

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

The Dubuque City Council met in special session at 5:00 p.m. on August 3, 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, Lynch, Resnick, Roussell, 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 updates to the internal and community-facing impacts of the COVID-19 pandemic.

WORK SESSION

Updates to the Internal and Community-Facing Impacts of the COVID-19 Pandemic

Updates and information were provided by the following City staff and community partners:

1. Community COVID-19 Update & Communication Response: Mary Rose Corrigan, Public Health Specialist
2. Vulnerable Populations Support Update: Kelly Larson, Human Rights Specialist
3. Update on Mask-Wearing Requirement on Jule Transit: Renee Tyler, Transportation Services Manager
4. Fiscal Year 21 Budget Team Strategies: Jennifer Larson, Finance & Budget Manager
5. Greater Dubuque Development Corporation: Rick Dickinson, President/CEO
6. Community Foundation of Greater Dubuque Update: Nancy Van Milligen, President/CEO
7. United Way of Dubuque Update: Danielle Peterson, President/CEO

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

There being no further business, Mayor Buol declared the meeting adjourned at 6:27 p.m.

/s/Kevin S. Firnstahl
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 August 3, 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, Lynch, Resnick, Roussell, 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

PROCLAMATION(S)

1. American Wind Week (August 9-15, 2020) was accepted by Mayor Buol behalf of Power Up Iowa.

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Staff stated that no public input was received through the online chat, Facebook or City Clerk email. Motion carried 7-0.

CONSENT ITEMS

1. Minutes and Reports Submitted: City Council proceedings of 7/20, 7/23; Civil Service Commission of 7/21; Zoning Board of Adjustment of 7/23. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: State of Iowa, ex rel., Doug Ommen Iowa Insurance Commissioner vs. Linwood Cemetery Association and the City of Dubuque. Upon motion the documents were received, filed, and refer 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: ECH Properties, LLC for property damage. Upon motion the documents were received, filed, and concur.

4. Approval of City Expenditures: City Manager recommended City Council approval for payment of City expenditures. Upon motion the documents were received and filed, and Resolution No. 228-20 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. Certified Local Government Preserve Iowa Summit: City Manager recommended approval of the Certified Local Government grant report required by the Iowa State Historic Preservation Office for the 2020 Preserve Iowa Summit and have the Mayor sign the Request for Reimbursement. Upon motion the documents were received, filed and approved.

6. Carpenters and Joiners of America, Local 678 Building Corporation: City Manager recommended approval of a First Amendment to Grant Agreement between the City of Dubuque and Carpenters and Joiners of America, Local 678 Building Corporation to redevelop property at 1638 Central Avenue. Upon motion the documents were received and filed, and Resolution No. 229-20 Approving the First Amendment to Grant Agreement between the City of Dubuque, Iowa and Carpenters and Joiners of America, Local 678 Building Corporation was adopted.

7. CARich Properties, LLC Second Amendment to Development Agreement for 278 W. 17th Street: City Manager recommended approval of a Second Amendment to Development Agreement with CARich Properties, LLC for redevelopment of property at 278 W. 17th Street that modifies the closing date on the project to July 31, 2020. Upon motion the documents were received and filed, and Resolution No. 230-20 Approving the Second Amendment to Development Agreement between the City of Dubuque, Iowa and CARich Properties, LLC was adopted.

8. CARich Properties, LLC Loan Agreement for 278 W. 17th Street: City Manager recommended approval of a Loan Agreement with CARich Properties, LLC to redevelop property at 278 W. 17th Street. Upon motion the documents were received and filed, and Resolution No. 231-20 Approving a Loan Agreement between the City of Dubuque, Iowa and CARich Properties, LLC was adopted.

9. Accepting the Ice Harbor Flood Gate Abutment Repair Project: City Manager recommended acceptance of the construction contract for the Ice Harbor Flood Gate Abutment Repair Project, as completed by Tricon General Construction, Inc. Upon motion the documents were received and filed, and Resolution No. 232-20 Accepting the Public Improvement Project for the Ice Harbor Flood Gate Abutment Repair Project and Authorizing the final payment to the contractor was adopted.

10. First Amendment to Contract with Ahlers & Cooney, P.C. Dubuque 2016 National Disaster Recovery: City Manager recommended approval of the First Amendment to the Legal Services Contract with Ahlers & Cooney, P.C. that updates the contract to incorporate all of the required federal contract language related to legal work associated with the Bee Branch Watershed Flood Mitigation Project, specifically the Railroad Easement acquisition and development. Upon motion the documents were received, filed and approved.

11. Duluth Holdings, Inc. and Walter Development, LLC - First Amendment to Amended and Restated Development Agreement: City Manager recommended approval of the First Amendment to Amended and Restated Development Agreement by and among the City of Dubuque, Iowa, Duluth Holdings, Inc. and Walter Development, LLC to include the legal description and recorded plat to Parcel C, and to include language agreed upon by the City and the Developer to require the construction of a second driveway into the development property. Upon motion the documents were received and filed, and Resolution No. 233-20 Approving the First Amendment to Amended and Restated Development Agreement by and among the City of Dubuque, Iowa, Duluth Holdings, Inc., and Walter Development, LLC was adopted.

12. Pre-Annexation Agreement with Robert L & Elaine Vonderhaar: City Manager recommended approval of a Pre-Annexation Agreement with Robert L. and Elaine Vonderhaar, for property located at 14819 Siegert Lane, in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 234-20 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Robert L. and Elaine Vonderhaar was adopted.

13. Walter Development, LLC Property Right-of-Way Plat and Dedication: City Manager recommended acceptance of the Acquisition Plat of Lot 1A McFadden Farm Place No. 6 and acceptance of the dedication of said lot for Right of Way and public utilities purposes. Upon motion the documents were received and filed, and Resolution No. 235-20 Approving the Acquisition Plat of Lot 1A McFadden Farm Place No. 6 in the City of Dubuque, Iowa was adopted.

14. Dubuque County Agreement for COVID-19 Sheltering: City Manager recommended approval of a Memorandum of Understanding with Dubuque County for operation and administration of the City of Dubuque's COVID-19 non-congregate temporary housing shelter. Upon motion the documents were received and filed, and Resolution No. 236-20 Approving the Assignment of a Memorandum of Understanding between the City of Dubuque and Dubuque County for COVID-189 Non-Congregate Temporary Housing was adopted.

15. 2019-2020 Snow Removal Assessments from Public Right-of-Way: City Manager recommended the establishment of the final assessments for the 2019-2020 Snow Removal from City Right-of-Way. Upon motion the documents were received and filed, and Resolution No. 237-20 Adopting the Final Assessment Schedule for the 2019-2020 Snow and Ice Removal Assessment in the Public Right-of-Way was adopted.

16. Mediacom Communications Company: Correspondence from Lee Grassley, Senior Manager of Government Relations for Mediacom Communications Company, informing the City of possible programming changes on or about August 1, 2020. Upon motion the documents were received and filed.

17. Signed Contract(s): Amendment to Revocable License for Michael and Maria Steinlage, 1976 Garfield Avenue, to replace a split rail and chain link fence on the public right-of-way; Strand Associates Task Order Change No. 20-02 for the Cedar Street Force

Main Air Vacuum Release Valve Replacement Project. Upon motion the documents were received and filed.

18. Improvement Contracts / Performance, Payment and Maintenance Bonds: Sealmaster Foam d/b/a S&S Builders for the 2020 Asphalt Overlay Ramp Project Three - Sections A&B; SELCO, Inc. for the 2020 Pavement Marking Project. Upon motion the documents were received, filed and approved.

19. Alcohol License Applications: City Manager recommended approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed, and Resolution No. 238-20 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.

BOARDS/COMMISSIONS

Applications were reviewed for the following Boards/Commissions. Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions. Appointments will be made at the next City Council meeting.

1. Cable Television Commission: One, 3-Year term through July 1, 2023 (Vacant term of Hoverman). Applicant: Garrett Heidenreich, 255 Nevada St. Mr. Heidenreich submitted an email in support of his appointment.

2. Catfish Creek Watershed Management Authority: One, 4-Year term through July 17, 2024 (Expiring term of Drahozal). Applicant: Steven Drahozal, 683 W. 11th St.

3. Housing Board of Appeals: One, 3-Year term through January 1, 2023 (Expired term of Young). Applicant: Jeff Lenhart, 1274 Locust St. Mr. Lenhart submitted an email in support of his appointment.

4. Park and Recreation Advisory Commission: Three, 3-Year terms through June 30, 2023 (Expiring terms of Garrett, Kennicker and Kuhle). Applicants: Robert Blocker, 880 Kane St.; Emerald Frommelt, 441 ½ Burch St.; Justin Hochberger, 2740 Muscatine St.; Josh Jorgenson, 3030 Judson Ct.; Robin Kennicker, 2929 Elm St.; Cynthia Nachtman, 1791 Creek Wood Dr.; Jessica Ochoa, 1970 Hale St.; Whitney Sanger, 2250 Clydesdale Ct.; McClain Steffens, 481 W. 15th St. Mr. Kennicker, Ms. Frommelt, Mr. Hochberger, Mr. Jorgenson, Ms. Nachtman, and Ms. Ochoa submitted emails in support of their respective appointment.

5. Resilient Community Advisory Commission: One, 3-Year term through July 1, 2023 (Expiring Cross Representation term of Kennicker). Applicant: Robin Kennicker, 2929 Elm St. (Qualifies if appointed to Parks and Recreation Advisory Commission)

6. Transit Advisory Board: Two, 3-Year terms through July 30, 2023 (Expiring term of Daughters and vacant term of Enderson). Applicants: Robert Daughters, 1631 Jackson St.; Garrett Heidenreich, 255 Nevada St.

PUBLIC HEARINGS

Due to the COVID-19 pandemic and mandates for social distancing, public input was made available through GoToMeeting chat function, City Council and City Clerk email accounts, and the City of Dubuque's Facebook Live page.

1. Request to Rezone from Spiegel Family Realty Company, LLC - Property East of Highway 16 and South of Cycle Club Lane: Proof of publication on notice of public hearing to consider approval of a request from Spiegel Family Realty Company Iowa LLC; Mike Weber, Weber Surveying LLC, to rezone 7.05 Acres and .60 Acres of State property located east of Highway 61 and South of Cycle Club Lane from County R-2 Single-Family Residential to City R-2 Two-Family Residential Zoning District concurrent with annexation to the City of Dubuque, 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. City staff 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. 27-20 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property in conjunction with annexation, located east of the U.S Highway 61 right-of-way and northeast of Cycle Club Lane from County R-2 Single-Family Residential to City R-2 Two-Family Residential. Seconded by Roussell. Motion carried 7-0.

2. Request to Rezone from the City of Dubuque - 8113 Rt. 61: Proof of publication on notice of public hearing to consider a request from City of Dubuque to rezone 1 acre located at 8113 RT 61 from County R-2 Single-Family Residential to City R-2 Two-Family Residential Zoning District concurrent with annexation to the City of Dubuque, and the Zoning Advisory Commission recommending approval. 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 Resnick. Planning Services Wally Wernimont provided a staff report for the City as applicant. Staff stated that no public input had been received regarding this item. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 28-20 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property, in conjunction with annexation, located at 8113 Rt. 61 from County R-2 Single-Family Residential to City R-2 Two-Family Residential. Seconded by Resnick. Motion carried 7-0.

3. Voluntary Annexation Request - Spiegel Family Realty Company, LLC: Proof of publication on notice of public hearing to consider approval of 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, and the City Manager recommended approval. Motion by Resnick to receive and file the documents and adopt Resolution No. 239-20 Approving an application for Voluntary Annexation of Territory to the City of Dubuque, Iowa. Seconded by Lynch. Staff stated that no public input had been received regarding this item. Motion carried 7-0.

4. Voluntary Annexation Request - City of Dubuque: Proof of publication on notice of public hearing to consider approval of 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, and the City Manager recommended approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 240-20 Approving an application for Voluntary Annexation of Territory to the City of Dubuque, Iowa. Seconded by Lynch. Motion carried 7-0.

PUBLIC INPUT

Paul Uzel, 61 N. Algona Street submitted written correspondence primarily related to requesting that the City institute a mandate for wearing masks to prevent the spread of COVID-19.

Staff stated that no other public input was received.

ACTION ITEMS

1. Development Agreement - CARich Properties, LLC for 1706 Central Avenue: City Manager recommended approval of a Development Agreement with CARich Properties, LLC for the redevelopment of 1706 Central Avenue. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 241-20 Approving a Development Agreement between the City of Dubuque, Iowa and CARich Properties, LLC for the redevelopment of 1706 Central Avenue. Seconded by Resnick. Motion carried 7-0.

2. Development Agreement - Conlon Johnson Development, LLC for 220 E. 9th Street: City Manager recommended approval of a Development Agreement with Conlon Johnson Development, LLC for the redevelopment of 220 E. 9th Street. Motion by Jones to receive and file the documents and adopt Resolution No. 242-20 Approving a Development Agreement between the City of Dubuque, Iowa and Conlon Johnson Development, LLC for the redevelopment of 220 E. 9th Street. Seconded by Sprank. Motion carried 7-0.

3. 50% by 2030 Community Climate Action & Resiliency Plan Update: City Manager recommending approval of the 50% by 2030 Community Climate Action & Resiliency Plan Update, as presented on July 13, 2020 by Gina Bell and paleBLUEdot, LLC consultant Ted Redmond. Motion by Resnick to receive and file the documents and adopt Resolution No. 243-20 Approving the 50% by 2030 Community Climate Action and Resiliency Plan. Seconded by Roussell. Motion carried 7-0.

4. Downtown Commercial Building Evaluation and Assessment: City Manager is transmitting the Downtown Commercial Building Evaluation and Assessment completed

by Martin Gardner Architecture. Motion by Lynch to receive and file the documents and listen to the presentation. Bethany Jordan of Martin Gardner Architecture made a brief presentation on the assessment. Motion carried 7-0.

5. Code Ordinances Amendment - Title 7 Legal Age to Purchase Tobacco Products: City Manager recommended approval to amend City Code Ordinance 7-5A-15: Tobacco Products to Underage Persons to increase the legal age to purchase or possess tobacco products to 21 years of age, which will bring the City ordinance in line with the State Code. 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 Jones. Motion carried 7-0.

Motion by Cavanagh for final consideration and passage of Ordinance No. 29-20 Amending City of Dubuque code of Ordinances Title 7 Police, Fire, and Public Safety, chapter 5 Offenses, Article A General Offenses, Section 7-5A-15 Tobacco Products to Underage Persons. Seconded by Jones. Motion carried 7-0.

6. Code of Ordinances Amendment - Title 9 Truck Route for Central Avenue and White Street: City Manager recommended approval of an amendment to the City's Code of Ordinances removing of truck traffic from Central Street and White Street effective December 2022 related to the completion and opening of the Southwest Arterial the first week of September 2020. 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 Resnick. The City Manager Van Milligen responded to questions from the City Council on what is being done to address concerns from north end small businesses once truck traffic is re-routed to the SW Arterial. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 30-20 Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 16 Miscellaneous City Provisions, Division 2 Trucks and/or Machinery, Section 9-16-321.901 Motor Truck Routes. Seconded by Resnick. Motion carried 7-0.

7. Operation New View / HACAP Merger Memorandum of Understanding: City Manager recommended approval of a resolution supporting a memorandum of understanding (MOU) that outlines a merger process between Operation New View and HACAP Community Action Agencies. Motion by Roussell to receive and file the documents and adopt Resolution No. 244-20 Supporting a Memorandum of Understanding (MOU) outlining the merger process between Operation New View and HACAP Community Action Agencies. Seconded by Resnick. Council Member Roussell, and ONV Board Member provided some concluding comments in support of the merger. City ONV Board designee Cori Burbach reviewed agency funding. Motion carried 7-0.

8. Fiscal Year 2021 Arts & Culture Operating Support Grant Funding Levels Recommendation: City Manager recommended City Council concurrence with the recommended recipients and grant amounts of the Fiscal Year 2021 Arts & Culture Operating Support Grants as recommended by the Arts & Cultural Affairs Advisory

Commission. Motion by Cavanagh to receive and file the document and approve the recommendation. Seconded by Sprank. Motion carried 7-0.

9. Community Development Block Grant (CDBG) Agreement with the Dubuque County ISU Extension: City Manager recommended approval of the Purchase of Services Grant Agreement with Dubuque County ISU Extension for part of the Leisure Services Neighborhood Recreation Program. Motion by Resnick to receive and file the documents and adopt Resolution No. 245-20 Authorizing execution of a Community Development Block Grant Agreement with Dubuque County ISU Extension. Seconded by Jones. Motion carried 7-0.

10. Community Development Block Grant (CDBG) Agreement with the Dubuque Visiting Nurse Association (VNA): City Manager recommended approval of the Community Development Block Grant (CDBG) Agreement with the Dubuque Visiting Nurse Association (VNA) to assist with acquisition of real property by long-term lease for expansion of current services. Motion by Resnick to receive and file the documents and adopt Resolution No. 246-20 Authorizing execution of a Community Development Block Grant Agreement with the Dubuque Visiting Nurse Association. Seconded by Lynch. Motion carried 7-0.

11. Community Development Block Grant (CDBG) Agreement with the Northeast Iowa School of Music (NISOM): City Manager recommended approval of the Purchase of Services Grant Agreement with Northeast Iowa School of Music (NISOM) for part of the Neighborhood Recreation Program. Motion by Jones to receive and file the documents and adopt Resolution No. 247-20 Authorizing execution of a Community Development Block Grant Agreement with Northeast Iowa School of Music. Seconded by Cavanagh. Motion carried 7-0.

12. Fiscal Year 2021 Non-Profit Support Grant Agreement for the Dubuque Dream Center: City Manager recommended approval of the Fiscal Year 2021 Non-Profit Support Grant contract for the Dubuque Dream Center, which provides for continuation of the School Connectors Program. Motion by Roussell to receive and file the documents and adopt Resolution No. 248-20 Authorizing execution of a Community Development Block Grant (CDBG CARES Act) Funded non-profit support agreement with Dubuque Dream Center. Seconded by Jones. Motion carried 7-0.

13. Fiscal Year 2021 Non-Profit Support Grant Agreement for the Fountain of Youth: City Manager recommended approval of the Fiscal Year 2021 Non-Profit Support Grant contract for Fountain of Youth that provides for the expansion of the Community in Change and Partners in Change Programs. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 249-20 Authorizing Execution of a Community Development Block Grant (CDBG CARES Act) Funded non-profit support agreement with Fountain of Youth. Seconded by Roussell. Motion carried 7-0.

14. Fiscal Year 2021 Non-Profit Support Grant Agreement with the Riverview Center: City Manager recommended approval of the Fiscal Year 2021 Non-Profit Support Grant contract for Riverview Center that provides funding for the Sexual Assault and Abuse

Crisis Intervention and Response Program. Motion by Roussell to receive and file the documents and adopt Resolution No. 250-20 Authorizing Execution of a Community Development Block Grant (CDBG CARES Act) funded Non-Profit Support Agreement with Riverview Center. Seconded by Sprank. Motion carried 7-0.

15. Fiscal Year 2021 Non-Profit Support Grant Agreement for the St. Mark Youth Enrichment: City Manager recommended approval of the Fiscal Year 2021 Non-Profit Support Grant contract for St. Mark Youth Enrichment that provides for the St. Mark Apples for Students Program. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 251-20 Authorizing Execution of a Community Development Block Grant (CDBG CARES Act) funded non-profit support agreement with St. Mark Youth Enrichment. Seconded by Sprank. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones referenced comments made during the earlier work session in support of a special session of the Council to support a mask mandate related to COVID-19. Mayor Buol stated that he would discuss a posting and publishing timeline with the City Manager, City Attorney and City Clerk.

There being no further business, upon motion Mayor Buol declared the meeting adjourned at 8:34 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

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