

CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, September 13, 2023; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

REVISED SEPTEMBER 12, 2023

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 August 23, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for September 6, 2023.

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Riverfront Improvement Commission
-Kelli Grubbs (re-appointment | First Ward representative)

B. Proclamations

1. Skip the Plastic Campaign
2. Metrocom NAACP Unit #4019 Day | September 30, 2023

IX. Presentations

A. Summer Reading Program School Winners

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance for Case REZ23-02 being the request of RIVALDD Farms, Inc to rezone approximately 231.26 acres of land located

south of Slopertown Road and west of Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

2. Third Consideration: Ordinance for Case ROW23-03 being the request of William Taylor to vacate approximately 101 feet of unimproved right-of-way of Emerald Drive in Crystal Creek 8th Addition. [Ward 1]
3. Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 11th Street along the south side from Prospect Terrace to Judson Street thereto. [Ward 5]
4. Resolution approving Case F23-11 being the request of William Taylor for a final plat of Crystal Creek Ninth Addition, a 4-lot subdivision on 9.06 acres located at 3051 and 3100 Emerald Drive. [Ward 1]
5. Resolution approving street, lane, or public ground closures on the listed dates and times for outdoor event.

Davenport Community Schools; North High Homecoming Parade; Thursday, September 21, 2023 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled)**: Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]

St. Paul the Apostle; Back to School Block Party; 1007 East Rusholme Street; 12:00 p.m. - 10:30 p.m. Saturday, September 23, 2023; **Closure**: East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

Anton Knaak; Vander Veer East Good Neighbor Project Block Party; 11:00 a.m. - 7:00 p.m. Saturday, October 7, 2023; **Closure**: East Rusholme Street from the first alley east of Brady Street to Pershing Avenue. [Ward 5]

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Brown Street to Scott Street) Resurfacing project, CIP #35062. [Ward 3]
7. Resolution accepting work completed under the Independence Drive Reconstruction project by Ihrig Works LLC of Long Grove, Iowa in the amount of \$326,334.05, CIP #35062. [Ward 7]
8. Resolution awarding a contract for the 2023 Residential Alley Resurfacing Program to Langman Construction, Inc of Rock Island, Illinois in the amount of \$479,738.26, CIP #35038. [Wards 3, 5, & 6]
9. Resolution awarding a one-year contract with a possible one-year extension for the 2023-2024 Long-Line Pavement Marking to Ostrom Painting &

- Sandblasting Inc of Rock Island, Illinois in the amount of \$245,980. [All Wards]
10. Resolution awarding a contract for the Silver Creek Stabilization Seeding and Maintenance project to Miller Trucking & Excavating of Silvis, Illinois in the amount of \$180,880, CIP #33041. [Ward 2]
 11. Resolution awarding a contract for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Valley Construction Company of Rock Island, Illinois in the amount of \$2,456,789, CIP #36063. [Ward 2]
 12. Resolution awarding a contract for construction administration and inspection services for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Origin Design of Davenport, Iowa in an amount not-to-exceed \$109,600, CIP #36063. [Ward 8]
 13. Resolution awarding a contract for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$565,879, CIP #35062. [Wards 3 & 4]
 14. Resolution approving the purchase of one street flusher truck from Kilburg Equipment of Sabula, Iowa in the amount of \$240,483 using State of Minnesota procurement contract #S-863(5). [All Wards]
 15. Resolution approving the purchase of one Rosco oil distributor truck from Road Machinery and Supplies of East Moline, Illinois in the amount of \$259,349 using Sourcewell contract #060122-VTL. [All Wards]
 16. Resolution awarding a contract for the Dohse Splash and Play project to The Henley Group, LLC of Muscatine, Iowa in the amount of \$539,550, CIP #ARP10. [Ward 1]
 17. Motion approving noise variance requests on the listed dates and times for outdoor events.

Palmer College of Chiropractic; Homecoming; 1000 Brady Street; 8:30 p.m. for approximately 20 minutes Saturday, September 16, 2023; Fireworks, over 50 dBA. [Ward 3]

Davenport Community Schools; North High School Homecoming Parade; see attached parade route; 5:30 p.m. - 7:00 p.m. Thursday, September 21, 2023; Outdoor music, over 50 dBA. [Wards 7 & 8]

Our Lady of Victory Catholic Church; Our Lady of Victory Parish Picnic; 4105 North Division Street; 12:00 p.m. - 4:00 p.m. Sunday, September 24, 2023; Outdoor music, over 50 dBA. [Ward 7]

18. Motion approving beer and liquor license applications.

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

Ward 6

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Extended Outdoor Area October 5 - License Type: Class C Liquor (On-Premises)

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

Ward 3

Barrel House 211 (Barrelhouse, LLC) - 207-211 East 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

River Center/Adler Theatre (Venuworks of Davenport, LLC) - 136 East 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Super Saver Liquor (Malwa, LLC) - 1610 Rockingham Road - License Type: Class E Liquor (Carry-Out)

Thunder Bay Grille/Figge (Thunder Bay Grille, LLC) - 225 West 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

West Side Grocery (Eva S, LLC) - 1802 West 7th Street - License Type: Class E Liquor (Carry-Out)

Ward 4

CVS/Pharmacy #8659 (Iowa CVS Pharmacy, LLC) - 1777 Division Street - License Type: Class E Liquor (Carry-Out)

The Putnam (Putnam Museum and Science Center) - 1717 West 12th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Sun Mart, LLC (Sun Mart, LLC) - 2920 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 5

Bowlmor Lanes (Davenport Bowlers, Inc) - 2952 Brady Street - License Type: Class C Liquor (On-Premises)

Grumpy's Saloon (2118-2120, In) - 2120 East 11th Street - License Type: Class C Liquor (On-Premises)

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

Players (Players, LLC) - 2218 East 11th Street - License Type: Class C Liquor (On-Premises)

Ward 6

Barrel House Three, LLC (Barrel House Three, LLC) - 5141 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Big River Bowling (Kimberly Entertainment, LLC) - 2902 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Cabos Cantina and Grill 2, LLC (Cabos Cantina and Grill 2, LLC) - 5717 Elmore Avenue Unit E - License Type: Class C Liquor (On-Premises)

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

J-Bar Holiday Inn & Suites / J-Bar (HOA Hotels, LLC) - 4215 Elmore Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

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

Super Target T-533 (Target Corporation) - 5225 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Ward 7

CVS Pharmacy #8658 (Iowa CVS Pharmacy, LLC) - 1655 West Kimberly Road - License Type: Class E Liquor (Carry-Out)

Famous Dave's (Elmore Foods, LLC) - 1110 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Vans Pizza Pub and Grill (Reedcan, LLC) - 3333 North Harrison Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

19. Motion awarding a blanket contract for the purchase of calcium chloride for the 2023-2024 winter season to SICALOCO, LTD of Hinsdale, Illinois as the primary supplier and Jerico Services, Inc of Indianola, Iowa and Ossian, Inc of Davenport, Iowa as back up suppliers. [All Wards]
20. Motion awarding a blanket contract for the purchase of anti-icing chemicals for the 2023-2024 winter season to SNI Solutions, Inc of Geneseo, Illinois as the primary supplier and Ossian, Inc of Davenport, Iowa as the backup supplier. [All Wards]
21. Motion approving the purchase of one Bomag tandem roller from Road Machinery & Supplies of East Moline, Illinois in the amount of \$71,250 using Sourcewell contract #032119-BAI, CIP #24033. [All Wards]

XIII. Other Ordinances, Resolutions and Motions

1. Motion for suspension of the rules to add and vote on the listed item.
2. Motion approving a liquor license application.

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

Ward 1

Midwest Festivals, LLC (Midwest Festivals, LLC) – 2200 West River Drive –
Temporary Event September 23-24 – License Type: Class C Liquor (On-Premises)

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. Adjourn

City of Davenport

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

Action / Date
9/13/2023

Subject:
Approval of the City Council Meeting minutes for August 23, 2023.

ATTACHMENTS:

Type	Description
 Exhibit	CC Min 082323

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/7/2023 - 4:14 PM

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, August 23, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, August 23, 2023 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 (*In person*: Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderman Jobgen, and Alderman Ortiz; *Via telephone*: Alderwoman Dickmann).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Cornette

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for August 9, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for August 16, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, August 16, 2023 -- 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 Condon. Upon the roll being called, all Aldermen were present (In person: Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderman Jobgen, and Alderman Ortiz; Via telephone: Alderwoman Dickmann).

*The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project, CIP #35062.*

*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 Alderman Dunn, items #3, Resolution approving Case F23-08 being the request of Johnson School Properties LLC for a final plat of Johnson School Homes, a 3-lot subdivision on 2.5 acres located at 1730 Wilkes Avenue, and #4, Resolution approving Case P23-02 being the request of Splendor Homes LLC for a preliminary plat of Splendor Estates, a 118-lot subdivision on 27.94 acres located at 2448 and 2460 East 60th Street, moved to the Discussion Agenda and all other items moved to the Consent Agenda. At the request of Alderman Gripp, Council recessed for a break at 7:51 p.m. and reconvened at 8:00 p.m. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Dunn all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Jobgen item #5, Resolution awarding a professional services contract for the design and establishment of railroad quiet zones to Snyder & Associates, Inc of Iowa City, Iowa in an amount not to exceed \$100,000, ARP #12, 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.*

*Council adjourned at **8:48 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2023-353

1. Historic Preservation Commission

- Christopher Kretz (re-appointment)

IX. Presentations

HELD

A. Davenport Police Department Swearing In Ceremony

- Daniel Lombardi
- Michael Conner

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Gripp, second by Alderman Dunn and all Aldermen present voting aye except Alderman Ortiz and Alderman Kelly with Alderwoman Meginnis abstaining, the following Resolution was adopted:*

Resolution approving Case F23-08 being the request of Johnson School Properties LLC for a final plat of Johnson School Homes, a 3-lot subdivision on 2.5 acres located at 1730 Wilkes Avenue. [Ward 4]

ADOPTED 2023-354

2. *On motion by Alderman Dunn, second by Alderwoman Lee and all Aldermen present voting aye, the following Resolution was tabled until the October 18, 2023 Committee of the Whole Meeting:*

Resolution approving Case P23-02 being the request of Splendor Homes LLC for a preliminary plat of Splendor Estates, a 118-lot subdivision on 27.94 acres located at 2448 and 2460 East 60th Street. [Ward 8]

TABLED

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

Resolution accepting earthwork-related improvements completed under the Veterans Memorial Park Phase II project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$240,929.03, CIP #68016. [Ward 3]

ADOPTED 2023-355

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

Resolution awarding a professional services contract for the design and establishment of railroad quiet zones to Snyder & Associates, Inc of Iowa City, Iowa in an amount not to exceed \$100,000, ARP #12. [Wards 1, 3, & 5]

ADOPTED 2023-356

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance amending Chapter 13.34 entitled "Stormwater Management" of the Municipal Code of Davenport, Iowa by amending various sections thereto

by updating acceptable software programs utilized for stormwater calculations, providing clarification on easement verbiage, aligning the fee schedule with other Municipal Code chapters, removing outdated sections, and outlining bonding procedures for landscaping and vegetation. [All Wards]

ADOPTED 2023-357

ORDINANCE NO. **2023-357**

AN ORDINANCE AMENDING CHAPTER 13.34 ENTITLED "STORMWATER MANAGEMENT" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY AMENDING VARIOUS SECTIONS THERETO BY UPDATING ACCEPTABLE SOFTWARE PROGRAMS UTILIZED FOR STORMWATER CALCULATIONS, PROVIDING CLARIFICATION ON EASEMENT VERBIAGE, ALIGNING THE FEE SCHEDULE WITH OTHER MUNICIPAL CODE CHAPTERS, REMOVING OUTDATED SECTIONS, AND OUTLINING BONDING PROCEDURES FOR LANDSCAPING AND VEGETATION.

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

Section 1. That Section 13.34.050 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.050 Compatibility with other permit and ordinance requirements.

A. It is intended that this ordinance be construed to be consistent with previously adopted City Code Chapter 13.38 entitled "CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL" and Chapter 13.36 entitled "STORMWATER ILLICIT DISCHARGE AND CONNECTION" along with other Titles and Chapters of the City Code.

Section 2. That Section 13.34.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.060 Requirements for stormwater management plans.

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

D. In addition to the requirements above, a landscaping plan must be submitted as part of the stormwater management concept plan to describe the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be approved prior to issuance of a permit for construction of the project. Stormwater management practice landscaping may be combined with the Zoning Code, Chapter 17 landscaping requirements, provided it meets all code requirements.

E. After review of and modifications to the stormwater management plan and the Maintenance & Repair Agreement, as deemed necessary by the City of Davenport, the final stormwater management plan must be submitted for approval. The final stormwater management plan shall include all of the information required in the Final Stormwater Management Plan outline found in the Davenport Stormwater Design Manual. In addition, the originally signed and notarized, approved Maintenance & Repair Agreement shall be submitted to the City for signature prior to recording at the Records Office of Scott County. No permits shall be issued until the originally signed and notarized document has been received by the Natural Resources Division. The City will record the document and return the original to the person or company designated on the agreement.

Section 3. That Section 13.34.065 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.065 Maintenance.

A. All plans submitted for stormwater detention or water quality systems shall describe an adequate procedure of normal maintenance for the system in accordance with the requirements of the Davenport Stormwater Manual. Any failure of the stormwater system due to inadequate normal or capital maintenance is a violation of this section and shall be the responsibility of the owner of the property on which the system is located. It shall also be the property owner's responsibility to remedy any negligence in maintenance that resulted in the failure of the system.

F. In the event that maintenance is not provided, the Public Works Director, or their representative, shall notify the party responsible for maintenance to perform the work and set a reasonable time for its completion. If said party refuses or is unable to comply with said order, said party is in violation of this section and subject to penalties including but not limited to the filing of municipal infraction citation and Public Works Director, or their representative, causing the maintenance to be completed at the expense of said party.

G. Owners of all existing detention basins constructed before January 1, 2014 will have until December 31, 2016 to complete any necessary maintenance on such basins and submit the required "as-built" survey. Owners shall be required to maintain such detention basins in accordance with the Chapter. Failure to comply with this section will result in enforcement actions including but not limited to those actions outlined in Section 13.34.090

Section 4. That Section 13.34.070 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.070 Easements.

C. Whenever any stream or water course is located in an area that is being subdivided or otherwise improved, the owner/developer shall dedicate a public right-of-way or drainage easement conforming substantially with the lines of such stream or water course and shall include such additional area adjoining both edges of such stream or water course that has been affected by damaging flood waters and/or inundated by the one-hundred-year flood waters, as determined by the City Engineer. This easement area shall contain a minimum fifty-foot vegetated buffer area on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the existing banks of the stream or drainage way for single family residential areas. For multi-family, Commercial and Industrial areas this easement area shall also contain a minimum fifty-foot vegetated buffer area on both sides of the stream as measured per the single-family residential buffer. If disturbed during construction, this buffer shall be planted with vegetation native to the Midwest region of the United States and maintained as a native grass and forb (flower) no-mow area; kept free of trees, invasive plant species and other obstructions. Mowing should occur three to four times per year for the first three years to establish the native plant buffer. In subsequent years mowing may occur once per year, in the spring or fall for maintenance and shall comply with 13.34.070.E. Mowing should be done as high as possible with a standard mower; no less than six inches in height. The intent of the fifty-foot buffer is to comply with 13.34.070.B, allow streams to naturally meander, to maximize plant root depth, and to protect private property by limiting structure installation and uses that will impede its intended use or capacity. If the fifty-foot buffer is left undisturbed during construction, existing vegetation may remain in place.

D. At no point shall a drainage easement designated as a stream buffer area be clear cut of trees. Select tree removal in order to allow mature trees to reach their full canopy or to allow for a specific design flow rate may occur, as determined by the City Engineer or their designee.

E. At no point shall a stream buffer drainage easement be used for dumping yard waste or other materials.

F. Stream buffer drainage easement areas shall comply with all laws, including the Zoning Code Section 17.11.100 entitled "Tree preservation".

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

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

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

J. No structures shall be constructed in the stormwater detention or quality systems or easement areas nor any filling, fencing or other obstacles which will impede its intended use or capacity and easements must comply with Section 13.34.140 Excess stormwater passageway. This Section is intended to comply with Chapter 13.36 Stormwater Illicit Discharge and Connection, Section 13.36.070 Watercourse protection.

Section 5. That Section 13.34.080 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.080 Construction inspections.

C. If seasonal weather prohibits the installation of stormwater management facilities or any associated landscape at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued with provision of a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional. The installation of stormwater management facilities or any associated landscape must begin as soon as seasonal weather allows.

Section 6. That Section 13.34.090 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.090 Enforcement and penalties.

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

1. Schedule of violations

Type I:	First offense	\$250
	Second offense	\$500
	Third offense	\$750
	Fourth and subsequent	\$1,000

2. Definition of offenses

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

C. Each day a violation exists shall constitute a separate offense.

D. In addition to the civil and municipal infractions outlined in Subsection 13.34.090(B), the City may seek equitable relief or take other abatement actions. Each day a violation exists shall constitute a separate offense. The City of Davenport may also take any one or more of the following actions:

1. Stop-work order. The City of Davenport may issue a stop-work order which shall be served on the contractor, owner, or other responsible person. The stop-work order shall remain in effect until the contractor, owner or other responsible person has taken the necessary actions to cure the violation or violations described in a written notice of violation. The stop-work order may be withdrawn or modified to enable the contractor, owner or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. Withhold certificate of occupancy. The City of Davenport may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the contractor, owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

Section 7. That Section 13.34.100 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.100 Waivers.

C(1)(c). Monetary contributions (fee-in-Lieu) for detention for redevelopment- to fund stormwater related work on lands strategically located in the watersheds consistent with the purposes of this ordinance. The fee-in-lieu of waiver for detention, as outlined in Sections 13.34.220 and 13.34.230, is intended only for **redevelopment**

sites when detention, in whole or in part, is not practical in the opinion of the Public Works Director or their designee based on the procedure outlined in Section 13.34.100 Waivers.

C(1)(d). Monetary contributions (fee-in-Lieu) for water quality - to fund stormwater quality management activities on lands strategically located in the watersheds consistent with the purposes of this ordinance. The monetary contributions required shall be in accordance with a fee schedule (unless the developer and the City agree on a greater alternate contribution) established by the City based on the estimated cost savings to the developer resulting from the waiver and the estimated future costs to the City to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. All of the monetary contributions shall be credited to an appropriate capital improvements program project or program and shall be made by the developer prior to the issuance of any construction permit for the development. The fee-in-lieu procedure has been established and is as follows:

C(1)(f). Substantial Hardship Waiver. If none of the above mitigation measures can be met to resolve the condition that causes the impracticability of compliance with a minimum requirement for stormwater quality or quantity management and the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustice, the City's Public Works Director, or their designee, may waive, vary, or modify such requirements so that the subdivider or developer is allowed to develop their property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

Section 8. That Section 13.34.120 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.120 Runoff calculation.

A. Design flows shall normally be calculated using the procedures outlined in the Soil Conservation Services, Technical Release No. 55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said Technical Release No. 55. For drainage basins of twenty acres or less, the Modified Rational Method may be used. For drainage areas larger than 2,000 acres or for situations where the methods described above are not appropriate, TR-20, HEC-1, HEC-HMS or other approved alternatives may be used.

B. Stormwater management documents shall be submitted following the format of ISWMM 9.03-3 Storm Water Management Plan formatting.

D. For those storm sewers that will handle footing drains, added Q values per house per ISWMM Chapter 2 must be used.

E. For culvert and ditch conveyance frequencies, guidance per ISWMM Chapter 2 must be used.

Section 9. That Section 13.34.140 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.140 Excess stormwater passageway.

E. Individual lot grading in a subdivision or other larger common plan of development must comply with the City approved final grading plan and the lowest entry elevation of the approved plat or construction plans. Final grading shall maintain the original intent and function of final grading plan, drainage areas, stormwater overland flow design and storm sewer system design. Lot drainage slopes will not be less than 1.5% to minimize ponding, and not excessive to cause uncontrollable erosion. Final grading shall also maintain positive drainage away from structures; must not direct water directly toward any down-grade structure foundations; and must comply with Chapter 12.28 Driveway and Approaches, SUDAS Section 7030, International Residential Code (IRC) for frost protection of footing, and the City of Davenport SUDAS Supplemental Specifications;

G. Spot elevations should be listed at each rear lot corner, at the mid-point of the side yard line, and along the proposed drainage ways and easements.

Section 10. That Section 13.34.210 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.210 Applicability.

D(1). Development or redevelopment projects that do not create more than 5,000 square feet of impervious area, regardless of previous condition, provided they are not part of a larger common development plan that does create more than 5,000 square feet of impervious area, or that do not meet the requirement of Subsection 13.34.300(B).

Section 11. That Section 13.34.220 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.220 Release rate.

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

C. The planning and design of drainage systems should be such that problems are not transferred from one location to another. Outfall points and velocities should be designed in such a manner that will not create flooding hazards downstream; or deterioration of existing structures; or degradation of biological functions or habitat; or increased stream bank erosion.

G. The minimum orifice size shall be 4 inches in diameter when located on the outside wall of a structure, where one side of the orifice is not accessible. Otherwise, the minimum orifice size may be smaller. In both cases of a 4 inch or smaller orifice to meet release rate requirements, the orifice shall possess protections to minimize plugging.

Section 12. That Subsection 13.34.220(F) of the Municipal Code of Davenport, Iowa be and the same is hereby deleted.

Section 13. That Section 13.34.230 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.230 Detention requirements.

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

C(1). For drainage areas larger than 2,000 acres, or for situations where the methods described above are not appropriate, TR-20, HEC-1, HEC-HMS, or other approved alternatives may be used.

E(1)(a). A method of carrying the low flow or a system of drains to prevent soggy areas shall be provided.

E(1)(b). Concrete or otherwise paved swales to carry low flow shall only be permitted if stormwater has already been passed through a water quality treatment facility.

E(2). Wet bottom stormwater storage areas shall be designed with all of the items required for dry bottom stormwater storage areas, except that the provisions of Subsection E(1)(a) of this Section shall not be required. Utilize the Iowa Storm Water Management Manual.

Section 14. That Subsection 13.34.230(E)(2)(a-h) of the Municipal Code of Davenport, Iowa be and a.-g. are hereby deleted, and h. shall be relettered alphabetically as appropriate.

Section 15. That Section 13.34.310 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.310 General performance criteria for stormwater quality management.

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

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

Section 16. That Section 13.34.320 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.320 Soil quality restoration.

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

Section 17. That Section 13.34.340 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.340 Procedure.

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

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.

2. Second Consideration: Ordinance for Case REZ23-02 being the request of RIVALDD Farms, Inc to rezone approximately 231.26 acres of land located south of Slopertown Road and west of Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

MOVED TO THIRD CONSIDERATION

3. Second Consideration: Ordinance for Case ROW23-03 being the request of William Taylor to vacate approximately 101 feet of unimproved right-of-way of Emerald Drive in Crystal Creek 8th Addition [Ward 1]

MOVED TO THIRD CONSIDERATION

4. First Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 11th Street along the south side from Prospect Terrace to Judson Street thereto. [Ward 5]

MOVED TO SECOND CONSIDERATION

5. Resolution approving street, lane, or public ground closures on the listed dates and times for outdoor events.

ADOPTED 2023-358

Jimmie O's Saloon; Street Fest; 2735 Telegraph Road; 9:00 a.m. - 10:30 p.m. Saturday, September 9, 2023; **Closure**: South Rolff Street from Telegraph Road south to the alley. [Ward 1]

Becky Romatoski; East 18th Street Block Party; 2514 East 18th Street; 12:00 p.m. - 10:00 p.m. Saturday, September 9, 2023; **Closure**: East 18th Street from Ridgewood Avenue to Woodland Avenue. [Ward 5]

St. Anthony Catholic Church; Kermes (Carnival); 417 North Main Street; 6:00 a.m. - 7:00 p.m. Sunday, September 10, 2023; **Closure**: Main Street from West 4th Street to West 5th Street. [Ward 3]

Davenport Community School District; West High School Homecoming Parade; 3505 West Locust Street; 4:30 p.m. - 7:00 p.m. Thursday, September 14, 2023; **Closures (Police controlled)**: West 18th Street from North Clark Street to North Elsie Avenue; North Elsie Avenue from West 18th Street to West Lombard Street; West Lombard Street from North Elsie Avenue to North Nevada Avenue; North Nevada Avenue from West Lombard Street south to West High School. [Wards 1 & 4]

Jason DeNoyer; TBK Quad Cities Marathon; 5:00 a.m. - 1:00 p.m. Sunday, September 24, 2023; **Closures**: Riverfront Trail from east City Limits to Marquette Street; Beiderbecke Drive from Gaines Street to Marquette Street; Gaines Street south of River Drive; River Drive from Brown Street to Scott Street; Western Avenue from West 2nd Street to River Drive; eastbound West 2nd Street from Centennial Bridge/Gaines Street to Western Avenue. [Ward 3 & 5]

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project, CIP #35062. [Wards 3 & 4]

ADOPTED 2023-359

7. Resolution awarding a contract for on-call sewer televising, inspecting, and cleaning services to Kline Sewer & Drain LLC of Long Grove, Iowa in an amount not to exceed \$150,000, CIP #30057 & #35061. [All Wards] **ADOPTED 2023-360**

8. Resolution approving a not-to-exceed five-year agreement with OpenGov, Inc for work order and asset management software. [All Wards] **ADOPTED 2023-361**

9. Resolution accepting the 2023-2024 (year one of three) AmeriCorps Program grant from the Corporation for National and Community Services in the amount of \$493,123, and authorizing the Finance Director or designee to sign the grant agreement to be implemented and managed by the Davenport Parks and Recreation Department. [All Wards] **ADOPTED 2023-362**

10. Resolution approving the purchase of grounds maintenance equipment from MTI Distributing of Grimes, Iowa in the amount of \$103,285 using Sourcewell contract #031121-TTC, CIP #24029. [All Wards] **ADOPTED 2023-363**

11. Resolution awarding a contract for a retail market analysis and strategy recommendation to Leland Consulting Group of Portland, Oregon in the amount of \$105,950. [Ward 7] **ADOPTED 2023-364**

12. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2023-365**

Jimmie O's Saloon; Street Fest; 2735 Telegraph Road; 6:00 p.m. - 10:00 p.m. Saturday, September 9, 2023; Outdoor music/band, over 50 dBA. [Ward 1]

St. Anthony Catholic Church; Kermes (Carnival); 417 North Main Street; 10:00 a.m. - 6:00 p.m. Sunday, September 10, 2023; Outdoor music, over 50 dBA. [Ward 3]

Davenport Community School District; West High School Homecoming Parade; see attached parade route; 4:30 p.m. - 6:30 p.m. Thursday, September 14, 2023; Outdoor music/band, over 50 dBA. [Wards 1 & 4]

Mississippi Valley Blues Society; Blues Fest; LeClaire Park | 400 Beiderbecke Drive; 4:30 p.m. - 11:30 p.m. Friday, September 15, 2023, and 1:00 p.m. - 11:30 p.m. Saturday, September 16, 2023; Outdoor music/bands, over 50 dBA. [Ward 3]

13. Motion approving beer and liquor license applications. **PASSED 2023-366**

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

Ward 3

Mississippi Valley Blues Fest (Mississippi Valley Blues Society) – 400 Beiderbecke Drive - Temporary Outdoor Event September 15-17 – License Type: Special Class C Beer/Wine (On-Premises)

St. Anthony Church of Davenport (St. Anthony Church of Davenport, Iowa) - 417 North Main Street - Temporary Outdoor Event September 10 – License Type: Special Class C Beer/Wine

Ward 5

Quad City Arts (Quad City Arts) - 2205 East 11th Street - Temporary Outdoor Event
September 15-17 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 7

Smoke Vibez (Smoke Vibez, LLC) - 3819 North Brady Street - License Type: Class E
Liquor (Carry-Out)

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

Ward 3

Miss Phay Cafe (Miss Phay Cafe, Inc) - 510/512 Brady Street - Outdoor Area - License
Type: Class C Liquor (On-Premises)

Ruby's (Infamous, LLC) - 429 East 3rd Street - Outdoor Area - License Type: Class C
Liquor (On-Premises)

Stompbox Brewing (Jpx2me, LLC) - 210 East River Drive #101 – Outdoor Area -
License Type: Class C Liquor (On-Premises)

14. Motion approving the purchase of one Ford F-450 truck chassis with a stake bed and lift
gate from Stivers Ford of Waukee, Iowa in the amount of \$68,149 using State of Iowa
Department of Administrative Services contract #23033, CIP #10503. [All Wards]

PASSED 2023-367

15. Motion approving the purchase of two Ford Maverick trucks from Stivers Ford of Waukee,
Iowa in the amount of \$56,467 using State of Iowa Department of Administrative Services
contract #23033. [All Wards]

PASSED 2023-368

16. Motion approving the purchase of two Chevrolet Equinox sport utility vehicles from Karl
Chevrolet of Ankeny, Iowa in the amount of \$51,819.60 using State of Iowa Department of
Administrative Services contract #23225. [All Wards]

PASSED 2023-369

17. Motion approving the purchase of one Bobcat UW56 Toolcat Utility Work Machine from
Rexco Equipment of Davenport, Iowa in the amount of \$69,233.20 using NASPO ValuePoint
contract #E194-81037. [All Wards]

PASSED 2023-370

18. Motion awarding a contract for the purchase of an inductively coupled plasma optical
emission spectroscopy (ICP-OES) analyzer to Agilent Technologies, Inc of Wilmington,
Delaware in the amount of \$86,642.55. [All Wards]

PASSED 2023-371

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

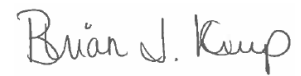
XV. Reports of City Officials

The following is a summary of revenue received for the month of July 2023:

Property Taxes	\$ -
Other City Taxes	\$ 2,382,383

Special Assessments	\$ -
Licenses & Permits	\$ 226,941
Intergovernmental	\$ 1,713,139
Charges for Services	\$ 3,613,405
Use of Monies & Property	\$ 83,942
Fines & Forfeits	\$ 147,486
Bonds/Loans Proceeds	\$ 34,872
Miscellaneous	\$ 229,608

XVI. Adjourn **7:30 p.m.**



Brian J. Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/13/2023

Subject:
Approval of the Report on Committee of the Whole for September 6, 2023.

ATTACHMENTS:

Type	Description
▣ Exhibit	COW Report 090623

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/7/2023 - 4:13 PM

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, September 6, 2023 -- 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 Jobgen. Upon the roll being called, all Aldermen were present (*In person*: Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderman Jobgen, and Alderman Ortiz; *Via telephone*: Alderwoman Dickmann).

The following Public Hearings were held: **Public Works**: 1. on the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Brown Street to Scott Street) Resurfacing project, CIP #35062.

The following proclamation was issued: Hispanic Heritage Month | September 15, 2023 - October 15, 2023, **ISSUED 2023-372**.

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 Alderman Jobgen all items moved to the Consent Agenda. **Public Safety**: Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Ortiz all items moved to the Consent Agenda except those noted as requested to be voted on later on the agenda. **Public Works**: Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Ortiz all items moved to the Consent Agenda. **Finance**: Alderman Condon reviewed the one item listed. On motion by Alderman Cornette, second by Alderman Ortiz the item moved to the Consent Agenda.

Other Ordinances, Resolutions and Motions: On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the rules were suspended to vote on the items below:

1. *On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye except Alderman Jobgen with Alderman Kelly abstaining, the following Resolution was adopted:*

Resolution approving a street, lane, or public ground closure on the listed date and time to hold an outdoor event. **ADOPTED 2023-373**

Devine Creations; Unity in the Community A Fifth Ward Celebration; 311 East Locust Street; 4:00 p.m. - 9:00 p.m. Saturday, September 9, 2023; **Closure**: north-south alley between East Locust Street and Kirkwood Boulevard and Iowa Street and Pershing Avenue from East Locust Street south to 313 East Locust Street. [Ward 5]

2. *On motion by Alderman Dunn, second by Alderman Gripp and all Aldermen present voting aye except Alderman Jobgen with Alderman Kelly abstaining, the following Motion passed:*

Motion approving a noise variance request on the listed date and time for an outdoor event.

PASSED 2023-374

Devine Creations; Unity in the Community A 5th Ward Celebration; 311 East Locust Street; 4:00 p.m. - 9:00 p.m. Saturday, September 9, 2023; Outdoor music/DJ, over 50 dBA. [Ward 5]

3. On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye except Alderman Jobgen and Alderman Cornette, the following Motion passed:

Motion approving a liquor license application.

PASSED 2023-375

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

Ward 1

Jimmie O's Saloon (Oldham Enterprizes, LLC) - 2735 Telegraph Road – Outdoor Event
September 9 - License Type: Class C Liquor

4. On motion by Alderman Kelly, second by Alderman Kelly and all Aldermen present voting aye except Alderman Cornette and Alderman Jobgen, the following Motion passed:

Motion approving a liquor license application.

PASSED 2023-376

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

Ward 3

Capitol Theatre (Capitol Theatre Group, LLC) - 330 West 3rd Street - New License -
License Type: Class C Liquor (On-Premises)

On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye (Alderwoman Dickmann did not vote as she was no longer connected electronically), Council recessed to Executive Session at **6:36 p.m.** to discuss strategy with counsel on matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **6:44 p.m.** with Mayor Matson and all Aldermen present except Alderwoman Dickmann (Alderman Condon, Alderman Cornette, Alderman Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Lee, Alderwoman Meginnis, and Alderman Ortiz). Others present included City Administrator Corri Spiegel and Corporation Counsel Tom Warner. On motion by Alderman Dunn, second by Alderman Jobgen, Council went back into open session and adjourned at **7:03 p.m.**

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
9/13/2023

Subject:
Riverfront Improvement Commission
-Kelli Grubbs (re-appointment | First Ward representative)

Background:

Kelli Grubbs is a re-appointment to the Riverfront Improvement Commission as the First Ward representative. Term dates for this appointment are May 1, 2023 - April 30, 2029.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	9/7/2023 - 9:33 AM

City of Davenport

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

Action / Date
9/13/2023

Subject:
Skip the Plastic Campaign

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	8/22/2023 - 10:40 AM

City of Davenport

Department: Office of the Mayor

Contact Info: Samantha Torres | 563-327-5128

Action / Date

9/13/2023

Subject:

Metrocom NAACP Unit #4019 Day | September 30, 2023

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	8/22/2023 - 10:49 AM

City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
9/13/2023

Subject:

Third Consideration: Ordinance for Case REZ23-02 being the request of RIVALDD Farms, Inc to rezone approximately 231.26 acres of land located south of Slopertown Road and west of Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Recommendation:

Adopt the Ordinance.

Background:

The subject properties were recently annexed into the City of Davenport and are currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development. The combined area of the rezoning request is 231.26 acres. At its July 18, 2023 meeting, the Plan and Zoning Commission recommended Case REZ23-02 be forwarded to the City Council with a recommendation for approval subject to the listing findings. The vote was 8 in favor and 0 opposed.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

The staff report from the July 18, 2023 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Staff Report - P&Z 7-18-23
▣ Backup Material	Zoning & Future Land Use Map
▣ Backup Material	Application
▣ Backup Material	Public Hearing Notice P&Z
▣ Backup Material	Public Hearing Notice COW
▣ Backup Material	Protest Petition-13860 Slopertown Rd

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/28/2023 - 12:00 PM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ23-01 BEING THE REQUEST OF RIVALDD FARMS, INC TO REZONE APPROXIMATELY 231.26 ACRES OF LAND LOCATED SOUTH OF SLOPERTOWN ROAD AND WEST OF HILLANDALE ROAD FROM S-AG AGRICULTURAL DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "I-1 Light Industrial District":

Parcel #932907002:

The Northeast Quarter of the Northeast Quarter of Section 29, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa, lying South of Slopertown Road. (17.53 Acres)

Parcel #932923001:

The Southeast Quarter of the Northeast Quarter of Section 29, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa. (41 Acres)

Parcel #932939001:

The Northeast Quarter of the Southeast Quarter of Section 29, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa. (40.77 Acres)

Parcel #932833001:

The Northwest Quarter of the Southwest Quarter of Section 28, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa. (40.3 Acres)

Parcel #932817002:

The West Half of the Northwest Quarter of Section 28, Township 79 North, Range 3 East of the 5th P.M., in Scott County, Iowa, lying South of Slopertown Road. (42.75 Acres)

Parcel #932821007:

Part of the Southwest Quarter of the Northeast Quarter of Section 28, Township 79 North, Range 3 East of the 5th Principal Meridian, in Scott County Iowa, lying South of W. Slopertown Road and excepting those tracts conveyed to the City of Davenport, Iowa, by Document #2016-29904 and Document #2020- 18554 recorded in the office of the Recorder of Scott County, Iowa. Also excepting all existing roads. (11.02 acres)

Parcel #932837002:

The Northwest Quarter of the Southeast Quarter of Section 28, Township 79 North, Range 3 East of the 5th Principal Meridian, in Scott County Iowa, excepting that tract conveyed to the City of Davenport, Iowa, by Document #2016-29904 recorded in the office of the Scott County Recorder of Scott County, Iowa. Also excepting all existing roads. (37.89 acres)

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

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

Section 3. At its July 18, 2023 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-02 to the City Council with a recommendation for approval subject to the listed findings.

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

City of Davenport
Plan and Zoning Commission-Staff Report
July 18, 2023

Case REZ23-02: Request of RIVALDD FARMS, INC. to rezone approximately 231.26 acres of land located south of Slopertown Road and west of Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Background:

The subject properties were recently annexed into the City of Davenport and are currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development. The combined area of the rezoning request is 231.26 acres.

Why is a Zoning Map Amendment Required?

The land is currently being used for agriculture, but is being marketed as a shovel-ready site suitable for industrial development. This is part of an overall strategy to promote industrial development north of Interstate-80. The owner intends to continue farming the land until the property can be sold.

Comprehensive Plan:

The City of Davenport initiated an amendment to the Future Land Use Map to better prepare for future development of this substantial growth area. At its June 6, 2023 meeting, the Plan and Zoning Commission forwarded a recommendation to City Council amending the subject properties from Urban Fringe to Industry. In addition, the Urban Service Boundary was recommended to extend north to Slopertown Road.

City Council approved this map amendment at its June 28, 2023 meeting.

Future Land Use Designation:

1. **Industry (I)** - Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

Zoning:

The subject properties are currently zoned **S-AG Agricultural District**. This district is intended to address existing agricultural land uses. The standards of the S-AG District promote the continuation of farming, and protect agricultural land uses from encroachment of incompatible developments.

The applicant is requesting a rezoning to **I-1 Light Industrial Zoning District**. This district is intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses. Light industrial uses are enclosed, low-intensity uses with minimal, if any, outside impacts.

Technical Review:

City Departments reviewed the proposed Zoning Map Amendment Application for compliance with city ordinances and impacts to regional systems.

Approval Standards for Map Amendments (Chapter 17.14.040)

The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Staff Response: As a result of voluntary annexations, the City of Davenport has expanded its corporate limits to Slopertown Road. To better prepare for future growth, the City initiated an amendment to the Future Land Use Map.

At its June 6, 2023 meeting, the Plan and Zoning Commission forwarded a recommendation to City Council amending the subject properties from Urban Fringe to Industry. In addition, the Urban Service Boundary was recommended to extend north to Slopertown Road. City Council approved this map amendment at its June 28, 2023 meeting.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.

b. The compatibility with the zoning of nearby property.

Staff Response: The surrounding land north of Interstate-80 is zoned I-1 Light Industrial District. The only exception is the 25.84 acre property at the southwest corner of Slopertown Road and Hillandale Road. Similar to the subject property, this tract of land was recently annexed into the City in 2022 and zoned S-AG Agricultural District.

Despite being largely undeveloped, the adjacent properties are being marketed as shovel-ready sites suitable for industrial development.

The Zoning Ordinance does not factor adjacent jurisdiction's zoning classifications when determining compatibility. However, the abutting land in the City of Eldridge is zoned SA-Suburban Agriculture District. Scott County classifies the surrounding property as Ag-Preservation District.

It is staff's opinion the proposed zoning amendment to I-1 Light Industrial District is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The established neighborhood character south of Slopertown Road, within City limits, consists of developed industrial properties as well as land planted in row crops. Large manufacturing facilities include Fair Oaks Foods, Kraft Heinz, and Sterilite Corporation.

This 231.26 acre tract of land is currently used for farming. There are no structures on the subject property. However, the owner is marketing the site for future industrial development. Staff anticipate the land will continue to be farmed until the land is sold for development.

It is staff's opinion the proposed zoning district is compatible with the established neighborhood character.

d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

Staff Response: Permitted principal uses in the I-1 Light Industrial District consist of light manufacturing, fabricating, processing, distributing, and warehousing. The Zoning Ordinance requires businesses to be enclosed, low-intensity uses that have minimal, if any, outside impacts.

The industrial district dimensional standards regulate building height and setbacks to mitigate any negative impacts onto adjacent properties. There are also façade, roof, and site design standards in City Code that applies to new development.

To date, a potential industrial use has not been identified for the site. However, staff believe the existing zoning requirements will ensure new development complies with City standards.

Given the vast acreage of the subject property, staff anticipate the land being further subdivided to facilitate orderly development. The Plan and Zoning Commission will have additional opportunities to address street connectivity and impacts to the regional transportation network.

It is staff's opinion that the proposed zoning map amendment will promote the public health, safety, and welfare of the City.

e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

Staff Response: The City of Davenport has processed three voluntary annexation petitions from 2022-2023. The subject property is approximately 231.26 acres located south of Slopertown Road, adjacent to Hillandale Road. Upon annexation, land is zoned S-AG Agricultural District, which is intended to address existing agricultural land uses.

The land is currently being used for agriculture, but is being marketed as a shovel-ready site suitable for industrial development. This is part of an overall strategy to promote industrial development north of Interstate-80. A rezoning to a light industrial district will enable the property to be built-out at a scale more aligned with the surrounding industrial park.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with Davenport's industrial developments.

f. The extent to which the proposed amendment creates nonconformities.

Staff Response: The undeveloped site is currently being used for farming. If rezoned to an industrial district, the agricultural use will be considered nonconforming until the site is subdivided and developed. In addition, there are no structures on the subject property.

Dimensional standards, such as lot area, lot width, setbacks, building coverage, and impervious surface will be addressed during the subdivision and development process.

It is staff's opinion that the proposed amendment will not create any nonconformities following development.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the June 20, 2023 Plan and Zoning Commission Public Hearing. The property owner at 13860 Slopertown Road spoke at the public hearing in opposition to the request. She cited the following concerns: preservation of productive agricultural land, traffic impacts, and noise pollution caused by potential industrial development.

Staff received a comment from an abutting property owner located at the southwest corner of Slopertown Road and Hillandale Road. The owner expressed interest in also rezoning their farmland from S-AG Agricultural District to I-1 Light Industrial District for the same purposes.

Staff will apprise the Commission of any additional correspondence at the July 18, 2023 Plan and Zoning Commission meeting.

Staff Recommendation:

Staff recommends Case REZ23-02 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

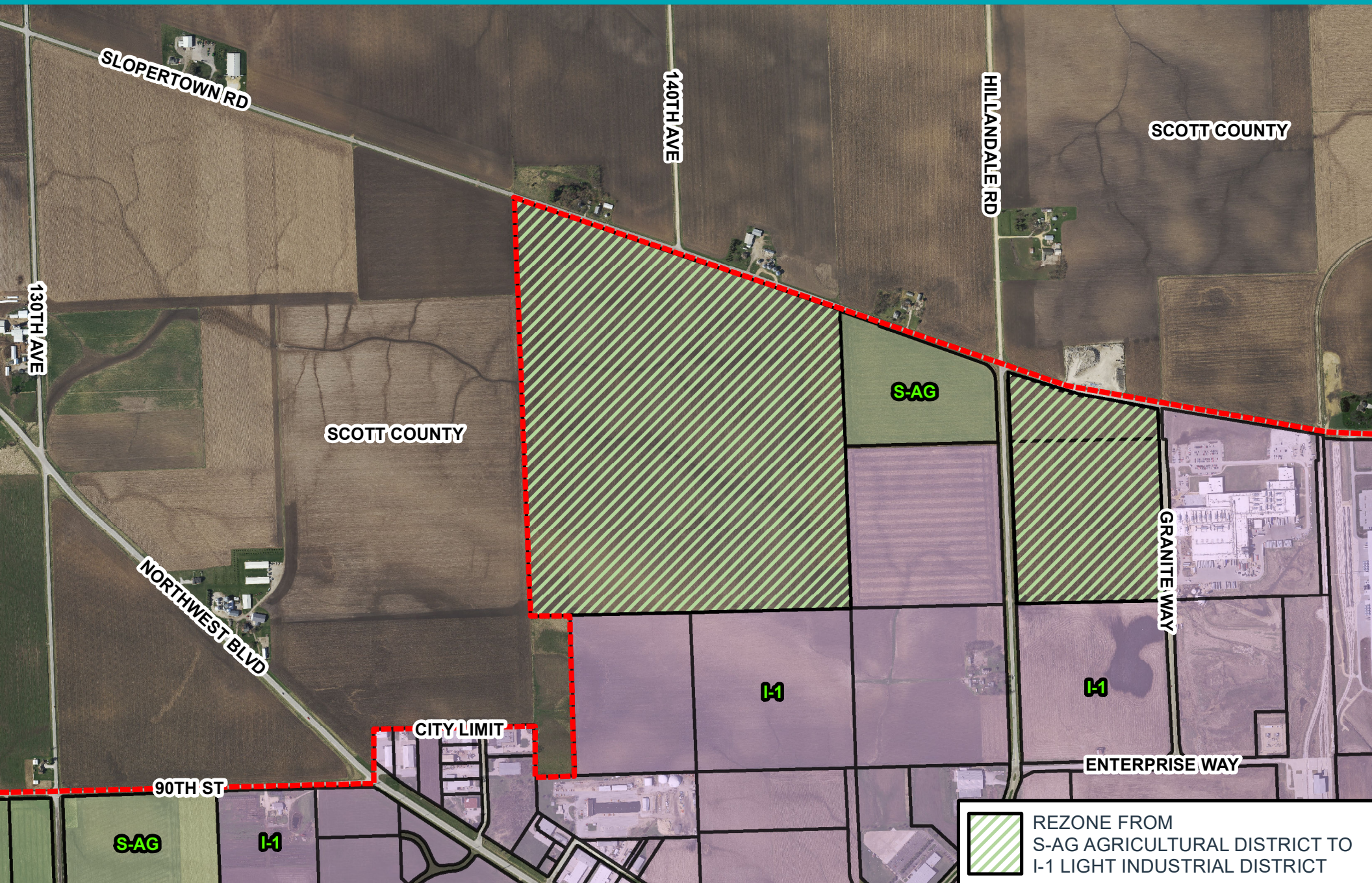
Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.
6. A fence and landscaping shall be installed along the W. Pleasant Street right-of-way line between the north south alley and N. Division Street.



THE CITY OF
DAVENPORT
IOWA | USA

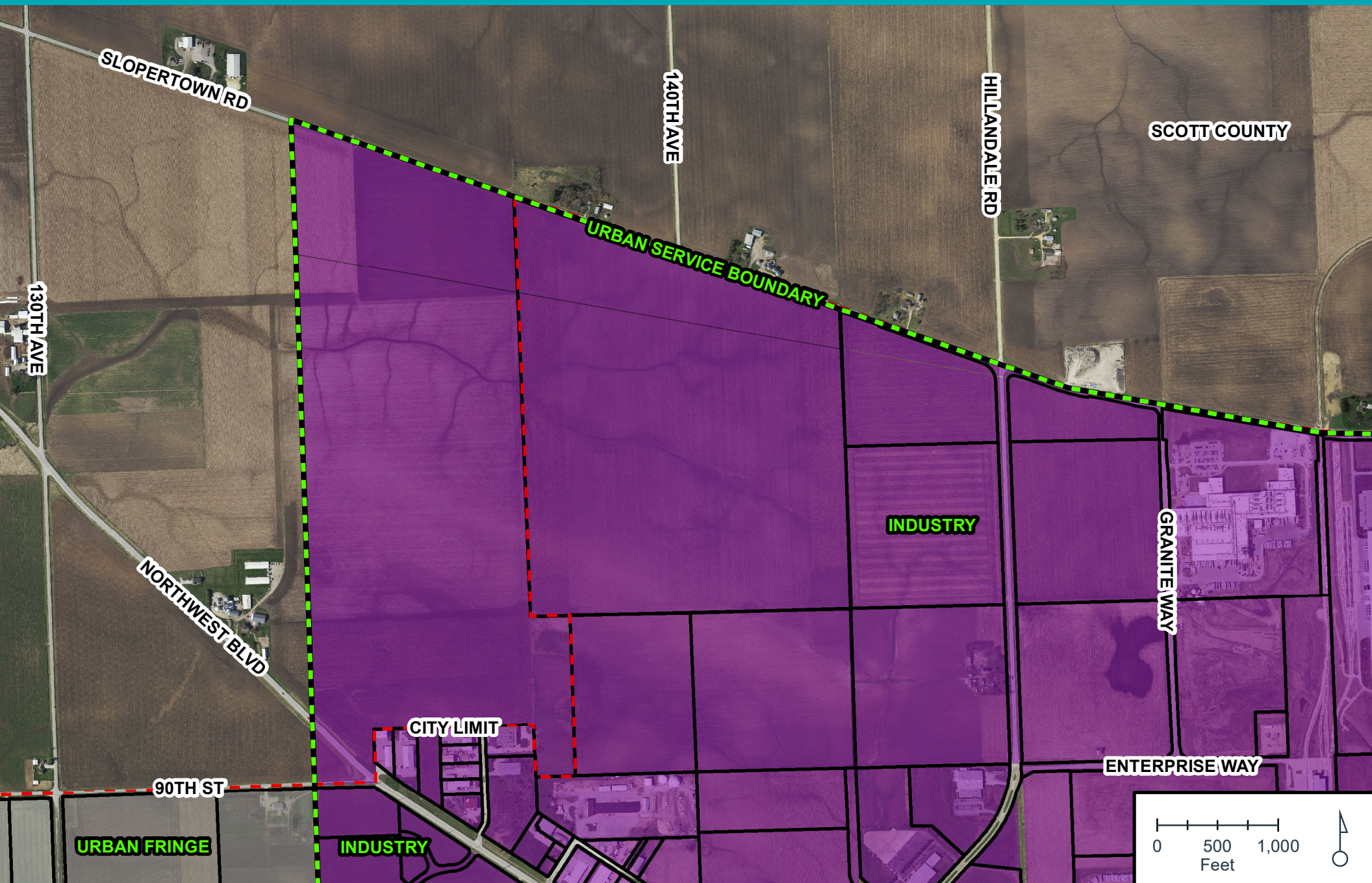
ZONING MAP: CASE REZ23-02

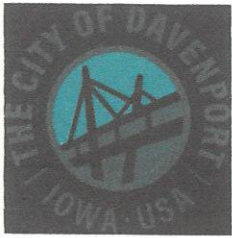




THE CITY OF
DAVENPORT
IOWA | USA

DAVENPORT +2035 FUTURE LAND USE MAP





CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
REZONING
(MAP AMENDMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
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PROJECT TITLE

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

See Attached

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA
	A9.	I-1	230.26A.

COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED

Concept/Development Plan ☐

Authorization to Act as Applicant* ☐
*only needed if the Applicant is different than the owner

Legal Description* (bearing & distance) ☐
* shall include a MS Word or Text file

Legal Description Dimensioned Sketch ☐

Application Fee* (REQUIRED) ☐
* (check payable to 'City of Davenport')

Rezoning Fee Schedule	
Land Area	Fee
Less than 1 acre	\$400
1 to less than 10 acres	\$750 plus \$25/acre
10 acres or more	\$1,000 plus \$25/acre

1 to 3 site notice signs are required based on lot size; \$10 each

PROJECT NARRATIVE: (submit separate sheet if needed)

Submit the first two pages of this form to Planning Staff at:
planning@davenportiowa.com or contact staff with any
questions or requests for additional information.

APPLICANT INFORMATION

Applicant Name

RIVALDO FARMS Inc.

Address

1310 Wisconsin Ave.

City | State | Zip

Davenport, Iowa 52804

Phone

(563) 579-7282

Secondary Phone

E-Mail Address

RIVALDO FARMS@Icloud.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Dennis R. KAY Pres.

Type Applicant's Name

[Signature]

Applicant's Signature

Date 05/19/2023

DEVELOPMENT TEAM

Property Owner

S/A

Address

Phone

Secondary Phone

E-Mail Address

Project Manager/Other

S/A

Address

Phone

Secondary Phone

E-Mail Address

Property South of Slopertown -
West of Hillandale Rd.

+/- 16.35 Acres / Parcel ID 932907002 (Partial)

40 Acres / Parcel ID 932923001

40 Acres / Parcel ID 932939001

40 Acres / Parcel ID 932833001

45 Acres / Parcel ID 932817002

+/- 181.35 Total Acres at 0 Slopertown Rd.
Davenport, Iowa (Exhibit
Attached)

Property South of Stoper Town Rd
East of Hillandale R.d.

48.91 Acres Parcel # 932821007
Parcel # 932837002



PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject properties located south of Slopertown Road and west of Hillandale Road.

Plan & Zoning Commission Public Hearing Meeting

Date: 6/20/2023

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th 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 properties were recently annexed into the City of Davenport and are currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development.

Request/Case Description

Case REZ23-02: Request of RIVALDD FARMS, INC. to rezone approximately 231.26 acres of land located south of Slopertown Road and west of Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

What are the Next Steps after the Neighborhood Meeting and Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on June 20, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on July 18, 2023. 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?

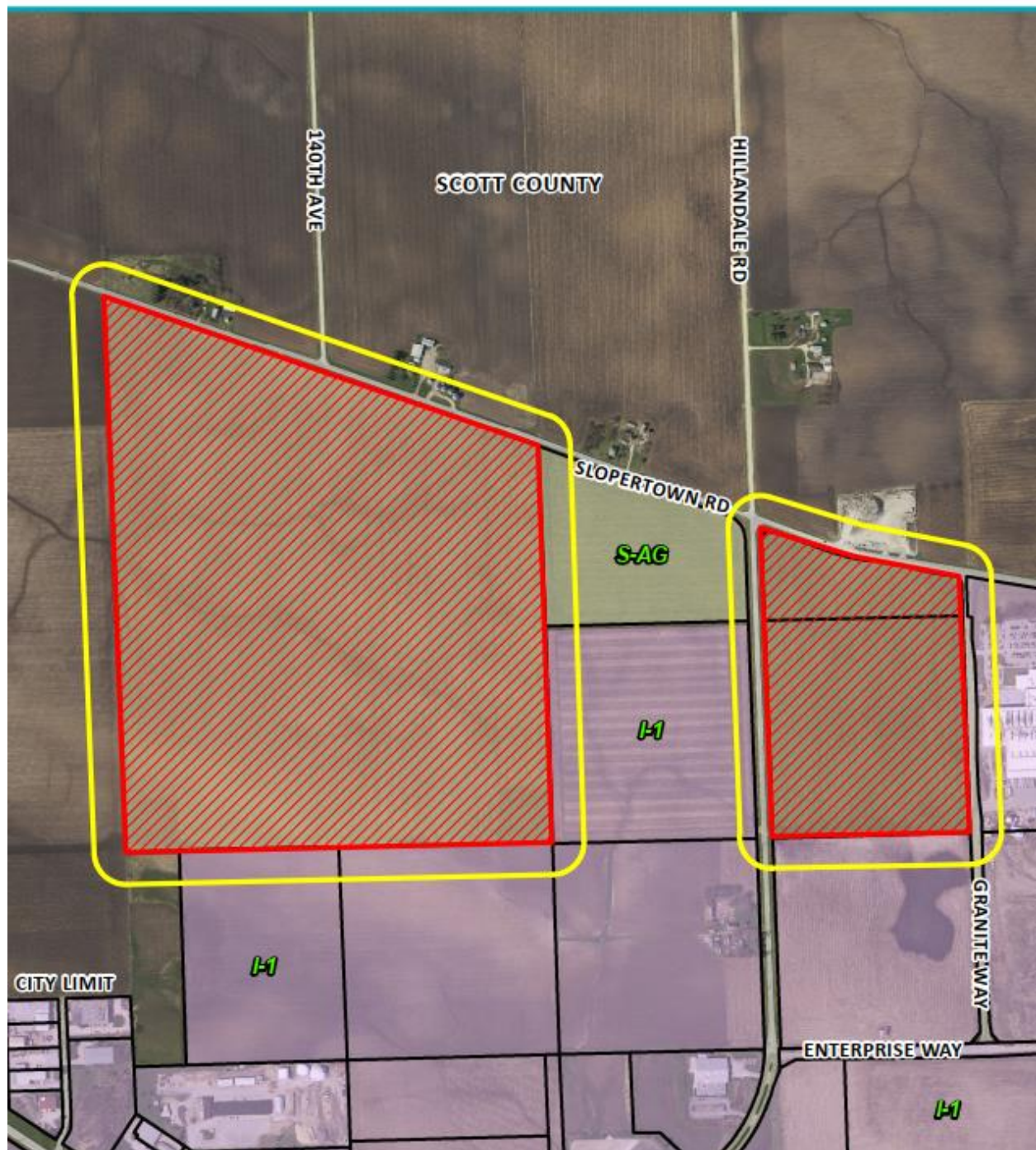
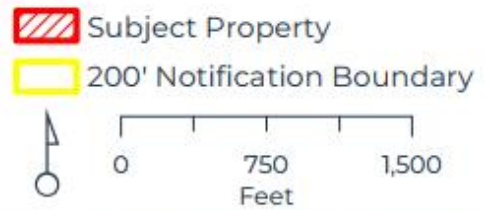
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (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 REZ23-02:

Rezone from S-AG Agricultural District to
I-1 Light Industrial District





PUBLIC HEARING NOTICE | COMMITTEE OF THE WHOLE

To: All property owners within 200 feet of the subject properties located south of Slopertown Road and west of Hillandale Road.

SAMPLE

Committee of the Whole Public Hearing Meeting

Date: 8/2/2023

Time: 5:30 PM

Location: Council Chambers | City Hall | 226 West 4th 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 properties were recently annexed into the City of Davenport and are currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development.

Request/Case Description

Case REZ23-02: Request of RIVALDD FARMS, INC. to rezone approximately 231.26 acres of land located south of Slopertown Road and west of Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Plan and Zoning Commission Action:

At its July 18, 2023 meeting, the Plan and Zoning Commission recommended Case REZ23-02 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

What are the next steps?

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, August 2, 2023 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

Would you like to submit an official comment?

You may submit written comments on the above item or attend the public hearing to express your views, or both. Written comments may be sent via email to mayor.info@davenportiowa.com or mailed to the Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the day of the public hearing.

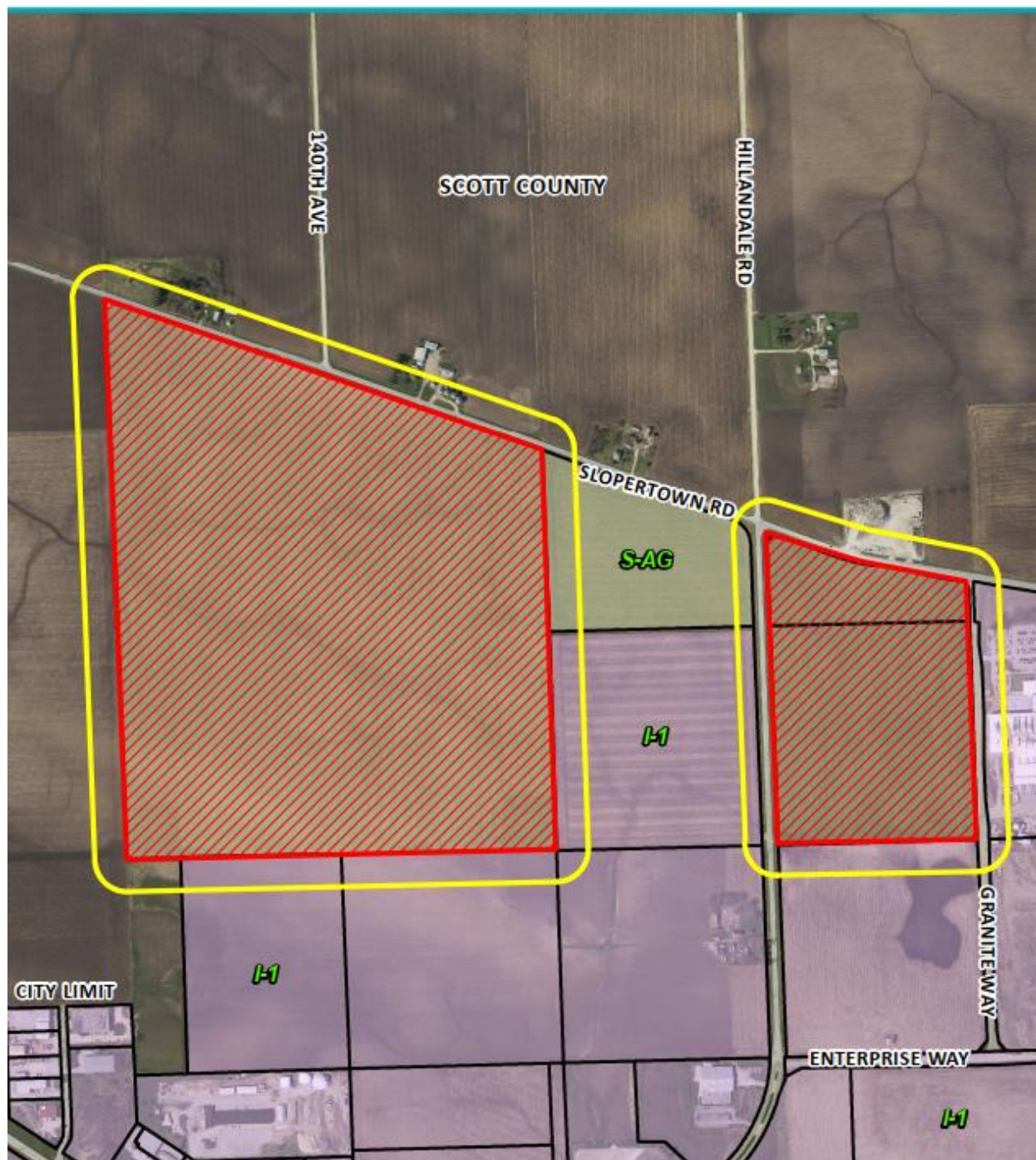
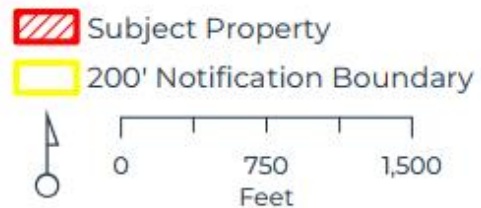
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Rezoning Request | Public Hearing Notice

Case REZ23-02:

Rezone from S-AG Agricultural District to
I-1 Light Industrial District



LETTER OF OPPOSITION
Case REZ23-02

Valerie Widmeyer
723 Grant St.,
Bettendorf, IA 52720

July 17, 2023

Dear Planning and Zoning Commission:

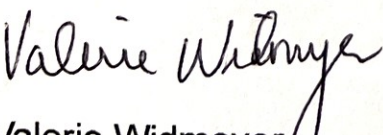
Hello. I am writing this letter in opposition to the rezoning of this land to light industrial. My husband and I own 13860 Slopertown Rd, the home and 6 acres to the north of this land and west of 140th Ave. This property has been in my family since 1875 and we are in the process of renovating for our family to live there. Half of the land in question was purchased from my grandparent's estate after their death in 2003. It was a Century Farm, zoned as Agricultural Preservation and hoped it would stay that way. I realize we no longer own this land and have no say on what happens to it. I also know that this is already in the works and it doesn't matter what I say, but I want to make our concerns known in hopes that you can limit the disturbance to our future home and the other properties that border it.

Other than losing more beautiful, rich Iowa farmland for an already large industrial park, our two biggest concerns are traffic and noise. As far as traffic, we hope that access for any future businesses will come from extending Research Parkway from Hillandale Rd. and will not have any access onto Slopertown Rd, especially if there are businesses with semi trucks coming in and out.

As far as noise, we're concerned about businesses that will be open 24 hours a day, have trucks that are loading/unloading, or if there is access to Slopertown Rd. where these vehicles will be leaving and entering the park. That will create noise at all hours and be a big nuisance not only for us but for the homes on the east and west of us.

Thank you for giving me the opportunity to hear our concerns on this matter. We ask that you do not let this rezoning move forward and please preserve this farmland. Thank you.

Sincerely,


Valerie Widmeyer

City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
9/13/2023

Subject:

Third Consideration: Ordinance for Case ROW23-03 being the request of William Taylor to vacate approximately 101 feet of unimproved right-of-way of Emerald Drive in Crystal Creek 8th Addition. [Ward 1]

Recommendation:

Adopt the Ordinance.

Background:

The petitioner has requested a vacation of the unimproved Emerald Drive right-of-way, located north of West 30th Street. No properties utilize the subject right-of-way for access. A legal description has been submitted by the applicant. The area to be vacated is approximately 5,060 square feet (.12 acres).

Vacating the right-of-way is connected to a proposed final plat of Crystal Creek Ninth Addition. This plat will not move forward until City Council has acted upon the vacation. The owner intends to subdivide the properties to the north into four residential lots. Vacating the unimproved Emerald Drive right-of-way will better facilitate development of the site. Once vacated, access to each lot will be provided through a 20 foot access and utility easement.

The City Plan and Zoning Commission reviewed Case ROW23-03 at its July 18, 2023 meeting and has recommended approval, subject to the listed findings and conditions:

Findings:

1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions:

1. Vacating the public right-of-way is contingent upon the approval of a final plat.
2. No more than four lots shall be platted north of Emerald Drive.
3. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.

The staff report from the July 18, 2023 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Staff Report - P&Z 7-18-23
▣ Backup Material	Application
▣ Backup Material	Maps-Vicinity, Zoning, & Future Land Use
▣ Backup Material	Final Plat-Crystal Creek 9th Addition
▣ Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/28/2023 - 12:03 PM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ROW23-03 BEING THE REQUEST OF WILLIAM TAYLOR TO VACATE APPROXIMATELY 101 FEET OF UNIMPROVED RIGHT-OF-WAY OF EMERALD DRIVE IN CRYSTAL CREEK 8TH ADDITION.

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

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

The 101.20 feet of Emerald Drive as dedicated as public right-of-way in Crystal Creek 8th Addition, in the City of Davenport, County of Scott, State of Iowa. The above-described area contains 5,060 square feet, more or less.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport
Plan and Zoning Commission-Staff Report
July 18, 2023

**Case ROW23-03: Request of William Taylor to vacate unimproved right-of-way on Emerald Drive
[Ward 1]**

Background:

The petitioner has requested a vacation of the unimproved Emerald Drive right-of-way, located north of West 30th Street. No properties utilize the subject right-of-way for access.

Vacating the right-of-way is connected to a proposed Final Plat of Crystal Creek Ninth Addition. This plat will not move forward until City Council has acted upon the vacation. The owner intends to subdivide the properties to the north into four residential lots. Vacating the unimproved Emerald Drive right-of-way will better facilitate development of the site. Once vacated, access to each lot will be provided through a 20 foot access and utility easement.

A legal description has been submitted by the applicant. The area to be vacated is approximately 5,060 square feet (.12 acres).

The vacation of public right-of-way is a two step process:

1. Determine if the right-of-way is needed for public purposes.
2. Negotiate and determine terms of conveyance to adjacent property owners. (No Plan and Zoning Commission action is required.)

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Abutting Future Land Use Designation:

The abutting properties are designated Residential General and Parks and Recreation in the Davenport +2035 Future Land Use Map.

1. **Residential General (RG)** - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.
2. **Parks and Recreation (PR)** - Designates major developed parks, recreation areas, golf courses, cemeteries, etc. Park or recreation properties can be located in any zoning district. Smaller parks may not appear on the map because of the more general nature and scale of the map. But, it is implied in Residential General (RG) that small neighborhood parks are included.

Abutting Zoning:

The abutting properties are zoned **R-3 Single-Family Residential District**. This district is intended to accommodate residential neighborhoods in the City of Davenport consisting of single-family and two-family homes in a moderately dense urban development pattern. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-3 District.

Technical Review:

The following technical review comments were received from City Departments and Utility Companies:

- Streets: If vacated, Emerald Drive will terminate at its existing location. The property owner intends to further subdivide the land north of the subject right-of-way into four single-family lots. Access to each lot will be provided via a private driveway connecting to the Emerald Drive stub. Currently, no developed properties require the right-of-way for access. If more than four lots are proposed during a subdivision, a street will be required to be constructed and dedicated prior to development.
- Natural Resources/Storm Water: No issues with the proposed vacation. Stormwater management may be required upon future development of the site.
- Sanitary Sewer: There is no sewer infrastructure within the subject right-of-way. Future residential development north of Emerald Drive will be served by private septic systems. Structures located more than 200 feet from a sanitary main are not required to connect.
- Iowa American Water Company: Water service will be provided by private well systems.
- Other Utilities: There are no utilities within the subject right-of-way.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the June 20, 2023 Plan and Zoning Commission Public Hearing.

To date, staff have not received any comments from abutting property owners. Staff will apprise the Commission of any additional correspondence at the July 18, 2023 Plan and Zoning Commission meeting.

Staff Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way on Emerald Drive in Case ROW23-03 to the City Council with a recommendation for approval, subject to the following conditions:

Findings:

1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions:

1. Vacating the public right-of-way is contingent upon the approval of a final plat.
2. No more than four lots shall be platted north of Emerald Drive.
3. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

RIGHT-OF-WAY VACATION

(EASEMENT ABANDONMENT)

APPLICANT INFORMATION	
Applicant Name	William Taylor
Address	12480 95th Ave.
City State Zip	Blue Grass, IA 52726
Phone	(563) 370-5733
Secondary Phone	
E-Mail Address	blt.56@icloud.com
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.	
In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.	
William Taylor	
Type Applicant's Name	
Applicant's Signature	05/10/2023
Date	
DEVELOPMENT TEAM	
Surveyor Jerry D. Rogers of Townsend Engineering	
Address 2224 E. 12th St., Davenport, IA 52803	
Phone	Secondary Phone
(563) 386-4236	
E-Mail Address kevin@townsendengineering.net	
Attorney/Other Michael Gorsline	
Address 5119 Utica Ridge Rd., Davenport, IA 52807	
Phone	Secondary Phone
(563) 324-0441	
E-Mail Address	

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
PROJECT TITLE Crystal Creek Ninth Addition		
GENERAL LOCATION DESCRIPTION North Dead End of Emerald Drive		
NEIGHBORHOOD MEETING DATE / TIME / LOCATION		
AREA OF VACATION	EXISTING USE	PROPOSED USE
		SQUARE AREA
COMPLETE SUBMITTALS SHALL INCLUDE:		
Concept/Development Plan, if applicable		☐
Authorization to Act as Applicant		☐
Legal Description* (bearing & distance) * shall include a MS Word or Text file		☐
Legal Description Dimensioned Sketch		☐
Application Fee: (REQUIRED) \$400* * check payable to 'City of Davenport'		☐
PROJECT NARRATIVE: (submit separate sheet if needed) ROW Vacation requested to allow for drive access directly off of Emerald Drive to the 4 new lots created out of Lot 1 of Crystal Creek 8th Addition.		
Submit the first page of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.		

Authorization to Act as Applicant

I/We, William Taylor

[as property owner(s)]

authorize Townsend Engineering

[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission *

for the property located at Crystal Creek 8th Addition Lot 1

William Taylor

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

05/10/2023

Date

State of Iowa,

County of Scott,

Sworn and subscribed before me

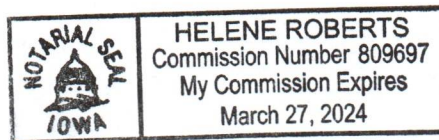
Drivers License

[identification type]

this 10th day of May, 2023.

Helene Roberts
Notary Public

My Commission Expires:



* *Application Form by Board Type*

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)
Planned Unit Development
Zoning Ordinance Text Amendment
Right-of-way or Easement Vacation

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

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

CONVEYANCE PROCEDURE:
CITY COUNCIL POLICY ON SALE OF PUBLIC PROPERTY

P&Z STAFF SHALL HOLD A PUBLIC HEARING AND PREPARE A REPORT BEFORE THE
PLAN AND ZONING COMMISSION REGARDING REQUESTS FOR R.O.W VACATION;
THE COMMISSION SHALL PROVIDE A RECOMMENDATION TO CITY COUNCIL.

SHOULD CITY COUNCIL APPROVE THE R.O.W. VACATION
THE FOLLOWING PROCEDURE WILL COMMENCE FOR THE CONVEYANCE (SALE)
OF LAND TO ADJACENT PROPERTY OWNERS NEAR THE VACATED R.O.W.

APPLICANTS SHALL WORK WITH THE CITY LEGAL DEPARTMENT AT 563.326.7735
TO COMPLETE THE LAND CONVEYANCE OF VACATED R.O.W. PRIOR TO USE OF THE LAND

WHEREAS, THE Davenport City Council wishes to establish an orderly and efficient process for the conveyance and disposal of real property, including lots and abandoned streets and alleys, the following procedures are hereby established to facilitate the sale of real property:

1. The Petitioner files an application for conveyance and pays a one-time, non-refundable \$400.00 filing fee. The application shall include a statement of intended use, a legal description and location of the property, the square feet of the land, plat drawing of the property and must be signed by the Petitioner.
2. If the petition involves public right-of-way, the matter shall be referred to the City Plan and Zoning Commission.
3. Staff shall review the following factors in determining what constitutes fair market value for the property:
 - a. the location, size, shape, grade and zoning of the land;
 - b. the assessed valuation of adjacent or contiguous property;
 - c. recent sales of land in the same area.
4. In the event staff deems it advisable or necessary, the City shall request the Petitioner, at Petitioner's expense, to provide a fair market value appraisal of the property.
5. Staff shall determine a price per square foot based upon the above stated factors. In any event, the minimal fee on any land conveyed shall be \$400.00.
6. Council may approve, by motion, a request from staff to proceed to dispose of parcels of real property either by offer or at auction. If the property is offered and accepted by the purchaser, the price will be as agreed between City and purchaser. In the event the auction process is used, the sale price of these properties shall be determined solely by the auction's bidding procedures. In either case, there shall also be no application fee assessed to the purchaser.

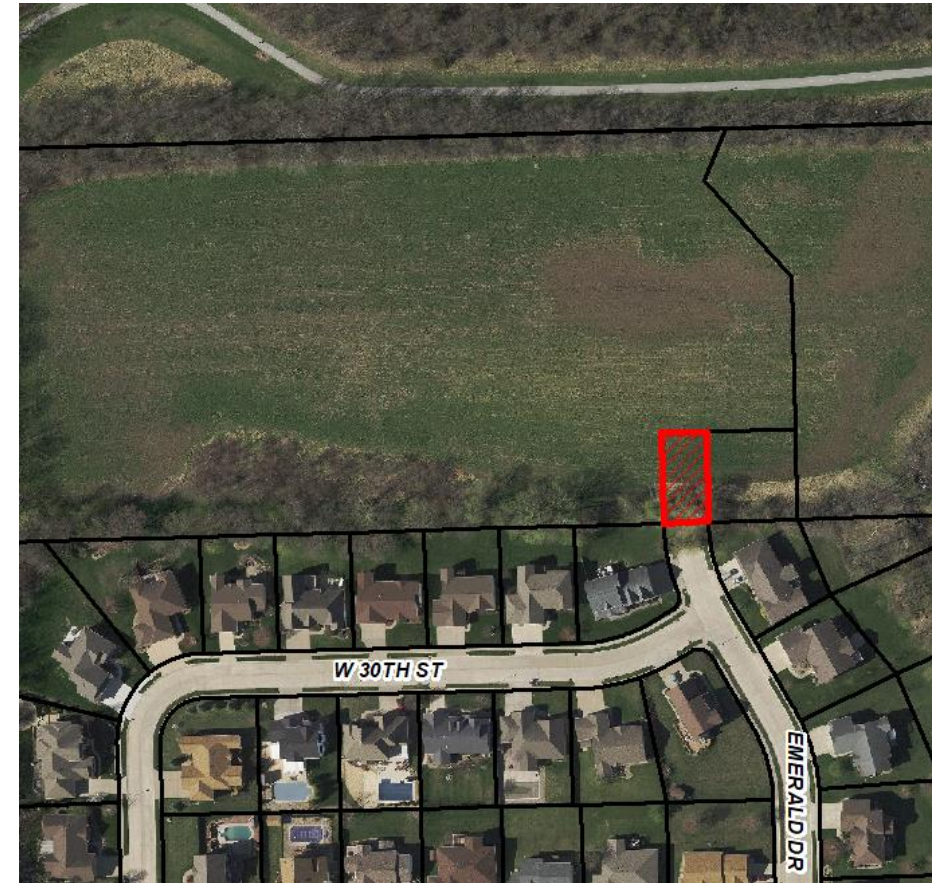
Vicinity Map

DAVENPORT
IOWA | USA



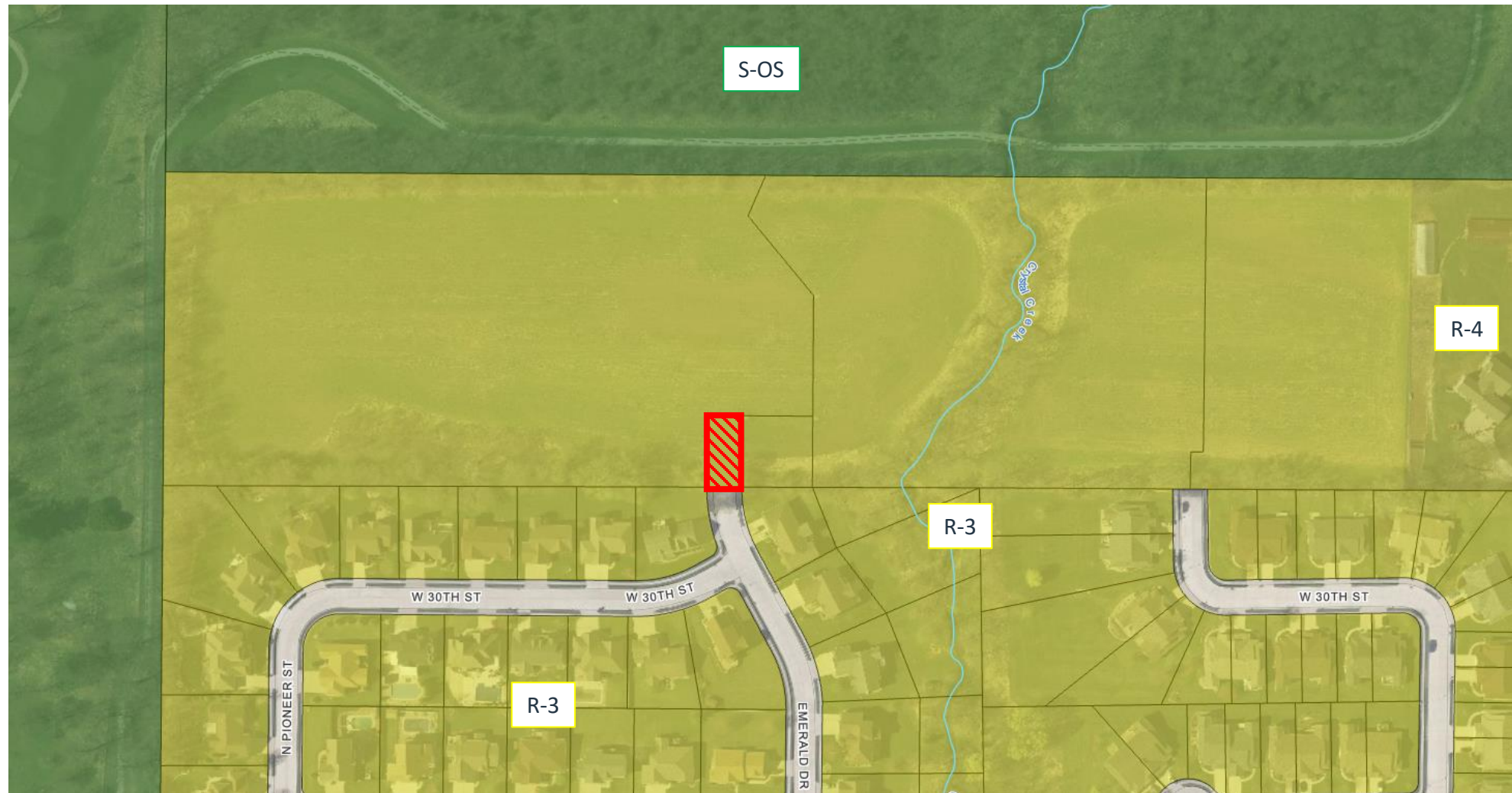
Vicinity Map

DAVENPORT
IOWA | USA



View of Emerald Drive: Northern Road Stub

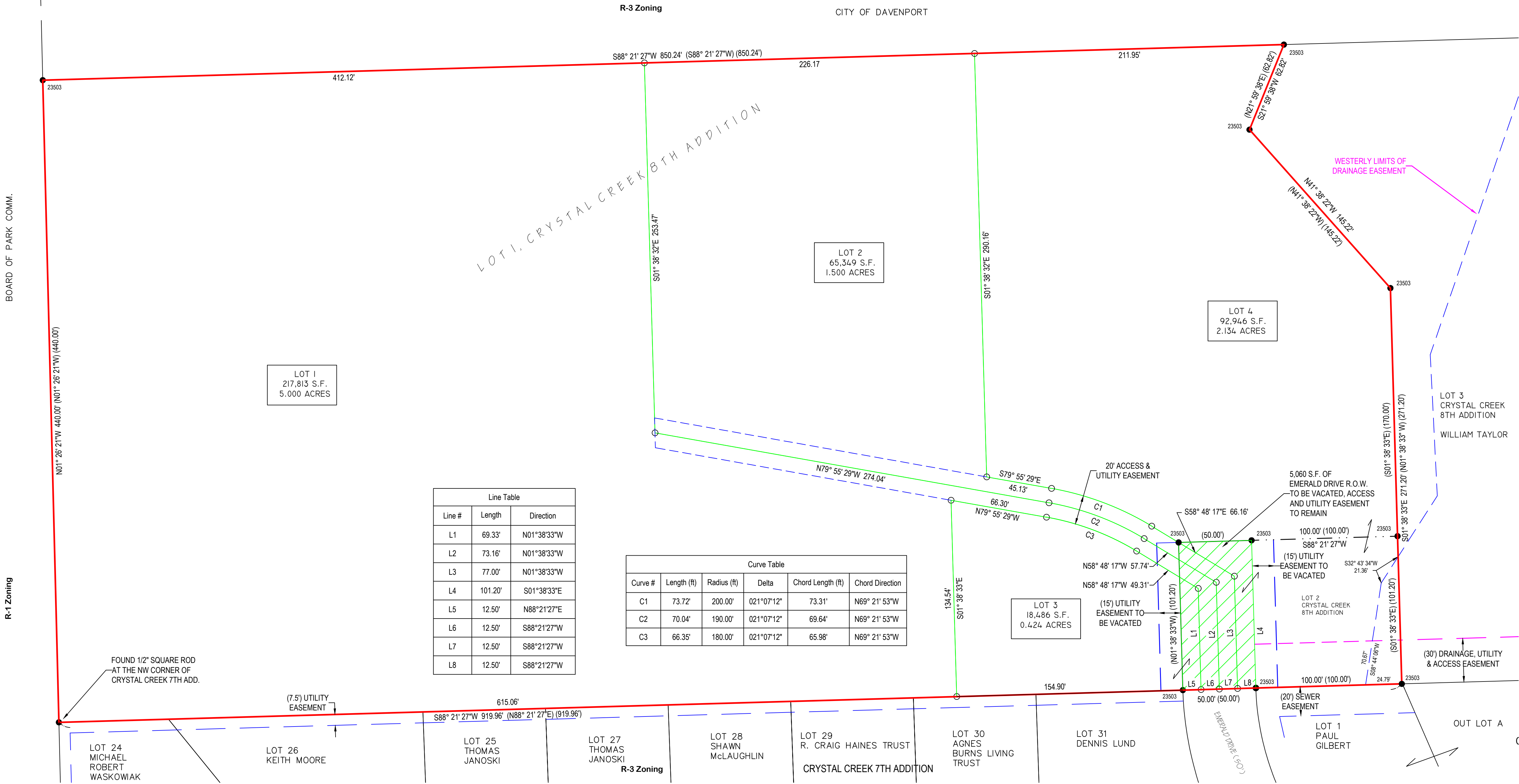
Zoning Map



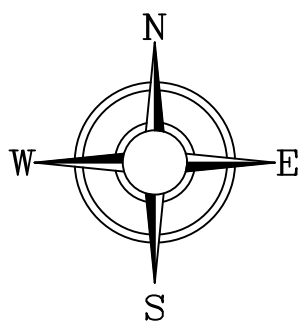
DAVENPORT
IOWA | USA

FINAL PLAT OF:
CRYSTAL CREEK NINTH ADDITION
TO THE CITY OF DAVENPORT, IA

BEING A REPLAT OF LOTS 1 AND 2 IN CRYSTAL CREEK EIGHTH ADDITION
LOCATED IN PART OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 20,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA.



- Owner**
William Taylor
12480 95th Avenue
Blue Grass, Ia 52726
- Surveyor**
Jerry D. Rogers
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
- Attorney**
Michael Gorsline
5119 Utica Ridge Road
Davenport, Iowa 52807
(563) 324-0441



GRAPHIC SCALE
40 0 20 40
(IN FEET)
1" = 40' (24x36)

NOTES:

DIMENSIONS ALONG CURVES ARE ARC DISTANCES.

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

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BEARINGS ARE BASED ON STATE PLANE COORDINATES.

APPROVAL SIGNATURES:

CITY OF DAVENPORT DATE:

PLANNING AND ZONING COMMISSION DATE:

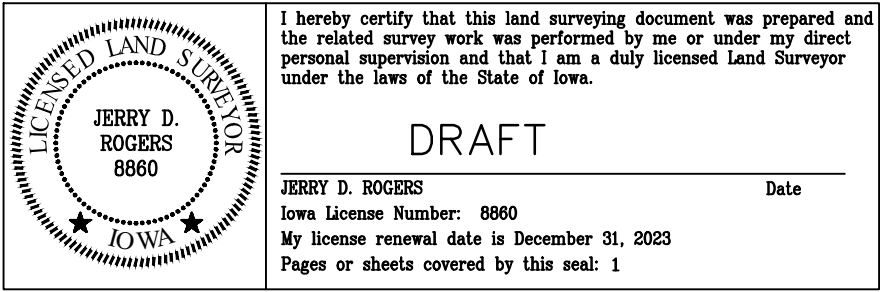
MEDIACOM DATE:

CENTURYLINK DATE:

IOWA - AMERICAN WATER COMPANY DATE:

MIDAMERICAN ENERGY DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.

METRONET DATE:





PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject public right-of-way located on Emerald Drive.

Plan & Zoning Commission Public Hearing Meeting

Date: 6/20/2023

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate a portion of Emerald Drive. The existing right-of-way is currently unimproved.

Request/Case Description

Case ROW23-03: Request of William Taylor to vacate unimproved right-of-way on Emerald Drive [Ward 1]

What are the Next Steps after the Neighborhood Meeting and Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on June 20, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on July 18, 2023. 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. The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. 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.

Right-Of-Way Vacation | Public Hearing Notice

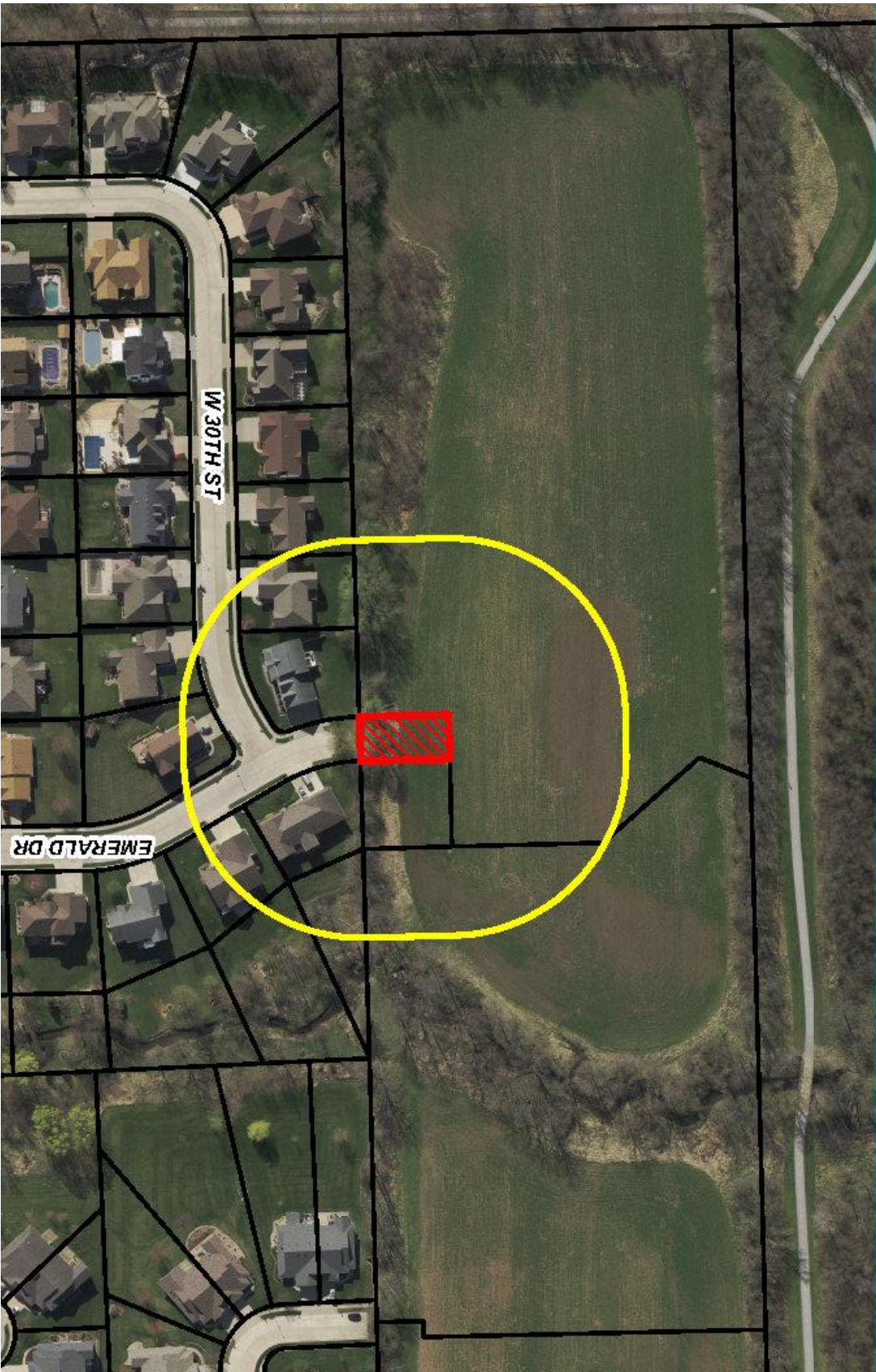
Case ROW23-03: Request of William Taylor to vacate
unimproved right-of-way on Emerald Drive. [Ward 1]



ROW Vacation



200' Notification Boundary



City of Davenport

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

Action / Date
9/13/2023

Subject:

Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 11th Street along the south side from Prospect Terrace to Judson Street thereto. [Ward 5]

Recommendation:

Adopt the Ordinance.

Background:

East 11th Street between Prospect Terrace and Judson Street is only about 22 feet wide. Travel is very difficult when vehicles are parked on both sides of the street. The neighborhood would like the parking removed from the south side of the street.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	8/9/2023 - 2:20 PM
Public Works Committee	Moses, Trish	Approved	8/9/2023 - 2:20 PM
City Clerk	Admin, Default	Approved	8/9/2023 - 7:00 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE V NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING 11TH STREET ALONG THE SOUTH SIDE FROM PROSPECT TERRACE TO JUDSON STREET THERETO.

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

11th Street along the south side from Prospect Terrace to Judson 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 _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
9/13/2023

Subject:

Resolution approving Case F23-11 being the request of William Taylor for a final plat of Crystal Creek Ninth Addition, a 4-lot subdivision on 9.06 acres located at 3051 and 3100 Emerald Drive. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

The Plan and Zoning Commission reviewed Case F23-11 at its August 15, 2023 meeting and has recommended approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add a note stating, "Stormwater detention facilities are required for all residential development of two acres or more per City Code Section 13.34.210."
4. Add a note stating "No more than four lots shall be platted with this subdivision. Any future subdivision creating additional lots shall require the dedication of public right-of-way and construction of public infrastructure."

The property owner submitted a final plat to subdivide the 9.06 acre tract of land at the northern terminus of Emerald Drive. The site is currently undeveloped, and the intent is to create four new single-family lots.

This subdivision is related to Case ROW23-03 to vacate the unimproved portions of Emerald Drive. Vacating the unimproved section of Emerald Drive will better facilitate development of this subdivision. There will be a shared driveway within an access easement to each new lot.

Comprehensive Plan:

1. Within Existing Urban Service Area: Yes
2. Within Urban Service Area 2035: Yes

Future Land Use Designation: Parks and Recreation (PR).

Relevant Goals to be considered in this Case: Strengthen the existing built environment.

The proposed final plat complies with the Davenport +2035 proposed land use section.

Zoning: R-3 Single-Family Residential District

Technical Review:

1. Zoning: The proposed lots comply with residential district dimensional standards. Each lot exceeds the minimum lot area required for single-family (7,500 SF), single-family semi-detached (4,000 SF), and two-family (8,500 SF) dwellings.
2. Streets: No new streets are proposed. Each lot will share an access easement, which will consist of a paved driveway extending to Emerald Drive. This final plat is contingent upon the vacation of the unimproved portion of Emerald Drive.
3. Storm Water: Stormwater detention facilities are required for all residential development of two acres or more per City Code Section 13.34.210. The maximum impervious surface for each lot shall not exceed 60% of the total lot area.
4. Sanitary Sewer: The lots will be serviced by a private septic system. Water service will be accommodated via a private well system.
5. Other Utilities: Other normal utility services are available.
6. Parks/Open Space: There are no impacts to parks/open space

Public Input: No Public Hearing or public notice is required for a final plat.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Final Plat of Crystal Creek 9th Addition
▣ Backup Material	Vicinity, Zoning, & Future Land Use Map
▣ Backup Material	Application

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	8/31/2023 - 10:36 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION approving Case F23-11 being the request of William Taylor for a final plat of Crystal Creek Ninth Addition, a 4-lot subdivision on 9.06 acres located at 3051 and 3100 Emerald Drive.

WHEREAS, the Plan and Zoning Commission reviewed Case F23-11 at the August 15, 2023 regularly scheduled meeting with a recommendation for approval subject to the following conditions:

1. That the surveyor signs the plat;
2. That the utility providers sign the plat when their easement needs have been met;
3. Add a note stating "Stormwater detention facilities are required for all residential development of two acres or more per City Code Section 13.34.210."; and
4. Add a note stating "No more than four lots shall be platted with this subdivision. Any future subdivision creating additional lots shall require the dedication of public right-of-way and construction of public infrastructure."; and

WHEREAS, the conditions will be added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the final plat of Crystal Creek Ninth Addition, an addition to the City of Davenport, Scott County, Iowa as filed with the City Clerk, by William L. Taylor and Cynthia Z. Taylor, Husband and Wife, be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed by the Mayor and Deputy City Clerk of said City; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized and directed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 13th day of September, 2023.

Approved:

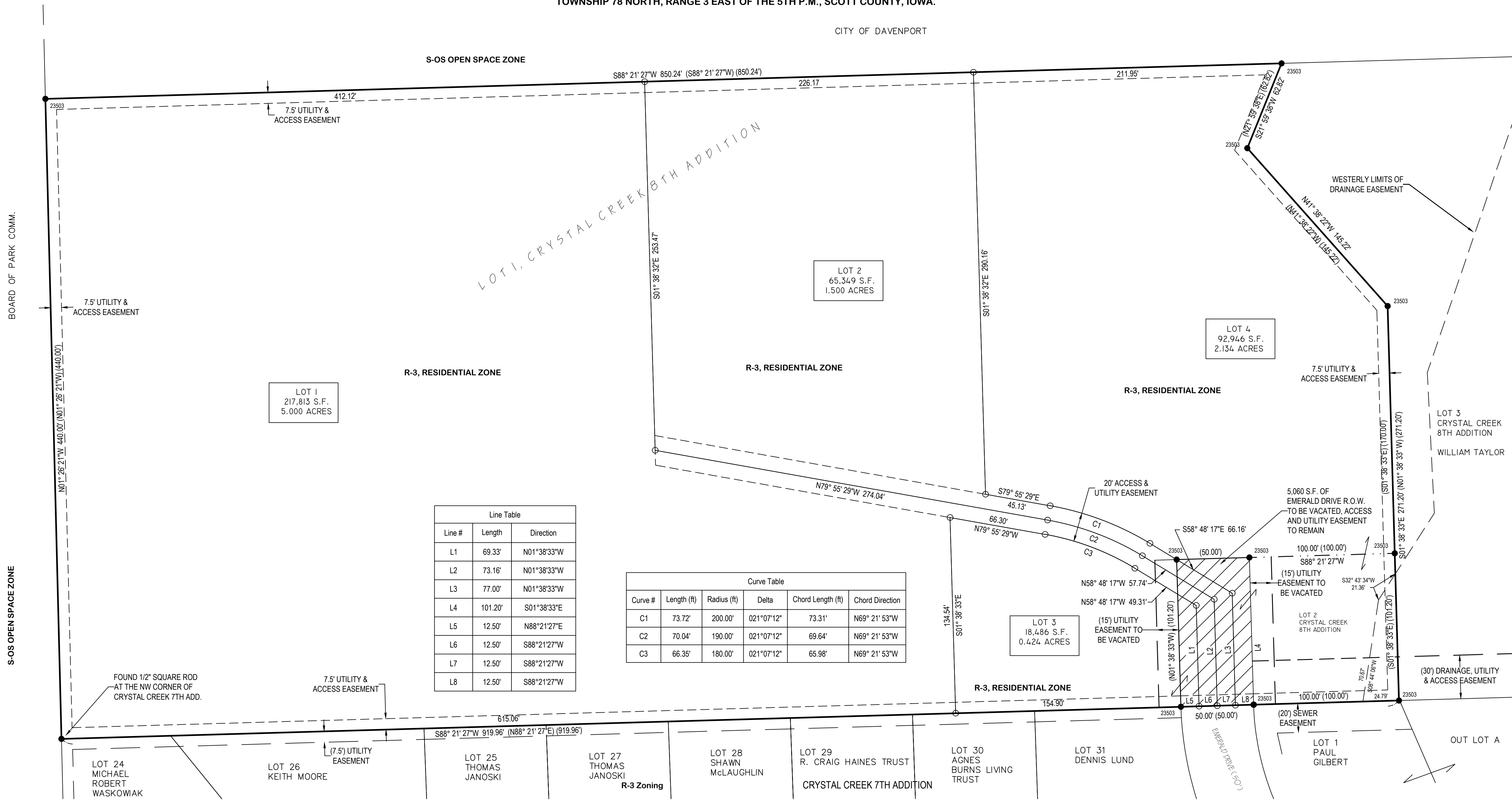
Attest:

Mike Matson
Mayor

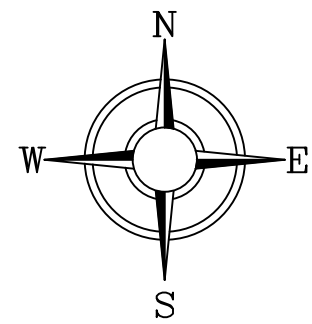
Brian Krup
Deputy City Clerk

FINAL PLAT OF:
CRYSTAL CREEK NINTH ADDITION
TO THE CITY OF DAVENPORT, IA

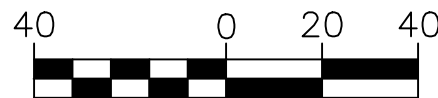
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LOCATED IN PART OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 20,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA.



- Owner
William Taylor
12480 95th Avenue
Blue Grass, Ia 52726
- Surveyor
Jerry D. Rogers
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
- Attorney
Michael Gorsline
5119 Utica Ridge Road
Davenport, Iowa 52807
(563) 324-0441



GRAPHIC SCALE



(IN FEET)
1" = 40' (24x36)

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BEARINGS ARE BASED ON STATE PLANE COORDINATES.

APPROVAL SIGNATURES:

CITY OF DAVENPORT DATE:

PLANNING AND ZONING COMMISSION DATE:

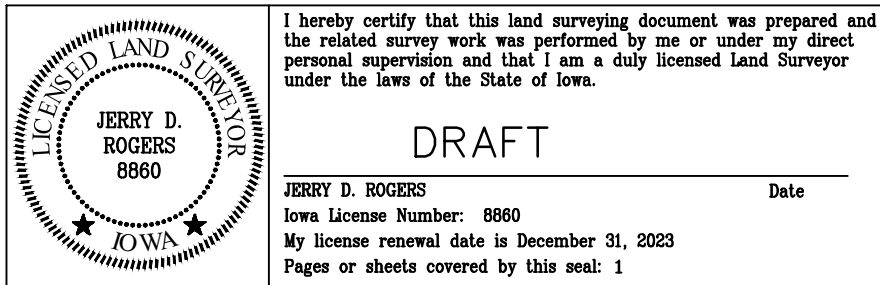
MEDIACOM DATE:

CENTURYLINK DATE:

IOWA - AMERICAN WATER COMPANY DATE:

MIDAMERICAN ENERGY DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.

METRONET DATE:



DATE: 4/17/2023
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: JDR
DRAWING LOCATION
S:\TAYLOR-BILL

REVISIONS:		
NO.	DESCRIPTION	DATE
1	per city review	1/18/2023

PROJECT
FINAL PLAT
CRYSTAL CREEK NINTH ADDITION
DAVENPORT, IOWA

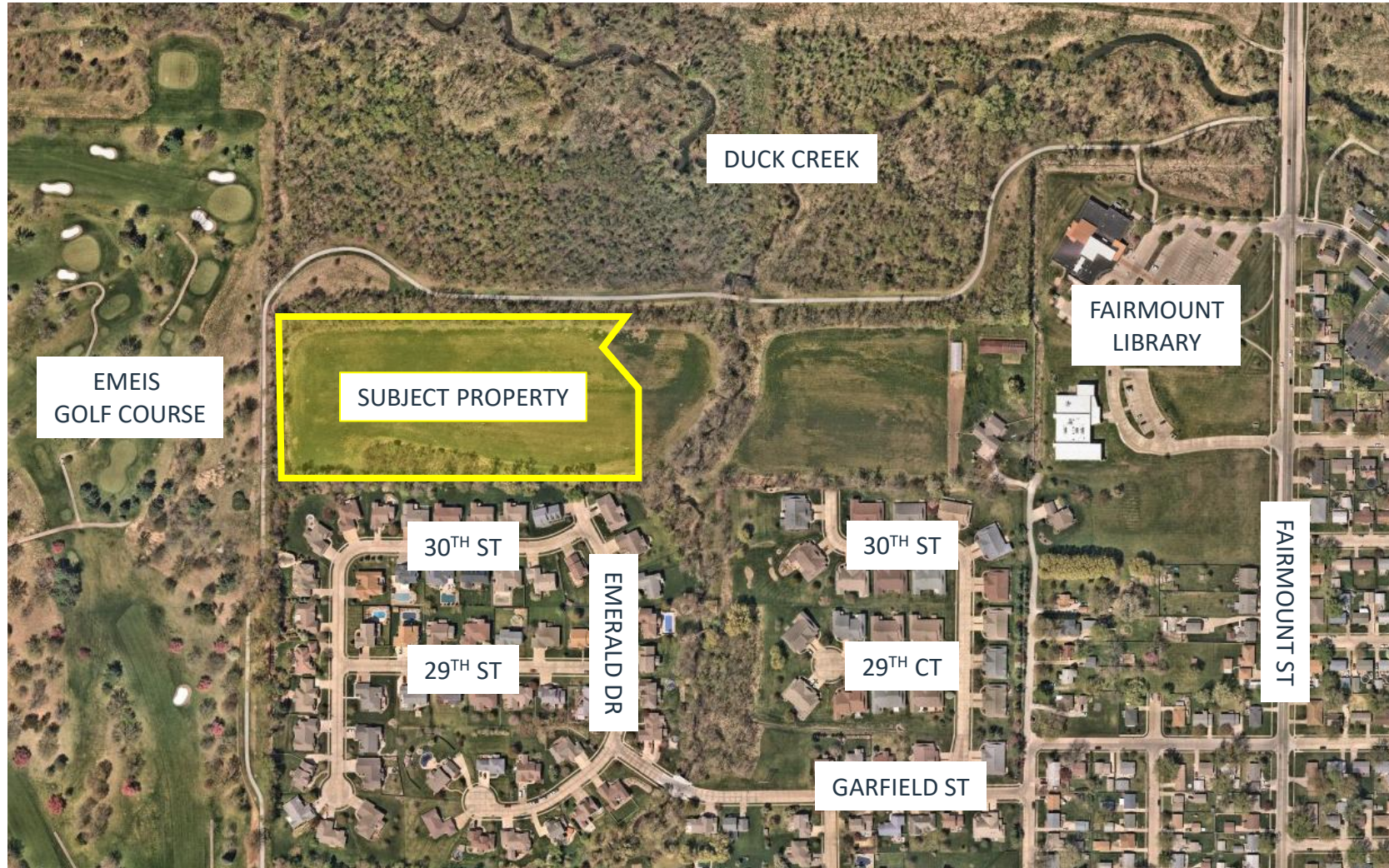
OWNER
WILLIAM TAYLOR
12480 95TH AVENUE
BLUE GRASS, IOWA

SHEET NO.
1 OF 1

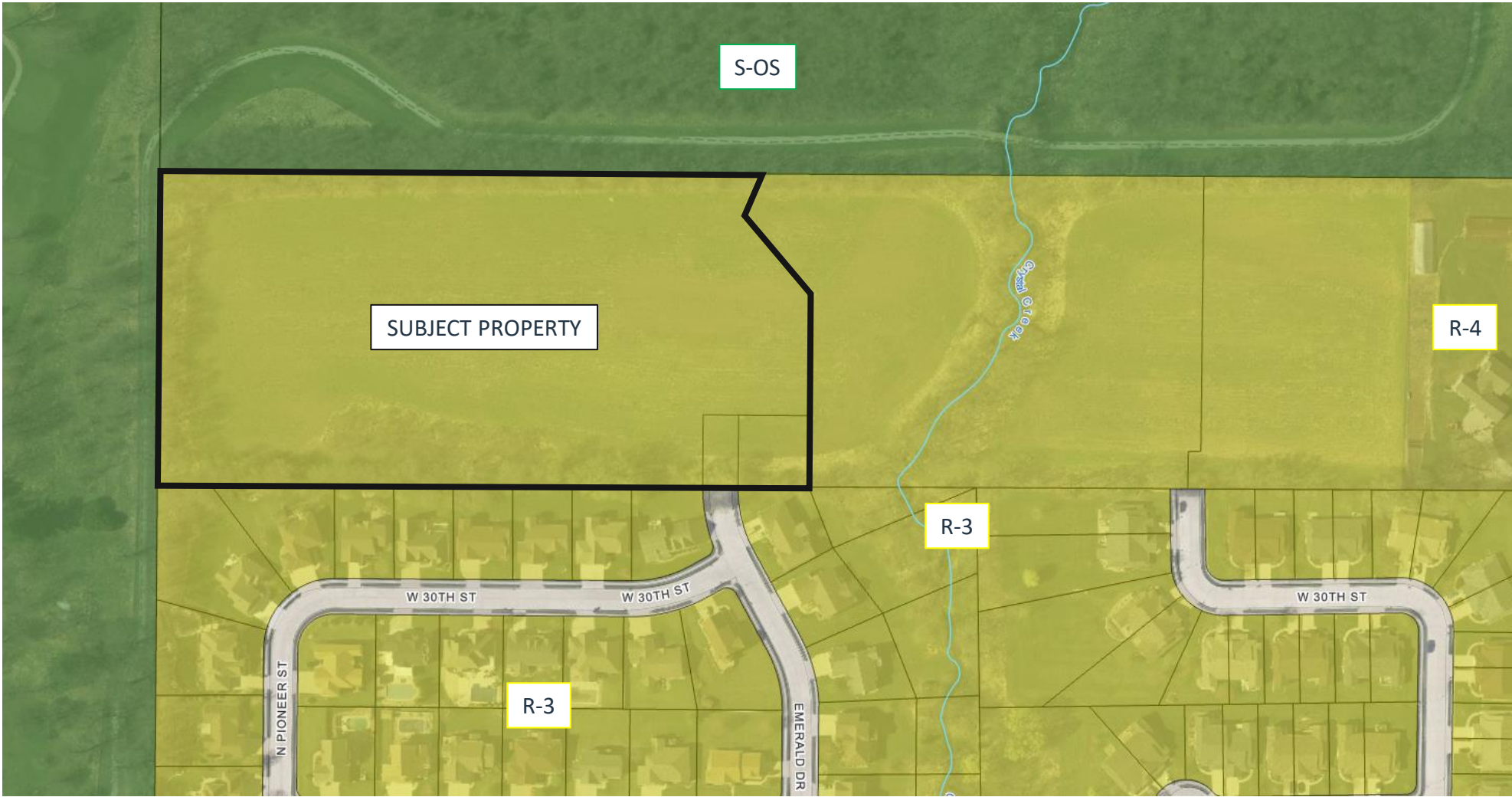
PREPARED BY / RETURN TO: TOWNSEND ENGINEERING, 2224 EAST 12TH STREET, DAVENPORT, IOWA 52803 (563) 386-4236

Vicinity Map

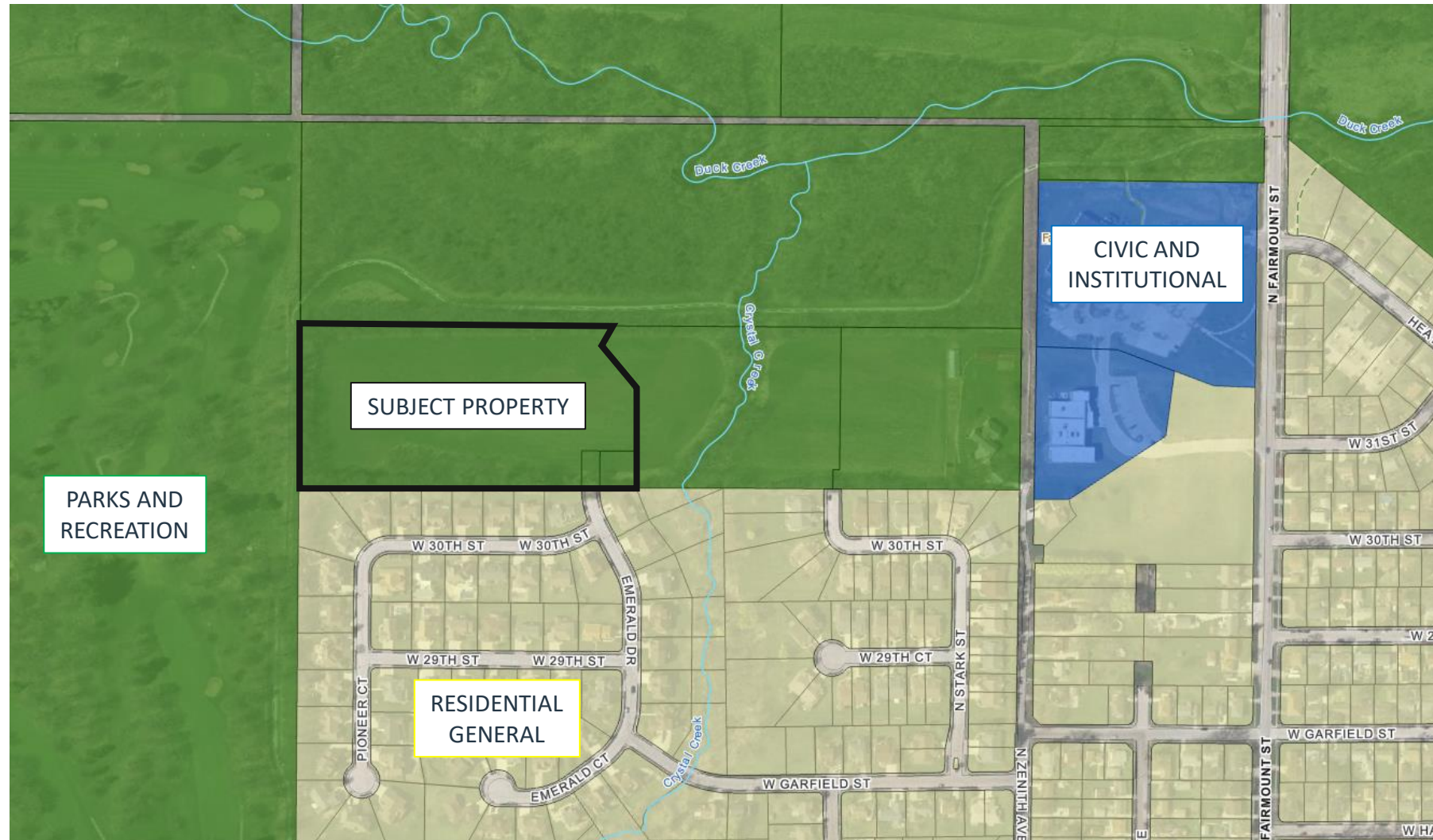
DAVENPORT
IOWA | USA



Zoning Map



Future Land Use Map





CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SUBDIVISION PLAT
(LAND DIVISION)

APPLICANT INFORMATION

Applicant Name

William Taylor

Address

12480 95th Ave.

City | State | Zip

Blue Grass, IA 52726

Phone

(563) 370-5733

Secondary Phone

E-Mail Address

blt.56@icloud.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

William Taylor

Print Applicant's Name

William Taylor

Applicant's Signature

05/10/2023

Date

SUBDIVISION NAME

Crystal Creek Ninth Addition

LOCATION DESCRIPTION

North Dead End of Emerald Drive

SUBMITTED

NUMBER OF LOTS BY USE TYPE

4 - SF (R2)

ACRES

9.06

STREETS ADDED

0

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: \$16.16 Requirements ☐

FINAL PLAT: \$16.20 Requirements ☐

PRELIMINARY PLAT REQUIREMENTS:

Preliminary Plat ☐

Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:

Platting Certificates per §354.11 State Code ☐

Final Plat ☐

GENERAL REQUIREMENTS:

Authorization to Act as Applicant, if needed ☐

Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule

Number of Lots	Fee
1 lot to 10 lots	\$400 plus \$25/lot
11 to 25 lots	\$700 plus \$25/lot
26 or more lots	\$1,000 plus \$25/lot

Submit this form, and any questions, to DNS Planning Division at
planning@davenportiowa.com

DEVELOPMENT TEAM

Developer / Project Manager

William Taylor

Address

12480 95th Ave., Blue Grass, IA 52726

Phone

(563) 370-5733

Secondary Phone

E-Mail Address

blt.56@icloud.com

Owner

William Taylor

Address

12480 95th Ave., Blue Grass, IA 52726

Phone

(563) 370-5733

Secondary Phone

E-Mail Address

blt.56@icloud.com

Engineer

Townsend Engineering

Address

2224 E. 12th St., Davenport, IA 52803

Phone

(563) 386-4236

Secondary Phone

E-Mail Address

kevin@townsendengineering.net

Attorney

M. Gorsline 5119 Utica Ridge Rd., Dav., IA 52807

Address

M. Gorsline 5119 Utica Ridge Rd., Dav., IA 52807

Phone

(563) 324-0441

Secondary Phone

E-Mail Address

Authorization to Act as Applicant

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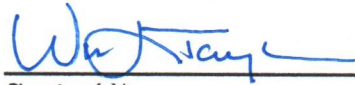
[as property owner(s)]

authorize Townsend Engineering

[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission *

for the property located at Crystal Creek 8th Addition Lot 1



Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

05/10/2023

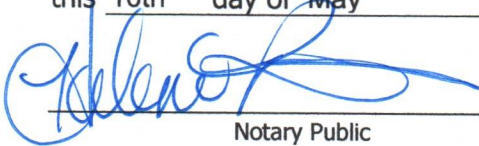
Date

State of Iowa,

County of Scott,

Sworn and subscribed before me

this 10th day of May, 2023.



Notary Public

My Commission Expires:

Drivers License _____

[identification type]



* *Application Form by Board Type*

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)
Planned Unit Development
Zoning Ordinance Text Amendment
Right-of-way or Easement Vacation

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

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

P&Z Subdivision Calendar | 2023

PLAN & ZONING COMMISSION | CITY OF DAVENPORT IOWA

SUBDIVISION SUBMITTAL DEADLINE 12:00 PM - Thursday	PLAN & ZONING COMMISSION MEETING 5:00 PM - Tuesday	REQUIRED CERTIFICATES DUE 12:00PM - Wednesday	COMMITTEE OF THE WHOLE PUBLIC HEARING 5:30 PM - Wednesday	CITY COUNCIL MEETING 5:30 PM - Wednesday
11/10/22	12/06/22	12/28/22	01/04/23	01/11/23
11/23/22*	12/20/22	01/11/23	01/18/23	01/25/23
12/08/22	01/03/23	01/25/23	02/01/23	02/08/23
12/22/22	01/17/23	02/08/23	02/15/23	02/22/23
01/05/23	01/31/23	02/22/23	03/01/23	03/08/23
01/19/23	02/14/23	03/08/23	03/15/23	03/22/23
02/02/23	02/28/23	03/29/23	04/05/23	04/12/23
02/16/23	03/14/23	04/12/23	04/19/23	04/26/23
03/09/23	04/04/23	04/26/23	05/03/23	05/10/23
03/23/23	04/18/23	05/10/23	05/17/23	05/24/23
04/06/23	05/02/23	05/31/23	06/07/23	06/14/23
04/20/23	05/16/23	06/14/23	06/21/23	06/28/23
05/11/23	06/06/23	06/28/23	07/05/23	07/12/23
05/25/23	06/20/23	07/12/23	07/19/23	07/26/23
06/08/23	07/04/23*	07/26/23	08/02/23	08/09/23
06/22/23	07/18/23	08/09/23	08/16/23	08/23/23
07/06/23	08/01/23	08/30/23	09/06/23	09/13/23
07/20/23	08/15/23	09/13/23	09/20/23	09/27/23
08/10/23	09/05/23	09/27/23	10/04/23	10/11/23
08/24/23	09/19/23	10/11/23	10/18/23	10/25/23
09/07/23	10/03/23	10/25/23	11/01/23	11/08/23
09/21/23	10/17/23	11/08/23	11/15/23	11/22/23*
10/05/23	10/31/23	11/29/23	12/06/23	12/13/23
10/19/23	11/14/23	12/13/23	12/20/23*	12/27/23*
11/09/23	12/05/23	12/27/23	01/03/24	01/10/24
11/23/23*	12/19/23	01/10/24	01/17/24	01/24/24
12/07/23	01/02/24*	01/31/24	02/07/24	02/14/24
12/21/23*	01/16/24	02/14/24	02/21/24	02/28/24
01/11/24	02/06/24	02/28/24	03/06/24	03/13/24
01/25/24	02/20/24	03/13/24	03/20/24	03/27/24

*Submission and meeting dates may be changed or cancelled due to holiday

1. Subdivisions are submitted to the City's Electronic (Eplan) Review Portal at: www.davenportiowa.com/eplan
2. The Applicant will receive comments back prior to the Plan & Zoning Commission meeting
3. Plats must be resubmitted in Eplan to ensure all conditions have been met prior to going on Committee of the Whole agenda
4. Certificates, as listed in Section 16.20.020, are required prior to being placed on the Committee of the Whole agenda
5. Conditions must be met and utility signatures are required on the plat prior to the City signatures
6. No infrastructure improvements are permitted prior to the City Council approval of the final plat
7. Please see Scott County, Iowa Subdivision Platting Documents Required for recording:

<https://www.scottcountyiowa.gov/recorder/plats-surveys>

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution approving street, lane, or public ground closures on the listed dates and times for outdoor event.

Davenport Community Schools; North High Homecoming Parade; Thursday, September 21, 2023 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled):** Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]

St. Paul the Apostle; Back to School Block Party; 1007 East Rusholme Street; 12:00 p.m. - 10:30 p.m. Saturday, September 23, 2023; **Closure:** East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

Anton Knaak; Vander Veer East Good Neighbor Project Block Party; 11:00 a.m. - 7:00 p.m. Saturday, October 7, 2023; **Closure:** East Rusholme Street from the first alley east of Brady Street to Pershing Avenue. [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	North High School Homecoming Parade Route
▢ Backup Material	North High School Homecoming Parade Notice to Residents
▢ Backup Material	St. Paul the Apostle Back to School Closure Map
▢ Backup Material	Vander Veer East Good Neighbor Project Block Party Closure Map
▢ Backup Material	Vander Veer East Good Neighbor Project Block Party Closure Petition

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	8/31/2023 - 2:10 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 closure requests on the listed dates and times to hold outdoor events.

*Davenport Community Schools; North High School Homecoming Parade; Thursday, September 21, 2023 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled):** Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]*

*St. Paul the Apostle; Back to School Block Party; 1007 East Rusholme Street; 12:00 p.m. - 10:30 p.m. Saturday, September 23, 2023; **Closure:** East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]*

*Anton Knaak; Vander Veer East Good Neighbor Project Block Party; 11:00 a.m. - 7:00 p.m. Saturday, October 7, 2023; **Closure:** East Rusholme Street from the first alley east of Brady Street to Pershing Avenue. [Ward 5]*

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

WHEREAS, upon review of the applications, it has been determined that 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 closure requests are hereby approved and staff is directed to proceed with the closures.

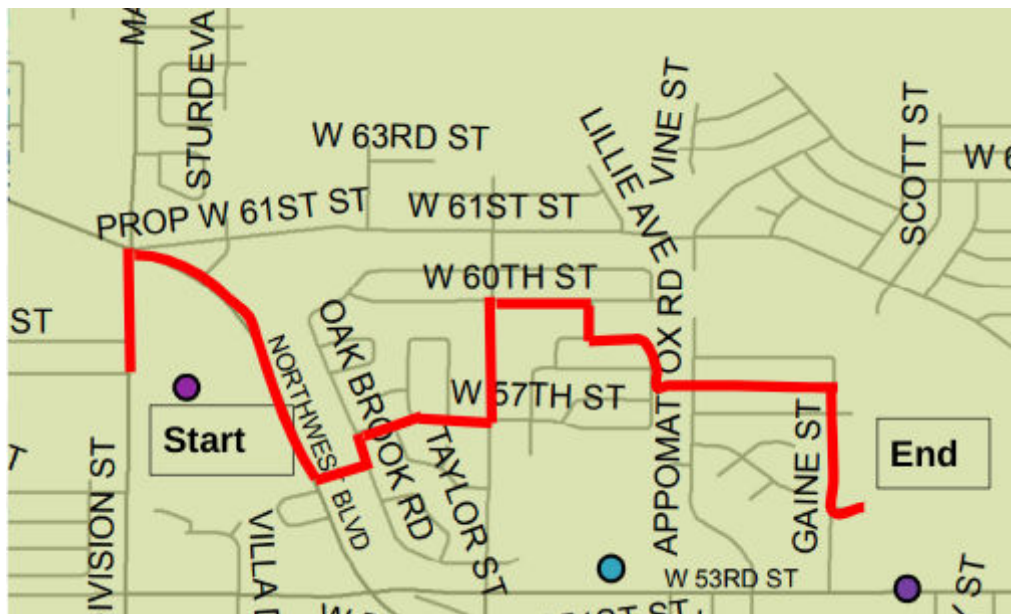
Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

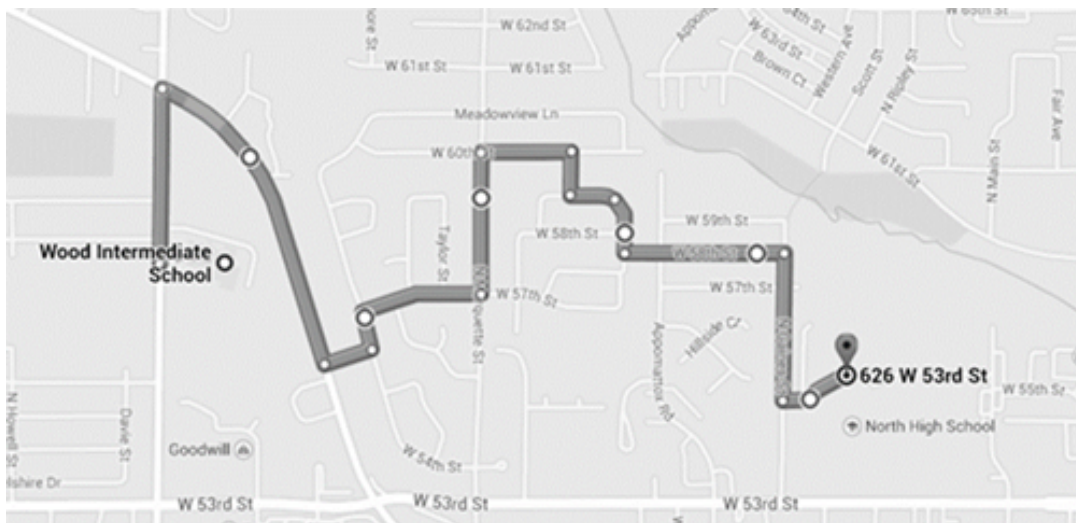


! NOTICE !

2023 North HOMECOMING PARADE

The North Homecoming parade will be crossing past your house with our band playing.

See route below



When: Thursday, September 21st

Time: 5:30-6:30pm

To submit an objection to this temporary closure, please contact

Brian Krup, Deputy City Clerk

Brian.Krup@davenportiowa.com

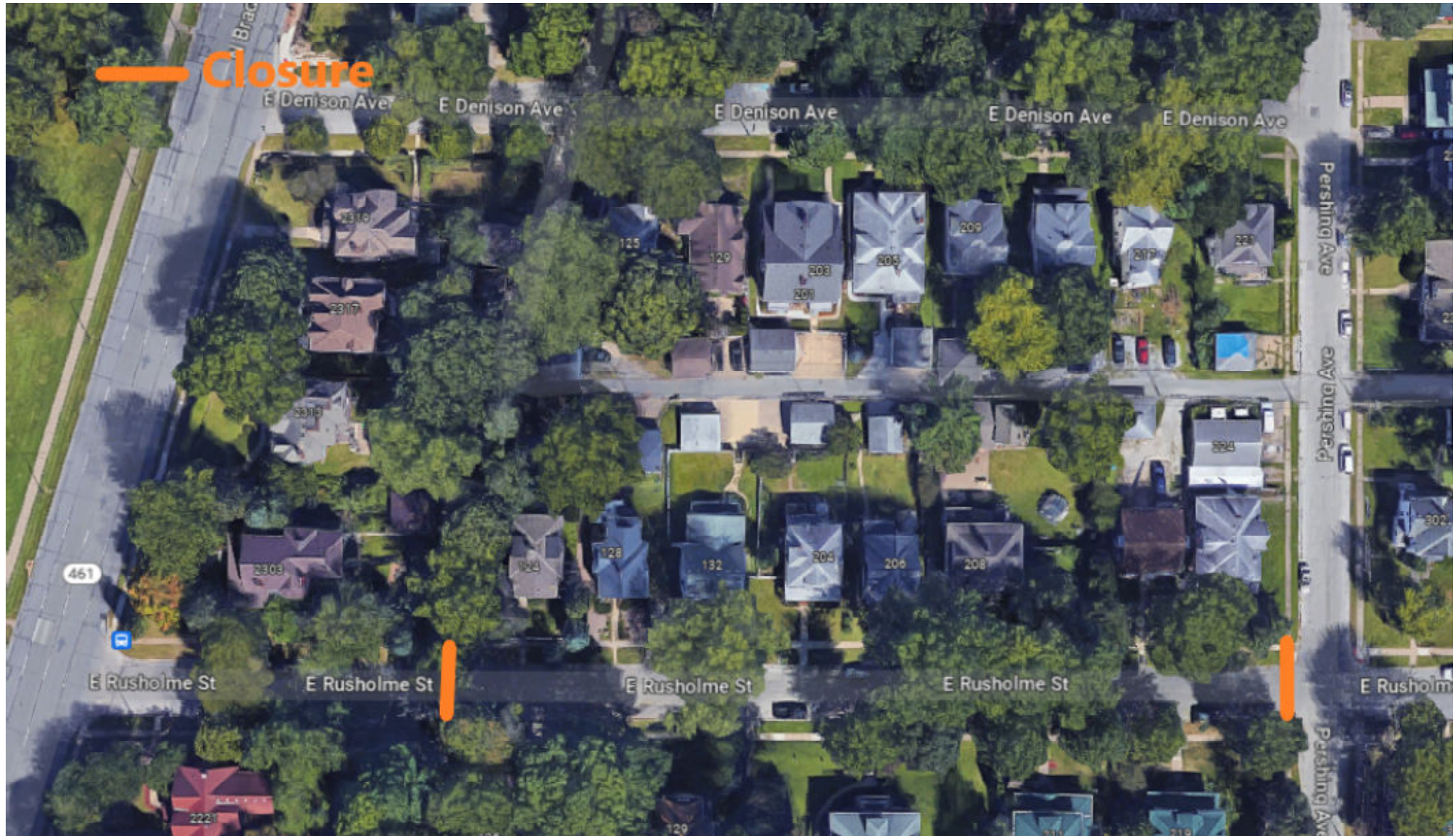
!NOTICE!

St. Paul the Apostle Back to School Block Party



Closure

Closure



Block Party East Rusholme Street Closure Petition

The Good Neighbor Project for the blocks just east of Vander Veer is planning a neighborhood block party for Saturday, October 7th from noon until 7pm. East Rusholme will be closed from house number 124 to the end of the block at 224. The cross street alley access behind the Brady street houses will remain open.

In accordance with the City of Davenport's regulations, a petition must be signed by all households on the block to allow for the street closure.

There will be barbecuing, games for adults and kids, and music!

Please sign our petition and join us celebrating our neighborhood!

Signature	Full Name	Address	Phone
<i>Juan M. Gortan</i>	Juan M. Gortan	206	563-326-3941
<i>Dave Gortan</i>	Dave Gortan	204 E. Rush.	563-940-6752
<i>Joe Villagomez</i>	Jose Villagomez	332 E. Rush	309-798-4236
<i>Ashton Snyder</i>	Ashton Snyder	1325 Rusholme	309-429-8658
<i>Jenny Baker</i>	Jenny Baker	205 E. Rusholme	324-4320-47
<i>Chris Boehle</i>	Chris Boehle	125 E. Rusholme	309-892-1823
<i>Thomas W. Hart</i>	Thomas W. Hart	219 E. Rusholme	563-676-4171
<i>John LaFrenz</i>	John LaFrenz	208 E. Rusholme	563-650-5511
<i>Cindy Kuhn</i>	Cindy Kuhn	125 E. Rusholme	563-370-1320
<i>Juanice LaGrone-Freeman</i>	Juanice LaGrone-Freeman	220 E. Rusholme	563-424
<i>Joseph Dubin</i>	Joseph Dubin	129 E. Rusholme	650-0
<i>Pete Peterson</i>	Pete Peterson	124 E. Rusholme	324-426
Vacant		211 E. Rusholme	
Vacant		224 E. Rusholme	

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Brown Street to Scott Street) Resurfacing project, CIP #35062. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This is a pavement rehabilitation project of West 13th Street from Brown Street to Scott Street. The proposed improvements include, but are not limited to, the furnishing of all labor for the milling and resurfacing of the roadway for the length of the project, PCC curb and gutter removal and replacement, reconstruction of sidewalk at the intersections including ADA ramp construction, topsoil and seeding, and erosion control.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	8/31/2023 - 10:17 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Brown Street to Scott Street) Resurfacing project, CIP #35062.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the West 13th Street (Brown Street to Scott Street) Resurfacing project; and

WHEREAS, notice of Hearing on the plans, specifications, and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Brown Street to Scott Street) Resurfacing project.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution accepting work completed under the Independence Drive Reconstruction project by Ihrig Works LLC of Long Grove, Iowa in the amount of \$326,334.05, CIP #35062. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

The concrete roadway of Independence Drive from Candlelight Drive to Western Avenue had fallen into disrepair and was replaced with new underdrains, new rock base, and new 7" concrete pavement. Driveway and sidewalk improvements were also performed.

Work was performed by Ihrig Works LLC of Long Grove, Iowa in the amount of \$326,334.05, CIP # 35062.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	8/31/2023 - 10:36 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION accepting work completed under the Independence Drive Reconstruction project by Ihrig Works LLC of Long Grove, Iowa in the amount of \$326,334.05, CIP #35062.

WHEREAS, the City of Davenport entered into a contract with Ihrig Works LLC of Long Grove, Iowa for the Independence Drive Reconstruction project; 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; and

WHEREAS the final cost of the contract was \$326,334.05.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Independence Drive Reconstruction project by Ihrig Works LLC of Long Grove, Iowa in the amount of \$326,334.05 is hereby accepted.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution awarding a contract for the 2023 Residential Alley Resurfacing Program to Langman Construction, Inc of Rock Island, Illinois in the amount of \$479,738.26, CIP #35038. [Wards 3, 5, & 6]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on July 27, 2023 and sent to contractors. On August 17, 2023 the Purchasing Division opened and read three (3) responsive and responsible bids. Langman Construction, Inc of Rock Island, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This contract is a pavement rehabilitation project for the following alleys:

1. The east-west residential alley between Elm Street and East High Street from Lorton Avenue to alley end.
2. The east-west residential alley from Kenwood Avenue to Forest Road between East Locust Street and East 18th Street.
3. The north-south residential alley between Bridge Avenue and College Avenue from East Locust Street to Kirkwood Boulevard.
4. The east-west residential alley from Kenwood Avenue to Forest Road between East 18th Street and Middle Road.

This project will include pavement reconstruction or milling of the existing surface and asphalt overlay, sidewalk and ADA curb ramps as needed, and other associated work.

This contract is funded from CIP #35038 | Alley Repair Program using General Obligation Bond proceeds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:37 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a contract for the 2023 Residential Alley Resurfacing Program to Langman Construction of Rock Island, Illinois in the amount of \$479,738.26, CIP #35038.

WHEREAS, the City needs to contract for the 2023 Residential Alley Resurfacing Program; and

WHEREAS, Langman Construction of Rock Island, Illinois was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the 2023 Residential Alley Resurfacing Program is hereby awarded to Langman Construction of Rock Island, Illinois in the amount of \$479,738.26.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: 2023 Residential Alley Resurfacing Program

BID NUMBER: 24-12

OPENING DATE: August 17, 2023

FUNDING: CIP 35038 | Alley Repair Program

RECOMMENDATION: Award the contract to Langman Construction of Rock Island, Illinois, in the amount of \$479,738.26.

<u>VENDOR NAME</u>	<u>PRICE</u>
Langman Construction, Inc. of Rock Island, IL	\$479,738.26
Brandt Construction Co of Milan, IL	\$492,326.70
Hawkeye Paving Corporation of Davenport, IA	\$544,106.00

Approved By 
Purchasing Date

Approved By 
Dept. Director Date

Approved By 
Budget/CIP Date

Approved By 
Assistant Finance Director Date

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution awarding a one-year contract with a possible one-year extension for the 2023-2024 Long-Line Pavement Marking to Ostrom Painting & Sandblasting Inc of Rock Island, Illinois in the amount of \$245,980. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on July 26, 2023 and sent to contractors. On August 17, 2023 the Purchasing Division opened and read one (1) responsive and responsible bid. Ostrom Painting & Sandblasting Inc of Rock Island, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This contract is for repainting existing lines on City and Iowa Department of Transportation (IDOT) streets within City limits. City streets are painted twice per year and IDOT streets are painted once per year. IDOT will reimburse the City for their portion of the contract.

The contract is funded from the Public Works Traffic Engineering Road Use Tax budget, account 54702131 520298.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:37 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a one-year contract with a possible one-year extension for the 2023-2024 Long-Line Pavement Marking project to Ostrom Painting & Sandblasting Inc of Rock Island, Illinois in the amount of \$245,980.

WHEREAS, the City needs to contract for the 2023-2024 Long-Line Pavement Marking project; and

WHEREAS, Ostrom Painting & Sandblasting Inc of Rock Island, Illinois was the lowest responsive and responsible vendor submitting a bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a one-year contract with a possible one-year extension for the 2023-2024 Long-Line Pavement Marking project is hereby awarded to Ostrom Painting & Sandblasting Inc of Rock Island, Illinois in the amount of \$245,980.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: Long-Line Pavement Marking Contract 2023-2024

BID NUMBER: 24-11

OPENING DATE: August 17, 2023

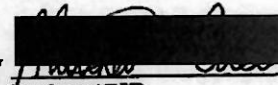
FUNDING: 4700 54702131 520298 | Traffic Engineering - Road Use Tax

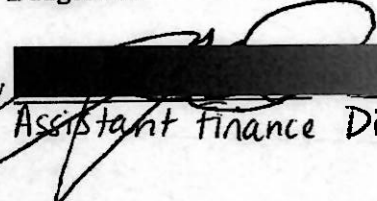
RECOMMENDATION: Award the contract to Ostrom Painting & Sandblasting Inc of Rock Island, Illinois, in the amount of \$245,980.

<u>VENDOR NAME</u>	<u>PRICE</u>
Ostrom Painting & Sandblasting Inc of Rock Island, IL	\$245,980

Approved By  _____
Purchasing Date

Approved By  _____
Dept. Director Date

Approved By  _____
Budget/CIP Date

Approved By  _____
Assistant Finance Director Date

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution awarding a contract for the Silver Creek Stabilization Seeding and Maintenance project to Miller Trucking & Excavating of Silvis, Illinois in the amount of \$180,880, CIP #33041. [Ward 2]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on July 17, 2023 and sent to contractors. On August 7, 2023 the Purchasing Division opened and read two (2) responsive and responsible bids. Miller Trucking & Excavating of Silvis, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This contract is for permanent seeding and three years of operation and establishment for the Silver Creek Stabilization project. This is the final phase of the project with all other work having been completed including grading and temporary seeding.

The contract is funded from the SRF Water Quality Match, account 71046675 530350 33041.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:37 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a contract for the Silver Creek Stabilization Seeding and Maintenance project to Miller Trucking & Excavating of Silvis, Illinois in the amount of \$180,880, CIP #33041.

WHEREAS, the City needs to contract for the Silver Creek Stabilization Seeding and Maintenance project; and

WHEREAS, Miller Trucking & Excavating of Silvis, Illinois was the lowest responsive and responsible vendor submitting a bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Silver Creek Stabilization Seeding and Maintenance project is hereby awarded to Miller Trucking & Excavating of Silvis, Illinois in the amount of \$180,880.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: Silver Creek – Seeding and Maintenance

BID NUMBER: 24-5

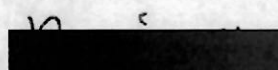
OPENING DATE: August 7, 2023

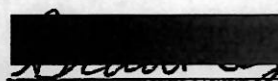
FUNDING: 71046675 530350 33041 | SRF Water Quality Match

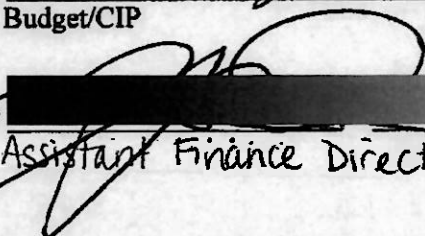
RECOMMENDATION: Award the contract to Miller Trucking & Excavating of Silvis, Illinois, in the amount of \$180,880.

<u>VENDOR NAME</u>	<u>PRICE</u>
Miller Trucking & Excavating of Silvis, IL	\$180,880
Lawns Unlimited of Iowa Inc. of Bettendorf, IA	\$379,182.13

Approved By 
Purchasing _____ Date _____

Approved By 
Dept. Director _____ Date _____

Approved By 
Budget/CIP _____ Date _____

Approved By 
Assistant Finance Director _____ Date _____

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution awarding a contract for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Valley Construction Company of Rock Island, Illinois in the amount of \$2,456,789, CIP #36063. [Ward 2]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on July 13, 2023 and sent to contractors. On August 7, 2023 the Purchasing Division opened and read seven (7) responsive and responsible bids. Valley Construction Company of Rock Island, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This is a pavement extension project including approximately 2,308 feet of roadway extended from West 83rd Street at Fairmount Street to the west and from the West 83rd Street extension approximately 1,179 feet north to North Zenith Avenue in the Russell Industrial Park. New construction includes sanitary sewer, watermain, and stormwater control elements.

This project is currently budgeted in CIP #36063, of which \$942,073 is RISE Grant eligible and the remaining associated costs will be borne by the developer.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:37 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLUTION awarding a contract for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Valley Construction Company of Rock Island, Illinois in the amount of \$2,456,789, CIP #36063.

WHEREAS, the City needs to contract for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project; and

WHEREAS, Valley Construction Company of Rock Island, Illinois was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project is hereby awarded to Valley Construction Company of Rock Island, Illinois in the amount of \$2,456,789.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: Russell Industrial Park N. Zenith Ave. and W. 83rd St. Extension

BID NUMBER: 24-3

OPENING DATE: August 7, 2023

FUNDING: 72534675-530350-36063 | Rise Program

RECOMMENDATION: Award the contract to Valley Construction Company of Rock Island, Illinois, in the amount of \$2,456,789.

<u>VENDOR NAME</u>	<u>PRICE</u>
Valley Construction Company of Rock Island, IL	\$2,456,789
KE Flatwork Inc. of Eldridge, IA	\$2,571,100
Ricklefs Excavating of Anamosa, IA	\$2,687,728.50
Hawkeye Paving Corporation of Davenport, IA	\$2,710,983
McCarthy Improvement Company of Davenport, IA	\$3,035,061
N.J. Miller, Inc of Bettendorf, IA	\$3,206,745
Langman Construction, Inc. of Rock Island	\$3,533,601.52

Approved By _____
Purchasing

08/09/2023
Date

Approved By _____
Dept. Director

8-9-23
Date

Approved By _____
Budget/CIP

8-9-23
Date

Approved By _____
Acting Finance Director

8/9/23
Date

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-888-3055

Action / Date
9/13/2023

Subject:

Resolution awarding a contract for construction administration and inspection services for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Origin Design of Davenport, Iowa in an amount not-to-exceed \$109,600, CIP #36063. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

Infrastructure improvements are critical for the ongoing Russell Industrial Park site. Those improvements include the extension of North Zenith Avenue and West 83rd Street along with the installation of all required underground infrastructure. Due to the majority of the construction work this year, all of the City's field inspection staff is occupied elsewhere and cannot provide the necessary inspection services to this project. Origin Design was selected to provide construction administration and field inspections.

Per the economic development agreement between the City and Russell Construction, the cost for this service will be split between an Iowa DOT RISE Grant and Russell Construction.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	9/5/2023 - 8:34 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a contract for construction administration and inspection services for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project to Origin Design of Davenport, Iowa in an amount not to exceed \$109,600, CIP #36063.

WHEREAS, the City of Davenport, Iowa has requested assistance in the form of construction inspection services associated with the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project; and

WHEREAS, Origin Design of Davenport, Iowa has been selected to provide these services.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Davenport, Iowa that a contract for construction administration and inspection services for the Russell Industrial Park North Zenith Avenue and West 83rd Street Extension project is hereby awarded to Origin Design of Davenport, Iowa in an amount not to exceed \$109,600.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/13/2023

Subject:

Resolution awarding a contract for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$565,879, CIP #35062. [Wards 3 & 4]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on August 3, 2023 and sent to contractors. On August 25, 2023 the Purchasing Division opened and read three (3) responsive and responsible bids. Hawkeye Paving Corporation of Davenport, Iowa was the lowest responsive and responsible bidder and is recommended for award.

This contract is for a pavement rehabilitation project including the Warren Street roadway from 9th Street to 14th Street. Work also includes bringing existing sidewalks into compliance with ADA requirements. The project may also include replacement of adjacent curbs or driveways as necessary to properly improve the street.

This project will be funded through CIP 35062 for neighborhood roads using a combination of Local Option Sales Tax, Road Use Tax, and General Obligation Bond proceeds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:37 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a contract for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$565,879, CIP #35062.

WHEREAS, the City needs to contract for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project; and

WHEREAS, Hawkeye Paving Corporation of Davenport, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Warren Street (West 9th Street to West 14th Street) Mill and Overlay project is hereby awarded to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$565,879.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: Warren Street Mill and Overlay (9th Street to 14th Street)

BID NUMBER: 24-18

OPENING DATE: August 25, 2023

FUNDING: 70636683-530350-35062 | Neighborhood Program

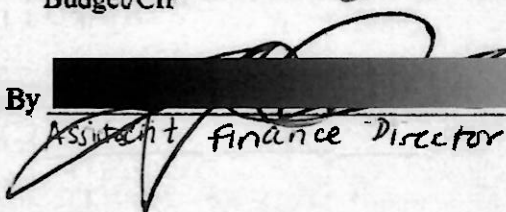
RECOMMENDATION: Award the contract to Hawkeye Paving Corporation of Davenport, Iowa, in the amount of \$565,879.

<u>VENDOR NAME</u>	<u>PRICE</u>
Hawkeye Paving Corporation of Davenport, IA	\$565,879
Langman Construction, Inc. of Rock Island, IL	\$634,086.80
Brandt Construction Co of Milan, IL	\$677,263

Approved By  _____
Purchasing/ _____ Date _____

Approved By _____
Dept. Director _____ Date _____

Approved By _____
Budget/CIP _____ Date _____

Approved By  _____
Assistant Finance Director _____ Date _____

City of Davenport

Department: Public Works - Admin
Contact Info: Jim Erwin | 563-326-7922

Action / Date
9/13/2023

Subject:

Resolution approving the purchase of one street flusher truck from Kilburg Equipment of Sabula, Iowa in the amount of \$240,483 using State of Minnesota procurement contract #S-863(5). [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The Public Works Department has a need to purchase a street flusher truck for the Street Division to support roadway cleaning, repair, and flood recovery operations throughout the City. This truck will be purchased from Kilburg Equipment of Sabula, Iowa in the amount of \$240,483 using State of Minnesota procurement contract #S-863(5).

Road Use Tax funding will be used for this purchase.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	City of Davenport Street Flushing Truck Quote

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:38 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the purchase of one street flusher truck from Kilburg Equipment of Sabula, Iowa in the amount of \$240,483 using State of Minnesota procurement contract #S-863(5).

WHEREAS, the City needs to purchase one street flusher truck for the Public Works Department; and

WHEREAS, Kilburg Equipment was awarded State of Minnesota procurement contract #S-863(5) as the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the purchase of one street flusher truck from Kilburg Equipment of Sabula, Iowa in the amount of \$240,483 using State of Minnesota procurement contract #S-863(5) is hereby approved.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Kilburg Equipment

58278 50th St
 Sabula, IA 52070 US
 5635902455
 parts@kilburgequip.com
 www.kilburgequip.com

Estimate**ADDRESS**

Davenport, City of
 Accounts Payable
 226 West 4th St.
 Davenport, IA 52807

SHIP TO

Davenport, City of
 Davenport, City of
 1200 East 46th St.
 Davenport, IA 52807

ESTIMATE #

4934

DATE

08/21/2023

	DESCRIPTION	QTY	RATE	AMOUNT
SSF-2000	2025 Freightliner M2 Plus with Cummins L9 360HP, Allison 3000 RDS, with Stepp SSF-2000 Truck Mounted Street Flusher with 2,000 gallon capacity, built with 304L stainless steel tank, , 3 land spray bar, Synchro mesh PTO, hydraulic pump, Street flush package 750 GPM hydraulic driven water pump, 4 nozzles, load sense pump, 6" air operated dump valve with splash plate, Anti-Siphon fill pipe, Force American add a fold Valve, 100' hose with electric rewind, garden hose adaptor, 2 extra duck bill nozzles, water cannon with joystick, stainless plumbing for street flusher nozzles, aluminum fenders, Heated pump cabinet, Aluminum toolbox, review camera, work light, Scene lights, Flush mounted strobe lights, Arrowboard. Optional equipment Whelen Super LED light package \$10,631.00 Air Blast \$389.00 per nozzle This Price is Per Minnesota State Contract Pricing	1	240,483.00	240,483.00

TOTAL**\$240,483.00**

Accepted By

Accepted Date

TERMS : 1.5% INTEREST WILL BE CHARGED PER MONTH ON ALL DELIQUENT ACCOUNTS OVER 30 DAYS.

Representing an annual interest rate of 18%

City of Davenport

Department: Public Works - Admin
Contact Info: Jim Erwin | 563-326-7922

Action / Date
9/13/2023

Subject:

Resolution approving the purchase of one Rosco oil distributor truck from Road Machinery and Supplies of East Moline, Illinois in the amount of \$259,349 using Sourcewell contract #060122-VTL. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The Public Works Department has a need to replace the current oil distributor truck assigned to the Street Division that is due for replacement. This newer model will support street repair operations throughout the City. This truck will be purchased through Road Machinery and Supplies of East Moline, Illinois in the amount of \$259,349 using Sourcewell contract #060122-VTL.

Road Use Tax funding will be used for this purchase.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	City of Davenport Rosco Oil Distributor Quote

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:38 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the purchase of one Rosco oil distributor truck from Road Machinery and Supplies of East Moline, Illinois in the amount of \$259,349 using Sourcewell contract #060122-VTL.

WHEREAS, the City needs to purchase one Rosco oil distributor truck for the Public Works Department; and

WHEREAS, Road Machinery and Supplies was awarded Sourcewell contract #060122-VTL as the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the purchase of one Rosco oil distributor truck from Road Machinery and Supplies of East Moline, Illinois in the amount of \$259,349 using Sourcewell contract #060122-VTL.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



Road Machinery & Supplies Co.

We supply the equipment, support, and technology solutions that enable our customers to build infrastructure and industry in the communities we serve.

Quote #: bs5-0918
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309-428-0075
bstolee@rmseq.com

Billing Address:
CITY OF DAVENPORT DAVEN003
226 W FOURTH ST
DAVENPORT IA 52801
Main Phone# 5633267718
Contact: Jim Erwin
Email: jim.erwin@davenportiowa.com

Shipping Address:
14 - EAST MOLINE Store
3150 5TH AVE
EAST MOLINE IL 61244

ROSCO MODEL Max 3B Distributor S/N Factory Order, STOCK # N.I.S.

\$259,349.00

Equipped as follows:

LeeBoy / Rosco Max 3B Distributor 1900 Gallon

Chassis

Freight From Factory

Freight to Customer

PDI

Max 3B Distributor

All Maximizer 3B Asphalt Distributors are equipped with: low profile elliptical steel tank with 7 GA flat, flanged, and reinforced heads; tank shell supporting sills; full section 10-gauge surge plates and 22" diameter manhole, dual 8" diameter heating flues with 90-degree flue bends designed for more effective heat transfer, rear pump suction sump designed to allow complete tank drainage, front circulation return providing agitation and even heating, 2" Rockwool insulation and stainless steel exhaust stack, variable displacement hydrostatic pump driven by chassis engine crankshaft (truck chassis must be suitable for front live power), Viking 400 GPM positive displacement asphalt pump, diesel-fired burner with heat limit control, 8-ft to 16-ft Rosco EZ-Spray telescoping spraybar, GPS ground speed sensor, full circulating spraybar that extend/retract via cab controls and automatically turn on nozzles when extended and shut off when retracted, Plus-1 CAN-Bus control and onboard diagnostic system w/DP700 (7", 800x400 pixel) Color Graphic Display: controller for automatic application rate control and automatic valves for cab control of distributor functions, exclusive enviro-flush system, single nozzle handspray wand with 25-ft rubber hose, front and rear dial content gauges, 5" dial thermometer, sampling valve, I.C.C. clearance lights and reflectors, back-up alarm. Unit meets Federal DOT regulations for hot asphalt.

**** Chassis Price Subject to Change Due to Chassis Manufacture Surcharges****

Sourcewell Contract # 060122-VTL

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



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Sioux City, IA • 712-252-0538
East Moline, IL • 309-755-7203
Rochester, MN • 507-701-0199



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309-428-0075
bstolee@rmseq.com

Sub Total: **\$259,349.00**

Total Selling Price: **\$259,349.00**

On behalf of Road Machinery & Supplies Co., thank you for the opportunity to quote this equipment!

Sincerely,

Bryan Stolee
Territory Manager

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



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309-428-0075
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Terms and Provisions

1. If Purchaser contemporaneously herewith or subsequently executes a security agreement or a lease agreement relating to the Equipment described on the face hereof (herein called "Equipment"), the terms and provisions of such security agreement or lease Agreement shall supersede all terms and provisions of this Equipment Order and Agreement (herein called "Agreement"). Without limiting the generality of the foregoing, if this agreement is superseded by a lease agreement, all payments made hereunder shall be determined to be rental, and Purchaser shall not be deemed to have acquired any equity in the Equipment.
2. Subject to the provisions of Paragraph 1, Seller agrees to sell and Purchaser agrees to purchase the Equipment for the price or prices and on the terms and conditions stated on the face hereof and on this page 2. Unless otherwise specified, the terms of this agreement are net cash on receipt of invoice. If payment is not made on or before the due date, the full unpaid balance shall, at Seller's option, be subject to interest until paid at the rate of 1 1/2% per month if Purchaser is a corporation or at the highest legal rate permitted by law if the Purchaser is a partnership or an individual. Neither the loss, destruction, or damage of the Equipment, nor the renewal or extension of this contract, nor the institution of suit or procurement or judgement thereon; nor the hypothecation, assignment or discounting of this Agreement shall operate as payment or in any manner relieve Purchaser from his obligations hereunder.
3. To secure the performance of Purchaser's obligations under this Agreement, Purchaser hereby grants to Seller a security interest in the Equipment, effective upon delivery of the Equipment to Purchaser. Such interest shall be enforceable by Seller in accordance with the provisions of Article IX of the Minnesota Uniform Commercial Code. Until Purchaser has performed all obligations on the part of Purchaser to be performed under this Agreement, Purchaser agrees: (a) to keep the Equipment in good condition and repair at his own expense; (b) not to assign or transfer any interest in this Agreement, nor sell, assign, pledge, mortgage, encumber, suffer the creation of any lien, nor dispose of the Equipment or any part thereof, nor make any material change in Equipment, without the prior written consent of Seller; (c) to pay all taxes, charges and assessments of every character levied or assessed against the Equipment; (d) to keep the Equipment insured at his own expense, against all physical loss or damage, of whatsoever kind and nature and however caused, excepting only loss or damage occasioned by so-called uninsurable perils, such as war risk, nuclear energy peril and normal wear and tear, in an amount not less than the remaining balance due to the Seller with deductible amount not to exceed \$1,000.00 per loss, and to place such insurance through agencies or brokers and with insurance companies acceptable to Seller, with the proceeds thereon payable to Seller and Purchaser as their interest may appear; (e) to execute all documents which may be necessary for the perfection and recording of Seller's security interest in the Equipment.
4. Purchaser shall pay all transportation charges. Within five (5) days after delivery of the Equipment at the point of destination, Purchaser shall notify Seller in writing of any claimed defects in the Equipment or of any claimed failure by Seller to comply with its promises and obligations concerning the Equipment. If such notice in writing is not given to Seller by Purchaser within said time, then the Equipment shall be deemed to have been accepted by Purchaser and to be in full compliance with all terms, conditions, covenants and representations herein contained. Purchaser will ensure all persons operating equipment will have read the equipment operator's manual. If unable to locate, please contact the Seller to request a copy.
5. Purchaser may not return the Equipment without the written consent of Seller. If Seller consents in writing to such return, a charge of 10 percent may be made to Purchaser to cover handling expenses, except for Equipment found upon return to have been defective.
6. Seller shall not be liable to Purchaser if Seller cannot obtain the Equipment through the exercise of reasonable diligence, or if delivery is delayed or prevented by the manufacturer or by strike, accident, act of God, war, civil commotion or riot, governmental action or requirement, or other cause beyond the control of Seller. Seller assumes no responsibility and shall not be liable for any loss or damages, direct or consequential, alleged to have been caused by or resulting from the operation or non-operation of the Equipment.
7. If any equipment owned by Purchaser is to be traded in as part of this Agreement, but the same is not to be delivered to Seller until a time later than the date of this Agreement, Seller shall have the right to reappraise said trade-in equipment at the time of actual delivery to Seller, and said reappraisal value shall determine the Trade-In Allowance for said equipment.
8. **PURCHASER ACKNOWLEDGES: (a) THAT PURCHASER MAKES THE FINAL SELECTION, IN ALL RESPECTS, OF THE EQUIPMENT; (b) THAT SELLER IS NOT A MANUFACTURER OF THE EQUIPMENT; (c) THAT PURCHASER ACCEPTS THE EQUIPMENT WITH ALL FAULTS, SUBJECT ONLY TO MANUFACTURERS AND/OR DEALER'S WRITTEN NEW EQUIPMENT WARRANTIES, IF ANY; (d) THAT UNLESS OTHERWISE SPECIFICALLY STATED ON THE FACE HEREOF, USED EQUIPMENT IS NOT SUBJECT TO ANY WARRANTY BY MANUFACTURER OR SELLER; (e) THAT NOTWITHSTANDING ANY WARRANTY, IF ANY, BY THE MANUFACTURER AND/OR SELLER, NEITHER MANUFACTURER NOR SELLER SHALL BE LIABLE FOR THE COST OF REPAIRS MADE OUTSIDE OF SELLER'S OR MANUFACTURER'S PLACE OF BUSINESS, UNLESS AUTHORIZED IN WRITING; (f) THAT THERE ARE NO WARRANTIES - EXPRESS, IMPLIED OR STATUTORY - ON THE PART OF SELLER AS TO FITNESS OF THE EQUIPMENT FOR ANY GENERAL OR SPECIFIC PURPOSE OR AS TO MERCHANTABILITY OR QUALITY; (g) NO PAYMENT REQUIRED HEREUNDER TO BE MADE BY PURCHASER SHALL BE DELAYED AWAITING SETTLEMENT OF ANY CLAIM.**
9. If upon tender of delivery of the Equipment by Seller to Purchaser, Purchaser fails or refuses for any reason to complete the purchase transaction, Seller may in its discretion retain the Down Payment and the trade-in equipment as liquidated damages; or, at its option, Seller may resell or retain the trade-in equipment, and shall apply the Down Payment and the amount received on resale, or the fair market value of said equipment (if no resale) as of the date of Purchaser's breach, in reduction of Seller's damages, costs and expenses.
10. The following shall be deemed to be events of default by Purchaser: (a) the failure by Purchaser to comply with any term or provision of this Agreement, (b) the failure by Purchaser to make any payment provided for herein when due or payable; (c) any cessation or interruption of Purchaser's business as a going concern; (d) any assignment by Purchaser for the benefit of creditors; (e) any assignment or purported assignment by Purchaser, whether voluntary or by operation of law, of Purchaser's interest in the Equipment without the prior written consent of Seller; (f) the institution of any proceeding under the Bankruptcy Act, voluntary or involuntary, by or against Purchaser; (g) the commencement of any insolvency or receivership proceeding, voluntary or involuntary, against Purchaser; (h) the levy upon or seizure by judicial process of the Equipment or any part thereof; (i) the occurrence of any unusual or unreasonable depreciation in the value of the Equipment arising out of its use by Purchaser; or (j) the determination by Seller that it is insecure, for whatever reason, with respect to the Equipment or PURCHASER'S obligations hereunder. Upon Purchaser's default, the entire unpaid balance of the purchase price, together with accrued interest thereon and all other sums payable hereunder, at the option of the Seller and without notice, shall become immediately due and payable and Seller may exercise all rights and remedies available to it under the Minnesota Uniform Commercial Code as now enacted or as may be from time to time amended, and, in conjunction with, and in addition to or substitution for those rights and remedies, at Seller's discretion, Seller may, in conformity with law, and without liability to purchaser therefore, (a) enter upon Purchaser's premises to take possession of, assemble and collect the Equipment or to render it unusable, or (b) require purchaser to assemble the Equipment and make it available at a place Seller designates which is mutually convenient to allow Seller to take possession or dispose of the Equipment.
11. Purchaser agrees to pay Seller or its assignees the reasonable expenses of retaking, holding, preparing for sale, selling, and the like, and the reasonable attorney's fees and legal expenses incurred by Seller or said assignees in recovering possession of the equipment or in collecting any installment or the unpaid balances of the purchase price. If Purchaser fails to pay any installment or the unpaid balance when due, Seller or its assignees may refer the collection thereof to any person or collection agency or to any of the employees of Seller or its assignees, and Purchaser agrees to Pay Seller or its assignees a reasonable collection charge, which shall in no event be less than 5 percent of said delinquent installment or unpaid balance, or \$150.00 whichever is the greater.
12. The failure of Seller in any one or more instances to insist upon the performance of any term or provision of this Agreement or to exercise any right or privilege conferred by this Agreement, shall not be construed as thereafter waiving any such term, provision, right or privilege.

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



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Road Machinery & Supplies Co.

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309-428-0075
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13. If Purchaser fails or refuses, for any reason, to perform any provision of this Agreement required by Purchaser to be performed, Seller may, at its option, perform the same and, upon demand, shall be reimbursed its costs therefor by Purchaser.
14. If any provision of this Agreement is finally adjudged by any court to be invalid, the remaining provisions shall remain in full force and effect, and they shall be interpreted, performed and enforced as if said invalid provision did not appear herein.
15. All matters, whether sounding in tort or in contract, relating to the validity, construction, interpretation, performance, or enforcement of this Agreement shall be determined according to the laws of the State of Minnesota. Purchaser hereby waives the right to move for a change of venue in any action affecting the Equipment, and Seller may, at its option, bring said action in the city and county of its main office, or any branch office, or other location selected by it. All rights of exemption and homestead laws are hereby waived by Purchaser.
16. This Agreement and such security agreement or lease agreement as may hereafter be executed by the parties, embodies the entire agreement between Seller and Purchaser, and there are not other agreements, either oral or written. No change or modification of the terms of this Agreement or such security agreement or lease agreement shall be binding on Seller unless such change or modification be in writing and signed by an officer of Seller. A true and correct copy of this contract has been delivered to Purchaser, receipt of which is hereby acknowledged by Purchaser.

Pursuant to an Exchange Agreement between Road Machinery & Supplies Co. and North Star Deferred Exchange LLC, as Qualified Intermediary, the rights under this agreement to sell this equipment to you have been assigned by Road Machinery & Supplies Co. to North Star Deferred Exchange LLC. It is intended that this transaction be treated by Road Machinery & Supplies Co. as part of a tax deferred exchange. This treatment has no effect on your ownership of this equipment.

Customer Acceptance By: _____ Printed Name: _____

_____ Customer Initials: *All quoted prices are subject to change and will be confirmed at time of delivery. All applicable taxes will apply at time of equipment invoicing – taxes are based on deliver/pick-up location and may vary from amount quoted. Additionally, if tax-exemption is being claimed, it is the customer's responsibility to provide RMS with a copy of their tax-exempt form.*

Date Signed: _____ Purchase order#: _____

Requested delivery date: _____ Ship Via: _____

Terms: _____

Subject to RMS Management approval

RMS Management Approval: _____

Credit Approval: _____

CA #: _____

* Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.



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rmsequipment.com

City of Davenport

Department: Finance
Contact Info: Chad Dyson | 563-326-7275

Action / Date
9/13/2023

Subject:

Resolution awarding a contract for the Dohse Splash and Play project to The Henley Group, LLC of Muscatine, Iowa in the amount of \$539,550, CIP #ARP10. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on July 31, 2023 and sent to contractors. On August 29, 2023 the Purchasing Division opened and read three (3) responsive and responsible bids. The Henley Group, LLC of Muscatine, Iowa was the lowest responsive and responsible bidder and is recommended for award.

This contract will award the base bid only. Work includes, but is not limited to, site clearing, earthwork, water, sanitary, and electrical utility connections, splash pad equipment installation, play equipment installation, shade sail installation, concrete paving, playground surfacing, fencing, and restoration.

Funding for this project is from American Rescue Plan Act funding, CIP #ARP10.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	8/31/2023 - 4:00 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION awarding a contract for the Dohse Splash and Play project to The Henley Group, LLC of Muscatine, Iowa in the amount of \$539,550, CIP #ARP10.

WHEREAS, the City needs to contract for the Dohse Splash and Play project; and

WHEREAS, The Henley Group, LLC of Muscatine, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Dohse Splash and Play project is hereby awarded to The Henley Group, LLC of Muscatine, Iowa in the amount of \$539,550.

Passed and approved this 13th day of September, 2023.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: Dohse Splash and Play Project

BID NUMBER: 24-7

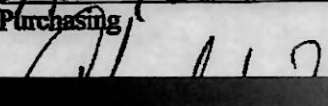
OPENING DATE: August 29, 2023

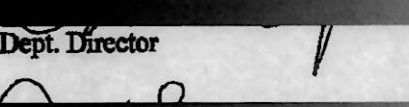
FUNDING: 54624010 530398 ARP10 | Neighborhood Parks - Play

RECOMMENDATION: Award the contract for the base bid only to The Henley Group, LLC of Muscatine, Iowa, in the amount of \$539,550.

<u>VENDOR NAME</u>	<u>PRICE</u>
The Henley Group, LLC of Muscatine, IA	\$539,550
General Constructors, Inc. of Bettendorf, IA	\$734,210.46
Bill Bruce Builders Inc of Eldridge, IA	\$874,000.55

Approved By 
Purchasing Date

Approved By 
Dept. Director Date 3

Approved By 
Budget/CIP Date

Approved By 
Assistant Finance Director Date

City of Davenport

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

Action / Date
9/13/2023

Subject:

Motion approving noise variance requests on the listed dates and times for outdoor events.

Palmer College of Chiropractic; Homecoming; 1000 Brady Street; 8:30 p.m. for approximately 20 minutes Saturday, September 16, 2023; Fireworks, over 50 dBA. [Ward 3]

Davenport Community Schools; North High School Homecoming Parade; see attached parade route; 5:30 p.m. - 7:00 p.m. Thursday, September 21, 2023; Outdoor music, over 50 dBA. [Wards 7 & 8]

Our Lady of Victory Catholic Church; Our Lady of Victory Parish Picnic; 4105 North Division Street; 12:00 p.m. - 4:00 p.m. Sunday, September 24, 2023; Outdoor music, over 50 dBA. [Ward 7]

Recommendation:

Pass the Motion.

Background:

The following requests for noise variances have been received pursuant to the Davenport Municipal Code Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

Unity in the Community A Fifth Ward Celebration | Suspension of the rules supported by Alderman Kelly and Alderman Dunn.

Palmer College | A letter was distributed to the surrounding neighborhoods (see attached). The City sent out emails to five (5) Good Neighbor Project Leaders around Palmer with details of the fireworks show and asking them to spread the word by any means possible: text, email, Facebook groups; NextDoor app; etc.

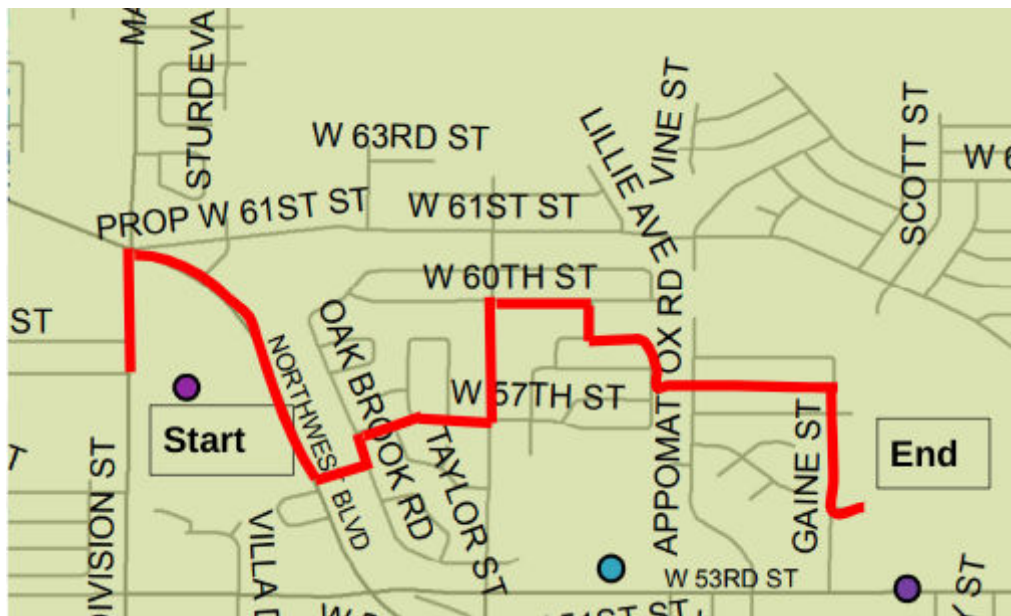
Our Lady of Victory Catholic Church | The music will be a guitar player/vocalist and accompanying musician using one amp, no large PA system. Signage has been placed around the church advertising the event.

ATTACHMENTS:

Type	Description
▢ Backup Material	North High School Homecoming Parade Route
▢ Backup Material	North High School Homecoming Parade Notice to Residents
▢ Backup Material	Palmer College Fireworks Notice to Neighbors

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	8/31/2023 - 3:36 PM

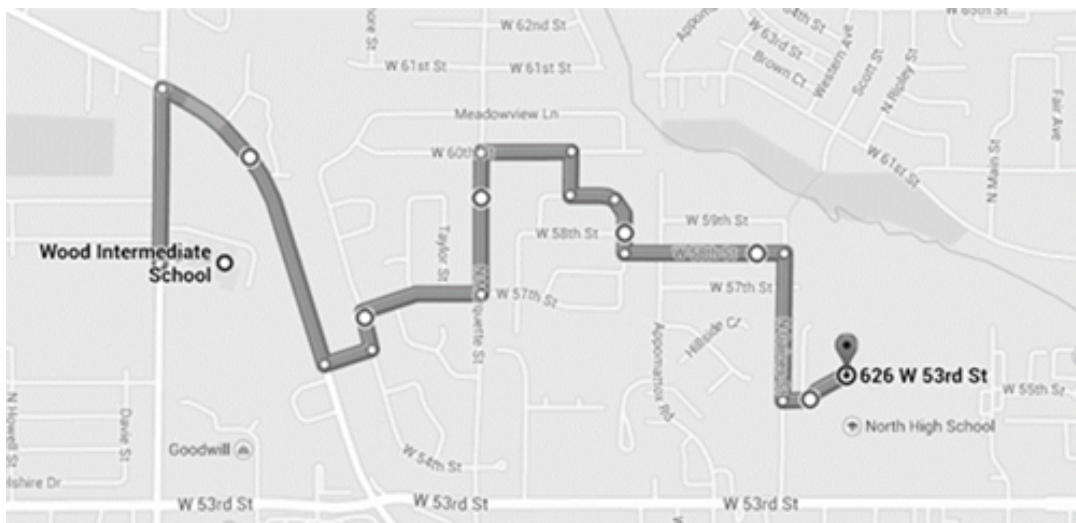


! NOTICE !

2023 North HOMECOMING PARADE

The North Homecoming parade will be crossing past your house with our band playing.

See route below



When: Thursday, September 21st

Time: 5:30-6:30pm

To submit an objection to this temporary closure, please contact

Brian Krup, Deputy City Clerk

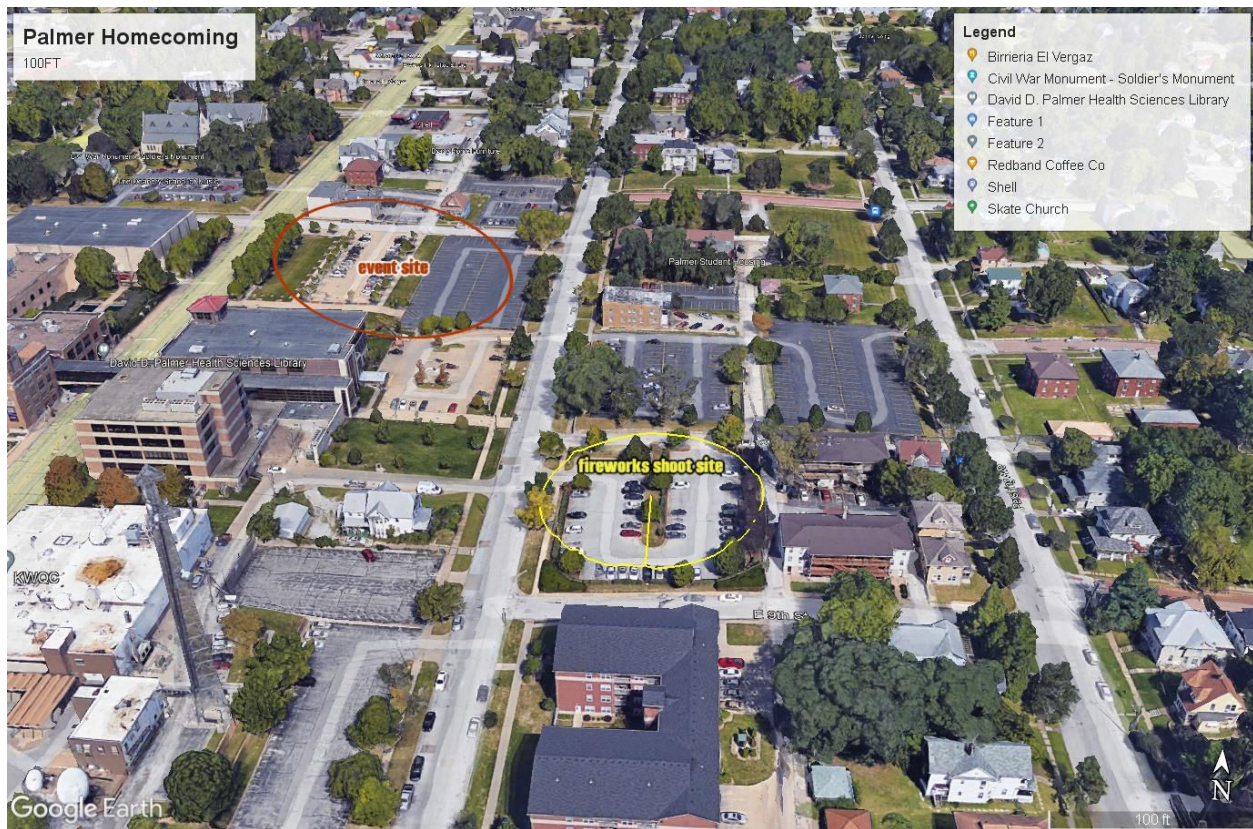
Brian.Krup@davenportiowa.com

!NOTICE!

Dear Neighbor:

Palmer College will be hosting its annual Homecoming Festival on Saturday, September 16th from 6:00p.m. to 9:00p.m. The event will include a fireworks display starting around 8:30p.m. and lasting approximately 20 minutes.

Below is a map of the event and shoot site. Written objections to this noise variance can be submitted to Brian Krup, Deputy City Clerk for the City of Davenport, at Brian.Krup@davenportiowa.com



City of Davenport

Department: Public Safety
Contact Info: Jamie Swanson | 563-326-7795

Action / Date
9/13/2023

Subject:
Motion approving beer and liquor license applications.

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

Ward 6

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Extended Outdoor Area
October 5 - License Type: Class C Liquor (On-Premises)

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

Ward 3

Barrel House 211 (Barrelhouse, LLC) - 207-211 East 2nd Street - Outdoor Area - License Type:
Class C Liquor (On-Premises)

River Center/Adler Theatre (Venuworks of Davenport, LLC) - 136 East 3rd Street - Outdoor Area
- License Type: Class C Liquor (On-Premises)

Super Saver Liquor (Malwa, LLC) - 1610 Rockingham Road - License Type: Class E Liquor
(Carry-Out)

Thunder Bay Grille/Figge (Thunder Bay Grille, LLC) - 225 West 2nd Street - Outdoor Area -
License Type: Class C Liquor (On-Premises)

West Side Grocery (Eva S, LLC) - 1802 West 7th Street - License Type: Class E Liquor (Carry-
Out)

Ward 4

CVS/Pharmacy #8659 (Iowa CVS Pharmacy, LLC) - 1777 Division Street - License Type: Class
E Liquor (Carry-Out)

The Putnam (Putnam Museum and Science Center) - 1717 West 12th Street - Outdoor Area -
License Type: Class C Liquor (On-Premises)

Sun Mart, LLC (Sun Mart, LLC) - 2920 West Locust Street - License Type: Class E Liquor
(Carry-Out)

Ward 5

Bowlmor Lanes (Davenport Bowlers, Inc) - 2952 Brady Street - License Type: Class C Liquor
(On-Premises)

Grumpy's Saloon (2118-2120, In) - 2120 East 11th Street - License Type: Class C Liquor (On-Premises)

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

Players (Players, LLC) - 2218 East 11th Street - License Type: Class C Liquor (On-Premises)

Ward 6

Barrel House Three, LLC (Barrel House Three, LLC) - 5141 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Big River Bowling (Kimberly Entertainment, LLC) - 2902 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Cabos Cantina and Grill 2, LLC (Cabos Cantina and Grill 2, LLC) - 5717 Elmore Avenue Unit E - License Type: Class C Liquor (On-Premises)

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

J-Bar Holiday Inn & Suites / J-Bar (HOA Hotels, LLC) - 4215 Elmore Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

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

Super Target T-533 (Target Corporation) - 5225 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Ward 7

CVS Pharmacy #8658 (Iowa CVS Pharmacy, LLC) - 1655 West Kimberly Road - License Type: Class E Liquor (Carry-Out)

Famous Dave's (Elmore Foods, LLC) - 1110 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Vans Pizza Pub and Grill (Reedcan, LLC) - 3333 North Harrison Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Recommendation:
Pass the Motion.

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

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Odean, Jim	Approved	8/30/2023 - 4:36 PM
Public Safety Committee	Admin, Default	Approved	8/31/2023 - 2:56 PM
City Clerk	Admin, Default	Approved	8/31/2023 - 2:57 PM

City of Davenport

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

Action / Date
9/13/2023

Subject:

Motion awarding a blanket contract for the purchase of calcium chloride for the 2023-2024 winter season to SICALOCO, LTD of Hinsdale, Illinois as the primary supplier and Jerico Services, Inc of Indianola, Iowa and Ossian, Inc of Davenport, Iowa as back up suppliers. [All Wards]

Recommendation:

Pass the Motion.

Background:

An Invitation to Bid was issued on August 7, 2023 and was sent to vendors. On August 24, 2023 the Purchasing Division received and opened three (3) responsive and responsible bids. SICALOCO, LTD of Hinsdale, Illinois was the lowest responsive and responsible bidder and is recommended for award with the other two bidders being awarded as back up suppliers should SICALOCO, LTD be unable to meet the needs of the City.

The City has a requirement for 32% solution liquid calcium chloride to be delivered to two of its Public Works locations for the 2023-2024 winter season. The estimated quantity is 20,000 to 100,000 gallons depending on weather.

Funding for this purchase is from Road Use Tax.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:38 AM

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: Calcium Chloride 2023-2024

BID NUMBER: 24-13

OPENING DATE: August 24, 2023

FUNDING: .54702031 520201 | Road Use Tax.

RECOMMENDATION: Award the contract to SICALCO, LTD of Hinsdale, Illinois as the primary supplier and Jerico Services, Inc of Indianola, Iowa and Ossian, Inc. of Davenport, Iowa as backup suppliers.

<u>VENDOR NAME</u>	<u>PRICE PER GALLON</u>
SICALCO, LTD of Hinsdale, IL	\$0.77
Jerico Services, Inc of Indianola, IA	\$0.80
Ossian, Inc. of Davenport, IA	\$0.90

Approved By

Purchasing

Date

Approved By

Dept Director

Date

Approved By

Budget/CIP

Date

Approved By

Assistant Finance Director

Date

City of Davenport

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

Action / Date
9/13/2023

Subject:

Motion awarding a blanket contract for the purchase of anti-icing chemicals for the 2023-2024 winter season to SNI Solutions, Inc of Geneseo, Illinois as the primary supplier and Ossian, Inc of Davenport, Iowa as the backup supplier. [All Wards]

Recommendation:

Pass the Motion.

Background:

An Invitation to Bid was issued on August 3, 2023 and sent to vendors. On August 8, 2022 the Purchasing Division received and opened two (2) responsive and responsible bids.

The City has a requirement for beet-based liquids for anti-icing and pre-treatment of roadways for the upcoming winter season. The estimated quantity is 10,000 to 50,000 gallons depending on weather.

Funding for this purchase is from Road Use Tax.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:38 AM

**CITY OF DAVENPORT, IOWA
BID TABULATION**

DESCRIPTION: Anti-Icing Chemicals 2023-2024

BID NUMBER: 24-14

OPENING DATE: August 25, 2023

FUNDING: 54702031 520201

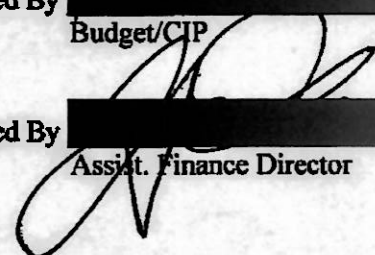
RECOMMENDATION: Award the contract to SNI Solutions, Inc of Geneseo, Illinois as the primary supplier and Ossian, Inc. of Davenport, Iowa as the backup supplier.

<u>VENDOR NAME</u>	<u>PRICE PER GALLON</u>
SNI Solutions, Inc of Geneseo, IL	\$1.85
Ossian, Inc. of Davenport, IA	\$1.85

Approved By 
Purchasing _____ Date _____

Approved By _____
Dept Director _____ Date _____

Approved By 
Budget/CIP _____ Date _____

Approved By 
Assist. Finance Director _____ Date _____

City of Davenport

Department: Public Works - Admin
Contact Info: Jim Erwin | 563-326-7922

Action / Date
9/13/2023

Subject:

Motion approving the purchase of one Bomag tandem roller from Road Machinery & Supplies of East Moline, Illinois in the amount of \$71,250 using Sourcewell contract #032119-BAI, CIP #24033. [All Wards]

Recommendation:

Pass the Motion.

Background:

This tandem roller will replace a similar model in the Street Division of the Public Works Department that is scheduled for replacement.

Funding for this purchase is from 76527684 530350 24033, Construction Equipment.

ATTACHMENTS:

Type	Description
Backup Material	City of Davenport Bomag BW 138 Sourcewell Quote

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	8/31/2023 - 10:38 AM



Road Machinery & Supplies Co.

We supply the equipment, support, and technology solutions that enable our customers to build infrastructure and industry in the communities we serve.

Quote #: bs5-0914
8/16/2023 9:04 AM
Page **1 of 5**
309-428-0075
bstolee@rmseq.com

Billing Address:
CITY OF DAVENPORT DAVEN003
226 W FOURTH ST
DAVENPORT IA 52801
Main Phone# 5633267718
Contact: Jim Erwin
Email: jim.erwin@davenportiowa.com

Shipping Address:
14 - EAST MOLINE Store
3150 5TH AVE
EAST MOLINE IL 61244

BOMAG MODEL BW 138 AD-5 S/N Factory Order, STOCK # N.I.S.

\$71,250.00

Equipped as follows:

S19-ROPS, hinged
E66-Bomag Telematic Power
VM25-Economizer+°C/°F-display
E16-Rotary beacon
Standard Equipment
Hydrostatic travel and vibration drive
Pressure sprinkler system with interval switch
2 scrapers per drum, spring loaded and tiltable
Multi function travel lever
Multi-function display incl. operating hour meter
Water level
Electronic fuel gauge
Emergency STOP
Individual control, vibration
Intelligent Vibration Control (IVC)
Integrated stowage compartment
Lashing eyes, galvanized
Back-up alarm
Single point lifting device
Vandalism protection
Lockable engine hood made of composite material
Working lights, front and rear
12 V socket
Seat contact switch
Sliding seat incl. double travel lever

Sourcewell Contract No. 032119-BAI

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



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Quote #: bs5-0914
8/16/2023 9:04 AM
Page **2** of **5**
309-428-0075
bstolee@rmseq.com

Sub Total:

\$71,250.00

Total Selling Price:

\$71,250.00

The 3-2-1 warranty upgrade only applies to orders for new equipment/machines from the date of machine transfer, and at the latest from 6 months after the BOMAG delivery date. Otherwise the same terms and conditions apply as for the BOMAG standard warranty. Service parts, wear parts and lubricants as well as damage caused by excessive stress or improper usage are not covered under this warranty.

On behalf of Road Machinery & Supplies Co., thank you for the opportunity to quote this equipment!

Sincerely,

Bryan Stolee
Territory Manager

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



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Quote #: bs5-0914
8/16/2023 9:04 AM
Page **3** of **5**
309-428-0075
bstolee@rmseq.com

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



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Quote #: bs5-0914
8/16/2023 9:04 AM
Page 4 of 5
309-428-0075
bstolee@rmseq.com

Terms and Provisions

1. If Purchaser contemporaneously herewith or subsequently executes a security agreement or a lease agreement relating to the Equipment described on the face hereof (herein called "Equipment"), the terms and provisions of such security agreement or lease Agreement shall supersede all terms and provisions of this Equipment Order and Agreement (herein called "Agreement"). Without limiting the generality of the foregoing, if this agreement is superseded by a lease agreement, all payments made hereunder shall be determined to be rental, and Purchaser shall not be deemed to have acquired any equity in the Equipment.
2. Subject to the provisions of Paragraph 1, Seller agrees to sell and Purchaser agrees to purchase the Equipment for the price or prices and on the terms and conditions stated on the face hereof and on this page 2. Unless otherwise specified, the terms of this agreement are net cash on receipt of invoice. If payment is not made on or before the due date, the full unpaid balance shall, at Seller's option, be subject to interest until paid at the rate of 1 ½% per month if Purchaser is a corporation or at the highest legal rate permitted by law if the Purchaser is a partnership or an individual. Neither the loss, destruction, or damage of the Equipment, nor the renewal or extension of this contract, nor the institution of suit or procurement or judgement thereon; nor the hypothecation, assignment or discounting of this Agreement shall operate as payment or in any manner relieve Purchaser from his obligations hereunder.
3. To secure the performance of Purchaser's obligations under this Agreement, Purchaser hereby grants to Seller a security interest in the Equipment, effective upon delivery of the Equipment to Purchaser. Such interest shall be enforceable by Seller in accordance with the provisions of Article IX of the Minnesota Uniform Commercial Code. Until Purchaser has performed all obligations on the part of Purchaser to be performed under this Agreement, Purchaser agrees: (a) to keep the Equipment in good condition and repair at his own expense; (b) not to assign or transfer any interest in this Agreement, nor sell, assign, pledge, mortgage, encumber, suffer the creation of any lien, nor dispose of the Equipment or any part thereof, nor make any material change in Equipment, without the prior written consent of Seller; (c) to pay all taxes, charges and assessments of every character levied or assessed against the Equipment; (d) to keep the Equipment insured at his own expense, against all physical loss or damage, of whatsoever kind and nature and however caused, excepting only loss or damage occasioned by so-called uninsurable perils, such as war risk, nuclear energy peril and normal wear and tear, in an amount not less than the remaining balance due to the Seller with deductible amount not to exceed \$1,000.00 per loss, and to place such insurance through agencies or brokers and with insurance companies acceptable to Seller, with the proceeds thereon payable to Seller and Purchaser as their interest may appear; (e) to execute all documents which may be necessary for the perfection and recording of Seller's security interest in the Equipment.
4. Purchaser shall pay all transportation charges. Within five (5) days after delivery of the Equipment at the point of destination, Purchaser shall notify Seller in writing of any claimed defects in the Equipment or of any claimed failure by Seller to comply with its promises and obligations concerning the Equipment. If such notice in writing is not given to Seller by Purchaser within said time, then the Equipment shall be deemed to have been accepted by Purchaser and to be in full compliance with all terms, conditions, covenants and representations herein contained. Purchaser will ensure all persons operating equipment will have read the equipment operator's manual. If unable to locate, please contact the Seller to request a copy.
5. Purchaser may not return the Equipment without the written consent of Seller. If Seller consents in writing to such return, a charge of 10 percent may be made to Purchaser to cover handling expenses, except for Equipment found upon return to have been defective.
6. Seller shall not be liable to Purchaser if Seller cannot obtain the Equipment through the exercise of reasonable diligence, or if delivery is delayed or prevented by the manufacturer or by strike, accident, act of God, war, civil commotion or riot, governmental action or requirement, or other cause beyond the control of Seller. Seller assumes no responsibility and shall not be liable for any loss or damages, direct or consequential, alleged to have been caused by or resulting from the operation or non-operability of the Equipment.
7. If any equipment owned by Purchaser is to be traded in as part of this Agreement, but the same is not to be delivered to Seller until a time later than the date of this Agreement, Seller shall have the right to reappraise said trade-in equipment at the time of actual delivery to Seller, and said reappraisal value shall determine the Trade-In Allowance for said equipment.
8. PURCHASER ACKNOWLEDGES: (a) THAT PURCHASER MAKES THE FINAL SELECTION, IN ALL RESPECTS, OF THE EQUIPMENT; (b) THAT SELLER IS NOT A MANUFACTURER OF THE EQUIPMENT; (c) THAT PURCHASER ACCEPTS THE EQUIPMENT WITH ALL FAULTS, SUBJECT ONLY TO MANUFACTURERS AND/OR DEALER'S WRITTEN NEW EQUIPMENT WARRANTIES, IF ANY; (d) THAT UNLESS OTHERWISE SPECIFICALLY STATED ON THE FACE HEREOF, USED EQUIPMENT IS NOT SUBJECT TO ANY WARRANTY BY MANUFACTURER OR SELLER; (e) THAT NOTWITHSTANDING ANY WARRANTY, IF ANY, BY THE MANUFACTURER AND/OR SELLER, NEITHER MANUFACTURER NOR SELLER SHALL BE LIABLE FOR THE COST OF REPAIRS MADE OUTSIDE OF SELLER'S OR MANUFACTURER'S PLACE OF BUSINESS, UNLESS AUTHORIZED IN WRITING; (f) THAT THERE ARE NO WARRANTIES - EXPRESS, IMPLIED OR STATUTORY - ON THE PART OF SELLER AS TO FITNESS OF THE EQUIPMENT FOR ANY GENERAL OR SPECIFIC PURPOSE OR AS TO MERCHANTABILITY OR QUALITY; (g) NO PAYMENT REQUIRED HEREUNDER TO BE MADE BY PURCHASER SHALL BE DELAYED AWAITING SETTLEMENT OF ANY CLAIM.
9. If upon tender of delivery of the Equipment by Seller to Purchaser, Purchaser fails or refuses for any reason to complete the purchase transaction, Seller may in its discretion retain the Down Payment and the trade-in equipment as liquidated damages; or, at its option, Seller may resell or retain the trade-in equipment, and shall apply the Down Payment and the amount received on resale, or the fair market value of said equipment (if no resale) as of the date of Purchaser's breach, in reduction of Seller's damages, costs and expenses.
10. The following shall be deemed to be events of default by Purchaser: (a) the failure by Purchaser to comply with any term or provision of this Agreement, (b) the failure by Purchaser to make any payment provided for herein when due or payable; (c) any cessation or interruption of Purchaser's business as a going concern; (d) any assignment by Purchaser for the benefit of creditors; (e) any assignment or purported assignment by Purchaser, whether voluntary or by operation of law, of Purchaser's interest in the Equipment without the prior written consent of Seller; (f) the institution of any proceeding under the Bankruptcy Act, voluntary or involuntary, by or against Purchaser; (g) the commencement of any insolvency or receivership proceeding, voluntary or involuntary, against Purchaser; (h) the levy upon or seizure by judicial process of the Equipment or any part thereof; (i) the occurrence of any unusual or unreasonable depreciation in the value of the Equipment arising out of its use by Purchaser; or (j) the determination by Seller that it is insecure, for whatever reason, with respect to the Equipment or PURCHASER'S obligations hereunder. Upon Purchaser's default, the entire unpaid balance of the purchase price, together with accrued interest thereon and all other sums payable hereunder, at the option of the Seller and without notice, shall become immediately due and payable and Seller may exercise all rights and remedies available to it under the Minnesota Uniform Commercial Code as now enacted or as may be from time to time amended, and, in conjunction with, and in addition to or substitution for those rights and remedies, at Seller's discretion, Seller may, in conformity with law, and without liability to purchaser therefore, (a) enter upon Purchaser's premises to take possession of, assemble and collect the Equipment or to render it unusable, or (b) require purchaser to assemble the Equipment and make it available at a place Seller designates which is mutually convenient to allow Seller to take possession or dispose of the Equipment.
11. Purchaser agrees to pay Seller or its assignees the reasonable expenses of retaking, holding, preparing for sale, selling, and the like, and the reasonable attorney's fees and legal expenses incurred by Seller or said assignees in recovering possession of the equipment or in collecting any installment or the unpaid balances of the purchase price. If Purchaser fails to pay any installment or the unpaid balance when due, Seller or its assignees may refer the collection thereof to any person or collection agency or to any of the employees of Seller or its assignees, and Purchaser agrees to Pay Seller or its assignees a reasonable collection charge, which shall in no event be less than 5 percent of said delinquent installment or unpaid balance, or \$150.00 whichever is the greater.
12. The failure of Seller in any one or more instances to insist upon the performance of any term or provision of this Agreement or to exercise any right or privilege conferred by this Agreement, shall not be construed as thereafter waiving any such term, provision, right or privilege.

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



Road Machinery & Supplies Co.

We supply the equipment, support, and technology solutions that enable our customers to build infrastructure and industry in the communities we serve.

Quote #: bs5-0914
8/16/2023 9:04 AM
Page 5 of 5
309-428-0075
bstolee@rmseq.com

13. If Purchaser fails or refuses, for any reason, to perform any provision of this Agreement required by Purchaser to be performed, Seller may, at its option, perform the same and, upon demand, shall be reimbursed its costs therefor by Purchaser.
14. If any provision of this Agreement is finally adjudged by any court to be invalid, the remaining provisions shall remain in full force and effect, and they shall be interpreted, performed and enforced as if said invalid provision did not appear herein.
15. All matters, whether sounding in tort or in contract, relating to the validity, construction, interpretation, performance, or enforcement of this Agreement shall be determined according to the laws of the State of Minnesota. Purchaser hereby waives the right to move for a change of venue in any action affecting the Equipment, and Seller may, at its option, bring said action in the city and county of its main office, or any branch office, or other location selected by it. All rights of exemption and homestead laws are hereby waived by Purchaser.
16. This Agreement and such security agreement or lease agreement as may hereafter be executed by the parties, embodies the entire agreement between Seller and Purchaser, and there are not other agreements, either oral or written. No change or modification of the terms of this Agreement or such security agreement or lease agreement shall be binding on Seller unless such change or modification be in writing and signed by an officer of Seller. A true and correct copy of this contract has been delivered to Purchaser, receipt of which is hereby acknowledged by Purchaser.

Pursuant to an Exchange Agreement between Road Machinery & Supplies Co. and North Star Deferred Exchange LLC, as Qualified Intermediary, the rights under this agreement to sell this equipment to you have been assigned by Road Machinery & Supplies Co. to North Star Deferred Exchange LLC. It is intended that this transaction be treated by Road Machinery & Supplies Co. as part of a tax deferred exchange. This treatment has no effect on your ownership of this equipment.

Customer Acceptance By: _____ Printed Name: _____

_____ Customer Initials: *All quoted prices are subject to change and will be confirmed at time of delivery. All applicable taxes will apply at time of equipment invoicing – taxes are based on deliver/pick-up location and may vary from amount quoted. Additionally, if tax-exemption is being claimed, it is the customer's responsibility to provide RMS with a copy of their tax-exempt form.*

Date Signed: _____ Purchase order#: _____

Requested delivery date: _____ Ship Via: _____

Terms: _____

Subject to RMS Management approval

RMS Management Approval: _____

Credit Approval: _____

CA #: _____

** Subject to all applicable taxes. This proposal is good for 30 days and subject to availability. Pricing is subject to change without notice.*



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Sioux City, IA • 712-252-0538
East Moline, IL • 309-755-7203
Rochester, MN • 507-701-0199



rmsequipment.com

City of Davenport

Department: City Clerk

Contact Info: Alderman Dunn and Alderman Condon

Action / Date

9/13/2023

Subject:

Motion for suspension of the rules to add and vote on the listed item.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/12/2023 - 1:56 PM

City of Davenport

Department: Public Safety
Contact Info: Jamie Swanson | 563-326-7795

Action / Date
9/13/2023

Subject:
Motion approving a liquor license application.

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

Ward 1

Midwest Festivals, LLC (Midwest Festivals, LLC) – 2200 West River Drive – Temporary Event
September 23-24 – License Type: Class C Liquor (On-Premises)

Recommendation:
Pass the Motion.

Background:
This application has been reviewed by the Police, Fire, and Zoning Departments.

Suspension of the rules supported by Alderman Dunn and Alderman Condon.

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	9/12/2023 - 2:00 PM