

## City of Davenport, Iowa

### City Council Meeting Minutes

Wednesday, September 9, 2020

The City Council of Davenport, Iowa met in regular session on Wednesday, September 9, 2020 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Mike Matson presiding and all Aldermen present (Alderman Dunn, Alderman Dohrmann, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Peacock, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ambrose).

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 August 26, 2020.

VI. City Administrator Update

VII. Report on Committee of the Whole

**APPROVED**

Approval of the Report on Committee of the Whole for September 2, 2020.

*COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, September 2, 2020 -- The Council observed a moment of silence. Pledge of Allegiance led by Alderman Ambrose. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding and all Aldermen present (Alderwoman Dickmann present via telephone).*

*The following Public Hearings were held: Community Development: 1) for the Ordinance for Case REZ20-06 being the request of Malwa LLC to rezone 1.38 acres, more or less, of property located at 4425 W Locust St from C-1 Neighborhood Commercial to C-2 Corridor Commercial (with a note that the Plan and Zoning Commission recommends denial of the request); and 2) on the amended Annual Action Plan for Year 46 (July 1, 2020 - June 30, 2021) for the CDBG and HOME Programs. Public Works: 1) on the plans, specifications, form of contract, and estimate of cost for the Union Arcade Building subsurface vault fill and support, CIP #35022.*

*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 Ambrose item #1, First Consideration: Ordinance for Case REZ20-06 being the request of Malwa LLC to rezone 1.38 acres, more or less, of property located at 4425 W Locust St from C-1 Neighborhood Commercial to C-2 Corridor Commercial (with a note that the Plan and Zoning Commission recommends denial of the request), moved to the Discussion Agenda and the remaining item moved to the Consent Agenda. Public Safety: Alderman Ambrose reviewed all items listed. On motion by Alderman Jobgen, second by Alderman Peacock all items moved to the Consent Agenda. Public Works: Alderman Dunn reviewed all items listed. On motion by Alderman Dohrmann, second by Alderman Gripp all items moved to the Consent Agenda. Finance: Alderman Condon reviewed all items listed. On motion by Alderman Peacock, second by Alderman Dunn all items moved to the Consent Agenda.*

*Council adjourned at 6:19 p.m.*

VIII. Appointments, Proclamations, Etc.

A. Proclamations

**ISSUED 2020-374**

1. Chiropractic Founders Day - 125th Anniversary of Chiropractic: September 18, 2020

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

*No action was taken on this item as the request to rezone was withdrawn by the petitioner.*

1. First Consideration: Ordinance for Case REZ20-06 being the request of Malwa LLC to rezone 1.38 acres, more or less, of property located at 4425 W Locust St from C-1 Neighborhood Commercial to C-2 Corridor Commercial. [Ward 1] **REQUEST WITHDRAWN**

**THE PLAN AND ZONING COMMISSION RECOMMENDS DENIAL OF THE REQUEST. A  
3/4TH MAJORITY IS REQUIRED.**

XI. Approval of All Items on the Consent Agenda

**\*\*NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

*On motion by Alderman Ambrose, second by Alderman Peacock with all Alderman present voting aye (Alderman Ambrose voting nay on item #9 and the liquor license for MC's Happy Hallow at 1502 W 14th St under item #17), the Consent Agenda was approved as follows:*

1. Third Consideration: Ordinance amending Chapter 15.08.300 of the Davenport Municipal Code entitled "Permits." [All Wards] **ADOPTED 2020-375**

ORDINANCE NO. **2020-375**

AN ORDINANCE AMENDING CHAPTER 15.08.300 OF THE DAVENPORT MUNICIPAL CODE ENTITLED "PERMITS."

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

Section 1. That Chapter 15.08.300(B)(1)(k) of the Municipal Code of Davenport Iowa, be and the same is hereby modified as follows:

**15.08.300 Permits.**

B. Exempted Work. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of the administrative code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

1. Building Permits. A building permit will not be required for the following:

- k. Prefabricated swimming pools accessory to a Group R-3 Occupancy that are less than 24 inches in depth and not over 5,000 gallons, provided such swimming pools shall meet the fencing and enclosure requirements contained elsewhere in the technical codes.

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.

Approved 9/9/2020: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Chapter 15.16 of the Davenport Municipal Code entitled "Electrical Code." [All Wards] **ADOPTED 2020-376**

ORDINANCE NO. **2020-376**

AN ORDINANCE TO REPEAL CHAPTERS 15.16.030-15.16.070 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, AND ENACT AS A REPLACEMENT A NEW CHAPTER 15.16.030, MODIFIED.

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

Section 1. That Chapter 15.16.030- 15.16.070 of the Municipal Code of Davenport Iowa, be and the same is hereby repealed in its entirety and replaced by a new Chapter 15.16.030 as follows:

**Chapter 15.16.030**

15.16.030 Chapter 1, modified.

A. Add a new paragraph "Wiring" as follows:

1. Minimum line Voltage wire size shall be 12 AWG copper.
2. Feeder conductors within dwellings shall be installed within an approved raceway. Type AC and Type MC Cable is not approved for this application. Exception: This is inapplicable where feeder conductors originate and terminate within a dwelling unit.
3. Non-Metallic Sheathed cable shall be permitted within one & two family dwellings and their garages and storage buildings; and multi- family dwelling in accordance with National Electrical Code.
4. Exposed Non-Metallic Sheathed cable shall be protected to a height or eight (8) feet above the floor by approved materials and methods.

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.

Approved 9/9/2020: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Second Consideration: Ordinance amending Chapter 13.38.100 entitled "Construction Site Erosion and Sediment Control - Enforcement" of the Davenport Municipal Code to allow City Council to set the schedule of fines by Resolution. [All Wards]

**MOVED TO THIRD CONSIDERATION**

4. First Consideration: Ordinance amending Schedule VI of Chapter 10.96 entitled "Speed Limits" by adding Utica Ridge Rd from Crow Creek Rd to Veterans Memorial Parkway as a 35 mph street. [Ward 6]

**MOVED TO SECOND CONSIDERATION**

5. Resolution approving the following street closure on the listed date and time to hold an outdoor event.

**ADOPTED 2020-377**

St. Paul Lutheran Church; Donut Driveup; 2136 Brady St; Sunday, September 13, 2020 7:00 a.m. - 12:00 p.m.; Closure: W High St between N Main St and Brady St; north-south alley between W High St and W Pleasant St and N Main St and Brady St. [Ward 5]

6. Resolution of endorsement for the use of Transportation Alternatives Program (TAP) funding for the Veterans Memorial Parkway (VMP) Trail Extension Project, CIP #28027. [Ward 8]

**ADOPTED 2020-378**

7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Union Arcade Building subsurface vault fill and support, CIP #35022. [Ward 3]

**ADOPTED 2020-379**

8. Resolution approving a cooperative agreement with the U.S. Environmental Protection Agency in an amount up to \$116,250 for the Clean Diesel Emission Reduction through Vehicle Replacement Program for the purchase of three new tandem axle dump trucks. [All Wards]

**ADOPTED 2020-380**

9. Resolution awarding the contract for the Kaiserslautern Square Upgrade project to Tricon General Construction of Dubuque, IA in the amount of \$770,450, CIP #64049. [Ward 3]

**ADOPTED 2020-381**

10. Resolution awarding the contract for the FY21 Contract Milling Program to Tri City Blacktop Inc of Bettendorf, IA in the amount of \$158,472.80, CIP #35041. [Wards 1-7]

**ADOPTED 2020-382**

11. Resolution approving a contract and conditionally approving the contract and bond for the fabrication of one modified pumper fire truck to Sutphen Corp of Amlin, OH and authorizing Mayor Mike Matson or designee to sign and manage any related agreements. [All Wards]

**ADOPTED 2020-383**

12. Resolution adopting the FY22 Budget Policies. [All Wards]

**ADOPTED 2020-384**

13. Resolution accepting the annual Byrne Justice Assistance Grant (JAG) from the Federal Government for 2020-2021 in the amount of \$81,074. [All Wards]

**ADOPTED 2020-385**

14. Resolution approving the purchase of protective equipment from a State of Iowa Department of Administrative Services (DAS) bid contract with Safeware Inc in the amount of \$196,966.24 for the Davenport Police Department. [All Wards] **ADOPTED 2020-386**

15. Motion approving the amended Annual Action Plan for Year 46 (July 1, 2020 - June 30, 2021) for the CDBG and HOME Programs (City of Davenport, petitioner). [All Wards] **PASSED 2020-387**

16. Motion approving the following noise variance request for the listed event on the listed dates and times. **PASSED 2020-388**

Sacred City Church; Outdoor Worship Gatherings; 2822 Eastern Ave; Every Sunday morning that weather permits the remainder of 2020, 10:00 a.m. - 11:30 a.m.; Outdoor music, over 50 dBa. [Ward 5]

17. Motion approving beer and liquor license applications. **PASSED 2020-389**

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

**Ward 1**

Gunchies (Conrad Holdings, LLC) - 2905 Telegraph Rd - Outdoor Area – New License/Owner - License Type: C Liquor

**Ward 3**

Super Saver Liquor (Malwa, LLC) - 1610 Rockingham Rd – New License/Owner - License Type: E Liquor

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

**Ward 1**

Rockingham Liquor (Lila LLC) - 2423 Rockingham Rd - License Type: E Liquor

**Ward 3**

La Flama Restaurant (Jam Brothers, Inc) - 114 Myrtle St, Ste F - License Type: C Liquor

Raw Bar (RAWBAR) - 136 E 3rd St - Outdoor Area - License Type: C Liquor

West Side Grocery (Rams S LLC) - 1802 W 7th St - License Type: E Liquor

**Ward 4**

Hy-Vee #5 (Hy-Vee, Inc) - 2351 W Locust St - License Type: E Liquor

MC's Happy Hallow (D.M.C. Corporation) - 1502 W 14th St - License Type: C Liquor

Q C Mart (Bethany Enterprises, Inc) - 1556 W Locust St - License Type: C Beer

Riverside Liquor 2 (Two Brother's Locust, LLC) - 1528 W Locust St – License Type: E Liquor

**Ward 5**

The Outing Club (The Outing Club, Inc) - 2109 Brady St - Outdoor Area – License Type: C Liquor

**Ward 6**

Costco Wholesale #1325 (Costco Wholesale Corporation) - 2790 E 53rd St - License Type: E Liquor

Lindsay Park Yacht Club (Lindsay Park Yacht Club, Inc) - 2101 E River Dr - Outdoor Area - License Type: A Liquor

Texas Roadhouse (Texas Roadhouse Holdings LLC) - 4005 E 53rd St – License Type: C Liquor

18. Motion awarding the contract for the 6th & Vine Traffic Circle to Centennial Contractors of the Quad Cities of Moline, IL in the amount of \$86,305, CIP #38012. [Ward 3]

**PASSED 2020-390**

19. Motion approving a five-year contract for employee benefit brokerage consulting services to Assured Partners, Inc of Davenport, IA in an amount not-to-exceed \$70,000 which includes an annual payment to Milliman, Inc for benefit actuarial services. [All Wards]

**PASSED 2020-391**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business not appearing on this agenda. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council cannot take action on any complaint or suggestions tonight, and cannot respond to any allegations at this time.

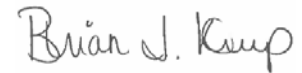
Please state your Name and Ward for the record. There is a five (5) minute time limit. Please end your comments promptly.

XIV. Reports of City Officials

XV. Executive Session

*On motion by Alderman Ambrose, second by Alderman Gripp with all Aldermen present voting aye, Council recessed to Executive Session at **6:19 p.m.** to discuss a real estate transaction pursuant to Iowa Code Section 21.5(1)(j). Council reconvened in Executive Session at **6:24***

***p.m.** with Mayor Matson and all Aldermen present. Others present included Corporation Counsel Tom Warner, City Administrator Corri Spiegel, and Director of Community and Economic Development Bruce Berger. On motion by Alderman Peacock, second by Alderman Dohrmann Council reconvened in Open Session and adjourned at **6:51 p.m.***

A handwritten signature in dark ink, reading "Brian J. Krup". The signature is written in a cursive, flowing style.

Brian J. Krup  
Deputy City Clerk