

MINUTES

CALL TO ORDER – ROLL CALL

PRESENT Mayor Jeff Jacque, Council Member Jim Gibbs, Council Member Jenni Ostwinkle Silva, Council Member Mike English, Council Member Mike Oberbroeckling, Council Member Tom Westhoff

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion made by Council Member English to approve Monday, August 7, 2023 agenda as presented
Seconded by Council Member Ostwinkle Silva.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

ORAL COMMENTS

Joe Ertl, 507 13th Avenue SE, why are we changing our laws? I am told it is because we cannot discriminate on how people dress. I do not care how people dress. Can you name someone that has been discriminated against for how they dressed or why do we need to change our laws. Why do drag queens want to read to children? The city council should have three readings on the ordinance so people have an opportunity to speak. He asks St. Michael to pray for our children.

Nick Kuennen, 304 E Bridge St, Elkader, reference from the Bible Luke 17: 1-3 and he is very concerned about this. Shared with council because they now have to make a decision on the safety of our youth. He has two children and concerned has heck about this. God has reserved a spot in hell for everybody. It is our choices that will determine if we end up there.

Zachary Lujan, PO Box 494, Manchester, doctor in Delaware County, no reason to scandalize the youth. We have to protect our youth at all costs. We have no idea what kind of flood gates will open if we change the law. ACLU has no power or authority. They are bullying with deep pockets. Pray the council makes the right decision and think about the kids.

APPROVAL OF CONSENT AGENDA

Motion made by Council Member Oberbroeckling to approve the Consent Agenda as amended Seconded by Council Member Gibbs with pulling invoice in the amount of \$100.00 to Judy Wilhelm.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

1. Approve Bills; 2. Approve Minutes City Council Meeting - July 17, 2023; **3. Class C Beer Permit (BC)** Sundstop II; **4. Fireworks Permit** Dyersville Golf & Country Club (Steve Salter) - August 21, 2023; **5. Request** from Timothy Wilhelm of Classic Revival Auto Restorations to close off 2nd St NE in front of Textile Brewery and 2nd Ave NE in front of the Fuse, and also closing off the parking lot East of Textile Brewery for a Car Show on Saturday, September 23, 2023 from 11:00 am - 4:00 pm.; **6. Request** from Brown's Hometown Victory Foundation to hold a "Dinner on the Bridge" event Wednesday, September 13, 2023 on the David Vorwald Memorial Bridge from 6 pm to 9 pm.; **7. Miscellaneous Correspondence** Request from the City Clerk to move the regularly scheduled Council Meeting on Labor Day, Monday, September 4, 2023 to Tuesday, September 5, 2023 at 6:00 pm.; **8. Miscellaneous Correspondence** Greater Dubuque Development Corporation Newsletter - July 2023; **9. Miscellaneous Correspondence** ECIA Spotlight - July 2023; **10. Miscellaneous Correspondence** Keep Iowa Beautiful Newsletter - July 2023

Access Systems	Contract	\$ 139.74
Ace Homeworks	Supplies	\$ 433.84
Alliant Energy	Electricity	\$ 16,912.93

American Legion Post 137	Renovation	\$ 14,718.91
Automatic Systems Co	Supplies	\$ 14,270.00
Bard Materials	Rock/Lime/Sand/Concrete	\$ 168.67
Bi-County Disposal Inc	Garbage / Recycling	\$ 26,376.65
Breier, Christina	Refunds	\$ 75.00
BSN Sports/Collegiate Pacific	Supplies	\$ 5,199.99
Capital Sanitary Supply	Supplies	\$ 675.20
Carquest Auto Parts	Supplies	\$ 79.42
ChargePoint	Renewal	\$ 690.00
Clemen, Tammy	Refund	\$ 100.00
Computer Doctors Inc	Computer Work	\$ 343.00
Crescent Electric Supply	Supplies	\$ 7,108.90
Diamond Vogel	Supplies	\$ 915.00
Dolphin, Neil	Reimbursement	\$ 300.00
Dubuque Fire Equipment Inc	Inspection	\$ 251.00
Dyersville Area Historical Society	Funding	\$ 3,000.00
Dyersville Commercial	Legal Notices/Ads	\$ 210.12
Dyersville Red Jackets	Supplies	\$ 22.31
Eagle Point Energy 5	Solar Energy	\$ 3,847.51
East Central Intergovernmental Assn	Professional Services	\$ 3,330.45
Farmers Shipping Assn	Supplies	\$ 600.00
Fire Service Training Bureau	Training	\$ 450.00
Giant Wash	Uniforms/Floor Mats	\$ 210.74
Hawkeye Alarm & Signal Company	Contracted Service	\$ 300.00
Hawkins Water Treatment	Supplies	\$ 2,447.98
Hefel Portable Services LLC	Contracted Service	\$ 3,547.00
Honkomp, Jeremy	Reimbursement	\$ 77.25
Imon Communications LLC	Fiber Optic Internet	\$ 1,005.00
Iowa Base Inc	Supplies	\$ 4,809.00
Iowa Dept of Natural Resources	Annual Fee	\$ 1,275.00
Iowa One Call	One Call Locates	\$ 116.10
J & J Lawn Care	Mowing Contract	\$ 10,783.50
J & R Rental	Rental Equipment	\$ 1,552.00
Jam Systems & Midland Doors	Maintenance	\$ 62.71
Jeff's Auto Service	Vehicle Maintenance	\$ 1,085.90
Jochum, Rick	Reimbursement	\$ 300.00
John Deere Financial	Supplies	\$ 1,765.45
Jumbo Visual Projection	Service	\$ 300.00
Knipper, Delaine	Refund	\$ 100.00
Landmark Turf Services	Contracted Service	\$ 1,956.00
Lexipol	Annual Fee	\$ 663.32
Macqueen Equipment	Equipment Rent	\$ 500.00
Maquoketa Valley Electric Coop	Fiber Optic	\$ 1,056.72
Medical Associates Clinic	Testing	\$ 52.00
Metering & Technology Solutions	Supplies	\$ 694.03
Microbac Laboratories	Testing	\$ 971.25
MM Mechanical	Supplies/Labor	\$ 23,806.00
Mr. Lock & Key	Supplies/Labor	\$ 214.99
Naber, Matt	Referee Fees	\$ 175.00
Nieman, Tim	Referee Fees	\$ 75.00
Nosbisch, Lynn	Referee Fees	\$ 275.00
Origin Design Co	Engineer Fees	\$ 28,347.87
Paul's Pest Control	Contracted Service	\$ 115.00

Pet Waste Eliminator	Supplies	\$ 319.99
Pettinger, Joan or Russ	Refund	\$ 100.00
Preferred Health Choices LLC	HRA	\$ 100.00
RDG Planning & Design	Professional Services	\$ 298,240.21
Recker Construction	Supplies/Labor	\$ 4,100.00
Rediger, Mary Pat	Refund	\$ 100.00
Reliance Standard	Insurance	\$ 838.02
Schwan's Home Service	Concession Supplies	\$ 543.61
Secretary of State	Notary Renewal	\$ 30.00
Siitari, Andrew	Reimbursement	\$ 547.59
Simmering-Cory Iowa Codification	Codification	\$ 475.00
Sodawasser, Jon	Reimbursement	\$ 300.00
Spahn & Rose Lumber Co	Supplies	\$ 189.35
Speer Financial	Financial Services	\$ 335.00
Steger Construction	Contracted Service	\$ 16,335.00
Tauke Motors	Vehicle Maintenance	\$ 577.95
Telegraph Herald	Legals/Ads	\$ 141.86
The Battery Center	Supplies	\$ 67.90
TJ Cleaning Services	Cleaning Services	\$ 1,070.00
Travel Dubuque	Marketing	\$ 15,000.00
Verizon Wireless	Cell Phone	\$ 946.66
Volkens Inc	Contracted Service	\$ 250.00
White Cap LP	Supplies	\$ 30.24
WHKS & Co	Engineer Fees	\$ 2,937.62
Willenborg, Janice	Refund	\$ 100.00
Windstream	Phone	\$ 568.20
Wolf, Russ	Referee Fees	\$ 275.00
Wolff, Ashten	Refund	\$ 100.00
Zarnoth Brush Works Inc	Supplies	\$ 418.70

001 - General Fund	\$ 78,574.74
110 - Road Use Fund	\$ 1,508.36
112 - Trust and Agency Fund	\$ 600.00
128 - CDBG	\$ 31,901.91
301 - Capital Projects Fund	\$ 324,970.20
600 - Water Fund	\$ 23,642.65
602 - Water Capital Fund	\$ 37,046.50
610 - Sewer Fund	\$ 6,554.35
612 - Sewer Capital Fund	\$ 2,938.75
670 - Solid Waste Fund	\$ 26,158.89
Grand Total:	\$ 533,896.35

ACTION ITEMS

11. Ordinance No. 855 amending Chapter 127 of the Code of Ordinances of Dyersville, Iowa, by Amending Adult Entertainment Facilities. First Reading.

Joe Ertl, 507 13th Avenue SE, believes the council needs to let the public speak.

Chris Link, 412 1st Avenue W, you said it was a very limited area they could be in. Where is the area limited to?

Joe Ertl, 507 13th Avenue SE, was Mr. Westhoff's reading the first reading? Can you add anything in there about what kind of books can be read?

Nick Kuennen, 304 E Bridge St, Elkader, can drag queens be in a business? How does the City approve businesses? We are all called to protect.

Chris Salrin, 1120 18th Street SE, thank you addressing this and I would hope we are more proactive on the law. Would like time to have this digested and see what the restricted 2,000 ft. area looks like.

Dayla Salrin, 1120 18th Street SE, wants to understand the dress of someone and does that count towards the sexual content.

Eric Loeffelholz, 119 Royal Oaks Court, Guttenberg, would this pertain to the Field of Dreams, point is if you are going to bring people in from all over the world. He does not want to see any adult entertainment.

Joe Ertl, 507 13th Avenue SE, thanked the council for having an open meeting and letting the people speak tonight.

Robert Meisch, 1315 13th Ave NE, one of the concerns he has is with the content of some children's book reading.

Nick Kuennen, 304 E Bridge St, Elkader, could you add in the word transvestite or cross dresser in the Ordinance? He is not aware of an Ordinance in Elkader. Fears that this could be a grooming operation.

Zachary Lujan, PO Box 494, Manchester, understands that we can't govern morality the job is to mitigate the situation and not get into any hot water. Is there a way to require approval before something is read?

Chris Link, 412 1st Avenue W, say they were going to have a storybook hour he was wondering if people could protest?

Motion made by Council Member English to waive first reading Seconded by Council Member Westhoff.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

Motion made by Council Member English to approve first reading Seconded by Council Member Westhoff.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

12. Waive Second Reading of Ordinance No. 855
No action taken

13. Waive Third Reading of Ordinance No. 855
No action taken

14. 6:00 P.M. Public Hearing to approve or deny the zoning amendment to adjust the number of the Planning and Zoning Commission

Motion made by Council Member English to open Public Hearing Seconded by Council Member Westhoff.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

With there being no written or oral comments received Motion made by Council Member Ostwinkle Silva to close Public Hearing Seconded by Council Member Oberbroeckling.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

15. Ordinance No. 856 amending Section 23.01 of the Code of Ordinances of Dyersville, Iowa by revising Planning and Zoning Commission

Motion made by Council Member Oberbroeckling waive first reading Seconded by Council Member Gibbs.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

Motion made by Council Member English to approve first reading Seconded by Council Member Oberbroeckling.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

16. Waive Second Reading of Ordinance No. 856

Motion made by Council Member Gibbs to waive and approve second reading Seconded by Council Member Oberbroeckling.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

17. Waive Third Reading of Ordinance No. 856

Motion made by Council Member Oberbroeckling to waive and approve third reading Seconded by Council Member Gibbs.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

18. 6:00 P.M. Public Hearing to approve or deny the zoning amendment to adjust the number of members of the Board of Adjustment

Motion made by Council Member Oberbroeckling to open Public Hearing Seconded by Council Member Gibbs.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

With there being no written or oral comments received Motion made by Council Member English to close Public Hearing Seconded by Council Member Ostwinkle Silva.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

19. Ordinance No. 857 amending Section 165.03.03 of the Code of Ordinances of Dyersville, Iowa, by revising Board of Adjustment, Board created.

Motion made by Council Member Oberbroeckling to waive first reading Seconded by Council Member Ostwinkle Silva.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

Motion made by Council Member English to approve Seconded by Council Member Ostwinkle Silva.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

20. Waive Second Reading of Ordinance No. 857

Motion made by Council Member Gibbs to waive and approve Seconded by Council Member Westhoff.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

21. Waive Third Reading of Ordinance No. 857

Motion made by Council Member Ostwinkle Silva to waive and approve Seconded by Council Member Oberbroeckling.

Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

22. Resolution No. 56-23 approving amended Agreement 2 for Engineering Services for Water Infrastructure Improvements between the City of Dyersville and Origin Design Company.

Motion made by Council Member Westhoff to approve Seconded by Council Member Gibbs.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

23. Discussion and Possible Action on Letter of Support to Dubuque County Conservation Requesting for Paving Heritage Trail from Dyersville Trail Head to Prier Road as a Pilot Project

Motion made by Council Member Oberbroeckling to approve Seconded by Council Member Gibbs.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

24. Discussion and Possible Action for Request for Financial Support for Dyersville Fire Department 125th Anniversary Event and Beyond the Game Event from Dyersville Events, Inc.

Motion made by Council Member Westhoff to approve Seconded by Council Member Oberbroeckling.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

COUNCIL COMMENTS

ADJOURNMENT

Motion made by Council Member English to adjourn at 7:50 pm Seconded by Council Member Oberbroeckling.
Voting Yea: Gibbs, Ostwinkle Silva, English, Oberbroeckling, Westhoff Nay: None Motion carried.

Jeff Jacque Mayor

ATTEST:

Tricia L. Maiers, City Clerk / Treasurer