

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

The Dubuque City Council met in special session at 5:00 p.m. on August 2, 2021, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Cavanagh, Farber, Jones, 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 the 2021-2023 Equity Plan Projects update.

**WORK SESSION
2021-2023 Equity Plan Projects update**

Kelly Larson, Human Rights Director; Collins Eboh, Organizational Equity Coordinator; Mark Dalsing, Chief of Police; Rick Steines, Fire Chief; Chris Kohlmann, Information Services Manager; Dave Lyons, Sustainable Innovation Consultant with Greater Dubuque Development Corporation; and Jill Connors, Economic Development Director presented updates on the status of several projects that are part of the 2021-2023 City of Dubuque Equity Plan. Topics included:

- Equity Impact Questions
- Dubuque Community Police Relations Committee
- School Resource Officer Work Group
- Development of Equity Metrics
- Housing Credit Repair
- Housing Choice for Housing Choice Voucher (HCV) Recipients
- Fair Housing Enforcement
- Municipal Careers Pipeline
- Equitable Fine and Fee Reform
- Potential Strategies for Advancing Equity
- Re-imagining Policing
- Fire Department Training in Critical Incident Response
- Digital Equity
- Targeted Small Businesses

Ms. Larson responded to questions from the City Council following the presentation. City Manager Van Milligen stated that the data analyst position in the recently established Office of Shared Prosperity and the release of census data in the next few months will both provide valuable data for equity projects.

There being no further business, Mayor Buol declared the meeting adjourned at 6:29 p.m.

/s/Adrienne N. Breitfelder
City Clerk

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

The Dubuque City Council met in regular session at 6:30 p.m. on August 2, 2021, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Buol; Council Members Cavanagh, Farber, Jones, 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. Iowa City/County Managers Association (IaCMA) 2021 Emerging Leader Award Presentation: Dylan Mulfinger, City Administrator for the City of Oelwein, presented Assistant City Manager Cori Burbach with the Iowa City/County Managers Association (IaCMA) 2021 Emerging Leader Award.

2. 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.

PROCLAMATION(S)

1. Miracle League of Dubuque Day Proclamation (August 10, 2021) was accepted by Merlin Santjer on behalf of Miracle League of Dubuque.

CONSENT ITEMS

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

1. Minutes and Reports Submitted: City Council proceedings of 7/19; Arts and Cultural Affairs Advisory Commission of 6/22 and 7/13; Five Flags Civic Center Advisory Commission of 5/3; Historic Preservation Commission of 6/17 and 7/15; Proof of Publication for City Council Proceedings of 7/6. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Jennifer Avery for vehicle damage; Masud Hamid for personal injury; Mark and Diane Link 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: Jennifer Avery for vehicle damage; Mark and Diane Link for property damage. Upon motion the documents were received, filed, and concurred.

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. 261-21 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. Resolution Approving Fund Transfers for Capital Projects and Other Expense Reimbursements in Fiscal Year 2021 – Period 13: City Manager recommended approval of the suggested proceedings approving a transfer of funds for capital projects and other expense reimbursements. Upon motion the documents were received and filed, and Resolution No. 262-21 Authorizing the Director of Finance and Budget to make the appropriate interfund transfers of sums and record the same in the appropriate manner for the FY 2021 for the City of Dubuque, Iowa was adopted.

6. Proceedings to Complete Action on Issuance of \$3,505,000 Water Revenue Refunding Bonds, Series 2021C: City Manager recommended approval of the suggested proceedings to complete the action required on the recent Series 2021C Water Revenue Refunding Bonds Upon motion the documents were received and filed, and Resolution No.263-21 Appointing UMB Bank, N.A. of West Des Moines, Iowa, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing the execution of the agreement/ and Resolution No. 264-21 A Series Resolution authorizing and providing for the issuance and securing the payment of \$3,505,000 Water Revenue Refunding Bonds, Series 2021C, of the City of Dubuque, State of Iowa, under the provisions of the City Code of Iowa, and providing for a method of payment of the bonds were adopted.

7. Transmission of Art on the River Opening Reception Programming Details: City Manager transmitted information related to the opening reception for the Art on the River exhibition to be held on Friday, August 6 from 5:00 to 7:00 p.m. Upon motion the documents were received and filed.

8. Iowa State Fire Marshal Fireworks Grant Program Intent to Apply: City Manager recommended approval to apply for the annual fireworks grant program from the Iowa State Fire Marshal in the amount of \$57,000. Upon motion the documents were received, filed and approved.

9. Radio Dubuque and Dubuque Jaycees 2022 Fireworks Request: Correspondence from Perry Mason, General Manager for Radio Dubuque, and the Dubuque Jaycees requesting approval to conduct a fireworks display on Sunday, July 3, 2022 from 9:00 p.m. to 10:30 p.m. on Volunteer Road between Hawthorne Street and Lime street in conjunction with the closure of indicated streets and A.Y. McDonald Park as part of a

special events request. The rain date is Monday, July 4, 2022. Upon motion the documents were received, filed and approved.

10. Pre-Annexation Agreement - Katherine A. Kalb Trust: City Manager recommending approval of a Pre-Annexation Agreement with the Katherine A. Kalb Trust for property located at 9620 Monticello Drive in Dubuque County, in conjunction with their request to connect to City water. Upon motion the documents were received and filed, and Resolution No. 265-21 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Katherine A. Kalb Trust was adopted.

11. Dubuque Racing Association Depreciation and Improvement Fund Expenditure Request for Replacement of South Entrance Concrete: City Manager recommended approval to spend \$15,269 from the Depreciation and Improvement Fund to be used to replace the sidewalks at the casino south entrance due to settling. Upon motion the documents were received, filed and approved.

12. Notice of Award and Approval to Execute Agreement for City of Dubuque AmeriCorps Program: Partners in Learning: City Manager recommended approval for the City Manager to execute the AmeriCorps Partners in Learning Grant 21-AC-10. Upon motion the documents were received, filed and approved.

13. Grass and Weed Cutting and Garbage Collection Assessments: City Manager recommended adoption of a resolution authorizing the City Clerk to certify grass and weed cutting and garbage collection charges to the Dubuque County Treasurer in order to establish real property liens for collection of such charges. Upon motion the documents were received and filed, and Resolution No. 266-21 Authorizing the city to collect delinquent grass and weed cutting and garbage collection charges in accordance with Title 6-4-3A and Title 6-8-2 of the Code of Ordinances of the City of Dubuque, Iowa was adopted.

14. Signed Contract(s): 2021 Docking Agreement with American Cruise Lines; Facility Use Agreement with Boys' and Girls' Club of Greater Dubuque; Amendment No. 1 to Professional Services Agreement with Origin Design Co. for the South Port Flood Control Levee Repair Project; Fifth Amendment to Facility Management Agreement with Platinum Hospitality Group, LLC. Upon motion the documents were received and filed.

15. Improvement Contracts / Performance, Payment and Maintenance Bonds: Reed Construction for the Fire Station 6 External Stairwell Addition Project. Upon motion the documents were received, filed and approved.

16. Multicultural Family Center Sidewalk Replacement Project: (CIP 2602833, 3602742, 3001425, 3002142): City Manager recommended acceptance of the construction contract for the Multicultural Family Center Sidewalk Replacement Project, as completed by McDermott Excavating, in the final amount of \$73,963.76. Upon motion the documents were received and filed, and Resolution No. 267-21 Accepting the

Multicultural Family Center Sidewalk Replacement Project and authorizing the final payment to the contractor was adopted.

17. Bee Branch Railroad Culvert Trail Project: CIP# 3401654, PROJECT# 4X0039; CIP#7201654, PROJECT# 8X0144: City Manager recommended award of the construction contract for the Bee Branch Railroad Culvert Trail Project to the low bidder, Tricon General Construction, Inc., in the amount of \$444,735, which is 0.75% below the engineer's estimate. Upon motion the documents were received and filed, and Resolution No. 268-21 Awarding the Public Improvement Contract for the Bee Branch Railroad Culvert Trail Project was adopted.

18. Asbury Road Fiber Optic Collaboration Project Phase 1 - CIP 1002871: City Manager recommended acceptance of the construction contract for the Asbury Road Fiber Optic Collaboration Project Phase I, as completed by Utility Service Contractors, in the final contract amount of \$79,145.14. Upon motion the documents were received and filed, and Resolution No. 269-21 Accepting the Asbury Road Fiber Optic Collaboration Project Phase I and authorizing the payment to the contractor was adopted.

19. Asbury Road Fiber Optic Collaboration Project Phase 2 - CIP 1002871: City Manager recommended acceptance of the construction contract for the Asbury Road Fiber Optic Collaboration Project Phase 2, as completed by TD&I Cable Management, in the contract amount of \$198,549.65. Upon motion the documents were received and filed, and Resolution No. 270-21 Accepting the Asbury Road Fiber Optic Collaboration – Phase 2 Project, and authorizing the payment to the contractor was adopted.

20. Asbury Road Fiber Optic Collaboration Project Phase 3 - CIP 1002871: City Manager recommended acceptance of the construction contract for the Asbury Road Fiber Optic Collaboration Project Phase 3, as completed by Utility Service Contractors, in the contract amount of \$29,530.42. Upon motion the documents were received and filed, and Resolution No. 271-21 Accepting the Asbury Road Fiber Optic Collaboration – Phase 3 Project and authorizing the payment to the contractor was adopted.

21. Chaplain Schmitt Island Fiber Collaboration Project - CIP 1002871: City Manager recommended acceptance of the construction contract for the Chaplain Schmitt Island Fiber Collaboration Phase, as completed by Utility Service Contractors, in the contract amount of \$143,412. Upon motion the documents were received and filed, and Resolution No. 272-21 Accepting the Chaplain Schmitt Island Fiber Collaboration Project and authorizing the payment to the contractor was adopted.

22. Kaufmann Avenue Storm Sewer Improvement Project from Francis Street to North Main Street (CIP 2642769, PROJECT 1X0006, CIP 2642769, PROJECT 1X0005 and CIP 64042735): City Manager recommended acceptance of the public improvement contract for the Kaufmann Avenue Storm Sewer Improvement Project from Francis Street to North Main Street, as completed by Portzen Construction, Inc., in the contract amount of \$1,739,281.62, which is a 2.14% decrease from the original contract amount of \$1,777,262.50. Upon motion the documents were received and filed, and Resolution No.

273-21 Accepting the Kaufmann Avenue Storm Sewer Improvement Project from Francis Street to North Main Street and authorizing the final payment to the contractor was adopted.

23. 2021 Stumps / Sidewalk Project One: City Manager recommended that the award for the 2021 Stumps/Sidewalk Project One be officially recorded in the minutes of the City Council. Upon motion the documents were received, filed and made a Matter of Record.

24. Liquor License Renewals: City Manager recommended approval of annual beer, liquor and wine licenses as submitted. Upon motion the documents were received and filed, and Resolution No. 274-21 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 and Commissions. Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

i. Historic Preservation Commission: One, 3-Year term through July 1, 2024 (Vacant term of Klavitter. Previously appointed applicant, John Link, is no longer able to serve the term.)* Applicant: Tim Gau, 2529 Windsor Ave. This commission is subject to the State of Iowa Gender Balance Law. 9 Commissioners total; currently 4 males/2 females/3 openings. *Opening was advertised for 90 days while non-male identifying applicants were sought in adherence with Iowa Code 69.16A Gender Balance. Additional openings on the commission are being advertised for 90 days while non-male identifying applicants are sought in adherence with Iowa Code 69.16A Gender Balance.

ii. Housing Commission: Three, 3-Year terms through August 17, 2024 (Expiring terms of Dalton, Weitz and Wooden). Applicants: Hilary Dalton, 1629 Washington St.; Gail Weitz, 1630 Lori Ct.; Sam Wooden, 1135 Rosedale Ave. Mr. Wooden spoke in support of his appointment and provided a brief biography.

iii. Housing Trust Fund Advisory Committee: One, 3-Year term through August 17, 2024 (Expiring term of Becwar) Applicant: Michelle Becwar, 2115 Coates St.

PUBLIC HEARINGS

1. Simmons Pet Food, Inc.: Subordination of Consent Rights Under Development Agreement, Payment Direction and Estoppel Certificate: Proof of publication on notice of public hearing to consider City Council approval of the subordination of Consent Rights under the Development Agreement with Simmons Pet Food, Inc., and City Manager recommended approval. Motion by Jones to receive and file the documents and adopt

Resolution No. 275-21 Disposing of an interest in real property by Subordination of Consent Rights under Development Agreement, Payment Direction and Estoppel Certificate with Simmons Pet Foods, Inc. Seconded by Cavanagh. Motion carried 7-0.

2. Orchard Drive, Cider Ridge and Jonathan Drive Water Main Project 2021 Public Hearing: Proof of publication on notice of public hearing to consider City Council approval of the plans, specifications, form of contract and estimated cost of \$429,065 for Orchard Drive, Cedar Ridge and Jonathan Drive Water Main Project 2021, and City Manager recommended approval. Motion by Roussell to receive and file the documents and adopt Resolution No. 276-21 Approval of plans, specifications, form of contract, and estimated cost for the Orchard Drive, Cider Ridge, and Jonathan Dr. Water Main Project. Seconded by Sprank. Motion carried 7-0.

ACTION ITEMS

1. Request to Rezone Lot D of Rustic Point Estates (End of Lasso Court) - Quasi-Judicial Rezoning Request (Second Reading): Second reading of a proposed ordinance for City Council approval of a request from Buesing and Associates, Inc. to rezone property located at Lot D of Rustic Point Estates (End of Lasso Court) from R-1 Single-Family Residential to PUD Planned Unit Development with a PR Planned Residential designation to accommodate a 35-unit single-family residential development, and Zoning Advisory Commission recommended approval. City Manager transmitted information on the floor plans and renderings of the proposed building for the Vintage Estates of Dubuque. 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 Manager Wally Wernimont stated that the planning department did not receive a lot of public comment after the first reading of the proposed ordinance and summarized the quasi-judicial re-zoning process. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 28-21 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, rezoning a portion of Lot D Rustic Point Estates Subdivision from R-1 Single Family Residential District to PUD Planned Unit Development with a PR Planned Residential Designation for the Vintage Estates of Dubuque Development. Seconded by Resnick. Motion carried 7-0.

2. Fiscal Year 2022 Arts & Culture Operating Support Grant Funding Recommendation: City Manager recommended City Council approval to fund nineteen arts and culture organizations through the Arts & Culture Operating Support Grants for Fiscal Year 2022. Motion by Roussell to receive and file the documents and approve the recommendation. Seconded by Farber. Motion carried 7-0.

3. Updated Fiscal Year 2022 Dollars & Cents Public Information Brochure: City Manager provided a copy of the updated Fiscal Year 2022 Dollars & Cents public information brochure. Motion by Cavanagh to receive and file the documents. Seconded

by Sprank. City Manager Van Milligen summarized the updates to the brochure. Motion carried 7-0.

4. Request for Work Session: Imagine Dubuque Update: City Manager requested the City Council schedule a work session on Monday, August 9, 2021, at 6:30 p.m. for an update on the Imagine Dubuque Comprehensive Plan. Motion by Jones to receive and file the documents and schedule the work session as recommended. Seconded by Resnick. Council Members Cavanagh and Roussell stated they are unable to attend. Motion carried 7-0.

5. Request for Work Session: Project Hope Quarterly Update: City Attorney requested the City Council schedule a work session for Monday, September 20, 2021, at 5:00 p.m. for the quarterly update on Project Hope. Motion by Roussell to receive and file the documents and schedule the work session as recommended. Seconded by Farber. Mayor Buol stated that he may not be able to attend. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Jones reported on attending a recent meeting with residents of the Table Mound mobile home park. Mr. Jones stated that state lawmakers attended the meeting and discussed potential bi-partisan legislation, and that former Dubuque City Council Member Brett Shaw was also in attendance.

Council Member Sprank reported that he also attended the meeting with Table Mound residents. Mr. Sprank stated that federal CARES Act funds could potentially offer financial assistance for the residents. Mr. Sprank also reported that National Night Out is taking place on August 3rd in Comiskey Park.

Council Member Resnick reported on recently attending a Music in the Gardens event at the Dubuque Arboretum. Mr. Resnick stated that the event was well attended.

There being no further business, Mayor Buol declared the meeting adjourned at 7:43 p.m.

/s/Adrienne N. Breitfelder
City Clerk

1t 8/11