

## ROLL CALL ORDER FOR MEETING OF September 16, 2024

Sprank, Wethal, Farber, Resnick, Roussell, Cavanagh, Jones

### Viewing and Participation Options

The public has the option to view and participate in the meeting in City Council Chambers or virtually. The meeting will be aired live on CityChannel Dubuque (Mediacom cable channels 8 and 117.2), streamed live and archived on the City's website at [www.cityofdubuque.org/media](http://www.cityofdubuque.org/media), and streamed live on the City's Facebook page at [www.facebook.com/cityofdubuque](http://www.facebook.com/cityofdubuque).

The public can provide in-person, audio, and written input during sections of the agenda where public input is accepted. For in-person input, please reference the instructions on speaking within the Consent Items, Public Hearing, and Public Input sections.

Virtual input options during the live meeting include:

- Log into GoToMeeting using the login links, phone numbers and access code below. This option includes audio input and written "chat" input. If you are participating via computer, indicate which item you would like to speak to in the Chat function, or note you would like to speak during the appropriate section. If you are participating via phone, indicate which item you would like to speak to during the appropriate section. All comments, whether audio or written, must be accompanied by a name and address.

Please join the meeting from your computer, tablet or smartphone.

- [www.CityOfDubuque.org/VirtualMeeting](http://www.CityOfDubuque.org/VirtualMeeting)
- You can also dial in using your phone.
- United States (Toll Free): [1 877 568 4106](tel:18775684106)  
United States: [+1 \(571\) 317-3129](tel:+15713173129)  
Access Code: 337-661-181

Additionally, written public input can be accepted prior to or during the meeting by:

- Contacting the City Council directly from the City's webpage at [www.cityofdubuque.org/councilcontacts](http://www.cityofdubuque.org/councilcontacts)
- Through the City Clerk's Office email at [ctyclerk@cityofdubuque.org](mailto:ctyclerk@cityofdubuque.org)



**CITY OF DUBUQUE, IOWA  
CITY COUNCIL MEETING**  
Historic Federal Building: 350 W. 6th Street - Second-Floor Council Chambers.  
Virtual participation options are also available. Please see the information above for options.  
September 16, 2024

Council meetings are video streamed live and archived at [www.cityofdubuque.org/media](http://www.cityofdubuque.org/media) and on Dubuque's CityChannel on the Mediacom cable system at cable channel 8 and digital 117.2

### CLOSED SESSION

1. [5:30 PM - Confidential Records – Chapter 21.5\(1\)\(a\) Code of Iowa](#)

### WORK SESSION

1. [6:00 PM - New City Council Agenda Management Software Demonstration](#)

City staff will demonstrate the public portal for CivicPlus's Agenda and Meeting Management Select software, which the City will implement for City Council meeting agendas beginning with the October 7, 2024, City Council meeting.

**REGULAR SESSION****6:30 PM****PLEDGE OF ALLEGIANCE****CONSENT ITEMS**

The consent agenda items are considered to be routine and non-controversial and all consent items will be normally voted upon in a single motion without any separate discussion on a particular item. If you would like to discuss one of the Consent Items, please go to the microphone and be recognized by the Mayor and state the item you would like removed from the Consent Agenda for separate discussion and consideration.

**1. [Minutes and Reports Submitted](#)**

Airport Commission of June 6 and August 13, 2024; City Council Proceedings of August 14, 19, 20, 21, 26 and September 3, 2024; Civil Service Commission of August 22, 2024; Community Development Advisory Commission of July 17, 2024; Equity and Human Rights Commission of July 9, 2024; Library Board of Trustees of January 25, February 29, March 28, 2024; Zoning Advisory Commission of August 7, 2024; Proof of Publication for City Council Proceedings of August 14, 2024.

**Suggested Disposition: Receive and File**

**2. [Notice of Claims and Suits](#)**

Abby Stickley for vehicle damage.

**Suggested Disposition: Receive and File; Refer to 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: Abby Stickley for vehicle damage.

**Suggested Disposition: Receive and File; Concur**

**4. [Approval of City Expenditures](#)**

City Manager recommending City Council approval for payment of City expenditures.

**RESOLUTION** 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

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

**5. [FFY 2025 Iowa Governor's Traffic Safety Bureau \(GTSB\) Grant Funds](#)**

City Manager recommending City Council approval to receive \$19,500 in FFY 2025 as a recipient of Iowa Department of Public Safety, Governor's Traffic Safety Bureau Grant funds.

**Suggested Disposition: Receive and File; Approve**

**6. [Resolution Approving the Termination Agreement for the January 2023 Development Agreement by and between the City of Dubuque, Iowa and McCoy Group](#)**

City Manager recommending City Council approval of the attached Resolution approving a Termination Agreement by and between the City of Dubuque, Iowa and McCoy Group, Inc. for a Development Agreement dated for reference purposes the 3rd day of January 2023 for the construction of a corporate headquarters on Southpark Court.

**RESOLUTION** Approving the Termination Agreement and Release terminating the Development Agreement by and between the City of Dubuque, Iowa and McCoy Group, Inc.

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

**7. [HHH Enterprises, LLC Lease Renewal](#)**

City Manager recommending City Council approval of the attached agreement between HHH Enterprises, LLC (operator of 164 and 180 Main Street, d/b/a "The Busted Lift") and City of Dubuque.

**RESOLUTION** Intent to dispose of an interest in real property owned by the City of Dubuque by Lease between the City of Dubuque and HHH Enterprises, LLC.

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

8. [Acceptance of a Grant of Easement for Public Utilities over CCI5, LLC Property at 1502 Bies Drive, Dubuque, Iowa](#)

City Manager recommending City Council accept the Grant of Easement for Public Utilities from CCI5, LLC across part of Lot 1 of Roger F. & Kathleen A. Klauer Family Place, in the City of Dubuque, Iowa, common address 1502 Bies Drive, in Dubuque, Iowa, as shown on the attached Grant of Easement document to facilitate the future maintenance and repair of the existing City electrical utility line.

**RESOLUTION** Accepting a Grant of Easement for Public Utilities Through, Over and Across Part of Lot 1 of Roger F. & Kathleen A. Klauer Family Place, in the City of Dubuque, Iowa

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

9. [Acceptance of a Grant of Easement for Public Utilities over Schreiber Property at 1562 Kebbie Drive, Dubuque, Iowa](#)

City Manager recommending City Council approve a Grant of Easement for Public Utilities across James E. and Renee E. Schreiber property being part of Lot 2 of Schreiber Subdivision, in the City of Dubuque, Iowa, common address 1562 Kebbie Drive, in Dubuque, Iowa, as shown on the attached Grant of Easement document to facilitate the future maintenance and repair of the existing City electrical utility line.

**RESOLUTION** Accepting a Grant of Easement for Public Utilities through, over and across Part of Lot 2 of Schreiber Subdivision, in the City of Dubuque, Iowa

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

10. [U.S. Hwy 20 and Devon Drive Frontage Road Project - Acceptance of Public Improvement Construction Contract - Project No. 5521000051](#)

City Manager recommending City Council adopt the attached resolution to accept the Public Improvement Construction Contract and to authorize the payment of the contract amount of \$15,112.20 to Midwest Concrete, Inc. for the U.S. Hwy 20 and Devon Drive Frontage Road Project.

**RESOLUTION** Accepting the U.S. Hwy 20 and Devon Drive Frontage Road Project and authorizing final payment to the contractor

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

11. [Iowa Department of Transportation Storm Sewer and Intake Work Project Notification](#)

Correspondence from Jesse Tibodeau, Assistant District Engineer with the Iowa Department of Transportation, notifying the City Council of storm sewer and intake work on US-20 East bound near the Middle Catfish Creek and Railroad Bridge.

**Suggested Disposition: Receive and File**

12. [Authorization to Submit FY24/PY23 Community Development Block Grant CAPER](#)

City Manager recommending City Council approval of a resolution authorizing submission to HUD of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period of July 1, 2023, through June 30, 2024.

**RESOLUTION** Authorizing the submission of a Consolidated Annual Performance and Evaluation Report (CAPER) for the period commencing July 1, 2023 and concluding June 30, 2024

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

13. [Intent to Apply for Local Housing Trust Fund Grant 2025](#)

City Attorney recommending City Council approval to apply for Local Housing Trust Fund Grant dollars in the amount of \$250,334.00 from the Iowa Finance Authority for calendar year 2025.

**RESOLUTION** Authorizing submittal of the application for Local Housing Trust Funds to the Iowa Finance Authority

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

14. [Nature Everywhere Accelerator Community Application](#)

City Manager sharing the application that was filed for the Nature Everywhere Accelerator Community after City Council approved the letter of support and appointment of a city representative at the September 3, 2024, City Council meeting.

**Suggested Disposition: Receive and File**

15. [Acceptance of the Comiskey Park – Phase 1 Redevelopment Project](#)

City Manager recommending City Council acceptance and adoption of the resolution for Comiskey Park-Phase 1 Redevelopment Project.

**RESOLUTION** Accepting Public Improvement Contract for the Comiskey Park – Phase 1 Redevelopment Project

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

16. [Improvement Contracts / Performance, Payment, and Maintenance Bonds](#)

Top Grade Excavating, Inc. for the E 24th Street Sit Contaminated Soil Removal Project.

**Suggested Disposition: Receive and File; Approve**

17. [Temporary Agreement Between the City of Dubuque and ITC Midwest, LLC to Operate an Electric Transmission System in the City of Dubuque](#)

Senior Counsel recommending City Council adopt the attached resolution approving the temporary Agreement authorizing ITC Midwest, LLC to operate an electric transmission system in the City of Dubuque until the franchise agreement takes effect but no later than December 31, 2024.

**RESOLUTION** Approving an agreement between the City of Dubuque and ITC Midwest, LLC to operate an electric transmission system in the City of Dubuque

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

18. [Approval of Retail Alcohol Licenses](#)

City Manager recommending City Council approval of retail alcohol licenses as submitted.

**RESOLUTION** 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

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

### ITEMS SET FOR PUBLIC HEARING

These agenda items are being scheduled for a future public hearing on the date indicated.

1. [Iowa Amphitheater on Schmitt Island Project - Bid Package No. 1 \(Site Demolition & Mass Grading\) - Initiate Public Bidding Process and Setting Date for Public Hearing](#)

City Manager recommending City Council authorize initiating the public bidding process and set a public hearing on October 7, 2024, and to approve the plans, specifications, form of contract and estimated cost of \$1,018,000.00 for the Iowa Amphitheater on Schmitt Island Project – Bid Package No. 1 through the adoption of the attached resolution.

**RESOLUTION** Iowa Amphitheater on Schmitt Island Project – Bid Package No. 1 (Site Demolition & Mass Grading): 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

**Suggested Disposition:**

**Receive and File; Adopt Resolution(s), Set Public Hearing for October 7, 2024**

2. [Proceedings to Set Public Hearing for the Issuance of Not to Exceed \\$22,000,000 Sewer Revenue Capital Loan Notes \(State Revolving Loan Fund Program\) Old Mill Rd. Lift Station and Force Main Project – Phase I](#)

City Manager recommending that a public hearing be set for October 7, 2024, on the issuance of a not to exceed \$22,000,000 Sewer Revenue Capital Loan Notes, State Revolving Loan Fund Program, the proceeds of which will be used to fund the Old Mill Road Lift Station and Force Main Project.

**RESOLUTION** To fix a date for a public hearing on proposal to enter into a Sewer Revenue Loan and Disbursement Agreement and to borrow money thereunder in a principal amount not to exceed \$22,000,000

**Suggested Disposition:**

**Receive and File; Adopt Resolution(s), Set Public Hearing for October 7, 2024**

3. [Resolution of Necessity for the Proposed Amended and Restated Urban Renewal Plan for the North Cascade Road Housing Urban Renewal Area, Version 2024.1](#)

City Manager recommending City Council adopt a resolution that: 1) finds that an Amended and Restated Urban Renewal Plan ("Plan") for the North Cascade Road Housing Urban Renewal Area ("Area") is both necessary and appropriate; and 2) sets a public hearing on the proposed Plan for October 21, 2024.

**RESOLUTION** Of necessity finding that certain property in and near the North Cascade Road Urban Renewal Area is an Economic Development Area and that the development of said area is necessary in the interest of the residents of the City of Dubuque, Iowa, and setting a date for a hearing on a proposed amended and restated urban renewal plan for said area

**Suggested Disposition:**

**Receive and File; Adopt Resolution(s), Set Public Hearing for October 21, 2024**

## BOARDS/COMMISSIONS

1. [Boards and Commission Application Review](#)

Applicants are invited to address the City Council regarding their desire to serve on the following Boards/Commissions. Applicant appointments will be made at the next City Council meeting.

**Civic Center Advisory Commission**

One, 3-Year term through June 29, 2027 (Expired term of Jacobs)

Applicant:

- Danielle Jacobs, 3130 Shiras Ave.

**Community Development Advisory Commission**

One, 3-Year term through February 15, 2026 (Vacant At-Large term of Mozena)

One, 3-Year term through February 15, 2027 (Vacant Low to Moderate Income Representative term of Woodyard)

Applicants:

- Gabriel Mozena, 196 Bluff St. (Qualifies for Low to Moderate Income Representative and At-Large)
- Julie Woodyard, 1950 Coates St. (Qualities for At-Large)

## PUBLIC HEARINGS

**Residents are invited to address the City Council regarding the following agenda items. Please come to the podium and state your name and address when the item you wish to speak to is being considered.**

**1. [Request to Rezone 27 Locust Street](#)**

Proof of publication on notice of public hearing to consider a request from Josh Jansen to rezone 27 Locust Street from C-3 General Commercial to C-4 Downtown Commercial, and Zoning Advisory Commission recommending approval.

**ORDINANCE** Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 27 Locust Street (PIN 1025426011 and 1025426022) from C-3 General Commercial District to C-4 Downtown Commercial District

**Suggested Disposition: Receive and File; Motion B; Motion A**

**2. [Request to Rezone 1090 Radford Road](#)**

Proof of publication on notice of public hearing to consider a request from Luke Hoffmann - Kellhoff Properties, LLC, to rezone a portion of 1090 Radford Road from CS Commercial Service and Wholesale to R-3 Moderate Density Multi-Family Residential, and Zoning Advisory Commission recommending approval.

**ORDINANCE** Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1090 Radford Road (per exhibit a) from CS Commercial Service District to R-3 Moderate Density Multi-Family Residential District

**Suggested Disposition: Receive and File; Motion B; Motion A**

**3. [Request to Rezone 1142 University Avenue](#)**

Proof of publication on notice of public hearing to consider a request from Craig Nesteby to rezone 1142 University Avenue from C-2 Neighborhood Shopping Center to R-2 Two-Family Residential zoning district, and Zoning Advisory Commission recommending approval.

**ORDINANCE** Amending Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, by reclassifying hereinafter described property located at 1142 University Avenue from C-2 Neighborhood Shopping Center District to R 2 Two-Family Residential District

**Suggested Disposition: Receive and File; Motion B; Motion A**

**4. [Proposed Development Agreement between the City of Dubuque, Iowa and Kinseth Hospitality Company, Inc.](#)**

Proof of publication on notice of public hearing to consider City Council approval of the proposed Development Agreement between the City of Dubuque, Iowa and Kinseth Hospitality Company, Inc., and City Manager recommending approval.

**RESOLUTION** Approving disposal of an interest in real property owned by the City of Dubuque by sale through a Development Agreement with Kinseth Hospitality Company, Inc.

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

**5. [Community Development Block Grant FY24 Annual Action Plan Amendment #1 Public Hearing](#)**

Proof of publication on notice of public hearing to consider City Council approve the FY2025 Annual Action Plan Amendment #1, and City Manager recommending approval.

**RESOLUTION** Adopting the Fiscal Year 2025 (Program Year 2024) Community Development Block Grant (CDBG) Annual Action Plan Amendment #1

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

**6. [Vacating of a portion of a Storm Water Detention Basin Access Easement across a Part of Lot 2 of Cedar Ridge Farm Place # 10, in the City of Dubuque, Iowa, common address](#)**



**3100 Cedar Crest Ridge**

Proof of publication on notice of public hearing to consider City Council adoption of the attached resolution vacating all interest in a portion of the storm water detention basin access easement over a part of Lot 2 of Cedar Ridge Farm Place # 10, and City Manager recommending approval.

**RESOLUTION** Disposing of property by vacating city interest in a portion of a Storm Water Detention Basin Access Easement through, over, and across part of Lot 2 of Cedar Ridge Farm Place # 10, in the City of Dubuque, Iowa

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

7. **Public Hearing - State Revolving Fund (SRF) Loan - Environmental Review Bipartisan Infrastructure Law State Revolving Fund (SRF) Private Lead Service Line Replacement Pilot Program**

Proof of publication on notice of public hearing to consider City Council approve the resolution authorizing the mayor to sign the revised Environmental Information Document (EID) for the Bipartisan Infrastructure Law State Revolving Fund (SRF) Private Lead Service Line Replacement Pilot Program and direct staff to submit the required documentation to the SRF Environmental Review Specialist, and City Manager recommending approval.

**RESOLUTION** State Revolving Fund (SRF) Loan - Environmental Review Private Lead Service Line Replacement Pilot Program: Approval of an Environmental Review as provided by SRF's Department of Natural Resources for the Private Lead Service Line Replacement Pilot Program

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

8. **Water Department Operations SCADA System Upgrade Project - Public Hearing**

Proof of publication on notice of public hearing to consider City Council adopt the resolution approving the plans, specifications, form of contract, and estimated cost for the Water Department Operations SCADA System Upgrade Project in the amount of \$1,850,000, and City Manager recommending approval.

**RESOLUTION** Approval of plans, specifications, form of contract, and estimated cost for the Water Department Operations SCADA System Upgrade Project

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

### **PUBLIC INPUT**

At this time, anyone in the Council Chambers may address the City Council on the Action Items on the agenda or on matters under the control of the City Council. Residents are asked to approach the podium and state their name and address before proceeding with their comments. Individual remarks are limited to five minutes, and the overall Public Input period is limited to 30 minutes. Under the Iowa Open Meetings Law, the City Council can take no formal action on comments given during Public Input which do not relate to Action Items on the Agenda.

### **ACTION ITEMS**

**These are items where discussion is held by the City Council - public comments are not allowed except as authorized by the Mayor.**

1. **National Police Woman Day Photo**

City Manager sharing a photo of the women of the Dubuque Police Department in honor of National Police Woman Day on September 12.

**Suggested Disposition: Receive and File**

2. **Keymont Drive Pavement Rehabilitation Project - Award Public Improvement Contract - Project No. 5521000018**

City Manager recommending City Council award the public improvement construction contract for the Keymont Drive Pavement Rehabilitation Project through the adoption of the enclosed

resolution to Eastern Iowa Excavating & Concrete, LLC in the amount of \$142,733.36.

**RESOLUTION** Awarding Public Improvement Contract for the Keymont Drive Pavement Rehabilitation Project

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

3. [Approval of Sublease and Operations Agreement with Dubuque Forward LLC](#)

City Manager recommending City Council adopt a resolution approving a sublease and operations agreement with Dubuque Forward LLC for 897 Central.

**RESOLUTION** Approving a Sublease and Operations Agreement between the City of Dubuque, Iowa and Dubuque Forward LLC

**Suggested Disposition: Receive and File; Adopt Resolution(s)**

4. [Request to Amend City Ordinance on Speed Limit Reduction - Peru Road from Roosevelt Street to City Limits](#)

City Manager recommending City Council approval to amend City Ordinance 9-7-321.285 that reduces the speed limit to 35 mph on Peru Road from Roosevelt Street to City Limits (Tanzanite Drive).

**ORDINANCE** Amending City of Dubuque Code of Ordinances Title 9 Motor Vehicles and Traffic, Chapter 7 Operation, Division 5 Speed Restrictions, Section 9-7-321.285 Limits Generally

**Suggested Disposition: Receive and File; Motion B; Motion A**

5. [Greater Dubuque Development Corporation Request to Convert Format of Quarterly Updates to Work Sessions](#)

City Manager requesting to convert the format of Greater Dubuque Development Corporation's quarterly updates to City Council work sessions. It is also recommended to schedule the first Greater Dubuque Development Corporation Quarterly Update Work Session for 6:00 p.m. on October 21, 2024.

**Suggested Disposition: Receive and File; Council**

## **COUNCIL MEMBER REPORTS**

### **CLOSED SESSION**

[Pending Litigation and Purchase or Sale of Real Estate – Chapter 21.5\(1\)\(c\),\(j\) Code of Iowa](#)

## **ADJOURNMENT**

The agenda with supporting documents may be accessed at [www.cityofdubuque.org](http://www.cityofdubuque.org) or at the City Clerk's Office, 50 W. 13th Street, during regular business hours.

This notice is given pursuant to Chapter 21, Code of Iowa, and applicable local regulations of the City of Dubuque, Iowa and/or governmental body holding the meeting.

Written comments regarding the above items may be submitted to the City Clerk's Office, 50 W. 13th St., Dubuque, IA 52001, before or at said time of meeting.

Individuals with limited English proficiency, vision, hearing or speech impairments or requiring special assistance should contact the City Clerk's Office as soon as feasible at (563) 589-4100, [ctyclerk@cityofdubuque.org](mailto:ctyclerk@cityofdubuque.org). Deaf or hard-of-hearing individuals can use Relay Iowa by dialing 711 or (800) 735-2942.