

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

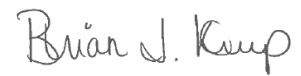
XV. Reports of City Officials

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