

**CITY OF BETTENDORF
CITY COUNCIL MEETING MINUTES**

MAY 17, 2022

The City Council of Bettendorf, Iowa met in regular session on May 17, 2022 at 7:00 p.m., in the Council Chambers at Bettendorf City Hall, 1609 State Street, Bettendorf, Iowa.

The City of Bettendorf continues to follow CDC Guidelines with respect to the current COVID-19 situation. Additionally, the City of Bettendorf broadcasted this public meeting online at <http://www.bettendorf.org/live-meeting>.

Council Members Present: Adamson, Brown, Naumann, Sechser, Baden, Webster (Mr. Webster arrived at 7:26 pm)

Council Members Absent: Connors

Presiding: Mayor Robert S. Gallagher

Mayor Gallagher opened the meeting with the Pledge of Allegiance followed with an Invocation given by Bettendorf Police Chaplain and Pastor of Bettendorf Presbyterian Church, Pastor Troy Winder.

PROCLAMATION

Mayor Gallagher read a proclamation proclaiming the month of May as Motorcycle Awareness Month in the Bettendorf community. Keith Nims, ABATE (A Brotherhood Aimed Towards Education) of Iowa District 15 Coordinator was on hand to receive the proclamation. Mr. Nims thanked the Mayor and Council for the proclamation. Mr. Nims explained that one of the important things ABATE does is conducts motorcycle education at the high schools for student drivers. Mr. Nims encouraged everyone to look twice, save lives.

Mayor Gallagher read a proclamation proclaiming May 27, 2022 as Zip Code Day in the Bettendorf Community. Mayor Gallagher explained the concept behind Zip Code Day, and thanked the City's Economic Development Director Jeff Reiter for his hard work in bringing it to fruition. Mayor Gallagher encouraged everyone to get out and enjoy the Bettendorf business community during the city's week long Zip Code Celebration. Second Ward Alderman Scott Naumann, brainchild of Zip Code Day, was on hand to receive the proclamation.

PUBLIC REQUESTS OF COUNCIL

Randy Childers of 3050 South Hampton Drive addressed the Mayor and Council regarding his opposition to the potential closing of the Life Fitness Center and requested that it remain a city amenity. No one else addressed the Council and the session was closed.

PUBLIC HEARING REGARDING THE ADOPTION OF THE CITY'S FY2021/22 BUDGET AMENDMENT

Mayor Gallagher asked for any questions. None presented. Mayor Gallagher verified that the Notice of Public Hearing had been published and no written correspondence had been received on the matter. Mayor Gallagher then opened the Public Hearing. No one addressed the Council and the Public Hearing was closed.

RESOLUTION

Council Member Adamson presented a resolution approving and adopting the City's FY2021/2022 Budget Amendment, and made a motion to approve the resolution as presented. Council Member Baden seconded the motion. Mayor Gallagher asked for any discussion from Council. None

presented. Roll call vote indicated Baden (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 5-0.

PUBLIC HEARING REGARDING THE KYNNELWORTH DR RECONSTRUCTION PROJECT

Public Works Director Brian Schmidt gave an explanation of the resolution. Mayor Gallagher asked for any questions. None presented. Mayor Gallagher verified that the Notice of Public Hearing had been published and no written correspondence had been received on the matter. Mayor Gallagher then opened the Public Hearing. No one addressed the Council and the Public Hearing was closed.

RESOLUTION

Council Member Brown presented a resolution approving the plans, specifications and form of contract for the Kynnelworth Drive Reconstruction Project, and made a motion to approve the resolution as presented. Council Member Adamson seconded the motion. Mayor Gallagher asked for any discussion from Council. None presented. Roll call vote indicated Baden (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 5-0.

PUBLIC HEARING REGARDING THE 15TH STREET RETAINING WALL RECONSTRUCTION PROJECT

Public Works Director Brian Schmidt gave an explanation of the resolution. Mayor Gallagher asked for any questions. None presented. Mayor Gallagher verified that the Notice of Public Hearing had been published and no written correspondence had been received on the matter. Mayor Gallagher then opened the Public Hearing. No one addressed the Council and the Public Hearing was closed.

RESOLUTION

Council Member Baden presented a resolution approving the plans, specifications and form of contract for the 15th Street Retaining Wall Reconstruction Project, and made a motion to approve the resolution as presented. Council Member Naumann seconded the motion. Mayor Gallagher asked for any discussion from Council. None presented. Roll call vote indicated Baden (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 5-0.

PUBLIC HEARING REGARDING A MINOR AMENDMENT OF THE PUD PLAN FOR 3403-3451 DEVILS GLEN ROAD (CASE 22-023)

Community Development Director Mark Hunt gave an explanation of the resolution. Mayor Gallagher asked for any questions. None presented. Mayor Gallagher verified that the Notice of Public Hearing had been published and no written correspondence had been received on the matter. Mayor Gallagher then opened the Public Hearing. No one addressed the Council and the Public Hearing was closed.

RESOLUTION

Council Member Brown presented a resolution approving a minor amendment to the PUD Plan for 3403-3451 Devils Glen Road, to wit, the PUD Plan does not waive any applicable city, state or federal provisions as required by law; and no future changes in use can occupy the 3403-3451 Devil Glen Road commercial building which would require more than the allocated spaces on site, and made a motion to approve the resolution as presented. Council Member Adamson seconded the motion. Mayor Gallagher asked for any discussion from Council. None presented. Roll call vote indicated Baden (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 5-0.

ORDINANCE – THIRD AND FINAL READING REVOKING THE EXISTING PLANNED UNIT DEVELOPMENT PLAN (PUD) AND REVERT THE ZONING DISTRICT CLASSIFICATION TO R-1, SINGLE-FAMILY RESIDENCE DISTRICT FOR 1200 DEVILS GLEN ROAD (CASE 22-006)

Council Member Baden presented the third and final reading of an ordinance revoking the existing Duck Creek Planned Unit Development Plan and amending the Bettendorf, Iowa Zone Map by reverting the zoning district classification to R-1, Single-Family Residence District for 1200 Devils Glen Road, and made a motion to approve the ordinance at its final reading as presented. Council Member Naumann seconded the motion. Mayor Gallagher asked for any questions. None presented. Roll call vote indicated Baden (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 5-0.

PUBLIC HEARING REGARDING REZONING OF 1200 DEVILS GLEN ROAD, R-1, SINGLE-FAMILY RESIDENCE DISTRICT TO R-4, MEDIUM-DENSITY MULTI-FAMILY RESIDENCE DISTRICT (CASE 22-007)

Community Development Director Mark Hunt gave an explanation of the resolution. Mayor Gallagher asked for any questions. None presented. Mayor Gallagher verified that the Notice of Public Hearing had been published and no written correspondence had been received on the matter. Mayor Gallagher then opened the Public Hearing.

Rick Murphy of 3892 Deer Trail Road and Jeff Anderson of 3588 Deer Trail Road addressed the Mayor and Council with their opposition to this proposed zoning change and development. No one else rose to address the Council and the Public Hearing was closed. After closing, a few people spoke up and stated they wanted to speak. Mayor Gallagher reopened the public hearing. Jeff Weindruch, brother to the property owner, addressed the Mayor and Council regarding his support for the proposed rezoning and development, and explained an easement agreement on the property. Mark Krueger of 3512 Deer Trail Road reiterated those comments of Rick Murphy and Jeff Anderson, and expressed his opposition to the potential rezoning and development. DeeDee Fowler of 3375 Oakery Lane expressed her opposition to the potential rezoning and development. No one else rose to address the Council and the public hearing was closed.

City Attorney Chris Curran explained that the item before the Council tonight is a conditional rezoning only, not a site plan. He further clarified that R-4 is an appropriate use in the Future Land Use Map, and stated that if there is something that needs to be added or changed to the conditional rezoning, the public hearing should remain open. Community Development Director Mark Hunt clarified the zoning history and comprehensive plan for this area in question, and addressed statements of citizens. City Planner Taylor Beswick commented on the concept plan included in the council packet. Mayor Gallagher asked Council for any questions. None presented.

Council Member Naumann presented the first reading of an ordinance amending the Bettendorf, Iowa Zone Map for 1200 Devils Glen Road, R-1, Single-Family Residence District to R-4, Medium Density Multi-Family Residence District, and made a motion to approve the ordinance at its first reading as presented. Council Member Webster seconded the motion. Mayor Gallagher asked for any questions. Council Member Adamson stated with all the information received this evening, he is not in favor of the density and potential increase in traffic and asked the City Attorney how to efficiently oppose this item. City Attorney Curran explained that the public hearing could be re-opened tonight and leave it open for time to review and make any changes or additions to the conditional rezoning, if necessary. City Administrator Decker Ploehn recommended that the public hearing be re-opened and delay this item for two weeks (until next Council meeting). Council Member Adamson made a motion to re-open the public hearing until next Council meeting, and Council Member Naumann seconded the motion. Roll call vote to re-open the public hearing indicated Baden (aye); Webster (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 6-0.

Council Member Naumann agreed with Council Member Adamson and expressed his gratitude to the constituents for their input. Council Member Baden asked Police Chief Kimball to look into the concern of public safety and report back to Council. Council Members Webster and Brown expressed their

concerns to staff regarding buffering, density and traffic as well. Council Member Webster made a motion to postpone this item, Council Member Naumann seconded the motion. Roll call vote to postpone this item indicated Baden (aye); Webster (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 6-0. Mayor Gallagher explained this matter will be taken up at the first Council meeting in June.

ORDINANCE – THIRD AND FINAL READING REZONING PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FOREST GROVE DRIVE AND CRISWELL STREET, A-1, AGRICULTURAL/ URBAN RESERVE DISTRICT TO R-3, MIXED RESIDENTIAL DISTRICT (CASE 22-008)

Council Member Adamson presented the third and final reading of an ordinance amending the Bettendorf, Iowa Zone Map for property generally located southwest of the intersection of Forest Grove Drive and Criswell Street, A-1, Agricultural/ Urban Reserve District to R-3, Mixed Residential District, and made a motion to approve the ordinance at its final reading as presented. Council Member Webster seconded the motion. Mayor Gallagher asked for any questions. None presented. Roll call vote indicated Baden (aye); Webster (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 6-0.

ORDINANCE – THIRD AND FINAL READING AMENDING SECTION 11-11B-12(L) SUPPLEMENTAL DEVELOPMENT REGULATIONS – OPEN SPACE ON LOTS: FENCES AND WALLS (CASE 22-004)

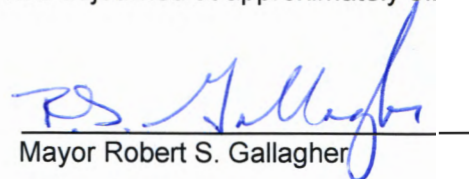
Council Member Baden presented the third and final reading of an ordinance amending Section 11-11B-12(L) of the Bettendorf City Code, Supplemental Development Regulations – Open Spaces on Lots: Fences and Walls, and made a motion to approve the ordinance at its final reading as presented. Council Member Webster seconded the motion. Mayor Gallagher asked for any questions. None presented. Roll call vote indicated Baden (aye); Webster (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 6-0.

CONSENT AGENDA

Mayor Gallagher asked for a motion to approve the Consent Agenda as presented. Council Member Naumann made a motion to approve the Consent Agenda as presented, and Council Member Baden seconded the motion. Mayor Gallagher asked Council for any questions. None presented. Roll call vote indicated Baden (aye); Webster (aye); Adamson (aye); Brown (aye); Naumann (aye); and Sechser (aye). The motion passed 6-0.


ADJOURNMENT

There being no further business, Council Member Naumann made a motion to adjourn and Council Member Adamson seconded the motion. The meeting was adjourned at approximately 8:26 p.m.



Mayor Robert S. Gallagher

Attest:



City Clerk Decker P. Ploenn

**CONSENT AGENDA
MAY 17, 2022**

**ALL ITEMS APPEARING BELOW ARE CONSIDERED ROUTINE BY THE CITY COUNCIL
AND SHALL BE ENACTED BY ONE MOTION. IF DISCUSSION IS DESIRED, THAT ITEM
SHALL BE REMOVED AND DISCUSSED SEPARATELY**

- A. Minutes from May 3, 2022 (Approve and Adopt)
- B. Resolution setting the date for a public hearing on the FY2022 Application for Federal Transit Administration Section 5310 Financial Assistance. (Approve and Adopt)
- C. Resolution awarding the contract and approving the contract and bond for the 2022 Alley Rehabilitation Program. (Approve and Adopt)
- D. Resolution awarding the contract and approving the contract and bond for the Forest Grove Drive Phase III Reconstruction Project. (Approve and Adopt)
- E. Resolution approving Task Order #2 to a professional services agreement with HDR Engineering, Inc. for construction engineering services on the Forest Grove Drive Phase III Reconstruction Project. (Approve and Adopt)
- F. Resolution approving a funding agreement with the Iowa Department of Transportation RISE Grant Program for the Forest Grove Drive Phase IV Reconstruction Project. (Approve and Adopt)
- G. Resolution ordering the installation of street lights in the Forest Grove Crossing 5th Addition. (Approve and Adopt)
- H. Resolution accepting improvements for the 2021 Sanitary Sewer Rehabilitation. (Approve and Adopt)
- I. Resolution authorizing the Economic Development Director to issue a purchase order to Lange Sign Co. for entry signage at various locations throughout the City. (Approve and Adopt)
- J. Resolution authorizing the Director of Public Works to issue a purchase order to Mobotrex for the intersection traffic signal materials. (Approve and Adopt)
- K. Resolution authorizing the replacement of the trench drain and bay floor at the Spruce Hills Fire Station; cost not to exceed \$79,739.00. (Approve and Adopt)
- L. Resolution authorizing the Fire Chief to enter into a service agreement with US Digital Design and RACOM for service and maintenance of the USDD Phoenix G2 Station Fire Alerting System for the State Street, Spruce Hills, and Surrey Heights Fire Stations. (Approve and Adopt)
- M. Resolution approving Civil Service List submitted for the Lieutenant position in the Police Department. (Approve and Adopt)
- N. Resolution approving the job description and recruitment process for the Building Maintenance Manager position in the Public Works Department. (Approve and Adopt)

- O. Resolution approving an agreement with ZenCity for professional services including the collection of digital feedback, community survey tools, and community engagement platforms. (Approve and Adopt)
- P. Resolution approving the city endorsed 'Be Downtown' event on June 4, 2022. (Approve and Adopt)
- Q. Resolution approving liquor license renewals and requests for Mio Russo; Hy-Vee Club Room; Casey's General Store #2429; Tanglewood Hills Pavilion and Country Club; Verde; Purgatory's Pub; and BRB Live, LLC. (Approve and Adopt)
- R. Bills (Approve payment and direct City Clerk to issue checks in respective amounts)