

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, October 11, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, October 11, 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 Gripp

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for September 27, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for October 4, 2023.

*CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, October 4, 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 Alderwoman Lee. Upon the roll being called, all Aldermen were present except Alderwoman Dickmann (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ortiz). The following Public Hearings were held: **Community Development**: 1. 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 RMF Multi-Family Residential District to I-1 Light Industrial Zoning District. **Finance**: 1. on granting an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy; and 2. on granting a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy.*

*The following Proclamation was issued: Indigenous Peoples' Day, **2023-416**. Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Finance**: Alderman Condon reviewed all items listed. On motion by Alderman Gripp, second by Alderman Ortiz item #5, Resolution authorizing the Chief Financial Officer to make the appropriate inter-fund transfers for the City's FY 2023 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2, and item #7, Resolution adopting the FY 2025 Budget Policies, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **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 Alderman Ortiz, second by Alderwoman Meginnis the annual liquor license renewal for Yoshi's Bar and Filipino Canteen moved to the Discussion Agenda with a staff recommendation for denial of the outdoor area 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 Jobgen item #1, Resolution approving and authorizing the use of*

condemnation and commencement of condemnation proceedings, if necessary, for rights-of-way and easements associated with the Goose Creek Trail Phase III project, CIP #ARP17, moved to the Discussion Agenda and the other item moved to the Consent Agenda.

*On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **7:53 p.m.** to discuss strategy with counsel on matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **7:59 p.m.** with Mayor Matson and all Aldermen present except Alderwoman Dickmann (Alderman Condon, Alderman Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Lee, Alderwoman Meginnis, and Alderman Ortiz). Others present included Attorney Jason O'Rourke from Lane & Waterman LLP and Corporation Counsel Tom Warner. On motion by Alderman Dunn, second by Alderman Ortiz, Council went back into open session and adjourned at **9:07 p.m.***

VIII. Petitions and Communications from Council Members and the Mayor

IX. Individual Approval of Items on the Discussion Agenda

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

Resolution approving and authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for rights-of-way and easements associated with the Goose Creek Trail Phase III project, CIP #ARP17. [Wards 7 & 8] **ADOPTED 2023-417**

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

Resolution authorizing the Chief Financial Officer to make the appropriate inter-fund transfers for the City's FY 2023 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2. [All Wards] **ADOPTED 2023-418**

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

Resolution adopting the FY 2025 Budget Policies. [All Wards] **ADOPTED 2023-419**

4. *Alderwoman Meginnis moved a motion to amend the application for Yoshi's Bar and Filipino Canteen Class C Liquor License to only remove approval of the outdoor service area, seconded by Alderman Jobgen. Upon the roll being called, all Aldermen present voted aye except Alderman Kelly and the motion passed.*

On motion by Alderwoman Meginnis, second by Alderman Gripp and all Aldermen present voting aye except Alderman Kelly, the following Motion passed as amended:

Motion approving a beer and liquor license application. **PASSED 2023-420**

A. Annual license renewal (with outdoor area renewal as noted):

Ward 3

Yoshi's Bar and Filipino Canteen (Yoshi's Bar and Filipino Canteen, LLC) – 831 West 3rd Street - License Type: Class C Liquor (On-Premises)

X. Approval of All Items on the Consent Agenda

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

1. Second Consideration: Ordinance for Case REZ23-03 being the request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc and Sheila M. Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

MOVED TO THIRD CONSIDERATION

2. Second Consideration: Ordinance for Case ROW23-04 being the request of 53rd Luxury, LLC to vacate approximately 25,900 square feet of improved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

MOVED TO THIRD CONSIDERATION

3. Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Jefferson Avenue along the west side from East 38th Street north to the dead end thereto. [Ward 7]

MOVED TO THIRD CONSIDERATION

4. Second Consideration: Ordinance amending Schedule XI Resident Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Scott Street along the west side from Rusholme Street to Lombard Street and along the east side from Rusholme Street south 355 feet thereto. [Ward 4]

MOVED TO THIRD CONSIDERATION

5. First 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]

MOVED TO SECOND CONSIDERATION

6. First 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]

MOVED TO SECOND CONSIDERATION

7. Resolution approving street, lane, or public ground closures on the listed dates and times for outdoor events.

ADOPTED 2023-421

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; 2:00 p.m. - 6:00 p.m. Wednesday, October 25, 2023; **Closures**: West 6th Street from Warren Street to Myrtle Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

Tom Simmons; Veterans Day Parade; Downtown (see attached parade route); 10:00 a.m. - 12:00 p.m. Saturday, November 11, 2023; **Closures**: Western Avenue from 5th Street to 2nd Street; 2nd Street from Western Avenue to Main Street; Main Street

from 2nd Street to 4th Street; 4th Street from Main Street to the finish at the Scott County Courthouse (400 West 4th Street). [Ward 3]

Quad City Arts; Festival of Trees Holiday Parade; Downtown (see attached parade route); 4:00 a.m. - 12:30 p.m. Saturday, November 18, 2023; **Staging area closures (beginning at 4:00 a.m.):** East 3rd Street from Pershing Avenue to LeClaire Street; Pershing Avenue and Iowa Street from East 2nd Street to East 4th Street; **Parade route (in place by 9:15 a.m.):** 3rd Street from Pershing Avenue to Scott Street; Scott Street from West 3rd Street to West 2nd Street; 2nd Street from Scott Street to the finish at Iowa Street. [Ward 3]

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 3:00 p.m. - 10:00 p.m. Friday, December 1, 2023 and Saturday, December 2, 2023; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

8. Resolution authorizing and approving the use of condemnation and commencement of condemnation proceedings, if necessary, for temporary construction easements associated with the Flood Mitigation | River Drive from Carey Avenue to 3rd Street project, CIP #ARP14. [Ward 3] **ADOPTED 2023-422**

9. Resolution authorizing the Mayor to execute the necessary documents to grant an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy. [Ward 3] **ADOPTED 2023-423**

10. Resolution authorizing the Mayor to execute the necessary documents to grant a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy. [Ward 6] **ADOPTED 2023-424**

11. Resolution awarding a contract for the purchase of splash equipment for the Dohse Splash and Play project to Waterplay Solutions Corp of British Columbia, Canada in the amount of \$118,994.37 using Sourcewell contract #010521-WTR, CIP #ARP10. [Ward 1] **ADOPTED 2023-425**

12. Resolution awarding a contract for the purchase of play equipment for the Dohse Splash and Play project to Landscape Structures, Inc of Delano, Minnesota in the amount of \$110,042.40 using Sourcewell contract #010521-LSI, CIP #ARP10. [Ward 1] **ADOPTED 2023-426**

13. Resolution setting a Public Hearing on the proposed amendment to the North Urban Renewal Plan to include the Internal TIF. [Wards 2, 6, 7, & 8] **ADOPTED 2023-427**

14. Resolution naming the community room located at the new Fire Station 3 as the Chief Michael J. Hayman Community Room. [Ward 7] **ADOPTED 2023-428**

15. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2023-429**

Downtown Davenport Partnership; German Fest; Kaiserslautern Square | 119 East 3rd Street; 12:00 p.m. - 8:00 p.m. Saturday, October 21, 2023; Outdoor music/band, over 50 dBA. [Ward 3]

Tom Simmons; Veterans Day Parade; Downtown (see attached parade route); 10:00 a.m. - 12:00 p.m. Saturday, November 11, 2023; Outdoor music, over 50 dBA. [Ward 3]

Quad City Arts; Festival of Trees Holiday Parade; Downtown (see attached parade route); 9:00 a.m. - 12:00 p.m. Saturday, November 18, 2023; Outdoor music/performances, over 50 dBA. [Ward 3]

Davenport Parks and Recreation; Fejervary Holiday Lights; Fejervary Learning Center | 1800 West 12th Street; 5:00 p.m. - 10:00 p.m. every evening Saturday, November 25, 2023 - Sunday, January 7, 2024; Outdoor music, over 50 dBA. [Ward 4]

16. Motion approving beer and liquor license applications.

PASSED 2023-430

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

Ward 3

Miracle at the Freight House (River Craft, Inc) - 421 West River Drive #2 - New License - License Type: Class C Liquor (On-Premises)

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

Ward 2

Walgreens #03595 (Walgreen Co) - 1720 West Kimberly Road – License Type: Class E Liquor (Carry-Out)

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

Ward 3

Frick's Tap (LBN, LLC) - 1402 West 3rd Street - Outdoor Area – License Type: Class C Liquor (On-Premises)

Moti's Food (Qc Diner, LLC) - 1717 West 3rd Street - License Type: Class E Liquor (Carry-Out)

The Renwick Mansion, LLC (The Renwick Mansion, LLC) - 901 Tremont Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 4

MC's Happy Hallow (DMC Corporation) - 1502 West 14th Street – License Type: Class C Liquor (On-Premises)

Walgreens #05239 (Walgreen Co) - 1660 West Locust Street – License Type: Class E Liquor (Carry-Out)

Ward 5

D'Ville (Aba East Village, LLC) - 2228 East 11th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Outing Club (The Outing Club, Inc) - 2109 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Walgreens #11709 (Walgreen Co) - 1805 Brady Street - License Type: Class E Liquor (Carry-Out)

Ward 6

Walgreens #06186 (Walgreen Co) - 4011 East 53rd Street - License Type: Class E Liquor (Carry-Out)

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

Ward 7

Phil & Larry's Saloon (P & L, Inc) - 4811 North Brady Street #2 – Outdoor Area - License Type: Class C Liquor (On-Premises)

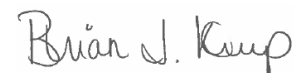
Walgreens #04041 (Walgreen Co) - 1525 East Kimberly Road – License Type: Class E Liquor (Carry-Out)

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

XIII. Reports of City Officials

XIV. Adjourn **7:19 p.m.**



Brian J. Krup
Deputy City Clerk