

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, July 6, 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. Public Works

1. Public Hearing on the plans, specifications, and estimate of cost for the Kelling Street and West Central Park Avenue Sump Pump Abatement project, CIP #33050. [Ward 4]
2. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project, CIP #35054. [Ward 7]
3. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the FY 2023 Sealcoat Road Rehabilitation Program, CIP #35054. [Wards 1 & 2]
4. Public Hearing on the specifications, form of contract, and estimate of cost for the CY 2022 Pedestrian Curb Ramp Retrofit Program, CIP #35059. [All Wards]

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. Third Consideration: Ordinance for Case REZ22-03 being the request of the City of Davenport on behalf of VSM Holdings, LLC to rezone the west 100 feet of Lot 2 of Pheasant Ridge First Addition from R-2 Single-Family Residential District to C-3 General Commercial District. [Ward 6]
2. Third Consideration: Ordinance for Case ROW22-03 being the request of VSM

Holdings, LLC to vacate unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek. [Ward 6]

3. Resolution of support for Case ANX22-01 for the annexation of 48.91 acres, more or less, of territory located southeast of Slopertown Road and Hillandale Road to the City of Davenport, Iowa (RIVALDD Farms, Inc, Petitioner). [Ward 8]

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 Schedule VII of Chapter 10.96 entitled "No Parking" by adding Christie Street along the west side from Locust Street to Kirkwood Boulevard. [Ward 5]
2. Second Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding various streets along the odd-numbered addresses in Prairie Heights Subdivision. [Ward 8]
3. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

Heather Davis; Arlington Avenue Neighborhood Block Party; 3114 Arlington Avenue; Saturday, July 23, 2022 8:00 a.m. - 6:00 p.m.; **Closure**: Arlington Avenue from East 30th Street to East 32nd Street. [Ward 5]

Tammy Trice; Heatherton Good Neighbor Project Block Party; 3300 block of Heatherton Drive; Saturday, July 23, 2022 9:00 a.m. - 2:00 p.m.; **Closure**: Heatherton Drive from West 29th Street to North Elsie Avenue. [Ward 2]

Kelli Akers; West 43rd Street Neighborhood Block Party; 1315 West 43rd Street; Saturday, July 23, 2022 3:00 p.m. - 7:00 p.m.; **Closure**: West 43rd Street from Washington Street to Taylor Street. [Ward 7]

Daiquiri Factory, Kilkeny's, Carriage Haus, and Mac's; 3rd Street Bix Bash Music Fest; 300 block of West 3rd Street; 9:00 a.m. Friday, July 29, 2022 - 6:00 a.m. Sunday, July 31, 2022; **Closure**: West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

The Office; Bix Party; 116 West 3rd Street; Saturday, July 30, 2022 after the Bix 7 Race until 1:00 a.m.; **Closure**: northernmost parking lane and two travel lanes on 3rd Street from Main Street to 116 West 3rd Street. [Ward 3]

Anissa Quinn; Community Block Party; 1831 Grand Avenue; Saturday, July 30, 2022 2:00 p.m. - 5:00 p.m.; **Closure**: Grand Avenue from Kirkwood Boulevard to Locust Street. [Ward 5]

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

Tammy Trice; Heatherton Good Neighbor Project Block Party; 3300 block of Heatherton Drive; Saturday, July 23, 2022 11:00 a.m. - 1:00 p.m.; Outdoor music, over 50 dBA. [Ward 2]

Heather Davis; Arlington Avenue Block Party; 3114 Arlington Avenue; Saturday, July 23, 2022 12:00 p.m. - 5:00 p.m.; Outdoor music, over 50 dBA. [Ward 5]

Daiquiri Factory, Kilkenny's, Carriage Haus, and Mac's; 3rd Street Bix Bash Music Fest; 300 block of West 3rd Street; 7:00 p.m. - 11:00 p.m. Friday, July 29, 2022 and 10:00 a.m. - 12:00 a.m. Saturday, July 30, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

The Office; Bix Party; 116 West 3rd Street; Saturday, July 30, 2022 12:00 p.m. - 12:00 a.m.; Outdoor music, over 50 dBA. [Ward 3]

Anissa Quinn; Community Block Party; 1831 Grand Avenue; Saturday, July 30, 2022 2:00 p.m. - 5:00 p.m.; Outdoor music, over 50 dBA. [Ward 5]

5. Motion approving beer and liquor license applications.

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

Ward 3

Stompbox Brewing (JPX2ME, LLC) - 210 East River Dr #101 - Recurring Extended Outdoor Area - July 30-31 - License Type: Class C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Recurring Extended Outdoor Area - July 30-31 - License Type: Class C Liquor

Daiquiri Factory (Daq Fac, LLC) - 303 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Dam View Inn (VanDamQC, LLC) - 410 East 2nd Street - Recurring Extended Outdoor Area - July 28-31 - License Type: Class C Liquor

Kilkennys Pub & Eatery (Kilkennys Pub, Inc) - 300 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Ward 6

Rudy's Tacos (CME 1066, Inc) - 3944 Elmore Avenue - New License - License Type: Class C Liquor

Ward 7

CASI (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Recurring Extended Outdoor Area - July 16 "Rock the Lot" - License Type: Class C Liquor

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

Ward 3

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

Stompbox Brewing (JPX2ME, LLC) - 210 East River Drive #101 - Outdoor Area - License Type: Class C Liquor

Ward 6

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

Applebee's Neighborhood Grill & Bar (Apple Corps LP) - 3838 Elmore Avenue - License Type: Class C Liquor

Jersey Grille (Jersey Grille, Inc) - 5255 Jersey Ridge Road - Outdoor Area - License Type: Class C Liquor

Ward 7

Hooters of Davenport (HOA Restaurant Holder, LLC) - 110 East Kimberly Road - Outdoor Area - License Type: Class C Liquor

The Filling Station (Bar Management, LLC) - 305 East 35th Street - Outdoor Area - License Type: Class C Liquor

Kwik Star #280 (Kwik Trip, Inc) - 301 West Kimberly Road - License Type: Class C Beer

Ward 8

Kwik Star #215 (Kwik Trip, Inc) - 100 West 65th Street - License Type: Class C Beer

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 Kelling Street and West Central Park Avenue Sump Pump Abatement project, CIP #33050. [Ward 4]
2. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project, CIP #35054. [Ward 7]
3. Resolution approving the plans, specifications, form of contract, and estimate of cost for the FY 2023 Sealcoat Road Rehabilitation Program, CIP #35054. [Wards 1 & 2]
4. Resolution approving the specifications, form of contract, and estimate of cost for the CY 2022 Pedestrian Curb Ramp Retrofit Program, CIP #35059. [All Wards]
5. Resolution awarding a contract for the design of the Utah Avenue Bridge Over Duck Creek Replacement project to WHKS & Co of West Des Moines, Iowa in an amount not-to-exceed \$100,425, CIP #21011. [Ward 2]
6. Resolution awarding a contract for the design of the West 46th Street Bridge Over Cardinal Creek Replacement project to Veenstra & Kimm, Inc of West Des Moines, Iowa in an amount not-to-exceed \$63,000, CIP #21010. [Ward 2]
7. Resolution awarding contracts for the FY 2023 Sewer Lateral Repair Program, totaling \$860,000, to five (5) contractors and authorizing the Public Works Director/Assistant City Administrator to increase quantities for each contract within the Capital Improvement Project budget constraints, CIP #30061. [All Wards]
8. Resolution approving Change Order #2 with McClure Engineering Company of North Liberty, Iowa in the amount of \$134,500 for the Duck Creek Interceptor Extension project , ARP #18. [Wards 1 & 2]
9. Resolution accepting work completed under the Elm Street Bridge Replacement project by Brandt Construction Co of Milan, Illinois in the amount of \$2,719,333.27, CIP #21006. [Ward 5]
10. Motion accepting work completed under the revitalization of the Airport T-Hangar Taxilane project performed by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$75,284.50, CIP #20014. [Ward 8]
11. Motion approving the specifications, form of contract, and estimate of cost for the Riverfront Lighting Repairs project, CIP #68004. [Ward 3]
12. Motion approving a professional services contract for subsurface archaeological surveys of three alleys and one street targeted for CDBG-funded improvements with Commonwealth Heritage Group, Inc of Milwaukee, Wisconsin in the amount of \$78,544, BG250. [Wards 3 & 4]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

JJ Condon, Chair; Derek Cornette, Vice Chair

VII. FINANCE

1. Resolution awarding a contract for the 1413 West 13th Street Rehabilitation to River Valley Homes of Bettendorf, Iowa in an amount not-to-exceed \$300,000. [Ward 4]
2. Resolution awarding a blanket contract for vehicle body repair work to Walcott Collision of Walcott, Iowa and Eriksen Chevrolet-Buick of Milan, Illinois. [All Wards]
3. Resolution accepting the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2022-2023 in the amount of \$89,579. [All Wards]
4. Motion authorizing payment to Visit Quad Cities for FY 2023 tourism/marketing services in an amount not-to-exceed \$375,000. [All Wards]
5. Motion authorizing payment to Bi-State Regional Commission for FY 2023 membership dues in the amount of \$57,983. [All Wards]
6. Motion awarding a contract for Building Security Assessment and Staff Training to Hank Jacobsen - Personnel and Workplace Safety of Davenport, Iowa in an amount not-to-exceed \$59,750. [All Wards]
7. Motion directing staff to purchase Parcel #R0451-02A, adjacent to South Concord Street, for the purchase price of \$165,000, and directing the Corporation Counsel and Chief Financial Officer to execute all documents necessary to complete the transaction. [Ward 1]

VIII. Motion recommending discussion or consent for Finance items

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

1. Barton Solvents | generator engine oil | Amount: \$14,410
2. Sampson Fence Ltd | Public Works gate replacement | Amount: \$16,685
3. Thermo King West | Transit parts | Amount: \$21,962.60
4. Crawford Company | hot water boiler replacement at The River's Edge | Amount: \$22,000
5. Green Buick GMC | 2018 Ford F-150 | Amount: \$36,105
6. Mills Chevrolet | 2018 Chevy Silverado | Amount: \$36,503
7. Kimberly Chrysler Plymouth | 2019 Chrysler Pacifica | Amount: \$38,191.81

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

Action / Date
7/6/2022

Subject:

Public Hearing on the plans, specifications, and estimate of cost for the Kelling Street and West Central Park Avenue Sump Pump Abatement project, CIP #33050. [Ward 4]

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 icing in the winter on West Central Park Avenue.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Kay, Amy	Approved	6/15/2022 - 8:23 AM

City of Davenport

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

Action / Date
7/6/2022

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project, CIP #35054. [Ward 7]

Recommendation:

Hold the Hearing.

Background:

This project will resurface the existing pavement and mitigate stormwater drainage problems along the project length. Work will be completed during the fall of 2022.

Funding is available through CIP #35054. The estimated project cost is \$350,000.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Notice of Hearing-Gaines & 32nd St Resurfacing

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:13 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:14 AM
City Clerk	Admin, Default	Approved	6/30/2022 - 10:28 AM

Notice of Hearing
on Proposed Plans, Specifications, and Proposed Contract for the
Gaines and 32nd Street Resurfacing Project

Notice is hereby given that at 5:30 P.M., on Wednesday July 6, 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. PO: 2209641

Brian Krup,
Deputy City Clerk
Publish on June 28, 2022

City of Davenport

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

Action / Date
7/6/2022

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the FY 2023 Sealcoat Road Rehabilitation Program, CIP #35054. [Wards 1 & 2]

Recommendation:

Hold the Hearing.

Background:

This street rehabilitation project is intended to be a low-cost rehabilitation of existing sealcoat roads. In lieu of full reconstruction, the targeted streets will be overlayed with asphalt. Work also includes subgrade stabilization, potholing, and surface leveling.

Funding will be provided by the Neighborhood Streets Capital Improvement Program. The expected award amount is \$600,000.

ATTACHMENTS:

Type	Description
▣ Exhibit	location map

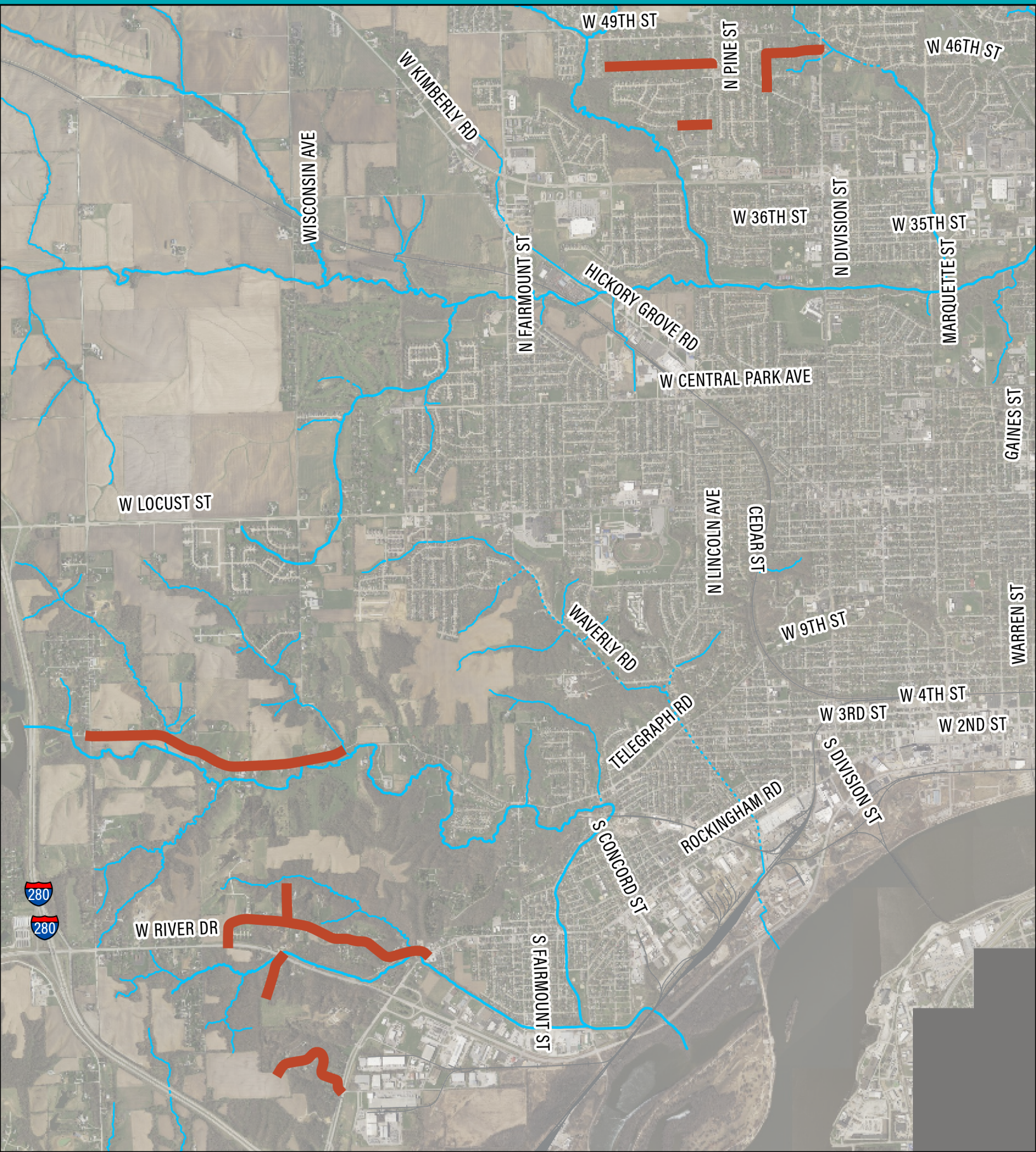
REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:13 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:13 AM
City Clerk	Admin, Default	Approved	6/30/2022 - 10:30 AM



Feet

0 2,000



City of Davenport

Department: Public Works - Admin
Contact Info: Kevan Oliver | 563-327-5199

Action / Date
7/6/2022

Subject:

Public Hearing on the specifications, form of contract, and estimate of cost for the CY 2022 Pedestrian Curb Ramp Retrofit Program, CIP #35059. [All Wards]

Recommendation:

Hold the Hearing.

Background:

Sidewalks at intersections altered by the City's in-house asphalt resurfacing crew must be updated to bring them into compliance with City standards. This program will update pedestrian curb ramps by contract.

Funds for the CY 2022 Pedestrian Curb Ramp Retrofit Program are budgeted in CIP #35059 at \$300,000.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	6/29/2022 - 11:13 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:13 AM
City Clerk	Admin, Default	Approved	6/30/2022 - 10:26 AM

City of Davenport

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

Action / Date
7/13/2022

Subject:

Third Consideration: Ordinance for Case REZ22-03 being the request of the City of Davenport on behalf of VSM Holdings, LLC to rezone the west 100 feet of Lot 2 of Pheasant Ridge First Addition from R-2 Single-Family Residential District to C-3 General Commercial District. [Ward 6]

Recommendation:

Adopt the Ordinance.

Background:

The property was rezoned in July of 2018 to PDD. At the time, the rezoning encompassed the entirety of the lot. As part of the City Zoning Code rewrite and zoning map, the city erred when assigning zoning districts as part of that process by utilizing an incorrect legal description. Since the City rezoning action took effect on January 20, 2019, which overwrote the previous action, the City is initiating this request.

The property is currently split zoned between R-2 Single-Family Residential District and C-3 General Commercial District. A survey of the property has been provided by the applicant delineating the land to be rezoned. The existing residentially zoned portion of the property encompasses the western 100 feet of the site for a total of approximately 1.56 acres.

The purpose of the rezoning request is to place the entirety of the property under a commercial zoning classification. The site is currently vacant and contains a Drainage & Greenway Easement along the northern portion abutting Pheasant Creek.

The applicant is preparing the site for future development that is consistent with the permitted and special uses allowed in the C-3 General Commercial District. At this time there is no intention to construct single-family dwellings. Therefore, rezoning the entirety of the site to a commercial district maximizes the buildable area of the lot.

The Plan & Zoning Commission reviewed Case REZ22-03 at its May 17, 2022 meeting and have recommended approval (8-0) with the following findings:

Findings:

1. The proposed rezoning to C-3 General Commercial District is consistent with the Comprehensive Plan and adopted land use policies.
2. The petition is compatible with the zoning and land uses of nearby property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment promotes the public health, safety, and welfare of the City.
5. Rezoning the property to C-3 General Commercial District does not create any nonconformities.

A staff report has been attached with a full analysis.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Staff Report
▣ Backup Material	Maps
▣ Backup Material	Application
▣ Backup Material	Legal Description
▣ Backup Material	Lot 2 Deed
▣ Backup Material	Planning and Zoning Commission Public Notice
▣ Backup Material	Committee of the Whole Public Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	5/23/2022 - 11:07 AM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ22-03 BEING THE REQUEST OF THE CITY OF DAVENPORT ON BEHALF OF VSM HOLDINGS, LLC TO REZONE THE WEST 100 FEET OF LOT 2 OF PHEASANT RIDGE FIRST ADDITION FROM R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-3 GENERAL 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-3 General Commercial District":

Part of Lot 2, Pheasant Ridge First Addition to the City of Davenport, Iowa, being more particularly described as follows:

Commencing at the northwest corner of said Lot 2, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 142.21 feet along the north line of said Lot 2;

thence South 00°-18'-15" East 631.49 feet to the northeast corner of Lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa;

thence South 89°-41'-45" West 100.00 feet along the north line of Lot 2 of said Lakehurst Commercial Park Fifth Addition to the southwest corner of Lot 2 of said Pheasant Ridge First Addition;

thence North 00°-18'-15" West 732.61 feet along the west line of Lot 2 of said Pheasant Ridge First Addition to the point of beginning.

Containing 1.57 acres, more or less, subject to easement of record.

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

Findings:

1. The proposed rezoning to C-3 General Commercial District is consistent with the Comprehensive Plan and adopted land use policies.
2. The petition is compatible with the zoning and land uses of nearby property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment promotes the public health, safety, and welfare of the City.
5. Rezoning the property to C-3 General Commercial District does not create any nonconformities.

Section 3. At its May 17, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-03 to the City Council with a recommendation for approval 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
May 17, 2022

Case REZ22-03: Request of the City of Davenport on behalf of VSM Holdings, LLC to rezone the west 100 feet of Lot 2 of Pheasant Ridge First Addition from R-2 Single-Family Residential District to C-3 General Commercial District. [Ward 6]

Background:

The property was rezoned in July of 2018 to PDD. At the time, the rezoning encompassed the entirety of the lot. As part of the City Zoning Code rewrite and zoning map, the city erred when assigning zoning districts as part of that process by utilizing an incorrect legal description. Since the City rezoning action took effect on January 20, 2019, which overwrote the previous action, the city is initiating this request.

The property is currently split zoned between R-2 Single-Family Residential District and C-3 General Commercial District. A survey of the property has been provided by the applicant delineating the land to be rezoned. The existing residentially zoned portion of the property encompasses the western 100 feet of the site for a total of approximately 1.56 acres.

The purpose of the rezoning request is to place the entirety of the property under a commercial zoning classification. The site is currently vacant and contains a Drainage & Greenway Easement along the northern portion abutting Pheasant Creek.

Why is a Zoning Map Amendment Required?

The applicant is preparing the site for future development that is consistent with the permitted and special uses allowed in the C-3 General Commercial District. At this time there is no intention to construct single-family dwellings. Therefore, rezoning the entirety of the site to a commercial district maximizes the buildable area of the lot.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designations:

The property is designated Regional Commercial in the Davenport +2035 Land Use Plan.

1. **Regional Commercial (RC)** – Are the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses. Connectivity to nearby neighborhoods is desirable but less important.

Zoning:

The property is currently split zoned between R-2 Single-Family Residential District and C-3 General Commercial District.

1. **R-2 Single-Family Residential District** - This district is intended to accommodate low-density single-family neighborhoods of a more urban character than the R-1 District. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-2 District.
2. **C-3 General Commercial District** - This district is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

Technical Review: No comments received.

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 Regional Commercial (RC) in the Davenport +2035 Land Use Plan. This land use category is intended for more intense commercial uses located along major streets.

The Future Land Use Map identifies Elmore Avenue and the abutting properties as Regional Commercial, with Residential General land uses extending further northwest of this main thoroughfare. The Regional Commercial land use category extends approximately 260 feet west of the subject site. A rezoning from R-2 Single-Family Residential District to C-3 General Commercial District will be more conforming with the adopted comprehensive plan than the status quo.

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 proximity of C-3 districts along the Elmore Avenue corridor, similar land uses, and consistency with the comprehensive plan, it is staff's opinion this is not spot zoning.

It is staff's opinion that the proposed rezoning to C-3 General Commercial District is consistent with the Comprehensive Plan and adopted land use policies.

b. The compatibility with the zoning of nearby property.

Staff Response: The subject property is currently split zoned, between C-3 General Commercial District abutting Elmore Avenue and R-2 Single-Family Residential District along the west 100 feet of the lot. The original intention was to have the entirety of the property commercially zoned. However, due to a staff mapping error, the zoning district boundary did not encompass the totality of the

site. Given the property's frontage along a major commercial corridor, correcting the mapping error will maintain compatibility with the zoning of nearby property.

The following zoning districts abut the subject property:

- North: C-E Elmore Corners District
- South: C-3 General Commercial District
- East: C-3 General Commercial District
- West: R-2 Single-Family Residential District

The following principal uses abut the 1.56 acre property:

- North: Pheasant Creek and undeveloped commercial property
- South: Retail Goods Establishment, Restaurant, and Financial Institution
- East: Undeveloped commercial property, located on the same lot
- West: Undeveloped residential property

It is staff's opinion that the proposed amendment is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The proposed C-3 zoning classification promotes higher-intensity commercial development. Davenport's Zoning Ordinance enforces commercial design standards that regulate architectural forms, dimensional elements, high quality building materials, and transparency. Commercial design standards will ensure future development of the property will be compatible with the character of the Elmore Avenue corridor and surrounding retail destinations.

It is staff's opinion that the proposed amendment is compatible with the established neighborhood character.

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

Staff Response: The property owner is currently marketing the site for commercial development. The C-3 General Commercial District offers a wide variety of permitted and special uses that are consistent with the character of surrounding land uses. Rezoning the western 100 feet to commercial will offer greater flexibility for development.

There is an undeveloped 33.11 acre residential parcel directly west of the subject property. Negative impacts from incompatible land uses will be mitigated through the City's Zoning Ordinance, which requires landscaping buffer yards where commercial development is adjacent to residential land uses.

It is staff's opinion that the proposed zoning map amendment 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: Since the western 100 feet of the subject property is zoned R-2, principal uses are restricted to single-family dwellings and other limited compatible residential uses.

The C-3 district enables a wide range of development opportunities that will ensure consistency with the surrounding area while mitigating incompatible development. If rezoned, the entirety of the site can be utilized for higher density residential and commercial land uses.

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

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

Staff Response: If rezoned to C-3 General Commercial District, the vacant property will be conforming to the district dimensional standards. Future development will be limited to the commercial district dimensional and design standards.

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 May 3, 2022 Plan and Zoning Commission Public Hearing. No members of the public spoke at the hearing.

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

Staff will apprise the Commission of any correspondence at the May 17, 2022 Plan and Zoning Commission meeting.

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case REZ22-03 to the City Council with a recommendation for approval.

Findings:

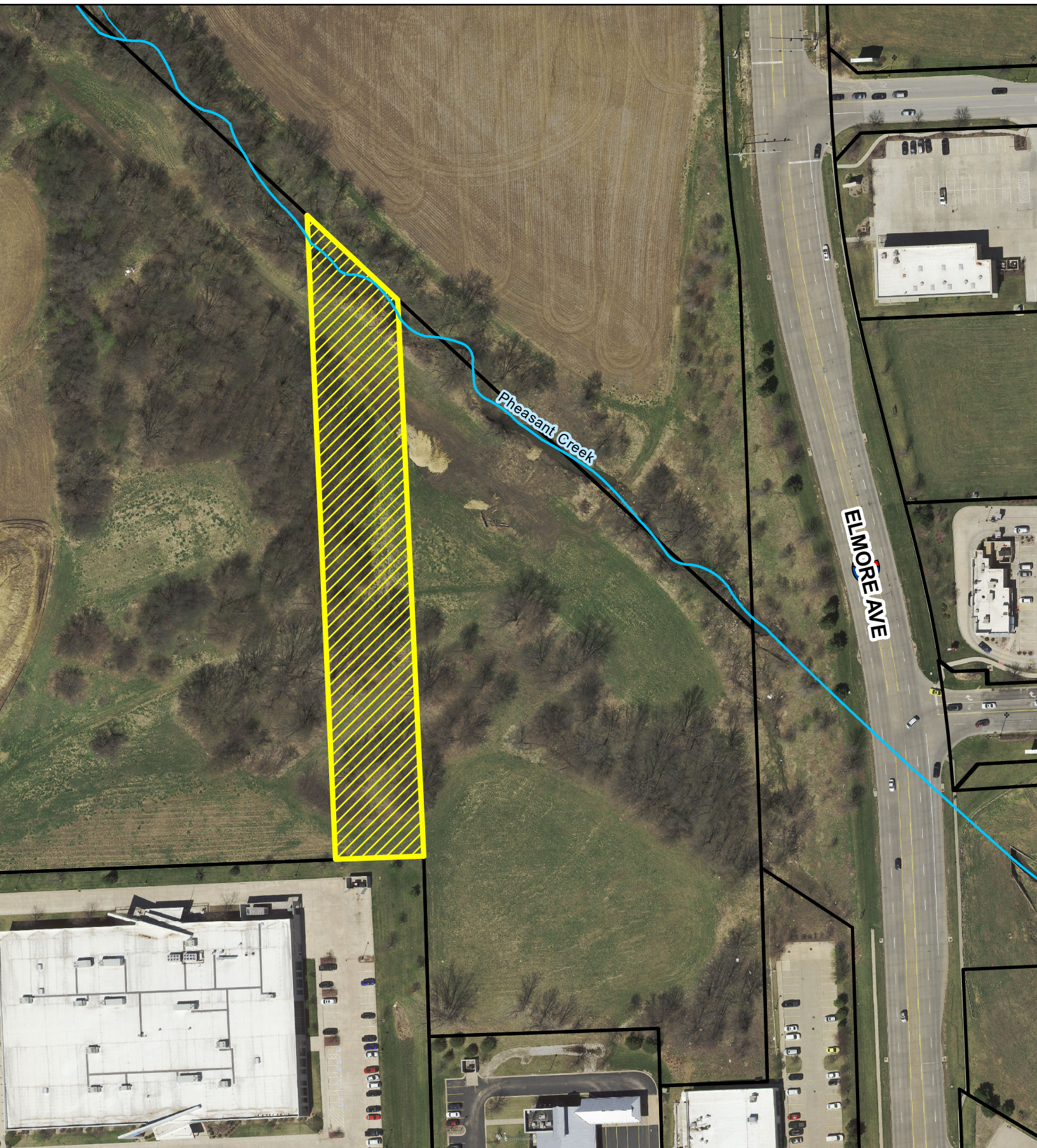
1. The proposed rezoning to C-3 General Commercial District is consistent with the Comprehensive Plan and adopted land use policies.
2. The petition is compatible with the zoning and land uses of nearby property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment promotes the public health, safety, and welfare of the City.
5. Rezoning the property to C-3 General Commercial District does not create any nonconformities.

Rezoning Request-Vicinity Map

Case REZ22-03

Rezone from R-2 Single-Family Residential District to
C-3 General Commercial District

 Subject Property



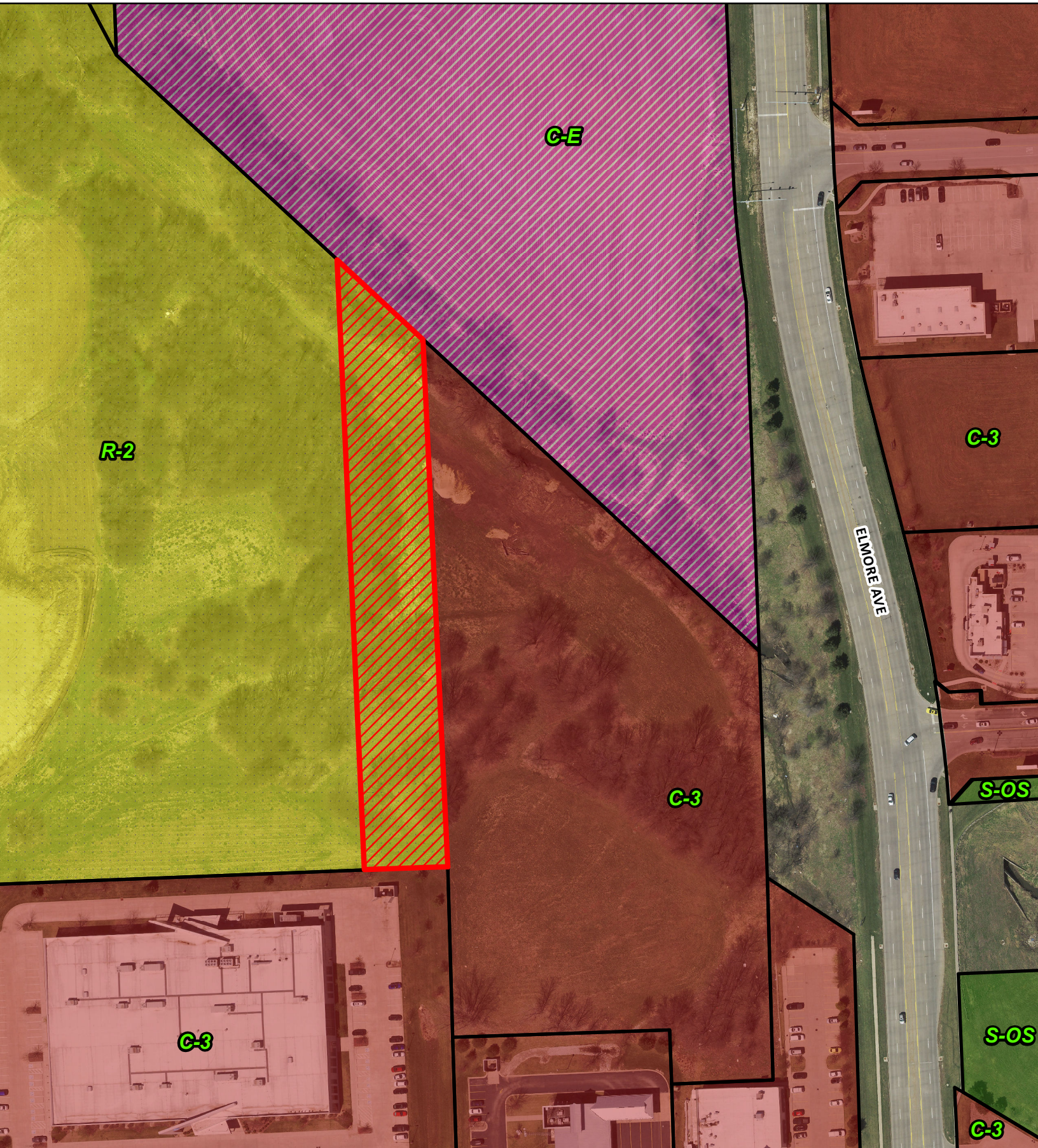
Rezoning Request

Case REZ22-03

Rezone from R-2 Single-Family Residential District to
C-3 General Commercial District



Subject Property



Rezoning Request-Future Land Use Map

Case REZ22-03

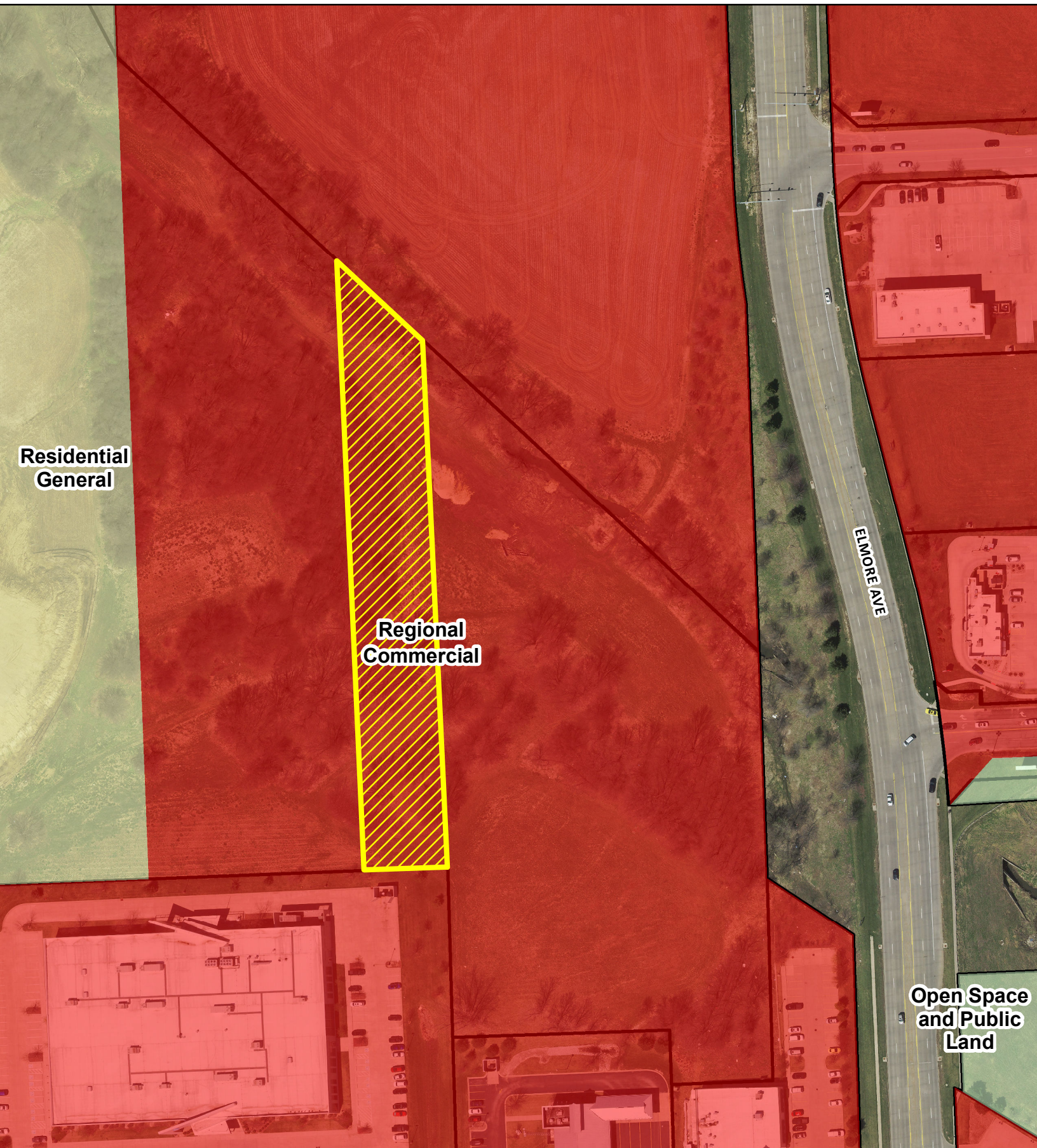
Rezone from R-2 Single-Family Residential District to
C-3 General Commercial District



Subject Property



0 125 250
Feet



Rezoning Request-FEMA Flood Map

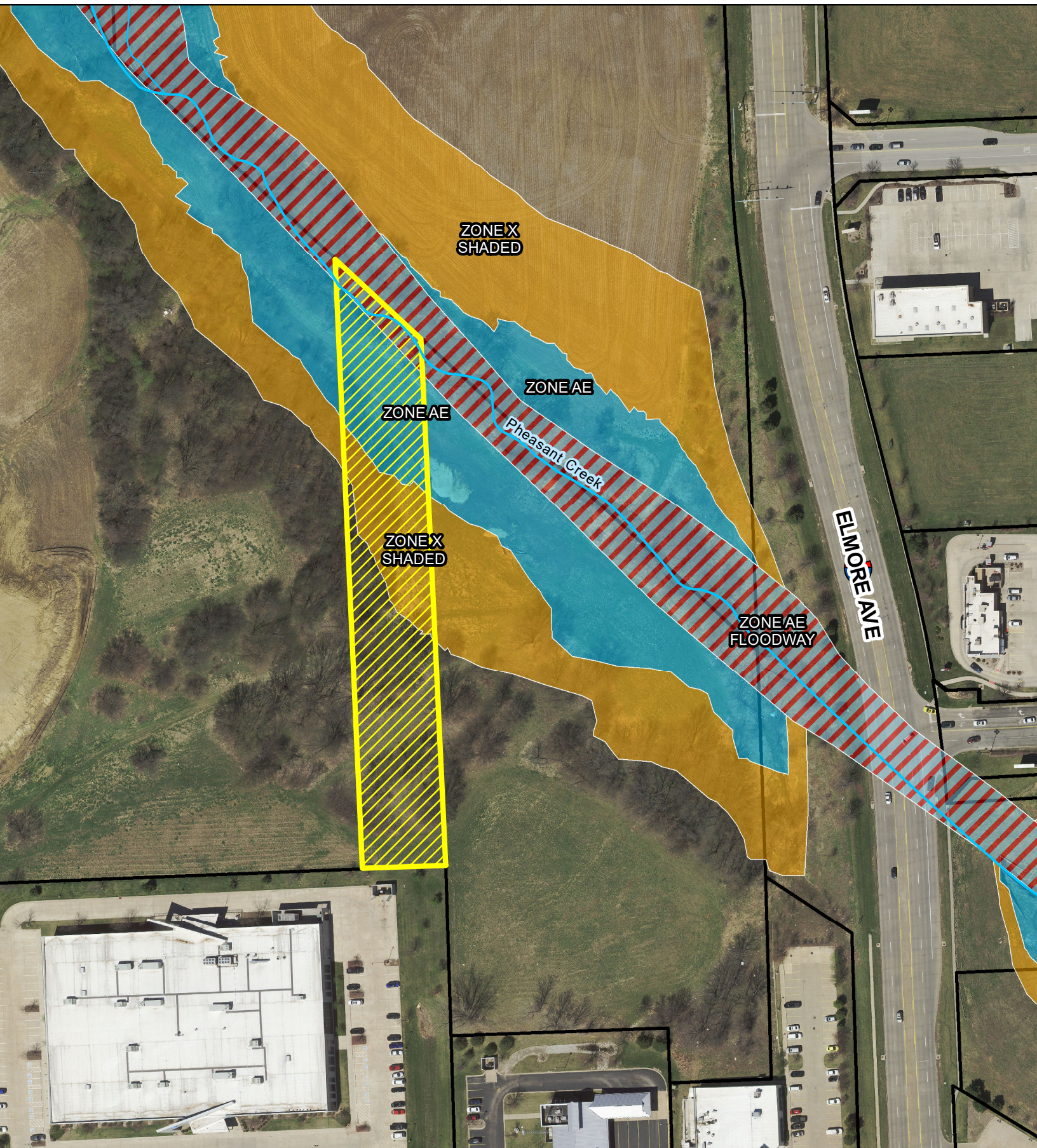
Case REZ22-03

Rezone from R-2 Single-Family Residential District to
C-3 General Commercial District

 Subject Property



0 125 250
Feet





1200 E 46th St
Davenport, Iowa 52807
(563) 326-6198
Planning@davenportiowa.com

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:

To provide a zoning classification on this 100 foot wide strip to match the Zoning on the commercial tract between it and Elmore Avenue to the east.

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:

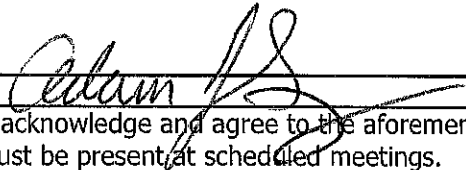
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request 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: Adam Seitz



Date: 04/06/2022

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

LEGAL DESCRIPTION

PART OF LOT 2, PHEASANT RIDGE FIRST ADDITION

DAVENPORT, IOWA

Part of Lot 2, Pheasant Ridge First Addition to the City of Davenport, Iowa, being more particularly described as follows:

Commencing at the northwest corner of said Lot 2, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 142.21 feet along the north line of said Lot 2;

thence South 00°-18'-15" East 631.49 feet to the northeast corner of Lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa;

thence South 89°-41'-45" West 100.00 feet along the north line of Lot 2 of said Lakehurst Commercial Park Fifth Addition to the southwest corner of Lot 2 of said Pheasant Ridge First Addition;

thence North 00°-18'-15" West 732.61 feet along the west line of Lot 2 of said Pheasant Ridge First Addition to the point of beginning.

Containing 1.57 acres, more or less, subject to easement of record.



Doc ID: 021546920001 Type: LAN
Recorded: 09/19/2018 at 01:42:35 PM
Fee Amt: \$12.00 Page 1 of 1
Scott County Iowa
Rita A. Vargas Recorder

File **2018-00024343**

Prepared by &

Return to: Samuel J. Skorepa, Lane & Waterman LLP, 220 N. Main St., Ste. 600, Davenport, IA 52801 (563) 324-3246

Address Tax Statement: A. Jeffrey Seitz, Manager, 4215 E. 60th Street, Davenport, IA 52807

QUIT CLAIM DEED

For the consideration of Ten and no/100----- Dollar(s) and other valuable consideration, Pheasant Creek Estates, LLC, does hereby Convey to VSM Holdings, LLC, an Iowa limited liability company the following described parcel of real estate in SCOTT County, Iowa:

Lot 2 of the Final Plat of Pheasant Ridge First Addition, an Addition to the City of Davenport, Scott County Iowa

This transfer is exempt from transfer taxes pursuant to Iowa Code Section 428A.2(21).

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: August 28, 2018.

PHEASANT CREEK ESTATES, LLC


A. Jeffrey Seitz, Manager

STATE OF IOWA, SCOTT COUNTY, SS:

On this 28 day of August, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared A. Jeffrey Seitz, Manager of Pheasant Creek Estates, LLC, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same on behalf of the company as its voluntary act and deed.

(Notary Seal)




Notary Public in and for said County and State



PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 5/3/2022 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 west of Elmore Avenue and south of Pheasant Creek (The west 100 feet of Parcel #Y0801-03).

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 split zoned between R-2 Single-Family Residential and C-3 General Commercial District. The purpose of the Rezoning Request is to place the entirety of the property under a commercial zoning classification.

Request/Case Description

Case REZ22-03: Request of the City of Davenport on behalf of VSM Holdings, LLC to rezone the west 100 feet of Lot 2 of Pheasant Ridge First Addition from R-2 Single-Family Residential District to C-3 General Commercial District. [Ward 6]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on May 3, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on May 17, 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

Case REZ22-03

Rezone from R-2 Single-Family Residential District to
C-3 General Commercial District



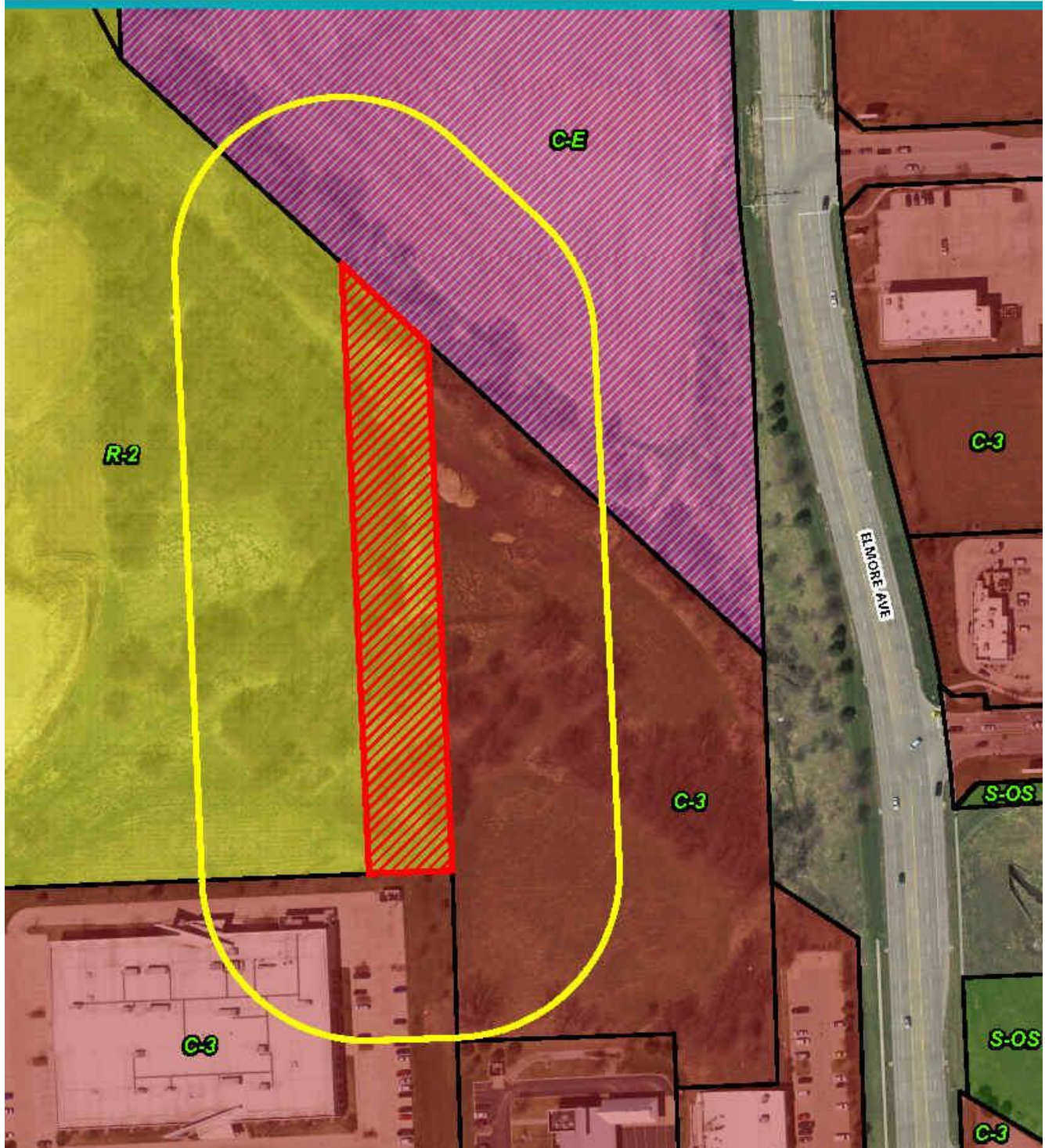
Subject Property



200' Notification Boundary



0 125 250
Feet





PUBLIC HEARING NOTICE | Committee of the Whole

Date: 6/1/2022 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:30 PM Subject: Public Hearing for a Rezoning Request

To: All property owners within 200 feet of the subject property located west of Elmore Avenue and south of Pheasant Creek (The west 100 feet of Parcel #Y0801-03).

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 split zoned between R-2 Single-Family Residential and C-3 General Commercial District. The purpose of the Rezoning Request is to place the entirety of the property under a commercial zoning classification.

Request/Case Description

Case REZ22-03: Request of the City of Davenport on behalf of VSM Holdings, LLC to rezone the west 100 feet of Lot 2 of Pheasant Ridge First Addition from R-2 Single-Family Residential District to C-3 General Commercial District. [Ward 6]

At its May 17, 2022 meeting, the Plan and Zoning Commission recommended approval of the aforementioned case with the following findings:

Findings:

1. The proposed rezoning to C-3 General Commercial District is consistent with the Comprehensive Plan and adopted land use policies.
2. The petition is compatible with the zoning and land uses of nearby property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment promotes the public health, safety, and welfare of the City.
5. Rezoning the property to C-3 General Commercial District does not create any nonconformities.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, June 1, 2022 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

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

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

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

Rezoning Request

Case REZ22-03

Rezone from R-2 Single-Family Residential District to
C-3 General Commercial District



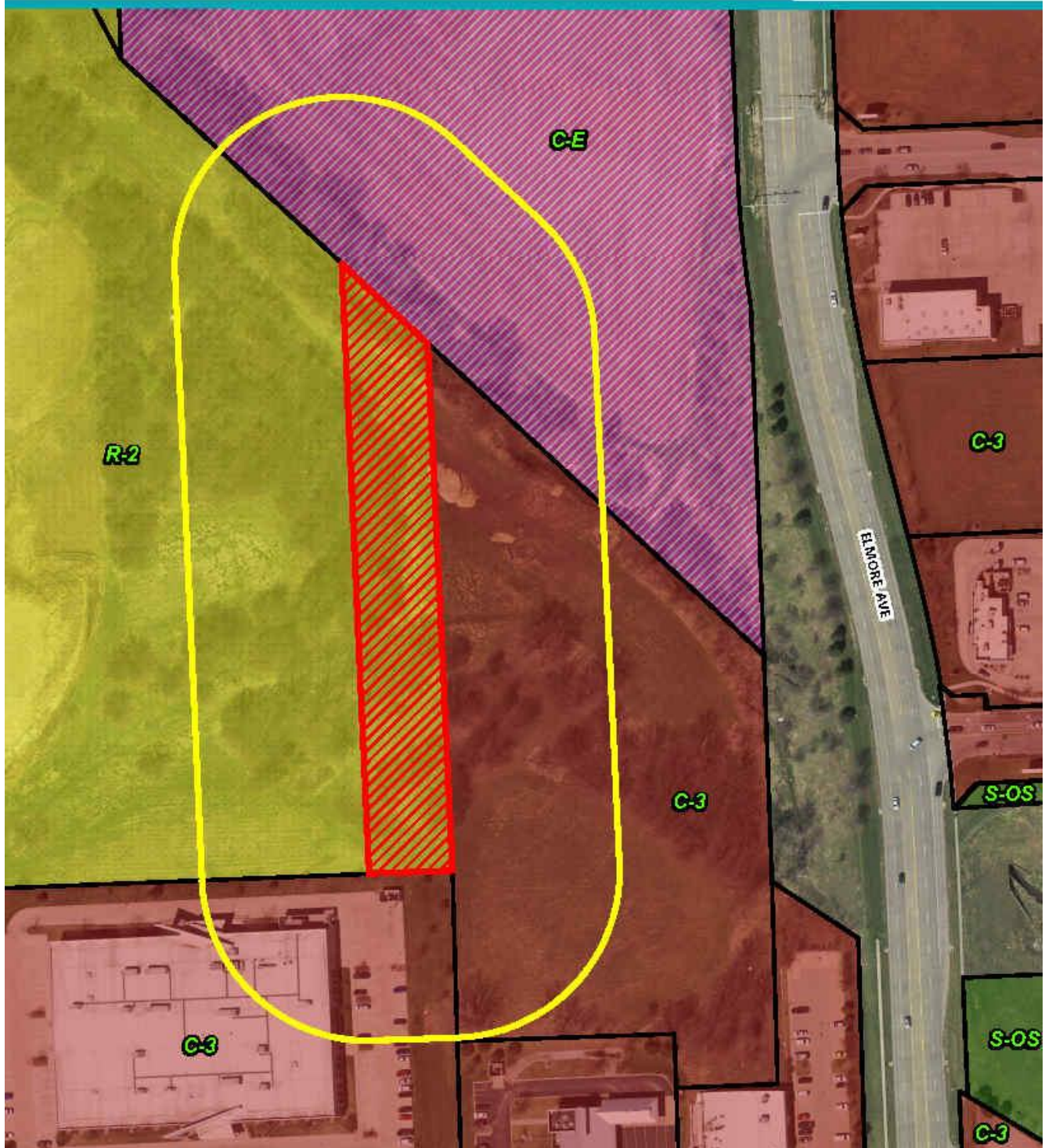
Subject Property



200' Notification Boundary



0 125 250
Feet



City of Davenport

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

Action / Date
7/13/2022

Subject:

Third Consideration: Ordinance for Case ROW22-03 being the request of VSM Holdings, LLC to vacate unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek. [Ward 6]

Recommendation:

Adopt the Ordinance.

Background:

The purpose of the right-of-way vacation is to facilitate development of the abutting 7.41 acre commercial property (parcel #Y0801-03) to the west.

A legal description has been submitted by the applicant describing the 21,026 square foot area located along the west boundary of Elmore Avenue, south of Pheasant Creek. The .48 acre tract of land was intentionally stopped at the existing box culvert near the creek on the north side of the property. In addition, the area does not align with the east lot line of 5388 Elmore Circle to the south. The purpose is to provide an additional five feet of public right-of-way to accommodate a future trail expansion.

A portion of the land to be vacated is within the floodplain, which will limit potential development close to Elmore Avenue. However, the vacated right-of-way will better facilitate access to the site and enhance commercial visibility.

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.)

The Plan & Zoning Commission reviewed Case ROW22-03 at its May 17, 2022 meeting and have recommended approval (8-0) with the following condition:

Findings:

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

Condition:

1. The vacation and subsequent land acquisition are to include easements as applicable for storm sewer, sanitary sewer, floodplain, and drainage.

A staff report has been attached with a full analysis.

ATTACHMENTS:

Type

Description

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

Ordinance
 Staff Report
 Maps
 Application
 Legal Description
 Plan and Zoning Commission Public Notice
 Committee of the Whole Public Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	5/23/2022 - 11:40 AM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ROW22-03 BEING THE REQUEST OF VSM HOLDINGS, LLC TO VACATE UNIMPROVED RIGHT-OF-WAY WEST OF ELMORE AVENUE AND SOUTH OF PHEASANT CREEK.

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:

Part of the Northwest Quarter of Section 8, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the southeast corner of Lot 2 of Pheasant Ridge First Addition to the City of Davenport, Iowa; thence North 00°-08'-28" East (assumed bearing for this description) 241.25 feet along the east line of said Lot 2 to the northwest corner of Lot 1 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing North 00°-08'-25" East 235.54 feet along the east line of said Lot

2; thence South 44°-59'-10" East 128.78 feet;

thence southerly 105.97 feet along a curve concave westerly having a radius of 1,435.00 feet and a chord bearing and distance of South 02°-11'-15" East 105.95 feet;

thence South 00°-04'-20" East 105.89 feet to a point on the north line of said Lot 1;

thence North 54°-54'-25" West 117.08 feet along the northerly line of said Lot 1 to the point of beginning.

Containing 21,026 square feet, more or less.

Section 2. The vacation (abandonment) is subject to the following condition:

1. The vacation and subsequent land acquisition are to include easements as applicable for storm sewer, sanitary sewer, floodplain, and drainage.

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
May 17, 2022

Case ROW22-03: Request of VSM Holdings, LLC to vacate unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek. [Ward 6]

Background:

The purpose of the right-of-way vacation is to facilitate development of the abutting 7.41 acre commercial property (parcel #Y0801-03) to the west.

A legal description has been submitted by the applicant describing the 21,026 square foot area located along the west boundary of Elmore Avenue, south of Pheasant Creek. The .48 acre tract of land was intentionally stopped at the existing box culvert near the creek on the north side of the property. In addition, the area does not align with the east lot line of 5388 Elmore Circle to the south. The purpose is to provide an additional five feet of public right-of-way to accommodate a future trail expansion.

A portion of the land to be vacated is within the floodplain, which will limit potential development close to Elmore Avenue. However, the vacated right-of-way will better facilitate access to the site and enhance commercial visibility.

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

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

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Abutting Future Land Use Designation:

The abutting property is designated Regional Commercial in the Davenport +2035 Land Use Plan.

1. **Regional Commercial (RC)** – Are the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses. Connectivity to nearby neighborhoods is desirable but less important.

Abutting Zoning:

The abutting property is currently split zoned between R-2 Single-Family Residential District and C-3 General Commercial District. The eastern portion of the property, immediately adjacent to Elmore Avenue, is commercially zoned.

1. **R-2 Single-Family Residential District** - This district is intended to accommodate low-density single-family neighborhoods of a more urban character than the R-1 District. Limited non-

residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-2 District.

2. **C-3 General Commercial District** - This district is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

Technical Review:

- **Streets:** The City of Davenport has no intention of widening Elmore Avenue within the subject right-of-way. The proposed right-of-way vacation does not align with the east property line of 5388 Elmore Circle. The intention is to leave a wider right-of-way for a future trail expansion along the west side of Elmore Avenue.
- **Storm Water:** Future development of the property will need to comply with the City's stormwater requirements. The existing right-of-way vacation stops south of the Pheasant Creek box culvert.
- **Sanitary Sewer:** Existing sanitary sewer existing north of Pheasant Creek. There is no existing infrastructure within the proposed right-of-way vacation.
- **Engineering:** The vacation and subsequent land acquisition are to include easements as applicable for storm sewer, sanitary sewer, floodplain, and drainage.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the

May 3, 2022 Plan and Zoning Commission Public Hearing. No members of the public spoke at the hearing.

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

Staff will apprise the Commission of any correspondence at the May 17, 2022 Plan and Zoning Commission meeting.

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek in Case ROW22-03 to the City Council with a recommendation for approval, subject to the following condition.

Findings:

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

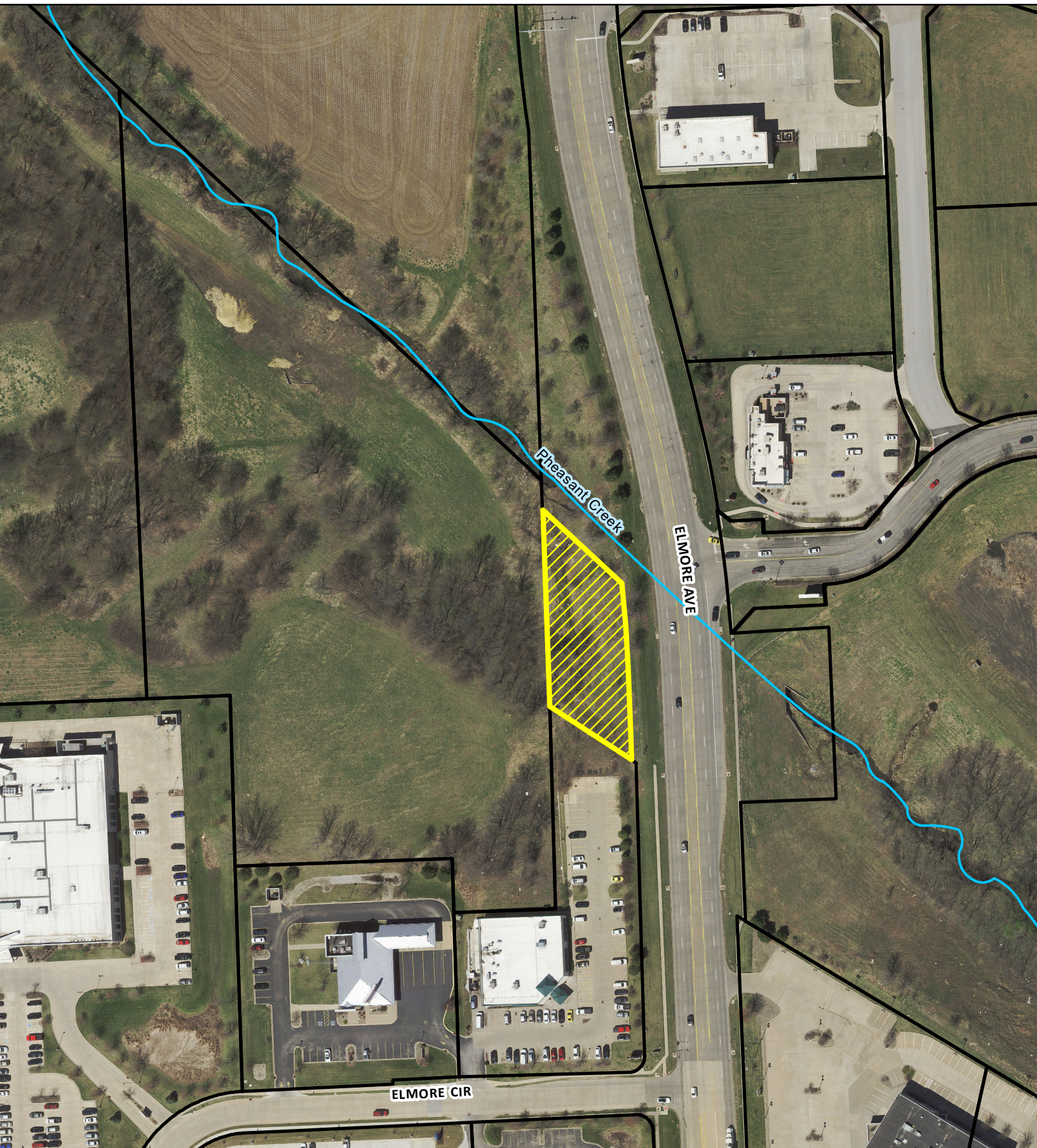
Condition:

1. The vacation and subsequent land acquisition are to include easements as applicable for storm sewer, sanitary sewer, floodplain, and drainage.

Right-Of-Way Vacation

Case ROW22-03: Request of VSM Holdings, LLC
to vacate unimproved right-of-way west of
Elmore Avenue and south of
Pheasant Creek. [Ward 6]

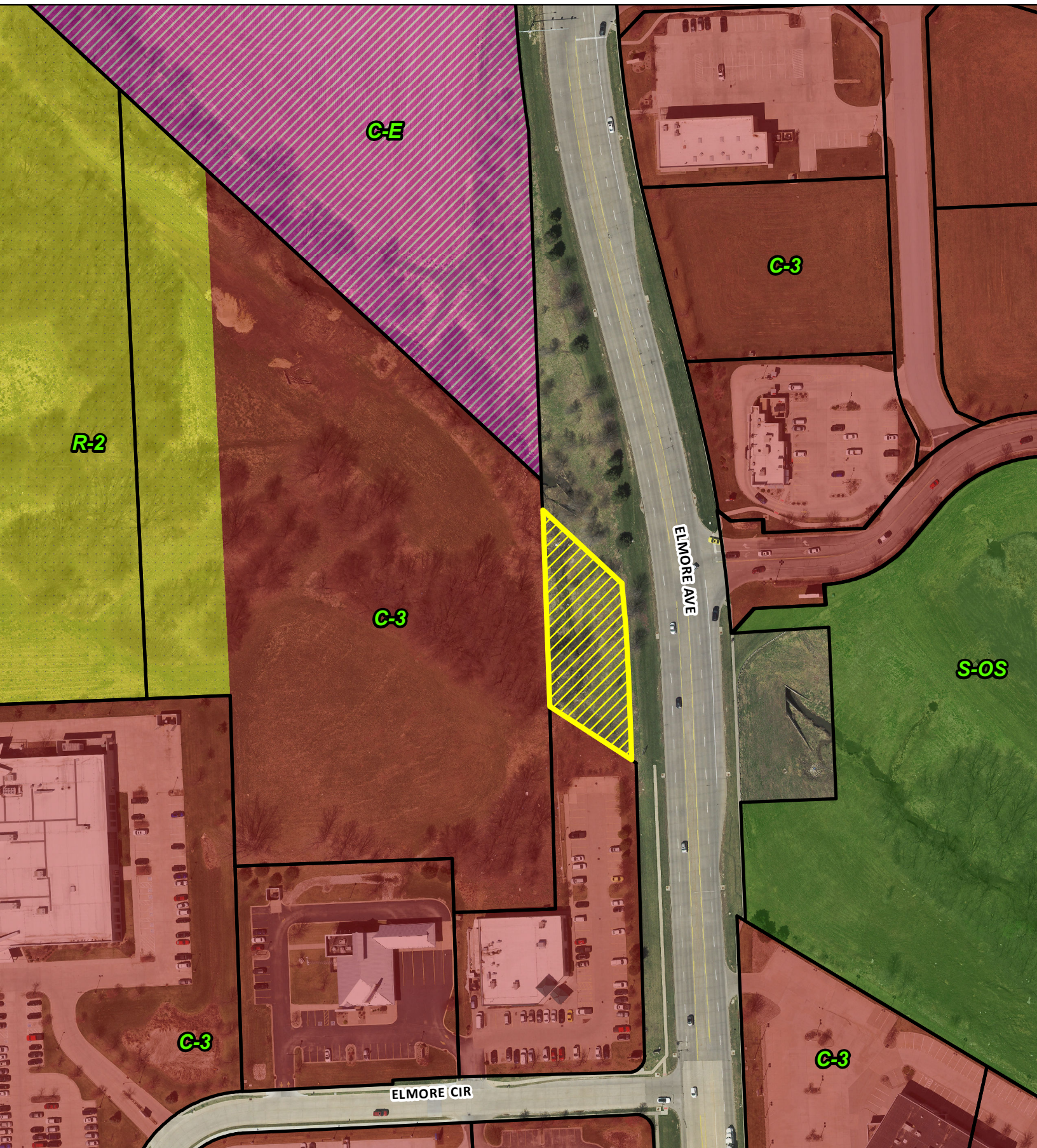
 ROW Vacation



Right-Of-Way Vacation-Zoning Map

Case ROW22-03: Request of VSM Holdings, LLC
to vacate unimproved right-of-way west of
Elmore Avenue and south of
Pheasant Creek. [Ward 6]

 ROW Vacation



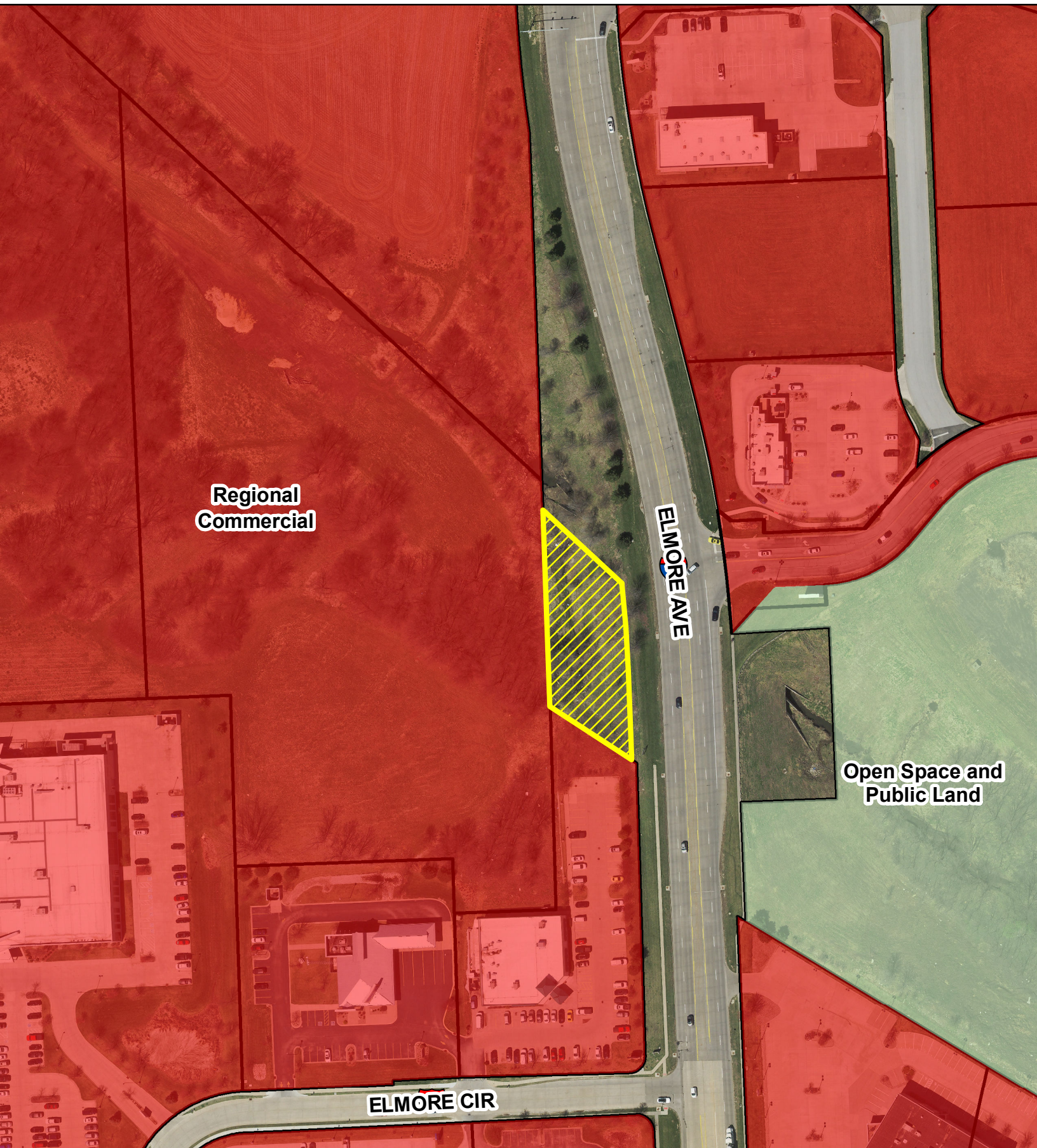
Right-Of-Way Vacation-Future Land Use Map

Case ROW22-03: Request of VSM Holdings, LLC
to vacate unimproved right-of-way west of
Elmore Avenue and south of
Pheasant Creek. [Ward 6]

 ROW Vacation



0 125 250
Feet



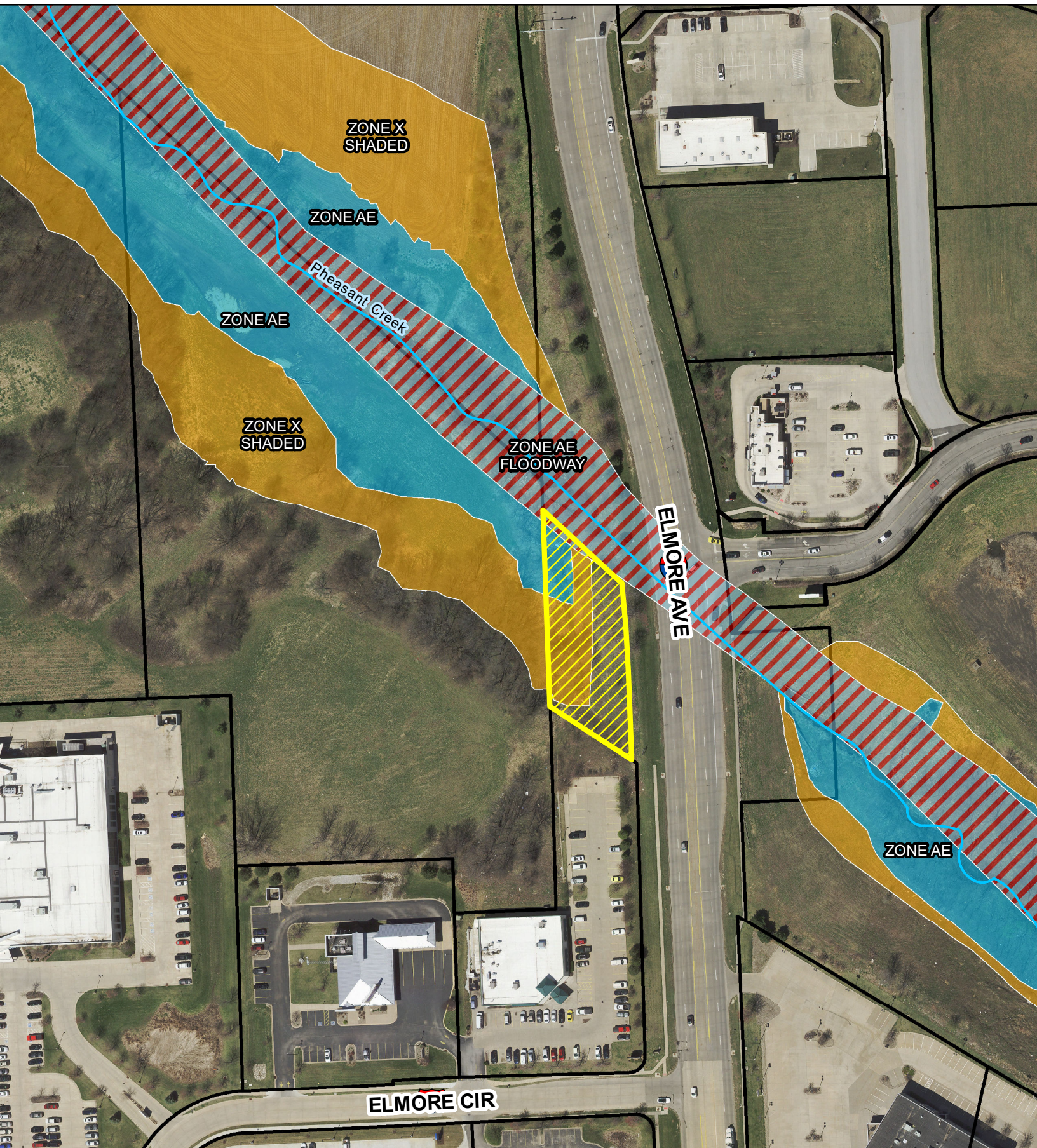
Right-Of-Way Vacation-FEMA Flood Map

Case ROW22-03: Request of VSM Holdings, LLC
to vacate unimproved right-of-way west of
Elmore Avenue and south of
Pheasant Creek. [Ward 6]

 ROW Vacation



0 125 250
Feet





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:

Request:

Please consider vacating right of way on Elmore Ave. to gain access for a commercial lot Development.

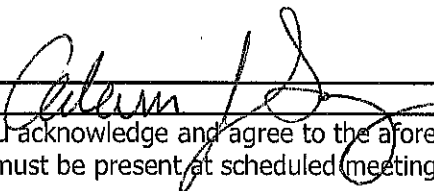
Total Land Area:

Submittal Requirements:

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

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

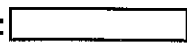
- (1) Application:
 - Prior to submission of the application for the right-of-way or easement vacation, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the right-of-way or easement vacation process.
 - The submission of the application does not constitute 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: Adam Seitz 

Date: 04/06/2022

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

Received by: 
Planning staff

Date: 

Date of the Public Hearing: 

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

LEGAL DESCRIPTION

PART OF THE ELMORE AVENUE RIGHT OF WAY

DAVENPORT, IOWA

Part of the Northwest Quarter of Section 8, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the southeast corner of Lot 2 of Pheasant Ridge First Addition to the City of Davenport, Iowa; thence North 00°-08'-28" East (assumed bearing for this description) 241.25 feet along the east line of said Lot 2 to the northwest corner of Lot 1 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing North 00°-08'-25" East 235.54 feet along the east line of said Lot 2;

thence South 44°-59'-10" East 128.78 feet;

thence southerly 105.97 feet along a curve concave westerly having a radius of 1,435.00 feet and a chord bearing and distance of South 02°-11'-15" East 105.95 feet;

thence South 00°-04'-20" East 105.89 feet to a point on the north line of said Lot 1;

thence North 54°-54'-25" West 117.08 feet along the northerly line of said Lot 1 to the point of beginning.

Containing 21,026 square feet, more or less.



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 5/3/2022
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 Elmore Avenue and south of Pheasant Creek.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate unimproved public right-of-way. The purpose of the vacation request is to facilitate development of the abutting 7.41 acre commercial property (Parcel #Y0801-03) to the west.

Request/Case Description

Case ROW22-03: Request of VSM Holdings, LLC to vacate unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek. [Ward 6]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on May 3, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on May 17, 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.



THE CITY OF
DAVENPORT
IOWA | USA

ROW Vacation

200' Mailing Radius
Case ROW22-03



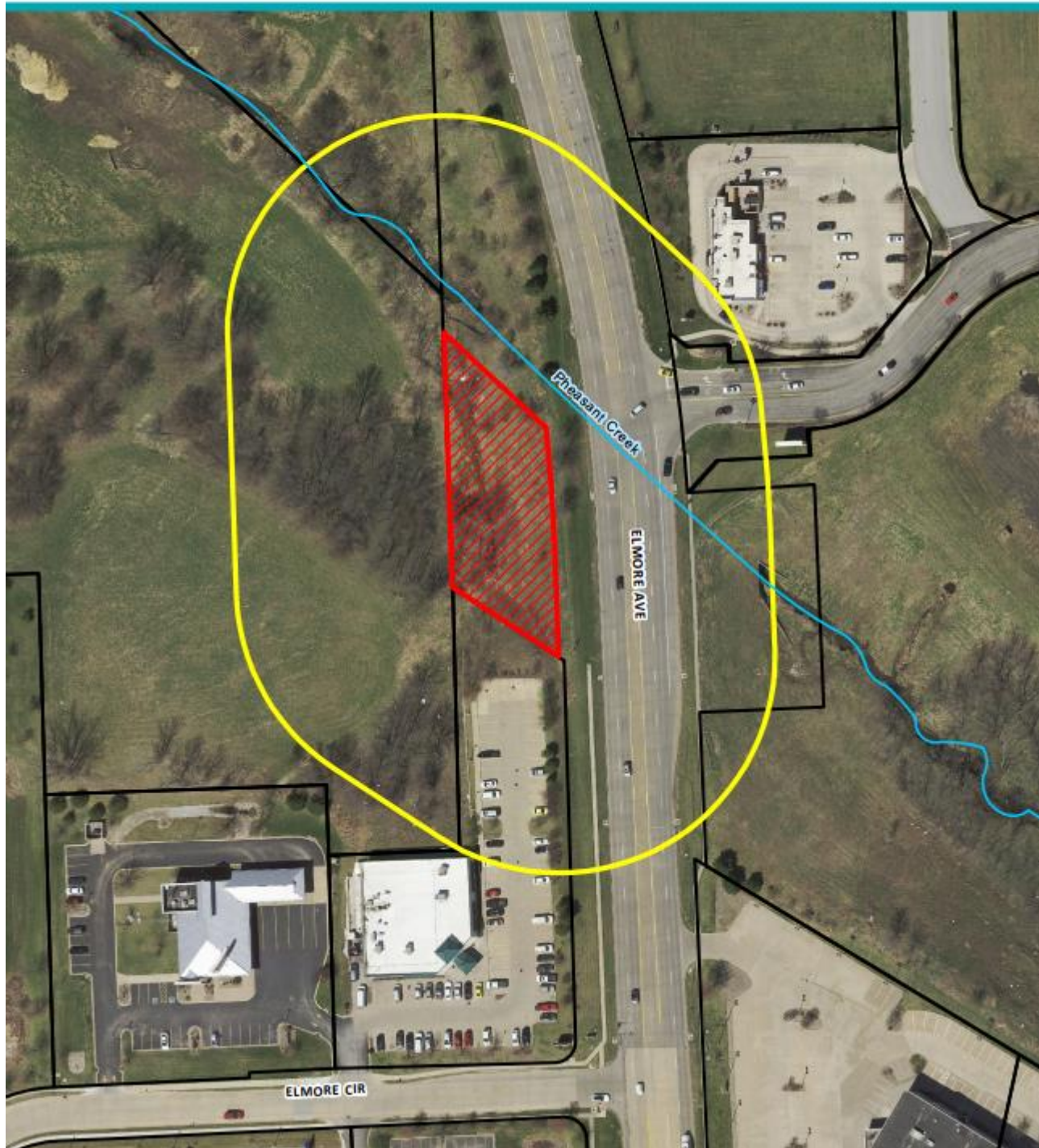
ROW Vacation



200' Notification Boundary



0 100 200
Feet





PUBLIC HEARING NOTICE | Committee of the Whole

Date: 6/1/2022 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:30 PM Subject: Public Hearing for a Right-Of-Way Vacation

To: All property owners within 200 feet of the subject public right-of-way located west of Elmore Avenue and south of Pheasant Creek.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate unimproved public right-of-way. The purpose of the vacation request is to facilitate development of the abutting 7.41 acre commercial property (Parcel #Y0801-03) to the west.

Request/Case Description

Case ROW22-03: Request of VSM Holdings, LLC to vacate unimproved right-of-way west of Elmore Avenue and south of Pheasant Creek. [Ward 6]

At its May 17, 2022 meeting, the Plan and Zoning Commission recommended approval of the aforementioned case, subject to the following condition:

Findings:

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

Condition:

1. The vacation and subsequent land acquisition are to include easements as applicable for storm sewer, sanitary sewer, floodplain, and drainage.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, June 1, 2022 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

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

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

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



THE CITY OF
DAVENPORT
IOWA | USA

ROW Vacation

200' Mailing Radius
Case ROW22-03



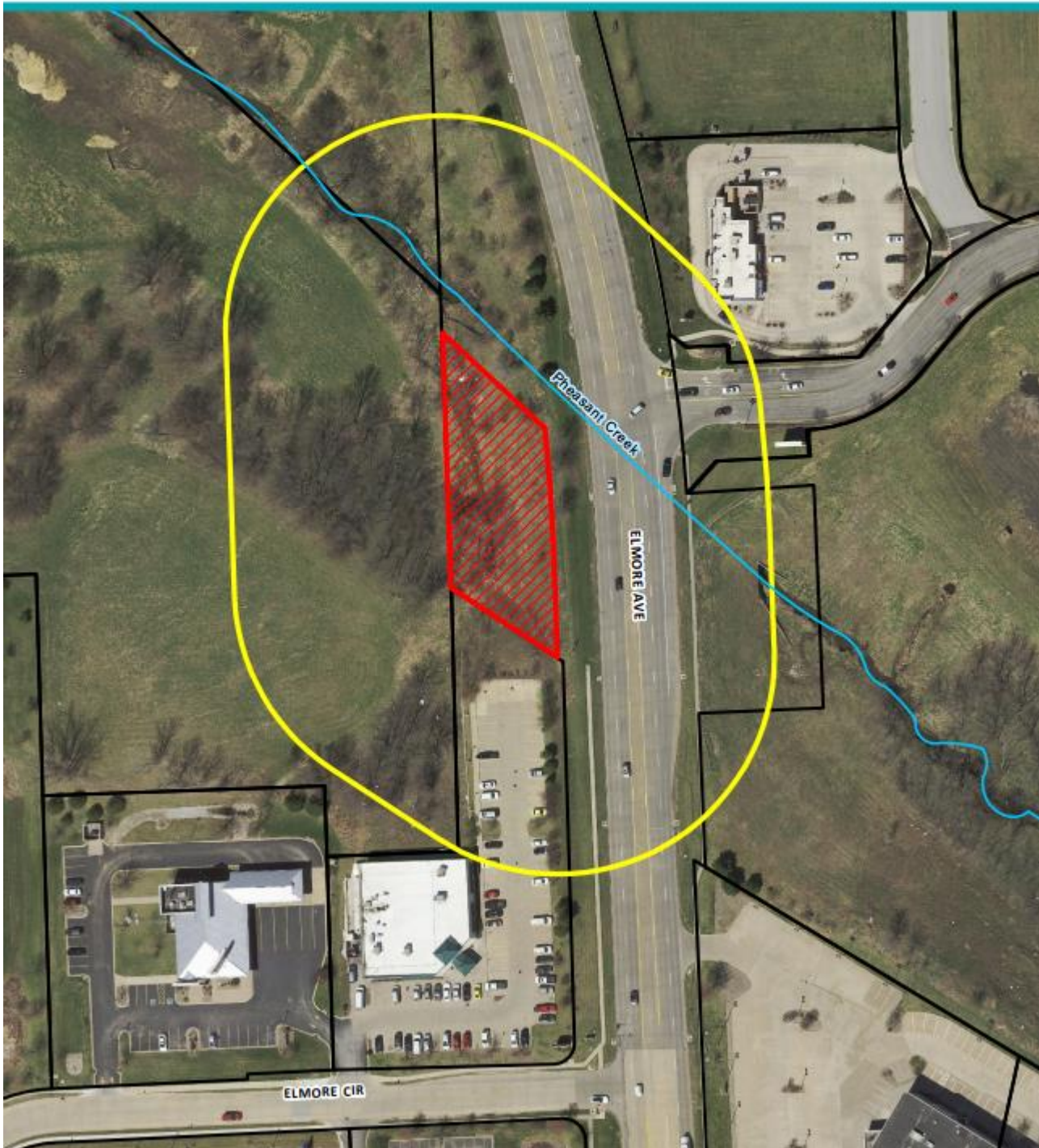
ROW Vacation



200' Notification Boundary



0 100 200
Feet



City of Davenport

Department: Community Development Committee
Contact Info: Laura Berkley | 563-888-3553

Action / Date
7/13/2022

Subject:

Resolution of support for Case ANX22-01 for the annexation of 48.91 acres, more or less, of territory located southeast of Slopertown Road and Hillandale Road to the City of Davenport, Iowa (RIVALDD Farms, Inc, Petitioner). [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

RIVALDD FARMS, Inc has presented a petition for the annexation of two tracts totaling 48.91 acres located south and east of the intersection of Slopertown Road and Hillandale Avenue, LLC (see attached location map).

There is no development planned for the property at this time. The Davenport +2035 Comprehensive Plan included this land within the Urban Service Boundary and has identified the future land use as Industry.

Annexations in Iowa must be approved by the State of Iowa's City Development Board (CDB). It is anticipated the Board will consider this matter at its September 14, 2022 meeting.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Exhibit	Map of Proposed Annexation
▣ Exhibit	General Location Map
▣ Exhibit	Annexation Petition
▣ Backup Material	Publication Affidavit

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berkley, Laura	Approved	6/30/2022 - 9:23 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION of support for Case ANX22-01 for the annexation of 48.91 acres, more or less, of territory located southeast of Slopertown Road and Hillandale Road to the City of Davenport.

WHEREAS, RIVALDD Farms, Inc. is owner of 48.91 acres more or less, of territory located east of Hillandale Road and south of Slopertown Road, legally described as follows:

Parcel #932821007:

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

Parcel #932837002:

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

WHEREAS, the annexation will extend to the centerlines of Granite Way to the east, Hillandale Road to the west, and Slopertown Road to the north; and

WHEREAS, the City desires to annex this territory to the City's corporate limits in order to accommodate future development; and

WHEREAS, Section 368.7 of the Code of Iowa provides for the voluntary annexation of territory adjoining the incorporated area of a municipality; and

WHEREAS, pursuant to the Code of Iowa, the City mailed notice of the application via certified mail, at least fourteen business days prior to the anticipated action of the city council on the application, to the council of each city whose boundary adjoins the territory or is within two miles of the territory (City of Eldridge), to the board of supervisors of

each county which contains a portion of the territory (Scott County), each affected public utility (CenturyLink, Iowa-American water, REC Eastern Iowa, MediaCom, and MidAmerican Energy Company), and to the regional planning authority of the territory (Bi-State Regional Commission); and further, notice of the application was published in an official county newspaper in each county which contains a portion of the territory (Quad City Times).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa, that the petition for annexation of the area shown on the attached map and legally described above, and the same and is hereby approved, and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution as required by law.

BE IT FURTHER RESOLVED that City staff is directed to provide appropriate documentation of this action for review and approval by the City Development Board of the State of Iowa, and that the City Clerk be and is hereby authorized and directed to file a certified copy of this resolution and attachments with the Scott County, Iowa Recorder, and the Iowa Secretary of State.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



THE CITY OF
DAVENPORT
IOWA | USA

Annexation Proposal

RIVALDD Farms

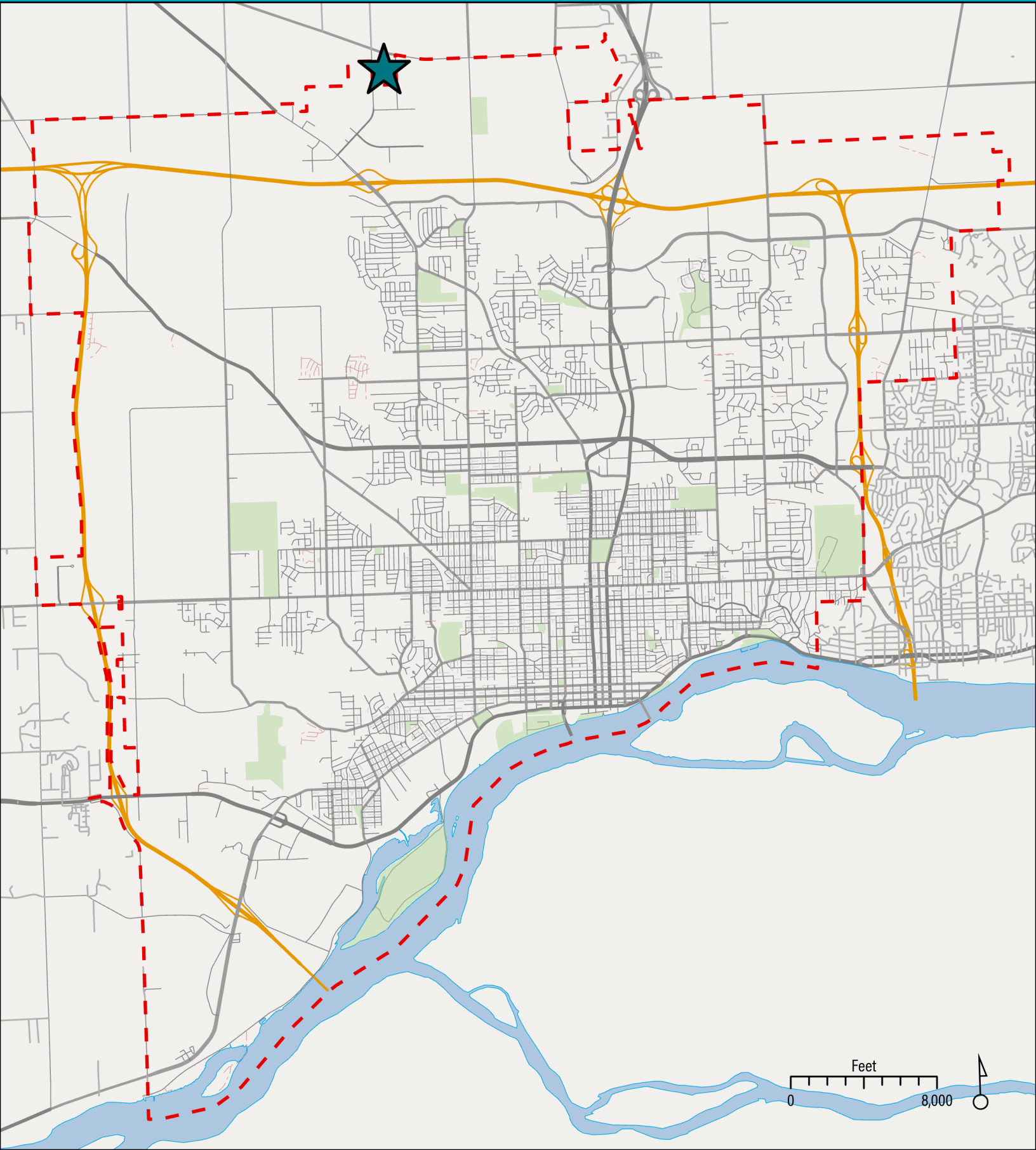




THE CITY OF
DAVENPORT
IOWA | USA

Annexation Proposal

RIVALDD Farms





VOLUNTARY ANNEXATION APPLICATION

To the Council of the City of Davenport, Iowa:

We, being all of the owners of the following described territory adjoining the City of Davenport, Iowa hereby make application to your Honorable Body to assent by resolution to such territory becoming a part of the City of Davenport, Iowa. Attached hereto is a plat of such territory showing the situation thereof with reference to the existing limits of the City.

Property Address for this Voluntary Annexation or a Description of the General Location if an Address has not been assigned:

Legal Description:

Parcel #932821007:

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

Parcel #932837002

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

Property Owner(s): RIVALDD Farms Inc. 1310 Wisconsin Ave, Davenport, IA 52804

Applicant / Contact: Include name, email address and phone number.

Signed by: [Signature] Davis Date: 05/19/2022
President, RIVALDD FARMS, INC.

Note: no other signature may be substituted for the Property Owner's Signature.

And: [Signature] Davis Date: 05/19/2022
Dennis Kay, President

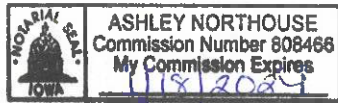
Original Signatures are Required

**If a limited liability corporation, association, trust, non-profit organization, or any other legal entity owns the property proposed for voluntary annexation, an agent or agents responsible for the affairs of the legal entity must sign the application as the property owner(s). It must be noted that the assignee(s) is (are) acting on behalf of the legal entity. In addition, documentation, such as incorporation documents, must be included that show the assignee's (assignees') authority to act on behalf of the legal entity. If the property owner is a religious institution, a written explanation must be provided on the institution's letterhead that the person(s) signing the application can act on behalf of the institution. One or more established leaders of the religious congregation must also attest the letter.*

STATE OF IOWA

COUNTY OF SCOTT

On this 19 day of May, 2022, before me, a Notary Public in and for SCOTT County, IA, personally appeared Dennis Kay, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he/she executed the same as voluntary act and deed.



Ashley Northouse
Notary Public in and for SCOTT County, IA

*** Proof of Publication ***

STATE OF IOWA
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the dates listed below.

City of Davenport

226 W 4TH ST
DAVENPORT IA 52801

ORDER NUMBER 129364

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.



NOTICE
NOTICE OF PROPOSED ANNEXATION
OF TERRITORY
TO THE CITY OF DAVENPORT
(RIVALDD FARMS)

Dear Interested Parties:

There is on file with the City of Davenport, Department of Community and Economic Development, a petition to annex two tracts of land to the City of Davenport, legally described as follows:

Parcel #932821007:

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

Parcel #932837002:

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

This action is being contemplated in order to allow for continued growth and development of the City of Davenport, in accordance with its Comprehensive Plan.

The Davenport Committee of the Whole will consider this petition at its Wednesday, July 6th, 2022 meeting, to be held at 5:30 pm in the Council Chambers of City Hall, 226 West 4th Street. The Davenport City Council will vote on the petition at its Wednesday, July 13th, 2022 meeting, same time and place. While a public hearing is not required, it is the practice of the City Council to solicit comments from the public prior to taking official action. Final approval of the proposed annexation is the decision of the City Development Board of the State of Iowa. PO# 2212390

If you have any further questions regarding this proposed annexation, please contact:

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport
Phone: 563-886-2286
Email: matt.flynn@davenportiowa.com

Section: Notices & Legals

Category: 2627 Miscellaneous Notices

PUBLISHED ON: 06/24/2022

TOTAL AD COST: 34.58

FILED ON: 6/24/2022

Subscribed and sworn to before me by said affiant this 24 day of June 2022.



Notary Public in and for Scott County, Iowa



City of Davenport

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

Action / Date
7/13/2022

Subject:

Second Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding Christie Street along the west side from Locust Street to Kirkwood Boulevard. [Ward 5]

Recommendation:

Adopt the Ordinance.

Background:

Christie Street is only 24 feet wide so it is difficult for traffic to drive between parked vehicles. There should be enough room for all of the parked vehicles to park along one side of the street. The east side of the street has more parking space available, which is why the west side was chosen for the no parking zone. City staff would support No Parking on the opposite side of the street if the impacted residents prefer.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/8/2022 - 3:45 PM
Public Works Committee	Moses, Trish	Approved	6/8/2022 - 3:46 PM
City Clerk	Admin, Default	Approved	6/9/2022 - 2:24 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY AMENDING SCHEDULE VII NO PARKING THERETO BY ADDING CHRISTIE STREET ALONG THE WEST SIDE FROM LOCUST STREET TO KIRKWOOD BOULEVARD.

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

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

Christie St along the west side from Locust St to Kirkwood Blvd.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
7/13/2022

Subject:

Second Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding various streets along the odd-numbered addresses in Prairie Heights Subdivision. [Ward 8]

Recommendation:

Adopt the Ordinance.

Background:

The streets in Prairie Heights Subdivision are narrow and it is difficult to pass between parked vehicles. The neighborhood decided that they would like no parking signs installed along the odd-numbered addresses throughout the subdivision. These are the specific streets:

Olde Brandy Lane along the south and west sides from Eastern Avenue to the western terminus.

Parkview Lane along the south side from Eastern Avenue to Deere Creek Lane.

Deere Creek Lane along the east side from Mississippi Avenue to the western terminus.

Mississippi Avenue along the east side from Prairie Heights Park Road to the northern terminus.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/8/2022 - 3:46 PM
Public Works Committee	Moses, Trish	Approved	6/8/2022 - 3:46 PM
City Clerk	Admin, Default	Approved	6/9/2022 - 2:25 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY AMENDING SCHEDULE VII NO PARKING THERETO BY ADDING VARIOUS STREETS ALONG THE ODD-NUMBERED ADDRESSES IN PRAIRIE HEIGHTS SUBDIVISION.

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

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

Olde Brandy Ln along the south and west sides from Eastern Ave to the western terminus.

Parkview Ln along the south side from Eastern Ave to Deere Creek Ln.

Deere Creek Ln along the east side from Mississippi Ave to the western terminus.

Mississippi Ave along the east side from Prairie Heights Park Rd to the northern terminus.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
7/13/2022

Subject:

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

Heather Davis; Arlington Avenue Neighborhood Block Party; 3114 Arlington Avenue; Saturday, July 23, 2022 8:00 a.m. - 6:00 p.m.; **Closure:** Arlington Avenue from East 30th Street to East 32nd Street. [Ward 5]

Tammy Trice; Heatherton Good Neighbor Project Block Party; 3300 block of Heatherton Drive; Saturday, July 23, 2022 9:00 a.m. - 2:00 p.m.; **Closure:** Heatherton Drive from West 29th Street to North Elsie Avenue. [Ward 2]

Kelli Akers; West 43rd Street Neighborhood Block Party; 1315 West 43rd Street; Saturday, July 23, 2022 3:00 p.m. - 7:00 p.m.; **Closure:** West 43rd Street from Washington Street to Taylor Street. [Ward 7]

Daiquiri Factory, Kilkenny's, Carriage Haus, and Mac's; 3rd Street Bix Bash Music Fest; 300 block of West 3rd Street; 9:00 a.m. Friday, July 29, 2022 - 6:00 a.m. Sunday, July 31, 2022; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

The Office; Bix Party; 116 West 3rd Street; Saturday, July 30, 2022 after the Bix 7 Race until 1:00 a.m.; **Closure:** northernmost parking lane and two travel lanes on 3rd Street from Main Street to 116 West 3rd Street. [Ward 3]

Anissa Quinn; Community Block Party; 1831 Grand Avenue; Saturday, July 30, 2022 2:00 p.m. - 5:00 p.m.; **Closure:** Grand Avenue from Kirkwood Boulevard to Locust Street. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

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

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Heatherton GNP Block Party Map
▣ Backup Material	Heather GNP Block Party Street Closure Petition
▣ Backup Material	Heatherton GNP Block Party Notice to Neighbors
▣ Backup Material	Arlington Avenue Block Party Map
▣ Backup Material	Arlington Avenue Street Closure Petition
▣ Backup Material	West 43rd Street Neighborhood Block Party Map
▣ Backup Material	West 43rd Street Neighborhood Block Party

- ▣ Backup Material
- ▣ Backup Material
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Street Closure Petition
 Daquiri Factory Bix Bash Music Fest Map
 Mac's Bix Bash Music Fest Map
 Kilkenny's Bix Bash Music Fest Map
 Carriage Haus Bix Bash Music Fest Map
 The Office Bix Party Map
 Quinn Block Party Map
 Quinn Block Party Street Closure Petition

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	7/1/2022 - 4:46 PM

Resolution No. _____

Resolution offered by Alderman Jobgen.

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

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

*Heather Davis; Arlington Avenue Neighborhood Block Party; 3114 Arlington Avenue; Saturday, July 23, 2022 8:00 a.m. - 6:00 p.m.; **Closure:** Arlington Avenue from East 30th Street to East 32nd Street. [Ward 5]*

*Tammy Trice; Heatherton Good Neighbor Project Block Party; 3300 block of Heatherton Drive; Saturday, July 23, 2022 9:00 a.m. - 2:00 p.m.; **Closure:** Heatherton Drive from West 29th Street to North Elsie Avenue. [Ward 2]*

*Kelli Akers; West 43rd Street Neighborhood Block Party; 1315 West 43rd Street; Saturday, July 23, 2022 3:00 p.m. - 7:00 p.m.; **Closure:** West 43rd Street from Washington Street to Taylor Street. [Ward 7]*

*Daiquiri Factory, Kilkenny's, Carriage Haus, and Mac's; 3rd Street Bix Bash Music Fest; 300 block of West 3rd Street; 9:00 a.m. Friday, July 29, 2022 - 6:00 a.m. Sunday, July 31, 2022; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]*

*The Office; Bix Party; 116 West 3rd Street; Saturday, July 30, 2022 after the Bix 7 Race until 1:00 a.m.; **Closure:** northernmost parking lane and two travel lanes on 3rd Street from Main Street to 116 West 3rd Street. [Ward 3]*

*Anissa Quinn; Community Block Party; 1831 Grand Avenue; Saturday, July 30, 2022 2:00 p.m. - 5:00 p.m.; **Closure:** Grand Avenue from Kirkwood Boulevard to Locust Street. [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 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



— Closure

W 29th St

Heatherton Dr

N Elsie Ave

Heatherton Dr

W Garfield St

W Garfield St

N Elsie Ave

Wooddale Ave

Heatherton Dr



CITY OF DAVENPORT

STREET CLOSING AND NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 23rd day of July, 20 22 during the hours of 11-1
there is proposed a street closing with outdoor music/band/performance, requested by
Tammy Trice, which will require the closing of Heatherton
between W 29th and N. Elsie Ave.

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

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
<u>Dashawn 3345 heatherton Dr</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Maris A. Piet 3355</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Shandie Beason 3356</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Ametria Beason 3356</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Yvonne Jackson 3353 heatherton</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

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

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

Sam Yoo
Signature of Applicant

5-31-22
Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com

Heatherton Block Party

Address	Signed	Visited Date	Posted Date
3374	VACANT	5-21-22	NA
3366	VACANT	5-21-22	NA
3356	YES	5-21-22	NA
3348	VACANT	5-21-22	NA
3324	NO	5-21-22	5-30-22
3328	NO	5-21-22	5-30-22
2827	NO	5-21-22	5-30-22
3359	NO	5-21-22	5-30-22
3355	YES	5-21-22	NA
3353	YES	5-21-22	NA
3347	NO	5-21-22	5-30-22
3345	YES	5-21-22	NA
2811	NO	5-21-22	
2814	MY HOUSE		

I received 5 approvals. Two people who signed off on the form live in the same complex. The others I visited their homes on 5-21-22 between the hours of 2:00-3:00 pm. For those who were not available, I returned on 5-30-22 between the hours of 5:00-6:00 pm. For those who were still unavailable, I posted the notice on the door.

Neighborhood Block Party

When: Saturday July 23rd, 2022

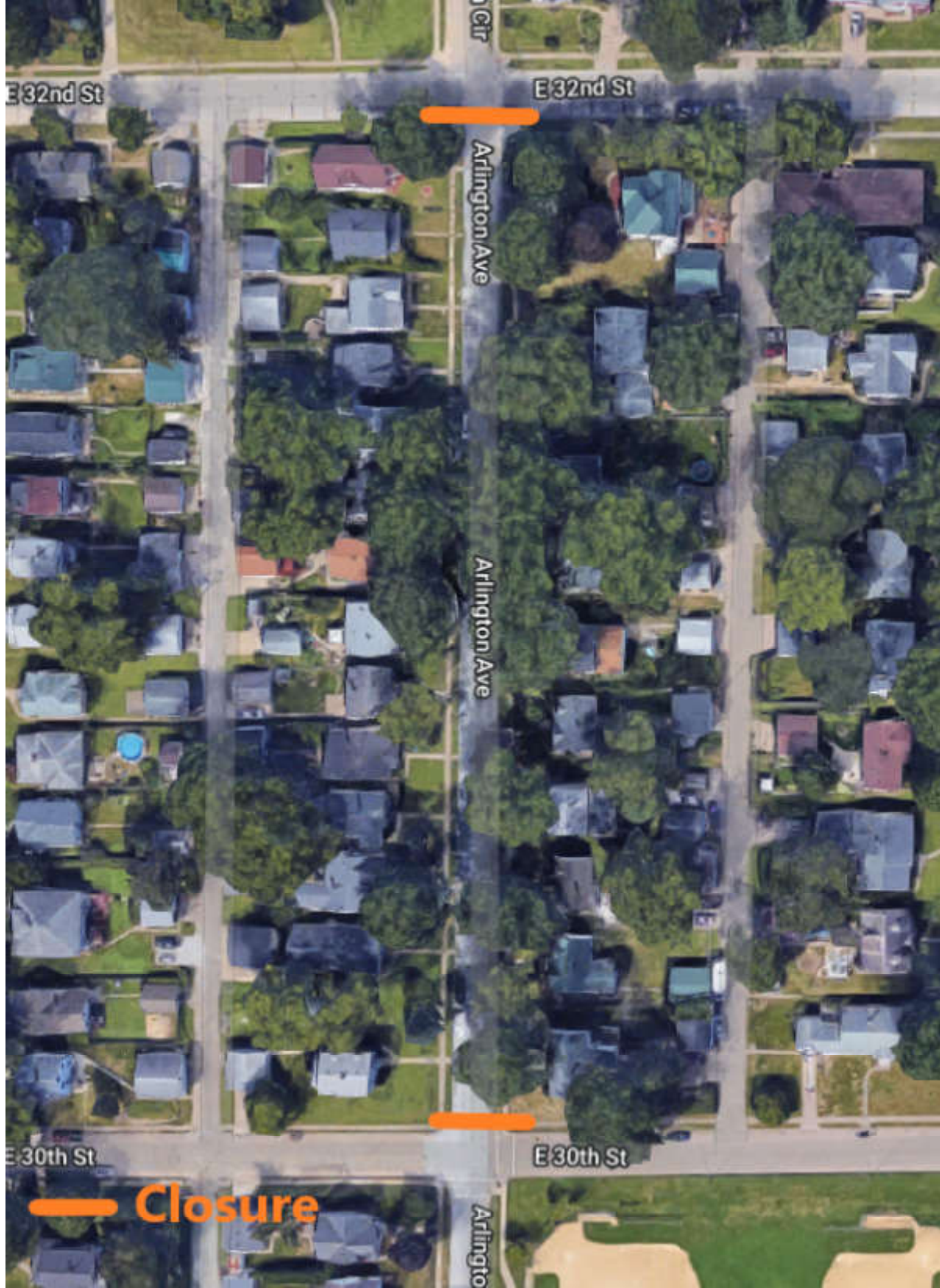
Where: Heatherton Drive
(between W. 29th and N. Elsie Ave.)

Time: 11:00-1:00

The streets will be blocked off at the intersections of Heatherton Dr. and West 29th Street and N. Elsie Ave.

There will be food, games, activities and music.

“Written objections for this request can be submitted to Brian Krup, Deputy City Clerk for the City of Davenport, at Brian.Krup@davenportiowa.com by July 6th, 2022.



Closure



CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 23rd day of July, 20 22 during the hours of 0800-1800 (8:00am-6:00pm)
there is proposed a street closing, requested by HEATHER DAVIS, which will
require the closing of Arlington Street between East 32nd Street and
East 300th Street Davenport

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

NAME AND ADDRESS

IN FAVOR

OPPOSED

NOT CONCERNED

<u>[Signature]</u> <u>3103</u> <u>ARLINGTON AVE</u>	<u>X</u>		
<u>[Signature]</u> <u>3019 Arlington Ave</u>	<u>X</u>		
<u>[Signature]</u> <u>3003 Arlington</u>	<u>X</u>		
<u>[Signature]</u> <u>3014 Cedar</u>	<u>X</u>		
<u>[Signature]</u> <u>3026 Arlington</u>	<u>X</u>		
<u>[Signature]</u> <u>3022 Arlington</u>	<u>X</u>		
<u>[Signature]</u> <u>3009 Arlington</u>	<u>X</u>		
<u>[Signature]</u> <u>3032 4th Ave</u>	<u>X</u>		
<u>[Signature]</u> <u>3102 Arlington Ave</u>	<u>X</u>		
<u>[Signature]</u> <u>3116 Arlington</u>	<u>X</u>		
<u>[Signature]</u> <u>3124 Arlington</u>	<u>X</u>		
<u>[Signature]</u> <u>3023 Arlington Ave</u>	<u>X</u>		

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

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

Heather Davis
Signature of Applicant

06/07/2022
Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com



CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 23rd day of July, 20 12 during the hours of 0800-1800 (0800 AM - 6:00 PM)
 there is proposed a street closing, requested by HEATHER DAVIS, which will
 require the closing of Arlington Street between East 32nd Street and
East 30th Street - Davenport

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

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
<u>THOMAS M. CALVERT 3140 Arlington Ave.</u>	<u>X</u>		
<u>3162 Arlington Ave</u>	<u>X</u>		
<u>3018 Arlington Avenue</u>	<u>X</u>		
<u>3120 Arlington Ave</u>	<u>X</u>		
<u>3119 Arlington No one home gone for Summer</u>			
<u>Bill Young, passed Vacant 3033 Arlington Avenue</u>			
<u>3010 Arlington Ave</u>	<u>X</u>		
<u>Vacant 3002 Arlington Avenue</u>			

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

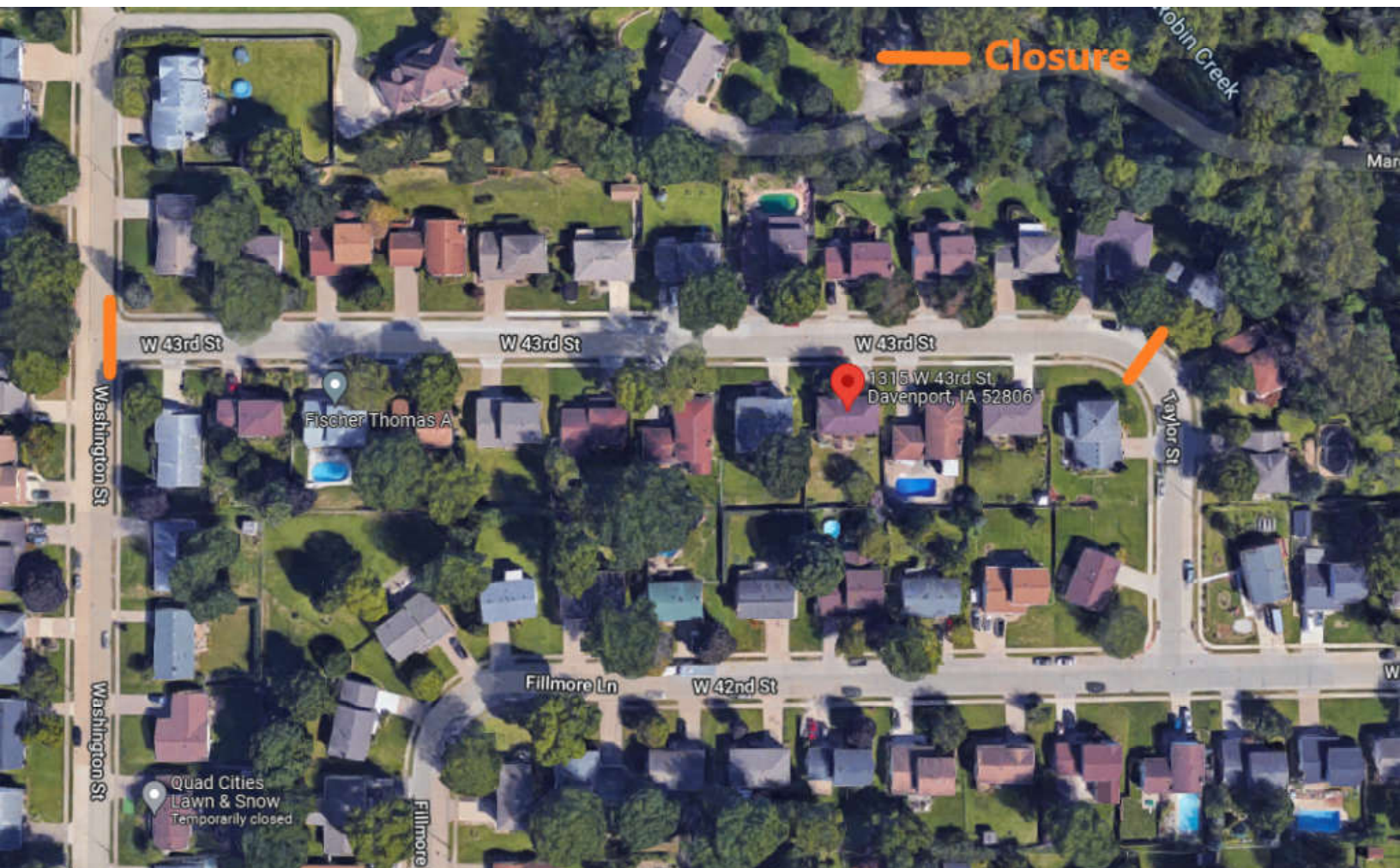
* If you are unable to make contact with a resident/business, please indicate the date(s) and time(s) you attempted.

Heather Davis 06/07/2012
 Signature of Applicant Date

Office of the City Clerk
 563-326-6163

226 West Fourth Street
 Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com



**City Of Davenport
Street Closing Petition for Special Events/Block Parties**

On the 23rd day of July, 2022, there is proposed a street closing, requested by Kimie Tommes - Taylor Smith + Kelli Peters which will require the closing of W43rd Street between Washington and Taylor St. during the hours of 12-5 pm 3P-7PM

Please sign your name and print your address below and indicate whether you are in favor, opposed, or are not concerned about the street closure as indicated above (check one please).
Applicants: If a resident is unavailable, please list the address and indicate the date(s) and time you tried to make contact.

Name and Address	Favor	Oppose	Not Concerned
1 <u>Kimie Tommes 1412 W43rd Street Davenport</u>	<u>X</u>		
2 <u>Kenneth Wells 1417 W 43rd St</u>	<u>X</u>		
3 <u>Sara Wellnitz 1417 W 43rd St</u>	<u>X</u>		
4 <u>Janice Fischer 1411 W43rd Street</u>	<u>X</u>		
5 <u>Angela Willis 1331 W43rd St</u>	<u>X</u>		
6 <u>Stephanie James 1337 W43rd St</u>	<u>X</u>		
7 <u>Adrienne W. Canady 1312 W 43rd St</u>	<u>X</u>		
8 <u>Gay V. Smith 1316 W 43rd St</u>	<u>X</u>		
9 <u>Andrew Smith 4027 Taylor St</u>	<u>X</u>		
10 <u>PHILIS Vorn Duv 4026 Taylor St</u>	<u>X</u>		
11 <u>Kelli Peters 1315 W 43rd St</u>	<u>X</u>		
12 <u>Wendy 1317 W 43rd St</u>	<u>X</u>		
13 <u>Kimie Tommes 1412 W43rd St</u>	<u>X</u>		
14 <u>Kelli Smith 4117 Washington St</u>	<u>X</u>		
15 <u>Paul Taglia 1208 W 43rd St</u>	<u>X</u>		

*Please use additional sheets, if necessary.

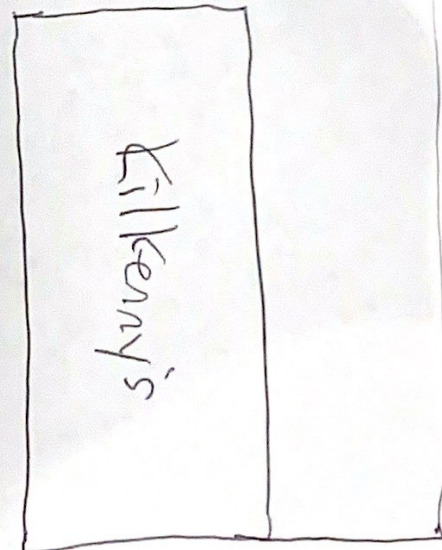
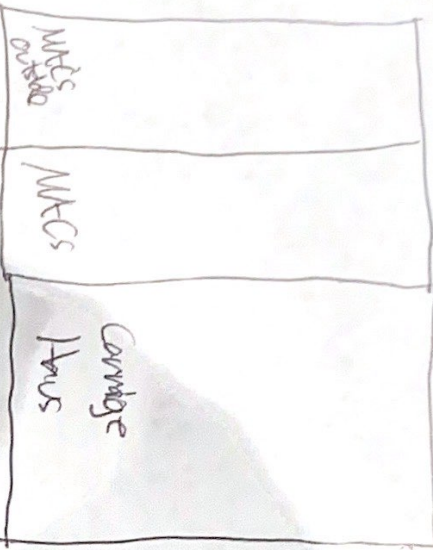
Kelli Peters 6/22/22
Signature of applicant Date

Office of the City Clerk
563-326-6163

226 West 4th Street
Davenport, IA 52801

Email: Brian.Krup@davenportiowa.com

GATE



GATE

Fenced off Parking lane for Bands

OPEN Emergency Lane

MACS RV

Garage House Tent

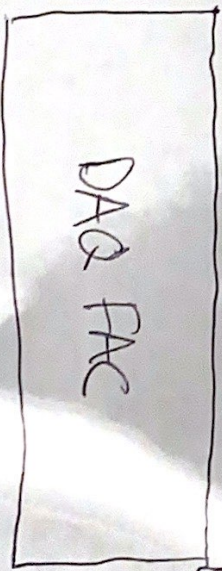
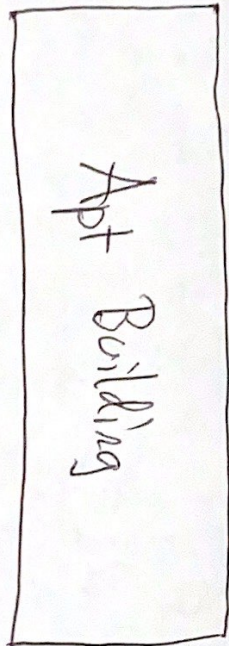
Killkeny's Tent

Food Vendor



DAQ FAC TENT

STAGE 20' x 24'



Fenced off Parking lane to Load

BANDS IN/OUT

Harrison St.

Dog
Fou

Kilkenny's

Carriage
Haus

Mac's
316

318

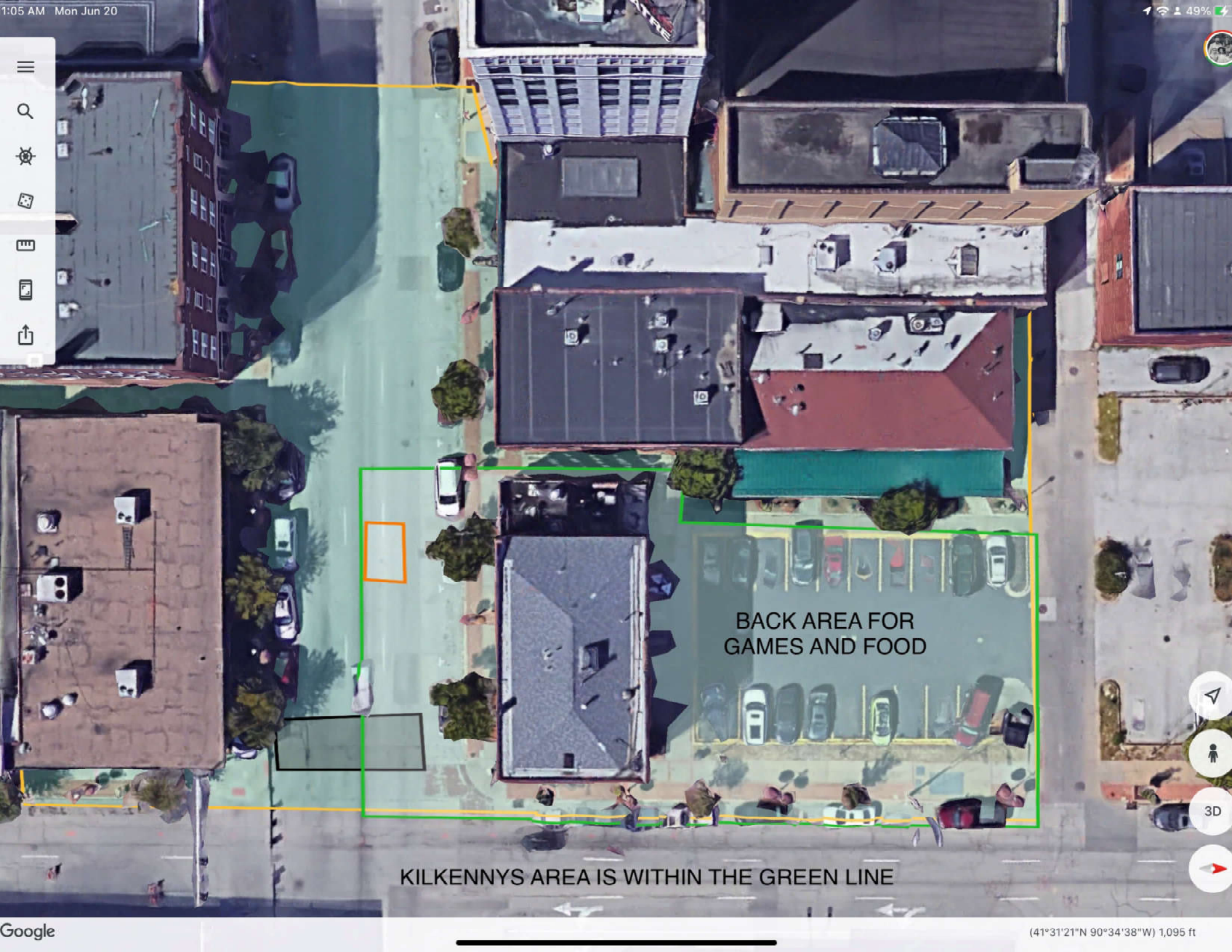
Kahl

Outdoor
bar

Food truck

Event
Area
B1x 2022

Ripley St

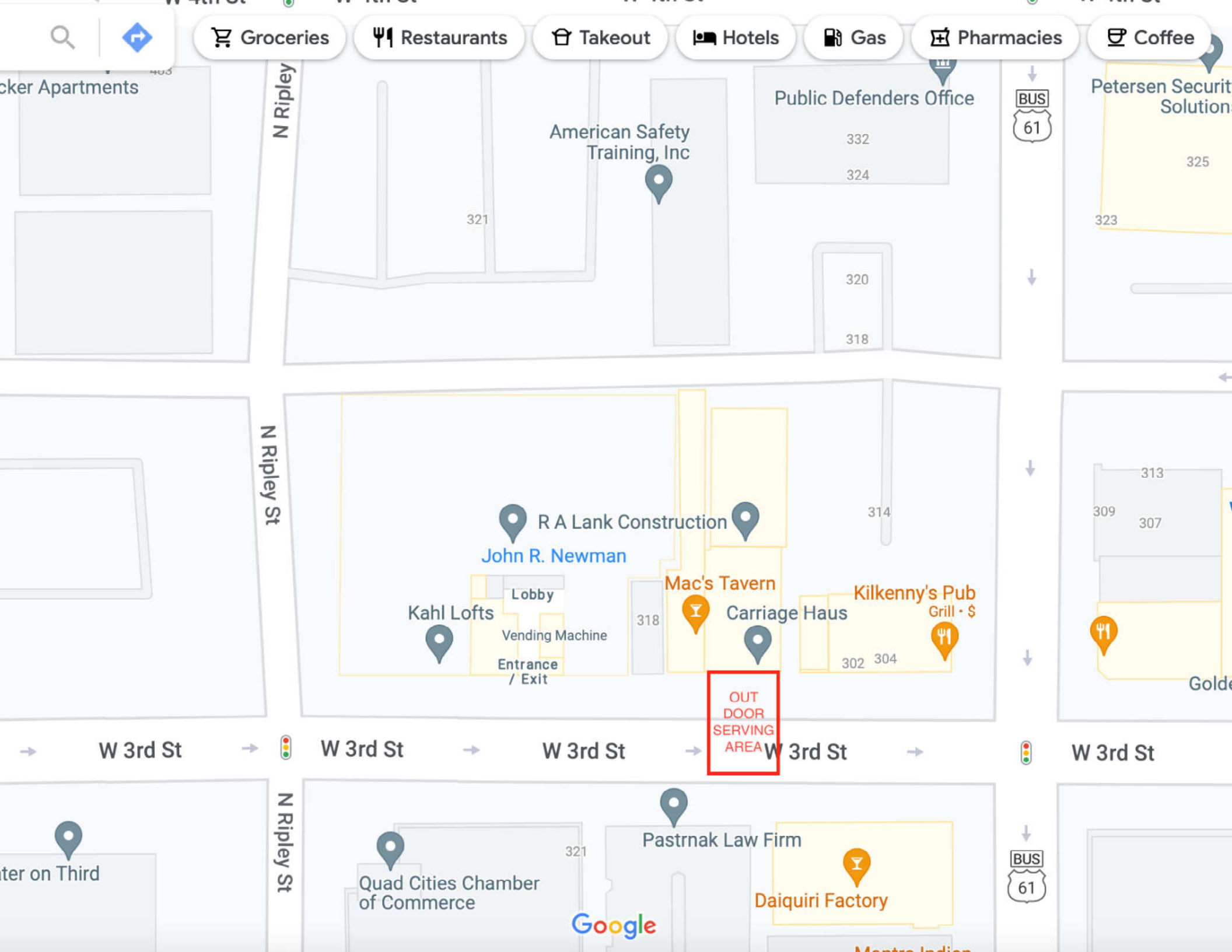


Navigation sidebar with icons for menu, search, street view, layers, and share.



BACK AREA FOR
GAMES AND FOOD

KILKENNYS AREA IS WITHIN THE GREEN LINE



Groceries



Restaurants



Takeout



Hotels



Gas



Pharmacies



Coffee

cker Apartments

N Ripley St

American Safety Training, Inc

Public Defenders Office



Petersen Security Solutions

321

332

324

325

323

320

318

N Ripley St

R A Lank Construction
John R. Newman

Kahl Lofts

Lobby

Vending Machine

Entrance / Exit

Mac's Tavern

Carriage Haus

Kilkenny's Pub
Grill • \$

302 304

313

309

307

Golden

W 3rd St

W 3rd St

W 3rd St

W 3rd St

W 3rd St

ter on Third

N Ripley St

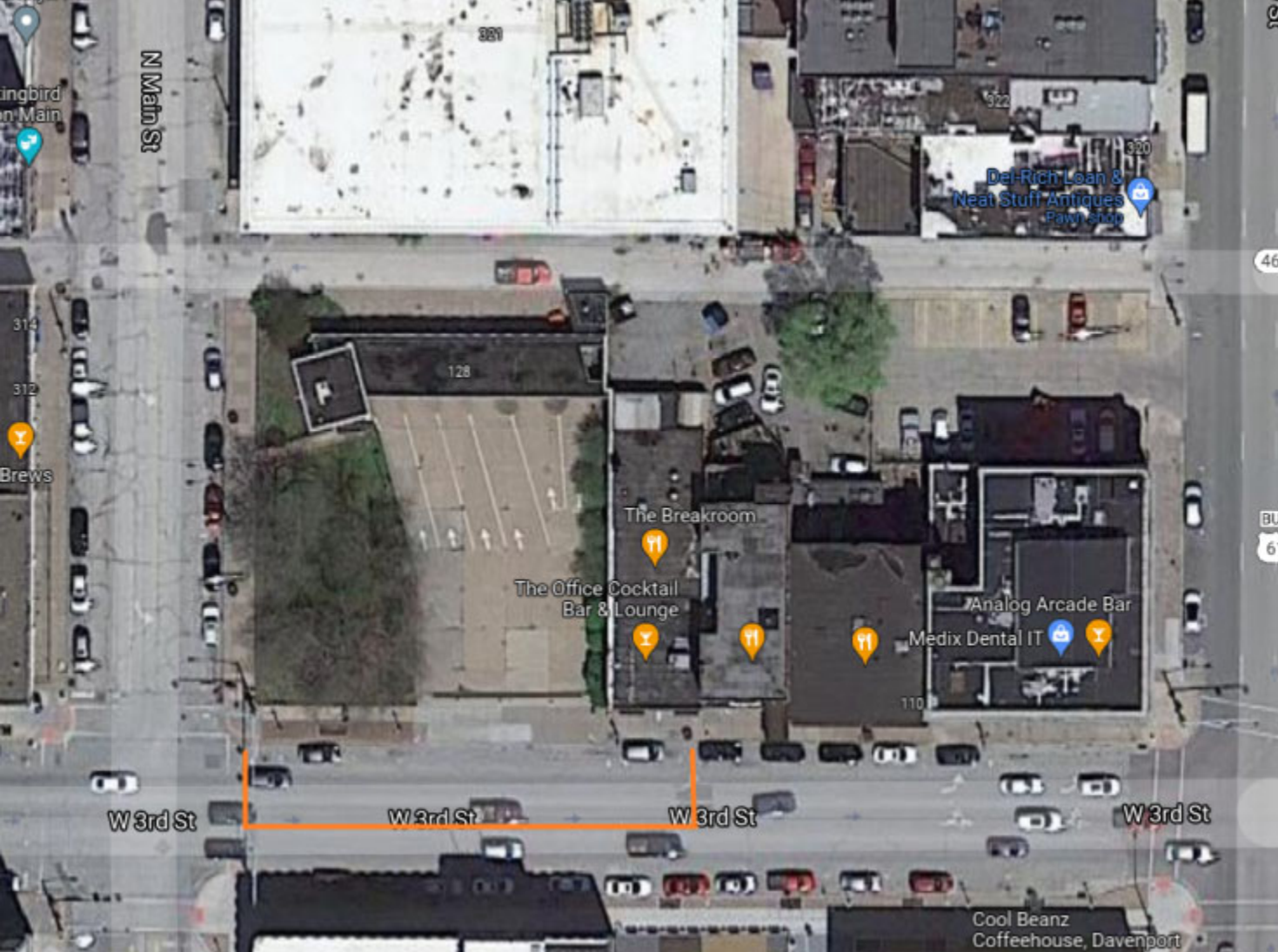
Quad Cities Chamber of Commerce

Pastrnak Law Firm

Daiquiri Factory



Google







CITY OF DAVENPORT

STREET CLOSING AND NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 30 day of July, 20 22 during the hours of 2pm - 5pm
there is proposed a street closing with outdoor music/band/performance, requested by
Anissa Quinn, which will require the closing of Street
between Kirkwood and Grand Ave.

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

NAME AND ADDRESS

IN FAVOR

OPPOSED

NOT CONCERNED

Carl Peters 11818 Grand Ave	X		
Carla Brown 1415 Grand	X		
Tyler Ahlgren 1821 Grand	X		
Blanc E. Cardenas	X		
Jeff 1802 Grand	X		
Maria Hernandez 1711 Grand	X		
Latie Harvey 1704 Grand	X		
Emily Gerdt	X		
Matt Kueper 1116 Grand	X		
Mr. [unclear]			
Carol [unclear] 1803 Grand	X		
Anna [unclear] 629 [unclear]	X		

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

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

Anissa Quinn 5/20/22
Signature of Applicant Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com

Saturday July 30th 2pm-5pm
Anissa Quinn Closing of street
between Kirkwood and Grand Ave
Name and Address Favor Opposed ^{not} concerned

Paulette Brooks 619 Douglas St yes ✓
Sharnice Warden 618 Douglas St yes ✓
Nick Flatter 622 Douglas St ✓

City of Davenport

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

Action / Date
7/13/2022

Subject:

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

Tammy Trice; Heatherton Good Neighbor Project Block Party; 3300 block of Heatherton Drive; Saturday, July 23, 2022 11:00 a.m. - 1:00 p.m.; Outdoor music, over 50 dBA. [Ward 2]

Heather Davis; Arlington Avenue Block Party; 3114 Arlington Avenue; Saturday, July 23, 2022 12:00 p.m. - 5:00 p.m.; Outdoor music, over 50 dBA. [Ward 5]

Daiquiri Factory, Kilkenny's, Carriage Haus, and Mac's; 3rd Street Bix Bash Music Fest; 300 block of West 3rd Street; 7:00 p.m. - 11:00 p.m. Friday, July 29, 2022 and 10:00 a.m. - 12:00 a.m. Saturday, July 30, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

The Office; Bix Party; 116 West 3rd Street; Saturday, July 30, 2022 12:00 p.m. - 12:00 a.m.; Outdoor music, over 50 dBA. [Ward 3]

Anissa Quinn; Community Block Party; 1831 Grand Avenue; Saturday, July 30, 2022 2:00 p.m. - 5:00 p.m.; Outdoor music, over 50 dBA. [Ward 5]

Recommendation:

Pass the Motion.

Background:

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

ATTACHMENTS:

Type	Description
Backup Material	Bix Bash Music Fest Noise Variance Petition

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/1/2022 - 4:29 PM

CITY OF DAVENPORT

Noise Variance Request

On the 29:30 day of July, 2022, there is
 proposed an event, requested by Kilkenny's Pub, Carriage Haus, Macs Tavern, Daq fac
 This will require the Public Safety Committee to approve a noise variance for this event during the
 hours of Friday: 7:00pm-12:00am
Saturday: 10:00am-12:00am

Please sign your name and print address below and indicate whether you favor, oppose, or are
 not concerned about a noise variance being issued for this event. (CHECK ONE, PLEASE).

NAME AND ADDRESS	FAVOR	OPPOSE	Not CONCERNED
------------------	-------	--------	------------------

unimpaired 246 W 3rd	X		
Allied Barber 224 W 3rd	X		
Central Grocery 234 W 3rd	X		
me and billy 1200 W 3rd	X		
Source Bookstore 232 W 3rd	X		
infinity salon: usps 220	X		
oh so sweet 314 main	X		
unimpaired 246 W 3rd			

Angela Evans
Sundae
Bill Carter
Brian
Kathleen A. Brown

Please use additional sheets if necessary.

City of Davenport

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

Action / Date
7/13/2022

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

Stompbox Brewing (JPX2ME, LLC) - 210 East River Dr #101 - Recurring Extended Outdoor Area - July 30-31 - License Type: Class C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Recurring Extended Outdoor Area - July 30-31 - License Type: Class C Liquor

Daiquiri Factory (Daq Fac, LLC) - 303 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Dam View Inn (VanDamQC, LLC) - 410 East 2nd Street - Recurring Extended Outdoor Area - July 28-31 - License Type: Class C Liquor

Kilkennys Pub & Eatery (Kilkennys Pub, Inc) - 300 West 3rd Street - Recurring Extended Outdoor Area - July 29-31 - License Type: Class C Liquor

Ward 6

Rudy's Tacos (CME 1066, Inc) - 3944 Elmore Avenue - New License - License Type: Class C Liquor

Ward 7

CASI (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Recurring Extended Outdoor Area - July 16 "Rock the Lot" - License Type: Class C Liquor

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

Ward 3

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

Stompbox Brewing (JPX2ME, LLC) - 210 East River Drive #101 - Outdoor Area - License Type: Class C Liquor

Ward 6

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

Applebee's Neighborhood Grill & Bar (Apple Corps LP) - 3838 Elmore Avenue - License Type: Class C Liquor

Jersey Grille (Jersey Grille, Inc) - 5255 Jersey Ridge Road - Outdoor Area - License Type: Class C Liquor

Ward 7

Hooters of Davenport (HOA Restaurant Holder, LLC) - 110 East Kimberly Road - Outdoor Area - License Type: Class C Liquor

The Filling Station (Bar Management, LLC) - 305 East 35th Street - Outdoor Area - License Type: Class C Liquor

Kwik Star #280 (Kwik Trip, Inc) - 301 West Kimberly Road - License Type: Class C Beer

Ward 8

Kwik Star #215 (Kwik Trip, Inc) - 100 West 65th Street - License Type: Class C Beer

Recommendation:
Pass the Motion.

Background:

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

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Merritt, Mallory	Approved	6/30/2022 - 9:09 AM
Public Safety Committee	Merritt, Mallory	Approved	6/30/2022 - 9:09 AM
City Clerk	Admin, Default	Approved	6/30/2022 - 2:52 PM

City of Davenport

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

Action / Date
7/13/2022

Subject:

Resolution approving the plans, specifications, and estimate of cost for the Kelling Street and West Central Park Avenue Sump Pump Abatement project, CIP #33050. [Ward 4]

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 icing in the winter on Central Park Avenue.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Kay, Amy	Approved	6/29/2022 - 8:44 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 Kelling Street and West Central Park Avenue Sump Pump Abatement project, CIP #33050.

WHEREAS, plans, specifications, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Kelling Street and West Central Park Avenue Sump Pump Abatement project; and

WHEREAS, notice of Hearing on plans, specifications, 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 Kelling Street and West Central Park Avenue Sump Pump Abatement project.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
7/13/2022

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project, CIP #35054. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

This project will resurface the existing pavement and mitigate stormwater drainage problems along the project length. Work will be completed during the fall of 2022.

Funding is available through CIP #35054. The estimated project cost is \$350,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:20 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:20 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:30 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 Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) 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 Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project; and

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 Gaines Street (West 30th Street to West 32nd Street) and West 32nd Street (Gaines Street to Western Avenue) Resurfacing project.

Passed and approved this 13th day of July, 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
7/13/2022

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the FY 2023 Sealcoat Road Rehabilitation Program, CIP #35054. [Wards 1 & 2]

Recommendation:

Adopt the Resolution.

Background:

This street rehabilitation project is intended to be a low-cost rehabilitation of existing sealcoat roads. In lieu of full reconstruction, the targeted streets will be overlayed with asphalt. Work also includes subgrade stabilization, potholing, and surface leveling.

Funding will be provided by the Neighborhood Streets Capital Improvement Program. The expected award amount is \$600,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Exhibit	location map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:14 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:15 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:30 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 cost for the FY 2023 Sealcoat Road Rehabilitation Program, CIP #35054.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the FY 2023 Sealcoat Road Rehabilitation Program; and

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 FY 2023 Sealcoat Road Rehabilitation Program.

Passed and approved this 13th day of July, 2022.

Approved:

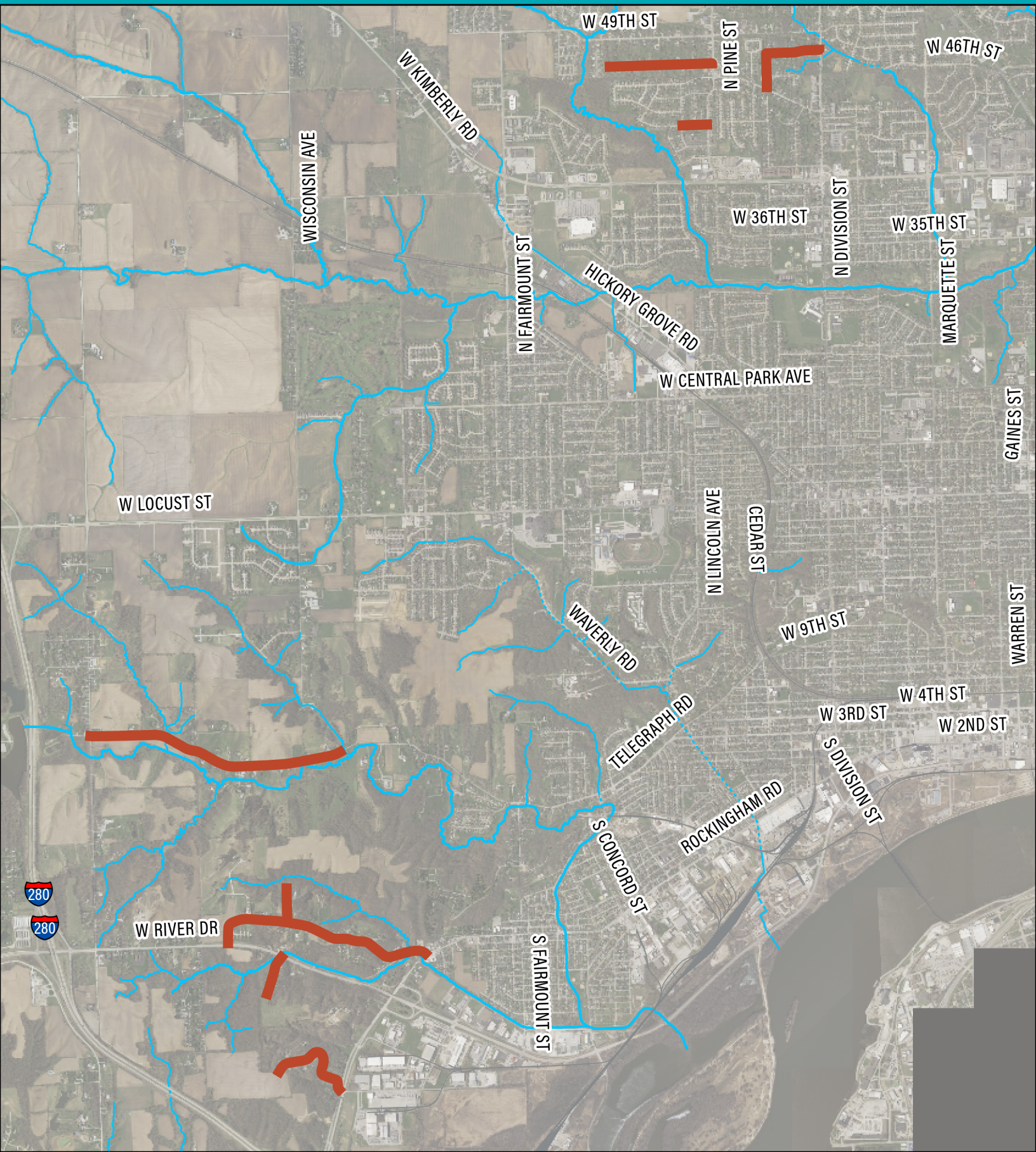
Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



A horizontal number line labeled "Feet" with tick marks at 0 and 2,000.



City of Davenport

Department: Public Works - Admin
Contact Info: Kevan Oliver | 563-327-5199

Action / Date
7/13/2022

Subject:

Resolution approving the specifications, form of contract, and estimate of cost for the CY 2022 Pedestrian Curb Ramp Retrofit Program, CIP #35059. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

Sidewalks at intersections altered by the City's in-house asphalt resurfacing crew must be updated to bring them into compliance with City standards. This program will update pedestrian curb ramps by contract.

Funds for the CY 2022 Pedestrian Curb Ramp Retrofit Program are budgeted in CIP Project #35059 at \$300,000.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	6/29/2022 - 11:16 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:17 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:34 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the specifications, form of contract, and estimate of cost for the CY 2022 Pedestrian Curb Ramp Retrofit Program, CIP #35059.

WHEREAS, on the 1st day of July, 2022, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the CY 2022 Pedestrian Curb Ramp Retrofit Program within the City of Davenport, Iowa; and

WHEREAS, notice of Hearing on 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 specifications, form of contract, and estimate of cost are hereby approved as the specifications, form of contract, and estimate of cost for said CY 2022 Pedestrian Curb Ramp Retrofit Program.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Nick Schmuecker | 563-327-5162

Action / Date
7/13/2022

Subject:

Resolution awarding a contract for the design of the Utah Avenue Bridge Over Duck Creek Replacement project to WHKS & Co of West Des Moines, Iowa in an amount not-to-exceed \$100,425, CIP #21011. [Ward 2]

Recommendation:

Adopt the Resolution.

Background:

Upon acceptance of State grant funds for the replacement of the Utah Avenue Bridge over Duck Creek, the City solicited and selected the proposal of WHKS & Co of West Des Moines, Iowa.

The design will be complete for a February 2023 Iowa Department of Transportation letting. Funding for the Utah Avenue Bridge Over Duck Creek Replacement project is established within CIP #21011 with an amount not-to-exceed \$100,425.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:21 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:21 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:34 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 design of the Utah Avenue Bridge Over Duck Creek Replacement project to WHKS & Co of West Des Moines, Iowa in an amount not-to-exceed \$100,425, CIP #21011.

WHEREAS, the City needs to contract for engineering services for the design of the Utah Avenue Bridge over Duck Creek Replacement project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the design of the Utah Avenue Bridge over Duck Creek Replacement Project is hereby awarded to WHKS & Co of West Des Moines, Iowa in an amount not-to-exceed \$100,425.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, by and between **City of Davenport** hereinafter referred to as the "Client" and WHKS & Co., hereinafter referred to as "WHKS", is made as follows:

WHEREAS, the Client has a need for certain professional services relating to the project described as **N Utah Avenue over Duck Creek Bridge Replacement**.

WHEREAS, WHKS proposes to furnish the professional services required by the Client for said project,

NOW THEREFORE, the Client hereby agrees to retain and compensate WHKS to perform the professional services in accordance with the terms and conditions of this Agreement and the attached Standard Terms and Conditions.

Scope of Services

WHKS shall perform the following described services for the Client:

Design engineering services as described on the attached Scope of Services included in Exhibit A.

Basis of Compensation

For the services described above, the Client shall remunerate WHKS as follows:

Billed Hourly with a Not-to-Exceed Fee of \$100,425 including Expenses. Internal expenses billed at actual cost and mileage at the current published IRS rate per mile. External expenses include an administrative charge of 10 percent.

Breakdown of External Subconsultant expenses included above:

- **Phase 1A archeological review performed by EOR = \$1,800**
- **Geotechnical Engineering (and necessary traffic control) performed by Terracon = \$11,275**
- **Hazardous paint and asbestos inspection, sampling, and testing performed by Aspec Environmental Testing, Inc. = \$340**

Executed this _____ day of _____, 2022

City of Davenport

By: _____

Printed Name: _____

Title: _____

WHKS & CO.

By:  _____

Printed Name: Derek J. Thomas, PE

Title: Vice President



Exhibit A to Professional Services Agreement

A. Project Description

This project involves performing preliminary and final design for the replacement of the N Utah Avenue bridge over Duck Creek. The existing bridge is a single span 51' x 21.6' prestressed concrete T-beam bridge. The proposed structure is assumed to be a standard-length Iowa DOT continuous concrete slab (CCS) bridge with a modified width. The bridge length will be determined in final design. The bridge width will be modified to support three or four lanes of traffic and pedestrian walkways on both sides. The exact width of these elements will be determined during final design. Any necessary railings, fences, or lighting will be based on Iowa DOT standard designs subject to Client review.

This agreement includes survey, hydraulics and sizing for the bridge, permit evaluation and application, and preparation of final plans and specifications.

The existing roadway is 24' wide including shoulders. It is assumed that the existing and final roadway profile and alignment will be the same. The existing roadway surface is granular. Project limits will be determined during preliminary design based on embankment grading to support future pedestrian walkways. Sidewalks beyond the bridge will not be constructed with this project. Standard Iowa DOT guardrail and bridge approach pavement will be constructed with this project.

The roadway will remain closed to traffic and staged construction of the bridge will not be required. The project construction schedule will be coordinated not to interfere with the closure and replacement of the bridge on W 46th Street over Cardinal Creek. Construction will not begin prior to completion of the W 46th Street bridge.

Site and field survey will be performed. Land lines, right-of-way (ROW) lines, and ownership lines will be determined to evaluate ROW and utility impacts. Easement plats and descriptions will be developed. Existing ROW appears to vary from 66' north of the bridge to 60' south of the bridge. Based on existing information, two acquisition plats and two temporary construction easements will be necessary. The Client will handle acquisition of easements and any required ROW.

Utility coordination will be performed in accordance with Iowa DOT Instructional Memorandums to Local Public Agencies (I.M.s).

The project is anticipated to fall under Type 2 category as described in the Iowa DOT I.M.s and is assumed to qualify for a Categorical Exclusion. Phase 1A archeological review will be performed by a subcontractor to WHKS. It is assumed that a full architectural/historical review will not be required.

Geotechnical Engineering and hazardous material inspection and testing (asbestos) services will be provided by a subcontractor to WHKS. Necessary traffic control will be coordinated by the Geotechnical subcontractor.

The project will be constructed with Federal funds and will be let through the Iowa DOT. E-Plan will be used for City submittal review. All submittals will be provided to the City of Davenport for review prior to other agencies.

B. Scope of Services Provided Under This Agreement:

1. Project Management and Meetings

- Perform general project administrative duties including supervision and coordination of the project team, review of project costs and billings, prepare invoices using Consultant's standard forms, preparation of status reports, and general administrative activities.
- Hold virtual kick-off meeting with Client to discuss the project and review the scope.
- Advise the Client of the necessity of obtaining Special Engineering Services as described in Paragraph C., and act as the Client's representative in connection with any such services not actually performed by WHKS.
- Prepare and submit project Concept Statement to Iowa DOT.

2. Topographic Survey and Research of Existing Conditions

- Perform site topographical surveys to support new facilities. Topographic survey to include hydraulic cross sections to be taken upstream and downstream of the crossing. 7 cross sections are assumed.
- Develop project control and base map for the project.
- Locate the existing underground utilities as located by the Iowa One Call locate system.
- Collect, obtain and review relevant information from the Client.

3. Hydrologic and Hydraulic Analysis and Permitting

- Perform hydrologic and hydraulic analysis to evaluate the proposed bridge alternative in accordance with local and state flood plain permit requirements.
 - Review drainage area and local hydrologic characteristics.
 - Determine hydrologic analysis method and perform conduct hydrologic analysis, utilizing data from USGS StreamStats, and information from the local Flood Insurance Study (FIS), including detailed floodway delineation mapping.
 - Obtain FIS hydraulic model for water surface elevation determination from Client, DNR, or FEMA.
 - Conduct a site evaluation to verify base hydraulic model.
 - Update hydraulic model with the hydraulic survey data.
 - Input up to (2) alternative proposed structure options and roadway profile into the hydraulic model. Review model runs and determine the effects on flood elevations, the floodway, insurable structures, and the potential for streambed mitigation if above 0.03 acres.
 - Develop hydraulic model to analyze adequate structure sizing, velocities, backwater, and water surface elevations.
 - Determine the final structure sizing based on the results of the hydraulic analysis, City and Iowa DNR requirements for roadway freeboard and backwater, and City input on preferred structure.
 - Evaluate need for channel shaping, berm slope stabilization, and inlet/outlet erosion controls such as revetment.

- Prepare and submit Joint Permit Application, including the bridge Type, Size, and Location (TS&L) drawing (preliminary plans developed in preliminary and final design phase) and Floodplain Permit Application to Iowa DNR and U.S. Army Corps of Engineers.

4. Preliminary and Final Design

- Prepare preliminary and final plans and specifications to show the character and scope of work to be performed by contractors on the Project. Plans will follow Iowa DOT standards.
- Geotechnical Engineering services will be performed by a subcontractor to WHKS under this contract. Geotechnical services to include soil borings, material testing, and geotechnical evaluation.
- Prepare opinion of probable construction cost on completed plans and specifications.
- Furnish one (1) original signed copies of the plans, specifications, and other contract documents as required to the Client.
- Answer contractor's questions during the bidding phase.
- Prepare addendums to the contract documents prior to bid letting, if necessary.
- A Storm Water Pollution Prevention Plan (SWPPP) will be prepared.

5. Construction Administration

- Perform wave equation (WEAP) analysis for pile driving.

6. List of Deliverables

- One (1) copy of all calculations.
- One (1) final set of hard copy "original" plans sheets, signed by all parties.
- AutoCAD/Civil3D format for the plans.
- Complete and upload all required load ratings into SIIMS.

7. Project Schedule

The project is scheduled to be let through the Iowa DOT in February 2023 and will follow a Minor project schedule as defined by the Iowa DOT I.M.s.

- Notice to Proceed - July 13, 2022
- Kickoff Meeting - by July 22, 2022
- Survey - by July 29, 2022
- Hydraulics Sizing and Permitting - by August 19, 2022
- Concept Statement and Preliminary Plans - September 20, 2022
- 75% Plans - by October 4, 2022
- Check Plans - November 1, 2022
- Final Plans - December 20, 2022
- Project Letting - March 21, 2023

C. Special Engineering Services:

Special Engineering Services are those services not listed above, but which may be required or advisable to accomplish the Project. Special Engineering Services shall be performed when authorized by the Client for additional fees, to be determined at the time authorized.

Special Engineering Services include:

1. Negotiation for easements or land acquisition
2. Quality control testing and construction materials testing
3. Permits other than those identified above
4. Funding assistance, including grant and/or loan applications
5. Wetland Delineations or mitigation plans
6. Geotechnical design/recommendations
7. Cultural resource survey or other studies or documentation that may be required by regulatory agencies that are not specifically listed in the scope of services
8. National Environmental Policy Act (NEPA) compliance, including historical and archeological investigations
9. Bridge aesthetics
10. Attendance at additional meetings (other than those listed above)
11. Construction phase engineering services, including construction administration, staking, construction observation, preparation of record drawings and project close-out services

STANDARD TERMS AND CONDITIONS FOR PUBLIC SECTOR PROJECTS

1. Scope of Services

Client and WHKS have agreed to a list of services WHKS will provide to Client as listed on the Professional Services Agreement Form.

2. Governing Law

The laws of the State of Iowa will govern this Agreement, its interpretation and performance. Any litigation arising in any way from this Agreement shall be brought in the courts of that State.

3. Standard of Care

Services provided by WHKS under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances and locality.

4. Integration

This Agreement comprises the final and complete agreement between Client and WHKS. It supersedes all prior communications, representations, or agreements, whether oral or written, relating to the subject matter of this Agreement. Execution of this Agreement signifies that each party has read the document thoroughly. Amendments to this Agreement shall not be binding unless made in writing and signed by both Client and WHKS.

5. Guarantees and Warranties

WHKS shall not be required to sign any documents, no matter by whom requested, that would result in WHKS having to guarantee or warrant the existence of conditions whose existence WHKS cannot ascertain. Client also agrees not to

make resolution of any dispute with WHKS or payment of any amount due to WHKS in any way contingent upon WHKS signing any such guarantee or warranty.

6. Indemnification

WHKS agrees, to the extent permitted by law, to indemnify and hold Client harmless from any damage, liability or cost (including reasonable attorney's fees and costs of defense) to the extent caused by WHKS' negligent acts, errors or omissions in the performance of professional services under this Agreement and those of its subconsultants or anyone for whom WHKS is legally liable.

Client agrees, to the extent permitted by law, to indemnify and hold WHKS harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by Client's negligent acts, errors or omissions and those of Client's contractors, subcontractors or consultants or anyone for whom Client is legally liable.

Neither WHKS nor Client shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.

7. Billing and Payment Provisions

Invoices shall be submitted by WHKS monthly and are due upon presentation and shall be considered PAST DUE if not paid within thirty (30) calendar days of the invoice date.

If payment is not received by WHKS within thirty (30) calendar days of the invoice date, Client shall pay as interest an additional charge of one

and one-quarter percent (1.25%) of the PAST DUE amount per month. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal.

If Client fails to make payments within sixty (60) days from the date of an invoice or otherwise is in breach of this Agreement, WHKS may, at its option, suspend performance of services upon five (5) calendar days' notice to Client. WHKS shall have no liability whatsoever to Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by Client. If Client fails to make payment to WHKS in accordance with the payment terms herein, this shall constitute a material breach of this Agreement and shall be cause for termination by WHKS.

In the event legal action is necessary to enforce the payment provisions of this Agreement, WHKS shall be entitled to collect from Client any judgment or settlement sums due, reasonable attorneys' fees, court costs and expenses incurred by WHKS in connection therewith and, in addition, the reasonable value of WHKS personnel time and expenses spent in connection with such collection action, computed at WHKS current fee schedule and expense policies.

Payment of invoices is in no case subject to unilateral discounting or set-offs by Client, and payment is due regardless of suspension or termination of this Agreement by either party.

8. Ownership of Records

All reports, plans, specifications, field data and notes and other

documents, including all documents on electronic media, prepared by WHKS as instruments of service shall remain the property of WHKS.

Client shall be permitted to retain copies, including reproducible copies, of the plans and specifications for information and reference in connection with Client's use of the completed project. The plans and specifications shall not be used by Client or by others on other similar projects except by agreement in writing by WHKS.

9. Delivery of Electronic Files

In accepting and utilizing any drawings, reports and data on any form of electronic media generated and provided by WHKS, Client covenants and agrees that all such electronic files are instruments of service of WHKS, who shall be deemed the author, and who shall retain all rights under common and statutory laws, and other rights, including copyrights. Client is aware that differences may exist between the electronic files delivered and the respective construction documents due to addenda, change orders or other revisions. In the event of a conflict between the signed construction documents prepared by WHKS and electronic files, the signed construction documents shall govern.

Client and WHKS agree that the electronic files prepared by WHKS shall conform to the current CADD software in use by WHKS or to other mutually agreeable CADD specifications defined in the Agreement. Any changes to the CADD specifications by either Client or WHKS are subject to review and acceptance by the other party. Additional efforts by WHKS made necessary by a change to the CADD specifications or other software shall be compensated for as Additional Services.

The electronic files provided by WHKS to Client are submitted for an acceptance period of 60 days. Any defects Client discovers during this period will be reported to WHKS and will be corrected as part of the Scope

of Services. Correction of defects detected and reported after the acceptance period will be compensated for as Additional Services.

Client agrees not to reuse the electronic files, in whole or in part, for any purpose or project other than the project that is the subject of this Agreement. Client agrees not to transfer the electronic files to others without the prior written consent of WHKS, except as required by law. In addition, Client agrees, to the extent permitted by law, to indemnify and hold WHKS harmless from any damage, liability or cost, including reasonable attorney's fees and costs of defense, arising from any changes made by anyone other than WHKS or from any reuse of the electronic files without the prior written consent of WHKS.

Under no circumstance shall delivery of the electronic files for use by Client be deemed a sale by WHKS and WHKS makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall WHKS be liable for any loss of profit or any consequential damages.

10. Changed Conditions

Client shall rely on the judgment of WHKS as to the continued adequacy of this agreement in light of occurrences or discoveries that were not originally contemplated by or known to WHKS. Should WHKS call for contract renegotiation, WHKS shall identify the changed conditions necessitating renegotiation and WHKS and Client shall promptly and in good faith enter into renegotiation of this Agreement. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.

11. Permits and Approvals

WHKS shall assist Client in applying for those permits and approvals typically required by law for projects similar to the one for which WHKS services are being engaged. This assistance consists of completing

and submitting forms as to the results of certain work included in the Scope of Services.

12. Suspension of Services

If the project is suspended for more than thirty (30) calendar days in the aggregate, WHKS shall be compensated for services performed and charges incurred prior to receipt of notice to suspend and, upon resumption, an equitable adjustment in fees to accommodate the resulting demobilization and remobilization costs. In addition, there shall be an equitable adjustment in the project schedule based on the delay caused by the suspension. If the project is suspended for more than ninety (90) calendar days in the aggregate, WHKS may, at its option, terminate this Agreement upon giving notice in writing to Client.

13. Termination

Either Client or WHKS may terminate this Agreement at any time with or without cause upon giving the other party seven (7) calendar days prior written notice. Client shall within thirty (30) calendar days of termination pay WHKS for all services rendered and all costs incurred up to the date of termination, in accordance with the compensation provisions of the Agreement.

14. Unauthorized Changes

In the event Client, Client's contractors or subcontractors or anyone for whom Client is legally liable makes or permits to be made any changes to any reports, plans, specifications or other contract documents prepared by WHKS without obtaining WHKS' prior written consent, Client shall assume full responsibility for the results of such changes. Therefore, Client agrees to waive any claim against WHKS and to release WHKS from any liability arising directly or indirectly from such changes.

Client also agrees, to the extent permitted by laws, to indemnify and hold WHKS harmless from any

damage, liability or cost, including reasonable attorneys' fees and costs of defense, arising from such changes.

15. Jobsite Safety

Neither the professional activities of WHKS nor the presence of WHKS or its employees and subconsultants at a construction site, shall relieve the General Contractor and any other entity of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the construction work in accordance with the contract documents and any health or safety precautions required by any regulatory agencies. WHKS and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions.

16. Additional Services

Services which are requested by Client or are required as part of the Project, but are not included in the Scope of Services, are considered Additional Services.

WHKS will notify Client in writing when Additional Services will be needed. WHKS and Client will agree on the extent of the Additional Service(s) required and will agree on the method and amount of the compensation for performance of said agreed upon Additional Services.

WHKS will not perform Additional Services which will result in additional cost to Client without documented verbal or written authority of Client.

In the event WHKS is requested or required to participate in any dispute resolution procedure which involves any aspect of the Project, Client agrees to compensate WHKS for the reasonable value of WHKS' personnel time and expenses spent

in connection with such procedures computed at WHKS' then current fee schedule and expense policies.

17. Dispute Resolution

In an effort to resolve any conflicts that arise, Client and WHKS agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

18. Third Party Beneficiaries

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either Client or WHKS. WHKS' services under this Agreement are being performed solely for Client's benefit, and no other entity shall have any claim against WHKS because of this Agreement or the performance or nonperformance of services hereunder.

19. Extension of Protection

Client agrees to extend any and all liability limitations and indemnifications provided by Client to WHKS to those individuals and entities WHKS retains for performance of the services under this Agreement, including but not limited to WHKS officers and employees and their heirs and assigns, as well as WHKS subconsultants and their officers, employees, heirs and assigns.

20. Timeliness of Performance

WHKS will perform the services described in the Scope of Services with due and reasonable diligence consistent with sound professional practices.

21. Delays

WHKS is not responsible for delays caused by factors beyond WHKS' reasonable control, including but not limited to delays because of strikes, lockouts, work slowdowns or stoppages, accidents, acts of God, failure of any governmental or other

regulatory authority to act in a timely manner, failure of Client to furnish timely information or approve or disapprove of WHKS' services or work product promptly, or delays caused by faulty performance by Client or by contractors of any level. When such delays beyond WHKS' reasonable control occur, Client agrees WHKS is not responsible for damages, nor shall WHKS be deemed to be in default of this Agreement.

22. Right to Retain Subconsultants

WHKS may use the services of subconsultants when, in the sole opinion of WHKS, it is appropriate and customary to do so. Such persons and entities include, but are not limited to, aerial mapping specialists, geotechnical consultants and testing laboratories. WHKS' use of other consultants for additional services shall not be unreasonably restricted by Client provided WHKS notifies Client in advance.

23. Assignment

Neither party to this Agreement shall transfer, sublet or assign any rights under or interest in this Agreement (including but not limited to monies that are due or monies that may be due) without the prior written consent of the other party.

24. Severability and Survival

Any provision of this Agreement later held to be unenforceable for any reason shall be deemed void, and all remaining provisions shall continue in full force and effect.

25. Hazardous Materials

It is acknowledged by both parties that WHKS' Scope of Services does not include any services related to asbestos or hazardous or toxic materials. In the event WHKS or any other party encounters asbestos or hazardous or toxic materials at the jobsite, or should it become known in any way that such materials may be present at the jobsite or any adjacent areas that may affect the performance of WHKS services,

WHKS may, at its option and without liability for consequential or any other damages, suspend performance of services on the project until Client retains appropriate specialist consultant(s) or contractor(s) to identify, abate and/or remove the asbestos or hazardous or toxic materials, and warrant that the jobsite is in full compliance with applicable laws and regulations.

26. Joint Participation

The parties have participated jointly in the negotiation and preparation of all agreements between the parties. Each party has had an opportunity to obtain the advice of legal counsel and to review and comment upon this instrument. Accordingly, no rule of construction shall apply against any party or in favor of any party. This instrument shall be construed as if the parties jointly prepared it and any uncertainty or ambiguity shall not be interpreted against one party and in favor of another.

27. Record Documents

If required in the Professional Services Agreement, WHKS shall, upon completion of the Work, compile for and deliver to the Client a reproducible set of Record Documents that are based upon the marked-up record drawings, addenda, change orders and other data furnished by the Contractor or other third parties. These Record Documents may show certain significant changes from the original design made during construction. Because these Record Documents are based on unverified information provided by other parties, which the Consultant is entitled to assume as reliable, the Consultant does not warrant their accuracy.

Revised 02/23/07

Revised: 04/29/09

City of Davenport

Department: Public Works - Engineering
Contact Info: Nick Schmuecker | 563-327-5162

Action / Date
7/13/2022

Subject:

Resolution awarding a contract for the design of the West 46th Street Bridge Over Cardinal Creek Replacement project to Veenstra & Kimm, Inc of West Des Moines, Iowa in an amount not-to-exceed \$63,000, CIP #21010. [Ward 2]

Recommendation:

Adopt the Resolution.

Background:

Upon acceptance of State grant funds for the replacement of the West 46th Street Bridge over Cardinal Creek, the City solicited and selected the proposal of Veenstra & Kimm, Inc of West Des Moines, Iowa.

The design will be complete for a January 2023 local letting. Funding for the design of the West 46th Street Bridge Over Cardinal Creek Replacement project is established within CIP #21010 with an amount not-to-exceed \$63,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:22 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:22 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:39 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 design of the West 46th Street Bridge Over Cardinal Creek Replacement project to Veenstra & Kimm, Inc of West Des Moines, Iowa in an amount not-to-exceed \$63,000, CIP #21010.

WHEREAS, the City needs to contract for engineering services for the design of the W. 46thSt. Bridge over Cardinal Creek Replacement project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the design of the West 46th Street Bridge Over Cardinal Creek Replacement project is hereby awarded to Veenstra & Kimm, Inc of West Des Moines, Iowa in an amount not-to-exceed \$63,000.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

CITY OF DAVENPORT, IOWA WEST 46TH STREET BRIDGE OVER CARDINAL CREEK – CULVERT REPLACEMENT

WHEREAS, the CITY OF DAVENPORT, IOWA, a municipal corporation organized and existing pursuant to the laws of the State of Iowa, hereinafter referred to as the "CITY," is desirous of obtaining professional engineering services in connection with the West 46th Street Bridge over Cardinal Creek – Culvert Replacement, hereinafter referred to as the "Project," and

WHEREAS, the CITY of Davenport has determined that it would be desirous to perform the above-mentioned project in the Davenport area, and

WHEREAS, VEENSTRA & KIMM, INC., hereinafter referred to as the "CONSULTANT," being a corporation organized and existing under the laws of the State of Iowa; and

WHEREAS, the CONSULTANT is desirous of performing professional services for the CITY in connection with the Project.

NOW, THEREFORE, it is mutually agreed as follows:

SECTION I - GENERAL

A. PERFORMANCE

The performance of the CONSULTANT shall be limited to the scope of services outlined as hereinafter set forth.

B. CONFERENCES

Conferences shall be held from time to time as the performance of this Agreement progresses at a mutually convenient location at the request of the CITY. The CONSULTANT shall prepare and present such information as may be pertinent or necessary to enable the CITY to pass critical judgment on the features and progress of services under this Agreement. The CONSULTANT shall make such changes, amendments, or revisions in the detail of any phase of services under this Agreement as may be required by the CITY. If alternates or alternatives are to be considered, the CITY shall have the right of selection. The CONSULTANT shall, at the request of the CITY, appear personally, prepare and present such documents and/or explanations to the Davenport City Council as may be requested.

C. INDEMNIFICATION

The CONSULTANT shall and hereby agrees to hold and save the CITY harmless from any and all claims, settlements, and judgments, to include all reasonable investigative fees, attorneys' fees, suit and court costs for personal injury, property damage, and/or death arising out of the CONSULTANT's or any of its agents', servants', and employees' errors, omissions or negligent acts for services under this Agreement, and for all injury and/or death to any and all of the CONSULTANT's personnel, agents, servants, and employees occurring under the Worker's Compensation Act of the State of Iowa.

D. INSURANCE

The CONSULTANT shall furnish the CITY with a certificate or certificates of insurance by an insurance company licensed to do business in the State of Iowa, in compliance with Attachment II, "Professional Services Insurance".

E. PROGRESS REPORTS

The CONSULTANT shall furnish the CITY with monthly progress reports which shall indicate the percentage of engineering services completed on the project to the date of the report, together with a description of the status of services in progress during the CONSULTANT's performance under this Agreement. The CONSULTANT shall also, upon request of the CITY, furnish the necessary documentation to verify the reported progress in the performance of said services.

F. ACCESS TO CONSULTANT'S RECORDS

The CONSULTANT shall maintain all books, documents, papers, accounting records and other evidence pertaining to cost incurred in performing work covered by this contract. The CITY or any of its duly authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. All such books, records, and documents shall be retained for three years from the date of final payment under the contract.

G. OWNERSHIP OF DOCUMENTS

All survey notes, reports, design plans, specifications, special studies, records and other data prepared under this Agreement shall become the property of the CITY upon completion or termination of the services of the CONSULTANT.

H. FEDERAL REQUIREMENTS

Not applicable.

I. TERMINATION

If the CITY should desire to suspend or terminate the services to be rendered by the CONSULTANT under this Agreement, such suspension or termination may be affected by the CITY giving the CONSULTANT written notice. Payment shall be made by the CITY for services rendered by the CONSULTANT to date of termination.

J. CHANGES IN SCOPE OF SERVICES

1. Extra Work

Authorization for extra work shall be evidenced by the CITY in writing, in the form of a Supplemental Agreement. Extra work will usually be of limited extent and may consist of, but is not necessarily limited to, the introduction of new items of work beyond the stated or implied scope of the Agreement.

At the option of the CITY, payment for extra work may be made on a fixed price; a cost plus a fixed fee, time and materials; or other mutually agreed basis.

If the CONSULTANT is of the opinion that any work the CONSULTANT has been directed to perform is beyond the scope of this Agreement and constitutes extra work, the CONSULTANT shall promptly notify the CITY in writing of that fact. In the event the CITY determines that such work does constitute extra work, the CITY shall provide extra compensation to the CONSULTANT as provided for above. No extra work shall be performed by the CONSULTANT without receiving a written agreement from the CITY in advance.

2. Deletion of Work

Authorization for deletion of work shall be evidenced by the CITY in writing.

At the discretion of the CITY, work items listed in Section 2 - Scope of Work, or parts thereof, may be deleted from the project.

Reduction to the CONSULTANT's compensation as a result of deletion of work shall be based on the cost estimate of the work deleted. In the event that the CONSULTANT had performed authorized work on the items deleted prior to deletion, the cost of such work shall be retained in the CONSULTANT's compensation.

K. NONDISCRIMINATION

Attachment I titled "Special Provisions Section III Nondiscrimination In Employment by Contractors/Subcontractors and Suppliers" shall be signed by the CONSULTANT and shall become a part of this Agreement. In Attachment I the contractor/supplier is the CONSULTANT for terms of this Agreement.

L. CONTRACT COMPLIANCE PROGRAM

The CONSULTANT agrees to comply with the City of Davenport Special Provisions.

M. SUBLETTING OR ASSIGNMENT

The CONSULTANT shall not sublet, assign or otherwise dispose of any portion of the services to be provided by this Agreement without a written permission to sublet signed by the City Engineer and approved by the City Council. Requests for permission to sublet shall be in writing and shall name the organization which will perform the work, the work to be performed, and the dollar amount of the work to be performed. Subconsultants which are shown as part of this Agreement shall be deemed to be approved when this Agreement is executed.

A "City of Davenport Consultant Cost Summary for Subagreements" or equal shall be provided on each organization showing Hourly rates and Overhead and Fringe Benefit rates that will be applied to services to be sublet.

When requested by the City Engineer, the CONSULTANT shall provide a written report showing that the organization which will perform the work is particularly experienced and equipped for such work. Consent by the CITY for the CONSULTANT to sublet, assign or otherwise dispose of any portion of this Agreement shall not relieve the CONSULTANT of any responsibility for fulfillment of this Agreement, nor shall it in any way create a contractual relationship between the CITY and the SUBCONSULTANT. The CONSULTANT agrees to include in and make a part of all subagreements all portions of this Agreement which relate to the subconsultants' work including the Nondiscrimination portions of this Agreement.

N. CLOSE-OUT OF AGREEMENT

Upon completion or termination of services under this Agreement, the CONSULTANT shall provide the CITY the following documents:

1. Documents as stated in Section 1.G of the Agreement.
2. Statement of Final Billing.
3. Written report showing the actual amounts paid by the CONSULTANT for services under this Agreement to MBE/WBE Firms.

O. LAWS, REGULATIONS AND CODES

The CONSULTANT hereby agrees that all work done as part of this Agreement which is subject to current Federal, State or Local Laws, Regulations and/or Codes shall comply with such applicable Laws, Regulations and/or Codes.

P. CITY POLICY AND PROCEDURES

The CONSULTANT hereby agrees to conform to CITY policy and procedures as they relate to this Agreement. Such policy and procedure shall include but is not limited to the following:

1. Invoice and billings for service.
2. Engineering Department Design Standards.
3. Engineering Department standard format for reports, plans, and/or specifications.
4. Plan-review process including site-plan and architectural review.
5. Include CITY Work Order Number and Contract Number on all documents related to this Agreement if appropriate.

Q. NOTICE TO PROCEED

The CONSULTANT shall not begin work until a written notice to proceed is issued by the City Engineering Department. If Section 2 of this Agreement provides for the work to be completed in phases, a notice to proceed shall be issued for each phase.

SECTION 2 - SCOPE OF SERVICES

A. SERVICES PROVIDED BY CONSULTANT

The scope of the services for which consulting services are to be performed under this Agreement shall include the site survey, hydraulic analysis, preliminary design, and final design for the culvert replacement structure for the West 46th Street Bridge over Cardinal Creek, which is Davenport Bridge No. 14 (FHWA 003100). Individual items of the work shall include:

Phase I: Site Survey, Hydraulic Analysis, and Preliminary Design to Determine Type, Size, and Location for Replacement Structure, assuming a Standard Multi-Cell Reinforced Concrete Box Culvert with standard wingwalls.

1. Review available inspection data and bridge plans.

2. Perform site survey to obtain topographic information, determine benchmarks, roadway and stream alignment, channel sections, water elevations, and existing utility and structure locations.
3. Perform one dimensional H&H analyses using HECRAS to size a standard multi-cell culvert that meets Iowa DNR and FEMA requirements for backwater.
4. Determine limited approach roadway geometry to connect from the existing gravel road to the new culvert.
5. Create Preliminary (30%) Plans for standard multi-cell culvert.
6. Prepare and submit Preliminary (30%) Plans and required documents for review agency approvals and permit applications to the City and review agencies including the Iowa DNR (IADNR) and U.S. Army Corps of Engineers (COE).
7. Review and address City, IADNR, and COE comments.
8. Complete a preliminary construction cost estimate.

Phase II: Standard Multi-Cell Reinforced Concrete Box Culvert Final Design, Final Plans, and Technical Specifications

1. Finalize new culvert geometry and geometry to tie existing gravel road to new culvert. Culvert cross section and wingwalls will match an existing Iowa DOT standard. Structural calculations and custom culvert and wingwall drawings will not be required.
2. Prepare Check Plans and cost opinion and submit to City for review. Bid items will match the standard bid items used by the Iowa DOT. Governing technical specifications referenced in the plans will be the Iowa Department of Transportation Standard Specifications for Highway and Bridge Construction.
3. Meet with City to discuss Check Plans.
4. Update plans and Submit Final (100%) Plans and cost opinion to the City. The City will complete the bid documents, advertise for bids, and award the contract.

Exclusions: Services not included under the agreement include the following:

1. Right-of-way plats, easement drawings and descriptions.
2. Non-standard/custom culvert design.
3. Aesthetic details.
4. Wetlands investigations will be completed by reviewing available on-line wetlands maps. All other wetlands delineation and design for wetlands mitigation are excluded.
5. Reviews for cultural resources will be completed by the State Archaeologist at no cost. All other reviews or surveys for cultural resources are excluded.
6. Investigations for endangered species will be completed by reviewing the IADNR's available on-line data bases. Advanced surveys and investigations for endangered species are excluded.
7. Services related to completion of bid documents, advertisement for bids, and award of the construction contract.
8. General services and resident review during construction.

B. OBLIGATIONS OF CITY TO CONSULTANT

1. Provide available information, such as available construction plans for the bridge and other information that mutually is agreed upon as pertinent to the project.
2. Designate a liaison officer from the CITY who will work directly with the CONSULTANT to coordinate the collection of CITY-supplied data, arrange for meetings, and be responsible for the general coordination between the CITY and the CONSULTANT.
3. Provide the services of the City Solicitor experienced in legal matters pertaining to this type of project. The CONSULTANT shall cooperate with the City Solicitor and comply with the requirements of the City Solicitor as to form of contract documents and procedures relative to them.

C. DELIVERABLES

The scope of the services shall be considered to be complete upon delivery of the following items to the satisfaction of the CITY:

The documents provided to the CITY by the CONSULTANT shall include ~~but may not be limited to~~ the following in accordance with each project type:

Layout plans and appropriate detail design drawings of the structure and component parts which shall consist of plans, elevations, section, and other drawings, except structural metalwork shop drawings, necessary for letting purposes. Plans shall be prepared in English units. Submittals shall be made electronically and/or as a paper submittal (whichever is preferred) to the City, Iowa DNR, and USACOE.

SECTION 3 - COMPENSATION AND PAYMENT

A. COMPENSATION FOR WEST 46TH STREET BRIDGE OVER CARDINAL CREEK – CULVERT REPLACEMENT

Veenstra & Kimm, Inc. will complete the designated billing at our hourly rates with a total not-to-exceed fee for both phases.

Subtotal Fee for Phase I:	\$39,000.00
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Subtotal Fee for Phase II:	\$24,000.00
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Total Fee for Both Phases:	\$63,000.00 (total not-to-exceed)
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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of this

_____ day of _____, 2022.

CITY OF DAVENPORT, IOWA

VEENSTRA & KIMM, INC.

By _____

By Lawrence J. Spellerberg
Lawrence J. Spellerberg
Project Manager

ATTEST:

WITNESS:

By _____

By Rebecca Susan Parker

Title _____

Title Administrative Assistant

City of Davenport

Department: Public Works - Engineering
Contact Info: Brad Guy | 563-327-5105

Action / Date
7/13/2022

Subject:

Resolution awarding contracts for the FY 2023 Sewer Lateral Repair Program, totaling \$860,000, to five (5) contractors and authorizing the Public Works Director/Assistant City Administrator to increase quantities for each contract within the Capital Improvement Project budget constraints, CIP #30061. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This program is to repair lateral sewer connections between the City's sewer main and private residences by contract.

Five (5) responses were received on June 3 at 2:00 p.m. The following list contains the contractors that have agreed to the City's determined fair and reasonable pricing for the program and the amounts in which contracts are recommended to be awarded:

1. Petersen Plumbing & Heating: \$350,000
2. Hometown Plumbing & Heating: \$200,000
3. River Bend Plumbing: \$150,000
4. Tappendorf Plumbing: \$100,000
5. Hagerty Earthworks: \$60,000

It is anticipated that each contract will be awarded additional funds, based on the individual contractor's progress and the needs of the City. The accompanying Resolution provides the Public Works Director/Assistant City Administrator the authority to approve amendments to the contracts in excess of \$50,000 without further review by City Council. The total of such amendments shall not exceed the amount available in the CIP. This authority is intended to provide the flexibility for contractors to continue working on repairs without a delay in the work or payment to the contractor.

Funds for the FY 2023 Sanitary Sewer Lateral Repair Program are budgeted in CIP #30061 at \$1,250,000.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:17 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:19 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:39 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding contracts for the FY 2023 Sewer Lateral Repair Program, totaling \$860,000, to five (5) contractors and authorizing the Public Works Director/Assistant City Administrator to increase quantities for each contract within the Capitol Improvement Project budget constraints, CIP #30061.

WHEREAS, these contracts are required to perform sanitary sewer lateral repairs and provide the flexibility to allow repair work to continue without a delay in the work or payment to the contractor; and

WHEREAS, five (5) responses were received at the appointed time and place for the bid opening; and

WHEREAS, the Purchasing process resulted in a recommendation to award contracts for the above said work as follows:

1. Petersen Plumbing & Heating: \$350,000
2. Hometown Plumbing & Heating: \$200,000
3. River Bend Plumbing: \$150,000
4. Tappendorf Plumbing: \$100,000
5. Hagerty Earthworks: \$60,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that contracts for the FY 2023 Sewer Lateral Repair Program are hereby awarded to the previously stated contractors in the previously stated amounts; and

BE IT FURTHER RESOLVED that the Project Manager may recommend increases in quantities for each contract within the Capital Improvement Project budget constraints upon approval by the Public Work Director/Assistant City Administrator.

Passed and approved this 13th day of July, 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
7/13/2022

Subject:

Resolution approving Change Order #2 with McClure Engineering Company of North Liberty, Iowa in the amount of \$134,500 for the Duck Creek Interceptor Extension project , ARP #18. [Wards 1 & 2]

Recommendation:

Adopt the Resolution.

Background:

The preliminary design of the proposed sanitary sewer is underway. During this time, City staff and McClure Engineering have shifted the sewer's alignment in multiple areas which will allow for ease of construction and for better long-term maintenance of the infrastructure. As the original alignment will be altered, this requires additional funding for archaeological and environmental review of new areas. Change Order #2 provides funding to the design contract to cover the extra for the following items:

- Wetland and stream delineation
- Phase 1 archaeology
- Section 404 permitting & mitigation credit administration
- Section 404 individual permit
- Stream crossing design

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	6/29/2022 - 4:03 PM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 4:03 PM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:41 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving Change Order #2 with McClure Engineering Company of North Liberty, Iowa in the amount of \$134,500 for the Duck Creek Interceptor Extension project, ARP #18.

WHEREAS, the City of Davenport entered into a contract with McClure Engineering Company of North Library, Iowa for engineering services for the Duck Creek Interceptor Extension project; and

WHEREAS, additional archaeological and environmental work is required for design and permitting of the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that Change Order #2 for the Duck Creek Interceptor Extension project with McClure Engineering Company of North Library, Iowa in the amount of \$134,500 is hereby approved.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Eric Gravert | 563-327-5125

Action / Date
7/13/2022

Subject:

Resolution accepting work completed under the Elm Street Bridge Replacement project by Brandt Construction Co of Milan, Illinois in the amount of \$2,719,333.27, CIP #21006. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

The purpose of this project was to replace the Elm Street Bridge. The project consisted of removal and disposal of all existing bridge components and replacing with a new slab bridge of approximately the same dimensions. Federal aid reimbursed the City 80% of the eligible costs up to \$1,000,00 in total reimbursement.

The project was completed in accordance with the City of Davenport and Iowa DOT requirements with a final amount of \$2,719,333.27 from CIP #21006.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:15 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:16 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:40 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 Elm Street Bridge Replacement project by Brandt Construction Co of Milan, Illinois in the amount of \$2,719,333.27, CIP #21006.

WHEREAS, the City entered into a contract with Brandt Construction Co for the Elm Street Bridge Replacement project; and

WHEREAS, work on the project has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Elm Street Bridge Replacement project by Brandt Construction Co of Milan, Illinois in the amount of \$2,719,333.27 is hereby accepted.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Thomas Vesalga | 563-326-7783

Action / Date
7/13/2022

Subject:

Motion accepting work completed under the revitalization of the Airport T-Hangar Taxilane project performed by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$75,284.50, CIP #20014. [Ward 8]

Recommendation:

Pass the Motion.

Background:

An Invitation to Bid was issued on 17 March 2022 and was sent to 951 contractors. On April 8, 2022 the Purchasing Division opened and read two (2) responsive and responsible bids. Hawkeye Paving Corporation was the lowest responsive and responsible bidder and was recommended for the award.

This project consisted of removing and replacing concrete taxilane pavement panel sealant, to include saw cutting, chipping, removal, disposal, furnishing, placing and properly curing concrete taxilane pavement panel seals, and other work related thereto on the t-hangar taxilane at the Davenport Municipal Airport. A concrete joint saw and reseal is required to protect the 11 year old taxilane concrete by removing the vegetation that has migrated into the joints over the years.

Funding for this project was from the CIP #20014 Airport Pavement Maintenance. These funds are from the sale of general obligation bonds. Hawkeye Paving Corporation completed the contracted work on time and within budget.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	6/29/2022 - 11:11 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:12 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:43 PM

City of Davenport

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

Action / Date
7/13/2022

Subject:

Motion approving the specifications, form of contract, and estimate of cost for the Riverfront Lighting Repairs project, CIP #68004. [Ward 3]

Recommendation:

Pass the Motion.

Background:

Approximately 20% of the 467 ornamental lights located south of River Drive between Centennial Park and the Government Bridge are currently non-functional. The City wishes to hire an electrical contractor to investigate, troubleshoot, diagnose, and repair any non-operational lights to full function. Efforts will be made to minimize disruption to the riverfront trail, community/special events and other projects, and to ensure the safety of the public. Furthermore, work will be prioritized into two phases as identified on the attachment.

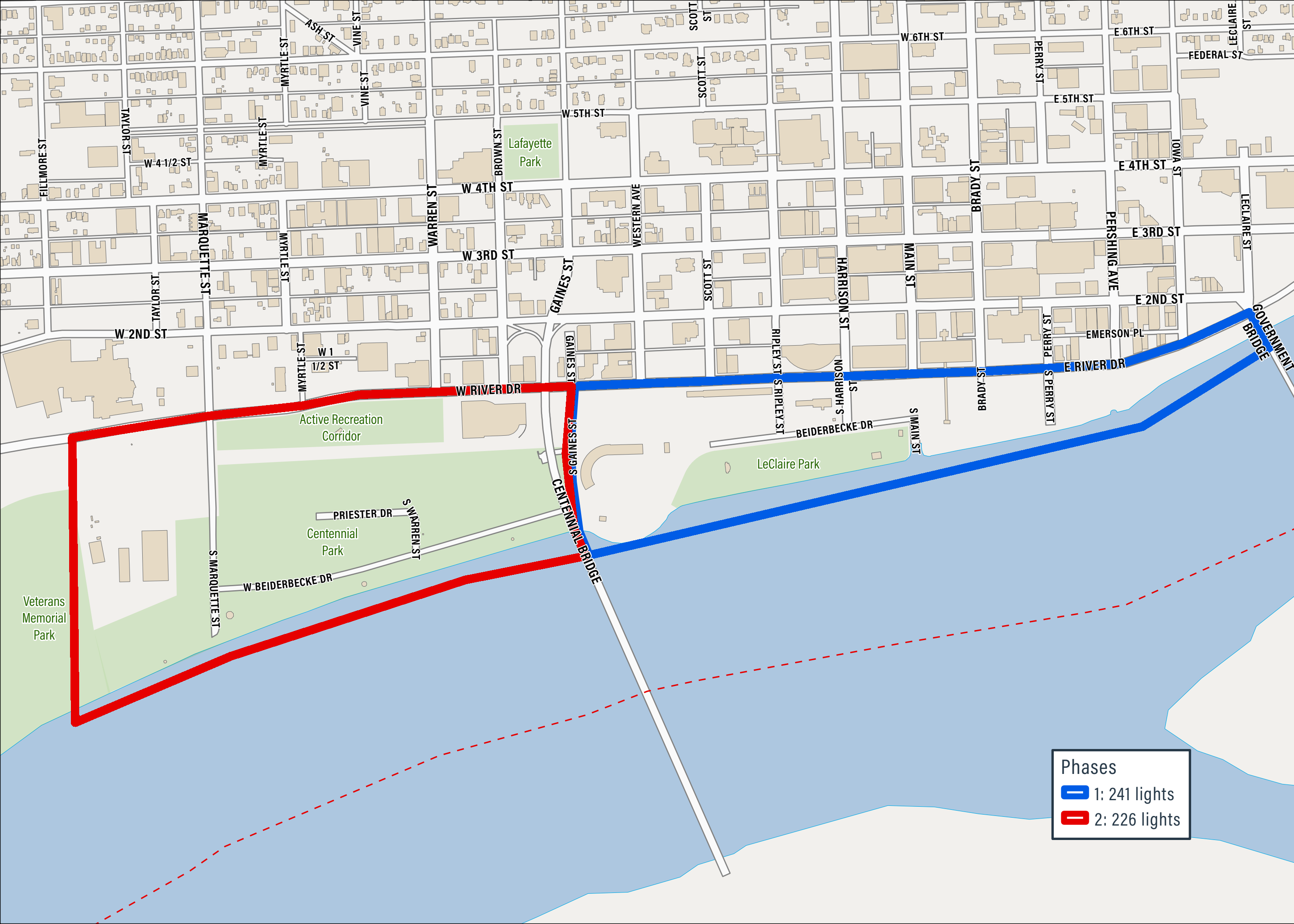
Funding will be provided by proceed from the sale of bonds. The expected award amount is not-to-exceed \$75,000.

ATTACHMENTS:

Type	Description
▢ Exhibit	location map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:10 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:11 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:41 PM



City of Davenport

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

Action / Date
7/13/2022

Subject:

Motion approving a professional services contract for subsurface archaeological surveys of three alleys and one street targeted for CDBG-funded improvements with Commonwealth Heritage Group, Inc of Milwaukee, Wisconsin in the amount of \$78,544, BG250. [Wards 3 & 4]

Recommendation:

Pass the Motion.

Background:

Staff targeted reconstruction of several alleys in low-to-moderate income neighborhoods that were either a maintenance nuisance for Public Works or a flash flooding issue for the local residents and businesses. Site #4 also helps resolve multiple sewer cross-connection issues that the City is obligated to solve. To be approved to use federal funds, each site must be cleared of environmental and cultural resources. Three sites were flagged by the State Historic Preservation Office (SHPO) as having the potential to harbor archaeological remnants of potential significance beneath pavement and boulevards. Staff turned to a professional archeology firm for guidance, and an intrusive survey scope of work was formulated. Proposed work includes cutting or coring existing alley or street pavement in 46 prescribed locations across the following sites:

1. Site #1: alley between Pershing & Iowa Streets and 15th Street & Kirkwood Boulevard.
2. Site #2: alley between Gaines & Scott Streets and 16th & 17th Streets.
3. Site #3: alley between Washington & Fillmore Streets and 16th & 17th Streets.
4. Site #4: west parking lane of Washington Street from the alley between 16th & 17th Streets south to the middle of 15th Street.

The proposed archeological survey for all four sites is not-to-exceed \$78,544. This cost includes pavement removal and patching. Funding will be provided by the Alley Repair Capital Improvement Program, to be reimbursed by the City's Community Development Block Grant pending favorable archaeology survey findings and SHPO approval.

ATTACHMENTS:

Type	Description
Backup Material	proposal

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	6/29/2022 - 11:10 AM
Public Works Committee	Moses, Trish	Approved	6/29/2022 - 11:10 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:42 PM



This proposal contains pricing and other information confidential and proprietary to Commonwealth Heritage Group, Inc. Disclosure of this proposal's contents to persons or organizations outside of the City of Davenport is not authorized without specific written permission of Commonwealth Heritage Group, Inc. All technical specifications and costs in this proposal are valid for 90 days.

Date: June 28, 2022 W-2229

To: Jen Walker
Design & Construction Coordinator, Public Works/Capital Planning & Implementation
City of Davenport, Iowa

From: Robert J. Watson, Ph.D.

Subject: Cultural Resources Investigations and Reporting
City of Davenport CDBG Alley and Sewer Projects
City of Davenport, Iowa

Commonwealth Heritage Group, Inc. (Commonwealth) is pleased to submit the following proposal for archaeological investigations associated with proposed Community Development Block Grant Program (CDBG) projects in the City of Davenport, Iowa. It is Commonwealth's understanding that the City of Davenport will be using funds provided by the US Department of Housing and Urban Development (HUD) sponsored program for three infrastructure improvement projects in the city. Commonwealth also understands that in their review of the Project, the Iowa State Historic Preservation Office (SHPO) requested archaeological survey or further identification efforts to identify historic properties and/or the level of disturbance in each of the project areas. Specifically, the Scott Street Alley Improvement Project is located immediately west of the purported location of the Civil War Camp Hendershott; the Pershing and Iowa Street Alley Improvement Project is also in an area identified as the potential location of a Civil War era camp; and the Washington Street Alley and Stormwater Project is in an area with utilities that have been in place since pre-1894.

Commonwealth was contacted by the City of Davenport to assist with meeting the request of the SHPO. Based on the information provided by the City of Davenport, Commonwealth assumes the Area of Potential Effects (APE) for archaeology will be limited to areas of potential ground disturbance for each project area, which are:

Project Name	Location	Area of Potential Effect	Area
Gaines Street & Scott Street Alley Project	Alley from Gaines to Scott St between W. 17th and W. 16th St	Limited to alley and end curbs/sidewalks	ca 0.37 acres
Pershing Avenue & Iowa Street Alley Project	Alley from Pershing Ave to Iowa St between Kirkwood Blvd and E. 15th St	Limited to alley	ca 0.4 acres
Washington Street Area Alley and Stormwater Project	Alley from Fillmore to Washington St between W. 17th and W. 16th St; stormwater improvements in east parking lane of Washington St from the alley south to W. 15th St	Limited to alley and east parking lane of Washington St.	ca 0.58 acres

Archaeological investigations will be conducted in accordance with the standards of the Iowa SHPO and the guidelines of the Association of Iowa Archaeologists (revised 2020). Commonwealth proposes to conduct subsurface testing in each of the alleys and along Washington Street, to the extent possible, to assess the levels of disturbance in the alleys and street and test for the presence of cultural materials. Commonwealth will coordinate with AmeriCore for removal of pavement from areas in the alleys and roadway to facilitate subsurface testing.

The Phase I archaeological investigations and reporting will include the following:

Background

Preparation for field investigations will entail the following:

- Commonwealth holds a license to I-Sites, the online database and GIS mapping for Iowa archaeology. Using the I-Sites portal, Commonwealth will compile background research for previously identified archaeological resources and surveys within the project APE and review the National Register of Historic Places and Iowa Historic Register.
- Commonwealth will also review historic maps and plats as appropriate to establish a sense of the historic settlement pattern and potential site locations within the APE.
- Our GIS staff will prepare GIS files for previous cultural resource surveys, recorded sites, and cemeteries located within the APE.
- The Principal Investigator will compile background materials for review with field personnel in advance of the field survey.
- Commonwealth's concrete work subcontractor, AmeriCore, will submit a traffic control plan to the City website, pull four no-fee permits from Public Works, and clear utilities with Iowa One Call.

Mobilization and Field Work

- Commonwealth will deploy a three-person field crew to conduct the archaeological investigations.
- Commonwealth will coordinate with the AmeriCore for assistance with pavement removal in areas to be shovel tested or auger tested.
- Shovel or auger testing will be conducted at 15 m (50 ft) intervals in each of the alleys and along the parking lane on the east side of Washinon St.; shovel tests will measure a minimum of 30 x 30 centimeters (cm), will extend down to sterile soil (e.g. the B Horizon). All soil will be screened through 0.25-inch mesh).
- Artifact content and stratigraphy will be recorded for each shovel test.
- Soils will be described by Munsell color designation and USDA-NRCS texture class.
- All positive shovel tests and site boundaries will be plotted with sub-meter GPS.

Laboratory Analysis

- Commonwealth will analyze recovered artifacts and spatial data for all archaeological sites.
- Commonwealth will conduct additional background research associated with historic sites to provide historic background necessary to assess potential National Register of Historic Places (National Register) eligibility.
- Curation costs for any recovered artifacts are not included.

Reporting

- Commonwealth will prepare an archaeological survey report that will meet Iowa SHPO requirements and will submit the completed report to the City of Davenport for review within 15 business days of fieldwork completion.
- Commonwealth will identify, to the extent possible, the cultural affiliation of each site and will identify any National Register-eligible resources within the APE and those that require additional research before National Register eligibility can be determined, including recommendations for additional testing with an explanation of specific testing methods.
- Commonwealth will offer Phase II/evaluation plans for any resources needing such effort.
- Commonwealth will create GIS layer of survey coverage and all resources identified during the pre-field research and survey; and
- Commonwealth will prepare artifacts for curation or return to the City of Davenport (if applicable).

ASSUMPTIONS

Commonwealth's cost estimate is based on the following assumptions:

- Phase I archaeological survey will be conducted in the areas depicted on maps provided to Commonwealth by the City of Davenport.
- AmeriCore will provide mechanical excavation to facilitate testing below the paved surface of the alleys.
- No archaeological sites will be identified.
- No human remains anticipated.
- Iowa one-call service to be completed by AmeriCore.
- Workspace shape files to be provided to Commonwealth.
- Commonwealth to provide shape files documenting survey results.
- This request for a cost estimate does not include tribal consultation, and all agency and tribal consultation including follow-up calls and meetings, will not be the responsibility of Commonwealth.
- This request for a cost estimate does not include an architecture/history survey or an assessment of effects to historic properties. If such services are requested, Commonwealth will provide a separate cost estimate for assessing those effects in accordance with Section 106.
- This request for a cost estimate does not include Phase II site testing/evaluation or Phase III data recovery work.
- A draft report will be submitted within 15 business days of completion of the field work and submitted to Iowa SHPO following comments by the City of Davenport.

Commonwealth will commence pre-field research and project coordination within one working day of receipt of a Notice to Proceed. Field survey will be scheduled within 10 days of receipt of the Notice to Proceed and clearance of one-call tickets.

Commonwealth will dedicate Dr. Robert Watson as Project Manager. Dr. Watson has 30 years' experience working in the upper Great Lakes region. His qualifications exceed the professional qualifications standards of the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

The above services will be provided on a time and expenses basis for a price not to exceed **\$78,544.00**. A breakdown of costs is attached. All work will be conducted in accordance with the standards promulgated in the *Association of Iowa Archaeologists Guidelines* (revised 2020).

A dated signature from an authorized City of Davenport representative constitutes acceptance of the work plan and cost as outlined above.

Signature

Date

**Cultural Resources Investigations and Reporting
City of Davenport CDBG Alley and Sewer Projects
City of Davenport, Iowa**

Salary & Wages		Prefield	Fieldwork	Reporting	TOTAL	TOTAL
Watson, Robert (Project Manager)	\$41.32	2	1	4	7	\$289.24
Hulit, Elissa (GIS Coordinator)	\$29.38	4	1	8	13	\$381.94
Christman, Carrie (Principal Investigator)	\$26.48	24	2	40	66	\$1,747.68
Field Director	\$20.00	1	80	0	81	\$1,620.00
Archaeological Technician	\$19.00	0	80	0	80	\$1,520.00
Logistics Coordinator	\$18.50	3	0	0	3	\$55.50
Subtotal		34	164	52	250	\$5,614.36
General and Administrative (Labor x 1.1866)						
Subtotal						\$6,662.00
Fixed Fee (Labor + General and Administrative x .1)						
Subtotal						\$1,227.64
Total Labor						\$13,504.00
<u>Subconsultants</u>		Cost Per Task				
AmeriCore LLC						\$60,600.00
						\$60,600.00
<u>Non-Labor Direct Expenses</u>						
Transportation	Rate		Days		Total	
Company Truck @ \$100/day	\$100.00		10		10	\$1,000.00
Gas	\$30.00		10		10	\$300.00
						\$1,300.00
Meals and Lodging	Rate	Crew	Days		Total	
Lodging	\$100.00	2	9		18	\$1,800.00
Per Diem	\$55.00	2	9		18	\$990.00
						\$2,790.00
Other Direct Costs	Rate		Quantity		Total	
GPS Units—\$35/day	\$35.00		10		10	\$350.00
						\$350.00
Total Non-Labor Direct Expenses						\$4,440.00
Total Estimated Cost						\$78,544.00

City of Davenport

Department: Finance
Contact Info: Bruce Berger | 563-328-7769

Action / Date
7/13/2022

Subject:

Resolution awarding a contract for the 1413 West 13th Street Rehabilitation to River Valley Homes of Bettendorf, Iowa in an amount not-to-exceed \$300,000. [Ward 4]

Recommendation:

Adopt the Resolution.

Background:

A Request for Proposals was issued on May 2, 2022 and sent to contractors. On June 1, 2022, the Purchasing Division opened and read one (1) proposal. See attached tabulation.

The City of Davenport is proposing rehabilitation of one single-family home located at 1413 West 13th Street. This property will be rehabbed with federal funding and once complete will be sold to a qualifying home owner.

An evaluation team from staff evaluated the proposal on the following criteria: 1) Quality and thoroughness of proposal - 25%, 2) Timeline of construction - 20%, 3) References - 15%, 4) Sufficient and qualified personnel - 15%, 5) Proposed pricing - 15%, 6) Subcontractors - 10%.

It was decided to award to River Valley Homes. They have successfully performed this type of work for the City in the past. The awarded not-to- exceed amount of \$300,000 includes a \$15,000 owner contingency that is to be used for any unforeseen items with City approval. If there is a balance at the end of the rehabilitation, the City will be credited back.

Funding for this project is from the 54551044 520258 BH250 CED Urban Homestead account. These funds are from a grant.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	6/29/2022 - 2:19 PM
Finance Committee	Merritt, Mallory	Approved	6/29/2022 - 2:21 PM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:29 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION awarding a contract for the 1413 West 13th Street Rehabilitation to River Valley Homes of Bettendorf, Iowa in an amount not-to-exceed \$300,000.

WHEREAS, the City needs to contract for the 1413 West 13th Street Rehabilitation; and

WHEREAS, River Valley Homes submitted a proposal that would best fit the City's needs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the 1413 West 13th Street Rehabilitation project is hereby awarded to River Valley Homes of Bettendorf, Iowa in an amount not-to-exceed \$300,000.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
RFP TABULATION

DESCRIPTION: 1413 W 13th STREET REHABILITATION

BID NUMBER: 22-137

OPENING DATE: JUNE 1, 2022

FUNDING: 54551044 520258 BH250 CED URBAN HOMESTEAD

RECOMMENDATION: AWARD THE CONTRACT TO RIVER VALLEY HOMES
OF BETTENDORF IA

<u>VENDOR NAME</u>	<u>AMOUNT</u>
River Valley Homes of Bettendorf IA	not to exceed \$300,000

Approved By Kristi Keller 6/27/22
Purchasing Date

Approved By Bruce Buge 6/27/22
Dept. Director Date

Approved By James White 6/27/2022
Budget/CIP Date

Approved By Mallory J. Menell 06/28/2022
Assist. City Administrator/Finance Director Date

City of Davenport

Department: Finance
Contact Info: Kelley Shook | 563-888-3379

Action / Date
7/13/2022

Subject:

Resolution awarding a blanket contract for vehicle body repair work to Walcott Collision of Walcott, Iowa and Eriksen Chevrolet-Buick of Milan, Illinois. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

A Request for Proposals was issued on June 8, 2022 and was sent to 192 vendors. On June 15, 2022 the Purchasing Division received and opened two (2) responses.

The proposals were evaluated on the following criteria: 1. Proposed pricing - 30%, 2. Licensing & bonding - 15%, 3. History of workmanship/references - 25%, 4. Location of firm - 20%, and 5. Responsiveness/quality of proposal - 10%. Award is recommended to Walcott Collision and Eriksen Chevrolet-Buick.

The contracts will be awarded for three years with an option to renew for two additional one-year terms. These contracts will encompass repairs to City-owned vehicles and privately owned vehicles that the City would be responsible for repairing. Funding for this contract is from 50470460 520236 Risk Management - Claims.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	6/29/2022 - 2:20 PM
Finance Committee	Merritt, Mallory	Approved	6/29/2022 - 2:21 PM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:29 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION awarding a blanket contract for vehicle body repair work to Walcott Collision of Walcott, Iowa and Eriksen Chevrolet-Buick of Milan, Illinois.

WHEREAS, the City needs to contract for vehicle body repair work; and

WHEREAS, Walcott Collision and Eriksen Chevrolet-Buick were the highest scoring firms submitting proposals; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a blanket contract for vehicle body repair work is hereby awarded to Walcott Collision of Walcott, Iowa and Eriksen Chevrolet-Buick of Milan, Illinois.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Vehicle Body Work Repair Contract

BID NUMBER: 22-151

OPENING DATE: June 15, 2022

FUNDING: 50470460 520236 Risk Management - Claims

RECOMMENDATION: Award the contract to Walcott Collision of Walcott, IA and Eriksen Chevrolet-Buick of Milan, IL

<u>VENDOR NAME</u>	<u>Location</u>
Walcott Collision	Walcott, IA
Eriksen Chevrolet-Buick	Milan, IL

Approved By Kari Thoren 06/29/2022
Purchasing Date

Approved By Mallory S. Menitt 06/29/2022
Dept Director Date

Approved By Hanna Wata 6/29/2022
Budget/CIP Date

Approved By Mallory S. Menitt 06/29/2022
Assist. City Administrator/ CFO Date

City of Davenport

Department: Finance

Contact Info: Chief Paul Sikorski | 563-326-7778

Action / Date

7/13/2022

Subject:

Resolution accepting the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2022-2023 in the amount of \$89,579. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This is an annual grant that is submitted as a joint grant by the Scott County Attorney's Office for the cities of Davenport and Bettendorf and the Scott County Sheriff's Office. This grant supports the Scott County Special Operations Task Force in providing drug trafficking enforcement in Scott County. This grant is separate from the Recovery Grant. The amount of \$89,579 is the total awarded for all three jurisdictions.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	JAG Grant MOU 2022-2023

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	6/30/2022 - 9:08 AM
Finance Committee	Merritt, Mallory	Approved	6/30/2022 - 9:09 AM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:28 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION accepting the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2022-2023 in the amount of \$89,579.

WHEREAS, the Edward Byrne Memorial Formula Grant Program was created by the Anti-Drug Abuse Act of 1988 and was renamed as the Byrne Justice Assistance Grant in 2004 by Congress; and

WHEREAS, the Byrne JAG Program is a partnership of federal, state, and local governments to create safer communities; and

WHEREAS, grants may be used to provide personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate state and local laws; and

WHEREAS, the City of Davenport has received funding from this grant program for several years to augment salary and benefits for officers to work specialized drug interaction operations, and desires to continue receiving such funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the annual Byrne Justice Assistance Grant (JAG) for 2022-2023 in the amount of \$89,579 is hereby accepted.

Passed and approved this 13th day of July, 2022.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Grant Application: C-BJA-2022-00155-PROD

STATE OF IOWA

COUNTY OF SCOTT

KNOWN ALL BY THESE PRESENT

***MEMORANDA OF UNDERSTANDING
INTERLOCAL AGREEMENT***

Between the County of Scott, the City of Bettendorf Police Department,
and the City of Davenport Police Department

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
FY 2022 LOCAL SOLICITATION**

This Agreement is made and entered into this day of July, 2022, by and between Scott County, acting through its governing body, the Scott County Board of Supervisors, hereinafter referred to as COUNTY, and the police departments of the cities of Bettendorf and Davenport, hereinafter referred to as CITIES.

WHEREAS, this Agreement is made under the authority of Iowa Code Section 28E and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each entity finds that the performance of this agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or function under this agreement.

The County agrees to administer and provide the funding for the three agents that comprise the Scott County Special Operations Unit. The agents are from the Bettendorf Police Department, the Davenport Police Department, and the Scott County Sheriff's Office. The amount of funding for the unit is \$89,579.

WHEREAS the County and the Cities believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the County and the Cities agree as follows:

Section 1.

The Cities agree that Scott County will retain the total of \$89,579 of JAG funds.

Section 2.

The County agrees to use \$89,579 for the Scott County Special Operations Unit program from October 1, 2022 through September 30, 2023.

Section 3.

The Cities of Bettendorf and Davenport agree to submit timely reports as requested to the fiscal agent to enable the fiscal agent to timely submit financial reports and an annual performance report to BJA as required.

Grant Application: C-BJA-2022-00155-PROD

Section 4.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5.

The parties to this agreement do not intend for any third party to obtain a right by virtue of this agreement.

Section 6.

By entering into this agreement the parties do not intend to create any obligations express or implied other than those set out herein; further, this agreement shall not create any rights in any party not a signatory hereto.

County of Scott:

Ken Beck
Chair, Board of Supervisors

Pamela Brown
Fiscal Officer, Scott County Sheriff's Office

Tim Lane, Sheriff

City of Bettendorf:

City of Davenport:

Robert Gallagher, Mayor

Mike Matson, Mayor

City of Davenport

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

Action / Date
7/13/2022

Subject:

Motion authorizing payment to Visit Quad Cities for FY 2023 tourism/marketing services in an amount not-to-exceed \$375,000. [All Wards]

Recommendation:

Pass the Motion.

Background:

The City of Davenport has contributed funding to Visit Quad Cities for many years for tourism marketing and promotions.

Since the payment exceeds the \$50,000 staff approval level, City Council approval is necessary. Funding source is Hotel/Motel tax.

These payments will be disbursed at the direction of the Finance Director.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	6/29/2022 - 2:21 PM
Finance Committee	Merritt, Mallory	Approved	6/29/2022 - 2:21 PM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:28 PM

City of Davenport

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

Action / Date
7/13/2022

Subject:

Motion authorizing payment to Bi-State Regional Commission for FY 2023 membership dues in the amount of \$57,983. [All Wards]

Recommendation:

Pass the Motion.

Background:

The City of Davenport has been a member of the Bi-State Regional Commission for many years, utilizing their planning services related to economic development and transportation programming as well as joint purchasing services for many goods the City purchases such as paper and janitorial items.

Since this payment exceeds the \$50,000 staff approval level, City Council approval is necessary. Funding source is General Fund.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	6/29/2022 - 2:19 PM
Finance Committee	Merritt, Mallory	Approved	6/29/2022 - 2:21 PM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:27 PM

City of Davenport

Department: Finance
Contact Info: Tiffany Thorndike | 563-888-2066

Action / Date
7/13/2022

Subject:

Motion awarding a contract for Building Security Assessment and Staff Training to Hank Jacobsen - Personnel and Workplace Safety of Davenport, Iowa in an amount not-to-exceed \$59,750. [All Wards]

Recommendation:

Pass the Motion.

Background:

A Request for Proposals was issued on April 11, 2022 and sent to firms that supply this service. On May 3, 2022, the Purchasing Division opened and read eight (8) proposals. See attached response tabulation.

The purpose of this RFP is to solicit qualifications from qualified firms or individuals for the City of Davenport, Iowa to conduct building security assessments and conduct staff training at various City-owned assets. The objective of the building security assessments is to identify measures to help prevent and mitigate crime. The objective of staff training is to provide training to City employees on how to respond to an active attacker or threat and to provide training and techniques on how to de-escalate critical situations.

A committee of City staff reviewed the submitted proposals on the following criteria: 1. Ability, experience, qualifications, expertise of personnel assigned to the City's account - 45%; 2. Experience on projects of similar scope - 25%; 3. Proposed pricing - 15%; 4. Deliverables and timeline - 15%. Hank Jacobsen - Personnel and Workplace Safety scored the highest. It was decided that this company could best fit the City's needs.

Funding for this project is provided by Risk Management Professional Services account.

ATTACHMENTS:

Type	Description
▢ Backup Material	RFP Tab

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	6/30/2022 - 3:38 PM
Finance Committee	Merritt, Mallory	Approved	6/30/2022 - 3:39 PM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:27 PM

CITY OF DAVENPORT, IOWA
RFP TABULATION

DESCRIPTION: BUILDING SECURITY ASSESSMENT AND STAFF TRAINING

BID NUMBER: 22-127

OPENING DATE: MAY 3, 2022

FUNDING: 50470460 520217

RECOMMENDATION: AWARD THE CONTRACT TO HANK JACOBSEN –
PERSONAL AND WORKPLACE SAFETY OF DAVENPORT IA

<u>VENDOR NAME</u>	<u>LOCATION</u>
Hank Jacobsen-Personal and Workplace Safety	Davenport IA
Alvarez Associates LLC	Folsom CA
C2 Threat Solutions	Schertz TX
Guidepost Solutions	Chicago IL
IMEG Corp.	Rock Island IL
Security Advisors Consulting Group	Strum WI
Sentinel Consulting LLC	New York NY
True North Consulting Group	Waco TX

Approved By Kristi Keller 6/27/22
Purchasing Date

Approved By Chad Kopust 6/27/22
City Administrator Date

Approved By Hanna Wal 6/27/22
Budget/CIP Date

Approved By William J. Hemitt 06/28/2022
Assist. City Administrator/Finance Director Date

City of Davenport

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

Action / Date
7/13/2022

Subject:

Motion directing staff to purchase Parcel #R0451-02A, adjacent to South Concord Street, for the purchase price of \$165,000, and directing the Corporation Counsel and Chief Financial Officer to execute all documents necessary to complete the transaction. [Ward 1]

Recommendation:

Pass the Motion.

Background:

As the City continues to develop the flood mitigation and access program for the Water Pollution Control Plant and Compost Facility, this land acquisition is necessary to complete the associated projects.

The purchase price is \$165,000, and the additional terms are located in the attached purchase agreement.

ATTACHMENTS:

Type	Description
▢ Backup Material	Purchase Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	6/30/2022 - 9:22 AM
Finance Committee	Merritt, Mallory	Approved	6/30/2022 - 2:15 PM
City Clerk	Admin, Default	Approved	7/1/2022 - 5:27 PM



June 28, 2022

Delivered To:

Newmark
Attn: Jeffrey Miller, SIOR
Senior Managing Director
8750 West Bryn Mawr Ave
Suite 350
Chicago, IL 60631

**CITY OF DAVENPORT, IA
OFFER TO PURCHASE REAL ESTATE**

BE IT KNOWN, the undersigned City of Davenport, Iowa, an Iowa municipality (Buyer) offers to purchase a property (one parcel) owned by Green Bridge Co. of Bettendorf, IA (Owner), parcel located adjacent to South Concord Street, in the City of Davenport, County of Scott, State of Iowa (Real Estate), said property more particularly described as:

Parcel #R0451-02A. Lot size is approximately 13 AC with dimensions of approximately 566,280 square feet.

Buyer hereby offers to purchase Real Estate from Owner at the purchase price of \$165,000.00 and subject to the below:

1. Buyer's offer is a cash purchase offer, submitted at closing, and is not subject to financing.
2. Buyer will pay all Real Estate closing fees on behalf of Owner.
3. Buyer is not utilizing a broker for this transaction.
4. Buyer offers to purchase the Real Estate "as is, where is", subject to customary environmental inspections to be conducted by the Buyer.
5. The Real Estate is to be sold by good and marketable title with full possession of said property available to Buyer by way of Warranty Deed and subject to a satisfactory and favorable title search and/or abstract review.
6. All real estate taxes including assessments shall be paid by the Buyer and Owner to the date of closing in accordance with standards adopted by the Scott County Bar Association.

7. The Owner shall have all utility meters scheduled to be switched over to the City of Davenport by the utility company(s), as of the date of closing.
8. Buyer's offer is subject to approval by the Davenport City Council, in accordance with local and state laws.
9. This offer to purchase is applicable for 30 days from the date below and may be rescinded by Buyer upon written notice to Owner.

Signed this 28th day of june, 2022 as witnessed below.

Buyer:

Mallory L. Merritt
Mallory L. Merritt, CFO/Asst. City Administrator

06/28/2022
Date

Owner:

Jeffrey Goldstein
Name/Title
Green Bridge Company
Jeffrey Goldstein
President

6/29/22
Date