

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, September 27, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, September 27, 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 except Alderman Condon (*In person*: Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Jobgen, and Alderman Ortiz; *Via telephone*: Alderwoman Dickmann).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderwoman Meginnis

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the Special City Council Meeting minutes for September 7, 2023.

Approval of the City Council Meeting minutes for September 13, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for September 20, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, September 20, 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 Kelly. Upon the roll being called, all Aldermen were present except Alderman Condon and Alderwoman Dickmann (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Jobgen, and Alderman Ortiz).

*The following Public Hearings were held: **Community Development:** 1. on the Consolidated Plan Annual Performance Evaluation Report for the year ending June 30, 2023; 2. for Case REZ23-03 being the request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District; and 3. for Case ROW23-04 being the request of 53rd Luxury, LLC to vacate approximately 25,900 square feet of improved Spring Street right-of-way located south of East 53rd Street. **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011; 2. on the plans, specifications, form of contract, and estimate cost for the installation of traffic signals at the intersection of Brady Street and Lombard Street; 3. on the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street at the main entrance to John Deere; and 4. on the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project, CIP #68015.*

*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 Alderman Jobgen all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman Ortiz, second by Alderman Gripp the annual liquor license renewal for Yoshi's Bar and Filipino Canteen moved to the Discussion Agenda with a staff recommendation*

*for denial of the outdoor area and all other 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:** Mayor Matson reviewed all items listed. On motion by Alderman Dunn, second by Alderman Jobgen all items moved to the Consent Agenda.*

*Council adjourned at **6:57 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2023-401

1. Plan and Zoning Commission

-Pat Schilling (new appointment)

B. Proclamations

ISSUED 2023-402

1. National Good Neighbor Day | September 28, 2023

2. Fire Prevention Week | October 8-14, 2023

IX. Presentations

HELD

A. FY 2022 Annual Comprehensive Financial Report | Government Finance Officers Association Award

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderwoman Lee, second by Alderman Kelly and all Aldermen present voting aye except Alderman Ortiz and Alderman Gripp, the following Motion was tabled for one cycle:*

Motion approving a beer and liquor license application.

TABLED

A. Annual license renewal (with outdoor area renewal as noted):

Ward 3

Yoshi's Bar and Filipino Canteen (Yoshi's Bar and Filipino Canteen, LLC) – 831 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

STAFF RECOMMENDS DENIAL OF THE OUTDOOR AREA

XII. Approval of All Items on the Consent Agenda

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

1. **Third Consideration:** Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 11th Street along the south side from Prospect Terrace to Judson Street thereto. [Ward 5]

ADOPTED 2023-403

ORDINANCE NO. **2023-403**

AN ORDINANCE AMENDING SCHEDULE V NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING 11TH STREET ALONG THE SOUTH SIDE FROM PROSPECT TERRACE TO JUDSON STREET THERETO.

Section 1. That Schedule V No Parking of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

11th Street along the south side from Prospect Terrace to Judson Street.

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 9/27/2023: Mike Matson, Mayor; Brian Krup, Deputy City Clerk

2. First Consideration: Ordinance for Case REZ23-03 being the request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

MOVED TO SECOND CONSIDERATION

3. First Consideration: Ordinance for Case ROW23-04 being the request of 53rd Luxury, LLC to vacate approximately 25,900 square feet of improved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

MOVED TO SECOND CONSIDERATION

4. First Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Jefferson Avenue along the west side from East 38th Street north to the dead end thereto. [Ward 7]

MOVED TO SECOND CONSIDERATION

5. First Consideration: Ordinance amending Schedule XI Resident Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Scott Street along the west side from Rusholme Street to Lombard Street and along the east side from Rusholme Street south 355 feet thereto. [Ward 4]

MOVED TO SECOND CONSIDERATION

6. Resolution approving street, lane, or public ground closures on the listed dates and times for outdoor events.

ADOPTED 2023-404

Davenport Fire Antique and Restoration Society; Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; Sunday, October 1, 2023 7:00 a.m. - 4:30 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Davenport Community School District; Band Spectacular for Davenport Schools; Brady Street Stadium | 3603 North Brady Street; 3:00 p.m. - 10:00 p.m. Tuesday, October 10, 2023 (rain date: Monday, October 16, 2023); **Closure:** East 36th Street from Brady Street to Davenport Avenue. [Ward 7]

Davenport Community School District; Central High School Homecoming Parade; 6:00 p.m. - 7:00 p.m. Thursday, October 12, 2023; **Closures (Police controlled):** East 18th Street from Woodland Ave to Fernwood Avenue; Fernwood Avenue from East 18th Street to Forest Road; Forest Road from Fernwood Avenue to Middle Road; Middle Road from Forest Road to Woodland Avenue. [Wards 5 & 6]

St. Ambrose University; Killer Bee 5K; Saturday, October 21, 2023 6:30 a.m. – 11:00 a.m. **Closures:** Lombard Street from Ripley Street to Lillie Avenue; Ripley Street from Lombard Street to Dover Court; Dover Court from Ripley Street to Gaines Street; Gaines Street from Dover Court to Lombard Street; Scott Street from Dover Court to Lombard Street; Rusholme Street from Gaines Street to Lillie Avenue; Lillie Avenue from Rusholme Street to Pleasant Street; Pleasant Street from Lillie Avenue to Warren Street; Warren Street from Pleasant Street to Spalding Boulevard; Spalding Boulevard from Warren Street to Berg Place; Berg Place from Spalding Boulevard to Lillie Avenue. [Ward 4]

Brian Doerrfeld; Village Zombie Run; Village of East Davenport; 6:00 a.m. - 12:00 p.m. Saturday, October 28, 2023; **Closures:** Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street; east-west alley between East 11th Street and East 12th Street and Mound Street and Jersey Ridge Road; Mound Street from East 11th Street to East 12th Street. [Ward 5]

City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 29, 2023; **Closures:** 3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street (DPD at 3rd and LeClaire to direct bridge traffic); 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street and River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive; (beginning at 2:00 p.m.) Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]

7. Resolution accepting work completed under the FY 2021 Contract Sewer Repair Program by Hagerty Earthworks, LLC of Muscatine, Iowa in the amount of \$569,260.45, CIP #30053 and #33001. [All Wards] **ADOPTED 2023-405**

8. Resolution accepting work completed under the Hillandale Road and Northwest Boulevard and West 76th Street and Northwest Boulevard (RISE #RM-1827(689)--9D-82) Intersection Improvements project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$1,007,590.28, CIP #35058. [Wards 2 & 8] **ADOPTED 2023-406**

9. Resolution approving the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011. [Wards 1 & 2] **ADOPTED 2023-407**

10. Resolution approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of Brady Street at Lombard Street, CIP #38015. [Ward 5] **ADOPTED 2023-408**

11. Resolution approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street at the main entrance of John Deere. [Ward 8] **ADOPTED 2023-409**

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project, CIP #68015. [Ward 1] **ADOPTED 2023-410**

13. Resolution awarding a five-year contract for transit planning and scheduling software to Optibus, Inc of New York, New York in the amount of \$122,781. [All Wards] **ADOPTED 2023-411**

14. Resolution setting a Public Hearing on granting an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy. [Ward 3] **ADOPTED 2023-412**

15. Resolution setting a Public Hearing on granting a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy. [Ward 6] **ADOPTED 2023-413**

16. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2023-414**

Gunchie's; Outdoor Band; 2905 Telegraph Road; 7:00 p.m. Friday, September 29, 2023 - 12:00 a.m. Saturday, September 30, 2023; Outdoor music/band, over 50 dBA. [Ward 1]

Davenport Fire Antique and Restoration Society; Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; 12:00 p.m. - 4:00 p.m. Sunday, October 1, 2023; Outdoor music, over 50 dBA. [Ward 5]

Davenport Community School District; Central High School Homecoming Parade; see attached parade route; 6:00 p.m. - 7:00 p.m. Thursday, October 12, 2023; Outdoor music/band, over 50 dBA. [Wards 5 & 6]

City of Davenport; Halloween Parade; Downtown (see attached parade route); 12:00 p.m. - 4:00 p.m. Sunday, October 29, 2023; Outdoor music/bands/performances, over 50 dBA. [Ward 3]

17. Motion approving beer and liquor license applications. **PASSED 2023-415**

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

Ward 1

Jimmie O's Saloon (Oldham Enterprises, LLC) - 2735 Telegraph Road - Permanent Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 3

Stompbox Brewing (Jpx2me, LLC) - 210 East River Drive #101 – Temporary Extended Outdoor Area October 5 - License Type: Class C Liquor (On-Premises)

Westside Grocery (Venu G, LLC) - 1802 West 7th Street - New License/New Owner - License Type: Class E Liquor (Carry-Out)

Ward 4

La Dueña Mexican Restaurant (Rene Sanchez) - 1330 Washington Street - New License - License Type: Class C Liquor (On-Premises)

Ward 6

Hy-Vee Fast & Fresh 2 (Hy-Vee, Inc) - 4631 East 53rd Street - New License - License Type: Class E Liquor (Carry-Out)

Pho Fusion, LLC (Pho Fusion, LLC) - 5266 Utica Ridge Road – Outdoor Area - New License - License Type: Class C Liquor (On-Premises)

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

Ward 1

Rockingham Liquor (Lila, LLC) - 2423 Rockingham Road - License Type: Class E Liquor (Carry-Out)

Ward 2

Dhakals, LLC (Dhakals, LLC) - 3108 West Central Park Avenue – License Type: Class E Liquor (Carry-Out)

Ward 3

The Current (Putnam Landlord, LLC) - 128-30 West 2nd Street – Outdoor Area - License Type: Class C Liquor (On-Premises)

Mississippi River Distilling Company (Mississippi River Distilling Company, LLC) - 318 East 2nd Street - License Type: Class C Liquor (On-Premises)

Raccoon Motel (Raccoon Motel, LLC) - 315 East 2nd Street - License Type: Class C Liquor (On-Premises)

Riverside Liquor (Vardaan, Inc) - 826 East River Drive - License Type: Class E Liquor (Carry-Out)

Ward 4

The Circle Tap (Circle Tap, Inc) - 1345 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Quad Cities Board & Brush (Brooks & Christina, LLC) - 5159 Utica Ridge Road - License Type: Special Class C Beer/Wine (On-Premises)

Ward 6

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

Links (Kjt Holdings, LLC) - 5619 Utica Ridge Road #300 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 North Brady #3 - License Type: Class C Liquor (On-Premises)

The Liquor Stop, LLC (The Liquor Stop, LLC) - 211 West 53rd Street - License Type: Class E Liquor (Carry-Out)

XIII. Other Ordinances, Resolutions and Motions

On motion by Alderman Ortiz, second by Alderwoman Meginnis and all Aldermen present voting aye except Alderwoman Lee and Alderman Kelly, the motion for suspension of the rules failed for not receiving a super majority and the below Resolution was not considered.

1. Motion for suspension of the rules to add and vote on the item below. **FAILED**
2. Resolution appointing Chris Jerome to fill the 7th Ward Alderman vacancy until the winner of this fall's regular City election is determined and sworn in. [Ward 7] **NOT CONSIDERED**

XIV. Public with Business

XV. Reports of City Officials

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

Property Taxes	\$213,211
Other City Taxes	\$3,432,091
Special Assessments	\$-
Licenses & Permits	\$378,110
Intergovernmental	\$5,153,613
Charges for Services	\$1,972,359
Use of Monies & Property	\$104,003
Fines & Forfeits	\$145,678
Bonds/Loans Proceeds	\$58,015
Miscellaneous	\$212,128

XVI. Executive Session

NOT HELD

1. To discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c).

XVII. Adjourn **7:15 p.m.**

A handwritten signature in black ink that reads "Brian J. Krup". The signature is written in a cursive, flowing style.

Brian J. Krup
Deputy City Clerk