

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, October 12, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, October 12, 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 except Alderman Kelly (Alderman Dunn, 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 Condon

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for September 28, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for October 5, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, October 5, 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 Cornette. Upon the roll being called, all Aldermen were present except Alderwoman Lee and Alderwoman Dickmann (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderman Jobgen, and Alderman Ortiz).

There were no Public Hearings.

*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 Jobgen, second by Alderman Dunn item #2, Second Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District, moved to the Discussion Agenda with a recommendation for suspension of the rules and passage of third consideration, and the other item moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman Ortiz, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderwoman Meginnis all items moved to the Consent Agenda.*

*Council adjourned at **5:43 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2022-480

1. Civil Rights Commission
 - Ethelene Boyd (re-appointment)
 - Michael Guster (re-appointment)
 - Jeff Transou (re-appointment)
2. Combined Construction Code Board of Appeals
 - Steven Duncan (re-appointment)
 - Gary Gibney (re-appointment)
3. Riverfront Improvement Commission
 - Victoria Keninger (new appointment | 3rd Ward)

B. Proclamations

ISSUED 2022-481

1. National Code Compliance Month | October 2022

IX. Presentations

HELD

- A. Davenport Fire Department Swearing-In Ceremony
 - Evan Watz
 - Kasey Smith
 - Asa Pool
- B. 2022 Summer Reading Program Winners
- C. Community Excellence Award | Quad City Veterans Outreach Center
- D. MetroNet | Gig-a-bit City Recognition

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. Second consideration of the below Ordinance was moved by Alderman Gripp, seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye and the Ordinance moved to third consideration.

Committee of the Whole recommended suspension of the rules for passage of third consideration. Alderman Dunn moved a motion for suspension of the rules, seconded by Alderman Ortiz, and upon the roll being called, all Aldermen present voted aye and the rules were suspended.

Third consideration of the Ordinance was moved by Alderwoman Dickmann, seconded by Alderwoman Meginnis, and upon the roll being called, all Aldermen present voted aye and the Ordinance was adopted.

Second Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District. [Ward 7]

ADOPTED 2022-482

ORDINANCE NO. **2022-482**

AN ORDINANCE FOR CASE REZ22-04 BEING THE REQUEST OF SCI IOWA FUNERAL SERVICES INC TO ESTABLISH A PLANNED UNIT DEVELOPMENT AT 1200 EAST 39TH STREET TO GRANT AN EXCEPTION TO ALLOW FOR A RECEPTION FACILITY WITHIN THE S-OS OPEN SPACE.

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

Section 1. Planned Unit Developments are a special approval intended to encourage and allow more flexible development of land than is possible under district zoning regulations. Underlying zoning district dimensional, design, and use regulations continue to apply except as modified through the PUD approval process. The Council may grant exceptions to the zoning district regulations, including use, for a planned unit development when an applicant demonstrates a substantial benefit to the City of Davenport, Iowa.

Section 2. SCI Iowa Funeral Services Inc has submitted a preliminary plan to provide the following benefit:

1. Meeting space for City events – The City may use the facility, at a reduced, cost covering rate, for meetings, gatherings, or events, subject to availability within standard operating hours.
2. Formal garden – The petitioner will incorporate the addition of a formal garden filled with native grasses, plants, and flowers to the west side of the property for the public to enjoy.
3. Not-for-profit benefit – As a benefit to the City's nonprofit entities, the applicant will offer rental of the facility at reduced, cost-covering rates, subject to availability within standard operating hours.

Section 3. The following described unit of Scott County, Iowa real estate is hereby granted an exception to allow a reception facility in the "S-OS" Open Space District:

LOT 2 OF DAVENPORT MEMORIAL PARK ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA

Section 4. At its September 6, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-04 to the City Council with a recommendation for approval with the following findings:

1. The preliminary plan provides a public benefit to the City.
2. The proposed planned unit development meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
5. There is adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

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 10/12/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

XII. Approval of All Items on the Consent Agenda

Alderman Gripp requested that item #1 be removed for discussion. After discussion, it was placed back on the Consent Agenda.

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

1. Second Consideration: Ordinance expanding the boundaries of the Central City and North Urban Revitalization Areas. [Wards 1, 2, 5, 6, 7, & 8] **MOVED TO THIRD CONSIDERATION**

2. First 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]

MOVED TO SECOND CONSIDERATION

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

MOVED TO SECOND CONSIDERATION

4. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2022-483**

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; Wednesday, October 26, 2022 2:00 p.m. - 6:00 p.m.; **Closures**: West 6th Street from Myrtle Street to Warren Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

Brian Doerrfeld; The Village Zombie Run; Village of East Davenport; Saturday, October 29, 2022 7:00 a.m. - 1:00 p.m.; **Closures**: Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street. [Ward 5]

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 2, 2022 and Saturday, December 3, 2022; **Closures**: East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

5. Resolution accepting the sanitary sewer and storm sewer associated with Birchwood Grove First Addition. [Ward 6] **ADOPTED 2022-484**

6. Resolution accepting the sanitary sewer and storm sewer associated with Birchwood South First and Second Additions. [Ward 6] **ADOPTED 2022-485**

7. Resolution accepting work completed under the Pershing Avenue (11th Street to 14th Street) Resurfacing project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$211,110.52, CIP #35054. [Ward 3] **ADOPTED 2022-486**

8. Resolution accepting work completed under the Pacific Street (68th Street to 70th Street) Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of \$105,225.53, CIP #35054. [Ward 8] **ADOPTED 2022-487**

9. Resolution accepting work completed under the Edgewild Drive (Jersey Ridge Road to Ridgewood Court) Reconstruction project by NJ Miller Inc of Bettendorf, Iowa in the amount of \$423,079.70, CIP # 35054. [Ward 6] **ADOPTED 2022-488**

10. 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 \$240,353.86, CIP #BG-250. [Ward 5] **ADOPTED 2022-489**

11. Resolution approving the purchase of a loader mounted snow blower for the Street Division from MacQueen Equipment of Ankeny, Iowa in the amount of \$175,970 using Sourcewell contract #062222-JAL. [All Wards] **ADOPTED 2022-490**

12. Resolution authorizing the Finance Director to make the appropriate inter-fund transfers for the City's FY 2022 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2. [All Wards] **ADOPTED 2022-491**

13. Motion approving a noise variance request for an outdoor event on the listed dates and times. **PASSED 2022-492**

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 2, 2022 and Saturday, December 3, 2022; Outdoor music/band, over 50 dBA. [Ward 5]

14. Motion approving beer and liquor license applications. **PASSED 2022-493**

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

Ward 5

WMart (KHM, LLC) - 1205/1207 East Locust Street - New Owner/License - License Type: Class E Liquor

Ward 6

Brooks & Christina, LLC (Brooks & Christina, LLC) - 5159 Utica Ridge Road - New License - License Type: Beer/Wine

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

Ward 1

Herbs Tap, Inc (Herbs Tap, Inc) - 3701 Rockingham Road – License Type: Class C Liquor

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

Ward 2

Express Lane Gas & Food Mart # 83 (ExpressLane, Inc) - 3636 Hickory Grove Road - License Type: Class C Beer

Ward 3

Cavort QC (The Key, LLC) - 229 Brady Street - License Type: Class C Liquor

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

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

Ward 4

Riverside Liquor 2 (Two Brothers Locust, LLC) - 1528 West Locust Street - License Type: Class E Liquor

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

Kwik Shop # 593 (Kwik Shop, Inc) - 303 West Locust Street - License Type: Class C Beer

Ward 5

Locust Street Tavern (Locust Street Tavern, Inc) - 331 East Locust Street -License Type: Class C Liquor

Jesse's Mart (Guru Nanak Petro Mart, Inc) - 412 East Locust Street – License Type: Class C Beer

Ward 6

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor

Hy-Vee Fast and Fresh (Hy-Vee, Inc) - 3200 East Kimberly Road – License Type: Class E Liquor

The Grape Life (The Grape Life Wine Store & Lounge, LLC) - 3402 Elmore Avenue - License Type: Class C Liquor

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc) - 5811 Elmore Avenue - License Type: Class E Liquor

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

Ward 7

Kwik Star #291 (Kwik Trip, Inc) - 1225 East Kimberly Road - License Type: Class C Beer

The Gallery (Nelson Securities, Inc) - 3727 Esplanade Avenue - Outdoor Area - License Type: Class C Liquor

Kwik Shop #587 (Kwik Shop, Inc) - 1670 West Kimberly Road – License Type: Class C Beer

Kwik Shop #586 (Kwik Shop, Inc) - 201 West 53rd Street - License Type: Class C Beer

Steel Plow Burger (Steel Plow Burger II, LLC) - 1430 East 52nd Street #3 - Outdoor Area - License Type: Class C Liquor

Ward 8

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

Casey's General Store #2168 (Casey's Marketing Company) - 1691 West 53rd Street - License Type: Class E Liquor

15. Motion accepting work completed under the West 69th Street and Jebens Avenue Resurfacing project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$77,663.69, CIP #35054. [Ward 8] **PASSED 2022-494**

16. Motion awarding a contract for the purchase of 113 sewer intake castings to Schimberg Co of Cedar Rapids, Iowa in the amount of \$59,890, CIP #33053. [All Wards] **PASSED 2022-495**

17. Motion awarding an engineering contract for the design of the Locust Street (Division Street to Marquette Street) Resurfacing project to Klingner & Associates, PC of Davenport, Iowa in the amount of \$67,500. [Ward 4] **PASSED 2022-496**

18. Motion approving an updated lease agreement with Nahant Marsh for the operations and maintenance of the facility and grounds effective November 1, 2022. [Ward 1]

PASSED 2022-497

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Executive Session

*On motion by Alderwoman Lee, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **6:06 p.m.** to discuss strategy for upcoming labor negotiations with the City's Organized employees pursuant to Iowa Code Section 20.17(3). Council reconvened in Executive Session at **6:10 p.m.** with Mayor Matson and all Aldermen present except Alderman Kelly (Alderman Dunn, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz). Others present included City Administrator Corri Spiegel, Corporation Counsel Tom Warner, Finance Director/Assistant City Administrator Mallory Merritt, Human Resources Director Alison Fleming, Management Analyst I Hanna Whitehurst, and Management Analyst I Matthew Cullinan. On motion by Alderman Jobgen, second by Alderwoman Meginnis Council went back into open session and adjourned at **7:26 p.m.***



Brian J. Krup
Deputy City Clerk