

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, August 28, 2019

The City Council of Davenport, Iowa met in regular session on Wednesday, August 28, 2019 at 5:30 PM in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all aldermen present except Ald. Rawson.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting Minutes for August 14, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on the Committee of the Whole for August 21, 2019

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, August 21, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Klipsch presiding and all aldermen present except Ald. Condon. The following Public Hearings were held: Public Works: on the plans, specifications, forms of contract, and estimate of cost for the Jersey Ridge Rd Patching Project, CIP #35035; on the plans, specifications, forms of contract, and estimate of cost for the 2300 Block of N Fairmount St Reconstruction Project between the intersections of W Central Park Ave and W Lombard St, CIP #35035; and on the plans, specifications, forms of contract, and estimate of cost for the Gaines St and W 28 ½ St Resurfacing Project from Western Ave to W 30th St, CIP #35036

*Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Tompkins all items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Matson, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by Ald. Dickmann all items moved to the Consent Agenda. Other Ordinances, Resolution, and Motions: On motion by Ald. Ambrose, second by Ald. Rawson the rules were suspended to vote on the following items: Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events: Jason Gilliland; Alternating Currents; 208 E River Dr; 10:00 a.m. Friday, August 23, 2019 - 12:00 a.m. Sunday, August 25, 2019; Closure: Emerson Pl from Perry St to Pershing Ave, **2019-335**; Resolution accepting the annual Byrne Justice Assistance Grant (JAG) from the Federal government for 2019-2020 in the amount of \$86,541, **2019-336**; Resolution accepting the 2019-2020 (year three of three) AmeriCorps Program grant from the Corporation for National and Community Services in the amount of \$531,434, **2019-337**; and Motion approving the following noise variance request on the listed dates and times: Jason Gilliland; Alternating Currents; 208*

*E River Dr; Friday, August 23, 2019 5:00 p.m. - 11:30 p.m. and Saturday, August 24, 2019 12:00 p.m. - 11:30 p.m.; Outdoor music/band, over 50 dBa, **2019-338.**
Council adjourned at 6:17 p.m.*

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2019-339

1. Prostate Cancer Awareness Month, September 2019

IX. Presentations

HELD

A. Swearing In Ceremony - Davenport Police Department

- Nicholas Berger

B. Southeast Little League 10U State Champions

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

****NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

1. Third Consideration: Ordinance for Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District (Fairmount Cemetery and Crematory Association, Petitioner). [Ward 1]

ADOPTED 2019-340

ORDINANCE NO. 2019 - 340

ORDINANCE for Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District. Fairmount Cemetery and Crematory Association, petitioner. [Ward 1]

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 S-OS Special Open Space District.

The property has the following legal description:

Part of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

Commencing at the southwest corner of said Section 10; thence north 0 degrees 41 minutes east 30 feet; thence south 89 degrees 52 minutes east 33 feet to the point of beginning; thence north 0 degrees 41 minutes east 150 feet; thence south 89 degrees 52 minutes east 150 feet; thence south 0 degrees 41 minutes west 150 feet; thence north 89 degrees 52 feet 150 feet to the point of beginning.

Section 2. The Plan and Zoning Commission considered case REZ19-08 at its July 1, 2019 meeting and voted to forward the request to City Council with a recommendation for approval, with the following findings and conditions:

Findings:

1. The rezoning request is consistent with the Comprehensive Plan in that it allows a transitional use on the edge of a RG, Residential General designation.
2. The proposed rezoning will allow for consolidation of cemetery operations, increasing its efficiency.
3. Proposed conditions will negate any potential negative impacts of the facility on surrounding properties.

Conditions:

1. That an agreement not to sever this property from the existing cemetery property is executed prior to any construction.
2. The proposed maintenance building not exceed 32 feet by 48 feet.
3. The proposed maintenance building be located as far north as possible.
4. The proposed maintenance building shall not be constructed of overly bright or reflective colors.
5. Any security lighting be completely shielded from the property to the east.
6. No long term outdoor storage of materials or equipment is allowed.
7. Site plan approval is required prior to any development on the site.

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.

Approved 8/28/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding 12th Street in front of the residence at 2215 E 12th St. [Ward 5]

ADOPTED 2019-341

ORDINANCE NO. 2019-341

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE

OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XI RESIDENT PARKING ONLY THERETO BY ADDING 12TH STREET IN FRONT OF THE RESIDENCE AT 2215 E 12TH STREET.

Section 1. That Schedule XI Resident Parking Only of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

12th Street in front of the residence at 2215 E 12th 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.

Approved 8/28/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Second Consideration: Ordinance for Case REZ19-09 being the request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1] **MOVED TO THIRD CONSIDERATION**

4. Second Consideration: Ordinance vacating the excess right-of-way formerly part of Forest Grove Ct. [Ward 6] **MOVED TO THIRD CONSIDERATION**

5. Second Consideration: Ordinance for case ORD19-02 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning. [All Wards] **MOVED TO THIRD CONSIDERATION**

6. First Consideration: Ordinance amending Schedule V of Chapter 10.96 entitled "Four-Way Stop Intersections" by deleting Eastern Ave at Elm St. [Ward 5] **MOVED TO SECOND CONSIDERATION**

7. Resolution setting forth the policy for notification for certain zoning applications (City of Davenport, Petitioner). [All Wards] **ADOPTED 2019-342**

8. Resolution for Case P18-05 being the request of Kerry Condon on behalf of Pine Partners LLC for a Preliminary Plat for a 63 lot subdivision located west of Division St and north of W 55th St. [Ward 8] **ADOPTED 2019-343**

9. Resolution for Case F19-06 being the request of Dolans 53rd Street LC for a Final Plat for a 1 lot subdivision on 2.83 acres located north of W 53rd St and east of Villa Dr. [Ward 8] **ADOPTED 2019-344**

10. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events.

ADOPTED 2019-345

Bettendorf Presbyterian Church; Praise on the River; LeClaire Park; Sunday, September 1, 2019 4:00 p.m. - 7:00 p.m.; Closure: Biederbecke Dr adjacent to LeClaire Park. [Ward 3]

St. Paul the Apostle; Back to School Block Party; Saturday, September 7, 2019 12:00 p.m. - 8:30 p.m.; Closure: E Rusholme St between Arlington Ave and Carey Ave. [Ward 5]

St. Ambrose University; Killer Bee 5K Run/Walk; Saturday, September 21, 2019 6:00 a.m. until race finishes; Closures: Lombard from Ripley to Lillie, Ripley from High to Dover Ct, Dover Ct from Ripley to Gaines, Scott from Dover Ct to Lombard, Gaines from Dover Ct to Lombard, Rusholme from Gaines to Lillie, Lillie from Rusholme to Pleasant, Pleasant from Lillie to Warren, Warren from Pleasant to Spalding Blvd, Spalding Blvd from Warren to Berg Pl, Berg Pl from Lillie to Spalding Blvd. [Wards 4 & 5]

Jaycees of the Quad Cities; 2019 Brew Ha Ha; LeClaire Park; Saturday, September 21, 2019 12:00 p.m. - 5:00 p.m.; Closure: (beginning 9:00 a.m. Friday, September 20, 2019 for setup) Biederbecke Dr between Ripley St and Harrison St. [Ward 3]

Joshua Sherrod; Quad Cities Marathon; Sunday, September 22, 2019 4:30 a.m. - approximately 12:00 p.m.; Closures: Beiderbecke Dr from Marquette St to Gaines St; Gaines St from Beiderbecke Dr to River Dr; River Dr from Brown St to Scott St; Western Ave from 2nd St to River Dr; southernmost traffic lane and parking lane on 2nd St from Gaines to the Arsenal Bridge onramp; easternmost northbound lane on Centennial Bridge with 2nd St exit closed; Middle Rd from Pineacre Ave to City limits; Eastmere Dr from Middle Rd to City limits. [Wards 3 & 6]

11. Resolution approving the acceptance for the construction of the Northwest Blvd & Hillandale Rd Intersection Improvement Project completed by Hawkeye Paving Corporation of Bettendorf, IA, CIP #35029. [Ward 8]

ADOPTED 2019-346

12. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Jersey Ridge Road Patching Project, CIP #35035. [Ward 6] **ADOPTED 2019-347**

13. Resolution approving a professional services contract with Veenstra & Kimm, Inc of Rock Island, IL for the survey and design of the 1930's Clean Water SRF Project in the amount of \$142,500, CIP #33041. [Ward 2]

ADOPTED 2019-348

14. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the 2300 block of N Fairmount St Reconstruction Project between W Central Park Ave and W Lombard St, CIP #35035. [Ward 2] **ADOPTED 2019-349**

15. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the W 28 ½ St and Gaines St Resurfacing Project from Western Ave to W 30th St, CIP #35036. [Ward 7] **ADOPTED 2019-350**

16. Resolution to approve the Caterpillar Engine #2 Overhaul at the Water Pollution Control Plant (WPCP) to Altorfer Inc in the amount of \$196,286. [All Wards] **ADOPTED 2019-351**

17. Resolution approving the acceptance for the construction of the 2018 Bridge Maintenance Project completed by Minturn, Inc of Brooklyn, IA, CIP #21001. [Wards 1, 5, 6, & 7] **ADOPTED 2019-352**

18. Resolution approving the acceptance for the construction of the FY19 Sidewalk Program completed by Kelly Construction of Davenport, Inc of Davenport, IA, CIP #28020. [All Wards] **ADOPTED 2019-353**

19. Resolution approving the purchase of a Pro Patch Truck from Houston Freightliner of Houston, TX in the amount of \$157,796, CIP #24018 [All Wards] **ADOPTED 2019-354**

20. Motion to approve change orders 3, 4, & 5 for the Davenport Spur Extension and Interchange Track to Langman Construction, in the amount of \$66,760, CIP #60009. [Ward 8] **PASSED 2019-355**

21. Motion approving noise variance request(s) for various events on the listed dates and times. **PASSED 2019-356**

Bettendorf Presbyterian Church; Praise on the River; LeClaire Park; Sunday, September 1, 2019 4:00 p.m. - 7:00 p.m.; Outdoor music/performances, over 50dBa. [Ward 3]

Kilkenny's Pub; Just Chords Reunion; 300 W 3rd St; Friday, September 6, 2019 7:00 p.m. - 1:00 a.m.; Outdoor band, over 50 dBa. [Ward 3]

Circle Tap; Dani Lynn Howell Band; 1345 W Locust St; Friday, September 6, 2019 6:00 p.m. - 10:00 p.m.; Outdoor band, over 50 dBa. [Ward 4]

St. Paul the Apostle; Back to School Block Party; Saturday, September 7, 2019 12:00 p.m. - 8:30 p.m.; Outdoor music, over 50 dBa. [Ward 5]

Dwayne Hodges; Community Party; Herington Park; Saturday, September 14, 2019 1:00 p.m. - 7:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

Jaycees of the Quad Cities; 2019 Brew Ha Ha; LeClaire Park; Saturday, September 21, 2019 12:00 p.m. - 5:00 p.m.; Outdoor music/performances, over 50 dBa. [Ward 3]

22. Motion approving beer and liquor license applications.

PASSED 2019-357

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

Ward 1

Lulac Club (LULAC Council #10 Inc) - 4224 Ricker Hill Rd - License Type: Class C Liquor - On Premise

Ward 3

Bootleg Hill Honey Meads (Bootleg Hill LLC) - 321 E 2nd St, Ste 200 - Outdoor Area License Type: Class C Native Wine

River Center/Adler Theatre (Venuworks Of Davenport, LLC) - 136 East 3rd St. - Outdoor Area License Type: Class C Liquor - On Premise

Ward 4

Mc's Happy Hollow (D.M.C Corporation) - 1502 W 14th St - License Type: Class C Liquor - On Premise

Riverside Liquor 2 (Two Brother's Locust, L.L.C.) - 1528 W Locust St - License Type: Class E Liquor /B Wine /C Beer

Ward 5

The Outing Club (The Outing Club, Inc) - 2109 Brady St - Outdoor Area License Type: Class C Liquor - On Premise /B Wine

Ward 6

Costco Wholesale #1325 (Costco Wholesale Corporation) - 2790 E 53rd St - License Type: Class E Liquor - Carry Out/C Beer/B Wine

Texas Roadhouse (Texas Roadhouse Holdings LLC) - 4005 E 53rd St - License Type: Class C Liquor - On Premise

Ward 7

Ridhi Rose Mart LLC (Ridhi Rose Mart LLC) - 3417 Harrison St - License Type: Class C Beer - Carry Out /B Wine

23. Motion authorizing the City Administrator to sign an automatic aid agreement between the City of Davenport and the City of Bettendorf for fire protection services. [All Wards] **PASSED 2019-358**

24. Motion approving the purchase of new Adler Theatre Softgoods (Stage Drape Replacement) to Rose Brand Wipers Inc of Secaucus, NJ in the amount of \$60,597, CIP #69024. [Ward 3] **PASSED 2019-359**

25. Motion awarding a contract for the Housing Needs Assessment to Western Economic Services LLC of Portland, OR in an amount not-to-exceed \$55,000. [All Wards] **PASSED 2019-360**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

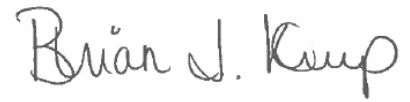
1. Summary of revenue received for the month of July 2019:

Property taxes	-
Other City taxes	\$1,819,043
Special assessments	-
Licenses & permits	\$229,371
Intergovernmental	\$2,245,459
Charges for services	\$3,094,201
Use of monies & property	\$142,781
Fines & forfeits	\$151,873
Bonds/Loan Proceeds	-
Miscellaneous	\$216,337

XVI. Executive Session

On motion by Ald. Meginnis, second by Ald. Tompkins, with all aldermen present voting aye, Council recessed to executive session at **6:06 p.m.** to discuss a real estate transaction pursuant to Iowa Code Section 21.5(1)(j). Council reconvened in Executive Session at **6:09 p.m.** with Mayor Klipsch and all aldermen present except Ald. Rawson. Others present included City Administrator Corri Spiegel, CFO/Assistant City Administrator Brandon Wright, Community Planning & Economic Development Director

Bruce Berger, and Corporation Counsel Tom Warner. On motion by Ald. Tompkins, second by Ald. Dickmann, Council reconvened in Open Session and adjourned at **6:37 p.m.**

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

Brian Krup
Deputy City Clerk