

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, March 13, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, March 13, 2024 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Pro Tem Meginnis presiding and all Aldermen present (*In person*: Alderman R. Dunn, Alderman Kelly, Alderman Reinartz, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder; *Via telephone*: Alderman Gripp).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderwoman Burkholder

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for February 28, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for March 6, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, March 6, 2024 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Pro Tem Meginnis presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman Jobgen. Upon the roll being called, all Aldermen were present except Alderman Gripp (Alderman R. Dunn, Alderman Kelly, Alderman Reinartz, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

There were no Public Hearings scheduled.

*Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development**: Alderman Reinartz reviewed all items listed. On motion by Alderman R. Dunn, second by Alderman Jobgen all items moved to the Consent Agenda. **Public Safety**: Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderman R. Dunn all items moved to the Consent Agenda. **Public Works**: Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Reinartz all items moved to the Consent Agenda. **Finance**: Alderwoman Newton reviewed all items listed. A motion to table item #5, Motion directing the City Administrator and related staff to implement an internal Animal Services Unit and negotiate any related contracts or agreements, for one cycle was moved by Alderman Jobgen and seconded by Alderman Reinartz. Upon the roll being called, all Aldermen present voted aye and the item was tabled for one cycle. On motion by Alderwoman Lynch, second by Alderman Jobgen item #1, Resolution ratifying Executive Order 2023-22 appointing Mallory Merritt as Interim City Administrator; ratifying Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, memorializing Ms. Merritt's appointment as Interim City Administrator; and approving Amendment 1 to the personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, and item #2, Resolution ratifying Executive Order 2024-01 appointing Brian Heyer as Interim Corporation Counsel and approving the Personnel Memorandum of Understanding between the City of Davenport and Brian Heyer, memorializing Mr. Heyer's appointment as Interim Corporation Counsel, moved to the Discussion Agenda and all other items moved to the Consent Agenda.*

A motion to go into Executive Session to evaluate the performance of individuals in closed session as requested by those individuals pursuant to Iowa Code Section 21.5(1)(i) was moved by Alderman Jobgen and seconded by Alderman R. Dunn. Upon the roll being called, the following Aldermen voted aye: Alderwoman Meginnis, Alderman Reinartz, Alderman R. Dunn, Alderman Jobgen, and Alderman T. Dunn, and the following Aldermen voted nay: Alderwoman Newton, Alderwoman Lynch, Alderman Kelly, and Alderwoman Burkholder. The motion failed due to lack of a majority and Council did not go in to Executive Session.

*Council adjourned at **7:10 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-97

1. Civil Service Commission

- Toby Paone (re-appointment)
- Jerald Thomas (re-appointment)

2. Plan and Zoning Commission

- Pat Schilling (re-appointment)
- Thomas Hepner (re-appointment)

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. The following Resolution was moved by Alderman Jobgen and seconded by Alderman Reinartz. Alderman Reinartz moved a motion to table the Resolution for two cycles, seconded by Alderwoman Newton. Upon the roll being called, all Aldermen present voted aye, and the following Resolution was tabled for two cycles and will appear on the April 3 Committee of the Whole Meeting agenda.

Resolution ratifying Executive Order 2023-22 appointing Mallory Merritt as Interim City Administrator; ratifying Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, memorializing Ms. Merritt's appointment as Interim City Administrator; and approving Amendment 1 to the personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt. [All Wards] **TABLED**

2. The following Resolution was moved by Alderman Jobgen and seconded by Alderman Reinartz. Alderman Reinartz moved a motion to table the Resolution for two cycles, seconded by Alderman Jobgen. Upon the roll being called, all Aldermen present voted aye and the following resolution was tabled for two cycles and will appear on the April 3 Committee of the Whole Meeting agenda.

Resolution ratifying Executive Order 2024-01 appointing Brian Heyer as Interim Corporation Counsel and approving the Personnel Memorandum of Understanding between the City of Davenport and Brian Heyer, memorializing Mr. Heyer's appointment as Interim Corporation Counsel. [All Wards] **TABLED**

XI. Approval of All Items on the Consent Agenda

On motion by Alderman R. Dunn, second by Alderwoman Newton and all Aldermen present voting aye except Alderman Kelly who was not in the Council Chambers for the roll call, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Municipal Code of Davenport, Iowa to adopt the new Flood Insurance Study and flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards] **ADOPTED 2024-98**

ORDINANCE NO. **2024-98**

AN ORDINANCE AMENDING CHAPTER 15.44 ENTITLED "FLOOD DAMAGE PREVENTION" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADOPT THE NEW FLOOD INSURANCE STUDY AND FLOOD MAPS, AND TO ALIGN THE ORDINANCE WITH IOWA DEPARTMENT OF NATURAL RESOURCES AND FEMA STANDARDS AND REGULATIONS.

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

Section 1. That section 15.44.060 **Basis for establishing the areas of special flood hazard** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

Section 2. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa be and the same is hereby amended to incorporate the following terms and definitions to read as follows:

ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean the floor of the lowest enclosed area in a building when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION 15.44.080 (R)(1) of this Ordinance, and
- B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low-damage potential uses such as building access, parking or storage, and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
- D. The enclosed area is not a "basement" as defined in this section.

FACTORY-BUILT HOME - Shall mean any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

Section 3. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to revise the following terms and definitions to read as follows:

FACTORY-BUILT HOME PARK OR SUBDIVISION - Shall mean a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - Shall mean a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

LOWEST FLOOR - Shall mean the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

REPETITIVE LOSS – Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Section 4. That subsection 15.44.080(M) **General Standards for flood hazard reduction** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

M. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

Section 5. That subsection 15.44.080(R)(5) **All New and Substantially Improved Structures** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 6. That section 15.44.100 **Standards for areas of shallow flooding (AO zones)** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 7. That subsection 15.44.110(D) **Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure.

Section 8. That subsection 15.44.140(F) **Permit Procedures** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

Elevation of the base flood in relation to NAVD;

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 3/13/2024: Marion Meginnis, Mayor Pro Tem; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance for Case ORD24-01 amending Chapter 17 of the Municipal Code of Davenport, Iowa entitled "Zoning" by amending Table 17.08-1: Use Matrix to allow "Bed and Breakfast" and "Reception Facility" as a special use in the C-T Commercial Transitional Zoning District. [All Wards] **MOVED TO THIRD CONSIDERATION**

3. Second Consideration: Ordinance for Case ROW24-01 being the request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8] **MOVED TO THIRD CONSIDERATION**

4. Second Consideration: Ordinance for Case REZ24-01 being the request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC

Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

MOVED TO THIRD CONSIDERATION

5. Resolution approving Case F23-10 being the request of QuikTrip Corporation for a final plat of Business Commons at Silver Creek 2nd Addition, a 1-lot subdivision on 3.82 acres located south of West 76th Street and west of Northwest Boulevard. [Ward 8] **ADOPTED 2024-99**

6. Resolution approving Case F23-15 being the request of 227 LeClaire, LLC for a final plat of Riverwatch Subdivision, a 2-lot subdivision on 2.42 acres located at 227 LeClaire Street. [Ward 3] **ADOPTED 2024-100**

7. Resolution approving Case F23-16 being the request of Quiktrip Corporation for a final plat of Interstate Park 4th Addition, a 1-lot subdivision on 5.02 acres located at 2904 West 76th Street. [Ward 2] **ADOPTED 2024-101**

8. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events. **ADOPTED 2024-102**

Cornbelt Running Club; Genesis Sports Medicine Brady Street Sprints; 6:00 p.m. - 9:00 p.m. Thursday, July 25, 2024; **Closure:** Brady Street from 5th Street to Palmer Drive. [Ward 3]

Cornbelt Running Club; Arconic Jr. Bix; Downtown; 1:00 p.m. - 9:00 p.m. Friday, July 26, 2024; **Closures:** East 4th Street from Pershing Avenue to River Drive; East 3rd Street from Iowa Street to River Drive; Iowa and LeClaire Streets from 3rd Street to 4th Street. [Ward 3]

9. Resolution adopting the most recent published editions of 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 2024-103**

10. Resolution accepting work completed under the FY 2021/2022 Sewer Manhole Rehabilitation Program by Langman Construction of Rock Island, Illinois in the amount of \$2,613,640.10, CIP #30050. [All Wards] **ADOPTED 2024-104**

11. Resolution awarding contracts for the 2024 Sewer Lateral Repair Program, totaling \$970,000, to six (6) contractors and authorizing the Public Works Director/Assistant City Administrator to increase quantities for each contract within the Capital Improvement Project budget constraints, CIP #30062. [All Wards] **ADOPTED 2024-105**

12. Resolution awarding a contract for the CY 2024 Sidewalk Program to C-2 Creative Concrete of DeKalb, Illinois in the amount of \$186,078.25, CIP #28028. [All Wards]

ADOPTED 2024-106

13. Resolution awarding a contract for the CY 2024 ADA Ramp Program to C-2 Creative Concrete of DeKalb, Illinois in the amount of \$156,599, CIP #28024. [All Wards]

ADOPTED 2024-107

14. Resolution awarding a contract for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project to Five Cities Construction Company of Coal Valley, Illinois in the amount of \$996,022, CIP #35062. [Ward 3 & 4]

ADOPTED 2024-108

15. Resolution awarding a contract for the Tremont Avenue Reconstruction project to Ihrig Works LLC of Long Grove, Iowa in the amount of \$1,077,000, CIP #35061. [Ward 7]

ADOPTED 2024-109

16. Resolution awarding a contract for the purchase of hot mix asphalt for the 2024 construction season to RiverStone Group, Inc of Davenport, Iowa as the primary supplier and Manatts, Inc – Eastern Iowa Division of Camanche, Iowa and Tickle Asphalt Co Ltd of Milan, Illinois as backup suppliers, CIP #35063. [All Wards]

ADOPTED 2024-110

17. Resolution awarding a contract for the purchase of asphalt oils for the 2024 construction season to Manatts, Inc – Eastern Iowa Division of Camanche, Iowa and Bituminous Materials & Supply of Des Moines, Iowa. [All Wards]

ADOPTED 2024-111

18. Resolution approving the purchase of upfitting equipment for eight (8) Police Department vehicles from Keltek Incorporated of Baxter, Iowa in the amount of \$191,984.16 using State of Iowa Department of Administrative Services contract #24088, CIP #24032. [All Wards]

ADOPTED 2024-112

19. Resolution adopting the updated Investment Policy. [All Wards]

ADOPTED 2024-113

20. Resolution establishing the date and times for the annual Halloween parade and trick-or-treating as Sunday, October 27, 2024 at 2:00 p.m., and Thursday, October 31, 2024 5:30 p.m. – 7:30 p.m., respectively. [All Wards]

ADOPTED 2024-114

21. Motion approving a noise variance request on the listed dates and times for outdoor events.

PASSED 2024-115

City of Davenport | Party in the Park | 5:30 p.m. - 7:30 p.m. Thursday, June 13, 2024 (Whalen Park | 2935 West 72nd Street); Thursday, June 27, 2024 (Lindsay Park | 2200 East 11th Street); Thursday, July 18, 2024 (Sunderburch Park | 4675 Telegraph Road); and Thursday, August 8, 2024 (Cork Hill Park | 1100 Farnam Street); Outdoor music/band, over 50 dBA. [Wards 1, 3, 5, & 8]

22. Motion approving beer and liquor license applications.

PASSED 2024-116

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

Ward 3

The Lemonade Stand Restaurant (QC's Lemonade Stand, LLC) - 131 West 2nd Street
1A - New License - License Type: Class C Liquor (On-Premises)

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

Ward 1

Gunchies (Conrad Holdings, LLC) - 2905 Telegraph Road - Outdoor Area - License
Type: Class C Liquor (On-Premises)

Ward 3

Boozies Bar and Grill (BZE Holdings, Inc) - 114 1/2 West 3rd Street - License Type:
Class C Liquor (On-Premises)

Cru 221 (Cru 221, LLC) - 221 Brady Street - License Type: Class C Liquor (On-Premises)

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

Golden Mart (Golden Mart, Inc) - 1026 West River Drive - License Type: Class E Liquor
(Carry-Out)

Taste Of Ethiopia (Taste of Ethiopia, LLC) - 102 South Harrison Street #300 - Outdoor
Area - License Type: Special Class C Beer/Wine (On-Premises)

Tiphanie's (Oh So Sweet, LLC) - 210 East 2nd Street - Outdoor Area - License Type:
Class C Liquor (On-Premises)

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

XV. Adjourn **8:15 p.m.**



Brian J. Krup
Deputy City Clerk