

**CITY OF BETTENDORF
CITY COUNCIL MEETING MINUTES**

JULY 5, 2022

The City Council of Bettendorf, Iowa met in regular session on July 5, 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, Connors, Naumann, Sechser, Baden (Zoom), Webster
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 Asbury United Methodist Church, Pastor Tom Carver.

Mayor Gallagher requested an update from City Engineer Brent Morlok on The Manor flooding issue that occurred on July 4, 2022. Mr. Morlok responded accordingly. Mr. Morlok stated that the private developer of the property causing the flooding/mudslide issue at The Manor, Kevin Dolan, was issued a municipal citation accordingly pursuant to city code. City Administrator Decker Ploehn stated that he spoke with Mr. Dolan, and that Mr. Dolan is working with the HOA of The Manor to make sure any damage they had in the common areas would be cleaned up. Mr. Ploehn further stated that Mr. Dolan will personally visit with anyone affected and between his insurance and any homeowners insurance, Mr. Dolan would do everything in his power to make sure everything is right. Mr. Ploehn believes the site is now stabilized after the work done today. Public Works Director Brian Schmidt affirmed Mr. Ploehn's belief, stating that he is confident in the event of another rain event like yesterday, with the work that was done today and the construction of the berm, all rain would be detained within that area.

PUBLIC REQUESTS OF COUNCIL

Bev Strayhall, Connie Wilson of 1104 Kimberly Rd #1115, and Haley Jones of 1605 Coffelt Ave, Davenport, all addressed the Mayor and Council with their concerns regarding the recent rain event on July 4, 2022 that caused flash flooding and a mudslide into the condos at The Manor and erosion issues to the surrounding areas from the Dolan development, Cottages at McClellan Heights, on Kimberly Road. City Engineer Brent Morlok, City Administrator Decker Ploehn, and Public Works Director Brian Schmidt all responded.

Kathy and Allen Sands of 1106 Hawthorne Drive addressed the Mayor and Council regarding Agenda Item 10 (formerly Consent Agenda Item I) and the reasons they are seeking relief from the Hazard Mitigation Property Acquisition Grant Subaward Agreement No. DR-4386-0019-10, and requests the Council approve an appeal to the offer price.

No one else addressed the Council and the session was closed.

ORDINANCE – FIRST READING AMENDING BETTENDORF CITY CODE SECTION 6-1-322(B)(2), “VEHICLES ENTERING YIELD INTERSECTION” BY ADDING YIELD INTERSECTIONS ON KRISTI LANE AT BERKSHIRE STREET, ON GROVE CROSSING/CASH’S PATH AT JAKE’S LANE/ GROVE CROSSING COURT, AND ON MATTHEW’S PASS/ MATTHEW’S COURT AT CASH’S PATH

Council Member Webster presented the first reading of an ordinance amending Bettendorf City Code Section 6-1-322(B)(2), “Vehicles Entering Yield Intersection” by adding yield intersections on Kristi Lane at Berkshire Street, on Grove Crossing/Cash's Path at Jake's Lane/ Grove Crossing Court and on Matthew's Pass/ Matthew's Court at Cash's Path, and made a motion to approve the ordinance at

its first reading as presented. Council Member Sechser seconded the motion. Mayor Gallagher asked for any questions. None presented. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed unanimously.

ORDINANCE – FIRST READING AMENDING BETTENDORF CITY CODE SECTION 6-1-131, “NO PARKING ZONES ENUMERATED” BY ADDING A NO PARKING ZONE ON ONTARIO DRIVE

Council Member Brown presented the first reading of an ordinance amending Bettendorf City Code Section 6-1-131, “No Parking Zones Enumerated” by adding a No Parking Zone on Ontario Drive, and made a motion to approve the ordinance at its first reading as presented. Council Member Adamson seconded the motion. Mayor Gallagher asked for any questions. None presented. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed unanimously.

ORDINANCE – THIRD AND FINAL READING REZONING 1200 DEVILS GLEN ROAD, R-1, SINGLE-FAMILY RESIDENCE DISTRICT TO R-4, MEDIUM-DENSITY MULTI-FAMILY RESIDENCE DISTRICT (CASE 22-007)

Council Member Naumann presented the third and final 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 final reading as presented. Council Member Adamson seconded the motion. Mayor Gallagher asked for any questions. None presented. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (nay); Adamson (aye); and Brown (aye). The motion passed 6-1.

ORDINANCE – THIRD AND FINAL READING AMENDING THE CITY CODE OF THE CITY OF BETTENDORF, IOWA, SECTION 8-2-6(E) RELATING TO THE CITY’S SEWER METER CREDIT PROGRAM

Council Member Sechser presented the third and final reading of an ordinance amending the city code of the City of Bettendorf, Iowa, Section 8-2-6(E) relating to the City’s Sewer Meter Credit Program, 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 Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed unanimously.

ORDINANCE – THIRD AND FINAL READING AMENDING THE CITY CODE OF THE CITY OF BETTENDORF, IOWA BY REPEALING CITY CODE SECTION 7-1-1, SOLICITATION IN PUBLIC AREAS

Council Member Connors presented the third and final reading of an ordinance amending the city code of the City of Bettendorf, Iowa by repealing City Code Section 7-1-1, Solicitation in Public Areas, and made a motion to approve the ordinance at its final reading as presented. Council Member Adamson seconded the motion. Mayor Gallagher asked for any questions. None presented. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed unanimously.

RESOLUTION APPROVING AN APPEAL TO THE OFFER PRICE FOR A HOME (1106 HAWTHORNE DRIVE) PURCHASED UNDER THE HAZARD MITIGATION PROPERTY ACQUISITION GRANT (SUB-AWARD AGREEMENT NO. DR-4386-0019-10)

This item, formerly Consent Agenda I, was removed from the Consent Agenda at Committee of the Whole which was held just prior to the regular city council meeting by the motion of Council Member Sechser and seconded by Council Member Webster. Viva Voce indicated all ayes and the motion passed unanimously.

Council Member Adamson presented a resolution approving an appeal to the offer price for a home (1106 Hawthorne Drive) purchased under the Hazard Mitigation Property Acquisition Grant (Sub-

Award Agreement No. DR-4386-0019-10), and made a motion to approve the resolution as presented. Council Member Connors seconded the motion. Mayor Gallagher asked for any questions. Council Members Adamson, Brown, Baden, Connors, Naumann, and Webster commented favorably on approving this resolution. Council Member Sechser suggested that perhaps now is the time to raise an election issue regarding FHA and their insurance requirements. Mr. Sechser further stated that he is concerned with affordable housing, and even with these insurance requirements, these properties are more affordable than a \$400,000 home. Council Member Webster questioned staff regarding our policy with respect to the appraisals, and Community Development Director Mark Hunt responded. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (nay); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed 6-1.

CONSENT AGENDA

Mayor Gallagher asked for a motion to approve the Consent Agenda as presented minus Item I which was removed by Council Member Sechser at Committee of Whole and placed on Items to Appear. Council Member Webster made a motion to approve the Consent Agenda as presented, and Council Member Naumann seconded the motion. Mayor Gallagher asked Council for any questions. None presented. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed unanimously.

EXECUTIVE SESSION – PURSUANT TO IOWA CODE SECTION 21.5(1)(c) FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION


Mayor Gallagher explained the purpose of the Executive Session and requested a motion to enter into an Executive Session for the purpose of discussing pending litigation pursuant to Iowa Code Section 21.5(1)(c). Council Member Connors made a motion as such to enter into the Executive Session. Council Member Brown seconded the motion. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed unanimously. Mayor Gallagher asked everyone not involved to vacate the Council Chambers.

Mayor Gallagher and Council entered Executive Session at approximately 7:40 pm. After discussion, Council Member Webster made a motion to exit Executive Session. Council Member Connors seconded the motion. Roll call vote indicated Connors (aye); Naumann (aye); Sechser (aye); Baden (aye); Webster (aye); Adamson (aye); and Brown (aye). The motion passed unanimously.

Mayor and Council exited the Executive Session at approximately 8:50 p.m. and entered into regular session. No action was taken as a result of the Executive Session.


ADJOURNMENT

There being no further business, Council Member Webster made a motion to adjourn and Council Member Adamson seconded the motion. The meeting was adjourned at approximately 8:50 p.m.



Mayor Robert S. Gallagher

Attest:



City Clerk Decker P. Ploehn

CONSENT AGENDA
JULY 5, 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 June 21, 2022 (Approve and Adopt)
- B. Resolution approving Community Investment and Settlement Agreement with Canadian Pacific Railway Company. (Approve and Adopt)
- C. Resolution authorizing an agreement with CentralSquare Technologies to renew the City of Bettendorf's annual Software Maintenance Agreement. (Approve and Adopt)
- D. Resolution setting the date for a public hearing and directing the advertising for bids for the FG80 Site Development Sanitary and Storm Sewer Project. (Approve and Adopt)
- E. Resolution awarding the contract and approving the contract and bond for the 2022 Sidewalk Repair Program. (Approve and Adopt)
- F. Resolution awarding the contract and approving the contract and bond for the Stafford Creek Storm Sewer Repairs Project. (Approve and Adopt)
- G. Resolution authorizing the Director of Public Works to issue a purchase order to CUES, Inc. for one (1) new and unused CUES Closed Circuit Television (CCTV) mainline system installed in a new and unused Ford E450 chassis. (Approve and Adopt)
- H. Resolution approving a site development plan for 907 Utica Ridge Place (Lot 1, Utica Hills Point), submitted by Utica Hills Hospitality, LLC (Case 22-032). (Approve and Adopt)
- I. Resolution approving an appeal to the offer price for a home (1106 Hawthorne Drive) purchased under the Hazard Mitigation Property Acquisition Grant (Sub-Award Agreement No. DR-4386-0019-10). (Approve and Adopt)
- J. Resolution setting a date for public hearing on the vacation of city-owned property adjacent to 1200 Devils Glen Road (Parcel Number 842719003) and conveyance to owner of proposed Lot 1, Devil's Bluff subdivision (Case 22-053). (Approve and Adopt)
- K. Resolution approving mobile food unit licenses for Sky Kone, Famous Dave's and Izzy's Place. (Approve and Adopt)
- L. Resolution approving liquor license renewals and requests for Treehouse Pub & Eatery; Tobacco Outlet Plus #502; Adventurous Brewing; Flip's Pancake House; Kwik Trip #299 (53rd Avenue location); Old Chicago; Purgatory's Pub; and Aldi's. (Approve and Adopt)
- M. Bills (Approve payment and direct City Clerk to issue checks in respective amounts)