

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, March 10, 2021

The City Council of Davenport, Iowa met in regular session on Wednesday, March 10, 2021 at 5:31 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 except Alderwoman Lee (*In person*: Alderman Dunn, Alderman Dohrmann, Alderwoman Meginnis, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ambrose; *Via telephone*: Alderman Peacock and 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 Ambrose

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for February 24, 2021.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for March 3, 2021.

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, March 3, 2021 -- The Council observed a moment of silence. Pledge of Allegiance led by Alderman Jobgen. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding and all Aldermen present (In person: Alderman Dunn, Alderman Dohrmann, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ambrose; Via telephone: Alderman Peacock and 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.

*The following Public Hearings were held: **Community Development**: 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.*

*Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development**: Alderman Gripp reviewed all items listed. On motion by Alderwoman Lee, second by Alderman Ambrose item #1, Third Consideration: Ordinance for Case REZ20-08 being the request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables; item #2, Second 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; item #3, Second 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; item #4, Second 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 item #5, First 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, 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 Gripp item #1, Third Consideration: Ordinance amending Chapter 12.72 entitled "Conduct in Parks" to add a new Section 12.72.095 that prohibits the use of tobacco and nicotine products in the parks and park facilities, and the new liquor license for Jesse's Mart at 3721 N Division St under item #5 moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Dohrmann, second by Alderwoman Meginnis 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 **6:36 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2021-90

1. Riverfront Improvement Commission
 - Bill Churchill (re-appointment, 7th Ward)
 - Tom Guy (re-appointment, 4th Ward)
2. Plan & Zoning Commission
 - Paul Reinartz Jr. (re-appointment)
3. Affirmative Action Advisory Committee
 - Troy Farley (New Appointment)

B. Proclamations

ISSUED 2021-91

1. Women in Construction Week | March 7-13, 2021
2. World Kidney Day | March 11, 2021

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

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

Third Consideration: Ordinance for Case REZ20-08 being the request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables. [Ward 7]

ADOPTED 2021-92

Ordinance No. **2021-92**

ORDINANCE for Case REZ20-08 being the request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I- 1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables.

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 "I-1, Light Industrial District."

Lot 5 of Lyngholm Park 8th Addition to the City of Davenport, Iowa.

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

Findings:

1. The proposed I-1 Light Industrial District is compatible with the zoning of nearby property.
2. The established neighborhood character is primarily industrial to the north and east of the subject property. To the south, there is an apartment complex and several smaller scale multi-family residential developments. The proposed low intensity use of the site will serve as a transition between industrial and residential properties.
3. Rezoning the property to I-1 Light Industrial District does not create any nonconformities.

Condition:

The City Council is requested to pass a resolution amending the Future Land Use Designation from Residential General (RG) to Industry (I).

Section 3. At its January 19, 2021 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval.

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 3/10/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. On motion by Alderman Jobgen, second by Alderman Ambrose with all Aldermen present voting aye except Alderwoman Meginnis and Alderwoman Dickmann, the below Ordinance was amended to add the phrase "except during the course of play of the game of golf on Emeis, Duck Creek, and Red Hawk golf courses."

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

Third Consideration: Ordinance amending Chapter 12.72 entitled "Conduct in Parks" to add a new Section 12.72.095 that prohibits the use of tobacco and nicotine products in the parks and park facilities. [All Wards] **ADOPTED 2021-93**

ORDINANCE NO. **2021-93**

Ordinance amending Chapter 12.72 entitled "Conduct in Parks" to add a new Section 12.72.095 that prohibits the use of tobacco and nicotine products in the parks and park facilities.

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

Section 1. That new Section 12.72.095 entitled "Tobacco and nicotine free parks and park facilities" is hereby adopted that read as follows:

12.72.095 Tobacco and nicotine free parks and park facilities.

No person, at any time, shall use a tobacco product or nicotine product of any kind while present on any City park property or in any City park facility, except during the course of play of the game of golf on Emeis, Duck Creek, and Red Hawk golf courses. "Tobacco product" means any product made or derived from tobacco that is intended for human use, including any component, part, or accessory of a tobacco product including, but is not limited to, cigarettes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, chewing tobacco and dissolvable tobacco. "Electronic smoking devices" mean any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. "Nicotine product" does not include any product approved by the United States Food and Drug Administration for tobacco cessation such as gum or patches.

In addition to the sanctions and remedies provided in 12.72.100, a violation of this section may be charged as a municipal infraction or simple misdemeanor; the scheduled fine shall be \$100.

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

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

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

Approved 3/10/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. On motion by Alderman Ambrose, second by Alderwoman Meginnis with all Aldermen present voting aye except Alderman Jobgen, the following Ordinance moved to third consideration:

Second 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] **MOVED TO THIRD CONSIDERATION**

THE PROTEST RATE IS OVER 20%. 8 VOTES REQUIRED FOR PASSAGE.

4. *On motion by Alderman Ambrose, second by Alderwoman Meginnis with all Aldermen present voting aye, the following Ordinance moved to third consideration:*

Second 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] **MOVED TO THIRD CONSIDERATION**

5. *On motion by Alderman Ambrose, second by Alderwoman Meginnis with all Aldermen present voting aye, the following Ordinance moved to third consideration:*

Second 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] **MOVED TO THIRD CONSIDERATION**

6. *On motion by Alderman Ambrose, second by Alderwoman Meginnis with all Aldermen present voting aye, the following Ordinance moved to second consideration:*

First 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] **MOVED TO SECOND CONSIDERATION**

7. *On motion by Alderman Ambrose, second by Alderman Jobgen with all Aldermen present voting nay except Alderman Dohrmann and Alderman Ambrose, the following Motion failed:*

Motion approving the following beer and liquor license application.

FAILED

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

Ward 7

Jesse's Mart (Guru Nanak Petro Mart) – 3721 N Division St – License Type E
Liquor - 200' letters mailed 2/24/2021

XI. Approval of All Items on the Consent Agenda

On motion by Alderman Ambrose, second by Alderman Gripp with all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Sturdevant Street along the west side from the alley north of 12th Street to 13th Street. [Ward 4] **ADOPTED 2021-94**

ORDINANCE NO. **2021-94**

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XI "RESIDENT PARKING ONLY" THERETO BY ADDING STURDEVANT STREET ALONG THE WEST SIDE FROM THE ALLEY NORTH OF 12TH STREET TO 13TH STREET.

Section 1. That Schedule XI "Resident Parking Only" of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Sturdevant Street along the west side from the alley north of 12th Street to 13th 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 3/10/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Resolution approving Case F21-01 being the request of Shewry Limited Partnership for a final plat of West Lake Business Park 4th Addition on 3.2 acres, being a replat of Lot 2 in West Lake Business Park 3rd Addition located at 7630 Louis Rich Court containing 2 industrial lots. [Ward 1] **ADOPTED 2021-95**

3. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2021-96**

The Office; St. Patrick's Day Celebration; 116 West 3rd Street; 10:00 a.m. Saturday, March 13, 2021 - 2:00 a.m. Sunday, March 14, 2021; **Closure:** sidewalk in front of 116 West 3rd Street. [Ward 3]

St. Paul Lutheran Church; Palm Sunday Outdoor Worship Service; 2136 Brady Street; Sunday, March 28, 2021 8:00 a.m. – 11:00 a.m.; **Closure:** Lombard Street between Main Street and Brady Street. [Ward 5]

St. Paul Lutheran Church; Easter Outdoor Worship Service; 2136 Brady Street; Sunday, April 4, 2021 5:30 a.m. – 12:30 p.m.; **Closures:** High Street between Main Street and Brady Street and the north-south alley from Pleasant Street to High Street between Brady Street and Main Street. [Ward 5]

Stickman Racing Group; Easter Egg Scramble 5k; Saturday, April 3, 2021 7:00 a.m. - 11:30 a.m.; **Closures:** E 11th St from Mound St to Hillcrest Ave/E River St; Jersey Ridge Rd from E 11th St to Middle Rd; Middle Rd from Jersey Ridge Rd to

Eastmere Dr; Eastmere Dr from Middle Rd to City Limits; Wood Ln from City Limits to Forest Rd; Forest Rd from Wood Ln to Nichols Ln; Wood Ln from Forest Rd to McClellan Blvd; McClellan Blvd from Wood Ln to Edgehill Ter; Edgehill Ter from McClellan Blvd to E River St; E River St from E River Dr to Hillcrest Ave. [Wards 5 & 6]

Top Notch Production Inc/Marc Hayes; Quad City Symphony Orchestra Presents: An Evening with Renée Elise Goldsberry; 6:00 p.m. Friday, May 14, 2021 - 6:00 a.m. Sunday, May 16, 2021; **Closures:** Harrison Street and Ripley Street south of River Drive. [Ward 3]

4. Resolution approving the contract for the DOT Full Depth Patching Program to Hawkeye Paving Corporation of Bettendorf, Iowa in the amount of \$154,330, CIP #35045. [All Wards] **ADOPTED 2021-97**

5. Resolution approving the contract for the construction of the Davenport Fire Department Training Center at the Public Works Facility to Reed Construction LLC of DeWitt, Iowa in the amount of \$297,100, CIP #23048. [All Wards] **ADOPTED 2021-98**

6. Resolution approving the three-year contract for Microsoft, purchased through the State of Iowa contract with Insight Public Sector of Des Moines, Iowa in the amount of \$568,217.25. [All Wards] **ADOPTED 2021-99**

7. Motion approving the following noise variance requests for events on the listed dates and times. **PASSED 2021-100**

The Office; St. Patrick's Day Celebration; 128 West 3rd Street; Saturday, March 13, 2021 10:00 a.m. - 9:00 p.m.; Outdoor music, over 50 dBA. [Ward 3]

Dam View Inn; St. Patrick's Day Celebration; 410 East 2nd Street; Saturday, March 13, 2021 8:00 a.m. - 11:00 p.m.; Outdoor music, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2815 West Locust Street; various dates and times April through October 2021 (see attached tentative list); Outdoor events/music, over 50 dBA. [Ward 4]

8. Motion approving beer and liquor license applications. **PASSED 2021-101**

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

Ward 3

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 W 3rd St - Outdoor area March 11, 2021-November 1, 2021 - License Type: C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 W 3rd St - Outdoor area "St. Patrick's Day Event" March 13-15, 2021 - License Type: C Liquor

Dam View Inn (VanDamQC LLC) – 410 E 2nd St – Outdoor area "St. Patrick's Day Event" March 12-14, 2021 - License Type: C Liquor

Fandoms Bar (W3 LLC) – 1460 W 3rd St – License Type: C Liquor

Super Saver Tobacco and Liquor (Veera Brothers LLC) – 1610 Rockingham Rd – License Type: E Liquor

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

Ward 1

Herb's Tap Inc (Herb's Tap, Inc) - 3701 Rockingham Rd - License Type: C Liquor

Ward 3

Iowa Mini Mart (Samreet LLC) - 234 W 3rd St - License Type: E Liquor

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

Tappa's Steak House (Big Tap Productions, Inc) - 1620 Rockingham Rd – License Type: C Liquor

Ward 4

The Gypsy Highway Bar and Grill (The Gypsy Highway Corporation) - 2606 W Locust St - Outdoor Area - License Type: C Liquor

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

The Pour House (The Boss Lady, Inc) - 1502 W Locust St - Outdoor Area - License Type: C Liquor

Wise Guys Pizza & Pub (PB&B LLC) - 2824 W Locust St, Unit 3A – Outdoor Area - License Type: C Liquor

Ward 5

Bootleggers (Lola K, LLC) - 2228 E 11th St - Outdoor Area - License Type: C Liquor

Brew in the Village (3 Blessings Inc) - 1104 Jersey Ridge Rd - Outdoor Area - License Type: C Liquor

Grumpy's Saloon (2118-2120, In) - 2120 E 11th St - License Type: C Liquor

The Outing Club (The Outing Club, Inc) - 2109 Brady St - Outdoor Area - License Type: C Liquor

Ward 6

Camp McClellan Cellars (Julie Keehn) - 2302 E 11th St - License Type: C Beer

Mart Stop No 1 (Mart Stop No 1) - 3527 Spring St - License Type: E Liquor

QC Mart (Bethany Enterprises, Inc) - 2415 E 53rd St - License Type: C Beer

R Bar (KJT Holdings LLC) - 4907 Utica Ridge Rd - Outdoor Area – License Type: C Liquor

Ward 7

The Liquor Stop LLC (The Liquor Stop LLC) - 211 W 53rd St – License Type: E Liquor

R & C Brazilian Steakhouse LLC (R & C Brazilian Steakhouse LLC) - 320 W Kimberly Rd - License Type: C Liquor

Ward 8

Exotic Thai Restaurant (Exotic Thai Restaurant, Inc) - 2303 E 53rd St - Outdoor Area - License Type: C Liquor

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

9. Motion approving the installation services of security cameras in the parking ramps to Davenport Electric Contract Company and Tri-City Electric in the amounts of \$20,908 and \$35,980 respectfully, CIP #10173. [Ward 3] **PASSED 2021-102**

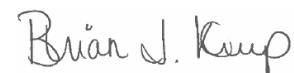
10. Motion approving the annual payment for the City's Pure Storage to Insight Public Sector of Des Moines, Iowa in the amount of \$69,187.44. [All Wards] **PASSED 2021-103**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

XV. Adjourn **6:51 p.m.**



Brian J. Krup
Deputy City Clerk