

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, May 11, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, May 11, 2022 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Pro Tem Meginnis presiding and all Aldermen present (Alderman Dunn, Alderman Kelly, 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 Alderwoman Dickmann

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for April 27, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for May 4, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, May 4, 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 Cornette. 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: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the West 7th Street Inflow and Infiltration Removal project, CIP #30057; 2. on the plans, specifications, form of contract, and estimate of cost for the 2nd Street (Harrison Street to the Government Bridge) Resurfacing project, CIP #35053; and 3. on the plans, specifications, form of contract, and estimate of cost for the Fire Station #3 project, CIP #63012. **Finance:** 1. on amending the FY 2022 Operating and Capital Improvement Budgets.*

*The following proclamations were issued: Motorcycle Awareness Month | May 2022 and Military Appreciation Week | May 15-21, 2022, **2022-240.***

*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 Alderman Dunn all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Ortiz item #1, **First 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, and the new liquor license for D'Ville (2228 E 11th St | Ward 5) under item #3 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 **6:58 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2022-241

1. Combined Construction Code Board of Appeals

- Gary Gibney (new appointment | resident representative)

2. Design Review Board

- Gale Hoff (new appointment)

B. Proclamations

ISSUED 2022-242

1. National Public Works Week | May 15 - 21, 2022

2. National Police Week | May 15 - 21, 2022 and Peace Officer Memorial Day | May 15, 2022

3. Asian American and Pacific Islander Day Against Bullying and Hate | May 11, 2022

4. Kids to Parks Day | May 21, 2022

IX. Presentations

HELD

A. Mayor's Life Saving Award | North YMCA Staff

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. A motion was moved by Alderman Dunn to introduce a substitute Ordinance which amends subsection 8.14.460(G) to read "Current registration includes, but is not limited to, a license plate with a current sticker or a dealer sale sticker with a valid date"; amends subsection 8.14.460(N) to read "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"; amends subsection 8.14.460(O) to read "Meets the definition of an "abandoned vehicle" under Section 10.76.010(A)"; and removes Sections 3 and 4 of the current proposed Ordinance. The motion was seconded by Alderman Jobgen with all Aldermen present voting aye.

On motion by Alderman Jobgen, second by Alderwoman Dickmann and all Aldermen present voting aye, the following Ordinance moved to second consideration as amended.

First 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] **MOVED TO SECOND CONSIDERATION**

2. On motion by Alderwoman Lee, second by Alderman Jobgen and all Aldermen present voting aye, the following Motion was tabled for one cycle:

Motion approving the following beer and liquor license application.

TABLED

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

Ward 5

D'Ville (ABA East Village, LLC) - 2228 E 11th St - Outdoor Area – License Type: Class C Liquor **pending staff review*

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 for Case ROW22-02 being the request of The Overland Group on behalf of Dollar General for a partial right-of-way vacation (abandonment) of the alley at 2340 Rockingham Road. [Ward 1] **ADOPTED 2022-243**

Ordinance No. **2022-243**

AN ORDINANCE FOR CASE ROW22-02 BEING THE REQUEST OF THE OVERLAND GROUP ON BEHALF OF DOLLAR GENERAL FOR A PARTIAL RIGHT-OF-WAY VACATION (ABANDONMENT) OF THE ALLEY AT 2340 ROCKINGHAM ROAD.

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:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 10 OF BLOCK 1 OF A.M. COOKS ADDITION TO DAVENPORT, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN DEED BOOK 92 AT PAGE 323 OF THE RECORDS OF THE SCOTT COUNTY RECORDER'S OFFICE; THENCE N57°00'30"E, ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 27.46 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING N57°00'30"E, 176.30 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE CANADIAN PACIFIC DME RAILROAD; THENCE S71°13'09"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 24.33 FEET; THENCE S53°19'36"W, 162.87 FEET; THENCE S66°39'30"W, 29.23 FEET; THENCE N32°59'30"W, 24.67 FEET, TO THE POINT OF BEGINNING. SAID PUBLIC ALLEY VACATION CONTAINS 4,593 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Section 2. The vacation (abandonment) is subject to the following conditions:

1. All existing utilities located in the right-of-way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. An ingress/egress easement shall be granted for the access of solid waste services/collections; such easement shall allow at all times passage from the alley adjacent to the east to Rockingham Road; additionally, when access via the parking lot exists for passage from the alley to Boies Avenue, such passage shall also be granted an access easement for said route.
3. A Plat of Survey establishing the easements in Conditions 1 and 2 shall be recorded at the Scott County Recorder's Office; City staff shall review the Plat of Survey prior to recording.
4. The City shall install appropriate traffic control signs as necessary in the remaining public right-of-way for traffic direction.

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 5/11/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Section 2.63.030 entitled "Composition" of the Davenport Municipal Code to reduce the number of members on the Design Review Board from eleven to nine and to adjust qualifications. [All Wards] **ADOPTED 2022-244**

ORDINANCE NO. **2022-244**

AN ORDINANCE AMENDING SECTION 2.63.030 ENTITLED "COMPOSITION" OF THE DAVENPORT MUNICIPAL CODE TO REDUCE THE NUMBER OF MEMBERS ON THE DESIGN REVIEW BOARD FROM ELEVEN TO NINE AND TO ADJUST QUALIFICATIONS.

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

Section 1. That Section 2.63.030 entitled "Composition" is hereby amended to read as follows:

2.63.030 Composition

The board shall consist of 9 members. An interest in urban planning, urban design and City development or experience as an architect, urban designer, urban planner, architectural historian, landscape architect, civil or structural engineer, real estate development professional, contractor or similar occupation is preferred.

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.

Approved 5/11/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third Consideration: Ordinance amending Section 13.16.108 entitled "Property lien for unpaid fees" of the Davenport Municipal Code to rename it "Unpaid fees" and include new methods of collecting outstanding utility fees. [All Wards] **ADOPTED 2022-245**

ORDINANCE NO. **2022-245**

AN ORDINANCE AMENDING SECTION 13.16.108 ENTITLED "PROPERTY LIEN FOR UNPAID FEES" OF THE DAVENPORT MUNICIPAL CODE TO RENAME IT "UNPAID FEES" AND INCLUDE NEW METHODS OF COLLECTING OUTSTANDING UTILITY FEES.

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

Section 1. That Section 13.16.108 shall be amended in its entirety to read as follows:

13.16.108 Unpaid fees.

A. Unpaid sewer fees will be handled by one or a combination of the following collection methods:

1. The city treasurer shall certify to the county treasurer any comprehensive sewer user charge which is owed sixty days after the invoice is issued. All certified charges constitute a lien upon the premises served by the sanitary sewer system for which the charges were made and shall be collected in the same manner as taxes. Failure to send or receive a bill for comprehensive sewer user charges is not a defense to the collection of the charges.
2. Add a collection fee to customer balances and turn accounts over to a collection agency.
3. Turn accounts over to the State of Iowa to participate in the Iowa Income Offset program which is covered under Chapter 8A.504 of the Iowa Code.
4. City staff may order suspension of utility services to those premises for which the comprehensive sewer and/or clean water user charge is delinquent including but not limited to notifying Iowa American Water (IAW) to suspend water service as allowed by State of Iowa Code §476.20(1)(b) and 199 IAC 21.4(7).
 - a. Disconnection of service shall be permitted according to the conditions:
 - i. The City must enter into an agreement with Iowa American Water.
 - ii. The City shall notify the person promptly of the reason for refusal to serve and the person's right to file a complaint with the Iowa Utilities Board.
 - iii. The customer must have a combined delinquent balance of sewer and clean water fees in excess of an amount to be established by the Finance Director after notice is provided to the Mayor and City Council.
 - iv. The City must send a letter to the customer notifying the customer of the delinquent balance, allow the customer 12 days to respond excluding Sundays and holidays.
 - v. Allow the customer to enter up to two written agreements for the duration of 12 months to pay off the delinquent balances.
 - vi. Reconnect fees must be consistent with the water utilities approved tariff.
5. Collection fees shall be established by and additional collection methods may be initiated by the Finance Director.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of the ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained not 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 5/11/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

4. First 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]

MOVED TO SECOND CONSIDERATION

5. Resolution setting a Public Hearing on the proposed conveyance of City-owned property located at 637 Oak Street to Amber Martin, Petitioner. [Ward 3] **ADOPTED 2022-246**

6. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2022-247**

Hope at the BRICK House; Block Party; 1431 Ripley Street; 3:00 p.m. - 9:00 p.m. Friday, June 17, 2022; Friday, July 15, 2022; and Friday, August 19, 2022; **Closure:** Ripley Street between West 14th and West 15th Streets. [Ward 5]

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; Saturday, August 20, 2022 12:00 p.m. - 8:00 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Jersey Ridge Road from East 11th Street to the alley; Christie Street from East 11th Street to the alley. [Ward 5]

7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 7th Street Inflow and Infiltration Removal project, CIP #30057. [Ward 3]

ADOPTED 2022-248

8. Resolution approving the plans, specifications, form of contract, and estimate cost for the 2nd Street (Harrison Street to the Government Bridge) Resurfacing project, CIP #35053. [Ward 3] **ADOPTED 2022-249**

9. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Fire Station #3 project, CIP #63012. [Ward 7] **ADOPTED 2022-250**

10. Resolution awarding a contract for the West Locust Street (Michigan Avenue to Clark Street) Resurfacing project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$436,591, CIP #35054. [Ward 1] **ADOPTED 2022-251**

11. Resolution authorizing the release of matching funds for the Nahant Marsh CAT Grant award in the total amount of \$200,000 payable over three fiscal years. [Ward 1]

ADOPTED 2022-252

12. Resolution accepting work completed under the RiverCenter Door Replacement North & South Buildings project by Tricon General Construction, Inc of Dubuque, Iowa in the amount of \$647,049.17, CIP #69014. [Ward 3] **ADOPTED 2022-253**

13. Resolution amending the FY 2022 Operating and Capital Improvement Budgets. [All Wards] **ADOPTED 2022-254**

14. Resolution awarding a contract for the design and installation of a splash park at Cork Hill Park to Rain Drop Products Inc of Ashland, Ohio in an amount not-to-exceed \$197,858, CIP #ARP10. [Ward 3] **ADOPTED 2022-255**

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

PASSED 2022-256

Downtown Davenport Partnership; We Heart Downtown; Kaiserslautern Square | 119 East 3rd Street; Thursday, May 26, 2022 4:00 p.m. - 8:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

Hope at the BRICK House; Block Party; 1431 Ripley Street; 5:00 p.m. - 8:00 p.m. Friday, June 17, 2022; Friday, July 15, 2022; and Friday, August 19, 2022; Outdoor music, over 50 dBA. [Ward 5]

German American Heritage Center; Best of the Wurst; 712 West 2nd Street; Saturday, June 25, 2022 10:00 a.m. - 1:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; Saturday, August 20, 2022 1:00 p.m. - 6:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 5]

16. Motion approving beer and liquor license applications.

PASSED 2022-257

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

Ward 3

River Center/Adler Theatre (VenuWorks of Davenport, LLC) - 136 E 3rd St – Temporary Outdoor Event – “We Heart Downtown” May 26th - License Type: Class C Liquor

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

Ward 2

Hickory Creek Event Center (Chariot, LLC) - 3504 Hickory Grove Rd - License Type: Class C Liquor

Applebee’s Neighborhood Grill & Bar (Apple Corps, LP) - 3005 W Kimberly Rd - License Type: Class C Liquor

Pilot Travel Center #636 (Pilot Travel Centers, LLC) - 8200 Northwest Blvd - License Type: Class C Beer

Dollar General Store #4010 (DolGenCorp, LLC) - 3936 N Pine St – License Type: Class C Beer

Ward 3

Boozies Bar and Grill (BZE Holdings, Inc) - 114 1/2 W 3rd St - License Type: Class C Liquor

Figge Café (Lumpy's, Inc) - 225 W 2nd St - Outdoor Area - License Type: Class C Liquor

At the Stardust (At the Stardust, LLC) - 218 Iowa St - License Type: Class C Liquor

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 E 3rd St - Outdoor Area - License Type: Class B Liquor

Half Nelson (Bucktown Restaurant Company, LLC) - 321 E 2nd St #100 - Outdoor Area - License Type: Class C Liquor

Thirsty's on 3rd (T on Third, Inc) - 2202 W 3rd St - Outdoor Area – License Type: Class C Liquor

Ward 5

Rudy's Tacos (LaRosa S A, Inc) - 2214 E 11th St - Outdoor Area – License Type: Class C Liquor

Ward 6

Fresh Thyme Farmers Market (Lakes Venture, LLC) - 2130 E Kimberly Rd - License Type: Class C Beer

Portillo's Hot Dogs (Portillo's Hot Dogs, LLC) - 2741 E 53rd St - Outdoor Area - License Type: Beer/Wine

Links (KJT Holdings, LLC) - 5619 Utica Ridge Rd #300 - Outdoor Area - License Type: Class C Liquor

QC Marts (Bethany Enterprises, Inc) - 2845 E 53rd St - License Type: Class C Beer

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

Chipotle Mexican Grill (Chipotle Mexican Grill of Colorado, LLC) – 5270 Elmore Ave #3 - Outdoor Area - License Type: Class C Liquor

Ward 7

Smokin' Joes Tobacco & Liquor Outlet #8 (The Outlet, Inc) - 902 W Kimberly Rd #55 & #56 - License Type: Class E Liquor

Mo Brady's (DRC Ventures, Inc) - 4830 N Brady St - License Type: Class C Liquor

Ward 8

Dollar General Store #19449 (DolGenCorp, LLC) - 7510 Northwest Blvd - License Type: Class C Beer

Thunder Bay Grille (Thunder Bay Grille, LLC) - 6511 Brady St - Outdoor Area - License Type: Class C Liquor

Steeplegate Inn/One Hundred West (Frontier Management Corp) - 100 W 76th St - License Type: Class C Liquor

C. Request for exemptions for 19- and 20-year-olds on premises:

Ward 3

At the Stardust (At the Stardust, LLC) - 218 Iowa St - License Type: Class C Liquor

17. Motion directing completion of various parks projects in the FY 2023 Park Development Program in an amount not to exceed \$350,000. [All Wards] **PASSED 2022-258**

18. Motion authorizing the Mayor to sign the water shut-off agreement for non-payment of sewer charges with Iowa-American Water Company. [All Wards] **PASSED 2022-259**

19. Motion authorizing staff to begin contract negotiations with Sasaki Associates, Inc of Denver, CO for the Main Street Landing | Destination Play Area & Event Lawn project, CIP #ARP12. [Ward 3] **PASSED 2022-260**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:17 p.m.**



Brian J. Krup
Deputy City Clerk