

CORRECTED

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, April 10, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, April 10, 2024 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 except Alderwoman Lynch (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Kelly

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for March 27, 2024.

Approval of the City Council Special Meeting minutes for April 2, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for April 3, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, April 3, 2024
-- 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 except Alderman Kelly (Alderman R. Dunn, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

*The following Public Hearings were held: **Community Development:** 1. on the proposed conveyance of vacated public right-of-way, that being a part of West 43rd Street lying between El Rancho Drive and Rodeo Road (Del Vecchio, Frost, and Infante, Petitioners). **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Veterans Memorial Parkway Trail Extension project, CIP #28027; 2. on the plans, specifications, form of contract, and estimate of cost for the West Central Park Avenue (Division and Marquette Streets) Intersection Improvements project, CIP #35061; 3. on the plans, specifications, form of contract, and estimate of cost for the SRF Duck Creek Golf Course Wetland project, CIP #33041; 4. on the plans, specifications, form of contract, and estimate of cost for the West 53rd Street Diamond Grinding project, CIP #35061; and 5. on the plans, specifications, form of contract, and estimate of cost for the Permeable Paver Repair project, CIP #33059.*

*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 Gripp moved a motion to amend item #2, Resolution approving Case P23-02 being the request of Splendor Homes LLC for a preliminary plat of Splendor Estates, a 118-lot subdivision on 27.94 acres located at 2448 and 2460 East 60th Street, to read "...a 76-lot single-family subdivision..." , seconded by Alderman Reinartz. On motion*

by Alderman Reinartz, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderman R. Dunn all items moved to the Consent Agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderwoman Meginnis, second by Alderman Jobgen all items moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed all items listed. A motion was moved by Alderman Jobgen and seconded by Alderman Gripp to separate item #6, Resolution ratifying Executive Order 2023-22 appointing Mallory Merritt as Interim City Administrator; ratifying the Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, memorializing Ms. Merritt's appointment as Interim City Administrator; and approving Amendment 1 to the personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, so that the two ratifications one item and the approval of Amendment 1 to the Personnel Memorandum of Understanding is one item. On motion by Alderwoman Lynch, second by Alderman R. Dunn, item #1, First Consideration: Ordinance providing for the sale and issuance of \$27,715,000 General Obligation Corporate Bonds, Series 2024, and for the levy of taxes to pay the same, moved to the Discussion Agenda with a staff recommendation for suspension of the rules and passage of second and third considerations; item #2 would be voted on later on the agenda; item #6, Resolution ratifying Executive Order 2023-22 appointing Mallory Merritt as Interim City Administrator; ratifying the Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, memorializing Ms. Merritt's appointment as Interim City Administrator; and approving Amendment 1 to the personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, moved to the Discussion Agenda as amended; item #7, Resolution ratifying Executive Order 2024-01 appointing Brian Heyer as Interim Corporation Counsel and approving the Personnel Memorandum of Understanding between the City of Davenport and Brian Heyer, memorializing Mr. Heyer's appointment as Interim Corporation Counsel, moved to the Discussion Agenda; and all other items moved to the Consent Agenda. Other Ordinances, Resolutions and Motions: A motion for suspension of rules to vote on the listed item was moved by Alderman Gripp and seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye and the rules were suspended.

On motion by Alderwoman Meginnis, second by Alderman Gripp and all Aldermen present voting aye, the following Resolution was adopted:

Resolution setting a Public Hearing on the FY 2025 Operating Budget, FY 2025 Capital Improvement Budget, and the FY 2025 - FY 2030 Capital Improvement Program. [All Wards]

ADOPTED 2024-147

Council adjourned at **7:32 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-148

1. Citizens Advisory Committee

-Daniel Westmoreland (new appointment | Seventh Ward)

2. Plan and Zoning Commission

-Erica Thomas (new appointment)

B. Proclamations

ISSUED 2024-149

1. Autism Awareness Month | April 2024

2. National Public Safety Telecommunicators Week | April 14-20, 2024

3. National Work Zone Awareness Week | April 15 - 19, 2024

4. Earth Week | April 22 - 26, 2024

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. *A motion was introduced to amend the Ordinance to reflect the results of the bond sale to insert Morgan Stanley & Co. LLC, New York, NY as the winning firm with a true interest cost of 3.4499% in the principal amount of \$24,805,000, moved by Alderman Jobgen and seconded by Alderwoman Meginnis with all Aldermen present voting aye.*

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

Per recommendation by staff to suspend the rules for passage of second and third considerations, a motion was moved by Alderman R. Dunn and seconded by Alderman Gripp. Upon the roll being called, all Aldermen present voted aye and the rules were suspended.

On motion by Alderman R. Dunn, second by Alderman Reinartz and all Aldermen present voting aye, the Ordinance was adopted.

First Consideration: Ordinance providing for the sale and issuance of \$27,715,000 General Obligation Corporate Bonds, Series 2024, and for the levy of taxes to pay the same. [All Wards]

ADOPTED 2024-150

ORDINANCE NO. **2024-150**

An Ordinance providing for the sale and issuance of \$24,805,000 General Obligation Corporate Bonds, Series 2024, and for the levy of taxes to pay the same

WHEREAS, the City of Davenport (the “City”), in Scott County, Iowa, in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, and pursuant to notice duly published and a hearing held thereon on April 19, 2023, has proposed that it is in the best interest of the City that not to exceed \$31,000,000 General Obligation Corporate Bonds, Series 2024 (the “Series 2024 Bonds”) be authorized by the City to provide funds to pay costs in connection with making improvements to sanitary sewers, storm water drainage systems, waterway and flood control assets, streets, street lighting, signage and signalization, streetscapes, sidewalks and paths, the municipal airport, municipal buildings and facilities, and municipal parks; acquiring and maintaining vehicles and/or equipment for municipal parks, streets, public safety department, solid waste collection, and the municipal library; repair and maintenance of bridges; information technology improvements; and municipal housing projects; and

WHEREAS, a preliminary official statement (the “Preliminary Official Statement”) has been prepared in connection with the sale of the Series 2024 Bonds, and the City Council has made provision for the approval of the Preliminary Official Statement and has authorized its use by PFM Financial Advisors LLC (the “Financial Advisor”), as municipal financial advisor to the City; and

WHEREAS, in order to pay the costs of the purposes set forth above, sealed bids for the purchase of the Series 2024 Bonds were received and canvassed on behalf of the City; and

WHEREAS, the Financial Advisor has reported that, upon review of all bids received for the purchase of the Series 2024 Bonds, the bid of Morgan Stanley & Co. LLC, New York, NY, (the “Purchaser”) proposes the lowest interest cost to the City and the City should issue the Series 2024 Bonds in the principal amount of \$24,805,000; and

WHEREAS, it is necessary at this time to award the Series 2024 Bonds to the Purchaser and to adopt an ordinance to provide for the principal amount, interest rates and other terms of issuance of the Series 2024 Bonds and the levy of taxes to pay the same;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Davenport, Iowa, as follows:

Section 1. The bid referred to in the preamble hereof is hereby accepted, and the Series 2024 Bonds are hereby awarded to the Purchaser at the price specified in such bid, together with accrued interest.

Section 2. The form of agreement of sale of the Series 2024 Bonds is hereby approved, and the Mayor and Deputy City Clerk are hereby authorized to execute the same for and on behalf of the City.

Section 3. The Series 2024 Bonds, dated May 8, 2024, in the denomination of \$5,000 each or any integral multiple thereof, are hereby authorized to be issued in the aggregate principal amount of \$24,805,000, and shall mature on June 1 in each of the years, in the respective principal amounts and bear interest at the respective rates, as follows:

	Principal	Interest Rate		Principal	Interest Rate
<u>Year</u>	<u>Amount</u>	<u>Per Annum</u>	<u>Year</u>	<u>Amount</u>	<u>Per Annum</u>
2025	\$1,725,000	8.00%	2033	\$1,565,000	5.00%
2026	\$1,960,000	8.00%	2034	\$1,640,000	5.00%
2027	\$1,315,000	5.00%	2035	\$1,725,000	5.00%
2028	\$1,380,000	5.00%	2036	\$1,810,000	5.00%
2029	\$1,450,000	5.00%	2037	\$1,895,000	5.00%
2030	\$1,350,000	5.00%	2038	\$1,995,000	5.00%
2031	\$1,415,000	5.00%	2039	\$2,095,000	4.00%
2032	\$1,485,000	5.00%			

Section 4. The CFO/Interim City Administrator is hereby designated as the Bond Registrar and Paying Agent for the Series 2024 Bonds and may be hereinafter referred to as the “Bond Registrar” or the “Paying Agent”.

All of the interest on the Series 2024 Bonds is payable semiannually on the first day of June and December in each year, commencing December 1, 2024. Payment of interest on the Series 2024 Bonds shall be made in lawful money of the United States of America to the registered owners appearing on the bond registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at the addresses shown on such registration books. Principal of the Series 2024 Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Series 2024 Bond or Bonds at the office of the Paying Agent.

The City reserves the right to call for redemption prior to maturity the Series 2024 Bonds maturing in the years 2033 to 2039, inclusive, in whole or from time to time in part, in one or more units of \$5,000, on June 1, 2032, or on any date thereafter prior to and in any order of maturity (and within a maturity by lot), upon terms of par and accrued interest. If less than all of the Series 2024 Bonds of any like maturity are to be redeemed, the particular part of those Series 2024 Bonds to be redeemed shall be selected by the Registrar by lot. The Series 2024 Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Series 2024 Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2024 Bond, a new bond or bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Series 2024 Bond. Notice of such redemption as aforesaid identifying the bond or bonds (or portion thereof) to be redeemed shall be sent by electronic means or mailed by certified mail to the registered owners thereof at the addresses shown on the City’s registration books not less than 30 days prior to such redemption date. Any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Series 2024 Bonds so called for redemption, and that if funds are not available, such redemption shall be cancelled by written notice to the owners of the Series 2024 Bonds called for redemption in the same manner as the original redemption notice was sent. All of such Series 2024 Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

The Series 2024 Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the Deputy City Clerk, and shall be fully registered bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Series 2024 Bonds shall cease to be such officer before the delivery of the Series 2024 Bonds, such signature or such

facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

The Series 2024 Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the City kept by the Bond Registrar. Each Series 2024 Bond shall be transferable only upon the registration books of the City upon presentation to the Bond Registrar, together with either a written instrument of transfer satisfactory to the Bond Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Series 2024 Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

The Series 2024 Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Bond Registrar.

Section 5. Notwithstanding anything above to the contrary, the Series 2024 Bonds shall be issued initially as Depository Bonds, with one fully registered Series 2024 Bond for each maturity date, in aggregate principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). On original issue, the Series 2024 Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the "Participants"). In the event that DTC determines not to continue to act as securities depository for the Series 2024 Bonds or the City determines not to continue the book-entry system for recording ownership interests in the Series 2024 Bonds with DTC, the City will discontinue the book-entry system with DTC. If the City does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the City will register and deliver replacement bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the City identifies a qualified securities depository to replace DTC, the City will register and deliver replacement bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Series 2024 Bonds.

Ownership interest in the Series 2024 Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Series 2024 Bonds as nominees will not receive certificated Series 2024 Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Series 2024 Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Series 2024 Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the City to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The City will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for which they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for which the Participant acquires an interest in the Series 2024 Bonds.

DTC will receive payments from the City, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Series 2024 Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the City to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Series 2024 Bonds acquired. Transfers of ownership interest in the Series 2024 Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Series 2024 Bonds, except as specifically provided herein. Interest and principal will be paid when due by the City to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 6. The form of the Series 2024 Bonds shall be substantially as follows:

(Form of Series 2024 Bond)

UNITED STATES OF AMERICA
STATE OF IOWA
COUNTY OF SCOTT
CITY OF DAVENPORT
GENERAL OBLIGATION CORPORATE BOND, SERIES 2024

No. _____ \$ _____

RATE	MATURITY DATE	BOND DATE	CUSIP
_____ %	June 1, 20__	May 8, 2024	238388-__

The City of Davenport (the “City”), in Scott County, State of Iowa, for value received, promises to pay on the maturity date of this Bond to

Cede & Co.
New York, New York

or registered assigns, the principal sum of

DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of the CFO/Interim City Administrator, Davenport, Iowa (hereinafter referred to as the “Bond Registrar” or the “Paying Agent”), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing December 1, 2024. Interest on this Bond is payable to the registered owner appearing on the bond registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owner at the address shown on such registration books.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Bond Registrar.

This Bond is one of a duly authorized series of General Obligation Corporate Bonds, Series 2024 (the “Series 2024 Bonds”), issued by the City in the aggregate principal amount of \$24,805,000, pursuant to and in strict compliance with the laws of the State of Iowa and the special Charter of the City, and all laws amendatory thereof and supplementary thereto, and in conformity with an ordinance (the “Ordinance”) adopted by the City Council of the City providing for the issuance of the Series 2024 Bonds and for the levy of taxes to pay the same for the purpose of paying costs in connection with various improvements and projects in the City.

The City reserves the right to prepay part or all of the principal of the Series 2024 Bonds maturing in each of the years 2033 to 2039, inclusive, prior to and in any order of maturity on June 1, 2032, or on any date thereafter upon terms of par and accrued interest. If less than all of the Series 2024 Bonds of any like maturity are to be redeemed, the particular part of those Series 2024 Bonds to be redeemed shall be selected by the Registrar by lot. The Series 2024 Bonds may be called in part in one or more units of \$5,000. If less than the entire principal amount of any Series 2024 Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2024 Bond, a new bond or bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Series 2024 Bond. Notice of such redemption as aforesaid identifying the bond or bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the City’s registration books not less than 30 days prior to such redemption date. All of such Series 2024 Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Bond Registrar, after which no transfer shall be valid unless made on said books

The City, the Bond Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purposes of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Bond Registrar and the Paying Agent shall not be affected by any notice to the contrary.

IN TESTIMONY WHEREOF, the City of Davenport, Iowa, by its City Council, has caused this Bond to be executed with the duly authorized facsimile signature of its Mayor and attested with the duly authorized facsimile signature of its Deputy City Clerk, all as of May 8, 2024.

By _____ (DO NOT SIGN)
Mayor

Registration Date: (Registration Date)

This Bond is one of the Series 2024 Bonds described in the within-mentioned Ordinance.

ABBREVIATIONS

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 7. The Series 2024 Bonds shall be executed as herein provided as soon after the adoption of this Ordinance as may be possible, and thereupon they shall be delivered to the Bond Registrar for registration, authentication and delivery to or upon the order of the Purchaser, upon confirmation of receipt by the Bond Registrar of the purchase price thereof, with accrued interest thereon, and all action heretofore taken in connection with the sale and award of the Series 2024 Bonds is hereby ratified and confirmed in all respects. The proceeds from the sale of the 2024 Bonds shall be used for the purposes identified in the preamble hereof, including the payment of costs of issuance of said Bonds.

Section 8. As required by Chapter 76 of the Code of Iowa, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the interest on the Series 2024 Bonds as it falls due on December 1, 2024, and on each interest payment date thereafter to maturity, and also to pay and discharge the principal thereof at maturity, there is hereby ordered levied on all the taxable property in the City in each of the years while the Series 2024 Bonds or any of them are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there is hereby levied on all the taxable property in the City the following direct annual tax for collection in each of the following fiscal years, to-wit:

For collection in the fiscal year beginning July 1, 2024,
sufficient to produce the net annual sum of \$3,139,813;

For collection in the fiscal year beginning July 1, 2025,
sufficient to produce the net annual sum of \$3,151,850;

For collection in the fiscal year beginning July 1, 2026,
sufficient to produce the net annual sum of \$2,350,050;

For collection in the fiscal year beginning July 1, 2027,
sufficient to produce the net annual sum of \$2,349,300;

For collection in the fiscal year beginning July 1, 2028,
sufficient to produce the net annual sum of \$2,350,300;

For collection in the fiscal year beginning July 1, 2029,
sufficient to produce the net annual sum of \$2,177,800;

For collection in the fiscal year beginning July 1, 2030,
sufficient to produce the net annual sum of \$2,175,300;

For collection in the fiscal year beginning July 1, 2031,
sufficient to produce the net annual sum of \$2,174,550;

For collection in the fiscal year beginning July 1, 2032,
sufficient to produce the net annual sum of \$2,180,300;

For collection in the fiscal year beginning July 1, 2033,
sufficient to produce the net annual sum of \$2,177,050;

For collection in the fiscal year beginning July 1, 2034,
sufficient to produce the net annual sum of \$2,180,050;

For collection in the fiscal year beginning July 1, 2035,
sufficient to produce the net annual sum of \$2,178,800;

For collection in the fiscal year beginning July 1, 2036,
sufficient to produce the net annual sum of \$2,173,300;

For collection in the fiscal year beginning July 1, 2037,
sufficient to produce the net annual sum of \$2,178,550; and

For collection in the fiscal year beginning July 1, 2038,
sufficient to produce the net annual sum of \$2,178,800.

Section 9. A certified copy of this Ordinance shall be filed with the County Auditor of Scott County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Series 2024 Bonds hereby authorized and for no other purposes whatsoever. The amounts received by the City as accrued interest shall be deposited into such special account and used to pay interest due on the Series 2024 Bonds on the first interest payment date.

Section 10. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 11. The City has heretofore determined that certain revenues from special funds shall be available for retirement of that portion of the Series 2024 Bonds utilized to defray the costs of certain projects related to such funds. Therefore, such funds may be employed and used to the extent available from year to year for the payment of that portion of the principal of and interest on the Series 2024 Bonds which is applicable to that portion of the total Series 2024 Bond issue applicable to such fund. Each year while any of said Series 2024 Bonds remain outstanding and unpaid, such of said available funds in amounts sufficient to meet the interest on that portion of the Series 2024 Bonds applicable to such fund and to pay the principal becoming due on such portion of the Series 2024 Bonds during each year may be used for that purpose, in accordance with the Series 2024 Bond Financing Plan on file with the CFO/Interim City Administrator, and in that event, the tax hereinbefore provided for the payment of such interest and principal may be reduced by the amount so used. The Deputy City Clerk is hereby authorized and directed to certify to the County Auditor of Scott County as to the remission or reduction of said ad valorem tax so that said tax, to the extent such fund is actually available and set aside for such purpose, shall not be extended or entered upon the tax rolls for collection.

It is hereby declared to be the purpose and intent of the City to issue the Series 2024 Bonds hereby authorized as general municipal obligations, but at the same time permitting the use of such funds for the payment of the principal of and interest on that portion of the Series 2024 Bonds issued with respect to such funds.

Section 12. All funds held in any fund or account created or required to be maintained under the terms of this Ordinance shall be deposited in lawful depositories of the City or invested in accordance with Chapters 12B and 12C of the

Code of Iowa and continuously held and secured as provided by the laws of the State of Iowa relating to the depositing, securing, holding and investing of public funds, or as may be otherwise required to comply with the rebate provisions of the Internal Revenue Code.

All interest received by the City as a result of investments under this section in excess of the amount, if any, required to be paid to the United States Government in order to comply with the rebate provisions of the Internal Revenue Code, shall be deposited into or transferred to the Debt Service Fund subaccount referred to herein and used solely and only for the purpose of paying principal of and/or interest on the Series 2024 Bonds. The City hereby covenants and agrees that no such investment shall ever be made so as to cause the interest on the Series 2024 Bonds to become taxable as “arbitrage bonds” pursuant to the provisions of Section 148 of the Internal Revenue Code.

Section 13. The Securities and Exchange Commission has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the “Rule”) that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for such securities, it has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the holders of such securities to provide certain disclosure information to prescribed information repositories on a continuing basis so long as such securities are outstanding.

On the date of issuance and delivery of the Series 2024 Bonds, the City will execute and deliver a Continuing Disclosure Certificate pursuant to which the City will undertake to comply with the Rule. The City covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate.

Section 14. It is the intention of the City that interest on the Series 2024 Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the “Internal Revenue Code”). In furtherance thereof the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Series 2024 Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

Section 15. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
Adopted 4/10/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. A motion was moved by Alderwoman Newton to split the Resolution ratifying Executive Order 2023-22 appointing Mallory Merritt as Interim City Administrator and the Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, memorializing Ms. Merritt's appointment as Interim City Administrator, into two items: one ratifying the Executive Order 2023-22 appointing Mallory Merritt as Interim City Administrator and one ratifying the Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, memorializing Ms. Merritt's appointment as Interim City Administrator. The motion was seconded by Alderwoman Burkholder and upon the roll being called, all Aldermen present voted aye.

On motion by Alderman Gripp, second by Alderman Jobgen and all Aldermen present voting aye, the following Resolution was adopted:

Resolution ratifying Executive Order 2023-22 appointing Mallory Merritt as Interim City Administrator was adopted. [All Wards] **ADOPTED 2024-151**

On motion by Alderman Gripp, second by Alderman Jobgen with Aldermen Jobgen, R. Dunn, Gripp, Meginnis, and Reinartz voting aye, and Aldermen Newton, Burkholder, T. Dunn, and Kelly voting nay, the following Resolution failed due to lack of a majority (six votes):

Resolution ratifying the Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt, memorializing Ms. Merritt's appointment as Interim City Administrator. [All Wards] **FAILED**

3. On motion by Alderwoman Newton, second by Alderman Kelly and all Aldermen present voting aye except Alderman Gripp, the following Resolution was deleted from the agenda:

Resolution approving Amendment 1 to the Personnel Memorandum of Understanding between the City of Davenport and Mallory Merritt. [All Wards] **DELETED**

*Council recessed for a break at **7:47 p.m.** and resumed to conduct the remainder of business at **7:55 p.m.***

4. The below Resolution was moved by Alderman Gripp and seconded by Alderwoman Meginnis. A motion to delete the item from the agenda was moved by Alderman Kelly and seconded by Alderwoman Burkholder. Upon the roll being called, all Aldermen present voted aye except Alderman Gripp and Alderwoman Meginnis and the following Resolution was deleted from the agenda:

Resolution ratifying Executive Order 2024-01 appointing Brian Heyer as Interim Corporation Counsel and approving the Personnel Memorandum of Understanding between the City of Davenport and Brian Heyer, memorializing Mr. Heyer's appointment as Interim Corporation Counsel. [All Wards] **DELETED**

XI. Approval of All Items on the Consent Agenda

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

1. Second Consideration: Ordinance amending Chapter 12.16 entitled "Curbs" of the Municipal Code of Davenport, Iowa by eliminating sections and updating language. [All Wards]

MOVED TO THIRD CONSIDERATION

2. Second Consideration: Ordinance amending Section 13.34.130 entitled "Storm Sewers" of the Municipal Code of Davenport, Iowa by updating language for storm sewer inspections. [All Wards]

MOVED TO THIRD CONSIDERATION

3. Second Consideration: Ordinance amending Section 16.28.050 entitled "Sewers" of the Municipal Code of Davenport, Iowa by updating language for sanitary sewer inspections and sewer extensions. [All Wards]

MOVED TO THIRD CONSIDERATION

4. First Consideration: Ordinance amending Section 13.16.060 entitled "Local limits for specific pollutants" of the Municipal Code of Davenport, Iowa to revise local discharge limits for specific pollutants. [All Wards]

MOVED TO SECOND CONSIDERATION

5. Resolution authorizing the conveyance of vacated public right-of-way, that being a part of West 43rd Street lying between El Rancho Drive and Rodeo Road (Del Vecchio, Frost, and Infante, Petitioners). [Ward 2] **ADOPTED 2024-152**

6. Resolution approving Case P23-02 being the request of Splendor Homes LLC for a preliminary plat of Splendor Estates, a 76-lot single-family subdivision on 27.94 acres located at 2448 and 2460 East 60th Street. [Ward 8] **ADOPTED 2024-153**

7. Resolution approving Case F24-03 being the request of 5CL Illinois LLC for a final plat of Nor-Dav 2nd Addition, a 2-lot subdivision on 19.3 acres located at 1500 West 76th Street. [Ward 8] **ADOPTED 2024-154**

8. Resolution setting a Public Hearing on the proposed conditional conveyance of City-owned property located in the 700 block of East 6th Street for the Riverview Heights housing project to Riverview Heights, LLC (Petitioner). [Ward 3] **ADOPTED 2024-155**

9. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events. **ADOPTED 2024-156**

Hope at the BRICK House; Groundbreaking Ceremony; 1431 Ripley Street; 4:30 p.m. - 8:00 p.m. Friday, April 12, 2024; **Closure:** Ripley Street from West 14th Street to West 15th Street. [Ward 5]

Quad Cities Chamber of Commerce; Student Success Symposium; RiverCenter | 136 East 3rd Street; 7:00 a.m. – 3:00 p.m. Tuesday, April 23, 2024; **Closure:** southernmost travel lane and parking lane on East 3rd Street from east of the RiverCenter parking ramp entrance to Pershing Avenue. [Ward 3]

Quad Cities Bicycle Club; Kwik Star Criterium; Village of East Davenport; 5:00 a.m. – 9:00 p.m. Monday, May 27, 2024; **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]

Common Chord; Live@Five Block Party; 129 Main Street; 8:00 a.m. - 11:00 p.m. Friday, June 7, 2024; **Closure:** West 2nd Street between Main Street and Brady Street. [Ward 3]

Village of East Davenport Business Association; Village Hops; Village of East Davenport; 12:00 p.m. - 8:00 p.m. Saturday, June 8, 2024; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley; Jersey Ridge Road from East 11th Street north to the alley. [Ward 5]

10. Resolution accepting work completed under the FY 2020 Contract Sewer Repair Program by Hagerty Earthworks, LLC of Muscatine, Iowa in the amount of \$767,687.25, CIP #30044 and #33001. [All Wards] **ADOPTED 2024-157**

11. Resolution awarding a contract for FY 2025 Iowa DOT Full Depth Patch Program to Langman Construction, Inc of Rock Island, Illinois in an amount not to exceed \$150,000, CIP #35045. [All Wards] **ADOPTED 2024-158**

12. Resolution awarding a one-year contract with two possible one-year renewals for Natural Resources Landscaping Maintenance Services to Delfs Landscape and Irrigation of Blue Grass, Iowa. [All Wards] **ADOPTED 2024-159**

13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Veterans Memorial Parkway Trail Extension project, CIP #28027. [Ward 8] **ADOPTED 2024-160**

14. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West Central Park Avenue (Division and Marquette Streets) Intersection Improvements project, CIP #35061. [Ward 2, 4, & 7] **ADOPTED 2024-161**

15. Resolution approving plans, specifications, form of contract, and estimate of cost for the SRF Duck Creek Golf Course Wetland project, CIP #33041. [Ward 6] **ADOPTED 2024-162**

16. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 53rd Street Diamond Grinding project, CIP #35061. [Wards 7 & 8] **ADOPTED 2024-163**

17. Resolution approving and authorizing the execution of an agreement between the City of Davenport and the Iowa Department of Transportation (DOT) covering the provision of Federal-aid funding for the Eastern Avenue (south) Bridge Over Goose Creek Replacement project, CIP #21012. [Wards 6 & 7] **ADOPTED 2024-164**

18. Resolution approving the Water Quality Initiative (WQI) Grant Program agreement with the Iowa Department of Agriculture and Land Stewardship in the amount of \$99,500 for the Goose Creek Park Environmental Restoration project, and authorizing the Public Works Director/Assistant City Administrator or designee to sign necessary documents and agreements. [Ward 8] **ADOPTED 2024-165**

19. Resolution approving the Land and Water Conservation Fund (LWCF) Grant Program agreement with the Iowa Department of Natural Resources in the amount of \$200,000 for the Goose Creek Park Environmental Restoration project, and authorizing the Public Works Director/Assistant City Administrator or designee to sign necessary documents and agreements. [Ward 8] **ADOPTED 2024-166**

20. Resolution approving the purchase of four solid waste trucks for Public Works from Kilburg Equipment of Preston, Iowa in the amount of \$1,018,663 using Sourcewell contract #110223-LEG, CIP #10503. [All Wards] **ADOPTED 2024-167**

21. Resolution awarding a contract for the Davenport Skate Park Improvements project to Spohn Ranch, Inc of Los Angeles, California in the amount of \$350,000 using Sourcewell contract #112420-SRI, CIP#64115. [Ward 3] **ADOPTED 2024-168**

22. Resolution approving eight Open Prairie/Forest Cover property tax exemptions. [Wards 1, 6, 7, & 8] **ADOPTED 2024-169**

23. Resolution approving a 28D Intergovernmental Agreement between the City of Davenport and the Davenport Community School District for the purpose of providing school resource officers at Davenport Schools. [All Wards] **ADOPTED 2024-170**

24. Motion approving noise variance requests on the listed date and time for outdoor events. **PASSED 2024-171**

Common Chord; Live@Five Block Party; 129 Main Street; 5:00 p.m. - 10:30 p.m. Friday, June 7, 2024; Outdoor music, over 50 dBA. [Ward 3]

Village of East Davenport Business Association; Villages Hops; Village of East Davenport; 2:00 p.m. - 6:00 p.m. Saturday, June 8, 2024; Outdoor music, over 50 dBA. [Ward 5]

25. Motion approving beer and liquor license applications. **PASSED 2024-172**

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

Ward 2

Yana Mart (Yana Mart, LLC) – 3815 West Kimberly Road – New License/Owners – License Type: Class E Liquor (Carry-Out)

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

Ward 1

Herbs Tap Inc (Herbs Tap, Inc) - 3701 Rockingham Road - License Type: Class C Liquor (On-Premises)

Ward 3

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

Daiquiri Factory (Daq Fac, LLC) - 303 West 3rd Street - License Type: Class C Liquor (On-Premises)

Half Nelson (Bucktown Restaurant Company, LLC) - 321 East 2nd Street #100 - Outdoor Area -License Type: Class C Liquor (On-Premises)

Lopez Pizza (Lopez Curse, LLC) - 429 East 3rd Street #1 - License Type: Class C Liquor (On-Premises)

Redstone Room (River Music Experience) - 129 Main Street (2nd Floor) – License Type: Class C Liquor (On-Premises)

Scotts Shovelhead Shed (SSS, Inc) - 220 North Pine Street - Outdoor Area – License Type: Class C Liquor (On-Premises)

Ward 4

Mississippi Valley Fairgrounds (Mississippi Valley Fair, Inc) - 2815 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 5

Grumpy's Saloon (2118-2120, In) - 2120 East 11th Street - License Type: Class C Liquor (On-Premises)

Ward 6

Biaggi's Ristorante Italiano, LLC (Biaggi's Ristorante Italiano, LLC) - 5195 Utica Ridge Road - License Type: Class C Liquor (On-Premises)

Fresh Thyme Farmers Market (Lakes Venture, LLC) - 2130 East Kimberly Road - License Type: Class C Beer (Carry-Out)

Your Pie (The Gizzeria Group, Inc) - 4520 East 53rd Street #400 - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Ward 7

Mo Brady's (DRC Ventures, Inc) - 4830 North Brady Street - License Type: Class C Liquor (On-Premises)

C. Request for 19/20-year-old exemption

Ward 3

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

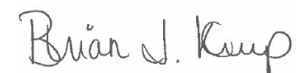
Redstone Room (River Music Experience) - 129 Main Street (2nd Floor) – License Type: Class C Liquor (On-Premises)

RME Courtyard (Common Chord) - 121 West 2nd Street - Outdoor Area – License Type: Class C Liquor (On-Premises)

26. Motion approving Amendment #2 to Snyder & Associates, Inc of Iowa City, Iowa in the amount of \$59,383 for additional design services for the Goose Creek Trail Phase III | Duck Creek Trail to East 46th Street project, ARP #17. [Ward 7] **PASSED 2024-173**

27. Motion approving the plans, specifications, form of contract, and estimate of cost for the Permeable Paver Repair project, CIP #33059. [Wards 3 & 4] **PASSED 2024-174**

*XII. On motion by Alderman Gripp, second by Alderman Jobgen and all Aldermen present voting aye except Alderman Kelly, Alderwoman Newton, and Alderwoman Burkholder, Council adjourned at **7:56 p.m.***



Brian J. Krup
Deputy City Clerk