

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, June 8, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, June 8, 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 Kelly

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for May 25, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report of Committee of the Whole for June 1, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, June 1, 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 Dunn. 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 Hearings were held: **Community Development:** 1. for Case REZ22-03 being the request of the City of Davenport on behalf of VSM Holdings, LLC to rezone the west 100 feet of Lot 2 of Pheasant Ridge First Addition from R-2 Single-Family Residential District to C-3 General Commercial District; and 2. for Case ROW22-03 being the request of VSM Holdings, LLC to vacate unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek. **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Central Park Avenue (Lincoln Avenue to Cedar Street) Reconstruction project, CIP #35042; 2. on the plans, specifications, form of contract, and estimate of cost for the 2022 Commercial Alley Resurfacing Program, CIP #35038; and 3. on the plans, specifications, form of contract, and estimate of cost for the 2022 Residential Alley Resurfacing Program, CIP #35038.*

*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 item #1, First Consideration: Ordinance for Case REZ22-02 being the request of Menard, Inc to rezone the 4.48 acre property located north of West 65th Street and east of Harrison Street (Parcel #X0239-02A) from R-MF Multi-Family Residential District to I-1 Light Industrial District, moved to the Discussion Agenda with a recommendation for denial from the Plan and Zoning Commission (8 votes required for passage) and all other items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Ortiz item #2, Second Consideration: Ordinance amending subsection 9.40.030(B) to change and shorten the time period to legally use*

*consumer fireworks on July 3 and 4 to 5:00 p.m. until 10:00 p.m. from the current 2:00 p.m. to 11:00 p.m., 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 Alderwoman Dickmann 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.*

*Council adjourned at **6:02 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2022-281

1. Parks & Recreation Advisory Board
 - Farrah Powell (re-appointment | 4th Ward)
 - Chengming Hu (re-appointment | 5th Ward)
 - Michael Schertz (re-appointment | 8th Ward)
2. Library Board of Trustees
 - Laura Genis (new appointment)
 - Tom Englemann (re-appointment)
 - Malavika Shrikhande (re-appointment)
3. Citizens Advisory Committee - Grievance Subcommittee
 - Cassandra Cooper
 - Elizabeth Hodges
 - Regen Johnson
 - Adela Rasso
 - Carlton Wills

B. Proclamations

ISSUED 2022-282

1. Juneteenth National Independence Day | June 19, 2022

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. On motion by Alderman Jobgen, second by Alderwoman Meginnis with all Aldermen present voting aye except Alderman Gripp and Alderman Cornette, the below Ordinance moved to third consideration.

Alderman Jobgen moved a motion to suspend the rules for passage of third consideration and adoption of the Ordinance. The motion was seconded by Alderman Ortiz, and upon the roll being called, all Aldermen present voted aye except Alderman Gripp.

On motion by Alderman Cornette, second by Alderwoman Meginnis with all Aldermen present voting aye except Alderman Gripp, Alderman Cornette, and Alderwoman Lee, the below Ordinance was adopted.

Second Consideration: Ordinance amending subsection 9.40.030(B) to change and shorten the time period to legally use consumer fireworks on July 3 and 4 to 5:00 p.m.

until 10:00 p.m. from the current 2:00 p.m. to 11:00 p.m. [All Wards]

ADOPTED 2022-283

ORDINANCE NO. **2022-283**

ORDINANCE AMENDING SUBSECTION 9.40.030(B) TO CHANGE AND SHORTEN THE TIME PERIOD TO LEGALLY USE CONSUMER FIREWORKS ON JULY 3 AND 4 TO 5:00 P.M. UNTIL 10:00 PM FROM THE CURRENT 2:00 PM TO 11:00 PM.

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

Section 1. That Subsection 9.40.030(B) is hereby amended to read as follows:

B. Consumer Fireworks may be used on July 3 and July 4 from 5:00 p.m. until 10:00 p.m. and on the night of December 31 from 10:00 p.m. until 12:30 a.m.

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.

Passed and approved 6/8/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. On motion by Alderman Jobgen, second by Alderman Dunn with all Aldermen present voting nay, the following Ordinance failed:

First Consideration: Ordinance for Case REZ22-02 being the request of Menard, Inc to rezone the 4.48-acre property located north of West 65th Street and east of Harrison Street (Parcel #X0239-02A) from R-MF Multi-Family Residential District to I-1 Light Industrial District. [Ward 8]

FAILED

**PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES
REQUIRED FOR PASSAGE.**

XI. Approval of All Items on the Consent Agenda

Alderman Jobgen moved a motion to remove the Baked Beer & Bread Co liquor license annual renewal under item #23 from the Consent Agenda and delete. The motion was seconded by Alderman Dunn, and upon the roll being called, all Aldermen presented voted aye.

On motion by Alderman Gripp, second by Alderman Dunn and all Aldermen present voting aye with Alderman Ortiz abstaining from the Hawkeye Sports Bar & Grill liquor license annual renewal under item #23, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Chapter 8.14 entitled "Neighborhood Enhancement - Environmental Improvement" by amending various sections in Article VI "Nuisance Vehicles" to clearly define unregistered vehicles, define a new process of abating nuisance vehicles, and provide a more efficient process for removing these vehicles from the public right-of-way. [All Wards]

ADOPTED 2022-284

ORDINANCE NO. **2022-284**

AN ORDINANCE AMENDING CHAPTER 8.14 ENTITLED "NEIGHBORHOOD ENHANCEMENT – ENVIRONMENTAL IMPROVEMENT" BY AMENDING VARIOUS SECTIONS IN ARTICLE VI "NUISANCE VEHICLES" TO CLEARLY DEFINE UNREGISTERED VEHICLES, DEFINE A NEW PROCESS OF ABATING NUISANCE VEHICLES, AND PROVIDE A MORE EFFICIENT PROCESS FOR REMOVING THESE VEHICLES FROM THE PUBLIC RIGHT-OF-WAY.

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

Section 1. That Subsection 8.14.460(G) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

G. Lacks current registration or does not display current registration, if registration is required for that category of vehicle. Current registration includes, but is not limited to, a license plate with a current sticker or a dealer sale sticker with valid date;

Section 2. That Section 8.14.460 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to add new subsections (N) and (O) to read as follows:

N. Has been found by the city to be in violation of the Davenport Municipal Code Chapters 8.14 or 10.76 on three occasions in a consecutive 12-month period. After twelve consecutive months of compliance with Chapters 8.14 and 10.76 such vehicle reverts back to its previous status of not being a nuisance vehicle. The city shall provide notice of this declaration in accordance with this chapter including a statement that the vehicle will now be subject to immediate towing if found in violation without any further notice and a statement that an appeal of this declaration may be filed pursuant to Chapter 2.86;

O. Meets the definition of an "abandoned vehicle" under Section 10.76.010(A).

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.

Passed and approved 6/8/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending the Municipal Code of Davenport, Iowa by deleting Chapter 2.26 "Financial Disclosure" and amending Chapter 2.12 "Department of Finance" to add a new Section 2.12.270 entitled "Financial Disclosure". [All Wards]

ADOPTED 2022-285

ORDINANCE NO. **2022-285**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF DAVENPORT, IOWA BY DELETING CHAPTER 2.26 "FINANCIAL DISCLOSURE" AND AMENDING CHAPTER 2.12 "DEPARTMENT OF FINANCE" TO ADD A NEW SECTION 2.12.270 ENTITLED "FINANCIAL DISCLOSURE".

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

Section 1. That Chapter 2.26 "Financial Disclosure" is hereby deleted.

Section 2. That Chapter 2.12 "Department of Finance" is hereby amended to add a new Section 2.12.270 entitled "Financial Disclosure" that reads as follows:

2.12.270 Financial Disclosure.

Financial interest disclosure regulations are outlined in City of Davenport Administrative Policy 4.10.

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.

Passed and approved 6/8/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. First Consideration: Ordinance for Case REZ22-03 being the request of the City of Davenport on behalf of VSM Holdings, LLC to rezone the west 100 feet of Lot 2 of Pheasant Ridge First Addition from R-2 Single-Family Residential District to C-3 General Commercial District. [Ward 6] **MOVED TO SECOND CONSIDERATION**

4. First Consideration: Ordinance for Case ROW22-03 being the request of VSM Holdings, LLC to vacate unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek. [Ward 6] **MOVED TO SECOND CONSIDERATION**

5. Resolution setting a Public Hearing on the proposed conveyance of the vacated public right-of-way known as a portion of the alleyway in Block 1 of A.M. Cooks Addition lying between Boies Avenue and Rockingham Road (The Overland Group, Petitioner). [Ward 1] **ADOPTED 2022-286**

6. Resolution approving a HOME-funded development agreement for the construction of three single-family homes in the 800 block of East 6th Street (Habitat for Humanity QC, Petitioner). [Ward 3] **ADOPTED 2022-287**

7. Resolution of support for the submission of a Workforce Housing Tax Credit application to the State of Iowa for the 128 West 3rd Street Project. [Ward 3] **ADOPTED 2022-288**

8. Resolution of support for the submission of a Workforce Housing Tax Credit application to the State of Iowa for the 201 North Harrison Street project. [Ward 3] **ADOPTED 2022-289**

9. Resolution of support for the submission of a Workforce Housing Tax Credit application to the State of Iowa for the 203 West 3rd Street project. [Ward 3] **ADOPTED 2022-290**

10. Resolution of support for the submission of a Workforce Housing Tax Credit application to the State of Iowa for the 400 Main Street Project. [Ward 3] **ADOPTED 2022-291**

11. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2022-292**

River Action; Ride the River; Downtown; Sunday, June 19, 2022 6:00 a.m. - 4:30 p.m.; **Closures**: southernmost parking lane and travel lane on West 2nd Street from Centennial Bridge to Ripley Street; westernmost parking lane and travel lane on Ripley Street from West 2nd Street to River Drive. [Ward 3]

Dale Gilmour; Collector Car Appreciation Cruise-In; 301 East 3rd Street; Saturday, July 9, 2022 3:00 p.m. - 11:00 p.m.; **Closures:** southernmost parking lane and travel lane on East 3rd Street from Pershing Avenue to Iowa Street. [Ward 3]

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Central Park Avenue (Lincoln Avenue to Cedar Street) Reconstruction project, CIP #35042. [Wards 2 & 4] **ADOPTED 2022-293**

13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the 2022 Commercial Alley Resurfacing Program, CIP #35038. [Ward 3] **ADOPTED 2022-294**

14. Resolution approving the plans, specifications, form of contract, and estimate of cost for the 2022 Residential Alley Resurfacing Program, CIP #35038. [Ward 5] **ADOPTED 2022-295**

15. Resolution approving a three-year agreement with Cartegraph Systems LLC of Dubuque, Iowa in the amount of \$265,121. [All Wards] **ADOPTED 2022-296**

16. Resolution awarding a contract for the 2nd Street Resurfacing project to CDMI Concrete Contractors Inc of Port Byron, Illinois in the amount of \$611,422.50, CIP #35053. [Ward 3] **ADOPTED 2022-297**

17. Resolution awarding a contract for engineering services for the Goose Creek Trail Phase III | Duck Creek Trail to East 46th Street project with Snyder & Associates of Iowa City, Iowa in the amount of \$393,000, ARP #17. [Ward 7] **ADOPTED 2022-298**

18. Resolution accepting work completed under the Main Library Renovation project by Swanson Construction Co of Bettendorf, Iowa in the amount of \$710,817.56, CIP #23028. [Ward 3] **ADOPTED 2022-299**

19. Resolution accepting work completed under the Sturdevant Street (Central Park Avenue to Hayes Street) and Hayes Street (Division Street to Sturdevant Street) Reconstruction project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$435,277.93, CIP #35047. [Ward 4] **ADOPTED 2022-300**

20. Resolution accepting work completed under the CDBG Replenishment – Group 1: Hoover, Appomattox, and Ripley Reconstruction project by Langman Construction of Rock Island, Illinois in the amount of \$796,167.24. [Ward 2] **ADOPTED 2022-301**

21. Resolution approving qualified financial institutions with which to do investment business and establishing the maximum deposit amount for each in accordance with the City's Investment Policy. [All Wards] **ADOPTED 2022-302**

22. Resolution to fix meeting date for hearing on the issuance of not-to-exceed \$45,000,000 General Obligation Corporate and Refunding Bonds, Series 2023. [All Wards]

ADOPTED 2022-303

23. Motion approving beer and liquor license applications.

PASSED 2022-304

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

Ward 3

German American Heritage Center (German American Heritage Center) – 712 West 2nd Street - Temporary Outdoor Event (June 21) - License Type: Beer/Wine

Mississippi River Distilling Company (Mississippi River Distilling Company, LLC) - 318 East 2nd Street - New License - License Type: Class C Native Distillery

Ward 5

D'Ville (ABA East Village, LLC) - 2228 East 11th Street - Outdoor Area - License Type: Class C Liquor

Ward 6

Purgatory's Pub (Purgatory's Pub, Inc) - 5320 Corporate Park Drive - Temporary Outdoor Events (June 16, July 21, August 18, September 15) - License Type: Class B Beer

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

Ward 1

St Alphonsus Church Holy Name Society (St Alphonsus Church of Davenport, Inc) - 2618 Boies Avenue - Outdoor Area - License Type: Class B Beer

Smokin' Joes Tobacco and Liquor Outlet #1 (The Outlet, Inc) – 3120 Rockingham Road - License Type: Class E Liquor

Kwik Shop #584 (Kwik Shop, Inc) - 3624 West Locust Street - License Type: Class C Beer

Ward 2

Rina Mart, LLC (Rina Mart, LLC) - 3815 West Kimberly Road - License Type: Class E Liquor

Hickory Garden Restaurant (Fazliu, Inc) - 3311 Hickory Grove Road – Outdoor Area - License Type: Beer/Wine

Ward 3

The Current (Putnam Landlord, LLC) - 128-30 West 2nd Street – Outdoor Area - License Type: Class B Liquor

Ward 4

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2351 West Locust Street (Cafe Area) - License Type: Class C Liquor

The Gardens (Washington Gardens, LLC) - 1301 West 13th Street – Outdoor Area - License Type: Class C Liquor

Smokin' Joes Tobacco and Liquor Outlet #2 (The Outlet, Inc) - 1606 West Locust Street - License Type: Class E Liquor

Ward 5

Bicycle Rack Sports Grill (Sports Station, Inc) - 3303 Brady Street – Outdoor Area - License Type: Class C Liquor

Rookie's Sports Bar (Rookies, Inc) - 2818 Brady Street - License Type: Class C Liquor

Ward 6

Barrel House Three, LLC (Barrel House Three, LLC) - 5141 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor

Red Lobster #0133 (Red Lobster Restaurants, LLC) - 3420 East Kimberly Road - License Type: Class C Liquor

Red Robin America's Gourmet Burgers & Spirits (Red Robin International, Inc) - 3903 East 53rd Street - Outdoor Area - License Type: Class C Liquor

Sam's Club #8238 (Sam's West, Inc) - 3887 Elmore Avenue - License Type: Class E Liquor

Red Lantern Fine Chinese Cuisine (Red Lantern Fine Chinese Cuisine, Inc) - 4009 East 53rd Street #107 - Outdoor Area - License Type: Class C Liquor

Ward 7

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 North Brady Street - License Type: Class C Liquor

CVS Pharmacy #8658 (Iowa CVS Pharmacy, LLC) - 1655 West Kimberly Road - License Type: Class E Liquor

Vans Pizza Pub and Grill (Reedcan, LLC) - 3333 North Harrison Street - Outdoor Area - License Type: Class C Liquor

Kwik Star #294 (Kwik Trip, Inc) - 1650 West Kimberly Road - License Type: Class C Beer

Hi Ho Mongolian Grill (Hi Ho Mongolian Grill, Inc) - 901 Kimberly Road #15 - License Type: Beer/Wine

Ward 8

Hawkeye Sports Bar & Grill (Ortiz Holdings, LLC) - 4646 Cheyenne Avenue - Outdoor Area - License Type: Class C Liquor

24. Motion accepting work completed under the CDBG Alley Rehab: 701 Tremont Avenue to 923 East 6th Street project by Emery Construction Group, Inc of Moline, Illinois in the amount of \$76,739.70, CIP #BG250. [Ward 3] **PASSED 2022-305**

25. Motion ratifying Change Orders #1 and #2 with Langman Construction, Inc of Rock Island, Illinois in the amount of \$71,634 for the Veterans Memorial Park Phase II project, CIP #68016. [Ward 3] **PASSED 2022-306**

26. Motion awarding a contract for architectural and engineering services for the Duck Creek Park Improvements project to Hitchcock Design Group of Naperville, Illinois in an amount not-to-exceed \$74,850, CIP #64101. [Ward 6] **PASSED 2022-307**

27. Motion awarding a contract for Automated Traffic Enforcement to Verra Mobility (formerly RedFlex Traffic Systems, Inc) of Mesa, Arizona. [All Wards] **PASSED 2022-308**

XII. Other Ordinances, Resolutions and Motions

On motion by Alderman Dunn, second by Alderman Gripp and all Aldermen present voting aye, the rules were suspended to add and vote on the items below.

1. *On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Resolution was adopted:*

Resolution approving Case F22-06 being the request of Patrick Fennelly for a final plat of Fennelly's South Utah Addition for a 2-lot subdivision on 9.15 acres located south of Telegraph Road and east of South Utah Avenue. [Ward 1] **ADOPTED 2022-309**

2. *On motion by Alderman Ortiz, second by Alderwoman Lee and all Aldermen present voting aye, the following Motion passed:*

Motion approving the following liquor license application. **PASSED 2022-310**

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

Ward 3

Stompbox Brewing (JPX2ME, LLC) - 210 East River Drive #101 - Extended Outdoor Area June 18-19 - License Type: Class C Liquor

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

Motion approving the following liquor license application. **PASSED 2022-311**

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

Ward 5

Eleven17 (Big Dill, Inc) - 1113 Mound St - Permanent Premise Transfer with Outdoor Area - License Type: Class C Liquor

XIII. Public with Business

XIV. Reports of City Officials

XV. Adjourn **6:03 p.m.**