

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, September 13, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, September 13, 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 except Alderwoman Dickmann (*In person:* Alderman Dunn, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ortiz; *Via telephone:* Alderman Kelly).

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 August 23, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for September 6, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, September 6, 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 Jobgen. Upon the roll being called, all Aldermen were present (In person: Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderman Jobgen, and Alderman Ortiz; Via telephone: Alderwoman Dickmann).

*The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Brown Street to Scott Street) Resurfacing project, CIP #35062.*

*The following proclamation was issued: Hispanic Heritage Month | September 15, 2023 - October 15, 2023, **ISSUED 2023-372.***

*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 Jobgen all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Ortiz all items moved to the Consent Agenda except those noted as requested to be voted on later on the agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Ortiz all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed the one item listed. On motion by Alderman Cornette, second by Alderman Ortiz the item moved to the Consent Agenda.*

Other Ordinances, Resolutions and Motions: On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the rules were suspended to vote on the items below:

1. On motion by Alderman Gripp, second by Alderwoman Meginnis with all Aldermen present voting aye except Alderman Jobgen and Alderman Kelly abstaining, the following Resolution was adopted:

Resolution approving a street, lane, or public ground closure on the listed date and time to hold an outdoor event. **ADOPTED 2023-373**

*Devine Creations; Unity in the Community A Fifth Ward Celebration; 311 East Locust Street; 4:00 p.m. - 9:00 p.m. Saturday, September 9, 2023; **Closure:** north-south alley between East Locust Street and Kirkwood Boulevard and Iowa Street and Pershing Avenue from East Locust Street south to 313 East Locust Street. [Ward 5]*

2. On motion by Alderman Dunn, second by Alderman Gripp and all Aldermen present voting aye except Alderman Jobgen with Alderman Kelly abstaining, the following Motion passed:

Motion approving a noise variance request on the listed date and time for an outdoor event.

PASSED 2023-374

Devine Creations; Unity in the Community A 5th Ward Celebration; 311 East Locust Street; 4:00 p.m. - 9:00 p.m. Saturday, September 9, 2023; Outdoor music/DJ, over 50 dBA. [Ward 5]

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

Motion approving a liquor license application.

PASSED 2023-375

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

Ward 1

Jimmie O's Saloon (Oldham Enterprizes, LLC) - 2735 Telegraph Road – Outdoor Event September 9 - License Type: Class C Liquor

4. On motion by Alderman Kelly, second by Alderman Kelly and all Aldermen present voting aye except Alderman Cornette and Alderman Jobgen, the following Motion passed:

Motion approving a liquor license application.

PASSED 2023-376

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

Ward 3

Capitol Theatre (Capitol Theatre Group, LLC) - 330 West 3rd Street - New License - License Type: Class C Liquor (On-Premises)

*On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye (Alderwoman Dickmann did not vote as she was no longer connected electronically), Council recessed to Executive Session at **6:36 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 **6:44 p.m.** with Mayor Matson and all Aldermen present except Alderwoman Dickmann (Alderman Condon, Alderman Cornette, Alderman Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Lee, Alderwoman Meginnis, and Alderman Ortiz). Others present included City Administrator Corri Spiegel and Corporation Counsel Tom Warner. On motion by Alderman Dunn, second by Alderman Jobgen, Council went back into open session and adjourned at **7:03 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2023-378

1. Riverfront Improvement Commission

-Kelli Grubbs (re-appointment | First Ward representative)

B. Proclamations

ISSUED 2023-379

1. Skip the Plastic Campaign

2. Metrocom NAACP Unit #4019 Day | September 30, 2023

IX. Presentations

HELD

A. Summer Reading Program School Winners

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance for Case REZ23-02 being the request of RIVALDD Farms, Inc to rezone approximately 231.26 acres of land located south of Slopertown Road and west of Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

ADOPTED 2023-380

ORDINANCE NO. **2023-380**

AN ORDINANCE FOR CASE REZ23-01 BEING THE REQUEST OF RIVALDD FARMS, INC TO REZONE APPROXIMATELY 231.26 ACRES OF LAND LOCATED SOUTH OF SLOPERTOWN ROAD AND WEST OF 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 #932907002:

The Northeast Quarter of the Northeast Quarter of Section 29, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa, lying South of Slopertown Road. (17.53 Acres)

Parcel #932923001:

The Southeast Quarter of the Northeast Quarter of Section 29, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa. (41 Acres)

Parcel #932939001:

The Northeast Quarter of the Southeast Quarter of Section 29, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa. (40.77 Acres)

Parcel #932833001:

The Northwest Quarter of the Southwest Quarter of Section 28, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa. (40.3 Acres)

Parcel #932817002:

The West Half of the Northwest Quarter of Section 28, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa, lying South of Slopertown Road. (42.75 Acres)

Parcel #932821007:

Part of the Southwest Quarter of the Northeast Quarter of Section 28, Township 79 North, Range 3 East of the 5th Principal Meridian, in Scott County Iowa, lying South of W. Slopertown Road and excepting those tracts conveyed to the City of Davenport, Iowa, by Document #2016-29904 and Document #2020- 18554 recorded in the office of the Recorder of Scott County, Iowa. Also excepting all existing roads. (11.02 acres)

Parcel #932837002:

The Northwest Quarter of the Southeast Quarter of Section 28, Township 79 North, Range 3 East of the 5th Principal Meridian, in Scott County Iowa, excepting that tract conveyed to the City of Davenport, Iowa, by Document #2016-29904 recorded in the office of the Scott County Recorder of Scott County, Iowa. Also excepting all existing roads. (37.89 acres)

Section 2. That the following findings and/or 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 July 18, 2023 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-02 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 9/13/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance for Case ROW23-03 being the request of William Taylor to vacate approximately 101 feet of unimproved right-of-way of Emerald Drive in Crystal Creek 8th Addition. [Ward 1]

ADOPTED 2023-381

ORDINANCE NO. **2023-381**

AN ORDINANCE FOR CASE ROW23-03 BEING THE REQUEST OF WILLIAM TAYLOR TO VACATE APPROXIMATELY 101 FEET OF UNIMPROVED RIGHT-OF-WAY OF EMERALD DRIVE IN CRYSTAL CREEK 8TH ADDITION.

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

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

The 101.20 feet of Emerald Drive as dedicated as public right-of-way in Crystal Creek 8th Addition, in the City of Davenport, County of Scott, State of Iowa. The above-described area contains 5,060 square feet, more or less.

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 9/13/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 11th Street along the south side from Prospect Terrace to Judson Street thereto. [Ward 5]

MOVED TO THIRD CONSIDERATION

4. Resolution approving Case F23-11 being the request of William Taylor for a final plat of Crystal Creek Ninth Addition, a 4-lot subdivision on 9.06 acres located at 3051 and 3100 Emerald Drive. [Ward 1]

ADOPTED 2023-382

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

ADOPTED 2023-383

Davenport Community Schools; North High Homecoming Parade; Thursday, September 21, 2023 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled):** Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]

St. Paul the Apostle; Back to School Block Party; 1007 East Rusholme Street; 12:00 p.m. - 10:30 p.m. Saturday, September 23, 2023; **Closure:** East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

Anton Knaak; Vander Veer East Good Neighbor Project Block Party; 11:00 a.m. - 7:00 p.m. Saturday, October 7, 2023; **Closure:** East Rusholme Street from the first alley east of Brady Street to Pershing Avenue. [Ward 5]

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Brown Street to Scott Street) Resurfacing project, CIP #35062. [Ward 3]

ADOPTED 2023-384

7. Resolution accepting work completed under the Independence Drive Reconstruction project by Ihrig Works LLC of Long Grove, Iowa in the amount of \$326,334.05, CIP #35062. [Ward 7]

ADOPTED 2023-385

8. Resolution awarding a contract for the 2023 Residential Alley Resurfacing Program to Langman Construction, Inc of Rock Island, Illinois in the amount of \$479,738.26, CIP #35038. [Wards 3, 5, & 6]

ADOPTED 2023-386

9. Resolution awarding a one-year contract with a possible one-year extension for the 2023-2024 Long-Line Pavement Marking to Ostrom Painting & Sandblasting Inc of Rock Island, Illinois in the amount of \$245,980. [All Wards]

ADOPTED 2023-387

10. Resolution awarding a contract for the Silver Creek Stabilization Seeding and Maintenance project to Miller Trucking & Excavating of Silvis, Illinois in the amount of \$180,880, CIP #33041. [Ward 2]

ADOPTED 2023-388

11. Resolution awarding a contract for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Valley Construction Company of Rock Island, Illinois in the amount of \$2,456,789, CIP #36063. [Ward 2]

ADOPTED 2023-389

12. Resolution awarding a contract for construction administration and inspection services for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Origin Design of Davenport, Iowa in an amount not-to-exceed \$109,600, CIP #36063. [Ward 8]

ADOPTED 2023-390

13. Resolution awarding a contract for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$565,879, CIP #35062. [Wards 3 & 4]

ADOPTED 2023-391

14. Resolution approving the purchase of one street flusher truck from Kilburg Equipment of Sabula, Iowa in the amount of \$240,483 using State of Minnesota procurement contract #S-863(5). [All Wards]

ADOPTED 2023-392

15. Resolution approving the purchase of one Rosco oil distributor truck from Road Machinery and Supplies of East Moline, Illinois in the amount of \$259,349 using Sourcewell contract #060122-VTL. [All Wards]

ADOPTED 2023-393

16. Resolution awarding a contract for the Dohse Splash and Play project to The Henley Group, LLC of Muscatine, Iowa in the amount of \$539,550, CIP #ARP10. [Ward 1]

ADOPTED 2023-394

17. Motion approving noise variance requests on the listed dates and times for outdoor events.

PASSED 2023-395

Palmer College of Chiropractic; Homecoming; 1000 Brady Street; 8:30 p.m. for approximately 20 minutes Saturday, September 16, 2023; Fireworks, over 50 dBA. [Ward 3]

Davenport Community Schools; North High School Homecoming Parade; see attached parade route; 5:30 p.m. - 7:00 p.m. Thursday, September 21, 2023; Outdoor music, over 50 dBA. [Wards 7 & 8]

Our Lady of Victory Catholic Church; Our Lady of Victory Parish Picnic; 4105 North Division Street; 12:00 p.m. - 4:00 p.m. Sunday, September 24, 2023; Outdoor music, over 50 dBA. [Ward 7]

18. Motion approving beer and liquor license applications.

PASSED 2023-396

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

Ward 6

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Extended Outdoor Area October 5 - License Type: Class C Liquor (On-Premises)

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

Ward 3

Barrel House 211 (Barrelhouse, LLC) - 207-211 East 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

River Center/Adler Theatre (Venuworks of Davenport, LLC) - 136 East 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Super Saver Liquor (Malwa, LLC) - 1610 Rockingham Road - License Type: Class E Liquor (Carry-Out)

Thunder Bay Grille/Figge (Thunder Bay Grille, LLC) - 225 West 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

West Side Grocery (Eva S, LLC) - 1802 West 7th Street - License Type: Class E Liquor (Carry-Out)

Ward 4

CVS/Pharmacy #8659 (Iowa CVS Pharmacy, LLC) - 1777 Division Street - License Type: Class E Liquor (Carry-Out)

The Putnam (Putnam Museum and Science Center) - 1717 West 12th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Sun Mart, LLC (Sun Mart, LLC) - 2920 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 5

Bowlmor Lanes (Davenport Bowlers, Inc) - 2952 Brady Street - License Type: Class C Liquor (On-Premises)

Grumpy's Saloon (2118-2120, In) - 2120 East 11th Street - License Type: Class C Liquor (On-Premises)

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

Players (Players, LLC) - 2218 East 11th Street - License Type: Class C Liquor (On-Premises)

Ward 6

Barrel House Three, LLC (Barrel House Three, LLC) - 5141 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Big River Bowling (Kimberly Entertainment, LLC) - 2902 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Cabos Cantina and Grill 2, LLC (Cabos Cantina and Grill 2, LLC) - 5717 Elmore Avenue Unit E - License Type: Class C Liquor (On-Premises)

Costco Wholesale #1325 (Costco Wholesale Corporation) - 2790 East 53rd Street - License Type: Class E Liquor (Carry-Out)

J-Bar Holiday Inn & Suites / J-Bar (HOA Hotels, LLC) - 4215 Elmore Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Lindsay Park Yacht Club (Lindsay Park Yacht Club, Inc) - 2101 East River Drive - Outdoor Area - License Type: Class F Liquor (On-Premises)

Super Target T-533 (Target Corporation) - 5225 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Ward 7

CVS Pharmacy #8658 (Iowa CVS Pharmacy, LLC) - 1655 West Kimberly Road - License Type: Class E Liquor (Carry-Out)

Famous Dave's (Elmore Foods, LLC) - 1110 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Vans Pizza Pub and Grill (Reedcan, LLC) - 3333 North Harrison Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

19. Motion awarding a blanket contract for the purchase of calcium chloride for the 2023-2024 winter season to SICALOCO, LTD of Hinsdale, Illinois as the primary supplier and Jerico Services, Inc of Indianola, Iowa and Ossian, Inc of Davenport, Iowa as back up suppliers. [All Wards] **PASSED 2023-397**

20. Motion awarding a blanket contract for the purchase of anti-icing chemicals for the 2023-2024 winter season to SNI Solutions, Inc of Geneseo, Illinois as the primary supplier and Ossian, Inc of Davenport, Iowa as the backup supplier. [All Wards] **PASSED 2023-398**

21. Motion approving the purchase of one Bomag tandem roller from Road Machinery & Supplies of East Moline, Illinois in the amount of \$71,250 using Sourcewell contract #032119-BAI, CIP #24033. [All Wards] **PASSED 2023-399**

XIII. Other Ordinances, Resolutions and Motions

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

Motion approving a liquor license application.

PASSED 2023-400

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

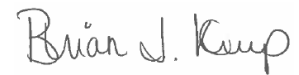
Ward 1

Midwest Festivals, LLC (Midwest Festivals, LLC) – 2200 West River Drive – Temporary Event September 23-24 – License Type: Class C Liquor (On-Premises)

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:51 p.m.**

A handwritten signature in black ink that reads "Brian J. Krup". The signature is written in a cursive, flowing style.

Brian J. Krup
Deputy City Clerk