

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, August 24, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, August 24, 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 (Alderman Dunn, Alderman Kelly, 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 Dunn

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for August 10, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for August 17, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, August 17, 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 Ortiz. Upon the roll being called, all Aldermen were present (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

*The following Public Hearing was held: **Community Development:** 1. on the proposed additions to the Davenport 2022 Urban Revitalization Area Plan for the Central City and North Areas.*

*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 Alderwoman Dickmann all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed items #1-3 before Council recessed for a 10-minute break at 7:54 p.m. Council reconvened at 8:04 p.m. Alderman Jobgen reviewed the remaining items and asked for a motion to table the three Hy-Vee liquor license premise updates (2200 West Kimberly Road, 2351 West Locust Street, 4064 East 53rd Street) under item #6 indefinitely. The motion was moved by Alderwoman Dickmann, seconded by Alderwoman Lee with all Aldermen present voting aye. On motion by Alderwoman Dickmann, second by Alderman Ortiz item #3, First Consideration: Ordinance amending Chapter 10.96 of the Municipal Code of Davenport, Iowa entitled "Schedules" by making various changes to Schedules II, V, and XIV to implement a change in traffic flow for 3rd and 4th Streets between River Drive and Marquette Street, moved to the Discussion Agenda and all other items moved to the Consent Agenda except the four liquor license applications to be voted on later on the agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Jobgen all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderwoman Dickmann all items moved to the Consent Agenda.*

Other Ordinances, Resolutions and Motions: Alderman Dunn moved the motion for suspension the rules to vote on a Motion approving beer and liquor license applications, seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye except Alderwoman Lee, and the rules were suspended.

The Motion for approval of the below liquor license applications was moved by Alderman Ortiz, second by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye except Alderman Cornette, and the following Motion passed:

1. Motion approving beer and liquor license applications.

PASSED 2022-408

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

Ward 3

Alternating Currents Festival (Quad Cities Chamber of Commerce) - 320 North Main Street - Temporary Event August 18-20 - License Type: Class B Beer

Alternating Currents Festival (Quad Cities Chamber of Commerce) - 115 East 3rd Street - Temporary Outdoor Event August 18-20 - License Type: Class B Beer

Stompbox Brewing (JPX2ME, LLC) - 210 East River Drive #101 – Temporary Extended Outdoor Area "Alternating Currents Festival" August 18-20 - License Type: Class C Liquor

Thunder Bay Grille - Riverfront Pops (Thunder Bay Grille, LLC) - 400 Beiderbecke Drive - Temporary Outdoor Event August 18-21 - License Type: Beer/Wine

Council adjourned at **8:20 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2022-409

1. U.S. Heartland Global Leadership Day | August 30, 2022

IX. Presentations

HELD

A. Davenport Police Department Swearing-In Ceremony

- Zach Morgan
- Omar Alcala
- Mark Rappel
- Riley McIntyre

B. Youth Recognition

- Assumption High School Boys Soccer Team | State Champions
- Youth Summer Job Partnership

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. Alderman Jobgen moved first consideration of the following Ordinance, seconded by Alderman Dunn. Council recessed at 7:37 p.m. for a break and reconvened at 7:46 p.m. Upon the roll being called, all Aldermen present voted aye except Alderman Dunn, Alderman Kelly, Alderman Cornette, and Alderwoman Lee and the Ordinance moved to second consideration.

First Consideration: Ordinance amending Chapter 10.96 of the Municipal Code of Davenport, Iowa entitled "Schedules" by making various changes to Schedules II, V, and XIV to implement a change in traffic flow for 3rd and 4th Streets between River Drive and Marquette Street. [Ward 3] **MOVED TO SECOND CONSIDERATION**

XII. Approval of All Items 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. Third Consideration: Ordinance for Case ROW22-04 being the request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1] **ADOPTED 2022-410**

ORDINANCE NO. **2022-410**

AN ORDINANCE FOR CASE ROW22-04 BEING THE REQUEST OF SHAWN STRUCK TO VACATE UNIMPROVED ALLEY RIGHT-OF-WAY LOCATED WEST OF 2727 GLASPELL STREET.

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:

All that part of the 20 foot alley dedicated to the City of Davenport, Iowa east of Lots 1, 2 & 3 of Walt's Addition book 52 page 432 in the Scott County Recorder's Office, from the south right of way line of Glaspell Street to the south line of said addition.

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 8/24/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Chapter 9.08 entitled "Disorderly Conduct" of the Municipal Code of Davenport, Iowa by repealing Sections 9.08.050 and 9.08.080 due to a recent trend in federal court decisions restricting the City's ability to regulate activities that involve person-to-person donation requests. [All Wards]

ADOPTED 2022-411

ORDINANCE NO. **2022-411**

ORDINANCE AMENDING CHAPTER 9.08 ENTITLED "DISORDERLY CONDUCT" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REPEALING SECTIONS 9.08.050 AND 9.08.080 DUE TO A RECENT TREND IN FEDERAL COURT DECISIONS RESTRICTING THE CITY'S ABILITY TO REGULATE ACTIVITIES THAT INVOLVE PERSON-TO-PERSON DONATION REQUESTS.

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

Section 1. That Section 9.08.050 of the Municipal Code of Davenport, Iowa be and the same is hereby repealed in its entirety and the section number is labeled "Reserved."

Section 2. That Section 9.08.080 of the Municipal Code of Davenport, Iowa be and the same is hereby repealed in its entirety and the section number is labeled "Reserved."

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 as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Adopted 8/24/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. First Consideration: Ordinance amending Schedule VII "No Parking" of Chapter 10.96 of the Municipal Code of Davenport, Iowa by adding Busch Avenue along the east side from Middle Road south to the alley. [Ward 5] **MOVED TO SECOND CONSIDERATION**

4. Resolution setting a Public Hearing on the proposed conveyance of vacated unimproved right-of-way lying west of Elmore Avenue and south of Pheasant Creek (VSM Holdings, LLC, Petitioner). [Ward 6] **ADOPTED 2022-412**

5. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2022-413**

Tim Shea; Belle Court Labor Day Block Party; Sunday, September 4, 2022 11:00 a.m. - 8:00 p.m.; **Closure:** Belle Court from East 61st Street to Parkview Lane. [Ward 8]

Davenport Community School District; West High School Homecoming Parade; 3505 West Locust Street; Thursday, September 8, 2022 4:30 p.m. - 7:00 p.m.; **Closures (Police controlled):** West 18th Street from North Clark Street to North Elsie Avenue; North Elsie Avenue from West 18th Street to West Lombard Street; West Lombard Street from North Elsie Avenue to North Nevada Avenue; North Nevada Avenue from West Lombard Street south to West High School. [Ward 1]

Quad Cities River Bandits; Race to Home 5K; Downtown; Saturday, October 8, 2022 8:30 a.m. - 9:30 a.m.; **Closures:** 8:30 a.m. - 9:15 a.m. 2nd Street from Western Avenue to Centennial Bridge/Gaines Street; 8:30 a.m. - 9:30 a.m. easternmost northbound lane on the Centennial Bridge. [Ward 3]

Scott County Family Y; 36th Annual Turkey Trot; 630 East 4th Street; Thursday, November 24, 2022 5:00 a.m. - 11:00 a.m.; **Closures:** 4th Street from River Drive

to Main Street; Main Street from 4th Street to Lombard Street; Lombard Street from Harrison Street to Brady Street; westernmost lane on Brady Street from Lombard Street to Central Park Avenue; southernmost lane on Central Park Avenue from Brady Street to Harrison Street; easternmost lane on Harrison Street between Central Park Avenue and Lombard Street. [Wards 3 & 5]

6. Resolution accepting work completed under the 2021 Crack and Seat Program by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$780,848.66, CIP # 35053. [Wards 4 & 6] **ADOPTED 2022-414**

7. Resolution accepting work completed under the West 54th Street Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$342,308.39, CIP #35054.[Ward 8] **ADOPTED 2022-415**

8. Resolution accepting work completed under the Blackhawk Creek Stabilization project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$477,562.45, CIP #33038. [Ward 1] **ADOPTED 2022-416**

9. Resolution assessing the cost of boarding up buildings at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-417**

10. Resolution assessing the cost of brush and debris removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-418**

11. Resolution assessing the cost of condemned property demolitions at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-419**

12. Resolution assessing the cost of tree removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-420**

13. Resolution assessing the cost of weed cutting at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-421**

14. Resolution assessing the cost of nuisance abatement and environmental clean ups at 2109 West 68th Street (Parcel W0331-33). [Ward 8] **ADOPTED 2022-422**

15. Resolution awarding a contract for the 2022 Commercial Alley Resurfacing program to Langman Construction Inc of Rock Island, Illinois in the amount of \$226,637.85, CIP #35038. [Ward 3] **ADOPTED 2022-423**

16. Resolution accepting the 2022-2023 (year three of three) AmeriCorps Program grant from the Corporation for National and Community Services in the amount of \$541,862 and authorizing the Finance Director or designee to sign the grant agreement to be managed and implemented by the Davenport Parks and Recreation Department. [All Wards] **ADOPTED 2022-424**

17. Resolution establishing the date and times for the annual Halloween parade and trick-or-treating as Sunday, October 30, 2022 at 2:00 p.m. and Monday, October 31, 2022 5:30 p.m. - 7:30 p.m., respectively. [All Wards] **ADOPTED 2022-425**

18. Motion approving noise variance requests for outdoor events on the listed dates and times. **PASSED 2022-426**

Mississippi Valley Fair; Band after World of Outlaw Races; 2815 West Locust Street; Friday, August 26, 2022 9:00 p.m. - 12:00 a.m.; Outdoor music, over 50 dBA. [Ward 4]

Tim Shea; Belle Court Labor Day Block Party; Sunday, September 4, 2022 11:30 a.m. - 8:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 8]

Jaycees of the Quad Cities; Bar-B-QC; LeClaire Park; 11:00 a.m. - 11:00 p.m. Friday, September 9, 2022 and 11:00 a.m. - 11:00 p.m. Saturday, September 10, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

19. Motion approving beer and liquor license applications. **PASSED 2022-427**

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

Ward 3

Jaycees of the Quad Cities (Davenport Jaycees) - 400 Beiderbecke Drive - Temporary Outdoor Event September 9-10 – License Type: Class B Beer

St. Anthony Church of Davenport (St Anthony Church of Davenport, Iowa) – 417 North Main Street – Temporary Event with Outdoor Area September 11 – License Type: Class B Beer

Mississippi Valley Blues Fest (Mississippi Valley Blues Society, Inc) – 400 Beiderbecke Drive - Recurring Temporary Outdoor Event September 15-18 – License Type: Class B Beer

Ward 5

Players (Players, LLC) - 2218 E 11th St - Outdoor Area - License Type: Class C Liquor

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

Ward 2

Casey's General Store #2092 (Casey's Marketing Company) - 6278 North Pine Street - License Type: Class C Beer

Ward 3

Ruby's (Infamous, LLC) - 429 East 3rd Street - Outdoor Area - License Type: Class C Liquor

Mary's on 2nd (Birdland, Inc) - 832 West 2nd Street - Outdoor Area – License Type: Class C Liquor

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

Raw Bar (RawBar) - 136 East 3rd Street Unit A - Outdoor Area – License Type: Class C Liquor

Ward 5

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

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

Ward 6

Texas Roadhouse (Texas Roadhouse Holdings, LLC) - 4005 East 53rd Street - License Type: Class C Liquor

Granite City Food & Brewery (Granite City, Inc) - 5270 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor

Ward 7

American Legion Post 26 (Davenport Post #26, The American Legion, Inc) - 702 West 35th Street - Outdoor Area - License Type: Class C Liquor

20. Motion awarding a contract for the replacement of the oil and grease analyzer system at the Water Pollution Control Plant to Biotage LLC of Charlotte, North Carolina in the amount of \$54,210. [Ward 1] **PASSED 2022-428**

21. Motion awarding a blanket contract for the purchase of anti-icing chemicals for the 2022-2023 winter season to Ossian, Inc of Davenport, Iowa as the primary supplier and SNI Solutions, Inc of Geneseo, Illinois as the backup supplier. [All Wards] **PASSED 2022-429**

22. Motion awarding a blanket contract for the purchase of calcium chloride for the 2022-2023 winter season to Jerico Services, Inc of Indianola, Iowa as the primary supplier and SICALOCO, LTD of Hinsdale, Illinois and Ossian, Inc of Davenport, Iowa as the back up suppliers. [All Wards] **PASSED 2022-430**

23. Motion considering a waiver (temporary deferral) of sidewalk installation at the future site of Fair Oaks Foods at 2951 Enterprise Way. [Ward 8] **PASSED 2022-431**

24. Motion awarding a contract for the Emeis Bunker Renovation Phase III project to Larry Denton, Golf Course Construction & Renovation of Taylor Ridge, Illinois in the amount of \$85,756.75, CIP #64116. [Ward 1] **PASSED 2022-432**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

Following is a summary of revenue received for the month of July 2022:

Property Taxes	\$-
Other City Taxes	\$72,917
Special Assessments	\$-
Licenses & Permits	\$164,510
Intergovernmental	\$764,942
Charges for Services	\$4,021,057
Use of Monies & Property	\$86,956
Fines & Forfeits	\$12,383
Bonds/Loan Proceeds	\$35,732
Miscellaneous	\$234,796

XVI. Adjourn **8:11 p.m.**



Brian J. Krup
Deputy City Clerk