The Dubuque City Council met in regular session at 6:30 p.m. on January 18, 2022, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Cavanagh; Council Members Farber, Jones, Resnick, Roussell, Sprank; City Manager Van Milligen, City Attorney Brumwell.

Vacancy: Ward 4

Mayor Cavanagh 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: Public Health Specialist Mary Rose Corrigan provided an update on the COVID-19 pandemic and response activities.

PROCLAMATION(S)

1. Dubuque Eagles "Eyes on the Future" Month (January 2022) was accepted by Michael Duehr on behalf of the Dubuque Fraternal Order of the Eagles.

CONSENT ITEMS

Council Member Farber requested Item No. 16 be held for separate discussion. City Clerk Breitfelder stated that public input was received from Katie Schoop, 1590 Earl Dr., regarding Item No. 16. Motion by Jones to receive and file the documents, adopt the resolutions, and dispose of as indicated, except Item No. 16. Seconded by Roussell. Motion carried 6-0.

1. Minutes and Reports Submitted: City Council Proceedings of 1/3; Human Rights Commission of 11/8 and 12/13; Library Board of Trustees Minutes of 10/28 and 11/18; Library Board of Trustees City Council Update of 12/16; Zoning Advisory Commission of 1/5; Zoning Board of Adjustment of 12/16; Proof of publication for City Council Proceedings of 12/20; Proof of publication for List of Claims and Summary of Revenues for Month Ended 11/30. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Ron Klein for vehicle damage; Kathryn Moran for vehicle damage; Travis Smith for vehicle 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: Ron Klein for vehicle damage; Kathryn Moran for vehicle damage; Travis Smith for vehicle damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: Upon motion the documents were received and filed, and
Resolution No. 13-22 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. Correspondence to State Legislators As They Prepare for 2022 Legislative Session: Upon motion the documents were received and filed.

6. Dubuque Main Street Board of Directors and Executive/Organization Committee: Upon motion the documents were received and filed.

7. Pre-Annexation Agreement - Edward A. Gau and Sandra J. Donovan: Upon motion the documents were received and filed, and Resolution No. 14-22 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Edward A. Gau and Sandra J. Donovan was adopted.

8. Pre-Annexation Agreement - John R. Darrah Trust & Catherine A. Darrah Trust: Upon motion the documents were received and filed, and Resolution No. 15-22 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and John R. Darrah Trust and Catherine A Darrah Trust was adopted.

9. Pre-Annexation Agreement - Mikael C. and Abigayle Nielsen: Upon motion the documents were received and filed, and Resolution No. 16-22 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Mikael C. and Abigayle Nielsen was adopted.

10. Preliminary Plat of Country View Estates Plat 2: Upon motion the documents were received, filed, and approved.

11. Five Flags Possible Referendum Dates in 2022 and 2023: Upon motion the documents were received, filed, and referred to the Work Session scheduled for January 24, 2022.

12. Miller Riverview Campground Campsite Reservation Fee Increase: Upon motion the documents were received, filed, and approved.

13. Four Mounds HEART Program Publication: Upon motion the documents were received and filed.

14. Notice of Award and Grant Agreement Execution for Expansion of Four Mounds Park: Acquisition of Four Mounds Farm: Upon motion the documents were received, filed, and approved.

15. Update on AmeriCorps Volunteer Generation Fund Grant: VolunteerDBQ: Upon motion the documents were received and filed.

16. Falk Park: Resident Letters and Petition: Motion by Farber to receive and file the documents and refer to the City Manager. Seconded by Sprank. City Council members thanked the residents for signing the petition requesting additional cameras and lighting in Falk Park and communicating their concerns to the City Council. City Council stated that referring the request to the City Manager will initiate the process for addressing residents’ concerns. Motion carried 6-0.

17. JNK Properties Notice of Intent to Appeal Housing and Community Development
Department Assessment: Upon motion the documents were received, filed, and referred to the City Manager.

18. Request for Release of Funds for Lead-Based Paint Hazard Control Grant: Upon motion the documents were received and filed, and Resolution No. 17-22 Authorizing the Request for Release of Funds for the 2021-2025 Lead Hazard Control and Healthy Homes Grant #IALHB0773-21 was adopted.

19. Delegation of Authority for Environmental Certifying Officer in Accordance with 24 CFR Part 58: Upon motion the documents were received and filed, and Resolution No. 18-22 Delegating Authority for Environmental Certifying Officer was adopted.

20. Fiscal Year 2022 Community Development Block Grant (CDBG)-CV Nonprofit Support Grant Recommendations and Agreements: Upon motion the documents were received and filed, and Resolution No. 19-22 Fiscal Year 2022 CDBG-CV Nonprofit Support Grant Recommendations and Agreements was adopted.

21. Award of Calendar Year 2022 Family Self Sufficiency Coordinator Grant: Upon motion the documents were received and filed, and Resolution No. 20-22 Authorizing the Director of Housing and Community Development to execute the Acceptance of the Notice of Award for the HUD Family Self-Sufficiency Program Grant was adopted.

22. Community Development Block Grant (CDBG) Funding Agreement - Mount Pleasant Home Elevator Modernization: Upon motion the documents were received and filed, and Resolution No. 21-22 Authorizing the Execution of Mount Pleasant Home CDBG Agreement was adopted.

23. Termination of Emphasys Housing Choice Voucher (HCV) Software: Upon motion the documents were received and filed, and Resolution No. 22-22 Authorizing the Director of Housing and Community Development to execute a Termination Notice to Emphasys Software for the City of Dubuque PHA Contract was adopted.

24. Authorization to Submit FY21/PY20 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER): Upon motion the documents were received and filed, and Resolution No. 23-22 Authorizing the submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the period commencing July 1, 2020 and concluding June 30, 2021 was adopted.

25. Design of Water Department Operations SCADA System Upgrade Project 2022: Upon motion the documents were received, filed, and approved.

26. Granger Creek Lift Station Upgrade Project: Engineering Services: Upon motion the documents were received, filed, and approved.

27. Tamarack Sanitary Sewer Extension Project: Engineering Services: Upon motion the documents were received, filed, and approved.

28. Twin Ridge Sanitary Sewer Extension Project: Engineering Services: Upon motion the documents were received, filed, and approved.

29. US Highway 61-151 Bridge Abutment Replacement Project: Iowa Department of
Transportation - Local Road Detour Agreement: Upon motion the documents were received and filed, and Resolution No. 24-22 Approving an Agreement for DOT initiated detour of primary highways onto local roads with the Iowa Department of Transportation for the US Highway 61-151 Bridge Abutment Replacement Project was adopted.

30. Iowa Department of Transportation Supplemental Agreements: Traffic Line and Symbol Pavement Markings - Annual Maintenance of Intersection Traffic Signals and Cabinets: Upon motion the documents were received, filed, and approved.

31. United States Environmental Protection Agency Emerging Mobility Building Blocks Technical Assistance - Next Steps Action Plan: Upon motion the documents were received and filed.

32. U.S. 52 / Southwest Arterial ITS Corridor: Amendment to Cooperative Funding Agreement with Iowa DOT: Upon motion the documents were received and filed, and Resolution No. 25-22 Approving an amendment to the Cooperative Funding Agreement (Agreement No. 2020-16-033A) with the Iowa DOT for the development and implementation of an Intelligent Transportation System along the U.S. 52 / Southwest Arterial Corridor was adopted.

33. Liquor License Renewals: Upon motion the documents were received and filed, and Resolution No. 26-22 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.

**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 6-0.

1. Resolution Setting a Public Hearing on a Proposed Development Agreement between the City of Dubuque, Iowa and Klauer Manufacturing Company for the Issuance of Urban Renewal Tax Increment Revenue Grant Obligations Pursuant to the Development Agreement: Upon motion the documents were received and filed and Resolution No. 27-22 Fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on the proposed Development Agreement between the City of Dubuque and Klauer Manufacturing Company, including the proposed issuance of Urban Renewal Tax Increment Revenue Grant Obligations to Klauer Manufacturing Company, 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 February 7, 2022 in the Historic Federal Building.

2. Set for Public Hearing - Amending Precinct 15 Boundary Description: Upon motion the documents were received and filed and Resolution No. 28-22 Setting a public hearing on amending Title 1 Administration of the City of Dubuque Code, by amending Chapter 8 Elections, Precincts and Wards, by updating Section 18: Precinct 15 Boundary Description to reflect the 2021 Wards & Precincts Redistricting Plan was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 7, 2022 in the Historic Federal Building.

3. Resolution of Necessity for the Proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District, Version 2022.1: Upon motion the documents were received and filed and Resolution No. 29-22 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan, Version 2022.1 for the Greater
Downtown Urban Renewal District and setting the date for a public hearing and consultation on the proposed Amended and Restated Urban Renewal Plan, Version 2022.1 for said district was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 21, 2022 in the Historic Federal Building.

4. Resolution of Necessity for the Proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District, Version 2022.2: Upon motion the documents were received and filed and Resolution No. 30-22 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan, Version 2022.2 for the Greater Downtown Urban Renewal District and setting the date for a public hearing and consultation on the proposed Amended and Restated Urban Renewal Plan, Version 2022.2 for said district was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on February 21, 2022 in the Historic Federal Building.

BOARDS/COMMISSIONS

1. Boards and Commission Applicant Review: 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, 2023 (Vacant Langworthy term of Cassill) and one, 3-year term through July 1, 2024 (Expired At-Large term of Clark). Applicants: Melissa Cassill, 1941 Coates St. - qualifies for At-Large opening; Thea Dement, 375 Alpine St. - qualifies for Langworthy opening. This commission is subject to the State of Iowa Gender Balance Law. 9 Commissioners total; currently 5 males/2 females/2 openings

   2. Boards and Commission Applicant Appointments: Appointments were made to the following boards/commissions:

      i. Equity and Human Rights Commission: One, 3-Year term through January 1, 2023 (Vacant term of Jackson); Three, 3-Year terms through January 1, 2025 (Expired terms of Anderson, Birch, and Kurczek). Applicants: Carla Anderson, 1131 Main St.; Danita Grant, 2479 LaVista Ct.; Maitha Jolet, 1911 Johnson St.; Jake Kurczek, 1110 Victoria St. (Specifically applying for 2023 vacant term of Jackson); Dereka Williams, 2172 Hodgden St. This commission is subject to the State of Iowa Gender Balance Law. 9 Commissioners total; currently 3 males/5 females/1 opening. Upon roll call vote, Mr. Kurczek was appointed to the three-year term through January 1, 2023. Mr. Kurczek received all 6 votes. Upon roll call vote, Ms. Williams and Mr. Jolet were appointed to two of the three-year terms through January 1, 2025. Ms. Williams received five votes (Sprank, Resnick, Jones, Roussell, and Cavanagh), and Mr. Jolet received five votes (Farber, Sprank, Jones, Roussell, Cavanagh). During the same roll call vote, Ms. Anderson and Ms. Grant both received four votes for the remaining three-year term (Farber, Resnick, Roussell, and Cavanagh for Anderson; and Farber, Sprank, Resnick, and Jones for Grant). Upon an additional roll call vote, Ms. Grant was appointed to the remaining three-year term through January 1, 2025. Ms. Grant received 4 votes (Farber, Sprank, Resnick, and Jones) and Ms. Anderson received the remaining 2 votes.

      ii. Investment Oversight Advisory Commission: One, 3-Year term through July 1, 2024 (Vacant term of Schilz) Applicant: Tom Major, 2768 Hickory Hill Ct. Motion by Jones to appoint Mr. Major to the three-year term through July 1, 2024. Seconded by Farber. Motion carried 6-0.
1. Request to rezone 2571 John F. Kennedy Road: 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 provided a staff report and responded to a question from the City Council regarding permitted uses for the property. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 1-22 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 2571 John F. Kennedy Road from OR Office Residential District To C-3 General Commercial District with conditions as established in the attached Memorandum of Agreement. Seconded by Resnick. Motion carried 6-0.

2. Request to rezone the Northwest Corner of the Intersection of Southwest Arterial and Tamarack Drive: 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. Planning Services Manager Wally Wernimont provided a staff report and confirmed that a super majority vote is required to pass this ordinance based on the percentage of written opposition received by property owners. Nick Thompson, 10156 Military Road; Christi Wertzberger, 9762 Katie Cove; Steve Peters, 9878 Katie Cove; and Jacob Boyd, 10798 Shagbark Rd., all virtually spoke in opposition to the rezoning. City Clerk Breitfelder stated that written public input was received by Tim Conlon, Vice-chair and CEO of Conlon Construction Co. Ms. Breitfelder also stated that Jack McCullough, of McCullough Creative, Inc., submitted two petitions opposing the rezoning and development. The petitions were submitted for the November 1, 2021, public hearing to approve the voluntary annexation of the property to the City of Dubuque, and since the petitions specifically mention rezoning they were included as public input for this public hearing. Mr. Wernimont responded to questions from the City Council regarding land grading, landscaping requirements, and the notices provided to property owners. City Manager Van Milligen responded to a question from the City Council regarding water connection to Silver Oaks and Tamarack subdivisions. City Council members expressed support for the rezoning, stating that resident questions and concerns would be addressed by moving forward in this process. Motion carried 6-0.

Motion by Jones for final consideration and passage of Ordinance No. 2-22 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located North of Tamarack Drive and West of the Southwest Arterial from AG Agricultural District to PI Planned Industrial Designation for the Dubuque Industrial Center Crossroads. Seconded by Sprank. Motion carried 6-0.

3. Amend the Unified Development Code to allow Commercial Greenhouse as a permitted use in C-2, C-2A, C-3, C-4 and CS zoning districts and to modify related parking requirements: Motion by Roussell 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 Farber. Planning Services Manager Wally Wernimont provided a staff report. Korrin Schriver, 2815 Jackson St., spoke in support of the ordinance, stating that passage is necessary for her business, ReEvolution Farms, in her new location on Central Ave. City Council expressed support for the ordinance. Motion carried 6-0.

Motion by Roussell for final consideration and passage of Ordinance No. 3-22 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending
Articles 16-5-11 (C-2), 16-5-12 (C-2A), 16-5-13 (C-3), 16-5-14 (C-4), and 16-5-16 (CS) by adding Commercial Greenhouse to the list of permitted uses. Seconded by Farber. Motion carried 6-0.

4. Sale of City-owned Property at 1450 Iowa Street: Motion by Roussell to receive and file the documents and adopt Resolution No. 31-22 Disposing of city interest in real property located at 1450 Iowa Street, in the City of Dubuque, Iowa. Seconded by Farber. Motion carried 6-0.

PUBLIC INPUT

Rick Dickinson, President of Greater Dubuque Development Corporation (GDDC), shared GDDC’s involvement and process of notifying property owners regarding Public Hearing No. 2. Regarding Action Item No. 4, Mary and John Gronen, 1766 Plymouth Ct., respectively spoke in support of allowing local organizations to be involved in the request for proposals (RFP) process.

Dan LoBianco, 3503 West Way, provided virtual input in support of the Gronen’s comments.

ACTION ITEMS

1. Iowa Economic Development Authority Business Financial Assistance Application for Klauer Manufacturing Company: Motion by Jones to receive and file the documents and adopt Resolution No. 32-22 Authorizing the filing of an application with the Iowa Economic Development Authority for Business Financial Assistance on behalf of Klauer Manufacturing Company. Seconded by Sprank. City Council members expressed enthusiasm for the expansion. Motion carried 6-0.

2. Iowa Economic Development Authority Business Financial Assistance Application for Hormel Foods Corporation and Progressive Processing, LLC: Motion by Resnick to receive and file the documents and adopt Resolution No. 33-22 Authorizing the filing of an application with the Iowa Economic Development Authority for Business Financial Assistance on behalf of Hormel Foods Corporation and Progressive Processing, LLC. Seconded by Farber. City Council members expressed enthusiasm for the expansion. Motion carried 6-0.

3. Dubuque Industrial Center: Crossroads - Consultant Selection for Design: Motion by Jones to receive and file the documents and approve the contract execution. Seconded by Roussell. Motion carried 6-0.

4. Request for Proposal for Historic Millwork District Master Plan Update: Motion by Jones to receive and file the documents and approve the RFP. Seconded by Resnick. City Council members discussed stakeholder involvement in the RFP process and whether additional stakeholder input was necessary for finalizing the RFP. City Manager Van Milligen stated that property owners were previously engaged as part of creating the RFP and confirmed the process is equivalent to the process used for designing Comiskey Park. Mr. Van Milligen stated that if this motion fails, he will need specific direction from the City Council on how they would like him to proceed. Motion failed 3-3, with Sprank, Jones, and Cavanagh voting in favor; and Farber, Resnick, and Roussell voting in opposition.

Motion by Farber to receive and file the documents and provide direction to the City Manager. Seconded by Roussell. City Council members confirmed that within one month they would like the City Manager to convene stakeholders to further format the RFP. Mr. Van Milligen stated that the budget may increase based on this request. City Council members stated that certain stakeholders have expressed support for covering any budget increases that their input may
result in. Motion carried 6-0.

5. City of Dubuque Code of Ordinances Title 11 Rights-of-Way, Chapter 3 Cable Television: 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. Motion carried 6-0.

   Motion by Jones for final consideration and passage of Ordinance No. 4-22 Repealing City of Dubuque Code of Ordinances Title 11 Rights-Of-Way, Chapter 3 Cable Television, Article A. Cable Franchise Agreement, article D. Rates and General Regulations, and Article E. Cable Service Customer Service Standards; and Ordinance No. 5-22 Amending City of Dubuque Code of Ordinances Title 11, Rightsof-Way, Chapter 3, Cable Television, by enacting new Section 11-3A-1, Franchise Fees for Cable and/or Video Services, new Section 11-3A-2, Franchise Fees Reaffirmed, and new Section 11-3A-3, Public, Educational and Governmental Channel Capacity and Transmission. Seconded by Resnick. Motion carried 6-0.

6. Video of Bee Branch Creek Railroad Culverts Ribbon-Cutting on October 21, 2021: Motion by Resnick to receive and file the documents and view the video. Seconded by Roussell. The video is available at https://youtu.be/yT7J-mkXUY0. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Sprank thanked Leisure Services Manager Marie Ware for attending the North End Neighborhood Association meeting to explain updates to Comiskey Park.

Council Member Jones reported on the Iowa Special Olympics occurring this past Monday.

Council Member Resnick also reported on the Iowa Special Olympics and thanked Council Member Jones for his dedication to the program.

CLOSED SESSION

Motion by Jones to convene in closed session at 9:50 p.m. to discuss Pending Litigation and Purchase or Sale of Real Estate – Chapter 21.5(1)(c),(j) Code of Iowa. Seconded by Resnick. Mayor Cavanagh stated for the record that the attorneys who will consult with City Council on the issues to be discussed in the closed session are City Attorney Brumwell and Attorney Les Reddick. Motion carried 6-0.

The City Council reconvened in open session at 10:19 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 10:19 p.m.

/s/Adrienne N. Breitfelder
City Clerk

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