

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

The Dubuque City Council met in regular session at 6:30 p.m. on July 6, 2020. Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually through GoToMeeting 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 from the Dubuque County Public Health Incident Management Team, review of current county/state case data, case trend lines and increases; updates on community testing, contact tracing and long-term care facilities; cost sharing of shelter; coordination of public information responses; working with Dubuque Community School District on its re-opening plans in the fall; Ms. Corrigan provided information on moving forward and the precautions we all should be taking. She emphasized that citizens should monitor their phones for calls from the Iowa Department of Health regarding contact tracing.

**PROCLAMATION(S)**

1. Sister Carolyn Farrell Day (July 6, 2020) was accepted by Sr. Teri Hadro, BVM.
2. 1-133d Infantry Regiment - Ironman Battalion Day (July 11, 2020) was accepted by Mayor Roy D. Buol on behalf of the Iowa National Guard 1st Battalion of the 133d Infantry Regiment.
3. Mayor Buol's Emergency Declaration Proclamation Update: Mayor Buol presented and read an update to his Emergency Declaration Proclamation from June 4, 2020.

## CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Staff reported that there were no public comments related to the Consent Items. Motion carried 7-0.

1. Minutes and Reports Submitted: Arts and Cultural Affairs Advisory Commission and Work Groups of 4/28, 5/28, 6/9; City Council Proceedings of 6/15, 6/22, 6/29; Community Development Advisory Commission of 6/17; Housing Commission of 5/26; Historic Preservation Commission of 6/18; Library Board of Trustees Council Update No. 198 of 5/28 and No. 199 of 6/25. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Darlene Hughes for property damage, Joan Reimer for property damage, Dane Schrobilgen for vehicle damage; Suit by Eunice Meyer v. Dubuque Hotel Partners, LLC, Kinseth Hotel Corporation, and City of Dubuque. 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: Darlene Hughes for property damage, Joan Reimer for property damage, Dane Schrobilgen for vehicle 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. 189-20 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 Asphalt Overlay Ramp Project Two - Rejection of Bid: City Manager recommending rejection of the bid for the 2020 Asphalt Overlay Ramp Project. Upon motion the documents were received and filed, and Resolution No. 190-20 Rejecting competitive bid received for the 2020 Asphalt Overlay Ramp Project Two was adopted.

6. Fund Transfers for Capital Projects and Other Expense Reimbursements in Fiscal Year 2020: City Manager recommending approval of the suggested proceedings approving a transfer of funds for capital projects and other expense reimbursements. Iowa Administrative Rules Code 545-2.5(5), which implements Iowa Code Section 384.18. Upon motion the documents were received and filed, and Resolution No. 191-20 Authorizing the Director of Finance to make the appropriate inter-fund transfers of sums and record the same in the appropriate manner for the FY2020 for the City of Dubuque, Iowa was adopted.

7. 2019 Tree City USA recognition to the City of Dubuque Leisure Services Department from the Arbor Day Foundation and the Iowa Department of Natural Resources: City Manager transmitting information related to the 2019 Tree City USA recognition recently

received by the City of Dubuque Parks Division. Upon motion the documents were received and filed.

8. National Mississippi River Museum & Aquarium - Grant Letter of Support: City Manager providing a copy of Mayor Buol's correspondence to Kurt Strand, President and CEO of the National Mississippi River Museum and Aquarium (NMRMA), in support of the NMRMA's application to the Institute of Museum and Library Services' (IMLS) CARES Act Grant program. Upon motion the documents were received and filed.

9. Urban Sustainability Directors Network (USDN) Rapid Response Funding Request: City Manager recommending approval of funding request to the Urban Sustainability Directors Network (USDN) Rapid Response grant program to pilot a "Resiliency Corps" in partnership with the Multicultural Family Center's Summer Teen Empowerment Program. Upon motion the documents were received, filed and approved.

10. Arts and Culture Survey Report: City Manager transmitting the Arts & Culture Survey Results as of June 26, 2020 gathered through an ongoing survey effort conducted by the Branding and Communications Working Group of the City of Dubuque's Arts & Culture Master Plan. Upon motion the documents were received and filed.

11. Pre-Annexation Agreement with Scott T. O'Brien and Danielle J. Vargas: City Manager recommending approval of a Pre-Annexation Agreement with Scott T. O'Brien and Danielle J. Vargas, for property located at 14270 N. Cascade Road, in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 192-20 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Scott T. O'Brien and Danielle J. Vargas was adopted.

12. Pre-Annexation Agreement with Joseph J & Judith Riniker - Corrected Resolution: City Manager recommending that the City Council rescind Resolution 177-20 and approve a resolution correcting a legal description. Upon motion the documents were received and filed, and Resolution No. 193-20 Rescinding Resolution No. 177-20 and approving a new resolution for a Pre-Annexation Agreement between the City of Dubuque, Iowa and Joseph J. & Judith Riniker was adopted.

13. Platting of City Property on Chavenelle Road (McFadden Farm Place No. 5, City of Dubuque, Iowa): City Manager recommending approval of the Plat of Survey for Lot 1 and 2 of McFadden Farm Place No. 5 in the City of Dubuque as part of a revised Development Agreement between the City, Walter Development LLC, and Duluth Holdings, Inc. Upon motion the documents were received and filed, and Resolution No. 194-20 Approving Plat of Survey of Lot 1 and Lot 2 of McFadden Farm Place No. 5 in the City of Dubuque, Dubuque County, Iowa was adopted.

14. Acceptance of Grants of Easement for Sanitary Sewer Utility - Edwards Road / Walen Acres: City Manager recommending acceptance of Grants of Easement for Sanitary Sewer Utility across parts of Lot 1 and Lot 2 of Walen Acres, Part of Lot 2 of Beverly Pines No. 2, and part of Lot 2-2 of Beverly Pines as part of the extension of the

sanitary sewer. Upon motion the documents were received and filed, and Resolution No. 195-20 Accepting Grants of Easement for Sanitary Sewer Utility associated with the Edwards Road Sanitary Sewer Project, in the City of Dubuque, Iowa was adopted.

15. Creation of a Full-Time Confidential Account Clerk Position in Transportation Services Department: City Manager recommending approval to eliminate a full-time dispatcher position, eliminate the part-time confidential account clerk position and add a full-time confidential account clerk position in the Transportation Services Department. Upon motion the documents were received, filed and approved.

16. Travel Dubuque - Contracted Service Agreement for Fiscal Year 2021: City Manager recommending execution of the Contracted Services Agreement with the Travel Dubuque/Dubuque Area Convention and Visitors Bureau and authorize the Mayor to execute the contract on behalf of the City. Upon motion the documents were received, filed and approved.

17. Dubuque Jaycees Fireworks Correspondence: Correspondence from the Dubuque Jaycees outlining the required logistics and safety precautions that will be in force during the fireworks display on August 22, 2020. Upon motion the document was received and filed.

18. ITC Midwest Transmission Line Project Correspondence: Correspondence from ITC Midwest providing an update and newsletter on the Cardinal-Hickory Creek Transmission Line Project from new Vienna, Iowa to Cassville, Wisconsin. Upon motion the document was received and filed.

19. Signed Contract(s): Assignment of Vendor Services for Grass Mowing Services from JJ Block Landscaping to Brune Enterprises; Lease Agreement with Owen Lindstrom/Dubuque by Carriage for Commercial Street Building; Agreement with Shelby Fry for Moral Rights Mural Artwork. Upon motion the documents were received and filed.

20. Improvement Contracts / Performance, Payment and Maintenance Bonds: SELCO, Inc. for 2020 Pavement Marking Project; Drew Cook & Sons Excavating for the Julien Dubuque Drive Sanitary Project. Upon motion the documents were received, filed and approved.

21. 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. 204-20 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 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. Intent to Dispose of City-Owned Property at 2033 Washington: City Manager recommending that the City Council set a public hearing for July 20th for the purpose of disposing of City-owned real property located at 2033 Washington Street to Emily J. and William C. Andress. Upon motion the documents were received and filed and Resolution No. 196-20 Intent to dispose of an interest in City of Dubuque real estate to Emily J. and William C. Andress, setting a time and place for hearing, and providing for the publication of notice thereof was adopted setting a public hearing for a virtual meeting to commence at 6:30 p.m. on July 20, 2020.

2. Voluntary Annexation Request - Spiegel Family Realty Company, LLC: City Manager recommending that the City Council set a public hearing for August 3, 2020 on the 100% voluntary annexation request filed by the Spiegel Family Realty Company, LLC for approximately 7.05 acres of property, concurrent with rezoning, located east of Highway 61 and Cycle Club Lane. Upon motion the documents were received and filed and Resolution No. 197-20 Setting a public hearing on an application for voluntary annexation of territory to the City of Dubuque, Iowa was adopted setting a public hearing for a virtual meeting to commence at 6:30 p.m. on August 3, 2020.

3. Voluntary Annexation Request - City of Dubuque: City Manager recommending that the City Council set a public hearing for August 3, 2020 on the voluntary annexation request filed by the City of Dubuque for approximately 1.00 acre of property, concurrent with rezoning, located east of Highway 61 and Cycle Club Lane. Upon motion the documents were received and filed and Resolution No. 198-20 Setting a public hearing on an application for Voluntary annexation of Territory to the City of Dubuque, Iowa was adopted setting a public hearing for a virtual meeting to commence at 6:30 p.m. on August 3, 2020.

4. Jule Transit New Fixed-Route Fare Structure: City Manager recommending that the City Council set a public hearing for August 17, 2020 on the restructuring of the Jule's existing fare system. Upon motion the documents were received and filed and Resolution No. 199-20 Setting the date for a public hearing on restructuring Transit Fixed-Route Fare was adopted setting a public hearing for a virtual meeting to commence at 6:30 p.m. August 17, 2020.

[Virtual meeting information for these public hearings will be posted with the respective meeting agenda on the Friday prior to the meeting date.]

## **BOARDS/COMMISSIONS**

Applications were reviewed for the following Boards/Commissions.

1. Civil Service Commission: One, 4-Year term through April 6, 2024 (Vacant term of Stillings). Applicant: Carla Heathcote, 2529 Stafford St.

2. Long Range Planning Advisory Commission: Two, 3-Year term through July 1, 2023 (Expiring terms of Peroski and Vincent). Applicants: Michael Peroski, 1935 Coates St.; Alan Vincent, 565 Woodland Rd.

3. Mechanical and Plumbing Code Board: One, 3-Year term through March 16, 2022 (Vacant term of Papin). Applicant: Daniel McNamer, 2891 Northridge Dr. Motion by Cavanagh to appoint Mr. McNamer to the 3-year term. Seconded by Rousell. Motion carried 7-0.

## **PUBLIC INPUT**

Sasha Williams, Asbury Road / 2000 University Avenue, commented in part via Facebook Live as to what precautions the City Council is taking to protect the black and brown communities since COVID-19 rates are spiking among those communities.

Evelyn Nadeau, 663 Fenelon Place, commented via Facebook Live, Evelyn Nadeau, 663 Fenelon Pl. asking if the city could mandate the wearing of masks in public, as the City of Muscatine has done, given the emergency situation and the need to protect the population.

Mayor Buol responded that the City's response activities are outlined on the City's webpage, [www.cityofdubuque.org/COVID19](http://www.cityofdubuque.org/COVID19), and that Mayor's cannot mandate citizens to wear masks. That the order has to come from the Governor.

Staff stated that no other public input was received through GoToMeeting or the City Clerk's Office email.

## **ACTION ITEMS**

1. Five Flags Civic Center Referendum: City Manager recommending that the Mayor and City Council adopt resolution #1 postponing the referendum date to a date not certain and table this issue until January 18, 2022. Motion by Jones to receive and file the documents and adopt Resolution 200-20 Postponing a Special City Election. Seconded by Cavanagh. Council Members discussed its concerns and options in terms of supporting an earlier date for a special election or postponing it, the uncertain impact of the COVID-19 pandemic on the local and state economies, projected city financing, and the impact on future construction projects in general. Motion carried 5-2 with Shaw and Resnick voting nay.

2. Downtown Rehabilitation Grant for Dubuque Dream Center Improvements: City Manager recommending approval of a Downtown Rehabilitation Grant Agreement for physical improvements at the Dubuque Dream Center facility at 1600 White Street.

Motion by Jones to receive and file the documents and adopt Resolution No. 202-20 Approving a Grant Agreement by and between the City of Dubuque, Iowa and Dubuque Dream Center, Inc. for the redevelopment of 1600 White Street. Seconded by Sprank. Motion carried 7-0.

3. Miracle League of Dubuque Project Completion and Acceptance and Lease Initiation: City Manager recommending City Council acknowledgement of the completion of the Miracle League of Dubuque project and recommends acceptance by the City of Dubuque that triggers the initiation of the Lease Agreement between the City and Miracle League of Dubuque approved on October 15, 2018. Motion by Cavanagh to receive and file and adopt Resolution No. 203-20 Accepting Miracle League Complex in Veterans Memorial Park in the City of Dubuque, Iowa and accepting the Bill of Sale transferring ownership of the Miracle League Complex to the City of Dubuque, Iowa. Seconded by Roussell. Project spokesperson, Merle Santje, 2955 Arbor Hills Drive, thanked the City Council, the League's Board of Directors and the many donors, architects and contractors who contributed to the project. Mr. Santje stated that an opening celebration will be schedule in the future. Motion carried 7-0.

4. Request to Schedule Work Sessions for July 20 and July 27, 2020: City Manager recommending that the City Council schedule the following work sessions on July 20 and July 27, 2020 to precede the August 10-12, 2020 City Council Goal Setting Sessions: 1) July 20, 2020 – Work Session on Finance Department Enterprise Resource Planning Project; 2) July 20, 2020 – Work Session on Imagine Dubuque Comprehensive Plan Update; 3) July 20, 2020 – Work Session on Bee Branch Watershed Flood Mitigation Project Blum Site Update; 4) July 27, 2020 – Work Session on Diversity, Equity and Inclusion. Motion by Jones to schedule the work sessions as recommended. Seconded by Sprank. No schedule conflicts where expressed. Motion carried 7-0.

5. Request to Schedule Work Session on Monthly COVID-19 Update: City Manager recommending that the City Council schedule a work session for August 3, 2020 at 5:00 p.m. regarding an update on COVID-19 response and recovery. Motion by Cavanagh to receive and file the documents and schedule the work session as recommended. Seconded by Jones. No schedule conflicts were expressed. Motion carried 7-0.

6. Bee Branch Creek Railroad Culverts Project Video Update: Media Services will show a video of the recent progress of the Bee Branch Culverts Project from June 2020. Motion by Sprank to receive and file the documents and view the video. Seconded by Resnick. Public Information Office Randy Gehl stated for viewers that video and sound quality is improved when videos are viewed directly from the City's webpage and Facebook pages. Motion carried 7-0.

7. Southwest Arterial Construction Update Video: Media Services will show a video of the recent progress of the Southwest Arterial Project for June 2020. Motion by Roussell to receive and file the documents and view the video. Seconded by Resnick. Motion carried 7-0.

## COUNCIL MEMBER REPORTS

This being his last meeting, Council Member Shaw stated that it has been a privilege to serve as Council Member as well as an exciting dream come true. He credited each Council Member for their personal and familial sacrifices. Providing ideas for opportunity, Mr. Shaw added that anything other than a 7-0 vote is not a lack of unity among the Council, and that differing opinions can challenge each other. Mr. Shaw also believes that the City's business development focuses too much on larger businesses with small businesses and the community at large paying the price. Mr. Shaw concluded by saying he has great confidence that the Dubuque community will prevail and asked everyone to stay safe and be well.

Council Member Roussell thanked Mr. Shaw for his dedicated service. She added a congratulations to the City regarding Consent Item #7 Tree City USA Designation of which she is chairperson and founder.

Council Member Cavanagh thanked Mr. Shaw for his public service and reported on the first of the NAACP's Next Steps to Justice meetings starting July 11.

Council Member Resnick, referring to Mr. Shaw's leaving, stated that our loss is Moline, Iowa's gain. Mr. Resnick added that the Solidarity mural on the Five Flags Center has spurred conversations and contributed to the Independence Day Holiday.

Council Member Jones stated that he respected Mr. Shaw's points of view and his leadership particularly with bringing the mobile home park tenant issues to the forefront.

Council Member Sprank thanked Mr. Shaw for his public service and input, and thanked City employees for helping to pick up the debris from illegal fireworks around his neighborhood following the Independence Day Holiday.

Mayor Buol thanked Mr. Shaw for his public service and for his words of encouragement adding that as Mayor and former Council Member he never considered a 7-0 vote an issue but rather a sign that Council Members came to the table prepared and informed concurring that differences of opinions are valuable. Mayor Buol reminded everyone to physically and socially distance, wear masks and lookout for each other.

There being no further business, Mayor Buol declared the meeting adjourned at 8:18 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 7/15