CITY OF DUBUQUE, IOWA
CITY COUNCIL PROCEEDINGS
SPECIAL SESSION

The Dubuque City Council met in special session at 6:00 p.m. on February 20, 2023, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Cavanagh; Council Members Farber (arrived at 6:07 p.m.), Jones, Resnick, Roussell, Sprank, Wethal; City Manager Van Milligen, 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 Travel Dubuque

WORK SESSION
Travel Dubuque Annual Update
Travel Dubuque President and CEO Keith Rahe provided the organization's annual presentation. Mr. Rahe responded to questions from the City Council following the presentation.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 6:27 p.m.

/s/Adrienne N. Breitfelder, CMC
City Clerk
The Dubuque City Council met in regular session at 6:30 p.m. on February 20, 2023, 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

PROCLAMATION(S)

1. Birthday of Captain Robert L. Martin during Black History Month (February 2023) was accepted by Anthony Allen and R.R.S. Stewart on behalf of the Captain Robert L. Martin Commemoration Committee and the Dubuque Branch of the NAACP.

2. Dubuque's Read Across America Day (March 2, 2023) was accepted by Beth McGorry on behalf of St. Mark Youth Enrichment.

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 1/30/23 and 2/6/23; Equity and Human Rights Commission of 8/8/22, 9/12/22, 11/14/22, and 12/12/22; Historic Preservation Commission of 1/19/23; Library Board of Trustees of 10/27/22, 11/16/22, and 12/15/22; Library Board of Trustees Update of 1/26/23; Zoning Advisory Commission of 2/1/23; Zoning Board of Adjustment of 1/26/23; Proof of publication for City Council Proceedings of 1/17/23 and 1/30/23. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Steven Grutzmacher for mileage reimbursement; Michael Lange for vehicle damage; John Lockwood for vehicle damage. Upon motion the documents were received, filed, and referred to the City Attorney.

3. Approval of City Expenditures: Upon motion the documents were received and filed, and Resolution No. 38-23 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.

4. Authorized Depository Institutions: Upon motion the documents were received and filed, and Resolution No. 39-23 Naming Depositories was adopted.

5. 2022 Calendar year Certified Local Governments Annual Report and 2023 Historic Preservation Commission Annual Workplan: Upon motion the documents were received, filed,
6. Fiscal Year 2023 Certified Local Government Grant Agreement for Voelker Highlands Survey: Upon motion the documents were received and filed, and Resolution No. 40-23 Approving CLG Grant Agreement with the Iowa Department of Cultural Affairs for the Voelker Highlands Intensive Architectural Survey was adopted.

7. Fiscal Year 2023 Certified Local Government Grant Agreement for the Deereville Survey: Upon motion the documents were received and filed, and Resolution No. 41-23 Approving CLG Grant Agreement with the Iowa Department of Cultural Affairs for the Deereville Intensive Architectural Survey was adopted.

8. US Census Boundary and Annexation Survey: Upon motion the documents were received and filed.

9. Solar@Scale Letter of Support: Upon motion the documents were received, filed, and approved.

10. Signed Contract(s): Carrico Aquatic Resources, Inc. for the Sutton Pool Filter Replacement; McDermott Excavating for the Briarwood Subdivision Water Connection. Upon motion the documents were received and filed.

11. Improvement Contracts / Performance, Payment and Maintenance Bonds: Carrico Aquatic Resources for the Flora Pool Filter Tank & Recirculation Pump Replacement Project. Upon motion the documents were received, filed, and approved.

12. Chavenelle Road – NW Arterial to Radford Road Reconstruction Project: Upon motion the documents were received and filed, and Resolution No. 42-23 Accepting the Chavenelle Road – NW Arterial to Radford Road Reconstruction Project and authorizing the payment of the contract amount to the contractor and Resolution No. 43-23 Adopting the Final Assessment Schedule for the Chavenelle Road – NW Arterial to Radford Road Reconstruction Project were adopted.

13. Bee Branch Creek Railroad Culverts Trail Project Acceptance: Upon motion the documents were received and filed, and Resolution No. 44-23 Accepting the Bee Branch Creek Railroad Culvert Trail Project and authorizing the payment of the contract amount to the contractor was adopted.

14. Upper Bee Branch Creek Railroad Culverts Project Acceptance: Upon motion the documents were received and filed, and Resolution No. 45-23 Accepting the Upper Bee Branch Creek Railroad Culverts Project and authorizing the payment of the contract amount to the contractor was adopted.

15. Approval of Plat of Survey (ROW Vacation) of Lot 2-2-1-2-1-2-2-2-2-2-B of the Northeast Quarter of the Northeast Quarter of Section 28, T89N, R2E of the 5th P.M., in the City of Dubuque, Iowa for Vacation Petition (to Hills and Dales Childhood Development Center) as part of the Stoneman Road Reconstruction Project: Upon motion the documents were received and filed, and Resolution No. 46-23 Approving Plat of Proposed Vacated Portion of Stoneman Road, in the City of Dubuque, Iowa, to be known as Lot 2-2-1-2-1-2-2-2-2-2-B of the Northeast Quarter of the Northeast Quarter of Section 28, T89N, R2E of the 5th P.M., in the City of Dubuque, Iowa.
16. Calendar Year 2022 Urban Revitalization Program Applications: Upon motion the documents were received and filed, and Resolution No. 47-23 Approving Property Tax Abatement Applications Submitted by Property Owners in Urban Revitalization Areas and Authorizing the transmittal of the approved applications to the City Tax Assessor was adopted.

17. First Amendment to Community Development Block Grant Subrecipient Agreement between the City of Dubuque and Four Mounds Foundation: Upon motion the documents were received and filed, and Resolution No. 48-23 Authorizing the First Amendment to the CDBG Subrecipient Agreement between the City of Dubuque and Four Mounds Foundation was adopted.

18. Approval of Retail Alcohol Licenses: Upon motion the documents were received and filed, and Resolution No. 49-23 Approving applications for retail alcohol licenses, 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 hearings as indicated. Seconded by Wethal. Motion carried 7-0.

1. Set Public Hearing Petition to Vacate and Dispose of City Interest in a portion of the Stoneman Road Right of Way, in the City of Dubuque, Iowa for Vacation Petition (to Hills and Dales Childhood Development Center) as part of the Stoneman Road Reconstruction Project: Upon motion the documents were received and filed and Resolution No. 50-23 Intent to vacate and dispose of city interest in a portion of Stoneman Road, in the City of Dubuque, Iowa, to be known as Lot 2-2-1-2-1-2-2-2-2-2-2-B of the Northeast Quarter of the Northeast Quarter of Section 28, T89N, R2E of the 5th P.M., in the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 6, 2023 in the Historic Federal Building.

2. Set Public Hearing for Disposition of City-Owned Property at 612 Lincoln Avenue: Upon motion the documents were received and filed and Resolution No. 51-23 Intent to dispose of an interest in City of Dubuque real estate to Affordable Housing Network, Inc, setting a time and place for hearing, 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 March 6, 2023 in the Historic Federal Building.

3. Resolution of Necessity for the Amendment of the Dubuque Industrial Center Economic Development District Urban Renewal Plan, Version 2023.1: Upon motion the documents were received and filed and Resolution No. 52-23 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan Version 2023.1 for the Dubuque Industrial Center Economic Development District, setting a date for the public hearing and directing the consultation process on the proposed Amended and Restated Urban Renewal Plan Version 2023.1 for said district was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 20, 2023 in the Historic Federal Building.

4. Resolution of Necessity for the Amendment of the Dubuque Industrial Center Economic Development District Urban Renewal Plan, Version 2023.2: Upon motion the documents were
received and filed and Resolution No. 53-23 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan Version 2023.2 for the Dubuque Industrial Center Economic Development District, setting a date for the public hearing and directing the consultation process on the proposed Amended and Restated Urban Renewal Plan Version 2023.2 for said district was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 20, 2023 in the Historic Federal Building.

BOARDs/COMMISSIONs

Appointments were made to the following board.

Zoning Board of Adjustments: One, 5-Year term through March 25, 2027 (Vacant term of Golombeski); One, 5-Year term through March 25, 2028 (Expiring term of Mauss). Applicants: Matthew Mauss, 1540 N. Algonia St. - Additional Applicant; Rena Stierman, 390 Moore Heights. This commission is subject to the State of Iowa Gender Balance Law, §69.16A. 5 Commissioners total; currently 2 males/1 female/ 2 opening. Motion by Jones to appoint Mr. Mauss to the five-year term through March 25, 2028 and to appoint Ms. Stierman to the five-year term through March 25, 2027. Seconded by Sprank. Motion carried 7-0.

PUBLIC HEARINGS

1. Public Hearing for Resolution Establishing Maximum Property Tax Dollars for Fiscal Year 2024: Motion by Roussell to receive and file the documents and adopt Resolution No. 54-23 Approval of the Fiscal Year 2024 Maximum Property Tax Dollars for the affected tax levy total. Seconded by Farber. Josh and Emily Chamberland, 2145 Delaware St.; and Rich Miescke, 3199 Sheridan Rd., spoke in opposition to property tax increases. City Clerk Breitfelder stated that written input was received from Steve [no last name provided], 2667 Marywood Dr. City Council Members discussed the challenges of approving the maximum property tax dollars before the budget public hearings, as required by law, and justifications for their preferred maximum property tax dollars. Motion carried 5-2 with Cavanagh and Resnick voting nay.

2. Amending Zone B of the Dubuque Industrial Center West Planned Unit Development to allow childcare centers, early learning centers, general office, data centers, and emergency call centers: 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. Rick Dickinson, 205 Hill St., President and CEO of Greater Dubuque Development Corporation; and Ryan Sempf, 7819 Commerce Park, Unit 300, Vice President of Government and External Affairs of the Dubuque Area Chamber of Commerce and Zoning Advisory Commission Member; spoke in support of the amendment. City Clerk Breitfelder stated that Tom Rauen submitted written input to the Planning Services Department. City Council Members expressed support for the amendment. Motion carried 7-0.

3. Resolution Approving the Disposition of an Interest in City-Owned Real Estate Pursuant to
the Development Agreement by and between the City of Dubuque and Seippel Warehouse, LLC, Including the Issuance of Urban Renewal Tax Increment Revenue Grant Obligations: Motion by Jones to receive and file the documents and adopt Resolution No. 55-23 Approving the disposal of an interest in City of Dubuque owned real estate by sale to Seippel Warehouse, LLC, pursuant to a Development Agreement by and between the City of Dubuque and Seippel Warehouse, LLC, including the issuance of Urban Tax Increment Revenue Obligations to Seippel Warehouse, LLC. Seconded by Farber. Randy Schmitt, 3085 Castle Woods Ln., Chief Financial Officer of Gronen; and Shawn Hilborn, 17509 Alan Jackson Dr., Chief Operating Officer of Gronen, summarized the project and displayed a layout of the proposed updates. Rick Dickinson, 205 Hill St., President and CEO of Greater Dubuque Development Corporation, spoke in support of the development agreement. City Council Members thanked Gronen and Simmons Pet Food for their work. Motion carried 7-0.

PUBLIC INPUT

Regarding Action Item No. 3, Clark Scholz, 2925 Burlington St.; James Stewart, 1425 University Ave.; and Jamie Carr, 945 Clark Dr., spoke in opposition to the proposed ordinance. Ryan Sempf, 7819 Commerce Park, Unit 300; spoke on behalf of the Dubuque Area Chamber of Commerce regarding Action Item No. 3, stating that the chamber has yet to determine their position on the item but advised City Council Members refer to the survey results of chamber members regarding the topic. City Clerk Breitfelder stated that written input was received regarding Action Item No. 3 from the following residents: Ed Dissell, 2208 Suzanne Dr.; Molly Grover, President and CEO of the Dubuque Area Chamber of Commerce; Lance Kirby, 440 Burch St.; Art and Karen Rokusek, 14248 Augusta Ct.; and James Ploessl, 825 Harlan St.

ACTION ITEMS

1. Resolution Approving First Amendment to Amended and Restated Development Agreement Between the City of Dubuque and Simmons Pet Food, Inc.: Motion by Jones to receive and file the documents and adopt Resolution No. 56-23 Approving the First Amendment to the Amended and Restated Development Agreement by and between the City of Dubuque and Simmons Pet Food, Inc. Seconded by Sprank. City Attorney Brumwell stated that there must be a motion to amend Section 6.1 of the Development Agreement due to a late change to the agreement to add language related to the additional jobs that will be created. The change in language indicates an additional 10 full-time equivalents for a total of 281 full-time equivalents may be divided between management and hourly production categories as dictated by Simmons’s business needs from time to time. A motion to amend with the change needs to be done to include that language, and then City Council may approve the amended development agreement by returning to the original motion of approving the development agreement, as amended. Motion by Farber to amend the first amendment to the amended and restated development agreement by and between the City of Dubuque and Simmons Pet Food, Inc. to incorporate the updated language stated by Brumwell regarding Section 6.1 of the development agreement. Seconded by Roussell. Motion carried 7-0.

Returning to the original motion to receive and file and adopt the resolution, as amended, motion carried 7-0.

2. Naming Recognition Request – Multicultural Family Center: Motion by Resnick to receive and file the documents and approve the naming recognition and naming signage request made by the Multicultural Family Center (non-profit) regarding the Multicultural Family Center. Seconded by Sprank. John Stewart, 2375 Coventry Park Unit A202, Multicultural Family Center
Board Member, provided an overview of the proposal. City Council Members commended the request. Motion carried 7-0.

3. First Reading Proposed Ordinance Automated Speed Enforcement: Motion by Jones to move first reading of the following ordinance: Amending Title 9 Motor Vehicles and Traffic, Chapter 7 Operation, Division 5 Speed Restrictions by enacting a new Section 9-7-321.286 Automated Speed Enforcement regarding automated speed enforcement and the process for challenging an automated speed citation. Seconded by Sprank. Point of Order by Brumwell to add receive and file to the motion. So moved by Jones and seconded by Sprank. Responding to a question from the City Council, Police Chief Jeremy Jensen stated that the Engineering Department does not have any concrete data on speeding and the suggestions for speed camera placement were based on the high number of crashes at specific locations and the number of resident complaints regarding speeding at specific locations. City Engineer Gus Psihoyos stated that the department has devices that capture all vehicle speeds and advised they be installed in May to avoid potential damage from winter weather. Mr. Psihoyos stated the department currently owns 10 devices and may order more, making the total count up to 15. Responding to questions, City Manager Van Milligen stated that there will be signs notifying drivers of speed camera locations and that city staff intend to provide City Council will a quarterly report on speed camera data. After City Council Members deliberated automated speed enforcement at length, a suggestion was made to postpone the ordinance until baseline data is available on the number of vehicles speeding in the city. Responding to a question on the process to delay the ordinance, City Attorney Brumwell stated that postponement could be done definitely to a particular date, or indefinitely. If postponed definitely, then the item would automatically appear on the agenda on the date specified. City Manager Van Milligen suggested June 5, 2023, as the definite postponement date.

City Council Members also discussed amending the first offense civil fine within the ordinance. Motion by Farber to amend Section D, Item 2, of the proposed ordinance to have the first offense civil fine be $0 for all first offenses, regardless of speeding range, thus deeming the first offense a courtesy ticket without a fine. Seconded by Roussell. Responding to questions, City Attorney Brumwell stated that all the fines listed in the first offense column of the Item 2 table will be shifted to the second and subsequent offenses column, and that the ordinance does not contain a timeframe for issuing a second offense civil fine. Motion carried 6-1 with Resnick voting nay.

Motion by Jones to postpone discussion on the ordinance until a meeting in June of 2023 when staff is ready to present data to the City Council. Seconded by Farber. Point of Order by Brumwell that the motion should include to postpone the ordinance as amended. So moved by Jones and seconded by Farber. Regarding a specific date in June to postpone until, Jones stated that the June 5, 2023 meeting could be the date, or it could be the June 20, 2023 meeting, depending on when staff will have the data ready. City Attorney Brumwell confirmed that the first reading of the ordinance will remain the action that appears on the agenda if the item is postponed. Responding to a question regarding funeral processions being excused from offenses, City Attorney Brumwell stated that is consistent across ordinances and best practices throughout the state and was included in the ordinance for consistency. Motion carried 7-0.

4. Automated Speed Enforcement Policy: Responding to a question from the City Council, City Attorney Brumwell advised that based on the City Council's postponement of Action Item No. 3 until June of 2023, that the motion for this item be to receive and file and place on the June 5, 2023, agenda for further review. Motion by Roussell to receive and file the documents and place the draft Automated Speed Enforcement Policy on the June 5, 2023, agenda for further review. Seconded by Sprank. Motion carried 7-0.
5. Secondary Responder Model: Motion by Jones to receive and file the documents, approve the recommendations on utilizing the Internal Working Group as the backbone to a secondary responder model, allow for the exploration of co-locating services in the Federal Building, identify community partners to support the efforts of secondary responders, and continue to pursue funding for co-responder position(s), and listen to the presentation. Seconded by Roussell. Police Chief Jeremy Jensen made a presentation. City Council Members commended the recommendations and stated that this is a community issue that will take the community’s support to address. Motion carried 7-0.

6. Fiscal Year 2024 Recommended Budget: Motion by Resnick to receive and file the documents and listen to the presentation. Seconded by Roussell. City Manager Van Milligen made a presentation on the Fiscal Year 2024 recommended budget. Motion carried 7-0.

7. Fiscal Year 2024 Budget Hearing Schedule: Motion by Jones to receive and file the documents. Seconded by Roussell. Motion carried 7-0.

8. Sanitary Sewer Asset Management Plan Consulting Engineering Services: Motion by Roussell to receive and file the documents, approve releasing a request for qualifications (RFQ) to hire a consultant to assist with the development of the City’s Sanitary Sewer Asset Management Plan, and listen to the presentation. Seconded by Farber. Civil Engineer Max O’Brien made a presentation. Responding to questions from the City Council, Mr. O’Brien stated that the goal of the plan is to develop quantifiable and data driven processes to aid in capital improvement planning and that social and economic impact is considered part of the critical assets. City Council Members stated that the plan will provide good information to share with the public. Motion carried 7-0.

9. Reschedule Sustainable Dubuque Quarterly Work Session: Motion by Roussell to receive and file the documents and reschedule the July 17th Sustainable Dubuque work session to Monday, August 7, 2023, at 5:30 p.m. Seconded by Jones. No schedule conflicts were expressed. Motion carried 7-0.

CLOSED SESSION

Motion by Jones to convene in closed session at 10:22 p.m. to discuss Purchase or Sale of Real Estate – Chapter 21.5(1)(j) Code of Iowa. Seconded by Roussell. 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 10:37 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 10:37 p.m.

/s/Adrienne N. Breitfelder, CMC
City Clerk