

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

The Dubuque City Council met in special session at 5:30 p.m. on November 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 special session of the City Council called for the purpose of conducting a work session to receive an update on the Smart Traffic Routing with Efficient & Effective Traffic System (STREETS).

WORK SESSION

Smart Traffic Routing with Efficient & Effective Traffic System (STREETS)

Chandra Ravada, Director of Transportation, Planning, and Transit Services for the East Central Intergovernmental Association (ECIA) made introductory remarks. Joseph Brahm, Project Manager for Parsons Transportation Group, Inc. and Matthew Nam, President of Aimsun Inc., made a presentation on the progress of STREETS. Ehsan Bagheri and Ranjit Gopal of Parsons Transportation Group, Inc. conducted a virtual demonstration of the system. Responding to questions from the City Council, the presenters stated that the system will have a two-way interface with Google Maps and that the system focus is on altering the timing of green lights and left turns. Responding to a question regarding the system's security, the presenters stated that certain user privileges will be assigned to specific users and that security scans are conducted on a set schedule.

There being no further business, Mayor Cavanagh declared the meeting adjourned at 6:30 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 November 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

PRESENTATION(S)

1. Iowa Storm Water Educational Partnership 2023 Water Warrior of the Year Recognition: City Engineer Gus Psihoyos recognized former Civil Engineer, now Water & Resource Recovery Center Director, Deron Muehring as one of the 2023 Water Warriors of the year by the Iowa Storm Water Educational Partnership.

CONSENT ITEMS

Iowa State Representative Chuck Isenhardt, 1655 Kaufmann Ave. requested Item No. 22 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. 22. Seconded by Farber. Motion carried 7-0.

1. Minutes and Reports Submitted: City Council Proceedings of November 6, 2023; Civil Service Commission of November 8, 2023; Library Board of Trustees Update of October 26, 2023; Zoning Advisory Commission of November 1, 2023; Zoning Board of Adjustment of November 2, 2023; Proof of Publication for City Council Proceedings of October 2 and October 16, 2023. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Abigail Handke for vehicle damage; Mary LeGrand and David Smith for property damage; District 20 Supply Co./Dennis Noel for vehicle damage; Donovan Tann 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: Arius Burns and Hayle Johnson for property damage; Abigail Handke 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. 373-23 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. Fiscal Year 2023 State of Iowa Annual Financial Report: Upon motion the documents

were received, filed, and approved.

6. Notice of Application for Older Adult Home Modification Program Grant: Upon motion the documents were received and filed, and Resolution No. 374-23 Authorizing the Housing and Community Development Director to execute an application for the Older Adult Home Modification Grant and authorizing the Housing and Community Development Director and the City Manager to approve the application was adopted.

7. First Amendment to Community Development Block Grant (CDBG) Subrecipient Agreement between the City of Dubuque and Dubuque Community Schools: Upon motion the documents were received and filed, and Resolution No. 375-23 Authorizing the First Amendment to the CDBG Subrecipient Agreement between the City of Dubuque and Dubuque Community Schools was adopted.

8. Close Out of Agreement 07-EZ-021 for Cottingham & Butler Insurance Services, Inc.: Upon motion the documents were received and filed.

9. Signed Contract(s): Memorandum of Lease with Respect to Lot 1 of Chaplain Schmitt Island; Memorandum of Lease with Respect to Lots 2 and 3 of Chaplain Schmitt Island; Amendment No. 1 to Professional Services Agreement with WHKS & Co. for the Burlington St. Water Main Improvement Project. Upon motion the documents were received and filed.

10. Nordstrom Property Tax Appeal Stipulation of Settlement Notice: Senior Counsel transmitting notice of a stipulation of settlement for a property tax appeal filed by Nordstrom, Parcel No. 1029300009. Upon motion the documents were received and filed.

11. Accepting the Deed to Dubuque County Owned Parcel, 1119358006: Upon motion the documents were received and filed, and Resolution No. 376-23 Accepting the Deed to Real Property conveyed by Dubuque County, Iowa to the City of Dubuque, Iowa was adopted.

12. Plaza 20 Frontage Road - Transfer of Roadway Jurisdiction: Iowa DOT Agreement No. 2024-TJ-002; Iowa DOT Project No. TJ-020-9(281)-2M-31: Upon motion the documents were received and filed, and Resolution No. 377-23 Approving the Transfer of Roadway Jurisdiction Agreement (Agreement No. 2024-TJ-002) with the Iowa Department of Transportation for the Plaza 20 Frontage Road was adopted.

13. ImOn Ice Arena - Dehumidification, HVAC, Generator Set System Design Approve Professional Consultant Services Contract: Upon motion the documents were received and filed, and Resolution No. 378-23 Approving Professional Services Consultant Contract with Nelson-Rudie & Associates, Inc. to complete the preliminary and final engineering design for the development of a project for the installation of a new replacement dehumidification system, a new arena HVAC and emergency generator system at the ImOn Ice Arena was adopted.

14. 2022 Boating Infrastructure Tier 1 Grant - Dredge Dubuque Marina: Approve Iowa Department of Natural Resources Subrecipient Grant Agreement - Iowa DNR Agreement No. 24CRDFBGSCO-0002; USFWS Agreement No. F23AP03493: Upon motion the documents were received and filed, and Resolution No. 379-23 Approving a 2022 Boating Infrastructure Tier 1 Grant Subrecipient Agreement (Agreement No. 24CRDFBGSCO-0002) with the Iowa Department of Natural Resources to assist with maintenance dredging at

Dubuque Marina was adopted.

15. Funding Agreement Between City and Dubuque Marina, Inc. 2022 Boating Infrastructure Tier 1 Grant - Dredge Dubuque Marina: Upon motion the documents were received and filed, and Resolution No. 380-23 Approving the Funding Agreement between the City of Dubuque and Dubuque Marina, Inc. for the 2022 Boating Infrastructure Tier 1 Grant Agreement for maintenance dredging at Dubuque Marina was adopted.

16. RAISE Infrastructure Planning Grant - Engineering Design and NEPA / Environmental Project Development - Recommend Approval of USDOT Grant Funding Agreement - Iowa DOT Project No. EDP-2100 (705) --7Y-31: Upon motion the documents were received and filed, and Resolution No. 381-23 Approving a Grant Funding Agreement with the U.S. Department of Transportation for a Raise Infrastructure Planning Grant was adopted.

17. RAISE Infrastructure Planning Grant - Engineering Design and NEPA / Environmental Project Development - Recommend Approval of Iowa DOT Federal-Aid Funding Agreement: Iowa DOT Agreement No. 6-23-RAISE-037; Iowa DOT Project No. EDP-2100 (705) --7Y-31: Upon motion the documents were received and filed, and Resolution No. 382-23 Approving a Federal-Aid Funding Agreement (6-23-RAISE-037) with the Iowa Department of Transportation for a RAISE Infrastructure Planning Grant was adopted.

18. Destination Iowa Outdoor Recreation Fund Grant Amendment 1 Approval for the Iowa Amphitheater on Schmitt Island: Upon motion the documents were received, filed, and approved.

19. Granger Creek Lift Station Project (Project #5581500009) - State and Tribal Assistance Grant (STAG) Application: Upon motion the documents were received, filed, and approved.

20. Plat of Survey of ISAAC Hanna 2nd Addition: Upon motion the documents were received and filed, and Resolution No. 383-23 Approving the Plat of Survey for Isaac Hanna 2nd Addition in the City of Dubuque, Iowa was adopted.

21. Plat of Survey of Weber Acres 2nd Addition: Upon motion the documents were received and filed, and Resolution No. 384-23 Approving the Plat of Survey for Weber Acres 2nd Addition in the City of Dubuque, Iowa was adopted.

22. 2024 State Legislative Priorities: Representative Isenhardt summarized a letter he addressed to the City Council detailing various legislative initiatives that may be relevant to the City Council's state legislative priorities, including legislation he has drafted that defines cities roles within United States Fish and Wildlife Service acts. Representative Isenhardt also requested the City Council consider certain federal legislative priorities, including increased support for the Recovering America's Wildlife Act. Motion by Resnick to receive and file the documents and approve the 2024 State Legislative Priorities. Seconded by Farber. Motion carried 7-0.

23. Certified List – Firefighter-Paramedic/Firefighter-EMT: Civil Service Commission submitted the certified list for the position of Firefighter-Paramedic/Firefighter- EMT. Upon motion the documents were received, filed, and made a matter of record.

24. Approval of Retail Alcohol Licenses: Upon motion the documents were received and

filed, and Resolution No. 385-23 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 Rousell to receive and file the documents, adopt the resolutions, and set the public hearings as indicated. Seconded by Sprank. Motion carried 7-0.

1. Resolution of Necessity for the Proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District, Version 2023.4: Upon motion the documents were received and filed and Resolution No. 386-23 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan, Version 2023.4 for the Greater Downtown Urban Renewal District and setting the date for a public hearing and consultation on the proposed Amended and Restated Urban Renewal Plan, Version 2023.4 for said district was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on December 18, 2023 in the Historic Federal Building.

BOARDS/COMMISSIONS

1. Boards and Commission Applicant Review: 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.

i. Cable Television Commission: One, 3-Year Term through July 1, 2026 (Vacant Term of Heidenreich). Applicant: Georgina Guerrero, 245 Princeton Pl. Mayor Cavanagh stated that Ms. Guerrero submitted written input to the City Council in support of her application.

PUBLIC HEARINGS

1. Amending South Pointe Planned Unit Development: 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. Planning Services Director Wally Wernimont provided a staff report and responded to questions regarding parking requirements, site plan reviews, and Planned Unit Development (PUD) amendments. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 47-23 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by rescinding Ordinance 39-18 which provides regulations for the South Pointe PUD Planned Unit Development District with a Planned Residential Designation and now being amended to modify lot coverage and setback requirements for townhouse dwellings. Seconded by Wethal. Motion carried 7-0.

2. Amending Dubuque Industrial Center South Planned Unit Development: Motion by Rousell 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 Director Wally Wernimont provided a staff report. Motion carried 7-0.

Motion by Rousell for final consideration and passage of Ordinance No. 48-23 Amending Title 16 of the City of Dubuque Code of Ordinances Unified Development Code by rescinding

Ordinance No. 16-23 which established regulations for a PUD Planned Unit Development with a PI Planned Industrial Designation and adopting an amended PUD Ordinance that increases the allowable area of directional signage. Seconded by Sprank. Motion carried 7-0.

3. Amending Unified Development Code regarding Maternity Group Home: 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. Planning Services Director Wally Wernimont provided a staff report. John Freund, 1005 Main St., spoke in support of the request as legal counsel for the applicant, stating that the maternity home definition is intended to be specific. A suggestion was made by City Council to alter the maximum number of women that could be supported under the maternity group home definition from four women to eight women to be consistent with state code definitions. Mr. Wernimont stated that Iowa State Code contains a definition for a family home. While the family home definition includes disability, pregnancy is not categorized as a disability and therefore is not covered by the regulations set forth in Iowa State Code. Mr. Wernimont recommended maintaining the current definition of maternity group home. City Council concurred with the recommendation and expressed support for the ordinance. Mr. Wernimont confirmed that if the ordinance is adopted, Mary's Inn Maternity Home will not have to obtain a conditional use permit from the Zoning Board of Adjustment if they operate in the appropriate district. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 49-23 Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by amending Article 16-2-3 (Definitions) by adding a definition of Maternity Group Home, and by amending Articles 16-5-2 (R-1), 16-5-3 (R-2), 16-5-4 (R-2A), 16-5-5 (R- 3), 16-5-6 (R-4), 16-5-7 (OR), 16-5-10 (C-1), 16-5-11 (C-2), 16-5-12 (C-2A), 16-5-13 (C-3), 16-5-14 (C-4), 16-5-15 (C-5), 16-5-16 (CS), And 16-5-17 (CR) by adding Maternity Group Home as a permitted use. Seconded by Wethal. Motion carried 7-0.

4. Resolution Adopting the Proposed Urban Renewal Plan for the Emri Urban Renewal District: Motion by Resnick to receive and file the documents and adopt Resolution No. 387-23 Approving the Amended and Restated Urban Renewal Plan for the Emri Economic Development District. Seconded by Farber. Motion carried 7-0.

5. Resolution Approving a First Amendment to 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 Wethal to receive and file the documents and adopt Resolution No. 388-23 Approving a First Amendment to 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 Resnick. Motion carried 7-0.

6. Resolution Approving a Development Agreement between the City of Dubuque, Iowa and Vanguard Enterprises, Inc. for the Issuance of Urban Renewal Tax Increment Revenue Grant Obligations Pursuant to the Development Agreement: Motion by Jones to receive and file the documents and adopt Resolution No. 389-23 Approving a Development Agreement by and between the City of Dubuque, Iowa, and Vanguard Enterprises, Inc. including the issuance of Urban Tax Increment Revenue Obligations. Seconded by Sprank. Dan McDonald, Director of Existing Business with Greater Dubuque Development Corporation (GDDC), spoke in support of the Development Agreement. City Council expressed

enthusiasm for the businesses expansion. Motion carried 7-0.

7. Approval of a Lease Agreement by and Between the City of Dubuque, Iowa and the Dubuque Arboretum Association, Inc.: Motion by Roussell to receive and file the documents and adopt Resolution No. 390-23 Approving a Lease Agreement by and between the City of Dubuque, Iowa, and Dubuque Arboretum Association, Inc. Seconded by Sprank. City Council Members thanked city staff for their efforts on the lease agreement. Motion carried 7-0.

8. Public Hearing: SOO Green HVDC Link ProjectCo, LLC Franchise Agreement: 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. Senior Counsel Barry Lindahl introduced SOO Green HVDC Link ProjectCo, LLC Vice President Raj Rajan, who made a presentation. Mr. Rajan and Mr. Lindahl responded to questions from the City Council about engaging smaller cities for franchise agreements and project outcomes. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 50-23 Granting to Soo Green HVDC Link Projectco, LLC, its successors and assigns, the right and franchise pursuant to Iowa Code Section 364. 2(4) to construct, reconstruct, relocate, repair, replace, maintain and operate in the City of Dubuque, Dubuque County, Iowa, a transmission system for the transmission of electric energy and communication facilities and the right to construct, reconstruct, relocate, repair, replace, maintain, operate, the necessary conduits and other appliances or equipment for the transmission of electric current and communication facilities under certain streets, avenues, alleys and public places and in a certain railroad right of way in the City of Dubuque, Dubuque County, Iowa within the city as the boundaries are now and may hereafter exist, for the period of twenty- five (25) years (" franchise" or " ordinance"). Seconded by Farber. Motion carried 7-0.

PUBLIC INPUT

Jamie Carr, 945 Clarke Dr., spoke in opposition to Action Item No. 4, expressing concerns including lack of public oversight on the vendor who would operate the automated speed enforcement software, lack of crash data from the speed study, and citations being issued to the title holder of the vehicle rather than the driver during an alleged speeding incident.

Daniel Simon, 3519 Eclipse Circle, provided written input via the GoToMeeting chat in opposition to Action Item No. 4, expressing concerns including security breaches to the automated speed enforcement software, negative visitor perceptions, and lack of resident input on the decision to implement automated speed enforcement.

ACTION ITEMS

1. 3000 Jackson H & W Building Update: Motion by Sprank to receive and file the documents. Seconded by Jones. Housing and Community Development Director Alexis Steger provided an update and responded to questions from the City Council regarding concerns for area homeowners and the potential remedies to reopen the street. City Manager Van Milligen and City Attorney Brumwell stated that the city would explore all efforts for the current H & W Building owner to complete the necessary structural work, and that the city would have the right to perform the work and assess it to the owner if necessary. City Council Members expressed their frustration with the building owner's delays in completing the structural work and how the street closures are negatively impacting area businesses. Mayor

Cavanagh requested an additional update at the December 4th City Council meeting. Motion carried 7-0.

2. Purchase of Property at 2820 Brunswick: Motion by Sprank to receive and file the documents and adopt Resolution No. 391-23 Approving the acquisition of real estate owned by the Esther J. Thome Estate at 2820 Brunswick Street in the City of Dubuque. Seconded by Wethal. Responding to questions from the City Council, Housing and Community Development Director Alexis Steger stated that city staff are seeking a partner to work on turning the property and associated lots into affordable housing units. Motion carried 7-0.

3. Tax Increment Ordinance for the Emri Urban Renewal District: 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. Responding to a question from the City Council, Economic Development Director Jill Connors stated that the resolution that City Council adopted during Public Hearing No. 4 created the Emri Urban Renewal area. The City Council must then adopt an ordinance to create the tax increment financing (TIF) district to allow for the collection of property tax increment on all properties within the district. Motion carried 7-0.

Motion by Roussell for final consideration and passage of Ordinance No. 51-23 Providing that general property taxes levied and collected each year on all property located within the Emri Economic Development District 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 Emri Economic Development District Redevelopment Project. Seconded by Farber. Motion carried 7-0.

4. Automated Speed Enforcement: 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. Police Chief Jeremy Jensen and Traffic Engineer Justine Hull made a presentation. Responding to questions from the City Council, Chief Jensen stated that the trucking industry logs their trucks' speeds and that the Iowa Department of Transportation (IDOT) acknowledges that crash data is challenging to analyze. City Attorney Brumwell confirmed that the proposed ordinance does not include language on vehicle rentals. City Engineer Gus Psihoyos stated that city staff review specific areas to determine speed limits, with residential streets automatically classified at 25 miles per hour and arterial speed limits determined by the 85th percentile of speeds. City Council Members discussed at length their perceptions of the ordinance, with many City Council Members interpreting the ordinance's intent as addressing safety concerns and emphasizing that they do not perceive the ordinance as a revenue generator. City Council Members also thanked residents for their input. Motion carried 6-1 with Resnick voting nay.

Motion by Jones for final consideration and passage of Ordinance No. 52-23 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. Motion carried 6-1 with Resnick voting nay.

COUNCIL MEMBER REPORTS

Council Member Farber reported on attending the National League of Cities (NLC) Information Technology and Communications Committee (ITC) meeting and her recent presentation at NLC's City Summit conference on the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant.

Council Member Jones reported on the recent City and School Election and a recent legislative breakfast he attended on brain health.

Council Member Wethal reported on attending a neighborhood dinner at the Dubuque Rescue Mission and a MercyOne and Veterans Affairs (VA) health clinic on caring for veterans at risk of suicide.

Council Member Roussell reported on attending a Dubuque Audubon Society Clean Up event at the 16th St. Detention Basin, Ruby Sutton Day at the Multicultural Family Center (MFC) and Opening Doors' Attitude of Gratitude event. Ms. Roussell also congratulated the Dubuque Symphony on their recent performance honoring veterans.

Mayor Cavanagh also reported on attending NLC's City Summit conference. Mayor Cavanagh stated that at the conference he joined Chief of Equity and Human Rights Gisella Aitken-Shadle in working toward NLC's City Inclusive Entrepreneurship Program and that he participated in a panel on revitalizing downtowns.

CLOSED SESSION

Motion by Jones to convene in closed session at 10:57 p.m. to discuss Confidential Records and Purchase or Sale of Real Estate – Chapter 21.5(1)(a),(j) Code of Iowa. Seconded by Sprank. 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 11:30 p.m. stating that staff had been given proper direction.

ADJOURNMENT

There being no further business, Mayor Cavanagh declared the meeting adjourned at 11:30 p.m.

/s/Adrienne N. Breitfelder, CMC
City Clerk