

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, February 28, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, February 28, 2024 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 (*In person:* Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder; *Via telephone:* Alderman Gripp*).

**Left at 5:59 p.m.*

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman T. Dunn

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting Minutes for February 14, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for February 21, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, February 21, 2024 -- 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 Alderwoman Lynch. Upon the roll being called, all Aldermen were present except Alderman R. Dunn (Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

*The following Public Hearings were held: **Community Development:** 1. for Case ORD24-01: Ordinance 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; 2. 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; 3. 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; and 4. on the proposed conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program, CIP #35045; 2. on the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project, CIP #35062; and 3. on the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project, CIP #35062.*

*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 Alderman Reinartz, 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 Gripp the Summer Street Games street closure request under item #2 and the Summer Street Games noise variance*

request under item #3 moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Works:** Alderman Kelly reviewed all items listed. On motion by Alderwoman Lynch, second by Alderman Jobgen item #4, Resolution awarding a contract for the Lorton Avenue Overlay and Drainage Improvement project to Manatts, Inc of Camanche, Iowa in the amount of \$635,684, CIP #35062, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed all items listed. On motion by Alderwoman Lynch, second by Alderman Jobgen all items moved to the Consent Agenda.

On motion by Alderwoman Newton, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **6:50 p.m.** to evaluate the performance of individuals in closed session as requested by those individuals pursuant to Iowa Code Section 21.5(1)(i). Council reconvened in Executive Session at **6:58 p.m.** with Mayor Matson and all Aldermen present (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp*, Alderman Jobgen, Alderman Kelly, Alderwoman Lynch, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz; *left at 7:24 p.m.). Others present included Attorney Brett Marshall from Lane & Waterman LLP, Human Resources Director Alison Fleming, Interim City Administrator/CFO Mallory Merritt, and Interim Corporation Counsel Brian Heyer. On motion by Alderman R. Dunn, second by Alderman Jobgen Council went back into open session and adjourned at **8:40 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-68

1. Affirmative Action Advisory Commission

-Sheila Burrage (new appointment)

B. Proclamations

ISSUED 2024-69

1. National Kidney Month | March 2024

2. Women in Construction Week | March 3-9, 2024

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. On motion by Alderman R. Dunn, second by Alderman Reinartz and all Aldermen present voting aye except Alderwoman Meginnis, the following Resolution was adopted.

Resolution approving a street closure request for the listed dates and times.

ADOPTED 2024-70

Daiquiri Factory; Summer Street Games; 303 West 3rd Street; 9:00 a.m. Friday, June 14, 2024 - 7:00 p.m. Saturday, June 15, 2024; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

2. On motion by Alderman R. Dunn, second by Alderman Reinartz and all Aldermen present voting aye except Alderwoman Newton, the following Resolution was adopted.

Resolution awarding a contract for the Lorton Avenue Overlay and Drainage Improvement project to Manatts, Inc of Camanche, Iowa in the amount of \$635,684, CIP #35062. [Ward 6]

ADOPTED 2024-71

3. On motion by Alderwoman Newton, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Motion passed.

Motion approving a noise variance request on the listed dates and times for an outdoor event.

PASSED 2024-72

Daiquiri Factory; Summer Street Games; 303 West 3rd Street; 4:00 p.m. - 8:30 p.m. Friday, June 14, 2024 and 8:00 a.m. - 5:00 p.m. Saturday, June 15, 2024; Outdoor music/DJ, over 50 dBA. [Ward 3]

XI. Approval of All Items on the Consent Agenda

On motion by Alderman R. Dunn, second by Alderman Reinartz and all Aldermen present voting aye with Alderwoman Meginnis abstaining from six (6) 2024 Urban Revitalization Tax Exemption (URTE) projects listed under item #8 (204 Prospect Terrace, 314 Gaines Street, 709 Gaines Street, 711 Gaines Street, 1527 Brady Street, and 2109 Brady Street), the Consent Agenda was approved as follows.

1. Third Consideration: Ordinance for Case REZ23-06 being the request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

ADOPTED 2024-73

ORDINANCE NO. **2024-73**

AN ORDINANCE FOR CASE REZ23-06 BEING THE REQUEST OF LARRY EDWARD STOLTENBERG TRUST TO REZONE APPROXIMATELY 25.84 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF SLOPERTOWN ROAD AND HILLANDALE ROAD FROM S-AG AGRICULTURAL DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "I-1 Light Industrial District":

Parcel #932819003:

The Southeast Quarter of the Northwest Quarter of Section 28, Township 79 North, Range 3 East of the 5th P.M., Scott County, Iowa, south of W. Slopertown Road. Except part for roads. Also except that part conveyed to the City of Davenport, Iowa, by Warranty Deed recorded as Document #2020-25092 in the office of the Recorder of Scott County, Iowa.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

Section 3. At its January 2, 2024 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-06 to the City Council with a recommendation for approval subject to the listed findings.

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 2/28/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Davenport Municipal Code 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] **MOVED TO THIRD CONSIDERATION**

3. First 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 SECOND CONSIDERATION**

4. First 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 SECOND CONSIDERATION**

5. First 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 SECOND CONSIDERATION**

6. Resolution approving Case F23-13 being the request of Calvin Bolkema for a final plat of West Silver Creek 2nd Addition, a two-lot subdivision on 4.25 acres located at 5605 Wisconsin Avenue. [Ward 2] **ADOPTED 2024-74**

7. Resolution authorizing the conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. [Ward 4] **ADOPTED 2024-75**

8. Resolution approving the 2024 Urban Revitalization Tax Exemption (URTE) projects. [All Wards] **ADOPTED 2024-76**

9. Resolution approving street, lane, or public ground closure requests for the listed dates and times. **ADOPTED 2024-77**

Quad City Symphony Orchestra; Symphony Day; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 2:30 p.m. Thursday, February 29, 2024; **Closure**: northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]

Mac's Tavern, Daiquiri Factory, Carriage Haus, and Kilkenney's; St. Patrick's Day Celebration; Downtown; approximately 2:00 p.m. (after the parade) Saturday, March 16, 2024 - 6:00 a.m. Sunday, March 17, 2024; **Closure**: West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

Davenport Community School District; Intermediate and High School Track Meets; Brady Street Stadium | 3603 Brady Street; 3:30 p.m. - 9:30 p.m. various dates in April 2024 (see attached schedule); **Closure:** 36th Street from Brady Street to west of Davenport Avenue. [Ward 7]

Cornbelt Running Club; Bix at 6 Training Runs; 5:00 p.m. - 8:00 p.m. Thursday, June 13, 2024; Thursday, June 20, 2024; Thursday, June 27, 2024; and Thursday, July 11, 2024; **Closures:** East 4th Street from Pershing Avenue to River Drive; Pershing Avenue from East 4th Street to Kirkwood Boulevard; Kirkwood Boulevard from Pershing Avenue to Jersey Ridge Road; Jersey Ridge Road from Kirkwood Boulevard to Middle Road; Middle Road from Jersey Ridge Road to McClellan Boulevard; McClellan Boulevard from Middle Road to River Drive. [Wards 3 & 5]

10. Resolution accepting work completed under the 2023 Sidewalk Repair Program by Collins Concrete LTD of Davenport, Iowa in the amount of \$130,563.76, CIP #28028. [All Wards]

ADOPTED 2024-78

11. Resolution accepting work completed under the 3rd and Brady Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$469,420.25, CIP #60035. [Ward 3]

ADOPTED 2024-79

12. Resolution awarding a contract for the 2024 Pedestrian Curb Ramp Retrofit Program to Americore LLC of Blue Grass, Iowa in the amount of \$229,088, CIP #35063. [All Wards]

ADOPTED 2024-80

13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program, CIP #35045. [1, 2, 3, 6, & 7]

ADOPTED 2024-81

14. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project, CIP #35062. [Ward 6]

ADOPTED 2024-82

15. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project, CIP #35062. [Ward 6]

ADOPTED 2024-83

16. Resolution amending the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

ADOPTED 2024-84

17. Resolution overruling objections for the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

ADOPTED 2024-85

18. Resolution adopting the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

ADOPTED 2024-86

19. 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 2024 Alley Resurfacing Program. [Wards 3 & 5]

ADOPTED 2024-87

20. Resolution authorizing and approving the use of condemnation and commencement of condemnation proceedings, if necessary, for easements associated with the West Loop Trail Phase I project (Wisconsin Avenue to existing trail at Emeis Park), CIP #28029. [Ward 1]

ADOPTED 2024-88

21. Resolution setting a Public Hearing for the FY 2025 proposed property tax levy rate and amount. [All Wards]

ADOPTED 2024-89

22. Resolution awarding a five-year contract for taser hardware, software, and training to Axon Enterprise, Inc of Scottsdale, Arizona in the amount of \$452,447.94 using OMNIA Partners contract 3544-21-4615. [All Wards]

ADOPTED 2024-90

23. Resolution awarding a three-year contract for the renewal of the Microsoft Enterprise License Agreement to Insight Public Sector of Chandler, Arizona in the amount of \$731,259.36 using OMNIA Partners contract 23-6692-03. [All Wards]

ADOPTED 2024-91

24. Resolution awarding a contract for the Cork Hill Park Splash Pad project to Hagerty Earthworks LLC of Muscatine, Iowa in the amount of \$112,840, CIP #ARP10. [Ward 3]

ADOPTED 2024-92

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

PASSED 2024-93

Kilkenny's; St. Patrick's Day Celebration; 300 West 3rd Street; 8:00 a.m. Saturday, March 16, 2024 - 12:00 a.m. Sunday, March 17, 2024; Outdoor music, over 50 dBA. [Ward 3]

26. Motion approving beer and liquor license applications.

PASSED 2024-94

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

Ward 3

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

Daiquiri Factory (DaqFac, LLC) - 303 West 3rd Street - Extended Outdoor Area March 16 - License Type: Class C Liquor (On-Premises)

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 West 3rd Street - Extended Outdoor Area March 15-18 - License Type: Class C Liquor (On-Premises)

Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

Rodriguezhope (Alfredo Rodriguez) - 226 West 3rd Street - Extended Outdoor Area March 14-18 - License Type: Class C Liquor (On-Premises)

Ward 5

Hilltop Campus Village (Hilltop Campus Village) - 1527 Brady Street - Temporary Event
March 8 - License Type: Class C Liquor (On-Premises)

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

Ward 4

Hy-Vee Market Café (Hy-Vee, Inc) - 2351 West Locust Street (Café Area) - License Type:
Class C Liquor (On-Premises)

The Pour House (Boss Lady, Inc) - 1502 West Locust Street - Outdoor Area - License Type:
Class C Liquor (On-Premises)

Ward 5

Brew in the Village (3 Blessings, Inc) - 1104 Jersey Ridge Road - Outdoor Area - License
Type: Class C Liquor (On-Premises)

Los Primos Mexican Grill (Los Primos Mexican Grill, LLC) - 1143 East Locust Street - License
Type: Class C Liquor (On-Premises)

Ward 6

QC Mart (Bethany Enterprises, Inc) - 2415 East 53rd Street - License Type: Class C Beer
(Carry-Out)

Ward 8

Davenport Chapter Izaak Walton League of America (Davenport Chapter IWLA) - 8402
North Harrison Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

27. Motion accepting work completed under the CY 2023 Contract Milling Program by Manatt's
Inc – Eastern Iowa Division of Camanche, Iowa in the amount of \$88,470.63, CIP #35041.
[All Wards] **PASSED 2024-95**

28. Motion approving a waiver of sidewalk installation on either side of the newly constructed
American Water Way from the south end of Lot 1 Iowa American Water Company First Addition
to the north end of Lot 1 Iowa American Water Company First Addition, and that said waiver
is valid as long as certain conditions remain in effect. [Ward 1] **PASSED 2024-96**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

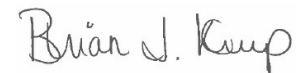
The following is a summary of revenue received for the month of January 2024:

Property Taxes	\$448,918
Other City Taxes	\$2,022,524
Special Assessments	\$ -
Licenses & Permits	\$137,021

Intergovernmental	\$2,716,672
Charges for Services	\$3,750,604
Use of Monies & Property	\$79,988
Fines & Forfeits	\$153,810
Bonds/Loan Proceeds	\$ -
Miscellaneous	\$ -

XV. Executive Session

*On motion by Alderman Reinartz, second by Alderwoman Meginnis and all Aldermen present voting aye (Alderman Gripp was no longer present), Council recessed to Executive Session at **6:26 p.m.** Council reconvened in Executive Session at **6:31 p.m.** to evaluate the performance of individuals in closed session as requested by those individuals pursuant to Iowa Code Section 21.5(1)(i) with Mayor Matson and all Alderman present except Alderman Gripp (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Jobgen, Alderman Kelly, Alderwoman Lynch, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz). Others present included Attorneys Dick Davidson and Brett Marshall from Lane & Waterman, Interim City Administrator/CFO Mallory Merritt, and Interim Corporation Counsel Brian Heyer. On motion by Alderman R. Dunn, second by Alderwoman Meginnis Council went back into open session and adjourned at **7:21 p.m.***



Brian J. Krup
Deputy City Clerk