The Dubuque City Council met in special session at 5:00 p.m. on May 15, 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 special session of the City Council called for the purpose of conducting work sessions on a Brownfield Site Conceptual Revisioning Plan and the Flock Safety Automated License Plate reader system.

WORK SESSIONS (2)

1. Flexsteel Industries Brownfield Site Conceptual Revisioning Plan
   Economic Development Director Jill Connors introduced Dan Fox, Senior Planner with East Central Intergovernmental Association (ECIA), who presented a Brownfield Site Conceptual Revisioning Plan that ECIA prepared at city staff’s request for the former Flexsteel site located at 3400 Jackson Street in Dubuque. Mr. Fox and Emily Smart of Blackstone Environmental responded to questions from the City Council regarding the cost and timeframes of environmental studies. Responding to questions from the City Council, City Manager Van Milligen stated that the property is privately owned by Flexsteel except for the wetlands they intend to donate to the Dubuque County Conservation Board and that there may be city incentives for certain developments on the property. City Manager Van Milligen also stated that the environmental study results may lead to restrictions on certain developments in specific areas of the property. City Council Members emphasized that the plan is not finalized and confirmed with the presenters that developers could initiate conversations with Flexsteel regarding the property at any time.
   This work session concluded at 5:41 p.m.

2. Flock Safety Automated License Plate Reader Presentation
   Chief of Police Jeremy Jensen and Hector Soliman-Valdez, Senior Community Affairs Manager with Flock Safety, presented on the Flock Automated License Plate Reader system. The presenters responded to questions from the City Council regarding data storage, reliability, access, sharing, and auditing; and what occurs with the data if an individual is arrested on a warrant. Responding to a question regarding next steps, Chief Jensen stated that the city must update its camera policy to address City Council concerns and user parameters.

   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 May 15, 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. ICMA YSEALI Fellow Presentation: Assistant City Manager Cori Burbach introduced ICMA YSEALI Fellow Dr. Tuan Tung, who made some brief remarks regarding his fellowship in Dubuque.

2. 2023 Employee SPIRIT Awards Recognition Assistant City Manager Cori Burbach made a presentation on the 2023 City of Dubuque SPIRIT Awards and recognized the award recipients.

PROCLAMATION(S)

1. Salvation Army Week (May 15-21, 2023) was accepted by Captain David Amick on behalf of the Dubuque Salvation Army.

2. Kids to Parks Day (May 20, 2023) was accepted by Park Division Manager Steve Fehsal on behalf of the Leisure Services Department.

3. Public Works Week (May 21-27, 2023) was accepted by Public Works Director John Klostermann on behalf of the Public Works Department.

4. LGBTQ+ Pride Month (June 2023) was accepted by Multicultural Family Center Assistant Director Sarah Peterson on behalf of the Multicultural Family Center's Family Pride Picnic Committee.

CONSENT ITEMS

Mayor Cavanagh requested Item No. 18 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. 18. Seconded by Jones. Motion carried 7-0.

2. Notice of Claims and Suits: Kevin Ehrlich 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: Kevin Ehrlich 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. 144-23 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.

5. Four Mounds Foundation Historical Resource Development Program (HRDP) Grant Submission for Four Mounds Foundation National Register of Historic Places Update: City Manager shared information with City Council that the Four Mounds Foundation applied for a grant related to the city owned Four Mounds Park that would allow for Four Mounds to amend and update its National Register of Historic Places Nomination to include a statewide significant designation, as well as to include the 1953 Pine Block Cabin on the site nicknamed "Marvin Gardens". Upon motion the documents were received and filed.

6. Brownfield Conceptual Redevelopment Plan for 3400 Jackson Street (former Flexsteel Industries Site): Upon motion the documents were received and filed.

7. Third Amendment to Development Agreement Between the City of Dubuque and Port of Dubuque LLC: Upon motion the documents were received and filed, and Resolution No. 145-23 Approving a Third Amendment to Development Agreement by and between the City of Dubuque, Iowa and Port of Dubuque LLC was adopted.

8. Addendum to Approved Purchase Agreement for Disposition of City-Owned Property at 2407 Queen Street: Upon motion the documents were received and filed, and Resolution No. 146-23 Adding the FHA Amendatory Clause and Real Estate Certification to the Purchase Agreement for 2407 Queen Street was adopted.

9. Second Amendment to Community Development Block Grant (CDBG) Subrecipient Agreement between the City of Dubuque and Dubuque Community YMCA/YWCA Domestic Violence Shelter: Upon motion the documents were received and filed, and Resolution No. 147-23 Authorizing the Second Amendment to the CDBG Subrecipient Agreement between the City of Dubuque and Dubuque Community YMCA/YWCA was adopted.

10. Acceptance of United States Department of Agriculture (USDA) Office of Urban Agriculture and Innovative Production Grant: Upon motion the documents were received and filed, and Resolution No. 148-23 Accepting USDA Office of Urban Agriculture and Innovative Production Grant was adopted.

11. Chavenelle Road Hike Bike Trail Phase 2: Recommendation for Acceptance: Upon motion the documents were received and filed, and Resolution No. 149-23 Accepting the Chavenelle Road Hike Bike Trail Phase 2 Project and authorizing the payment of the contract amount to the contractor was adopted.
12. Acceptance of Grant of Easement for Ingress/Egress and Sidewalk from Joyce M. Tricarico and Michael Tricarico over private property at 2405 Queen Street in Dubuque: Upon motion the documents were received and filed, and Resolution No. 150-23 Accepting a Grant of Easement for Ingress/Egress and Sidewalk over and across part of Lot 1-70 in Stafford’s Addition, in the City of Dubuque, Iowa was adopted.

13. City of Dubuque and Interstate Power and Light Company Memorandum of Understanding Potential Purchase of Excess Property at Former Power Plant Site: Upon motion the documents were received and filed, and Resolution No. 151-23 Approving a Memorandum of Understanding between the City of Dubuque and the Interstate Power and Light Company (IPL) for the potential purchase of excess property at the former Power Generation Plant Site on 7th Street was adopted.

14. Iowa Amphitheater on Schmitt Island Project: Request to Distribute RFQ and Create an RFQ Review Committee: Upon motion the documents were received, filed, and approved.

15. Signed Contract(s): Gronen Restoration, Inc. for use of a Licensed Area; Origin Design Co. for the Old Highway Road Water Main Connection Loop. Upon motion the documents were received and filed.

16. Sustainable Dubuque Community Grant Award Recommendation: Upon motion the documents were received and filed, and Resolution No. 152-23 Awarding additional Sustainable Dubuque grant funding to various organizations was adopted.

17. Iowa Arts Council Grant Application: Upon motion the documents were received, filed, and approved.

18. House File 718: Mayor Cavanagh summarized the legislation’s potential effects on the city’s budget, stating that the projected loss of city funds will limit the city’s future investments in the community. City Council members suggested conducting a work session to further detail the legislation’s impact and clarified that the legislation was signed into law. Motion by Farber to receive and file the documents. Seconded by Jones. Motion carried 7-0.

19. Certified List - Police Officer: Upon motion the documents were received, filed, and made a matter of record.

20. Approval of Retail Alcohol Licenses: Upon motion the documents were received and filed, and Resolution No. 153-23 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 Sprank. Motion carried 7-0.

1. Sale of City-owned property at 1559 Washington Street: Upon motion the documents were received and filed, and Resolution No. 154-23 Intent to dispose of an interest in City of Dubuque real estate to RC Restoration LLC, 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 June 5, 2023 in the Historic Federal Building.

2. Old Highway Road Water Main Installation Project: Initiate Public Bidding and Set the Public Hearing Date: Upon motion the documents were received and filed, and Resolution No. 155-23 The Old Highway Road Water Main Installation Project 2023: 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 was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 5, 2023 in the Historic Federal Building.

3. Resolution Setting a Public Hearing on a Proposed Development Agreement by and between the City of Dubuque, Iowa and McCoy Group, Inc. LLC Providing for the Sale of City-owned Real Estate to McCoy Group, Inc. and 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. 156-23 (1) approving the minimum requirements, competitive criteria, and offering procedures for the development and the sale of certain real property and improvements in the Greater Downtown Urban Renewal District; (2) determining that the offer to purchase submitted by McCoy Group, Inc. satisfies the offering requirements with respect to the real property and improvements and declaring the intent of the City Council to approve the sale to McCoy Group, Inc. in the event that no competing proposals are submitted; and (3) soliciting competing proposals was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on June 20, 2023 in the Historic Federal Building.

**BOARDS/COMMISSIONS**

Appointments were made to the following boards/commissions.

1. Equity and Human Rights Commission: One, 3-Year term through January 1, 2024 (Vacant term of Evans). Applicants: Pamela Birch, 1550 Butterfields Dr.; Michaela Freiburger, 1718 Diane Ct.; Kristen Leffler, 159 Julien Dubuque Dr.; Candace Raymond, 1155 Tressa St.; Theresa Sampson Brown, 2285 Clydesdale Ct.; Nina Streuslin, 3904 Cora Dr. This commission is subject to the State of Iowa Gender Balance Law, §69.16A. 9 Commissioners total; currently 4 males/4 females/ 1 opening. Upon roll call vote, Ms. Sampson Brown was appointed to the three-year term through January 1, 2024. Ms. Freiburger received 1 vote (Wethal), and Ms. Sampson Brown received the remaining 6 votes.

2. Long Range Planning Advisory Commission: One, 3-Year term through July 1, 2025 (Vacant term of Krayer). Applicant: Cliff Conrad, 135 West 17th St. Motion by Jones to appoint Mr. Conrad to the three-year term through July 1, 2025. Seconded by Sprank. Motion carried 7-0.

**PUBLIC HEARINGS**

1. Municipal Services Center EV Charging Stations Project: Motion by Farber to receive and file the documents and adopt Resolution No. 157-23 Municipal Services Center EV Charging Stations Project: approval of plans, specifications, form of contract, and estimated cost; for the Municipal Services Center EV Charging Stations Project. Seconded by Roussell. Public Works Director John Klostermann and Sustainable Communities Coordinator Gina Bell responded to questions from the City Council regarding future prospects on electric
vehicles (EVs) and their contribution toward the city’s goals within its Climate Action Plan. Mr. Klostermann and City Manager Van Milligen responded to a question from the City Council regarding other city departments’ involvement in obtaining EVs. City Council Members discussed the benefits of EVs and their desire to further invest in the city’s EV fleet. Motion carried 7-0.

2. 2023 Pavement Marking Project: Motion by Jones to receive and file the documents and adopt Resolution No. 158-23 Approval of plans, specifications, form of contract, and estimated cost for the 2023 Pavement Marking Project. Seconded by Wethal. Responding to a question from the City Council on how the calculation of the State of Iowa’s portion of the project is determined, Project Manager Steve Sampson Brown stated that the state’s portion is calculated from road use tax funds from state. Motion carried 7-0.

3. Public Hearing for Sale of City-Owned Property at 590 Clarke Drive: Motion by Resnick to receive and file the documents and adopt Resolution No. 159-23 Disposing of city interest in real property at 590 Clarke Drive, in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

4. Fiscal Year 2023 Second Budget Amendment: Motion by Resnick to receive and file the documents and adopt Resolution No. 160-23 Amending the current budget for Fiscal Year Ending June 2023 (as last certified or amended on 10/17/2022). Seconded by Farber. Motion carried 7-0.

PUBLIC INPUT

Rick Dickinson, President and CEO of Greater Dubuque Development Corporation (GDDC), thanked the City Council for their vote in support of Public Hearing No. 1, summarizing the importance of EVs toward good air quality and how they factor into Dubuque being a community of choice for residents. Mr. Dickinson also thanked the City Council and city staff for Item Set for Public Hearing No. 3, expressing appreciation for the city quickly addressing the needs of McCoy Group, Inc.

ACTION ITEMS

1. Destination Iowa Outdoor Recreation Fund Grant: Motion by Resnick to receive and file the documents and approve the City Manager executing the Destination Iowa Outdoor Recreation Fund Grant. Seconded by Sprank. Council Member Farber asked if she needed to recuse herself from the vote. City Attorney Brumwell confirmed that Council Member Farber did not need to recuse herself. City Council Members expressed enthusiasm for the grant. Motion carried 7-0.

2. St. Anne & Avalon Intersection Reconstruction Project: Motion by Jones to receive and file the documents and adopt Resolution No. 161-23 Awarding Public Improvement Construction Contract for the St. Anne and Avalon Intersection Reconstruction Project. Seconded by Roussell. Motion carried 7-0.

3. Proposed amendment to the 2020 National Electrical Code: 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. Responding to a question from the City Council,
Assistant Housing Director Michael Belmont stated that electrical is not in scope of the international building codes, and that the ordinance update is a revision to an existing amendment. City Attorney Brumwell stated that the National Electrical Code (NEC) has been adopted by the State of Iowa. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 20-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article D Electrical Code. Seconded by Wethal. Motion carried 7-0.

4. Adoption of the 2021 International I-Codes: 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 Sprank. City Council Members discussed the exclusion of residential sprinklers in the City of Dubuque Code of Ordinances and that future discussions may be needed regarding them. Motion carried 7-0.

Motion by Roussell for final consideration and passage of Ordinance No. 21-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article A Building Code and Regulations; Ordinance No. 22-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article B Residential Code; Ordinance No. 23-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article E Fire Code and Regulations; Ordinance No. 24-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article F Mechanical Code; Ordinance No. 25-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article J Property Maintenance Code; and Ordinance No. 26-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes, Article K International Existing Building Code. Seconded by Sprank. Motion carried 7-0.

5. Adoption of the 2021 Uniform Plumbing Code: 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 Farber. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 27-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes; and Ordinance No. 28-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 1 Building Codes by repealing Article H Plumbing Code and adopting a new Article H Plumbing Code in lieu thereof. Seconded by Wethal. Motion carried 7-0.

6. Amendment to Ordinance 14-9-1 Swimming Pools: 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 Sprank. Responding to a question from the City Council, Mr. Belmont stated that the ordinance amendment updates the definition of “swimming pool” to address safety issues. Motion carried 7-0.

Motion by Roussell for final consideration and passage of Ordinance No. 29-23 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 9 Swimming Pools, Section 14-9-1 Definition. Seconded by Sprank. Motion carried 7-0.
COUNCIL MEMBER REPORTS

Council Member Jones reported on the upcoming honor flights at the Dubuque Regional Airport.
Mayor Cavanagh reported on the high attendance at the recent Dubuque farmer’s markets.

CLOSED SESSION

Motion by Jones to convene in closed session at 8:00 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 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 9:27 p.m. stating that staff had been given proper direction.

ADJOURNMENT

There being no further business, Mayor Cavanagh declared the meeting adjourned at 9:27 p.m.

/s/Adrienne N. Breitfelder, CMC
City Clerk

1t 5/24