

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

The Dubuque City Council met in regular session at 6:00 p.m. on October 7, 2019 in the second-floor Council Chambers of the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Pro Tem Rios; Mayor Buol (via telephone) Council Members Del Toro, Jones, Resnick, Shaw; City Manager Van Milligen, City Attorney Brumwell

Mayor Pro Tem Rios 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. At 5:50 p.m., prior to the start of the regular meeting, the Heartland Marimba Quartet Music performed via video in recognition of Arts and Humanities Month and as part of the Dubuque Arts Council's Artists in Residence Program.

**PROCLAMATION(S)**

1. Indigenous People's Day (October 14, 2019) was accepted by Mr. Jody Durnin, 250 W. 6th Street.

2. Gentleman Day (October 16, 2019) was accepted by Michelle Wolfe of Waypoint Services Dubuque.

3. Arts and Humanities Month (October 2019) was accepted by Jenni Peterson-Brant, Arts and Cultural Affairs Coordinator.

4. Trick-or-Treat Night (October 31, 2019) was accepted by Mayor Pro Tem Jake A. Rios.

**CONSENT ITEMS**

Motion by Jones to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Shaw. Motion carried 6-0.

1. Minutes and Reports Submitted: Cable TV Commission of 10/2; City Council proceedings of 9/16, 9/26; Civil Service Commission of 9/20; Housing Trust Fund Committee of 9/25; Housing Commission of 9/24; Library Board of Trustees Council Update #190 of 9/26/19; Proof of Publication for City Council proceedings of 8/26, 9/3, 9/9 and 9/16. Upon motion the documents were received and filed.

2. Notice of Claims and Suits: Nick Helgerson for property damage, William Hickson for property damage, Mary Kisting for vehicle damage, LJR Investments, LLC c/o Linsy Adams for property damage, Jayantibhai Patel for property damage, Jhony Edgordo

Ramirez for property damage. Upon motion the documents were received, filed, and referred to the City Attorney.

3. Disposition of Claims: City Attorney advising that the following claims have been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: Nick Helgerson for property damage; William Hickson for property damage; Mary M. Kisting for vehicle damage; LJR Investments, LLC c/o Linsy Adams for property damage; Jayantibhai Patel for property damage; Jhony Edgordo Ramirez for property damage. Upon motion the documents were received, filed, and concurred.

4. Approval of City Expenditures: City Manager recommending City Council approval for payment of City expenditures. Upon motion the documents were received and filed, and Resolution No. 344-19 Authorizing the Director of Finance and Budget/City Treasurer to make certain payments of bills that must be paid and approved for payment in accordance with City procedures was adopted.

5. Workers' Compensation Claims Administrative Services Agreement Addendum: City Manager recommending approval of an Addendum to the Agreement between the City of Dubuque and Alternative Service Concepts (ASC) for services related to the administration of the City's Workers' Compensation Program that extends the Agreement through December 31, 2019. Upon motion the documents were received, filed and approved.

6. Community Development Block Grant Agreement (CDBG) with Dubuque Visiting Nurse Association: City Manager recommending approval of the Community Development Block Grant Agreement with Dubuque Visiting Nurse Association and authorizes the Mayor to execute the agreement on behalf of the City. Upon motion the documents were received and filed, and Resolution No. 345-19 Authorizing execution of a Community Development Block Grant Agreement with Dubuque Visiting Nurse Association was adopted.

7. Community Development Block Grant (CDBG) Agreement with Crescent Community Health Center: City Manager recommending approval of the Community Development Block Grant Agreement with Crescent Community Health Center and authorizes the Mayor to execute the agreement. Upon motion the documents were received and filed, and Resolution No. 346-19 Authorizing execution of a Community Development Block Grant Agreement with Crescent Community Health Center was adopted.

8. Community Impacts Related to FEMA Correspondence: City Manager transmitting additional information on community impacts regarding correspondence with the Federal Emergency Management Agency (FEMA) from the September 16, 2019 City Council agenda. Upon motion the documents were received and filed.

9. Iowa Historic Tax Credit Report: City Manager providing a copy of the Iowa Historic Tax Credit Report. Upon motion the documents were received and filed.

10. 2019 Justice Assistance Grant (JAG) Approval and Acceptance of Grant Award: City Manager recommending acceptance of the 2019 Justice Assistance Grant (JAG) award. Upon motion the documents were received, filed and approved.

11. 2019 Bulletproof Vest Partnership (BVP) Approval and Acceptance of Grant Award: City Manager recommending approval to accept the 2019 Bulletproof Vest Partnership grant award. Upon motion the documents were received, filed and approved.

12. Hitzler Rental, LLC - Grant Agreement for 1902 Central Avenue: City Manager recommending approval of a resolution approving a Grant Agreement between the City of Dubuque and Hitzler Rental, LLC to redevelop property at 1902 Central Avenue. Upon motion the documents were received and filed, and Resolution No. 347-19 Approving a Grant Agreement by and between the City of Dubuque, Iowa and Hitzler Rental, LLC for the Redevelopment of 1902 Central Avenue was adopted.

13. National Disaster Resiliency Competition Grant Administrator to Resiliency Coordinator: City Manager recommending approval to eliminate the Bee Branch Healthy Homes Grant Administrator position and re-instate the Resiliency Coordinator position as a Full-Time Equivalent position. Upon motion the documents were received, filed and approved.

14. Public, Educational, and Government (PEG) Capital Grant Expenditure Request: City Manager recommending approval of the Cable TV Commission's request for funding from the Public, Educational, and Government (PEG) Capital Grant for Access Equipment and Facilities for the purchase a new graphics server and a new playback server for the City of Dubuque's two government access cable channels. Upon motion the documents were received, filed and approved.

15. Rejecting Bids for the Fire Station No. 6 External Stairwell Addition Project: City Manager recommending rejection of the bids for the Fire Station 6 External Stairwell, so the City Fire Department and Engineering staff can value engineer the design and create alternatives that produce cost saving measures. Upon motion the documents were received and filed, and Resolution No. 348-19 Rejecting competitive bid proposals received for the Fire Station 6 External Stairway Addition Project was adopted.

16. East 5th Street Right-of-Way Dedication Plat: City Manager recommending approval of the Acquisition Plat of Lot 2-1-A, Adams Company's 4th Addition, which provides additional right-of-way for the existing sidewalk and utilities on the south side of East 5th Street from Ice Harbor Road to Bell Street. Upon motion the documents were received and filed, and Resolution No. 349-19 Approving the Acquisition Plat of Lot 2-1-A, Adams Company's 4th Addition, in the City of Dubuque, Iowa was adopted.

17. Acceptance of Grants of Easement for Sanitary Sewer Utility as Part of the Cedar Lake - East Fifteenth Addition Public Improvement Project: City Manager recommending acceptance of the dedication of Grants of Easement for Sanitary Sewer Utility over part

of Lot 3 of Mineral Lot 221, and part of Lot 11 of Cedar Lake Addition as part of the Cedar Lake – East Fifteenth Addition Public Improvements Project. Upon motion the documents were received and filed, and Resolution No. 350-19 Accepting Grants of Easement for Sanitary Sewer Utility Associated with the Cedar Lake - East Fifteenth Addition Public Improvements in the City of Dubuque, Iowa was adopted.

18. Acceptance of Grant of Easement for Sanitary Sewer Utility for Mississippi Heights Subdivision: City Manager recommending acceptance of a Grant of Easement for a sanitary sewer utility across 360 Mississippi View Drive owned by Lance L. Marting and Lori A. Marting. Upon motion the documents were received and filed, and Resolution No. 351-19 Accepting a Grant of Easement for Sanitary Sewer Utility Across Parts of Lot 1 of Mississippi Heights Subdivision No. 5 and Lot 10 of Mississippi Heights Subdivision No. 3, in the City of Dubuque Iowa was adopted.

19. Emergency Retaining Wall Repair on Madison Street: City Manager recommending approval of emergency repairs to the public retaining wall along Madison Street and the associated street pavement and sidewalk portions in the interest of public safety and welfare. Upon motion the documents were received and filed, and Resolution No. 352-19 Authorizing emergency repairs to the retaining wall on Madison Street and the associated street pavement and sidewalk portions was adopted.

20. U.S. Environmental Protection Agency (EPA) Consent Decree Semi Annual Report: City Manager transmitting the September 30, 2019 Consent Decree Semi Annual Report required to be submitted to the U.S. Environmental Protection Agency. Upon motion the documents were received and filed.

21. Civil Service Commission - Certified Lists: Civil Service Commission submitting certified lists for the positions of Sanitation Driver, Utility Worker, and Water Plant Operator. Upon motion the documents were received, filed and made a Matter of Record.

22. Citizen Petition - Climate Emergency Declaration: Citizen petition submitted by Richard Fischer regarding a declaration of Climate Emergency and Demand for Climate Justice. Upon motion the document was received, filed, and referred to the referred to Resilient Community Advisory Commission.

23. Exploratory Effort to Form a Mississippi River Port of Eastern Iowa and Western Illinois Port Statistical Area: City Manager recommending approval of a letter to be sent to Bi-State Regional Commission expressing support for an exploratory study of the designation of eastern Iowa and western Illinois as a port statistical area. Upon motion the documents were received, filed and approved.

24. Signed Contract(s): Braun Intertec for Roosevelt Street Water Tower Advanced Geotechnical Inspection and Testing (Pressure Zone 2); Dubuque Rescue Mission Revocable License for placement of planters and trash receptacles in the public right-of-way at 389 Main Street. Upon motion the documents were received and filed.

25. Improvement Contracts / Performance, Payment and Maintenance Bonds: Tschiggfrie Excavating Co. for the East Blum Site Foundation and Contaminated Soil Removal Project. Upon motion the documents were received, filed and approved.

26. Alcohol and Tobacco License Applications: City Manager recommending approval of annual liquor, beer, wine and tobacco license applications as submitted. Upon motion the documents were received and filed, and Resolution No. 353-19 Approving applications for beer, liquor, and/or wine permits, 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; and 354-19 Approving applications for retail cigarette/tobacco sales/nicotine/vapor permits, as required by Iowa Code Chapter 453A.47A were adopted.

### **ITEMS SET FOR PUBLIC HEARING**

Motion by Jones to receive and file the documents, adopt the resolutions, set the public hearings as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Shaw. Motion carried 6-0.

1. Merge, LLC Development Agreement: City Manager recommending that the City Council set a public hearing for November 18, 2019, on the proposed Development Agreement between Merge, LLC and the City of Dubuque providing for the sale of City-owned real estate in Greater Downtown Urban Renewal District to Merge, LLC and the issuance of Urban Renewal Tax Increment Revenue Grant obligations. Upon motion the documents were received and filed and Resolution No. 355-19 (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 Merge, LLC 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 Merge, LLC 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 6:00 p.m. on November 18, 2019 in the Historic Federal Building.

2. Greater Downtown Urban Renewal District - Resolution of Necessity: City Manager recommending approval of a resolution that authorizes and directs the City Manager to prepare a proposed Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District and sets a public hearing for November 18, 2019, on the proposed Amended and Restated Urban Renewal Plan. Upon motion the documents were received and filed and Resolution No. 356-19 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan for the Greater Downtown Urban Renewal District, and setting dates of hearing and consultation on a proposed Amended and Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 18, 2019 in the Historic Federal Building.

3. Establishment of the Dubuque Urban Revitalization District: City Manager recommending adoption of a resolution setting a public hearing for November 18, 2019, on the Dubuque Urban Revitalization Plan. Upon motion the documents were received and filed and Resolution No. 357-19 Finding that the designation of the Dubuque urban Revitalization Plan is necessary in the interest of the public health, safety and welfare of the residents of the City of Dubuque and providing for a public hearing thereon was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 18, 2019 in the Historic Federal Building.

4. Progressive Processing, LLC Third Amendment to Development Agreement: City Manager recommending approval of a Third Amendment to the Development Agreement between the City of Dubuque and Progressive Processing, LLC to facilitate Progressive Processing's expansion. Upon motion the documents were received and filed and Resolution No. 358-19 Resolution of Intent to consider a proposed Third Amendment to Development Agreement; fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on the proposed issuance of Urban Renewal Tax Increment Revenue Grant Obligations to Progressive Processing, LLC; and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 4, 2019 in the Historic Federal Building.

5. Walter Development, LLC; BAS Development, LLC; and Unison Solutions Development Agreement: City Manager recommending that the City Council set a public hearing for November 4, 2019, on a proposed Development Agreement by and among the City of Dubuque, Walter Development, LLC, BAS Development, LLC, and Unison Solutions, Inc. providing for the sale of city-owned real estate to BAS Development, LLC and the issuance of Urban Renewal Tax Increment Revenue Grant Obligations. Upon motion the documents were received and filed and Resolution No. 359-19 Resolution of Intent to dispose of an interest in City of Dubuque Owned real estate by sale to BAS Development, LLC pursuant to a proposed Development Agreement; fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on the proposed sale of the real estate and on the issuance of Urban Renewal Tax Increment Revenue Grant Obligations to Unison Solutions, Inc.; and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 4, 2019 in the Historic Federal Building.

6. Walter Development, LLC Development Agreement: City Manager recommending that the City Council set a public hearing for November 4, 2019 to approve the Development Agreement between the City of Dubuque and Walter Development, LLC. Upon motion the documents were received and filed and Resolution No. 360-19 Resolution of Intent to dispose of an interest in City of Dubuque real estate pursuant to a Development Agreement Between the City of Dubuque and Walter Development, LLC and fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on the Development Agreement including the proposed issuance of Urban Renewal Tax Increment Revenue Grant Obligations and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 4, 2019 in the Historic Federal Building.

7. Ice Harbor Flood Gate Abutment Repair Project: City Manager recommending initiation of the public bidding procedure for the Ice Harbor Gate Abutment Repair Project, and further recommends that a public hearing be set for November 4, 2019. Upon motion the documents were received and filed and Resolution No. 361-19 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 of bids was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 4, 2019 in the Historic Federal Building.

8. Dubuque Industrial Center West (DICW) Urban Renewal Plan Amendment 2019.1 - Resolution of Necessity: City Manager recommending approval of a Resolution of Necessity which finds that an Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District is both necessary and appropriate and sets a public hearing on the proposed Amended and Restated Urban Renewal Plan for November 4, 2019. Upon motion the documents were received and filed and Resolution No. 362-19 Authorizing and directing the City Manager to prepare an Amended and Restated Urban Renewal Plan for the Dubuque Industrial Center Economic Development District, and setting dates of hearing and consultation on the proposed Amended and Restated Urban Renewal Plan for said District was adopted setting a public hearing for a meeting to commence at 6:00 p.m. on November 4, 2019 in the Historic Federal Building.

9. Multicultural Family Center Expansion and Renovation Project: City Manager recommending initiation of the public bidding procedure for the Multicultural Family Center Expansion and Renovation Project, and further recommends that a public hearing be set for October 21, 2019. Upon motion the documents were received and filed and Resolution No. 363-19 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 6:00 p.m. on October 21, 2019 in the Historic Federal Building.

## **BOARDS/COMMISSIONS**

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions.

1. Human Rights Commission: One, 3-Year term through January 1, 2021 (Vacant term of Templeton). Applicants: Dan Chatfield, 2780 Pennsylvania Ave.; Michael J. Durnin, 3560 Pennsylvania Ave.; and Kathy McCarthy, 3491 Waller St. Ms. McCarthy, and Mr. Durnin spoke in support of their respective appointments and provided brief biographies.

2. Transit Advisory Board: One, 3-Year term through July 30, 2022 (Vacant term of Lohrmann). Applicant: Luanna Gerdemann, 4929 Little Valley Dr. Ms. Gerdemann spoke in support of her appointment and provided a brief biography.

## **PUBLIC HEARINGS**

1. Grant of Easement for Private Parking Lot Improvements Across West 9th Street Right-of-Way: Proof of publication on notice of public hearing to consider approval of a Grant of Easement for private parking lot improvements across City-owned property in the West 9th Street right-of-way and the City Manager recommending approval. Motion by Shaw to receive and file the documents and adopt Resolution No. 364-19 Disposing of an interest in City of Dubuque real estate by Grant of Easement for private parking lot improvements across part of the West 9th Street Right-of-Way lying within City Lot 688 in the City of Dubuque, Iowa to Woodward Communications, Inc. Seconded by Jones. Motion carried 6-0.

2. Sale of City-Owned Property at 799 Rush Street: Proof of publication on notice of public hearing to consider the sale of City-owned property located at 799 to the abutting property owners, Eric and Beth Hemmer, for consolidation into one parcel; and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 365-19 Disposing of City Interest in real estate located at 799 Rush Street in the City of Dubuque, Iowa. Seconded by Del Toro. Motion carried 6-0.

## **ACTION ITEMS**

1. Flexsteel Industries Termination of Redevelopment Project Agreement and Amendment to City-County Purchase Agreement: City Manager recommending approval of the Termination of Redevelopment Project Agreement between and among Flexsteel Industries Inc., Dubuque County, Dubuque Initiatives and the City of Dubuque and the Amendment to Offer to Buy Real Estate and Acceptance between Dubuque County and the City of Dubuque. Motion by Jones to receive and file the documents and adopt Resolution No. 366-19 Approving the termination of Redevelopment Project Agreement by and among the City of Dubuque, Iowa, ("City"), Dubuque Initiatives, ("Initiatives"), Flexsteel Industries, Inc., ("Flexsteel"), and County of Dubuque, Iowa, ("County") (Collectively the "Parties"); and Resolution No. 367-19 Approving an Amendment to Offer to Buy Real Estate and Acceptance between the City of Dubuque and Dubuque County, Iowa. Seconded by Shaw. Responding to questions from the City Council, City Manager Van Milligen stated that any project timeline would have to be determined between Flexsteel Industries and their contractors. Motion carried 6-0.

2. Southwest Arterial Construction Update Video: Cable TV Division showed a video of the recent progress of the Southwest Arterial Project for September 2019. Motion by Shaw to receive and file the information. Seconded by Jones. Motion carried 6-0.

## **COUNCIL MEMBER REPORTS**



Council Member Del Toro encouraged eligible voters to participate in the primary election on October 8, 2019, and to participate in the upcoming candidate forums ahead of the city election on November 5, 2019. He urged staff to provide a recommendation regarding a policy for canceling or postponing City Council meetings adding that he would like the City Council to then discuss the matter on an upcoming agenda.

Mayor Pro-Tem Rios recited the Native American Ten Commandments as provided by the Indigenous People's Day representatives during the presentation of the proclamation.

There being no further business, upon motion by Jones, seconded by Shaw, the City Council adjourned at 6:42 p.m.

/s/Kevin S. Firnstahl, CMC  
City Clerk

1t 10/16