The Dubuque City Council met in regular session at 6:30 p.m. on April 17, 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

PRESENTATION(S)

1. Presentation of the Iowa Park and Recreation Association Claude Ahrens Community Service Award to Park and Recreation Commission member Jennifer Tigges: Leisure Services Manager Marie Ware recognized Park and Recreation Commission member Jennifer Tigges for receiving the Iowa Park and Recreation Association Claude Ahrens Community Service Award.

2. COVID-19 Update: Public Health Director Mary Rose Corrigan and Public Information Officer Randy Gehl provided an after-action report on the COVID-19 pandemic and response activities. First report given on March 16, 2020, last report given on this day, April 17, 2023. City Council Members thanked city staff for their efforts throughout the pandemic.

PROCLAMATION(S)

1. Arbor Day (April 28, 2023) was accepted by Tom Kramer on behalf of Dubuque Trees Forever.

2. No Mow May (May 2023) was accepted by Jennifer Agee and Jane Agee on behalf of No Mow May Dubuque.

3. Building Safety Month (May 2023) was accepted by Tom Townsend on behalf of the Housing and Community Development Department and the Building Code Advisory and Appeals Board.

CONSENT ITEMS

City Manager Van Milligen requested Item No. 3 be removed from the meeting. Responding to a question, City Attorney Brumwell stated that the item could be removed by City Council consensus. Motion by Resnick to receive and file the documents, adopt the resolutions, and dispose of as indicated except for Item No. 3. Seconded by Farber. Motion carried 7-0.

Upon motion the documents were received and filed.

2. Approval of City Expenditures: Upon motion the documents were received and filed, and Resolution No. 98-23 Authorizing the Chief Financial Officer/City Treasurer to make certain payments of bills that must be paid and approved for payment in accordance with City procedures was adopted.

3. Sustainable Dubuque Grant Recommendations: This item was removed from the meeting.

4. Recommendation to Reallocate National Endowment of the Arts American Rescue Plan Act Funds from Underutilized Budgeted Line Items to Supplement the Creative Empowerment Subgrant Program: Upon motion the documents were received, filed, and approved.

5. National League of Cities City Inclusive Entrepreneurship $15,000 Implementation Grant Award Update: Upon motion the documents were received and filed.

6. 2021 Traffic Deaths Article: Upon motion the documents were received and filed.

7. Approval of Preconstruction Agreement for South Grandview US 61-151 Bridge Replacement: Upon motion the documents were received and filed, and Resolution No. 106-23 Approving a Preconstruction Agreement (No. 2023-12-047) with the Iowa Department of Transportation for the South Grandview Bridge Over US Highway 61-151 Bridge Replacement Project was adopted.

8. Acceptance of North Cascade Road Reconstruction Project: Upon motion the documents were received and filed, and Resolution No. 107-23 Accepting the North Cascade Road Reconstruction Project, Phase 1 from the bridge over Catfish Creek to Edval Lane, Iowa DOT Project No. STBG-SWAP-2100 (669)--SG-31 and authorizing the final payment to the contractor was adopted.

9. Approval of Plat of Survey Lot 1 & Lot 2 of Boys and Girls Club Place, 1299 Locust Street and 1257 Locust Street: Upon motion the documents were received and filed, and Resolution No. 108-23 Approving the Plat of Survey of: Lot 1 & Lot 2 of Boys and Girls Club Place in the City of Dubuque, Iowa was adopted.

10. Approval of Final Plat of Valentine Place No. 4: Upon motion the documents were received and filed, and Resolution No. 109-23 Approving the Final Plat of Valentine Place No. 4, in the City of Dubuque and in Dubuque County, Iowa was adopted.

11. Pre-Annexation Agreement - 10400 Timothy Street, Dubuque County with Gary F. and Ann M. Kluesner: Upon motion the documents were received and filed, and Resolution No. 110-23 Approving a Pre-Annexation Agreement between the City of Dubuque, Iowa and Gary F. and Ann M. Kluesner was adopted.

12. Signed Contracts for 812 Garfield and 514 Angella Projects: Upon motion the documents were received, filed, and approved.

13. Signed Contract(s): Upon motion the documents were received and filed.

14. First Amendment to Development Agreement by and between the City of Dubuque, Iowa
and Switch Development, LLC.: Upon motion the documents were received and filed, and Resolution No. 111-23 Approving the First Amendment to Development Agreement by and between the City of Dubuque, Iowa and Switch Development, LLC was adopted.

15. Approval of Retail Alcohol Licenses: Upon motion the documents were received and filed, and Resolution No. 112-23 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.

16. Resolution Approving the Consent to Assignment and Assumption Agreement Between the Hotel Dubuque L.L.C., and Novelty Iron Landlord, LLC and Approving the Eighth Amendment to Development Agreement Between and among the City of Dubuque, Iowa, The Hotel Dubuque L.L.C., and Novelty Iron Landlord LLC: Upon motion the documents were received and filed, and Resolution No. 113-23 Approving the Consent to Assignment and Assumption Agreement between the Hotel Dubuque L.L.C., and Novelty Iron Landlord LLC and approving the Eighth Amendment to Development Agreement between and among the City of Dubuque, Iowa, the Hotel Dubuque L.L.C., and Novelty Iron Landlord LLC was adopted.

17. Final Plat of Asbury Plaza No. 22: Upon motion the documents were received and filed, and Resolution No. 114-23 Authorizing approval of the Final Plat of Asbury Plaza No. 22, in the City of Dubuque, Iowa 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 Wethal. Motion carried 7-0.

1. Resolution Setting a Public Hearing on the Proposed First Amendment to Development Agreement by and between the City of Dubuque and Seippel Warehouse, LLC providing 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. 115-23 Setting a public hearing on the First Amendment to Development Agreement between the City of Dubuque, Iowa and Seippel Warehouse, LLC was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on May 1, 2023 in the Historic Federal Building.

BOARDS/COMMISSIONS

Appointments were made to the following boards/commissions.

1. Equity and Human Rights Commission: Three, 3-Year terms through January 1, 2026 (Expired terms of Dixon, Durnin, and Kurczek); One, 3-Year term through January 1, 2024 (Vacant term of Branch). Applicants: Pamela Birch, 1550 Butterfields; Michaela Freiburger, 1718 Diane Crt. (Additional Applicant); Jake Kurczek, 1110 Victoria Pl.; Kristen Leffler, 159 Julien Dubuque Dr.; Lauren Link, 535 West 5th St.; Candace Raymond, 1155 Tressa St.; Enoc Sanchez, 2130 Morningview Rd.; Theresa Sampson Brown, 2285 Clydesdale Crt.; Nina Streauslin, 3904 Cora Dr.; Matt Zanger, 261 Southgate Dr. (Additional Applicant). This commission is subject to the State of Iowa Gender Balance Law, §69.16A. 9 Commissioners total; currently 1 male/3 females/ 5 openings. Openings were advertised for 90 days while non-female identifying applicants were sought in adherence with Iowa Code 69.16A Gender Balance. One additional 3-Year term through January 1, 2024 (Vacant term of Evans) will be
presented for applicant review at the May 1, 2023, City Council meeting. This term is being advertised for 90 days while non-female identifying applicants are sought in adherence with Iowa Code 69.16A Gender Balance. The City Council conducted a roll call vote for each of the terms. Upon roll call vote, Mr. Kurczek was appointed to the first three-year term through January 1, 2026. Ms. Birch received 1 vote (Sprank), and Mr. Kurczek received the remaining 6 votes. Upon roll call vote, Mr. Sanchez was appointed to the second three-year term through January 1, 2026. Ms. Link received 1 vote (Sprank), and Mr. Sanchez received the remaining 6 votes. Upon roll call vote, Mr. Zanger was appointed to the third three-year term through January 1, 2026. Ms. Sampson Brown received 1 vote (Jones), Ms. Link received 1 vote (Wethal) and Mr. Zanger received the remaining 5 votes. Upon roll call vote, Ms. Link was appointed to the three-year term through January 1, 2024. Ms. Freiburger received 2 votes (Jones and Roussell), Ms. Leffler received one vote (Resnick), and Ms. Link received the remaining 4 votes.

2. Park and Recreation Advisory Commission: One, 3-Year term through June 30, 2025 (Vacant term of Wood). Applicants: Jason Henkel, 1888 Saint Joseph St.; Ericson Hilbun, 1430 Oeth Crt. (Additional Applicant); Shirley Snow, 779 University Ave. Upon roll call vote, Mr. Henkel was appointed to the three-year term through June 30, 2025. Mr. Hilburn received 1 vote (Farber), and Mr. Henkel received the remaining 6 votes.

PUBLIC HEARINGS

1. Voluntary Annexation Request - John and Diane Brehm (property owners) and Seippel Warehouse LLC (applicant and future property owner): Motion by Resnick to receive and file the documents and adopt Resolution No. 116-23 Approving an Application for Voluntary Annexation of Territory to the City of Dubuque, Iowa. Seconded by Sprank. Motion carried 7-0.

2. Request to Rezone Brehm Acres: 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 Service Manager Wally Wernimont provided a staff report. Motion carried 7-0.

   Motion by Roussell for final consideration and passage of Ordinance No. 16-23 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by rescinding Ordinance No. 2-13 which established regulations for a PUD Planned Unit Development with a PI Planned Industrial Designation and adopting an amended PUD Ordinance that expands the district by incorporating an additional parcel of land. Seconded by Farber. Motion carried 7-0.

3. Request to Rezone 1061 Cedar Cross 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 Service Manager Wally Wernimont provided a staff report. Jennifer Clemens-Conlon of Clemens, Walters, Conlon, Runde, & Hiatt, L.L.P., 2080 Southpark Ct., introduced herself on behalf of applicant Tim Ertl and stated that she and Mr. Ertl were available to answer any questions. Responding to a question from the City Council, Mr. Wernimont summarized the city’s process for reviewing properties’ stormwater management. Motion carried 7-0.

   Motion by Jones for final consideration and passage of Ordinance No. 17-23 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1061 Cedar Cross Road from CS Commercial Service and Wholesale District to C-3 General Commercial District. Seconded by Sprank. Motion carried 7-0.
4. Request to Rezone 900 Alta Vista Street: 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 Jones. Planning Service Manager Wally Wernimont provided a staff report. City Council members expressed enthusiasm for the project. Motion carried 7-0.

Motion by Roussell for final consideration and passage of Ordinance No. 18-23 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 900 Alta Vista Street from ID Institutional District to OR Office Residential District. Seconded by Jones. Motion carried 7-0.

5. Request to Rezone 1301 Central Avenue: 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. Planning Service Manager Wally Wernimont provided a staff report. Scott Kwiencinski, of Horizon Development Group, 5201 East Terrace Dr., Madison, WI, stated that the company will submit an application to the Iowa Finance Authority (IFA) and tentatively plan to close and begin construction by early next year. Responding to a question from the City Council on parking, Mr. Wernimont stated that C-4 zoning districts do not require parking lots and that parking ramps are located near the property. Responding to questions from the City Council, Mr. Kwiencinski stated that state and federal historic credits are being pursued for the project and confirmed the building will remain in compliance with all historic requirements. Mr. Kwiencinski also stated that while the company’s current site plan includes an onsite playground, they are considering an indoor playroom. City Council members spoke about the need for housing at all income levels and this project’s proximity to key amenities. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 19-23 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described parcel of land located along Central Avenue, Loras Boulevard, West 13th Street, and Iowa Street within the City of Dubuque from C-4 Downtown Commercial District to OR Office Residential District. Seconded by Roussell. Motion carried 7-0.

6. Proceedings for the Public Hearing on the Issuance of Not to Exceed $6,250,000 Taxable General Obligation Bonds, Series 2023A: Motion by Roussell to receive and file the documents and adopt Resolution No. 117-23 Taking additional action on proposals to enter into Loan Agreements and combining Loan Agreements. Seconded by Farber. Motion carried 7-0.

7. Public Hearing for Sale of City-Owned Property at 2407 Queen Street: Motion by Sprank to receive and file the documents and adopt Resolution No. 118-23 Disposing of city interest in real property at 2407 Queen Street, in the City of Dubuque, Iowa. Seconded by Resnick. Motion carried 7-0.

ACTION ITEMS

1. Resolution of Support for Proposed Low Income Housing Project – Horizon Development: Motion by Farber to receive and file the documents and adopt Resolution No. 119-23 Providing a Letter of Support for a Low-Income Housing Tax Credit Project proposed by Horizon Development. Seconded by Wethal. Motion carried 7-0.

2. Resolution of Support for Proposed Low Income Housing Project – Gronen Development:
Motion by Resnick to receive and file the documents and adopt Resolution No. 120-23 Providing a Letter of Support for a Low-Income Housing Tax Credit Project proposed by Gronen Development. Seconded by Sprank. City Council members stated their support for the development. Motion carried 7-0.

3. 2022 Most Dynamic Metros Publication: Motion by Jones to receive and file the documents. Seconded by Roussell. City Manager Van Milligen stated that the City of Dubuque experienced the 5th best improvement in their overall ranking, moving from 294 on last year’s list to 154 on this year’s list. Motion carried 7-0.

4. Leisure Services Temporary Employee Recruitment & Hiring Update: Motion by Farber to receive and file the documents. Seconded by Sprank. Responding to a question from the City Council, Recreation Division Manager Dan Kroger stated that summer pool passes will be available starting April 28th. Motion carried 7-0.

5. Work Session Request: AchieveIt and Imagine Dubuque: Motion by Resnick to receive and file the documents and schedule the work session for Monday, June 5th, 2023, at 5:30 p.m. Seconded by Wethal. Motion carried 7-0.

6. Delivering Dubuque: Trash Tipper Carts Video: Motion by Resnick to receive and file the documents and view the video. Seconded by Farber. Media Services showed the Delivering Dubuque episode featuring trash tipper carts. This video can be viewed at: https://youtu.be/kg3H0hTomoo. Responding to questions from the City Council, City Manager Van Milligen stated that the city will require residents begin using tipper carts on July 1st, 2023, and that city staff can provide an update on implementation after that date. City Manager Van Milligen also stated that the city is working with the public to address their comments on the tipper carts and that he will confirm if grocery stores have been notified about the tipper carts to help communicate their upcoming requirement to residents. Motion carried 7-0.

COUNCIL MEMBER REPORTS

Council Member Roussell reported on attending the International Rural Churches Association conference. Ms. Roussell was given a shawl from the Bishop of India and stated her intention to donate the shawl to the Multicultural Family Center (MFC).

Council Member Jones thanked the Telegraph Herald for continuously reporting on Leisure Services summer staffing needs.

Mayor Cavanagh reported on attending a Dubuque Kiwanis Club luncheon.

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 Roussell. Mayor Cavanagh stated for the record that the attorney who will consult with the 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 10:46 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 10:46 p.m.

/s/Adrienne N. Breitfelder, CMC
City Clerk