

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

The Dubuque City Council met in regular session at 6:30 p.m. on October 18, 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

PROCLAMATION(S)

1. Lights On After School Day (October 28, 2021) was accepted by Beth McGorry on behalf of St. Mark Youth Enrichment.

2. Boards and Commissions Recognition Day (October 18, 2021) was accepted by City Clerk Adrienne Breifelder on behalf of the City Clerk's Office.

3. Gentleman Day (October 19, 2021) was accepted by Bethany Jacoby on behalf of Waypoint Services.

4. Trick-or-Treat Night (October 31, 2021) was accepted by Mayor Buol on behalf of the City 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 10/4; Zoning Advisory Commission of 10/6; Zoning Board of Adjustment of 9/23; Proof of Publication for City Council Proceedings of 9/7 and 9/20; Proof of Publication for List of Claims and Summary of Revenues for Month Ended 8/31. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Jennifer Ney for personal injury; Michelle Spear for vehicle damage; Mary Summers for property damage. Upon motion the documents were received, filed, and referred to the City Attorney.

3. Disposition of Claims: City Attorney advised that the following claims have been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: Jennifer Ney for personal injury; Michelle Spear for vehicle damage; Mary Summers 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. 347-21 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. Fiscal Year 2021 State of Iowa Annual Financial Report: City Manager recommended approval to file the Fiscal Year 2021 State of Iowa Annual Financial Report with the State of Iowa Auditor. Upon motion the documents were received, filed, and approved.

6. Final Plat of Rolling Hills Farm No. 2: Zoning Advisory Commission recommended approval of the Final Plat of Rolling Hills Farm No. 2 subject to waiving the lot frontage requirement for Lot 1. Upon motion the documents were received and filed, and Resolution No. 348-21 Approving the Final Plat of Rolling Hills Farm Subdivision Plat 2, Dubuque County, Iowa was adopted.

7. Final Plat of Stone Quarry Subdivision Plat 4: Zoning Advisory Commission recommended approval of the Final Plat of Stone Quarry Subdivision Plat 4 subject to waiving the street frontage requirements for both lots. Upon motion the documents were received and filed, and Resolution No.349-21 Approving the Final Plat of Stone Quarry Subdivision Plat 4, Dubuque County, Iowa was adopted.

8. Pre-Annexation Agreement - LTD Ranch, LLC, Laura M. DeMaio: City Manager recommended approval of a Pre-Annexation Agreement with LTD Ranch, LLC, Laura M. DeMaio, property owner, for property located at 10338 Key West 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. 350-21 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and LTD Ranch, LLC, Laura M. Demaio was adopted.

9. Pre-Annexation Agreement - Isidore and Dayna Haverland: City Manager recommended approval of a Pre-Annexation Agreement with Isidore and Dayna Haverland, property owners, for property located at 8315 Hidden Valley Road in Dubuque County, as part of approving the Final Plat. Upon motion the documents were received and filed, and Resolution No. 351-21 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Isidore and Dayna Haverland was adopted.

10. City of Sageville Notice of Application for Annexation: Correspondence from the City of Sageville, Iowa regarding a public hearing scheduled for November 1, 2021, on an application for annexation. Upon motion the documents were received, filed, and referred to the City Manager.

11. Esri Article on the City of Dubuque's use of Geographic Information System (GIS) for Broadband Investment: City Manager transmitted an article from Esri on the City of Dubuque's use of Geographic Information System (GIS) for broadband investment. Upon motion the documents were received and filed.

12. Acceptance of Public Improvements for South Heacock Road Cul-De-Sac from Walter Development, LLC: City Manager recommended acceptance of the public improvements that the developer, Walter Development, LLC, has recently completed on South Heacock Road in Dubuque Industrial Center West. Upon motion the documents

were received and filed, and Resolution No. 352-21 Accepting Public Improvements on South Heacock Road, in the City of Dubuque, Iowa was adopted.

13. Dillon Street Drain Tile Project 2021: City Manager recommended acceptance of the construction contract for the Dillon Street Drain Tile Project 2021, as completed by Drew Cook & Sons Excavating Company, Inc., in the final contract amount of \$59,756.48, which is an increase of 11.9% over the original contract amount of \$53,377.50. Upon motion the documents were received and filed, and Resolution No. 353-21 Accepting the Dillon Street Drain Tile Project 2021 and authorizing the payment to the contractor was adopted.

14. Application for Redevelopment Subrecipient Planning Grant at 3400 Jackson Street: City Manager recommended approval to apply for a Brownfields Planning Grant from East Central Intergovernmental Association (ECIA) in order to create a vision for the former Flexsteel Industries site at 3400 Jackson Street. Upon motion the documents were received, filed, and approved.

15. First Amendment to Development Agreement between the City of Dubuque, Iowa and Three Amigos, LLC for a Project at 898 Jackson Street: City Manager recommended approval of the First Amendment to Development Agreement between the City of Dubuque, Iowa and Three Amigos, LLC for the rehabilitation of property at 898 Jackson Street. Upon motion the documents were received and filed, and Resolution No. 354-21 Approving the First Amendment to Development Agreement between the City of Dubuque, Iowa and Three Amigos, LLC was adopted.

16. Acceptance of Warranty Deed from Hendricks Feed & Seed Co., Inc. Property: City Manager recommended approval of a Resolution accepting the Warranty Deed for 880 and 898 Central Avenue from Hendricks Feed & Seed Co., Inc. Upon motion the documents were received and filed, and Resolution No. 355-21 Accepting the Deed to Real Estate owned by Hendricks Feed & Seed Co., Inc. in Dubuque County, Iowa was adopted.

17. Fiscal Year 2022 Contracted Service Agreement: Four Mounds HEART: City Manager recommended approval of a contracted services agreement for Fiscal Year 2022 with Four Mounds HEART for \$10,000 to provide hands-on training and education for youth performing housing rehabilitation services, particularly in low-moderate income areas, or for low-moderate income housing. Upon motion the documents were received and filed, and Resolution No. 356-21 Authorizing Execution of FY22 Contracted Services Agreement with Four Mounds Heart Program was adopted.

18. U.S. Department of Housing & Urban Development (HUD) Continuum of Care Program Renewal Application – Fiscal Year 2023: City Manager recommended approval to submit a renewal pre-application to the Iowa Balance of State and then a renewal application to the U.S. Department of Housing & Urban Development (HUD) for the Continuum of Care Special Needs Assistance Program (CoC SNAP) grant for Fiscal Year 2023. Upon motion the documents were received and filed, and Resolution No. 357-21 Authorizing the Mayor to execute an application for the Continuum of Care Grant and authorizing the Director of Housing and Community Development and the City Manager to approve the application was adopted.

19. Letter of Support for University of Dubuque's Fulbright Scholar-in-Residence

Proposal: City Manager provided a copy of a letter of support on behalf of the City of Dubuque in support of the University of Dubuque's Fulbright Scholar-In-Residence (S-I-R) proposal. Upon motion the documents were received and filed.

20. Alcohol and Tobacco License Applications: City Manager recommended approval of annual liquor, beer, wine and tobacco license applications as submitted. Upon motion the documents were received and filed, and Resolution No. 358-21 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; and Resolution No. 359-21 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 Resnick to receive and file the documents, adopt the resolutions, and set the public hearings as indicated. Seconded by Sprank. Motion carried 7-0.

1. Second Amendment to Lease Agreement Between the City of Dubuque and Iowa Greyhound Association: City Manager recommended the City Council set a public hearing for November 1, 2021, to approve the Second Amendment to Lease Agreement between the City of Dubuque and Iowa Greyhound Association that modifies the end date of the lease from December 31, 2025 to July 31, 2022. Upon motion the documents were received and filed and Resolution No. 360-21 Intent to dispose of an interest in real property by Second Amendment to Lease Agreement with Iowa Greyhound Association was adopted, setting a public hearing for a meeting to commence at 6:30 p.m. on November 1, 2021, in the Historic Federal Building.

2. Setting a Public Hearing at a Special City Council Meeting on November 22, 2021, on a Proposed Development Agreement by and between the City of Dubuque, and Setzer Properties DBQ, LLC providing for the Sale of City-owned Real Estate to Setzer Properties DBQ, LLC Pursuant to the Development Agreement: City Manager recommended City Council set a public hearing at a special City Council meeting on November 22, 2021, on a proposed Development Agreement by and among the City of Dubuque and Setzer Properties DBQ, LLC providing for the sale of city-owned real estate to Setzer Properties DBQ, LLC. Upon motion the documents were received and filed and Resolution No. 361-21 (1) Approving the minimum requirements, competitive criteria, and offering procedures for the development and the sale of certain real property and improvements in The Dubuque Industrial Center West Urban Renewal District; (2) Determining that the offer to purchase submitted by Setzer Properties DBQ, LLC satisfies the offering requirements with respect to the real property and improvements and declaring the intent of the City Council to approve the sale to Setzer Properties DBQ, LLC in the event that no competing proposals are submitted; and (3) Soliciting competing proposals was adopted setting a public hearing for a special meeting to commence at 6:30 p.m. on November 22, 2021 in the Historic Federal Building.

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. Civic Center Advisory Commission: One, 3-Year term through June 29, 2024 (Expired term of Parks) Applicant: Brenda Christner, 655 Florence St.

ii. Civil Service Commission (MAYOR APPOINTMENT): One, 4-Year term through April 6, 2025 (Expired term of White) Applicant: Daniel White, 2919 Elm St. This commission is subject to the State of Iowa Gender Balance Law. 3 Commissioners total; currently 1 male/1 female/ 1 opening

iii. Investment Oversight Advisory Commission: One, 3-Year term through July 1, 2024 (Vacant term of Becker) Applicant: Molly Valaskey, 1385 Alta Vista St.

iv. Transit Advisory Board: One, 3-Year term through July 30, 2023 (Vacant term of Serna) One, 3-Year term through July 30, 2024 (Expired term of Esser) Applicants: Matthew P. Esser, 90 Main St.; Greg Orwoll, 2635 West 32nd St.; Blake Scharpf, 1319 Forest Ln.

PUBLIC HEARINGS

1. Request to Amend the Westmark Planned Unit Development (PUD): Proof of publication on notice of public hearing to consider City Council approval to amend the Westmark Planned Unit Development (PUD) to allow drive-through pick-up windows for pharmacies for the property located at 4025 Westmark Drive, and Zoning Advisory Commission recommended 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 Jones. Planning Services Manager Wally Wernimont provided a staff report. Responding to questions from the City Council, Mr. Wernimont stated that PUD amendments only amend the properties specified in the legal description of the ordinance, and that the Engineering Department's traffic study concluded that no improvements are currently required. Motion carried 7-0.

Motion by Cavanagh for final consideration and passage of Ordinance No. 34-21 Amending Title 16 of the Unified Development Code of the City of Dubuque Code of Ordinances by rescinding Ordinance 41-91 which provides regulations for a PUD Planned Unit Development District with a PC Planned Commercial Designation for the Westmark Corporate Center and adopting amended PUD Ordinance to allow Drive-Through Pharmacies when associated with permitted principal and accessory uses. Seconded by Jones. Motion carried 7-0.

2. Request to Rezone Property at 684 Kane Street: Proof of publication on notice of public hearing to consider City Council approval of a request from Joe Behan to rezone property located at 684 Kane Street from R-1 Single Family Residential to R-3 Moderate Density Multi-Family Residential to build a three-unit townhouse, and Zoning Advisory Commission recommended denial of the request. Motion by Cavanagh to receive and file the documents and concur with the denial. Seconded by Sprank. Planning Services Manager Wally Wernimont provided a staff report. Rose Theoni, 580 Primrose Ct., spoke in opposition to the request and submitted a petition signed by area residents. Chris Theoni, 580 Primrose Ct.; Ron Vogt, 668 Kane St.; Becky Krause, 686 Kane St.; Rich Neuses, 505 Primrose St.; Kyle Christina, 565 Primrose Ct.; and Mark Kelleher, 585 Primrose Ct., all spoke in opposition to the rezoning request. City Council Members thanked the residents for providing input and spoke in opposition to rezoning the property

to R-3. Motion carried 7-0.

3. Public Hearing for the Water Service Connection Charge Assessment - 1951 W. 32nd Street: City Manager requested the City Council establish the Final Schedule of Assessments at \$6,989.36 for the water service connection charge for 1951 W. 32nd Street. Motion by Jones to receive and file the documents and adopt Resolution No. 362-21 Approval of the Final Schedule of Assessments for 1951 W. 32nd Street. Seconded by Resnick. Motion carried 7-0.

PUBLIC INPUT

Molly Grover, President and CEO of the Dubuque Area Chamber of Commerce, spoke in support of Action Item No. 2, stating that the Dubuque Area Chamber of Commerce provided feedback on the proposed ordinance based on its potential business impact.

ACTION ITEMS

1. Dubuque County Land and Water Legacy Conservation Bond Referendum Presentation: Correspondence from Art Roche, Chair of the Dubuque County Land and Water Legacy, regarding the Dubuque County Land and Water Legacy conservation bond referendum on the City/School Election ballot on November 2, 2021. Motion by Rousell to receive and file the information and listen to the presentation. Seconded by Farber. Brian Preston, Executive Director of the Dubuque County Conservation Board, made a presentation. Topics included: County Comprehensive Parks, Trails, and Open Spaces Plan 2020; Master Plan; Recommendations for the allocation of referendum funds; and Examples of projects in Long Range Plan. Responding to questions from the City Council, Mr. Preston stated that all proposed projects that would be funded through the bond are subject to the public hearing process, so residents would have adequate opportunities to provide input. Art Roche spoke virtually and thanked Mr. Preston for the presentation. Motion carried 7-0.

2. Proposed Ordinance Amendment to Incorporate Rent Abatement and Escrow Accounts: City Manager recommended the City Council adopt an Ordinance to allow for all remedies allowed by the State of Iowa for correcting code violations in rental properties. 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 Sprank. Housing and Community Development Director Alexis Steger responded to questions from the City Council regarding the ordinance's applicability to manufactured homes, Iowa Code's definition of essential services, and the ordinance's scope of enforcement. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 36-21 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. Seconded by Sprank. Motion carried 7-0.

3. Lead & Healthy Home Program Grant Agreement: City Manager recommended City Council authorization of an agreement with the U.S. Department of Housing & Urban Development (HUD) for the use of \$4,275,680.92 to administer the Lead and Healthy Homes Program. Motion by Cavanagh to receive and file the documents and adopt Resolution No. 363-21 Authorizing the City Manager or his designee to execute an

agreement and any further documents required for the execution of the Lead and Healthy Homes Grant Award of \$1,000,000. Seconded by Resnick. Responding to a question from the City Council, Housing and Community Development Director Alexis Steger stated that additional programs are utilized to help eliminate lead in Dubuque homes. City Manager Van Milligen stated that child lead poisoning is decreasing in the city. Motion carried 7-0.

4. Dubuque Fire Department Accreditation by the Commission on Fire Accreditation International of the Center for Public Safety Excellence: City Manager advised that on Wednesday, October 13, 2021, the Center for Public Safety Excellence Commission on Fire Accreditation International voted to designate the Dubuque Fire Department as an accredited agency. Motion by Resnick to receive and file the information. Seconded by Jones. Fire Chief Rick Steines spoke about the accreditation process and responded to questions from the City Council regarding future objectives of the department. Motion carried 7-0.

5. Dubuque Fire Department Public Information Brochure: City Manager provided a copy of the Dubuque Fire Department public information brochure. Motion by Jones to receive and file the document. Seconded by Sprank. City Manager Van Milligen stated that the brochure will be mailed out with all resident utility bills in the next billing cycle. Motion carried 7-0.

6. Sustainable Dubuque Community Grant Award Recommendation: City Manager recommended approval of the Resilient Community Advisory Commission recommendations for funding four projects from the Sustainable Dubuque Community Grant Program at a total funding amount of \$9,200. Motion by Resnick to receive and file the documents and approve the recommendations. Seconded by Farber. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Roussell reported on attending the renewable natural gas ribbon cutting and the recent volunteer efforts of Dubuque Trees Forever.

Council Member Sprank reported on attending the sister city photo exhibit hosted by Travel Dubuque's Sister City Committee.

Council Member Resnick also reported on attending the renewable natural gas ribbon cutting.

Council Member Jones reported on the general election occurring on November 2nd, 2021.

Mayor Buol reported on attending the sister city photo exhibit and spoke about his previous travel experiences to Dubuque's sister cities.

There being no further business, Mayor Buol declared the meeting adjourned at 8:30 p.m.

/s/Adrienne N. Breitfelder
City Clerk

1t 10/27