

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, October 23, 2019

The City Council of Davenport, Iowa met in regular session on Wednesday, October 23, 2019 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all aldermen present except Ald. Clewell.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting Minutes for October 9, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on the Committee of the Whole for October 16, 2019

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, October 16, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:29 p.m. with Mayor Klipsch presiding and all aldermen present except Ald. Condon and Ald. Clewell. The following Public Hearings were held: Community Development: for the Ordinance for case ORD19-03 being the request of the City of Davenport to reduce the maximum building height in portions of the C-E, Elmore Corners zoning district from 120 feet to 55 feet; for the Ordinance for case REZ19-10 being the request of Larry Whitty on behalf of KJTLJ, LLC to rezone .73 acres, more or less, of property located at the southeast corner of W Locust St and Ripley St from R-4C Single-Family and Two-Family Central Residential Zoning District to C-1 Neighborhood Commercial Zoning District. Finance: authorizing the City to convey City-owned parcel G0049-40, 1125 W 7th St, to Brian Morris and Maria Parrow of 1123 W 7th St.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Matson item #1, Ordinance for Case ORD19-03 being the request of the City of Davenport to reduce the maximum building height in portions of the C-E, Elmore Corners zoning district from 120 feet to 55 feet, moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Ambrose all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Matson, second by Ald. Gripp with all aldermen present voting aye, item # 2, Resolution setting the general fee-in-lieu of waiver for stormwater management, was tabled until it can be discussed further at the next Management Update and Mayor/Council Discussion meeting. On motion by Ald. Ambrose, second by Ald. Rawson all other items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Dunn, second by Ald. Dickmann all items moved to the Consent Agenda.

Council adjourned at 6:45 p.m.

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2019-443

1. Parks & Recreation Advisory Board

- Michele Bailey (New Appointment, 3rd Ward)

2. Citizens Advisory Committee

- Austin Bird (New Appointment, Mayoral)

B. Proclamations

ISSUED 2019-444

1. Audiology Awareness Month - October 2019

2. National Adoption Day - November 2, 2019

3. International LGS Awareness Day - November 1, 2019

IX. Presentations

HELD

A. Swearing In Ceremony - Davenport Fire Department

- Nathan King

- Ben Andersen

- Jordan Miller

B. Local Business "The Foundation of Our Community": The Printing Store

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

On motion by Ald. Ambrose, second by Ald. Meginnis with all aldermen present voting aye, the following Ordinance moved to second consideration:

1. First Consideration: Ordinance for Case ORD19-03 being the request of the City of Davenport to reduce the maximum building height in portions of the CE, Elmore Corners zoning district from 120 feet to 55 feet. [Ward 6]

MOVED TO SECOND CONSIDERATION

XII. Approval of All Items on the Consent Agenda

On motion by Ald. Rawson, second by Ald. Dickmann with all aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Chapter 5.24 of the Davenport Municipal Code entitled "Massage Business Information Requirement." [All Wards]

ADOPTED 2019-445

ORDINANCE NO. 2019-445

AN ORDINANCE AMENDING CHAPTER 5.24.070 ENTITLED "MESSAGE BUSINESS INFORMATION REQUIREMENT PENALTY."

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

Section 1. That Chapter 5.24.070 entitled Massage Business Information Requirement (Penalty) be amended to read as follows by adding 5.24.070 (B), 5.24.070(D) and 5.24.070 (G):

5.24.070 PENALTY

- A. If the requested business information described in Chapter 5.24.050 is not immediately produced to City staff upon request, the business premises may be placarded. If the Business information that is produced is either inaccurate or incomplete, the business may be placarded.
- B. If the City has probable cause that Prostitution, as defined by Chapter 725 of the Iowa Code or Human Trafficking as defined by Chapter 710 of the Iowa Code, has occurred at a property providing Massage Therapy, the business premises may be placarded.
- C. The Chief of Police, Neighborhood Services Director, or designee, shall place in a highly noticeable location a placard stating "Unlicensed Massage Therapy. It is unlawful to provide or receive massage therapy services at this location; and is subject to criminal and/or civil penalty per Davenport Municipal Code Chapter 5.24." This notice shall remain posted until required business information is obtained by the City or other legal use has been established.
- D. The business shall remain placarded for a minimum of two weeks, after such time the business may provide the proper documentation required before the placard may be removed.
- E. No person shall remove the placard posted pursuant to subsection (B) of this section without approval of the Chief of Police, Neighborhood Services Director, or their designees.
- F. No person shall continue to offer or receive "massage therapy" services after a massage therapy business has been placarded unless the Police Chief, Neighborhood Services Director, or their designees has approved the removal of the placard.
- G. If a massage therapy or reflexology business has been placarded twice within a twelve month period, the business shall not be allowed to operate within the City of Davenport for a twelve month period. In addition, the premises on which the business is located will not be allowed to reopen as any massage therapy or reflexology business for a twelve month period.
- H. Any person or persons in connection with or as principle, agent, or accessory is found continuing to receive or offer "massage therapy" services after that establishment has been placarded may be subject to a simple misdemeanor charge or municipal infraction, punishable as provided in this Chapter or pursuant to state law.

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.

Approved: 10/23/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Chapter 13.34 entitled "Stormwater Management" by including a waiver process for detention in redevelopment areas where otherwise infeasible, including verbiage for a flat rate stormwater fee for the CD and congruently adjacent I-1, I-2, and I-MU districts, clarifying grading expectations, inclusion of Chapter 15.44 Flood Damage Prevention and clarification on the Unified Sizing Criteria staged release rates. [All Wards] **ADOPTED 2019-446**

ORDINANCE NO. 2019-446

ORDINANCE amending Chapter 13.34 entitled "Stormwater Management" by including a fee-in-lieu of option for detention in redevelopment areas where infeasible, including a flat rate fee by resolution for the CD and congruently adjacent I-1, I-2 and I-MU districts, clarifying grading expectations, inclusion of Chapter 15.44 and clarification on the Unified Sizing Criteria staged release rates.

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

Section 1. That Chapter 13.34 is hereby modified and reads as follows:

Chapter 13.34 STORMWATER MANAGEMENT

Sections:

I. General

- 13.34.010 Purpose.**
- 13.34.015 Scope.**
- 13.34.020 Incorporation by ordinance.**
- 13.34.030 Definitions.**
- 13.34.040 Design criteria.**
- 13.34.050 Compatibility with other permit and ordinance requirements.**
- 13.34.060 Requirements for stormwater management plans.**
- 13.34.065 Maintenance.**
- 13.34.070 Easements.**
- 13.34.080 Inspections.**
- 13.34.090 Enforcement.**
- 13.34.100 Waivers.**

II. Storm Sewers and Stormwater Routing

- 13.34.110 Applicability.**
- 13.34.120 Runoff calculation.**
- 13.34.130 Storm sewers.**
- 13.34.140 Excess stormwater passage-way.**
- 13.34.150 Open channels.**

III. Stormwater Detention Facilities

- 13.34.210 Applicability.**
- 13.34.220 Release rate.**
- 13.34.230 Detention requirements.**
- 13.34.240 Construction.**
- 13.34.250 Procedure.**

IV. Stormwater Quality Management

- 13.34.300 Applicability.**
- 13.34.310 General Performance Criteria for Stormwater Quality Management**
- 13.34.320 Soil Quality Restoration.**
- 13.34.330 Construction.**
- 13.34.340 Procedure.**

V. Reserved

I. GENERAL

13.34.010 Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public. This ordinance seeks to meet that purpose through the following objectives:

- A. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, and streambank erosion and maintain the integrity of stream channels;
- B. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- C. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the defined predevelopment site conditions to the maximum extent practicable;
- D. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and facilities and to ensure that these management practices and facilities are properly maintained and pose no threat to public safety.

13.34.015 Scope.

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; provides for the approval of plans and inspection of grading construction; and provides for the enforcement of this chapter. (Ord. 2002-63 § 1).

13.34.020 Incorporation by Reference

Except as hereinafter amended, the Davenport Stormwater Manual, including all appendixes thereto, is adopted by reference and made a part of this chapter. Failure to comply with or meet the criteria outlined in the manual may be considered a violation of this ordinance and subject to enforcement actions as indicated in Section 13.34.090. The Davenport Stormwater Manual may be updated by staff from time to time to reflect the most recent industry standards for water quality requirements. Prior to amending or updating the manual, proposed changes will be generally publicized and made available for review and comment.

13.34.030 Definitions.

When used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section.

- A. "BMP" means best management practice for stormwater infiltration or rate reduction.
- B. "Control structure" means a structure designed to control the flow of stormwater runoff that passes through it during a specific length of time.
- C. "Davenport Stormwater Manual" means the supplemental specifications and checklist documents for detention/retention and stormwater quality practices to be used within City limits.
- D. "Detention facility" means an area designed to store excess stormwater.
- E. "Development" means land disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.
- F. "Dry bottom stormwater storage area" means a facility designed to be normally dry and contain water only when excess stormwater runoff occurs.
- G. "Erosion" means the loss of natural soils by the action of wind and/or water.
- H. "Excess stormwater" means that portion of stormwater which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

I. "Excess stormwater passageway" means a channel formed in the topography of the earth's surface to carry stormwater runoff through a specific area.

J. "Maximum Extent Practicable" means a standard for implementation of stormwater management programs to reduce pollutants in stormwater. It is the maximum extent possible taking into account equitable consideration of competing factors, including, but not limited to the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility.

K. "Native Vegetation" means plant species that are native to Eastern Iowa and made up the majority of ground cover in this area before settlement. A list of these plants can be found in the Davenport Stormwater Manual.

L. "Natural drainage" means channels formed by the existing surface topography prior to changes made by unnatural causes.

M. "Natural Waterway" means any creek, stream, pond, lake, wetland or other watercourse which occurs naturally on the existing landscape and is connected to other similar watercourses and functions as a stream, lake or wetland either partially or fully throughout the year.

N. "Natural Resources Compliance Officer" means a person employed by the City who is authorized to enforce all the provisions of this chapter and to make reports thereon.

O. "Natural Resources Manager" means a person employed by the City who is authorized to enforce all the provisions of this chapter and holds a position within the City to manage provisions outlined in the stormwater management ordinance, National Pollutant Discharge and Elimination System (NPDES) and/or the Municipal Separate Storm Sewer System (MS4) permits.

P. "Redevelopment" means land-disturbing activity which results in the creation, addition or replacement of impervious surface area on an already developed site. Redevelopment includes, but is not limited to the following activities that meet the minimum standards set forth in this definition:

1. The expansion of a building footprint which creates additional impervious area not accounted for in previously approved stormwater designs;

2. Addition or replacement of a structure;

3. Land disturbing activities related to improvements, modifications, additions or reconstruction of structural or impervious surfaces that redevelops 5,000 SF or more of new impervious area regardless of previous condition.

4. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Parking lot patching, asphalt resurfacing or other repairs where a gravel base is maintained would not be considered redevelopment. Interior remodels are not considered redevelopment in the context of this ordinance.

Q. "Safe storm drainage capacity" means the flow of stormwater runoff that can be transported by a channel or conduit without causing a rise of the water surface over the conduit or

R. "Stormwater runoff" means the flow of water resulting from precipitation which is not absorbed by the soil or plant material.

S. "Stormwater runoff release rate" means the rate at which stormwater runoff is released from dominant to subservient land.

T. "Topsoil" means the fertile, dark colored portion of the A-horizon containing a minimum of 5% organic matter, less than 30% clay content, granular structure, loose, friable texture, pH of 6-8, and devoid of debris and rocks.

U. "Tributary watershed" means all of the area that contributes stormwater runoff to a given point.

V. "Water Quality Volume" (WQv) is the volume needed to capture the runoff from 90% of the average annual rainfall events, which in Davenport is equal to 1.25 inches in twenty four hours.

W. "Wet bottom stormwater storage area" means a facility designed to be maintained as a pond or free water surface, and which has the capacity to contain excess stormwater runoff.

X. "X-year storm" means the average recurrence intervals within which a rainfall of given intensity and duration will be equaled or exceeded only once. A one hundred-year storm would have an intensity of rainfall which would, on the average, be equaled or exceeded only once in one hundred

years. This does not imply that it will occur once in one hundred years, or having occurred, will not happen again for one hundred years. (Ord. 2002-63 § 2: Ord. 92-353 § 1 (part)).

13.34.040 Design criteria.

The design of stormwater runoff systems, structures, and facilities shall be based on the following minimum standards which do not preclude the use of criteria which would result in reduced discharge rates or increased runoff quality.

13.34.050 Compatibility with Other Permit and Ordinance Requirements.

A. It is intended that this ordinance be construed to be consistent with previously adopted City Code CHAPTER 13.38, CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL, and CHAPTER 13.36, ILLICIT DISCHARGE TO STORM SEWER SYSTEM”.

B. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

13.34.060 Requirements for Stormwater Management Plans

A. No application for development will be approved unless it includes a stormwater management plan detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by the City of Davenport, typically the applicants engineer, and must indicate whether stormwater will be managed on-site or off-site and the location and type of practices.

B. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a professional engineer licensed in the state of Iowa, who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the Davenport Stormwater Manual. No building, or COSESCO permits shall be issued until a satisfactory final stormwater management plan, or a waiver, shall have undergone a review and been approved by the City Engineer or their designee after determining that the plan or waiver is consistent with the requirements of this ordinance.

C. A stormwater management plan shall be required with all permit applications seeking approval under Chapter 13.34 of the Davenport Municipal Code and will include sufficient information (e.g. maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater runoff generated at the project site. The intent of this planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. The information required in the plan can be found in the Davenport Stormwater Manual. For development or redevelopment occurring on a previously developed site, an applicant shall include within the stormwater plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

D. In addition to the requirements above, a landscaping plan must be submitted as part of the stormwater management concept plan to describe the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be approved prior to issuance of a permit for construction of the project.

E. After review of and modifications to the stormwater management plan and the Maintenance & Repair Agreement, as deemed necessary by the City of Davenport, the final stormwater management plan must be submitted for approval. The final stormwater management plan shall include all of the information required in the Final Stormwater Management Plan outline found in the Davenport

Stormwater Design Manual. Two copies of the approved Maintenance & Repair Agreement shall be signed by the owner and notarized and submitted to the City for signature prior to recording at the Records Office of Scott County. One notarized copy shall be kept by the owner and one shall be returned to the City of Davenport prior to project closure or issuance of any temporary or final occupancy permit.

F. The City of Davenport may, at its discretion, require the submittal of a performance security or bond prior to issuance of a building or COSESCO permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer licensed in the state of Iowa that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Davenport will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provision of this ordinance.

13.34.065 Maintenance.

A. All plans submitted for stormwater detention or water quality systems shall describe an adequate procedure of normal maintenance for the system in accordance with the requirements of the Davenport Stormwater Manual. Any failure of the stormwater system due to inadequate normal or capital maintenance shall be the responsibility of the owner of the property on which the system is located. It shall also be the property owner's responsibility to remedy any negligence in maintenance that resulted in the failure of the system. The submittal of plans for such a system or the purchase of property on which such system is located shall be deemed as acceptance of responsibility for normal and capital maintenance of the system. As part of the maintenance plan for the facility, at a minimum, BMPs shall be inspected or reviewed after completion certification within sixty (60) days and at least annually thereafter. A written record of inspection results and any maintenance work shall be maintained and available for review by the City. An updated "as-built" survey plan must be submitted to the City every five (5) years to ensure that the facility continues to meet design requirements. A request for a waiver of the five (5) year "as-built" submittal may be granted provided the requirements of the waiver procedure are met per the Davenport Stormwater Manual. In the event that maintenance is not provided, the Public Works Director, or their representative, shall notify the party responsible for maintenance to perform the work and set a reasonable time for its completion. If said party refuses or is unable to comply with said order, said party may be in violation of Section 13.34.090 and subject to penalties including but not limited to the Public Works Director, or their representative, causing the maintenance to be completed at the expense of said party.

B. Owners of all existing detention basins constructed before January 1, 2014 will have until December 31, 2016 to complete any necessary maintenance on such basins and submit the required "as-built" survey. Failure to comply with this section will result in enforcement actions as outlined in Section 13.34.090 (For reference only).

13.34.070 Easements.

A. Drainage easements shall be provided for all areas of the stormwater detention or quality systems including the outlet structures and emergency spillway.

B. Drainage easements shall be platted or otherwise recorded and provided for all conduits, bypass channels where the one hundred-year runoff exceeds one cubic foot per second and all excess storm water passage ways.

C. Whenever any stream or water course is located in an area that is being subdivided or otherwise improved, the owner/developer shall dedicate a public right-of-way or drainage easement conforming substantially with the lines of such stream or water course and shall include such additional area adjoining both edges of such stream or water course that has been affected by damaging flood waters and/or inundated by the one hundred-year flood waters, as determined by the City Engineer. This easement area shall also contain a minimum fifty foot vegetated buffer area on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the

existing banks of the stream or drainage way for single family residential areas. For multi-family, Commercial and Industrial areas this easement area shall also contain a minimum fifty foot vegetated buffer area on both sides of the stream as measured per the single family residential buffer. This buffer shall be planted with vegetation native to the Midwest region of the United States and maintained as a native grass and forb (flower) no-mow area; kept free of trees and other obstructions. Mowing should occur three to four times per year for the first three years. In subsequent years mowing may occur once per year, in the spring or fall for maintenance and shall comply with 13.34.070.E. Mowing should be done as high as possible with a standard mower; four to six inches in height. The intent of the fifty foot buffer is to comply with 13.34.070.B, allow streams to naturally meander, to maximize plant root depth, and to protect private property by limiting structure installation and uses that will impede its intended use or capacity.

D. Unless deeded to the City of Davenport, maintenance of the stream, streambanks and easement areas described in section 13.34.070 shall be the responsibility of the landowners upon which the stream is located. This maintenance responsibility shall be clearly defined in a recorded document. The owner/developer shall also provide reasonable public easements for access. Drainage easements do not imply that the City is responsible for routine mowing or tree clearing maintenance. Procedures for transfer request of the property described in 13.34.070.C to the City for maintenance or ownership are described in the Davenport Stormwater Manual.

E. It shall be noted on the final plat, "Owners of lots on which a drainage easement has been established as a stormwater passageway shall maintain said easement as a lawn, planted in grass and free of structures, swimming pools, fences, fill, bushes, trees, shrubs, or other landscaping that would impede the flow of water" and "Owners of lots on which a stream buffer is required shall maintain said buffer as a native planting area, not allowing vegetation to be cut to a height of less than six inches without authorization of the City of Davenport Natural Resources Division." In the event that the area established as a drainage easement is reshaped or otherwise restricted for use as a drainage easement, the City will cause the restrictions to be removed at the expense of the parties causing the restriction. Stream buffer signage is available via the City of Davenport Natural Resource Division upon request.

F. Upon the approval of the director of public works or his designee and directly affected property owners, drainage or stormwater easements on private property may be modified with a City approved design that allows the easement land to be planted with specifically approved native vegetation excluding weeds and invasive species. The planting plan may be enhanced with an infiltration based stormwater management practice and/or other appropriate structure. Maintenance will be in the form of a written agreement between the City and the property owner(s). Upon the approval of the director of public works or his designee, public lands may be planted with native vegetation or maintained in a manner that prohibits or reduces mowing so that the existing or planted vegetation can serve to enhance water quality. (Ord. 2009-446 § 2: Ord. 92-353 § 1 (part)).

G. No structures shall be constructed in the stormwater detention or quality systems easement areas nor any filling, fencing, or other obstacles which will impede its intended use or capacity and easements must comply with Section 13.34.140 Excess stormwater passageway.

H. The developer shall provide reasonable public easements reserving the land for use as a stormwater facility providing the City with the right to inspect the facility and for ingress and egress.

13.34.080 Construction Inspections

A. The applicant must notify the City of Davenport Public Works Department twenty-four (24) hours in advance of the commencement of construction of stormwater systems. Regular inspections of the stormwater management system construction shall be conducted by City staff from the Engineering Division of Public Works and the Natural Resources Division of Public Works. If any construction is found to not comply with the plans, the contractor, and/or property owner shall be notified of the nature of the discrepancy and the actions required correcting the construction. No added work shall proceed until any corrective actions are completed and pass re-inspection.

B. All applicants are required to submit "as built" plans for any stormwater management practices constructed prior to a final inspection of the site. The plans must show all final construction and must be certified by a professional engineer licensed in the state of Iowa. A final inspection by the City of

Davenport is required before the release of any performance securities or issuance of certificate of occupancy for the building(s) on the property for which the stormwater system was constructed.

13.34.090 Enforcement

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section.

A. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

B. Violation of any provision of this chapter may also be enforced as a municipal infraction within Chapter 1.30, pursuant to the City's municipal infraction ordinance. The schedule of fines shall be as follows:

1. Schedule of violations

	Type 1:	First offense	\$100
		Second offense	\$250
		Third offense	\$500
		Fourth and subsequent	\$750

2. Definition of offenses

Type 1

- a. Failure to submit a stormwater management plan.
- b. Failure to install stormwater management practices as required.
- c. Failure to maintain stormwater management practices as described in the approved management plan.
- d. Failure to inspect or provide proof of inspection of stormwater management practices.
- e. Failure to provide as-built data on stormwater management practices as required.
- f. Failure to maintain or submit records on stormwater management practices.
- g. Failure to comply with a written directive issued by the City Engineer, Public Works Director, Natural Resources Manager, or the enforcement officer designated by the City.

C. In addition to the civil and municipal infractions outlined in Section 13.34.090B the City of Davenport may also take any one or more of the following actions:

a. Stop Work Order: The City of Davenport may issue a stop work order which shall be served on the contractor, owner, or other responsible person. The stop work order shall remain in effect until the contractor, owner or other responsible person has taken the necessary actions to cure the violation or violations described in a written notice of violation. The stop work order may be withdrawn or modified to enable the contractor, owner or other responsible person to take the necessary remedial measures to cure such violation or violations.

b. Withhold Certificate of Occupancy: The City of Davenport may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the contractor, owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

13.34.100 Waivers

A. Every development or redevelopment meeting the requirements of Section 13.34.210 and 13.34.300 shall provide for stormwater management as required by this ordinance unless a waiver is granted. Requests to waive implementation of BMPs in whole or in part shall be submitted in writing to the Natural Resources Division of Public Works and include a non-feasibility study or combination of studies or reports presented as supporting documents along with the submitted engineering plans and specifications to be reviewed and approved by the City.

B. Partial Waivers:

1. A partial waiver of BMPs required by this ordinance may be granted provided that at least one of the following conditions is established by the applicant based on authoritative written evidence satisfactory to the City of Davenport Natural Resources Division.

a. Alternative on-site management of stormwater quality or quantity has been established in a stormwater management plan that has been approved by the City and fully implemented.

b. Provisions are made to manage stormwater quality or quantity by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater quality control that is equal to or greater than that which would be afforded by on-site practices and there is, in the City's sole judgment, a responsible entity legally obligated to monitor the performance of and maintain the efficiency of stormwater BMPs in accordance with a written and recorded maintenance agreement.

2. In instances where one of the above conditions is established, the applicant must further establish by professional study and reports, written evidence satisfactory to the City that the partial waiver will not result in any of the following impacts to downstream waterways:

a. Deterioration of existing culverts, bridges, dams, and other structures; or

b. Degradation of biological functions or habitat; or

c. Accelerated streambank or streambed erosion or siltation; or

d. Increased threat of flood damage to public health, life, or property.

C. General Waivers

1. Where compliance with minimum requirements for stormwater quality or quantity management is not practical in the opinion of the Public Works Director or their designee, a general waiver may be granted. The applicant will then satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Davenport. Mitigation measures may include, but are not limited to, the following:

a. The creation of one or more stormwater BMPs on previously developed properties, public or private, in the same watershed as the proposed project, that currently lack stormwater BMPs, having a capacity to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater quality requirements as a consequence of the waiver.

b. Construction of an off-site stormwater quality management facility sufficient to achieve City stormwater quality requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater quality requirements as a consequence of the waiver. The agreement shall be entered into by the applicant and the City prior to the recording of plats or, if no record plat is required, prior to approval of a final development plan, or if no plat or final development plan is required, prior to the issuance of any building permit.

c. Monetary contributions (Fee-in-Lieu) for Detention for Redevelopment- to fund stormwater related work on lands strategically located in the watersheds consistent with the purposes of this ordinance. The fee-in-lieu of waiver may only be used for detention as outlined in Section 13.34.220 and 13.34.230 for redevelopment sites when detention, in whole or in part, is not practical in the opinion of the Public Works Director or their designee based on the procedure outlined in Section 13.34.100 Waivers.

d. Monetary contributions (Fee-in-Lieu) for Water Quality - to fund stormwater quality management activities on lands strategically located in the watersheds consistent with the purposes of this ordinance. The monetary contributions required shall be in accordance with a fee schedule (unless the developer and the City agree on a greater alternate contribution) established by the City based on the estimated cost savings to the developer resulting from the waiver and the estimated future costs to the City to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. All of the monetary contributions shall be credited to an appropriate capital improvements program project or program and shall be made by the developer prior to the issuance of any building permit for the development. The fee-in-lieu procedure has been established and is as follows:

- i. City and the property owner shall agree on the best stormwater management practice available for the proposed project site assuming no limitations to the site layout, soil conditions, topography, or any other conditions which are currently limiting installation of a practice. The City will make the final determination on what constitutes a limitation. Once the management practice has been agreed upon the property owner will provide a cost estimate to construct the practice assuming no limitations. The City shall also create a cost estimate based on past projects and cost estimates. These estimates shall be discussed and averaged based on input from the owner and City representatives. If no agreement can be reached between the City and the Owner the Owner must proceed with meeting the full requirements of Section 13.34.300 unless a partial waiver is granted by the City.
 - ii. At such a time as the estimate is agreed upon by both parties the City shall assess an additional twenty percent (20%) administration fee to cover costs associated with actual installation of practices in the watershed at a future time. In addition, three years of maintenance costs for the agreed upon fee-in-lieu practice shall also be included in the final fee amount. The maintenance costs shall be determined by using the current contract prices for maintenance of stormwater practices by the City's hired contractor. In the event that maintenance is done by the City in-house, the current labor and equipment rate to provide said maintenance shall be the cost used.
 - iii. These amounts shall be totaled and the final amount shall be considered the fee-in-lieu for the proposed project. All fees shall be paid to the City of Davenport and funds received shall be placed in an account in the City Clean Water Fund for future stormwater projects in the affected watershed as delineated by the Natural Resources Division.
- e. Monetary contributions (Fee-in-Lieu) for the Commercial Downtown (CD) Zoning District and congruently adjacent Light Industrial (I-1), Heavy Industrial (I-2) and Industrial Mixed-Use (I-MU) to the CD District shall be made available in lieu of stormwater detention and water quality practice installation. This fee-in-lieu-of dollars will be utilized to fund stormwater related work on lands strategically located in the watersheds consistent with the purposes of this ordinance. These districts shall be as defined per the Official Zoning Map. This fee-in-lieu of waiver may only be used within the defined zoning districts listed above and shall be assessed as a flat rate fee per square feet of redevelopment within a project area. The fee shall be as defined in the Davenport Stormwater Manual, Site Evaluation section. All fees shall be paid to the City of Davenport and funds received shall be placed in an account in the City Clean Water Fund for future streambank projects as delineated by the Natural Resources Division.

II. STORM SEWERS AND STORMWATER ROUTING

13.34.110 Applicability.

The provisions of Sections 13.34.120 through 13.34.160 shall apply to the following areas under development:

- A. All residential development of two acres or more and all commercial and industrial developments in excess of one acre;
- B. Any development where the percentage of the impervious area of the lot is fifty percent or greater;
- C. Any development which, in the opinion of the City Engineer, lacks an adequate internal or external passage of stormwaters as to not exceed the capacity of the receiving storm sewer system. (Ord. 92-353 § I (part)).

13.34.120 Runoff calculation.

A. Design flows shall normally be calculated using the procedures outlined in the Soil Conservation Services, Technical Release No. 55 "Urban Hydrology for Small Watersheds" and the "Iowa

Users Guide and Supplement" for said Technical Release No. 55. For drainage basins of twenty acres or less, the Rational Method may be used.

B. In all cases, all areas are to be considered fully developed, in accordance with the City's current sanitary sewer master plan map which is available from the City Engineer.
(Ord. 92-353 § 1 (part)).

13.34.130 Storm sewers.

A. Storm sewers and intakes shall be designed for a ten year frequency storm in such a manner that the flooded street width shall not exceed:

<u>Street Width</u>	<u>Allowable Flooded Width Each Side</u>	<u>Required non Flood Lanes</u>
27 feet	8 feet	1-10' Lane
31 feet	10 feet	1-10' Lane
35 feet	9 feet	2-8' Lane
41 feet	10 feet	2-10' Lanes
45 feet	11 feet	2-11' Lanes
49 feet & wider	12 feet	2-12' Lanes

B. An acceptable method of determining the flooded width of the street shall be the use of width-discharge curves provided by the City.

C. An acceptable method of determining catch basin capacity for various conditions shall be the use of capacity charts provided by the City.
(Ord. 92-353 § 1 (part)).

D. Prior to acceptance of storm sewer installed by private contractor, the City of Davenport Sewer Division must televise the lines to ensure that they meet acceptable City standards. Fees for this service shall be set from time to time by City council resolution and will be billed to the developer or property owner and must be paid before the system will be accepted and released for further development.

13.34.140 Excess stormwater passageway.

A. An excess stormwater passageway easement shall be provided for all developments. Such passage shall have the capacity to convey through the proposed development the excess stormwater from the tributary watershed. The capacity of such excess stormwater passage shall be constructed in such a manner as to transport the peak rate of runoff from a one hundred-year return frequency storm, assuming all storm sewers are inoperative, all upstream areas are fully developed in accordance with the City's current land use plan, and that antecedent rainfall has saturated the tributary watershed.

B. No buildings or structures shall be constructed within such passage; however, streets, parking lots, playgrounds, park areas, pedestrian walkways, utility easements and other open space uses shall be considered compatible uses. In the event such passageway is reshaped or its capacity to transport excess stormwater otherwise restricted, the City engineer shall notify the agency, party or parties causing said restriction to remove the same and set a reasonable time for its removal. If said persons refuse to or are unable to comply with said order, the City engineer shall cause said restrictions to be removed at the expense of said persons.

C. Where specifically approved by the City Engineer, the excess stormwater passageway may consist of a conduit. In such cases, the inlet capacity shall be twice the capacity necessary to convey the one hundred-year stormwater flow.

D. Where a proposed development contains existing natural drainage, appropriate land planning shall be undertaken to preserve said natural drainage as part of the excess stormwater passage.

E. Individual lot grading in a subdivision or other larger common plan of development must comply with the City approved final grading plan and the lowest entry elevation of the approved plat or construction

plans. Final grading shall maintain the original intent and function of final grading plan, drainage areas, stormwater overland flow design and storm sewer system design. Final grading shall also maintain positive drainage away from structures; must not direct water directly toward any down-grade structure foundations; and must comply with Chapter 12.28 Driveway and Approaches, SUDAS Section 7030, International Residential Code (IRC) for frost protection of footing, and the City of Davenport SUDAS Supplemental Specifications.

F. Water entry levels for structures adjacent to the excess stormwater passageway shall be established one foot above the one hundred-year flood elevation. (Ord. 92-353 § 1 (part)).

13.34.150 Open channels.

A. The size and shape of open channels shall be designed to meet the requirements of runoff, depth, side slopes, gradient, and velocity limitations in accordance with the site conditions. Runoff shall be based on one hundred year storm frequency. Manning's Formula as cited in most civil engineering handbooks, shall be used in hydraulic design of open channels. Channel banks shall be protected by use of low vegetation, rip-rap, or paving as design velocity dictates subject to the approval of the City engineer. (Ord. 92-353 § 1 (part)).

III. STORMWATER DETENTION FACILITIES

13.34.210 Applicability.

The provisions of Sections 13.34.220 through 13.34.250 inclusive shall apply to the following areas under development:

- A. All residential development of two acres or more and all commercial and industrial developments or redevelopment which cumulatively creates 5,000 square feet or more of impervious area located within the Davenport City limits.
 - 1. There is no statute of limitations that would exempt multiple impervious area additions over 5,000 square feet, unless granted a waiver per Section 13.34.100.
- B. Any development which, in the opinion of the City Engineer, lacks an adequate external or internal system for the passage of stormwaters as to not exceed the capacity of the receiving storm sewer system.
- C. For circumstances where an existing structure is demolished and the area is graded and seeded there shall be a three (3) year timeframe from the demolition date where any new development may be considered as redevelopment. Projects within this three (3) year timeframe may follow the release rate as outlined in Section 13.34.220.C.
- D. The following activities are exempt from this ordinance:
 - 1. Development or redevelopment projects that do not create more than 5,000 square feet of impervious area provided they are not part of a larger common development plan that does create more than 5,000 square feet of impervious area, or that do not meet the requirement of Section 13.34.300.B.
 - 2. The subdivision of a property with the intent of removing excess land from a homestead.
 - 3. The re-platting of one or more properties with the intent of constructing one single family residence.
- E. When a site development or redevelopment plan is submitted that qualifies as a development or redevelopment as defined in Section 13.34.030 E or N of this ordinance, appropriate on-site management practices will be required and shall be guided by the latest editions of The Iowa Stormwater Management Manual, The Iowa Rain Garden Manual, the Davenport Stormwater Manual, or approved equal. Final authorization of all development and redevelopment projects will be determined after review and approval by the City of Davenport.
- F. Any development or redevelopment within the floodplain must comply with Chapter 15.44 Flood Damage Prevention. Stormwater detention is not permitted within the floodway or within Special Flood Hazard (100 year flood plain) areas as delineated as areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering

report entitled "The Flood Insurance Study for Scott County, Iowa No. 19163CV000A DATED February 18, 2011," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference as part of Chapter 15.44.
(Ord. 92-353 § 1 (part)).

13.34.220 Release rate.

A. The release rate of stormwater from any detention basin required under this chapter for new development shall not exceed the stormwater runoff rate from the drainage area from a predeveloped two-year frequency storm using a runoff coefficient "c" of 0.15, when using the rational method for areas under twenty acres or a curve number of sixty when using the S.C.S. TR-55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said TR_55 for areas over twenty acres.

B. The City may require a lesser release rate when the downstream outlet is insufficient to safely convey the release rate as determined in subsection A above.

C. The release rate of stormwater from any detention basin required under this chapter for redevelopment shall not exceed the stormwater runoff rate from the drainage area from a pre-developed two-year frequency storm using a runoff coefficient "c" of 0.35, when using the rational method for areas under twenty acres or a curve number of sixty when using the S.C.S. TR-55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said TR_55 for areas over twenty acres.

D. Restrictor (orifice) plates to control release rates placed within a pipe section or at the outlet of a pipe will not be accepted. Only orifice plates integrated into a staged release design structure that cannot be removed will be accepted.

E. The single-stage outlet (i.e. one culvert pipe) is not recommended because of its inability to detain post-developed runoff from storms less than the 5-year interval (i.e. channel protection volume storm event). In many cases, runoff from storm events less than the 5-year recurrence interval has created erosion and sedimentation problems downstream of a detention basin.

F. A more desirable outlet has two or more stages. An orifice structure serves to detain runoff for channel protection purposes and release runoff for low-flow events less than the 2-year storm. Greater storm events are usually discharged by a separate series of outlets. The minimum orifice size shall be 4 inches in diameter and possess protections to minimize plugging.
(Ord. 92-353 § 1 (part)).

13.34.230 Detention requirements.

A. Utilize the Unified Sizing Criteria (USC) or the Water Quality Volume (WQv) up to Extreme Flood Protection (Qf) for the required volume of stormwater detention. The WQv shall provide 100% retention, infiltration, or abstraction of the 1.25 inch in 24 hour rainfall event per Section 13.34.310.

B. City standards that are to be used in conjunction with the USC are:

1. Rainfall greater than the WQv up to the Qf, or 100 year event, shall be released at the two-year, undeveloped, state (as opposed to the USC stated five year)

2. The Recharge Volume (Rev) need not be included in detention calculations.

3. The Modified Rational method may only be used for small catchments < 20 acres

C. For sites greater than twenty acres, the method of sizing of the detention storage volume must be approved by the City engineer. The TR-55 method is an approved method.

D. For redevelopment sites utilize the USC detention requirements from the WQv up to Qf unless a partial waiver or general waiver has been granted per Section 13.34.100 Waivers.

E. Detention storage may be provided as a dry bottom or wet bottom storage area.

1. Dry bottom stormwater storage areas may be designed to serve a secondary purpose for recreation, open space, parking, or other types of uses that will not be adversely affected by intermittent flooding.

a. A method of carrying the low flow through these areas shall be provided in addition to a system of drains to prevent soggy areas.

b. Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Utilize the Unified Sizing Criteria for staged outlet design. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess

of the one hundred-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the excess stormwater passageway described in Section 13.34.140. Hydraulic calculations shall be submitted to substantiate all design features.

c. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Stormwater runoff velocities shall be kept at a minimum and turbulent conditions at an outlet control structure will not be permitted without complete protection for the public safety. The use of fences shall be kept to a minimum and used only as a last resort when no other method of protection is feasible.

d. Paved surfaces that are to serve as stormwater storage areas and rooftop storage shall be designed with permanent-type control outlets. Emergency overflow areas shall be provided.

2. Wet bottom stormwater storage areas shall be designed with all of the items required for dry bottom stormwater storage areas, except that the provisions of subsection D,1,a. of this section shall not be required. Utilize the Iowa Storm Water Management Manual and the following additional conditions:

a. Water surface areas shall not exceed one-fifteenth of the tributary drainage area.

b. a 10:1 sloped safety bench centered on the Normal Water Level shall be constructed

c. a skimming device to remove floatable material shall be included within or in series with the outlet structure.

d. Facilities shall be provided to lower the pond elevation, when discharging from basins and impoundments, to utilize outlet structures that withdraw water from the surface, unless infeasible, to minimize re-suspension of any sediment materials.

e. Minimum normal water depth shall be four feet. If fish are to be maintained, some portion of the pond area should be a minimum of nine feet deep.

f. Control structures for stormwater release shall be designed to operate with only a minor increase in the water surface level when the design storage capacity has been exceeded. Hydraulic calculations shall be submitted to substantiate all design features.

g. Only that portion of the detention area above the normal water level shall be used in calculating the storage capacity.

h. Restrictor (orifice) plates to control release rates placed within a pipe section or at the outlet of a pipe will not be accepted. Only orifice plates integrated into a staged release design structure that cannot be removed will be accepted.

(Ord. 92-353 § 1 (part)).

13.34.240 Construction.

A. Detention facilities for stormwater runoff control shall be constructed as part of the first phase of construction of a project unless alternate construction phasing is agreed upon in writing by the Natural Resources Manager or City Engineer.

B. The construction of the stormwater management systems shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefit to the City, negotiations for public participation in the cost of development shall be initiated.

C. All flood control items such as earthen embankments, conduits, outlet structures, flood control structures, spillways, excess stormwater passageway channels, etc., shall be built as permanent facilities and all materials and their manner of construction shall be assembled to accomplish as much permanency as is possible.

D. Water quality practices may be constructed within detention areas to allow owners to conserve space. However, below grade volume for infiltration in a detention basin shall not be counted as required detention storage area unless detailed plans and calculations are submitted, reviewed and approved in writing by the Natural Resources Manager or City Engineer.

(Ord. 92-353 § 1 (part)).

13.34.250 Procedure.

A. Plans, specifications, and all calculations for stormwater runoff control(s) shall be submitted in accordance with the Davenport Stormwater Manual for review and approval, prior to the approval of a

final plat (in the case of a subdivision or planned unit development), approval of a final development plan, or issuance of a building permit (in the case of commercial or industrial construction).

B. Comply with 13.34.080 Construction Inspections.

C. No certificate of occupancy for any building in the development will be issued until the stormwater facilities are constructed, inspected and approved.
(Ord. 92-353 § 1 (part)).

IV. STORMWATER QUALITY MANAGEMENT

13.34.300 Applicability.

The provisions of Sections 13.34.300 through 13.34.320 inclusive shall apply to the following areas under development:

A. Any development or redevelopment which cumulatively creates 5,000 square feet or more of impervious surface area, regardless of previous condition, unless granted a waiver under section 13.34.320 of this ordinance.

B. Development and redevelopment projects located within 50 feet of a natural waterway, modified natural waterway, or constructed channel or which include a new storm drain outfall to such waterway, regardless of project size or impervious surface. This requirement is intended to protect environmentally sensitive areas.

C. The following activities are exempt from this ordinance:

1. Additions or modifications to existing single family structures that do not meet the requirement of Section 13.34.300.B

2. Interior remodels and routine maintenance or repair, including roof or exterior surface replacement and resurfacing.

3. Development or redevelopment projects that do not create more than 5,000 square feet of impervious area provided they are not part of a larger common development plan that does create more than 5,000 square feet of impervious area, or that do not meet the requirement of Section 13.34.300.B

D. When a site development or redevelopment plan is submitted that qualifies as a development or redevelopment as defined in Section 13.34.030 E or P of this ordinance, appropriate on-site management practices will be required and shall be guided by the latest editions of The Iowa Stormwater Management Manual, The Iowa Rain garden Manual, the Davenport Stormwater Manual, or approved equal. Final authorization of all development and redevelopment projects will be determined after review and approval by the City of Davenport.

E. Any development or redevelopment within the floodplain must comply with Chapter 15.44 Flood Damage Prevention. Stormwater quality treatment is not permitted within the floodway. Stormwater quality treatment may be considered within Special Flood Hazard (100 or 500 year flood plain) areas provided that the treatment practice provides a net ecological benefit and is able to be maintained per 13.34.060 Requirements for Stormwater Management Plans.

13.34.310 General Performance Criteria for Stormwater Quality Management

Unless judged by the City of Davenport to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

A. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater runoff.

B. The City of Davenport reserves the right to require superseding and additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall stormwater quality management program objectives or directives under a watershed improvement or Total Maximum Daily Load (TMDL) program, as may be directed by the State of Iowa, or United States Environmental Protection Agency.

C. For new development and redevelopment, structural best management practices shall be designed to provide 80% bacteria reduction, based on current research accepted by the Natural Resources Division of Public Works, and 100% retention, infiltration, or abstraction of the 1.25 inch in 24 hour rainfall event. A best management practice complies with this standard if it is:

1. Sized to capture the prescribed water quality volume (WQv).
2. Designed according to the specific performance criteria outlined in the Iowa Stormwater Management Manual, Iowa Rain Garden Manual, or approved equal,
3. Constructed properly, and
4. Maintained regularly.

D. Stormwater discharges from land uses or activities with higher potential pollutant loadings may require the use of specific structural treatment and pollution prevention practices.

E. Prior to design, applicants are encouraged to consult with the Natural Resources Division of Public Works to determine if they are subject to additional stormwater design requirements.

F. The calculations for determining peak flows as found in the Iowa Stormwater Management Manual shall be used for sizing all stormwater quality management practices.

13.34.320 Soil Quality Restoration

Healthy soil provides important stormwater management functions including efficient water infiltration and storage, adsorption of excess nutrients, filtration of sediments, biological decomposition of pollutants, and moderation of peak stream flows and temperatures. In addition, healthy soils support vigorous plant growth which intercepts rainfall, reducing runoff by increasing evaporation and transpiration. Urbanization and development severely diminish a soil's capacity to absorb, filter and store rainwater. Common development practices including clearing and removal of topsoil during grading, compaction of remaining soil, and planting into unimproved soil or poor quality imported topsoil, produce unhealthy plants and lawns that require excessive fertilizers and pesticides which can lead to polluted stormwater runoff. All areas subject to clearing and grading that have not been covered by impervious surfaces, incorporated into a stormwater management practice, or engineered as structural fill or slopes shall, at project completion, use one or more of the following practices to improve soil structure and water quality.

A. Soil retention. Native topsoil shall be retained in an undisturbed state to the maximum extent practicable. In any areas requiring grading, remove and stockpile the topsoil on-site in a designated controlled area where it will not be compacted, and not adjacent to stormwater management areas. Before stockpiled topsoil can be reapplied to other portions of the site it must be tested, and amended if needed, to meet the organic matter or depth requirements specified in the Davenport Stormwater Manual. When topsoil is replaced it shall be un-compacted to a depth of four inches. Subsoils below the topsoil layer should be scarified with some incorporation of the upper material to avoid stratified layers

B. Soil quality restoration. Amend existing site topsoil or subsoil to a minimum rate of 5% organic matter content and a pH from 6.0 to 8.0 or matching the pH of the original undisturbed soil using methods specified in the Iowa Storm Water Management Manual. Soil that already meets the depth and organic matter quality standards, and is not compacted, does not need to be amended. The waiver for amending soil can be found in the Davenport Stormwater Manual. Upon completion of the project the soil restoration layer shall have a minimum depth of eight inches, per the method utilized in the Iowa Stormwater Management Manual except where tree roots limit the depth of incorporation of amendments needed to meet the criteria. Subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers.

C. Maintenance. Soil quality and depth should be established toward the end of construction, and once established shall be protected from compaction and erosion. The Davenport Stormwater Manual and Iowa Storm Water Management Manual contain additional recommendations for maintenance of soil quality restoration areas.

D. Inspection. Areas where soil retention or soil quality restoration are implemented must meet the inspection requirements of Section 13.34.080 and the Davenport Stormwater Manual and be inspected prior to seeding or turf placement.

E. The City Engineer or their designee will approve the source of off-site topsoil. Surface soils from ditch bottoms, drained ponds, and eroded areas, or soils that are supporting growth of noxious weeds or other undesirable vegetation, will not be accepted. The Engineer will determine if testing is necessary. The Contractor will be responsible for payment of the testing if the off-site topsoil does not meet the above requirements, regardless of testing outcome.

13.34.330 Construction.

A. The construction of water quality BMPs shall not commence until upstream areas which discharge runoff to the proposed system(s) have been stabilized with suitable ground cover or suitable protection has been installed to prevent sediment laden water from entering the system.

B. The construction of the stormwater management systems shall be accomplished as part of the cost of land development. If the amount of treatment capacity can be increased to provide benefit to the City, negotiations for public participation in the cost of development may be initiated.

C. Water quality practices may be constructed within detention areas to allow owners to conserve space. However, below grade volume for infiltration in a detention basin shall not be counted as required detention storage area unless detailed plans and calculations are submitted, reviewed, and approved in writing by the Natural Resources Manager or City Engineer.

1. In-basin water quality treatment may require additional maintenance measures, which must be clearly outlined in the Maintenance & Repair Agreement.
(Ord. 92-353 § 1 (part)).

13.34.340 Procedure.

A. Plans, specifications, and all calculations for stormwater quality management features shall be submitted in accordance with the Davenport Stormwater Manual for review and approval, prior to the approval of a final plat (in the case of a subdivision or planned unit development), approval of a final development plan, or issuance of a building permit (in the case of commercial or industrial construction).

B. Comply with 13.34.080 Construction Inspections.

C. No certificate of final occupancy for any building in the development will be issued until the stormwater facilities are constructed, inspected and approved.
(Ord. 92-353 § 1 (part)).

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. The requirements of this ordinance do not supersede conditions on plats previously approved by council.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved: 10/23/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

3. First Consideration: Ordinance for case REZ19-10 being the request of Larry Whitty on behalf of KJTLJ, LLC to rezone .73 acres, more or less, of property located at the southeast corner of W Locust St and Ripley St from R-4C Single-Family and Two-Family Central Residential Zoning District to C-1 Neighborhood Commercial Zoning District.

[Ward 4]

MOVED TO SECOND CONSIDERATION

4. Resolution of support of Hilltop Campus Village as a participant in the Main Street Iowa Program. [Wards 3, 4, & 5]

ADOPTED 2019-447

5. Resolution for Case F19-12 being the request of Premier Commercial Condos for a final plat for a 3-lot subdivision on 3.88 acres more or less of property located on the north side of W 83rd St and the east side of N Fairmount St. [Ward 8]

ADOPTED 2019-448

6. Resolution for Case F19-08 being the request of J+M Civil Design for a final plat for a 2-lot subdivision located north of E Kimberly Road between Brady St and Welcome Way. [Ward 7] **ADOPTED 2019-449**

7. Resolution for Case F19-03 being the request of HOA Development, LLC for a final plat for a 3-lot subdivision located east of Elmore Ave and southeast of the terminus of E 46th St. [Ward 6] **ADOPTED 2019-450**

8. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events. **ADOPTED 2019-451**

Brittany Hall; Neighborhood Block Party; 2312 E 29th St; Saturday, October 26, 2019 2:00 p.m. – 8:00 p.m.; **Closure:** E 29th St between Jersey Ridge Rd and Belle Ave. [Ward 5]

Tom Simmons; Veterans Day Parade; Monday, November 11, 2019 10:00 a.m. - 11:00 a.m.; **Closure for staging:** 7:00 a.m. - 11:30 a.m. Western Ave from 4th St to 5th St; **Parade route (Police controlled):** south on Western Ave from 4th St to 2nd St; east on 2nd St from Western Ave to Main St; north on Main St from 2nd St to 4th St; west on 4th St from Main St to finish at the Scott County Courthouse parking lot. [Ward 3]

9. Resolution of acceptance covering an assessment for the north south alley between Farnam and LeClaire from Garfield to Columbia and the east west alley between Glaspell and Schricker from Pine to Belmont in accordance with the Alley Resurfacing Program. [Wards 3 & 5] **ADOPTED 2019-452**

10. Resolution accepting the Miracle Field of the Quad Cities Phase I project completed by NJ Miller, Inc of Bettendorf, IA. This project was completed with a final contract amount of \$357,319.05, CIP #64030. [Ward 8] **ADOPTED 2019-453**

11. Resolution exercising the second year option and awarding a one year continuation of the FY19 Contract Sewer Repair Program to Hagerty Earthworks, LLC of Muscatine, IA in the amount of \$250,000 for FY20 budgeted in CIP #30044 and #33001. [All Wards] **ADOPTED 2019-454**

12. Resolution exercising the second year option and awarding a one year continuation of the FY19 Contract Sewer Repair Program to Hometown Plumbing and Heating Company of Davenport, IA in the amount of \$250,000 for FY20 budgeted in CIP #30044 and #33001. [All Wards] **ADOPTED 2019-455**

13. Resolution exercising the second year option and awarding a one year continuation of the FY19 Contract Sewer Repair Program to Legacy Corporation of East Moline, IL in the amount of \$250,000 for FY20 budgeted in CIP #30044 and #33001. [All Wards] **ADOPTED 2019-456**

14. Resolution authorizing the submission of an Iowa Clean Air Attainment Program application for grant assistance to replace the Elm Street Bridge over the Canadian Pacific Railway. [Ward 5] **ADOPTED 2019-457**

15. Resolution of acceptance for the 46th St & Fillmore Ln Reconstruction, completed by N.J. Miller Inc of Bettendorf, IA with a final cost of \$251,678.85 budgeted in CIP #35036. [Ward 7] **ADOPTED 2019-458**

16. Resolution of acceptance for the Federal Street Permeable Alley Reconstruction, completed by Emery Construction Group Inc of Moline, IL with a final cost of \$206,498.06 budgeted in CIP #33032. [Ward 3] **ADOPTED 2019-459**

17. Resolution accepting the Davenport Airport Runway 15/33 Reconstruction Project completed by Langman Construction, Inc of Rock Island, IL. The project was completed with a final contract amount of \$6,739,164.29, CIP #20010. [Ward 8] **ADOPTED 2019-460**

18. Resolution approving change order #1 and #2 to the WPCP UV Disinfection Infrastructure Project to Strand Associates, Inc of Madison, WI in the amount of \$254,400 funded in CIP #39005. [All Wards] **ADOPTED 2019-461**

19. Resolution authorizing the Mayor to execute conveyance documents for City-owned parcel G0049-40, 1125 W 7th St, to Brian Morris and Maria Parrow of 1123 W 7th St. [Ward 3] **ADOPTED 2019-462**

20. Resolution authorizing the Finance Director to make the appropriate inter-fund transfers for the City's FY19 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2. [All Wards] **ADOPTED 2019-463**

21. Resolution approving the payment of \$149,395.03 to Tyler Technologies, Inc of Falmouth, ME for the support and maintenance of the Munis software system for the period of November 1, 2019 through October 31, 2020. [All Wards] **ADOPTED 2019-464**

22. Resolution awarding the purchase of six truck chassis with trades from Truck Country of Iowa of Davenport, IA in the amount of \$370,970 and six truck bodies with options from TriState Truck Equipment of Dubuque, IA in the amount of \$377,466, CIP #24014. [All Wards] **ADOPTED 2019-465**

23. Motion approving noise variance request(s) for various events on the listed dates and times. **PASSED 2019-466**

Tom Simmons; Veterans Day Parade; Downtown; Monday, November 11, 2019
10:00 a.m. - 11:00 a.m.; Outdoor music/performances, over 50 dBa. [Ward 3]

24. Motion approving the petition for a street light in front of 4510 N Lincoln Ave. [Ward 2]

PASSED 2019-467

25. Motion approving beer and liquor license applications.

PASSED 2019-468

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

Ward 4

Firehouse Bar & Grill (Firehouse Bar & Grill, Inc) - 2006 Hickory Grove Rd -
Outdoor Area - License Type: C Liquor

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) - 2606 W Locust St
- Outdoor Area - License Type: C Liquor

Stoeger's Bar & Grill (Stoeger's, Inc) - 1520 Washington St - License Type: C
Liquor

Ward 6

Bad Boy'Z Pizza & Pub (2 Bad Girl'Z LTD) - 5266 Utica Ridge Rd – Outdoor Area -
License Type: C Liquor

Ward 7

The Gallery (Nelson Securities, Inc) - 3727 Esplanade Ave - Outdoor Area -
License Type: C Liquor

Ganzo's (Ganzo's, LTD) - 3923 N Marquette St - Outdoor Area – License Type: C
Liquor

26. Motion determining property values for the Alley Resurfacing Program, CIP #35038.

[Ward 4]

PASSED 2019-469

27. Motion approving change order #1 to the FY20 Sidewalk Program to Kelly
Construction, Inc of Davenport, Iowa in the amount of \$75,000 funded in CIP #28021.

[All Wards]

PASSED 2019-470

XIII. Other Ordinances, Resolutions and Motions

*On motion by Ald. Ambrose, second by Ald. Matson with all aldermen present voting
aye, the rules were suspended and the following Resolution was added to the agenda
and adopted:*

Resolution setting a Public Hearing related to a lease agreement with a railroad operator
for the lease of the City's main track and real property 25 feet on each side thereof at
the Davenport Transload Terminal. [Ward 8]

ADOPTED 2019-471

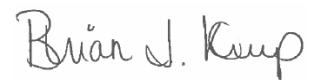
XIV. Public with Business

XV. Reports of City Officials

The following is a summary of revenue received for the month of September 2019:

Property taxes	7,536,292
Other City taxes	1,610,939
Special assessments	-
Licenses & permits	122,782
Intergovernmental	2,643,626
Charges for services	4,207,837
Use of monies & property	164,303
Fines & forfeits	125,508
Bonds/Loan Proceeds	166,708
Miscellaneous	228,472

XVI. Adjourn **6:27 p.m.**



Brian Krup
Deputy City Clerk