

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, March 15, 2017; 5:30 PM

City Hall, 226 West 4th Street

****REVISED March 13, 2017****

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public hearing on the recommendations for Year 43 (July 1, 2017 – June 30, 2018) Community Development Block Grant (CDBG) funds. [All Wards]

B. Public Works

1. Public hearing to grant an above ground utility easement in the amount of \$250 to CenturyLink QC on City property west of the Duck Creek Recreational Trail (3000 Block of Fernwood Avenue extended). [Ward 6]

VII. Presentations

VIII. Petitions and Communications from Council Members and the Mayor

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Bill Boom, Chairman; Kyle Gripp, Vice Chairman

I. COMMUNITY DEVELOPMENT

1. Resolution approving Case No. F16-17 being the final plat of Crystal Creek Eighth Addition, located west of Zenith Avenue and north of Emerald and Crystal Creek Drives containing four (4) residential lots on 19.77 acres, more or less. [Ward 1]
2. Resolution approving Case No. F15-18 being the final plat of Green AutoPark First Addition, also being in part a replat of Lot 1 of the Replat of Lot 2 of Mel Foster Co. Properties Inc. Commercial Park 1st Addition, part of Lot 2 of Hampton Inn Addition, and all of Lot 4 and part of Lot 5 of Margaret B. Denkmann's 1st Addition all to the City of Davenport, located at 3210 East Kimberly Road containing 1 commercial lot. [Ward 6]

3. Motion approving the allocations for Year 43 (July 1, 2017 – June 30, 2018) Community Development Block Grant (CDBG) funds and HOME Investment Partnership (HOME) funds. [All Wards]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Mike Matson, Chairman; Maria Dickmann, Vice Chairman

III. PUBLIC SAFETY

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

J&M Displays & River Bandits, Fireworks after River Bandits Games; April - August (Various Dates); 9:30 p.m. - 11:30 p.m. after games end; Closure Location: Bikepath and sidewalk in shoot area; Ward 3

Village Presentation Society, Village in Bloom, May 6, 2017; 6:00 a.m. to 6:00 p.m.; Closure Location: 11th St from Mound to Jersey Ridge and Christie from 11th north to alley; Ward 5

Thirsty's on 3rd, Rev It Up for Awareness Ride, May 5th to 7th; 7 a.m. to 12:00 a.m. Closure Location: Pine Street between 3rd and 4th Streets and two lanes of 3rd Street from the intersection of Pine St to 2236 W 3rd Street, Ward 1

Beaux Arts Fund Committee Inc, Beaux Arts Spring Fair, May 12-14; 10:00 a.m. - 4:00 p.m.; Closure Location: 2nd Street between Harrison and Brady Streets, Ward 3

St. Paul the Apostle & Knights of Columbus, Blue Mass, May 17; 4:00 p.m. - 7:00 p.m.; Closure Location: East Rusholme from Carey to Arlington, Ward 5

American Heart Association, Heart Walk, May 20th, 9:00 a.m. - 11:00 a.m.; Closure Location: Centennial Bridge to Gaines Street and south to Modern Woodmen Park; Ward: 3

Mid Coast Fine Arts, High School Pastel Competition, May 27th, 8:00 a.m. - 5:00 p.m., Closure Location: Pershing between 2nd St and Emerson Place alley, Ward 3

River Action, Ride the River, June 18th, 6:00 a.m. - 4:30 p.m., Closure Location: Bike path, street crossing at 4th & LeClaire, 3rd & LeClaire, and 2nd St and the entrance to the Government Bridge and Western and River Dr., Ward 3

2. Motion for approving the petition for a street light in front of 2033 Dixwell Street. [Ward 3]
3. Motion for approving the petition for a street light in front of 1517 Perry Street. [Ward 3]
4. Motion approving noise variance request(s) for various events on the listed dates at the listed times.

River Bandits & J&M Displays, Fireworks, April - August 2017; Time: after games end, Over 50 dBa; Ward: 3

Thirsty's on 3rd, Rev it Up for Awareness Ride, May 6, 2017; Time: 8:00 AM - 11:59 PM, Over 50 dBa; Ward 1

St. Ambrose University, Final Weekend in April, April 27-29, 2017; Time: Thursday, 8:00 PM - 11:00 PM; Friday 8:00 PM - 12:00 AM; Saturday 12:00 p.m. - 1:00 AM, Over 50 dBa; Ward 4

5. Motion approving beer and liquor license applications.

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

-
Ward 1

-
Emeis Golf Course (City of Davenport) – 4500 W Central Park Ave. – New effective date desired - Outdoor Area – License Type: C Liquor

Ward 3

Golden Mart (Golden Mart Inc.) - 1026 W River Dr. - License Type: E Liquor / C Beer / B Wine

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

The River's Edge (City of Davenport) – 700 W River Dr. – New effective date desired – License Type: B Beer

Ward 5

Baked Beer & Bread Co. (MemeCat LLC) - 1113 Mound St. - Premise Update to add 'Brew Pub' privilege - License Type: C Liquor

Brew In The Village (3 Blessings Incorporated) - 1104 Jersey Ridge Rd. - Outdoor Area - Owner Update - License Type: C Liquor

-
Ward 6

Duck Creek Golf Course (City of Davenport) – 3000 E Locust St. – New effective date desired – Outdoor Area – License Type: B Beer

Rave Davenport 53 & Imax (Cinemark USA, Inc.) – 3601 E 53rd St. – License Type: Beer / Wine

Ward 8

Red Hawk Golf Course (City of Davenport) – 6364 Northwest Blvd. – New effective date desired – Outdoor Area – License Type: B Beer

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

Ward 1

Emeis Golf Course (City of Davenport) – 4500 W Central Park Ave. – Outdoor Area – License Type: C Liquor

-
Ward 3

Antonella's Trattoria Ristorante (Antonella Trattoria Restaurant, Inc.) - 112 W 3rd St. - License Type: Beer / Wine

Daytrotter (Daytrotter Media LLC) - 324 Brady St. - License Type: Beer / Wine

Palmer College of Chiropractic (Palmer College Foundation) - 1000 Brady St. - Outdoor Area - License Type: Beer / Wine

Rudy's Taco's (Majec Inc.) - 326 Cedar St. - License Type: B Beer

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

Tappa's Steak House (Big Tap Productions, Inc.) - 1620 Rockingham Rd. - License Type: C Liquor

-
Ward 5

Grumpy's Saloon (2118-2120, Inc.) - 2120 E 11th St. - License Type: C Liquor

-
Ward 6

Camp McClellan Cellars (Julie Keehn) - 2302 E 11th St. - License Type: C Beer / B Wine

Duck Creek Golf Course (City of Davenport) – 3000 E Locust St. – Outdoor Area – License Type: B Beer

Pints (Pub @ Utica, LLC) - 5268 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

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

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

Ward 8

Red Hawk Golf Course (City of Davenport) – 6364 Northwest Blvd. – Outdoor Area – License Type: B Beer

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. Second Consideration: Ordinance enacting right of way management rules and processes. [All Wards]
2. Resolution to grant an above ground utility easement in the amount of \$250 to CenturyLink QC along the north/west side of the Duck Creek Recreational Trail (3000 Block of Fernwood Avenue extended). [Ward 6]
3. Resolution approving change orders #4 and #5 to Valley Construction Company in the amount of \$114,000 and \$205,000 respectively for the Veteran's Memorial Parkway Paving project from Utica Ridge to the west tie-in to the new I-74 crossover bridge, CIP #10556. [Ward 6]
4. Resolution approving a contract amendment to the FY17 Sanitary Sewer Lateral Repair Program with Petersen Plumbing in the amount of \$100,000, CIP #30022. [All Wards]
5. Resolution approving the contract for architectural/engineering services Multi-Modal Study to RDG Schutte, Wilscam, Birge, Inc. (dba RDG Planning & Design) of Des Moines, Iowa in an amount not to exceed \$110,000, CIP#10151. [All Wards]
6. Resolution accepting the Fuel Facility Modernization Project at the Davenport Municipal Airport in the amount of \$601,637.16. Funding is from the Iowa Department of Transportation, Office of Aviation grant at 25%, \$150,000 and CIP 10102 at 75%, \$451,637. [Ward 8]
7. Resolution granting permission to Geneseo Communications, a State of Iowa franchisee, to install a buried communications system In the city right-of-way along 50th Street from approximately 250 feet west of Sheridan Street to Brady Street for a total distance of approximately 1,460 feet. Agreement Reference No. 2017-F5. [Ward 7]
8. Motion to award the contract for additional I&I removal to Ihrig Works LLC of Long Grove, IA in the amount of \$227,637, budgeted in CIP #30016. [Ward 1 & 3]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Jason Gordon, Chairman; Kerri Tompkins, Vice Chairman

VII. FINANCE

1. Resolution adopting an updated Investment Policy. [All Wards]
2. Motion approving the purchase of a Toro GM5900 16' mower from MTI Distributing of Grimes IA, for the cost of \$91,333.57. [All Wards]
3. Motion awarding the purchase and installation of a new playground at Northwest Park to Boland Recreation of Marshalltown, IA in the amount of \$49,000. CIP #64008

[Ward 2]

4. Motion awarding a contract for mental health services to Psychology Health Group of Davenport, IA. [All Wards]
5. Motion approving a contract for city-owned fiber optic underground services to CDB Utility Contractors, Inc. of Davenport, IA. CIP #10506 [All Wards]
6. Motion awarding a month-to-month transit management contract to First Transit Inc. of Cincinnati, OH. [All Wards]
7. Motion awarding a contract for an employee compensation study to Korn Ferry Hay Group of Chicago, IL in a not-to-exceed amount of \$111,000. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

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

1. J & M Civil Design LLC - Fairhaven Knick Point Design (Clean Water) - Amount: \$10,500
2. Chyma's Machine & Welding Shop - Rivers Edge grandstand improvements (1/2 payment) - Amount: \$11,230
3. Brown's West Branch Chrysler - 1/2 ton pickup truck for Solid Waste - Amount: \$23,909

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Rita Pribyl 326-6171
Wards: All

Action / Date
3/15/2017

Subject:

Public hearing on the recommendations for Year 43 (July 1, 2017 – June 30, 2018) Community Development Block Grant (CDBG) funds. [All Wards]

Recommendation:

Hold the public hearing

Relationship to Goals:

Neighborhood Improvements

Background:

The Citizens Advisory Committee (CAC) completed its process for funding recommendations for the Year 43 CDBG program, which is a subpart of the City's FY 18 operating budget. The CAC reviewed the CDBG applications at a work session and held a public meeting at which applicants made presentations and answered questions about their programs and projects. The CAC's process concluded on March 6th when the CAC voted on its Year 43 funding recommendations for the FY18 CDBG estimated entitlement of \$1,100,000. The vote on the entire slate of recommended allocations was unanimous. Included in the recommendations is the CAC's unanimous recommendation that funding for United Neighbors Summer Youth and DREAM programs be set aside pending the completion of the audit and submission of required application items no later than 06-01-17. CAC will consider the submitted documents and review the allocation recommendations at the next CAC meeting after submission.

For FY18, the City's CDBG allocation is estimated to be \$1,100,000. Awarding of these funds is contingent upon the City receiving the entitlements as indicated from the Department of Housing and Urban Development.

On the CD Committee agenda there is an action item to approve the CAC's recommendations.

ATTACHMENTS:

Type	Description
▣ Exhibit	Draft of public notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Pribyl, Rita	Approved	3/8/2017 - 5:01 PM
Community Development Committee	Sakalosky, Mary	Approved	3/8/2017 - 5:08 PM
City Clerk	Sakalosky, Mary	Approved	3/8/2017 - 5:11 PM

**CITY OF DAVENPORT
PUBLIC HEARING NOTICE**

The City of Davenport, Iowa, is receiving approximately \$1,100,000 of entitlement funds from the Department of Housing and Urban Development in the form of a Community Development Block Grant (CDBG).

A public hearing on the Citizens Advisory Committee recommendations to Council on the allocation of YR43 (July 1, 2017 - June 30, 2018) CDBG funds will be held on March 15, 2016 at 5:30 P.M. before the City Council in the Council Chambers, 226 W. 4th Street, Davenport, Iowa. The public hearing is open to all individuals and organizations.

Funding recommendations are available on the City's website (www.cityofdavenportiowa.com) and at City Hall.

Written comments or inquiries may be submitted to the Community Planning & Economic Development Department, 226 W. Fourth Street, Davenport, Iowa 52801.

The Council Chambers is accessible to the physically challenged. Persons with disabilities who require special accommodations should notify the Community Planning & Economic Development Department at 326-7765 or TDD 326-6145 prior to March 15th. PO 1714373

Interpretive services are available at no charge.
Servicios interpretativos libres estan disponibles.

Dated this March 11th, 2017
Jackie E. Holecek City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Mike Atchley; (563) 327-5149
Wards: 6

Action / Date
PW3/15/2017

Subject:

Public hearing to grant an above ground utility easement in the amount of \$250 to CenturyLink QC on City property west of the Duck Creek Recreational Trail (3000 Block of Fernwood Avenue extended). [Ward 6]

Recommendation:

Hold the public hearing

Relationship to Goals:

Enhance Quality of Life

Background:

CenturyLink QC is requesting an above ground easement area to accommodate the addition of equipment boxes adjacent to the existing box.

The existing box is a copper fed crossbox that provides the neighborhood with 7M DSL. Local demand faster internet & existing internet exhaustion for new customers requires a fiber fed, commercial powered add on cabinet and meter box for potential 20-100M delivery.

A resolution will be voted on March 22, 2017 to grant the above said easement in the amount of \$250. The public hearing on March 15, 2017 is for any interested person to file written objection or comments with respect to the proposed granting CenturyLink QC an above ground utility easement on city property.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Aerial of Easement area
▢ Cover Memo	Picture of Easement Area
▢ Cover Memo	CenturyLink Easement Agreement
▢ Cover Memo	Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	3/8/2017 - 5:01 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 5:01 PM
City Clerk	Admin, Default	Approved	3/9/2017 - 10:13 AM





**Prepared by &
after recording please return to:**
Teresa Shepardson
45537 Road 786
Mason City, NE 68855
402-694-8599

EASEMENT AGREEMENT

This Easement and the rights contained in it are granted by the City of Davenport, Iowa, an Iowa municipality ("Grantor"), whose address is 226 West 4th Street, Davenport, IA 52801.

The undersigned ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants and conveys to Qwest Corporation, d/b/a CenturyLink QC, a Colorado corporation, its successors, assigns, lessees, licensees, agents and affiliates ("Grantee"), having an address of 100 CenturyLink Drive, Monroe, Louisiana 71203, Attn: Construction Services, a perpetual, non-exclusive easement ("Easement") to construct, operate, maintain, repair, expand, replace and remove a communication system that Grantee from time to time may require, consisting of but not limited to, cables, wires, conduits, manholes, drains, splicing boxes, vaults, surface location markers, equipment cabinets and associated wooden or concrete pads, aerial lines, poles and cables, and other facilities and structures, including utility service if required to operate such system, facilities and structures (collectively, the "Facilities") over, under and across the following property located in the County of Scott, State of Iowa, which Grantor owns ("Easement Tract"):

SEE THE DESCRIPTION SET FORTH ON **EXHIBIT A** ATTACHED TO, AND BY THIS REFERENCE MADE A PART OF, THIS AGREEMENT.

Grantor further grants and conveys to Grantee the following incidental rights:

- (1) The right of ingress and egress over and across Grantor's lands to and from the Easement Tract; and
- (2) The right to clear all trees, roots, brush and other obstructions that interfere with Grantee's use and enjoyment of the Easement Tract.

EXHIBIT A TO EASEMENT AGREEMENT

Legal Description of Easement Tract

Part of Peaceful Valley 1st Addition to the city of Davenport, Iowa, being more particularly described as follows:

Commencing at the southeast corner of Lot 27 of Carriage Hill, an addition to the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

Thence South 80°07'50" East 5.96 feet along the south line of said Carriage Hill; thence South 05°07'45" West 15.81 feet; thence South 19°59'55" West 8.34 feet; thence North 80°07'50" West 9.84 feet; thence North 09°52'10" East 23.97 feet to the south line of Carriage Hill; thence South 80°07'50" East 4.04 feet along the south line of said Carriage Hill to the point of beginning. Containing 255 square feet, more or less.

Bearings state herein are based on the Iowa State Plane Coordinate South Zone, NAD 83.

Location
Description: Part of the Northeast Quarter of Section 19,
Township 78 North, Range 4 East of the 5th P.M.
Requestor: Centurylink
Proprietor: City of Davenport
Surveyor: David L. Meyer
Survey Company: Verbeke - Meyer Consulting Engineers, P.C.
Return To: Verbeke - Meyer Consulting Engineers, P.C.
4111 East 60th Street
Davenport, Iowa 52807
dlm@verbeke-meyer.com (563) 359-1348

EASEMENT PLAT
PART OF THE NORTHEAST QUARTER OF SECTION 19
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M.



(SCALE : 1" = 30')

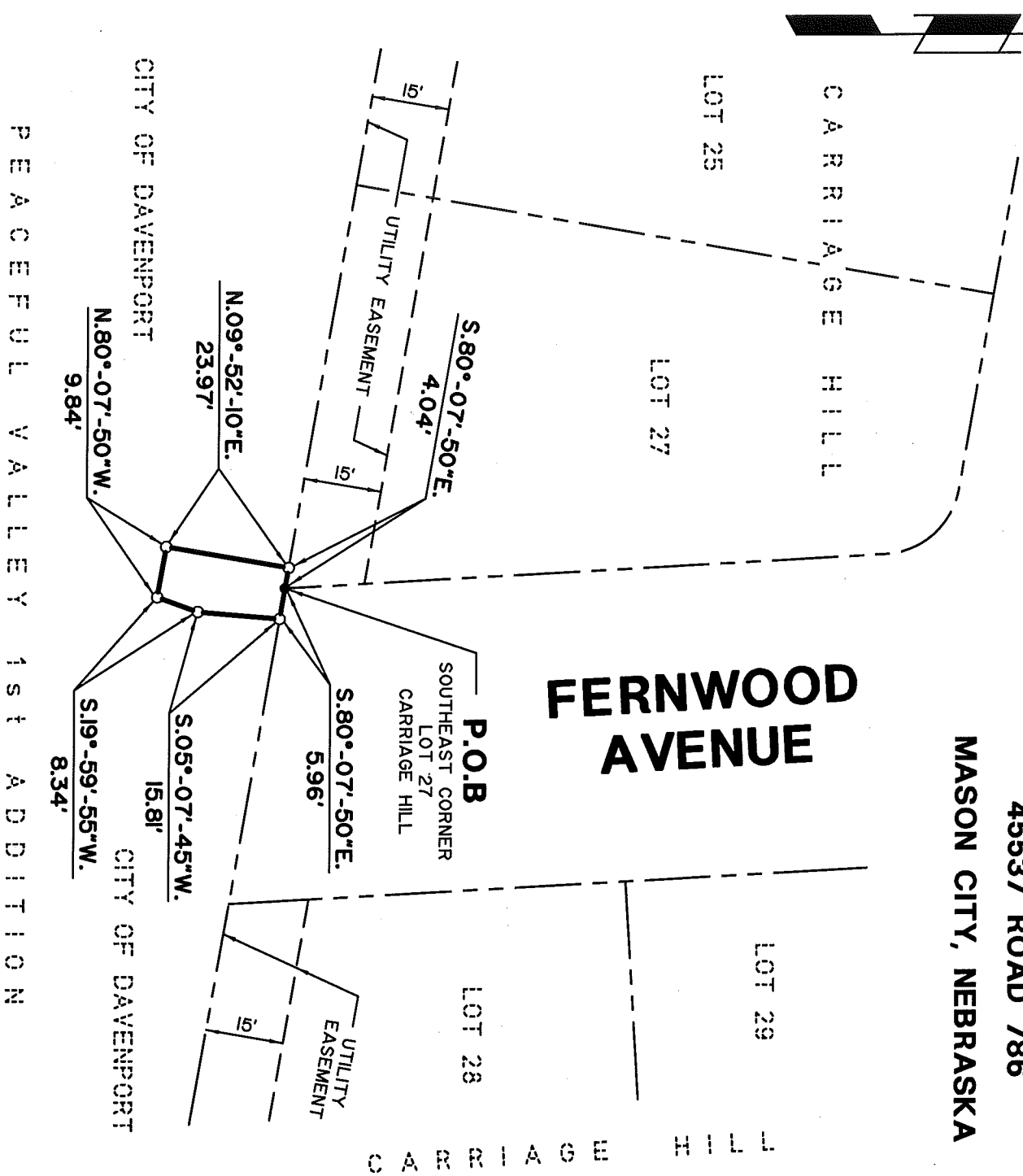
DAVENPORT, IOWA

PREPARED FOR

CENTURYLINK

45537 ROAD 786

MASON CITY, NEBRASKA



LEGEND

—○— SET 5/8" ϕ IRON PIN (7222)

—●— FOUND 5/8" ϕ IRON PIN

PREPARED BY

VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.

4111 EAST 60th STREET

DAVENPORT, IOWA 52807

PHONE NUMBER: (563) 359 - 1348

TOTAL AREA OF SURVEYED
TRACT = 255 SQUARE FEET, $\pm$

BEARINGS BASED ON THE IOWA STATE PLANE
COORDINATE SOUTH ZONE, NAD 83 (2011)
EPOCH 2010.00

VMCE 17107

Notice of Hearing

On a Resolution to Grant CenturyLink QC an aboveground Utility Easement on City Property

Notice is hereby given that at 5:30 P.M., on Wednesday, March 15, 2017, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting an aboveground utility easement to CenturyLink QC on city property located at the following described location:

Part of Peaceful Valley 1st Addition to the city of Davenport, Iowa, being more particularly described as follows:

Commencing at the southeast corner of Lot 27 of Carriage Hill, an addition to the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

Thence South 80°07'50" East 5.96 feet along the south line of said Carriage Hill; thence South 05°07'45" West 15.81 feet; thence South 19°59'55" West 8.34 feet; thence North 80°07'50" West 9.84 feet; thence North 09°52'10" East 23.97 feet to the south line of Carriage Hill; thence South 80°07'50" East 4.04 feet along the south line of said Carriage Hill to the point of beginning. Containing 255 square feet, more or less.

Bearings state herein are based on the Iowa State Plane Coordinate South Zone, NAD 83.

At said hearing any interested person may file written objection or comments with respect to the proposed granting CenturyLink QC an aboveground utility easement on city property.

Jackie E. Holecek
Deputy City Clerk

Davenport, Iowa
March 9, 2017

Publish once March 9, 2017
QUAD-CITY TIMES

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 1

Action / Date
3/15/2017

Subject:

Resolution approving Case No. F16-17 being the final plat of Crystal Creek Eighth Addition, located west of Zenith Avenue and north of Emerald and Crystal Creek Drives containing four (4) residential lots on 19.77 acres, more or less. [Ward 1]

Recommendation:

Findings:

The plat allows additional residential development.

The plat prepares an area for future residential development.

The Plan and Zoning Commission accepts the findings and forwards Case No. F16-17 to the City Council for approval subject to the following conditions:

1. That the surveyor signs the plat.
2. That the utility companies sign the plat when their easement needs have been met.
3. That the elevation(s) of the 100 year flood is shown on the plat and a note is added stating that the low water entry of any permanent building shall be at least one foot above that elevation.
4. That the 100 year flood plain is encompassed in a drainage easement.
5. That a thirty (30) foot stream buffer as measured from the top-of-bank be added to the plat.

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

Relationship to Goals:

Grow tax base

Background:

The plat is requested by Kirk Nelson for originally a three (3) lot now four (4) final plat containing the existing owner's residence, a lot for a hydroponic farm (on existing farms ground), a third lot (future residential development), and a fourth lot for additional family members. The property is zoned "R-3" Moderate Density Dwelling District containing an existing residence and tilled land.

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

ATTACHMENTS:

Type	Description
▣ Resolution Letter	F16-17 Resolution
▣ Backup Material	F16-17 Background materials

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Pribyl, Rita	Approved	3/8/2017 - 5:02 PM

Community Development
Committee
City Clerk

Sakalosky, Mary
Sakalosky, Mary

Approved
Approved

3/8/2017 - 5:11 PM
3/8/2017 - 5:12 PM

Resolution No. _____

Resolution offered by

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. F16-17 being the final plat of Crystal Creek Eighth Addition, located west of Zenith Avenue and north of Emerald and Crystal Creek Drives containing four (4) residential lots on 19.77 acres, more or less. [1st Ward]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Crystal Creek Eighth 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 December 21, 2016 and as follows:

1. That the surveyor signs the plat.
2. That the utility companies sign the plat when their easement needs have been met.
3. That the elevation(s) of the 100 year flood is shown on the plat and a note is added stating that the low water entry of any permanent building shall be at least one foot above that elevation.
4. That the 100 year flood plain is encompassed in a drainage easement.
5. That a thirty (30) foot stream buffer as measured from the top-of-bank be added to the plat.

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

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

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

December 21, 2016

Honorable Mayor and City Council
City Hall
Davenport Iowa 52801

Honorable Mayor and City Council:

At its regular meeting of December 20, 2016, the City Plan and Zoning Commission considered Case No. F16-17 being the final Plat Crystal Creek Eighth Addition located west of Zenith Avenue and north of Emerald and Crystal Creek Drives, containing three (

The plat is requested by Kirk Nelson for a three (3) lot final plat containing the existing owner's residence, a lot for a hydroponic farm (on existing farms ground) and a third lot (future residential development). The property is zoned "R-3" Moderate Density Dwelling District containing an existing residence and tilled land.

The Public Works Department has reviewed this plat with the understanding that portions of it will be re-platted when development is eminent. This tributary to Duck Creek, known as Crystal Creek is a designated floodplain on the Flood Insurance Rate Maps for Davenport. Any development in the floodplain other than the current agricultural activity will need to meet the requirements of Chapter 15.44 entitled Flood Damage Prevention.

Findings:

The plat allows additional residential development.

The plat prepares an area for future residential development.

The City Plan and Zoning Commission accept the findings and forward Case No. F16-17 the the City Council for approval subject to the following conditions:

1. That the surveyor signs the plat.
2. That the utility companies sign the plat when their easement needs have been met.
3. That the elevation(s) of the 100 year flood is shown on the plat and a note is added stating that the low water entry of any permanent building shall be at least one foot above that elevation.
4. That the 100 year flood plain is encompassed in a drainage easement.
5. That a thirty (30) foot stream buffer as measured from the top-of-bank be added to the plat.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	F16-16 Old K's Subd No. 2	F16-17 Crystal Creek 8th	F16-18 Utica Ridge Comm Park 5th					
Connell	P	Y	Y	Y					
Hepner	P	Y	Y	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	P	Y	Y	Y					
Maness	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Medd	P	Y	Y	Y					
Quinn	P	Y	Y	Y					
Reinartz	EX	Y	Y	Y					
Tallman	P	Y	Y	ABSTAIN					
		9-YES 0-NO 0-ABSTAIN	9-YES 1-NO 0-ABSTAIN	8-YES 0-NO 1-ABSTAIN					



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

PLAN AND ZONING COMMISSION

Meeting Date: December 20, 2016
Request: Final Plat Crystal Creek Eighth Addition
Address: West of Zenith Avenue & North of Emerald and Crystal Creek Drives
Case No.: F16-17
Applicant: Kirk Nelson

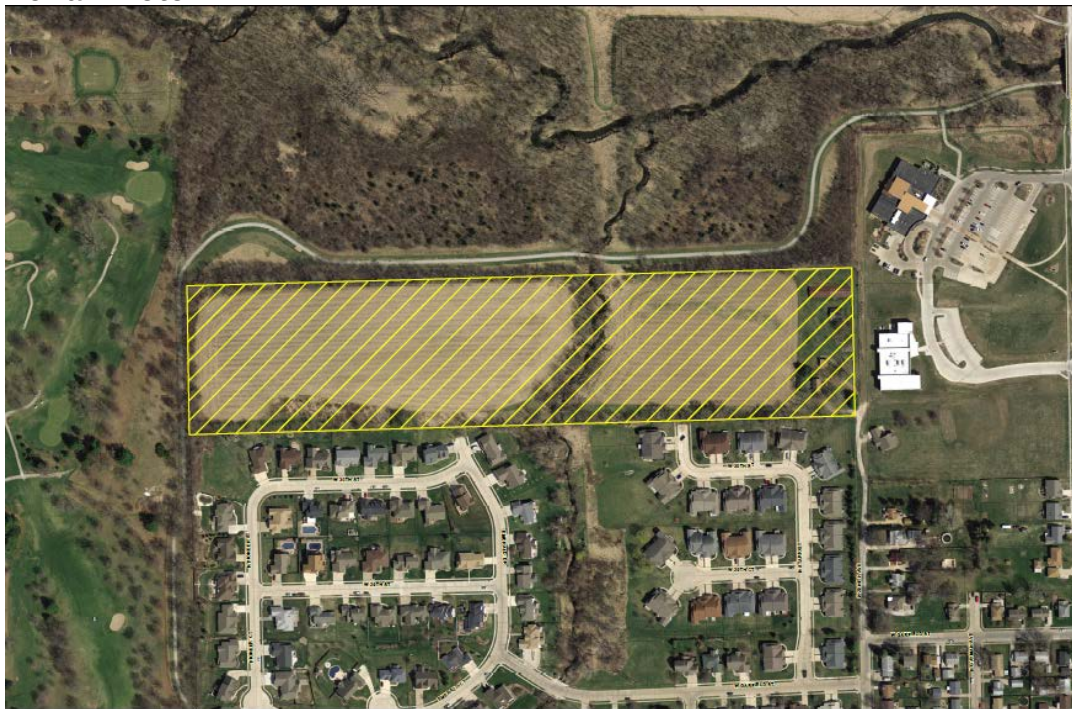
INTRODUCTION

Request of Kirk Nelson for a three (3) lot final plat on 19.77 acres, more or less, located west of Zenith Avenue and north of Emerald and Crystal Creek Drives. This addition replats three lots containing the existing owner's residence, a lot for a hydroponic farm (on existing farms ground) and a third lot. The property is zoned "R-3" Moderate Density Dwelling District containing an existing residence and tilled land.

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. F16-17 the the City Council for approval subject to the listed conditions.

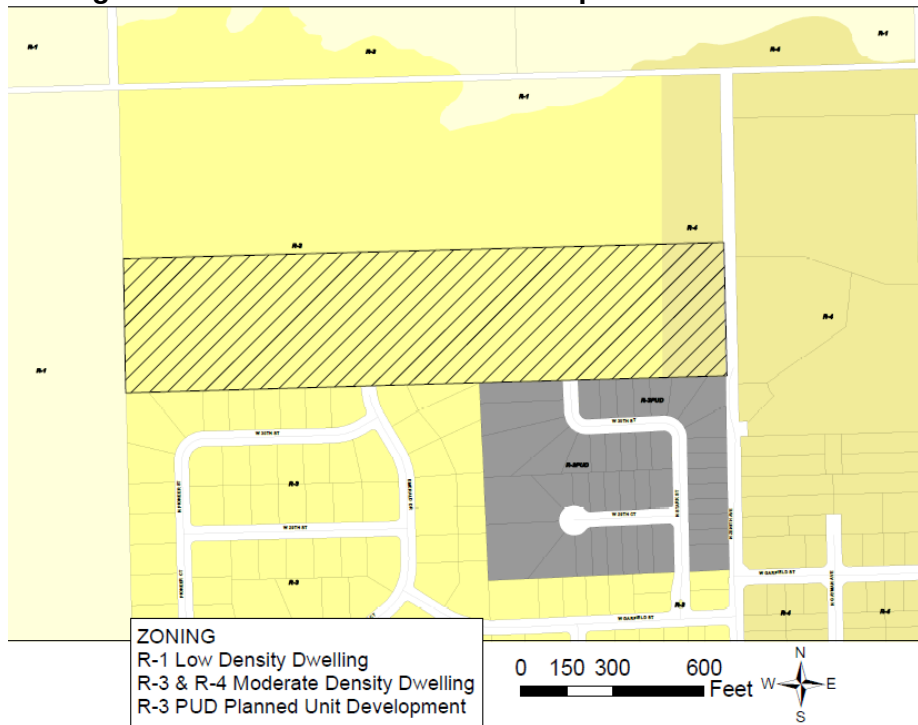
Aerial Photo:



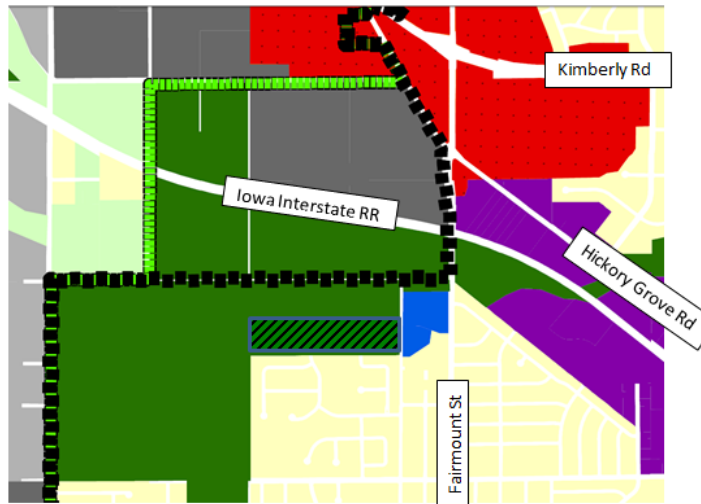
Aerial Photo 2014



Zoning – R-4 PUD Planned Unit Development



Land Use – PR Parks & Recreation



Legend

- | | |
|-------------------------------------|-----------------------------|
| — City Limit | Residential General (RG) |
| Urban Service Boundary (USB) | Civic/Institutional (CI) |
| Urban Service Boundary 2035 (USB35) | Downtown (DT) |
| Urban Corridor (UC) | Industry (I) |
| Regional Commercial (RC) | Parks and Recreation (PR) |
| Commercial Node (CN) | Open Space/Public Land (OS) |
| Commercial Corridor (CC) | Urban Fringe (UF) |
| Commercial Node (CN) | Agricultural Reserve (AR) |
| Future Commercial Node (FCN) | |



Adopted by the Davenport City Council August 10, 2016

BACKGROUND

Comprehensive Plan:

Within Urban Service Area: Yes

Proposed Land Use Designation: PR Parks and Recreation

Descriptions: Parks & Recreation (PR) Designates major developed parks, recreation areas, golf courses, cemeteries, etc. Park or recreation properties can be located in any zoning district. Smaller parks may not appear on the map because of the more general nature and scale of the map. But, it is implied in Residential General (RG) that small neighborhood parks are included.

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

Iowa Smart Planning Principles:

Relevant Iowa Smart Planning Principles which may be considered when reviewing this case:

- ***Natural Resources and Agricultural Protection***
Planning, zoning, development, and resource management should emphasize protection, preservation, and restoration of natural resources, agricultural land, and cultural and historic landscapes, and should increase the availability of open spaces and recreational facilities.

Technical Review:

Streets. The property is located along and west of the northerly extension of Zenith Avenue, West of Fairmount Street, and north of the terminus points of Emerald Drive and Crystal Creek Drive. Access to the building pad and future home site for Lot 2 will need to be located outside of the limits of the 100-year floodplain.

Storm Water. There is existing stormwater infrastructure to the south in the existing Crystal Creek Additions. Crystal Creek, a tributary of Duck Creek bisects the property. Since this is a residential subdivision larger than five (5) acres the stormwater regulations require detention. Infiltration may also be required at this time. In addition to creating a drainage easement for the 1% annual Chance (100-yr) floodplain a stream buffer of 30-feet will need to be shown on the plat as measured from the top-of-bank along both sides of the tributary. The floodplain area should be placed in a drainage easement.

Sanitary Sewer. There is an existing sanitary sewer line in Crystal Creek. This is an eighteen-inch sanitary line.

Other Utilities. This is an urban area and normal utility services are available though they will need to be extended onto the property. Iowa American Water Company has indicated that a water main extension would likely be required along Zenith Avenue.

Emergency Services. The property is located approximately 2 miles from Fire Station No. 6 located at 1735 W Pleasant Street.

Parks/Open Space. The proposed plat is located adjacent to the south of the Duck Creek Parkway.

PUBLIC INPUT

This is a final plat and no public notification is required.

DISCUSSION

The plat divides this parcel into three lots. The eastern most lot contains the residence of the developer/owner. The center lot will be sold to one owner for residence (residence is proposed for location out of the flood plain area) and a hydro-farming and possible organic farming operation. The western most lot will continued to be tilled for row crops.

Access to the development lot (middle lot) would be from a short extension of Emerald Drive.

The Public Works Department has reviewed this plat with the understanding that portions of it will be re-platted when development is eminent. The purpose of the current plat is understood to be for the separation of the current residence from the rest of the property and allowing a hydroponic farm to be located on another lot. With further development streets, right-of-way and sewers will need to be extended. Emerald Drive and Crystal Creek Drive would ideally be connected but in any case should be terminated with cul-de-sacs or by other approved method. The long term plan for Zenith Avenue should also be addressed.

This tributary to Duck Creek, known as Crystal Creek is a designated floodplain on the Flood Insurance Rate Maps for Davenport. Any development in the floodplain other than the current agricultural activity will need to meet the requirements of Chapter 15.44 entitled Flood Damage Prevention.

STAFF RECOMMENDATION

Findings:

The plat allows additional residential development.

The plat prepares an area for future residential development.

Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. F16-17 the the City Council for approval subject to the following conditions:

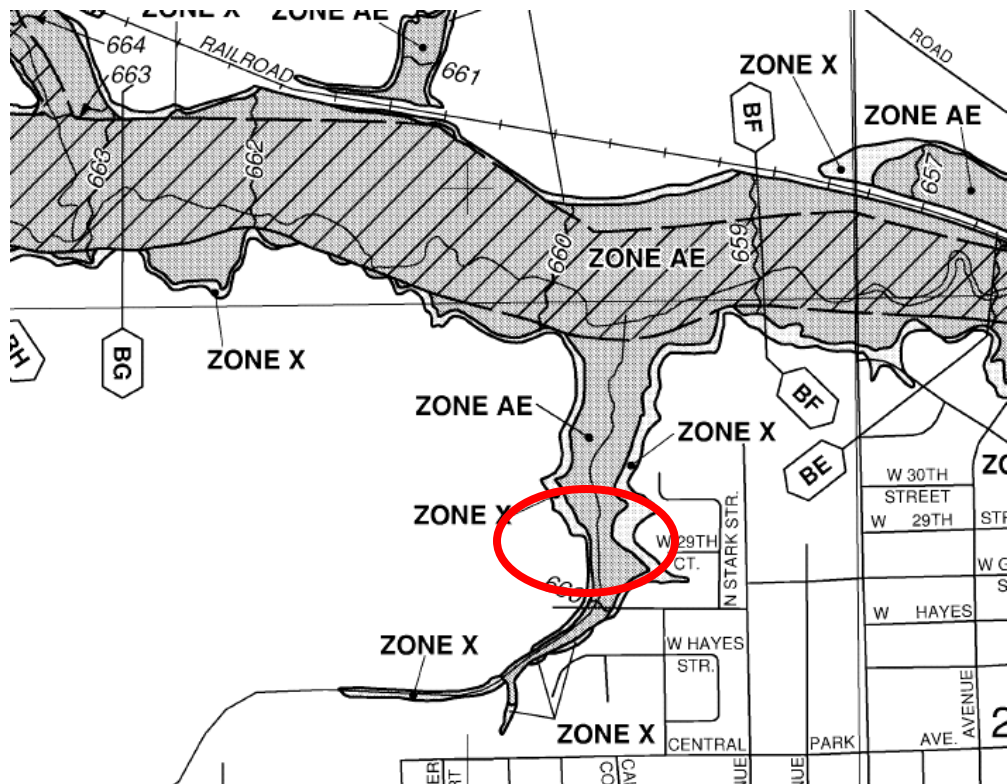
1. That the surveyor signs the plat.
2. That the utility companies sign the plat when their easement needs have been met.
3. That the elevation(s) of the 100 year flood is shown on the plat and a note is added stating that the low water entry of any permanent building shall be at least one foot above that elevation.
4. That the 100 year flood plain is encompassed in a drainage easement.
5. That a thirty (30) foot stream buffer as measured from the top-of-bank be added to the plat.

Prepared by:

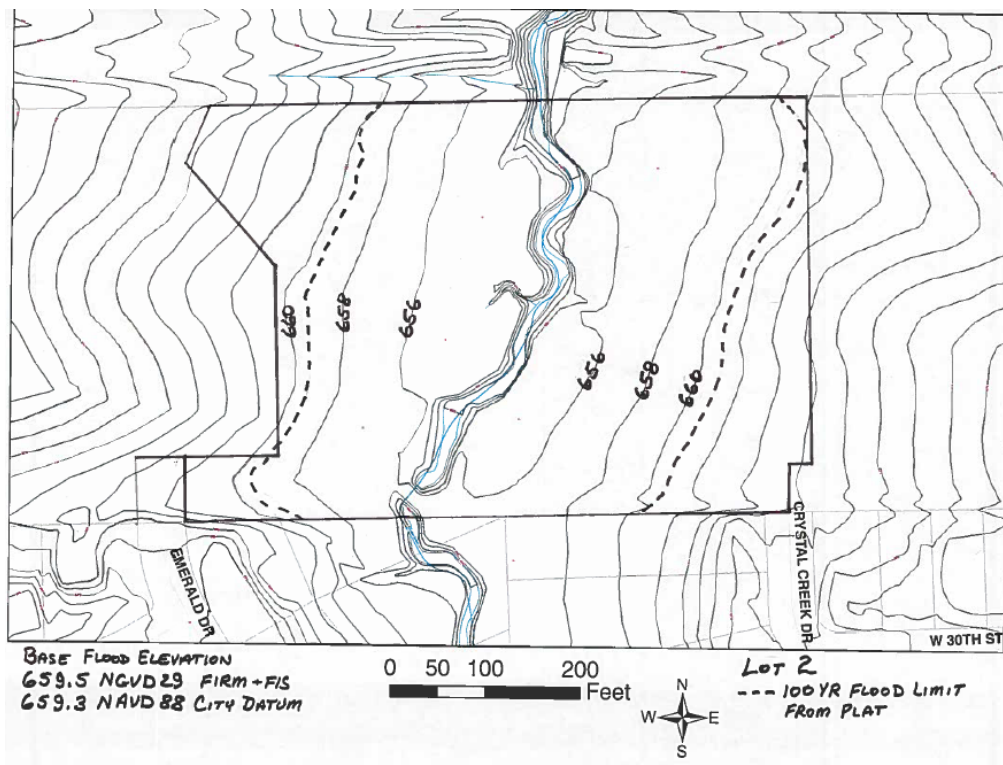
Wayne Wille, CFM

Planner II

Community Planning Division



Map No. 19163C
 Panel No. 345F
 Map Effective Date: 02-18-2011



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

PRELIM FINAL / PUD (circle the appropriate designation)

SUBDIVISION NAME: Crystal Creek Eighth Addition

LOCATION: NE 1/4, Section 20-T4N-R3E

DEVELOPER:

Name: (Owner)

Address: _____

Phone: _____

FAX: _____

Mobile Phone: _____

Email: _____

ENGINEER:

Name: Townsend Engineering

Address: 2224 E 12th St

Davenport, IA 52803

Phone: 563-386-4236

FAX: _____

Mobile Phone: _____

Email: Kenn@Townsendengineering.net

ATTORNEY:

Name: TBD

Address: _____

Phone: _____

FAX: _____

Mobile Phone: _____

Email: _____

OWNER:

Name: Kirk Nelson

Address: 2942 N. Zenith

Davenport, IA 52804

Phone: 309-373-4465

FAX: _____

Mobile Phone: _____

Email: _____

NUMBER OF LOTS: 3

SF

2F

MF & EST. UNITS

COMM

IND

ACRES: 19.77

STREETS ADDED: N/A

LINEAR FEET

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

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

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

FINAL PLAT OF:

CRYSTAL CREEK
EIGHTH ADDITION
TO THE CITY OF DAVENPORT, IA

BEING PART OF THE NORTHEAST QUARTER (NE 1 /4) OF SECTION 20,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA.

990
+ 5000
100

NOTES:

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.

OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A
STORM WATER PASSAGWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN
GRASS AND FREE OF STRUCTURES, FENCES, FILL, BUSHES, TREES SHRUBS OR OTHER
LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER.

SIDEWALKS SHALL BE CONSTRUCTED ALONG ALL STREET FRONTAGES WHEN SO
ORDERED BY THE CITY.

STORM WATER DETENTION IS NOT REQUIRED WITH THIS SUBDIVISION.

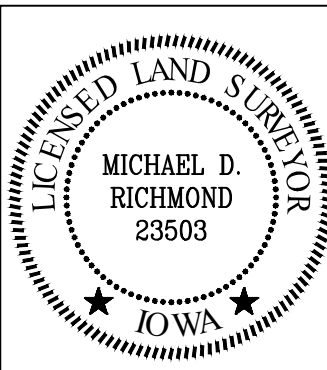
THE 100 YEAR FLOOD ELEVATION FOR THE AREA CONTAINED IN THIS SUBDIVISION IS
659.3' NAVD 88. THE LOW WATER ENTRY LEVEL FOR ANY PERMANENT BUILDING SHALL BE
1 FOOT ABOVE THAT ELEVATION. AREA PLATTED WITH THIS SUBDIVISION IS
REPRESENTED ON FEMA F.I.R.M. #19163C0345F, EFFECTIVE 2/18/2011.

SURVEYOR'S FINAL PLAT CERTIFICATE

I, MICHAEL RICHMOND, AN IOWA PROFESSIONAL LAND SURVEYOR NO. 23503,
LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF IOWA, DO
HEREBY CERTIFY THAT THIS FINAL PLAT OF **CRYSTAL CREEK EIGHTH
ADDITION** TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, IS A TRUE AND
CORRECT REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY
DIRECTION AND ACCORDING TO THE LAWS OF THE STATE OF IOWA AND THE
CITY OF DAVENPORT SUBDIVISION ORDINANCE, OF THE FOLLOWING
DESCRIBED PROPERTY, TO WIT:

COURT OFFICER DEED #2013-40458
THE NORTH 20 ACRES OF THE SOUTH 35 ACRES OF THE WEST 60 ACRES OF
THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (N.E. 1/4). ALSO A
RIGHT OF WAY OVER THE WEST 20 FEET OF THE EAST HALF (E 1/2) OF THE
NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1 /4) ALL IN
SECTION 20, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., SCOTT
COUNTY, IOWA.

MONUMENTS SHOWN ON THIS PLAT HAVE BEEN SET OR WILL BE SET WITHIN 30
DAYS OF COMPLETION OF THE REQUIRED IMPROVEMENTS AND THEIR
ACCEPTANCE BY THE CITY OF DAVENPORT, AND SUCH MONUMENTS ARE
SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND OCCUPY THE
POSITIONS SHOWN THEREON.



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

MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2017
Pages or sheets covered by this seal: 1

R-1 Zoning

R-3 Zoning

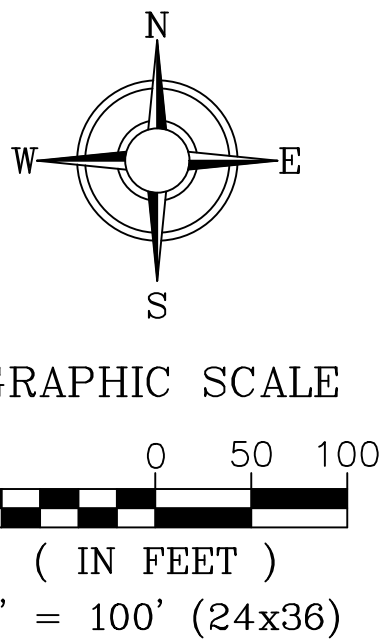
R-3 Zoning

PLAT INFORMATION

LEGEND:

1. **Owner**
Kirk Nelson
2942 N. Zenith
Davenport, IA 52804
3. **Attorney**
Frank Nowinski
1000 36th Avenue
Moline, Illinois 61265
(309) 797-3000
2. **Surveyor**
Michael Richmond:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

399.79'	MEASURED DISTANCE
(200.00')	PLATTED DISTANCE
●	FOUND PIN W/
○	SET 5/8" X 36" IRON ROD W/ YELLOW CAP # 23503
—	PROPERTY BOUNDARY
---	BUILDING SETBACK
---	EXISTING EASEMENT
---	SECTION LINE
---	FLOOD LINE



APPROVAL SIGNATURES:

CITY OF DAVENPORT DATE:

PLANNING AND ZONING COMMISSION DATE:

MEDIACOM DATE:

CENTURYLINK DATE:

IOWA - AMERICAN WATER COMPANY DATE:

MIDAMERICAN ENERGY DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.



DATE: 11-4-2016

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: MDR

DRAWING LOCATION
S: \NELSON_KIRK\KIRK NELSON.DWG

REVISIONS:		
NO.	DESCRIPTION	DATE
1	PER CITY STAFF REPORT	12-29-2016

PROJECT
FINAL PLAT
KIRK NELSON SUBDIVISION
DAVENPORT, IOWA

OWNER
KIRK NELSON
2942 ZENITH AVENUE
DAVENPORT, IOWA

SHEET NO.
1 OF 1

PREPARED BY / RETURN TO: TOWNSEND ENGINEERING, 2224 EAST RIVER 12TH STREET, DAVENPORT, IOWA 52803

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 6

Action / Date
CD3/15/2017

Subject:

Resolution approving Case No. F15-18 being the final plat of Green AutoPark First Addition, also being in part a replat of Lot 1 of the Replat of Lot 2 of Mel Foster Co. Properties Inc. Commercial Park 1st Addition, part of Lot 2 of Hampton Inn Addition, and all of Lot 4 and part of Lot 5 of Margaret B. Denkmann's 1st Addition all to the City of Davenport, located at 3210 East Kimberly Road containing 1 commercial lot. [Ward 6]

Recommendation:

Findings

- The development is in full conformance with the comprehensive plan.
- The plat consolidates previously vacant uses.

The City Plan and Zoning Commission recommends that Case No. F15-18 be approved subject to the following conditions:

1. That the surveyor sign/certify the plat;
2. That the utility companies sign the plat when their easement needs have been met.

The Commission vote for approval was unanimous with 8-yes, 0-no and 0-abstentions.

Relationship to Goals:

New - Grow the Tax Base

Old - Added emphasis on economic development

Background:

The plat consolidates parts of several other plats creating 1-commercial lot containing the Green AutoPark dealership facility. The developer previously submitted a plat in 2012 but has subsequently added more property to the dealership, hence the new plat.

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

ATTACHMENTS:

Type	Description
▣ Resolution Letter	F15-18 Resolution only
▣ Backup Material	F15-18 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Pribyl, Rita	Approved	3/8/2017 - 5:03 PM
Community Development Committee	Admin, Default	Approved	3/8/2017 - 5:07 PM
City Clerk	Sakalosky, Mary	Approved	3/8/2017 - 5:12 PM

Resolution No. _____

Resolution offered by

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. F15-18 being the final plat of Green AutoPark First Addition, also being in part a replat of Lot 1 of the Replat of the Replat of Lot 2 of Mel Foster Co. Properties Inc. Commercial Park 1st Addition, part of Lot 2 of Hampton Inn Addition, and all of Lot 4 and part of Lot 5 of Margaret B. Denkmann's 1st Addition all to the City of Davenport, located at 3210 East Kimberly Road containing 1 commercial lot. [6th Ward]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Green AutoPark 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 November 18, 2015 and as follows:

1. That the surveyor sign/certify the plat;
2. That the utility companies sign the plat when their easement needs have been met.

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

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

Approved:

Attest:

Frank J. Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk



November 18, 2015

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of November 17, 2015, the City Plan and Zoning Commission considered the Case No. F15-18 being the final plat of Green AutoPark First Addition also being in part a replat of Lot 1 of the Replat of the Replat of Lot 2 of Mel Foster Co. Properties Inc. Commercial Park 1st Addition, part of Lot 2 of Hampton Inn Addition, and all of Lot 4 and part of Lot 5 of Margaret B. Denkmann's 1st Addition all to the City of Davenport, located at 3210 East Kimberly Road containing 1 commercial lot.

Findings

- The development is in full conformance with the comprehensive plan.
- The plat consolidates previously vacant uses.

The City Plan and Zoning Commission recommends that Case No. F15-18 be approved subject to the following conditions:

1. That the surveyor sign/certify the plat;
2. That the utility companies sign the plat when their easement needs have been met.

Respectfully Submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission



		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	ED15-04 North Urban Renewal Area	F15-17 Lafayette Square 1st	F15-18 GreenAuto Park 1st					
Connell	P	Y	Y	Y					
D'Autremont	P	N	Y	Y					
Elgatian	EX								
Hepner	P	N	Y	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	EX								
Maness	P	Y	Y	Y					
Martin	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Tallman	EX	ABST	ABST	Y					
		5-YES 2-NO 1-ABSTAIN	7-YES 0-NO 1-ABSTAIN	8-YES 0-NO 0-ABSTAIN					



City of Davenport
Community Planning & Economic Development Department
Final Staff Report

PLAN AND ZONING COMMISSION

Meeting Date: 11-17-15
Request: Final plat: Green AutoPark – 1 commercial lot
Address: 3210 East Kimberly Road
Case No.: F15-18
Applicant: Green Buick GMC

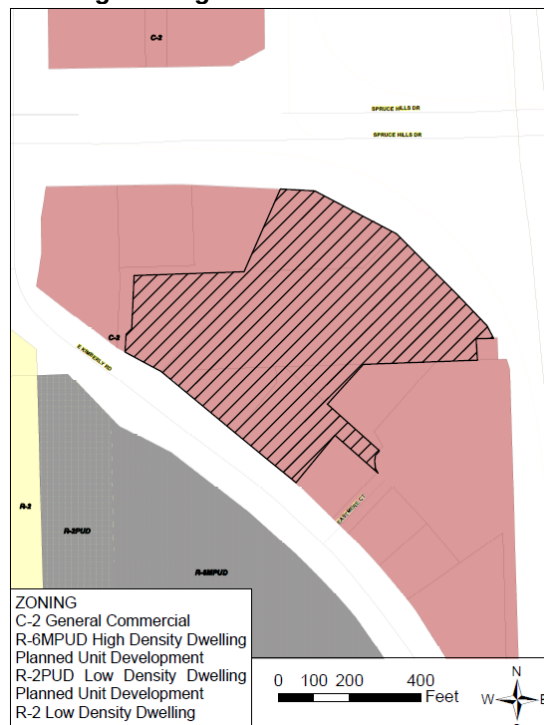
INTRODUCTION

Petition of Green Buick GMC for a final plat on 9.79 acres, more or less, of real property located at 3210 East Kimberly Road. The plat consolidates parts of several other plats creating 1-commercial lot containing the Green AutoPark dealership facility.

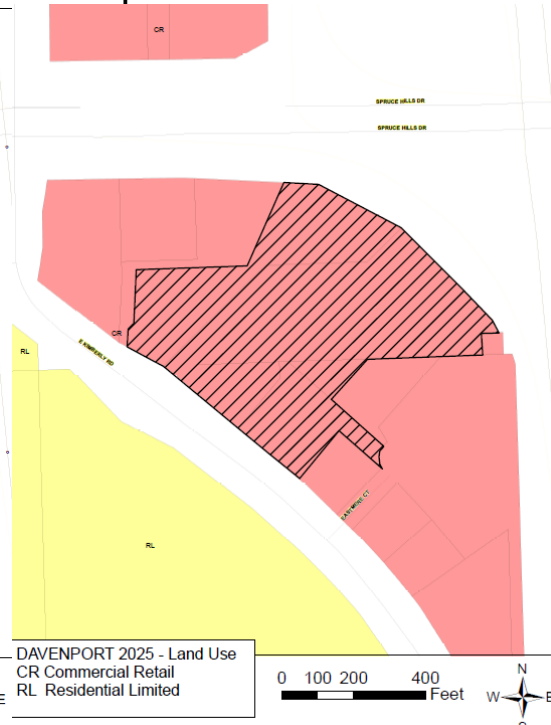
Recommendation: This is a preview report. No recommendation is made at this time.

AREA CHARACTERISTICS:

Existing Zoning: C-2



Davenport 2025: CR



Aerial Photos:



Aerial Photo 2014

0 100 200 400
Feet





Bing Maps view looking north

BACKGROUND

Comprehensive Plan:

Within Urban Service Area: Yes

Proposed Land Use Designation: Commercial Retail (CR)

Descriptions:

Commercial Retail (CR) provides for a mixture of commercial uses, primarily retail. Retail in CR can be best described as being the most intense retail development...which service a large metropolitan area.

Relevant Davenport 2025 Goals and Objectives:

1. *Strengthen the existing built environment.*
 - b. *Reduce the number of underoccupied, abandoned, or vacant buildings / properties through adaptive reuse and infill.*
 - d. *Increase the number of mixed-use neighborhoods and districts allowing higher intensity development.*
2. *Identify and reserve land for current and future development.*
 - a. *Develop land use policies that permit development with a wide variety of building types, uses, and densities.*

Technical Review:

Streets. The subject rezoning area is located along the northerly side of East Kimberly Road (an arterial street) and south of Spruce Hills Drive (also an arterial street at this location). The development also has frontage along the south-bound on-ramp of Interstate 74.

Storm Water. The stormwater infrastructure is primarily ditch lines along Kimberly Road and Spruce Hills Drive. A 60-inch storm sewer with associated easement is located just to the west of the main dealership building. The easement is reflected on the plat.

Sanitary Sewer. Sanitary sewer service is located in Kimberly Road (8-inch lines).

Other Utilities. This is an urban area and normal utility services are available. Sewer and drainage easements cross the property along the drainage ways. A gas main easement crosses the property in the same general area as the storm sewer easement.

Emergency Services. The property is located approximately 1.5 miles from the Bettendorf Fire Station No. 2 located at 1933 Spruce Hills Drive and 1.7 miles from Fire Station No. 8, which is located at 2802 E. 53rd Street.

Parks/Open Space. The plat consolidates several parcels and has no impact on existing open space.

PUBLIC INPUT

This is a final plat and does not require notification.

DISCUSSION

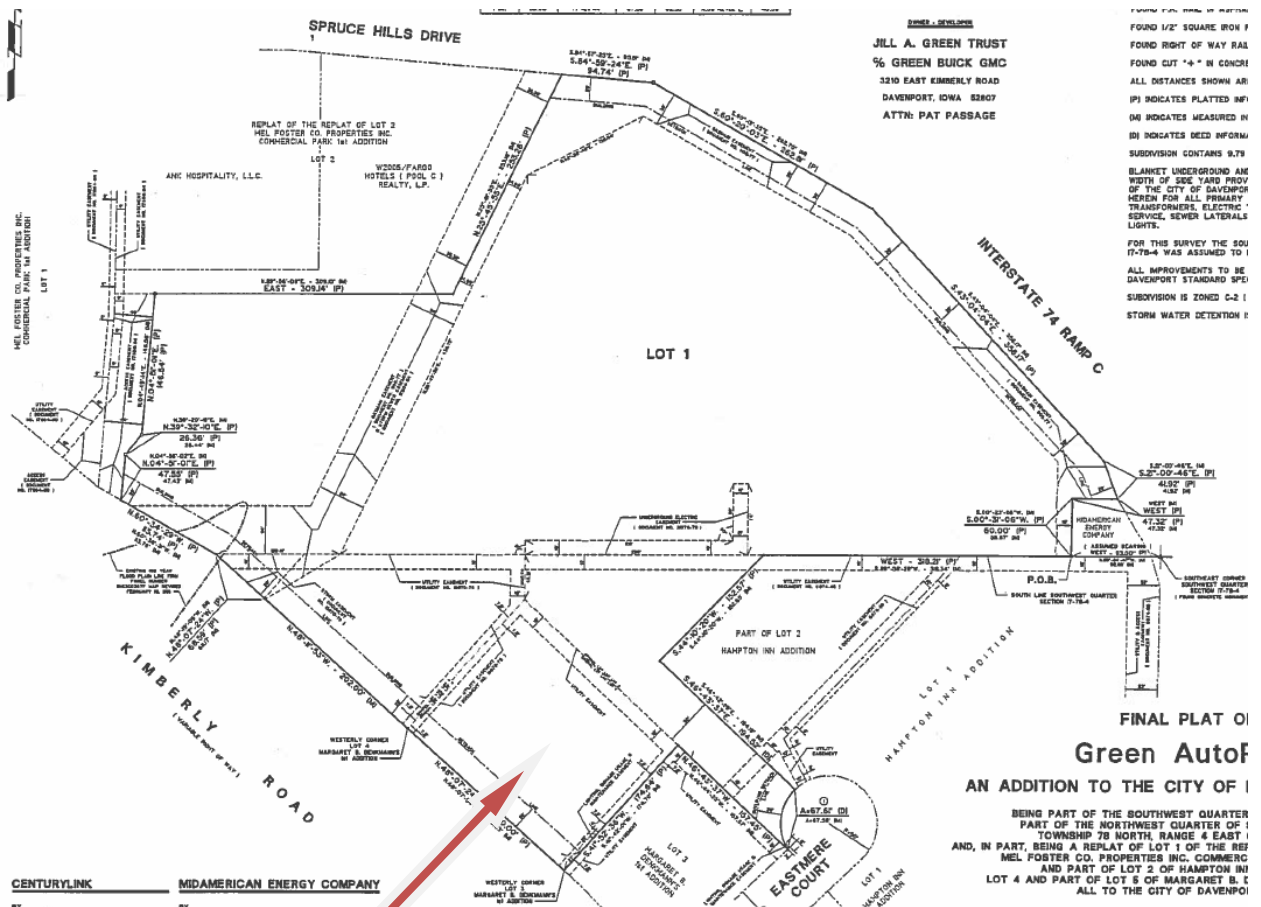
The developer previously submitted a plat in 2012 but has subsequently added more property to the dealership, hence the new plat.

STAFF RECOMMENDATION

1. That the surveyor sign/certify the plat;
2. That the utility companies sign the plat when their easement needs have been met.

Prepared by:

Wayne Wille, CFM
Planner II
Community Planning Division



Lot that was added since 2012 application

VMCE 14233

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Rita Pribyl 326-6171
Wards: All

Action / Date
CD3/15/2017

Subject:

Motion approving the allocations for Year 43 (July 1, 2017 – June 30, 2018) Community Development Block Grant (CDBG) funds and HOME Investment Partnership (HOME) funds. [All Wards]

Recommendation:

Approve the motion

Relationship to Goals:

Neighborhood Improvements

Background:

The Citizens Advisory Committee (CAC) completed its process for funding recommendations for the Year 43 CDBG program, which is a subpart of the City's FY 18 operating budget. The CAC reviewed the CDBG applications at a work session and held a public meeting at which applicants made presentations and answered questions about their programs and projects. The CAC's process concluded on March 6th when the CAC voted on its Year 43 funding recommendations for the FY18 CDBG estimated entitlement of \$1,100,000. The vote on the entire slate of recommended allocations was unanimous. Included in the recommendations is the CAC's unanimous recommendation that funding for United Neighbors Summer Youth and DREAM programs be set aside pending the completion of the audit and submission of required application items no later than 06-01-17. CAC will consider the submitted documents and review the allocation recommendations at the next CAC meeting after submission.

The purpose of the HOME Program is to create affordable housing opportunities for low and very low income residents. City HOME dollars are targeted to the construction or rehabilitation of single and multi-unit housing. HOME funds are available to non-profit, for-profit, or Community Housing Development Organizations (CHDO) developers of affordable housing. For FY18, the estimated HOME entitlement is \$369,386.

The attached Funding Summary lists for each of these programs: the agency receiving funds, its purpose, the services it will provide, and the amount of funding to be used. HOME dollars are reflected in bold.

Awarding of these funds is contingent upon the City receiving the entitlements as indicated from the Department of Housing and Urban Development.

A public hearing on these recommendations will be held. If Council wishes to make changes to these recommendations, this motion should be amended following the public hearing at the Community Development Committee meeting. Final Council action will take place at the March 22 Council meeting.

ATTACHMENTS:

Type	Description
▣ Backup Material	Year 42 CDBG Allocation Summary

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Pribyl, Rita	Approved	3/8/2017 - 5:03 PM
Community Development Committee	Admin, Default	Approved	3/8/2017 - 5:06 PM
City Clerk	Admin, Default	Approved	3/8/2017 - 5:07 PM

Year 43 (July 1, 2017 – June 30, 2018) CDBG Recommendations

Based on estimates – HUD formula allocations not yet announced

Public Service Programs

This category is capped by HUD regulation. The maximum available under the cap for public services has been recommended by the CAC.

AGENCY	CDBG FUNDED PURPOSE/SERVICES	PROGRAM	PROPOSED ALLOCATION AMOUNT
BIG BROTHERS/ BIG SISTERS OF THE QUAD CITIES	Provides adult mentoring for children	ADULT MENTORING	\$21,722
BOYS & GIRLS CLUBS OF THE IOWA MISSISSIPPI VALLEY	Provides recreation, education, cultural arts and leadership programs	DAVENPORT PROGRAMS	\$21,280
FAMILY RESOURCES	Provides individual and family therapy; counseling; domestic violence advocacy program and shelter; and crisis intervention.	DOMESTIC VIOLENCE	\$22,835
FRIENDLY HOUSE	Provides recreational and educational activities for youth year-round	RECREATION & EDUCATION	\$22,515
HUMILITY OF MARY HOUSING, INC.	Provides transitional and supportive housing and services	SUPPORTIVE HOUSING	\$20,413
HUMILITY OF MARY SHELTER, INC.	Provides emergency shelter and services for adult men and women.	EMERGENCY SHELTER	\$20,058
PROJECT RENEWAL	Provides after school program with social, recreational, educational Activities	AFTER SCHOOL PROGRAM	\$23,736
SALVATION ARMY FAMILY SERVICE CENTER	Provides emergency shelter, meal site and case management services. This is the only site for single male head of household with children and intact two parent families with children.	EMERGENCY SHELTER	\$18,543
UNITED NEIGHBORS, INC.	Provides recreational and educational activities for youth at three area parks Herington, Emeis, and Cork Hill Parks	SUMMER PARKS (YOUTH)	\$18,898 ¹
VERA FRENCH COMM MENTAL HEALTH CTR.	Provides supportive services to Vera French Housing Corp tenants	TENANT SUPPORT SERVICES	\$20,000
PUBLIC SERVICE TOTAL:			\$210,000

¹ Funding set aside for UNI pending completion of audit and submission of required application items no later than 06-01-17 for CAC review.

Year 43 (July 1, 2017 – June 30, 2018) CDBG Recommendations and HOME funds

Non-Public Service Programs

The amount recommended for Planning & Administration is below the HUD regulatory cap for that category.
No other non-public service programs are capped by HUD.

AGENCY	CDBG FUNDED PURPOSE/SERVICES	PROGRAM	PROPOSED ALLOCATION AMOUNT
PLANNING & ADMINISTRATION			
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)	Coordinates, administers, and monitors CDBG program; prepares reports and plans required by HUD; prepares needs assessments and other planning efforts including historic and environmental studies and coordination with neighborhood groups on planning Activities	CDBG STAFF & OPERATIONS	\$220,000 ²
ECONOMIC DEVELOPMENT:			
CPED ECONOMIC DEVELOPMENT FUND	Formulation, coordination, and implementation of local economic development strategies	STAFF	\$0 ³
		ECONOMIC DEVELOPMENT FUND	\$200,000
HOUSING:			
CPED HOUSING REHABILITATION/ NEIGHBORHOOD REVITALIZATION FUND	Provides financing for rehabilitation and purchase of housing; elimination of blight; infrastructure in support of housing activities; and accessibility improvements.	STAFF	\$273,481 ⁴
		CITY REHAB LOANS/ GRANTS/RELOCATION	\$136,519
		HOME STAFF & OPERATIONS	\$36,939
		HOME LOANS / GRANTS	\$332,447
UNITED NEIGHBORS, INC.	Provides downpayment assistance and Homebuyer classes	DREAM PROGRAM DOWNPAYMENT	\$35,000 ¹
		DREAM PROGRAM STAFF	\$25,000 ¹
NON PUBLIC SERVICE TOTAL:			\$890,000
HOME TOTAL:			\$369,386

¹ Funding set aside for UNI pending completion of audit and submission of required application items no later than 06-01-17 for CAC review.

² \$72,874 in CDBG Program Income for grant administration

³ \$43,229 in Economic Development Revolving Loan Fund Program Income for program delivery

⁴ \$172,750 in Housing Rehabilitation Revolving Loan Fund Program Income for program delivery

City of Davenport

Agenda Group: Committee of the Whole
Department: City Clerk
Contact Info: Jackie Holecek
Wards: 3

Action / Date
2/6/2017

Subject:

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

J&M Displays & River Bandits, Fireworks after River Bandits Games; April - August (Various Dates); 9:30 p.m. - 11:30 p.m. after games end; Closure Location: Bikepath and sidewalk in shoot area; Ward 3

Village Presentation Society, Village in Bloom, May 6, 2017; 6:00 a.m. to 6:00 p.m.; Closure Location: 11th St from Mound to Jersey Ridge and Christie from 11th north to alley; Ward 5

Thirsty's on 3rd, Rev It Up for Awareness Ride, May 5th to 7th; 7 a.m. to 12:00 a.m. Closure Location: Pine Street between 3rd and 4th Streets and two lanes of 3rd Street from the intersection of Pine St to 2236 W 3rd Street, Ward 1

Beaux Arts Fund Committee Inc, Beaux Arts Spring Fair, May 12-14; 10:00 a.m. - 4:00 p.m.; Closure Location: 2nd Street between Harrison and Brady Streets, Ward 3

St. Paul the Apostle & Knights of Columbus, Blue Mass, May 17; 4:00 p.m. - 7:00 p.m.; Closure Location: East Rusholme from Carey to Arlington, Ward 5

American Heart Association, Heart Walk, May 20th, 9:00 a.m. - 11:00 a.m.; Closure Location: Centennial Bridge to Gaines Street and south to Modern Woodmen Park; Ward: 3

Mid Coast Fine Arts, High School Pastel Competition, May 27th, 8:00 a.m. - 5:00 p.m., Closure Location: Pershing between 2nd St and Emerson Place alley, Ward 3

River Action, Ride the River, June 18th, 6:00 a.m. - 4:30 p.m., Closure Location: Bike path, street crossing at 4th & LeClaire, 3rd & LeClaire, and 2nd St and the entrance to the Government Bridge and Western and River Dr., Ward 3

Recommendation:

Approve the resolution.

Background:

Attached is the shoot date list for the 2017 season for fireworks.

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution
□ Cover Memo	River Bandits Fireworks Dates 2017

REVIEWERS:

Department

City Clerk

Reviewer

Admin, Default

Action

Approved

Date

3/6/2017 - 10:23 AM

RESOLUTION NO. 2017-

Resolution offered by Alderman Matson

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

RESOLVED by the City Council of the City of Davenport.

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

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

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

Entity: J&M Displays & River Bandits
Event: Fireworks after River Bandits Games
Date: April – August (Various Dates)
Time: 9:30 - 11:30 PM after games end
Closure Location: Bikepath and sidewalk in shoot area
Ward: 3

Entity: Village Preservation Society
Event: Village in Bloom
Date: May 6th
Time: 6:00 AM to 6:00 PM
Closure Location: 11th St from Mound to Jersey Ridge and Christie from 11th north to alley
Ward: 5

Entity: Thirsty's on 3rd
Event: Rev It Up for Awareness Ride
Date: May 5-7
Time: 7:00 AM to Midnight
Closure Location: Pine St between 3rd & 4th Streets and two lanes of 3rd Street from the intersection of Pine St to 2236 W 3rd Street
Ward: 1

Entity: Beaux Arts Fund Committee Inc.
Event: Beaux Arts Spring Fair
Date: May 12-14
Time: 10 a.m. – 4:00 p.m.
Closure Location: 2nd Street between Harrison and Brady Streets
Ward: 3

Entity: St. Paul the Apostle & Knights of Columbus
Event: Blue Mass
Date: May 17
Time: 4:00 p.m. – 7:00 p.m.
Closure Location: East Rusholme from Carey to Arlington
Ward: 5

Entity: Heart Association
Event: Heart Walk
Date: May 20th
Time: 9 am – 11 am
Closure Location: Centennial Bridge over to Gaines Street and south to Modern Woodmen Park
Ward: 3

Entity: Mid Cost Fine Arts
Event: High School Pastel Competition
Date: May 27th
Time: 8:00 a.m. to 5:00 p.m.
Closure Location: Pershing between 2nd St and Emerson Place alley
Ward: 3

Entity: River Action
Event: Ride the River
Date: June 18th
Time: 6:00 a.m. to 4:30 p.m.
Closure Location: Bike path, street crossing at 4th & LeClaire, 3rd & LeClaire, and 2nd St and the entrance to the Government Bridge and Western and River Drive
Ward: 3

Approved this 22nd day of March, 2017.

Approved:

Attest:



Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

**QUAD CITIES RIVER BANDITS
2017 BASEBALL SEASON
Fireworks Dates:**

1. Thursday, April 6th, 2017
2. Friday, April 7th, 2017
3. Friday, April 14th, 2017
4. Friday, April 21st, 2017
5. Wednesday, May 3rd, 2017
6. Friday, May 5th, 2017
7. Friday, May 26th, 2017
8. Friday, June 2nd, 2017
9. Friday, June 23rd, 2017
10. Tuesday, July 4th, 2017
11. Friday, July 7th, 2017
12. Friday, July 21st, 2017
13. Friday, August 4th, 2017
14. Friday, August 25th, 2017

AND ANY ADDITIONAL FIREWORKS DATES TO BE ADDED LATER

**KATIE & STEVE BAUMER
563-370-7697**

City of Davenport

Agenda Group: Public Safety
Department: Public Works - Engineering
Contact Info: Gary Statz; (563) 326-7754
Wards: 3

Action / Date
PS3/15/2017

Subject:

Motion for approving the petition for a street light in front of 2033 Dixwell Street. [Ward 3]

Recommendation:

Approve the motion.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

A citizen petition was received and is being recommended for installation of a street light to increase visibility. If approved a street light will be installed on a new wood pole in front of 2033 Dixwell Street. The 100 W equivalent LED light will hang over the street.

ATTACHMENTS:

Type	Description
▣ Exhibit	PS_MOT_2033 Dixwell St street light petition

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	3/8/2017 - 4:44 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 4:44 PM
City Clerk	Admin, Default	Approved	3/8/2017 - 4:55 PM



City of
Davenport

PETITION FOR
PUBLIC LIGHTING

Date 1 March 2017

We, the undersigned residents of the City of Davenport, Iowa,
Request the installation of PUBLIC LIGHTING in/at:

STREET LOCATION

Boulevard at 2033 Dixwell

or

ALLEY LOCATION

REASON FOR LIGHT

Recent home robbery at 2039 Dixwell - extremely dark - vehicles speed down street - wheel/chairs use street not sidewalks

RESIDENT(S) SIGNATURE

ADDRESS

PHONE NUMBER

Ronald L Fersch 243 S Pine St (563) 505-2333

Cynthia Fersch 243 South Pine St (563) 505-2333

Elena Lopez 2021 Dixwell St (563) 639-0754

Jami Wilkins 2031 Dixwell St. 563 459 8877

Ron & Cindy 2033 Dixwell St 563) 726-1522

Please include all residents near the proposed light location.

PETITIONER/CONTACT PERSON
SIGNATURE OF PETITIONER

Cynthia L Fersch
Ronald L Fersch

PRINT NAME

Ron & Cindy Fersch

ADDRESS

243 South Pine Street

ZIP CODE

52802

PHONE NUMBER (563) 505-2333

Return completed form to: City of Davenport Public Works Department
Lighting Petition
1200 East 46th Street, Davenport, IA 52807

For Questions, call:
563-326-7754

City of Davenport

Agenda Group: Public Safety
Department: Public Works - Engineering
Contact Info: Gary Statz; (563) 326-7754
Wards: 3

Action / Date
PS3/15/2017

Subject:

Motion for approving the petition for a street light in front of 1517 Perry Street. [Ward 3]

Recommendation:

Approve the motion.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

A citizen petition was received and is being recommended for installation of a street light to increase visibility. If approved a street light will be installed on a new wood pole in front of 1517 Perry Street. The 100 W equivalent LED light will hang over the street.

ATTACHMENTS:

Type	Description
▢ Exhibit	PS_MOT_1517 Perry St street light petition

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	3/8/2017 - 4:43 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 4:43 PM
City Clerk	Admin, Default	Approved	3/8/2017 - 4:55 PM



City of Davenport

PETITION FOR PUBLIC LIGHTING

Date 3/1/17

We, the undersigned residents of the City of Davenport, Iowa,
Request the installation of PUBLIC LIGHTING in/at:

STREET LOCATION In front of 1517 N Perry St.

or

ALLEY LOCATION _____

REASON FOR LIGHT There are no street lights on the entire block.
This will also help with vandalism prevention.

RESIDENT(S) SIGNATURE

ADDRESS

PHONE NUMBER

Rodney Scott

1517 N. Perry

Perry Tate

1510 Perry

Cheryl Thompson

1510 Perry

Heidi Anderson

1514 Perry St

Robert Bessie

1517 N Perry St.

Karen Klein

1513 N Perry

Please include all residents near the proposed light location.

PETITIONER/CONTACT PERSON

SIGNATURE OF PETITIONER

PRINT NAME

James Kimber

ADDRESS

1517 North Perry # 2 Davenport IA

ZIP CODE

52803

PHONE NUMBER

563 499-6141

Return completed form to: City of Davenport Public Works Department
Lighting Petition
1200 East 46th Street, Davenport, IA 52807

For Questions, call:
563-326-7754

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Jackie Holecek x6163
Wards: 3

Action / Date
3/1/2017

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

River Bandits & J&M Displays, Fireworks, April - August 2017; Time: after games end, Over 50 dBa; Ward: 3

Thirsty's on 3rd, Rev it Up for Awareness Ride, May 6, 2017; Time: 8:00 AM - 11:59 PM, Over 50 dBa; Ward 1

St. Ambrose University, Final Weekend in April, April 27-29, 2017; Time: Thursday, 8:00 PM - 11:00 PM; Friday 8:00 PM - 12:00 AM; Saturday 12:00 p.m. - 1:00 AM, Over 50 dBa; Ward 4

Background:
Attached is the listing of game dates for the 2017 season.

ATTACHMENTS:

Type	Description
▣ Cover Memo	River Bandits Game Dates

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	3/6/2017 - 10:23 AM

**QUAD CITIES RIVER BANDITS
2017 BASEBALL SEASON
Fireworks Dates:**

1. Thursday, April 6th, 2017
2. Friday, April 7th, 2017
3. Friday, April 14th, 2017
4. Friday, April 21st, 2017
5. Wednesday, May 3rd, 2017
6. Friday, May 5th, 2017
7. Friday, May 26th, 2017
8. Friday, June 2nd, 2017
9. Friday, June 23rd, 2017
10. Tuesday, July 4th, 2017
11. Friday, July 7th, 2017
12. Friday, July 21st, 2017
13. Friday, August 4th, 2017
14. Friday, August 25th, 2017

AND ANY ADDITIONAL FIREWORKS DATES TO BE ADDED LATER

**KATIE & STEVE BAUMER
563-370-7697**

City of Davenport

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

Action / Date
PS3/15/2017

Subject:
Motion approving beer and liquor license applications.

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

-
Ward 1

-
Emeis Golf Course (City of Davenport) – 4500 W Central Park Ave. – New effective date desired
- Outdoor Area – License Type: C Liquor

Ward 3

Golden Mart (Golden Mart Inc.) - 1026 W River Dr. - License Type: E Liquor / C Beer / B Wine

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

The River's Edge (City of Davenport) – 700 W River Dr. – New effective date desired – License Type: B Beer

Ward 5

Baked Beer & Bread Co. (MemeCat LLC) - 1113 Mound St. - Premise Update to add 'Brew Pub' privilege - License Type: C Liquor

Brew In The Village (3 Blessings Incorporated) - 1104 Jersey Ridge Rd. - Outdoor Area - Owner Update - License Type: C Liquor

-
Ward 6

Duck Creek Golf Course (City of Davenport) – 3000 E Locust St. – New effective date desired – Outdoor Area – License Type: B Beer

Rave Davenport 53 & Imax (Cinemark USA, Inc.) – 3601 E 53rd St. – License Type: Beer / Wine

Ward 8

Red Hawk Golf Course (City of Davenport) – 6364 Northwest Blvd. – New effective date desired – Outdoor Area – License Type: B Beer

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

Ward 1

Emeis Golf Course (City of Davenport) – 4500 W Central Park Ave. – Outdoor Area – License Type: C Liquor

-
Ward 3

Antonella's Trattoria Ristorante (Antonella Trattoria Restaurant, Inc.) - 112 W 3rd St. - License Type: Beer / Wine

Daytrotter (Daytrotter Media LLC) - 324 Brady St. - License Type: Beer / Wine

Palmer College of Chiropractic (Palmer College Foundation) - 1000 Brady St. - Outdoor Area - License Type: Beer / Wine

Rudy's Taco's (Majec Inc.) - 326 Cedar St. - License Type: B Beer

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

Tappa's Steak House (Big Tap Productions, Inc.) - 1620 Rockingham Rd. - License Type: C Liquor

Ward 5

Grumpy's Saloon (2118-2120, Inc.) - 2120 E 11th St. - License Type: C Liquor

Ward 6

Camp McClellan Cellars (Julie Keehn) - 2302 E 11th St. - License Type: C Beer / B Wine

Duck Creek Golf Course (City of Davenport) – 3000 E Locust St. – Outdoor Area – License Type: B Beer

Pints (Pub @ Utica, LLC) - 5268 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

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

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

Ward 8

Red Hawk Golf Course (City of Davenport) – 6364 Northwest Blvd. – Outdoor Area – License Type: B Beer

Recommendation:

Consider the license applications.

Relationship to Goals:

Support local businesses.

Background:

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 1:45 PM

Finance Committee	Watson-Arnould, Kathe	Rejected	3/9/2017 - 1:45 PM
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 2:00 PM
Finance Committee	Watson-Arnould, Kathe	Approved	3/9/2017 - 2:01 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:30 AM

City of Davenport

Agenda Group: Public Works
Department: Public Safety Committee
Contact Info: T Warner & B Schadt
Wards: All

Action / Date
PW2/15/2017

Subject:

Second Consideration: Ordinance enacting right of way management rules and processes. [All Wards]

Recommendation:

Approve the ordinance

Background:

Due to evolving technology a greater and greater demand is being placed on the limited space within Davenport's right of ways. Sanitary and storm sewers, electric, gas and water transmission and distribution systems, telephone transmission and other fiber optic/cable data transmission, and small array antenna systems all seek to locate within the right of way. Davenport has no comprehensive ordinance to manage this area.

The proposed ordinance has been reviewed by outside counsel who have an expertise in this area, relevant staff members, and community stakeholders who either have or want systems in our right of way along with contractors who work on these systems. Most of the stakeholder feedback has been incorporated.

The ordinance addresses permitting and placement of facilities (equipment) within the right of way as well as its replacement, repair or abandonment. The ordinance has provisions to encourage continuing communication among the city staff and stakeholders, so opportunities to coordinate work if advantageous. The ordinance also contains processes and remedies for dealing with problems.

The rights of existing franchisees under their franchises and Iowa Utility Board tariffs are respected as well as their rights under other state and federal law.

A provision concerning fees for continuing occupancy within the right of way is in the ordinance, but it will not be implemented until such time as litigation in other Iowa cities is finally resolved and the parameters of what, if anything, can be charged for this privilege under state and federal law.

ATTACHMENTS:

Type	Description
□ Cover Memo	ORD ROW Management

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Admin, Default	Approved	2/24/2017 - 3:39 PM

Ordinance 2017-_____

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

Ordinance enacting Chapter 12.20 of the Davenport Municipal Code entitled “Right of Way Management Regulations”

Section 1:

Chapter 12.20 RIGHT OF WAY MANAGEMENT REGULATIONS

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 Reserved.

12.20.180 Reports and records.

12.20.190 Bond of 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.

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.

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.

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 now in force or 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.

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: Telecommunications 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.

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.

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.

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.

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 12.20.180(C)(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.

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 a 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.

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.

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.

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 12.20.100(F).

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.

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.

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.

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.

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

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

A. Collect any applicable fees from all owners or operators of facilities using public rights of way in the city;

B. Audit any franchise fees or payments owed to the city;

C. 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;

D. Be responsible for the continuing enforcement of all terms and conditions of city-granted franchises.

II. The city engineer shall oversee permitting as follows:

A. 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.

B. Authority to issue permit; form of permit and term.

(1) 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.

(2) 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 division 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.

C. Limit on term of franchises; limit on initial or renewal term of permits.

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

(2) 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.

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

E. Application for initial issuance of a permit; registration required.

A person desiring to obtain a permit as required in this division 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:

(1) The name, address and telephone number of the applicant.

(2) 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.

(3) 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.

(4) Any additional information which the city engineer in his or her discretion may require.

F. Issuance and renewal of permits; permit revocation and cancellation.

(1) 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 (5) 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 (7) of this section.

(2) 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 (3) and (5) 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 (3) and (5) 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 (3) and (5) of this section, the city engineer shall give notice of intent not to renew the permit as provided in subsection (7) 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.

(3) 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:

- (a) There is insufficient space in the right-of-way to accommodate the proposed use, given the other existing uses thereof;
- (b) 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;
- (c) Such use is incompatible with adjacent public or private uses of that right-of-way;
- (d) 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
- (e) 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.

(4) 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 (e) of this section, the city engineer shall give notice of intent to revoke such permit as provided in subsection (g) of this section.

(5) 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:

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

(i) 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

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

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

(i) 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

(ii) 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

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

(c) 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.

(6) The city engineer shall give notice of intent to cancel such permit as provided in subsection (7) of this section if during the term of any permit the city engineer determines that:

(a) 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;

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

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

(i) A present or future city use of the right-of-way;

(ii) A public improvement undertaken or to be undertaken by the city;

(iii) An economic development project in which the city has an interest or investment; or

(iv) The public's safety or convenience in using the right-of-way for ordinary travel; or

(d) The public health, safety and welfare requires it.

(7) 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.

(8) 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 division 4 of this article.

(9) 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.

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

(11) 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.

G. 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 requirements 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.

H. 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.

I. 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.

J. 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.

12.20.170 Reserved.

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.

12.20.190 Bond or letter of credit.

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 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.

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.

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.

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.

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.

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:

Frank Klipsch
Mayor

Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Mike Atchley; 563-327-5149
Wards: 6

Action / Date
PW3/15/2017

Subject:

Resolution to grant an above ground utility easement in the amount of \$250 to CenturyLink QC along the north/west side of the Duck Creek Recreational Trail (3000 Block of Fernwood Avenue extended). [Ward 6]

Recommendation:

Approve the resolution

Relationship to Goals:

Enhance Quality of Life

Background:

CenturyLink is requesting an above ground utility easement area to accommodate the addition of equipment boxes adjacent to the existing box.

The existing box is a copper fed crossbox which provides the neighborhood with 7M DSL. Local demand faster internet & existing internet exhaustion for new customers requires a fiber fed, commercial powered add on cabinet and meter box for potential 20-100M delivery. The new cabinet and meter box will allow for faster and more reliable internet for the neighborhood near the 3000 block of Fernwood Avenue.

This easement will be granted to CenturyLink in the amount of \$250.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2
▣ Cover Memo	Aerial of easement area
▣ Cover Memo	Picture of easement area
▣ Cover Memo	Easement Agreement
▣ Backup Material	CenturyLink Purchase Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	3/8/2017 - 5:02 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 5:02 PM
City Clerk	Admin, Default	Approved	3/8/2017 - 5:38 PM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLUTION to grant an above ground utility easement in the amount of \$250 to CenturyLink QC along the north/west side of the Duck Creek Recreational Trail (3000 Block of Fernwood Avenue extended).

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the CenturyLink QC customers near the 3000 Block of Fernwood Avenue demand faster and more reliable internet.

WHEREAS, CenturyLink QC has an existing aboveground box at said location.

WHEREAS, the additional cabinet and meter box will provide the area with faster and more reliable internet is also a benefit to the City of Davenport.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor and City Clerk are authorized to execute the aboveground utility easement to CenturyLink QC for an aboveground utility easement on city property located near the DuckCreek Recreational Trail (3000 Block of Fernwood Avenue extended).

Passed and approved this 22nd day of March, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk





**Prepared by &
after recording please return to:**
Teresa Shepardson
45537 Road 786
Mason City, NE 68855
402-694-8599

EASEMENT AGREEMENT

This Easement and the rights contained in it are granted by the City of Davenport, Iowa, an Iowa municipality ("Grantor"), whose address is 226 West 4th Street, Davenport, IA 52801.

The undersigned ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants and conveys to Qwest Corporation, d/b/a CenturyLink QC, a Colorado corporation, its successors, assigns, lessees, licensees, agents and affiliates ("Grantee"), having an address of 100 CenturyLink Drive, Monroe, Louisiana 71203, Attn: Construction Services, a perpetual, non-exclusive easement ("Easement") to construct, operate, maintain, repair, expand, replace and remove a communication system that Grantee from time to time may require, consisting of but not limited to, cables, wires, conduits, manholes, drains, splicing boxes, vaults, surface location markers, equipment cabinets and associated wooden or concrete pads, aerial lines, poles and cables, and other facilities and structures, including utility service if required to operate such system, facilities and structures (collectively, the "Facilities") over, under and across the following property located in the County of Scott, State of Iowa, which Grantor owns ("Easement Tract"):

SEE THE DESCRIPTION SET FORTH ON **EXHIBIT A** ATTACHED TO, AND BY THIS REFERENCE MADE A PART OF, THIS AGREEMENT.

Grantor further grants and conveys to Grantee the following incidental rights:

- (1) The right of ingress and egress over and across Grantor's lands to and from the Easement Tract; and
- (2) The right to clear all trees, roots, brush and other obstructions that interfere with Grantee's use and enjoyment of the Easement Tract.

EXHIBIT A TO EASEMENT AGREEMENT

Legal Description of Easement Tract

Part of Peaceful Valley 1st Addition to the city of Davenport, Iowa, being more particularly described as follows:

Commencing at the southeast corner of Lot 27 of Carriage Hill, an addition to the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

Thence South 80°07'50" East 5.96 feet along the south line of said Carriage Hill; thence South 05°07'45" West 15.81 feet; thence South 19°59'55" West 8.34 feet; thence North 80°07'50" West 9.84 feet; thence North 09°52'10" East 23.97 feet to the south line of Carriage Hill; thence South 80°07'50" East 4.04 feet along the south line of said Carriage Hill to the point of beginning. Containing 255 square feet, more or less.

Bearings state herein are based on the Iowa State Plane Coordinate South Zone, NAD 83.

Location
Description: Part of the Northeast Quarter of Section 19,
Township 78 North, Range 4 East of the 5th P.M.
Requestor: Centurylink
Proprietor: City of Davenport
Surveyor: David L. Meyer
Survey Company: Verbeke - Meyer Consulting Engineers, P.C.
Return To: Verbeke - Meyer Consulting Engineers, P.C.
4111 East 60th Street
Davenport, Iowa 52807
dlm@verbeke-meyer.com (563) 359-1348

EASEMENT PLAT
PART OF THE NORTHEAST QUARTER OF SECTION 19
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M.



DAVENPORT, IOWA

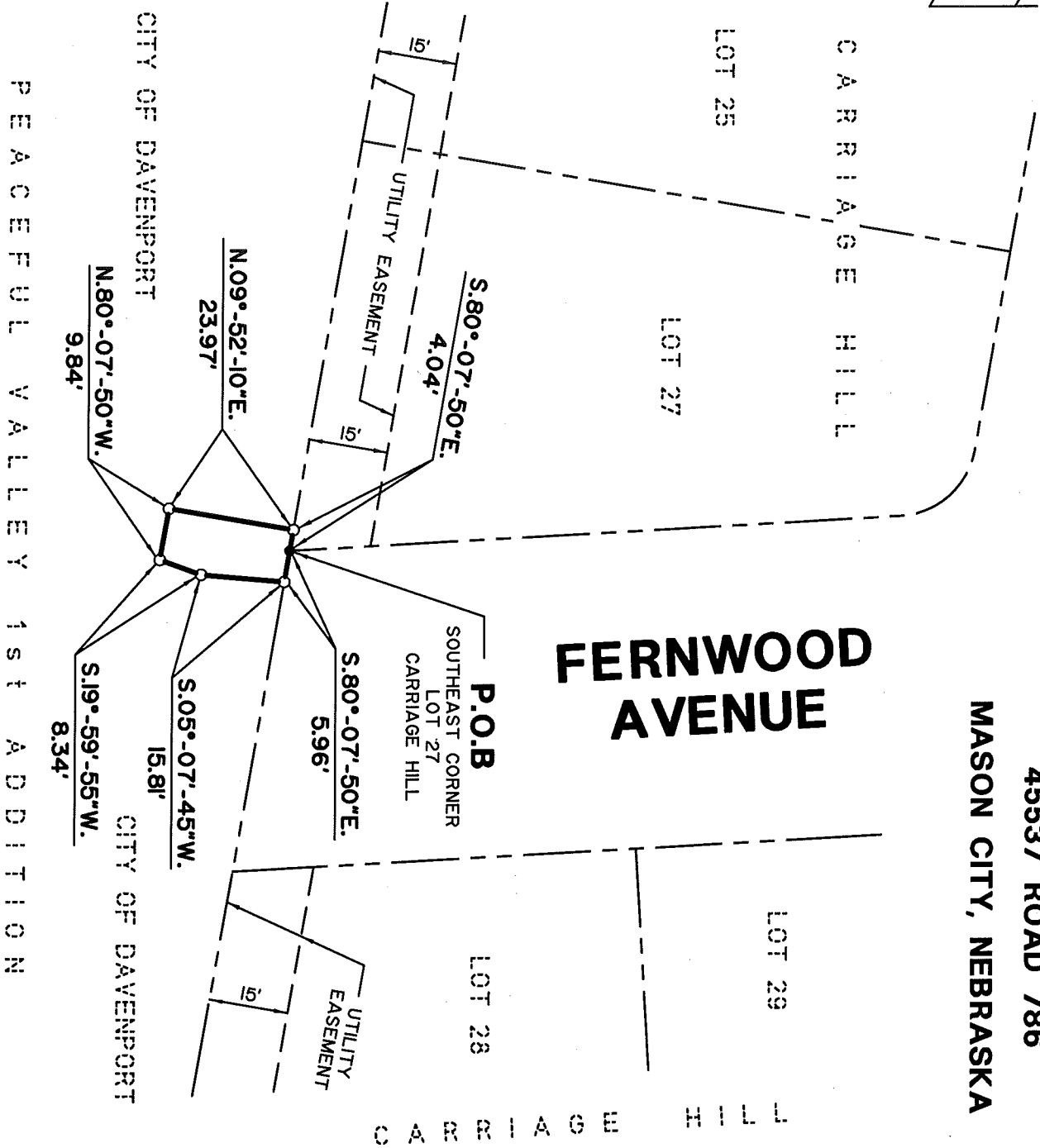
PREPARED FOR

CENTURYLINK

45537 ROAD 786

MASON CITY, NEBRASKA

(SCALE : 1" = 30')



LEGEND

—○— SET 5/8" ϕ IRON PIN (7222)

—●— FOUND 5/8" ϕ IRON PIN

TOTAL AREA OF SURVEYED
TRACT = 255 SQUARE FEET, $\pm$

BEARINGS BASED ON THE IOWA STATE PLANE
COORDINATE SOUTH ZONE, NAD 83 (2011)
EPOCH 2010.00

PREPARED BY

VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.

4111 EAST 60th STREET

DAVENPORT, IOWA 52807

PHONE NUMBER: (563) 359 - 1348

VMCE 17107

EASEMENT PURCHASE LETTER AGREEMENT

Date: March 9, 2017

City of Davenport, Iowa
Mike Atchley
226 West 4th Street
Davenport, IA 52801

RE: **Easement Purchase Letter Agreement (“Letter Agreement”)**

Dear Mr. Archley:

For good and valuable consideration, the sufficiency of which is acknowledged by the parties to this Letter Agreement, Qwest Corporation dba CenturyLink QC, a Colorado Corporation (“Company”) and the City of Davenport, Iowa, an Iowa municipality, (“Owner”) agree that Company may purchase an easement from Owner upon the terms and conditions set forth in this Letter Agreement.

Owner owns certain real property located in Davenport, County of Scott, State of Iowa, as described in Exhibit “A” attached to and incorporated by reference in this Letter Agreement (“Property”). Company desires to purchase from Owner, and Owner desires to grant to Company, an easement upon, under, through, over and along a portion of the Property (“Easement Tract”), such easement being in form and substance the same as that set forth in Exhibit “B” attached to and incorporated by reference into this Letter Agreement (“Easement”). The Easement Tract is approximately located on the Property as set forth on the sketch attached to and incorporated into this Letter Agreement as Exhibit “C.”

Prior to purchasing the Easement, Company is entitled to a period of 10 days (“Review Period”) during which Company, its employees, agents or contractors (“Authorized Parties”) can enter upon the Property for the limited purpose of conducting any survey, title work, environmental testing or other due diligence necessary, in Company’s sole discretion, for Company to determine if the Easement Tract is acceptable to Company (“Permitted Activities”). The Review Period will begin to run on the date this Letter Agreement is last signed by both Owner and Company where indicated below (“Effective Date”). Owner will make the Property and access to the Property available to the Authorized Parties during the Review Period for such Permitted Activities. Upon completion of the Permitted Activities, Company will, if applicable, at its sole cost and expense, restore the Property to substantially the same condition it was in before the Authorized Parties’ entry onto the Property, except for reasonable wear and tear.

If, on or before the expiration of the Review Period, Company determines, in its sole discretion, that the Easement Tract is acceptable to Company, Company will, within a reasonable time after the expiration of the Review Period, pay \$250.00 (“Purchase

Price”) to Owner. In exchange for the Purchase Price, Owner will deliver to Company an original signed and notarized Easement.

The owner shall furnish to Company a completed W-9 form with a valid TIN or EIN.

If on or before the expiration of the Review Period Company determines, in its sole discretion, that the Easement Tract is not acceptable to Company, Company will, within a reasonable amount of time after the expiration of the Review Period, communicate to Owner in writing that it will not purchase the Easement. In that event, Company will have no further obligations under this Letter Agreement and no rights in or to Owner’s Property under this Letter Agreement.

This Letter Agreement will become effective upon the Effective Date. The parties to this Letter Agreement evidence their agreement to and acceptance of the terms and conditions of this Letter Agreement by signing below where indicated.

“COMPANY”

“OWNER”

Qwest Corporation dba CenturyLink QC

**City of Davenport, Iowa
an Iowa municipality**

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT A TO EASEMENT PURCHASE LETTER AGREEMENT

DESCRIPTION OF PROPERTY

Dedication to the City of Davenport, Iowa in the Northeast Quarter (NE ¼) of Section 19,
Township 78 North, Range 4 East, 5th P.M.

EXHIBIT B TO EASEMENT PURCHASE LETTER AGREEMENT

EASEMENT

This Easement and the rights contained in it are granted by the City of Davenport, Iowa, an Iowa municipality ("Grantor"), whose address is 226 West 4th Street, Davenport, IA 52801.

The undersigned ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants and conveys to Qwest Corporation, d/b/a CenturyLink QC, a Colorado corporation, its successors, assigns, lessees, licensees, agents and affiliates ("Grantee"), having an address of 100 CenturyLink Drive, Monroe, Louisiana 71203, Attn: Construction Services, a perpetual, non-exclusive easement ("Easement") to construct, operate, maintain, repair, expand, replace and remove a communication system that Grantee from time to time may require, consisting of but not limited to, cables, wires, conduits, manholes, drains, splicing boxes, vaults, surface location markers, equipment cabinets and associated wooden or concrete pads, aerial lines, poles and cables, and other facilities and structures, including utility service if required to operate such system, facilities and structures (collectively, the "Facilities") over, under and across the following property located in the County of Scott, State of Iowa, which Grantor owns ("Easement Tract"):

SEE THE DESCRIPTION SET FORTH ON **EXHIBIT A** ATTACHED TO,
AND BY THIS REFERENCE MADE A PART OF, THIS AGREEMENT.

Grantor further grants and conveys to Grantee the following incidental rights:

- (1) The right of ingress and egress over and across Grantor's lands to and from the Easement Tract; and
- (2) The right to clear all trees, roots, brush and other obstructions that interfere with Grantee's use and enjoyment of the Easement Tract.

Grantor reserves the right to use and enjoy the Easement Tract so long as Grantor's use does not materially interfere with the rights granted in this Easement Agreement. Grantor will not erect any structure or plant trees or other vegetation within the Easement Tract and will not alter the surface or subsurface of the Easement Tract or the ground immediately adjacent to the Easement Tract by grading or otherwise excavating, without Grantee's written consent.

Grantor warrants that Grantor is the owner of the Easement Tract and will defend title to the Easement Tract against all claims. Grantee will have no responsibility for environmental contamination unless caused by Grantee.

Grantee will indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges granted in this easement.

The rights, conditions and provisions of this Easement Agreement will run with the land and will inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

GRANTOR:

**City of Davenport, Iowa
an Iowa municipality**

By: NO SIGNATURE REQUIRED FOR
EXHIBIT ONLY

Name: _____

Title: _____

THE STATE OF _____)
)
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2017, before me, a Notary Public in and for said County and State, came _____, who is the _____ of the City of Davenport, an Iowa municipality, and is personally known to me to be the same person who signed the herein instrument, and such person duly acknowledged the signing of the same as the act and deed of the municipality.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

**NO SIGNATURE REQUIRED
FOR EXHIBIT ONLY**

Notary Public

My appointment expires:

(SEAL)

EXHIBIT A TO EASEMENT AGREEMENT

Legal Description of Easement Tract

Part of Peaceful Valley 1st Addition to the city of Davenport, Iowa, being more particularly described as follows:

Commencing at the southeast corner of Lot 27 of Carriage Hill, an addition to the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

Thence South 80°07'50" East 5.96 feet along the south line of said Carriage Hill; thence South 05°07'45" West 15.81 feet; thence South 19°59'55" West 8.34 feet; thence North 80°07'50" West 9.84 feet; thence North 09°52'10" East 23.97 feet to the south line of Carriage Hill; thence South 80°07'50" East 4.04 feet along the south line of said Carriage Hill to the point of beginning. Containing 255 square feet, more or less.

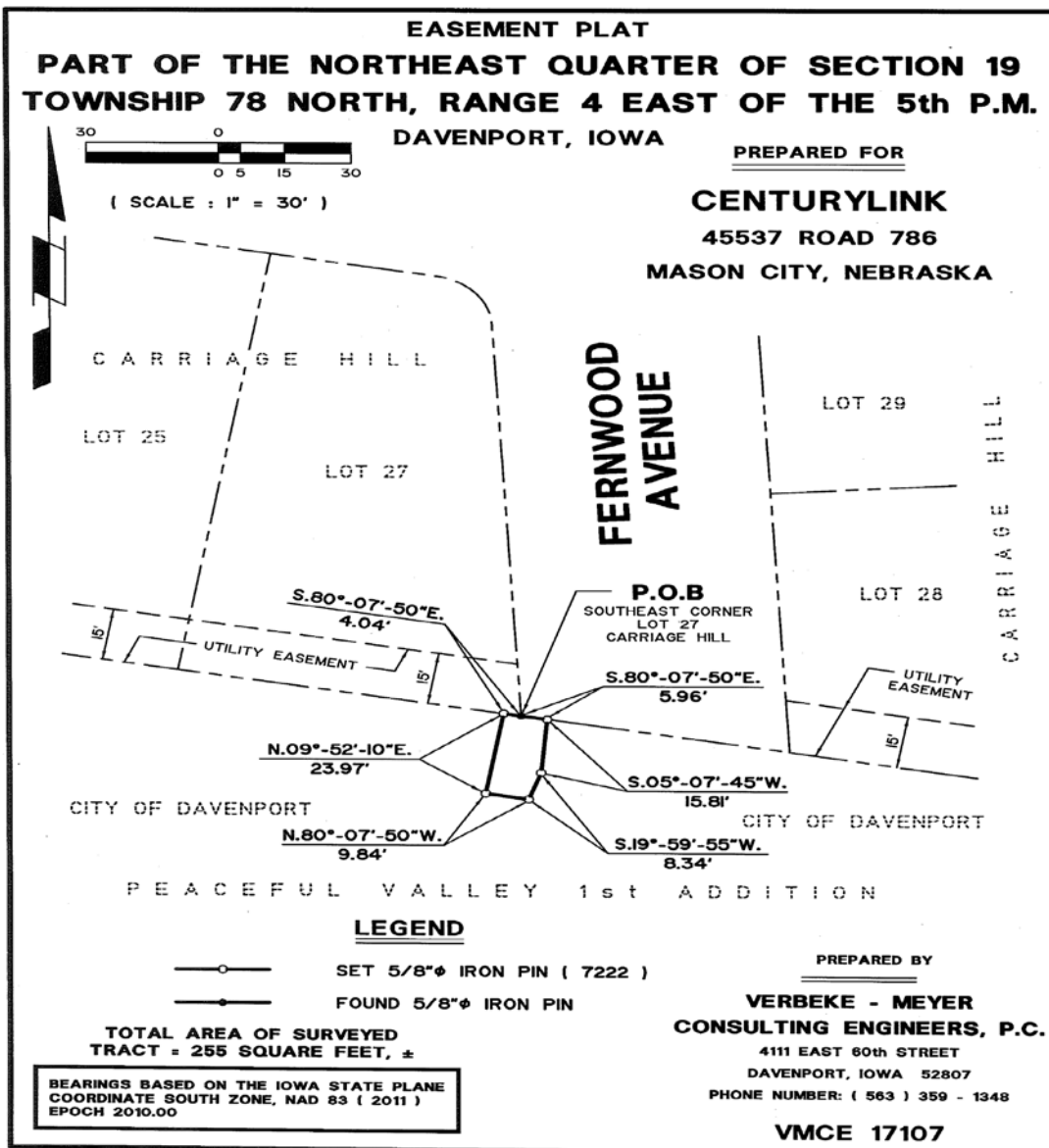
Bearings state herein are based on the Iowa State Plane Coordinate South Zone, NAD 83.

EXHIBIT C TO EASEMENT PURCHASE LETTER AGREEMENT

SKETCH OF APPROXIMATE LOCATION OF EASEMENT TRACT

Location

Description: Part of the Northeast Quarter of Section 19,
Township 78 North, Range 4 East of the 5th P.M.
Requestor: Centurylink
Proprietor: City of Davenport
Surveyor: David L. Meyer
Survey Company: Verbeke - Meyer Consulting Engineers, P.C.
Return To: Verbeke - Meyer Consulting Engineers, P.C.
4111 East 60th Street
Davenport, Iowa 52807
dlm@verbeke-meyer.com (563) 359-1348



City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Eric Gravert; (563) 327-5125
Wards: 6

Action / Date
COW3/15/2017

Subject:

Resolution approving change orders #4 and #5 to Valley Construction Company in the amount of \$114,000 and \$205,000 respectively for the Veteran's Memorial Parkway Paving project from Utica Ridge to the west tie-in to the new I-74 crossover bridge, CIP #10556. [Ward 6]

Recommendation:

Pass the resolution.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities.

Background:

Change order #4 approves the amount to be added to the contract for excess soil removed from the site which was utilized at another city project along the river front. This work was performed by "force account" where all labor, equipment, subcontract and other associated costs for performing said work was verified and confirmed with daily documentation. Work involved the soil to be excavated, hauled, dumped, spread and leveled.

Change Order #5 approves the amount to be added to the contract for unstable / unsuitable soil removed and a suitable sub-base on top of geo-grid installed from Station 93+05 to 96+65. This work was performed by "force account" where all labor, equipment, subcontract and other associated costs for performing said work was verified and confirmed with daily documentation.

This project is being managed by the City of Davenport and is partially funded by a Federal Surface Transportation Program grant. The project is funded through CIP #10556.

These change orders approve the additional contract amount to be used for construction installation services requested and performed by the Valley Construction Company.

SUMMARY OF CONTRACT AMOUNT:

Original Contract	\$6,028,173.36
Previous Change Orders	\$146,726.29
<u>Change Order #4 & 5</u>	<u>\$318,596.55</u>

- Amended Contract Amount: \$6,493,469.20

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
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Public Works - Engineering	Lechvar, Gina	Rejected	1/12/2017 - 10:21 AM
Public Works - Engineering	Gravert, Eric	Approved	1/13/2017 - 11:56 AM
Public Works - Engineering	Lechvar, Gina	Rejected	2/2/2017 - 3:18 PM
Public Works - Engineering	Gravert, Eric	Approved	2/2/2017 - 4:09 PM
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 4:39 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 4:40 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:50 PM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLUTION approving change orders #4 and #5 to Valley Construction Company in the amount of \$114,000 and \$205,000 respectively for the Veteran's Memorial Parkway Paving project from Utica Ridge to the west tie-in to the new I-74 crossover bridge, CIP #10556.

WHEREAS, City of Davenport, Iowa entered into a contract with Valley Construction Company for the Veterans Memorial Parkway; and

WHEREAS, changes to the project plans have become necessary; and

WHEREAS, the contractor will incur additional costs beyond his original bid due to these changes; and

WHEREAS, pricing has been reviewed and approved by the Public Works Department;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Davenport, Iowa, that Change Order #4 and 5 in the amount of \$319,000.00 for the Veterans Memorial Parkway from Utica Ridge to I-74 is hereby approved.

Passed and approved this 22nd day of March, 2017

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

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

Action / Date
COW3/15/2017

Subject:

Resolution approving a contract amendment to the FY17 Sanitary Sewer Lateral Repair Program with Petersen Plumbing in the amount of \$100,000, CIP #30022. [All Wards]

Recommendation:

Pass the Resolution

Relationship to Goals:

Upgraded City Infrastructure and Public Facilities

Background:

This is a continuation of the Sewer Lateral Repair Program.

The project was bid as an Indefinite Quantity, Indefinite Delivery Task Order Contract.

This contract amendment will add \$100,000 to the current contract between the City of Davenport and Petersen Plumbing, budgeted in CIP #30022.

ATTACHMENTS:

Type	Description
Resolution Letter	Page 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	3/8/2017 - 4:43 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 4:44 PM
City Clerk	Admin, Default	Approved	3/8/2017 - 4:56 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a contract amendment to the FY17 Sanitary Sewer Lateral Repair Program with Petersen Plumbing in the amount of \$100,000. CIP #30022.

WHEREAS, the City of Davenport entered into a contract with Petersen Plumbing of Davenport, Iowa of the FY17 Sanitary Sewer Lateral Repair Program, and

WHEREAS, sanitary sewer lateral repair work 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 \$100,000 for the FY17 Sanitary Sewer Lateral Repair Program with Petersen Plumbing is hereby approved, and the Public Works Director is hereby authorized to execute said document.

Passed and Approved this 22nd day of March, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Zach Peterson; (563) 328-6709
Wards: ALL

Action / Date
PW3/15/2017

Subject:

Resolution approving the contract for architectural/engineering services Multi-Modal Study to RDG Schutte, Wilscam, Birge, Inc. (dba RDG Planning & Design) of Des Moines, Iowa in an amount not to exceed \$110,000, CIP# 10151. [All Wards]

Recommendation:

Approve the resolution.

Relationship to Goals:

Davenport – The Choice Community for Living
Upgraded City Infrastructure and Public Facilities

Background:

The City of Davenport desires to provide a bicycle and shared-use trail network as a vital component to building a balanced, linked and sustainable multi-modal transportation system throughout the City.

Based upon input received from a series of public meetings held in April-June of 2016, it was determined that a need exists to re-visit the bicycle infrastructure as there has been a significant evolution in cycling infrastructure best practices. Additionally, it was determined that there was a desire to take a more in-depth look at shared-use trail network implementation strategies.

Recommendation is to select RDG Planning and Design of Des Moines, IA. RDG was selected by staff to undertake this project due to their expertise in preparing similar plans throughout several Iowa communities and throughout the adjacent Midwest Region. Their methodological approach involved with projects of this type is intended to build the necessary consensus to achieve Council support and will be used as a framework to aid staff in future capital project prioritization and implementation.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES_AWD BICYCLE AND SHARED-USE TRAIL MASTER PLAN_PG2
▣ Exhibit	Scope of Services
▣ Exhibit	Professional Services Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	3/8/2017 - 4:45 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 4:45 PM
City Clerk	Admin, Default	Approved	3/8/2017 - 4:56 PM

[Type text]

Resolution No. _____

RESOLUTION offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for architectural/engineering services for the development of a Bicycle and Shared-Use Trail Master Plan to RDG Schutte, Wilscam, Birge, Inc. (dba RDG Planning & Design) of Des Moines, Iowa in an amount not to exceed \$110,000 (CIP#10151).

WHEREAS, the need to revisit and update the cycling infrastructure related recommendations of *Davenport In-Motion* was brought forth in public stakeholder meetings.

WHEREAS, funding for this project has been allocated in the City Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa, that the above contract with RDG Planning & Design is hereby formally approved and the Director of Public Works is authorized and directed to sign the contract on behalf of the City of Davenport.

Passed and approved the 22nd day of March, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

scope of services

Task One: Public Engagement

The first part of the process establishes the outlines of the community engagement process and plan material. It includes:

1. **Project Steering Committee.** Committee members will meet three times during the process. Some committee members will participate with us in field investigation, but this is of course at their discretion. Members will receive a copy of the plan prior to public release, and we ask that they review the document for any changes. Meeting schedule is as follows:
 - a. Meeting 1 (May/June): Project Initiation and Refine Objectives
 - b. Meeting 2 (June/July): Recap of Stakeholder Discussions and Field Investigation Impressions
 - c. Meeting 3 and 4 (July): Design Studio / Recap of Design Studio
 - d. Meeting 5 (August–October): Review Emerging Recommendations 1
 - e. Meeting 6 (October–December): Review Emerging Recommendations 2
 - f. Meeting 7 (December–February): Implementation Strategies
2. **Project Management Committee.** RDG will meet with members of Public Works Department, which may include other departments, as we are in Davenport. These meetings will be supplemented by video conference calls and manage month–to–month tasks.
3. **Stakeholder interviews.** As part of the kickoff, we will conduct interviews and working discussions with constituent and stakeholder groups to meet people, understand community priorities, and discuss bicycling needs and options for Davenport and its various destinations and features.
4. **Initial field reconnaissance and tour.** We begin our work with an initial field reconnaissance, conducted by the means of transportation best suited to the task: the bicycle. Committee members and staff are invited to tour the city by bike during this process.
5. **Role of the City.** City staff provides logistical support for identifying and coordinating meetings/participants/locations, review and comment on deliverables, and participating with us in field investigation at their discretion.
6. **Project Website.** The plan will include a project website for sharing updates of the process, knowledge, and feedback.
 - a. Portal for SurveyMonkey questionnaire for the public to evaluate street contexts.
 - b. Portal for WikiMaps for the public to offer routes and report challenges.
7. **Initial kick–off meetings.** The kickoff meeting reviews the process, schedule, and requirements and expectations of the committee; identifies key contacts; and begins the conversation about active transportation planning for the city.
8. **Council Work Sessions.** Process includes two council work sessions, including:
 - a. Review objectives of the process and preliminary findings (~July)
 - b. Review plan recommendations (~January)



scope of services

Task Two: Bicycling Environment

In this part, RDG/Alta will continue their initial field work and use available GIS information and other data to develop an atlas of existing conditions and opportunities. Evaluation is based on GIS data provided by the City and identified in the Memo of Understanding. Features that we identify and map include:

1. Geography and topography.
2. Land use and development patterns.
3. Potential destinations, such as parks, schools (including specific destinations within campuses), activity centers, business districts, health care institutions, public facilities, museums, major businesses and employers, parks and recreational facilities, destination trails, visitor attractions, and special features.
4. Existing and planned facilities, including trails on exclusive right-of-way, sidepaths, designated bicycle and safe routes (including sharrows and bike lanes), and sidewalk conditions on major streets.
5. On-street bicycle opportunities, cross-referencing width, ADT, and street continuity.
6. Crash locations and other potential hazards for pedestrians and bicyclists.
7. A contextual street typology that goes beyond standard functional classifications to define a classification of streets that reflects contexts within Davenport and their adaptability to bicycle transportation.
8. Network opportunities, identifying other possible off-road possibilities and relatively uninterrupted segments along streets.
9. Relationship of transit routes to bikeway system possibilities.
10. Existing conditions, evaluating the quality of “rideability” available in Davenport today. In other evaluations, we have used categories such as continuous, low-trafficked streets, cautionary streets, “survivable arterials,” hazardous arterials, multi-use path, and sidepaths.
11. Regional trail and on-street linkages.
12. The city will need to measure street widths in order for the consultant to complete some tasks.

Task Three: Market for Bicycle Transportation

This part of our approach considers the existing and potential market in Davenport and includes a significant component of the public involvement process. It includes:

1. *Estimates of existing and future bicycle and transportation daily trips*, using American Community Survey averages on bicycle work trips and accepted estimating factors for other types of trips. Future counts are based on a new mode share achieved by a complete transportation system.
2. *Identifying specific locations for future bicycle counts.*
3. *Developing, administering, and analyzing an online survey*, addressing such issues as characteristics of cyclists, demand for different destinations and destination types, comfort of different infrastructure types, and importance of various actions. This instrument shows respondents images of a wide variety of facilities and contexts, and asks them to rate their reaction and comfort level with each context, both for themselves and for the majority of cyclists.
4. *Developing, administering, and analyzing an online mapping tool to review respondents routes and challenges.*



scope of services

5. Identifying potential high crash and hazard conditions, based on the distribution of potential destination, ADT on routes or streets intersecting routes, observed crash statistics, and local and national crash rates.

Task Four: Network Attributes and Roles

The results of this task will be an identification of issues that will need to be addressed in the future to not only maintain but improve on the level of transportation service to that which exists today.

This task defines the role of bicycle transportation in Davenport, and includes:

1. *Defining the specific goals and attributes of the system.* Potential attributes include service to destinations, incremental integrity (providing value and continuity at each step of implementation), ability to evolve over time, conflict avoidance, maximum use of existing resources, identifying and filling strategic gaps, and using routes of least traffic resistance when possible.
2. *Establishing specific performance measures and standards for system design,* based on the criteria discussed above or others that develop through the planning process.

Task Five: System Concept

By 2035, it is expected that Davenport will experience growth throughout the city, both in residential population and employment. As a city served by cross-country interstates, rail lines, and the Mississippi River, transportation will prove vital to economic development—and economic success—for the city. Understanding the nature of this growth, planned changes in land use, and the implications for the city, will be a critical aspect of the *“Bicycle and Shared Use Trails Master Plan”*.

This task establishes the contour of the basic active transportation system, using a unique planning studio process that engages residents and stakeholders. This provides people with the opportunity to help plan the network and its features for both their specific sectors of the city and the overall community and environs. It includes:

1. *A three-day studio in Davenport* in which we cover nearly every street and potential destination by bicycle, providing us with fine-grained exposure to each part of the area. This process includes field checks of various parts of the city from the bicycle points of view. This design studio will be defined with staff and the committee. Public events include evening work sessions, beginning with open discussion and planning, and progressing to an in-progress presentation of findings and ideas for review and comment.
2. *Knitting together the design studio results and previous analysis into an initial community-wide system concept,* identifying routes, specific projects, infrastructure types, and other features in relation to destinations. The existing system, and existing proposals, are evaluated and completely integrated into this system. This also studies areas that require special attention like downtown and the riverfront. The purpose of this task will be to assess, based on the information collected during project inventory and community outreach activities, the need for bicycle system improvements throughout the City. In addition to a broad assessment of multi-modal transportation demand/needs in the city, several specific issues should also be analyzed in this task, including:



scope of services

- a. Identification of bicycle cross-town routes and circulation between shopping, employment, and residential areas appropriate to the anticipated volume of bicyclists.
- b. Need for improved bicycle access, circulation and safety
- c. Bicycle related infrastructure needs for planned future land uses, population growth (general population as well as campus / student housing growth), infill and greenfield development, manufacturing expansion, and riverfront recreation
- d. Determination of streets and routes – continuity
3. *Application of various facility types to existing and proposed opportunities in the network.* These include facility types addressed in the NACTO Urban Bikeway Design Guide, and applicable state, AASHTO, and MUTCD standards, adapted to the specific contexts presented by Davenport. Potential bikeway facility types include shared routes with and without sharrows, bike lanes, bicycle boulevards, cycle tracks, sidepaths, and multi-use trails.
4. *A larger regional concept,* connecting Davenport's network to facilities proposed or existing in the surrounding metropolitan area.

Task Six: System Design and Infrastructure Details

This task presents new guidelines and solutions specifically designed around local contexts, including:

1. *A review of current street design standards, along with an analysis of their implications for bicycle transportation.* Major issues include street sections, trail and sidepath design, and intersection design. In this section, we will also work specifically with public works staff on present and proposed maintenance practices.
2. *Design guidelines and standards for the infrastructure types, adapting the state of the practice to the specific conditions that we observe in the local street and transportation network.* Standards include sections, geometrics, materials, clearances, grades, traffic controls, graphics, and maintenance. The guidelines also address complete (multi-modal) street policies and standards, applied to both new projects and retrofits such as road diets. The guidelines also address special conditions and design solutions for conditions that are common in the area.

This phase of the project will focus on the development of design guidelines for Davenport's "main streets". Since many of these streets are under State jurisdiction, coordination with IDOT, as well as input from the Project Steering Committee, will be critical to successfully completing this task.

Guidelines should address the following issues:

- a. Arterial and collector streets (including appropriate sidewalks, bike facilities, pedestrian and bike crossings, parking reduction strategies, bulb-outs, lane widths, turn lanes, traffic, safety)
- b. Identification of shared use trails, bike lanes, cycle tracks, side paths and other pedestrian and bicycle facilities most applicable for effective facilitation of bicycle traffic given site context
- c. Reevaluation of *Davenport In-Motion* to ensure that plan recommendations are in keeping with today's best practices.
3. *Extensive illustrations of design contexts and standards,* including before and after images that show how various design solutions adapt to specific local contexts.



scope of services

4. *A review of all ordinances that affect or could benefit bicycle transportation, including zoning and land development regulations.* Specific areas of focus include project design and site planning, defined access from public sidewalks to the primary entrance, trail and pathway access, and bicycle parking standards.
5. *Depending on the structure of the system, details for individual routes, including design treatment for route segments.* For example, in Topeka and Omaha, we applied a “transit model,” where routes are destination to destination lines that have similarities to transit routes.
6. *Specific design details for each segment of proposed routes.* This important element will include design and infrastructure recommendations and solutions for each segment in the proposed bicycle system. This provides a detailed guide to implementation and in many cases provides all the information necessary for city personnel to proceed with pavement marking and signage. Sample signage from other cities will be provided. A detailed program and design can be developed as an amendment to this plan.

Task Seven: Implementation

This chapter establishes priorities and sequencing for the planned system, funding, and operational practices such as transit interfaces. It includes:

1. *Defining priority criteria and evaluating routes according to those criteria.* These include factors such as responsiveness to existing demands and problems; route integrity and continuity, assuring that incremental development provides continuity to valid endpoints; extensions or enhancements of existing investments; gap filling; opportunities, including currently planned projects; and relative ease of development. This section, in combination with Task 3, will provide justifications to support plan recommendations by citing best practices, metrics, case studies, and associated excerpts from successful projects that have been implemented. The overall goal of which will be to provide staff and elected officials with relevant facts and other defensible arguments to support plan implementation.
2. *Developing an initial bicycle system,* that meets priority criteria and establishes a network that provides meaningful service to as many parts of the region as possible.
3. *A sequencing concept,* demonstrating how the system grows over time into a comprehensive bicycle network.
4. *Funding mechanisms to provide for system development and maintenance.* This includes jurisdictional and funding guidelines and strategies for maintenance and operation. Budget needs, including funding needs and financial strategies.
 - a. Funding needs over next 10 and 30 years
 - b. Alternative funding strategies for improvements, operation and maintenance
 - c. Funding priorities for immediate action steps over the next 1–2 years and the next ten years
5. *Operational policies and mechanisms,* including coordination with transit services and maintenance policies, using both our experience and knowledge of national practice. Also, this task identifies public outreach strategies to effectively engage and educate the citizens of Davenport related to gathering support of the proposed shared use trail initiatives.
6. *Recommend appropriate institutional changes, funding requirements and other strategies needed to implement the plan’s recommendations.* Implementation strategies may include such things as:



scope of services

- a. Process for stakeholder involvement in transportation decisions
- b. Recommended changes to internal and/or external processes and procedures, including Public–private partnerships, ordinance and/or legislative needs, *and* resolution and coordination of jurisdictional responsibilities

Task Eight: Support Systems

This piece addresses support systems, based on the League of American Bicyclists' Bicycle Friendly Community program. These categories of action include:

1. *Engineering* (covered largely by the previous master plan sections but also including specific elements like bicycle parking, system graphics, and special facilities such as bike share systems).
2. *Education*, including safety education for bicyclists and motorists.
3. *Encouragement*, including special events and public relations programs to encourage non–motorized transportation.
4. *Enforcement*, including integration of police departments into the active transportation program, equitable enforcement of traffic laws, and development of materials that identify responsibilities of motorists and cyclists.
5. *Evaluation*, establishing methodologies through surveys, sampling, and counts to monitor the effectiveness of the program.



**AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE
CITY OF DAVENPORT, IOWA
AND
RDG SCHUTTE WILSCAM BIRGE, INC.**

This Agreement is entered by and between the City of Davenport, Iowa, hereinafter referred to as the "City" and RDG Schutte Wilscam Birge, Inc. (dba RDG Planning & Design), hereinafter referred to as the "Consultant."

WHEREAS, the City wishes to develop a Bicycle and Shared-Use Path Master Plan, and

WHEREAS, the Consultants, RDG in association with Alta Planning and Design, have indicated a willingness to provide professional planning services to the City in the preparation of this plan.

WHEREAS, the Consultant will provide professional consultant services in accordance with this scope of services and according to the terms of this contract; and

NOW, THEREFORE, the parties hereto do mutually agree as follows:

Section One. Scope of Services

1.1. The Consultant shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances at the same time and in the same or similar locality. The Consultant agrees to provide the work elements set forth in Exhibit A, Scope of Services, attached hereto and incorporated into this Agreement.

Section Two. Additional Services

2.1. If, during the progress or upon completion of the work outlined in the Scope of Services in this Agreement, it is desirable or necessary to cause the Consultant to perform additional services other than those outlined in the Scope of Services, a fee for such services may be negotiated and expenses shall be billed at cost, or, in the case of in-house reproduction, in accordance with schedule.

2.2. Additional Tasks may be added to this agreement by amendment(s) at such time the City is prepared to proceed with each Task.

Section Three. Time of Performance

3.1. The schedule for completion of project deliverables is on or before February 28, 2018.

Section Four. Responsibilities of the City

The City agrees to provide the Consultants with complete information and available maps and materials relevant to the completion of the services provided herein and to perform the following services:

4.1. **Access to Work.** The City shall arrange access to and make provisions for the Consultants to enter upon public and private lands as required for the Consultants to perform such work as inventories, field surveys, and inspections in the development of the Plan.

4.2. **Records, Files, and Previous Planning Efforts.** The City shall make all records and files relevant to the plan available to the Consultants as needed and furnish all reasonable and necessary assistance in the use of such records and files. In addition, the City shall make previous reports and

studies available to the Consultants, along with all other studies and work that provide information pertinent to the completion of the plan.

4.3. Consideration of Consultants' Work. The City shall give thorough consideration to all reports, drawings, and other documents presented for review by the Consultants and shall inform the Consultants of all decisions and comments within a reasonable time to avoid undue delays.

4.4. Steering Committee. The City shall organize a Steering Committee to carry out the citizen participation program of the planning process. This committee shall be appointed no later than May 1, 2017.

4.5. Meetings. The City shall provide logistical support for all meetings, including arranging for meeting places and assisting with notification of participants and citizens. The City shall further hold all required public hearings, serve all required notices, and fulfill all legal requirements associated with the project.

4.6. City's Representative. Zach Peterson, Landscape Design Architect, shall be responsible for the City's portion of the project management.

Section Five. Compensation and Method of Payment

5.1. Total compensation pursuant to the services specified in this Agreement, except as provided in Section 2.1, shall be in the sum of **\$110,000** (One-hundred Ten Thousand Dollars).

5.2. Payment shall be made to the Consultant on a monthly basis, based on percent complete and satisfactory progress toward the completion the individual parts of the work plan. All billings shall be accompanied by a written progress report describing the status of the project.

5.3. The fee includes travel-related expenses for up to six visits. Additional visits will be negotiated as provided in Section 2.1.

5.4. RDG will provide an electronic copy of the draft and final document for reproduction. Also, the fee includes the production of one (1) hard copy of the draft and one (1) hard copy of the final document. RDG will coordinate reproduction of additional copies with the City's preferred printer company. Invoices for additional copies will be paid by the City.

Section Six. Ownership of Materials

6.1. The City shall control all media releases or other publicity related to the completion of this project.

6.2. Consultant retains the right to use the materials developed for the plan in future planning efforts and for marketing purposes.

Section Seven. Assignment

The Consultants agree that they are prohibited from assigning an interest in this agreement or delegating the performance of any of its duties hereunder without the written consent of the City.

Section Eight. Amendments

Either party to this Agreement may request an amendment or modification. Such amendment will not take effect unless incorporated into this Agreement by written amendment executed by both parties.

Section Nine. Nondiscrimination

In the execution of this Agreement, the Consultants shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin, age, marital status, or receipt of public assistance.

Section Ten. Termination

This agreement may be terminated by either party upon **thirty (30) days** written notice should the other party fail substantially to perform in accordance with its terms through no fault of the other. In the event of such termination, the consultant shall be paid for services and expenses to the date of such termination.

Section Eleven. Independent Contractor

In relationship to the City of Davenport, the status of the Consultants under and by virtue of this Agreement is that of independent contractor.

Section Twelve. Hold Harmless

The City agrees to indemnify and hold harmless the Consultant and its employees, from and against all loss and expense, including attorney's fees and costs by reason of any and all claims and demands upon the Consultant and its employees from damages sustained by any person or persons, arising out of or in consequence of the City's and its agents' negligent performance of work associated with this agreement.

IN WITNESS WHEREOF, the AGREEMENT has been executed this ____ day of March, 2017.

CITY OF DAVENPORT, IOWA

By:

Name/Title:

RDG SCHUTTE WILSCAM BIRGE INC dba RDG PLANNING & DESIGN

By:

Name/Title:

Marty Shukert, FAICP
Principal

City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Thomas Vesalga; (563) 326-7783
Wards: 8

Action / Date
PW3/15/2017

Subject:

Resolution accepting the Fuel Facility Modernization Project at the Davenport Municipal Airport in the amount of \$601,637.16. Funding is from the Iowa Department of Transportation, Office of Aviation grant at 25%, \$150,000 and CIP 10102 at 75%, \$451,637. [Ward 8]

Recommendation:

Approve the Resolution.

Relationship to Goals:

Welcome Investment.

Background:

The underground fuel system at the Davenport Municipal Airport was installed in the early 1950's. The system has deteriorated to a point that the Airport is spending an excessive amount of operating capital preventing fuel from leaking into the soil. Additionally, the insurance costs for an underground system can be eliminated by going to an above ground system. The new fueling and storage system has self-serve and full-serve delivery cabinets, a self-serve credit card reader, 2 above-ground 20,000 gallon tanks, and a specially designed fuel containment system.

McClure Engineering Company is the design and construction observation engineering firm that provided oversight for this Iowa Department of Transportation, Office of Aviation project.

Funding is through the Iowa Department of Transportation, Office of Aviation grant at 25%, \$150,000, and CIP# 10102 at 75%, \$451,637.

ATTACHMENTS:

Type	Description
□ Resolution Letter	PW_RES_Appr Fuel Facility Modernization Acceptance Page 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	3/8/2017 - 4:47 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 4:52 PM
City Clerk	Admin, Default	Approved	3/8/2017 - 4:56 PM

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Thomas Vesalga; (563) 326-7783
Wards: 8

Action / Date
PW 3/15/2017

Subject:

Resolution accepting the Fuel Facility Modernization Project at the Davenport Municipal Airport in the amount of \$601,637.16. Funding is from the Iowa Department of Transportation, Office of Aviation grant at 25%, \$150,000 and CIP 10102 at 75%, \$451,637. [Ward 8]

Recommendation:

Approve the Resolution.

Relationship to Goals:

Welcome Investment.

Background:

The underground fuel system at the Davenport Municipal Airport was installed in the early 1950's. The system has deteriorated to a point that the Airport is spending an excessive amount of operating capital preventing fuel from leaking into the soil. Additionally, the insurance costs for an underground system can be eliminated by going to an above ground system. The new fueling and storage system has self-serve and full-serve delivery cabinets, a self-serve credit card reader, 2 above-ground 20,000 gallon tanks, and a specially designed fuel containment system.

McClure Engineering Company is the design and construction observation engineering firm that provided oversight for this Iowa Department of Transportation, Office of Aviation project.

Funding is through the Iowa Department of Transportation, Office of Aviation grant at 25%, \$150,000, and CIP# 10102 at 75%, \$451,637.

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport

RESOLUTION accepting the Fuel Facility Modernization Project at the Davenport Municipal Airport in the amount of \$601,637.16. Funding is from the Iowa Department of Transportation, Office of Aviation grant at 25%, \$150,000 and CIP 10102 at 75%, \$451,637.

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the Fuel Facility Modernization within the City of Davenport, Iowa; and

WHEREAS, Notice of Public Hearing on plans, specifications and form of contract was published as required by law:

NOW, THEREFORE, IT IS RESOLVED by the Council of Davenport, Iowa, as follows: that the resolution accepting the Fuel Facility Modernization Project at the Davenport Municipal Airport in the amount of \$601,637.16 is formally approved.

Passed and approved this 22nd day of March, 2017

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Tom Leabhart; (563) 326-7729
Wards: 7

Action / Date
PW3/15/2017

Subject:

Resolution granting permission to Geneseo Communications, a State of Iowa franchisee, to install a buried communications system In the city right-of-way along 50th Street from approximately 250 feet west of Sheridan Street to Brady Street for a total distance of approximately 1,460 feet. Agreement Reference No. 2017-F5. [Ward 7]

Recommendation:

Pass the resolution.

Relationship to Goals:

A growing local economy.

Background:

Geneseo Communications has requested permission to install buried communication fiber optic line within the city right-of-way as shown on the attached map. The total distance is approximately 1,460 feet.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution Page 2
▣ Backup Material	Map 2017-F5

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	3/8/2017 - 4:58 PM
Public Works Committee	Lechvar, Gina	Approved	3/8/2017 - 4:58 PM
City Clerk	Admin, Default	Approved	3/9/2017 - 10:13 AM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION granting permission to Geneseo Communications Services, Inc. to install a buried communications system in the City right-of-way along 50th Street from approximately 250 feet west of Sheridan Street to Brady Street for a total distance of approximately 1,460 feet. Agreement Reference No. 2017-F5.

WHEREAS, Geneseo Communications Services, Inc. (The Owner) has submitted a request (Agreement Reference #2017-F5) to construct buried communications cable in City Right-of-Way along 50th Street from approximately 250 feet West of Sheridan Street to Brady Street, a total distance of approximately 1,460 feet as shown on the attached map; and

WHEREAS, the Engineering Division as well as IT and Legal Departments of the City of Davenport, Iowa (the "City") have reviewed said plans and recommend permission be granted for the installation, as described, subject to conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: that permission is hereby granted to The Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by The Owner

1. That The Owner shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by The Owner as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that The Owner hold harmless, defend and indemnify the City from any such claims. Further, that The Owner shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That The Owner shall pay all costs for the construction and maintenance of their cable.
3. That The Owner shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, The Owner shall remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.
5. That all excavations for laying pipes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and

so as to avoid, so far as possible, obstructing any street or alley or the drainage thereof, and said streets, avenues and alleys shall be promptly repaired and restored to a condition as good as the same were in prior to the laying of said pipes and any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by The Owner and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation with in any street or alley rights of way, The Owner shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to The Owner upon reasonable terms and conditions. The Owner shall be responsible for payment of the Standard Excavation Permit Fees established by City Council prior to receiving said permit. The permit fee includes a \$1.00 per foot Disruption Fee where applicable.

6. That the contractor performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
7. That The Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
8. That The Owner shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
9. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, The Owner releases the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
10. The Owner will provide the City of Davenport as built drawings in an electronic format suitable to the City of the entire route.

Passed and approved this 22nd day of March, 2017

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF PROVISIONS OF RESOLUTION NO. 2017-_____,
AGREEMENT REFERENCE NUMBER 2017-F5

The undersigned hereby accepts all the terms and conditions of said Resolution and agrees that the same shall be binding upon undersigned and its successors and assigns.

Geneseo Communications Services, Inc.

By: _____

Name: _____

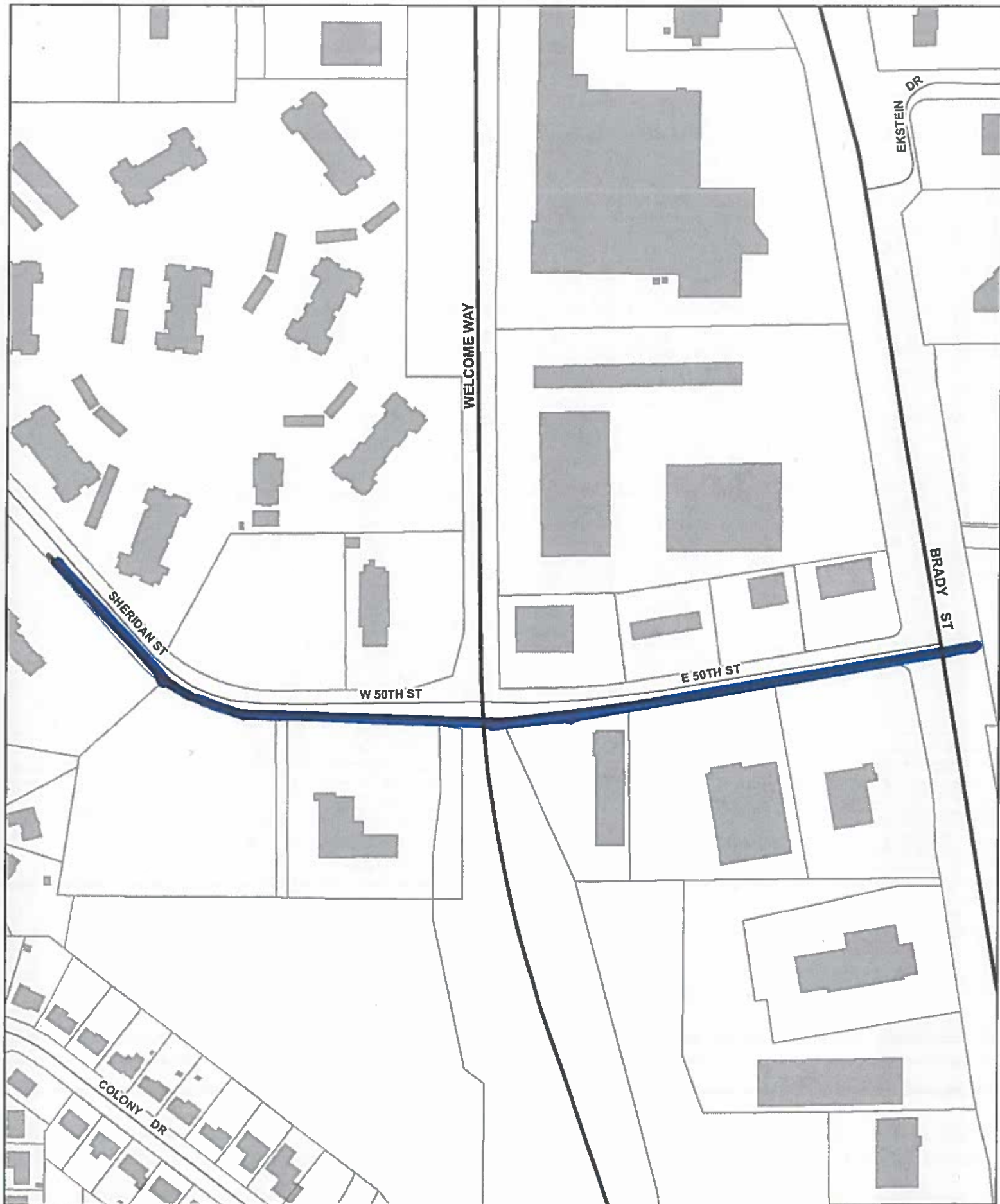
Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 2017, before me, the undersigned notary public, personally appeared _____, known to me to be the _____ of Geneseo Communications Services, Inc. and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements and to commit Geneseo Communications Services, Inc. to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Geneseo Communications Services, Inc..

In witness whereof, I have hereunto set my hand and official seal.

Notary Public



Proposed Fiber Optic Route
2017 - F5

Map Date: 3/1/17

0 130 260 390 520 Feet

City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Tom Leabhart; (563) 327-5155
Wards: 1 & 3

Action / Date
PW3/15/2017

Subject:

Motion to award the contract for additional I&I removal to Ihrig Works LLC of Long Grove, IA in the amount of \$227,637, budgeted in CIP #30016. [Ward 1 & 3]

Recommendation:

Approve the motion.

Relationship to Goals:

Financially responsible City government.

Background:

A request for bid was issued on January 27, 2017 to 341 contractors. On February 16, 2017 the Purchasing Division received and opened five responsive and responsible bids. Ihrig Works, LLC was the low bidder and is recommended for the award.

The proposed improvements to disconnect the existing storm sewer from the existing sanitary sewer and realign the storm sewer. Main actions consist of plugging existing storm sewer pipe, realigning the pipe, catch basins and manholes installation or replacement, pavement and sidewalk replacement.

The proposed locations for these improvements are:

Redwood Ave & Wellman Ave
Telegraph Rd & Waverly Rd
Rockingham Rd & Division St
Rockingham Rd & Washington St
5th St & Marquette St
5th St & Gaines St

A Public Hearing was held in August 3, 2016 and was passed at a subsequent meeting.

Funding for this project is from CIP #30016.

ATTACHMENTS:

Type	Description
▣ Backup Material	Bid Tabulation
▣ Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	3/9/2017 - 12:53 PM
Public Works Committee	Lechvar, Gina	Approved	3/9/2017 - 12:53 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:31 AM

CITY OF DAVENPORT, IOWA
REQUEST FOR BIDS RESPONDENTS

DESCRIPTION: ADDITIONAL I&I REMOVAL PROGRAM
BID NUMBER: 17-71
OPENING DATE: FEBRUARY 16, 2017
RECOMMENDATION: AWARD THE CONTRACT TO IHRIG WORKS, LLC OF LONG GROVE, IA.

<u>CONTRACTOR NAME</u>	<u>LOCATION</u>	<u>AMOUNT</u>
IHRIG WORKS, LLC	LONG GROVE, IA	\$227,637
SULZCO LLC	MUSCATINE, IA	\$269,000
LANGMAN CONSTRUCTION, INC.	ROCK ISLAND, IL	\$291,252
VALLEY CONSTRUCTION COMPANY	ROCK ISLAND, IL	\$329,200
NEEDHAM EXCAVATING INC	WALCOTT, IA	\$355,592

Prepared By Cindy Whitaker
Purchasing

Approved By Nicole Gleason
Department Director

Approved By Brandi Coe
Budget/CIP

Approved By BW
Finance Director

City of Davenport

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

Action / Date
FIN2/1/2017

Subject:
Resolution adopting an updated Investment Policy. [All Wards]

Recommendation:
Adopt the resolution.

Relationship to Goals:
Financially Responsible City Government

Background:

The Davenport City Council has adopted an investment policy which is mandated by Chapter 12 of the State of Iowa Code. The policy was adopted in 1992 and amended in 2007 and 2014. The Finance Department is charged with the responsibility for managing the City's investments and the Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that Davenport's assets are protected from loss, theft or misuse.

The investment policy addresses primary goals which include safety of principal, maintaining the necessary liquidity to match expected liabilities, and yield a reasonable return. In addition, the policy addresses delegation of authority, investment objectives, prudence, eligible investments, maturity limitations, diversification, safekeeping, pooled cash and interest allocation, ethics and conflict of interest, reporting, and consideration of community reinvestment activities.

The written investment policy must be periodically reviewed by staff and all material changes must be approved by the City Council. After a review by staff, the investment policy has been revised to clarify the request for qualification process, include maximum deposit amounts for institutions, to clearly define potential investments with IPAIT, to eliminate the requirement for annual Community Reinvestment Act updates by depositories since federal evaluations are only conducted every three to five years, and to allow for the list of depositories to be amended.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Investment Policy Resolution
▣ Backup Material	Investment Policy
▣ Backup Material	Summary of Investment Policy Changes

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	1/25/2017 - 4:13 PM
Finance Committee	Watson-Arnould, Kathe	Approved	1/25/2017 - 4:13 PM
City Clerk	Admin, Default	Approved	1/25/2017 - 4:16 PM

Resolution No. _____

Resolution offered by Alderman Gordon:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting an updated Investment Policy.

WHEREAS, the City is permitted under State of Iowa Code Chapter 12 to invest its funds;
and

WHEREAS, there is a State mandate to have a written investment policy which addresses
prudence, compliance with state law and diversification of investments; and

WHEREAS, the investment policy is required to be reviewed periodically; and

WHEREAS, this policy establishes best practices and standards that govern the
investment and safekeeping of City funds by the Finance Department;

WHEREAS, the Finance Director shall be responsible for the implementation of the
Investment Policy;

WHEREAS, the Investment Policy must be approved by the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that an
Investment Policy is hereby adopted.

Approved:

Attest:

Mayor Frank Klipsch

Jackie E. Holecek, MMC, City Clerk

CITY OF DAVENPORT

Investment Policy

Section 1 - Purpose of Investment Policy

The Investment Policy of the City of Davenport, Iowa (Investment Policy) shall apply to all operating funds, bond proceeds and other funds and all investment transactions involving operating funds, bond proceeds and other funds accounted for in the financial statements. Each investment made pursuant to the Investment Policy must be authorized by applicable law and this policy.

The investment of bond funds or sinking funds shall comply not only with the Investment Policy, but also be consistent with any applicable bond resolution.

The Investment Policy is intended to comply with Iowa Code Chapters 12B and 12C and their relevant successors, Federal arbitrage regulations, and Federal grant regulations.

Upon passage and future amendments, if any, copies of the Investment Policy shall be delivered to all of the following:

1. The City Administrator, Finance Director, and Revenue Manager;
2. All depository institutions, fiduciaries, and third parties assisting with or facilitating investment of funds;
3. The auditor engaged to audit any fund of the City.
4. The State Auditor
4. Civil Rights Commission

Section 2 - Delegation of Authority

The responsibility for conducting investment transactions resides with the Finance Director/City Treasurer of the City of Davenport. Investment responsibilities, however, may be delegated to the Revenue Manager. Only the Finance Director/City Treasurer and those authorized by this Investment Policy may invest public funds.

All contracts or agreements with outside persons investing public funds, advising on the investment of public funds, directing the deposit or investment of public funds or acting in a fiduciary capacity for the City shall require the outside person to notify in writing to the Finance Director/City Treasurer within thirty (30) days of receipt of all communication from the Auditor of the outside person or any regulatory authority of the existence of a material weakness in internal control structure of the outside person or regulatory orders or sanctions regarding the type of services being provided to the City by the outside person. The records of investment transactions made by or on behalf of the City of Davenport are public records and are the property of the City of Davenport whether in the custody of the City or in the custody of a fiduciary or other third party.

The Finance Director/City Treasurer shall establish a written system of internal controls and investment practices. The controls shall be designed to prevent losses of public funds, to document those officers and employees of the City responsible for elements of the investment process, and to address the capability of investment management. The controls shall provide for receipt and review of the audited financial statement and related report on internal control structure of all outside persons performing any of the following for the City of Davenport:

1. investing public funds,
2. advising on the investment of public funds,
3. directing the deposit or investment of public funds,
4. acting in a fiduciary capacity for the City.

The Finance Director/City Treasurer and all employees authorized to place investments shall be bonded in an amount to be determined by the City's Risk Manager.

Section 3 - Objectives

The primary objectives, in order of priority, of all investment activities involving financial assets shall be the following:

1. Safety: Safety and preservation of principal in the overall portfolio is the foremost investment objective.
2. Liquidity: Maintaining the necessary liquidity to match expected liabilities is the second investment objective.
3. Return: Obtaining a reasonable return is the third investment objective.
4. Linked Deposit: Standards for financial institutions' involvement in areas of equal opportunity for minority sections of the City's population. Linked deposit objectives are further defined in Section 13.

Section 4 - Prudence

The Finance Director/City Treasurer, when investing or depositing public funds, shall exercise the care, skill, discretion and diligence under the circumstances then prevailing that a person acting in a like capacity and familiar with such matters would use to attain the Section 3 investment objectives. This standard requires that when making investment decisions, the Finance Director/City Treasurer shall consider the role that the investment or deposit plays within the portfolio of assets, expect a good return of income while preserving City capital and the investment objectives stated in Section 3.

Iowa Code exempts the Council, its agents, and City employees from personal liability from losses of a depository in absence of negligence, malfeasance, misfeasance, and nonfeasance. When investing

assets for a period longer than 30 days, the Finance Director/City Treasurer or their designee shall request competitive investment proposals for comparable credit and term investments from a minimum of two investment providers. Bids will be requested from local banks approved as authorized depositories by the Treasurer of the State of Iowa, savings and loan institutions, primary dealers, and/or broker-dealers having an office within the State of Iowa and complying with linked deposit policy.

Section 5 - Instruments Eligible for Investment

Assets of the City of Davenport may be invested in the following:

1. Interest-bearing savings accounts, interest-bearing money market accounts, and interest-bearing checking accounts at any bank, savings and loan association or credit union in the State of Iowa. Each bank must be on the most recent Approved Bank List as distributed by the Treasurer of the State of Iowa or as amended as necessary by notice inserted in the monthly mailing by the Rate Setting Committee. Each financial institution shall be properly declared as a depository by the governing body of the City of Davenport. Deposits in any financial institution shall not exceed the amount approved by the governing body. The Iowa Code requires depositories to be located within the county, or the adjoining county, in which a city is located.
2. Obligations of the United States government, its agencies and instrumentalities.
3. Certificates of deposit and other evidences of deposit at Federally-insured Iowa depository institutions approved and secured pursuant to Iowa Code.
4. Iowa Public Agency Investment Trust (IPAIT) to include the Diversified Portfolio and Fixed-Term Automated (FTA) program, whose investments comply with Iowa code and banks are IPAIT approved.
5. Prime bankers' acceptances that mature within 270 days of purchase and that are eligible for purchase by a Federal Reserve Bank.
6. Commercial paper or other short-term corporate debt that matures within 270 days of purchase and is rated within the two highest classifications, as established by at least one of the standard rating services approved by the Superintendent of Banking.
7. Repurchase agreements, provided that the underlying collateral consists of obligations of the United States government, its agencies and instrumentalities and that the City takes delivery of the collateral either directly or through an authorized custodian. See Appendix A.
8. An open-end management investment company registered with the Securities and Exchange Commission under the Federal Investment Company Act of 1940, 15 U.S.C. Section 80(a) and operated in accordance with 17 C.F.R. Section 270.2a-7, whose portfolio investments are limited to those instruments individually authorized in Section 5 of this Investment Policy.

9. Warrants or improvement certificates of a levee or drainage district.

All instruments eligible for investment are further qualified by all other provisions of this Investment Policy, including Section 7, Investment Maturity Limitations, and Section 8, Diversification Requirements.

Section 6 - Prohibited Investment and Investment Practices

Assets shall not be invested in the following:

1. reverse repurchase agreements,
2. futures and options contracts.

Assets shall not be invested pursuant to the following investment practices:

1. trading of securities for speculation or the realization of short-term trading gains;
2. pursuant to a contract providing for the compensation of an agent or fiduciary based upon the performance of the investment assets.

If a fiduciary or other third party with custody of public investment transaction records fails to produce records when requested by this public body within a reasonable time, the City of Davenport shall make no new investment with or through the fiduciary or third party and shall not renew maturing investments with or through the fiduciary or third party.

Section 7 - Investment Maturity Limitations

Operating funds must be identified and distinguished from all other funds available for investment. Operating funds are defined as those funds which are reasonably expected to be expended during a current budget year or within fifteen months of receipt.

All investments authorized in Section 5 are further subject to the following investment maturity limitations:

1. Operating funds may only be invested in instruments authorized in Section 5 of this Investment Policy that mature within three hundred ninety-seven (397) days.
2. The Finance Director/City Treasurer may invest funds that are not identified as operating funds in investments with maturities longer than three hundred ninety-seven (397) days. However, these investments shall have maturities that are consistent with the needs and use of the City.
3. Commercial Paper and Prime bankers' acceptances are required to mature within two hundred and seventy (270) days.

Section 8 - Diversification

Investments are subject to the following diversification requirements:

1. obligations of the United States government, its agencies and instrumentalities, up to 100% of the investment portfolio;
2. certificates of deposit, up to 100% of the investment portfolio
3. Iowa Public Agency Investment Trust (IPAIT);
 - a. At the time of purchase, no more than twenty-five percent (25%) of the investment portfolio shall be invested in the Iowa Public Agency Investment Trust.
4. perfected repurchase agreements;
 - a. At the time of purchase, no more than twenty-five percent (25%) of the investment portfolio shall be invested in perfected repurchase agreements.
5. prime bankers' acceptances;
 - a. At the time of purchase, no more than ten percent (10%) of the investment portfolio shall be invested in prime bankers' acceptances.
 - b. at the time of purchase, no more than five percent (5%) of the investment portfolio shall be invested in the securities of a single issuer.
6. commercial paper or other short-term corporate debt;
 - a. At the time of purchase, no more than ten percent (10%) of the investment portfolio shall be in commercial paper or other short-term corporate debt.
 - b. At the time of purchase, no more than five percent (5%) of the investment portfolio shall be invested in the securities of a single issuer.
 - c. At the time of purchase, no more than five percent (5%) of all amounts invested in commercial paper and other short-term corporate debt shall be invested in paper and debt rated in the second highest classification.
7. open-end management investment company registered with the Securities and Exchange Commission
 - a. At the time of purchase, no more than twenty-five percent (25%) of the investment portfolio shall be invested in an open-end management investment company.

Where possible, it is the policy of the City of Davenport to diversify its investment portfolio. Assets shall be diversified to eliminate the risk of loss resulting from overconcentration of assets in a specific maturity, a specific issuer, or a specific class of securities. In establishing specific diversification strategies, the following general policies and constraints shall apply:

1. Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide stability of income and reasonable liquidity.
2. Liquidity practices to ensure that the next disbursement date and payroll date are covered through maturity investments, marketable U. S. Treasury bills or cash on hand shall be used at all times.
3. Risks of market price volatility shall be controlled through maturity diversification so that aggregate price losses on instruments with maturities approaching one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.

Section 9 - Safekeeping and Custody

All invested assets of the City of Davenport involving the use of public funds require a custodial agreement, as defined in Iowa Code section 12B.10C. All custodial agreements shall be in writing and shall contain a provision that all custodial services be provided in accordance with the laws of the state of Iowa.

All invested assets of the City of Davenport eligible for physical delivery shall be secured by having them held by a third party custodian. All purchased investments shall be held pursuant to a written third party custodial agreement requiring delivery versus payment and compliance with all rules set out in this Section 9.

Section 10 - Pooled Cash and Interest Allocation

Cash resources shall be pooled in order to maximize investment opportunities. Income from investments purchased with pooled cash shall be allocated to individual funds based on the fund's average cash balance and legal requirements, grant regulations, arbitrage rules, and/or bond resolutions. Interest income shall be allocated to all governmental, proprietary, and fiduciary fund types provided a fund is not subsidized by another fund.

Section 11 - Ethics and Conflict of Interest

All employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Any personal investments or loans in or with any entity that the City has declared as a depository or regularly conducts investment business with shall be disclosed in writing to the City Administrator/City Clerk.

Section 12 - Reporting

The Revenue Manager shall submit an investment report that summarizes recent market conditions and investment strategies employed since the last investment report. The investment report shall set out the current portfolio in terms of maturity, rates of return and other features and summarize all investment transactions that have occurred during the reporting period and compare the investment results with the budgetary expectations. City investments will be benchmarked against both the 1 year U. S. Treasuries and the Iowa Public Agency Investment Trust (IPAIT) rates of return for similar durations.

This report shall be submitted to the Mayor, City Council, City Administrator, and Finance Director/City Treasurer with 30 days after January 1 and July 1 each year.

Tabulation of bids for each investment transaction will be provided to the City Administrator, Finance Director/City Treasurer and at the request of participating financial institutions.

Section 13 – Qualified Institutions

The City shall identify qualified financial institutions to do investment business with through the Request for Qualification (RFQ) process. Potential institutions will be required to submit a letter stating they will comply with all applicable federal, state and local laws and regulations, with the City of Davenport's investment policy, provide documentation that the depository will comply with the State of Iowa Treasurer's Office regarding acceptance of public deposits, provide an annual report, and submit the most recent Community Reinvestment Act (CRA) performance evaluation and Home Mortgage Disclosure Act (HMDA).

The factors mentioned in Section 13 will be evaluated by the Finance Department and Inclusion & Equity Administrator or its designee(s) and reviewed and accepted by the Affirmative Action Commission and be approved by the Davenport City Council.

Institutions may be added and the list of qualified institutions amended individually at the request of a financial institution and acceptance of the City Treasurer or their designee. The financial institution must meet all criterion identified in the Request for Qualifications process.

All approved financial institutions will have maximum deposit amount of \$25,000,000.00 with the exception of the bank the City of Davenport utilizes for its primary banking functions. The primary bank has a maximum deposit amount of \$100,000,000.00.

Section 14 - Consideration of Community Reinvestment Activities

It shall continue to be the City's primary objective of its investment policy to preserve principal while maintaining sufficient liquidity to meet the City's cash requirements while maximizing income. Prospective security dealers, financial institutions, depository banks, collection banks and assets managers the City selects will be selected primarily on the basis of these criteria.

The City shall apply the following factors/criteria to the above financial principles:

1. The City shall not deposit or invest funds with any financial institution below a minimum Community Reinvestment Act exam of an overall institution rating of Satisfactory and an overall Davenport MSA rating of Satisfactory.
2. The City shall seek out and identify security brokerage firms and security brokers which are owned, managed or operated by women and/or minorities as identified under federally protected class statutes and encourage them to submit proposal on a competitive basis to act as the City's agent.
3. The City shall give consideration to those institutions that have a demonstrated commitment and practice of promoting economic development and community reinvestment in economically distressed neighborhoods and City-designated empowerment zones through mortgage lending and commercial lending and/or documented contributions toward such efforts. Community Reinvestment Act portfolio data and Home Mortgage Disclosure Act data may be used to assess this criteria. This commitment will also be measured with respect to home improvement financing and availability of banking services.
4. A demonstrated commitment and practice of promoting economic development through commercial lending to small businesses in the Quad City metropolitan area and/or documented contributions toward such efforts. This includes innovative initiatives to provide competitive and low-cost equity capital, working capital and other commercial credit to businesses (including, but not limited to, women and minority-owned businesses, and other businesses that are "B" and "C" rated credit risks) that are performing on City contracts.

Section 15 - Investment Policy Review and Amendment

This Investment Policy shall be reviewed every three (3) years or more frequently as appropriate. Notice of amendments to the Investment Policy shall be promptly given to all parties noted in Section

1.

APPENDIX A

Repurchase Agreements

The City shall use a master repurchase agreement similar to the PSA (Public Securities Association) model with additional protection regarding delivery, substitutions, margin maintenance, margin amount, seller representations, and governing law as recommended by the Government Finance Officers Association's Committee on Cash Management. Additional protection shall include:

1. Delivery - All transactions shall be accomplished through "delivery vs. payment".
2. Collateral shall consist of obligations of the U. S. Treasury or its agencies. Zero coupon instruments are not acceptable due to excessive volatility. Collateral shall be pledged in the name of the City and delivered to a third party custodian for safekeeping.
3. Substitution - The seller may substitute collateral only after prior written consent of the City. The seller shall absorb all costs associated with any substitutions of securities.
4. Margin Maintenance - The seller shall provide collateral and maintain collateral with a minimum value of 105% of market value. In the event collateral value shall fall below 105% of market value, then the seller must provide additional collateral to maintain the margin.
5. Sellers Representations - Sellers shall maintain compliance with applicable capital adequacy and net capitalization.
6. Governing Law - Unless otherwise authorized, the laws of the State of New York shall govern all transactions pursuant to the repurchase agreement due to the highly developed body of commercial and securities laws and the provisions in New York which assure protection and consistency/uniformity in the manner and method by which interests in investment securities are transferred.
7. Reverse repurchase agreements shall not be an allowable investment for the City.

Glossary of Terms

Agent: Individual authorized by another person, called the principal, to act in the latter's behalf in transactions involving a third party.

Agent Securities: Issued by government-sponsored corporations such as Federal Home Loan Banks or Federal Land Banks. Agency Securities are exempt from Securities and Exchange Commission (SEC) registration requirements.

Bankers Acceptance: Time draft drawn on and accepted by a bank, the customary means of effecting payment for merchandise sold in import-export transactions and a source of financing used extensively in international trade.

Commercial Paper: Short-term obligations with maturities ranging from 2 to 270 days issued by banks, corporations, and other borrowers to investors with temporarily idle cash. Such instruments are unsecured and usually discounted, although some are interest-bearing.

Delivery Versus Payment (DVP): Securities industry procedure, common with institutional accounts, whereby delivery of securities sold is made to the buying customer's bank in exchange for payment, usually in the form of cash.

Fiduciary: Person, company, or association holding assets in trust for a beneficiary.

Futures Contract: Agreement to buy or sell a specific amount of a commodity or financial instrument at a particular price on a stipulated future date.

Open-End Management Company: Investment company that sells mutual funds to the public. The term arises from the fact that the firm continually creates new shares on demand. Mutual fund shareholders buy the shares at Net Asset Value and can redeem them at any time at the prevailing market price, which may be higher or lower than the price at which the investor bought.

Option: Right to buy or sell property that is granted in exchange for an agreed-upon sum. If the right is not exercised after a specific period, the option expires and the option buyer forfeits the money.

Portfolio: Combined holding of more than one stock, bond, commodity, real estate investment, cash equivalent, or other assets by an individual or institutional investor.

Prudent Person Rule: A legal maxim restricting the discretion in a client's account to investments that a prudent person seeking reasonable income and preservation of capital might buy for his or her own portfolio. This rule is intended to protect against investments not worthy of credit.

Repurchase Agreement: Agreement between a seller and a buyer, usually of U. S. Government securities, whereby the seller agrees to repurchase the securities at an agreed-upon price and, usually, at a stated time.

Safekeeping: Storage and protection of a customer's financial assets, valuables, or documents, provided as a service by an institution serving as Agent and, where control is delegated by the customer, also as custodian.

Speculation: Assumption of risk in anticipation of gain but recognizing a higher than average possibility of loss.



City of Davenport
Finance/Revenue
Phone: 326-7739
Fax: 326-7722

MEMORANDUM

DATE: February 2, 2017
TO: Brandon Wright, Finance Director
FROM: James J. Odean, Revenue Manager
RE: Investment Policy Revisions

A handwritten signature in blue ink, appearing to be "J. Odean", located to the right of the "FROM:" line.

The City of Davenport Investment Policy has been revised and will be presented to City Council for approval. This memo provides a summary of the changes to the policy.

- 1) The State of Iowa Auditor was added as a recipient of a copy of the Investment Policy when any revisions are made as required by State of Iowa Code.
- 2) Clarified acceptable investment options offered by Iowa Public Agency Investment Trust to include investment in their diversified portfolio and fixed term automated program.
- 3) Added Commercial Paper and Prime Banker' acceptances to Section 7 – Investment Maturity Limitations for additional to ensure they are not overlooked.
- 4) Increased the percentage of the portfolio that could be invested in IPAIT and open-end management investment companies whose investments are limited to those instruments in the investment policy from 10% to 25%.
- 5) Changed the requirement for the tabulation of bids from automatically being sent to participating financial institutions to sending bid tabulations to them upon request.
- 6) Moved guidelines for the Request for Qualifications process from Section 5 – Instruments Eligible for Investment and Section 13 Community Reinvestment activities and consolidated in Section 13 named Qualified Institutions as the information was duplicated in both sections and redundant.
- 7) Added the ability to add depositories and brokers on an individual basis. The approval process remains identical to the Request for Qualification approval process. More institutions in the bidding process will allow for more competition and improved interest rates.
- 8) Removed the requirement for institutions to submit a revised Community Reinvestment Act (CRA) portfolio annually as banks are rated every three to five years and the submittals would be redundant. The request for qualifications process will occur every three years and we will obtain an updated CRA rating at that time.
- 9) Added maximum deposit amount each institution can have deposited. This had been included on the resolutions approving depositories. The City is committed to diversifying its investments, however we have run into the situation recently where the maximum deposit amount of \$25,000.000 had been reached with two institutions and other institutions on the approved list of depositories were not responding to bid requests.

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Jonathan Meeks 563-326-7922
Wards: All

Action / Date
FIN3/15/2017

Subject:

Motion approving the purchase of a Toro GM5900 16' mower from MTI Distributing of Grimes IA, for the cost of \$91,333.57. [All Wards]

Recommendation:

Approve the Motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

This purchase is being made through the State of Iowa bid, Contract #17341. MTI Distributing has the contract for Toro Mowers.

The old mower that is being replaced will go on the Public Surplus auction site.

Funding for this project is from the Parks Operating Motor Vehicle Equipment Account #54914025 530302, with a current balance of \$92,025. Funding is from Local Option Sales Tax.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 12:19 PM
Finance Committee	Watson-Arnould, Kathe	Approved	3/9/2017 - 12:19 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:30 AM

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Betsy Tubbs - 888-2220
Wards: 2

Action / Date
FIN3/15/2017

Subject:

Motion awarding the purchase and installation of a new playground at Northwest Park to Boland Recreation of Marshalltown, IA in the amount of \$49,000. CIP #64008 [Ward 2]

Recommendation:

Approve the motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Proposals was issued on January 9, 2017 and was sent to 62 vendors. On February the Purchasing Division received and opened six proposals. One proposal was considered non-responsive due to the renderings submitted after the deadline.

The new playground will replace the existing equipment that was installed in 1996. The new playground will be similar in size and design to fit the current footprint of the area. Vendors were given a budget of \$55,000 and asked to come up with their best design for play opportunities.

Proposals were evaluated on the following criteria: Play Opportunities - 50%; Site Compatibility - 20%; Accessibility - 15%; Cost Value - 15%.

Boland Recreation scored the highest on the design option #2 they submitted and are recommended for the award.

Funding for this contract is from CIP #64008 with an available amount of \$448,655.

ATTACHMENTS:

Type	Description
□ Backup Material	RFP Respondents

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 1:50 PM
Finance Committee	Watson-Arnould, Kathe	Approved	3/9/2017 - 1:51 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:31 AM

CITY OF DAVENPORT, IOWA
REQUEST FOR PROPOSALS RESPONDENTS

DESCRIPTION: NORTHWEST PARK PLAYGROUND
RFP NUMBER: 17-77
OPENING DATE: MARCH 1, 2017
RECOMMENDATION: AWARD THE CONTRACT TO BOLAND RECREATION OF MARSHALLTOWN, IA

<u>VENDOR NAME</u>	<u>LOCATION</u>
BOLAND RECREATION, INC	MARSHALLTOWN, IA
ABC CREATIVE BOX ELDER VALLEY, INC CHILDREN'S SPECIALTIES, INC PLAY AND PARK STRUCTURES CUNNINGHAM RECREATION*	URBANDALE, IA ELKHORN, NE BROKEN ARROW, OK ANKENY, IA ANKENY, IA

*NON-RESPONSIVE

Prepared By Cindy White
Purchasing

Approved By [Signature]
Department Director

Approved By Brandi Coe
Budget/CIP

Approved By [Signature]
Finance Director

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Stacy Ihrig 888-2068
Wards: All

Action / Date
FIN3/15/2017

Subject:

Motion awarding a contract for mental health services to Psychology Health Group of Davenport, IA. [All Wards]

Recommendation:

Award the motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Proposals was issued on December 13, 2016 and was sent to 35 firms. On January 6, 2017 the Purchasing Division received and opened two responses.

The mental health services is a fixed-price contract that will be used for emergency service personnel (primarily police and fire personnel). This will include emergency services crisis response, fit-for-duties and treatment for on-the-job mental health injuries.

Funding for the services will come from various employee expense accounts.

ATTACHMENTS:

Type	Description
▣ Backup Material	RFP Respondents

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 4:45 PM
Finance Committee	Watson-Arnould, Kathe	Approved	3/9/2017 - 4:46 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:31 AM

CITY OF DAVENPORT, IOWA
PROPOSAL TABULATION

DESCRIPTION: MENTAL HEALTH SERVICES
RFP NUMBER: 17-64
OPENING DATE: JANUARY 6, 2017
RECOMMENDATION: AWARD THE CONTRACT TO PSYCHOLOGY HEALTH GROUP
OF DAVENPORT, IA

<u>VENDOR NAME</u>	<u>LOCATION</u>
PSYCHOLOGY HEALTH GROUP	DAVENPORT, IA
KAREN WICKWIRE, PH.D.	BETTENDORF, IA

Prepared By Cindy Whitaker
Purchasing

Approved By Sharon Sherman
Department Director

Approved By Sharon Sherman
Budget/CIP

Approved By BN
Finance Director

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Ron Perkins 888-2002
Wards: All

Action / Date
FIN3/15/2017

Subject:
Motion approving a contract for city-owned fiber optic underground services to CDB Utility Contractors, Inc. of Davenport, IA. CIP #10506 [All Wards]

Recommendation:
Approve the Motion.

Relationship to Goals:
Financially Responsible City Government.

Background:
A Request for Proposals was issued on February 3, 2017 and was sent to 323 contractors. On February 24, 2017 the Purchasing Division received and opened two proposals.

The contract is for a period of one year with the option to renew annually at the same per foot cost for fiber installation for up to four additional years. It is estimated that up to 100,000 feet of fiber will be installed within one year.

Proposals were evaluated on the following criteria: Proposed Pricing - 40%; Capabilities and Resources - 30%; Qualifications and Resources - 30%.

Funding for this contract is from CIP #10506 with an available amount of \$201,900. The source of funding is from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
▣ Backup Material	BID TABULATION

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 12:30 PM
Finance Committee	Watson-Arnould, Kathe	Approved	3/9/2017 - 12:30 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:31 AM

CITY OF DAVENPORT, IOWA
PROPOSAL TABULATION

DESCRIPTION: FIBER OPTIC UNDERGROUND SERVICES
RFP NUMBER: 17-75
OPENING DATE: FEBRUARY 24, 2017
RECOMMENDATION: AWARD THE CONTRACT TO CDB UTILITY CONTRACTORS,
INC OF DAVENPORT, IA

<u>VENDOR NAME</u>	<u>LOCATION</u>
CDB UTILITY CONTRACTORS, INC	DAVENPORT, IA
SUB-SURFACE HDD LLC	MOLINE, IL

Prepared By Cindy Whitaker
Purchasing

Approved By Ben Beck
Department Director

Approved By Brandi Gougeon
Budget/CIP

Approved By BW
Finance Director

City of Davenport

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

Action / Date
FIN3/15/2017

Subject:

Motion awarding a month-to-month transit management contract to First Transit Inc. of Cincinnati, OH. [All Wards]

Recommendation:

Approve the motion

Relationship to Goals:

Financially responsible city government

Background:

A Request for Proposals was issued on December 28, 2016 and was sent to 105 vendors. On January 30, 2017 the Purchasing Division received and opened one proposal.

The proposal was evaluated on the following criteria: Relevant Transit Management Experience of the General Manager - 25%; Cost - 20%; Transit Management Experience of Employees Dedicated to Advisory and Technical Assistance Roles - 15%; . History of Efficient and Customer Service Oriented Transit Management/References - 15%; Appropriateness of the Approach to Managing the CitiBus Operation - 15%; History of Compliance with FTA Regulations - 10%. First Transit, Inc. scored satisfactory and is recommended for the contract.

The City is currently investigating a regionalization approach with Illinois-based MetroLINK, and the contract length of service will be dependent upon the timing of regionalization. The contract will be a one-year month-to-month agreement to manage the CitiBus operations until any final decisions are made with MetroLINK. The City is currently reviewing proposals to install an automated vehicle location system on the CitiBus fleet to facilitate the transition of dispatch and management services from First Transit to MetroLINK. When the new system is operational, the two entities will create a service contract for MetroLINK to perform dispatch and management functions for CitiBus, which will require approval from the MetroLINK board and the City Council.

Funding for this contract is from 51352121-520217 with an available budget amount of \$156,386. There is \$600,000 budgeted for FY 2018.

ATTACHMENTS:

Type	Description
□ Backup Material	RFP Respondent

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	3/9/2017 - 2:58 PM
Finance Committee	Wright, Brandon	Approved	3/9/2017 - 2:58 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:31 AM

CITY OF DAVENPORT, IOWA
PROPOSAL TABULATION

DESCRIPTION: TRANSIT MANAGEMENT MONTH-TO-MONTH CONTRACT
RFP NUMBER: 17-70
OPENING DATE: JANUARY 30, 2017
RECOMMENDATION: AWARD THE CONTRACT TO FIRST TRANSIT, INC. OF
CINCINNATI, OH

<u>VENDOR NAME</u>	<u>LOCATION</u>
FIRST TRANSIT, INC.	CINCINNATI, OH

Prepared By Cindy Winkler
Purchasing

Approved By Nicole Wleason
Department Director

Approved By Mum Gam
Budget/CIP

Approved By BW
Finance Director

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Dawn Sherman 326-6155
Wards: All

Action / Date
FIN3/15/2017

Subject:

Motion awarding a contract for an employee compensation study to Korn Ferry Hay Group of Chicago, IL in a not-to-exceed amount of \$111,000. [All Wards]

Recommendation:

Approve the Motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Proposals was issued on November 11, 2016 for qualified consultants to review the City's current classification and compensation program and to provide guidance on the proper structuring and implementation of a fair and equitable program. On December 5, 2016 the Purchasing Division received 11 proposals.

The consultant will review all non-bargaining job descriptions, FLSA status, and perform a comprehensive compensation study based on comparable market information. They will provide a final report with salary range recommendations and implementation plan alternatives.

The city's desired outcome will be a job classification system that:

- a) provides clear distinctions in different job levels;
- b) promotes internal equity;
- c) provides legally defensible classification specifications (Americans with Disabilities Act (ADA), Fair Labor Standards Act (FLSA) especially exempt / non-exempt classifications);
- d) assigns classifications to pay ranges that are labor market appropriate.

The City also desires a Consultant that will educate and train City staff on the methodology used to create the classification system and assignments so that it may be properly implemented and maintained by the City in the future.

The 11 proposals submitted for consideration were reviewed by staff members from Human Resources, Finance, and Administration. Phone interviews were conducted with the top five rated vendors. The top three remaining vendors then made presentations to the selection committee, with Korn Ferry Hay Group being recommended for selection.

Funding for this contract will come from 50100700-520217 with an available amount of \$82,300.

The remaining \$27,700 will come from the FY18 budget.

ATTACHMENTS:

Type	Description
☐ Backup Material	RFP Respondents

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 4:46 PM
Finance Committee	Watson-Arnould, Kathe	Approved	3/9/2017 - 4:46 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:30 AM

CITY OF DAVENPORT, IOWA
PROPOSAL TABULATION

DESCRIPTION: COMPENSTATION STUDY CONSULTANT
RFP NUMBER: 17-50
OPENING DATE: DECEMBER 5, 2016
RECOMMENDATION: AWARD THE CONTRACT TO KORN FERRY HAY GROUP OF CHICAGO, IL

<u>VENDOR NAME</u>	<u>LOCATION</u>
KORN FERRY HAY GROUP ARTHUR J GALLAGHER & CO. CBIZ HUMAN CAPITAL SERVICES HUMAN RESOURCES CONSULTING EVERGREEN SOLUTIONS, LLC GOVHR USA LLC JH I2 SOLUTIONS MANAGEMENT ADVISORY GROUP INTL, INC MCGRATH CONSULTING GROUP, INC. SPRINGSTED INC. THE MERCER GROUP	CHICAGO, IL DAVENPORT, IA ST. LOUIS, MO ATHENS, GA TALLAHASSEE, FL NORTHBROOK, IL OCEAN SPRINGS, MS WOODBIDGE, VA WONDERLAKE, IL ST. PAUL, MN SANTA FE, NM

Prepared By Cindy Whitaker
Purchasing

Approved By Daun Sherman
Department Director

Approved By Mur Yam
Budget/CIP

Approved By BH
Finance Director

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Kristi Keller 888-2077
Wards: All

Action / Date
FIN3/15/2017

Subject:

1. J & M Civil Design LLC - Fairhaven Knick Point Design (Clean Water) - Amount: \$10,500
2. Chyma's Machine & Welding Shop - Rivers Edge grandstand improvements (1/2 payment) - Amount: \$11,230
3. Brown's West Branch Chrysler - 1/2 ton pickup truck for Solid Waste - Amount: \$23,909

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	3/9/2017 - 2:51 PM
Finance Committee	Watson-Arnould, Kathe	Approved	3/9/2017 - 2:51 PM
City Clerk	Admin, Default	Approved	3/10/2017 - 9:30 AM