The Dubuque City Council met in special session at 5:30 p.m. on July 17, 2023, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Cavanagh; Council Members Farber, Resnick, Roussell, Sprank, Wethal; City Manager Van Milligen, City Attorney Brumwell.

Absent: Council Member Jones.

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 state legislation and property tax reform’s impact on city revenue.

**WORK SESSION**

**State Legislation/Property Tax Reform – Impact on City Revenue**

Chief Financial Officer Jennifer Larson made a presentation on recent state legislation and property tax reform’s impact on city revenue. Ms. Larson responded to questions from the City Council regarding the parameters that would subject projects to a referendum and the new tax statement mailing process. Ms. Larson stated that the city’s budget hearing schedule may be altered in future years due to the extended deadline to certify the budget. City Manager Van Milligen stated that state legislators have communicated their intention to consider changes to the local option sales tax (LOST), tax increment financing (TIF), and property taxes in future years. City Council Members discussed how the state legislation will impact city services and their history of being fiscally responsible.

City Attorney Brumwell suggested the City Council go into closed session in the remaining time before regular session.

**CLOSED SESSION**

Motion by Roussell to convene in closed session at 6:12 p.m. to discuss Purchase or Sale of Real Estate – Chapter 21.5(1)(j) Code of Iowa. Seconded by Wethal. 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 6-0.

The City Council reconvened in open session at 6:28 p.m. stating that staff had been given proper direction.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 6:28 p.m.

/s/Adrienne N. Breitfelder, CMC
City Clerk
CITY OF DUBUQUE, IOWA
CITY COUNCIL PROCEEDINGS
REGULAR SESSION

The Dubuque City Council met in regular session at 6:30 p.m. on July 17, 2023, in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6th Street.

Present: Mayor Cavanagh; Council Members Farber, Resnick, Roussell, Sprank, Wethal; City Manager Van Milligen, City Attorney Brumwell.

Absent: Council Member Jones.

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 6-0.


2. Notice of Claims and Suits: Joseph Ede for property damage; Denise Hackbarth for vehicle damage; Lawrence Herrig for property damage; Thomas and Sandra Sitzmann for property damage; Teresa Stegall for personal injury; Michael Thill 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: Joseph Ede for property damage; Denise Hackbarth for vehicle damage; Lawrence Herrig for property damage; Juan Lampe for property damage; Brian Sanger for property damage; Thomas and Sandra Sitzmann for property damage; Teresa Stegall for personal injury; Michael Thill 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. 223-23 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. 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. 180-23-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.
6. Engineering Technician Additional Position Request: City Manager recommended City Council approval to add a non-exempt (hourly), full-time (1.0 FTE) Engineering Technician position to save money by reducing overtime and reducing the need to hire private engineering consultants that bill out at much higher rates. Upon motion the documents were received, filed, and approved.

7. Approval of Plat of Survey of Lot 1B of Roger F. and Kathleen A. Klauer Family Place, in the City of Dubuque, Iowa for Vacating Petition (Agreement Between City of Dubuque and CCI5, LLC): Upon motion the documents were received and filed, and Resolution No. 224-23 Approving Plat of proposed vacated portion of Bies Drive, in the City of Dubuque, Iowa, to be known as Lot 1B of Roger F. and Kathleen A. Klauer Family Place, in the City of Dubuque, Iowa was adopted.

8. Agreement with Dennis R. Walker for the Vacation and Sale of National Street Right of Way South of Burlington Street Adjacent to Walker Property at 3009 Burlington Street: Upon motion the documents were received and filed, and Resolution No. 225-23 Approving an Agreement between the City of Dubuque, Iowa and Dennis R. Walker was adopted.

9. Iowa Department of Transportation Funding Agreement for Statewide Transportation Innovation Council Incentive Program Project: Upon motion the documents were received and filed, and Resolution No. 226-23 Approving a Funding Agreement (ST-018) with the Iowa Department of Transportation for a Statewide Transportation Innovation Council (STIC) Grant that will continuously monitor and report on the performance of signalized intersections within the City of Dubuque was adopted.

10. Fiscal Year 2023 and 2024 Contracted Service Agreement: DuRide: Upon motion the documents were received, filed, and approved.

11. Signed Contract(s): RACOM for the Dubuque Water Distribution Harris P25 Radio Equipment. Upon motion the documents were received and filed.

12. Communications Assistant Position: City Manager recommended City Council approval to combine the currently vacant 0.5 FTE Communications Assistant position in the Public Information Office and the currently vacant 0.7 FTE Marketing Coordinator position at the Airport to create a 1.0 FTE Communications Assistant position in the Public Information Office. Upon motion the documents were received, filed, and approved.

13. City Fiscal Year 2024 Update to Dubuque County Resource Enhancement and Protection Program (REAP) 5-Year Plan: Upon motion the documents were received, filed, and approved.

14. Adoption of Supplement Number 2023 S-11 to the City of Dubuque Code of Ordinances: Upon motion the documents were received and filed, and Resolution No. 227-23 Adopting Supplement No. 2023 S-11 to the Code of Ordinances of the City of Dubuque, Iowa was adopted.

15. Settlement Agreement, Fas Mart #5159: City Manager recommended City Council approval of the Tobacco Compliance Settlement Agreement with Fas Mart #5159, 2175 Central Avenue. Upon motion the documents were received, filed, and approved.

16. Settlement Agreement, Casey’s General Store, Inc #2421: City Manager recommended
City Council approval of the Tobacco Compliance Settlement Agreement with Casey’s General Store, Inc. #2421, 4003 Peru Road. Upon motion the documents were received, filed, and approved.

17. Settlement Agreement, Liquor Tobacco and Grocery: City Manager recommended City Council approval of the Tobacco Compliance Settlement Agreement with Settlement Agreement, Liquor Tobacco and Grocery, 1998 Jackson Street. Upon motion the documents were received, filed, and approved.

18. Approval of Retail Alcohol Licenses: Upon motion the documents were received and filed, and Resolution No. 228-23 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 6-0.

1. Petition to Vacate a portion of Bies Drive, in the City of Dubuque, Iowa for Vacating Petition (Agreement Between City of Dubuque and CCI5, LLC): Upon motion the documents were received and filed and Resolution No. 229-23 Intent to vacate and dispose of a portion of Bies Drive, in the City of Dubuque, Iowa, to be known as Lot 1B of Roger F. and Kathleen A. Klauer Family Place, in the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 7, 2023 in the Historic Federal Building.

2. Burlington Street Water Main Improvement Project - Initiate Public Bidding and Set the Public Hearing Date: Upon motion the documents were received and filed and Resolution No. 230-23 The Burlington Street Water Main Improvement 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 August 7, 2023 in the Historic Federal Building.

3. Human Rights Commission Request for Commissioner Removal: Upon motion the documents were received and filed and Resolution No. 231-23 Setting a public hearing on the intent to consider the removal of a commissioner from the Human Rights Commission was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 7, 2023 in the Historic Federal Building.

4. Set for Public Hearing - Butler Children’s Garden Voluntary Annexation Request: Upon motion the documents were received and filed and Resolution No. 232-23 Setting a public hearing on an application for voluntary annexation of territory to the City of Dubuque, Iowa was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on August 21, 2023 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.

1. Civic Center Commission: One, 3-Year Term through June 29, 2024 (Vacant term of Gavin). Applicant: Danielle Jacobs, 3130 Shiras Ave.

2. Historic Preservation Commission: One, interim term due to vacancies of the Cathedral District term and Old Main District term. Applicants: Cole Hansen, 408 Burch St. (Lives outside of historic districts); Heidi Pettitt, 3116 Central Ave. (Lives outside of historic districts). This commission is subject to the State of Iowa Gender Balance Law, §69.16A. 10 Commissioners total; currently 3 males /4 females /2 openings/ 1 Interim. City Clerk Breitfelder stated that Mr. Hansen submitted written input in support of his application.

3. Housing Commission: Two, 3-Year Terms through August 17, 2026 (Expiring At-Large terms of Dixon and Eudaley). Applicants: Matthew Henrick, 2115 Golden Eagle Dr.; Juanita Otis, 2509 Jackson St.; Julietta Scott, 2455 Woodlawn St.

4. Long Range Planning Advisory Commission: One, 3-Year term through July 1, 2026 (Vacant At-Large term of Vincent). Applicant: Michael Rabagia, 1449 Jackson St.

Appointments were made to the following boards/commissions.

1. Transit Advisory Board: One, 3-Year Term through July 30, 2026 (Expiring Term of Orwoll). Applicant: Greg Orwoll, 2635 West 32nd St. Motion by Sprank to appoint Mr. Orwoll to the three-year term through July 30, 2026. Seconded by Roussell. Motion carried 6-0.

PUBLIC HEARINGS

1. Resolution Approving a Proposed Development Agreement by and between the City of Dubuque, Iowa and 799 Main, LLC Providing 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. 233-23 Approving a Development Agreement by and between the City of Dubuque, Iowa, and 799 Main, LLC including the issuance of Urban Tax Increment Revenue Obligations. Seconded by Farber. City Council Members and City Manager Van Milligen confirmed the development agreement contained a clause requiring the acceptance of housing choice vouchers. Motion carried 6-0.

2. John F. Kennedy Road and West 32nd Street Intersection Improvement Project: Motion by Resnick to receive and file the documents and adopt Resolution No. 234-23 Approval of plans, specifications, form of contract, and estimated cost for the John F. Kennedy Road and W. 32nd Street Intersection Improvement Project. Seconded by Wethal. Responding to questions from the City Council, City Engineer Gus Psihoyos stated that the water extension is for private water service requested by the developer and that a roundabout would not function well at the location due to the high volumes of traffic from the Dubuque Soccer Complex at specific times. Motion carried 6-0.

PUBLIC INPUT

Martha Corfman, 1185 N. Booth St.; Ken Kiss, 16855 Muntz Ct.; Sara Ellert-Beck, 4851 Camelot Dr.; and Stormy Mochal, 1756 Wood St., respectively provided input regarding Action Item No. 5, requesting the City Council dedicate a portion of the Dubuque Industrial Park for a
bird sanctuary to protect the bird species that have recently been discovered at the property.

City Clerk Breitfelder announced that written input was received from the following individuals regarding Action Item No. 5: Clark Schloz, 2925 Burlington St.; Kristin Anderson-Bricker and John Anderson-Bricker, 903 Merz St.; and Joanne Elley, 510 Primrose St.

**ACTION ITEMS**

1. **Moody's Upgrade of City of Dubuque's Issuer Rating and Bonds:** Motion by Farber to receive and file the documents and listen to the presentation. Seconded by Resnick. City Manager Van Milligen provided information from Moody's Investors Services regarding their upgrade of the City of Dubuque's issuer rating outstanding general obligation unlimited tax bonds to Aa2 from Aa3, as well as its outstanding moral obligation Sales Tax Increment Revenue Bonds, Senior Bond Series 2015A to A1 from A2 and clarified that this agenda item does not contain a presentation. City Council Members commended the rating upgrade and suggested that the city’s Dollars and Cents brochure contain the updated ratings. City Manager Van Milligen stated that the Fiscal Year 2024 Dollars and Cents brochure has already been mailed to residents, but the online version will be modified to reflect the updated ratings. Motion carried 6-0.

2. **Proceedings for Directing Sale of not to exceed $6,250,000 Taxable General Obligation Bonds, Series 2023A and Awarding Bonds to Best Bidder:** Motion by Resnick to receive and file the documents and adopt Resolution No. 235-23 Authorizing and approving a Loan Agreement, providing for the sale and issuance of Taxable General Obligation Corporate Purpose Bonds, Series 2023A, and providing for the levy of taxes to pay the same. Seconded by Wethal. Tionna Pooler of Independent Public Advisors summarized the bid results, stating that four bids were received involving 31 banks. Responding to a question from the City Council, Ms. Pooler summarized Moody’s recommendations for the city to further improve its ratings. Motion carried 6-0.

3. **Investment Policy Certificate of Excellence Award:** Motion by Resnick to receive and file the documents. Seconded by Farber. City Manager Van Milligen transmitted the notification of the City of Dubuque receiving the Association of Public Treasurers of the United States & Canada’s 2023 Investment Policy Certificate of Excellence Award for the City's comprehensive investment policy. City Council Members congratulated Ms. Larson and her team on the accomplishment. Motion carried 6-0.

4. **Submission of Fiscal Year Ended June 30, 2022 Annual Comprehensive Financial Report (ACFR) and Results of the 2022 Financial Statement Audit, Including Required Communications:** Motion by Wethal to receive and file the documents and listen to the presentation. Seconded by Roussell. Ms. Larson made a presentation on the Fiscal Year 2022 (ACFR). City Council Members commended the audit results not consisting of any findings. Motion carried 6-0.

5. **Dubuque Audubon Society Proposal for Grassland Preserve:** Motion by Wethal to receive and file the documents and refer to the City Council for discussion. Seconded by Farber. Mayor Cavanagh summarized his reasoning for placing this proposal from Ken Kiss of the Dubuque Audubon Society on the agenda and read an email that he sent to members of the public who contacted him regarding this request. Responding to a question from the City Council, City Attorney Brumwell stated that City Council Members can have discussions about agenda items with other individual City Council Members, but that serial meetings and quorums outside of
public meetings were not permitted per the Iowa Open Meetings Law. When asked by City Council whether the city must take any specific action regarding the federally protected bird species identified at the Dubuque Industrial Park, City Manager Van Milligen and City Attorney Brumwell both stated they could not confirm at this time. James Olson, 867 Cleveland Ave., stated that the birds identified at the Dubuque Industrial Park are not endangered but are still considered significant species of grassland birds whose populations have been impacted by various factors. Responding to questions from the City Council, City Manager Van Milligen stated that the city is not eligible for a specific United States Fish and Wildlife Service Program in support of the bird species because the city does not meet the program’s minimum population requirement, but that other programs may be considered. City Manager Van Milligen further stated that many city departments may be involved in researching additional information if City Council directs this request to city staff. City Council Members discussed the proposal and determined that the city’s legal responsibilities regarding applicable federal protections toward the bird species at the Dubuque Industrial Park needed to be confirmed. The City Council concluded that additional information was needed for the proposal and that the proposal would need to be an established goal during the City Council’s annual goal setting process before city staff conducted further work on the proposal. City Council Members encouraged the Dubuque Audubon Society to perform further research to identify other potential properties suitable for the bird species. Motion carried 6-0.

6. Automated Solid Waste Curbside Collection System Implementation Update: Motion by Resnick to receive and file the documents and listen to the presentation. Seconded by Sprank. Public Works Director John Klostermann introduced Resource Management Coordinator Jacob Jansen, who made a presentation on the implementation plan for the automated solid waste conveyance system and continued progress reporting. City Council Members thanked Public Works staff for working with individuals who needed an accommodation for the tipper cart program and expressed enthusiasm for the implementation’s progress. Motion carried 6-0.

7. Kerper Court and Kerper Boulevard Intersection Improvement Project: Motion by Sprank to receive and file the documents and adopt Resolution No. 236-23 Awarding public improvement contract for the Kerper Court and Kerper Boulevard Intersection Improvement Project. Seconded by Wethal. City Council Members expressed enthusiasm for this project. Motion carried 6-0.

8. Adoption of a Policy for City Acceptance of Streets in Commercial Subdivisions: Motion by Roussell to receive and file the documents and adopt Resolution No. 237-23 Adopting a policy for city acceptance of streets in commercial subdivisions. Seconded by Sprank. Responding to a question from the City Council, City Manager Van Milligen stated that this policy provides developers the choice to decide whether streets in commercial subdivisions will be public or private. City Council Members thanked city staff for swiftly proposing this policy swiftly after it was presented at the June 26, 2023, Economic Development work session. Motion carried 6-0.

9. Corrected Legal Description for Ordinance 30-23 for the Dubuque Industrial Center Economic Development District, Version 2023.3: Motion by Resnick 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 6-0.

Motion by Resnick for final consideration and passage of Ordinance No. 30-23-A Correcting and amending Ordinance No. 30-23, 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 T to the Division Of Revenues. Seconded by Farber. Motion carried 6-0.

10. An Ordinance Amending Tax Increment Ordinance 33-23 for the Switch Homes Housing Urban Renewal Area: Motion by Resnick 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 6-0.

Motion by Resnick for final consideration and passage of Ordinance No. 34-23 Amending Ordinance 33-23 providing that general property taxes levied and collected each year on all property located within the Switch Homes 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 Switch Homes Housing Urban Renewal Area. Seconded by Farber. Motion carried 6-0.

11. Work Session Request: Four Mounds Foundation: Motion by Roussell to receive and file the documents and schedule the work session for Monday, August 7, 2023, at 5:00 p.m. Seconded by Sprank. City Manager Van Milligen stated that some City Council Members have expressed challenges arriving at 5:00 p.m. for the work session and proposed the start time be changed to 5:15 p.m. Motion amended by Roussell to start the work session at 5:15 p.m. Seconded by Sprank. Motion carried 6-0.

12. Work Session Request: Smart Parking Mobility Management Plan Update: Motion by Sprank to receive and file the documents and schedule the work session for Monday, September 11, 2023, at 6:00 p.m. Seconded by Roussell. Motion carried 6-0.

COUNCIL MEMBER REPORTS

Council Member Roussell reported on volunteering at a farmer’s market booth to promote Dubuque Trees Forever in which she had a conversation with a couple who were new to Dubuque and were enthusiastic about residing in the community.

Council Member Resnick reported on attending a Grand Opera House performance of Into the Woods.

Council Member Farber reported on the strong attendance at the recent Millwork Night Market.

Council Member Wethal reported on attending an event at St. Mark Youth Enrichment.

CLOSED SESSION

Motion by Resnick to convene in closed session at 8:49 p.m. to discuss Purchase or Sale of Real Estate – Chapter 21.5(1)(j) Code of Iowa. Seconded by Farber. 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 6-0.

The City Council reconvened in open session at 9:32 p.m. stating that staff had been given proper direction.

**ADJOURNMENT**

There being no further business, Mayor Cavanagh declared the meeting adjourned at 9:32 p.m.

/s/Adrienne N. Breitfelder, CMC  
City Clerk