CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, October 12, 2022; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting minutes for September 28, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for October 5, 2022.

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Civil Rights Commission
   - Ethelene Boyd (re-appointment)
   - Michael Guster (re-appointment)
   - Jeff Transou (re-appointment)

2. Combined Construction Code Board of Appeals
   - Steven Duncan (re-appointment)
   - Gary Gibney (re-appointment)

3. Riverfront Improvement Commission
   - Victoria Keninger (new appointment | 3rd Ward)

B. Proclamations

1. National Code Compliance Month | October 2022

IX. Presentations

A. Davenport Fire Department Swearing-In Ceremony
   - Evan Watz
   - Kasey Smith
   - Asa Pool

B. 2022 Summer Reading Program Winners

C. Community Excellence Award | Quad City Veterans Outreach Center

D. MetroNet | Gig-a-bit City Recognition

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. Second Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District. [Ward 7]

COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES FOR PASSAGE OF THIRD CONSIDERATION.

i. Motion for suspension of the rules.

ii. Passage of third consideration.

XII. Approval of All Items on the Consent Agenda

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

1. Second Consideration: Ordinance expanding the boundaries of the Central City and North Urban Revitalization Areas. [Wards 1, 2, 5, 6, 7, & 8]
2. First Consideration: Ordinance amending Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by amending Schedule I Snow Routes thereto by adding various streets in the Westport Addition subdivision. [Ward 1]
3. First Consideration: Ordinance amending Section 13.16.060 entitled "Local limits for specific pollutants" of the Municipal Code of Davenport, Iowa. [All Wards]
4. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

   Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; Wednesday, October 26, 2022 2:00 p.m. - 6:00 p.m.; **Closures:** West 6th Street from Myrtle Street to Warren Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

   Brian Doerrfeld; The Village Zombie Run; Village of East Davenport; Saturday, October 29, 2022 7:00 a.m. - 1:00 p.m.; **Closures:** Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street. [Ward 5]

   Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 2, 2022 and Saturday, December 3, 2022; **Closures:** East 11th Street from Mound

Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

5. Resolution accepting the sanitary sewer and storm sewer associated with Birchwood Grove First Addition. [Ward 6]

6. Resolution accepting the sanitary sewer and storm sewer associated with Birchwood South First and Second Additions. [Ward 6]

7. Resolution accepting work completed under the Pershing Avenue (11th Street to 14th Street) Resurfacing project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of $211,110.52, CIP #35054. [Ward 3]

8. Resolution accepting work completed under the Pacific Street (68th Street to 70th Street) Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $105,225.53, CIP #35054. [Ward 8]

9. Resolution accepting work completed under the Edgewild Drive (Jersey Ridge Road to Ridgewood Court) Reconstruction project by NJ Miller Inc of Bettendorf, Iowa in the amount of $423,079.70, CIP # 35054. [Ward 6]

10. Resolution accepting work completed under the CDBG Alley Program: 1310 Kirkwood Boulevard to 1810 Esplanade Avenue Reconstruction project by Emery Construction Group, Inc of Moline, Illinois in the amount of $240,353.86, CIP #BG-250. [Ward 5]

11. Resolution approving the purchase of a loader mounted snow blower for the Street Division from MacQueen Equipment of Ankeny, Iowa in the amount of $175,970 using Sourcewell contract #062222-JAL. [All Wards]

12. Resolution authorizing the Finance Director to make the appropriate inter-fund transfers for the City's FY 2022 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2. [All Wards]

13. Motion approving a noise variance request for an outdoor event on the listed dates and times.

    Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 2, 2022 and Saturday, December 3, 2022; Outdoor music/band, over 50 dBA. [Ward 5]

14. Motion approving beer and liquor license applications.

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

    Ward 5

    WMart (KHM, LLC) - 1205/1207 East Locust Street - New Owner/License - License Type: Class E Liquor

    Ward 6

Brooks & Christina, LLC (Brooks & Christina, LLC) - 5159 Utica Ridge Road - New License - License Type: Beer/Wine

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

Ward 1

Herbs Tap, Inc (Herbs Tap, Inc) - 3701 Rockingham Road - License Type: Class C Liquor

Kwik Shop #583 (Kwik Shop, Inc) - 3129 Rockingham Road - License Type: Class C Beer

Ward 2

Express Lane Gas & Food Mart # 83 (ExpressLane, Inc) - 3636 Hickory Grove Road - License Type: Class C Beer

Ward 3

Cavort QC (The Key, LLC) - 229 Brady Street - License Type: Class C Liquor

River Drive Smoke Shop (AB Kazi, LLC) - 828 West River Drive - License Type: Class E Liquor

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 East 3rd Street - Outdoor Area - License Type: Class B Liquor

Ward 4

Riverside Liquor 2 (Two Brothers Locust, LLC) - 1528 West Locust Street - License Type: Class E Liquor

Kwik Shop #577 (Kwik Shop, Inc) - 1732 Marquette Street - License Type: Class C Beer

Kwik Shop # 593 (Kwik Shop, Inc) - 303 West Locust Street - License Type: Class C Beer

Ward 5

Locust Street Tavern (Locust Street Tavern, Inc) - 331 East Locust Street - License Type: Class C Liquor

Jesse's Mart (Guru Nanak Petro Mart, Inc) - 412 East Locust Street - License Type: Class C Beer

Ward 6

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor

Hy-Vee Fast and Fresh (Hy-Vee, Inc) - 3200 East Kimberly Road - License Type: Class E Liquor

The Grape Life (The Grape Life Wine Store & Lounge, LLC) - 3402 Elmore Avenue - License Type: Class C Liquor

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc) - 5811 Elmore Avenue - License Type: Class E Liquor

Chili's Grill & Bar (Brinker Restaurant Corporation) - 4020 East 53rd Street #2700 - License Type: Class C Liquor

Ward 7

Kwik Star #291 (Kwik Trip, Inc) - 1225 East Kimberly Road - License Type: Class C Beer

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

Kwik Shop #587 (Kwik Shop, Inc) - 1670 West Kimberly Road - License Type: Class C Beer

Kwik Shop #586 (Kwik Shop, Inc) - 201 West 53rd Street - License Type: Class C Beer

Steel Plow Burger (Steel Plow Burger II, LLC) - 1430 East 52nd Street #3 - Outdoor Area - License Type: Class C Liquor

Ward 8

Double D Diner (Lillypad Boutique, LLC) - 2225 West 53rd Street #400 - License Type: Class C Liquor

Casey's General Store #2168 (Casey's Marketing Company) - 1691 West 53rd Street - License Type: Class E Liquor

15. Motion accepting work completed under the West 69th Street and Jebens Avenue Resurfacing project by Langman Construction, Inc of Rock Island, Illinois in the amount of $77,663.69, CIP #35054. [Ward 8]
16. Motion awarding a contract for the purchase of 113 sewer intake castings to Schimberg Co of Cedar Rapids, Iowa in the amount of $59,890, CIP #33053. [All Wards]
17. Motion awarding an engineering contract for the design of the Locust Street (Division Street to Marquette Street) Resurfacing project to Klingner & Associates, PC of Davenport, Iowa in the amount of $67,500. [Ward 4]

18. Motion approving an updated lease agreement with Nahant Marsh for the operations and maintenance of the facility and grounds effective November 1, 2022. [Ward 1]

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

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

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

XV. Reports of City Officials

XVI. Executive Session

1. To discuss strategy for upcoming labor negotiations with the City's organized employees pursuant to Iowa Code Section 20.17(3).

XVII Adjourn

City of Davenport

Department: City Clerk
Contact Info: Brian Krup | 563-326-6163

Action / Date
10/12/2022

Subject:
Approval of the City Council Meeting minutes for September 28, 2022.

ATTACHMENTS:

	Type	Description
	Exhibit	CC Min 092822

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	10/6/2022 - 8:32 AM

City of Davenport, Iowa

City Council Meeting Minutes

Wednesday, September 28, 2022

The City Council of Davenport, Iowa met in regular session on Wednesday, September 28, 2022 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Matson presiding and all Aldermen present (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Gripp

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes **APPROVED**

Approval of the City Council Meeting minutes for September 14, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole **APPROVED**

Approval of the Report on Committee of the Whole for September 21, 2022.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, September 21, 2022 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderwoman Lee. Upon the roll being called, all Aldermen were present (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

The following Public Hearings were held: ***Community Development:*** *1. on the Consolidated Plan Annual Performance Evaluation Report (CAPER) for the year ending June 30, 2022.* ***Finance:*** *1. on granting an underground electric easement to MidAmerican Energy Company across City-owned parcels P1315B04, P1315B03, and P1315B02, with said easement being the west 10 feet of each parcel.*

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) ***Community Development:*** *Alderman Gripp reviewed all items listed. On motion by Alderwoman Lee, second by Alderwoman Dickmann all items moved to the Consent Agenda.* ***Public Safety:*** *Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Ortiz item #2, Third Consideration: Ordinance amending Chapter 10.96 of the Municipal Code of Davenport, Iowa entitled "Schedules" by making various changes to Schedules II, V, and XIV to implement a change in traffic flow for 3rd and 4th Streets between River Drive and Marquette Street, moved to the Discussion Agenda; the St. Paul the Apostle Catholic School Back to School Block Party street closure request under item #3 to be voted on later on the agenda; and all other items moved to the Consent Agenda.* ***Public Works:*** *Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Ortiz item #5, Resolution authorizing the submission of an application to the United States Department of Transportation's Railroad Crossing Elimination Grant Program for assistance for the South Concord Avenue and Water Pollution Control Plant/Compost Facility Overpass and Access Road project, and item #6, Resolution authorizing the submission of a Creative Placemaking*

grant application to the Destination Iowa Program through the Iowa Economic Development Authority, moved to the Discussion Agenda and all other items moved to the Consent Agenda. ***Finance:*** *Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderman Ortiz all items moved to the Consent Agenda.*

Other Ordinances, Resolutions and Motions: Alderman Dunn moved a motion for suspension of the rules to vote on the Resolution approving a street closure on the listed date and time to hold an outdoor event for St. Paul the Apostle Catholic School, seconded by Alderwoman Dickmann. Upon the role being called, all Aldermen presented voted aye except Alderwoman Lee and Alderwoman Megnnis with Alderman Jobgen abstaining, and the rules were suspended.

The Resolution approving a street closure for St. Paul the Apostle Catholic School was moved by Alderman Dunn, seconded by Alderman Jobgen. Upon the roll being called, all Aldermen present voted aye with Alderman Jobgen abstaining, and the Resolution was adopted.

1. Resolution approving the following street closure on the listed date and time to hold an outdoor event.
ADOPTED 2022-456

St. Paul the Apostle Catholic School; Back to School Block Party; 1007 East Rusholme Street; Saturday, September 24, 2022 12:00 p.m. - 10:00 p.m.; ***Closure:*** *East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]*

Council adjourned at ***7:34 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Proclamations **ISSUED 2022-457**

1. National Good Neighbor Day | September 28, 2022

2. Fire Prevention Week | October 9 - 15, 2022

3. Hispanic Heritage Month | September 15 - October 15, 2022

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. *Third consideration of the Ordinance was moved by Alderman Jobgen and seconded by Alderwoman Meginnis. During discussion, Alderman Gripp called the question which would end debate and force an immediate vote, seconded by Alderman Condon, and upon the roll being called the following Aldermen voted yes: Alderman Gripp, Alderwoman Meginnis, Alderman Condon, and Alderwoman Dickmann, and the following Aldermen voted nay: Alderman Ortiz, Alderman Cornette, Alderwoman Lee, Alderman Dunn, Alderman Kelly, and Alderman Jobgen. The motion failed and discussion continued.*

Alderman Jobgen moved a motion to amend the proposed Ordinance to have the intersections of 3rd/Iowa, 3rd/Pershing, 4th/Iowa, and 4th/Pershing remain as signalized intersections. The motion did not receive a second and failed.

Upon the roll being called, the following Aldermen voted aye: Ortiz, Gripp, Meginnis, Dickmann, and Condon, and the following Aldermen voted nay: Lee, Cornette, Dunn, Kelly, and Jobgen. Mayor Matson was the tie-breaker vote voting aye, and the Ordinance was adopted.

Third Consideration: Ordinance amending Chapter 10.96 of the Municipal Code of Davenport, Iowa entitled "Schedules" by making various changes to Schedules II, V, and XIV to implement a change in traffic flow for 3rd and 4th Streets between River Drive and Marquette Street. [Ward 3] **ADOPTED 2022-458**

ORDINANCE NO. **2022-458**

ORDINANCE AMENDING CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY MAKING VARIOUS CHANGES TO SCHEDULES II, V, AND XIV TO IMPLEMENT A CHANGE IN TRAFFIC FLOW FOR 3RD AND 4TH STREETS BETWEEN RIVER DRIVE AND MARQUETTE STREET.

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

Section 1. That Schedule II entitled "One-Way Streets" (10.96.040B) in reference to 3rd and 4th Street is hereby amended as follows:

3rd St from Telegraph Rd to ~~River Dr~~ Marquette St

4th St from ~~River Dr~~ Marquette St to Lincoln Ct

Section 2. That Schedule V entitled "4-Way Stop Intersections" (10.96.040E) is hereby amended by adding the following intersections:

Iowa St at 3rd St

Iowa St at 4th St

Pershing Ave at 3rd St

Pershing Ave at 4th St

Section 3. That Schedule XIV entitled "Intersection Traffic Signals" (10.96.040N) is hereby amended by adding the following intersections:

River Dr at 4th St

Scott St at 4th St

Section 4. That Schedule XIV entitled "Intersection Traffic Signals" (10.96.040N) is hereby amended by deleting the following intersections:

Iowa St at 3rd St

Iowa St at 4th St

Pershing Ave at 3rd St

Pershing Ave at 4th St

Ripley St at 3rd St

Scott St at 3rd St

Warren St at 3rd St

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 as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.
Adopted 9/28/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. *On motion by Alderwoman Meginnis, second by Alderman Ortiz and all Aldermen present voting aye, the following Resolution was adopted:*

Resolution authorizing the submission of an application to the United States Department of Transportation's Railroad Crossing Elimination Grant Program for assistance for the South Concord Avenue and Water Pollution Control Plant/Compost Facility Overpass and Access Road project. [Ward 1] **ADOPTED 2022-459**

3. *On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Resolution was adopted:*

Resolution authorizing the submission of a Creative Placemaking grant application to the Destination Iowa Program through the Iowa Economic Development Authority. [All Wards] **ADOPTED 2022-460**

XI. Approval of All Items on the Consent Agenda

On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Schedule VII "No Parking" of Chapter 10.96 of the Municipal Code of Davenport, Iowa by adding Busch Avenue along the east side from Middle Road south to the alley. [Ward 5]

ORDINANCE NO. **2022-461**

AN ORDINANCE AMENDING SCHEDULE VII "NO PARKING" OF CHAPTER 10.96 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING BUSCH AVENUE ALONG THE EAST SIDE FROM MIDDLE ROAD SOUTH TO THE ALLEY.

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

Section 1. That Schedule VII No Parking of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Busch Ave along the east side from Middle Rd south to the alley.

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.
Adopted 9/28/2022: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. First Consideration: Ordinance expanding the boundaries of the Central City and North Urban Revitalization Areas. [Wards 1, 2, 5, 6, 7, & 8]

MOVED TO SECOND CONSIDERATION

3. First Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District. [Ward 7]

MOVED TO SECOND CONSIDERATION

4. Resolution of support for Case ANX22-02 for the annexation of 25.84 acres, more or less, of territory located at the southwest corner of Slopertown Road and Hillandale Road to the City of Davenport, Iowa (Larry Edward Stoltenberg Trust, Petitioner). [Ward 8]

ADOPTED 2022-462

5. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2022-463**

Davenport Fire Antique and Restoration Society; 8th Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; Sunday, October 2, 2022 7:00 a.m. - 4:30 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Village of East Davenport Business Association; Village Hops; Village of East Davenport; Saturday, October 8, 2022 12:00 p.m. - 7:30 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from 11th Street north to the alley; Jersey Ridge Road from East 11th Street to East 12th Street. [Ward 5]

St. Paul the Apostle Catholic School; Trunk-or-Treat; 1007 East Rusholme Street; Friday, October 28, 2022 4:00 p.m. - 8:00 p.m.; **Closure:** East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

6. Resolution approving the submission of updated hazard mitigation actions and hazard scoring for Davenport to the Scott County Emergency Management Agency and Bi-State Regional Commission for the purpose of updating the 2023 Scott County Multi-Jurisdictional Hazard Mitigation Plan. [All Wards] **ADOPTED 2022-464**

7. Resolution accepting the pavement associated with Birchwood Grove First Addition. [Ward 6] **ADOPTED 2022-465**

8. Resolution accepting the pavement associated with Birchwood South First and Second Additions. [Ward 6] **ADOPTED 2022-466**

9. Resolution awarding a sole source contract for the Engine #2 overhaul at the Water Pollution Control Plant to Altorfer Inc of Davenport, Iowa in the amount of $139,325. [Ward 1]
ADOPTED 2022-467

10. Resolution authorizing the Mayor to execute the necessary documents to grant an underground electric easement to MidAmerican Energy Company across City-owned parcels P1315B04, P1315B03, and P1315B02, with said easement being the west 10 feet of each parcel. [Ward 5] **ADOPTED 2022-468**

11. Resolution approving a memorandum of understanding between the City of Davenport and Scott County, Iowa regarding the funding of specified joint projects. [All Wards]
ADOPTED 2022-469

12. Resolution approving the purchase of a Weiler P385C Asphalt Paver from Weiler Incorporated through Altorfer Cat of Davenport, Iowa in the amount of $295,350 using Sourcewell contract #060122-WLR. [All Wards] **ADOPTED 2022-470**

13. Resolution approving the purchase of two 2023 Ford F-450 trucks equipped with utility beds from Stivers Ford of Waukee, Iowa in the amount of $136,866 using State of Iowa Department of Administrative Services contract #23033. [All Wards] **ADOPTED 2022-471**

14. Resolution awarding a contract for the purchase of 13 heart monitor/defibrillator devices to Zoll Medical Corporation of Chelmsford, Massachusetts in the amount of $344,834.88, CIP #63017. [All Wards] **ADOPTED 2022-472**

15. Resolution awarding a contract for the sole source purchase of 11 cardio pulmonary resuscitation (CPR) devices to Physio Control of Redmond, Washington in the amount of $149,536.89, CIP #63017. [All Wards] **ADOPTED 2022-473**

16. Resolution awarding a sole source contract for the Vander Veer Conservatory/ Greenhouse Roof Repair project to Carlin Horticultural Supplies of Milwaukee, Wisconsin in the amount of $178,956.29, CIP #23065 and #23075. [Ward 5] **ADOPTED 2022-474**

17. Motion approving noise variance requests for outdoor events on the listed dates and times.
PASSED 2022-475

Riverfront Improvement Commission; Rolling on the River Car Show; LeClaire Park; Saturday, October 1, 2022 9:00 a.m. - 3:00 p.m.; Outdoor music, over 50 dBA. [Ward 3]

Davenport Peace; Peace Family Day; Emeis Park | 4500 West Locust Street; Saturday, October 1, 2022 11:00 a.m. - 9:00 p.m.; Outdoor music, over 50 dBA. [Ward 1]

International Fire Museum; 8th Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; Sunday, October 2, 2022 12:00 p.m. - 4:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 5]

Downtown Davenport Partnership; German Fest; Kaiserslautern Square | 119 East 3rd Street; Friday, October 14, 2022 6:00 p.m. - 10:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

18. Motion approving beer and liquor license applications. **PASSED 2022-476**

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

Ward 3

German American Heritage Center (German American Heritage Center) – 119 East 3rd Street - Temporary Event License "German Fest at K-Square" October 14 - License Type: Beer/Wine

Ward 6

Nally's Kitchen, Inc (Nally's Kitchen 2, LLC) - 2843 East 53rd Street – License Upgrade - License Type: Class C Liquor

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

Ward 2

Dhakals, LLC (Dhakals, LLC) - 3108 West Central Park Avenue – License Type: Class E Liquor

Rudy's Tacos (Majec, Inc) - 3502 West Kimberly Road #1 - License Type: Class C Liquor

Walgreens #03595 (Walgreen Co) - 1720 West Kimberly Road – License Type: Class E Liquor

Ward 3

Analog Arcade Bar (Analog, LLC) - 302 Brady Street - License Type: Class C Liquor

Armored Gardens (Armored Gardens, LLC) - 315 Pershing Avenue – Outdoor Area - License Type: Class C Liquor

Front Street Brewery (Front Street Brewery, Inc) - 208 East River Drive - Outdoor Area - License Type: Class C Liquor

German American Heritage Center (German American Heritage Center) – 712 West 2nd Street (4th Floor) - License Type: Beer/Wine

Mantra Indian Restaurant (Madan, LLC) - 220 North Harrison Street – License Type: Beer/Wine

The Renwick Mansion, LLC (The Renwick Mansion, LLC) - 901 Tremont Avenue - Outdoor Area - License Type: Class C Liquor

Ward 4

Rio Grande Mexican Restaurant Y Cantina, LLC (Rio Grande Mexican Restaurant Y Cantina, LLC) - 1414 West Locust Street - License Type: Class C Liquor

Walgreens #05239 (Walgreen Co) - 1660 West Locust Street – License Type: Class E Liquor

Ward 5

McClellan Stockade (Koellner Enterprises 6, LLC) - 2124 East 11th Street - Outdoor Area - License Type: Class C Liquor

QC Marts (Bethany Enterprises, Inc) - 1313 East River Drive - License Type: Class C Beer

Walgreens #11709 (Walgreen Co) - 1805 Brady Street - License Type: Class E Liquor

Ward 6

Bad BoyZ Pizza & Pub (3 Bad GirlZ, LTD) - 4706 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor

The Clubhouse (Clubhouse Beverage, LLC) - 4800 Elmore Avenue #100 - Outdoor Area - License Type: Class C Liquor

Costco Wholesale #1325 (Costco Wholesale Corporation) - 2790 East 53rd Street - License Type: Class E Liquor

Lindsay Park Yacht Club (Lindsay Park Yacht Club, Inc) - 2101 East River Drive - Outdoor Area - License Type: Class A Liquor

Staybridge Hotel (Shree Balaji, LLC) - 4729 Progress Drive - License Type: Beer/Wine

Walgreens #06186 (Walgreen Co) - 4011 East 53rd Street - License Type: Class E Liquor

Ward 7

Sanchos (Lorbil Enterprises Inc) - 307 East George Washington Blvd - License Type: Class C Liquor

Walgreens #04041 (Walgreen Co) - 1525 East Kimberly Road – License Type: Class E Liquor

Ward 8

Holiday Inn Express Hotel and Suites (Davenport Lodging Associates, LLC) - 401 Veteran's Memorial Parkway - License Type: Class B Liquor

19. Motion approving an agreement for engineering services for the Howell Street Lift Station Improvements with Veenstra & Kimm Inc in an amount not-to-exceed $82,500, CIP #33054. [Ward 3] **PASSED 2022-477**

20. Motion ratifying Change Order #7 with Tricon General Construction of Dubuque, Iowa in the amount of $13,669.20 for the Modern Woodmen Park Floodwall Extension and Workout Room Addition project, CIP #23049. [Ward 3] **PASSED 2022-478**

21. Motion awarding a contract for the Goose Creek Restroom Installation project to WRS Construction Inc of Davenport, Iowa in the amount of $86,354.86, CIP #64107. [Ward 8] **PASSED 2022-479**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

Following is a summary of revenue received for the month of August 2022:

Property Taxes	$120,614
Other City Taxes	$2,050,055
Special Assessments	$ -
Licenses & Permits	$203,901
Intergovernmental	$2,676,708
Charges for Services	$2,333,086
Use of Monies & Property	$124,512
Fines & Forfeits	$157,255
Bonds/Loan Proceeds	$ -
Miscellaneous	$ -

XV. Adjourn **6:59 p.m.**

Brian J. Krup

Brian J. Krup
Deputy City Clerk

City of Davenport

Department: City Clerk
Contact Info: Brian Krup | 563-326-6163

Action / Date
10/12/2022

Subject:
Approval of the Report on Committee of the Whole for October 5, 2022.

ATTACHMENTS:

	Type	Description
	Exhibit	COW Report 100522

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	10/6/2022 - 8:30 AM

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, October 5, 2022 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman Cornette. Upon the roll being called, all Aldermen were present except Alderwoman Lee and Alderwoman Dickmann (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderman Jobgen, and Alderman Ortiz).

There were no Public Hearings.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Gripp reviewed all items listed. On motion by Alderman Jobgen, second by Alderman Dunn item #2, Second Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District, moved to the Discussion Agenda with a recommendation for suspension of the rules and passage of third consideration, and the other item moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman Ortiz, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderwoman Meginnis all items moved to the Consent Agenda.

Council adjourned at **5:43 p.m.**

City of Davenport

Department: Office of the Mayor
Contact Info: Tiffany Thorndike | 563-326-7701

Action / Date
10/12/2022

Subject:
Civil Rights Commission
- Ethelene Boyd (re-appointment)
- Michael Guster (re-appointment)
- Jeff Transou (re-appointment)

Background:
Ethelene Boyd, Michael Guster, and Jeff Transou are all re-appointments to the Civil Rights Commission. Term dates for all three re-appointments are December 1, 2022 - November 30, 2024.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	10/6/2022 - 3:41 PM

City of Davenport

Department: Office of the Mayor
Contact Info: Tiffany Thorndike | 563-326-7701

Action / Date
10/12/2022

Subject:
Combined Construction Code Board of Appeals
- Steven Duncan (re-appointment)
- Gary Gibney (re-appointment)

Background:
Steven Duncan and Gary Gibney are both re-appointments to the Combined Construction Code Board of Appeals. Term dates for both re-appointments are November 1, 2022 - October 31, 2025. Steven Duncan continues to serve as the plumbing representative and Gary Gibney continues to serve as the resident representative, as required by City code.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	10/6/2022 - 3:44 PM

City of Davenport

Department: Office of the Mayor **Action / Date**
Contact Info: Tiffany Thorndike | 563-326-7701 **10/12/2022**

Subject:
Riverfront Improvement Commission
- Victoria Keninger (new appointment | 3rd Ward)

Background:
Victoria Keninger is a new appointment to the Riverfront Improvement Commission, serving as the 3rd Ward representative. Victoria is filling a vacancy created upon the passing of Patrick Walton. Term dates for this appointment are October 13, 2022 - April 30, 2028.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	10/6/2022 - 3:50 PM

City of Davenport

Department: Office of the Mayor
Contact Info: Samantha Torres | 563-327-5128

Action / Date
10/12/2022

Subject:
National Code Compliance Month | October 2022

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	9/30/2022 - 10:30 AM

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **10/12/2022**

Subject:
Second Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District. [Ward 7]

COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES FOR PASSAGE OF THIRD CONSIDERATION.

i. Motion for suspension of the rules.

ii. Passage of third consideration.

Recommendation:
Adopt the Ordinance.

Background:
The purpose of the rezoning request is to allow a change in building function from a funeral home to a reception facility. The Plan & Zoning Commission reviewed Case REZ22-04 at its September 6, 2022 meeting and has recommended approval subject to the listed findings.

Findings:

1. The preliminary plan provides a public benefit to the City.
2. The proposed planned unit development meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
5. There is adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Planned Unit Developments (PUD) are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City.

A PUD is subject to the underlying district regulations, including use, unless an exception is specifically granted. The City Council may grant exceptions to the zoning district regulations, including use, for a PUD, however the applicant must demonstrate substantial benefit to the City.

SCI Funeral Services, Inc. has submitted a preliminary plan for consideration.

1. **Meeting space for City events** – The City may use the facility, at a reduced, cost-covering

rate, for meetings, gatherings or events, subject to availability within standard operating hours.

2. **Formal garden** – The petitioner will incorporate the addition of a formal garden filled with native grasses, plants, and flowers to the west side of the property for the public to enjoy.
3. **Not-for-profit benefit** – As a benefit to the City's nonprofit entities, the applicant will offer rental of the facility at reduced, cost-covering rates, subject to availability within standard operating hours.

The formal garden and adaptive reuse of the existing building satisfy the threshold required for a Planned Unit Development. If approved, the new use of the facility will be more aligned with a Community Center.

Comprehensive Plan: Within Existing Urban Service Area: Yes

Future Land Use Designations: Parks and Recreation in the Davenport +2035 Land Use Plan.

Zoning: S-OS Open Space District

Public Input: Letters were sent to property owners within 200 feet of the proposed request notifying them of the July 5, 2022 Plan and Zoning Commission Public Hearing. To date, staff have not received any responses from adjacent property owners.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Planned Unit Development Request
🗋	Backup Material	Section 17.14.080 Planned Unit Development
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Legal Description
🗋	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/15/2022 - 2:03 PM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ22-04 BEING THE REQUEST OF SCI IOWA FUNERAL SERVICES INC TO ESTABLISH A PLANNED UNIT DEVELOPMENT AT 1200 EAST 39TH STREET TO GRANT AN EXCEPTION TO ALLOW FOR A RECEPTION FACILITY WITHIN THE S-OS OPEN SPACE.

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

Section 1. Planned Unit Developments are a special approval intended to encourage and allow more flexible development of land than is possible under district zoning regulations. Underlying zoning district dimensional, design, and use regulations continue to apply except as modified through the PUD approval process. The Council may grant exceptions to the zoning district regulations, including use, for a planned unit development when an applicant demonstrates a substantial benefit to the City of Davenport, Iowa.

Section 2. SCI Iowa Funeral Services Inc has submitted a preliminary plan to provide the following benefit:

1. Meeting space for City events – The City may use the facility, at a reduced, cost-covering rate, for meetings, gatherings, or events, subject to availability within standard operating hours.
2. Formal garden – The petitioner will incorporate the addition of a formal garden filled with native grasses, plants, and flowers to the west side of the property for the public to enjoy.
3. Not-for-profit benefit – As a benefit to the City's nonprofit entities, the applicant will offer rental of the facility at reduced, cost-covering rates, subject to availability within standard operating hours.

Section 3. The following described unit of Scott County, Iowa real estate is hereby granted an exception to allow a reception facility in the "S-OS" Open Space District:

LOT 2 OF DAVENPORT MEMORIAL PARK ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA

Section 4. At its September 6, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-04 to the City Council with a recommendation for approval with the following findings:

1. The preliminary plan provides a public benefit to the City.
2. The proposed planned unit development meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
5. There is adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

PRELIMINARY PLAN DOCUMENT FOR CONSIDERATION
CUNNICK-COLLINS LIFE CELEBRATION CENTER
SUBMITTED: AUGUST 18, 2022

OVERVIEW, USE & INTENDED USE

Through numerous years of operations, SCI Iowa Funeral Services, Inc. ("SCI") has maintained a positive relationship with the City of Davenport ("City") while respectfully serving residents with their funeral and cemetery needs. In 2020 SCI acquired all of the operating assets of the Cunnick-Collins Mortuary ("Cunnick-Collins"), located at 1200 East 39th Street.

Increasingly in recent years, clientele of both our funeral homes and our cemetery have repeatedly requested that we provide spaces for more contemporary memorial gatherings, as well as dedicated reception space to accommodate catered luncheons following funeral/or and cemetery services. The tucked-in nature of the Cunnick-Collins facility on cemetery ground already owned by SCI, and adjacent to three other cemeteries along 39th Street, lends itself very well to accommodating these requests.

To meet this need in our community, SCI has extensively renovated this facility, in full compliance with City building code requirements, with flexible space to accommodate both contemporary celebration of life/memorial services as well as funeral-related reception events, while still accommodating those in our community who desire more traditional funeral events at our other funeral home locations.

With this facility now re-designed to celebrate meaningful funeral-related events, it seems a natural extension to host other substantially similar events in the lives of families not specifically related to funeral or memorial events.

While not an exhaustive list, specific examples of similar meaningful life events that often involve a gathering, open house, and/or reception could include a 50th wedding anniversary, an 80th birthday, wedding or baby showers, first communion/confirmation, bar mitzvah/bat mitzvah, graduation, or retirement to name a few. All are meaningful events in the lives of citizens, their families, and our community, and many choose to celebrate them with various types of gatherings.

Rebranded as the Cunnick-Collins Life Celebration Center ("Celebration Center"), we have already received requests for non-funeral-related occasions, including birthday gatherings and a graduation open house – despite the fact that we have not marketed at all for such events. While this seems to affirm community interest for this type of facility, we are reluctantly declining the facility to these residents due to current zoning restrictions.

While we have initially sought rezoning from S-OS to C-1 for this parcel to accommodate our intended use of Reception Hall, the City's initial response to our rezoning request has caused us to better understand the concept of "spot zoning", and the challenges it creates for the City.

PLANNED UNIT DEVELOPMENT CONSIDERATION

As an alternative to pursuing our rezoning request, we believe the City's Planned Unit Development ("PUD") process as outlined in Code 17.14.080 offers a more favorable path as we seek to expand the facility's use, while providing compensating amenities to the City and certain public benefit.

PRELIMINARY PLAN DOCUMENT FOR CONSIDERATION
CUNNICK-COLLINS LIFE CELEBRATION CENTER
SUBMITTED: AUGUST 18, 2022

In addition to continued use allowed in S-OS zoning, we seek your consideration of our request to use the facility more adaptively with certain Reception Hall and Community Center functions in exchange for the following amenities and benefits:

- **Meeting Space For City Events** – The City may use the facility, at a reduced, cost-covering rate, for meetings, gatherings or events, subject to availability within standard operating hours.

- **Formal Garden** – We will incorporate the addition of a formal garden filled with native grasses, plants, and flowers to the west side of our property for the public to enjoy.

- **Not-For-Profit Benefit** – As a benefit to the City's nonprofit entities, we will offer rental of the facility at reduced, cost-covering rates, subject to availability within standard operating hours.

FUTURE PLANS & SUMMARY

As we evolve to meet the changing needs of our customers, we will offer third-party catering options to all renters of our facility as well as complimentary on-site event coordination provided by a professional event planner. Recognizing that security may be a concern for some, we have proactively contracted with Per Mar Security to provide security personnel on location when needed.

Other future plans potentially include creating a tasteful and secure patio on the north side of the facility to host wedding ceremonies outside. This would allow us to host a ceremony outside and a reception inside.

We value our longstanding positive relationship with the City and its residents, both as a professional service provider and as a good community steward. As we seek to enhance our service offerings in response to requests from community members, we intend to do so in this same spirit: with high levels of respect for our patrons, our neighbors, and the community at large.

Thank you in advance for your thoughtful consideration of this request. We are grateful for the opportunity to pursue this alternative PUD path in order to better serve our community with this facility, and certainly welcome continued conversations toward a positive outcome for all involved.

Section 17.14.080 Planned Unit Development

A. Purpose

Planned unit developments (PUD) are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City. The underlying zoning district dimensional, design, and use regulations apply to a PUD unless specifically modified through the approval process. Through the flexibility of the planned unit development technique, a PUD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.

2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.

3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.

4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.

5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.

6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.

7. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

B. Initiation

The entire property proposed for the planned unit development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

C. Authorization

A planned unit development is authorized in all zoning districts.

D. Exceptions From District Regulations

1. A planned unit development is subject to the underlying district regulations, including use, unless an exception is specifically granted. The Plan and Zone Commission may recommend and the City Council may grant exceptions to the zoning district regulations, including use, for a planned unit development.

2. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:

a. Enhance the overall merit of the planned unit development.

b. Promote the objectives of both the City and the development.

c. Enhance the quality of the design of the structures and the site plan.

d. Will not cause excessive adverse impact.

e. Are compatible with adopted City land use policies.

f. Provide a public benefit to the City, as described below.

3. The underlying zoning district regulations, including use, apply unless an exception is granted as part of the planned unit development approval. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:

a. Community amenities including plazas, malls, formal gardens, and pedestrian facilities.

b. Preservation of existing environmental features.

c. Preservation of historic features.

d. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails and fitness courses, and playgrounds, dog parks, skate parks, and similar recreational features.

e. Reduction of impervious surface throughout the development below the threshold required by the district.

f. Adaptive reuse of existing buildings.

g. Provision of public car and/or bike share facilities

h. Affordable housing set-asides.

E. Procedure

The following procedures, requirements, restrictions, and conditions are required. The approval of a planned unit development includes a pre-application consultation, preliminary plan approval, and final plan approval.

1. Pre-Application Consultation

a. Prior to formal submittal of an application, a pre-application conference with the Zoning Administrator is required.

b. At a pre-application consultation, the applicant must provide:

i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.

ii. A summary of the public benefits and amenities and any anticipated exceptions to this Ordinance.

iii. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.

c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of the preliminary plan, so that the applicant may determine whether the proposed planned unit development is in compliance with this Ordinance and other applicable regulations, and whether the proposed planned unit development aligns with the adopted land use policies of the City.

d. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Zoning Administrator are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

2. Preliminary Plan

An application for a preliminary plan for a planned unit development must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan and Zoning Commission.

a. Action by the Plan and Zoning Commission

i. After receipt of a complete application, the Plan and Zoning Commission will consider the preliminary plan at a public hearing.

ii. Within 30 days of the close of the public hearing, the Plan and Zoning Commission must forward its recommendation to the City Council, unless an extension is agreed to by the applicant.

iii. The Plan and Zoning Commission must evaluate the preliminary plan based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the preliminary plan.

b. Action by City Council

The City Council will review the preliminary plan upon receipt of the Plan and Zoning Commission recommendation, and must approve, approve with conditions, or deny the preliminary plan.

c. Conditions

The Plan and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

d. Approval Standards

The recommendation of the Plan and Zoning Commission and decision of the City Council must make a finding that the following standards for a planned unit development have generally been met.

i. The proposed planned unit development meets the purpose of a planned unit development.

ii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.

iii. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.

iv. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. A traffic study may be required to provide evidence that the circulation system is adequate.

v. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

e. Expiration

i. The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within one year after the date the City Council grants preliminary plan approval. As part of the approval of the preliminary plan, the City Council may extend this period of time including approval of a phasing plan where the validity period is longer than one year for the planned unit development.

ii. An extension of this one year period may also be granted by the City Council if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

3. Final Plan

Following the approval of the preliminary plan, an application for a final plan for a planned unit development must be filed with the Zoning Administrator.

a. Action by Zoning Administrator

The Zoning Administrator will review the final plan upon receipt of the complete final plan application and take the following action:

i. If the final plan is in substantial compliance with the approved preliminary plan, the Zoning Administrator will recommend approval of the final plan to the Plan and Zoning Commission. The Zoning Administrator will certify to the Plan and Zoning Commission that the final plan is in substantial conformance with the previously filed preliminary plan.

ii. If the final plan is not in substantial conformance with the approved preliminary plan, the Zoning Administrator must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Zoning Administrator with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Zoning Administrator render a decision to be forwarded to the Plan and Zoning Commission. In such case, the Zoning Administrator will recommend to the Plan and Zoning Commission that the final plan be denied and the plan and recommendation will be forwarded to the Plan and Zoning Commission.

b. Action by Plan and Zoning Commission

Upon receipt of the Zoning Administrator recommendation, the Plan and Zoning Commission must review the final plan. The Plan and Zoning Commission must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect. Alternatively, the applicant may submit the final plan as a new preliminary plan at the preliminary plan stage.

c. Effect of Approval

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned unit development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Ordinance and constitutes grounds for revocation of all approvals granted for the planned unit development.

d. Expiration

i. The final plan approval expires if a building permit has not been issued within two years after the date of final plan approval. As part of the Plan and Zoning Commission approval of the final plan, the Plan and Zoning Commission may extend this period of time including approval of a phasing plan where the validity period is longer than two years for the PUD.

ii. An extension of this two year validity period may be granted by the City Council prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval.

F. Modifications to Approved Final Plans

No adjustments may be made to the approved final plan, except upon application to the City in accordance with the following.

1. Administrative Modifications

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Zoning Administrator, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Plan and Zoning Commission. No notice is required for an administrative modification.

a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.

b. Changes in building location of no more than ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.

c. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.

d. Changes to a structure that do not increase the building footprint, gross floor area, or height.

e. Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.

f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.

g. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Ordinance.

h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

2. Minor Modifications

The Plan and Zoning Commission may approve the following minor modifications to an approved final plan when it is determined by the Plan and Zoning Commission that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Plan and Zoning Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the City Council. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

a. An increase or decrease in building height of up to 10%.

b. An increase or decrease in building coverage up to 10%.

c. A change of in the location of walkways, vehicle circulation ways, and parking areas over ten and up to 20 feet.

d. An increase or decrease in the number of parking spaces of up to 20 parking spaces.

e. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.

f. Altering any final grade by no more than 20% of the originally planned grade.

3. Major Modifications

a. The City Council may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:

i. Any request for an extension of time of the approved final plan.

ii. Changes to any conditions imposed as part of the approved final plan.

iii. Reductions or alterations in the approved public benefit and amenities to be provided.

iv. Any development action that does not comply with zoning district regulations.

b. All major modifications to the final plan must be approved by the City Council in a public hearing. The City Council may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted City land use policies.

c. Upon review of the proposed major modifications, the City Council may determine that the proposed modifications constitute a new planned unit development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section. The applicant may submit the final plan as a new preliminary plan at the preliminary plan stage.

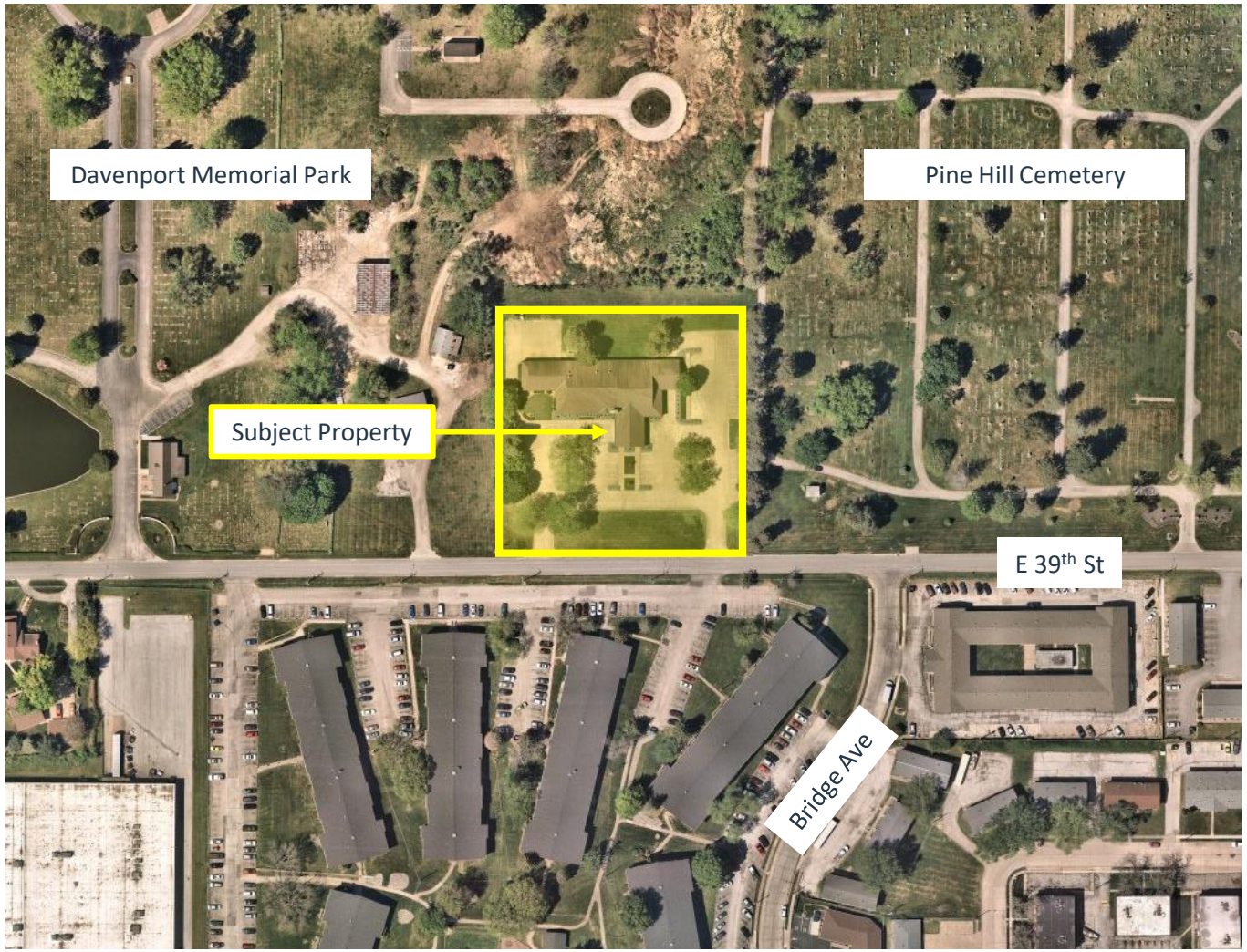
Vicinity Map

DAVENPORT
IOWA | USA

Existing Use:
Cunnick-Collins Mortuary & Cremation Service

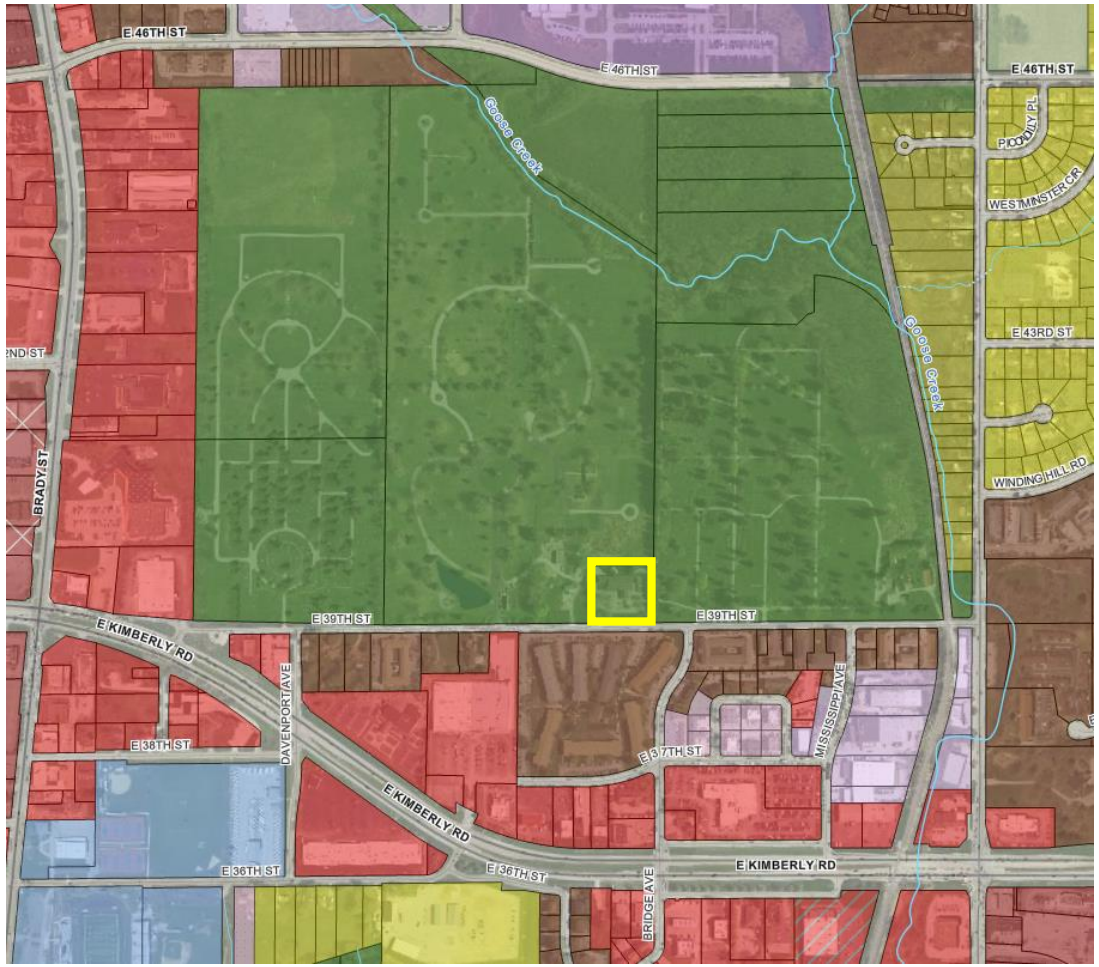
Purpose of the Request:
The owner is requesting a rezoning to allow a change in building function from a Funeral Home to a Reception Facility.

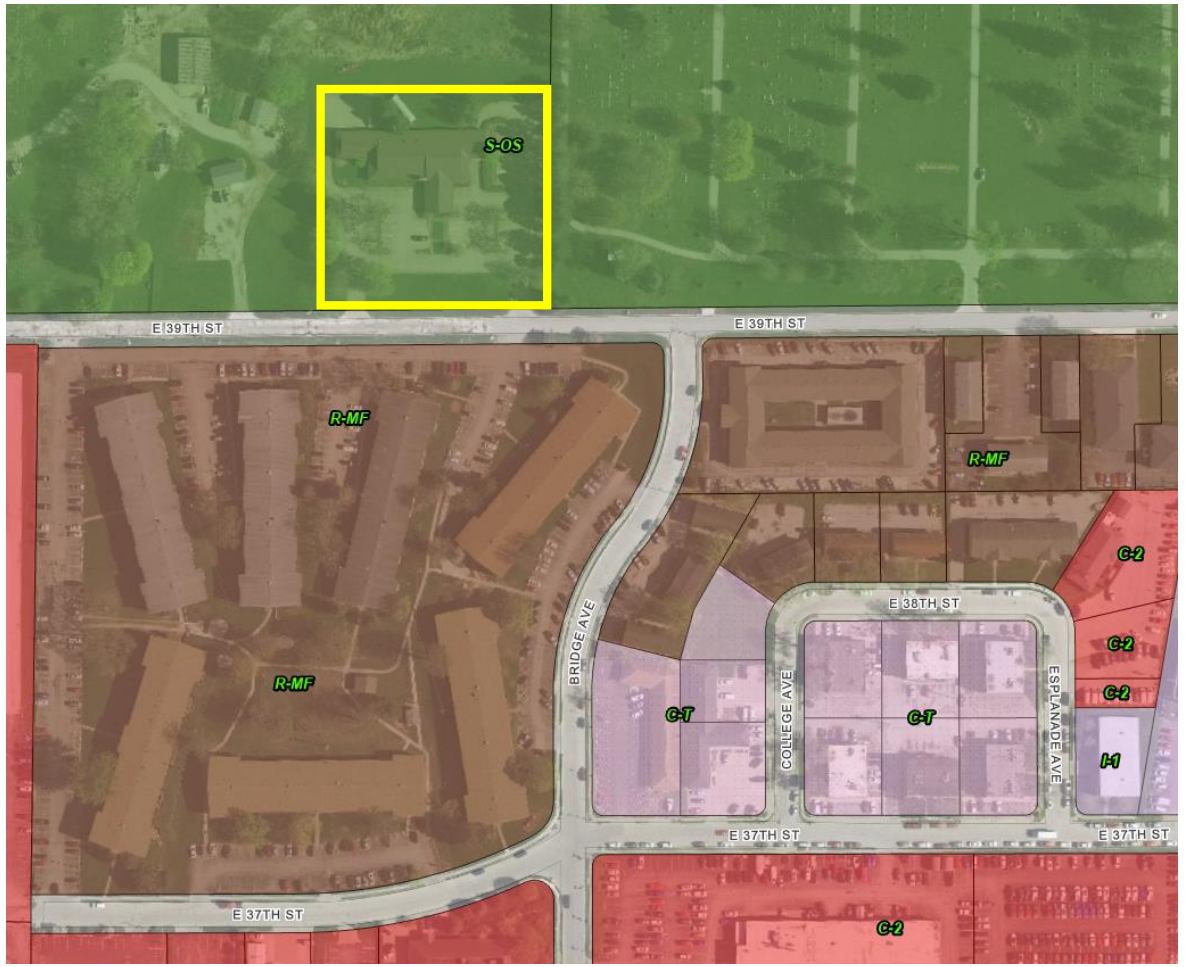




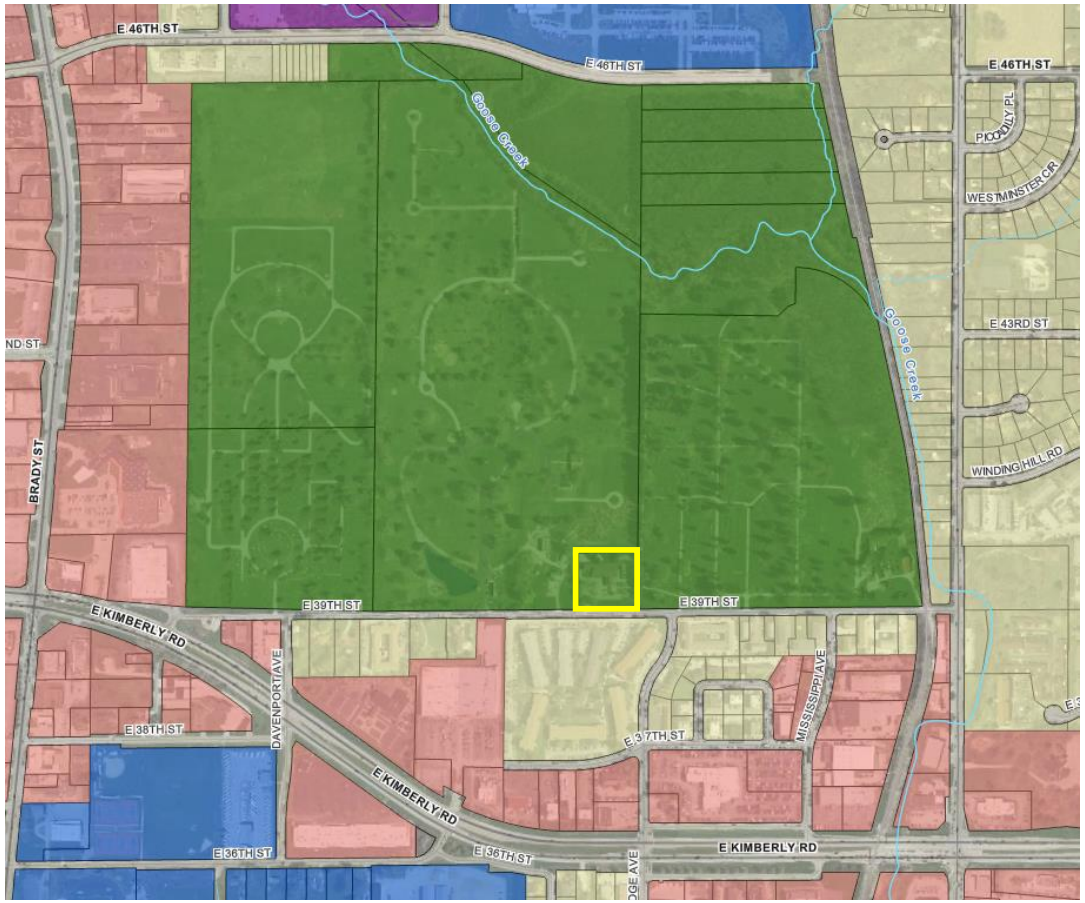
Zoning Map

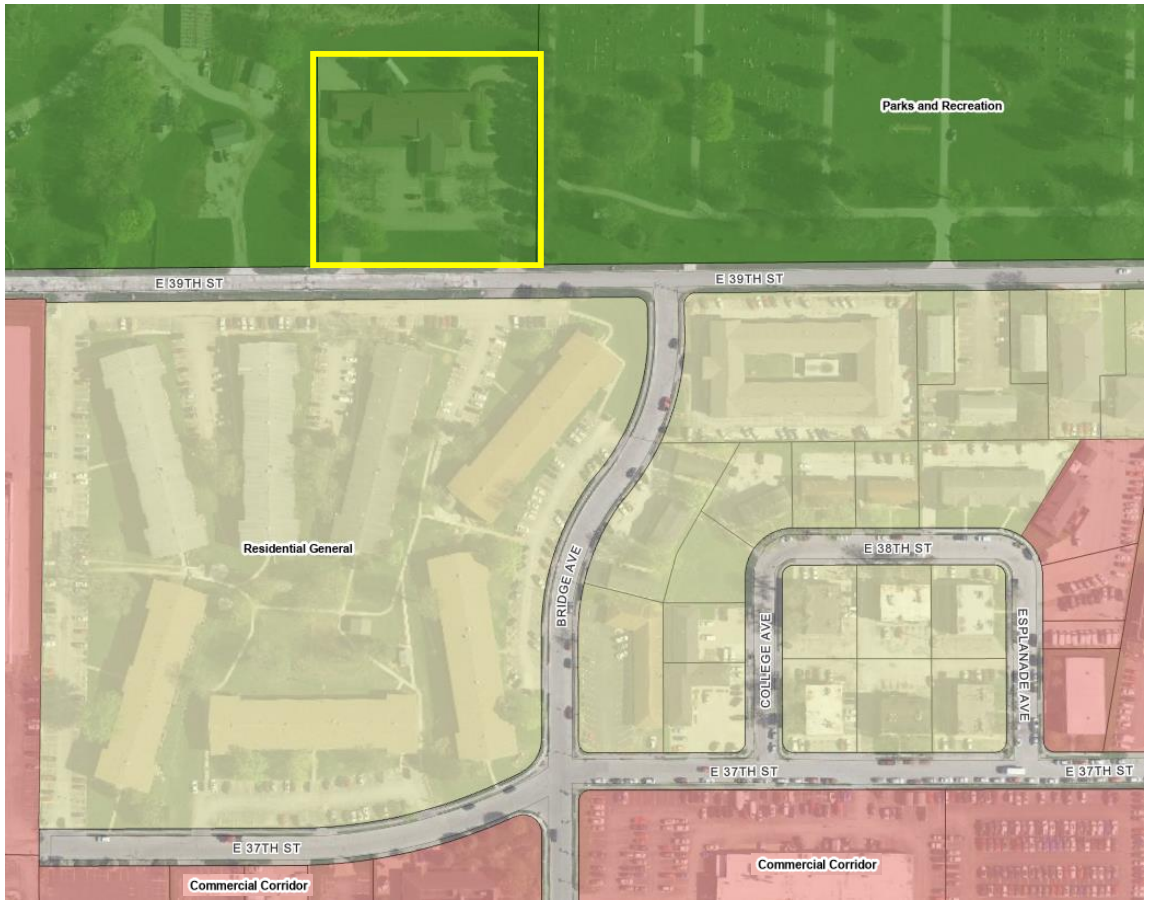
DAVENPORT
IOWA | USA





Future Land Use Map







Complete application can be emailed to: planning@davenportiowa.com

Property Address* 1200 EAST 39TH STREET; DAVENPORT, IA 52807
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:	TRAVIS RIGDON - MARKET MANAGER
Company:	SCI IOWA FUNERAL SERVICES, INC.
Address:	1200 EAST 39TH STREET
City/State/Zip:	DAVENPORT, IA 52807
Phone:	972-762-8109
Email:	travis.rigdon@sci-us.com

Owner (if different from Applicant)

Name:	TRAVIS RIGDON - MARKET MANAGER
Company:	SCI IOWA FUNERAL SERVICES, INC.
Address:	1929 ALLEN PARKWAY
City/State/Zip	HOUSTON, TX 77019
Phone:	972-762-8109
Email:	travis.rigdon@sci-us.com

Engineer (if applicable)

Name:	ANDY LOGSDON, PE
Company:	BRUNER, COOPER & ZUCK, INC.
Address:	835 GOLDEN VALLEY DRIVE
City/State/Zip	BETTENDORF, IA 52722
Phone:	563-355-1856
Email:	all@bczengineering.com

Architect (if applicable)

Name:	DAVID NICHOLS, AIA
Company	BRUNER, COOPER & ZUCK, INC.
Address:	835 GOLDEN VALLEY DRIVE
City/State/Zip:	BETTENDORF, IA 52722
Phone:	563-355-1856
Email:	djn@bczengineering.com

Attorney (if applicable)

Name:	
Company:	
Address:	
City/State/Zip:	
Phone:	
Email:	

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

Application Form Type:

Plan and Zoning Commission
- Zoning Map Amendment (Rezoning) ☑
- Planned Unit Development ☐
- Zoning Ordinance Text Amendment ☐
- Right-of-way or Easement Vacation ☐
- Voluntary Annexation ☐

Zoning Board of Adjustment
- Zoning Appeal ☐
- Special Use ☐
- Hardship Variance ☐

Design Review Board
- Design Approval ☐
- Demolition Request in the Downtown ☐
- Demolition Request in the Village of East Davenport ☐

Historic Preservation Commission
- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

Administrative
- Administrative Exception ☐
- Health Services and Congregate Living Permit ☐

Request:

Existing Zoning: S-OS

Proposed Zoning Map Amendment: C-1

Purpose of the Request:

The Owner is requesting that the parcel be rezoned to allow a change in building function from Funeral Home t

Total Land Area: 1.93 Acres

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☑ No

Submittal Requirements:

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
  Zoning Map Amendment is less than 1 acre - $400.
  Zoning Map Amendment is one acre but less than 10 acres - $750 plus $25/acre.
  Zoning Map Amendment is 10 acres or more - $1,000 plus $25/acre.
  $10.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:

(1) Application:
- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Plan and Zoning Commission public hearing:
- The City shall post notification sign(s) in advance of the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request.
- The applicant shall make a presentation regarding the request at a neighborhood meeting. The purpose of meeting is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process. Planning staff will coordinate meeting date, time, and location and send notices to surrounding property owners.
- The Plan and Zoning Commission will hold a public hearing on the request. Planning staff will send notices to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request may only be approved by a favorable 3/4 vote of the City Council.

Formal Procedure (continued):

(4) City Council's consideration of the request:

- The Committee of the Whole (COW) will hold a public hearing on the request. Planning staff will send a public hearing notice to surrounding property owners.
- If property owners representing 20% or more of the area within 200 feet of the exterior boundaries of the request submit a written protest, the request may only be approved by a favorable 3/4 vote of the City Council. For the purpose of the 20% protest rate, formal protests will be accepted until the public hearing is closed.
- The City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Travis Rigdon Date: 04/28/2022

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

Received by: _____ Date: _____

Planning staff

Date of the Public Hearing: _____

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

Unique Doc ID: 1617669
Recorded: 9/30/2020 at 4:24:17.0 PM
County Recording Fee: $12.00
Iowa E-Filing Fee: $3.00
Combined Fee: $15.00
Revenue Tax: $1,376.80
Rita A. Vargas RECORDER
Number: 202000030104
Scott County, Iowa

Prepared by: Philip D. Brooks, Simmons Perrine Moyer Bergman PLC
115 Third Street SE - Suite 1200, Cedar Rapids, Iowa 52401 (319) 366-7641
Return to: SCI Iowa Funeral Services, Inc.: 1929 Allen Pkwy, Houston, TX 77019

SPACE ABOVE THIS LINE FOR RECORDER

Address Tax Statements: SCI Iowa Funeral Services, Inc.: 1929 Allen Pkwy, Houston, TX 77019
Real Estate Parcel Identification Number: P1306-02-C.

CORPORATE WARRANTY DEED

For the consideration of one dollar and other valuable consideration, **MAR-CHAR ENTERPRISES, INC.**, an Iowa corporation, does hereby convey to **SCI IOWA FUNERAL SERVICES, INC.**, an Iowa corporation, the following described real estate in Scott County, Iowa:

Lot 2 of Davenport Memorial Park Addition to the City of Davenport, Scott County, Iowa;

subject to easements, covenants, conditions and restrictions of record.

Grantor does hereby covenant with grantee, and successors in interest, that grantor holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantor covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 9-9-, 2020

MAR-CHAR ENTERPRISES, INC.,
an Iowa corporation

By: _____
Marcus Cunnick, President

STATE OF IOWA, COUNTY OF JOHNSON, ss:

This instrument was acknowledged before me on the 9th day of September, 2020, by Marcus Cunnick, as President of **MAR-CHAR ENTERPRISES, INC.**, an Iowa corporation.

PHILIP D. BROOKS
COMMISSION NO. 107505
MY COMMISSION EXPIRES
8-24-22

_____
Notary Public in and for said State
My Commission Expires: _____

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 7/5/2022 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:00 PM Subject: Public Hearing for a Rezoning Request before the Plan and Zoning Commission

To: All property owners within 200 feet of the subject property located at 1200 East 39th Street

What is this About?
This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property is currently zoned S-OS Open Space District. The property owner is requesting a rezoning to C-1 Neighborhood Commercial District to allow a change in building function from a funeral home to a reception facility.

Request/Case Description
Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

What are the Next Steps after the Public Hearing?
The Plan and Zoning Commission will hold a formal public hearing at their meeting on July 5, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on July 19, 2022. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?
As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

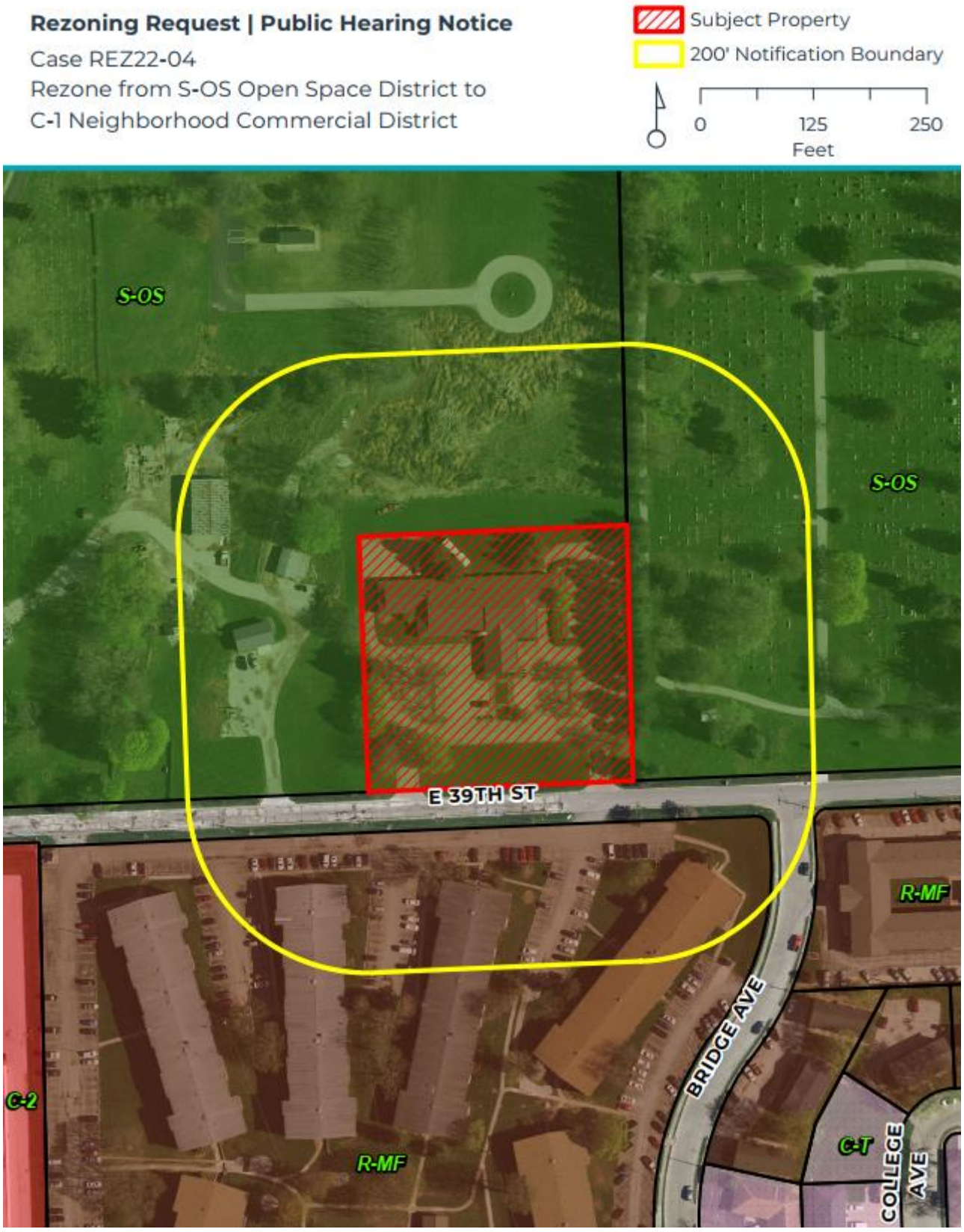
Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Rezoning Request | Public Hearing Notice

Case REZ22-04

Rezone from S-OS Open Space District to C-1 Neighborhood Commercial District



Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807

T | 563.326.6198
E | contactus@davenportiowa.com

davenportiowa.com/DNS

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Bruce Berger | 563-326-7769 **10/12/2022**

Subject:
Second Consideration: Ordinance expanding the boundaries of the Central City and North Urban Revitalization Areas. [Wards 1, 2, 5, 6, 7, & 8]

Recommendation:
Adopt the Ordinance.

Background:
On May 31, 2022, the City Council met in a Management Update Meeting to review potential new areas to include in the Urban Revitalization Tax Exemption program. A Public Hearing on inclusion of these new areas was held at the August 17, 2022 Committee of the Whole meeting.

The attachments show the proposed new areas to be included as well as the exemption schedules. If approved, the properties within the new areas can apply for URTE benefits for eligible improvements made within the 2022 calendar year.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	URTE Map
🗋	Backup Material	URTE Schedules
🗋	Backup Material	Legal Description of Additions

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	9/15/2022 - 8:42 AM

ORDINANCE NO. _____

ORDINANCE EXPANDING THE BOUNDARIES OF THE CENTRAL CITY AND NORTH URBAN REVITALIZATION AREAS.

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

WHEREAS, Section 404.1 of the Code of Iowa provides the authority for a local governing body to designate an area as an urban revitalization area when said area is deemed to meet the conditions of an economic development area as defined in Section 403.17, which is therein defined as an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development; and

WHEREAS, the area proposed and described in the Davenport 2022 Urban Revitalization Area Plan for Central City and North Areas is such an area; and

WHEREAS, the Davenport 2022 Urban Revitalization Area Plan for Central City and North Areas (hereinafter "Plan") was drafted and presented for public comment with written notification mailed to all owners of real property within the proposed expanded area and published a notice of a Public Hearing that was held on August 17, 2022; and

WHEREAS, in the future any changes and/or amendments to the Davenport 2022 Urban Revitalization Area Plan for the Central City and North Areas or subsequent Plans may be enacted by a Resolution.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Davenport, Iowa the expanded boundaries of the Davenport 2022 Urban Revitalization Area Plan for the Central City and North Areas are hereby approved.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful

provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

_____ _____

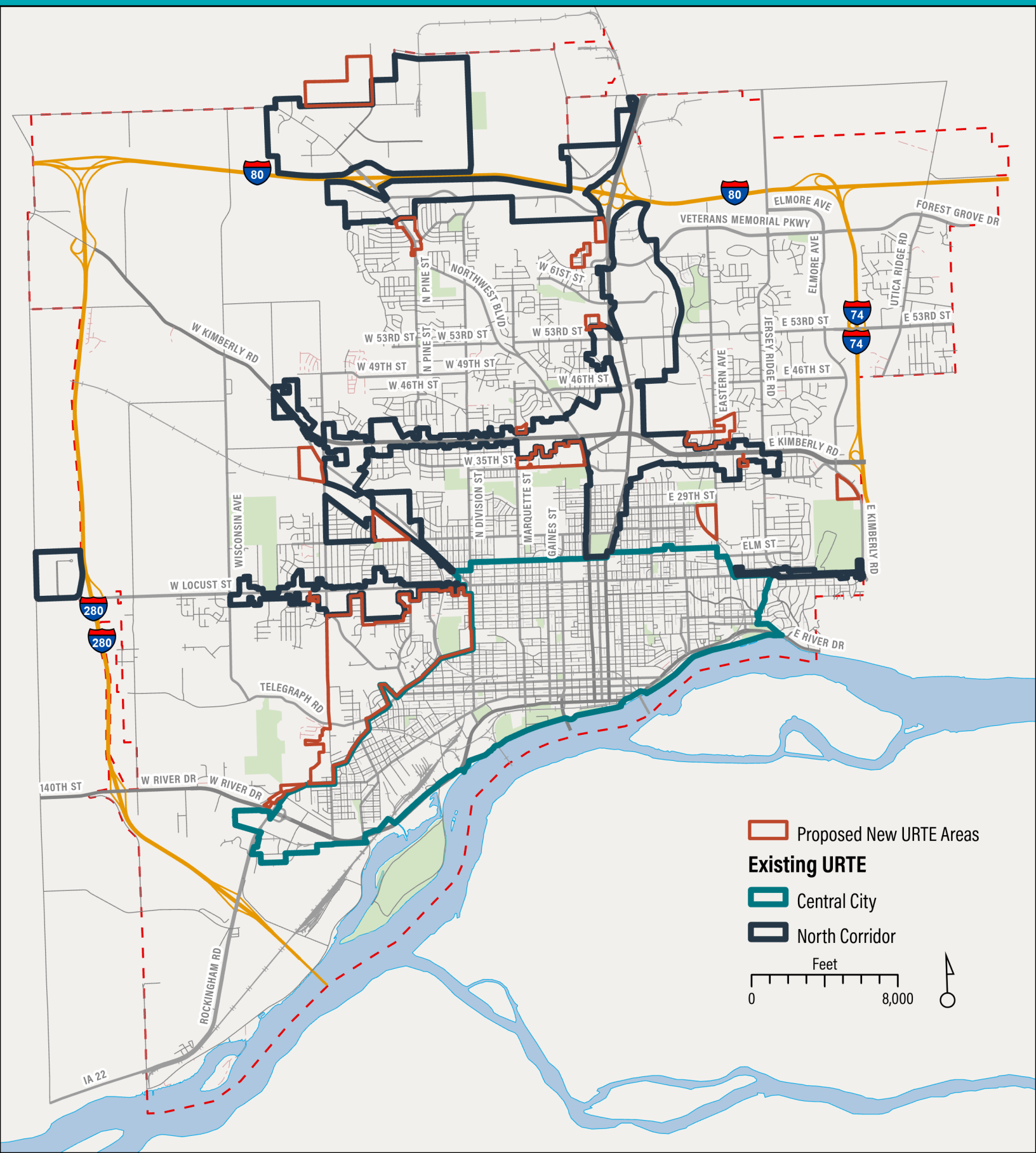
Mike Matson
Mayor

Brian Krup
Deputy City Clerk

THE CITY OF DAVENPORT
IOWA | USA

URTE

Proposed New Areas



URTE Schedules

Exemption Schedule	Use	How much of improvement's value is exempted?
Central 1	Commercial & Industrial	1st yr- 80% 2nd yr- 70% 3rd yr- 60% 4th yr- 50% 5th & 6th yr- 40% 7th & 8th yr- 30% 9th & 10th yr- 20%
Central 2	Commercial & Industrial	100% for 3 years
Central 3	Residential & Multi Residential	100% for 10 years
North 1	Residential, Commercial, Multi Residential & Industrial	1st yr- 80% 2nd yr- 70% 3rd yr- 60% 4th yr- 50% 5th & 6th yr- 40% 7th & 8th yr- 30% 9th & 10th yr- 20%
North 2	Residential, Commercial, Multi Residential & Industrial	100% for 3 years

7000 Brady Street

Part of the Northeast Quarter of Section 2, Township 78 North, Range 3 East of the 5th P.M., being more particularly described as follows:
Commencing, as a point of reference, at the northeast comer of the Northeast Quarter of said Section 2; Thence South 00 degrees 02 minutes 18 seconds East 1326.37 feet along the east line of the Northeast Quarter of said Section 2 to the northeast comer of the Southeast Quarter of the Northeast Quarter of said Section 2; thence South 89 degrees 13 minutes 41 seconds West 249.25 feet along the north line of the Southeast Quarter of the Northeast Quarter of said Section 2 to a point on the westerly right of way line of U. S. Highway 61, said point being the POINT OF BEGINNING of the tract of land hereinafter described: THENCE South 19 degrees 49 minutes 00 seconds East 153.65 feet along said westerly right of way line; THENCE southeasterly 326.37 feet along said westerly right of way line being a curve concave westerly having a radius of 1046.00 feet and a chord bearing and dimension of South 10 degrees 52 minutes 45 seconds East 325.05 feet; THENCE South 02 degrees 36 minutes 24 seconds East 496.65 feet along said westerly right of way line; THENCE South 00 degrees 44 minutes 33 seconds East 337.86 feet along said westerly right of way line to a point on the north right of way line of West 67th Street as now established in the City of Davenport, Iowa; THENCE South 89 degrees 23 minutes 11 seconds West 584.98 feet along said north right of way line to a point on the east line of the West Half of the Southeast Quarter of a Northeast Quarter of said Section 2; THENCE North 00 degrees 01 minutes 20 seconds West 1298.00 feet along the east line of the West Half of the Southeast Quarter of the Northeast Quarter of said Section 2 to a point on the north line of the Southeast Quarter of the Northeast Quarter of said Section 2; THENCE North 89 degrees 13 minutes 41 seconds East 445.09 feet along the north line of the Southeast Quarter of the Northeast Quarter of said Section 2 to the point of beginning, Scott County, Iowa. More commonly known as 7000 Brady Street; Parcel X0223-31.

Annie Witt

Part of the East ½ of Section 24, Township 78 North, Range 3 East of the 5th P.M., being more particularly described as follows: Commencing at the S.E. corner of the N.E. ¼ of said Section 24; thence East 30.0 Ft. along the South line of the N.E. ¼ of said Section 24 to the point of beginning; thence S00˚ 44' W 602.14 ft. to the point of intersection of the West R.O.W line of Eastern Avenue with the Northeasterly R.O.W. line of CM&St.P. Railroad; thence Northwesterly 128.89 ft. along the Northeasterly R.O.W. line of said Railroad being a curve concave Southwesterly with a radius of 3870.0 ft. and having a long chord being N. 46˚52'W; thence N.47˚50' W 454.00 ft. along said Railroad R.O.W. line; thence Northwesterly 526.28 ft. along said Railroad R.O.W. being a curve concave Northeasterly with a radius of 1587.14 ft. and having a long chord bearing N.38˚20'W 523.91 ft.; thence Northerly 1146.95 ft. along said Railroad R.O.W. being a curve concave Northeasterly with a radius of 2084.16 ft. having a long chord bearing N13˚04'W 1132.62 ft. to a point of the South R.O.W. line of 29th St.; thence S.89˚57E. 1101.03 ft. along the said South line of 29th St.; thence Southerly 31.58 ft. along a curve concave Westerly with a radius of 20.0 ft. to a point on the Westerly line of Eastern Ave.; thence S00˚31'W 1284.30 ft. along the West line of Eastern Ave. to the point of beginning containing 31.90 acres more or less; (also known as part of the Annie Wittenmyer Home property described as Tract B-1 and Tract B-2 in the Roy R. Fisher, Inc. appraisal) together with any easements or servient estates appurtenant thereto. More commonly known as 2800 Eastern, Parcel C0025-01A.

Central City Addition

Beginning at the northwest corner of the intersection of the west right of way line of North Division Street and the north right of way line of West 9th Street;
Thence, Southwesterly on the north right of way line of said West 9th Street and the north right of way line of Telegraph Road, to the southwest corner of the premises described in a Warranty Deed recorded November 11, 2019 as Document number 2019-30911 in the Scott County Recorder of Deeds Office;
Thence, Northwesterly on the east line of said premises;
Thence, Southwesterly on the north line of said premises;
Thence, Southeasterly on the west line of said premises, to the north right of way line of Telegraph Road;
Thence, Southwesterly on said right of way line, to the intersection of said right of way line with the northerly extension of the west right of way line of South Clark Street;
Thence, South on said west right of way line and the northerly extension thereof, to the northwest corner of the intersection of said west right of way line with the northwesterly right of way line of Indian Road;
Thence, Southwesterly on said northwesterly right of way line, to the intersection of said line with the north right of way line of May Lane;
Thence, Westerly on said north right of way line, to the intersection of said line with the east right of way line of South Fairmount Street;
Thence, North on said east right of way line, to the north right of way line of Diehn Avenue;
Thence, West to the west right of way line of South Fairmount Street and the northeast corner of the Davenport and Rock Island Hebrew Cemetery Association property;
Thence, West on the north line of said cemetery, to the northwest corner of said cemetery;
Thence, South on the west line of said cemetery, to the southwest corner of said cemetery;
Thence, East on the south line of said cemetery, to the southwest corner of Grover's 2nd Addition;
Thence, North on the west line of said Addition, to the northwest corner of said Addition;
Thence, East on the north line of said Addition, to the west right of way line of South Fairmount Street;
Thence, South on said west right of way line, to the intersection of said line with the north right of way line of Rockingham Road;
Thence, Westerly and Southwesterly on said north right of way line, to the intersection of said right of way line with the south right of way line of Ricker Hill Road;
Thence, Southwesterly on the northwesterly right of way line of Rockingham Road, to the south line of the premises described in a Warranty Deed recorded March 3, 1992 as Document number 05157-92 in the Scott County Recorder of Deeds Office;
Thence, northwesterly on the southwest line of said premises, said line also being the northwesterly right of way line of Rockingham Road, to the southeast corner of the premises described in a Warranty Deed recorded April 16, 1985 as Document number 1985-05515 in said Recorder of Deeds Office;
Thence, Southwesterly on the northwest right of way line of said Rockingham Road, to the north right of way line of West River Drive;
Thence, Northwesterly on said right of way line, to the south line of the premises described in a Warranty Deed recorded November 22, 2004 as Document number 2004-40657 in said Recorder of Deeds office;
Thence, Northeasterly on said south line and the south line of the premises described in a Quit Claim Deed recorded May 14, 1997 as Document number 11697-97 in said Recorder of Deeds office, to the southeast corner of said premises described in Document number 11697-97;
Thence, Northerly on the east line of said premises, to the south right of way line of Bluegrass Road;

Thence, Northeasterly on said right of way line, to the intersection of the south right of way line of Ricker Hill Road and southerly extension of the west line of the premises described in a Quit Claim Deed, recorded March 26, 1970 in Book 333 at Page 397 in the aforesaid Recorder of Deeds Office;
Thence, North on the west line of said premises and the southerly extension thereof, to the northwest corner of said premises, said northwest corner being on the north line of the Northeast Quarter (NE 1/4) of Section 5, Township 77 North, Range 3 East of the Fifth P.M.;
Thence, East on said north line, to the Northwest corner of Midway Addition;
Thence, East on the north line of said Addition, to the north right of way line of Rockingham Road;
Thence, East on said right of way line, to the southwest corner of the premises conveyed to the Northwestern Cremation Society dated July 29, 1921;
Thence, North on the west line of said premises, to the northwest corner of said premises;
Thence, East on the north line of said premises, to the northeast corner of said premises;
Thence, South on the east line of said premises, to the north right of way line of Rockingham Road;
Thence, East on said right of way line, to the southwest corner of the premises described in a Warranty Deed, recorded April 13, 2018 as Document number 2018-8664 in the aforesaid Recorder of Deeds Office;
Thence, North on the west line of said premises, to the southwest corner of the premises described in a Special Warranty Deed recorded June 14, 2011 as Document number 2011-15515, in said Recorder of Deed's Office, said southwest corner being on the east line of Fairmount Cemetery;
Thence, North on the east line of said cemetery, to the southeast corner of the premises described in a Trustee Warranty Deed, recorded January 24, 2017 as Document number 2017-02084 in said Recorder's office;
Thence, North, East and North on the east lines of said premises to the south line of the premises described in a Warranty Deed recorded January 20, 1999 as Document number 02569-99 is said Recorder's Office;
Thence, West on said south line, to the southwest corner of said premises;
Thence, North on the west line of said premises, to the northwest corner of said premises;
Thence, East on the north line of said premises, to the southwest corner of the premises described in a Quit Claim Deed recorded June 23, 2020 as Document number 2020-18083 in said Recorder's office;
Thence, North on the west line of said premises, to the northwest corner of said premises;
hence, East on the north line of said premises, to the southwest corner of the premises described in a deed recorded June 1, 1976 as Document number 1976-09177 in said Recorder's office;
Thence, North on the west line of said premises and the west line of the premises described in a Warranty Deed recorded June 20, 2018 as Document number 2018-15697 to the northwest corner of the premises described in said Document number 2018-15697;
Thence, East on the north line of said premises to the southwest corner of the premises described in a Quit Claim Deed recorded June 10, 2021 as Document number 2021-19777 in said Recorder's Office;
Thence, North on the west line of said premises, to the northwest corner of said premises;
Thence, East on the north line of said premises to the west right of way line of South Fairmount Street;
Thence, North on said right of way line to the north right of way line of West 2nd Street, also being the southwest corner of Hussey's Plat;
Thence, North on the west line of said Hussey's Plat, said west line also being the east line of the Northeast Quarter (NE 1/4) of Section 32, Township 78 North, Range 3 East, of the 5th Principal Meridian;
Thence, North on the east line of said Northeast Quarter (NE 1/4) to the southeast corner of Section 29, Township 78 North, Range 3 East, of the 5th Principal Meridian;

Thence, North on the east line of the Southeast Quarter (SE 1/4) of said Section 29, to the southeast corner of the Northeast Quarter (NE 1/4) of said Section 29;
Thence, North on the east line of said Northeast Quarter (NE 1/4), to the southwest corner of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 28, Township 78 North, Range 3 East, of the 5th Principal Meridian;
Thence, East on the south line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4), to the west right of way line of North Elsie Avenue;
Thence, North on said west right of way line, to the westerly extension of the north line of Schwengel's First Addition;
Thence, East on the north line of said Schwengel's First Addition, and the north line of Anderson's 1st Addition, to the southwest corner of the premises described in a Warranty Deed recorded January 30, 2004 Document number 2004-03396 in said Recorder's Office;
Thence, North on the west line of said premises, to the northwest corner of said premises;
Thence, East on the north line of said premises, to the west right of way line of North Clark Street;
Thence, South on said right of way line, to the north right of way line of West 13th Street;
Thence, East, to the intersection of the east right of way line of North Clark Street and the north right of way line of West 13th Street;
Thence, East on said north right of way line, to the centerline of Hillandale Road;
Thence, North on said centerline, to the northwest corner of Foster's Indian Hills 10th Addition;
Thence, East on the north line of said Addition, and the north line of Foster's Indian Hills 9th Addition, to the centerline of North Elmwood Avenue;
Thence, North on said centerline, to the northwest corner of Van's Addition;
Thence, Northerly, to the southwest corner of the premises described in a Plat of Survey recorded November 14, 2017 as Document number 2017-31253 in said Recorder's office;
Thence, Northeasterly on the west line of said premises, to the southwest corner of Lot 1 in Dugan and Rauch's 2nd Addition;
Thence, Northeasterly on the west line of said Dugan and Rauch's 2nd Addition, to the southwest corner of the premises described in a Warranty Deed recorded March 3, 2021 as Document number 2021-07368;
Thence, Northeasterly on the west line of said premises, to the southwest corner of the premises described in a Warranty Deed recorded December 21, 2015 as Document number 2015-33215 in said Recorder's office;
Thence, East on the south line of said premises, to the west right of way line of North Lincoln Avenue;
Thence, North on said right of way line, to the northeast corner of the premises described in said Document number 2015-33215;
Thence, West on the north line of said premises described, to the east line of the premises described in a Quit Claim Deed to the Mississippi Valley Fair, Inc. dated January 31, 2000 and recorded as Document number 2000-3144 in said Recorder's Office;
Thence, North along said east line, to the northwest corner of Lot 3 in Carl E. Siegle's 4th Addition;
Thence, East on the north line of said Lot 3, to the west right of way line of West 18th Street;
Thence, South on said right of way line, to the south right of way line of said West 18th Street;
Thence, East on said right of way line, to the west right of way line of North Lincoln Avenue;
Thence, South on said right of way line, to the westerly extension of the south line of Out Lots 2 and 3 in Steinhilber's Out Lots;
Thence, East on said south line and the westerly extension thereof, to the southeast corner of said Out Lot 2;

Thence, North on the east line of said Out Lot 2, to the westerly extension of the north line of Lot 4 in Cherry Lane Subdivision;
Thence, East on said north line and the westerly extension thereof, said line being the south line of a public alley, to the east right of way line of Lookout Lane;
Thence, South on said right of way line, to the north line of the premises described in a Warranty Deed recorded April 22, 2019 as Document number 2019-09004 in the aforesaid Recorder's office;
Thence, East on said north line and the easterly extension thereof, to the west right of way line of Pacific Street;
Thence, North on said right of way line, to the westerly extension of the north line of Lot 12 in Block 4 of Fair Ground Addition;
Thence, East on said north line and the westerly extension thereof, to the east line of a public alley;
Thence, North on said east line, to the northwest corner of Lot 7 in Block 4 of said Fair Ground Addition;
Thence, East on the north line of said Lot 7, to the west right of way line of North Howell Street;
Thence, South on said right of way line, to the north right of way line of West 17th Street;
Thence, East on said right of way line, to the east right of way line of Wilkes Avenue;
Thence, North on said right of way line, to the northwest corner of Lot 11 in Block 2 of said Fair Ground Addition;
Thence, East on the north line of said Lot11, to the west line of a public alley;
Thence, North on said west line, to the westerly extension of the north line of Lot 7 in Block 2 of said Fair Ground Addition;
Thence, East on said right of way line, to the west right of way line of Davie Street;
Thence, South on said right of way line, to the north right of way line of West 17th Street;
Thence, East on said right of way line, to the west right of way line of North Division Street;
Thence, South on said right of way line, to the Point of Beginning.

Belle Trio
Lots 2, 3, and 4 of Waterpark Addition, an addition to the City of Davenport, Scott County, Iowa; According to the plat thereof recorded August 4, 2000 as document number 2000.22959. More commonly known as Parcels: N1815-02B, N1815-03B, & N1815-04B.

Eastern & 39th Addition
Beginning at the southeast corner of Lot 3 in Luther Acres Addition;
Thence, West on the south line of said Lot 3, to the east right of way line of Eastern Avenue;
Thence, South on said right of way line, to the easterly extension of the north line of the south 285 feet of Lot 67 in Kimberly Crest North Addition;
Thence, West on said easterly extension and the north line of the south 285 feet of said Lot 67, to the east right of way line of the Canadian Pacific Railroad;
Thence, South on said right of way line, to easterly extension of the south line of the North 120 feet of Lot 45 in said Kimberly Crest North Addition;
Thence, West on said easterly extension and the south line of the North 120 feet of said Lot 45, to the west right of way line of Mississippi Avenue;
Thence, Southwesterly, to the southeast corner of the North 26 feet of Lot 10 in said Kimberly Crest North Addition;
Thence, West on the south line of the North 26 feet of Lots 10 and 9 in said Addition, to the southwest corner of the North 26 feet of the East 75 feet of said Lot 9;
Thence, North on the west line of the East 75 feet of Lots 9 and 12 in said Addition, to the south right of way line of 37th Street;

Thence, West on said right of way line, to the intersection of said south right of way line with the east right of way line of Bridge Avenue;
Thence, North on said right of way line, the south right of way line of East 39th Street;
Thence East on said right of way line, to the east right of way line of Eastern Avenue;
Thence, North on said right of way line, to the northwest corner of Lot 2 in Luther Acres 2nd Addition;
Thence, East on the north line of said Luther Acres 2nd Addition, to the southwest corner of Lot 15 in Windsor Crest Heights 6th Addition;
Thence, North on the west line of said Lot 15, to the southeast corner of Lot 16 in said Addition;
Thence, West on the south line of said Lot 16, to the east right of way line of Eastern Avenue;
Thence, North on said right of way line, to the south right of way line of Winding Hill Road;
Thence, East on said right of way line, to the northeast corner of Lot 15 in said Windsor Crest Heights 6th Addition;
Thence, South on the east line of said Lot 15, to the southeast corner of said Lot 15;
Thence, West on the South line of said Lot 15, to the northeast corner of Lot 1 in Spring Village 2nd Addition;
Thence, South on the east line of said Lot 1, to the southeast corner of said Lot 1;
Thence, West on the south line of said Lot 1, to the southwest corner of said Lot 1;
Thence, West on the south line of Lot 1 in the aforesaid Luther Acres Addition, to the an east corner of Lot 3 in said Addition;
Thence, South and East on the easterly line of Lot 3 in said Addition, the same line being the westerly and southerly right of way line for 38th Street, to the northwest corner of OutLot A in the aforesaid Spring Village 2nd Addition;
Thence, South on the west line of said OutLot A, to the Point of Beginning.

Goose Creek Additions
Beginning at the southeast corner of Lot 39 in Americana Park 2nd Addition;
Thence, West on the north right of way line of West 65th Street, to the east right of way line of Scott Street;
Thence, North on the east right of way line of said Scott Street, to the northwest corner of Lot 26 in Americana Park 2nd Addition;
Thence, East on the north line of Lots 26, 27 and 28 in said Addition, to the southwest corner of Lot 1 in Woodlawn Meadows First Addition;
Thence, North on a west line of said Lot 1, to the south line of the premises described in a Warranty Deed, recorded March 11, 1994 as Document number 07599-94 in the Scott County Recorder of Deeds office;
Thence, East on said south line, to the southwest corner of the premises described in a Warranty Deed recorded December 21, 2021 as Document number 2021-43248;
Thence, North on the west line of said premises, to the north line of Lot 1 in said Woodlawn Meadows First Addition;
Thence, East on the north line of said Addition, to the west right of way line of Harrison Street;
Thence, North on said west right of way line, to the north line of said Woodlawn Meadows First Addition;
Thence, West on said north line, to the west line of Lawrence V. Clough's Subdivision;
Thence, North on the said west line, to the south right of way line of West 67th Street;

Thence, East on said south right of way line, to the northeast corner of Lot 12 in said Lawrence V. Clough's Subdivision;
Thence, South on the east line of said subdivision, to the southeast corner of said subdivision;
Thence, West on the south line of said subdivision, to the east line of Americana Park 2nd Addition;
Thence, South on the east line of said Addition, to the Point of Beginning.

Hickory Grove Addition

Commencing at the northwest corner of the Southeast 1/4 of Section 17, Township 78, North, Range 3 East of the 5th P.M., Scott County, Iowa, Thence N. 89*26' 11" E. 2,007.46 feet thence 8.29*21'30" E. 432.44 feet thence 8.28*05'05" E. 314.98 feet thence southeasterly along a curve having a radius of 1,186.3 feet for a distance of 457.82 feet, thence S. 00* 13'20" E. 963.02 feet, thence northwesterly along a curve having a radius of 5,780.00 feet for a distance of 544.40 feet, thence N. 80*01'22" W. 2,158.28 feet thence N. 00*22'48" W. 1,431.83 feet to the point of beginning, containing 95.25 acres. More commonly known as: Parcel: T1739-05A & Parcel: T1755-01C.

3300 E Kimberly Road

Part of the Northeast Quarter of the Northwest Quarter of Section 20, Township 78 North, Range 4 East of the 5th P.M., City of Davenport, Scott County, Iowa, more particularly described as follows:

Beginning at the Northwest Comer of the Northeast Quarter of the Northwest Quarter of Section 20; thence South 89 degrees 47 minutes 46 seconds East a distance of 89.68 feet along the North line of the Northeast Quarter and the South line of Kimberly Road; thence Southeasterly along the Southwesterly right-of-way line of Kimberly Road to the South line of the Northeast Quarter of the Northwest Quarter of said Section 20 the following described courses; thence South 41 degrees 41 minutes 27 seconds East 193.21feet; thence South 60 degrees 29 minutes 37 seconds East a distance of 172.71 feet; thence South 50 degrees 33 minutes 55 seconds East a distance of 277.45 feet; thence South 46 degrees 16 minutes 22 seconds East a distance of 166.93feet; thence Southerly along a curve concave Southwesterly with a radius of 1845.00 feet, an arc length of 251.08 feet, a chord length of 250.89 feet and a chord bearing South 41 degrees 24 minutes 05 seconds East; thence South 33 degrees 16 minutes 36 seconds East a distance of 135.07feet; thence South 28 degrees 48 minutes 18seconds East a distance of 192.40 feet; thence Southerly along a curve concave Southwesterly with a radius of 1835.00feet, an arc length of 191.19 feet, a chord length of 191.11 feet and a chord bearing South 24 degrees 38 minutes 38 seconds East, thence South 17 degrees 10 minutes 15 seconds East a distance of 143.94 feet; thence Southeasterly along a curve concave Southwesterly with a radius of 1830.00 feet, an arc length of 28.37 feet, a chord length of 28.37 feet and a chord bearing of South 16 degrees 24 minutes 53 seconds East, to the said South line of the Northeast Quarter of the Northwest Quarter of Section 20; thence South 89 degrees 47 minutes 21 seconds West along said South line, a distance of 1179.94 feet to the Southwest comer of the Northeast Quarter of the Northwest Quarter of Section 20; thence North 00 degrees 34 minutes 30 seconds East along the West line of the Northeast Quarter of the Northwest Quarter, Section 20, a distance of 1333.84feet to the point of beginning.

Said tract is also described as follows: All that portion of the Northeast Quarter of the Northwest Quarter of Section 20, Township 78 North, Range 4 East of the 5th P.M., lying Southerly and Westerly of Kimberly Road in the said City of Davenport, Iowa. More commonly known as 3300 E Kimberly Road: Parcel N2002-03.

Marquette & Kimberly

Beginning at the southwest corner of Lot 3 in Kimberly Village Sixth Addition;
Thence, North on the east right of way line of Marquette Street, to the northwest corner of Lot 5 in said Addition;
Thence, East on the north line of said Lot 5, to the southwest corner of Lot 4 in the First Annex to Kimberly Village First Addition;
Thence, Northeasterly on the north line of said Lot 4, to the west right of way line of Lillie Avenue;
Thence, South on said west right of way line, to the intersection of said west right of way line with the south line of Lot 3 in Kimberly Village Sixth Addition extended easterly;
Thence, West on said south line and the easterly extension thereof, to the Point of Beginning.

Meyer Keppy Addition
The NE 1/4 of the SW 1/4, the SE 1/4 of the SW1/4, & the SW1/4 of the SW1/4 of Section 28, Township 79 North, Range 3 East of the 5th Principal Meridian, and the SE 1/4 of the SE 1/4 of Section 29, Township 79 North, Range 3 East of the 5th Principal Meridian, Except for the West 10.0 Ac per Survey 2013-4565. More commonly known as: Parcels: 932835001, 932849001, 932851001 and 932955002.

NW Blvd Addition
Beginning at the intersection of the south right of way line of West 67th Street and the west right of way line of Northwest Boulevard;
Thence, South on the west right of way line of Northwest Boulevard, to a northeast corner of Lot 2 in Petersen's 3rd Addition;
Thence, West on a north line of said Lot 2, a distance of 174 feet;
Thence, North on a line 20 feet east of and parallel with the east line of said Lot 2, to the south line of Lot 2 in Rosewill Addition;
Thence, East on said south line, 45 feet;
Thence, North on a line 45 feet east of and parallel with the east line of said Lot 2, to the north line of said Rosewill Addition;
Thence, East on said north line, to a southwest corner of Lot 1 in Abbey's Estate Addition;
Thence, North on a west line of said Lot 1, to a corner on the south line of said Lot 1;
Thence, West on a south line of said Lot 1, to a southwest corner of said Lot 1;
Thence North on a west line of said Lot 1, and the northerly extension thereof, to the north right of way line of West 67th Street;
Thence, East on said north right of way line, to the east right of way line of North Hancock Avenue;
Thence, North on said east right of way line, to the south right of way line of West 71st Street;
Thence, West on said south right of way line, to the intersection of said south right of way line and the southerly extension of the east line of Lot 5 in Carl L. Siegle's 3rd Addition;
Thence, North on said east line and the southerly extension thereof, to the point of intersection of the northerly extension of said east line of Lot 5 and the northeasterly extension of the south line of Lot 6 in Willow Knolls 1st Addition;

Thence, southwesterly on said south line extended northeasterly, to the southeast corner of said Lot 6;
Thence, Northwest on the northeast line of said Lot 6, to the south right of way line of West 72nd Street;
Thence, East on said south right of way line, to the west right of way line of Northwest Boulevard;
Thence, Northwest on said west right of way line, to the north right of way line of West 72nd Street;
Thence, Northeast, to the northwest corner of Northwest Corners Condominium per plat of survey recorded April 28, 2017 as Document number 2017-10258 in the Scott County Recorder of Deeds office;
Thence, East on the north line of said condominium, to the west line of Block 1 in the Replat of a portion of Ridgeview Park Addition;
Thence, South on the west line of said Replat, to the southwest corner of Lot 9, in Block 1 of said Replat;
Thence, East on the south line of said Lot 9, to the northeast corner of Block 29 in the Replat of said Ridgeview Park Addition;
Thence, South on the east line of said Block 29 and the southerly extension of said east line, to the south right of way line of Ridgeview Drive;
Thence, West on said south right of way line, to the northeast corner of the premises described in a Warranty Deed recorded May 5, 2005 as Document number 2005-14144 in the Scott County Recorder of Deeds office;
Thence, South on the east line of said premises, to the north line of Lot 2 in Block 28 of the Replat of said Portion of Ridgeview Park Addition;
Thence, East on said north line, to the northeast corner of said Lot 2;
Thence, South on the east line of said Lot 2, to the south line of said Lot 2;
Thence, West on said south line, to the east right of way line of Northwest Boulevard;
Thence, North on said east right of way line, to the intersection of said east right of way line with the easterly extension of the south right of way line of West 67th Street;
Thence, West to the Point of Beginning.

Sheridan & West 55th Street

Beginning at the southwest corner of Lot 4 in Feldhahn Heights 1st Addition;
Thence, North on the west line of said Addition, and the west line of Welcome Way Commercial Park 3rd Addition, to the northwest corner of said Welcome Way Commercial Park 3rd Addition;
Thence, East on the north line of said Addition, and the north line of Pennock 1st Addition, to the northeast corner of said Pennock 1st Addition;
Thence, South on the east line of said Addition, to the north right of way line of West 55th Street;
Thence, Easterly on said right of way line, to the easterly extension of the south line of Welcome Way Commercial Park 2nd Addition;
Thence, West on the south line of said Addition, to the east right of way line of Sheridan Street;
Thence, South on said right of way line, to the easterly extension of the south line of Lot 4 in the aforesaid Feldhahn Heights 1st Addition;
Thence, West on said south line and the easterly extension thereof, to the Point of Beginning.

West 35th Addition

Beginning at the intersection of the west right of way line of Harrison Street and the north right of way line of West 35th Street;

Thence, West on the north right of way line of said West 35th Street, to the east right of way line of Marquette Street;
Thence, North on said east right of way line, to the north line of Lot 2 in Scotty's Highland Park 2nd Addition to the City of Davenport;
Thence, east on said north line of said Scotty's Highland Park 2nd Addition and the north line of Cottages at Shady Ridge Addition to the City of Davenport, to the west line of Lot 4 in Schuette's 1st Addition;
Thence, north on said west line, to the northwest corner of said Schuette's Addition;
Thence, east on the north line of said Lot 4, to the southwest corner of Lot 2 in Byrider Subdivision 2nd Addition;
Thence, north on the west line of said Lot 2, to the northwest corner of said Lot 2;
Thence, east on the north line of said Lot 2, to a north corner of said Lot 2;
Thence, north on the north line of said Lot 2, to a northwest corner of said lot;
Thence, east on the north line of said Lot 2, to the northwest corner of a parcel described in a Plat of Survey recorded December 28, 2015 as Document number 2015-00033599 in the Scott County Recorder of Deeds office;
Thence, south on the west line of said parcel, to the southwest corner of said parcel;
Thence, east on the south line of said parcel, to the east line of Lot 2 in said Byrider Subdivision 2nd Addition;
Thence, south on said east line, to the northeast corner of Lot 5 in Schuette's 1st Addition;
Thence, south on an east line of said Lot 5, to a north corner of said Lot 5;
Thence, east on the north line of said Lot 5 and the easterly extension of said north line, to the southwest corner of Lot 1 in Kartridg Pak First Addition;
Thence, north on the west line of said Lot 1, to the northwest corner of said Lot 1;
Thence, east on the north line of said Lot 1, to the west line of Gaines Street;
Thence, north on the west line of said Gaines Street, to the intersection of the north line of Hilltop Industrial Park 5th Addition, as extended westerly to the west right of way line of said Gaines Street;
Thence, east on the north line of Hilltop Industrial Park 5th Addition and the westerly extension thereof, to the northeast corner of said Hilltop Industrial Park 5th Addition;
Thence, south on the east line of said Hilltop Industrial Park 5th Addition, to a northwest corner of the premises described in a Warranty Deed recorded February 25, 1999 as Document number 07304-99 in the Scott County Recorder of Deeds Office;
Thence, East on a north line of said premises, 245 feet, to a westerly corner of said premises;
Thence, North on a west line of said premises, 242.45 feet, to a northwest corner of said premises;
Thence, East on a north line of said premises, to the westerly right of way line of Harrison Street;
Thence, south on said westerly right of way line, to the Point of Beginning.

West Central Park Addition
Beginning at the intersection of the north line of West Central Park Avenue and the southwesterly right of way line of the Iowa Interstate Railroad right of way;
Thence, West on the north line of said West Central Park Avenue, to the southeast corner of the premises described in a Quit Claim Deed recorded October 25, 2017 as Document number 2017-00029431 in the Scott County Recorder of Deeds office, said southeast corner being 216.59 feet east of the east right of way line of North Clark Street;
Thence, North, on the east line of said premises, 200.5 feet;
Thence, West parallel with the north right of way line of West Central Park Avenue, 60 feet, to the southeast corner of Lot 6 in Treiber's 1st Addition to the City of Davenport;

Thence, North on the east line of Treiber's 1st Addition, Brandt's 1st Addition and Hugo 1st Addition, to the southwesterly right of way line of said Iowa Interstate Railroad right of way; Thence, southeasterly on said southwesterly right of way line, to the Point of Beginning.

West Locust Street Duo

Lots 3 and 4 of the Final Plat of Ingram-Coussens Addition to the City of Davenport, Scott County, Iowa, except that portion deeded to the City of Davenport, Iowa for roadway purposes by document number 2002-40763. More commonly known as Parcels: S2907-03 and S2907-04.

City of Davenport

Department: Public Safety
Contact Info: Gary Statz | 563-326-7754

Action / Date
10/12/2022

Subject:
First Consideration: Ordinance amending Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by amending Schedule I Snow Routes thereto by adding various streets in the Westport Addition subdivision. [Ward 1]

Recommendation:
Adopt the Ordinance.

Background:
Many new streets and homes have been added to Westport Addition and this snow route would connect these streets to Locust Street and to Wisconsin Avenue. The existing snow routes east of there would be connected by extending Shawnee Drive one block to Westport Drive. Then the route would head north and west back to Locust Street. The additions are:

- Shawnee Drive from Rhinelander Court/Drive to Westport Drive.
- Westport Drive from Shawnee Drive to Alec Avenue.
- Alec Avenue from Westport Drive to Jenna Drive.
- Jenna Drive from Alec Avenue to Locust Street.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/28/2022 - 3:55 PM
Public Works Committee	Moses, Trish	Approved	9/28/2022 - 3:55 PM
City Clerk	Admin, Default	Approved	9/29/2022 - 1:17 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY AMENDING SCHEDULE I SNOW ROUTES THERETO BY ADDING VARIOUS STREETS IN THE WESTPORT ADDITION SUBDIVISION.

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

Section 1. That Schedule I Snow Routes of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

Shawnee Drive from Rhinelander Court/Drive to Westport Drive.
Westport Drive from Shawnee Drive to Alec Avenue.
Alec Avenue from Westport Drive to Jenna Drive.
Jenna Drive from Alec Avenue to Locust Street.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

_____
Mike Matson
Mayor

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7734

Action / Date
10/12/2022

Subject:
First Consideration: Ordinance amending Section 13.16.060 entitled "Local limits for specific pollutants" of the Municipal Code of Davenport, Iowa. [All Wards]

Recommendation:
Adopt the Ordinance.

Background:
This Ordinance will amend Chapter 13.16.060 of the Davenport Municipal Code to revise the Local Limits for specific pollutants as required by the City's National Pollutant Discharge Elimination System (NPDES) Permit. Revised local discharge limits shall regulate the amounts of certain pollutants that may be discharged to the sanitary sewer system from industrial and hauled waste sources. This will alter Tables 1, 3, and 4 in the Chapter 13.16.060, B. Headworks Limits – Average Mass. The local limits Headworks allowable loading and allocation of pollutant loading to industries has been calculated according to Iowa Department of Natural Resources (DNR)/Environmental Protection Agency specifications and has been approved by Iowa DNR representatives. This revision also removes the former Kraft Oscar Meyer facility and includes the local limits for the current Kraft Heinz facility.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	9/28/2022 - 2:50 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 13.16.060 ENTITLED "LOCAL LIMITS FOR SPECIFIC POLLUTANTS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Chapter 13.16.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.16.060. Local limits for specific pollutants.

A. General Provisions.

(1) Dilution. Users shall not increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant specific limitation developed by the City.

(2) Sample Location. Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the Water Pollution Control Plant Manager. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined waste stream formula.

B. Headworks Limits - Average Mass. The average composite loading of all users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and non-industrial sources may be adjusted by the Water Pollution Control Plant Manager provided that allowable total loading for any pollutant at the headworks of the POTW treatment plant is not exceeded.

Table 1	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Al	5408.728
As	15.763
Ba	NA
Cd	3.037
Total Cr	11.252
Cu	46.237
Fe	682.836
Pb	36.657
Hg	1.004
Mo	44.749
Ni	183.286
Se	3.828
Ag	2.662
Zn	147.974
Total Phenols	3018.538
Total Cyanide	16.446

Table 2	
Davenport Water Pollution Control Lagoon	
West Locust Street	
Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Al	NA
As	NA
Ba	NA
Cd	0.002
Total Cr	0.062
Cu	0.084
Fe	NA
Pb	0.011

Hg	NA
Mo	NA
Ni	0.072
Se	NA
Ag	0.002
Zn	8.338
Total Phenols	NA
Total Cyanide	0.002

Table 3			
Davenport Water Pollution Control Plant			
2606 South Concord Street			
Tier 1 Significant Industrial User Local Limits			
	PB Leiner USA	**Nestle Purina**	**Kraft Heinz**
Pollutant	30 Day Average	30 Day Average	30 Day Average
Al	NA	NA	NA
As	0.14 Pounds	0.037 Pounds	0.08 Pounds
Ba	NA	NA	NA
Cd	0.070 Pounds	0.018 Pounds	0.04 Pounds
Total Cr	0.110 Pounds	0.03 Pounds	0.03 Pounds
Cu	0.320 Pounds	0.09 Pounds	0.19 Pounds
Fe	NA	NA	NA
Pb	0.070 Pounds	0.02 Pounds	0.04 Pounds
Hg	NA	NA	NA
Mo	NA	NA	NA
Ni	0.080 Pounds	0.02 Pounds	0.04 Pounds
Se	0.08 Pounds	0.02 Pounds	0.05 Pounds
Ag	0.07 Pounds	0.018 Pounds	0.04 Pounds
Zn	1.20 Pounds	0.32 Pounds	0.70 Pounds
Total Phenols	0.27 Pounds	0.071 Pounds	0.15 Pounds
Total Cyanide	0.081 Pounds	0.022 Pounds	0.05 Pounds

Table 4	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Tier 2 Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA
As	0.581 mg/L
Ba	NA
Cd	0.098 mg/L
Total Cr	0.199 mg/L
Cu	1.475 mg/L
Fe	NA
Pb	1.180 mg/L
Hg	NA
Mo	NA
Ni	6.937 mg/L
Se	0.127 mg/L
Ag	0.074 mg/L
Zn	4.801 mg/L
Total Phenols	115.833 mg/L
Total Cyanide	0.621 mg/L

Table 5	
Davenport Water Pollution Control Lagoon	
West Locust Street	
Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA
As	NA
Ba	NA
Cd	0.024 mg/L
Total Cr	0.924 mg/L
Cu	1.282 mg/L
Fe	NA
Pb	0.173 mg/L

Hg	NA
Mo	NA
Ni	1.099 mg/L
Se	NA
Ag	0.029 mg/L
Zn	5.00 mg/L
Total Phenols	NA mg/L
Total Cyanide	0.027 mg/L

C. Discharge Concentration Limits and Review Criteria.

(1) The admission into the POTW of any materials, water or waste having a pollutant concentration or poundage greater than the limits in Tables 1 through 5 above, or containing pollutants not listed herein, shall be subject to the review and approval of the Water Pollution Control Plant Manager. After review of the proposed discharges, the Water Pollution Control Plant Manager may:

(i) Reject the waste for reasons consistent with section 13.16.020.

(ii) Require pre-treatment to an acceptable pollutant concentration for discharge to the POTW.

(iii) Require control of the quantities and rates of discharge of the water or waste.

(iv) Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.

(v) Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the POTW treatment plant.

(vi) Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.

(vii) Require the user to meet local limits or NCPS in cases where local limits are more restrictive than NCPS provided that headworks loading limits are met.

(viii) Initiate enforcement action in response to any non-compliance with this ordinance using the enforcement procedures outlined in this ordinance.

(ix) Take any combination of steps (i) through (viii) as appropriate.

(2) Users discharging wastewater to the POTW having pollutant concentrations or flows greater than the limits in table 8 shall be considered non domestic for purposes of sewer charges and may be regulated or permitted by the Water Pollution Control Plant Manager as appropriate:

Table 8	
Domestic Pollutant Levels	
Pollutant	Domestic Limit
BOD	250 mg/L
TSS	300 mg/L

D. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by USEPA or IDNR, nor to allow the average allowable total loading for any pollutant at the headworks of the POTW treatment plant to be exceeded.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Table 1	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Al	5408.728
As	15.763
Ba	NA
Cd	3.037
Total Cr	11.252
Cu	46.237
Fe	682.836
Pb	36.657
Hg	1.004
Mo	44.749
Ni	183.286
Se	3.828
Ag	2.662
Zn	147.974
Total Phenols	3018.538
Total Cyanide	16.446

Table 3			
Davenport Water Pollution Control Plant			
2606 South Concord Street			
Tier 1 Significant Industrial User Local Limits			
	PB Leiner USA	**Nestle Purina**	**Kraft Heinz**
Pollutant	30 Day Average	30 Day Average	30 Day Average
Al	NA	NA	NA
As	0.14 Pounds	0.037 Pounds	0.08 Pounds
Ba	NA	NA	NA
Cd	0.070 Pounds	0.018 Pounds	0.04 Pounds
Total Cr	0.110 Pounds	0.03 Pounds	0.03 Pounds
Cu	0.320 Pounds	0.09 Pounds	0.19 Pounds

Fe	NA	NA	NA
Pb	0.070 Pounds	0.02 Pounds	0.04 Pounds
Hg	NA	NA	NA
Mo	NA	NA	NA
Ni	0.080 Pounds	0.02 Pounds	0.04 Pounds
Se	0.08 Pounds	0.02 Pounds	0.05 Pounds
Ag	0.07 Pounds	0.018 Pounds	0.04 Pounds
Zn	1.20 Pounds	0.32 Pounds	0.70 Pounds
Total Phenols	0.27 Pounds	0.071 Pounds	0.15 Pounds
Total Cyanide	0.081 Pounds	0.022 Pounds	0.05 Pounds

Table 4	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Tier 2 Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA
As	0.581 mg/L
Ba	NA
Cd	0.098 mg/L
Total Cr	0.199 mg/L
Cu	1.475 mg/L
Fe	NA
Pb	1.180 mg/L
Hg	NA
Mo	NA
Ni	6.937 mg/L
Se	0.127 mg/L
Ag	0.074 mg/L
Zn	4.801 mg/L
Total Phenols	115.833 mg/L
Total Cyanide	0.621 mg/L

City of Davenport

Department: Public Safety
Contact Info: Brian Krup | 563-326-6163

Action / Date
9/28/2022

Subject:
Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; Wednesday, October 26, 2022 2:00 p.m. - 6:00 p.m.; **Closures:** West 6th Street from Myrtle Street to Warren Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

Brian Doerrfeld; The Village Zombie Run; Village of East Davenport; Saturday, October 29, 2022 7:00 a.m. - 1:00 p.m.; **Closures:** Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street. [Ward 5]

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 2, 2022 and Saturday, December 3, 2022; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Recommendation:
Adopt the Resolution.

Background:
Per the City's Special Events Policy, City Council will approve street, lane, and public ground closures based on the recommendation of the Special Events Committee.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	The Village Zombie Run Route
🗋	Backup Material	The Village Zombie Run Flyer to Residents
🗋	Backup Material	Project Renewal Neighborhood Halloween Party Map
🗋	Backup Material	Project Renewal Neighborhood Halloween Party Flyer to Neighbors
🗋	Backup Material	Christmas in the Village Closure Map
🗋	Backup Material	Christmas in the Village Street Closure Petition

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	9/29/2022 - 12:19 PM

Resolution No. _____

Resolution offered by Alderman Jobgen.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; Wednesday, October 26, 2022 2:00 p.m. - 6:00 p.m.; ***Closures:*** *West 6th Street from Myrtle Street to Warren Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]*

Brian Doerrfeld; The Village Zombie Run; Village of East Davenport; Saturday, October 29, 2022 7:00 a.m. - 1:00 p.m.; ***Closures:*** *Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street. [Ward 5]*

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 2, 2022 and Saturday, December 3, 2022; ***Closures:*** *East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]*

WHEREAS, the City, through its Special Events Policy, has accepted the above applications for events on the listed dates and times that are requesting street, lane, or public ground closures; and

WHEREAS, upon review of the application, it has been determined that said streets, lanes, or public grounds will need to be closed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the above street, lane, or public ground closures are hereby approved and staff is directed to proceed with the closures.

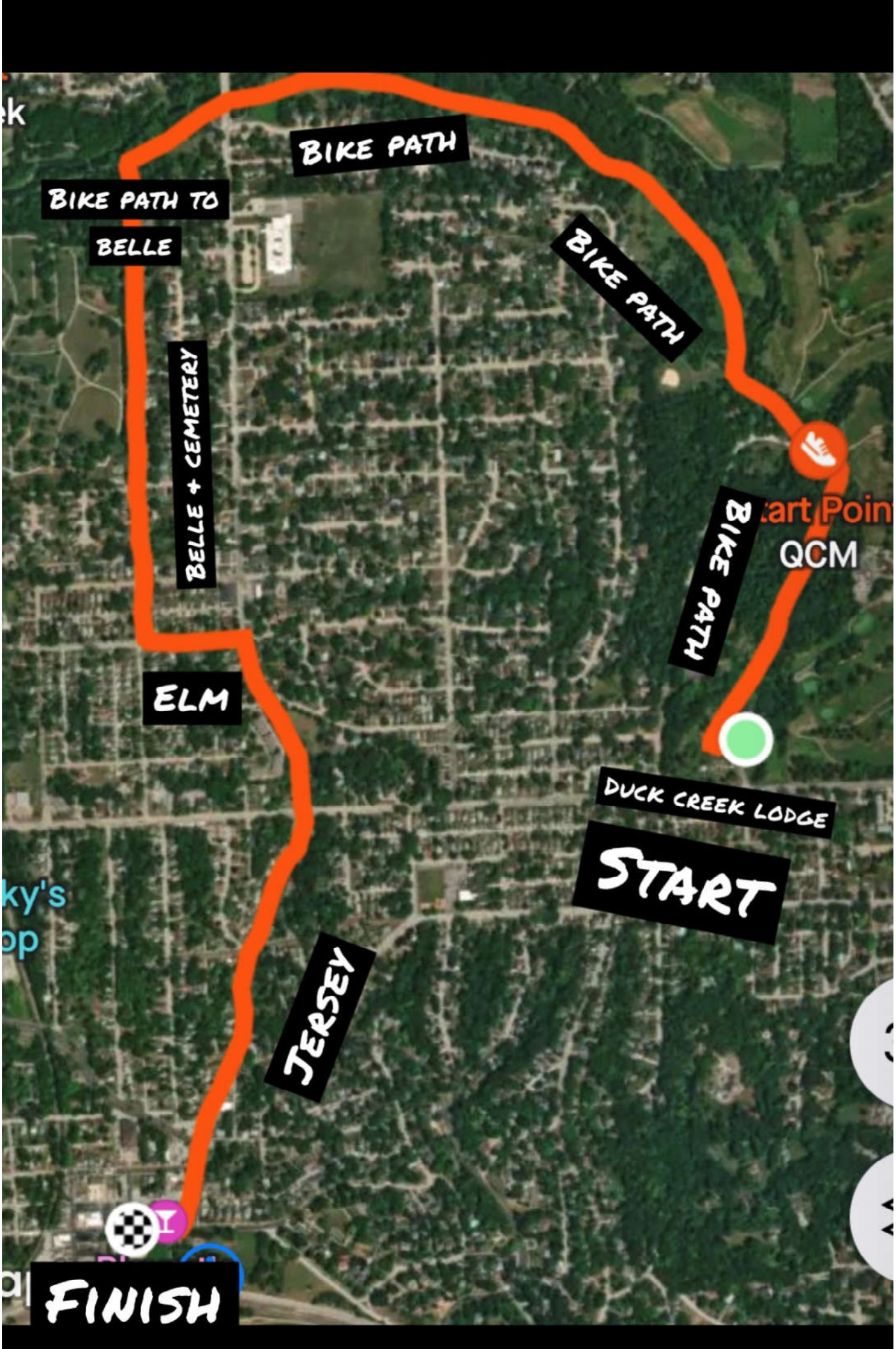
Passed and approved this 12th day of October, 2022.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk


BIKE PATH
BIKE PATH TO
BELLE
BIKE PATH
BELLE + CEMETERY
BIKE PATH
QCM
ELM
DUCK CREEK LODGE
START
JERSEY
FINISH



Hello Neighbor!

On Saturday, October 29th a Halloween Themed 5K called ***The Village Zombie Run*** will be running by your house from the approximate time of 10-10:45am. This is a family-friendly, community-centric event ending in the Village of East Davenport. Part of the proceeds will support the 3D Breast Cancer Screening Fund by Trinity Health Foundation.

We would love your help to bring some spooky fanfare to the runners that morning. Any Halloween decor on your house or simply being outside cheering the runners on would be greatly appreciated. FYI: Volunteers will be present at each intersection to get people in and out when it is safe to do so.

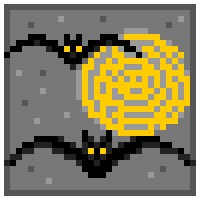


For any questions please email the Race Director:
Brian Doerrfeld @ bdoerrfeld@yahoo.com.

Estimated Timing: 10/29 • 10-10:45am

Written objections to this temporary closure can be submitted to Brian Krup, Deputy City Clerk, at Brian.Krup@davenportiowa.com.


Closure
W 7th St
Myrtle St
Vine St
Warren St
William S Beam
Risk Management
Temporarily closed
Second Chance Housing
Cafe On Vine
Central Community
Circle Food Pantry
W 6th St
MS Home
Improvement, LLC
Humility Homes
and Services, Inc
W 5th St
Project Renewal Neighborhood Halloween Party



Fall Fun Night

Wednesday, October 26, 2022
3:00 – 5:00 p.m.

Where: Central Community Circle Neighborhood
West 6th, Vine & Ash Street Intersection
Come in costume if you "witch."

treats



FOOD

GAME

face painting

candy walk





MUSIC

Questions: call Ann at **PROJECT RENEWAL**, *563-324-0800*

RAIN LOCATION: One-Eighty Community Center
601 Marquette Street, Davenport, IA


Closure
Christmas in the Village
E 12th St
Mound St
Christie St
Jersey Ridge Rd
Fulton Ave
E 11th St
Mary's Diamonds and Jewelry
Jewelry store
Mississippi Fine Art
Pragmadik
Betty's Wig Boutique
Wig shop
Eleven17
Lagomarcino's Confectionery
Mint Green Boutique
Rudy's Tacos
Mexican · $$
Grumpy's Saloon
St Paul Garden
Freddy's Fritters Dog Bakery & Grooming
Pet supply store
Camp McClellan Cellars
Wine store
Village of East Davenport
Shopping mall

CITY OF DAVENPORT—VILLAGE OF EAST DAVENPORT BUSINESS ASSOCIATION

STREET CLOSING PETITION FOR SPECIAL EVENTS

Master Business & Address List

** Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

NAME & ADDRESS

#1 11th Street Precinct, 1107 Mound Street

#2 ~~Pink's Uniques~~ VACANT, 2114 East 11th Street

#3 Grumpy's Village Saloon, 2120 East 11th Street

#4 McClellan Stockade, 2124 East 11th Street

#5 Lagomarcino's, 2132 East 11th Street

#6 Versailles Jewelry & Gems, 2200 East 11th Street

#7 Bayside Bistro, 1105 Christie Street

#8 Mint Green, 2208 East 11th Street

#9 Rudy's Cantina, 2214 East 11th Street

#10 Vacant , 2218 East 11th Street

#11 Vacant , 2228 East 11th Street

#12 Brew, 1104 Jersey Ridge Road

#13 Edward Jones, 2107 East 11th Street

#14 Camp McClellan Cellars, 2302 East 11th Street

#15 Blevins Brothers Bird Shop, 1108 Jersey Ridge Road

#16 Royal T's, 1114 Jersey Ridge Road

#17 Giraffe Photography, 2302 East 11th Street,

#18 Freddy's Fritters, 1111 Jersey Ridge Road

CITY OF DAVENPORT—CHRISTMAS IN THE VILLAGE

STREET CLOSING PETITION FOR SPECIAL EVENTS

On the **2nd & 3rd** days of **December, 2022**, there is proposed a street closing, requested by **The Village of East Davenport Business Association** , which will require the closing of **East 11th Street** between **Mound Street and Jersey Ridge Road , and Christie Street from East 11th to the alley** during the hours of **5:00 p.m. to 10:00 p.m. each day.**

** Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

SIGNATURE	FAVOR	OPPOSED	NOT CONCERNED
#1 John Weir per email wisor1@hotmail.com	X		
#2 Vacant			
#3 Sara Stiles per email SStiles0810@gmail.com	X		
#4 No Response			
#5 Lisa Ambrose per email lisa.ambrose5@icloud.com	X		
#6 No Response			
#7 Katoka Hoxlett per email bayside bistro09@gmail.com	X		
#8 Aimee Winslow per email aimeewinslow@yahoo.com	X		
#9 Kevin Quiroz per email rudystacos2214@msn.com	X		
#10 Vacant			
#11 Vacant			
#12 Tracy Cameron per email TACIMom2@aol.com	X		
#13 Paul Schnell per email Paul.Schnell@edwardjones.com	X		
#14 Julie Kuch	X		
#15 No Response			
#16 Taylor Jarrin per email taylorjarrin@me.com			X
#17 Elaine Tolbert per email elaine@giraffephoto.com	X		
#18 Tamie Bradley per email tamberg63@aol.com	X		

City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7923

Action / Date
10/12/2022

Subject:
Resolution accepting the sanitary sewer and storm sewer associated with Birchwood Grove First Addition. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
Birchwood Grove First Addition is located south of 53rd Street between Lakeview Parkway and Ravenwood Lane. The developer is Dan Dolan Homes of Davenport, Iowa. The plans for the subdivision were prepared by Martin & Whitacre Surveyors and Engineers Inc of Muscatine, Iowa. Storm and sanitary sewer have been completed by Needham Excavating, Inc of Walcott, Iowa.

This subdivision included 10 new storm sewer structures and 1,114 linear feet of new storm sewer, 1,562 linear feet of new sanitary sewer and 11 new sanitary sewer manholes. The contractor also installed new sanitary laterals to serve the development.

Street pavement has been previously accepted.

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

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:34 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:37 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:25 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting the sanitary sewer and storm sewer associated with Birchwood Grove First Addition.

WHEREAS, Birchwood Grove First Addition has been developed by Dan Dolan Homes of Davenport, Iowa; and

WHEREAS, 1,562 linear feet of 8" sanitary sewer main and eleven new sanitary manholes were constructed by Needham Excavating, Inc of Walcott, Iowa; and

WHEREAS, 645 linear feet of 15" and 469 linear feet of 18" storm sewer and ten new storm intakes were constructed by Needham Excavating, Inc of Walcott, Iowa; and

WHEREAS, the sewer installation has been satisfactorily completed, and the City has a four-year maintenance bonds on file in the amount of $163,000 for said sewer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Birchwood Grove First Addition site improvements, which storm and sanitary sewers constructed by Needham Excavating, Inc of Walcott, Iowa, having been satisfactorily completed, is hereby formally accepted.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7923

Action / Date
10/12/2022

Subject:
Resolution accepting the sanitary sewer and storm sewer associated with Birchwood South First and Second Additions. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
The Birchwood South First and Second Additions are located south of 53rd Street at Lakeview Parkway. The developer is Russell Construction of Davenport, Iowa. The plans for the subdivision were prepared by Shive-Hattery of Bettendorf, Iowa. Storm and Sanitary sewer were completed by Needham Excavating, Inc of Walcott, Iowa.

This subdivision included 17 new storm sewer structures and 1,428 linear feet of new storm sewer, 1,285 linear feet of new sanitary sewer and 8 new sanitary sewer manholes. The contractor also installed new sanitary laterals to serve the development.

Paving in these additions has been previously accepted.

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

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:37 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:37 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:27 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting the sanitary sewer and storm sewer associated with Birchwood South First and Second Additions.

WHEREAS, Birchwood South First and Second Additions have been developed by Russell Construction of Davenport, Iowa; and

WHEREAS, 1,285 linear feet of 8" sanitary sewer main and eight new sanitary manholes were constructed by Needham Excavating, Inc of Walcott, Iowa; and

WHEREAS 769 linear feet of 15", 129 linear feet of 18", 192 linear feet of 24", and 388 linear feet of 30" storm sewer, and seventeen new storm structures were constructed by Needham Excavating, Inc of Walcott, Iowa; and

WHEREAS, the sewer installation has been satisfactorily completed, and the City has four-year maintenance bonds on file in the amount of $163,000 for said sewer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Birchwood South First and Second Additions site improvements, which storm and sanitary sewers constructed by Needham Excavating, Inc of Walcott, Iowa, having been satisfactorily completed, are hereby formally accepted.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
10/12/2022

Subject:
Resolution accepting work completed under the Pershing Avenue (11th Street to 14th Street) Resurfacing project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of $211,110.52, CIP #35054. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
This pavement resurfacing project included pavement removal, installation of new concrete curbs and driveway approaches, and new asphalt pavement. The total project cost was $221,110.52, which was funded through Capital Improvements Program for local roads (CIP #35054) using a combination of Local Option Sales Tax, Road Use Tax, and bond proceeds.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:40 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:41 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:18 PM

Resolution No. _____

RESOLUTION offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the Pershing Avenue (11th Street to 14th Street) Resurfacing project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of $221,110.52, CIP# 35054.

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

WHEREAS, the project limits on Pershing Avenue were from 11th Street to 14th Street; and

WHEREAS, the scope of work included pavement removal, ADA upgrades, paving new curbs and driveway approaches, and paving new street surface using asphalt; and

WHEREAS, the final cost of the contract was $221,110.52; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Pershing Avenue (11th Street to 14th Street) Resurfacing Project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of $221,110.52 is hereby accepted.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
10/12/2022

Subject:
Resolution accepting work completed under the Pacific Street (68th Street to 70th Street) Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $105,225.53, CIP #35054. [Ward 8]

Recommendation:
Adopt the Resolution.

Background:
This pavement resurfacing project included ADA upgrades, culvert pipe replacement, and new asphalt pavement. The total project cost was $105,225.53, which was funded by Capital Improvements Program funds for local roads (CIP# 35054) using a combination of Local Option Sales Tax, Road Use Tax, and General Obligation bond proceeds.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:39 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:40 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:19 PM

Resolution No. _____

RESOLUTION offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the Pacific Street (68th Street to 70th Street) Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $105,225.53, CIP #35054. [Ward 8]

WHEREAS, the City entered into contract with Manatts Inc - Eastern Iowa Division of Camanche, Iowa; and

WHEREAS, the project limits on Pacific Street were from 68th Street to 70th Street; and

WHEREAS, the scope of work included ADA upgrades, culvert pipe replacement, and new asphalt pavement; and

WHEREAS, the final cost of the contract was $105,225.53; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Pacific Street (68th Street to 70th Street) Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $105,225.53 is hereby accepted.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
10/12/2022

Subject:
Resolution accepting work completed under the Edgewild Drive (Jersey Ridge Road to Ridgewood Court) Reconstruction project by NJ Miller Inc of Bettendorf, Iowa in the amount of $423,079.70, CIP # 35054. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
This project included pavement removal, excavation of unsuitable soils, installation of drain tile, new driveway approaches, and new concrete pavement. The total cost was $423,079.70, which was funded by Capital Improvements Program funds for local roads (CIP# 35054) using a combination of Local Option Sales Tax, Road Use Tax, and General Obligation bond proceeds.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:39 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:39 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:21 PM

Resolution No. _____

RESOLUTION offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the Edgewild Drive (Jersey Ridge Road to Ridgewood Court) Reconstruction project by NJ Miller Inc of Bettendorf, Iowa in the amount of $423,079.70, CIP #35054.

WHEREAS, the City entered into contract with NJ Miller Inc. of Bettendorf, Iowa; and

WHEREAS, the project limits were Jersey Ridge Road to Ridgewood Court on Edgewild Drive; and

WHEREAS, the scope of work included pavement removal, excavation of unsuitable soils, installation of drain tile, new driveway approaches, and new concrete pavement; and

WHEREAS, the final cost of the contract was $423,079.70; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Edgewild Drive (Jersey Ridge Road to Ridgewood Court) Reconstruction project by NJ Miller Inc of Bettendorf, Iowa in the amount of $423,079.70 is hereby accepted.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7734

Action / Date
10/12/2022

Subject:
Resolution accepting work completed under the CDBG Alley Program: 1310 Kirkwood Boulevard to 1810 Esplanade Avenue Reconstruction project by Emery Construction Group, Inc of Moline, Illinois in the amount of $240,353.86, CIP #BG-250. [Ward 5]

Recommendation:
Adopt the Resolution.

Background:
This project was funded by Community Development Block Grant (CDBG) funds and involved removal and reconstruction of an alley using concrete. The L-shaped alley connects Kirkwood Boulevard and Esplanade Avenue. The total project cost was $240,353.86 and work was completed by Emery Construction Group of Moline, Illinois.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Exhibit	Location Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:38 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:38 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:23 PM

Resolution No. _____

RESOLUTION offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the CDBG Alley Program: 1310 Kirkwood Boulevard to 1810 Esplanade Avenue Reconstruction project by Emery Construction Group, Inc of Moline, Illinois in the amount of $240,353.86, CIP #BG-250.

WHEREAS, the City entered into contract with Emery Construction Group of Moline, Illinois; and

WHEREAS, the project limits were the alley between 1310 Kirkwood Boulevard and 1810 Esplanade Avenue; and

WHEREAS, the scope of work included pavement removal, concrete construction, and an ADA-compliant sidewalk at both ends of the project; and

WHEREAS, the final cost of the contract was $240,353.86; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the CDBG Alley Program: 1310 Kirkwood Boulevard to 1810 Esplanade Avenue Reconstruction project by Emery Construction Group, Inc of Moline, Illinois in the amount of $240,353.86 is hereby accepted.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

CDBG Alley Reconstruction: 1310 Kirkwood Blvd to 1810 Esplanade Ave



City of Davenport

Department: Finance
Contact Info: Jim Erwin | 563-326-7922

Action / Date
10/12/2022

Subject:
Resolution approving the purchase of a loader mounted snow blower for the Street Division from MacQueen Equipment of Ankeny, Iowa in the amount of $175,970 using Sourcewell contract #062222-JAL. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The Fleet Division of Public Works needs to replace a loader mounted snow blower for the Street Division using Sourcewell contract #062222-JAL.

Sourcewell is a cooperative purchasing group that bids items for governments entities across the country. The City of Davenport is a member.

Funding for this purchase is from the Streets Motor Vehicle Replacement account 54702090 530302. These funds are from Road Use Tax.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	City of Davenport Larue D30 Quote

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	9/29/2022 - 12:11 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the purchase of a loader mounted snow blower for the Street Division from MacQueen Equipment of Ankeny, Iowa in the amount of $175,970 using Sourcewell contract #062222-JAL.

WHEREAS, the City needs to purchase a loader mounted snow blower; and

WHEREAS, MacQueen Equipment of Ankeny, Iowa was awarded Sourcewell contract #062222-JAL as the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the purchase of a loader mounted snow blower for the Street Division from MacQueen Equipment of Ankeny, Iowa in the amount of $175,970 using Sourcewell contract #062222-JAL is hereby approved.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

ENVIRONMENTAL SOLUTIONS AND SUPPORT



September 22nd, 2022

Jim Ervin
Fleet Manager
City of Davenport

Jim-

Per your request, a proposal has been generated and included from the Sourcewell Contract #: 062222-JAL Bid for a Larue D30 Snowblower with the enhancements that your public works department has deemed necessary. As you know the City of Davenport is a member of the Sourcewell, Membership #: 58282.

Larue D30 Snowblower STANDARDS: Two-Stage 2 Cross Auger Design, Cummins 3.8L 173 HP engine, Hardox® 500 directional spot casting chute with 2-section deflector, Wired joystick control, 4.3" LCD screen, 4 LED working lights, Hardox® 550 drum, Chromium carbide skid shoes, Hardox® 550 scraper blade, Emergency stop buttons, Level indicator on loading chute, Block heater, 46 Gallon Fuel Tank, Dual 17" Cross Augers, 34" Impeller, 52" Working Height, 102" Working Width.

Base Unit
Larue D30 Snowblower: $140,600.00
Cab Control
Wireless control system - Bluetooth®: $3,800.00
Extra 25' control cable: $800.00
Chute
30" telescopic chute extension: $7,400.00
Hydraulic tilting chute (right side): $5,500.00
3-section chute deflector - Hardox® 550: $3,700.00
Drum
Drum - 150 degree rotation by worm gear: $2,000.00
Drum liner - Chromium carbide: $3,600.00
Safety
Heated LED lights – Frame: $500.00
LED work light - Engine compartment: $900.00
Engine shutdown system - Includes: LED work light - Safety bolt area: $1,300.00
Durability & Efficiency
Reverse function - Conveyor & Impeller: $800.00
Scraper blade - Tungsten carbide: $1,300.00
Full width skid shoe - Tungsten carbide: $2,900.00
Drift cutter skid shoes - Tungsten carbide: $300.00
Others
Quick coupler- JRB: $4,200.00
Combined Total
Sourcewell Contract Total: $179,600.00
Non-Contract Items
In-Bound Freight from Quebec City, QC: $3,250.00
Machine Pre-Delivery Inspection: $600.00
Delivery to Davenport, IA from Ankeny, IA: $950.00
On-Site Operation/Maintenance Training Davenport, IA: $550.00

Combined Price: $184,950.00

-MINUS Sourcewell Contract Discount 5%: -$8,980.00

NET SOURCEWELL CONTRACT PURCHASE PRICE: $175,970.00

Price Includes: Delivery to city shop and on-site training
Warranty: 1 Year Parts/Labor
Availability: 15-30 Days ARO Dependent Upon Quick Hitch Availability
Invoice Due: 30 Days After Delivery

Mike Osler- MacQueen Equipment- 515-864-8171

City of Davenport

Department: Finance
Contact Info: Mallory Merritt | 563-326-7792

Action / Date
10/12/2022

Subject:
Resolution authorizing the Finance Director to make the appropriate inter-fund transfers for the City's FY 2022 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The City Finance Committee, established under Iowa Code 384.13, is granted authority to promulgate rules relating to the procedures for transferring money between funds. Chapter 2 of Section 545 of the Iowa Administrative Code states that all transfers of money between funds found in the City budget forms must be approved by a fund transfer resolution.

The City of Davenport regularly and routinely transfers amounts between funds in order to carry out the lawful and public purposes of a municipal government. A list of inter-fund transfers with associated explanations are attached to this Council action for the fiscal year ended June 30, 2022.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	FY 2022 Inter-Fund Transfer List

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	9/28/2022 - 6:34 PM
Finance Committee	Merritt, Mallory	Approved	9/28/2022 - 6:35 PM
City Clerk	Admin, Default	Approved	9/29/2022 - 1:21 PM

Resolution No. _____

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION authorizing the Finance Director to make the appropriate inter-fund transfers for the City's FY 2022 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2.

WHEREAS, the City Finance Committee established under Iowa Code 384.13 is granted authority to promulgate rules relating to the procedures for transferring moneys between funds; and

WHEREAS, Chapter 2 of Section 545 of the Iowa Administrative Code states that all transfers of moneys between funds found in the city budget forms must be approved by a fund transfer resolution; and

WHEREAS, the City of Davenport regularly and routinely transfers amounts between funds in order to carry out the lawful and public purposes of a municipal government; and

WHEREAS, the attached list of inter-fund transfers with associated explanations are necessary to satisfy these purposes for the fiscal year ended June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Finance Director is hereby authorized to make the appropriate inter-fund transfers for the City's FY 2022 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2.

Passed and approved this 12th day of October, 2022.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

Transfer in:

	General Fund	General Debt Service Fund	Capital Projects Fund	Non-major Governmental Funds	Airport Fund	RiverCenter Fund	Non-major Proprietary Funds	Risk Mgmt Internal Service Fund	**Total Transfer**
Transfer out:									
General Fund	$ -	$ -	$ 548,889	$ 103,183	$ 30,000	$ 284,250	$ 331,995	$ -	$ 1,298,317
Local Option Sales Tax Fund	-	14,632,126	3,476,173	75,000	-	-	-	-	18,183,299
Road Use Tax Fund	-	-	2,546,000	-	-	-	-	-	2,546,000
General Debt Service Fund	-	-	-	-	-	93,848	-	-	93,848
Capital Projects Fund	209,667	-	-	-	-	-	-	-	209,667
Sewer Fund	-	-	-	-	-	-	-	64,157	64,157
Other Non-major Proprietary Funds	-	-	2,100,000	-	-	-	-	-	2,100,000
Other Non-major Governmental Funds	327,500	-	-	530,654	-	-	-	-	858,154
Total transfer	$ 537,167	$ 14,632,126	$ 8,671,062	$ 708,837	$ 30,000	$ 378,098	$ 331,995	$ 64,157	$ 25,353,442

To General Fund:		
	$ 275,000	from TIF Funds for Administrative Support
	52,500	from Riverfront Improvement Fund in payment of work performed.
	$ 327,500	
To Library Levy	$ 209,667	from CIP due to excess contribution funding
To General Debt Service Fund	$14,632,126	from Local Option Sales Tax Fund for property tax relief
To Capital Projects Fund	$ 293,983	Projects funded from General Fund
	159,371	Rivercenter/Adler Theatre projects funded from Hotel Motel Tax
	2,100,000	Vacant/Abandoned Properties from Heritage proceeds
	95,535	Projects funded from the Disaster Fund
	3,476,173	Projects funded from Local Option Sales Tax Fund
	2,546,000	Street projects funded from Road Use Tax Fund
	$ 8,671,062	
To Fair Housing Fund	35,000	to cover operating deficit
To Riverfront Improvement Fund	75,000	Riverfront projects from Local Option Sales Tax Fund
To CDBG Fund	530,654	Urban revitalization projects
	$ 605,654	
To Youth Sports Fund	$ 68,183	Budgeted transfer
To Airport Fund	$ 30,000	for operating deficit
To RiverCenter Fund	$ 284,250	for operating deficit
	93,848	for debt service payments
	$ 378,098	
To River's Edge Fund	331,995	for operating deficit
To Risk Fund	$ 64,157	Sewer Backup fees collected

City of Davenport

Department: Public Safety **Action / Date**
Contact Info: Brian Krup | 563-326-6163 **10/12/2022**

Subject:
Motion approving a noise variance request for an outdoor event on the listed dates and times.

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 2, 2022 and Saturday, December 3, 2022; Outdoor music/band, over 50 dBA. [Ward 5]

Recommendation:
Pass the Motion.

Background:
The following request for a noise variance has been received pursuant to the Davenport Municipal Code Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/29/2022 - 12:20 PM

City of Davenport

Department: Public Safety **Action / Date**
Contact Info: Jamie Swanson | 563-326-7795 **10/12/2022**

Subject:
Motion approving beer and liquor license applications.

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

Ward 5

WMart (KHM, LLC) - 1205/1207 East Locust Street - New Owner/License - License Type: Class E Liquor

Ward 6

Brooks & Christina, LLC (Brooks & Christina, LLC) - 5159 Utica Ridge Road - New License - License Type: Beer/Wine

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

Ward 1

Herbs Tap, Inc (Herbs Tap, Inc) - 3701 Rockingham Road - License Type: Class C Liquor

Kwik Shop #583 (Kwik Shop, Inc) - 3129 Rockingham Road - License Type: Class C Beer

Ward 2

Express Lane Gas & Food Mart # 83 (ExpressLane, Inc) - 3636 Hickory Grove Road - License Type: Class C Beer

Ward 3

Cavort QC (The Key, LLC) - 229 Brady Street - License Type: Class C Liquor

River Drive Smoke Shop (AB Kazi, LLC) - 828 West River Drive - License Type: Class E Liquor

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 East 3rd Street - Outdoor Area - License Type: Class B Liquor

Ward 4

Riverside Liquor 2 (Two Brothers Locust, LLC) - 1528 West Locust Street - License Type: Class E Liquor

Kwik Shop #577 (Kwik Shop, Inc) - 1732 Marquette Street - License Type: Class C Beer

Kwik Shop # 593 (Kwik Shop, Inc) - 303 West Locust Street - License Type: Class C Beer

Ward 5

Locust Street Tavern (Locust Street Tavern, Inc) - 331 East Locust Street - License Type: Class C Liquor

Jesse's Mart (Guru Nanak Petro Mart, Inc) - 412 East Locust Street - License Type: Class C Beer

Ward 6

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor

Hy-Vee Fast and Fresh (Hy-Vee, Inc) - 3200 East Kimberly Road - License Type: Class E Liquor

The Grape Life (The Grape Life Wine Store & Lounge, LLC) - 3402 Elmore Avenue - License Type: Class C Liquor

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc) - 5811 Elmore Avenue - License Type: Class E Liquor

Chili's Grill & Bar (Brinker Restaurant Corporation) - 4020 East 53rd Street #2700 - License Type: Class C Liquor

Ward 7

Kwik Star #291 (Kwik Trip, Inc) - 1225 East Kimberly Road - License Type: Class C Beer

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

Kwik Shop #587 (Kwik Shop, Inc) - 1670 West Kimberly Road - License Type: Class C Beer

Kwik Shop #586 (Kwik Shop, Inc) - 201 West 53rd Street - License Type: Class C Beer

Steel Plow Burger (Steel Plow Burger II, LLC) - 1430 East 52nd Street #3 - Outdoor Area - License Type: Class C Liquor

Ward 8

Double D Diner (Lillypad Boutique, LLC) - 2225 West 53rd Street #400 - License Type: Class C Liquor

Casey's General Store #2168 (Casey's Marketing Company) - 1691 West 53rd Street - License Type: Class E Liquor

Recommendation:
Pass the Motion.

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

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Merritt, Mallory	Approved	9/28/2022 - 6:35 PM
Public Safety Committee	Merritt, Mallory	Approved	9/28/2022 - 6:35 PM
City Clerk	Admin, Default	Approved	9/29/2022 - 1:24 PM

City of Davenport

Department: Public Works - Admin **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **10/12/2022**

Subject:
Motion accepting work completed under the West 69th Street and Jebens Avenue Resurfacing project by Langman Construction, Inc of Rock Island, Illinois in the amount of $77,663.69, CIP #35054. [Ward 8]

Recommendation:
Pass the Motion.

Background:
This project involved asphalt milling and overlay on two neighborhood streets:

- West 69th Street between Jebens Avenue and Hancock Avenue
- Jebens Avenue from West 67th Street south approximately 150 feet to existing concrete pavement.

Besides asphalt work, the concrete curbing was replaced at the Jebens & 67th intersection to improve drainage. The total project cost was $77,663.69, which was funded by Capital Improvements Program funds for local roads (CIP #35054) using a combination of Road Use Tax, Local Option Sales Tax, and bond proceeds.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:33 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:33 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:42 PM

City of Davenport

Department: Public Works - Admin
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
10/12/2022

Subject:
Motion awarding a contract for the purchase of 113 sewer intake castings to Schimberg Co of Cedar Rapids, Iowa in the amount of $59,890, CIP #33053. [All Wards]

Recommendation:
Pass the Motion.

Background:
On September 1, 2022, an Invitation to Bid was issues and sent to 116 vendors. On September 16, 2022 the Purchasing Division opened and read four (4) responsive and responsible bids. See attached bid tab.

This bulk purchase of castings with CIP funds will allow the Sewer Division to perform more catch basin repairs/replacements across the City. It is expected that this supply of castings will be sufficient to meet the needs for the next 3-5 years.

Funding for this project is from the CIP #33053 Intake Repair Program. These funds come from the Clean Water Fund.

ATTACHMENTS:

	Type	Description
🗋	Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	9/27/2022 - 5:32 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:33 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:29 PM

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Storm Sewer Intake Castings

BID NUMBER: 23-25

OPENING DATE: September 16, 2022

FUNDING: 71058675 530350 33053 Intake Repair Program

RECOMMENDATION: Award the contract to Schimberg Co. of Cedar Rapids, Iowa

VENDOR NAME	PRICE PER UNIT
Schimberg Co. of Cedar Rapids, IA	**$530**
Winwater Co. of Eldridge, IA	$567
Utility Equipment Company of Bettendorf, IA	$572.50
Zimmer & Francescon, Inc. of Moline, IL	$610

Approved By Kari Thoren 09/26/2022
Purchasing Date

Approved By Nicole McKeown 9-26-22
Dept Director Date

Approved By Brandi Cox 9-26-22
Budget/CIP Date

Approved By William G. Mc Nitt 9/24/2022
Assist. City Administrator/ CFO Date

City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7786

Action / Date
10/12/2022

Subject:
Motion awarding an engineering contract for the design of the Locust Street (Division Street to Marquette Street) Resurfacing project to Klingner & Associates, PC of Davenport, Iowa in the amount of $67,500. [Ward 4]

Recommendation:
Pass the Motion.

Background:
The resurfacing of Locust Street from Division Street to Marquette Street has been funded in the FY 2023 CIP# 35061. Design will take place over the winter with bids and construction scheduled for 2023.

Klingner & Associates, PC has an office located on East 60th Street in Davenport and has been selected for the design of this project. Approval of the proposal from Klingner in the amount of $67,500 will allow design to begin.

ATTACHMENTS:

	Type	Description
🗋	Cover Memo	Klingner Proposal for Locust St

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	9/27/2022 - 5:32 PM
Public Works Committee	Moses, Trish	Approved	9/27/2022 - 5:32 PM
City Clerk	Admin, Default	Approved	9/28/2022 - 1:48 PM

KLINGNER & ASSOCIATES, P.C.
Engineers • Architects • Surveyors

THE CITY OF DAVENPORT IOWA | USA

PROPOSAL FOR: City of Davenport
PROJECT: Locust Street – Division to Marquette
DATE: September 7, 2022

I. PROJECT DESCRIPTION/UNDERSTANDING

The City of Davenport (Client) has requested that Klingner & Associates, P.C. (Klingner) provide a proposal for preparation of construction documents for the resurfacing of Locust Street – Division to Marquette.

II. SCOPE OF SERVICES

Survey

a. The limits of the survey corridor shall be according to attached maps:
    i. Locust Street – Division St to Marquette St
b. Ground elevations along with the location and elevations of all surface topographic objects. Include gutter flow line, back of curb, edge of pavement, pavement material changes, etc.
c. Elevations of all manhole and intake grates along with their depth.
d. Sufficient data to establish ADA compliant sidewalk connections.
e. All driveway approaches are to be shot in a manner that the existing apron and sidewalk cross slopes can be established.
f. Both edges of the sidewalk shall be shot at regular intervals where applicable.
g. Pavement joints shall be shot at intersections and start/stop locations to establish joint geometry and end of project tie-ins.
h. Coordinate with utilities for mapping and location details. One Call service coordination is not necessary.
i. Calculations, research and determination of Right of Way to ensure improvements are located within those limits

Horizontal datum is to be Iowa State Plane South and the vertical datum to be NAVD 1988. CAD files are to be compatible with Civil 3D, 2018 version.

Preliminary Engineering

1) Prepare sanitary and storm structure Inspection Reports for project area to include but not limited to:
    (1) Structure type, size, material, and condition.
    (2) Frame and grate or lid type.
    (3) Verify pipe sizes, materials, locations.

2) Roadway / Intersection Planning:
    a) Set proposed roadway alignments including centerline and back of curb.
    b) Set proposed profile and pavement grades to determine project impacts. Including in the grading task will be the establishment of the pavement and site drainage conceptual plan and potential utility impacts.
        1) Locust Street – Division to Marquette – HMA Resurfacing
3) Submit Preliminary Plans to City of Davenport for review and approval.

Bid Document Preparation

1) Prepare construction specifications and complete bid documents.
2) Prepare plan and profile sheets (@1" = 20' H, 1" =5' V).
3) Prepare cross-section sheets (@1" = 10' V, 1"=5' V) Cross sections to be at 25 foot spacing, cross street centerline, and roadway crest and sag locations.
4) Submit plans for City review per E-Plan website 50% and 95%.
5) Submit Estimate of Probable Construction Cost and Estimate of Time for Construction for review.
6) Revise Plans, Specifications and Estimates per City comments.
7) 100% Plans and Specifications Submitted to Public Works by January 1, 2023.

The City of Davenport will provide or cause to be furnished the following:

- Existing roadway plans, if on record.
- Any Data on Existing Storm or Sanitary Sewers

Other guidelines for design and construction were provided by e-mail from City of Davenport.

IV. COMPENSATION

Based on Klingner & Associates understanding of the scope, schedule, and complexities of this project, we offer the following proposed Lump Sum Fees.

FEE BY DISCIPLINE AND PHASE	
Discipline / Phase	Lump Sum
Survey/Construction Documents	
Locust Street – Division to Marquette St	$67,500
TOTAL	$67,500

V. REIMBURSABLE EXPENSES

Reimbursable expenses as listed on the attached Reimbursable Expense Itemization sheet will be billed in addition to our lump sum fee. All permit Fees to be paid by the Client or invoiced as reimbursable.

VI. ADDITIONAL SERVICES

The following additional services are outside the scope of services as defined above and are to be discussed with the client prior to execution. Additional services, if requested by the client, can be negotiated under a separate agreement.

- Meetings or site visits other than those mentioned in the Scope of services herein.
- Permit application services.
- Construction layout.
- Construction Observation.
- Construction Materials Testing.

- As-built plans from redlines provided.
- Right of way plats or descriptions.
- Easement documents.

VII. APPROVAL

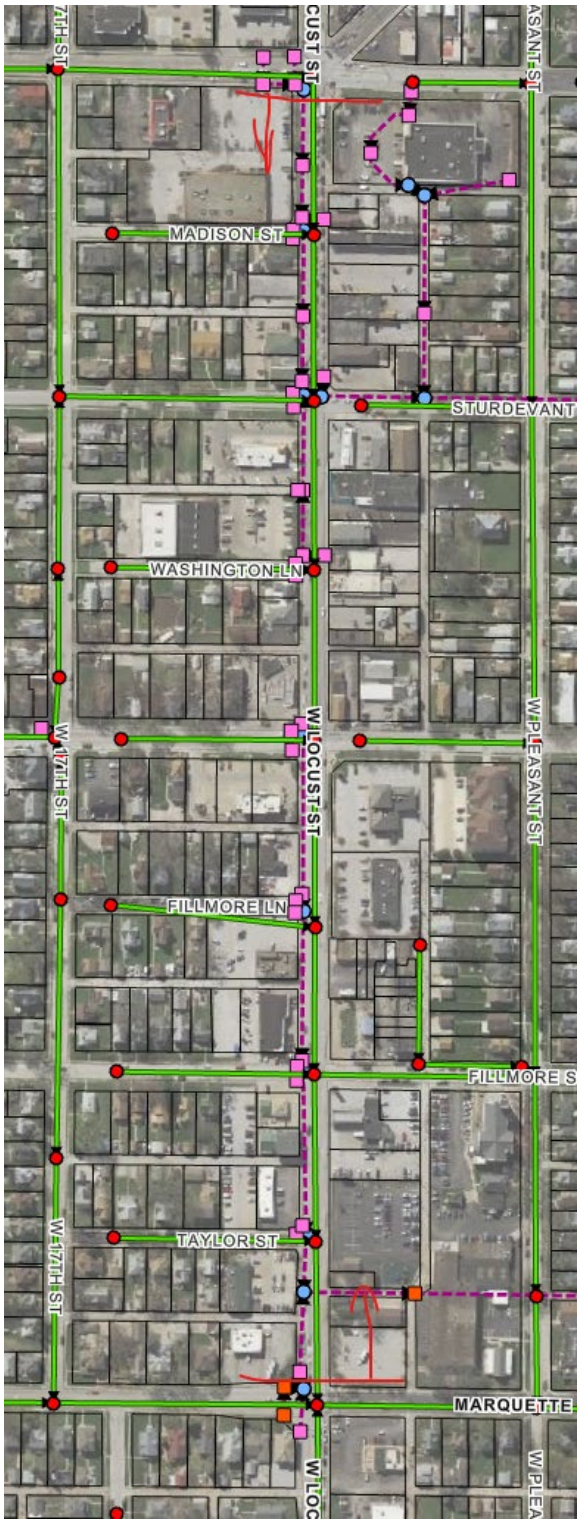
All work will be performed in accordance with the Klingner & Associates, P.C.'s General Terms and Conditions attached or as mutually modified. The return of a signed copy of this Agreement to Klingner will signify acceptance of this proposal and initiation of our services.



Mark Lee, PE
Klingner & Associates, P.C.
Regional Office Manager

City of Davenport

Locust Division to Marquette



GENERAL TERMS AND CONDITIONS

DEFINITIONS: The term Client shall be herein interpreted as the person, corporation, or public entity to which this contract is made. The term E/A/S is any division of Klingner & Associates, P.C. providing the professional Engineering, Architectural, or Surveying services.

SCOPE OF SERVICES: Services are limited to those specifically listed; they do not include others not set forth or not listed which are expressly excluded from the scope of the E/A/S's services unless separately provided in writing, including but not limited to special inspections and structural tests as defined in Sections 1701 through 1715 of the International Building Code (IBC). The E/A/S assumes no responsibility to perform or provide any services not specifically listed.

STANDARD OF PRACTICE: Services performed by the E/A/S under this agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, expressed or implied, and no warranty or guarantee is included or intended in this agreement, or in any report, opinion, document or otherwise.

FIDUCIARY RESPONSIBILITY: The Client confirms that neither the E/A/S nor any of the E/A/S's subconsultants or subcontractors has offered any fiduciary service to the Client and no fiduciary responsibility shall be owed to the Client by the E/A/S or and of the E/A/S's subconsultants or subcontractors as a consequence or the E/A/S's entering into this Agreement with the Client.

CHANGED CONDITIONS: This Agreement is based on conditions actually known by or disclosed to the E/A/S. If other conditions not originally known or disclosed become known or disclosed, the E/A/S may require a renegotiation of appropriate portions of this Agreement (e.g., compensation or scope of service).

INFORMATION PROVIDED BY OTHERS: The Client shall furnish and grant permission to use, at the Client's expense, all information, requirements, reports, data, surveys and instructions as defined in the Scope of Services of this Agreement. The E/A/S may use such information, requirements, reports, data, surveys and instructions in performing its services and is entitled to rely upon the accuracy and completeness thereof without independent verifications or investigation.

UNAUTHORIZED CHANGES: In the event the Client, the Client's contractors or subcontractors, or anyone for whom the Client is legally liable makes or permits to be made any changes to any reports, plans, specifications or other construction documents prepared by the E/A/S without obtaining the E/A/S's prior written consent, the Client shall assume full responsibility for the results or consequences of such changes. Therefore the Client waives any claim against the E/A/S and releases the E/A/S from any liability arising directly or indirectly from such unapproved changes whether or not known by the E/A/S.

CHANGE ORDERS: The Client agrees not to make any claim directly or indirectly against the E/A/S on the basis of professional negligence, breach of contract, or otherwise with respect to the costs of approved Covered Change Orders unless the costs of such approved Covered Change Orders exceed fifteen percent (15%) of Construction Cost, and then only for an amount in excess of such percentage. For purposes of this paragraph, the cost of Covered Change Orders will not include any costs that Client would have incurred if the Covered Change Order work had been included originally without any imprecision, incompleteness, error, omission, ambiguity, or inconsistency in the Contract Documents and without any other error or omission of the E/A/S related thereto.

BETTERMENT: If, due to the E/A/S's negligence, a required item or component of the Project is omitted from the E/A/S's construction documents, the E/A/S shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event will the E/A/S be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the Project.

COMPENSATION METHODS: The "Lump Sum" method includes compensation for the E/A/S's services and services of outside the E/A/S's, if any. Appropriate amounts will be incorporated in the Lump Sum to account for labor, overhead, profit and may or may not include Reimbursable Expenses. The "Standard Hourly Rate" method is an amount equal to the cumulative hours charged per each classification of employee, times a current Standard Hourly Rate (revised annually on July 1st) for each applicable billing classification for all services performed on a Specific Project, plus Reimbursable Expenses and outside the E/A/S charges, if any. The "Payroll Cost Times Multiplier" method is an amount equal to the cumulative hours charged per each classification of employee, times a specified multiplier of the employee's payroll cost. The "Payroll Cost" is defined as the salary and wage of an employee plus the cost of customary and statutory benefits including, but not necessarily limited to, social security contributions, unemployment, health, sick leave, vacation, workers' compensation, incentive and holiday pay applicable thereto. "Reimbursable Expenses" means the actual expenses incurred directly or indirectly in connection with the work including but not limited to the following: transportation and subsistence, telephone and media expenses, reproduction or printing, computer time, and outside the E/A/Ss.

PAYMENT: The E/A/S may invoice for its services and expenses monthly, based on the proportion of the actual work completed at the time of invoicing. Payment of invoice is due within fifteen (15) calendar days from the date invoiced. If not paid within thirty (30) calendar days, the Client agrees to additionally pay interest at the rate of one percent (1%) per month on the unpaid balance, or the maximum rate of interest permitted by law, whichever is less. If Client chooses to make payment by credit card, a five percent (5%) fee will be added to the invoice amount. In addition, the Client agrees to pay attorney fees, cost and collection expenses if incurred by the E/A/S to obtain payment. If payment request is passed on to a collection agency, the Client agrees to pay the invoice amount and accrued interest, plus the fee of the collection agency. Any claim for payment will be brought in Adams County, Illinois.

RISK ALLOCATION: The E/A/S's liability to the Client for injury or damage to persons or property arising out of work performed for the Client and for which liability may be found to rest upon the E/A/S, other than for professional errors, omissions or negligence will be limited to the E/A/S's general liability insurance coverage of $1,000,000.00.

LIMITATION OF LIABILITY: For any damage on account of professional errors, omissions or negligence will be limited to $100,000.00 or the fee, whichever is less. In no event shall the E/A/S be liable for incidental or consequential damages. This provision is separable from the remainder of this agreement to the extent inconsistent with law.

CONSTRUCTION CONTINGENCY: Client recognizes and expects that certain Change Orders may be required to be issued as the result in whole or part of imprecision, incompleteness, errors, omissions, ambiguities, or inconsistencies in the Drawings, Specifications, and other design documentation furnished by the E/A/S or in the other professional services performed or furnished by the E/A/S under this Agreement ("Covered Change Orders"). Accordingly, Client agrees to budget a minimum of five percent (5%) of the total client's construction contractor's bid amount(s) for contingencies.

DEFECTS IN SERVICE: The Client shall immediately report to the E/A/S any defects or suspected defects in the E/A/S's services of which the Client becomes or should have become aware and allow the E/A/S to take measures to minimize the consequences of such a defect. Failure by the Client to notify the E/A/S shall relieve the E/A/S of the costs of remedying the defects claimed above the sum such remedy would have cost had prompt notification been given when such defects were or should have been first discovered.

ILLINOIS REVISED STATUTES COMPLIANCE: The Consultant and he/she and his/her principals have not been barred from signing this Agreement as a result of a violation of Sections 33E-3 and 33E-4 of the Criminal Code of 1961 (Chapter 38 of the Illinois Revised Statutes).

TIME OF COMPLETION: The E/A/S will use its best efforts to complete the work by the date indicated in the schedule, but the E/A/S shall incur no liability due to any delay for any reason and the Client's obligation to pay fees and expenses shall not be affected by any delay. In addition, if any delay increases the cost or time required by the E/A/S to perform its services in an orderly, professional and efficient manner, the E/A/S shall be entitled to a reasonable and equitable adjustment in schedule and/or compensation.

OWNERSHIP OF DRAWINGS AND ELECTRONIC INFORMATION: Drawings, tracings, plats, specifications, CADD files, electronic information, and other products produced by the E/A/S may be used in connection with the Client's presently proposed project, but shall otherwise be the E/A/S's property and their use for any other project is not authorized. The Client agrees, to the fullest extent permitted by law, to hold harmless and indemnify the E/A/S from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising out of or in any way connected with modification, translation, misinterpretation, misuse, or reuse by the Client or others of the machine readable information and data or other electronic data which may be provided by the E/A/S under this Agreement. Contract Documents include both the sealed drawings and the electronic files. If there is a conflict between the two, the sealed drawings will govern.

ACCEPTANCE PERIOD: CADD files shall have an acceptance period of 90 days. During this time, the Client can examine the electronic files and verify their correctness. The E/A/S will remedy any errors discovered in the files during this period. Once the acceptance period ends, the Client has accepted the files and takes responsibility for their ongoing maintenance.

OPINIONS OF PROBABLE COST: In providing opinions of probable cost, the Client understands that the E/A/S has no control over contractor's costs or the price of contractor's labor, equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable cost provided herein are to be made on the basis of the E/A/S's qualifications and experience. The E/A/S makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

HAZARDOUS ENVIRONMENTAL CONDITIONS: Unless expressly stated in writing, the E/A/S does not provide assessments of the existence or presence of any hazardous or other environmental conditions or environmental contaminants or materials ("Hazardous Environmental Conditions"). Client shall inform the E/A/S of any and all known Hazardous Environmental Conditions before services are provided involving or affecting them. If unknown Hazardous Environmental Conditions are encountered, the E/A/S will notify the Client and, as appropriate, government officials of them. The E/A/S may without liability or reduction or delay of compensation due suspend services on the affected portion of the project until Client takes appropriate action to abate, remediate, or remove the Hazardous Environmental Condition. The E/A/S shall not be considered an "arranger", "operator", "generator", "transporter," "owner," or "responsible party" of or with respect to contaminants, materials, or substances: assumes no liability for correction of any Hazardous Environmental Condition; and shall be entitled to payment or reimbursement of expenses, costs, or damages occasioned by undisclosed Hazardous Environmental Conditions.

CONSTRUCTION SERVICES: Should the Client provide construction observation or review with either the Client's representatives or a third party, the E/A/S's services under this Agreement will be considered to be completed upon completion and submittal of the Final Design or the services outlined in the Scope of Work. It is understood and agreed that if the E/A/S's Services under this Agreement do not include project observation, or review of the Contractor's performance, or other construction services, and that such services will be provided by the Client, then the Client assumes all responsibility for interpretation of the Contract Documents and for construction observation or review and waives any claims against the E/A/S that may be in any way connected thereto.

AUTHORITY AND RESPONSIBILITY: The E/A/S (1) does not guarantee the actual bids the Client will receive or the work of any Contractor or Subcontractor, (2) has no authority to stop work by any Contractor or Subcontractor, (3) has no supervision or control as to the work or persons doing the work, (4) does not have charge of the work, (5) is not responsible for safety in, on, or about the job site, and (6) does not have any control of the safety or adequacy of any equipment, building component, scaffolding, supports, forms or other work aids. The E/A/S neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to finish and perform its work in accordance with the Contract Documents.

TERMINATION: This agreement may be terminated by either party on written notice. If terminated by either party (with or without cause), the Client agrees to pay for all services and reimburse all expenses performed or incurred to and including the date written notice of termination is received by either party.

DISPUTE RESOLUTION: Any claims or disputes made during design, construction or post-construction between the Client and the E/A/S shall be submitted to non-binding mediation. The Client and the E/A/S agree to include a similar mediation agreement with all Contractors, Subcontractors, Sub consultants, Suppliers and Fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

BINDING EFFECT: This is the entire agreement. It may not be amended except in writing. It shall be binding on both the Client and the E/A/S and their legal representatives, executors, administrators, successors and assigns.

INDEMNIFICATION: The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the E/A/S, his or her officers, directors, employees, agents and sub consultants from and against said damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising out of or in any way connected with the E/A/S's providing emergency services under this Agreement, excepting only those damages, liabilities or costs arising directly from the sole negligence or willful misconduct of the E/A/S.

FAST TRACK/DESIGN-BUILD AND CONSTRUCTION: In consideration of the benefits to the Client of employing the "fast track" process (in which some of the E/A/S's design services overlap the construction work and/or are out of sequence with the traditional project performance or delivery method), and in recognition of the inherent risks of fast tracking to the E/A/S which Client accepts, the Client waives all claims against the E/A/S for design changes and modification of portions of the services already constructed due to the Client's decision to employ the fast track process. The Client further agrees to compensate the E/A/S for all Additional Services required to modify, correct, or adjust the Construction Documents and coordinate them in order to meet the Client's Project requirements because of the Client's knowing decision to construct the Project in a fast track manner.

RIGHT OF ENTRY: Client shall provide for E/A/S's right to enter property owned by Client and/or others in order for E/A/S to fulfill the scope of service for this Project. Client understands that use of exploration equipment may unavoidably cause damage, the correction of which is not the responsibility of E/A/S.

BURIED UTILITIES: Client shall be responsible for designating the location of all utility lines and subterranean structures within the property lines of the Project. Client agrees to waive any claim against the E/A/S and to defend, indemnify and hold harmless for any claim or liability for injury or loss arising from the E/A/S or other persons encountering utilities or other manmade objects that were not called to the E/A/S's attention or which were not properly located on the plans furnished to the E/A/S. Client further agrees to compensate the E/A/S for any time or expenses incurred by the E/A/S in defense of any such claim, in accordance with the E/A/S's standard hourly per diem fee schedule and expense reimbursement policy.

REIMBURSABLE EXPENSE ITEMIZATION
EFFECTIVE JULY 1, 2022 THROUGH JUNE 30, 2023

PRINTING

REPORTS, MANUALS, SPECIFICATIONS COPIES	B & W	Color
8 ½" x 11", including Collating & Binding	$ 0.17 Each	$ 0.50 Each
8 ½" x 14", including Collating & Binding	$ 0.21 Each	$ 0.75 Each
11" x 17", including Collating & Binding	$ 0.28 Each	$ 1.15 Each

PLAN SHEETS *(Based On Square Footage Of Media Used)*	B & W	Color
Bond	$ 0.55/sq ft	2.00/sq ft
Vellum	$ 0.65/sq ft	2.40/sq ft
Mylar	$ 0.80/sq ft	3.00/sq ft

COMPUTER PLOTTING

Labor cost plus media *($50.00 minimum charge for non-project related plotting)*

GENERAL ITEMS

Mileage *(may adjust due to fuel fluctuations)*	$ 0.625 per Mile
Reproduction (i.e. Prints, Copies, Plans, etc)	At Cost + 15%
Computer Aided Design/Drafting	$ 17.00 per Hour
Long Distance & Cell Calls, Subsistence & Lodging	At Cost
Non-reusable Supplies	At Cost + 15%
Boat	$ 300.00/Day
ATV	$ 80.00/Day
ATV-Truck	$ 120.00/Day
Digital Copies – CD / Flash Drive	$ 7.00 Ea + Labor

SURVEY ITEMS

Three Dimensional Scanning	$220.00/Hour
Global Positioning & Robotic Survey Instrument	$30.00/Hour
Drone (Imagery)	$55.00/Hour
Drone (Survey)	$138.00/Hour
Drone (Survey Software)	$248.00/Day
Wood Lath	$ 1.60 Each
2" x 2" or 1" x 2" Wood Hub	$ 1.60 Each
Wood Paddle Stake	$ 2.00 Each
Concrete Monument	$68.00 Each
Wire Flag Marker	$ 0.25 Each
Iron Pipe Marker	$15.00 Each
Rebar Pin Marker	$ 4.00 Each
Fence Post	$12.00 Each
GPS Monuments	At Cost
Recorder, Filing Fees	At Cost

ENVIRONMENTAL ITEMS

Peristaltic Pump	$90.00/Day
Bailer	$11.00 Each
PID Meter	$95.00/Day
pH Meter	$12.00/Day
Geoprobe	$100.00/Hour
Bentonite	$20.00/Bag
Sand	$13.00/Bag

TESTING SERVICES

Concrete Slump and Air Tests *(ASTM C143 and ASTM C231)*	At Labor
Concrete Cylinder Molds	$4.00 Each
Concrete Cylinder Tests *(ASTM C39, ASTM C617, and ASTM C31)*	$25.00/Test + Labor
Concrete Cylinder Tests *(ASTM C39, ASTM C617, and ASTM C31)* ..... Cured but not tested	$17.00 Each + Labor
Moisture Density *(Standard ASTM D698)*	$255.00 Each
Atterberg Limits: (*Plastic Limit, Liquid Limit & Plasticity Index - ASTM D4318)*	$100.00 Each
Nuclear Density Tests in-Place *(ASTM D2922, ASTM D2950, and ASTM D3017)*	$21.00 Each + Labor

ADDITIONAL SERVICES

Specialty Consultants	Cost + 15%
Laboratory Analysis	Cost + 15%
Aerial Photography	Cost + 15%
Custom Reproductions	Cost + 15%

Reimb Exp effective 07-01-22
Per diem

City of Davenport

Department: Finance
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
10/12/2022

Subject:
Motion approving an updated lease agreement with Nahant Marsh for the operations and maintenance of the facility and grounds effective November 1, 2022. [Ward 1]

Recommendation:
Pass the Motion.

Background:
The original agreement between Nahant Marsh and the City of Davenport has become out of date due to expansion of the Marsh and changes in management. This new agreement reflects the additional growth of the Marsh and acknowledges the Riverfront Improvement Commission as a party to the agreement due to Nahant Marsh maintaining a portion of Commission property. In addition, the new facility that is underway as a result of the fundraising efforts of Nahant Marsh is included.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	9/27/2022 - 4:43 PM

DAVENPORT
CITY ADMINISTRATION

Effective date: **November 1, 2022**

Nahant Marsh Facilities Management Agreement

This agreement ("Agreement") entered into on this 1st day of November 2022 by and among the City of Davenport (the "City"), an Iowa Municipal Corporation, Riverfront Improvement Commission, both of whose address for the purpose of this Agreement is 224 W. 4th Street, Davenport, Iowa 52801, and The Nahant Marsh Education Center (the 'Nahant Center' or 'Nahant Marsh'), an Iowa not-for-profit corporation whose address for the purpose of this agreement is 4220 Wapello Avenue, Davenport, Iowa 52802.

This agreement will wholly replace the pre-existing agreement dated August 20, 2014 due to the significant changes in the land, building and needs of the agreement.

WHEREAS, the City and Riverfront Improvement Commission, are the owner of 134.21 acre parcels of land including a multiple building education center at 4220 Wapello Avenue, Davenport Iowa, commonly known as the Nahant Marsh;

WHEREAS, the Nahant Center and the EICC (Eastern Iowa Community College) or some other contracted organization are willing to assist with the operation of the Center and will provide their best efforts to support the Center;

WHEREAS, the Nahant Center and EICC have led and will lead fundraising efforts for the operations at the Marsh;

WHEREAS, the Nahant Center owns 180.03 additional acres which surround or abut the property owned by the City;

WHEREAS, the above organizations all desire that the educational programs of the Center be successful.

NOW THEREFORE, the UNDERSIGNED AGREE AS FOLLOWS:

1. **Term**: The term of this Agreement shall be ten (10) years beginning on November 1, 2022 with automatic five (5) year renewal terms until termination by ninety (90) days written noticed before the end of the initial term or any extension thereof.

2. **Description of the Center Facilities**: The Center consists of an original building erected in the 1970's, known as the Davenport Sportsmen Club, an addition to this facility that was fundraised by the efforts of the Nahant Marsh in 2014, and a new facility that will be constructed in 2022/2023 that was fundraised by the efforts of the Nahant Marsh.

3. **Access to the Center Facilities**: The City and Nahant Marsh staff reserve unto themselves and their designees the right to free access and use of the Marsh and the Center and its facilities, subject to scheduling through Nahant Marsh staff and confirmation that said activity and/or program will not conflict with an existing activity and/or program.

4. **Center Maintenance:**

    a. **Preventative Maintenance.** Custodial and preventative maintenance as well as any minor damage is performed or repaired by Center staff.
    b. **Routine Maintenance.** All Center facilities are property of the City of Davenport and the City will perform repairs including wear and tear and routine maintenance to the current and future facilities on the City of Davenport owned portion of the parcel. Examples include, but are not limited to:
        i. Air Conditioning and Furnace Repairs
        ii. Doors - Locks and replacement of doors
        iii. Bathrooms-Toilet repairs
        iv. Well Pump
        v. Electrical lighting/Ballasts bulbs
        vi. Sandbagging
        vii. Parking Lot Repairs
        viii. Gutter Repairs
        ix. Concrete repair
        x. Septic tank
    c. **Other Damage:** Damage or required repairs not contemplated in this agreement are subject to negotiation between the Nahant Marsh Board and City of Davenport staff.
    d. **Capital Expenditures.** The Center will request future capital improvements and the City will review and place for consideration in the Capital Improvement Plan where applicable and appropriate to the current seated council priorities.
    e. **Maintenance Costs.** The City will continue to pay all utility charges and will provide snow removal at the Marsh in the area of the City of Davenport owned parcel. The City of Davenport will provide a lawn mower to the Nahant Marsh for Nahant Marsh staff to properly mow the natural area.

5. **Ecosystem Management**: Decisions relating to the overall management of the Marsh ecosystem will remain with the Nahant Board. Examples

of ecosystem management decisions include but are not limited to the location and design of viewing platforms, water control structures, walking paths, water level control, invasive species management, prairie management, prairie restoration, and the types/locations of plantings. Ecosystem Management activities will be carried out by Nahant Marsh staff.

6. **Recreation Path Maintenance:** The City of Davenport will be responsible for repairs to the recreation paths as well as route maintenance. The City of Davenport will not provide snow removal to the path from November 15 to April 1.

7. **Insurance:** The City agrees to provide property, casualty and liability insurance on the Marsh and Center. The City will agree to provide general lability insurance on the Marsh and the Center in an amount not less than $2,000,000 coverage. Nahant Marsh agrees to provide $1,000,000 coverage for umbrella liability, $1,000,000 coverage for Abuse and Molestation, and $550,000 Nahant Marsh-owned property.

8. **Nahant Marsh Staffing and Activities:** The Nahant Marsh will employ staff as directed by the Nahant Marsh Board. This staff shall be solely responsible for coordinating and scheduling organized groups and activities at the Center, including, but not limited to: educational school groups, environmental organizations, research projects, workshops and seminars.

9. **Fundraising:** The primary partner for fundraising efforts during the period of this Agreement shall be the Nahant Board. The Nahant Board agrees to cooperate and facilitate such fundraising endeavors as they may arise.

10. **Annual Report:** Nahant will meet with City of Davenport Parks Director and/or Public Works Director and Riverfront Improvement Commission staff annually to review the Annual Report and condition of facilities.

11. **Professional Services:** Nahant Marsh provides critical professional services to the city by discounting admission to the facilities for residents. As such, the City and the Marsh will agree to an annual professional service agreement to offset costs of Davenport residents utilizing the center at a discounted rated or other services mutually agreed upon.

12. **Wetland Bank Credits (when applicable):** Nahant Marsh Board is the sole decision maker for the sale of Wetland bank credits per the Army Corps of Engineering program. The price of the credits are set by the Nahant Marsh Board and the sale is facilitated by the Board. Wetland credit revenue shall be used towards operations

or facilities of the Nahant Marsh and will be reported on in the annual report to the city.

13. **Notices and Demands:** All notices shall be given to the parties hereto at the addresses designated unless either party notifies the other, in writing, of a different address. Without prejudice to any other method of a notifying a party in writing or making a demand to other communication, such notice shall be considered given under the terms of this license when it is deposited in the U.S. Mail, registered or certified properly addressed, return receipt requested and postage prepaid. Electronic copies are deemed sufficient as long as both parties are in agreement.

14. **Provisions Binding:** Each and every covenant and agreement herein contained shall extend to and be binding upon the respective successors, heirs, administrators, executors and assigns of the parties hereto.

15. **Assignment:** None of the parties shall assign this Agreement, in whole or part without the prior consent of the other parties, which consent shall not be unreasonably withheld.

16. **Governing Law:** This Agreement shall be interpreted in accordance with the laws of the State of Iowa. If any part or provision of this license / agreement shall be deemed to be invalid or illegal, then such invalid or illegal portion shall, so far as possible, not affect the validity or legality of the remainder of the license.

IN WITNESS WHEREOF, the parties have caused this instrument to be signed by their respective duly authorized officers on the date indicated above.

Nahant Marsh Education Center Board,
An Iowa Not-For-Profit Corporation

By:_____
Name: Curtis Lundy
Title:_____

City of Davenport, Riverfront Improvement Commission
An Iowa Municipal Corporation

By:_____
By:_____

Name:_____
Name:_____

Title:_____
Title:_____