

City of Davenport, Iowa
City Council Meeting Minutes

Wednesday, July 8, 2020

The City Council of Davenport, Iowa met in regular session on Wednesday, July 8, 2020 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Mike Matson presiding and all Aldermen present (Ald. Dickmann and Ald. Meginnis present via telephone).

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

1. Approval of the City Council Meeting Minutes for June 24, 2020.

2. Approval of the Special City Council Meeting Minutes for June 25, 2020.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for July 1, 2020.

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, July 1, 2020--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 Matson presiding and all Aldermen present (Ald. Dickmann and Ald. Meginnis present via telephone).

The following Public Hearings were held: Community Development: 1) for Case REZ20-05 being the request of Rev. Richard Hayslett to rezone 508-510 Marquette Street from R-4C, Single and Two Family Central Residential District, to C-1, Neighborhood Commercial District. Public Works: 1) on the plans, specifications, form of contract, and estimate of cost for the Duck Creek Trail Resurfacing - Division to Marquette project, CIP #28022; 2) on the plans, specifications, form of contract, and estimate of cost for the Davenport Fire Department Training Center Relocation project, CIP #23048; 3) on the plans, specifications, form of contract, and estimate of cost for the W 13th St Reconstruction - Zenith to Stark project, CIP #35047; and 4) on the plans, specifications, form of contract, and estimate of cost for the reconstruction of the CB & Q parking lot, CIP #68012.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Gripp reviewed all items listed. On motion by Ald. Lee, second by Ald. Dunn all items moved to the Consent Agenda. Public Safety: Ald. Ambrose reviewed all items listed. Item #5, Resolution approving the street closure of W 55th St between Division and Davie St for LaShawna Jones on July 25, 2020, was removed from the agenda as the applicant withdrew the request. On motion by Ald. Jobgen, second by Ald. Dunn item #1, Second Consideration: Ordinance amending Chapter 9.08 "Disorderly Conduct" on the Municipal Code of the City of Davenport, moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by

Ald. Dohrmann, second by Ald. Peacock all items moved to the Consent Agenda. Finance: Ald. Condon reviewed all items listed. On motion by Ald. Peacock, second by Ald. Ambrose all items moved to the Consent Agenda.

*Council adjourned at **6:10 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2020-289

1. Ironman Battalion Day - July 11, 2020

2. Earth Month - July 2020

IX. Presentations

HELD

A. Davenport Fire Department Firefighter Swearing In Ceremony

- Timothy Macumber

- Daniel Tharp

- A.J. Petersen

- Kyle Nickels

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. On motion by Ald. Ambrose, second by Ald. Dunn with all Aldermen present voting aye except Ald. Gripp, the following Ordinance moved to third consideration:

Second Consideration: Ordinance amending Chapter 9.08 "Disorderly Conduct" of the Municipal Code of the City of Davenport. [All Wards]

ADOPTED 2020-290

****COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES AND
PASSAGE OF THIRD CONSIDERATION****

1. On motion by Ald. Ambrose, second by Ald. Peacock with all Aldermen present voting aye except Ald. Gripp, the rules were suspended to vote on third consideration of the Ordinance.

2. On motion by Ald. Ambrose, second by Ald. Jobgen with all Aldermen present voting aye, the Ordinance amending Chapter 9.08 "Disorderly Conduct" of the Municipal Code of the City of Davenport was adopted.

ORDINANCE NO. **2020-290**

AN ORDINANCE AMENDING CHAPTER 9.08 ENTITLED "DISORDERLY CONDUCT" OF THE MUNICIPAL CODE OF THE CITY OF DAVENPORT.

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

Section 1. That section 9.08.010 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by changing the heading of the section to read: Disorderly conduct.

Section 2. That subsection 9.08.010(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

9.08.010(B)

Makes loud and raucous noise in the vicinity of any residence, business, or public property which the person knows or should know is likely to disturb the repose or peace or cause distress to a reasonable person of normal auditory sensitivities in the immediate area, without justification, after being notified or requested to abstain from making such noise.

Section 3. That subsection 9.08.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

9.08.030 Disturbing the peace.

A. Every person who makes, causes, maintains, or continues any excessive, unnecessary, or unusually loud noise in such a manner as to disturb, injure, or endanger the repose, health, peace, quiet enjoyment, or safety of a reasonable person of normal auditory sensitivity by operation of any tool, equipment, vehicle, electronic device, instrument, television, stereophonic equipment, machine or other sound-producing device between the hours of ten o'clock p.m. and seven o'clock a.m., disturbs the public peace or quiet of any street, alley, avenue, public park, public or private building, or any neighborhood within the city, by loud or unusual noise, by ringing bells, blowing horns or other instruments, squealing tires, or by any other device or means whatsoever, shall be guilty of a simple misdemeanor.

B. Any person, except for those granted special variances under 8.19.090, who causes or allows, from a residence, business, or other fixed location, the operation of any instrument, stereo system, loud speaker, or other device used for the amplification of sound in such a manner as to be audible one hundred fifty feet or more from the point of origin of the sound or to cause a vibration three hundred feet or more from the point of origin of the sound shall be guilty of a simple misdemeanor.

The provisions of this subsection shall not apply to noise exempted from the provisions of Chapter 8.19 or noise that is determined to be in compliance with the restrictions of Chapter 8.19.

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: 7/8/2020; Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

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.

On motion by Ald. Ambrose, second by Ald. Dunn with all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Second Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Washington Ln along the east side in front of 1729/1731 Washington Ln. [Ward 4] **MOVED TO THIRD CONSIDERATION**

STAFF RECOMMENDS DENIAL.

2. First Consideration: Ordinance for Case REZ20-05 being the request of Rev. Richard Hayslett to rezone 508-510 Marquette Street from R-4C, Single and Two Family Central Residential District, to C-1, Neighborhood Commercial District. [Ward 3] **MOVED TO SECOND CONSIDERATION**

3. First Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Veterans Memorial Pkwy at Eastern Ave. [Ward 8] **MOVED TO SECOND CONSIDERATION**

4. Resolution approving Case F19-17 being the request of Townsend Engineering for a final plat of Terrace Ridge Park 10th Addition on 3.28 acres, being a replat of lot 3 Terrace Ridge Park 3rd Addition located at 4729 Progress Drive containing 2 commercial lots. [Ward 6] **ADOPTED 2020-291**

5. Resolution closing various streets, lanes, or public grounds on the listed dates and times to hold outdoor events. **ADOPTED 2020-292**

Angie Logan; Neighborhood Block Party; 7019 Cresthill Dr; Saturday, July 18, 2020 6:00 p.m. - 9:00 p.m.; **Closure**: Cresthill Dr from Brookview Ln to 6833 Silvercreek Dr. [Ward 8]

Davenport Community School District; High School Graduation Ceremony; Brady St Stadium, 3603 Brady St; Sunday, July 19, 2020 7:00 a.m. - 8:00 p.m.; **Closure**: E 36th St from Brady to east of Davenport Ave. [Ward 7]

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Duck Creek Trail Resurfacing - Division to Marquette project, CIP #28022. [Wards 2 & 7] **ADOPTED 2020-293**

7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Davenport Fire Department Training Center Relocation project, CIP #23048. [Ward 7] **ADOPTED 2020-294**

8. Resolution approving the contracts for the FY21 Sewer Lateral Repair Program, totaling \$860,000, to six (6) contractors and allowing the Public Works Director/Assistant City Administrator the ability to increase quantities, for each contract, within the Capital Improvement Project budget constraints, CIP #30052. [All Wards] **ADOPTED 2020-295**

9. Resolution approving and adopting preliminary plans and specifications and plats and schedules covering the east-west alley between Pershing Ave and Iowa St from E Columbia Ave to E Garfield St also known as the 2020 Alley Resurfacing Program. [Ward 5]

ADOPTED 2020-296

10. Resolution approving the plans, specifications, form of contract, and estimate of cost for the W 13th St Reconstruction - Zenith to Stark project, CIP #35047. [Ward 1]

ADOPTED 2020-297

11. Resolution authorizing the submission of an application to the Economic Development Administration (EDA) for grant assistance with the design and construction of the Water Pollution Control Plant and Compost Facility Flood Mitigation, Stormwater and Effluent Pumping System project. [All Wards]

ADOPTED 2020-298

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the reconstruction of the CB & Q parking lot, CIP #68012. [Ward 3]

ADOPTED 2020-299

13. Resolution setting the date for a Public Hearing on a proposal to enter into a State Revolving Fund Sewer Revenue Loan and Disbursement Agreement and to borrow money thereunder in a principal amount not-to-exceed \$9,000,000. [All Wards]

ADOPTED 2020-300

14. Resolution awarding the contract for Crossing Guard services to Everything Parking Inc dba Cross Safe of Charlotte, NC. [All Wards]

ADOPTED 2020-301

15. Motion approving noise variance requests for various events on the listed dates and times.

PASSED 2020-302

German American Heritage Center; Best of the Wurst; 712 W 2nd St; Saturday, August 29, 2020 10:00 a.m. - 4:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

16. Motion approving beer and liquor license applications.

PASSED 2020-303

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

Ward 6

Purgatory's Pub (Purgatory's Pub, Inc) - 5320 Corporate Park Rd including parking lot - Temporary Permit with Outdoor Area July 12, 2020 and August 16, 2020
"McGrath's Harley Davidson Bike Night" - License Type: B Beer

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

Ward 1

Gunchies (Big E Properties, Inc) - 2905 Telegraph Rd - Outdoor Area – License Type: C Liquor

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

Ward 3

Antonella's II (Antonella's II, LLC) - 421 W River Dr, Suite 5 - Outdoor Area - License Type: Beer/Wine

Bare Bones BBQ (Canfield Enterprises, LLC) - 1201 E River Dr - Outdoor Area - License Type: C Liquor

Ward 4

Dragon Palace (Duong's Enterprise LLC) - 2720 W Locust St – License Type: B Beer

Ward 6

Holiday Inn & Suites/J-Bar (HOA Hotels LLC) - 4215 Elmore Ave – Outdoor Area - License Type: B Liquor

Jersey Grille (Jersey Grille, Inc) - 5255 Jersey Ridge Rd - Outdoor Area - License Type: C Liquor

Red Lobster #0133 (Red Lobster Restaurants, LLC) - 3420 E Kimberly Rd - License Type: C Liquor

Rhythm City Casino (Rhythm City Casino, LLC) - 7077 Elmore Ave – Outdoor Area - License Type: B Liquor

Super Target T-533 (Target Corporation) - 5225 Elmore Ave - License Type: E Liquor

Ward 7

Express Lane Gas and Food Mart (Expresslane Inc) - 3622 Brady St - License Type: C Beer

The Filling Station (Bar Management LLC) - 305 E 35th St - Outdoor Area - License Type: C Liquor

Kwik Star #280 (Kwik Trip, Inc) - 301 W Kimberly Rd - License Type: C Beer

Tobacco Outlet Plus Grocery #562 (Kwik Trip, Inc) - License Type: C Beer

Ward 8

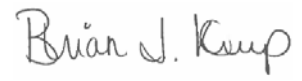
Kwik Star #215 (Kwik Trip, Inc) - 100 W 65th St - License Type: C Beer

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:07 p.m.**

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

Brian J. Krup
Deputy City Clerk