

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, February 22, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, February 22, 2023 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 (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Dunn

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for February 8, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for February 15, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, February 15, 2023 -- 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 Ortiz. Upon the roll being called, all Aldermen were present except Alderman Jobgen (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, and Alderman Ortiz).

*The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the West 36th Street (Pacific Street to North Division Street) Reconstruction project, CIP #35062; 2. on the plans, specifications, form of contract, and estimate of cost for the East Locust Street and Eastern Avenue Intersection Reconstruction project, CIP #35061; 3. on the plans, specifications, form of contract, and estimate of cost for the East Central Park Avenue (Brady Street to Pershing Avenue) Reconstruction and Farnam Street Intersection Resurfacing project, CIP #35061; 4. on the plans, specifications, form of contract, and estimate of cost for the Carriage Hill Drive Reconstruction project, CIP #35062; 5. on the plans, specifications, form of contract, and estimate of cost for the West 11th Street and Warren Street Storm Sewer Improvements project, CIP #33016; 6. on the plans, specifications, form of contract, and estimate of cost for the Tremont Sanitary Sewer Replacement project, CIP #30048; 7. on the plans, specifications, form of contract, and estimate of cost for the Fairmount Community Center project, ARP #09; and 8. on the plans, specifications, form of contract, and estimate of cost for the Whalen Park Walking Trail project.*

*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 item #1, Third Consideration: Ordinance for Case REZ22-08 being the request of Ecumenical Housing Development Group to rezone 1112 Bridge Avenue from R-4C Single-Family and Two-Family Central Residential District to R-MF Multi-Family Residential District, moved to the*

*Discussion Agenda and all other items moved to the Consent Agenda. **Public Safety:** Alderwoman Dickmann reviewed all items listed. On motion by Alderman Ortiz, second by Alderman Cornette all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Ortiz all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderman Ortiz all items moved to the Consent Agenda.*
*Council adjourned at **6:10 p.m.***

VIII. Presentations

HELD

A. Mayor's Community Excellence Award | Habitat for Humanity Quad Cities

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

On motion by Alderman Cornette, second by Alderman Ortiz and all Aldermen present voting aye except Alderman Cornette and Alderman Jobgen, the following Ordinance was adopted:

1. Third Consideration: Ordinance for Case REZ22-08 being the request of Ecumenical Housing Development Group to rezone 1112 Bridge Avenue from R-4C Single-Family and Two-Family Central Residential District to R-MF Multi-Family Residential District. [Ward 5]

ADOPTED 2023-72

ORDINANCE NO. **2023-72**

AN ORDINANCE FOR CASE REZ22-08 BEING THE REQUEST OF ECUMENICAL HOUSING DEVELOPMENT GROUP TO REZONE 1112 BRIDGE AVENUE FROM R-4C SINGLE-FAMILY AND TWO-FAMILY CENTRAL RESIDENTIAL DISTRICT TO R-MF MULTI-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-MF Multi-Family Residential District":

Beginning at the Northeast corner of said Out Lot; thence South 145 feet along the West Line of Bridge Avenue; thence West 137 feet more or less along a line parallel to the South line of an alley on the North end of said Out Lot, to an alley on the West side of said Out Lot; thence North along the East line of said alley 145 feet to the alley on the North end of said Out Lot; thence East along the south line of said alley 137 feet more or less to the place of beginning. Subject to easements and restrictions of record.

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

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Residential General.
2. The proposed zoning map amendment to R-MF Multi-Family Residential District is compatible with the zoning of nearby developed property.
3. With conditions recommended by staff, the proposed zoning map amendment will enable the existing building be used in a manner consistent with the surrounding area.
4. As conditioned, the rezoning request is compatible with the established neighborhood character.
5. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
6. Rezoning the property to R-MF Multi-Family Residential District does not create any nonconformities.

Conditions:

1. The maximum building height shall be 35 feet.
2. The number of dwelling units for the subject property is capped at three dwelling units total. For clarity, future subdivision of the property will not result in any increase to this original total, it shall always be an aggregate total of three regardless of how the underlying property is divided.
3. If the existing structure is razed or demolished or in the event that the existing structure is damaged or destroyed - intentionally, accidentally, or by neglect:
 - A. To the extent of 50% or more of its assessed value, then the structure shall only be restored or rebuilt to be a single-family dwelling or a two-family (duplex) dwelling.
 - B. To the extent of less than 50% of its assessed value, it may be repaired and reconstructed provided that the three dwelling unit cap is not exceeded. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event the building permit is not obtained within one year, then the rules pertaining to damage or destruction of 50% or more shall apply moving forward.
4. The prior legal nonconformity to operate a day-care is hereby surrendered by the landowner petitioner, and no day-care home or center will be allowed; additionally, no children's home, domestic violence shelter, or residential care facility will be allowed.

Section 3. At its December 20, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-08 to the City Council with a recommendation for approval subject to the listed findings and two conditions. City Council amended the conditions at its February 8, 2023 meeting at the agreement of the petitioner.

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 2/22/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

XI. Approval of All Items on the Consent Agenda

On motion by Alderman Jobgen, second by Alderwoman Dickmann and all Aldermen present voting aye with Alderwoman Meginnis abstaining from the URTE projects at 204 Prospect Terrace, 314 Gaines Street, 709 Gaines Street, and 723 Brown Street under item #4, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Schedule XIV Intersection Traffic Signals of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding three intersections thereto. [Wards 2 & 6] **ADOPTED 2023-73**

ORDINANCE NO. **2023-73**

AN ORDINANCE AMENDING SCHEDULE XIV INTERSECTION TRAFFIC SIGNALS OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING THREE INTERSECTIONS THERETO.
BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Schedule XIV Intersection Traffic Signals of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

53rd Street at Lakeview Parkway
76th Street at Northwest Boulevard
Hillandale Road at Research Parkway

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 2/22/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Fairmount Street along the east side from Locust Street to Garfield Street thereto. [Ward 1]

MOVED TO THIRD CONSIDERATION

3. First Consideration: Ordinance amending Section 13.16.109 entitled "Fees" of the Municipal Code of Davenport, Iowa to allow fees to be set by resolution of the City Council for Compost tipping, Water Pollution Control Plant hauled waste, Water Pollution Control Plant permits for hauled waste, and the sale of Compost goods. [All Wards]

MOVED TO SECOND CONSIDERATION

4. Resolution approving the 2023 Urban Revitalization Tax Exemption (URTE) projects. [All Wards]

ADOPTED 2023-74

5. Resolution approving the State of Iowa Community Attraction and Tourism (CAT) Grant Agreement for the Martin Luther King, Jr. Plaza project, and authorizing the City Administrator or designee to sign necessary documents and agreements. [Ward 3]

ADOPTED 2023-75

6. Resolution approving street, lane, or public ground closure requests for the listed dates and times.

ADOPTED 2023-76

Davenport Community School District; High School Track Meets; Brady Street Stadium | 3603 Brady Street; 2:00 p.m. - 10:00 p.m. Tuesday, April 4, 2023; Thursday, April 6, 2023; Thursday, April 13, 2023; and Monday, April 17, 2023;
Closure: 36th Street from Brady Street to west of Davenport Avenue. [Ward 7]

Cornbelt Running Club; Bix at 6 Training Runs; 5:00 p.m. - 9:00 p.m. Thursday, June 22, 2023; Thursday, June 29, 2023; Thursday, July 6, 2023; and Thursday, July 13, 2023; **Closures:** East 4th Street from Pershing Avenue to River Drive; Pershing Avenue from East 4th Street to Kirkwood Boulevard; Kirkwood Boulevard

from Pershing Avenue to Jersey Ridge Road; Jersey Ridge Road from Kirkwood Boulevard to Middle Road; Middle Road from Jersey Ridge Road to McClellan Boulevard; McClellan Boulevard from Middle Road to River Drive. [Wards 3 & 5]

Cornbelt Running Club; Genesis Sports Medicine Brady Street Sprints; 5:30 p.m. - 9:00 p.m. Thursday, July 27, 2023; **Closure:** Brady Street from 5th Street to 11th Street. [Ward 3]

7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 36th Street (Pacific Street to North Division Street) Reconstruction project, CIP #35062. [Ward 2] **ADOPTED 2023-77**

8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the East Locust Street and Eastern Avenue Intersection Reconstruction project, CIP #35061. [Ward 5] **ADOPTED 2023-78**

9. Resolution approving the plans, specifications, form of contract, and estimate of cost for the East Central Park Avenue (Brady Street to Pershing Avenue) Reconstruction and Farnam Street/East Central Park Avenue Intersection Overlay project, CIP #35061. [Ward 5] **ADOPTED 2023-79**

10. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Carriage Hill Drive Reconstruction project, CIP #35062. [Ward 6] **ADOPTED 2023-80**

11. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 11th Street and Warren Street Storm Sewer Improvements project, CIP #33016. [Ward 3] **ADOPTED 2023-81**

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Tremont Sanitary Sewer Replacement project, CIP #30048. [Ward 3] **ADOPTED 2023-82**

13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Fairmount Community Center project, ARP #09. [Ward 1] **ADOPTED 2023-83**

14. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Whalen Park Trail project. [Ward 8] **ADOPTED 2023-84**

15. Resolution awarding a contract for the 2023 Pedestrian Curb Ramp Retrofit Program to Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$311,163.50, CIP #35060. [All Wards] **ADOPTED 2023-85**

16. Resolution awarding a contract for the purchase of asphalt oils for the 2023 construction season to Bituminous Materials & Supply of Des Moines, Iowa. [All Wards] **ADOPTED 2023-86**

17. Resolution awarding a contract for the CDBG Alley Program: 301 Kirkwood Boulevard to 330 East 15th Street Alley Reconstruction project to Emery Construction Group Inc of Moline, Illinois in the amount of \$157,318.30, pending HUD funding allotment, #BG250. [Ward 5] **ADOPTED 2023-87**

18. Resolution adopting the Iowa Statewide Urban Design Standards for Public Improvements, the Iowa Statewide Urban Standard Specifications for Public Improvements, and the City of Davenport Supplemental Specifications manuals. [All Wards] **ADOPTED 2023-88**

19. Resolution approving the renewal of a 20-year land lease agreement at the Davenport Municipal Airport with the Iowa National Guard for the term March 1, 2023 through February 28, 2043. [Ward 8] **ADOPTED 2023-89**

20. Resolution authorizing the submission of a RAISE grant program application to the United States Department of Transportation for financial assistance with enhancing and improving transportation access through flood mitigation efforts and infrastructure improvements. [Wards 1, 3, & 5] **ADOPTED 2023-90**

21. Resolution assessing the cost of boarding up buildings at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-91**

22. Resolution assessing the cost of brush and debris removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-92**

23. Resolution assessing the cost of condemned property demolitions at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-93**

24. Resolution assessing the cost of sidewalk repairs at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-94**

25. Resolution assessing the cost of tree removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-95**

26. Resolution assessing the cost of weed cutting at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-96**

27. Resolution assessing the cost of improvement projects for businesses participating in the Downtown Streetscaping program at various lots and tracts of real estate. [Ward 3] **ADOPTED 2023-97**

28. Resolution assessing the cost of a streambank stabilization project at various lots and tracts of real estate. [Ward 2] **ADOPTED 2023-98**

29. Resolution setting a Public Hearing on the FY 2024 Operating Budget, FY 2024 Capital Improvement Budget, and the FY 2024 – FY 2029 Capital Improvement Program. [All Wards]
ADOPTED 2023-99

30. Resolution adopting the CY 2023 City Administrator's Workplan. [All Wards]
ADOPTED 2023-100

31. Resolution establishing the interest rate for special assessments. [All Wards]
ADOPTED 2023-101

32. Motion approving a noise variance request for the listed date and time for an outdoor event.
PASSED 2023-102

Dam View Inn; St. Patrick's Day Party; 410 East 2nd Street; 8:00 a.m. Saturday, March 18, 2023 - 12:00 a.m. Sunday, March 19, 2023; Outdoor music/band, over 50 dBA. [Ward 3]

33. Motion approving beer and liquor license applications. **PASSED 2023-103**

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

Ward 3

La Finca, LLC (La Finca, LLC) – 916 West 2nd Street – License Upgrade – License Type: Class C Liquor (On-Premises)

Oh So Sweet by Tiphannie (Oh So Sweet, LLC) – 210 East 2nd Street – New License – License Type: Class C Liquor (On-Premises)

Ward 6

Staybridge Suites (Surya Management, LLC) – 4729 Progress Drive – New License/Owner – License Type: Class C Liquor (On-Premises)

Ward 8

Super Market (Super Market, Inc) – 6723 Northwest Boulevard – New License/Owner – License Type: Class E Liquor (Carry-Out)

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

Ward 1

Sub Express & Gas (Keya Food Mart, Inc) - 4307 West Locust Street - License Type: Class E Liquor (Carry-Out)Ward 3

Devon's Complaint Dept (Triple Crown Whiskey Bar, LLC) - 304 East 3rd Street - Outdoor Area - License Type: LC - Class C Liquor (On-Premise)

Endless Brews (Endless Brews, LLC) - 310 North Main Street – License Type: Special Class C Beer/Wine (On-Premise)

Me & Billy (Collins Maus, LLC) - 200 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 4

The Meat Market (Weetbruch Enterprises, Inc) - 1629 Washington Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 5

EZ Stop (Shivco, Inc) - 2923 Brady Street - License Type: Class E Liquor (Carry-Out)

Ward 6

Camp McClellan Cellars (Julie Keehn) - 2302 East 11th Street – License Type: Class B Beer/Wine (Carry-Out)

R Bar-QCA, LLC (R Bar-QCA, LLC) - 4907 Utica Ridge Road – Outdoor Area - License Type: Class C Liquor (On-Premises)

34. Motion approving the Title VI Program for the City of Davenport Transit Division. [All Wards] **PASSED 2023-104**

35. Motion approving the renewal of excess flood insurance for policy period February 12, 2023 to February 12, 2024 with Trisura Specialty Insurance Company in the amount of \$86,476.20. [All Wards] **PASSED 2023-105**

36. Motion approving the renewal of Active Shooter and Malicious Attack Insurance coverage for policy period February 10, 2023 to February 10, 2024 with Underwriters of Lloyd's, London in the amount of \$52,689.68. [All Wards] **PASSED 2023-106**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business


XIV. Reports of City Officials

The following is a summary of revenue received for the month of January 2023:

Property Taxes	\$610,323
Other City Taxes	\$1,918,197

Special Assessments	\$-
Licenses & Permits	\$75,252
Intergovernmental	\$4,845,337
Charges for Services	\$3,736,573
Use of Monies & Property	\$102,970
Fines & Forfeits	\$130,504
Bonds/Loan Proceeds	\$403,768
Miscellaneous	\$184,550

XV. Adjourn **6:22 p.m.**


 Brian J. Krup
 Deputy City Clerk