

CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, April 24, 2019; 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. Approval of Minutes

Approval of the City Council Meeting minutes for April 10, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report of the Committee of the Whole for April 17, 2019

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Riverfront Improvement Commission
 - Dee Bruemmer (Re-Appointment, 8th Ward Seat)
2. Civil Rights Commission
 - Linda Gilman (New Appointment)
 - Erie Johnson (New Appointment)
 - Michael Liendo (New Appointment)
 - Ruby Mateos (New Appointment)

B. Proclamations

1. Arbor Day Proclamation, April 26, 2019

IX. Presentations

A. Local Business "The Foundation of Our Community": Katun Corporation

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

****NOTE:** These are routine items and will be enacted at the City Council Meeting

by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

1. Second Consideration: Ordinance to change the name of a section of E 60th St to Duggleby Ave located in Eastern Avenue Farms 5th Addition (City of Davenport, petitioner). [Ward 8]
2. First Consideration: Ordinance for Case ORD19-01 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled "Zoning," by correcting scrivener errors and amending certain dimensional standards. [All Wards]
3. First Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding 4th Street along the north side from Ripley Street west to the Scott County Courthouse driveway. [Ward 3]
4. Resolution for Case F19-02 being the request of Leslie Miller for a Final Plat of L. Miller First Addition, a 2-lot subdivision located northwest of the intersection of Rockingham Road and South Howell Street. [Ward 3]
5. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events.

Quad Cities Bicycle Club; Quad Cities Criterium; Village of East Davenport; Monday, May 27, 2019 5:00 AM - 6:00 PM; **Closure:** Mound St from E 11th St to E 12th St. E 12th St/Fulton Ave from Mound St to Glenwood Ave, Glenwood Ave from Fulton Ave to Hillcrest Ave, Hillcrest Ave/E 11th St from Glenwood Ave to Mound St. [Wards 5 & 6]

6. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the W 46th St Reconstruction from N Pine St to 215 feet east on Cheyenne Ave, CIP #35036. [Wards 7 & 8]
7. Resolution approving the contract for the Manhole Repair and Rehabilitation Program - Construction Related Services to Strand Associates, Inc. in an amount not-to-exceed \$399,450, CIP #30045. [All Wards]
8. Resolution approving the contract for the Pump Station 203 Generator & Controls project to Tri-City Electric Company of Iowa of Davenport in the amount of \$169,500, CIP #30007. [Ward 6]
9. Resolution approving the contract for the purchase of hot asphalt oils to Tri-State Asphalt, LLC of Morris, IL in the estimated amount of \$312,000. [All Wards]
10. Resolution approving the contract for the 2019 Nuisance Mowing to Reans Property Management LLC of Moline, IL. [All Wards]
11. Resolution awarding a contract to the lowest responsive and responsible vendors for the provision of street materials. [All Wards]
12. Resolution accepting the Jersey Ridge Road Lane Widening Phase I Project, CIP #35000. [Wards 6 & 8]
13. Resolution setting a Public Hearing to amend the FY2019 Operating and Capital Improvement Budgets. [All Wards]

14. Resolution setting a Public Hearing on the issuance of not-to-exceed \$51,225,000 General Obligation Corporate and Refunding Bonds, Series 2020. [All Wards]
15. 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. [All Wards]
16. Resolution approving an Art Collection Service Agreement between the City of Davenport, Figge Art Museum, and Quad Cities Cultural & Educational Supporting Trust. [Ward 3]
17. Resolution approving a Letter of Agreement with Main Street Iowa, LLC providing for the completion of certain capital improvement projects at Modern Woodmen Park. [Ward 3]
18. Resolution approving the purchase of the Axon Interview Room System from Axon of Scottsdale, AZ in the amount of \$133,111.86, CIP #62005. [All Wards]
19. Resolution allowing staff to finalize an agreement with Canadian Pacific Railways for the property acquisition of the bridges over the railroad at Elm Street and East 13th Street and allowing the Mayor to execute related documents. [Ward 5]
20. Motion approving noise variance request(s) for various events on the listed dates and times.

Andy Lank; Last Blast; Kilkenny's parking lot 300 W 3rd St; Saturday, April 27, 2019 8:30 AM - 5:00 PM; Outdoor music; over 50 dBa. [Ward 3]

William Campbell; 50th Birthday Party; 2516 Fulton Ave; Saturday, April 27, 2019 4:00 PM - 7:30 PM; Outdoor music, over 50 dBa. [Ward 6]

Azteca Mexican Restaurant; Cinco de Mayo Fiesta; 4811 N Brady St; Saturday, May 4, 2019 5:00 PM - 10:00 PM and Sunday, May 5, 2019 1:00 PM - 9:00 PM; Outdoor music, over 50 dBa. [Ward 7]

Patrick Quinn; Quinn Wedding Reception; 2102 E 13th St; Saturday, June 1, 2019 6:00 PM - 12:00 AM; Outdoor music, over 50 dBa. [Ward 5]

21. Motion approving beer and liquor license applications.

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

Ward 3

Boozies Bar and Grill (BZE Holdings, Inc) - 114 1/2 W 3rd St - Ownership Update
- License Type: C Liquor

Front Street Brewery (Front Street Brewery, Inc) - 421 W River Dr - Outdoor

Area May 4, 2019 "Tour De Brew" - License Type: B Beer

Mary's on 2nd (Birdland, Inc) - 832 W 2nd St - Outdoor Area May 31 - June 3rd, 2019 "Quad City Pride Fest" - License Type: C Liquor

River Music Experience (Redstone Room) - 129 Main St, 2nd Floor - Ownership Update - License Type: C Liquor

RME Courtyard (RME) - 121 W 2nd St - 6 Month New License - Outdoor Area - License Type: C Liquor

Scott's Shovelhead Shed (S.S.S., Inc) - 220 N Pine St - Ownership Update - Outdoor Area - License Type: C Liquor

Thirsty's On 3rd (T On Third Inc) - 2202 W 3rd St - Ownership Update - Outdoor Area - License Type: C Liquor

Ward 4

The Circle Tap (The Circle Tap, Inc) - 1345 W Locust St - Ownership Update - License Type: C Liquor

Ward 5

Brew In The Village (3 Blessings Incorporated) - 1104 Jersey Ridge Rd - Outdoor Area May 27, 2019 "Criterium Event" - License Type: Beer / Wine

Rudy's Tacos (LaRosa S.A. Inc) - 2214 E 11th St - Outdoor Area May 4 - 5, 2019 "Cinco De Mayo" & May 27 - 28, 2019 "Criterium" - License Type: C Liquor

Ward 6

QC Dynasty Buffet (Osaka Buffet Inc) - 5388 Elmore Cir - License Type: C Liquor

Ward 8

Quad City Air Show (Aerial Promotions, Inc) - 9010 Harrison St Davenport Airport - Outdoor Area June 28 - 30, 2019 - License Type: B Beer

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

Ward 2

Pilot Travel Center #636 (Pilot Travel Centers LLC) - 8200 Northwest Blvd - License Type: C Beer

Rina Mart LLC (Rina Mart LLC) - 3815 W Kimberly Rd - License Type: E

Liquor

Ward 3

Boozies Bar and Grill (BZE Holdings, Inc) - 114 1/2 W 3rd St - License Type: C Liquor

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

Redstone Room (River Music Experience) - 129 Main St 2nd Floor - License Type: C Liquor

Scott's Shovelhead Shed (S.S.S. Inc.) - 220 N Pine St - Outdoor Area - License Type: C Liquor

Zeke's Island Cafe on the Hill (Lumpy's, Inc.) - 1509 N Harrison St - License Type: C Liquor

Ward 4

Azteca Express Restaurant, Inc. (Azteca Express Restaurant, Inc.) - 1902 N Division St, Ste 5 - License Type: C Liquor

Ward 5

Rudy's Tacos (LaRosa S.A. Inc.) - 2214 E 11th St - Outdoor Area - License Type: C Liquor

Ward 7

Olive Garden Italian Restaurant #1144 (GMRI Inc) - 330 W Kimberly Rd - License Type: C Liquor

C. Request for exemptions for 19- and 20-year-olds on premises:

Ward 3

River Music Experience (Redstone Room) - 129 Main St, 2nd Floor - License Type: C Liquor

RME Courtyard (RME) - 121 W 2nd St - 6 Month New License - Outdoor Area - License Type: C Liquor

XIII. Other Ordinances, Resolutions and Motions

1. Motion to suspend the rules to add and vote on the following Resolutions.
2. Resolution approving a contract amendment to the FY2018 Contract Sewer Repair Program in the amount of \$115,000, CIP #35039. [Ward 5]

3. Resolution opposing HF773 (formerly HSB165) and SSB1260, both property tax reform bills under consideration in the Iowa Legislature. [All Wards]

XIV. 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 can not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

Please state your Name and Ward for the record. There is a five (5) minute time limit. Please end your comments promptly.

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
4/24/2017

Subject:
Approval of the City Council Meeting minutes for April 10, 2019

ATTACHMENTS:

Type	Description
▣ Backup Material	CCMIN 041019

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	4/15/2019 - 11:44 AM

City of Davenport
City Council Meeting Minutes
April 10, 2019

The City Council of Davenport, Iowa met in regular session on April 10, 2019 at 5:30 PM in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all aldermen present.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting Minutes for March 27, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report of the Committee of the Whole for April 3, 2019

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, April 3, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all aldermen present. The following proclamation was issued: National Library Week. The following Public Hearings were held: Community Development: on the allocations for Year 45 (July 1, 2019 – June 30, 2020) Community Development Block Grant (CDBG) funds and HOME Investment Partnership (HOME) funds; on the proposed conveyance of the following properties as part of the Urban Homestead Program: 1412 West 15th Street, Parcel H0010-04, to Kelli Torres (Petitioner) and 1501 Eastern Avenue, Parcel E0016-22, to Kelly DeBolt (Petitioner). Public Works: for the Ordinance to change the name of a section of E 60th St to Duggleby Ave located in Eastern Avenue Farms 5th Addition (City of Davenport, petitioner); to review an application for a State Revolving Fund (SRF) Loan related to the proposed improvements to the City's 1930's Interceptor Sewer, CIP #30038; on adopting the Davenport GO Multi-Modal Transportation Plan as an element of the City of Davenport Comprehensive Plan, CIP #10151; on the plans, specifications, forms of contract, and estimated cost for the 100 Block of E 3rd St Streetscape Improvements Project, CIP #35022; on the plans, specifications, forms of contract, and estimated cost for covering the Kaiserslautern Square Upgrades Project, CIP #68004; on the plans, specifications, forms of contract, and estimated cost for the State Patching Program, CIP #35035. Finance: on the proposed conveyance of parcel Y0621-05B lying west of the residence at 6700 Jersey Ridge Road (City of Davenport, petitioner).

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Dickmann item #2 moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by Ald. Rawson all items moved to the Consent Agenda.

Council adjourned at 6:56 PM.

VIII. Appointments, Proclamations, Etc.

A. Proclamation

1. Boys & Girls Club Week, April 8 -12

ISSUED 2019-116

IX. Presentations

- A. Local Business "The Foundation of Our Community": Koehler Electric

HELD

X. Petitions and Communications from Council Members and the Mayor

- A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

1. Resolution for Case P19-01: Request of Grunwald Land Development for a preliminary plat of West Lake Settlement on 79 acres located in unincorporated Scott County southwest of the Locust Street/Interstate 280 Interchange containing 47 lots. [Adjacent to Ward 1]

FAILED

STAFF AND PLAN AND ZONING COMMISSION RECOMMEND DENIAL

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance amending various sections of Chapter 12.20 (Right of Way Management Regulations) to clarify specific standards for wireless structures placed within the City. [All Wards]

ADOPTED 2019-117

ORDINANCE NO 2019-117

Ordinance amending various sections of Chapter 12.20 (Right of Way Management Regulations) to clarify specific standards for wireless structures placed within the city.

Chapter 12.20 RIGHT OF WAY MANAGEMENT REGULATIONS

Sections:

12.20.010 Title.

12.20.020 Legislative findings.

12.20.030 Purposes.

12.20.040 Rules of construction.

12.20.050 Definitions.

12.20.060 Authority.

12.20.070 Reservation of rights; police power.

12.20.080 Authorization required.

12.20.090 Construction standards.

12.20.100 Placement of facilities.

12.20.110 Relocation of facilities.

12.20.120 Restoration.

12.20.130 Work permits.

12.20.140 Business license.

12.20.150 Reimbursement of costs.

12.20.160 Administration and permitting to use space within the right-of-way.

12.20.170 Specific Standards for Wireless Structures.

12.20.180 Reports and records.

12.20.190 Bond or letter of credit.

12.20.200 Insurance.

12.20.210 Enforcement.

12.20.220 Indemnification.

12.20.230 Severability.

12.20.010 Title.

This chapter is known and may be cited as the Davenport Right-of-Way Management Ordinance. (Ord.

2017-111 § 1 (part)).

12.20.020 Legislative findings.

The city council hereby finds and declares:

A. That the public rights-of-way within the city can be partially occupied by public utilities and other service entities for facilities used in the delivery, conveyance, and transmission of services rendered by private or for profit entities, to the enhancement of the health, welfare, and general economic well-being of the city and its citizens;

B. That the public rights-of-way within the city are physically limited so that proper management by the city is necessary to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses, to prevent foreclosure of future uses through premature exhaustion of available right-of-way capacity, and to minimize the inconvenience to the public from such facilities' construction, emplacement, relocation, and maintenance in the rights-of-way;

C. That the use of the public rights-of-way by multiple users renders more pressing the city's right-of-way management responsibilities;

D. That the public rights-of-way within the city are valuable public property acquired and maintained by the state and the city at great expense to the taxpayers;

E. That the right to occupy portions of such public rights-of-way for limited times for the business of providing utility and information services is a valuable economic asset; and

F. The city's street and alley rights-of-way are owned or held by the city primarily for the purpose of pedestrian and vehicular passage and for the city's provision of essential public safety services, including police and fire services; the city's provision of public health services, including solid waste removal, sanitary sewer and storm drainage services; and other municipal

operations and the means to support and provide those services — these interests are paramount. (Ord. 2017-111 § 1 (part)).

12.20.030 Purposes.

The city council adopts this chapter to better:

- A. Manage a limited resource to the long term benefit of the public;
 - B. Recover and allocate the costs of managing the public rights-of-way;
 - C. Minimize inconvenience to the public occasioned by the emplacement and maintenance of facilities in the public rights-of-way;
 - D. Prevent premature exhaustion of capacity in the public rights-of-way to accommodate communications and other services; and
 - E. Promote competition in the provision of communications service in the city and ensure that citizens have a wide variety of services available to them by establishing clear and consistent rules by which providers may occupy the public rights-of-way.
- (Ord. 2017-111 § 1 (part)).

12.20.040 Rules of construction.

A. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine gender includes the feminine gender.

B. The words "shall" and "will" are mandatory, and "may" is permissive.

C. Unless otherwise specified, references to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations not in force on hereinafter enacted or amended.

D. Any conflict between this chapter and a city franchise agreement or Iowa Utilities Board ("IUB") authorization will be resolved in favor of the terms of the city franchise agreement or IUB authorization.

E. Nothing in this chapter shall be construed to create a special duty by the city to any owner or operator of a facility within the right-of-way.

F. Nothing in this chapter shall be construed to create any property interest or right to occupy space within the right-of-way whatsoever.

G. In the case of conflict, the rights granted to an owner or operator by federal or state law shall not be impaired.

(Ord. 2017-111 § 1 (part)).

12.20.050 Definitions.

For the purposes of this chapter the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Unless otherwise expressly stated, words not defined herein shall be given the meanings set forth in Title 47 of the United States Code, as amended, and, if not defined therein, their common and ordinary meaning.

AFFILIATE: When used in relation to any person, means another person who de facto or de jure owns or controls, is owned or controlled by, or is under common ownership or control with, such person.

CITY: City of Davenport, Iowa, and any agency, department, or agent thereof.

CITY ADMINISTRATOR: The person appointed pursuant to Section 2.30.030 of this code or her designee.

CITY ENGINEER: The city engineer or the city engineer's designee.

COMMUNICATIONS FACILITY OR COMMUNICATIONS SYSTEM: Facilities for the provision of "communications services," as that term is defined herein.

COMMUNICATIONS SERVICES: Tele-communications services, interactive computer services, and any other services involving the transmission of information by electronic or optical signals, except that it shall not include cable service as that term is used in the cable communications policy act of 1984, as amended.

COUNCIL: The principal governmental body of the City of Davenport, Iowa, its officers, or a representative person or entity as may be designated to act on its behalf.

FACILITY OR FACILITIES: Any tangible asset in the public right-of-way used to provide drainage, sanitary or storm sewer, gas, electric, water or communication/information services.

FEDERAL COMMUNICATIONS COMMISSION OR FCC: The Federal Communications Commission or any successor.

FRANCHISE: An authorization granted by the city to a person to construct, maintain, or emplace facilities generally upon, across, beneath, and over the public rights-of-way in the city, subject to the terms and conditions specified in a franchise agreement. The term also includes an authorization by the Iowa Utilities Board or other appropriate authority or as otherwise authorized by law.

FRANCHISE AGREEMENT: The contract entered into between the city and a grantee that sets forth the terms and conditions under which the franchise may be exercised.

GRANTEE: A person that has been granted a franchise by the city or right to operate within Davenport by the Iowa Utilities Board or other appropriate authority or as authorized by law or such other parties that wish to locate facilities in the right-of-way.

OWNER OR OPERATOR OF A FACILITY: Any person which has a possessory interest in such facility or which controls or is responsible for, through any arrangement, the management and operation of such facility.

PERMITTEE: A person who has received a permit to locate a facility or facilities within the right-of-way.

PERSON: Any individual, corporation, partnership, association, joint stock company, trust, governmental entity, or any other legal entity, but not the city.

PUBLIC RIGHTS-OF-WAY: The surface and space above, on, and below any public highway, avenue, street, lane, alley, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, public easement, or right-of-way within the city in which the city now or hereafter holds any property interest which, consistent with the purposes for which it was dedicated or otherwise acquired, may be used for the purpose of constructing, operating, and maintaining a facility.

TELECOMMUNICATIONS: This term has the meaning ascribed to it in 47 USC section 153(43).

TELECOMMUNICATIONS SERVICE: This term has the meaning ascribed to it in 47 USC section 153(46).

WORK PERMIT: An authorization issued by the city to enter upon the public rights-of-way at specified times and places to erect, construct, emplace, or otherwise work on facilities. (Ord. 2017-111 § 1 (part)).

12.20.060 Authority.

This chapter is adopted pursuant to the city's powers, including, but not limited to, those under title III, section 38A of the Iowa constitution and section 364.2 of the Iowa Code. (Ord. 2017-111 § 1 (part)).

12.20.070 Reservation of rights; police power.

All rights and privileges granted in a franchise agreement are subject to the police powers of the city and its rights under applicable laws and regulations to exercise its governmental powers to their full extent and to regulate a grantee and the construction, operation and maintenance of the grantee's system, including, but not limited to, the right to adopt, amend, and enforce ordinances and regulations as the city shall find necessary in the exercise of its police powers, the right to adopt and enforce applicable zoning, building, permitting and safety ordinances and regulations, the right to adopt and enforce ordinances and regulations relating to equal employment opportunities, and the right to adopt and enforce

ordinances and regulations containing right-of-way, telecommunications, utility and cable television consumer protection and service standards and rate regulation provisions.

Further, nothing in this chapter shall prevent the city from constructing, repairing or replacing sewers; grading, paving, repairing, or replacing any right-of-way; or constructing, repairing, or replacing any other public work or facility, or from performing work pursuant to weather related activities or response to natural disasters. Nothing shall prevent the city from altering the layout or design of a right-of-way for public safety reasons. (Ord. 2017-111 § 1 (part)).

12.20.080 Authorization required.

A. No person shall install, erect, hang, lay, bury, draw, emplace, construct, reconstruct, maintain, or operate any facility upon, across, beneath, or over any public right-of-way in the city or other city property without first obtaining from the city the necessary authorization (e.g., in the case of a cable operator, a franchise) required under local, state or federal law.

B. An owner or operator of facilities may be required to hold different authorizations for its use of the public rights-of-way to provide different services. For example, and without limitation, the owner or operator of facilities that provides both cable service and telephone service must obtain both a cable franchise and any authorization needed to provide telephony. (Ord. 2017-111 § 1 (part)).

12.20.090 Construction standards.

A. Compliance with Regulations; Safety Practices: Construction, operation, maintenance, and repair of facilities shall be in accordance with all applicable law and regulation, and with sound industry practice. All safety practices required by law shall be used during construction, maintenance, and repair of facilities.

B. Excavations: No holder of any work permit for any facility shall dig, trench, or otherwise excavate in the public rights-of-way without complying with the provisions of the Iowa one call system, Iowa Code § 480.3 et seq., or its successor.

C. Prevention of Failures and Accidents: An owner or operator shall at all times employ at least ordinary care and shall install and maintain using commonly accepted methods and devices preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public.

D. Most Stringent Standards Apply: In the event of a conflict among codes and standards, the most stringent code or standard shall apply (except insofar as that standard, if followed, would result in a system that could not meet requirements of federal, state or local law, or is expressly preempted by other such standards).

E. Trimming of Trees: A grantee or permittee shall have the authority to trim trees that overhang public rights-of-way of the city so as to prevent the branches of such trees from coming in contact with the facilities of the grantee or permittee, in accordance with standards approved by the city administrator and administered by the city arborist or ANSI standards. Grantee or permittee shall be responsible for notifying abutting property owners.

F. Construction Schedule: Every owner or operator shall, at least forty-five (45) days prior to commencing significant construction activity (including a significant rebuild, upgrade, or repair to existing facilities) - emergencies excepted - upon, across, beneath, or over any public right-of-way in the city or other city property, strive to provide to the city in writing the date on which the owner or operator anticipates it will begin construction and the approximate length of time required for such construction. This timeframe represents a preference only.

G. Coordination of Construction with City: Prior to the erection, construction, upgrade, or rebuild of any facilities in the public right-of-way, the owner or operator of such facilities shall first submit to the city for written approval a concise description of the facilities proposed to be erected or installed, including engineering drawings, if required by the city, together with maps and plans indicating the proposed location of all such facilities. The owner or operator shall provide the best information it has in such reasonable format as may be specified by the city

engineer for the city's planning function. No such erection or construction shall be commenced by any person until approval therefor has been received from the city. At the time of such approval, the city shall inform the grantee whether the reports and other information described by subsection 12.20.180C.1 of this chapter shall be required with respect to the approved construction.

H. Coordination of Construction with Third Parties: Developers or other parties planning the construction or opening of streets in the city shall provide reasonable notice to the city and to the owners or operators of facilities subject to this chapter so that joint trenching and joint emplacement of facilities may be conducted wherever practicable. Such owners and operators shall similarly provide notice to each other and to any relevant developers, for the same purpose. The city shall maintain a list of owners and operators of facilities subject to this chapter for reference by other parties.

I. City Engineer Stakeholder Meetings: The city engineer may establish recurring meetings of businesses who make use of the right-of-way for their facilities and contractors who perform such work to discuss ongoing and upcoming projects to further the efforts of coordinating projects within the right-of-way.

J. Contractors and Subcontractors: Any contractor or subcontractor used for work or construction, installation, operation, maintenance, or repair of facilities in the public rights-of-way must be properly licensed and insured under laws of the state and all applicable local ordinances. Each contractor or subcontractor shall have the same obligations with respect to its work as an owner or operator of the facility would have if the work were performed by the owner operator. An owner or operator shall be responsible for all activities carried out by its contractors, subcontractors and employees at the owner's or operator's request.

K. Publicizing Proposed Construction Work: The owner or operator of facilities in the public rights-of-way shall notify the public prior to commencing any construction, other than emergency repair or overhead work that, in its determination, will significantly disturb or disrupt public property or have the potential to present a danger or affect the safety of the public generally. Written notice of such construction work shall be delivered to the city at least one week prior to commencement of that work. Notice shall be provided to those persons most likely to be affected by the work in at least one (1) of the following ways: by telephone, in person, by mail, by distribution of flyers to residences, by publication in local newspapers, by clearly legible signage at the location of the proposed work, or in any other manner reasonably calculated to provide adequate notice. (Ord. 2017-111 § 1 (part)).

12.20.100 Placement of facilities.

A. All facilities shall be installed and located to minimize interference with the rights and convenience of other property owners.

B. An owner or operator of facility shall not place facilities, equipment, or fixtures where they will interfere with any other facilities, or obstruct or hinder in any manner the various utilities serving the residents of the city or their use of any public rights-of-way. Placement of facilities may be denied if the facility proposed will occupy greater than ten-percent (10%) of the available clear right-of-way area to a ten foot depth.

C. The city may reasonably direct the specific placement of facilities to ensure that users of the public rights-of-way do not interfere with each other and that the public rights-of-way are used safely and efficiently. For example, in the case of an owner or operator of a fiber optic network that is not a "Public Utility" under Iowa Code Chapter 480A, the city engineer may order extra ducts for fiber optic cable be installed for use by the city or other grantees or permittees when, in the opinion of the city engineer, the subject right-of-way is too congested due to existing facilities and space limitations or will likely be used by at least four other entities including the city for running fiber optic cable. Such company shall then certify to the city engineer the additional cost of said installation per linear foot which the city shall pay. Other future users of the surplus duct will be charged an upfront, one-time fee to locate in said duct to

recover a proportional share of the city's upfront and carrying costs as calculated by the city engineer. This fee will be in addition to, and not in lieu of, any recurring fee charged by city for location within the right-of-way.

D. Every grantee or permittee that ceases operating or maintaining any facility shall, upon written request of the city within two (2) years of the cessation of maintenance of such facility, promptly remove it. Should the grantee or permittee neglect, refuse, or fail to remove such facility, the city may remove the facility at the expense of the grantee or permittee. The obligation to remove shall survive the termination of the franchise or permit for a period of two (2) years and shall be bonded. The city engineer may determine that it is in the best interests of the city to allow the facility to be wholly or partially abandoned in place.

E. No owner or operator of a facility shall erect new aerial plant, other than to repair existing plant, in or on a public right-of-way in which both electric and telephone service providers have placed their lines underground, or in an area which the city has by ordinance forbidden new aerial plant to be constructed or existing aerial plant to be maintained.

F. If at any time the city determines that existing wires, cables or other like facilities of public utilities anywhere in the city shall be changed from an overhead to underground installation, the owner or operator of a facility shall, at no expense to the owner or operator, convert its system in that location to an underground installation unless the owner or operator's city franchise agreement, tariff or applicable state or federal law provides otherwise.

G. A grantee or permittee shall use, with the owner's permission, existing poles, conduits and other facilities whenever feasible. A grantee or permittee may not erect poles, conduits, or other facilities in public rights-of-way without the express permission of the city. Copies of agreements for use of conduits or other facilities shall be filed with the city upon city request. The city engineer may require that foundation plans and structural load analysis signed and sealed by a professional engineer licensed in the State of Iowa be submitted for review and approval for either reuse of an existing pole or installation of a new pole. Soil boring analysis may be required for new pole installations.

H. To the extent practicable, aboveground equipment placed on private property shall be placed at the location requested by the property owner. An owner or operator shall provide affected homeowners with at least ten (10) days' advance written notice of its plans to install such equipment, and shall make reasonable efforts to confer with such homeowners before any work is done.

I. Whenever aboveground equipment is placed on private property within a utility easement, the grantee or permittee shall provide landscaping camouflage reasonably acceptable to the city engineer, at the grantee's or permittee's expense. It shall be the grantee's or permittee's responsibility to negotiate the terms of the camouflage with the city engineer.

J. Any underground fiber optic project by a non-Iowa Code Chapter 480A Public Utility involving a run of less than a full city block is not allowed unless it is ancillary to a wireless facility.

K. The city engineer may develop and institute a standardized cross-section location protocol for new or reconstructed rights-of-way.

L. Unless exigent circumstances exist, no new facilities may be installed that disturb the roadway hard surface or subsurface/subbase within three years of the construction or reconstruction of the roadway.

M. All above ground facilities, whether placed within public right-of-way or private property within a utility easement shall aesthetically match the surrounding area. Equipment shall be concealed or housed within the smallest possible cabinet or other appropriate enclosure. No external loose cables or wires shall be allowed. Owners of facilities shall maintain such in good working order and condition.

N. No above ground poles or structure within the public right-of-way shall exceed thirty (30) feet in height from the ground surface. This item shall not be applicable to electrical transmission facilities.
(Ord. 2017-111 § 1 (part)).

12.20.110 Relocation of facilities.

The owner or operator of a facility on or within the public rights-of-way shall, at its own expense, upon written notice from the city reasonably in advance, promptly relocate any facility located on or within the public rights-of-way as the city may deem necessary or appropriate to facilitate the realignment (for public safety reasons), reconstruction, improvement or repair of public streets, sidewalks, curbs, drains, sewers, and public improvements of any sort; provided, however, that an operator may be permitted to abandon any property in place with the written consent of the city. This subsection does not apply to relocations covered by 12.20.100F. (Ord. 2017-111 § 1 (part)).

12.20.120 Restoration.

A. Unless governed contractually between the owner or operator and its customer, if an owner or operator of a facility disturbs a pavement, sidewalk, driveway or other surfacing, or landscaping, or other structure, either on private property or in public rights-of-way, the owner or operator shall, in a manner approved by the city engineer, replace and restore all pavement, sidewalk, driveway or other surfacing, or landscaping disturbed, in substantially the same condition and in a good, workmanlike, timely manner, in accordance with any standards for such work set by the city. Such restoration shall be undertaken within no more than ten (10) days after the damage is incurred, weather permitting, and shall be completed as soon as reasonably possible thereafter. The owner or operator shall guarantee and maintain restoration of a public improvement for at least one year against defective materials or workmanship.

B. In the event an owner or operator of a facility fails to complete any work required for the protection or restoration of the public rights-of-way, or any other work required by city law or ordinance, within the time specified by and to the reasonable satisfaction of the city, the city, following notice and an opportunity to cure, may cause such work to be done, and the owner or operator of a facility shall reimburse the city the cost thereof within thirty (30) days after receipt of an itemized list of such costs; or the city may recover such costs through the security fund provided by an owner or operator of a facility, pursuant to the procedures for recovery from the security fund specified in the owner's or operator's franchise agreement.

C. Any and all public rights-of-way, public property, or private property that is disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance, or reconstruction of a system shall be promptly repaired by the owner or operator of a facility. (Ord. 2017-111 § 1 (part)).

12.20.130 Work permits.

A. Unless otherwise provided by law, franchise, IUB authorization or emergency circumstances, no person shall install, erect, hang, lay, excavate, bury, draw, emplace, construct, or reconstruct any facility upon, across, beneath, or over any public right-of-way in the city, or enter into the public rights-of-way to work on a facility, without first obtaining a work permit therefor from the city. Notwithstanding the foregoing, under no provision in this chapter shall any work permit or other approval from the city be required to install, construct, repair, maintain or replace any service drop.

B. Denial. The city engineer may deny a work permit for failure to meet the requirements of this chapter, failure to meet monetary obligations to the city or it is necessary to protect the health, safety and welfare or the right-of-way and its current use. Failure to meet the requirements includes, but is not limited to, striking or damaging another facility within the right-of-way.

C. Large Capital Programs. The city engineer may develop and institute a special streamlined permit and inspection process for large capital programs by mutual agreement with the applicant or applicants in the case of a joint project after receiving authorizing from the city administrator.

D. The city engineer may issue a stop work order to anyone failing to secure the proper permit or for not following the ordinances or city standards.

(Ord. 2017-111 § 1 (part)).

12.20.140 Business license.

A franchise under this chapter does not render unnecessary or take the place of any generally applicable business license that may be required by the city for the privilege of transacting and carrying on a business within the city generally. (Ord. 2017-111 § 1 (part)).

12.20.150 Reimbursement of costs.

All grantees or permittees will reimburse the city for its internal and out of pocket costs, including, but not limited to, attorney and consultant fees actually and reasonably incurred by the city in connection with an application for an initial franchise or permit under this chapter as determined by the city after it takes action on the application. Any application fee submitted with the application will be credited against this amount. The applicant will remit to the city payment for such costs within thirty (30) days of its receipt of the city's invoice. (Ord. 2017-111 § 1 (part)).

12.20.160 Administration and permitting to use space within the right-of-way.

A. The city engineer shall oversee the following administrative functions:

1. Collect any applicable fees from all owners or operators of facilities using public rights-of-way in the city;
2. Audit any franchise fees or payments owed to the city;
3. After approval by separate ordinance of the applicability, amount and formula for a right-of-way occupancy fee, publish from time to time a schedule of applicable fees hereunder;
4. Be responsible for the continuing enforcement of all terms and conditions of city-granted franchises.

B. The city engineer shall oversee permitting as follows:

1. No person shall occupy or use public right-of-way for the purpose of providing utility, communication, information or data services to customers without first obtaining a franchise or permit from the city or the authorization from the Iowa Utilities Board or other appropriate authority or as otherwise authorized by law.

The city shall not grant, issue, or enter into any franchise or permit that grants or allows exclusive use or occupancy of the right-of-way. Any person seeking a franchise or permit for use of city right-of-way shall make application for a franchise or permit as provided in this chapter.

An application for a franchise or permit for occupancy or use of a right-of-way shall be filed with the city engineer on a form developed and provided by the city engineer.

2. Authority to Issue Permit; Form of Permit and Term.

a. Permits required by this chapter shall be issued by the city engineer. The city engineer shall review each application and shall issue each permit which he or she determines to be in compliance with the requirements of this chapter and any other applicable local, state, or federal requirements. In issuing a permit, the city engineer may require a change in the proposed location of the permittee's equipment where necessary to avoid interference with other equipment placed within the public right-of-way.

b. Permits issued pursuant to this chapter shall be in writing and shall be executed by the permittee. The form of permits to be issued pursuant to this chapter shall be uniform, but shall be subject to periodic review and modification. When available, the city engineer may implement an electronic or digital permit system.

3. Limit on Term of Franchises; Limit on Initial or Renewal Term of Permits.

a. No franchise for use of the public right-of-way shall be granted for a term in excess of 25 years.

b. No permit for use of the public right-of-way issued by the city engineer shall be issued or renewed for a term in excess of 25 years.

4. Existing Facilities. Any facilities existing on or before May 1, 2017 and mapped are exempt from the issuance of a permit for occupancy.

5. Application for Initial Issuance of a Permit; Registration Required.

A person desiring to obtain a permit as required in this chapter shall register such proposed use and occupancy of public right-of-way, shall make application for a permit for such use and occupancy as provided in this chapter, and shall pay an application fee for initial issuance of the permit. The application fee for initial issuance of a permit and any future changes thereto shall be effective upon its inclusion in a schedule of fees adopted by the city council by resolution such fee shall be based upon the administrative costs of processing the permit. The application for initial issuance of a permit shall be filed with the city engineer not less than 60 days prior to the proposed effective date of the permit and shall be filed upon a form provided by the city for that purpose. The application shall include, at a minimum, the following information:

a. The name, address and telephone number of the applicant.

b. The name, address and telephone number of a responsible person whom the city may notify or contact at any time or in case of emergency concerning the equipment or utility system.

c. A statement of the purpose for the equipment or system proposed for installation in the public right-of-way, the type of service it will provide, and the intended customers which it will serve.

d. Any additional information which the city engineer in his or her discretion may require.

6. Issuance and Renewal of Permits; Permit Revocation and Cancellation.

a. Prior to the initial issuance of a permit for use or occupancy of public right-of-way, the city engineer shall conduct a review of the permittee's background to determine the permittee's ability to meet the requirements stated in subsection B.6.e of this section. If on the basis of such review the city engineer determines that it would not be appropriate to issue the permit, the city engineer shall give notice of intent not to issue the permit as provided in subsection B.6.g. of this section.

b. To obtain renewal of a permit, the permittee shall file a renewal application with the city engineer on the form provided by the city and pay an application fee for renewal of the permit. The renewal application fee and any future changes thereto shall be effective upon its inclusion in a schedule of fees adopted by the city council by resolution. The renewal application shall be filed with the city engineer not less than 180 days prior to the expiration of the initial or any renewal term of the permit. Upon receipt of the renewal application, the city engineer shall conduct a review of the permittee and the permittee's prior use of the public right-of-way to determine the permittee's continued compliance with the requirements stated in subsections B.6.c. and B.6.e. of this section. If on the basis of such review the city engineer determines that the permittee and the permittee's prior use of the public right-of-way complies with all requirements stated in subsections B.6.c. and B.6.e. of this section, the city engineer may renew the permit for an additional term of up to 25 years. If on the basis of such review the city engineer determines that the permittee and the permittee's use of public right-of-way do not comply with one or more of the requirements stated in subsections B.6.c. and B.6.e. of this section, the city engineer shall give notice of intent not to renew the permit as provided in subsection B.6.g. of this section. If a permittee holds multiple permits for use or occupancy of various rights-of-way within the city for the same or similar purpose, the permittee shall be required to renew all such permits under a single permit at such time as the earliest issued permit expires.

c. In determining the length of the term of an initial or a renewal permit, the city engineer shall take into consideration the likelihood that the city will require the use of the specific portion of the subject right-of-way for municipal purposes or that such use of the subject right-of-way will unduly burden the city or the public in its use of the subject right-of-way during the proposed term of the permit and the life cycle of the technology to be deployed. A permit shall not be issued or renewed if the city engineer determines that any of the following conditions exist in the right-of-way proposed for licensing:

(1) There is insufficient space in the right-of-way to accommodate the proposed use, given the other existing uses thereof;

(2) The proposed private utility service connection would interfere with or conflict with existing or planned city equipment or utility equipment located or to be located in the right-of-way;

(3) Such use is incompatible with adjacent public or private uses of that right-of-way.

(4) Such use would involve an unacceptably high frequency of repair or maintenance to the private utility service equipment thereby requiring excessive excavation in or obstruction of the right-of-way; or

(5) The construction or installation of such private utility service equipment would interfere with a public improvement undertaken or to be undertaken by the city or with an economic development project in which the city has an interest or investment.

d. If during the term of any permit the city engineer determines that the permit should be revoked due to the permittee's failure to comply with any of the requirements stated in subsection B.6.e. of this section, the city engineer shall give notice of intent to revoke such permit as provided in subsection B.6.g. of this section.

e. The following shall constitute grounds for refusal to issue or renew a permit, or for revocation of a permit for use or occupancy of public right-of-way:

(1) The permittee's failure to observe or comply with any of the following:

(a) The permittee's use or prior use of public right-of-way has been conducted in full and timely compliance with all laws and regulations applicable thereto, and the permittee has complied fully and in a timely manner with the requirements of any previously issued permit, and with the orders or instructions of city officials issued pursuant to this chapter; or

(b) The permittee is current in the payment of permit fees, if applicable, and the permittee has made such payments fully and when due.

(2) The permittee's commission of any of the following acts:

(a) The permittee has made a misleading statement or a material misrepresentation in connection with an application for initial issuance or renewal of a permit, in connection with its registration of its use of the public right-of-way or in connection with its use of public right-of-way; or

(b) The permittee has transferred its equipment, its business, or its permit to another person or has made a change in use of its equipment, without giving the city notice thereof and obtaining city consent thereto; or

(c) Striking or damaging another facility within the right-of-way.

(3) The subject right-of-way is highly congested and a reasonable likelihood exists in the city engineer's opinion that the space is needed in the future for a different service to a broader segment of the population.

f. The city engineer shall give notice of intent to cancel such permit as provided in subsection B.6.g. of this section if during the term of any permit the city engineer determines that:

(1) The permittee's continued use of the public right-of-way will unduly burden the city or the public in its use of that property;

(2) The public right-of-way for which the permit was issued will be required for municipal purposes during the term of the permit;

(3) The permittee's equipment at a particular location will interfere with:

- (a) A present or future city use of the right-of-way;
- (b) A public improvement undertaken or to be undertaken by the city;
- (c) An economic development project in which the city has an interest or investment; or
- (d) The public's safety or convenience in using the right-of-way for ordinary travel; or
- (4) The public health, safety and welfare requires it.

g. Notice of intent not to issue a permit for use of the public right-of-way shall be given to the applicant, either by certified mail, return receipt requested, or by actual service or delivery thereof. Notice of intent not to renew a permit for use of the public right-of-way shall be given to the permittee, either by certified mail, return receipt requested, or by actual service or delivery thereof, which notice shall be given not more than 90 days after submission of the renewal application. Notice of intent to revoke or cancel a permit shall also be given to the permittee in the manner provided above. The notice shall set forth the grounds for refusal to issue or renew or for revocation or cancellation and shall inform the applicant or permittee of the right to an appeal hearing upon request. Such request for hearing shall be filed in writing with the city administrator, and the hearing shall be scheduled and held as provided in Chapter 2.86. At the hearing, the applicant or permittee shall have the burden of establishing that the grounds asserted in the notice do not exist.

h. Upon the effective date of revocation or cancellation as provided in the city engineer's notice thereof, or upon the effective date specified in the city engineer's written decision upon the permittee's appeal, the permittee shall be required to cease its use and occupancy of the right-of-way or to remove or relocate its equipment therefrom, as provided in the notice or decision. Equipment not removed or relocated from the right-of-way as required in such notice or order shall be considered a nuisance and may be removed, relocated, or taken possession of by the city, at the permittee's expense. Except in emergency circumstances, the requirement to relocate, remove, or cease use of equipment shall be suspended during the pendency of any appeal taken by a permittee pursuant to this chapter.

i. If a permit is refused or cancelled upon the basis that the subject city property is or will be required for municipal purposes, the applicant or permittee shall not be entitled to appeal. However, in that event, the permittee shall be entitled to a partial refund of the annual fee already paid, such refund to be computed on the basis of 1/12 of the required annual fee multiplied by the number of unexpired whole months of the year remaining in the permit term. In all other cases where a permit is not issued or renewed or is revoked, no refund of any portion of the required annual fee shall be paid to the permittee.

j. Notwithstanding the notice and hearing requirements of subsection B.6.g. of this section, the city engineer may in emergency circumstances order the immediate relocation or removal of equipment from the right-of-way.

k. Regardless of any other provision, a refusal, cancellation or revocation may be appealed under the applicable processes specified in state or federal law such as Iowa Code Chapter 480A.

7. Failure to Secure, Renew or Comply. Any person who fails to secure or renew a franchise or IUB authorization or permit required under this chapter or any franchisee or permittee who fails to comply with the of the respective franchise or IUB authorization or permit, or this chapter, or with any other applicable legal requirements shall, upon notification of such violation by the city engineer, immediately act either to abate the violation or to cease its use and occupancy of the right-of-way and remove its equipment or system from the right-of-way.

8. Transfer of Franchise, Permit, Lease, Business, or Equipment Without City's Consent; Change in Use of Equipment Without City's Consent.

A permit issued pursuant to this chapter shall not be transferred to any other person without the prior written notice to the city engineer. A permittee shall not transfer the permit, the business, or the equipment in the right-of-way to another person without giving the city engineer

90 days' prior written notice of such proposed transfer. In such notice, the permittee shall clearly identify the proposed transferee, giving the name and address of a representative of the transferee who is authorized to discuss and provide information to the city regarding the transfer.

A franchisee or permittee shall not change the use of its equipment without giving the city 90 days' prior written notice of such proposed change in use. In such notice, the franchisee, permittee, or lessee shall clearly and completely set forth the proposed change in use of equipment, how it would be accomplished, including any excavations required to accomplish such change, and projections as to the future maintenance implications of such change in use. Any proposed change in use of a franchisee's or permittee's equipment shall require the prior approval of the city engineer. Such approval may be withheld if the city engineer determines that the proposed use of the equipment at that location would be incompatible with or would likely damage or endanger other uses of the right-of-way, would involve a higher level of maintenance activities than the present use, would involve more street excavation or greater traffic disruption than the present use, or would be otherwise inappropriate.

9. Amendment to Permit.

If a permittee with a current permit issued pursuant to this division proposes to expand, reduce, relocate or modify any portion of its equipment or system within public right-of-way, the permittee shall file an application for an amendment to the current permit with the city engineer, shall pay the administrative application fee, and shall further comply with all other applicable requirements of this chapter. An application for an amendment to a current permit shall include relevant new information of the type required in connection with the initial application for a permit. If approved, the amended permit shall be issued by the city engineer in the same manner as the original permit. However, if the amendment involves only one or more new hook-on connections to the permitted utility system and if the new connections will be made entirely through the permittee's existing underground utility conduit or ducts so as not to require any excavation in the public right-of-way or by means of overhead wires or cables between existing utility poles, the permittee shall not be required to pay an additional administrative fee as part of the application for amendment.

10. Duties of Permittee.

The permittee shall be responsible for repairing or reimbursing other permitted or franchised utilities or other persons or entities lawfully using the right-of-way for any damage to their property caused by negligence of the permittee or its agents, employees or contractors in connection with the installation, construction, reconstruction, repair, operation, disconnection or removal of the permittee's equipment or system. (Ord. 2017-111 § 1 (part)).

12.20.170 Specific Standards for Wireless Structures

A. The following standards shall apply to any wireless structures including small cell facilities, distributed antenna systems (DAS) and other telecommunication distribution facilities within the public right-of-way.

1. All equipment related to a wireless structures must be mounted/co-located on existing poles or other existing structures unless it can be shown that an alternate location will be less obtrusive and/or more beneficial to the public.

2. An applicant seeking installation of a wireless structures must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment other than antennas within a tree canopy or other inconspicuous location, use of green, brown or other colored equipment (if commercially available to the applicant) designed to mimic the colors and/or materials of the tree canopy, co-location structure or other nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.

3. All pole-mounted wireless facilities must be installed at a minimum height of nine feet above the ground. Equipment may be housed in a cabinet at ground level only with the approval of the city engineer as to location and with appropriate screening.

4. Wireless facilities may not extend more than seven feet above the height of the existing pole or other structure on which it is installed.

5. Where wireless structures are placed in residential districts, every effort must be made to avoid placement at right of way locations directly in front of a residence. If placement directly in front of a residence is absolutely necessary for technological reasons, the City has the right to require screening or impose other design mitigation requirements.

6. The City may request that a particular node or nodes be placed in an alternative location to that proposed by the applicant. Where a request for an alternative location is unable to be accommodated by an applicant, the applicant must supply an explanation in writing as to why the suggested alternative location will materially compromise the functioning of the system or is otherwise impractical.

12.20.180 Reports and records.

A. Open Books and Records: Upon request, the city shall have the right to inspect and analyze at any time during normal business hours at the nearest office of an owner or operator of facilities, or, if such office is not in the city, then at such other location in the city as the city may reasonably designate, all books, receipts, maps, records, codes, programs, and disks or other storage media and other like material reasonably appropriate in order to monitor compliance with the terms of this chapter or applicable law. This includes not only the books and records directly relevant to enforcement of this chapter or the owner's or operator's franchise agreement that are held by the operator, but any books and records held by an affiliate, or any contractor, subcontractor or any person holding any form of management contract for the facilities in the public rights-of-way to the extent such books or records relate to the facilities. An owner or operator is responsible for collecting the information and producing it at a location as specified above. The city shall provide the owner or operator with advance notice stating the types of records sought to be reviewed and the reason for such review.

B. Contacts and Maps: Unless this requirement is waived in whole or in part in writing by the city each owner or operator of facilities in the public rights-of-way shall maintain and produce or allow access upon request the following items:

1. An organizational chart with contact information for the portion of the organization most relevant to its operations within the right-of-way.
2. Detailed, updated maps depicting the location of all facilities located in public rights-of-way in the city.

C. Construction Updates: Unless this requirement is waived in whole or in part by the city, the owner or operator of facilities in the public rights-of-way shall deliver or make available upon request the following updates to the city:

1. Monthly construction reports to the city for any major construction undertaken in the public rights-of-way until such construction is complete. The owner or operator must submit updated as built system design maps to the city, or make them available for inspection, with notice of their availability, within thirty (30) days of the completion of system construction in any geographic area. These maps shall be developed on the basis of post-construction inspection by the owner or operator and construction personnel. Any departures from design must be indicated on the as built maps.

2. Reserved.

D. Records Required: An owner or operator of facilities in the public rights-of-way shall at all times maintain:

1. A full and complete set of plans, records, and "as built" maps showing the exact location of all equipment installed or in use in the city, exclusive of customer service drops.
2. A file showing its plan and timetable for future major construction of the facilities.

E. Remote Site Visit: If any requested records, maps or plans, or other requested documents are too voluminous, or for security reasons cannot be copied and moved, then an owner or operator of facilities in the public rights-of-way may request that the inspection take place at some other location; provided, that the owner or operator must pay reasonable travel expenses incurred by the city in inspecting those documents or having those documents inspected by its designee, as charges incidental to the enforcing of the owner's or operator's franchise or other authorization for use of the public rights-of-way. (Ord. 2017-111 § 1 (part)).

12.20.190 Bond or letter of credit.

No person shall install, erect, hang, lay, bury, draw, emplace, construct, reconstruct or operate any facility upon, across, beneath, or over any public right-of-way in the city or other city property until the owner or operator shall have filed with the city administrator a bond and/or letter of credit, in a form acceptable to the city, running in favor of the city, to guarantee the obligations of the owner or operator under this chapter and applicable law. The amount of the bond or letter of credit shall be no less than the reasonable cost of removal of the facilities and restoration of any affected public rights-of-way or other property pursuant to this chapter. (Ord. 2017-111 § 1 (part)).

12.20.200 Insurance.

An owner or operator shall maintain insurance covering its facilities and operations in the public rights-of-way, as specified in a specific provision of this chapter or in its franchise agreement. Upon request, proof of such insurance shall be submitted to the city engineer prior to beginning any said work. (Ord. 2017-111 § 1 (part)).

12.20.210 Enforcement.

A. Penalties: For violation of provisions of this chapter the city may seek fines in the amounts of \$100 for a first offense within a year, \$200 for a second offense within a year, and \$300 for a third or subsequent offense within a year. The penalties shall be assessable against an owner or operator and shall be chargeable to its performance bond and/or letter of credit, at the city's discretion.

B. Injunctive Relief: In addition to any other remedies hereunder, the city may seek an injunction to mitigate or terminate a violation, or employ any other remedy available at law or equity, including, but not limited to, imposition of penalties pursuant to subsection A of this section.

C. Timely Performance or Compliance: Any failure of the city to insist on timely performance or compliance by any person shall not constitute a waiver of the city's right to later insist on timely performance or compliance by that person or any other person.

D. Termination on Account of Certain Assignments or Appointments:

1. To the extent not prohibited by the United States bankruptcy code, a franchise under this chapter shall terminate automatically by force of law one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee (including a debtor in possession in a reorganization) to take over the business of the owner or operator, whether in bankruptcy or under a state law proceeding; provided, however, that such franchise shall not so terminate if, within that one hundred twenty (120) day period:

a. Such assignment, receivership or trusteeship has been vacated; or

b. Such assignee, receiver, or trustee has cured any defaults and has fully complied with the terms and conditions of this chapter and any applicable agreement and has executed an agreement, approved by any court having jurisdiction, under which it assumes and agrees to be bound by the terms and conditions of this chapter and any applicable agreement.

c. In the event of foreclosure or other judicial sale of any of the facilities, equipment, or property of an owner or operator of facilities in the public rights-of-way, its franchise under this chapter shall automatically terminate thirty (30) calendar days after such foreclosure or sale, unless:

(1) The city has approved a transfer to the successful bidder; and
(2) The successful bidder has covenanted and agreed with the city to assume and be bound by the terms and conditions binding its predecessor.

d. Any mortgage, pledge or lease of facilities in the public rights-of-way shall be subject and subordinate to the rights of the city under this chapter any applicable agreement, and other applicable law.

2. If a franchise under this chapter is terminated for any reason, the city may, at its discretion, require the grantee or permittee to remove its facilities from the public rights-of-way and to restore the public rights-of-way to their prior condition at the owner's or operator's expense, or that of their sureties. If an owner or operator whose franchise has been terminated fails, after reasonable notice from the city, to remove its facilities from the public rights-of-way, such facilities shall be deemed abandoned and ownership forfeited to the city.

E. Remedies Cumulative: All remedies specified in this chapter are cumulative unless otherwise expressly stated. The exercise of one remedy shall not foreclose use of another, nor shall the exercise of a remedy or the payment of liquidated damages or penalties relieve an operator of its obligations to comply with this chapter. In exercising any remedy specified in this chapter, including Articles A and B, the city shall comply with any substantive and procedural requirements for exercising such remedies in an owner's or operator's franchise agreement or other authorization.

F. Reduce or Waive Penalties: The city engineer or attorney may reduce or waive any of the above listed penalties for good cause shown. (Ord. 2017-111 § 1 (part)).

12.20.220 Indemnification.

Any indemnity provided shall include, but not be limited to, the city's reasonable attorney fees incurred in defending against any such claim, suit, or proceeding. Recovery by the city of any amounts under insurance, the performance bond or letter of credit, or otherwise shall not limit in any way a person's duty to indemnify the city, nor shall such recovery relieve a person of its obligations pursuant to a franchise or in any respect prevent the city from exercising any other right or remedy it may have. (Ord. 2017-111 § 1 (part)).

12.20.230 Severability.

If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the city and shall thereafter be binding on owners and operators. (Ord. 2017-111 § 1 (part)).

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

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

Approved: 4/10/19, Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

2. First Consideration: Ordinance to change the name of a section of E 60th St to Duggleby Ave located in Eastern Avenue Farms 5th Addition (City of Davenport, petitioner). [Ward 8]

MOVED TO SECOND CONSIDERATION

3. Resolution for case F19-01: Request of Ronald Dirksen for a final plat of Abbey's Estate on 0.36 acres located at 2305 W 67th Street containing 1 lot. [Ward 8]

ADOPTED 2019-118

4. Resolution supporting the regional effort to create design principles for the Interstate 74 Corridor. [Ward 6]

ADOPTED 2019-119

5. Resolution terminating the New Economy Corridor Development Agreement. [All Wards]

ADOPTED 2019-120

6. Resolution authorizing the Mayor to execute documents necessary to convey the following properties:

ADOPTED 2019-121

Parcel H0010-04, 1412 West 15th Street to Kelli Torres (Petitioner). [Ward 4]

Parcel E0016-22, 1501 Eastern Avenue to Kelly DeBolt (Petitioner). [Ward 5]

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

ADOPTED 2019-122

St. Paul Knights of Columbus; 5th Annual Blue Mass; 915 E Rusholme St; Tuesday, May 14, 2019 4:30 PM to 7:30 PM; **Closure:** E Rusholme from Arlington Ave to Carey Ave. [Ward 5]

City of Davenport Parks and Recreation and Davenport Community Schools; Youthfest; Wednesday, July 10, 2019 6:00 AM – 3:00 PM; **Closure:** W 12th St from Wilkes Ave through Fejervary Park to Telegraph Rd. [Ward 4]

J&M Displays Inc; QCSO Riverfront Pops Concert Fireworks; LeClaire Park; Saturday, August 17, 2019 between 9:00 PM - 10:00 PM (dependent on the concert run time); **Closure:** bike path behind Modern Woodmen Park. [Ward 3]

8. Resolution adopting the Davenport GO Multi-Modal Transportation Plan as an element of the City of Davenport Comprehensive Plan, CIP #10151. [All Wards]

ADOPTED 2019-123

9. Resolution approving the plans, specifications, forms of contract, and estimated cost for the 100 Block of East 3rd St Streetscape Improvements Project, CIP #35022. [Ward 3]

ADOPTED 2019-124

10. Resolution approving the plans, specifications, forms of contract, and estimated cost of covering the Kaiserslautern Square Upgrades Project, CIP #68004. [Ward 3]

ADOPTED 2019-125

11. Resolution approving the plans, specifications, forms of contract, and estimated cost for the State Patching Program, CIP #35035. [All Wards]

ADOPTED 2019-126

12. Resolution approving the contract for the Federal St Permeable Alley to Emery Construction Group Inc of Moline, IL in the amount of \$204,970, CIP #33032. [Ward 3]
ADOPTED 2019-127
13. Resolution approving the contract for Manhole Rehabilitation Project to Save Our Sewers Inc. of Cedar Rapids, IA in the amount of \$2,390,226.60 CIP #30045. [All Wards]
ADOPTED 2019-128
14. Resolution approving the contract for the 46th St Reconstruction between Fillmore Ln and Marquette St to N J Miller Inc. of Bettendorf, IA in the amount of \$237,210.50, CIP #35036. [Ward 7]
ADOPTED 2019-129
15. Resolution approving the contract for the Elmwood Ave Reconstruction between Lincoln and Linwood Project to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$340,551, CIP #35036. [Ward 3]
ADOPTED 2019-130
16. Resolution approving the contract for the Contract Milling Program to Tri City Blacktop Inc. of Bettendorf, IA in the amount of \$111,242.04, CIP #35042. [Wards 1-7]
ADOPTED 2019-131
17. Resolution approving the contract for the Elmore Avenue Patching project to CDMI Concrete Contractors Inc. of East Moline, IL in the amount of \$206,686, CIP #35035. [Ward 6]
ADOPTED 2019-132
18. Resolution awarding the contract for the General Street Resurfacing contract to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$955,627, CIP #35035. [Ward 1, 5, and 6]
ADOPTED 2019-133
19. Resolution authorizing the conveyance of a parcel of land containing a pond, located west of the residential dwelling with a common address of 6700 Jersey Ridge Road, City of Davenport, Petitioner. [Ward 8]
ADOPTED 2019-134
20. Resolution approving the contract for the purchase of a new Self Contained Breathing Apparatus (SCBA) for the Fire Department from Sandry Fire Supply LLC of DeWitt, IA, CIP #63008. [All Wards]
ADOPTED 2019-135
21. Resolution approving nine Open Prairie Tax Exemptions. [All Wards]
ADOPTED 2019-136
22. Motion approving the allocations for Year 45 (July 1, 2019 – June 30, 2020) Community Development Block Grant (CDBG) funds and HOME Investment Partnership (HOME) funds. [All Wards]
PASSED 2019-137
23. Motion approving noise variance request(s) for various events on the listed dates at the listed times.
PASSED 2019-138

St. Ambrose University; Final Weekend in April; 518 W Locust St; Friday, April 26, 2019 9:00 PM - 12:00 AM in the Rogalski Center parking lot and Saturday, April 27, 2019 12:00 PM - 1:00 AM in student residences; Music, over 50 dBa. [Ward 4]

German American Heritage Center; Best of the Wurst; 712 W 2nd St; Saturday, June 22, 2019 12:00 PM - 3:00 PM; Outdoor music, over 50 dBa. [Ward 3]

J&M Displays Inc; QCSO Riverfront Pops Concert Fireworks; LeClaire Park; Saturday, August 17, 2019 between 9:00 PM - 10:00 PM (dependent on the concert run time); Fireworks, over 50 dBa. [Ward 3]

24. Motion approving beer and liquor license applications. **PASSED 2019-139**

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

Ward 3

Lopez Pizza (Lopez Curse, LLC) - 429 E 3rd St Ste 1 - License Type: C Liquor

Taste of Ethiopia (Genet T Moraetes) - 102 S Harrison St Ste 300 – Outdoor Area - License Type: Beer / Wine

Ward 4

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) - 2606 W Locust St extended to parking lot - Outdoor Area May 4 - 5, 2019 "Rev It Up For Awareness Rally" - License Type: C Liquor

Ward 5

Rookies Sports Bar (Rookies, Inc) - 2818 Brady St - Outdoor Area April 27 - 28, 2019 "Customer Appreciation" Event - License Type: C Liquor

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 N Brady St Ste 3 - Outdoor Area May 4 - 5, 2019 "Cinco de Mayo Fiesta" – License Type: C Liquor

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

Ward 1

QC Mart (Bethany Enterprises, Inc) – 2747 Rockingham Rd – License Type: C Beer

Ward 2

Applebee's Neighborhood Grill & Bar (Apple Corps, LP) – 3005 W Kimberly Rd – License Type: C Liquor

Hy-Vee Food & Drugstore #2 (Hy-Vee, Inc) – 2200 W Kimberly Rd – License Type: E Liquor / C Beer / B Wine

Hy-Vee Market Café (Hy-Vee, Inc) – 2200 W Kimberly Rd Café Area – License Type: C Liquor

Ward 3

Blackhawk Bowl & Martini Lounge (Blackhawk Bowl & Martini Lounge LLC) – 200 E 3rd St Lower Level – License Type: C Liquor

Duck City Delicatessen & Bistro (Moskowitz Llewellyn Restaurant Systems, Inc) – 115 E 3rd St – Outdoor Area - License Type: C Liquor

Great River Brewery (Old Capital Brew Works and Public House, LLC) – 322 & 332 E 2nd St – Outdoor Area - License Type: C Liquor

Geezer's Draffhouse (Geezer's, Inc) – 1654 W 3rd St – Outdoor Area – License Type: C Liquor

Mantra Indian Restaurant (Madan LLC) – 220 N Harrison St – License Type: Beer / Wine

Ward 4

Cedar Street Inn (Fleetfood Incorporated) – 810 Cedar St – License Type: C Liquor

Famous Liquors (Jay Liquor Inc) – 2604 W Locust St – License Type: E Liquor / C Beer / B Wine

Ward 6

Aldi Inc. #80 (Aldi Inc – Corporation) – 5262 Elmore Ave – License Type: C Beer / B Wine

Big River Bowling (Kimberly Entertainment LLC) – 2902 E Kimberly Rd – License Type: C Liquor

Fresh Thyme Farmers Market (Lakes Venture, LLC) – 2130 E Kimberly Rd – License Type: C Beer

Huhot Mongolian Grill (CCW, LLC) – 3006 E 53rd St – License Type: Beer / Wine

Your Pie (The Gizzeria Group, Inc.) – 4520 E 53rd St Ste 400 – Outdoor Area – License Type: Beer / Wine / Native Wine

Ward 7

American Legion Post 26 (The American Legion, Inc - Davenport Post #26) – 8702 W 35th St – Outdoor Area - License Type: C Liquor

Azteca 4 (Azteca, Inc) – 3566 Brady St – License Type: C Liquor
Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) – 4811 N Brady St Ste 3 – Outdoor Area – License Type: C Liquor

Los Portales Mexican Restaurant 2, Inc (Los Portales Mexican Restaurant 2, Inc) – 1012 E Kimberly Rd – License Type: C Liquor

Sanchos (Lorbil Enterprises Inc) – 307 E George Washington Blvd – License Type: C Liquor

Ward 8

QC Mart (Bethany Enterprises, Inc) – 6807 Northwest Blvd – License Type: C Beer

25. Motion approving the contract for glazing and door replacement/repair services to Mid-American Glazing Systems of Davenport, IA. [All Wards] **ADOPTED 2019-140**

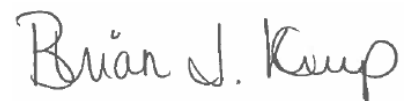
26. Motion approving the purchase of two 9,300 GVW crew cab 4x4 pickup trucks from Reynolds Motor Company in East Moline, IL in the amount of \$60,318.48, CIP #24011. [All Wards] **ADOPTED 2019-141**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:02 PM**



Brian J. Krup
Deputy City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
4/24/2019

Subject:
Approval of the Report of the Committee of the Whole for April 17, 2019

ATTACHMENTS:

Type	Description
▣ Backup Material	COW Report 041719

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	4/18/2019 - 9:55 AM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, April 17, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all aldermen present. The following Public Hearings were held: Community Development: for the Ordinance for Case ORD19-01 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled "Zoning," by correcting scrivener errors and amending certain dimensional standards; Public Works: on the plans, specifications, forms of contract, and estimate of cost for the W 46th St Reconstruction Project from N Pine St to 215 ft east on Cheyenne Ave, CIP #35036.

The following proclamations were issued: Kaiserslautern Delegation Week, April 11 – 17, 2019-142; Fair Housing Month, April 2019, 2019-143; Community Development Block Grant Week, April 22 – 26, 2019-144.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Tompkins all items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Ambrose item #3 moved to be voted on later on the agenda and all other items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by Ald. Dickmann all items moved to the Consent Agenda. Other Ordinances, Resolutions, and Motions: On motion by Ald. Amrose, second by Ald. Dickmann the rules were suspended (all aldermen voting aye) and the following Resolution was adopted: street closure for The CITY Church; CITY Egg Hunt; 226 W 3rd St; Sunday, April 21, 2019 9:00 AM – 3:30 PM; **Closure**: W 3rd St from Harrison St to Main St, 2019-145.

Council adjourned at 7:03 PM.

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Tiffany Thorndike 563-888-2066

Wards:

Subject:

Riverfront Improvement Commission

- Dee Bruemmer (Re-Appointment, 8th Ward Seat)

Action / Date

4/24/2019

Background:

Dee Bruemmer's re-appointment is for the 8th ward seat on the Riverfront Improvement Commission. Dee Bruemmer's new term expiration is 4/30/25.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	4/18/2019 - 4:12 PM

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Tiffany Thorndike 563-888-2066

Wards:

Action / Date

4/24/2019

Subject:

Civil Rights Commission

- Linda Gilman (New Appointment)
- Erie Johnson (New Appointment)
- Michael Liendo (New Appointment)
- Ruby Mateos (New Appointment)

Background:

The four new appointments to the Civil Rights Commission replace Benjamin Hahn, Shylee Garrett, Nicole Bribiesco-Ledger and Judy Shawver. Term expirations for all four of the newly appointed Civil Rights Commissioners is November 30th, 2019 as they are filling the remainder of a term.

REVIEWERS:

Department

Reviewer

Action

Date

Office of the Mayor

Thorndike, Tiffany

Approved

4/18/2019 - 4:28 PM

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Samantha Torres 563-326-7701

Wards:

Action / Date

4/24/2019

Subject:

Arbor Day Proclamation, April 26, 2019

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

4/18/2019 - 3:59 PM

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Samantha Torres 563-326-7701

Wards:

Action / Date

4/24/2019

Subject:

Local Business "The Foundation of Our Community": Katun Corporation

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	4/18/2019 - 4:05 PM

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Clay Merritt 563-888-3055
Wards:

Action / Date
3/20/2019

Subject:

Second Consideration: Ordinance to change the name of a section of E 60th St to Duggleby Ave located in Eastern Avenue Farms 5th Addition (City of Davenport, petitioner). [Ward 8]

Recommendation:
Adopt the Ordinance.

Background:

On September 5, 2018 the City Council approved the plat for the Eastern Avenue Farms 5th Addition. Public Works staff requests to rename a section of E 60th St that stretches from the extended lot line between Lot 9 and Lot 10 to Parkview Dr as Duggleby Ave. This request is being made in order to adhere to typical City street naming standards as the section in question has a north/south bearing and E 60th St should be exclusively an east/west street. The developer of the site is in agreement with this change.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Ordinance
▣ Backup Material	Eastern Avenue Farms 5th Addition
▣ Backup Material	Map of Proposed Street Rename

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	3/27/2019 - 9:55 AM
Public Works Committee	Lechvar, Gina	Approved	3/28/2019 - 1:48 PM
City Clerk	Admin, Default	Approved	3/28/2019 - 3:48 PM

ORDINANCE NO. _____

ORDINANCE to change the name of a section of East 60th Street to Duggleby Avenue located in Eastern Avenue Farms 5th Addition (City of Davenport, petitioner).

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

WHEREAS Renaming the portion of East 60th Street stretching from lot 9 and Lot 10 to Parkview Dr to Duggleby Avenue;

WHEREAS This change adheres to typical City street naming standards as the section has a north/south bearing and East 60th St is exclusively an east/west street.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Attest: _____
Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

Published in the QC Times _____

CITY OF DAVENPORT
BY *Frank Lepore*
DATE 9-12-2018
PLANNING AND ZONING
BY *Frank Lepore*
DATE 9-24-2018
IOWA - AMERICAN WATER CO.
BY *Frank Lepore*
DATE 8-31-18
MID AMERICAN ENERGY CO.
BY *Frank Lepore*
DATE 8/31/18
MEDIACOM
BY *Frank Lepore*
DATE 9-21-18
CENTURYLINK
BY *Frank Lepore*
DATE 9/18/18

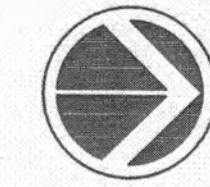
CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE
C1	30.88'	175.00'	N 82°32'34" E	30.84'
C2	68.09'	175.00'	N 68°22'27" E	67.89'
C3	67.16'	175.00'	N 44°13'50" E	66.77'
C4	67.01'	175.00'	N 22°18'49" E	66.60'
C5	41.93'	175.00'	N 04°28'47" E	41.83'
C6	196.35'	125.00'	N 42°33'54" E	176.78'
C7	23.56'	15.00'	N 47°26'06" W	21.21'
C8	23.56'	15.00'	S 42°33'54" W	21.21'
C9	23.56'	15.00'	N 42°33'54" E	21.21'
C10	23.56'	15.00'	S 47°26'06" E	21.21'
C11	13.62'	15.00'	S 23°34'30" W	13.16'
C12	75.43'	50.00'	N 06°21'55" E	68.48'
C13	89.10'	50.00'	N 76°26'54" W	63.73'
C14	24.80'	50.00'	S 49°45'05" W	24.54'
C15	13.62'	15.00'	N 61°33'18" E	13.16'
C16	23.56'	15.00'	N 47°26'06" W	21.21'
C17	23.56'	15.00'	S 42°33'54" W	21.21'
C18	13.62'	15.00'	S 68°25'30" E	13.16'
C19	24.85'	50.00'	N 54°38'51" W	24.59'
C20	69.06'	50.00'	S 71°32'03" W	63.72'
C21	75.41'	50.00'	S 11°15'12" E	68.46'
C22	13.62'	15.00'	N 28°26'42" W	13.16'
C23	23.56'	15.00'	N 42°33'54" E	21.21'
C24	23.56'	15.00'	S 47°26'06" E	21.21'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 87°33'54" E	54.54'
L2	S 02°26'06" E	5.00'

FINAL PLAT
OF
EASTERN AVENUE FARMS FIFTH ADDITION
A RE-PLAT OF LOT 47 OF EASTERN AVENUE FARMS FOURTH ADDITION,
IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA
18.39 ACRES±

OWNER / SUBDIVIDER
O'BROS LLC
3885 ELMORE AVENUE
DAVENPORT, IOWA 52807
PHONE: (563) 823-1520

BASIS OF BEARING
IOWA STATE PLANE COORDINATE SYSTEM,
SOUTH ZONE NAD 83 (2011 ADJUSTMENT)



60' 0 60' 120'
SCALE: 1" = 60'

LEGEND

- REBAR, FOUND
- CHISELED "X" IN CONCRETE, FOUND
- CHISELED "X" IN CONCRETE, SET
- REBAR WITH CAP #, FOUND
- 5/8" REBAR WITH CAP #13581 SET
- MEASURED DIMENSION
- RECORDED DIMENSION
- LINE CONTINUATION
- SUBDIVISION BOUNDARY
- EXISTING LOT LINE
- PROPOSED LOT LINE
- UNDERLYING DEED LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- EXISTING R.O.W. LINE
- PROPOSED R.O.W. LINE
- BUILDING SETBACK LINE
- UTILITY EASEMENT
- DRAINAGE EASEMENT

ABBREVIATIONS

- AC ACRES
- L LENGTH
- R RADIUS
- SF SQUARE FEET
- BSL BUILDING SETBACK LINE
- UE UTILITY EASEMENT
- DE DRAINAGE EASEMENT

GENERAL NOTES

This Final Plat was prepared at the request of, and for the exclusive use of O'Bros, LLC.

It should be noted that in the performance of this re-survey, the courses and distances of the re-survey may vary from recorded calls, based on the existence of found monumentation, occupation, or other controlling calls or conditions that have occurred in the re-survey of this property.

This property is subject to any and all easements and roadways of record.

No investigation concerning environmental and subsurface conditions, or for the existence of underground containers, structures or facilities which may affect the use or development of this property was made as a part of this survey.

No investigation was made as apart of this survey to determine or show data concerning existence, size, depth, condition, capacity, or location of any utilities or municipal facilities, except as noted. Call Iowa One-Call at 1-800-292-8989 for information regarding these utilities or facilities.

No part of this subdivision is subject to a Special Flood Hazard Area as designated by FEMA on Community Firm Map No. 19163C0380F with an Effective Date February 18, 2011.

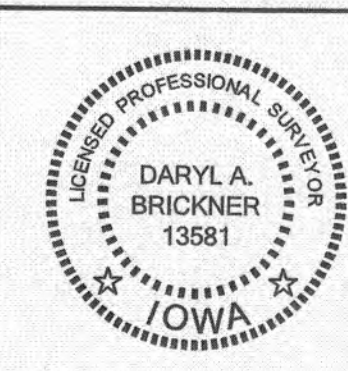
Distances are listed in feet and decimal part of a foot.

All monuments have been found or will be set as shown on this plat by December 1st 2018.

Blanket underground easements granted for all primary and secondary electric cables, pad mounted transformers, electric transformers, primary cable, gas service, water service, sewer laterals, telephone service and cable T.V. to individual structures and street lights.

Easements designated as "Utility Easements" include all utilities that are provided by either the city of Davenport or those companies authorized to provide public utilities within the city of Davenport.

Sidewalks shall be installed along street frontages when so ordered by the City.



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.
Daryl A. Brickner
Daryl A. Brickner, PLS No. 13581
My license renewal date is December 31, 2019
No. of sheets covered by this seal: 1

REVISIONS

No.	DESCRIPTION	DATE
1	REVISED PER CITY REVIEW COMMENTS	7/17/2018
2	REVISED UTILITY & DRAINAGE EASEMENT ALONG EAST LINE OF SUBDIVISION	8/27/2018

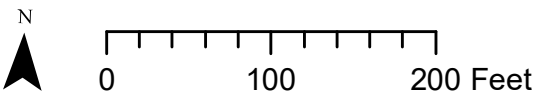
IMEG Project No: 18001330.00
File Name: 18001330_00-PROPERTY.dwg
© COPYRIGHT: 2018
ALL RIGHTS RESERVED
Field Book No:
Drawn By: DAB
Checked By: BDO
Date: 6/7/2018
Sheet 1 of 1

EASTERN AVENUE FARMS 5th ADDITION
DAVENPORT, IOWA
FINAL PLAT

IMEG
Professional Engineers & Land Surveyors
McClure
Professional Engineers & Land Surveyors
303.788.0573
303.788.9597
www.imegcorp.com
FORMERLY
missman, inc.
Professional Engineers & Land Surveyors

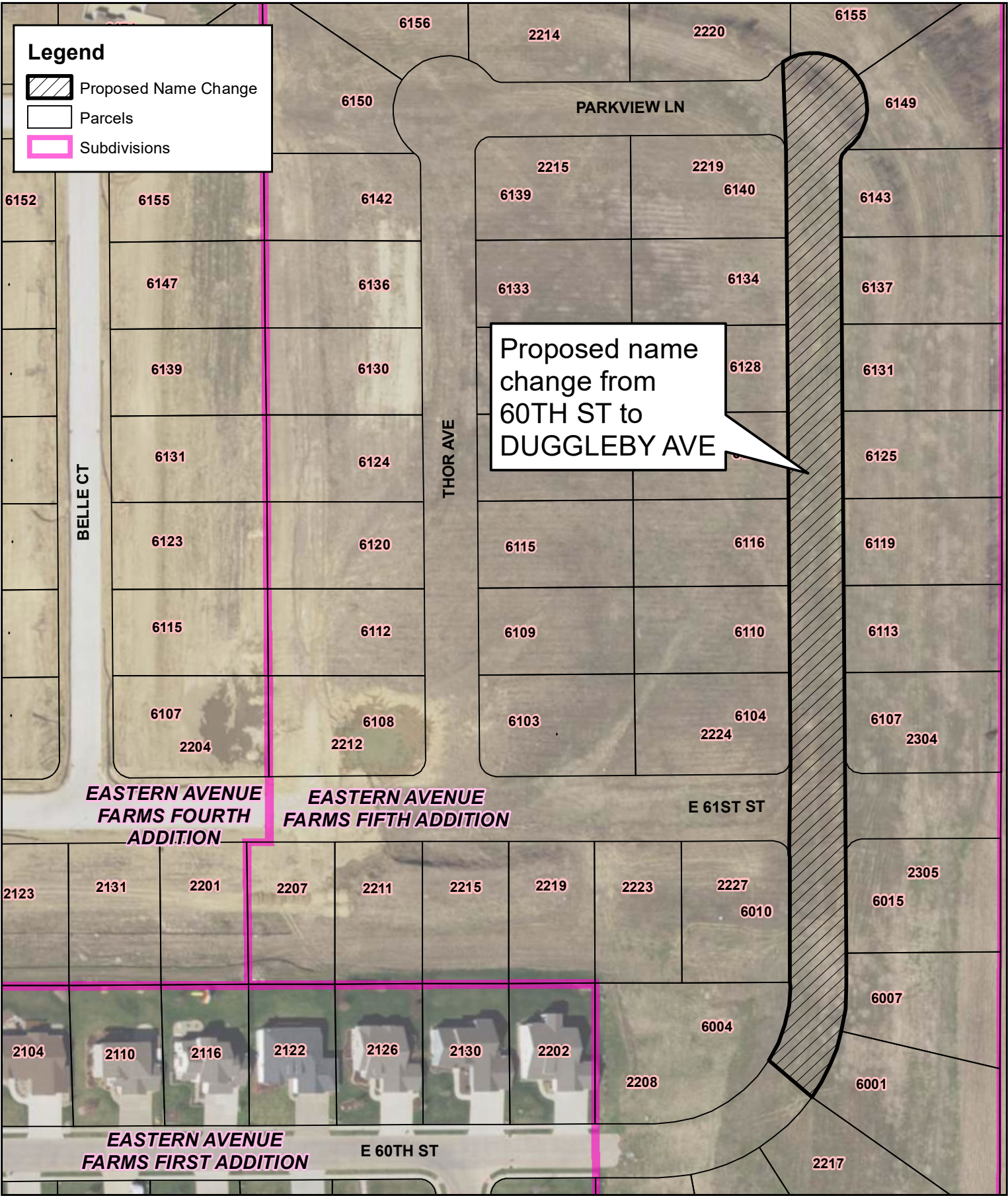
Proposed Street Name Change

60TH ST to DUGGLEBY AVE



Legend

- Proposed Name Change
- Parcels
- Subdivisions



City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 563-888-2286
Wards:

Action / Date
4/5/2019

Subject:

First Consideration: Ordinance for Case ORD19-01 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled "Zoning," by correcting scrivener errors and amending certain dimensional standards. [All Wards]

Recommendation:
Adopt the Ordinance.

Background:

Staff has been applying the recently adopted Zoning Ordinance to site development plans over the past two months. Two recent development proposals revealed four sections of the Zoning Ordinance that should be amended as soon as possible because developers anticipate breaking ground in the spring. CPED staff anticipates requesting future amendments at the six-month and one-year marks, following the initial Zoning Ordinance adoption. Below is summary of the amendments:

Section 1: Change to achieve consistency with other sections of the Zoning Ordinance.

Section 2: Heart of America is seeking to construct a hotel over 50' in height on Elmore Avenue. The change would increase the maximum building height in the C-3 District to 55 feet. This is consistent with the 10 feet height increase already in the table (i.e. CT – 35', C-1 and C-2 – 45').

Section 3: Clarifies the intent of the transparency requirement.

Section 4: Corrects a scrivener's error.

Section 5: The change would reduce the minimum required parking for a hotel to 1.0 parking space per room (1.5 per room currently). Two submitted development proposals do not meet this requirement. City staff researched six recently constructed/permitted hotels in Davenport. Provided parking ranged from .96-1.36 parking spaces per hotel room (average - 1.15 parking spaces per hotel room).

Section 6: Corrects the posting requirement for a design review application.

Section 7: Adds omitted language.

Section 8: The Zoning Ordinance allows for a 10% administrative exception to any dimensional requirement. However, the approval standards are similar to the approval standards for a Hardship Variance approved by the Zoning Board of Adjustment. It was never the intent to make this process as onerous as a Hardship Variance.

Section 9: Replaces language that references the previous Zoning Ordinance.

Plan and Zoning Commission recommendation:

Finding:

1. The Zoning Ordinance amendment will correct scrivener errors and amend certain overly restrictive dimensional standards

The Plan and Zoning Commission accepted the listed finding and forwards Case ORD19-01 to the City Council with a recommendation for approval.

The vote for approval was 8–yes, 0-no and 0-abstention.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Ordinance	Ordinance - Strike Through and Underline Version
▣ Backup Material	Plan and Zoning Commission Letter to City Council - 4-3-2019

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	4/11/2019 - 12:07 PM
Community Development Committee	Berger, Bruce	Approved	4/11/2019 - 12:07 PM
City Clerk	Admin, Default	Approved	4/11/2019 - 1:47 PM

ORDINANCE NO. 2019 -

Case ORD19-01: Request of the City of Davenport to amend Title 17 of the Davenport City Code, entitled "Zoning", by amending Section 17.02.030, entitled "Definition of General Terms" by amending the definition of multi-tenant retail center to multi-tenant retail center, by amending Section 17.02.030, entitled "Definition of General Terms" by amending the definition of porch by adding language regarding steps, by amending Section 17.05.030, entitled "Dimensional Standards (Table 17.05-1 only)" by increasing the maximum building height in the C-2 District, by amending Section 17.08.030, entitled "Uses" (Section 17.08.030.O.3 only) by applying the transparency requirement only the front façade, by amending Section 17.09.040, entitled "Permitted Encroachments (Table 17.09-1 only)" by clarifying that a deck is not permitted to encroach into a front setback, by amending Section 17.10.040, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces (Table 17.10-2 only)" by reducing the minimum required vehicles spaces for a hotel to 1.0 per room, by amending Section 17.14.020 entitled "Notice (Table 17.14-1 only)" by removing the requirement for a posted notice design review, by amending Section 17.14.020 of the Davenport Municipal Code, entitled "Notice (Section 17.14.020.C.3.a only)" by clarifying that notice be mailed to property owners, by amending Section 17.14.070, entitled "Administrative Exception (Section 17.14.070.E only)" by removing three of the approval standards, and by amending Section 17.17 entitled "Reservations of Previously Approved Conditions and Plans (Section 17.17.010.J only)" by amending language referring to the former Zoning Ordinance. [Ward All]

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

Section 1. Section 17.02.030 of the Davenport Municipal Code, entitled "Definition of General Terms (definition of multi-tenant retail center and porch only)" is hereby amended to read as follows:

Multi-Tenant Commercial Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Porch. An architectural feature that projects from the exterior wall of a structure, often with steps leading up to it, has direct access to the street level of the building, and is covered by a roof or eaves.

Section 2. Section 17.05.030 of the Davenport Municipal Code, entitled "Dimensional Standards (Table 17.05-1 only)" is hereby amended to read as follows:

Table 17.05-1: Commercial Districts Dimensional Standards					
	C-T	C-1	C-2	C-3	C-OP
Bulk					
Minimum Lot Area	10,000sf	None	None	20,000sf	20,000sf
Minimum Lot Width	60'	None	None	80'	70'
Maximum Gross Floor Area of Nonresidential	5,000sf unless meeting the standards of Section 17.05.030.B	None	None	None	None
Maximum Building Height	35'	45'	45'	Nonresidential: 55' Mixed-Use: 75'	45'
Setbacks					
Minimum Front Setback	Build-to zone of 0' to 20'	Build-to zone of 0' to 15'	None	25'	20'
Front Setback Build-To Percentage	70%	70%	None	None	None
Minimum Interior Side Setback	None, unless abutting a residential district then 20'	None, unless abutting a residential district then 10'	None, unless abutting a residential district then 10'	10', unless abutting a residential district then 20'	15'
Minimum Corner Side Setback	Build-to zone of 0' to 15'	Build-to zone of 0' to 10'	10'	20'	Build-to zone of 0' to 20'
Corner Side Setback Build-To Percentage	60%	60%	None	None	60%
Minimum Rear Setback	15', unless abutting a residential district then 25' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15'	10', unless abutting a residential district then 25'	25'

Section 3. Section 17.08.030 of the Davenport Municipal Code, entitled "Uses (Section 17.08.030.O.3 only)" is hereby amended to read as follows:

3. A 15% minimum transparency requirement applies to the front façade and is calculated on the basis of the entire area of the façade.

Section 4. Section 17.09.040 of the Davenport Municipal Code, entitled "Permitted Encroachments (Section 17.09.040 – Table 17.09-1 only)" is hereby amended to read as follows:

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall</i> <i>No building permit required</i>	Y	Y	Y	Y
Arbor <i>No building permit required</i>	Y	Y	Y	Y
Awning or Sunshade <i>Max. of 2' from building wall</i> <i>Does not include awnings used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Balcony <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 4' from any lot line</i> <i>Min. vertical clearance of 8'</i>	Y	Y	Y	Y
Bay Window <i>Max. of 5' into any setback</i> <i>Min. of 24" above ground</i>	Y	Y	Y	Y
Canopy (Residential Uses) <i>Max. of 5' into any setback</i> <i>Min. of 4' from any lot line</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Canopy (Non-Residential Uses) <i>Max. of 18" from the curb line</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Chimney <i>Max. of 18" into setback</i>	Y	Y	Y	Y
Deck <i>Max. of 5' into corner side, or interior side setback</i> <i>Max. of 10' into rear setback</i> <i>Prohibited in front yard</i> <i>Max. height of 5' above grade</i>	N	Y	Y	Y
Dog House <i>Prohibited in front or corner side yard</i> <i>No building permit required</i>	N	N	N	Y
Eaves <i>Max. of 4' into setback</i>	Y	Y	Y	Y
Exterior Stairwell <i>Max. of 6' into setback</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Fire Escape <i>Max. of 3' into setback</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Gazebo or Pergola <i>Prohibited in front yard</i>	N	N	Y	Y
Greenhouse <i>Min. of 5' from any lot line</i> <i>Prohibited in front and corner side yard</i>	N	N	Y	Y

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i> <i>(This does not apply to backstops & portable basketball nets, which are allowed in any yard)</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 10' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 4' from any lot line</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Stoop <i>Max. of 4' into setback</i>	Y	Y	Y	Y

Section 5. Section 17.10.040 of the Davenport Municipal Code, entitled “Required Off-Street Vehicle and Bicycle Parking Spaces (Section 17.10.040 - Table 17.10-2 only)” is hereby amended to read as follows:

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Amusement Facility, Indoor	1 per 500sf GFA
Amusement Facility, Outdoor	1 per 1,000sf GFA
Animal Care Facility – Large Animal	1 per 500sf GFA
Animal Care Facility – Small Animal	1 per 500sf GFA
Art Gallery	1 per 500sf GFA
Art and Fitness Studio	1 per 300sf GFA
Bar	1 per 300sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom
Body Modification Establishment	1 per 500sf GFA
Broadcasting Facility	1 per 1,000sf GFA
Campground	2 per campsite
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Cemetery	1 per 200sf of GFA of office and/or chapel/parlor
Children’s Home	1 per 200sf GFA of office
Community Center	1 per 500sf GFA
Country Club	Calculated as the cumulative number required per facilities offered (golf course, driving range, restaurant, bar, etc.)
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 500sf GFA
Domestic Violence Shelter	1 per 300sf GFA of office
Drug Treatment Clinic	1 per 500sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Drug/Alcohol Treatment Facility, Residential	1 per patient room
Dwelling – Manufactured Home	2 spaces
Dwelling – Multi-Family	1.5 per du
Dwelling – Single-Family (Detached)	2 per du
Dwelling – Townhouse	2 per du
Dwelling – Two-Family	2 per du
Educational Facility – Primary or Secondary	
<i>Educational Facility – Elementary and/or Junior High</i>	<i>3 per each classroom + 3 per office</i>
<i>Educational Facility – High School</i>	<i>6 per classroom + 4 per office</i>
Educational Facility – University	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Educational Facility – Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 500sf GFA
Financial Institution, Alternative (AFS)	1 per 500sf GFA
Food Bank	1 per 300sf of office
Food Pantry	1 per 500sf GFA
Funeral Home	1 per 200sf GFA of public space
Gas Station	2 per pump island + 1 per 500sf GFA of structure + 5 stacking spaces per car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Office/Facility	1 per 500sf GFA
Greenhouse/Nursery - Retail	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space
Group Home	1 per 2 rooms
Halfway House	1 per 2 rooms
Healthcare Institution	1 per 3 beds
Heavy Retail, Rental, and Service	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor display space
Homeless Shelter	1 per 300sf of office
Hotel	1.0 per room
Industrial – Light	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial – General	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial Design	1 per 500sf GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500sf GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Clinic	1 per 500sf GFA
Micro-Brewery	1 per 500sf GFA
Micro-Distillery	1 per 500sf GFA
Micro-Winery	1 per 500sf GFA
Office	1 per 500sf GFA
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 10 seats
Public Safety Facility	1 per 300sf GFA
Public Works Facility	1 per 500sf GFA
Reception Facility	1 per 300sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Recreational Vehicle (RV) Park	1 per RV site
Research and Development (R&D)	1 per 500sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below</i>
Independent Living Facility	0.75 per dwelling unit
Assisted Living Facility	0.5 per dwelling unit
Nursing Home or Hospice	0.5 per patient room
Restaurant	1 per 300sf GFA
Retail Goods Establishment	1 per 500sf GFA
Retail Alcohol Sales	1 per 500sf GFA
Retail Sales of Fireworks	1 per 500sf GFA
Self-Service Storage Facility	1 per 25 storage units
Social Service Center	1 per 500sf GFA
Specialty Food Service	1 per 500sf GFA
Storage Yard (Outdoor)	1 per 2,500sf of lot area
Vehicle Dealership	1 per 500sf of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500sf of lot area
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)
Vehicle Repair/Service – Major or Minor	2 per service bay
Wine Bar	1 per 300sf GFA
Warehouse & Distribution	1 per 500sf of office area + 1 per 30,000sf GFA of warehouse
Wholesale Establishment	1 per 500sf of office area + 1 per 15,000sf GFA of warehouse

Section 6. Section 17.14.020 of the Davenport Municipal Code, entitled “Notice (Section 17.14.020.A - Table 17.14-1 only)” is hereby amended to read as follows:

A. Required Notice

Table 17.14-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

Table 17.14-1: Required Notice				
Zoning Application	Type			
	Published Notice	Mailed Courtesy Notice	Mailed Required Notice	Posted Notice
Zoning Text Amendment	•			
Zoning Map Amendment	•	•		•
Special Use	•	•		•
Hardship Variance	•	•		•
Design Review				
Planned Unit Development	•	•		•
Administrative Exception			•	
Zoning Appeals	•			

Section 7. Section 17.14.020 of the Davenport Municipal Code, entitled "Notice (Section 17.14.020.C.3.a only)" is hereby amended to read as follows:

3. Mailed Required Notice

Per Table 17.14-1, administrative exceptions require mailed notice.

- a.** Notice will be mailed to property owners abutting the subject property as well as the property owner located directly across the street.

Section 8. Section 17.14.070 of the Davenport Municipal Code, entitled "Administrative Exception (Section 17.14.070.E only)" is hereby amended to read as follows:

E. Approval Standards

The decision of the Zoning Administrator must make findings to support the following conclusion:

- 1.** The administrative exception, if granted, will not alter the essential character of the locality.

Section 9. Section 17.17 of the Davenport Municipal Code, entitled "Reservations of Previously Approved Conditions and Plans (Section 17.17.010.J only)" is hereby amended to read as follows:

J. Ordinance 2017-520.

- 1.** Condition 5. That a fifty (50) foot landscape buffer and 6 foot high fence be established along the south end of the property. The landscape buffer shall be developed with the following plantings: four canopy trees, six understory trees and 24 shrubs or 12 evergreens/conifers per 100 linear feet. Note: Condition 5 was modified to remove reference to previous Zoning Ordinance.
- 2.** Condition 6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
- 3.** Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.
- 4.** Condition 8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
- 5.** Condition 9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a.** Automobile and service and oil change facilities not part of an automobile dealership.
 - b.** Any use utilizing drive-through window(s).

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: _____
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

ORDINANCE NO. 2019 -

Case ORD19-01: Request of the City of Davenport to amend Title 17 of the Davenport City Code, entitled "Zoning", by amending Section 17.02.030, entitled "Definition of General Terms" by amending the definition of multi-tenant retail center to multi-tenant retail center, by amending Section 17.02.030, entitled "Definition of General Terms" by amending the definition of porch by adding language regarding steps, by amending Section 17.05.030, entitled "Dimensional Standards (Table 17.05-1 only)" by increasing the maximum building height in the C-2 District, by amending Section 17.08.030, entitled "Uses" (Section 17.08.030.O.3 only) by applying the transparency requirement only the front façade, by amending Section 17.09.040, entitled "Permitted Encroachments (Table 17.09-1 only)" by clarifying that a deck is not permitted to encroach into a front setback, by amending Section 17.10.040, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces (Table 17.10-2 only)" by reducing the minimum required vehicles spaces for a hotel to 1.0 per room, by amending Section 17.14.020 entitled "Notice (Table 17.14-1 only)" by removing the requirement for a posted notice design review, by amending Section 17.14.020 of the Davenport Municipal Code, entitled "Notice (Section 17.14.020.C.3.a only)" by clarifying that notice be mailed to property owners, by amending Section 17.14.070, entitled "Administrative Exception (Section 17.14.070.E only)" by removing three of the approval standards, and by amending Section 17.17 entitled "Reservations of Previously Approved Conditions and Plans (Section 17.17.010.J only)" by amending language referring to the former Zoning Ordinance. [Ward All]

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

Section 1. Section 17.02.030 of the Davenport Municipal Code, entitled "Definition of General Terms (definition of multi-tenant retail center and porch only)" is hereby amended to read as follows:

Multi-Tenant ~~Retail~~ **Commercial** Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Porch. An architectural feature that projects from the exterior wall of a structure, **often with steps leading up to it**, has direct access to the street level of the building, and is covered by a roof or eaves.

Section 2. Section 17.05.030 of the Davenport Municipal Code, entitled “Dimensional Standards (Table 17.05-1 only)” is hereby amended to read as follows:

Table 17.05-1: Commercial Districts Dimensional Standards					
	C-T	C-1	C-2	C-3	C-OP
Bulk					
Minimum Lot Area	10,000sf	None	None	20,000sf	20,000sf
Minimum Lot Width	60'	None	None	80'	70'
Maximum Gross Floor Area of Nonresidential	5,000sf unless meeting the standards of Section 17.05.030.B	None	None	None	None
Maximum Building Height	35'	45'	45'	Nonresidential: 50' 55' Mixed-Use: 70' 75'	45'
Setbacks					
Minimum Front Setback	Build-to zone of 0' to 20'	Build-to zone of 0' to 15'	None	25'	20'
Front Setback Build-To Percentage	70%	70%	None	None	None
Minimum Interior Side Setback	None, unless abutting a residential district then 20'	None, unless abutting a residential district then 10'	None, unless abutting a residential district then 10'	10', unless abutting a residential district then 20'	15'
Minimum Corner Side Setback	Build-to zone of 0' to 15'	Build-to zone of 0' to 10'	10'	20'	Build-to zone of 0' to 20'
Corner Side Setback Build-To Percentage	60%	60%	None	None	60%
Minimum Rear Setback	15', unless abutting a residential district then 25' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15'	10', unless abutting a residential district then 25'	25'

Section 3. Section 17.08.030 of the Davenport Municipal Code, entitled “Uses (Section 17.08.030.O.3 only)” is hereby amended to read as follows:

3. A 15% minimum transparency requirement applies to any the front façade and is calculated on the basis of the entire area of the façade.

Section 4. Section 17.09.040 of the Davenport Municipal Code, entitled “Permitted Encroachments (Section 17.09.040 – Table 17.09-1 only)” is hereby amended to read as follows:

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit Max. projection of 18" from building wall No building permit required	Y	Y	Y	Y
Arbor No building permit required	Y	Y	Y	Y
Awning or Sunshade Max. of 2' from building wall Does not include awnings used as a sign (See Chapter 17.12)	Y	Y	Y	Y
Balcony Max. of 6' into front, interior side, or corner side setback Max. of 8' into rear setback Min. of 4' from any lot line Min. vertical clearance of 8'	Y	Y	Y	Y
Bay Window Max. of 5' into any setback Min. of 24" above ground	Y	Y	Y	Y
Canopy (Residential Uses) Max. of 5' into any setback Min. of 4' from any lot line Max. 15' width or no more than 3' extension on either doorway side, whichever is less Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	Y
Canopy (Non-Residential Uses) Max. of 18" from the curb line Max. 15' width or no more than 3' extension on either doorway side, whichever is less Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	Y
Chimney Max. of 18" into setback	Y	Y	Y	Y
Deck Max. of 5' into corner side, or interior side setback Max. of 10' into rear setback Prohibited in front yard Max. height of 5' above grade	Y/N	Y	Y	Y
Dog House Prohibited in front or corner side yard No building permit required	N	N	N	Y
Eaves Max. of 4' into setback	Y	Y	Y	Y
Exterior Stairwell Max. of 6' into setback Prohibited in front yard	N	Y	Y	Y
Fire Escape Max. of 3' into setback Prohibited in front yard	N	Y	Y	Y
Gazebo or Pergola Prohibited in front yard	N	N	Y	Y
Greenhouse Min. of 5' from any lot line Prohibited in front and corner side yard	N	N	Y	Y

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i> <i>(This does not apply to backstops & portable basketball nets, which are allowed in any yard)</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 10' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 4' from any lot line</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Stoop <i>Max. of 4' into setback</i>	Y	Y	Y	Y

Section 5. Section 17.10.040 of the Davenport Municipal Code, entitled “Required Off-Street Vehicle and Bicycle Parking Spaces (Section 17.10.040 - Table 17.10-2 only)” is hereby amended to read as follows:

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Amusement Facility, Indoor	1 per 500sf GFA
Amusement Facility, Outdoor	1 per 1,000sf GFA
Animal Care Facility – Large Animal	1 per 500sf GFA
Animal Care Facility – Small Animal	1 per 500sf GFA
Art Gallery	1 per 500sf GFA
Art and Fitness Studio	1 per 300sf GFA
Bar	1 per 300sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom
Body Modification Establishment	1 per 500sf GFA
Broadcasting Facility	1 per 1,000sf GFA
Campground	2 per campsite
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Cemetery	1 per 200sf of GFA of office and/or chapel/parlor
Children's Home	1 per 200sf GFA of office
Community Center	1 per 500sf GFA
Country Club	Calculated as the cumulative number required per facilities offered (golf course, driving range, restaurant, bar, etc.)
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 500sf GFA
Domestic Violence Shelter	1 per 300sf GFA of office
Drug Treatment Clinic	1 per 500sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Drug/Alcohol Treatment Facility, Residential	1 per patient room
Dwelling – Manufactured Home	2 spaces
Dwelling – Multi-Family	1.5 per du
Dwelling – Single-Family (Detached)	2 per du
Dwelling – Townhouse	2 per du
Dwelling – Two-Family	2 per du
Educational Facility – Primary or Secondary	
<i>Educational Facility – Elementary and/or Junior High</i>	<i>3 per each classroom + 3 per office</i>
<i>Educational Facility – High School</i>	<i>6 per classroom + 4 per office</i>
Educational Facility – University	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Educational Facility – Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 500sf GFA
Financial Institution, Alternative (AFS)	1 per 500sf GFA
Food Bank	1 per 300sf of office
Food Pantry	1 per 500sf GFA
Funeral Home	1 per 200sf GFA of public space
Gas Station	2 per pump island + 1 per 500sf GFA of structure + 5 stacking spaces per car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Office/Facility	1 per 500sf GFA
Greenhouse/Nursery - Retail	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space
Group Home	1 per 2 rooms
Halfway House	1 per 2 rooms
Healthcare Institution	1 per 3 beds
Heavy Retail, Rental, and Service	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor display space
Homeless Shelter	1 per 300sf of office
Hotel	1.5 1.0 per room
Industrial – Light	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial – General	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial Design	1 per 500sf GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500sf GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Clinic	1 per 500sf GFA
Micro-Brewery	1 per 500sf GFA
Micro-Distillery	1 per 500sf GFA
Micro-Winery	1 per 500sf GFA
Office	1 per 500sf GFA
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 10 seats
Public Safety Facility	1 per 300sf GFA
Public Works Facility	1 per 500sf GFA
Reception Facility	1 per 300sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Recreational Vehicle (RV) Park	1 per RV site
Research and Development (R&D)	1 per 500sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below</i>
Independent Living Facility	0.75 per dwelling unit
Assisted Living Facility	0.5 per dwelling unit
Nursing Home or Hospice	0.5 per patient room
Restaurant	1 per 300sf GFA
Retail Goods Establishment	1 per 500sf GFA
Retail Alcohol Sales	1 per 500sf GFA
Retail Sales of Fireworks	1 per 500sf GFA
Self-Service Storage Facility	1 per 25 storage units
Social Service Center	1 per 500sf GFA
Specialty Food Service	1 per 500sf GFA
Storage Yard (Outdoor)	1 per 2,500sf of lot area
Vehicle Dealership	1 per 500sf of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500sf of lot area
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)
Vehicle Repair/Service – Major or Minor	2 per service bay
Wine Bar	1 per 300sf GFA
Warehouse & Distribution	1 per 500sf of office area + 1 per 30,000sf GFA of warehouse
Wholesale Establishment	1 per 500sf of office area + 1 per 15,000sf GFA of warehouse

Section 6. Section 17.14.020 of the Davenport Municipal Code, entitled “Notice (Section 17.14.020.A - Table 17.14-1 only)” is hereby amended to read as follows:

A. Required Notice

Table 17.14-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

Table 17.14-1: Required Notice				
Zoning Application	Type			
	Published Notice	Mailed Courtesy Notice	Mailed Required Notice	Posted Notice
Zoning Text Amendment	•			
Zoning Map Amendment	•	•		•
Special Use	•	•		•
Hardship Variance	•	•		•
Design Review				•
Planned Unit Development	•	•		•
Administrative Exception			•	
Zoning Appeals	•			

Section 7. Section 17.14.020 of the Davenport Municipal Code, entitled “Notice (Section 17.14.020.C.3.a only)” is hereby amended to read as follows:

3. Mailed Required Notice

Per Table 17.14-1, administrative exceptions require mailed notice.

- a. Notice will be mailed to ~~properties~~ **property owners** abutting the subject property as well as the property **owner** located directly across the street.

Section 8. Section 17.14.070 of the Davenport Municipal Code, entitled “Administrative Exception (Section 17.14.070.E only)” is hereby amended to read as follows:

E. Approval Standards

The decision of the Zoning Administrator must make findings to support ~~each of~~ the following conclusions:

- ~~1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.~~
- ~~2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.~~
- ~~3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.~~
- 4.1.** The administrative exception, if granted, will not alter the essential character of the locality.

Section 9. Section 17.17 of the Davenport Municipal Code, entitled “Reservations of Previously Approved Conditions and Plans (Section 17.17.010.J only)” is hereby amended to read as follows:

J. Ordinance 2017-520.

- ~~1. Condition 5. That a fifty (50) foot landscape buffer (Class C, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.~~
- 1. Condition 5. That a fifty (50) foot landscape buffer and 6 foot high fence be established along the south end of the property. The landscape buffer shall be developed with the following plantings: four canopy trees, six understory trees and 24 shrubs or 12 evergreens/conifers per 100 linear feet. Note: Condition 5 was modified to remove reference to previous Zoning Ordinance.**
- 2. Condition 6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.**
- 3. Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.**
- 4. Condition 8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.**
- 5. Condition 9. The following uses shall not be closer than three hundred (300) feet from the south property line:**
 - a. Automobile and service and oil change facilities not part of an automobile dealership.**
 - b. Any use utilizing drive-through window(s).**

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: _____
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

April 3, 2019

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

At its regular meeting of April 2, 2019, the City Plan and Zoning Commission considered Case ORD19-01 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled "Zoning", by correcting scrivener errors and amending certain dimensional standards. [Ward All]

Finding:

1. The Zoning Ordinance amendment will correct scrivener errors and amend certain overly restrictive dimensional standards

The Plan and Zoning Commission accepted the listed finding and forwards Case ORD19-01 to the City Council with a recommendation for approval.

The vote for approval was 8–yes, 0–no and 0–abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record
Meeting Date: 4-2-19
Meeting Location: Council Chambers-City Hall

Name:	Public Hearing Roll Call	Regular Meeting Roll Call	3-19-19 Minutes	M	S	REZ19-02	M	S	REZ19-03	M	S	REZ19-04	M	S	ORD19-01 Revision	M	S	ORD19-01	M	S	F19-05	M	S	F19-06	M	S
Connell	Excused	Excused	E			E			E			E			E			E			E			E		
Hepner	Present	Present	Y		x	Y		x	Y			Y			Y		x	Y			Y	x		Y	x	
Inghram	Present	Present	A			A			A			A			A			A			A			A		
Johnson	Present	Present	Y			Y			Y		x	Y			Y			Y			Y			Y		
Lammers	Present	Present	Y			Y			Y			Y	x		Y			Y	x		Y	x		Y		x
Maness	Excused	Excused	E			E			E			E			E			E			E			E		
Medd	Present	Present	Y			Y			Y			Y			Y			Y			Y			Y		
Brandsgard	Present	Present	Y			Y			Y			Y			Y			Y			Y			Y		
Reinartz	Present	Present	Y			Y			Y			Y			Y			Y			Y			Y		
Tallman	Present	Present	Y	x		Y	x		Y	x		Y	x		Y	x		Y	x		Y			Y		
Schneider	Present	Present	Y			Y			Y			Y			Y			Y			Y			Y		
Result	9-0	9-0	8-0			8-0			8-0			8-0			8-0			8-0			8-0			8-0		

Notes:
REZ19-02 - Vote to table for additional public hearing next meeting.
ORD19-01 Revision - Vote to revise the hotel parking requirement from the 1.1 to 1.0 per room.

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Gary Statz 563-326-7754
Wards:

Action / Date
4/17/2019

Subject:

First Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding 4th Street along the north side from Ripley Street west to the Scott County Courthouse driveway. [Ward 3]

Recommendation:
Adopt the Ordinance.

Background:

For security purposes, Scott County has requested no parking along 4th St in front of the court house. There is ample parking in the vicinity to make up for the loss of these spaces.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PS_ORD_W 4th St no parking_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/10/2019 - 2:50 PM
Public Works Committee	Lechvar, Gina	Approved	4/10/2019 - 2:50 PM
City Clerk	Admin, Default	Approved	4/10/2019 - 3:54 PM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VII NO PARKING THERETO BY ADDING 4TH STREET ALONG THE NORTH SIDE FROM RIPLEY STREET WEST TO THE SCOTT COUNTY COURTHOUSE DRIVEWAY.

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

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

4th Street along the north side from Ripley Street west to the Scott County Courthouse driveway.

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: _____

Brian Krup
Deputy City Clerk

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Brandon Melton 563-888-2221
Wards:

Action / Date
4/17/2019

Subject:
Resolution for Case F19-02 being the request of Leslie Miller for a Final Plat of L. Miller First Addition, a 2-lot subdivision located northwest of the intersection of Rockingham Road and South Howell Street. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: 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.

Council Goals: Fiscal Vitality.

The proposed use would comply with the Davenport 2035 future land use section.

Technical Review:

Streets. No new streets are proposed with this request.

Storm Water. There are no storm water concerns with this plat.

Sanitary Sewer. The property is served by a 24" main on Rockingham Road as well as a 60" main on S Howell Street. No new service will be required.

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. Central Station is located 1.5 mile east of the property.

Parks/Open Space. This request does not impact any existing or planned parks or public open spaces.

Public Input:

No public hearing is required for a Final Plat.

Discussion:

This plat is to allow the rearrangement and subdivision of 3 lots into 2 lots to accommodate development on the property.

Planning Staff has reviewed this plat and confirmed that the plat generally conforms to the requirements of the subdivision code.

Staff Recommendation:**Findings:**

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

The City Plan and Zoning Commission accepted the listed findings and forwards Case No. F19-02 to the City Council with a recommendation for approval subject to the following conditions:

1. That the plat show two tie points to quarter corners or two previously established corners;
2. That the surveyor signs the plat; and
3. That the utility companies sign the plat when their easement needs have been met.

The vote for approval was 8-yes, 0-no, 0 abstain.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution F19-02
▣ Backup Material	P&Z Letter to Council F19-02
▣ Backup Material	Final Plat
▣ Backup Material	Zoning Map
▣ Backup Material	Land Use Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Melton, Brandon	Approved	4/1/2019 - 12:52 PM

RESOLUTION NO. _____

Resolution offered by Alderman Rawson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case F19-02: Request of Leslie Miller for a Final Plat of a 2-lot subdivision located northwest of the intersection of Rockingham Road and South Howell Street. [Ward 3]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Final Plat of L. Miller First Addition 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 April 1, 2019 (Please note that conditions 1-3 have been added to the plat and/or provided and are not repeated on this resolution)

And the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

BE IT FURTHER RESOLVED THAT THE City Clerk is hereby directed to record the attached assessment waiver.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

April 1, 2019

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of March 5, 2019, the City Plan and Zoning Commission considered Case F19-02: Request of Leslie Miller for a Final Plat of a 2-lot subdivision located northwest of the intersection of Rockingham Road and South Howell Street. [Ward 3]

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Recommendation:

The City Plan and Zoning Commission accepted the findings and forwards Case No. F19-02 to the City Council for approval, subject to the following conditions:

1. That the plat show two tie points to quarter corners or two previously established corners;
2. That the surveyor signs the plat; and
3. That the utility companies sign the plat when their easement needs have been met.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record

Meeting Date: 3-5-19

Meeting Location: Council Chambers-City Hall

Name:	Public Hearing Roll Call	Regular Meeting Roll Call	2-19-19 Minutes	M	S	F19-02	M	S	
Connell	N/A	Present	Y		X	Y			
Hepner	N/A	Present	Y			Y			
Inghram	N/A	Present	A			A			
Johnson	N/A	Present	Y			Y		X	
Lammers	N/A	Present	Y			Y			
Maness	N/A	Present	Y			Y			
Medd	N/A	Present	Y			Y			
Quinn	Excused	Excused							
Reinartz	Excused	Excused							
Tallman	N/A	Present	Y	X		Y			
Schneider	N/A	Present	Y			Y	X		
Result		9	8-0			8-0			

FINAL PLAT

L. MILLER
FIRST ADDITION

A REPLAT OF LOT 12, IN BLOCK 2, OF VAN TUYL AND COOK'S
ADDITION, TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

APPROVED BY:
CITY OF DAVENPORT, IOWA

BY: _____

DATE: _____ ATTEST: _____

CITY PLAN & ZONE COMMISSION

BY: _____ DATE: _____

_____ DATE: _____

MEDIACOM

_____ DATE: _____

IOWA - AMERICAN WATER COMPANY

_____ DATE: _____

CENTURY LINK

_____ DATE: _____

MIDAMERICAN ENERGY
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN
* EXCEPT AS SPECIFIED IN THE NOTES IN THIS PLAT.

NOTES:

SUBDIVISION SUBJECT TO THE CITY OF DAVENPORT STORM WATER
ORDINANCE, LATEST ADDITION.

A BLANKET EASEMENT SHALL BE GRANTED TO THE CITY OF DAVENPORT,
NATURAL RESOURCE DIVISION FOR ACCESS AND MAINTENANCE OF STORM
WATER DETENTION AND WATER QUALITY FEATURES.

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.

BASIS OF BEARINGS IS THE NORTH LINE OF LOT 12 AND WAS ASSUMED TO
BEAR NORTH 60 DEGREES 30 MINUTES 00 SECONDS EAST.

LEGEND:

DEED DIMENSION = (0.00')

FIELD DIMENSION = 0.00'

MONUMENTS FOUND:

AS NOTED = ●

MONUMENTS SET:

#5 REBAR W/ YELLOW PLASTIC CAP #8860 = ○

CUT "X" = X

BOUNDARY LINE = _____

ROAD CENTER LINE = _____

EASEMENT LINE = _____

SETBACK LINE = _____

SECTION LINE = _____

DATE: 02/11/19	LOCATION: CITY OF DAVENPORT SCOTT COUNTY, IOWA		
SCALE: 1" = 20'	CHECKED BY: CGL	DRAWN BY: MDR	JOB NO: 119-103
REVISION:		REVISED BY:	REVISION DATE:

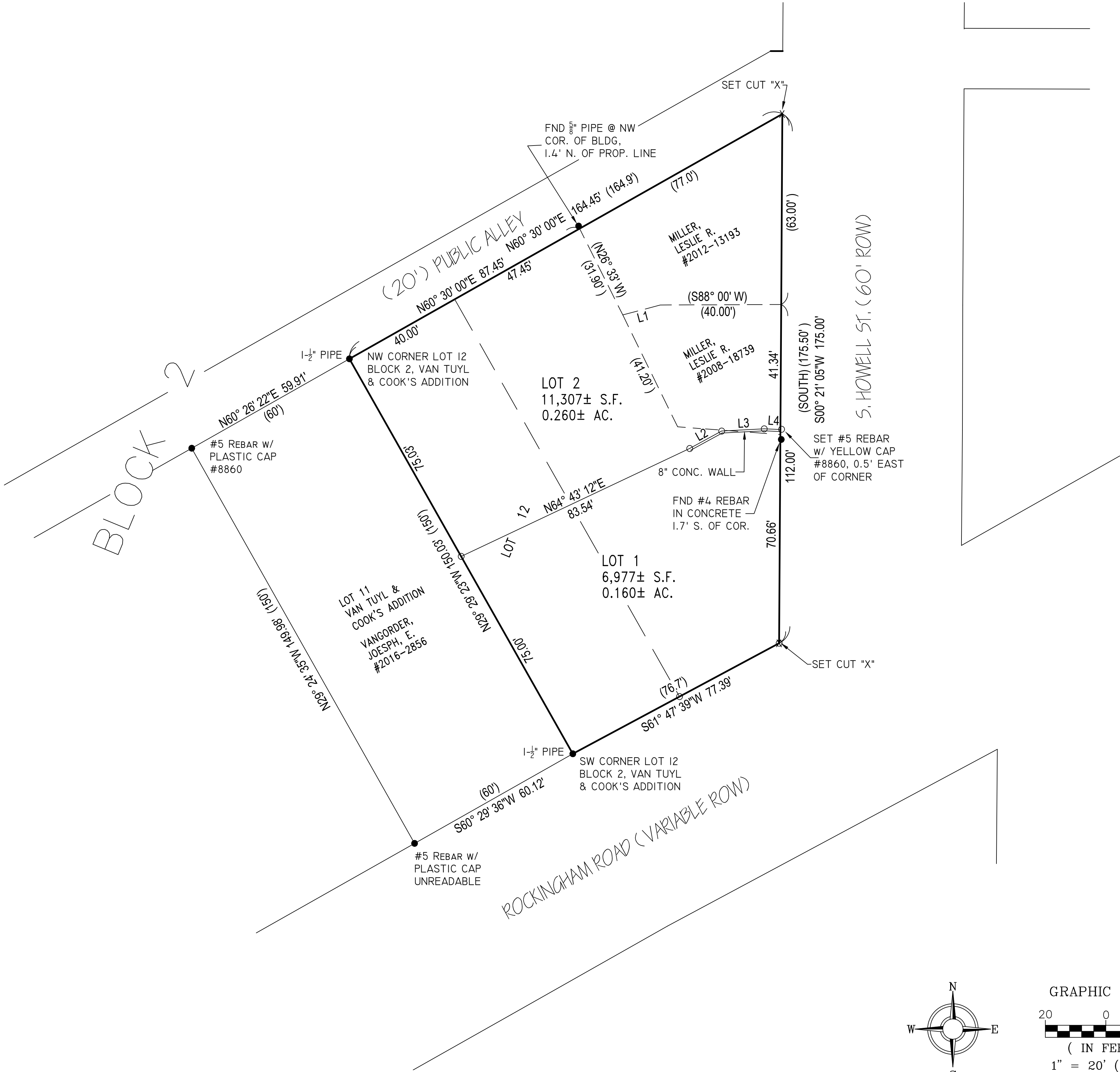
C. LEHMAN LAND SURVEYING
#2 TIMBER RIDGE DRIVE
COAL VALLEY, ILLINOIS 61240
PHONE NO. (309) 799-7702 MOBILE (563) 340-9448

PROJECT FINAL PLAT
L. MILLER FIRST ADDITION
DAVENPORT, IOWA

PREPARED FOR: LESLIE MILLER
1902 ROCKINGHAM ROAD
DAVENPORT, IA 52803

SHEET NO.

1 OF 1



1. Area of Subdivision-
Total: Acres 0.420+/-

2. Surveyor:
Jerry Rogers
3445 Cedar View Court
Bettendorf, Iowa 52722
Ph: (563) 726-1986

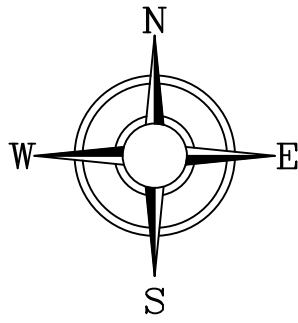
3. Attorney:
Mike Gorsline
Vollertsen, Britt & Gorsline P.C.
5119 Utica Ridge Rd.
Davenport, IA 52807
Phone: (563) 324-0441

4. Owners:
Leslie R. Miller
1902 Rockingham Road
Davenport, Iowa 52803

Rebecca S. Miller
5432 W. River Drive
Davenport, Iowa 52802

Line Table

Line #	Length (ft)	Bearing
L1	(12.80')	(S74° 15' W)
L2	12.04'	N61° 19' 44"E
L3	14.09'	N86° 57' 02"E
L4	5.39'	S87° 23' 15"E

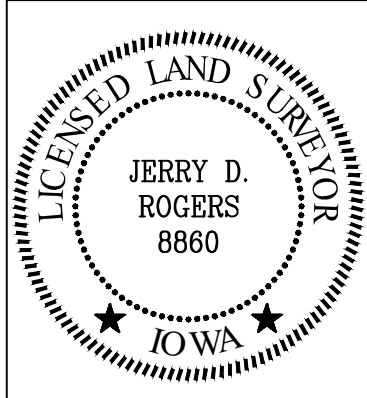


GRAPHIC SCALE

20 0 10 20

(IN FEET)

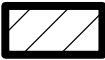
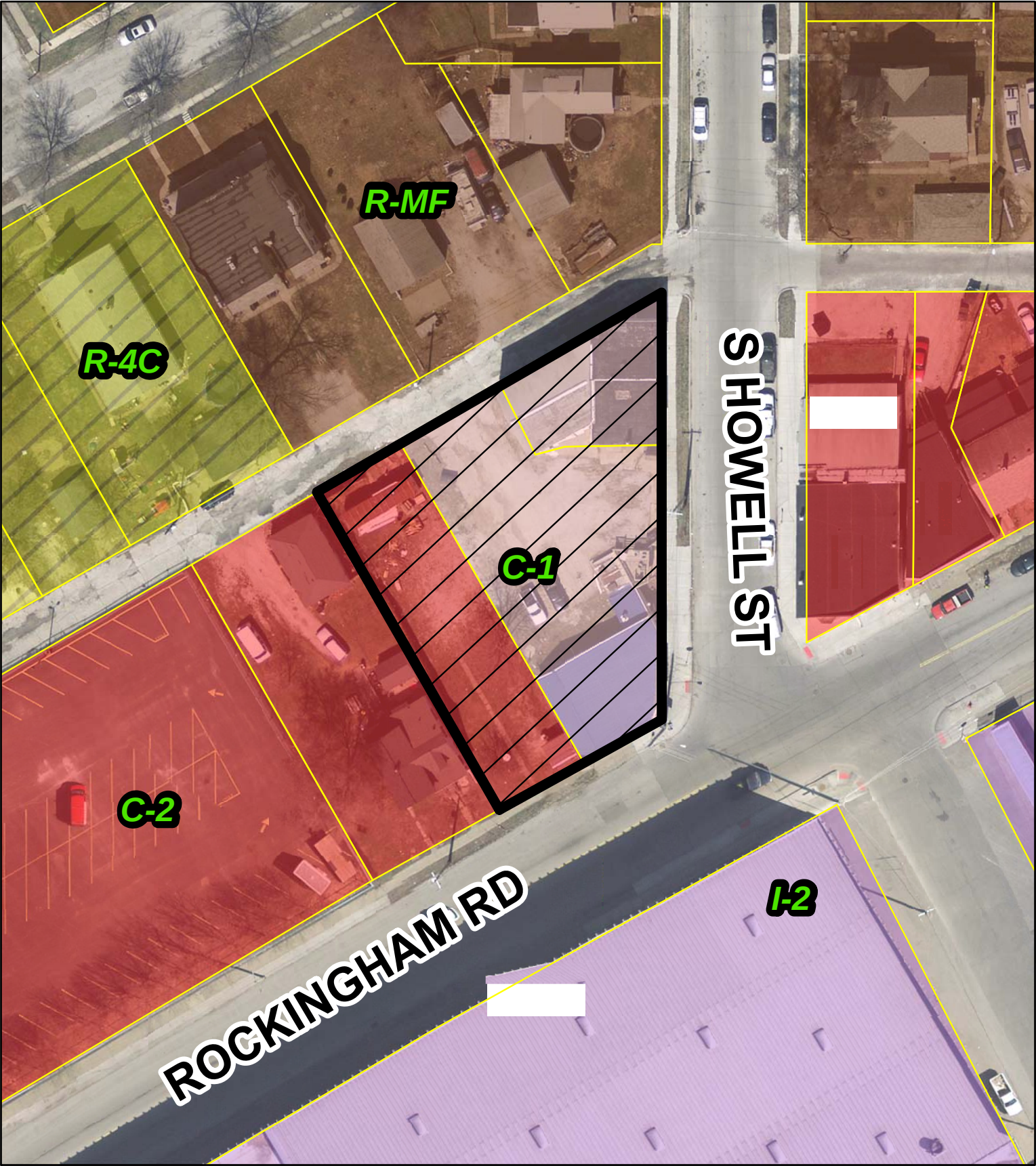
1" = 20' (24x36)



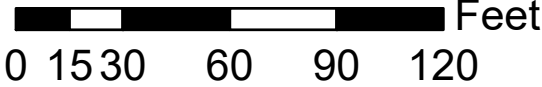
I hereby certify that this land surveying document was prepared and
the related survey work was performed by me or under my direct
personal supervision and that I am a duly licensed Land Surveyor
under the laws of the State of Iowa.

JERRY D. ROGERS
Iowa License Number: 8860
My license renewal date is December 31, 2019.
Pages or sheets covered by this seal: 1
DATE SURVEY COMPLETED: 01/10/2019

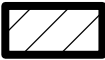
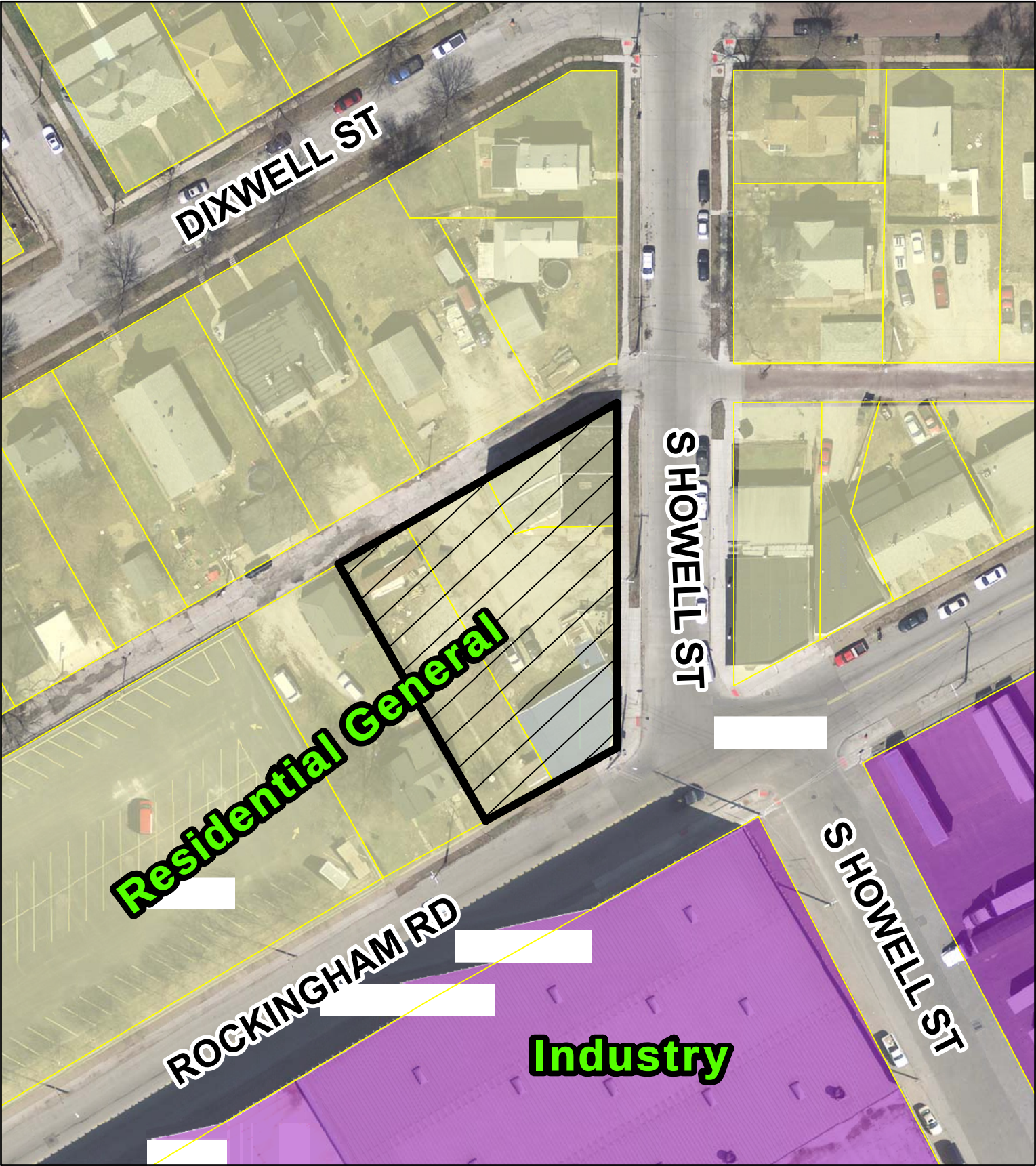
F19-02 - Zoning Map



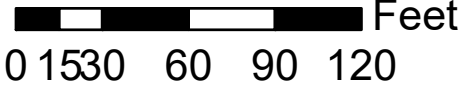
Subject Property



F19-02 - Land Use Map



Subject Property



City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
4/17/2019

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

Quad Cities Bicycle Club; Quad Cities Criterium; Village of East Davenport; Monday, May 27, 2019 5:00 AM - 6:00 PM; **Closure:** Mound St from E 11th St to E 12th St. E 12th St/Fulton Ave from Mound St to Glenwood Ave, Glenwood Ave from Fulton Ave to Hillcrest Ave, Hillcrest Ave/E 11th St from Glenwood Ave to Mound St. [Wards 5 & 6]

Recommendation:
Adopt the Resolution.

Background:
Per the City's Special Events Policy, City Council will approve street/lane/public grounds closures based on the recommendation of the Special Events Committee.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	QC Criterium Map
▣ Backup Material	QC Criterium Info

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	4/3/2019 - 9:38 AM

Resolution No. _____

Resolution offered by Alderman Gripp

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 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 on the date(s) 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):

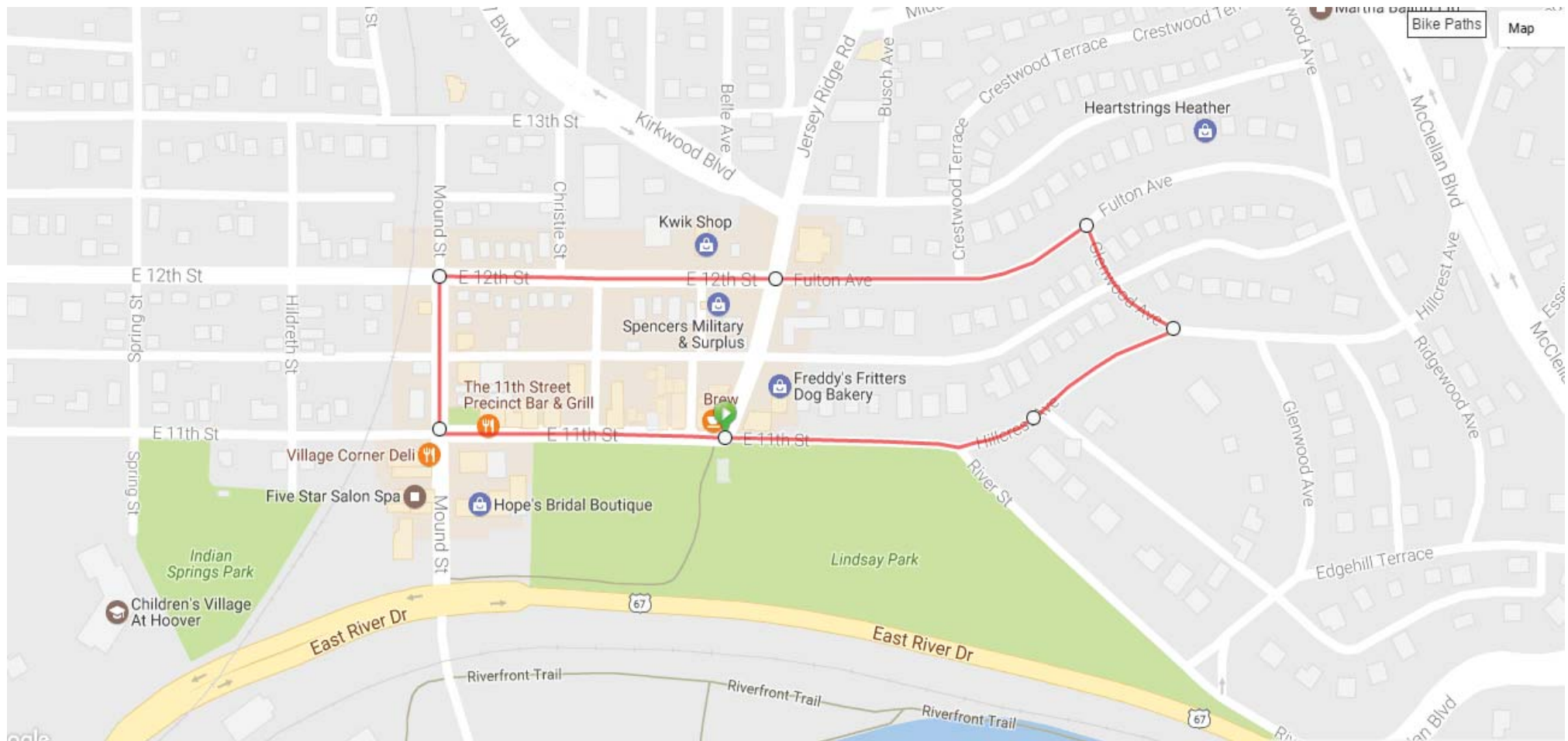
*Quad Cities Bicycle Club; Quad Cities Criterium; Village of East Davenport; Monday, May 27, 2019 5:00 AM - 6:00 PM; **Closure:** Mound St from E 11th St to E 12th St, E 12th St/Fulton Ave from Mound St to Glenwood Ave, Glenwood Ave from Fulton Ave to Hillcrest Ave, Hillcrest Ave/E 11th St from Glenwood Ave to Mound St. [Wards 5 & 6]*

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk





Kwik Star[®]

criterium



Memorial Day, Monday, May 27th, 2019

Presented By

The Quad Cities Bicycle Club



USAC Permit # 2019-1082

Race	Start Time	Places/ Prizes	Length (Min)	Entry Fee	On-Site Entry	Field Limit
Juniors 9-12,13-14*	9:00 AM	3/Prizes	15	\$15	\$25	50
Pepsi Juniors 15-16,17-18**	9:30 AM	5/Prizes	20	\$15	\$25	75
Masters 50+	10:00 AM	10/\$300	25	\$30	\$40	100
Women Cat 3/4	10:35 AM	10/\$300	25	\$25	\$35	100
Masters 40+	11:10 AM	10/\$300	30	\$30	\$40	100
Women Cat 5	11:50 AM	3/Prizes	20	\$20	\$30	75
Men Cat 5	12:15 PM	3/Prizes	20	\$20	\$30	75
Men Cat 4	1:00 PM	10/\$400	25	\$25	\$35	100
Rudy's Tacos Men Cat 3	1:35 PM	15/\$500	30	\$30	\$40	100
Kimberly Crest Vet Pro Women 1/2/3	2:15 PM	15/\$4000	40	\$40	\$50	100
Koehler Electric Kids Race (ages 3-10)	3:10 PM	Medals/ Ice Cream	200 Yds	Free!	Free!	No Limit
Healthy Habits Faterium	3:40 PM	Pride & Glory	2 Laps	Free!	Free!	No Limit
Ford Pro Men 1/2	4:20 PM	15/\$4000	75	\$45	\$55	150

*RDRS Juniors 9-12,13-14

**RDRS Juniors 15-16,17-18

Race Information:

- Over \$10,000 in cash prizes and primes throughout the day!
- Our expansive host housing program is available for all Pro 1/2 Men's and Women's teams. Contact Janette Harrington at jkjhwh@gmail.com for more info.
- **Payouts are equal for the Pro Men's and Women's races!**

Registration Information:

- Registration is open as of February 14th at 12:00 PM CST @ usacycling.org
- Day of registration is at The Village Theatre (2113 E 11th Street, Davenport, IA)
- Onsite registration entry fee is \$10 more than preregistration online
- Onsite registration closes a half hour before event
- Entry Fee includes \$4.00 USAC insurance/\$1 IBRA surcharge
- \$10 Entry Fee for second race
- No Free Laps/ No Refunds
- Helmets are REQUIRED for all participants

Other Information:

- Challenging course with 90 feet of elevation gain per lap with exciting Village of East Davenport Start/Finish and neighborhood hill climb section
- Race Location: 2214 East 11th Street, Davenport, IA 52803
- Host Hotel:
 - o Holiday Inn & Suites/J Bar
 - o 4215 Elmore Avenue
 - o Davenport, IA 52807

Course Layout



City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Brian Schadt 563-326-7923
Wards:

Action / Date
4/17/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the W 46th St Reconstruction from N Pine St to 215 feet east on Cheyenne Ave, CIP #35036. [Wards 7 & 8]

Recommendation:
Adopt the Resolution.

Background:
This project will remove the existing composite asphalt and concrete pavement of W 46th St/Cheyenne Ave from N Pine St to 215 feet east on Cheyenne Ave and replace it with new subdrains, drainable base, and concrete pavement. Driveway approaches will also be removed and replaced as necessary.

Construction is expected to begin spring of 2019. Funding is available through CIP #35036. The estimated project cost is \$354,658.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/10/2019 - 1:19 PM
Public Works Committee	Lechvar, Gina	Approved	4/10/2019 - 1:19 PM
City Clerk	Admin, Default	Approved	4/10/2019 - 1:46 PM

Resolution No. _____

RESOLUTION offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

Resolution approving the plans, specifications, forms of contract, and estimate of cost for W 46th St Reconstruction from N Pine St to 215 feet east on Cheyenne Ave, CIP #35036.

WHEREAS, plans, specifications, form of contract and an estimate of cost have been filed with the City Clerk of Davenport, Iowa, W 46th St Reconstruction from N Pine St to 215 feet east on Cheyenne Ave, CIP #35036

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 W 46th St Reconstruction from N Pine St to 215 feet east on Cheyenne Ave, CIP #35036.

Passed and approved this 24th day of April, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Sandy Doran (563) 326-7756
Wards:

Action / Date
4/17/2019

Subject:
Resolution approving the contract for the Manhole Repair and Rehabilitation Program - Construction Related Services to Strand Associates, Inc. in an amount not-to-exceed \$399,450, CIP #30045. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
A number of manholes of the sanitary collection system have been identified as structurally deficient and allow for inflow and infiltration. The manholes selected for rehabilitation were based on previous studies and inspections and is needed to comply with the Iowa Department of Natural Resources (IDNR) Administrative Consent Order.

Strand Associates was selected to provide contract administration services and field inspections.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Pg 2
▣ Backup Material	Strand Associates T.O. 19-03 Const. Services

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/10/2019 - 4:26 PM
Public Works Committee	Lechvar, Gina	Approved	4/10/2019 - 4:27 PM
City Clerk	Admin, Default	Approved	4/10/2019 - 4:30 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a contract for the Manhole Repair and Rehabilitation Program - Construction Related Services to Strand Associates, Inc. in an amount not-to-exceed \$399,450, CIP #30045.

WHEREAS, the work is to be performed at agreed upon prices;

WHEREAS, on the 5th day of March, 2019, bids were received for the FY 2019 and 2020 Manhole Repair and Rehabilitation Program within the City of Davenport, Iowa; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa; that the Contract is hereby approved.

Passed and approved this 24th day of April, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk



Strand Associates, Inc.[®]
910 West Wingra Drive
Madison, WI 53715
(P) 608-251-4843

Task Order No. 19-03
City of Davenport, Iowa (OWNER)
and Strand Associates, Inc.[®] (ENGINEER)
Pursuant to Technical Services Agreement dated April 8, 2015

Project Information

Services Name: FY 2019 and 2020 Collection System Rehabilitation Program—Construction-Related Services

Scope of Services

ENGINEER will provide the following services to OWNER:

1. Provide contract administration services including attendance at preconstruction conference, review of contractor's shop drawing submittals, review of contractor's periodic pay requests, attendance at construction progress meetings, periodic site visits, and participation in project closeout.
2. Provide resident project representative for up to 1,900 hours part time observation of construction. In furnishing observation services, ENGINEER's efforts shall be directed toward determining for OWNER that the completed PROJECT will, in general, conform to the Contract Documents, but ENGINEER shall not supervise, direct, or have control over contractor's work and shall not be responsible for contractor's construction means, methods, techniques, sequences, procedures, health and safety precautions or programs, or for contractor's failure to perform the construction work in accordance with the Contract Documents.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses a not-to-exceed fee of \$399,450.

Schedule

Services will begin upon execution of this Task Order, which is anticipated on April 1, 2019. Services are scheduled for completion on December 31, 2020.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.[®]

CITY OF DAVENPORT


Matthew S. Richards
Corporate Secretary

Date

Frank Klipsch
Mayor

Date

ALC:\gis\sjw\IR\MAD\Documents\Agreements\DA\Davenport, City of (IA)\TSA.2015\TO2019\3618.012.19-03.docx

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
4/17/2019

Subject:
Resolution approving the contract for the Pump Station 203 Generator & Controls project to Tri-City Electric Company of Iowa of Davenport in the amount of \$169,500, CIP #30007. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on March 11, 2019 and sent to contractors. On April 2, 2019, the Purchasing Division opened and read one responsive and responsible bid. See attached bid tab.

Sanitary sewer pump station PS203 is located underground at the northeast corner of 18th St and Marlo Avenue (3002 E 18th St). The wet well/dry/well currently houses the electronic control panel for the station, where it is exposed to condensation and potential flooding. The condensation causes degradation of the electronic components, and the potential for flooding of the control panel could cause a complete station failure.

This project will relocate the control panel from the wet well/dry well to an above ground location near the alley at 2950 E 18th Street. In addition, a backup power generator will be installed to provide power to the lift station pumps in the event of a local power outage.

Funding for this project is from the CIP #30007 Lift Station Rehab account.

ATTACHMENTS:

Type	Description
▢ Cover Memo	PW RES Pump Station 203 Generator & Controls
▢ Cover Memo	Bid Tab for Greensheet - PS203 Generator & Controls

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	4/10/2019 - 1:15 PM
Public Works Committee	Lechvar, Gina	Approved	4/10/2019 - 1:15 PM
City Clerk	Admin, Default	Approved	4/10/2019 - 2:02 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Pump Station 203 Generator & Controls project to Tri-City Electric Company of Iowa of Davenport, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the Pump Station 203 Generator & Controls project; and

WHEREAS, Tri-City Electric Company of Iowa of Davenport, was the lowest responsive and responsible bidder;

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

1. Approving the contract for the Pump Station 203 Generator & Controls project to Tri-City Electric Company of Iowa of Davenport; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: PUMP STATION 203 GENERATOR AND CONTROLS

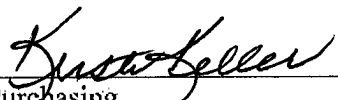
RFP NUMBER: 19-77

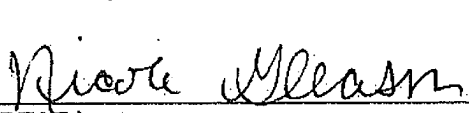
OPENING DATE: APRIL 2, 2019

GL ACCOUNT NUMBER: CIP 30007 LIFT STATION REHAB

RECOMMENDATION: AWARD THE CONTRACT TO TRI-CITY ELECTRIC
COMPANY OF IOWA OF DAVENPORT

<u>VENDOR NAME</u>	<u>Amount</u>
Tri-City Electric Company of Iowa of Davenport	\$169,500

Approved By  4/8/19
Purchasing

Approved By  4/5/19
PW Director

Approved By  4-8-19
Budget/CIP

Approved By  4-8-2019
Chief Financial Officer

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Ron Hocker 563-327-5169
Wards:

Action / Date
4/17/2019

Subject:
Resolution approving the contract for the purchase of hot asphalt oils to Tri-State Asphalt, LLC of Morris, IL in the estimated amount of \$312,000. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on March 18, 2019 and sent to vendors. On April 4, 2019, the Purchasing Division opened and read one responsive and responsible bid. See bid tab.

Asphalt oils are the emulsified oil used as tack coats for both pothole crews, the asphalt paving crew, and the asphalt cement used to make asphalt hot mix for pothole crews and the pro-patch units.

Funding for this purchase is from the account #54702031 520201. These funds are from Road Use Tax.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Res Asphalt Oil
▣ Cover Memo	Bid Tab - Asphalt Oils 2019

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	4/10/2019 - 1:11 PM
Public Works Committee	Lechvar, Gina	Approved	4/10/2019 - 1:12 PM
City Clerk	Admin, Default	Approved	4/10/2019 - 1:50 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the purchase of asphalt oils from Tri-State Asphalt LLC of Morris IL in the estimated amount of \$312,000, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the purchase of asphalt oils; and

WHEREAS, Tri-State Asphalt LLC of Morris IL, was the lowest responsive and responsible bidder;

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

1. Approving the contract for the purchase of asphalt oils from Tri-State Asphalt LLC of Morris IL; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: ASPHALT OILS

RFP NUMBER: 19-84

OPENING DATE: APRIL 4, 2019

GL ACCOUNT NUMBER: 54702031 520201

RECOMMENDATION: AWARD THE CONTRACT TO TRI-STATE ASPHALT LLC
OF MORRIS IL

<u>VENDOR NAME</u>	<u>Location</u>
Tri-State Asphalt LLC	Morris IL

Approved By Krista Keller 4/8/19
Purchasing

Approved By Nicole Gleason 4/5/19
PW Director

Approved By Stephen Munn 4/8/19
Budget/CIP

Approved By [Signature] 4-8-2019
Chief Financial Officer

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Rich Oswald 563-326-6115
Wards:

Action / Date
4/17/2019

Subject:
Resolution approving the contract for the 2019 Nuisance Mowing to Reans Property Management LLC of Moline, IL. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
On March 18, 2019, the Purchasing Division issued an Invitation to Bid to qualified mowing contractors to provide mowing service for non-City Owned Nuisance properties. On April 5, 2019, three responsive and responsible bids were opened and read. See attached bid tab.

This contract is for the mowing of Nuisance Properties that have grass/weeds higher than 9 inches, and the city has received a complaint. During the 2018 mowing season, an average of 50 lawns were mowed each week. Approximately \$112,000 was spent during the 2018 season.

Reans Property Management LLC of Moline was the lowest bidder. In 2018, the city paid \$61.40 per mow on lots under 1 acre. Reans Property Management LLC's bid was \$58.75 per mow on lots under 1 acre. That is approximately a 5% savings per mow.

Funding for this service is from the General Operations account 50102200 520217 MOW.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES_2019 Nuisance Mowing
▣ Cover Memo	Bid Tabulation for Greensheet - 2019 Nuisance Mowing

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	4/11/2019 - 8:30 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract award for 2019 Nuisance Mowing to Reans Property Management LLC of Moline IL, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the 2019 Nuisance Mowing for non-City owned properties where the grass/weeds are over nine (9) inches tall, and the City has received a complaint; and

WHEREAS, Reans Property Management LLC of Moline, IL was the lowest responsive and responsible bidder;

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

1. Approving the contract for 2019 Nuisance Mowing to Reans Property Management LLC of Moline IL; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: NUISANCE MOWING 2019

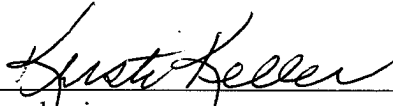
BID NUMBER: 19-83

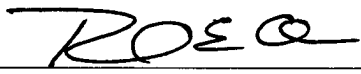
OPENING DATE: APRIL 5, 2019

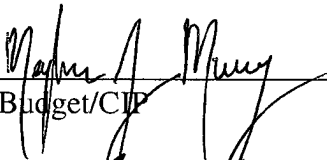
GL ACCOUNT NUMBER: 50102200 520217

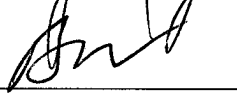
RECOMMENDATION: AWARD THE CONTRACT TO REANS PROPERTY
MANAGEMENT LLC OF MOLINE IL

<u>VENDOR NAME</u>	<u>LUMP SUM PRICE PER MOW</u>
Reans Property Management LLC of Moline	\$58.75
Lawnscape of Davenport	\$95.00
Advantage Weed & Feed LLC of Bettendorf IA	\$100.00

Approved By  4/10/19
Purchasing Date

Approved By  4-10-19
Director Date

Approved By  4-10-19
Budget/CLP Date

Approved By  4-10-2019
Finance Director Date

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
4/17/2019

Subject:
Resolution awarding a contract to the lowest responsive and responsible vendors for the provision of street materials. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on March 18, 2019 and sent to 294 vendors. On April 8, 2019, the Purchasing Division received and opened bids from seven (7) different companies.

To ensure materials are accessible, it is recommended to award each line item to the lowest bidder and if needed use the second lowest as an alternative. See Tabulation attached.

The City budgets over \$100,000 annually in operations accounts.

ATTACHMENTS:

Type	Description
▢ Cover Memo	PW RES 2019 Street Materials
▢ Cover Memo	Bid Tab - 2019 Street Materials
▢ Cover Memo	Bid Tabulation - Award/Backup Information

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	4/10/2019 - 2:51 PM
Public Works Committee	Lechvar, Gina	Approved	4/10/2019 - 2:51 PM
City Clerk	Admin, Default	Approved	4/10/2019 - 3:56 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the various contracts for the purchase 2019 Street Materials from various vendors, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to purchase street materials for repairs and maintenance;
and

WHEREAS, Various vendors have bid and we are awarding to the lowest bidder for each item, and the next lowest bidder as a backup;

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

1. Approving the contract for the purchase of Street Materials from various low responsive and responsible bidders; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: STREET MATERIALS 2019

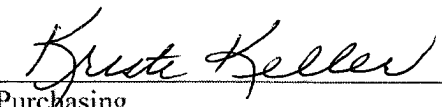
BID NUMBER: 19-82

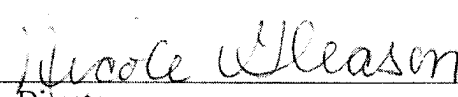
OPENING DATE: APRIL 8, 2019

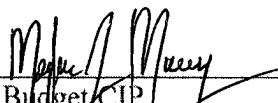
GL ACCOUNT NUMBER: 54702031 520201
51102060 520201
51252065 520201

RECOMMENDATION: AWARD THE BLANKET CONTRACT TO ALL
RESPONSIVE AND RESPONSIBLE BIDDERS; STARTING WITH
LOW BIDDER THEN THE SECOND LOW BIDDER

<u>VENDOR NAME</u>	<u>Location</u>
Hahn Ready Mix Company	Davenport, IA
Linwood Mining & Minerals	Davenport, IA
Logan Contractor Supply	Bettendorf, IA
Manatt's Inc.	Davenport, IA
Riverstone Group Inc.	Moline, IL
Seiffert Lumber Co	Davenport, IA
Tri-City Blacktop Inc.	Bettendorf, IA

Approved By  4/9/19
Purchasing

Approved By  4/9/19
Director

Approved By  4/9/19
Budget/CIP

Approved By  4-9-2019
Finance Director

Bid Request Number	19-82	Organization	City of Davenport IA
Title	Street Materials - 2019	Bid Creator	Kristi Keller Purchasing Manager
Description	The City of Davenport is requesting bids for blanket pricing for t	Email	klk@ci.davenport.ia.us
Bid Type	ITB	Phone	(563) 888-2077
Open Date	3/18/2019 03:53:13 PM (CT)	Fax	(563) 888-2079
Close Date	4/8/2019 02:00:00 PM (CT)		

Line Items

Line 1					
72 Hour Mix - Delivered					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification
Manatt's, Inc.	500	CY	\$130.00	\$65,000.00	
Hahn Ready Mix Company	500	CY	\$131.00	\$65,500.00	
Tri City Blacktop Inc.	500	CY	No Bid		
RiverStone Group, Inc.	500	CY	No Bid		

AWARD
BACKUP

Line 2					
72 Hour Mix - City Truck					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification
Hahn Ready Mix Company	500	CY	\$107.00	\$53,500.00	
Manatt's, Inc.	500	CY	\$108.00	\$54,000.00	
Tri City Blacktop Inc.	500	CY	No Bid		
RiverStone Group, Inc.	500	CY	No Bid		

AWARD
BACKUP

Line 3					
24 Hour Mix - Delivered					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification
Hahn Ready Mix Company	100	CY	\$142.00	\$14,200.00	
Manatt's, Inc.	100	CY	\$145.25	\$14,525.00	
Tri City Blacktop Inc.	100	CY	No Bid		
RiverStone Group, Inc.	100	CY	No Bid		

AWARD
BACKUP

Line 4					
24 Hour Mix - City Truck					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification
Hahn Ready Mix Company	100	CY	\$116.00	\$11,600.00	
Manatt's, Inc.	100	CY	\$123.00	\$12,300.00	
Tri City Blacktop Inc.	100	CY	No Bid		
RiverStone Group, Inc.	100	CY	No Bid		

AWARD
BACKUP

Line 5					
Bulk Portland - by City Tr					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification
Hahn Ready Mix Company	150	TONS	\$175.00	\$26,250.00	Only Available from Eldridge
Manatt's, Inc.	150	TONS	\$225.00	\$33,750.00	
Tri City Blacktop Inc.	150	TONS	No Bid		
RiverStone Group, Inc.	150	TONS	No Bid		

AWARD
BACKUP

Line 6					
Flowable "B" - Delivered					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification
Manatt's, Inc.	50	CY	\$95.00	\$4,750.00	
Hahn Ready Mix Company	50	CY	\$95.00	\$4,750.00	
Tri City Blacktop Inc.	50	CY	No Bid		
RiverStone Group, Inc.	50	CY	No Bid		

AWARD
BACKUP

Line 7					
Flowable "B" - City Truck					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification
Manatt's, Inc.	50	CY	\$80.00	\$4,000.00	
Hahn Ready Mix Company	50	CY	\$82.00	\$4,100.00	
Tri City Blacktop Inc.	50	CY	No Bid		
RiverStone Group, Inc.	50	CY	No Bid		

AWARD
BACKUP

Line 8					
Flowable "D" - Delivered					
Name	QTY	UOM	Unit Price	Extended	Alternate Specification

Note to Buyer

Manatt's, Inc.	50 CY		\$100.00	\$5,000.00	AWARD
Hahn Ready Mix Company	50 CY		\$101.00	\$5,050.00	BACKUP
Tri City Blacktop Inc.	50 CY	No Bid			
RiverStone Group, Inc.	50 CY	No Bid			

Line 9 Flowable "D" - City Truck						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Manatt's, Inc.	50 CY		\$85.00	\$4,250.00		AWARD
Hahn Ready Mix Company	50 CY		\$88.00	\$4,400.00		BACKUP
Tri City Blacktop Inc.	50 CY	No Bid				
RiverStone Group, Inc.	50 CY	No Bid				

Line 10 Winter Additive - 1/2%						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Manatt's, Inc.	1 CY		\$2.50	\$2.50		AWARD
Hahn Ready Mix Company	1 CY		\$2.50	\$2.50		AWARD
Tri City Blacktop Inc.	1 CY	No Bid				
RiverStone Group, Inc.	1 CY	No Bid				

Line 11 Winter Additive - 1%						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Manatt's, Inc.	1 CY		\$5.00	\$5.00		AWARD
Hahn Ready Mix Company	1 CY		\$5.00	\$5.00		AWARD
Tri City Blacktop Inc.	1 CY	No Bid				
RiverStone Group, Inc.	1 CY	No Bid				

Line 12 Winter Additive - 2%						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Manatt's, Inc.	1 CY		\$10.00	\$10.00		AWARD
Hahn Ready Mix Company	1 CY		\$10.00	\$10.00		AWARD
Tri City Blacktop Inc.	1 CY	No Bid				
RiverStone Group, Inc.	1 CY	No Bid				

Line 13 Winter Service						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Manatt's, Inc.	1 CY		\$6.00	\$6.00		AWARD
Hahn Ready Mix Company	1 CY		\$6.00	\$6.00		AWARD
Tri City Blacktop Inc.	1 CY	No Bid				
RiverStone Group, Inc.	1 CY	No Bid				
Linwood Mining & Minerals	1 CY	No Bid				

Line 14 State approved sand for t						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
RiverStone Group, Inc.	1000 TON		\$12.00	\$12,000.00	AWARD	FM1A Moline \$12.00/Ton, FM1A Cordova \$9
Tri City Blacktop Inc.	1000 TON	No Bid				

Line 15 Fill sand for filling sandb						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
RiverStone Group, Inc.	2000 TON		\$6.50	\$13,000.00	AWARD	FA6 Cordova \$6.50/Ton, GF Bettendorf \$7.50
Hahn Ready Mix Company	2000 TON		\$10.50	\$21,000.00		
Tri City Blacktop Inc.	2000 TON	No Bid				

Line 16 1/2" chips - Class 3 or 3i D						
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Linwood Mining & Minerals	500 TON		\$13.75	\$6,875.00	AWARD	
RiverStone Group, Inc.	500 TON		\$14.25	\$7,125.00	BACKUP	CM13 Allied Stone
Tri City Blacktop Inc.	500 TON	No Bid				

Line 17						
3/8" Chips - limestone chips						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Linwood Mining & Minerals	1000	TON	\$13.75	\$13,750.00	AWARD	
RiverStone Group, Inc.	1000	TON	\$14.25	\$14,250.00	BACKUP	GR29 McCausland Quarry, LeClaire Quarry
Tri City Blacktop Inc.	1000	TON	No Bid			
Line 18						
3/4" Down - stone shall be						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	5000	TON	\$10.00	\$50,000.00	AWARD	GR11 McCausland Quarry, LeClaire Quarry
Linwood Mining & Minerals	5000	TON	\$10.05	\$50,250.00	BACKUP	
Tri City Blacktop Inc.	5000	TON	No Bid			
Line 19						
Special Backfill - 1" conc						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	200	TON	\$13.15	\$2,630.00	AWARD	GR3 McCausland Quarry, LeClaire Quarry, A
Linwood Mining & Minerals	200	TON	\$13.75	\$2,750.00	BACKUP	
Tri City Blacktop Inc.	200	TON	No Bid			
Line 20						
Special Backfill - 1-1/2" d						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	2000	TON	\$8.75	\$17,500.00	AWARD	GR30 McCausland Quarry, LeClaire QuarryC
Linwood Mining & Minerals	2000	TON	\$10.05	\$20,100.00	BACKUP	
Tri City Blacktop Inc.	2000	TON	No Bid			
Line 21						
2" Macadam Stone Base						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	2000	TON	\$12.80	\$25,600.00	AWARD	GR13 McCausland Quarry, LeClaire Quarry
Linwood Mining & Minerals	2000	TON	\$13.75	\$27,500.00	BACKUP	
Tri City Blacktop Inc.	2000	TON	No Bid			
Line 22						
4 " DOWN COUNTY MAC						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	200	TON	\$9.15	\$1,830.00	AWARD	CTYMAC McCausland Quarry, LeClaire Qua
Linwood Mining & Minerals	200	TON	\$10.05	\$2,010.00	BACKUP	
Tri City Blacktop Inc.	200	TON	No Bid			
Line 23						
6" Down						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	200	TON	\$8.40	\$1,680.00	AWARD	CR (Crusher Run) Midway Stone
Linwood Mining & Minerals	200	TON	\$10.05	\$2,010.00	BACKUP	
Tri City Blacktop Inc.	200	TON	No Bid			
Line 24						
lime screenings						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	250	TON	\$1.00	\$250.00	AWARD	SCR (Screenings) McCausland Quarry
Linwood Mining & Minerals	250	TON	\$10.05	\$2,512.50	BACKUP	
Tri City Blacktop Inc.	250	TON	No Bid			
Line 25						
CLASS A REVETMENT						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Tri City Blacktop Inc.	250	TONS	No Bid			
RiverStone Group, Inc.	250	TONS	No Bid			
Line 26						
Class E Revetment						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
RiverStone Group, Inc.	250	TON	\$21.00	\$5,250.00	AWARD	RRE McCausland Quarry, LeClaire Quarry
Tri City Blacktop Inc.	250	TON	No Bid			

Line 27					Erosion Stone (1A Gradati	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
RiverStone Group, Inc.		250 TONS	\$15.10	\$3,775.00	AWARD	GR34 McCausland Quarry, LeClaire Quarry
Linwood Mining & Minerals		250 TONS	\$18.50	\$4,625.00	BACKUP	
Tri City Blacktop Inc.		250 TONS	No Bid			
Line 28					RR 4 - 150 LBS RIP RAP	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
RiverStone Group, Inc.		500 TON	\$21.00	\$10,500.00	AWARD	RR4 Allied Stone, Midway Stone, LeClaire Q
Tri City Blacktop Inc.		500 TON	No Bid			
Line 29					Class A Rip Rap - RR5-40	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Linwood Mining & Minerals		200 TON	\$18.50	\$3,700.00	AWARD	RR5 Allied Stone, Midway Stone
RiverStone Group, Inc.		200 TON	\$21.00	\$4,200.00	BACKUP	
Tri City Blacktop Inc.		200 TON	No Bid			
Line 30					4" snf 6" x 1/2" and 4" an	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Logan Contractors Supply		1000 LF	\$0.20	\$200.00	AWARD	.20 LF FOR 4"X1/2", .30 LF FOR 6"X1/2", NC
Tri City Blacktop Inc.		1000 LF	No Bid			
RiverStone Group, Inc.		1000 LF	No Bid			
Line 31					4" AND 6" X 1/2" and 4" a	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Logan Contractors Supply		1000 LF	\$0.28	\$280.00	AWARD	.28 LF FOR 4"X1/2" NOMAFLEX, .38 LF FOF
Tri City Blacktop Inc.		1000 LF	No Bid			
RiverStone Group, Inc.		1000 LF	No Bid			
Line 32					Concrete Block - 3' x 3' LI	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Tri City Blacktop Inc.		1 EA	No Bid			
RiverStone Group, Inc.		1 EA	No Bid			
Line 33					Concrete Block - Full Size	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Hahn Ready Mix Company		100 EA	\$120.00	\$12,000.00	AWARD	
Tri City Blacktop Inc.		100 EA	No Bid			
RiverStone Group, Inc.		100 EA	No Bid			
Line 34					Concrete Block - 1/2 size	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Hahn Ready Mix Company		1 EA	\$100.00	\$100.00	AWARD	
Tri City Blacktop Inc.		1 EA	No Bid			
RiverStone Group, Inc.		1 EA	No Bid			
Line 35					Liquid Curing Compound	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Logan Contractors Supply		225 GAL	\$3.30	\$742.50	AWARD	
Tri City Blacktop Inc.		225 GAL	No Bid			
RiverStone Group, Inc.		225 GAL	No Bid			
Line 36					Narrow Keyway without k	
Name	QTY	UOM	Unit Price	Extended	Alternate Specification	Note to Buyer
Logan Contractors Supply		500 LF	\$0.36	\$180.00	AWARD	
Tri City Blacktop Inc.		500 LF	No Bid			
RiverStone Group, Inc.		500 LF	No Bid			

Line 37						
4x30 Double Bend Epoxy						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	1000	EA	\$1.45	\$1,450.00	AWARD	
Tri City Blacktop Inc.	1000	EA	No Bid			
RiverStone Group, Inc.	1000	EA	No Bid			
Line 38						
#6 x 24" Epoxy Coated De						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	1500	EA	\$1.92	\$2,880.00	AWARD	
Tri City Blacktop Inc.	1500	EA	No Bid			
RiverStone Group, Inc.	1500	EA	No Bid			
Line 39						
#6 x 18" Epoxy Coated Sr						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	500	EA	\$1.49	\$745.00	AWARD	
Tri City Blacktop Inc.	500	EA	No Bid			
RiverStone Group, Inc.	500	EA	No Bid			
Line 40						
#10 x 18" Epoxy Coated S						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	200	EA	\$3.99	\$798.00		
Tri City Blacktop Inc.	200	EA	No Bid			
RiverStone Group, Inc.	200	EA	No Bid			
Line 41						
#4 Rebar not to exceed 16						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	1000	LB	\$0.69	\$690.00	AWARD	
Tri City Blacktop Inc.	1000	LB	No Bid			
RiverStone Group, Inc.	1000	LB	No Bid			
Line 42						
Detectable Warning Surfa						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	20	EA	\$96.00	\$1,920.00	AWARD	
Tri City Blacktop Inc.	20	EA	No Bid			
RiverStone Group, Inc.	20	EA	No Bid			
Line 43						
Wood Stakes - 2"x2"x24" I						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	4000	EA	\$0.46	\$1,840.00	AWARD	
Seiffert Lumber Co. (H.O. Seiff	4000	EA	\$0.49	\$1,960.00	BACKUP	25pc / bundle
Tri City Blacktop Inc.	4000	EA	No Bid			
RiverStone Group, Inc.	4000	EA	No Bid			
Line 44						
Wood Stakes - 2"x2"x36" I						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Seiffert Lumber Co. (H.O. Seiff	2000	EA	\$0.65	\$1,300.00	AWARD	25pc / bundle
Logan Contractors Supply	2000	EA	\$0.86	\$1,720.00	BACKUP	
Tri City Blacktop Inc.	2000	EA	No Bid			
RiverStone Group, Inc.	2000	EA	No Bid			
Line 45						
Crafco Crack Sealant 342						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Logan Contractors Supply	50000	LB	\$0.49	\$24,500.00	AWARD	We also carry Right Pointe sealant at .47 per
Tri City Blacktop Inc.	50000	LB	No Bid			
RiverStone Group, Inc.	50000	LB	No Bid			
Line 46						
Iowa DOT approved prod						
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>

Tri City Blacktop Inc.	350 TON	\$120.00	\$42,000.00	AWARD	Quote is for UPM Mix
RiverStone Group, Inc.	350 TON	No Bid			

Line 47	Portland Cement Type 1 -				
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<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Tri City Blacktop Inc.		700 EA BAG	No Bid			
RiverStone Group, Inc.		700 EA BAG	No Bid			

Line 48	Bara-Kade Bentonite - So				
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<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	<u>Alternate Specification</u>	<u>Note to Buyer</u>
Tri City Blacktop Inc.		150 EACH	No Bid			
RiverStone Group, Inc.		150 EACH	No Bid			

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Jen Walker 563-326-6168
Wards:

Action / Date
4/17/2019

Subject:
Resolution accepting the Jersey Ridge Road Lane Widening Phase I Project, CIP #35000. [Wards 6 & 8]

Recommendation:
Adopt the Resolution.

Background:
Phase I of this project installed new curb and gutter, new storm water intakes, and widened Jersey Ridge Rd in the vicinity of E 65th St and Cromwell Circle. The widening allowed for a center turn lane. Work was completed by NJ Miller, Inc (Davenport, IA). Total cost for phase I was approximately \$455,000.

Phase II is slated for construction this year.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/10/2019 - 2:53 PM
Public Works Committee	Lechvar, Gina	Approved	4/10/2019 - 4:28 PM
City Clerk	Admin, Default	Approved	4/10/2019 - 4:36 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the Jersey Ridge Road Lane Widening Phase I Project, CIP #35000.

WHEREAS, the City of Davenport entered into a contract with NJ Miller, Inc. of Davenport, IA, and

WHEREAS, work included lane widening, construction of a new curb and gutter, and construction of new storm water intakes, 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 Phase I of the Jersey Ridge Road Lane Widening 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 24th day of April, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
4/24/2019

Subject:
Resolution setting a Public Hearing to amend the FY2019 Operating and Capital Improvement Budgets. [All Wards]

Recommendation:
Adopt the Resolution setting a Public Hearing for Wednesday, May 15, 2019 at 5:30 PM at the Committee of the Whole meeting.

Background:
This resolution sets the Public Hearing for the purpose of amending the FY2019 operating and capital budgets.

The operating budget is amended to incorporate new programs, budget changes to revenue estimates, budget grant funding, transfer funds between programs, and adopt full-time personnel adjustments. The capital budget is amended to close out completed projects, adjust grant funding levels, and move unspent bonded financing sources forward to the current year.

This Resolution formally sets the Public Hearing for Wednesday, May 15, 2019 at 5:30PM at the Committee of the Whole meeting. Specific amendment information will be provided with the agenda item appearing on that Council cycle.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution setting Public Hearing for FY 2019 Budget Amendment

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	4/12/2019 - 4:09 PM

Resolution No. _____

Resolution offered by Alderman Matson:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION setting a public hearing for amending the FY 2019 Operating and Capital Improvement Budgets.

WHEREAS, amending the Operating Budget is necessary to incorporate new programs, budget changes to revenue estimates, budget grant funding, transfer funds between programs, and adopt full-time personnel adjustments; and

WHEREAS, amending the Capital Budget is necessary to close out completed projects, adjust grant funding levels, and move unspent bonded financing sources forward to the current year; and

WHEREAS, a public hearing is necessary prior to the amendment of the Operating and Capital Improvement Budgets;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that a public hearing to amend the FY 2019 Operating and Capital Improvement Budgets is set for Wednesday, May 15, 2019 at 5:30 p.m.

Approved:

Attest:

Frank J. Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
4/17/2019

Subject:
Resolution setting a Public Hearing on the issuance of not-to-exceed \$51,225,000 General Obligation Corporate and Refunding Bonds, Series 2020. [All Wards]

Recommendation:
Adopt the Resolution and hold the Public Hearing on Wednesday, May 1, 2019, at 5:30 PM.

Background:
A Public Hearing on the issuance of bonds to finance the FY2020 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 FY2020 in order to make debt service payments on the provided bonds will be prepared for the May 1, 2019 Council cycle.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution Setting Public Hearing
▣ Backup Material	Bond Proceed Details

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	4/10/2019 - 5:43 PM
Finance Committee	Wright, Brandon	Approved	4/10/2019 - 5:43 PM
City Clerk	Admin, Default	Approved	4/11/2019 - 2:56 PM

SET DATE FOR HEARING ON
ISSUANCE OF GENERAL OBLIGATION
CORPORATE AND REFUNDING
BONDS, SERIES 2020 AND ADOPT
REIMBURSEMENT RESOLUTION

629872-86

Davenport, Iowa

April 24, 2019

The City Council of the City of Davenport, Iowa, met on April 24, 2019, at 5:30 o'clock p.m. at the Council Chambers, City Hall, Davenport, Iowa. The Mayor presided and the roll was called showing the following Aldermen present and absent:

Present: _____

Absent: _____.

The City Council took up for consideration a resolution setting a date for public hearing on the proposed issuance of not to exceed \$51,225,000 General Obligation Corporate and Refunding Bonds, Series 2020.

Alderman _____ introduced the resolution hereinafter next set out and moved its adoption, seconded by Alderman _____; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Aldermen voted:

Ayes: _____

Nays: _____.

The resolution, as hereinafter set out, was signed by the Mayor as evidence of approval, was attested by the Deputy Clerk and was declared to be effective.

• • • •

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

Mayor

Attest:

Deputy Clerk

RESOLUTION NO. _____

Resolution to fix meeting date for hearing on the issuance of not to exceed \$51,225,000 General Obligation Corporate and Refunding Bonds, Series 2020

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, has previously issued its General Obligation Corporate Bonds, Series 2012 (the “Series 2012 Bonds”), and, in the ordinance authorizing the issuance of the Series 2012 Bonds, the City reserved the right to call for early redemption as of June 1, 2020, the maturities of the Series 2012 Bonds coming due after June 1, 2020; and

WHEREAS, the City, also has previously issued its General Obligation Refunding Bonds, Series 2012D (the “Series 2012D Bonds”), and, in the ordinance authorizing the issuance of the Series 2012D Bonds, the City reserved the right to call for early redemption as of June 1, 2020, the maturities of the Series 2012D Bonds coming due after June 1, 2020; and

WHEREAS, the City, in accordance with the Charter of the City and Chapter 384 of the Code of Iowa, hereby proposes to issue not to exceed \$51,225,000 General Obligation Corporate and Refunding Bonds, Series 2020 (the “Bonds”), for the purpose of paying costs in connection with making improvements to sanitary sewers, sewage treatment works, storm sewers, streets, streetscapes, sidewalks and paths, airport, municipal housing projects, fire and police department facilities, parks, improvements to municipal buildings and facilities; acquisition of equipment for public safety, streets, solid waste, mass transit, parks and library; bridge repair and maintenance, vehicle maintenance, information technology and economic development projects; and to pay the cost of refunding the maturities of the Series 2012 Bonds and Series 2012D Bonds that will come due after June 1, 2020; 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 1, 2019, 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 8, 2019, 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 \$51,225,000
GENERAL OBLIGATION CORPORATE AND REFUNDING BONDS, SERIES 2020

The City Council of the City of Davenport, Iowa, will meet as the Committee-of-the-Whole on May 1, 2019, 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 \$51,225,000 General Obligation Corporate and Refunding Bonds, Series 2020, for the purpose of paying costs in connection with improvements to sanitary sewers, sewage treatment works, storm sewers, streets, streetscapes, sidewalks and paths, airport, municipal housing projects, fire and police department facilities, parks, improvements to municipal buildings and facilities; acquisition of equipment for public safety, streets, solid waste, mass transit, parks and library; bridge repair and maintenance, vehicle maintenance, information technology and economic development projects; and to pay the cost of refunding the maturities of the City's General Obligation Corporate Bonds, Series 2012, and General Obligation Refunding Bonds, Series 2012D, that will come due after June 1, 2020.

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 8, 2019, 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.

Brian Krup
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 April 24, 2019.

Mayor

Attest:

Deputy Clerk

Alderman _____ introduced and moved the adoption of the resolution hereinafter set out relating to compliance with Internal Revenue Code reimbursement regulations. The motion was seconded by Alderman _____ and the Mayor put the question on the motion and, the roll being called, the following named Aldermen voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the motion duly carried and said resolution adopted, as follows:

City of Davenport, Iowa
2020 Bond Issue
(\$ Thousands)
3/28/2019

15-Year General Obligation Bonds	Amount	
Airport Improvements	248	
Bridge Repair and Maintenance	240	
City Facility Improvements	2,100	
Municipal Housing Projects	1,320	
Parks Improvements	2,345	
Public Safety Equipment	218	
Sewer Improvements	360	
Street Improvements	7,650	
Streetscape Improvements/Sidewalks & Paths	1,340	
Transit Bus Replacement	198	
Subtotal 15-Year GO Bonds		\$ 16,019
5-Year Equipment Bonds (GO)		
Acquisition of Streets Vehicles/Equipment	525	
Acquisition of Ice Resurfacer	150	
City Information Technology Network Improvements	300	
Library Equipment	525	
Subtotal 5-Year Equipment Bonds		\$ 1,500
15-Year Bonds Abated by Other Sources (GO)		
Sewer Improvements (Sewer Fund)	7,000	
Water Pollution Control Plant Improvements (WPCP Equip Replacement Fund)	5,000	
Subtotal 15-Year Bonds Abated by Other Sources		\$ 12,000
5-Year Bonds Abated by Other Sources (GO)		
Solid Waste Equipment (Solid Waste Fund)	766	
Subtotal 5-Year Bonds Abated by Other Sources		\$ 766
Total Proposed 2020 Bond Issue - Projected		<u>\$ 30,285</u>
Estimated Cost of Issuance and Underwriting Discount		\$ 441
Total 2020 Bond Issue - Not-to-Exceed		<u><u>\$ 30,725</u></u>

City of Davenport, Iowa
2020 Bond Issue
(\$ Thousands)
3/28/2019

Essential Corporate Purpose	Amount	
Acquisition of Streets Vehicles/Equipment	525	
Airport Improvements	248	
Bridge Repair and Maintenance	240	
Public Safety Equipment	218	
Municipal Housing Projects	1,320	
Parks Improvements	2,345	
Sewer Improvements	7,360	
Street Improvements	7,650	
Streetscape Improvements/Sidewalks & Paths	1,340	
Water Pollution Control Plant Improvements	5,000	
		\$ 26,246
 General Corporate Purpose		
Acquisition of Ice Resurfacer	150	
City Facility Improvements	2,100	
City Information Technology Network Improvements	300	
Library Equipment	525	
Solid Waste Equipment	766	
Transit Bus Replacement	198	
		\$ 4,039
 Total Proposed 2020 Bond Issue - Projected		
		\$ 30,285
 Estimated Cost of Issuance and Underwriting Discount		
		\$ 441
 Total 2020 Bond Issue - Not-to-Exceed		
		\$ 30,725

2020 Bonding Detail

<u>Funding Source</u>	<u>Program</u>	<u>CIP#</u>	<u>Project</u>	<u>Amount</u>
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30007	LIFT STATION REHABILITATION (SANITARY)	50,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30038	1930'S SANITARY SEWER RIVERFRONT INTERCEPTOR	3,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30044	CONTRACT SEWER REPAIR PROGRAM (SANITARY)	1,275,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30048	TREMONT BASIN MANHOLE RECONSTRUCTION	550,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30049	SEWER LATERAL REPAIR PROGRAM	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30050	SANITARY SEWER LINING PROGRAM	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30051	PUMP STATION 202 REHABILITATION	125,000
BONDS ABATED BY SOLID WASTE FUND	FLEET	10503	SOLID WASTE EQUIPMENT REPLACEMENT PROGRAM	766,000
BONDS ABATED BY WPCP REPLACEMENT FUND	WPCP	39005	DISINFECTION OF TREATMENT PLANT EFFLUENT	5,000,000
EQUIPMENT BONDS	FLEET	24014	DUMP TRUCK REPLACEMENT PROGRAM	325,000
EQUIPMENT BONDS	FLEET	24016	RIVER'S EDGE ICE RESURFACER	150,000
EQUIPMENT BONDS	FLEET	24018	POTHOLE REPAIR EQUIPMENT REPLACEMENT	200,000
EQUIPMENT BONDS	INFORMATION TECHNOLOGY	67002	IT CAPITAL IMPROVEMENT PROGRAM	250,000
EQUIPMENT BONDS	INFORMATION TECHNOLOGY	67006	CITY FIBER NETWORK MAINTENANCE PROGRAM	50,000
EQUIPMENT BONDS	LIBRARY SERVICES	66012	LIBRARY ELECTRONIC REPLACEMENT PROGRAM	110,000
EQUIPMENT BONDS	LIBRARY SERVICES	66013	LIBRARY MATERIALS PROGRAM	415,000
GO BONDS	AIRPORT	20011	UNDERGROUND FUEL TANK REMOVAL	200,000
GO BONDS	AIRPORT	20012	MAINTENANCE BUILDING RENOVATION	48,250
GO BONDS	BRIDGES	21004	DIVISION STREET BRIDGE AT DUCK CREEK	100,000
GO BONDS	BRIDGES	21005	BRIDGE REPAIR FOR TRAIL AND PEDESTRIAN WAYS	100,000
GO BONDS	BRIDGES	21008	BRIDGE MAINTENANCE PROGRAM	40,000
GO BONDS	FACILITIES MAINTENANCE	10481	CAPITAL IMPROVEMENTS AT MWP	375,000
GO BONDS	FACILITIES MAINTENANCE	23033	PUBLIC WORKS ROOF REPLACEMENT	870,000
GO BONDS	FACILITIES MAINTENANCE	23036	PUBLIC HOUSING HVAC REPLACEMENT	50,000
GO BONDS	FACILITIES MAINTENANCE	23037	ROOSEVELT CENTER WINDOW REPLACEMENT	280,000
GO BONDS	FACILITIES MAINTENANCE	23038	MAIN LIBRARY AIR HANDLER REPLACEMENT	475,000
GO BONDS	FACILITIES MAINTENANCE	62002	POLICE STATION PUMP REPLACEMENTS	50,000
GO BONDS	FLEET	24015	BUS FLEET CAPITAL MANAGEMENT PROGRAM	198,000
GO BONDS	GENERAL GOVERNMENT	61002	DAVENPORT NOW	820,000
GO BONDS	GENERAL GOVERNMENT	61006	URBAN REVITALIZATION PROGRAM	500,000
GO BONDS	PARKS & RECREATION	64070	PARK DEVELOPMENT PROGRAM	350,000
GO BONDS	PARKS & RECREATION	64071	PARK AMENITY ADA ACCESS PROGRAM	150,000
GO BONDS	PARKS & RECREATION	64072	SWIMMING POOL IMPROVEMENTS	70,000
GO BONDS	PARKS & RECREATION	64073	GOLF COURSE IMPROVEMENTS PROGRAM	375,000
GO BONDS	PARKS & RECREATION	64074	PARK SHELTER REPAIR PROGRAM	50,000
GO BONDS	PARKS & RECREATION	64076	VANDER VEER PERGOLA REPLACEMENT	100,000
GO BONDS	PARKS & RECREATION	64077	JERSEY FARMS NEIGHBORHOOD PARK	200,000
GO BONDS	PEDESTRIAN TRANSPORTATION	28016	CIVIC ACCESS PROGRAM	400,000
GO BONDS	PEDESTRIAN TRANSPORTATION	28021	CREATING CONNECTIONS PROGRAM	700,000
GO BONDS	PEDESTRIAN TRANSPORTATION	28022	RECREATIONAL PATH RECONSTRUCTION PROGRAM	200,000
GO BONDS	PEDESTRIAN TRANSPORTATION	28023	RECREATIONAL PATH SECTIONAL REPAIR PROGRAM	40,000
GO BONDS	PUBLIC SAFETY	63008	SCBA EQUIPMENT REPLACEMENT	170,000
GO BONDS	PUBLIC SAFETY	63010	STORM WARNING SIRENS UPGRADES	47,500
GO BONDS	RIVERFRONT	68004	MAIN STREET LANDING IMPROVEMENTS	1,000,000
GO BONDS	RIVERFRONT	68010	RIVERFRONT FIXTURE REPLACEMENT	50,000
GO BONDS	STORMWATER	33001	CONTRACT SEWER REPAIR PROGRAM (STORM)	300,000
GO BONDS	STORMWATER	33025	LIFTSTATION REHABILITATION (STORM)	25,000
GO BONDS	STORMWATER	33037	HIGHWAY 61 BRIDGE OVER HIGHWAY 22	35,000
GO BONDS	STREETS	35031	53RD STREET RECONSTRUCTION AND WIDENING	1,000,000
GO BONDS	STREETS	35037	IDOT THRESHOLD RESURFACING PROGRAM	250,000
GO BONDS	STREETS	35038	ALLEY REPAIR PROGRAM	200,000
GO BONDS	STREETS	35039	NEIGHBORHOOD STREET REPAIR PROGRAM	1,000,000
GO BONDS	STREETS	35040	HIGH VOLUME STREET REPAIR PROGRAM	3,000,000
GO BONDS	STREETS	35042	CONTRACT MILLING PROGRAM	200,000

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
4/17/2019

Subject:
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. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The City's FY2020 Capital Improvement Budget becomes effective July 1, 2019. 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 2020 bond sale will be used to fund a variety of capital projects in the FY2020 CIP. A listing of projects to be financed is attached.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution Including Project List

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	4/10/2019 - 5:54 PM
Finance Committee	Wright, Brandon	Approved	4/10/2019 - 5:54 PM
City Clerk	Admin, Default	Approved	4/11/2019 - 2:57 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.

(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 2020 Bonds”) and reasonably expects to issue the Series 2020 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 FOLLOWS RESOLUTION)

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Series 2020 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 2020 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 2020 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 2020 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 2020 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 2020 Bonds from any restriction under the bond resolution or other relevant legal documents for the Series 2020 Bonds, and under any applicable state statute, which would apply to the unspent proceeds of the Series 2020 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 April 24, 2019.

Mayor

Attest:

Deputy Clerk

STATE OF IOWA
COUNTY OF SCOTT SS:
CITY OF DAVENPORT

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 \$51,225,000 General Obligation Corporate and Refunding Bonds, Series 2020.

WITNESS MY HAND this _____ day of _____, 2019.

Deputy Clerk

City of Davenport, Iowa
2020 Bond Issue
(\$ Thousands)
3/28/2019

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City of Davenport, Iowa
2020 Bond Issue
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2020 Bonding Detail

<u>Funding Source</u>	<u>Program</u>	<u>CIP#</u>	<u>Project</u>	<u>Amount</u>
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BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30049	SEWER LATERAL REPAIR PROGRAM	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30050	SANITARY SEWER LINING PROGRAM	1,000,000
BONDS ABATED BY SEWER FUND	SANITARY SEWERS	30051	PUMP STATION 202 REHABILITATION	125,000
BONDS ABATED BY SOLID WASTE FUND	FLEET	10503	SOLID WASTE EQUIPMENT REPLACEMENT PROGRAM	766,000
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EQUIPMENT BONDS	FLEET	24014	DUMP TRUCK REPLACEMENT PROGRAM	325,000
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GO BONDS	AIRPORT	20012	MAINTENANCE BUILDING RENOVATION	48,250
GO BONDS	BRIDGES	21004	DIVISION STREET BRIDGE AT DUCK CREEK	100,000
GO BONDS	BRIDGES	21005	BRIDGE REPAIR FOR TRAIL AND PEDESTRIAN WAYS	100,000
GO BONDS	BRIDGES	21008	BRIDGE MAINTENANCE PROGRAM	40,000
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GO BONDS	FACILITIES MAINTENANCE	23033	PUBLIC WORKS ROOF REPLACEMENT	870,000
GO BONDS	FACILITIES MAINTENANCE	23036	PUBLIC HOUSING HVAC REPLACEMENT	50,000
GO BONDS	FACILITIES MAINTENANCE	23037	ROOSEVELT CENTER WINDOW REPLACEMENT	280,000
GO BONDS	FACILITIES MAINTENANCE	23038	MAIN LIBRARY AIR HANDLER REPLACEMENT	475,000
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GO BONDS	RIVERFRONT	68004	MAIN STREET LANDING IMPROVEMENTS	1,000,000
GO BONDS	RIVERFRONT	68010	RIVERFRONT FIXTURE REPLACEMENT	50,000
GO BONDS	STORMWATER	33001	CONTRACT SEWER REPAIR PROGRAM (STORM)	300,000
GO BONDS	STORMWATER	33025	LIFTSTATION REHABILITATION (STORM)	25,000
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GO BONDS	STREETS	35031	53RD STREET RECONSTRUCTION AND WIDENING	1,000,000
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GO BONDS	STREETS	35038	ALLEY REPAIR PROGRAM	200,000
GO BONDS	STREETS	35039	NEIGHBORHOOD STREET REPAIR PROGRAM	1,000,000
GO BONDS	STREETS	35040	HIGH VOLUME STREET REPAIR PROGRAM	3,000,000
GO BONDS	STREETS	35042	CONTRACT MILLING PROGRAM	200,000

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
4/3/2019

Subject:
Resolution approving an Art Collection Service Agreement between the City of Davenport, Figge Art Museum, and Quad Cities Cultural & Educational Supporting Trust. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:

The City of Davenport established an art gallery in 1925 as a municipal function after successfully pursuing State legislation that allowed for the legal authority to expend public funds on the purchase, management, care, and exhibition of the City's art collection. These items are stored and/or housed at the Figge Art Museum.

Davenport's art collection began with the donation of 334 works of art from a former mayor of Davenport, Charles August Ficke. The collection grew over the next 75 years to more than 3,000 pieces acquired on behalf of and for exhibition to the citizens of Davenport.

In 2000, Davenport embarked on establishing the site of a new museum and the current location at Second and Harrison was selected to build a new museum with a construction cost of \$46,000,000 to be designed by David Chipperfield. The new museum construction became the impetus for a Vision Iowa Grant that would help fund the construction and renovation of six major buildings in the downtown.

In the best interest of the growth and expansion of the new art museum, it was mutually determined that the City's art collection would be best served through the transition to nonprofit management. A 20-year governance agreement was approved in 2003 to guide the transition and to fulfill the terms of the Vision Iowa Grant that included a commitment to operate the Figge for 20-years. Since it opened to the public in 2005, the Figge Art Museum has housed, maintained, cared for, and exhibited the City's art collection, including overseeing conservation and preservation of selected artworks as needed, organizing changing exhibits highlighting aspects of the City's art collection, and facilitating the exhibition of works from the collection in special exhibitions at other museums, and has developed and presented educational programs for visitors of all ages.

With the current agreement set to expire in April 2023, the purpose of this new agreement is to extend the agreement with modifications through 2030. Under the terms of the new agreement, the City of Davenport will continue to provide \$753,000 annually in operating support for the Figge Art Museum through FY 2025. Beginning in FY 2026, the City will provide \$800,000 annually in operating support through FY 2030. If the agreement is renewed under the terms presented herein, the City will provide an additional \$30,000 annually for each 5-year renewal period.

Under the terms of this agreement, the Figge Art Museum is obligated to raise one dollar for every two dollars of the City's annual operating support as well as raise \$500,000 in new

endowment funds every 5 years. The Cultural Trust intends to increase its annual support of the Figge Art Museum once it is successful in reaching the organization's \$32 million fund-raising campaign goal.

Funding for the City's operating support of the Figge Art Museum is provided through the City's General Fund. Future increases are anticipated to be funded through the Hotel/Motel Tax Fund.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution
▢ Backup Material	Figge Financing Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	3/14/2019 - 3:35 PM
Finance Committee	Wright, Brandon	Approved	3/14/2019 - 3:35 PM
City Clerk	Admin, Default	Approved	4/8/2019 - 9:40 AM

Resolution No. _____

Resolution offered by Alderman Matson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the Art Collection Service Agreement between the City of Davenport, Figge Art Museum, and Quad Cities Cultural & Educational Supporting Trust.

WHEREAS, the City established an art gallery in 1925 as a City function after pursuing State legislation to allow property taxes to be spent on the purchase, management, care, and exhibition of the City's art collection which now includes those items stored and/or housed at the Figge identified on Exhibit A (the "City's Art Collection"); and

WHEREAS, the City established an ordinance creating a Board of Trustees for an art gallery whose powers included the acceptance and purchase of art on behalf of the City and acceptance of donations with the understanding that City's Art Collection would be maintained by and remain in the care of the City on behalf of its citizens; and

WHEREAS, the City's Art Collection began with the donation of 334 works of art from a former mayor of Davenport, Charles August Ficke. The City's Art Collection grew over the next 75 years to over 3,000 pieces acquired on behalf of the City. Many private collectors and the Friends of Arts donated art works to the City with the understanding that those art works would be managed, preserved, and exhibited for the citizens of the City; and

WHEREAS, in 2000, the Board of Trustees embarked on establishing the site of a new museum in conjunction with the City and the current location at Second and Harrison was selected to build a new museum with a construction cost of Forty-Six Million and NO/100 Dollars (\$46,000,000.00) to be designed by David Chipperfield; and

WHEREAS, the new museum construction became the impetus for a Vision Iowa Grant which would help fund the construction and renovation of six major buildings in the downtown; and

WHEREAS, in the best interest of the growth and expansion of the new art museum, it was mutually determined that the City's Art Collection would be best served through the transition to nonprofit management. A twenty (20) year governance agreement was approved in 2003 to guide the transition and to fulfill the terms of the Vision Iowa Grant which included the commitment to operate the Figge for twenty (20) years; and

WHEREAS, since it opened to the public in 2005, the Figge art museum has housed, maintained, cared for and exhibited the City's Art Collection, including overseeing conservation and preservation of selected artworks as needed, organizing changing exhibits

highlighting aspects of the City's Art Collection, and facilitating the exhibition of works from the City's Art Collection in special exhibitions at other museums, and has developed and presented educational programs based on the City's Art Collection for visitors of all ages, including each year all fifth graders from the Davenport School District and over 5,000 students from surrounding communities, and has brought national attention to the museum's exhibitions and programs, has provided a world-class venue for community events, and served as the anchor of the revitalization of the Downtown,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Art Collection Service Agreement between the City of Davenport, Figge Art Museum, and Quad Cities Cultural & Educational Supporting Trust is hereby adopted.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

ART COLLECTION SERVICE AGREEMENT

THIS ART COLLECTION SERVICE AGREEMENT (hereafter “Agreement”) entered into this ____ day of _____ 2019, by and among the Figge Art Museum (hereafter “Figge”), an Iowa non-profit; and the City of Davenport, Iowa (hereafter “City”), a municipal corporation; and the Quad Cities Cultural & Educational Supporting Charitable Trust (hereafter “Trust”); each a “Party” and collectively referred to herein as the “Parties”.

WHEREAS, the City established an art gallery in 1925 as a City function after pursuing State legislation to allow property taxes to be spent on the purchase, management, care, and exhibition of the City’s art collection which now includes those items stored and/or housed at the Figge identified on Exhibit A (the “City’s Art Collection”); and

WHEREAS, the City established an ordinance creating a Board of Trustees for an art gallery whose powers included the acceptance and purchase of art on behalf of the City and acceptance of donations with the understanding that City’s Art Collection would be maintained by and remain in the care of the City on behalf of its citizens; and

WHEREAS, the City’s Art Collection began with the donation of 334 works of art from a former mayor of Davenport, Charles August Ficke. The City’s Art Collection grew over the next 75 years to over 3,000 pieces acquired on behalf of the City. Many private collectors and the Friends of Arts donated art works to the City with the understanding that those art works would be managed, preserved, and exhibited for the citizens of the City; and

WHEREAS, in 2000, the Board of Trustees embarked on establishing the site of a new museum in conjunction with the City and the current location at Second and Harrison was selected to build a new museum with a construction cost of Forty-Six Million and NO/100 Dollars (\$46,000,000.00) to be designed by David Chipperfield; and

WHEREAS, the new museum construction became the impetus for a Vision Iowa Grant which would help fund the construction and renovation of six major buildings in the downtown; and

WHEREAS, in the best interest of the growth and expansion of the new art museum, it was mutually determined that the City’s Art Collection would be best served through the transition to nonprofit management. A twenty (20) year governance agreement was approved in 2003 to guide the transition and to fulfill the terms of the Vision Iowa Grant which included the commitment to operate the Figge for twenty (20) years; and

WHEREAS, Trust was founded in 2007 and currently provides funding for six key arts and cultural organizations in the Quad Cities helping these organizations to educate, inspire, nourish, and sustain a creative and prosperous community; and

WHEREAS, since it opened to the public in 2005, the Figge art museum has housed, maintained, cared for and exhibited the City’s Art Collection, including overseeing conservation and preservation of selected artworks as needed, organizing changing exhibits highlighting aspects of the City’s Art Collection, and facilitating the exhibition of works from the City’s Art Collection in special exhibitions at other museums, and has developed and presented educational programs based on the City’s Art Collection for visitors of all ages, including each year all fifth graders from the Davenport School District and over 5,000 students from surrounding communities, and has brought national attention to the museum’s exhibitions and programs, has

provided a world-class venue for community events, and served as the anchor of the revitalization of the Downtown,

NOW, THEREFORE, in consideration of the foregoing terms, the Parties agree as follows:

A. FIGGE RESPONSIBILITIES

1. The 2003 Governance Agreement between the City and the Figge will continue to be in effect through its full term, ending in April 2023.
2. Figge shall continue to operate as a non-profit art museum and will manage, care for, maintain, and exhibit the City's Art Collection in accordance with accepted museum best practices, and fulfill its mission to bring art and people together by enriching our community with the experience of art through education, collections, exhibitions, and preservation throughout the term of the Agreement.
3. Figge shall continue to operate its main campus and museum at its current location of 225 West 2nd Street in Davenport, Iowa.
4. Figge shall continue to be open to the citizens of Davenport and the general public for forty (40) or more hours per week in accordance with the Figge's Board Policy.
5. Figge shall amend its Bylaws and operating documents to establish that the City shall have and maintain one seat on the Figge's Board of Trustees, reserved for a City elected official, which person shall be appointed by the Mayor and as such, the elected official will adhere to the Figge's Bylaws and member contract for a Figge Board member.
6. Figge's executive director shall be available at City's request to offer professional consultation with respect to City's public art and new acquisitions throughout the Term of this Agreement.
7. Figge, through its annual fund and sponsorships, shall raise one dollar for every two dollars the City pays in a fiscal year. Figge shall provide an annual report to City regarding its compliance with this provision.
8. Figge will work to raise Five Hundred Thousand and NO/100 Dollars (\$500,000.00) in new endowment funds every five (5) years to assure financial stability and to minimize the need for additional City funding, over and above the City's annual commitment for the management of the City's Art Collection. Figge shall provide a report to City at the end of each five (5) year period regarding its compliance with this provision.
9. The Figge shall continue to fulfill the necessary requirements to be a funded partner of the Quad Cities Cultural Trust.
10. Figge shall obtain and maintain general liability insurance of no less than \$1,000,000.00. The Figge shall add the City as a certificate holder and name the City as an additional insured on a primary basis and be non-contributory.
11. In its role as steward of the City's art collection, Figge may, from time to time, loan work(s) from the City's collection to other institutions, both domestic and foreign, for the purposes of exhibition, interpretation, research and the promotion of new knowledge related to the history of art and culture. Figge shall provide thirty (30) days' prior written notice to City before loaning any work(s) from the collection. Figge shall arrange to have the loaned work(s) insured wall-to-wall at the value of the fair market value of the work(s). Work(s) shall be insured against certain standard risks of physical loss or damage while in transit and on location throughout the period of the loan. In most cases, it is understood that the borrowing institution will be responsible to cover these costs. However, Figge may develop alternative solutions to cover these costs when loaning work(s).

B. CITY RESPONSIBILITIES

1. The 2003 Governance Agreement between the City and the Figge will continue to be in effect through its full term, ending in April 2023.
2. City shall provide annual funding to the Figge, which may be utilized for any purpose consistent with its non-profit mission, in accordance with the below schedule. Fiscal years are established as the City's fiscal year, and annual payments shall be paid in monthly installments no later than the 15th of each month as follows:

FISCAL YEAR	AMOUNT
May 2023 through FY 2025	\$62,750/month (\$753,000 annually)
FY 2026 through FY 2030	\$66,666.67/month (\$800,000 annually)

3. The City may provide capital project loan financing to Figge for mutually agreed upon projects, which conditions, terms, and loan period shall be approved by the Davenport City Council. If approved, financing costs shall be at the interest rate received on the most recent City bond issue plus minor administrative fees as established by City. City loan financing will not be requested for capital projects under \$250,000.
4. City shall retain ownership of the City's Art Collection. The City shall insure the City's art collection held by Figge, which general terms and conditions shall be substantially similar to Figge's insurance on its own collection. City hereby waives its right of subrogation, and that of its insurer, against Figge for any loss or damage to the City's Art Collection. City will provide Figge with a certified copy of the policy. City agrees to undertake a revaluation of the City's Art Collection no less than every five (5) years.
5. City shall grant an exclusive right to the Figge to possess, exhibit, research, interpret, lend, and provide general care including, but not limited to, preservation of the City's Art Collection. City grants to the Figge general oversight for the use and exhibition of City's Art Collection. The City will be responsible for the care and preservation of all public art that is not located on the Figge property. Deaccessioning of items from the City's Art Collection shall be handled according to guidelines established by the American Alliance of Museums. Figge shall provide thirty (30) days prior written notice to City before deaccessioning any works from the collection. If artworks are acquired exclusively with the proceeds from a deaccession of items from the City Art Collection, those newly acquired items shall remain part of the City Art Collection.

C. TRUST UNDERTAKINGS

1. The Trust agrees that it will continue to conduct a fund-raising campaign, in a manner consistent with trustees' fiduciary obligations, with the initial goal to increase its endowment up to \$32,000,000. Once the fund-raising campaign goal is met, Trust intends, in a manner consistent with the Trust trustees' fiduciary obligations, to increase its annual support for the organizations that it supports, currently numbering six; provided that such increase can be accomplished without jeopardizing the Trust mission, tax-exempt status or without adversely affecting any of the Trust-supported organizations as determined by the Trust trustees who vote on that matter in their reasonable discretion. In the event that the Trust fundraising goal is not met by the end of the City's fiscal year 2024, this Agreement shall

terminate only to the Trust at the option of the Trust upon the Trust's written notification to the other Parties and the Trust thereafter shall have no further obligations hereunder.

2. The Trust intends to maintain the current level of support in the aggregate to all of its supported organizations recognizing that it can only do so in a manner consistent with the Trust trustees' fiduciary obligations and provided that none of the Trust-supported organizations will suffer any material adverse effects as a result of such support as determined by the Trust trustees who vote on that matter in their reasonable discretion.

D. TERM

1. This Agreement shall be effective July 1, 2019 and have an initial term of eleven (11) years. Thereafter, this Agreement shall automatically renew every five (5) years for a term of five (5) years (each a "renewal term"), with the first renewal term commencing on July 1, 2030, subject to the provisions of Section E of this Agreement.

E. RENEWALS

1. Upon completion of the initial term or any subsequent renewal terms, this Agreement shall automatically renew for a period of five (5) years unless any Party notifies the other Parties of its intent to terminate this Agreement at the end of the current term. Such notification must be provided in writing to the other Parties no later than December 31 of the City's fiscal year prior to the fiscal year in which the current term (initial or renewal) ends. For example, if the term ends on June 30, 2030 (City's FY 2030), notification of termination is required to be delivered prior to December 31, 2028 (City's FY 2029). In the event the Trust notifies the other Parties hereunder of its intent to terminate this Agreement, the Agreement shall terminate only to the Trust and the Trust thereafter shall have no further obligations hereunder. If any Party other than the Trust notifies the other Parties hereunder of its intent to terminate this Agreement, the Agreement shall terminate as to all Parties hereto.
2. For each renewal term of the Agreement starting July 1, 2030, the City's annual contribution under paragraph 1 of Section B of this Agreement shall increase by \$30,000. For example, City shall provide \$830,000 (\$800,000 base plus \$30,000 renewal increase) of funding in City's FY 2031 if the Agreement renews and shall also provide funding of \$830,000 for FY 2032, FY 2033, FY 2034, and FY 2035. If the agreement is renewed again, the City's contribution amount shall increase to \$860,000 (\$830,000 base plus \$30,000 renewal) for FY 2036, FY 2037, FY 2038, FY 2039, and FY 2040.

F. TERMINATION

1. Failure by the Parties to satisfy any of their obligations as established in the Agreement shall constitute an event of default and shall be grounds to terminate this Agreement by a non-defaulting Party by written notice to all Parties. Prior to termination, if such default is one that can be cured, written notice shall be provided to the defaulting Party stating the event of default and providing the defaulting Party a thirty (30) day cure period. Provided, however, in the event that there are three (3) defaults by the defaulting Party within a rolling eighteen (18) month period, there shall be no such right to cure. In the event of a default that can be cured and if the Trust is a non-defaulting Party, the Trust shall not be required to fulfill any of its obligations hereunder unless and until the default is timely cured as determined by the Trust trustees who vote on that matter in their reasonable discretion. If the defaulting Party fails to cure the event of default within said cure period if applicable, or if the default is one that is not curable, the other Party or Parties may immediately notify the defaulting Party of the termination of the Agreement. In the event that the Trust notifies a defaulting Party of termination of this Agreement, the Agreement shall terminate only to the Trust and the Trust

therefore shall have no obligations hereunder. In the event that any Party other than the Trust notifies a defaulting Party of termination of this Agreement, and the cure period, if applicable, has run and the default has not been cured, then this Agreement shall terminate as to all Parties. Termination of the Agreement shall result in the return of the City's Art Collection to the City. Figge and City recognize the need for an appropriate alternative location to be secured by City for the City's Art Collection, both parties hereby agree that relocation process will take at least twelve (12) months and Figge and City shall continue its obligations under the terms of this Agreement until the relocation of the City's Art Collection is complete.

G. NOTICE

1. Notices as provided for in this Agreement shall be delivered to the Parties at the respective addresses designated herein unless otherwise notified in writing of a different address. Such notice shall be considered delivered under the terms of this Agreement upon deposit in the United States Postal Service mail system or overnight delivery service, addressed as designated, postage prepaid, by certified mail.
2. For the purpose of notices, the Parties designate the following persons:

City Administrator
City of Davenport
226 West 4th Street
Davenport, IA 52801

Executive Director
Figge Art Museum
225 West 2nd Street
Davenport, IA 52801

Executive Director
Quad City Cultural Trust
Northwest OffiCenter
2550 Middle Road, Suite 300
Bettendorf, IA 52722

H. INDEMNITY

1. The Parties agree to save, defend, and hold each other harmless from any and all liability for damages, costs, or expense from or as a result of any action at law or suit in equity that may be brought against the other by any person or entity arising out of the conditions or obligations in this Agreement.
2. Notwithstanding anything to the contrary contained in this Agreement, none of the Parties, nor their officers, directors, shareholders, partners, affiliates, or employees shall be liable to the other Parties (or its officers, directors, shareholders, partners, affiliates, or employees) for any special, incidental, or consequential loss or damage (excluding general damages), including without limitation, loss of profits or loss of use of capital or revenue under any circumstance, even if that party has been advised of or has foreseen the possibility of such damages, whether the claim arises in tort, contract, or otherwise under this Agreement.

I. PROFESSIONAL PRACTICES

1. The Parties agree that all of the services and obligations to be performed under the Agreement will be rendered using sound, professional practices and in a competent and professional manner by knowledgeable, trained, and qualified personnel.

J. AUTHORITY TO ENTER INTO CONTRACT

1. The Parties severally represent and warrant to each other that they have full authority to enter into this Agreement and that it has not granted or will not grant any right or interest to any person or entity that might derogate, encumber, or interfere with the rights granted herein.

K. CHOICE OF LAW AND FORUM

1. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with this Agreement without regard to the choice of law provisions of Iowa law. In the event any proceeding of a quasi-judicial or judicial nature is commenced in connection with this Agreement, the exclusive jurisdiction for the proceeding shall be brought in Scott County District Court for the State of Iowa, Davenport, Iowa, or in the United States District Court for the Southern District of Iowa, Eastern Division, Davenport, Iowa wherever jurisdiction is appropriate. This provision shall not be construed as waiving any immunity to suit or liability including without limitation sovereign immunity in State or Federal court, which may be available to the Parties or the State of Iowa.

L. ASSIGNMENT AND DELEGATION

1. This Agreement may not be assigned, transferred, or conveyed in whole or in part without the prior written consent of the Parties hereto. For the purpose of construing this clause, a transfer of a controlling interest in any of the Parties shall be considered an assignment.

M. NOT A JOINT VENTURE

1. Nothing in this Agreement shall be construed as creating or constituting the existence or relationship of a partnership, joint venture, or other association of any kind or agent and principal relationship between the Parties. Each Party shall be deemed to be independent for providing services and acting toward the mutual benefits expected to be derived herein. No Party, unless otherwise specifically provided for herein, has the authority to enter into any contract or create an obligation or liability on behalf of, in the name of, or binding upon another Party to this Agreement.

N. SEVERABILITY

1. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity or enforceability of any other part or provision of this Agreement.

O. COUNTERPARTS

1. This Agreement may be signed in one or more counterparts with each counterpart being treated as an original, and all of which shall together constitute one instrument. The Parties agree that this Agreement shall be legally binding upon the electronic transmission, including by facsimile or email of .pdf files, by each Party of a signed signature page to this Agreement to the other Parties.

[Signature Page Follows]

The Parties have caused this Agreement to be executed by their authorized representatives as of the date set forth above.

City of Davenport, Iowa

Figge Art Museum

By _____

By _____

Printed Name & Title

Printed Name & Title

**Quad Cities Cultural & Educational
Supporting Charitable Trust**

By _____

Printed Name & Title

STATE OF)

) ss:

COUNTY OF)

On this _____ day of _____, 2019, before me a notary in and for said county and state, personally appeared _____, to me known, who being by me duly sworn (or affirmed) did say that s/he is the _____ of the City of Davenport, and that said instrument was on behalf of the City of Davenport by the authority of its City Council and that _____ acknowledged the execution of said instrument to be the voluntary act and deed of the City of Davenport by it and by her/him voluntarily executed.

Notary Public

STATE OF)
) ss:
COUNTY OF)

On this _____ day of _____, 2019, before me a notary in and for said county and state, personally appeared _____, to me known, who being by me duly sworn (or affirmed) did say that s/he is the _____ of Figge Art Museum, and that said instrument was signed on behalf of the said organization by the authority of its board of trustees and that _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by her/him voluntarily executed.

Notary Public

STATE OF)
) ss:
COUNTY OF)

On this _____ day of _____, 2019, before me a notary in and for said county and state, personally appeared _____, to me known, who being by me duly sworn (or affirmed) did say that s/he is the _____ of Quad Cities Cultural & Educational Supporting Charitable Trust, and that said instrument was signed on behalf of the said organization by the authority of its board of trustees and that _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by her/him voluntarily executed.

Notary Public

City of Davenport

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

Action / Date
4/17/2019

Subject:
Resolution approving a Letter of Agreement with Main Street Iowa, LLC providing for the completion of certain capital improvement projects at Modern Woodmen Park. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
According to the current lease agreement for Modern Woodmen Park, the City and tenant are required to renegotiate the annual funding amount for capital improvement funds and stadium improvement funds by the end of FY2022. These funds are vital to ensuring that the ballpark remains in good repair and that it continues to be a vibrant attraction for the region.

This Letter of Agreement specifies that the City will contribute \$425,000 annually to Capital Improvement Funds and \$186,500 to Stadium Improvement Funds (uses as outlined in the original Lease Agreement) beginning in FY2024. Certain maintenance and enhancement capital projects will be undertaken according to the schedule and conditions listed in the agreement with the funding provided through FY2026. As part of this agreement, the City of Davenport also commits to replacing the HVAC system at Modern Woodmen Park in its Capital Improvement Program.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Letter of Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	8/27/2018 - 2:27 PM
Finance Committee	Watson-Arnould, Kathe	Approved	9/12/2018 - 10:12 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 9:48 AM

Resolution No. _____

Resolution offered by Alderman Matson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a Letter of Agreement with Main Street Iowa, LLC ("tenant") providing for the completion of certain capital improvement projects at Modern Woodmen Park.

WHEREAS, according to the current lease agreement for Modern Woodmen Park, the City and tenant are required to renegotiate the annual funding amount for capital improvement funds and stadium improvement funds by the end of FY 2022; and

WHEREAS, these funds are vital to ensuring that the ballpark remains in good repair and that it continues to be a vibrant attraction for the region; and

WHEREAS, the attached Letter of Agreement specifies that the City will contribute \$425,000 annually to Capital Improvement Funds and \$186,500 to Stadium Improvement Funds as outlined in the original Lease Agreement beginning in FY2024; and

WHEREAS, certain maintenance and enhancement capital projects will be undertaken according to the schedule and conditions listed in the agreement with the provided funding, and

WHEREAS, as part of this agreement, the City of Davenport commits to replacing the HVAC system at Modern Woodmen Park in its Capital Improvement Program; and

WHEREAS, City and tenant desire to formalize their agreement of these terms related to the stadium lease agreement in the attached Letter of Agreement;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the foregoing and the terms set forth in the attached Letter of Agreement, the Letter of Agreement with Main Street Iowa, LLC providing for the completion of certain capital improvement projects at Modern Woodmen Park is hereby approved by the City Council.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk



**City of Davenport
City Administration**

226 W. Fourth Street • Davenport, IA 52801
(563) 326-7763 • FAX (563) 326-7736
www.cityofdavenportiowa.com

April 24, 2019

Main Street Iowa, LLC
ATTN: David Heller
Modern Woodmen Park
209 South Gaines Street
Davenport, IA 52802

RE: LETTER OF AGREEMENT – LIST OF CAPITAL PROJECTS AND CITY PROJECT FUNDING AMOUNTS

Dear Dave,

As described in Section 10(b) of the Stadium Lease Agreement, the City and Main Street Iowa are required to periodically negotiate in good faith the amount of funding provided in the Capital Improvement Fund (CIF). As of the date of this letter, the City contributes \$375,000 annually to the CIF and \$45,000 annually to the Stadium Improvement Fund (SIF). Per the current Stadium Lease Agreement, the City's annual contribution to the SIF increases to \$136,500 in FY 2020. These amounts are committed to in the Stadium Lease Agreement through June 30, 2022 (FY 2022). The purpose of this Letter of Agreement is to acknowledge that both parties agree to extend the next required negotiation date through the City's FY 2028, or June 30, 2028. The parties agree that beginning July 1, 2028 (City's FY 2029) and every five (5) years thereafter consistent with all other considerations outlined in Section 10(b), the annual amount of the City's CIF shall be renegotiated in good faith provided, however, that such annual amount shall not be changed to an amount less than \$425,000 per fiscal year. The parties also agree to evaluate the amount contributed to the SIF at that time. Both parties agree that as of July 1, 2023 (City's FY 2024), the City shall contribute \$425,000 annually to the CIF and \$186,500 to the SIF.

Further, both parties agree that the following improvements shall be made at the ballpark and credited as follows against amounts committed by the City for the CIF and/or SIF.

PROJECT	ESTIMATED AMOUNT	CIF ALLOTMENT	SIF ALLOTMENT
Electronic Scoreboard Replacement (per conditions outlined below)	\$250,000	FY 2019 - \$125,000 FY 2020 - \$64,050 FY 2021 - \$60,950	N/A
Ribbon Board Replacement	\$250,000	FY 2021 - \$28,100 FY 2022 - \$114,050 FY 2023 - \$107,850	N/A

PROJECT	ESTIMATED AMOUNT	CIF ALLOTMENT	SIF ALLOTMENT
Sound System Replacement	\$35,000	N/A	FY 2021 - \$35,000
Ballpark Security	\$150,000	FY 2023 - \$150,000	N/A
Facia	\$500,000	FY 2023 - \$117,150 FY 2024 - \$132,850	FY 2022 - \$100,000 FY 2023 - \$100,000 FY 2024 - \$50,000
Party Plaza Shade Covering	\$375,000	FY 2024 - \$292,150 FY 2025 - \$82,850	N/A
Seat Replacement	\$425,000	FY 2025 - \$275,000	FY 2024 - \$100,000 FY 2025 - \$50,000
Generator Replacement	\$250,000	FY 2025 - \$67,150 FY 2026 - \$57,850	FY 2025 - \$100,000 FY 2026 - \$25,000

The estimated amounts and associated allotment years are not intended to obligate either of the parties to complete any or all of the listed projects should actual costs differ substantially from the estimated amounts shown. Knowing that actual costs will differ from estimated amounts, this Letter of Agreement in no way obligates or commits the City to spend more than the total amount available through CIF- and SIF-provided funding consistent with the lease agreement as modified in this Letter of Agreement through June 30, 2026, nor does it prevent the parties from adding new projects to spend down remaining funding once all projects listed herein have been completed. If a project listed herein is funded from both CIF and SIF, City agrees to first utilize the listed SIF allotment before committing the listed CIF allotment in its prioritization of payment sources.

Based on estimated amounts, the City shall undertake each of these projects during the following fiscal years:

Project	Fiscal Year
Electronic Scoreboard Replacement (per conditions outlined below)	FY 2019
Ribbon Board Replacement	FY 2019
Sound System Replacement	FY 2019
Ballpark Security	FY 2020
Facia	FY 2021
Party Plaza Shade Covering	FY 2022
Seat Replacement	FY 2023
Generator Replacement	FY 2024

Further, the parties also agree that Section 10(d) of the Stadium Lease Agreement shall hereafter be amended as follows to reflect that the total cost of the electronic scoreboard replacement will be split evenly by the parties and that the electronic scoreboard no longer be considered a trade fixture:

“10(d) The Parties agree that prior to the replacement scheduled in FY 2019 that the electronic scoreboard, which includes the video board, shall for all purposes of this Lease be considered a removable trade fixture. The City is not responsible for the care, maintenance, repair or replacement of the scoreboard purchased in 2011. The Parties agree that the City shall replace the electronic scoreboard as outlined in a Letter of Understanding dated April 24, 2019 and that Lessee shall be responsible for half of all costs associated with the replacement to include, but is not limited to, installation, hardware, software, programming, and other related costs and equipment. Once replaced and Lessee has paid its share of the costs, the electronic scoreboard shall no longer be considered a trade fixture, but shall become a City-owned amenity of the Premises and shall be treated as any other amenity of the Premises with regards to the responsibilities of the Parties under Section 8 of this Agreement.”

Further, the City agrees to fund the replacement of the HVAC system at Modern Woodmen Park, which cost shall be borne entirely by the City in its FY 2021 Capital Improvement Program. Whereas the current HVAC system is contained above the drop ceiling on the suite level, this project shall include the installation of new HVAC equipment on the roof of the building to improve overall efficiency and effectiveness of the system. This amount shall not be deducted from or against CIF or SIF funding from the City to Main Street Iowa. As part of the HVAC project, City will determine the differential cost of removing the drop ceiling on the suite level to increase the ceiling height to the height of the original roof line versus the cost of restoring the current drop ceiling after the HVAC system has been removed. After detailed consultation between the parties, the City shall include this component to the HVAC project if the City, in its sole determination, determines that the cost differential is not substantial (i.e. less than \$50,000). If the cost is determined by the City to be substantial, the parties shall agree to a funding plan for CIF to fund the differential cost and may modify projects listed in this Letter of Agreement or utilize future uncommitted CIF.

Further, the City agrees to fund, exclusive of CIF and/or SIF funding available through the Stadium Lease Agreement, half of the Generator Replacement project scheduled in FY 2024. The City's commitment of half of the total project amount shall be spent first in its prioritization of payments, followed by scheduled SIF funding, followed by CIF funding. To be clear, the estimated cost of the Generator Replacement project is \$500,000. The City, through its CIP Program, is estimated to fund \$250,000. The remaining \$250,000 estimated amount will be spent from CIF and SIF according to the schedule in this Letter of Agreement.

This Letter of Agreement may only be modified or changed by written approval of both parties. The signatures at the bottom of this page signify approval of all terms and conditions outlined herein.

Sincerely,

Corri Spiegel
City Administrator

SIGNATURE PAGE FOLLOWS

City and Main Street Iowa, LLC have caused this Letter of Agreement to be signed and approved by their authorized representatives as witnessed below.

FOR CITY OF DAVENPORT

Frank Klipsch, Mayor

AS WITNESSED BY

Name: _____

FOR MAIN STREET IOWA, LLC

David Heller, Owner

AS WITNESSED BY

Name: _____

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Cory Smith 563-888-2162
Wards:

Action / Date
4/17/2019

Subject:
Resolution approving the purchase of the Axon Interview Room System from Axon of Scottsdale, AZ in the amount of \$133,111.86, CIP #62005. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
This is a sole source purchase. This system is integrated and compatible with our current Evidence.com system. All body, in-car videos, and interview rooms will be in the same system. Axom only sells direct.

This purchase includes the hardware and software that is necessary to run this program. Funding for this purchase is from CIP Acct. #78516675 530350 62005 Police Department Interview Rooms, with a current balance of \$150,000. These funds are from Local Option Sales Tax.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	4/11/2019 - 4:37 PM
Finance Committee	Wright, Brandon	Approved	4/11/2019 - 4:37 PM
City Clerk	Admin, Default	Approved	4/11/2019 - 4:57 PM

Resolution No. _____

Resolution offered by Alderman Matson.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a contract for the purchase of the Axon Interview Room System to Axon of Scottsdale AZ, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to upgrade the Interview Room Systems at the Police Department; and

WHEREAS, Axon supplies a system that will integrate with other electronic systems used by the Police Department;

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

1. Approving the contract for the purchase of the Axon Interview Room System to Axon of Scottsdale AZ; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
4/24/2019

Subject:
Resolution allowing staff to finalize an agreement with Canadian Pacific Railways for the property acquisition of the bridges over the railroad at Elm Street and East 13th Street and allowing the Mayor to execute related documents. [Ward 5]

Recommendation:
Adopt the Resolution.

Background:
The bridges over the Canadian Pacific rail line at Elm Street and E 13 St. have been deemed as structurally deficient. Canadian Pacific Railroad does not require these bridges for operations and would prefer to transfer ownership. In order to expedite the bridge repair, Canadian Pacific wishes to convey the bridges to the City of Davenport along with a lump sum payment of approximately \$1.9 million dollars. The City of Davenport, as a municipal owner, will be eligible for grant funding to make repairs that Canadian Pacific is not eligible for. Staff will begin the grant application process and engineering work as soon as transfer documents are executed.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works Committee	Lechvar, Gina	Approved	4/12/2019 - 2:27 PM
Public Works Committee	Lechvar, Gina	Approved	4/12/2019 - 2:27 PM
City Clerk	Admin, Default	Approved	4/12/2019 - 2:34 PM

Resolution No. _____

Resolution offered by Alderman Matson.

RESOLUTION allowing staff to finalize an agreement with Canadian Pacific Railways for the property acquisition of the bridges over the railroad at Elm Street and East 13th Street and allowing the Mayor to execute related documents.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the bridges over the Canadian Pacific rail line at Elm Street and E 13 St. have been deemed as structurally deficient.

WHEREAS, Canadian Pacific Railroad does not require these bridges for operations and would prefer to transfer ownership.

WHEREAS, Canadian Pacific wishes to convey the bridges to the City of Davenport along with a lump sum payment of approximately \$1.9 million dollars.

WHEREAS, the City of Davenport, as a municipal owner, will be eligible for grant funding to make repairs that Canadian Pacific is not eligible for.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor and City Clerk are authorized to execute all documents necessary.

Passed and approved this 24th day of April, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
4/24/2019

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

Andy Lank; Last Blast; Kilkenny's parking lot 300 W 3rd St; Saturday, April 27, 2019 8:30 AM - 5:00 PM; Outdoor music; over 50 dBa. [Ward 3]

William Campbell; 50th Birthday Party; 2516 Fulton Ave; Saturday, April 27, 2019 4:00 PM - 7:30 PM; Outdoor music, over 50 dBa. [Ward 6]

Azteca Mexican Restaurant; Cinco de Mayo Fiesta; 4811 N Brady St; Saturday, May 4, 2019 5:00 PM - 10:00 PM and Sunday, May 5, 2019 1:00 PM - 9:00 PM; Outdoor music, over 50 dBa. [Ward 7]

Patrick Quinn; Quinn Wedding Reception; 2102 E 13th St; Saturday, June 1, 2019 6:00 PM - 12:00 AM; Outdoor music, over 50 dBa. [Ward 5]

Recommendation:
Pass the Motion.

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

ATTACHMENTS:

Type	Description
▢ Backup Material	Quinn Wedding Reception Neighborhood Flyer

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	4/15/2019 - 8:19 AM

Saturday, June 1st, 2019 at 2102 E. 13th Street, Davenport, IA 52803

Celebrating our Wedding with guests from 6pm until 12am

Will have music playing over a P.A. system but will be moving music inside around 9pm. We are collecting signatures from our neighbors to make sure that everyone is aware that music will be playing that night and to make sure that this is okay.

Printed Name

Address

Signature

Duncombe Brooke 1223 Mound St D Thoren

Lesley Fastlick 2112 E. 18th St. [Signature]

Neil Freeman 2133 Kirkwood Blvd. Neil Freeman

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Sherry Eastman 563-326-7795
Wards:

Action / Date
4/17/2019

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

Boozies Bar and Grill (BZE Holdings, Inc) - 114 1/2 W 3rd St - Ownership Update - License Type: C Liquor

Front Street Brewery (Front Street Brewery, Inc) - 421 W River Dr - Outdoor Area May 4, 2019 "Tour De Brew" - License Type: B Beer

Mary's on 2nd (Birdland, Inc) - 832 W 2nd St - Outdoor Area May 31 - June 3rd, 2019 "Quad City Pride Fest" - License Type: C Liquor

River Music Experience (Redstone Room) - 129 Main St, 2nd Floor - Ownership Update - License Type: C Liquor

RME Courtyard (RME) - 121 W 2nd St - 6 Month New License - Outdoor Area - License Type: C Liquor

Scott's Shovelhead Shed (S.S.S., Inc) - 220 N Pine St - Ownership Update - Outdoor Area - License Type: C Liquor

Thirsty's On 3rd (T On Third Inc) - 2202 W 3rd St - Ownership Update - Outdoor Area - License Type: C Liquor

Ward 4

The Circle Tap (The Circle Tap, Inc) - 1345 W Locust St - Ownership Update - License Type: C Liquor

Ward 5

Brew In The Village (3 Blessings Incorporated) - 1104 Jersey Ridge Rd - Outdoor Area May 27, 2019 "Criterium Event" - License Type: Beer / Wine

Rudy's Tacos (LaRosa S.A. Inc) - 2214 E 11th St - Outdoor Area May 4 - 5, 2019 "Cinco De Mayo" & May 27 - 28, 2019 "Criterium" - License Type: C Liquor

Ward 6

QC Dynasty Buffet (Osaka Buffet Inc) - 5388 Elmore Cir - License Type: C Liquor

Ward 8

Quad City Air Show (Aerial Promotions, Inc) - 9010 Harrison St Davenport Airport - Outdoor Area
June 28 - 30, 2019 - License Type: B Beer

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

Ward 2

Pilot Travel Center #636 (Pilot Travel Centers LLC) - 8200 Northwest Blvd - License Type: C Beer

Rina Mart LLC (Rina Mart LLC) - 3815 W Kimberly Rd - License Type: E Liquor

Ward 3

Boozies Bar and Grill (BZE Holdings, Inc) - 114 1/2 W 3rd St - License Type: C Liquor

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

Redstone Room (River Music Experience) - 129 Main St 2nd Floor - License Type: C Liquor

Scott's Shovelhead Shed (S.S.S. Inc.) - 220 N Pine St - Outdoor Area - License Type: C Liquor

Zeke's Island Cafe on the Hill (Lumpy's, Inc.) - 1509 N Harrison St - License Type: C Liquor

Ward 4

Azteca Express Restaurant, Inc. (Azteca Express Restaurant, Inc.) - 1902 N Division St, Ste 5 - License Type: C Liquor

Ward 5

Rudy's Tacos (LaRosa S.A. Inc.) - 2214 E 11th St - Outdoor Area - License Type: C Liquor

Ward 7

Olive Garden Italian Restaurant #1144 (GMRI Inc) - 330 W Kimberly Rd - License Type: C Liquor

C. Request for exemptions for 19- and 20-year-olds on premises:

Ward 3

River Music Experience (Redstone Room) - 129 Main St, 2nd Floor - License Type: C Liquor

RME Courtyard (RME) - 121 W 2nd St - 6 Month New License - Outdoor Area - License Type: C Liquor

Recommendation:
Consider the license applications.

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	4/12/2019 - 9:59 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
4/24/2019

Subject:
Motion to suspend the rules to add and vote on the following Resolutions.

Recommendation:

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	4/18/2019 - 11:44 AM

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Ron Hocker 563-327-5169
Wards:

Action / Date
4/24/2019

Subject:
Resolution approving a contract amendment to the FY2018 Contract Sewer Repair Program in the amount of \$115,000, CIP #35039. [Ward 5]

Recommendation:
Adopt the Resolution.

Background:

The utility tunnel that runs beneath Central Park Ave between the Vander Veer Park Conservatory and the Parks Department maintenance building on the north side of the street is in disrepair, causing the street above it to partially collapse. This tunnel houses water and sanitary sewer services which serve both facilities.

The proposed work includes replacing the sewer and water services, adding a conduit for future use, and abandoning the tunnel. The utility work will be done at a lump sum cost of \$64,000, with the pavement removal and restoration work being paid at contract unit prices, estimated not to exceed \$51,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	4/18/2019 - 11:38 AM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a contract amendment to the FY2018 Contract Sewer Repair Program in the amount of \$115,000, CIP #35039. [Ward 5]

WHEREAS, the City of Davenport entered into a contract with Hagerty Earthworks, Inc. of Muscatine, Iowa for the FY18 Contract Sewer Repair Program, and

WHEREAS, utility service work for Vander Veer Park and its associated buildings has been identified and deemed necessary, and

WHEREAS, funds have been budgeted for said work, and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the contract amendment in the amount of \$110,000 for the FY18 Contract Sewer Repair Program with Hagerty Earthworks, Inc. is hereby approved, and the Project Manager is hereby authorized to execute said document.

Passed and approved this 24th day of April, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
4/24/2019

Subject:
Resolution opposing HF773 (formerly HSB165) and SSB1260, both property tax reform bills under consideration in the Iowa Legislature. [All Wards]

Recommendation:
Approve the Resolution.

Background:

Legislation was recently introduced in the current legislative session that will have a negative impact on Iowa local governments and the services provided to their constituents. HB773 (formerly HB165) was introduced in the Iowa House, and SSB1260 was introduced in the Iowa Senate. The two bills are similar in nature as to their impact on local governments. Davenport joins many other Iowa municipalities, the QC Chamber of Commerce, and other union groups in opposing these two bills.

The bill effects growing cities differently than cities that are not growing, large cities differently than small cities. With these two bills moving quickly, it is important that organized groups and citizens contact their elected representatives in the Iowa House and Senate to voice their concerns with the impact these bills will have on the delivery of municipal services.

Below is a brief summary of some of the points of the two bills under consideration:

1. Municipal property tax revenues are limited to a 2% growth "soft-cap". While municipalities have the option of increasing revenues above that soft cap amount, this portion is subject to a reverse referendum of the voters. This arbitrary growth factor of 2% is not related to any index that reflects the increasing costs of goods and services, nor does it reflect the realities of State-mandated bargaining processes for public safety personnel. For example, increases in infrastructure expenses as well as health care expenses may create a situation where the process to exceed needs to be used on a regular basis in communities. If the legislature wishes to use a "soft-cap" percentage, the percentage should be raised to a number that reflects the annual increases in expenses that cities face. The bills reset levy rates based upon assessment increases or decreases, which means that cities will no longer see natural growth from assessment increases.
2. Because some rollback classes are fixed (like commercial and industrial classes) and some are not fixed (like residential and multi-residential classes), these bills will have the unintended consequence of increasing taxes for Iowa businesses if the rollbacks that move from year to year are not fixed, especially in an environment of decreasing residential and multi-residential rollbacks. The tax burden shifts more to commercial properties (those with fixed rollbacks) because of the extra levy required to get to the 2% allowable growth number. This problem does not exist today for the many businesses in communities that are capped on the general levy because the commercial and industrial class levies cannot increase when the rollback is lowered for residential and multi-residential properties.
3. The proposed legislation has practical timeline issues. Under the legislation, cities will be forced to make a determination about whether they need to exceed the cap prior to having

the necessary information about net new construction from the Department of Management. The City of Davenport opposes HB773 and SSB1260 for the reasons detailed herein and outlined in the resolution.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	4/18/2019 - 3:45 PM
Finance Committee	Wright, Brandon	Approved	4/18/2019 - 3:45 PM
City Clerk	Admin, Default	Approved	4/18/2019 - 4:21 PM

Resolution No. _____

Resolution offered by Alderman Matson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION opposing HF773 (formerly HSB165) and SSB1260, both property tax reform bills under consideration in the Iowa Legislature.

WHEREAS, the City Council of the City of Davenport believes that, in the spirit of Home Rule, city budgeting and spending is best left in the hands of locally elected governments; and

WHEREAS, the City of Davenport is a regional anchor for commercial and industrial growth in Iowa and is a community of choice for its residents; and

WHEREAS, the City of Davenport remains committed to conservative spending, reasonable fund balances, and transparency in the taxation and use of taxes of Davenport residents and business; and

WHEREAS, increasing municipal taxes are often the result of state mandates, such as pension contributions and rollbacks for commercial and multi-residential property taxes; and

WHEREAS, each municipality has unique needs, goals, and priorities such that uniform caps or one-size-fits-all approaches are not appropriate; and

WHEREAS, the property tax reform bills under consideration were developed without input from stakeholders and will reasonably result in unintended consequences including higher taxes for commercial and industrial properties because of the residential and multi-residential rollbacks; and

WHEREAS, the property tax reform bills under consideration mistakenly conclude that valuations added above the growth limit might act as a buffer to protect municipalities from many large cost areas that typically grow much faster than the growth limit, which conclusion fails to recognize that new valuation growth in a community comes with corresponding costs to service those new areas; and

WHEREAS, the proposed limitations on the authority of locally elected officials, proposed caps on property tax revenue growth, proposed caps on ending fund balances, and proposed limitations on the permitted use of the currently uncapped Trust and Agency Levy for pensions and employee health insurance costs are

unnecessary and will have a negative impact on the City of Davenport and its citizens;
and

WHEREAS, municipal governments are closest to their constituents in providing essential services, which services are harmed by State legislation that creates an uncertain outcome for costs that are certain to rise faster than the allowable growth formula.

NOW, THEREFORE, BE IT RESOLVED, that the City of Davenport is opposed to any legislation that imposes higher costs through State-mandates while simultaneously eliminating or reducing local control to pay for those costs. Therefore, this resolution opposing HF773 (formerly HSB165) and SSB1260, both property tax reform bills under consideration in the Iowa Legislature is hereby approved by the City Council.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk