

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, August 3, 2022; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

**PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES
REQUIRED FOR PASSAGE.**

B. Public Works

1. Public Hearing on the plans, specifications, and estimate of cost for the West 66th Street and Madison Street Sump Pump Abatement project, CIP #33051. [Ward 8]
2. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Mound Street (East Locust Street to Elm Street) Resurfacing project, CIP #35054. [Ward 5]

VII. Petitions and Communications from Council Members and the Mayor

VIII. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chair; Judith Lee, Vice Chair

I. COMMUNITY DEVELOPMENT

1. Second Consideration: Ordinance for Case ROW22-04 being the request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]
2. First Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa

Funeral Services Inc to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

**PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES
REQUIRED FOR PASSAGE.**

3. Resolution setting a Public Hearing on the proposed additions to the Davenport 2022 Urban Revitalization Area Plan for the Central City and North Areas. [Wards 1, 2, 5, 6, 7, & 8]
4. Motion approving Community Investment and Settlement Agreement with Canadian Pacific Railway Company and authorizing the City Administrator to sign the same. [All Wards]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Maria Dickmann, Vice Chair

III. PUBLIC SAFETY

1. Second Consideration: Ordinance amending Chapter 9.08 entitled "Disorderly Conduct" of the Municipal Code of Davenport, Iowa by repealing Sections 9.08.050 and 9.08.080 due to a recent trend in federal court decisions restricting the City's ability to regulate activities that involve person-to-person donation requests. [All Wards]
2. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

Downtown Davenport Partnership; Alternating Currents; Downtown; 6:00 a.m. Thursday, August 18, 2022 - 12:00 p.m. Sunday, August 21, 2022; **Closure:** Dillon Fountain east parking lot | 100 West River Drive. [Ward 3]

Davenport Public Library; QCBeats - Alternating Currents; Main Library Branch | 321 North Main Street; Thursday, August 18, 2022 1:00 p.m. - 8:00 p.m.; **Closure:** Main Street from West 4th Street south to north of the alley. [Ward 3]

Davenport Community School District; Davenport Central Open House; 1120 Main Street; Thursday, August 18, 2022 3:30 p.m. - 7:00 p.m.; **Closure:** West 12th Street between Harrison Street and Main Street. [Ward 3]

Place of Refuge Ministries; Back to School Party; 518 Brown Street; Saturday, August 27, 2022 8:00 a.m. - 4:00 p.m.; **Closure:** east-west alley between Brown and Warren Streets and West 5th and 6th Streets. [Ward 3]

St. Anthony Catholic Church; Kermes (Carnival); 417 North Main Street; Sunday, September 11, 2022 9:00 a.m. - 6:00 p.m.; **Closure:** Main Street from West 4th Street to West 5th Street. [Ward 3]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2200 East 11th

Street; 8:00 a.m. Friday, September 16, 2022 - 7:00 p.m. Sunday, September 18, 2022; **Closure:** East 11th Street from Jersey Ridge Road to Hillcrest Avenue. [Ward 5]

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

Davenport Community School District; Davenport Central Open House; 1120 Main Street; Thursday, August 18, 2022 3:30 p.m. - 6:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

The Pour House; Woofstock; 1502 West Locust Street; Saturday, August 27, 2022 4:00 p.m. - 11:30 p.m.; Outdoor music/band, over 50 dBA. [Ward 4]

St. Anthony Catholic Church; Kermes (Carnival); 417 North Main Street; Sunday, September 11, 2022 10:00 a.m. - 5:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

Mississippi Valley Blues Society; Mississippi Valley Blues Fest; LeClaire Park; 4:00 p.m. - 11:30 p.m. Friday, September 16, 2022 and 10:30 a.m. - 11:30 p.m. Saturday, September 17, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2200 East 11th Street; Saturday, September 17, 2022 10:00 a.m. - 5:00 p.m. and Sunday, September 18, 2022 10:00 a.m. - 4:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 5]

Quad Cities Pride Festivals; Fall Pride; LeClaire Park; Friday, September 23, 2022 2:00 p.m. - 11:30 p.m. and Saturday, September 24, 2022 12:00 p.m. - 11:30 p.m.; Outdoor music/performances, over 50 dBA. [Ward 3]

4. Motion approving beer and liquor license applications.

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

Ward 2

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2200 West Kimberly Road (Cafe Area) - Premises Update to Include Entire Store - License Type: Class C Liquor

Ward 4

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2351 West Locust Street (Cafe Area) - Premises Update to Include Entire Store - License Type: Class C Liquor

The Pour House (Boss Lady, Inc) - 1502 West Locust Street - Extended Outdoor Area, August 27 - License Type: Class C Liquor

Ward 6

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Extended Outdoor Area, August 27 - License Type: Class C Liquor

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Premises Update to Include Entire Store - License Type: Class C Liquor

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

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Outdoor Area - License Type: Class C Liquor

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chair; Tim Kelly, Vice Chair

V. PUBLIC WORKS

1. Resolution approving the plans, specifications, and estimate of cost for the West 66th Street and Madison Street Sump Pump Abatement project, CIP #33051. [Ward 8]
2. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Mound Street (East Locust Street to Elm Street) Resurfacing project, CIP #35054. [Ward 5]
3. Resolution awarding a contract for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project to Langman Construction Inc of Rock Island, Illinois in the amount of \$264,757, CIP #35054. [Ward 7]
4. Resolution awarding a contract for the Sealcoat Road Rehabilitation Program to CDMI Concrete Contractors Inc of Port Byron, Illinois in an amount not-to-exceed \$600,000, CIP #35054. [All Wards]
5. Resolution awarding a contract for the Retaining Wall Replacement at 510 West 6th Street project to Legacy Corporation of East Moline, Illinois in the amount of \$138,880.10, CIP #28031. [Ward 3]
6. Resolution awarding a contract for engineering services for the Flood Mitigation | River Drive and Marquette Street project to HR Green, Inc of Cedar Rapids, Iowa in an amount not-to-exceed \$195,000, CIP #68015. [Ward 3]
7. Resolution accepting the sanitary sewer, storm sewer, and pavement associated with the Speer Commercial Park 1st Addition. [Ward 8]
8. Resolution accepting work completed under the 2nd Street Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of

\$280,179.01, CIP #60031. [Ward 3]

9. Resolution approving and authorizing the execution of an agreement between the City of Davenport and the Iowa Department of Transportation (DOT) covering the provision of federal-aid funding for the Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011. [Wards 1 & 2]
10. Resolution of support for the Nahant Marsh Education Center's submission of an application to the Destination Iowa program for grant assistance for the Nahant Marsh Wetland Restoration and Phase III Trail System Enhancement project. [Ward 1]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

JJ Condon, Chair; Derek Cornette, Vice Chair

VII. FINANCE

1. Resolution approving the Statement of Work and Project Change Request with Worldgate LLC for the modernization of Fair Labor Standards Acts (FLSA) calculations. [All Wards]
2. Motion awarding a contract for the Lindsay Park Restroom Remodel project to Olde Town Roofing of Moline, Illinois in the amount of \$47,800, CIP #64015. [Ward 6]

VIII. Motion recommending discussion or consent for Finance items

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

1. Tri-State Equipment | salt spreader repair | Amount: \$10,450
2. Office Machines Consultants | HP monitors | Amount: \$12,000
3. TRANE US Inc | HVAC filters | Amount: \$12,000
4. Bill Bruce Builders | River Heritage Park Phase III | Amount: \$15,147.55
5. Davenport Electric Contract Company | light conduit repair | Amount: \$21,000
6. Rehrig Pacific | 35-gallon garbage carts | Amount: \$33,250
7. Rehrig Pacific | 65-gallon garbage carts | Amount: \$38,738
8. Range Servant America Inc | ball dispensers for golf courses | Amount: \$40,729.50

X. Other Ordinances, Resolutions and Motions

XI. 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 cannot take action on any complaint or suggestions tonight, and cannot 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.

XII. Reports of City Officials

XIII. Adjourn

City of Davenport

Department: City Clerk
Contact Info: Laura Berkley | 563-888-3553

Action / Date
8/3/2022

Subject:

Public Hearing for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES REQUIRED FOR PASSAGE.

Recommendation:

Hold the Hearing.

Background:

The petitioner is requesting to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. The purpose of the request is to convert the existing mortuary and funeral home to a reception facility.

The Plan & Zoning Commission reviewed Case REZ22-04 at its July 19, 2022 meeting and have recommended denial (be forwarded to the City Council with a recommendation for denial (6-1) with the following findings:

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

It is the Legal Department's opinion that this rezoning request does involve spot zoning. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding properties. Spot zoning is not appropriate if it is for the financial benefit of the individual property, but detrimental to the surrounding properties. The primary question is whether the subject property has a peculiar adaptability to the new classification compared to the surrounding properties. In this instance, staff believe the answer is no. Finally, it appears this request may conflict with the comprehensive plan and, if so, absent compelling evidence of the benefits that treating this property differently offer, it would constitute unreasonable spot zoning.

A staff report has been attached with a full analysis.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Staff Report
▣ Backup Material	Land Use History Memo
▣ Backup Material	Vicinity, Zoning, & Future Land Use Map
▣ Backup Material	Application
▣ Backup Material	Legal Description
▣ Backup Material	Zoning Ordinance Use Matrix
▣ Backup Material	Spot Zoning Fact Sheet
▣ Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/28/2022 - 1:53 PM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ22-04 BEING THE REQUEST OF SCI IOWA FUNERAL SERVICES INC TO REZONE 1200 EAST 39TH STREET FROM S-OS OPEN SPACE DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

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 "C-1 Neighborhood Commercial District":

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

Section 2. That the following findings are hereby imposed upon said rezoning:

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

Section 3. At its July 19, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-04 to the City Council with a recommendation for denial with 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 & Zoning Commission – Staff Report
July 19, 2022

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

Background:

The purpose of the rezoning request is to allow a change in building function from a funeral home to a reception facility. Cunnick-Collins Mortuary & Cremation Service currently operates a funeral home at 1200 East 39th Street. The owners intend to expand the business beyond funeral services by renting the gathering spaces for other reception activities.

Why is a Zoning Map Amendment Required?

A 'Reception Facility' is a prohibited use in the S-OS Open Space District. A rezoning to C-1 Neighborhood Commercial District is the least intensive non-residential zoning classification that allows a 'Reception Facility'. Should the rezoning request be approved by City Council, then a Special Use Permit must be granted by the Zoning Board of Adjustment to operate a 'Reception Facility' within the existing building.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designations:

The property is designated as Parks and Recreation in the Davenport +2035 Land Use Plan.

1. **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.

Zoning:

The applicant is proposing a rezoning from S-OS Open Space District to C-1 Neighborhood Commercial District.

1. **S-OS Open Space District** - This district is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.
2. **C-1 Neighborhood Commercial District** - This district is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.

Zoning Ordinance Use Definitions

1. **Funeral Home** - An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.
2. **Reception Facility** - A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Technical Review:

1. **Legal Department:** It is the Legal Department's opinion that this rezoning request does involve spot zoning. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding properties. Spot zoning is not appropriate if it is for the financial benefit of the individual property, but detrimental to the surrounding properties. The primary question is whether the subject property has a peculiar adaptability to the new classification compared to the surrounding properties. In this instance, staff believe the answer is no. Finally, it appears this request may conflict with the comprehensive plan and, if so, absent compelling evidence of the benefits that treating this property differently offer, it would constitute unreasonable spot zoning.

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: The property is designated Parks and Recreation (PR) in the Davenport +2035 Land Use Plan. This land use category is intended to retain public open space, including cemeteries.

The Future Land Use Map identifies the area bounded by East 46th Street, the railroad right-of-way, East 39th Street, and Brady Street as Parks and Recreation. The approximately 218 acre area includes Mt. Calvary Cemetery, Davenport Memorial Park, Pine Hill Cemetery, Mt. Nebo Cemetery, and Cunnick-Collins Mortuary & Cremation Service. In addition, the natural topography includes Goose Creek.

Properties zoned C-1 Neighborhood Commercial District are generally designated as Residential General on the Davenport +2035 Land Use Plan. There currently is no Residential General land uses north of 39th Street and south of Goose Creek.

In considering spot-zoning, courts generally determine whether the zoning relates to the compatibility of the surrounding uses. One of the most important criteria is the extent to which the requested zoning is consistent with the comprehensive plan. Spot zoning is rebutted when the challenged zoning is found to be consistent with present surrounding uses or the comprehensive plan. Given the existing S-OS Open Space Districts in relation to the nearest C-1 zoning in the area, similar land use, and consistency with the comprehensive plan, it is staff's opinion this is spot zoning.

It is staff's opinion that the proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.

b. The compatibility with the zoning of nearby property.

Staff Response: The surrounding zoning is S-OS Open Space District north of East 39th Street. The south side of 39th Street is predominantly R-MF Multi-Family Residential District. The neighborhood bounded by East Kimberly Road, Eastern Avenue, and East 39th Street contains a mix of C-2 Corridor Commercial, C-T Commercial Transitional, and I-1 Light Industrial District. However, commercial uses are focused along Kimberly Road as East 39th Street is more residential and open space in character.

The following zoning districts about the subject property:

- North: S-OS Open Space District
- South: R-MF Multi-Family Residential District
- East: S-OS Open Space District
- West: S-OS Open Space District

The following principal uses about the 1.93 acre property:

- North: Cemetery (Davenport Memorial Park)
- South: Dwelling-Multi-Family (Oak Valley Apartments)
- East: Cemetery (Pine Hill Cemetery)
- West: Cemetery (Davenport Memorial Park)

It is staff's opinion that the proposed amendment is not compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The existing S-OS Open Space zoning classification protects larger open space for public recreational activities as well as cemeteries. 'Cemetery' is an established principal use north of 39th Street. This has also included ancillary uses, such as funeral homes. In addition, the properties immediately south of 39th Street are zoned R-MF Multi-Family Residential District. This district also prohibits 'Reception Facilities'. Large events and live entertainment may create conflicts between the low intensity cemeteries to the north, east, and west, and the apartment complex to the south.

It is staff's opinion that the proposed amendment is not 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: While the applicant is proposing to develop the property as a 'Reception Facility', approval of the request should take into consideration all permitted and special uses within the C-1 Neighborhood Commercial District. Commercial districts allow for a variety of retail establishments, day care centers, dwellings, gas stations, offices, restaurants, and other higher intensity uses. Development of the property for a commercial use increases the likelihood for noise, traffic, light, or other nuisances that may negatively impact the surrounding residential neighborhood.

It is staff's opinion that the proposed zoning map amendment will not develop in a manner that promotes 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 property is presently zoned S-OS Open Space District. This district allows for a variety of principal uses, including campground, cemetery, community center, community garden, conservation area, country club, cultural facility, fairground, golf course/driving range, government office/facility, public park, public safety facility, RV park, and restaurant. These development opportunities ensure consistency with the surrounding neighborhood while mitigating incompatible development.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner inconsistent with the surrounding neighborhood.

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

Staff Response: If rezoned to C-1 Neighborhood Commercial District, the 1.93 acre property will be conforming to the minimum lot area and width requirements. The existing structure conforms to the interior and rear yard setbacks.

It is important to note that the existing use of the building as a 'Funeral Home' is currently nonconforming as a standalone lot. However the funeral home and the cemetery are owned by the same entity. The funeral home functions as an ancillary use to the cemetery. A 'Funeral Home' and a 'Reception Facility' are both considered a special use in the C-1 Neighborhood Commercial District. The Zoning Board of Adjustment reviews and approves Special Use Permits.

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

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the July 5, 2022 Plan and Zoning Commission Public Hearing.

To date, staff have not received any responses from adjacent property owners.

Staff will apprise the Commission of any correspondence at the July 19, 2022 Plan and Zoning Commission meeting.

Recommendation:

Staff recommend Case REZ22-04 be forwarded to the City Council with a recommendation for denial.

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

MEMORANDUM

DATE: July 25, 2022

TO: File

FROM: Laura Berkley, Development & Planning Administrator

RE: Land Use History of 1200 East 39th Street

In presentation of Case REZ22-04 to rezone 1200 E 39th Street (Cunnick-Collins Mortuary & Crematorium Services) from S-OS Open Space District to C-1 – Neighborhood Commercial, the following land use history has been outlined.

The 1983 Davenport Municipal Code Zoning Ordinance listed Cemeteries as a Special Use in the R-1 Zoning District.

On October 1, 1986, the Zoning Board of Adjustment reviewed a Request of Davenport Memorial Park, 1022 E 39th Street, for a special use permit to construct and operate a mortuary within the cemetery grounds. The property was zoned R-1 at the time of the request. The special use was unanimously approved.

On December 31, 2003, the Davenport Memorial Park subdivision was recorded (2003-64728) also referred to as Case F2-36. As part of the subdivision, the mortuary was subdivided onto a separate lot.

As part of a zoning code text change (Ordinance 2006-214), a definition for Cemetery was added to which in part “Mortuaries shall be included when operated within the boundaries of such cemetery.”

Upon adoption of the code in 2006, the mortuary became legal non-conforming since it was no longer within the boundary of the cemetery.

The 2019 Zoning Code created the S-OS Open Space District which allows Cemeteries, but does not allow Funeral Homes. The property remains legal non-conforming as a standalone property.

Vicinity Map

Existing Use:

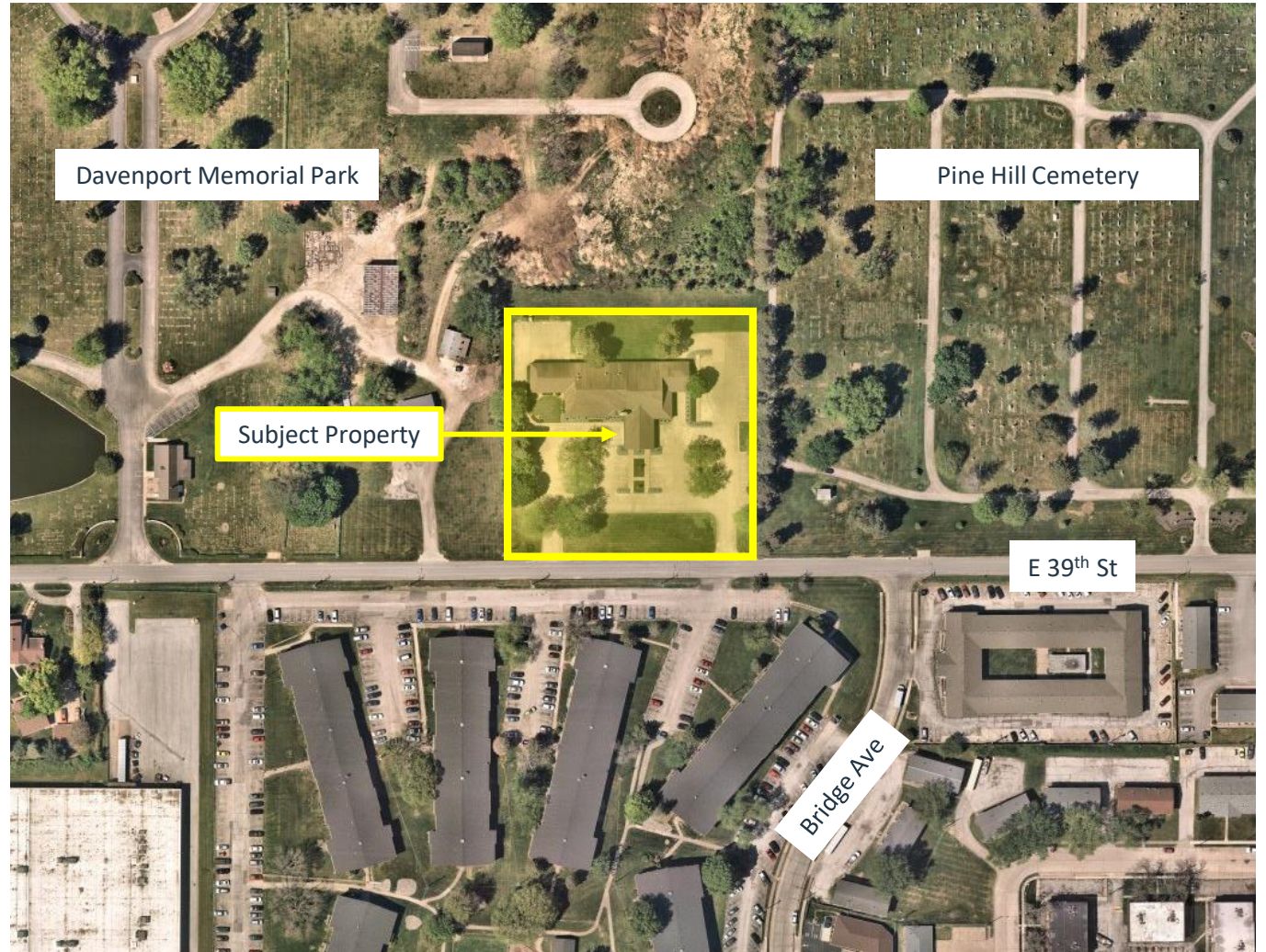
Cunnick-Collins Mortuary & Cremation Service

Purpose of the Request:

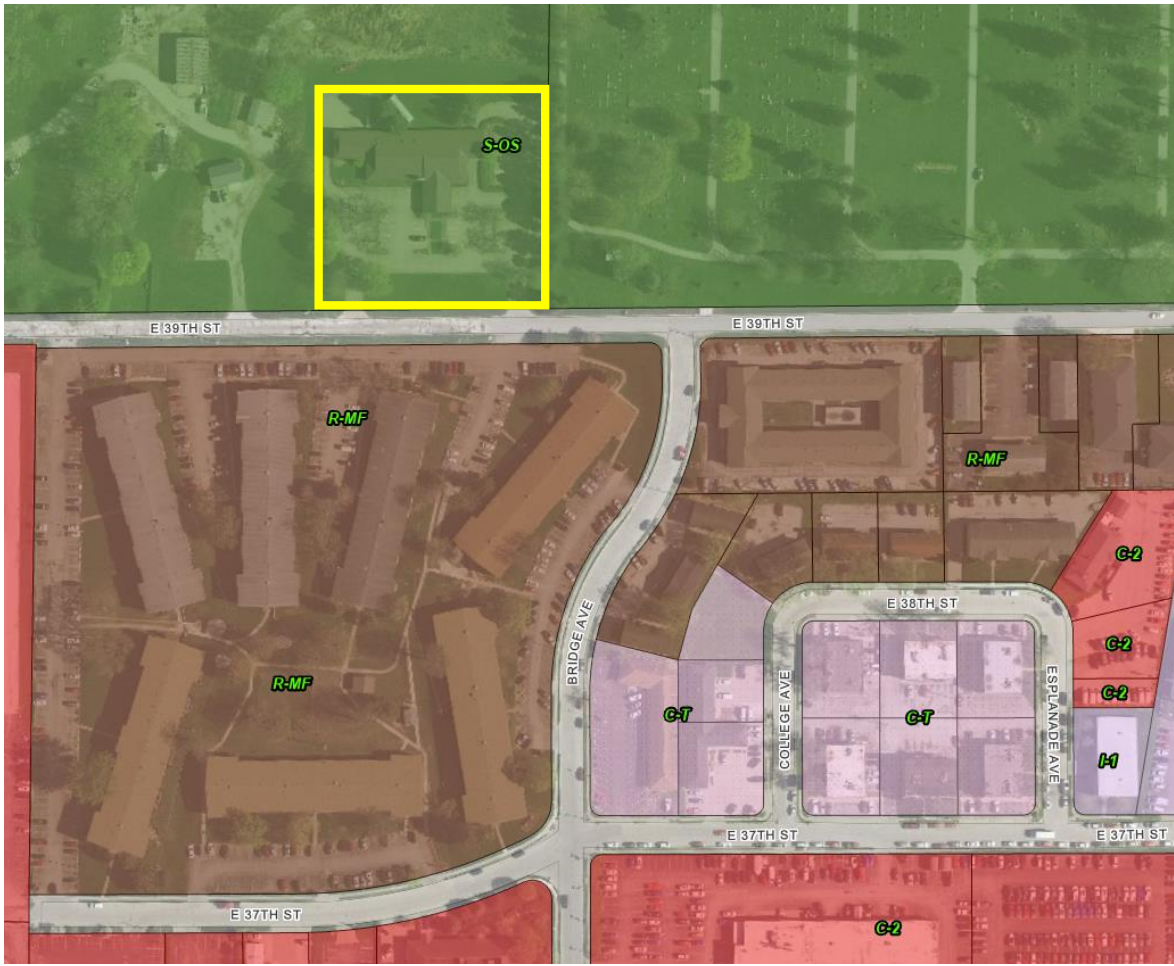
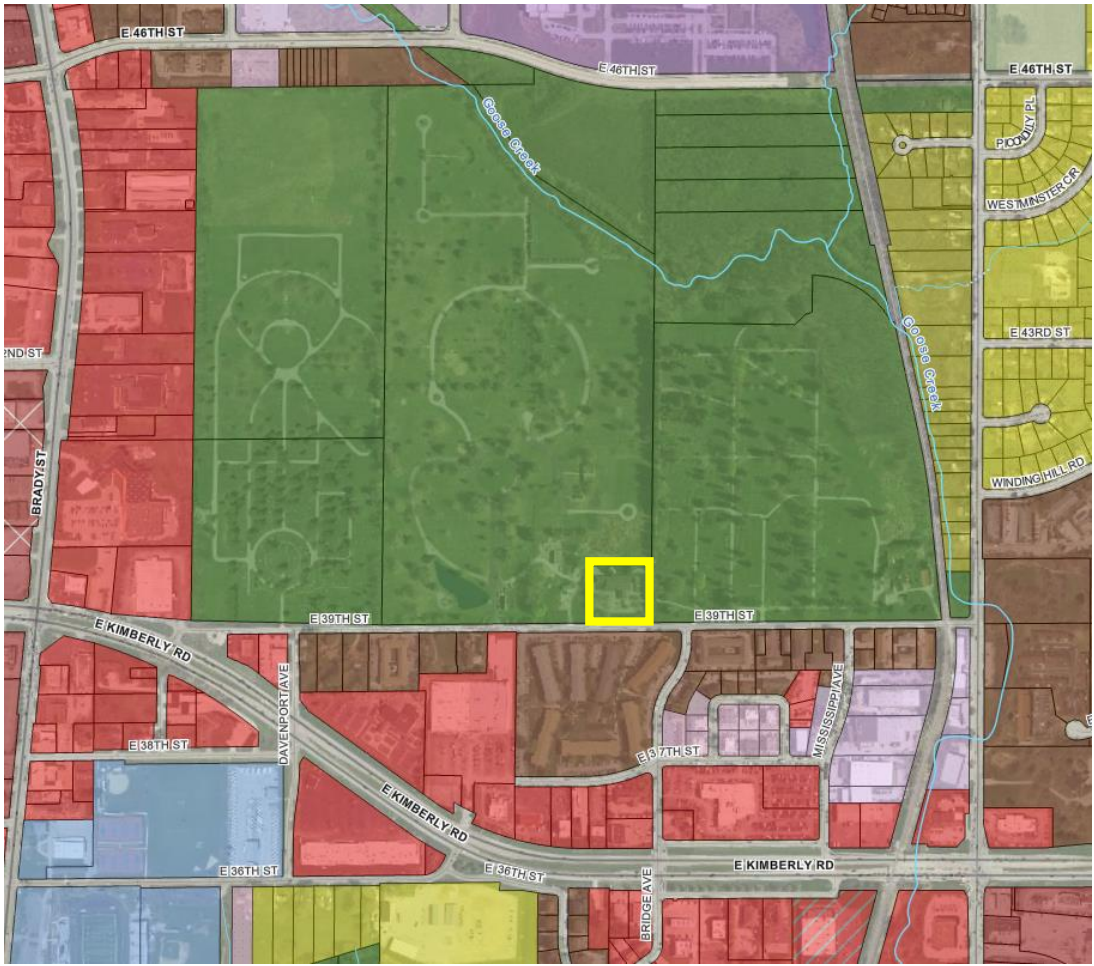
The owner is requesting a rezoning to allow a change in building function from a Funeral Home to a Reception Facility.



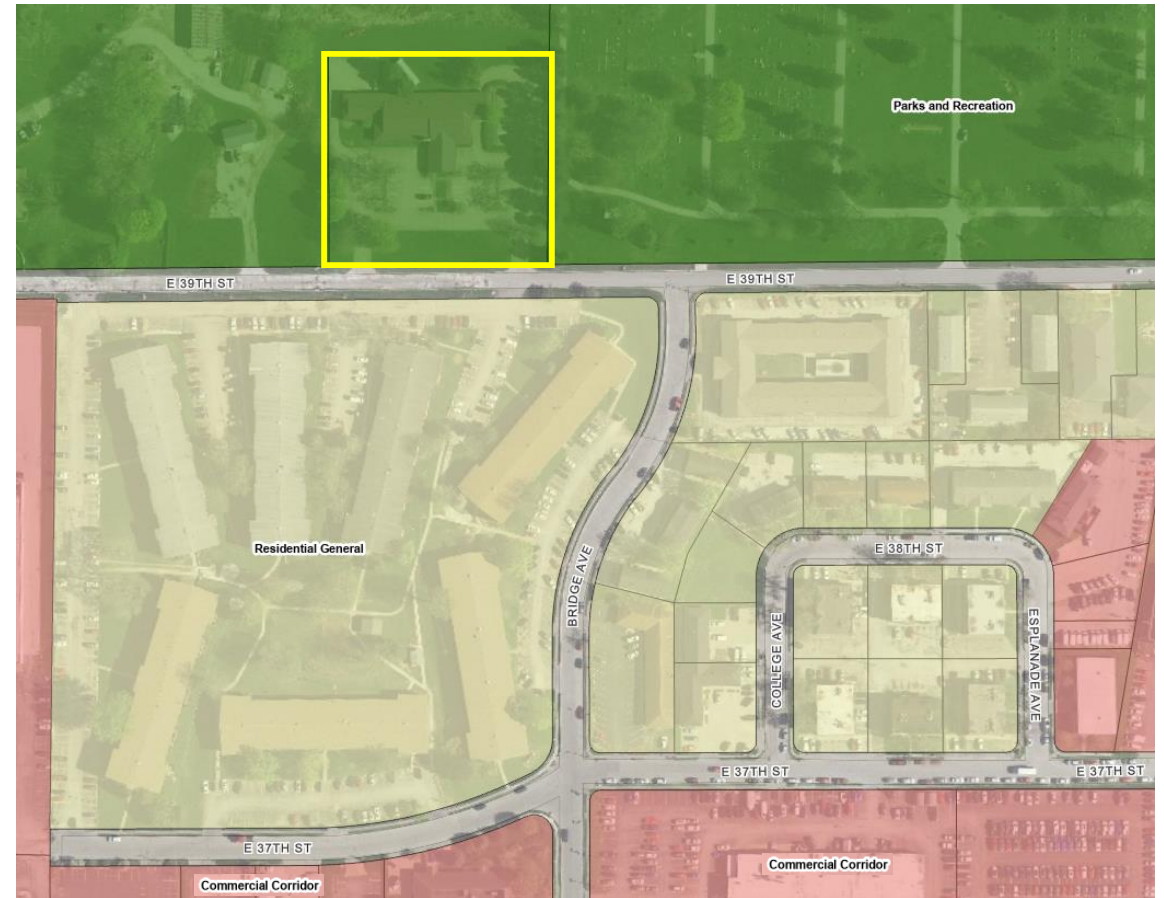
DAVENPORT
IOWA | USA



Zoning Map



DAVENPORT
IOWA | USA





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

Property Address*

*If no property address, please submit a legal description of the property.

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
 Special Use ☐
 Hardship Variance ☐

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

Administrative Exception ☐
 Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:Existing Zoning: Proposed Zoning Map Amendment:

Purpose of the Request:

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

Total Land Area: Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

(3) Plan and Zoning Commission's consideration of the request:

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

Formal Procedure (continued):

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

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

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

SPACE ABOVE THIS LINE FOR RECORDER

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

CORPORATE WARRANTY DEED

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

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

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

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

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

Dated: 9-9-, 2020

MAR-CHAR ENTERPRISES, INC.,
an Iowa corporation

By: M. P. C.
Marcus Cunnick, President

STATE OF IOWA, COUNTY OF HANSON, ss:

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



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

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Adult Use																S	S					Sec. 17.08.030.A	
Agriculture																			P				
Amusement Facility - Indoor									P	P	P		P	P	P	P		P					
Amusement Facility - Outdoor										S	S				S	P		S					
Animal Care Facility – Large Animal																			P				
Animal Care Facility – Small Animal							S	S	P	P	P		S	S	P	P		P	P			Sec. 17.08.030.B	
Animal Breeder																			P			Sec. 17.08.030.B	
Art Gallery							P	P	P	P	P		P	P	P			P					
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P					
Bar									P	P	P		P	P	P			P					
Bar – Neighborhood								P														Sec. 17.08.030.C	
Bed and Breakfast	S	S	S	S	S														P			Sec. 17.08.030.D	
Billboard									P	P						P	P					Sec. 17.08.030.E	
Body Modification Establishment								P	P	P	P		P		P			P					
Broadcasting Facility TV/Radio								P	P	P		P	P	P	P	P	P	P			P		
Campground																			S	P		Sec. 17.08.030.F	
Car Wash									P	P					S			P				Sec. 17.08.030.G	
Casino															P								
Cemetery																				P			
Children’s Home					P				P	P					P			S			P	Sec. 17.08.030.H	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Community Center	P	P	P	P	P		P	P	P	P	P		P	P	P			P	P	P	P		
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I	
Conservation Area																			P	P			
Country Club																				P			
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P		
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J	
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K	
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K	
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L	
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L	
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H	
Dwelling – Accessory Dwelling Unit	P	P	P	P																		Sec. 17.08.030.M	

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Dwelling – Manufactured Home						P													S			Sec. 17.08.030.N	
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O	
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P	
Dwelling - Single-Family	P	P	P	P			P	P	P					P								Sec. 17.08.030.P	
Dwelling - Single-Family Semi-Detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P	
Educational Facility - Primary or Secondary	P	P	P	P	P																P		
Educational Facility - University or College										P	P	P	P		P						P		
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P		
Equine, Keeping of/Equestrian Facility	P																		P			Sec. 17.08.030.Q	
Fairground																			S	S	P		
Financial Institution							P	P	P	P	P	P	P	P	P			P					
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R	
Food Bank																P	P	P					
Food Pantry									P	S					S			S					
Funeral Home							S	S	S	P					P			P					
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S	
Golf Course/Driving Range																				P			
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P	P		P	P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Greenhouse/Nursery - Retail										P					P			P	S				
Group Home	P	P	P	P	P																	Sec. 17.08.030.T	
Halfway House									S	S					S			S			S	Sec. 17.08.030.L	
Healthcare Institution																					P		
Heavy Rental and Service																P		P					
Heavy Retail										S					S	P		P					
Homeless Shelter									S	S					S			S			S	Sec. 17.08.030.L	
Hotel									P	P	P	P	P	S	P			P					
Industrial - General																	P						
Industrial - Light												P				P	P	P					
Industrial Design								P	P	P		P	P		P	P	P	P					

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Live Performance Venue										P	P		P	P	P	P		P					
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U	
Manufactured Home Park						P																	
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P		
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P					
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V	
Office							P	P	P	P	P	P	P	P	P	P	P	P			P		
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W	
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10	
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10	
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P		
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P		
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P		
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Works Facility												P				P	P	P	P		P		
Reception Facility	S	S	S	S				S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X	
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F	
Research and Development												P				P	P	P			P		
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y	
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P		
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P	P			P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Retail Alcohol Sales									P	P	S		S		P	P							
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z	
Salvage Yard																	S						
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA	
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA	
Social Service Center									P	P					P			P			P		
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB	
Specialty Food Service								P	P	P	P		P	P	P	P		P					
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC	
Truck Stop																P	P						

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Vehicle Dealership – Enclosed										P		S	P		P	S		P					
Vehicle Dealership – With Outdoor Storage/Display										S					S	S		P					
Vehicle Operation Facility																P	P				P		
Vehicle Rental – Enclosed										P		S	P		P	S		P					
Vehicle Rental – With Outdoor Storage/Display										S					S	S		P					
Vehicle Repair/Service– Major										S						P	P	P				Sec. 17.08.030.EE	
Vehicle Repair/Service – Minor									P	P					P	P	P	P				Sec. 17.08.030.EE	
Warehouse																P	P						
Wholesale Establishment																P	P	S					
Wind Energy System												S				S	S		S		S	Sec. 17.08.030.EE	
Wine Bar								S	P	P	P		P	P	P			P					
Winery																			S				
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
Wireless Telecommunications – Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
TEMPORARY USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Farmers' Market					T		T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 17.08.040.A	
Real Estate Project Sales Office/Model Unit	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T			T	Sec. 17.08.040.B	
Temporary Cell On Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.C	
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.D	
Temporary Outdoor Entertainment	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T	T	T	Sec. 17.08.040.E	
Temporary Outdoor Sales (No Fireworks Stand)	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T		T	Sec. 17.08.040.F	
Temporary Outdoor Sales - Fireworks Stand Only																T	T					Sec. 17.08.040.G	
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.H	

Spot Zoning

Spot zoning is when a rezoning decision results in a single parcel, or small island of property, with restrictions on its use different from those imposed on the surrounding property. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding property. For example, a parcel or two designated as neighborhood commercial in a residential area is perfectly appropriate if it provides needed retail services to residents. However, zoning is not appropriate if it is for the financial benefit of an individual property owner but detrimental to the surrounding area. According to the Iowa courts, the factor of primary importance is whether the rezoned tract has a peculiar adaptability to the new classification as compared to the surrounding property. Spot zoning for the sole benefit of the landowner and contrary to the comprehensive plan is unreasonable.

The case for creating these “spot zones” is best made through the comprehensive planning process, where the community can explain the benefits that such differential treatment brings to the area.



PUBLIC HEARING NOTICE | Plan and Zoning Commission

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

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

What is this About?

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

Request/Case Description

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

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

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

Do You Have Any Questions?

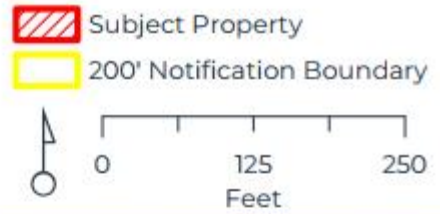
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

Rezoning Request | Public Hearing Notice

Case REZ22-04

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



City of Davenport

Department: Public Works - Engineering
Contact Info: Amy Kay | 563-327-5160

Action / Date
8/3/2022

Subject:

Public Hearing on the plans, specifications, and estimate of cost for the West 66th Street and Madison Street Sump Pump Abatement project, CIP #33051. [Ward 8]

Recommendation:

Hold the Hearing.

Background:

The City of Davenport has a program that works to abate sump pump hazards such as icing on the street or slippery algae. This area was chosen for a project to eliminate hazardous algae growth on the sidewalks and streets at the West 66th Street and Madison Street area.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	7/27/2022 - 10:47 AM

City of Davenport

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

Action / Date
8/3/2022

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Mound Street (East Locust Street to Elm Street) Resurfacing project, CIP #35054. [Ward 5]

Recommendation:

Hold the Hearing.

Background:

This project will consist of miscellaneous P.C.C. pavement replacement and the milling and overlay of the existing deteriorated composite pavement on Mound Street from East Locust Street to Elm Street, approximately 1,100 feet in length.

This project has been designed by the City's Engineering Division. Right-of-way is required for one parcel in order to conform to the existing pavement configuration. Temporary construction easements will not be required. The proposed total cost of the project is currently estimated at \$298,500.

ATTACHMENTS:

Type	Description
▣ Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	7/27/2022 - 11:46 AM
Public Works Committee	Moses, Trish	Approved	7/27/2022 - 11:46 AM
City Clerk	Admin, Default	Approved	7/27/2022 - 4:29 PM

Customer Ad Proof

128-60046877

DAVENPORT PUBLIC WORKS-legal

Order Nbr 132016

Publication

Quad-City Times

Contact

DAVENPORT PUBLIC WORKS-legal

Address 1

226 W 4TH ST

Address 2

City St Zip

DAVENPORT IA 52801

Phone

5633267704

Fax

Section

Notices & Legals

SubSection

Category

2627 Miscellaneous Notices

Ad Key

132016-1

Keywords

NTC HRG MOUND ST PAVEMENT

Notes

Ad Proof

**Notice of Hearing
on Proposed Plans, Specifications
and Proposed Contract for the
Mound Street Pavement Resurfacing
Project (E Locust St. to Elm St.)**

Notice is hereby given that at 5:30 P.M., on Wednesday, August 3, 2022, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the proposed plans, specifications and form of contract which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and on the cost and necessity of the above project in the City of Davenport, Iowa.

At said hearing any interested person may file written objection or comments with respect to the proposed plans, specifications, form of contract or cost of and necessity for such improvements and may be heard orally with respect thereto. (P.O. 2023/2300487)

Brian J. Krup,
Deputy City Clerk

Davenport, Iowa
July 19, 2022

PO Number

2023/2300487

Rate

Legal

Order Price

20.81

Amount Paid

0.00

Amount Due

20.81

Start/End Dates

07/28/2022 - 07/28/2022

Insertions

1

Size

27

Salesperson(s)

Legals 211

Taken By

Sue Weydert

City of Davenport

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

Action / Date
8/10/2022

Subject:

Second Consideration: Ordinance for Case ROW22-04 being the request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]

Recommendation:

Adopt the Ordinance.

Background:

The City Plan and Zoning Commission reviewed Case ROW22-04 at its July 5, 2022 meeting and have recommended approval of the request to vacate the unimproved alley right-of-way located west of 2727 Glaspell Street with the following Finding.

Finding:

1. The unimproved public right-of-way is not required for City purposes.

The property owner at 2727 Glaspell Street has requested a vacation of the north-south alley abutting the west side of his property. The twenty foot wide alley is unimproved and connects Glaspell Street to an east-west alley to the south; however, there is no curb cut along Glaspell Street that would allow for vehicular access to the right-of-way. There are no garages that require access from the alley.

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

Future Land Use Designation: Residential General (RG)

Zoning: The abutting properties are zoned R-4 Single-Family and Two-Family Residential District.

Technical Review:

- Streets: The City of Davenport has no intention of constructing the unimproved north-south alley. Abutting residential properties do not require the alley for access to off-street parking.
- Natural Resources/Storm Water: No issues with the proposed vacation.
- Sanitary Sewer: There is no existing infrastructure within the proposed right-of-way vacation.
- MidAmerican Energy Company: No issues with the proposed vacation.
- Iowa American Water Company: There is no infrastructure within the right-of-way nor a

reason it will be needed to serve the existing neighborhood.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the June 14, 2022 Plan and Zoning Commission Public Hearing.

To date, staff has received a written response from the property owner at 107 South Rolff Street expressing interest in obtaining a portion of the vacated alley.

ATTACHMENTS:

Type	Description
☐ Ordinance	Ordinance
☐ Backup Material	Maps
☐ Backup Material	Application
☐ Backup Material	Walt's Addition Final Plat
☐ Backup Material	Public Hearing Notice
☐ Backup Material	Public Comment-107 S Rolff Street

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/14/2022 - 2:02 PM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ROW22-04 BEING THE REQUEST OF SHAWN TRUCK TO VACATE UNIMPROVED ALLEY RIGHT-OF-WAY LOCATED WEST OF 2727 GLASPELL STREET.

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:

All that part of the 20 foot alley dedicated to the City of Davenport, Iowa east of Lots 1, 2 & 3 of Walt's Addition book 52 page 432 in the Scott County Recorder's Office, from the south right of way line of Glaspell Street to the south line of said addition.

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 *QC Times* on _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Vicinity Map

DAVENPORT
IOWA | USA

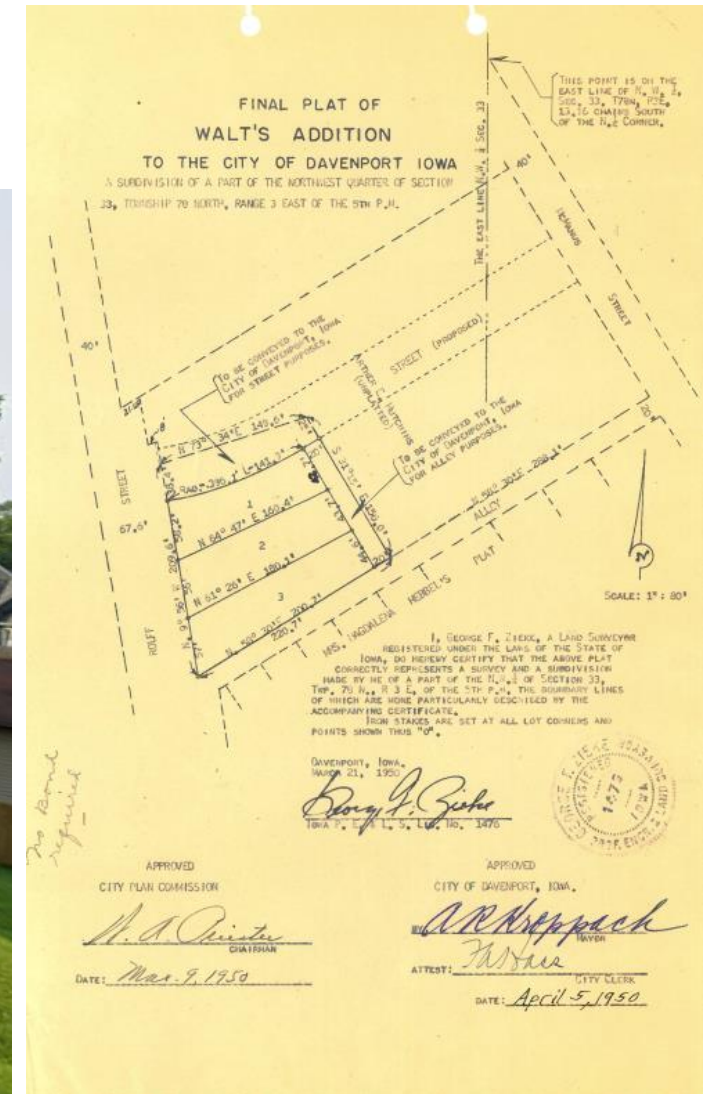


Purpose for the Request

- Divide the unimproved alley among abutting property owners.
- No garages require the alley for access.
- Alley is approximately 20' x 131' or 2,620 square feet.



View from Glaspell Street



Maps



Zoning Map



Future Land Use Map



Complete application can be emailed to planning@ci.davenport.ia.us

Property Address*

*If no property address, please submit a legal description of the property.

Applicant (Primary Contact)

Name: **Shawn Struck**

Company:

Address: **2727 Glaspell St**

City/State/Zip: **Davenport, IA - 52804**

Phone: **563-200-4227**

Email: **Shawn12QW@gmail.com**

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)

Planned Unit Development

Zoning Ordinance Text Amendment

Right-of-way or Easement Vacation

Voluntary Annexation

Owner (if different from Applicant)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Zoning Board of Adjustment

Zoning Appeal

Special Use

Hardship Variance

Design Review Board

Design Approval

Demolition Request in the Downtown

Demolition Request in the Village of

East Davenport

Engineer (if applicable)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Historic Preservation Commission

Certificate of Appropriateness

Landmark Nomination

Demolition Request

Architect (if applicable)

Name:

Company

Address:

City/State/Zip:

Phone:

Email:

Administrative

Administrative Exception

Health Services and Congregate

Living Permit

Attorney (if applicable)

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

Request:

Total Land Area:

Submittal Requirements:

- The completed application form.
- Required fee: \$400.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:**(1) Application:**

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

(2) Public Notice for the Plan and Zoning Commission public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the right-of-way or easement vacation:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(4) City Council's consideration of the right-of-way or easement vacation:

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a right-of-way or easement vacation to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: **Shawn Struck**

5-12-22

Date: ~~5-11-22~~

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

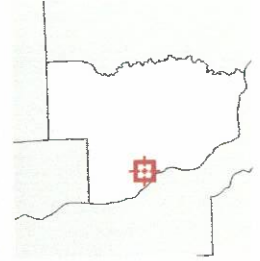
looking to Purchase the Parcel/Easment
right of 2727 Massell Street 52804

Enclose: pic of Easment





Overview



Legend

-  **Parcels**
-  **Parcel Point**
-  **Lot**
-  **Lot Lines**
-  **Political Township**
- All Roads**
 -  **Interstate**
 -  **US Highway**
 -  **State Highway**
 -  **County Route**
 -  **Major road**
 -  **Local roads**
 -  **Ramp**
 -  **Alleyway/Access Road**
 -  **Bike/Pedestrian Trail**
 -  **Driveway**
-  **Rights of Way**
-  **Railroad**
-  **County Boundary**
- Major Rivers and Streams**
 -  **River Centerline**
 -  **River Boundary**
 -  **Major Stream**
- Minor Streams, Other**
 -  **Minor Stream**
 -  **Small Lake/Pond**
 -  **Drainageways, etc**
 -  **Island**
- Major Rivers and Lake**
 -  **Lake**
 -  **Major Stream**
 -  **River**
 -  **Minor Lakes and Ponds**

FINAL PLAT OF WALT'S ADDITION

TO THE CITY OF DAVENPORT IOWA

A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SECTION

33, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M.

THIS POINT IS ON THE
EAST LINE OF N. W. 1/4
SEC. 33, T78N, R3E,
13.16 CHAINS SOUTH
OF THE N. 1/2 CORNER.

TO BE CONVEYED TO THE
CITY OF DAVENPORT, IOWA
FOR STREET PURPOSES.

ARTER C HUTCHINS
(UNPLATTED)

STREET (PROPOSED)

TO BE CONVEYED TO THE
CITY OF DAVENPORT, IOWA
FOR ALLEY PURPOSES.

ALLEY

PLAT

HEBBEL'S

MRS. MAGDALENA

I, GEORGE F. ZIEKE, A LAND SURVEYOR
REGISTERED UNDER THE LAWS OF THE STATE OF
IOWA, DO HEREBY CERTIFY THAT THE ABOVE PLAT
CORRECTLY REPRESENTS A SURVEY AND A SUBDIVISION
MADE BY ME OF A PART OF THE N.W. 1/4 OF SECTION
33, TWP. 78 N., R 3 E, OF THE 5TH P.M. THE BOUNDARY LINES
OF WHICH ARE MORE PARTICULARLY DESCRIBED BY THE
ACCOMPANYING CERTIFICATE.
IRON STAKES ARE SET AT ALL LOT CORNERS AND
POINTS SHOWN THUS "O".

DAVENPORT, IOWA.
MARCH 21, 1950

George F. Zieke
IOWA P. E. & L. S. L. No. 1476



APPROVED

CITY PLAN COMMISSION

H. A. Piester
CHAIRMAN

DATE: Mar. 9, 1950

APPROVED

CITY OF DAVENPORT, IOWA.

BY *W. K. Koppach*
MAYOR

ATTEST: *F. J. Dase*
CITY CLERK

DATE: April 5, 1950

*No Bond
required*



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 6/14/2022
Time: 5 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Right-Of-Way Vacation Before the Plan and Zoning Commission

To: All property owners within 200 feet of the subject public right-of-way located west of 2727 Glaspell 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 public right-of-way located south of Glaspell Street. The existing north-south alley is unimproved.

Request/Case Description

Case ROW22-04: Request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on June 14, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on July 5, 2022. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. 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":
<http://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 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 ROW22-04: Request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]



ROW Vacation



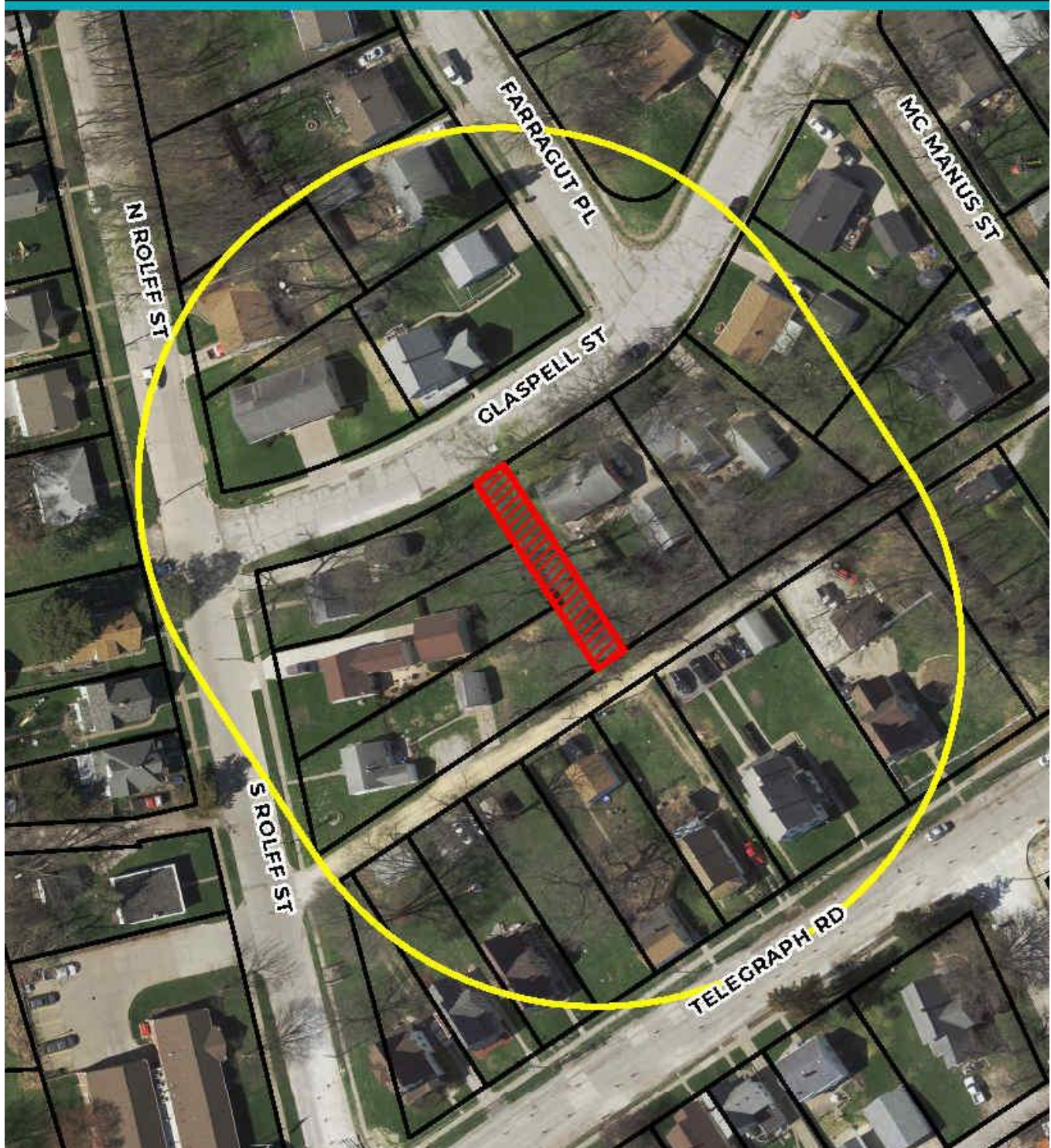
200' Notification Boundary



0

75
Feet

150



Werderitch, Matt

From: Brian Myers <blmyers6835@gmail.com>
Sent: Monday, June 6, 2022 8:59 AM
To: Planning; Werderitch, Matt; leeannmyers27@gmail.com
Subject: [EXT] Case: ROW22-04 Vacate Request

To Whom it may concern,

I am sending this email to inform you that my wife, LeeAnn, and I are interested in purchasing the portion of land behind our property if the easement is deemed vacated. Our property is 107 S. Rolff St. Davenport Iowa, 52804.

Regards
Brian Myers

City of Davenport

Department: City Clerk
Contact Info: Laura Berkley | 563-888-3553

Action / Date
8/10/2022

Subject:

First Consideration: Ordinance for Case REZ22-04 being the request of SCI Iowa Funeral Services Inc to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES REQUIRED FOR PASSAGE.

Recommendation:

Adopt the Ordinance.

Background:

The petitioner is requesting to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. The purpose of the request is to convert the existing mortuary and funeral home to a reception facility.

The Plan & Zoning Commission reviewed Case REZ22-04 at its July 19, 2022 meeting and have recommended denial (be forwarded to the City Council with a recommendation for denial (6-1) with the following findings:

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

It is the Legal Department's opinion that this rezoning request does involve spot zoning. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding properties. Spot zoning is not appropriate if it is for the financial benefit of the individual property, but detrimental to the surrounding properties. The primary question is whether the subject property has a peculiar adaptability to the new classification compared to the surrounding properties. In this instance, staff believe the answer is no. Finally, it appears this request may conflict with the comprehensive plan and, if so, absent compelling evidence of the benefits that treating this property differently offer, it would constitute unreasonable spot zoning.

A staff report has been attached with a full analysis.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Staff Report
▣ Backup Material	Land Use History Memo
▣ Backup Material	Vicinity, Zoning, & Future Land Use Map
▣ Backup Material	Application
▣ Backup Material	Legal Description
▣ Backup Material	Zoning Ordinance Use Matrix
▣ Backup Material	Spot Zoning Fact Sheet
▣ Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/28/2022 - 1:53 PM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ22-04 BEING THE REQUEST OF SCI IOWA FUNERAL SERVICES INC TO REZONE 1200 EAST 39TH STREET FROM S-OS OPEN SPACE DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

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 "C-1 Neighborhood Commercial District":

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

Section 2. That the following findings are hereby imposed upon said rezoning:

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

Section 3. At its July 19, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-04 to the City Council with a recommendation for denial with 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 & Zoning Commission – Staff Report
July 19, 2022

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

Background:

The purpose of the rezoning request is to allow a change in building function from a funeral home to a reception facility. Cunnick-Collins Mortuary & Cremation Service currently operates a funeral home at 1200 East 39th Street. The owners intend to expand the business beyond funeral services by renting the gathering spaces for other reception activities.

Why is a Zoning Map Amendment Required?

A 'Reception Facility' is a prohibited use in the S-OS Open Space District. A rezoning to C-1 Neighborhood Commercial District is the least intensive non-residential zoning classification that allows a 'Reception Facility'. Should the rezoning request be approved by City Council, then a Special Use Permit must be granted by the Zoning Board of Adjustment to operate a 'Reception Facility' within the existing building.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designations:

The property is designated as Parks and Recreation in the Davenport +2035 Land Use Plan.

1. **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.

Zoning:

The applicant is proposing a rezoning from S-OS Open Space District to C-1 Neighborhood Commercial District.

1. **S-OS Open Space District** - This district is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.
2. **C-1 Neighborhood Commercial District** - This district is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.

Zoning Ordinance Use Definitions

1. **Funeral Home** - An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.
2. **Reception Facility** - A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Technical Review:

1. **Legal Department:** It is the Legal Department's opinion that this rezoning request does involve spot zoning. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding properties. Spot zoning is not appropriate if it is for the financial benefit of the individual property, but detrimental to the surrounding properties. The primary question is whether the subject property has a peculiar adaptability to the new classification compared to the surrounding properties. In this instance, staff believe the answer is no. Finally, it appears this request may conflict with the comprehensive plan and, if so, absent compelling evidence of the benefits that treating this property differently offer, it would constitute unreasonable spot zoning.

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: The property is designated Parks and Recreation (PR) in the Davenport +2035 Land Use Plan. This land use category is intended to retain public open space, including cemeteries.

The Future Land Use Map identifies the area bounded by East 46th Street, the railroad right-of-way, East 39th Street, and Brady Street as Parks and Recreation. The approximately 218 acre area includes Mt. Calvary Cemetery, Davenport Memorial Park, Pine Hill Cemetery, Mt. Nebo Cemetery, and Cunnick-Collins Mortuary & Cremation Service. In addition, the natural topography includes Goose Creek.

Properties zoned C-1 Neighborhood Commercial District are generally designated as Residential General on the Davenport +2035 Land Use Plan. There currently is no Residential General land uses north of 39th Street and south of Goose Creek.

In considering spot-zoning, courts generally determine whether the zoning relates to the compatibility of the surrounding uses. One of the most important criteria is the extent to which the requested zoning is consistent with the comprehensive plan. Spot zoning is rebutted when the challenged zoning is found to be consistent with present surrounding uses or the comprehensive plan. Given the existing S-OS Open Space Districts in relation to the nearest C-1 zoning in the area, similar land use, and consistency with the comprehensive plan, it is staff's opinion this is spot zoning.

It is staff's opinion that the proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.

b. The compatibility with the zoning of nearby property.

Staff Response: The surrounding zoning is S-OS Open Space District north of East 39th Street. The south side of 39th Street is predominantly R-MF Multi-Family Residential District. The neighborhood bounded by East Kimberly Road, Eastern Avenue, and East 39th Street contains a mix of C-2 Corridor Commercial, C-T Commercial Transitional, and I-1 Light Industrial District. However, commercial uses are focused along Kimberly Road as East 39th Street is more residential and open space in character.

The following zoning districts about the subject property:

- North: S-OS Open Space District
- South: R-MF Multi-Family Residential District
- East: S-OS Open Space District
- West: S-OS Open Space District

The following principal uses about the 1.93 acre property:

- North: Cemetery (Davenport Memorial Park)
- South: Dwelling-Multi-Family (Oak Valley Apartments)
- East: Cemetery (Pine Hill Cemetery)
- West: Cemetery (Davenport Memorial Park)

It is staff's opinion that the proposed amendment is not compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The existing S-OS Open Space zoning classification protects larger open space for public recreational activities as well as cemeteries. 'Cemetery' is an established principal use north of 39th Street. This has also included ancillary uses, such as funeral homes. In addition, the properties immediately south of 39th Street are zoned R-MF Multi-Family Residential District. This district also prohibits 'Reception Facilities'. Large events and live entertainment may create conflicts between the low intensity cemeteries to the north, east, and west, and the apartment complex to the south.

It is staff's opinion that the proposed amendment is not 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: While the applicant is proposing to develop the property as a 'Reception Facility', approval of the request should take into consideration all permitted and special uses within the C-1 Neighborhood Commercial District. Commercial districts allow for a variety of retail establishments, day care centers, dwellings, gas stations, offices, restaurants, and other higher intensity uses. Development of the property for a commercial use increases the likelihood for noise, traffic, light, or other nuisances that may negatively impact the surrounding residential neighborhood.

It is staff's opinion that the proposed zoning map amendment will not develop in a manner that promotes 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 property is presently zoned S-OS Open Space District. This district allows for a variety of principal uses, including campground, cemetery, community center, community garden, conservation area, country club, cultural facility, fairground, golf course/driving range, government office/facility, public park, public safety facility, RV park, and restaurant. These development opportunities ensure consistency with the surrounding neighborhood while mitigating incompatible development.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner inconsistent with the surrounding neighborhood.

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

Staff Response: If rezoned to C-1 Neighborhood Commercial District, the 1.93 acre property will be conforming to the minimum lot area and width requirements. The existing structure conforms to the interior and rear yard setbacks.

It is important to note that the existing use of the building as a 'Funeral Home' is currently nonconforming as a standalone lot. However the funeral home and the cemetery are owned by the same entity. The funeral home functions as an ancillary use to the cemetery. A 'Funeral Home' and a 'Reception Facility' are both considered a special use in the C-1 Neighborhood Commercial District. The Zoning Board of Adjustment reviews and approves Special Use Permits.

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

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the July 5, 2022 Plan and Zoning Commission Public Hearing.

To date, staff have not received any responses from adjacent property owners.

Staff will apprise the Commission of any correspondence at the July 19, 2022 Plan and Zoning Commission meeting.

Recommendation:

Staff recommend Case REZ22-04 be forwarded to the City Council with a recommendation for denial.

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

MEMORANDUM

DATE: July 25, 2022

TO: File

FROM: Laura Berkley, Development & Planning Administrator

RE: Land Use History of 1200 East 39th Street

In presentation of Case REZ22-04 to rezone 1200 E 39th Street (Cunnick-Collins Mortuary & Crematorium Services) from S-OS Open Space District to C-1 – Neighborhood Commercial, the following land use history has been outlined.

The 1983 Davenport Municipal Code Zoning Ordinance listed Cemeteries as a Special Use in the R-1 Zoning District.

On October 1, 1986, the Zoning Board of Adjustment reviewed a Request of Davenport Memorial Park, 1022 E 39th Street, for a special use permit to construct and operate a mortuary within the cemetery grounds. The property was zoned R-1 at the time of the request. The special use was unanimously approved.

On December 31, 2003, the Davenport Memorial Park subdivision was recorded (2003-64728) also referred to as Case F2-36. As part of the subdivision, the mortuary was subdivided onto a separate lot.

As part of a zoning code text change (Ordinance 2006-214), a definition for Cemetery was added to which in part “Mortuaries shall be included when operated within the boundaries of such cemetery.”

Upon adoption of the code in 2006, the mortuary became legal non-conforming since it was no longer within the boundary of the cemetery.

The 2019 Zoning Code created the S-OS Open Space District which allows Cemeteries, but does not allow Funeral Homes. The property remains legal non-conforming as a standalone property.

Vicinity Map

Existing Use:

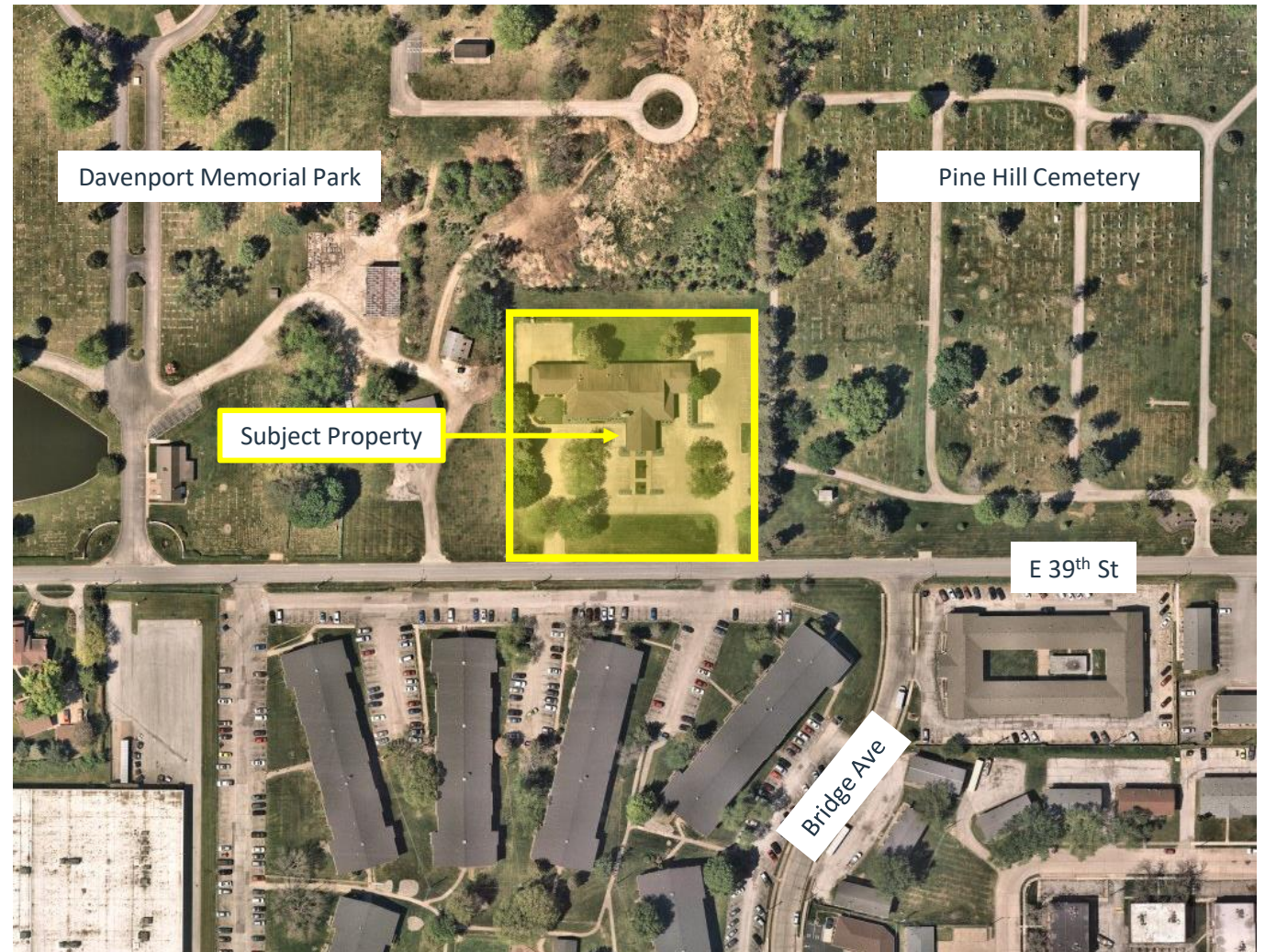
Cunnick-Collins Mortuary & Cremation Service

Purpose of the Request:

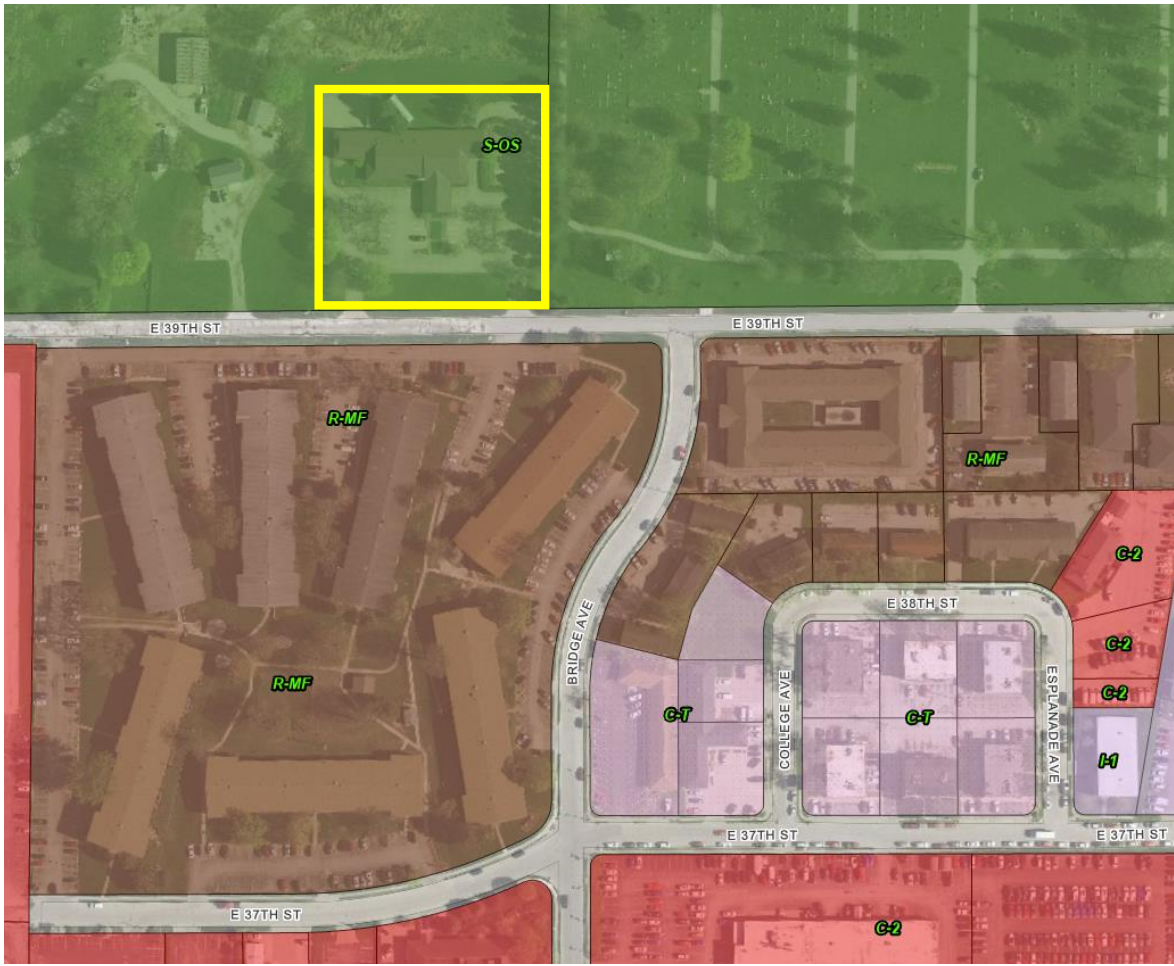
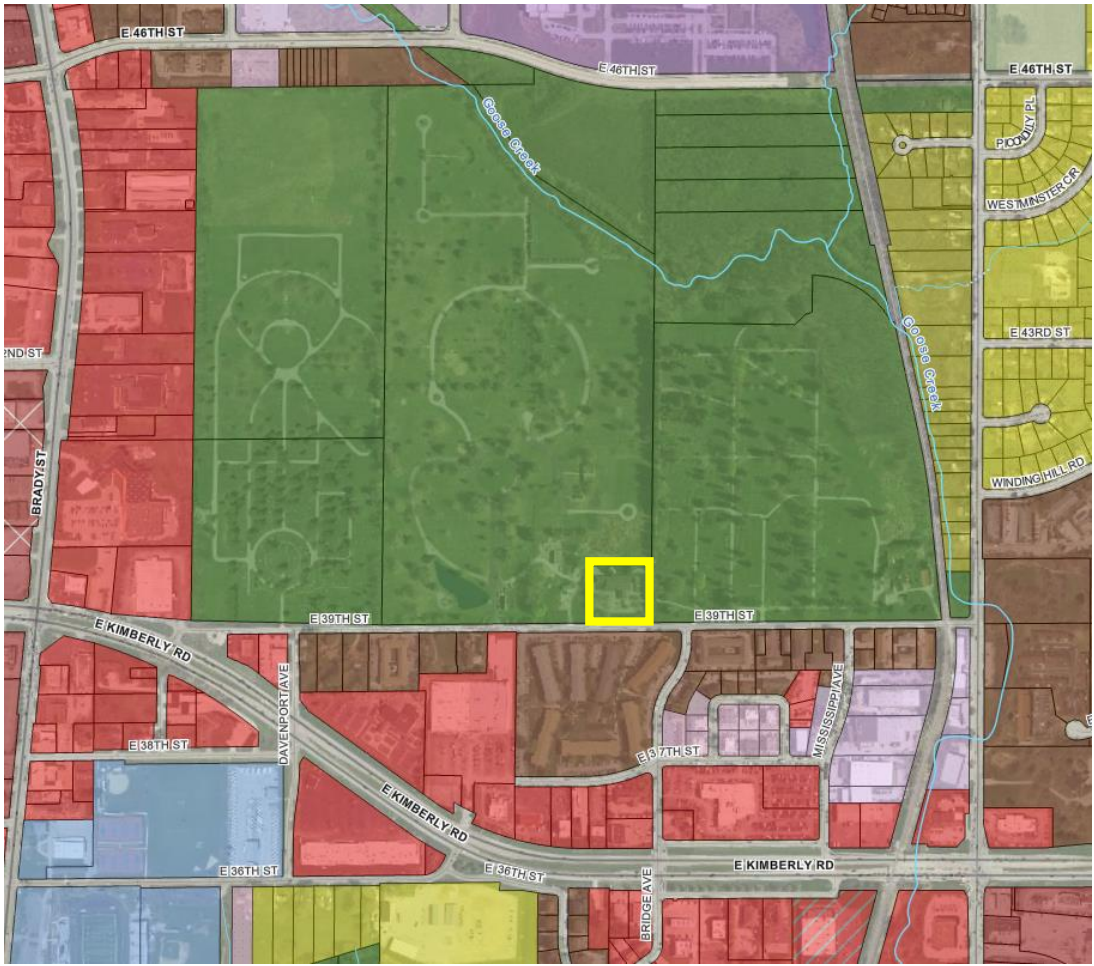
The owner is requesting a rezoning to allow a change in building function from a Funeral Home to a Reception Facility.



DAVENPORT
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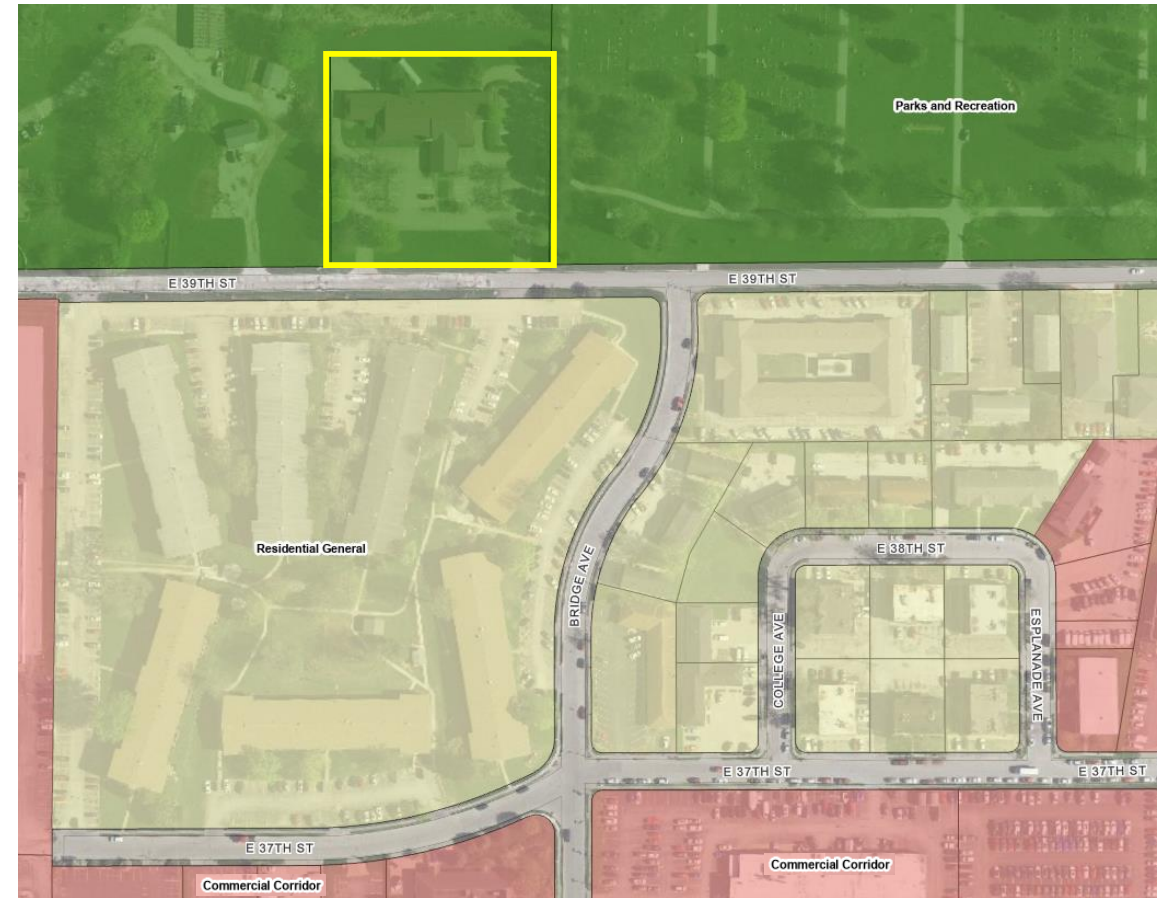
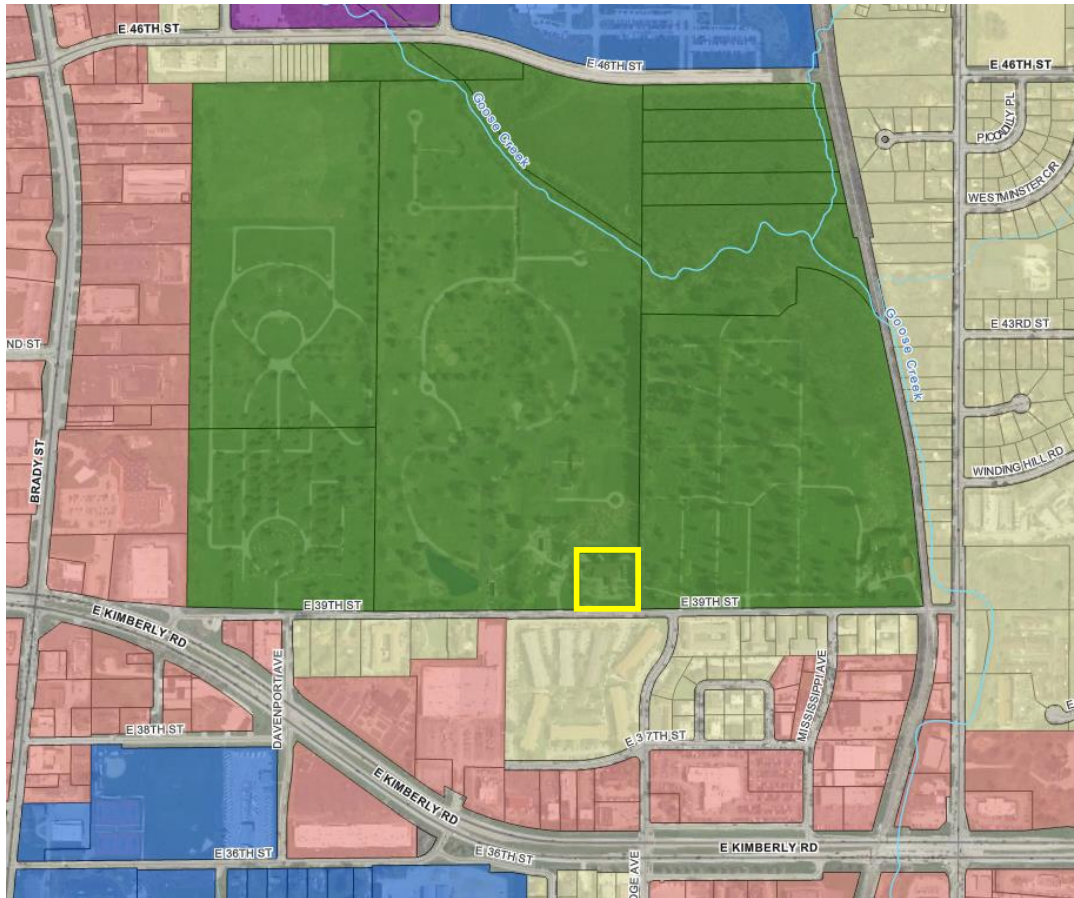


Zoning Map



Future Land Use Map

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

Property Address*

*If no property address, please submit a legal description of the property.

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
 Special Use ☐
 Hardship Variance ☐

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

Administrative Exception ☐
 Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:Existing Zoning: Proposed Zoning Map Amendment:

Purpose of the Request:

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

Total Land Area: Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

(3) Plan and Zoning Commission's consideration of the request:

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

Formal Procedure (continued):

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

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

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

SPACE ABOVE THIS LINE FOR RECORDER

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

CORPORATE WARRANTY DEED

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

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

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

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

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

Dated: 9-9-, 2020

MAR-CHAR ENTERPRISES, INC.,
an Iowa corporation

By: M. P. C.
Marcus Cunnick, President

STATE OF IOWA, COUNTY OF HANSON, ss:

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



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

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Adult Use																S	S					Sec. 17.08.030.A	
Agriculture																			P				
Amusement Facility - Indoor									P	P	P		P	P	P	P		P					
Amusement Facility - Outdoor										S	S				S	P		S					
Animal Care Facility – Large Animal																			P				
Animal Care Facility – Small Animal							S	S	P	P	P		S	S	P	P		P	P			Sec. 17.08.030.B	
Animal Breeder																			P			Sec. 17.08.030.B	
Art Gallery							P	P	P	P	P		P	P	P			P					
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P					
Bar									P	P	P		P	P	P			P					
Bar – Neighborhood								P														Sec. 17.08.030.C	
Bed and Breakfast	S	S	S	S	S														P			Sec. 17.08.030.D	
Billboard									P	P						P	P					Sec. 17.08.030.E	
Body Modification Establishment								P	P	P	P		P		P			P					
Broadcasting Facility TV/Radio								P	P	P		P	P	P	P	P	P	P			P		
Campground																			S	P		Sec. 17.08.030.F	
Car Wash									P	P					S			P				Sec. 17.08.030.G	
Casino															P								
Cemetery																				P			
Children’s Home					P				P	P					P			S			P	Sec. 17.08.030.H	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Community Center	P	P	P	P	P		P	P	P	P	P		P	P	P			P	P	P	P		
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I	
Conservation Area																			P	P			
Country Club																				P			
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P		
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J	
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K	
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K	
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L	
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L	
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H	
Dwelling – Accessory Dwelling Unit	P	P	P	P																		Sec. 17.08.030.M	

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Dwelling – Manufactured Home						P													S			Sec. 17.08.030.N	
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O	
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P	
Dwelling - Single-Family	P	P	P	P			P	P	P					P								Sec. 17.08.030.P	
Dwelling - Single-Family Semi-Detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P	
Educational Facility - Primary or Secondary	P	P	P	P	P																P		
Educational Facility - University or College										P	P	P	P		P						P		
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P		
Equine, Keeping of/Equestrian Facility	P																		P			Sec. 17.08.030.Q	
Fairground																			S	S	P		
Financial Institution							P	P	P	P	P	P	P	P	P			P					
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R	
Food Bank																	P	P	P				
Food Pantry									P	S					S			S					
Funeral Home							S	S	S	P					P			P					
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S	
Golf Course/Driving Range																				P			
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P	P		P	P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Greenhouse/Nursery - Retail										P					P			P	S				
Group Home	P	P	P	P	P																	Sec. 17.08.030.T	
Halfway House									S	S					S			S			S	Sec. 17.08.030.L	
Healthcare Institution																					P		
Heavy Rental and Service																P		P					
Heavy Retail										S					S	P		P					
Homeless Shelter									S	S					S			S			S	Sec. 17.08.030.L	
Hotel									P	P	P	P	P	S	P			P					
Industrial - General																	P						
Industrial - Light												P				P	P	P					
Industrial Design								P	P	P		P	P		P	P	P	P					

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Live Performance Venue										P	P		P	P	P	P		P					
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U	
Manufactured Home Park						P																	
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P		
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P					
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V	
Office							P	P	P	P	P	P	P	P	P	P	P	P			P		
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W	
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10	
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10	
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P		
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P		
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P		
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Works Facility												P				P	P	P	P		P		
Reception Facility	S	S	S	S				S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X	
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F	
Research and Development												P				P	P	P			P		
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y	
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P		
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P	P			P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Retail Alcohol Sales									P	P	S		S		P	P							
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z	
Salvage Yard																	S						
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA	
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA	
Social Service Center									P	P					P			P			P		
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB	
Specialty Food Service								P	P	P	P		P	P	P	P		P					
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC	
Truck Stop																P	P						

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Vehicle Dealership – Enclosed										P		S	P		P	S		P					
Vehicle Dealership – With Outdoor Storage/Display										S					S	S		P					
Vehicle Operation Facility																P	P				P		
Vehicle Rental – Enclosed										P		S	P		P	S		P					
Vehicle Rental – With Outdoor Storage/Display										S					S	S		P					
Vehicle Repair/Service– Major										S						P	P	P				Sec. 17.08.030.EE	
Vehicle Repair/Service – Minor									P	P					P	P	P	P				Sec. 17.08.030.EE	
Warehouse																P	P						
Wholesale Establishment																P	P	S					
Wind Energy System												S				S	S		S		S	Sec. 17.08.030.EE	
Wine Bar								S	P	P	P		P	P	P			P					
Winery																			S				
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
Wireless Telecommunications – Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
TEMPORARY USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Farmers' Market					T		T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 17.08.040.A	
Real Estate Project Sales Office/Model Unit	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T			T	Sec. 17.08.040.B	
Temporary Cell On Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.C	
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.D	
Temporary Outdoor Entertainment	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T	T	T	Sec. 17.08.040.E	
Temporary Outdoor Sales (No Fireworks Stand)	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T		T	Sec. 17.08.040.F	
Temporary Outdoor Sales - Fireworks Stand Only																T	T					Sec. 17.08.040.G	
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.H	

Spot Zoning

Spot zoning is when a rezoning decision results in a single parcel, or small island of property, with restrictions on its use different from those imposed on the surrounding property. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding property. For example, a parcel or two designated as neighborhood commercial in a residential area is perfectly appropriate if it provides needed retail services to residents. However, zoning is not appropriate if it is for the financial benefit of an individual property owner but detrimental to the surrounding area. According to the Iowa courts, the factor of primary importance is whether the rezoned tract has a peculiar adaptability to the new classification as compared to the surrounding property. Spot zoning for the sole benefit of the landowner and contrary to the comprehensive plan is unreasonable.

The case for creating these “spot zones” is best made through the comprehensive planning process, where the community can explain the benefits that such differential treatment brings to the area.



PUBLIC HEARING NOTICE | Plan and Zoning Commission

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

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

What is this About?

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

Request/Case Description

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

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

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

Do You Have Any Questions?

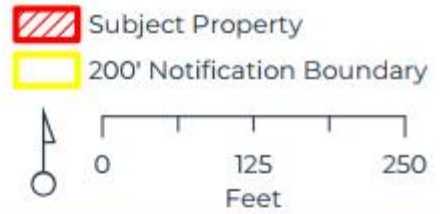
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

Rezoning Request | Public Hearing Notice

Case REZ22-04

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



City of Davenport

Department: Community Planning & Economic Development
Contact Info: Bruce Berger | 563-326-7769

Action / Date
8/10/2022

Subject:

Resolution setting a Public Hearing on the proposed additions to the Davenport 2022 Urban Revitalization Area Plan for the Central City and North Areas. [Wards 1, 2, 5, 6, 7, & 8]

Recommendation:

Adopt the Resolution.

Background:

On May 31, 2022, the City Council met in a Management Update Meeting to review potential new areas to include in the Urban Revitalization Tax Exemption program. The proposed new areas would become a part of the existing Central City and North Areas and utilize the same exemption schedules.

The attachments show the proposed new areas to be included as well as the exemption schedules.

The Public Hearing is to be held at the August 17, 2022 Committee of the Whole Meeting.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution
▢ Backup Material	URTE Map
▢ Backup Material	URTE Schedules
▢ Backup Material	Notice of Public Hearing Draft

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	7/28/2022 - 2:15 PM

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION setting a Public Hearing on the proposed additions to the Davenport 2022 Urban Revitalization Area Plan for the Central City and North Areas.

WHEREAS, in the City of Davenport, an urban revitalization plan under the provisions of Urban Renewal has been in effect since 1980; and

WHEREAS, the City reviews the need for any updates or changes to the Urban Renewal Area on a period of approximately five years; and

WHEREAS, the Urban Revitalization Tax Exemption Programs, together with the other economic development programs of the City, have been used to increase assistance for projects which otherwise would not occur; and

WHEREAS, Iowa law requires a Public Hearing be held during the process of any changes to a city's Urban Revitalization Area Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on the proposed additions to the Davenport 2022 Urban Revitalization Area Plan for the Central City and North Areas shall be held on August 17, 2022 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

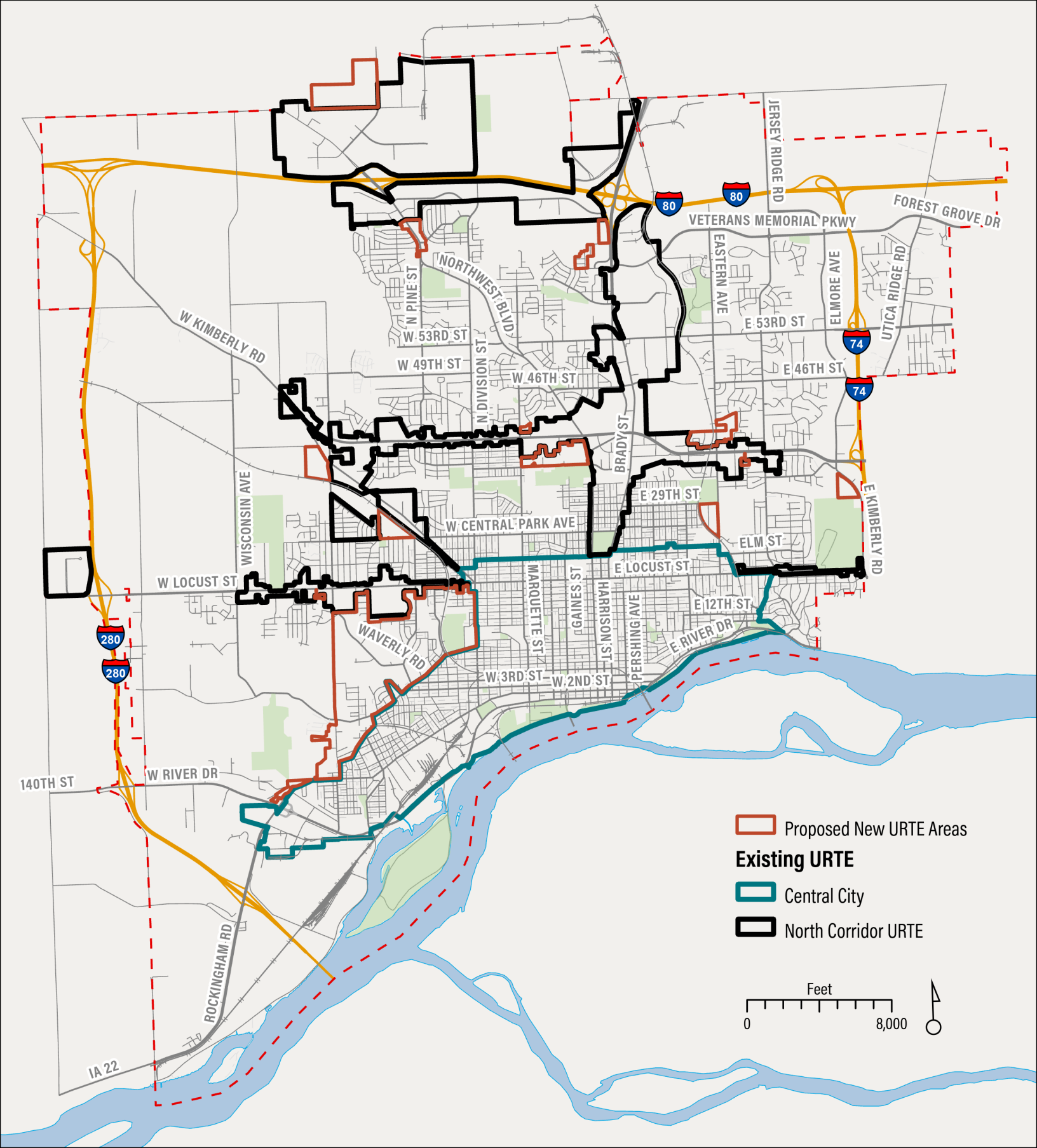
Mike Matson
Mayor

Brian Krup
Deputy City Clerk



URTE

Proposed New Areas



URTE Schedules

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

NOTICE OF PUBLIC HEARING ON PROPOSED ADDITIONS TO THE DAVENPORT
2022 URBAN REVITALIZATION PLAN FOR CENTRAL CITY & NORTH AREAS

Notice is hereby given that the Davenport City Council will conduct a public hearing on the 17th day of August, 2022 at 5:30pm in City Hall Council Chambers, 226 West Fourth Street, Davenport, IA on the proposed additions to the Davenport 2022 Urban Revitalization Area Plan for Central City & North Areas.

Anyone may speak or file written comments at the public hearing. Written comments may also be submitted to Community & Economic Development at 226 West 4th Street, Davenport, Iowa 52801 or urte@davenportiowa.com by August 17, 2022.

A full description of the proposed plan and boundaries may be viewed at the Community & Economic Development Department at City Hall or by visiting the City's website at www.davenportiowa.com/urte.

City of Davenport

Department: Legal
Contact Info: Tom Warner | 563-326-7735

Action / Date
8/10/2022

Subject:

Motion approving Community Investment and Settlement Agreement with Canadian Pacific Railway Company and authorizing the City Administrator to sign the same. [All Wards]

Recommendation:

Pass the Motion.

Background:

As part of a pending acquisition of Kansas City Southern Railway by Canadian Pacific Railway Company ("CP"), CP proactively began negotiations with the City of Davenport to make a community investment in Davenport to help with any issues that may arise from an increase in rail traffic. The investment takes the form of an \$8,000,000 payment to the City to be used as the City determines best, with an additional \$2,000,000 project specific payment for a total of \$10,000,000. The discretionary \$8,000,000 will likely fund infrastructure related to rail/pedestrian/vehicle/noise concerns such as establishing a quiet zone from approximately Mound Street to Marquette Street among a range of other projects. The \$2,000,000 payment represents a financial commitment by CP to creating a grade separation at South Concord in the vicinity of the Water Pollution Control Plant and West River Drive, so vehicle, bicycle and pedestrian traffic can move independently of rail traffic. The payment is contingent upon the City securing additional grant funding for the project. In an addition to the financial commitment our partners at CP are committed to assisting us in our efforts to obtain federal money, for this grade separation project.

The City and CP have developed a good working relationship over the past several years and that is borne out by this agreement and CP's commitment to investing in our community and being willing to proactively address some potential concerns that may arise from their pending acquisition. The City acknowledges that CP's investment is substantially more than what the Surface Transportation Board ("STB") would require of CP, so the City will not seek any mitigation before the STB related to CP's pending acquisition.

ATTACHMENTS:

Type	Description
☐ Exhibit	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Admin, Default	Approved	7/29/2022 - 10:36 AM

SUBJECT TO SETTLEMENT PRIVILEGE (Rule 408)
PRIVILEGED & CONFIDENTIAL

Community Investment and Settlement Agreement

This Agreement is made and entered this _____ day of JUNE, 2022, by and between the City of Davenport, Iowa ("Davenport") and Canadian Pacific Railway Company (CPRC), for and/or on behalf of CPRC, Dakota, Minnesota & Eastern Railroad Corporation, Delaware and Hudson Railway Company, Inc., and Soo Line Railroad Company (each and together "CP").

WHEREAS CP is party to a proceeding before the Surface Transportation Board (STB) Docket No. FD 36500, through which it is seeking to acquire Kansas City Southern Railway (KCS) and its operating subsidiaries (CP/KCS Transaction).

AND WHEREAS this Agreement sets out terms and commitments by the parties in resolution of any objections or demands in connection with the proceedings in Docket No. FD 36500.

IN CONSIDERATION of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally binding, the parties agree as follows:

1. **Community Investment.** As a voluntary community investment, CP agrees to contribute EIGHT MILLION DOLLARS (\$ 8,000,000.00 USD) ("Community Investment") to Davenport. In addition to the Community Investment, CP agrees to contribute TWO MILLION (\$2,000,000.00 USD) ("Additional Investment") towards the implementation of a grade separated crossing at Concord Avenue, and associated elevated roadway (see Attachment A), in the City of Davenport. The Additional Investment funding must be used specifically for this purpose and Davenport must make all reasonable efforts to apply for a grant within a reasonable time to accomplish the project.
2. CP will provide any and all necessary support to Davenport in its endeavors to secure state or federal grant funding. Once the project funded with the Additional Investment project has been completed, Davenport agrees to close the at-grade crossing at Wapello Avenue. CP agrees to waive flagging fees for the projects associated with the Community Investment and Additional Investment funds. CP will provide as-built documents to Davenport for the previously completed Riverfront ADA Crossing projects. CP will provide a waiver to Davenport for the replacement of the East 13th Street Bridge for a height of 19 feet. Davenport will have a TWO (2) week period approval timeframe over TEN (10) business days.
3. **Community Commitment.** In exchange for this Community Investment, Davenport agrees that it will not seek any mitigation conditions before the STB as part of the proceedings in Docket No. FD 36500. Davenport further agrees that it will not oppose CP's acquisition of KCS before the STB in Docket No. FD 36500 or in any other forum.
4. **Final Surface Transportation Board approval.** CP's commitments under this Agreement will not take effect unless and until the STB gives final approval to CP's acquisition of KCS in Docket No. FD 36500 and CP in fact acquires control of KCS pursuant to that approval.
5. **Confidentiality.** This Agreement and its terms shall be confidential except: (a) to the extent disclosure is necessary for Davenport to approve the agreement; (b) CP may disclose to the

SUBJECT TO SETTLEMENT PRIVILEGE (Rule 408)
PRIVILEGED & CONFIDENTIAL

Surface Transportation Board that it has entered into this settlement agreement, without disclosing the particular terms and conditions; and (c) as otherwise required by law.

6. **Sole remedy.** CP and Davenport intend that the Surface Transportation Board require compliance with this agreement instead of any other mitigation that might be imposed within Davenport as part of the CP/KCS Transaction.
7. **Governing Law.** This Settlement Agreement is governed by, and construed in accordance with, the laws of the state of Minnesota and applicable federal laws, excluding any conflict of laws rules that may apply therein.
8. **Entire Agreement.** This Settlement Agreement constitutes the entire agreement of the parties concerning its subject matter and no other proposals, representations, warranties or other documents or agreements, either oral or written, shall be binding upon the parties. Notwithstanding the foregoing, the parties shall undertake to execute any agreement and take all other actions necessary to give effect to this Agreement. No provision of this Settlement Agreement may be amended, modified, waived or changed unless made in writing and signed by the Parties.
9. **Counterparts.** The parties may execute this Agreement by facsimile or other electronic means and in separate counterparts each of which when so executed and delivered shall be an original, and all such counterparts taken together shall constitute one instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first written above, by their respective duly authorized representatives.

CITY OF DAVENPORT

By: _____
(signature)
Name: _____
(print name)
Title: _____
(print title)

CANADIAN PACIFIC RAILWAY COMPANY

By: _____
(signature)
Name: _____
(print name)
Title: _____
(print title)

City of Davenport

Department: Public Safety
Contact Info: Tom Warner | 563-326-7735

Action / Date
8/10/2022

Subject:

Second Consideration: Ordinance amending Chapter 9.08 entitled "Disorderly Conduct" of the Municipal Code of Davenport, Iowa by repealing Sections 9.08.050 and 9.08.080 due to a recent trend in federal court decisions restricting the City's ability to regulate activities that involve person-to-person donation requests. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

In a sign regulation case that arose in the town of Gilbert, Arizona, the US Supreme Court changed its threshold analysis in a way that makes more ordinances "content-based regulations" which in turn invokes strict scrutiny as the process for evaluating the constitutionality of the ordinance. Nearly all ordinances fail strict scrutiny analysis by the courts. The question since the Gilbert case has been does the new analysis apply beyond sign regulations? Since Gilbert, the courts have extended its scope to other types of ordinances, and, importantly, in 2019 the US Court of Appeals for the 8th Circuit (includes Iowa) applied it to and struck down an ordinance similar to our two ordinances.

Des Moines, Dubuque, and Council Bluffs, who were contacted by the ACLU of Iowa, reached the same conclusion and have repealed their versions of these ordinances.

If the US Supreme Court someday revisits its Gilbert analysis in light of its vast, negative impact on many reasonable regulations and abandons it or otherwise constrains it, the City may then be able to put something else in place.

ATTACHMENTS:

Type	Description
Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Warner, Tom	Approved	7/14/2022 - 11:15 AM
Finance Committee	Admin, Default	Approved	7/15/2022 - 3:25 PM
City Clerk	Admin, Default	Approved	7/15/2022 - 3:25 PM

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 9.08 ENTITLED "DISORDERLY CONDUCT" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REPEALING SECTIONS 9.08.050 AND 9.08.080 DUE TO A RECENT TREND IN FEDERAL COURT DECISIONS RESTRICTING THE CITY'S ABILITY TO REGULATE ACTIVITIES THAT INVOLVE PERSON-TO-PERSON DONATION REQUESTS.

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

Section 1. That Section 9.08.050 of the Municipal Code of Davenport, Iowa be and the same is hereby repealed in its entirety and the section number is labeled "Reserved."

Section 2. That Section 9.08.080 of the Municipal Code of Davenport, Iowa be and the same is hereby repealed in its entirety and the section number is labeled "Reserved."

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

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

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

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

Action / Date
8/10/2022

Subject:

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

Downtown Davenport Partnership; Alternating Currents; Downtown; 6:00 a.m. Thursday, August 18, 2022 - 12:00 p.m. Sunday, August 21, 2022; **Closure:** Dillon Fountain east parking lot | 100 West River Drive. [Ward 3]

Davenport Public Library; QCBeats - Alternating Currents; Main Library Branch | 321 North Main Street; Thursday, August 18, 2022 1:00 p.m. - 8:00 p.m.; **Closure:** Main Street from West 4th Street south to north of the alley. [Ward 3]

Davenport Community School District; Davenport Central Open House; 1120 Main Street; Thursday, August 18, 2022 3:30 p.m. - 7:00 p.m.; **Closure:** West 12th Street between Harrison Street and Main Street. [Ward 3]

Place of Refuge Ministries; Back to School Party; 518 Brown Street; Saturday, August 27, 2022 8:00 a.m. - 4:00 p.m.; **Closure:** east-west alley between Brown and Warren Streets and West 5th and 6th Streets. [Ward 3]

St. Anthony Catholic Church; Kermes (Carnival); 417 North Main Street; Sunday, September 11, 2022 9:00 a.m. - 6:00 p.m.; **Closure:** Main Street from West 4th Street to West 5th Street. [Ward 3]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2200 East 11th Street; 8:00 a.m. Friday, September 16, 2022 - 7:00 p.m. Sunday, September 18, 2022; **Closure:** East 11th Street from Jersey Ridge Road to Hillcrest Avenue. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

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

The QCBeats closure was originally approved at the May 25 City Council Meeting but the Library has requested to close the block earlier to facilitate delivery of the showmobile from Parks and Recreation.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution
□ Backup Material	Alternating Current Parking Lot Map
□ Backup Material	QCBeats Map

- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material

Davenport Central Open House Closure Map
 Davenport Central Open House Flyer to
 Neighbors
 Place of Refuge Ministries Back to School Party
 Closure Map
 St. Anthony Catholic Church Carnival Map
 Riverssance Festival of Fine Art Closure Map
 Riverssance Festival of Fine Art Letter to
 Neighbors

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/29/2022 - 10:31 AM

Resolution No. _____

Resolution offered by Alderman Jobgen.

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

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

*Davenport Public Library; QCBears - Alternating Currents; Main Library Branch | 321 North Main Street; Thursday, August 18, 2022 1:00 p.m. - 8:00 p.m.; **Closure:** Main Street from West 4th Street south to north of the alley. [Ward 3]*

*Downtown Davenport Partnership; Alternating Currents; Downtown; 6:00 a.m. Thursday, August 18, 2022 - 12:00 p.m. Sunday, August 21, 2022; **Closure:** Dillon Fountain east parking lot | 100 West River Drive. [Ward 3]*

*Davenport Community School District; Davenport Central Open House; 1120 Main Street; Thursday, August 18, 2022 3:30 p.m. - 7:00 p.m.; **Closure:** West 12th Street between Harrison Street and Main Street. [Ward 3]*

*Place of Refuge Ministries; Back to School Party; 518 Brown Street; Saturday, August 27, 2022 8:00 a.m. - 4:00 p.m.; **Closure:** east-west alley between Brown and Warren Streets and West 5th and 6th Streets. [Ward 3]*

*St. Anthony Catholic Church; Kermes (Carnival); 417 North Main Street; Sunday, September 11, 2022 9:00 a.m. - 6:00 p.m.; **Closure:** Main Street from West 4th Street to West 5th Street. [Ward 3]*

*Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2200 East 11th Street; 8:00 a.m. Friday, September 16, 2022 - 7:00 p.m. Sunday, September 18, 2022; **Closure:** East 11th Street from Jersey Ridge Road to Hillcrest Avenue. [Ward 5]*

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

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

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

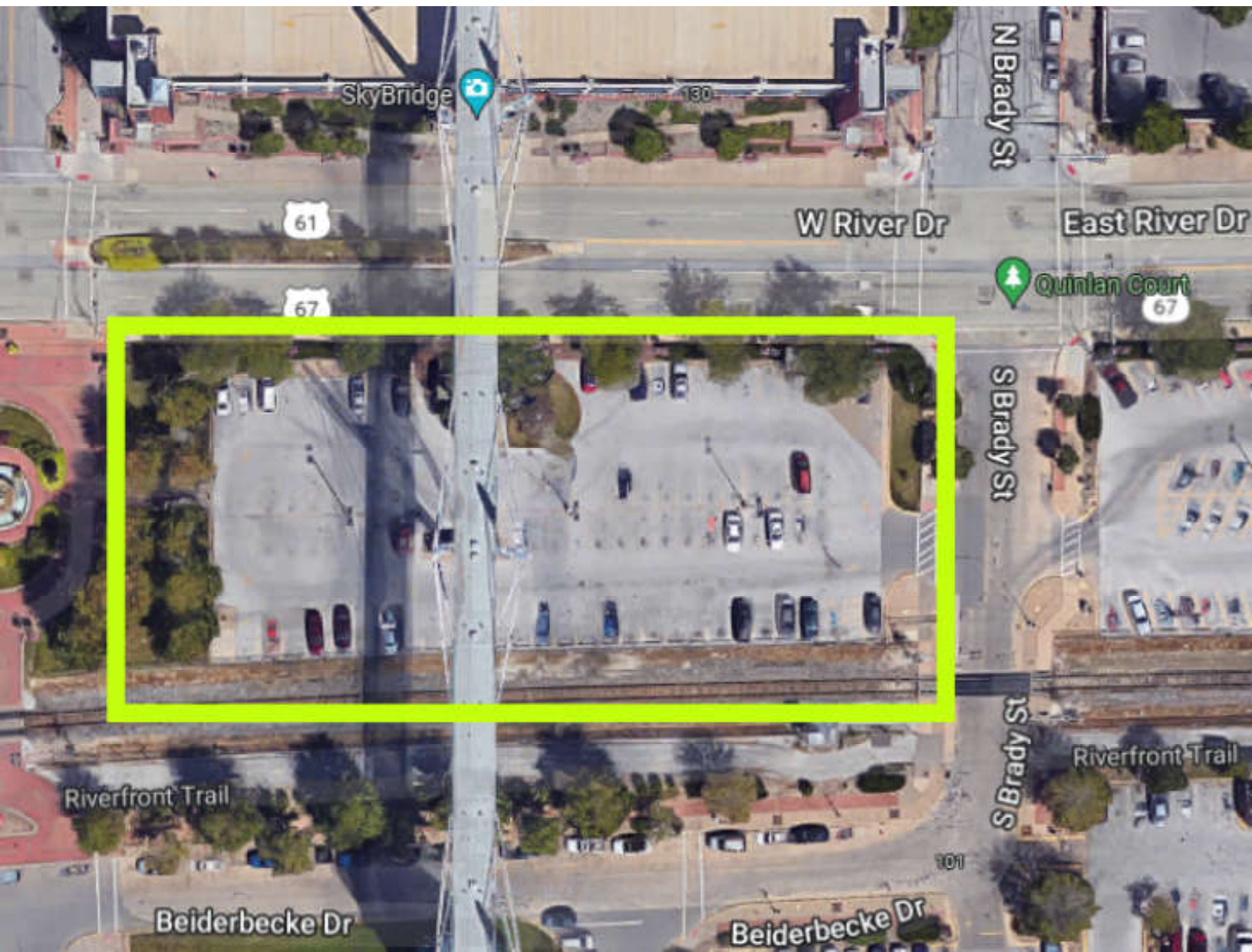
Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk









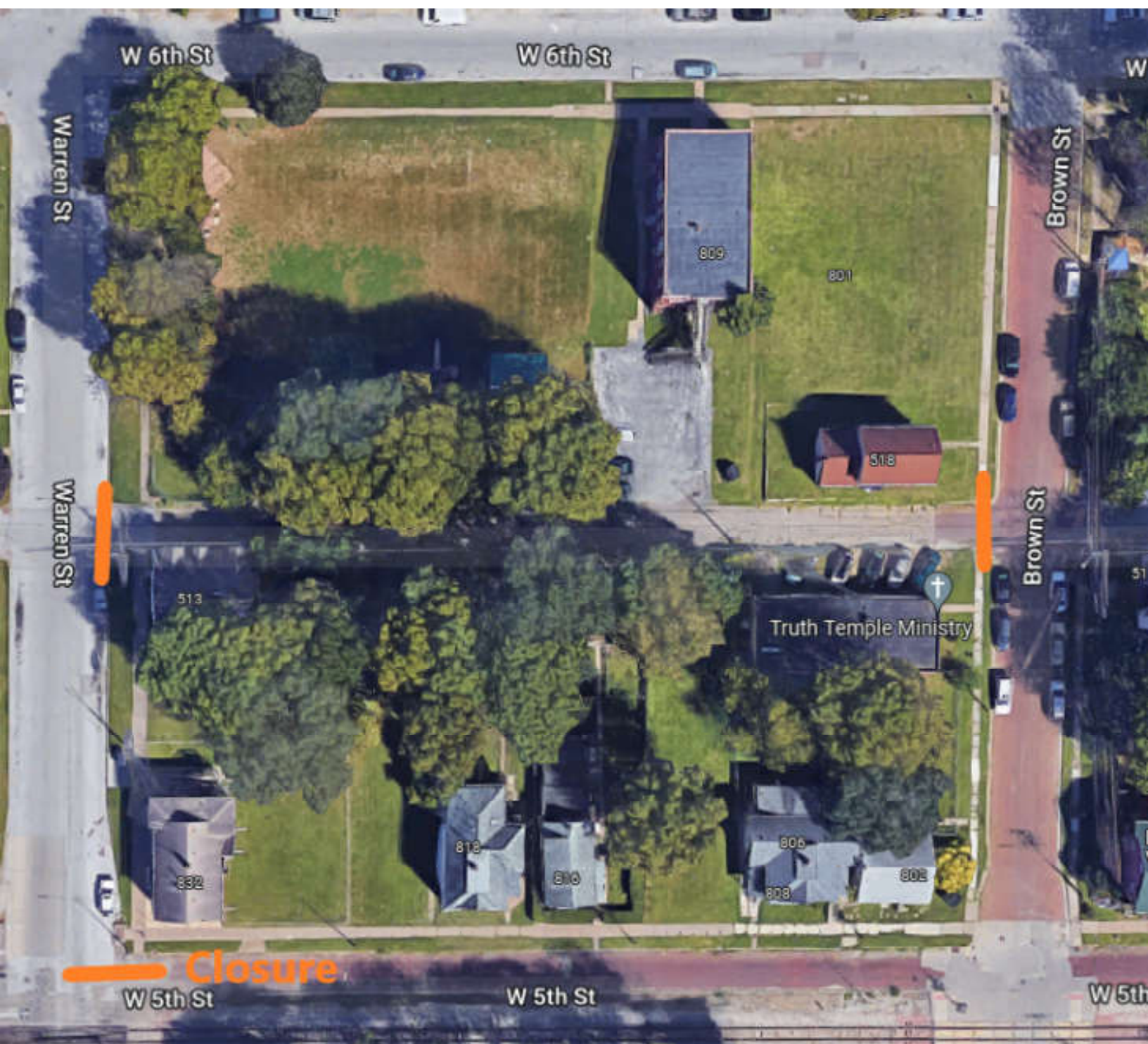
WELCOME BACK TO SCHOOL EVENT

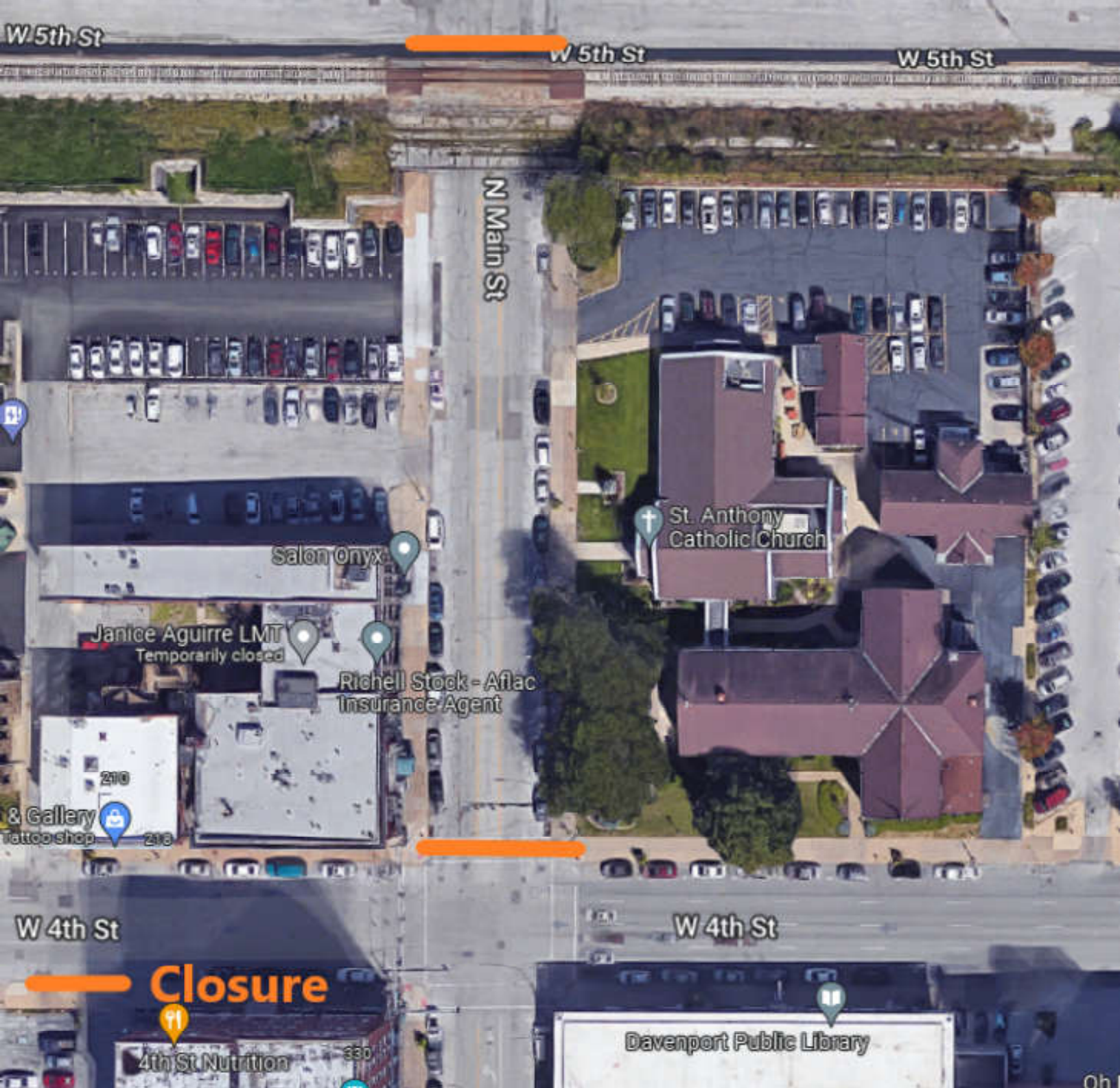
8/18/22 FROM 3:30-6:30

**SET UP TO BEGIN AROUND 3:30 AND STREET
OPENED BACK UP AROUND 6:30-6:45.**

**12TH STREET FROM MAIN TO HARRISON
WILL BE BLOCKED OFF FOR FOOD TRUCKS
AND FREE FLOW OF PARENTS AND STUDENTS.
THE DAVENPORT CENTRAL BAND WILL BE
PLAYING.**

**IF YOU HAVE ANY OBJECTIONS TO THIS
STREET CLOSURE AND/OR NOISE VARIANCE
REQUEST, PLEASE SUBMIT IN WRITING TO
BRIAN KRUP, DEPUTY CITY CLERK, AT
BRIAN.KRUP@DAVENPORTIOWA.COM.**





RIVERSHANCE FINE ARTS FESTIVAL



Riverssance Festival of Fine Arts
34th Annual Show
September 17 & 18
Saturday 10-5
Sunday 10-4

Quad City Arts' Riverssance Festival of Fine Arts will be celebrating its' 34th year in 2022 as the premier fine arts festival of the Quad Cities, showcasing top artist from throughout North America. The Riverssance Festival is located in Upper Lindsay Park on a scenic hill overlooking the Mississippi River in the historic Village of East Davenport. Riverssance will feature a free children's art tent, wine tasting, gourmet food and live regional music.

As in the past 11th Street will be closed between Jersey Ridge and Hillcrest Ave beginning Friday morning September 16th through Sunday evening September 18th. We apologize for the inconvenience this may cause you. Please accept these two entry passes as our thank you for your support and join us in this celebration of the arts.

If you have any questions or concerns please contact me:
Jim Cronk, Riverssance Committee
jecronk01@aol.com
563-650-6814

City of Davenport

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

Action / Date
8/10/2022

Subject:

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

Davenport Community School District; Davenport Central Open House; 1120 Main Street; Thursday, August 18, 2022 3:30 p.m. - 6:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

The Pour House; Woofstock; 1502 West Locust Street; Saturday, August 27, 2022 4:00 p.m. - 11:30 p.m.; Outdoor music/band, over 50 dBA. [Ward 4]

St. Anthony Catholic Church; Kermes (Carnival); 417 North Main Street; Sunday, September 11, 2022 10:00 a.m. - 5:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 3]

Mississippi Valley Blues Society; Mississippi Valley Blues Fest; LeClaire Park; 4:00 p.m. - 11:30 p.m. Friday, September 16, 2022 and 10:30 a.m. - 11:30 p.m. Saturday, September 17, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2200 East 11th Street; Saturday, September 17, 2022 10:00 a.m. - 5:00 p.m. and Sunday, September 18, 2022 10:00 a.m. - 4:00 p.m.; Outdoor music/band, over 50 dBA. [Ward 5]

Quad Cities Pride Festivals; Fall Pride; LeClaire Park; Friday, September 23, 2022 2:00 p.m. - 11:30 p.m. and Saturday, September 24, 2022 12:00 p.m. - 11:30 p.m.; Outdoor music/performances, over 50 dBA. [Ward 3]

Recommendation:

Pass the Motion.

Background:

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

ATTACHMENTS:

Type	Description
▢ Backup Material	Woofstock Noise Variance Petition
▢ Backup Material	St. Anthony Catholic Church Kermes Noise Variance Petition
▢ Backup Material	Riverssance Festival of Fine Art Letter to Neighbors

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/29/2022 - 10:29 AM



CITY OF DAVENPORT

NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 27th day of August, 20 22, there is proposed an event which will include outdoor music or band, requested by THE PINE HOUSE, during the hours of 4pm - 11pm.

*Please sign your name and print address below and indicate whether you are in favor of the noise variance, opposed to the noise variance, or are not concerned (mark one).

*If you are unable to make contact with a resident/business, please indicate the date(s) and time(s) you attempted.

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
<u>Dewayne Taylor</u> 1912 Washington			X
<u>Aimee Burton</u> 1908 1/2 Washington	X		
<u>Darcon Jones</u> Tattoo Parlor	X		
<u>Michelle Massardo</u> 1037 1st Ave East Moline	X		
<u>[Signature]</u> 1708 Washington	X		
<u>Donna Geyer</u> 1916 Washington	X		
<u>Ryan Bernick</u> 2	X		
<u>Maddison Rendon</u> 1908 1/2 Washington	X		
<u>William [Signature]</u> 1523 Pleasant	X		
<u>Devin Osburn</u> 1920 Washington	X		
<u>Cindy [Signature]</u> 1410 Washington	X		
<u>Sean [Signature]</u> 1524 W Locust	X		

* If more space is needed, please use additional sheets.

Signature of Applicant

Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com

NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 11 day of September, 20 22, there is proposed an event which will include outdoor music or band, requested by St. Anthony Church during the hours of 10 AM - 5 p.m.

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

NAME AND ADDRESS	FAVOR	OPPOSED	NOT CONCERNED
<u>SARAH TYLER 410 MAIN STREET</u>	<u>✓</u>	<u> </u>	<u> </u>
<u>Amy Mya 410 N Main St.</u>	<u>✓</u>	<u> </u>	<u> </u>
<u>CHRIS MANOLE 400 N Main St. #204</u>	<u>✓</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>

* If additional space is needed, please attach sheets with additional signatures.

* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

John Cooper
Signature of Applicant

7-18-22
Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: bkrup@ci.davenport.ia.us

CITY OF DAVENPORT

NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 11 day of September, 20 22, there is proposed an event which will include outdoor music or band, requested by St. Anthony Church during the hours of 10 AM - 5 p.m.

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

NAME AND ADDRESS	FAVOR	OPPOSED	NOT CONCERNED
330 David Canine	☒	☐	☐
310 Jace Bollman	☒	☐	☐
405 David Seeley	☒	☐	☐
403 Ron Weston	☒	☐	☐
404	☐	☐	☐
405 Carlos Rush	☒	☐	☐
	☐	☐	☐
	☐	☐	☐
320 Pat Elbert	☒	☐	☐
	☐	☐	☐

* If additional space is needed, please attach sheets with additional signatures.

* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

John Cooper
Signature of Applicant

Date

Riverssance Festival of Fine Arts
34th Annual Show
September 17 & 18
Saturday 10-5
Sunday 10-4

Quad City Arts' Riverssance Festival of Fine Arts will be celebrating its' 34th year in 2022 as the premier fine arts festival of the Quad Cities, showcasing top artist from throughout North America. The Riverssance Festival is located in Upper Lindsay Park on a scenic hill overlooking the Mississippi River in the historic Village of East Davenport. Riverssance will feature a free children's art tent, wine tasting, gourmet food and live regional music.

As in the past 11th Street will be closed between Jersey Ridge and Hillcrest Ave beginning Friday morning September 16th through Sunday evening September 18th. We apologize for the inconvenience this may cause you. Please accept these two entry passes as our thank you for your support and join us in this celebration of the arts.

If you have any questions or concerns please contact me:
Jim Cronk, Riverssance Committee
jecronk01@aol.com
563-650-6814

City of Davenport

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

Action / Date
8/10/2022

Subject:
Motion approving beer and liquor license applications.

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

Ward 2

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2200 West Kimberly Road (Cafe Area) - Premises Update to Include Entire Store - License Type: Class C Liquor

Ward 4

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2351 West Locust Street (Cafe Area) - Premises Update to Include Entire Store - License Type: Class C Liquor

The Pour House (Boss Lady, Inc) - 1502 West Locust Street - Extended Outdoor Area, August 27 - License Type: Class C Liquor

Ward 6

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Extended Outdoor Area, August 27 - License Type: Class C Liquor

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 East 53rd Street (Cafe Area) - Premises Update to Include Entire Store - License Type: Class C Liquor

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

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Outdoor Area - License Type: Class C Liquor

Recommendation:
Pass the Motion.

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

REVIEWERS:

Department	Reviewer	Action	Date
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Public Safety	Merritt, Mallory	Approved	7/29/2022 - 11:18 AM
Public Safety Committee	Merritt, Mallory	Approved	7/29/2022 - 11:19 AM
City Clerk	Admin, Default	Approved	7/29/2022 - 11:29 AM

City of Davenport

Department: Public Works - Engineering
Contact Info: Amy Kay | 563-327-5160

Action / Date
8/10/2022

Subject:

Resolution approving the plans, specifications, and estimate of cost for the West 66th Street and Madison Street Sump Pump Abatement project, CIP #33051. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport has a program that works to abate sump pump hazards such as icing on the street or slippery algae resulting in overly-active sump pumps on private property. This area was chosen for a project to eliminate hazardous algae growth in the West 66th Street and Madison Street area.

ATTACHMENTS:

Type	Description
 Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	7/27/2022 - 10:57 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the plans, specifications, and estimate of cost for the West 66th Street and Madison Street Sump Pump Abatement project, CIP #33051.

WHEREAS, plans, specifications, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the West 66th Street and Madison Street Sump Pump Abatement project within the City of Davenport, Iowa; and

WHEREAS, notice of Hearing on plans, specification, and estimate of cost 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, and estimate of cost are hereby approved as the plans, specifications, and estimate of cost for the West 66th Street and Madison Street Sump Pump Abatement project.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Steve Math | 563-327-5164

Action / Date
8/10/2022

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Mound Street (East Locust Street to Elm Street) Resurfacing project, CIP #35054. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

This project will consist of miscellaneous P.C.C. pavement replacement and the milling and overlay of the existing deteriorated composite pavement on Mound Street from East Locust Street to Elm Street, approximately 1,100 feet in length.

This project has been designed by the City's Engineering Division. Right-of-way is required for one parcel in order to conform to the existing pavement configuration. Temporary construction easements will not be required. The proposed total cost of the project is currently estimated at \$298,500.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	7/27/2022 - 11:48 AM
Public Works Committee	Moses, Trish	Approved	7/27/2022 - 11:48 AM
City Clerk	Admin, Default	Approved	7/27/2022 - 4:31 PM

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 Mound Street (East Locust Street to Elm Street) Resurfacing project, CIP #35054.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Mound Street Pavement Resurfacing project.

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Mound Street (East Locust Street to Elm Street) Resurfacing project.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution awarding a contract for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project to Langman Construction Inc of Rock Island, Illinois in the amount of \$264,757, CIP #35054. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on June 30, 2022 and sent to contractors. On July 25, 2022, the Purchasing Division opened and read two (2) responsive and responsible bids. See attached bid tab.

Project work includes the furnishing of all labor, materials, equipment, and services necessary for the Gaines and 32nd Street HMA and Drainage project including, but not limited to, pavement removal, HMA overlay, 7"- P.C.C. driveway removal and replacement, A.D.A. sidewalk improvements, subdrains, and other related construction.

Langman Construction Inc of Rock Island, Illinois was the lowest bidder. They have successfully performed this type of work for the City in the past.

Funding for this project is from CIP #35054 Neighborhood Street Repair. These funds are available from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	7/28/2022 - 12:10 PM
Public Works Committee	Moses, Trish	Approved	7/28/2022 - 12:11 PM
City Clerk	Admin, Default	Approved	7/28/2022 - 12:17 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving a contract for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project to Langman Construction Inc of Rock Island, Illinois in the amount of \$264,757, CIP #35054

WHEREAS, the City needs to contract for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project; and

WHEREAS, Langman Construction Inc 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 Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project is hereby awarded to Langman Construction Inc of Rock Island, Illinois in the amount of \$264,757.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: 32nd STREET AND GAINES STREET RESURFACING

BID NUMBER: 23-1

OPENING DATE: JULY 25, 2022

FUNDING: 70078682 530350 35054 NEIGHBORHOOD STREET REPAIR

RECOMMENDATION: AWARD THE CONTRACT TO LANGMAN
CONSTRUCTION INC OF ROCK ISLAND IL

<u>VENDOR NAME</u>	<u>PRICE</u>
Langman Construction Inc of Rock Island IL	\$264,757
Hawkeye Paving Corporation of Davenport IA	\$326,747

Approved By Kristi Keller 7-26-22
Purchasing Date

Approved By Nicole Gleason 7-26-22
Dept Director Date

Approved By Brady Coz 7-27-22
Budget/CIP Date

Approved By Maureen J. Merritt 7/28/2022
Assist. City Administrator/ CFO Date

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution awarding a contract for the Sealcoat Road Rehabilitation Program to CDMI Concrete Contractors Inc of Port Byron, Illinois in an amount not-to-exceed \$600,000, CIP #35054. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on June 30, 2022 and sent to contractors. On July 25, 2022, the Purchasing Division opened and read six (6) bids. See bid tab attached.

This project rehabilitates multiple sealcoat road locations by excavating/backfilling areas that fail a proof roll test conducted by the contractor, followed by hot mix asphalt (HMA) leveling and overlay.

Staff bid several roads as alternates to ensure all funding was used. The most critical roads that can be done with the \$600,000 allotted in the CIP will be completed.

CDMI Concrete Contractors Inc of Port Byron, Illinois was the lowest responsive and responsible bidder. This contract will be for a not-to-exceed amount of \$600,000.

Funding for this program is within CIP #35054 Neighborhood Street Repair. These funds are from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution
▢ Backup Material	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	7/28/2022 - 8:08 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 Sealcoat Road Rehabilitation Program to CDMI Concrete Contractors Inc of Port Byron, Illinois in an amount not-to-exceed \$600,000, CIP #35054.

WHEREAS, the City needs to contract for the Sealcoat Road Rehabilitation Program; and

WHEREAS, CDMI Concrete Contractors of Port Byron, 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 Sealcoat Road Rehabilitation Program is hereby awarded to CDMI Concrete Contractors Inc of Port Byron, Illinois in an amount not-to-exceed \$600,000.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: SEALCOAT ROAD REHABILITATION PROGRAM

BID NUMBER: 22-164

OPENING DATE: JULY 25, 2022

FUNDING: 70078682 530350 35054

RECOMMENDATION: AWARD THE CONTRACT TO CDMI CONCRETE
CONTRACTORS INC OF PORT BYRON ILLINOIS IN A
NOT-TO-EXCEED AMOUNT OF \$600,000

<u>VENDOR NAME</u>	<u>PRICE</u>
CDMI Concrete Contractors Inc of Port Byron IL	\$823,108
Valley Construction Company of Rock Island IL	\$879,576.95
Manatts, Inc – Eastern IA Division of Camanche IA	\$913,387.25
Langman Construction Inc. of Rock Island IL	\$960,225.35
Brandt Construction Co. of Milan IL	\$1,068,113.70
Hawkeye Paving Corporation of Davenport IA	\$1,075,410.30

Approved By Kristi Keller 7-27-2022
Purchasing Date

Approved By Nicole Gleason 7-27-22
Dept Director Date

Approved By Brandi Cox 7-27-22
Budget/CIP Date

Approved By William J. Vermett 7/28/2022
Assist. City Administrator/ CFO Date

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution awarding a contract for the Retaining Wall Replacement at 510 West 6th Street project to Legacy Corporation of East Moline, Illinois in the amount of \$138,880.10, CIP #28031. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on June 28, 2022 and sent to 653 contractors. On July 25, 2022, the Purchasing Division opened and read three (3) responsive and responsible bids. See attached bid tab.

Legacy Corporation of East Moline, Illinois was the lowest responsive and responsible bidder.

This project will remove and replace the existing deteriorated retaining wall in the alley behind 510 West 6th Street. The alley is currently closed due to the condition of the wall. This wall lies within the Hamburg Local Landmark Historic District and as such has been reviewed by the Historic Preservation Committee (HPC). The specified wall blocks resemble the original material as close as is possible and have been approved by the HPC. The existing wall material will be salvaged as much as possible for future use. Construction will be completed during the fall of 2022.

Funding for this project is from CIP #28031 Retaining Wall Repair Program.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	7/27/2022 - 12:17 PM
Public Works Committee	Moses, Trish	Approved	7/27/2022 - 12:17 PM
City Clerk	Admin, Default	Approved	7/27/2022 - 4:38 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a contract for the Retaining Wall Replacement at 510 West 6th Street project to Legacy Corporation of East Moline, Illinois in the amount of \$138,880.10, CIP #28031.

WHEREAS, the City needs to contract for the Retaining Wall Replacement at 510 West 6th Street project; and

WHEREAS, Legacy Corporation 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 Retaining Wall Replacement at 510 West 6th Street project is hereby awarded to Legacy Corporation of East Moline, Illinois in the amount of \$138,880.10.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Retaining Wall Replacement at 510 W 6th Street

BID NUMBER: 22-159

OPENING DATE: July 19, 2022

FUNDING: CIP 28031 Retaining Wall Repair Program

RECOMMENDATION: Award the contract to Legacy Corporation of East Moline, Illinois

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Legacy Corporation of East Moline, IL	\$138,880.10
Miller Trucking & Excavating of Silvis, IL	\$153,751.00
Americore LLC of Blue Grass, IA	\$164,663.52

Approved By Kari Thoren 07/27/2022
Purchasing Date

Approved By Nicole Gleason 7-27-22
Dept Director Date

Approved By Brauli Coz 7-27-22
Budget/CIP Date

Approved By Mallory J. Warritt 7/27/2022
Assist. City Administrator/ CFO Date

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution awarding a contract for engineering services for the Flood Mitigation | River Drive and Marquette Street project to HR Green, Inc of Cedar Rapids, Iowa in an amount not-to-exceed \$195,000, CIP #68015. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

On November 24, 2021 the City Council accepted the Mississippi River Flood Resiliency Plan which provides staff with a framework for both structural and nonstructural solutions up to river stage 22. Within the structural recommendations of the plan are a series of projects that are phased over time. Phase I largely represents improvements to existing infrastructure such as storm sewer or earthen berm systems. One such project is storm sewer improvements at the intersection of River Drive and Marquette Street. The proposed project will install future bypass storm sewer and backflow prevention to halt river water from backing up into the intersection near river stage 14.5.

HR Green, Inc is being recommended to perform the engineering work for this project. The total contract cost includes, but is not limited to, preliminary/final design, geotechnical testing, environmental testing, survey of surrounding structures inside and outside the project limits, and preparation of permit applications to relevant state/federal agencies along with conducting an interior hydrologic and hydraulic model to identify the optimal storm sewer improvements within this corridor.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	7/28/2022 - 8:07 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a contract for engineering services for the Flood Mitigation | River Drive and Marquette Street project to HR Green, Inc of Cedar Rapids, Iowa in an amount not-to-exceed \$195,000, CIP #68015.

WHEREAS, the Flood Mitigation | River Drive and Marquette Street project was identified as part of the Mississippi River Flood Resiliency Plan accepted by the City Council, and funding has been provided in the FY 2023 CIP for implementation of the plan; and

WHEREAS, the City needs to contract for engineering services for the Flood Mitigation | River Drive and Marquette Street project; and

WHEREAS, HR Green, Inc of Cedar Rapids, Iowa is the firm chosen to perform this work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for engineering services for the Flood Mitigation | River Drive and Marquette Street project is hereby awarded to HR Green, Inc of Cedar Rapids, Iowa in an amount not-to-exceed \$195,000.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution accepting the sanitary sewer, storm sewer, and pavement associated with the Speer Commercial Park 1st Addition. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

The Speer Commercial Park 1st Addition is located in the southeast corner of 53rd Street and Eastern Avenue. The developer is Speer Development, LLC of Eldridge, Iowa. The plans for the subdivision were prepared by Townsend Engineering of Davenport, Iowa. The construction of the paving was completed by N. J. Miller, Inc of Bettendorf, Iowa. Sanitary sewer and storm sewer were completed by Hawkeye Sewer and Water of Bettendorf, Iowa along with KE Flatwork of Eldridge, Iowa.

This subdivision included 2,010 square yards of pavement in Spring Street, 88 linear feet of 15", 18 linear feet of 18", 300 linear feet of 24", 376 lineal feet of 42" and 397 linear feet of 48" storm sewer, and six new storm manholes and five new intakes, 418 linear feet of 8" sanitary sewer main, and one new sanitary manhole.

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

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	7/27/2022 - 11:55 AM
Public Works Committee	Moses, Trish	Approved	7/27/2022 - 11:55 AM
City Clerk	Admin, Default	Approved	7/27/2022 - 4:35 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION accepting the sanitary sewer, storm sewer, and pavement associated with the Speer Commercial Park 1st Addition.

WHEREAS, the Speer Commercial Park 1st Addition has been developed by Speer Development, LLC of Eldridge, Iowa; and

WHEREAS, 418 linear feet of 8" sanitary sewer main and 1 new sanitary manhole was constructed by Hawkeye Sewer & Water Construction, Inc of Bettendorf, Iowa; and

WHEREAS, 88 linear feet of 15", 18 linear feet of 18", 300 linear feet of 24", 376 linear feet of 42", and 397 linear feet of 48" storm sewer, and six new storm manholes and five new intakes were constructed by KE Flatwork of Eldridge, Iowa and Hawkeye Sewer & Water Construction, Inc of Bettendorf, Iowa; and

WHEREAS, 2,010 square yards of 9" inch concrete pavement was constructed within Spring Street by N.J. Miller, Inc of Bettendorf, Iowa; and

WHEREAS, the sewer and pavement installation has been satisfactorily completed, and the City has four-year maintenance bonds on file in the amounts of \$159,965 (48" storm sewer phase II extension); \$100,834 (sanitary and storm sewer); and \$143,810 (paving).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Speer Commercial Park 1st Addition site improvements, which sanitary and storm sewer constructed by Hawkeye Sewer & Water Construction, Inc of Bettendorf, Iowa; storm sewer constructed by KE Flatwork of Eldridge, Iowa along with Hawkeye Sewer & Water Construction, Inc; and paving constructed by N.J. Miller, Inc of Bettendorf, Iowa, all having been satisfactorily completed, are hereby formally accepted.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Jen Walker | 563-326-6168

Action / Date
8/10/2022

Subject:

Resolution accepting work completed under the 2nd Street Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$280,179.01, CIP #60031. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

Streetscaping was completed on the south side of East 2nd Street from 211 East 2nd Street east to Iowa Street. This project provided ADA-accessibility to some building entrances plus brick landscape, new ornamental lights, and new street trees. Per the June 2020 Streetscape Improvement Plan, cost is shared between the City, property owners, and the Downtown Davenport Partnership. The final project cost was \$280,179.01, of which \$172,740.31 is shared by the Downtown Davenport Partnership and property owners.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	7/27/2022 - 11:47 AM
Public Works Committee	Moses, Trish	Approved	7/27/2022 - 11:48 AM
City Clerk	Admin, Default	Approved	7/27/2022 - 4:36 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION accepting work completed under the 2nd Street Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$280,179.01, CIP #60031.

WHEREAS, the City entered into a contract with Centennial Contractors of the Quad Cities for the 2nd Street Streetscaping project; and

WHEREAS, the project limits were the south side of East 2nd St from 211 East 2nd Street east to Iowa Street; and

WHEREAS, the scope of work included new curb, sidewalk, brick landscape, ornamental lighting, and street trees; 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 \$280,179.01.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the 2nd Street Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of \$280,179.01 is hereby accepted.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution approving and authorizing the execution of an agreement between the City of Davenport and the Iowa Department of Transportation (DOT) covering the provision of federal-aid funding for the Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011. [Wards 1 & 2]

Recommendation:

Adopt the Resolution.

Background:

The purpose of the project is to replace the Utah Avenue Bridge over Duck Creek. The project will consist of removal and disposal of all existing bridge components and replacement with a new bridge meeting current design standards. The Iowa DOT has provided a proposed funding agreement between the Iowa DOT and the City of Davenport. This agreement will provide 100% federal-aid participation of construction costs or \$1,000,000, whichever is less.

The project is funded through CIP #21011 in FY 2023 to provide design, right-of-way acquisition, and construction. The City will fund 100% of the design cost. City Engineering staff has reviewed the agreement and recommends its approval.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	7/27/2022 - 11:57 AM
Public Works Committee	Moses, Trish	Approved	7/27/2022 - 11:57 AM
City Clerk	Admin, Default	Approved	7/27/2022 - 4:35 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving and authorizing the execution of an agreement between the City of Davenport and the Iowa Department of Transportation (DOT) that would provide federal-aid funding for the Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011.

WHEREAS, the City of Davenport recognizes that the Utah Avenue Bridge over Duck Creek, partially reconstructed in 1987, is currently in need of replacement; and

WHEREAS, the Iowa DOT is offering a 100% or \$1,000,000, whichever is less, federal-aid funding agreement to the City to cover eligible construction costs related to the replacement of the above-described bridge.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Iowa DOT's agreement providing 100% or \$1,000,000, whichever is less, federal-aid funding for the Utah Avenue Bridge Over Duck Creek Replacement project is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute originals of the associated federal-aid agreement on behalf of the City.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution of support for the Nahant Marsh Education Center's submission of an application to the Destination Iowa program for grant assistance for the Nahant Marsh Wetland Restoration and Phase III Trail System Enhancement project. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

The Nahant Marsh Education Center is submitting an application to the Destination Iowa program for Wetland Reclamation and Enhancement and Phase III Trail System Enhancement project on 60 acres of newly acquired land.

- The total project budget is estimated at \$2,289,402.
- The total grant request to Destination Iowa is estimated at \$ 914,689.
- Nahant Marsh will provide matching funds of 60% of the total requested, equaling \$1,374,713*.
The funds are secured as a result of capital fundraising efforts and in-kind contributions.

**The grant program requires a minimum of 60% of the total amount requested in match.*

This project is the purchase of 60 acres of farmland that will be restored to its natural marsh and wetland state and features a unique partnership between the River Bend Food Bank, Iowa Natural Heritage Foundation and Nahant Marsh to purchase the land. The project will feature wetland reclamation and restoration; new trail connectivity; a boardwalk; and an ADA-accessible viewing mound that will be in the shape of a turtle. The Quad Cities Native American Coalition has been consulted about the project and is enthusiastically supporting and participating in educational signage and indigenous information. Phase III of the Nahant Marsh Trail System Enhancement will connect the Mississippi River Trail (MRT) to Nahant Marsh and to neighborhoods in the Southwest Davenport area, in addition to other Davenport trail systems. The total trail length of the new section will be approximately 1 mile.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	7/27/2022 - 10:58 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION of support for the Nahant Marsh Education Center's submission of an application to the Destination Iowa program for grant assistance for the Nahant Marsh Wetland Restoration and Phase III Trail System Enhancement project.

WHEREAS, the City of Davenport (the "City") is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, the City is committed to providing quality of life amenities and experiences for its citizens; and

WHEREAS, it is a requirement of the program that local matching funds equal to 60% of total costs be committed to the project and that Nahant Marsh Education Center has secured such funds; and

WHEREAS, the City endorses the application and has been informed the total project cost is estimated to be \$2,289,402, and the grant request to be \$914,689.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Nahant Marsh Education Center is hereby fully supported in submitting an application to Destination Iowa program for grant assistance for the Wetland Restoration and Phase III Trail Enhancement project.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
8/10/2022

Subject:

Resolution approving the Statement of Work and Project Change Request with Worldgate LLC for the modernization of Fair Labor Standards Acts (FLSA) calculations. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The Accounting Division is responsible for the accurate calculation of the Fair Labor Standards Act (FLSA) overtime rate for all non-exempt City employees. A unique rate is calculated for three employee groups: Fire, Police, and general population employees. Within the three groups, there are over 40 unique pay calculations. To perform the very complex calculation, Accounting currently utilizes a legacy application that was put in production environment in the late 1980s. In recent years, the legacy system has presented challenges for computing an accurate FLSA overtime rate. The application operates with outdated technology and lacks appropriate support and maintenance due to it being an antiquated software system. It has been determined by the Finance and Information Technology Departments that the application is no longer a sustainable long-term solution in computing the FLSA overtime rate.

Currently, the City utilizes Ultimate Kronos Group Ready (UKG Ready) as its main workforce management solution. The application is mostly used for its time tracking capabilities; however, the software also has many functionalities, including one that can perform the FLSA overtime rate calculation. The Accounting Department recommends transitioning the FLSA overtime rate calculation from the legacy system to the UKG Ready software due to staff's familiarity with UKG Ready. To have a successful and timely conversion, the Accounting Division would like to partner with information technology consulting firm Worldgate LLC, a partner of UKG, that specializes in consulting services that support IT demands for public sector agencies.

The total cost of the SOW and PCR is \$119,200.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution
□ Cover Memo	Worldgate SOW and PCR

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	7/29/2022 - 11:16 AM
Finance Committee	Merritt, Mallory	Approved	7/29/2022 - 11:16 AM
City Clerk	Admin, Default	Approved	7/29/2022 - 11:27 AM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION approving the Statement of Work and Project Change Request with Worldgate LLC for the modernization of Fair Labor Standards Act (FLSA) calculations.

WHEREAS, the Fair Labor Standards Act (FLSA) is the federal labor law that provides basic workplace protections to most workers in the U.S.; and

WHEREAS, the City of Davenport's Accounting Division is responsible for the accurate calculation of FLSA overtime rates for all non-exempt City employees; and

WHEREAS, it has been determined by the Finance and Information Technology Departments that the current City application used to calculate the FLSA overtime rate is no longer a sustainable long-term solution; and

WHEREAS, the City would like to partner with Worldgate LLC who will configure and integrate modifications necessary to the City's UKG Ready system to meet current FLSA rules.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Statement of Work and Project Change Request for the modernization of Fair Labor Standards Act (FLSA) calculations is hereby approved.

Passed and approved this 10th day of August, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



**Statement of Work for
UKG Support Services**

March 7, 2022



Prepared By:
Worldgate, llc
1760 Reston Parkway, Suite 312
Reston, VA 20190

Contact for this Engagement:
Robert Moser
E-mail: rmoser@worldgatellc.com
Phone: 203.565.4317

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This Statement of Work ("SOW") between the City of Davenport ("City") and Worldgate llc ("Worldgate") describes the work ("Services") to be undertaken by Worldgate and the associated terms and conditions associated with these Services. Described within this SOW is the project, which consists of the Deliverable Materials to be provided by Worldgate, and the Worldgate responsibilities and related City responsibilities to be provided in accordance with the terms of this SOW.

Changes to this SOW will be processed in accordance with the procedure described in Appendix A -1 Project Change Control Procedure. The investigation and the implementation of changes may result in modifications to the Estimated Schedule, Charges, and other terms of this SOW.

To the extent there is any contradiction, inconsistency, or ambiguity between the terms of this SOW and the any other documentation concerning these services, this SOW will govern.

1.0 Project Scope

Under this SOW, working at the direction of the City of Davenport Project Manager, Worldgate will provide hourly UKG Ready Consulting services to explore the City's current UKG Ready configuration and Telestaff implementation, and, working with the appropriate City staff, scope the work needed to reconfigure the City's fifty-plus pay calculation to meet current FLSA rules and deliver a new Statement of Work to the City to perform the necessary work. Worldgate will perform the Services under this SOW remotely, on Worldgate premises, and will provide the Services during normal business hours, except national holidays.

2.0 Worldgate Responsibilities

Under this SOW, Worldgate will undertake the following activities:

2.1 Ongoing Project Management

Worldgate will provide ongoing project management for the Worldgate responsibilities in this SOW. The purpose of this activity is to provide direction and control of Worldgate project personnel and to provide a framework for project planning, communications, reporting, procedural and contractual activity.

This activity is composed of the following tasks:

- a. Review the SOW and the contractual responsibilities of both parties with the City of Davenport Project Manager
- b. Maintain project communications through the City of Davenport Project Manager
- c. Review the Worldgate standard invoice format and billing procedure to be used on the project, with the City of Davenport Project Manager
- d. Administer the Project Change Control Procedure with the City of Davenport Project Manager
- e. Coordinate and manage the activities of Worldgate project personnel

Completion Criteria:

This activity will be complete when Worldgate has satisfied the completion criteria for all remaining activities in Section 2.0 Worldgate Responsibilities.

Deliverable Materials:

None

2.2 Explore and Scope the Required Changes the City's UKG Ready / Telestaff systems

The objective of this activity is to assist the City in maintaining and supporting their UKG Ready system. In particular, the City has defined the need for Worldgate to explore the City's current UKG Ready configuration and Telestaff implementation, scope the required changes to meet current FLSA rules and update the fifty-plus pay calculations and produce a Statement of Work for the necessary work that needs attention.

Working at the direction of the City of Davenport Project Manager, Worldgate will provide up to the number of hours of Services specified in Section 7.0 Charges or in any approved Project Change Request or other written change authorization, assisting the City with the following tasks:

- Exploring the City's current UKG Ready configuration
- Exploring the City's current Telestaff implementation
- Answering questions raised by the City of Davenport Project Manager about the City's UKG Ready and Telestaff configuration
- Meeting with City staff to discuss various aspects of the City's UKG Ready and Telestaff system and their shortcomings in meeting their needs
- Discussing with the City of Davenport Project Manager and City staff the details of the scope of changes needed
- Prepare a Worldgate Statement of Work to cover this scope and deliver it to the City of Davenport Project Manager

Completion Criteria:

This activity will be complete when Worldgate has provided the number of hours of Services specified in Section 7.0 Charges or in any approved Project Change Request or other written change authorization.

Deliverable Materials:

Worldgate Statement of Work

3.0 City Responsibilities

The successful completion of the proposed scope of work depends on the full commitment and participation of the City's assigned management and personnel. The responsibilities listed in this section are in addition to those responsibilities associated with any agreement that the City has with UKG for their UKG systems (i.e., the UKG licensing agreement, the UKG PSEO, etc.), and are to be provided at no charge to Worldgate. The City is required to perform its obligations in this SOW without exception. Worldgate's performance is predicated upon the following responsibilities being managed and fulfilled by the City. Delays in performance of these responsibilities will be handled in accordance with Appendix A - 1 Project Change Control Procedure.

3.1 City of Davenport Project Manager

The City will designate a person called the City of Davenport Project Manager who will be the focal point for Worldgate communications relative to this project and will have the authority to act on behalf of the City in all matters regarding this project. The City of Davenport Project Manager's responsibilities include the following:

- a. Provide all direction to Worldgate as to the activities for which the City desires Worldgate's assistance.
- b. Manage the City's personnel and responsibilities for this project.
- c. Serve as the interface between Worldgate and all City departments participating in the project.
- d. Administer the Project Change Control Procedure with the Worldgate Project Manager.
- e. Help resolve project issues and escalate issues within the City organization, as necessary.
- f. Review with the Worldgate Project Manager any invoice or billing requirements.

3.2 Other City Responsibilities

Other City responsibilities include the following:

- a. Ensure that City staff are available to provide assistance as Worldgate reasonably requires and that Worldgate is given reasonable access to City management, as well as any members of its staff to enable Worldgate to provide the Services. The City will ensure that its staff has the appropriate skills and experience.
- b. Provide all information and materials reasonably required to enable Worldgate to provide the Services. The City agrees that all information disclosed or to be disclosed to Worldgate is and will be true, accurate and not misleading in any material respect. Worldgate will not be liable for any loss, damage or deficiencies in the Services arising from inaccurate, incomplete, or otherwise defective information and materials supplied by the City.

3.3 Laws, Regulations and Statutes

The City is responsible for the identification of, interpretation of, and compliance with, any applicable laws, regulations and statutes that affect the City's applications or operations.

4.0 Deliverable Materials

Worldgate will deliver one copy of each of the following Deliverable Material(s).

- Worldgate Statement of Work

5.0 Completion Criteria

Worldgate will have fulfilled its obligations under this SOW when any one of the following first occurs:

- Worldgate satisfies the Completion Criteria set forth in of each item outlined under Section 2.0 Worldgate Responsibilities and delivers the items outlined in Section 4.0 Deliverable Materials; or
- Worldgate provides the number of hours of Services specified in Section 7.0 Charges or in any approved Project Change Request or other written change authorization; or
- The City or Worldgate terminates the Services by giving the other party not less than thirty (30) days' written notice. Financial obligation will be based on the actual number of hours expended, not to exceed the total value of the Statement of Work.

6.0 Estimated Schedule

The Services in this SOW are to be performed over a period starting upon signing of this Statement of Work and ending no later than May 31, 2022.

7.0 Charges

The Services will be conducted on a time and materials basis.

Worldgate will provide up to **thirty-six (36) hours** of Services at an hourly rate of **\$200.00 per hour**. While not currently anticipated, if required, the City will be billed actual travel and living costs.

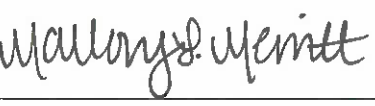
The estimated professional services charges for this SOW are **\$7,200.00** and are exclusive of any travel and living expenses, other reasonable expenses incurred in connection with the Services, and any applicable taxes. Any estimate given by Worldgate of any charge whether for planning or any other purpose is only an estimate. As these are estimated amounts, actual fees may differ.

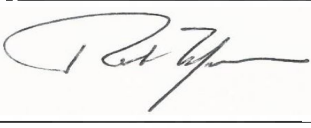
Worldgate will invoice the City monthly for actual Services hours worked (whether above or below the estimated hours), applicable taxes, travel and living expenses (if any), and other reasonable expenses incurred in connection with the Services. The payment terms are net 30 days.

8.0 Signature Acceptance

This Agreement is the complete agreement between the City and Worldgate, llc regarding Services, and replaces any prior oral or written communications between us. Accordingly, in entering into this Agreement, neither party is relying upon any representation that is not specified in this Agreement including without limitation, any representations concerning 1) estimated completion dates, hours, or charges to provide any Service; 2) the experiences of other customers; or 3) results or savings the City may achieve.

Each party accepts the terms of this Agreement by signing by hand or, where recognized by law, electronically. By such acceptance, each party agrees that no modifications have been made to this Agreement.

Agreed to:
City of Davenport 226 West 4th Street Davenport, IA 52801
By: 
<i>Authorized signature</i>
Title: Assistant City Admin./CFO
Name (type or print): Mallory L. Merritt
Date: 3/10/2022

Agreed to:
Worldgate llc 1760 Reston Parkway, Suite 312 Reston, VA 20190
By: 
<i>Authorized signature</i>
Title: Vice President
Name (type or print): Robert Moser
Date: 3/22/2022

Appendix A. Project Procedures

A -1 Project Change Control Procedure

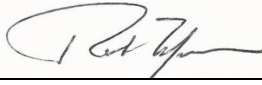
The following process will be followed if a change to this SOW is required:

- a. A Project Change Request (PCR) will be the vehicle for communicating change. The PCR must describe the change, the rationale for the change and the effect the change will have on the project.
- b. The designated Project Manager of the requesting party will review the proposed change and determine whether to submit the request to the other party
- c. Both Project Managers will review the proposed change and agree to implement it, recommend it for further investigation, or reject it.
- d. Worldgate will specify any charges for such investigation. A PCR must be signed by authorized representatives from both parties to authorize investigation of the recommended changes. Worldgate will invoice the City for any such charges per the terms of this SOW. The investigation will determine the effect that the implementation of the PCR will have on price, schedule and other terms and conditions of this SOW.
- e. A PCR must be signed by authorized representatives from both parties to authorize implementation of any agreed changes to the SOW. Until a change is agreed in writing, both parties will continue to act in accordance with the latest agreed version of the SOW.
- f. A PCR that has been signed by authorized representatives from both parties constitutes a change authorization for purposes of this SOW.

PROJECT CHANGE REQUEST (PCR)

PCR Number:	Date Submitted:	Submitted By:	Page
PCR #01	7/19/2022	Robert Moser	1 of 3
Name of Customer and Project: City of Davenport, UKG Support Services (Statement of Work dated 3/7/2022)			

Investigative Information:

Is Investigation...:	Investigation Date Due:	UKG / Worldgate Approval:	Date Approved:
___ Billable __X__ Non-Billable	N/A		7/19/2022
Estimated Investigative Hours:	Actual Investigative Hours:	Affect of Change on Contract Cost:	
N/A	N/A	Increase price by \$112,000	
Estimated Investigative Costs:	Actual Investigative Costs:	Will PCR Affect Schedule (Attach Schedule Changes if Yes) <u>X</u> Yes ___ No	
N/A	N/A		

Description of Proposed Change / Outcome of Investigation (use attachment if necessary):

This PCR is valid for thirty (30) calendar days unless extended in writing by Worldgate.

As a result of the work performed to explore the City's current UKG Ready configuration and Telestaff implementation ability to meet current FLSA rules, each of us agrees to modify the referenced Agreement and any applicable terms as outlined below.

The parties to the Agreement agree to the following:

- Add a new activity in section 2.0 "Worldgate Responsibilities" as follows:

2.3 Configure and Test the Necessary Configuration and Integration Modifications to the City's UKG Ready System

Worldgate and the City have discussed and agreed to the changes needed to the current UKG Ready configuration and UKG Ready integrations to meet current FLSA rules. The objective of this activity is to work closely with the City to make and test these changes, first in a test environment, and then migrate those changes into the production UKG Ready environment for deployment to City end users.

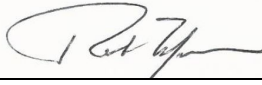
Working with the support of, and at the direction of, the City of Davenport Project Manager, Worldgate will provide up to the number of hours of Services specified in Section 7.0 Charges or in any approved Project Change Request or other written change authorization, assisting the City with the following tasks:

- Create a UKG Company Copy (Test environment) utilizing standard UKG Ready processes
- Upgrade the Test environment with the UKG Ready Pay Calc 2.0 and Accrual 2.0 Module
- Within the Test environment, make the following mutually agreed to UKG Ready configuration changes:
 - Configure weighted average overtime (WAOT)
 - Update forty-two (42) pay calculations within Pay Calc 2.0
 - Update five (5) Accrual profiles in Accruals 2.0
 - Update ten (10) Timesheet profiles
- Within the Test environment, make the following mutually agreed to UKG Ready interface changes:
 - Create / Update the TeleStaff to UKG Ready Timesheet interface for the Fire Department and Police Department
 - Create / Update the Overtime file to UKG Ready Timesheet interface for the Police Department
- Within the Test environment, implement the previously discussed UKG Ready configuration changes for the FLSA Calculations for the Fire Department
 - K-Comp
 - Kelly Leave
- Assist the City to test the updated configurations and interfaces within the Test environment
- Manually migrate the tested configurations and interfaces from the Test environment to the Production environment. This may include a period of Production system unavailability as new configurations and interfaces are migrated.

PROJECT CHANGE REQUEST (PCR)

PCR Number:	Date Submitted:	Submitted By:	Page
PCR #01	7/19/2022	Robert Moser	1 of 3
Name of Customer and Project: City of Davenport, UKG Support Services (Statement of Work dated 3/7/2022)			

Investigative Information:

Is Investigation...:	Investigation Date Due:	UKG / Worldgate Approval:	Date Approved:
___ Billable __X__ Non-Billable	N/A		7/19/2022
Estimated Investigative Hours:	Actual Investigative Hours:	Affect of Change on Contract Cost:	
N/A	N/A	Increase price by \$112,000	
Estimated Investigative Costs:	Actual Investigative Costs:	Will PCR Affect Schedule (Attach Schedule Changes if Yes) <u>X</u> Yes ___ No	
N/A	N/A		

Description of Proposed Change / Outcome of Investigation (use attachment if necessary):

This PCR is valid for thirty (30) calendar days unless extended in writing by Worldgate.

As a result of the work performed to explore the City's current UKG Ready configuration and Telestaff implementation ability to meet current FLSA rules, each of us agrees to modify the referenced Agreement and any applicable terms as outlined below.

The parties to the Agreement agree to the following:

- Add a new activity in section 2.0 "Worldgate Responsibilities" as follows:

2.3 Configure and Test the Necessary Configuration and Integration Modifications to the City's UKG Ready System

Worldgate and the City have discussed and agreed to the changes needed to the current UKG Ready configuration and UKG Ready integrations to meet current FLSA rules. The objective of this activity is to work closely with the City to make and test these changes, first in a test environment, and then migrate those changes into the production UKG Ready environment for deployment to City end users.

Working with the support of, and at the direction of, the City of Davenport Project Manager, Worldgate will provide up to the number of hours of Services specified in Section 7.0 Charges or in any approved Project Change Request or other written change authorization, assisting the City with the following tasks:

- Create a UKG Company Copy (Test environment) utilizing standard UKG Ready processes
- Upgrade the Test environment with the UKG Ready Pay Calc 2.0 and Accrual 2.0 Module
- Within the Test environment, make the following mutually agreed to UKG Ready configuration changes:
 - Configure weighted average overtime (WAOT)
 - Update forty-two (42) pay calculations within Pay Calc 2.0
 - Update five (5) Accrual profiles in Accruals 2.0
 - Update ten (10) Timesheet profiles
- Within the Test environment, make the following mutually agreed to UKG Ready interface changes:
 - Create / Update the TeleStaff to UKG Ready Timesheet interface for the Fire Department and Police Department
 - Create / Update the Overtime file to UKG Ready Timesheet interface for the Police Department
- Within the Test environment, implement the previously discussed UKG Ready configuration changes for the FLSA Calculations for the Fire Department
 - K-Comp
 - Kelly Leave
- Assist the City to test the updated configurations and interfaces within the Test environment
- Manually migrate the tested configurations and interfaces from the Test environment to the Production environment. This may include a period of Production system unavailability as new configurations and interfaces are migrated.

PROJECT CHANGE REQUEST (PCR)

Completion Criteria:

This activity will be complete when Worldgate has provided the number of hours of Services specified in Section 7.0 Charges or in any approved Project Change Request or other written change authorization.

Deliverable Materials:

Updated UKG Ready configurations and interfaces

- Replace Section 4.0 “Deliverable Materials” with the following:

4.0 Deliverable Materials

Worldgate will deliver one copy of each of the following Deliverable Material(s).

- Worldgate Statement of Work (of Project Change Request)
- UKG Ready configurations and interfaces

- Replace Section 6.0 “Estimated Schedule” with the following:

6.0 Estimated Schedule

The Services in this SOW are to be performed over a period starting upon signing of this Statement of Work and ending no later than December 31, 2022.

- Add an additional five hundred sixty (560) hours of services, making the new total five hundred ninety-six (596) hours, by replacing Section 7.0 “Charges” with the following:

7.0 Charges

The Services will be conducted on a time and materials basis.

Worldgate will provide up to **five hundred ninety-six (596) hours** of Services at an hourly rate of **\$200.00 per hour**. While not currently anticipated, if required, the City will be billed actual travel and living costs.

The estimated professional services charges for this SOW are **\$119,200.00** and are exclusive of any travel and living expenses, other reasonable expenses incurred in connection with the Services, and any applicable taxes. Any estimate given by Worldgate of any charge whether for planning or any other purpose is only an estimate. As these are estimated amounts, actual fees may differ.

Worldgate will invoice the City monthly for actual Services hours worked (whether above or below the estimated hours), applicable taxes, travel and living expenses (if any), and other reasonable expenses incurred in connection with the Services. The payment terms are net 30 days.



PROJECT CHANGE REQUEST (PCR)

Implementation Decision & Signatures:

If accepted, each of us agrees that the complete agreement between us about these Services consists of 1) this Change Authorization, 2) prior Change Authorizations which have not been replaced by this one, and 3) the referenced Agreement.

Agreed to:

City of Davenport

226 West 4th Street
Davenport, IA 52801

By:

Authorized signature

Title:

Name (type or print):

Date:

Agreed to:

Worldgate llc

1760 Reston Parkway, Suite 312
Reston, VA 20190

By:

Authorized signature

Title:

Name (type or print):

Date:

City of Davenport

Department: Finance
Contact Info: Chad Dyson | 563-326-7817

Action / Date
8/10/2022

Subject:

Motion awarding a contract for the Lindsay Park Restroom Remodel project to Olde Town Roofing of Moline, Illinois in the amount of \$47,800, CIP #64015. [Ward 6]

Recommendation:

Pass the Motion.

Background:

An Invitation to Bid was issued on July 6, 2022 and sent to contractors. On July 25, 2022, the Purchasing Division opened and read six (6) responsive and responsible bids. See attached bid tab.

The primary purpose of the project is to rejuvenate the restroom facility at Lindsay Park by replacing worn lumber with new, replacing dilapidated doors, refreshing the paint, and cleaning the brick.

Olde Town Roofing has performed work successfully for the City in the past.

Funding for this project is from CIP #64105. These funds are available from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	7/29/2022 - 11:17 AM
Finance Committee	Merritt, Mallory	Approved	7/29/2022 - 11:17 AM
City Clerk	Admin, Default	Approved	7/29/2022 - 11:27 AM

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: LINDSAY PARK RESTROOM REMODEL

BID NUMBER: 22-158

OPENING DATE: JULY 25, 2022

FUNDING: 74131682 530350 64105

RECOMMENDATION: AWARD THE CONTRACT TO OLDE TOWN ROOFING
OF MOLINE ILLINOIS

<u>VENDOR NAME</u>	<u>PRICE</u>
Olde Town Roofing of Moline IL	\$47,800
Reed Construction LLC of DeWitt IA	\$60,042
WRS Construction Inc of Davenport IA	\$60,288.50
Swanson Construction Co. of Bettendorf IA	\$70,884.84
General Constructors, Inc of Bettendorf IA	\$77,074.58
Tricon General Construction of Dubuque IA	\$113,130

Approved By Kristi Keller 7-27-2022
Purchasing Date

Approved By Betsy Lee 7-26-22
Dept Director Date

Approved By Bradi Coz 7-27-22
Budget/CIP Date

Approved By William J. Mennel 7/28/2022
Assist. City Administrator/ CFO Date