

City of Davenport, Iowa

City Council Meeting Minutes

Wednesday, September 23, 2020

The City Council of Davenport, Iowa met in regular session on Wednesday, September 23, 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 Alderwoman Lee

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for September 9, 2020.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for September 16, 2020.

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, September 16, 2020 -- The Council observed a moment of silence. Pledge of Allegiance led by Alderman Dohrmann. The Council met in Committee of the Whole at 5:30 p.m. with Mayor 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).

The following Public Hearings were held: Community Development: 1) on three financial assistance programs through the State COVID (CDBG-CV) application process to assist with the impact of the pandemic on Davenport residents (City of Davenport, petitioner). Public Works: 1) on the plans, specifications, form of contract, and estimate of cost for Jersey Farms Neighborhood Park, CIP #64057; and 2) on the plans, specifications, form of contract, and estimate of cost for the Main Library Renovation Project, CIP #23028.

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 Peacock all items moved to the Consent Agenda. Public Safety: Alderman Ambrose reviewed all items listed. On motion by Alderman Jobgen, second by Alderwoman Dickmann all items moved to the Consent Agenda. Public Works: Alderman Dunn reviewed all items listed. On motion by Alderman Dohrmann, second by Alderwoman Dickmann all items moved to the Consent Agenda. Finance: Alderman Condon reviewed all items listed. On motion by Alderman Peacock, second by Alderwoman Dickmann all items moved to the Consent Agenda.

Council adjourned at 6:12 p.m.

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2020-392

1. Childhood Cancer Awareness Month: September 2020

2. Fire Prevention Week: October 4 - 10, 2020

IX. Presentations

HELD

A. American Legion Post 26 Police Officer and Firefighter of the Year Recognition

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

On motion by Alderman Peacock, second by Alderman Ambrose with all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third 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] **ADOPTED 2020-393**

ORDINANCE NO. **2020-393**

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.

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

That Chapter 13.38.100 entitled "Construction Site Erosion and Sediment Control – Enforcement" is hereby amended to read as follows:

13.38.100 Enforcement

A. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

B. Violation of any provision of this chapter may also be enforced as a municipal infraction within Chapter 1.30, pursuant to the City's municipal infraction ordinance. Fees for these fines shall be set from time to time by City Council Resolution.

1. Schedule of violations

Type 1

First offense
Second offense
Third offense
Fourth and subsequent

Type 2

First offense

Second and subsequent

2. Definition of offenses

Type 1

- a. Failure to control off-site tracking of silt, sediment, or mud.
- b. Failure to implement stormwater pollution prevention controls as designated in SWPPP or grading, erosion and sediment control plan.
- c. Failure to maintain stormwater pollution prevention controls.
- d. Failure to document any stormwater discharge that is a violation of water quality standards, or in a manner inconsistent with the permittee's SWPPP, General Permit #2, and/or COSESCO permit.

Type 2

- a. Operating without a COSESCO permit.
- b. Discharging silt/sediment to the City of Davenport's storm or sanitary sewers.
- c. Failure to comply with a written directive issued by the City Engineer, Public Works Director or the enforcement officer designated by the City.

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 not 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 9/23/2020: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second 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 THIRD CONSIDERATION**

3. First Consideration: Ordinance amending Chapter 13.34.060 entitled "Requirements for Stormwater Management Plans" defining the documentation required prior to COSESCO permit issuance. [All Wards] **MOVED TO SECOND CONSIDERATION**

4. Resolution approving Case F20-05 being the request of Townsend Engineering for a final plat of KC Kimberly Hills Addition on 8.57 acres, being a replat of Lot 2 of Westgate 13th Addition, located north of the W 37th St & N Birchwood Ave intersection; plat to contain 33 single-family lots. [Ward 2] **ADOPTED 2020-394**

5. Resolution of acceptance for the construction of the FY20 Sidewalk Program completed by Kelly Construction of Davenport, Inc of Davenport, IA, CIP #28021. [All Wards] **ADOPTED 2020-395**

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for Jersey Farms Neighborhood Park, CIP #64057. [Ward 6] **ADOPTED 2020-396**

7. Resolution adopting the resolution of necessity covering the 2020 Alley Resurfacing Program, for the north-south alley between Pershing Ave and Iowa St from E Columbia Ave to E Garfield St, CIP #35038. [Ward 5] **ADOPTED 2020-397**

8. Resolution ordering preparation of detailed plans, specifications, notice of hearing, notice to bidders, form of contract, and publication of the notice to bidders and notice of hearing covering the 2020 Alley Resurfacing Program, for the north-south alley between Pershing Ave and Iowa St from E Columbia Ave to E Garfield St, CIP #35038. [Ward 5] **ADOPTED 2020-398**

9. Resolution approving the FY20 Street Finance Report from July 1, 2019 to June 30, 2020 to be submitted to the Iowa Department of Transportation. [All Wards] **ADOPTED 2020-399**

10. Resolution approving the contract for the RiverCenter South Complex Roof replacement project to Economy Roofing and Insulating Co Inc of Bettendorf, IA in the amount of \$641,500, CIP #69028. [Ward 3] **ADOPTED 2020-400**

11. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Main Library Renovation Project, CIP #23028. [Ward 3] **ADOPTED 2020-401**

12. Motion approving the following noise variance request for various events on the listed dates and times. **PASSED 2020-402**

Dane Moulton; Renwick Mansion events; 901 Tremont Ave; Every Friday, Saturday, and Sunday for the remainder of 2020 no later than 10:00 p.m.; Outdoor music/band, over 50 dBa. [Ward 3]

13. Motion approving beer and liquor license applications. **PASSED 2020-403**

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

Ward 2

Las Margaritas (Hermanos LLC) - 3559 W Kimberly Rd, Ste 1 – New License/Owner - Outdoor Area - License Type: C Liquor

Ward 3

The Double Crown (Lorik99 Inc) - 217 Brady St - New License - License Type: C Liquor

Ward 4

Hy-Vee Gas #5 (Hy-Vee, Inc) - 2353 W Locust St - License Upgrade from C Beer to E Liquor - License Type: E Liquor

Ward 5

New Ground Theatre (New Ground Theatre) - 2113 E 11th St – New License/Owner - License Type: C Liquor

Ward 6

Bad Boy'z Pizza & Pub (3 Bad Girl'Z LTD) - Location transfer from 5266 Utica Ridge Rd to 4706 Utica Ridge Rd, Ste 1 - License Type: C Liquor

Monarch Kitchen & Bar (LCMR Incorporated) - 4750 E 53rd St - Outdoor Area - New License - License Type: C Liquor

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

Ward 3

Armored Gardens (Armored Gardens LLC) - 315 Pershing Ave - Outdoor Area - License Type: C Liquor

Ward 4

St. Ambrose University (Sodexo America, LLC) - 518 W Locust St - Outdoor Area - License Type: C Liquor

Ward 5

Bowlmor Lanes (Davenport Bowlers, Inc) - 2952 Brady St - License Type: C Liquor

Ward 6

The Clubhouse (Clubhouse Beverage LLC) - 4800 Elmore Ave - Outdoor Area - License Type: C Liquor

14. Motion accepting work completed under the 2020 Crack Seal Program totaling \$53,371.20 with Manatts, Inc - Eastern Iowa Division, CIP #35042. [Wards 3 - 6] **PASSED 2020-404**

15. Motion approving the contract for the City Hall Security Upgrades project to Precision Builders, Inc of Bettendorf, IA in the amount of \$99,981, CIP #23053. [Ward 3]

PASSED 2020-405

16. Motion approving a professional services contract for federal grant consultant work with Keller Partners and Company of Washington, DC in the amount of \$81,100, CIP #60015. [All Wards]

PASSED 2020-406

17. Motion approving an engineering and architectural service contract to Shive-Hattery of Moline, IL in the amount of \$60,700 for the Modern Woodmen Park HVAC Replacement project, CIP #23055. [Ward 3]

PASSED 2020-407

XIII. Other Ordinances, Resolutions and Motions

1. *On motion by Alderman Peacock, second by Alderman Ambrose with all Aldermen present voting aye except Alderwoman Lee, the rules were suspended to add and vote on the following items:*

2. *On motion by Alderman Ambrose, second by Alderman Dohrmann with all Aldermen present voting aye, the following Resolution was adopted:*

Resolution approving Case F20-08 being the request of Prairie Heights Development, LLC for a final plat of Prairie Heights Third Addition for a 23-lot subdivision on 25.04 acres located west of Olde Brandy Ln and Mississippi Ave. [Ward 8] **ADOPTED 2020-408**

3. *On motion by Alderman Ambrose, second by Alderman Gripp with all Aldermen present voting aye, the following Resolution was adopted:*

Resolution approving the following street closure on the listed date and time to hold an outdoor event. **PASSED 2020-409**

Annie Stopulos; Celebration on Second; Downtown; Friday, September 25, 2020 2:30 p.m. – 10:00 p.m.; **Closure:** E 2nd St from Perry St to Iowa St. [Ward 3]

4. *On motion by Alderman Ambrose, second by Alderman Peacock with all Aldermen present voting aye, the following Motion passed:*

Motion approving the following noise variance request for the listed date and time.

PASSED 2020-410

Annie Stopulos; Celebration on Second; Downtown; Friday, September 25, 2020 4:00 p.m. - 9:00 p.m.; Outdoor music/band, over 50 dBa. [Ward 3]

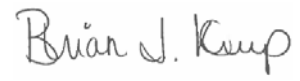
XIV. Public with Business

XV. Reports of City Officials

Following is a summary of revenue received for the month of August 2020:

Property taxes	387,281
Other City taxes	1,729,488
Special assessments	-
Licenses & permits	210,177
Intergovernmental	2,818,319
Charges for services	1,634,503
Use of monies & property	50,083
Fines & forfeits	107,968
Bonds/Loan Proceeds	56,069
Miscellaneous	433,164

XVI. Adjourn **6:05 p.m.**

A handwritten signature in black ink that reads "Brian J. Krup". The signature is written in a cursive style with a large, stylized "B" and "K".

Brian J. Krup
Deputy City Clerk