

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

The Dubuque City Council met in regular session at 6:30 p.m. on November 21, 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

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 11/07/22; Library Board of Trustees of 9/19/22, 9/20/22, 9/22/22; Zoning Board of Adjustment of 10/27/22. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Ethan Bever for vehicle damage; Jenny Cribbs on behalf of Barbara Callhan 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: Ethan Bever for vehicle damage; Barbara Callhan 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. 357-22 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 Iowa Urban Renewal Annual Report: Upon motion the documents were received and filed, and Resolution No. 358-22 Approving the Fiscal Year 2022 Urban Renewal Report for the City of Dubuque was adopted.

6. Fiscal Year 2024 Annual Tax Increment Financing Report: Upon motion the documents were received and filed.

7. 2023 State Legislative Priorities: Upon motion the documents were received, filed, and approved.

8. Iowa Arts Council Creative Places Project Grant Application: Upon motion the documents were received, filed, and approved.

9. Letter of Support on Behalf of Dubuque Museum of Art to Institute of Museum and Library Services Museums for America Grant Program: Upon motion the documents were received, filed, and approved.

10. Temporary Agreement Between the City of Dubuque and ITC Midwest, LLC to Operate an Electric Transmission System in the City of Dubuque: Upon motion the documents were received and filed, and Resolution No. 359-22 Approving an agreement between the City of Dubuque and ITC Midwest, LLC to operate an electric transmission system in the City of Dubuque was adopted.

11. Approval for Organizational Culture Change Consulting Services Request for Proposal (RFP): Upon motion the documents were received, filed, and approved.

12. Equity and Human Rights Department Restructuring: Upon motion the documents were received, filed, and approved.

13. Certified List: Firefighter-Paramedic/Firefighter-EMT: Upon motion the documents were received, filed, and made a matter of record.

14. Liquor License Renewals: Upon motion the documents were received and filed, and Resolution No. 360-22 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 Roussell to receive and file the documents, adopt the resolutions, and set the public hearing as indicated. Seconded by Jones. Motion carried 7-0.

1. Flora Pool Filter Tanks and Recirculation Pump Replacement – Initiate Bidding Process and Set Public Hearing: Upon motion the documents were received and filed and Resolution No. 361-22 Flora Pool Filter Tank and Recirculation Pump Replacement Project: 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 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

Appointments were made to the following boards/commissions.

i. Community Development Advisory Commission: One three-year term through February 15, 2023 (Vacant term of Hammel Jr.). Applicant: Gabriel Mozena, 196 Bluff St. Motion by Sprank to appoint Mr. Mozena to the three-year term through February 15, 2023. Seconded by Resnick. Motion carried 7-0.

ii. Park and Recreation Advisory Commission: One three-year term through June 30, 2023 (Vacant term of Hochberger) and one three-year term through June 30, 2025 (Vacant term of Baca). Applicants: Ron Axtell, 1895 Norland Dr.; Josh Jorgenson, 3030 Judson Crt.; Shirley

Snow, 779 University Ave. Upon roll call vote, Mr. Axtel was appointed to the three-year term through June 30, 2023. Mr. Jorgenson received one vote (Wethal) and Mr. Axtel received the remaining six votes. Upon the following roll call vote, Mr. Jorgenson was appointed to the three-year term through June 30, 2025. Ms. Snow received two votes (Jones and Resnick) and Mr. Jorgenson received the remaining five votes.

iii. Resilient Community Advisory Commission: One Cross Representative whose term will coincide with their term on the cross represented board or commission (Vacant Cross Representative Member term of Reber). Applicants: Thea Dement, 375 Alpine St. - Current member of Historic Preservation Commission – term expires 7/1/23; Steven Drahozal, 683 West 11th St. - Current member of Catfish Creek Watershed Management Authority - term expires 7/16/24; and Lori Ollendick, 1390 Oak Park Pl. - Current member of Park and Recreation Advisory Commission – term expires 7/1/25. Upon roll call vote, Mr. Drahozal was appointed to the three-year term through July 16, 2024. Mr. Drahozal received all seven votes.

PUBLIC HEARINGS

1. Upper Bee Branch Creek Restoration Railroad Sanitary Interceptor Crossing Project (part of Phase IV of the Bee Branch Watershed Flood Mitigation Project): Motion by Resnick to receive and file the documents and adopt Resolution No. 362-22 Approval of plans, specifications, form of contract, and estimated cost for the Upper Bee Branch Creek Railroad Sanitary Interceptor Crossing Project. Seconded by Farber. Motion carried 7-0.

2. Public Hearing and Approval of Plaza Drive Urban Revitalization Plan: 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. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 39-22 Amending City of Dubuque Code of Ordinances Title 3, Revenue and Taxation, Chapter 2 Revitalization Areas, by adopting a new Section 9 Plaza Drive, establishing the Plaza Drive Urban Revitalization Area, and establishing requirements for qualifying property owners. Seconded by Sprank. Motion carried 7-0.

PUBLIC INPUT

Regarding Action Item No. 2, Duane Hagerty of Heritage Works, 489 W. 4th St.; Bill Doyle, 1591 White St.; Emily Sewell, 14247 N. Cascade Rd.; Adam Schwendinger, 570 W. 11th St.; David Klavitter, 1090 W. 3rd St.; R.R.S. Stewart, 460 Summit St.; and Terry Mozena, (provided input virtually), 1036 W. 3rd St., spoke in opposition to the proposed ordinance. David Becker of Cottingham & Butler, 800 Main St., Emma Stapleton, 263 Hill St.; Molly Grover of the Dubuque Area Chamber of Commerce, 300 Main St.; and Rick Dickinson of Greater Dubuque Development Corporation, 205 Hill St., spoke in support of the proposed ordinance. Susan Price submitted virtual input for Action Item No. 2 via the GoToMeeting chat and confirmed that her comments can be submitted to the City Clerk to be entered into the record. City Clerk Breitfelder announced that written input was received for Action Item No. 2 from the following individuals: Gary Stoppelman of the Dubuque Museum of Art; Andrew Butler, John Butler and David Becker of Cottingham & Butler; Duane Hagerty of Heritage Works; Tom Peckosh, 2310 Simpson St.; Zackary Kenz; Jeanne Quann; Molly Grover of the Dubuque Area Chamber of Commerce; David Hartig; Rick Dickinson of Greater Dubuque Development Corporation; and Jeff Vaassen and Danielle Jacobs of Dubuque Main St.

ACTION ITEMS

1. Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award: Motion by Roussell to receive and file the documents. Seconded by Farber. City Council congratulated Director of Finance and Budget Jenny Larson on the award. Responding to a question from the City Council, Ms. Larson summarized the methods that residents can submit input for the Fiscal Year 2024 budget process. Motion carried 7-0.

2. Approval of an Ordinance to Remove the Area Bounded by 7th Street, 8th Street, Bluff Street, and Locust Street from the Conservation District: 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. City Council Members expressed support for the ordinance, stating that there is a substantial need for childcare and that their scope for this request differs from the Historic Preservation Commission's scope for the previously requested demolition permit for the structure at 781 Locust St. City Council Members also stressed their commitment to continue working together with various entities on these types of requests and that they are considered on a case-by-case basis. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 40-22 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Article 10-8-A-8 pertaining to alteration of the Downtown Neighborhood Conservation District to remove the city block bounded by 7th/Locust/8th/Bluff Streets. Seconded by Sprank. Motion carried 7-0.

3. Resolution Approving the Fourth Amendment to Development Agreement by and among the City of Dubuque, Roshek Property, LLC, Cottingham & Butler, Inc., and Heartland Financial USA, Inc.: Motion by Farber to receive and file the documents and adopt Resolution No. 363-22 Approving the Fourth Amendment to Development Agreement by and among the City of Dubuque, Roshek Property, LLC, Cottingham & Butler, Inc. and Heartland Financial USA, Inc. Seconded by Roussell. City Council Members expressed appreciation for the companies' flexibility in amending the agreement. Motion carried 7-0.

4. Work Session Request - Five Flags: Motion by Roussell to receive and file the documents and schedule the work session for Monday, December 5, 2022, at 5:30 p.m. Seconded by Wethal. Request to amend the motion by Jones to start the work session at 5:00 p.m. to begin with a walking tour of Five Flags. Motion amended by Roussell and seconded by Wethal. Motion carried 7-0.

5. Dubuque County Watershed Partnership – 28E Agreement: Motion by Jones to receive and file the documents and view the presentation. Seconded by Roussell. Civil Engineer II Deron Muehring and Watershed Program Director Eric Schmechel made a presentation outlining some of the successes of the Watershed Agreement partnership. Responding to questions from the City Council, Mr. Muehring and Mr. Schmechel summarized the various regulatory agencies involved with farm run-off and shared that conservation plans are available for farms. Mr. Schmechel stated that the organization was not receiving American Rescue Plan Act (ARPA) funding. Motion carried 7-0.

6. Bee Branch Creek Trail Phase 1 Project: Motion by Resnick to receive and file the documents and adopt Resolution No. 364-22 Awarding Public Improvement Contract for the

Bee Branch Creek Trail Project– Phase 1 Project, Iowa DOT Project No. Tap-2100(697)—8I-31. Seconded by Sprank. Motion carried 7-0.

7. Amending Ordinance 38-22 for the Derby Grange Road Housing Urban Renewal Area: 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 Wethal. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 41-22 Amending Ordinance No. 38-22 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 Wethal. Motion carried 7-0.

8. Trash Cart Distribution Update: Motion by Resnick to receive and file the documents and view the presentation. Seconded by Farber. Public Works Director John Klostermann, Assistant Public Works Director Arielle Swift, and Resource Management Supervisor Jacob Jansen provided an update on the city's trash cart distribution. Responding to questions from the City Council, Mr. Klostermann and Ms. Swift stated that the department has considered hiring contractors to deliver the trash carts but envisions that staff involvement would be beneficial and that the updated work order system will assist with the distribution process. City Manager Van Milligen summarized the public works staff incentive program, stating that all public works staff complete their shift at the same time, and that staff are dispatched to assist with unfinished routes until all routes are completed. Responding to a question from the City Council, Mr. Jansen and Mr. Klostermann described their outreach efforts to residents, stating that residents can contact the Public Works Department with any questions or can visit the department to view the trash carts. Motion carried 7-0.

9. Work Session Request - Central Avenue Corridor Streetscape Master Plan Draft: Motion by Jones to receive and file the documents and schedule the work session for Monday, December 19, 2022, at 5:30 p.m. Seconded by Sprank. No schedule conflicts were expressed. Motion carried 7-0.

10. Request to Reschedule July 3, 2023, City Council meeting to July 5, 2023: Motion by Farber to receive and file the documents and reschedule the meeting as recommended. Seconded by Roussell. Responding to a question from the City Council, City Attorney Brumwell stated that city code provides the ability to reschedule meetings based on holidays and other circumstances. Council Member Resnick stated that he is unable to attend. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Roussell and Mayor Cavanagh reported on attending the National League of Cities City Summit.

Council Member Sprank reported on volunteering at multiple food giveaways.

CLOSED SESSION

Motion by Jones to convene in closed session at 9:16 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 9:25 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 9:25p.m.

/s/Adrienne N. Breitfelder
City Clerk

1t 11/30