

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, June 12, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, June 12, 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 Meginnis

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for May 22, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for June 5, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, June 5, 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 Alderman Kelly. Upon the roll being called, all Aldermen were present (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

*The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the 2024 Bridge Maintenance Program, CIP #21009; and 2. on the plans, specifications, form of contract, and estimate of cost for the City Hall Air Handling Unit (AHU) Upgrades project, CIP #23083.*

*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 R. Dunn all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Meginnis, second by Alderman R. Dunn the temporary outdoor area liquor license application for Daiquiri Factory under Section A of item #3 was deleted. On motion by Alderman T. Dunn, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Newton item #11, Resolution approving the plans, specifications, form of contract, and estimate of cost for the City Hall Air Handling Unit (AHU) Upgrades project, CIP #23083, and item #13, Resolution assessing the cost of brush and debris removal at various lots and tracts of real estate, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed all items listed. On motion by Alderwoman Lynch, second by Alderman Reinartz all items moved to the Consent Agenda.*

*On motion by Alderwoman Meginnis, second by Alderman Jobgen and all Aldermen present voting aye, Council recessed to Executive Session at **6:11 p.m.** to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **6:22 p.m.** with Mayor*

*Matson and all Aldermen present (Aldерwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Aldерwoman Lynch, Aldерwoman Meginnis, Aldерwoman Newton, and Alderman Reinartz). Others present included Attorneys Brett Marshall and Richard Davidson from Lane & Waterman LLP and Interim City Administrator Mallory Merritt. On motion by Alderman Jobgen, second by Aldерwoman Meginnis Council went back into open session at **7:18 p.m.** On motion by Aldерwoman Newton, second by Aldерwoman Meginnis Council adjourned at **7:18 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-229

1. Library Board of Trustees

- Honey Bedell (new appointment)
- Bob Davis (new appointment)
- Jerry Skalak (new appointment)

2. Historic Preservation Commission

- Bob McGivern (re-appointment)

3. Parks and Recreation Advisory Board

- Anthony Wittemeyer (re-appointment | Mayor)
- Jerry Coiner (re-appointment | First Ward)
- Arsal Shareef (re-appointment | Second Ward)
- Wendy Peterson (re-appointment | Sixth Ward)

B. Proclamations

ISSUED 2024-230

1. Men's Mental Health Awareness Month | June 2024

2. Alzheimer's and Brain Awareness Month | June 2024

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Reinartz, second by Alderman Jobgen and all Aldermen present voting aye, the following Resolution was adopted.*

Resolution approving the plans, specifications, form of contract, and estimate of cost for the City Hall Air Handling Unit (AHU) Upgrades project, CIP #23083. [Ward 3] **ADOPTED 2024-231**

2. *On motion by Alderman R. Dunn, second by Aldерwoman Meginnis and all Aldermen present voting aye, the following Resolution was adopted.*

Resolution assessing the cost of brush and debris removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2024-232**

XI. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance for Case ORD24-02 being the request of the City of Davenport to amend Chapter 17.08 entitled "Uses" of the Municipal Code of Davenport, Iowa by updating the billboard definition and principal use standards. [All Wards] **ADOPTED 2024-233**

ORDINANCE NO. **2024-233**

AN ORDINANCE FOR CASE ORD24-02 BEING THE REQUEST OF THE CITY OF DAVENPORT TO AMEND CHAPTER 17.08 ENTITLED "USES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY UPDATING THE BILLBOARD DEFINITION AND PRINCIPAL USE STANDARDS.

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

Section 1. That Subsection 17.08.030(E) entitled "Principal use standards" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

E. Billboard

1. General regulations for billboards:
 - a. Billboard structures are prohibited if visible from an interstate highway.
 - b. Billboard structures are prohibited on properties listed on the Davenport Register of Historic Places.
 - c. Billboards are prohibited within required landscaping areas, as outlined in Section 17.11.
 - d. The maximum height of a billboard is 45 feet.
 - e. Billboards shall be setback a minimum of 25 feet from lot lines.
 - f. Billboard distance separation shall be measured from the closest points of each billboard structure. This is measured in a straight line along either side of the right-of-way of the street.
2. The following additional standards apply to static billboards:
 - a. All static billboards must be separated by a minimum distance of 1,500 feet.
 - b. The maximum sign area of a static billboard is 672 square feet plus an extension area from the single continuous perimeter not to exceed 153 square feet.
 - c. Billboards with a sign area of up to 300 square feet must be a minimum of 100 feet from any residential district. Billboards with a sign area of over 300 square feet must be a minimum of 150 feet from any residential district. This is measured in a straight line along either side of the right-of-way of the street.
 - d. Up to four static billboard sign faces are allowed on one billboard structure. A "V" arrangement is permissible, however, no more than two static billboard sign faces can be visible from any one street direction.
 - e. Any billboard illumination shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.
3. The following additional standards apply to electronic billboards:
 - a. Electronic billboards are prohibited in the C-2 Corridor Commercial District.
 - b. All electronic billboards must be separated by a minimum distance of 3,000 feet.
 - c. The maximum sign area of an electronic billboard is 400 square feet.
 - d. Electronic billboards shall be a minimum of 600 feet from any residential district. This is measured in

a straight line along either side of the right-of-way of the street.

- e. Up to two electronic billboard sign faces are allowed on one billboard structure. A "V" arrangement is permissible, however, no more than one electronic billboard sign face can be visible from any one street direction.
- f. Electronic billboards cannot change more than once every eight seconds. Static images with no animation are required and the transition from one image to the next must occur in one second or less.
- g. An electronic display must contain a default mechanism to show a "full black" image or turn the sign off in case of malfunction, or must be manually turned off within 12 hours of a reported malfunction.
- h. The maximum brightness is limited to 5,000 nits when measured from the billboard's face at its maximum brightness, during daylight hours, and 200 nits when measured from the billboard's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunset and sunrise. The billboard must have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise. All existing billboards shall meet the maximum brightness provision within twelve months of the adoption of the ordinance.

Section 2. That Section 17.08.050 entitled "Use definitions" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

Billboard. A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Static billboards display a fixed advertisement face, where the face is not changeable within seconds or minutes, but where a change of face have to be re-erected and affixed to the structure. Electronic billboards are digital displays that can be changed within seconds or minutes by a remote or automatic means.

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 6/12/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance for Case ROW24-02 being the request of the City of Davenport, Iowa to vacate a portion of Lorton Place between Lorton Avenue and Lombard Court. [Ward 6] **MOVED TO THIRD CONSIDERATION**

3. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events. **ADOPTED 2024-234**

Kendra Kaufman; Oak Street 4th of July Block Party; 2:00 p.m. - 11:00 p.m. Thursday, July 4, 2024; **Closure:** Oak Street from West 43rd Street to West 45th Street. [Ward 2]

Friends of MLK; Summer Gospel Festival; MLK Park | 501 Brady Street; 8:00 a.m. - 8:00 p.m. Saturday, July 6, 2024; **Closure:** East 5th Street from Brady Street to west of the parking lot of 501 Brady Street; a portion of the north-south alley between Brady Street and Perry Street from East 5th Street to just past the railroad bridge. [Ward 3]

Bix 7; Bechtel Trust Senior Bix; Downtown Riverfront; 5:00 p.m. - 7:30 p.m. Tuesday, July 23, 2024; **Closure:** Riverfront Trail from Harrison Street to Marquette Street. [Ward 3]

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; 12:00 p.m. - 8:00 p.m. Saturday, August 10, 2024 or Saturday, August 17, 2024 (rain date); **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street to south of the alley; Jersey Ridge Road from East 11th Street to south of the alley. [Ward 5]

4. Resolution accepting work completed under the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$531,447.53, CIP #35062. [Wards 3 & 4] **ADOPTED 2024-235**

5. Resolution accepting work completed under the South Clark Street (Rockingham Road to Black Hawk Creek) Rehabilitation project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$467,092.80, CIP #35061. [Ward 1] **ADOPTED 2024-236**

6. Resolution accepting work completed under the West 46th Street Bridge Over Cardinal Creek Replacement project by Taylor Construction Inc of New Vienna, Iowa in the amount of \$312,330.22, CIP #21010. [Ward 2] **ADOPTED 2024-237**

7. Resolution accepting work completed under the Duck Creek Trail Mill and Overlay project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$168,618.73, CIP #28030. [Ward 7] **ADOPTED 2024-238**

8. Resolution approving Change Order #1 to C2 Creative Concrete of DeKalb, Illinois in the amount of \$130,000 for the CY 2024 ADA Ramp Program, CIP #28024. [All Wards] **ADOPTED 2024-239**

9. Resolution awarding a contract for the East Locust Street (Grand Avenue to Eastern Avenue) Rehabilitation project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$1,665,471.40, CIP #35061. [Ward 5] **ADOPTED 2024-240**

10. Resolution awarding a contract for the Emerald Drive (West 14th Street to West Locust Street) Reconstruction project to Langman Construction, Inc of Rock Island, Illinois in the amount of \$631,404.29, CIP #35062. [Ward 1] **ADOPTED 2024-241**

11. Resolution awarding a contract for the SRF Duck Creek Golf Wetland project to Lawns Unlimited of Iowa Inc of Bettendorf, Iowa in the amount of \$272,781.86, CIP #33041. [Ward 6] **ADOPTED 2024-242**

12. Resolution awarding a contract for preliminary engineering services for the East 13th Street Bridge Over Canadian Pacific Kansas City (CPKC) Railroad project to Veenstra and Kimm, Inc of West Des Moines, Iowa in an amount not to exceed \$89,000. [Ward 5] **ADOPTED 2024-243**

13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the 2024 Bridge Maintenance Program, CIP #21009. [Ward 5] **ADOPTED 2024-244**

14. Resolution assessing the cost of boarding up buildings at various lots and tracts of real estate. [All Wards] **ADOPTED 2024-245**

15. Resolution assessing the cost of condemned property demolitions at various lots and tracts of real estate. [All Wards] **ADOPTED 2024-246**

16. Resolution assessing the cost of replacing sidewalks at various lots and tracts of real estate. [All Wards] **ADOPTED 2024-247**

17. Resolution assessing the cost of snow removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2024-248**

18. Resolution assessing the cost of tree removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2024-249**

19. Resolution assessing the cost of weed cutting at various lots and tracts of real estate. [All Wards] **ADOPTED 2024-250**

20. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2024-251**

Davenport North Little League; End of Season Celebration; Ridgeview Park | 1819 Ridgeview Drive; approximately 15-20 minutes between 8:40 p.m. and 9:30 p.m. Friday, June 14, 2024 or Friday, June 21, 2024 (rain date); Fireworks, over 50 dBA. [Ward 8]

J&M Displays Inc; Fireworks; Rhythm City Casino & Resort | 7077 Elmore Avenue; approximately 15-20 minutes between 9:00 p.m. and 9:45 p.m. Saturday, June 15, 2024; Fireworks, over 50 dBA. [Ward 6]

The Meat Market; Kick-Off to Summer Party; 1629 Washington Street; 4:00 p.m. - 7:00 p.m. Saturday, June 22, 2024; Outdoor music/band, over 50 dBA. [Ward 4]

Friends of MLK; Summer Gospel Festival; MLK Park | 501 Brady Street; 12:00 p.m. - 6:30 p.m. Saturday, July 6, 2024; Outdoor music/band, over 50 dBA. [Ward 3]

Jennifer Rangel; Birthday Party; 2430 Telegraph Road; 1:00 p.m. - 12:00 a.m. Saturday, July 13, 2024; Outdoor music/band, over 50 dBA. [Ward 1]

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; 3:00 p.m. - 6:00 p.m. Saturday, August 10, 2024 or Saturday, August 17, 2024 (rain date); Outdoor music/band, over 50 dBA. [Ward 5]

21. Motion approving beer and liquor license applications. **PASSED 2024-252**

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

Ward 3

German American Heritage Center (German American Heritage Center) - 712 West 2nd Street (Parking Lot) - Temporary Event June 29 - License Type: Special Class C Beer/Wine (On-Premises)

Stompbox Brewing (Jpx2me, LLC) - 210 East River Drive #101 - Temporary Extended Outdoor Area June 14 - License Type: Class C Liquor (On-Premises)

The Vintage Wine Bar (The Vintage Wine Bar, LLC) - 421 West River Drive (Parking Lot #66-68) - Temporary Outdoor Area Weekends through October - License Type: Special Class C Beer/Wine (On-Premises)

Ward 7

Shiki Hibachi Sushi, Inc (Shiki Hibachi Sushi, Inc) - 3839 North Brady Street – New License - License Type: Class C Liquor (On-Premises)

Ward 8

Quad City Air Show (Aerial Promotions, Inc) - 9010 Harrison Street – Temporary Outdoor Event June 19-23 - License Type: Class C Liquor (On-Premises)

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

Ward 1

Emeis Golf Course (City of Davenport) - 4500 West Central Park Avenue – Outdoor Area - License Type: Class C Liquor (On-Premises)

Frackies (Frackies Pub, Inc) - 2820 Rockingham Road - License Type: Class C Liquor (On-Premises)

Smokin' Joes Tobacco and Liquor Outlet #1 (The Outlet, Inc) - 3120 Rockingham Road – License Type: Class E Liquor (Carry-Out)

Ward 3

The River's Edge (City of Davenport) - 700 West River Drive - License Type: Class C Liquor (On-Premises)

Ward 4

The Gardens (Washington Gardens, LLC) - 1301 West 13th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Smokin' Joes Tobacco and Liquor Outlet #2 (The Outlet, Inc) - 1606 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 5

New Ground Theatre (New Ground Theatre) - 2113 East 11th Street - License Type: Class C Liquor (On-Premises)

Ward 6

Big River Bowling (Kimberly Entertainment, LLC) - 2902 East Kimberly Road – License Type: Class C Liquor (On-Premises)

Duck Creek Golf Course (City of Davenport) - 3000 East Locust Street - Outdoor Area – License Type: Class C Liquor (On-Premises)

Sam's Club #8238 (Sam's West, Inc) - 3887 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Ward 7

Azteca 4 (Azteca 4, Inc) - 3566 Brady Street - License Type: Class C Liquor (On-Premises)

Kwik Star #294 (Kwik Trip, Inc) - 1650 West Kimberly Road - License Type: Class B Beer (Carry-Out)

Ward 8

Red Hawk Golf Course (City of Davenport) - 6364 Northwest Boulevard – Outdoor Area - License Type: Class C Liquor (On-Premises)

22. Motion directing completion of various parks projects in the FY 2025 Park Development Program in an amount not to exceed \$350,000. [All Wards] **PASSED 2024-253**

23. Motion approving the purchase of Verkada cameras and equipment from Heartland Business Systems of Little Chute, Wisconsin in an amount not to exceed \$100,000, CIP #63014. [All Wards] **PASSED 2024-254**

24. Motion approving the annual renewal of the license and support for OnBase, the City's records management system, in the amount of \$64,757.62. [All Wards] **PASSED 2024-255**

25. Motion awarding a Managed Services Agreement for OnBase support and maintenance to Naviant of Verona, Wisconsin, in the amount of \$95,728.85. [All Wards] **PASSED 2024-256**

26. Motion approving procedures, qualifications, criteria, and budget for the City Administrator recruitment process. [All Wards] **PASSED 2024-257**

XII. Other Ordinances, Resolutions and Motions

1. *On motion by Alderman R. Dunn, second by Alderman Gripp and all Aldermen present voting aye, the rules were suspended to add and vote on the listed item.*

2. *On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Motion passed.*

Motion approving a beer and liquor license application. **PASSED 2024-258**

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

Ward 4

Meat Market (Market Holdings, LLC) – 1629 Washington Street – Temporary Outdoor Area June 22 – License Type: Class C Liquor (On-Premises)

XIII. Public with Business

XIV. Reports of City Officials

XV. Executive Session

*On motion by Alderman R. Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **6:20 p.m.** to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **6:31 p.m.** with Mayor Matson and all Aldermen present (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Lynch, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz). Others present included Attorneys Brett Marshall and Richard Davidson from Lane & Waterman LLP and Interim City Administrator Mallory Merritt. Nicole Gleason, Public Works Director/Assistant City Administrator, and Clay Merritt, Director of Engineering & Capital Projects, were present for topic 3 only. On motion by Alderman R. Dunn, second by Alderwoman Burkholder Council went back into open session at **7:48 p.m.** On motion by Alderman R. Dunn, second by Alderwoman Meginnis Council adjourned at **7:48 p.m.***



Brian J. Krup
Deputy City Clerk