

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, March 12, 2025

The City Council of Davenport, Iowa met in regular session on Wednesday, March 12, 2025 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 (*In person*: Alderman R. Dunn, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder; *Via telephone*: Alderman Kelly).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderwoman Lynch

III. Roll Call | **All present**

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for February 26, 2025.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for March 5, 2025.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, March 5, 2025 -- 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 except Alderwoman Lynch (In person: Alderman R. Dunn, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder; Via telephone: Alderman Kelly).

*The following Public Hearings were held: **Public Works**: 1. on the plans, specifications, form of contract, and estimate of cost for the West 70th Street (Ridgeview Park to Division Street) Sidewalk Improvements project, CIP #28028; 2. on the plans, specifications, form of contract, and estimate of cost for the East 53rd Street and Elmore Avenue Intersection Patching project, CIP #35061; 3. for the plans, specifications, form of contract, and estimate of cost for East 53rd Street and Utica Ridge Road Intersection Improvements project, CIP #35065; 4. on the plans, specifications, form of contract, and estimate of cost for the East 32nd Street (Fernwood Avenue to Fernwood Court) PCC Patching project, CIP #35062; 5. on the plans, specifications, form of contract, and estimate of cost for the Grand Avenue (East Locust Street to East 29th Street) Resurfacing project, CIP #35061; and 6. on the specifications, form of contract, and estimate of cost for the FY 2026 Root Control Program.*

*The following Proclamation was issued: Central Seniors, Inc. Day | March 10, 2025, **2025-98**.*

*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 Gripp, second by Alderwoman Meginnis item #1, Third Consideration: Ordinance for Case REZ25-01 being the request of Woda Cooper Development, Inc to rezone approximately .39 acres of land located on Lot 21 of Sheffield Square 1st Addition from C-1 Neighborhood Commercial District to C-T Commercial Transitional District, was postponed indefinitely at the request of the Petitioner. On motion by Alderman Reinartz, second by Alderwoman Meginnis all other items moved to the Consent Agenda. **Public Safety**: On motion by Alderman R. Dunn, second by Alderwoman Meginnis items #1, First Consideration: Ordinance amending Chapter 10.68*

entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto restrictions on the use of motorcycles and motorized bicycles on public sidewalks, and #2, First Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by adding thereto a new section with definitions and to include restrictions for electric bikes (e-bikes) on public sidewalks, were deleted from the agenda at the recommendation of staff. Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderwoman Burkholder items #3, First Consideration: Ordinance amending Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto definitions and restrictions on the use of motorcycles and motorized bicycles on public sidewalks, and #4, First Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by changing the title to "Bicycles and Motorized Micromobility Devices", adding thereto a new section with definitions and a new section regarding riding on multi-use paths/trails, and including regulations and restrictions for electric bikes (e-bikes) on public sidewalks, moved to the Discussion Agenda and all other 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 #14, Resolution approving the purchase of Parcel #R0463-03 for the South Concord Grade Separation project in the amount of \$190,000, CIP #21013, 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 Burkholder, second by Alderman R. Dunn all items moved to the Consent Agenda.

Other Ordinances, Resolutions and Motions: Mayor Matson reviewed the one item listed. On motion by Alderwoman Burkholder, second by Alderwoman Meginnis the item moved to the Discussion Agenda.

Council adjourned at **7:21 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2025-99

1. Design Review Board
-Jessica Molacek (re-appointment)
2. Plan and Zoning Commission
-Steve Garrington (re-appointment)
-Barb Maness (re-appointment)
3. Housing Commission
-Alex Schlue (new appointment)

B. Proclamations

ISSUED 2025-100

1. MS Awareness Week | March 9-15, 2025

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

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

First Consideration: Ordinance amending Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto definitions and restrictions on the use of motorcycles and motorized bicycles on public sidewalks. [All Wards]

MOVED TO SECOND CONSIDERATION

2. On motion by Alderwoman Meginnis, second by Alderman R. Dunn and all Aldermen present voting aye, the following Ordinance moved to second consideration.

First Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by changing the title to "Bicycles and Motorized Micromobility Devices", adding thereto a new section with definitions and a new section regarding riding on multi-use paths/trails, and including regulations and restrictions for electric bikes (e-bikes) on public sidewalks. [All Wards]

MOVED TO SECOND CONSIDERATION

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

Resolution approving the purchase of Parcel #R0463-03 for the South Concord Grade Separation project in the amount of \$190,000, CIP #21013. [Ward 1]

ADOPTED 2025-101

4. On motion by Alderwoman Newton, second by Alderman R. Dunn and all Aldermen present voting aye, the following Motion passed.

Motion to reinstate the publication of public comments on the livestream of Committee of the Whole and City Council meetings and to continue recording and publishing these meetings in their entirety, from call to order to adjournment, with recordings uploaded to YouTube for public access. [All Wards]

PASSED 2025-102

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 repealing and replacing Chapter 5.15 entitled "Cigarette, Tobacco, Alternative Nicotine or Vapor Products" of the Municipal Code of Davenport, Iowa to include recent legislation enacted by the General Assembly of the State of Iowa regarding regulation of certain tobacco products. [All Wards]

ADOPTED 2025-103

ORDINANCE NO. **2025-103**

ORDINANCE REPEALING AND REPLACING CHAPTER 5.15 ENTITLED "CIGARETTE, TOBACCO, ALTERNATIVE NICOTINE OR VAPOR PRODUCTS" OF THE MUNICIPAL CODE OF DAVENPORT IOWA TO INCLUDE RECENT LEGISLATION ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA RELATING TO THE REGULATION OF CERTAIN TOBACCO PRODUCTS.

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

Section 1. That Chapter 5.15 of the Municipal Code of Davenport, Iowa is hereby repealed and replaced with the following:

5.15.010 Permits.

All Permits under this section shall expire on June 30 each year.

5.15.020 Applications.

Applications for all tobacco, tobacco products, alternative nicotine products, vapor products, and device permits, as required by Iowa Code Chapter 453, must be submitted to the State of Iowa Department of Revenue using the GovConnect.Iowa.gov website and fee paid to the State of Iowa.

5.15.030 Sales and Excise Taxes.

A sale or delivery sale of a device within this state shall be subject to sales tax and an excise tax as defined by Iowa Code Chapter 453E.5, payable to the State of Iowa.

5.15.040 **Cigarette, Tobacco, Alternative Nicotine, and Vapor Product Permits.**

The City of Davenport administers cigarette, tobacco, alternative nicotine, and vapor product permits on behalf of the State of Iowa. No person shall engage in the business of a retailer of cigarette, tobacco, alternative nicotine, and vapor products at any place or business without first having received a permit as a cigarette, tobacco, alternative nicotine, and vapor products retailer. No permit shall be issued for the sale of cigarette, tobacco, alternative nicotine, and vapor products at retail in the City except to applicants who shall be engaged in one or more of the following listed occupations and shall be so engaged otherwise than incidentally or as an adjunct to some other occupation not so listed:

1. The retail grocery or convenience business;
2. The retail drug store business.
3. The retail cigarette, tobacco, alternative nicotine, and vapor products business;
4. The bar, brewery, or restaurant business;
5. The hotel business;
6. The operation of a private club;
7. The operation of a gasoline filling or service station.

It shall be provided, nevertheless, that nothing contained in this chapter shall prevent the issuance of a permit for the sale of cigarette, tobacco, alternative nicotine, and vapor products at retail to any applicant who is now the holder of any such permit or who shall purchase the goodwill of any business conducted by any person who is the present holder of such a permit.

5.15.050 **Device Retailer Permit.**

1. **Permit Requirement**

No person shall engage in the business of a device retailer at any place of business or through delivery sales unless they comply with Iowa Code § 453E.3 and meet one of the following conditions:

- a. The person holds a valid tobacco retailer permit under Iowa Code § 453A.47A, is in compliance with all applicable provisions of Chapter 453A and sells both tobacco products and devices at the retail outlet or through delivery sales; or
- b. The person holds a valid device retailer permit issued pursuant to this section and is in compliance with all provisions of Iowa Code § 453E.3.

2. **Prohibition on Sales Without a Permit**

A device retailer shall not sell devices until an application has been filed, the required fee has been paid, and a permit has been obtained. Sales are only permitted while the retailer's permit is active and not suspended, revoked, or expired.

3. **Permit Requirement for Each Business Location**

A separate permit must be obtained for each place of business owned or operated by a device retailer within the state. Out-of-state device retailers making delivery sales to Iowa residents must apply for a permit through the Iowa Department of Revenue for their principal place of business.

4. **Compliance Obligations for Permit Holders**

A device retailer permit holder must comply with all requirements established by the Iowa Department of Revenue, including:

- a. **Permit Issuance:** Applications must be submitted electronically through the department's portal, with all required fees paid.
- b. **Application Requirements:** Applications must include detailed business information, transaction methods, business locations, and relevant personnel
- c. **Record-Keeping and Reporting:** Retailers must maintain uniform transaction records, submit reports upon request, and provide sales data, including the number of devices sold.
- d. **Sales Restrictions:** No device may be sold to individuals under 21 years of age. Age and identity verification are required at the time of purchase for both in-person and delivery

sales.

- e. **Display and Access Restrictions:** Devices must be displayed in a manner that prevents access by individuals under 21 years of age and should only be visible in restricted areas where minors are prohibited.

5.15.060 **Delivery Sale of Devices Permit**

1. **Permit Requirement**

No person shall mail, ship, or otherwise deliver a device in connection with a delivery sale within this state unless they hold a valid device delivery sale permit under Iowa Code § 453E.4.

2. **Delivery Sale Requirements**

- a. Only permit holders may engage in the delivery sale of devices.
- b. Devices may only be delivered to Iowa residents age 21 or older for personal use and not for resale.
- c. All shipments must be labeled with: "CONTAINS DEVICE: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or other department-approved language.
- d. The seller must verify the recipient's identity and age prior to delivery. The recipient must be 21 years or older and must sign for the delivery.
- e. Retailers must maintain delivery sale records for a minimum of five years, including details on the manufacturer, quantity sold, recipient information, age verification, and taxes paid. Reports must be submitted monthly to the director.

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 not 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 3/12/2025: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance for Case REZ25-02 being the request of Anthony Properties to rezone approximately 1.15 acres of land located on the northern portion of 5670 Tremont Avenue from I-1 Light Industrial District to R-MF Multi-Family Residential District. [Ward 8]

MOVED TO THIRD CONSIDERATION

3. Resolution approving Case P25-02 being the request of Splendor Homes, LLC for a preliminary plat of Splendor Estates, a 76-lot subdivision on 27.94 acres located at 2448 and 2460 East 60th Street. [Ward 8]

ADOPTED 2025-104

4. Resolution approving a new Service Level Agreement with Grow Quad Cities, an affiliate of the Quad Cities Chamber. [All Wards]

ADOPTED 2025-105

5. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

ADOPTED 2025-106

Cornbelt Running Club; Iowa American Water Bix at 6 Training Runs; 5:00 p.m. - 8:30 p.m. Thursday, June 26, 2025; Wednesday, July 2, 2025; Thursday, July 10, 2025; and Thursday, July 17, 2025; **Closures:** East 4th Street from Pershing Avenue to River Drive; Pershing Avenue from East 4th Street to Kirkwood Boulevard; Kirkwood Boulevard from Pershing Avenue to Jersey Ridge Road; Jersey Ridge Road from Kirkwood Boulevard to Middle Road; Middle Road

from Jersey Ridge Road to McClellan Boulevard; McClellan Boulevard from Middle Road to River Drive. [Wards 3 & 5]

Cornbelt Running Club; MercyOne Genesis Brady Street Sprints; 6:00 p.m. - 9:00 p.m. Thursday, July 24, 2025; **Closure:** Brady Street from 5th Street to Palmer Drive. [Ward 3]

6. Resolution approving a one-year contract extension for Natural Resources landscaping maintenance services to Delf's Landscape and Irrigation of Blue Grass, Iowa. [All Wards]

ADOPTED 2025-107

7. Resolution awarding a one-year contract, with three possible one-year renewals, for Electrical Services at the Water Pollution Control Plant to Tri-City Electric Company of Davenport, Iowa. [Ward 1]

ADOPTED 2025-108

8. Resolution awarding a one-year contract, with four possible one-year renewals, for Plumbing and Mechanical Services to Crawford Company of Rock Island, Illinois. [All Wards]

ADOPTED 2025-109

9. Resolution awarding a contract for the CY 2025 Pedestrian Curb Ramp Retrofit Program to Leveraged Services, LLC of Bettendorf, Iowa in the amount of \$150,852, CIP #35066. [All Wards]

ADOPTED 2025-110

10. Resolution adopting the final assessment schedule for the 2024 Alley Resurfacing Program in accordance with the Alley Cost Share Program, CIP #35038. [Wards 3 & 5]

ADOPTED 2025-111

11. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 70th Street (Ridgeview Park to Division Street) Sidewalk Improvements project, CIP #28028. [Ward 8]

ADOPTED 2025-112

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the East 53rd Street and Elmore Avenue Intersection Patching project, CIP #35061. [Ward 6]

ADOPTED 2025-113

13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the East 53rd Street and Utica Ridge Road Intersection Improvements project, CIP #35065. [Ward 6]

ADOPTED 2025-114

14. Resolution approving the plans, specifications, form of contract, and estimate of cost for the East 32nd Street (Fernwood Avenue to Fernwood Court) PCC Patching project, CIP #35062. [Ward 6]

ADOPTED 2025-115

15. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Grand Avenue (East Locust Street to East 29th Street) Resurfacing project, CIP #35061. [Ward 5]

ADOPTED 2025-116

16. Resolution approving the specifications, form of contract, and estimate of cost for the FY 2026 Root Control Program. [All Wards]

ADOPTED 2025-117

17. Resolution approving the Funding Agreement with the Iowa Department of Transportation (IDOT) in the amount of \$200,000 for the Elmore Avenue and East 46th Street Traffic Signal Installation project, CIP #38023. [Ward 6] **ADOPTED 2025-118**

18. Resolution approving the Funding Agreement with the Iowa Department of Transportation (IDOT) in the amount of \$150,000 for the East Kimberly Road at East 36th Street Reconfiguration project, CIP #38024. [Ward 7] **ADOPTED 2025-119**

19. Resolution adopting an updated Investment Policy. [All Wards] **ADOPTED 2025-120**

20. Resolution approving a three-year contract extension, with two possible one-year renewals, for Forms Management Services (Printing and Mailing Services) with QuestMark Information Management Inc of Houston, Texas. [All Wards] **ADOPTED 2025-121**

21. Motion approving beer and liquor license applications. **PASSED 2025-122**

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

Ward 1

The Goods Spot #5524 (Inconvenience, Inc) - 2805 Telegraph Road – New License/Owners - License Type: Class B Beer/Wine (Carry-Out)

The Gas Spot #5523 (Inconvenience, Inc) - 3624 West Locust Street – New License/Owners - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street – Temporary Extended Outdoor Area March 15/16 - License Type: Class C Liquor (On-Premises)

Daiquiri Factory (Daq Fac, LLC) - 303 West 3rd Street – Temporary Outdoor Area March 15/16 - License Type: Class C Liquor (On-Premises)

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 West 3rd Street – Temporary Extended Outdoor Area March 15/16 - License Type: Class C Liquor (On-Premises)

Mac's Tavern (Failte, Inc) - 316 West 3rd Street – Temporary Extended Outdoor Area March 15/16 - License Type: Class C Liquor (On-Premises)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street – Temporary Outdoor Area March 15/16 - License Type: Class C Liquor (On-Premises)

Ward 4

The Goods Spot #5522 (Inconvenience, Inc) - 1732 North Marquette Street – New License/Owners - License Type: Class B Beer/Wine (Carry-Out)

Ward 5

The Gas Spot #5519 (Inconvenience, Inc) - 1136 East Locust Street – New License/Owners - License Type: Class B Beer/Wine (Carry-Out)

The Gas Spot #5521 (Inconvenience, Inc) - 303 West Locust Street – New License/Owners - License Type: Class B Beer/Wine (Carry-Out)

Ward 6

Brasero (Brasero Tex-Mex, LLC) - 3871 Elmore Avenue A – New License/Owners - License Type: Class C Liquor (On-Premises)

Ward 7

The Gas Spot #5518 (Inconvenience, Inc) - 1670 West Kimberly Road – New License/Owners - License Type: Class B Beer/Wine (Carry-Out)

The Gas Spot #5517 (Inconvenience, Inc) - 201 West 53rd Street – New License/Owners - License Type: Class B Beer/Wine (Carry-Out)

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

Ward 1

Gunchies (Conrad Holdings, LLC) - 2905 Telegraph Road - Outdoor Area – License Type: Class C Liquor (On-Premises)

Ward 3

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)

Ward 4

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2351 West Locust Street (Cafe Area) – License Type: Class C Liquor (On-Premises)

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

Ward 6

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Outdoor Area - License Type: Class C Liquor (On-Premises)

Los Amigos (Los 3 Amigos 3, LLC) - 2843 East 53rd Street - License Type: Class C Liquor (On-Premises)

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

Ward 3

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)

22. Motion amending the grant agreement with the Iowa Department of Transportation Special Transit Assistance Program (STA) for the Transit Planning Study project. [All Wards]

PASSED 2025-123

23. Motion awarding a contract for engineering services for the Junior Theatre | Utility Relocation project to Axiom Consultants of Iowa City, Iowa in the amount of \$59,200, CIP #23099. [Ward 5]

PASSED 2025-124

24. Motion awarding a contract for the development of a Case Management System to Insight Public Sector of Chandler, Arizona in the amount of \$84,194.87 using OMNIA Partners contract 23-6692-03. [All Wards]

PASSED 2025-125

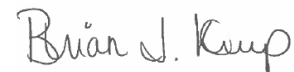
XII. Other Ordinances, Resolutions and Motions

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 **6:44 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 **6:55 p.m.** with Mayor Matson and all Aldermen present except Alderman Kelly (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 City Administrator Doug Maxeiner, Corporation Counsel Sam Huff, and Deputy City Clerk Brian Krup. On motion by Alderman R. Dunn, second by Alderwoman Meginnis Council went back into open session at **7:38 p.m.** On motion by Alderman Jobgen, second by Alderwoman Meginnis Council adjourned at **7:38 p.m.***



Brian J. Krup
Deputy City Clerk