

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, April 24, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, April 24, 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 (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderwoman Lynch

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

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

Approval of the City Council Meeting minutes for April 10, 2024. **(as corrected)**

On motion by Alderwoman Newton, second by Alderwoman Meginnis the April 10, 2024 City Council Meeting minutes were corrected for Discussion Agenda item #4 to read as follows:

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

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for April 17, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, April 17, 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 Newton. Upon the roll being called, all Aldermen were present (R. Dunn, Kelly, Meginnis, Reinartz, Gripp, Newton, Lynch, T. Dunn, Jobgen, and Burkholder).

The following Public Hearings were held: **Community Development:** 1. 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). **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the West Locust Street (North Clark Street to North Lincoln Avenue) Rehabilitation project, CIP #35061. **Finance:** 1. on amending the FY 2024 Operating and Capital Improvement Budgets; and 2. on the FY 2025 Operating Budget, FY 2025 Capital Improvement Budget, and the FY 2025 - FY 2030 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 Alderman Reinartz, second by Alderman Jobgen 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 the annual liquor license renewal for 11th Street Precinct under item #3 moved to the Discussion Agenda with a recommendation by the Fire Department to deny the west outdoor services area and all other items moved to the Consent Agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman R. Dunn, second by Alderwoman Meginnis item #2, Third Consideration: Ordinance amending Section 13.34.130 entitled "Storm Sewers" of the Municipal Code of Davenport, Iowa by updating language for storm sewer inspections, was amended to add "and inspection files shall be provided to the City Engineer or their representative for review and acceptance" after "Televising will be completed as detailed by the City standards." On motion by Alderman R. Dunn, second by Alderwoman Meginnis item #3, Third 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, was amended to add "and inspection files shall be provided to the City Engineer or their representative for review and acceptance" after "Televising will be completed as detailed by the City standards." On motion by Alderman Kelly, second by Alderman Jobgen all items moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed all items listed. On motion by Alderwoman Lynch, second by Alderman R. Dunn all items moved to the Consent Agenda.

Council adjourned at **7:28 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-175

1. Riverfront Improvement Commission

-Gwendolyn Lee (re-appointment | At-Large Newton)

2. Design Review Board

-Jessica Molacek (new appointment)

B. Proclamations

ISSUED 2024-176

1. National Small Business Week | April 28, 2024 - May 4, 2024

2. Compost Awareness Week | May 5 - 11, 2024

3. Arbor Day | April 26, 2024

IX. Presentations

HELD

1. 2024 Fire Explorers Recognition

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. *The below Motion was moved by Alderwoman Meginnis and seconded by Alderwoman Jobgen. A motion to table the item for two cycles was moved by Alderman Jobgen and seconded by Alderwoman Burkholder. Upon the roll being called, the following Aldermen voted aye: Kelly, Gripp, Burkholder, Reinartz, T. Dunn, Jobgen, and Newton; the following Aldermen voted nay: Alderman R. Dunn and Alderwoman Meginnis; and Alderwoman Lynch abstained, and the Motion was tabled for two cycles and will reappear on the May 15, 2024 Committee of the Whole agenda.*

Motion approving a beer and liquor license application.

TABLED

A. Annual license renewal (with outdoor area renewal as noted):

Ward 5

11th Street Precinct (Carpe Diem I, LLC) - 2108 East 11th Street - Outdoor Area - License Type: Class C Liquor (On-Premises) ****The Fire Department recommends denial of the west outdoor service area***

XII. Approval of All Items on the Consent Agenda

Alderman R. Dunn requested item #11 be removed from the Consent Agenda for discussion. Alderman R. Dunn made a motion to amend that the payment for the QC Chamber be withheld until Council has had a work session to understand how things have changed and how City funds will benefit the community. The motion was seconded by Alderman Jobgen. After further discussion, the motion and second were withdrawn and the item was placed back on the Consent Agenda.

A motion to approve the Consent Agenda was moved by Alderman Gripp and seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye and the Consent Agenda was approved as follows.

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

ADOPTED 2024-177

ORDINANCE NO. 2024-177

AN ORDINANCE AMENDING CHAPTER 12.16 ENTITLED "CURBS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ELIMINATING SECTIONS AND UPDATING LANGUAGE.

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

Section 1. That Section 12.16.020 entitled "Duty of owner to maintain" of the Municipal Code of Davenport, Iowa is hereby repealed and a new 12.16.020 entitled "Construction standards" is enacted in its place to read as follows:

12.16.020 Construction standards.

Curbs constructed within the limits of the City shall conform to the current accepted construction standards or as directed by the city engineer.

Section 2. That Section 12.16.030 entitled "Power of department of construction and engineering" of the Municipal Code of Davenport, Iowa is hereby repealed and labeled RESERVED.

12.16.030 **(RESERVED)**

Section 3. That section 12.16.040 entitled "Assessment and levy of costs" of the Municipal Code of Davenport, Iowa is hereby repealed and labeled RESERVED.

12.16.040 **(RESERVED)**

Section 4. That Section 12.16.050 entitled "Permit required – Permit charge" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

12.16.050. Permit required — Permit charge.

No person, firm or corporation shall construct any curbs on public right-of-way or public easements without first having obtained a permit from the Public Works Department. The application for permit shall be in writing and shall state the owner of the property, the street upon which, and the lot, lots or parcels of ground in front of or adjacent to which the curb is to be built, the length and height and the time when the curb will be completed. The charge for each permit issued shall be as set by City Council policy.

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

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

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

Adopted 4/24/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third 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]

ADOPTED 2024-178

ORDINANCE NO. **2024-178**

AN ORDINANCE AMENDING SECTION 13.34.130 ENTITLED "STORM SEWERS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY UPDATING LANGUAGE FOR STORM SEWER INSPECTIONS.

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

Section 1. That Section 13.34.130 entitled "Storm Sewers" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.130 Storm sewers.

D. Prior to acceptance of storm sewers installed by a private contractor, all storm sewers and structures must be cleaned and televised to ensure that they meet acceptable City standards. Televising will be completed as detailed by the City standards, and inspection files shall be provided to the City Engineer or their representative for review and acceptance. Fees for this service shall be set from time to time by City Council resolution and will be billed to the developer or property owner and must be paid before the system will be accepted and released for further development.

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

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

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

Adopted 4/24/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third 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] **ADOPTED 2024-179**

ORDINANCE NO. **2024-179**

AN 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.

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

Section 1. That Section 16.28.050 entitled "Sewers" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

16.28.050 **Sewers.**

Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in his subdivision. If additional developable land is present adjacent to the subdivision, sanitary sewer shall be extended through the property in a manner reasonably accessible to serve the undeveloped land as directed by the City Engineer or designee.

Adequate provision shall be made for the disposal of stormwater, subject to the approval of the City Engineer and the City Council. Prior to acceptance of a sanitary sewer installed by a private contractor, all sanitary sewer and structures must be cleaned and televised to ensure that they meet acceptable City standards. Televising will be completed as detailed by the City standards, and inspection files shall be provided to the City engineer or their representative for review and acceptance. Fees for this service shall be set from time to time by City Council resolution and will be billed to the developer or property owner and must be paid before the system will be accepted and released for further development.

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

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

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

Adopted 4/24/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

4. Second 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 THIRD CONSIDERATION**

5. Resolution approving 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 2024-180**

6. Resolution approving Case F24-04 being the request of McCoy Homes for a final plat of Seng Meadows 2nd Addition, a 33-lot subdivision on 10.97 acres located west of Northwest Boulevard and south of Willow Circle. [Ward 7] **ADOPTED 2024-181**

7. Resolution approving street, lane, and public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2024-182**

Brian Doerrfeld; Ganzo's Cinco de Mayo 5K; Saturday, May 4, 2024; 5:30 a.m. –11:30 a.m. (unless otherwise noted); **Closures:** northbound North Marquette Street from West Kimberly Road to West 41st Street (reopened by 12:45 p.m.); West 41st Street from Marquette Street to Division Street; easternmost northbound lane of Division Street from West 41st Street to West 53rd Street; southernmost eastbound lane of West 53rd Street from Division Street to Northwest Boulevard; southbound Northwest Boulevard from West 53rd Street to Taylor Street; Taylor Street from Northwest Boulevard to West 52nd Street; West 52nd Street/Garner Drive from Taylor Street to West 51st Street; West 51st Street from West 52nd Street/Garner Drive to Fillmore Lane; Fillmore Lane from West 51st Street to West 46th Street; West 46th Street from Fillmore Lane to Marquette Street; Marquette Street from West 46th Street to finish line at Ganzo's Restaurant. Volunteers will be present throughout the neighborhoods to assist residents who need to enter and exit. [Ward 7]

Knights of Columbus; Blue Mass; St. Paul the Apostle Catholic Church | 916 East Rusholme Street; 4:00 p.m. - 8:00 p.m. Tuesday, May 14, 2024; **Closure:** East Rusholme Street from Carey Avenue to Arlington Avenue. [Ward 5]

Hope at the BRICK House; Block Party; 1431 Ripley Street; 4:30 p.m. - 8:30 p.m. every Friday June 7, 2024 - August 23, 2024 (full schedule attached); **Closure:** Ripley Street from West 14th Street to West 15th Street. [Ward 5]

8. Resolution accepting work completed under the FY 2022 Contract Sewer Repair Program by Petersen Plumbing of Davenport, Iowa in the amount of \$906,290.79, CIP #30054 and #33001. [All Wards] **ADOPTED 2024-183**

9. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West Locust Street (North Clark Street to North Lincoln Avenue) Rehabilitation project, CIP #35061. [Ward 4] **ADOPTED 2024-184**

10. Resolution amending the FY 2024 Operating and Capital Improvement Budgets. [All Wards] **ADOPTED 2024-185**

11. Resolution adopting the FY 2025 Operating Budget, FY 2025 Capital Improvement Budget, and the FY 2025 - FY 2030 Capital Improvement Plan. [All Wards] **ADOPTED 2024-186**

12. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2024-187**

Davenport Electric Company; Employee Party; Mississippi Valley Fairgrounds | 2815 West Locust Street; 30 minutes between 8:00 p.m. and 9:00 p.m. Saturday, May 4, 2024; Fireworks, over 50 dBA. [Ward 4]

J&M Displays; Quad City River Bandits Fireworks; Modern Woodmen Park | 209 South Gaines Street; approximately 15 - 20 minutes between 9:00 p.m. - 10:00 p.m. on various dates (see attached schedule - times will vary depending on when the game ends); Fireworks, over 50 dBA. [Ward 3]

Riverfront Improvement Commission; Big 9 Summer Concert Series; various locations, dates, and times (see attached schedule); Outdoor music/band, over 50 dBA. [Wards 1, 3, & 5]

German American Heritage Center and Museum; Best of the Wurst; 712 West 2nd Street; 12:00 p.m. - 4:00 p.m. Sunday, June 30, 2024; Outdoor music/band, over 50 dBA. [Ward 3]

13. Motion approving beer and liquor license applications.

PASSED 2024-188

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

Ward 3

Mississippi River Distilling Company (Mississippi River Distilling Company, LLC) – 318 East 2nd Street - Temporary Outdoor Area (5/31, 6/28, 7/6, 8/15-8/18, 8/30) License Type: Class C Liquor (On-Premises)

Ward 6

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) - 5320 Corporate Park Drive - Temporary Event License (5/15, 6/8, 6/19, 7/17, 8/21) - License Type: Class C Liquor (On-Premises)

Ward 7

Ganzos (Ganzos, LTD) - 3923 North Marquette Street - Temporary Extended Outdoor Area (5/3-5/6) - License Type: Class C Liquor (On-Premises)

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

Ward 3

Embers Of Phoenix (Jai Mata Lakshmi, Inc) - 111 West 2nd 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)

Ward 4

Cedar Street Inn (Fleetfood, Inc) - 810 Cedar Street - License Type: Class C Liquor (On-Premises)

Ward 6

Aldi Inc #80 (Aldi, Inc - Corporation) - 5262 Elmore Avenue - License Type: Class B Beer (Carry-Out)

Pints (Pub @ Utica, LLC) - 5268 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Rave Davenport 53 & Imax (Cinemark US, Inc) - 3601 East 53rd Street – License Type: Special Class C Beer/Wine (On-Premises)

14. Motion awarding a professional services contract for the City Administrator and Corporation Counsel recruitments to Colin Baenziger & Associates of Daytona Beach Shores, Florida in an amount not-to-exceed \$70,000, and authorizing the Mayor to execute any related agreements. [All Wards] **PASSED 2024-189**

XIII. Other Ordinances, Resolutions and Motions

- 1. A motion for suspension of the rules to add and vote on the listed item was moved by Alderman R. Dunn and seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye except Alderman Kelly and the rules were suspended.*
- 2. The below Resolution was moved by Alderman Gripp and seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye except Alderman Kelly and Alderwoman Burkholder and the Resolution was adopted.*

Resolution approving the Interim City Administrator's Employment Agreement. [All Wards]

ADOPTED 2024-190

XIV. Public with Business

XV. Reports of City Officials

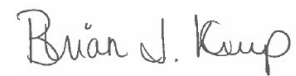
The following is a summary of revenue received for the month of March 2024:

Property Taxes	\$4,422,474
Other City Taxes	\$2,072,064
Licenses & Permits	\$400,608
Intergovernmental	\$2,877,575
Charges for Services	\$4,336,278
Use of Monies & Property	\$74,357
Fines & Forfeits	\$152,810
Bonds/Loan Proceeds	\$85,764
Miscellaneous	\$413,563

XVI. Executive Session

A motion to go into Executive session to review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition

*for that governmental body's possession or continued receipt of federal funds pursuant to Iowa Code Section 21.5(1)(a) was moved by Alderman Gripp and seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye and Council recessed to Executive Session at **7:08 p.m.** Council reconvened in Executive Session at **7:25 p.m.** with Mayor Matson and all Aldermen present except Alderman Kelly (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderwoman Lynch, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz). Others present included Interim City Administrator Mallory Merritt, Community and Economic Development Director Bruce Burger, and Lead Economic Development Coordinator Susanne Knutsen. On motion by Alderman Reinartz, second by Alderwoman Meginnis Council went back into open session at **7:49 p.m.** On motion by Alderman Reinartz, second by Alderwoman Meginnis Council adjourned at **7:49 p.m.***



Brian J. Krup
Deputy City Clerk