

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

The City Council of Davenport, Iowa met in regular session on Wednesday, November 9, 2022 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 (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

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 October 26, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

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

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, November 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).

*The following Public Hearings were held: **Community Development:** 1. for Case REZ22-06 being the request of AHHE Coatings, LLC to rezone 516 West 35th Street from C-1 Neighborhood Commercial District to I-1 Light Industrial District; 2. on the proposed conveyance of vacated public right-of-way lying between Christie Street and Belle Avenue (Willis and Renee Simmons, Petitioners); 3. on the proposed conveyance of vacated public right-of-way, being the Easterly 20 feet of Walt's Addition, lying south of Glaspell Street and east of South Rolff Street (Shawn Struck, Petitioner); 4. on amending the North Urban Renewal Plan to include the Fair Oaks Foods project; and 5. on considering approval of an Economic Development Agreement with Fair Oaks Foods. **Finance:** 1. on granting a 10-foot wide access and utility easement to Scott County from the Scott Emergency Communications Center north to the Emergency Management storage building in the southeast corner of parcel P1214-07I; and 2. for the purpose of amending the North Urban Renewal Plan to include the Internal TIF.*

*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 Gripp, second by Alderwoman Lee item #2, First Consideration: Ordinance for Case REZ22-06 being the request of AHHE Coatings, LLC to rezone 516 West 35th Street from C-1 Neighborhood Commercial District to I-1 Light Industrial District, was amended to add the following condition: "That Retail Alcohol Sales shall be prohibited." On motion by Alderwoman Lee, second by Alderwoman Dickmann item #6, Resolution approving an economic development agreement with Fair Oaks Foods, moved to the Discussion Agenda and all other items*

*moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Gripp all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Ortiz item #3, Resolution accepting work completed under the River Heritage Park | Phase III project by Bill Bruce Builders, Inc of Eldridge, Iowa in the amount of \$853,924.57, CIP #68013, and item #13, Motion ratifying Change Orders #3, #4, and #5 to Langman Construction of Rock Island, Illinois in the amount of \$69,505.28 for the Veterans Memorial Park Improvement project, CIP #68016, moved to the Discussion Agenda and all other 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 **6:08 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2022-523

1. National Adoption Day | November 19, 2022

IX. Presentations

HELD

A. Southeast Little League | 10U and 12U All Stars Teams

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. On motion by Alderman Gripp, second by Alderman Ortiz and all Aldermen present voting aye, the following Resolution was adopted:

Resolution approving an economic development agreement with Fair Oaks Foods. [Ward 8]

ADOPTED 2022-524

2. On motion by Alderwoman Meginnis, second by Alderman Gripp and all Aldermen present voting aye, the following Resolution was adopted:

Resolution accepting work completed under the River Heritage Park | Phase III project by Bill Bruce Builders, Inc of Eldridge, Iowa in the amount of \$853,924.57, CIP #68013. [Ward 3]

ADOPTED 2022-525

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

Motion ratifying Change Orders #3, #4, and #5 to Langman Construction of Rock Island, Illinois in the amount of \$69,505.28 for the Veterans Memorial Park Improvement project, CIP #68016. [Ward 3]

PASSED 2022-526

XII. Approval of All Items on the Consent Agenda

On motion by Alderman Dunn, second by Alderman Ortiz and all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by amending Schedule I Snow Routes thereto by adding various streets in the Westport Addition subdivision. [Ward 1] **ADOPTED 2022-527**

ORDINANCE NO. **2022-527**

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY AMENDING SCHEDULE I SNOW ROUTES THERETO BY ADDING VARIOUS STREETS IN THE WESTPORT ADDITION SUBDIVISION.

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:

Shawnee Drive from Rhinelander Court/Drive to Westport Drive.
Westport Drive from Shawnee Drive to Alec Avenue.
Alec Avenue from Westport Drive to Jenna Drive.
Jenna Drive from Alec Avenue to Locust Street.

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 11/9/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Section 13.16.060 entitled "Local limits for specific pollutants" of the Municipal Code of Davenport, Iowa. [All Wards]

ADOPTED 2022-528

ORDINANCE NO. **2022-528**

AN ORDINANCE AMENDING SECTION 13.16.060 ENTITLED "LOCAL LIMITS FOR SPECIFIC POLLUTANTS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Chapter 13.16.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.16.060. Local limits for specific pollutants.

A. General Provisions.

- (1) Dilution. Users shall not increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance

with the limitations contained in the NCPS, or with any other pollutant specific limitation developed by the City.

- (2) **Sample Location.** Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the Water Pollution Control Plant Manager. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined waste stream formula.

- B. **Headworks Limits - Average Mass.** The average composite loading of all users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and non-industrial sources may be adjusted by the Water Pollution Control Plant Manager provided that allowable total loading for any pollutant at the headworks of the POTW treatment plant is not exceeded.

Table 1	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Al	5408.728
As	15.763
Ba	NA
Cd	3.037
Total Cr	11.252
Cu	46.237
Fe	682.836
Pb	36.657
Hg	1.004
Mo	44.749
Ni	183.286
Se	3.828
Ag	2.662
Zn	147.974
Total Phenols	3018.538
Total Cyanide	16.446

Table 2
Davenport Water Pollution Control Lagoon
West Locust Street

Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Al	NA
As	NA
Ba	NA
Cd	0.002
Total Cr	0.062
Cu	0.084
Fe	NA
Pb	0.011
Hg	NA
Mo	NA
Ni	0.072
Se	NA
Ag	0.002
Zn	8.338
Total Phenols	NA
Total Cyanide	0.002

Table 3			
Davenport Water Pollution Control Plant			
2606 South Concord Street			
Tier 1 Significant Industrial User Local Limits			
	PB Leiner USA	Nestle Purina	Kraft Heinz
Pollutant	30 Day Average	30 Day Average	30 Day Average
Al	NA	NA	NA
As	0.14 Pounds	0.037 Pounds	0.08 Pounds
Ba	NA	NA	NA
Cd	0.070 Pounds	0.018 Pounds	0.04 Pounds
Total Cr	0.110 Pounds	0.03 Pounds	0.03 Pounds
Cu	0.320 Pounds	0.09 Pounds	0.19 Pounds
Fe	NA	NA	NA
Pb	0.070 Pounds	0.02 Pounds	0.04 Pounds
Hg	NA	NA	NA
Mo	NA	NA	NA
Ni	0.080 Pounds	0.02 Pounds	0.04 Pounds

Se	0.08 Pounds	0.02 Pounds	0.05 Pounds
Ag	0.07 Pounds	0.018 Pounds	0.04 Pounds
Zn	1.20 Pounds	0.32 Pounds	0.70 Pounds
Total Phenols	0.27 Pounds	0.071 Pounds	0.15 Pounds
Total Cyanide	0.081 Pounds	0.022 Pounds	0.05 Pounds

Table 4	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Tier 2 Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA
As	0.581 mg/L
Ba	NA
Cd	0.098 mg/L
Total Cr	0.199 mg/L
Cu	1.475 mg/L
Fe	NA
Pb	1.180 mg/L
Hg	NA
Mo	NA
Ni	6.937 mg/L
Se	0.127 mg/L
Ag	0.074 mg/L
Zn	4.801 mg/L
Total Phenols	115.833 mg/L
Total Cyanide	0.621 mg/L

Table 5	
Davenport Water Pollution Control Lagoon	
West Locust Street	
Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA

As	NA
Ba	NA
Cd	0.024 mg/L
Total Cr	0.924 mg/L
Cu	1.282 mg/L
Fe	NA
Pb	0.173 mg/L
Hg	NA
Mo	NA
Ni	1.099 mg/L
Se	NA
Ag	0.029 mg/L
Zn	5.00 mg/L
Total Phenols	NA mg/L
Total Cyanide	0.027 mg/L

C. Discharge Concentration Limits and Review Criteria.

- (1) The admission into the POTW of any materials, water or waste having a pollutant concentration or poundage greater than the limits in Tables 1 through 5 above, or containing pollutants not listed herein, shall be subject to the review and approval of the Water Pollution Control Plant Manager. After review of the proposed discharges, the Water Pollution Control Plant Manager may:
 - (i) Reject the waste for reasons consistent with section 13.16.020.
 - (ii) Require pre-treatment to an acceptable pollutant concentration for discharge to the POTW.
 - (iii) Require control of the quantities and rates of discharge of the water or waste.
 - (iv) Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.
 - (v) Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the POTW treatment plant.
 - (vi) Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.
 - (vii) Require the user to meet local limits or NCPS in cases where local limits are more restrictive than NCPS provided that headworks loading limits are met.
 - (viii) Initiate enforcement action in response to any non-compliance with this ordinance using the enforcement procedures outlined in this ordinance.
 - (ix) Take any combination of steps (i) through (viii) as appropriate.

- (2) Users discharging wastewater to the POTW having pollutant concentrations or flows greater than the limits in table 8 shall be considered non-domestic for purposes of sewer charges and may be regulated or permitted by the Water Pollution Control Plant Manager as appropriate:

Table 8	
Domestic Pollutant Levels	
Pollutant	Domestic Limit
BOD	250 mg/L
TSS	300 mg/L

- D. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by USEPA or IDNR, nor to allow the average allowable total loading for any pollutant at the headworks of the POTW treatment plant to be exceeded.

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 11/9/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Second Consideration: Ordinance for Case REZ22-05 being the request of E&A Enterprises, LLC on behalf of Circle K Properties, LLC to rezone approximately 51 acres of land bounded by Forest Grove Drive, Interstate 80, the City Limit, and Utica Ridge Road from S-AG Agricultural District to R-2 Single-Family Residential District and R-MF Multi-Family Residential District. [Ward 6]

MOVED TO THIRD CONSIDERATION

4. Second Consideration: Ordinance amending Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by amending Schedule VII No Parking thereto by adding Denison Avenue along both sides from Bridge Avenue east to the dead end. [Ward 5]

MOVED TO THIRD CONSIDERATION

5. Second Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Municipal Code of Davenport, Iowa by amending various subsections thereto. [All Wards]

MOVED TO THIRD CONSIDERATION

6. First Consideration: Ordinance for Case REZ22-06 being the request of AHHE Coatings, LLC to rezone 516 West 35th Street from C-1 Neighborhood Commercial District to I-1 Light Industrial District. [Ward 7]

MOVED TO SECOND CONSIDERATION

7. Resolution authorizing the conveyance of vacated public right-of-way lying between Christie Street and Belle Avenue (Willis and Renee Simmons, Petitioners). [Ward 5]

ADOPTED 2022-529

8. Resolution authorizing the conveyance of vacated public right-of-way, being the Easterly 20 feet of Walt's Addition, lying south of Glaspell Street and east of South Rolff Street (Shawn Struck, Petitioner). [Ward 1]

ADOPTED 2022-530

9. Resolution amending the North Urban Renewal Plan to include the Fair Oaks Foods project. [Wards 2, 6, 7, & 8]

ADOPTED 2022-531

10. Resolution approving Case F22-12 being the request of CF Caiman DVN, LLC for a final plat of Scrabble Addition, a 1-lot subdivision on 158.12 acres located west of Division Street and north of Interstate 80. [Ward 8]

ADOPTED 2022-532

11. Resolution accepting work completed under the Ripley Street (51st Street to 53rd Street) Reconstruction project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$388,633.90, CIP #35054. [Ward 7]

ADOPTED 2022-533

12. Resolution accepting work completed under the CDBG Alley Program: 1310 Kirkwood Boulevard to 1810 Esplanade Avenue Reconstruction project by Emery Construction Group, Inc of Moline, Illinois in the amount of \$250,433.86, CIP #BG-250. [Ward 5]

ADOPTED 2022-534

13. Resolution accepting work completed under the FY 2023 Brick Street Patching Program by Kelly Construction of Davenport, Inc of Davenport, Iowa in the amount of \$159,602.08, CIP #35054. [Wards 3 & 5]

ADOPTED 2022-535

14. Resolution accepting work completed under the FY 2023 DOT Full Depth Patching project by Centennial Contractors of the Quad Cities, Inc of Moline, Illinois in the amount of \$149,321, CIP #35045. [Wards 1, 2, & 7]

ADOPTED 2022-536

15. Resolution accepting work completed under the 2022 Contract Milling Program by Manatt's Inc – Eastern Iowa Division of Camanche, Iowa in the amount of \$124,392.29, CIP #35041. [All Wards]

ADOPTED 2022-537

16. Resolution awarding a one-year contract with two possible two-year renewals for security services at various City locations to Global Security Services of Davenport, Iowa. [Ward 3]

ADOPTED 2022-538

17. Resolution approving a preconstruction agreement with the Iowa Department of Transportation for the replacement of the Brady Street bridge over Duck Creek. [Ward 7]

ADOPTED 2022-539

18. Resolution authorizing the Mayor to execute the necessary documents to grant a 10-foot wide utility and access easement to Scott County from the Scott Emergency Communications Center north to the Emergency Management storage building in the southeast corner of parcel P1214-07I. [Ward 7]

ADOPTED 2022-540

19. Resolution amending the North Urban Renewal Plan to include the Internal TIF. [Wards 2, 6, 7, & 8]

ADOPTED 2022-541

20. Resolution awarding a one-year contract with four possible one-year renewals for towing services to Fred's Towing, Inc of Davenport, Iowa. [All Wards] **ADOPTED 2022-542**

21. Resolution approving the purchase of four 2023 Ford F-250 trucks equipped with plow kits from Stivers Ford of Waukeg, Iowa in the amount of \$209,124 using State of Iowa Department of Administrative Services contract #23033. [All Wards] **ADOPTED 2022-543**

22. Motion approving noise variance requests for outdoor events on the listed dates and times. **PASSED 2022-544**

Davenport Parks and Recreation; Holiday Lights; Fejervary Learning Center | 1800 West 12th Street; 5:00 p.m. - 10:00 p.m. every evening Saturday, November 26, 2022 - Sunday, January 8, 2023; Outdoor music, over 50 dBA. [Ward 4]

Freight House Farmers' Market; Christkindlmarkt; Freight House | 421 West River Drive; 4:00 p.m. - 10:00 p.m. Friday, December 2, 2022; 10:00 a.m. - 10:00 p.m. Saturday, December 3, 2022; and 10:00 a.m. - 4:00 p.m. Sunday, December 4, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

23. Motion approving beer and liquor license applications. **PASSED 2022-545**

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

Ward 3

Palmer College of Chiropractic (Palmer College Foundation) - 1003 North Brady Street - Temporary License December 8-12 – License Type: Beer/Wine

Ward 7

The Christmas Cottage (The Christmas Cottage) - 902 West Kimberly Road - Temporary License November 10-23 - License Type: Class B Native Wine

Division Mart (Preet Liquor, LLC) - 3721 North Division Street – New License/Owners - License Type: Class E Liquor

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

Ward 2

Wal-Mart Supercenter #5115 (Wal-Mart Stores, Inc) - 3101 West Kimberly Road - License Type: Class E Liquor

Ward 3

Cathedral Ale (Sacred Heart Cathedral of Davenport, Iowa) - 422 East 10th Street - License Type: Class B Beer

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

Ward 5

Aldi, Inc #15 (Aldi, Inc) - 1702 Brady Street (Midtown Plaza) - License Type: Class C Beer

Ward 8

Express Lane Gas & Food Mart #86 (ExpressLane, Inc) - 7522 Northwest Boulevard - License Type: Class C Beer

Kwik Star #167 (Kwik Trip, Inc) - 2050 East 53rd Street - License Type: Class C Beer

24. Motion determining property values for the 2023 Alley Resurfacing Program. [Wards 3, 5, & 6] **PASSED 2022-546**

25. Motion approving a contract for design and preparation of bid documents for the 2023 Sanitary Sewer Lining and Manhole Rehabilitation Program to Strand Associates, Inc of Madison, Wisconsin in an amount not-to-exceed \$63,160, CIP #30057. [All Wards] **PASSED 2022-547**

26. Motion approving the purchase of one 2023 Ford F-450 truck equipped with a utility bed from Stivers Ford of Wauke, Iowa in the amount of \$73,349 using State of Iowa Department of Administrative Services contract #23033. [All Wards] **PASSED 2022-548**

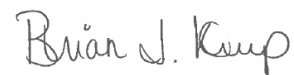
27. Motion approving submission of the City of Davenport Annual Urban Renewal Report for FY 2022. [All Wards] **PASSED 2022-549**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:00 p.m.**



Brian J. Krup
Deputy City Clerk