

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, December 3, 2014; 5:30 PM

Council Chambers, City Hall

REVISED December 1, 2014

I. Moment of Silence

II. Pledge of Allegiance

Ald. Barnhill

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development Committee

1. Public hearing for the Ordinance for Case No. ROW14-04 being the petition to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed. (Kwik Trip, Inc., petitioner) [7th Ward]
2. Public hearing for the Ordinance for Case No. ROW14-05 being the petition of the City of Davenport for the right-of-way vacation (abandonment) 9,942 square feet, more or less, of a cul-de-sac at the terminus of Sheridan Street located north of 55th Street to be incorporated into the development of the adjacent property. [8th Ward]
3. Public hearing for the ordinance for Case ROW14-06 for the right-of-way vacation (abandonment) of 7000 square feet, more or less, of public right-of-way located south of Rockingham Road and west of Stark Street. (K.C. Properties, LLC, petitioner) [Ward 1].
CITY PLAN & ZONING COMMISSION & STAFF RECOMMEND DENIAL.

B. Public Works Committee

1. Public hearing on the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Concourse Deck Expansion. [
Ward 3]
2. Public hearing on the proposed conveyance of a "Railroad Roll & Hold Easement" across property owned by the City of Davenport, located at 601 Blackhawk Trail Road in Eldridge, Iowa, to SIR Properties Trust. [*Ward 8*]

VII. Presentations

A. Davenport Reads, KennethWayne Thompson, Director Davenport Public Library

VIII. Recess to Standing Committees

COMMUNITY DEVELOPMENT COMMITTEE

MEMBERS: Bill Boom, Chairman; Jason Gordon, Vice Chairman; Gene Meeker; Mike Matson; Kerri Tompkins

I. PRESENTATIONS

II. COMMUNITY DEVELOPMENT COMMITTEE AGENDA

1. Third Consideration: Ordinance for Case No. REZ14-11 being the petition of Real Estate Equities Homes – Crow Creek Road, LLC for the rezoning of 7.56 acres, more or less, of real property located north of Crow Creek Road and east of Utica Ridge Road at the rear of 4601 Utica Ridge Road from “A-1” Agricultural District to “R-5M PUD” Medium Density Dwelling District Planned Unit Development to facilitate the development of a 61- unit, four-story, owner occupied senior housing cooperative along with eventual attached single family home lots. [6th Ward]
2. Second Consideration: Ordinance for Case No. REZ14-12 being a rezoning of 3.09 acres, more or less of real property from “R-3” Moderate Density Dwelling District and “PDD” Planned Development District to all “PDD” Planned Development District. The property is located at the northeast corner of North Elsie Ave and West Kimberly Road and the purpose of the rezoning is to facilitate the development of the property as medical office (Genesis Health Systems, petitioner). [2nd Ward]
3. First Consideration: Ordinance for Case No. ROW14-04 being the petition to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar’s First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed.(KwikTrip,Inc, petitioner) [7th Ward]
4. First Consideration: Ordinance for Case ROW14-06 for the right-of-way vacation (abandonment) of 7000 square feet, more or less, of public right-of-way located south of Rockingham Road and west of Stark Street.
(K.C. Properties, LLC, petitioner) [Ward 1].
CITY PLAN & ZONING COMMISSION & STAFF RECOMMEND DENIAL.

III. ANY OTHER BUSINESS

PUBLIC SAFETY COMMITTEE

MEMBERS: Mike Matson, Chairman; Kerri Tompkins, Vice Chairman; Barney Barnhill; Ray Ambrose; Jason Gordon

I. PRESENTATIONS

II. PUBLIC SAFETY COMMITTEE AGENDA

1. Motion approving beer and liquor license applications.

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

Ward 1

Thirsty's on Third LLC (Thirsty on Third LLC) - 2202 W 3rd Street - License Type: C Liquor

B. Annual license renewals (with Outdoor Area renewals noted):

Ward 7

Osaka Buffet (Osaka Buffet Inc.) - 1510 E Kimberly Road - License Type: C Liquor

Rivals Sports Bar and Grill (Rivals Sports Bar And Grill LLC) - 1720 E Kimberly Road - License Type: C Liquor

Ward 8

Davenport Izaak Walton League (Davenport Izaak Walton League of America) - 8402 N Harrison Street - Outdoor Area - License Type: C Liquor

III. ANY OTHER BUSINESS

PUBLIC WORKS COMMITTEE

MEMBERS: Ray Ambrose, Chairman; Rick Dunn, Vice Chairman; Bill Edmond; Jeff Justin; Gene Meeker

I. PRESENTATIONS

II. PUBLIC WORKS COMMITTEE AGENDA

1. Second Consideration: Ordinance amending Chapter 15.16 The National Electrical Code, Title 15 of the Davenport Municipal Code. *[ALL WARDS]*
2. Resolution approving the plans, specifications, form of contract, and estimate of the cost for the Modern Woodmen Park Concourse Deck Expansion. *[Ward 3]*
3. Resolution accepting the Locust Street Hilltop sidewalk project, CIP Project #10129. *[Wards 4 & 5]*
4. Resolution accepting the W. 59th St. Sump Pump Drainage Relief Project CIP# Project #10545. *[Ward 8]*
5. Resolution authorizing the Mayor to execute a permanent railroad roll and hold easement allowing SIR Properties Trust access across city property located at 601 Blackhawk Trail Road, Eldridge, IA. *[WARD 8]*
6. Resolution granting permission to Geneseo Communications to install a buried communications system within the City Right-of-Way along Utica Ridge Road from Crow Creek Road to 53rd Street, 53rd Street to Victoria Avenue and Victoria Avenue to 56th Street. *[Ward 6]*
7. Resolution approving change order #1 reducing the contract cost by \$(-)416,625.34 for Phase III of the West Side Diversion Tunnel Project, CIP Project #10477. *[Ward 2]*
8. Resolution approving the plan of Veterans Memorial Park, Phase II as submitted SmithGroup-JJR of Madison, CIP Project #10473. *[Ward 3]*

9. Motion approving change order #1 to the engineering design contract with Shive-Hattery, Inc. for design of Veterans Memorial Parkway from Jersey Ridge to 500 feet east of Elmore Avenue in the amount of \$86,400 to add design of a roundabout, CIP Project #02418. *[Wards 6 & 8]* **COMMITTEE ACTION ONLY**

III. ANY OTHER BUSINESS

FINANCE COMMITTEE

MEMBERS: Jeff Justin, Chairman; Bill Edmond, Vice Chairman; Barney Barnhill, Bill Boom, Rick Dunn

I. PRESENTATIONS

II. FINANCE COMMITTEE AGENDA

1. First Consideration: Ordinance amending Chapter 2.12 of the Municipal Code of Davenport, Iowa entitled "Department of Finance", by amending various sections thereto addressing purchasing procedures. (All Wards)
2. Resolution authorizing the conveyance of Lot 2 in Prairie Heights Commercial First Addition to the City of Davenport, Scott County, Iowa to KRE, L.L.C. (Petitioner)
3. Resolution adopting Supplements 31-34 to the Municipal Code of Davenport, Iowa. (All Wards)
4. Motion awarding the contract for the lecture hall and interior build-out project at the Davenport Police Department to Estes Construction of Davenport in the amount of \$528,000. (Ward 3)
5. Motion authorizing the approval of contracts for the Modern Woodmen Park carousel foundation project with Big Dog Construction of Davenport, IA and Interstate Fence and Construction of Geneseo, IL in the total amount of \$49,999. (Ward 3)
6. Motion approving the sole source purchase of a control system and upgrades for the heating, ventilation and air conditioning systems (HVAC) at City Hall and the Police Department from Trane U.S. Inc. of Davenport in the amount of \$98,604. (Ward 3)

III. ANY OTHER BUSINESS

IV. PURCHASES OF \$10,000 TO \$50,000 (For Information Only)

1. Reynolds Motor Co. - Pickup truck w/plow for Public Works - Amount: \$34,289
2. Logan Contractors - Concrete crack sealer for Public Works - Amount: \$27,258
3. Vehicle Maintenance Program, Inc. - LED light kits for plows - Amount: \$13,876

IX. Reconvene Committee of the Whole

X. Other Ordinances, Resolutions and Motions

XI. Approval of Discussion and Consent Agenda

XII. Public with Business

XIII. Adjourn

City of Davenport

Committee: Council
Department: City Clerk
Contact Info: Jackie Holecek x6163
Wards: ALL

Action / Date
12/3/2014

Subject:
Ald. Barnhill

Relationship to Goals:

Background:

City of Davenport

Committee: Community Development Committee
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 7th

Action / Date
COW12/3/2014

Subject:

Public hearing for the Ordinance for Case No. ROW14-04 being the petition to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed. (Kwik Trip, Inc., petitioner) [7th Ward]

Relationship to Goals:

Neighborhood Improvement

Background:

The developer is proposing this easement vacation (abandonment) to accommodate redevelopment of the site. The proposed convenience store will be located further to the south on the property (located behind the existing restaurant building). This location places the building on the easement and hence the request to vacate the easement. Mid-American Energy has indicated that if new utility services require easement they will be obtained as part of the building review process.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
Backup Material	Public Hearing notice

TO BE PUBLISHED IN THE NOVEMBER 26, 2014 ADDITION OF THE QUAD CITY TIMES,
HAVING THE NOTICE BILLED TO PO# 1507970 AND RECEIVING THE PROOF OF PUBLICATION
PRIOR TO THE PUBLIC HEARING

TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. ROW14-04 being the petition of Kwik Trip, Inc, contract purchasers, to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed. [7th Ward]

The property has the following legal description:

Part of the Southeast Quarter of Section 13 - Township 78 North – Range 3 East of the 5th P.M. being more particularly described as follows:

Part of a Utility Easement within the boundary of Lot 1 as shown on the Final Plat for Cheddar's First Addition in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows, the Final Plat for Cheddar's First Addition is recorded as Document No. 19592-91 in the Scott County Recorder's Office;

Commencing at the southeast corner of said Lot 1; Thence North 02 degrees 08 minutes 38 seconds West along the east line of said Lot 1, a distance of 80.97 feet to the southwesterly line of said Utility Easement and the Point of Beginning; Thence North 44 degrees 16 minutes 39 seconds West along said southwesterly line, a distance of 129.42 feet to the northwesterly line of said Utility Easement; Thence North 45 degrees 43 minutes 21 seconds East along said northwesterly line, a distance of 20.00 feet to the northeasterly line of said Utility Easement; Thence South 44 degrees 16 minutes 39 seconds East along said northeasterly line, a distance of 107.32 feet to the east line of said Lot 1; Thence South 02 degrees 07 minutes 41 seconds East along said east line, a distance of 29.80 feet to the Point of Beginning.

The above described parcel contains 2,368 square feet or 0.05 acres, more or less as shown by the attached Utility Easement Vacation Plat. For the purpose of this description North is based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment).

The Plan and Zoning Commission accepts the findings and forward Case No. ROW14-04 to the City Council for approval.

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 03, 2014 at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO# 1507970.

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: planning@ci.davenport.ia.us

City of Davenport

Committee: Community Development Committee
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 8th

Action / Date
COW12/3/2014

Subject:

Public hearing for the Ordinance for Case No. ROW14-05 being the petition of the City of Davenport for the right-of-way vacation (abandonment) 9,942 square feet, more or less, of a cul-de-sac at the terminus of Sheridan Street located north of 55th Street to be incorporated into the development of the adjacent property. [8th Ward]

Relationship to Goals:

Neighborhood Improvement

Background:

The Laffredo development surrounds two-thirds of this cul-de-sac and the accompanying subdivision plat, Welcome Way Commercial Park Sixth Addition states in the "Notes" that the Right-of-way is to be vacated. The City is proposing this right-of-way vacation (abandonment) to provide assurance that the vacation will occur. An alternative exists to the vacating of the right-of-way which would be licensing the right-of-way for use by the developer however due to the increased truck traffic within the cul-de-sac the City maintenance costs would likely be higher than normal.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
 Backup Material	ROW14-05 PH notice

City of Davenport

Committee: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Ward: 8th

Action / Date
CD 12/03/14

Subject:

Public hearing for the Ordinance for Case No. ROW14-05 being the petition of the City of Davenport for the right-of-way vacation (abandonment) 9,942 square feet, more or less, of a cul-de-sac at the terminus of Sheridan Street located north of 55th Street to be incorporated into the development of the adjacent property. [8th Ward]

Recommendation:

Findings:

- The vacation would likely reduce ongoing (& likely increased) maintenance costs to the City.
- The proposed perpetual access easement should satisfy the City's and adjacent owner's needs.

The Plan and Zoning Commission accept the listed finding(s) and forward Case No. ROW14-05 to the City Council for approval subject to the following condition(s):

1. That a perpetual public access easement be maintained over the pavement area of the cul-de-sac which would include City vehicle turn-around for snow and waste removal; and
2. That an easement be retained for existing and future utilizes with the area of the current cul-de-sac right-of-way.

The Commission vote was 8-yes and 0-no with 0-abstention.

Relationship to Goals:

Neighborhood Improvement

Background:

The Laffredo development surrounds two-thirds of this cul-de-sac and the accompanying subdivision plat, Welcome Way Commercial Park Sixth Addition states in the "Notes" that the Right-of-way is to be vacated. The City is proposing this right-of-way vacation (abandonment) to provide assurance that the vacation will occur. An alternative exists to the vacating of the right-of-way which would be licensing the right-of-way for use by the developer however due to the increased truck traffic within the cul-de-sac the City maintenance costs would likely be higher than normal.

For further background information please refer to the background materials.

TO BE PUBLISHED IN THE NOVEMBER 26, 2014 ADDITION OF THE QUAD CITY TIMES,
HAVING THE NOTICE BILLED TO PO# 1507970 AND RECEIVING THE PROOF OF PUBLICATION
PRIOR TO THE PUBLIC HEARING

TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. ROW14-05 being the petition of the City of Davenport for the right-of-way vacation (abandonment) 9,942 square feet, more or less, of a cul-de-sac at the terminus of Sheridan Street located north of 55th Street to be incorporated into the development of the adjacent property. [8th Ward]

The property has the following legal description:

Part of the Northwest Quarter of Section 11 - Township 78 North – Range 3 East of the 5th P.M. being more particularly described as follows:

Beginning at a point in the Southeast Corner of Lot 1 of Welcome Way Commercial Park Fifth Addition to the City of Davenport, Iowa, said point also being the west line of Sheridan Street; thence North 00°-02'-22" West along said west line of Sheridan Street 80.30 feet; thence in a Northeasterly direction along the arc of a curve concave Southeasterly with a radius of 50.00 feet, with a chord bearing of North 18°-58'-00" East and a chord distance of 32.57 feet, for a distance of 33.17 feet; thence continuing in a Northeasterly direction along the arc of a curve concave Southerly with a radius of 50.00 feet, with a chord bearing of North 85°-32'-54" East and a chord distance of 73.28 feet, for a distance of 83.04 feet; thence continuing in a Southerly direction along the arc of a curve concave Westerly with a radius of 50.00 feet, with a chord bearing of South 14°-52'-17" West and a chord distance of 88.09 feet, for a distance of 107.77 feet; thence continuing in a Southerly direction along the arc of a curve concave Southeasterly with a radius of 15.00 feet, with a chord bearing of South 38°-17'-22" West and a chord distance of 18.61 feet, for a distance of 20.07 feet; thence South 00°-02'-22" East a distance of 16.46 feet to the Southwest Corner of Lot 3 of said Welcome Way Commercial Park Fifth Addition; thence South 89°-16'-33" West a distance of 50.00 feet to the point of beginning. The above described tract of land contains 9,942 sq. ft., more or less.

The City Plan and Zoning Commission accepted the listed findings and forwards Case No. ROW14-05 to the City Council for approval subject to the following:

1. That a perpetual public access easement be maintained over the pavement area of the cul-de-sac which would include City vehicle turn-around for snow and waste removal; and
2. That an easement be retained for existing and future utilizes with the area of the current cul-de-sac right-of-way.

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 03, 2014 at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO# 1507970.

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: planning@ci.davenport.ia.us

City of Davenport

Committee: Community Development Committee
Department: Community Planning and Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 1st

Action / Date
CD12/3/2014

Subject:

Public hearing for the ordinance for Case ROW14-06 for the right-of-way vacation (abandonment) of 7000 square feet, more or less, of public right-of-way located south of Rockingham Road and west of Stark Street. (K.C. Properties, LLC, petitioner) [Ward 1].
CITY PLAN & ZONING COMMISSION & STAFF RECOMMEND DENIAL.

Relationship to Goals:

- Added emphasis on economic development.
- Neighborhood improvements

Background:

The petitioner is seeking this right-of-way vacation to possibly expand its business on the property. Currently a fence encroaches on this alley. It is hard surfaced but unlikely that the City has ever constructed any improvements itself. The property owner to the west and contract purchaser of property to the south (same individual) opposed the vacation as it may impact future development decisions. The Commission and staff concur that vacation may be supported in the future, it is premature at this time. Public Input: Notices were sent to property owners within 200 feet of the subject property prior to the Plan and Zoning Commission and City Council public hearings. As mentioned, one property owner has objected. For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
Backup Material	Public Hearing Notice

TO BE PUBLISHED IN THE NOVEMBER 26, 2014 ADDITION OF THE QUAD CITY TIMES,
HAVING THE NOTICE BILLED TO PO# 1507970 AND RECEIVING THE PROOF OF PUBLICATION
PRIOR TO THE PUBLIC HEARING

TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petition:

Case No. ROW14-06: Petition of K. C. Properties LLC for the vacation of approximately 5000 square feet of Right-of-Way located south of 3911 Rockingham Road and West of Stark Street.

The property has the following legal description:

Part of the Northeast Quarter of Section 5 – Township 77 North – Range 3 East of the 5th Principal Meridian being more particularly described as follows:

Beginning at a point in the Southeast Corner of Lot 7 of Block 2 of Harvest Acres an addition to the City of Davenport, Iowa, said point also being in the West Line of Stark Street and the North Line of a twenty-foot wide east-west alley; thence West along the South Line of Lots 7 through 1 of Block 2 of said Harvest Acres a distance of 350 feet to the Southwest Corner of Lot 1 of Block 2 of said Harvest Acres, said point also being in the west line of said Harvest Acres; thence South 20 feet along the west line of said Harvest Acres to the Northwest Corner of Lot 1 of Block 3 of said Harvest Acres; thence East a distance of 350 feet along the North Line of Lot 1 of Block 3 of said Harvest Acres to the Northeast Corner of Lot 1 of Block 3 of said Harvest Acres said point also being in the West Line of Stark Street; thence North 20 feet to the point of Beginning. The above described tract contains 7,000 square feet, more or less.

At its November 18, 2014 meeting, the City Plan and Zoning Commission voted 5-3 to recommend denial of the proposed Right-of-Way vacation.

A public hearing on this ordinance will be held before the Committee of the Whole, Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 3, 2014, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinance. PO# 1507970 .

Department of Community Planning & Economic Development
Phone: (563) 326-7765
Email: planning@ci.davenport.ia.us

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Eric Gravert; (563) 327-5125
Wards: 3

Action / Date
PW12/3/2014

Subject:
Public hearing on the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Concourse Deck Expansion. [
Ward 3]

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities.

Background:
This project is for the improvements associated with the new concrete foundations and structural steel deck area located north of the baseball park's left field side.

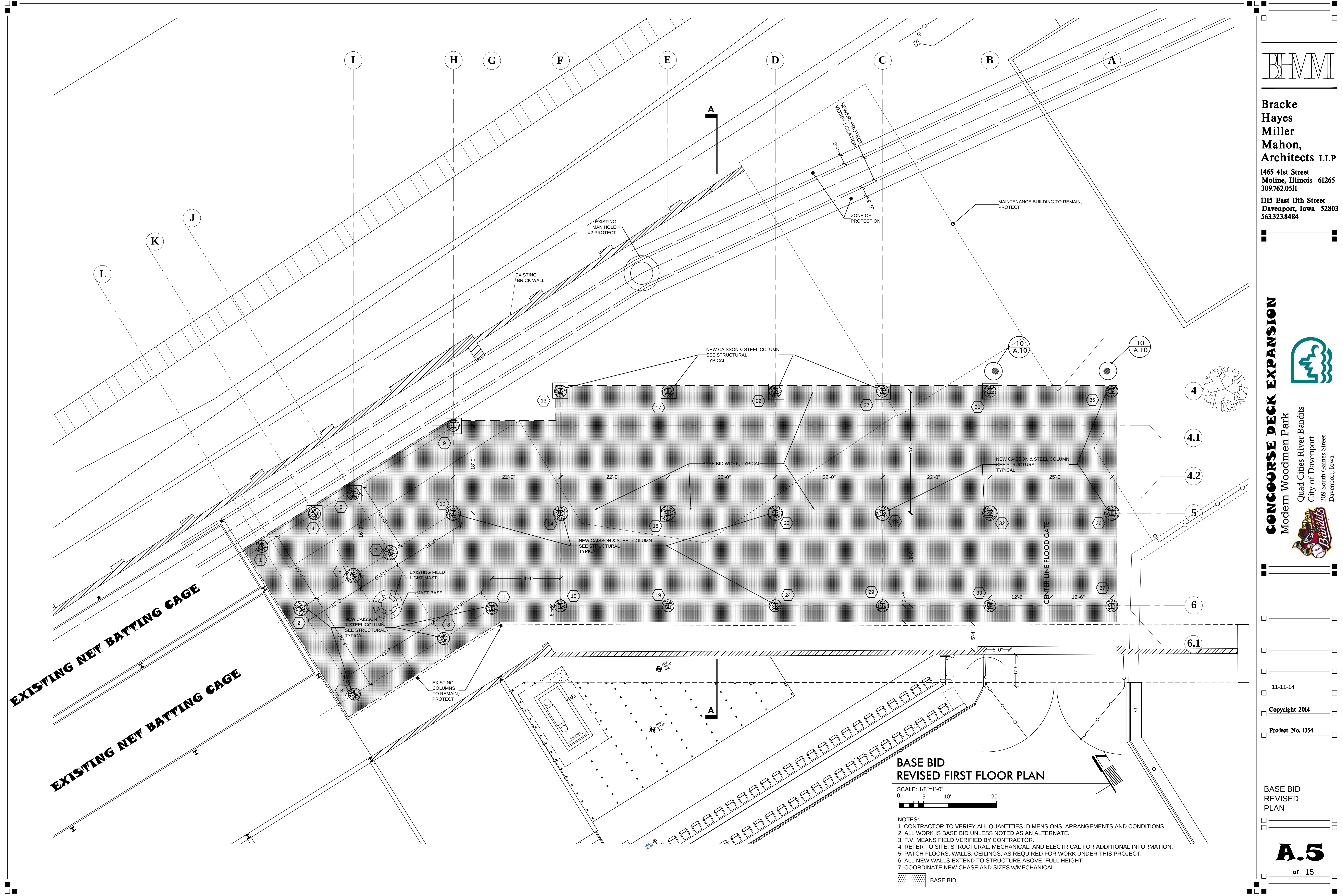
Program management will be completed by the Engineering Division Staff.

Funding for this project will come from the Deck Loan obtained by Main Street Iowa, LLC for this purpose, consistent with the company's lease agreement with the City and is budgeted at \$600,000.

Funds for the Modern Woodman Park Concourse Deck Expansion are funded by the Deck Loan obtained by the River Bandits and is budgeted at \$600,000.

ATTACHMENTS:

Type	Description
☐ Backup Material	PH MWP CONCOURSE

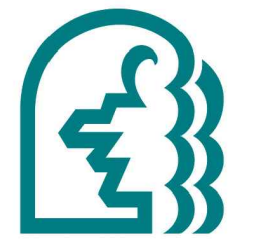


**Bracke
Hayes
Miller
Mahon,
Architects LLP**

1465 41st Street
Moline, Illinois 61265
309.762.0511

1315 East 11th Street
Davenport, Iowa 52803
563.323.8484

CONCOURSE DECK EXPANSION



Modern Woodmen Park
Quad Cities River Bandits
City of Davenport
209 South Gaines Street
Davenport, Iowa



11-11-14
Copyright 2014
Project No. 1354

BASE BID
REVISED
PLAN

A.5
of 15

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Mike Atchley; (563) 327-5149
Wards: 8

Action / Date
PW12/3/2014

Subject:

Public hearing on the proposed conveyance of a "Railroad Roll & Hold Easement" across property owned by the City of Davenport, located at 601 Blackhawk Trail Road in Eldridge, Iowa, to SIR Properties Trust. *[Ward 8]*

Relationship to Goals:

Financially Responsible City Government.

Background:

The rail line was originally designed and constructed to curve north. Canadian Pacific now requires the connection to curve south. This revision has resulted in the need for additional easements to be secured by the City of Davenport.

ATTACHMENTS:

Type	Description
☐ Cover Memo	NOTICE OF PUBLIC HEARING FOR RAILROAD EASEMENT

NOTICE OF A PUBLIC HEARING ON CONVEYANCE OF A "RAILROAD ROLL & HOLD EASEMENT" ACROSS PROPERTY OWNED BY THE CITY OF DAVENPORT, LOCATED AT 601 BLACKHAWK TRAIL ROAD IN ELDRIDGE, IOWA, TO SIR PROPERTIES TRUST.

Notice is hereby given that there is on file in the office of the City Attorney, City Hall, Davenport, Iowa a RESOLUTION conveying a "Railroad Roll & Hold Easement" across property owned by the City of Davenport, located at 601 Blackhawk Trail Road in Eldridge, Iowa, to SIR Properties Trust. The easement has the following legal description:

A parcel of land located in part of Parcel C of Mueller Lumber 3rd Addition being situated in part of the Northeast Quarter of Section 26, Township 79 North, Range 3 East of the 5th Principal Meridian in the City of Eldridge, County of Scott, State of Iowa, shown as Tract No. 2-PR&HE on the attached Plat of Rail Easements, Sheet No. 1 of 4, attached hereto and by this reference made a part hereof, and being more particularly described as follows:

Commencing at the Southeast corner of Parcel C of said Mueller Lumber 3rd Addition; Thence N00°-11'-13"E along the East line of Parcel C of said Mueller Lumber 3rd Addition a distance of 4.81 feet to the Point of Beginning; Thence in a Northwesterly, Westerly and Southwesterly direction along the arc of a curve concave Southerly with a radius of 529.73 feet, with a chord bearing of N72°-06'-33"W and a chord distance of 497.89 feet, for a distance of 518.32 feet; Thence S79°-56'-57"W a distance of 281.64 feet to the intersection with the Southerly Right of Way line of an existing Rail Easement; Thence in a Northeasterly direction along the arc of a curve concave Northwesterly with a radius of 741.78 feet, with a chord bearing of N72°-24'-01"E and a chord distance of 194.65 feet, for a distance of 195.21 feet to the intersection with the West line of Parcel C of said Mueller Lumber 3rd Addition; Thence N00°-11'-56"E along the West line of Parcel C of said Mueller Lumber 3rd Addition a distance of 13.75 feet; Thence N79°-29'-50"E a distance of 7.76 feet; Thence in a Northeasterly, Easterly and Southeasterly direction along the arc of a curve concave Southerly with a radius of 645.21 feet, with a chord bearing of S84°-09'-52"E and a chord distance of 561.22 feet, for a distance of 591.71 feet to the intersection with the East line of Parcel C of said Mueller Lumber 3rd Addition; Thence S00°-11'-13"W along the East line of Parcel C of said Mueller Lumber 3rd Addition a distance of 120.76 feet to the Point of Beginning.

The above described tract of land contains 40,131 sq. ft., more or less.

This Resolution will come on for a public hearing before the Davenport City Council, City Hall, Davenport, Iowa, on the 3th day of December, 2014, commencing at 5:30 P.M., Local Time, or as soon thereafter as the matter can be considered. At said hearing; interested persons may appear and be heard for or against said Resolution.

City of Davenport
Thomas D. Warner
City Attorney
563-326-7735

City of Davenport

Committee: Communit Development Committee
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 6th

Action / Date
11/5/2014

Subject:

Third Consideration: Ordinance for Case No. REZ14-11 being the petition of Real Estate Equities Homes – Crow Creek Road, LLC for the rezoning of 7.56 acres, more or less, of real property located north of Crow Creek Road and east of Utica Ridge Road at the rear of 4601 Utica Ridge Road from “A-1” Agricultural District to “R-5M PUD” Medium Density Dwelling District Planned Unit Development to facilitate the development of a 61- unit, four-story, owner occupied senior housing cooperative along with eventual attached single family home lots. [6th Ward]

Relationship to Goals:

Neighborhood Improvement

Background:

The petitioner is proposing the rezoning to develop the last remaining open parcel along Crow Creek Road between Utica Ridge Road and Devils Glen Road. The proposal would facilitate development of a 61-unit, four-story, owner-occupied senior housing cooperative. The remaining property would eventually be developed with attached single family home lots.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
☐ Cover Memo	REZ14-11 Ordinance
☐ Cover Memo	REZ14-11 Background

ORDINANCE NO.

An ORDINANCE for Case No. REZ14-11 being the petition of Real Estate Equities Homes – Crow Creek Road, LLC for the rezoning of 7.56 acres, more or less, of real property located north of Crow Creek Road and east of Utica Ridge Road at the rear of 4601 Utica Ridge Road from "A-1" Agricultural District to "R-5M PUD" Medium Density Dwelling District Planned Unit Development to facilitate the development of a 61- unit, four-story, owner occupied senior housing cooperative along with eventual attached single family home lots. [6th Ward]

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

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

Part of the Southeast Quarter of Section 8- Township 78 North – Range 4 East of the 5th P.M. being more particularly described as follows:

Beginning at the Southeasterly Corner of Outlot B of Utica Corners 7th Subdivision; thence South 02° 30' 26" East 442.02 Feet along the Westerly Line of Coventry Third Addition to the Northerly right-of-way line of Crow Creek Road; thence South 87° 43' 15" West 748.78 Feet along the said Northerly right-of-way line of Crow Creek Road; thence North 02° 16' 44" West 441.81 Feet to the Southerly Line of Utica Corners 2nd Subdivision; thence North 87° 42' 18" East 747.02 Feet along the Southerly Line of Utica Corners 2nd, 6th and 7th Subdivisions to the said Southeasterly Corner of Outlot B of Utica Corners 7th Subdivision and the Westerly Line of Coventry Third Addition and the Point of Beginning. This parcel contains 7.587 acres, more or less. (For the purposes of this description the Westerly Line of Coventry Third Addition is assumed to bear South 02° 30' 26" East).

The City Plan and Zoning Commission accepted the findings and forwards Case No. REZ14-11 to the City Council for approval subject to the following conditions:

1. Access to Crow Creek Road should be limited to the existing median cross over locations.
2. The existing storm water detention ponds must either be protected or relocated along with the construction of any additional stormwater requirements needed for new development.

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 _____

William E. Gluba
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



City of Davenport

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

October 17, 2014

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of October 14, 2014, the City Plan and Zoning Commission considered Case No. REZ14-11 being the petition of Real Estate Equities Homes – Crow Creek Road, LLC for the rezoning of 7.56 acres, more or less, of real property located north of Crow Creek Road and east of Utica Ridge Road at the rear of 4601 Utica Ridge Road from "A-1" Agricultural District to "R-5M PUD" Medium Density Dwelling District Planned Unit Development for the facilitate a 61- unit, four-story, owner occupied senior housing cooperative in addition to attached single family home lots

I

Findings:

- The proposal utilizes the last undeveloped parcel along this segment of Crow Creek Road.
- The proposal transitions between the more intensive commercial development within Utica Corners and the residential to the south.
- The proposal is in conformance with Davenport 2025: A Comprehensive Plan for the City.

The City Plan and Zoning Commission accepts the findings and forwards Case No. REZ14-11 to the City Council for approval subject to the following conditions:

1. Access to Crow Creek Road should be limited to the existing median cross over locations.
2. The existing storm water detention ponds must either be protected or relocated along with the construction of any additional stormwater requirements needed for new development.

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission



		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	REZ14-11 4601 UTICA RIDGE RD (REAR)	F14-12 WELCOME WAY COMM PARK 6TH	ROW14-03 2ND ST ADJ 227 LECLAIRE ST					
Cartee	EX								
Connell	P	Y	Y	Y					
D'Autremont	P	Y	Y	Y					
Elgatian	EX								
Gere	EX								
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	P	Y	Y	Y					
Martin	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Tallman	P	AB	Y	Y					
		6-YES 0-NO 1-ABSTAIN	7-YES 0-NO 0-ABSTAIN	7-YES 0-NO 0-ABSTAIN					

REZ14-11 protest sheet

PARCEL	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CSZ
841707110	7559	1.4%			1211 Crow Creek Rd	Larry R Freiberg	1211 Crow Creek Rd	Bettendorf IA 52722
841707109	7500	1.4%			1217 Crow Creek Rd	Michael C Meggers	1217 Crow Creek Rd	Bettendorf IA 52722
841707108	7500	1.4%			1223 Crow Creek Rd	Jo Anne Snyder Revocable Living Trust	1223 Crow Creek Rd	Bettendorf IA 52722
841707107	7500	1.4%			1229 Crow Creek Rd	Stephen Joseph Moller	1229 Crow Creek Rd	Bettendorf IA 52722
841707106	7500	1.4%	YES	1.4%	1303 Crow Creek Rd	Stephen L Brown	1303 Crow Creek Rd	Bettendorf IA 52722
841707105	7500	1.4%			1309 Crow Creek Rd	Chad J Banda	1309 Crow Creek Rd	Bettendorf IA 52722
841707104	7500	1.4%			1315 Crow Creek Rd	Michael S Smith	1315 Crow Creek Rd	Bettendorf IA 52722
841707103	7500	1.4%	YES	1.4%	1321 Crow Creek Rd	Nelson H Chesney	1321 Crow Creek Rd	Bettendorf IA 52722
841707102	8000	1.5%	YES	1.5%	1327 Crow Creek Rd	Dennis R Stringer	1327 Crow Creek Rd	Bettendorf IA 52722
841707101	8540	1.6%	YES	1.6%	1333 Crow Creek Rd	Charles A Porter Revocable Trust	Mary Ann Porter Revocable	Bettendorf IA 52722
841601101	8350	1.5%			1405 Crow Creek Rd	Kenneth W Froeschle Jr	1405 Crow Creek Rd	Bettendorf IA 52722
841601102	3840	0.7%			1435 Crow Creek Rd	Julie M Myers	1435 Crow Creek Rd	Bettendorf IA 52722
841707821	4760	0.9%			4571 Bunker Hill Dr	Daniel L McElhiney	4571 Bunker Hill Dr	Bettendorf IA 52722
841707820	2380	0.4%	YES	0.4%	4567 Bunker Hill Dr	Kent A Stoen	4567 Bunker Hill Dr	Bettendorf IA 52722
841707819	2380	0.4%			4559 Bunker Hill Dr	Ryan M Voss	4559 Bunker Hill Dr	Bettendorf IA 52722
841707818	2386	0.4%			4555 Bunker Hill Dr	Sarah L Andich	4555 Bunker Hill Dr	Bettendorf IA 52722
841707800CA		0.0%				Terrace Park Homeowners Assoc		Bettendorf IA 52722
N0949-01	16560	3.1%			4602 Coventry Ct	Jill Tindall	4602 Coventry Ct	Davenport IA 52807
N0949-23	1348	0.2%			4603 Coventry Ct	Karen A Brenat	4603 Coventry Ct	Davenport IA 52807
N0949-02	12680	2.3%			4610 Coventry Ct	Matthew H Moran	4610 Coventry Ct	Davenport IA 52807
N0949-22	875	0.2%	YES	0.2%	4621 Coventry Ct	Kroul Revocable Trust	4621 Coventry Ct	Davenport IA 52807
N0949-03	12690	2.3%			4700 Coventry Ct	Kevin W James	4700 Coventry Ct	Davenport IA 52807
N0949-21	888	0.2%			4707 Coventry Ct	Bryan K Kress	4707 Coventry Ct	Davenport IA 52807
N0949-04	12700	2.3%			4714 Coventry Ct	Gary A Stinson	4714 Coventry Ct	Davenport IA 52807
M0949-20	875	0.2%			4713 Coventry Ct	Ann Marie Clark 2011 Trust	4713 Coventry Ct	Davenport IA 52807
N0949-05	12705	2.3%			4720 Coventry Ct	Kimberly L Vanlanken	4720 Coventry Ct	Davenport IA 52807
N0949-19	636	0.1%			4719 Coventry Ct	John C Thornton	4719 Coventry Ct	Davenport IA 52807
N0949-06	12715	2.3%			4726 Coventry Ct	Ronald L Van Fleet	4726 Coventry Ct	Davenport IA 52807
N0949-07	5938	1.1%			4800 Coventry Ct	Douglas A Pohl	4800 Coventry Ct	Davenport IA 52807
N0855-09D	33133	6.1%				Utica Corner Holding Co	5111 Utica Ridge Rd	Davenport IA 52807
N0855-10D	26766	4.9%				Utica Corner Holding Co	5111 Utica Ridge Rd	Davenport IA 52807
N0855-OLE	2563	0.5%				Utica Corner Holding Co	5111 Utica Ridge Rd	Davenport IA 52807
N0855-02	37074	6.8%			4885 Utica Ridge Rd	Healthplex LLC	606 W 2nd St	Davenport IA 52801
N0855AOLB	42130	7.8%				City of Davenport	1200 E 46th Street	Davenport IA 52807
N0855-01B	88362	16.3%			4601 Utica Ridge Rd	Christ's Family Church	4601 Utica Ridge Rd	
FORMAT ROW	0.00	0.0%						

PARCELS 421,333.9 77.7%
ROW 120,665.5 22.3%

Alderman: Justin

TOTAL
NOTICE AREA 541,999.4 100% **6.5% PROTEST RATE**

Protests: 6

Properties: 34



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

PLAN AND ZONING COMMISSION

Meeting Date: October 14, 2014
Request: Zoning Map Amendment (Rezoning) from A-1 to R-5M PUD
Address: Rear of 4601 Utica Ridge Road
Case No.: REZ14-11
Applicant: Real Estate Equities Homes – Crow Creek Road LLC

INTRODUCTION

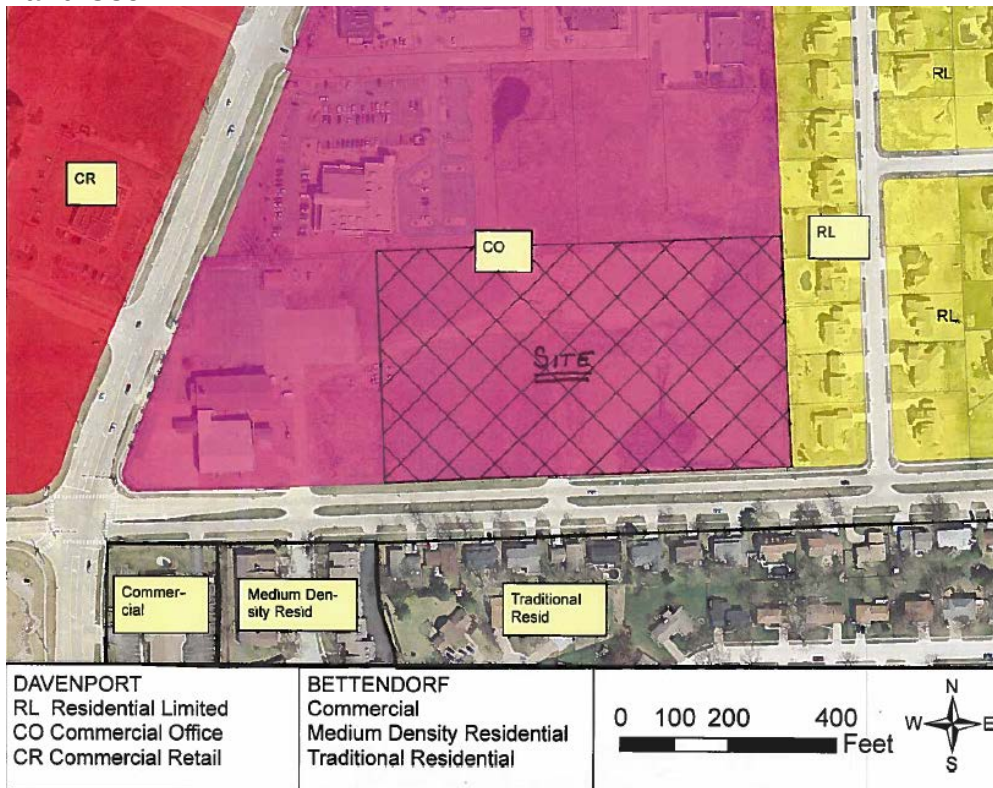
Petition of Real Estate Equities Homes – Crow Creek Road, LLC for the rezoning of 7.56 acres, more or less, of real property located north of Crow Creek Road and east of Utica Ridge Road at the rear of 4601 Utica Ridge Road from "A-1" Agricultural District to "R-5M PUD" Medium Density Dwelling District Planned Unit Development for the facilitate a 61- unit, four-story, owner occupied senior housing cooperative in addition to attached single family home lots.

Recommendation: Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. REZ14-11 to the City Council for approval subject to the listed conditions.

Zoning



Land Use



Aerial Photo:



BACKGROUND

Comprehensive Plan:

Within Urban Service Area: Yes

Proposed Land Use Designation: Commercial Office (CO)

Description: *The Commercial Office (CO) category provides for a mixture of commercial uses, generally more office than retail. Retail in the CO can be best described as being of smaller scale and less intensity than Commercial Retail (CR).*

Relevant *Davenport 2025* Goals and Objectives:

1. *Strengthen the existing built environment.*
 - b. *Reduce the number of underoccupied, abandoned, or vacant buildings / properties through adaptive reuse and infill.*
 - d. *Increase the number of mixed-use neighborhoods and districts.*
2. *Identify and reserve land for current and future development.*
 - a. *Develop land use policies that permit development with a wide variety of building types, uses, and densities.*

Iowa Smart Planning Principles:

Relevant Iowa Smart Planning Principles which may be considered when reviewing this case:

- ***Revitalization***
Planning, zoning, development, and resource management should facilitate the revitalization of established town centers and neighborhoods by promoting development that conserves land, protects historic resources, promotes pedestrian accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas.

Technical Review:

Streets. The subject rezoning area is bounded on the south by Crow Creek Road, a collector street, with a capacity range for average annual daily traffic (AADT) of between 1,000 to 10,000. According to Bi-State Regional Commission the 2010 AADT for this segment of Crow Creek Road is 3310 vehicles per day, approximately one-third (1/3) the road's traffic capacity. Proposed access to the site would be located at the second median crossing east of Utica Ridge Road. Note: AADT is a daily average based on an annual sample. Also this site is the last property along this portion of Crow Creek Road from 18th Street to Utica Ridge Road to be development, all other parcels are developed. Review of various reports generated for the Institute of Traffic Engineers (ITE) indicate most trips generated by age restricted (55+) housing developments are off peak commuting hours; typically the hours after the morning commute and before the evening commute. The exceptions are those seniors that are still in the work force. Even if the average daily count were doubled it would remain well within the road's capacity. Also the adjacent intersection with Utica Ridge Road is a signalized intersection.

Storm Water. There is existing stormwater infrastructure located in Crow Creek Road that apparently drains to the two detention pond areas. A small detention area is located to the west of the proposed rezoning with the larger detention area located in the south east corner of the area being rezoned. It is the understanding of this staff that the detention ponds were created to mitigate the undersized storm sewers in Bettendorf which did not handle the existing drainage when they were constructed nor did they account for any development north of Crow Creek Road even though that land drained into Bettendorf. The developer is working with both Bettendorf and Davenport in redesigning the detention basin. A copy of that portion of the easement agreement is attached with the segments highlighted indicating the ability to modify the detention basin/easement with approvals from both Bettendorf and Davenport. The developer is proposing to resize the basin keeping the volume detained the same by deepening the basin. According to the developer, the basin was originally sized to accommodate the development to the north as well as development of the subject property. One change in the concept is the straightening of the drive from Crow Creek Road. This accommodates additional area for the detention basin.

Since Bettendorf's design for the detention created a shallow pond a larger area was required than if the pond were deeper. One controlling factor is the outlet. Consider a box 100' x 100' x 1' deep (10,000 cubic feet). Keep the volume the same but make the box 2-feet deep, then the size can be 71' x 71' (71' x 71' x 2' = 10,082 cubic feet).

If the proposed calculations do not allow the complete change proposed an alternative could be to eliminate the two lots along the entrance drive, then less change to the detention area would be needed.

Sanitary Sewer. Sanitary sewer service is located along the north side of Crow Creek Road. This is an eight-inch sanitary line.

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. The property is located approximately 1.7 miles from Fire Station No. 8, which is located at 2802 E. 53rd Street. The closest Bettendorf fire service is approximately 2-miles away.

Parks/Open Space. The proposed rezoning does not impact any existing or planned parks or public open spaces.

PUBLIC INPUT

An initial meet and greet style meeting was held in March of this year and staff has indicated another neighborhood meeting would be prudent. The official rezoning neighborhood meeting was held September 16th. Approximately five neighbors were in attendance most from the south side of Crow Creek Road. Notices have been sent to the 32 owners of property within the 200 foot notice area. As of this writing six (6) protests have been received and are attached in the background materials. The primary concerns of the protests were storm water detention (addressed above), density and hence traffic generation (addressed above), building height

DISCUSSION

The petitioner has submitted a concept layout for the cooperative building as well as a concept for the single family attached units. The concept has changes slightly from the preview packet: the cul-de-sac is reversed with the bulb to the north as two lots were shifted from the north to the south side of the cul-de-sac.

The developer's primary intent is the development of the cooperative building and not the adjacent single family attached units. They are shown for the concept plan only.

Please note: Site and engineering details are not required until the final development plan phase submittal. A final development plan will be required for the two phases of the development, the cooperative building and site, and the single family (attached) portion.

Parking: The developer will need to apply to the Zoning Board of Adjustment for a Special Exception to reduce the required parking. This is a senior housing cooperative. Like most senior housing the parking required as well as traffic generated is less than typical multi-family developments; think of Jackson Renaissance and Taylor Heights senior housing developments. The developer is proposing a total of 94 parking spaces with 61 spaces provided in a garage underneath the building and an additional 33 spaces in the surface lot. The ordinance requirement is for 122 spaces (2 spaces per unit) with this development supplying 1.3 spaces per unit. The two most recent special exceptions to reduce parking for senior housing, Taylor Heights and Jackson Renaissance were 1.1 and 1.0 spaces per unit respectively. Both these projects are within established single family areas and staff is not aware of any complaints regarding parking from the neighborhoods. The special exception should be done in conjunction with or prior to the development plan.

Traffic generation: (See also discussion under Technical Review-Streets above) According to several studies including the Institute of Traffic Engineers (ITE) the average vehicle trips per day for senior (age restricted) development is about one-half to two-third the rate for single family detached homes. The higher end accounts for those non-resident trips which include but not limited to building and ground maintenance personnel and other visitors. These figures are comparable to regular apartment or condominium developments. The trips generated during peak hours are about one-third the rate for single family detached homes; which accounts for fewer job related trips. There is adequate capacity in this road to accommodate this development, the last available area on Crow Creek Road between Utica Ridge Road and 18th Street.

Building height: For example - the adjacent "PDD" zoning to the north does not limit building height, though increased setbacks would be required for taller buildings. The maximum building setback in PDD would be seventy-five (75) feet for an unlimited building height. The proposed building is four stories with the lower level being parking. If approved, the underlying R-5M zoning would allow for 90 feet in building height. Using an average of between 10 to 12 feet per floor/story, the proposed four (4) story building would be between 40 to 48 feet in height. The proposed building setback is approximately 130 feet from the property line (190 feet from the centerline if the median of Crow Creek Road).

Buffering: Concerns were raised regarding the building height can be mitigated through a planting buffer of both evergreen and deciduous trees. This buffer should be located along the

southern edge of the parking lot for maximum effect. The addition of a low berm which would block any headlight spill over would also increase the height of the planting screen. Screening should also occur between the proposed cul-de-sac and the existing residential to the east. Both planting buffers should be established as soon as possible after the concept plan approval and then protected from construction activity.

Stormwater: (See also discussion under Technical Review-Stormwater above) Any new development would be required to meet our current stormwater ordinance 13.34. Any new development would have to provide infiltration of the 1.25 inch rain event along with detention. These calculations and plans would need to be submitted with the final development plan. On site retention (infiltration) of stormwater also reduces the need for detention and hence the impact on existing detention facilities.

STAFF RECOMMENDATION

Findings:

- The proposal utilizes the last undeveloped parcel along this segment of Crow Creek Road.
- The proposal transitions between the more intensive commercial development within Utica Corners and the residential to the south.
- The proposal is in conformance with Davenport 2025: A Comprehensive Plan for the City.

Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. REZ14-11 to the City Council for approval subject to the following conditions:

1. Access to Crow Creek Road should be limited to the existing median cross over locations.
2. The existing storm water detention ponds must either be protected or relocated along with the construction of any additional stormwater requirements needed for new development.

Prepared by:

Wayne Wille, CFM
Planner II
Community Planning Division

Attachments: Hearing notice, mailing list

X:\PLANNING\Plan and Zoning Commission\Cases\REZ14-11

Concept Plan – 61 unit Senior Building



VILLAGE COOPERATIVE OF CROW CREEK

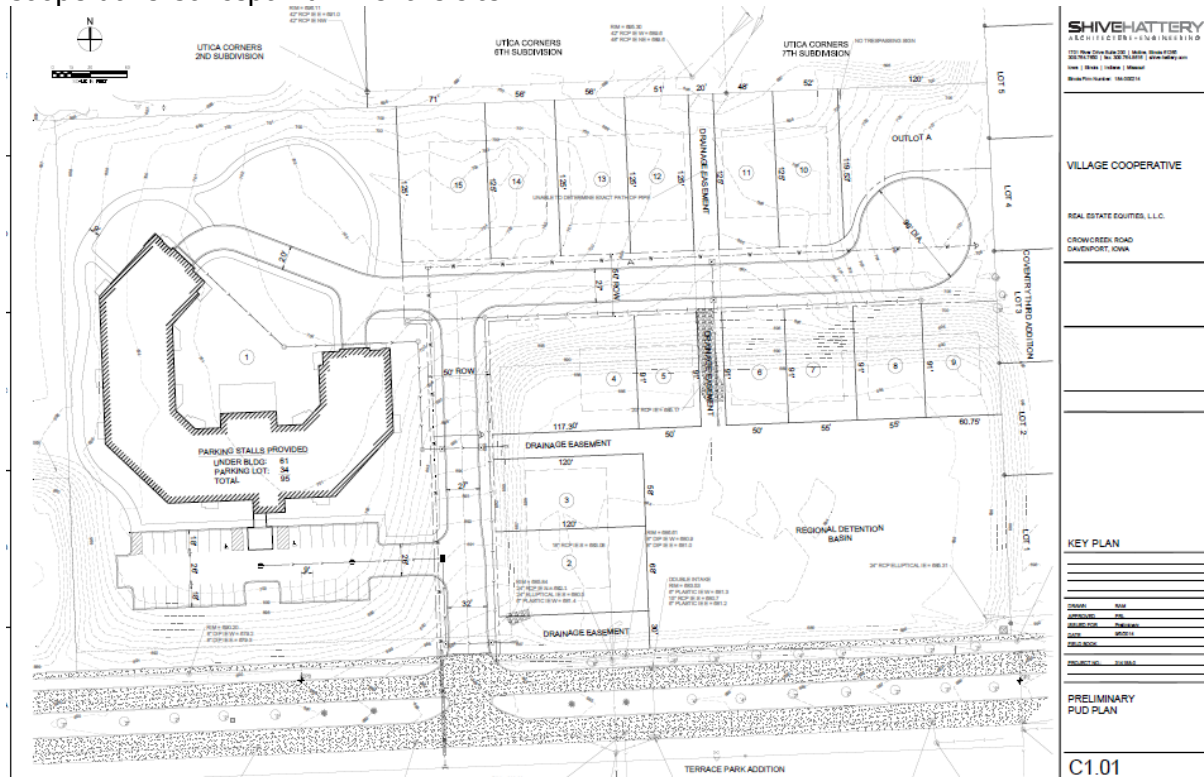
Real Estate Equities Development, LLC

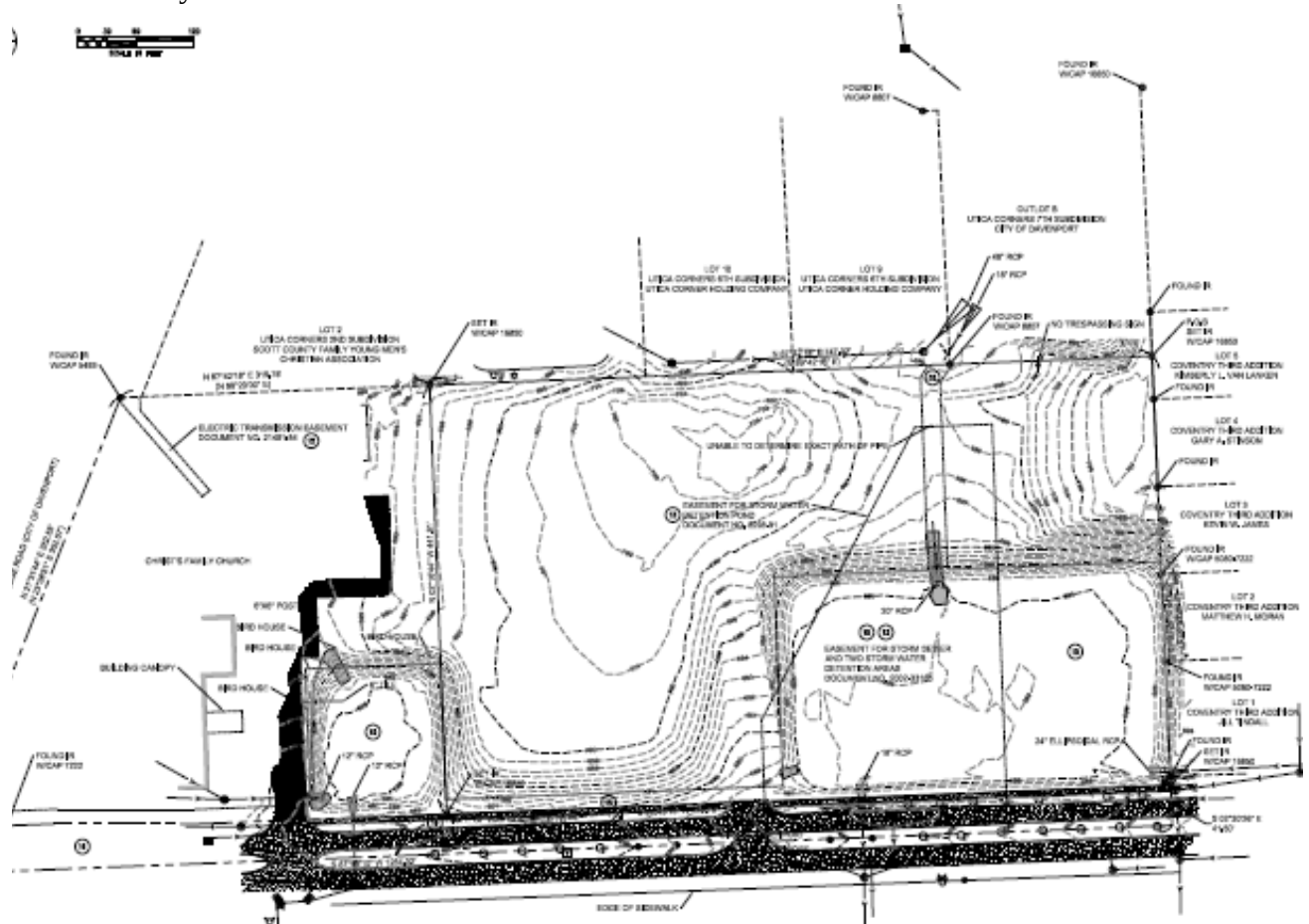


SCHEMATIC SITE PLAN

Prepared by:
SHIVEHATTERY
ARCHITECTURE+ENGINEERING

Cooperative Concept Plan – entire site





2002-33185

FEE

\$36.00

E. S. Winters

RECORDER OF DEEDS
SCOTT COUNTY, IOWA

2002 AUG 27 PM 2 32

PREPARER INFORMATION:

Greg Jager, City Hall, 1609 State Street, Bettendorf, Iowa 52722,
telephone 563-344-4000

ADDRESS TAX STATEMENT:

Finance Director, City of Davenport, 226 W. 4th Street, Davenport, Iowa 52801

EASEMENT AGREEMENT

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, Christ's Family Church, Reformed Church in America, does hereby grant, bargain and convey unto the City of Davenport, Iowa, a Municipal Corporation, and the City of Bettendorf, Iowa, a Municipal Corporation, a perpetual easement as described below for the construction and repair of a storm sewer and two storm water detention areas across, through and under the following described tract, and does also grant, bargain and convey the right to maintain, renew, enlarge, extend or reconstruct said drainage facilities within the easement area.

SEE ATTACHED "EXHIBIT A"

It is further understood that Christ's Family Church, Reformed Church in America, agrees to accept storm water from Coventry, L.C. into the storm water detention area to be constructed on the easterly side of land currently owned by Christ's Family Church, Reformed Church in America. Coventry, L.C. will be responsible for all materials and labor for the transportation of storm water from Coventry, L.C. property to the detention area. The two proposed storm water detention areas will meet all future development needs required by Christ's Family Church, Reformed Church in America.

Once the development plans of Christ's Family Church, Reformed Church in America, are known, and with the prior written approval of the cities of Davenport and Bettendorf, Christ's Family Church, Reformed Church in America retains the right to reshape either or both storm water detention areas.

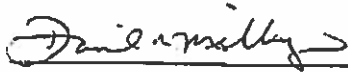
If it is in the best interests of Christ's Family Church, Reformed Church in America, and with the prior written approval of the cities of Davenport and Bettendorf, Christ's Family Church, Reformed Church in America may dedicate the land in either or both storm water detention areas perpetual easements to the cities of Davenport or Bettendorf.

It is agreed by the undersigned not to erect, construct, maintain or allow any permanent structure or building along, on or under said easement without the expressed written permission of the City of Davenport. It is further agreed not to plant or maintain any trees or do any earth work that changes the ground elevation over the two storm water detention areas on or within said easement without the expressed written permission of the City of Davenport and the City of Bettendorf.

This easement and rights herein described shall be binding upon the grantors, their heirs, successors and assigns.

Signed this 14 day of June, 2002.

CHRIST'S FAMILY CHURCH, REFORMED CHURCH IN AMERICA

 (Seal)

Daniel R. Millage
Print Name: DEACON
Title: _____

(Seal)

Print Name: _____
Title: _____

Wille, Wayne

From: Steve and Barb Brown <ayntrt@mchsi.com>
Sent: Tuesday, September 30, 2014 10:34 AM
To: Planning Division – CPED
Subject: Case No. REZ14-11 Crow Creek Road

This is to document that we **oppose** the petition of the real Estate Equities Homes - Crow Creek Road, LLC (REZ14-11).

We live directly across Crow Creek from the access to this property and feel the proposed development would be a detriment to the neighborhood for several reasons.

- The height of the proposed building would be out of place among the single family dwellings as well as the multifamily condominiums on Bunker Hill. It would also be out of proportion with the existing businesses it would be adjacent to. This issue would be accentuated by the fact that the lot is on a hilltop in comparison to the roadway and the existing properties across Crow Creek from it.
- The lighting from the parking lot and building would be a constant for this type of structure and parking lot, which would be disturbing to all the neighbors.
- The intention for the property which will not be used for the senior living complex is not well outlined. In talking to the developer there are too many unknown facts, such as, who the developer of that property be, what exactly will be placed there, how many buildings would be build, etc.
- We believe the conceptual layout for the property we received will be too congested.
- The neighborhood is mostly single family dwellings, there are some condominiums on Bunker Hill but they are very nice dwellings. We do not feel that the proposed multifamily dwellings, the senior complex or the attached dwellings, fit the demographic of this neighborhood.
- The price range for the units in the complex are not in keeping with the price range and the value of the surrounding existing properties.
- The building of this complex would severely impact the value of our property.

Please consider **not** allowing the zoning change for this planned development.

Sincerely,

Stephen and Barbara Brown
1303 Crow Creek Road

Case No. REZ 14-11

Petition of Real Estate Equities Homes

the undersigned opposes Petition of the Real Estate Equities Homes - Crow Creek Road, LLC (REZ 14-11)

Comments:

The retention area was established because of flooding issues.

A specific area was designated for the retention area and was agreed upon by the cities of Davenport and Bettendorf and near-by residents. The agreement clearly stated there would be no construction allowed in that area.

The established portion of land for the retention area has been in existence for several years.

No request for rezoning, modifying etc of the already established retention area should be allowed.

Dennis Stringer ~~Dennis Stringer~~

1327 Crow Creek Rd Bettendorf, IA 52722

Sept. 25, 2014



(detach here)
The undersigned Opposes ~~does not oppose~~ (circle one) Petition of the Real Estate Equities Homes - Crow
Creek Road, LLC (REZ14-11)

Comments:

OPPOSITION COMMENTS TO REZONING PROPOSAL (CASE No REZ14-11) ON ATTACHED SINGLE SHEET OF PAPER.

CITY OF DAVENPORT Community Planning & Economic Dev.
SEP 26 2014
2014-09-26 DAVENPORT, IA 52801

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME **Tim and Penny Kroul**
ADDRESS 4621 Coventry Court
Davenport, IA 52807
DATE September 24, 2014
(please print legibly)

Tim Kroul
Penny Kroul

Same
ADDRESS OF PROPERTY NOTICE AREA OTHER THAN MAILING ADDRESS

Tim and Penny Kroul, property owners at 4621 Coventry Court, Davenport, Iowa, are
opposed to the rezoning near Crow Creek Road, Case No. REZ14-11:

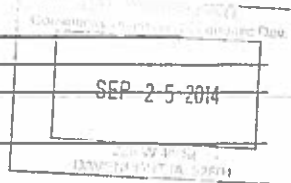
There is no residential amenity to the proposal to rezone allowing the construction of
a four-story housing unit in the existing neighborhood. In fact, there are many
negative objections to the proposal for a senior housing structure which will limit
the current property owner's ability to enjoy living in this neighborhood.

1. The size and height of the proposed four-story structure will overshadow the
current dwellings and does not integrate into the existing single family 1- and 2-
story dwellings of the neighborhood.
2. The mass bulk of this proposed project is visually unacceptable and unappealing in
a single family dwelling neighborhood. It will dominate the view, is unsympathetic to
the character of the existing street and will negatively impact the aesthetic value of
the neighborhood.
3. Since this is a senior housing structure, the increased likelihood of emergency
vehicles is substantial and creates noise disturbances not typical in this
neighborhood.
4. Traffic patterns will be distinctly different for a place of business (which is
what this property will be) as opposed to single family dwelling typical traffic
patterns and mass.
5. The four-story dwelling will overlook adjoining residents' dwellings which creates
a tremendous loss of privacy in private personal spaces (i.e. backyards) of current
residents.
6. The density of the development is excessive. The proposal includes not only a
four-story building (medium to large density dwelling) but also six single-family
attached dwellings (medium density dwellings) and two unknown buildings identified in
planning documents only as "building pad" while existing structures are 1- and 2-story
dwellings (small density dwellings).
7. The lights from the various parking lots will be intrusive to the current
neighborhood since they will be extensive in illumination due to the age of the
individuals maintaining residency in both the four-story senior housing structure and
the single-family attached dwellings.
8. There will be an unacceptable noise disturbance when multiple individuals are
using the four-story structure balconies simultaneously.
9. The extensive amount of air conditioning equipment required for the four-story
dwelling will also result in unacceptable noise levels in this single family dwelling
neighborhood.
10. There will be a great deal more concrete in the rezoning proposal than in single
family dwellings and will cause impact to storm water run off and surface water
retention.

For these reasons, the proposed rezoning near Crow Creek Road, Case No. REZ14-11, will
negatively impact existing residential amenity.

(detach here)
The undersigned opposes / does not oppose (circle one) Petition of the Real Estate Equities Homes -- Crow
Creek Road, LLC (RE214-11)

Comments: SEE ATTACHED



Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME CHARLES PORTER
ADDRESS 1333 CROW CREEK RD
DATE BETTENDORF, IA 52722
(please print legibly)

23 SEP 2014

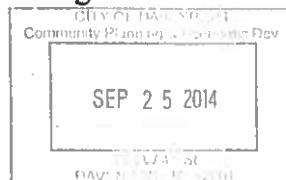
The residents of Crow Creek Road in Bettendorf, and also residents of other parts of our neighborhood to the South, were impacted by several significant floods during the 1980's and 1990's, due to heavy rains. Basements and streets were flooded and other damage occurred. The floods grew worse as more development to the North (in Davenport) resulted in more concrete, streets and parking lots, resulting in storm run-off with nowhere to go but into Bettendorf. Crow Creek Road itself was under several feet of water on more than one occasion. My wife and daughter actually had to be rescued from their car when they drove into the water during one of these flood events, unable to see the water in the dark.

The city of Bettendorf responded to the problem by creating a flood water retention area. Although the retention area was in Davenport, we were told that there was an agreement between the cities. Bettendorf would build and maintain the area and there was to be no development in the area that it covered. The retention area has been in existence for over 10 years, and even though there have been heavy rains, there has been no flooding. It has worked well.

The proposed re-zoning and subsequent development appears to reduce the size of the retention area by nearly 60%, as well as adding additional concrete and other impermeable surfaces that will significantly increase storm water runoff. It also violates the commitment that was made to residents regarding no development in the retention area.

We cannot control development outside the retention area. However, it is essential that it must be maintained at its current size to continue to protect Bettendorf citizens from flooding.

Charles Porter



(detach here)

The undersigned opposes / does not oppose (circle one) Petition of the Real Estate Equities Homes - Crow Creek Road, LLC (REZ14-11)

Comments: Keep the water catchment area intact as it is now. With this construction and paving, we need this more than ever. I do not oppose the rest of the project.

Mail to: Plan and Zoning Commission
City Hall

Davenport, Iowa 52801
Community Planning & Economic Dev.

SEP 30 2014

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

226 W 4th St
DAVENPORT IA 52801

NAME Nelson H. Chesney
ADDRESS 1321 Crow Creek Rd Bett.
DATE 09-30-14
(please print legibly)

(detach here)

The undersigned opposes / does not oppose (circle one) Petition of the Real Estate Equities Homes - Crow Creek Road, LLC (REZ14-11)

Comments: Have received NOTICES For meetings 1 Business day before they occur. Too much ADDITIONAL traffic for type of road. Too High a density of CITIZENS IN THAT PARCEL. Too High A BUILDING for that location. TOTALLY OPPOSE

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME Kent Stoefen
ADDRESS 4067 Bunker Hill Dr Bettendorf IA
DATE 9/22/14 52722
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

Davenport Plan & Zoning Commission,

In regards to Case No. REZ14-11, I Kevin James living at 4700 Coventry Court, Davenport, IA do not oppose the rezoning petition from "A-1" to "R-5M PUD"

I do however request that the commission and City staff take into consideration the below concerns/thoughts I have in regard to the rezoning and development concept.

- I have worked with the developer Real Estate Equities Homes – Crow Creek Road, LLC and they have assured me the cul-de-sac would be turned "northward" and pushed back from the houses on the east side of the property. This is to create a proper buffer between the cul-de-sac and residential properties to the east of the development. This is not reflected in the concept drawing originally sent, but I have been told the updated site plan will be the current one.
- Consideration should be given that the cul-de-sac on the east side of the property is directly behind houses and their back property line. I am one of those residents. A cul-de-sac configuration like this is extremely rare (I believe it does not exist in the City of Davenport) where the cul-de-sac directly ends at residential property lines. Most common is to have residential properties backup to each other. Proper distance will address safety concerns and also limit the impact that my neighbors and I have a street in front of our property and a cul-de-sac on the backside.
- Due to the planned configuration of the street and cul-de-sac, the developer should provide proper distance and year around landscaping coverage at the end of this cul-de-sac. Planting of shrubs, trees, and bushes should be done immediately once re-grading starts, so plants have time to mature, even if the street and residential lots are not built immediately.
- Street lighting for this cul-de-sac should take into consideration the adjacent residential houses and not impact them negatively.
- If re-grading does impact the shape of the current retention pond and surrounding land, proper matching to existing properties to the east of the development should be applied. This matching of grading would ensure that there are not awkward drainage ditches or valleys. This may even mean re-grading of residential properties to the east of the development, if necessary.

Overall, my thoughts are that if the single family lot section of the development concept is built, that it would visually look like it fits into the overall neighborhood area. This means the street and lot configuration look like it is properly placed and not crammed into the overall site for maximum lot capacity.

Thank you.

Kevin James
4700 Coventry Ct
Davenport, IA 52807
563-940-2061

City of Davenport

Committee: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 2nd

Action / Date
11/19/2014

Subject:

Second Consideration: Ordinance for Case No. REZ14-12 being a rezoning of 3.09 acres, more or less of real property from “R-3” Moderate Density Dwelling District and “PDD” Planned Development District to all “PDD” Planned Development District. The property is located at the northeast corner of North Elsie Ave and West Kimberly Road and the purpose of the rezoning is to facilitate the development of the property as medical office (Genesis Health Systems, petitioner). [2nd Ward]

Relationship to Goals:

Goal No. 2 – Added emphasis on economic development.

Background:

Genesis Health System is proposing to rezone 3.09 acres from “R-3” Moderate Density Dwelling District and “PDD” Planned Development District to all “PDD” Planned Development District to facilitate the development of the property as medical office. The request includes a portion of the Grace Brethren Church of Davenport, which would accommodate a portion of the building and area for parking.

The “PDD” zoned portion of the property was rezoned in 2012 to allow, in part, the development of the Dutrac Credit Union. This portion of the property is included in the rezoning request because the petitioner is seeking to modify the configuration of the adopted Land Use Plan and one condition of the 2012 Ordinance as follows:

1. The building would be setback further from the residences to the north property line (Land Use Plan);
2. The parking area would be located closer to the residences to the north (Land Use Plan);
3. The vehicular cross access between and the bank and the proposed development would be eliminated (Land Use Plan); and
4. Some or all of the trees within the front yard buffer would be removed (2012 Ordinance).

The proposed Land Use Plan depicts a 20,000 square foot building footprint (2-3 stories) with 193 parking spaces. Staff recommended that vehicular cross access between and the bank and the proposed development be included in the Plan and Zoning Commission recommendation for approval. Cross access would allow bank traffic to directly access North Elsie Avenue, which is signalized at West Kimberly Road. This would reduce commercial traffic into the adjacent residentially zoned properties to the north because bank traffic seeking to travel eastbound on West Kimberly Road would no longer need to travel through the neighborhood to access the Hillandale Road/West Kimberly Road signalized intersection. Additionally, cross access would reduce medical office right turning movements onto North Elsie Avenue from West Kimberly Road. Staff concedes that the 2012 rezoning did not provide direct access to North Elsie Avenue, however, the project was also much smaller in scale. The Plan and Zoning Commission voted to not include it in its recommendation.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Ordinance
▢ Cover Memo	Plan and Zoning Commission Letter
▢ Cover Memo	Plan and Zoning Commission Vote Record
▢ Cover Memo	Plan and Zoning Commission Final Staff Report
▢ Cover Memo	Plan and Zoning Commission Protest Table
▢ Cover Memo	Protest Letter
▢ Cover Memo	Neighborhood Meeting Letter and Attendance List

ORDINANCE NO.

An Ordinance for the rezoning of 3.09 acres, more or less of real property from "R-3" Moderate Density Dwelling District and "PDD" Planned Development District to all "PDD" Planned Development District. The property is located at the northeast corner of North Elsie Ave and West Kimberly Road and the purpose of the rezoning is to facilitate the development of the property as medical office (Genesis Health Systems, petitioner). [2nd Ward]

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

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

Lot 2 of Harmsen's Second Addition to the City of Davenport, Iowa together with the following described parcel:

Lot 9 and part of Lots 10 and 11 in Georgetown Square Replat 2 and part of the Northwest Quarter of Section 16, Township 78 North, Range 3 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows;

Beginning at the at the southwest corner of Lot 2 in Harmsen's Second Addition to the City of Davenport, Iowa; thence South 87 degrees 41 minutes 06 seconds West along the north right of way line of West Kimberly Road, a distance of 214.73 feet to the easterly right of way line of North Elsie Avenue; thence northwesterly 79.15 feet along said easterly right of way line and the arc of a curve to the right having a radius of 50.00 feet, a chord bearing of North 46 degrees 57 minutes 47 seconds West, and a chord distance of 71.14 feet; thence North 02 degrees 00 minutes 49 seconds West along said easterly right of way line, a distance of 13.91 feet; thence northerly 90.50 feet along said easterly right of way line and the arc of a curve to the left, having a radius of 990.04 feet, a chord bearing of North 05 degrees 02 minutes 05 seconds West, and a chord distance of 90.47 feet to the southerly line of said Lot 9; thence South 82 degrees 20 minutes 47 seconds West along said southerly line, a distance of 5.00 feet to the westerly line of said Lot 9; thence northerly 68.98 feet along said westerly line and the arc of a curve to the left, not tangent to the last described course, having a radius of 985.04 feet, a chord bearing of North 09 degrees 39 minutes 35 seconds West, and a chord distance of 68.96 feet to the northerly line of said Lot 9; thence North 81 degrees 58 minutes 12 seconds East along said northerly line, a distance of 124.15 feet to the east line of said Lot 9; thence South 02 degrees 23 minutes 37 seconds East along said east line, a distance of 14.44 feet; thence North 87 degrees 29 minutes 54 seconds East, a distance of 158.46 feet to the west line of said Lot 2 in Harmsen's Second

Addition; thence South 02 degrees 30 minutes 06 seconds East along said west line, a distance of 221.26 feet to the Point of Beginning. the above described parcel contains 59,870 square feet or 1.37 acres, more or less as shown by the attached Plat of Survey.

For the purpose of this description North is based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment).

Said tract contains 3.09 acres, more or less.

The City Plan and Zoning Commission accepts the listed findings and forwarded Case No. REZ14-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That the proposed use of the property be limited to a medical office and ancillary medical uses;
2. That the development of the property be in general accordance with the adopted Land Use Plan;
3. That Development Plan approval be obtained pursuant to Chapter 17.32 of the Davenport Municipal Code prior to the construction of any of the improvements depicted on the approved Land Use Plan;
4. That a final plat for the reconfiguration of the property be approved and recorded prior to the construction of any of the improvements depicted on the approved Land Use Plan;
5. That the development of the property be subject to the Highway Corridor Overlay District pursuant to Chapter 17.41 and 17.45 of the Davenport Municipal Code;
6. That the parking area adjacent to the proposed north property line adjacent to the Grace Brethren Church of Davenport achieve consistency with the required 25 foot setback or a hardship variance be obtained to reduce this setback;
7. That the building achieve consistency with required additional setback for buildings over 25 feet in height or a hardship variance be obtained to reduce this setback
8. That a dedicated pedestrian sidewalk be provided from the West Kimberly Road sidewalk to the entrance of the proposed building;
9. That all building mounted and parking lot lighting be completely shielded so that the emitted light source cannot be seen from the adjacent residential properties to west, north and east;
10. That a three foot high berm be constructed within a 30 foot wide landscape buffer along the north line adjacent to the residences; and
11. That the location, amount and type of landscaping be reviewed in conjunction with the Development Plan to ensure that it adequately mitigates the negative impacts of commercial development with the surrounding residential properties to the north.

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 _____

William E. Gluba
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

Land Use Plan



REVISIONS		DATE	
No.	DESCRIPTION		



Missman, Inc.
Professional Engineers & Land Surveyors

Rock Island, IL • Bettendorf, IA • Rockford, IL • Des Moines, IA
(319) 399-4444 • (319) 399-4444 • (319) 399-4444
www.missman.com

GENESIS MEDICAL CENTER - MOB DAVENPORT, IOWA		SITE LAYOUT EXHIBIT
Missman Project No: C14L030A		
File Name: C14L030A-EXHIBIT.dwg		
© COPYRIGHT 2014 ALL RIGHTS RESERVED		
Field Book No: ###		
Drawn By: ELV		
Checked By: JLH		
Date: 10/14/14		
EX-1		
Sheet 1 of 1		

November 5, 2014

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

At its regular meeting of November 4, 2014, the City Plan and Zoning Commission considered Case REZ14-12 being the rezoning of 3.09 acres, more or less of real property from "R-3" Moderate Density Dwelling District and "PDD" Planned Development District to all "PDD" Planned Development District. The property is located at the northeast corner of North Elsie Ave and West Kimberly Road and the purpose of the rezoning is to facilitate the development of the property as medical office.

1. The proposed use of the property would reduce the number of underoccupied, abandoned, or vacant buildings/properties through adaptive reuse and infill.
2. The proposed use of the property would serve as transition between the more intense commercial development and roadway corridor to south and the residential properties to the north; and
3. The proposed use of the property would be consistent with the *Davenport 2025: Comprehensive Plan for the City*, which designates the subject property as "Residential General".

The City Plan and Zoning Commission forward Case No. REZ14-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That the proposed use of the property be limited to a medical office and ancillary medical uses;
2. That the development of the property be in general accordance with the adopted Land Use Plan;
3. That Development Plan approval be obtained pursuant to Chapter 17.32 of the Davenport Municipal Code prior to the construction of any of the improvements depicted on the approved Land Use Plan;
4. That a final plat for the reconfiguration of the property be approved and recorded prior to the construction of any of the improvements depicted on the approved Land Use Plan;
5. That the development of the property be subject to the Highway Corridor Overlay District pursuant to Chapter 17.41 and 17.45 of the Davenport Municipal Code;
6. That the parking area adjacent to the proposed north property line adjacent to the Grace Brethren Church of Davenport achieve consistency with the required 25 foot setback or a hardship variance be obtained to reduce this setback;
7. That the building achieve consistency with required additional setback for buildings over 25 feet in height or a hardship variance be obtained to reduce this setback
8. That a dedicated pedestrian sidewalk be provided from the West Kimberly Road sidewalk to the entrance of the proposed building;
9. That all building mounted and parking lot lighting be completely shielded so that the emitted light source cannot be seen from the adjacent residential properties to west, north and east;
10. That a three foot high berm be constructed within a 30 foot wide landscape buffer along the north line adjacent to the residences; and
11. That the location, amount and type of landscaping be reviewed in conjunction with the Development Plan to ensure that it adequately mitigates the negative impacts of commercial development with the surrounding residential properties to the north.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', written on a light gray rectangular background.

Robert Inghram, Chairperson
City Plan and Zoning Commission

		APPROVED	DENIED	APPROVED	APPROVED	APPROVED	TABLED		
Name:	Roll Call	REZ14-12 Cond#7 Bldg setback	REZ14-12 Cond#12 X-access	REZ14-12 As Amended	FDP14-06 Blackhawk Hills Terrace Ridge	FDP14-07 Bankland 4319 E 53rd St	ROW14-07 Kwik Trip 1225 E Kimberly		
Cartee	A								
Connell	P	Y	N	Y	Y	Y	Y		
D'Autremont	P	Y	Y	Y	Y	Y	Y		
Elgatian	EX	N	N	Y	Y	Y	Y		
Gere	P	Y	N	Y	Y	AB	Y		
Inghram	P								
Kelling	P								
Lammers	P	Y	N	Y	Y	Y	Y		
Martin	P	Y	N	Y	Y	Y	Y		
Martinez	P	Y	Y	Y	Y	Y	Y		
Tallman	P	Y	Y	Y	Y	Y	Y		
		8-YES 0-NO 0-ABSTAIN	3-YES 5-NO 0-ABSTAIN	8-YES 0-NO 0-ABSTAIN	8-YES 0-NO 0-ABSTAIN	7-YES 0-NO 1-ABSTAIN	8-YES 0-NO 0-ABSTAIN		



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

PLAN AND ZONING COMMISSION

Meeting Date: November 4, 2014

Request: from “R-3” Moderate Density Dwelling District and “PDD” Planned Development District to all “PDD” Planned Development District.

Location: Northeast corner of North Elsie Avenue and West Kimberly Road.

Case No.: Case No. REZ14-12

Applicant: Genesis Health System, contract purchasers.

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. REZ14-12 to the City Council with a recommendation for approval subject to the conditions listed in this report.

Introduction:

Case No. REZ14-12: Petition of Genesis Health System, contract purchasers, for a rezoning of 3.09 acres, more or less of real property from “R-3” Moderate Density Dwelling District and “PDD” Planned Development District to all “PDD” Planned Development District. The property is located at the northeast corner of North Elsie Ave and West Kimberly Road and the purpose of the rezoning is to facilitate the development of the property as medical office.

AREA CHARACTERISTICS:

Zoning Map



Legend for Zoning Map:

- Subject Property (hatched)
- R-3 Moderate Density Dwelling District (yellow)
- R-3PUD Moderate Density Dwelling Planned Unit Development (orange)
- R-3M Medium Density Dwelling District (brown)
- C-1 Neighborhood Shopping District (red)
- PDD Planned Development District (purple)
- M-1 Light Industrial District (blue)

Davenport 2025 Proposed Land Use Map



Legend for Davenport 2025 Proposed Land Use Map:

- Subject Property (hatched)
- RL - Residential Limited (yellow)
- RG - Residential General (light yellow)
- CR - Commercial Retail (red)

Background:**Comprehensive Plan:**

Within Urban Service Area: Yes

Proposed Land Use Designation:

Residential General (RG) designates mixed-use neighborhoods that mostly residential, but include, or within one-half mile (walking distance) of scattered neighborhood-compatible services, as well as other neighborhood uses like schools, churches, corner stores, etc. Neighborhoods are typically designated as a whole. Davenport 2025 encourages the creation of neighborhood planning documents to guide development appropriate for each neighborhood.

It is staff's opinion that the proposed use would be consistent with the Residential General Designation.

Relevant Goals to be considered in this Case: Goal No. 1 - Strengthen the existing built environment. Objective b. – *Reduce the number of underoccupied, abandoned, or vacant buildings/properties through adaptive reuse and infill.*

Technical Review:**Streets.**

The subject property is located at the northeast corner of North Elsie Avenue and West Kimberly Road. Access to the property would be via North Elsie Avenue and the constructed right in/right out West Kimberly Road driveway adjacent to the Dutrac Credit Union. Davenport Public Works has indicated that right of way would be required during platting in order to maintain an acceptable boulevard space between the roadway and sidewalk and to accommodate a future right turn lane on West Kimberly Road at North Elsie Avenue.

Storm Water.

Storm water management will be required. The proposed development will be required to infiltrate or otherwise retain the 1.25 inch rainfall event volume on its property as well as provide detention for the 100 year fully developed scenario with a five year pre-development discharge rate.

Sanitary Sewer.

Existing sanitary sewer infrastructure is located within close proximity to the proposed building.

Other Utilities.

Electric service is located in close proximity to the subject property.

Emergency Services.

The subject property is located approximately 2.5 miles from the nearest fire station.

Public Input:

Notices were sent to property owners within 200 feet of the request. Staff has received one objection to the request, however, the reason for the objection was not articulated. The petitioner held a neighborhood meeting on October 9, 2014. Four neighboring residents attended the meeting and appeared to be in favor of the request.

Discussion:

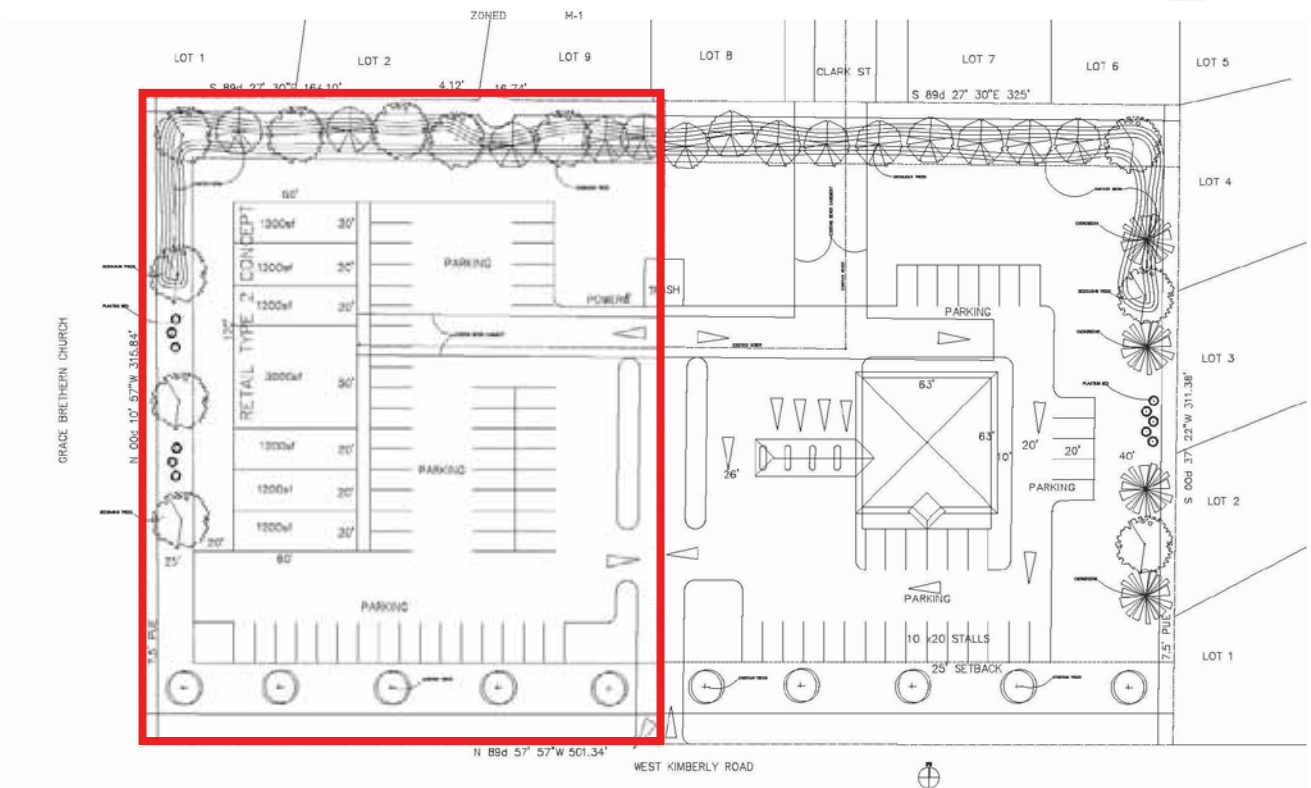
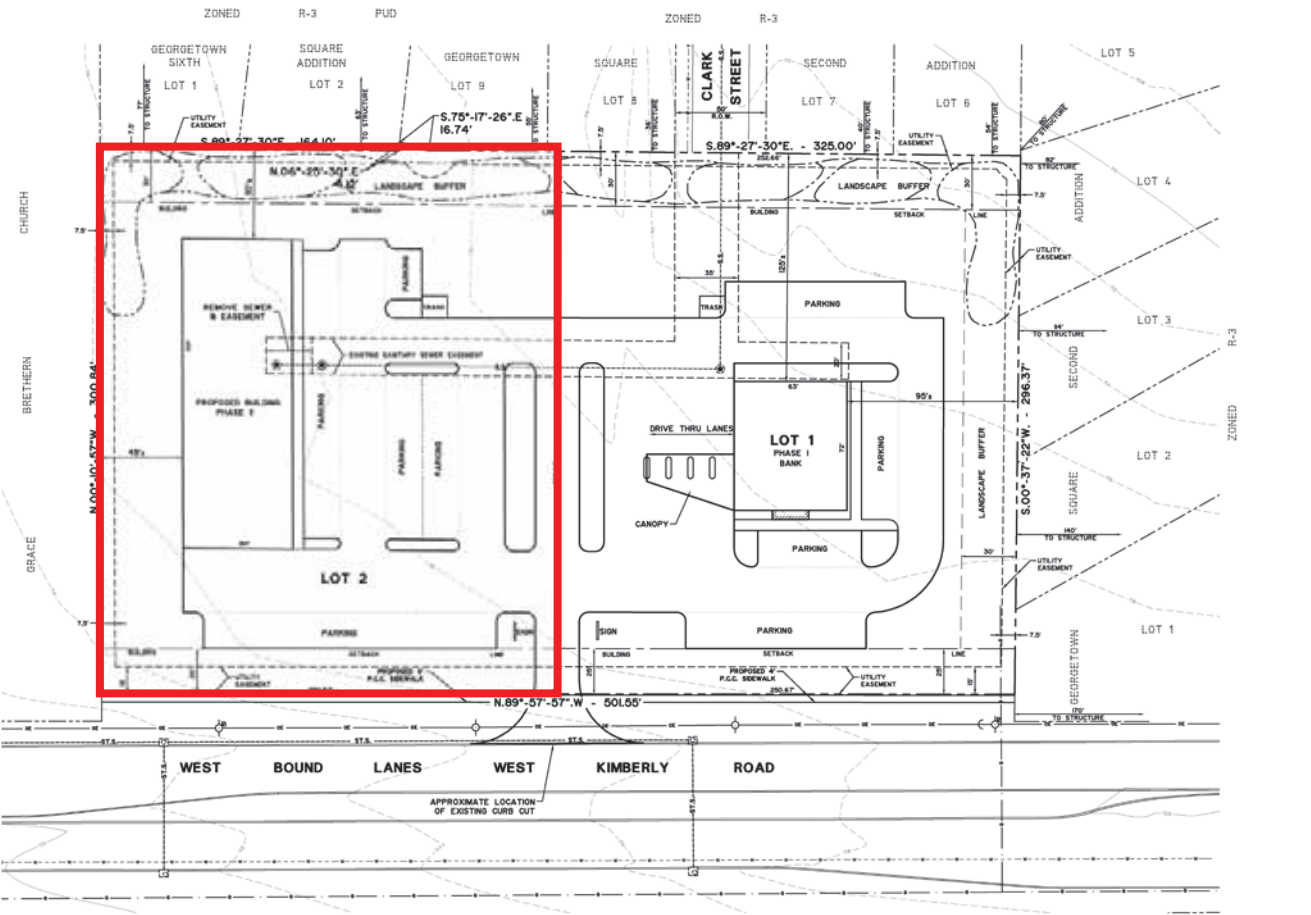
Genesis Health System is proposing to rezone 3.09 acres from “R-3” Moderate Density Dwelling District and “PDD” Planned Development District to all “PDD” Planned Development District to facilitate the development of the property as medical office. The request includes a portion of the Grace Brethren Church of Davenport, which would accommodate a portion of the building and area for parking.

The “PDD” zoned portion of the property was rezoned in 2012 to allow, in part, the development of the Dutrac Credit Union.

The Ordinance conditions associated with that rezoning include:

1. That the development of the property be in general accordance with the adopted Land Use Plan;
2. That Development Plan approval be obtained pursuant to Chapter 17.32 of the Davenport Municipal Code prior to the construction of any of the improvements depicted on the approved Land Use Plan;
3. That a final plat for the reconfiguration of the property into lots 1 and 2 be approved and recorded prior to the construction of any of the improvements depicted on the approved Land Use Plan;
4. That the development of the property be subject to the Highway Corridor Overlay District pursuant to Chapter 17.41 and 17.45 of the Davenport Municipal Code;
5. That the property be limited to a single vehicular access to West Kimberly Road and that a deceleration or right turn lane be constructed at this entrance along with the dedication of sufficient right of way as needed for this lane;
6. That the following uses be prohibited because they would be incompatible with the surrounding residential neighborhood: convenience stores, gasoline stations, public garages, automobile sales, taverns, brew pubs, night clubs and beer and wine gardens (where more than half of the gross income is derived from the sale of alcoholic beverages), the sale of alcoholic beverages for off-premise consumption, drive through restaurants, hotels and motels and warehouse facilities;
7. That there be no vehicular access to Clark Court;
8. That one of the Clark Court sidewalks be extended onto the subject property and that dedicated pedestrian access be provided to the development;
9. That all building mounted and parking lot lighting be completely shielded so that the emitted light source cannot be seen from the adjacent properties to west, north and east.
10. That a three foot high landscape berm be constructed along the north and east property line;
11. That the location, amount and type of landscaping be reviewed in conjunction with the Development Plan to ensure that it adequately mitigates the negative impacts of commercial development with the surrounding residential properties to the north and east. Landscaping above minimum ordinance requirements may be required; and
12. That the existing trees depicted in the front yard buffer of the approved Land Use Plan remain.

Below are the adopted Land Use Plans associated with this rezoning (Lot 2 is the portion of the property being rezoned):



The proposed Land Use Plan depicts a 20,000 square foot building with 193 parking spaces. The Zoning Ordinance requires five parking spaces for each medical practitioner, which equates to 38 practitioners. The petitioner is seeking to modify the following conditions (and configuration of the adopted Land Use Plan) of the 2012 Ordinance:

1. The building would be setback further from the residences to the north property line;
3. The parking area would be located closer to the residences to the north;
4. The landscape buffer along the north property line would be decreased;
5. The vehicular cross access between and the bank and the proposed development would be eliminated; and
5. Some or all of the trees within the front yard buffer would be removed.

The petitioner stated at the October 14, 2014 Plan and Zoning Commission public hearing that the proposed number of parking spaces is self-imposed based on its analysis of similar facilities. This apparently necessitates a reduction of the landscape buffer adjacent to the residences to the north from 30 to 25 feet. Notably, this 30 foot landscape buffer (with a three foot high berm) and 50 foot parking lot setback was offered when the zoning was changed from residential to commercial in 2012. Additionally, parking is depicted within the 25 foot setback adjacent to the proposed north property line adjacent to the Grace Brethren Church of Davenport. A hardship variance would need to be obtained to reduce this required setback.

The petitioner also stated at the October 14, 2014 Plan and Zoning Commission public hearing that the vehicular cross access with the bank is not desired. Cross access would allow bank traffic to directly access North Elsie Avenue, which is signalized at West Kimberly Road. This would reduce commercial traffic into the adjacent residentially zoned properties to the north because bank traffic seeking to travel eastbound on West Kimberly Road would no longer need to travel through the neighborhood to access the Hillandale Road/West Kimberly Road signalized intersection. Additionally, cross access would reduce medical office right turning movements onto North Elsie Avenue from West Kimberly Road. Staff concedes that the 2012 rezoning did not provide direct access to North Elsie Avenue, however, the project was also much smaller in scale.

Davenport Public Works has indicated that right of way would be required during platting in order to maintain an acceptable boulevard space between the roadway and sidewalk and to accommodate a future right turn lane on West Kimberly Road at North Elsie Avenue.

The proposed development would be required to infiltrate or otherwise retain the 1.25 inch rainfall event volume on its property as well as provide detention for the 100 year fully developed scenario with a five year pre-development discharge rate.

Staff Recommendation:

Staff Findings:

1. The proposed use of the property would reduce the number of underoccupied, abandoned, or vacant buildings/properties through adaptive reuse and infill.
2. The proposed use of the property would serve as transition between the more intense commercial development and roadway corridor to south and the residential properties to the north; and
3. The proposed use of the property would be consistent with the *Davenport 2025: Comprehensive Plan for the City*, which designates the subject property as "Residential General".

Staff recommends the City Plan and Zoning Commission forward Case No. **REZ14-12** to the City Council for approval subject to the following conditions:

1. That the proposed use of the property be limited to a medical office and ancillary medical uses;
2. That the development of the property be in general accordance with the adopted Land Use Plan;
3. That Development Plan approval be obtained pursuant to Chapter 17.32 of the Davenport Municipal Code prior to the construction of any of the improvements depicted on the approved Land Use Plan;
4. That a final plat for the reconfiguration of the property be approved and recorded prior to the construction of any of the improvements depicted on the approved Land Use Plan;
5. That the development of the property be subject to the Highway Corridor Overlay District pursuant to Chapter 17.41 and 17.45 of the Davenport Municipal Code;
6. That the parking area adjacent to the proposed north property line adjacent to the Grace Brethren Church of Davenport achieve consistency with the required 25 foot setback or a hardship variance be obtained to reduce this setback;
7. That the building achieve consistency with required additional setback for buildings over 25 feet in height or a hardship variance be obtained to reduce this setback
8. That a dedicated pedestrian sidewalk be provided from the West Kimberly Road sidewalk to the entrance of the proposed building;
9. That all building mounted and parking lot lighting be completely shielded so that the emitted light source cannot be seen from the adjacent residential properties to west, north and east;
10. That a three foot high berm be constructed within a 30 foot wide landscape buffer along the north line adjacent to the residences;
11. That the location, amount and type of landscaping be reviewed in conjunction with the Development Plan to ensure that it adequately mitigates the negative impacts of commercial development with the surrounding residential properties to the north; and
12. That there be a vehicular connection with the adjacent property to east, which would allow cross access between the two properties.*

*Note – Staff inadvertently left this condition off the staff report. Staff recommended this condition at the November 4, 2014 Plan and Zoning Commission meeting.

Prepared by:



Ryan Rusnak, AICP
Planner II

Attachments:

Aerial Photo

Proposed Land Use Plan

Davenport.275.1.REZ14-12_-_Protest_Table.xls

PARCEL	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CSZ
O1619-01	57341	13.0%	No	0.0%	3100 W KIMBERLY RD	DUTRAC COMMUNITY CREDIT UNION	3465 ASBURY RD	DUBUQUE, IA 52002
O1619-02	34.7	0.0%	No	0.0%		ROBERT C HARMSSEN 2013 ESTATE	4729 WYOMING AVE	DAVENPORT IA 52806
O1619D15C	9667.44	2.2%	No	0.0%		HARMSSEN CALVIN E TRUST	3211 E 35TH ST CT	DAVENPORT IA 52807
O1635-04B	11808.52	2.7%	No	0.0%		THF WEST KIMBERLY DEVELOPMENT	211 N STADIUM BLVD STE 201	COLUMBIA MO 65203
O1619A37	1356.59	0.3%	No	0.0%	4006 CRESTHILL DR	THACH UT	4006 CRESTHILL DR	DAVENPORT IA 52806
O1619A38	54.82	0.0%	No	0.0%	3218 W 40TH ST	THACH MOLTHA T	3218 W 40TH ST	DAVENPORT IA 52806
O1619B20	2485.19	0.6%	No	0.0%	4007 CRESTHILL DR	JOHN T & BILLIE L LAWSON TRUST	4007 CRESTHILL DR	DAVENPORT IA 52806
O1619B21	586.79	0.1%	No	0.0%	3030 W 40TH ST	MARK J PETERSEN	3030 W 40TH ST	DAVENPORT IA 52806
O1619C08	305.97	0.1%	No	0.0%	3015 W 40TH ST	PETERSEN BEVERLY A	3015 W 40TH ST	DAVENPORT IA 52806
O1619C09	7487.46	1.7%	No	0.0%	3937 CLARK CT	DANNY E BAILEY	3937 CLARK CT	DAVENPORT IA 52804
O1619C10	8351.56	1.9%	No	0.0%	3938 CLARK CT	BAILEY PAMELA J	3938 CLARK CT	DAVENPORT IA 52806
O1619C11	9130.14	2.1%	No	0.0%	3109 W 40TH ST	JOHN D ACKERMAN	3109 W 40TH ST	DAVENPORT IA 52806
O1619D02B	68053.35	15.4%	No	0.0%	3919 N ELSIE AV	ACKERMAN CONNIE S	3919 N ELSIE AV	DAVENPORT IA 52804
O1619D16	11970.99	2.7%	No	0.0%	3916 N ELSIE AV	SHIRLEY HARLAND	5314 HUGO	BETTENDORF IA 52722
O1619D17	9932.2	2.2%	No	0.0%	3924 N ELSIE AV	GREG HARLAND	PO BOX 1252	MOLINE IL 61265
O1619D18	8844.18	2.0%	No	0.0%	3932 N ELSIE AV	W K DEVELOPMENT INC	P O BOX 857	MILAN IL 61264
O1619D19	4249.67	1.0%	No	0.0%	3940 N ELSIE AVE	NEWBERRY INVESTMENTS PROPERTIES LL	3940 N ELSIE AVE	DAVENPORT IA 52804
O1619D22	13410.19	3.0%	Yes	3.0%	3211 W 40TH ST	NGUYEN THAO	PO BOX 303	DAVENPORT IA 52805
O1619D23	10624.5	2.4%	No	0.0%	3203 W 40TH ST	DAVID JOSEPH MERRITT	3203 W 40TH ST	DAVENPORT IA 52806
O1635-01C	3459.62	0.8%	No	0.0%	3101 W KIMBERLY RD	KELLY MERRITT	PO BOX 8042	BENTONVILLE AR 72716
O1635-02C	10730.56	2.4%	No	0.0%	3315 W KIMBERLY RD	WAL-MART REAL ESTATE BUSINESS	200 PEACH ST PO BOX 7000	EL DORADO AR 71731
O1635-03A	8869	2.0%	No	0.0%	3219 W KIMBERLY RD	MURPHY OIL USA	998 FREEMONT AVE	DUBUQUE IA 52003
O1635-05	47.09	0.0%	No	0.0%		THF WEST KIMBERLY DEVELOPMENT	852 MIDDLE RD	BETTENDORF IA 52722
O1635-05A	2751.31	0.6%	No	0.0%		THE NATIONAL BANK	P O BOX 1030	COLUMBIA MO 65203
							211 N STADIUM BD STE 201	

PARCELS 261,552.8 59.2%
ROW 180,415.1 40.8%

Alderman: Edmond

TOTAL
NOTICE AREA 441,967.9 100%
3.0% PROTEST RATE

Protests:

Properties: 24

FID	FID_200_fo	Id	BufferDist	FID_Notifi	Parcel	Address	Occupancy	Frontage	Depth
0		0 0	200	0	P1309-06A	210 E 37TH ST	SINGLE FAMILY	100	201
1		0 0	200	1	P1412-27	3815 FAIR AV	SINGLE FAMILY	100	215
2		0 0	200	2	P1412-23	108 E 37TH ST	SINGLE FAMILY	130.9	215
3		0 0	200	3	P1412-06C		NON-RESIDENTIAL	0	0
4		0 0	200	4	P1412-06A			0	0
5		0 0	200	5	P1412-33			0	0
6		0 0	200	6	P1309-05A	222 E 37TH ST	SINGLE FAMILY	100	200
7		0 0	200	8	P1412-26	3805 FAIR AV	SINGLE FAMILY	100	215
8		0 0	200	9	P1412-07B	3730 FAIR AV	SINGLE FAMILY	100	400
9		0 0	200	10	P1412-25	3731 FAIR AV	SINGLE FAMILY	100	215
10		0 0	200	11	P1309-02A	3808 BRADY ST	NON-RESIDENTIAL	0	0
11		0 0	200	12	P1412-24	3721 FAIR AV	SINGLE FAMILY	130	215
12		0 0	200	13	P1412-03B	101 W KIMBERLY RD	NON-RESIDENTIAL	0	0

Deed1_Name	Deed1_Addr	Deed1_CSZ	Deed2_Nai	Deed2_Ad	Deed2_CS	Deed_Date
LISA A RICHARDS	210 E 37TH ST	DAVENPORT IA 52806			DAVENPO	7-0109
MILDRED ALLISON	3815 FAIR AV	DAVENPORT IA 52806			DAVENPO	Feb-89
GLADYS J CONNER	108 E 37TH ST	DAVENPORT IA 52806			DAVENPO	6-0210
CITY OF DAVENPORT	226 W 4TH ST	DAVENPORT IA 52801			DAVENPO	8-0580
GLENN W ABERNATHY	3810 FAIR AV	DAVENPORT IA 52806	CAROLE A		DAVENPO	Mar-02
GLENN W ABERNATHY	3810 FAIR AV	DAVENPORT IA 52806	CAROLE A	3810 FAIR	DAVENPO	1-0488
RANDALL E DUNAWAY	222 E 37TH ST	DAVENPORT IA 52806			DAVENPO	6-0605
GEORGE F HENDLEY	3805 FAIR AV	DAVENPORT IA 52806	JEAN M HI	3805 FAIR	DAVENPO	Sep-97
CAROLYN & MARJORIE MILLEF			MARJORIE	4170 N MA		6-1611
GARY L MILLER	3731 FAIR AV	DAVENPORT IA 52806			DAVENPO	Sep-11
CO-VENTURE DEVELOPMENT	1825 3RD AV	ROCK ISLAND IL 61201			ROCK ISL/	Jan-96
KERNEL KING	3721 FAIR AV	DAVENPORT IA 52806	AND WIFE		DAVENPO	2-1377
CAR LEE IA LEX LLC	8270 GREENSBORO DR STE 950	MC LEAN VA 22102			MC LEAN `	1-1107

Cont1_Nan	Cont1_Add	Cont1_CSz	Subdivison	Lot	Block	Yr_Built	Rental	Class	Land_Valu	Building_V	Total_Valu
					0	0	1930 N	R	47440	146110	193550
					0	0	1952 N	R	37340	138120	175460
					0	0	1950 N	R	66420	78950	145370
			WEST VIE'		2	0	0 N	E	400	0	400
			WEST VIE'		2	0	1955 N	R	37340	102960	140300
			WEST VIE'		4	0	0	R	5390	0	5390
					0	0	1957 Y	R	47200	72790	119990
					0	0	1952 N	R	37340	119330	156670
			WEST VIE'		1	0	1956 N	R	39510	116040	155550
					0	0	1950 N	R	37340	93800	131140
			DEUTSCH'		2	0	0 N	C	1731500	2738100	4469600
					0	0	1950 N	R	48530	108440	156970
					0	0	0 N	C	1718200	3061000	4779200

Area

20056.39
21654.95
17439.96
726.25
9735.81
12483.19
17955.26
21577.41
686.66
20000.24
182226.2
25673.92
25099.4

(detach here)

The undersigned opposes does not oppose (circle one) Petition Genesis Health System (REZ14-12)

Comments: _____

CITY OF DAVENPORT
Community Planning & Economic Dev

OCT 10 2014

225 W 4th St
DAVENPORT IA 52801

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME THAO NGUYEN
ADDRESS 3211 WEST 40th. Davenport
DATE 10/09/14
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

Joe R. Lane (1858-1931)
Charles M. Waterman (1847-1924)
C. Dana Waterman III
David A. Dettmann*
Terry M. Giebelstein*
Rand S. Wonio
Curtis E. Beason
Robert V. P. Waterman, Jr.*
R. Scott Van Vooren*
Richard A. Davidson*
Michael P. Byrne*
Edmund H. Carroll*
Theodore F. Olt III*
Jeffrey B. Lang*
Judith L. Herrmann*
Robert B. McMonagle*
Christopher J. Curran*
Joseph C. Judge*
Jason J. O'Rourke*
Troy A. Howell*
Diane M. Reinsch*
Catherine E. E. Hult*
Mikkie R. Schiltz*
Diane E. Puthoff*
Wendy S. Meyer*
Ian J. Russell*
Benjamin J. Patterson*
Douglas R. Lindstrom, Jr.*
Rian D. Waterman*

**LANE
& WATERMAN** LLP
ATTORNEYS AT LAW SINCE 1854
IOWA & ILLINOIS

220 North Main Street, Suite 600
Davenport, Iowa 52801-1987
Telephone (563) 324-3246
Fax (563) 324-1616

Writer's Direct Dial: (563) 333-6641
E-Mail Address: tol@l-wlaw.com
www.L-WLaw.com

October 2, 2014

Abbey C. Furlong*
Samuel J. Skorepa*
Kurt P. Spurgeon*
Joshua J. McIntyre*
Brett R. Marshall*
Kelsey A. W. Marquard*
Kyle R. Day*
Andrea D. Mason*
James W. White

Registered Patent Attorney
April A. Price*

Of Counsel
Robert A. Van Vooren*
Thomas N. Kamp
William C. Davidson*
Charles E. Miller*
James A. Mezvinsky
Peter J. Benson*
Michael L. Noyes
Jeffrey W. Paul*

*Also Admitted in Illinois

Illinois Office
3551 7th Street, Suite 110
Moline, IL 61265

John T. & Billie L. Lawson Trust
3218 W. 40th Street
Davenport, Iowa 52806

**Re: Rezoning and Development Plan for Vacant Property Located at the
Northeast Corner of West Kimberly Road and North Elsie Avenue,
Davenport, Iowa**

To Whom it May Concern:

Genesis Health System has filed an application with the City of Davenport requesting the rezoning of the above-referenced property to PDD, and approval of a Development Plan for the Property. As a property owner within 200 feet of the subject property and pursuant to City of Davenport regulations, you are being notified of an information and neighbor comment meeting to be held as follows:

Date: October 9, 2014
Time: 6:30 p.m.
Location: Davenport Public Library- Fairmont Branch
3000 N. Fairmont Street
Davenport, Iowa

Very truly yours,

LANE & WATERMAN LLP

By


T. F. Olt III

Cc (via e-mail) Genesis Health System
Alderman Bill Edmond/Alderman Gene Meeker/Alderman Jason Gordon
Ryan Rusnak, City of Davenport

6:30 - 6:50

Neighborhood Meeting Attendance List

Case: R0214-06

Date: 10/9/14

Name	Address	Phone	Email
1 Jack & Connie Ackerman	3937 Clark Ct.	563-676-5198	Jack Ackerman@outlook.com
2 Dan & Pam Bailey	3015 W. 46 TH	563-210-0080	Dpaulbailey@yahoo.com
3			
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22			

City of Davenport

Committee: Community Development Committee
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 7th

Action / Date
CD12/3/2014

Subject:

First Consideration: Ordinance for Case No. ROW14-04 being the petition to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed. (KwikTrip, Inc, petitioner) [7th Ward]

Relationship to Goals:

Neighborhood Improvement

Background:

The developer is proposing this easement vacation (abandonment) to accommodate redevelopment of the site. The proposed convenience store will be located further to the south on the property (located behind the existing restaurant building). This location places the building on the easement and hence the request to vacate the easement. Mid-American Energy has indicated that if new utility services require easement they will be obtained as part of the building review process.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
❏ Ordinance	Ordinance
❏ Backup Material	P&Z Letter
❏ Backup Material	P&Z vote record
❏ Backup Material	Easement vacation plat
❏ Backup Material	staff report

ORDINANCE NO.

An Ordinance for Case No. ROW14-04 being the petition of Kwik Trip, Inc, contract purchasers, to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed. [7th Ward]

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

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

Part of the Southeast Quarter of Section 13 - Township 78 North – Range 3 East of the 5th P.M. being more particularly described as follows:

Part of a Utility Easement within the boundary of Lot 1 as shown on the Final Plat for Cheddar's First Addition in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows, the Final Plat for Cheddar's First Addition is recorded as Document No. 19592-91 in the Scott County Recorder's Office;

Commencing at the southeast corner of said Lot 1; Thence North 02 degrees 08 minutes 38 seconds West along the east line of said Lot 1, a distance of 80.97 feet to the southwesterly line of said Utility Easement and the Point of Beginning; Thence North 44 degrees 16 minutes 39 seconds West along said southwesterly line, a distance of 129.42 feet to the northwesterly line of said Utility Easement; Thence North 45 degrees 43 minutes 21 seconds East along said northwesterly line, a distance of 20.00 feet to the northeasterly line of said Utility Easement; Thence South 44 degrees 16 minutes 39 seconds East along said northeasterly line, a distance of 107.32 feet to the east line of said Lot 1; Thence South 02 degrees 07 minutes 41 seconds East along said east line, a distance of 29.80 feet to the Point of Beginning.

The above described parcel contains 2,368 square feet or 0.05 acres, more or less as shown by the attached Utility Easement Vacation Plat. For the purpose of this description North is based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment).

The Plan and Zoning Commission accepts the findings and forward Case No. ROW14-04 to the City Council for approval.

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 _____

William E. Gluba
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

November 20, 2014

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

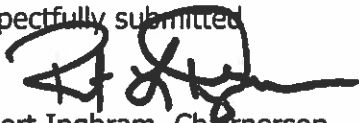
At its regular meeting of November 18, 2014, the City Plan and Zoning Commission considered Case No. ROW14-04 being the petition of Kwik Trip, Inc, contract purchasers, to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed.

Findings:

- This easement is not needed for redevelopment of the property.
- The vacation (abandonment of the easement will facilitate redevelopment of the property.

The Plan and Zoning Commission accepts the findings and forwards Case No. ROW14-03 to the City Council for approval.

Respectfully submitted



Robert Inghram, Chairperson
City Plan and Zoning Commission



		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	ROW14-04 KWIK TRIP EASEMENT	ROW14-05 CITY/LAFFREDO SHERIDAN CUL-DE-SAC	ROW14-06 KC PROPERTIES E-W ALLEY					
Cartee	A								
Connell	P	Y	Y	Y					
D'Autremont	P	Y	Y	Y					
Elgatian	P	Y	Y	N					
Gere	EX								
Inghram	P								
Kelling	P	Y	Y	N					
Lammers	P	Y	Y	N					
Martin	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Tallman	P	Y	Y	Y					
		8-YES 0-NO 0-ABSTAIN	8-YES 0-NO 0-ABSTAIN	5-YES 3-NO 0-ABSTAIN					

UTILITY EASEMENT VACATION
PART OF LOT 1 AS SHOWN ON THE FINAL PLAT OF
CHEDDAR'S FIRST ADDITION TO THE CITY OF
DAVENPORT, COUNTY OF SCOTT, STATE OF IOWA

THIS PLAT PREPARED FOR:
Kwik Trip, Inc.
P.O. Box 2107
La Crosse, WI 54602
Attn: Brad Fry
(608) 793-6414

NORTH IS BASED ON THE
NORTH AMERICAN DATUM OF 1983,
IOWA STATE PLANE COORDINATE SYSTEM,
SOUTH ZONE (1997 ADJUSTMENT)

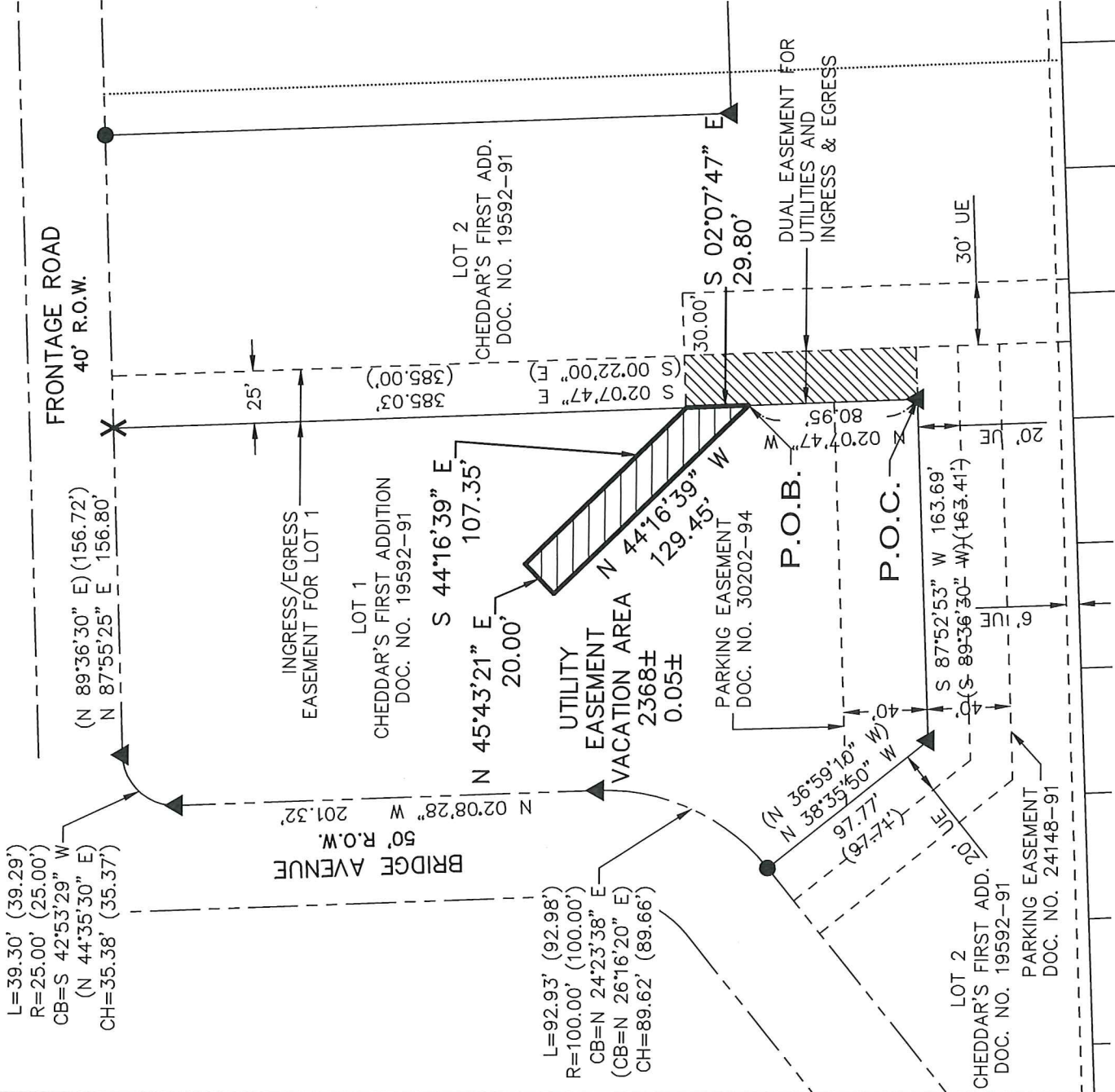


0 75'

LEGEND SCALE: 1" = 75'

- REBAR, FOUND
- X CHISELED "X" IN CONC. FOUND
- ▲ REBAR WITH CAP FOUND
- 100.00' MEASURED DIMENSION
- (100.00') RECORDED DIMENSION
- LINE CONTINUATION
- BOUNDARY OF VACATED EASEMENT
- LOT LINE
- UNDERLYING LOT LINE
- - - EASEMENT LINE
- - - R.O.W. LINE

KIMBERLY ROAD



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

Daryl A. Brickner 9/25/14
Date
Daryl A. Brickner, PLS No. 13581
My license renewal date is December 31, 2015
No. of sheets covered by this seal: 2

Missman Project No: C14S017		REVISIONS	
File Name: C14S017-Easement Vacat		No.	DESCRIPTION
© COPYRIGHT 2014 ALL RIGHTS RESERVED			DATE
Field Book No:			
Drawn By: DAB			
Checked By: DAB			
Date: 9/25/2014			
Sheet 1 of 1			

LOT 1 CHEDDAR'S FIRST ADDITION
DAVENPORT, IOWA

Utility Easement Vacation Plat





PLAN AND ZONING COMMISSION

Meeting Date: November 18, 2014 (tabled from 11-04-14 meeting)
Request: Utility Easement Vacation 2,30.75 acre, more or less, of former 2nd Street
Location: Lot 1 of Cheddar's First Addition also known as 1225 East Kimberly Road
Case No.: ROW14-04
Applicant: Kwik Trip, Inc

Recommendation:

Staff recommends the Plan and Zoning Commission accept the finding(s) and forward Case No. ROW14-04 to the City Council for approval subject to the listed condition(s).

INTRODUCTION:

The petitioner is seeking to vacate (abandon) this easement to accommodate redevelopment of this site for a Kwik Star convenience store and gas station. The subject easement apparently provided electrical service to the transformer at the rear of the restaurant building.

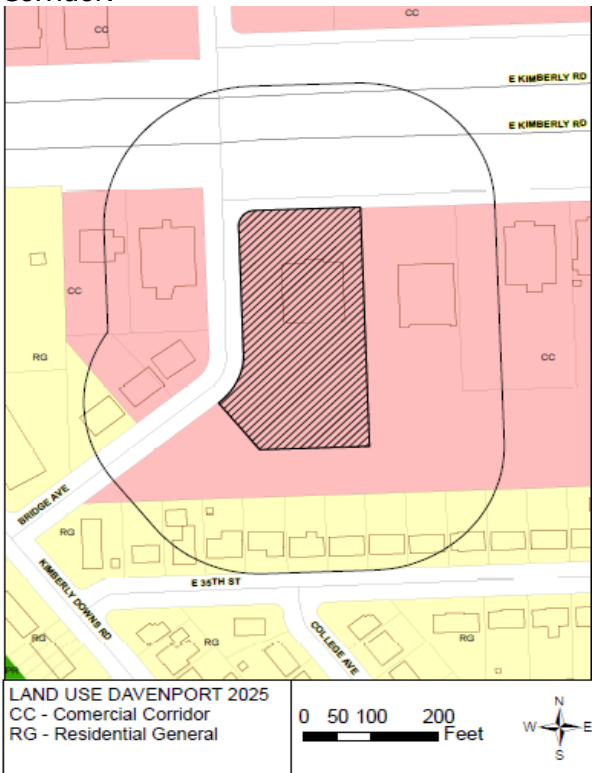
Aerial Photo (2009)



BACKGROUND:

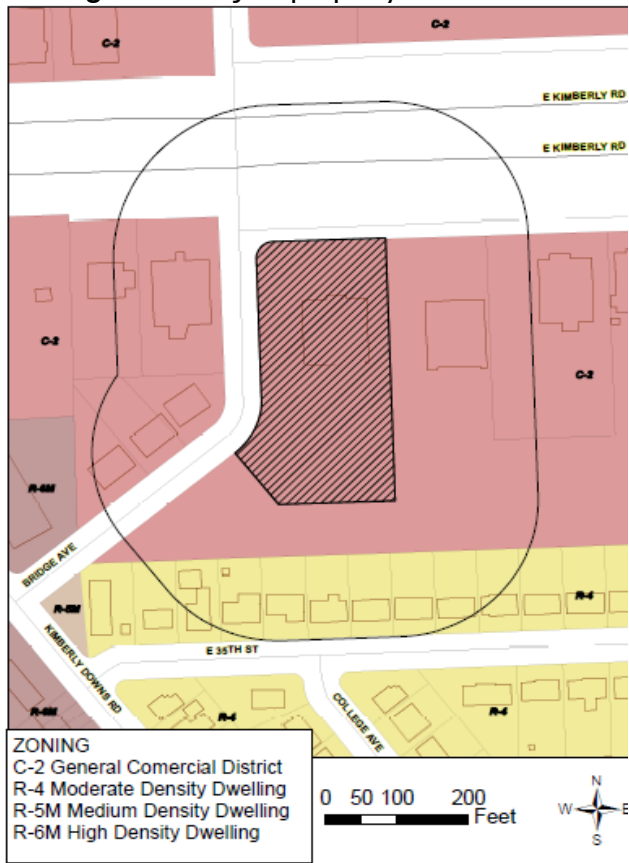
Comprehensive Plan: Within Urban Service Area: Yes

Land Use: The subject property is designated Commercial Corridor.



Commercial Corridor (CC) identifies areas which are a) generally commercial in nature, b) oriented toward a major corridor, c) more intense than CN-Commercial Neighborhood, and d) less intense than CR-Commercial Retail. This category can be considered a transition between a residential corridor and a commercial district. Higher density commercial uses are allowed with limited residential uses.

Zoning: The subject property is zoned "C-2 General Commercial District.



Technical Review:

Streets: The subject property is located in the southeast corner of the intersection of East Kimberly Road and Bridge Avenue. Access is from the frontage road along Kimberly Road and Bridge Avenue. This easement has no impact on the public streets or access to the property.

Storm Water: Storm sewer is located in Bridge Avenue. This easement has no impact on this storm sewer.

Sanitary Sewer: Sanitary sewer is also located in Bridge Avenue. This easement has no impact on this sanitary sewer.

Other Utilities: This is an urban area and all utilities are present. As the site is redeveloped other utility services may require the necessary easements.

Emergency Services: The property is located approximately 1-1/4 mile from Fire Station #3 at 3506 Harrison Street. The easement has no impact on emergency services. As stated previously the easement has no impact on the public streets.

Parks / Open Space: The vacation (abandonment) will have no effect on park and open space areas.

Public Input:

The public hearing notice is attached. The easement is internal to the property and does not impact adjacent property.

Discussion:

The developer is proposing this easement vacation (abandonment) to accommodate redevelopment of the site. The proposed convenience store will be located further to the south on the property (located behind the existing restaurant building). This location places the building on the easement and hence the request to vacate the easement. If new utility services require easement they will be obtained as part of the building review process.

Staff Recommendation:**Findings:**

- This easement is not needed for redevelopment of the property.
- The vacation (abandonment) of the easement will facilitate redevelopment of the property.

Recommendation:

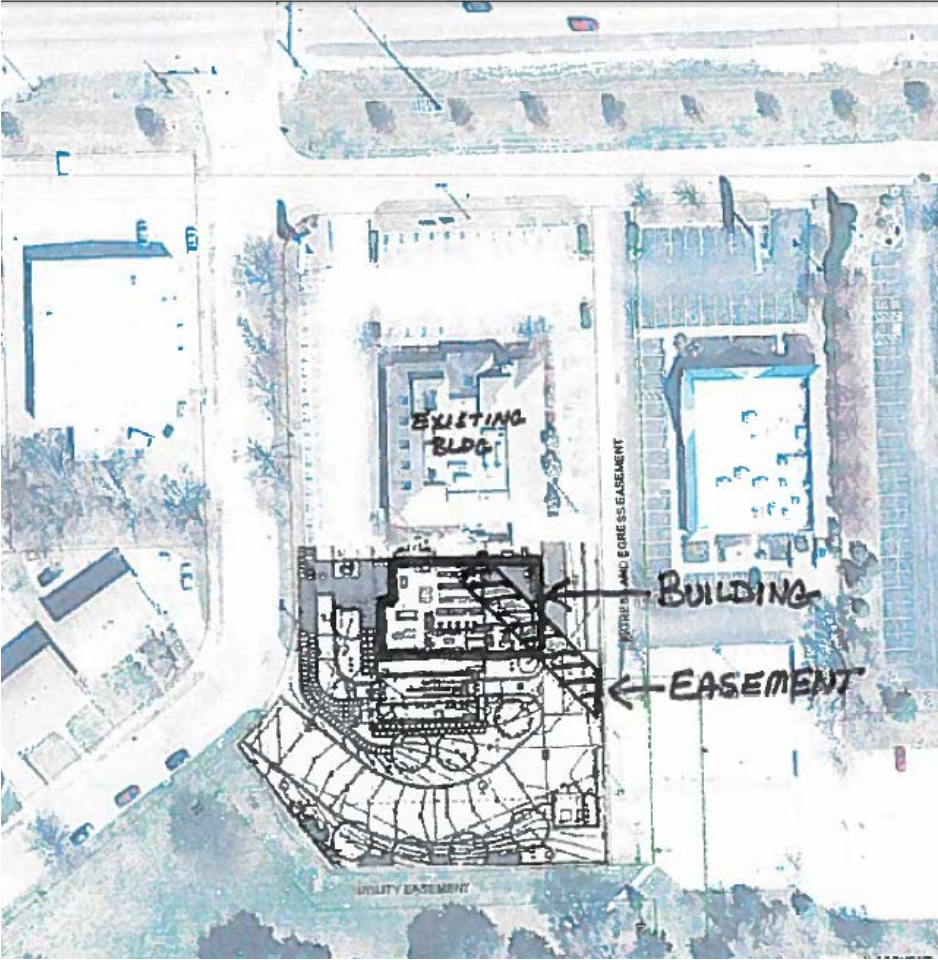
Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. ROW14-03 to the City Council for approval.

Prepared by:

Wayne Wille, CFM
Planner II

Attachments: easement exhibits, public hearing notice

Easement location with respect to proposed building



Existing easement on existing site



September 26, 2014

Quad City Times
Legal Notices
124 West 2nd Street
Davenport, IA 52801

Dear Sir or Madam:

Please publish the following legal notice in the earliest edition of the Quad City Times. The P.O. number for this notice is [PO# 1504972](#)

I would appreciate having the notice billed to this office and receiving the proof of publication prior to the public hearing that is scheduled for Tuesday, October 14, 2014.
Thank you.

Respectfully,
Wayne Wille, Planner II

NOTICE
PUBLIC HEARING
TUESDAY – OCTOBER 14, 2014 - 5:00 P.M.
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There is on file in the office of Community Planning, on behalf of the City Plan and Zoning Commission, the following petition:

Case No. ROW14-04: Petition of Kwik Trip, Inc., contract purchasers, to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. The property is proposed for redevelopment and this easement is no longer needed.

Public hearings on the above matters are scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, October 14, 2014 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). [PO# 1504972](#)

Department of Community Planning & Economic Development
Phone: (563) 326-7765 FAX: (563) 328-6714 E-MAIL: planning@ci.davenport.ia.us

PO1504972 C-Ped

COPY OF NOTICE
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

NOTICE
PUBLIC HEARING
TUESDAY - OCTOBER 14, 2014
5:00 P.M.
COUNCIL CHAMBERS
DAVENPORT CITY HALL
226 WEST 4TH STREET
DAVENPORT IOWA

THERE is on file in the office of Community Planning, on behalf of the City Plan and Zoning Commission, the following petition:

Case No. ROW14-04: Petition of Kirk Trip, Inc. contract purchasers, to vacate (abandon) 2,368 square feet, more or less, of a utility easement located within Lot 1 of Cheddar's First Addition, also known as 1225 East Kimberly Road. This property is proposed for redevelopment and this easement is no longer needed. Public hearings on the above matters are scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, October 14, 2014 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO# 1504972

Department of Community Planning & Economic Development
Phone: (563) 326-7786
FAX: (563) 326-4714
E-MAIL: planning@ci.davenport.iowa.us

STATE OF IOWA }
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the following dates:

10-4

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Kim Cooper

Subscribed and sworn to before me by said affiant this

4th

day of

October

20 14



STEPHEN H. THOR
Commission Number 168839
My Commission Expires
3-24-15

Stephen H Thor

Notary Public in and for Scott County, Iowa

City of Davenport

Committee: Community Development
Department: Community Planning and Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 1st

Action / Date
CD12/3/2014

Subject:

First Consideration: Ordinance for Case ROW14-06 for the right-of-way vacation (abandonment) of 7000 square feet, more or less, of public right-of-way located south of Rockingham Road and west of Stark Street. (K.C. Properties, LLC, petitioner) [Ward 1].
CITY PLAN & ZONING COMMISSION & STAFF RECOMMEND DENIAL.

Relationship to Goals:

- Added emphasis on economic development.
- Neighborhood improvements

Background:

The petitioner is seeking this right-of-way vacation to possibly expand its business on the property. Currently a fence encroaches on this alley. It is hard surfaced but unlikely that the City has ever constructed any improvements itself.

The property owner to the west and contract purchaser of property to the south (same individual) opposed the vacation as it may impact future development decisions.

The Commission and staff concur that vacation may be supported in the future, it is premature at this time.

Public Input:

Notices were sent to property owners within 200 feet of the subject property prior to the Plan and Zoning Commission and City Council public hearings. As mentioned, one property owner has objected.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
☐ Cover Memo	Ordinance
☐ Cover Memo	Commission Letter to Council
☐ Cover Memo	Plan and Zoning Commission Report
☐ Cover Memo	Neighbor Letter
☐ Cover Memo	Notification Map
☐ Cover Memo	Neighbor List

ORDINANCE NO.

AN ORDINANCE for Case ROW14-06 for the right-of-way vacation (abandonment) of 7000 square feet, more or less, of public right-of-way located south of Rockingham Road and west of Stark Street. (K.C. Properties, LLC, petitioner) [Ward 1].

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

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

Part of the Northeast Quarter of Section 5 – Township 77 North – Range 3 East of the 5th Principal Meridian being more particularly described as follows:

Beginning at a point in the Southeast Corner of Lot 7 of Block 2 of Harvest Acres an addition to the City of Davenport, Iowa, said point also being in the West Line of Stark Street and the North Line of a twenty-foot wide east-west alley; thence West along the South Line of Lots 7 through 1 of Block 2 of said Harvest Acres a distance of 350 feet to the Southwest Corner of Lot 1 of Block 2 of said Harvest Acres, said point also being in the west line of said Harvest Acres; thence South 20 feet along the west line of said Harvest Acres to the Northwest Corner of Lot 1 of Block 3 of said Harvest Acres; thence East a distance of 350 feet along the North Line of Lot 1 of Block 3 of said Harvest Acres to the Northeast Corner of Lot 1 of Block 3 of said Harvest Acres said point also being in the West Line of Stark Street; thence North 20 feet to the point of Beginning. The above described tract contains 7,000 square feet, more or less.

At its November 18, 2014 meeting, the City Plan and Zoning Commission voted 5-3 to recommend denial of the proposed Right-of-Way vacation.

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 _____

William E. Gluba
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____



**Plan and Zoning Commission
City of Davenport**

November 19, 2014

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

Subject: ROW14-06

Dear Mayor Gluba and Council Members:

At its November 18, 2014 meeting, the Plan and Zoning Commission voted 5-yes (Tallman, d'Auermont, Connel, Matinez, Martin) 3-no (Elgation, Lamers, Kelling) to recommend the City Council deny Case No. ROW14-06, the proposed Right-of-Way vacation of 7000 square feet of alley located south of Rockingham Road and west of Stark Street.

Sincerely,

Bob Ingram, Chair
Davenport Plan and Zoning Commission



PLAN AND ZONING COMMISSION

Meeting Date: November 19, 2014
Request: Right-of-Way Vacation of 5,000 square feet of property
Location: Alley south of 3911 Rockingham Rd, west of Stark St.
Case No.: ROW14-06
Applicant: K.C. Properties, LLC

Contact: Matthew G. Flynn, AICP
Senior Planning Manager
mflynn@ci.davenport.ia.us
563-326-7743

Recommendation:

Staff recommends Case No. ROW14-06 be forwarded to the City Council with a recommendation for denial.

Introduction:

The petitioner is seeking a Right-of-Way Vacation of approximately 5000 feet of land originally platted as an alley. Currently, a fence encroaches on the alley. The new owner of the property to the north has requested the vacation in order to clean up and expand the business (Jaguar Alley).



Background:**Comprehensive Plan:**

Within Urban Service Area: Yes

Zoning:**Technical Review:**

A 10 inch sanitary sewer exists within the right-of-way, as well as some overhead utilities. Therefore, if the alley is ultimately vacated, a public utility easement should be established on the entire property.

Public Input:

A public hearing for the Right-of-Way vacation will occur at the November 4, 2014 Plan and Zoning Commission Hearing. 13 property owners within 200 feet have been notified. The property owner to the west of the proposed vacation opposes the request.

Discussion:

The proposed alley vacation originated as a result of complaint that the business was using the right-of-way as storage for vehicles. The owner submitted an application when it was informed of the situation.

The property owner to the west has expressed opposition to the vacation. She has also presented a signed offer to purchase the property to the south. She is exploring development options for this property and cannot support the vacation without developing her plans more.

Staff Recommendation:

While it is apparent that the City will not be improving this alley in the near future, if ever, staff cannot support its vacation while an adjacent property owner objects. Both neighbor and applicant have interest in improving their properties. Vacating the alley may make sense in the future, but for now would be beneficial for both parties to work together in finding a mutual solution. With this uncertainty, staff recommends denial of the request.

October 22, 2014

Dear Property Owner:

The City of Davenport has received a request to vacate right-of-way located south of 3911 Rockingham Road and west of Stark Street (see attached map).

A public hearing will be held before the Plan and Zoning Commission on Tuesday, November 4, 2014 at 5:00 pm in the Council Chambers of City Hall, 226 West 4th Street. At the public hearing, all interested persons will be given the opportunity to speak in favor or against the proposed right-of-way vacation.

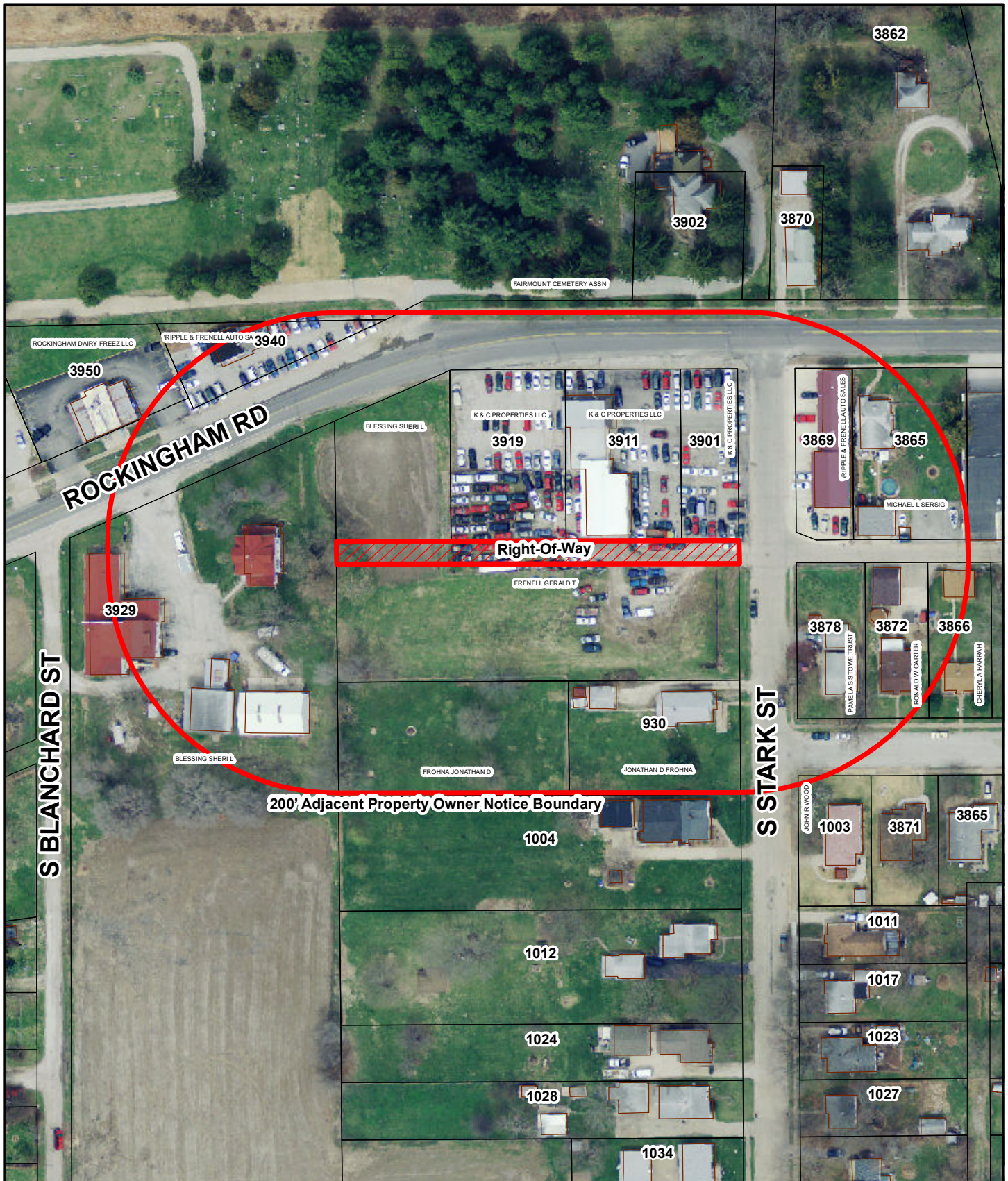
Following the Plan and Zoning Commission's recommendation, the City Council will take action on the proposal at a later time.

If you have questions, or would like to express your views without attending the hearing, please contact me no later than November 3, 2014.

Sincerely,

Matthew G. Flynn, AICP
Senior Planning Manager
5653-326-7743
mflynn@ci.davenport.ia.us

Plan & Zoning Commission: Adjacent Property Owner Notice Area



0 25 50 100 150 200 Feet



Davenport.369.1.ROW14-06_Adjacent_Owner_Notice_Area.xlsx

Parcel#	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	RIPPLE & FRENELL AUTO	3911 ROCKINGHAM RD	DAVENPORT IA 52802	
Ward/Ald:	1st Ward	Alderman Dunn		Notices Sent: 13
R0506-07		BLESSING SHERI L	3929 ROCKINGHAM RD	DAVENPORT IA 52802
R0506-08A	3929 ROCKINGHAM RD	BLESSING SHERI L		
R0507-24	3866 JOHNSON AV	CHERYL A HARRAH	3866 JOHNSON AV	DAVENPORT IA 52802
R3242-01		FAIRMOUNT CEMETERY ASSN	3902 ROCKINGHAM RD	DAVENPORT IA 52802
R0507-03		FRENELL GERALD T	3911 ROCKINGHAM RD	DAVENPORT IA 52802
R0507-04B		FROHNA JONATHAN D	1004 S STARK ST	DAVENPORT IA 52802
R0507-12	1003 S STARK ST	JOHN R WOOD	1003 S STARK ST	DAVENPORT IA 52802
R0507-04A	930 S STARK ST	JONATHAN D FROHNA	1004 S STARK ST	DAVENPORT IA 52802
R0506-06	3919 ROCKINGHAM RD	K & C PROPERTIES LLC	12996 S UTAH AV	DAVENPORT IA 52804
R0507-01	3911 ROCKINGHAM RD	K & C PROPERTIES LLC		
R0507-02	3901 ROCKINGHAM RD	K & C PROPERTIES LLC		
R0507-28	3865 ROCKINGHAM RD	MICHAEL L SERSIG	3865 ROCKINGHAM RD	DAVENPORT IA 52802
R0507-26	3878 JOHNSON AVE	PAMELA S STOWE TRUST	1819 OAK ST	BETTENDORF IA 52722
R0506-05	3940 ROCKINGHAM RD	RIPPLE & FRENELL AUTO SALES	3911 ROCKINGHAM RD	DAVENPORT IA 52802
R0507-27A	3869 ROCKINGHAM RD	RIPPLE & FRENELL AUTO SALES		
R0506-04	3950 ROCKINGHAM RD	ROCKINGHAM DAIRY FREEZ LLC	3950 ROCKINGHAM RD	DAVENPORT IA 52802
R0507-25	3872 JOHNSON AV	RONALD W CARTER	3872 JOHNSON	DAVENPORT IA 52802

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: John Claeys; (563) 327-5713
Wards: All

Action / Date
PW12/3/2014

Subject:

Second Consideration: Ordinance amending Chapter 15.16 The National Electrical Code, Title 15 of the Davenport Municipal Code. *[ALL WARDS]*

Relationship to Goals:

Davenport - The Choice Community for Living.

Background:

A brief summary of changes is as follows:

Revision to the City Davenport Electrical Code Ordinance

1. 15.16.015: "National Electric Code 2011" is replaced with "National Electrical Code 2014".
2. 15.16.050(D): Add "(4) Types I and II construction where installed within raceways permitted in Types I and II construction."
3. 15.16.070: Change "2011 National Electrical Code" to "2014 National Electrical Code".

ATTACHMENTS:

Type	Description
☐ Resolution Letter	ORD ELECTRICAL PW PG2

ORDINANCE NO.

AN ORDINANCE TO REPEAL CHAPTER 15.16 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, ENTITLED "ELECTRICAL CODE" AND ENACT AS A REPLACEMENT AND A NEW CHAPTER 15.16 ENTITLED "ELECTRICAL CODE".

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

Section 1. That Chapter 15.16 of the Municipal Code of Davenport Iowa, be and the same is hereby repealed in its entirety and replaced by a new Chapter 15.16 as follows:

Chapter 15.16 ELECTRICAL CODE
Construction Rules and Regulations for the City of Davenport

Sections:

15.16.010	Adoption by reference.
15.16.015	The National Electrical Code.
15.16.020	Additions, deletions and amendments.
15.16.030	Chapter 1, modified.
15.16.040	Chapter 2, modified.
15.16.050	Chapter 3, modified.
15.16.060	Chapter 7, modified.
15.16.070	Chapter 10 "Rewires" added.

15.16.010 Adoption by reference.

The specifications and regulations which are mentioned by title and date below are hereby adopted and declared to be a part of this title when not in conflict with a specific statement contained herein.

15.16.015 The National Electrical Code.

The National Electrical Code, 2014 Edition as published by the National Fire Protection Association, Inc. is hereby adopted by reference as the electrical code for the City of Davenport, with the following revisions and amendments.

15.16.020 Additions deletions and amendments.

Annex H entitled "Administration and Enforcement", is hereby deleted and replaced by Chapter 15.08 of the Davenport Municipal Code.

15.16.030 Chapter 1, modified.

Delete Paragraph 1 10.8 "Wiring Methods", in its entirety and in lieu thereof a new paragraph as follows:

1 10.8 "Wiring Methods"

Only wiring methods recognized as suitable and as recognized by N.F.P.A. are included in this Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this Code. When any additions, alterations or renewals to existing electrical equipment lawfully installed prior to the adoption of the present code have been made, any portion of the installation which is presently added, altered, or

renewed, shall conform to the regulations now in effect. See Section 15.16.070 pertaining to rewires.

15.16.040 Chapter 2, modified.

(A) Add to Article 215 "Feeders" a new paragraph as follows:

215.13 "Conductors Within Buildings"

Feeder conductors within dwellings shall be installed within an approved raceway.

Type AC and type MC cable are not approved for this application. EXCEPTION: Where feeder conductors originate and terminate within a dwelling unit.

(B) Modify Article 220.18 "Maximum Loads", by adding as follows:

(D) Residential circuits shall be calculated as follows:

(1) Duplex receptacles (general) 10 per circuit

(2) Counter top receptacles 2 per circuit.

(C) Delete Article 230.43 "Wiring Methods for 600 Volts Nominal Or Less" in its entirety and enact in lieu thereof a new Article as follows:

Article 230.43 "Wiring Methods for 600 Volts Nominal, Or Less"

Service-entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and limited to the following methods:

(1) open wiring on insulators; (2) Type IGS cable; (3) rigid metal conduit; (4) intermediate metal conduit; (5) electrical metallic tubing; (6) wire ways; (7) busways; (8) auxiliary gutters; (9) rigid nonmetallic conduit; (9) cablebus; (10) mineral- insulated, metal sheathed cable; (11) High Density Polyethylene Conduit (HDPE); (12) Nonmetallic Underground Conduit with Conductors (NUCC); (13) Reinforced Thermosetting Resin Conduit (RTRC).

15.16.050 Chapter 3, modified.

(A) Delete Table 310.106(A) in its entirety and enact in lieu thereof a new Table 310.106 (A) as follows:

Table 310.5

Voltage Rating of Conductor - Volts	Minimum Conductor Size-AWG
0 to 2001	12 Copper 10 Aluminum or Copper Clad Aluminum
2001 to 5000	8
5001 to 8000	6
8001 to 15000	2
15001 to 28000	1
28001 to 35000	1/0

(B) Delete Article 320. 108 "Grounding", in its entirety and enact in lieu thereof a new paragraph as follows:

320. 108 "Grounding"

Type AC cable shall be required to have a grounding conductor sized in accordance with Article 250.122.

(C) Modify Article 330. 10(A)(1) General Uses, as follows:

330.10(A) General Uses.

Type MC cable shall be permitted as follows:

- (1) For feeder and branch circuits.

(D) Delete Article 334. 10 "Uses Permitted", in its entirety and enact in lieu thereof a new paragraph as follows:

334.10 "Uses Permitted"

Type NM, Type NMC, and Type NMS cable shall be permitted to be used:

(1) In one and two-family dwellings and their attached or detached garages, and their storage buildings.

(2) Multiple family dwellings permitted to be of Type III, IV, and V construction, except as prohibited in Section 334.12.

Informational Note No. 1: Types of building construction and occupancy classifications are defined in NFPA 220-2006, "Standard on Types of Building Construction", or the applicable building code, or both.

Informational Note No. 2: See Annex E for determination of building types [NFPA 220, Table 3-1].

- (3) Cable trays in structures permitted to be Types III, IV, or V where cables are identified for the use.

Informational Note: See Section 310. 115(A)(3) for temperature limitations of conductors.

- (4) Types I and II construction where installed within raceways permitted to be installed in Types I and II construction.

(A) Type NM. Type NM cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations.
- (2) To install or fish Type NM cable in air voids in masonry block or tile walls.

(B) Type NMC cable shall be permitted as follows:

- (1) For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited by 334.10(3).
- (2) In outside and inside walls of masonry block or tile;
- (3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1/16 inch (1.59 mm) thick and covered with plaster, adobe, or similar finish.

(C) Type NMS cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited by 334.10(3)
- (2) To be installed or fished in air voids in masonry block or tile walls.

(E) Delete Paragraph 334.15 "Exposed Work - General" in its entirety and enact in lieu thereof a new paragraph as follows:

334. 15 "Exposed Work - General"

In exposed work, except as provided in sections 300.11 (A), the cable shall be installed as specified in (a), (b), and (c) below.

- a.) To Follow Surface. Cable shall closely follow the surface of the building surface or of

running boards.

b.) Protection From Physical Damage. Cable shall be protected from physical damage to a height of 8 feet (2.44 meters) from the floor by rigid metal conduit, electrical metallic tubing, Schedule 80 PVC rigid nonmetallic conduit, Type RTRC marked with suffix –XW, or other approved means.

c.) In Unfinished Basements. Where the cable is run at right angles with the joist in unfinished basements, the cable shall be installed through bored holes in the joist. Nonmetallic-sheathed cable installed on a wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The sheath of the nonmetallic –sheathed cable shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm (1/4 in.). The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal conduit and tubing and metal outlet boxes shall be connected to an equipment grounding conductor complying with the provisions of 250.86 and 250.148.

(F) Delete Paragraph 334.40(B) “Devices of Insulating Material”, in its entirety and enact in lieu thereof a new paragraph as follows:

334.40(B) “Devices of Insulating Material”

All switches, outlets, and tap devices must terminate in an outlet box complying with the requirements of Article 314 of the National Electrical Code.

(G) Add to Article 314 “Outlet, Device, Pull and Junction Boxes, Conduit Bodies, and Fittings”, a new paragraph as follows:

314.17(E) Insulated Throats.

All fittings for use with EMT conduit, flexible metallic tubing and flexible metallic conduit shall utilize insulated throats.

15.16.060 Chapter 7, modified.

Add to Article 760, “Fire Protection Systems”, a new paragraph as follows:

760. 16, “Protection of Fire Alarm Circuit in Hallways and other Public Areas”.

All exposed fire alarm and signal wiring in any building shall be installed in raceways or approved metal-clad type cable so as to make the wiring tamper-resistant. Wiring installed 10 feet above finished floor shall be considered tamper resistant by location.

15.16.070 Chapter 10 “Rewires” added.

The 2014 National Electrical Code is hereby amended by adding a new Chapter 10 entitled “Rewires”, as follows:

Chapter 10 “Rewires”.

When there is an increase in the service entrance ampacity in existing structures, the following minimum requirements shall be conformed to:

(1) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws and shall be of an approved type.

(2) Every habitable room shall contain at least two receptacle outlets.

(3) Habitable rooms shall contain at least one light fixture controlled by a wall switch or a wall switch controlling one of the receptacle outlets.

(4) Every water closet room, bathroom, laundry room, furnace room, and public hallway shall contain at least one light fixture.

(5) All exposed wiring shall comply with Section 15.16.050.

- (6) A duplex receptacle outlet shall be installed at each kitchen wall counter space that is 24 inches or wider.
- (7) Ground fault protected receptacles shall be required as specified in 210.8 and 210.52(E).
- (8) Bathrooms are to have at least one receptacle outlet as specified in 210.52(D).

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 _____

William E. Gluba
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Eric Gravert; (563) 327-5125
Wards: 3

Action / Date
PW12/3/2014

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of the cost for the Modern Woodmen Park Concourse Deck Expansion. *[Ward 3]*

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities.

Background:

This project is for the installation and improvements associated with the new concrete foundations and structural steel deck located north of the baseball park's left field side.

Program management will be completed by the Engineering Division Staff.

Funding for this project will come from the Deck Loan obtained by Main Street Iowa, LLC for this purpose, consistent with the company's lease agreement with the City and is budgeted at \$600,000.

ATTACHMENTS:

Type		Description
☐	Resolution Letter	RES PW MWP DECK PG 2
☐	Backup Material	RES MWP DOCUMENT

Resolution No. _____

Resolution offered by Alderman Ambrose.

Resolved by the City Council of the City of Davenport.

Resolution approving the plans, specifications, form of contract, and estimate of the cost for the Modern Woodmen Park Concourse Deck Expansion.

Whereas, plans, specifications, form of contract, and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Modern Woodmen Park Concourse Deck Expansion within the City of Davenport, Iowa; and

Whereas, Notice of Hearing on plans, specifications and form of contract was published as required by law:

Now, therefore, be it resolved by the City Council of the City of Davenport, Iowa:

That said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for said Modern Woodmen Park Concourse Deck Expansion.

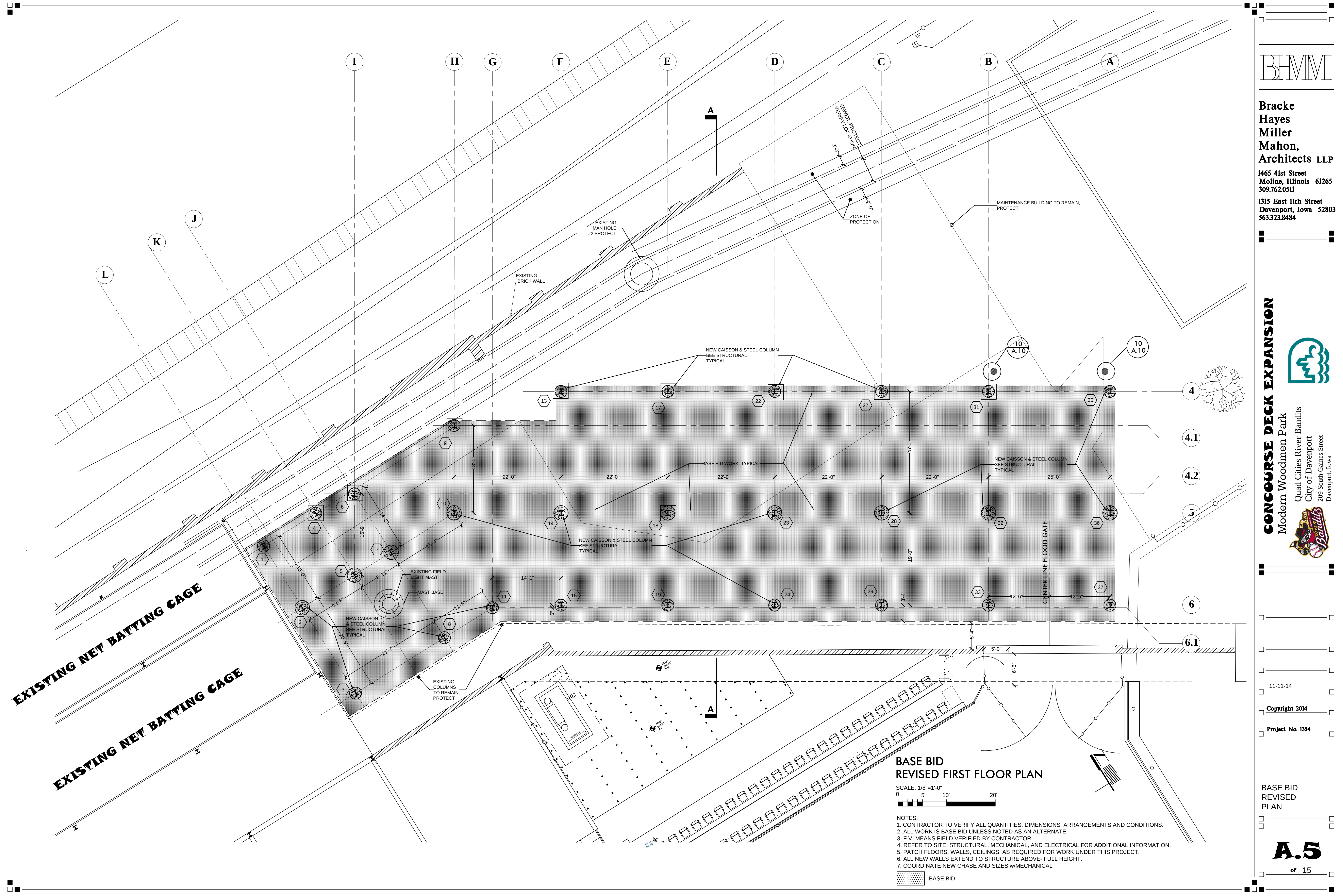
Passed and approved this 10th day of December, 2014.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, City Clerk



**BASE BID
REVISED FIRST FLOOR PLAN**

SCALE: 1/8"=1'-0"
0 5' 10' 20'

- NOTES:
1. CONTRACTOR TO VERIFY ALL QUANTITIES, DIMENSIONS, ARRANGEMENTS AND CONDITIONS.
 2. ALL WORK IS BASE BID UNLESS NOTED AS AN ALTERNATE.
 3. F.V. MEANS FIELD VERIFIED BY CONTRACTOR.
 4. REFER TO SITE, STRUCTURAL, MECHANICAL, AND ELECTRICAL FOR ADDITIONAL INFORMATION.
 5. PATCH FLOORS, WALLS, CEILINGS, AS REQUIRED FOR WORK UNDER THIS PROJECT.
 6. ALL NEW WALLS EXTEND TO STRUCTURE ABOVE- FULL HEIGHT.
 7. COORDINATE NEW CHASE AND SIZES w/MECHANICAL

BASE BID



**Bracke
Hayes
Miller
Mahon,
Architects LLP**

1465 41st Street
Moline, Illinois 61265
309.762.0511

1315 East 11th Street
Davenport, Iowa 52803
563.323.8484

CONCOURSE DECK EXPANSION

Modern Woodmen Park
Quad Cities River Bandits
City of Davenport
209 South Gaines Street
Davenport, Iowa



11-11-14
Copyright 2014
Project No. 1354

BASE BID
REVISED
PLAN

A.5
of 15

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Joe Balge; (563) 370-8382
Wards: 4 & 5

Action / Date
PW12/3/2014

Subject:

Resolution accepting the Locust Street Hilltop sidewalk project, CIP Project #10129. *[Wards 4 & 5]*

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities.

Background:

This project is a part of the Hilltop Association plan to make improvements to pedestrian transportation in the area and reconstruct the sidewalk along the north side of Locust Street from Ripley Street to Brady Street. The sidewalk is being moved further from the curb along with other safety improvements.

A request for bids was issued on May 30, 2014 and was sent to 118 construction firms. On June 20, 2014, the Purchasing Division opened two bids. Langman Construction was considered the only responsive and responsible bidder and was recommended for the contract.

This project has been satisfactorily completed by Langman Construction. The final cost project cost is \$187,870 to be paid from CIP Project #10129 and FY15 General Obligation Bonds.

ATTACHMENTS:

Type	Description
☐ Resolution Letter	PW_RES_ACCP_HILLTOPSIDEWALK

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolution accepting the Locust Street Hilltop sidewalk project, CIP Project #10129. [Wards 4 & 5]

Whereas, the Hilltop / Locust Street Sidewalk Construction Project (Ripley to Brady) has been satisfactorily completed:

Now, therefore, be it resolved, by the City Council of the City of Davenport that the Hilltop / Locust Street Sidewalk Construction Project (Ripley to Brady), which work was completed by Langman Construction of Rock Island, IL, having been satisfactorily completed, be and the same is hereby formally accepted. The final cost totals \$187,870.42.

Passed and approved this 10th day of December, 2014.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Joe Balge; (563) 370-8382
Wards: 8

Action / Date
PW12/3/2014

Subject:

Resolution accepting the W. 59th St. Sump Pump Drainage Relief Project CIP# Project #10545. *[Ward 8]*

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

The residents living on W. 59th St. between Pine St. and N. Howell St. in the past have run their sump pump lines to the street to drain. This has caused excess water along the gutter lines which in the winter freezes and causes the street to become icy.

This project is designed to create an alternate location for residents on the North and South side of the street to discharge their sump pumps into. A pipe is being installed underground through the back yards of the houses that have the drainage issues and the residents will be able to connect their sump pumps to the pipe rather than pumping the water into the street.

The project was split into four sections divided by the 42" existing storm sewer running, north and south, and W. 59th Street. On the north side of W. 59th St. is Line A (to the northwest) and Line B (to the northeast). On the south side there are also two lines, Line C (to the southwest) and Line D (to the southeast). Line A and Line B were considered the base bid. Line C and Line D were considered to be alternate 1 and Alternate 2 bids respectively. The initial project funding did not allow for all four lines to be included and only Lines A, B, and C were able to be included. When additional funding became available Line D was added to the project. The total cost of the project is \$148,249.95.

ATTACHMENTS:

Type	Description
□ Resolution Letter	PW RES PG 2 59TH ST DRAIN

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolution accepting the W. 59th St. Sump Pump Drainage Relief Project CIP Project #10545.

Whereas, the W. 59th St. Sump Pump Drainage Relief Project has been satisfactorily completed:

Now, therefore, be it resolved, by the City Council of the City of Davenport that the W. 59th St. Sump Pump Drainage Relief Project, which work was completed by Hometown Plumbing and Heating of Davenport, IA, having been satisfactorily completed, be and the same is hereby formally accepted. The final cost totals \$148,249.95.

Passed and approved this 10th day of December, 2014.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Mike Atchley; 563-327-5149
Wards: 8

Action / Date
PW11/19/2014

Subject:

Resolution authorizing the Mayor to execute a permanent railroad roll and hold easement allowing SIR Properties Trust access across city property located at 601 Blackhawk Trail Road, Eldridge, IA. *[WARD 8]*

Relationship to Goals:

Financially responsible city government.
A growing local economy.

Background:

The rail connection was originally designed and constructed to curve north from the branch line to a point near the intersection of the existing CP rail right-of-way and Blackhawk Trail Road. After negotiations with the CP railroad resulted in a service agreement with the City of Davenport. The CP rail required that the connection be reversed to a southerly connection to their mainline rail. This revision to the connection resulted in a revised rail geometry and has led to the need for additional easements to be secured by the City of Davenport in order to connect the branch line across property not owned by the City of Davenport.

In addition, the new configuration conflicts with two existing rail service lines from the CP mainline to an adjacent industrial facility. These two rail service lines will need to be revised to connect to the branch line. This will allow for the existing facility to continue to be rail served by the CP. This proposed easement for use of the adjacent industrial facility to have new rail service lines cross land owned by the City of Davenport. SIR Properties Trust is willing to give the City of Davenport a permanent railroad easement across their property and a temporary construction easement if the city is willing to give them the permanent easement across city property located at 601 Blackhawk Trail Road.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	RES_EASEMENT PG2
▢ Backup Material	RES_EASEMENT BLACKHAWK PLAT
▢ Backup Material	RES_EASEMENT BLACKHAWK LETTER

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION authorizing the Mayor to execute a permanent railroad roll and hold easement allowing SIR Properties Trust access across city property located at 601 Blackhawk Trail Road, Eldridge, IA.

WHEREAS, the City of Davenport has negotiated with Canadian Pacific to maintain the Branch Line to the Transload Facility;

WHEREAS, Canadian Pacific required the realignment of the Branch Line connection to the Eldridge Main Line thus requiring the City of Davenport and SIR Properties Trust to acquire permanent easements across the others property;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor is hereby authorized to execute a permanent railroad roll & hold easement allowing SIR Properties Trust access across city property located at 601 Blackhawk Trail Road.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, MMC, City Clerk

PLAT OF RAIL EASEMENTS

SITUATED IN PART OF THE NE 1/4 OF SECTION 26, T79N, R3E OF THE 5TH P. M.
CITY OF ELDRIDGE, SCOTT COUNTY, IOWA

(AS SHOWN BELOW)
(SEE ATTACHED DESCRIPTIONS)

NOTES:
TRACT NO. 1—PRE
RAIL EASEMENT FOR CITY OF
DAVENPORT ON PROPERTY OWNED
BY CITY OF DAVENPORT

TRACT NO. 2—PRE
ROLL AND HOLD EASEMENT
FOR DAVENPORT RAIL
TO SIR PROPERTIES TRUST

TRACT NO. 3—PRE
RAIL EASEMENT TO THE
CITY OF DAVENPORT

TRACT NO. 4
OWNER: SIR PROPERTIES TRUST

TRACT NO. 5
CITY OF DAVENPORT (SOUTH OF
RAIL EASEMENTS)

TRACTS A
TEMPORAERY CONSTRUCTION
EASEMENTS)

CURVE DATA
R=643.81'
A=144.19'
CH=143.89'
CB=S58°-40'-45"E

TRACT NO. 4
UNECONOMIC REMNANT
ROLL AND HOLD
PROPERTY
13,581 SQ. FT. ±

TRACT NO. 3—PRE
PERMANENT RAIL
EASEMENT
20,397 SQ. FT. ±

W'LY ROW LINE OF CANADIAN
PACIFIC RAILROAD AND
E'LY LINE OF LOT 1 OF
LANCER INDUSTRIAL PARK 2ND
ADDITION

S22°-03'-10"E
328.46'

S22°-03'-10"E
328.46'

OWNER: SIR
PROPERTIES TRUST
(N69°-30'-03"E)
(120.89')

OWNER: SIR
PROPERTIES TRUST
(R=412.46')

OWNER: SIR
PROPERTIES TRUST
(120.89')

OWNER: SIR
PROPERTIES TRUST
(120.89')

OWNER: SIR
PROPERTIES TRUST
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PROPERTIES TRUST
(120.89')

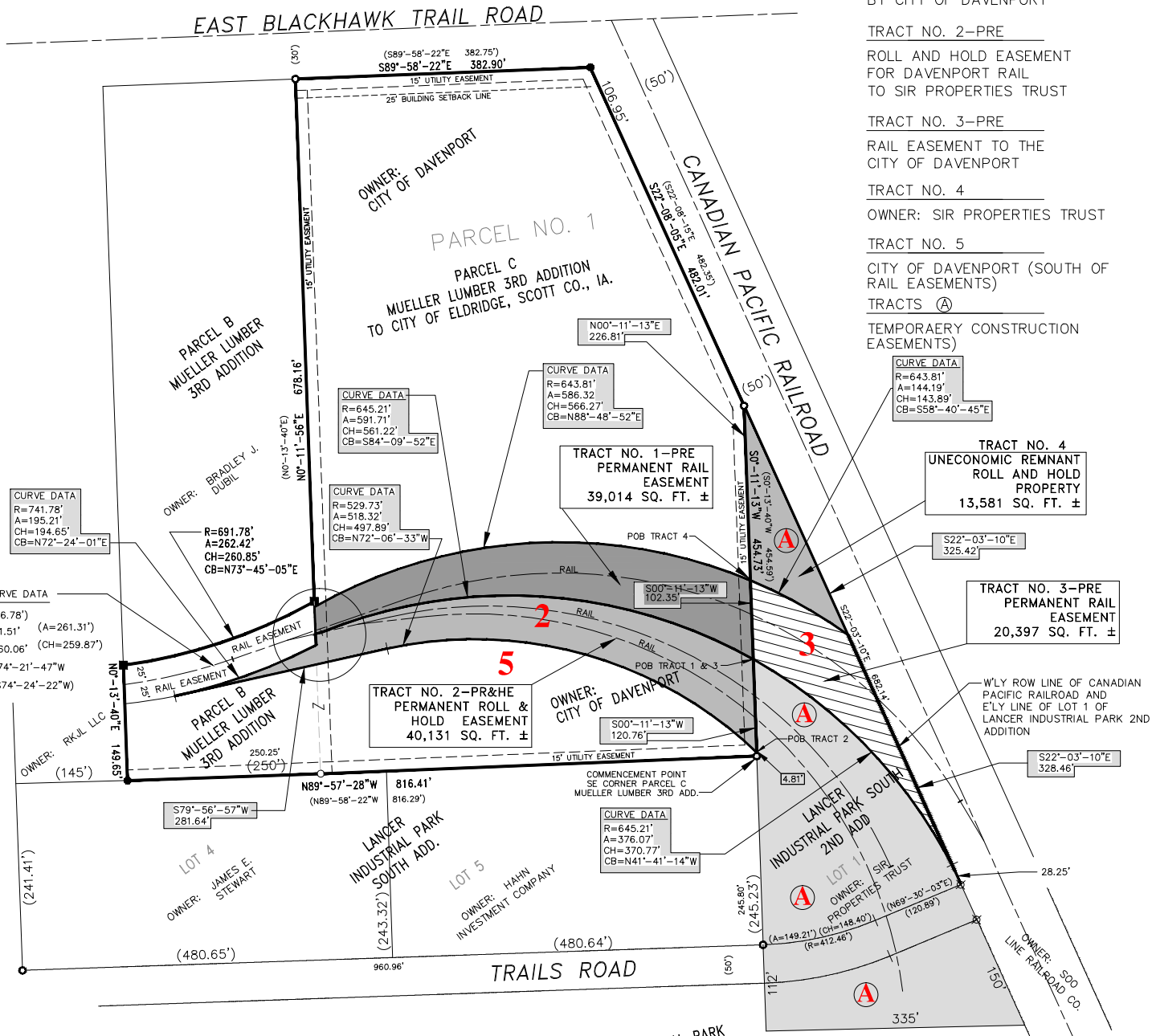
OWNER: SIR
PROPERTIES TRUST
(120.89')

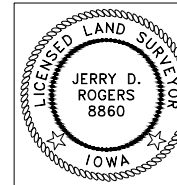
OWNER: SIR
PROPERTIES TRUST
(120.89')

OWNER: SIR
PROPERTIES TRUST
(120.89')

OWNER: SIR
PROPERTIES TRUST
(120.89')

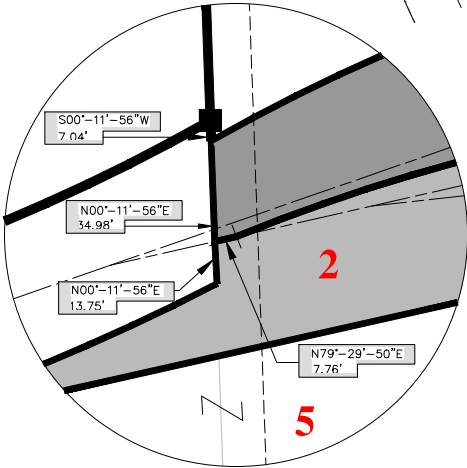
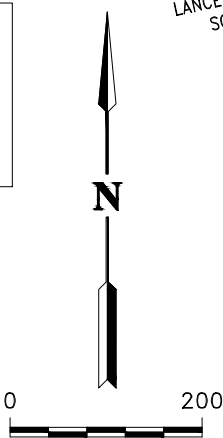
OWNER: SIR
PROPERTIES TRUST
(120.89')





"I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Signature: _____
Date _____ License No. 8860
My License renewal date is December 31, _____
Pages or sheets covered by this seal: _____"

- LEGEND**
- ⊗ = FOUND YELLOW CAP PIN # 13974
 - = FOUND YELLOW CAP PIN # 7636
 - = FOUND METAL CAP PIN NO. 13581
 - = SET CAP PIN NO. 8860
 - = FD. 5/8" REBAR
 - 0.0' = MEASURED DISTANCE/BEARING
 - (0.0') = PLAT/DEED BEARING/DISTANCE
 - = BOUNDARY LINE OF CITY PROPERTY (PARCEL NO. 1)=11.79 Ac.±
 - = EXISTING PROPERTY LINE
 - - - = EXISTING BUILDING SETBACK
 - - - = EXISTING EASEMENT



	CITY OF DAVENPORT ENGINEERING DIVISION 1200 EAST 46TH STREET DAVENPORT, IOWA 52807 Phone: 563-326-7729	PARCEL NO. 1 PARCEL OWNER: CITY OF DAVENPORT 226 WEST FOURTH STREET DAVENPORT, IOWA 52801	LOCATION: PART NE 1/4. SEC 26 T.79N., R.3E. OF 5TH P.M. PROJECT NO. DWG. FOLDER: REPLAT OF LOT C SCALE: 1"=200'	DRAWN BY: J.R. REVIEWED BY: J.E.Q. DATE: 9-30-14 REVISED: 10-16-14 SHEET NO. 1 OF 4

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

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

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

These easement conveyances are exempt pursuant to Iowa Code §428A.2 paragraph 17.

Permanent Railroad Roll & Hold Easement

In consideration of the sum of One and no/100 Dollars (\$ 1.00) and other good and valuable consideration, the City of Davenport, an Iowa Municipal Corporation, located at 226 W. 4th Street, Davenport, IA 52801, hereinafter the “Grantor,” does hereby grant to SIR Properties Trust, a Maryland Real Estate Investment Trust, located at Two Newton Place, 255 Washington Street, Suite 300, Newton, MA 02458, hereinafter the “Grantee,” a permanent and assignable railroad roll & hold easement in, on, over and across the land described in Tract No. 2-PRE, for the location, construction, operation, maintenance, alteration and replacement of a railroad and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and other vegetation, structures, or obstacles within the limits of the easement; reserving, however, to the Grantor and assigns, the right to cross over or under the easement as access to their adjoining land, TRACT NO. 5, the location of the crossing is to be provided by the Grantor, in the future if access to said TRACT NO. 5 is needed. This easement is subject, however, to existing easements for public roads and highways, public utilities, and pipelines, through the following described Scott County, Iowa real estate:

TRACT NO. 2-PR&HE PERMANENT ROLL AND HOLD EASEMENT

A parcel of land located in part of Parcel C of Mueller Lumber 3rd Addition being situated in part of the Northeast Quarter of Section 26, Township 79 North, Range 3 East of the 5th Principal Meridian in the City of Eldridge, County of Scott, State of Iowa, shown as Tract No. 2-PR&HE on the attached Plat of Rail Easements, Sheet No. 1 of 4, attached hereto and by this reference made a part hereof, and being more particularly described as follows:

Commencing at the Southeast corner of Parcel C of said Mueller Lumber 3rd Addition; Thence N00°-11'-13"E along the East line of Parcel C of said Mueller Lumber 3rd Addition a distance of 4.81 feet to the Point of Beginning; Thence in a Northwesterly, Westerly and Southwesterly direction along the arc of a curve concave Southerly with a radius of 529.73 feet, with a chord bearing of N72°-06'-33"W and a chord distance of 497.89 feet, for a distance of 518.32 feet; Thence S79°-56'-57"W a distance of 281.64 feet to the intersection with the Southerly Right

of Way line of an existing Rail Easement; Thence in a Northeasterly direction along the arc of a curve concave Northwesterly with a radius of 741.78 feet, with a chord bearing of N72°-24'-01"E and a chord distance of 194.65 feet, for a distance of 195.21 feet to the intersection with the West line of Parcel C of said Mueller Lumber 3rd Addition; Thence N00°-11'-56"E along the West line of Parcel C of said Mueller Lumber 3rd Addition a distance of 13.75 feet; Thence N79°-29'-50"E a distance of 7.76 feet; Thence in a Northeasterly, Easterly and Southeasterly direction along the arc of a curve concave Southerly with a radius of 645.21 feet, with a chord bearing of S84°-09'-52"E and a chord distance of 561.22 feet, for a distance of 591.71 feet to the intersection with the East line of Parcel C of said Mueller Lumber 3rd Addition; Thence S00°-11'-13"W along the East line of Parcel C of said Mueller Lumber 3rd Addition a distance of 120.76 feet to the Point of Beginning.

The above described tract of land contains 40,131 sq. ft., more or less.

Note: The East line of Parcel C of Mueller Lumber 3rd Addition has a platted Bearing of N00°-13'-40"E and a surveyed bearing of N00°-11'-13"E which is used for the purpose of this description.

The Grantor reserves the title to said land to itself and the Grantee's maintenance and use for the above purpose upon said land, however long continued, shall not vest in the Grantee's rights adverse to those of the Grantor's other than those granted by this easement.

If TRACT NO. 2 shall at any times cease to be used for a permanent railroad roll & hold easement and the tracks are removed then all the Grantee's interest in said premises shall cease, and the Grantor, its successors and assigns, may retake said described premises without compensation to the Grantee.

This easement shall inure to the benefit of and be binding upon the successors and assigns of the Grantor and the Grantee.

The Grantor's contractor shall be responsible for determining the location and existence of any pipes, wires, conduits, sewers, piling or other obstructions to the construction of the Grantee's tracks and shall indemnify, hold harmless and defend the Grantee from and against any and all liability for damage to the foregoing pipes, wires, conduits, sewers, piling or other obstructions, if any, caused by the construction of the Grantee's track and appurtenances.

The Grantee shall not, without prior written disclosure to and approval by the Grantor, use or authorize the use of any hazardous substance on the property;

The Grantee shall promptly notify the Grantor of any actual or suspected release of any hazardous substance on, to, or from the property, regardless of the cause of the release;

The Grantee shall promptly take all necessary action in response to any release or use of a hazardous substance at the property that gives rise to any liability, claim, cause of action, obligation, demand, fine, penalty, loss, judgment or expense under any environmental law, or causes a significant public health or workplace effect, or creates a nuisance; and to the extent permitted by applicable law, the Grantee hereby releases and agrees to indemnify, hold harmless and defend the Grantor and its officials, employees, divisions, agents, affiliates, subsidiaries, predecessors, successors and assigns, or anyone acting on its behalf or their behalf, from and against any and all claims (including without limitation any claims arising under any environmental law and all claims arising at common law, in equity or under a federal, state or local statute, rule or regulation) of every kind, past, present and future, existing and contingent, known and unknown, arising from any injury to persons, firms or

corporations whomsoever, including injuries resulting in death, and damage to property whatsoever, wherever such persons or property are located, caused by or attributable to, in whole or in part, any act or omission of the Grantee (or the Grantee's officials, employees, divisions, agents, affiliates, subsidiaries, predecessors, successors and assigns, or anyone acting on its behalf or their behalf) in connection with the exercise of the right and privilege herein granted, including without limitation the use or release of hazardous substances by the Grantee and the breach by the Grantee of any of its warranties, representations or covenants.

The permanent railroad roll & hold easement is conveyed upon the following express understanding and condition that SIR Properties Trust or their successors are responsible for the maintenance of the permanent railroad roll & hold easement, rails, appurtenances, rail bed and to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and other vegetation, structures, or obstacles to rail service within the limits of the easement and have the right to contract the maintenance and keeping the rail service clear, to a third party. On the completion of any and all construction work by the City of Davenport, the affected real estate shall be restored to substantially the same condition it was prior to such work, except for the projected changes in use and grading. The remaining denuded areas after construction will be seeded by the City's contractor.

Grantor covenants that they hold the above described real estate in fee simple, that they have good and lawful authority to sell and convey the same, and that they will warrant and defend the real estate against the lawful claims of all persons whomsoever.

Signed this _____ day of _____, 2014.

City of Davenport

Bill Gluba
Mayor, City of Davenport

State of Iowa)
) ss.
County of Scott)

Now on this _____ day of _____, 2014, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Bill Gluba, who executed this agreement and acknowledged the same to be his voluntary act and deed.

Notary Public in and for State of Iowa

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Tom Leabhart; (563) 326-7729
Wards: 6

Action / Date
PW12/10/2014

Subject:

Resolution granting permission to Geneseo Communications to install a buried communications system within the City Right-of-Way along Utica Ridge Road from Crow Creek Road to 53rd Street, 53rd Street to Victoria Avenue and Victoria Avenue to 56th Street. *[Ward 6]*

Relationship to Goals:

Davenport - *The Choice Community for Living.*

Background:

Geneseo Communications has requested permission to install buried communication fiber optic line within City right-of-way along Utica Ridge Road from Crow Creek Road to 53rd Street, east along 53rd Street to Victoria Avenue and then north along Victoria Avenue to 56th Street. A plan sheet of the general location is attached. The City's Legal, Engineering and IT Departments have reviewed and approved the proposed route and terms of the resolution. The Agreement Reference number is 2014-F2.

ATTACHMENTS:

Type	Description
☐ Backup Material	PW_RES Buried Comm System Page 2
☐ Backup Material	Additonal Info

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolved by the City Council of the City of Davenport.

Resolution granting permission to Geneseo Communications to install a buried communications system within the City Right-of-Way along Utica Ridge Road from Crow Creek Road to 53rd Street, 53rd Street to Victoria Avenue and Victoria Avenue to 56th Street.

Whereas, Geneseo Communications (The Owner) has submitted a request (Ref #2014-F2) to construct buried communications cable Along Utica Ridge Road from Crow Creek Road to 53rd Street, east along 53rd Street to Victoria Avenue and then north along Victoria Avenue to 56th Street; and

Whereas, the Engineering Division as well as IT and Legal Departments of the City of Davenport, Iowa (the "City") have reviewed said plans and recommend permission be granted for the installation, as described, subject to conditions.

Now, therefore, be it resolved by the City Council of Davenport, IA: that permission is hereby granted to The Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by The Owner

1. That The Owner shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by The Owner as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that The Owner hold harmless, defend and indemnify the City from any such claims. Further, that The Owner shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That The Owner shall pay all costs for the construction and maintenance of their cable.
3. That The Owner shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, The Owner shall remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.
5. That all excavations for laying pipes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and so as to avoid, so far as possible, obstructing any street or alley or the drainage thereof, and said streets, avenues and alleys shall be promptly repaired and restored to a condition

as good as the same were in prior to the laying of said pipes and any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by The Owner and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation with in any street or alley rights of way, The Owner shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to The Owner upon reasonable terms and conditions. The Owner shall be responsible for payment of the Standard Excavation Permit Fees established by City Council prior to receiving said permit. The permit fee includes a \$1.00 per foot Disruption Fee where applicable.

6. That the contractor performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
7. That The Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
8. That The Owner shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
9. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, The Owner releases the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
10. The Owner will provide the City of Davenport as built drawings in an electronic format suitable to the City of the entire route.

Passed and approved this 10th day of December, 2014

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF PROVISIONS OF RESOLUTION NO. 2014-_____

The undersigned hereby accepts all the terms and conditions of Resolution No. 2014-____, and agrees that the same shall be binding upon undersigned and its successors and assigns.

Geneseo Communications

By: _____

Name: _____

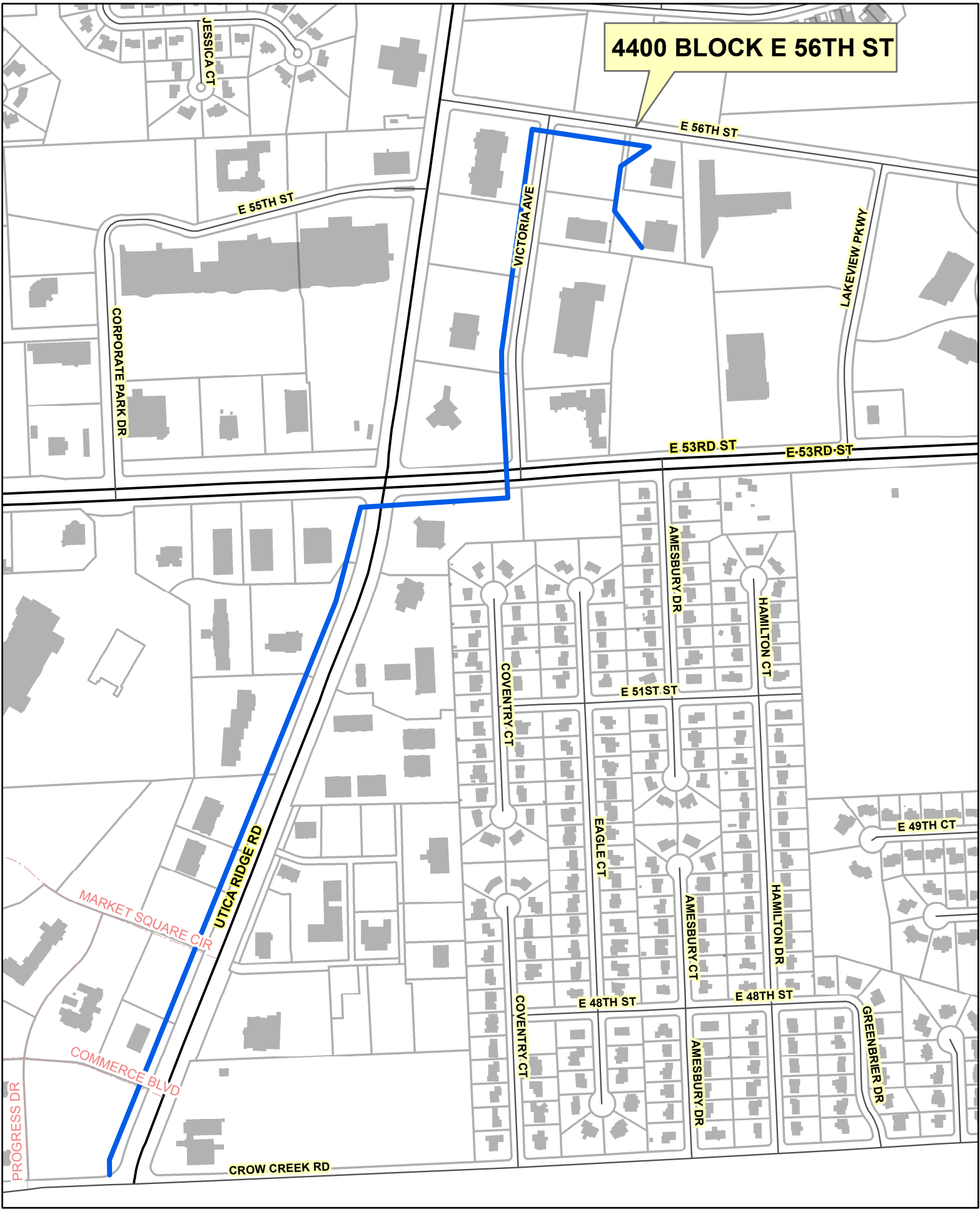
Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 2014, before me, the undersigned notary public, personally appeared _____, known to me to be the _____ of Geneseo Communications and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements on behalf of Iowa Health System and to commit Geneseo Communications to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Geneseo Communications.

In witness whereof, I have hereunto set my hand and official seal.

Notary Public



City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Jim Bengé; (563) 327-5141
Wards: 2

Action / Date
PW12/3/2014

Subject:
Resolution approving change order #1 reducing the contract cost by
\$(-)416,625.34 for Phase III of the West Side Diversion Tunnel Project, CIP Project #10477. [Ward 2]

Relationship to Goals:
Upgraded City Infrastructure& Public Facilities.

Background:
Phase III constructs approximately 0.7 miles of new 72" trunk sanitary sewer just north of 1758 W. Garfield Street, across Duck Creek to Northwest Park and then westerly to the confluence of Duck Creek and Silver Creek.

The existing Duck Creek and Silver Creek Interceptor Sewers along with the 14th District Sewer will be connected to the tunnel at the conclusion of Phase III. All three phases of the tunnel will be active once these connections have been made. This change order approves the credit and adjustments for the actual project quantities installed.

SUMMARY OF CONTRACT AMOUNT:

Original Contract:	\$ 4,820,169.34
Change Order #1 reduction	<u>\$(-) 416,625.62</u>
Amended Contract Amount:	\$ 4,403,543.72

ATTACHMENTS:

Type	Description
▢ Resolution Letter	RES PW WSTD C/O
▢ Cover Memo	WSDT III Change Order #1 - Page 3

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolution approving change order #1 reducing the contract cost by \$(-)416,625.34 for Phase III of the West Side Diversion Tunnel Project, CIP Project #10477.

Whereas, the City of Davenport entered into a contract with Langman Construction for the Phase III of the West Side Diversion Tunnel Project Construction; and

Whereas, adjustments, credits and changes to the plans have become necessary; and

Whereas, the contractor will not incur additional costs beyond his original bid due to these credits and adjustments for actual quantities installed; and

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

Now, therefore, be it resolved, by the City Council of the City of Davenport that Change Order #1 in the total amount of <\$416,625.62> for the Phase III of the West Side Diversion Tunnel Construction is hereby approved, and the Public Works Director is hereby authorized to execute said document.

Passed and approved this 10th day of December, 2014.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk



City of Davenport
Public Works Department

1200 East 46th Street • Davenport, Iowa 52807
Telephone: 563-326-7923 Fax: 563-327-5182

CERTIFICATIONS

CITY ENGINEER _____
(Work is Required)

CIP MANAGEMENT ANALYST _____
(Funds are Available)

CHIEF OF CONSTRUCTION _____
(Work is Constructible)

PUBLIC WORKS DIRECTOR _____
(Approval)

Mr. Brian Gaul
Langman Construction
220 – 34th Avenue
Rock Island, Illinois 61201

RE: West Side Diversion Tunnel – Contract/Phase III – Change Order # 1
CIP 10477 - Contract # 72171302

Dear Mr. Gaul:

Description to Contractor

This change order adjusts the project bid/pay item quantities to match the installed quantities. All quantities have been verified by the Contractor, Design Engineering Project representative and the respective City of Davenport project/site representatives.

CHANGE ORDER DESCRIPTION:

1. The contract adjustment and the actual quantities installed are then totaled below. This was also confirmed via the Pay Applicaton #10 of Langman Construction of 8/6/14. Contract change at the agreed price shown below
Cost: (-) \$416,625.62 (NTE) Not To Exceed AMOUNT (Decrease)
Working Days Adjustment: 0

SUMMARY OF CONTRACT AMOUNT:

Original Contract:	\$4,820,169.34
Previous Change Orders	\$ 0.00
<u>This Change Order</u>	<u>\$(-)416,625.62</u>
Amended Contract Amount:	\$4,403,543.72

Recommend/Approved: _____
(Up to \$5,000) Project Manager

Date: _____

Recommend/Approved: _____
Contractor

Date: _____

Recommend/Approved: _____
(Up to \$15,000) Michael Clarke, Public Works Director

Date: _____

Recommend/Approved: _____
(Up to \$25,000) Craig Malin, City Administrator

Date: _____

Recommend/Approved: _____
(Up to \$100,000) Chair, Public Works Committee

Date: _____

Required: Green Sheet Motion to Approve

Council Meeting Date: 12/10/14

Recommend/Approved: _____
(Over \$100,000) City Clerk, City of Davenport

Date: _____

Required: Green Sheet Resolution to Approve

Council Meeting Date: 12/10/14

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Tom Leabhart; (563) 327-5155
Wards: 3

Action / Date
PW12/3/2014

Subject:

Resolution approving the plan of Veterans Memorial Park, Phase II as submitted SmithGroup-JJR of Madison, CIP Project #10473. *[Ward 3]*

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities.

Background:

SmithGroup-JJR of Madison, Wisconsin was awarded the architectural/engineering services contract for the park design.

SmithGroup-JJR has formulated a consensus park master plan and completed a schematic design package towards the development of Phase II. Working cost estimates were also developed and subsequently broken out into a fiscally manageable series of sub-phases to aid in park fundraising efforts.

On March 19, 2014, the final project report was presented at the Committee of the Whole Meeting by a representative of SmithGroup-JJR with the official plan being adopted as an amendment to the River Vision Plan on April 9, 2014.

The conceptual plan for Phase II was submitted on November 18, 2014.

This resolution will approve the Phase II plan and will direct the Public Works Department take the development of Phase II into the construction documentation phase.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	RES PW VET PARK PHASE II
▣ Backup Material	VET MEM PK DRAWING

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plan of Veterans Memorial Park, Phase II as submitted SmithGroup-JJR of Madison, CIP Project #10473.

WHEREAS, A Task Force of Veterans was established in October of 2010 to determine a suitable location for a Veterans Memorial Park in the City of Davenport, and

WHEREAS, On January 26, 2011, the Crescent Park site, as outlined in the River Vision Plan of 2004, was determined as the preferred Veterans park location and was subsequently renamed Veterans Memorial Park.

WHEREAS, the consulting services of SmithGroup-JJR of Madison, WI have been retained to guide the citizens of Davenport and interested stakeholder groups through the park master planning process and Phase II development staging, and

WHEREAS, the final Veterans Memorial Park Master Plan and Phase II development strategy with associated preliminary cost estimates was presented to Council at the March 19th Committee of the Whole meeting with satisfactory results, and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Phase II conceptual plan as submitted by SmithGroup-JJR of Madison, WI is formally approved and staff is directed to take the development of Phase II into the construction documentation phase.

Passed and approved this 10th day of December, 2014.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk

VETERANS MEMORIAL PARK MASTER PLAN



PHASE II – EASTERN GATEWAY



City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Gene Hellige; (563) 326-7729
Wards: 6 & 8

Action / Date
PW12/3/2014

Subject:

Motion approving change order #1 to the engineering design contract with Shive-Hattery, Inc. for design of Veterans Memorial Parkway from Jersey Ridge to 500 feet east of Elmore Avenue in the amount of \$86,400 to add design of a roundabout, CIP Project #02418. *[Wards 6 & 8]* **COMMITTEE ACTION ONLY**

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities.

Background:

Veterans Memorial Parkway from from a two-lane road to a four-lane minor arterial/major collector across the northeastern part of the City.

This change order is for the additional costs to design a roundabout at Jersey Ridge Road and Veterans Memorial Parkway which was not included in the original design.

SUMMARY OF CONTRACT AMOUNT:

Original Contract:	\$175,000
Change Order #1	<u>\$ 84,600</u>

Amended Contract Amount: \$259,600

City of Davenport

Committee: Finance Committee
Department: Finance
Contact Info: Brandon Wright - 7750
Wards: All

Action / Date
FIN12/3/2014

Subject:

First Consideration: Ordinance amending Chapter 2.12 of the Municipal Code of Davenport, Iowa entitled "Department of Finance", by amending various sections thereto addressing purchasing procedures. (All Wards)

Relationship to Goals:

Financially responsible city government.

Background:

Periodically, financial policies are reviewed in an effort to ensure that City finances are effectively and efficiently administered based on present day conditions. The following changes to the City Code regarding the procurement process are recommended by the Finance Department to both increase small business participation in the City's purchasing process and to increase staff efficiency:

1. Increase procurement method thresholds as described in the chart below:

Procurement Method	Current Threshold	Recommended Threshold
No Quotes/Bids	\$999 or less	\$2,999 or less
Verbal Quotes	\$1,000 to \$4,999	\$3,000 to \$9,999
Written Quotes	\$5,000 to \$9,999	\$10,000 to \$49,999
Sealed Bids/RFP	\$10,000 or more	\$50,000 or more

Current procurement method threshold limits have been in place for many years and have not been periodically increased to keep pace with inflation. Over the past year, 26% of all sealed bids processed by the Purchasing Division have been for amounts below \$50,000. Since contracts below this threshold do not have state-required processes, the Finance Department recommends that the City's written quote method be utilized for these purchases with sealed bids and requests for proposal (RFP's) being reserved for purchases of \$50,000 or more.

2. Increase purchase approval threshold amounts for Department Heads and the Finance Director from \$1,000 to \$5,000 and from \$10,000 to \$25,000, respectively. Purchase approval threshold amounts for the City Administrator (currently \$50,000) and the City Council (over \$50,000) will remain at their current levels.
3. Provide greater flexibility to the Finance Department and operating departments when bids or RFP's are received for amounts that exceed budgeted amounts or estimated costs. The recommended changes to Section 2.12.180 would allow the City to reject all bids, accept new bids and quotes, and negotiate pricing with vendors so long as material changes are not made in the scope of the project. This ability would allow the Finance Department to establish maximum cost thresholds for goods and/or services and work with vendors to determine if the project or purchase can be completed within those limits.

ATTACHMENTS:

Type	Description
□ Cover Memo	PURCHASING ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2.12 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA ENTITLED "DEPARTMENT OF FINANCE", BY AMENDING VARIOUS SECTIONS THERETO ADDRESSING PURCHASING PROCEDURES.

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

Section 1. That section 2.12.070 entitled "Purchasing Provisions" is to read as follows:

2.12.070 Purchasing Provisions

Approval of purchases and bidding procedures shall be subject to the following provisions of this chapter and applicable provisions of state and federal law:

A. Approval Authority.

1. There must exist authorized budget appropriation.
2. For purchases of five thousand dollars or less, the approval of the director of the requesting agency or designee.
3. For purchases in excess of five thousand dollars but not exceeding twenty-five thousand dollars, the approval of the finance director. However, the city administrator is not subject to this provision.
4. For purchases in excess of twenty-five thousand dollars but not exceeding fifty thousand dollars, the approval of the city administrator or designee.
5. Purchases exceeding fifty thousand dollars require city council approval.
6. For change orders to capital projects of five thousand dollars or less, the approval of the project manager.
7. For change orders to capital projects when fifty percent or less of budgeted project funds remain, the approval of the capital improvement program manager or city engineer.
8. For change orders to capital projects not exceeding fifteen thousand dollars, the approval of the public works director.
9. For change orders to capital projects not exceeding twenty-five thousand dollars, the approval of the city administrator.

10. Change orders to capital projects exceeding fifty thousand dollars but less than one hundred thousand dollars require approval of the public works committee of the city council.
 11. Change orders to capital projects exceeding one hundred thousand dollars require the approval
- B. Finance Committee Review. Purchases in excess of ten thousand dollars but not more than fifty thousand dollars that occur between finance committee meetings shall be placed upon the next following finance committee agenda for informational review only.
- C. Competitive Bids.
1. Wherever required by state or federal law, all purchases and contracts for supplies, materials, equipment, public improvements, and contractual services shall be on an equal and competitive basis.
 2. All other purchases and contracts may follow the procedure, which in the judgment of the director of finance, will result in the best value to the city.
 3. All competitively bid acquisitions or purchases are to be based on the lowest responsible bid, determining the lowest responsible bidder in accordance with section 2.12.170 below.

Section 2. That section 2.12.080 entitled "Contracts exempt from competitive bidding" is to read as follows:

2.12.130 Contracts exempt from competitive bidding

When not otherwise required by law, the following shall not be subject to the competitive bidding requirements of this chapter unless otherwise determined by the finance director that competitive bidding is in the public interest:

- A. Contracts which by their nature are not adapted to award by competitive bidding, including but not limited to contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, and contracts for the disposal of special or hazardous waste materials, where the charge for services cannot be calculated until an analysis of the waste is completed.
- B. Contracts for Utility Services.
- C. Contracts for the repair of equipment and machinery or for repair parts, when required repair parts are available only from a single factory source and are sold through a single area-wide distributor, and competitive bids for such repairs are thus not prospectively obtainable, and the finance director approves the process.
- D. Contracts for the purchase of good or services that are of such a nature that they are the only goods or services which will fit and comply with the required use, or are an integral part of a total system so as to be uniquely compatible with existing city needs, materials or equipment to be cost effective, and the finance director approves the process.
- E. Contracts for the purchase of goods or services through which non-profit associations, established to aid or assist governmental bodies or other governmental agencies, have secured special rates or provisions for the purchase of goods or services for the benefit of governmental bodies or agencies.

- F. Contracts for goods or services procured through a cooperative chapter 28E agreement that were procured by a governmental entity participating in said 28E agreement, provided that the finance director determines that said entity procured the goods or services pursuant to competitive procurement procedures substantially equivalent to those set forth in this division. This provision also applies to purchases through the Bi-State Regional Commission.
- G. Contracts for the purchase of goods, services, or construction involving amounts of fifty thousand dollars or less.
- H. Any procurement from any federal, state, or local government unit or agency thereof surplus machinery, motor vehicles, materials, supplies, commodities, or equipment as may be made available through the operation of any legislation heretofore or hereafter enacted.
- I. Any procurement of machinery, motor vehicles, materials, supplies, commodities, equipment or services from contracts established by the state of Iowa Department of General Services or Department of Transportation pursuant to procedures established by Iowa Code Chapter 18 and rules and regulations promulgated thereunder.
- J. Regular or temporary employment contracts or hiring in the municipal service, whether with respect to the classified service or otherwise.
- K. Any procurement from any federal, state, or local government unit or agency thereof, without conforming to the competitive requirements of this chapter, such machinery, motor vehicles, materials, supplies, commodities, equipment or services as are authorized by the finance director, provided that the purchasing division determines that such machinery, motor vehicles, materials, supplies, commodities, equipment or services were competitively procured by such unit or agency pursuant to competitive procurement procedures substantially equivalent to those set forth in this chapter, and can be purchased without mark-up from such other federal, state, or local government unit or agency.
- L. Procurement of equipment pursuant under contracts that have been competitively established through the Western States Contracting Alliance and other cooperative group contracting consortiums for state government departments, institutions, agencies and political subdivisions, without conforming to the competitive bidding requirements of this division.
- M. Where service or parts must be obtained from original equipment contractor in order to maintain equipment operation and warranty.
- N. The city council may on a case by case basis, upon the recommendation of the finance director and for good cause shown, exempt contracts for the provision of goods and/or services from the competitive bidding requirements not otherwise exempted by this section.

Section 3. *That section 2.12.180 entitled "No bids within budgeted amount" is to read as follows:*

2.12.180 No bids within budgeted amount

If, after competitive bidding procedures have been completed pursuant to this chapter, the finance director determines that no bid received for the purchase of equipment, materials, construction, supplies or services is within the amount budgeted for the project or varies significantly from estimated costs. City personnel may reject all bids and accept new bids and quotes and may negotiate with vendors for the purchase of such equipment, materials, construction, supplies or services so long as the negotiations do not result in a material change in the scope of the project. If a material change is required to bring the bid within budget then the project must be rebid.

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 _____

City of Davenport

Committee: Finance Committee
Department: Legal
Contact Info: Brian Heyer x7735
Wards: 8th

Action / Date
FIN12/3/2014

Subject:

Resolution authorizing the conveyance of Lot 2 in Prairie Heights Commercial First Addition to the City of Davenport, Scott County, Iowa to KRE, L.L.C. (Petitioner)

Relationship to Goals:

Revitalize Neighborhoods and corridors.

Background:

KRE, L.L.C., offered to purchase this property from the city for \$310,000.00. A public hearing was held on Wednesday, October 15, 2014. If the Council desires to convey the property to KRE, L.L.C., it should approve the resolution authorizing the conveyance.

ATTACHMENTS:

Type	Description
☐ Cover Memo	Resolution

Resolution No. 2014-

Resolution offered by Alderman _____

RESOLVED by the City Council of the City of Davenport.

RESOLUTION AUTHORIZING THE CONVEYANCE OF LOT 2 IN PRAIRIE HEIGHT
COMMERCIAL FIRST ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA TO
KRE, L.L.C., (PETITIONER)

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

Lot 2 in Prairie Heights Commercial First Addition to the City of Davenport, Scott
County, Iowa.

WHEREAS, the City of Davenport wishes to convey the same to KRE, L.L.C., for
\$310,000.00, subject to easements and restrictions of record and existing utilities;

WHEREAS, a public hearing on the matter was held on Wednesday, October 15,
2014, as required by law;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of
Davenport, Iowa, that Lot 2 of Prairie Heights Commercial First Addition to the City of
Davenport, Scott County, Iowa, be conveyed to KRE, L.L.C., in accord with this resolution,
and subject to easements and restrictions of record, and existing utilities; and

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

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Committee: Finance Committee
Department: City Clerk
Contact Info: Jackie Holecek x6163
Wards: All

Action / Date
FIN12/3/2014

Subject:
Resolution adopting Supplements 31-34 to the Municipal Code of Davenport, Iowa. (All Wards)

Relationship to Goals:

Background:

The Iowa Code allows for adoption of supplements to the Municipal Code to bring the City Code current. The supplements are the codified ordinances previously adopted by the City Council. The Municipal Code has been updated with the addition of Supplements 31-34. By adopting the supplements the Municipal Code stays current and it does not require the recodification of the entire code on a five year cycle. Supplements 31-34 have been inserted into the Municipal Code and distributed to staff. With the addition of these supplements the Code is current through July 9, 2014. The online code has been updated as well. Ordinances adopted July 10-present are being codified presently. Copies of all supplements are on file in the Deputy City Clerk's Office.

City of Davenport

Committee: Finance
Department: Public Works/Police Dept
Contact Info: Michael Clarke
Wards: 3

Action / Date
FIN12/3/2014

Subject:

Motion awarding the contract for the lecture hall and interior build-out project at the Davenport Police Department to Estes Construction of Davenport in the amount of \$528,000. (Ward 3)

Relationship to Goals:
Financial Accountability.

Background:

An Invitation to Bid was issued on October 17, 2014 and sent to 85 vendors. Purchasing received and opened six bids on November 13, 2014.

This contract is to complete the unfinished auditorium at the Davenport Police Department. This project was first bid when the indoor firing range was bid. Because of budget issues, the lecture hall was delayed.

Estes Construction is the lowest responsive and responsible bidder. Their bid is within budget. See bid tab attached.

Funding for this project is from the CIP Account 78511675 530350 10130, with a balance of \$599,935.

ATTACHMENTS:

Type	Description
Backup Material	Bid Tab - Lecture Hall at Police Department

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: LECTURE HALL AT POLICE DEPARTMENT

BID NUMBER: 15-55

OPENING DATE: NOVEMBER 13, 2014

GL ACCOUNT: 78511675 530350 10130 PD CLASSROOM/AUDITORIUM

AWARDED AMOUNT: \$528,000

RECOMMENDATION: AWARD THE CONTRACT TO ESTES CONSTRUCTION
OF DAVENPORT

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Estes Construction of Davenport	\$528,000
Tricon General Construction of Dubuque, IA	\$548,000
Hillebrand Construction Inc. of Davenport	\$558,295
Bush Construction Company, Inc. of Davenport	\$565,000
Swanson Construction Co. of Bettendorf, IA	\$577,074
Frye Builders & Associates, Inc. of Muscatine, IA	\$593,777

Prepared By Kristi Kellen
Purchasing Michael F. Clark

Approved By Chief Don Schaffer
Department Director PW Police Chief

Approved By Beauchamp
Budget/CIP

Approved By BW
Finance Director

City of Davenport

Committee: Finance Committee
Department: Finance
Contact Info: Brandon Wright - 7750
Wards: 3

Action / Date
FIN12/3/2014

Subject:

Motion authorizing the approval of contracts for the Modern Woodmen Park carousel foundation project with Big Dog Construction of Davenport, IA and Interstate Fence and Construction of Geneseo, IL in the total amount of \$49,999. (Ward 3)

Relationship to Goals:

Financially responsible city government.

Background:

In February 2013, the City Council approved an amendment to the Modern Woodmen Park lease agreement with Main Street Iowa, LLC for the construction of a Ferris wheel and a carousel area at the ballpark. In May 2014, the City Council approved spending up to \$25,000 of unspent downtown TIF proceeds as funding for the City's portion of this project. In accordance with these Council actions, the City recently solicited sealed bids for the construction of the carousel area. Purchasing received two bids with the lowest bid significantly more than the \$50,000 budget for this project. In an effort to keep this project on budget, the City Council approved a motion in October 2014 authorizing the Finance Director to seek competitive quotes with negotiations.

The quote/negotiation process saved a total of \$65,739 (or 57%) off of the lowest bid price for a total of \$49,999. The City will initiate contracts with Big Dog Construction for the concrete work and Interstate Fence & Construction for the fencing.

Funding for this project will come from the Downtown TIF Fund and the Modern Woodmen Park capital project account.

City of Davenport

Committee: Finance
Department: Public Works
Contact Info: Larry Keller
Wards: 3

Action / Date
FIN12/3/2014

Subject:

Motion approving the sole source purchase of a control system and upgrades for the heating, ventilation and air conditioning systems (HVAC) at City Hall and the Police Department from Trane U.S. Inc. of Davenport in the amount of \$98,604. (Ward 3)

Relationship to Goals:

Financial accountability.

Background:

The current Trane HVAC building control units at City Hall and Police Station are obsolete and need to be upgraded. These systems no longer have support or parts available and have become very difficult to maintain. It was determined that the best cost-effective solution was to use the current system platform, but upgrade the software and controls with Trane. This will include the upgrade to the existing BCU/Tracer Summit sites to the Tracer SC web-based sites. City Hall will receive the Tracer SC, UC600s, and VAV. The Police Station will be receiving an upgrade of the Tracer SC. The Police Station, City Hall, Skybridge, Ground Transportation Center, and Union Station will all be upgraded from the Tracer ES to 3D graphics.

Funding for this project comes from CIP account 77011695-530350-10108 with an available balance of \$100,000. The source of funds for this account is from the sale of General Obligation Bonds.