

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, March 24, 2021

The City Council of Davenport, Iowa met in regular session on Wednesday, March 24, 2021 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, Iowa with Mayor Mike Matson presiding and all Aldermen present (*In person*: Alderman Dunn, Alderman Dohrmann, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Peacock, Alderman Jobgen, and Alderman Ambrose; *Via telephone*: Alderwoman Dickmann). A partially electronic meeting was held because a fully "in-person" meeting was impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor's proclamation and the Mayor's executive order directing social distancing and placing restrictions on gatherings. In-person attendance by the general public at any City of Davenport public meeting within its facilities shall be limited to 20 persons.

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Dohrmann

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for March 10, 2021.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for March 17, 2021.

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, March 17, 2021 -- The Council observed a moment of silence. Pledge of Allegiance led by Alderman Dunn. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Pro Tem Meginnis presiding and all Aldermen present (In person: Alderman Dunn, Alderman Dohrmann, Alderwoman Lee, Alderman Gripp, Alderman Condon, and Alderman Ambrose; Via telephone: Alderman Peacock, Alderwoman Dickmann, and Alderman Jobgen).

*The following Public Hearings were held: **Community Development:** 1) for Case REZ21-01 being the request of Dan Lorentzen on behalf of Rock Church Ministries Inc to rezone Lot 2 of Nims Acres from S-OS Open Space District to R-1 Single-Family Residential District with a note that Plan and Zoning Commission recommends denial requiring 8 votes for passage; and 2) on the recommendations for Year 47 (July 1, 2021 – June 30, 2022) Community Development Block Grant (CDBG) funds. **Public Works:** 1) on the plans, specifications, form of contract, and estimate of cost for the Sunderbruch Park Bridge Over Blackhawk Creek Repair project, CIP #21005; 2) on the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Flood Repairs project; 3) on the plans, specifications, form of contract, and estimate of cost for the CY 2021 ADA Ramp Program Project, CIP #28026; and 4) on the plans, specifications, form of contract, and estimate of cost for the CY 2021 Sidewalk Program, CIP #28025. **Finance:** 1) on the FY 2022 Operating Budget, FY 2022 Capital Improvement Budget, and the FY 2022 - FY 2027 Capital Improvement Plan.*

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 Ambrose items #1, Third Consideration: Ordinance for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District with a note that the protest rate is over 20% and 8 votes are required for passage; #2, Third Consideration: Ordinance for Case ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing; #3, Third Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of the public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of an alley in Block 89 of LeClaire's 8th Addition; and #4, Second Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of an alley in Block 96 of LeClaire's 8th Addition with a recommendation for suspension of the rules and passage of third consideration, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Safety:** Alderman Ambrose reviewed all items listed. On motion by Alderman Jobgen, second by Alderman Dunn all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Dohrmann, second by Alderman Gripp all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Peacock, second by Alderman Ambrose all items moved to the Consent Agenda.

Council adjourned at 7:13 p.m.

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2021-104

1. Child Abuse Prevention Week | March 29 - April 4, 2021
2. Junior Achievement Day | April 1, 2021
3. CDBG Week | April 5 - 9, 2021

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. Alderman Jobgen moved a motion to amend the conditions of the Ordinance, seconded by Alderman Gripp. Upon the roll being called with all Aldermen present voting aye, the conditions to the Ordinance were amended as follows:

1. The City Council is requested to pass a resolution amending the Regional Commercial (RC) and Residential General (RG) land use boundaries on the Davenport +2035 Future Land Use Map.
2. A traffic study is required and additional traffic safety measures may be required as development occurs.
- ~~3. A north-south public street shall be required to connect Lakeview Parkway to Eastbury Estates Drive.~~
4. A traffic signal shall be required at the intersection of Lakeview Parkway and East 53rd Street.
5. A second ingress/egress point to East 53rd Street shall be required.
6. Street connections to East 51st Street, Eastbury Estates Drive, and Hawk Drive shall be prohibited.
7. The multi-purpose trail shall be extended to the west property line.
8. A 20-foot setback on the eastern and western-most property lines in the C-2 zoning district shall be required where abutting commercial zoning districts.
9. A 30-foot buffer landscaped setback shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.

10. The height of structures in the R-MF zoning district shall be no greater than 35 feet.
11. Upon vacation by the City of a portion of Eastbury Estates just to the south of the subject property, Petitioners, jointly and severally, shall be responsible for paying for or executing the work specified by the City of Davenport for reconfiguring/redesigning/reconstructing the northern terminus of Eastbury Estates in the area abutting the southern boundary of the subject property. The City is to provide plans, including a site plan and landscaping plan to Petitioners.
12. Townhouses and Multi-Family units shall be prohibited where the property abuts existing single-family residential.
13. The requirement under Section 16.24.040C of the City Code stating no cul-de-sac shall exceed 600 feet in length as measured from the center line of the intersecting street to the termination of the right-of-way shall be waived, if the Petitioner provides secondary access via private ingress/egress easement to 53rd Street.
14. Carwashes, gas stations shall be prohibited west of Lakeview Parkway
15. The fence associated with the required buffer between residential and commercial shall be installed after final grading has been completed.
16. Buildings within 100 feet of the west property, abutting existing residential line shall be limited to 35 feet in height.

On motion by Alderman Ambrose, second by Alderman Gripp with all Aldermen present voting aye except Alderman Jobgen, the following Ordinance was adopted as amended:

Third Consideration: Ordinance for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District. [Ward 6]
ADOPTED 2021-105

ORDINANCE NO. **2021-105**

ORDINANCE for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential 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" and "R-MF Multi-Family Residential District."

Legal Description of the C-2 Corridor Commercial District Portion of Property:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST, OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH 00°09'16" WEST 50.00 FEET ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°09'16" WEST 599.44 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9;

THENCE NORTH 90°00'00" WEST 1314.08 FEET ALONG THE SAID LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 TO THE WESTERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION;

THENCE NORTH 00°23'41" EAST 590.30 FEET ALONG THE SAID WESTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET;

THENCE NORTH 90°00'00" EAST 1311.59 FEET ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 17.928 ACRES MORE OR LESS.

(FOR PURPOSES OF THIS DESCRIPTION, THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 IS ASSUMED TO BEAR NORTH 90°00'00" EAST).

Legal Description of the R-MF Multi-Family Residential Portion of Property:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST, OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH 00°09'16" WEST 50.00 FEET ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET; THENCE CONTINUING SOUTH 00°09'16" WEST 599.44 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°09'16" WEST 662.27 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 3RD AND 4TH ADDITIONS TO THE NORTHERLY LINE OF O'SELL'S ADDITION;

THENCE NORTH 89°36'03" WEST 1316.85 FEET ALONG THE SAID NORTHERLY LINE OF O'SELL'S ADDITION TO THE WESTERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION;

THENCE NORTH 00°23'41" EAST 662.26 FEET ALONG THE SAID WESTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET;

THENCE NORTH 90°00'00" EAST 1314.08 FEET ALONG THE SAID LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST

QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION AND THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 20.000 ACRES MORE OR LESS.

(FOR PURPOSES OF THIS DESCRIPTION, THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 IS ASSUMED TO BEAR NORTH 90°00'00" EAST).

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

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Regional Commercial (RC) along the 53rd Street corridor and Residential General (RG) on the southern portion of the site.
2. The proposed C-2 Corridor Commercial District is compatible with the zoning of nearby property on 53rd Street. However, the proposed R-MF Multi-Family Residential District creates a higher density than the surrounding neighborhoods, which are zoned R-3 Single-Family and Two-Family Residential District. Therefore, conditions requiring enhanced landscaping buffers and a reduction in the maximum building height are needed to mitigate potential impacts between land uses.
3. Special consideration must be given to the increased density the proposed rezoning petition. A traffic study is required to address increased traffic demand on the major arterial roadway and local streets. Requiring a traffic signal on 53rd Street and a public north-south road through the development site will aid in mitigating traffic and emergency response concerns.
4. Rezoning the property to C-2 Corridor Commercial District and R-MF Multi-Family Residential District does not create any nonconformities.

Conditions:

1. The City Council is requested to pass a resolution amending the Regional Commercial (RC) and Residential General (RG) land use boundaries on the Davenport +2035 Future Land Use Map.
2. A traffic study is required and additional traffic safety measures may be required as development occurs.
3. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rd Street.
4. A second ingress/egress point to East 53rd Street shall be required.
5. Street connections to East 51st Street, Eastbury Estates Drive, and Hawk Drive shall be prohibited.
6. The multi-purpose trail shall be extended to the west property line.
7. A 20-foot setback on the eastern and western-most property lines in the C-2 zoning district shall be required where abutting commercial zoning districts.
8. A 30-foot landscaped setback shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.
9. The height of structures in the R-MF zoning district shall be no greater than 35 feet.
10. Upon vacation by the City of a portion of Eastbury Estates just to the south of the subject property, Petitioners, jointly and severally, shall be responsible for paying for or executing the work specified by the City of Davenport for reconfiguring/redesigning/reconstructing the northern terminus of Eastbury Estates in the area abutting the southern boundary of the subject property. The City is to provide plans, including a site plan and landscaping plan to Petitioners.
11. Townhouses and Multi-Family units shall be prohibited where the property abuts existing single-family residential.
12. The requirement under Section 16.24.040C of the City Code stating no cul-de-sac shall exceed 600 feet in length as measured from the center line of the intersecting street to the termination of the right-of-way shall be waived, if the Petitioner provides secondary access via private ingress/egress easement to 53rd Street.
13. Carwashes and gas stations shall be prohibited west of Lakeview Parkway.
14. The fence associated with the required buffer between residential and commercial shall be installed after final grading has been completed.
15. Buildings within 100 feet of the west property, abutting existing residential line shall be limited to 35 feet in height.

Section 3. At its February 2, 2021 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval subject to the listed findings and conditions.

Section 4. The approval of this ordinance amends and replaces the prior conditions on the real estate as set forth in Sections 17.17.010G and 17.17.010H from the City Code per the repealer clause.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved 3/24/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. On motion by Alderman Ambrose, second by Alderman Peacock with all Aldermen present voting aye, the following Ordinance was adopted:

Third Consideration: Ordinance for Case ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing. [Ward 3]

ADOPTED 2021-106

ORDINANCE NO. **2021-106**

ORDINANCE for Case ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing.

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

Section 1. The Land Use Plan adopted in association of Ordinance No. 2018-107 is amended to allow a student housing building as shown as "F" in the attached Campus Master Plan.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved 3/24/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. On motion by Alderman Ambrose, second by Alderman Gripp with all Aldermen present voting aye, the following Ordinance was adopted:

Third Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of the public right-of-way known as East 11th Street between

Perry Street and Pershing Avenue and a portion of an alley in Block 89 of LeClaire's 8th Addition. [Ward 3]

ADOPTED 2021-107

ORDINANCE NO. **2021-107**

ORDINANCE for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of alley in Block 89 of LeClaire's 8th Addition.

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:

That part of East 11th Street located between Perry Street and Pershing Avenue, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Block 96 in LeClaire's 8th Addition;

Thence South 02°52'09" East, a distance of 60.01 feet to the northeast corner of Block 89 in LeClaire's 8th Addition;

Thence South 88°01'40" West along the north line of said Block 89, a distance of 321.23 feet to the northwest corner of said Block 89;

Thence North 02°07'42" West, a distance of 61.84 feet to the southwest corner of said Block 96;

Thence North 88°21'23" East along the south line of said Block 96, a distance of 320.47 feet to the Point of Beginning.

The above-described parcel contains 19,545 square feet, more or less.

For the purpose of this description bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

AND

Part of a 20-foot alley located partly in Block 89 of LeClaire's 8th Addition and partly in Outlot 30 of LeClaire's 2nd Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Commencing at the at the northeast corner of Lot 5 in said Block 89;

Thence South 01°50'01" East along the east line of said Block 89, a distance of 185.98 feet to the northerly line of said alley and the Point of Beginning;

Thence continuing South 01°50'01" East along said east line, a distance of 20.00 feet to the southerly line of said alley;

Thence South 88°02'49" West along said southerly line, a distance of 151.54 feet to the easterly line of said alley;

Thence South 01°50'34" East along said easterly line, a distance of 108.54 feet;

Thence South 87°15'17" West, a distance of 20.00 feet to the westerly line of said alley;

Thence North 01°50'34" West along said westerly line, a distance of 128.82 feet to the northerly line of said alley;

Thence North 88°02'49" East along said northerly line, a distance of 171.54 feet to the Point of Beginning. The above-described parcel contains 5,604 square feet, more or less.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

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

1. A utility easement be dedicated for the preservation and maintenance of public utilities within the East 11th Street right-of-way.
2. An ingress/egress easement be provided from the alley to Pershing Avenue.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved 3/24/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

4. On motion by Alderman Ambrose, second by Alderman Gripp with all Aldermen present voting aye, the below Ordinance moved to third consideration with a recommendation by Committee of the Whole for suspension of the rules and passage of third consideration.

On motion by Alderman Ambrose, second by Alderwoman Meginnis with all Aldermen present voting aye, the rules were suspended for passage of third consideration.

On motion by Alderman Ambrose, second by Alderman Gripp with all Aldermen present voting aye, the following Ordinance was adopted:

Second Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of an alley in Block 96 of LeClaire's 8th Addition. [Ward 3]

ADOPTED 2021-108

ORDINANCE NO. **2021-108**

ORDINANCE for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of a portion of alley in Block 96 of LeClaire's 8th Addition.

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:

Part of a 20-foot alley located in Block 96 of LeClaire's 8th Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Lot 5 in said Block 96;

Thence South 01°53'25" East along the east line of said Block 96, a distance of 20.00 feet to the south line of said alley;

Thence South 88°25'19" West along said south line, a distance of 204.63 feet; Thence North 01°30'45" West, a distance of 20.00 feet to the north line of said alley;

Thence North 88°25'19" East along said north line, a distance of 204.50 feet to the Point of Beginning.

The above-described parcel contains 4,091 square feet, more or less.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

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

1. A 15 foot utility easement be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement be provided from the alley to 12th Street.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved 3/24/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

XI. Approval of All Items on the Consent Agenda

On motion by Alderman Ambrose, second by Alderwoman Meginnis with all Aldermen present voting aye with Alderman Jobgen abstaining from the Assumption High School liquor license under item #20, the Consent Agenda was approved as follows:

1. Resolution setting a Public Hearing on a proposed lease of land at the northeast corner of 5th and Brady for the Martin Luther King, Jr Plaza with the Friends of Martin Luther King, Jr (FoMLK, petitioner). [Ward 3] **ADOPTED 2021-109**
2. Resolution approving Case CP21-01 being the request of MCC Iowa LLC on behalf of MM Development LLC to amend the Davenport 2035 Future Land Use Map Designation at 5000 Grand Avenue from Residential General (RG) to Industry (I). [Ward 7] **ADOPTED 2021-110**
3. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2021-111**

Davenport Community School District; Track Meets; Brady Street Stadium, 3603 Brady Street; Various dates and times in April and May 2021 (see attached list); **Closure:** 36th Street from Brady Street to just west of Davenport Avenue. [Ward 7]

Ganzo's Mexican Restaurant, Ganzo's Cinco de Mayo 5K & Fiesta; Saturday, May 1, 2021; 6:00 a.m. – 11:00 a.m.; **Lane closures:** northbound N Marquette from W Kimberly to W 41st (northbound W Kimberly to 3923 N Marquette St closed until 11:30 p.m. for the Fiesta); W 41st from Marquette to Division; easternmost northbound lane Division from W 41st to W 53rd; southernmost eastbound lane W 53rd from Division to NW Blvd; southbound NW Blvd from W 53rd to Taylor; Taylor from NW Blvd to W 52nd; W 52nd/Garner Dr from Taylor to W 51st; W 51st from W 52nd/Garner Dr to Fillmore Ln; Fillmore Ln from W 51st to W 46th; W 46th from Fillmore Ln to Marquette; Marquette from W 46th 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]

4. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Sunderbruch Park Bridge Over Blackhawk Creek Repair Project, CIP #21005. [Ward 1]

ADOPTED 2021-112

5. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Flood Repairs project. [Ward 1]

ADOPTED 2021-113

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the CY 2021 Sidewalk Program, CIP #28025. [All Wards]

ADOPTED 2021-114

7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the CY 2021 ADA Ramp Program Project, CIP #28026. [All Wards]

ADOPTED 2021-115

8. Resolution approving the contract for West 53rd Street Full Depth Patching to CDMI Concrete Contractors Inc of Port Byron, Illinois in the amount of \$958,178, CIP #35046. [Ward 8]

ADOPTED 2021-116

9. Resolution approving the contract for the Harrison Street Reconstruction project (Northbrook Drive to 5003 Harrison Street) to Emery Construction Group of Moline, Illinois in the amount of \$154,784.23, CIP #35047. [Ward 8]

ADOPTED 2021-117

10. Resolution approving the contract for the East 38th Street Reconstruction to McClintock Trucking & Excavating of Silvis, Illinois in the amount of \$257,836, CIP #35047. [Ward 7]

ADOPTED 2021-118

11. Resolution approving the contract for the West 43rd Street Reconstruction (Elsie Avenue to Michigan Avenue) to Five Cities Construction Company of Coal Valley, Illinois in the amount of \$288,021.50, CIP #35047. [Ward 2]

ADOPTED 2021-119

12. Resolution approving the contract for the Heatherton Drive Reconstruction project (Fairmount Avenue to Michigan Avenue) to Hawkeye Paving Corporation of Bettendorf, Iowa in the amount of \$297,591, CIP #35047. [Ward 2] **ADOPTED 2021-120**

13. Resolution approving the contract for the Sheffield Drive Reconstruction project (West 54th Street to Hillandale Road) to Tri City Blacktop Inc of Bettendorf, Iowa in the amount of \$291,242.50, CIP #35047. [Ward 2] **ADOPTED 2021-121**

14. Resolution approving the contract for Natural Resources mowing services to Delfs Landscape and Irrigation of Blue Grass, Iowa in the amount of \$112,365. [All Wards] **ADOPTED 2021-122**

15. Resolution authorizing the submission of a grant application to the Federal Transit Administration (FTA) for three battery powered electric buses and related charging facilities. [All Wards] **ADOPTED 2021-123**

16. Resolution adopting the FY 2022 Operating Budget, FY 2022 Capital Improvement Budget, and the FY 2022 - FY 2027 Capital Improvement Plan. [All Wards] **ADOPTED 2021-124**

17. Resolution approving seven Open Prairie/Forest Cover property tax exemptions. [Wards 1, 6, & 8] **ADOPTED 2021-125**

18. Motion approving the allocations for Year 47 (July 1, 2021 – June 30, 2022) Community Development Block Grant (CDBG) funds and HOME Investment Partnership (HOME) funds. [All Wards] **PASSED 2021-126**

19. Motion approving noise variance requests on the listed dates and times. **PASSED 2021-127**

McCleary Excavating; Detention Pond Pumping; Prairie Pointe Detention Pond (north of East 58th Street and west of Belle Ave); March 25, 2021 through end of April 24 hours a day only after rain events; Commercial pump, over 50 dBA. [Ward 8]

Ganzo's Mexican Restaurant; Ganzo's Cinco de Mayo Fiesta; 3923 North Marquette Street; Saturday, May 1, 2021; 12:00 p.m. – 11:30 p.m.; Outdoor music, over 50 dBA. [Ward 7]

20. Motion approving beer and liquor license applications. **PASSED 2021-128**

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

Ward 7

Assumption High School (Assumption High School) 1020 W Central Park Ave - "April Knights" April 23, 2021 – Outdoor Area - License Type: C Liquor

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

Ward 2

Rina Mart LLC (Rina Mart, LLC) - 3815 W Kimberly Rd - License Type: Class E Liquor

Ward 3

Rudy's Taco's (Majec, Inc) - 326 Cedar St - License Type: Class B Beer

Gateway Pub (Doo-Dah, Inc) - 702 W 3rd St - License Type: Class C Liquor

Embers of Phoenix (Jai Mata Lakshmi, Inc) - 111 W 2nd St - License Type: Class C Liquor

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

Antonella's Trattoria Ristorante (Antonella Trattoria Restaurant, Inc) - 112 W 3rd St - License Type: Beer/Wine

Barrel House 211 (Barrelhouse, LLC) - 207-211 E 2nd St - Outdoor Area - License Type: Class C Liquor

Ward 4

Hilltop Grocery (Hilltop Grocery, LLC) - 1312 Harrison St – License Type: Class E Liquor

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

Ward 5

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

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

Ward 6

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

Big River Bowling (Kimberly Entertainment, LLC) - 2902 E Kimberly Rd - License Type: Class C Liquor

Buffalo Wild Wings (Blazin Wings, Inc) - 4860 Utica Ridge Rd - Outdoor Area - License Type: Class C Liquor

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

Panchero's Mexican Grill (Central Coast Hospitality, Inc) - 4888 Utica Ridge - License Type: Class B Beer

Staybridge Hotel (Shree Balaji LLC) - 4729 Progress Dr - License Type: Beer/Wine

Ward 7

Los Portales Mexican Restaurant 2, Inc (Los Portales Mexican Restaurant 2, Inc) - 1012 E Kimberly Rd - License Type: Class C Liquor

21. Motion ratifying Change Order #1 to HR Green, Inc of Cedar Rapids, Iowa in the amount of \$45,200 for the Water Pollution Control Plant Primary Clarifiers Rehabilitation project, CIP #39009. [Ward 1] **PASSED 2021-129**

22. Motion ratifying Change Order #1 and #2 to HR Green, Inc of Cedar Rapids, Iowa in the amount of \$64,200 for the Flood Resiliency Plan, CIP #60028. [Wards 1 & 3] **PASSED 2021-130**

23. Motion ratifying Change Orders #1, #2, and #3 to Studio 483 Architects of Davenport, Iowa in the amount of \$64,200 for the Modern Woodmen Park floodwall extension, workout room addition, and clubhouse renovation project, CIP #23049. [Ward 3] **PASSED 2021-131**

24. Motion approving a professional services contract with Veenstra & Kimm, Inc of Rock Island, Illinois in the amount of \$94,370, CIP #33052. [All Wards] **PASSED 2021-132**

25. Motion approving the renewal of an excess flood insurance premium for policy period February 12, 2021 to February 12, 2022 with Trisura Specialty Insurance Company in the amount of \$63,986.53. [All Wards] **PASSED 2021-133**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

Following is a summary of revenue received for the month of February 2021:

Property taxes	622,219
Other City taxes	333,062
Special assessments	-
Licenses & permits	74,753
Intergovernmental	2,348,868
Charges for services	3,639,835
Use of monies & property	160,326

Fines & forfeits	159,149
Bonds/Loan Proceeds	128,309
Miscellaneous	790,383

XV. Adjourn **6:59 p.m.**



Brian J. Krup
Deputy City Clerk