

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, June 26, 2019

The City Council of Davenport, Iowa met in regular session on Wednesday, June 26, 2019 at 5:34 PM in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all aldermen present (*Ald. Tompkins present via telephone until after the Discussion Agenda vote*).

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 June 12, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report of the Committee of the Whole for June 19, 2019

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, June 19, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all aldermen present except Ald. Matson. The following Public Hearings were held: Community Development: on the updated Analysis of Impediments to Fair Housing Choice. Public Works: on the plans, specifications, forms of contract, and estimate of cost for the Eastern Avenue Reconstruction Project, CIP #35035; on the plans, specifications, forms of contract, and estimate of cost for the 1930's Interceptor Flow Diversion Project, CIP #30038; and on the plans, specifications, forms of contract, and estimate of cost for the W 16th St and Main St Streetscape Project, Project #BG250.

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. Meginnis item #2, Ordinance for case REZ 19-06, moved to the Discussion Agenda and all other 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. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Clewell reviewed all items listed. On motion by Ald. Clewell, second by Ald. Dickmann all items moved to the Consent Agenda.

Council adjourned at 6:23 p.m.

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2019-245

1. Parks & Recreation Advisory Board

3rd Ward - Yolanda Estes (New Appointment, Fills Vacancy)

4th Ward - Steve Duffy (Re-Appointment)

5th Ward - Adriana McBride (New Appointment)

8th Ward - Michael Schertz (New Appointment)

2. Historic Preservation Commission

- John Frueh (Re-Appointment)

- Diane Franken (Re-Appointment)

3. Housing Commission

- Joyce Miller (New Appointment, Fills Vacancy)

B. Proclamations

ISSUED 2019-246

1. Red, White, and Boom Military and Arsenal Appreciation Day
Proclamation - July 3, 2019

IX. Presentations

HELD

- A. Local Business "The Foundation of Our Community": Joe's Barber Shop

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

On motion by Ald. Matson, second by Ald. Ambrose the following conditions were added: business cannot operate 24 hours and amount of liquor available for sale will not increase. The motion failed (Aye: Ald. Ambrose, Ald. Condon, Ald. Tompkins, and Ald. Matson; Nay: Ald. Rawson, Ald. Dickmann, Ald. Gripp, Ald. Meginnis, Ald. Clewell, and Ald. Dunn).

1. First Consideration: Ordinance for case REZ19-06 being the request of Jasveer Saini to rezone .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial Zoning District. [Ward 8]

FAILED

(Aye: Ald. Ambrose, Ald. Condon, Ald. Tompkins, Ald. Clewell, Ald. Matson; Nay: Ald. Rawson, Ald. Dickmann, Ald. Gripp, Ald. Meginnis, Ald. Dunn)

THE PLAN AND ZONING COMMISSION RECOMMENDS DENIAL OF THE REQUEST. 8 VOTES ARE REQUIRED.

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. Gripp, second by Ald. Dickmann Cathedral Ale (Sacred Heart Cathedral) - 422 E 10th St - Outdoor Area - License Type: B Beer was removed

from item #16 and tabled indefinitely to address Zoning issues. All aldermen present voting aye (Ald. Tompkins excused via telephone).

1. Third Consideration: Ordinance for Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2]

ADOPTED 2019-246

Ordinance 2019-246

ORDINANCE for Case REZ19-05 being the request of John Wulf to rezone approximately 0.42 acres located at 6401 W. Kimberly from R-1 Single Family Residential District to I-1, Light Industrial District. [Ward 2].

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".

Part of the Southwest Quarter of Section 06, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as Lot 1 of Fennelly's 1st Addition to the City of Davenport, Scott County, Iowa.

Section 2. That the following findings are hereby associated with said rezoning:

Findings:

1. The property has no designation on the Comprehensive Plan future land use map.
2. The property is adjacent to Residential General and Agricultural Reserve designations.
3. The proposed I-1 zoning adequately protects the adjoining residential property from adverse impacts.
4. There is existing I-1 zoning adjacent to the northwest; the proposed zoning is an expansion of an existing zoning district.
5. Prior to the January, 2019 Zoning Ordinance update, the property was zoned C-2 as were the four properties to the Northwest with frontage on W Kimberly Road.
6. The aforementioned properties to the Northwest were zoned I-1 in the updated Zoning Ordinance while the subject property was zoned residential per the existing use at the time.

Section 3. At its April 30, 2019 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation to approve.

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 6/26/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa a natural gas system and to furnish and sell natural gas to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]

MOVED TO THIRD CONSIDERATION

3. Second Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa an electric system and communications facilities and to furnish and sell electric energy to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]

MOVED TO THIRD CONSIDERATION

4. Resolution approving Case F19-07 of Advance Homes, Inc for the final plat Candlelight Village on 4.01 acres, being a replat of Lot 1 Candlelight Square 1st Addition located at 5330 Gaines St containing one lot zoned R-MF, Residential Multi-family District. [Ward 8]

ADOPTED 2019-247

5. Resolution approving Case F19-10 of Dan Gunsteen for final plat WK First Addition on 1.71 acres, being a replat of portions of Westlyn and Georgetown Square Additions located at 3306 W Kimberly Rd containing 2 commercial lots. [Ward 2]

ADOPTED 2019-248

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

ADOPTED 2019-249

Christ Apostolic Church; Picnic; 1201 W 6th St; Saturday, June 29, 2019 8:00 a.m. - 5:00 p.m.; **Closure:** east-west alley between Taylor St and N Marquette St and W 5th St and W 6th St. [Ward 3]

Stephen Andrews; July 3rd block party; Wednesday, July 3, 2019 7:00 p.m. - 10:00 p.m.; **Closure:** Western Ave from W 7th St south to the alley. [Ward 3]

Downtown Partnership; Bix Street Fest; 10:00 a.m. Thursday, July 25, 2019 - 12:00 a.m. Sunday, July 28, 2019; **Closure:** 2nd St between Ripley St and Brady St; Harrison St from the parking garage entrance south of 3rd St to the Ground Transportation entrance north of River Dr; Main St from the Current Hotel parking lot to the entrance of the parking garage. [Ward 3]

Heather Hall; Graduation Party; 6124 N Hancock Ave; Saturday, July 27, 2019 3:00 p.m. - 11:00 p.m.; **Closure:** N Hancock Ave from W 61st St to W 62nd St. [Ward 2]

J&M Displays Inc; Palmer College of Chiropractic Homecoming Fireworks; Palmer parking lot northeast corner of E 9th St and Perry St; Saturday, August 10, 2019 between 9:00 p.m. and 9:30 p.m. (may vary depending on event); **Closure:** Perry St between E 9th St and north of 10th St. [Ward 3]

St. Anthony's Catholic Church; Picnic; 417 N Main St; Sunday, September 8, 2019 12:30 p.m. - 4:30 p.m.; **Closure:** N Main St between W 4th St and W 5th St. [Ward 3]

7. Resolution approving the plans, specifications, forms of contract and estimate of cost for a permeable paver alley, from Pleasant to Lombard between Myrtle and Vine, CIP #33031. [Ward 4] **ADOPTED 2019-250**

8. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Eastern Ave Reconstruction Project, CIP #35035. [Wards 6 & 7] **ADOPTED 2019-251**

9. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the 1930's Interceptor Flow Diversion Project, CIP #30038. [Wards 3, 5 & 6] **ADOPTED 2019-252**

10. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the W 16th Street and Main St Streetscape Project, Project #BG250. [Ward 5] **ADOPTED 2019-253**

11. Resolution approving the second year option for the sidewalk program to Kelly Construction Inc of Davenport, Iowa in the amount of \$400,000 funded in CIP #28021. [All Wards] **ADOPTED 2019-254**

12. Resolution approving the renewal of general and auto liability, property, and workers' compensation insurance, and related professional services for FY20 with multiple insurance companies in the amount of \$1,144,390. [All Wards] **ADOPTED 2019-255**

13. Motion accepting the Analysis of Impediments to Fair Housing. [All Wards] **PASSED 2019-256**

14. Motion directing staff to implement the Davenport DREAM Project for FY20 [Wards 1, 3, 4, 5] **PASSED 2019-257**

15. Motion approving noise variance request(s) for various events on the listed dates and times. **PASSED 2019-258**

Tina Hauser; 3rd St Bar & Grill 4th of July Event; 831 W 3rd St; Saturday, July 6, 2019 3:00 p.m. - 11:30 p.m.; Outdoor music/band, over 50 dBa. [Ward 3]

Quad City Times Bix 7; Starting Line Flyover/Hawkeye Howitzer Starting Gun; Race starting line at Brady St and 4th St; Saturday, July 27, 2019 8:00 a.m. - 12:00 p.m.; Over 50 dBa. [Ward 3]

Heather Hall; Graduation Party; 6124 N Hancock Ave; Saturday, July 27, 2019 3:00 p.m. - 11:00 p.m.; Outdoor music, over 50 dBa. [Ward 2]

J&M Displays Inc; Palmer College of Chiropractic Homecoming Fireworks; Palmer parking lot northeast corner of E 9th St and Perry St; Saturday, August 10, 2019 between 9:00 p.m. and 9:30 p.m. (may vary depending on event); Fireworks, over 50 dBa. [Ward 3]

16. Motion approving beer and liquor license applications. **PASSED 2019-259**

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

Ward 3

Mary's on 2nd "Pride Fest" (Birdland, Inc.) - 832 W 2nd St – Extended Outdoor Area rescheduled for June 28, 2019 - June 29, 2019 - License Type: C Liquor

Paradigm (ChalkBITES Inc) - 320 E 2nd St. - License Type: B Beer

Street Fest (Quad Cities Chamber of Commerce) - 2nd St from Brady St to Ripley St - Outdoor Area July 25, 2019 - July 26, 2019 - License Type: Beer / Wine

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 N Brady St, Ste 3 into parking lot - Extended Outdoor Area August 3, 2019 - August 4, 2019 "Back to School Bash" - License Type: C Liquor

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

Ward 1

Veterans of Foreign Wars, F.W. Galbraith Post #828 (Veterans of Foreign Wars, F.W. Galbraith Post #828) – 101 S Linwood Ave – License Type: A Liquor

Ward 3

Frick's Tap (LBLN, LLC) – 1402 W 3rd St – Outdoor Area – License Type: C Liquor

Ward 6

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

Sam's Club #8238 (Sam's West Inc) – 3887 Elmore Ave – License Type: E Liquor / C Beer / B Wine

Super Target T-533 (Target Corporation) – 5225 Elmore Ave – License Type: E Liquor / C Beer / B Wine

Ward 7

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

Panchero's Mexican Grill (FMDAV, LLC) – 902 W Kimberly Rd, Ste 21 –
Outdoor Area – License Type: B Beer

17. Motion approving the plans, specifications, forms of contract, and
estimate of cost for the Division Street Soccer Complex Parking Lot
Resurfacing, CIP #64062. [Ward 8]

PASSED 2019-260

18. Motion approving an amendment to the contract with CDMI Concrete
Contractors for the Elmore Ave Patching Project in the amount of \$58,000,
CIP #35035. [Ward 6]

PASSED 2019-261

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

Property taxes	5,402,370
Other City taxes	1,542,564
Special assessments	-
Licenses & permits	334,608
Intergovernmental	5,192,553
Charges for services	3,515,992
Use of monies & property	119,441
Fines & forfeits	150,523
Bonds/Loan Proceeds	72,354
Miscellaneous	2,840,918

XVI. Adjourn **7:00 p.m.**



Brian Krup
Deputy City Clerk