

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, November 8, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, November 8, 2023 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 Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ortiz; *Via telephone:* Alderwoman Dickmann).

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 October 25, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for November 1, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, November 1, 2023 -- 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 Ortiz. Upon the roll being called, all Aldermen were present except Alderwoman Dickmann and Alderman Jobgen (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, and Alderman Ortiz).

*The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Centennial Bridge Seawall Repair project, CIP #68015. **Finance:** 1. on granting a gas easement on City-owned property located at the southwest corner of West River Driver and Marquette Street (Parcel L0017-01) to MidAmerican Energy.*

*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 items #2, Second Consideration: Ordinance for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District with a recommendation for denial from the Plan and Zoning Commission; #3, Resolution approving Case F23-14 being the request of E&A Enterprises LLC for a final plat of 56th Enclave, a 2-lot subdivision on 9.57 acres located north of East 56th Street and Lakeview Parkway; and #5, Motion approving the local objectives for the Community Development Block Grant Program for the Year 50 Annual Action Plan covering July 1, 2024 – June 30, 2025, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Safety:** Mayor Matson reviewed all items listed. On motion by Alderman Dunn, second by Alderman Ortiz the liquor license application for The Last Picture House 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 Gripp all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Gripp, second by Alderman Dunn all items moved to the Consent Agenda.*

*Council adjourned at **6:41 p.m.***

VIII. Presentations

HELD

A. 2023 Halloween Parade Award Winners

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Ordinance moved to third consideration:

Second Consideration: Ordinance for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District. [Ward 8]

MOVED TO THIRD CONSIDERATION

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES REQUIRED FOR PASSAGE.

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

Resolution approving Case F23-14 being the request of E&A Enterprises LLC for a final plat of 56th Enclave, a 2-lot subdivision on 9.57 acres located north of East 56th Street and Lakeview Parkway. [Ward 6]

ADOPTED 2023-461

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

Motion approving the local objectives for the Community Development Block Grant Program for the Year 50 Annual Action Plan covering July 1, 2024 – June 30, 2025. [All Wards]

PASSED 2023-462

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

Motion approving a beer and liquor license application.

PASSED 2023-463

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

Ward 3

The Last Picture House (Cinema Paradiso, LLC) – 325 East 2nd Street – New License
– License Type: Class C Liquor (On-Premises) *Pending Fire Department review

XI. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance for Case REZ23-04 being the request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and East 46th Street intersection at 801 East 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7] **ADOPTED 2023-464**

ORDINANCE NO. **2023-464**

AN ORDINANCE FOR CASE REZ23-04 BEING THE REQUEST OF JASON COUSINEAU TO REZONE APPROXIMATELY 1.19 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE GRAND AVENUE AND EAST 46TH STREET INTERSECTION AT 801 EAST 46TH STREET FROM R-MF MULTI-FAMILY RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRIAL ZONING 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 Zoning" District.

LOTS 1-7 AND OUTLOT A OF PADDINGTON SQUARE, BEING PART OF THE SOUTH HALF OF SECTION 12 TOWNSHIP 73 NORTH, RANGE 3 EAST OF THE 5TH P.M. AND ALSO BEING A REPLAT OF PART OF LOT 3 RYDE HIGH SECOND ADDITION.

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 Residential General.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning and uses of nearby developed property.
3. The zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment does not hinder the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities with future development.

Section 3. At its September 20, 2023 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-04 to the City Council with a recommendation for approval subject to the listed findings and conditions.

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 11/8/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Perry Street along the east side from 12th Street to Kirkwood Boulevard between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, except holidays, therefrom. [Wards 3 & 5] **ADOPTED 2023-465**

ORDINANCE NO. **2023-465**

AN ORDINANCE AMENDING SCHEDULE VII NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REMOVING PERRY STREET ALONG THE EAST SIDE FROM 12TH STREET TO KIRKWOOD BOULEVARD BETWEEN THE HOURS OF 8:00 A.M. TO 6:00 P.M. MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS, THEREFROM.

Section 1. That Schedule VII No Parking of the Municipal Code of Davenport, Iowa be and the same is hereby amended by removing the following:

Perry Street along the east side from 12th Street to Kirkwood Boulevard between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday except holidays.

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 11/8/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. First Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding West 47th Street along the north side from Pine Street west to the dead end thereto. [Ward 2]

MOVED TO SECOND CONSIDERATION

4. Resolution setting a Public Hearing on the proposed conveyance of vacated public right-of-way containing approximately 25,900 square feet, more or less, known as Spring Street located south of East 53rd Street between Scott County Parcel Numbers N0709A01 and N07098A02 (53rd Luxury, LLC, Petitioner). [Ward 8] **ADOPTED 2023-466**

5. Resolution accepting work completed under the West 43rd Street (Lincoln Avenue to Linwood Avenue) Reconstruction project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$480,576.19, CIP #35062. [Ward 2] **ADOPTED 2023-467**

6. Resolution accepting work completed under the North Clark Street (West 11th Street to West 13th Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$683,368.63, CIP #35062. [Wards 1, 3, & 4] **ADOPTED 2023-468**

7. Resolution accepting work completed under the West 54th Street (Kelling Street to North Howell Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$317,811.15, CIP #35062. [Ward 8] **ADOPTED 2023-469**

8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Centennial Bridge Seawall Repair project, CIP #68015. [Ward 3] **ADOPTED 2023-470**

9. Resolution awarding a contract for the Black Hawk Creek and Walnut Creek Clearing project to Ihrig Works LLC of Long Grove, Iowa in the amount of \$278,050, CIP #68015. [Ward 1] **ADOPTED 2023-471**

10. Resolution awarding a contract for a sanitary sewer condition assessment within the Silver Creek Basin to McClure Engineering Company of Coralville, Iowa in the amount of \$718,000, CIP #30057. [Wards 2 & 8] **ADOPTED 2023-472**

11. Resolution authorizing the Mayor to execute the necessary documents to grant a gas easement on City-owned property located at the southwest corner of West River Drive and Marquette Street (Parcel L0017-01) to MidAmerican Energy. [Ward 3] **ADOPTED 2023-473**

12. Resolution approving a three-year contract for digital storage to Insight Public Sector of Des Moines, Iowa in the amount of \$1,272,983.60 using National Association of State Procurement Officers (NASPO) contract #MNWNC-125. [All Wards] **ADOPTED 2023-474**

13. Motion approving a noise variance request on the listed dates and times for an outdoor event. **PASSED 2023-475**

Freight House Farmers' Market; Jingle and Mingle on the Mississippi; Freight House | 421 West River Drive; 4:00 p.m. - 10:00 p.m. Friday, December 1, 2023; 10:00 a.m. - 10:00 p.m. Saturday, December 2, 2023; and 10:00 a.m. - 4:00 p.m. Sunday, December 3, 2023; Outdoor music, over 50 dBA. [Ward 3]

14. Motion approving beer and liquor license applications. **PASSED 2023-476**

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

Ward 3

Jingle & Mingle on the Mississippi (Freight House Farmer's Market, Inc) – 421 West River Drive - Temporary Event November 29-December 3 – License Type: Special Class C Beer/Wine (On-Premises)

The Wooden Nickel (JNSS, Inc) - 2042 West 3rd Street - New License/New Ownership - License Type: Class C Liquor (On-Premises)

Ward 7

The Christmas Cottage (The Christmas Cottage) - 902 West Kimberly Road - New License - License Type: Class B Native Wine (Carry-Out)

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

Ward 2

Rudy's Tacos (Majec, Inc) - 3502 West Kimberly Road #1 - License Type: Class C Liquor (On-Premises)

Ward 3

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

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 East 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Iowa Mini Mart (Samreet, LLC) - 234 West 3rd Street - License Type: Class E Liquor (Carry-Out)

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

Me & Billy (Me and Billy's) - 200 West 3rd Street - Outdoor Area – License Type: Class C Liquor (On-Premises)

River Drive Smoke Shop (AB Kazi, LLC) - 828 West River Drive – License Type: Class E Liquor (Carry-Out)

Thirsty's On 3rd (T On Third, Inc) - 2202 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 4

Rio Grande Mexican Restaurant Y Cantina, LLC (Rio Grande Mexican Restaurant Y Cantina, LLC) - 1414 West Locust Street - License Type: Class C Liquor (On-Premises)

Ward 5

Bicycle Rack Sports Grill (Sports Station, Inc) - 3303 Brady Street – Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

Chili's Grill & Bar (Brinker Restaurant Corporation) - 4020 East 53rd Street #2700 - License Type: Class C Liquor (On-Premises)

Chipotle Mexican Grill (Chipotle Mexican Grill of Colorado, LLC) – 5270 Elmore Avenue #3 - Outdoor Area - License Type: Class C Liquor - (On-Premises)

Los Agaves Mexican Grill (Los Agaves, Inc) - 4876 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Ridge (Jar Hospitality, LLC) - 4750 Utica Ridge Road #100 – Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

CASI (Center for Active Seniors, Inc) - 1035 West Kimberly Road – Outdoor Area - License Type: Class C Liquor (On-Premises)

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 North Brady Street - License Type: Class C Liquor (On-Premises)

Public House Davenport (Public House Davenport) - 5260 Northwest Boulevard - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 8

Double D Diner (Lillypad Boutique, LLC) - 2225 West 53rd Street #400 - License Type: Class C Liquor (On-Premises)

15. Motion awarding a contract for the demolition of 2800 Eastern Avenue Building F to Johnson Hauling & Excavating LLC of Davenport, Iowa in the amount of \$63,500. [Ward 5]

PASSED 2023-477

16. Motion approving a professional services agreement for engineering services for the West Locust Street (North Clark Street to Lincoln Avenue) Resurfacing project to Snyder & Associates, Inc of Iowa City, Iowa in the amount of \$76,000, CIP #35061. [Ward 4]

PASSED 2023-478

17. Motion approving a professional services agreement for engineering services for the West Central Park | Division Street and Marquette Street Intersection Reconstruction project to Olsson Inc of Cedar Rapids, Iowa in the amount of \$88,000, CIP #35061. [Wards 2, 4, & 7]

PASSED 2023-479

XII. Other Ordinances, Resolutions and Motions

1. *On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, the rules were suspended to add and vote on the item below.*

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

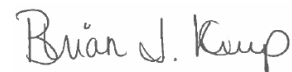
Resolution granting an encroachment license to Cinema Paradiso, LLC to locate a fire escape in the right-of-way on the sidewalk along Iowa Street abutting 325 East 2nd Street. [Ward 3]

ADOPTED 2023-480

XIII. Public with Business

XIV. Reports of City Officials

XV. Adjourn 6:15 p.m.



Brian J. Krup
Deputy City Clerk