

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, May 10, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, May 10, 2023 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Pro Tem Gripp presiding and all Aldermen present (*In person:* Alderman Dunn, Alderwoman Lee, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz; *Via telephone:* Alderman Kelly and Alderwoman Meginnis).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Dunn

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for April 26, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for May 3, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, May 3, 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 Ortiz. Upon the roll being called, all Aldermen were present except Alderman Condon (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

*The following Public Hearings were held: **Community Development:** 1. on the status of awarded funds from the State of Iowa CDBG-CV (COVID) funding as required at the halfway point of reimbursement; and 2. on the amendment to the 2021 Annual Action Plan to add the HOME-ARP Allocation Plan, after the completion of the public comment period. **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the 2023 Alley Repair Program reconstruction of the north-south alley from East 8th Street to East 10th Street between Farnam Street and Grand Avenue, CIP #35038; and 2. on the plans, specifications, form of contract, and estimate of cost for the West 7th Street (Gaines Street to Ripley Street) Resurfacing project, CIP #35062. **Finance:** 1. on amending the FY 2023 Operating and Capital Improvement Budgets.*

*The following Proclamations were issued: Mental Health Awareness Month | May 2023; National Salvation Army Week | May 15 – 21, 2023; and Military Appreciation Week | May 15 – 20, 2023, **2023-206.***

*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 Dunn moved a motion to amend the Ordinance for Case REZ23-01 to add a condition to eliminate the left turn movement for northbound Division Street traffic into the Division Street access point for the subject site and require the development to pay for the installation of a right-in/right-out only channelizing island within the Division Street access point. The motion was seconded by Alderwoman Lee, and upon the roll being called, all Aldermen present voted aye except Alderman Jobgen and Alderman Ortiz. On motion by Alderwoman Lee, second by Alderman Ortiz item #1, Third Consideration: Ordinance for Case REZ23-01 being the request of Midwest Fidelity Partners LLC to rezone 1930 and 1934 North Division Street and 1711 West Pleasant Street from R-4C Single-Family and Two-Family Central Residential District to C-2 Corridor Commercial District moved to the Discussion Agenda; item #2, Third Consideration: Ordinance for Case ROW23-01 being the request of Midwest*

*Fidelity Partners LLC to vacate the alley right-of-way located west of North Division Street between West Pleasant Street and Hickory Grove Road moved to the Discussion Agenda; and all other items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderwoman Lee all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Lee all items moved to the Consent Agenda. **Finance:** Alderman Cornette reviewed all items listed. On motion by Alderman Cornette, second by Alderwoman Meginnis all items moved to the Consent Agenda.*

*Council adjourned at **6:27 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2023-207

1. Design Review Board

- Lana Tylka (new appointment)

2. Riverfront Improvement Commission

- Scott Pettis (new appointment | 2nd Ward)

B. Proclamations

ISSUED 2023-208

1. National Police Week | May 14 - 20, 2023, and Peace Officer Memorial Day | May 15, 2023

2. National Public Works Week | May 21 - 27, 2023

IX. Presentations

HELD

A. 2023 Fire Explorers Recognition

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 Alderman Ortiz and all Aldermen present voting aye except Alderman Kelly, Alderman Cornette, Alderwoman Lee, and Alderman Dunn, the following Ordinance was adopted:

Third Consideration: Ordinance for Case REZ23-01 being the request of Midwest Fidelity Partners LLC to rezone 1930 and 1934 North Division Street and 1711 West Pleasant Street from R-4C Single-Family and Two-Family Central Residential District to C-2 Corridor Commercial District. [Ward 4]

ADOPTED 2023-209

ORDINANCE NO. **2023-209**

AN ORDINANCE FOR CASE REZ23-01 BEING THE REQUEST OF MIDWEST FIDELITY PARTNERS LLC TO REZONE 1930 AND 1934 DIVISION STREET AND 1711 WEST PLEASANT STREET FROM R-4C SINGLE-FAMILY AND TWO-FAMILY CENTRAL RESIDENTIAL DISTRICT TO C-2 CORRIDOR COMMERCIAL DISTRICT.

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 "C-2 Corridor Commercial District":

ALLEYWAY: A part of Block 1 of J.M.D. Burrow's Subdivision of a part of the East One-Half of the Southwest Quarter of Section 22, in Township 78 North, Range 3 East of the 5th P.M., more particularly described as follows: The East 10 feet of the existing 20 foot alleyway adjacent to Parcel 4 and Parcel 5.

1930 North Division Street (Parcel #A0061-06): A part of Block 1 of J.M.D. Burrow's Subdivision of a part of the East One-Half of the Southwest Quarter of Section 22, in Township 78 North, Range 3 East of the 5th P.M., more particularly described as follows: Commencing at a point in the West line of Allen's Grove Road, also called Division Street, 226 feet North from the intersection of the West line of Allen's Grove Road with the Northerly line of Hickory Grove Road; thence from said point of beginning running North along the West line of said Allen's Grove Road 36 feet; thence West 150 feet to an alley; thence South along the East line of said alley 36 feet; thence East 150 feet to the place of beginning; Also the South 4 feet of the East 150 feet of Lot 2 in Block 1 of J.M.D. Burrow's Subdivision of a part of the East One-Half of the Southwest Quarter of Section 22 in Township 78 North, Range 3 East of the 5th P.M., all being situated in the City of Davenport, Scott County, Iowa. EXCEPTING therefrom the East 3 feet of the North 36 feet of the East 150 feet of Lot 1, and the East 3 feet of the South 4 feet of Lot 2, Block 1, J.M.D. Burrow's Subdivision.

1711 West Pleasant Street (Parcel #A0061-08): The West 60 feet of the North 72 feet of Lot 2 of Block 1 of J.M.D. Burrow's Subdivision in the East Half of the Southwest Quarter of Section 22, Township 78 North, Range 3 East of the 5th P.M. in Davenport, Scott County, Iowa.

1934 North Division Street (Parcel #A0061-07): The North 72 feet of Lot 2, Block 1 of J.M.D. Burrow's Subdivision of a part of the East Half of the Southwest Quarter of Section 22, Township 78 North, Range 3 East of the 5th P.M., EXCEPTING therefrom the West 60 feet thereof, being situated in Scott County, Iowa.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment (rezoning) is consistent with Davenport 2035+ Land Use Plan and Map, which identifies the property as Urban Corridor (UC) and Commercial Node (CN). Both classifications allow for commercial uses along corridors and edges. The area has been commercially developed since at least the mid-1930's and is compatible with UC and CN land use classifications.
2. The proposed C-2 General Commercial District is compatible with the zoning of nearby property in the Five-Points commercial node, as well as other C-2 and C-1 zoning located along the West Locust Street corridor.
3. Rezoning the property to C-2 General Commercial District will not create zoning nonconformities and will, in fact, reduce nonconformities.
4. Staff concurs with the City Traffic Engineer's review of this site for traffic impacts from the proposed zoning change and more specifically the use of the site as a car wash and staff also concurs with the required right-in/right-out access point on Hickory Grove Road.
5. There shall be minimal noise impacts to the adjacent area; any potential impacts to the properties to the north shall be mitigated by installation of a six (6) foot tall privacy fence and landscaping.

Conditions:

1. The ingress/egress to Hickory Grove Road shall be right-in/right-out as directed by the City Traffic Engineer.
2. A fence and landscaping shall be installed along the West Pleasant Street right-of-way line between the north-south alley and North Division Street;
3. The left turn movement for northbound Division Traffic into the Division Street access point for the subject site shall be eliminated and the development shall be required to pay for the installation of a right-in/right-out only channelizing island within the Division Street access point.

Section 3. At its March 14, 2023 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-01 to the City Council with a recommendation for approval subject to the listed findings and conditions. City Council amended the conditions at its May 3, 2023 Committee of the Whole Meeting.

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 5/10/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. On motion by Alderman Jobgen, second by Alderman Ortiz and all Aldermen present voting aye except Alderman Kelly, the following Ordinance was adopted:

Third Consideration: Ordinance for Case ROW23-01 being the request of Midwest Fidelity Partners LLC to vacate the alley right-of-way located west of North Division Street between West Pleasant Street and Hickory Grove Road. [Ward 4] **ADOPTED 2023-210**

ORDINANCE NO. **2023-210**

AN ORDINANCE FOR CASE ROW23-01 BEING THE REQUEST OF MIDWEST FIDELITY PARTNERS LLC TO VACATE THE ALLEY RIGHT-OF-WAY LOCATED WEST OF NORTH DIVISION STREET BETWEEN WEST PLEASANT STREET AND HICKORY GROVE 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:

The existing 20 foot alleyway within Block 1 of J.M.D. Burrow's Subdivision of a part of the East Half of the Southwest Quarter of Section 22, Township 78 North, Range 3 East of the 5th P.M., from the North ROW of Hickory Grove Road to the South ROW of W Pleasant Street to be vacated in Davenport, Scott County, Iowa.

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 5/10/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance amending Chapter 5.10 entitled "Alcoholic Beverage Control" of the Municipal Code of Davenport, Iowa by repealing the current Chapter 5.10 and enacting a new Chapter 5.10 entitled "Alcoholic Beverage Control" in its place. [All Wards]

ADOPTED 2023-211

ORDINANCE NO. **2023-211**

AN ORDINANCE AMENDING CHAPTER 5.10 ENTITLED "ALCOHOLIC BEVERAGE CONTROL" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REPEALING THE CURRENT CHAPTER 5.10 AND ENACTING A NEW CHAPTER 5.10 ENTITLED "ALCOHOLIC BEVERAGE CONTROL" IN ITS PLACE.

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

Section 1. That Chapter 5.10 entitled "Alcoholic Beverage Control" of the Municipal Code of Davenport, Iowa is repealed and a new Chapter 5.10 entitled "Alcoholic Beverage Control" is enacted in its place to be read as follows:

Chapter 5.10. **ALCOHOLIC BEVERAGE CONTROL**

5.10.010. **Purpose.**

The purpose of this chapter is to provide administration of local regulations and procedures for the sale and consumption of beer, wine, and liquor, to protect the safety, morals, and general welfare of this community.

5.10.020. **Definitions.**

Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used in this chapter, shall have the following meanings:

A. CARRY-OUT LIQUOR SALES ESTABLISHMENT – A retail establishment other than a grocery store or pharmacy for which a class "E" retail alcohol license has been issued that allows the sale of alcohol or alcoholic beverages in closed containers for off-premises consumption.

B. CLUB –A nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

C. COMMERCIAL ESTABLISHMENT – A place of business that is equipped with sufficient tables and seats to accommodate 25 persons at all times, and the licensed premises of which conform to the ordinances of this city.

D. CONVENIENCE STORE - A retail establishment of less than 4,500 square feet with less product selection than a grocery store, generally accessible hours, and often located alongside busy roads. A convenience store may take the form of a retail store that has added gas to the list of goods it has to offer.

E. GROCERY STORE, SUPERMARKET, OR NEIGHBORHOOD MARKET –A retail establishment of at least 4,500 square feet that offers the sale of a wide variety of goods including, but not limited to, food products, pharmaceuticals, hygienic products, and other household products that are regularly used in the home by consumers. Consumers often place items in a shopping cart or basket. The principal business thereof shall consist of the sale of food and food products for consumption off the premises. To meet this standard, the sale of all other items, commodities, and materials shall be included with the volume of the sale of beer, wine, and liquor and shall not be equal to or exceed 50% of the total dollar volume of all sales made by the establishment.

F. HOTEL OR MOTEL – A premises licensed by the state department of inspections and appeals and regularly or seasonally kept open in a bona fide manner with 20 or more sleeping rooms for the lodging of transient guests, but does not include a facility licensed as a bed-and-breakfast.

G. LEGAL AGE – 21 years of age or more.

H. LICENSED PREMISES - All rooms, enclosures, contiguous areas, or places where alcoholic liquor, wine, or beer are sold or consumed under the authority of a retail alcohol license. A single premise may consist of multiple rooms, enclosures, areas, or places if they are within the confines of a single building or contiguous grounds.

I. PERSON OF GOOD MORAL CHARACTER – A person who meets all of the following requirements:

1. Has such financial standing and good reputation as will satisfy the City Council and the Iowa Alcoholic Beverages Division that the person will comply with the Iowa Alcoholic Beverage Control Act and all other applicable laws, ordinances, and applicable regulations.
2. Demonstrates financial responsibility. The city may consider factors including but not limited to the amount of financial support and operating funds and prompt payment of municipal utilities, services, licensing fees, and any administrative penalties.
3. Is not prohibited from obtaining a retail alcohol license by the provisions of this chapter.

4. Is a citizen of the United States and is a resident of Iowa or is incorporated to do business in the state. The corporation must be registered and in good standing with the Iowa Secretary of State's office.

5. Has not been convicted of a felony. However, it may be determined that the person is of good moral character if the felony conviction occurred more than five years before the application for a license and if the Governor has restored the person's citizenship rights.

J. PHARMACY – A drugstore in which drugs and medicines are exposed for sale and sold at retail or in which prescriptions of licensed physicians, surgeons, dentists, or veterinarians are compounded and sold by a registered pharmacist.

K. PRIVATE PLACE - A location which, at the time alcoholic beverages are kept, dispensed, or consumed, meets the following criteria:

1. The general public cannot access the location and attendees are limited to bona fide social hosts and invited guests.
2. The location is commercial.
3. Goods or services are neither sold nor purchased at the location.
4. The location is not a licensed premise.
5. Fees, fares, tickets, donations, or charges are not made or required of the guests to enter the location.

L. PUBLIC PLACE - A place, building, or conveyance to which the public has or is permitted access.

M. PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL – Schools approved or accredited under the state's department of education standards.

N. RESTAURANT - A retail establishment where the principal business sells food products for consumption on the premises. The volume of alcoholic beverages, tobacco sales, and nonfood product sales shall not be equal to or exceed 50% of the total dollar volume of sales made by the establishment.

5.10.030. Eligibility.

A person of legal age and good moral character may apply for a retail alcohol license upon meeting the requirements defined by state law and this chapter. Eligibility requirements shall apply to each officer, director, partner, or person who directly or indirectly owns, controls, or has an interest of 10% or more in the ownership, profits, or any class of stock.

5.10.040. Conditions for approval.

As a condition for City Council approval, a retail alcohol license applicant must give written consent on the application that fire, police, building, and health department members may enter the premises during business hours and without a warrant to inspect for violations of state law and this chapter. Specific conditions for approval are as follows:

- A. A retail alcohol license shall not be approved for premises that do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations.
- B. No licensee shall have or maintain any interior access to residential or sleeping quarters unless permission is granted in the form of a living quarters permit.
- C. A premises in which an on-premises retail alcohol license is held shall have sufficient tables and seats to accommodate twenty-five persons at one time.
- D. Any premises for which a class "C" or "E" retail alcohol license is issued shall have a clear and unobstructed view into the premises through the entryway and any exterior windows from adjacent sidewalks, parking areas, streets, or other public areas at all times. Signage and merchandise displays shall be restricted in entryways and windows inside and outside the building to prevent obscured sight lines into the interior of the building. Window signage shall be located within seven feet above the interior floor level; exterior merchandise displays, supplies, and equipment shall not exceed the height of the cash register counter or exceed the height of the interior display racks or shelving, the top of which should be visible over the exterior

display, supplies or equipment; interior merchandise displays shall not be located between the cash register counter area and the window facing the parking area.

5.10.060. Classification of liquor control licenses.

Liquor control licenses shall be classified as follows:

A. A class "B" retail alcohol license (LG) allows for the sale of beer and wine for off-premises consumption. Sales by the drink are not permitted. Allows wholesale sales to on-premises class "C", Special "C", "D", and "F" retail alcohol licensees but must have a TTB Federal Wholesale Basic Permit.

B. A special class "B" retail native wine license (WBN) allows for the sale of Iowa native wine for off-premises consumption. Sales by the drink are not permitted.

C. A class "C" retail alcohol license (LC) allows the sale of alcoholic liquor, wine, and beer by the drink for on-premises consumption and carry-out sales of liquor, wine, beer, and mixed drinks or cocktails. The license must be issued in the name of the individuals who own the entire business. A special class "C" retail alcohol license (BW) allows the sale of wine and beer for on-premises consumption and carry-out sales of wine and beer. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited.

D. A class "D" retail alcohol license (LD) allows a railway corporation, an air common carrier, and passenger-carrying boats or ships for hire with a capacity of 25 persons or more operating in inland or boundary waters to sell alcoholic liquor, wine, or beer to passengers for on-premises consumption. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee.

E. A class "E" retail alcohol license (LE) allows the sale of alcoholic liquor, wine, and beer for off-premises consumption. Sales by the drink are not permitted.

F. A class "F" retail alcohol license (LF) allows non-profit clubs to sell alcoholic liquor, wine, and beer to bona fide club members and their guests only for on-premises consumption.

5.10.100. Application and investigation.

Upon receipt by the Revenue Division, an application will be reviewed by the Building, Zoning, Police, and Fire departments to determine eligibility based on the truth of facts provided in the application and compliance with city codes. The Police Department will investigate the record of calls for service at the premises and the criminal history of the applicant, owners, and officers. It is the duty of the Fire Department to inspect the premises for any safety concerns or fire hazards. Recommendations are provided by the reviewing departments to the Revenue Division upon completion.

Fees necessary to obtain a retail alcohol license shall be determined by state law and will be collected by the Iowa Alcoholic Beverages Division during the submission of the retail alcohol license application.

5.10.105. Distance separation provisions.

The distance limitation provisions of this section shall not apply to a renewal of an existing license, an application for temporary five-day licenses, nor shall they be used to an application for a new license at a location that held a valid license within six months before the filing of the latest application.

The provisions in subsections A and B shall not apply if a business meets the requirements of a grocery store, supermarket, neighborhood market, pharmacy, club, restaurant, or hotel or motel that offer restaurant services, as defined in chapter 5.10. The city may require a holder of a class "B", "C", or "E" retail alcohol license to furnish a copy of the business's state income tax form, a verified statement, or an affidavit by the business's certified public accountant or chief financial officer showing the total dollar volume of sales and a breakdown of the applicable sales volume for alcoholic beverages, tobacco sales, nonfood products, and food items as separate line items for the six months immediately preceding the application or renewal. Failure to meet these requirements at the end of the first year disqualifies the business from continuing to hold a retail alcohol license at the location for which the special use permit was granted.

A. No carry-out liquor sales establishment, as defined in Chapter 5.10, shall be located within ¼ mile of another existing carry-out liquor sales establishment in the area within and adjacent to Downtown Davenport, hereby defined as the area enclosed by the following: Beginning at the intersection of South

Marquette Street and the seawall of the Mississippi River, north along the center line of Marquette Street to the center line of West 6th Street, east along the center line of 6th Street to the center line of Iowa Street, south along the center line of Iowa Street to the center line of Federal Street, east and southeast along the center line of Federal Street and as extended to the seawall of the Mississippi River, and west along said seawall to the point of beginning. Any carry-out liquor sales establishment established prior to the effective date of this paragraph (adopted October 9, 2013, by Ordinance 2013-329) that is nonconforming with regard to the separation requirement between said uses, as specified in this title, may continue unless one or both of these conditions occur, then nonconforming rights cease and the use must convert to a conforming use:

1. The liquor license lapses, is revoked, or is discontinued for one year; or
2. There are changes to the use that no longer meets the definition of a carry-out liquor sales establishment.

B. Class "A", class "B" "C", or class "E" retail alcohol license applications shall not be approved if the property upon which such licensed activity will occur is located within 600 feet, including public rights-of-way, of a state-registered child development home, state-licensed child-care center, or public or private elementary or secondary school. However, an application within 600 feet, but not immediately abutting, a state-registered child development home or state-licensed child-care center may be approved if the City Council, upon a hearing, grants a waiver to this rule. The City Council may grant the waiver if it determines the following exists:

1. The affected child development home or care center consents to the granting of the waiver; or
2. Sufficient buffering exists to mitigate the visual, sound, and foot traffic likely to be generated by the applicant, similar to or greater than an arterial roadway or at least 100 feet of natural buffering such as woods, ravines, waterways, or wetlands.

C. A straight line shall be used to measure the distance requirements in this section between the closest point on the parcel to be licensed to the nearest point on the parcel or parcels of real estate occupied by a state-registered child development home, state-licensed child-care center, public or private elementary or secondary school, licensed establishment, or parcel zoned for residential use, as the case may be.

D. An application for an outdoor service area that is located within 600 feet of a state-registered child development home, state-licensed child-care center, or public or private elementary or secondary school shall not be granted unless the outdoor service area is enclosed within a visual barrier, screening or privacy fencing, which shall be at least six feet in height on all sides of the service area that are visible from the state-registered child development home, state-licensed child-care center, or school, and of a sufficient construction to prevent the viewing of activities within the outdoor service area from the state-registered child development home, state-licensed child-care center, or school.

5.10.106. Additional requirements for class "E" retail alcohol licenses.

Holders of a class "E" retail alcohol license must follow the additional requirements in this section in addition to all other existing city ordinances, rules and regulations.

Licensees affiliated with or under the management and supervision of a grocery store, the grocery store's employee headcount, and the display area may be used when determining compliance with this section, even when there is physical separation between the licensed premises and the grocery store.

- A. The licensed premise must have more than one employee on duty at all times while the store is open unless an electronic security cap or tag system is employed or all liquor is secured in a visible location behind a counter that is only accessible to employees.
- B. A video surveillance system with coverage following reasonable business judgment that records in a viewable format by the police department shall be installed and maintained. A licensee may require a subpoena before allowing access.
- C. The licensee must implement a strict no-loitering policy and must cooperate with police in addressing loitering on the premises.
- D. No more than 35% of the store's interior display area (measured in cubic feet) shall be dedicated to beer, wine, or liquor.

E. Public pay phones on the property are prohibited unless otherwise required by state or federal law or an existing contractual obligation as of October 1, 2011.

F. Twenty-four-hour contact information for a manager or owner to the police department and the owners of the immediate neighboring properties and provide, upon request at the store by the public, the contact information of the manager or owner.

G. The store must be at least 1,000 square feet in size.

H. For newly licensed premises a notice shall be sent by the City to all property owners within 200 feet of the proposed location informing them of the pending application and the approval process. A "new" licensed premises is any location that has not had a current carry-out only liquor license for a period of six months.

5.10.107. Additional requirements for all license classifications.

The business must satisfy the following criteria, in addition to all other existing city ordinances, rules and regulations, including, but not limited to, those concerning noise, lights, and nuisance behavior and conditions.

A. The business is sufficiently separated from any adjoining residential area by distance, landscaping, walls, or structures to prevent any noise, vibration, or light generated by the business from significantly impacting the adjoining residential uses.

B. The business will not increase congestion on the streets in any adjoining residential area by its customers or employees frequently parking in front of the residences of others. Business locations in operation before 1965 are exempt from this requirement.

C. Any parking area provided for business customers' use shall be illuminated at an intensity of at least one lumen of light on the parking surface. Parking lot lighting shall be limited to downcast luminaires. Parking lot lighting shall be directed away from nearby residential properties and city streets.

D. Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such businesses shall remove all trash and debris from the premises and adjoining public areas daily.

E. Every person holding a retail alcohol license having more than one place of business where such beer is sold shall be required to have a separate license for each separate place of business, except as otherwise prohibited by state law.

F. No business holding a retail alcohol license shall sell or dispense alcoholic beverages via a drive-through or walk-up window.

5.10.170. Action by Council.

Action taken by the City Council shall be so endorsed on the application and thereafter shall be forwarded to the division for further action as is provided by law.

An outdoor service area privilege that the City Council has yet to issue a letter of approval shall not be resubmitted to the City Council for consideration less than six months from the date of the City Council's decision not to issue a letter of approval. This prohibition does not apply to an applicant requesting a temporary outdoor service area privilege.

5.10.180. Expirations and renewals.

Retail alcohol licenses shall expire one year, eight months, fourteen days, or five days from the date it was issued unless sooner suspended or revoked. A license issued for one year must submit a renewal application annually. Upon submission of the online renewal application, the city requires additional documentation except when the licensee is enrolled in the automatic renewal program. If the applicant fails to submit all required documents for a renewal within seventy days after the expiration of the license, city staff may administratively submit a denial to Iowa Alcoholic Beverages Division without being presented to the City Council.

5.10.190. Refunds.

A. A retail alcohol license is a personal privilege revocable for cause. It is not property, nor is it subject to attachment and execution neither alienable nor assignable, and it shall cease upon the licensee's death. However, at the discretion of the Iowa Alcoholic Beverages Division, the executor or administrator of the estate of the

licensee may be permitted to operate the decedent's business for a reasonable time, not to exceed the license's expiration date. Every license shall be issued in the name of the applicant, and no person holding a license shall allow any other person to use it.

B. Any licensee, executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee for the benefit of his creditors, may voluntarily surrender such license to the division. The city shall be notified when the license is surrendered and shall refund the license a proportionate amount of the fee paid for such license to the person surrendering the license as follows:

1. If surrendered during the first three months of the period for which said license was issued, the refund shall be three-fourths of the amount of the fee;
2. If surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee;
3. If surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee;
4. A refund shall not be made for a retail alcohol license surrendered more than nine months after issuance;
5. A refund shall not be made for seasonal, fourteen-day, or five-day licenses;
6. No refund shall be made to any licensee upon the surrender of his license if there is a complaint filed with the division or the city charging him with a violation of this chapter or provisions of the state alcoholic beverages control act;
7. If the license is not revoked or suspended upon hearing, the licensee shall be eligible to receive a refund as provided in this section upon surrendering of the license. If the license is revoked or suspended upon hearing, then the licensee shall not be eligible for the refund of any portion of license fee.

5.10.200. Transfer of licenses.

City Council may authorize a licensee to transfer a license from one location to another within the city, provided the transfer is not a violation of any law or ordinance and the premises having the license transferred is eligible for a license.

5.10.210. Prohibited sales and acts.

A person or club holding a retail alcohol license or the person's or club's agents or employees shall not do any of the following:

- A. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
- B. Sell or dispense any alcoholic liquor, wine or beer on the premises covered by the license or permit the consumption thereof between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- C. Sell alcoholic liquor, wine, or beer to any person on credit, except with a bona fide credit card. This provision shall not apply to the sales by a club to its members nor sales by a hotel or motel to bona fide registered guests.
- D. Employ any person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.
- E. Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person under legal age or permit anyone under the legal age to consume any alcoholic beverage, wine, or beer;
- F. Knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine, or any other beverage in or about the licensee's place of business.
- G. Keep, or allow to be kept, gambling devices of any kind or description on the premises or knowingly permit solicitation for immoral purposes or disorderly conduct on the premises covered by the license, except games of chance permitted by state law.
- H. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents

of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been so reused or adulterated.

I. Knowingly permit or engage in any criminal activity on the premises covered by the license.

5.10.220. Advertisement signs prohibited.

A. No signs or other matter advertising any brand of alcoholic liquor, wine, or beer shall be erected or placed upon the outside of any premises occupied by a licensee authorized to sell liquor, wine or beer at retail.

B. No signs or other matter advertising any brand of alcoholic liquor, wine or beer shall be erected, placed or posted upon the inside of any premises occupied by a licensee authorized to sell liquor, wine or beer that is located within 300 feet of any licensed day care center or public or private elementary or secondary school such that the sign or other matter advertising liquor, wine or beer is visible from the day care or school.

5.10.230. Causes of suspension and revocation.

A retail alcohol license may be suspended for a period up to one year, or revoked, for violations of law including city ordinances, following notice in writing and hearing, and shall be revoked in accordance with the provisions of state law for any of the following causes:

A. Misrepresentation of any material fact in the application for such license;

B. Violation of any of the provisions of the state alcoholic beverage control act;

C. Any change in the ownership or interest in the business operated under a retail alcohol license not previously reported to and approved by the city and the division;

D. An event which would have resulted in disqualification from receiving such license when originally issued;

E. Any sale, hypothecation, or transfer of such license;

F. The failure or refusal on the part of any licensee to render any report or remit any taxes to the division under the state act.

5.10.240. Revocation and suspension - Hearing.

Hearing on suspension of liquor licenses shall be before the City Council. The hearing shall be held at the City Hall and shall be presided over by the Mayor or Mayor pro tempore. At such hearing a quorum of the Council and the Mayor or Mayor pro tempore shall be present. The licensee may be, but is not required to be, present. The licensee may be represented by an attorney of the licensee choice, which is privately retained. At such hearing, the city shall be represented by counsel from the legal department who shall present the evidence for the city. The licensee and the city may present witnesses and other relevant testimony and shall have the right to cross examine opposing witnesses, to challenge all non-witness testimony, and to make appropriate final arguments. The hearing may be adjourned for cause for not more than seven days. Decisions shall be on the record with a record vote taken. If at the hearing the facts establish one or more of the causes set out in Section 5.10.230, then the Council, as hereinabove provided, shall suspend the license for such period of time as provided in Section 5.10.310C.

5.10.260. Revocation and suspension - notice, appeal, and hearing.

The licensee shall be served with a notice of time and place of hearing on the suspension of a retail alcohol license in the manner of serving original notices under the Iowa Rules of Civil Procedure, as amended. Publication of such notice shall not be permitted.

The right of appeal to the hearing board shall be afforded a licensee whose license has been suspended or revoked. Any applicant who feels aggrieved by a decision disapproving, suspending, or revoking issuance of a retail alcohol license may, provided the licensee has exercised the right of appeal to the hearing board as provided by a state law, appeal from said decision within 10 days to the district court of the county wherein the premises covered by the application are situated. The city may appeal a decision of the hearing board within 10 days to the district court of the county wherein the premises covered by the application are situated.

5.10.270. Effect of revocation.

The effect of revocation is specified in Iowa Code Chapter 123.

5.10.275. Civil penalty in lieu of license revocation.

A retail alcohol license may be suspended pursuant to Section 5.10.310C. If the licensee, or an employee thereof, is convicted of a first offense violation of Section 5.10.210E, the City Council shall impose a civil penalty in the amount of \$500 in lieu of the suspension of the license. The civil penalty shall be retained by the city. The licensee may appeal the imposition of the penalty to the administrator of the Alcoholic Beverages Division of the State of Iowa.

5.10.280. Intoxication and consumption in public places.

A. It is unlawful for any person to use or consume alcoholic liquors, wine or beer upon the public streets or highways, unless otherwise provided by this section. A person shall not use or consume alcoholic liquor in any public place except premises covered by a retail alcohol license and no person shall be intoxicated or simulate intoxication in any public place.

B. It is unlawful for any person to consume or otherwise possess alcoholic liquors, wine or beer within any park as defined in Section 12.72.020C, unless otherwise provided by this section. Any person violating this subsection may be ejected from the park area by a park and recreation officer or by any police officer, and may be proceeded against under subsection F of this section.

C. Beer may be possessed and consumed within a park area by any person or group which has been issued a valid beer consumption permit for that area by the director of parks and recreation. Said permit shall state the person or group to whom issued, the park area to which it applies, and the date and hours during which it is effective.

D. The director of parks and recreation may issue a beer consumption permit when the applicant for said permit has:

1. Identified the park area to be used, the use to which the area will be put, the times at which the area will be used, and the person or group to whom the permit is to be issued;

and

2. Deposited with the park and recreation department a sum of not less than \$50 nor more than \$250, contingent upon the size of the group, to cover any expenses incurred by the department for cleanup of the park area after the applicant's use thereof. Any amount not needed to cover clean-up expenses shall be refunded to the applicant within three days after the applicant's use of the park.

E. Notwithstanding the provisions of subsections A through D above, the director of parks and recreation shall provide by rule for the consumption of beer upon the public golf courses, and shall have the authority to provide by rule for the sale of beer upon the public golf courses.

F. Any person violating any provisions of this section may be fined not to exceed \$100 or sentenced not to exceed 30 days imprisonment.

5.10.285. Restrictions on open containers.

A driver of a motor vehicle or a passenger in a motor vehicle operated upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacles containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area of the motor vehicle that is readily accessible to the driver or a passenger while in their seating positions, including but not limited to the glove compartment.

An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle provided it is not readily accessible to the driver or a passenger. "Readily accessible" means available to the driver or a passenger without the driver or passenger having to move from their seated position. An unsealed receptacle containing an alcoholic beverage maybe transported behind the last upright seat of a motor vehicle if the motor vehicle does not have a trunk provided it is not readily accessible to the driver or a passenger. This section shall not be interpreted to prohibit a passenger being transported in a motor vehicle that is licensed and used as vehicle for hire, or a passenger being transported in the living quarters of a motor home from possessing an open or unsealed receptacle in the passenger area of the vehicle for hire or the living area of the motor home.

5.10.290. Persons under legal age.

A. A person or persons under legal age shall not purchase or attempt to purchase, or individually or jointly have in their possession or control alcoholic liquor, wine or beer. For purposes of this section, joint possession or control of alcoholic liquor, wine or beer is defined as any alcoholic liquor, wine or beer that is available to a person without the person having to move from their position.

B. Subsection A shall not prohibit the giving or dispensing of liquor, wine or beer to a person under legal age within a private home and with the knowledge, presence of, and consent of the parent or guardian.

C. Subsection A shall not prohibit a person under the legal age from handling alcoholic beverages, wine, and beer during the regular course of the person's employment by a retail alcohol licensee under state law.

5.10.300. Regulation of minors in beer and liquor establishments.

A. It is unlawful for any person under legal age to enter, remain in or frequent an establishment holding an on-premises retail alcohol license in which the sale of alcoholic liquor or beer constitutes more than 50% of the gross receipts from the licensed premises, unless accompanied by a parent or legal guardian of such person. Any person, firm or corporation claiming that the sale of alcoholic liquor or beer constitutes 50% or less of the gross receipts from such establishment shall be required to prove the same for purposes of enforcement of this section. Although an establishment qualifies under the above 50% rule, no person under the legal age shall remain on the premises 30 minutes after the kitchen facilities have closed.

B. It is unlawful for any person operating an establishment holding an on-premises retail alcohol license to allow any person under legal age to remain in the establishment in violation of subsections A and C of this section.

C. The provisions of this section shall not apply to any person under legal age who:

1. Is a regular employee performing regular duties during the course of employment; provided, however, such person shall not be allowed to sell or serve alcoholic liquor or beer for consumption on the premises where sold;

2. Enters and remains in for a period not to exceed 10 minutes an establishment holding an on-premises retail alcohol license for the sole purpose of purchasing beverages other than alcoholic liquor or beer, or purchasing food stuffs, neither of which shall be consumed on the premises; provided, that no person shall be exempt under the provisions of this subsection who consumes any such beverage or food stuffs on the premises or remains therein longer than for a period of 10 minutes.

3. Enters and/or remains in an establishment holding an on-premises retail alcohol license on a night that has been established by the business owner or manager as a night reserved for persons under the legal age, provided that the business owner or manager has notified the City Clerk and police department in writing that said night or nights are reserved for customers age 20 and under, and provided that no beer, wine, or liquor will be served or sold by the licensee on said "reserved night or nights." Written notification shall be provided to the city at least two weeks prior to the establishment of a reserved night. For purposes of this subsection, the "reserved night" shall be deemed to begin at 2:01 a.m. on the day so reserved and shall end at 2:00 a.m. the next day.

4. Is in a licensed premises where the sale of alcoholic beverages is incidental to the primary purpose of the establishment as a live entertainment venue or reception/banquet facility and where the licensee has received a letter of exemption based on a written plan to prevent those who are nineteen and twenty years of age from obtaining alcoholic beverages from licensed premises or patrons thereof. "Live entertainment" does not include disc jockeys, mere playing of recorded music, light shows or displays, or social dancing. A letter of exemption does not permit persons under the age of 19 to enter, remain or frequent an establishment. A letter of exemption may be obtained by submitting a written plan and a \$50 processing fee to detail specific measures to be employed by the licensed premises to prevent those who are nineteen and twenty years of age from obtaining alcoholic beverages from licensed premises or patrons thereof. The plan should be submitted to the Council for approval. The plan may include a system by which persons under the age of 21 are readily distinguishable from persons who are not (e.g. wrist bands) and shall include safeguards to minimize subversion of the system. The Council shall determine by clear and convincing evidence that the plan will effectively prevent persons under the legal age from obtaining alcohol. Once a letter of exemption is granted, it shall be required of the licensee and all agents and employees thereof, to ensure the system is operational at all times. Failure of the system to be operational during business hours shall be deemed a violation of this subsection by the person employed by the licensee and the licensee. The letter of exemption

shall expire and be reviewed by the Council at the time of the renewal of the retail alcohol license. At the time of renewal, the licensee shall submit a \$100 renewal fee. The Council may suspend or revoke a letter of exemption for two or more violations of this subsection after notice and the opportunity for a hearing in front of Council is afforded. A licensed premises whose primary purpose is to sell alcoholic beverages, commonly referred to as a bar or tavern, may apply for a 19/20-year-old exemption for an event under the terms and conditions specified above and contained in this paragraph. The event cannot be longer than two days in duration. A separate application must be made for each event accompanied by a statement from a peace officer, who has been privately hired by the licensee for the event for security purposes, that the licensee has hired the number and type of security personnel recommended by said officer for the event and what the level of staffing will be by block of time. In addition to the standards set forth above, Council may deny the letter of exemption for an event if it determines the calls for service to the business on a per day average for the two most recent events is greater than the average for the previous three months.

Those who are nineteen and twenty years of age will not be allowed to be present on the licensed premises of an establishment with a letter of exemption after 11:00 p.m. on Sunday through Thursday night or between the hours of 12:20 a.m. to 2:00 a.m. on Saturday and Sunday morning.

5.10.310. Violations — Penalties.

A. A violation of any provision of this chapter may be charged as a municipal infraction or as a simple misdemeanor; however, a violation of Section 5.10.210E shall constitute a simple misdemeanor offense punishable by a scheduled fine of \$500 upon conviction.

B. The conviction of any licensee for a violation of any of the provisions of subsections A to I inclusive, of Section 5.10.210 shall, subject to subsection C of this section, be grounds for the suspension or revocation of the license by the division or the city. However, if any licensee is convicted of any violation of Section 5.10.210B, 1, G or H license shall be revoked and shall immediately be surrendered by the holder.

C. If any licensee, or employee of such licensee, shall be convicted of a violation of Section 5.10.210E, the city shall, in addition to the other penalties fixed for such violations by this section, assess a civil penalty as follows:

1. Upon a first conviction, the violator's retail alcohol license shall be suspended for a period of 14 days. However, if the conviction is for a violation of Section 5.10.210E, the violator's retail alcohol license shall not be suspended, but the violator shall be assessed a civil penalty in the amount of \$500 by the city. Failure to pay the civil penalty as ordered by Section 5.10.275 or this subsection shall result in an automatic suspension of the license for a period of 14 days.
2. Upon a second conviction within a period of two years, the violator's retail alcohol license shall be suspended for a period of 30 days. However, if the conviction is for a violation of Section 5.10.210E, the licensee shall also be assessed a civil penalty in the amount of \$1,500.
3. Upon a third conviction within a period of five years, the violator's retail alcohol license be suspended for a period of 60 days. However, if the conviction is for a violation of Section 5.10.210E, the licensee shall also be assessed a civil penalty in the amount of \$1,500.
4. Upon a fourth conviction within a period of five years, the violator's retail alcohol license shall be revoked.

5.10.315. Administrative endorsement of a new license.

New retail alcohol license applications may bypass action from the City Council and be processed and endorsed administratively by city staff if one of the following conditions exist:

1. The premises is currently licensed under a classification that has been eliminated and the applicant is applying for an equivalent license without additional privileges.
2. All reviewing departments have recommended approval and the City Council meeting for which the application would be up for consideration has been canceled. The application must be listed on the next City Council meeting agenda for ratification.

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 5/10/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" of the Municipal Code of Davenport, Iowa by amending subsection 13.16.106(D) to change the maximum amount billed for quarterly residential customers from 50 ccf to 35 ccf. [All Wards]
MOVED TO THIRD CONSIDERATION

3. Resolution approving a street closure request for the listed date and time to hold an outdoor event.
ADOPTED 2023-212

Common Chord; Live@Five Block Party; 129 North Main Street; 8:00 a.m. - 11:30 p.m.
Friday, June 2, 2023; Closure: West 2nd Street between Main Street and Brady Street.
[Ward 3]

4. Resolution approving the plans, specifications, form of contract, and estimate of cost for the 2023 Alley Repair Program reconstruction of the north-south alley from East 8th Street to East 10th Street between Farnam Street and Grand Avenue, CIP #35038. [Ward 3]
ADOPTED 2023-213

5. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 7th Street (Gaines Street to Ripley Street) Resurfacing project, CIP #35062. [Ward 3]
ADOPTED 2023-214

6. Resolution accepting work completed under the FY 2019 Contract Sewer Repair Program by Hagerty Earthworks LLC of Muscatine, Iowa in the amount of \$489,450.54, CIP #30044 and #33001. [All Wards]
ADOPTED 2023-215

7. Resolution authorizing submission of the FY 2024 Iowa Department of Transportation State Transit Assistance (STA) Program grant application in the approximate amount of \$542,205. [All Wards]
ADOPTED 2023-216

8. Resolution amending the FY 2023 Operating and Capital Improvement Budgets. [All Wards]
ADOPTED 2023-217

9. Motion approving the amendment to the 2021 Annual Action Plan to add the HOME-ARP Allocation Plan, after the completion of the public comment period, and authorizing the City Administrator or her designees to sign necessary documents and agreements. [All Wards]
PASSED 2023-218

10. Motion approving the Annual Action Plan for Year 49 (July 1, 2023 - June 30, 2024) for the CDBG and HOME Programs, and authorizing the City Administrator or her designees to sign necessary documents and agreements. [All Wards]
PASSED 2023-219

11. Motion approving noise variance requests for the listed dates and times for outdoor events.
PASSED 2023-220

Mt. Sinai Fellowship; Praise A-Thon; 4706 Northwest Boulevard; 11:00 a.m. - 5:00 p.m. Saturday, May 20, 2023; Outdoor music, over 50 dBA. [Ward 7]

Common Chord; Live@Five Block Party; 129 North Main Street (Courtyard) 5:00 p.m. - 8:00 p.m. Friday, June 2, 2023; Outdoor music/band, over 50 dBA. [Ward 3]

City of Davenport; Party in the Park; 5:30 p.m. - 7:30 p.m. Thursday, June 15, 2023 (Lafayette Park | 700 West 4th Street); Thursday, June 22, 2023 (Marquette Park | 3200 North Marquette Street); Thursday, August 10, 2023 (Garfield Park | 1224 East 29th Street); and Thursday, August 17, 2023 (Emeis Park | 4500 West Locust Street); Outdoor music/band, over 50 dBA. [Wards 1, 3, 5, & 7]

12. Motion approving beer and liquor license applications.

PASSED 2023-221

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

Ward 3

RME Courtyard (River Music Experience) – 121 West 2nd Street – Temporary Extended Outdoor Area June 2 – License Type: Class C Retail (On-Premises)

The Vintage Wine Bar (The Vintage Wine Bar, LLC) – 421 West River Drive Parking Lot – Temporary License May 24-May 28 and May 31-June 4 – License Type: Special Class C Retail (On-Premises)

Ward 5

Rudy's Tacos (LaRosa S A, Inc) – 2214 East 11th Street – Temporary Extended Outdoor Area May 29 – License Type: Class C Retail (On-Premises)

B. Annual License Renewals (with Outdoor Area Renewals as noted):

Ward 1

Gunchies (Conrad Holdings, LLC) - 2905 Telegraph Road - Outdoor Area - License Type: Class C Retail (On-Premises)

West Locust Shell (Malwa, LLC) - 4425 West Locust Street - License Type: Class C Beer (Carry-Out)

Ward 2

Mk Grocery (Mk Grocery, Inc) - 1715 West Kimberly Road – License Type: Class B Retail (Carry-Out)

Pilot Travel Center #636 (Pilot Travel Centers, LLC) - 8200 Northwest Boulevard - License Type: Class B Retail (Carry-Out)

Ward 3

Front Street Brewery, Inc (Front Street Brewery, Inc) - 421 West River Drive #3, 4 - Outdoor Area - License Type: Class C Retail (On-Premises)

Ward 4

Wise Guys Pizza & Pub (PB&B, LLC) - 2824 West Locust Street #3A - Outdoor Area - License Type: Class C Retail (On-Premises)

Ward 5

McClellan Stockade (Koellner Enterprises 6, LLC) - 2124 East 11th Street - Outdoor Area - License Type: Class C Retail (On-Premises)

13. Motion authorizing the Public Works Director to waive permit fees for work to be performed at properties due to physical damage caused by the Spring 2023 flood event(s) for those with a completed damage assessment by the City of Davenport, and for restoration of utilities that were disconnected by MidAmerican Energy in response to the flooding. [Ward 1, 3, & 5]

PASSED 2023-222

14. Motion approving a purchase agreement with Gene Westphal for the acquisition of land necessary for the Duck Creek Sewer Extension project in the amount of \$60,640, ARP #18. [Ward 2]

PASSED 2023-223

15. Motion approving a purchase agreement with Lombard Acres, LLC for the acquisition of land necessary for the Duck Creek Sewer Extension project in the amount of \$62,890, ARP #18. [Ward 2]

PASSED 2023-224

16. Motion approving a purchase agreement with Chris and Colene Bowersox for the acquisition of land necessary for the Duck Creek Sewer Extension project in the amount of \$56,020, ARP #18. [Ward 2]

PASSED 2023-225

17. Motion approving the purchase of Pure Storage for the Davenport Police Department from Insight Public Sector of Des Moines, Iowa in the amount of \$86,088.52. [All Wards]

PASSED 2023-226

18. Motion approving the purchase of Aruba HPE Switches from Aercor Wireless Inc of Prior Lake, Minnesota in the amount of \$86,674.44. [All Wards]

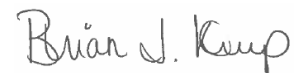
PASSED 2023-227

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

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



Brian J. Krup
Deputy City Clerk