The Dubuque City Council met in special session at 5:30 p.m. on November 7, 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, Wethal; City Manager Van Milligen (arrived at 5:34 p.m.), City Attorney Brumwell.

Mayor Cavanagh 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 housing choice voucher program.

WORK SESSION
UPDATE ON HOUSING CHOICE VOUCHER PROGRAM

Housing and Community Development Director Alexis Steger presented on the Housing Choice Voucher Program, updates on acceptance rates, decrease in utilization, and other programs offered under the Rental Assistance Division of the Housing and Community Development Department. Ms. Steger responded to questions from the City Council regarding voucher holders who move outside city limits, reasons landlords may not accept vouchers, and the lottery process for awarding vouchers. Ms. Steger and City Attorney Brumwell responded to a question regarding voucher and marketing options for senior residents.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 6:26 p.m.

/s/Adrienne N. Breitfelder
City Clerk
The Dubuque City Council met in regular session at 6:30 p.m. on November 7, 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, Wethal; City Manager Van Milligen, City Attorney Brumwell.

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

City Attorney Brumwell announced that Action Item No. 1’s suggested disposition was amended to “receive and file” as neither state nor city code grants City Council the authority to approve preliminary plats.

PRESENTATION(S)

1. 2022 Woman of the Year Award Recognition: Amy Gilligan, Executive Editor of the Telegraph Herald, recognized Director of Strategic Partnerships Teri Hawks Goodmann as the 2022 Woman of the Year as part of the Telegraph Herald, BizTimes.biz, and Her Magazine’s annual Salute to Women Awards.

2. Mississippi River Cities and Towns Initiative Founders Award Recognition: Colin Wellenkamp, Executive Director of the Mississippi River Cities & Towns Initiative (MRCTI) virtually recognized Director of Strategic Partnerships Teri Hawks Goodmann for receiving MRCTI's Founders Award.

PROCLAMATION(S)

1. Hospice Month (November 2022) was accepted by Lavonne Noel on behalf of Hospice of Dubuque.

2. Pancreatic Cancer Awareness Day (November 17, 2022) was accepted by Diane Oglesby-Rambousek on behalf of the Michael W. Oglesby Foundation.

3. Small Business Saturday (November 26, 2022) was accepted by Ryan Sempf on behalf of the Dubuque Area Chamber of Commerce.

CONSENT ITEMS

Council Member Farber requested Item No. 21 be held for separate discussion. Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated, except for Item No. 21. Seconded by Roussell. Motion carried 7-0.

1. Minutes and Reports Submitted: Civil Service Commission of 10/21/22; City Council Proceedings of 10/17/22; Five Flags Civic Center Advisory Commission of 8/29/22; Historic
2. Notice of Claims and Suits: Connie Gosche for vehicle damage; Debra Heim 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: Connie Gosche for vehicle damage; Debra Heim for property 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. 342-22 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. Fiscal Year 2022 State of Iowa Annual Financial Report: Upon motion the documents were received, filed, and approved.

6. Fiscal Year 2022 City Street Financing Report: Upon motion the documents were received and filed, and Resolution No. 343-22 Approving the City of Dubuque Fiscal Year 2022 City Street Financing Report was adopted.

7. COVID-19 City Council Update: Upon motion the documents were received and filed.

8. Pre-annexation Agreement – John T. Jr. and Debra S. Kalb: Upon motion the documents were received and filed, and Resolution No. 344-22 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and John T. Jr. and Debra S. Kalb was adopted.

9. Easement Agreement, Ace Construction-Dubuque, L.L.C: Upon motion the documents were received and filed, and Resolution No. 345-22 Approving an Agreement by and between the City of Dubuque, Iowa and Ace Construction-Dubuque, L.L.C and a Grant of Easement to the City of Dubuque was adopted.

10. Corrected Legal Description by Resolution for Urban Renewal Plan for the Dubuque Industrial Center Economic Development District, Version 2022.3: Upon motion the documents were received and filed, and Resolution No. 290-22-A Nunc Pro Tunc correcting and amending a scrivener's error in certain legal descriptions included in the Urban Renewal Plan for the Dubuque Industrial Center Economic Development District was adopted.

11. Chaplain Schmitt Island Trail Connection Project - Iowa DOT Funding Agreement: Upon motion the documents were received and filed, and Resolution No. 346-22 Approving a Funding Agreement (23-EDP-102) with the Iowa Department of Transportation for Community Project Funding/Congressionally Directed Spending for the Chaplain Schmitt Island Trail Connection Project was adopted.

12. 2022 Asphalt Overlay Access Ramp Project 4: Upon motion the documents were received
and filed, and Resolution No. 347-22 Accepting the 2022 Asphalt Overlay Access Ramp Project 4 and authorizing the payment to the contractor was adopted.

13. Iowa Department of Transportation Title VI Compliance Review: Upon motion the documents were received and filed, and Resolution No. 348-22 Approving the Iowa Department of Transportation Title VI / Non-Discrimination Assurances DOT Order No. 1050.2A and Title VI Non-Discrimination Agreement was adopted.

14. Community Development Block Grant Contract for Henry Stout Apartment Complex: Upon motion the documents were received and filed, and Resolution No. 349-22 Authorizing execution of CDBG Subrecipient Agreement with Gronen was adopted.

15. Experience Schmitt Island: Mississippi River Outdoor Amphitheater and Island Trails Project Destination Iowa Outdoor Recreation Fund Grant Resolution Adoption: Upon motion the documents were received and filed, and Resolution No. 350-22 Authorizing the Mayor to submit a resolution to the Iowa Economic Development Authority for the Experience Schmitt Island: Mississippi River Outdoor Amphitheater and Island Trails Grant Application to the Destination Iowa Outdoor Recreation Fund was adopted.

16. Signed Contract(s): Schmitt Island Management Agreement. Upon motion the documents were received and filed.

17. Improvement Contracts / Performance, Payment and Maintenance Bonds: Black Hawk Roof Company for the Carnegie-Stout Library - Roofs 1 & 2 Restoration Project; Midwest Concrete, Inc. for the Royalwood Subdivision Water Main Loop North Cascade Road Crossing Project; Midwest Concrete, Inc. for the Highway 20 - N. Cascade Road Truck Stop Water Service Connection Project. Upon motion the documents were received, filed, and approved.

18. Proposed Amendment to Master Co-location and Shared Services Agreement Between the City of Dubuque and Dubuque County: Upon motion the documents were received, filed, and approved.

19. Mediacom Communications Corporation Correspondence on Programming Changes and Rate Adjustments: Upon motion the documents were received and filed.

20. Boards and Commissions Pilot with the Iowa Department of Human Rights: Upon motion the documents were received and filed.

21. Liquor License Renewals: Council Member Farber announced her abstention from voting on this item due to owning Magoo’s Pizza, one of the businesses included in the resolution. Motion by Jones to receive and file the documents and adopt Resolution No. No. 351-22 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. Seconded by Wethal. Motion carried 6-0 with abstention from Farber.

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 Roussell. Motion carried 7-0.
1. Upper Bee Branch Creek Restoration Railroad Sanitary Interceptor Crossing Project (part of Phase IV of the Bee Branch Watershed Flood Mitigation Project): Upon motion the documents were received and filed and Resolution No. 352-22 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 for the Upper Bee Branch Creek Restoration Railroad Sanitary Interceptor Crossing Project was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on November 21, 2022, in the Historic Federal Building.

2. Resolution of Necessity for the Proposed Urban Renewal Plan for the John F. Kennedy (JFK) Road Urban Renewal Area: Upon motion the documents were received and filed and Resolution No. 353-22 Authorizing and directing the City Manager to prepare an Urban Renewal Plan for the John F. Kennedy (JFK) Road Urban Renewal Area, setting a date for the public hearing and directing the consultation process on the proposed Amended and Restated Urban Renewal Plan for said district was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 5, 2022, 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. City Clerk Breitfelder stated that Rick Baumhover withdrew his application from the Resilient Community Advisory Commission.

Community Development Advisory Commission: One 3-Year term through February 15, 2023 (Vacant term of Hammel Jr.). Applicant: Gabriel Mozena, 196 Bluff St. City Council confirmed receipt of written input from Mr. Mozena in support of his application.

Park and Recreation Advisory Commission: One 3-Year term through June 30, 2023 (Vacant term of Hochberger). Applicants: Ron Axtell, 1895 Norland Dr.; Josh Jorgenson, 3030 Judson Crt.; Shirley Snow, 779 University Ave. Mr. Axtell spoke in support of his application. City Council confirmed receipt of written input from Mr. Jorgenson in support of his application.

Resilient Community Advisory Commission: One Cross Representative whose term will coincide with their term on the cross represented board or commission. Applicants: Thea Dement, 375 Alpine St. - Current member of the Historic Preservation Commission - Term Expires 7/1/23; Steven Drahozal, 683 West 11th St. - Current member of the Catfish Creek Watershed Management Authority - Term Expires 7/16/24; Lori Ollendick, 1390 Oak Park Pl. - Current member of the Park and Recreation Advisory Commission - Term Expires 7/1/25. Mr. Drahozal virtually spoke in support of his application.

Appointments were made to the following boards/commissions.

Civil Service Commission: One, 4-Year term through April 6, 2026 (Vacant term of Baskerville). Applicants: Scott Crabill, 2757 Balboa Dr. - Selected by Mayor Cavanagh for appointment at the October 3, 2022, City Council Meeting; Michelle Hinke, 973 Patricia Ann Dr. This commission is subject to the State of Iowa Gender Balance Law, §69.16A. 3 Commissioners total; currently 1 male /1 female. Upon roll call vote, Mr. Crabill was appointed to the 4-year term through April 6, 2026. Vote carried 7-0.
PUBLIC HEARINGS

1. Rezoning Request - 1660 and 1670 Asbury 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 Sprank. Planning Services Manager Wally Wernimont provided a report. Applicant Bob Felderman, 241 Southgate Dr., spoke in support of the application. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 35-22 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described parcels of land located at 1660 and 1670 Asbury Road within the City of Dubuque from C-2 Neighborhood Shopping Center District to OC Office Commercial District. Seconded by Sprank. Motion carried 7-0.

2. Public Hearing and Approval of Bies Drive Urban Revitalization: Motion by Roussell to receive, file, and approve 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. Point of order by Cavanagh that there are no items to approve. Motion amended by Roussell to remove “approve” from the motion. Seconded by Farber. Motion carried 7-0.

Motion by Roussell for final consideration and passage of Ordinance No. 36-22 Amending City of Dubuque Code of Ordinances Title 3, Revenue and Taxation, Chapter 2 Revitalization Areas, by adopting a new Section 8 Bies Drive, establishing the Bies Drive Urban Revitalization Area, and establishing requirements for qualifying property owners. Seconded by Farber. Motion carried 7-0.

3. Resolution Approving a Proposed Development Agreement by and among the City of Dubuque, Iowa, Geisler Brothers Realty, LLC, and Dubuque Steel Products, Inc. for the Issuance of Urban Renewal Tax Increment Revenue Grant Obligations Pursuant to the Development Agreement: Motion by Resnick to receive and file the documents and adopt Resolution No. 354-22 Approving a Development Agreement by and among the City of Dubuque, Geisler Brothers Realty, LLC, and Dubuque Steel Products, Inc. including the issuance of urban tax increment revenue obligations to Dubuque Steel Products, Inc. Seconded by Sprank. Motion carried 7-0.

4. Bee Branch Creek Trail Phase 1 Project: Motion by Sprank to receive and file the documents and adopt Resolution No. 355-22 Approval of plans, specifications, form of contract, and estimated cost for the Bee Branch Creek Trail Project – Phase 1 Project, Iowa DOT Project No. TAP-2100(697)—8I-31. Seconded by Jones. Motion carried 7-0.

PUBLIC INPUT

City Attorney Brumwell reiterated that Action Item No. 1’s suggested disposition was amended to “receive and file” due to City Council not being granted approval authority for preliminary plats in state or city code.

Jennifer Nye, no permanent address, provided input regarding her accessibility experiences and an injury that occurred on a city bus.

Steve Dunn, 2250 Foye St., provided input regarding parking limited to the west side of Foye St.

City Clerk Breitfelder stated that public input was received by Kenneth Kiss of the Dubuque
Action Items

1. Preliminary Plat of Mozena Farms: Motion by Jones to receive and file the documents. Seconded by Farber. Planning Services Manager Wally Wernimont provided a report and responded to questions from the City Council regarding how traffic studies are initiated, vehicle trip estimates, and cost responsibility for right-in, right-out. Motion carried 7-0.

2. 2022 John F. Kennedy Road Sidewalk Installation Project: Motion by Jones to receive and file the documents and adopt Resolution No. 356-22 Awarding Public Improvement Contract for the 2022 John F. Kennedy Road Sidewalk Installation Project - Iowa DOT Project TAP-U-2100-703-8I-31. Seconded by Roussell. Responding to a question from the City Council, City Manager Van Milligen stated that inflation and labor shortages continue resulting in increased project costs. City Council Members expressed appreciation for the city’s efforts to make this project affordable for assessed property owners. Motion carried 7-0.

3. Ordinance Amendment for Civil Service Commission Meetings: 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 Roussell. Motion carried 7-0.

   Motion by Jones for final consideration and passage of Ordinance No. 37-22 Amending City of Dubuque Code of Ordinances Title 2 Boards and Commissions, Chapter 2 Civil Service Commission, Section 2-2-10 Meetings. Seconded by Roussell. Motion carried 7-0.

4. Application Guidelines for the Arts Operating Recovery Subgranting Program funded by the National Endowment for the Arts American Rescue Plan Act: Motion by Sprank to receive and file the documents and adopt the resolution. Seconded by Resnick. Point of Order by Cavanagh that there is no resolution associated with the item. Motion amended by Sprank to receive and file the documents and approve the program materials establishing the application guidelines and requirements for the National Endowment for the Arts’ American Rescue Plan Act funded ‘Arts Operating Recovery Subgranting Program’. Seconded by Resnick. Motion carried 7-0.

5. Amending Ordinance 14-17-A for the Derby Grange Road Housing Urban Renewal Plan, Version 2022.1: 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. Motion carried 7-0.

   Motion by Roussell for final consideration and passage of Ordinance No. 38-22 Amending Ordinance No. 14-17-A providing that general property taxes levied and collected each year on all property located within the Derby Grange Road Housing Urban Renewal Area, in the City of Dubuque, County Of Dubuque, State of Iowa, by and for the benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said city in connection with said Derby Grange Road Housing Urban Renewal Area by revising the boundaries of the Derby Grange Road Housing Urban Renewal Area as described herein. Seconded by Farber. Motion carried 7-0.
6. Corrected Legal Description for Ordinance 28-22 for the Dubuque Industrial Center Economic Development District, Version 2022.3: 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 Roussell. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 28-22-A Correcting and amending Ordinance No. 28-22, previously amended, providing that general property taxes levied and collected each year on all property located within the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Area of the City of Dubuque, County of Dubuque, State of Iowa, by and for the benefit of the State of Iowa, City of Dubuque, County of Dubuque, Dubuque Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said city in connection with the Amended and Restated Dubuque Industrial Center Economic Development District Urban Renewal Redevelopment Project by adding Subarea R to the division of revenues. Seconded by Roussell. Motion carried 7-0.

7. Public Works Staff Videos: Motion by Farber to receive and file the documents and view the videos. Seconded by Roussell. Assistant Public Works Director Arielle Swift introduced several videos that highlight the work of the Public Works Department. Due to technical difficulties, the videos were unable to be displayed until after Council Member Reports.

COUNCIL MEMBER REPORTS

Council Member Sprank reported that Election Day is November 8th and reminded residents whose voting precinct is Comiskey Park that voting is still occurring there regardless of current construction at the park.

Council Member Farber congratulated the Dubuque Racing Association (DRA), Leisure Services, and Engineering on the recent re-opening of the Dubuque Ice Arena.

Council Member Wethal reported on attending the NAACP’s Freedom Fund Banquet and expressed enthusiasm for Avelo Airlines plan to offer Dubuque flights.

Mayor Cavanagh also expressed enthusiasm for Avelo Airlines.

Council Member Resnick congratulated Director of Strategic Partnerships Teri Hawks Goodmann on her accomplishments.

Council Member Jones provided statements regarding state laws that restrict on-street parking.

ACTION ITEMS CONTINUED

7. Public Works Staff Videos: The videos highlighting the work of the Public Works Department were displayed. Two of the videos can be accessed via the following links: https://youtu.be/FsITWb2aywQ; https://youtu.be/F687HCoh6O8. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:41 p.m. to discuss Purchase or Sale of Real Estate – Chapter 21.5(1)(j) Code of Iowa. Seconded by Resnick. Mayor Cavanagh stated for the record that the attorney who will consult with City Council on the issues to be discussed in the closed session is City Attorney Brumwell. Motion carried 7-0.
The City Council reconvened in open session at 10:12 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 10:12 p.m.

/s/Adrienne N. Breitfelder
City Clerk