

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, July 26, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, July 26, 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, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ortiz; *Via telephone:* Alderman Cornette).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderwoman Meginnis

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for July 12, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for July 19, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, July 19, 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 Kelly. 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. Alderman Kelly moved a motion to table item #1, Resolution authorizing the conveyance of City-owned property located in the 300 block of West 16th Street to Davis Priority Properties, LLC (Petitioner), until he advises that it can be brought back for consideration. The motion was seconded by Alderman Dunn with all Aldermen present voting aye. On motion by Alderman Jobgen, second by Alderman Dunn the remaining item moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. Alderman Ortiz moved a motion to amend the dates and times for item #5, Motion approving a noise variance request for Wendy's (1545 West Locust Street) exhaust hood cleaning, to Saturday, July 29, 2023 1:00 a.m. – 4:00 a.m. and Saturday, February 24, 2024 1:00 a.m. – 4:00 a.m. The motion was seconded by Alderwoman Meginnis with all Aldermen present voting aye. On motion by Alderman Dunn, second by Alderman Ortiz item #5 moved to the Discussion Agenda 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 Gripp all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed the one item listed. On motion by Alderman Cornette, second by Alderman Jobgen the item moved to the Consent Agenda.*

*Council adjourned at **6:18 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2023-316

1. Housing Commission
 - Yolanda Roberts (re-appointment)
2. Parks & Recreation Advisory Board
 - Krista Kefauver (re-appointment | 3rd Ward)
3. Riverfront Improvement Commission
 - Mary Pruess (new appointment | 6th Ward)

IX. Presentations

HELD

A. Putnam Museum Update

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

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

Motion approving a noise variance request for the listed dates and times.

PASSED 2023-317

Wendy's; Exhaust Hood Cleaning; 1545 West Locust Street; 1:00 a.m. - 4:00 a.m. Saturday, July 29, 2023 and 1:00 a.m. - 4:00 a.m. Saturday, February 24, 2024; Commercial exhaust hood cleaning, over 50 dBA. [Ward 4]

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance amending Chapter 13.28 entitled "Surface Drains" of the Municipal Code of Davenport, Iowa by amending Subsection 13.28.030 for language clean-up and clarity. [All Wards]

ADOPTED 2023-318

ORDINANCE NO. **2023-318**

AN ORDINANCE AMENDING CHAPTER 13.28 ENTITLED "SURFACE DRAINS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY AMENDING SUBSECTION 13.28.030 FOR LANGUAGE CLEANUP AND CLARITY.

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

Section 1. That Subsection 13.28.030 Assessment of Costs of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.28.030 **Assessment of costs.**

The director of the department of construction and engineering shall report all costs arising from the construction of drains pursuant to Section 13.28.020 to the City Council, whereupon the Council may, by resolution, levy and assess the costs as a special tax upon the real estate on which the nuisance was abated, after giving the notice and allowing the hearing as provided for the assessment of the costs of abating the drainage nuisance.

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 7/26/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Schedule V Four-Way Stop Intersections of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Utah Avenue at Telegraph Road thereto. [Ward 1] **ADOPTED 2023-319**

ORDINANCE NO. **2023-319**

AN ORDINANCE AMENDING SCHEDULE V FOUR-WAY STOP INTERSECTIONS OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY ADDING UTAH AVENUE AT TELEGRAPH ROAD THERETO.

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

Section 1. That Schedule V Four-Way Stop Intersections of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

Utah Avenue at Telegraph Road

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 7/26/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Second Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding East Lombard Street along the frontages of 2337, 2342, 2343, and 2347 East Lombard Street thereto. [Ward 5] **MOVED TO THIRD CONSIDERATION**

4. First Consideration: Ordinance amending Chapter 13.34 entitled "Stormwater Management" of the Municipal Code of Davenport, Iowa by amending various sections thereto by updating acceptable software programs utilized for stormwater calculations, providing clarification on easement verbiage, aligning the fee schedule with other Municipal Code chapters, removing outdated sections, and outlining bonding procedures for landscaping and vegetation. [All Wards]

MOVED TO SECOND CONSIDERATION

5. Resolution approving Case F23-04 being the request of Linda R. Duffy Revocable Trust for a final plat of Duffy Acres, a 2-lot subdivision on 14.1 acres located at 7400 Jersey Ridge Road. [Ward 8]

ADOPTED 2023-320

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

ADOPTED 2023-321

Neon Moon; Bix Street Festival; 246 West 3rd Street #100; 9:00 a.m. Saturday, July 29, 2023 - 2:00 a.m. Sunday, July 30, 2023; **Closure**: West 3rd Street from Harrison Street to Main Street. [Ward 3]

Third Missionary Baptist Church; Gospel Explosion Weekend; 222 West 14th Street; 7:00 a.m. - 7:00 p.m. Saturday, August 12, 2023; **Closure**: West 14th Street from Harrison Street to Main Street. [Wards 3 & 5]

Mississippi River Distilling Company; Alternating Currents at the Downtown Lounge; 318 East 2nd Street; 1:00 p.m. Friday, August 18, 2023 - 12:00 a.m. Saturday, August 19, 2023 and 2:00 p.m. Saturday, August 19, 2023 - 1:00 a.m. Sunday, August 20, 2023; **Closure**: east-west alley from Iowa Street to the MidAmerican parking lot between East 2nd Street and East 3rd Street. [Ward 3]

Rachelle Buckwalter; Made Market QC: Alternating Currents; 7:00 a.m. - 9:00 p.m. Saturday, August 19, 2023; **Closure**: East 2nd Street from Perry Street to Iowa Street. [Ward 3]

Lisa Rush; Back to School Bash; 1423 East 34th Street; 12:00 p.m. - 10:00 p.m. Saturday, August 19, 2023; **Closure**: East 34th Street between 1411 and 1423 East 34th Street. [Ward 7]

7. Resolution accepting work completed under the 510 West 6th Street Retaining Wall Replacement project by Legacy Corporation of East Moline, Illinois in the amount of \$131,177.60, CIP # 28031. [Ward 3]

ADOPTED 2023-322

8. Resolution awarding a contract for the West Locust Street (North Division Street to Marquette Street) Resurfacing project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$889,323.50, CIP #35061. [Ward 4]

ADOPTED 2023-323

9. Resolution approving the purchase of one trommel screen from Murphy Tractor and Equipment of Waterloo, Iowa in the amount of \$408,250 using Sourcewell contract #030923-ECV, CIP #39015. [All Wards]

ADOPTED 2023-324

10. Resolution approving the purchase of one rear loader solid waste truck from Kilburg Equipment of Sabula, Iowa in the amount of \$252,215 using Sourcewell contract #091219-LEG, CIP #10503. [All Wards] **ADOPTED 2023-325**

11. Resolution awarding a contract for the manufacturing and delivery of a generator heat recovery/silencer unit for the Water Pollution Control Plant to Miratech of Tulsa, Oklahoma in the amount of \$95,000. [Ward 1] **ADOPTED 2023-326**

12. Resolution accepting the FY 2024 Iowa Department of Transportation State Transit Assistance (STA) Program grant in the approximate amount of \$542,205. [All Wards] **ADOPTED 2023-327**

13. Resolution authorizing the submission of a PROTECT Grant Program application to the Federal Highway Administration (FHWA) for financial assistance with enhancing and improving transportation access through flood mitigation efforts and infrastructure improvements. [Wards 1, 3, & 5] **ADOPTED 2023-328**

14. Resolution authorizing the submission of a Continuing Authorities Program (CAP) grant application to the U.S. Army Corps of Engineers for financial assistance with the Credit Island Causeway Bridge project. [Ward 1] **ADOPTED 2023-329**

15. Resolution assessing the cost of boarding up buildings at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-330**

16. Resolution assessing the cost of brush and debris removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-331**

17. Resolution assessing the cost of condemned property demolitions at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-332**

18. Resolution assessing the cost of snow removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-333**

19. Resolution assessing the cost of tree removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2023-334**

20. Resolution accepting the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2023-2024 in the amount of \$90,321. [All Wards] **ADOPTED 2023-335**

21. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2023-336**

Neon Moon; Bix Street Festival; 246 West 3rd Street #100; 12:00 p.m. Saturday, July 29, 2023 - 12:00 a.m. Sunday, July 30, 2023; Outdoor music/bands, over 50 dBA. [Ward 3]

Third Missionary Baptist Church; Gospel Explosion Weekend; 222 West 14th Street; 6:00 p.m. - 9:00 p.m. Friday, August 11, 2023; 10:00 a.m. - 7:00 p.m. Saturday,

August 12, 2023; and 10:00 a.m. - 3:00 p.m. Sunday, August 13, 2023; Outdoor music, over 50 dBA. [Ward 5]

Mississippi River Distilling Company; Alternating Currents at the Downtown Lounge; 318 East 2nd Street; 3:00 p.m. Friday, August 18, 2023 - 12:00 a.m. Saturday, August 19, 2023 and 3:00 p.m. Saturday, August 19, 2023 - 12:00 a.m. Sunday, August 20, 2023; Outdoor music/band, over 50 dBA. [Ward 3]

Rachelle Buckwalter; Made Market QC: Alternating Currents; 10:00 a.m. - 8:00 p.m. Saturday, August 19, 2023; Outdoor music/band, over 50 dBA. [Ward 3]

22. Motion approving beer and liquor license applications.

PASSED 2023-337

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

Ward 3

Bootleg Hill Honey Meads (Bootleg Hill, LLC) - 321 East 2nd Street – New License/License Upgrade - License Type: Class C Liquor (On-Premises)

German American Heritage Center (German American Heritage Center) – 712 West 2nd Street Parking Lot - Temporary Outdoor Event August 15-19 - License Type: Special Class C Beer/Wine (On-Premises)

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 West 3rd Street - Temporary Outdoor Area July 28-30 - License Type: Class C Liquor

Nally's Kitchen (Nally's Kitchen, Inc) - 1622 Rockingham Road – New License/License Upgrade - License Type: Class C Liquor (On-Premises)

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

Ward 3

Daiquiri Factory (Daq Fac, LLC) - 303 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Zeke's Island Café (Lumpy's) - 131 West 2nd Street - License Type: Class C Liquor (On-Premises)

Ward 4

Don Juan Mexican Cocina, LLC (Don Juan Mexican Cocina, LLC) – 1902 North Division Street - License Type: Class C Liquor (On-Premises)

Ward 6

Applebees Neighborhood Grill & Bar (Apple Corps LP) - 3838 Elmore Avenue - License Type: Class C Liquor (On-Premises)

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

Ward 8

Iowa Machine Shed (Machine Shed, LLC) - 7250 Northwest Boulevard - License Type: Class C Liquor (On-Premises)

23. Motion approving a professional services agreement for engineering services for the Black Hawk Creek Gate Replacement to HR Green of Cedar Rapids, Iowa in the amount of \$88,200 project, CIP #68015. [Ward 1] **PASSED 2023-338**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

The following is a summary of revenue received for the month of June 2023:

Property Taxes	\$ 1,737,507
Other City Taxes	\$ 2,269,792
Special Assessments	\$ -
Licenses & Permits	\$ 378,937
Intergovernmental	\$ 2,260,875
Charges for Services	\$ 3,981,399
Use of Monies & Property	\$ 156,085
Fines & Forfeits	\$ 409,755
Bonds/Loan Proceeds	\$ 75,089
Miscellaneous	\$ 239,665

XVI. Adjourn **6:05 p.m.**



Brian J. Krup
Deputy City Clerk