

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, April 13, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, April 13, 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 Alderwoman Lee

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for March 23, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for April 6, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, April 6, 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 Alderwoman Meginnis. 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 REZ22-01 being the request of Patrick Fennelly to rezone property located south of Telegraph Road and east of South Utah Avenue (the southwest 9.15 acres of Parcel #S3117-04) from S-AG Agricultural District to R-1 Single-Family Residential District and 2. 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. **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Riverfront Trail Patching project from Mound Street to the east City limits and at River Heritage Park, CIP #28030; 2. on the plans, specifications, form of contract, and estimate of cost for the West Locust Street (Michigan Avenue to Clark Street) Pavement Resurfacing project, CIP #35054; 3. on the plans, specifications, form of contract, and estimate of cost for the City Hall Exterior Repairs project, CIP #23067; and 4. on the proposed Resolution of Necessity covering the 2022 50/50 Cost Share Stream Bank Stabilization Project at West 62nd Street and North Elmwood Avenue.*

*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 all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Cornette all 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 **5:56 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2022-179

1. Citizens Advisory Committee

- Alan Rasso (new appointment | 5th Ward)

2. Riverfront Improvement Commission

- Julie Tonn (re-appointment | Mayoral)

B. Proclamations

ISSUED 2022-180

1. Child Abuse Awareness Month | April 2022

2. Fair Housing Month | April 2022

3. Earth Week | April 18 - 24, 2022

4. Arbor Day | April 29, 2022

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

XI. Approval of All Items on the Consent Agenda

On motion by Alderwoman Dickmann, second by Alderwoman Meginnis with all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Section 15.16.015 entitled "The National Electrical Code" of the Municipal Code of Davenport, Iowa. [All Wards] **ADOPTED 2022-181**

ORDINANCE NO. **2022-181**

AN ORDINANCE AMENDING SECTION 15.16.015 ENTITLED "THE NATIONAL ELECTRICAL CODE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Section 15.16.015 The National Electrical Code of the Municipal Code of Davenport Iowa, be and the same is hereby amended to read as follows:

15.16.015 **The National Electrical Code**

The Electrical Code as adopted and amended by the State of Iowa is hereby adopted by reference as the electrical code for the City of Davenport, Iowa, subject to the amendments and adoptions by the State of Iowa Department of Public Safety.

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 4/13/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Section 15.16.030 entitled "Chapter 1, modified" of the Municipal Code of Davenport, Iowa. [All Wards] **ADOPTED 2022-182**

ORDINANCE NO. **2022-182**

AN ORDINANCE AMENDING SECTION 15.16.030 ENTITLED "CHAPTER 1, MODIFIED" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Section 15.16.030 entitled "Chapter 1, modified" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding subsections as follows:

- E. Where NM & NMC cables are allowed in structures, all wiring in areas outside a dwelling unit, such as common areas, stairs, community rooms, corridors, etc, in multi-family residential structures shall be installed in MC or EMT Cables. Use of NM & NMC cables shall not be permitted in such areas.
- F. Use of NM & NMC cables, even when installed in raceways, shall not be permitted in Types I & II construction.

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 4/13/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third Consideration: Ordinance amending Section 15.12.044 (Reserved) of the Municipal Code of Davenport, Iowa. [All Wards] **ADOPTED 2022-183**

ORDINANCE NO. **2022-183**

AN ORDINANCE AMENDING SECTION 15.12.044 (RESERVED) OF THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Section 15.12.044 (Reserved) of the Municipal Code of Davenport Iowa, be and the same is hereby amended to read as follows:

15.12.044 **Elevator Hoistway Opening Protection.** Elevator shafts opening directly into a fire resistance rated corridor or stairwell shall be protected by self-closing doors actuated by smoke detection in accordance with International Building Code section 716.5.9.3 (Smoke-activated doors). Hoistway opening protection shall not be required on the level of exit discharge.

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 4/13/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

4. First Consideration: Ordinance for Case REZ22-01 being the request of Patrick Fennelly to rezone property located south of Telegraph Road and east of South Utah Avenue (the southwest 9.15 acres of Parcel #S3117-04) from S-AG Agricultural District to R-1 Single-Family Residential District. [Ward 1] **MOVED TO SECOND CONSIDERATION**

5. First 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] **MOVED TO SECOND CONSIDERATION**

6. First 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] **MOVED TO SECOND CONSIDERATION**

7. First 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] **MOVED TO SECOND CONSIDERATION**

8. Resolution approving Case F22-02 being the request of Prairie Heights Development, LLC for a final plat of Prairie Heights Fifth Addition for a 50-lot subdivision on 11.38 acres located south of Olde Brandy Lane and west of Mississippi Avenue. [Ward 8] **ADOPTED 2022-184**

9. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2022-185**

Ganzo's Mexican Restaurant, Ganzo's Cinco de Mayo 5K & Fiesta; Saturday, May 7, 2022; 6:00 a.m. – 11:00 a.m.; **Closures:** northbound North Marquette Street from West Kimberly Road to West 41st Street (northbound from West Kimberly Road to 3923 North Marquette Street closed until 6:00 p.m. for the Fiesta); West 41st Street from Marquette Street to Division Street; easternmost northbound lane of Division Street from West 41st Street to West 53rd Street; southernmost eastbound lane of West 53rd Street from Division Street to Northwest Boulevard; southbound Northwest

Boulevard from West 53rd Street to Taylor Street; Taylor Street from Northwest Boulevard to West 52nd Street; West 52nd Street/Garner Drive from Taylor Street to West 51st Street; West 51st Street from West 52nd Street/Garner Drive to Fillmore Lane; Fillmore Lane from West 51st Street to West 46th Street; West 46th Street from Fillmore Lane to Marquette Street; Marquette Street from West 46th Street to finish line at Ganzo's Restaurant. Volunteers will be present throughout the neighborhoods to assist residents who need to enter and exit. [Wards 7 & 8]

Quad Cities Bicycle Club; 2022 Kwik Star Criterium; Village of East Davenport; 4:00 a.m. – 9:00 p.m. Monday, May 30, 2022; **Closures:** Mound Street from East 11th Street to East 12th Street; East 12th Street/Fulton Avenue from Mound Street to Glenwood Avenue; Glenwood Avenue from Fulton Avenue to Hillcrest Avenue; Hillcrest Avenue from Glenwood Avenue to River Street; East 11th Street from Mound Street to River Street. [Ward 5]

Cornbelt Running Club; Bix 7 Event; Genesis Sports Medicine Brady Street Sprints; Thursday, July 28, 2022 6:00 p.m. - 9:00 p.m.; **Closure:** Brady Street from 5th Street to 11th Street. [Ward 3]

Cornbelt Running Club; Bix 7 Event; Arconic Jr Bix; Friday, July 29, 2022 1:00 p.m. - 9:00 p.m.; **Closures:** East 4th Street from Pershing Avenue to River Drive; East 3rd Street from Iowa Street to River Drive; and Iowa and LeClaire Streets from 3rd to 4th. [Ward 3]

10. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Riverfront Trail Patching project from Mound Street to the east City limits and at River Heritage Park, CIP #28030. [Wards 3 & 5] **ADOPTED 2022-186**

11. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West Locust Street (Michigan Avenue to Clark Street) Resurfacing project, CIP #35054. [Wards 1 & 4] **ADOPTED 2022-187**

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the City Hall Exterior Repairs project, CIP #23067. [Ward 3] **ADOPTED 2022-188**

13. Resolution amending the Resolution of Necessity covering the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2] **ADOPTED 2022-189**

14. Resolution overruling objections for the Resolution of Necessity covering the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2] **ADOPTED 2022-190**

15. Resolution adopting the Resolution of Necessity for the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2] **ADOPTED 2022-191**

16. Resolution ordering preparation of detailed plans, specifications, contract notice to bidders, and publication of the notice of Hearing and notice to bidders covering the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2]

ADOPTED 2022-192

17. Resolution awarding a contract for the CY 2022 City Property Sidewalk Program to Centennial Contractors of the Quad Cities Inc of Moline, Illinois in the amount of \$149,795, CIP #28028. [All Wards]

ADOPTED 2022-193

18. Resolution awarding a contract for the CY 2022 ADA Ramp Program to Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$241,675, CIP #28024. [All Wards]

ADOPTED 2022-194

19. Resolution awarding a contract for the CY 2022 Sidewalk Program to Centennial Contractors of the Quad Cities Inc of Moline, Illinois in the amount of \$196,070, CIP #28028. [All Wards]

ADOPTED 2022-195

20. Resolution awarding a one-year contract with the option for two one-year renewals for the Root Control Program to Duke's Root Control, Inc of Syracuse, New York. [All Wards]

ADOPTED 2022-196

21. Resolution awarding a contract for the West 41st Street (Sturdevant Street to Marquette Street) Reconstruction project to N.J. Miller, Inc of Bettendorf, Iowa in the amount of \$816,642, CIP #35054. [Ward 7]

ADOPTED 2022-197

22. Resolution awarding a contract for the Ripley Street (51st Street to 53rd Street) Reconstruction project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$406,467, CIP #35054. [Ward 7]

ADOPTED 2022-198

23. Resolution awarding a contract for the FY 2023 DOT Full Depth Patching project to Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$167,520, CIP #35045. [All Wards]

ADOPTED 2022-199

24. Resolution awarding a contract for the Modern Woodmen Park Secure Parking Lot project to Emery Construction Group Inc of Moline, Illinois in the amount of \$329,467.25, CIP #23049. [Ward 3]

ADOPTED 2022-200

25. Resolution awarding a professional services contract for federal consultant and advocacy work to Rasky Partners, Inc of Boston, Massachusetts in the amount of \$120,000, CIP #60015. [All Wards]

ADOPTED 2022-201

26. Resolution accepting work completed under the FY 2019 and FY 2020 Manhole Rehabilitation project by Save Our Sewers, Inc of Cedar Rapids, Iowa in the amount of \$2,116,314.92, CIP #30045. [All Wards]

ADOPTED 2022-202

27. Resolution setting a Public Hearing to amend the FY 2022 Operating and Capital Improvement Budgets. [All Wards]

ADOPTED 2022-203

28. Resolution awarding a contract for the Gateway to the East and Gateway to the West Signs project to General Constructors Inc of Bettendorf, Iowa in the amount of \$140,855, CIP #23059. [Wards 1 & 6] **ADOPTED 2022-204**

29. Resolution authorizing early redemption of General Obligation Corporate Bonds, Series 2014A and General Obligation Refunding Bonds, Series 2014B. [All Wards] **ADOPTED 2022-205**

30. Resolution approving the purchase of a 70-foot aerial truck from Altec Industries of Creedmoor, North Carolina in the amount of \$206,131 using Sourcewell contract #012418-ALT. [All Wards] **ADOPTED 2022-206**

31. Resolution approving a one-year lease agreement with five one-year options between the City of Davenport and Family Resources, Inc for the lease of City-owned property located at the Annie Wittenmyer Complex. [Ward 5] **ADOPTED 2022-207**

32. Motion approving noise variance requests for outdoor events on the listed dates and times. **PASSED 2022-208**

Ganzo's Mexican Restaurant; Cinco de Mayo Fiesta; 3923 North Marquette Street; Saturday, May 7, 2022 10:30 a.m. - 6:00 p.m.; Outdoor music, over 50 dBA. [Ward 7]

Dustin Drenth; Graduation Party; 3427 North Elmwood Avenue; Saturday, May 14, 2022 5:30 p.m. - 8:45 p.m.; Outdoor band, over 50 dBA. [Ward 2]

33. Motion approving beer and liquor license applications. **PASSED 2022-209**

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

Ward 2

The Devil's Door (The Devil's Door, LLC) - 4908 N Pine St - Outdoor Area - New License - License Type: Class C Liquor **pending staff review*

Ward 3

RME Courtyard (River Music Experience) - 121 W 2nd St – Recurring Temporary License - Outdoor Area - License Type: Class C Liquor **pending staff review*

Ward 5

The Coffee House QC (Area 309 Coffee, LLC) - 1315 Jersey Ridge Rd - Temporary Outdoor Event April 28 - License Type: Beer/Wine **pending staff review*

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

Ward 1

Gunchies (Conrad Holdings, LLC) - 2905 Telegraph Rd - Outdoor Area - License Type: Class C Liquor

Ward 3

Redstone Room (River Music Experience) - 129 Main St (2nd Floor) - License Type: Class C Liquor

Lopiez Pizza (Lopez Curse, LLC) - 429 E 3rd St #1 - License Type: Class C Liquor

Taste of Ethiopia (Taste of Ethiopia, LLC) - 102 S Harrison St #300 – Outdoor Area - License Type: Beer/Wine

Scotts Shovelhead Shed (SSS, Inc) - 220 N Pine St - Outdoor Area - License Type: Class C Liquor

Geezer's Drafthouse (Geezers, Inc) - 1654 W 3rd St - Outdoor Area - License Type: Class C Liquor

Ward 4

The Meat Market (Weetbruch Enterprises, Inc) - 1629 Washington St - Outdoor Area - License Type: Class C Liquor

Mississippi Valley Fairgrounds (Mississippi Valley Fair, Inc) - 2815 W Locust St - Outdoor Area - License Type: Class C Liquor

Famous Liquors (Jay Liquor, Inc) - 2604 W Locust St - License Type: Class E Liquor

Firehouse Bar & Grill (Firehouse Bar & Grill, Inc) - 2006 Hickory Grove Rd - Outdoor Area - License Type: Class C Liquor

Ward 5

Save More (Guru Nanak Food Mart, Inc) - 405 E Locust St - License Type: Class E Liquor

Stadium Club (Sis, Inc) - 2828 Brady St - License Type: Class C Liquor

The 11th St Precinct Bar and Grill (Carpe Diem I, LLC) - 2108 E 11th St - Outdoor Area - License Type: Class C Liquor

Jesse's Mart (Guru Nanak Petro Mart, Inc) - 412 E Locust St - License Type: Class C Beer

W-Mart (Kuntidharma, LLC) - 1205/1207 E Locust St - License Type: Class E Liquor

Ward 6

Your Pie (The Gizzeria Group, Inc) - 4520 E 53rd St #400 - Outdoor Area - License Type: Beer/Wine

Los Agaves Mexican Grill (Los Agaves, Inc) - 4882 Utica Ridge Rd – Outdoor Area - License Type: Class C Liquor

Aldi Inc #80 (Aldi, Inc - Corporation) - 5262 Elmore Ave - License Type: Class C Beer

Bad BoyZ Pizza & Pub (3 Bad GirlZ, Ltd) - 4706 Utica Ridge Rd – Outdoor Area - License Type: Class C Liquor

Lindsay Park Yacht Club (Lindsay Park Yacht Club, Inc) - 2101 E River Dr - Outdoor Area - License Type: Class A Liquor

Ward 8

Cracker Barrel #161 (Cracker Barrel Old Country Store) - 300 Jason Way Ct -Outdoor Area - License Type: Beer/Wine

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

Ward 3

RME Courtyard (River Music Experience) - 121 W 2nd St - Outdoor Area - License Type: Class C Liquor

Redstone Room (River Music Experience) - 129 Main St (2nd Floor) - License Type: Class C Liquor

34. Motion approving the annual payment for the City's Pure Storage annual warranty and maintenance coverage to Insight Public Sector of Des Moines, Iowa in the amount of \$69,187.44. [All Wards] **PASSED 2022-210**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

XV. Adjourn **5:54 p.m.**



Brian J. Krup
Deputy City Clerk