

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

The Dubuque City Council met in regular session at 6:30 p.m. on September 21, 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, 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

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: Review of the membership for the Dubuque County Public Health Incident Management Team (IMT); Dubuque County Epi Curve; 14-day trendline of new COVID-19 cases, trendline of past 14-day average COVID-19 test positivity rate; and hospitalizations in Dubuque County; positive cases – rolling 7-day average; positive cases by age group; individuals tested, positive, recovered, and deaths for Iowa; Localities red zones and yellow zone alerts; Event Risk Assessment Planning Tool; review of how COVID-19 spreads; weekly totals of Dubuque County residents tested; and IMT ongoing updates and communication. Ms. Corrigan responded to questions from the City Council following her presentation.

PROCLAMATION(S)

1. Bike-to-Work Day/Week (September 21-27, 2020) was accepted by Acting Transportation Services Director Russ Stecklein.

2. Fire Prevention Week (October 4-20, 2020) was accepted by Fire Chief Rick Steines.

CONSENT ITEMS

Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Jones. Nicole Weber, 535 S. Grandview Avenue,

requested Item #20 be held for separate discussion. Motion carried 7-0. Staff stated that no other public input was received related to the Consent Items.

1. Minutes and Reports Submitted: City Council proceedings of 9/8; Historic Preservation Commission of 8/20; Zoning Advisory Commission of 9/2; Zoning Board of Adjustment of 8/27, 9/4. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Lisa Kramer for vehicle damage, Steven Mai for property damage / personal injury. 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: Lisa Kramer for vehicle damage, and Steven Mai for personal injury / 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. 287-20 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. Final Plat of Cedar Ridge Farm Place No. 17: Zoning Advisory Commission recommending approval of the Final Plat of Cedar Ridge Farm Place No. 17 subject to waiving the lot frontage requirement for Lot 1 and Lot 2. Upon motion the documents were received and filed, and Resolution No. 288-20 Approving the Final Plat of Cedar Ridge Farm Place No. 17, City of Dubuque, Dubuque County, Iowa was adopted.

6. Final Plat of Derby Grange Subdivision No. 5: Zoning Advisory Commission recommending approval of the Final Plat of Derby Grange Subdivision No. 5. Upon motion the documents were received and filed, and Resolution No. 289-20 Approving the Final Plat of Survey for Derby Grange Subdivision No. 5, Dubuque County, Iowa was adopted.

7. Pre-Annexation Agreement - Derby Grange Subdivision, Ronald J & Mary E Breitbach: City Manager recommending approval of a Pre-Annexation Agreement with Ronald J. and Mary E. Breitbach in conjunction with a request for approval of the Plat of Survey for 14.5 acres located at Lot 2 in Derby Grange No. 2 and Lot B Derby Grange No. 3. Upon motion the documents were received and filed, and Resolution No. 290-20 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Ronald J. and Mary E. Breitbach was adopted.

8. Acceptance of the University Avenue and Grandview Avenue Intersection Improvement Project: City Manager recommending acceptance of the improvements for the University Avenue and North Grandview Avenue Roundabout Intersection Improvement Project, as completed by Eastern Iowa Excavating and Concrete, LLC. Upon motion the documents were received and filed, and Resolution No. 291-20

Accepting the University Avenue and North Grandview Avenue Roundabout intersection Improvement Project and authorizing the payment to the contractor was adopted.

9. Montana House, LLC - First Amendment to Grant Agreement for 245 W. 1st Street: City Manager recommending approval of a First Amendment to Grant Agreement between the City of Dubuque and Montana House, LLC to redevelop property at 245 W. 1st Street. Upon motion the documents were received and filed, and Resolution No. 292A-20 Approving the First Amendment to Grant Agreement between the City of Dubuque, Iowa and Montana House, LLC was adopted.

10. 2021 Dubuque County Law Enforcement Task Force Grant, Subrecipient Funds: City Manager recommending acceptance of the 2021 Dubuque County Law Enforcement Task Force Grant, with the City of Dubuque as a subrecipient which will provide partial funding for one Dubuque Drug Task Force narcotics investigator. Upon motion the documents were received, filed and approved.

11. 2021 Iowa Governor's Traffic Safety Bureau (GTSB) Grant Funds: City Manager recommending acceptance of the 2021 Iowa Department of Public Safety, Governor's Traffic Safety Bureau Grant funds in the amount of \$34,350 to be used to support traffic related overtime enforcement, training related travel and equipment, to include three preliminary breath test intoximeters. Upon motion the documents were received, filed and approved.

12. Cottingham & Butler Insurance Services, Inc. - Close Out of Business Assistance Contract 15-DF-034: City Manager submitting documents informing the City that the terms of a Business Assistance Contract from the Iowa Economic Development Authority to Cottingham & Butler Insurance Services, Inc. have been satisfied, and the contract has been closed out by the State. Upon motion the documents were received and filed.

13. Fiscal Year 2020 Street Finance Report: City Manager recommending approval of the City of Dubuque's Fiscal Year 2020 City Street Financing Report and authorize filing with the Iowa Department of Transportation. Upon motion the documents were received and filed, and Resolution No. 292-20 Approving the City of Dubuque Fiscal Year 2020 City Street Financing Report was adopted.

14. Authorizing Resolution Naming Acting Director as FTA and IDOT Active Delegate of Transportation Services: City Manager recommending approval of resolutions appointing Acting Director of Transportation Services Russell Stecklein as an active delegate to make decisions with the FTA and IDOT on behalf of the City of Dubuque. Upon motion the documents were received and filed, and Resolution No. 293-20 Authorizing the Director of Transportation Services file applications with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance authorized by 49 U.S.C. Chapter 53 Title 23 United States Code and other Federal statutes administered by the Federal Transit Administration; and Resolution No. 294-20 Authorizing the Director of Transportation Services file applications with the Iowa Department of Transportation – Office of Public Transit were adopted.

15. Awarding Snow Removal and Ice Control Requests for Bids for 2020 and 2022: City Manager recommending approval to award the winning bids for snow removal for the City's sidewalks, ramps and surface lots that are managed by the Parking Division to Skyline Construction, TriState Paving Services, and Dan Arensdorf Construction, Inc. Upon motion the documents were received, filed and approved.

16. Proposed License Agreement between City of Dubuque and ImOn Communications, LLC: City Manager recommending approval of a License Agreement with ImOn Communications to co-locate critical City technology infrastructure at the ImOn Communication Network Operations Center. Upon motion the documents were received, filed and approved.

17. Proposed Amendments to Master Co-location and Shared Services Agreement Between the City of Dubuque and Unite Private Network: City Manager recommending approval of four amendments to an existing Master Co-Location and Shared Services Agreement with Unite Private Network. Upon motion the documents were received, filed and approved.

18. GARE Innovation and Implementation Fund Arts and Culture Grant Application: City Manager recommending acceptance of a grant application submitted on July 19, 2020, to the Government Alliance on Race & Equity (GARE) Innovation and Implementation Fund Arts and Culture Grant program to support planning and outreach related to the Dubuque Renaissance Project. Upon motion the documents were received, filed and approved.

19. Letter of Recommendation for 2020 Coronavirus Relief Fund Future Ready Iowa Employer Innovation Fund Grant for Four Mounds: City Manager submitting a Letter of Recommendation in support of Four Mounds as a potential recipient of the 2020 Coronavirus Relief Fund Future Ready Iowa Employer Innovation Fund Grant. Upon motion the documents were received, filed and approved.

20. Citizen Petition – UnmaskDBQ: Citizen Petition from UnmaskDBQ requesting immediate termination of the mask mandate [Face Covering Ordinance]. Motion by Resnick to receive and file the documents. Seconded by Jones. Nicole Weber, 535 S. Grandview Avenue, and representing UnmaskDBQ, read from a prepared statement in opposition to the City's COVID-19 Face Covering Ordinance claiming it to be unlawful and unenforceable. Motion carried 7-0.

21. Signed Contract: 2020 Usage Agreement Revision with Clarke University for Veterans Memorial Park. Upon motion the documents were received and filed.

22. Improvement Contracts / Performance, Payment and Maintenance Bonds: Sealmaster Foam, LLC, d/b/a S&S Builders for the 2020 Asphalt Overlay Ramp Project 3B. Upon motion the documents were received, filed and approved.

23. 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. 295-20 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. 296-20 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code Chapter 453A.47A were adopted.

ITEMS SET FOR PUBLIC HEARING

Motion by Lynch 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. Gardens of Dubuque, LLC Development Agreement: City Manager recommending that the City Council schedule a public hearing for September 28, 2020 regarding a Development Agreement with Gardens of Dubuque, LLC for development of property located at 1895 Radford Road. Upon motion the documents were received and filed and Resolution No. 297-20 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on a Development Agreement by and between the City of Dubuque, Iowa and Gardens of Dubuque, LLC including the proposed issuance of Urban Renewal Tax Increment Revenue Obligations relating thereto and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on September 28, 2020 in the Historic Federal Building.

2. Intent to Dispose of Property at 2320 Jackson Street: City Manager recommending that the City Council set a public hearing for October 5, 2020, for the purpose of disposing of City-owned real property located at 2320 Jackson Street to Michael R. Taylor. Upon motion the documents were received and filed and Resolution No. 298-20 Intent to dispose of an interest in City of Dubuque real estate to Michael R. Taylor, setting a time and place for hearing, and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 5, 2020 in the Historic Federal Building.

3. Dubuque Water Supply Well Repair and Rehabilitation Project 2020: City Manager recommending initiation of the bidding procedure for the Dubuque Water Supply Well Repair and Rehabilitation Project, and further recommends that a public hearing be set for October 5, 2020. Upon motion the documents were received and filed and Resolution No. 299-20 Preliminary Approval of plans, specifications, form of contract, and estimated cost; setting date of public hearing on plans, specifications, form of contract, and estimated cost; and ordering the advertisement for bids was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on October 5, 2020 in the Historic Federal Building.

[Due to the ongoing COVID-19 pandemic, the City Council will meet virtually through GoToMeeting. The official agenda will be posted on Friday prior to the meeting and will contain listening, viewing, and public input options. The City Council agenda can be accessed at <https://cityofdubuque.novusagenda.com/AgendaPublic/> or by contacting the City Clerk's Office at 563-589-4100, ctyclerk@cityofdubuque.org.]

BOARDS/COMMISSIONS

Boards and Commission Applicant Review: The applicant was invited to address the City Council regarding her desire to serve on the following Boards/Commissions.

1. Airport Commission: One, 4-Year term through September 14, 2024 (Expired term of Clemenson). Applicant: Sue Clemenson, 2469 Hacienda Dr.

Boards and Commission Appointments: Appointments were made to the following commissions.

2. Cable Television Commission: One, 3-Year term through July 1, 2023 (Vacant term of Tigges). Applicant: Ronald Tigges, 4927 Wild Flower Dr. Motion by Cavanagh to appoint Ron Tigges to the 3-year term. Seconded by Rousell. Motion carried 7-0.

3. Resilient Community Advisory Commission: One, 3-Year term through July 1, 2025 (Vacant term of Specht). Applicants: Nicole Breitbach, 275 Fremont Ave.; Jade Romagna, 998 June Dr.; Whitney Sanger, 2250 Clydesdale Ct. Upon roll-call vote, Whitney Sanger was appointed to the 3-year term. Breitbach = 1 (Rousell); Romagna = -0-; Sanger = Sprank, Cavanagh, Lynch, Buol, Resnick, and Jones.

PUBLIC HEARINGS

1. Grant of Easement to BVM-PHS Senior Housing, Inc.: Proof of publication on notice of public hearing to consider granting a private sanitary sewer easement across City-owned property along Julien Dubuque Drive to BVM-PHS Senior Housing, Inc. as part of the Mt. Carmel Campus improvements project, and the City Manager recommending approval. Motion by Lynch to receive and file the documents and adopt Resolution No. 300-20 Granting Easement for sanitary sewer utility to BVM PHS Senior Housing, Inc. across part of Lot 1-2-1 of the NW Fractional Quarter of the NE Quarter and part of Lot 2-1 of the NE Fractional Quarter of the NW Quarter, Section 6, T88N, R3E lying north of Julien Dubuque Drive, Dubuque County, Iowa; and Resolution No. 301-20 Disposing of City interest by Grant of Easement for Sanitary Sewer Utility to BVM-PHS Senior Housing, Inc. across part of Lot 1-2-1 of the NW Fractional Quarter of the NE quarter and part of Lot 2-1 of the NE Fractional Quarter of the NW Quarter, Section 6, T88N, R3E, lying north of Julien Dubuque Drive, Dubuque County, Iowa. Seconded by Sprank. Staff stated that no public input was received regarding this public hearing. Motion carried 7-0.

2. Cancer Survivor Park Lease with Finley Hospital: Proof of publication on notice of public hearing to consider disposal of City-owned real property by Lease Agreement with The Finley Hospital for Cancer Survivor Park at W. 3rd Street and College Street, and the City Manager recommending approval. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 302-20 Disposing of an interest in real property by Lease Agreement with the Finley Hospital. Seconded by Resnick. Staff stated that no public input was received regarding this public hearing. Motion carried 7-0.

3. Fiscal Year 2021 First Budget Amendment: Proof of publication on notice of public hearing to consider approval the first Fiscal Year 2021 Budget Amendment, and the City

Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 303-20 Amending the current budget for the Fiscal Year ending June 3, 2021. Seconded by Roussell. Staff stated that no public input had been received regarding this public hearing. Motion carried 7-0.

PUBLIC INPUT

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. Staff stated that no online public input was received.

ACTION ITEMS

1. Code of Ordinances Amendments - Title 14 Emergency Escape and Rescue Openings - Third Reading: City Manager recommending approval of amendments to the City of Dubuque Code of Ordinances - Building Code for emergency escape and rescue openings. Housing and Community Development Director showed and narrated a brief video illustrating firefighters and residents escaping through several styles of window openings. Motion by Jones to receive and file the documents and adopt Ordinance No. 33-20 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article J Property Maintenance Code, Section 14-1J-2 International Property Maintenance Code Amendments; Ordinance No. 34-20 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article B Residential Code, Sections 14-1B-1 International Residential Code Adopted and 14-1B-2 International Residential Code Amendments; Ordinance No. 35-20 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1, Building Codes, Article J, Property Maintenance Code Section 14-1J-2 International Property Maintenance Code Amendments; and Ordinance No. 36-20 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1, Building Code. Seconded by Cavanagh. Ms. Steger referenced the additional clarifying text added to each ordinance. City Manager Van Milligen reiterated the information from his memo and referenced correspondence received from Tom Smith, 2490 Clarke Crest Dr.; and Jerry Maro, 10366 Timothy St., and Ms. Steger's response to both gentlemen. Motion carried 7-0.

2. Proposed Amendment to City Ordinance for Emergency Escape & Rescue Openings - Fire Code Update: City Manager recommending that City Council pass the proposed ordinance for the Fire Code on the first reading and waive the second and third reading to match the publication date of all other Building Code updates. 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. 37-20 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article E Fire Code and Regulations, Section 14-1E-1 International Fire Code Adopted and 14-1E-2 International Fire Code Amendments. Seconded by Jones. Motion carried 7-0.

3. Five Flags Parking Ramp Proposed Temporary Monthly Fee Adjustment: City Manager recommending approval of a temporary adjustment for the monthly fees charged at the Five Flags Parking Ramp. Motion by Roussell to receive and file the documents and adopt Resolution No. 304-20 Authorizing the City Manager to adjust the fees and charges for the parking of motor vehicles in Municipal Parking Ramps. Seconded by Resnick. Responding to questions from the City Council, City Manager Van Milligen stated that a change in future plans for downtown parking are reliant on current development agreements and the impact of the COVID-19 pandemic on businesses. Motion carried 7-0.

4. Request for Work Session - Monthly COVID-19 Update: City Manager requesting that the City Council schedule the monthly COVID-19 Response and Recovery work session for 5:00 p.m. on Monday, October 5, 2020. Motion by Lynch to receive and file the documents and set the work session as recommended. Seconded by Resnick. No schedule conflicts were expressed. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Roussell reported on the success of the Iowa League of Cities' annual conference conducted virtually, and on attending the Presentation Lantern Center's webinar related to helping immigrants throughout the County.

Council Member Cavanagh echoed Ms. Roussell's comments and added that ILC conference presenter from Storm Lake, Iowa, had excellent ideas from their community.

Mayor Buol reminded the community to social distance, wear masks, wash hands, and stay healthy.

There being no further business, Mayor Buol declared the meeting adjourned at 8:41 p.m.

/s/Kevin S. Firnstahl, CMC
City Clerk

1t 9/30