

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, March 9, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, March 9, 2022 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Pro Tem Marion Meginnis presiding and all Aldermen present (*In person:* Alderman Dunn, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderman Jobgen, Alderwoman Dickmann, and Alderman Ortiz; *Via telephone:* Alderman Kelly).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Ortiz

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for February 23, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for March 2, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, March 2, 2022 -- 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 Jobgen. Upon the roll being called, all Aldermen were present (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

No Public Hearings were held.

The following presentation was held: Davenport Fire Department swearing in ceremony for four new Firefighters (Dustin Garner, Grant Duncan, Craig Malchow, and Brian Chakour).

*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 Dunn all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Gripp the annual liquor license renewal for GD Xpress at 4607 N Pine St (Ward 8) moved to the Discussion Agenda 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:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderwoman Dickmann all items moved to the Consent Agenda.*

*Council adjourned at **6:21 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2022-122

1. Historic Preservation Commission

- David Arbogast (new appointment)

IX. Presentations

HELD

A. 2022 Art in City Hall

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. Alderwoman Lee introduced a motion to table the GD Xpress annual liquor license renewal for two cycles, seconded by Alderman Jobgen. Upon the roll being called and all Aldermen present voting aye except Alderman Dunn and Alderman Ortiz, the following Motion was tabled:

Motion approving the following annual liquor license renewal.

TABLED

Ward 8

GD Xpress (Ram II, LLC) - 4607 N Pine St - License Type: Class E Liquor

XII. Approval of All Items on the Consent Agenda

Alderman Gripp removed item #3 from the Consent Agenda for further discussion. Once discussion was complete, the item was placed back on the Consent Agenda.

On motion by Alderwoman Dickmann, second by Alderman Cornette and all Aldermen present voting aye except Alderman Condon voting nay to item #3 and Alderman Jobgen abstaining from the Assumption High School liquor license under item #21, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance for Case ROW22-01 being the request of Seven Hills Paving LLC to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue. [Ward 8]

ADOPTED 2022-123

Ordinance No. **2022-123**

AN ORDINANCE for Case ROW22-01 being the request of Seven Hills Paving LLC to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue.

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

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

PART OF BRADY EIGHTY INDUSTRIAL PARK 5TH AND 6TH ADDITIONS IN THE CITY OF DAVENPORT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 78 NORTH RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 7 IN PHOENIX CENTRE 7TH ADDITION; THENCE SOUTH 01° 19' 47" EAST ALONG THE EAST RIGHT OF WAY LINE OF TREMONT AVENUE AS SHOWN ON SAID BRADY EIGHTY INDUSTRIAL PARK 5TH AND 6TH ADDITION, A DISTANCE OF 674.38 FEET TO THE SOUTHEAST CORNER OF BRADY EIGHTY INDUSTRIAL PARK 6TH ADDITION; THENCE SOUTH 87° 30' 06" WEST ALONG THE SOUTH LINE OF SAID 6TH ADDITION, A DISTANCE OF 30.01 FEET TO THE WEST RIGHT OF WAY LINE OF TREMONT AVENUE; THENCE NORTH 01° 19' 47" WEST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 659.99 FEET TO A 15.00 FEET RADIUS CURVE, CONCAVE SOUTHWESTERLY, THENCE 23.56 FEET NORTHWESTERLY ALONG SAID CURVE, WITH A DELTA ANGLE OF 90° 00' 00", AND A 21.21 FEET CHORD THAT BEARS NORTH 46° 19' 47" WEST ; THENCE NORTH 88° 40' 13" EAST, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING, CONTAINING 20,289 SQUARE FEET, MORE OR LESS AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

The vacation (abandonment) is subject to the following conditions:

1. The property owner shall record an easement agreement immediately subsequent to the recording of the city's quitclaim deed.
2. A final plat shall be recorded within six months of the conveyance of public right-of-way. The final plat shall provide access and utility easements from the proposed lots to East 59th Street.
3. No development shall occur on Lots 7, 8, 9, and 10 of Brady Eighty Industrial Park 6th Addition until a final plat providing access to East 59th Street is recorded.
4. A public utility easement shall be dedicated for the preservation and maintenance of existing utilities within the vacated right-of-way.

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 3/9/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding Duggleby Street between Locust Street and Jersey Ridge Road. [Ward 5]
ADOPTED 2022-124

Ordinance No. **2022-124**

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE I "SNOW ROUTES" THERETO BY ADDING DUGGLEBY STREET BETWEEN LOCUST STREET AND JERSEY RIDGE ROAD.

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

Section 1. That Schedule I "Snow Routes" of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Duggleby St between Locust St and Jersey Ridge Rd

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 3/9/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third Consideration: Ordinance amending Chapters 2.36, 2.42, and 2.90 to change the geographic area in which Civil Service Employees may live, and to include part of Illinois.
[All Wards]

ADOPTED 2022-125

Ordinance No. **2022-125**

ORDINANCE AMENDING CHAPTERS 2.36, 2.42 and 2.90 TO CHANGE THE GEOGRAPHIC AREA IN WHICH CIVIL SERVICE EMPLOYEES MAY LIVE, AND TO INCLUDE PART OF ILLINOIS.

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

Section 1. That Section 2.36.040 entitled "Residence requirements" is hereby amended to read as follows:

2.36.040 **(Reserved)**

Section 2. That Section 2.42.060 entitled "Residence requirements" is hereby amended to read as follows:

2.42.060 **(Reserved)**

Section 3. That new Chapter 2.90 entitled "Employee Residency requirements" is hereby adopted to read as follows:

Chapter 2.90 Civil Service Employee Residency Requirements

2.90.010 **Residency requirements for civil service employees.**

A. All sworn, civil service police and fire employees shall reside within the corporate limits of the City of Davenport or within twenty (20) miles of said corporate limits. For the sake of clarity, the above described boundaries include, but are not limited to, those areas within the State of Illinois that are within twenty (20) miles of the corporate limits of Davenport. The time limits for establishing a qualifying residence set forth under Iowa Civil Service law shall apply.

B. All civil service employees, other than those described in subsection A above, shall reside in Iowa or Illinois.

C. These residency requirements shall not be construed to be a defense or justification for absenteeism or tardiness.

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 as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved 3/9/2022: Mike Matson, Mayor; Brian Krup, Deputy City Clerk

5. Third Consideration: Ordinance amending Chapters 13.16.107A and 13.16.107B entitled "Sanitary Sewer Rates – Amount" from \$5.45 to \$5.72 to \$6.01 to \$6.31 per one hundred cubic feet of water use as determined by water meter readings; and amending per bill rates for monthly commercial bills from \$20.80 to \$21.84 to \$22.93 to \$24.08; and amending per bill rates for monthly residential bills from \$20.97 to \$11.96 to \$12.45 to \$12.96; and amending per bill rates for quarterly residential bills from \$28.47 to \$29.87 to \$31.34 to \$32.88 and quarterly commercial bills from \$27.97 to \$29.37 to \$30.84 to \$32.38. [All Wards] **ADOPTED 2022-126**

Ordinance No. **2022-126**

ORDINANCE AMENDING CHAPTER 13.16.107A AND 13.16.107B ENTITLED "SANITARY SEWER RATES – AMOUNT" FROM \$5.45 TO \$5.72 TO \$6.01 TO \$6.31 PER ONE HUNDRED CUBIC FEET OF WATER USE AS DETERMINED BY WATER METER READINGS; AND AMENDING PER BILL RATES FOR MONTHLY COMMERCIAL BILLS FROM \$20.80 TO \$21.84 TO \$22.93 TO \$24.08; AND AMENDING PER BILL RATES FOR MONTHLY RESIDENTIAL BILLS FROM \$20.97 TO \$11.96 TO \$12.45 TO \$12.96; AND PER BILL RATES FOR QUARTERLY RESIDENTIAL BILLS FROM \$28.47 TO \$29.87 TO \$31.34 TO \$32.88 AND QUARTERLY COMMERCIAL BILLS FROM \$27.97 TO \$29.37 TO \$30.84 TO \$32.38. RESIDENTIAL BILLS INCLUDE A \$0.50 FEE FOR THE NO-FAULT SEWER BACKUP REIMBURSEMENT PROGRAM.

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

Section 1. That Chapter 13.16.107A entitled "Rates-Amount" is hereby amended to read as follows:

1. 572.00 cents per one hundred cubic feet of water use as determined by water meter readings.

Section 2. That Chapter 13.16.107B entitled "Rates-Amount" is hereby amended to read as follows:

1. 2184.00 cents per bill for monthly billed commercial customers,
2. 1196.00 cents per bill for monthly billed residential customers,
3. 2937.00 cents per bill for quarterly commercial billed customers,
4. 2987.00 cents per bill for quarterly residential billed customers.

Section 3. That Chapter 13.16.107A entitled "Rates-Amount" is hereby amended to read as follows:

2. 601.00 cents per one hundred cubic feet of water use as determined by water meter readings.

Section 4. That Chapter 13.16.107B entitled "Rates-Amount" is hereby amended to read as follows:

1. 2293.00 cents per bill for monthly billed commercial customers,

2. 1245.00 cents per bill for monthly billed residential customers,
3. 3084.00 cents per bill for quarterly billed commercial customers,
4. 3134.00 cents per bill for quarterly billed residential customers.

Section 5. That Chapter 13.16.107A entitled "Rates-Amount" is hereby amended to read as follows:

3. 631.00 cents per one hundred cubic feet of water use as determined by water meter readings.

Section 6. That Chapter 13.16.107B entitled "Rates-Amount" is hereby amended to read as follows:

1. 2408.00 cents per bill for monthly billed commercial customers,
2. 1296.00 cents per bill for monthly billed residential customers,
3. 3238.00 cents per bill for quarterly commercial billed customers,
4. 3288.00 cents per bill for quarterly residential billed customers.

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. Sections 1 and 2 of this ordinance shall be in full force and effective on July 1, 2022; Sections 3 and 4 shall be in full force and effective on July 1, 2023; and Sections 5 and 6 shall be in full force and effective on July 1, 2024 after its final passage and publication as by law provided.

Approved 3/9/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

5. First Consideration: Ordinance amending Chapter 15.12.044 (Reserved) of the Municipal Code of Davenport, Iowa. [All Wards]

MOVED TO SECOND CONSIDERATION

6. First Consideration: Ordinance amending Chapter 15.16.015 entitled "The National Electrical Code" of the Municipal Code of Davenport, Iowa. [All Wards]

MOVED TO SECOND CONSIDERATION

7. First Consideration: Ordinance amending Chapter 15.16.030 entitled "Chapter 1, modified" of the Municipal Code of Davenport, Iowa. [All Wards]

MOVED TO SECOND CONSIDERATION

8. Resolution setting a Public Hearing on the proposed conveyance of fourteen (14) Public Housing properties (24 units) to Ecumenical Housing Development Group (EHDG). [Wards 1, 2, 3, 6, 7, & 8]

ADOPTED 2022-127

9. Resolution setting a Public Hearing on the proposed conveyance of three (3) Public Housing properties (14 units) to Vera French Housing. [Wards 4 & 8]

ADOPTED 2022-128

10. Resolution setting a Public Hearing on the proposed conveyance of four (4) Public Housing properties (4 units) to Habitat for Humanity Quad Cities. [Wards 3 & 8]

ADOPTED 2022-129

11. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

ADOPTED 2022-130

Davenport Community Schools; Intermediate Track Meets; Brady Street Stadium | 3603 Brady Street; Multiple dates in April 2022 (see attached list); **Closure:** 36th Street from Brady Street to just west of Davenport Avenue. [Ward 7]

Davenport Community Schools; High School Track Meets; Brady Street Stadium | 3603 Brady Street; Multiple dates in April 2022 (see attached list); **Closure:** 36th Street from Brady Street to just west of Davenport Avenue. [Ward 7]

Knights of Columbus/St. Paul the Apostle; Blue Mass; 916 East Rusholme Street; Wednesday, May 18, 2022 4:30 p.m. - 7:30 p.m.; **Closure:** East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

12. Resolution awarding the contract for the Pacific Street (65th Street to 70th Street) Overlay project to Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of \$123,979.50, CIP #35054. [Ward 8]

ADOPTED 2022-131

13. Resolution awarding a contract for the East 53rd Street Reconstruction | Phase II project to Langman Construction, Inc of Rock Island, Illinois in the amount of \$9,075,259.10 subject to Iowa Department of Transportation and Federal Highway Administration concurrence, CIP #35052. [Wards 6, 7, & 8]

ADOPTED 2022-132

14. Resolution introducing the Proposed Resolution of Necessity covering the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2]

ADOPTED 2022-133

15. Resolution awarding a contract for the Modern Woodmen Park Fascia Improvements project to Bill Bruce Builders Inc of Eldridge, Iowa in the amount of \$480,000, CIP #23049. [Ward 3]

ADOPTED 2022-134

16. Resolution awarding a contract for the Blackhawk Creek and Walnut Creek Clearing project to Langman Construction Inc of Rock Island, Illinois in the amount of \$344,800, CIP #68015. [Ward 1]

ADOPTED 2022-135

17. Resolution setting a Public Hearing on granting an overhead electric easement across City-owned property located at 3400 Brady Street (parcel P1316-03) to MidAmerican Energy. [Ward 7]

ADOPTED 2022-136

18. Resolution setting a Public Hearing on the proposed perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, replace, or remove electric supply

line(s) for the transmission and distribution of electric energy and for communication and electrical controls related to Grantee's operations (MidAmerican Energy Company, Petitioner). [Ward 3] **ADOPTED 2022-137**

19. Resolution approving the purchase of five vehicles for the Police Department from Stivers Ford of Wauke, Iowa in the amount of \$192,474 using the State of Iowa Department of Administrative Services contract #MA20103, CIP #24027. [All Wards]

ADOPTED 2022-138

20. Motion approving noise variance requests for events on the listed dates and times.

PASSED 2022-139

Kilkenny's; St. Patrick's Day Party; 300 West 3rd Street; 8:00 a.m. Saturday, March 12, 2022 - 12:00 a.m. Sunday, March 13, 2022; Outdoor music, over 50 dBA. [Ward 3]

Diane Lamacki; John Neilson at the Coffee House; 1315 Jersey Ridge Road; Thursday, April 28, 2022 5:00 p.m. - 9:00 p.m.; Outdoor music, over 50 dBA. [Ward 5]

21. Motion approving beer and liquor license applications.

PASSED 2022-140

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

Ward 3

Carriage Haus (Smoking Haus Entertainment) - 312 W 3rd St – Temporary Extended Outdoor Area "St. Patrick's Day" March 12-13 - License Type: Class C Liquor

Dam View Inn (VanDamQC, LLC) - 410 E 2nd St - Temporary Extended Outdoor Area "St. Patrick's Day Party" March 11-15 - License Type: Class C Liquor

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 W 3rd St – Temporary Extended Outdoor Area "St Patrick's Day Festival" March 12-13 – License Type: Class C Liquor

Mac's Tavern (Failte, Inc) - 316 W 3rd St - Temporary Extended Outdoor Area "St. Patrick's Day" March 12-13 - License Type: Class C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 W 3rd St – Temporary Extended Outdoor Area "St. Patrick's Day Celebration" March 12-13 - License Type: Class C Liquor

Stompbox Brewing (JPX2ME, LLC) - 210 E River Dr Unit 101 – Temporary Extended Outdoor Area "St. Patrick's Day" March 11-13 - License Type: Class C Liquor

Ward 5

The Coffee House QC (Area 309 Coffee, LLC) - 1315 Jersey Ridge Rd - Permanent Outdoor Area - License Type: Beer/Wine

Ward 7

Assumption High School (Assumption High School) - 1020 W Central Park Ave - "April Knight" April 22 - License Type: Class C Liquor

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

Ward 1

Hy-Vee #1 (Hy-Vee, Inc) - 3019 Rockingham Rd - License Type: Class E Liquor

Kwik Shop #583 (Kwik Shop, Inc) - 3129 Rockingham Rd - License Type: Class C Beer

Kwik Shop #579 (Kwik Shop, Inc) - 2805 Telegraph Rd - License Type: Class E Liquor

Ward 3

Endless Brews (Endless Brews, LLC) - 310 N Main St - License Type: Class B Beer

Iowa Mini Mart (Samreet, LLC) - 234 W 3rd St - License Type: Class E Liquor

River Drive Smoke Shop (AB Kazi, LLC) - 828 W River Dr - License Type: Class E Liquor

Quad Cities River Bandits (Main Street Iowa, LLC) - 209 S Gaines St - Outdoor Area - License Type: Class C Liquor

Ward 4

Kwik Shop #577 (Kwik Shop, Inc) - 1732 Marquette St - License Type: Class C Beer

Ward 5

Grumpy's Saloon (2118-2120, Inc) - 2120 E 11th St - License Type: Class C Liquor

Kwik Shop #588 (Kwik Shop, Inc) - 1136 E Locust St - License Type: Class E Liquor

Ward 6

Rave Davenport 53 & IMAX (Cinemark USA, Inc) - 3601 E 53rd St – License Type: Beer/Wine

Chili's Grill & Bar (Brinker Restaurant Corporation) - 4020 E 53rd St – License Type: Class C Liquor

Ward 7

Kwik Shop #587 (Kwik Shop, Inc) - 1670 W Kimberly Rd - License Type: Class C Beer

Ward 8

Fareway Stores, Inc #987 (Fareway Stores, Inc) - 1635 W 53rd St – License Type: Class E Liquor

22. Motion approving Change Order #11 & #12 to Bill Bruce Construction of Eldridge, Iowa in the amount of \$68,522.16 for the River Heritage Park | Phase III project, CIP #68013. [Ward 3] **PASSED 2022-141**

23. Motion approving the purchase of a compact excavator from Martin Equipment of Rock Island, Illinois in the amount of \$86,277.78 using Sourcewell contract #032119-JDC. [All Wards] **PASSED 2022-142**

24. Motion approving the renewal of excess flood insurance for FY 2023 with Trisura Specialty Insurance Company in the amount of \$70,720.20. [All Wards] **PASSED 2022-143**

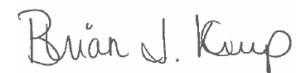
25. Motion approving an exclusive beverage contract for Parks and Recreation Department locations to Pepsi-Cola Bottling Co of Davenport, Iowa. [All Wards] **PASSED 2022-144**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:21 p.m.**



Brian J. Krup
Deputy City Clerk