

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, April 27, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, April 27, 2022 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Matson presiding and all Aldermen present except Alderwoman Lee and Alderman Gripp (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Condon

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for April 13, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for April 20, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, April 20, 2022
-- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman Gripp. Upon the roll being called, all Aldermen were present (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

*The following Public Hearings were held: **Public Works:** 1. on the submission of the FY 2023 Iowa Department of Transportation State Transit Assistance (STA) Program grant application in the approximate amount of \$461,035; 2. on the plans, specifications, form of contract, and estimate of cost for the FY 2023 Brick Street Patching project, CIP #35054; and 3. on the plans, specifications, form of contract, and estimate of cost for the West 49th Street (Sturdevant Street to Fillmore Lane) Reconstruction project, CIP #35054.*

*Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Gripp reviewed all items listed. On motion by Alderwoman Lee, second by Alderwoman Dickmann all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Dunn the Azteca 1 noise variance request under item #2 moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Dickmann all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderwoman Dickmann all items moved to the Consent Agenda.*

*Council adjourned at **6:08 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2022-211

1. Civil Service Commission

- Barbara Robinson-Lagarde (new appointment)

B. Proclamations

ISSUED 2022-212

1. National Building Safety Month | May 2022

2. National Compost Awareness Week | May 1 - 7, 2022

3. CDBG Week | April 11 - 15, 2022

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

On motion by Alderman Dunn, second by Alderman Cornette and all Aldermen present voting aye, the following Motion passed:

1. Motion approving the following noise variance request for an outdoor event on the listed dates and times.

PASSED 2022-213

Azteca 1; Cinco de Mayo Event; 4811 North Brady Street; 4:00 p.m. - 10:00 p.m.
Wednesday, May 4, 2022 - Friday, May 6, 2022; Outdoor music/band, over 50 dBA.
[Ward 7]

2. Alderman Dunn requested that the item below be removed from the Consent Agenda and considered separately with a suspension of the rules for passage of third consideration.

i. On motion by Alderman Dunn, second by Alderwoman Dickmann and all Aldermen present voting aye, the below Ordinance moved to third consideration.

ii. On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the rules were suspended.

iii. On motion by Alderman Dunn, second by Alderman Ortiz and all Aldermen present voting aye, the below Ordinance was adopted.

Second Consideration: Ordinance for Case REZ22-01 being the request of Patrick Fennelly to rezone property located south of Telegraph Road and east of South Utah Avenue (the southwest 9.15 acres of Parcel #S3117-04) from S-AG Agricultural District to R-1 Single-Family Residential District. [Ward 1]

ADOPTED 2022-214

ORDINANCE NO. **2022-214**

AN ORDINANCE FOR CASE REZ22-01 BEING THE REQUEST OF PATRICK FENNELLY TO REZONE PROPERTY LOCATED SOUTH OF TELEGRAPH ROAD AND EAST OF SOUTH UTAH AVENUE (THE SOUTHWEST 9.15 ACRES OF PARCEL #S3117-04) FROM S-AG AGRICULTURAL DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "R-1 Single-Family Residential District."

Part of the Northwest Quarter of Section 31, Township 78 North, Range 3 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa, more particularly described as follows:

Commencing at the West Quarter corner of said Section 31, per Corner Certificate 01803- 96; Thence North 01°30'35" West, along the west line of the Northwest Quarter of said Section 31, a distance of 664.63 feet to the Point of Beginning; Thence North 01°30'35" West, continuing along said west line of said Northwest Quarter, a distance of 465.20 feet; Thence North 88°03'42" East, a distance of 844.98 feet; Thence South 01°39'49" East, a distance of feet; Thence North 88°02'25" East, a distance of 187.83 feet; Thence South 02°07'02" East, a distance of 1035.90 feet to the Point of Beginning. The above described real estate contains 10.28 acres, more or less. For the purpose of this description, the west line of the Northwest Quarter of Section 31, has an observed bearing of North 01°30'35" West.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The proposed rezoning to R-1 Single-Family Residential District is generally consistent with the Comprehensive Plan and adopted land use policies.
2. The petition is compatible with the zoning and land uses of nearby property.
3. The rezoning request is compatible with the established neighborhood character, which includes single-family dwellings, agriculture, and open space.
4. The proposed amendment promotes the public health, safety, and welfare of the City.
5. Rezoning the property to R-1 Single-Family Residential District does not create any nonconformities.

Condition:

No more than two R-1 Single-Family Residential lots shall be platted on the 9.15 acre area.

Section 3. At its March 15, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-01 to the City Council with a recommendation for approval subject to the listed findings and condition.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Adopted 4/27/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

XI. Approval of All Items on the Consent Agenda

On motion by Alderwoman Dickmann, second by Alderman Ortiz and all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Second Consideration: Ordinance for Case ROW22-02 being the request of The Overland Group on behalf of Dollar General for a partial right-of-way vacation (abandonment) of the alley at 2340 Rockingham Road. [Ward 1] **MOVED TO THIRD CONSIDERATION**

2. Second Consideration: Ordinance amending Section 2.63.030 entitled "Composition" of the Davenport Municipal Code to reduce the number of members on the Design Review Board from eleven to nine and to adjust qualifications. [All Wards]

MOVED TO THIRD CONSIDERATION

3. Second Consideration: Ordinance amending Section 13.16.108 entitled "Property lien for unpaid fees" of the Davenport Municipal Code to rename it "Unpaid fees" and include new methods of collecting outstanding utility fees. [All Wards]

MOVED TO THIRD CONSIDERATION

4. Resolution approving Case P22-02 being the request of Klingner & Associates, P.C. on behalf of Rob Fick LLC for a preliminary plat of Oak Brook 2021, a 30-lot subdivision on 12.4 acres located east of Sturdevant Street and north of West 61st Street. [Ward 8]

ADOPTED 2022-215

5. Resolution approving Case F22-03 being the request of Splendor Homes LLC on behalf of KJTLJ LLC for a final plat of Splendor Estates, a 47-lot subdivision on 26.11 acres located at 2448 and 2460 East 60th Street. [Ward 8]

ADOPTED 2022-216

6. Resolution approving Case F22-04 being the request of Origin Design on behalf of RDIP LLC for a final plat of Russell-Frye/Armstrong Industrial Park Second Addition, a 3-lot subdivision on 50.66 acres located at 8730 Northwest Boulevard. [Ward 2]

ADOPTED 2022-217

7. Resolution setting a Public Hearing on the proposed conveyance of vacated public right-of-way known as a portion of right-of-way lying south of East 59th Street and west of Tremont Avenue in Brady Eighty Industrial Park 5th and 6th Additions (Seven Hills Paving LLC, Petitioner). [Ward 8]

ADOPTED 2022-218

8. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

ADOPTED 2022-219

Davenport Community School District; Graduation; Brady Street Stadium | 3603 Brady Street; Sunday, June 5, 2022 7:00 a.m. – 7:00 p.m.; **Closure:** 36th Street from Brady Street to just west of Davenport Avenue. [Ward 7]

Cornbelt Running Club; Bix 7 and Quick Bix; Saturday, July 30, 2022 4:00 a.m. – 12:00 p.m. **Closures:** Brady Street from River Drive to Kirkwood Boulevard; Kirkwood Boulevard from Brady Street to Jersey Ridge Road; Jersey Ridge Road from Kirkwood Boulevard to Middle Road; Middle Road from Kirkwood Boulevard to McClellan Boulevard; McClellan Boulevard from Middle Road to River Drive; East 4th St from Main Street to River Drive (East 4th Street from Pershing Avenue to River Drive closed beginning at 1:00 p.m. Friday, July 29); East 3rd Street from Main Street to River Drive (East 3rd Street from Iowa Street to River Drive closed beginning at 2:00 p.m. on Friday, July 29 to set up finish line); East 2nd Street from Main Street to Perry Street; East 15th Street from Brady Street to Perry Street; Perry Street from East 15th Street to East 4th Street; LeClaire Street from East 2nd Street to East 4th Street (beginning at noon on Friday, July 29); Iowa Street from East 3rd Street to East 4th Street

(beginning at 1:00 p.m. Friday, July 29); River Street from McClellan Boulevard to Hillcrest Avenue. [Wards 3, 5, & 6]

9. Resolution authorizing submission of the FY 2023 Iowa Department of Transportation State Transit Assistance (STA) Program grant application in the approximate amount of \$461,035. [All Wards] **ADOPTED 2022-220**

10. Resolution authorizing the submission of a grant application to the Federal Transit Administration (FTA) for four (4) battery-powered electric buses to include charging station infrastructure. [All Wards] **ADOPTED 2022-221**

11. Resolution approving the plans, specifications, form of contract, and estimate cost for the FY 2023 Brick Street Patching project, CIP #35054. [Wards 1, 3, 5, 6, & 7] **ADOPTED 2022-222**

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 49th Street (Sturdevant Street to Fillmore Lane) Reconstruction project, CIP #35054. [Ward 7] **ADOPTED 2022-223**

13. Resolution approving an agreement for engineering services for the Neighborhood I&I Investigation with McClure Engineering Company of North Liberty, Iowa in the amount of \$124,700, CIP #30056. [Wards 1, 3, & 4] **ADOPTED 2022-224**

14. Resolution awarding two (2) contracts to McClure Engineering Company of Fort Dodge, Iowa and one (1) to Terracon Consultants, Inc of Bettendorf, Iowa for the reconstruction design of the South Ramp at the Davenport Municipal Airport in the total amount of \$201,616, and authorizing the Public Works Director to sign said contracts on behalf of the City of Davenport, CIP #20015. [Ward 8] **ADOPTED 2022-225**

15. Resolution awarding contracts for the FY 2023 Contract Sewer Repair Program to three (3) contractors, each in the amount of \$250,000, and authorizing the Public Works Director/Assistant City Administrator to change order a contract with a maximum value of \$1,050,000, CIP #30060 and #33001. [All Wards] **ADOPTED 2022-226**

16. Resolution awarding a contract for the Riverfront Trail Patching project from Mound Street to the east City limits and at River Heritage Park to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$144,004, CIP #28030. [Wards 3 & 5] **ADOPTED 2022-227**

17. Resolution awarding a contract for the Skybridge North Stair Tower Repair project to Tricon General Construction Inc of Dubuque, Iowa in the amount of \$393,000, CIP #23058. [Ward 3] **ADOPTED 2022-228**

18. Resolution awarding a contract for the North Division Street (West 12th Street to Locust Street) Reconstruction project to Manatts Inc–Eastern Iowa Division of Camanche, Iowa in the amount of \$1,773,448.50, CIP #35053. [Ward 4] **ADOPTED 2022-229**

19. Resolution accepting the Davenport Parks and Recreation Comprehensive Master Plan as a guide for future parks and recreation actions, CIP #64085. [All Wards]

ADOPTED 2022-230

20. Resolution approving increases to the reimbursement amounts for the No Fault Sewer Backup Reimbursement Program. [All Wards]

ADOPTED 2022-231

21. Resolution awarding a contract for the purchase and complete installation of playground equipment at Lafayette Park to Fry & Associates of North Kansas City, Missouri in the amount of \$132,856, CIP #ARP10. [Ward 3]

ADOPTED 2022-232

22. Motion approving noise variance requests for outdoor events on the listed dates and times.

PASSED 2022-233

Dane Moulton; Renwick Mansion events; 901 Tremont Avenue; every Friday, Saturday, and Sunday through December 31, 2022 no later than 10:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

Josh Rangel; Birthday Party; 2123 Warren Street; Saturday, May 7, 2022 4:00 p.m. - 11:30 p.m.; Outdoor music, over 50 dBA. [Ward 4]

23. Motion approving beer and liquor license applications.

PASSED 2022-234

A. New License, new owner, temporary permit, temporary outdoor area, location transfer, etc (as noted):

Ward 1

Beertini's (Beertini's, LLC) - 3801 Rockingham Rd - New Permanent Outdoor Area License Type: Class C Liquor

Ward 5

Rudy's Tacos (LaRosa S A, Inc) - 2214 E 11th St – Temporary Extended Outdoor Area - May 7th - May 8th - License Type: Class C Liquor

Ward 6

Purgatory's Pub (Purgatory's Pub, Inc) - 5320 Corporate Park Rd - Temporary Outdoor Event - May 15th - May 19th "McGrath's Harley Davidson Bike Night" - License Type: B Beer

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 N Brady #3 - Temporary Extended Outdoor Area - May 4th - May 8th - License Type: Class C Liquor

Ganzo's (Ganzo's, LTD) - 3923 N Marquette St - Temporary Extended Outdoor Area - May 7th "Ganzo's Cinco de Mayo Fiesta" - License Type: Class C Liquor

B. Annual license renewals (with outdoor area renewals as noted):

Ward 1

Dollar General Store #2913 (DolGenCorp, LLC) - 2217 Rockingham Rd - License Type: Class C Beer

QC Mart (Bethany Enterprises, Inc) - 2747 Rockingham Rd - License Type: Class C Beer

Frackies (Frackies Pub, Inc) - 2820 Rockingham Rd - License Type: Class C Liquor

Ward 2

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2200 W Kimberly Rd (Cafe Area) - License Type: Class C Liquor

Hy-Vee Food & Drugstore #2 (Hy-Vee, Inc) - 2200 W Kimberly Rd – License Type: Class E Liquor

Ward 3

Fandom's Bar (W3, LLC) - 1460 W 3rd St - License Type: Class C Liquor

Sippi's Restaurant (Sippi's, Inc) - 406 W 2nd St - Outdoor Area – License Type: Class C Liquor

Redstone Room (River Music Experience) - 129 Main St (2nd Floor) - License Type: Class C Liquor

RME Courtyard (River Music Experience) - 121 W 2nd St - Outdoor Area - License Type: Class C Liquor

Front Street Brewery (Front St Brewery, Inc) - 208 E River Dr - Outdoor Area - License Type: Class C Liquor

Duck City Delicatessen & Bistro (Moskowitz Llewellyn Restaurant Systems, Inc) - 115 E 3rd St - Outdoor Area - License Type: Class C Liquor

Ward 4

Cedar Street Inn (Fleetfood, Inc) - 810 Cedar St - License Type: Class C Liquor

Ward 6

Dollar General Store #254 (DolGenCorp, LLC) - 2170 E Kimberly Rd - License Type: Class C Beer

Uptown Bar & Grill (TBS Enterprises, LLC) - 1019 Mound St - License Type: Class C Liquor

Pints (Pub @ Utica, LLC) - 5268 Utica Ridge Rd - Outdoor Area – License Type: Class C Liquor

Ward 7

Azteca 4 (Azteca 4, Inc) - 3566 Brady St - License Type: Class C Liquor

Dollar General Store #9381 (DolGenCorp, LLC) - 109 E 50th St – License Type: Class C Beer

Ward 8

GD Xpress (Ram II, LLC) - 4607 N Pine St - License Type: Class E Liquor

QC Marts (Bethany Enterprises, Inc) - 6807 Northwest Blvd - License Type: Class C Beer

24. Motion awarding a contract for the Airport T-Hangar Revitalization project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$75,284.50, CIP #20014. [Ward 8]

PASSED 2022-235

25. Motion awarding a contract for the purchase and complete installation of playground equipment at Whalen Park to LG Playground dba Outdoor Recreation Products of Elkhorn, Nebraska in the amount of \$89,908, CIP #ARP10. [Ward 8]

PASSED 2022-236

26. Motion awarding a contract for the purchase and complete installation of playground equipment at Harbor Road Park to Park Planet of Redding, California in the amount of \$84,908, CIP #ARP10. [Ward 1]

PASSED 2022-237

27. Motion approving the annual renewal for the license and support of the City's records management system, OnBase, in the amount of \$56,036.88. [All Wards]

PASSED 2022-238

28. Motion approving the purchase of upfitting equipment for five (5) Police Department SUVs from Keltek, Inc of Baxter, Iowa in an amount not-to-exceed \$95,857.15 from Iowa Department of Administrative Services bid #MA21357. [All Wards]

PASSED 2022-239

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

Following is a summary of revenue received for the month of March 2022:

Property Taxes	\$3,448,246.78
Other City Taxes	\$3,921,517.49
Special Assessments	\$ -

Licenses & Permits	\$468,270
Intergovernmental	\$1,436,302.89
Charges for Services	\$3,772,403.74
Use of Monies & Property	\$396,616.44
Fines & Forfeits	\$141,469.72
Bonds/Loan Proceeds	\$29,466,946.46
Miscellaneous	\$645,281.07

XV. Executive Session

*On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **6:09 p.m.** to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **6:14 p.m.** with Mayor Matson and all Aldermen present except Alderwoman Lee and Alderman Gripp (Alderman Ortiz, Alderman Condon, Alderwoman Dickmann, Alderman Kelly, Alderman Dunn, Alderman Jobgen, Alderwoman Meginnis, and Alderman Cornette). Others present included City Administrator Corri Spiegel, Public Works Director/Assistant City Administrator Nicole Gleason, Assistant Public Works Director Clay Merritt, and Corporation Counsel Tom Warner. On motion by Alderman Jobgen, second by Alderwoman Dickmann, Council went back into open session and adjourned at **7:15 p.m.***



Brian J. Krup
Deputy City Clerk