

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, May 2, 2018; 5:30 PM

City Hall, 226 W. 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 for the Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street, CIP #35029. [Wards 2 & 8]
2. Public Hearing on the plans, specifications, form of contract and estimated cost for the FY19 Sanitary Sewer Lateral Repair Program, CIP #30042. [All Wards]

VII. Presentations

A. Police Officer Swearing In:

Lucas Rusk

Dustin Mooty

B. Appointments:

Civil Rights Commission

Shylee Garrett (New Appointment)

Benjamin Hahn (New Appointment)

Plan & Zone Commission

Regen Johnson (New Appointment)

C. Proclamation: Home Rule Month - April 2018

VIII. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderman Dickmann

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chairman; Rich Clewell, Vice Chairman

I. COMMUNITY DEVELOPMENT

1. Second Consideration: Ordinance for Case No. ORD18-03: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by amending Section 17.36.030.B.6 by adding Sale and Storage of Fireworks and Explosive Devices, subject to such uses being located more than one thousand feet from any residential district to the list of permitted uses in the "M-1" Light Industrial District. [Wards All]
2. Resolution approving a 90-day extension of the moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets where the new license represents a substantial change from the previous use (City of Davenport, Petitioner). [Wards 1 & 3] ***This item will be voted on later in this agenda.***
3. Resolution for Case No. F18-01: Final plat Reed's Retreat on 18.12 acres, more or less, located west of Wisconsin Avenue and north of Telegraph Road containing 3 residential lots and one outlot which will be either conveyed with Lot 1 or remain part of the existing ownership to the west and south.. Property is zoned "R-1" Low Density Dwelling District and "A-1" Agricultural District. [Ward 1]
4. Resolution setting a public hearing on the proposed conveyance of 422 Perry to Y & J Properties, LLC (Joe Erenberger, petitioner). [Ward 3]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Rita Rawson, Chairman; JJ Condon, Vice Chairman

III. PUBLIC SAFETY

1. Second Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Elmore Avenue at the Walmart entrance. [Ward 6]
2. Resolution establishing dates and times for the 2018 Halloween parade and trick-or-treating. [All Wards]
3. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

Baked Beer & Bread Company, Streetfest, June 1-3, 2018; 8:00 AM June 1, 2018 through June 3 at 8:00 AM; Closure Location: 11th Street between Mound and Christie Streets and Christie Street from 11th Street to the alley north, [Ward 5]

City of Davenport, Youthfest, July 11, 2018, 6:00 AM to 3:00 PM; Closure Location: Wilkes Avenue from 12th Street to Telegraph Road [Ward 4]

Village of East Davenport, Wine Walk Fundraiser for Gilda's Club Quad Cities,

August 18, 2018, 2:00 PM - 7:00 PM; Closure Location: 11th Street from Mound to Jersey Ridge Road and Jersey Ridge Road between 11th and 12th Streets [Ward 5]

4. Motion approving noise variance request(s) for various events on the listed dates and times.

Tina Abbott, 3239 East 18th Street, Abbott/Joos Wedding, June 9, 2018, 4:00 PM - 10:00 PM, Over 50 dBa

5. Motion approving beer and liquor license applications.

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

Ward 5

Brew In The Village (3 Blessings Incorporated) - Jersey Ridge Road Criterium Event to 11th Street - Outdoor Area May 26, 2018 "Criterium" - License Type: Beer / Wine

Save A Lot (Guru Nanak Food Mart Inc.) - 405 E Locust St. - New License - License Type: E Liquor *Notifications mailed to property owners within 200' of premise on 4/26/18.*

Ward 8

Residence Inn (W2005/Fargo Hotels (Pool C) Realty, LP - 120 E 55th St. - Ownership Update - License Type: Beer / Wine

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

Ward 3

Quad Cities River Bandits (Main Street Iowa, LLC) - 209 S Gaines St. - Outdoor Area - License Type: C Liquor

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. First Consideration: Ordinance amending Chapter 13.34 entitled "Stormwater Management" by updating stormwater detention and water quality treatment requirements, increasing stream buffer distances in new developments, clarifying drainage easement language, adopting the Unified Sizing Criteria, removing the use of orifice restrictor plates on outlet pipes and restructuring subsections for clarity. [All Wards]

2. First Consideration: Ordinance amending Chapter 13.38 entitled "Construction Site Erosion and Sediment Control" by updating definitions of redevelopment and topsoil and correlating application procedure information with Chapter 13.34 Stormwater Management. [All Wards]
3. Resolution approving the contract for the Traffic Signal at the Utica Ridge Road and Veterans Memorial Parkway project from Davenport Electric Contract Co. from Davenport, IA in the amount of \$181,755 CIP #01145. [Ward 6]
4. Resolution approving the plans, specifications, form of contract and estimated cost for the Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street CIP #35029. [Wards 2 & 8]
5. Resolution accepting the agreement with the Iowa Department of Transportation for the Traffic Safety Improvement Program project for the Northwest Boulevard at Division Street Intersection Improvements and authorizing the Mayor to sign the agreement CIP #38009. [Ward 8]
6. Resolution approving the plans, specifications, form of contract and estimated cost for the FY19 Sanitary Sewer Lateral Repair Program, CIP #30042. [All Wards]
7. Resolution accepting the Brady Street Sewer Repair & Resurfacing Project, CIP #35012. [Wards 3 & 5]
8. Resolution approving change orders 4-6, subject to Iowa DOT concurrence, to the contract with Valley Construction Company for the Veterans Memorial Parkway Project from Jersey Ridge Road to Interstate 74. The change orders amount to an estimated cost of \$184,000, to be funded from CIP #02418. [Ward 6]
9. Resolution awarding the contract for General Street Resurfacing at several locations to Hawkeye Paving Corporation of Bettendorf IA, in the amount of \$2,130,852.50. CIP 35026 [Ward-All]
10. Motion approving the purchase of two (2) ADA accessible single stall restrooms for placement at lower Lindsey Park and Slattery Park from a National Joint Powers Alliance (NJPA) contract #030117-CXT from L B Foster in the total amount of \$87,370, CIP #30010 [Wards 6 & 7]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Kerri Tompkins, Chairman; Marion Meginnis, Vice Chairman

VII. FINANCE

1. First Consideration: Ordinance amending various sections in Chapter 2.86 entitled "Administrative Hearing Procedures." [All Wards]
2. Resolution fixing a meeting date for the hearing on the issuance of not-to-exceed \$27,500,000 General Obligation Corporate Bonds, Series 2019. [All Wards]
3. Resolution relating to financing of certain projects to be undertaken by the City of Davenport, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code. [All Wards]

4. Resolution setting a public hearing to convey city owned parcel M1055D99 to adjacent property owners at 1429 W 46th Street. Petitioners Cameron and Shannon Moore. [Ward 7]

VIII. Motion recommending discussion or consent for Finance items

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

1. Grisham Industries, Inc. - Bin repairs for Compost Facility - Amount: \$12,330
2. Mississippi River Cities & Towns Initiative - Sponsorship - Amount: \$10,000
3. Public Financial Mgmt., Inc. - Financial advisor for 2018A bond issue - Amount: \$45,403
4. Public Financial Mgmt., Inc. - Financial advisor for 2018B bond issue - Amount: \$16,282
5. Governmentjobs.com, Inc. - NeoGov application tracking software - Amount: \$16,817
6. Bobcat Co. - Planer for Bobcat - Amount: \$20,671
7. Galls, Inc. - Ballistic vest replacement - Amount: \$25,800

XI. Other Ordinances, Resolutions and Motions

1. Motion for suspension of the rules to vote on the following resolution.
2. Resolution approving a 90-day extension of the moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets where the new license represents a substantial change from the previous use and exempting property owners of record as of May 2, 2018. (City of Davenport, Petitioner). [Wards 1 & 3]

XII. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business. 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.

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Tom Leabhart; 563-327-5155
Wards: 2, 8

Action / Date
PW5/2/2018

Subject:

Public Hearing for the Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street, CIP #35029. [Wards 2 & 8]

Recommendation:

Hold the hearing.

Relationship to Goals:

Sustainable Infrastructure.

Background:

This project will construct right and left turn lanes at the intersection of Northwest Boulevard (Highway 130) with Hillandale Road and 83rd Street. This corresponds with location 1 on the attached map. Locations 3, 4 and 5 are under construction. Location 2 will be bid as a separate project later this year. As part of the Sterilite development agreement and in coordination with other EIIC development, the city is providing these improvements to service and improve traffic flow to the new facility. The project is funded through TIF and Iowa DOT RISE Grant. CIP #35029.

The project is scheduled to be bid with construction taking place this construction season. The current estimate is \$600,000.

ATTACHMENTS:

Type	Description
▢ Backup Material	Notice of Hearing
▢ Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/26/2018 - 10:26 AM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:00 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:20 AM

Notice of Hearing

on Proposed Plans, Specifications and Proposed Contract for the

Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street

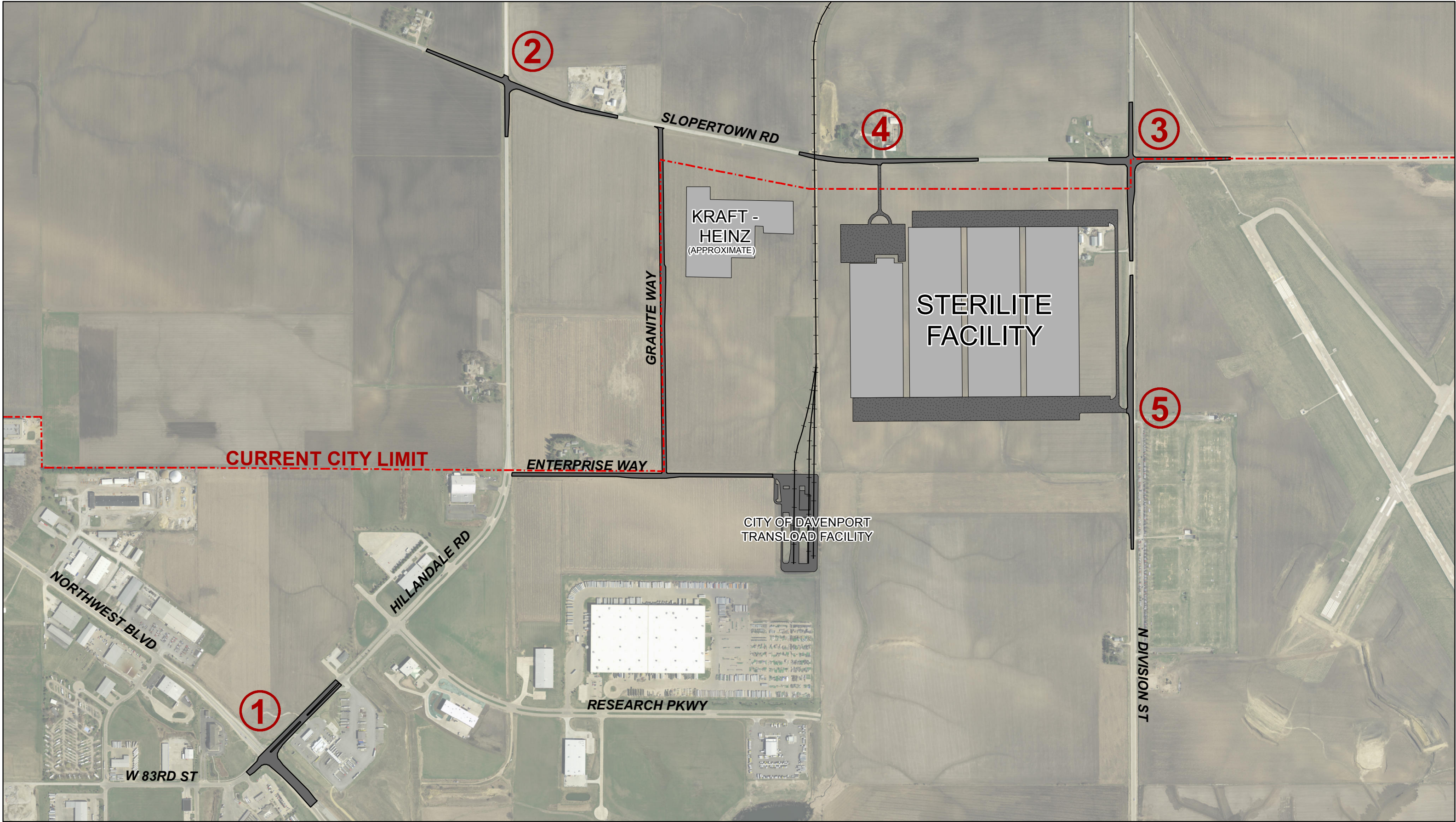
Notice is hereby given that at 5:30 P.M., on Wednesday May 2, 2018 at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the proposed plans, specifications and form of contract which the City Council has caused to be filed with the City Clerk of the 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 1814856

Jackie E. Holecek,
Deputy City Clerk

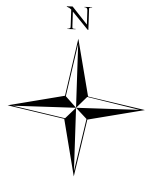
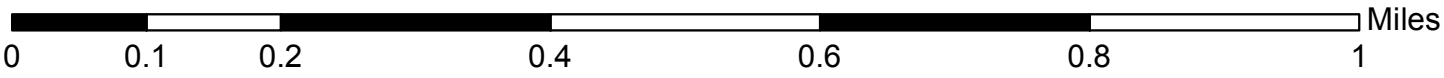
Davenport, Iowa
April 24, 2018

Publish once April 24, 2018
QUAD-CITY TIMES



STERILITE AREA DEVELOPMENT

JANUARY, 23 2017



City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Brad Guy (563) 327-5105
Wards: All Wards

Action / Date
PW5/2/2018

Subject:

Public Hearing on the plans, specifications, form of contract and estimated cost for the FY19 Sanitary Sewer Lateral Repair Program, CIP #30042. [All Wards]

Recommendation:

Hold the hearing

Relationship to Goals:

Sustainable Infrastructure

Background:

This is the continuation of a program which repairs lateral sewer connections between the City's sewer main and private residences by contract. This program will provide a more reliable sanitary sewer system by repairing pipe failures and updating old materials and connections. This program will also aid in reducing the inflow and infiltration into Davenport's sanitary collection system, as well as reducing the potential for future sink holes on private property and within the City's right-of-way.

Program management will be conducted by the Engineering Division staff.

Funds for the FY19 Sanitary Sewer Lateral Repair Program are budgeted in CIP #30042 at \$1,000,000.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/25/2018 - 1:05 PM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 10:18 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:20 AM

City of Davenport

Agenda Group: Committee of the Whole
Department: Office of the Mayor
Contact Info: Nevada Lemke
Wards: All

Action / Date
5/2/2018

Subject:
Proclamation: Home Rule Month - April 2018

ATTACHMENTS:

Type	Description
▢ Cover Memo	Home Rule Month

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	4/27/2018 - 9:41 AM

Proclamation

- Whereas** Home Rule is essential to effective and responsive municipal governance in Iowa and provides flexibility to make decisions at the local level, where decisions are made closest to the people they impact and can be tailored to fit local conditions, needs and concerns in order to better serve taxpayers; and
- Whereas** the City of Davenport supports Home Rule and the powers it provides to make local decisions on that best reflect the residents of our community; and
- Whereas** the citizens of Iowa approved the adoption of Home Rule in the Constitution of Iowa on November , 1968; and
- Whereas** this is the 50th year of municipal Home Rule in Iowa; and
- Whereas** Home Rule continues to be vital to the health and prosperity of all cities in Iowa.
- Now therefore** We, Mayor Frank Klipsch and the Davenport City Council do hereby proclaim the month of April 2018 as

Home Rule Month

in the City of Davenport and recognize its 50th Anniversary of municipal Home Rule in Iowa and encourage all citizens to proudly support its continued authority.

Dated this 2nd day of May, 2018

Frank J. Klipsch
Mayor of Davenport

Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 563.888.2286
matt.flynn@ci.davenport.ia.us
Wards: All

Action / Date
4/18/2018

Subject:

Second Consideration: Ordinance for Case No. ORD18-03: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by amending Section 17.36.030.B.6 by adding Sale and Storage of Fireworks and Explosive Devices, subject to such uses being located more than one thousand feet from any residential district to the list of permitted uses in the "M-1" Light Industrial District. [Wards All]

Recommendation:

The Plan and Zoning Commission forwards Case No. ORD18-03 to the City Council with a recommendation for approval.

The Plan and Zoning Commission vote was 4-yes and 2-no.

Relationship to Goals:

Enhance quality of life.

Background:

Currently, the Zoning Ordinance does not regulate the sale of fireworks and explosive devices other than to require retail locations be located on property that is zoned "C-1" Neighborhood Shopping District or higher.

The proposed ordinance would allow the sale and storage of fireworks and explosive devices to be located on property zoned "M-1" Light Industrial District subject to such use being located more than one thousand feet from any residential district.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Proposed Ordinance as substituted
▣ Backup Material	Plan and Zoning Commission Letter to City Council
▣ Backup Material	4-3-2018 Plan and Zoning Commission Vote Results
▣ Backup Material	Staff Report to Plan and Zoning Commission
▣ Backup Material	M-1 and M-2 Property Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	4/17/2018 - 10:35 AM

ORDINANCE NO. 2018 -

ORDINANCE for Case No. ORD18-03: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by amending Section 17.36.030.B.6 by adding sale and storage of Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any and all sparklers, subject to such uses being located more than one thousand feet from any residential district to the list of permitted uses in the "M-1" Light Industrial District. [Wards All]

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

Section 1. Section 17.36.030.B.6 of the Davenport Municipal Code is hereby amended to read as follows:

6. Unclassified Uses.
 - a. Animal pound for detention only;
 - b. Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales;
 - c. Carbon paper and inked ribbon manufacture;
 - d. Cigar and cigarette, chewing and smoking tobacco;
 - e. Circus and fair grounds;
 - f. Coal and coke storage and sales;
 - g. Contractor's shop and storage yard;
 - h. Drive-in or outdoor theater;
 - i. Exposition building or center;
 - j. Electric transforming station;
 - k. Feed and grain storage;
 - l. Fur finishing;
 - m. Greenhouses, wholesale;
 - n. Ice manufacture and cold storage;
 - o. Leather goods manufacture, but not including tanning operations;
 - p. Livery stables and riding academies;
 - q. Motion picture production;
 - r. Public utility storage yard;
 - s. Accessory buildings and uses customarily incident to the uses permitted by this chapter;
 - t. Sale and storage of Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any and all sparklers, subject to such uses being located more than one thousand feet from any residential district.

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 _____

Frank Klipsch, Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

April 4, 2018

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting of April 3, 2018, the City Plan and Zoning Commission considered Case No. ORD18-03: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by amending Section 17.36.030.B.6 by adding Sale and Storage of Fireworks and Explosive Devices, subject to such uses being located more than one thousand feet from any residential district to the list of permitted uses in the "M-1" Light Industrial District. [Wards All]

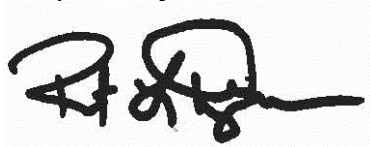
Finding:

1. Due to the nature of the explosive materials, specific land use and separation from residential districts is warranted.

The Plan and Zoning Commission accepted the listing finding and forwards Case ORD18-03 to the City Council with a recommendation for approval.

The Plan and Zoning Commission vote was 4-yes and 2-no.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

		APPROVED	APPROVED	APPROVED	FAILED	APPROVED	APPROVED		
Name:	Roll Call	CP18-01 Elmore Corners Plan	Amend ORD18-01 Amend 17.41 Elmore Corners Overlay District	ORD18-01 Amend 17.41 Elmore Corners Overlay District	Table ORD18-03 Amend 17.36 M-1 Uses	ORD18-03 Amend 17.36 M-1 Uses	F18-02 Bett's Corporation 2nd Add'n		
Connell	EX								
Hepner	P	Y	Y	Y	N	Y	Y		
Inghram	P								
Kelling	P	Y	Y	Y	Y	N	Y		
Lammers	P	Y	Y	Y	Y	N	Y		
Maness	EX								
Martinez	A								
Medd	P	Y	Y	Y	N	Y	Y		
Quinn	A								
Reinartz	P	Y	N	N	N	Y	Y		
Tallman	P	Y	Y	Y	N	Y	Y		
	7	6-YES 0-NO 0-ABSTAIN	5-YES 1-NO 0-ABSTAIN	5-YES 1-NO 0-ABSTAIN	2-YES 4-NO 0-ABSTAIN	4-YES 2-NO 0-ABSTAIN	6-YES 0-NO 0-ABSTAIN		



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Meeting Date: April 3, 2018
Request: Amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by amending Section 17.36.030.B.6 by adding Sale and Storage of Fireworks and Explosive Devices, subject to such uses being located more than one thousand feet from any residential district to the list of permitted uses in the "M-1" Light Industrial District. [Wards All]
Location: N/A
Case No.: ORD18-03
Applicant: City of Davenport

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed finding forward Case ORD18-03 to the City Council with a recommendation for approval.

Introduction:

Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by amending Section 17.36.030.B.6 by adding Sale and Storage of Fireworks and Explosive Devices, subject to such uses being located more than one thousand feet from any residential district to the list of permitted uses in the "M-1" Light Industrial District. [Wards All]

Public Input:

The public notice for the Plan and Zoning Commission public hearing for the proposed Ordinance was published in the March 14, 2018 edition of the Quad-City Times.

Discussion:

Currently, the Zoning Ordinance does not regulate the sale or storage of fireworks and explosive devices other than to require that they be located on property that is zoned "C-1" Neighborhood Shopping District or higher.

Initially, the City proposed requiring the sale and storage of fireworks and explosive devices to be located on property zoned "M-2" Heavy Industrial District and require the granting of a Special Use Permit for said use by the Zoning Board of Adjustment.

A less restrictive amendment is now being proposed, which would allow the sale and storage of fireworks and explosive devices to be located on property zoned "M-1" Light Industrial District subject to such use being located more than one thousand feet from any residential district.

Section 17.36.030.B.6 the Davenport City Code:

New ordinance language is underlined.

6. Unclassified Uses.

- a. Animal pound for detention only;
- b. Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales;
- c. Carbon paper and inked ribbon manufacture;
- d. Cigar and cigarette, chewing and smoking tobacco;
- e. Circus and fair grounds;
- f. Coal and coke storage and sales;
- g. Contractor's shop and storage yard;
- h. Drive-in or outdoor theater;
- i. Exposition building or center;
- j. Electric transforming station;
- k. Feed and grain storage;
- l. Fur finishing;
- m. Greenhouses, wholesale;
- n. Ice manufacture and cold storage;
- o. Leather goods manufacture, but not including tanning operations;
- p. Livery stables and riding academies;
- q. Motion picture production;
- r. Public utility storage yard;
- s. Accessory buildings and uses customarily incident to the uses permitted by this chapter.
- t. Sale and storage of fireworks and explosive devices, subject to such uses being located more than one thousand feet from any residential district.

Staff Recommendation

Finding:

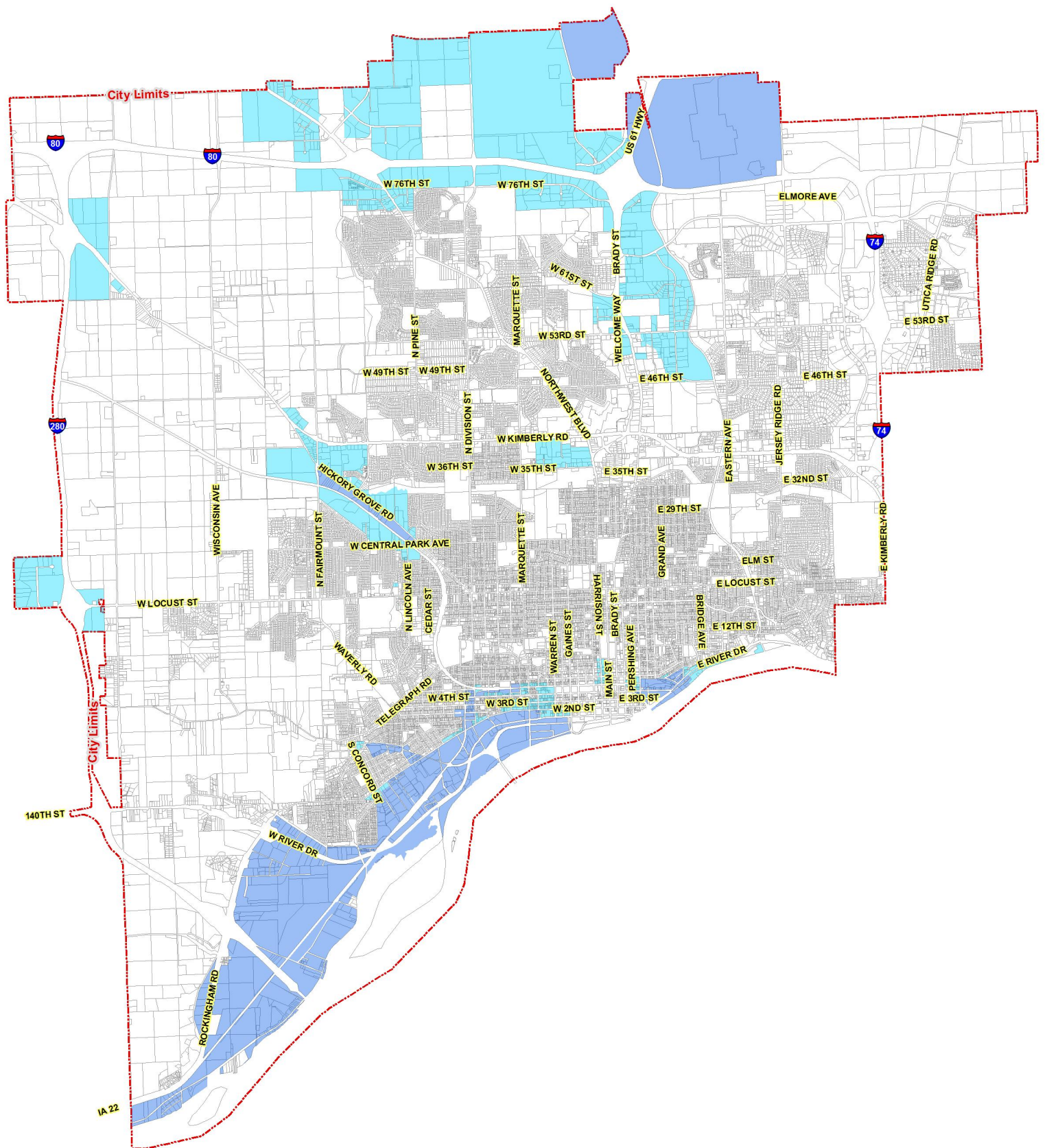
1. Due to the nature of the explosive materials, specific land use and separation from residential districts is warranted.

Staff recommends the Plan and Zoning Commission accept the listed finding forward Case ORD18-03 to the City Council with a recommendation for approval.

Prepared by:



Ryan Rusnak, AICP
Planner III



Note: 1000' distance separation to residentially zoned properties will need to be verified before the use is established on the property.

- M-1 Light Industrial District
- M-2 Heavy Industrial District



City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286
Wards: 1st and 3rd

Action / Date
4/18/2018

Subject:

Resolution approving a 90-day extension of the moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets where the new license represents a substantial change from the previous use (City of Davenport, Petitioner). [Wards 1 & 3] ***This item will be voted on later in this agenda.***

Recommendation:

Approve the resolution.

Relationship to Goals:

Welcoming Neighborhoods

Background:

With the nearing completion of the long-awaited road improvements to Rockingham and the pending Zoning Code re-write slated for final consideration in mid-2018, it is proposed that any applications for changes in business license uses (where it represents a change in the previous use of the property) not be approved pending upcoming potential changes in the Zoning Code in this corridor.

Approval of this action would authorize staff to proceed accordingly.

ATTACHMENTS:

Type	Description
▣ Exhibit	RES Only Rockingham 90-day Extension

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	4/17/2018 - 10:35 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a 90-day extension of the moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets. (City of Davenport, Petitioner)

WHEREAS, long awaited for improvements to Rockingham Road are nearing completion; and

WHEREAS, an economic revitalization of the corridor is envisioned; and

WHEREAS, an update to the City's Zoning Code is expected to be discussed by late summer, 2018 and could involve new design standards and zoning district changes; and

WHEREAS, a moratorium extension on changes or new business licenses that entail a use substantially different from the previous use is appropriate in light of upcoming discussion and potential changes to the zoning and/or design standards in that corridor.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, that the City Council does hereby approve an extension on the moratorium on the changes or new business licenses that represent a substantial change in the previous use of the property in

the Rockingham Road corridor between Division and South Concord Streets, and immediately authorize staff to proceed accordingly.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 888-2286
Wards: 1

Action / Date
5/2/2018

Subject:

Resolution for Case No. F18-01: Final plat Reed's Retreat on 18.12 acres, more or less, located west of Wisconsin Avenue and north of Telegraph Road containing 3 residential lots and one outlot which will be either conveyed with Lot 1 or remain part of the existing ownership to the west and south.. Property is zoned "R-1" Low Density Dwelling District and "A-1" Agricultural District. [Ward 1]

Recommendation:

Adopt the resolution.

Finding:

- The plat conforms to Davenport+2035.
- The plat proposes development for the southwest area.

The City Plan and Zoning Commission accepted the findings and forwards Case No. F18-01 being the final plat of Reed's Retreat to the City Council for approval subject to the following conditions: (These are ordinance conditions)

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met and all easement are shown and tied to the plat by bearing/dimension.
3. The Owner/Developer's name and address are shown.

The Commission vote for approval was 9-yes, 0-no and 0-abstentions.

Relationship to Goals:

Urban Revitalization (Welcoming Neighborhoods)

Background:

The apparent reason for the plat is to allow residential development to continue along this side of Wisconsin Avenue. All lots contain buildable area within the R-1 zoning. The developer is platting four lots: Lots 1, 2 and 3 will be built upon and Outlot "A" is the remnant of the aliquot part (remnant of the East ½ of the Southeast Quarter of Section 30) and will be either sold with Lot 1 or retained with the developers abutting property.

Please refer to the Commission's letter and background report for further information.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	F18-01 Resolution Only
▣ Backup Material	F18-01 Background

REVIEWERS:

Department	Reviewer	Action	Date
------------	----------	--------	------

Community Planning & Economic Development	Berger, Bruce	Approved	4/26/2018 - 8:33 AM
Community Development Committee	Berger, Bruce	Approved	4/26/2018 - 8:34 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:16 AM

RESOLUTION NO. _____

Resolution offered by Alderman Gripp

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. F18-01 being the final plat of Reed's Retreat on 18.12 acres, more or less, located west of Wisconsin Avenue and north of Telegraph Road containing 3 residential lots and one outlot which will be either conveyed with Lot 1 or remain part of the existing ownership to the west and south. Property is zoned "R-1" Low Density Dwelling District and "A-1" Agricultural District. [Ward 1]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Reed's Retreat to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to all the conditions as stated in the Commission's letter dated February 21, 2018 and as follows:

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met and all easement are shown and tied to the plat by bearing/dimension.
3. The Owner/Developer's name and address are shown.

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk



226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

March 21, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of March 20, 2018, the City Plan and Zoning Commission considered the final plat on 18.12 acres, more or less, located west of Wisconsin Avenue and north of Telegraph Road, containing three (3) lots and one (1) outlot, ownership of which would remain with the rest of the un-platted ground. The property is zoned both "R-1" Low Density Dwelling District and "A-1" Agricultural District. The previous preliminary and final plats were withdrawn by the applicant. [Ward 1]

Findings

- The plat conforms to Davenport+2035.
- The plat proposes development for the southwest area.

Recommendation

The City Plan and Zoning Commission accepted the findings and forwards Case No. F18-01 the final plat of Reed's Retreat to the City Council for approval subject to the following conditions:

(These are ordinance conditions)

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met and all easement are shown and tied to the plat by bearing/dimension.
3. The Owner/Developer's name and address are shown.

Respectfully submitted:

Rober Inghram, Chairperson
City Plan and Zoning Commission



		APPROVED	APPROVED						
Name:	Roll Call	F18-01 Reed's Retreat Revised	P18-02 Seng Meadows						
Connell	P	Y	Y						
Hepner	P	Y	Y						
Inghram	P								
Kelling	P	Y	Y						
Lammers	P	Y	Y						
Maness	P	Y	Y						
Martinez	A								
Medd	P	Y	Y						
Quinn	P	Y	Y						
Reinartz	P	Y	Y						
Tallman	P	Y	Y						
		9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN						



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

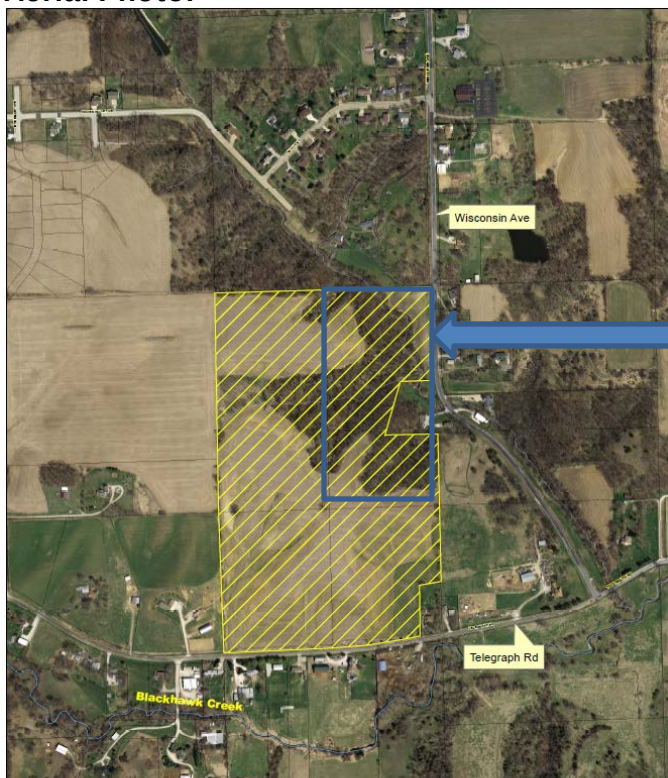
Preview Date: March 20, 2018
Request: F18-01 Revised–Final Plat - Reed's Retreat
Address: West of Wisconsin Ave & North of Telegraph Rd
Applicant: Jeff Reed

INTRODUCTION

Request of Jeff Reed for a final plat on 17.79 acres, more or less, located west of Wisconsin Avenue and north of Telegraph Road, containing three (3) lots and one (1) outlot, ownership of which would remain with the rest of the un-platted ground. The property is zoned both "R-1" Low Density Dwelling District and "A-1" Agricultural District. The previous preliminary and final plats were withdrawn by the applicant. [Ward 1]

Recommendation: Staff recommends the City Plan and Zoning Commission forward Case No. F18-01 the final plat of Reed's Retreat to the City Council for approval subject to the listed conditions.

Aerial Photo:



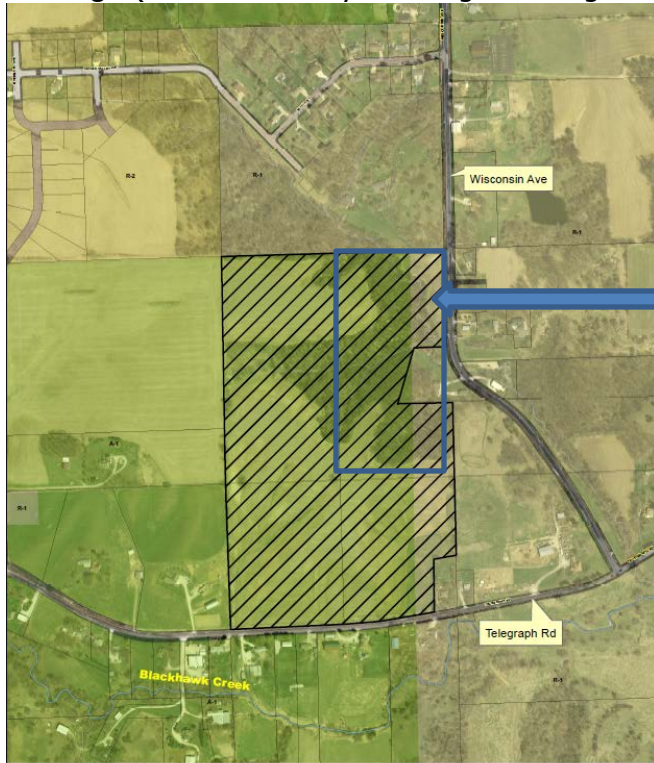
Area of Revised Plat
Outlined in Blue

Aerial Photo 2014

0 250 500 1,000
Feet



Zoning (R-1 Low Density Dwelling & A-1 Agricultural District)



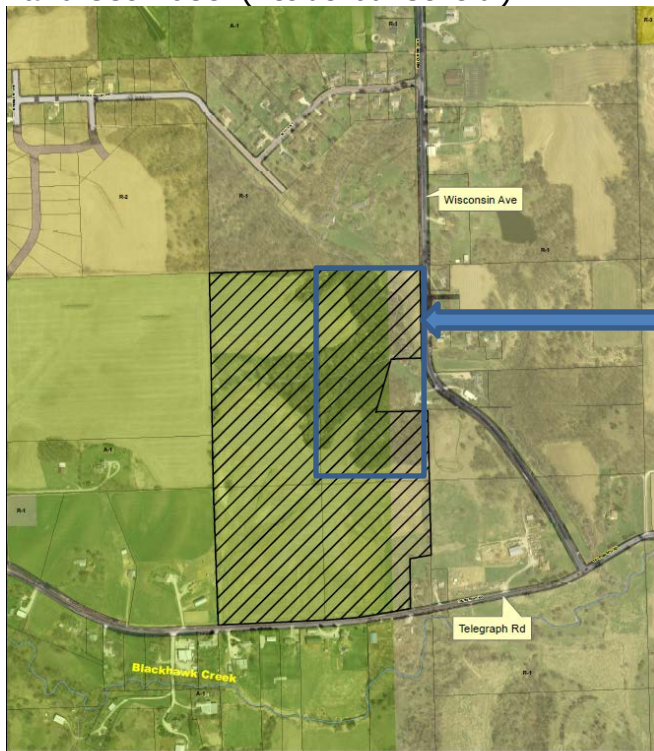
Area of Revised Plat
Outlined in Blue

ZONING
A-1 Agricultural
R-1 & R-2 Low Density Dwelling

0 250 500 1,000 Feet



Land Use 2035 (Residential General)



Area of Revised Plat
Outlined in Blue

ZONING
A-1 Agricultural
R-1 & R-2 Low Density Dwelling

0 250 500 1,000 Feet

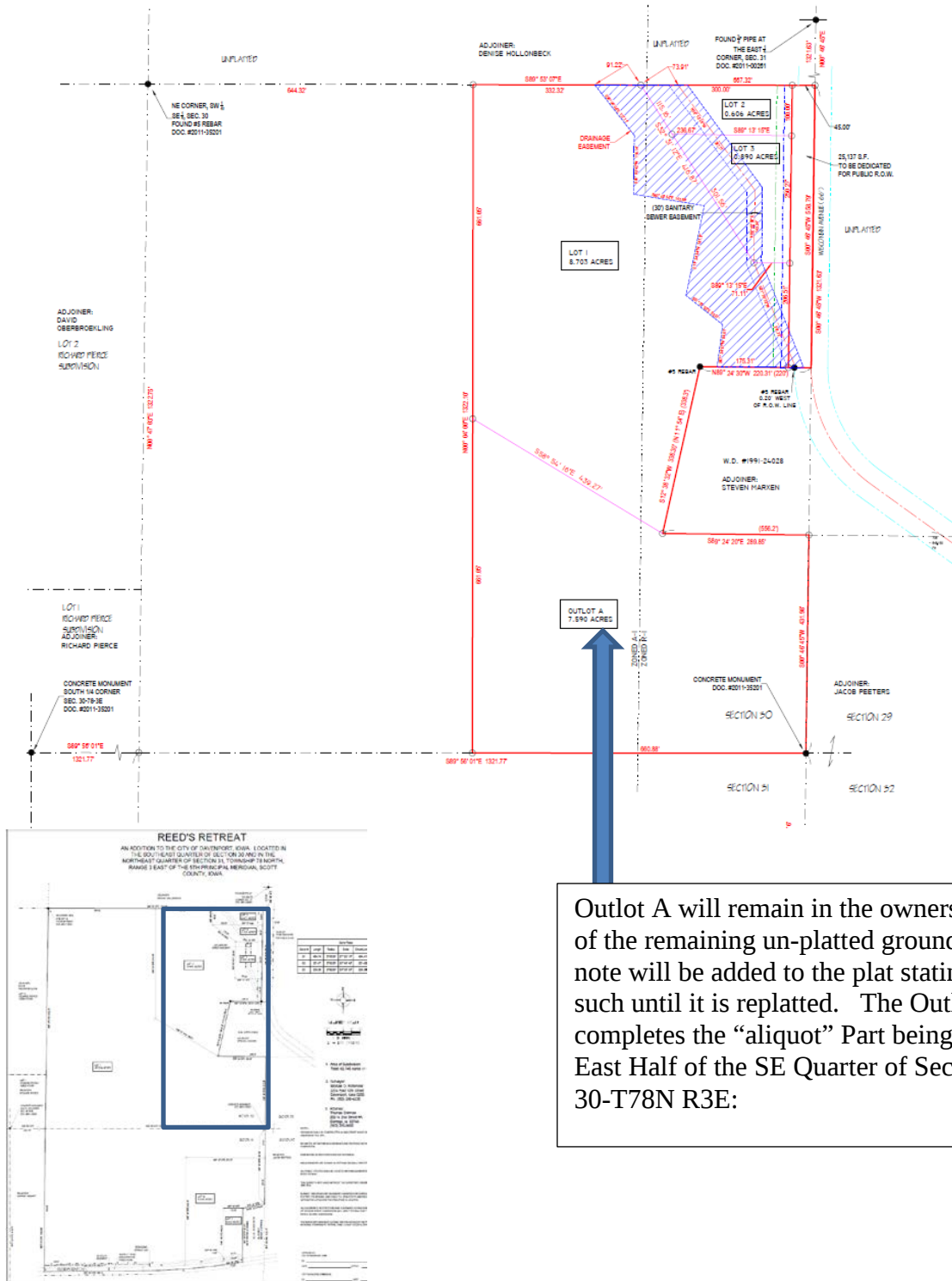


Plat (with approximate zoning district line)

FINAL PLAT OF:

REED'S RETREAT

AN ADDITION TO THE CITY OF DAVENPORT, IOWA. LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30 AND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, SCOTT COUNTY, IOWA.



Outlot A will remain in the ownership of the remaining un-platted ground. A note will be added to the plat stating such until it is replatted. The Outlot completes the "aliquot" Part being the East Half of the SE Quarter of Section 30-T78N R3E:

BACKGROUND

Comprehensive Plan:

Within Urban Service Area (USB35): Yes
Proposed Land Use Designation: RG - Residential General

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant *Davenport+2035* Goals and Objectives:

1. *Strengthen the existing built environment.*
 - b. *Reduce the number of underoccupied, abandoned, or vacant buildings / properties through adaptive reuse and infill.*
2. *Identify and reserve land for future development*

Technical Review:

Streets. No new streets are proposed with this request. However Wisconsin Avenue will require the dedication of additional right-of-way to meet future pavement and development needs. This is shown on the revised plat.

Storm Water. There is no existing stormwater infrastructure in the general area. Storm drainage is overland to the drainage way along Wisconsin Avenue and the Blackhawk Creek south of Telegraph Road. A drainage easement is shown for the major drainage way cutting across the plat (See reference stormwater ordinance below in the discussion section)

Sanitary Sewer. Sanitary sewer service is located in the drainage way along Wisconsin Avenue. An easement will need to be provided for this sewer and the easement will need to be tied to the plat so as to locate the easement from referenced lot corner(s).

Other Utilities. This is an urban area and normal utility services are available. The utility companies will need to sign the plat when their easement needs have been met. The utility easement will need to be shown on the plat (dedicated) with at least a fifteen (15) foot utility easement dedicated along all street frontages, both Wisconsin Avenue and Telegraph Road.

Parks/Open Space. The proposed plat does not impact any existing or planned parks or public open spaces.

PUBLIC INPUT This is a subdivision plat. No notification is required.

DISCUSSION

The previous preliminary and final plats were withdrawn by the applicant.

Zoning

The area of the subdivision contains two zoning classifications, "R-1" Low Density Dwelling District and "A-1" Agricultural District. The "R-1" zoning line was established in 1964 with the adoption of the 1964 zoning ordinance and map. The depth of the "R-1" zoning should be 300 feet from the right-of-way easement line (333 feet from the East Line of Section 30 and 31. This zoning line "as of (date)" should be shown on the plat.

All of the lots contain some "R-1" Low Density Dwelling District zoning which will allow for residential construction. Any residence will need to be located within the "R-1" zoned area or else additional area would need to be rezoned.

Stormwater management

A significant drainage way is located within the northeast area of this plat. Section 13.34.160 of the Davenport City Code entitled "Stormwater Management – Easements" states:

B. Whenever any stream or water course is located in an area that is being subdivided, the subdivider shall dedicate a public right-of-way or drainage easement conforming substantially with the lines of such stream or water course and shall include such additional area adjoining both edges of such stream or water course that has been affected by damaging flood waters and/or inundated by the one hundred-year flood waters, as determined by the city engineer. This easement area shall also contain a minimum thirty foot vegetated buffer area on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the existing banks of the stream or drainage way. This buffer shall be planted with vegetation native to the mid-west region of the United States and maintained as a prairie as outlined in the Davenport Stormwater Manual.

C. Unless deeded to the city of Davenport, maintenance of the stream, streambanks and easement areas described in Section 13.34.160B shall be the responsibility of the landowners upon which the stream is located. This maintenance responsibility shall be clearly defined in a recorded document. The subdivider shall also provide reasonable public easements for access. Procedures for transfer of the property described in Section 13.34.160B to the city for maintenance or ownership are described in the Davenport Stormwater Manual.

D. It shall be noted on the final plat, "Owners of lots on which a drainage easement has been established as a stormwater passageway shall maintain said easement as a lawn, planted in grass and free of structures, fences, fill, bushes, trees, shrubs, or other landscaping that would impede the flow of water" and "Owners of lots on which a stream buffer is required shall maintain said buffer as a native planting area, not allowing vegetation to be cut to a height of less than nine-inches without authorization of the city of Davenport natural resources division." In the event that the area established as a drainage easement is reshaped or otherwise restricted for use as a drainage easement, the city will cause the restrictions to be removed at the expense of the parties causing the restriction.

Other platting requirements

The name and address of the owner/developer will need to be shown on the plat.

STAFF RECOMMENDATION

Findings

- The plat conforms to Davenport+2035.
- The plat proposes development for the southwest area.

Recommendation

Staff recommends the City Plan and Zoning Commission forward Case No. F18-01 the final plat of Reed's Retreat to the City Council for approval subject to the following conditions:

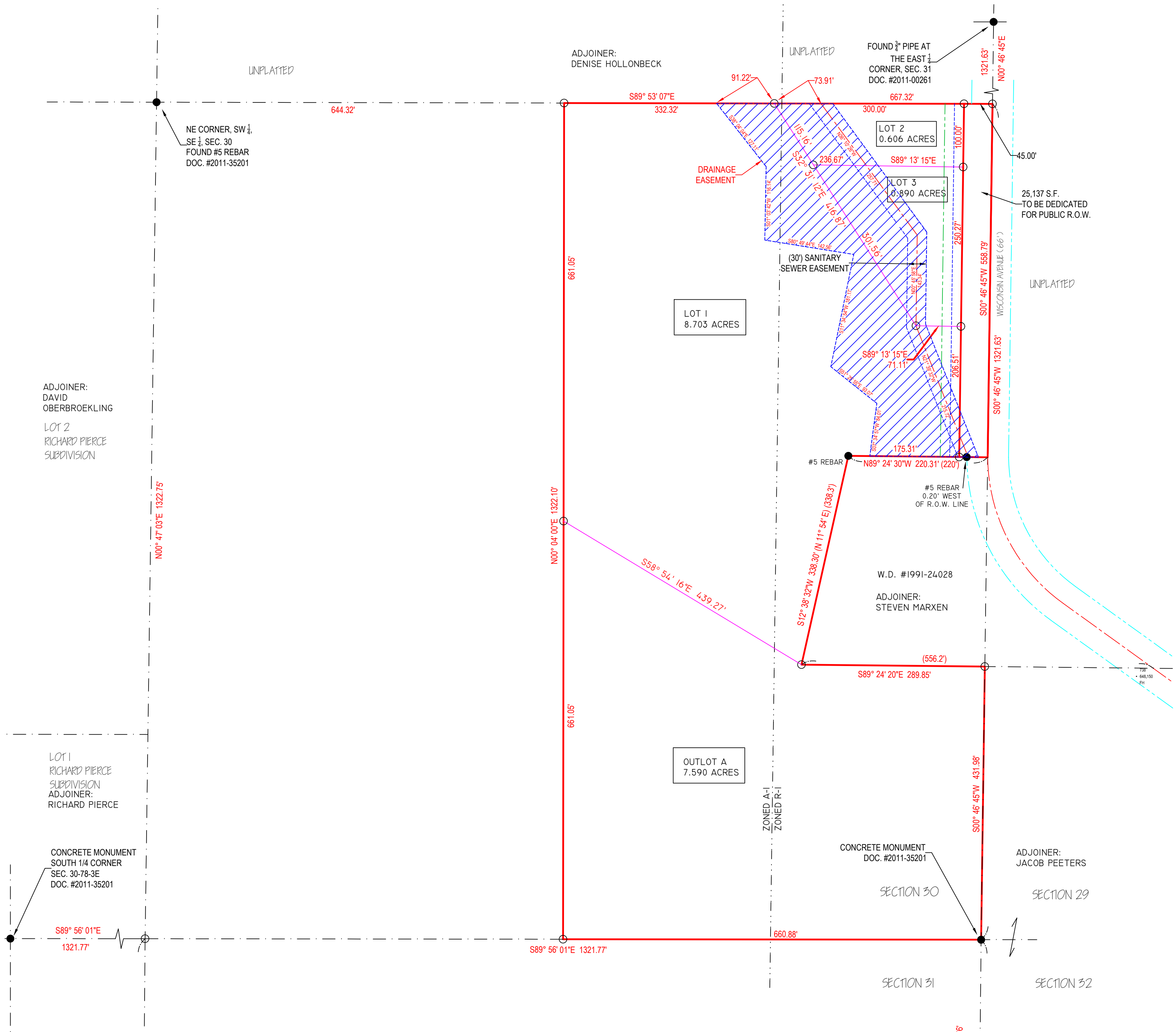
(These are ordinance conditions)

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met and all easement are shown and tied to the plat by bearing/dimension.
3. The Owner/Developer's name and address are shown.

Prepared by:

Wayne Wille, CFM – Planner II
Community Planning Division

FINAL PLAT OF:
REED'S RETREAT
AN ADDITION TO THE CITY OF DAVENPORT, IOWA. LOCATED IN
THE SOUTHEAST QUARTER OF SECTION 30 AND IN THE
NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH,
RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, SCOTT
COUNTY, IOWA.



NOTES:
SIDEWALKS SHALL BE CONSTRUCTED ALONG STREET RIGHT OF WAYS WHEN SO ORDERED BY THE CITY.

NO WATER DETENTION REQUIREMENTS ARE PROPOSED WITH THIS SUBDIVISION.

DIMENSIONS ALONG CURVES ARE ARC DISTANCES.

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.

BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.

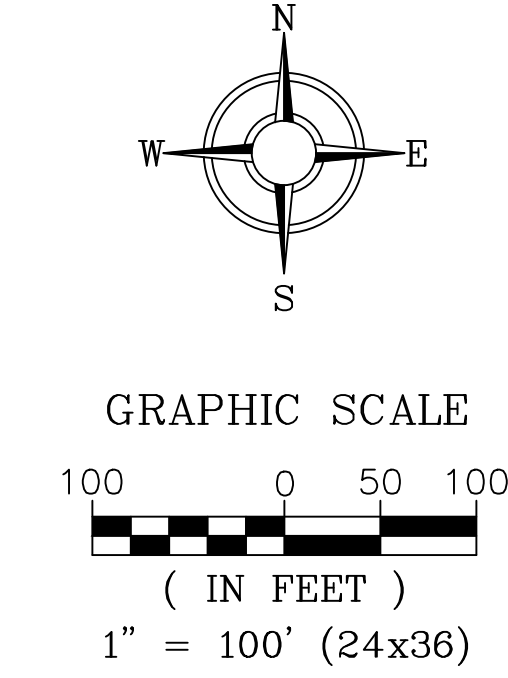
ALL EASEMENTS, RESTRICTIONS AND COVENANTS ESTABLISHED IN FINAL PLAT OF RICHARD PIERCE SUBDIVISION WILL APPLY TO FINAL PLAT OF RICHARD PIERCE SECOND SUBDIVISION.

THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE IOWA REGIONAL COORDINATE SYSTEM, ZONE 11 NAD '83 (2011) EPOCH 2010.00

OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A STORM WATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF STRUCTURES, FENCES, FILL, BUSHES, TREES, SHRUBS, OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER" AND "OWNERS OF LOTS ON WHICH A STREAM BUFFER IS REQUIRED SHALL MAINTAIN SAID BUFFER AS A NATIVE PLANTING AREA, NOT ALLOWING VEGETATION TO BE CUT TO A HEIGHT OF LESS THAN NINE-INCHES WITHOUT AUTHORIZATION OF THE CITY OF DAVENPORT NATURAL RESOURCES DIVISION. IN THE EVENT THAT THE AREA ESTABLISHED AS A DRAINAGE EASEMENT IS RESHAPED OR OTHERWISE RESTRICTED FOR USE AS A DRAINAGE EASEMENT, THE CITY WILL CAUSE THE RESTRICTIONS TO BE REMOVED AT THE EXPENSE OF THE PARTIES CAUSING THE RESTRICTION.

APPROVED BY:
CITY OF DAVENPORT, IOWA
BY: _____
DATE: _____ ATTEST: _____
CITY PLAN & ZONE COMMISSION
BY: _____ DATE: _____
MEDIACOM _____ DATE: _____
IOWA - AMERICAN WATER COMPANY _____ DATE: _____
CENTURY LINK _____ DATE: _____
MIDAMERICAN ENERGY _____ DATE: _____
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2019
Pages or sheets covered by this seal: 1



LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = _____
ROAD CENTER LINE = _____
EASEMENT LINE = _____
SETBACK LINE = _____
SECTION LINE = _____

TOWNSEND
ENGINEERING
CIVIL • STRUCTURAL • LAND DEVELOPMENT

DATE:
1-11-18
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY:
KLC
CHECKED BY:
MDR
LOCATION BY:
S: \REED-JEFF\SUBDIVISION.DWG

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT
FINAL PLAT
REED'S RETREAT
DAVENPORT, IOWA

OWNER
JEFF REED
DA MONTANA, LLC
9114 113TH STREET,
BLUE GRASS, IOWA

SHEET NO.
1
OF
1

CITY OF DAVENPORT
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)
SUBDIVISION REFERENCE FILE

PRELIM / FINAL / PUD (circle the appropriate designation)

SUBDIVISION NAME: Jeff Reed Subdivision

LOCATION: SE 1/4 Sec. 30 and NE 1/4 of Sec. 31, T 78N, R 3E.

DEVELOPER: Name: _____
Address: _____
Phone: _____ FAX: _____
Mobile Phone: _____ Email: _____

ENGINEER: Name: Townsend Engineering
Address: 2224 E 12th Str. Davenport, Ia 52803
Phone: (563) 386-4236 FAX: _____
Mobile Phone: _____ Email: Kevin@Townsendengineering.net

ATTORNEY: Name: Thomas Shirmen
Address: 202 N. 2nd Str. #A Eldridge, Ia 52748
Phone: (563) 285-9600 FAX: _____
Mobile Phone: _____ Email: _____

OWNER: Name: Jeff Reed
Address: 9106 - 113th Str. Blue Grass, Ia
Phone: (563) 361-2904 FAX: _____
Mobile Phone: _____ Email: _____

NUMBER OF LOTS: 7 ACRES: 62.745+-
SF 2F MF & EST. UNITS COMM IND

STREETS ADDED: N/A LINEAR FEET

Does the plat contain a drainage way or floodplain area: ☒ Yes ☐ No

Fee per Plat	Fee
Ten or fewer lots (< 10 lots)	\$400 plus \$25/lot
Eleven to twenty-five lots (≥ 11 lots ≤ 25 lots)	\$700 plus \$25/lot
More than twenty-five lots (> 25 lots)	\$1,000 plus \$25/lot
Reforestation fee (submit to Land Use Office Prior to City Council review)	\$150 per 50 feet of lineal lot frontage

NOTE: THE PLAT WILL NOT BE PROCESSED UNTIL THE FEE AND COMPLETED REFERENCE FILE ARE RECEIVED BY THE PLANNING AND LAND DEVELOPMENT OFFICE.

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Bruce Berger, 326-7769
Wards: 3

Action / Date
CC1 5/1/2018

Subject:

Resolution setting a public hearing on the proposed conveyance of 422 Perry to Y & J Properties, LLC (Joe Erenberger, petitioner). [Ward 3]

Recommendation:

Approve the resolution.

Relationship to Goals:

Welcoming Neighborhoods

Background:

The City acquired this vacant lot in 2009 with Federal funding (Neighborhood Stabilization Program or NSP) for the purpose of removing blight. A boarded apartment building was on the site at the time. In 2010, using the same funding source, the property was demolished. NSP requires that if the City transfers the property, it must be sold for fair market value, with the proceeds repaying the NSP fund.

In the past few years, several property owners in the adjacent block have indicated potential interest in the property, primarily for parking or other uses. The property is roughly 52' x 150'.

Per Federal requirement, the property was recently appraised and determined to have a fair market value of \$65,000. Staff contacted surrounding owners and, based upon interest, solicited offers.

The petitioner submitted an offer and would convert the vacant lot to surface parking. They are currently redeveloping several structures directly across the alley to the west of the vacant lot. The redevelopment will create new housing units and retail and would benefit from additional parking.

Approval of this resolution would authorize staff to advertise a public hearing on the proposed conveyance, which is required by State law. The hearing would be scheduled for Wed., May 16 at the Committee-of-the-Whole meeting.

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution
□ Cover Memo	Map of 422 Perry

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	4/26/2018 - 3:16 PM

RESOLUTION NO.

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION setting a public hearing to convey land to Deere & Company [Ward 8].

WHEREAS, the City of Davenport will be the legal owner of the real estate on the attached map; and

WHEREAS, the City of Davenport wishes to convey the property to Deere & Company; and

WHEREAS, the transfer of these properties is mutually beneficial to the City and Deere & Company; and

WHEREAS, a public hearing on the matter is required by law;

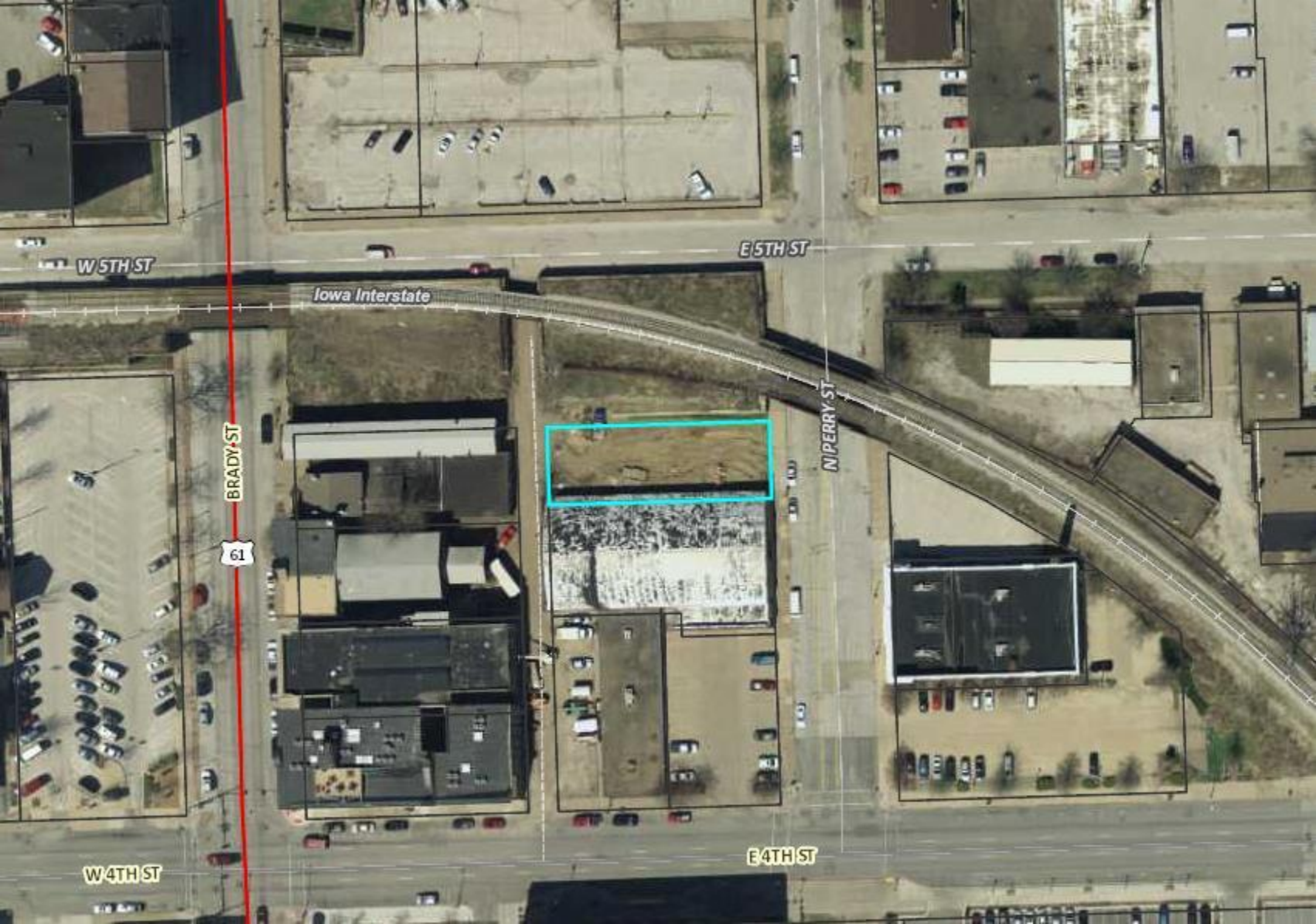
NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that a public hearing shall be held on the proposed transfer of this real estate on Wednesday, the 4th of April, 2018, at 5:30 PM in the Council Chambers of City Hall and notice of said hearing shall be published in the manner prescribed by law.

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor



W 5TH ST

E 5TH ST

Iowa Interstate

BRADY ST

61

N PERRY ST

E 4TH ST

W 4TH ST

City of Davenport

Agenda Group: Public Safety
Department: Public Works - Engineering
Contact Info: Gary Statz (563) 326-7754
Wards: 6

Action / Date
PS4/18/2018

Subject:

Second Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled
"Intersection Traffic Signals" by adding Elmore Avenue at the Walmart entrance. [Ward 6]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Sustainable Infrastructure.

Background:

Traffic signal warrants have been met for the intersection of Elmore Avenue at the Walmart entrance. The signals will be installed at the middle entrance to this development and will be able to accommodate an entrance on the west side of Elmore. The developer has already paid the entire cost of this project. The signals should be operable by the beginning of June.

ATTACHMENTS:

Type	Description
▣ Ordinance	PS_ORD_Elmore at Walmart signal_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety Committee	Admin, Default	Approved	4/17/2018 - 10:36 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XIV INTERSECTION TRAFFIC SIGNALS THERETO BY ADDING ELMORE AVENUE AT THE WALMART ENTRANCE.

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

Section 1. That Schedule XIV Intersection Traffic Signals of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following:

Elmore Avenue at the Walmart entrance.

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 _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Safety
Department: Administration
Contact Info: Tiffany Thorndike x2066
Wards: All

Action / Date
5/2/2018

Subject:
Resolution establishing dates and times for the 2018 Halloween parade and trick-or-treating. [All Wards]

Recommendation:
Pass the resolution.

Relationship to Goals:
Welcoming Neighborhoods.

Background:
An early declaration of the time of the Halloween Parade assists the school music programs to plan and schedule.

ATTACHMENTS:

Type	Description
▢ Cover Memo	PS_RES Halloween 2018

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Thorndike, Tiffany	Approved	4/17/2018 - 4:20 PM

Resolution No. _____

Resolution offered by Alderman Rawson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION establishing the times and date for the Halloween Parade and Trick-or-Treating

WHEREAS, an early declaration of the time of the Halloween Parade assists the school music programs to plan and schedule;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. The City's Annual Halloween Parade will begin at 2 PM on Saturday, October 27, 2018;
2. That the City's Trick-or-Treat hours will be from 5:30 PM to 7:30 PM on Wednesday, October 31, 2018;

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group: Public Safety
Department: City Clerk
Contact Info: Jackie E Holecek
Wards: Various

Action / Date
PS5/2/2018

Subject:

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

Baked Beer & Bread Company, Streetfest, June 1-3, 2018; 8:00 AM June 1, 2018 through June 3 at 8:00 AM; Closure Location: 11th Street between Mound and Christie Streets and Christie Street from 11th Street to the alley north, [Ward 5]

City of Davenport, Youthfest, July 11, 2018, 6:00 AM to 3:00 PM; Closure Location: Wilkes Avenue from 12th Street to Telegraph Road [Ward 4]

Village of East Davenport, Wine Walk Fundraiser for Gilda's Club Quad Cities, August 18, 2018, 2:00 PM - 7:00 PM; Closure Location: 11th Street from Mound to Jersey Ridge Road and Jersey Ridge Road between 11th and 12th Streets [Ward 5]

Recommendation:

Approve the resolution.

Relationship to Goals:

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	4/25/2018 - 10:50 AM

RESOLUTION NO. 2018-

Resolution offered by Alderman Rawson

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

RESOLVED by the City Council of the City of Davenport.

Whereas, the City through its Special Events Policy has accepted the following application(s) to hold an outdoor event(s) on the following date(s), and

Whereas, upon review of the application(s) it has been determined that the street(s), lane(s) or public grounds listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s) or public grounds on the following date(s) and time(s):

Entity: Baked Beer & Bread Company

Event: Streetfest

Date: June 1-3

Time: June 1 setup time 8:00 am to 4:00 pm; event 4:00 pm to 12:00 am; June 2 setup time 8:00 am to 12:00 pm; event 12:00 pm to 12:00 am; June 3 cleanup 12:00 am to 8:00 am (

Closure Location: 11th Street between Mound and Christie Streets, Christie Street between 11th Street and the alley way north.

Ward: 5

Entity: City of Davenport

Event: Youthfest

Date: July 11th

Time: 6:00 AM to 3:00 PM

Closure Location: Wilkes Avenue from 12th Street to Telegraph Road

Ward: 4

Entity: Village of East Davenport

Event: Wine Walk fundraiser for Gilda's Club Quad Cities

Date: August 18th

Time: 2:00 PM – 7:00 PM

Closure Location: 11th Street from Mound to Jersey Ridge Road and Jersey Ridge Road between 11th and 12th Streets

Ward: 5

Approved this ____9th____ day of ____May____, 2018.

Approved:

Frank Klipsch, Mayor

Attest:

Jackie E. Holecek, MMC, Deputy City Clerk



City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Jackie E Holecek
Wards: 4

Action / Date
4/18/2018

Subject:
Motion approving noise variance request(s) for various events on the listed dates and times.

Tina Abbott, 3239 East 18th Street, Abbott/Joos Wedding, June 9, 2018, 4:00 PM - 10:00 PM,
Over 50 dBa

Recommendation:
Approve the motion.

ATTACHMENTS:

Type	Description
▣ Cover Memo	2018 River Bandits Home Games

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	4/25/2018 - 10:41 AM

2018 RIVER BANDITS HOME GAME SCHEDULE

DATE	START TIME
April 5	6:35 PM
April 6	6:35 PM
April 9	6:35 PM
April 10	6:35 PM
April 11	6:35 PM
April 12	6:35 PM
April 17	6:35 PM
April 18	6:35 PM
April 19	6:35 PM
April 27	6:35 PM
April 28	1:15 PM
April 29	1:15 PM
May 7	6:35 PM
May 8	11:00 AM
May 9	11:00 AM
May 10	6:35 PM
May 11	6:35 PM
May 12	6:35 PM
May 21	6:35 PM
May 22	11:00 AM
May 23	6:35 PM
May 24	6:35 PM
May 25	6:35 PM
May 26	6:35 PM
May 27	5:15 PM
May 28	5:15 PM
June 1	6:35 PM
June 2	6:35 PM
June 3	1:15 PM
June 12	6:35 PM
June 13	6:35 PM
June 14	6:35 PM
June 15	6:35 PM
June 16	6:35 PM
June 17	1:15 PM

DATE	START TIME
June 21	6:35 PM
June 22	6:35 PM
June 23	6:35 PM
June 24	5:15 PM
June 25	6:35 PM
June 26	6:35 PM
June 27	6:35 PM
July 4	6:35 PM
July 5	6:35 PM
July 6	6:35 PM
July 7	6:35 PM
July 8	5:15 PM
July 9	6:35 PM
July 18	6:35 PM
July 19	6:35 PM
July 20	6:35 PM
July 21	6:35 PM
July 22	5:15 PM
July 23	1:15 PM
July 30	6:35 PM
July 31	6:35 PM
August 1	6:35 PM
August 2	6:35 PM
August 3	6:35 PM
August 11	6:35 PM
August 12	5:15 PM
August 15	6:35 PM
August 16	6:35 PM
August 17	6:35 PM
August 18	6:35 PM
August 19	5:15 PM
August 20	6:35 PM
September 1	6:35 PM
September 2	1:15 PM
September 3	1:15 PM

City of Davenport

Agenda Group: Public Safety
Department: Finance
Contact Info: Sherry Eastman 326-7795
Wards: Various

Action / Date
PS5/2/2018

Subject:
Motion approving beer and liquor license applications.

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

Ward 5

Brew In The Village (3 Blessings Incorporated) - Jersey Ridge Road Criterium Event to 11th Street - Outdoor Area May 26, 2018 "Criterium" - License Type: Beer / Wine

Save A Lot (Guru Nanak Food Mart Inc.) - 405 E Locust St. - New License - License Type: E Liquor *Notifications mailed to property owners within 200' of premise on 4/26/18.*

Ward 8

Residence Inn (W2005/Fargo Hotels (Pool C) Realty, LP - 120 E 55th St. - Ownership Update - License Type: Beer / Wine

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

Ward 3

Quad Cities River Bandits (Main Street Iowa, LLC) - 209 S Gaines St. - Outdoor Area - License Type: C Liquor

Recommendation:
Consider the license applications.

Relationship to Goals:
Welcoming neighborhoods.

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	4/26/2018 - 2:02 PM
Finance Committee	Watson-Arnould, Kathe	Approved	4/26/2018 - 2:03 PM
City Clerk	Admin, Default	Approved	4/26/2018 - 2:05 PM

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Amy Kay (563) 327-5160
Wards: All Wards

Action / Date
PW5/2/2018

Subject:

First Consideration: Ordinance amending Chapter 13.34 entitled "Stormwater Management" by updating stormwater detention and water quality treatment requirements, increasing stream buffer distances in new developments, clarifying drainage easement language, adopting the Unified Sizing Criteria, removing the use of orifice restrictor plates on outlet pipes and restructuring subsections for clarity. [All Wards]

Recommendation:

Amend the ordinance.

Relationship to Goals:

Sustainable Infrastructure

Background:

Both public and private property can be damaged by increases in stormwater runoff. Restricting the volume and velocity of runoff from development and redevelopment is paramount in the City's efforts toward improving and stabilizing our watersheds and protecting property.

Confusing language was identified in the Stormwater Management Ordinance and the Davenport Stormwater Manual. Clarification and consistency were needed between the two guiding documents.

ATTACHMENTS:

Type	Description
▣ Ordinance	PW_ORD_Ordinance13.34
▣ Exhibit	Summary of Changes

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/25/2018 - 12:08 PM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:36 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 12:05 PM

ORDINANCE NO. _____

ORDINANCE amending Chapter 13.34 entitled "Stormwater Management" by updating stormwater detention and water quality treatment requirements, increasing stream buffer distances in new developments, clarifying drainage easement language, adopting the Unified Sizing Criteria, removing the use of orifice restrictor plates on outlet pipes and restructuring subsections for clarity.

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

Section 1. That Chapter 13.34 is hereby modified and reads as follows:

Chapter 13.34 STORMWATER MANAGEMENT

Sections:

I. General

- 13.34.010 Purpose.**
- 13.34.015 Scope.**
- 13.34.020 Incorporation by ordinance.**
- 13.34.030 Definitions.**
- 13.34.040 Design criteria.**
- 13.34.050 Compatibility with other permit and ordinance requirements.**
- 13.34.060 Requirements for stormwater management plans.**
- 13.34.065 Maintenance.**
- 13.34.070 Easements.**
- 13.34.080 Inspections.**
- 13.34.090 Enforcement.**

II. Storm Sewers and Stormwater Routing

- 13.34.110 Applicability.**
- 13.34.120 Runoff calculation.**
- 13.34.130 Storm sewers.**
- 13.34.140 Excess stormwater passage-way.**
- 13.34.150 Open channels.**

III. Stormwater Detention Facilities

- 13.34.210 Applicability.**
- 13.34.220 Release rate.**
- 13.34.230 Detention requirements.**
- 13.34.240 Construction.**
- 13.34.250 Procedure.**

IV. Stormwater Quality Management

- 13.34.300 Applicability.**
- 13.34.310 Waivers.**
- 13.34.320 General Performance Criteria for Stormwater Quality Management**
- 13.34.330 Soil Quality Restoration.**

V. Reserved

1. GENERAL

13.34.010 Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public. This ordinance seeks to meet that purpose through the following objectives:

- A. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, and streambank erosion and maintain the integrity of stream channels;
- B. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- C. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the defined predevelopment site conditions to the maximum extent practicable;
- D. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and facilities and to ensure that these management practices and facilities are properly maintained and pose no threat to public safety.

13.34.015 Scope.

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; provides for the approval of plans and inspection of grading construction; and provides for the enforcement of this chapter. (Ord. 2002-63 § 1).

13.34.020 Incorporation by Reference

Except as hereinafter amended, the Davenport Stormwater Manual, including all appendixes thereto, is adopted by reference and made a part of this chapter. Failure to comply with or meet the criteria outlined in the manual may be considered a violation of this ordinance and subject to enforcement actions as indicated in Section 13.34.370. The Davenport Stormwater Manual may be updated by staff from time to time to reflect the most recent industry standards for water quality requirements. Prior to amending or updating the manual, proposed changes will be generally publicized and made available for review and comment.

13.34.030 Definitions.

When used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section.

- A. "BMP" means best management practice for stormwater infiltration or rate reduction.
- B. "Control structure" means a structure designed to control the flow of stormwater runoff that passes through it during a specific length of time.
- C. "Davenport Stormwater Manual" means the supplemental specifications and checklist documents for detention/retention and stormwater quality practices to be used within City limits.
- D. "Detention facility" means an area designed to store excess stormwater.
- E. "Development" means land disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

- F. "Dry bottom stormwater storage area" means a facility designed to be normally dry and contain water only when excess stormwater runoff occurs.
- G. "Erosion" means the loss of natural soils by the action of wind and/or water.
- H. "Excess stormwater" means that portion of stormwater which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.
- I. "Excess stormwater passageway" means a channel formed in the topography of the earth's surface to carry stormwater runoff through a specific area.
- J. "Maximum Extent Practicable" means a standard for implementation of stormwater management programs to reduce pollutants in stormwater. It is the maximum extent possible taking into account equitable consideration of competing factors, including, but not limited to the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility.
- K. "Native Vegetation" means plant species that are native to Eastern Iowa and made up the majority of ground cover in this area before settlement. A list of these plants can be found in the Davenport Stormwater Manual.
- L. "Natural drainage" means channels formed by the existing surface topography prior to changes made by unnatural causes.
- M. "Natural Waterway" means any creek, stream, pond, lake, wetland or other watercourse which occurs naturally on the existing landscape and is connected to other similar watercourses and functions as a stream, lake or wetland either partially or fully throughout the year.
- M. "Natural Resources Compliance Officer" means a person employed by the City who is authorized to enforce all the provisions of this chapter and to make reports thereon.
- N. "Natural Resources Manager" means a person employed by the City who is authorized to enforce all the provisions of this chapter and holds a position within the City to manage provisions outlined in the stormwater management ordinance, National Pollutant Discharge and Elimination System (NPDES) and/or the Municipal Separate Storm Sewer System (MS4) permits.
- N. "Redevelopment" means land-disturbing activity which results in the creation, addition or replacement of impervious surface area on an already developed site. Redevelopment includes, but is not limited to the following activities that meet the minimum standards set forth in this definition:
- (1) The expansion of a building footprint which creates additional impervious area not accounted for in previously approved stormwater designs;
 - (2) Addition or replacement of a structure;
 - (3) Land disturbing activities related to improvements, modifications or additions to structural or impervious surfaces.
- Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.
- O. "Safe storm drainage capacity" means the flow of stormwater runoff that can be transported by a channel or conduit without causing a rise of the water surface over the conduit or
- P. "Stormwater runoff" means the flow of water resulting from precipitation which is not absorbed by the soil or plant material.
- Q. "Stormwater runoff release rate" means the rate at which stormwater runoff is released from dominant to subservient land.
- R. "Topsoil" means the fertile, dark colored portion of the A-horizon containing a minimum of 5% organic matter, less than 30% clay content, granular structure, loose, friable texture, pH of 6-8, and devoid of debris and rocks.
- S. "Tributary watershed" means all of the area that contributes stormwater runoff to a given point.
- T. "Water Quality Volume" (WQv) is the volume needed to capture the runoff from 90% of the average annual rainfall events, which in Davenport is equal to 1.25 inches in twenty four hours.
- U. "Wet bottom stormwater storage area" means a facility designed to be maintained as a pond or free water surface, and which has the capacity to contain excess stormwater runoff.

V. "X-year storm" means the average recurrence intervals within which a rainfall of given intensity and duration will be equaled or exceeded only once. A one hundred-year storm would have an intensity of rainfall which would, on the average, be equaled or exceeded only once in one hundred years. This does not imply that it will occur once in one hundred years, or having occurred, will not happen again for one hundred years. (Ord. 2002-63 § 2: Ord. 92-353 § 1 (part)).

13.34.040 Design criteria.

The design of stormwater runoff systems, structures, and facilities shall be based on the following minimum standards which do not preclude the use of criteria which would result in reduced discharge rates or increased runoff quality.

13.34.050 Compatibility with Other Permit and Ordinance Requirements.

A. It is intended that this ordinance be construed to be consistent with previously adopted City Code CHAPTER 13.38, CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL, and CHAPTER 13.36, ILLICIT DISCHARGE TO STORM SEWER SYSTEM".

B. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

13.34.060 Requirements for Stormwater Management Plans

A. No application for development will be approved unless it includes a stormwater management plan detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by the City of Davenport, typically the applicants engineer, and must indicate whether stormwater will be managed on-site or off-site and the location and type of practices.

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

C. A stormwater management plan shall be required with all permit applications seeking approval under Chapter 13.34 of the Davenport Municipal Code and will include sufficient information (e.g. maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater runoff generated at the project site. The intent of this planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. The information required in the plan can be found in the Davenport Stormwater Manual. For development or redevelopment occurring on a previously developed site, an applicant shall include within the stormwater plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

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

E. After review of and modifications to the stormwater management plan and the Maintenance & Repair Agreement, as deemed necessary by the City of Davenport, the final stormwater management plan must be submitted for approval. The final stormwater management plan shall include all of the information required in the

Final Stormwater Management Plan outline found in the Davenport Stormwater Design Manual. Two copies of the approved Maintenance & Repair Agreement shall be signed by the owner and notarized and submitted to the City for signature prior to recording at the Records Office of Scott County. One notarized copy shall be kept by the owner and one shall be returned to the City of Davenport prior to project closure or issuance of any temporary or final occupancy permit.

F. The City of Davenport may, at its discretion, require the submittal of a performance security or bond prior to issuance of a building or COSESCO permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of “as built plans” and written certification by a registered professional engineer licensed in the state of Iowa that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Davenport will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provision of this ordinance.

13.34.065 Maintenance.

A. All plans submitted for stormwater detention or water quality systems shall describe an adequate procedure of normal maintenance for the system in accordance with the requirements of the Davenport Stormwater Manual. Any failure of the stormwater system due to inadequate normal or capital maintenance shall be the responsibility of the owner of the property on which the system is located. It shall also be the property owner's responsibility to remedy any negligence in maintenance that resulted in the failure of the system. The submittal of plans for such a system or the purchase of property on which such system is located shall be deemed as acceptance of responsibility for normal and capital maintenance of the system. As part of the maintenance plan for the facility, at a minimum, BMPs shall be inspected or reviewed after completion certification within sixty (60) days and at least annually thereafter. A written record of inspection results and any maintenance work shall be maintained and available for review by the City. An updated “as-built” survey plan must be submitted to the City every five (5) years to ensure that the facility continues to meet design requirements. A request for a waiver of the five (5) year “as-built” submittal may be granted provided the requirements of the waiver procedure are met per the Davenport Stormwater Manual. In the event that maintenance is not provided, the Public Works Director, or their representative, shall notify the party responsible for maintenance to perform the work and set a reasonable time for its completion. If said party refuses or is unable to comply with said order, said party may be in violation of Section 13.34.090 and subject to penalties including but not limited to the Public Works Director, or their representative, causing the maintenance to be completed at the expense of said party.

B. Owners of all existing detention basins constructed before January 1, 2014 will have until December 31, 2016 to complete any necessary maintenance on such basins and submit the required “as-built” survey. Failure to comply with this section will result in enforcement actions as outlined in Section 13.34.090 (For reference only)

13.34.070 Easements.

A. Drainage easements shall be provided for all areas of the stormwater detention or quality systems including the outlet structures and emergency spillway.

B. Drainage easements shall be platted or otherwise recorded and provided for all conduits and those bypass channels where the one hundred-year runoff exceeds one cubic foot per second.

C. Whenever any stream or water course is located in an area that is being subdivided or otherwise improved, the subdivider shall dedicate a public right-of-way or drainage easement conforming substantially with the lines of such stream or water course and shall include such additional area adjoining both edges of such stream or water course that has been affected by damaging flood waters and/or inundated by the one hundred-year flood waters, as determined by the City Engineer. This easement area shall also contain a minimum fifty foot vegetated buffer area on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the existing banks of the stream or drainage way for single family residential areas. For multi-family, Commercial and Industrial areas this easement area shall also contain a minimum fifty foot vegetated buffer area on both sides of the stream as measured per the single family residential buffer. This buffer shall be planted with vegetation native to the midwest region of the United States and maintained as a prairie as outlined in the Davenport Stormwater Manual.

D. Unless deeded to the City of Davenport, maintenance of the stream, streambanks and easement areas described in section 13.34.070 shall be the responsibility of the landowners upon which the stream is located. This maintenance responsibility shall be clearly defined in a recorded document. The subdivider shall also provide reasonable public easements for access. Procedures for transfer request of the property described in 13.34.070.C to the City for maintenance or ownership are described in the Davenport Stormwater Manual.

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

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

(Ord. 2009-446 § 2: Ord. 92-353 § 1 (part)).

G. No structures shall be constructed in the stormwater detention or quality systems easement areas nor any filling, fencing or other obstacles which will impede its intended use or capacity and easements must comply with Section 13.34.160 Easements.

H. The developer shall provide reasonable public easements reserving the land for use as a stormwater facility providing the City with the right to inspect the facility and for ingress and egress.

13.34.080 Construction Inspections

A. The applicant must notify the City of Davenport Public Works Department twenty-four (24) hours in advance of the commencement of construction of stormwater systems. Regular inspections of the stormwater management system construction shall be conducted by City staff from the Engineering Division of Public Works and the Natural Resources Division of Public Works. If any construction is found to not comply with the plans, the contractor, and/or property owner shall be notified of the nature of the discrepancy and the actions required correcting the construction. No added work shall proceed until any corrective actions are completed and pass re-inspection.

B. All applicants are required to submit "as built" plans for any stormwater management practices constructed prior to a final inspection of the site. The plans must show all final construction and must be certified by a professional engineer licensed in the state of Iowa. A final inspection by the City of Davenport is required before the release of any performance securities or issuance of certificate of occupancy for the building(s) on the property for which the stormwater system was constructed.

13.34.090 Enforcement

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section.

A. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

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

1. Schedule of violations

	Type I:	First offense	\$100
		Second offense	\$250
		Third offense	\$500
		Fourth and subsequent	\$750

2. Definition of offenses

Type I

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

C. In addition to the civil and municipal infractions outlined in Section 13.34.090B the City of Davenport may also take any one or more of the following actions:

a. **Stop Work Order:** The City of Davenport may issue a stop work order which shall be served on the contractor, owner, or other responsible person. The stop work order shall remain in effect until the contractor, owner or other responsible person has taken the necessary actions to cure the violation or violations described in a written notice of violation. The stop work order may be withdrawn or modified to enable the contractor, owner or other responsible person to take the necessary remedial measures to cure such violation or violations.

b. **Withhold Certificate of Occupancy:** The City of Davenport may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the contractor, owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

II. STORM SEWERS AND STORMWATER ROUTING

13.34.110 Applicability.

The provisions of Sections 13.34.120 through 13.34.160 shall apply to the following areas under development:

- A. All residential development of two acres or more and all commercial and industrial developments in excess of one acre;
 - B. Any development where the percentage of the impervious area of the lot is fifty percent or greater;
 - C. Any development which, in the opinion of the City Engineer, lacks an adequate internal or external passage of stormwaters as to not exceed the capacity of the receiving storm sewer system.
- (Ord. 92-353 § I (part)).

13.34.120 Runoff calculation.

A. Design flows shall normally be calculated using the procedures outlined in the Soil Conservation Services, Technical Release No. 55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said Technical Release No. 55. For drainage basins of twenty acres or less, the Rational Method may be used.

B. In all cases, all areas are to be considered fully developed, in accordance with the City's current sanitary sewer master plan map which is available from the City Engineer.

(Ord. 92-353 § 1 (part)).

13.34.130 Storm sewers.

A. Storm sewers and intakes shall be designed for a ten year frequency storm in such a manner that the flooded street width shall not exceed:

<u>Street Width</u>	<u>Allowable Flooded Width Each Side</u>	<u>Required non Flood Lanes</u>

27 feet	8 feet	1-10' Lane
31 feet	10 feet	1-10' Lane
35 feet	9 feet	2- 8' Lanes
41 feet	10 feet	2-10' Lanes
45 feet	11 feet	2-11' Lanes
49 feet & wider	12 feet	2-12' Lanes

B. An acceptable method of determining the flooded width of the street shall be the use of width-discharge curves provided by the City.

C. An acceptable method of determining catch basin capacity for various conditions shall be the use of capacity charts provided by the City.

(Ord. 92-353 § 1 (part)).

D. Prior to acceptance of storm sewer installed by private contractor, the City of Davenport Sewer Division must televise the lines to ensure that they meet acceptable City standards. Fees for this service shall be set from time to time by City council resolution and will be billed to the developer or property owner and must be paid before the system will be accepted and released for further development.

13.34.140 Excess stormwater passageway.

A. An excess stormwater passageway shall be provided for all developments. Such passage shall have the capacity to convey through the proposed development the excess stormwater from the tributary watershed. The capacity of such excess stormwater passage shall be constructed in such a manner as to transport the peak rate of runoff from a one hundred-year return frequency storm, assuming all storm sewers are inoperative, all upstream areas are fully developed in accordance with the City's current land use plan, and that antecedent rainfall has saturated the tributary watershed.

B. No buildings or structures shall be constructed within such passage; however, streets, parking lots, playgrounds, park areas, pedestrian walkways, utility easements and other open space uses shall be considered compatible uses. In the event such passageway is reshaped or its capacity to transport excess stormwater otherwise restricted, the City engineer shall notify the agency, party or parties causing said restriction to remove the same and set a reasonable time for its removal. If said persons refuse to or are unable to comply with said order, the City engineer shall cause said restrictions to be removed at the expense of said persons.

C. Where specifically approved by the City Engineer, the excess stormwater passageway may consist of a conduit. In such cases, the inlet capacity shall be twice the capacity necessary to convey the one hundred-year stormwater flow.

D. Where a proposed development contains existing natural drainage, appropriate land planning shall be undertaken to preserve said natural drainage as part of the excess stormwater passage. E. Individual lot grading in a subdivision or other larger common plan of development must comply with the City approved final grading plan. Final grade shall match the final grades of the approved plat or construction plans no more than +/- one (1) foot in elevation while maintaining positive drainage away from structures; must not direct water directly toward any down-grade structure foundations; and must comply with Chapter 12.28 Driveway and Approaches, SUDAS Section 7030 and the City of Davenport SUDAS Supplemental Specifications;

F. Water entry levels for structures adjacent to the excess stormwater passageway shall be established one foot above the one hundred-year flood elevation. (Ord. 92-353 § 1 (part)).

13.34.150 Open channels.

A. The size and shape of open channels shall be designed to meet the requirements of runoff, depth, side slopes, gradient, and velocity limitations in accordance with the site conditions. Runoff shall be based on one hundred year storm frequency. Manning's Formula as cited in most civil engineering handbooks, shall be used in hydraulic design of open channels. Channel banks shall be protected by use of low vegetation, rip-rap, or paving as design velocity dictates subject to the approval of the City engineer. (Ord. 92-353 § 1 (part)).

III. STORMWATER DETENTION

FACILITIES

13.34.210 Applicability.

The provisions of Sections 13.34.220 through 13.34.250 inclusive shall apply to the following areas under development:

- A. All residential development of two acres or more and all commercial and industrial developments or redevelopment which cumulatively creates 5,000 square feet or more of impervious area located within the Davenport City limits.
- B. Any development which, in the opinion of the City Engineer, lacks an adequate external or internal system for the passage of stormwaters as to not exceed the capacity of the receiving storm sewer system.
- C. The following activities are exempt from this ordinance:
 - a. Development or redevelopment projects that do not create more than 5,000 square feet of impervious area provided they are not part of a larger common development plan that does create more than 5,000 square feet of impervious area, or that do not meet the requirement of Section 13.34.300.B.
- D. When a site development or redevelopment plan is submitted that qualifies as a development or redevelopment as defined in Section 13.34.030 E or N of this ordinance, appropriate on-site management practices will be required and shall be guided by the latest editions of The Iowa Stormwater Management Manual, The Iowa Rain Garden Manual, the Davenport Stormwater Manual, or approved equal. Final authorization of all development and redevelopment projects will be determined after review and approval by the City of Davenport.
City

(Ord. 92-353 § 1 (part)).

13.34.220 Release rate.

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

B. The City may require a lesser release rate when the downstream outlet is insufficient to safely convey the release rate as determined in subsection A above.

C. Restrictor (orifice) plates to control release rates will not be accepted.

(Ord. 92-353 § 1 (part)).

13.34.230 Detention requirements.

A. Utilize the Unified Sizing Criteria or the Water Quality Volume (WQv) up to Extreme Flood Protection (Qr) for the required volume of stormwater detention. The WQv shall provide 100% retention, infiltration, or abstraction of the 1.25 inch in 24 hour rainfall event per Section 13.34.310. Rainfall greater than the WQv up to the Qr, or 100 year event, shall be released at the two-year, undeveloped, state.

B. For sites greater than twenty acres, the method of sizing of the detention storage volume must be approved by the City engineer. The TR-55 method is an approved method.

C. Detention storage may be provided as a dry bottom or wet bottom storage area.

1. Dry bottom stormwater storage areas may be designed to serve a secondary purpose for recreation, open space, parking, or other types of uses that will not be adversely affected by intermittent flooding.

a. A method of carrying the low flow through these areas shall be provided in addition to a system of drains to prevent soggy areas.

b. Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Utilize the Unified Sizing Criteria for staged outlet design. Each stormwater storage area shall be

provided with a method of emergency overflow in the event that a storm in excess of the one hundred-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the excess stormwater passageway described in Section 13.34.240. Hydraulic calculations shall be submitted to substantiate all design features.

c. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Stormwater runoff velocities shall be kept at a minimum and turbulent conditions at an outlet control structure will not be permitted without complete protection for the public safety. The use of fences shall be kept to a minimum and used only as a last resort when no other method of protection is feasible.

d. Paved surfaces that are to serve as stormwater storage areas and rooftop storage shall be designed with permanent-type control outlets. Emergency overflow areas shall be provided.

2. Wet bottom stormwater storage areas shall be designed with all of the items required for dry bottom stormwater storage areas, except that the provisions of subsection D,1,a. of this section shall not be required. Utilize the Iowa Storm Water Management Manual and the following additional conditions:

a. Water surface areas shall not exceed one-fifteenth of the tributary drainage area.
b. a 10:1 sloped safety bench centered on the Normal Water Level shall be constructed
c. a skimming device to remove floatable material shall be included within or in series with the outlet structure.

d. Facilities shall be provided to lower the pond elevation by gravity flow for cleaning purposes and shoreline maintenance. Shoreline protection shall be provided to prevent erosion from wave action.

e. Minimum normal water depth shall be four feet. If fish are to be maintained, some portion of the pond area should be a minimum of nine feet deep.

f. Control structures for stormwater release shall be designed to operate with only a minor increase in the water surface level when the design storage capacity has been exceeded. Hydraulic calculations shall be submitted to substantiate all design features.

g. Only that portion of the detention area above the normal water level shall be used in calculating the storage capacity.

h. Orifice plates shall not be utilized in outlet structures and pipes.
(Ord. 92-353 § 1 (part)).

13.34.240 Construction.

A. Detention facilities for stormwater runoff control shall be constructed as part of the first phase of construction of a project unless alternate construction phasing is agreed upon in writing by the Natural Resources Manager or City Engineer.

B. The construction of water quality BMPs shall not commence until upstream areas which discharge runoff to the proposed system(s) have been stabilized with suitable ground cover or suitable protection has been installed to prevent sediment laden water from entering the system.

C. The construction of the stormwater management systems shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefit to the City, negotiations for public participation in the cost of development shall be initiated.

D. All flood control items such as earthen embankments, conduits, outlet structures, flood control structures, spillways, excess stormwater passageway channels, etc., shall be built as permanent facilities and all materials and their manner of construction shall be assembled to accomplish as much permanency as is possible.

F. Water quality practices may be constructed within detention areas to allow owners to conserve space. However, below grade volume for infiltration in a detention basin shall not be counted as required detention storage area unless detailed plans and calculations are submitted, reviewed and approved in writing by the Natural Resources Manager or City Engineer.

(Ord. 92-353 § 1 (part)).

13.34.250 Procedure.

A. Plans, specifications and all calculations for stormwater runoff control(s) shall be submitted in accordance with the Davenport Stormwater Manual for review and approval, prior to the approval of a final plat (in the case of a subdivision or planned unit development), approval of a final development plan, or issuance of a building permit (in the case of commercial or industrial construction).

B. Comply with **13.34.360 Construction Inspections**

C.. No certificate of occupancy for any building in the development will be issued until the stormwater facilities are constructed, inspected and approved.

(Ord. 92-353 § 1 (part)).

IV. STORMWATER QUALITY MANAGEMENT

13.34.300 Applicability.

The provisions of Sections 13.34.300 through 13.34.320 inclusive shall apply to the following areas under development:

A. Any development or redevelopment which cumulatively creates 5,000 square feet or more of impervious surface area, regardless of previous condition, unless granted a waiver under section 13.34.320 of this ordinance.

B. Development and redevelopment projects located within 50 feet of a natural waterway, modified natural waterway, or constructed channel or which include a new storm drain outfall to such waterway, regardless of project size or impervious surface. This requirement is intended to protect environmentally sensitive areas.

C. The following activities are exempt from this ordinance:

1. Additions or modifications to existing single family structures that do not meet the requirement of Section 13.34.300.B

2. Interior remodels and routine maintenance or repair, including roof or exterior surface replacement and resurfacing.

3. Development or redevelopment projects that do not create more than 5,000 square feet of impervious area provided they are not part of a larger common development plan that does create more than 5,000 square feet of impervious area, or that do not meet the requirement of Section 13.34.300.B

D. When a site development or redevelopment plan is submitted that qualifies as a development or redevelopment as defined in Section 13.34.020 E or N of this ordinance, appropriate on-site management practices will be required and shall be guided by the latest editions of The Iowa Stormwater Management Manual, The Iowa Rain garden Manual, the Davenport Stormwater Manual, or approved equal. Final authorization of all development and redevelopment projects will be determined after review and approval by the City of Davenport.

13.34.310 Waivers

A. Every development or redevelopment meeting the requirements of Section 13.34.300 shall provide for stormwater management as required by this ordinance, unless a waiver is granted. Requests to waive implementation of BMPs in whole or in part shall be submitted in writing to the Natural Resources Division of Public Works and include a non-feasibility study or combination of studies or reports presented as supporting documents along with the submitted engineering plans and specifications to be reviewed and approved by the City..

B. Partial Waivers:

1. A partial waiver of BMPs required by this ordinance may be granted provided that at least one of the following conditions is established by the applicant based on authoritative written evidence satisfactory to the City of Davenport Natural Resources Division.

a. Alternative on-site management of stormwater quality has been established in a stormwater management plan that has been approved by the City and fully implemented.

b. Provisions are made to manage stormwater quality by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater quality control that is equal to or greater than that which would be afforded by on-site practices and there is, in the City's sole judgment, a

responsible entity legally obligated to monitor the performance of and maintain the efficiency of stormwater BMPs in accordance with a written and recorded maintenance agreement.

2. In instances where one of the above conditions is established, the applicant must further establish by professional study and reports, written evidence satisfactory to the City that the partial waiver will not result in any of the following impacts to downstream waterways:

- a. Deterioration of existing culverts, bridges, dams, and other structures; or
- b. Degradation of biological functions or habitat; or
- c. Accelerated streambank or streambed erosion or siltation; or
- d. Increased threat of flood damage to public health, life, or property.

C. General Waivers

1. Where compliance with minimum requirements for stormwater quality management is not practical in the opinion of the Public Works Director or his designee, a general waiver may be granted. The applicant will then satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Davenport. Mitigation measures may include, but are not limited to, the following:

a. The creation of one or more stormwater BMPs on previously developed properties, public or private, in the same watershed as the proposed project, that currently lack stormwater BMPs, having a capacity to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater quality requirements as a consequence of the waiver.

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

The City and the property owner shall agree on the best stormwater management practice available for the proposed project site assuming no limitations to the site layout, soil conditions, topography, or any other conditions which are currently limiting installation of a practice. The City will make the final determination on what constitutes a limitation. Once the management practice has been agreed upon the property owner will provide a cost estimate to construct the practice assuming no limitations. The City shall also create a cost estimate based on past projects and cost estimates. These estimates shall be discussed and averaged based on input from the owner and City representatives. If no agreement can be reached between the City and the Owner the Owner must proceed with meeting the full requirements of Section 13.34.300 unless a partial waiver is granted by the City. At such a time as the estimate is agreed upon by both parties the City shall assess an additional twenty percent (20%) administration fee to cover costs associated with actual installation of practices in the watershed at a future time. In addition, three years of maintenance costs for the agreed upon fee-in-lieu practice shall also be included in the final fee amount. The maintenance costs shall be determined by using the current contract prices for maintenance of stormwater practices by the City's hired contractor. In the event that maintenance is done by the City in-house, the current labor and equipment rate to provide said maintenance shall be the cost used.

These amounts shall be totaled and the final amount shall be considered the fee-in-lieu for the proposed project. All fees shall be paid to the City of Davenport and funds received shall be placed in an account in the City Clean Water Fund for future stormwater projects in the affected watershed as delineated by the Natural Resources Division.

c. Construction of an off-site stormwater quality management facility sufficient to achieve City stormwater quality requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater quality requirements as a consequence of the waiver. The agreement shall be entered into by the applicant and the City prior to the recording

of plats or, if no record plat is required, prior to approval of a final development plan, or if no plat or final development plan is required, prior to the issuance of any building permit.

13.34.320 General Performance Criteria for Stormwater Quality Management

Unless judged by the City of Davenport to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

A. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater runoff.

B. The City of Davenport reserves the right to require superseding and additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall stormwater quality management program objectives or directives under a watershed improvement or Total Maximum Daily Load (TMDL) program, as may be directed by the State of Iowa, or United States Environmental Protection Agency.

C. For new development and redevelopment, structural best management practices shall be designed to provide 80% bacteria reduction, based on current research accepted by the Natural Resources Division of Public Works, and 100% retention, infiltration, or abstraction of the 1.25 inch in 24 hour rainfall event. A best management practice complies with this standard if it is:

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

D. Stormwater discharges from land uses or activities with higher potential pollutant loadings may require the use of specific structural treatment and pollution prevention practices.

E. Prior to design, applicants are encouraged to consult with the Natural Resources Division of Public Works to determine if they are subject to additional stormwater design requirements.

F. The calculations for determining peak flows as found in the Iowa Stormwater Management Manual shall be used for sizing all stormwater quality management practices.

13.34.330 Soil Quality Restoration

Healthy soil provides important stormwater management functions including efficient water infiltration and storage, adsorption of excess nutrients, filtration of sediments, biological decomposition of pollutants, and moderation of peak stream flows and temperatures. In addition, healthy soils support vigorous plant growth which intercepts rainfall, reducing runoff by increasing evaporation and transpiration. Urbanization and development severely diminish a soil's capacity to absorb, filter and store rainwater. Common development practices including clearing and removal of topsoil during grading, compaction of remaining soil, and planting into unimproved soil or poor quality imported topsoil, produce unhealthy plants and lawns that require excessive fertilizers and pesticides which can lead to polluted stormwater runoff. All areas subject to clearing and grading that have not been covered by impervious surfaces, incorporated into a stormwater management practice, or engineered as structural fill or slopes shall, at project completion, use one or more of the following practices to improve soil structure and water quality.

A. Soil retention. Native topsoil shall be retained in an undisturbed state to the maximum extent practicable. In any areas requiring grading, remove and stockpile the topsoil on-site in a designated controlled area where it will not be compacted, and not adjacent to stormwater management areas. Before stockpiled topsoil can be reapplied to other portions of the site it must be tested, and amended if needed, to meet the organic matter or depth requirements specified in the Davenport Stormwater Manual. When topsoil is replaced it shall be un-compacted to a depth of four inches. Subsoils below the topsoil layer should be scarified with some incorporation of the upper material to avoid stratified layers

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

C. Maintenance. Soil quality and depth should be established toward the end of construction, and once established shall be protected from compaction and erosion. The Davenport Stormwater Manual and Iowa Storm Water Management Manual contain additional recommendations for maintenance of soil quality restoration areas.

D. Inspection. Areas where soil retention or soil quality restoration are implemented must meet the inspection requirements of Section 13.34.080 and the Davenport Stormwater Manual and be inspected prior to seeding or turf placement.

E. The City Engineer or their designee will approve the source of off-site topsoil. Surface soils from ditch bottoms, drained ponds, and eroded areas, or soils that are supporting growth of noxious weeds or other undesirable vegetation, will not be accepted. The Engineer will determine if testing is necessary. The Contractor will be responsible for payment of the testing if the off-site topsoil does not meet the above requirements, regardless of testing outcome.

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. The requirements of this ordinance do not supersede conditions on plats previously approved by council.

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

First Consideration _____,
Second Consideration _____,
Third Consideration _____,

Frank Klipsch
Mayor

Attest: _____
Jackie E. Holecek, CMC
Deputy City Clerk

Published in the Quad-City Times on _____.

1200 East 46th Street • Davenport, Iowa 52807

Proposed 2018 Stormwater Manual and Ordinance Revisions

Proposed Changes	Justification
• Detention and water quality applicability – change from 10,000 SF to 5,000 SF for development and redevelopment. • Restructuring subsections for clarity. • Correlating definitions of applicability for redevelopment in the Manual and Ordinance for clarity. • Increasing the easement buffer area for new commercial sites in which a tributary runs through a development from 30' to 50'. • Addition of swimming pools as structures that cannot be constructed within drainage easements. • Increasing the design frequency for storm sewers and intakes from a 5 to 10 year. • Updating detention release rates to be staged to detain a variety of storm intensities by adopting the Unified Sizing Criteria. • Removing the use of orifice restrictor plates from outlet pipes. • Clarifying when inspections of stormwater management practices are required during construction projects. • Addition of clarity to expectations on grading during individual lot grading in subdivisions.	• To more readily meet the purpose of our stormwater ordinance; to protect and safeguard safety and welfare of the public. • The structure of subsections in our stormwater ordinance caused confusion. • The Manual and Ordinance had conflicting information. This will provide uniformity. • To preserve stabilizing vegetation in stream corridors. • Several swimming pools have been found to be constructed within drainage easements. Adding specific language to help with enforcement. • To assist with temporary/localized street flooding issues. • To reduce runoff rates from storms greater than the common 1.25" rain and less than the 100 year release rate = stream bank protection. • Plates attached with bolts on outlet pipes to reduce outlet flows are often removed. This will ensure that detention practices are functioning properly. • To help contractors avoid having to remove and reinstall practices that were constructed without inspection. • To avoid drainage problems created during single-family home construction and grading.

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Amy Kay (563) 327-5160
Wards: All Wards

Action / Date
PW5/2/2018

Subject:

First Consideration: Ordinance amending Chapter 13.38 entitled "Construction Site Erosion and Sediment Control" by updating definitions of redevelopment and topsoil and correlating application procedure information with Chapter 13.34 Stormwater Management. [All Wards]

Recommendation:

Amend the ordinance.

Relationship to Goals:

Sustainable Infrastructure

Background:

Providing consistent messaging for our Stormwater Management program requirements is important across ordinance chapters. Updates to definitions and procedures in Chapter 13.38 will provide consistency and clarification for staff and customers.

ATTACHMENTS:

Type	Description
▣ Ordinance	PW_ORD_ConstructionSiteOrdinance13.38
▣ Exhibit	Summary of Changes

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/25/2018 - 12:07 PM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:36 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 12:05 PM

ORDINANCE NO. _____

ORDINANCE amending Chapter 13.38 entitled "Construction Site Erosion and Sediment Control" by updating definitions of redevelopment and topsoil and correlating application procedure information with Chapter 13.34 Stormwater Management.

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

Section 1. That Chapter 13.38 is hereby modified and reads as follows:

Chapter 13.38 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

Sections:

- 13.38.010 Purpose.**
- 13.38.020 Findings.**
- 13.38.030 Definitions.**
- 13.38.040 Application procedures.**
- 13.38.050 Permit exemptions.**
- 13.38.060 Permit term.**
- 13.38.070 Inspection procedures.**
- 13.38.080 Monitoring procedures.**
- 13.38.090 Termination of COSESCO permits.**
- 13.38.100 Enforcement.**
- 13.38.110 Stop work order.**
- 13.38.120 Appeal of notice of violation.**

13.38.010 Purpose.

The purpose of this chapter is to regulate and control the erosion of soil and other debris, including but not limited to Discharge prohibitions as noted in Section 13.36.060, from any development or redevelopment and sets forth the procedures required to prevent erosion and provides recourse for affected parties, so as to care and protect the quality of our soil and water resources and to promote and preserve the rights, privileges, property, safety, health and well-being of the public. (Ord. 2007-16 § 3).

13.38.020 Findings.

A. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a municipal separate storm sewer system (MS4) (MRS permit). The city of Davenport (city) is subject to the program and is required to obtain, and has obtained, an MS4 permit; the city's MS4 permit is on file at the office of the city clerk and is available for public inspection during regular office hours.

B. The program requires certain individuals engaged in construction activities (applicant or applicants) to submit an application to the IDNR for a state NPDES General Permit #2. Notwithstanding any provision of this chapter, every applicant bears final and complete responsibility for compliance with a state NPDES General Permit #2 and any other requirement of state or federal law or administrative rule.

C. As a condition of the city's MS4 permit, the city is obliged to undertake responsibility for administration and enforcement of the program by adopting a CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL (COSESCO) ORDINANCE designed to achieve the following objectives:

1. Any person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision ("applicant") required by law or administrative rule to obtain coverage under the IDNR for a state NPDES General Permit #2 shall also be required to obtain from the city a COSESCO permit in addition to and not in lieu of the state NPDES General Permit #2.

2. The city shall have responsibility for periodic compliance inspections, monitoring and enforcement procedures to promote applicants' compliance with state NPDES General Permits #2 and COSESCO permits.

D. No state or federal funds have been made available to assist the city in administering and enforcing the program. Accordingly, the city shall fund its application, inspection, monitoring and enforcement responsibilities entirely by fees imposed as adopted by resolution of the city council.

E. Terms used in this chapter shall have the meanings specified in the program. (Ord. 2007-167 § 3).

13.38.030 Definitions.

When used in this chapter, the following words and phrases shall have the meanings as defined in this section.

A. "Access" or "site access" means any physical entry to a construction site or fill site and shall include any means of entry by pedestrian or vehicle.

B. "Construction" means any improvement to a structure including additions or new buildings and retaining walls or landscape, resulting in an improvement of a property within an existing subdivision.

C. "Development" means the improvement of land from its natural state and providing for future construction and includes the installation of a subdivision and related utilities and public improvements.

D. "Debris" means concrete, rubble, grubbed plant material, construction material and equipment.

E. "Disturbed area" means the actual size of an area from which protective cover and established vegetation has been removed.

F. "Erosion" means the depositing or relocation of soil or debris by natural drainage, wind, dumping, construction activity, transportation or other means.

G. "Excavate" or "excavation" means any land disturbing activity, by which organic matter, earth, sand, gravel, rock, trees, vegetation, or other ground cover is cleared, graded, cut, dug, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting therefrom.

H. "Fill" or "filling" means any land disturbing activity by which earth, sand, gravel, rock or other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include the conditions resulting therefrom.

I. "Grade" or "grading" means any excavating, filling or combination thereof.

J. "Land disturbing activities" means the act of clearing, grading, excavating, filling or other construction activities which involve the removal of protective cover and established vegetation on a lot, tract, or parcel of land.

K. "Person" means any individual, firm, sole proprietorship, partnership or corporation.

L. "Redevelopment" means land-disturbing activity which results in the creation, addition or replacement of impervious surface area on an already developed site. Re-development includes, but is not limited to the following activities that meet the minimum standards set forth in this definition:

(1) The expansion of a building footprint which creates additional impervious area not accounted for in previously approved stormwater designs;

(2) Addition or replacement of a structure;

(3) Land disturbing activities related to improvements, modifications or additions to structural or impervious surfaces such as parking lots, streets, sidewalks, driveways and buildings.

Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.

M. "Sediment" is any particulate matter that can be transported by fluid flow, wind, glaciers or gravity.

N. "Soil" means earth or rock that is naturally occurring or deposited by excavation from the ground.

O. "Topsoil" means the fertile, dark colored portion of the A-horizon containing a minimum of 3% organic matter, less than 30% clay content, granular structure, loose, friable texture, pH of 6-8, and devoid of debris and rocks. (Ord. 2007-167 § 3).

13.38.040 Application procedures.

A. The following persons are required to obtain a city COSESCO permit.

1. All persons required by law or administrative rule to obtain and comply with the requirements of a state NPDES General Permit #2 from the IDNR, and persons who will be conducting land disturbing activities on a site less than one acre in size that are part of a larger common plan of development.

2. All persons creating land disturbing activities less than one acre but more than five thousand square feet in size for development or redevelopment of property or for the purpose of filling a site where a state NPDES General Permit #2 is not required.

3. Land disturbing activities less than five thousand square feet will be evaluated individually by the Natural Resources Division of Public Works and may be exempted based on disturbance size, topography, location, construction type or other criteria that would eliminate or limit the threat of erosion or sediment deposition.

B. Applications for COSESCO permits shall be made on forms approved by the city and are available from the natural resources division of public works.

C. An applicant applying for a COSESCO permit shall pay fees in the amount set from time to time by city council resolution as follows:

1. Before any COSESCO permit application is issued by the natural resources division, a plan review fee shall be paid by the applicant. If required materials are incomplete or changed so as to require additional review, an additional review fee shall be charged to the applicant for each review necessary.

2. A permit fee shall be due upon acceptance of an application based upon estimated amount of land disturbance, including areas to be dedicated to the city.

3. For each inspection required by this chapter, the applicant shall pay an inspection fee.

4. An annual permit renewal fee.

Failure of the applicant to pay an inspection fee within thirty days of billing shall constitute a violation of this chapter.

D. An applicant in possession of a state NPDES General Permit #2 issued by the IDNR shall submit to the city through their online E-Plan review system the materials described below as a basis for the city to determine whether to issue a COSESCO permit:

1. Applicant's plans which show best management practices (BMP) control measures, specifications, notice of intent (NOI) and supporting materials submitted to the IDNR in support of applicant's application for the state NPDES General Permit #2.

2. Storm water pollution prevention plan (SWPPP) in accordance with this chapter.

3. Evidence of authorizations issued pursuant to applicant's state NPDES General Permit #2.

E. Every SWPPP submitted to the city in support of an application for a COSESCO permit shall have the following:

1. A written document separate from engineered plans that comply with all current minimum mandatory requirements for SWPPP's promulgated by the IDNR in connection with issuance of a state NPDES General Permit #2.

2. A Joint Application Form, PROTECTING IOWA WATERS, IOWA DEPARTMENT OF NATURAL RESOURCES AND U.S. ARMY CORPS OF ENGINEERS, if the applicant is required by law to file and comply with all mandatory minimum requirements pertaining to such applications.

3. Compliance with all other applicable state or federal permit requirements in existence at the time of application including, but not limited to, waste at construction sites that may cause adverse impacts to water quality such as building materials, concrete truck washout, geothermal exploration and drilling, chemicals, solid waste and sanitary waste.

4. Within the SWPPP a signed and dated certification by the person preparing the SWPPP that the SWPPP complies with all requirements of this chapter and the applicant's NPDES General Permit #2.

F. Issuance by the city of a COSESCO permit shall be a condition precedent for the issuance of a City building permit.

G. For the duration of time that the construction site is subject to a state NPDES General Permit #2 and/or a COSESCO permit, the applicant shall provide the city with current information as follows:

1. The name, address and telephone number of the person on site designated by the owner who is knowledgeable and experienced in erosion and sediment control and who will oversee compliance with the state NPDES General Permit #2 and the COSESCO permit.

2. The name(s), address(es) and telephone number(s) of the contractor(s) and/or subcontractors(s) responsible for the installation and maintenance of each erosion and sediment control measure identified in the SWPPP.

H. An applicant creating land disturbing activities less than one (1) acre in size for development or redevelopment of commercial property or for the purpose of filling a site where a state NPDES General Permit #2 is not required, shall submit a grading, erosion and sediment control plan for review. The grading, erosion and sediment control plan shall be prepared by a licensed professional civil engineer or a certified professional in erosion and sediment control (CPESC), or credentialed in a manner acceptable to the city. As a minimum, the following information shall be included;

1. A location map and pertinent surrounding features.
 2. An overall site plan (minimum scale 1"=50') clearly indicating the area of the site and the type of land disturbing activities which will take place.
 3. Existing and proposed topography shown in one foot intervals.
 4. The location and description of proposed stormwater management facilities.
 5. The limits of the land disturbing activities including clearing and grubbing.
 6. Drainage features including open channels, ponds, streams, or rivers
 7. Existing and proposed structures and utilities which may impact the plan.
 8. Erosion and sediment control methods to be implemented as part of the land disturbing activities on the site:
- a. Location, size, maintenance requirements, and design calculations for best management practices.
 - b. Detail drawings or references to details.
 - c. Type and quantity of seeding, fertilizing, mulching and other plantings.
 9. The soil types affected by the land disturbing activities, and location of highly erodible or unstable soils as determined by the most current NRCS soil survey.

10. The schedule and staging of grading, erosion and sediment control practices, and restoration.

I. Upon receipt of an application for a COSESCO permit, the city shall either find that the application complies with this chapter and issue a City COSESCO Permit in accordance with this chapter, or that the application fails to comply with this chapter, in which case the city shall include a written report identifying noncompliant elements of the application.

J. By submission of a COSESCO permit application, the applicant agrees to defend, indemnify and hold the city harmless from any and all claims, damages or suits arising directly or indirectly out of any act of commission or omission by the applicant, or any employee, agent, assign or contractor or subcontractor of the applicant, in connection with the applicant's state NPDES General Permit #2 and/or COSESCO permit.

K. All persons creating land disturbing activities, regardless of size, shall adhere to the following regulations:

a. A silt containment system using best management practices must be installed on site prior to and/or during land disturbing activities as construction scheduling allows. Silt containment shall also be maintained throughout the course of construction to prevent erosion and sediment from accumulating on adjoining public and private properties or waters of the United States.

b. Eroded soil or debris from construction or fill sites shall be cleared from public right-of-way within twenty-four hours of each occurrence and eroded soil or debris shall be cleared immediately from adjoining property owners. Clearing and removal of deposited or eroded soil or debris shall be the responsibility of the owner or permittee of the site. Failure to take corrective action shall constitute a violation of this chapter and may include the city performing, or cause to be performed, the necessary work to clear public right-of-way and assess the cost to do so against the property.

L. Homebuilders, new lot owners, contractors and subcontractors which are co-permittees under an existing SWPPP shall provide written documentation indicating they are co-permittees including signatures by the co-permittee and developer/property owner.

M. For fill sites, substantial site access control shall be installed as necessary in order to prevent depositing of fill by unauthorized persons.

N. All construction sites, regardless of size, shall be furnished with a stabilized construction entrance to handle the type and frequency of the traffic entering and exiting the site or make use of some other method designed to prevent offsite tracking. Any soils tracked off-site shall be cleaned up by the permittee or co-permittee at the end of each day or when directed by the City Engineer or their designee to prevent sediment from entering the municipal storm sewers or waters of the states. Any soils entering municipal storm sewers or waters of the United States will be considered a violation of this chapter. (Ord. 2013-335 § 1; Ord. 2007-167 § 3).

13.38.050 Permit exemptions.

The following land disturbing activities shall be exempt from this chapter:

- A. In the furtherance of farming, horticultural or gardening.
- B. Minor utility excavations.
- C. Street resurfacing or patching.
- D. Streambank stabilization projects disturbing less than one acre.
- E. Sites exempted under Section 13.38.040 A, 3. (Ord. 2013-335 § 2; Ord. 2007-167 § 3).

13.38.060 Permit term.

A. A COSESCO permit shall be valid for three hundred sixty-five calendar days from its date of issuance and must be renewed annually.

B. A COSESCO permit shall be considered expired one hundred eighty calendar days after the date of issuance if permitted work has not commenced. (Ord. 2007-167 § 3).

13.38.070 Inspection procedures.

A. All Inspections required under this chapter shall be conducted by the soil erosion inspector or other representative of the city, hereinafter referred to as the “enforcement officer.” Inspections by the enforcement officer may be scheduled or unannounced.

B. Any permittee that is subject to the terms of the COSESCO permit shall allow the city or an authorized representative of the city, upon the presentation of proper identification, to enter upon applicant’s private property for inspection purposes.

C. The permittee shall notify the enforcement officer when all measures required by the SWPPP have been accomplished on site prior to earth moving activities, whereupon the enforcement officer shall conduct an initial inspection for the purpose of determining compliance with this chapter, and shall within a reasonable time thereafter report to the permittee either that compliance appears to have been achieved, or that compliance has not been achieved, in which case the city shall provide a report identifying the conditions of noncompliance. The permittee shall immediately commence corrective action and shall complete such corrective action before construction begins. For good cause shown, the city may extend the deadline for taking corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter.

D. After initial inspection compliance has been achieved, the enforcement officer will perform quarterly inspections and upon receipt of a complaint (not to exceed one time per thirty calendar days) and the city shall charge the permittee an inspection fee in the amount set from time to time by city council resolution. The quarterly inspections will be performed until the city accepts the notice of termination as outlined in Section 13.38.090.

E. In addition to the scheduled site inspections outlined immediately above, the enforcement officer may conduct additional compliance inspections at the city's expense.

F. The city shall not be responsible for the direct or indirect consequences to the applicant or to third parties for noncompliant conditions undetected by inspection. (Ord. 2007-167 § 3).

13.38.080 Monitoring procedures.

A. Upon issuance of a COSESCO permit, a permittee has an absolute duty to inspect and monitor site conditions and to document any change in circumstances or site conditions the permittee knows, or should know, that pose a risk of any stormwater discharge in a manner inconsistent with the permittee's SWPPP, state NPDES General Permit #2 or COSESCO permit.

1. Such documentation shall be made by the permittee on SWPPP inspection forms.

2. Failure to provide proper documentation shall constitute a violation of this chapter.

B. Any third party may also report to the city site conditions which the third party reasonably believes pose a risk of stormwater discharge in a manner inconsistent with the permittee's SWPPP, General Permit #2 and/or COSESCO permit.

C. Upon receiving a report pursuant to this section, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide the permittee with a notice identifying the conditions of non-compliance. The permittee shall immediately commence corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions as identified within this chapter.

D. The city shall not be responsible for the direct or indirect consequences to the permittee or to third-parties for noncompliant conditions undetected by inspection or monitoring. (Ord. 2007-167 § 3).

13.38.090 Termination of a COSESCO permits.

A. Within thirty days after final stabilization at the construction site, as defined by the IDNR in its General Permit #2, the permittee shall submit a notice of termination to the natural resources division of public works. The notice shall contain the following information:

1. The name and address of the permittee to whom the permit was issued.

2. The permit authorization number.

3. The date the construction site reached final stabilization.

4. A certificate stating that the disturbed soils have been finally stabilized and temporary sediment control devices will be removed at an appropriate time. The permittee shall also acknowledge that they are no longer authorized to discharge stormwater associated with construction at this site.

B. Upon receipt of the notice of termination, the enforcement officer shall conduct a final inspection of the site for the purpose of verifying final stabilization. Within a reasonable time thereafter, the enforcement officer will report to the permittee that either final stabilization is achieved, or that final stabilization has not been achieved before COSESCO termination is accepted. (Ord. 2007-167 § 3).

13.38.100 Enforcement.

A. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the city shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

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

1. Schedule of violations

Type 1: First offense	\$100
Second offense	\$250
Third offense	\$500
Fourth and subsequent	\$750
Type 2: First offense	\$500
Second and subsequent	\$750

2. Definition of offenses

Type 1

- a. Failure to control off-site tracking of silt, sediment, or mud.
- b. Failure to implement stormwater pollution prevention controls as designated in SWPPP or grading, erosion and sediment control plan.
- c. Failure to maintain stormwater pollution prevention controls.
- d. Failure to document any stormwater discharge that is a violation of water quality standards, or in a manner inconsistent with the permittee's SWPPP, General Permit #2 and/or COSESCO permit.

Type 2

- a. Operating without a COSESCO permit.
- b. Discharging silt/sediment to the city of Davenport's storm or sanitary sewers.
- c. Failure to comply with a written directive issued by the City Engineer, Public Works Director or the enforcement officer designated by the city. (Ord. 2007-167 § 3).

13.38.110 Stop work order.

A. In the event any person holding a COSESCO permit pursuant to this chapter violates the requirements of the permit as is described herein or carries on site development in such a manner so as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the enforcement officer shall suspend or revoke the COSESCO permit.

B. The suspension of a COSESCO permit shall be a written stop work order issued by the enforcement officer to the permittee or his agent or the person performing the work. The stop work order shall be effective immediately, shall state the specific violations cited, and the conditions under which the work may be resumed. A stop work order shall remain in effect until the enforcement officer has approved corrective measures.

C. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation, shall be subject to penalties as stated in this chapter. (Ord. 2007-167 § 3).

13.38.120 Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the public works department. The notice of appeal must be received within three calendar days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fourteen calendar days from the date of receipt of the notice of appeal. The decision of the hearing officer or designees shall be final. (Ord. 2007-167 § 3).

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. The requirements of this ordinance do not supersede conditions on plats previously approved by council.

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

First Consideration _____,
Second Consideration _____,
Third Consideration _____,

Frank Klipsch
Mayor

Attest: _____
Jackie E. Holecek, CMC
Deputy City Clerk

Published in the Quad-City Times on _____.

1200 East 46th Street • Davenport, Iowa 52807

Proposed 2018 Stormwater Manual and Ordinance Revisions

Proposed Changes	Justification
• Detention and water quality applicability – change from 10,000 SF to 5,000 SF for development and redevelopment. • Restructuring subsections for clarity. • Correlating definitions of applicability for redevelopment in the Manual and Ordinance for clarity. • Increasing the easement buffer area for new commercial sites in which a tributary runs through a development from 30' to 50'. • Addition of swimming pools as structures that cannot be constructed within drainage easements. • Increasing the design frequency for storm sewers and intakes from a 5 to 10 year. • Updating detention release rates to be staged to detain a variety of storm intensities by adopting the Unified Sizing Criteria. • Removing the use of orifice restrictor plates from outlet pipes. • Clarifying when inspections of stormwater management practices are required during construction projects. • Addition of clarity to expectations on grading during individual lot grading in subdivisions.	• To more readily meet the purpose of our stormwater ordinance; to protect and safeguard safety and welfare of the public. • The structure of subsections in our stormwater ordinance caused confusion. • The Manual and Ordinance had conflicting information. This will provide uniformity. • To preserve stabilizing vegetation in stream corridors. • Several swimming pools have been found to be constructed within drainage easements. Adding specific language to help with enforcement. • To assist with temporary/localized street flooding issues. • To reduce runoff rates from storms greater than the common 1.25" rain and less than the 100 year release rate = stream bank protection. • Plates attached with bolts on outlet pipes to reduce outlet flows are often removed. This will ensure that detention practices are functioning properly. • To help contractors avoid having to remove and reinstall practices that were constructed without inspection. • To avoid drainage problems created during single-family home construction and grading.

City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Gary Statz - 326-7754
Wards: 6

Action / Date
PW5/2/2018

Subject:

Resolution approving the contract for the Traffic Signal at the Utica Ridge Road and Veterans Memorial Parkway project from Davenport Electric Contract Co. from Davenport, IA in the amount of \$181,755 CIP #01145. [Ward 6]

Recommendation:

Pass the Resolution.

Relationship to Goals:

Sustainable Infrastructure.

Background:

A Request for Bid was issued on February 27, 2018 and was sent to 123 contractors. On March 2018 the Purchasing Division received and opened two responsive and responsible bids. Davenport Electric Contract Company was the low bidder and is recommended for the contract.

The traffic signal will be installed at Utica Ridge Road at Veterans Memorial Parkway/Forest Grove Drive. The contract includes all equipment, labor, and materials for the traffic signal installation.

A Public Hearing was held on April 18, 2018 and was passed at a subsequent meeting.

Funding for the project is from CIP #01145.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution Letter

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	4/26/2018 - 10:59 AM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 10:59 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:19 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Traffic Signal at the Utica Ridge Road and Veterans Memorial Parkway project from Davenport Electric Contract Co. from Davenport, IA in the amount of \$181,755.00.

WHEREAS, the City needs to contract the Traffic Signal at the Utica Ridge Road and Veterans Memorial Parkway project and

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Davenport Electric Contract Co.;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the contract for Traffic Signal at Utica Ridge Road and Veterans Memorial Parkway project from Davenport Electric Contract Co. is hereby approved.

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Tom Leabhart - 563-327-5155
Wards: 2, 8

Action / Date
PW5/2/2018

Subject:

Resolution approving the plans, specifications, form of contract and estimated cost for the Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street CIP #35029. [Wards 2 & 8]

Recommendation:

Pass the Resolution

Relationship to Goals:

Sustainable Infrastructure

Background:

This project will construct right and left turn lanes at the intersection of Northwest Boulevard (Highway 130) with Hillandale Road and 83rd Street. This corresponds with location 1 on the attached map. Locations 3, 4 and 5 are under construction. Location 2 will be bid as a separate project later this year. As part of the Sterilite development agreement, the City is responsible for these improvements to service and improve traffic flow to the new facility. TIF and RISE Grants are funding the construction thru CIP 35029.

The project is scheduled to be bid in the coming weeks with construction taking place this construction season. The current estimate is \$600,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution pg 2
▣ Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/26/2018 - 10:21 AM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:00 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:21 AM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

Resolution approving the plans, specifications, form of contract and estimated cost for the Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street CIP #35029.

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street, CIP #35029.

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 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 Intersection Improvement Project at Northwest Boulevard and Hillandale Road/83rd Street.

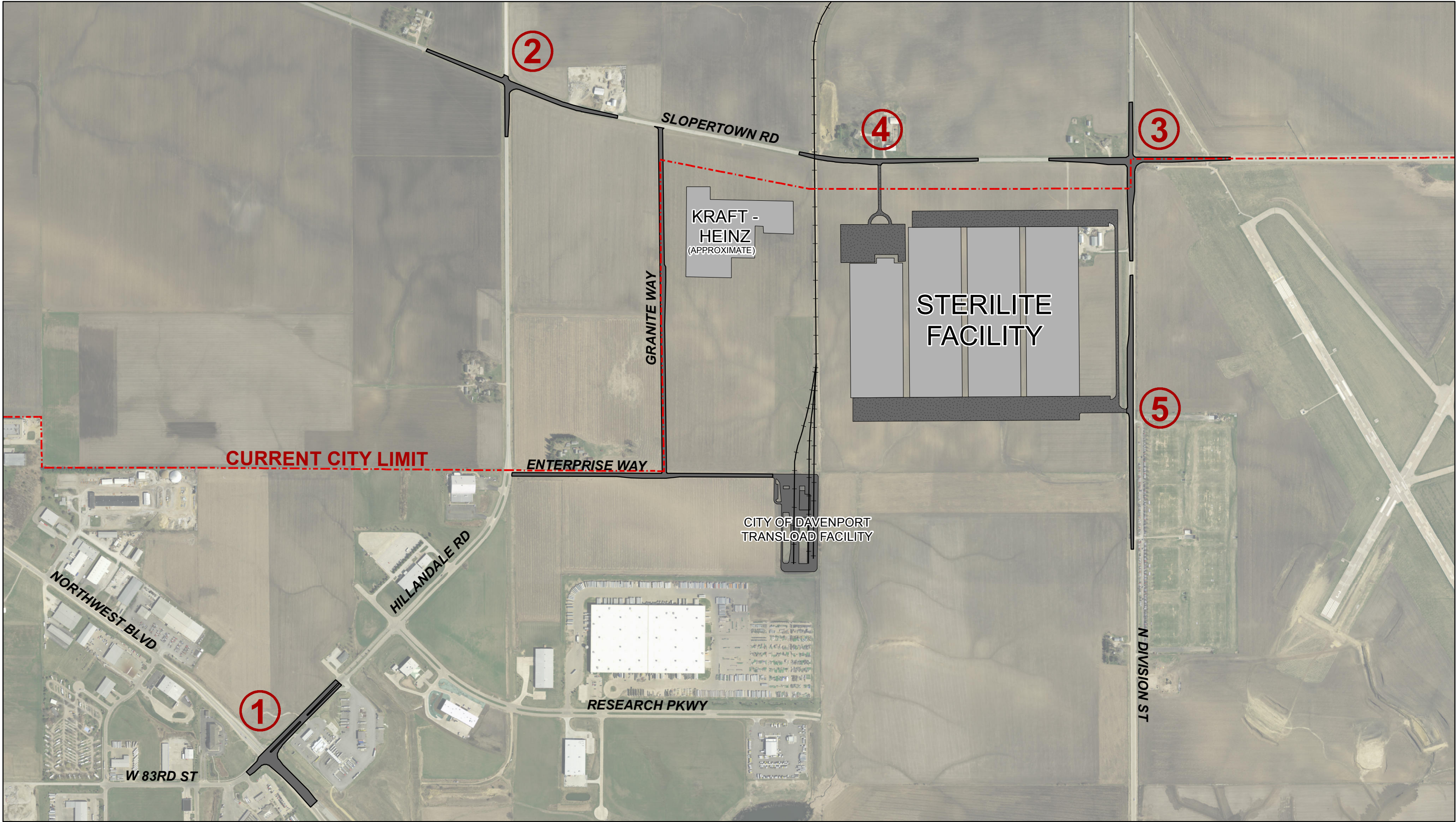
Passed and approved this 9th day of May, 2018.

Approved:

Attest:

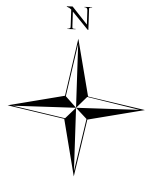
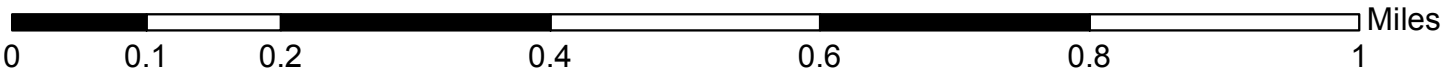
Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk



STERILITE AREA DEVELOPMENT

JANUARY, 23 2017



City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Gary Statz (563) 326-7754
Wards: 8

Action / Date
PW5/2/2018

Subject:

Resolution accepting the agreement with the Iowa Department of Transportation for the Traffic Safety Improvement Program project for the Northwest Boulevard at Division Street Intersection Improvements and authorizing the Mayor to sign the agreement CIP #38009. [Ward 8]

Recommendation:

Adopt the resolution.

Relationship to Goals:

Sustainable Infrastructure

Background:

The Iowa Department of Transportation (IDOT) provides funds through the Traffic Safety Improvement Program (TSIP) to help pay for road improvements that enhance safety. The primary purpose of this project (CIP #38009) is to add left turn lanes on Northwest Boulevard at its intersection with Division Street. There is currently one lane in each direction and the addition of left turn lanes along with traffic signal improvements will greatly improve traffic flow and safety on Northwest Boulevard.

The estimated cost of this project is \$425,000 and the amount of this grant is \$350,000. The City will be obligated to pay any costs exceeding \$350,000.

This project must be completed within 2 years after the signed agreement.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/26/2018 - 10:28 AM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:01 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:20 AM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport

RESOLUTION accepting the agreement with the Iowa Department of Transportation for the Traffic Safety Improvement Program project for the Northwest Boulevard at Division Street Intersection Improvements and authorizing the Mayor to sign the agreement CIP #38009.

WHEREAS the City of Davenport believes it is necessary to improve the intersection of Northwest Boulevard and Division Street by adding left turn lanes on Northwest Boulevard and upgrading the traffic signals; and

WHEREAS the State of Iowa has agreed to provide funding of \$350,000 for the project with the City share at whatever cost remains, through its Traffic Safety Improvement Program (TSIP);

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that the agreement for the TSIP funding for the project be approved as prepared and that the Mayor shall be authorized to sign the agreement.

Passed and approved this 9th day of May, 2018.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek MMC, City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Brad Guy (563) 327-5105
Wards: All Wards

Action / Date
PW5/2/2018

Subject:

Resolution approving the plans, specifications, form of contract and estimated cost for the FY19 Sanitary Sewer Lateral Repair Program, CIP #30042. [All Wards]

Recommendation:

Pass the Resolution

Relationship to Goals:

Sustainable Infrastructure

Background:

This is the continuation of a program which repairs lateral sewer connections between the City's sewer main and private residences by contract. This program will provide a more reliable sanitary sewer system by repairing pipe failures and updating old materials and connections. This program will also aid in reducing the inflow and infiltration into Davenport's sanitary collection system, as well as reducing the potential for future sink holes on private property and within the City's right-of-way.

Program management will be conducted by the Engineering Division staff.

Funds for the FY19 Sanitary Sewer Lateral Repair Program are budgeted in CIP #30042 at \$1,000,000.

ATTACHMENTS:

Type	Description
□ Resolution Letter	FY19 Lateral Res. Letter

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/26/2018 - 10:29 AM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:00 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:21 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plans, specifications, form of contract and estimate of cost for the Fiscal Year 2019 Sanitary Sewer Lateral Repair Program, CIP #30042. [All Wards]

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Fiscal Year 2019 Sanitary Sewer Lateral Repair Program within the City of Davenport, Iowa; 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 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 Fiscal Year 2019 Sanitary Sewer Lateral Repair Program.

Passed and Approved this 9th day of May, 2018.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Jen Walker; (563) 326-6168
Wards: 3, 5

Action / Date
PW5/9/2018

Subject:

Resolution accepting the Brady Street Sewer Repair & Resurfacing Project, CIP #35012. [Wards 3 & 5]

Recommendation:

Approve the Resolution

Relationship to Goals:

Sustainable Infrastructure

Background:

Brady Street from River Drive to Lombard Street, totaling approximately 1.5 miles, was resurfaced in the 2016 – 2017 construction seasons, with the last of the punch list items completed early Spring 2018. In addition to pavement repairs and new asphalt, sanitary sewer lines were repaired to ready them for lining by a separate contractor, several cross-connections between the sanitary and storm sewer were eliminated, and storm sewer lines & intakes downtown were upgraded. Work was completed by Langman Construction, Inc. (Rock Island, IL). The total project cost was \$3,378,313, which was funded by a combination of bonds abated by Sewer Fees and State (DOT) participation.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/26/2018 - 10:16 AM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:01 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:21 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the Brady Street Sewer Repair & Resurfacing Project, CIP #35012.

WHEREAS, the City of Davenport entered into a contract with Langman Construction, Inc. of Rock Island, IL, and

WHEREAS, work included sanitary sewer repairs and elimination of cross-connections to the storm system, upgrades the storm system downtown, and asphalt resurfacing, and

WHEREAS, it is hereby found and determined that the work has been duly and fully completed by the contractor in accordance with the terms of the contract, and the same is hereby accepted and approved.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Brady Street Sewer Repair & Resurfacing Project is hereby approved, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign said resolution for and on behalf of the City of Davenport, Iowa.

Passed and approved this 9th day of May, 2018.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Jen Walker; (563) 326-6168
Wards: 6

Action / Date
PW5/2/2018

Subject:

Resolution approving change orders 4-6, subject to Iowa DOT concurrence, to the contract with Valley Construction Company for the Veterans Memorial Parkway Project from Jersey Ridge Road to Interstate 74. The change orders amount to an estimated cost of \$184,000, to be funded from CIP #02418. [Ward 6]

Recommendation:

Pass the resolution

Relationship to Goals:

Sustainable Infrastructure

Background:

This \$6.1 million project completes Veterans Memorial Parkway from Jersey Ridge Road to 500 feet east of Elmore Avenue. The project is primarily funded by the Federal Highway Authority through an STP grant (\$3,146,696) and by a grant through Revitalize Iowa's Sound Economy (RISE) (\$2,975,000). Change orders 1-3 to add various items needed to properly construct and protect the project amounted to a total cost of \$16,394.30. Change orders 4-6 will address utility access, mistakes in the plan, and provide alternate erosion control options to meet DNR requirements.

Subject to Iowa DOT concurrence, Public Works recommends approving the following work. Details can be found in the attached change order form.

C.O. #	Task / Need	Reason Not Accounted for In As-Let Plan	Net Estimated Cost
4	Relocate farm field drain tiles to be captured by the stormwater system	Not expected/not mapped	\$6,163**
5	Build a temporary gravel access road & pad for MidAmerican Energy to relocate a transmission pole in a utility easement	Very muddy site conditions made the ground inaccessible & unstable for MAE equipment	\$35,000* (final costs pending force account review)
6	Add item for erosion control mulch with fiber matrix	Straw mulch blowing away & not effective	\$16,357*
6	Add item for emergency erosion control mobilization, if needed	Just in case City's Natural Resources staff identify a critical failure	\$0 (may not be used)
6	Modify the unit price and estimated quantity for retaining wall backfill	Quantities used were different than planned quantities	\$125,559*

6	Add item for 45" junction box	Quantities used were different than planned quantities.	\$850*
6	Modify one manhole lid type	Improve drainage	\$0 (mutual benefit)
		Total	\$183,929

** = entire amount is grant-reimbursable

* = 50% is grant-reimbursable

Notes: Change Order #5 is pending City and DOT review of Contractor's finance paperwork.
Change Order #6 is pending DOT review and final agreement of prices.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_Pg2
▢ Backup Material	City change order form for 4-6
▢ Backup Material	copies of DOT change orders 4-6

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/26/2018 - 2:28 PM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 2:29 PM
City Clerk	Admin, Default	Approved	4/26/2018 - 2:35 PM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving change orders 4-6, subject to Iowa DOT concurrence, to the contract with Valley Construction Company for the Veterans Memorial Parkway Project from Jersey Ridge Road to Interstate 74. The change orders amount to an estimated cost of \$184,000, to be funded from CIP #02418.

WHEREAS, the added work is necessary to provide a sustainable product that is compliance with stamped engineering drawings, Department of Natural Resources regulations, or City traffic control specifications; and

WHEREAS, unit prices are comparable to other Iowa DOT projects let within the past 12 months; and

WHEREAS, final pricing will be based upon actual quantities used and Iowa DOT concurrence with the change orders:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that, subject to Iowa DOT concurrence, Change Orders 4, 5 & 6 for the above said work be approved.

BE IT FURTHER RESOLVED: that the mayor is hereby authorized and directed to sign this resolution on behalf of the City of Davenport, Iowa.

BE IT FURTHER RESOLVED: that, upon approval by City staff and the Iowa DOT, the executed change orders are hereby approved.

Passed and approved this 9th day of May, 2018.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk



City of Davenport

Public Works Department

1200 East 46th Street • Davenport, Iowa 52807

Telephone: 563-326-7923 Fax: 563-327-5182

APPROVALS

ENGINEERING ADMIN MNG
(Work is Needed)

CHIEF OF DESIGN/CONSTR
(Work is Necessary)

CAPITAL MANAGER
(Funds are Available)

CITY ENGINEER
(Approval)

CONTRACTOR & ADDRESS:
Valley Construction Company
Attn: Mr. Eric Schallert
3610 78th Avenue West
Rock Island, IL 61201

PROJECT TITLE:

Veteran's Memorial Parkway (Jersey Ridge to I74)/IDOT Project STP-U-1827(672)--70-82 - Change Orders #4-6
CIP 02418 - Contract #704701701

Dear Mr. Schallert:

Valley Construction is providing construction services associated with the construction of a new road known as Veteran's Memorial Parkway from Jersey Ridge Road to the I74 overpass. The project is further referenced by the IDOT Project #STP-U-1827(672)--70-82. The IDOT unit price line items, unit cost and change item #'s are referenced in the detail below. Two of the three IDOT change orders that correspond with this are also attached; change order #5 has not been finalized yet.

DOT CHANGE ORDER #4 DESCRIPTION:

IDOT ID #8003

During the installation of two 48" diameter storm pipes across the road at the Pheasant Creek tributary, multiple field drain tiles were encountered. To prevent undermining, tiles needed to be found and properly connected to the new drainage system. Due to the unknown extent of the effort needed to accomplish this, a force account was authorized by the City's Project Manager and the IDOT. Hours were substantiated by the City's on-site Inspector. A tabulation of labor, materials and equipment used is attached with a total fee of \$6,163.00. This entire amount is eligible for reimbursement (80% STP, 20% RISE).

DOT CHANGE ORDER #5 DESCRIPTION:

Due to wet, unstable soil, MidAmerican Energy Company could not access their electric transmission pole that was scheduled for relocation as part of the project's plan. The soils beneath the future roadway in this area are scheduled for cement stabilization as part of the DOT contract. However, cement stabilization will not be occurring for about another month or more due to ambient temperatures necessary for that work. City staff have low confidence the area near the transmission pole requiring relocation will dry out under natural conditions in this timeframe due to the slope of the adjacent land surface and typical Spring precipitation rates.

To accommodate access, a temporary aggregate utility access road/pad will be constructed. Access will be from the existing Kahl Home access road to the south. Due to the unknown amount of rock that will be needed to adequately bridge the mud and provide a stable base for the large equipment, a force account was authorized by the City's Project Manager and the IDOT. Hours are being substantiated by the City's on-site Inspector. A tabulation of labor, materials and equipment will be finalized after work is completed, but is estimated to be \$35,000. 50% of this amount is reimbursable through the State RISE grant.

DOT CHANGE ORDER #6 DESCRIPTION:

IDOT ID #8004

Wind is blowing the erosion control straw mulch even though it is rolled into place. Also, stockpiled dirt cannot be rolled due to the slope, and mulch is not staying put. Therefore, an item is being added to the contract for bonded fiber mulch. This product contains a pulp product that helps it stay in place. The agreed-upon unit price will be \$4,200/acre, and an estimated 4.68 acres will require stabilization (total estimated cost of \$19,656). The existing line item, with a unit price of \$705.00/acre, will not be used (net estimated increase of \$16,356.60). 50% of this amount is reimbursable through the State RISE grant.



City of Davenport

Public Works Department

1200 East 46th Street • Davenport, Iowa 52807

Telephone: 563-326-7923 Fax: 563-327-5182

IDOT ID #8005

An item for emergency erosion control mobilization was not included in the original contract. Emergency mobilization requires the contractor to fix an erosion problem within eight hours, while normal mobilization would be 72 hours. The City is adding the emergency erosion control item in case it is needed. The DOT sets the price at \$1,000.00/each. This item will only be used if the City's erosion control technician believes a quicker response time by the contractor is needed. 50% of this amount would be reimbursable through the State RISE grant.

IDOT ID #8006

Plans (Item 20) specified an incorrect type of rock backfill for the retaining walls on this project. The standard procedure for liability purposes is that retaining walls are designed by an engineer working for the contractor or subcontractor after the project is awarded. The finalized plans called for two types of backfill rock that has different prices per ton compared to the one type of rock the as-let plans contain. This is both a material price adjustment change order and a quantity change order. The City's design engineer admitted to an error when calculating the estimated quantity for the retaining walls.

- As-let Plans stated 788.2 Tons of gradation 11 rock for a total estimated cost of \$27,587.00 (material plus labor);
- Retaining Wall Plans state approximately 482 Tons of gradation 3 rock and 4,433 Tons of gradation 32 rock is needed;
- Tonnage was estimated by the Contractor and approved by City staff by multiplying the proposed width of the behind the walls by the height of each section of the walls minus 1' for soil at the top by the total length of the walls (803 LF), and a conversion factor of 150 pounds per cubic foot;
- Per a letter submitted by the quarry, GR-3 is \$2.70/Ton more expensive than GR-11, and GR-32 is \$3.00/Ton less expensive than GR-11;
- City staff and the contractor then performed a weighted average calculation to determine the material cost is \$2.42 less per Ton than the GR-11, for a revised unit price of \$35.00 - \$2.42 = \$32.58/Ton;
- Revised estimated quantity total is 4,700.60 T @ \$32.58/T = \$153,145.55;
- Minus the as-let plan estimate: \$153,145.55 - \$27,587.00 = \$125,558.55 net addition to construction cost. 50% of this amount is reimbursable through the State RISE grant;
- New item 8006 will be used in lieu of Item 20 during the course of the project.

IDOT ID #8007

Plans (Item 71) call for 24" junction boxes for the intersection of Veterans Memorial Parkway and Elmore Avenue. The junction boxes are for traffic signal, crosswalk signal, and City IT wiring and/or conduit. On the northeast corner, there are larger-diameter conduits entering the same junction box near the signal controller panel. This box will need to be larger (45") instead of the specified size. The agreed-upon unit price will be \$1,178.00/each (includes excavation of an existing smaller box), and only one will be needed. One less will be used for existing item 71 (at \$328.00/each), for a net increase of \$850.00. 50% of this amount is reimbursable through the State RISE grant.

IDOT ID# n/a

This change order also switches one storm manhole frame with a different style of equivalent price (MH-5). This is a zero-dollar change to the plans to improve storm water drainage in front of 6530 Jersey Ridge Road.

Total City Cost: \$88,882.28

(estimate; remainder to be paid using Federal and/or State grants)

Working Days Adjustment: 0 days added

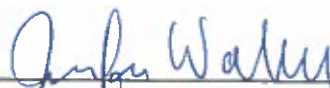
(none of the changes affect the current or projected controlling items of work)

SUMMARY OF CONTRACT AMOUNT:

Original Contract:	\$6,086,559.09
Previous Change Orders	\$ 16,394.30
<u>This Change Order</u>	<u>\$ 183,928.15</u> (Note: includes grant-eligible costs)

Amended Contract Amount: \$6,286,881.54

Recommend/Approved:
(Up to \$5,000)


City Project Manager

Date:

4/17/18



City of Davenport

Public Works Department

1200 East 46th Street • Davenport, Iowa 52807
Telephone: 563-326-7923 Fax: 563-327-5182

Recommend/Approved: _____
Valley Construction, Contractor

Date: _____

Recommend/Approved: _____
(Up to \$15,000) Nicole Gleason, Public Works Director

Date: _____

Recommend/Approved: _____
(Up to \$50,000) Corri Spiegel, City Administrator

Date: _____

Recommend/Approved: _____
(Over \$50,000) City Clerk, City of Davenport

Date: _____

Required: Green Sheet Resolution to Approve

Council Meeting Date: _____

CHANGE ORDER
For Local Public Agency Projects

No. 4

Non-Substantial: ☒

Oct 5, 2017

Substantial: ☐

Administering Office
Concurrence Date

Accounting ID No. (5-digit number) 34383

Project Number: STP-U-1827(672)-70-82

Kind of Work: PCC Pavement - Grade/New

Local Public Agency: City of Davenport

Contractor: Valley Construction Co.

Date Prepared: November 27, 2017

You are hereby authorized to make the following changes to the contract documents.

A - Description of change to be made:

8003 - Add item for "Field Tile Relocation." Excavate to find and reposition existing field drain tiles so they discharge upgradient of new 48" storm sewer main. Backfill trenches with County Class A material (100% passing the 1.5" sieve, 90-100% passing the 1" sieve, 10-30% passing the #8 sieve, and 5-12% passing the #200 sieve). Method of Measurement: Item will not be measured separately for payment. Basis of Payment: Lump Sum. This payment is full compensation for all materials, equipment, and labor needed to relocate the existing field tile.

B - Reason for change:

8003 - During the installation of new 48" storm sewer (P-150 & P-151), existing field drain tiles were discovered and disturbed. The existing field drain tile were excavated and repositioned to divert the tiles into the drainage culvert north of the 48" aprons. The total cost for equipment, labor and materials is \$6,163.00.

C - Settlement for cost(s) of change as follows with items addressed in Sections F and/or G.

8003 - Force Account

D - Justification for cost(s) (See I.M. 3.805, Attachment D, Chapter 2.36, for acceptable justification):

8003 - Per Standard Specification 1109.03, B., 2. Labor costs are based upon certified payrolls. Material costs are based upon actual material invoice. Equipment rates are per Equipment Watch Blue Book rental rates.

E - Contract time adjustment: ☐ No Working Days added ☒ Working Days added 1.0 ☐ Unknown at this time

Justification for selection:

8003 - The added work was the controlling operation of work when it was performed. This work resulted in 1.0 additional day to the schedule.

F - Items included in contract:

Participating		Line Number	Item Description	For deductions enter as "-x.xx"		Amount .xx
Federal-aid	State-aid			Unit Price .xx	Quantity .xxx	
				Add Row	Delete Row	TOTAL

G - Items not included in contract:

Participating		Change Number	Item Description	For deductions enter as "-x.xx"		Amount .xx
Federal-aid	State-aid			Unit Price .xx	Quantity .xxx	
x	x	8003	2599-9999010 Field Tile Relocation	\$1.00	6,163.000	\$6,163.00
				Add Row	Delete Row	TOTAL
						\$6,163.00

H. Signatures

Agreed:

Contractor _____ Date _____

Recommended:

Project Engineer _____ Date _____

Approved:

Person in Responsible Charge _____ Date _____

Contracting Authority (optional) _____ Date _____

Iowa DOT Administering Office _____ Date _____

*Electronic Approvals via
DOT's Doc Express*

Other (optional) _____ Title _____ Date _____

Other (optional) _____ Title _____ Date _____

Approval is contingent upon funds being available under the existing project agreement or upon additional Federal-aid funds being made available by a modified project agreement.

FHWA Concurrence:

Federal Highway Division Administration _____ Date _____
(if required)

DISTRIBUTION (after fully executed on LPA projects): Original - Finance; Copies - Contractor, Project Engineer, Contracting Authority, Administering Office.

Date distributed: _____ Initials: _____

CHANGE ORDER
For Local Public Agency Projects

No.: 5 *Draft*

Non-Substantial: ☒

March 2, 2018

Substantial: ☐

Administering Office
Concurrence Date

Accounting ID No. (5-digit number): 34383

Project Number: STP-U-1827(672)--70-82

Kind of Work: PCC Pavement - Grade/New

Local Public Agency: City of Davenport

Contractor: Valley Construction Co.

Date Prepared: March 2, 2018

You are hereby authorized to make the following changes to the contract documents.

A - Description of change to be made:

8004 - Add item for "Temporary Aggregate Utility Access." Work includes excavating adjacent to the Kahl temporary road to match the top of rock to the top of the pavement, placing geogrid, placing an estimated 18" thick layer of Illinois breaker run foundation stone (6" - 2" clean), and capping with an estimated 6" thick layer of county macadam stone base to facilitate access to a transmission pole scheduled for relocation. After the transmission pole is relocated, remove all rock and geogrid and dispose of as approved by the Engineer. Mobilization of equipment will also be included. Method of Measurement: Item will not be measured separately for payment. Basis of Payment: Lump sum. This payment is full compensation for all materials, equipment, and labor needed to construct the access road and to subsequently remove it.

B - Reason for change:

8004 - Existing field conditions consist of wet, unsuitable soils in the area of the electric transmission pole scheduled for relocation (STA 36+75). Natural drying within a timely matter is unlikely. Equipment cannot even access the area to facilitate drying. A temporary aggregate road was constructed from the existing asphalt temporary road to the south. The total cost for equipment, labor and materials is \$ _____.

*Pending submittal, review + DOT approval of
force account documentation*

C - Settlement for cost(s) of change as follows with items addressed in Sections F and/or G:

8004 - Force Account

D - Justification for cost(s) (See I.M. 3.805, Attachment D, Chapter 2.36, for acceptable justification):

8004 - Per Standard Specification 1109.03, B., 2. Labor costs are based upon certified payrolls. Material costs are based upon actual material invoices. Equipment rates are per Equipment Watch Blue Book rental rates.

E - Contract time adjustment: ☒ No Working Days added ☐ Working Days added: _____ ☐ Unknown at this time

Justification for selection:

8004 - The added work was not the controlling operation of work when it was performed.

F - Items included in contract:

Participating				For deductions enter as "-x.xx"		
Federal-aid	State-aid	Line Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
				Add Row	Delete Row	TOTAL

G - Items not included in contract:

Participating				For deductions enter as "-x.xx"		
Federal-aid	State-aid	Change Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
	x	8004	2599-9999010 Temporary Aggregate Utility Acce	\$0.00	1.000	\$0.00
				Add Row	Delete Row	TOTAL
						\$0.00

H. Signatures

Agreed:

Contractor _____ Date _____

Recommended:

Project Engineer _____ Date _____

Approved:

Person in Responsible Charge _____ Date _____

Contracting Authority (optional) _____ Date _____

Iowa DOT Administering Office _____ Date _____

Other (optional) _____ Title _____ Date _____

Other (optional) _____ Title _____ Date _____

Approval is contingent upon funds being available under the existing project agreement or upon additional Federal-aid funds being made available by a modified project agreement.

FHWA Concurrence:

Federal Highway Division Administration _____ Date _____
(if required)

DISTRIBUTION (after fully executed on LPA projects): Original - Finance; Copies - Contractor, Project Engineer, Contracting Authority, Administering Office.

Date distributed: _____ Initials: _____

CHANGE ORDER
For Local Public Agency Projects

No.: 6

Draft

Non-Substantial: ☒

March 22, 2018

Substantial: ☐

Administering Office
Concurrence Date

Accounting ID No. (5-digit number) 34383

Project Number: STP-U-1827(672)--70-82

Kind of Work: PCC Pavement - Grade/New

Local Public Agency: City of Davenport

Contractor: Valley Construction Co.

Date Prepared: November 15, 2017

You are hereby authorized to make the following changes to the contract documents.

A - Description of change to be made:

8004 - Add an item for Mulching. Bonded Fiber Matrix.

8005 - Add an item for Mobilizations, Emergency Erosion Control.

8006 - Add an item for Granular Backfill For Retaining Walls, GR-3 & GR-32. GR-3 material is defined as 100% passing the 1.5" sieve, 95-100% passing the 1" sieve, 25-60% passing the 1/2" sieve, 0-10% passing the #4 sieve, 0-5% passing the #8 sieve, and 0-1.5% passing the #200 sieve. GR-32 material is defined as 100% passing the 3" screen, 10-100% passing the #8 sieve, and 0-10% passing the #200 sieve.

8007 - Add an item for Handhole and Junction Boxes, 45"x28"x24" deep.

Modify manhole casting - Revise the notes on Plan Sheet M.1 line number P-3. A note should be added that MH-5 shall be SW-604 Type 5 casting.

B - Reason for change:

8004 - Plans (Item 0930) specify straw mulch. The contractor cannot disc this into hillsides or stockpiles, and blowing mulch was an issue during the last application. Mulch with mechanically-bonded matrix will stay in place better.

8005 - The plans do not include this item, which may become necessary.

8006 A) - Plans (Item 0200) specify backfill meeting the requirements of 4119.02 for segmental block retaining wall backfill. However, an approximate 1 foot wide zone of drainable rock is called for in the stamped engineering plans for the retaining walls above the drain tile. For drainability purposes, this item should meet the requirements of 4118.02, not 4119.02.

8006 B) - The stamped engineering plans for the retaining walls call for granular backfill material for the reinforced zone behind the drainable rock zone to meet the requirements of 4133.02, not 4119.02 as specified for Item 0200. Also, the estimated quantity for this item was erroneously calculated in the plans.

8007 - Sheet N.1 of the plans calls for a 24" handhole junction box on the northeast corner of the intersection (STA 33+64.9, 140.3 RT). However, three 2" conduits and five 4" conduits enter this box, requiring the need for a larger (45") junction box.

Modify manhole casting - Water accumulates near this area and is a concern of the property owner. As part of the right of way negotiations with the property owner, the City agreed to put an intake if water continued to be an issue. Changing the casting to a grated lid proactively solves this issue.

C - Settlement for cost(s) of change as follows with items addressed in Sections F and/or G:

8004 - Agreed unit price per acre. Acreage calculated by summing the area of existing Item 0940 (seeding, urban) and Item 0950 (sodding), and then dividing by 2. Areas with slopes less than 2.5:1 shall be mulched using Item 0930.

8005 - Stipulated unit price of \$1,000.00 each.

8006 - Material price adjustment.

A) Per a letter submitted by the quarry, GR-3 is \$2.70/Ton more expensive than GR-11 (i.e., 4119.02). Tonnage for GR-3 was calculated by multiplying the proposed width of the drainage plane behind the walls (1') by the height of each section of the walls minus 1' for soil (varies) by the total length of the wall (803 LF) (6,339 cf). A conversion factor of 150 pounds per cubic foot was used to determine an estimated tonnage of 475 T.

B) Per a letter submitted by the quarry, GR-32 is \$3.00/Ton less expensive than GR-11 (i.e., 4119.02). Tonnage from GR-32 was

estimated by multiplying the depth of reinforcement zone behind each section of the walls minus 1' for the drainage plane (varies) by the height of each section of the walls minus 1' for soil (varies) by the total length of the wall (803 LF) (56,336 cf). A conversion factor of 150 pounds per cubic foot was used to determine an estimated tonnage of 4,225 T.

Weighted average calculation:

Total tonnage = 475 + 4,225 = 4,700 T

475 T @ \$2.70 = \$1,282.50

4,225 T @ -\$3.00 = -\$12,675

Sum = -\$11,392.50

Divide by total tonnage = $-\$11,392.50 / 4,700 = -\$2.42/\text{Ton}$ unit price compared to Line 0020 unit price (\$35.00/T). Revised unit price per this change order is $\$35.00 - \$2.42 = \$32.58/\text{Ton}$.

Estimated quantity for Line 0020 was 788.2 T (engineering error). Revised estimated quantity (this change order) is 4,700 T @ $\$32.58/\text{T} = \$153,126$.

Less the as-let plan quantity and unit price for Line 0200: $\$153,126.00 - \$27,587.00 = \$125,539.00$ net addition to construction cost. Item 0200 will not be used. New item 8006 will be paid as plan quantity, which was the intention of Item 0200.

8007 - Agreed upon unit price per each. Price includes removal of the existing box, which was not part of the plan.

Modify manhole casting - No cost change; mutual benefit.

D - Justification for cost(s) (See I.M. 3.805, Attachment D, Chapter 2.36, for acceptable justification):

8004 - The unit price is between the average (\$2,888.45/acre) and high (\$40,925.00/acre) prices shown in the April 2017 through March 2018 IDOT Summary of Awarded Contract Prices.

8005 - Per Standard Specifications 2610.02.05.B.

8006 - The unit price reflects the difference in the quarry's price for GR-3 and GR-32 (proposed) and GR-11 (plans changed from this). Only the difference in material cost was considered. The estimated quantity for the project has been increased to reflect the stamped engineering plans for the retaining walls, and to correct an erroneous quantity present in the as-let plans.

8007 - The unit price is between the average (\$1,538.35/EA) and high (\$2,658.62/EA) prices shown in the April 2017 through March 2018 IDOT Summary of Awarded Contract Prices.

Modify manhole casting - The price different between the standard casting and a Type 5 casting is minimal. The Contractor and City both wish to satisfy the property owner and comply with the Right-Of-Way agreement terms.

E - Contract time adjustment:

☒ No Working Days added

☐ Working Days added: _____ ☐ Unknown at this time

Justification for selection:

8004 - Not a controlling item.

8005 - Not a controlling item.

8006 - Not a controlling item.

8007 - Not a controlling item.

Modify manhole casting - n/a

F - Items included in contract:

Participating				For deductions enter as "-x.xx"		
Federal-aid	State-aid	Line Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
				Add Row	Delete Row	TOTAL

G - Items not included in contract:

Participating				For deductions enter as "-x.xx"		
Federal-aid	State-aid	Change Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
X	X	8004	2601-2634105 Mulching, Bonded Fiber Matrix	\$4,200.00	4.680	\$19,656.00
X	X	8005	2602-0010020 Mobilizations, Emergency Erosion	\$1,000.00	2.000	\$2,000.00
X	X	8006	2599-9999020 Granular Backfill For Retaining Wa	\$32.56	4,915.000	\$160,032.40
X	X	8007	2523-0000310 Handholes and Junction Boxes	\$1,178.00	1.000	\$1,178.00
				Add Row	Delete Row	TOTAL
						\$182,866.40

H. Signatures

Agreed:

Contractor _____ Date _____

Recommended:

Project Engineer _____ Date _____

Approved:

Person in Responsible Charge _____ Date _____

Contracting Authority (optional) _____ Date _____

Iowa DOT Administering Office _____ Date _____

Draft

Other (optional)

Title

Date

Other (optional)

Title

Date

Approval is contingent upon funds being available under the existing project agreement or upon additional Federal-aid funds being made available by a modified project agreement.

FHWA Concurrence:

Federal Highway Division Administration _____ Date _____
(if required)

DISTRIBUTION (after fully executed on LPA projects): Original - Finance; Copies - Contractor, Project Engineer, Contracting Authority, Administering Office.

Date distributed: _____

Initials: _____

City of Davenport

Agenda Group: Public Safety
Department: Public Works - Admin
Contact Info: Brian Schadt 326-7786
Wards: 1, 4, and 7

Action / Date
PW5/2/2018

Subject:

Resolution awarding the contract for General Street Resurfacing at several locations to Hawkeye Paving Corporation of Bettendorf IA, in the amount of \$2,130,852.50. CIP 35026 [Ward-All]

Recommendation:

Adopt the Resolution.

Relationship to Goals:

Sustainable Infrastructure.

Background:

On April 16, 2018, an Invitation to Bid was issued and sent to 332 contractors. On April 27, 2018, the Purchasing Division opened and read three bids. Hawkeye Paving Corporation was the lowest responsive and responsible bidder. See attached bid tab.

The seven locations in the city that will benefit from this bid are: 1) Telegraph Road from W 3rd Street to Clark Street, 2) W. Locust Street from N. Lincoln Avenue to Crescent Avenue, 3) W. Locust Street from Pacific Street to N. Division Street, 4) E. 39th Street from Bridge Avenue to Davenport Avenue, 5) Marquette Street from W. Lombard Street to W. Central Park Avenue, 6) Marquette Street from 29th Street to south of Duck Creek Bridge, 7) Marquette Street from W 34th Street to W 38th Street.

Hawkeye Paving Corporation has performed this type of work for the city in the past.

Funding for this project is from the CIP Five Year Street Plan #35026. The funds are from the sale of General Obligation Bonds. Account #70047698 530350 35026 with a current balance of \$2,077,689 and Account #70047675 530350 35026 with a current balance of \$1,710,340.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution - General Street Resurfacing
▣ Cover Memo	Bid Tab - General Street Resurfacing

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	4/27/2018 - 1:17 PM
Public Works Committee	Lechvar, Gina	Approved	4/27/2018 - 1:17 PM
City Clerk	Admin, Default	Approved	4/27/2018 - 2:40 PM

Resolution No. _____

Resolution offered by Ray Ambrose:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding the contract for General Street Resurfacing at several locations to Hawkeye Paving Corporation of Bettendorf IA, in the amount of \$2,130,852.50, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract the General Street Resurfacing, and:

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Hawkeye Paving Corporation of Bettendorf IA;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the contract for the General Street Resurfacing; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: GENERAL STREET RESURFACING

BID NUMBER: 18-100

OPENING DATE: APRIL 27, 2018

GL ACCOUNT NUMBER: CIP #35026 FIVE YEAR STREET PLAN

RECOMMENDATION: AWARD THE BID TO HAWKEYE PAVING
CORPORATION OF BETTENDORF IA

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Hawkeye Paving Corporation of Bettendorf IA	\$2,130,852.50
Langman Construction Inc of Rock Island IL	\$2,134,112.80
McCarthy Improvement Company of Davenport IA	\$2,586,827.55

Approved By Kriste Keeler
Purchasing

Approved By Neale Gleason
Department Director

Approved By BW
Budget/CIP

Approved By BW
Finance Director

City of Davenport

Agenda Group: Public Works
Department: Finance
Contact Info: Scott Hock 326-7817
Wards: 6 and 7

Action / Date
FIN4/18/2018

Subject:

Motion approving the purchase of two (2) ADA accessible single stall restrooms for placement at lower Lindsey Park and Slattery Park from a National Joint Powers Alliance (NJPA) contract #030117-CXT from L B Foster in the total amount of \$87,370, CIP #30010 [Wards 6 & 7]

Recommendation:

Approve the Motion.

Relationship to Goals:

Welcoming Neighborhoods.

Background:

NJPA is a cooperative group that issues bids for many different products and services. The City of Davenport is a member of NJPA. A sealed bid process is performed by NJPA. Entities can purchase using the contract prices from NJPA, saving them time and money since the process was already performed.

The Parks and Recreation Department wants to improve access to public restrooms. These new units will be installed according to city code and connected to the sanitary sewer lines. The pre-fab buildings are one-stall, large enough for ADA access, with sinks. The Lindsey Park unit will include an addition of an exterior drinking fountain. An Invitation to Bid will be issued by the Purchasing Division for the necessary work to have these restrooms installed according to city code, including connection to the sewer work.

Funding for this purchase is from the CIP #30010 for Public Restroom Sewer Connections.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	4/11/2018 - 4:09 PM
Finance Committee	Watson-Arnould, Kathe	Approved	4/11/2018 - 4:09 PM
City Clerk	Admin, Default	Approved	4/12/2018 - 10:12 AM

City of Davenport

Agenda Group: Finance
Department: Legal
Contact Info: Mallory Hoyt 326-7735
Wards: All

Action / Date
4/18/2018

Subject:
First Consideration: Ordinance amending various sections in Chapter 2.86 entitled
“Administrative Hearing Procedures.” [All Wards]

Recommendation:
Approve the ordinance.

Relationship to Goals:
High Performing Government

Background:
Changes to the appeals process will provide opportunity for indigent individuals to request an appeal hearing fee waiver by allowing them to submit proof of inability to pay the hearing fee. Inability to pay is based on 125% of the federal poverty level, which, for a single person in 2018, is \$15,175 per year. Further, citizens will be given an opportunity to request a hearing with a city representative at no cost.

ATTACHMENTS:

Type	Description
▢ Cover Memo	ORD Admin Appeal Process

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Thorndike, Tiffany	Approved	4/13/2018 - 1:49 PM

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” BY AMENDING AND ADDING VARIOUS SECTIONS THERETO OF THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

SECTION 1. That Section 2.86.020 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.86.020 Procedure to initiate an administrative hearing.

A. Any person who has received notice from any authorized department of the city may have an administrative appeal before a hearing officer to determine whether the evidence presented establishes the validity of the code violation alleged in the notice, whether the costs or fees imposed should be upheld or reduced, whether a nuisance exists, or similar adjudicatory findings. Such written request shall be submitted to the City of Davenport legal department within fourteen days or as otherwise provided in the notice from the date of service of the notice and order or notice of violation. The written request shall state the name and address of the person requesting the hearing to which all further notices shall be mailed or served and shall state the basis for the appeal.

B. The person requesting an appeal may have their appeal heard at an external adjudication hearing or at a city representative adjudication hearing. The fee for an external adjudication hearing is \$100 (one hundred dollars) and must be paid at the time of filing the written request for an appeal. No fee shall be collected for a city representative adjudication hearing, but the right to a later external adjudication hearing on the same matter is waived.

C. Any authorized department of the city may initiate an external adjudication hearing by forwarding a copy of a notice of violation, notice and order or notice of hearing, which has been properly served, to the city clerk. Initiation of an administrative hearing in this manner shall not require an administrative hearing fee to be paid at the time of the request.

D. Failure to request a hearing within fourteen days from the date of the mailing of the notice and order, notice of violation, notice of costs or billing for costs shall be deemed to constitute waiver of the right to a hearing and it will be thereafter judged that the allegation(s) contained in the notice and order or similar notice shall be considered to be factually true, and binding and enforceable upon all parties henceforth.

SECTION 2. That Section 2.86.025 of the Municipal Code of Davenport, Iowa, is created and the same is hereby amended to read as follows:

2.86.025 Administrative hearing fee waiver.

A. A person may request and receive waiver of the administrative hearing fee established in 2.86.020A if the person has an income level at or below one hundred twenty-five percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services.

B. A determination of whether a person is granted a waiver of administrative hearing fee shall be made on the basis of an affidavit of financial status and supporting documentation submitted at the time of the person's request for the hearing. The affidavit shall be signed under the penalty of perjury and shall contain sufficient information and be attached with sufficient supporting documentation to allow the determination to be made of whether the person should be granted a waiver of administrative hearing fee. Sufficiency shall be determined in the sole discretion of the reviewing party. For purposes of the determination of income, a person's spouse's income shall be included in the calculation.

C. If the person is entitled to an appeal based on their ownership rights in a particular piece of property, the person must provide proof of ownership. Any other person with an ownership interest shall also comply with the requirements of this section.

D. In making the determination of a person's ability to pay for the administrative hearing fee, the person's income is considered and the reviewing party may also consider the availability of any assets subject to execution, including but not limited to cash, personal property, stocks, bonds, real property, and any other property which may be applied to the satisfaction of judgments and the seriousness of the charge or nature of the case.

E. The determination of the waiver of administrative hearing fee should be in writing sent to the person requesting such waiver by regular mail, hand delivery, or as mutually agreed upon in advance within ten days after the request is received.

F. If the hearing fee waiver is denied, the time period within which the person may request an administrative hearing shall be the time period set forth in 2.86.020A or ten days from the date the notice of denial was sent, whichever is later.

G. The External Hearing Officer may apply the hearing fee to the appellant if the appellant is unsuccessful in their appeal and may apply the costs to the appellant if the appellant defaults as defined in 2.86.050.

SECTION 3. That Section 2.86.030 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.86.030 Scheduling the hearing.

A. The hearing should be held as soon as practicable, striving to set the hearing within the timeframe encompassing five days after the date of the request for hearing and sixty days after the date of the request for hearing. The person requesting the hearing should be notified in writing of the date and place of the hearing at least three days in advance thereof. Notice of the date and place of the hearing shall be mailed to the person requesting the hearing by first class mail to the address provided on the request to appeal or as mutually agreed upon in advance.

B. In an emergency situation or in a situation involving the impoundment of an animal or a vehicle, the hearing shall be scheduled as soon as practicable without being subject to the minimum five day scheduling limitations imposed by the prior section. For purposes of this section, "emergency situation" means any situation that could reasonably constitute a threat to the public health, safety or welfare.

SECTION 4. That Section 2.86.035 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.86.035 Notice.

A. Before any administrative hearing may be conducted as provided for in this chapter, the parties shall be afforded notice as provided for in this section or in 2.86.030.

B. Unless otherwise provided by a specific provision of the code, the authorized department issuing a notice and order or notice of violation shall specify therein the following information:

1. The name of the department and the name of the enforcement officer from said department involved in the enforcement action for which the notice was sent;
2. The name and address of the person charged with the violation;
3. The date, time, and place of the violation;
4. The section(s) of the code which are alleged to be violated;
5. A statement that the recipient of the notice may request a hearing by submitting a written request for administrative appeal hearing to the city clerk within fourteen days of the date of the mailing of the notice or as otherwise provided in the notice.

C. In the event the city abated a nuisance or removed solid waste, abandoned or other similarly offensive or dangerous property due to an emergency situation, a notice shall be given of the right to a hearing regarding the necessity of the emergency abatement and/or the costs incurred in resolving the emergency situation. Such notice shall contain the following information:

1. A description, to the extent possible, of the conditions which constituted the nuisance or emergency situation;
2. A description of the location of the nuisance or emergency situation;
3. A statement that the city entered onto said real estate or public right-of-way and caused the nuisance or emergency situation to be abated by the removal of it or by other remedial act, and that the costs of the removal or remediation will be assessed against the real estate from which the removal or remediation occurred or against the real estate abutting the public right-of-way where the nuisance or emergency situation existed, for collection in the same manner as a property tax or as a personal judgment.
4. An itemization of the costs incurred in the removal or remediation;
5. That the person notified or the person's duly authorized agent may file a written request for hearing as set forth in this chapter.
6. That failure to request a hearing within fourteen days of the mailing of the notice or within the time frame as otherwise stated in the notice shall be considered a waiver of the right to a hearing and it will be thereafter conclusively presumed that the nuisance existed and the costs incurred by the city are valid and will be assessed against the property or abutting property without further notice.

D. Unless otherwise provided, whenever a notice of abatement or notice and order to correct a violation is required to be given under the municipal code the notice shall be served by one of the following methods: (1) by personal service, (2) by certified mail, postage prepaid, return receipt requested, or (3) as mutually agreed upon in advance. Notice shall be mailed to the last known address of the person to be notified according to the records of the city of Davenport. If the notice concerns real property, the notice shall be mailed to the last address shown on the Scott County Treasurer's records. If service cannot be made by personal service or mailing, service may be made by posting the notice conspicuously on or in front of the property. For posting to be

effective the enforcement department must be able to demonstrate three failed attempts to effect service by personal service within the three days for an emergency or fifteen days for a nonemergency case.

E. Posting notice or duplicate service by regular mail shall be deemed effective on the third day after posting or mailing; service by certified mail shall be deemed effective as of the date of the signed receipt. Personal service is effective on the date of service.

F. The failure of any party or person with an interest in the property or proceeding to acknowledge notice that has been duly served, sent or posted in accordance with this section shall not affect the validity of any proceedings taken under this chapter.

G. Proof of service of any notice required may be made by certificate or affidavit of an officer or employee of the city or by affidavit of any person over the age of eighteen (18) years. The proof of service shall show that service was done in conformity with this code or Iowa Court rules for service of process.

SECTION 5. That Section 2.86.040 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.86.040 Notice of hearing.

- A. The notice of hearing shall contain, but not be limited to, the following information:
 - 1. The date, time and location of the adjudication hearing.
 - 2. The consequence for failing to appear at the hearing.
 - 3. The remedy sought by the city at the hearing.
- B. Nonemergency. Service of notice of hearing shall be as provided in the previous section.
- C. Emergency. For any matter that poses an immediate threat of danger to the health, safety or general welfare of persons or persons within the city one (1) copy of the notice of hearing shall be posted at the property address of the violation and one (1) copy shall be mailed as provided in the previous section; or one (1) copy of the notice may be personally served.

SECTION 6. That Subsection 2.86.045A of the Municipal Code of Davenport, Iowa, be created and the same is hereby amended to read as follows:

2.86.045 Administrative adjudication hearing procedures.

- A. Where the person requesting an appeal has requested an external adjudication hearing, the hearing officer shall be an attorney who has been licensed to practice law for at least five years and who is licensed to practice law in the state of Iowa and in good standing; or an attorney who was licensed to practice law in the state of Iowa but has recently retired as a member in good standing; or a judge recently retired from the judicial branch of the state of Iowa in good standing. Where the person requesting an appeal has requested a city representative adjudication hearing, the hearing officer shall be the city administrator or their designee. The appellant that may be affected by the decision rendered at the conclusion of the hearing shall be allowed to select the administrative hearing officer from a list of possible administrative hearing officers. If the person or entity elects not to select the administrative hearing officer from the list or if a hearing is

requested pursuant to 2.86.020C, the hearing officer who shall preside over the hearing shall be the hearing officer on the list who has not heard an appeal for the longest length of time and who is otherwise available within the scheduling limitations established by this chapter. No hearing officer shall preside over any hearing for which the hearing officer has a conflict of interest.

SECTION 7. That Section 2.86.050 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.86.050 Default and effect on fee waiver.

If at the time set for hearing the appellant, or his or her attorney of record in the absence of the appellant, fails to appear, the administrative hearing officer may find the appellant in default and proceed with the hearing and accept evidence relevant to the matter and conclude with a finding, decision and order. A copy of a default order shall be served in any manner permitted in Section 2.86.030.

An appellant who is found to be in default may petition the administrative hearing officer to set aside an order entered by default and request that the administrative hearing officer set a new hearing date. Such request shall only be granted upon the appellant's presentation of information sufficient to establish good cause for the appellant's failure to appear at the time of the hearing. Good cause is a sound, effective and truthful reason; it is something more than an excuse, a plea or apology; something beyond the appellant's control. Omission of proper attention, disregard, indifference, negligence shall not constitute good cause. Failure to effect service of notice of a hearing on an appellant who has moved without notifying the administrative hearing officer of the change of address does not constitute good cause upon which a default order may be set aside. Such petition must be filed within ten days after the date of the issuance of the order of default unless the administrative hearing officer determines that the appellant's failure to appear at the hearing was because the appellant was not provided with proper service of notice of said hearing. A person will not be entitled to a waiver of an administrative hearing fee if they have been found in default at administrative hearings two or more times in the past when the person has received a waiver of fee for those two hearings at which they defaulted.

SECTION 8. That Subsection 2.86.060A of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.86.060 Violation of administrative hearing decision.

A. A person violates this chapter if he or she knowingly failed to comply with an order issued by an administrative hearing officer under this chapter which has become a final order by law.

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 _____

Frank Klipsch

Mayor

Attest: _____

Jackie Holecek, MMC

Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Brandon Wright 326-7750
Wards: All

Action / Date
FIN5/2/2018

Subject:
Resolution fixing a meeting date for the hearing on the issuance of not-to-exceed \$27,500,000
General Obligation Corporate Bonds, Series 2019. [All Wards]

Recommendation:
Adopt the resolution and hold the public hearing on Wednesday, May 16, 2018, at 5:30 p.m.

Relationship to Goals:
Fiscal Vitality

Background:
A public hearing on the issuance of bonds to finance the FY 2019 Capital Improvement Program (CIP) is required prior to the sale of bonds later this year. This will be the first of several legal proceedings required to issue the bonds. A resolution providing for the issuance of bonds and for the levy of property taxes in FY 2019 in order to make debt service payments on the provided bonds will be prepared for the May 16, 2018 Council cycle.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution setting PH 2019 GO Bonds
▣ Backup Material	CIP Projects Bond Listing

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	4/25/2018 - 4:52 PM
Finance Committee	Watson-Arnould, Kathe	Approved	4/25/2018 - 4:53 PM
City Clerk	Admin, Default	Approved	4/25/2018 - 4:54 PM

RESOLUTION NO. _____

Resolution to fix meeting date for hearing on the issuance of not to exceed \$27,500,000 General Obligation Corporate Bonds, Series 2019

WHEREAS, the City of Davenport, in Scott County, Iowa (the “City”), in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, and in accordance with Chapter 384 of the Code of Iowa, hereby proposes to issue not to exceed \$27,500,000 General Obligation Corporate Bonds, Series 2019 (the “Bonds”), for the purpose of paying costs in connection with making improvements to sanitary sewers, sewage treatment works, storm sewers, streets, streetscapes, airport, municipal housing projects, fire and police department facilities, parks, riverfront, sidewalks, Rivercenter renovation and improvements to other municipal buildings and facilities; acquisition of equipment for streets, solid waste, mass transit, parks and library; vehicle maintenance, information technology and economic development projects; and

WHEREAS, it is necessary to fix a date for a hearing on the issuance of the Bonds, and to give proper notice thereof;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Davenport, Iowa, as follows:

Section 1. The City Council shall meet as the Committee-of-the-Whole on May 16, 2018, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o’clock p.m., at which time and place any resident or property owner of the City may present oral or written comments with respect to the issuance of the Bonds, and all comments will be considered by the City Council at its regular meeting to be held at 5:30 o’clock p.m., on May 23, 2018, at the Council Chambers, City Hall, at which time the City Council will take additional action for the issuance of the Bonds.

Section 2. The Deputy Clerk is hereby directed to give notice of the proposed action for the issuance of the Bonds, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, and not less than 4 nor more than 20 days prior to the meeting, in the *Quad City Times*. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE
PROCEEDINGS FOR THE ISSUANCE OF NOT TO EXCEED \$27,500,000
GENERAL OBLIGATION CORPORATE BONDS, SERIES 2019

The City Council of the City of Davenport, Iowa, will meet as the Committee-of-the-Whole on May 16, 2018, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o'clock p.m., for the purpose of holding a public hearing and instituting proceedings for the issuance of not to exceed \$27,500,000 General Obligation Corporate Bonds, Series 2019, for the purpose of paying costs in connection with improvements to sanitary sewers, waste treatment facilities, storm sewers, streets, streetscapes, airport, municipal housing projects, fire and police department facilities, parks, riverfront, sidewalks, Rivercenter renovation and improvements to other municipal buildings and facilities; acquisition of equipment for streets, solid waste, mass transit, parks and library; vehicle maintenance, information technology and economic development projects.

At that time and place, oral or written comments from any resident or property owner of the City may be presented, and all comments will be considered by the City Council at its regular meeting to be held at 5:30 o'clock p.m., on May 23, 2018, at the Council Chambers, City Hall, at which time the City Council will take additional action for the issuance of the Bonds.

The Bonds, when issued, will constitute general obligations of the City, payable from taxes levied upon all taxable property in the City.

By order of the City Council of Davenport, Iowa.

Jackie E. Holecek
Deputy Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 9, 2018.

Mayor

Attest:

Deputy Clerk

City of Davenport, Iowa
2019 Bond Issue
(\$ Thousands)
4/19/2018

15-Year General Obligation Bonds	Amount	
Airport Improvements	1,262	
City Facility Improvements	5,255	
Fire Department Apparatus	1,225	
Municipal Housing Projects	1,000	
Parks Improvements	1,630	
Sewer Improvements	200	
Street Improvements	6,850	
Streetscape Improvements/Sidewalks	300	
Subtotal 15-Year GO Bonds		\$ 17,722
5-Year Equipment Bonds (GO)		
Acquisition of Streets Vehicles/Equipment	325	
City Information Technology Network Improvements	300	
Library Equipment	510	
Subtotal 5-Year Equipment Bonds		\$ 1,135
15-Year Bonds Abated by Other Sources (GO)		
Sewer Improvements (Sewer Fund)	7,000	
Subtotal 15-Year Bonds Abated by Other Sources		\$ 7,000
5-Year Bonds Abated by Other Sources (GO)		
Solid Waste Equipment (Solid Waste Fund)	860	
Subtotal 5-Year Bonds Abated by Other Sources		\$ 860
Total Proposed 2019 Bond Issue - Projected		<u>\$ 26,717</u>
Estimated Cost of Issuance and Underwriting Discount		\$ 389
Total 2019 Bond Issue - Not-to-Exceed		<u><u>\$ 27,106</u></u>

City of Davenport, Iowa
2019 Bond Issue
(\$ Thousands)
4/19/2018

Essential Corporate Purpose	Amount	
Acquisition of Streets Vehicles/Equipment	325	
Airport Improvements	1,262	
Fire Department Apparatus	1,225	
Municipal Housing Projects	1,000	
Parks Improvements	1,630	
Sewer Improvements	7,200	
Street Improvements	6,850	
Streetscape Improvements/Sidewalks	<u>300</u>	
		\$ 19,792
 General Corporate Purpose		
City Facility Improvements	5,255	
City Information Technology Network Improvements	300	
Library Equipment	510	
Solid Waste Equipment	860	
		\$ 6,925
 Total Proposed 2019 Bond Issue - Projected		<u>\$ 26,717</u>
 Estimated Cost of Issuance and Underwriting Discount		\$ 389
 Total 2019 Bond Issue - Not-to-Exceed		<u><u>\$ 27,106</u></u>

2019 Bonding Detail

<u>Funding Source</u>	<u>Program</u>	<u>CIP#</u>	<u>Project</u>	<u>Amount</u>
GO BONDS	AIRPORT	20009	PAVEMENT MAINTENANCE PROGRAM	59,000
GO BONDS	AIRPORT	20010	RUNWAY 15/33 RECONSTRUCTION	1,203,000
GO BONDS	CPED	61002	DAVENPORT NOW	800,000
GO BONDS	CPED	61006	URBAN REVITALIZATION PROGRAM	200,000
GO BONDS	FACILITIES MAINTENANCE	10481	CAPITAL IMPROVEMENTS AT MWP	375,000
GO BONDS	FACILITIES MAINTENANCE	23023	SKYBRIDGE WINDOWS	500,000
GO BONDS	FACILITIES MAINTENANCE	23026	CREDIT ISLAND LODGE FLAT ROOF REPAIR	30,000
GO BONDS	FACILITIES MAINTENANCE	23027	POLICE STATION PARKING DECK REPAIRS	300,000
GO BONDS	FACILITIES MAINTENANCE	23028	MAIN LIBRARY 50TH ANNIVERSARY UPDATES	250,000
GO BONDS	FACILITIES MAINTENANCE	62002	POLICE STATION HVAC	50,000
GO BONDS	FIRE DEPARTMENT	63006	FIRE APPARATUS AND EQUIPMENT REPLACEMENT	1,225,000
BONDS ABATED BY SOLID WASTE FUND	FLEET	10503	SOLID WASTE EQUIPMENT REPLACEMENT PROGRAM	860,000
EQUIPMENT BONDS	FLEET	24012	DUMP TRUCK REPLACEMENT PROGRAM	325,000
EQUIPMENT BONDS	INFORMATION TECHNOLOGY	67002	IT CAPITAL IMPROVEMENT PROGRAM	250,000
EQUIPMENT BONDS	INFORMATION TECHNOLOGY	67006	CITY FIBER NETWORK PROGRAM	50,000
EQUIPMENT BONDS	LIBRARY SERVICES	66010	LIBRARY ELECTRONIC REPLACEMENT PROGRAM	110,000
EQUIPMENT BONDS	LIBRARY SERVICES	66011	LIBRARY MATERIALS PROGRAM	400,000
GO BONDS	PARKS & RECREATION	64057	JERSEY FARMS NEIGHBORHOOD PARK	200,000
GO BONDS	PARKS & RECREATION	64059	SWIMMING POOL IMPROVEMENTS	100,000
GO BONDS	PARKS & RECREATION	64060	PARK DEVELOPMENT PROGRAM	250,000
GO BONDS	PARKS & RECREATION	64062	SOCCER COMPLEX IMPROVEMENTS	80,000
GO BONDS	PEDESTRIAN TRANSPORTATION	28020	CREATING CONNECTIONS PROGRAM	300,000
GO BONDS	RIVERCENTER/ADLER	69014	RIVERCENTER RENOVATION	3,750,000
GO BONDS	RIVERFRONT	68004	MAIN STREET LANDING IMPROVEMENTS	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30007	LIFT STATION REHABILITATION (SANITARY)	50,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30016	ADDITIONAL I&I REMOVAL PROGRAM	700,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30038	1930'S SANITARY SEWER RIVERFRONT INTERCEPTOR	500,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30042	SEWER LATERAL REPAIR PROGRAM	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30044	CONTRACT SEWER REPAIR PROGRAM (SANITARY)	1,250,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30045	MANHOLE REHABILITATION PROGRAM	3,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30047	SEWER CLEANING & TELEVISIONING PROGRAM	250,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30048	TREMONT BASIN MANHOLE RECONSTRUCTION	250,000
GO BONDS	STORMWATER	33001	CONTRACT SEWER REPAIR PROGRAM (STORM)	200,000
GO BONDS	STREETS	35031	53RD STREET RECONSTRUCTION	100,000
GO BONDS	STREETS	35033	SLOPERTOWN RESURFACING - HARRISON TO DIVISION	350,000
GO BONDS	STREETS	35035	HIGH VOLUME STREET REPAIR PROGRAM	2,000,000
GO BONDS	STREETS	35036	CONCRETE NEIGHBORHOOD STREET REPLACEMENT	1,000,000
GO BONDS	STREETS	35037	IDOT THRESHOLD RESURFACING	250,000
GO BONDS	STREETS	35038	ALLEY REPAIR PROGRAM	150,000

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Brandon Wright 326-7750
Wards: All

Action / Date
FIN5/2/2018

Subject:

Resolution relating to financing of certain projects to be undertaken by the City of Davenport, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code. [All Wards]

Recommendation:

Adopt the resolution.

Relationship to Goals:

Fiscal Vitality

Background:

The City's FY 2019 Capital Improvement Budget becomes effective July 1, 2018. Projects will be underway before the sale of bonds, using available resources from the capital improvement fund. In order to comply with IRS regulations, the Council must indicate the City's desire to reimburse itself from future bond proceeds should this be the case. The Series 2019 bond sale will be used to fund a variety of capital projects in the FY 2019 CIP. A listing of projects to be financed is attached.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution IRS Compliance
▣ Backup Material	CIP Projects Bond Listing

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	4/25/2018 - 4:52 PM
Finance Committee	Watson-Arnould, Kathe	Approved	4/25/2018 - 4:52 PM
City Clerk	Admin, Default	Approved	4/25/2018 - 4:53 PM

RESOLUTION NO. _____

Resolution relating to financing of certain proposed projects to be undertaken by the City of Davenport, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code

BE IT RESOLVED by the City Council (the “Council”) of the City of Davenport, Iowa (the “City”), as follows:

Section 1. Recitals.

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the “Regulations”) dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the City for project expenditures made by the City prior to the date of issuance.

(b) The Regulations generally require that the City make a prior declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing and that the borrowing occur and the reimbursement allocation be made from the proceeds of such borrowing within a certain period after the payment of the expenditure or the date the projects are placed in service; and

(c) The City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

Section 2. Official Intent Declaration.

(a) The City proposes to undertake the following projects and to make original expenditures with respect thereto prior to the issuance of bonds, notes or other obligations (the “Series 2019 Bonds”) and reasonably expects to issue the Series 2019 Bonds for such projects in the maximum principal amounts shown below:

<u>Projects</u>	<u>Maximum Amount of Bonds Expected to be Issued for Each Project</u>
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(ATTACH LIST OF PROJECTS AND AMOUNTS HERE)

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Series 2019 Bonds or (ii) expenditures made not earlier than sixty days prior to the date of this Resolution or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Series 2019 Bonds or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the projects have heretofore been made by the City and no expenditures will be made by the City until after the date of this resolution.

(c) This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 3. Budgetary Matters.

As of the date hereof, there are no City funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the projects, other than pursuant to the issuance of the Series 2019 Bonds. This resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 4. Reimbursement Allocations.

The City's chief financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Series 2019 Bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the projects. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Series 2019 Bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the Series 2019 Bonds from any restriction under the bond resolution or other relevant legal documents for the Series 2019 Bonds, and under any applicable state statute, which would apply to the unspent proceeds of the Series 2019 Bonds.

Section 5. Repealer.

All resolutions, parts of resolutions, or actions of the City Council in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved May 9, 2018.

Attest:

Deputy Clerk

Mayor

STATE OF IOWA
COUNTY OF SCOTT
CITY OF DAVENPORT

SS:

I, the undersigned, Deputy Clerk of the City of Davenport, Iowa, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council of the City relating to the fixing of a date for the hearing on the issuance of not to exceed \$27,500,000 General Obligation Corporate Bonds, Series 2019.

WITNESS MY HAND this _____ day of _____, 2018.

Deputy Clerk

STATE OF IOWA
COUNTY OF SCOTT
CITY OF DAVENPORT

SS:

I, the undersigned, Deputy Clerk of the City of Davenport, Iowa, do hereby certify that pursuant to the resolution of its Council fixing a meeting date for the hearing on and taking of additional action for the issuance of not to exceed \$27,500,000 General Obligation Corporate Bonds, Series 2019, the notice, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published in the *Quad City Times* on the date specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this _____ day of _____, 2018.

Deputy Clerk

(Attach here publisher's original affidavit with a clipping of the notice as published.)

City of Davenport, Iowa
2019 Bond Issue
(\$ Thousands)
4/19/2018

15-Year General Obligation Bonds	Amount	
Airport Improvements	1,262	
City Facility Improvements	5,255	
Fire Department Apparatus	1,225	
Municipal Housing Projects	1,000	
Parks Improvements	1,630	
Sewer Improvements	200	
Street Improvements	6,850	
Streetscape Improvements/Sidewalks	300	
Subtotal 15-Year GO Bonds		\$ 17,722
5-Year Equipment Bonds (GO)		
Acquisition of Streets Vehicles/Equipment	325	
City Information Technology Network Improvements	300	
Library Equipment	510	
Subtotal 5-Year Equipment Bonds		\$ 1,135
15-Year Bonds Abated by Other Sources (GO)		
Sewer Improvements (Sewer Fund)	7,000	
Subtotal 15-Year Bonds Abated by Other Sources		\$ 7,000
5-Year Bonds Abated by Other Sources (GO)		
Solid Waste Equipment (Solid Waste Fund)	860	
Subtotal 5-Year Bonds Abated by Other Sources		\$ 860
Total Proposed 2019 Bond Issue - Projected		<u>\$ 26,717</u>
Estimated Cost of Issuance and Underwriting Discount		\$ 389
Total 2019 Bond Issue - Not-to-Exceed		<u><u>\$ 27,106</u></u>

City of Davenport, Iowa
2019 Bond Issue
(\$ Thousands)
4/19/2018

Essential Corporate Purpose	Amount	
Acquisition of Streets Vehicles/Equipment	325	
Airport Improvements	1,262	
Fire Department Apparatus	1,225	
Municipal Housing Projects	1,000	
Parks Improvements	1,630	
Sewer Improvements	7,200	
Street Improvements	6,850	
Streetscape Improvements/Sidewalks	<u>300</u>	
		\$ 19,792
 General Corporate Purpose		
City Facility Improvements	5,255	
City Information Technology Network Improvements	300	
Library Equipment	510	
Solid Waste Equipment	860	
		\$ 6,925
 Total Proposed 2019 Bond Issue - Projected		<u>\$ 26,717</u>
 Estimated Cost of Issuance and Underwriting Discount		\$ 389
 Total 2019 Bond Issue - Not-to-Exceed		<u><u>\$ 27,106</u></u>

2019 Bonding Detail

<u>Funding Source</u>	<u>Program</u>	<u>CIP#</u>	<u>Project</u>	<u>Amount</u>
GO BONDS	AIRPORT	20009	PAVEMENT MAINTENANCE PROGRAM	59,000
GO BONDS	AIRPORT	20010	RUNWAY 15/33 RECONSTRUCTION	1,203,000
GO BONDS	CPED	61002	DAVENPORT NOW	800,000
GO BONDS	CPED	61006	URBAN REVITALIZATION PROGRAM	200,000
GO BONDS	FACILITIES MAINTENANCE	10481	CAPITAL IMPROVEMENTS AT MWP	375,000
GO BONDS	FACILITIES MAINTENANCE	23023	SKYBRIDGE WINDOWS	500,000
GO BONDS	FACILITIES MAINTENANCE	23026	CREDIT ISLAND LODGE FLAT ROOF REPAIR	30,000
GO BONDS	FACILITIES MAINTENANCE	23027	POLICE STATION PARKING DECK REPAIRS	300,000
GO BONDS	FACILITIES MAINTENANCE	23028	MAIN LIBRARY 50TH ANNIVERSARY UPDATES	250,000
GO BONDS	FACILITIES MAINTENANCE	62002	POLICE STATION HVAC	50,000
GO BONDS	FIRE DEPARTMENT	63006	FIRE APPARATUS AND EQUIPMENT REPLACEMENT	1,225,000
BONDS ABATED BY SOLID WASTE FUND	FLEET	10503	SOLID WASTE EQUIPMENT REPLACEMENT PROGRAM	860,000
EQUIPMENT BONDS	FLEET	24012	DUMP TRUCK REPLACEMENT PROGRAM	325,000
EQUIPMENT BONDS	INFORMATION TECHNOLOGY	67002	IT CAPITAL IMPROVEMENT PROGRAM	250,000
EQUIPMENT BONDS	INFORMATION TECHNOLOGY	67006	CITY FIBER NETWORK PROGRAM	50,000
EQUIPMENT BONDS	LIBRARY SERVICES	66010	LIBRARY ELECTRONIC REPLACEMENT PROGRAM	110,000
EQUIPMENT BONDS	LIBRARY SERVICES	66011	LIBRARY MATERIALS PROGRAM	400,000
GO BONDS	PARKS & RECREATION	64057	JERSEY FARMS NEIGHBORHOOD PARK	200,000
GO BONDS	PARKS & RECREATION	64059	SWIMMING POOL IMPROVEMENTS	100,000
GO BONDS	PARKS & RECREATION	64060	PARK DEVELOPMENT PROGRAM	250,000
GO BONDS	PARKS & RECREATION	64062	SOCCER COMPLEX IMPROVEMENTS	80,000
GO BONDS	PEDESTRIAN TRANSPORTATION	28020	CREATING CONNECTIONS PROGRAM	300,000
GO BONDS	RIVERCENTER/ADLER	69014	RIVERCENTER RENOVATION	3,750,000
GO BONDS	RIVERFRONT	68004	MAIN STREET LANDING IMPROVEMENTS	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30007	LIFT STATION REHABILITATION (SANITARY)	50,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30016	ADDITIONAL I&I REMOVAL PROGRAM	700,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30038	1930'S SANITARY SEWER RIVERFRONT INTERCEPTOR	500,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30042	SEWER LATERAL REPAIR PROGRAM	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30044	CONTRACT SEWER REPAIR PROGRAM (SANITARY)	1,250,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30045	MANHOLE REHABILITATION PROGRAM	3,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30047	SEWER CLEANING & TELEVISIONING PROGRAM	250,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30048	TREMONT BASIN MANHOLE RECONSTRUCTION	250,000
GO BONDS	STORMWATER	33001	CONTRACT SEWER REPAIR PROGRAM (STORM)	200,000
GO BONDS	STREETS	35031	53RD STREET RECONSTRUCTION	100,000
GO BONDS	STREETS	35033	SLOPERTOWN RESURFACING - HARRISON TO DIVISION	350,000
GO BONDS	STREETS	35035	HIGH VOLUME STREET REPAIR PROGRAM	2,000,000
GO BONDS	STREETS	35036	CONCRETE NEIGHBORHOOD STREET REPLACEMENT	1,000,000
GO BONDS	STREETS	35037	IDOT THRESHOLD RESURFACING	250,000
GO BONDS	STREETS	35038	ALLEY REPAIR PROGRAM	150,000

City of Davenport

Agenda Group: Finance
Department: Public Works - Admin
Contact Info: Mike Atchley 563-327-5149
Wards: 7

Action / Date
FIN5/2/2018

Subject:

Resolution setting a public hearing to convey city owned parcel M1055D99 to adjacent property owners at 1429 W 46th Street. Petitioners Cameron and Shannon Moore. [Ward 7]

Recommendation:

Approve the resolution

Relationship to Goals:

Fiscal Vitality

Background:

Staff has identified a number of parcels and tracts of land as private ownership candidates. Staff has checked with the Natural Resources Division, Fire and the Community Planning & Economic Development (CPED) Departments and has determined that these parcels have no functional value to the city's operations. In an effort to reduce the city's operating expense in mowing, staff is seeking to get this parcel of land back on the tax roll by deeding it to the adjacent property owner. Parcel M1055D99 is triangular shaped parcel containing 6970 sq. ft. encumbered by two sanitary sewer easements and a utility easement making this parcel undevelopable. Cameron and Shannon Moore are willing to pay the recording costs.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Resolution for a Public Hearing
▢ Cover Memo	Aerial Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	4/26/2018 - 11:02 AM
Public Works Committee	Lechvar, Gina	Approved	4/26/2018 - 11:03 AM
City Clerk	Admin, Default	Approved	4/26/2018 - 11:19 AM

Resolution No. _____

Resolution offered by Alderman Tompkins.

RESOLUTION to hold a Public Hearing authorizing the Mayor and City Clerk to execute the necessary documents to convey city owned parcel M1055D99 to adjacent property owners Cameron and Shannon Moore at 1429 W 46th Street.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, this parcel is not developable.

WHEREAS, Community and Economic Development, Natural Resources Parks and the Davenport Fire Department have no need for this parcel.

WHEREAS, removing this parcel from the mowing contract will reduce operating costs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that a Public Hearing is to be held authorizing the Mayor and City Clerk to execute all documents necessary to convey the above city owned parcel M1055D99 to adjacent property owner.

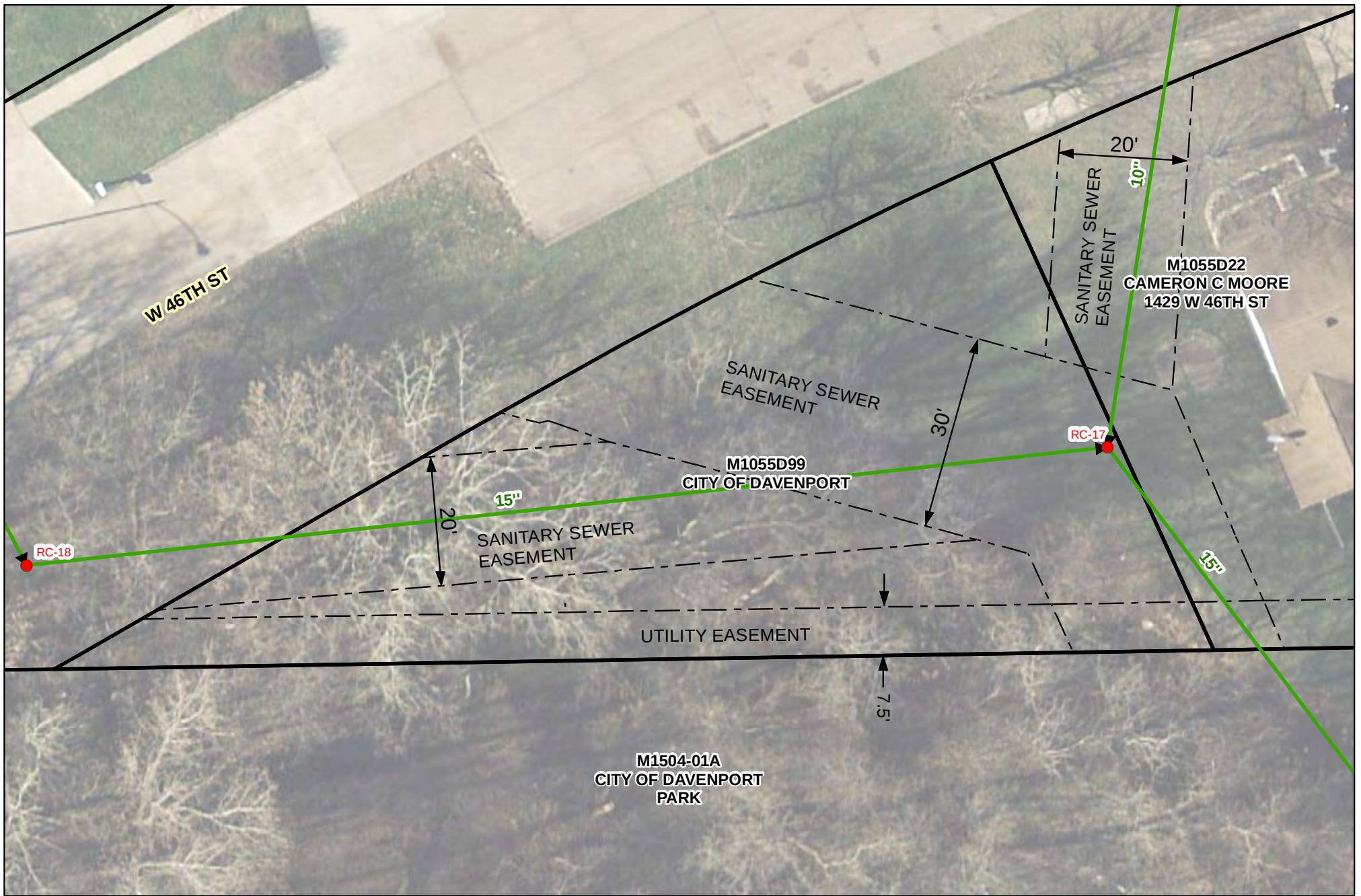
Passed and approved this 9th day of May, 2018.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk



M1055D99

Legend

- PUBLIC MANHOLE
- PUBLIC MAIN
- - - Existing Easement
- ▭ Parcel Lines



0 5 10 20 30 Feet
1 inch = 20 feet

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn, 888-2286

Wards: 1st and 3rd

Action / Date

4/18/2018

Subject:

Resolution approving a 90-day extension of the moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets where the new license represents a substantial change from the previous use and exempting property owners of record as of May 2, 2018. (City of Davenport, Petitioner). [Wards 1 & 3]

Recommendation:

Approve the resolution.

Relationship to Goals:

Welcoming Neighborhoods

Background:

AMENDED: At the Committee of the Whole on May 2, 2018 the resolution was amended to exempt property owners of record as of May 2, 2018.

With the nearing completion of the long-awaited road improvements to Rockingham and the pending Zoning Code re-write slated for final consideration in mid-2018, it is proposed that any applications for changes in business license uses (where it represents a change in the previous use of the property) not be approved pending upcoming potential changes in the Zoning Code in this corridor.

Approval of this action would authorize staff to proceed accordingly.

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution as amended

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	4/26/2018 - 5:00 PM

Resolution No. 2018-194

Resolution offered by Ald. Gripp

RESOLVED by the City Council of the City of Davenport,

RESOLUTION approving a 90-day extension of the moratorium on changes in business licenses in the Rockingham Road Corridor between Division and South Concord Streets and exempting property owners of record as of May 2, 2018.

WHEREAS, long awaited for improvements to Rockingham Road are nearing completion; and

WHEREAS, an economic revitalization of the corridor is envisioned; and

WHEREAS, an update to the City's Zoning Code is expected to be discussed by late summer, 2018 and could involve new design standards and zoning district changes; and

WHEREAS, a moratorium extension on changes or new business licenses that entail a use substantially different from the previous use is appropriate in light of upcoming discussion and potential changes to the zoning and/or design standards in that corridor.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, that the City Council does hereby approve an extension on the moratorium on changes or new business licenses that represent a substantial change in the previous use of the property in the Rockingham Road Corridor between Division and South Concord Streets and exempts property owners of record as of May 2, 2018 and immediately authorizes staff to proceed accordingly.

Approved this 2nd day of May, 2018.

Approved:

Attest:



Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk