

SPECIAL CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, December 4, 2019; 5:30 PM

City Hall, 226 W 4th St, Council Chambers

****LAST CITY COUNCIL MEETING OF 2019****

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Agenda Items

1. Third Consideration: Ordinance amending various titles, chapters, and sections of the Davenport Municipal Code related to outdated references to the old Zoning Ordinance (City of Davenport, petitioner). [All Wards]
2. Resolution for Case P19-04 being the request of Verbeke-Meyer Consulting Engineers, PC for a Preliminary Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7]
3. Resolution for Case F19-18 being the request of Verbeke-Meyer Consulting Engineers, PC for a Final Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7]
4. Resolution for Case P19-05 being the request of Jason McCoy for a preliminary plat for a 53-lot subdivision on 18.48 acres, more or less, located on the west side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7]
5. Resolution for concurrent approval of the license agreement with Viking USA, LLC. [Ward 3]
6. Resolution approving the participation with the State of Iowa in a Safety Equipment contract with Fastenal Company. [All Wards]
7. Resolution accepting work completed under the Elmwood Ave Reconstruction Project, CIP #35036. The total contract with Hawkeye Paving Corporation was \$367,876.14. [Ward 3]
8. Resolution accepting work completed under the High Street Flood Mitigation Project, CIP #33020. The total contract with Langman Construction, Inc was \$201,103.36. [Ward 4]
9. Resolution accepting the Sterilite Intersection Improvements Project completed by Absolute Concrete Construction, Inc of Slater, IA. This project was completed with a final contract amount of \$2,115,453.12, CIP #35029. [Ward 8]

10. Resolution adopting the FY21 Budget Policies. [All Wards]
11. Motion awarding a contract for assisted housing turnover services to Twin Bridge Construction, LLC of East Moline, IL. [All Wards]
12. Motion approving beer and liquor license applications.

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

Ward 3

Front Street Brewery (Front St Brewery Inc) - Parking lot of 421 W River Dr - Outdoor Area "Icestravaganza" January 17 - 18, 2020 - License Type: C Liquor

VI. Recognition of Service

VII. Public with Business

1. 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.

VIII. Adjourn

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Ryan Rusnak 563-888-2022
Wards:

Action / Date
11/6/2019

Subject:

Third Consideration: Ordinance amending various titles, chapters, and sections of the Davenport Municipal Code related to outdated references to the old Zoning Ordinance (City of Davenport, petitioner). [All Wards]

Recommendation:
Adopt the Ordinance.

Background:

The proposed ordinance would amend various titles, chapters and sections of the Davenport Municipal Code related to outdated references to the old Zoning Ordinance. Staff recognizes that certain committees of the City Council would consider certain Chapters of the Davenport Municipal Code. However, for simplicity and because the majority of the amendments are due to the new Zoning Ordinance, staff placed the request on the Community Development Committee agenda.

A summary of the proposed changes are as follows:

Sections 1, 2, 3, 5, 7, 13, 14. Amend and/or delete outdated references to Title 17, entitled "Zoning."

Section 4. Amend outdated reference to Title 17, entitled "Zoning". Additionally, remove measurement from the curbline or outside edge of a public right-of-way, thus making the 15 foot setback from the public right-of-way.

Section 6. Amend Section 8.15.120, entitled "Existing installations" by defining a substantial alteration and articulating that the section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer. The City is obligated under the Iowa Department of Natural resources to remove inflow and infiltration from the sanitary sewer system. The impact of these types of connections can be significant as the additional volume of water can lead to overflows in the collection system and added cost for wastewater treatment.

Section 8. Delete outdated references to Title 17, entitled "Zoning". Additionally, amend the obstruction permit time period to 30 days, which reflects Public Works' standard practice.

Section 9. Amend Section 13.16.033, entitled "Discharge of surface waters" by clarifying that it would be unlawful to make or to have any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer. The City is obligated under the Iowa Department of Natural

resources to remove inflow and infiltration from the sanitary sewer system. The impact of these types of connections can be significant as the additional volume of water can lead to overflows in the collection system and added cost for wastewater treatment.

Section 10. Delete definitions "Apartment/condominium property," "Developed agricultural property," and "Duplex" and delete list of the nonresidential properties. The definitions mirrored old Zoning Ordinance definitions.

Sections 11 and 12. Amend outdated reference to Title 17, entitled "Zoning" and amend "flood plain district" to "flood plain hazard area," which reflects current language in Chapter 15.44, entitled "Flood Damage Protection."

Sections 15, 16, 17, 18, 19 and 20. Amend outdated reference to Title 17, entitled "Zoning." Additionally, amend various chapters and sections to update the subdivision regulations.

- Preliminary plats (section 16) - Expand the exemption for preliminary plats, delete and amend language regarding the submittal process, required information to be submitted and the approval standards, and allow for the Zoning Administrator to grant a twelve month extension.
- Final plats (section 17) - Delete and amend language regarding the submittal process, required information to be submitted and the approval standards, and amend language regarding additional information requested by the City Engineer.
- Requirements for subdividing (section 18) - Delete minimum lot width and depth requirements and default to the minimum lot width and depth requirements in Title 17, entitled "Zoning" and delete the requirement to show building lines on a final plat as building lines may change by Zoning Map amendments or by future amendments to the Zoning Ordinance.
- Conservation subdivision option (section 19) - Delete this chapter entirely since the "Planned Unit Development" process in Title 17, entitled "Zoning", provides for this type of flexibility.
- Improvements (section 20) - Delete and amend language regarding the approval of plans for subdivision improvements, the time period of approval, and the timing of the installation and acceptance of subdivision improvements.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance - Clean
▣ Backup Material	Ordinance - Strike Through and Underline

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	10/31/2019 - 11:47 AM
Community Development Committee	Berger, Bruce	Approved	10/31/2019 - 11:48 AM
City Clerk	Admin, Default	Approved	10/31/2019 - 12:22 PM

ORDINANCE NO. 2019 -

Request of the City of Davenport to amend various titles, chapters and sections of the Davenport Municipal Code, specifically by amending Section 5.09.030 of the Davenport Municipal Code, entitled "Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)" by amending outdated references to chapters in Title 17 of the Davenport Municipal Code, by amending Section 5.10.105 of the Davenport Municipal Code, entitled "Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)" by deleting outdated reference to a section and chapter in Title 17 of the Davenport Municipal Code, by amending Section 5.10.210 of the Davenport Municipal Code, entitled "Prohibited sales and acts" by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M, by amending Section 5.17.030 of the Davenport Municipal Code, entitled "Sales regulations (Section 5.17.030.H only)" by deleting language regarding measurement to a curblin and amending outdated reference to a section in Title 17 of the Davenport Municipal Code, by amending Section 6.06.040 of the Davenport Municipal Code, entitled "Zoning districts allowed" by amending outdated reference to zoning classifications in Title 17 of the Davenport Municipal Code, by amending Section 8.15.120 of the Davenport Municipal Code, entitled "Existing installations" by defining "substantial renovation" and by adding language that the section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer, by amending Section 8.17.080 of the Davenport Municipal Code, entitled "Abatement of dangerous buildings" by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending Section 12.36.090 of the Davenport Municipal Code, entitled "Obstructions – permit required" by deleting outdated reference to sections in Title 17 of the Davenport Municipal Code, by deleting redundant language, by amending language such that the duration of all permits shall be 30 days and by reordering said section, by amending Section 13.16.033 of the Davenport Municipal Code, entitled "Discharge of surface waters" by amending language such that surface water, groundwater, storm water, roof runoff, or subsurface drainage may not be connected directly or indirectly to a public sanitary sewer, by amending Section 13.33.030 of the Davenport Municipal Code entitled "Definitions" by deleting the definitions "Apartment/condominium", "Developed agricultural property" and "Duplex", by deleting the list of nonresidential properties in the definition of "Nonresidential properties", and by reordering said section, by amending Section 15.12.040 of the Davenport Municipal Code entitled "Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)" by amending an outdated code reference and by amending "flood plain district" to "flood plain hazard area", by amending Section 15.12.052 of the Davenport Municipal Code entitled "Chapter 3 International Residential code modified (Section 15.12.052.F only)" by amending an outdated code reference and by amending "flood plain district" to "flood plain hazard area", by amending Section 15.30.010 of the Davenport

Municipal Code entitled "Licensing generally (Section 15.30.010.B only)" by amending an outdated code reference, by amending Section 15.44.070 of the Davenport Municipal Code entitled "Definitions (definition of Manufactured Home Park or Subdivision only)" by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending Section 16.04.040 of the Davenport Municipal Code, entitled "Building Line" by deleting the definition and renaming said section to "Reserved", by amending Chapter 16.16 of the Davenport Municipal Code entitled "Preliminary Plats" by amending Section 16.16.010 of the Davenport Municipal Code, entitled Preliminary plats" by amending language such that the exception for requiring a preliminary plat is expanded, by amending Section 16.16.020 entitled "Submission of preliminary plat – contents" by renaming said section to "Application" and by deleting and amending language in said section regarding the submittal process and the required information to be submitted, by amending Section 16.16.030 entitled "Conformance with minimum standards" by renaming said section to "Approval standards" and by amending language in said section regarding the Plan and Zoning Commission and City Council approval process and by amending Section 16.16.050, entitled "Voidable when" by amending language such that the Zoning Administrator may grant a twelve month extension, by deleting Section 16.20.010, entitled "Conditions for approval", by deleting Section 16.20.020, entitled "Scale", by amending Section 16.20.030, entitled "Copies to be submitted – supplemental information" by renumbering Section 16.20.030 to Section 16.20.010, by renaming said section to "Application", by amending language in said section regarding the submittal process and the required information to be submitted and articulating that the Zoning Administrator may allow for the Preliminary Plats and Final Plats to be submitted concurrently, by creating Section 16.20.020, entitled "Plan and zoning commission approval standards" by adding language regarding the Plan and Zoning Commission approval standards, by amending Section 16.20.040, entitled "Material to be filed prior to consideration" by renumbering Section 16.20.040 to Section 16.20.030, by renaming said section to "Information to be submitted prior to city council consideration", by amending language in said section regarding the information to be submitted, by creating section 16.20.040, entitled "City Council approval standards" and adding language regarding approval standards, by amending Section 16.20.050, entitled "Submission of data to city engineer" by deleting and adding language regarding the data to be submitted to the city engineer, by deleting Section 16.20.060, entitled "Final approval", by amending Section 16.20.070, entitled "Compliance" by renumbering Section 16.20.070 to Section 16.20.060 and amending outdated Iowa Code reference, by amending Section 16.24.080 of the Davenport Municipal Code entitled "Lots" by deleting minimum lot width and depth language, by amending Section 16.24.090 of the Davenport Municipal Code entitled "Building Lines" by deleting the language in the section and renaming said section to "Reserved", by amending Chapter 16.26 of the Davenport Municipal Code entitled "Conservation Subdivision Option" by deleting the language in the chapter and renaming said chapter to "Reserved", by amending Chapter 16.28 of the Davenport Municipal Code entitled "Improvements" by renaming the chapter to "Subdivision Improvements", by amending Section 16.28.010 of the Davenport Municipal Code, entitled "Required" by amending language such that subdivision improvements shall not be installed prior to a final plat being approved and recorded, by deleting Section 16.28.020 entitled "Instruments may be filed in lieu of final completion - exceptions" by amending Section 16.28.030 of the Davenport Municipal Code, entitled "Minimum required" by renaming said section to "Subdivision improvements required", by

adding language regarding the approval of plans for subdivision improvements, the time period of approval and the timing of the installation and acceptance of subdivision improvements, by amending Section 16.28.030 entitled “Streets” by renumbering Section 16.28.030 to Section 16.28.020 and by deleting language in existing said section language and adding language regarding construction standards, by deleting Section 16.28.045, entitled “Street signs”, by amending Section 16.28.050 entitled “Sidewalks” by renumber Section 16.28.050 to Section 16.28.040 and by deleting and adding language regarding construction standards, by amending Section 16.28.060 entitled “Sewers” by renumber Section 16.28.060 to Section 16.28.050 and by deleting language existing section language and adding language regarding construction standards and by amending Section 16.28.070 entitled “Monuments” by renumber Section 16.28.070 to Section 16.28.060.

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

Section 1. Section 5.09.030 of the Davenport Municipal Code, entitled “Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)” is hereby amended as follows:

5.09.030 Business regulations.

- G. Notwithstanding the requirements for off-street parking contained in Title 17 of the Davenport Municipal Code, motor vehicle dealerships shall provide at least one off-street parking space for customer use for each repair stall required under this chapter.
- H. It is unlawful for any person to operate a motor vehicle dealership unless the surface of such motor vehicle dealership lot has first been paved in conformance with the requirements of Title 17 of the Davenport Municipal Code. If an applicant is able to demonstrate that he or she is waiting for a Department of Natural Resources permit concerning an underground storage tank, a temporary surface of seal-coated gravel will satisfy the requirements of this section for a period of twelve months immediately succeeding the application date. Upon proper demonstration that DNR approval is still pending, the twelve-month period may be renewed for a like time period. It is unlawful for any person operating or concerned with the operation of an outdoor motor vehicle parking space in the city to permit dust, dirt, or other debris to accumulate upon the surface of such parking space or to blow from such surface.
- K. The provisions of this chapter expressly apply to motor vehicle dealerships. Any requirements not contained in this chapter, but expressly contained in Title 17 of the Davenport Municipal Code, shall also govern the operation of a motor vehicle dealership.

Section 2. Section 5.10.105 of the Davenport Municipal Code, entitled “Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)” is hereby amended as follows:

5.10.105 Permits and licenses – distance separation provisions.

- A. No application for a class A, class B, class C, or class E liquor store control license or a wine permit or a beer permit shall be approved if the property upon which such licensed or permitted activity will occur is located within six hundred feet, including public rights-of-way, of a state registered child development home, state licensed child care center, or

public or private elementary or secondary school. However, an application within six hundred feet, but not immediately abutting, a state registered child development home or state licensed child care center may be approved if the city council upon a hearing grants a waiver to this rule. The city council may grant the waiver if it determines the following exists: (1) the affected child development home or care center consents to the granting of the waiver; or (2) sufficient buffering exists to adequately mitigate the visual, sound, and foot traffic likely to be generated by the applicant, such as: (a) an arterial roadway, (b) at least one hundred feet of natural buffering like woods, ravines, waterways, or wetlands, or (c) similar or greater visual, sound, and physical separation as set forth in paragraphs (a) and (b) immediately above. "Physical separation" refers to the ease and options for pedestrian movement.

- B. The prohibitions contained in subsections A and F shall not apply to hotels offering restaurant service, formally organized clubs operated solely for objects of national or state-wide social, patriotic, benevolent or similar purposes, pharmacies, or restaurants where the sale of alcoholic beverages is not the principal business carried on; nor to the renewal of a license or permit for the sale and consumption on premises that are located within six hundred feet of a state registered child development home, state licensed child care center or school if the premises was previously licensed or permitted prior to the establishment of the distance separation limitation and said license or permit has not expired or lapsed for a period of six months or more. "Hotel" as used in this section means a premises licensed by the state and regularly kept open for the lodging of transient guests but does not include a facility licensed as a bed and breakfast. "Restaurant" as used in this section means any retail establishment, the principal business of which consists of the sale of food products for consumption on the premises. The volume of food sales—not including the sale of alcoholic beverages, tobacco sales and non-food product sales—shall not be less than fifty percent of the total dollar volume of sales made by the establishment. It shall be presumed that the sale of alcoholic beverages by the holder of a liquor control license or class B beer permit constitutes more than fifty percent of the volume of all sales, which presumption may be overcome by furnishing a verified statement of total dollar volume of all sales which also shows as separate line items total dollar sales figures for food, alcoholic beverages, tobacco sales and non-food product sales for the six months immediately preceding the application or renewal, or by providing an affidavit by the business's certified public accountant or chief financial officer stating the gross income breakdown, or a copy of the business's state income tax form showing the income breakdown. Failure to rebut the presumption at the end of the first year by meeting the fifty percent nonalcoholic beverage income requirement disqualifies the business from continuing to hold a liquor license, beer or wine permit at the location for which the special use permit was granted. A statement as to how the business operation will or is proposed to operate or its estimated income projections are not sufficient or adequate to overcome the presumption.

Section 3. Section 5.10.210 of the Davenport Municipal Code, entitled "Prohibited sales and acts (Sections 5.10.210.K, 5.10.210.L and 5.10.210.M only)" is hereby amended by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M.

Section 4. Section 5.17.030 of the Davenport Municipal Code, entitled “Sales regulations. (Section 5.17.030.H)” is hereby amended as follows:

Section 5.17.030 Sales regulations.

- H. Any display of tangible personal property offered for sale and any signs or advertising shall be at least fifteen feet from the public right-of-way. Signs must comply with Title 17 of the Davenport Municipal Code.

Section 5. Section 6.06.040 of the Davenport Municipal Code, entitled “Zoning districts allowed” is hereby amended as follows:

Section 6.06.040 Zoning districts allowed.

Permits may be granted for tracts of land with a single family dwelling, as defined by Title 17 of the Davenport Municipal Code, being the principal use.

Section 6. Section 8.15.120 of the Davenport Municipal Code, entitled “Existing installations) is hereby amended as follows.

Section 8.15.120 Existing installations.

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs, the work must meet existing code. Substantial alteration occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed or appraised building value. Notwithstanding the foregoing, any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code. This section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

Section 7. Section 8.17.080 of the Davenport Municipal Code, entitled “Abatement of dangerous buildings” is hereby amended as follows:

Section 8.17.080 Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the authorized official to be dangerous as defined in this code are hereby declared to be public nuisances and

shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code.

Section 8. Section 12.36.090 of the Davenport Municipal Code, entitled “Obstructions – permit required” is hereby amended as follows:

Section 12.36.090 Obstructions – permit required.

- A. No person shall place any obstruction in or above any street, alley, or other public property without first obtaining a permit from the engineering division of public works ("engineering") pursuant to this section and Chapter 12.40 of the Davenport Municipal Code.
- B. Application for a permit shall be filed with engineering along with a nonrefundable application review fee of ten dollars and proof of liability insurance in the amount of at least one hundred thousand dollars per incident. Failure to pay the ten dollar review fee or provide proof of insurance will result in automatic rejection of the application.
- C. Engineering shall review the application and approve it, if acceptable. In reviewing the application, engineering shall consider the need to use this location, the adequacy of the unobstructed space, the applicant's prior compliance with these regulations, the standards and specifications of the Iowa Manual on Uniform Traffic Control Devices.
- D. The permittee shall defend and hold harmless the city against any loss, cost, or damage resulting from or related to permittee's occupation of the right-of-way.
- E. The duration of the permit shall be thirty days. A onetime extension for an equal period of time may be granted by engineering if the extension is necessitated by events outside the control of permittee.
- F. The judgment of engineering in the granting or extending of a permit is final. Additionally, the decision of engineering to revoke a permit for failure to comply with this section shall be final.
- G. A violation of this section is punishable as follows:

Type I Violations

1st Offense—\$250; 2nd—\$350; 3rd & Subsequent—\$500

No permit

Failure to Comply with Iowa Manual on Uniform Traffic Control Devices or Instructions from Traffic Engineering

Type II Violation

1st Offense—\$100; 2nd—\$150; 3rd & Subsequent—\$200

Expired Permit (for first 7 days after expiration date only, subsequently fined as No Permit)

The city may seek other administrative, legal, or equitable relief in addition to or in lieu of the fine.

Each day a violation exists may be charged as a separate offense.

Section 9. Section 13.16.033 of the Davenport Municipal Code, entitled “Discharge of surface waters” is hereby amended as follows:

Section 13.16.033 Discharge of surface waters.

It is unlawful to make or to have any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

Section 10. Section 13.33.030 of the Davenport Municipal Code entitled "Definitions" is hereby amended as follows:

Section 13.33.030 Definitions.

- A. "Adjustment" means a modification in a nonresidential customer's stormwater service fee for certain activities that impact stormwater runoff or impacts the city's costs of providing stormwater management.
- B. "Director" means the director of the department of public works or designee.
- C. "Equivalent residential unit (ERU)" means a value, equal to two thousand six hundred square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the city of Davenport.
- D. "Impervious area" means areas that have been paved and/or covered with buildings and materials, which include, but are not limited to, concrete, asphalt, rooftop, gravel, and blacktop.
- E. "Nonresidential properties" means all properties not encompassed by the definition of residential shall be defined as nonresidential.
- F. "Residential property" means all single-family and two-family dwelling properties, as defined by Title 17 of the Davenport Municipal Code, within the city of Davenport.
- G. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- H. "Stormwater facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structural components.
- I. "Storm sewer" means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.
- J. "Stormwater service charge" means a charge assessed to users of the city's stormwater collection, impounding and transportation system.
- K. "Stormwater drainage system" means all man-made facilities, structures, and natural watercourses owned by the city of Davenport, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

Section 11. Section 15.12.040 of the Davenport Municipal Code entitled "Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)" is hereby amended as follows:

Section 15.12.040 Additions, deletions and amendment to the International Building Code

- F. Delete all references to National Fuel Gas Code and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105) Fuel gas piping." Fuel gas piping shall comply with the State Plumbing Code.

NOTE:

1. All permits and regulations for the construction, encroachment and installation or maintenance within the public right-of-way and upon dedicated storm, sewer and access easements and the installation of public sidewalks, curb cuts, and drives are administered by the Department of Construction and Engineering.
2. See the Sign Ordinance of the City of Davenport for limitations on the encroachment of signs onto public property.
3. See Chapter 15.44 of the Davenport Municipal Code for development for construction within a flood hazard area.
4. See Iowa Administrative Code 641 Chapter 25 for the regulation of plumbing, potable water supply, drain, waste and venting and hydronic systems servicing buildings.
5. See Iowa Administrative Code 641 Chapter 61 for the regulation of heating, air conditioning and mechanical systems for environmental conditions and process within buildings.
6. See Iowa Administrative Code 661 Chapter 504 and Chapter 15.16 of the Davenport Municipal Code for standards for electrical work.

Section 12. Section 15.12.052 of the Davenport Municipal Code entitled "Chapter 3 International Residential code modified (Section 15.12.052.F only)" is hereby modified as follows:

Section 15.12.052 Chapter 3 International Residential Code modified.

- F. Delete Section R322 "Flood Resistant Construction" in its entirety.

Note: Chapter 15.44 of the Davenport Municipal Code for development or construction within a flood hazard area.

Section 13. Section 15.30.010 of the Davenport Municipal Code entitled "Licensing generally (Section 15.30.010.B only)" is hereby amended as follows:

Section 15.30.010 Licensing generally.

- B. No person, firm, partnership or corporation shall engage in sign contracting without having a current valid license issued in accordance with this chapter. The term sign contracting shall mean being engaged in the performance or supervision of work regulated by the provisions of Section 17.12.060 of the Davenport Municipal Code, entitled Sign Permit Required.

Section 14. Section 15.44.070 of the Davenport Municipal Code entitled "Definitions (definition of Manufactured Home Park or Subdivision only)"

Section 15.44.070 Definitions.

"Manufactured home park or subdivision" shall mean a tract designed to accommodate manufactured home sites.

Section 15. Section 16.04.040 of the Davenport Municipal Code, entitled "Building Line" is hereby amended as follows:

16.04.040 Reserved.

Section 16. Chapter 16.16 of the Davenport Municipal Code entitled "Preliminary Plats" is hereby amended as follows:

Chapter 16.16 Preliminary Plats

16.16.010 Requirements.

A Preliminary Plat containing three lots or less, or a preliminary plat not proposing the dedication of public infrastructure, may be exempted from the requirements of the preliminary plat as set forth in this chapter. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision.

16.16.020 Application.

The applicant must file an application with the Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code. The application must be on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. The preliminary plat shall contain or be supplemented by all the following, but not limited to, information:

- A. The location of present property lines, section lines, easements, corporate limits and other legally established districts, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto;
- B. The proposed location and width of streets, alleys, and lots. Street and alley information shall be supplemented with a typical roadway section;
- C. The location of existing and proposed public or private infrastructure, including but not limited to, sanitary sewers, water mains, stormwater management and drainage systems and other underground structures within the tract and immediately adjacent thereto;
- D. Proposed name of the subdivision (which shall not duplicate any previously filed plat), the name of the land owner, land developer, and land surveyor;
- E. Existing and proposed contours with intervals of five feet or less;
- F. North arrow, scale and date;
- G. A vicinity sketch showing the proposed subdivision in relationship to surrounding development and street systems.
- H. The city engineer, or designee, may request additional data and/or information to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

16.16.030 Approval standards.

The plan and zoning commission shall evaluate the preliminary plat pursuant to the minimum standards and requirements as outlined in this chapter. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council within forty-five days after the submission of a complete application, unless an extension is agreed to by the applicant. The City Council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. The approval of the preliminary plat does not constitute acceptance with the subdivision by the city, but is deemed to be an authorization to proceed with the preparation of the final plat.

16.16.040 Revocability.

Approval of the preliminary plat, or any portion thereof not final platted is revocable by the city plan and zoning commission.

16.16.050 Voidable when.

If neither a part nor all of the preliminary plat is approved by the city council as a final plat within one year after the approval of the preliminary plat, the preliminary plat shall be void unless a twelve month extension is granted by the Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code.

If only part of a preliminary plat is approved as a final plat, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of sixty months before another phase of the plat must be submitted in final form.

Section 17. Chapter 16.20 of the Davenport Municipal Code entitled “Final Plats” is hereby amended as follows:

Chapter 16.20 Final Plats

16.20.010 Application.

After final approval of the preliminary plat, if required, the subdivider may submit a final plat. A preliminary plat and final plat for a smaller-scale subdivision may be submitted concurrently. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision. The applicant must file an application with the Zoning Administrator on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. The final plat shall show or be supplemented by the following information:

- A. The boundary lines of the area being subdivided with accurate distances and bearings;
- B. The accurate outline of any property which is offered for dedication for public use;
- C. The lines of all adjoining lands;
- D. All lot lines and an identification system for lots and blocks;
- E. Right-of-way and easements provided for public use, services or utilities, or excess storm water passageways with names and figures showing their dimensions;
- F. All dimensions, both linear and angular, necessary for locating subdivision boundaries, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a hundredths of a foot;

- G. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners;
- H. All survey monuments with their descriptions;
- I. Name of subdivision and description of property subdivided showing its location by distance and bearing to the nearest quarter section monument or two previously established lot corners both labeled with description of each corner;
- J. North arrow, scale and date;
- K. Certification by a Professional Land Surveyor under the laws of the state, to the effect that the plan represents a survey made by him or her and that all necessary survey monuments are correctly shown thereon;
- L. Low water entry elevation for lots abutting an excess storm water passageway;
- M. Certification by an authorized representative of the public service or utility companies concerned that easements shown on the plat are satisfactory for their requirements.

16.20.020 Plan and zoning commission approval standards.

The plan and zoning commission shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter and conformance with the approved preliminary plat. The plan and zoning commission may approve a final plat that is not strictly in conformance with the preliminary plat if modifications are deemed minor and final plat is deemed to be in general conformance with the approved preliminary plat. The plan and zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council within forty-five days after the submission of a complete application, unless an extension is agreed to by the applicant.

16.20.030 Material to be filed prior to city council consideration.

The following material shall be filed with the Zoning Administrator, as defined in Title 17 of the Davenport City Code, in such quantity and submittal deadlines as required by the instructions:

- A. Surveyor certificate;
- B. Dedication of owner;
- C. Certification of consent of mortgage holder, if applicable;
- D. Attorney's certificate;
- E. Acceptance by the city;
- F. Auditor approval of subdivision name;
- G. Treasurer's certificate;
- H. A hold-harmless agreement protecting the city from any damages, claims, or suits resulting from the construction and development by the owner and/or subdivider. Said agreement shall be approved as to format by the city attorney's office, and recorded with the plat;
- I. An assessment waiver to be approved by the council prior to the acceptance of the final plat which shall provide that the city may without notice construct and install the improvements and assess the total cost thereof against the subdivided property in accordance with city and state requirements regarding special assessments, and that the subdividers, for themselves, their heirs, their grantees, their assigns, and all subsequent

owners of any part of the subdivided area waive all formalities, rights of protest, and rights of appeal to the construction and installation of the improvements by the city and to the assessment of the total cost thereof against the subdivided area even though the cost may exceed the amount that can legally be assessed against the subdivided area by the city. The assessment waiver shall further provide that the subdivider and the persons who own the property benefited by the improvements at the time construction and installation of the improvements is initiated by the city shall be jointly and severally liable for any difference between the cost of the improvements and the amount which can be legally assessed by the city against the subdivided area.

16.20.040 City Council approval standards

The city council shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter and conformance with the approved preliminary plat. The city council may approve a final plat that is not strictly in conformance with the preliminary plat if modifications are deemed minor and final plat is deemed to be in general conformance with the approved preliminary plat. The city council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. This 60-day time shall not apply if the applicant fails to provide the material enumerated in Section 16.20.030 of the Davenport Municipal Code.

16.20.050 Submission of data to city engineer.

The city engineer, or designee, may request data to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

16.20.060 Compliance.

Before it is recorded in the office of the county recorder, the provisions of Chapter 354 of the Code of Iowa, and amendments thereto, shall be complied with.

Section 18. Sections 16.24.080 of the Davenport Municipal Code entitled “Lots” and Section 16.24.090 of the Davenport Municipal Code entitled “Building Lines” is hereby amended as follows:

16.24.080 Lots.

- A. All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan.
- B. All lots platted in a subdivision shall have frontage on a platted street or officially approved private street unless the lot arrangement has been approved by the city council upon recommendation by the city plan and zoning commission.
- C. The minimum dimensions for lots no less than what is required by the zoning district in which the property is located.
- D. Corner lots shall have extra width sufficient to permit required building setback lines on both front and side streets.
- E. Should a subdivision be on or overlap the city limits, it shall be platted so the city limit boundary shall be along a street centerline or shall be a lot line. In no case shall a lot be platted so as to be bisected by the city limit boundary line.

Section 19. Chapter 16.26 of the Davenport Municipal Code entitled “Conservation Subdivision Option” is hereby amended as follows:

Chapter 16.26 Reserved.

Section 20. Chapter 16.28 of the Davenport Municipal Code entitled “Improvements” is hereby amended as follows:

Chapter 16.28 Subdivision Improvements

16.28.010 Required.

The final plat of any subdivided area shall be approved and recorded prior to the subdivider making and/or installing any of the improvements described in this chapter.

16.28.020 Subdivision improvements required.

The minimum improvements installed in any subdivision shall be in accordance with the provisions set forth in sections 16.28.030 through 16.28.060.

The city engineer, or designee, shall approve plans for subdivision improvements prior to any construction related to subdivision improvements or buildings and/or site improvements on lots connecting to said subdivision improvements. Subdivision improvement plan approval expires if construction has not begun within one year after the date of the approval. An extension of this one year validity period may be granted by the city engineer, or designee, prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

No certificate of occupancy (temporary) or permanent) shall be issued until all subdivision improvements are constructed and/or installed and accepted by the city.

16.28.030 Streets.

All streets shall be constructed in accordance with Title 12 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

16.28.040 Sidewalks.

Sidewalks shall be constructed along the right-of-way of each street in accordance with Title 12 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

16.28.050 Sewers.

Sewers shall be constructed in accordance with Title 13 of the Davenport Municipal Code, entitled public systems, and the most recent city standards and specifications.

16.28.060 Monuments.

Steel rods, a minimum of one-half inch in diameter and twenty-four inches long shall be in place on the site of the proposed subdivision marking all block and lot corners, all points of curvature, all points of tangency, and all boundary corners before the final plat shall be approved by the city council.

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: _____

Published in the *Quad City Times* on _____

Frank Klipsch, Mayor

Attest: _____
Brian Krup, Deputy City Clerk

ORDINANCE NO. 2019 -

Request of the City of Davenport to amend various titles, chapters and sections of the Davenport Municipal Code, specifically by amending Section 5.09.030 of the Davenport Municipal Code, entitled “Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)” by amending outdated references to chapters in Title 17 of the Davenport Municipal Code, by amending Section 5.10.105 of the Davenport Municipal Code, entitled “Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)” by deleting outdated reference to a section and chapter in Title 17 of the Davenport Municipal Code, by amending Section 5.10.210 of the Davenport Municipal Code, entitled “Prohibited sales and acts” by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M, by amending Section 5.17.030 of the Davenport Municipal Code, entitled “Sales regulations (Section 5.17.030.H only)” by deleting language regarding measurement to a curblin and amending outdated reference to a section in Title 17 of the Davenport Municipal Code, by amending Section 6.06.040 of the Davenport Municipal Code, entitled “Zoning districts allowed” by amending outdated reference to zoning classifications in Title 17 of the Davenport Municipal Code, by amending Section 8.15.120 of the Davenport Municipal Code, entitled “Existing installations” by defining “substantial renovation” and by adding language that the section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer, by amending Section 8.17.080 of the Davenport Municipal Code, entitled “Abatement of dangerous buildings” by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending Section 12.36.090 of the Davenport Municipal Code, entitled “Obstructions – permit required” by deleting outdated reference to sections in Title 17 of the Davenport Municipal Code, by deleting redundant language, by amending language such that the duration of all permits shall be 30 days and by reordering said section, by amending Section 13.16.033 of the Davenport Municipal Code, entitled “Discharge of surface waters” by amending language such that surface water, groundwater, storm water, roof runoff, or subsurface drainage may not be connected directly or indirectly to a public sanitary sewer, by amending Section 13.33.030 of the Davenport Municipal Code entitled “Definitions” by deleting the definitions “Apartment/condominium”, “Developed agricultural property” and “Duplex”, by deleting the list of nonresidential properties in the definition of “Nonresidential properties”, and by reordering said section, by amending Section 15.12.040 of the Davenport Municipal Code entitled “Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)” by amending an outdated code reference and by amending “flood plain district” to “flood plain hazard area”, by amending Section 15.12.052 of the Davenport Municipal Code entitled “Chapter 3 International Residential code modified (Section 15.12.052.F only)” by amending an outdated code reference and by amending “flood plain district” to “flood plain hazard area”, by amending Section 15.30.010 of the Davenport Municipal Code entitled “Licensing generally (Section 15.30.010.B only)” by amending an outdated code reference, by amending Section 15.44.070 of the Davenport Municipal Code entitled “Definitions (definition of Manufactured Home Park or Subdivision only)” by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending

Section 16.04.040 of the Davenport Municipal Code, entitled “Building Line” by deleting the definition and renaming said section to “Reserved”, by amending Chapter 16.16 of the Davenport Municipal Code entitled “Preliminary Plats” by amending Section 16.16.010 of the Davenport Municipal Code, entitled Preliminary plats” by amending language such that the exception for requiring a preliminary plat is expanded, by amending Section 16.16.020 entitled “Submission of preliminary plat – contents” by renaming said section to “Application” and by deleting and amending language in said section regarding the submittal process and the required information to be submitted, by amending Section 16.16.030 entitled “Conformance with minimum standards” by renaming said section to “Approval standards” and by amending language in said section regarding the Plan and Zoning Commission and City Council approval process and by amending Section 16.16.050, entitled “Voidable when” by amending language such that the Zoning Administrator may grant a twelve month extension, by deleting Section 16.20.010, entitled “Conditions for approval”, by deleting Section 16.20.020, entitled “Scale”, by amending Section 16.20.030, entitled “Copies to be submitted – supplemental information” by renumbering Section 16.20.030 to Section 16.20.010, by renaming said section to “Application”, by amending language in said section regarding the submittal process and the required information to be submitted and articulating that the Zoning Administrator may allow for the Preliminary Plats and Final Plats to be submitted concurrently, by creating Section 16.20.020, entitled “Plan and zoning commission approval standards” by adding language regarding the Plan and Zoning Commission approval standards, by amending Section 16.20.040, entitled “Material to be filed prior to consideration” by renumbering Section 16.20.040 to Section 16.20.030, by renaming said section to “Information to be submitted prior to city council consideration”, by amending language in said section regarding the information to be submitted, by creating section 16.20.040, entitled “City Council approval standards” and adding language regarding approval standards, by amending Section 16.20.050, entitled “Submission of data to city engineer” by deleting and adding language regarding the data to be submitted to the city engineer, by deleting Section 16.20.060, entitled “Final approval”, by amending Section 16.20.070, entitled “Compliance” by renumbering Section 16.20.070 to Section 16.20.060 and amending outdated Iowa Code reference, by amending Section 16.24.080 of the Davenport Municipal Code entitled “Lots” by deleting minimum lot width and depth language, by amending Section 16.24.090 of the Davenport Municipal Code entitled “Building Lines” by deleting the language in the section and renaming said section to “Reserved”, by amending Chapter 16.26 of the Davenport Municipal Code entitled “Conservation Subdivision Option” by deleting the language in the chapter and renaming said chapter to “Reserved”, by amending Chapter 16.28 of the Davenport Municipal Code entitled “Improvements” by renaming the chapter to “Subdivision Improvements”, by amending Section 16.28.010 of the Davenport Municipal Code, entitled “Required” by amending language such that subdivision improvements shall not be installed prior to a final plat being approved and recorded, by deleting Section 16.28.020 entitled “Instruments may be filed in lieu of final completion - exceptions” by amending Section 16.28.030 of the Davenport Municipal Code, entitled “Minimum required” by renaming said section to “Subdivision improvements required”, by adding language regarding the approval of plans for subdivision improvements, the time period of approval and the timing of the installation and acceptance of subdivision improvements, by amending Section 16.28.030 entitled “Streets” by renumbering Section 16.28.030 to Section 16.28.020 and by deleting language in existing said section language and adding language

regarding construction standards, by deleting Section 16.28.045, entitled “Street signs”, by amending Section 16.28.050 entitled “Sidewalks” by renumber Section 16.28.050 to Section 16.28.040 and by deleting and adding language regarding construction standards, by amending Section 16.28.060 entitled “Sewers” by renumber Section 16.28.060 to Section 16.28.050 and by deleting language existing section language and adding language regarding construction standards and by amending Section 16.28.070 entitled “Monuments” by renumber Section 16.28.070 to Section 16.28.060. [Ward All]

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

Section 1. Section 5.09.030 of the Davenport Municipal Code, entitled “Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)” is hereby amended as follows:

5.09.030 Business regulations.

- G. Notwithstanding the requirements for off-street parking contained in ~~Chapters 17.30 and 17.44~~ Title 17 of the Davenport Municipal Code, motor vehicle dealerships shall provide at least one off-street parking space for customer use for each repair stall required under this chapter.
- H. It is unlawful for any person to operate a motor vehicle dealership unless the surface of such motor vehicle dealership lot has first been paved in conformance with the requirements of Title 17 of the Davenport Municipal Code ~~Chapter 17.56~~. If an applicant is able to demonstrate that he or she is waiting for a Department of Natural Resources permit concerning an underground storage tank, a temporary surface of seal-coated gravel will satisfy the requirements of this section for a period of twelve months immediately succeeding the application date. Upon proper demonstration that DNR approval is still pending, the twelve-month period may be renewed for a like time period. It is unlawful for any person operating or concerned with the operation of an outdoor motor vehicle parking space in the city to permit dust, dirt, or other debris to accumulate upon the surface of such parking space or to blow from such surface.
- K. The provisions of this chapter expressly apply to motor vehicle dealerships. Any requirements not contained in this chapter, but expressly contained in ~~Chapters 17.30, 17.42, or 17.44~~ Title 17 of the Davenport Municipal Code, shall also govern the operation of a motor vehicle dealership.

Section 2. Section 5.10.105 of the Davenport Municipal Code, entitled “Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)” is hereby amended as follows:

5.10.105 Permits and licenses – distance separation provisions.

- A. No application for a class A, class B, class C, or class E liquor store control license or a wine permit or a beer permit shall be approved if the property upon which such licensed or permitted activity will occur is located within six hundred feet, including public rights-of-way, of a state registered child development home, state licensed child care center, or public or private elementary or secondary school. However, an application within six hundred feet, but not immediately abutting, a state registered child development home

or state licensed child care center may be approved if the city council upon a hearing grants a waiver to this rule. The city council may grant the waiver if it determines the following exists: (1) the affected child development home or care center consents to the granting of the waiver; or (2) sufficient buffering exists to adequately mitigate the visual, sound, and foot traffic likely to be generated by the applicant, such as: (a) an arterial roadway as defined in section 17.04.010.15, (b) at least one hundred feet of natural buffering like woods, ravines, waterways, or wetlands, or (c) similar or greater visual, sound, and physical separation as set forth in paragraphs (a) and (b) immediately above. "Physical separation" refers to the ease and options for pedestrian movement.

- B. The prohibitions contained in subsections A and F shall not apply to hotels offering restaurant service, formally organized clubs operated solely for objects of national or state-wide social, patriotic, benevolent or similar purposes, pharmacies, or restaurants where the sale of alcoholic beverages is not the principal business carried on; nor to the renewal of a license or permit for the sale and consumption on premises that are located within six hundred feet of a state registered child development home, state licensed child care center or school if the premises was previously licensed or permitted prior to the establishment of the distance separation limitation and said license or permit has not expired or lapsed for a period of six months or more. "Hotel" as used in this section means a premises licensed by the state and regularly kept open for the lodging of transient guests but does not include a facility licensed as a bed and breakfast. "Restaurant" as used in this section means any retail establishment, the principal business of which consists of the sale of food products for consumption on the premises. The volume of food sales—not including the sale of alcoholic beverages, tobacco sales and non-food product sales—shall not be less than fifty percent of the total dollar volume of sales made by the establishment. It shall be presumed that the sale of alcoholic beverages by the holder of a liquor control license or class B beer permit constitutes more than fifty percent of the volume of all sales, which presumption may be overcome by furnishing a verified statement of total dollar volume of all sales which also shows as separate line items total dollar sales figures for food, alcoholic beverages, tobacco sales and non-food product sales for the six months immediately preceding the application or renewal, or by providing an affidavit by the business's certified public accountant or chief financial officer stating the gross income breakdown, or a copy of the business's state income tax form showing the income breakdown. ~~A business unable to rebut the presumption as provided shall be required to obtain a special use permit as provided for in Chapter 17.48, which permit, if approved, shall be conditioned upon the city's receipt of income information at the one year anniversary of the grant of the special use permit showing that the business does, in fact, meet the definition herein.~~ Failure to rebut the presumption at the end of the first year by meeting the fifty percent nonalcoholic beverage income requirement disqualifies the business from continuing to hold a liquor license, beer or wine permit at the location for which the special use permit was granted. A statement as to how the business operation will or is proposed to operate or its estimated income projections are not sufficient or adequate to overcome the presumption.

Section 3. Section 5.10.210 of the Davenport Municipal Code, entitled “Prohibited sales and acts (Sections 5.10.210.K, 5.10.210.L and 5.10.210.M only)” is hereby amended by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M.

Section 5.10.210 Prohibited sales and acts.

- ~~K. If business has ceased for a period of six months or more on any parcel of property for which a special use permit as provided in Section 17.48.020 was required and obtained, any new business for which a special use permit would be required shall, prior to operating from that same property, be required to apply for and obtain its own special use permit.~~
- ~~L. Any application or renewal which requests a change in class of license or permit from a less permissive privilege to a more expansive privilege shall require the licensee or permittee to obtain a special use permit as provided by Section 17.48.020.~~
- ~~M. The operation of a business required to hold a liquor license or beer or wine permit shall obtain a special use permit as approved by the zoning board of adjustment unless such business can establish that it qualifies as one of the businesses that is identified in subsections B and C as exempt, i.e., a hotel, restaurant, grocery store or pharmacy whose sales of alcoholic beverages do not account for more than fifty percent of gross income. Any business that does not have previous operations experience upon which to establish that it qualifies for an exemption shall obtain a special use permit.~~

Section 4. Section 5.17.030 of the Davenport Municipal Code, entitled “Sales regulations. (Section 5.17.030.H)” is hereby amended as follows:

Section 5.17.030 Sales regulations.

- ~~H. Any display of tangible personal property offered for sale and any signs or advertising shall be at least fifteen feet from the curbline or outside edge of a public right-of-way. Prohibited signs designated in Section 17.45.030 shall not be used. Signs must comply with subsection 17.45.050B, 4 Title 17 of the Davenport Municipal Code.~~

Section 5. Section 6.06.040 of the Davenport Municipal Code, entitled “Zoning districts allowed” is hereby amended as follows:

Section 6.06.040 Zoning districts allowed.

Permits may be granted for tracts of land with a single family residential dwelling, as defined by Title 17 of the Davenport Municipal Code, being the principal use located in the following residential districts: R-1, R-2, R-3, R-4, R-5, R-5M, R-6M, TND, or any residential zoning district which has a PUD overlay. In addition, permits may be granted for tracts of land with single family residential being the principal use located in the following commercial or industrial districts: O-T, C-O, C-1, C-2, M-1, M-2.

Section 6. Section 8.15.120 of the Davenport Municipal Code, entitled “Existing installations) is hereby amended as follows.

Section 8.15.120 Existing installations.

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs, the work must meet existing code. Substantial alteration occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed or appraised building value. Notwithstanding the foregoing, Any any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code. This section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

Section 7. Section 8.17.080 of the Davenport Municipal Code, entitled “Abatement of dangerous buildings” is hereby amended as follows:

Section 8.17.080 Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the authorized official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code. In nonemergency situations, a review under Chapter 17.23, entitled "Historic Preservation," shall be conducted when applicable.

Section 8. Section 12.36.090 of the Davenport Municipal Code, entitled “Obstructions – permit required” is hereby amended as follows:

Section 12.36.090 Obstructions – permit required.

- A. No person shall place any obstruction in or above any street, alley, or other public property without first obtaining a permit from the engineering division of public works ("engineering") pursuant to this section and Chapter 12.40 of the Davenport Municipal Code.
- B. Application for a permit shall be filed with engineering along with a nonrefundable application review fee of ten dollars and proof of liability insurance in the amount of at least one hundred thousand dollars per incident. Failure to pay the ten dollar review fee or provide proof of insurance will result in automatic rejection of the application.

- C. Engineering shall review the application and approve it, if acceptable. In reviewing the application, engineering shall consider the need to use this location, the adequacy of the unobstructed space, the applicant's prior compliance with these regulations, the standards and specifications of the Iowa Manual on Uniform Traffic Control Devices, and the visibility triangles as described in Section 17.42.080.
- ~~D. The permittee must comply with the Iowa Manual on Uniform Traffic Control Devices and the visibility triangles as described in Section 17.42.080.~~
- ~~E.D.~~ The permittee shall defend and hold harmless the city against any loss, cost, or damage resulting from or related to permittee's occupation of the right-of-way.
- ~~F.E.~~ ~~For residential roofing or cleaning projects, the~~ The duration of the permit shall be ~~seven~~ thirty days. ~~In all other cases the permit shall be for thirty days.~~ A onetime extension for an equal period of time may be granted by engineering if the extension is necessitated by events outside the control of permittee.
- ~~G.F.~~ The judgment of engineering in the granting or extending of a permit is final. Additionally, the decision of engineering to revoke a permit for failure to comply with this section shall be final.
- ~~H.G.~~ A violation of this section is punishable as follows:

Type I Violations

1st Offense—\$250; 2nd—\$350; 3rd & Subsequent—\$500

No permit

Failure to Comply with Iowa Manual on Uniform Traffic Control Devices or Instructions from Traffic Engineering

~~Failure to follow visibility triangle requirements~~

Type II Violation

1st Offense—\$100; 2nd—\$150; 3rd & Subsequent—\$200

Expired Permit (for first 7 days after expiration date only, subsequently fined as No Permit)

The city may seek other administrative, legal, or equitable relief in addition to or in lieu of the fine.

Each day a violation exists may be charged as a separate offense.

Section 9. Section 13.16.033 of the Davenport Municipal Code, entitled “Discharge of surface waters” is hereby amended as follows:

Section 13.16.033 Discharge of surface waters.

It is unlawful ~~for any person~~ to make ~~or to have~~ any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

Section 10. Section 13.33.030 of the Davenport Municipal Code entitled "Definitions" is hereby amended as follows:

Section 13.33.030 Definitions.

- A. "Adjustment" means a modification in a nonresidential customer's stormwater service fee for certain activities that impact stormwater runoff or impacts the city's costs of providing stormwater management.
- ~~B. "Apartment/condominium property" means a lot or parcel of real estate on which is situated a building containing three or more single-family dwelling units.~~
- ~~C. "Developed agricultural property" means a lot or parcel of real estate used as a "farm", as defined in Section 17.04.220 which may contain one or greater dwelling units and/or other building structures but does not include undeveloped properties.~~
- ~~D.B.~~ "Director" means the director of the department of public works or designee.
- ~~E. "Duplex" means a lot or parcel of real estate for property tax purposes on which is situated a building containing two single-family dwelling units.~~
- ~~F.C.~~ "Equivalent residential unit (ERU)" means a value, equal to two thousand six hundred square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the city of Davenport.
- ~~G.D.~~ "Impervious area" means areas that have been paved and/or covered with buildings and materials, which include, but are not limited to, concrete, asphalt, rooftop, gravel, and blacktop.
- ~~H.E.~~ "Nonresidential properties" means all properties not encompassed by the definition of residential shall be defined as nonresidential. ~~Nonresidential properties shall include:~~
- ~~Developed agricultural properties;~~
 - ~~Apartment building properties;~~
 - ~~Condominiums properties;~~
 - ~~Mobile home parks;~~
 - ~~Commercial property;~~
 - ~~Industrial property;~~
 - ~~Institutional property;~~
 - ~~Governmental property;~~
 - ~~Churches;~~
 - ~~Schools;~~
 - ~~Federal, state and local properties; and~~
 - ~~Any other property not mentioned in the lists of properties.~~
- ~~I.F.~~ "Residential property" means all single-family and ~~duplex~~ two-family dwelling properties, as defined by Title 17 of the Davenport Municipal Code, within the city of Davenport.
- ~~J.G.~~ "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- ~~K.H.~~ "Stormwater facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structural components.
- ~~L.I.~~ "Storm sewer" means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.

M-J. "Stormwater service charge" means a charge assessed to users of the city's stormwater collection, impounding and transportation system.

N-K. "Stormwater drainage system" means all man-made facilities, structures, and natural watercourses owned by the city of Davenport, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

Section 11. Section 15.12.040 of the Davenport Municipal Code entitled "Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)" is hereby amended as follows:

Section 15.12.040 Additions, deletions and amendment to the International Building Code

F. Delete all references to National Fuel Gas Code and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105) Fuel gas piping." Fuel gas piping shall comply with the State Plumbing Code.

NOTE:

1. All permits and regulations for the construction, encroachment and installation or maintenance within the public right-of-way and upon dedicated storm, sewer and access easements and the installation of public sidewalks, curb cuts, and drives are administered by the Department of Construction and Engineering.
2. See the Sign Ordinance of the City of Davenport for limitations on the encroachment of signs onto public property.
3. See Chapter ~~17.24~~ **15.44** of the Davenport Municipal Code for development for construction within a flood ~~plain district~~ **hazard area**.
4. See Iowa Administrative Code 641 Chapter 25 for the regulation of plumbing, potable water supply, drain, waste and venting and hydronic systems servicing buildings.
5. See Iowa Administrative Code 641 Chapter 61 for the regulation of heating, air conditioning and mechanical systems for environmental conditions and process within buildings.
6. See Iowa Administrative Code 661 Chapter 504 and Chapter 15.16 of the Davenport Municipal Code for standards for electrical work.

Section 12. Section 15.12.052 of the Davenport Municipal Code entitled "Chapter 3 International Residential code modified (Section 15.12.052.F only)" is hereby modified as follows:

Section 15.12.052 Chapter 3 International Residential Code modified.

F. Delete Section R322 "Flood Resistant Construction" in its entirety.

Note: Chapter ~~17.24~~ **15.44** of the Davenport Municipal Code for development or construction within a flood ~~plain district~~ **hazard area**.

Section 13. Section 15.30.010 of the Davenport Municipal Code entitled “Licensing generally (Section 15.30.010.B only)” is hereby amended as follows:

Section 15.30.010 Licensing generally.

- B. No person, firm, partnership or corporation shall engage in sign contracting without having a current valid license issued in accordance with this chapter. The term sign contracting shall mean being engaged in the performance or supervision of work regulated by the provisions of Chapter 17.45 Section 17.12.060 of the Davenport Municipal Code, entitled Sign Ordinance Permit Required.

Section 14. Section 15.44.070 of the Davenport Municipal Code entitled “Definitions (definition of Manufactured Home Park or Subdivision only)”

Section 15.44.070 Definitions.

"Manufactured home park or subdivision" shall mean a manufactured home of factory-built home park as defined in Chapter 17.22 of the Davenport City Code tract designed to accommodate manufactured home sites.

Section 15. Section 16.04.040 of the Davenport Municipal Code, entitled “Building Line” is hereby amended as follows:

16.04.040 Building line Reserved.

"Building line" means a line on a plat between which line and a street, alley or private place no building or structure may be erected.

Section 16. Chapter 16.16 of the Davenport Municipal Code entitled “Preliminary Plats” is hereby amended as follows:

Chapter 16.16 Preliminary Plats

16.16.010 Requirements.

A Preliminary Plats containing three lots or less, or a preliminary plat not proposing the dedication of public infrastructure, may be exempted from the requirements of the preliminary plat as set forth in this chapter. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision.

16.16.020 Submission of preliminary plat — Contents Application.

The shall submit to the city plan commission six copies of the preliminary plat at a scale of not less than one inch per one hundred feet. Said plat should be submitted at least sixteen days excluding Saturdays and Sundays prior to the regular meeting of the city plan and zoning commission at which the plat is to be considered applicant must file an application with the Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code. The application must be on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. # The preliminary plat shall contain or be supplemented by all the following, but not limited to, information:

- A. The location of present property lines, section lines, easements, corporate limits and other legally established districts, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto;
- B. The proposed location and width of streets, alleys, and lots, building setback lines and easements, if any. Street and alley information shall be supplemented with a typical roadway section;
- C. ~~Existing~~ The location of existing and proposed public or private infrastructure, including but not limited to, sanitary and storm sewers, water mains, culverts, stormwater management and drainage systems and other underground structures within the tract and immediately adjacent thereto. ~~The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;~~
- D. Proposed name of the subdivision (which shall not duplicate any previously filed plat), the name of the land owner, land developer, and land surveyor;
- ~~E. The names and adjoining boundaries of all adjacent subdivisions and the names of record owners of adjoining parcels of unsubdivided land;~~
- ~~F.~~ E. Existing and proposed contours with intervals of five feet or less;
- ~~G.~~ F. North point arrow, scale and date;
- ~~H.~~ G. A vicinity sketch showing the proposed subdivision in relationship to surrounding development and street systems.
- H. The city engineer, or designee, may request additional data and/or information to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

16.16.030 Conformance with minimum Approval standards.

The city plan and zoning commission shall study such evaluate the preliminary plat to see if it conforms with pursuant to the minimum standards and requirements as outlined in this chapter. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council for approval within forty-five days after the submission of the preliminary plat a complete application, unless an extension is agreed to by the applicant. The City Council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. The approval of the preliminary plat does not constitute acceptance with the subdivision by the city, but is deemed to be an authorization to proceed with the preparation of the final plat.

16.16.040 Revocability.

Approval of the preliminary plat, or any portion thereof not final platted is revocable by the city plan and zoning commission.

16.16.050 Voidable when.

If neither a part nor all of the preliminary plat is approved by the city council as a final plat within one year after the approval of the preliminary plat, the preliminary plat shall be void unless a twelve month extension is granted by the city plan and zoning commission Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code.

If only part of a preliminary plat is approved as a final plat, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of sixty months before another phase of the plat must be submitted in final form.

Section 17. Chapter 16.20 of the Davenport Municipal Code entitled “Final Plats” is hereby amended as follows:

Chapter 16.20 Final Plats

~~16.20.010 Conditions for Approval~~

~~After approval of the preliminary plat by the city plan and zoning commission, if required, the subdivider may prepare submit a final plat and submit six copies of it to the city plan and zoning commission. They shall be filed at least sixteen days excluding Saturdays and Sundays prior to the regular meeting of the city plan and zoning commission at which they are to be considered. If the final plat conforms to the approved preliminary plat, the city plan and zoning commission will approve the plat subject to conditions that the commission may deem necessary and proper.~~

~~16.20.020 Scale.~~

~~The final plat is to be drawn from an accurate survey at a scale of fifty feet to the inch unless a specific variance is granted by the city plan and zoning commission.~~

~~16.20.030 Copies to be submitted — Supplemental information 16.20.010 Application.~~

~~Twenty one copies of the final plat shall be submitted with the original tracing and a digital drawing file to the department of community and economic development. They shall be filed at least six working days prior to the regular meetings of the committee of the whole of the city council at which they are to be considered. The digital drawing file shall conform to the standards and requirements established by the city engineer. After final approval of the preliminary plat, if required, the subdivider may submit a final plat. A preliminary plat and final plat for a smaller-scale subdivision may be submitted concurrently. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision. The applicant must file an application with the Zoning Administrator on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. The final plat shall show or be supplemented by the following information:~~

- ~~A.~~ The boundary lines of the area being subdivided with accurate distances and bearings;
- ~~B.~~ ~~The lines of all proposed streets and alleys with their width and names;~~
- ~~C.~~ The accurate outline of any property which is offered for dedication for public use;
- ~~D.~~ ~~C.~~ The lines of all adjoining lands ~~and the lines of adjacent streets and alleys with their width and names;~~

- ~~E.D.~~ All lot lines and an identification system for lots and blocks;
- ~~F.E.~~ Building lines and easements for any right-of-way and easements provided for public use, services or utilities, or excess storm water passageways with names and figures showing their dimensions;
- ~~G.F.~~ All dimensions, both linear and angular, necessary for locating subdivision boundaries, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a hundredths of a foot;
- ~~H.G.~~ Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners;
- ~~I.H.~~ All survey monuments and bench marks together with their descriptions;
- ~~J.I.~~ Name of subdivision and description of property subdivided showing its location by distance and bearing to the nearest quarter section monument or two previously established lot corners both labeled with description of each corner; points of compass; graphic scale of map; and name and address of owner or owners or the subdivider, or in the case of corporate ownership, the name and address of the registered agent of said corporation shall also appear on the plat;
- ~~J.~~ North arrow, scale and date;
- K. Certification by a Professional Land Surveyor under the laws of the state, to the effect that the plan represents a survey made by him or her and that all necessary survey monuments are correctly shown thereon;
- L. Private restrictions and trusteeships and their periods of existence, if any. Should such restrictions and trusteeships be of such length as to make lettering of same on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. Low water entry elevation for lots abutting an excess storm water passageway;
- M. Certification by an authorized representative of the public service or utility companies concerned that easements shown on the plat are satisfactory for their requirements.

16.20.020 Plan and zoning commission approval standards.

The plan and zoning commission shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter and conformance with the approved preliminary plat. The plan and zoning commission may approve a final plat that is not strictly in conformance with the preliminary plat if modifications are deemed minor and final plat is deemed to be in general conformance with the approved preliminary plat. The plan and zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council within forty-five days after the submission of a complete application, unless an extension is agreed to by the applicant.

16.20.040 16.20.030 Material to be filed prior to city council considerations.

The following material shall be filed with the department of community development at least six working days prior to the regular meeting of the community development committee of the city council at which they are to be considered Zoning Administrator, as defined in Title 17 of the Davenport City Code, in such quantity and submittal deadlines as required by the instructions:

- A. ~~Three copies of certified Certified plans showing the improvements that have been constructed within the subdivision, or bond, or assessment waiver assuring construction of these improvements as required by Chapter 16.28;~~
- B. ~~A petition, signed by the property owner, requesting the city council to approve the plat;~~
- C. ~~A letter of certification by the surveyor that all monuments required by Section 16.28.030(d) are in place;~~
- D. ~~State approved plans and profiles of all sanitary sewers and appurtenances;~~
- E. ~~Letter from the developer's engineer stating the quantities of excavation, pavement, sidewalks, sewers, and other necessary improvements, if a surety bond is to be filed;~~
- F. ~~A hold-harmless agreement protecting the city from any damages, claims, or suits resulting from the construction and development by the owner and/or subdivider. Said agreement shall be approved as to format by the city attorney's office, and recorded with the plat;~~
- G. ~~A cash fee with the city (reforestation fee) in an amount as specified in the city of Davenport Arboriculture Specifications and Standards of Practice for every fifty feet of lineal lot frontage on public streets within the area included within the submitted final plat with the exception of frontage on cul-de-sac turnarounds. Such funds shall be used by the forestry division of the department of leisure facilities and services of the city of Davenport for the purpose of planting street trees along both sides of all streets within the subdivision and on the side of the streets, which abut the subdivision with the exception of the right of way on cul-de-sac turnarounds;~~
- H. ~~Mayor's and clerk's certificate;~~
- I. ~~The following signed certificates shall be furnished:~~
 - 1. ~~One surveyor's certificate, signed and sealed~~
 - 2. ~~Owner's certificate~~
 - 3. ~~Certificate from county treasurer~~
 - 4. ~~Certificate from attorney~~

- A. Surveyor certificate;
- B. Dedication of owner;
- C. Certification of consent of mortgage holder, if applicable;
- D. Attorney's certificate;
- E. Acceptance by the city;
- F. Auditor approval of subdivision name;
- G. Treasurer's certificate;
- H. A hold-harmless agreement protecting the city from any damages, claims, or suits resulting from the construction and development by the owner and/or subdivider. Said agreement shall be approved as to format by the city attorney's office, and recorded with the plat;
- I. An assessment waiver to be approved by the council prior to the acceptance of the final plat which shall provide that the city may without notice construct and install the improvements and assess the total cost thereof against the subdivided property in accordance with city and state requirements regarding special assessments, and that the subdividers, for themselves, their heirs, their grantees, their assigns, and all subsequent owners of any part of the subdivided area waive all formalities, rights of protest, and

rights of appeal to the construction and installation of the improvements by the city and to the assessment of the total cost thereof against the subdivided area even though the cost may exceed the amount that can legally be assessed against the subdivided area by the city. The assessment waiver shall further provide that the subdivider and the persons who own the property benefited by the improvements at the time construction and installation of the improvements is initiated by the city shall be jointly and severally liable for any difference between the cost of the improvements and the amount which can be legally assessed by the city against the subdivided area.

16.20.040 City Council approval standards

The city council shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter. The city council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. This 60-day time shall not apply if the applicant fails to provide the material enumerated in Section 16.20.030 of the Davenport Municipal Code.

16.20.050 Submission of data to city engineer.

At least one week prior to the submission of the final plat the subdivider shall submit to the city engineer for his written approval a plat showing all proposed final contours with intervals of two feet or less with arrows indicating direction of flow of surface drainage along with storm water calculations for the drainage area, as well as profiles of all streets and sewers within the entire area to be approved on the final plat. The proposed location of all water mains and hydrants shall also be shown. All vertical benchmarks shall be identified.

Upon the initiation of site development including grading all perimeter erosion control measures shall be in place when required.

The city engineer, or designee, may request data to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

16.20.060 — Final approval.

After approval of the final plat of the subdivision by the city plan and zoning commission, the recommendation of approval and the final plat shall be submitted to the city council by the chairman of the commission for final approval and for acceptance of the subdivision. (Ord. 92-529 § 1 (part)).

16.20.070 16.20.060 Compliance.

Before it is recorded in the office of the county recorder, the provisions of Chapter 409 354 of the Code of Iowa, 1990, and amendments thereto, shall be complied with.

Section 18. Sections 16.24.080 of the Davenport Municipal Code entitled “Lots” and Section 16.24.090 of the Davenport Municipal Code entitled “Building Lines” is hereby amended as follows:

16.24.080 Lots.

- A. All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan.
- B. All lots platted in a subdivision shall have frontage on a platted street or officially approved private street unless the lot arrangement has been approved by the city council upon recommendation by the city plan and zoning commission.
- C. The minimum dimensions for lots ~~platted after the adoption of the ordinance codified in this title shall be fifty feet in width and one hundred feet in depth, except as otherwise allowed in the zoning ordinance of the city of Davenport, but in no case shall a lot that is to be used for residential purposes contain no less area than what is required by the lot area regulation of the~~ zoning district in which the property is located.
- D. Corner lots shall have extra width sufficient to permit required building setback lines on both front and side streets.
- E. Should a subdivision be on or overlap the city limits, it shall be platted so the city limit boundary shall be along a street centerline or shall be a lot line. In no case shall a lot be platted so as to be bisected by the city limit boundary line.

~~16.24.090 Building lines~~ Reserved.

~~Building lines shall be shown on all lots. Whenever the depth of such building lines are greater than those required by the zoning ordinance, provision shall be made by deed restrictions requiring all enclosed parts of buildings to be set back to such building lines.~~

Section 19. Chapter 16.26 of the Davenport Municipal Code entitled “Conservation Subdivision Option” is hereby amended as follows:

Chapter 16.26 ~~Conservation subdivision option~~ Reserved.

~~16.26.010 Conservation subdivision option.~~

~~The conservation subdivision option is intended to be used in conjunction with the conservation subdivision—planned unit development (PUD) ordinance. The option is intended to allow more creativity and imagination to be used in the subdivision design process as well as to protect important open space resources in perpetuity. In the conservation subdivision and conservation subdivision—planned unit development minimum lot sizes and all yard setbacks may be waived. Minimum lots need only comply with the district's underlying zoning plus any density bonus established in Section 17.33.060.~~

~~A conservation subdivision is to be processed in the same manner as other plats with the same required submissions with the exception that the conceptual land use plan may take the place of a preliminary plat and its approval shall constitute preliminary plat approval.~~

~~16.26.020 Improvements.~~

~~The city of Davenport may at its sole discretion waive, or modify, requirements in the city of Davenport's construction and engineering specifications for street width, curb and gutters, sidewalks, etc. with the approval of any final plat for a conservation subdivision. Alternately, the city may choose to create alternate standards for street width, curbs and gutters, sidewalks, etc. that would apply to conservation subdivisions, conservation subdivision—planned unit developments, and traditional neighborhood development districts.~~

~~16.26.030 Open Space Requirements.~~

~~Required open space shall be included in the final subdivision plat of adjacent property. All open space areas must be platted as separate open space lots or outlots.~~

~~Improvements to open spaces shall be constructed by the subdivider as part of the subdivision.~~

Section 20. Chapter 16.28 of the Davenport Municipal Code entitled “Improvements” is hereby amended as follows:

Chapter 16.28 Subdivision Improvements

16.28.010 Required.

~~Before the~~ The final plat of any subdivided area shall be approved and recorded, prior to the subdivider ~~shall make and install~~ making and/or installing any of the improvements described in this chapter.

~~16.28.020~~ Instruments may be filed in lieu of final completion — Exceptions.

In lieu of final completion of the improvements before the final plat is approved by the council, the subdivider may file one or more of the following instruments with the city engineer:

- A. — A surety bond with the city or the county, depending upon the location of the subdivision, which will insure to the city or county that the required improvements will be completed by the subdivider within two years after council approval of the final plat.
- B. — A cash deposit with the city or county depending upon the location of the subdivision, in an amount determined by the engineering department sufficient to complete the required improvements.
- C. — An assessment waiver to be approved by the council prior to the acceptance of the final plat which shall provide that the city may without notice construct and install the improvements and assess the total cost thereof against the subdivided property in accordance with city and state requirements regarding special assessments, and that the subdividers, for themselves, their heirs, their grantees, their assigns, and all subsequent owners of any part of the subdivided area waive all formalities, rights of protest, and rights of appeal to the construction and installation of the improvements by the city and to the assessment of the total cost thereof against the subdivided area even though the cost may exceed the amount that can legally be assessed against the subdivided area by the city. The assessment waiver shall further provide that the subdivider and the persons who own the property benefited by the improvements at the time construction and installation of the improvements is initiated by the city shall be jointly and severally liable for any difference between the cost of the improvements and the amount which can be legally assessed by the city against the subdivided area.
- D. — The filing of an assessment waiver for a particular improvement in lieu of final completion of the improvement shall not be permitted if:
 - 1. — The abutting property which would be assessed for the cost of the improvement pursuant to the city's regular assessment procedure is not included within the platted area; or
 - 2. — The past performance of the subdivider in installing subdivision improvements within or without the city indicates, or other circumstances exist, which indicate that the improvement may not be installed within two years of council approval of the final plat.

~~16.28.030~~ 16.28.020 Minimum Subdivision improvements required.

The minimum improvements installed in any subdivision ~~before the plat can be finally approved~~ shall be in accordance with the provisions set forth in sections ~~16.28.040~~ 16.28.030 through ~~16.28.070~~ 16.28.060.

The city engineer, or designee, shall approve plans for subdivision improvements prior to any construction related to subdivision improvements or buildings and/or site improvements on lots connecting to said subdivision improvements. Subdivision improvement plan approval expires if construction has not begun within one year after the date of the approval. An extension of this one year validity period may be granted by the city engineer, or designee, prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

No certificate of occupancy (temporary) or permanent) shall be issued until all subdivision improvements are constructed and/or installed and accepted by the city.

16.28.040 16.28.030 Streets.

Prior to the issuance of the first occupancy permit, street name signs are to be installed at the intersections of city streets as per specifications determined by the city traffic engineer.

The city, at its sole discretion, may waive various street requirements in a conservation subdivision-planned unit development or in a traditional neighborhood development district.

All streets shall be constructed in accordance with Title 12 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

16.28.045 Street signs.

Prior to the issuance of the first occupancy, permit street name signs are to be installed at the intersections of city streets as per specifications determined by the City Traffic Engineer.

16.28.050 16.28.040 Sidewalks.

Sidewalks shall be constructed along the right-of-way of each street pursuant to in accordance with Title 12 Chapter 12.12 of the 1990 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

A. All sidewalks shall be a minimum of four feet in width. The city reserves the right to require additional width depending on the character of the development. The extra width is to be provided at the developer's expense.

B. Materials and construction methods shall be in accordance with the minimum standards set forth by the engineering department.

C. The city, at its sole discretion, may waive the requirements for sidewalks in conservation subdivision-planned unit developments, particularly in areas with no housing.

16.28.060 16.28.050 Sewers.

A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in his subdivision. Sewers on public property or easements shall have the approval of the Iowa State Board of Health. Adequate provision shall be made for the disposal of stormwater, subject to the approval of the city engineer and the city council. Prior to acceptance of sanitary sewer installed by private contractor, the City of Davenport Sewer Division must televise the lines to ensure that they meet acceptable city standards. Fees for this service shall be set from time to time by city council resolution and will be billed to the developer or property owner and must be paid before the system will be accepted and released for further development.

~~B. In areas within the city where a public sewer is not available, the subdivider shall provide a private sewer accessible to each lot in his subdivision and connected to a private treatment facility other than a septic tank, approved by the city engineer and the Iowa State Board of Health. All sewers shall be constructed to standard city specifications and shall have prior approval of the city engineer that said private sewer system will be compatible for connection to public sanitary sewer facilities when available. Maintenance of private sanitary sewers and treatment facilities shall be the responsibility of the subdivider or a duly constituted homeowners association, until such time as it is connected to public sewers. The sewers shall then be dedicated to the city and thereafter be maintained as part of the public sanitary sewer system. A duly constituted homeowners association shall be one whose articles of incorporation have been approved by the city attorney's office.~~

Sewers shall be constructed in accordance with Title 13 of the Davenport Municipal Code, entitled public systems, and the most recent city standards and specifications.

~~16.28.070~~ 16.28.060 Monuments.

Steel rods, a minimum of one-half inch in diameter and twenty-four inches long shall be in place on the site of the proposed subdivision marking all block and lot corners, all points of curvature, all points of tangency, and all boundary corners before the final plat shall be approved by the city council.

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: _____
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Agenda Group:
Department: Community Development Committee
Contact Info: Brandon Melton 563-888-2221
Wards:

Action / Date
12/4/2019

Subject:
Resolution for Case P19-04 being the request of Verbeke-Meyer Consulting Engineers, PC for a Preliminary Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7]

Recommendation:
Adopt the Resolution.

Background:
Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: 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.

The proposed Preliminary Plat would comply with the Davenport 2035 proposed land use section.

Zoning:

The property is currently zoned R-MF Multi-Family Residential Zoning District.

Technical Review:

Streets. The property would have access via 46th St.

Storm Water. The development will include more than 5,000 square feet of hard surface. With R-MF zoning, the maximum impervious surface coverage will be 70% of each of the 7 buildable lots. Otherwise, the development will need to comply with the City's stormwater requirements.

Sanitary Sewer. The property is served by an 8" main on the south edge of 46th St.

Other Utilities. Other Normal utility services are available

Public Input:

No public hearing is required for a Preliminary Plat.

Plan and Zoning Commission Recommendation:

The Plan and Zoning Commission considered Case P19-04 at its November 5, 2019 meeting.

Findings:

1. The preliminary plat conforms to the comprehensive plan Davenport+2035; and
2. The preliminary plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

The Plan and Zoning Commission accepted the listed findings and forwards Case P19-04 to the City Council with a recommendation for approval subject to the following two conditions:

1. That a drainage easement sized to convey 100 year storm from the individual lots to the outlot; and
2. That a shared access easement with the adjacent property owner be provided for the existing drive entrance for use and potential maintenance.

Please note that the plat has been revised to achieve consistency with condition 1 and 2, and therefor, the conditions are not included in the resolution.

The Commission vote was 8 yes, 0 no and 0 abstention.

ATTACHMENTS:

Type	Description
☐ Resolution Letter	Resolution
☐ Backup Material	Preliminary Plat
☐ Backup Material	Zoning
☐ Backup Material	Land Use

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Flynn, Matt	Approved	11/26/2019 - 11:24 AM

Resolution No. _____

Resolution offered by Rita Rawson, Chairperson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. P19-04 being the request of Verbeke-Meyer Consulting Engineers, P.C. for a Preliminary Plat for a 7 lot subdivision on 1.19 acres, more or less, of property located south of 46th Street between Grand and Tremont Avenues. [Ward 7]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Preliminary Plat of Paddington Square an Addition to the City of Davenport, Iowa be the same and is hereby approved and accepted subject to all the conditions as stated in the November 5, 2019 Plan and Zoning Commission's recommendation for approval (please note that conditions 1 and 2 have been added to the preliminary plat and/or provided and are not repeated on this resolution).

and the Mayor and Deputy City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

Attest:

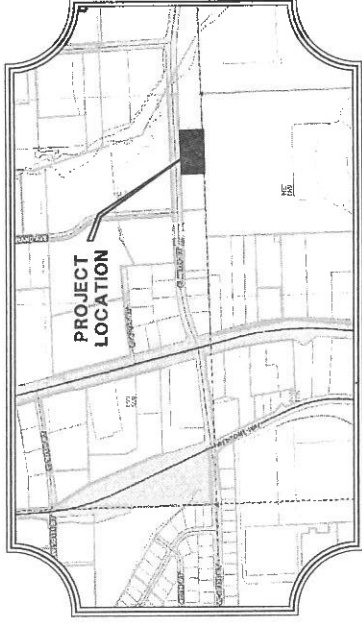
Approved:

Brian Krup, Deputy City Clerk

Frank Klipsch, Mayor

PRELIMINARY PLAT OF
PADDINGTON SQUARE
AN ADDITION TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE SOUTH HALF OF SECTION 12
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5th P.M.
AND ALSO BEING A REPLAT OF PART OF LOT 3
RYDE HIGH SECOND ADDITION



LOCATION MAP

(PRELIMINARY PLAT: NOT TO BE RECORDED)

OWNER - DEVELOPER
FOREST VIEW LLC
4555 UTICA RIDGE ROAD
BETTENDORF, IOWA 52722

ALL IMPROVEMENTS ARE TO BE INSTALLED IN ACCORDANCE WITH THE
STANDARD SPECIFICATIONS OF DAVENPORT STANDARD SPECIFICATIONS AND SPECIAL
DRAWINGS.
ALL INTERIOR LOT DIMENSIONS ARE APPROXIMATE.
SUBDIVISION CONTAINS 1.19 ACRES, MORE OR LESS.
EXISTING ZONING IS B-407 (MULTI-FAMILY RESIDENTIAL ZONING
DISTRICT).
OUTLOT A IS DESIGNATED AS DETENTION BASIN, SEWER, DRAINAGE AND
UTILITY EASEMENT.

LEGEND

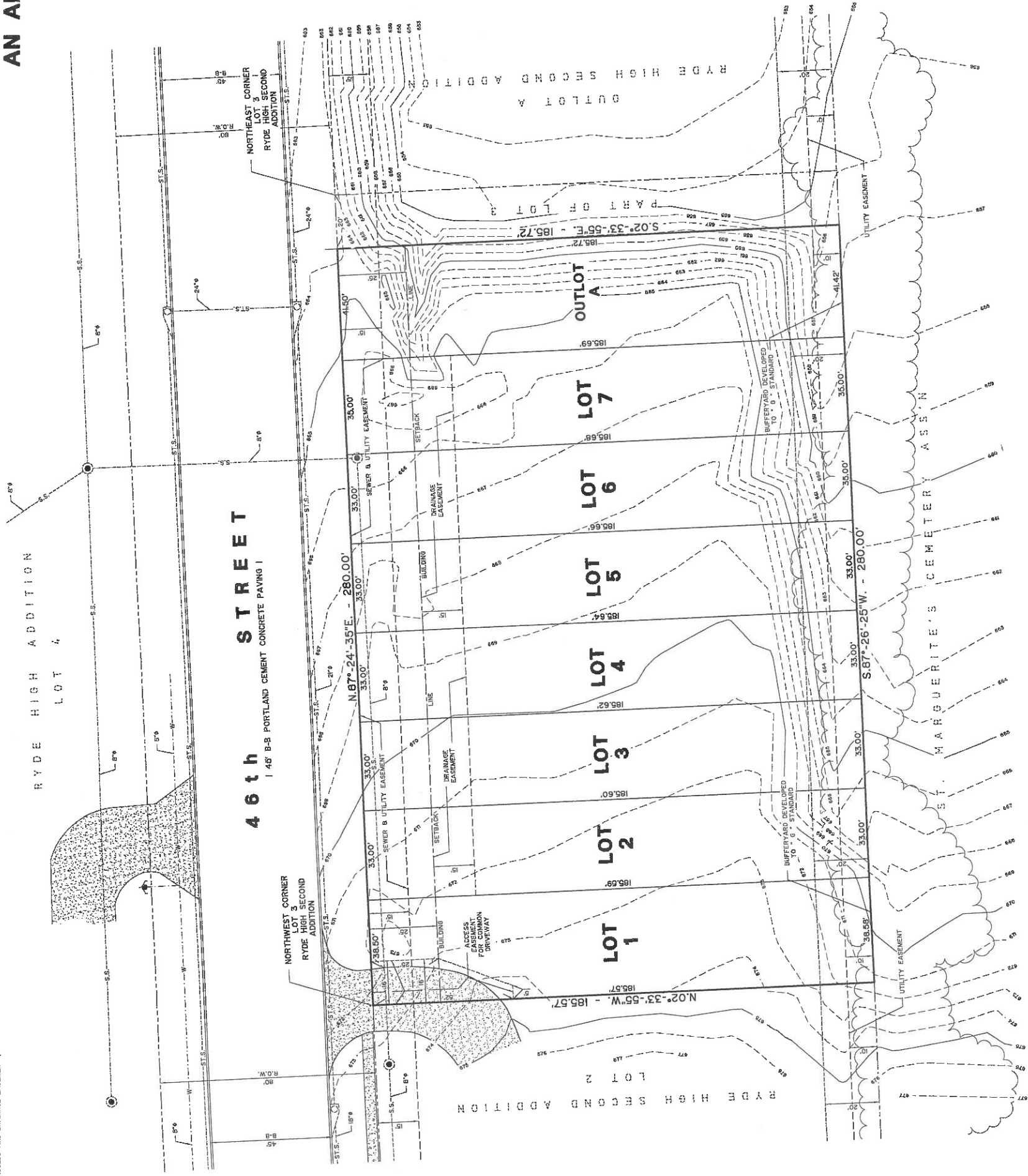
- EXISTING CONTOUR | INDEX |
- EXISTING CONTOUR | INTERMEDIATE |
- EXISTING STORM SEWER
- EXISTING STORM SEWER CATCH BASIN
- EXISTING SANITARY SEWER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING WATERMAIN
- EXISTING FIRE HYDRANT W/ VALVE
- EXISTING WATERMAIN VALVE
- PORTLAND CEMENT CONCRETE
- ASPHALTIC CONCRETE

PREPARED BY

VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.

4111 EAST 60th STREET
DAVENPORT, IOWA 52807
PHONE NUMBER: (563) 350 - 1348

VMCE 17263 - PRELIMINARY PLAT



(SCALE: 1" = 20')
(SEPTEMBER 26, 2019)
(OCTOBER 17, 2019)
| ADD ACCESS AND DRAINAGE EASEMENT |



GRAND AVE

E 46TH ST

Subject Property

CT 709

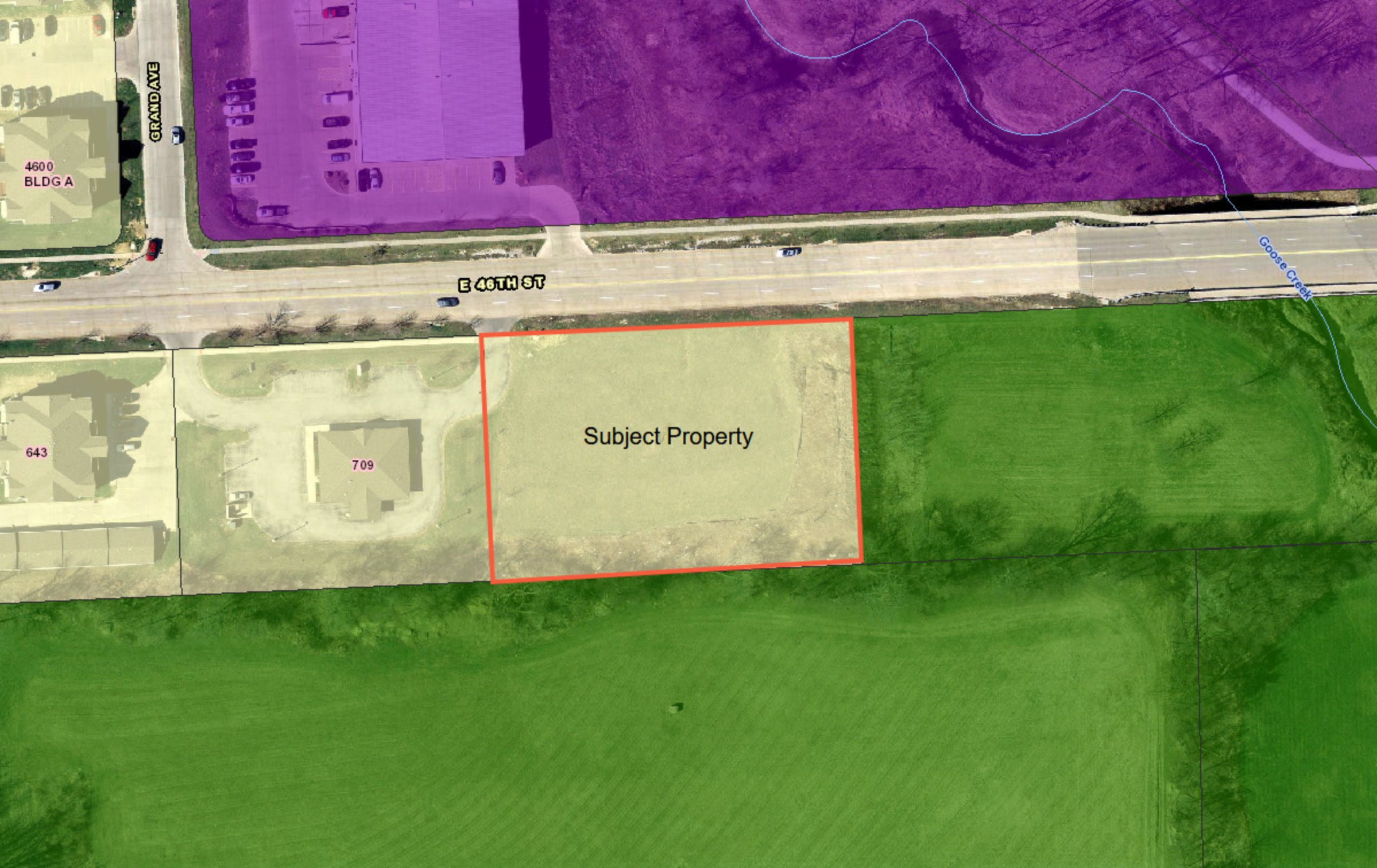
L-1

S-OS

R-MF

S-OS

Goose Creek



GRAND AVE

4600
BLDG A

E 46TH ST

Goose Creek

643

709

Subject Property

City of Davenport

Agenda Group:
Department: Community Development Committee
Contact Info: Brandon Melton 563-888-2221
Wards:

Action / Date
11/20/2019

Subject:
Resolution for Case F19-18 being the request of Verbeke-Meyer Consulting Engineers, PC for a Final Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7]

Recommendation:
Adopt the Resolution.

Background:
Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: 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.

The proposed Preliminary Plat would comply with the Davenport 2035 proposed land use section.

Zoning:

The property is currently zoned R-MF Multi-Family Residential Zoning District.

Technical Review:

Streets. The property would have access via 46th St.

Storm Water. The development will include more than 5,000 square feet of hard surface. With R-MF zoning, the maximum impervious surface coverage will be 70% of each of the 7 buildable lots. Otherwise, the development will need to comply with the City's stormwater requirements.

Sanitary Sewer. The property is served by an 8" main on the south edge of 46th St.

Other Utilities. Other Normal utility services are available

Public Input:

No public hearing is required for a Final Plat.

Plan and Zoning Commission Recommendation:

The Plan and Zoning Commission considered Case F19-18 at its November 5, 2019 meeting.

Findings:

1. The final plat conforms to the comprehensive plan Davenport+2035; and
2. The final plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

The Plan and Zoning Commission accepteded the listed findings and forwards Case F19-18 to the City Council with a recommendation for approval subject to the following two conditions:

1. That a drainage easement sized to convey 100 year storm from the individual lots to the outlot, and
2. That a shared access easement with the adjacent property owner be provided for the existing drive entrance for use and potential maintenance.

Please note that the final plat has been revised to achieve consistency with conditions 1 and 2, and therefor, the conditions are not included in the resolution.

The Commission vote was 8 yes, 0 no and 0 abstention.

ATTACHMENTS:

Type	Description
☐ Resolution Letter	Resolution
☐ Backup Material	Final Plat
☐ Backup Material	Zoning
☐ Backup Material	Land Use

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Flynn, Matt	Approved	11/26/2019 - 11:22 AM

Resolution No. _____

Resolution offered by Rita Rawson, Chairperson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. F19-18 being the request of Verbeke-Meyer Consulting Engineers, P.C. for a Preliminary Plat for a 7 lot subdivision on 1.19 acres, more or less, of property located south of 46th Street between Grand and Tremont Avenues. [Ward 7]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Final Plat of Paddington Square an Addition to the City of Davenport, Iowa be the same and is hereby approved and accepted subject to all the conditions as stated in the November 5, 2019 Plan and Zoning Commission's recommendation for approval (please note that conditions 1 and 2 have been added to the plat and/or provided and are not repeated on this resolution).

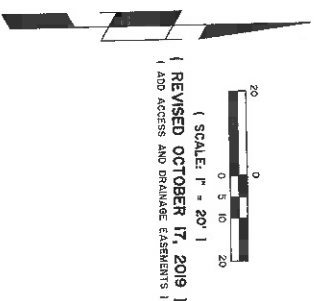
and the Mayor and Deputy City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

Attest:

Approved:

Brian Krup, Deputy City Clerk

Frank Klipsch, Mayor



LOT AREAS			
NO.	SQUARE FEET	NO.	SQUARE FEET
1	7,150	6	6,125
2	6,125	7	6,500
3	6,125	-	-
4	6,125	A	7,700
5	6,125	-	-

RYDE HIGH ADDITION
LOT 4

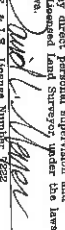
FINAL PLAT OF
PADDINGTON SQUARE
AN ADDITION TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE SOUTH HALF OF SECTION 12,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5th P.M.,
AND ALSO BEING A REPLAT OF PART OF LOT 3
RYDE HIGH SECOND ADDITION

OWNER - DEVELOPER
FOREST VIEW LLC
4555 UTICA RIDGE ROAD
BETTENDORF, IOWA 52722

GENERAL NOTES

IRON MONUMENTS FOUND SHOWN THUS  (5/8" ϕ IRON PIN)
IRON MONUMENTS SET SHOWN THUS  (5/8" ϕ IRON PIN)
ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
SUBDIVISION CONTAINS 11.9 ACRES, MORE OR LESS.
BLANKET UNDERGROUND AND OVERHEAD EASEMENTS GRANTED WITHIN THE
MINIMUM WIDTH OF SIDE YARD PROVISIONS OF CHAPTER 17.42 OF THE ZONING
ORDINANCE OF THE CITY OF DAVENPORT, IOWA, ALONG THE SIDE LOT LINES OF
EACH LOT HEREIN FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD
MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLE, GAS
SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE, CABLE T.V.,
AND STREET LIGHTS.
ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY
OF DAVENPORT STANDARD SPECIFICATIONS.
SUBDIVISION IS ZONED R-MF (MULTI-FAMILY RESIDENTIAL ZONING DISTRICT).
OUTLOT A IS DESIGNATED AS DETENTION BASIN, SEWER, DRAINAGE AND UTILITY
EASEMENT.
BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE
SOUTH ZONE, NAD 83 (2011).

I hereby certify that this land surveying document was
prepared and the same is a true and correct copy of the original
survey as shown to me by the owner or his agent, and that I am a duly
licensed land surveyor under the laws of the State of Iowa.
Signature: 
David L. Meyer, P.E. & L.S., License Number 7222
Date: **SEPTEMBER 19, 2019**
My license renewal date is December 31, 2020
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) 388 - 1348
VMCE 17263

CITY OF DAVENPORT, IOWA

BY
ATTEST
DATE

PLAN & ZONE COMMISSION

BY
DATE

MEDIACOM

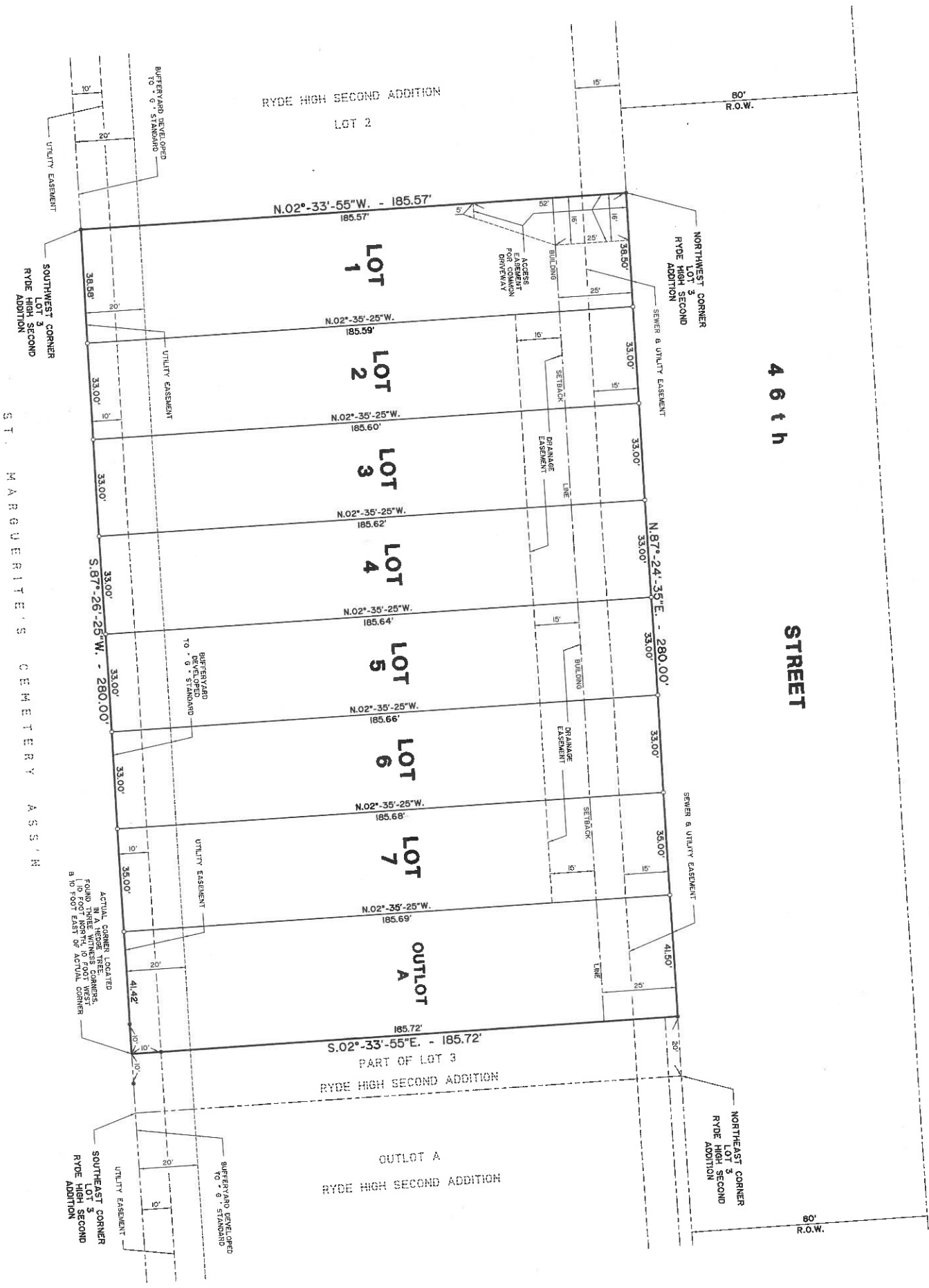
BY 
DATE 11/19/19

MIDAMERICAN ENERGY COMPANY IOWA-AMERICAN WATER CO.

BY 
DATE 11/21/19

CENTURYLINK

BY 
DATE 11/8/19





GRAND AVE

E 46TH ST

Goose Creek

L1

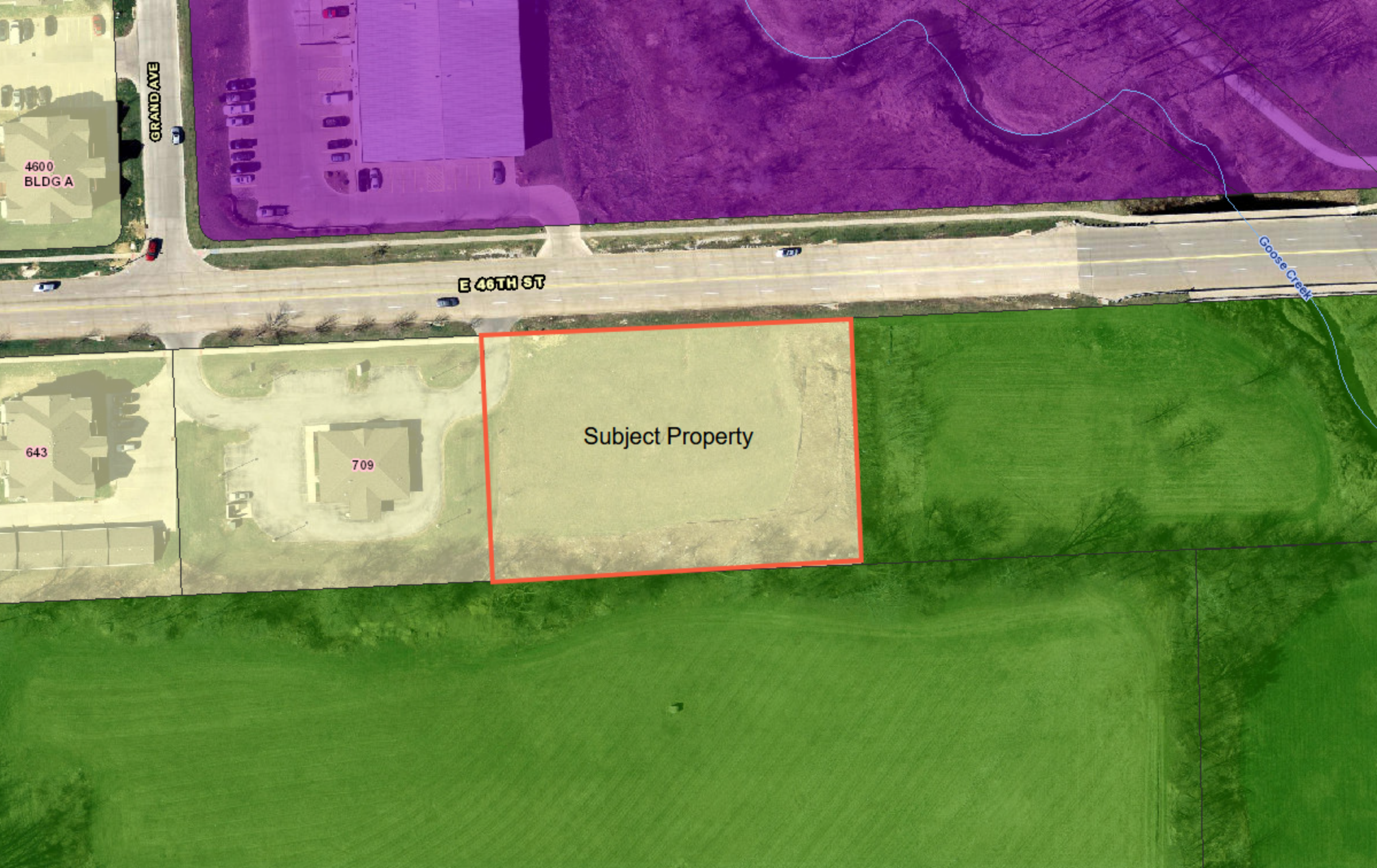
S-OS

CT 709

Subject Property

R-MF

S-OS



GRAND AVE

4600
BLDG A

E 46TH ST

Goose Creek

643

709

Subject Property

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Ryan Rusnak 563-888-2022

Wards:

Action / Date

12/4/2019

Subject:

Resolution for Case P19-05 being the request of Jason McCoy for a preliminary plat for a 53-lot subdivision on 18.48 acres, more or less, located on the west side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

Plan and Zoning Commission report:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General (RG). 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.

The proposed Final Plat would comply with the Davenport 2035 proposed land use section.

Zoning:

The property is currently zoned R-3 Single-Family and Two-Family Residential Zoning District.

Technical Review:

Streets.

A single road would be constructed through the subdivision with two access points to the Northwest Boulevard. Right-of-way is being dedicated for Marquette Road. This development is not proposing to construct improvements to that road. Public Works is requesting that the Marquette Road right-of-way align with the existing Marquette Road on the north side of Northwest Boulevard.

West 48th Street at the south end of the development is current constructed as a half street. The City is not requesting additional right-of-way be dedicated because no houses would access W 48th St.

Section 16.24.040.A&B of the Davenport Municipal Code reads:

16.24.040 Streets.

A. The arrangement of street rights-of-way in new subdivisions shall make provisions for the extension of the existing system of street rights-of-way (or their proper projection where adjacent property is not subdivided) insofar as they may be necessary for public requirements. The street and alley right-of-way arrangements shall also be such as to cause no hardship to owners of adjacent property when they plat their own land and seek to provide for convenient access to it. Whenever a street or alley right-of-way abuts the tract to be subdivided, the plat shall include the additional right-of-way which is necessary to make the width of the entire right-of-way conform to the requirements of this section. The width of rights-of-way shall be no less than the width required by this section except where:

1. The owner of the abutting property agrees to dedicate sufficient right-of-way to make a full-width right-of-way and the subdivider agrees to construct a full-width street or alley on said right-of-way; or
2. The city owns the abutting property and agrees to the use of it for right-of-way purposes and the subdivider agrees to construct a full-width street or alley on said right-of-way.

B. The width of right-of-way for streets shall not be less than the following:

Local residential

Right-of-way Fee width: 50

Paving Feet width: 27

Storm Water.

Development of the property will need to comply with the City's stormwater requirements. Outlot A appears to have a large slope. How will detention work in that area? If you plan to create a dam, please keep in mind that a dam breach analysis will be required with the construction plans.

Sanitary Sewer.

There is sanitary sewer adjacent to the property.

Other Utilities.

Other normal utility services are available.

Public Input:

No public hearing is required for a Preliminary Plat.

Discussion:

The request is for a Preliminary Plat 53 lot subdivision on 18.48 acres .

Plan and Zoning Commission Recommendation:

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

The Plan and Zoning Commission accepted the listed findings and forwards Case P19-05 to the City Council with a recommendation for approval subject to the following conditions:

1. That the right-of-way of the extended Marquette Street line up with existing Marquette Street at the north side of Northwest Boulevard;
2. That the preliminary plat depict stormwater easements connecting the detention areas to each lot; and
3. That a note be added to the plat there be no vehicular access to W 48th St.

Please note that conditions 2 and 3 have been added to the Preliminary Plat, and therefore, are not stated in the resolution.

The application is requesting that condition number 1 not be applicable. Public Works engineering staff is in agreement. However, the condition is in the resolution because it was part of the Plan and Zoning Commission's recommendation. The City Council would need to vote to delete condition 1.

The Plan and Zoning Commission was 8 yes, 0 no and 0 abstention.

ATTACHMENTS:

Type	Description
☐ Resolution Letter	Resolution
☐ Resolution Letter	Resolution - updated
☐ Backup Material	Preliminary Plat
☐ Backup Material	Zoning Map
☐ Backup Material	Land Use Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	11/26/2019 - 2:20 PM
Community Development Committee	Berger, Bruce	Approved	11/26/2019 - 2:20 PM
City Clerk	Admin, Default	Approved	11/26/2019 - 2:33 PM

Resolution No. _____

Resolution offered by Rita Rawson, Chairperson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case P19-05 being the request of Jason McCoy for a Preliminary Plat for a 53 lot subdivision on 18.48 acres, more or less, located on the west side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Preliminary Plat of Seng Meadows be the same and is hereby approved and accepted subject to all the conditions as stated in the December 4, 2019 Plan and Zoning Commission report to the City Council and subject to the following condition (please note that conditions 2 and 3 have been added to the preliminary plat and/or provided and are not repeated on this resolution):

1. That the right-of-way of the extended Marquette Street line up with existing Marquette Street at the north side of Northwest Boulevard

and the Mayor and Deputy City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

Attest:

Approved:

Brian Krup, Deputy City Clerk

Frank Klipsch, Mayor

Resolution No. _____

Resolution offered by Rita Rawson, Chairperson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case P19-05 being the request of Jason McCoy for a Preliminary Plat for a 53-lot subdivision on 18.48 acres, more or less, located on the west side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Preliminary Plat of Seng Meadows be the same and is hereby approved and accepted subject to all the conditions as stated in the December 4, 2019 Plan and Zoning Commission report to the City Council and subject to the following condition (please note that conditions 2 and 3 have been added to the preliminary plat and/or provided and are not repeated on this resolution):

- ~~1. That the right-of-way of the extended Marquette Street line up with existing Marquette Street at the north side of Northwest Boulevard~~

and the Mayor and Deputy City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

Attest:

Approved:

Brian Krup, Deputy City Clerk

Frank Klipsch, Mayor

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

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.

COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.

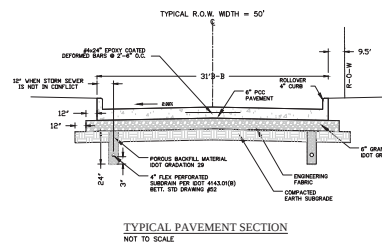
THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.

ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS.

BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.

THE SUBJECT PROPERTY WILL BE ZONED R-3 SINGLE FAMILY AND TWO FAMILY CENTRAL RESIDENTIAL DISTRICT.

NO PORTION OF THE SUBDIVISION ARE LOCATED WITHIN THE FEMA DETERMINED SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAPS 17035C0085F, EFFECTIVE DATE FEBRUARY 15, 2011.



1. Owner:
Jason McCoy
McCoy Homes
17172 214th Street
Davenport, Iowa 52806
Ph: (563) 265-2625
2. Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
3. Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
4. Attorney:
Brooks Law Firm
3425 E Locust St., Suite 201
Davenport, IA 52803
Ph: (563) 326-4900

Area of Subdivision:
Gross: 18.481 Acres ±
R.O.W.: 2.254 Acres ±
Lots 1-54: 16.227 Acres ±

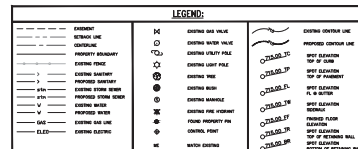
Minimum Front Setback: 25' or average of front setbacks,
whichever is less

Minimum Interior Side Setback: 5'

Minimum Corner Side Setback: 15'

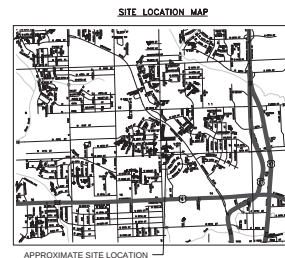
Minimum Reverse Corner Side Setback: 25'

Minimum Rear Setback: 25' or 20% of lot depth,
whichever is less

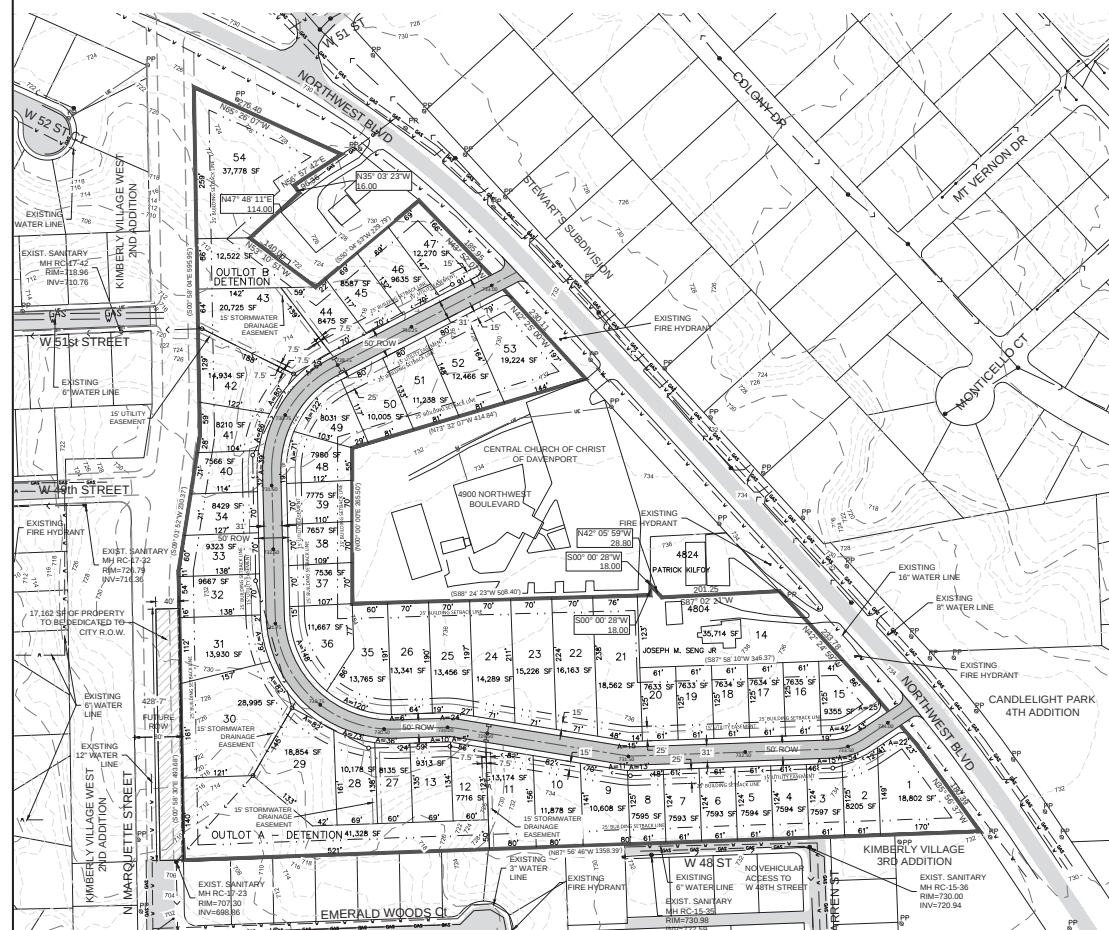
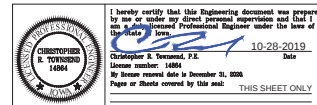


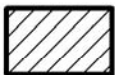
IOWA ONE CALL
 800/292-4989
 Call or Message Daily
 8:00AM - 5:00 PM

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



1. ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
2. DESCRIPTION OF PROPERTY:
BEING PART OF THE SOUTHEAST QUARTER OF SECTION 10 AND PART OF THE SOUTHWEST QUARTER OF SECTION 11 TOWNSHIP 38 NORTH RANGE 3 EAST OF THE 5TH M. AND IN PART BEING A REPLAT OF OUTLOT 2 EMERALD WOODS ADDITION.
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY INTERFERENCE WITH THE DRAINAGE WILL OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
4. THE CONTRACTOR SHALL NOTIFY THE CITY OF DAVENPORT AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
5. PROVIDE POSITIVE DRAINAGE AT ALL TIMES WHEN THE CONSTRUCTION ACTIVITIES DO NOT ALLOW FOR DRAINAGE TO OR POND ON TO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
6. ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
7. CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF THE IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF DAVENPORT STANDARDS AND SPECIFICATIONS.
8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
9. NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
10. THERE SHALL BE NO VEHICULAR ACCESS TO W. 48TH STREET.





Subject Property





Subject Property

N



City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Steve Ahrens 563-888-2235
Wards:

Action / Date
12/4/2019

Subject:
Resolution for concurrent approval of the license agreement with Viking USA, LLC. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
After receiving its necessary permitting to navigate on U.S. waterways, Viking River Cruises now is seeking agreements for portage with identified communities along the Mississippi River. With this license agreement, beginning in 2022 when Viking mobilizes its operations, Davenport will be a port of call.

Given its need for a deep water port, Viking River Cruises plans to use a section of the river wall at River Heritage Park to on and off-board its passengers. The river wall along River Heritage Park has adequate capacity and is envisioned to be able to provide portage for a number of vessels.

The license agreement provides for \$1.00 per passenger traveling as well as a contribution of up to \$25,000.00 for agreed upon site enhancements. The term is for twenty years with two 10 year extensions.

The Riverfront Improvement Commission approved the license agreement at its regular meeting on November 26, 2019. Staff will clarify the specific landing point along the river wall and the start date in the final version. For agreements with a term beyond three years in length, the City Council must approve concurrently.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution
▢ Backup Material	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	11/26/2019 - 1:24 PM

Resolution No. _____

Resolution offered by Alderman Rawson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION for Concurrent Approval of the License Agreement with Viking USA, LLC.

WHEREAS, After receiving its necessary permitting to navigate on U.S. waterways, Viking River Cruises now is seeking agreements for portage with identified communities along the Mississippi River,

AND WHEREAS, With this license agreement, beginning in 2022 when Viking mobilizes its operations, Davenport will be a port of call,

AND WHEREAS, Given its need for a deep water port, Viking River Cruises plans to use a section of the river wall at River Heritage Park to on and off-board its passengers. The river wall along River Heritage Park has adequate capacity and is envisioned to be able to provide portage for a number of vessels,

AND WHEREAS, The license agreement provides for \$1.00 per passenger traveling as well as a contribution of up to \$25,000.00 for agreed upon site enhancements. The term is for twenty years with two 10 year extensions,

AND WHEREAS, The Riverfront Improvement Commission approved the lease agreement at its regular meeting on November 26, 2019. For agreements with a term beyond three years in length, the City Council must approve concurrently.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that concurrent approval of the license agreement with Viking USA, LLC is hereby given.

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

LICENSE AGREEMENT

This **LICENSE AGREEMENT** (the “**Agreement**”) is made and entered into as of the ____ day of _____, 2019, but not to be effective until the Effective Date (defined below), by and between the CITY OF DAVENPORT, IOWA, a municipal corporation (hereinafter referred to as “**Grantor**”); and VIKING USA, LLC, hereinafter referred to as “**Grantee**” or “**Viking**”);

Recitals

WHEREAS, Grantor owns certain immovable property abutting the Mississippi River known as the River Heritage Park, and more particularly shown on Exhibit A hereto (the “**Land**”); and

WHEREAS, Grantor owns certain improvements on the Land that enable cruise vessels to dock and disembark from river cruise vessels onto the Land (the “**Improvements**”); and

WHEREAS, Grantee has agreed to contribute financing to the construction of certain enhancements to the Improvements in exchange for a first priority right and license to use the Improvements, and other consideration as described herein.

1. BASIC PROVISIONS.

A. The above recitals are incorporated by reference herein and made a part hereof. All Exhibits annexed hereto are hereby made a part hereof.

B. Land. The Land consists of approximately [____] acres of immovable property including a park and ancillary structures, including a parking lot. The Land abuts the Mississippi River and Grantor owns good title to all Land and water rights as depicted in the attached diagram.

C. Improvements. Grantor owns certain existing docking facilities that will accommodate Grantee’s vessels and other cruise vessels. Grantee desires a docking facility that will accommodate its vessels and provide a first class experience for its guests, and may agree to partner with Grantor to enhance the existing Improvements, including but not limited to adding utilities and improved access (“**Enhancements**”). Grantor shall contract with a licensed contractor to make the Enhancements and shall enter into all contracts, plans, permits and construction documents in its own name, and Viking shall not be a party to any contracts related to the construction and maintenance of the Enhancements. Grantor agrees that Grantee and Grantee’s engineer shall have input in the design and shall be consulted to ensure the design and functionality of the Enhancements meet Grantee’s needs. Grantor and Grantee agree that Grantee has agreed to participate in the design and construction of the Enhancements to ensure that Grantee has access from the river to the public rights of way abutting the Land. In the event that the Improvements, as improved with the Enhancements, do not accomplish this purpose, Grantee may terminate this Agreement upon thirty (30) days’ notice to Grantor, and Grantor shall immediately return any contributions made by Grantee to construction or design of the Enhancements. Grantor shall notify

Grantee of the completion of the Enhancements, and Grantee shall have thirty (30) days from the date of this notice of completion to send the notice of termination described immediately above.

D. Grant of License. Grantor hereby grants to Grantee during the Term (as defined below) and on the terms and conditions set forth herein a first priority right and irrevocable nonexclusive license to occupy the Improvements, subject to the terms and conditions of this Agreement. Grantee shall have first docking rights, based on the schedule provided by Grantor to Grantor twelve months prior to the use of the Improvements. In the event water conditions or emergencies cause changes in the scheduled use of the Improvements, Grantor shall notify Grantee first of such changes, noting which dates are available for docking and Grantee shall have five days to elect any such open dates for docking, or in the event such date is less than five days away, Grantee shall have no less than twenty-four hours during which it may elect such open dates before Grantor offers open dates to other vessel operators. In addition to the Improvements constructed as part of this Agreement, Grantee and its guests and invitees shall have the right to use any parking lot on the Land for parking in conjunction with loading and unloading buses, and other reasonable uses ancillary to the use of the Improvements, including allowing service and maintenance vehicles to access any docked vessel or make repairs or improvements to the docking facilities. Grantor and Grantee agree that this license is not exclusive and that Grantor intends to allow other cruise operators to use the Improvements; provided however that Grantee shall have the first selection of dates as provided in this paragraph.

E. Term. This Agreement shall become effective upon the Effective Date as such term is defined in the Time Charter Party between River 1, LLC and Viking USA, LLC. Grantee shall provide notice to Grantor by email promptly following the occurrence of the Effective Date. The initial term of this Agreement and the license and right of use granted hereunder (as may be extended, the "**Term**") shall commence on the date Grantee docks its first vessel at the Improvements ("**Commencement Date**") and shall terminate twenty (20) years from such date, unless terminated earlier pursuant to the terms of this Agreement (the "**Termination Date**"), with Viking having the right to extend the Term by two (2) ten (10) year extensions, exercisable by Grantee in its sole discretion. The terms of any extension term shall be as set forth in this Agreement. Either party may terminate this Agreement by providing the other party with thirty (30) days written notice prior to the Effective Date. In the event that the Effective Date does not occur within thirty-six (36) months from the date of this Agreement, Grantor may terminate this Agreement by written notice to Viking, and all rights and obligations of the parties herein shall immediately terminate.

F. Consideration. In exchange for the grant of the license described herein, Grantee agrees to contribute up to a maximum of \$25,000.00 for the cost of the Enhancements. Grantor shall deliver receipts, draw requests or invoices from the contractor detailing costs incurred to Grantee along with a request for funding. Grantee shall have fifteen (15) days from the receipt of such documentation to conduct any inspections of the Enhancements, request any further documentation or question any documentation it has received. In the event that Grantee notes any noncompliance of the terms of the construction designs agreed upon by the parties, or any costs or

charges with which it disagrees, Grantee shall notify Grantor within such 15 day period, and Grantor shall have five (5) days to respond to such notice by scheduling a meeting with the Grantee and/or the contractor to resolve any outstanding issues. Grantee agrees that if it fails to notify Grantor of any noncompliance within such 15 day period, it shall deliver to Grantor the requested funding (up to a maximum of \$25,000.00) to Grantee within fifteen (15) days.

G. Maintenance. All Improvements shall be owned, controlled and maintained by Grantor, and Grantee shall bear no obligation or liability related thereto. Grantor agrees to maintain the Improvements as a safe and usable docking facility, and shall conduct such upgrades and repairs as to maintain the condition as originally designed and constructed. In the event that the Improvements are not maintained in a usable manner, Grantee may notify Grantor of any deficiencies and Grantor shall have ninety (90) days to remedy such deficiencies to Grantee's satisfaction. Grantor agrees that prior to allowing other vessels to use the Improvements, it will enter into a written agreement with such user setting out the terms of use, any agreed upon fee structure, adequate insurance requirements, and other policies and procedures that will ensure that the Improvements are used and maintained in a safe, neat, and reasonable manner.

H. Rent. Subject to the credit described in Section I below, the rental amount owed by Grantee for the use of the Improvements shall be \$1.00 per passenger travelling (regardless of booking numbers) on each Viking cruise which rental amount shall be applicable during the first twenty (20) years of the Term. Following completion of the initial term, the parties shall have the right to renegotiate the rental amount for the first extension period and any subsequent extension term. Fees shall be paid monthly to Grantor, not later than 60 days after they are incurred.

I. Docking Fee; Rental Credit. Grantor shall have the right to negotiate docking fees for any other vessels that use the Improvements. In the event the Grantor charges other vessels to utilize the Improvements, Grantor shall credit the amount Grantee owes in Rent one dollar (\$1.00) per passenger plus fifty-percent (50%) of any amounts received in docking fees from such third party cruise vessel that docks at the Improvements until Grantee has received up to 50% of any Grantee share of the Enhancements per Section F, with a maximum of \$12,500.00 in credit, at which point Grantee shall commence its rental obligations to Grantor as provided herein.

J. Additional Improvements. In the event that Grantee deems it necessary or appropriate for additional improvements to be constructed on the Land, including improvements from the low main water line of the river to provide access from river vessels onto land, Grantee shall notify Grantor of the proposed design and cost of such additional improvements. In the event that such improvements are similar in design and cost as other improvements contemplated by Grantor in its master plan for the waterfront development, Grantor and Grantee shall work to prioritize the construction of such improvements, with Grantee setting aside additional funding for such improvements in the same proportion as it shall provide for the initial Improvements described herein, in exchange for a credit for such costs against Rent as provided for herein. If the additional improvements Grantee requests are not similar in design and cost to those in Grantor's master plan, or in the event Grantor does not have plans for additional improvements on the Land, Grantee shall work with Grantor's engineers and planners to determine if such improvements

comply with all existing land use plans for the area. Grantor agrees to use all diligence to review and approve Grantee's designs, or to work with Grantee to accommodate similar improvements into a plan Grantor can implement in accordance with this paragraph. All such improvements constructed on the Land, regardless of Grantee's role in designing or contributing to the cost of construction, shall be and remain the property of Grantor.

2. USE OF SPACE/WAIVER OF RESPONSIBILITY

Grantee shall use the Improvements solely for docking cruise vessels, disembarking and reloading cruise passengers, and servicing its vessels. Any changes to this use must first be approved in writing by Grantor, which may be granted or denied in its sole discretion. Grantee acknowledges that the use and occupancy of the Improvements, the Land, and adjacent areas is at its own risk, cost and expense and on an "as-is" and "where is" basis. Grantee agrees to assume sole and exclusive responsibility for any loss (including personal and bodily injury or property damage) which may be sustained by Grantee, its employees, agents, representatives, guests, invitees, or property.

3. INDEMNITY

To the fullest extent provided by law, and except for claims arising from the gross negligence, recklessness, or willful misconduct of Grantor, Grantee agrees to indemnify, defend, and hold harmless Grantor, and any of Grantor's affiliated entities, and their respective agents, employees, representatives, invitees, and grantees, of and from any and all claims, demands, suits, damages, expenses, penalties, fees, fines, proceedings, and liabilities (including, without limitation, costs of defense, investigation, and adjustment) arising out of or in connection with the Grantee's use and occupancy of the Improvements; or from the conduct of Grantee's business, or from any activity, work or things done, permitted, or suffered by Grantee in or about the Improvements or elsewhere; or from any breach or default in the performance of any obligation on Grantee's part to be performed under the terms of this Agreement; or from any act or omission of Grantee; and from and against all costs, reasonable attorneys' fees, and expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. If any action or proceeding is brought against Grantor by reason of any such claim, Grantee, upon notice from Grantor, shall defend the same at Grantee's sole expense by counsel reasonably satisfactory to Grantor.

To the fullest extent provided by law, and except for claims arising from the gross negligence, recklessness, or willful misconduct of Grantee, Grantor agrees to indemnify, defend, and hold harmless Grantee, and any of Grantee's affiliated entities, and their respective agents, employees, representatives, invitees, and grantees, of and from any and all claims, demands, suits, damages, expenses, penalties, fees, fines, proceedings, and liabilities (including, without limitation, costs of defense, investigation, and adjustment) arising out of or in connection with the design, construction or maintenance of the Improvements or the condition of the Land; or from the conduct of Grantor's business, or from any activity, work or things done, permitted, or suffered by Grantor in or about the Improvements, the Land, or elsewhere; or from any breach or default in the performance of

any obligation on Grantor's part to be performed under the terms of this Agreement; or from any act or omission of Grantor; and from and against all costs, reasonable attorneys' fees, and expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. If any action or proceeding is brought against Grantee by reason of any such claim, Grantor, upon notice from Grantee, shall defend the same at Grantor's sole expense by counsel reasonably satisfactory to Grantee.

The provisions of this Article 3 shall survive the expiration or earlier termination of this Agreement.

4. INSURANCE; CASUALTY

A. Insurance Obligations. Both Grantor and Grantee agree to maintain adequate liability and property insurance coverage for their owned Improvements, including, in the case of Grantor, the land underlying any improvements and all land abutting the docking facility. Grantee acknowledges that Grantor's current, respective property and liability coverage plan (including self-funded components) are adequate. The aforesaid policies shall (i) be provided at the insured's expense; (ii) be on an occurrence basis; (iii) name Grantor, as appropriate, as an additional insured under any general liability policy; (iv) be issued by an insurance company with a minimum Best's rating of "A-:VII" as of the Commencement Date; and (v) provide that said insurance shall not be canceled unless 30 days prior written notice (10 days for non-payment of premium) shall have been given to the additional insureds. A certificate of liability insurance shall be delivered to each additional insured prior to the Commencement Date and at least 30 days prior to each renewal of said insurance.

B. Casualty. In the event of damage or destruction of the Improvements, Grantor shall promptly notify Grantee of any modifications or cancellations to the schedule that may be required by such damage or subsequent repair, and the provisions of Section 1.D shall apply. Grantor agrees to promptly repair, to the same or better condition as originally designed, any Improvements damaged or destroyed. In the event that Grantee cannot utilize the Improvements for the purposes described herein, or in the event the Improvements are not repaired or maintained in a first class manner, Grantee may notify Grantor of any deficiencies and Grantor shall have ninety (90) days to remedy such deficiencies to Grantee's satisfaction.

5. WAIVER OF SUBROGATION

Nothing in this Agreement shall be construed so as to authorize or permit any insurer of Grantee or Grantor to be subrogated to any right of Grantee or Grantor against the other party arising under this Agreement, and each of Grantee or Grantor shall cause each fire and extended coverage insurance policy or all risk insurance policy that it maintains to provide that the insurance company waives all rights of recovery by way of subrogation against the other party. Notwithstanding anything to the contrary contained in Section 4, above, Grantee or Grantor each hereby release the other from any loss or damage to the injured party's property (real or personal) located within or

constituting a part of or all of the Improvements, even if such incidents were brought about by the act, fault or negligence of the party released (or persons for whose acts or negligence the other party released is responsible). This waiver and release shall apply to the extent the loss or damage is covered by: (i) the injured party's insurance; or (ii) the insurance the injured Party is required to carry under this Agreement, whichever is greater.

6. NON-TRANSFERABLE

Except to an entity wholly owned by Grantee, neither this Agreement nor the license and right of use granted hereunder may be assigned, delegated, or otherwise transferred, including by operation of law, without the prior written consent of Grantor in Grantor's sole discretion.

7. DEFAULT

The failure by either party to observe or perform any of the terms, covenants, or conditions of this Agreement to be observed or performed by such party, where such failure has continued for a period of twenty (20) days after written notice thereof from the non-defaulting party shall constitute a default and breach of this Agreement by such party.

8. REMEDIES

A. Grantor Remedies. If any default by Grantee shall continue uncured following notice of default, then Grantor may, at its option and without notice, terminate this Agreement and declare the Term ended, and, with or without process of law, refuse docking rights and use of the Improvements by Grantee, all without prejudice to any remedies which might otherwise be available to Grantor. Such termination, expulsion or removal shall not affect the liability of Grantee for other obligations under this Agreement.

Failure of Grantor to exercise its rights in connection with any breach or violation of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition contained in this Agreement.

All of Grantor's remedies shall be cumulative and not exclusive of other available remedies at law, in equity or otherwise.

B. Grantee Remedies. If any default by Grantor shall continue uncured following notice of default, then Grantee may, at its option, notify Grantor that it intends to remove Grantor from its schedule pending cure of any default, or that it intends to continue to dock at the Improvements, but withhold Rent due hereunder until such time as the default has been cured to Grantee's satisfaction. If such default is not cured within one hundred eighty (180) days of Grantee's abatement of Rent, Grantee may, with written notice to Grantor, terminate this Agreement and declare the Term ended, all without prejudice to any remedies which might otherwise be available to Grantee.

Failure of Grantee to exercise its rights in connection with any breach or violation of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition contained in this Agreement.

All of Grantee's remedies shall be cumulative and not exclusive of other available remedies at law, in equity or otherwise.

9. TERMINATION

Because of the consideration being paid by Grantee, other than due to a default by Grantee that remains uncured beyond the applicable cure period, Grantor may not terminate this Agreement prior to the end of the Term; however, Grantor may terminate this Agreement, as specified below, if Grantee, for reasons other than those out of Grantee's control, such as river conditions or force majeure, does not dock at the Land at least eight (8) times during an annual cruise season. Grantee may terminate this Agreement at any time prior to the expiration of the Term upon written notification to Grantor specifying the date of termination, which shall not be less than sixty (60) days after delivery of such notice.

Upon the termination of this Agreement, by expiration or otherwise, Grantee shall surrender the Improvements to Grantor free from all debris and personal property of Grantee. All alterations, additions, improvements and decorations made to the Improvements by Grantee that remain after expiration or earlier termination of the Term shall become the property of the Grantor unless Grantor shall require Grantee, at Grantee's expense, to remove any or all fixtures and other equipment and personal property owned by Grantee from the Improvements. Any and all fixtures and other equipment and personal property owned by Grantee may (and upon Grantor's request shall) be removed from the Improvements by Grantee no later than the termination date, provided that all terms and conditions of this Agreement have been complied with and provided further that Grantee shall repair any and all damage caused by such removal.

10. RELATIONSHIP OF PARTIES

The relationship hereunder between Grantor and Grantee is that of Grantor/Grantee, and no relationship of employer/employee, master/servant, landlord/tenant, joint venturers or partners shall be deemed to exist between Grantee and Grantor by virtue of this Agreement.

11. NOTICES.

Any notice which may be given pursuant to this Agreement shall be delivered postage pre-paid (a) via certified mail, return receipt requested, (b) via overnight courier, or (c) via in-person delivery, to the following addresses:

If to Grantor:

City of Davenport
226 W. 4th Street
Davenport, Iowa 52801
Attention: City Administrator

If to Grantee:

Viking USA, Inc.
Attn:

For purposes of this License notice will also deemed to have been properly sent if such is sent by electronic delivery (e-mail) provided that confirmation of such is received or can be documented.

12. MISCELLANEOUS

A. Headings. The article, section and other headings of this Agreement are for convenience of reference only and shall not be construed to affect the meaning of any provision contained herein.

B. Entire agreement. This Agreement, including all the attachments hereto, embodies the entire agreement between the parties and supersedes all prior agreements and understandings, if any, relating to the subject matter hereto.

C. Amendments and waivers. No amendment of any provision of this Agreement shall be valid unless the same shall be in writing and signed by the parties. No waiver by either party of any default, misrepresentation, or breach of warranty or covenant hereunder, whether intentional or not, shall be deemed to extend in to any prior or subsequent default, misrepresentation, or breach of warranty or covenant hereunder or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

D. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. The parties contemplate that they may be executing counterparts of this Agreement transmitted by electronic mail and agree and intend that a signature delivered by electronic mail shall bind the party so signing with the same effect as though the signature were an original signature.

[Signature Page(s) to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written, but to be effective as of the Effective Date.

GRANTEE:

VIKING USA, INC.

By: _____

Name:

Its:

GRANTOR:

RIVERFRONT IMPROVEMENT COMMISSION
CITY OF DAVENPORT, IOWA

By: _____

Name: Dee Bruemmer, Chair

Its:

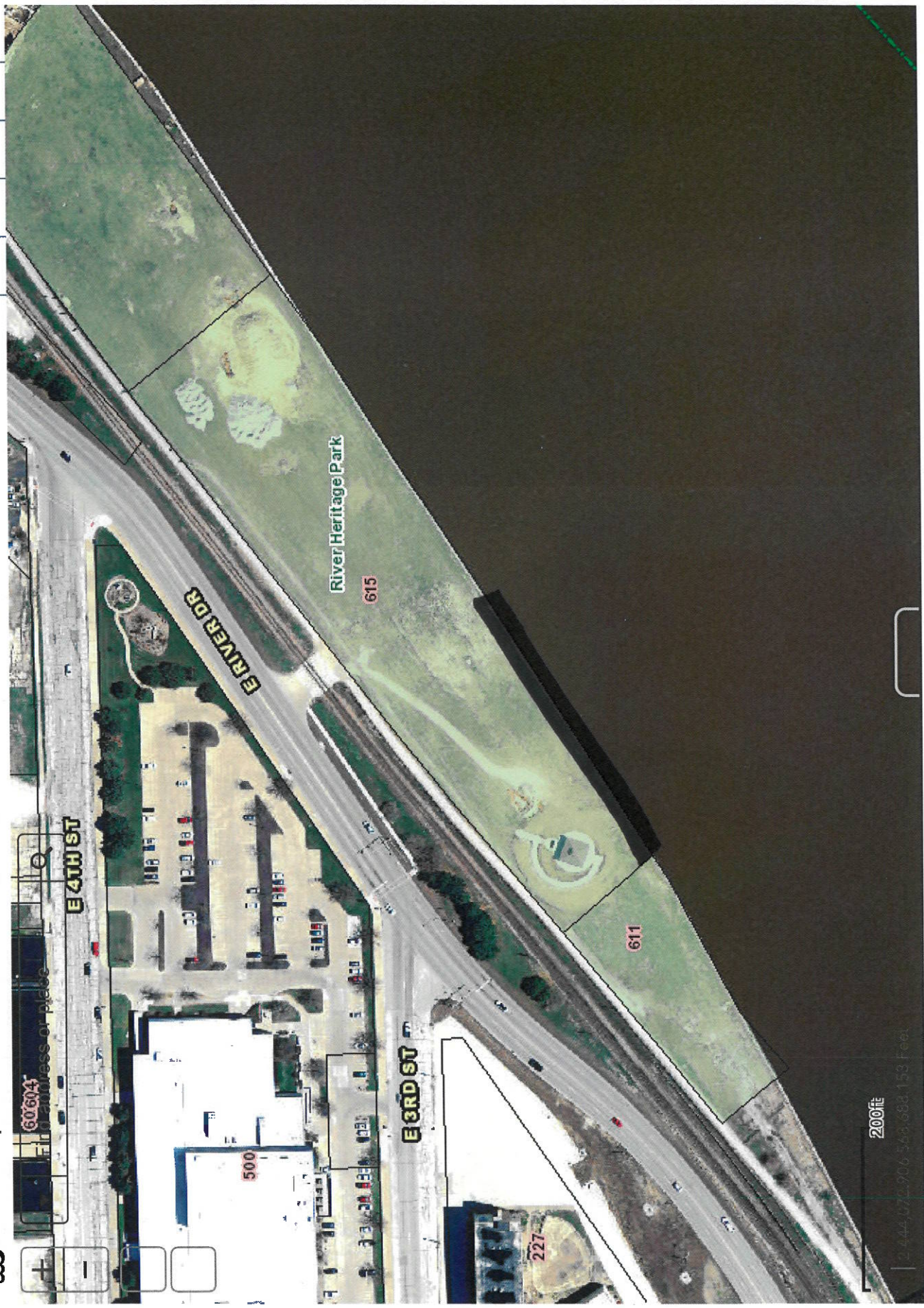
EXHIBIT A

The Land



Davenport Interactive City Map

with Web AppBuilder for ArcGIS



City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
12/4/2019

Subject:
Resolution approving the participation with the State of Iowa in a Safety Equipment contract with Fastenal Company. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport is a member of the National Association of State Procurement Officials (NASPO), a consortium that processes bids for different products or services.

NASPO recently processed a bid for Safety Equipment, Master Agreement # 8497. This is a contract that runs through June 2023.

In the past, the City of Davenport has processed an RFP for the purchase of safety clothing and equipment. Fastenal has been our contractor and has performed very satisfactorily.

The funding for the purchases of this equipment comes from each individual department's budget.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES_Safety Equipment Contract with Fastenal

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	11/25/2019 - 4:16 PM
Public Works Committee	Lechvar, Gina	Approved	11/25/2019 - 4:16 PM
City Clerk	Admin, Default	Approved	11/25/2019 - 4:28 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Purchase of Safety Clothing and Equipment via the State Bid master agreement #8497 with Fastenal Company (who has a store in Davenport), and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to purchase safety clothing and equipment for employees; and

WHEREAS, the NASPO (of which we are a member) processed a master bid for the purchase and awarded to Fastenal Company;

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

1. Approving the contract for the purchase of Safety Clothing and Equipment via the Master Agreement with Fastenal #8497 to Fastenal of Davenport, IA; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Jen Walker 563-326-6168
Wards:

Action / Date
12/4/2019

Subject:
Resolution accepting work completed under the Elmwood Ave Reconstruction Project, CIP #35036. The total contract with Hawkeye Paving Corporation was \$367,876.14. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
The project location was N Elmwood Ave between N Linwood Ave and N Lincoln Ave. The scope of resurfacing work was for concrete pavement and curb removal, new storm sewer intakes, pavement underdrain, new concrete curb and gutter, hot mix asphalt pavement, extensive replacement of sidewalks and driveway approaches that were in poor condition, and ADA-compliant curb ramps. Work has been satisfactorily completed by Hawkeye Paving Corporation (Bettendorf, IA).

Total project cost was \$367,876.14, which was funded by Government Obligation Bond proceeds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	11/25/2019 - 4:20 PM
Public Works Committee	Lechvar, Gina	Approved	11/25/2019 - 4:23 PM
City Clerk	Admin, Default	Approved	11/25/2019 - 4:25 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the Elmwood Ave Reconstruction Project, CIP #35036.

WHEREAS, the City entered into contract with Hawkeye Paving Corporation of Bettendorf, Iowa;

WHEREAS, the project location was N Elmwood Ave between N Linwood Ave and N Lincoln Ave;

WHEREAS, the scope included pavement and curb removal, new storm sewer intakes, pavement underdrain, new concrete curb and gutter, hot mix asphalt pavement, sidewalks, driveway approaches, and ADA-compliant curb ramps; and

WHEREAS, the final cost of the contract was \$367,876.14; and

WHEREAS, the work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT; that the Elmwood Ave Reconstruction Project is hereby formally accepted.

Passed and approved this 4th day of December, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:

Department: Public Works - Admin

Contact Info: Jen Walker 563-326-6168

Wards:

Action / Date

12/4/2019

Subject:

Resolution accepting work completed under the High Street Flood Mitigation Project, CIP #33020. The total contract with Langman Construction, Inc was \$201,103.36. [Ward 4]

Recommendation:

Adopt the Resolution.

Background:

The project location was at the intersections of W High St and Washington St and W High St and Fillmore St. The scope of work was to upsize storm sewer pipes and intakes. ADA-compliant curb ramps were also completed. Work has been satisfactorily completed by Langman Construction (Rock Island, IL).

Total project cost was \$201,103.36, which was funded by Government Obligation Bond proceeds in General Capital Projects.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	11/26/2019 - 9:38 AM
Public Works Committee	Lechvar, Gina	Approved	11/26/2019 - 9:38 AM
City Clerk	Admin, Default	Approved	11/26/2019 - 10:22 AM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the High Street Flood Mitigation Project, CIP #33020.

WHEREAS, the City entered into contract with Langman Construction, Inc. of Rock Island, Illinois;

WHEREAS, the project location was at the intersections of W High St and Washington St and W High St and Fillmore St;

WHEREAS, the scope was to upsize storm sewer pipes and intakes, and complete ADA-compliant curb ramps; and

WHEREAS, the final cost of the contract was \$201,103.36; and

WHEREAS, the work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, that the High Street Flood Mitigation Project is hereby formally accepted.

Passed and approved this 4th day of December, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Eric Gravert 563-327-5125
Wards:

Action / Date
12/4/2019

Subject:
Resolution accepting the Sterilite Intersection Improvements Project completed by Absolute Concrete Construction, Inc of Slater, IA. This project was completed with a final contract amount of \$2,115,453.12, CIP #35029. [Ward 8]

Recommendation:
Adopt the Resolution.

Background:
This project constructed turn lanes for Sterilite at their truck entrance on Division St, their employee entrance on Slopertown Rd, and at the intersection of Slopertown Rd and Division St. As part of the Sterilite development agreement, the City is responsible for these improvements to service the new facility. TIF and RISE grants are funding the construction thru CIP #35029.

The project was completed in accordance with the City of Davenport requirements with a final amount of \$2,115,453.12 budgeted in CIP #35029.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution Letter

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	11/25/2019 - 4:15 PM
Public Works Committee	Lechvar, Gina	Approved	11/25/2019 - 4:15 PM
City Clerk	Admin, Default	Approved	11/25/2019 - 4:26 PM

Resolution No. _____

Resolution offered by Alderman Dunn

Resolution of acceptance for the construction of the Sterilite Intersection Improvements Project completed by Absolute Concrete Construction, Inc of Slater, IA.

Whereas, the City of Davenport entered into a contract with Absolute Concrete Construction, Inc of Slater, IA for construction work; and

Whereas, work on the project has been satisfactorily completed

Now, therefore, be it resolved, by the City Council of the City of Davenport, Iowa: that the Sterilite Intersection Improvements Project is hereby accepted.

Passed and approved this 4th day of December, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Meghan Murray 563-326-7772
Wards:

Action / Date
12/4/2019

Subject:
Resolution adopting the FY21 Budget Policies. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The Government Finance Officers Association (GFOA) of the United States and Canada recommends that governmental entities include budget guidelines in the budget document that serve as a coherent statement of organization-wide financial and programmatic policies and goals that address both long- and short-term concerns and issues. These policies serve as parameters for staff and the City Council in the preparation of the annual budget. They also provide a framework for staff to link goals and objectives with resources in the budget document.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	FIN_RES_Adopting FY21 Budget Policies Resolution
▣ Backup Material	FIN_FY21 Budget Policies

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	11/19/2019 - 10:30 AM

Resolution No. _____

Resolution offered by Alderman Matson:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting the FY 2021 Budget Policies.

WHEREAS, the Government Finance Officers Association of the United States and Canada recommends that governmental entities include budget guidelines in the budget document to serve as a coherent statement of organization-wide financial and programmatic policies and goals that address long-term concerns and issues; and

WHEREAS, these policies serve as parameters for staff and Council in the preparation of the annual budget; and

WHEREAS, these policies provide a framework for staff to link goals and objectives with resources in the budget document;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the attached document entitled Fiscal Year 2021 Budget Policies is hereby adopted.

Approved:

Attest:

Frank J. Klipsch, Mayor

Brian Krup, City Clerk



Budget Policies 2021 Budget

The city budget process is part of an overall policy framework that guides the services and functions of the City of Davenport. The budget serves an important role in the policy framework by allocating financial resources to implement the city's overall policies and to execute the city's core competencies. To this end, the budget document serves as a financial plan, an operating guide, a communications device, a statement of values, and a policy document to guide future decision-making.

- Budget development will be framed by the 2018 customer survey, public input, and the city council goals, and the city administrator work plan. Departmental strategies and goals will be linked to the work plan.
- Two-year budget plans will continue with the FY 2021 Budget being the first year of a two-year budget plan adopted for FY 2021 and looking ahead to FY 2022.
- Budgeted expenditures will be linked to goals and performance-related results. Performance measures will continue to be utilized, monitored, and reported in department budgets.
- The goal of the city's budgeting process is to minimize the tax burden on Davenport citizens while meeting demand for city services. To this end, the city will first address budgetary gaps through departmental reductions in expenditures that minimize reductions in service levels. Revenue options will be explored after reductions in expenditures in order to provide for a structurally balanced budget.
- Cities are greatly affected by state and federal codes and regulations, property tax rollbacks, and state-mandated employee pension contributions. Certain property tax levies are appropriately not limited by statute, therefore levy rate increases are rarely necessary given this environment.
- User fee increases will be enacted when necessary to maintain cost recovery rates or to diversify revenue. Where possible, fees will be reviewed with the goal of diversifying General Fund revenues.
- The budget will be balanced with projected expenditures not to exceed recurring revenues. The

FY 2021 Budget will be structured such that actual results are realistically anticipated to meet both the city council approved General Fund reserve and liquidity policies.

- The budget shall provide a basis for revenue and expenditure projections and shall consider long-range operating implications.
- The capital improvement budget and the six-year capital improvement plan (CIP) will include projects that are funded within projected available resources. This program of projects is based on the city's comprehensive planning process, community needs, and the individual proposals of departments, boards, and commissions of local government. The CIP technical committee shall include representatives from all direct-service and necessary support departments.
- Due to the state legislature's adoption of SF 295, cities in Iowa are likely to continue to experience revenue reductions through FY 2024. To this end, the City of Davenport will be continue reducing its reliance on the backfill for operating expenses by modernizing operations and exploring cost-saving and revenue-enhancing options to mitigate the impact on service levels. Potential areas of organizational review include the exploration of department/division consolidations, intergovernmental service agreements, new revenue sources, and tax levies.

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Larry Keller 563-326-7908
Wards:

Action / Date
12/4/2019

Subject:
Motion awarding a contract for assisted housing turnover services to Twin Bridge Construction, LLC of East Moline, IL. [All Wards]

Recommendation:
Pass the Motion.

Background:
A Request for Proposals was issued on October 28, 2019 and was sent to 389 contractors. On November 18, 2019, the Purchasing Division received and opened one proposal.

The proposal was evaluated on the following criteria: (1) Price, time and material rates proposed for unit turnover - 30%; (2) Number of qualified personnel and years working for company - 30%; (3) History of ability/workmanship - 20%; (4) Responsiveness and responsibility of vendor - 10%; (5) Licensing - 5%; and (6) Safety record - 5%.

Twin Bridge Construction LLC was the only contractor to submit a proposal and is recommended for the contract by the Project Manager.

The contract shall consist of the proper repair/restoration of interior and exterior portions of sites as instructed. Unit turnover services will primarily be performed in unoccupied units, and on occasion services may be requested in a tenant-occupied unit. Based on the previous three years, the average number of rehabilitations performed per year under the contract was 32 units.

Funding for this contract is from account numbers 51601042-520225 and 51501042-520225.

ATTACHMENTS:

Type	Description
▢ Backup Material	PW_MOT_Signed Proposal Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	11/25/2019 - 4:14 PM
Public Works Committee	Lechvar, Gina	Approved	11/25/2019 - 4:14 PM
City Clerk	Admin, Default	Approved	11/25/2019 - 4:33 PM

**CITY OF DAVENPORT, IOWA
PROPOSAL TABULATION**

DESCRIPTION: ASSISTED HOUSING UNIT TURNOVER SERVICES

BID NUMBER: 20-61

OPENING DATE: NOVEMBER 18, 2019

GL ACCOUNT NUMBER: 51601042 520225
51501042 520225

RECOMMENDATION: AWARD THE CONTRACT TO TWIN BRIDGE
CONSTRUCTION LLC OF EAST MOLINE, IL

<u>VENDOR NAME</u>	<u>LOCATION</u>
TWIN BRIDGE CONSTRUCTION LLC	EAST MOLINE, IL

Approved By Cathryn Warner 11-22-19
Purchasing Date

Approved By Nicole McLeason 11-22-19
PW Director Date

Approved By Michael Murray 11/22/19
Budget/CIP Date

Approved By BW 11-22-2019
Chief Financial Officer Date

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Sherry Eastman 563-326-7795
Wards:

Action / Date
12/4/2019

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

Front Street Brewery (Front St Brewery Inc) - Parking lot of 421 W River Dr - Outdoor Area
"Icestravaganza" January 17 - 18, 2020 - License Type: C Liquor

Recommendation:
Pass the Motion.

Background:
The following application has been reviewed by the Police and Fire Departments.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	11/26/2019 - 1:35 PM