

CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, December 13, 2017; 5:30 PM

City Hall, 226 W. 4th Street, Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the minutes of the November 22, 2017 City Council Meeting

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report of the Committee of the Whole for December 6, 2017

VIII. Appointments, Proclamations, Etc.

A. Proclamations

1. Home Base Iowa Initiative

IX. Presentations

A. Recognition of Outgoing Elected Officials

B. Quad Cities Convention & Visitors Bureau Update

C. Local Business Recognition:
Sears Manufacturing Company

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

****NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

Community Development

1. Third Consideration: Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. for the proposed rezoning of 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District. [Ward 8]

2. First Consideration: Ordinance for Case No. ROW17-06 being the request of the City of Davenport for the right-of-way vacation (abandonment) of 10,800 square feet, more or less, of public right-of-way south of the west terminus of Dugan Court and north of the west terminus of the right-of-way south of Dugan Court. [Ward 4]
3. Resolution authorizing the conveyance of portions of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Addition to St. Ambrose University. St. Ambrose University, Petitioner. [Ward 4 & 5]

Public Safety

1. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

River Bandits, River Bandits 5K, April 21, 2018, 8:00 a.m. to 12:00 p.m.; Closure Location: Begins on 2nd Street to Centennial Bridge over to the Government Bridge and returns to Modern Wooden Park via bike path. [Ward 3]

2. Motion approving beer and liquor license applications.

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

Ward 1

Happy Joe's Pizza (Dynamic Restaurant Acquisition, Inc.) - 817 S Farragut St. - License Type: B Beer

Ward 3

El Fogon (La Cocina LLC) - 1717 W 3rd St. - License Type: C Liquor

Quad Cities Convention & Visitors Bureau (Quad Cities Convention & Visitors Bureau) - 136 E 3rd St., Suite B - Location Transfer - License Type: B Native Wine

Rivercenter/Adler Theatre (VenuWorks of Davenport, LLC) - 136 E 3rd St. - Premise Update to exclude suite occupied by Quad Cities Convention & Visitors Bureau - License Type: C Liquor

Ward 4

- Happy Joe's Pizza (Dynamic Restaurant Acquisitions, Inc.) - 1616 W Locust St. - Outdoor Area - License Type: C Liquor

Ward 7

Cardio Sports Bar & Grill (BG Scott Inc.) - 3811 N Harrison St., Suite A - Outdoor Area - License Type: C Liquor

R & C Brazilian Steakhouse (R & C Brazilian Steakhouse LLC) - 320 W Kimberly Rd., Suite 53 - Outdoor Area - License Type: C Liquor

Ward 8

Happy Joe's Pizza (Dynamic Restaurant Acquisition, Inc.) - 201 W 50th St. - License Type: Beer / Wine

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

Ward 1

Jimmie O's Saloon (Oldham Enterprizes LLC) - 2735 Telegraph Rd. - License Type: C Liquor

Sub Express & Gas (Janki Food Mart, Inc.) - 4307 W Locust St. - License Type: E Liquor / B Wine / C Beer

Thirsty's On Third, LLC (Thirsty's On Third, LLC) - 2202 W 3rd St. - Outdoor Area - License Type: C Liquor

Ward 2

Big 10 Mart (Molo Oil Company) - 2308 W 53rd St. - License Type: C Beer / B Native Wine

The Dugout Sports Complex (The Strike Zone II, Inc.) - 3504 Hickory Grove Rd. - Outdoor Area - License Type: C Liquor

Ward 3

Embers of Phoenix (Jai Mata Lakshmi, Inc.) - 111 W 2nd St. - License Type: C Liquor

Front Street Brewery (Front Street Brewery Inc.) - 208 E River Dr. - Outdoor Area - License Type: C Liquor

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - License Type: C Liquor

QC Mart (Bethany Enterprises, Inc.) - 813 W 2nd St., Unit 1 - License Type: C Beer

Rivercenter/Adler Theatre (VenuWorks of Davenport, LLC) - 136 E 3rd St. - Outdoor Area - License Type: C Liquor

Ward 4

Azteca Express Restaurant, Inc. (Azteca Express Restaurant, Inc.) - 1902 N Division St., Suite 5 - License Type: C Liquor

Hilltop Grocery (Hilltop Grocery LLC) - 1312 Harrison St. - License Type: E Liquor / B Wine / C Beer

Kwik Star #123 (Kwik Trip, Inc.) - 2850 W Locust St. - License Type: C Beer / B Native Wine

Ward 6

Azteca II (Azteca II, Inc.) - 2843 E 53rd St. - License Type: C Liquor

Cafe' Indigo (Cafe' Indigo, LLC) - 4925 Utica Ridge Rd. - Outdoor Area - Beer / Wine

Hy-Vee Food & Drugstore #3 (Hy-Vee, Inc.) - 1823 E Kimberly Rd. - License Type: E Liquor / C Beer / B Wine

Hy-Vee #4 (Hy-Vee, Inc.) - 4064 E 53rd St. - License Type: E Liquor / B Wine / C Beer

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc.) - 4811 N Brady St., Suite 3 - License Type: C Liquor

Public House Davenport (Chesney LLC) - 5260 Northwest Blvd. - Outdoor Area - License Type: C Liquor

QC Mart (Bethany Enterprises, Inc.) - 3545 Eastern Ave. - License Type: C Beer

Ward 8

Davenport Chapter Izaak Walton League of America (Davenport Chapter IWLA) - 8402 N Harrison St. - Outdoor Area - License Type: C Liquor

Love's Travel Stop #476 (Love's Travel Stops & Country Stores, Inc.) - 8255 Northwest Blvd. - License Type: C Beer / B Wine

Public Works

1. Resolution approving the proposed resolution of necessity for the FY2017 Alley Resurfacing Program. Two petitions were received to resurface the alleys between LeClaire and Farnam from Garfield to Columbia and between Schricker and Glaspell from Pine to Belmont. [Wards 3 & 5]
2. Resolution accepting storm sewer, and pavement associated with the 53rd Street and Spring Street site improvements. [Ward 8]
3. Resolution approving the plans, specifications, form of contract and estimate of cost for the Federal Street Sewer Improvements Project, CIP #30001, estimated at

\$728,000 in bonds abated by sewer funds. [Ward 3]

4. Resolution approving change order #2 to Valley Construction Company in the amount of \$310,118.75 for the W. 76th Street Extension Project, CIP #01629. The project is funded through multiple grant sources with the city's portion being \$2,889.87. [Ward 8]
5. Resolution turning over the maintenance responsibilities of the decorative streetlights surrounding the downtown YMCA to the City of Davenport and authorizing the Mayor to sign the agreement. [Ward 3]
6. Resolution approving a contract amendment to the Duck Creek South Interceptor Rehabilitation Project with SAK Construction, LLC in the amount of \$620,000 budgeted in CIP #00200. [Wards 2,5,6,7]
7. Resolution approving the contract for the traffic signal at the Walmart on Elmore Ave. project from Tri-City Electric Contract Co. of Iowa from Davenport, IA in the amount of \$122,667.28. [Ward 8]
8. Motion authorizing the Mayor to sign the sanitary sewer easement agreement in conjunction with the Sterilite development. [Ward 8]
9. Motion approving the plans, specifications, and estimate of cost for the Junge Park Culvert Replacement Project, CIP #33027. [Ward 7]
10. Motion approving the plans, specifications, and estimate of cost for the Duck Creek South New Manholes Project, CIP #00200. [Ward 7]
11. Motion accepting work associated with the Utica Ridge Sidewalk Project on the west side of Utica Ridge Road from 55th St. north to Kathleen Way, CIP #28011. [Ward 6]
12. Motion accepting agreements necessary for the Transload Facility Side Track Expansion Project and allow the Mayor to execute said agreements. [Ward 8]

Finance

1. Resolution adopting the City of Davenport's 2018 State Legislative Program. [All Wards]
2. Resolution approving the City of Davenport to participate in the Statewide Consortium of the University of Iowa and U.S. Bank Purchasing Card program. [All Wards]
3. Resolution awarding a contract for the Specific and Aggregate Stop Loss Insurance to HM Insurance Group. [All Wards]
4. Resolution awarding the contract for the City Hall elevator improvement project to Precision Builders, Inc. of LeClaire, IA in the amount of \$314,712.00. CIP #23010 [Ward 3]
5. Motion approving the purchase of mobile wireless connectivity equipment from a State of Iowa Master Agreement from Keltek, Inc. of Baxter, IA in the amount of \$70,991.44. CIP # 67002. [All Wards]

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council can not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

Please state your Name and Ward for the record. There is a five (5) minute time limit.
Please end your comments promptly.

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Tiffany Thorndike
Wards: All

Action / Date
12/13/2017

Subject:
Approval of the minutes of the November 22, 2017 City Council Meeting

ATTACHMENTS:

Type	Description
▯ Cover Memo	2017-1122 CC MIN

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 1:00 PM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, November 21, 2017---The Council observed a moment of silence. Pledge of Allegiance. The Council met in regular session at 5:30 PM with Mayor Klipsch presiding and all aldermen present except Ald. Clewell.

The minutes of the November 8, 2017 City Council meeting were approved as printed.

The report of the Committee of the Whole was as follows: COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, November 15, 2017---The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all alderman present except Ald. Meginnis and Clewell. The following Public Hearings were held: Community Development: for the Resolution for Case No. CP17-01 being the request of the City of Davenport – Community Planning & Economic Development (CPED) to adopt the Scott County Multi-Jurisdictional Hazard Mitigation Plan and add it as an element to Davenport Comprehensive Plan; Public Works: to convey parcels R0429-03, R0429-03A and R0429-02A to the property owners of 3115 Daisy Ave; Finance: for amending of the North Urban Renewal Area Plan. Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Gripp reviewed all items listed. On motion by Ald. Gripp, second by Ald. Rawson items # 4 and 5 moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Safety: Ald. Matson reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Ambrose all items moved to the Consent Agenda. Public Works: Ald. Ambrose reviewed all items listed. On motion by Ald. Dunn, second by Ald. Ald. Ambrose the following item was tabled until staff review is complete: Resolution to convey parcels R0429-03, R0429-03A and R029-02A to the property owners of 3115 Daisy Ave. On motion by Ald. Dunn, second by Ald. Ald. Matson all other items moved to the Consent Agenda. Finance: Ald. Tompkins reviewed all items listed. On motion by Ald. Tompkins, second by Ald. Dickmann all items moved to the Consent Agenda. Council adjourned at 6:21 p.m.

The following Appointment was approved: Combined Construction Code Board of Appeals & Review: Todd Staack, 491.

November 21, 2016

The following Presentations were given: Student Recognitions to Assumption High School: 2017 Girls Track & Field and Individual, Girls Soccer, Softball, Baseball and Wrestling Individual; I-74 Mississippi River Bridge Project Update.

The Discussion Agenda items were as follows: NOTE: The votes on all ordinances and resolutions were by roll call vote. The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.

The following ordinance moved to third consideration: for Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District (Ald. Ambrose and Mastson voting nay).

The following ordinance failed: for Case No. REZ17-05 of Steven and Merideth Hirsch for the rezoning of 0.65 acre (28,340 sq. ft.), more or less, of real property located at the 5135 Marquette Street (south of West 53rd Street and east of Marquette Street) from R-1 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate development of four (4) residential units (Ald. Ambrose, Matson, Dickmann, Meginnis and Dunn voting naye).

The Consent Agenda was as follows: NOTE: These are routine items and are enacted at the City Council meeting by one roll call vote. The vote was unanimous unless otherwise noted.

Community Development: The following ordinance was moved to third consideration: for Case No. REZ17-09: Request of Michael R. Leep, Sr. for the proposed rezoning of 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District.

The following ordinances were adopted: for Case No. SNC17-01 being the Request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court, 492; for Case No. SNC17-02 being the request of the City of Davenport (Public Works Department) to change the name of a former segment of Veterans Memorial Parkway located west of Utica Ridge Road abutting Walsh Pointe Third Addition to East 67th Court, 493.

November 21, 2016

The following resolution was adopted: for Case No. CP17-01 being the request of the City of Davenport – Community Planning & Economic Development (CPED) to adopt the Scott County Multi-Jurisdictional Hazard Mitigation Plan and add it as an element to Davenport Comprehensive Plan, 494.

The following motion was passed: approving the Citizens Advisory Committee's recommendations for the reprogramming of the unspent and unobligated Community Development Block Grant (CDBG) funds from CDBG Year 42 ending June 30, 2017, 495.

Public Safety: The following ordinances were adopted: amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding Wilkes Avenue along the east side from 16th Street south to the alley, 496; amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Elmore Avenue at Veterans Memorial Parkway, 497; amending Chapter 9.40 entitled "Projectiles and Toy Pistols" by renaming the Chapter "Projectiles, Toy Pistols, and Fireworks" and adding a new section 9.40.030 to allow for the legal use of consumer grade fireworks on specified dates and times, 498.

The following motion was passed: approving all submitted beer and liquor license applications, 499.

Public Works: The following resolutions were adopted: approving the contract for the Oneida and River Drive Sewer Improvement project from Valley Construction of Rock Island, IL in the amount of \$228,192.00 budgeted in CIP #30001, 500; accepting the FY2017 Street Resurfacing – Microsurfacing/Slurry Seal/Cape Seal Project, CIP #35011, 501; approving payment to Scott County for the city portion of the Y-48 Resurfacing Project in the amount of \$274,972.95, budgeted in CIP #35021, 502; approving the contract for engineering services with Savage Services Corporation of Midvale, UT in the amount of \$107,500 to perform design services for the Transload Rail Spur Expansion Project, CIP #60009, 503; awarding a contract for the signal system improvement projects along Locust Street, 53rd Street and Kimberly Road to CDB Utility Contractors, Inc. of Davenport, Iowa, in the amount of \$1,267,976.00 budgeted in CIP Projects #01630, #01641, #10154, 504; accepting the Junge Park ADA Improvements Project, CIP #10118, 505; assessing the cost of boarding up building, brush and debris removal, weed cutting at various lots and tracts of real estate, 506, 507, 508; for the FY2017 Alley Resurfacing Program. Two petitions were received to

resurface the alleys between LeClaire and Farnam from Garfield to Columbia and between Schricker and Glaspell from Pine to Belmont, 509.

The following motions were passed: determining property values for the FY2017 Alley Resurfacing Program. Two petitions were received to resurface the alleys between LeClaire and Farnam from Garfield to Columbia and between Schricker and Glaspell from Pine to Belmont, 510; approving the submittal of the FAA Airport Improvement Program grant pre-application for Federal Fiscal Year 2019 through 2021, 511; accepting the full depth concrete patching project on W. 53rd St. just west of Pine St., CIP #35028, 512; accepting the Duck Creek Bike Path Spur Resurfacing Project, budgeted in CIP #64023, 513; to approve change order #4 associated with the 2017 Resurfacing contract with Hawkeye Paving Corporation, in the amount of \$52,864.23 budgeted in CIP #35011, 514.

Finance: The following resolution was adopted: approving an internal advance to the TIF Increment Fund for Administrative Costs, 515.

The following motion was passed: approving submission of the City of Davenport's Annual Urban Renewal Report, 516.

The following is a summary of revenue received for the month of October 2017:

Property taxes	27,394,428
Other City taxes	1,604,604
Special assessments	-0-
Licenses & permits	166,707
Intergovernmental	5,422,267
Charges for services	3,608,522
Use of monies & property	148,307
Fines & forfeits	128,595
Bonds/Loan Proceeds	1,235,561
Miscellaneous	175,626

Other Ordinances, Resolutions and Motions: On motion the rules were suspended and the following resolution added to the agenda and adopted: setting a public hearing to convey land to ARCP JDDPTI1A01, LLC, 517.

November 21, 2016

The following Civil Service List was received and filed: *Bus Mechanic*: Daniel Tiemessen; *Plant Operator*: Brian Holmer, Jason Felgenhauer, David Kundert, Justin Steward, Kevin Kowalk, Robert Lundquist, James Martin, Tobin Ramsay, Joseph Snodgrass, Gary Boysel, Joseph Castel, Patrick Mirocha, Jeremiah Archer, Daniel Breman, Matthew Buesing, Kubica, Wayne, Gregory Wilson, *Police Sergeant*: James Quick, Tim Murphy, Barry Peiffer, Gregory Mahieu, 517.

On motion Council adjourned at 6:40 P.M.

A handwritten signature in black ink that reads "Jackie E. Holecek". The signature is written in a cursive, flowing style.

Jackie E. Holecek, MMC

Deputy City Clerk

PO#

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Tiffany Thorndike
Wards: All

Action / Date
12/13/2017

Subject:
Approval of the Report of the Committee of the Whole for December 6, 2017

ATTACHMENTS:

Type	Description
▯ Cover Memo	December 6, 2017 COW MIN

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 1:02 PM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, December 6, 2017-

--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all alderman present, except Alderman Rawson. The following Public Hearings were held: Community Development: for the Ordinance for Case No. ROW17-06 being the request of the City of Davenport for the right-of-way vacation (abandonment) of 10,800 square feet, more or less, of public right-of-way south of the west terminus of Dugan Court and north of the west terminus of the right-of-way south of Dugan Court; on the proposed conveyance of the following property: the southernmost 4 acres of Parcel W3307-02A, Interstate Industrial Park 6th Addition, Lot 2, to Petitioner ARCP JDDPTIA01 LLC.; Public Works: on the plans, specifications, form of contract and estimate of cost for the Federal Street Sewer Improvements Project, CIP #30001, estimated at \$728,000 in bonds abated by sewer funds. Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Gripp reviewed item #1, 3 and 4 and removed item 2 due to case REZ17-10 being withdrawn from petitioner. On a motion by Ald. Dickmann, second by Ald. Ambrose, with all present except Ald. Rawson voting aye, a motion was approved to amend item 4 to convey all the previous vacated right of way to St. Ambrose University as originally proposed. On motion by Ald. Dickmann, second by Ald. Ambrose, items 1, 3 and 4 moved to the Consent Agenda. Public Safety: Ald. Matson reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Gordon all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Gordon all items moved to the Consent Agenda. Finance: Ald. Tompkins reviewed all items listed. On motion by Ald. Gripp, second by Ald. Matson all items moved to the Consent Agenda. On motion by Ald. Gripp, second by Ald. Dunn, with all alderman present, except Ald. Rawson, voting aye, Council recessed to Executive Session at 6:18 p.m. for the purpose of discussing strategy with counsel in matters involving litigation pursuant to Iowa Code 21.5(1)(c). Council reconvened in Executive Session at 6:23 p.m. with Mayor Klipsch and all alderman present, except Ald. Rawson. On motion by Ald. Maston, second by Ald. Meginnis the Council reconvened in Open Session at 7:15 p.m. Council adjourned at 7:15 p.m.

City of Davenport

Agenda Group: Council
Department: Office of the Mayor
Contact Info: Nevada Lemke
Wards: All

Action / Date
12/13/2017

Subject:
Home Base Iowa Initiative

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	12/6/2017 - 10:08 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Tiffany x2066
Wards: All

Action / Date
12/13/2017

Subject:
Recognition of Outgoing Elected Officials

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	10/31/2017 - 3:17 PM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Tiffany x2066
Wards: All

Action / Date
12/13/2017

Subject:
Quad Cities Convention & Visitors Bureau Update

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	10/31/2017 - 3:16 PM

City of Davenport

Agenda Group: Council
Department: Office of the Mayor
Contact Info: Nevada Lemke
Wards: All

Action / Date
12/13/2017

Subject:
Local Business Recognition:
Sears Manufacturing Company

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	12/6/2017 - 10:09 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Matt Flynn, 888-2286
Wards: 8th

Action / Date
11/1/2017

Subject:

Third Consideration: Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. for the proposed rezoning of 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District. [Ward 8]

Recommendation:

Staff concurs with the recommendation of the Plan and Zoning Commission to accept the listed findings and recommend approval of the request with the conditions outlined on the attached draft ordinance.

The vote by the Plan and Zoning Commission was unanimous in favor.

Relationship to Goals:

Welcome Investment.

Background:

Approval of the request would facilitate the construction of a multi-brand automobile dealership at this location. Additional development meeting the proposed conditions would also be permitted following affirmative action by the Council.

See attachments for the Staff Report, proposed ordinance and additional information.

ATTACHMENTS:

Type	Description
▣ Ordinance	Proposed Ordinance
▣ Ordinance	Staff Report and Attachments

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:48 AM
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:52 AM

ORDINANCE NO.

Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. to rezone 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District [8th Ward].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from C-1 Neighborhood Commercial District to C-2 General Commercial District:

The Legal Description for this property is as follows:

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the West Quarter corner of said Section 7; Thence North 87° 38' 05" East along the North line of the Southwest Quarter of said Section 7, a distance of 982.30 feet; Thence South 02° 21' 52" East, a distance of 45.00 feet to the South right of way line of 53rd Street and the POINT OF BEGINNING of the tract of land hereinafter described; Thence continuing South 02° 21' 52" East, a distance of 616.77 feet to the North line of Stone Gate East Addition; Thence South 87° 38' 58" West along said North line, a distance of 954.78 feet to the East right of way line of Eastern Avenue; Thence North 01° 42' 59" West along said East right of way line, a distance of 596.79 feet; Thence 31.19 feet along a 20.00 feet radius curve, concave Southeasterly, with a central angle of 89° 21' 03" and a 28.12 feet chord bearing North 42° 57' 33" East to the South right of way line of 53rd Street; Thence North 87° 38' 05" East, along said South right of way line, a distance of 928.03 feet to the Point of Beginning, containing 13.465 acres, or 586,530 square feet, more or less. Subject to easements and restrictions of record.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as "CC" – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

Conditions:

1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled "HCOD" Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53rd Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer's funded traffic study and unless deferred constructed prior to the issuance of any certificates of occupancy for the property. If the City and developer determine that cost savings and ease of administration allow, access improvements for 53rd street may be deferred and completed as part of the 53rd Street widening project. Any deferral shall not be deemed a waiver of developer's responsibility to dedicate ground for the widening, or to construct or fund the traffic improvements required herein, but developer shall be expected to construct or pay for the impacts caused by its development only once.
 - a. A full access curb cut shall be permitted at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53rd Street intersection.
 - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53rd Street intersection. Acceleration/deceleration lanes shall be constructed at the sole expense of the property owner.
 - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52nd Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
 - d. It is acknowledged that future widening of East 53rd Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.

8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s)

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.

First Consideration _____

Second Consideration _____

Approved _____

Frank J. Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



PLAN AND ZONING COMMISSION

Meeting Date: October 17, 2017
Request: Proposed rezoning of 13.465, more or less, of property at the southeast corner of Eastern Avenue and East 53rd Street from C-1 Neighborhood Commercial District to C-2 General Commercial District
Case No.: REZ17-09
Applicant: Michael R. Leep, Sr.
Contact: Matthew G. Flynn, AICP
Senior Planning Manager
mflynn@ci.davenport.ia.us
563-888-2286

Recommendation:

Staff recommends the Commission accept the findings and forward Case No. REZ17-09 to the City Council for approval, along with the listed conditions.

Introduction:

This property is proposed to be developed as a car dealership/showroom including car wash.

Background:

This property was rezoned to C-1 in 1999. C-1 does not allow car dealerships, thus, a rezoning to C-2 has been applied for. Several conditions to this rezoning were also adopted. See attached Ordinance 99-568 for specifics.

Comprehensive Plan: The Property is within the current Urban Service Boundary (USB).

Davenport+2035 designates this property as Commercial Corridor. *Commercial Corridor (CC) – Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage.*

Technical Review:

Being in the urban service area, urban services are readily available to the site. Fire station No. 7 is less than one mile from the property.

53rd Street is slated for improvements and widening in FY19-20. This may have some impact on development and operations on this property during construction.

Public Input:

Signs have been posted on the property. A public meeting was held on September 26, 2017. Approximately 25 people attended.

36 notices to property owners have been mailed out.

To date two protests have been registered which constitutes 1.4% of the notice area.

Discussion:

Staff has suggested to the petitioner a zoning classification of PDD, Planned Development, may assist in addressing site plan concerns for the property. The applicant has indicated that finalizing a site plan will not be possible due to specific needs of multiple car dealerships looking at this property.

Conditions placed on the property in 1999 specifically called for no automobile dealerships on the property. It can be argued that improved operations and lighting technology can mitigate the concerns expressed in 1999. Further, the decision for Smart Toyota to locate immediately west of the property has changed the anticipated character of this stretch of East 53rd Street.

Comments expressed at the neighborhood meeting centered on lighting, noise, and the existing tree line along the south property line.

Lighting. The proposed condition stipulates that lighting not exceed 25 feet in height (same as Toyota), be LED Dark Sky fixtures and be shielded from residential property.

Noise. Conditions include prohibition of the use of PA systems requiring the car wash to be set back 125 feet and oriented away from residential.

Existing Tree Line. It can't be determined where the existing trees lie nor their species and health. Therefore, no conditions address the existing trees.

Staff has also discussed traffic access and control as well as stormwater management for the site.

Traffic Access and Control. Analysis of crash data reveals a number of accidents in the vicinity, including a fatal incident in 2013. Staff believes that the westernmost drive on 53rd street is too close to the intersection to be a full access. A right-in/right-out is recommended.

Additional turn and decal lanes, as well as a part of the signalization cost at Spring Street should be the responsibility of the property owner.

Stormwater Management.

Effectively managing stormwater is, (as always) a concern. The property drains to both the east and west. Shared detention is being studied for easterly flow stormwater. Flow to the west needs to be limited to not exacerbate the erosion issues that have occurred downstream.XXX

Conclusion: Staff believes through revisions to the existing conditions placed on this property in 1999, the negative impacts can be effectively managed. It can be assumed that a recommendation for approval (if that is the conclusion) will include a number of conditions designed to minimize impacts to the neighborhood to the south.

Staff Recommendation:

Findings:

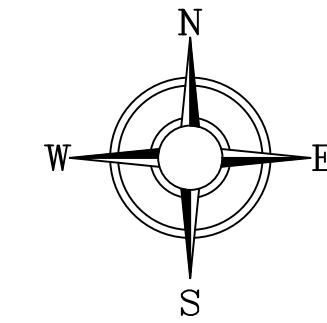
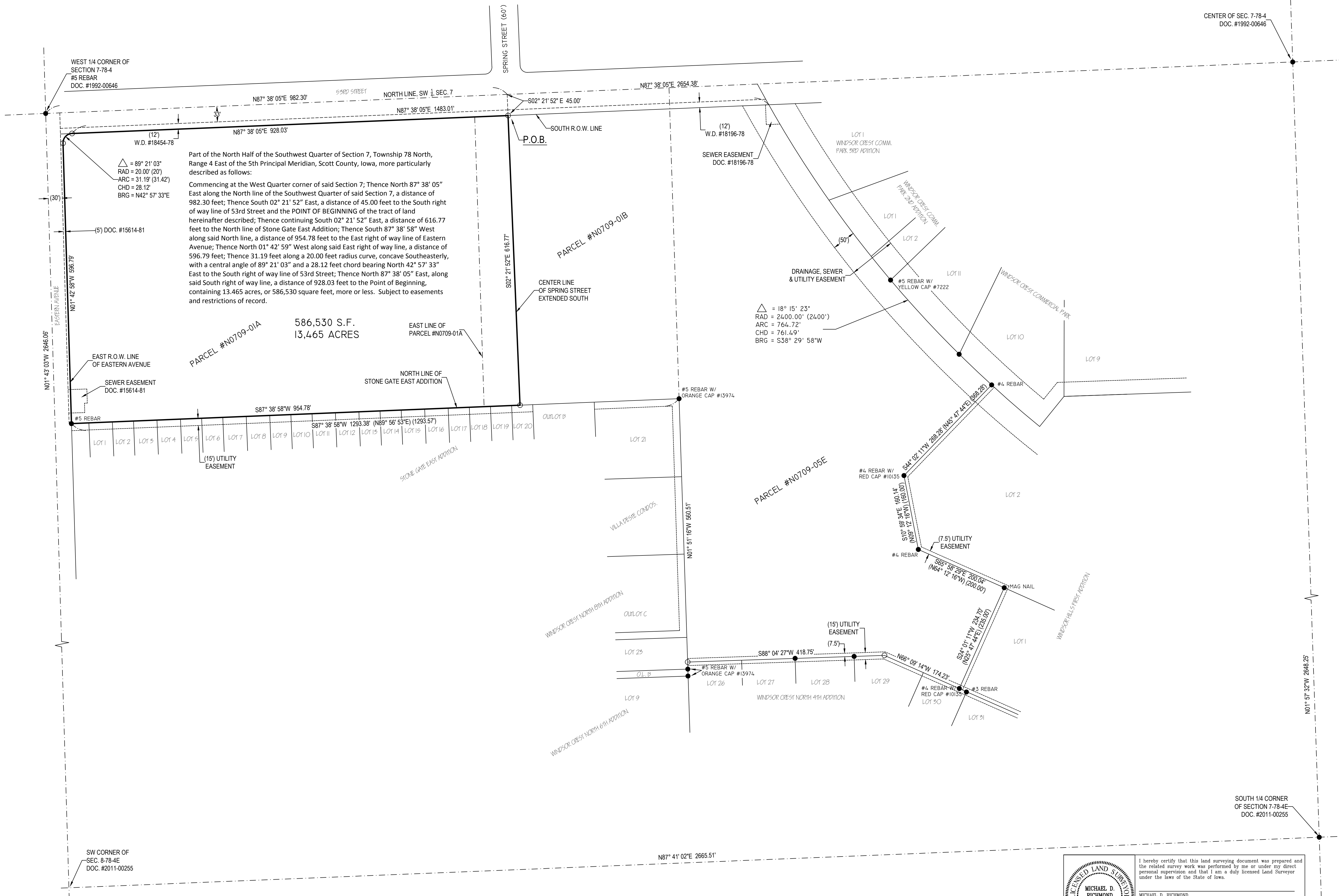
1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as “CC” – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

Conditions:

1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled “HCOD” Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53rd Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer’s funded traffic study.
 - a. A full access curb cut shall be permitted at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53rd Street intersection.
 - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53rd Street intersection. Acceleration/deceleration lanes shall be constructed at the sole expense of the property owner.
 - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52nd Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
 - d. It is acknowledged that future widening of East 53rd Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.
8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s)

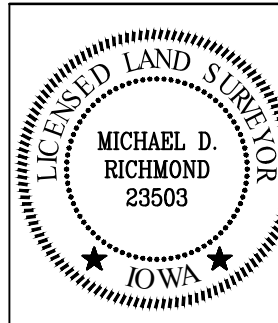
PLAT OF SURVEY

Part of the North Half of the Southwest Quarter of Section 7,
Township 78 North, Range 4 East of the 5th Principal
Meridian, City of Davenport, Scott County, Iowa.



GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = _____
ROAD CENTER LINE = _____
EASEMENT LINE = _____
SETBACK LINE = _____
SECTION LINE = _____



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2017
Pages or sheets covered by this seal: 1



DATE: 10-9-17 TE PROJECT NO:
EASTERN & 53RD
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: MDR
DRAWING LOCATION
S:\SPEER\EASTERN 53RD\BOUNDARY10-4-17

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT
PLAT OF SURVEY
EASTERN & 53RD
DAVENPORT, IOWA

PREPARED FOR:
SPEER DEVELOPMENT
1644 OLD BRANDY LANE
DAVENPORT, IA 52803

SHEET NO.
1 OF 1

REZ17-09: SPEER - LEEP Rezoning C-1 to C-2
SURROUNDING ZONING



0 162.5 325 650 975 1,300 Feet
1 inch = 733 feet





Property Address* Vacant Land - Parcel No.'s N0709-01A and N0709-01B

***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name: Michael R. Leep, Sr.
 Company:
 Address: 5201 N. Grape Road
 City/State/Zip: Mishawaka, IN 46545
 Phone: 574-272-2015
 Email: mikelleepsr@GurleyLeep.com

Owner (if different from Applicant)

Name: Shella M. Speer Living Trust
 Company:
 Address: 2231 E. 45th Street
 City/State/Zip: Davenport, IA 52807
 Phone: 563-359-3646
 Email: reclosers1@gmail.com

Engineer (if applicable)

Name: Jason Holdorf
 Company: Missman, Inc.
 Address: 1717 State Street, Ste. 201
 City/State/Zip: Bettendorf, IA 52722
 Phone: 563-340-9885
 Email: jasonh@missman.com

Architect (if applicable)

Name: Renee Kobayashi
 Company: Forum Architects, LLC
 Address: 122 S. Michigan St., Ste. 200
 City/State/Zip: South Bend, IN 46601
 Phone: 574-233-2119
 Email: rkobayashi@forumarchitectsllc.com

Attorney (if applicable)

Name: Thomas J. Pastrnak/Gregory S. Jaeger
 Company: Pastrnak Law Firm, P.C.
 Address: 313 W. 3rd Street
 City/State/Zip: Davenport, IA 52801
 Phone: 563-323-7737
 Email: tpastrnak@pastrnak.com/gjaeger@pastrnak.com

Application Form Type:

Plan and Zoning Commission

- Rezoning (Zoning Map Amendment) ☒
 Zoning Ordinance Text Amendment ☐
 Right-of-way or Easement Vacation ☐
 Final Development Plan ☐
 Voluntary Annexation ☐
 Subdivision ☐

Zoning Board of Adjustment

- Appeal from an Administrative Decision ☐
 Special Use Permit - New Cell Tower ☐
 Home Occupation Permit ☐
 Special Exception ☐
 Special Use Permit ☐
 Hardship Variance ☐

Design Review Board

- Certificate of Design Approval ☒
 Demolition Request in the Downtown ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

- Floodplain Development ☐
 Cell Tower Co-Location ☐
 Identification Signs ☐
 Site Plan ☐

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Request:

Existing Zoning: C-1 Neighborhood Shopping District, subject to conditions and use restrictions based on Ordinance #99-568
Proposed Zoning Map Amendment: C-2 to permit the development of a car dealership with automobile showroom to allow the sale and service (including car wash as part of such service) of new (i.e., Porsche, VW, Audi, Mercedes) and used vehicles
Total Land Area: 13.435 Acres ☒
Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

Submittal Requirements:

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
 - Zoning Map Amendment is less than 1 acre - \$400.
 - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
 - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
 - \$5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:

- (1) Application:
 - Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
 - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Public Notice for the Plan and Zoning Commission public hearing:
 - After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
 - The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
 - Planning staff will send a public hearing notice to surrounding property owners.
- (3) Plan and Zoning Commission's consideration of the request:
 - Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
 - The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (4) City Council's consideration of the request:
 - Planning staff will send a public hearing notice to surrounding property owners.
 - The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Thomas J. Pastrnak/Gregory S. Jager as atty for Applicant

Date: 9-8-17

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: _____

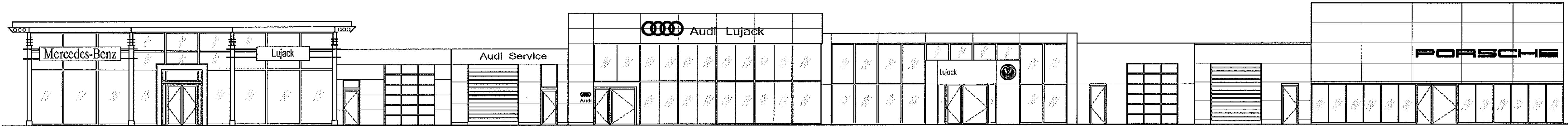
Planning staff

Date: Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.



CONCEPTUAL SITE PLAN



BUILDING SECTION PROFILE

FEF

#11.00 PD

ORDINANCE NO.

99-568

RECORDER OF DEEDS
SCOTT COUNTY, IOWA

ORDINANCE for the rezoning of 19.32 acres, more or less, of real property located east of Eastern Avenue and south of 53rd Street from "R-4 PUD" Planned Unit Development and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District to allow commercial development. Sheila Speer, petitioner.

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

SECTION 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from "R-4 PUD" and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District - Sheila Speer, petitioner. The property has the following legal description:

Part of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. being more particularly described as follows:

The North One-Half of the Northwest Quarter of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. excepting therefrom the public rights-of-way for Eastern Avenue and 53rd Street as they currently exist. Tract contains 19.32 acres, more or less.

The rezoning is to allow commercial development. The rezoning is subject to the following special conditions:

1. that development comply with the provisions of Chapters 17.41 and 17.56 of the 1995 Davenport Municipal Code entitled "HCOD" Highway Corridor Overlay District and "Site Plans" respectively;
2. that access to the subject property be located no closer to the intersection of 53rd Street and Eastern Avenue than 300 feet and that all access locations be approved by the City Traffic Engineer;
3. that left turn lanes be developed for the major access locations at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be constructed to City specifications;
4. that right turn deceleration lanes also be installed for each access location at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be developed to City specifications;
5. that a stormwater management plan for the subject property be at full projected development be submitted to and approved by the Engineering Division of the Public Works Department prior to commencing any grading activity;
6. that the City receive a copy of the petitioner's NPDES General Permit No. 2 prior to commencing any grading activity;
7. that should the City's Traffic Engineer determine that additional traffic improvements will be necessary due to this development, the cost of the improvements shall be the responsibility of the petitioner whose project made them necessary;
8. that the required landscaped buffer along the southern boundary of the subject property, adjoining the Eastern Avenue Partners property, be at least fifty (50) feet in width and include a six-foot

wooden privacy fence when adjoining residential uses to the south;
and

9. that the uses permitted to be developed or established on the subject property shall be those listed within the C-1 zoning classification, with the exclusion of:

- a. automobile service and oil change operations;
- b. public garage or sales or service operations for automobiles;
- c. automobile wash operations;
- d. movie theaters;
- e. laundromats;
- f. any "adult businesses" as defined in Chapter 17.47; and
- g. storage garages.

In addition, convenience stores and restaurants with drive-up window service shall be permitted only within the area within 300 feet of both Eastern Avenue and East 53rd Street.

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.



First Consideration December 1, 1999

Second Consideration December 15, 1999

Approved December 15, 1999

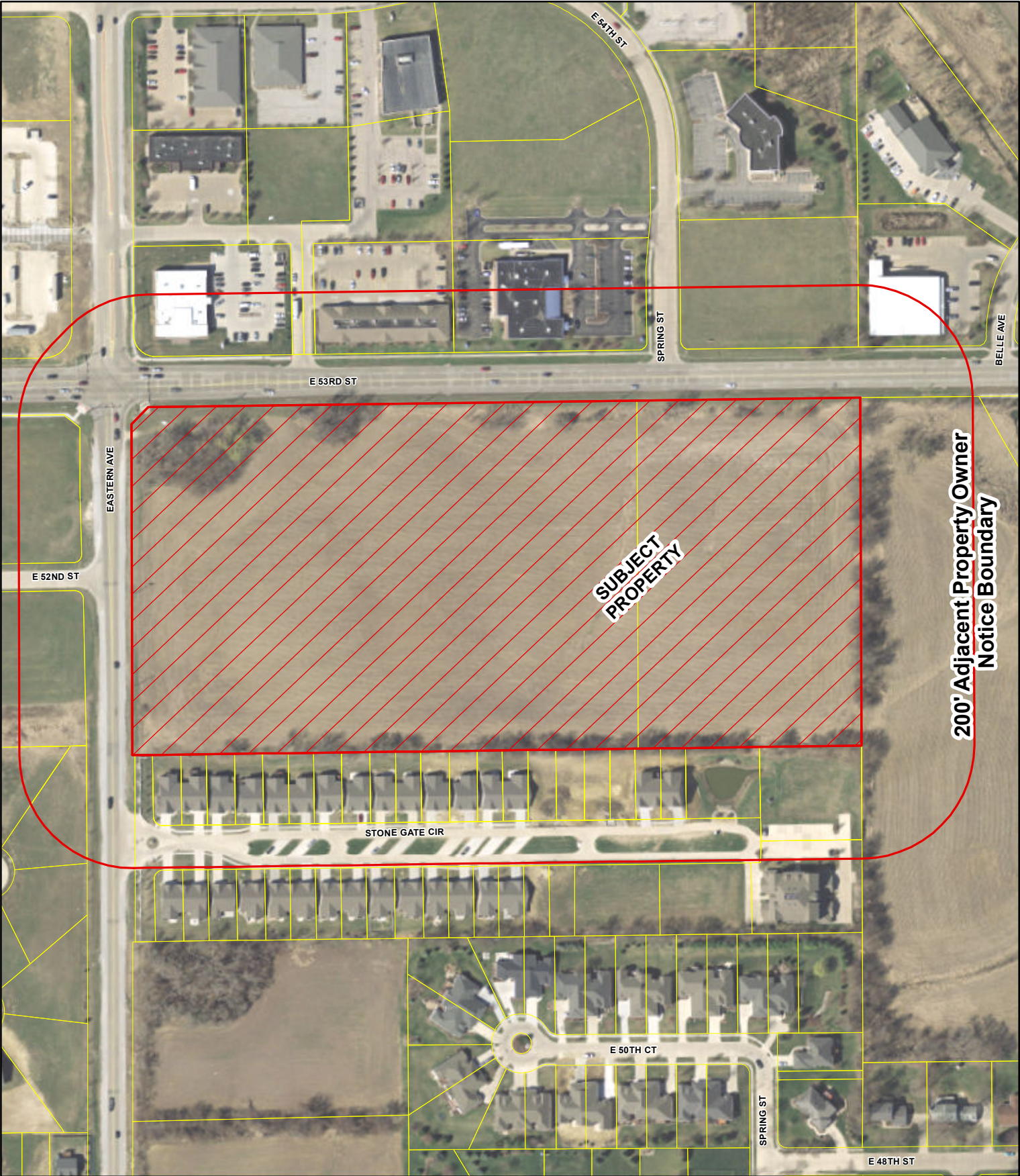
Phillip C. Yerington
Phillip C. Yerington
Mayor

Attest:

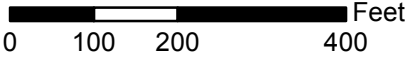
Jackie E. Ragsdale
Jackie E. Ragsdale CMC
Deputy City Clerk

Published in the Quad-City Times on December 28, 1999

**Plan & Zoning Commission: Adjacent Property Owner Notice Area
Request for a Zoning Map Amendment (Rezoning)**



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.





City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

PUBLIC HEARING NOTICE

September 22, 2017

Dear Property Owner:

The Davenport Plan and Zoning Commission will conduct a public hearing for a proposed rezoning from C-1, Neighborhood Commercial District to C-2, General Commercial District for the property located at the southeast corner of 53rd Street and Eastern Avenue. The developer, Michael R. Leep, Sr. proposes to construct an automobile dealership on the property. (see attached map).

The Plan and Zoning Commission public hearing will be held:

Tuesday, October 3, 2017, 5:00 p.m.
City Council Chambers, City Hall
226 West 4th Street

You are welcome to attend and provide comments. As a property owner within 200 feet of the subject property, you have the opportunity to protest the action. Fill out and return to our office the form at the bottom of the page if you choose to do so.

If you cannot attend this meeting and have questions or concerns, feel free to contact me directly using the contact information below.

Sincerely,

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport
matt.flynn@ci.davenport.ia.us
563-888-2286

I, the undersigned, PROTEST /DO NOT PROTEST (circle one) the proposed rezoning of the southeast corner of E 53rd Street and Eastern Ave. by Michael R. Leep, Sr.
(Case No. REZ17-09)

Signature _____

Date _____

Address: _____

Phone/email: _____



Working Together To Serve You

**REZ17-09 Location
Map (Revised)**



**REZ17-09 Future
Land Use Map
(Revised)**

CC

RG

Google Earth

REZ17-09 Leep Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
N0733-04A	6261.65876	0.7%		0.0%	1716 STONE GATE CR	BILLY & CAROLYN HOLCOMB	1716 STONE GATE CR	DAVENPORT 52807
N0733-19A	5670.68267	0.6%		0.0%	1820 STONE GATE CR	ROBERT & DELORES LAMBERT	1820 STONE GATE CR	DAVENPORT 52807
N0733-03A	6284.74688	0.7%		0.0%	1710 STONE GATE CR	1710 STONE GATE CIRCLE SPECIAL PURPOSE TRUST	9380 GULF SHORE DR UNIT 30	NAPELS FL 34108
Y0717-11A	30559.4713	3.4%		0.0%	1702 E 53RD ST	53RD & EASTERN PROPERTIES LLC	1805 STATE ST STE 101	BETTENDORF IA 52722
N0733-17A	5711.32998	0.6%		0.0%	1812 STONE GATE CIR	ANNE E PEACOCK	1812 STONE GATE CIR	DAVENPORT IA 52807
N0733-07A	6229.3879	0.7%	Yes	0.7%	1730 STONE GATE CR	BONNIE L ANDERSON LIVING TRUST	1730 STONE GATE CR	DAVENPORT 52807
Y0717-09A	2224.02651	0.3%		0.0%		C & L PLAZA LLC	2223 KIMBERLY RD	BETTENDORF IA 52722
N0733-15A	6277.63392	0.7%		0.0%	1800 STONE GATE CR	CHARLA A GORDON	1800 STONE GATE CR	DAVENPORT 52807
N0733-08A	6282.50853	0.7%		0.0%	1736 STONE GATE CR	CHARLES N TONEY	1736 STONE GATE CR	DAVENPORT 52807
N0733-13A	5610.83295	0.6%		0.0%	1760 STONE GATE CR	CHESTER & NANCY BRENTISE	1760 STONE GATE CR	DAVENPORT 52807
Y0717-08A	2200.12055	0.2%		0.0%		DAVENPORT HEALTHCARE INVESTORS LLC	3601 MINNESOTA DR	MINNEAPOLIS MN 55435
N0710-05E	154876.521	17.5%		0.0%		ED SPEER CONSTRUCTION INC	C/O KATHLEEN WEYERS	GRIMES IA 50111
Y0717-04B	27088.0613	3.1%		0.0%	1850 E 53RD ST	HAWKEYE REAL ESTATE INVESTMENT	913 22ND AVE	CORALVILLE IA 52241
Y0719-01H	14178.2053	1.6%		0.0%	2160 E 53RD ST	JCO PROPERTIES INC & KRE LLC	16010 CANYON RUN	FORT WAYNE IN 46845
N0733-05A	5638.78203	0.6%		0.0%	1722 STONE GATE CR	JERRY & SANDRA PASKVAN	1722 STONE GATE CR	DAVENPORT 52807
N0733-10A	5611.24849	0.6%		0.0%	1744 STONE GATE CR	JIM & MICHELLE DAVIS	1744 STONE GATE CR	DAVENPORT 52807
N0733-02B	5675.60077	0.6%		0.0%	1704 STONE GATE CR	JOHN & MARY JO YATES	1704 STONE GATE CR	DAVENPORT 52807
P1213-02D	5105.50161	0.6%		0.0%	5020 LEPRECHAUN DR	JOSEPH & CRYSTAL WINSTON	5020 LEPRECHAUN DR	DAVENPORT IA 52807
P1212-01	28256.5092	3.2%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWAKA IN 46546
P1212-10A	31971.1904	3.6%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWKA IN 46546
Y0717-07	34626.8194	3.9%		0.0%		KWIK TRIP INC	1626 OAK ST	LACROSSE WI 54602
N0733-18A	5626.85518	0.6%		0.0%	1814 STONE GATE CIR	LIVING TRUST KULCSAR	1814 STONE GATE CIR	DAVENPORT 52807
N0733-11A	6303.75715	0.7%		0.0%	1750 STONE GATE CR	MARILYN STEFFEN & HARRY LONGLEY LIVING TRUST	1750 STONE GATE CR	DAVENPORT 52807
N0733-01B	6225.06101	0.7%	YES	0.7%	1702 STONE GATE CR	KEVIN & MARY RICKETTS	1702 STONE GATE CR	DAVENPORT IA 52807
P1213-01D	12494.9336	1.4%		0.0%	5017 LEPRECHAUN DR	O'BROS LLC	3885 ELMORE AVE	DAVENPORT IA 52807
X1223-01	1182.59557	0.1%		0.0%	5350 EASTERN AV	OGS LLC	5350 EASTERN AVE	DAVENPORT IA 52807
Y0717-03B	37635.3315	4.2%		0.0%	1970 E 53RD ST	RADIOLOGY GROUP REAL ESTATE L	1970 E 53RD ST	DAVENPORT IA 52807
N0733-09A	5694.92817	0.6%		0.0%	1742 STONE GATE CR	RICHARD & ANN LAUSEN	1742 STONE GATE CR	DAVENPORT IA 52807
N0733-14A	5644.67905	0.6%		0.0%	1762 STONE GATE CR	RICHARD & SANDRA ROSS	1762 STONE GATE CR	DAVENPORT 52807
N0733-06A	5674.75894	0.6%		0.0%	1724 STONE GATE CR	RITA WALLJASPER & DOLORES MOORE TRUST	1724 STONE GATE CR	DAVENPORT IA 52807
N0733-20A	5598.19629	0.6%		0.0%	1822 STONE GATE CR	STEVEN & MARY ANN HAMANN	1822 STONE GATE CR	DAVENPORT 52807
N0733-00B	16465.957	1.9%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	2660 E 53RD ST STE 7	DAVENPORT IA 52807
N0733-00A	86698.4084	9.8%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	PO BOX 1010	MOLINE IL 61266-1010
N0733-16A	6277.70065	0.7%		0.0%	1806 STONE GATE CR	STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-21A	36014.07	4.1%		0.0%		STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-12A	6239.21237	0.7%		0.0%	1756 STONE GATE CR	TRACEY RAASCH	1756 STONE GATE CR	DAVENPORT IA 52807

PARCELS 640,117.3
ROW 245,828.8

Alderman: McGivern

TOTAL
NOTICE AREA 885,946.0 100% **1.4% PROTEST RATE**

Protests: 2

Properties: 36

PUBLIC HEARING NOTICE

October 19, 2017

Dear Property Owner:

The Davenport Plan and Zoning Commission will conduct a public hearing for a proposed rezoning from C-1, Neighborhood Commercial District to C-2, General Commercial District for the property located at the southeast corner of 53rd Street and Eastern Avenue. The developer, Michael R. Leep, Sr. proposes to construct an automobile dealership on the property. (see attached map).

The Committee of the Whole public hearing will be held:

**Wednesday, November 1, 2017, 5:30 p.m.
City Council Chambers, City Hall
226 West 4th Street**

The Davenport Plan and Zoning Commission recommended approval of the proposed rezoning at its October 17, 2017 meeting.

You are welcome to attend and provide comments. As a property owner within 200 feet of the subject property, you have the opportunity to protest the action. Fill out the form at the bottom of the page and return to our office if you choose to do so.

If you cannot attend this meeting and have questions or concerns, feel free to contact me directly using the contact information below.

Sincerely,

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport
matt.flynn@ci.davenport.ia.us
563-888-2286

I, the undersigned, PROTEST /DO NOT PROTEST (circle one) the proposed rezoning of the southeast corner of E 53rd Street and Eastern Ave. by Michael R. Leep, Sr.
(Case No. REZ17-09)

Signature

Date

Address:

Phone/email:

Meeting Date: 10-17-17

Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED				
Name:	Roll Call	REZ17-09 Michael Leep SE Cor 53rd & Eastern	REZ17-10 Women in Spirtual Hope Ministries 5210 N Division St				
Connell	P	Y	Y				
Hepner	P	Y	N				
Inghram	P						
Kelling	P	Y	N				
Lammers	P	Y	N				
Maness	P	Y	Y				
Martinez	EX						
Medd	P	Y	Y				
Quinn	P	Y	Y				
Reinartz	P	Y	Y				
Tallman	P	ABSTAIN	Y				
		8-YES 0-NO 1-ABSTAIN	6-YES 3-NO 0-ABSTAIN				

REZ17-09 Leep Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
N0733-04A	6261.65876	0.7%		0.0%	1716 STONE GATE CR	BILLY & CAROLYN HOLCOMB	1716 STONE GATE CR	DAVENPORT 52807
N0733-19A	5670.68267	0.6%		0.0%	1820 STONE GATE CR	ROBERT & DELORES LAMBERT	1820 STONE GATE CR	DAVENPORT 52807
N0733-03A	6284.74688	0.7%		0.0%	1710 STONE GATE CR	1710 STONE GATE CIRCLE SPECIAL PURPOSE TRUST	9380 GULF SHORE DR UNIT 30	NAPELS FL 34108
Y0717-11A	30559.4713	3.4%		0.0%	1702 E 53RD ST	53RD & EASTERN PROPERTIES LLC	1805 STATE ST STE 101	BETTENDORF IA 52722
N0733-17A	5711.32998	0.6%		0.0%	1812 STONE GATE CIR	ANNE E PEACOCK	1812 STONE GATE CIR	DAVENPORT IA 52807
N0733-07A	6229.3879	0.7%	Yes	0.7%	1730 STONE GATE CR	BONNIE L ANDERSON LIVING TRUST	1730 STONE GATE CR	DAVENPORT 52807
Y0717-09A	2224.02651	0.3%		0.0%		C & L PLAZA LLC	2223 KIMBERLY RD	BETTENDORF IA 52722
N0733-15A	6277.63392	0.7%		0.0%	1800 STONE GATE CR	CHARLA A GORDON	1800 STONE GATE CR	DAVENPORT 52807
N0733-08A	6282.50853	0.7%		0.0%	1736 STONE GATE CR	CHARLES N TONEY	1736 STONE GATE CR	DAVENPORT 52807
N0733-13A	5610.83295	0.6%		0.0%	1760 STONE GATE CR	CHESTER & NANCY BRENTISE	1760 STONE GATE CR	DAVENPORT 52807
Y0717-08A	2200.12055	0.2%		0.0%		DAVENPORT HEALTHCARE INVESTORS LLC	3601 MINNESOTA DR	MINNEAPOLIS MN 55435
N0710-05E	154876.521	17.5%		0.0%		ED SPEER CONSTRUCTION INC	C/O KATHLEEN WEYERS	GRIMES IA 50111
Y0717-04B	27088.0613	3.1%		0.0%	1850 E 53RD ST	HAWKEYE REAL ESTATE INVESTMENT	913 22ND AVE	CORALVILLE IA 52241
Y0719-01H	14178.2053	1.6%		0.0%	2160 E 53RD ST	JCO PROPERTIES INC & KRE LLC	16010 CANYON RUN	FORT WAYNE IN 46845
N0733-05A	5638.78203	0.6%		0.0%	1722 STONE GATE CR	JERRY & SANDRA PASKVAN	1722 STONE GATE CR	DAVENPORT 52807
N0733-10A	5611.24849	0.6%		0.0%	1744 STONE GATE CR	JIM & MICHELLE DAVIS	1744 STONE GATE CR	DAVENPORT 52807
N0733-02B	5675.60077	0.6%		0.0%	1704 STONE GATE CR	JOHN & MARY JO YATES	1704 STONE GATE CR	DAVENPORT 52807
P1213-02D	5105.50161	0.6%		0.0%	5020 LEPRECHAUN DR	JOSEPH & CRYSTAL WINSTON	5020 LEPRECHAUN DR	DAVENPORT IA 52807
P1212-01	28256.5092	3.2%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWAKA IN 46546
P1212-10A	31971.1904	3.6%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWKA IN 46546
Y0717-07	34626.8194	3.9%		0.0%		KWIK TRIP INC	1626 OAK ST	LACROSSE WI 54602
N0733-18A	5626.85518	0.6%		0.0%	1814 STONE GATE CIR	LIVING TRUST KULCSAR	1814 STONE GATE CIR	DAVENPORT 52807
N0733-11A	6303.75715	0.7%		0.0%	1750 STONE GATE CR	MARILYN STEFFEN & HARRY LONGLEY LIVING TRUST	1750 STONE GATE CR	DAVENPORT 52807
N0733-01B	6225.06101	0.7%	YES	0.7%	1702 STONE GATE CR	KEVIN & MARY RICKETTS	1702 STONE GATE CR	DAVENPORT IA 52807
P1213-01D	12494.9336	1.4%		0.0%	5017 LEPRECHAUN DR	O'BROS LLC	3885 ELMORE AVE	DAVENPORT IA 52807
X1223-01	1182.59557	0.1%		0.0%	5350 EASTERN AV	OGS LLC	5350 EASTERN AVE	DAVENPORT IA 52807
Y0717-03B	37635.3315	4.2%		0.0%	1970 E 53RD ST	RADIOLOGY GROUP REAL ESTATE L	1970 E 53RD ST	DAVENPORT IA 52807
N0733-09A	5694.92817	0.6%		0.0%	1742 STONE GATE CR	RICHARD & ANN LAUSEN	1742 STONE GATE CR	DAVENPORT IA 52807
N0733-14A	5644.67905	0.6%		0.0%	1762 STONE GATE CR	RICHARD & SANDRA ROSS	1762 STONE GATE CR	DAVENPORT 52807
N0733-06A	5674.75894	0.6%		0.0%	1724 STONE GATE CR	RITA WALLJASPER & DOLORES MOORE TRUST	1724 STONE GATE CR	DAVENPORT IA 52807
N0733-20A	5598.19629	0.6%		0.0%	1822 STONE GATE CR	STEVEN & MARY ANN HAMANN	1822 STONE GATE CR	DAVENPORT 52807
N0733-00B	16465.957	1.9%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	2660 E 53RD ST STE 7	DAVENPORT IA 52807
N0733-00A	86698.4084	9.8%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	PO BOX 1010	MOLINE IL 61266-1010
N0733-16A	6277.70065	0.7%		0.0%	1806 STONE GATE CR	STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-21A	36014.07	4.1%		0.0%		STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-12A	6239.21237	0.7%		0.0%	1756 STONE GATE CR	TRACEY RAASCH	1756 STONE GATE CR	DAVENPORT IA 52807

PARCELS 640,117.3
ROW 245,828.8

Alderman: McGivern

TOTAL
NOTICE AREA 885,946.0
PROTEST RATE 1.4%

Protests: 2

Properties: 36

Friday, October 20, 2017

To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice in the October 25, 2017 edition of the Quad City Times.

The PO number for this notice is 1806078.

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

NOTICE
PUBLIC HEARING
WEDNESDAY, NOVEMBER 1, 2017, 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There is on file the following petitions:

Case No. REZ17-09: Request of Michael R Leep, Sr. for the rezoning of 13.465 acres of property located south of 53rd Street and east of Eastern Avenue from "C-1" Neighborhood Shopping District to "C-2" General Commercial District to allow the development of a car dealership showroom, with sales and service. [8th Ward]

The Legal Description for this property is as follows:

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows: Commencing at the West Quarter corner of said Section 7; Thence North 87° 38' 05" East along the North line of the Southwest Quarter of said Section 7, a distance of 982.30 feet; Thence South 02° 21' 52" East, a distance of 45.00 feet to the South right of way line of 53rd Street and the POINT OF BEGINNING of the tract of land hereinafter described; Thence continuing South 02° 21' 52" East, a distance of 616.77 feet to the North line of Stone Gate East Addition; Thence South 87° 38' 58" West along said North line, a distance of 954.78 feet to the East right of way line of Eastern Avenue; Thence North 01° 42' 59" West along said East right of way line, a distance of 596.79 feet; Thence 31.19 feet along a 20.00 feet radius curve, concave Southeasterly, with a central angle of 89° 21' 03" and a 28.12 feet chord bearing North 42° 57' 33" East to the South right of way line of 53rd Street; Thence North 87° 38' 05" East, along said South right of way line, a distance of 928.03 feet to the Point of Beginning, containing 13.465 acres, or 586,530 square feet, more or less. Subject to easements and restrictions of record.

The City Plan and Zoning Commission forwarded Case No. ROW17-09 to the City Council with a recommendation for approval.

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District. [8th Ward]

The property has the following legal description: Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows: Lot 2 of the Replat of Part of Lot 44, Green Acres First Annex to Davenport, Iowa. The property contains 7,847 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, November 1, 2017 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No 1806078.

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Matt Flynn, 888-2286
Wards: 4th

Action / Date
12/6/2017

Subject:

First Consideration: Ordinance for Case No. ROW17-06 being the request of the City of Davenport for the right-of-way vacation (abandonment) of 10,800 square feet, more or less, of public right-of-way south of the west terminus of Dugan Court and north of the west terminus of the right-of-way south of Dugan Court. [Ward 4]

Recommendation:

The City Plan and Zoning Commission forwards Case No. ROW17-06 to the City Council with a recommendation for approval without any special conditions.

Relationship to Goals:

Urban revitalization.

Background:

The City of Davenport is seeking to vacate (abandon) the unused right-of-way south of the west terminus of Dugan Court and north of the west terminus right-of-way south of Dugan Court. The subdivision plat dedicated this property as future right-of-way. The City does not intend to improve this right-of-way. It is anticipated that the property would be conveyed to the neighboring property owners.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Plat and Legal Description
▣ Backup Material	Plan and Zoning Commission Letter - 10-4-2017
▣ Backup Material	Plan and Zoning Commission Vote Results - 10-3-2017 Meeting
▣ Backup Material	Final Staff Report to Plan and Zoning Commission 10-3-2017

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:49 AM
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:53 AM

ORDINANCE NO.

ORDINANCE for Case No. ROW17-06: Request of the City of Davenport for the right-of-way vacation (abandonment) of 10,800 more or less, of public right-of-way south of the west terminus of Dugan Court and north of the west terminus of the right-of-way south of Dugan Court. [4th Ward]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby vacated (abandoned). The property has the following legal description:

Part of northeast quarter of Section 28, Township 78 North, Range 3 East of the 5th Principal Meridian in the city of Davenport, County of Scott, State of Iowa, being more particularly described as follows:

Part of the Dugan & Rauch's 2nd Addition to the City of Davenport, Iowa, being more particularly described as follows: Commencing at the northerly most corner of Lot 14 of said Dugan & Rauch's 2nd Addition, said point being the POINT OF BEGINNING of the tract of land hereinafter described: thence South 45°-31' -45" West 72.63 feet along the northwesterly line of said Lot 14 to an angle point; thence South 00°-49' -35" East 68.46 feet along the westerly line of said Lot 14 to the southwest corner of said Lot 14; thence South 87°-28' -25" West 128.25 feet to a point on the west line of said Dugan & Rauch's 2nd Addition; thence North 02°-33'-40" West 5.12 feet along the west line of said Dugan & Rauch's 2nd Addition to an angle point; thence North 45°-31' -45" East 243.42 feet along the westerly line of said Dugan & Rauch's 2nd Addition to an angle point; thence southeasterly 53.47 feet along a curve concave northeasterly having a radius of 50.00 feet and a chord bearing and dimension of South 06°-11' -10" East 50.96 feet to the point of beginning.

Said tract contains 10,800 square feet, more or less.

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.

First Consideration _____

Second Consideration _____

Approved _____

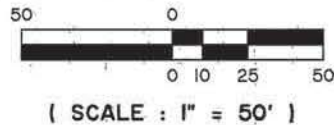
Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____

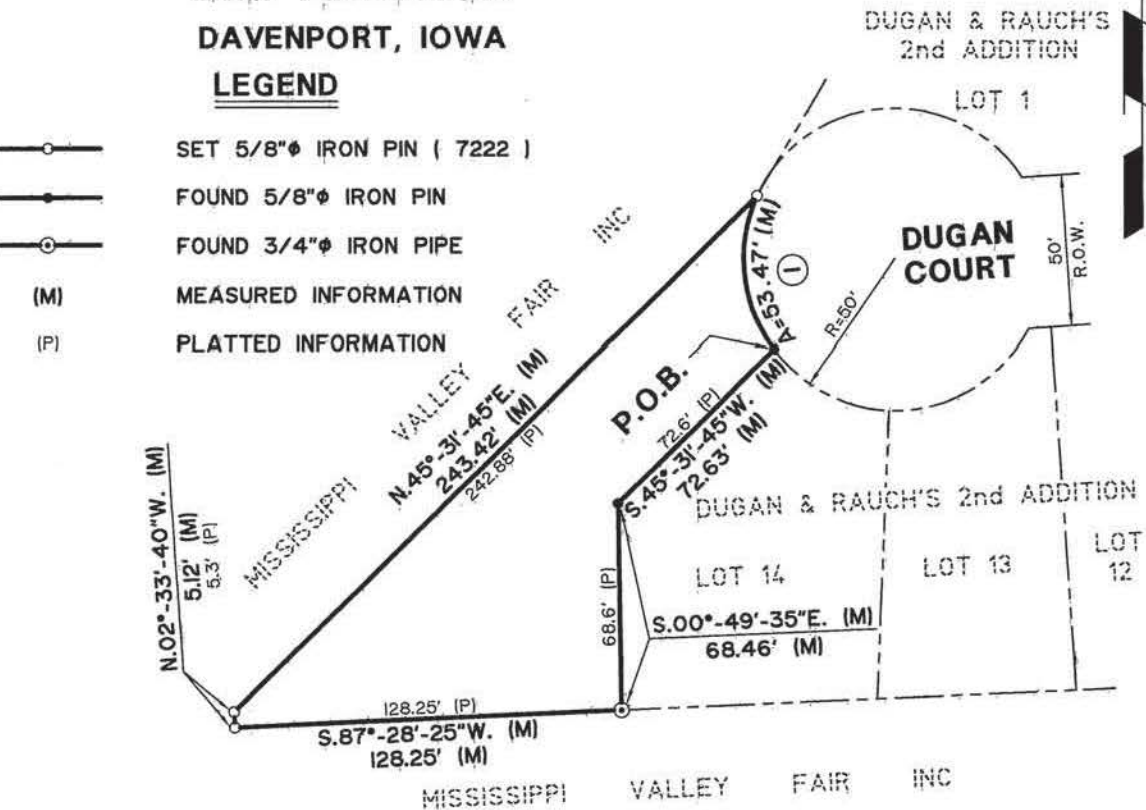
Location: Section 28, Township 78, Range 3, NE
 Requestor: City of Davenport, Iowa
 Proprietor: City of Davenport, Iowa
 Surveyor: David L. Meyer
 Survey Company: Verbeke - Meyer Consulting Engineers, P.C.
 Return To: Verbeke - Meyer Consulting Engineers, P.C.
 4111 East 60th Street
 Davenport, Iowa 52807
 dlm@verbeke-meyer.com (563) 359-1348

PLAT OF SURVEY
PART OF DUGAN & RAUCH'S
2nd ADDITION
DAVENPORT, IOWA



LEGEND

- SET 5/8" ϕ IRON PIN (7222)
- FOUND 5/8" ϕ IRON PIN
- FOUND 3/4" ϕ IRON PIPE
- (M) MEASURED INFORMATION
- (P) PLATTED INFORMATION



TOTAL AREA OF SURVEYED
TRACT = 10,800 SQUARE FEET, $\pm$

BEARINGS BASED ON THE IOWA STATE PLANE
 COORDINATE SOUTH ZONE, NAD 83 (2011)
 EPOCH 2010.00

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Signature: *David L. Meyer*

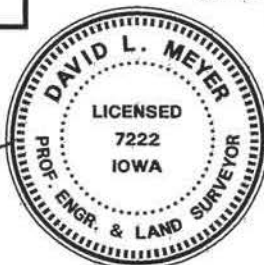
David L. Meyer, P.E. & L.S., License Number 7222

Date: **NOVEMBER 13, 2017**

My license renewal date is December 31, 2018

THIS SHEET ONLY

Pages or sheets covered by this seal:



PREPARED BY

VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.

4111 EAST 60th STREET
 DAVENPORT, IOWA 52807
 PHONE NUMBER: (563) 359 - 1348

VMCE 17343

November 14, 2017
VMCE # 17343

LEGAL DESCRIPTION
PART OF DUGAN & RAUCH'S 2ND ADDITION
DAVENPORT, IOWA

Part of the Dugan & Rauch's 2nd Addition to the City of Davenport, Iowa, being more particularly described as follows:

Commencing at the northerly most corner of Lot 14 of said Dugan & Rauch's 2nd Addition, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 45°-31'-45" West 72.63 feet along the northwesterly line of said Lot 14 to an angle point;

thence South 00°-49'-35" East 68.46 feet along the westerly line of said Lot 14 to the southwest corner of said Lot 14;

thence South 87°-28'-25" West 128.25 feet to a point on the west line of said Dugan & Rauch's 2nd Addition;

thence North 02°-33'-40" West 5.12 feet along the west line of said Dugan & Rauch's 2nd Addition to an angle point;

thence North 45°-31'-45" East 243.42 feet along the westerly line of said Dugan & Rauch's 2nd Addition to an angle point;

thence southeasterly 53.47 feet along a curve concave northeasterly having a radius of 50.00 feet and a chord bearing and dimension of South 06°-11'-10" East 50.96 feet to the point of beginning.

Containing 10,800 square feet, more or less.

Bearings state herein are based on the Iowa State Plane Coordinate South Zone, (1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00

October 4, 2017

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting of October 3, 2017, the City Plan and Zoning Commission considered Case No. ROW17-06 being the request of the City of Davenport for the right-of-way vacation (abandonment) of 10,800 more or less, of public right-of-way south of the west terminus of Dugan Court and north of the west terminus of the right-of-way south of Dugan Court.

Finding:

1. The right of way vacation would not impact adjacent property owners or utility providers since the area is not improved with any public infrastructure.

The City Plan and Zoning Commission accepted the listed finding and forwards Case No. ROW17-06 to the City Council with a recommendation for approval without any special conditions.

The Plan and Zoning Commission vote was 9-yes and 0-no.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

		APPROVED	APPROVED	APPROVED	APPROVED	APPROVED			
Name:	Roll Call	REZ17-05 Hirsch 5135 Marquette St	ROW17-06 City of Davenport Dugan Court	SNC17-01 Forest Grove Dr to Ct	SNC17-01 VMP to E 67th Ct	F17-18 Landon Prairie			
Connell	P	Y	Y	Y	Y	Y			
Hepner	P	Y	Y	Y	Y	Y			
Inghram	P								
Kelling	P	N	Y	Y	Y	Y			
Lammers	P	N	Y	Y	Y	Y			
Maness	P	Y	Y	Y	Y	Y			
Martinez	P	Y	Y	Y	Y	Y			
Medd	P	Y	Y	Y	Y	Y			
Quinn	P	Y	Y	Y	Y	Y			
Reinartz	P	N	Y	Y	Y	Y			
Tallman	EX								
		6-YES 3-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN			



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Meeting Date: October 3, 2017
Request: Right-of-way vacation (abandonment) of 10,370 square feet, more or less of right-of-way.
Location: south of the west terminus of Dugan Court and north of the west terminus right-of-way south of Dugan Court
Case No.: ROW17-06
Applicant: City of Davenport

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed condition and forward Case ROW17-06 to the City Council with a recommendation for approval without any special conditions.

Introduction:

The City of Davenport is seeking to vacate (abandon) the unused right-of-way south of the west terminus of Dugan Court and north of the west terminus right-of-way south of Dugan Court.

LOCATION:



Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: Civic and Institutional, Residential General and Downtown.

- Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

Zoning:

The adjacent properties are zoned "R-4" Moderate Density Dwelling District.

Technical Review:

Streets. The right-of-way is currently unimproved. The City does not intend to improve this right-of-way.

Storm Water. There is no stormwater infrastructure within the right-of-way.

Sanitary Sewer. There is sanitary infrastructure within the right-of-way.

Other Utilities. There are no other utilities within the right-of-way.

Emergency Services. There should be no change in emergency access.

Parks/Open Space. There is no impact on existing or proposed greenspaces.

Public Input:

Notices were sent to properties within 200 feet of the proposed right-of-way vacation. To date, staff has not received any objections.

Discussion:

The City of Davenport is seeking to vacate (abandon) the unused right-of-way south of the west terminus of Dugan Court and north of the west terminus right-of-way south of Dugan Court. The subdivision plat dedicated this property as future right-of-way. The City does not intend to improve this right-of-way.

Staff Recommendation:

Findings:

1. The right of way vacation would not impact adjacent property owners or utility providers since the area is not improved with any public infrastructure.

Staff recommends the City Plan and Zoning Commission forward Case No. ROW17-06 to the City Council with a recommendation for approval without any special conditions.

Prepared by:

A handwritten signature in blue ink, appearing to read "Ryan Rusnak", with a stylized flourish at the end.

Ryan Rusnak, AICP
Planner III

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brian Heyer x7735
Wards: 4 & 5

Action / Date
12/6/2017

Subject:
Resolution authorizing the conveyance of portions of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Addition to St. Ambrose University. St. Ambrose University, Petitioner. [Ward 4 & 5]

Recommendation:
Adopt the resolution.

Relationship to Goals:
Revitalize neighborhoods and corridors.

Background:
The city vacated these rights-of-way in 2017-359. St. Ambrose would like to acquire the vacated rights-of-way in order to incorporate them into its campus. Amended to convey all the previous vacated right of way to St. Ambrose University.

ATTACHMENTS:

Type	Description
▢ Cover Memo	RES_SAU Conveyance

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:49 AM
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:53 AM

Resolution No. _____

Resolution offered by Alderman _____

RESOLVED by the City Council of the City of Davenport.

RESOLUTION AUTHORIZING THE CONVEYANCE OF PORTIONS OF VACATED ROGALSKI DRIVE, PLEASANT STREET, RIPLEY STREET AND THREE ALLEYWAYS LOCATED IN BLOCK 1 AND 2 OF NOELS 2ND ADDITION TO THE CITY OF DAVENPORT TO ST. AMBROSE UNIVERSITY, PETITIONER.

WHEREAS, the City of Davenport is the legal owner of the following described real estate:

Part of the Southeast Quarter of Section 20 Township 78 North Range 3 East of the 5th P.M. being part of Rogalski Drive, Pleasant Street, Ripley Street and alleys located in Block 1 and 2 in Noels 2nd Addition to the City of Davenport being more particularly described as follows:

Beginning at the southwest corner of Lot 2 in Block 3 in Noels 2nd Addition to the City of Davenport; thence East along the north right-of-way line of Rogalski Drive, a distance of 257.8 feet, more or less, to the west right-of-way line of Harrison Street; thence South along said west right-of-way line, a distance of 60.0 feet, more or less, to the south right-of-way line of Rogalski Drive; thence west along said south right-of-way line, a distance of 131.2 feet, more or less, to the east right-of-way line of a fifteen (15) foot alley running north-south through Block 2 in Noels 2nd Addition; thence South along said east right-of-way line, a distance of 373.9 feet, more or less, to the north right-of-way line of Pleasant Street; thence East along said north right-of-way line, a distance of 133.9 feet, more or less, to the west right-of-way line of Harrison Street; thence South along said west right-of-way line, a distance of 60.0 feet, more or less, to the south right-of-way line of Pleasant Street; thence West along said south right-of-way line, a distance of 8.0 feet, more or less, to the east line of a parcel conveyed by the City of Davenport to St. Ambrose University by Warranty Deed recorded as Document #33881-96 in the Scott County Recorder's Office; thence North along said east line, a distance of 8.5 feet, more or less, to the north line of said parcel so conveyed; thence West along said north line, a distance of 126.3 feet, more or less, to the west line of said parcel so conveyed; thence South along said west line and the east right-of-way line of a fifteen (15) foot alley running north-south through Block 1 in Noels 2nd Addition, a distance of 212.0 feet, more or less, to the north right-of-way line of a twenty (20) foot alley running east-west through said Block 1; thence East along said north right-of-way line, a distance of 135.8 feet, more or less, to the west right-of-way line of Harrison Street; thence South along said west right-of-way line, a distance of 20.0 feet, more or less, to the south right-of-way line of said twenty (20) foot alley;

thence West along said south right-of-way line, a distance of 288.9 feet, more or less, to the east right-of-way line of Ripley Street; thence South along said east right-of-way line, a distance of 143.0 feet, more or less, to the north right-of-way line of Locust Street as conveyed by Eastern Iowa Optometric Associates LLC to the City of Davenport by Warranty Deed recorded as Document #2001-15739 in the Scott County Recorder's Office; thence West, a distance of 60.0 feet, more or less, to the west right-of-way line of Ripley Street; thence North along said west right-of-way line, a distance of 163.0 feet, more or less, to the north right-of-way line of said twenty (20) foot alley projected westerly; thence East along said north right-of-way line and its westerly projection, a distance of 190.0 feet, more or less, to the west right-of-way line of a fifteen (15) foot alley running north-south through said Block 1; thence North along said west right-of-way line, a distance of 204.0 feet, more or less, to the south right-of-way line of Pleasant Street; thence West along said south right-of-way line, a distance of 130.0 feet, more or less, to the east right-of-way line of said Vacated Ripley Street, said vacated Ripley Street recorded as Document #2005-2039 in the Scott County Recorder's Office; thence North along said east right-of-way line of Vacated Ripley Street, a distance of 60.0 feet, more or less, to the north right-of-way line of Pleasant Street; thence East along said north right-of-way line of a fifteen (15) foot alley running north-south through said Block 2; thence North along said west right-of-way line a distance of 373.0 feet more or less, to the south right-of-way line of Rogalski Drive; thence West along said south right-of-way line, a distance of 130.0 feet, more or less to the east right-of-way line of Vacated Ripley Street; thence North along said east right-of-way line, a distance of 60.0 feet, more or less, to the Point of Beginning. The above described parcel contains 1.29 acres, more or less; and

WHEREAS, the City of Davenport wishes to convey the same to St. Ambrose University for one dollar and other good and valuable consideration, subject to easements and restrictions of record, and existing utilities; and

WHEREAS, the City of Davenport has requested that St. Ambrose University seek a license agreement with Birthright Davenport; and

WHEREAS, a public hearing on the matter was held on October 18, 2017, as required by law;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that portions of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Addition be conveyed to St. Ambrose University, in accord with this resolution, subject to easements and restrictions of record, and existing utilities.

BE IT FURTHER RESOLVED that the proposed conveyance shall be executed by the Mayor and Deputy City Clerk on behalf of the City.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Jackie E Holecek
Wards: 3

Action / Date
12/6/2017

Subject:
Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

River Bandits, River Bandits 5K, April 21, 2018, 8:00 a.m. to 12:00 p.m.; Closure Location:
Begins on 2nd Street to Centennial Bridge over to the Government Bridge and returns to Modern
Wooden Park via bike path. [Ward 3]

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:53 AM

RESOLUTION NO. 2017- 75

Resolution offered by Alderman Matson

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

RESOLVED by the City Council of the City of Davenport.

Whereas, the City through its Special Events Policy has accepted the following application(s) to hold an outdoor event(s) on the following date(s), and

Whereas, upon review of the application(s) it has been determined that the street(s), lane(s) or public grounds listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s) or public grounds on the following date(s) and time(s):

Entity: River Bandits

Event: River Bandits 5K

Date: April 21, 2018

Time: 8 am - Noon

Closure Location: Begins on 2nd Street to Centennial Bridge over to Government Bridge and return to Modern Woodmen Park via the bike path

Ward: 3

Approved this 13th day of December, 2017.

Approved:

Attest:



Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Sherry Eastman 326-7795
Wards: Varies

Action / Date
12/6/2017

Subject:
Motion approving beer and liquor license applications.

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

Ward 1

Happy Joe's Pizza (Dynamic Restaurant Acquisition, Inc.) - 817 S Farragut St. - License Type: B Beer

Ward 3

El Fogon (La Cocina LLC) - 1717 W 3rd St. - License Type: C Liquor

Quad Cities Convention & Visitors Bureau (Quad Cities Convention & Visitors Bureau) - 136 E 3rd St., Suite B - Location Transfer - License Type: B Native Wine

Rivercenter/Adler Theatre (VenuWorks of Davenport, LLC) - 136 E 3rd St. - Premise Update to exclude suite occupied by Quad Cities Convention & Visitors Bureau - License Type: C Liquor

Ward 4

- Happy Joe's Pizza (Dynamic Restaurant Acquisitions, Inc.) - 1616 W Locust St. - Outdoor Area - License Type: C Liquor

Ward 7

Cardio Sports Bar & Grill (BG Scott Inc.) - 3811 N Harrison St., Suite A - Outdoor Area - License Type: C Liquor

R & C Brazilian Steakhouse (R & C Brazilian Steakhouse LLC) - 320 W Kimberly Rd., Suite 53 - Outdoor Area - License Type: C Liquor

Ward 8

Happy Joe's Pizza (Dynamic Restaurant Acquisition, Inc.) - 201 W 50th St. - License Type: Beer / Wine

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

Ward 1

Jimmie O's Saloon (Oldham Enterprizes LLC) - 2735 Telegraph Rd. - License Type: C Liquor

Sub Express & Gas (Janki Food Mart, Inc.) - 4307 W Locust St. - License Type: E Liquor / B Wine / C Beer

Thirsty's On Third, LLC (Thirsty's On Third, LLC) - 2202 W 3rd St. - Outdoor Area - License Type: C Liquor

Ward 2

Big 10 Mart (Molo Oil Company) - 2308 W 53rd St. - License Type: C Beer / B Native Wine

The Dugout Sports Complex (The Strike Zone II, Inc.) - 3504 Hickory Grove Rd. - Outdoor Area - License Type: C Liquor

Ward 3

Embers of Phoenix (Jai Mata Lakshmi, Inc.) - 111 W 2nd St. - License Type: C Liquor

Front Street Brewery (Front Street Brewery Inc.) - 208 E River Dr. - Outdoor Area - License Type: C Liquor

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - License Type: C Liquor

QC Mart (Bethany Enterprises, Inc.) - 813 W 2nd St., Unit 1 - License Type: C Beer

Rivercenter/Adler Theatre (VenuWorks of Davenport, LLC) - 136 E 3rd St. - Outdoor Area - License Type: C Liquor

Ward 4

Azteca Express Restaurant, Inc. (Azteca Express Restaurant, Inc.) - 1902 N Division St., Suite 5 - License Type: C Liquor

Hilltop Grocery (Hilltop Grocery LLC) - 1312 Harrison St. - License Type: E Liquor / B Wine / C Beer

Kwik Star #123 (Kwik Trip, Inc.) - 2850 W Locust St. - License Type: C Beer / B Native Wine

Ward 6

Azteca II (Azteca II, Inc.) - 2843 E 53rd St. - License Type: C Liquor

Cafe' Indigo (Cafe' Indigo, LLC) - 4925 Utica Ridge Rd. - Outdoor Area - Beer / Wine

Hy-Vee Food & Drugstore #3 (Hy-Vee, Inc.) - 1823 E Kimberly Rd. - License Type: E Liquor / C Beer / B Wine

Hy-Vee #4 (Hy-Vee, Inc.) - 4064 E 53rd St. - License Type: E Liquor / B Wine / C Beer

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc.) - 4811 N Brady St., Suite 3 -
License Type: C Liquor

Public House Davenport (Chesney LLC) - 5260 Northwest Blvd. - Outdoor Area - License Type:
C Liquor

QC Mart (Bethany Enterprises, Inc.) - 3545 Eastern Ave. - License Type: C Beer

Ward 8

Davenport Chapter Izaak Walton League of America (Davenport Chapter IWLA) - 8402 N
Harrison St. - Outdoor Area - License Type: C Liquor

Love's Travel Stop #476 (Love's Travel Stops & Country Stores, Inc.) - 8255 Northwest Blvd. -
License Type: C Beer / B Wine

Recommendation:
Consider the license applications.

Relationship to Goals:
Support local businesses.

Background:
The following applications have been reviewed by the Police, Fire and Zoning Departments.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:55 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Nichole Kriz 563-326-7784
Wards: 3 & 5

Action / Date
12/6/2017

Subject:
Resolution approving the proposed resolution of necessity for the FY2017 Alley Resurfacing Program. Two petitions were received to resurface the alleys between LeClaire and Farnam from Garfield to Columbia and between Schricker and Glaspell from Pine to Belmont. [Wards 3 & 5]

Recommendation:
Pass The Resolution.

Relationship to Goals:
Enhance Quality of Life.

Background:
The city received two (2) alley resurfacing petitions, signed by over 50% of owner occupied properties abutting the alleys between LeClaire St and Farnam St from E Garfield St to E Columbia Ave and between Schricker St and Glaspell St from Pine St to Belmont St.

Half of the alley resurfacing program cost is paid for by the city and the other half is assessed to the abutting property owners based on the size of their lot. The current estimate of \$70,500 is budgeted in CIP #35017.

State law requires that certain Council actions regarding the assessment procedure must precede the bid letting date, this is step 8.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 12:04 PM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the proposed resolution of necessity for the FY2017 Alley Resurfacing Program. Two petitions were received to resurface the alleys between LeClaire and Farnam from Garfield to Columbia and between Schricker and Glaspell from Pine to Belmont.

WHEREAS, this Council has adopted a preliminary resolution pursuant to Section 384.42 of the Code of Iowa, 2013, as amended, covering the FY2017 Alley Resurfacing Program (herein referred to as the "Improvement Project"); and

WHEREAS, pursuant thereto, the Project Engineers have prepared preliminary plans and specifications, an estimated cost of the work, and a plat and preliminary schedule, including the valuation of each lot as previously determined by this Council, and the same have been duly adopted and are now on file with the Clerk;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport:

- A. That it is hereby found and determined to be necessary and for the best interest of the City and its inhabitants to proceed with the aforementioned Improvement Project, and to assess the cost thereof to the property benefited thereby;
- B. That the Improvement Project shall constitute a single improvement and shall consist of, generally: Resurfacing of a certain alley with approximately a 2-inch thickness of Hot Mix Asphalt (HMA), and all associated work, all as more particularly described in the Preliminary Resolution relating to the Improvement Project previously adopted by this Council, which resolution is hereby referred to for a more complete description of the location and terminal points of the Improvement Project and the property benefited thereby and proposed to be assessed to pay the cost of such improvement.
- C. That it is hereby found and determined that there is now on file in the office of the Clerk an estimated total cost of the proposed work and a preliminary plat and schedule showing the amount proposed to be assessed to each lot by reason of such improvement project.
- D. That this Council will meet at 5:30 P.M., in City Hall, on the 17th day of January, 2018, at which time and place it will hear the property owners subject to the proposed assessment or assessments and interested parties for or against the Improvement Project, its cost, the assessment thereof, or the boundaries of the properties to be assessed. Unless a property owner files objections with the Clerk at the time of the hearing on the resolution of necessity, he shall have deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using the special assessment procedure.
- E. That the Clerk is hereby authorized and directed to give notice as required by Section 384.50 of the Code of Iowa, 2013, as amended, by publication once each week for two consecutive weeks in the Quad-City Times, a newspaper published at least once weekly

and having general circulation in the City and shall likewise mail a copy of such notice to each property owner whose property is subject to assessment for the Improvement Project as shown by the records in the office of the County Auditor not less than fifteen days prior to the hearing on this resolution. The first publication of such notice shall not be less than ten (10) or more than twenty (20) days prior to the hearing.

F. That such notice shall be in the form substantially at that as follows section G.

G. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

Passed and approved this 13th day of December, 2017

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brenda Scott: (563) 888-3067
Wards: 8

Action / Date
12/6/2017

Subject:
Resolution accepting storm sewer, and pavement associated with the 53rd Street and Spring Street site improvements. [Ward 8]

Recommendation:
Pass the resolution.

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities.

Background:
The 53rd Street and Spring Street Site Improvements were constructed to accommodate an eastbound left turn lane onto Spring Street for the new Kwik Star Site (at the northeast corner of 53rd Street and Spring Street). The developer is Kwik Trip, Inc. of La Crosse, WI. The plans for the subdivision were prepared by Snyder & Associates, Inc. of Madison, WI. The contractor who performed the construction was Baker Concrete & Excavating of Waverly, IA.

This subdivision included 1,074 square yards of P.C.C. pavement (completing the widening on 53rd Street and Spring Street intersection), and two new storm sewer structures.

The Davenport Department of Public Works has inspected the work and found it to be acceptable according to City of Davenport specifications. The storm sewer and pavement has been completed and is hereby formally accepted, and, as of this date, considered public infrastructure.

ATTACHMENTS:

Type	Description
□ Cover Memo	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 12:02 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolution accepting the pavement, and storm sewer associated with 53rd Street and Spring Street Site Improvements.

Whereas, a new Kwik Star convenience store was developed by Kwik Trip, Inc. (La Crosse, WI);

Whereas, one (1) new storm sewer manhole and one (1) reconstructed inlet were installed by Baker Concrete & Excavating of Waverly, IA.

Whereas, 1,074 square yards of seven (10)-inch concrete pavement was constructed by Baker Concrete & Excavating of Waverly, IA completing construction of 53rd Street and Spring Street intersection and 53rd Street widening;

Whereas, the storm sewer and pavement installation has been satisfactorily completed:

Now, therefore, be it resolved, by the City Council of the City of Davenport that Westport Addition, which work was completed by Hawkeye Paving Corp. of Bettendorf, IA, having been satisfactorily completed, is hereby formally accepted. The City has four year bonds in the amounts of \$160,000 (paving) & \$15,000 (sewer) on file.

Passed and approved this 13th day of December, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Lesley Eastlick 563-326-7729
Wards: 3

Action / Date
12/6/2017

Subject:
Resolution approving the plans, specifications, form of contract and estimate of cost for the Federal Street Sewer Improvements Project, CIP #30001, estimated at \$728,000 in bonds abated by sewer funds. [Ward 3]

Recommendation:
Pass the resolution.

Relationship to Goals:
Enhance quality of life.

Background:
During televising operations and investigations for direct river intrusion into the sanitary sewers, this area was noted as a possible connection between storm and sanitary. Further investigation lead to multiple cross-connections and pipe in poor condition. This project will replace the sanitary pipe in poor condition and install new storm pipe to remove the cross-connections. Veenstra & Kimm prepared the plans and specifications for bidding this project.

Project management will be completed by Engineering Division Staff.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution Page 2

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 12:03 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the Plans, Specifications, Form of Contract and Estimate of Cost for the Federal Street Sewer Improvements Project, CIP #30001, estimated at \$728,000 in bonds abated by sewer funds.

WHEREAS, the City of Davenport previously completed I & I investigations as part of the Equalization Basin/Wet Weather Planning work; and

WHEREAS, as a result of the study, recommendations were made for the repair/rehabilitation of the Davenport collection system; and

WHEREAS, the work is to be performed at agreed upon prices; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa; that said Plans, Specifications, Form of Contract and Estimate of Cost for the Federal Street Sewer Improvements Project are hereby approved.

Passed and approved this 13th day of December, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Mike Kramer 327-5141
Wards: 8

Action / Date
12/6/2017

Subject:
Resolution approving change order #2 to Valley Construction Company in the amount of \$310,118.75 for the W. 76th Street Extension Project, CIP #01629. The project is funded through multiple grant sources with the city's portion being \$2,889.87. [Ward 8]

Recommendation:
Pass the resolution

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities

Background:
Additional costs will be incurred during construction of the W. 76th Street Extension earthwork sections of the project. The additional cost will involve extra earthwork quantity due to a mis-calculation by the design consultant. The estimated quantity involves about 17,090 cubic yards of soils to be added to the quantities to complete the project. This additional work involves hauling in the additional quantity from a source that is further away from the project than the planned source due to volume required. The anticipated additional cost for this work is approximately \$310,118.75. Listed below is the breakdown of the change order by the project's funding source:

Surface Transportation Program grant: \$248,095.01
Iowa DOT RISE grant: \$59,133.88
City of Davenport: \$2,889.87

This change order approves the additional contract amount to be used for construction installation services requested and to be performed by Valley Construction Company.

ATTACHMENTS:

Type	Description
□ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 12:04 PM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

Resolution approving change order #2 to Valley Construction Company in the amount of \$310,118.75 for the W. 76th Street Extension Project, CIP #01629. The project is funded through multiple grant sources with the city's portion being \$2,889.87.

WHEREAS, the City of Davenport entered into a contract with Valley Construction Company for the 76th Street Extension Project;

WHEREAS, changes to the project plans have become necessary;

WHEREAS, the contractor will incur additional costs beyond the original bid due to these changes; and

WHEREAS, pricing has been reviewed and approved by the Public Works Department;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that Change Order#2 in the total amount of \$310,118.75 for the 76th Street Extension Project is hereby approved.

Passed and approved on this this 13th day of December, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Gary Statz (563) 326-7754
Wards: 3

Action / Date
12/6/2017

Subject:
Resolution turning over the maintenance responsibilities of the decorative streetlights surrounding the downtown YMCA to the City of Davenport and authorizing the Mayor to sign the agreement.
[Ward 3]

Recommendation:
Adopt the resolution.

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities

Background:
The decorative streetlights surrounding the downtown YMCA need consistent maintenance and it has been difficult for the YMCA to keep up with the maintenance. This agreement will make the City of Davenport responsible for keeping these lights along Gaines Street and 2nd Street working. The electric costs are still the responsibility of the YMCA because the electricity is fed through their meter. They will also need to turn the lights off at the times when City staff is working on them.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES_YMCA street lights_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 12:05 PM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport

RESOLUTION turning over the maintenance responsibilities of the decorative streetlights surrounding the downtown YMCA to the City of Davenport and authorizing the Mayor to sign the agreement.

WHEREAS the downtown decorative streetlights along 2nd Street and Gaines Street that surround the YMCA are in need of maintenance; and

WHEREAS if the existing streetlights surrounding the YMCA were maintained by the City of Davenport, the lighting would be maintained on a more consistent basis and there would be less confusion about whom to contact regarding malfunctioning lights;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that all of the decorative streetlights surrounding the downtown YMCA shall be maintained by the City of Davenport and the Mayor shall be authorized to sign the agreement.

Passed and approved this 13th day of December, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brad Guy (563) 327-5105
Wards: 2,5,6,7

Action / Date
12/6/2017

Subject:
Resolution approving a contract amendment to the Duck Creek South Interceptor Rehabilitation Project with SAK Construction, LLC in the amount of \$620,000 budgeted in CIP #00200. [Wards 2,5,6,7]

Recommendation:
Pass the Resolution.

Relationship to Goals:
Sustainable Infrastructure.

Background:
This project is for repairs needed to reduce inflow and infiltration as well as address structural deficiencies in the Duck Creek South Interceptor Sewer. The technical specifications included various rehab strategies including cured-in-place pipe lining (CIPP) and chemical grouting.

Due to favorable bid pricing, the current project budget will allow the rehabilitation method to be changed so that the entire interceptor sewer will receive a liner from Hickory Grove Rd. to the junction of the Duck Creek North Intercepting Sewer near Jersey Ridge Rd.

This proposed contract amendment and the coinciding CIPP liner will result in a more robust, long-term rehabilitation of the sewer system which will also improve sewer flow characteristics.

SUMMARY OF CONTRACT AMOUNT:

Original Contract:	\$ 3,639,827.00
<u>This Amendment:</u>	<u>\$ 620,000.00</u>

Amended Contract Amount: \$ 4,259,827.00

ATTACHMENTS:

Type	Description
□ Resolution Letter	DCSI Amend.1

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 12:03 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a contract amendment to the Duck Creek South Interceptor Rehabilitation Project with SAK Construction, LLC in the amount of \$620,000. CIP #00200. [Wards 2,5,6,7]

WHEREAS, the City of Davenport entered into a contract with SAK Construction, LLC of O'Fallon, MO for the construction of the Duck Creek South Interceptor Rehabilitation Project, and

WHEREAS, Favorable bid pricing will allow the rehabilitation method to be changed so that the entire intercepting sewer will be CIPP lined from Hickory Grove Road to near Jersey Ridge Road, and

WHEREAS, the City seeks to extend the service life of the intercepting sewer as well as reduce inflow and infiltration into the sanitary sewer system, and

WHEREAS, Funds have been budgeted for said work, and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the contract amendment with SAK Construction, LLC in the amount of \$620,000 is hereby approved, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign said contract for and on behalf of the City of Davenport, Iowa.

Passed and Approved this 13th day of December, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Gary Statz - 326-7754
Wards: 8

Action / Date
12/6/2017

Subject:
Resolution approving the contract for the traffic signal at the Walmart on Elmore Ave. project from Tri-City Electric Contract Co. of Iowa from Davenport, IA in the amount of \$122,667.28. [Ward 8]

Recommendation:
Pass the Resolution.

Relationship to Goals:
Financially Responsible City Government.

Background:
A Request for Bid was issued on November 6, 2017 and was sent to 116 contractors. On November 28, 2017 the Purchasing Division received and opened two responsive and responsible bids. Tri-City Electric was the low bidder and is recommended for the contract.

Warrants have been met and signals are needed at the Walmart Entrance on Elmore Ave. The agreement is for the City to design and build the project and THF Realty (owner of property) to reimburse the City.

Funding is from a payment received from THF Realty.

ATTACHMENTS:

Type	Description
▣ Backup Material	Bid Tabulation
▣ Resolution Letter	Resolution Letter

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:55 AM

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: TRAFFIC SIGNAL ELMORE AVE AT WALMART ENTRANCE
BID NUMBER: 18-46
OPENING DATE NOVEMBER 28, 2017
RECOMMENDATION: AWARD THE CONTRACT TO TRI-CITY ELECTRIC CO
OF DAVENPORT

<u>VENDOR NAME</u>	<u>AMOUNT</u>
Tri-City Electric Company of Iowa of Davenport	\$122,667.28
Davenport Electric Contract Company of Davenport	\$127,691.31

Prepared By Cindy Whitaker 11-28-17
Purchasing Date

Approved By Nicole Cleason 11/28/17
Department Director Date

Approved By Jaime Gann 11/29/17
Budget/CIP Date

Approved By [Signature] 11-29-2017
Chief Financial Officer Date

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Traffic Signal at the Walmart on Elmore Ave. project from Tri City Electric Contract Co. of Iowa from Davenport, IA in the amount of \$122,667.28.

WHEREAS, the City needs to contract the Traffic Signal at the Walmart on Elmore Ave. project and

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Tri City Electric Contract Company of Iowa;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the contract for Traffic Signal at Walmart on Elmore Ave. project from Tri City Electric Contract Company of Iowa is hereby approved.

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Mike Atchley, 327-5149
Wards: 8

Action / Date
12/6/2017

Subject:
Motion authorizing the Mayor to sign the sanitary sewer easement agreement in conjunction with the Sterilite development. [Ward 8]

Recommendation:
Approve the Motion

Relationship to Goals:
Welcome Investment

Background:
The Sterilite development needs to be connected to the city's sanitary sewer system. That connection crosses over parcel W2855A03 which is owned by MidAmerican Energy. MidAmerican energy is granting this sewer easement at no cost.

ATTACHMENTS:

Type	Description
▣ Cover Memo	MidAmerican Sanitary Sewer Easement Document

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:56 AM

PARCEL – W2855A03

Prepared by: Mike Atchley, Engineering Div., Public Works Bldg.
1200 E. 46th St., Davenport, IA 52807
Telephone: 563/326-7729

Return to City of Davenport, Public Works Department, attention Mike Atchley

Address Tax Statement: Finance Dept., City Hall 226 W. 4th St., Davenport, IA 52801

This easement conveyance is exempt pursuant to Iowa Code §428A.2 paragraph 17 and 21.

PERMANENT SANITARY SEWER EASEMENT

In consideration of the sum of One and no/100 Dollars (\$1.00) and other good and valuable consideration, MidAmerican Energy Company, hereinafter “Grantor”, does hereby grant unto the City of Davenport, Iowa, an Iowa municipal corporation, 226 West Fourth Street, Davenport, Iowa, hereinafter “Grantee” a permanent sanitary sewer easement, to be used for the purpose of constructing, reconstructing, relocating, maintaining, enlarging, extending and using underground public sewer over, across, through and under the following described Scott County, Iowa real estate:

LEGAL DESCRIPTION-PERMANENT SANITARY SEWER EASEMENT:

A SANITARY SEWER EASEMENT OVER, UNDER AND ACROSS PART OF LOT 2 OF KRAFT 1ST ADDITION, ACCORDING TO THE PLAT THEREOF AND FILED AS DOCUMENT NUMBER 2017-01778, CITY OF DAVENPORT, SCOTT COUNTY, IOWA; DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT; THENCE, ALONG THE SOUTH LINE OF SAID LOT, SOUTH 88 DEGREES 35 MINUTES 35 SECONDS WEST, TO THE WEST LINE OF SAID LOT, A DISTANCE OF 265.00 FEET; THENCE, ALONG SAID WEST LINE, NORTH 02 DEGREES 09 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.00 FEET; THENCE, NORTH 88 DEGREES 35 MINUTES 35 SECONDS EAST, A DISTANCE OF 225.59 FEET; THENCE, NORTH 68 DEGREES 25 MINUTES 09 SECONDS EAST, TO THE EAST LINE OF SAID LOT, A DISTANCE OF 41.43 FEET; THENCE, ALONG SAID EAST LINE, SOUTH 02 DEGREES 09 MINUTES 27 SECONDS EAST, A DISTANCE OF 39.29 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 6,904 SQUARE FEET, MORE OR LESS

FOR THE PURPOSE OF THIS DESCRIPTION THE SOUTH LINE OF LOT 2 IS ASSUMED TO BEAR SOUTH 88 DEGREES 35 MINUTES 35 SECONDS WEST.

Except for the existing structures located on the above described real estate as of the date of this easement (and any future replacements of such structures) and Grantor’s right in the future to construct a driveway, parking lot and sidewalk, Grantor agrees not to erect, construct, or

maintain any permanent structure on the above described real estate and to not grow any vegetation other than groundcover on the above described real estate without the written permission of the Grantee.

The permanent sewer easement is conveyed upon the following express understanding and condition that the Grantee, its employees, agents, or contractors will at all times indemnify, protect and hold Grantor harmless from any and all costs, loss damage, liability, expense, penalty and fines whatsoever that may arise or be claimed against Grantor by any person for injuries to person or property, or damage of whatever kind or character consequent upon or arising from work constructing or maintaining the sanitary sewer line. That all construction work by the Grantee, and the surrounding affected real estate by this project and by any future maintenance shall be restored in a timely manner to substantially the same condition it was prior to such work. All denuded areas will be seeded by the Grantee.

The easement granted herein shall constitute an easement running with the parcels of land in perpetuity and shall burden the land described above.

The Grantor shall have five years from the date the council approves and accepts the "Sterilite Sanitary Sewer Extension Project," to renegotiate construction or maintenance damages not apparent at the time this document is signed.

Grantor covenants that they hold the above described real estate in fee simple, that they have good and lawful authority to grant said permanent sanitary sewer easement, and that they will warrant and defend the real estate against the lawful claims of all persons whomsoever.

Signed this _____ day of _____, 2017.

City of Davenport, Iowa

By: _____

Title _____

Print Name _____

MidAmerican Energy Company

By: _____ By: _____

_____ Title _____

_____ Print Name _____

STATE OF IOWA)
) ss:
COUNTY OF SCOTT)

This instrument was acknowledged before me on _____, 2017

by _____ as _____.

Notary Public in and for State of Iowa

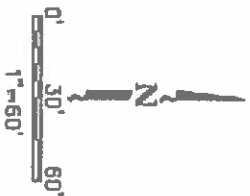
STATE OF IOWA)
) ss:
COUNTY OF POLK)

This instrument was acknowledged before me on _____, 2017

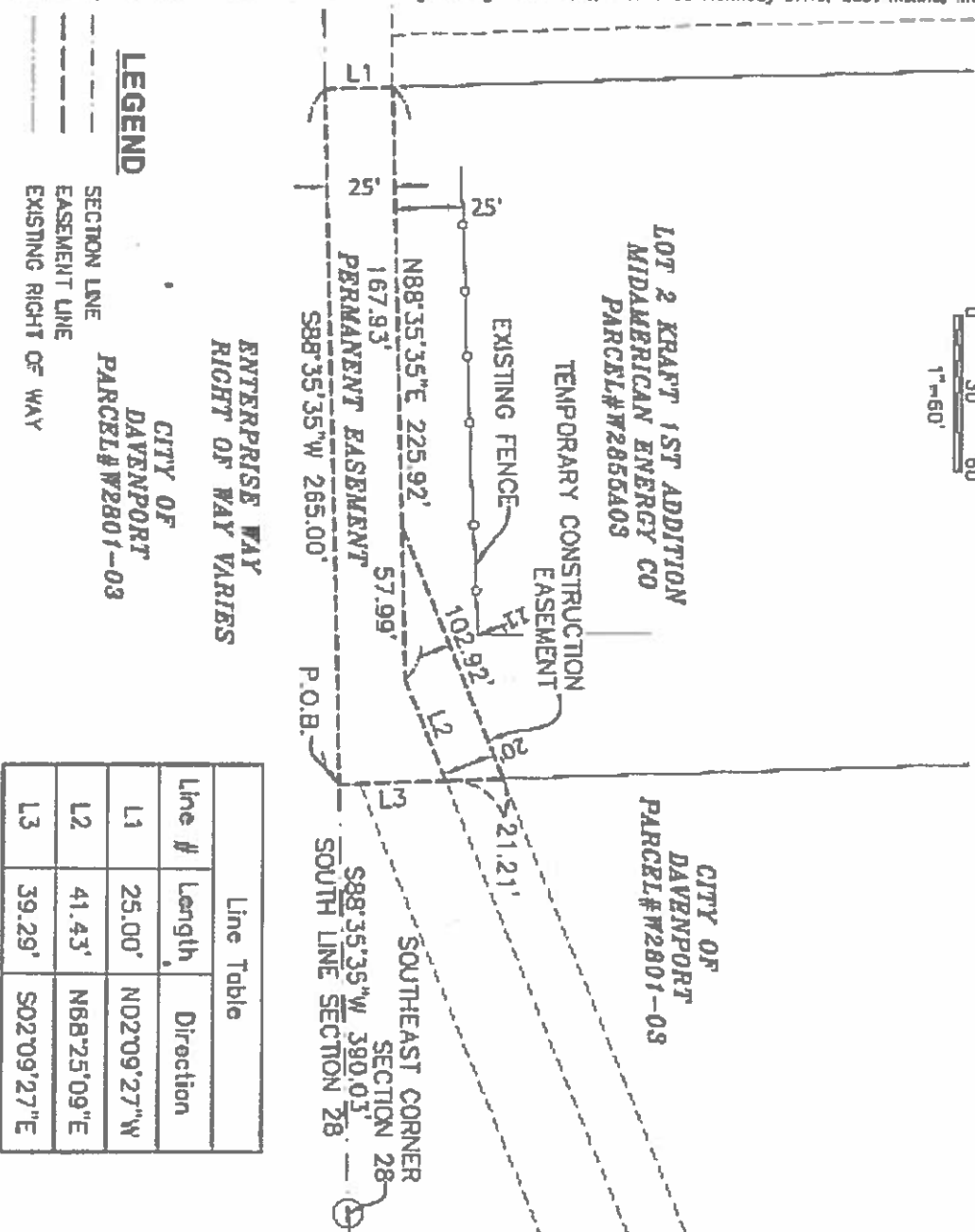
by _____ as _____ and by
_____ as _____.

Notary Public in and for State of Iowa

EASEMENT PLAT
LOT 2 KRAFT 1ST ADDITION
CITY OF DAVENPORT, SCOTT COUNTY, IOWA



Prepared by: James W. Abbitt, Jr., McClure Engineering Associates, Inc. 4700 Kennedy Drive, East Moline, Illinois 61244



LEGEND

- SECTION LINE
- EASEMENT LINE
- EXISTING RIGHT OF WAY

ENTERPRISE WAY
RIGHT OF WAY VARIES

CITY OF
DAVENPORT
PARCEL#W2801-03

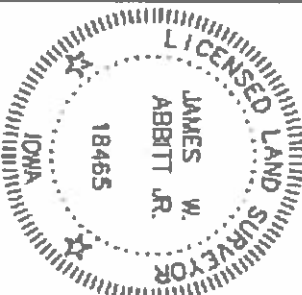
Line Table	
Line #	Length
L1	25.00'
L2	41.43'
L3	39.29'

Line #	Length	Direction
L1	25.00'	N02°09'27"W
L2	41.43'	N68°25'09"E
L3	39.29'	S02°09'27"E

LEGAL DESCRIPTION—PERMANENT EASEMENT:
A SANITARY SEWER EASEMENT OVER, UNDER AND ACROSS PART OF LOT 2 OF KRAFT 1ST ADDITION, ACCORDING TO THE PLAT THEREOF AND FILED AS DOCUMENT NUMBER 2017-01778, CITY OF DAVENPORT, SCOTT COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT; THENCE, ALONG THE SOUTH LINE OF SAID LOT, SOUTH 88 DEGREES 35 MINUTES 35 SECONDS WEST, TO THE WEST LINE OF SAID LOT, A DISTANCE OF 265.00 FEET; THENCE, ALONG SAID WEST LINE, NORTH 02 DEGREES 09 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.00 FEET; THENCE, NORTH 88 DEGREES 35 MINUTES 35 SECONDS EAST, A DISTANCE OF 225.92 FEET; THENCE, NORTH 66 DEGREES 25 MINUTES 08 SECONDS EAST, TO THE EAST LINE OF SAID LOT, A DISTANCE OF 41.43 FEET; THENCE, ALONG SAID EAST LINE, SOUTH 02 DEGREES 09 MINUTES 27 SECONDS EAST, A DISTANCE OF 39.29 FEET, TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED EASEMENT CONTAINS 6,904 SQUARE FEET, MORE OR LESS

FOR THE PURPOSE OF THIS DESCRIPTION THE SOUTH LINE OF LOT 2 IS ASSUMED TO BEAR SOUTH 88 DEGREES 35 MINUTES 35 SECONDS WEST.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.
Signature: *James W. Abbitt, Jr.*
Date: 8-9-17 Reg. No. 18465

My license renewed date is December 31, 2018.

Pages or sheets covered by this seal:

THIS SHEET ONLY

CITY OF DAVENPORT
1200 EAST
46TH STREET
DAVENPORT, IOWA 52807

NO.	REVISIONS	DATE

PLATTED SCALE	1"=60'
DATE	
BY	
CHECKED BY	
DATE	



EASEMENT PLAT	
DATE UP BY	DATE BY
DATE UP BY	DATE BY
DATE UP BY	DATE BY

SHEET NO.
1
OF 1

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Nick Schmuecker; (563) 327-5162
Wards: 7

Action / Date
12/6/2017

Subject:
Motion approving the plans, specifications, and estimate of cost for the Junge Park Culvert Replacement Project, CIP #33027. [Ward 7]

Recommendation:
Pass the Motion.

Relationship to Goals:
Enhanced Quality of Life.

Background:
This project is intended to replace a culvert that is approaching the end of its usable life. This culvert is required before the start of the upcoming Duck Creek South Interceptor Lining Program.

The project is scheduled to be bid yet this winter with completion set for early spring. Funding for the Junge Park Culvert Replacement Project is established within CIP #33027. The current estimate is \$51,836.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:55 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Nick Schmuecker; (563) 327-5162
Wards: 7

Action / Date
12/6/2017

Subject:
Motion approving the plans, specifications, and estimate of cost for the Duck Creek South New Manholes Project, CIP #00200. [Ward 7]

Recommendation:
Pass the Motion.

Relationship to Goals:
Enhanced Quality of Life.

Background:
This project is intended to install two new sanitary manholes where existing nodes are located. These new manholes are required for the upcoming Duck Creek South Interceptor Lining Program and will aid in future maintenance.

The project is scheduled to be bid this winter with completion set for early spring. Funding for the Duck Creek South New Manholes Project is established within CIP #00200. The current estimate is \$78,508.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:57 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Jen Walker, 326-6168
Wards: 6

Action / Date
12/6/2017

Subject:
Motion accepting work associated with the Utica Ridge Sidewalk Project on the west side of Utica Ridge Road from 55th St. north to Kathleen Way, CIP #28011. [Ward 6]

Recommendation:
Pass the motion.

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities

Background:
The Department of Public Works constructed approximately 3,000 linear feet of new sidewalk on the west side of Utica Ridge Road between E. 55th Street and Kathleen Way. The project included ADA ramps, limited areas of new curb, and a drainage culvert under the sidewalk. A second phase of this project is planned in 2018 to extend the new sidewalk north to the shared use path on Veterans Memorial Parkway. Work was completed by Little H Construction (Davenport, IA). Total project cost was approximately \$94,000, funded in CIP #28011.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:56 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Mike Atchley 563-327-5149
Wards: 8

Action / Date
12/6/2017

Subject:
Motion accepting agreements necessary for the Transload Facility Side Track Expansion Project and allow the Mayor to execute said agreements. [Ward 8]

Recommendation:
Approve the motion.

Relationship to Goals:
Welcome Investment

Background:
Due to railcar requirement of future users of the rail spur and Transload Facility, the City of Davenport needs additional side tracks for railcar switching. The agreement with RG Prime is for \$88,564 for right-of-way, temporary construction easement, crop loss and damages. RG Prime has accepted this agreement. The agreement with the Robert Seddig property is for \$78,742 for right-of-way, temporary construction easement and damages. The six individuals representing the Robert Seddig property have accepted this agreement.

ATTACHMENTS:

Type	Description
▣ Cover Memo	RG Prime Agreement
▣ Cover Memo	Seddig Agreement

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:55 AM

PURCHASE AGREEMENT
For
Right-of-Way, Construction Easement and Acceptance

PARCEL NO. ROW & CE

COUNTY: Scott

PROJECT NAME:

Transload Facility Rail Expansion Project

CITY: Davenport

SELLER: RG Prime LLC

THIS AGREEMENT made and entered into this _____ day of _____, **2017**, by and between Seller and the City of Davenport, Iowa, a Municipal Corporation, hereinafter, Buyer.

- 1a. SELLER AGREES to sell .87 ac. of property shown as area A on page 5 for right-of-way - ROW and furnish to Buyer conveyance documents, on form(s) furnished by Buyer.

RIGHT-OF-WAY

Legal description for said right-of-way will be provided for the closing. Should the legal description show more total square footage being acquired than stated in this agreement the SELLER shall receive additional compensation of \$1.19 per sq. ft. times the additional square footage. Should the legal description show less total square footage being acquired than stated in this agreement the offer shall remain the same as stated in this agreement.

- 1b. SELLER AGREES to sell a construction easement and furnish to Buyer conveyance documents, on form(s) furnished by Buyer, and Buyer agrees to buy the construction easement for 12 months, as shown on page 5:

A legal description or drawing for said construction easement will be provided for the closing. Should the legal description or drawing show more total square footage being acquired than stated in this agreement the SELLER shall receive additional compensation of \$1.19 per sq. ft. times .1 times the additional square footage. Should the legal description or drawing show less total square footage being acquired than stated in this agreement the offer shall remain the same as stated in this agreement.

- 1c. The construction easement (CE) is for the purpose of such encroaching, grading, sloping, shaping, cutting, filling and constructing as may be required for the proper construction of the "Transload Facility Rail Expansion Project" over, across, through and under parcels 932705005, in Scott County, Iowa. Said CE shall terminate when the City approves and accepts said project or 12 months from the date grading encroaches on the SELLER'S property whichever comes first.

- 1d. The grant of easement described above shall include before the construction encroachment take place, the right to survey the property, the right of ingress and egress as may be necessary for the purposes for which this easement is granted, in, over, across, and along the

easement. This easement shall survive a transfer or grant of property rights affecting the previously described real estate upon execution.

- The construction easement (CE) is conveyed upon the following express understanding and condition, that topsoil that is removed is put back in like condition, that a silt or construction fence will be placed along the back edge of the CE; that the cultivated area of the CE shall be graded to insure proper drainage and will be left unseeded unless otherwise directed by the SELLER; that right-of-way area, particularly the ditches shall be maintained to insure proper flow of storm water; that the SELLER will be compensated for the loss of crops, time, labor, equipment, fertilizer replacement as necessary to restore the CE to substantially the same condition it was prior to such work, said compensation is shown below:

Crop Loss on 1.2 ac. -	\$5,532
Additional Time, Labor, Equipment -	\$3,268
<u>Fertilizer Replacement</u> -	<u>\$1,200</u>
Total	\$10,000

In addition the City will pay \$18,000 for restoration of eroded areas and damages as a result of the original rail construction.

- Right of use of the premises is the essence of this agreement and Buyer may enter and assume full use and enjoyment of the premises per the terms of this agreement. SELLER grants Buyer the immediate right to enter the premises for the purpose of gathering survey and soil data if necessary.
- Buyer agrees to pay and SELLER AGREES to grant the right of use to area as dictated herein this agreement, as shown on Page 5, on or before the **Date Of Performance** listed below in the Itemization of Acquisition.
- Time for Acceptance. If this offer is not accepted by SELLER on or before November 20, 2017, this purchase agreement may be void at the buyer's discretion.

ITEMIZATION OF ACQISITION

\$ <u>45,000.00</u>	on conveyance of ROW	<u>Within 60-days from when buyer receives this document</u>
\$ <u>10,000.00</u>	Crop Loss and CE restoration	<u>Same as above</u>
\$ <u>18,000.00</u>	soil conservation	<u>NA</u>
\$ <u>15,564.00</u>	additional damages to remainder	<u>NA</u>
\$ <u>88,564.00</u>	TOTAL LUMP SUM Rounded	

<u>Breakdown</u>	<u>Ac./Sq. Ft.</u>
Land by Fee Title	<u>.87</u> Ac.
Underlying Fee Title	<u>NONE</u> Sq. Ft.
Permanent Easements	<u>NONE</u> Sq. Ft.
Construction Easement	<u>1.16</u> Ac.

SELLER'S SIGNATURE AND CLAIMANT'S CERTIFICATION: Upon due approval and execution by the Buyer, we the undersigned claimants certify the Total Lump Sum payment shown herein is just and unpaid.

City of Davenport, Buyer

Frank Klipsch, Mayor, City of Davenport

STATE OF IOWA)
) ss:
COUNTY OF SCOTT)

On this _____ day of _____, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Frank Klipsch, to me personally known, who being by me duly sworn did say that that person is the Mayor, for the City of Davenport, and that said instrument was signed and sealed on behalf of the said City of Davenport, and said Mayor, acknowledged the execution of said instrument to be the voluntary act and deed of City of Davenport, by it voluntarily executed.

WITNESS my hand and notarial seal on the day and year last above written.

Notary Public in and for
State of Iowa

This offer is accepted by the Seller’s signature on the line below as of the date indicated on the line below.

RG Prime, LLC.

Signature

Print Name

Title

STATE OF IOWA)
) ss:
COUNTY OF SCOTT)

On this _____ day of _____, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, to me personally known, who being by me duly sworn did say that that person is _____, of said RG Prime, LLC., and that said instrument was signed and sealed on behalf of the said RG Prime, LLC., by authority of its managers and the said _____, acknowledged the execution of said instrument to be the voluntary act and deed of said RG Prime, LLC., by it voluntarily executed.

WITNESS my hand and notarial seal on the day and year last above written.

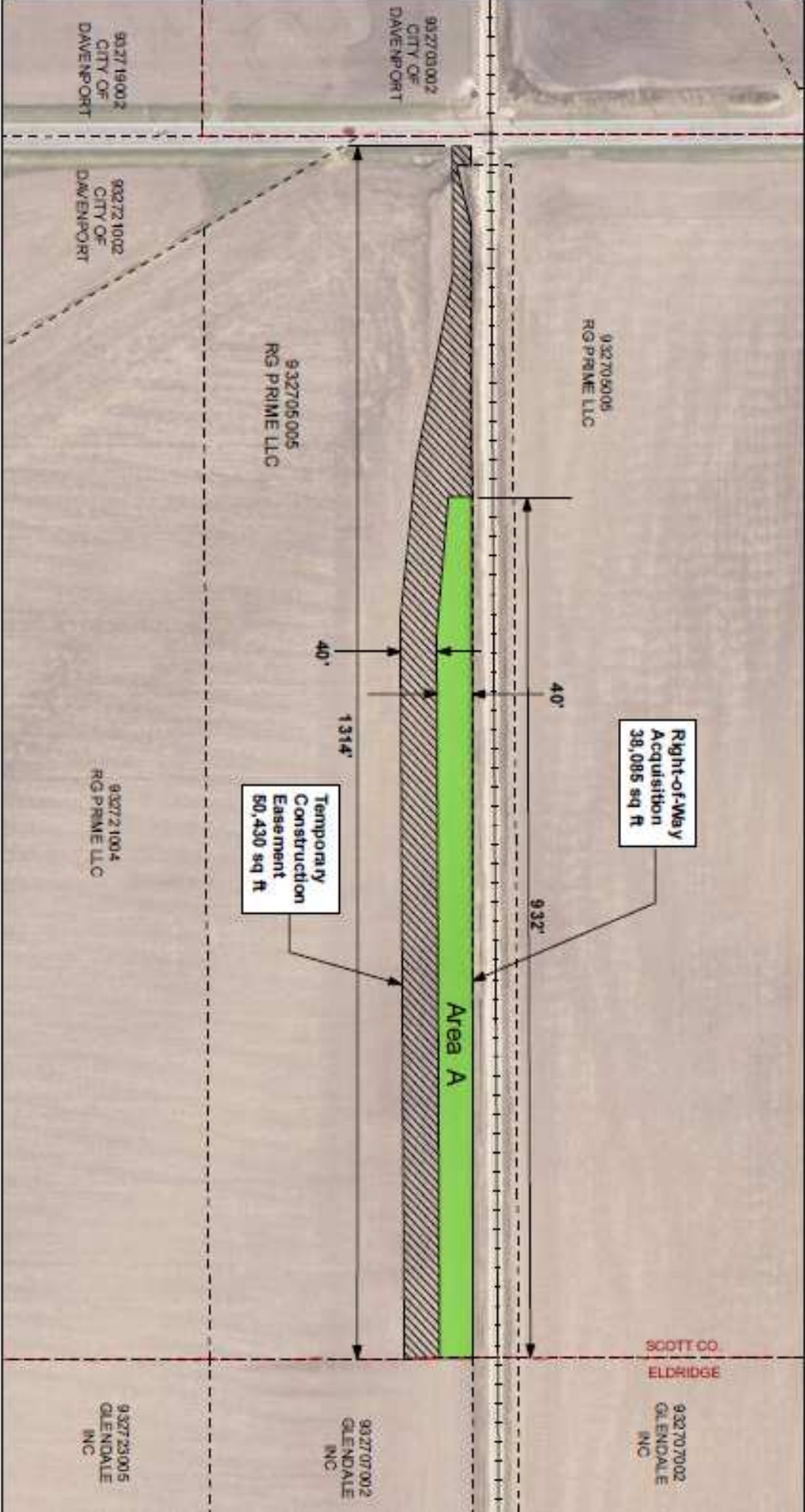
Notary Public in and for
State of Iowa

**Temp. Contruction Easement &
Right-of-Way Acquisition**

Parcel: 932705005
Owner: RG PRIME LLC

Legend

-  Right-of-Way Acquisition
-  Temp. Const. Easement
-  Parcel Lines
-  Existing Rail
-  City Limit



PURCHASE AGREEMENT
For
Right-of-Way, Construction Easement and Acceptance

PARCEL NO. ROW & CE

COUNTY: Scott

PROJECT NAME:

Transload Facility Rail Expansion Project **CITY:** Davenport

SELLER: Robert Seddig and Lyta Seddig, Richard Seddig and Cynthia J. Seddig, Patricia Leuck and John R. Leuck

THIS AGREEMENT made and entered into this _____ day of _____, **2017**, by and between Seller and the City of Davenport, Iowa, a Municipal Corporation, hereinafter, Buyer.

- 1a. SELLER AGREES to sell 1.03 ac. of property shown as area A on page 7 for right-of-way - ROW and furnish to Buyer conveyance documents, on form(s) furnished by Buyer.

RIGHT-OF-WAY

Legal description for said right-of-way will be provided for the closing. Should the legal description show more total square footage being acquired than stated in this agreement the SELLER shall receive additional compensation of \$1.19 per sq. ft. times the additional square footage. Should the legal description show less total square footage being acquired than stated in this agreement the offer shall remain the same as stated in this agreement.

- 1b. SELLER AGREES to sell a construction easement and furnish to Buyer conveyance documents, on form(s) furnished by Buyer, and Buyer agrees to buy the construction easement for 12 months, as shown on page 7:

A legal description or drawing for said construction easement will be provided for the closing. Should the legal description or drawing show more total square footage being acquired than stated in this agreement the SELLER shall receive additional compensation of \$1.19 per sq. ft. times .1 times the additional square footage. Should the legal description or drawing show less total square footage being acquired than stated in this agreement the offer shall remain the same as stated in this agreement.

- 1c. The construction easement (CE) is for the purpose of such encroaching, grading, sloping, shaping, cutting, filling and constructing as may be required for the proper construction of the "Transload Facility Rail Expansion Project" over, across, through and under parcels 932601004, in Scott County, Iowa. Said CE shall terminate when the City approves and accepts said project or 12 months from the date grading encroaches on the SELLER'S property whichever comes first.
- 1d. The grant of easement described above shall include before the construction encroachment take place, the right to survey the property, the right of ingress and egress as may be necessary for the purposes for which this easement is granted, in, over, across, and along the

easement. This easement shall survive a transfer or grant of property rights affecting the previously described real estate upon execution.

- 1e. SELLER AGREES to forgo charging the tenant farmer rent for 5 years for use of the 1.10 ac. that will be used as a construction easement.
2. The construction easement (CE) is conveyed upon the following express understanding and condition, that topsoil that is removed is put back in like condition, that a silt or construction fence will be placed along the back edge of the CE; that the cultivated area of the CE shall be graded to insure proper drainage and will be left unseeded unless otherwise directed by the SELLER; that right-of-way area, particularly the ditches shall be maintained to insure proper flow of storm water; that the SELLER will be compensated for the loss of crops, time, labor, equipment, fertilizer replacement as necessary to restore the CE to substantially the same condition it was prior to such work.
3. Right of use of the premises is the essence of this agreement and Buyer may enter and assume full use and enjoyment of the premises per the terms of this agreement. SELLER grants Buyer the immediate right to enter the premises for the purpose of gathering survey and soil data if necessary.
4. Buyer agrees to pay and SELLER AGREES to grant the right of use to area as dictated herein this agreement, as shown on Page 7, on or before the **Date Of Performance** listed below in the Itemization of Acquisition.
5. Time for Acceptance. If this offer is not accepted by SELLER on or before November 27, 2017, this purchase agreement may be void at the buyer's discretion.

ITEMIZATION OF ACQISITION

\$ <u>53,276.00</u>	on conveyance of ROW	<u>Within 60-days from when buyer receives this document</u>
\$ <u>9,483.00</u>	Crop Loss and CE restoration	<u>Same as above</u>
\$ <u>15,983.00</u>	additional damages to remainder	<u>NA</u>
\$ <u>78,742.00</u>	TOTAL LUMP SUM	

<u>Breakdown</u>	<u>Ac./Sq. Ft.</u>	
Land by Fee Title	<u>1.03</u>	Ac.
Underlying Fee Title	<u>NONE</u>	Sq. Ft.
Permanent Easements	<u>NONE</u>	Sq. Ft.
Construction Easement	<u>1.10</u>	Ac.

SELLER'S SIGNATURE AND CLAIMANT'S CERTIFICATION: Upon due approval and execution by the Buyer, we the undersigned claimants certify the Total Lump Sum payment shown herein is just and unpaid.

City of Davenport, Buyer

Frank Klipsch, Mayor, City of Davenport

STATE OF IOWA)
) ss:
COUNTY OF SCOTT)

On this _____ day of _____, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Frank Klipsch, to me personally known, who being by me duly sworn did say that that person is the Mayor, for the City of Davenport, and that said instrument was signed and sealed on behalf of the said City of Davenport, and said Mayor, acknowledged the execution of said instrument to be the voluntary act and deed of City of Davenport, by it voluntarily executed.

WITNESS my hand and notarial seal on the day and year last above written.

Notary Public in and for
State of Iowa

This offer is accepted by the Seller's signature on the line below as of the date indicated on the line below.

Robert Seddig

Lyta Seddig

STATE OF PENNSYLVANIA_)
) ss:
COUNTY OF CRAWFORD)

On this _____ day of _____, 2017, before me, a Notary Public, personally appeared Robert Seddig and Lyta Seddig, husband and wife, to be known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for
State of Iowa

Richard Seddig

Cynthia J. Seddig

STATE OF COLORADO_)
) ss:
COUNTY OF DOUGLAS)

On this _____ day of _____, 2017, before me, a Notary Public, personally appeared Richard Seddig and Cynthia J. Seddig, husband and wife, to be known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for
State of Colorado

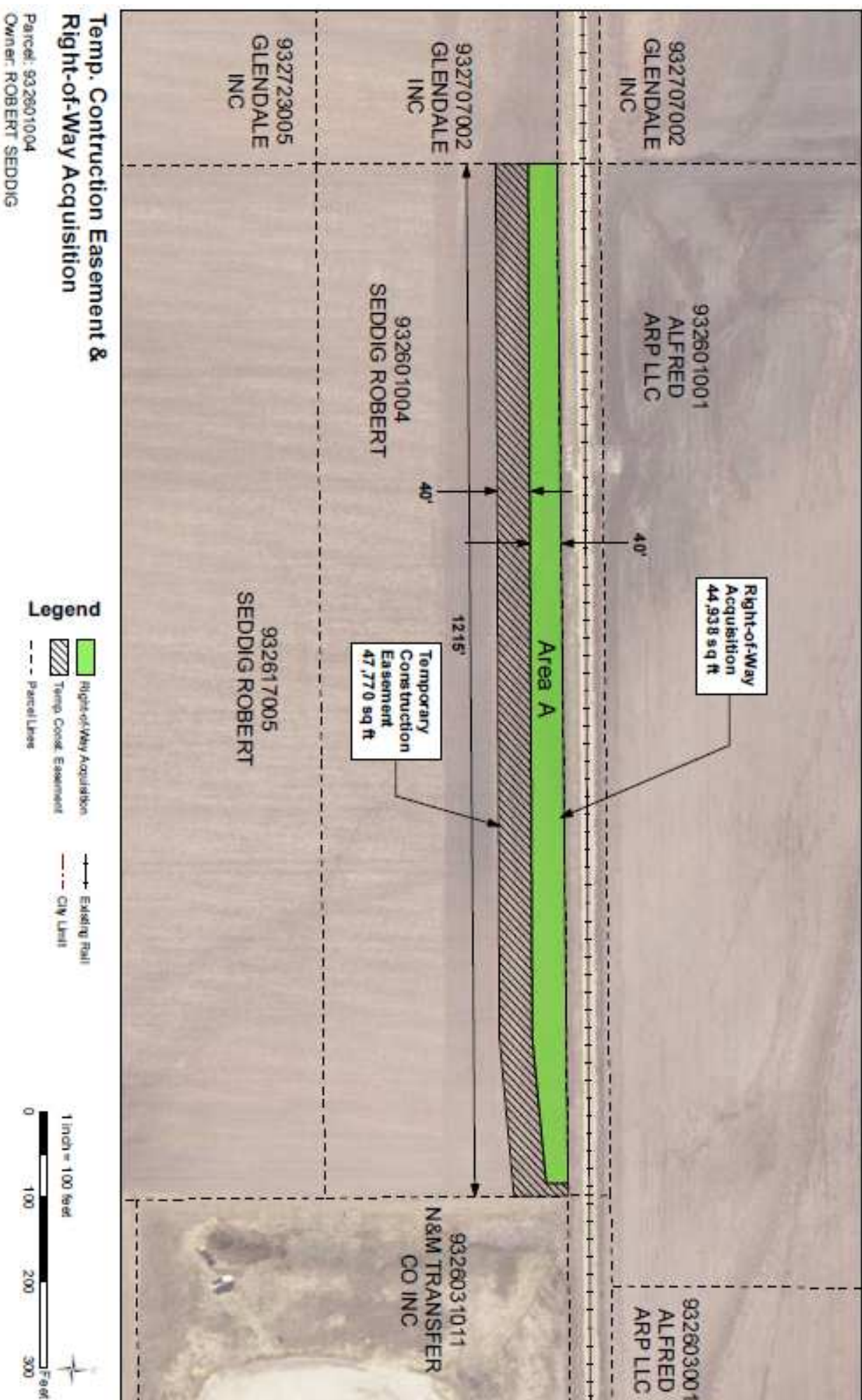
Patricia Leuck

John R. Leuck

STATE OF NORTH CAROLINA)
) ss:
COUNTY OF MECKLENBURG)

On this _____ day of _____, 2017, before me, a Notary Public, personally appeared Patricia Leuck and John R. Leuck, husband and wife, to be known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for
State of North Carolina



City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Mallory Merritt (326-7792)
Wards: All

Action / Date
12/6/2017

Subject:
Resolution adopting the City of Davenport's 2018 State Legislative Program. [All Wards]

Recommendation:
Adopt the Resolution.

Relationship to Goals:
Vibrant Community & High-Performing Government.

Background:

During the Fall of 2016, the City Council identified that the City should be more engaged in state legislative affairs including monitoring the development of legislation, weighing in when necessary, and participating when appropriate. The 2017 legislative session provided numerous opportunities for staff engagement including policy papers on both automated traffic enforcement and fireworks. Additionally, staff went to Des Moines to testify on several occasions and provided ongoing legislative updates to the City Council as part of the Management & Mayor/Council Discussion meetings.

This engagement demonstrated both the need and opportunity for increased participation at the State level in 2018 and beyond, particularly as there are numerous issues that could have operational and fiscal impacts on the City of Davenport. Through the research of best practices, it was found that most cities of Davenport's size and larger formally adopt a legislative strategy outlining legislative priorities and establishing formal positions on key issues. The formal adoption process provides a clear Council directive when engaging with policy makers at the state level on City issues.

As part of the 2018 legislative strategy, the City of Davenport will take formal positions on issues as directed by the City Council and through the adoption of this packet. Staff will also coordinate formal delegation meetings in coordination with the Mayor and elected officials. Regular legislative updates will be written and distributed to the City Council at the end of each week and will outline the legislative work of that week and identify any upcoming issues that need further discussion. Additionally, Management & Mayor/Council Discussion meetings may be used as a further forum to ask clarifying questions or request more information/presentations on given topics. The proposed platform serves as only the base, and the City will stay engaged as new topics arise during the session.

ATTACHMENTS:

Type	Description
▣ Backup Material	2018 City of Davenport Legislative Program

REVIEWERS:

Department	Reviewer	Action	Date
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City Clerk
City Clerk

Thorndike, Tiffany
Thorndike, Tiffany

Approved
Approved

12/7/2017 - 11:50 AM
12/7/2017 - 11:54 AM

LEGISLATIVE AGENDA 2018

*City of
Davenport*



MEMO | 2018 Legislative Strategy Overview & Update



DATE: November 28, 2017

TO: Mayor Frank Klipsch & City Council

THROUGH: Corri Spiegel, City Administrator

FROM: Mallory Merritt, Assistant to the City Administrator

RE: 2018 Legislative Strategy Overview & Update

Background | *an explanation & examination of best practices*

During the Fall of 2016, the City Council identified that the City should be more engaged in state legislative affairs including monitoring the development of legislation, weighing in when necessary, and participating when appropriate. The 2017 legislative session provided numerous opportunities for staff engagement including policy papers on both automated traffic enforcement and fireworks. Additionally, staff went to Des Moines to testify on several occasions and provided ongoing legislative updates to the City Council as part of the Management & Mayor/Council Discussion meetings.

This engagement demonstrated both the need and opportunity for increased participation at the State level in 2018 and beyond, particularly as there are numerous issues that could have operational and fiscal impacts on the City of Davenport. Through the research of best practices, it was found that most cities of Davenport's size and larger formally adopt a legislative strategy outlining legislative priorities and establishing formal positions on key issues. The formal adoption process provides a clear Council directive when engaging with policy makers at the state level on City issues.

The remainder of this packet outlines the proposed 2018 Legislative Program. It is divided into two portions including an overview of key issues and concise City position proposals on each. The second portion of the package includes the individual position papers on each topic and provides relevant data on each issue, identifies requested actions, and also provides brief speaking points on each issue.

Proposed Legislative Strategy | *enhanced engagement in 2018*

As part of the 2018 legislative strategy, the City of Davenport will take formal positions on issues as directed by the City Council and through the adoption of this packet. Staff will also coordinate formal delegation meetings in coordination with the Mayor and elected officials. Regular legislative updates will be written and distributed to the City Council on a bi-weekly basis and will outline the legislative work of that week and identify any upcoming issues that need further discussion. Additionally, Management & Mayor/Council Discussion meetings may be used as a further forum to ask clarifying questions or request more information/presentations on given topics. The proposed platform serves as only the base, and the City will stay engaged as new topics arise during the session.

Proposed Legislative Program | *a brief overview of issues & positions*

As noted above, the below legislative program is the proposed base and will be the foundation for delegation meetings. Short topical overviews are provided, and further information and data on each topic is provided in the remainder of the packet.



1. **Commercial Backfill and SF 295:** In 2013, the State of Iowa adopted Senate File 295 which reformed the property tax structure in Iowa. The legislation reduced the commercial rollback from 100% to 90% and created a new multi-residential category that reduced the multi-residential property rollback from 100% to a phased in rollback equal to the residential rollback. The State pledged to make cities whole on lost property tax revenue and should continue that practice.
2. **Economic Development Tools:** The City of Davenport utilizes many different programs to incent development within the City. In particular, the City utilizes both TIF and the Historic Tax Credits programs, and both have been successful in attracting and retaining development.
3. **Juvenile Crime & Juvenile Justice:** Throughout the State, there is a focus on diverting low-risk juvenile offenders from entering the juvenile justice system and providing them with the assistance needed to prevent further youthful offenses. Within Scott County, the number of youthful offenders entering the system has increased 25% over the past two years. In order to proactively address this, the Davenport Police Department, and other area partners, seek to create a Juvenile Assessment Center in Scott County to provide a multi-agency and comprehensive intervention strategy.
4. **Opioid Epidemic:** Both the entire State of Iowa and the City of Davenport are confronting the dramatic rise of the use of prescription and illicit opioids. It is one of the fastest growing forms of substance abuse in Iowa, and overdose deaths are at all-time highs. In the State of Iowa, Scott County has the highest overall drug poisoning death rate.
5. **Automated Traffic Enforcement:** The City of Davenport utilizes both red-light and speed cameras. In reports submitted to the Iowa Department of Transportation, it is shown that speeds have been reduced and number of severe crashes at major intersections have been reduced. Funding from violations is utilized to fund public safety services.
6. **Fireworks:** As part of the 2017 legislative session, SF 489 was adopted and legalized both the use and sale of consumer fireworks. Regarding the sales of consumer fireworks, the City should preserve its ability to enforce zoning and compliance with existing municipal codes and ordinances that are applicable to all other retailers and have a cost-recovery mechanism for performing inspections on behalf of the State Fire Marshal's Office.

Please let me know if you have any questions.

PRIORITIES

Commercial Backfill

In 2013, the State of Iowa adopted Senate File (SF) 295 which reformed the property tax structure in Iowa. The legislation reduced the commercial rollback from 100% to 90% and created a new multi-residential category that reduced multi-residential properties from 100% to a phased in rollback equal to the residential rollback. The State pledged to make cities whole through FY 2017 and would have to appropriate backfill monies each year after that.

- ✓ *The City supports legislation or state action that would continue the practice of backfilling municipalities for decreased property tax revenues due to SF295.*
- ✓ *The City opposes legislation or state action that would dramatically decrease or eliminate the backfill to municipalities.*

Economic Development

The City of Davenport utilizes many different programs to incent development within the City. Two specific programs utilized by the City are tax increment financing and historic tax credits. The City uses TIF to incent businesses that are making a large capital investment and creating new jobs in Davenport and/or are reversing blight in areas needing redevelopment. Davenport has been a judicious user of TIF and currently ranks 8th in the state for TIF debt. The City's standard TIF provides companies with a 60% rebate over 15 years with an average private investment leverage of \$7.59 for each dollar.

The Historic Preservation Tax Credit Program has been a vital component to the revitalization of Davenport's downtown area. Since 2011, Davenport developers have received approximately \$34M in tax credits and has resulted in over \$165M in private investment in Davenport's downtown and urban core neighborhoods.

- ✓ *The City supports legislation or state action that continues to allow municipalities to execute TIF agreements when appropriate and continues to fund and allocate monies for historic tax credits.*
- ✓ *The City opposes legislation or state action that would eliminate the ability to execute TIF agreements or would decrease or eliminate funding for historic tax credits.*

Juvenile Crime & Juvenile Justice

The Juvenile Court System in Iowa is a specialized court that has authority over certain cases involving the lives of children in Iowa. Throughout the State, there is a focus on diverting low-risk juvenile offenders from entering the juvenile justice system and providing them with the assistance needed to prevent further youthful offenses. Within Scott County, the number of youthful offenders entering the criminal justice system has increased 25% over the past two years.

In order to proactively address the rise in juvenile crime, the Davenport Police Department, in conjunction with other area partners, seeks to create a Juvenile Assessment Center in Scott County to provide a coordinated, multi-agency, single entry site that provides early intervention, comprehensive assessments, and improved access to services for youthful offenders and offers them access to preventative services.

- ✓ *The City supports state action that would allow for the Department of Human Services and the Iowa Judicial Branch (Juvenile Court) to participate in the coordination of services in the Juvenile Assessment Center program.*

Opioid Epidemic

The State of Iowa, and the City of Davenport, are currently confronting the dramatic rise in the use of prescription opioid pain relievers and illicit opioid use. It is one of the fastest growing forms of substance abuse in Iowa, and overdose deaths are at or near all-time highs. Statewide, the number of overdose deaths related to opioids increased over 1,000% between 2000 and 2015.

- ✓ *The City supports legislation or state action that continues to emphasize mitigating the opioid crisis in Iowa, including the continuation of establishing partnerships between governmental, medical, and educational entities.*
- ✓ *The City supports state action that includes the declaration of a public health and safety emergency and increased allocation of funding including a state-wide investigator.*

Automated Traffic Enforcement

The City of Davenport uses two forms of automated traffic enforcement including red-light camera and speed camera enforcement mechanisms, and both are critical in ensuring the safety of traveling motorists and pedestrians. Red-light cameras have been operational in Davenport since 2004, and current data demonstrates that the rate of annual crashes has decreased by 65%. Speed cameras were installed in 2007, and current data demonstrates that speeds have been reduced in all operational areas.

- ✓ *The City supports legislation or state action that continues to allow for cities to utilize automated traffic enforcement mechanisms to ensure safety.*
- ✓ *The City opposes legislation or state action that would eliminate the City's ability to utilize automated traffic enforcement tools and believes, along with local medical practitioners and the local hospital system, that the severity of crashes would increase.*

Fireworks

During the 2017 legislative session, SF489 legalized the use and sale of consumer fireworks. Although the statute allows cities to limit or restrict the use of fireworks, the statute does not allow cities to restrict the sales of fireworks. During the Summer of 2017, the City was highly engaged with the State Fire Marshal's Office and performed nearly 50 firework retail inspections. Additionally, the City has been coordinating, along with other peer cities in Iowa, with the State Fire Marshal's Office on the adoption of the final administrative rules.

- ✓ *The City supports state action that includes administrative rules that allow cities to adequately cover the costs of inspections through billing the retailer directly or through the remit of payment from the State Fire Marshal's Office.*
- ✓ *The City supports state action that clarifies that all existing City ordinances apply to fireworks retailers including, but not limited to, zoning and hazardous materials permitting.*
- ✓ *The City opposes state actions or legislation that eliminates the City's ability to enforce existing ordinances that are applicable to all other retailers within the City such as other license/permitting procedures.*
- ✓ *The City opposes state action or legislation that limits the City's ability to cost-recover the costs directly associated with completing inspections on behalf of the State Fire Marshal's Office.*

CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 18-01 "Commercial Backfill & SF 295"

November 27, 2017 (B. Wright and M. Merritt)



STATEMENT OF ISSUE & BACKGROUND

In 2013, the State of Iowa adopted Senate File (SF) 295 which reformed the property tax structure in Iowa. The legislation reduced the commercial rollback from 100% to 90% and created a new multi-residential category that reduced multi-residential properties from 100% to a phased in rollback equal to the residential rollback. The State pledged to make cities whole through FY 2017 and would appropriate backfill monies each year after that.

RELEVANT DATA

EXHIBIT 1: This exhibit illustrates all multi-residential property locations within the City of Davenport (represented as blue dots) and layers all Police, Fire, and Neighborhood Services calls for service data over it. **Multi-residential properties represent one of the highest users of public safety and neighborhood services.**

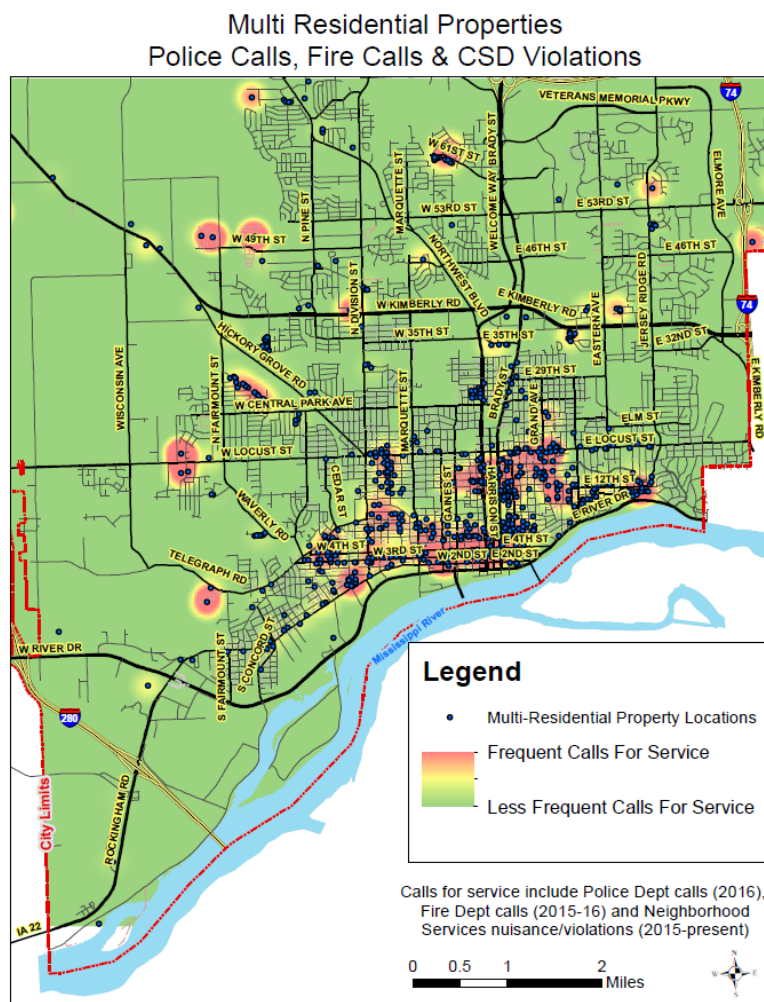


EXHIBIT 2: Exhibit 2 depicts a table outlining a breakdown of all multi-residential properties, number of service calls, average calls per property, and the residence of the property owner. Of the 752 multi-residential properties in Davenport, 43% are owned by individuals who live outside of the City. Additionally, 20% are owned by individuals who do not live in the State of Iowa. **Properties with owners outside of Davenport, including out-of-state owners, have significantly higher average calls per property.**

Property Owner Residence	# of Properties	Fire Calls	Average Fire Calls per Property	Police Calls	Average Police Calls per Property	NSD Calls	Average NSD Calls per Property
Davenport	430	1,680	3.91	2,589	6.02	578	1.34
Iowa	175	615	3.51	1,291	7.38	187	1.07
Outside Iowa	147	1,618	11.01	1,880	12.79	328	2.23
Total	752	3,913	5.20	5,760	7.66	1,093	1.45
Residential Average	35,418	12,188	0.34	21,483	0.61	5,008	0.14

EXHIBIT 3: Exhibit 3 depicts the multi-residential tax implications based on the residence of the property owner. As of 2017, all Davenport multi-residential properties have a total assessed value of \$175.0M. In 2015, multi-residential properties paid almost \$7.0M in taxes and will pay \$3.8M after the rollback becomes equal to the residential rollback representing a \$3.0M savings to these properties. **The annual loss to the City is estimated to be \$1.3M after the full effect of the new multi-residential tax scale.**

Property Owner Residence	2017 Multi-Res Assessed Value	Taxes Prior to Rollback (2015)	Taxes Final Rollback (2022)	Owner Tax Savings	Annual Loss to the City
Davenport	\$82,000,000	\$3,227,656	\$1,795,413	\$1,432,243	\$615,865
Iowa	\$34,000,000	\$1,344,648	\$747,973	\$596,676	\$256,570
Outside Iowa	\$59,000,000	\$2,318,029	\$1,289,425	\$1,028,605	\$442,300
Total	\$175,000,000	\$6,890,334	\$3,832,810	\$3,057,524	\$1,314,735

EXHIBIT 4: Exhibit 4 illustrates the commercial taxable valuation over the last ten years. **Commercial taxable values in Davenport have been decreasing since FY 2011.**

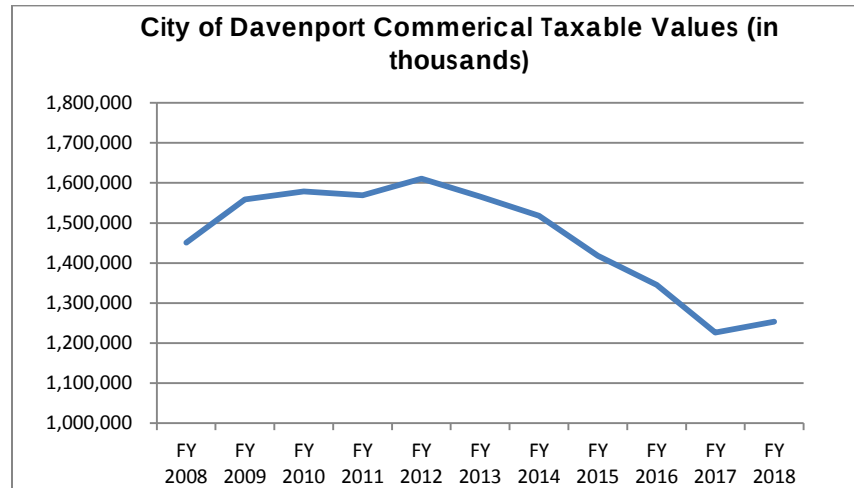
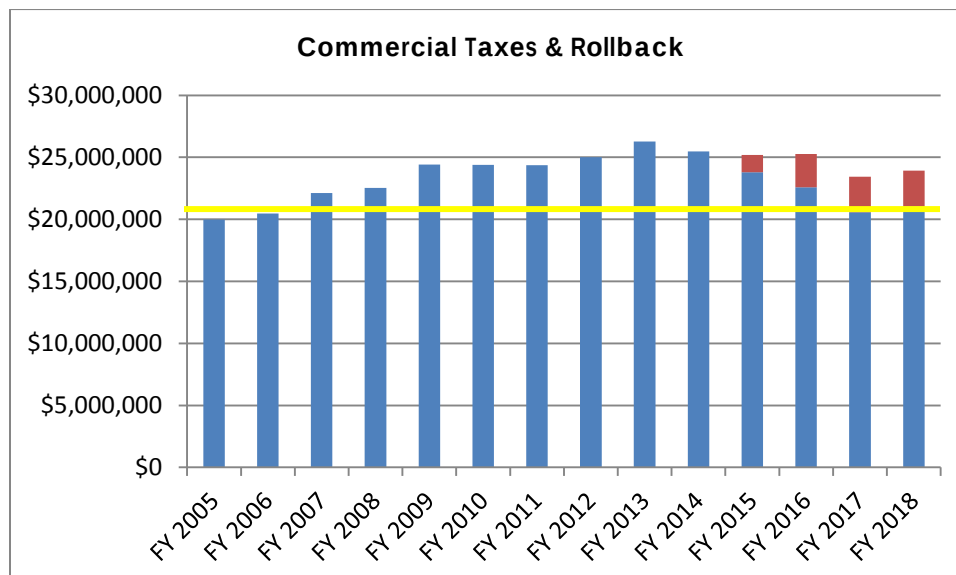


EXHIBIT 5: Exhibit 5 illustrates the amount of property taxes actually paid, and the red bars illustrate the backfill payment to the City. **Without the property tax backfill payment, the City would be receiving the lowest amount of commercial property taxes since FY 2006.**



OPERATIONAL & FISCAL IMPACTS

The elimination of the backfill for municipalities would be devastating for the City of Davenport. A chart is listed below outlining the amount of backfill received in prior years and the anticipated amount for FY 2018 (represented by an asterisk).

Fiscal Year	Backfill Received (All Funds)
FY 2018	\$2,909,310*
FY 2017	\$2,853,403
FY 2016	\$2,694,925
FY 2015	\$1,394,788

Additionally, the majority of public safety personnel including both Police and Fire are supported primarily through property taxes. If the City were to preserve public safety levels and make reductions in other core service areas, other departments would be reduced by 10%. This is not a feasible option and does not allow the City to continue to provide its core services to the community, so public safety personnel would have to be reduced. As can be noted by other policy papers produced as part of the 2018 legislative package, it would not be prudent for the City to reduce public safety personnel due to ongoing juvenile crime issues, the opioid epidemic, etc.

REQUESTED ACTIONS

The City recognizes and appreciates the Governor's commitment to fund the backfill to Cities during the 2017 legislative session, while also recognizing that the State has many of its own financial challenges. The City is hopeful that the Cities and the State can continue to be great partners to ensure that the Cities remain whole and do not have to drastically reduce services, particularly public safety services, for Iowa residents. The City of Davenport requests the below:

1. Continue to fully fund and appropriate the necessary backfill funding for the cities.
2. Continue to fulfill the promise to local communities by Governor Brandstad and Governor Reynolds that they would not be harmed by this legislation which resulted in the largest tax decrease Iowa has ever seen.
3. If fully funding the backfill becomes impossible, the State should work with municipalities to phase in reductions in such a way that they do not harm communities or engage a conversation regarding other funding tools such as the creation of a public safety fund, removing growth caps, etc.

SPEAKING POINTS

- Taxable growth is not outpacing General Fund cost increases related to general wage and personnel costs as required by the City's collective bargaining agreements.
- The City of Davenport's largest concern is for public safety; Public safety represents 71% of General Fund and is funded almost entirely by property tax revenue.
- The City continues to struggle to make up lost revenue from the institution of the multi-residential rollback; in higher density downtown environments such as Davenport, the City must invest more resources into these areas, and multi-residential properties represent one of the city's largest calls for service areas including police and fire calls and code enforcement calls.

- The City recognizes Governor Reynold's leadership in the crafting and development of SF295 and especially the commitment to fund the backfill Cities. We appreciate maintaining the backfill during the 2017 legislative session and hope to see the same level of commitment during the 2018 session and beyond.
- In Davenport, we have receive \$3M in backfill funds which contribute directly to the basic services in our community including police and fire. Without the backfill, Davenport will be forced to make significant cuts to basic services including both of the key public safety core competency areas.
- Despite perceived urban growth, Davenport has made significant cuts over the past decade including more than 100 positions.
- Appreciate the Governor's commitment to fund the backfill to Cities during the 2017 legislative session and hope to see the same level of commitment during the 2018 session.
- Without backfill funds, Davenport would be tasked with reducing at least \$1.4M in a General Fund that is capped at \$8.10/\$1,000 taxable value, and 71% of which is used to fund Police and Fire salaries/personnel.

CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 18-02 "Economic Development Incentives"

September 29, 2017 (B. Berger and S. Ott)



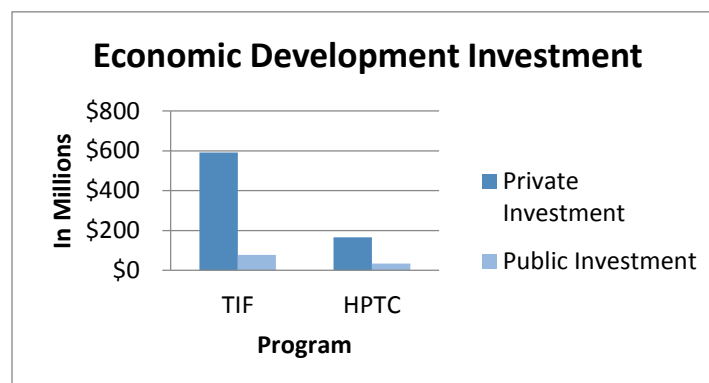
STATEMENT OF ISSUE & BACKGROUND

The City of Davenport utilizes many different programs to incent development within our City. Two programs that are authorized by State Code and that are consistently targeted by the state legislature for modification are Tax Increment Financing and Historic Tax Credits. The City of Davenport, and the developers and businesses that invest in our City, would be directly impacted by any legislation that seeks to curb the use of these two programs. A brief outline for uses of both programs is provided below.

Tax Increment Financing: Iowa Code 403 allows for municipalities to use Tax Increment Financing (TIF) for a variety of economic development purposes. The City of Davenport utilizes Tax Increment Financing (TIF) to incent businesses that are making a large capital investment and creating new jobs in Davenport and/or are reversing blight in areas needing redevelopment. Davenport has been a judicious user of TIF and currently ranks 8th in the State for TIF debt. Davenport's standard TIF provides companies with a 60% rebate over 15 years. Since 2005, every dollar spent in TIF has leveraged \$7.59 in private investment, resulting in over \$592M in development in Davenport. Currently the City of Davenport consults with local taxing jurisdictions as required by Iowa Code before using TIF. Davenport actively engages in this process and provides taxing jurisdictions the appropriate information that they request about all projects being considered for TIF. The City does not support any legislation that would give other taxing jurisdictions authority over how the City utilizes TIF.

Historic Tax Credits: The Historic Preservation Tax Credit Program has been a vital component to the revitalization of Davenport's downtown area. The HPTC is administered by the State and provides a 25% state income tax credit of qualified rehabilitation expenditures associated with the project. Tax credits are transferrable and may be refunded or carried forward for five years or until depleted. Currently, the State has allocated \$45M for Historic Preservation Tax Credits. Since 2011, Davenport developers have received approximately \$34M in tax credits, which resulted in over \$165M in private investment in Davenport's downtown and urban core neighborhoods.

RELEVANT DATA



OPERATIONAL & FISCAL IMPACTS

Any legislation that seeks to limit the City's use of TIF would have a substantial impact to the City of Davenport and economic development occurring within the City. While the City will continue to consult with affected taxing jurisdictions when using TIF as required by Iowa Code, the City does not support allowing other taxing jurisdictions to have any authority on the use of TIF proposed by the City. This would limit the City's ability to determine for itself appropriate economic development incentives which are being negotiated in confidence by the City directly with the company or developer. Adding another layer of bureaucracy to negotiations would hamper the City's ability to be nimble in its response to projects, which is required as projects are negotiated. Since 2005, the City has seen over 1700 jobs created and \$238M in capital investment in projects incented by TIF. This capital investment has a direct effect of increasing the City's tax revenue as the commercial tax base increases. All other taxing jurisdictions also benefit from development incented with TIF as the City only rebates a portion of the increment back to projects, meaning that all taxing jurisdictions see a net gain in tax revenue due to the projects in which the City utilizes TIF.

The Historic Preservation Tax Credit program is vital to the continued rehabilitation of our downtown and urban core neighborhoods. HPTC has led to a substantial increase in assessed value and tax revenue as the majority of buildings in our downtown are renovated. Many of the projects in Downtown Davenport would not be economically feasible without the use of HPTC, and if the state legislature cuts the annual allocation of this program, many of the projects currently in Downtown Davenport currently in the planning stages will not come to fruition.

REQUESTED ACTION

Oppose any legislation that may arise that seeks to limit the City's ability to use Tax Increment Financing, or that decreases the amount of Historic Preservation Tax Credits available for developers.

SPEAKING POINTS

- Since 2005, Davenport has seen \$592M in private investment and over 1700 jobs created as a direct result of utilizing TIF as an economic development tool.
- Davenport is a judicious user of TIF, ranked 8th overall in the State for our use of TIF debt.
- All other taxing jurisdictions also benefit in net tax revenue when the City utilizes TIF to incent development within the City.
- Historic Preservation Tax Credits are an essential tool for developers who have projects in Downtown Davenport, without this program many projects in the downtown would not be completed, stalling the redevelopment of our downtown and urban core neighborhoods.

CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 18-03 "Juvenile Crime & Juvenile Justice"

November 6, 2017 (P. Sikorski, J. Bladel, and S. Ott)



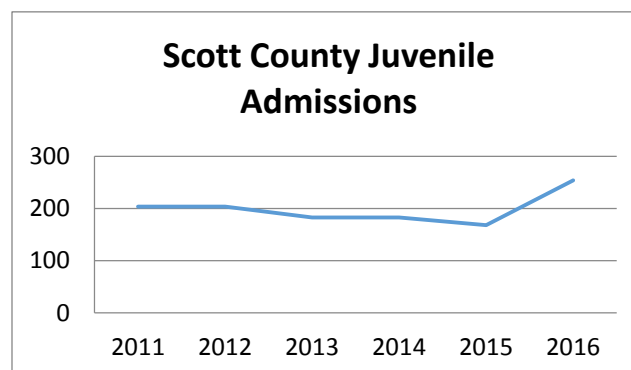
STATEMENT OF ISSUE & BACKGROUND

The Juvenile Court system in Iowa is a specialized court that has authority over certain cases involving the lives of children in Iowa that includes both Child in Need Assistance (CINA) and delinquency cases. Throughout the State, there is a focus on diverting low-risk juvenile offenders from entering the juvenile justice system and, instead, providing youth and their families with the assistance needed to prevent further youthful offenses. Within Scott County, the number of youthful offenders entering the criminal justice system has increased 25% over the past two years after previously seeing declines in youthful offenses.

In order to proactively address the rise in juvenile crime that has occurred in Scott County, the Davenport Police Department, in conjunction with their partners in the juvenile court system, department of human services, county attorney's office and other private service providers, would like to create a Juvenile Assessment Center in Scott County. While there are many resources and agencies throughout Scott County that provide assistance to at-risk and youthful offenders, these services are often disjointed and do not offer a coordinated care plan. A Juvenile Assessment Center would provide a coordinated, multi-agency, single entry site which provides early intervention, comprehensive assessment and improved access to services for youthful offenders and those at risk of offending. By creating a cohesive continuum of care for at-risk and youthful offenders and offering them access to preventative services, fewer youth would enter the criminal justice system. The Juvenile Assessment Center would also create efficiencies in the system that would save both time and money for all partners.

There are currently no Juvenile Assessment Centers in the State of Iowa. The City of Davenport, in conjunction with its partners, would like to be the first to offer this service in the State. Many of the stakeholders that are critical to the success of a Juvenile Assessment Center are State based agencies such as the Department of Human Services and Iowa Judicial Branch-Juvenile Court. The City of Davenport is requesting the support of the State in creating the first Juvenile Assessment Center in Iowa by allowing these state departments to participate in this initiative.

RELEVANT DATA



OPERATIONAL & FISCAL IMPACTS

The creation of a Juvenile Assessment Center will streamline the process of providing resources and services to youthful offenders and their families. For youthful offenders, it is estimated that for every five minutes spent transferring custody to the Juvenile Assessment Center, law enforcement saves four hours assessing needs and coordinating release plans (Source: Arapahoe Juvenile Assessment Center). With 254 youthful offenders admitted to the Scott County Juvenile Detention Center in 2016, this would save law enforcement an estimated 1,000 hours of staff time annually.

The Juvenile Assessment Center will also work with youth that are at risk of offending and provide a cohesive continuum of care to prevent them from entering the criminal justice system. With a core focus on prevention, congestion in the juvenile court system will be loosened as fewer youth enter the system. With the creation of a service that provides a cohesive continuum of care, the recidivism rate for youthful offenders may decrease by up to 22% (Source: Justice Policy Institute). In addition, community based programs for youth, such as the Juvenile Assessment Center, are "more cost effective than incarceration, with some programs yielding up to thirteen dollars in benefits to public safety for every dollar spent" (Source: Justice Policy Institute).

REQUESTED ACTIONS

The support of the State of Iowa to direct appropriate state agencies such as the Department of Human Service and the Iowa Judicial Branch- Juvenile Court to participate in the coordination of services that will occur in the Juvenile Assessment Center. This includes a coordinating and communicating assessment and case management with the Juvenile Assessment Center. It is also requested that the State participate monetarily in this pilot Center, as the efficiencies created through this system will save money in the budgets of both DHS and Juvenile Court Services.

SPEAKING POINTS

- There has been an increase of 25% of youthful offenders admitted to the Scott County Juvenile Detention Center from 2011-2016.
- A Juvenile Assessment Center is a 24/7 operation designed to be the central point of contact for youthful offenders and for those at risk of entering the criminal justice system.
- In addition to streamlining the process of admitting youthful offenders to detention, the Juvenile Assessment Center will also provide preventative case management to assist those at risk from entering the criminal justice system.
- Every dollar spent on community based programs for youth, such as the Juvenile Assessment Center, yields up to thirteen dollars in benefits to public safety.

CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 18-04 "Opioid Use in Scott County"

November 17, 2017 (S. Ott., J. Smith, and T. Whitchelo)



STATEMENT OF ISSUE & BACKGROUND

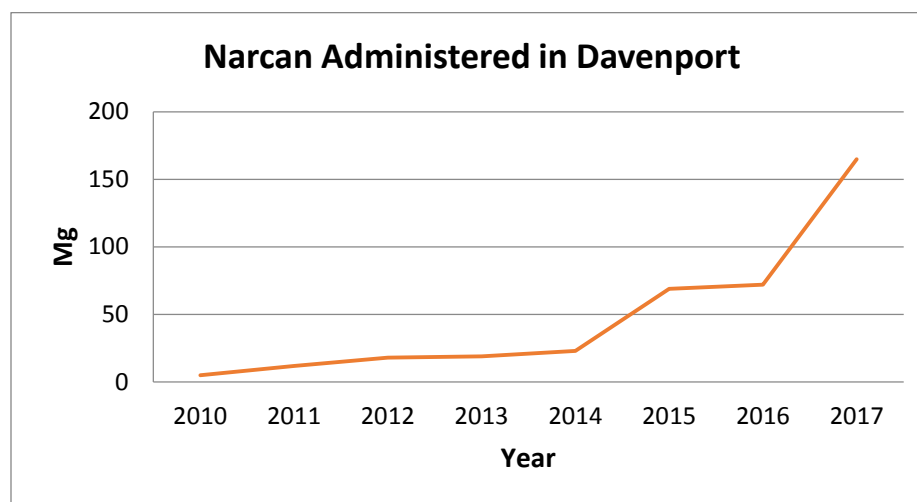
The State of Iowa, and the City of Davenport, are currently confronting the dramatic rise of the use of prescription opioid pain relievers (OPR) and illicit opioid (heroin). Opioid abuse is one of the fastest growing forms of substance abuse in Iowa, and overdose deaths are at or near all-time highs. Statewide, the number of overdose deaths related to opioid use (both OPR and illicit use) rose over 1,000% from 5 deaths in 2000 to 58 deaths in 2015 (Source: Iowa Department of Public Health). In the state of Iowa, Scott County has the highest overall drug poisoning death rate at over 15 individuals per 100,000 (Source: CDC 2010-2014).

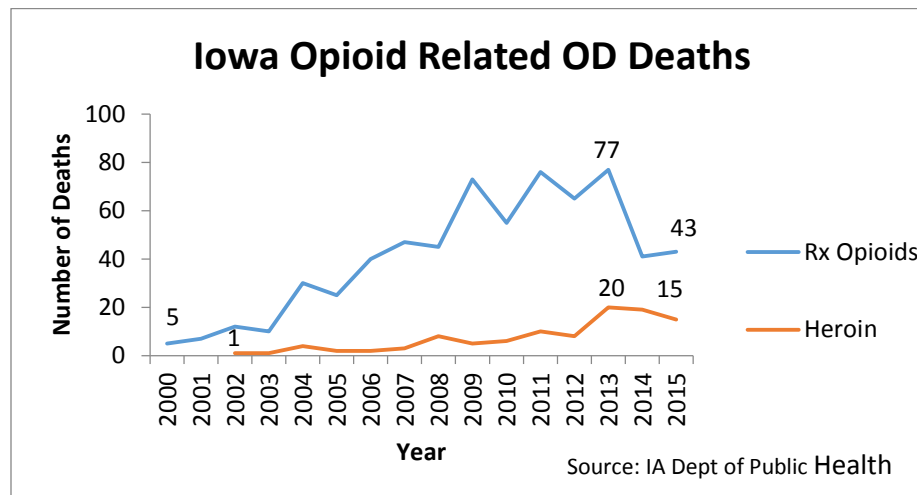
Naloxone, commonly known as Narcan, is a medication designed to rapidly reverse an opioid overdose. In Scott County, the administration of Narcan is projected to be 600mg in 2017. This does not include Narcan that is available for private purchase through local pharmacies which became legal in Iowa in 2016.

In addition to the public health implications of the dramatic rise of opioid use, there are also public safety costs associated with opioid use. A 2011 study by the American Academy of Pain Medicine estimated that the criminal justice costs associated with prescription opioid use was \$5.1 billion annually and growing. Davenport has seen an increase in crime related to opioid use, with the most recent example being an increase in commercial burglaries and pharmacy robberies.

In October 2017, Governor Reynolds outlined her priorities as Iowa continues to combat the growing use of opioids throughout the State. While Governor Reynolds' priorities are an important first step in confronting the opioid epidemic, Davenport would like the State to consider a more holistic approach to this issue that includes not just public health priorities but connects them with public safety priorities as well.

RELEVANT DATA





OPERATIONAL & FISCAL IMPACTS

Davenport recognizes that the opioid epidemic is not only a public health issue, but it is a public safety issue as well. With the rise of illicit opioid use, specifically heroin, the Davenport Police Department's Criminal Investigation Division has been tasked with the increase in investigations that are associated with this use. Additional resources to assist in these investigations will be critical to the department's success in combating the rise in associated crime(s).

The Division of Narcotic Enforcement within the Iowa Department of Public safety utilizes state funded special agents to work in collaboration with municipalities on drug investigative services. In the past, these special agents worked in collaboration with the Davenport Police Department to add capacity to staff and curb the distribution of methamphetamine. Support of a similar collaboration is currently needed to add capacity to the Davenport Police Department as they continue to investigate the increase in opioid distribution and use in Davenport. In addition, "the proactive work of the Division of Narcotics Enforcement (and the Davenport Police Department) has a significant impact on other crime that naturally follows or results from drug use, abuse and distribution: (Source: Iowa Department of Public Safety).

REQUESTED ACTION

Due to the public health and safety issues that have arisen from the increase of opioid use throughout the State, the City of Davenport requests the following:

- That the State of Iowa declare a public health and safety emergency due to the opioid epidemic to allow for the allocation of more funding and resources to combat the epidemic. It is requested that additional funding be allocated to both public health and public safety departments.
- Assign a statewide task force that brings together both public health and public safety organizations to discuss the ramifications of the opioid epidemic and to create a comprehensive, coordinated response.

- Provide funding for a state-funded investigator through the Division of Narcotic Enforcement to assist Scott County law enforcement with the increase in heroin investigations.

SPEAKING POINTS

- The dramatic rise in the use of opioids is both a public health and public safety emergency.
- A comprehensive, coordinated response between public health, public safety, and criminal justice systems is needed in order to respond appropriately to the challenges posed by the opioid epidemic. **The State of Iowa should convene a task force between all agencies to increase communication of this topic.**
- From 2010-2014, Scott County had the highest drug poisoning death rate in Iowa at over 15 deaths per 100,000 residents
- Within the City of Davenport, the use of Narcan has increased over 3,000% since 2010.

CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 18-05 "Automated Traffic Enforcement Cameras"

November 27, 2017 (M. Merritt, P. Sikorski, and G. Statz)



STATEMENT OF ISSUE & BACKGROUND

In the 2017 legislative session, there were several proposed bills in the Iowa Senate aiming to prohibit the placement and use of all automated traffic enforcement systems.

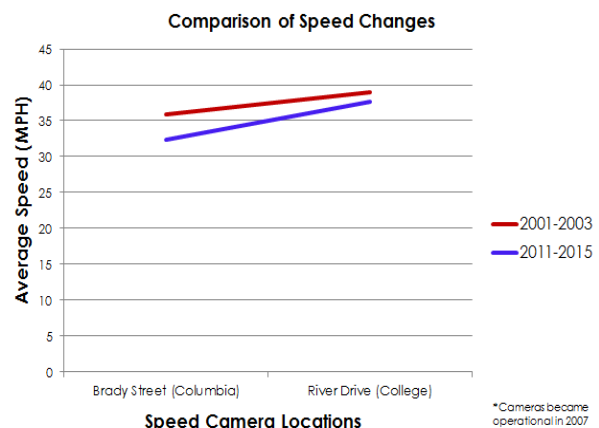
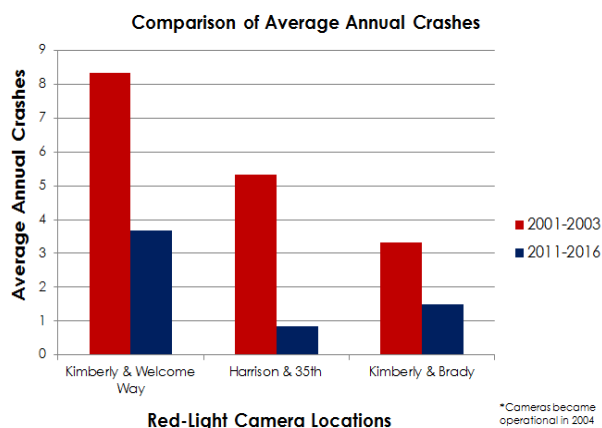
The City of Davenport would be directly impacted by this legislation and utilizes automated traffic enforcement systems along the primary highway system for both red-light enforcement at three signalized intersections and speed enforcement along two urban arterials. A brief outline for both uses is provided below.

RED-LIGHT CAMERAS: Red-light running citations are issued to drivers who are completely behind the stop bar when the signal turns red and then still proceed through the intersection. The yellow clearance times at the intersections are all 4.0 seconds with a 1.0 second red clearance time, which meets or exceeds the minimum times from the ITE's yellow interval formula. Most of the red-light cameras have been operational since 2004, and data shows the rate of annual crashes for the three intersections has dropped 65% overall and 78% for the direction of enforcement.

SPEED CAMERAS: Speed violation citations are issued to drivers who exceed the speed limit by 12 mph or more. Additionally, none of the speed cameras are in the first 1,000 feet of the change to a lower speed limit. Most speed cameras were installed in 2007, and data shows that speeds have been reduced in all operational areas.

All infractions are reviewed by a Davenport Police Department sworn officer or by a trained traffic safety specialist prior to an issued citation. Additionally, it should be noted that all camera placement locations are clearly marked with signage, and all cameras are calibrated once per month to ensure accuracy.

RELEVANT DATA



RELEVANT DATA CONTINUED

Speed Camera Location	Speed Limit	Median Speed
Brady Street (Near Columbia)	35 mph	35.1 mph
River Drive (Near College)	40 mph	38.8 mph
Kimberly & Brady	35 mph	38.6 mph
Kimberly & Welcome Way	35 mph	34.6 mph
Harrison & 35th	35 mph	36.2 mph

OPERATIONAL & FISCAL IMPACTS

The prohibition of automated traffic enforcement cameras could have substantial operational and fiscal impacts. Operationally, enforcement in the current ATE areas would need to substantially increase, and fewer resources would be available to increase the enforcement. Statistically, crashes would increase and require an increased response and investigation by other public safety entities such as Davenport Fire and MEDIC EMS. Additionally, the City of Davenport budgets an estimated revenue amount of \$1.1M in the General Fund from the collection of automated traffic enforcement citations. Approximately 63% of General Fund revenue supports public safety. Related thereto, this revenue directly supports the Police Department's operations and is equivalent to approximately 20 Police Officer salaries within the Department.

REQUESTED ACTION

Oppose any bills that are presented as complete bans on all automated traffic enforcement systems due to their connection with reducing crashes and speeds.

Discuss and have an open dialogue with municipalities regarding any bills that are presented as limited use of automated traffic enforcement under review and regulation by IDOT and consider potential support.

SPEAKING POINTS

- Since implementation, red-light camera presence at major Davenport intersections has reduced overall annual crashes by 65% and by 78% in the direction of enforcement.
- Since implementation, the median driver speed at all Davenport locations is within the speed limit range, with the exception of Kimberly & Brady.
- Automated traffic enforcement systems are significantly reducing crashes at major Davenport intersections and lowering speeds in those intersections and other urban arterials.
- The City of Davenport's FY 2019 Budget reflects a revenue estimate for speed camera citations of \$1.1M and directly supports Police Department operations and initiatives. This equates to approximately 20 Police Officer position salaries.

CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 18-06 "*Legalization of Fireworks*"

November 27, 2017 (M. Merritt & J. Morris)



STATEMENT OF ISSUE & BACKGROUND

As part of the 2017 legislative session, SF 489 was adopted and legalized both the use and sale of fireworks in Iowa with some parameters. The statute allows for the sale of consumer-grade fireworks out of both tent and permanent structures and allows for use/discharge during two set seasons (June 1-July 8 | December 10 – January 3). The statute does not allow cities to restrict sales, but it does allow for cities to pass formal council actions to limit or prohibit the use.

The City of Davenport has been highly engaged with the State of Iowa regarding this topic for several months. At the request of the State Fire Marshal's Office, the Davenport City Council allowed Davenport Fire Department personnel to perform inspections of sales sites on behalf of the SFMO, and the City assessed a \$75.00 fee for each inspection performed. The purpose of the local inspection is to ensure that local personnel have knowledge of locations, set-up, and existing quantities on scene in the event of an incident. Additionally, the State does not enforce local city ordinances; therefore, local inspections ensure existing City requirements are met prior to the issuance of a license.

The City of Davenport did not limit the discharge window during the Summer 2017 season and experienced a significant number of calls for service and firework related incidents ranging from injuries to structure fires.

The City has also been engaged with the State on the preparation and adoption of the formal administrative rules governing this topic. City staff have attended multiple administrative rules review meetings, submitted requested modifications, etc. and believe the below three points to be central for both the administration of this law and ensuring the safety of our residents:

- Preserve ability to enforce compliance with existing municipal codes and ordinances
- Inspections must occur prior to the issuance of a state license
- Continue to allow for local authority enforcement for both sales and use

RELEVANT DATA

The City conducted 46 commercial firework inspections during the Summer of 2017 and spent over 100 hours on inspections and state reporting. This is valued at over \$5,000 of personnel costs and represents over 100 hours of time that was not spent on performing local commercial inspections.

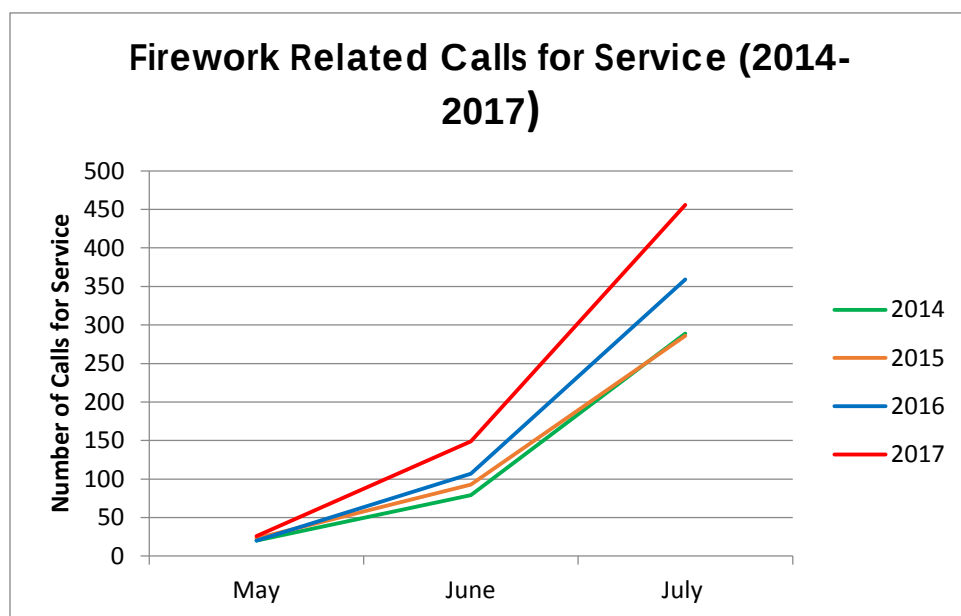
Additionally, there were numerous firework related incidents that occurred during Summer 2017. These incidents included accidents involving personal injury, vehicle fires, and a structure fire.

The following exhibits illustrate the increased calls for service related to fireworks during the 2017 season by the Police Department.

EXHIBIT 1: Exhibit 1 illustrates the number of calls for service in July over the past four years. As can be noted from the chart, there was a 27% increase in July calls for service in 2017 compared to 2016.

Date	# Calls for Service
July 2014	289
July 2015	286
July 2016	359
July 2017	456

EXHIBIT 2: Exhibit 2 identifies the historical calls for service data over the summer months for the last four years. During the Summer of 2017, there was a 30% increase in firework related calls for service than in 2016 and a 57.0% increase over 2015.



OPERATIONAL & FISCAL IMPACTS

Performing firework retailer inspections at the local level has numerous advantages for both the City of Davenport and the State Fire Marshal's Office. This practice worked well and is one that staff would like to continue in future windows; however, there must be a cost-recovery mechanism. Davenport Fire personnel spent over 100 hours on retailer inspections during the summer months, which is generally the busiest season for performing other local commercial inspections. This equated to over \$5,000 of staff time.

Additionally, it is critical that staff is able to enforce existing municipal ordinances that apply to other retailers within the City of Davenport. The inability to apply and enforce local ordinances to firework retailers is not equitable to other transient vendors or permanent businesses.

REQUESTED ACTIONS

Support state action that preserves the ability to enforce compliance with existing municipal codes and ordinances.

Support state action that requires an inspection prior to the issuance of a state license.

Support state action that continues and supports local authority enforcement for both sales and use.

Support state action that allows a cost-recovery mechanism for entities performing inspections on behalf of the State.

SPEAKING POINTS

- The City performed 46 firework retailer inspections on behalf of the state during Summer 2017.
- As part of the firework retailer inspection program, the City assessed a \$75.00 inspection fee and should be able to do so in future firework seasons to cost recover and compensate for allocated personnel time.
- The City should be able to enforce existing local ordinances and regulations.

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brandon Wright 326-7750
Wards: All

Action / Date
12/6/2017

Subject:
Resolution approving the City of Davenport to participate in the Statewide Consortium of the University of Iowa and U.S. Bank Purchasing Card program. [All Wards]

Recommendation:
Adopt the Resolution.

Relationship to Goals:
Financially Responsible City Government.

Background:
In July 2017, the City Council approved a motion directing staff to investigate utilizing a U.S. Bank consortium for the use of credit cards, commonly referred to as purchasing cards, for City business. After additional research and investigation, staff recommends that the City of Davenport join the U.S. Bank Purchasing Card Consortium held by the University of Iowa.

The University of Iowa and U.S. Bank have formed a statewide consortium for a purchasing card program. The consortium currently consists of 15 entities from across the State of Iowa. This resolution recommends that the City of Davenport sign a Participating Entity Agreement to join the consortium.

By utilizing the purchasing cards for smaller purchases, City departments will be able to complete purchases more efficiently, thereby saving staff time in not only the user departments but also in the Finance Department.

The cards will be authorized for official City of Davenport purchases only, and will not be authorized for individual consumer purchases.

ATTACHMENTS:

Type	Description
▯ Resolution Letter	Resolution Purchasing Card Consortium

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:51 AM
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:57 AM

Resolution No. _____

Resolution offered by Alderman Tompkins.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the City of Davenport participating in the Statewide consortium of the University of Iowa and U.S. Bank Purchasing Card program, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to join the consortium to participate in this Purchasing Card program;

WHEREAS, the consortium was previously created by the University of Iowa and U.S. Bank and included all entities across the State of Iowa, if they chose to joint;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the signing of the entity agreement for the consortium of the Statewide Purchasing Card program of the University of Iowa and U.S. Bank; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Dawn Sherman 326-6155
Wards: All

Action / Date
12/6/2017

Subject:
Resolution awarding a contract for the Specific and Aggregate Stop Loss Insurance to HM Insurance Group. [All Wards]

Recommendation:
Approve the motion.

Relationship to Goals:
Financially Responsible City Government

Background:
Coverage and cost proposals were requested with only one quote received with multiple plan design options.

Specific and Aggregate Stop Loss Insurance is purchased in order to limit the City's exposure to potential large medical claims. The Stop Loss carrier will assume responsibility for expenses which exceed the Specific Stop Loss for an individual and the expenses exceeding the Aggregate Stop Loss for the plan.

The options were evaluated on levels of coverage and premium costs. Attached is a summary of all proposals received.

Funding for this contract is from the Employee Health Fund, account #50460700-520220. In 2018, Specific Stop Loss premiums will total approximately \$973,548 and Aggregate premiums will total \$45,925.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	REINSURANCE RESOLUTION
▣ Backup Material	REINSURANCE INFORMATION

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:52 AM
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:56 AM

Resolution No. _____

Resolution offered by Alderman Tompkins:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding a contract for the Specific and Aggregate Stop Loss Insurance to HM Insurance Group.

WHEREAS, the City of Davenport must purchase Specific and Aggregate Stop Loss Insurance coverages for medical claims effective January 1, 2018 through December 31, 2018; and

WHEREAS, coverage and cost proposals were requested from the marketplace.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that a contract awarding the purchase of Specific and Stop Loss Insurance to HM Insurance Group is hereby approved.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, City Clerk

Sales Representative: Erik Stjernberg
Broker: Cottingham & Butler
TPA: Self Insured Services Company (SISCO)

Effective Date: 01/01/2018
Through Date: 12/31/2018

Provider Network(s): Quad Cities Community Healthplan
Utilization Review Vendor(s): Healthcorp

Specific: (Check one)	Lives	Current	☐ Renewal	☐ Option 1	☒ Option 2
Specific Deductible (per Covered Individual)		\$175,000	\$175,000	\$180,000	\$185,000
Policy Year Maximum Specific Benefit		Unlimited	Unlimited	Unlimited	Unlimited
Lifetime Maximum Specific Benefit		Unlimited	Unlimited	Unlimited	Unlimited
Covered Benefits		Med	Med	Med	Med
Specific Premium					
Single Rate	178	\$35.80	\$47.88	\$47.82	\$46.21
Family Rate	616	\$86.25	\$126.04	\$121.98	\$118.35
Total Lives	794				
Estimated Contract Specific Premium		\$714,029	\$1,033,959	\$1,003,820	\$973,548
Contract Basis		15/12	27/12	27/12	27/12
Commission		0.00%	0.00%	0.00%	0.00%
Aggregate: (Include? ☒ Yes ☐ No)					
Covered Benefits		Med	Med	Med	Med
Policy Year Maximum		\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Aggregate Factors					
Single Med Factor	178	\$634.36	\$759.54	\$761.06	\$762.58
Family Med Factor	616	\$1,522.48	\$1,822.90	\$1,826.55	\$1,830.20
Estimated Contract Attachment Point	794	\$12,609,165	\$15,097,254	\$15,127,482	\$15,157,709
Estimated Contract Minimum Attachment Point (100%)		\$12,609,165	\$15,097,254	\$15,127,482	\$15,157,709
Aggregate Corridor		125%	125%	125%	125%
Contract Basis		15/12	27/12	27/12	27/12
Aggregate Premium					
Composite Rate	794	\$4.47	\$4.77	\$4.79	\$4.82
Monthly Accommodation Fee*			\$1.13	\$1.13	\$1.13
Estimated Contract Aggregate Premium	794	\$42,590	\$45,449	\$45,639	\$45,925
Commission		0.00%	0.00%	0.00%	0.00%
Total Combined Estimated Contract Premium		\$756,619	\$1,079,408	\$1,049,459	\$1,019,473

* Included in Aggregate rate(s).

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Andy Dibbern - 326-7967
Wards: 3

Action / Date
12/6/2017

Subject:
Resolution awarding the contract for the City Hall elevator improvement project to Precision Builders, Inc. of LeClaire, IA in the amount of \$314,712.00. CIP #23010 [Ward 3]

Recommendation:
Adopt the Resolution.

Relationship to Goals:
Financially Responsible City Government.

Background:
A Request for Bids was issued on October 5, 2017 and was sent to 343 contractors. On November 14, 2017 the Purchasing Division received and opened five responsive and responsible bids. Precision Builders, Inc. was the lowest bidder and is recommended for the contract.
The elevator at City Hall is over 40 years old and parts are no longer available for control issues. Reliability is in question as to how much longer it will continue to operate. This project is for full replacement of the elevator and necessary structural work to bring it to modern day functionality. Funding for this purchase will come from various CIP #23010.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	FIN Resolution CH Elevator
▣ Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:51 AM
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:56 AM

Resolution No. _____

Resolution offered by Alderman Tomkins:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding the contract for the City Hall elevator improvement project to Precision Builders, Inc. of LeClaire, IA in the amount of \$314,712.00.

WHEREAS, the City needs to contract the City Hall elevator improvement project; and

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Precision Builders, Inc.;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the contract for City Hall Elevator Improvement project from Precision Builders, Inc. is hereby awarded.

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
REQUEST FOR BIDS RESPONDENTS

DESCRIPTION: CITY HALL ELEVATOR IMPROVEMENTS
BID NUMBER: 18-38
OPENING DATE: NOVEMBER 14, 2017
RECOMMENDATION: AWARD THE CONTRACT TO PRECISION BUILDERS, INC. OF
LE CLAIRE, IA

<u>VENDOR NAME</u>	<u>LOCATION</u>	<u>AMOUNT</u>
PRECISION BUILDERS, INC.	LE CLAIRE, IA	\$314,712.00
TRICON GENERAL CONSTRUCTION	DUBUQUE, IA	\$359,200.00
FRYE BUILDERS & ASSOC. INC	MUSCATINE, IA	\$379,500.00
REED CONSTRUCTION CO LLC	DEWITT, IA	\$380,000.00
SWANSON CONSTRUCTION CO.	BETTENDORF, IA	\$382,821.00

Prepared By Cindy Whitaker
Purchasing

Approved By Nicole Gleason 11/29/17
Department Director

Approved By Brandi Coz
Budget/CIP

Approved By [Signature]
Finance Director

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Cory Smith - 888-2162
Wards: All

Action / Date
12/6/2017

Subject:
Motion approving the purchase of mobile wireless connectivity equipment from a State of Iowa Master Agreement from Keltek, Inc. of Baxter, IA in the amount of \$70,991.44. CIP # 67002. [All Wards]

Recommendation:
Approve the Motion.

Relationship to Goals:
Financially Responsible City Government.

Background:
The Information Technology Department has recommended, after due diligence research, to purchase 50 Sierra Wireless MG90 Routers, Antennae, and related equipment for the upcoming installation of the in-car video system for the Police Department. The purchase is being made from the contract held by the State of Iowa with Keltek, Inc. (See attached.)

Funding for this purchase is from CIP #67002.

ATTACHMENTS:

Type	Description
▣ Backup Material	Quote from Keltek
▣ Backup Material	Quote from Keltek
▣ Backup Material	Master Agreement with State of Iowa

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:50 AM
City Clerk	Thorndike, Tiffany	Approved	12/7/2017 - 11:54 AM



Main Phone: 641-227-2222
 Email: sales@keltekinc.com
 Address: PO Box 14 Baxter, IA 50028

Note: Final Invoices will be sent electronically via email.

QUOTATION

Quote Number: 19059

Quote Date: 11/10/2017

Quote Total: 52,874.50

Quoted To:

City Of Davenport
 1200 E 46th St

Davenport
 IA 52807

Ph: 563-3267718

Deliver To:

City of Davenport
 1200 E 46th St

DAVENPORT
 IA 52807
 Larry Hart

Quote Notes:

Account	Customer Contact	Order Ref		Terr	Rep	Quote Valid for:
100150	Kelli Akers	MG90 LTE TRADEIN		1	KM	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
1102695	Cory Smith, csmith@ci.davenport.ia.us, (563) 888-2162 Brett Burda, bburda@ci.davenport.ia.us, (563) 326-7777 Sierra Wireless MG90 Single LTE Solution Mobile Router 3-6 Hrs Sierra Wireless AirLink MG90 Multi-Network Vehicle Router LTE-A – NA & EMEA *Customer will be trading in (17) Fully Functional IBR1100s* **The Trade In Credit will be shown as a Sales Discount** ***This Offer is for this opportunity only***	50.00	\$1599.00	15.00	\$1359.15	\$67957.50
SALES DISCOUNT	Discount on purchase	-17.00	\$899.00	0.00	\$899.00	\$-15283.00
SH	Shipping cost calculated based on total order weight	100.00	\$2.00	0.00	\$2.00	\$200.00

Complete Shipments vs Partial -KELTEK only ships complete orders unless partials are specifically requested (shipments may be from multiple manufacturers). Partial shipments may result in multiple shipments and multiple invoices with payment terms starting at time of invoice.

Returns: Special order item sales are final. Returns need to be completed within 90 days of invoice. All returns are subject to a 50% restocking fee or a replacement order of 1.5 times the original order amount. Items need to be unopened and in original packaging. Please contact your inside sales rep for RA information.

Warranty: Please contact your inside sale rep for details.

Payment Methods: KELTEK accepts cash, check, Visa or Mastercard. There is a 2.31% processing fee for use of a credit card. Prepayment required if new account or no terms.

Subtotal:	52,874.50
Sales Tax:	0.00
Grand Total:	52,874.50



Main Phone: 641-227-2222
 Email: sales@keltekinc.com
 Address: PO Box 14 Baxter, IA 50028

Note: Final Invoices will be sent electronically via email.

QUOTATION

Quote Number: 19060

Quote Date: 11/10/2017

Quote Total: 18,116.94

Quoted To:

City Of Davenport
 1200 E 46th St

Davenport
 IA 52807

Ph: 563-3267718

Deliver To:

City of Davenport
 1200 E 46th St

DAVENPORT
 IA 52807
 Larry Hart

Quote Notes:

Account	Customer Contact	Order Ref		Terr	Rep	Quote Valid for:
100150	Kelli Akers	MG90 ANTENNAS		1	KM	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
	Cory Smith, csmith@ci.davenport.ia.us, (563) 888-2162 Brett Burda, bburda@ci.davenport.ia.us, (563) 326-7777 Sierra Wireless MG90 Single LTE Solution Mobile Router, Antenna(s) -1 Hr					
AP-CCWWWG-Q-BL	AP-CCWWWG-Q-S222222-RP345-BL MG90 MP70 Antenna Plus 2xLTE, 3xWi-Fi, 1xGNSS Bolt Mt, Black	50.00	\$238.57	0.00	\$238.57	\$11928.66
AP-WWW-Q-BL	AP-WWW-Q-S222-RP-BL MG90 Antenna Plus 3xWi-Fi, Bolt Mt, Black	50.00	\$119.77	0.00	\$119.76	\$5988.28
SH	Shipping cost calculated based on total order weight	100.00	\$2.00	0.00	\$2.00	\$200.00

Complete Shipments vs Partial -KELTEK only ships complete orders unless partials are specifically requested (shipments may be from multiple manufacturers). Partial shipments may result in multiple shipments and multiple invoices with payment terms starting at time of invoice.

Returns: Special order item sales are final. Returns need to be completed within 90 days of invoice. All returns are subject to a 50% restocking fee or a replacement order of 1.5 times the original order amount. Items need to be unopened and in original packaging. Please contact your inside sales rep for RA information.

Warranty: Please contact your inside sale rep for details.

Payment Methods: KELTEK accepts cash, check, Visa or Mastercard. There is a 2.31% processing fee for use of a credit card. Prepayment required if new account or no terms.

Subtotal:	18,116.94
Sales Tax:	0.00
Grand Total:	18,116.94



STATE OF IOWA
MASTER AGREEMENT
Contract Declaration and Execution

MA 005

16165A

EFFECTIVE BEGIN DATE: 04-01-2017
EXPIRATION DATE: 03-31-2018
PAGE: 1 of 4

VENDOR:

KELTEK INC

VENDOR CONTACT:

Kelly Milligan

PHONE: 641-227-2222

EXT:

EMAIL: sales@keltekinc.com

ISSUER:

KARL WENDT

PHONE: 515-281-7073

EMAIL: Karl.Wendt@iowa.gov

PO Box 14

Baxter, IA 50028

FOB: FOB Dest, Freight Prepaid

Contract For: Laptops, and Tablets

All purchase orders issued by the purchasing entities with the jurisdiction of this Addendum must include the Master Price Agreement Number MNWNC-124.

State of Iowa executive branch agencies must purchase according to applicable system standards and seek approval from the State of Iowa - Office of the Chief Information Officer when required as directed by administrative code before purchasing from this contract.

Becky Woody
641-227-2222 ext. 222
Toll Free: 855-855-0328
Cell: 515-446-0745
Sales@keltekinc.com.
www.keltekinc.com

Discounts listed are for quantity of 1. For bulk purchases see contract for discount rate.

RENEWAL OPTIONS

FROM 04-01-2018 **TO** 03-31-2019

AUTHORIZED DEPARTMENT

ALL

SUB Other Governmental Entities

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR	STATE OF IOWA
CONTRACTOR'S NAME (If other than an individual, state whether a corp, partnership, etc.)	AGENCY NAME
BY (Authorized Signature) Date Signed	BY (Authorized Signature) Date Signed
Printed Name and Title of Person Signing	Printed Name and Title of Person Signing
Address	Address



STATE OF IOWA
MASTER AGREEMENT
Contract Declaration and Execution

MA 005

16165A

EFFECTIVE BEGIN DATE: 04-01-2017

EXPIRATION DATE: 03-31-2018

PAGE: 2 of 4

LINE NO.	QUANTITY / SERVICE DATES	UNIT	COMMODITY / DESCRIPTION	UNIT COST / PRICE OF SERVICE
1	0.00000	EA	204	\$ 0.000000 \$ 0.000000
REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL				
COMPUTER HARDWARE AND PERIPHERALS FOR MICROCOMPUTERS				
Laptop				
16 % off Panasonic SRP				
2	0.00000	EA	204	\$ 0.000000 \$ 0.000000
REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL				
COMPUTER HARDWARE AND PERIPHERALS FOR MICROCOMPUTERS				
Tablet				
12% off Panasonic SRP				
3	0.00000	EA	204	\$ 0.000000 \$ 0.000000
REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL				
COMPUTER HARDWARE AND PERIPHERALS FOR MICROCOMPUTERS				
Business Rugged Equipment				
9% off Panasonic SRP				
4	0.00000	EA	207	\$ 0.000000 \$ 0.000000
REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL				
COMPUTER ACCESSORIES AND SUPPLIES				
Multimedia Display Accessories				
10% off Panasonic SRP				
5	0.00000	EA	207	\$ 0.000000 \$ 0.000000
REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL				
COMPUTER ACCESSORIES AND SUPPLIES				
Multimedia - Pro Audio/Visual				
3% off Panasonic SRP				
6	0.00000	EA	207	\$ 0.000000 \$ 0.000000



STATE OF IOWA
MASTER AGREEMENT
Contract Declaration and Execution

MA 005

16165A

EFFECTIVE BEGIN DATE: 04-01-2017

EXPIRATION DATE: 03-31-2018

PAGE: 3 of 4

LINE NO.	QUANTITY / SERVICE DATES	UNIT	COMMODITY / DESCRIPTION	UNIT COST / PRICE OF SERVICE
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REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL

COMPUTER ACCESSORIES AND SUPPLIES
Arbitrator

11 % off Panasonic SRP

7	0.00000	EA	207	\$ 0.000000
				\$ 0.000000

REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL

COMPUTER ACCESSORIES AND SUPPLIES
Whiteboard Accessories

13% off Panasonic SRP

8	0.00000	EA	207	\$ 0.000000
				\$ 0.000000

REF DOC: REF VNDR LN: REF COMM LN: REF TYPE: FINAL

COMPUTER ACCESSORIES AND SUPPLIES
Value Items

5% off Panasonic SRP



**STATE OF IOWA
MASTER AGREEMENT**

Contract Declaration and Execution

MA 005

16165A

EFFECTIVE BEGIN DATE: 04-01-2017

EXPIRATION DATE: 03-31-2018

PAGE: 4 of 4

TERMS AND CONDITIONS

Referenced Terms

The parties agree to comply with the terms and conditions pursuant to the bid process which are by this reference made a part of the Agreement.