and Suits: Mike Felderman for property damage, and Gail Miller 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: Mike Felderman for property damage, and Gail Miller 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. 172-20 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. Fiscal Year 2020 Fund Transfers for Capital Projects and Other Expense Reimbursements: City Manager recommending approval of the suggested proceedings approving a transfer of funds for capital projects and other expense reimbursements as required by Iowa Administrative Rules Code 545-2.5(5). Upon motion the documents were received and filed, and Resolution No. 173-20 Authorizing the Director of Finance and Budget to make the appropriate inter-fund transfers of sums and record the same in the appropriate manner for they FY2020 for the City of Dubuque, Iowa was adopted.

6. Final Plat of Survey - Heim's Place: Zoning Advisory Commission recommending approval of the Final Plat of Survey for Lot 1 and Lot 2 Heim's Place (between 9th and 8th Streets below Hill Street) subject to waiving the required lot frontage for Lot 2. Upon motion the documents were received and filed, and Resolution No. 174-20 Approving the Plat of Survey for Heim's Place in the City of Dubuque, Iowa was adopted.

7. Final Plat of Survey - Stoney Knob Subdivision: Zoning Advisory Commission recommending approval of the Final Plat of Stoney Knob Subdivision (off Clay Hill Road at Burton's Furnace Road) subject to waiving the required lot frontage for Lot 3. Upon motion the documents were received and filed, and Resolution No. 175-20 Approving the Final Plat of Survey for Stoney Knob Subdivision in Dubuque County, Iowa was adopted.

8. Pre-Annexation Agreement with Thomas R. & Rhonda R. Riniker: City Manager recommending approval of a Pre-Annexation Agreement with Thomas R. and Rhonda R. Riniker, property owners, in conjunction with a request for approval of a Plat of Survey for approximately a 10-acre parcel located at 17283 Hill Road. Upon motion the documents were received and filed, and Resolution No. 176-20 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Thomas R. & Rhonda R. Riniker was adopted.

9. Pre-Annexation Agreement with Joseph & Judith Riniker: City Manager recommending approval of a Pre-Annexation Agreement with Joseph J. and Judith Riniker, property owners, in conjunction with a request for approval of a Plat of Survey for

approximately a 25-acre parcel located at 17371 Clay Hill Road. Upon motion the documents were received and filed, and Resolution No. 177-20 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Joseph J. & Judith Riniker was adopted.

10. Accepting Deeds for 2033 Washington Street and 2320 Jackson Street: City Manager recommending acceptance of property deeds from Dubuque's True North Corporation for 2033 Washington Street and 2320 Jackson Street to continue the True North Residential Rehabilitation Program under the Housing & Community Development Department. Upon motion the documents were received and filed, and Resolution No. 178-20 Accepting the deed to certain real estate owned by Dubuque's True North Corporation in the City of Dubuque (2033 Washington Street); and Resolution No. 179-20 Accepting the deed to certain real estate owned by Dubuque's True North Corporation in the City of Dubuque (2320 Jackson Street) were adopted.

11. Bishop's Block Loan Maturity Extension for Property at 90 Main Street: City Manager recommending approval of a resolution extending the loan maturity until June 30, 2021, for Bishop's Block loan for the Bishop Block Building at 90 Main Street. Upon motion the documents were received and filed, and Resolution No. 180-20 Approving a First Amendment to the Loan Agreement between the City of Dubuque and Bishop's Block, an Iowa Limited Partnership, for the Bishop's Block Building by extending the maturity date of the loan was adopted.

12. Acceptance of Grants of Easement for Water Main over Dolter and Thul Properties: City Manager recommending approval and acceptance of Grants of Easement for Water Main Utility across John and Jane Dolter property and across Steve and Jill Thul property in the City of Dubuque, as part of the Roosevelt Water Tower Project. Upon motion the documents were received and filed, and Resolution No. 181-20 Accepting Grants of Easement for water main utility associated with the Roosevelt Water Tower Project, in the City of Dubuque, Iowa was adopted.

13. 2020 Department of Justice Coronavirus Emergency Funding Grant Acceptance: City Manager recommending approval to accept the 2020 Office of Justice Program, Department of Justice Coronavirus Emergency Supplemental Funding Grant that will provide funds for prevention, preparation, and response to the Coronavirus. Upon motion the documents were received, filed and approved.

14. Bee Branch Watershed Flood Mitigation Project, Iowa Flood Mitigation Board, 4th Amendment to Funding Agreement: City Manager recommending approval of Amendment No. 4 to the Funding Agreement with the Iowa Flood Mitigation Board in order to utilize state sales tax increment funding for the Bee Branch Watershed Flood Mitigation Project. Upon motion the documents were received and filed, and Resolution No. 182-20 Authorizing an amendment to the funding agreement between the City of Dubuque and the State of Iowa Flood Mitigation Board for the Bee Branch Watershed Flood Mitigation Project was adopted.

15. Supplement to Master Licensing Agreement Between City of Dubuque and US Cellular: City Manager recommending approval of a Supplement to Master Licensing Agreement Between City of Dubuque and US Cellular (Dubuque Cellular Telephone LP) that will add 25 additional small cell wireless technology systems on City-owned poles or the installation of new poles, include placement of fiber optics, electrical utilities, pole replacement and City camera installation as appropriate. Upon motion the documents were received, filed and approved.

16. Iowa Department of Inspections and Appeals New Interagency Agreement: City Manager recommending approval of a renewal agreement with the Iowa Department of Inspections and Appeals for performance of food and hotel licensing, inspections and enforcement with respect to retail food establishments. Upon motion the documents were received, filed and approved.

17. Worker Adjustment and Retraining Notification (WARN) - Diamond Jo Casino: Correspondence from the Diamond Jo Casino informing the City of anticipated permanent layoffs at the Dubuque Diamond Jo Casino , 301 Bell Street, between July 1 and July 14, 2020. Upon motion the documents were received and filed.

18. Signed Contract(s): De-Icing Rock Salt Supply Agreement with Champion Salt, LLC; Dupaco Voices, LLC Revocable License for Fencing and Landscaping at 902 & 990 White Street. Upon motion the documents were received and filed.

19. Business License Refund: Requests from Super Stop Mart Inc., License No. LE0002501 for 1101 Rhomberg Ave.; and Locust Tobacco and Liquor, License No. LE0003125 for 408 West Locust Street, due to change in ownerships; Iowa Street Mart, License No. LE0001600 for 1256 Iowa Street, due the business closing. Requests are pre-COVID 19 pandemic. Upon motion the documents were received, filed and approved.

20. Alcohol and Tobacco 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. 183-20 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; and Resolution No. 184-20 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code Chapter 453A.47A were adopted.

## **BOARDS/COMMISSIONS**

Appointments were made to the following Boards/Commission.

1. Cable TV Commission: One, 3-Year term through July 1, 2023 (Expiring term of Maloney) Applicant: Pauline Maloney, 506 St. George St. Motion by Cavanagh to appoint Ms. Maloney to the 3-year term. Seconded by Resnick. Motion carried 7-0.

2. Catfish Creek Watershed Management Authority: One, 4-Year term through July 16, 2024 (Expiring term of McGovern). Applicant: Jared McGovern, 360 S. Grandview Ave. Motion by Shaw to appoint Mr. McGovern to the 4-year term. Seconded by Sprank. Motion carried 7-0.

3. Electrical Code Board: Three, 3-Year Electrical Experience terms through May 21, 2023 (Expiring terms of Dixon, Palmer, and Townsend). James Dixon, 2505 Marquette Pl.; Andy Palmer, 1865 Rosemont St.; Thomas Townsend, 1940 Amelia Dr. Motion by Shaw to appoint Mr. Dixon, Mr. Palmer and Mr. Townsend to the 3-year terms. Seconded by Resnick. Motion carried 7-0.

4. Historic Preservation Commission: One, 3-Year Architect At-Large term through July 1, 2023 (Expiring term of Monk). One, 3-Year Cathedral Historic District term through July 1, 2023 (Expiring term of McAndrews). Applicants: Christina Monk, 2005 North Main St. Qualifies as Architect At-Large; John McAndrews, 56 Bluff St. Qualifies as Living within the Cathedral Historic District. Motion by Jones to appoint Ms. Monk to the 3-year Architect At-Large term and Mr. McAndrews to the 3-year Cathedral Historic District term. Seconded by Sprank. Motion carried 7-0.

5. Investment Oversight Advisory Commission: One, 3-Year term through July 1, 2023 (Expiring term of Lassance). Applicant: Paul Lassance, 4846 Embassy Ct. Motion by Jones to appoint Mr. Lassance to the 3-year term. Seconded by Resnick. Motion carried 7-0.

6. Library Board of Trustees: Two, 4-Year terms through July 1, 2024 (Expiring terms of Armstrong and Monk). Applicants: Robert Armstrong, 728 Alta Vista St.; Christina Monk, 2005 N. Main St. Upon Council concurrence, Mayor Buol appoint Mr. Armstrong and Ms. Monk to the 4-year terms.

7. Resilient Community Advisory Commission: One, 3-Year Cross Representation term through July 1, 2023 (Expiring term of Boles). One, 3-Year At-Large term through July 1, 2023 (Expiring term of Jayawickrama). Applicants: Dean Boles, 1715 Geraldine Dr. - Currently on Community Development Advisory Commission; Lalith Jayawickrama, 2360 Cherry St. Motion by Shaw to appoint Mr. Boles to the 3-year, cross-representation term; and Mr. Jayawickrama to the 3-year, at-large term. Seconded by Cavanagh. Motion carried 7-0.

8. Zoning Advisory Commission: Two, 3-Year terms through July 1, 2023 (Expiring terms of Christ and Kemp). Applicants: Martha Christ, 88 Princeton Pl.; Rebecca Kemp, 3195 Kerry Ct. Motion by Roussell to appoint Ms. Christ and Ms. Kemp to the 3-year terms. Seconded by Cavanagh. Motion carried 7-0.

9. Zoning Board of Adjustment (Appointment): One, 3-Year term through March 25, 2023 (Vacant term of Cremer). Applicant: Matthew Mauss, 1540 N. Algona St. Motion by Jones to appoint Mr. Mauss to the 3-year term. Seconded by Shaw. Motion carried 7-0.

Application to the follow board was reviewed.

10. Mechanical and Plumbing Code Board: One, 3-Year term through March 16, 2022 (Vacant term of Papin). Applicant: Daniel McNamer, 2891 Northridge Dr. Mr. McNamer submitted an email letter to the City Council about his desire to serve on this board.

## **PUBLIC HEARINGS**

For the record, public input options were provided through Contact the City Council at [www.cityofdubuque.org/councilcontacts](http://www.cityofdubuque.org/councilcontacts); and during the meeting through the City Clerk's Office at [cityclerk@cityofdubuque.org](mailto:cityclerk@cityofdubuque.org), and [www.facebook.com/cityofdubuque](http://www.facebook.com/cityofdubuque).

1. Intent to Dispose of Property at 396 W. Locust Street: Proof of publication on notice of public hearing to consider disposing of City-owned real property located at 396 West Locust Street to Melissa M. and Wesley M. Anderson, and the City Manager recommending approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 185-20 Disposing of City Interest in real property by deed to Melissa M. and Wesley M. Anderson. Seconded by Sprank. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

2. Request to Rezone Property at 210 Jones Street: Proof of publication on notice of public hearing to consider approval of a request from Jordan DeGree to rezone property at 210 Jones St. from C-3 General Commercial Zoning District to C-4 Downtown Commercial Zoning District, 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 Resnick. Applicant Jordan DeGree addressed the Council in favor of the request and provided a brief history of the zoning at this address. Planning Services Manager Wally Wernimont provided a staff report . 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. 25-20 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 210 Jones Street from C-3 General Commercial District to C-4 Downtown Commercial District. Seconded by Resnick. Motion carried 7-0.

3. Code or Ordinances Amendment - Title 16 Revisions Required by the Department of Natural Resources: Proof of publication on notice of public hearing to consider approval of a request from the City of Dubuque to amend Articles 16-6-4.11 FF Floodway Fringe Overlay District and 16-6-4.15 Definitions of the Unified Development Code to accommodate required ordinance revisions from the Iowa Department of Natural Resources, 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 Cavanagh. Speaking for

the City as the applicant, Planning Services Manager Wally Wernimont provide a staff report. The City Clerk and Public Information Officer stated that no public input was received regarding this item. Motion carried 7-0.

Motion by Resnick for final consideration and passage of Ordinance No. 26-20 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by Amending 16-6-4.11 FF Floodway Fringe Overlay District and 16-6-2 Definitions to accommodate required ordinance revisions from the Iowa Department of Natural Resources Seconded by Cavanagh. Motion carried 7-0.

## **PUBLIC INPUT**

For the record, public input options were provided through: Contact the City Council at [www.cityofdubuque.org/councilcontacts](http://www.cityofdubuque.org/councilcontacts); City Clerk's Office at [ctyclerk@cityofdubuque.org](mailto:ctyclerk@cityofdubuque.org); and during the meeting at [www.facebook.com/cityofdubuque](http://www.facebook.com/cityofdubuque). Public Information Officer stated that no public input was received. The City Clerk noted for the record correspondence received by Marc Onken, 210 Cross Street, regarding recent national events related to racism and the perception that Dubuque policing may not be fair. Mr. Onken provided some ideas for police officer performance checks and making information on police education and training available to the public.

## **ACTION ITEMS**

1. Awarding Kaufmann Avenue Storm Sewer Improvement Project from Francis Street to North Main Street: City Manager recommending award of the Kaufmann Avenue Storm Sewer Improvement Project construction contract to the low bidder Portzen Construction based on the Base Bid plus Alternate Bid amounts. Motion by Roussell to receive and file the documents and adopt Resolution No. 186-20 Awarding public improvement contract for the Kaufman Avenue Storm Sewer Improvement Project from Francis Street to North Main Street. Seconded by Resnick. Motion carried 7-0.

2. Report Regarding Opening of the Outdoor Pool(s): City Manager transmitting a report from Leisure Services related to opening the City's two public pools. Leisure Services Manager Marie Ware provided a brief, verbal summary of the report. Restated motion by Cavanagh to receive and file the documents and keep the public pools closed for the remainder of the season. Seconded by Roussell. Ms. Ware reviewed ideas, challenges, and costs related to opening the pools for approximately a month. The Council discussion weighed the need for swimming skills and social interaction against the COVID-19 implications. Motion carried 6-1 with Shaw voting nay.

3. Next Steps for Justice Virtual Community Workshops Request: Request from Miquel Jackson for three Council Members to attend the Next Steps for Justice virtual community workshops on July 11 and 18, 2020. It is further requested that the City Council help facilitate a work session to adopt a community plan. Restated motion by Cavanagh to receive and file and ask for volunteers among the Council to attend the workshops. Seconded by Roussell. Cavanagh, Roussell, and Sprank volunteered. Miquel Jackson of

the Dubuque Chapter of the NAACP responded to questions from the City Council regarding the logistics of the workshops. Motion carried 7-0.

4. Request to Schedule a Work Session on Sustainable Dubuque: City Manager requesting that the City Council schedule a work session on Sustainable Dubuque for Monday, July 13, 2020, at 6:30 p.m. (This meeting will be conducted virtually unless announced otherwise.). Motion by Resnick to receive and file the documents and set the work session as recommended. Seconded by Jones. No schedule conflicts were noted. Motion carried 7-0.

### **COUNCIL MEMBER REPORTS**

Council Member Roussell reported on the Bee Branch Creek clean up event that was conducted in compliance with social distancing; participating in the National League of Cities townhall meeting on race and equity in leadership; the new community engagement program being developed at the Fountain of Youth regarding generational poverty and being invited to be a program mentor.

There being no further business, Mayor Buol declared the meeting adjourned at 8:23 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 6/24