

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

The Dubuque City Council met in special session at 5:00 p.m. on December 17, 2020.

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually via GoToMeeting and aired live on CityChannel Dubuque (Mediacom cable channels 8 and 117.2), streamed live on the city's website at www.cityofdubuque.org/media, and streamed live on the City's Facebook page at www.facebook.com/cityofdubuque.

Present: Mayor Buol; Council Members Cavanagh, Jones, Lynch, Resnick, Roussell, Sprank; City Manager Van Milligen, City Attorney Brumwell

Mayor Buol read the call and stated this is a special session of the City Council called for the purpose of conducting such business that may properly come before the City Council.

PUBLIC HEARINGS

1. Resolution approving the Consent to Assignment and Assumption of the Development Agreement between the City of Dubuque and Flexsteel Industries, Inc. to Simmons Pet Food, Inc.: City Manager recommended adoption of a resolution approving the Consent to the Assignment by Flexsteel Industries, Inc. to Simmons Pet Food Inc. of the Development Agreement dated June 5, 2017, between the City of Dubuque and Flexsteel Industries, Inc. The resolution approving the Consent to Assignment and Assumption of the Development Agreement between the City of Dubuque and Flexsteel Industries, Inc. to Simmons Pet Food, Inc. was required to be approved before the public hearing to approve the Disposition of an interest in City owned real estate and the Amended and Restated Development Agreement between the City of Dubuque and Simmons Pet Food, Inc. including the issuance of Urban Renewal Tax Increment Revenue Grant Obligations. The agenda platform utilized for agenda creation does not allow action items to proceed public hearings. Therefore, the Consent to Assignment resolution was included within the Public Hearing section as an action item to ensure it was approved before the Disposition of an interest in City owned real estate public hearing. Scott Salmon, President of Simmons Pet Food, provided a presentation on Simmons. Motion by Jones to receive and file the documents and adopt Resolution No. 358-20 Approving the Consent to Assignment and Assumption Agreement of Development Agreement by and between Flexsteel Industries, Inc., a Minnesota Corporation ("Flexsteel" "Assignor"), and Simmons Pet Food, Inc., an Arkansas Corporation ("Simmons" "Assignee"). Seconded by Cavanagh. Motion carried 7-0.

2. Resolution approving the Disposition of an interest in City owned real estate and the Amended and Restated Development Agreement between the City of Dubuque and Simmons Pet Food, Inc. including the issuance of Urban Renewal Tax Increment Revenue Grant Obligations: Proof of publication on notice of public hearing to consider

approval of the disposition of an interest in City owned real estate and the Amended and Restated Development Agreement between the City of Dubuque and Simmons Pet Food, Inc. including the issuance of Urban Renewal Tax Increment Revenue Obligations, and City Manager recommended approval. Becky Sisco, 1205 Pamela Ct., and DeVon Welty, 16435 Old Highway Rd., spoke during the public input section of the public hearing. Ms. Sisco provided statements regarding a 2017 class action lawsuit against Simmons, the recent closure of a Simmons plant in Pennsylvania, and the potential utility costs incurred by the City for Simmons' use of the facility. Ms. Welty expressed concern about air quality and stated that she was pending the EQI results from Simmons' Emporia plant to determine the air quality of the plant. Mr. Salmon introduced Andrew McEachern, from Simmons' legal team, and Brian Potter, Vice President of Operations, to respond to Ms. Sisco's and Ms. Welty's statements. Mr. McEachern stated that the lawsuit that Ms. Sisco was referencing was recently dismissed. Mr. McEachern also provided a summary of CAAIR, a non-profit residential addiction recovery program that Simmons partners with to offer opportunities for participants, and which was associated with the referenced class action lawsuit. Mr. Potter recommended contacting residents of Emporia to attest to the air quality. Mr. Potter stated that there are no unpleasant odors in the facility and referenced the company receiving the highest possible rating for the past 10 years from BRC, an auditing company that audits pet food facilities and bakeries. Ms. Welty asked if the BRC report is available to the public. Mr. McEachern stated he was unsure if the BRC report is available to the public, but the company has various scores that they can make available upon request. City Manager Van Milligen stated that the Water Resource and Recovery Center and the Water Department both have existing capacity in their plants and do not need to add capacity. City Manager Van Milligen stated that the cost to process Simmons' utilities is a fraction of the revenue that the City will receive from the company. City Manager Van Milligen also stated that the City must move one valve for water, which will cost \$15,000, but this action is part of the City's conveyance system improvements that were established prior to Simmons' interest in purchasing the facility. The City Council spoke in favor of the agreement and the positive benefits it will have on the community. Motion by Jones to receive and file the documents and adopt Resolution No. 359-20 Approving an Amended and Restated Development Agreement between the City of Dubuque, and Simmons Pet Food, Inc. for the sale of City-owned property including the issue of Urban Renewal Tax Increment Revenue Obligations. Seconded by Lynch. Motion carried 7-0.

There being no further business, Mayor Buol declared the meeting adjourned at 5:59 p.m.

/s/Adrienne N. Breitfelder
City Clerk