

CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, March 13, 2019; 5:30 PM

City Hall, 226 W. 4th Street, Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting Minutes for February 27, 2019.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report of The Committee of the Whole for March 6, 2019.

VIII. Appointments, Proclamations, Etc.

IX. Presentations

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

1. First Consideration: Ordinance amending Title 5 of the Davenport Municipal Code to add Chapter 5.24 titled "Massage Business Information Requirement" and 5.25 "Reflexology Business License Requirement." [All Wards]

COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON FIRST CONSIDERATION

i. Motion for suspension of the rules.

ii. Motion for passage of second and third considerations.

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding and deleting various streets. [Ward 6]
2. First Consideration: Ordinance for Case REZ19-01, request by Bradley Matthews to rezone approximately 1.1 acres located at 5000 Grand Avenue from I-1 Light Industrial District to R-MF, Residential Multifamily District. [Ward 7]
3. First Consideration: Ordinance amending various sections of Chapter 12.20 (Right of Way Management Regulations) to clarify specific standards for wireless structures placed within the City. [All Wards]
4. Resolution for Case CP19-01: Amending the Davenport Comprehensive Plan by assigning Future Land Use Map classifications to fifteen properties overlooked in the 2016 Comprehensive Plan Land Use Update. [Wards 2, 6, & 7]
5. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events:

J&M Displays; Fireworks after Quad Cities River Bandits home games; mostly Friday games April through August (additional dates to be added if needed); approximately 9:30 PM - 10:00 PM; Closure: bike path and sidewalk behind Modern Woodmen Park. [Ward 3]

Project Renewal; Fit-Fest; W 6th Street between Marquette St and Gaines St; Saturday, April 13, 2019 7:00 AM - 12:00 PM; Closure: W 6th St between Marquette St and Gaines St; Warren St between W 5th St and W 6th St. [Ward 3]

The CITY Church; 226 W 3rd St; CITY Egg Hunt; Sunday, April 14, 2019 9:00 AM – 3:30 PM; Closure: W 3rd St from Harrison St to Main St. [Ward 3]

RiverCenter/Adler Theatre; NXT/WWE Event; Friday, April 26, 2019 6:00 AM – Saturday, April 27, 2019 2:00 AM; Closure: Pershing Ave from E 2nd St to E 3rd St. [Ward 3]

St. Paul Lutheran Church; Mayfest; 2136 Brady St; Sunday, May 19, 2019 8:00 AM - 3:00 PM; Closure: Lombard St from Main St to Brady St. [Ward 5]

MidCoast Fine Arts; Riverssance Festival of Fine Arts; Village of East Davenport - Lindsay Park; Friday, September 20, 2019 8:00 AM - Sunday, September 22, 2019 8:00 PM; Closure: E 11th St from Jersey Ridge Rd to Hillcrest Ave. [Ward 6]

6. Resolution approving the FY20 Iowa Department of Transportation State Transit Assistance (STA) Grant application in the amount of \$461,028. [All Wards]
7. Resolution accepting the sanitary sewer, storm sewer, and pavement installation associated with the Village Cooperative First Addition site improvements. [Ward 6]

8. Resolution approving the plans, specifications, forms of contract, and estimated cost for the Tremont Basin Sanitary Manhole Replacements. CIP #30048 funded at \$771,504 in bonds abated by sewer funds. [Ward 3]
9. Resolution approving the plans, specifications, forms of contract, and estimated cost for the 100 block of East 4th Street and 400 block of Brady Street Streetscape Improvements, CIP #35022. [Ward 3]
10. Resolution approving the plans, specifications, forms of contract, and estimated cost for the General Street Resurfacing Program, CIP #35026. [Wards 1, 5, & 6]
11. Resolution approving the plans, specifications, forms of contract, and estimated cost for the Elmore Avenue Patching Project, CIP #35035. [Ward 6]
12. Resolution of acceptance for the Pheasant Creek Tributary Stream Stabilization Project, completed by Ardo Schmidt Construction, Inc. of Preston, IA with a final cost of \$133,553.27 budgeted in CIP #33023. [Ward 6]
13. Resolution approving the contract for towing services to Fred's Towing Inc. of Davenport, IA. [All Wards]
14. Resolution approving two grant agreements with the Iowa Department of Transportation for the 53rd Street Reconstruction and Widening projects. [Wards 6 & 8]
15. Resolution adopting updates to the City Administrator's Work Plan for CY 2019. [All Wards]
16. Resolution of support for the new Downtown YMCA project, including a contribution of \$50,000 to match the State Community Attraction and Tourism (CAT) grant application. [Ward 3]
17. Motion approving noise variance requests for events on the listed dates at the listed times.

J&M Displays; Fireworks after Quad Cities River Bandits home games; mostly Friday games April through August (additional dates to be added if needed); approximately 9:30 PM - 10:00 PM; Fireworks, over 50 dBa. [Ward 3]

Mississippi Valley Fairgrounds; 2815 W Locust St; various dates/times in 2019 April through September; Outdoor events/music, over 50dBA. [Ward 4]

Rev It Up For Awareness Rally; The Gypsy Highway 2606 W Locust St; Saturday, May 4, 2019 2:00 PM - 8:30 PM; Outdoor music, over 50 dBa. [Ward 4]

MidCoast Fine Arts; Riverssance Festival of Fine Arts; Village of East Davenport - Lindsay Park; Saturday, September 21, 2019 10:00 AM-5:00 PM and Sunday, September 22, 2019 10:00 AM - 4:00 PM; Outdoor music,

over 50dBa. [Ward 6]

18. Motion approving beer and liquor license applications.

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

Ward 1

Dominga's (Dominga's Authentic Mexican Food, Inc.) – 1525 S Concord St. – License Type: B Beer

Gunchies (Big E Properties, Inc.) – 2905 Telegraph Rd. – Outdoor Area – License Type: C Liquor

Roadrunners Roadhouse (J.W.'s First and Last Lap, Inc.) – 3801 Rockingham Rd. – Outdoor Area – License Type: C Liquor

Ward 3

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

At The Stardust (At The Stardust, LLC) – 218 Iowa St. – License Type: C Liquor

La Finca (La Finca LLC) – 916 W 2nd St. – License Type: B Beer

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

Woodfire Grill (Redstone Woodfire Grill, LLC) – 131 W 2nd St., Ste. 105 – Outdoor Area – License Type: C Liquor

Ward 4

The Meat Market (Weetbruch Enterprises, Inc.) – 1629 Washington St. – Outdoor Area – License Type: C Liquor

Mississippi Valley Fairgrounds (Mississippi Valley Fair, Inc.) – 2815 W Locust St. – Outdoor Area – License Type: C Liquor

Ward 5

Brew in the Village (3 Blessings Incorporated) – 1104 Jersey Ridge Rd. – Outdoor Area – License Type: C Liquor

The 11th Street Precinct Bar and Grill (Carpe Diem I LLC) – 2108 E 11th St. – Outdoor Area – License Type: C Liquor

Ward 6

Biaggi's Ristorante Italiano LLC (Biaggi's Ristorante Italiano LLC) – 5195 Utica Ridge Rd. – License Type: C Liquor / B Wine

Los Agaves Mexican Grill (Los Agaves, Inc.) – 4882 Utica Ridge Rd. – Outdoor Area – License Type: C Liquor

QC Mart (Bethany Enterprises, Inc.) – 2415 E 53rd St. – License Type: C Beer

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

Ward 7

Outback Steakhouse (Outback Steakhouse of Florida, LLC) – 1235 E Kimberly Rd. – Outdoor Area – License Type: C Liquor / B Native Wine

Ward 8

Steeplegate Inn/One Hundred West (Frontier Management Corp.) – 100 W 76th St. – License Type: B Liquor

19. Motion approving the contract for mowing and maintenance of Natural Resources areas to Smith Seeding Co., of Eldridge, IA in the amount of \$74,100. [All Wards]
20. Motion awarding mowing contracts to the lowest responsive and responsible bidder in each category. [All Wards]
21. Motion approving a contract amendment with Strand Associates in the amount of \$58,000 for engineering services at the Water Pollution Control Plant. [Ward 1]
22. Motion approving the contract for Exclusive Pouring Rights for the Parks and Recreation Department to Pepsi-Cola Bottling Co. of Davenport. [All Wards]
23. Motion approving a contract with and ratifying previous payments to Enviromark of Davenport, IA for environmental cleanup services exceeding \$50,000 at Credit Island. [Ward 1]
24. Motion accepting the 2017/2018 Korn Ferry Compensation Study as final and adopting a new compensation philosophy administrative policy for non-bargaining employees. [All Wards]

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any

matters of City business. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council can not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

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

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

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

Action / Date
3/13/2019

Subject:
Approval of the City Council Meeting Minutes for February 27, 2019.

Recommendation:
Approve the minutes.

ATTACHMENTS:

Type	Description
▢ Cover Memo	CC MIN 022719

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	3/4/2019 - 1:56 PM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, , 2018---The Council observed a moment of silence. Pledge of Allegiance. The Council met in regular session at 5:30 PM with Mayor Klipsch presiding and all aldermen present.

The minutes of the February 13, 2019 City Council meeting were approved as printed.

The report of the Committee of the Whole was as follows:

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, February 20, 2019--
The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all alderman present.

The following Public Hearings were held: Public Works: on the plans, specifications, form of contract, and estimated cost for the Elmwood Avenue Reconstruction Project between N Lincoln Avenue and N Linwood Avenue CIP #35036; on the plans, specifications, form of contract, and estimated cost for the Jersey Ridge Road Turn Lane Project Phase II at Cromwell Circle and 65th Street Intersections by extending the sidewalk and pedestrian trail CIP #35000; Public Hearing on the plans, specifications, form of contract, and estimated cost for the 46th Street Reconstruction Project between Fillmore Lane and Marquette Street CIP #35036; Public Hearing on the plans, specifications, form of contract, and estimated cost for the Pump Station 203 Generator & Controls Project CIP #30007; on the plans, specifications, form of contract, and estimated cost for the FY 2020 Contract Milling Program CIP #35402; on specifications, form of contract, and estimated cost for the Downtown Decorative Streetlight LED Retrofit CIP#60020.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Dickmann items #1 and #3 moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson item 6A moved to the Discussion Agenda regarding the temporary outdoor area liquor permit for Shenanigans and all other items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson item #4 moved to the Discussion Agenda and all other items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by

Ald. Rawson item #1 moved to the Discussion Agenda and all other items moved to the Consent Agenda.

Council adjourned at 6:46 PM.

The following proclamation was made: 2019 Women in Construction Week, 51.

The following presentation was given: Local Business “The Foundation of Our Community” to Northwest Music Shop.

The Discussion Agenda items were as follows: NOTE: The votes on all ordinances and resolutions were by roll call vote. The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.

The following Ordinance moved to third consideration: for Case REZ18-18: Request by Ahmed Ismail, for WK Development, to rezone 0.83 acres, more or less, of property located immediately northwest of the intersection of Elsie Avenue and West Kimberly Road from R-5M Medium Density Residential to C-2, General Commercial District. On motion by Ald. Ambrose, second by Ald. Rawson, the rules were suspended and the following Ordinance was adopted on third consideration: for Case REZ18-18: Request by Ahmed Ismail, for WK Development, to rezone 0.83 acres, more or less, of property located immediately northwest of the intersection of Elsie Avenue and West Kimberly Road from R-5M Medium Density Residential to C-2, General Commercial District, 52.

ORDINANCE NO. 2019-52

ORDINANCE FOR Request by Ahmed Ismail, for WK Development, to rezone 0.83 acres, more or less, of property located immediately northwest of the intersection of Elsie Avenue and West Kimberly Road from R-5M Medium Density Residential to C-2, Corridor Commercial District [Ward 2].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to

“C-2” Corridor Commercial District.

Lot 13, 14 and Outlot 12 of Georgetown SQ, Replat 2, Davenport, Iowa.

Section 2. That the following conditions are hereby imposed on said rezoning:

1. Iowa Department of Transportation will need to be contacted for work along Highway.
2. Extension of right of way line from west property along Kimberly may need to be dedicated.
3. No Parking along west side Elsie along proposed commercial development
4. Access to the proposed development shall be no closer to Kimberly intersection than north line of existing 3916 Elsie address.

Section 3. The Plan and Zoning Commission, at its January 15, 2019 meeting, voted to recommend approval of this request, including the above-listed conditions.

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.

Approved 2/27/19, Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

On motion by Ald. Ambrose, second by Ald. Tompkins with a motion to substitute, the General Obligation Corporate Bonds, Series 2019 were awarded to Robert W. Baird & Co. Inc of Red Bank, New Jersey with a true interest cost of 2.643409% in the principle amount of \$21,590,000.

The following Ordinance was adopted as amended on first consideration, upon suspension of the rules and passage of second and third considerations: providing for the sale and issuance of not-to-exceed \$24,085,000 General Obligation Corporate Bonds, Series 2019, and for the levy of taxes to pay the same, 53.

ORDINANCE NO. 2019-53

An Ordinance providing for the sale and issuance of \$21,590,000 General Obligation Corporate Bonds, Series 2019, and for the levy of taxes to pay the same

WHEREAS, in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City of Davenport, Iowa (the "City"), notice duly published and a hearing held thereon, the City Council of the City has determined it to be in the best interests of the City to issue General Obligation Corporate Bonds, Series 2019 (the "Series 2019 Bonds") for the purpose of paying costs in connection with various improvements in the City; and

WHEREAS, sealed bids for the purchase of the Series 2019 Bonds were received and canvassed on behalf of the City; and

WHEREAS, PFM Financial Advisors, LLC, municipal advisor for the City, has reported that, upon review of all bids received for the purchase of the Series 2019 Bonds, the bid of Robert W. Baird & Co., Inc. (the "Purchaser") proposes the lowest interest cost to the City and the City should issue the Series 2019 Bonds in the principal amount of \$21,590,000; and

WHEREAS, it is necessary at this time to award the Series 2019 Bonds to the Purchaser and to adopt an ordinance to provide for the principal amount, interest rates and other terms of issuance of the Series 2019 Bonds and the levy of taxes to pay the same;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Davenport, Iowa, as follows:

Section 1. The bid referred to in the preamble hereof is hereby accepted, and the Series 2019 Bonds are hereby awarded to the Purchaser at the price specified in such bid, together with accrued interest.

Section 2. The form of agreement of sale of the Series 2019 Bonds is hereby approved, and the Mayor and Deputy City Clerk are hereby authorized to execute the same for and on behalf of the City.

Section 3. The Series 2019 Bonds, dated March 19, 2019, in the denomination of \$5,000 each or any integral multiple thereof, are hereby authorized to be issued in the aggregate principal amount of \$21,590,000, and shall mature on June 1 in each of the years, in the respective principal amounts and bear interest at the respective rates, as follows:

Year	Principal Amount	Interest Rate Per Annum	Year	Principal Amount	Interest Rate Per Annum
2020	\$1,085,000	5.00%	2027	\$1,315,000	5.00%
2021	\$1,330,000	5.00%	2028	\$1,380,000	5.00%
2022	\$1,400,000	5.00%	2029	\$1,445,000	5.00%
2023	\$1,470,000	5.00%	2030	\$1,520,000	4.00%
2024	\$1,540,000	5.00%	2031	\$1,580,000	4.00%
2025	\$1,190,000	5.00%	2033	\$3,340,000	3.00%
2026	\$1,250,000	5.00%	2034	\$1,745,000	3.00%

Section 4. The CFO/Assistant City Administrator is hereby designated as the Bond Registrar and Paying Agent for the Series 2019 Bonds and may be hereinafter referred to as the “Bond Registrar” or the “Paying Agent”.

All of the interest on the Series 2019 Bonds is payable semiannually on the first day of June and December in each year, commencing December 1, 2019. Payment of interest on the Series 2019 Bonds shall be made in lawful money of the United States of America to the registered owners appearing on the bond registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at the addresses shown on such registration books. Principal of the Series 2019 Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Series 2019 Bond or Bonds at the office of the Paying Agent.

The City reserves the right to call for redemption prior to maturity the Series 2019 Bonds maturing in the years 2028 to 2034, inclusive, in whole or from time to time in part, in one or more units of \$5,000, on June 1, 2027, or on any date thereafter prior to and in any order of maturity (and within a maturity by lot), upon terms of par and accrued interest.

Principal of the Bond maturing on June 1, 2033, is subject to mandatory redemption (by lot, as selected by the Bond Registrar) on June 1, 2032, at a redemption price of 100% of the principal amount thereof to be redeemed, plus accrued interest thereon to the redemption date, in the following principal amount:

<u>Year</u>	<u>Principal Amount</u>
2032	\$1,645,000
2033	\$1,695,000(Maturity)

If less than all of the Series 2019 Bonds of any like maturity are to be redeemed, the particular part of those Series 2019 Bonds to be redeemed shall be selected by the Bond Registrar by lot. The Series 2019 Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Series 2019 Bond in a denomination of more than \$5,000 is to be redeemed, the Bond Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2019 Bond, a new bond or bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Series 2019 Bond. Notice of such redemption as aforesaid identifying the bond or bonds (or portion thereof) to be redeemed shall be sent by electronic means or mailed by certified mail to the registered owners thereof at the addresses shown on the City's registration books not less than 30 days prior to such redemption date. Any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Series 2019 Bonds so called for redemption, and that if funds are not available, such redemption shall be cancelled by written notice to the owners of the Series 2019 Bonds called for redemption in the same manner as the original redemption notice was sent. All of such Series 2019 Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

The Series 2019 Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the Deputy City Clerk, and shall be fully registered bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Series 2019 Bonds shall cease to be such officer before the delivery of the Series 2019 Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

The Series 2019 Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the City kept by the Bond Registrar. Each Series 2019 Bond shall be transferable only upon the registration books of the City upon presentation to the Bond Registrar, together with either a written instrument of transfer satisfactory to the Bond Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Series 2019 Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

The Series 2019 Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Bond Registrar.

Section 5. Notwithstanding anything above to the contrary, the Series 2019 Bonds shall be issued initially as Depository Bonds, with one fully registered Series 2019 Bond for each maturity date, in aggregate principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York (“DTC”). On original issue, the Series 2019 Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the “Participants”). In the event that DTC determines not to continue to act as securities depository for the Series 2019 Bonds or the City determines not to continue the book-entry system for recording ownership interests in the Series 2019 Bonds with DTC, the City will discontinue the book-entry system with DTC. If the City does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the City will register and deliver replacement bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the City identifies a qualified securities depository to replace DTC, the City will register and deliver replacement bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Series 2019 Bonds.

Ownership interest in the Series 2019 Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Series 2019 Bonds as nominees will not receive certificated Series 2019 Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant’s interest in the Series 2019 Bonds, which will be confirmed in accordance with DTC’s standard procedures. Each such person for which a Participant has an interest in the Series 2019 Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the City to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The City will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for which they act as nominees.

As used herein, the term “Beneficial Owner” shall hereinafter be deemed to include the person for which the Participant acquires an interest in the Series 2019 Bonds.

DTC will receive payments from the City, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Series 2019 Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the City to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Series 2019 Bonds acquired. Transfers of ownership interest in the Series 2019 Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Series 2019 Bonds, except as specifically provided herein. Interest and principal will be paid when due by the City to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 6. The form of the Series 2019 Bonds shall be substantially as follows

(Form of Series 2019 Bond)

UNITED STATES OF AMERICA
STATE OF IOWA

COUNTY OF SCOTT CITY OF DAVENPORT

GENERAL OBLIGATION CORPORATE BOND, SERIES 2019

No. _____ \$ _____

RATE	MATURITY DATE	BOND DATE	CUSIP
_____	_____	March 19, 2019	_____

The City of Davenport (the “City”), in Scott County, State of Iowa, for value received, promises to pay on the maturity date of this Bond to

Cede & Co.
New York, New York

or registered assigns, the principal sum of

DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of the CFO/Assistant City Administrator, Davenport, Iowa (hereinafter referred to as the “Bond Registrar” or the “Paying Agent”), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has

been paid, on June 1 and December 1 of each year, commencing December 1, 2019. Interest on this Bond is payable to the registered owner appearing on the bond registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owner at the address shown on such registration books.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Bond Registrar.

This Bond is one of a duly authorized series of General Obligation Corporate Bonds, Series 2019 (the "Series 2019 Bonds"), issued by the City in the aggregate principal amount of \$21,590,000, pursuant to and in strict compliance with the laws of the State of Iowa and the special Charter of the City, and all laws amendatory thereof and supplementary thereto, and in conformity with an ordinance (the "Ordinance") adopted by the City Council of the City providing for the issuance of the Series 2019 Bonds and for the levy of taxes to pay the same for the purpose of paying the cost in connection with various improvements in the City.

The City reserves the right to prepay part or all of the principal of the Series 2019 Bonds maturing in each of the years 2028 to 2034, inclusive, prior to and in any order of maturity on June 1, 2027, or on any date thereafter upon terms of par and accrued interest. In addition, principal of the Bond maturing on June 1, 2033 is subject to mandatory redemption (by lot, as selected by the Bond Registrar) on June 1, 2032, in accordance with the mandatory redemption schedule set forth in the Resolution, at a redemption price of 100% of the principal amount thereof to be redeemed, plus accrued interest thereon to the redemption date.

If less than all of the Series 2019 Bonds of any like maturity are to be redeemed, the particular part of those Series 2019 Bonds to be redeemed shall be selected by the Bond Registrar by lot. The Series 2019 Bonds may be called in part in one or more units of \$5,000. If less than the entire principal amount of any Series 2019 Bond in a denomination of more than \$5,000 is to be redeemed, the Bond Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2019 Bond, a new bond or bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Series 2019 Bond. Notice of such redemption as aforesaid identifying the bond or bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the City's registration books not less than 30 days prior to such redemption date. All of such Series 2019 Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Bond Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Bond Registrar, together with either a written instrument of transfer satisfactory to the Bond Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City, the Bond Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purposes of receiving payment of or on account of principal

hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Bond Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the City for the payment of the principal of and interest on this Bond as the same will respectively become due; and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or Charter limitations or provisions.

IN TESTIMONY WHEREOF, the City of Davenport, Iowa, by its City Council, has caused this Bond to be executed with the duly authorized facsimile signature of its Mayor and attested with the duly authorized facsimile signature of its Deputy City Clerk, all as of March 19, 2019.

CITY OF DAVENPORT, IOWA

By (DO NOT SIGN)
Mayor

Attest:

(DO NOT SIGN)
Deputy City Clerk

Registration Date: (Registration Date)

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Series 2019 Bonds described in the within-mentioned Ordinance.

By (DO NOT SIGN)
CFO/Assistant City Administrator

ABBREVIATIONS

TEN COM	-	as tenants in common	UTMA_____
TEN ENT	-	as tenants by the entireties	_____ (Custodian)
JT TEN	-	as joint tenants with right of survivorship and not as tenants in common	As Custodian for_____ (Minor) under Uniform Transfers to Minors Act _____ (State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Bond Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 7. The Series 2019 Bonds shall be executed as herein provided as soon after the adoption of this ordinance as may be possible, and thereupon they shall be delivered to the Bond Registrar for registration, authentication and delivery to or upon the order of the Purchaser, upon confirmation of receipt by the Bond Registrar of the purchase price thereof, with accrued interest thereon, and all action heretofore taken in connection with the sale and award of the Series 2019 Bonds is hereby ratified and confirmed in all respects.

Section 8. As required by Chapter 76 of the Code of Iowa, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the interest on the Series 2019 Bonds as it falls due on December 1, 2019, and on each interest payment date thereafter to maturity, and also to pay and discharge the principal thereof at maturity, there is hereby ordered levied on all the taxable property in the City in each of the years while the Series 2019 Bonds or any of them are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there is hereby levied on all the taxable property in the City the following direct annual tax for collection in each of the following fiscal years, to-wit:

For collection in the fiscal year beginning July 1, 2019,
sufficient to produce the net annual sum of \$2,221,160;

For collection in the fiscal year beginning July 1, 2020,
sufficient to produce the net annual sum of \$2,222,550;

For collection in the fiscal year beginning July 1, 2021,
sufficient to produce the net annual sum of \$2,226,050;

For collection in the fiscal year beginning July 1, 2022,
sufficient to produce the net annual sum of \$2,226,050;

For collection in the fiscal year beginning July 1, 2023,
sufficient to produce the net annual sum of \$2,222,550;

For collection in the fiscal year beginning July 1, 2024,
sufficient to produce the net annual sum of \$1,795,550;

For collection in the fiscal year beginning July 1, 2025,
sufficient to produce the net annual sum of \$1,796,050;

For collection in the fiscal year beginning July 1, 2026,
sufficient to produce the net annual sum of \$1,798,550;

For collection in the fiscal year beginning July 1, 2027,
sufficient to produce the net annual sum of \$1,797,800;

For collection in the fiscal year beginning July 1, 2028,
sufficient to produce the net annual sum of \$1,793,800;

For collection in the fiscal year beginning July 1, 2029,
sufficient to produce the net annual sum of \$1,796,550;

For collection in the fiscal year beginning July 1, 2030,
sufficient to produce the net annual sum of \$1,795,750;

For collection in the fiscal year beginning July 1, 2031,
sufficient to produce the net annual sum of \$1,797,550;

For collection in the fiscal year beginning July 1, 2032,
sufficient to produce the net annual sum of \$1,798,200;

For collection in the fiscal year beginning July 1, 2033,
sufficient to produce the net annual sum of \$1,797,350.

Section 9. A certified copy of this ordinance shall be filed with the County Auditor of Scott County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Series 2019 Bonds hereby authorized and for no other purposes whatsoever. The amounts received by the City as accrued interest shall be deposited into such special account and used to pay interest due on the Series 2019 Bonds on the first interest payment date.

Section 10. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 11. The City has heretofore determined that certain revenues from special funds shall be available for retirement of that portion of the Series 2019 Bonds utilized to defray the costs of certain projects related to such funds. Therefore, such funds may be employed and used to the extent available from year to year for the payment of that portion of the principal of and interest on the Series 2019 Bonds which is applicable to that portion of the total Series 2019 Bond issue applicable to such fund. Each year while any of said Series 2019 Bonds remain outstanding and unpaid, such of said available funds in amounts sufficient to meet the interest on that portion of the Series 2019 Bonds applicable to such fund and to pay the principal becoming due on such portion of the Series 2019 Bonds during each year may be used for that purpose, in accordance with the Series 2019 Bond Financing Plan on file with the CFO/Assistant City Administrator, and in that event, the tax hereinbefore provided for the payment of such interest and principal may be reduced by the amount so used. The Deputy City Clerk is hereby authorized and directed to certify to the County Auditor of Scott County as to the remission or reduction of said ad valorem tax so that said tax, to the extent such fund is actually available and set aside for such purpose, shall not be extended or entered upon the tax rolls for collection.

It is hereby declared to be the purpose and intent of the City to issue the Series 2019 Bonds hereby authorized as general municipal obligations, but at the same time permitting the use of such funds for the payment of the principal and interest of that portion of the Series 2019 Bonds issued with respect to such funds.

Section 12. All funds held in any fund or account created or required to be maintained under the terms of this ordinance shall be deposited in lawful depositories of the City or invested in accordance with Chapters 12B and 12C of the Code of Iowa and continuously held and secured as

provided by the laws of the State of Iowa relating to the depositing, securing, holding and investing of public funds, or as may be otherwise required to comply with the rebate provisions of the Internal Revenue Code.

All interest received by the City as a result of investments under this section in excess of the amount, if any, required to be paid to the United States Government in order to comply with the rebate provisions of the Internal Revenue Code, shall be deposited into or transferred to the Debt Service Fund subaccount referred to herein and used solely and only for the purpose of paying principal of and/or interest on the Series 2019 Bonds. The City hereby covenants and agrees that no such investment shall ever be made so as to cause the interest on the Series 2019 Bonds to become taxable as “arbitrage bonds” pursuant to the provisions of Section 148 of the Internal Revenue Code.

Section 13. The Securities and Exchange Commission (the “SEC”) has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the “Rule”) that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for such securities, it has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the holders of such securities to provide certain disclosure information to prescribed information repositories on a continuing basis so long as such securities are outstanding.

On the date of issuance and delivery of the Series 2019 Bonds, the City will execute and deliver a Continuing Disclosure Certificate pursuant to which the City will undertake to comply with the Rule. The City covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate.⁹

Section 14. It is the intention of the City that interest on the Series 2019 Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the “Internal Revenue Code”). In furtherance thereof the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Series 2019 Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

Section 15. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved February 27, 2019. Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

The following resolutions were adopted: approving 2019 Urban Revitalization Tax Exemption projects (with Ald. Condon abstaining from the project at 224 W 3rd St and Ald. Meginnis abstaining from the projects at 421-423 Brady St, 425-427 Brady St, 321 E 2nd St, 705 Gaines St, and 800 Isabel Bloom Way), 54; approving the plans, specifications, form of contract, and estimated cost for the Jersey Ridge Road Turn Lane Project Phase II at Cromwell Circle and 65th Street Intersections by extending the sidewalk and pedestrian trail CIP #35000 (Ald. Ambrose voting nay), 55.

The following motion FAILED: approving the outdoor area liquor license for March 16, 2019 for Shenanigans (Here We Go Again Inc.) – 303 W 3rd St. – License Type: C Liquor (all aldermen voting nay).

The Consent Agenda was as follows: NOTE: These are routine items and are enacted at the City Council meeting by one roll call vote. The vote was unanimous unless otherwise noted.

The following Ordinances were adopted: amending Schedule VI of Chapter 10.96 entitled “Speed Limits” by adding Jason Way from Veterans Memorial Parkway to the end of Jason Way Court as a 35 mph street, 56; amending Schedule VI of Chapter 10.96 entitled “Speed Limits” by adding 76th Street from Northwest Boulevard to Division Street as a 40 mph street, 57; amending various sections of Chapter 8.14 (Tree Ordinance) to perform general language clean-up and clarify the following: definition of trees in the right of way, maintenance of City-owned trees, permitting, licensing, and nuisance tree abatement process, 58; amending various sections of Chapter 10 (Vehicles and Traffic) for the purposes of allowing the City of Davenport the ability to immobilize vehicles in lieu of towing and simplifying fine schedules, 59.

ORDINANCE NO. 2019-56

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VI SPEED LIMITS THERETO BY ADDING JASON WAY FROM VETERANS MEMORIAL PARKWAY TO THE END OF JASON WAY COURT AS A 35 MPH STREET.

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

Section 1. That Schedule VI Speed Limits of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following: Jason Way from Veterans Memorial Parkway to the end of Jason Way Court as a 35 mph street.

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

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

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

Approved 2/27/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

ORDINANCE NO. 2019-57

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VI SPEED LIMITS THERETO BY ADDING 76TH STREET FROM NORTHWEST BOULEVARD TO DIVISION STREET AS A 40 MPH STREET.

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

Section 1. That Schedule VI Speed Limits of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following: 76th Street from Northwest Boulevard to Division Street as a 40 mph street.

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

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

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

Approved 2/27/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

ORDINANCE NO. 2019-58

Ordinance amending various sections of Chapter 8.14 (Tree Ordinance) to perform general language clean-up and clarify the following: definition of trees in the right of way, maintenance of City-owned trees, permitting, licensing, and nuisance tree abatement process.

Section 1. That Division III entitled "License" is hereby deleted and labeled Reserved. III.

Section 2. That Division IV is hereby amended to read as follows:

IV. TREE ORDINANCE

8.14.190 Short title.

This article shall be known and may be cited as the "Tree Ordinance of the City of Davenport,

Iowa." (Ord. 2002-31 § 3 (part): Ord. 76-442 § 1 (part): Ord. 74-117 § 1: prior code § 39-32).

8.14.200 Definitions.

For the purpose of this article the following terms, phrases, words and their derivations shall

have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular number include the plural number. The word "shall" is mandatory and not merely directory.

A. "City" means the City of Davenport, Iowa.

B. "City arborist" means the City arborist or designee of the City.

C. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

D. "Property owner" means the contract purchaser if there is one of record; otherwise the record holder of legal title.

E. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic, within the City limits, including alleys.

F. "Trees" shall include that woody vegetation, usually growing with a single stem and a height over ten feet.

G. "Shrubs" shall include that woody vegetation, usually growing with multiple stems and a height under ten feet.

H. "Right-of-way" is as defined in Chapter 12.20.

I. "Permanent fence" shall include such structures that enclose an area. This includes shrubbery and fences made from such materials as wood, stone, iron or steel.

J. "Park" shall include all public parks having individual names and maintained by the City of Davenport.

K. "Removal" is the actual removal or causing the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a tree. (Ord. 2002-31 § 3 (part): New: Ord. 76-442 § 1 (part): Ord. 74-117 § 2: prior code § 39-33).

8.14.210 City arborist—Office created—Enforcement duty.

A. There is created the office of City arborist. The City arborist shall be under the direction and control of the public works director.

B. The City arborist shall have charge of the enforcement of the provisions of this article. (Ord. 2002-31 § 3 (part): New: Ord. 76-442 § (part): Ord. 74-117 § 3 (1a): prior code § 39-34 (part)).

8.14.220 Reserved.

Editor's Note: Section 8.14.220, formerly codified as Section 12.52.220, previously contained herein, has been deleted in its entirety by the recodification of the 1990 Code.

8.14.230 City arborist—Authority specified.

A. Generally. The City arborist shall have the authority and jurisdiction to superintend and regulate the spraying, treating, planting, maintenance, pruning and removal of trees and shrubs on City property or in the City right-of-way, and where indicated on private property, to ensure health or safety or to preserve the symmetry of public places. It shall be the arborist's duty to encourage the planting, culture and preservation of trees in the City.

B. Care of Trees and Shrubs on Streets. The City arborist shall direct the necessary removal, cutting and pruning of trees and shrubs located on City property or in the City right-of-way.

C. Master Street Tree Plan. The City arborist shall have the authority to formulate a master street tree plan. The master street tree plan shall specify the species of tree or shrub to be planted in the City right-of-way.

D. Arboricultural Specifications and Standards of Practice. The City arborist shall have the authority to promulgate arboricultural specifications and standards of practice governing the planting, preservation, pruning, removal, fertilization and insecticidal treatment of trees and shrubs on City property or in the public right-of-way. Practices shall be consistent with best management practices established by the International Society of Arboriculture.

8.14.240 License Required - nontransferable.

No person, firm or corporation shall carry on or engage in, as its principal business activity, the business of cutting and trimming of trees without first having procured a license therefor and complied with the other requirements of this chapter. No such license may be loaned, rented, assigned or transferred by the licensee. (Ord. 2002-31 § 3 (part): Ord. 79-1168 § 3 (part): prior code § 39-21 and 23).

8.14.250 Fee.

The fee for the license shall be fifty dollars per year. (Ord. 2002-31 § 3 (part): Ord. 82-158 § 49: Ord. 79-1168 § 3 (part): prior code § 39-22).

8.14.260 License Requirements

A. Bond required. Any license applicant shall deposit with the clerk a good and sufficient bond in the sum of ten thousand dollars conditioned that such applicant shall faithfully comply with the provisions of this chapter, and further conditioned to indemnify, save and keep harmless the City and its officers from any and all claims, damages, losses and actions, by reason of any acts or things done under or by authority or permission granted in this chapter. Nothing in this Division IV shall not be construed as a waiver of any immunity the City or its officers may have. (Ord. 2002-31 § 3 (part): Ord. 79-1168 § 3 (part): prior code § 39-24).

B. Liability insurance required. Any license applicant shall deposit with the clerk a policy of public liability insurance in the amounts of not less than fifty thousand dollars for damage to any one person, one hundred thousand dollars on account of one accident or event, and property damage coverage of not less than twenty-five thousand dollars which covers the licensing period. The policy shall provide that it cannot be terminated for any cause without fifteen days advance notice to the City. Upon cancellation of insurance the City license shall be null and void. (Ord. 2002-31 § 3 (part): New: Ord. 79-1168 § 3 (part): prior code § 39-25).

C. Any license applicant shall deposit with the clerk satisfactory evidence of compliance with the requirements of the Iowa Workmen's Compensation Laws. (Ord. 2002-31 § 3 (part): Ord. 79-1168 § 3 (part): prior code § 39-26).

D. Approval of insurance policy required.

E. Any insurance policy tendered by a licensed applicant shall be approved by the City's Risk Management Division. (Ord. 2015-117 § 10: Ord. 2002-31 § 3 (part): Ord. 79-1168 § 3 (part): prior code § 39-27).

8.14.270 Removing, cutting or trimming

A. Licensee shall not remove, cut or trim trees located on City property or in the City right-of-way without prior authorization of the City arborist. (Ord. 2002-31 § 3 (part): Ord. 79-

1168 § 3 (part): prior code § 39-28).

B. Removing, cutting or trimming without a License

C. Whenever it appears to the City arborist that any licensee has done business without proper license, the City arborist shall consult law enforcement to stop work. A municipal infraction will be issued in accordance with 8.14.360. A violation may also be charged and adjudicated as a simple misdemeanor including the arrest of the offending party.(Ord. 2002-31 § 3 (part): Ord. 79-1168 § 3 (part): prior code § 39-29).

D. Cleanup required. Each licensee shall promptly clean up and legally dispose of all tree trunks, limbs, branches, twigs or brush debris generated as a result of tree trimming, pruning and removal activities. (Ord. 2002-31 § 3 (part): Ord. 79-1168 § 3 (part): prior code § 39-31).

E. The City may refuse to issue, suspend or revoke any license for violations of this Division IV. Any appeal of a refusal, suspension or revocation will be pursuant to the process set forth in Chapter 2.86.

8.14.280 Duty of Property Owner to Prune and Remove Trees – Obstructions, Hazardous and Nuisance Trees

A. It shall be the responsibility of property owners to maintain private trees and shrubs in a manner that:

1. Will not obstruct the passage of pedestrians or vehicles on public sidewalks for streets, or otherwise obstruct the sight of traffic control devices, or obstruct the view of any street intersection or create other hazardous conditions.
2. Branches do not hang over a sidewalk at a height of less than 8ft above the sidewalk, or hang over a highway, street or alley at height of less than 14ft above the highway, street or alley.
3. Does not pose hazardous conditions due to the threat caused by death or disease from falling branches, limbs or the vegetation itself onto adjacent sidewalks, streets, highways or alleys, or private property.

B. It shall be the responsibility of abutting property owners to maintain public trees in the City right-of-way in a manner that:

1. Will not obstruct the passage of pedestrians or vehicles on public sidewalks for streets, or otherwise obstruct the sight of traffic control devices, or obstruct the view of any street intersection or create other hazardous conditions.
2. Branches do not hang over a sidewalk at a height of less than 8ft above the sidewalk, or hang over a highway, street or alley at height of less than 14ft above the highway, street or alley.

C. Public trees grown within a permanent fence enclosure shall be the responsibility of the abutting property owner.

D. Abutting property owners must not remove public trees growing in the City right-of-way without prior authorization of the City Arborist.

E. Nothing in this article shall prohibit the City arborist from maintaining public trees in the City right-of-way.

8.14.290 Obstructions, Hazardous and Nuisance Trees – Notice to Abate

A. Should any person or persons owning real property bordering on any street fail to prune or remove trees or shrubs as provided in Section 8.14.280, the City arborist shall order such

person or persons, by written notice in accordance with the procedures as specified in Section 8.14.350, to prune or remove such tree or shrubs.

B. The notice and order required in subsection A of this section shall be served by sending the order and notice to the property owner as listed in Scott County Parcel Query.

C. If the property owner fails to maintain the property as required under this chapter and after notice is given as provided in this chapter, the arborist shall order the work to be done. The total cost and expense of the work to be done, including any administrative fees, shall be paid by the property owner. Failure to pay shall result in the cost being assessed against the property as provided by law. (Ord. 2002-31 § 3 (part): New: Ord. 76-442 § 1 (part): Ord. 74-117 § 5 (1, 2, 3): prior code § 39-36 (part)).

8.14.300 Abuse or mutilation of public trees.

A. Unless specifically authorized by the City arborist, no person shall damage, cut, carve, transplant or remove any tree or shrub; attach any rope, wire, nails, or other contrivance to any tree or shrub; expose public trees or shrubs to any gaseous, liquid or solid substance which is harmful to such trees or shrubs or vegetation, or to impede the free entrance of water or air to the roots; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub on City property or in City right-of-way.

B. No spurs or climbers which injure the bark of a tree on City property or in the City right-of-

way shall be used as an aid to climbing such tree except when such tree is to be removed as authorized by the City arborist. (Ord. 2002-31 § 3 (part): Ord. 76-442 § 1 (part): Ord. 74-117 § 6: prior code § 39-37).

8.14.310 Reserved.

Editor's Note: Section 8.14.310, formerly codified as Section 12.52.310, previously contained herein, has been deleted by the recodification of the 1990 Code.

8.14.320 Interference with City arborist.

No person shall hinder, prevent, delay or interfere with the City arborist or assigned staff while engaged in carrying out the execution or enforcement of this article; provided however, that nothing in this article shall be construed as an attempt to prohibit the pursuit of any remedy legal or equitable in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City. (Ord. 2002-31 § 3 (part): Ord. 76-442 § 1 (part): Ord. 74-117 § 8: prior code § 39-39).

8.14.330 Protection and replacement of trees, shrubs and vegetation— Infrastructure Maintenance and Construction

A. Protection.

1. All trees or shrubs and their root systems on City property or in the City right-of-way shall be protected from damages or disturbances by infrastructure maintenance and construction activities. The City arborist shall determine any physical protection or precautions required during construction, boring or excavation adjacent to trees or shrubs on City property or in the right-of-way.

B. Replacement. Any person injuring, damaging or destroying vegetation in violation of this article shall in addition to any other penalty imposed by this article be required to repair or replace the vegetation damaged as and to the extent deemed necessary by the City arborist.

C. All changes or improvements to land use shall meet tree requirements established pursuant to the City zoning and subdivision regulations.

8.14.340 Placing materials on public property.

A. No person shall deposit, place, store, or maintain any stone, brick, sand, concrete or other materials on City property or in the City right-of-way which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein, except by written authorization of the City arborist. (Ord. 2002-31 § 3 (part): Ord. 76-442 § 1 (part): Ord. 74-117 § 10: prior code § 39-41).

8.14.350 – Reserved.

8.14.360 Violation—Penalty.

Anyone who violates the provisions of this article is guilty of a municipal infraction and upon conviction shall be fined as follows:

1. First Offense \$100
2. Second Offense \$200
3. Subsequent Offenses \$500

In addition to the civil fine, the City may seek equitable relief or take other abatement actions. Each day a violation exists shall constitute a separate offense.

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

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

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

Approved 2/27/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

ORDINANCE NO. 2019-59

Ordinance amending various sections of Chapter 10 (Vehicles and Traffic) for the purposes of allowing the City of Davenport the ability to immobilize vehicles in lieu of towing and simplifying fine schedules.

Chapter 10.24 PARKING VIOLATIONS - ENFORCEMENT

Sections:

- 10.24.010 Ticketing for parking violation.
- 10.24.020 Admitted violations.
- 10.24.030 Fine - Collection.
- 10.24.040 Prosecution.
- 10.24.10 Ticketing for parking violation.

In the event of a parking violation of the provisions of this ordinance regulating the stopping, standing or parking of vehicles, it shall be the duty of the police officers, parking ambassadors, code enforcement officers, and other authorized employees of this City to issue a notice of a fine and attach it to the vehicle. The notice shall state:

- A. The violation involved.
 - B. The state and license number of the vehicle.
 - C. The time the ticket was issued.
 - D. The location (may be described in terms of hundred block if applicable).
- (Ord. 2011-399 § 4: Ord. 84-247 § 8.1).

10.24.20 Admitted violations.

- A. In all cases of violations of the provisions of this ordinance regulating the stopping, standing or parking of vehicles, such violations which are admitted may be charged and collected upon a simple notice of a fine, as set forth in this ordinance.
- B. Violations which are not paid as provided in this ordinance within thirty days after the date of the violation shall be deemed admitted and the corresponding fine imposed.
- C. The date on the notice of a fine issued for the alleged violation shall be presumptive evidence of the date of the violation.
- D. In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall be sufficient for conviction. (Ord. 2007-80 § 1: Ord. 84-247 § 8.2).

10.24.30 Fine - Collection.

- 1. The owner or operator of any vehicle who receives a simple notice of a fine, either personally or by the placing of such notice on the vehicle, that the vehicle is in violation of the ordinances of the City shall pay to the City a fine for such violation as follows:
 - A. For all violations of designated handicapped parking spaces the sum as set by state law.
 - B. For all other violations the fine is set in the amount of twenty-five dollars.
 - C. After thirty days a thirty dollar administration fee will be charged for collection efforts.
- 2. Any vehicle parked in violation of the City code and whose registered owner has five unpaid parking tickets is hereby declared a nuisance and subject to immediate towing and impoundment; in lieu of towing and/or impounding any police officer, parking ambassador, and code enforcement officer may attach an immobilization device commonly known as the "Denver boot" to immobilize the vehicle. Any vehicle immobilized by the City through the use of such immobilization device shall be released to the person entitled to possession thereof when both of the following conditions have been met:
 - A. After payment of all the registered owners' outstanding fines
 - B. After payment of an immobilization removal fee of Eighty Dollars (\$80).
- 3. After 48 hours without payment, the booted vehicle may be towed. This subsection shall not be construed in any way to limit the towing of the vehicle under Chapter 10.76 or as evidence in a criminal matter. (Ord. 2011-399 § 5: Ord. 2003-460 § 1: Ord. 96-486 § 1: Ord. 93-248 § 1: Ord. 92-637 § 1: Ord. 90-549 § 1: Ord. 88-419 § 1: Ord. 87-377 § 2: Ord. 84-247 § 8.3).

10.24.040 Prosecution.

Notwithstanding any other provision of this chapter, violations may be prosecuted the same as any other violation of this code. (Ord. 84-247 § 8.4).

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful

provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

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

Approved 2/27/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

The following Ordinance moved to third consideration: amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding and deleting various streets.

The following resolutions were adopted: authorizing the Mayor to sign the Certified Local Government Annual Report, 60; providing preliminary approval for economic development assistance to Carleton Life Support dba Cobham Mission Systems for their expansion and investment at 2734 Hickory Grove Road, 61; closing various street(s), lane(s), or public grounds on listed date(s) to hold outdoor events, 62; approving the plans, specifications, form of contract, and estimated cost for the N Elmwood Avenue Reconstruction Project between N Lincoln Avenue and N Linwood Avenue CIP #35036, 63; approving the plans, specifications, form of contract, and estimated cost for the 46th Street Reconstruction Project between Fillmore Lane and Marquette Street CIP #35036, 64; approving a contract amendment to the FY19 Sewer Lateral Repair Program with Petersen Plumbing and Heating Co. in the amount of \$100,000 CIP #30042, 65; approving a contract amendment to the FY19 Sewer Lateral Repair Program with Hometown Plumbing and Heating in the amount of \$60,000 CIP #30042; 66; approving the specifications, form of contract, and estimated cost for the FY 2020 Contract Milling Program CIP #35042, 67; approving the proposed plans, specifications, form of contract, and estimated cost for the Pump Station 203 Generator & Controls Project CIP #30007, 68; adopting the FY 2020 Operating Budget, FY 2020 Capital Improvement Budget, and the FY 2020 - FY 2025 Capital Improvement Plan, 69.

The following motions were passed: approving all submitted noise variance request(s) for various events, 70; approving all listed beer and liquor license applications, 71; approving change order #5 to Langman Construction in the amount of \$58,820.64 with 90% funded by

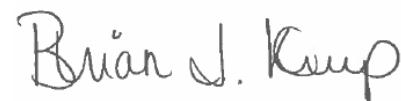
an FAA grant for the Davenport Municipal Airport Runway 15/33 Reconstruction Project CIP #20010, 72; approving the contract for the Brick Street Repairs 2019 Program to Centennial Contractors of the Quad Cities of Moline, IL in the amount of \$88,710 CIP #35010, 73; approving the purchase of police squad SUV equipment from Keltek Inc. of Baxter, IA in the amount of \$56,718.55, 74; approving the contract for the Junior Theatre Partial Window Replacement to Renaissance Restoration Inc. of Galena IL, in the amount of \$54,464 CIP #64067, 75.

The following Civil Service Certification Lists were received and filed: Firefighter/Engineer, Fire Lieutenant, Fire Captain, Code Enforcement Officer I, Senior Clerk, Public Service Cashier, Senior Signal Technician, Plant Operator I, Vehicle Refinisher, Packer/Driver/Loader, Sewer Equipment Operator, 76.

The following is a summary of revenue received for the month of January 2019:

Property taxes	686,272
Other City taxes	580,967
Special assessments	-
Licenses & permits	107,766
Intergovernmental	3,743,357
Charges for services	2,852,824
Use of monies & property	79,664
Fines & forfeits	135,498
Bonds/Loan Proceeds	52,985
Miscellaneous	201,906

On motion Council adjourned at 6:31 P.M.



Brian J. Krup
Deputy City Clerk

City of Davenport

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

Action / Date
3/13/2019

Subject:
Approval of the Report of The Committee of the Whole for March 6, 2019.

ATTACHMENTS:

Type	Description
▣ Cover Memo	COW Report 031319

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	3/7/2019 - 5:43 PM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, March 6, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Pro tem Tompkins presiding and all aldermen present. The following Public Hearings were held: Community Development: for Case REZ19-01, request by Bradley Matthews to rezone approximately 1.1 acres located at 5000 Grand Avenue from I-1 Light Industrial District to R-MF, Residential Multifamily District. Public Works: on the plans, specifications, forms of contract, and estimated cost for the 100 Block of East 4th Street & 400 Block of Brady Street Streetscape Improvements project, CIP #35022; on the plans, specifications, forms of contract, and estimated cost for the Tremont Basin Sanitary Manhole Replacements CIP #30048; on the plans, specifications, forms of contract, and estimated cost for the General Street Resurfacing Program, CIP #35026; on the plans, specifications, forms of contract, and estimated cost for the Elmore Avenue Patching Project, CIP #35035; on the FY20 Iowa Department of Transportation State Transit Assistance (STA) Grant application in the amount of \$461,028.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Dickmann all items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson item #2 moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Dickmann all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by Ald. Rawson all items moved to the Consent Agenda. Council adjourned at 6:08 p.m.

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Sarah Ott 563-326-6167
Wards:

Action / Date
3/6/2019

Subject:

First Consideration: Ordinance amending Title 5 of the Davenport Municipal Code to add Chapter 5.24 titled "Massage Business Information Requirement" and 5.25 "Reflexology Business License Requirement." [All Wards]

**COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES AND
PASSAGE ON FIRST CONSIDERATION**

- i. Motion for suspension of the rules.
- ii. Motion for passage of second and third considerations.

Recommendation:
Adopt the Ordinance.

Background:

In 2017, the Iowa Legislature passed legislation that enabled cities to regulate massage businesses within their jurisdiction. Since then, numerous cities across Iowa have passed local ordinances in an effort to eliminate the operation of business that do not provide legitimate massage therapy and/or reflexology services. The Iowa Massage Therapy Board licenses individual massage therapists, but does not provide oversight of massage businesses. The State does not license or provide any oversight of reflexologists and/or reflexology businesses.

The proposed ordinance is broke into two separate chapters. Chapter 5.24 "Massage Business Information Requirement" will require that a business must provide, upon request by City staff, certain information on employees and owners, including proof of state licensure and government identification. If the requested information is not immediately produced, the business may be placarded. Chapter 5.25 "Reflexology Business License Requirement" requires that all reflexology businesses be licensed through the city business license process. If a reflexology business is not properly licensed, the business may be placarded.

This ordinance is not intended to discourage legitimate massage therapists or reflexologists from providing their services in the City of Davenport.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/28/2019 - 5:14 PM

ORDINANCE NO. _____

Ordinance adding sections in Title 5 of the Davenport Municipal Code to change regulations relating to massage therapy and reflexology business licensing.

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

Section 1. That Chapter 5.24 entitled “Massage Business Information Requirement” is hereby added to read as follows:

Chapter 5.24 MESSAGE BUSINESS INFORMATION REQUIREMENT

Sections:

- 5.24.010 Purpose
- 5.24.020 Definitions
- 5.24.030 State License Required
- 5.24.040 Display of License
- 5.24.050 Business Information Required
- 5.24.060 Hours of Operation
- 5.24.070 Penalty

5.24.010 PURPOSE

The State of Iowa licenses massage therapists and businesses in section 152C of the Iowa Code. State licensed massage therapists and businesses offering therapy services perform an important service in addressing the health and wellbeing of Davenport’s residents. Unfortunately, there are businesses that advertise they provide massage therapy and/or therapeutic services, but actually engage in various illegal activities. This Ordinance is not intended to discourage a legitimately licensed massage therapist or massage therapy business from providing their/its services in the City of Davenport. The purpose of this Ordinance is to identify and address businesses that engage in the practice of massage therapy without a license and/or are involved in illegal activities. Businesses providing massage therapy yet conducting various types of illegal activity are harmful to the Davenport community and the massage therapy profession.

5.24.020 DEFINITIONS:

Licensed Massage Therapist (or LMT): Means an individual who has a license issued by the State of Iowa to perform massage therapy.

Massage Therapy: Means the same as it does in the massage therapy licensing provision in the State Code found at section 152C.1 of the Code of Iowa: performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation.

Massage Therapy Business: Means a place of business where “massage therapy” is practiced or administered.

5.24.030: STATE LICENSE REQUIRED:

No person shall employ or contract with a person to perform massage therapy unless the person

is an LMT. No person shall perform massage therapy unless the person is an LMT, unless exempted from chapter 152C of the Code of Iowa. No person shall engage in or offer to engage in the practice of massage therapy or use the initial "LMT" or the words "licensed massage therapist", "massage therapist", "masseur", "masseuse" or any other word or title that implied or represents that a person practices massage therapy at the business, unless the person possesses a license issued under the provision of section 152C.3 of the Iowa Code.

5.24.040: DISPLAY OF LICENSE

Each massage therapist shall keep his/her license in possession at all times while doing business in the City and shall, upon the request of prospective customers or City official, exhibit the license as evidence of compliance with all requirements of this subchapter.

5.24.50 : INFORMATION REQUIRED

A massage business shall immediately produce upon request by City staff certain business information including:

- a. The name of business;
- b. Names of all LMTs employed or contracted by the business and their State license numbers;
- c. Names and addresses of all other person who work on the business premises whether employees or independent contractors of the business along with a description of the work performed;
- d. Government issued photo identification card for all employees or independent contractors of the business to verify and confirm identify of individuals referenced in 5.24.050 (B) and (C) ;
- e. Name(s) of the business owner; and
- f. Name(s) and mailing address(es) of all individuals who have an ownership interest in the business

5.24.060 HOURS OF OPERATION

Massage Therapy Businesses shall not be open for business nor shall patrons be permitted on the premises between the hours of 10:00pm and 5:00am

5.24.070 PENALTY

- A. If the requested business information described in Chapter 5.24.050 is not immediately produced to City staff upon request, the business premises may be placarded. If the business information that is produced is either inaccurate or incomplete, the business may be placarded.
- B. The Chief of Police, Neighborhood Services Director, or designee, shall place in a highly noticeable location a placard stating "Unlicensed Massage Therapy. It is unlawful to provide or receive massage therapy services at this location; and is subject to criminal and/or civil penalty per Davenport Municipal Code Chapter 5.24." This notice shall remain posted until required business information is obtained by the City or other legal use has been established.
- C. No person shall remove the placard posted pursuant to subsection (B) of this section without approval of the Chief of Police, Neighborhood Services Director, or their designees
- D. No person shall continue to offer or receive "massage therapy" services after a

massage therapy business has been placarded unless the Police Chief, Neighborhood Services Director or their designees has approved the removal of the placard.

- E. Any person or in connection with one or more persons or as principle, agent, or accessory is found continuing to offer or receive “massage therapy” services after that establishment has been placarded may be subject to a simple misdemeanor charge or municipal infraction, punishable as provided in this Chapter or pursuant to state law.

Section 2. That Chapter 5.25 entitled “Reflexology Business License Requirement” is hereby added to read as follows:

Chapter 5.25 Reflexology Business License Requirement

Sections:

5.25.010	Purpose
5.25.020	Definitions
5.25.030	City License Required
5.25.040	Application
5.25.050	Granting or Denial of Permit
5.25.060	Conditions Governing Issuance
5.25.070	Grounds for Denial and Revocation or Suspension
5.25.080	Hours of Operation
5.25.090	Penalty

5.25.010 PURPOSE

Unlike massage therapy, the State of Iowa does not license reflexologists and reflexology businesses in section 152C of the Iowa Code. Legitimate reflexologists and businesses offering reflexology services perform an important service in addressing the health and wellbeing of Davenport’s residents. Unfortunately, there are businesses that advertise they provide reflexology services, but actually engage in various illegal activities. This Ordinance is not intended to discourage legitimate reflexologists or reflexology businesses from providing their services in the City of Davenport. The purpose of this Ordinance is to identify and address businesses that engage in the practice of reflexology without a license and/or are involved in illegal activities. Businesses providing reflexology yet conducting various types of illegal activity are harmful to the Davenport community and the reflexology profession.

5.25.020 DEFINITIONS:

Reflexologist: A person who performs reflexology.

Reflexology: Means the manipulation of the soft tissues of the human body that is restricted to the hands, feet, or ears, performed by persons who do not hold themselves out to be massage therapists or to be performing massage therapy.

Reflexology Business: Means a place of business where only “reflexology” is practiced or administered. Reflexology business does not mean a massage therapy business where licensed massage therapists perform or administer reflexology.

5.25.030: CITY LICENSE REQUIRED

1. No person shall operate a reflexology business, either exclusively or in connection with another business, without being licensed by the City as provided in this chapter.
2. If a business is operating as a massage therapy business as defined in 5.24 and reflexology services are being provided by a licensed massage therapist, the business falls under the

provisions of 5.24 and does not need to be licensed by the City

5.25.040 APPLICATION

Application for a Reflexology Business License shall be made on forms provided by the City's finance department. The application must be submitted to the City finance department within 60 days of the date this Ordinance becoming effective and before opening a reflexology business, whichever is earlier. The application shall include:

1. The business name, the address of the property to be used as the Reflexology Business, and documentation establishing control of the premises on which the business will be located, which shall be in the form of a lease, deed, or other document that establishes the applicant's control.
2. At the time of the application, the applicant shall provide the following most current and updated information as requested below in a list format to be maintained at all times concerning the applicant, owner and all employees, contractors, or other persons who are or will be present on the premises to perform reflexology:
 - a. Names and addresses of all reflexologists employed or contracted by the business that are not licensed as massage therapists;
 - b. Names and addresses of all other person who work on the business premises whether employees or independent contractors of the business along with a description of the work performed;
 - c. Government issued photo identification card for all employees or independent contractors of the business to verify and confirm identify of individuals referenced in (a) and (b) above;
 - d. Name(s) of the business owner; and
 - e. Name(s) and mailing address(es) of all individuals who have an ownership interest in the business.
3. Dates and locations of other businesses or business locations the applicant owns or operates, or has owned or operated as a reflexology or massage business.
4. In the event an applicant of licensee intends to operate a reflexology business in multiple physical locations, a separate application is required for each individual location.
5. Criminal history, excluding traffic violations, for the past three years, for anyone described in (a), (b), or (d) above.

5.25.050 GRANTING OR DENIAL OF PERMIT

Prior to opening or operating any reflexology business within the City, said proposed reflexology business shall obtain a business license from the City. License applications shall be reviewing by the Finance Director or their designee, who after considering all of the information provided shall either grant or deny the permit. The cost of the license is \$100 annually.

5.25.060 CONDITIONS GOVERNING ISSUANCE

Licenses shall only be issued to applicants who have provided all of the information requested in the application and have cooperated with the finance departments and other city officials in review of the application. The license, if issued, shall be displayed on the business premise in a conspicuous public area.

5.25.070 GROUNDS FOR DENIAL AND REVOCATION OR SUSPENSION

It shall be grounds for denial, revocation and/or suspension of an application or reflexology license if one or more of the following conditions are met:

- A. If the applicant or licensee is not complying with or has a history of violations of sex crimes as defined by Iowa Code Chapter 709, or for prostitution as defined by Iowa Code Chapter 725, or for keeping a house of prostitution as defined by Iowa Code Chapter 657, or who is a registered sex offender, or the laws and ordinances that might adversely impact public health or safety as determined by the Chief of Police;
- B. If the licensee solicits or advertised to offer services that are a violation of this chapter;
- C. If the licensee is convicted of any violation, reasonably related to the license activity and/or occurring on the license premise, of any City Ordinance or federal or state statute;
- D. If there is fraud or deception involved in the license application;
- E. If the licensee has, in the past, engaged in willful disregard for health codes and regulations;
- F. If the applicant fails to provide all the information and documentation required by this chapter;
- G. If the licensee permits individual(s) not included in the application to conduct reflexology services at the licensee's premises;
- H. If the licensee refuses to permit any authorized police officers or authorized city, county, or state governmental official to inspect the reflexologist's government ID at the premises;
- I. If the licensee is found to be violating provisions of this chapter;
- J. If the licensee promotes its services on websites that are known to advertise services that are illegal; or
- K. If the licensee provided incomplete or inaccurate information on the application.

5.25.080 HOURS OF OPERATION

The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 10:00pm and 5:00am.

5.25.090 PENALTY

- A. If a reflexology business is not licensed as provided in this chapter, the business premises may be placarded. If the business information that is produced is either inaccurate or incomplete, the business may be placarded.
- B. The Chief of Police, Neighborhood Services Director, or designee, shall place in a highly noticeable location a placard stating "Unlicensed Reflexology. It is unlawful to provide or receive reflexology services; and is subject to criminal and/or civil penalty per Davenport Municipal Code 5.25." This notice shall remain posted until required business information is obtained by the City or other legal use has been established.
- C. No person shall remove the placard posted pursuant to subsection (B) of this section without approval of the Chief of Police, Neighborhood Services Director, or their designees
- D. No person shall continue to offer or receive reflexology services after a reflexology

business has been placarded unless the Police Chief, Neighborhood Services Director or designees has approved the removal of the placard.

- E. Any person or in connection with one or more persons or as principle, agent, or accessory is found continuing to offer or receive reflexology services after that establishment has been placarded may be subject to a simple misdemeanor or municipal infraction, punishable as provided in this chapter or pursuant to state law.

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

REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

First Consideration _____

Second Consideration _____

Approved _____

Attest:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

Published in the *Quad City Times* on _____

City of Davenport

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

Action / Date
2/6/2019

Subject:

Third Consideration: Ordinance amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding and deleting various streets. [Ward 6]

Recommendation:

Adopt the Ordinance.

Background:

With more homes being built on newer streets in the Jersey Farms Subdivision, a new snow route is being proposed that would cover more area and comprise of a large loop that would be efficient to plow.

Add:

65th Street from Fairhaven Road to Forest Road
Fairhaven Road from 64th Street to 65th Street

Delete:

64th Street from Fairhaven Road to Forest Road

ATTACHMENTS:

Type	Description
▣ Ordinance	PS_ORD_Jersey Farms Snow Routes_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	1/28/2019 - 4:17 PM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SECTIONS OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE I SNOW ROUTES THERETO BY ADDING AND DELETING VARIOUS STREETS.

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

Section 1. That Schedule I Snow Routes of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

65th Street from Fairhaven Road to Forest Road
Fairhaven Road from 64th Street to 65th Street

and deleting the following:

64th Street from Fairhaven Road to Forest Road

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Brian Krup
Deputy City Clerk

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 563-888-2286

Wards:

Action / Date

2/19/2019

Subject:

First Consideration: Ordinance for Case REZ19-01, request by Bradley Matthews to rezone approximately 1.1 acres located at 5000 Grand Avenue from I-1 Light Industrial District to R-MF, Residential Multifamily District. [Ward 7]

Recommendation:

The Plan and Zoning Commission accepted the findings and forwards Case REZ19-01 to the City Council for approval.

Findings:

1. This property is located on the boundary between R-MF and I-1 Zoning.
2. The proposed rezoning will not significantly add traffic to Grand Avenue.
3. Zoning this property R-MF will allow for construction of apartment units in close proximity to employment opportunities.
4. No single family neighborhoods are in the vicinity and thus, none will be impacted.

Condition:

That the City Council is requested to pass a resolution assigning a Future Land Use Designation of RG, Residential General to this property and assigning either I, Industry or RG, Residential General designations to other nearby properties overlooked in the 2016 Comprehensive Plan Update.

Vote to recommend approval was unanimous 7-0.

Background:

Reason for Request: To allow for development of apartments on the site.

Comprehensive Plan: There is mapping error on the future land use map. This property lacks a future land use classification. A classification should be included as part of any rezoning approval.

Attached to this report is a draft Future Land Use Map amendment designating future land use to the overlooked parcels. Staff suggests the correct way to remedy the situation is to request the City Council pass a resolution assigning the designations. Affected property owners will be notified.

The property is located within the urban service area. All municipal services are available.

Discussion:

This vacant property is located on an edge between multi-family development to the south and light industrial/service development to the north.

It is staff's opinion that simply moving the division between multifamily and industrial will have minimal effect to the area. There are no single family neighborhoods in the vicinity.

Public Input:

A sign was posted on the property on January 25, 2019

A neighborhood meeting was scheduled for January 30 but was rescheduled to February 4th on account of the weather. Two neighboring property owners attended but voiced no objections.

A public hearing notice was prepared for both the cancelled meeting on February 5 as well as February 19, 2019. Property owners within 200 feet were notified of both hearings.

No protests have been received.

ATTACHMENTS:

Type	Description
☐ Ordinance	Ordinance
☐ Backup Material	Adjacent Owners List
☐ Backup Material	Application
☐ Backup Material	Future Land Use Map
☐ Backup Material	Zoning Map
☐ Backup Material	Public Meeting Notice and Map
☐ Backup Material	Legal Notice
☐ Backup Material	Proposed Future Land Use Map Amendment
☐ Backup Material	P&Z Letter

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berger, Bruce	Approved	2/27/2019 - 6:44 PM
City Clerk	Admin, Default	Approved	2/28/2019 - 5:13 PM

ORDINANCE NO.

ORDINANCE for Case REZ19-01 being the request of Bradley Matthews to rezone approximately 1.1 acres located at 5000 Grand Avenue from I-1 Light Industrial District to R-MF, Residential Multifamily District [Ward 7].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "R-MF, Residential Multifamily District".

Lot 5 of Lyngholm Park 8th Addition to the City of Davenport, Iowa.

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

Findings:

1. This property is located on the boundary between R-MF and I-1 Zoning.
2. The proposed rezoning will not significantly add traffic to Grand Avenue.
3. Zoning this property R-MF will allow for construction of apartment units in close proximity to employment opportunities.
4. No single family neighborhoods are in the vicinity and thus, none will be impacted.

Condition:

That the City Council is requested to pass a resolution assigning a Future Land Use Designation of RG, Residential General to this property and assigning either I, Industry or RG, Residential General designations to other nearby properties overlooked in the 2016 Comprehensive Plan.

Section 3. At its February 19, 2019 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation to approve.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch, Mayor

Attest: _____
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

Davenport.12795.1.REZ19-01_Neighborhood_Meeting_and_Adjacent_Owner_Notice_List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: HARMSSEN 2013 ESTATE TRUST P&Z Chair: Bob Inghram bingham@activethermal.net Mayor's Clerk: Nevada Lemke nlemke@ci.davenport.ia.us Council Clerk: Tiffany Thorndike tthorndike@ci.davenport.ia.us Neighborhood: None				
	Ward/Ald: 7th Ward	Alderman Matson	mmatson@ci.davenport.ia.us	10 Notices Sent
	Ward/Ald: At-Large	Alderman Condon	jcondon@ci.davenport.ia.us	
	Ward/Ald: At-Large	Alderman Gripp	kgripp@ci.davenport.ia.us	
P1209-02	5003 BRADY ST	ST AMBROSE UNIVERSITY	518 W LOCUST ST	DAVENPORT IA 52803
P1209-04B	5001 BRADY ST	CCL&B INC	4444 S 108TH ST	OMAHA NE 68137
P1209-04C		ST AMBROSE UNIVERSITY	518 W LOCUST ST	DAVENPORT IA 52803
P1210-01D		ROBERT C HARMSSEN 2013 ESTATE TRUST	4729 WYOMING AV	DAVENPORT IA 52806
P1210-01E	5060 GRAND AVE	ROBERT C HARMSSEN 2013 ESTATE TRUST	4729 WYOMING AV	DAVENPORT IA 52806
P1210-01G	5201 GRAND AVE	CAPITAL RESOURCE ILLINOIS CORP	ATTN PERRY HANSEN	BETTENDORF IA 52722
P1210-02	5220 GRAND AVE	GEORGE J FARKUS	1456 EASTVIEW DR	CORALVILLE IA 52241
P1210-02G		CAPITAL RESOURCE ILLINOIS CORP	ATTN PERRY HANSEN	BETTENDORF IA 52722
P1215-03	4801 GRAND AVE	ARC TFDPTIA001 LLC	106 YORK ROAD	JENKINTOWN PA 19046
P1215A101	4800 GRAND AVE	MFR PARTNERS XII LLC	856 LAKE ST E	WAYZATA MN 55391

Zoning Map Amendment Application

226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765

Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address* 5000 Grand Ave, Davenport, IA 52803 / P1210-01F

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

Applicant (Primary Contact)**

Name: Bradly Matthews
Company: Matthews Mayorga Real Estate, LLC
Address: 1225 E River Drive, Suite 320
City/State/Zip: Davenport IA 52803
Phone: (309) 230-8412
Email: brad@amrestitutions.com

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

Name: Robert C. Harmsen 2013 Estate Trust
Company:
Address: 4729 Wyoming Ave
City/State/Zip: Davenport IA 52803
Phone: (563) 324-4488
Email:

Zoning Board of Adjustment

- Appeal from an Administrative Decision ☐
Special Use Permit - New Cell Tower ☐
Home Occupation Permit ☐
Special Exception ☐
Special Use Permit ☐
Hardship Variance ☐

Engineer (if applicable)

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

Design Review Board

- Certificate of Design Approval ☐
Demolition Request in the Downtown ☐

Architect (if applicable)

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

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

Attorney (if applicable)

Name: Abigail Waeyer
Company: Callie & Harper
Address: 506 15th Street Suite 600
City/State/Zip: Moline, IL 61265
Phone: (309) 781-8300
Email:

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

Request:Existing Zoning: Proposed Zoning Map Amendment: Total Land Area: AcresDoes the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

- The following items should be submitted to Planning@ci.davenport.ia.us for review:
- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
 - Zoning Map Amendment is less than 1 acre - \$400.
 - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
 - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
 - \$5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:**(1) Application:**

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

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

- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

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

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

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

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

Applicant: Brady Matthews

Date: 1/14/19

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

Received by: [Signature]

Date: 1.14.19

Planning staff

Date of the Public Hearing: 2.6.19

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

Authorization to Act as Applicant

I,
authorize
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the
property located at .

Signature(s)*

*Please note: original signature(s) required.

City of Davenport Neighborhood Meeting Guidelines

Purpose:

The purpose of requiring applicants to conduct neighborhood meetings is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process.

Procedure:

1. The neighborhood meeting should be held at least one week before the scheduled public hearing for the case.
2. It is the responsibility of the applicant to coordinate the meeting date, time and location. It is necessary to coordinate with the Ward Alderman and both Alderman at Large prior to scheduling the meeting. Please note that Wednesday evenings should be avoided due to conflicting with City Council meetings. The Case Manager will provide you a map and mailing list of surrounding property owners, neighborhood representatives, and the Ward Alderman and both Alderman at Large. The applicant is responsible for the cost of the mailing and facility rental, if any.
3. The neighborhood meeting notice should include the meeting date, location and time, the map provided by the City and the applicant's contact information in case someone is unable to attend the meeting. Every effort should be made to contact all residents within the area as well as owners. If renters are assumed at a property, a notice should be sent to the address labeled, "Resident". Please provide the Case Manager with a copy of neighborhood meeting notice. The Case Manager or another member of City Staff will make every effort to attend the meeting, however, the primary purpose for attending is to be simply an observer and resource for factual information, if requested.
4. Following the meeting, the applicant shall compile a list of attendees as well as a meeting summary and submit it to the Case Manager by Thursday preceding the public hearing. Please include all handouts distributed at the meeting.

Neighborhood Meeting Attendance List

Case: _____

Date: _____

Name	Address	Phone	Email
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____
21	_____	_____	_____
22	_____	_____	_____

Neighborhood Meeting Ground Rules

- 1. Fact-finding and issue-identification are the primary reasons for this meeting. It should be informative, not argumentative. Ask questions, express concerns, but keep in mind this meeting is not a public hearing and no decision-makers are in attendance.**
- 2. Allow time for everyone to speak.**
- 3. Refrain from overly-critical remarks ("I hate this idea") and personal attacks ("You are trying to ruin the neighborhood").**

2018 PLAN & ZONING COMMISSION CALENDAR

CITY PLAN & ZONING COMMISSION SCHEDULE

CITY COUNCIL SCHEDULE

COMMISSION PUBLIC HEARING <u>REZONING & ROW</u> <u>VACATION</u> SUBMITTAL DEADLINE (5:00 PM - Monday)	<u>DEVELOPMENT</u> <u>PLANS, SUBDIVISION</u> <u>PLATS</u> SUBMITTAL DEADLINE (5:00 PM - Monday)	CITY PLAN & ZONING COMMISSION PUBLIC HEARING (Preview for plats & plans) (5:00 PM - Tuesday)	CITY PLAN & ZONING COMMISSION MEETING (5:00 PM - Tuesday)	SUBMISSION DEADLINE FOR COUNCIL ITEMS (Noon - Monday)	COMMITTEE OF THE WHOLE MEETING (PUBLIC HEARING) (5:30 PM - Wednesday)	CITY COUNCIL MEETING (5:30 PM - Wednesday)
11/13/17	11/27/17	12/05/17	12/19/17	12/22/17	01/03/18	01/10/18
11/27/17	12/11/17	12/19/17	01/02/18	01/08/18	01/17/18	01/24/18
12/11/17	12/21/17	01/02/18	01/16/18	01/29/18	02/07/18	02/14/18
12/26/17	01/08/18	01/16/18	02/06/18	02/12/18	02/21/18	02/28/18
01/16/18	01/19/18	02/06/18	02/20/18	02/26/18	03/07/18	03/14/18
01/29/18	02/12/18	02/20/18	03/06/18	03/12/18	03/21/18	03/28/18
02/12/18	02/26/18	03/06/18	03/20/18	03/26/18	04/04/18	04/11/18
02/26/18	03/12/18	03/20/18	04/03/18	04/09/18	04/18/18	04/25/18
03/12/18	03/26/18	04/03/18	04/17/18	02/23/18	05/02/18	05/09/18
03/26/18	04/09/18	04/17/18	05/01/18	05/07/18	05/16/18	05/23/18
04/09/18	04/23/18	05/01/18	05/15/18	05/25/18	06/06/18	06/13/18
04/23/18	05/07/18	05/15/18	06/05/18	06/11/18	06/20/18	06/27/18
05/14/18	05/29/18	06/05/18	06/19/18	06/25/18	07/04/18	07/11/18
05/29/18	06/11/18	06/19/18	07/03/18	07/09/18	07/18/18	07/25/18
06/11/18	06/25/18	07/03/18	07/17/18	07/23/18	08/01/18	08/08/18
06/25/18	07/09/18	07/17/18	07/31/18	08/06/18	08/15/18	08/22/18
07/09/18	07/23/18	07/31/18	08/14/18	08/27/18	09/05/18	09/12/18
07/23/18	08/06/18	08/14/18	09/04/18	09/10/18	09/19/18	09/26/18
08/13/18	08/27/18	09/04/18	09/18/18	09/24/18	10/03/18	10/10/18
08/27/18	09/10/18	09/18/18	10/02/18	10/08/18	10/17/18	10/24/18
09/10/18	09/24/18	10/02/18	10/16/18	10/29/18	11/07/18	11/14/18
09/24/18	10/09/18	10/16/18	11/06/18	11/09/18	11/21/18	11/28/18
10/15/18	10/29/18	11/06/18	11/20/18	11/26/18	12/05/18	12/12/18
10/29/18	11/13/18	11/20/18	12/04/18	12/10/18	12/19/18	12/26/18
11/13/18	11/26/18	12/04/18	12/18/18	12/22/18	01/02/19	01/09/19
11/26/18	12/10/18	12/18/18	01/01/19	01/07/19	01/16/19	01/23/19
12/10/18	12/21/18	01/01/19	01/15/19	01/28/19	02/06/19	02/13/19
12/21/18	01/07/19	01/15/19	02/05/19	02/11/19	02/20/19	02/27/19

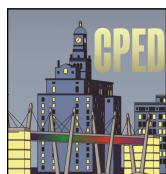
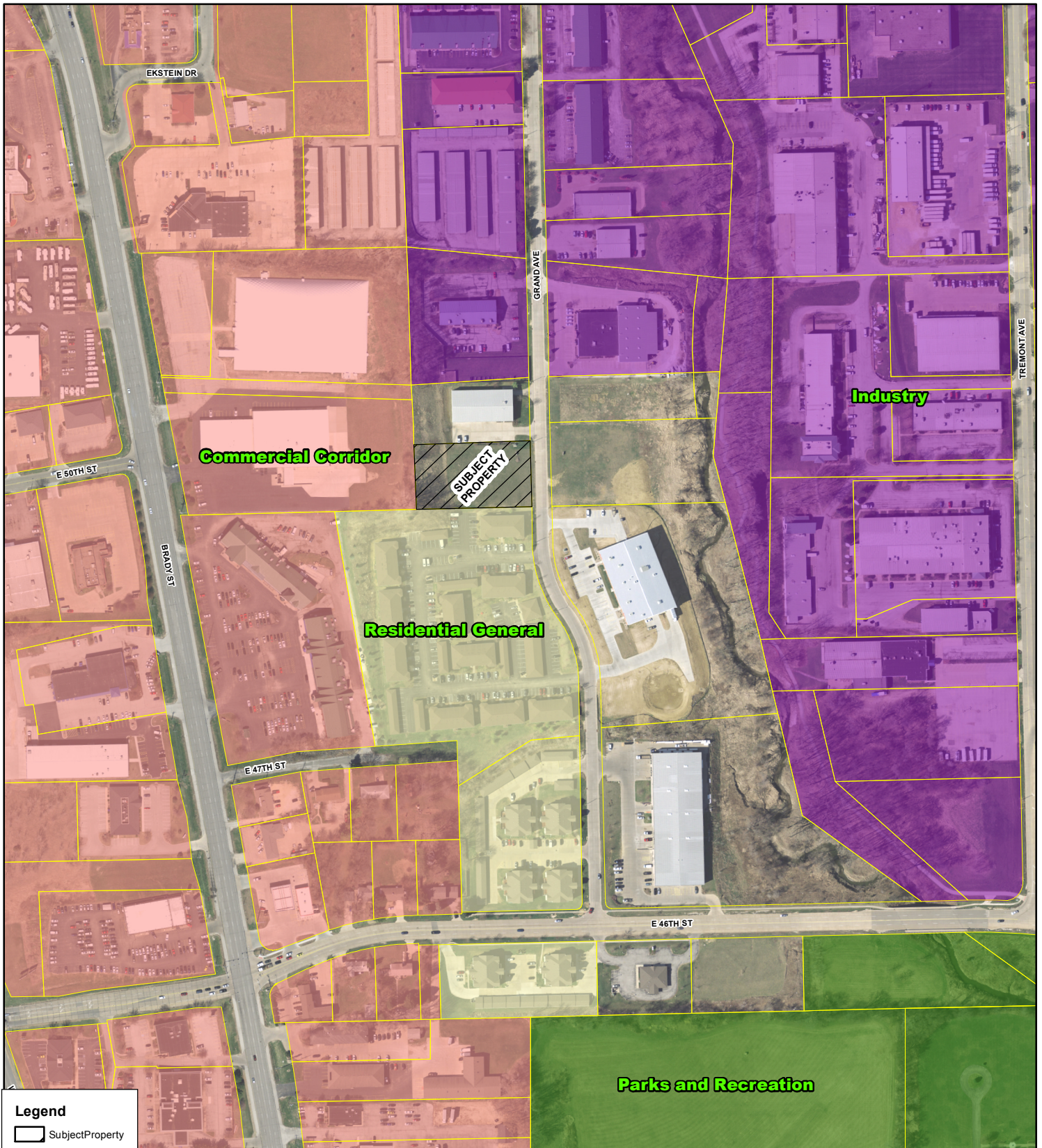
1 SUBMISSION & MEETING DATES MAY BE CHANGED DUE TO HOLIDAY MARKED IN RED

2 ORDINANCES REQUIRE THREE CONSIDERATIONS BEFORE CITY COUNCIL

3 DATES SUBJECT TO CQHHANE DUE TO HOLIDAYS MARKED IN RED

4 DELAYS MAY OCCUR UPON THE PETITION REACHING THE CITY COUNCIL'S AGENDA

Future Land Use Map (Davenport +2035)



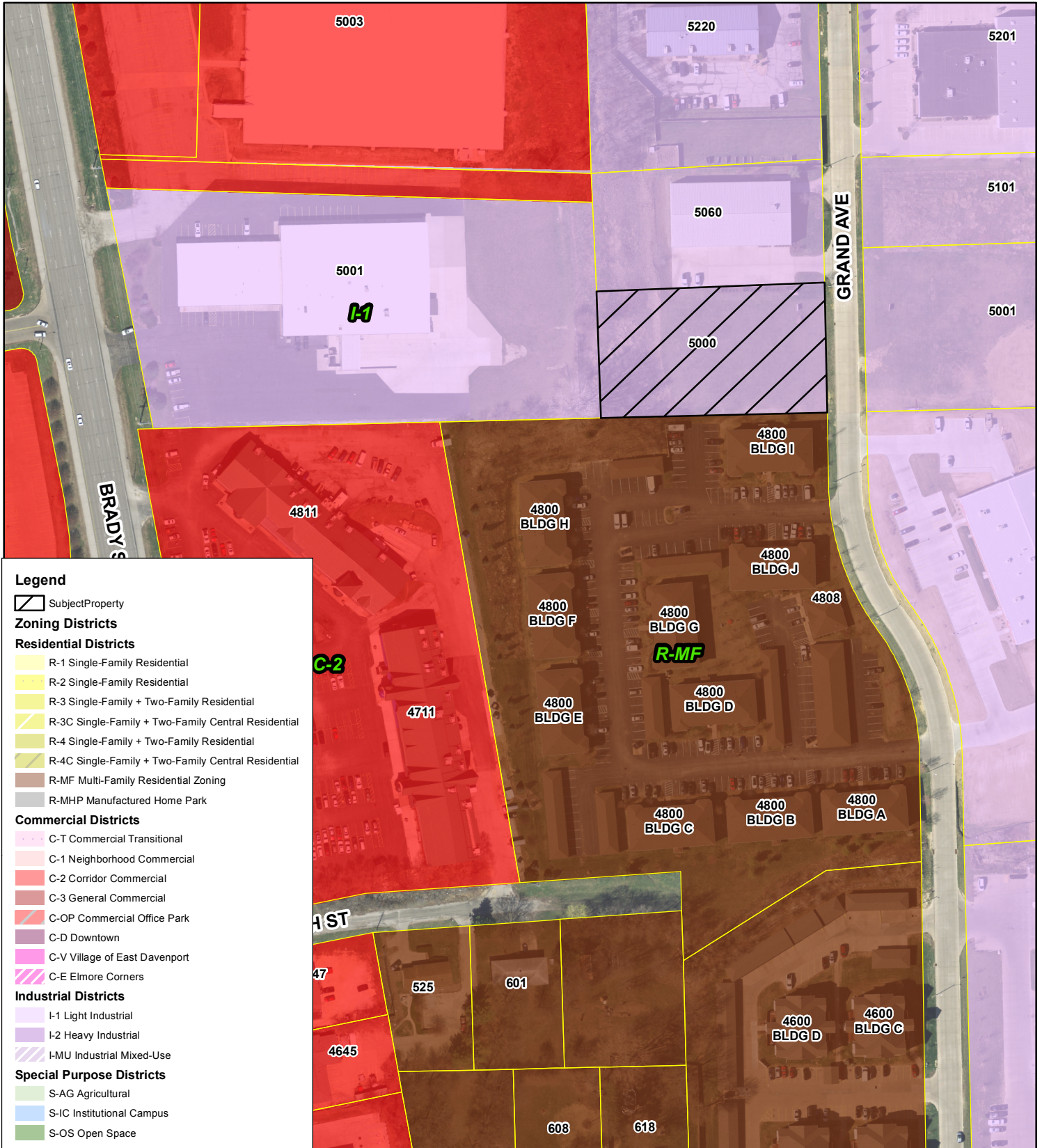
0 50 100 200 Feet

1 inch = 333 feet

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



Zoning Map



0 50 100 200 Feet

1 inch = 170 feet



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE

PUBLIC MEETING

THIS MEETING HAS BEEN RESCHEDULED FOR NOON MONDAY FEBRUARY 4, 2019

**DAVENPORT PUBLIC WORKS CENTER
1200 E. 46 ST., DAVENPORT, IOWA 52807**

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ19-01: Request of Bradley Matthews on behalf of Robert C. Harmsen 2013 Estate Trust for a rezoning (map amendment) on 1.1 acres at 5000 Grand Avenue from "I-1" Light Industrial District to R-MF Multiple Family Residential District. [7th Ward] (See map of the affected property on reverse side of this notice).

The proposed rezoning, if approved, would allow for multi-family development to occur on the property.

A public meeting, hosted by the applicant, will be held to discuss the proposal at the time and place listed above. A formal public hearing will be held on the matter by the Plan and Zoning Commission on Tuesday, February 5, 2019, 5:00 pm at Davenport City Hall. You will receive an additional notice prior to this meeting.

If you have any questions regarding the proposal, please contact the Community Planning Division.

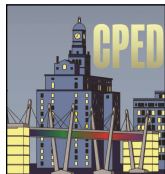
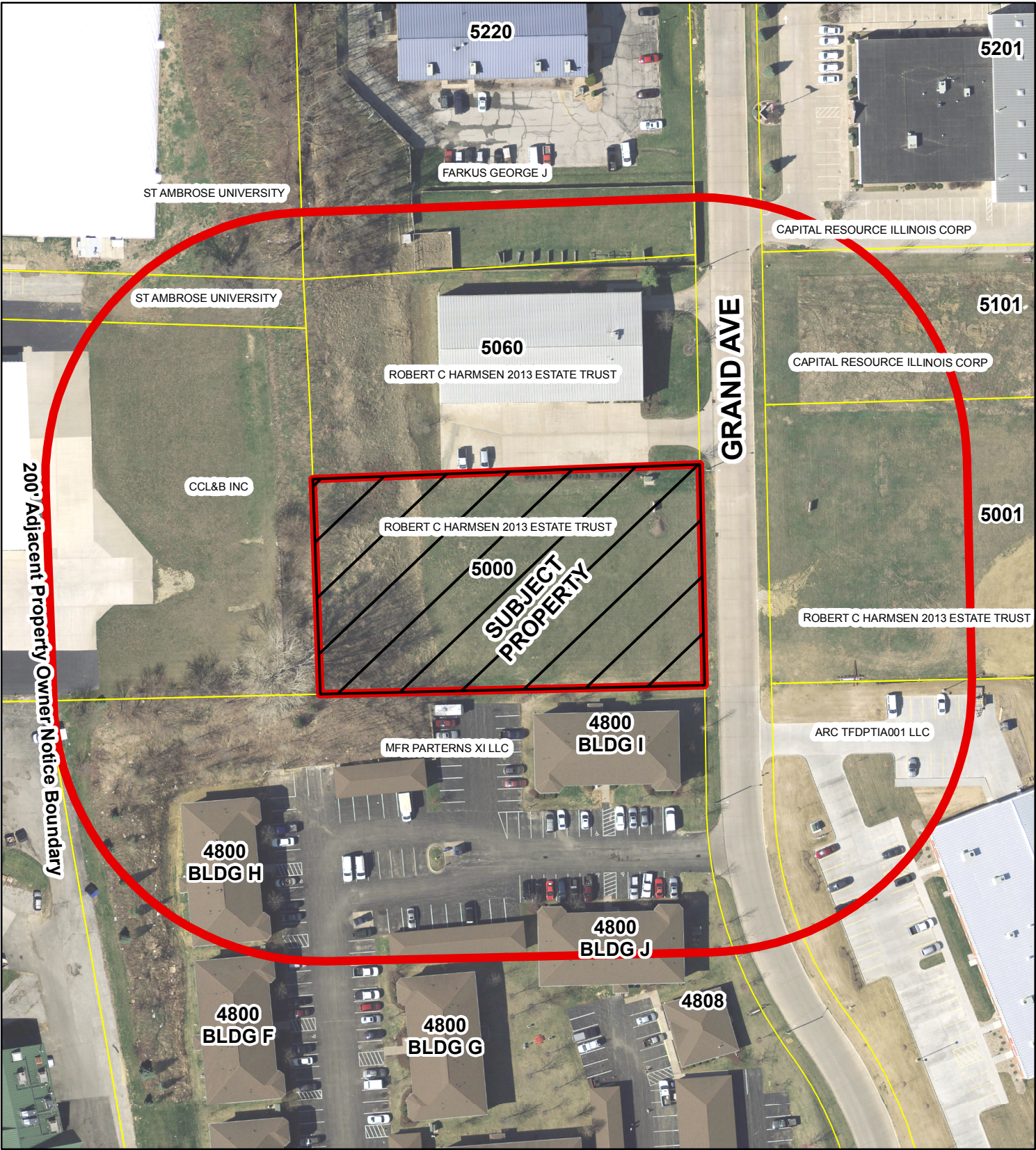
Case No. REZ19-01

EMAIL: planning@ci.davenport.ia.us

Phone: (563) 326-7765

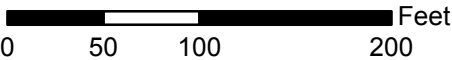
Request for a Zoning Map Amendment (Rezoning)

Adjacent Property Owner Notice Area



Legend

-  SubjectProperty
-  200' Notice Buffer



1 inch = 100 feet



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Wednesday, January 23, 2019

Please publish the following public notice in the January 28, 2019 edition of the Quad City Times.

The PO number for this notice is: 1909207

Please provide proof of publication for our records. If you have any questions, please contact us at planning@ci.davenport.ia.us or 563-326-7765. Thank you!

**NOTICE
PUBLIC HEARING
TUESDAY, FEBRUARY 5, 2019 - 5:00 P.M.
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA**

There is on file in the Community Planning and Economic Development Department (CPED), on behalf of the Plan and Zoning Commission, the following request:

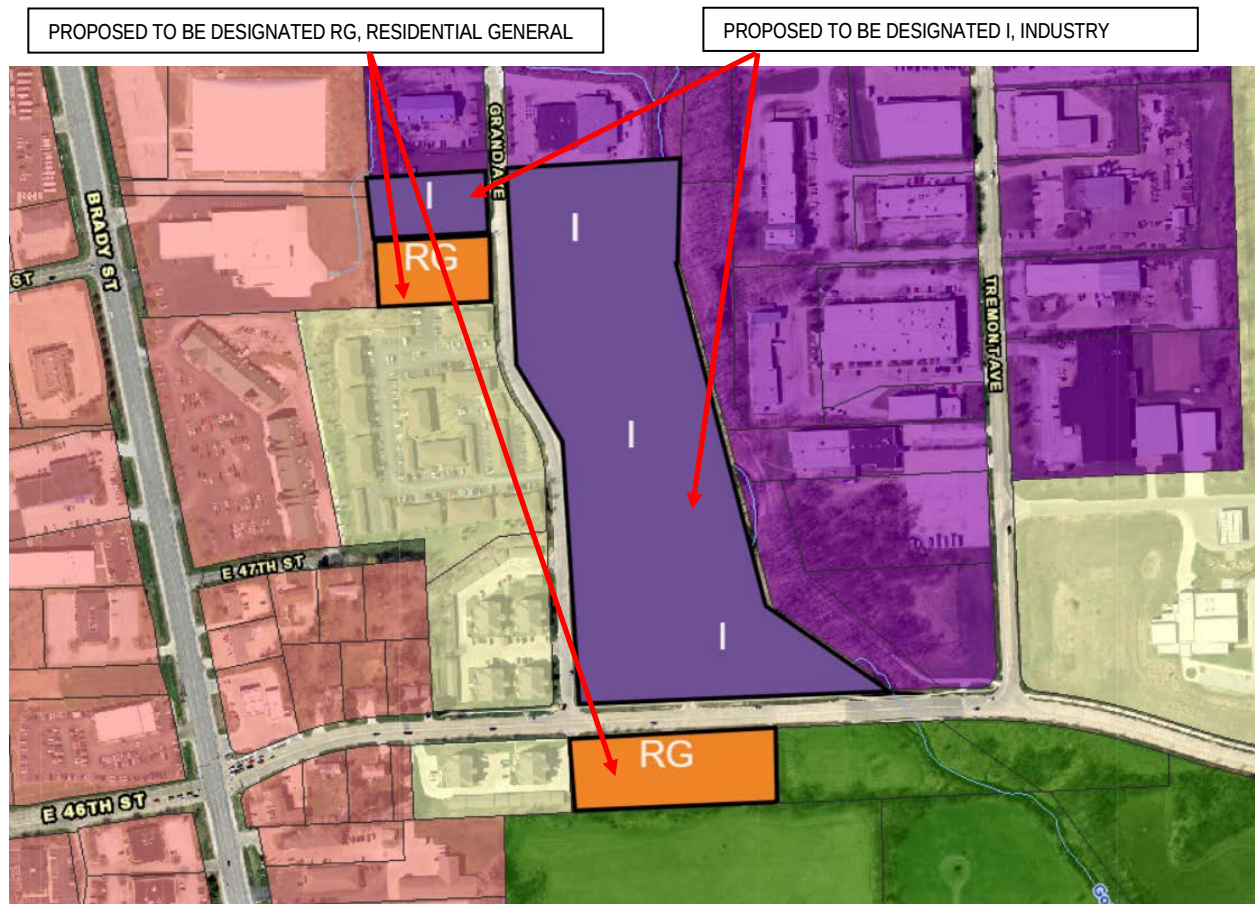
Case REZ19-01: Request by Bradley Matthews, to rezone 1.1 acres, more or less, of property located at 5000 Grand Avenue from I-1, Light Industrial District to R-MF, Residential Multifamily District. [Ward 7]

The public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, February 5, 2019 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 1909207

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

PROPOSED COMPREHENSIVE PLAN, FUTURE LAND USE MAP AMENDMENT CASE CP-19-01



February 20, 2019

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

Dear Mayor and Council:

At its regular meeting of February 19, 2019, the Plan and Zoning Commission considered Case REZ19-01 being the request of Bradley Matthews to rezone approximately 1.1 acres located at 5000 Grand Avenue from I-1 Light Industrial District to R-MF, Residential Multifamily District [Ward 7].

The Commission voted 7-0 to forward the case to the City Council for its approval, with the following findings and conditions:

Findings:

1. This property is located on the boundary between R-MF and I-1 Zoning.
2. The proposed rezoning will not significantly add traffic to Grand Avenue.
3. Zoning this property R-MF will allow for construction of apartment units in close proximity to employment opportunities.
4. No single family neighborhoods are in the vicinity and thus, none will be impacted.

Condition:

That the City Council is requested to pass a resolution assigning a Future Land Use Designation of RG, Residential General to this property and assigning either I, Industry or RG, Residential General designations to other nearby properties overlooked in the 2016 Comprehensive Plan.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City of Davenport

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

Action / Date
3/6/2019

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

Recommendation:
Adopt the Ordinance.

Background:
To protect City right-of-way and for consistency on the placement of wireless structures placed within the City of Davenport, various sections of Chapter 12.20 are being amended and will include specific standards for these structures.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Ord pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/28/2019 - 9:57 AM
Public Works Committee	Lechvar, Gina	Approved	2/28/2019 - 11:29 AM
City Clerk	Admin, Default	Approved	2/28/2019 - 5:28 PM

ORDINANCE NO. _____

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

Chapter 12.20 RIGHT OF WAY MANAGEMENT REGULATIONS

Sections:

12.20.010	Title.
12.20.020	Legislative findings.
12.20.030	Purposes.
12.20.040	Rules of construction.
12.20.050	Definitions.
12.20.060	Authority.
12.20.070	Reservation of rights; police power.
12.20.080	Authorization required.
12.20.090	Construction standards.
12.20.100	Placement of facilities.
12.20.110	Relocation of facilities.
12.20.120	Restoration.
12.20.130	Work permits.
12.20.140	Business license.
12.20.150	Reimbursement of costs.
12.20.160	Administration and permitting to use space within the right-of-way.
12.20.170	Specific Standards for Wireless Structures.
12.20.180	Reports and records.
12.20.190	Bond or letter of credit.
12.20.200	Insurance.
12.20.210	Enforcement.
12.20.220	Indemnification.
12.20.230	Severability.

12.20.010 Title.

This chapter is known and may be cited as the Davenport Right-of-Way Management Ordinance. (Ord. 2017-111 § 1 (part)).

12.20.020 Legislative findings.

The city council hereby finds and declares:

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

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

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

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

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

F. The city's street and alley rights-of-way are owned or held by the city primarily for the purpose of pedestrian and vehicular passage and for the city's provision of essential public safety services, including police and fire services; the city's provision of public health services, including solid waste removal, sanitary sewer and storm drainage services; and other municipal operations and the means to support and provide those services — these interests are paramount. (Ord. 2017-111 § 1 (part)).

12.20.030 Purposes.

The city council adopts this chapter to better:

A. Manage a limited resource to the long term benefit of the public;

B. Recover and allocate the costs of managing the public rights-of-way;

C. Minimize inconvenience to the public occasioned by the emplacement and maintenance of facilities in the public rights-of-way;

D. Prevent premature exhaustion of capacity in the public rights-of-way to accommodate communications and other services; and

E. Promote competition in the provision of communications service in the city and ensure that citizens have a wide variety of services available to them by establishing clear and consistent rules by which providers may occupy the public rights-of-way. (Ord. 2017-111 § 1 (part)).

12.20.040 Rules of construction.

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

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

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

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

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

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

G. In the case of conflict, the rights granted to an owner or operator by federal or state law shall not be impaired. (Ord. 2017-111 § 1 (part)).

12.20.050 Definitions.

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

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

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

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

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

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

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

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

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

FEDERAL COMMUNICATIONS COM-MISSION OR FCC: The Federal Communications Commission or any successor.

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

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

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

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

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

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

PUBLIC RIGHTS-OF-WAY: The surface and space above, on, and below any public highway, avenue, street, lane, alley, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, public easement, or right-of-way within the city in which the city now or

hereafter holds any property interest which, consistent with the purposes for which it was dedicated or otherwise acquired, may be used for the purpose of constructing, operating, and maintaining a facility.

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

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

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

12.20.060 Authority.

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

12.20.070 Reservation of rights; police power.

All rights and privileges granted in a franchise agreement are subject to the police powers of the city and its rights under applicable laws and regulations to exercise its governmental powers to their full extent and to regulate a grantee and the construction, operation and maintenance of the grantee's system, including, but not limited to, the right to adopt, amend, and enforce ordinances and regulations as the city shall find necessary in the exercise of its police powers, the right to adopt and enforce applicable zoning, building, permitting and safety ordinances and regulations, the right to adopt and enforce ordinances and regulations relating to equal employment opportunities, and the right to adopt and enforce ordinances and regulations containing right-of-way, telecommunications, utility and cable television consumer protection and service standards and rate regulation provisions.

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

12.20.080 Authorization required.

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

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

12.20.090 Construction standards.

A. Compliance with Regulations; Safety Practices: Construction, operation, maintenance, and repair of facilities shall be in accordance with all applicable law and regulation, and with sound industry

practice. All safety practices required by law shall be used during construction, maintenance, and repair of facilities.

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

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

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

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

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

G. Coordination of Construction With City: Prior to the erection, construction, upgrade, or rebuild of any facilities in the public right-of-way, the owner or operator of such facilities shall first submit to the city for written approval a concise description of the facilities proposed to be erected or installed, including engineering drawings, if required by the city, together with maps and plans indicating the proposed location of all such facilities. The owner or operator shall provide the best information it has in such reasonable format as may be specified by the city engineer for the city's planning function. No such erection or construction shall be commenced by any person until approval therefor has been received from the city. At the time of such approval, the city shall inform the grantee whether the reports and other information described by subsection 12.20.180C.1 of this chapter shall be required with respect to the approved construction.

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

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

J. Contractors and Subcontractors: Any contractor or subcontractor used for work or construction, installation, operation, maintenance, or repair of facilities in the public rights-of-way must be properly licensed and insured under laws of the state and all applicable local ordinances. Each contractor or

subcontractor shall have the same obligations with respect to its work as an owner or operator of the facility would have if the work were performed by the owner operator. An owner or operator shall be responsible for all activities carried out by its contractors, subcontractors and employees at the owner's or operator's request.

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

12.20.100 Placement of facilities.

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

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

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

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

E. No owner or operator of a facility shall erect new aerial plant, other than to repair existing plant, in or on a public right-of-way in which both electric and telephone service providers have placed their

lines underground, or in an area which the city has by ordinance forbidden new aerial plant to be constructed or existing aerial plant to be maintained.

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

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

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

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

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

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

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

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

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

(Ord. 2017-111 § 1 (part)).

12.20.110 Relocation of facilities.

The owner or operator of a facility on or within the public rights-of-way shall, at its own expense, upon written notice from the city reasonably in advance, promptly relocate any facility located on or within the public rights-of-way as the city may deem necessary or appropriate to facilitate the realignment (for public safety reasons), reconstruction, improvement or repair of public streets, sidewalks, curbs, drains, sewers, and public improvements of any sort; provided, however, that an operator may be permitted to

abandon any property in place with the written consent of the city. This subsection does not apply to relocations covered by 12.20.100F. (Ord. 2017-111 § 1 (part)).

12.20.120 Restoration.

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

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

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

12.20.130 Work permits.

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

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

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

D. The city engineer may issue a stop work order to anyone failing to secure the proper permit or for not following the ordinances or city standards.
(Ord. 2017-111 § 1 (part)).

12.20.140 Business license.

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

12.20.150 Reimbursement of costs.

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

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

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

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

B. The city engineer shall oversee permitting as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. In determining the length of the term of an initial or a renewal permit, the city engineer shall take into consideration the likelihood that the city will require the use of the specific portion of the subject right-of-way for municipal purposes or that such use of the subject right-of-way will unduly burden the

city or the public in its use of the subject right-of-way during the proposed term of the permit and the life cycle of the technology to be deployed. A permit shall not be issued or renewed if the city engineer determines that any of the following conditions exist in the right-of-way proposed for licensing:

- (1) There is insufficient space in the right-of-way to accommodate the proposed use, given the other existing uses thereof;
- (2) The proposed private utility service connection would interfere with or conflict with existing or planned city equipment or utility equipment located or to be located in the right-of-way;
- (3) Such use is incompatible with adjacent public or private uses of that right-of-way.
- (4) Such use would involve an unacceptably high frequency of repair or maintenance to the private utility service equipment thereby requiring excessive excavation in or obstruction of the right-of-way; or
- (5) The construction or installation of such private utility service equipment would interfere with a public improvement undertaken or to be undertaken by the city or with an economic development project in which the city has an interest or investment.

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

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

- (1) The permittee's failure to observe or comply with any of the following:
 - (a) The permittee's use or prior use of public right-of-way has been conducted in full and timely compliance with all laws and regulations applicable thereto, and the permittee has complied fully and in a timely manner with the requirements of any previously issued permit, and with the orders or instructions of city officials issued pursuant to this chapter; or
 - (b) The permittee is current in the payment of permit fees, if applicable, and the permittee has made such payments fully and when due.
- (2) The permittee's commission of any of the following acts:
 - (a) The permittee has made a misleading statement or a material misrepresentation in connection with an application for initial issuance or renewal of a permit, in connection with its registration of its use of the public right-of-way or in connection with its use of public right-of-way; or
 - (b) The permittee has transferred its equipment, its business, or its permit to another person or has made a change in use of its equipment, without giving the city notice thereof and obtaining city consent thereto; or
 - (c) Striking or damaging another facility within the right-of-way.
- (3) The subject right-of-way is highly congested and a reasonable likelihood exists in the city engineer's opinion that the space is needed in the future for a different service to a broader segment of the population.

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

- (1) The permittee's continued use of the public right-of-way will unduly burden the city or the public in its use of that property;
- (2) The public right-of-way for which the permit was issued will be required for municipal purposes during the term of the permit;
- (3) The permittee's equipment at a particular location will interfere with:
 - (a) A present or future city use of the right-of-way;
 - (b) A public improvement undertaken or to be undertaken by the city;

- (c) An economic development project in which the city has an interest or investment; or
- (d) The public's safety or convenience in using the right-of-way for ordinary travel; or
- (4) The public health, safety and welfare requires it.

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

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

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

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

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

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

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

A permit issued pursuant to this chapter shall not be transferred to any other person without the prior written notice to the city engineer. A permittee shall not transfer the permit, the business, or the equipment in the right-of-way to another person without giving the city engineer 90 days' prior written notice of such proposed transfer. In such notice, the permittee shall clearly identify the proposed

transferee, giving the name and address of a representative of the transferee who is authorized to discuss and provide information to the city regarding the transfer.

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

9. Amendment to Permit.

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

10. Duties of Permittee.

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

12.20.170 Specific Standards for Wireless Structures

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

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

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

textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.

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

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

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

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

12.20.180 Reports and records.

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

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

1. An organizational chart with contact information for the portion of the organization most relevant to its operations within the right-of-way.

2. Detailed, updated maps depicting the location of all facilities located in public rights-of-way in the city.

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

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

he developed on the basis of post-construction inspection by the owner or operator and construction personnel. Any departures from design must be indicated on the as built maps.

2. Reserved.

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

1. A full and complete set of plans, records, and "as built" maps showing the exact location of all equipment installed or in use in the city, exclusive of customer service drops.

2. A file showing its plan and timetable for future major construction of the facilities.

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

12.20.190 Bond or letter of credit.

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

12.20.200 Insurance.

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

12.20.210 Enforcement.

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

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

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

D. Termination on Account of Certain Assignments or Appointments:

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

- a. Such assignment, receivership or trusteeship has been vacated; or
- b. Such assignee, receiver, or trustee has cured any defaults and has fully complied with the terms and conditions of this chapter and any applicable agreement and has executed an agreement, approved by any court having jurisdiction, under which it assumes and agrees to be bound by the terms and conditions of this chapter and any applicable agreement.
- c. In the event of foreclosure or other judicial sale of any of the facilities, equipment, or property of an owner or operator of facilities in the public rights-of-way, its franchise under this chapter shall automatically terminate thirty (30) calendar days after such foreclosure or sale, unless:
 - (1) The city has approved a transfer to the successful bidder; and
 - (2) The successful bidder has covenanted and agreed with the city to assume and be bound by the terms and conditions binding its predecessor.
- d. Any mortgage, pledge or lease of facilities in the public rights-of-way shall be subject and subordinate to the rights of the city under this chapter any applicable agreement, and other applicable law.

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

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

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

12.20.220 Indemnification.

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

12.20.230 Severability.

If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the

event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the city and shall thereafter be binding on owners and operators. (Ord. 2017-111 § 1 (part)).

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

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

First Consideration_____

Second Consideration _____

Approved_____

Attest:

Frank Klipsch
Mayor

Brian Krup
Deputy City Clerk

Published in the Quad City Times on _____

City of Davenport

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

Action / Date
3/6/2019

Subject:
Resolution for Case CP19-01: Amending the Davenport Comprehensive Plan by assigning Future Land Use Map classifications to fifteen properties overlooked in the 2016 Comprehensive Plan Land Use Update. [Wards 2, 6, & 7]

Recommendation:
Adopt the Resolution.

Background:
The City amended the Comprehensive Plan in 2016 by adopting a new Land Use Element and future land use map. The future land use map intends to illustrate what the City might look like in 20 years. The future land use designation of a property is one tool the City uses to assess the appropriateness of rezoning requests.

Staff discovered in reviewing Case REZ19-01 (also on this agenda) that eight properties in the vicinity of this request were not assigned future land use categories. In addition, staff reviewed the entire Future Land Use Map and found seven additional properties lacking designations. Those amendments, consistent with the zoning on the properties, are proposed as part of this resolution as well.

The Plan and Zoning Commission supports the designation of the eight properties in the vicinity of the rezoning requested at 5000 Grand Avenue in Case REZ19-01. It did not specifically review the additional seven properties. However, it has been informed of this staff inclusion. The Chair of the Plan and Zoning Commission concurs with staff in believing that these additional properties were missed due to a mapping error.

All affected property owners have been notified of this proposed action.

See attachments for additional information.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Maps of Affected Properties
▣ Backup Material	Classification Descriptions

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	2/28/2019 - 1:47 PM
Community Development Committee	Admin, Default	Approved	3/1/2019 - 4:17 PM
City Clerk	Admin, Default	Approved	3/1/2019 - 4:18 PM

Resolution No. _____

Resolution offered by Ald. Rawson

RESOLVED by the City Council of the City of Davenport.

Resolution Approving Case No. CP19-01: Amending the Davenport Comprehensive Plan, Future Land Use Map, by establishing designations for the following properties overlooked as part of the 2016 Update. [Wards 2, 6, 7]

WHEREAS, in accordance with Title 2.64.130 of the Davenport Municipal Code, the Plan and Zoning Commission recommends the City Council adoption of this Amendment as follows:

<u>Parcel Number</u>	<u>Address</u>	<u>Future Land Use Designation</u>
P1210-01F	5000 Grand Ave.	RG, Residential General
P1210-01E	5060 Grand Ave.	I, Industry
P1210-01D	5001 Grand Ave.	I, Industry
P1210-02G	5101 Grand Ave.	I, Industry
P1215-03	4801 Grand Ave.	I, Industry
P1215-04	4601 Grand Ave.	I, Industry
P1215-02C	709 E. 46 th Street	RG, Residential General
P1215-03D	Unassigned	RG, Residential General
M1507-42	1742 W. Kimberly Rd.	CN, Neighborhood Commercial Node
P1406-13A	354 W. Kimberly Rd.	RC, Regional Commercial
P1301A16A	141 E. 46 th St.	CC, Commercial Corridor
P1301A17A	171 E. 46 th St.	CC, Commercial Corridor
P1311-09	1007 E. Kimberly Rd.	CC, Commercial Corridor
N1816B05A	2017 E. Kimberly Rd.	CC, Commercial Corridor
N1810-07E	2322 E. Kimberly Rd.	CC, Commercial Corridor

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that this amendment to the Future Land Use Map of the Davenport Comprehensive Plan is hereby approved and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution as required by law.

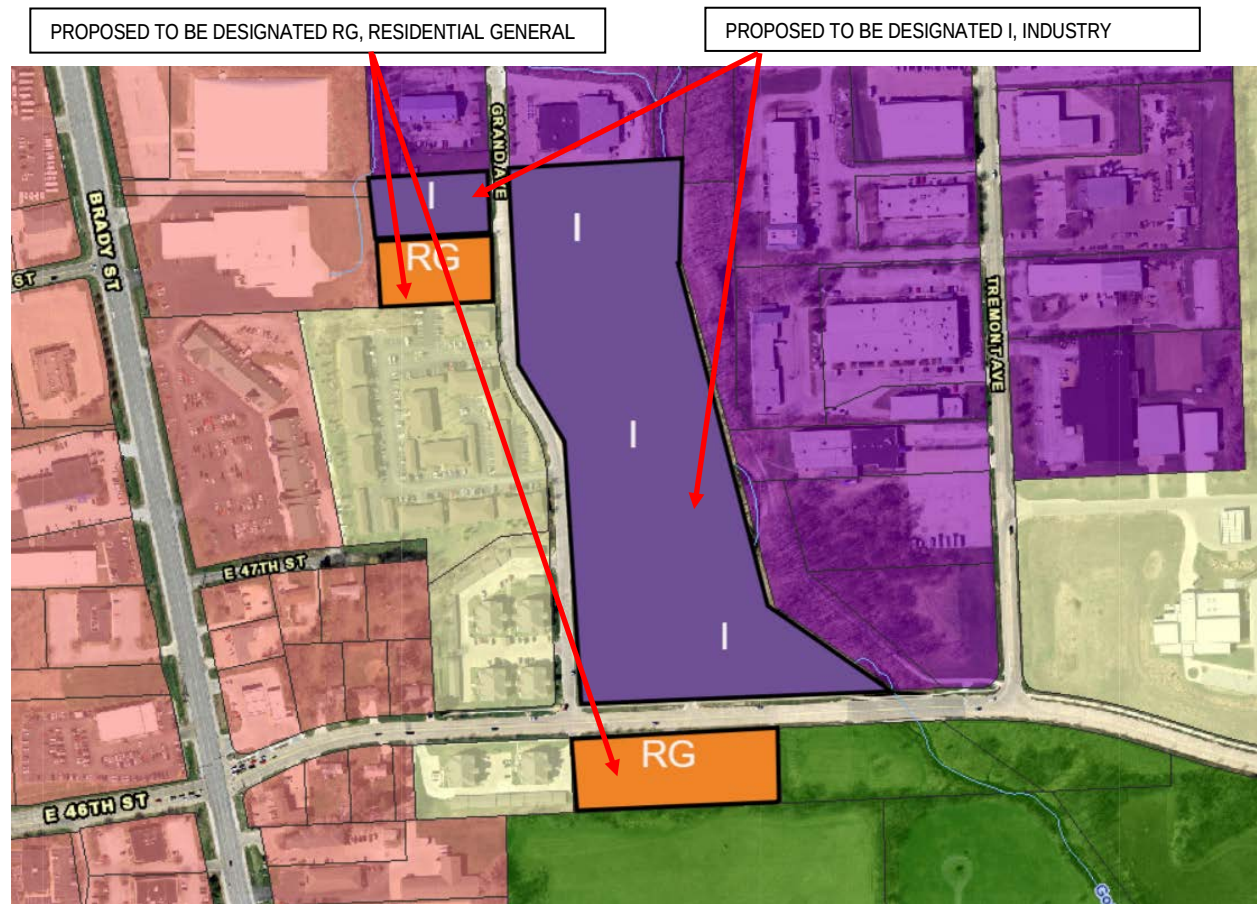
Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

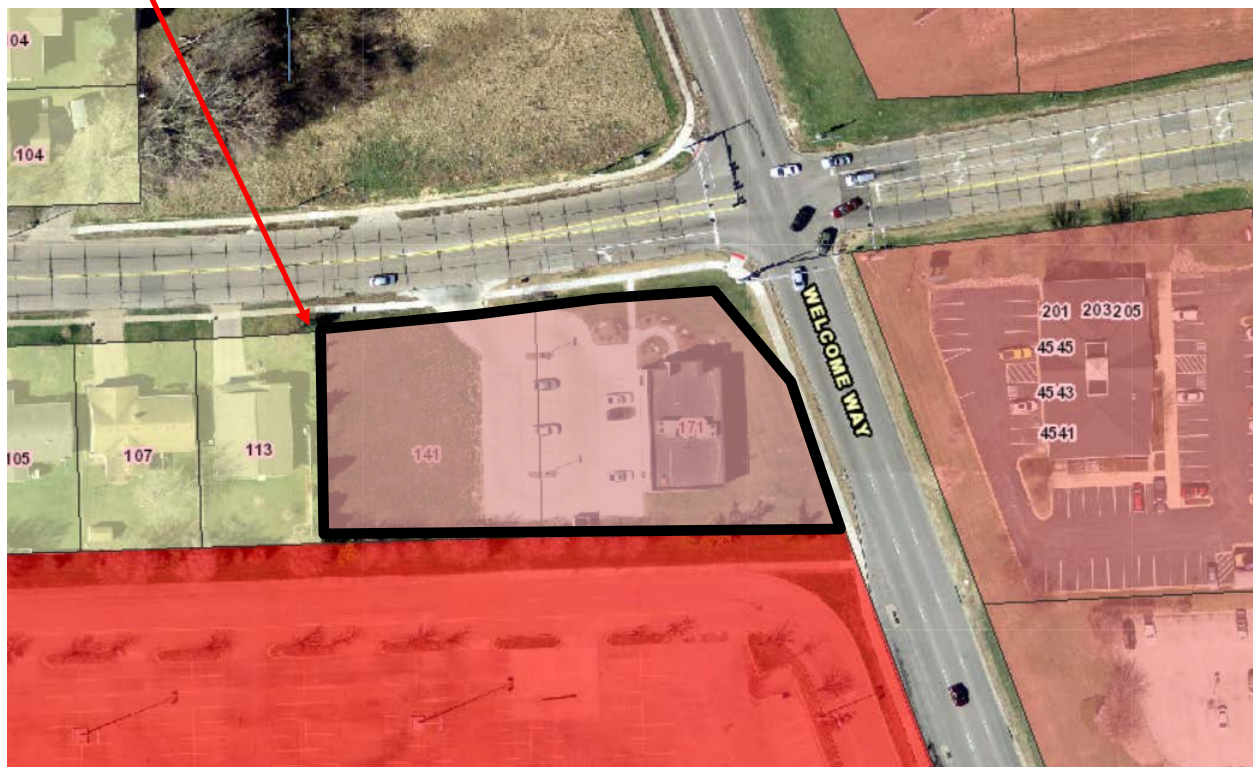
PROPOSED COMPREHENSIVE PLAN, FUTURE LAND USE MAP AMENDMENT CASE CP-19-01



1742 W. Kimberly Road to CN, Neighborhood Commercial Node



141-171 W 46th Street to CC, Commercial Corridor



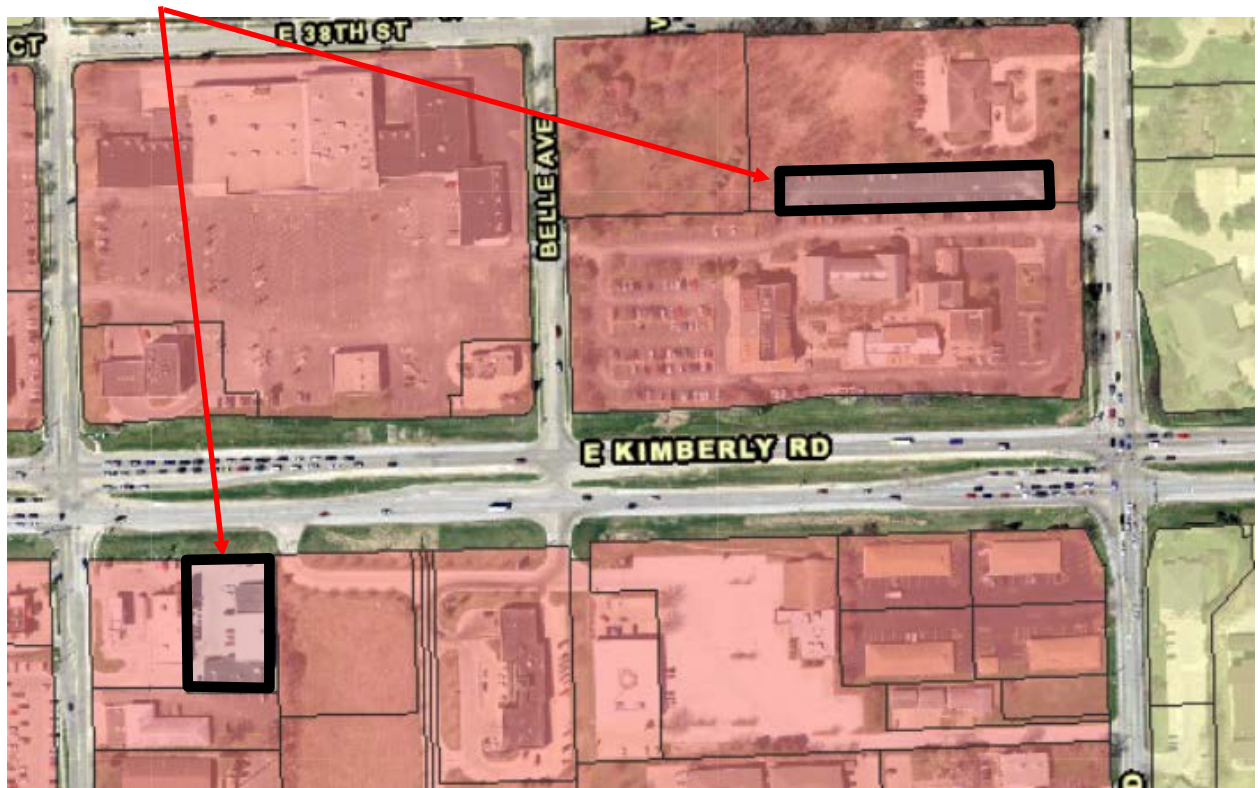
354 W. Kimberly Rd. to RC, Regional Commercial



1007 E. Kimberly Rd. to CC, Commercial Corridor



2017 and 2322 E. Kimberly Rd. to CC, Commercial Corridor



Davenport Comprehensive Plan

Future Land Use Map Categories Relative to CP19-01

RG, Residential General

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

CN, Neighborhood Commercial Node

Clusters of generally more intense uses found either along existing Urban Corridors or along or at the intersection of major streets in newly developed areas. CN areas may contain commercial uses somewhat more intense than uses found elsewhere on Urban Corridors, as well as higher density residential uses and office and service businesses. CN Nodes should serve a population of about 5000 people within 1/2 mile. Ideally, CN areas should be architecturally integrated, and designed to serve all modes of transportation. Pedestrian connections to the neighborhoods they serve are important. Therefore, master planning and customized zoning provisions for new CN areas should occur before development or redevelopment occurs.

CC, Commercial Corridor

Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage.

RC, Regional Commercial

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

I, Industry

Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Brian Krup
Wards:

Action / Date
3/13/2019

Subject:

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

J&M Displays; Fireworks after Quad Cities River Bandits home games; mostly Friday games April through August (additional dates to be added if needed); approximately 9:30 PM - 10:00 PM; Closure: bike path and sidewalk behind Modern Woodmen Park. [Ward 3]

Project Renewal; Fit-Fest; W 6th Street between Marquette St and Gaines St; Saturday, April 13, 2019 7:00 AM - 12:00 PM; Closure: W 6th St between Marquette St and Gaines St; Warren St between W 5th St and W 6th St. [Ward 3]

The CITY Church; 226 W 3rd St; CITY Egg Hunt; Sunday, April 14, 2019 9:00 AM – 3:30 PM; Closure: W 3rd St from Harrison St to Main St. [Ward 3]

RiverCenter/Adler Theatre; NXT/WWE Event; Friday, April 26, 2019 6:00 AM – Saturday, April 27, 2019 2:00 AM; Closure: Pershing Ave from E 2nd St to E 3rd St. [Ward 3]

St. Paul Lutheran Church; Mayfest; 2136 Brady St; Sunday, May 19, 2019 8:00 AM - 3:00 PM; Closure: Lombard St from Main St to Brady St. [Ward 5]

MidCoast Fine Arts; Riverssance Festival of Fine Arts; Village of East Davenport - Lindsay Park; Friday, September 20, 2019 8:00 AM - Sunday, September 22, 2019 8:00 PM; Closure: E 11th St from Jersey Ridge Rd to Hillcrest Ave. [Ward 6]

Recommendation:

Adopt the Resolution.

Background:

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

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution
□ Resolution Letter	QC River Bandits Fireworks Schedule
□ Backup Material	Fit Fest Map
□ Backup Material	Fit Fest Letter to Neighbors
□ Backup Material	CITY Egg Hunt Map
□ Backup Material	CITY Egg Hunt Petition
□ Backup Material	NXT/WWE Map
□ Backup Material	NXT/WWE Event Email

- ▢ Backup Material
- ▢ Backup Material
- ▢ Backup Material
- ▢ Backup Material

NXT/WWE Event Email 2
May Fest
Riverssance Map
Riverssance Letter to Neighbors

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/20/2019 - 1:27 PM

Resolution No. _____

Resolution offered by Alderman Gripp

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

RESOLVED by the City Council of the City of Davenport.

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

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

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

J&M Displays; Fireworks after Quad Cities River Bandits home games; Fridays in April through August (additional dates to be added if needed); approximately 9:30 PM-10:00 PM; Closure: bike path and sidewalk behind Modern Woodmen Park. [Ward 3]

Project Renewal; Fit-Fest; W 6th Street between Marquette St and Gaines St; Saturday, April 13, 2019 7:00 AM - 12:00 PM; Closure: W 6th St between Marquette St and Gaines St; Warren St between W 5th St and W 6th St. [Ward 3]

The CITY Church; CITY Egg Hunt; 226 W 3rd St; Sunday, April 14, 2019 9:00 AM – 3:30 PM; W 3rd St from Harrison St to Main St. [Ward 3]

RiverCenter/Adler Theatre; NXT/WWE Event; Friday, April 26, 2019 6:00 AM – Saturday, April 27, 2019 2:00 AM; Closure: Pershing Ave from E 2nd St to E 3rd St. [Ward 3]

St. Paul Lutheran Church; Mayfest; 2136 Brady St; Sunday, May 19, 2019 8:00 AM - 3:00 PM; Closure: Lombard St from Main St to Brady St. [Ward 5]

MidCoast Fine Arts; Riverssance Festival of Fine Arts; Village of East Davenport; Friday, September 20, 2019 8:00AM - Sunday, September 22, 2019 8:00PM; Closure: E 11th St from Jersey Ridge Rd to Hillcrest Ave. [Ward 6]

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

Thursday, April 4th 2019

* this date is on field fireworks. no fireworks behind stadium

Event Time: 4:00 PM - 5:30 PM

Friday, April 5th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, April 19th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, April 26th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, May 10th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, May 24th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, June 7th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, June 14th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, June 28th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Thursday, July 4th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, July 5th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, July 19th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, July 26th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, August 9th 2019

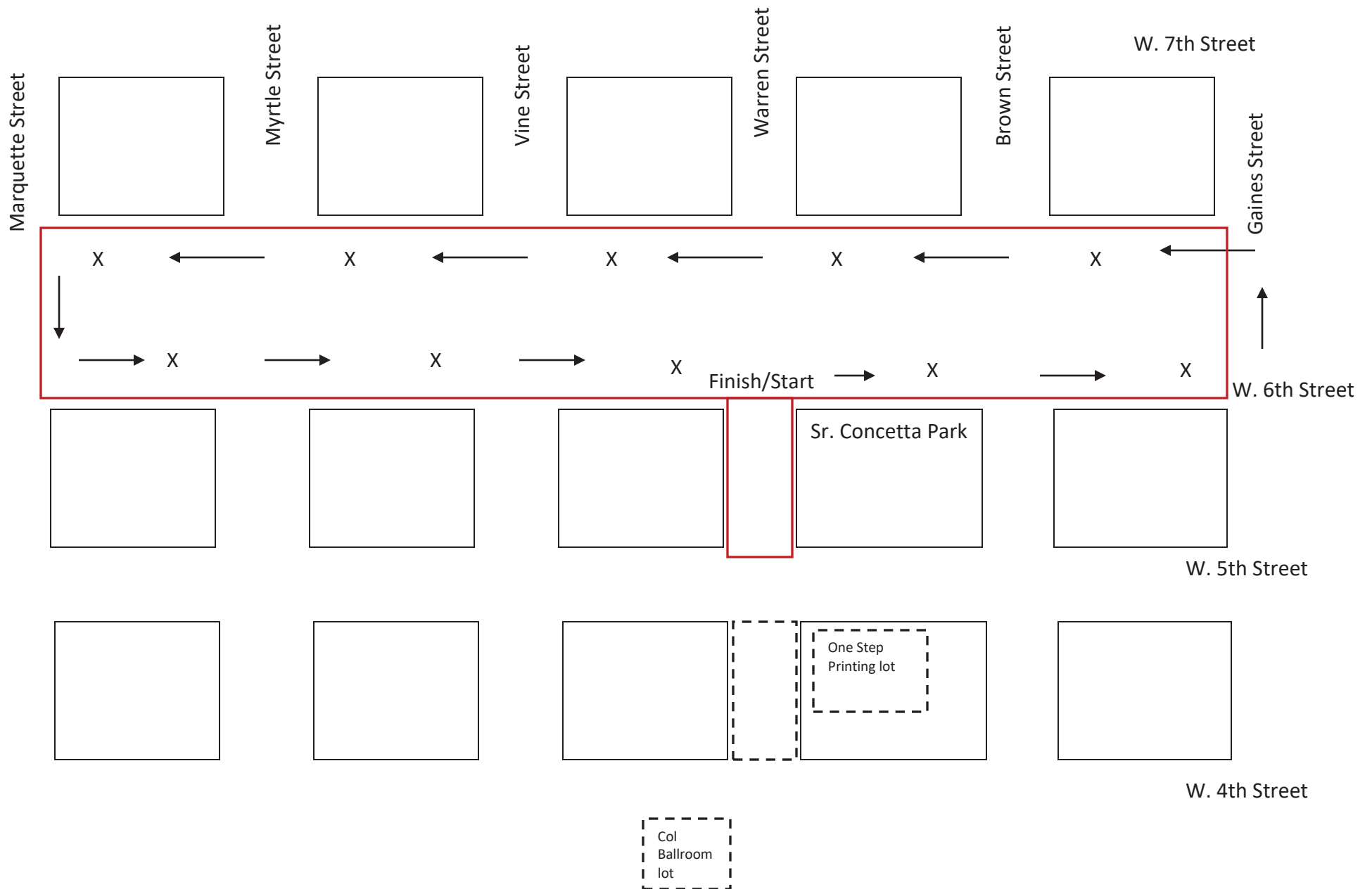
* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, August 16th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM



- = Road area requested to block off.
- = Parking.

**PROJECT RENEWAL
FIT-FEST
April 13, 2019**

Greetings Neighbors:

Thanks to all who participated last year in Project Renewal's FIT-FEST!

Project Renewal is announcing our annual FIT-FEST on **Saturday, April 13, 2019** - and you are invited!

We are notifying all residents along this event route so you may contact us with any questions, concerns and/or would like to participate. ***The route will be blocked off the morning of the event 7:00 a.m. – Noon, Saturday, April 13, 2019 for the safety and well-being of participants and residents. If you must use your vehicle during this time please park off the route THE NIGHT BEFORE. This will help with the safety for all and respect for your property. The approximate time to expect the streets to be clear is after Noon. As soon as the route is clear of pedestrians and obstacles traffic will resume. We ask for your patience and consideration at this time.***

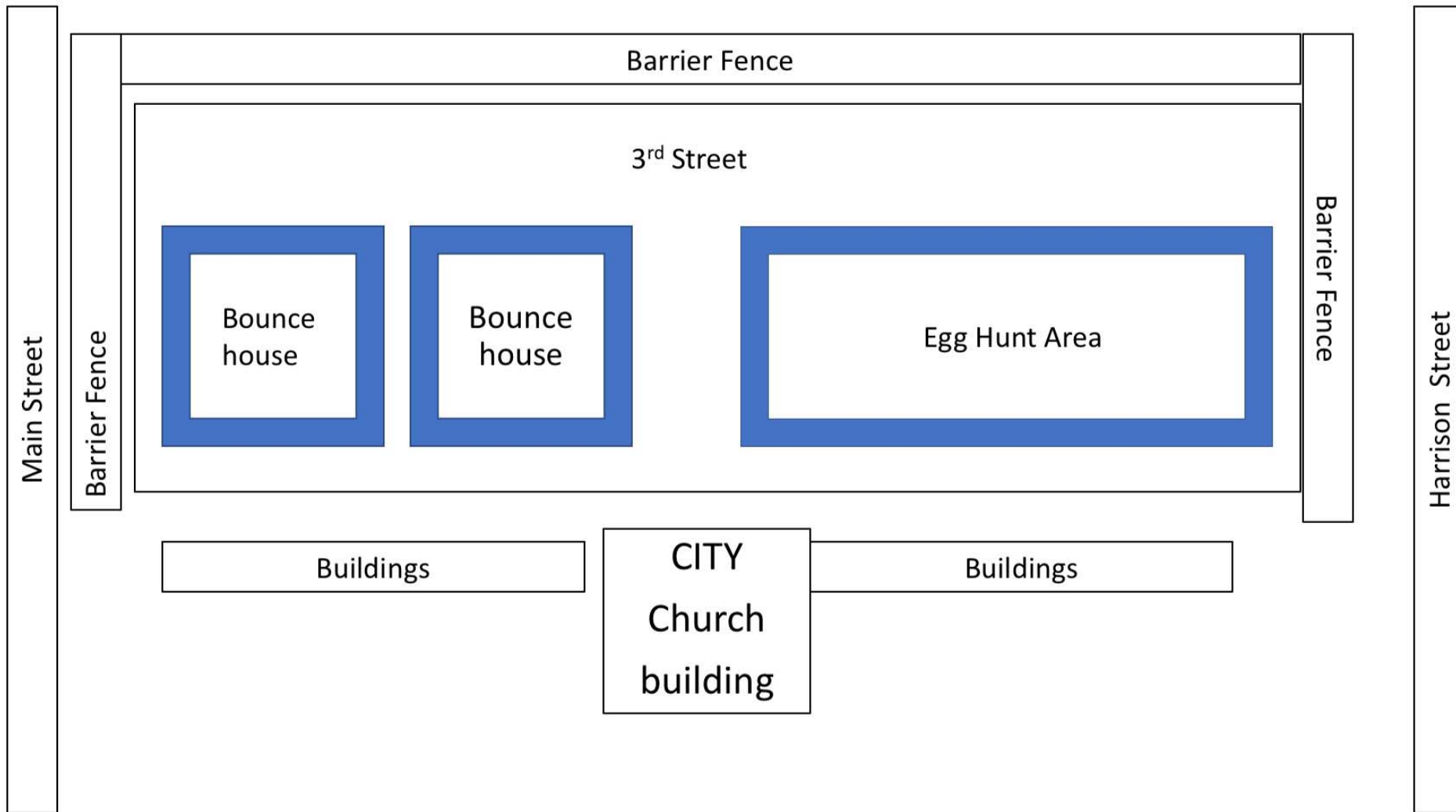
This event promotes physical well being and healthy lifestyle choices among area youth and adults. It also brings awareness of positive developments in the surrounding neighborhood. In addition, this fundraising opportunity is a chance for people to learn more about the service Project Renewal provides area children and the community. This is a good time for us to tidy up our yards and streets to share with visitors the beauty of our neighborhood!

Project Renewal provides educational and recreational activities for children during the school year and summer in a safe, loving environment. Staff and volunteers are positive role models for the children, reinforcing values needed in order to live healthy and productive lives. Project Renewal is an important organization in our community which can deeply impact the life of a child and is very rewarding personally for those who volunteer or provide financial support.

Many opportunities, if interested, are available to you for this event; you can run, walk, volunteer, cheer - cheer from your own yard and/or join the festivities at Sr. Concetta Park. The route will start and finish at 6th and Warren Streets where the park is located, refreshments will be available, awards and prizes for registered participants. For any questions or more information on Project Renewal, to volunteer, or receive a registration form you may call 563-324-0800 or go to our website: www.projectrenewal.net. Come and support our neighborhood!

Thank you for your support!

Ann & Carl
Project Renewal
563-324-0800





3rd Street Party April 14th or 21st
3rd Street closed or one lane from Harrison to Main St.

Please let us know if this is ok with you-
Name of business:

Source Bookstore

Gunder Sings

Amey Urban farmhouse

Josely Agnew 810

Mie + Billy - closed Sunday - Brett Long



Krup, Brian

From: Esser, Evan
Sent: Friday, February 22, 2019 2:59 PM
To: Krup, Brian
Cc: Braudt, Scott
Subject: Re: A few questions

We were looking to start at 6am on the 26th and go to 2am on the 27th. The WWE event needs a private parking area not accessible by the public to park approximately 40 vehicles for their event outside the great hall. These are the wrestlers, show entertainers, etc. To note we have closed this area off before for MMA events too.

Sent from my iPhone

On Feb 22, 2019, at 2:04 PM, Krup, Brian <bkrup@ci.davenport.ia.us> wrote:

Also, what are the hours of the street closure you're requesting? And what is the street closure for?

Regards,

Brian Krup
Deputy City Clerk
City of Davenport
226 W 4th St
Davenport, IA 52801
563-326-6163 (p)

Please note: Pursuant to Iowa State Law and City of Davenport administrative policy, E-mail communication to and from this address may be subject to public disclosure.

Krup, Brian

From: Esser, Evan
Sent: Friday, February 22, 2019 2:51 PM
To: Krup, Brian
Cc: Braudt, Scott
Subject: Re: WWE event

We'll be in touch with Klemme' garage and TAG. Both have alternate entrances to their businesses via 2nd and 3rd st respectively.

Best Regards,

Sent from my iPhone

On Feb 22, 2019, at 1:58 PM, Krup, Brian <bkrup@ci.davenport.ia.us> wrote:

Good afternoon, Evan!

Have the businesses along Pershing Ave been made aware of the street closure for this event? Each one of the business who will be affected by the closure needs to be notified in advance so they can make arrangements to accommodate the closure. Someone can take a petition around and have each business sign off, letters can be mailed or delivered; in any case, I will need a copy of whatever means was used to alert those businesses and I will attach it to the event and to the agenda item when this closure is presented to City Council for approval.

Let me know if you have any questions.

Have a great weekend!

Regards,

Brian Krup
Deputy City Clerk
City of Davenport
226 W 4th St
Davenport, IA 52801
563-326-6163 (p)

Please note: Pursuant to Iowa State Law and City of Davenport administrative policy, E-mail communication to and from this address may be subject to public disclosure.

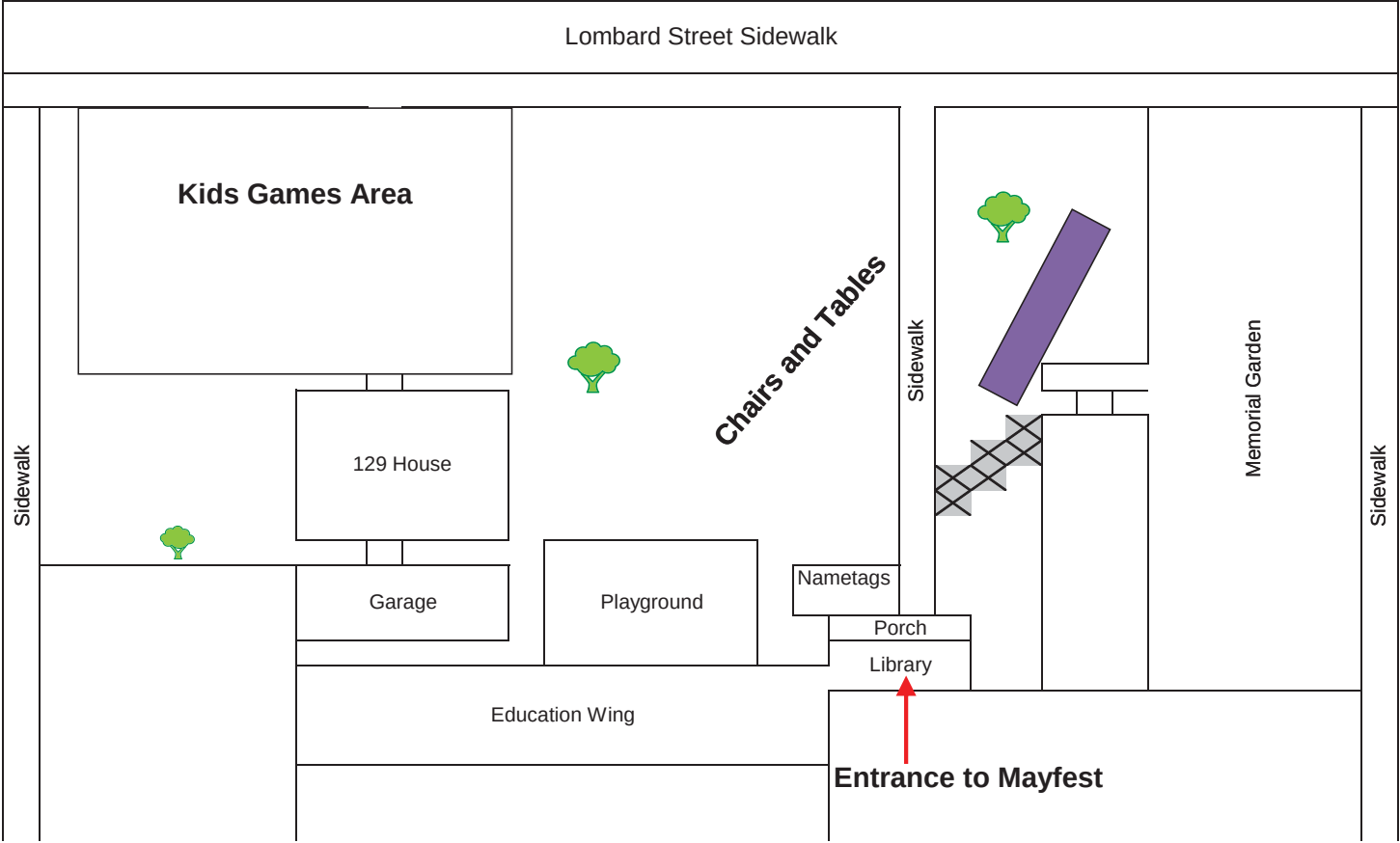


Food Area (see Tent map)

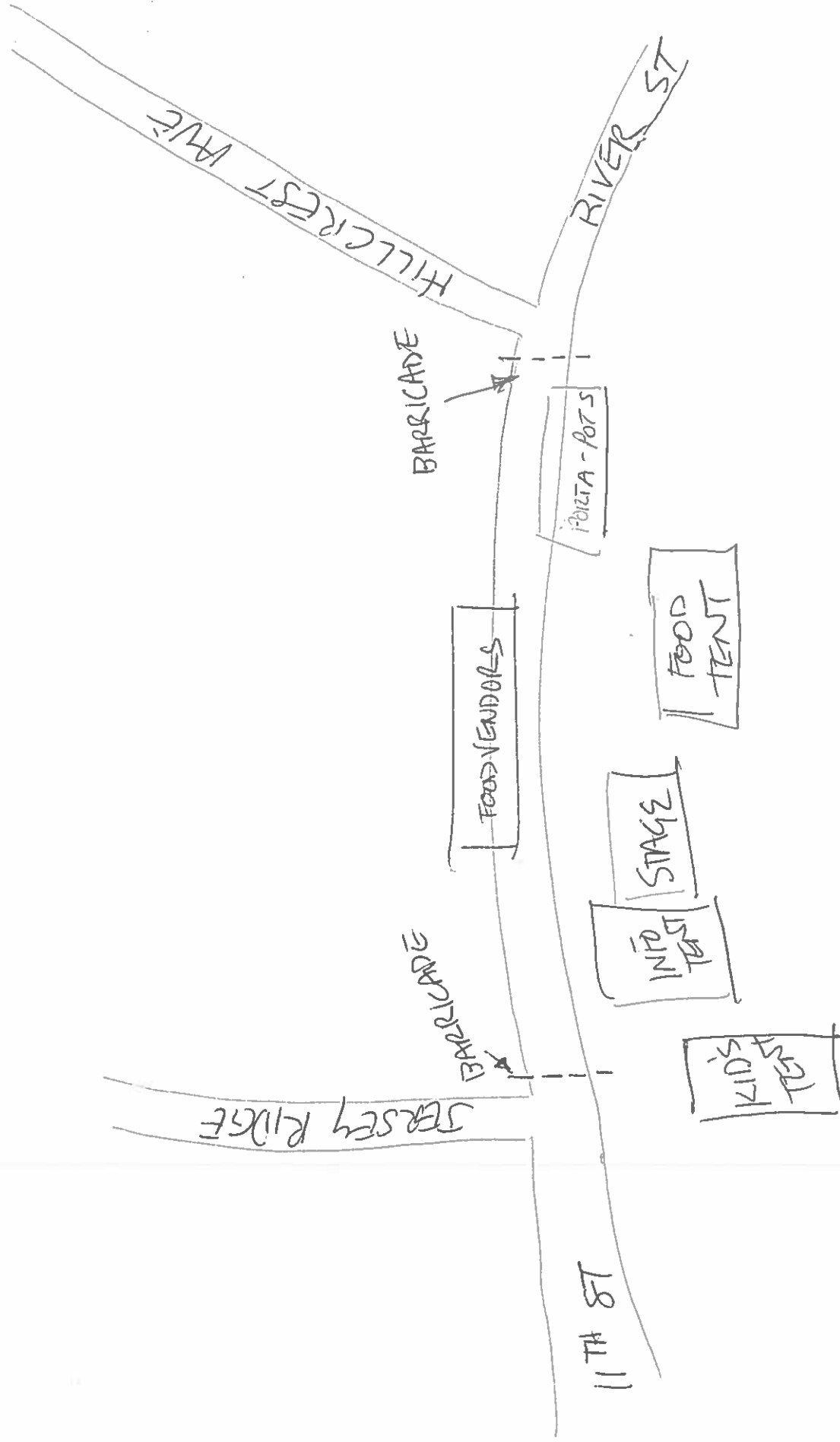


Face

Clowns



RIVERSANCE



LINDSAY PARK

Riverssance Festival of Fine Arts

32nd Annual Show

September 21 & 22

Saturday 10-5

Sunday 10-4

MidCoast Fine Arts' Riverssance Festival of Fine Arts will be celebrating its' 32nd year in 2019 as the premier fine arts festival of the Quad Cities, showcasing top artists from throughout North America. The Riverssance Festival is located in Upper Lindsay Park on a scenic hill overlooking the Mississippi River in historic Village of East Davenport. Riverssance will feature a free children's art tent, wine tasting, gourmet food and live regional music.

As in the past 11th Street will be closed between Jersey Ridge Road and Hillcrest Ave beginning Friday morning September 20th through Sunday evening September 22nd. We apologize for the inconvenience this may cause you. Please accept these two entry passes as our thank you for your support and join us in this celebration of the arts.

If you have any questions or concerns please call me:

Jim Cronk, Riverssance Committee 563-650-6814

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: John Powell 563-888-2150
Wards:

Action / Date
3/6/2019

Subject:
Resolution approving the FY20 Iowa Department of Transportation State Transit Assistance (STA) Grant application in the amount of \$461,028. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
Each state fiscal year, the Iowa Department of Transportation has provided financial operating assistance to Davenport public transit. This year the City is requesting to apply for the STA Grant in the amount of \$461,028 for FY20 general operations.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	2/27/2019 - 11:49 AM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 11:49 AM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:09 PM

Resolution No. _____

Resolution offered by Adlerman Dunn:

Resolved by the City Council of the City of Davenport.

Resolution approving the FY20 Iowa Department of Transportation State Transit Assistance (STA) Grant application the amount of \$461,028.

Whereas, the Iowa Department of Transportation provides operations and capital financial assistance for the City of Davenport Public Transit.

Now, Therefore, Be It Resolved, by the City Council of the City of Davenport that the application for State Transit Assistance and Capital Assistance is hereby approved.

Passed and approved this 13th day of March, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

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

Action / Date
3/6/2019

Subject:
Resolution accepting the sanitary sewer, storm sewer, and pavement installation associated with the Village Cooperative First Addition site improvements. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
The Village Cooperative First Addition subdivision is located northeast of Utica Ridge Road and Crow Valley Road with a common address of 4700 Village Drive. The developer was Real Estate Equities Homes – Crow Creek Road, LLC. The plans for the subdivision were prepared by Shive-Hattery of Moline. The contractors who performed the right-of-way construction were Needham Excavating, Inc. of Walcott, Iowa (storm and sanitary sewers) and Centennial Contractors of the Quad Cities, Inc. of Moline, Illinois (pavement).

The First Addition of this subdivision included 5,262 square yards of concrete pavement (Village Drive and the initial phase of Village Court), 22 new sewer structures, and 2,148 linear feet of new storm and sanitary sewer pipe. For storm water detention and quality, this phase of development included a detention pond to the east of Village Drive.

The Department of Public Works has inspected the work and found it to be acceptable according to City of Davenport specifications. The sanitary sewer, storm sewer, and pavement installation has been satisfactorily completed and is hereby formally accepted, and, as of this date, considered public infrastructure. The terms of four-year bonds on the sewer and pavement will commence upon Council's acceptance.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Page 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/27/2019 - 11:55 AM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 11:55 AM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:34 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the sanitary sewer, storm sewer, and paving associated with the Village Cooperative First Addition [Ward 6].

WHEREAS, the Village Cooperative First Addition subdivision was developed by Real Estate Equities Homes – Crow Creek Road, LLC, and

WHEREAS, 694 linear feet of sanitary main and four (4) new manholes were constructed by Needham Excavating, Inc., and

WHEREAS, 1,454 linear feet of storm water main, seven (7) new manholes, eleven (11) new storm intakes, and four (4) flared end sections discharging to on-site detention were constructed by Needham Excavating, Inc., and

WHEREAS, 5,262 square yards of seven (7)-inch concrete pavement with drain tile was constructed by Centennial Contractors of the Quad Cities, Inc., creating Village Drive and the initial phase of Village Court, and

WHEREAS, the city has four year bonds in the amount of \$125,000 (sewer) and \$55,223 (paving) on file, and

WHEREAS, the sewer and pavement installation has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Village Cooperative First Addition is hereby formally accepted.

Passed and Approved this 13th day of March, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

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

Action / Date
3/6/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimated cost for the Tremont Basin Sanitary Manhole Replacements. CIP #30048 funded at \$771,504 in bonds abated by sewer funds. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
The two existing manholes (T-10-32A & T-10-55) within the Tremont Basin are structurally deficient and need to be replaced. Due to the depth of the manholes (+/- 30 feet), these manholes could not be part of our annual manhole rehabilitation and replacement program. Rehabilitation of these two manholes is needed to allow Sewers Maintenance Division to have access to sewers in this basin in order to maintain the system.

This program is a combined effort by the Sewer and Engineering Divisions of the Public Works Department. The manhole rehabilitation areas were based on Inflow & Infiltration studies and manhole inspections.

The funding for this project is split between FY 2019 and FY 2020. Funds for the FY 2019/FY 2020 Tremont Basin Sanitary Manhole Replacements are budgeted in CIP #30048 for a total of \$771,504.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Pg 2
▣ Backup Material	Site Map Tremont Basin San MH Replacements

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/27/2019 - 10:44 AM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 10:44 AM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:00 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION on the plans, specifications, form of contract, and estimated cost for the Tremont Basin Sanitary Manhole Replacements. CIP #30048 funded at \$771,504 in bonds abated by sewer funds.

WHEREAS, on the 20th day of February, 2019, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the Fiscal Year 2019/2020 Tremont Basin Sanitary Manhole Replacements within the City of Davenport, Iowa; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa; that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for said Fiscal Year 2019/2020 Tremont Basin Sanitary Manhole Replacements.

Passed and approved this 13th day of March, 2019.

Approved:

Attest:

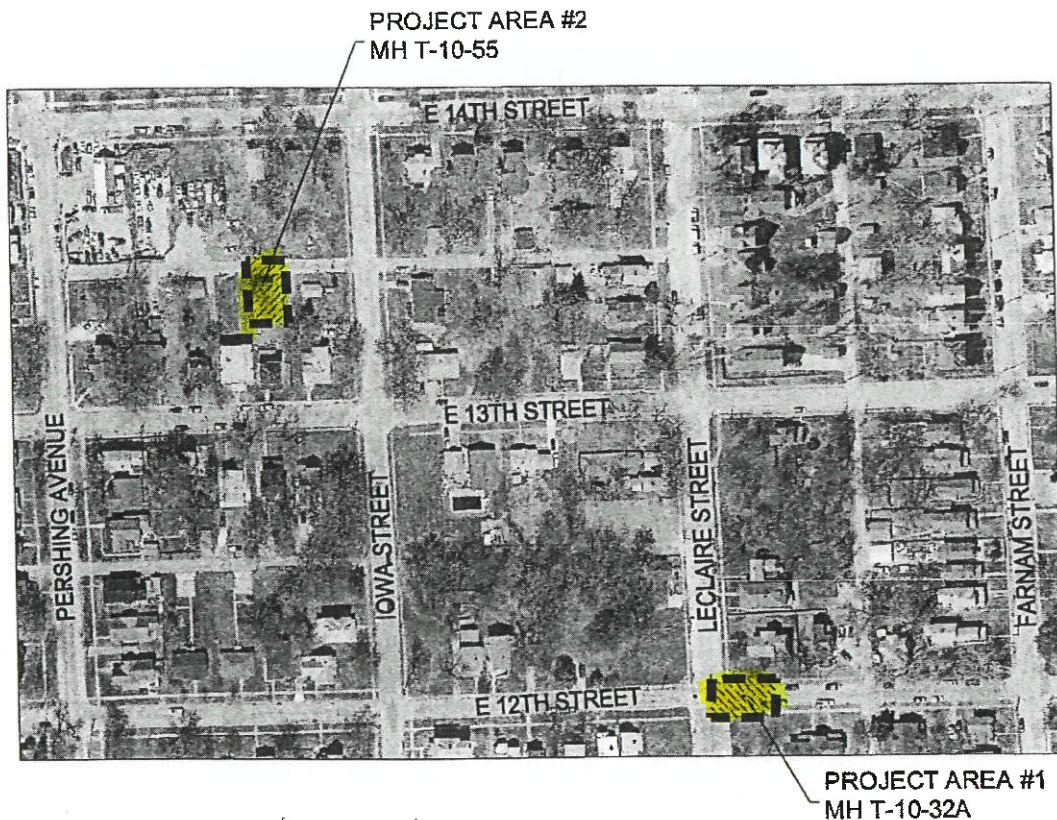
Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

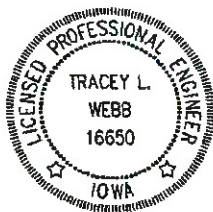
CITY OF DAVENPORT

SANITARY SEWER REPLACEMENT TREMONT BASIN MANHOLES T-10-32A & T-10-55

FEBRUARY 11, 2019



PROJECT LOCATION



I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME
OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

TRACEY L. WEBB

DATE

LICENSE NUMBER 16650.
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018.
ALL PAGES COVERED BY THIS SEAL.

City of Davenport

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

Action / Date
3/6/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimated cost for the 100 block of East 4th Street and 400 block of Brady Street Streetscape Improvements, CIP #35022. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:

This project encompasses two block faces: the east side of Brady Street between East 4th & East 5th Streets and the north side of East 4th Street between Brady and Perry Streets. The Downtown Davenport Streetscape Improvement Plan design guidelines will be applied, including a “bump out” on the northeast corner of the 4th & Brady intersection, brick banding, decorative lights, and new trees. Sidewalk work will also provide ADA accessibility to additional building entrances. To achieve this, a curb with a railing will be placed along the back of the brick banding. Per the May 2017 Streetscape Improvement Plan, cost will be shared between the City, property owners, and the Downtown Davenport Partnership. The current project estimate is \$267,000.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/27/2019 - 12:10 PM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 12:10 PM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:42 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION to approve the plans, specifications, form of contract and estimate of cost for the 100 block E. 4th Street and the 400 block Brady Street Streetscape Improvements Project, CIP #35022.

WHEREAS, plans, specifications, form of contract, and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the 100 Block E. 4th Street and the 400 block Brady Street Streetscape Improvements Project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for the 100 block E. 4th Street and the 400 block Brady Street Streetscape Improvements project.

Passed and approved this 13th day of March, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Nick Schmuecker 563-327-5162
Wards:

Action / Date
3/6/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimated cost for the General Street Resurfacing Program, CIP #35026. [Wards 1, 5, & 6]

Recommendation:
Adopt the Resolution.

Background:
This program is intended to rehabilitate asphalt streets as part of the City-wide pavement maintenance program.

The program is scheduled to be bid yet this spring with construction to start early summer. Funding for the 2019 General Street Resurfacing Program is established within CIP #35035. The current estimate is \$1,185,000.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/27/2019 - 11:59 AM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 11:59 AM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:36 PM

Resolution No. _____

Resolution offered by Alderman Dunn

Resolution approving the plans, specifications, form of contract and estimated cost for the 2019 General Street Resurfacing Program, CIP #35035. [Wards 1, 5, & 6]

WHEREAS, on the 26th day of February, 2019, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the 2019 General Street Resurfacing Program, CIP #35035.

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for said 2019 General Street Resurfacing Program.

Passed and approved this 13th day of March, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Nick Schmuecker 563-327-5162
Wards:

Action / Date
3/6/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimated cost for the Elmore Avenue Patching Project, CIP #35035. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:

The stretch of Elmore Avenue between E 39th Street and Dexter Court was selected for full depth patching by the City's pavement management program due to good panel structure but deteriorating joints along with a relatively high traffic count. This project will rehabilitate the joints and add pavement life before the pavement deteriorates to the point of needing full reconstruction. The program is scheduled to be bid yet this spring with construction to start early summer. Funding for the Elmore Avenue Patching Project is established within CIP #35035. The current estimate is \$225,000.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/27/2019 - 12:14 PM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 12:14 PM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:43 PM

Resolution No. _____

Resolution offered by Alderman Dunn

Resolution approving the plans, specifications, form of contract, and estimated cost for the Elmore Avenue Patching Project, CIP #35035. [Ward 6]

WHEREAS, on the 26th day of February, 2019, plans, specifications, form of contract, and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Elmore Avenue Patching Project, CIP #35035.

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for said Elmore Avenue Patching Project.

Passed and approved this 13th day of March, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Amy Kay 563-327-5160
Wards:

Action / Date
3/6/2019

Subject:

Resolution of acceptance for the Pheasant Creek Tributary Stream Stabilization Project, completed by Ardo Schmidt Construction, Inc. of Preston, IA with a final cost of \$133,553.27 budgeted in CIP #33023. [Ward 6]

Recommendation:

Adopt the Resolution.

Background:

Many of the streams in Davenport are unstable. This project provided grade control to prevent further degradation and erosion of the stream channel and protect sections upstream.

Work has been satisfactorily completed by Ardo Schmidt Construction, Inc., Preston, IA. The final cost for the project was \$133,553.27.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/27/2019 - 4:11 PM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 4:11 PM
City Clerk	Admin, Default	Approved	2/27/2019 - 4:51 PM

Resolution No. _____

RESOLUTION offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION of acceptance for the Pheasant Creek Tributary Stream Stabilization Project, completed by Ardo Schmidt Construction, Inc. of Preston, IA with a final cost of \$133,553.27 budgeted in CIP #33023. [Ward 6]

WHEREAS, work on the project has been satisfactorily completed and accepted by the Engineering Division.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa: that the Pheasant Creek Tributary Stream Stabilization Project, completed by Ardo Schmidt Construction, Inc. of Preston, IA, is hereby accepted.

Passed and approved this 13th day of March, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:

Department: Public Works Committee

Contact Info: Nicole Gleason 563-327-5150/Chief Sikorski 563-888-3558

Wards:

Action / Date

3/6/2019

Subject:

Resolution approving the contract for towing services to Fred's Towing Inc. of Davenport, IA. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

On January 4, 2019, a Request for Proposals was issued and sent to local towing companies. On January 25, 2019, the Purchasing Division opened and read 1 proposal. See attached tabulation.

There are two sections of this RFP. The first section was for the towing of City-owned vehicles that have broken down and need assistance. The second section is to assist the Police Department with vehicles that have been in accidents or have been involved in crimes. This section includes the storage of the vehicles and the auction of unclaimed vehicles.

The evaluation committee consisted of employees from the Police Department and Public Works. The criteria used for evaluation were: 1) Prices proposed for services, 2) Ability/experience, 3) Equipment/facility/site visit, 4) Licensing/permits/certification requirements, 5) Responsiveness to RFP requirements.

The funding for this service is from the General Fund accounts for the departments involved. The City is reimbursed for a portion of the car auction costs by the state.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Tabulation - Towing Contract

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	2/27/2019 - 11:52 AM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 11:52 AM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:22 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for Towing Services to Fred's Towing Inc., of Davenport, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for Towing Services; and

WHEREAS, Fred's Towing Inc. of Davenport was the responsive and responsible bidder;

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

1. Approving the contract for Towing Services to Fred's Towing Inc., of Davenport; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements.

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF PROPOSALS

DESCRIPTION: TOWING CONTRACT

RFP NUMBER: 19-56

OPENING DATE: JANUARY 25, 2019

GL ACCOUNT NUMBER: 50106610 520244

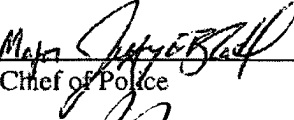
RECOMMENDATION: AWARD THE CONTRACT TO FRED'S TOWING INC.
OF DAVENPORT

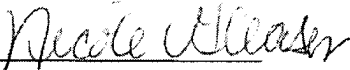
<u>VENDOR NAME</u>	<u>LOCATION OF BUSINESS</u>
Fred's Towing Inc.	Davenport IA

Approved By


Purchasing

Approved By


ACTING Chief of Police


Director Public Works

Approved By


Budget/CIP

Approved By


Finance Director

City of Davenport

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

Action / Date
3/6/2019

Subject:
Resolution approving two grant agreements with the Iowa Department of Transportation for the 53rd Street Reconstruction and Widening projects. [Wards 6 & 8]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport was awarded a grant from the Surface Transportation Block Grant Program to reconstruct and widen 53rd Street from Brady Street to Elmore Circle. The project is split up into two phases, with each phase having its own funding agreement. Each funding agreement is part of the Federal-Aid Swap Program with the Iowa Department of Transportation. The preliminary estimate for construction of both projects is \$10,553,000. The phase one agreement will provide up to \$4,120,000 of reimbursement of eligible cost while the phase two agreement provides \$3,707,000.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution Document - Page 2
▢ Backup Material	Iowa DOT Funding Agreement for Phase I
▢ Backup Material	Iowa DOT Funding Agreement for Phase II

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	2/27/2019 - 12:17 PM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 12:17 PM
City Clerk	Admin, Default	Approved	2/27/2019 - 1:46 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving two grant agreements with the Iowa Department of Transportation for the 53rd Street Reconstruction and Widening projects.

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

WHEREAS, the Iowa DOT is offering a funding agreement to the City which will cover eligible cost related to the reconstruction and widening for phase one up to \$4,120,000 and \$3,707,000 for phase two;

WHEREAS, the City approves the signing of both funding agreements with the Iowa Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that appropriate personnel are authorized to sign both funding agreements on behalf of the City and that City staff will execute the agreement during all project stages.

Passed and approved on the 13th day of March, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

**IOWA DEPARTMENT OF TRANSPORTATION
Agreement for a Surface Transportation Block Grant Program Federal-aid Swap Project**

Recipient: City of Davenport

Project No.: STBG-SWAP-1827(685)--SG-82

Iowa DOT Agreement No.: 6-19-STBG-SWAP--007

This is an agreement between the City of Davenport, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department) for Surface Transportation Block Grant (STBG) Program Federal-aid Swap funds under 761 Iowa Administrative Code (IAC) Chapter 162. Iowa Code Section 306A.7 provides for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide STBG Federal-aid Swap funding to the Recipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact persons will be the Local Systems Project Development Engineer, Christy VanBuskirk, and Eastern Region Local Systems Field Engineer, Kent L. Ellis. The Recipient's contact person shall be the City Engineer.
3. The Recipient shall be responsible for the development and completion of the following described STBG project:

HMA Pavement - Grade and Replace on E. 53rd Street from Brady Street to Eastern Avenue.
4. Eligible project activities will be limited to the following: construction, engineering, inspection, and right-of-way acquisition. Under certain circumstances, eligible activities may also include utility relocation or railroad work that is required for construction of the project.
5. The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from STBG Federal-aid Swap funds. The portion of the project costs reimbursed by STBG Federal-aid Swap funds shall be up to \$4,120,000 for the following phases of work as stipulated by the Bi-State Regional Commission:

Preliminary Engineering
X Construction Engineering
X Right-of-Way
X Construction
Other (please specify) ____.
6. The Recipient shall pay for all project costs not reimbursed with STBG Federal-aid Swap funds.
7. If the project described in Section 3 drops out of the Bi-State Regional Commission current TIP or the approved current STIP prior to obligation of funds, and the Recipient fails to reprogram the project in the appropriate TIP and STIP within 3 years, this agreement shall become null and void.
8. The Recipient shall let the project for bids through the Department.
9. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
10. It is the intent of both parties that no third party beneficiaries be created by this agreement.

11. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written acceptance of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

City Signature Block

By _____ Date _____, 20____

Title of city official

I, _____, certify that I am the City Clerk of Davenport, and
that _____, who signed said Agreement for and on behalf of the city was duly
authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city on the _____
day of _____, 20_____.

Signed _____ Date _____, 20____

City Clerk of Davenport, Iowa

**IOWA DEPARTMENT OF TRANSPORTATION
Highway Division**

By _____ Date _____, 20____

Kent L. Ellis, P.E.
Local Systems Field Engineer
Eastern Region

EXHIBIT 1

General Agreement Provisions for use of Federal-aid Swap Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Recipient shall be responsible for the following:

1 General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Instructional Memorandums to Local Public Agencies (I.M.s), available on-line at: https://iowadot.gov/local_systems/publications/im/lpa_ims. The Recipient shall follow the applicable procedures and guidelines contained in the I.M.s in effect at the time project activities are conducted.
- b. In accordance with Iowa Code Chapter 216 and associated subsequent nondiscrimination laws and regulations, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. The Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and acceptance process, plan and construction reviews, and funding participation.
- e. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

2 Programming

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, funds cannot be obligated.
- b. Before beginning any work for which funding reimbursement will be requested, the Recipient shall submit a written request for acceptance to the Department. The Department will notify the Recipient when acceptance is granted. The cost of work performed prior to acceptance will not be reimbursed. The turning in of plans for letting by the Department's administering office shall be considered acceptance for construction. The Department will notify the Recipient when acceptance is granted.

3 Design and Consultant Services

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.

4 Environmental Requirements and other Agreements or Permits.

- a. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the applicable procedures in the Instructional Memorandums to Local Public Agencies Table of Contents, Chapter 4 – Environmental Regulations.

5 Right-of-Way, Railroads, and Utilities.

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.600, Right-of-Way Acquisition, and the Department's Office of Right of Way Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures.
- b. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way.
- c. The Recipient shall obtain agreements from utility companies as needed. The Recipient shall comply with the "Policy for Accommodating Utilities on the County and City a Non-Primary Federal-aid Road System" for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's "Policy for Accommodating and Adjustment of Utilities on the Primary Road System" The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.

6 Contract Procurement.

- a. The following provisions apply only to projects involving physical construction or improvements to transportation facilities:
- b. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- c. The Recipient shall be responsible for the following:
 - i. Prepare and submit the PS&E and other contract documents to the Department for review and acceptance in accordance with I.M. 3.700, Check and Final Plans and I.M. 3.500, Bridge or Culvert Plans, as applicable.
 - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department.
 - iii. Follow the procedures in I.M. 5.030, Iowa DOT Letting Process, to analyze the bids received; make a decision to either award a contract to the lowest responsive bidder or reject all bids; and if a contract is awarded, execute the contract documents and return to Department.

Note: The Department may not be able to allow a project to be let in the scheduled letting due to possible issues with cash flow availability.

- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 5.050, Project Development Certification Instructions. The project will not be turned in for bid letting until the Department has reviewed and accepted the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.

- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice that the Department has concurred in the contract award.

7. Construction.

- a. The Recipient shall follow the procedures in I.M. 6.000, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities. The Recipient's engineer shall at all times be responsible for inspection of the project.
- b. A full-time employee of the Recipient shall serve as the person in responsible charge of the project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- c. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. Proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as needed.
- d. The project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <https://www.iowadot.gov/erl/index.html>.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.

8. Reimbursements.

- a. The Recipient will be initially responsible for all project costs. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least semi-annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1, if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the total funds available for the project. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final review or audit selected by the Administering Office, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final review is complete and after the Recipient has provided all required paperwork, the Department will release the funds withheld.
- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any funds received; for example, Federal funds not received through FHWA, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:
 - i. in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
 - ii. refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds.

9. Project Close-out.

- a. Acceptance of the completed construction shall be with the concurrence of the Department. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final review, in accordance with the procedures in I.M. 6.110, Final Review, Audit, and Close-out Procedures for Federal-aid, Federal-aid Swap, and Farm-to-Market Projects. Failure to comply with the procedures may result in loss of funds and the ability to let future projects through the Department; reimbursed funds shall be returned and a possible suspension may be placed on the Recipient from receiving funds from the Department on future projects until the Recipient has demonstrated responsible management of funds on roadway projects.
- b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of funds shall be made only after the Department accepts the project as complete.
- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make this documentation available at all reasonable times for review by the Department. Copies of this documentation shall be furnished by the Recipient if requested. Such documentation shall be retained for at least 3 years from the date of the Department's signature of the Department's Final Payment Form (Form 830436) or the bottom part of the Certificate of Completion and Final Acceptance of Agreement Work (Form 640003).
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department.

**IOWA DEPARTMENT OF TRANSPORTATION
Agreement for a Surface Transportation Block Grant Program Federal-aid Swap Project**

Recipient: City of Davenport

Project No.: STBG-SWAP-1827(686)--SG-82

Iowa DOT Agreement No.: 6-19-STBG-SWAP-008

This is an agreement between the City of Davenport, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department) for Surface Transportation Block Grant (STBG) Program Federal-aid Swap funds under 761 Iowa Administrative Code (IAC) Chapter 162. Iowa Code Section 306A.7 provides for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide STBG Federal-aid Swap funding to the Recipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact persons will be the Local Systems Project Development Engineer, Christy VanBuskirk, and Eastern Region Local Systems Field Engineer, Kent L. Ellis. The Recipient's contact person shall be the City Engineer.
3. The Recipient shall be responsible for the development and completion of the following described STBG project:

HMA Pavement- Grade and Replace on E. 53rd Street from Eastern Avenue to Elmore Circle.
4. Eligible project activities will be limited to the following: construction, engineering, inspection, and right-of-way acquisition. Under certain circumstances, eligible activities may also include utility relocation or railroad work that is required for construction of the project.
5. The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from STBG Federal-aid Swap funds. The portion of the project costs reimbursed by STBG Federal-aid Swap funds shall be up to \$3,707,000 for the following phases of work as stipulated by the Bi-State Regional Commission:

Preliminary Engineering
X Construction Engineering
X Right-of-Way
X Construction
Other (please specify) ____.
6. The Recipient shall pay for all project costs not reimbursed with STBG Federal-aid Swap funds.
7. If the project described in Section 3 drops out of the Bi-State Regional Commission current TIP or the approved current STIP prior to obligation of funds, and the Recipient fails to reprogram the project in the appropriate TIP and STIP within 3 years, this agreement shall become null and void.
8. The Recipient shall let the project for bids through the Department.
9. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
10. It is the intent of both parties that no third party beneficiaries be created by this agreement.

11. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written acceptance of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

City Signature Block

By _____ Date _____, 20____

Title of city official

I, _____, certify that I am the City Clerk of Davenport, and
that _____, who signed said Agreement for and on behalf of the city was duly
authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city on the _____
day of _____, 20_____.

Signed _____ Date _____, 20____

City Clerk of Davenport, Iowa

**IOWA DEPARTMENT OF TRANSPORTATION
Highway Division**

By _____ Date _____, 20____

Kent L. Ellis, P.E.
Local Systems Field Engineer
Eastern Region

EXHIBIT 1

General Agreement Provisions for use of Federal-aid Swap Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Recipient shall be responsible for the following:

1 General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Instructional Memorandums to Local Public Agencies (I.M.s), available on-line at: https://iowadot.gov/local_systems/publications/im/lpa_ims. The Recipient shall follow the applicable procedures and guidelines contained in the I.M.s in effect at the time project activities are conducted.
- b. In accordance with Iowa Code Chapter 216 and associated subsequent nondiscrimination laws and regulations, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. The Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and acceptance process, plan and construction reviews, and funding participation.
- e. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

2 Programming

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, funds cannot be obligated.
- b. Before beginning any work for which funding reimbursement will be requested, the Recipient shall submit a written request for acceptance to the Department. The Department will notify the Recipient when acceptance is granted. The cost of work performed prior to acceptance will not be reimbursed. The turning in of plans for letting by the Department's administering office shall be considered acceptance for construction. The Department will notify the Recipient when acceptance is granted.

3 Design and Consultant Services

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.

4 Environmental Requirements and other Agreements or Permits.

- a. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the applicable procedures in the Instructional Memorandums to Local Public Agencies Table of Contents, Chapter 4 – Environmental Regulations.

5 Right-of-Way, Railroads, and Utilities.

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.600, Right-of-Way Acquisition, and the Department's Office of Right of Way Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures.
- b. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way.
- c. The Recipient shall obtain agreements from utility companies as needed. The Recipient shall comply with the "Policy for Accommodating Utilities on the County and City a Non-Primary Federal-aid Road System" for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's "Policy for Accommodating and Adjustment of Utilities on the Primary Road System" The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.

6 Contract Procurement.

- a. The following provisions apply only to projects involving physical construction or improvements to transportation facilities:
- b. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- c. The Recipient shall be responsible for the following:
 - i. Prepare and submit the PS&E and other contract documents to the Department for review and acceptance in accordance with I.M. 3.700, Check and Final Plans and I.M. 3.500, Bridge or Culvert Plans, as applicable.
 - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department.
 - iii. Follow the procedures in I.M. 5.030, Iowa DOT Letting Process, to analyze the bids received; make a decision to either award a contract to the lowest responsive bidder or reject all bids; and if a contract is awarded, execute the contract documents and return to Department.

Note: The Department may not be able to allow a project to be let in the scheduled letting due to possible issues with cash flow availability.

- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 5.050, Project Development Certification Instructions. The project will not be turned in for bid letting until the Department has reviewed and accepted the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.

- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice that the Department has concurred in the contract award.

7. Construction.

- a. The Recipient shall follow the procedures in I.M. 6.000, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities. The Recipient's engineer shall at all times be responsible for inspection of the project.
- b. A full-time employee of the Recipient shall serve as the person in responsible charge of the project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- c. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. Proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as needed.
- d. The project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <https://www.iowadot.gov/erl/index.html>.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.

8. Reimbursements.

- a. The Recipient will be initially responsible for all project costs. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least semi-annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1, if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the total funds available for the project. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final review or audit selected by the Administering Office, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final review is complete and after the Recipient has provided all required paperwork, the Department will release the funds withheld.
- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any funds received; for example, Federal funds not received through FHWA, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:
 - i. in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
 - ii. refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds.

9. Project Close-out.

- a. Acceptance of the completed construction shall be with the concurrence of the Department. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final review, in accordance with the procedures in I.M. 6.110, Final Review, Audit, and Close-out Procedures for Federal-aid, Federal-aid Swap, and Farm-to-Market Projects. Failure to comply with the procedures may result in loss of funds and the ability to let future projects through the Department; reimbursed funds shall be returned and a possible suspension may be placed on the Recipient from receiving funds from the Department on future projects until the Recipient has demonstrated responsible management of funds on roadway projects.
- b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of funds shall be made only after the Department accepts the project as complete.
- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make this documentation available at all reasonable times for review by the Department. Copies of this documentation shall be furnished by the Recipient if requested. Such documentation shall be retained for at least 3 years from the date of the Department's signature of the Department's Final Payment Form (Form 830436) or the bottom part of the Certificate of Completion and Final Acceptance of Agreement Work (Form 640003).
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department.

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Sarah Ott 563-326-6167
Wards:

Action / Date
3/6/2019

Subject:
Resolution adopting updates to the City Administrator's Work Plan for CY 2019. [All Wards]

Recommendation:
Adopt the Resolution.

Background:

In March 2018, the Council formally adopted a two year workplan for CY 2018 and CY 2019. The adopted workplan focused on the City Council's goals and operational pillars. Several projects on the two year workplan were completed in 2018 including: Fire Department succession planning, North Elmore branding project, zoning code and rental ordinance revisions, fiber and digital connectivity and several infrastructure projects.

As a result of the progress made in CY 2018, the workplan is being updated for CY 2019 to include new projects such as: Project Gateway, public safety radio system, opportunity zone marketing, long term facility planning, and updated infrastructure projects.

Quarterly progress and status updates will continue to be shared with the City Council and the public through the City's website.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution
▣ Cover Memo	Updated CY 2018 and CY 2019 Workplan

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/26/2019 - 12:19 PM
City Clerk	Admin, Default	Approved	2/26/2019 - 12:19 PM

Resolution No. _____

Resolution offered by Alderman Matson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting the City Administrator's Updated CY 2019 Workplan

WHEREAS, the City Council has established six key operational pillars including well-protected community, fiscal vitality, welcoming neighborhoods, high-performing government, sustainable infrastructure, and vibrant region; and

WHEREAS, the City Council adopted a two year City Administrator workplan in 2018 for CY 2018 and 2019; and

WHEREAS, the CY 2018 and 2019 workplan focuses on continued development and strategic implementation of the City Council's priority areas while also furthering projects centered on the operational pillar focus areas; and

WHEREAS, several projects were completed in CY 2018 and have been removed from the workplan and have been replaced with new projects for CY 2019;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that updates to the aforementioned City Administrator's CY 2018 and 2019 workplan are adopted.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk



CY 2018 & CY 2019 CITY ADMINISTRATOR'S WORKPLAN

Well-Protected Community

Council Priority 1: Crime Reduction & Juvenile Support Services

Juvenile Justice & Legislative Strategy

Sikorski

Ott

Other Focus Areas

Fire & Police Operations Study Implementation

Carlsten/Sikorski

N/A

Public Safety Radio System

Spiegel

Carlsten/Sikorski

Fiscal Vitality

Council Priority 2: Commercial Corridor Revitalization Studies

I-280 & Locust Economic Development Plan

Berger

Knutsen

Mid-Brady Revitalization Strategy

Ott

Berger

Other Focus Areas

Sterilite

Berger

Knutsen

Welcoming Neighborhoods

Council Priority 3: Urban Revitalization

Urban Revitalization

Ott

All

Vacant Property Registration

Oswald

Berger

Vacated Kraft Building Revitalization Plan

Berger

Knutsen

Other Focus Areas

Parking Study

Oswald

Gleason

Opportunity Zone Marketing

Goslowsky

Berger

High-Performing Government

Legislative Affairs & Strategy Development

Ott

All

Centralized Image Directory

Ott

All

Business License Process Evaluation

Ott

All

Long Term Facility Plans

Ott

All

Government Accessible to Everyone Project

Spiegel

Ott

Sustainable Infrastructure

Council Priority 4: Improve Infrastructure

WPCP 28E & Consent Related Projects

Gleason

Miers/Wright

I-80 Widening

Spiegel/Merritt

Schadt

53rd Street Reconstruction & Widening- Brady to Eastern

Gleason

Schadt/Math

53rd Street Reconstruction & Widening- Eastern to Elmore

Gleason

Schadt/Math

Division Street Bridge Deck Replacement

Schadt

Gravert

1930's Sewer Interceptor Disconnection

Schadt

Doran/B. Guy

Elm Street Bridge

Gleason

Wright

Construction Standards Policy Papers

Merritt

Schadt

Vibrant Region

Council Priority 5: Main Street Landing

Main Street Landing

Spiegel

Peterson

Council Priority 6: Long-Term Community Funding Plan for Figge & Putnam

Commit to Regional Partnerships

Spiegel/Klipsch

Wright

Other Focus Areas

Miracle Field & Inclusive Playground Projects

Dyson

N/A

Professional Services Agreement with Visit Quad Cities

Spiegel

Wright

Census 2020 Preparation

Cox

Reist

City of Davenport

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

Action / Date
3/6/2019

Subject:
Resolution of support for the new Downtown YMCA project, including a contribution of \$50,000 to match the State Community Attraction and Tourism (CAT) grant application. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
The Scott County Family Y is proposing to construct a new downtown Y in a former industrial area, adjacent to what is now considered the Warehouse District in Davenport. The existing Y facility dates from the 1960s and has significant functional obsolescence.

The organization has been a key community partner with the City and countless community agencies throughout its history in Davenport. For the past 15 years and continuing into the future, the Scott County Family Y has co-located facilities with two area high schools and now intends to continue their mission in the core of Davenport, while enhancing this vibrant and growing downtown.

In approving this action, City staff would be authorized to sign documents to support the Y's application for a State CAT grant. Part of the State process requires a local match. As such, approval of this action would also reflect a \$50,000 contribution to the project during FY20, subject to receipt of the CAT grant funding for this project.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Admin, Default	Approved	3/1/2019 - 4:21 PM

Resolution No. _____

Resolution offered by Ald. Rawson.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION of support for the new Downtown YMCA project, including a contribution of \$50,000 to match the State Community Attraction and Tourism (CAT) grant application.

WHEREAS, the Scott County Family Y (SCFY) has a long history of providing exceptional programming and services to our community; and

WHEREAS, the existing downtown Y facility in Davenport has significant functional obsolescence and the SCFY has acquired land and desires to construct a new downtown Y facility; and

WHEREAS, the SCFY is applying for State of Iowa Community Attraction and Tourism (CAT) grant funding, which requires a resolution of support and local match funding; and

WHEREAS, the City Council desires to support this endeavor and appreciates the partnership and programming activities for Davenport residents.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the City Council does hereby support the CAT grant application and provide \$50,000 in FY20 match grant funding subject to the SCFY receiving the CAT grant from the State of Iowa for this project.

Attest:

Approved:

Brian Krup, Deputy City Clerk

Frank Klipsch, Mayor

City of Davenport

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

Action / Date
3/6/2019

Subject:
Motion approving noise variance requests for events on the listed dates at the listed times.

J&M Displays; Fireworks after Quad Cities River Bandits home games; mostly
Friday games April through August (additional dates to be added if needed); approximately 9:30
PM - 10:00 PM; Fireworks, over 50 dBa. [Ward 3]

Mississippi Valley Fairgrounds; 2815 W Locust St; various dates/times in 2019 April through
September; Outdoor events/music, over 50dBA. [Ward 4]

Rev It Up For Awareness Rally; The Gypsy Highway 2606 W Locust St; Saturday, May 4, 2019
2:00 PM - 8:30 PM; Outdoor music, over 50 dBa. [Ward 4]

MidCoast Fine Arts; Riverssance Festival of Fine Arts; Village of East Davenport - Lindsay Park;
Saturday, September 21, 2019 10:00 AM-5:00 PM and Sunday, September 22, 2019 10:00 AM -
4:00 PM; Outdoor music, over 50dBa. [Ward 6]

Recommendation:
Pass the Motion.

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

ATTACHMENTS:

Type	Description
▢ Backup Material	Mississippi Valley Fair Schedule
▢ Backup Material	QC River Bandits Fireworks Schedule

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/15/2019 - 9:48 AM



Shawn Loter
General Manager

Celebrating 100 Years!!

Mississippi Valley Fair, Inc.

2815 West Locust Street • Davenport, IA 52804

(563) 326-5338

FAX (563) 326-3111

www.mvfair.com

February 12, 2019

Jackie Holecek, CMC
City Administration
226 West Fourth Street
Davenport, Iowa 52801

Dear Jackie,

On behalf of the Mississippi Valley Fair, I would like to request our 2019 noise variance for summer activities for the attached tentative dates. I am once again requesting a variance until 10:30 for our quarter mile track events, and a variance that allows us to finish the feature race on the half mile track, as long as the race is started before 10:00 p.m.. In any event, we will do our best to make sure that we comply with the 10:30 curfew for all track events, but do need some kind of cushion for the half mile races. The variance has worked well for us in the past several years.

I am enclosing a list of events scheduled to date and will update you on any new events or changes to the schedule.

Please feel free to call me if you have any questions. I will look forward to your written reply.

Regards

Shawn Loter
General Manager
Mississippi Valley Fair

CC: Mayor Frank Klipsch

Mississippi Valley Fair - July 30-August 4, 2019.

2019 TENTATIVE TRACK EVENTS

April 12 Deery Race
April 19 MLRA Race
April 26 Weekly races
May 3 MLRA Race
May 10-17-24-31 Weekly Races
June 7-14-21-28 Weekly Races
June 1 Demo Derby
July 6 Tractor Pull
July 5-12-19 Weekly Races
July 24 World of Outlaw races
July 30-August 4 Fair
August 9-16-23 Weekly Races
August 24 Demo Derby
August 30 Motorcycle Races
September 7 Trailer Races
September 28 Deery Races

Thursday, April 4th 2019

* this date is on field fireworks. no fireworks behind stadium

Event Time: 4:00 PM - 5:30 PM

Friday, April 5th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, April 19th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, April 26th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, May 10th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, May 24th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, June 7th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, June 14th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, June 28th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Thursday, July 4th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, July 5th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, July 19th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, July 26th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, August 9th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

Friday, August 16th 2019

* fireworks after the game

Event Time: 9:30 PM - 10:00 PM

City of Davenport

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

Action / Date
3/6/2019

Subject:
Motion approving beer and liquor license applications.

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

Ward 1

Dominga's (Dominga's Authentic Mexican Food, Inc.) – 1525 S Concord St. – License Type: B Beer

Gunchies (Big E Properties, Inc.) – 2905 Telegraph Rd. – Outdoor Area – License Type: C Liquor

Roadrunners Roadhouse (J.W.'s First and Last Lap, Inc.) – 3801 Rockingham Rd. – Outdoor Area – License Type: C Liquor

Ward 3

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

At The Stardust (At The Stardust, LLC) – 218 Iowa St. – License Type: C Liquor

La Finca (La Finca LLC) – 916 W 2nd St. – License Type: B Beer

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

Woodfire Grill (Redstone Woodfire Grill, LLC) – 131 W 2nd St., Ste. 105 – Outdoor Area – License Type: C Liquor

Ward 4

The Meat Market (Weetbruch Enterprises, Inc.) – 1629 Washington St. – Outdoor Area – License Type: C Liquor

Mississippi Valley Fairgrounds (Mississippi Valley Fair, Inc.) – 2815 W Locust St. – Outdoor Area – License Type: C Liquor

Ward 5

Brew in the Village (3 Blessings Incorporated) – 1104 Jersey Ridge Rd. – Outdoor Area – License Type: C Liquor

The 11th Street Precinct Bar and Grill (Carpe Diem I LLC) – 2108 E 11th St. – Outdoor Area – License Type: C Liquor

Ward 6

Biaggi's Ristorante Italiano LLC (Biaggi's Ristorante Italiano LLC) – 5195 Utica Ridge Rd. – License Type: C Liquor / B Wine

Los Agaves Mexican Grill (Los Agaves, Inc.) – 4882 Utica Ridge Rd. – Outdoor Area – License Type: C Liquor

QC Mart (Bethany Enterprises, Inc.) – 2415 E 53rd St. – License Type: C Beer

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

Ward 7

Outback Steakhouse (Outback Steakhouse of Florida, LLC) – 1235 E Kimberly Rd. – Outdoor Area – License Type: C Liquor / B Native Wine

Ward 8

Steeplegate Inn/One Hundred West (Frontier Management Corp.) – 100 W 76th St. – License Type: B Liquor

Recommendation:
Pass the Motion.

Background:

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	3/1/2019 - 1:42 PM

City of Davenport

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

Action / Date
3/6/2019

Subject:
Motion approving the contract for mowing and maintenance of Natural Resources areas to Smith Seeding Co., of Eldridge, IA in the amount of \$74,100. [All Wards]

Recommendation:
Pass the Motion.

Background:
On January 3, 2019 a Request for Proposals was issued to vendors. On February 5, 2019, the Purchasing Division received and opened two responsive and responsible bids. See attached bid tab.

An evaluation committee of Public Works staff evaluated the two proposals that were submitted. The evaluation criteria used were: 1) Price, time and material rates, 2) Licensing, 3) Safety Record, 4) Number of qualified personnel, 5) History of ability/workmanship, 6) Responsiveness and Responsibility of Vendor. Smith Seeding Co. scored the highest.

This contract is for the native plantings and prairie mowing and maintenance. This is a two year contract.

Funding for this work is from the General Fund for Operations and Support Services. These funds are from Road Use Tax and Clean Water Utility.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Tabulation - Mowing 2019 - 2020 Natural Resources

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	2/26/2019 - 4:52 PM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 10:21 AM
City Clerk	Admin, Default	Approved	2/27/2019 - 12:57 PM

CITY OF DAVENPORT, IOWA
TABULATION OF PROPOSALS

DESCRIPTION: MOWING 2019 -2020 SEASON – NATURAL RESOURCES

RFP NUMBER: 19-57

OPENING DATE: FEBRUARY 5, 2019

GL ACCOUNT NUMBER: 51252200 520217 AND 50102200 520217

RECOMMENDATION: AWARD THE CONTRACT TO SMITH SEEDING CO.
OF ELDRIDGE

<u>VENDOR NAME</u>	<u>TOTAL YEARLY COST</u>
Smith Seeding Co. of Eldridge IA	\$74,100
Delf's Landscape & Irrigation of Blue Grass IA	\$86,316

Approved By Krista Keller 2/26/19
Purchasing

Approved By Wade Cleason 2/25/19
Public Works Director

Approved By BW
Budget/CIP

Approved By BW
Finance Director

City of Davenport

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

Action / Date
3/6/2019

Subject:
Motion awarding mowing contracts to the lowest responsive and responsible bidder in each category. [All Wards]

Recommendation:
Pass the Motion.

Background:
An Invitation to Bid was issued on January 3, 2019 for four different category types of mowing. On February 5, 2019, the Purchasing Division opened and read four bids. See attached bid tab.

Recommendation is to award the lowest responsive and responsible bidder per category:

Category

Lowest Bidder

- City right-of-ways to HighPointe Lawns
- City facilities w/ tenants to Delf's Landscape and Irrigation
- City owned vacant lots to A Cut Above Lawn and Landscape
- City owned facilities to QC Blades

Funding is from the specific budgeted mowing accounts.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Bid Tab - Mowing Contract

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	2/27/2019 - 5:31 PM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 5:31 PM
City Clerk	Admin, Default	Approved	2/28/2019 - 5:23 PM

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: MOWING CONTRACTS 2019

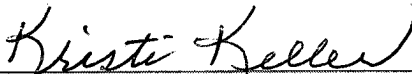
BID NUMBER: 19-53

OPENING DATE: FEBRUARY 5, 2019

RECOMMENDATION - AWARD THE FOLLOWING:

CITY RIGHT-OF-WAYS	HIGHPOINTE LAWNS LLC of Davenport
FACILITIES W/ TENANTS	DELFS LANDSCAPE AND IRRIGATION of Blue Grass
CITY OWNED VACANT	A CUT ABOVE LAWN AND LANDSCAPE of Davenport
CITY OWNED FACILITIES	Q C BLADES LLC of Bettendorf

VENDOR	PRICE PER CUTTING SESSION
City Right-of-Ways – HighPointe Lawns LLC	\$4015
Facilities w/Tenants – Delf's Landscape and Irrigation	\$695
City Owned Vacant – A Cut Above Lawn and Landscape	\$2310
Delf's Landscape and Irrigation	\$2710
City Owned Facilities – Q C Blades	\$2480
HighPointe Lawns LLC	\$3095
Delf's Landscape and Irrigation	\$3145

Approved By 
Purchasing

Approved By 
Department Director

Approved By 
Budget/CIP

Approved By 
Chief Financial Officer

City of Davenport

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

Action / Date
3/6/2019

Subject:
Motion approving a contract amendment with Strand Associates in the amount of \$58,000 for engineering services at the Water Pollution Control Plant. [Ward 1]

Recommendation:
Pass the Motion.

Background:
Strand Associates will conduct a technical review and evaluate the operations of the Davenport Water Pollution Control Plant. Upon completion, they will prepare a draft Facility Plan to include a summary of the biogas utilization, struvite mitigation, and anaerobic digestion system evaluations and provide potential water pollution control plant upgrades. This plan will be in accordance with the Iowa Wastewater Facilities Design standards, Chapter 11 and will include information required to comply with the Iowa Department of Natural Resources requirements for the State Revolving Fund.

ATTACHMENTS:

Type	Description
▢ Backup Material	Contract

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/27/2019 - 10:33 AM
Public Works Committee	Lechvar, Gina	Approved	2/27/2019 - 10:33 AM
City Clerk	Admin, Default	Approved	2/27/2019 - 12:59 PM



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

Task Order No. 19-01
City of Davenport, Iowa (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to the Agreement for Technical Services dated April 5, 2019

Project Information

Services Name: Anaerobic Digestion, Digester Gas, and Struvite Mitigation Facility Planning

Scope of Services

ENGINEER will provide the following services to OWNER:

1. Attend a kickoff meeting with OWNER at OWNER's facility.
2. Request wastewater, sludge, and biogas data from OWNER to update information included in the 2018 Digester Gas Utilization and Struvite Management Study report prepared by ENGINEER.
3. Conduct a technical review and evaluation of the existing anaerobic digesters in terms of their condition, capacity, and potential upgrades to mixing, heating, and biogas handling systems for the proposed design loadings and biogas production.
4. Evaluate further conditioning of the biogas to pipeline quality natural gas. Evaluations will include opinions of probable capital and operation and maintenance (O&M) costs, and anticipated revenues from gas sales, renewable identification numbers, low carbon fuel standard credits, and non-transportation markets.
5. Prepare solids and nutrient mass balances for the water pollution control plant using OWNER-provided plant monitoring data.
6. Evaluate up to three technologies and alternatives for struvite mitigation, including both sludge-based and centrate-based systems. Evaluations will include opinions of probable capital and O&M costs, and anticipated revenues from struvite sales.
7. Prepare a draft Facility Plan and submit to OWNER for review. The Facility Plan will include a summary of the biogas utilization, struvite mitigation, and anaerobic digestion system evaluations and provide potential water pollution control plant upgrades. The Facilities Plan will be in accordance with the Iowa Wastewater Facilities Design Standards, Chapter 11 and will include information required to comply with Iowa Department of Natural Resources (IDNR) requirements for the State Revolving Fund program.
8. Attend a meeting with OWNER to review the draft Facility Plan. Incorporate OWNER comments into Facility Plan as appropriate.

RAW\NAB\gjc\R\MAD\Documents\Agreements\D\Davenport, City of (1A)\TSA.2015\TO.2019\3618.015.19-01.docx

City of Davenport
Task Order No. 19-01
Page 2
February 4, 2019

9. Attend a meeting with OWNER to present Facility Plan to Joint Use Cities. Incorporate OWNER comments into Facility Plan as applicable.
10. Provide up to five copies of the final Facility Plan to OWNER and submit three copies to IDNR for approval.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses an estimated fee of \$58,000.

Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of February 11, 2019. Services are scheduled for completion on July 31, 2019.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.®

CITY OF DAVENPORT


Matthew S. Richards
Corporate Secretary

Date

Frank Klipsch
Mayor

Date



Strand Associates, Inc.®

910 West Wingra Drive

Madison, WI 53715

(P) 608-251-4843

AMENDMENT NO. 2 TO
AGREEMENT FOR TECHNICAL SERVICES

CITY OF DAVENPORT
AND
STRAND ASSOCIATES, INC.®

This is Amendment No. 2 to the April 8, 2015, Agreement between the City of Davenport, Iowa (OWNER) and Strand Associates, Inc.® (ENGINEER) for Technical Services.

Under **Schedule**, CHANGE four to "six."

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment.

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.®

CITY OF DAVENPORT

Matthew S. Richards 2/5/19
Matthew S. Richards Date
Corporate Secretary

Frank Klipsch Date
Mayor

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Chad Dyson 563-326-7817
Wards:

Action / Date
3/6/2019

Subject:
Motion approving the contract for Exclusive Pouring Rights for the Parks and Recreation
Department to Pepsi-Cola Bottling Co. of Davenport. [All Wards]

Recommendation:
Pass the Motion.

Background:
On January 16, 2019, a Request for Proposals was issued and sent to vendors. On February 6, 2019, the Purchasing Division opened and read two proposals. See attached tabulation.

This contract is for the exclusive pouring rights for non-alcoholic beverages at all Parks and Recreation Department facilities. An evaluation committee of Parks and Recreation staff scored the submitted proposals. The criteria used for scoring were: 1) Responsiveness to requirements of RFP, 2) Cost of products over three year contract period, 3) Variety of products offered, 4) Contributions to support facilities, 5) References for similar services, 6) Delivery: destination points, schedule, and time requirements, 7) Market Share. Pepsi-Cola Bottling Co. scored the highest.

Concession Sites Include:
Three (3) Golf Courses
The River's Edge
Two (2) Aquatics Facilities
Davenport Soccer Complex
Centennial Skate-Park
Temporary Mobile Concessions at Parks and Athletic Fields
Additional Beverage Machines and Inventory at DPR facilities

Funding for this contract is from the operating budget of each facility. Last year the total spent on this contract was \$65,742.93.

ATTACHMENTS:

Type	Description
□ Cover Memo	Tabulation - Exclusive Pouring Right for Parks and Recreation

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	2/28/2019 - 11:27 AM
Finance Committee	Wright, Brandon	Approved	2/28/2019 - 11:27 AM
City Clerk	Admin, Default	Approved	2/28/2019 - 5:22 PM

CITY OF DAVENPORT, IOWA
TABULATION OF PROPOSALS

DESCRIPTION: EXCLUSIVE POURING RIGHTS FOR PARKS AND
RECREATION

RFP NUMBER: 19-58

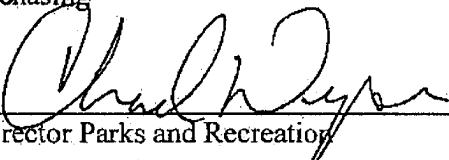
OPENING DATE: FEBRUARY 6, 2019

GL ACCOUNT NUMBER: OPERATING BUDGET FROM EACH FACILITY
LOCATION

RECOMMENDATION: AWARD THE CONTRACT TO PEPSI-COLA BOTTLING
CO. OF DAVENPORT

<u>VENDOR NAME</u>	<u>LOCATION OF BUSINESS</u>
Pepsi-Cola Bottling Co of Davenport	Davenport IA
Atlantic Bottling (Coca-Cola)	Des Moines IA

Approved By  2/26/19
Purchasing

Approved By 
Director Parks and Recreation

Approved By 
Budget/CIP

Approved By 
Finance Director

City of Davenport

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

Action / Date
3/6/2019

Subject:
Motion approving a contract with and ratifying previous payments to Enviromark of Davenport, IA for environmental cleanup services exceeding \$50,000 at Credit Island. [Ward 1]

Recommendation:
Pass the Motion.

Background:
In the fall of 2018, an oil-like substance was noticed on the water near Credit Island, and reported to the City. The Risk Division investigated and Enviromark was called to mitigate the contamination. Enviromark has returned for two more occurrences since the first report. The total paid to date is \$41,450, approaching the \$50,000 point requiring City Council approval. The Risk Division is working with Enviromark to determine the source of the contamination and will pursue subrogation if and when a source determination is made.

Funding for the clean-up services will continue to be made from the City's Risk Fund.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	2/28/2019 - 11:26 AM
Finance Committee	Wright, Brandon	Approved	2/28/2019 - 11:26 AM
City Clerk	Admin, Default	Approved	2/28/2019 - 5:21 PM

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Mallory Merritt | (563) 326-7792
Wards:

Action / Date
3/6/2019

Subject:
Motion accepting the 2017/2018 Korn Ferry Compensation Study as final and adopting a new compensation philosophy administrative policy for non-bargaining employees. [All Wards]

Recommendation:
Pass the Motion.

Background:
During 2017 and 2018, the City retained an outside consultant, Korn Ferry, to complete a compensation study for all non-bargaining, full-time positions. The study included an evaluation of position descriptions, current classification structures, pay scales, job responsibilities, scope of management, and span of control. The study also included both an internal and external market analysis. After reviewing the study with the consultant and review of other cities' compensation philosophy statements, staff prepared a compensation philosophy administrative policy. The policy outlines how compensation will be determined to be fair and also includes a new section outlining an overview of how director level compensation shall be administered.

ATTACHMENTS:

Type	Description
▣ Executive Summary	Korn Ferry Compensation Study Final Report
▣ Exhibit	Compensation Philosophy Administrative Policy
▣ Presentation	Class and Compensation Study Findings - Presentation to Mayor and Council

REVIEWERS:

Department	Reviewer	Action	Date
Human Resources	Merritt, Mallory	Approved	2/28/2019 - 1:23 PM
Finance Committee	Wright, Brandon	Approved	2/28/2019 - 3:07 PM
City Clerk	Admin, Default	Approved	2/28/2019 - 5:20 PM



City of Davenport

Compensation Study

City of Davenport

February 2019



KORN FERRY™
| HayGroup



Contents

- 1 PROJECT OVERVIEW & EXECUTIVE SUMMARY
- 2 INTERNAL EQUITY ANALYSIS
- 3 EXTERNAL COMPETITIVENESS ANALYSIS
- 4 SALARY STRUCTURE & IMPACT ANALYSIS
- 5 APPENDIX

Project Overview

The City of Davenport (“the City”) engaged Korn Ferry Hay Group (“KFHG”) to review the competitiveness of its compensation practices and to develop a salary structure which meets the needs and financial resources of the City

Job evaluation methodology

- Hay Group evaluated 111 jobs using our job evaluation methodology
 - We used information from interviews, position descriptions, and org charts, as well as comparing the roles to similar positions in other organizations, to level-set all roles in scope
 - Job level assignments were reviewed with the City’s leadership and approved

Pay Analysis

- Hay Group analyzed the City’s internal equity and external pay competitiveness of base salaries relative to the market (excluding Police and Fire)
- Job evaluations (or “job size”) were the foundation for this analysis
- Hay Group utilized data from our 2017 General Market database for all jobs

Salary range development

- We used the insights from the job evaluation and pay analysis to provide alternatives to consider in developing a salary structure



Internal Equity Analysis

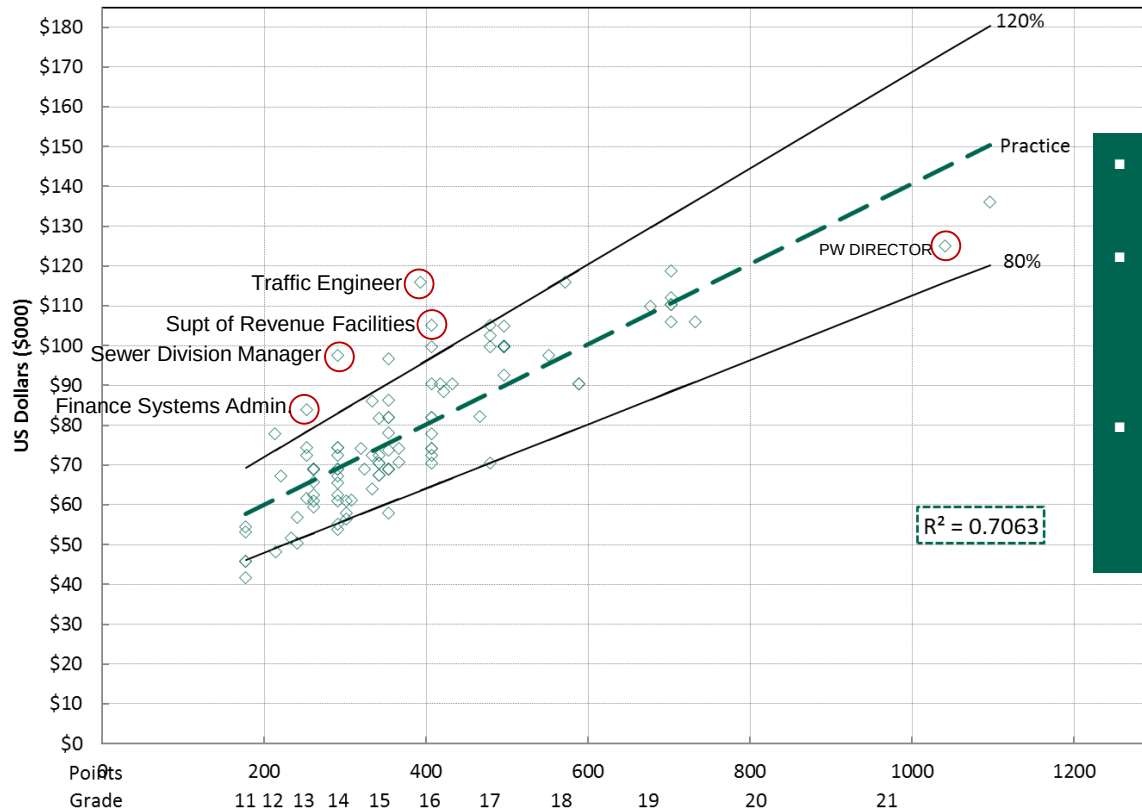


Internal equity analysis

- Overview
 - The internal pay equity graph depicts the relationship between job size and base salary
 - Each  on the graph represents a City employee's actual salary
 - The green line represents the current practice line, which is a straight line representation of how the City actually pays employees
- For the internal equity analysis we look at correlation of pay and job size in terms of **r-squared**. The table below is a guideline for measuring correlation:
 - The black lines above and below represent the dispersion of +/- 20% of the practice line
 - In an internally equitable program, we would expect that as job size increases, pay also increases
 - It is important to note that even in internally equitable pay programs, we expect to see some dispersion in pay due to employee tenure, performance, and other factors
- The graph on the following slide depicts all in-scope incumbents plotted by pay vs. job size.

Correlation key	
Weak, low correlation	0.0 to 0.4
Moderate correlation	0.4 to 0.7
Strong, high correlation	0.7 to 0.9
Very strong correlation	0.9 to 1.0

Internal equity of Current Salary Practice



- The pay vs. job size for the City's roles are strongly correlated
- The most dispersion is occurring at levels 12 through 16, with the two biggest outliers being the Traffic Engineer & the Sewer Division Manager
- The Traffic Engineer is a HRL 16 and is paid ~\$116K, which is roughly the same compensation as the PW Director who is a HRL 21



Internal equity analysis (continued)

- Overall, Davenport is strongly correlated when comparing job size and pay (R^2 of 0.7)
 - However, there is some dispersion outside the normative range at several lower levels, particularly for jobs in grades 12 through 16 (see previous slide for specific roles).
 - For example, the difference between the lowest paid incumbent and the highest paid incumbent in Grade 15 is roughly \$39,000.
 - Almost all organizations experience some level of dispersion in their pay practice and it is common to see more dispersion in the first year of conducting analysis using a job evaluation methodology.
- As you look at the Departments, some have less dispersion than others.
 - **HR** jobs are most aligned with an R^2 of 0.99
 - **Library** jobs have the most dispersion with an R^2 at 0.0415 (Library Assistant Director, which is seen as a bigger job than the Library Operations Manager, is paid \$10K more) **see the next slide for additional detail*
- KFHG recommends reviewing the employees who are out of the normative range on an individual basis to understand the reason for their positioning (tenure, performance, correct leveling, and high-demand role)

City of Davenport Department	R ² Value	# of EE's per Dept.
Administration (including admin assistants)	0.6422	11
Community and Economic Development	0.8542	6
Finance	0.781	12
HR	0.9941	4
IT	0.8155	5
Library	0.0415	5
Parks & Recreation	0.5884	13
Public Works	0.6857	40
All Departments	0.7063	96



Internal equity of Current Salary Practice – Library Department



- The library's roles are very weakly correlated
- The Library Assistant Director is two levels higher and is paid less than the Operations Manager
- The Library Assistant Director is also only slightly paid more than the HRL 14s and 15s (avg. \$5,000 more)

External Competitiveness Analysis



External competitiveness analysis

- In the external market analysis, we studied the competitiveness of **base pay** to the external market
 - Similar to internal pay equity, the external competitiveness graph takes the relationship between job size and base salary and then compares it to the **external market**
 - Each '◇' on the graph still represents a City employee's actual pay (base salary)
 - The **black** lines shown on the chart represent actual pay levels in the market according to KFHG analysis
 - Market lines are shown representing several percentiles of market pay. For example, P75 is the market 75th percentile and is the point in which 75 percent of the organizations in the market pay at or below
 - A comparison of pay of specific individuals to the market can be made using these charts
- Data come from the **2017 Korn Ferry Hay Group General Market Survey** and are effective November 1, 2017
 - 428 companies participated in this survey and it includes all industries in our database, excluding healthcare and financial/insurance industries
- **A Geographic differential of 94%** has also been applied to the market data to account for the Cost Of Labor in Davenport
 - The geographic differential was taken from the Economic Research Institute ("ERI") database
 - ERI collects salary data nationally and determines the % difference between the average of the national data and data collected by city, state, region, etc. In this case it is the City of Davenport. The average of cost of labor in the Davenport area is **94%** of the national average



External analysis – Base Salary

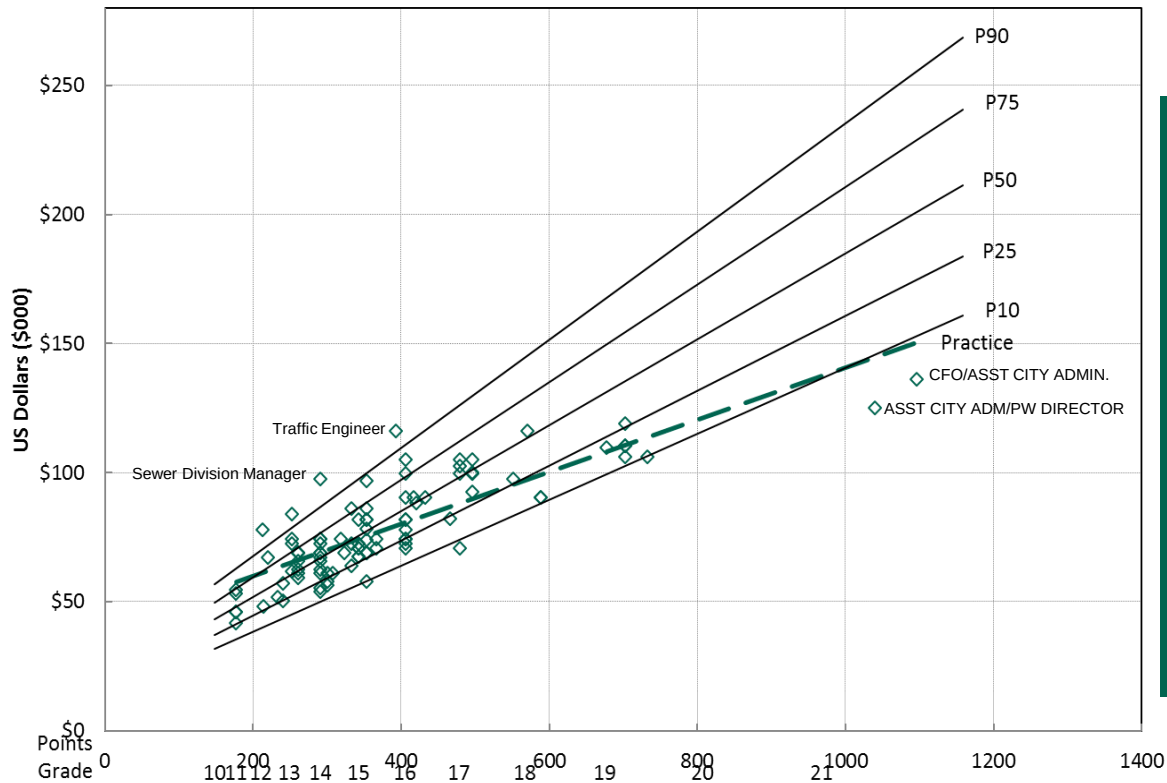
- The chart on the following slide depicts the competitive position of the City's benchmark position base salary vs. the general market
- The City positions were compared to market 10th percentile (P10), 25th percentile (P25), 50th percentile (P50, median), and 75th percentile (P75) and 90th percentile (P90) for all employees in the study

In aggregate, the current base pay practice is trending above the P50 line of the market for HRLs below 16 and trending near or below P25 for HRLs 17 and above

HRL	# of EE's per Level	Summary Positioning
22	1	Below P25
21	1	Below P25
20	0	N/A
19	6	Below P25
18	4	Between P25 and P50
17	10	Between P25 and P50
16	14	Between P50 and P75
15	23	Between P50 and P75
14	16	Between P50 and P75
13	15	Near P75
12	3	Above P75
11	5	Between P50 and P75
All Levels	98	P50



Current Base Salary compared to Market



- As job size grows, the City's competitive position decreases
- This practice is common in the public sector - lower roles tend to be more competitively positioned than higher level roles
- The city pays competitively when compared to the private sector and even more competitively compared to the public sector (which usually approximates P25 of the market)

Salary Structure & Impact Analysis



Preliminary recommendations

- Based on our initial findings of the analysis, KFHG has developed four preliminary salary policies to guide the City in the creation of a formal structure for their positions
 1. **P50:** Establish midpoints at the 50th Percentile of the market with a spread of 80% Min to 120% Max
 2. **P37.5:** Establish midpoints between the P25 and P50 of the market as a 'bridge' between P25 and the market median (if the ultimate goal is to reach P50)
 3. **Two Step Structures:** Uses the 50th percentile of the market for levels below management and 37.5th percentile for management and above
 4. **Step Structure (12 steps, 3% increments):** Establish the maximum at P50 and includes 3% increments at each step, reflective of typical annual salary increases seen in the general market
- Each grade will have a midpoint which is targeted at the stated market position
 - Compa-ratio is the term which defines an individuals' current base salary as a percentage of the midpoint
 - Full implementation is to have all employees, on average, paid near 100% with appropriate distribution within the ranges
- Range minimums and maximums have been set at the standard market levels
 - Typical range minimums are 80% of the midpoint and maximums are 120% of the midpoint, providing a sufficient range to differentiate pay based on compensable factors.
 - Jobs which are classified as nonexempt may require a more narrow range and similarly jobs classified as executive may require a slightly wider range.

Impact Analysis of Recommended Structures

- The table below summarizes the overall impact of implementing each of the salary structures
 - The number of incumbents below minimum and above maximum are shown below, along with the total costs to bring these incumbents to the minimum and maximum, respectively
 - The number of employees (and sum of their payroll) who fall within the recommended grades for each option are presented at the right side of the table
 - Avg. CR means Average Compa-Ratio. This is the relationship between the pay, on aggregate, vs the range midpoints.

Salary Grade Structure Summary	# Below Minimum	\$ Below Minimum	# Above Maximum	\$ Above Maximum	Avg. CR	# Within Salary Grade
Salary Grade Option 1: P50 Structure	23	\$241,402	14	\$98,039	92%	61
Salary Grade Option 2: P37.5 Structure	3	\$34,833	22	\$189,274	102%	73
Salary Grade Option 3: Two Structures	13	\$88,699	14	\$98,039	94%	71
Salary Grade Option 4: Step Structure	3	\$19,093	42	\$439,023	110%	53

- The City must consider cost implications and market competitiveness when choosing a salary grade structure option
 - **Option 1 (P50 Structure)** brings the highest implementation cost, but brings the population closest to the market median
 - **Option 2 (P37.5 Structure)** comes with a relatively low cost and creates a structure with the highest number of employees within the salary range
 - **Option 3 (Two Structures)** comes with a relatively low cost, but may not make pay competitive enough compared to the market, and therefore we do not recommend implementing
 - **Option 4 (Step Structure)** comes with the second lowest cost, however, has the lowest number of employees within the salary structure



Salary Structure Option 1: P50 Structure

Salary Grade Option 1: P50 Structure			
Grade	Recommended Minimum	Recommended Midpoint	Recommended Maximum
22	\$164,924	\$206,154	\$247,385
21	\$142,497	\$178,121	\$213,745
20	\$123,493	\$154,366	\$185,239
19	\$107,794	\$134,743	\$161,691
18	\$95,046	\$118,808	\$142,569
17	\$84,777	\$105,971	\$127,166
16	\$67,976	\$84,970	\$101,963
15	\$58,758	\$73,447	\$88,137
14	\$51,296	\$64,120	\$76,943
13	\$45,004	\$56,255	\$67,506
12	\$41,881	\$52,352	\$62,822
11	\$37,740	\$47,175	\$56,610

Salary Grade Option 1: P50 Structure						
Hay Ref Level	Count of EE's Total	Count of EE's Below Min	Sum of EE's Below Min	Count of EE's Above Max	Sum of EE's Above Max	Avg. CR
22	1	1	\$31,456	0	\$0	69%
21	1	1	\$35,432	0	\$0	66%
20	0	0	\$0	0	\$0	N/A
19	7	7	\$79,016	0	\$0	77%
18	4	3	\$32,958	0	\$0	81%
17	10	2	\$31,753	0	\$0	88%
16	14	4	\$14,402	2	\$14,245	96%
15	23	2	\$10,428	1	\$7,197	95%
14	16	3	\$5,957	1	\$20,234	98%
13	15	0	\$0	7	\$34,998	111%
12	3	0	\$0	2	\$21,209	120%
11	4	0	\$0	1	\$156	108%
98		23	\$241,402	14	\$98,039	92%

- Using the 50th percentile of the market, we have developed a salary range for the City's employee population
- While this is a competitive market position, it may not be affordable to the City at this time.
- Implementing two structures - Target P50 for levels below management and P37.5 for levels above, may be a viable interim structure from a cost / feasibility perspective (see the following slide for more detail)



Salary Structure Option 2: P37.5 Structure

Salary Grade Option 2: P37.5 Structure			
Grade	Recommended Minimum	Recommended Midpoint	Recommended Maximum
22	\$154,043	\$192,554	\$231,065
21	\$133,116	\$166,395	\$199,673
20	\$115,382	\$144,228	\$173,074
19	\$100,733	\$125,916	\$151,100
18	\$88,838	\$111,047	\$133,256
17	\$79,255	\$99,069	\$118,883
16	\$63,780	\$79,726	\$95,671
15	\$54,999	\$68,749	\$82,498
14	\$47,890	\$59,863	\$71,835
13	\$41,896	\$52,370	\$62,844
12	\$38,568	\$48,210	\$57,852
11	\$34,801	\$43,502	\$52,202

Salary Grade Option 2: P37.5 Structure						
Hay Ref Level	Count of EE's Total	Count of EE's Below Min	Sum of EE's Below Min	Count of EE's Above Max	Sum of EE's Above Max	Avg. CR
22	1	1	\$18,043	0	\$0	71%
21	1	1	\$8,116	0	\$0	75%
20	0	0	\$0	0	\$0	N/A
19	7	0	\$0	0	\$0	88%
18	4	0	\$0	0	\$0	89%
17	10	1	\$8,674	0	\$0	97%
16	14	0	\$0	3	\$33,769	109%
15	23	0	\$0	3	\$21,432	108%
14	16	0	\$0	4	\$31,261	110%
13	15	0	\$0	8	\$69,962	124%
12	3	0	\$0	2	\$29,416	134%
11	4	0	\$0	2	\$3,434	118%
98		3	\$34,833	22	\$189,274	102%

- Using the a blend of the 50th and 25th percentiles of the market, we have developed a 'blended' salary range for the City employee population
- This may be a viable option because it brings the population close to the market median, but at a lower cost impact overall and has all levels on the same salary structure

Salary Structure Option 3: Two Different Salary Structures

Salary Grade Option 3: Two Structures			
Grade	Recommended Minimum	Recommended Midpoint	Recommended Maximum
22	\$154,043	\$192,554	\$231,065
21	\$133,116	\$166,395	\$199,673
20	\$115,382	\$144,228	\$173,074
19	\$100,733	\$125,916	\$151,100
18	\$88,838	\$111,047	\$133,256
17	\$84,777	\$105,971	\$127,166
16	\$67,976	\$84,970	\$101,963
15	\$58,758	\$73,447	\$88,137
14	\$51,296	\$64,120	\$76,943
13	\$45,004	\$56,255	\$67,506
12	\$41,881	\$52,352	\$62,822
11	\$37,740	\$47,175	\$56,610

Salary Grade Option 3: Two Structures						
Hay Ref Level	Count of EE's Total	Count of EE's Below Min	Sum of EE's Below Min	Count of EE's Above Max	Sum of EE's Above Max	Avg. CR
22	1	1	\$18,043	0	\$0	71%
21	1	1	\$8,116	0	\$0	75%
20	0	0	\$0	0	\$0	N/A
19	7	0	\$0	0	\$0	88%
18	4	0	\$0	0	\$0	89%
17	10	2	\$31,753	0	\$0	88%
16	14	4	\$14,402	2	\$14,245	96%
15	23	2	\$10,428	1	\$7,197	95%
14	16	3	\$5,957	1	\$20,234	98%
13	15	0	\$0	7	\$34,998	111%
12	3	0	\$0	2	\$21,209	120%
11	4	0	\$0	1	\$156	108%
98		13	\$88,699	14	\$98,039	94%

- Using the 50th percentile of the market for levels below management and 37.5th percentile for management and above, we have developed a salary range for the City's employee population as an interim step with the goal of getting all roles on the same structure in the future
- This is a relatively low cost option and brings 71 employees within the salary structure (72% of employees) and has the highest comp. ratio



Salary Structure Option 3: 12 Step Structure, 3% increments

Grade	Step											
	1 (minimum)	2	3	4	5	6	7	8	9	10	11	12 (Maximum)
22	\$147,463	\$152,023	\$156,725	\$161,572	\$166,569	\$171,721	\$177,032	\$182,507	\$188,152	\$193,971	\$199,970	\$206,154
21	\$127,410	\$131,351	\$135,413	\$139,601	\$143,919	\$148,370	\$152,958	\$157,689	\$162,566	\$167,594	\$172,777	\$178,121
20	\$110,418	\$113,833	\$117,354	\$120,983	\$124,725	\$128,583	\$132,559	\$136,659	\$140,886	\$145,243	\$149,735	\$154,366
19	\$96,382	\$99,362	\$102,435	\$105,604	\$108,870	\$112,237	\$115,708	\$119,287	\$122,976	\$126,779	\$130,700	\$134,743
18	\$84,983	\$87,612	\$90,321	\$93,115	\$95,995	\$98,963	\$102,024	\$105,180	\$108,433	\$111,786	\$115,243	\$118,808
17	\$75,801	\$78,146	\$80,563	\$83,054	\$85,623	\$88,271	\$91,001	\$93,816	\$96,717	\$99,708	\$102,792	\$105,971
16	\$60,779	\$62,659	\$64,596	\$66,594	\$68,654	\$70,777	\$72,966	\$75,223	\$77,549	\$79,948	\$82,420	\$84,970
15	\$52,537	\$54,162	\$55,837	\$57,564	\$59,344	\$61,179	\$63,072	\$65,022	\$67,033	\$69,106	\$71,244	\$73,447
14	\$45,865	\$47,283	\$48,746	\$50,253	\$51,807	\$53,410	\$55,062	\$56,765	\$58,520	\$60,330	\$62,196	\$64,120
13	\$40,239	\$41,484	\$42,767	\$44,090	\$45,453	\$46,859	\$48,308	\$49,802	\$51,342	\$52,930	\$54,567	\$56,255
12	\$37,447	\$38,605	\$39,799	\$41,030	\$42,299	\$43,607	\$44,956	\$46,347	\$47,780	\$49,258	\$50,781	\$52,352
11	\$33,744	\$34,788	\$35,864	\$36,973	\$38,117	\$39,296	\$40,511	\$41,764	\$43,056	\$44,387	\$45,760	\$47,175

Salary Grade Option 4: Step Structure						
Hay Ref Level	Count of EE's Total	Count of EE's Below Min	Sum of EE's Below Min	Count of EE's Above Max	Sum of EE's Above Max	Avg. CR
22	1	1	\$11,463	0	\$0	77%
21	1	1	\$2,410	0	\$0	81%
20	0	0	\$0	0	\$0	N/A
19	7	0	\$0	0	\$0	94%
18	4	0	\$0	0	\$0	95%
17	10	1	\$5,220	0	\$0	104%
16	14	0	\$0	7	\$85,623	116%
15	23	0	\$0	10	\$80,251	116%
14	16	0	\$0	8	\$76,326	119%
13	15	0	\$0	13	\$142,921	134%
12	3	0	\$0	2	\$40,416	146%
11	4	0	\$0	2	\$13,486	129%

98 3 \$19,093 42 \$439,023 110%

- The maximum value was set to P50 of the market, and each step is in 3% increments
- This is a relatively low cost option, and is a fairly common structure for government entities



Appendix



Job evaluation results

Job Title	Department	Grade
City Administrator	ADMINISTRATION	24
CFO/ASST CITY ADMINISTRATOR	FINANCE	22
ASST CITY ADM/PW DIRECTOR	PUBLIC WORKS	21
POLICE CHIEF	POLICE DEPT	21
FIRE CHIEF	FIRE DEPT	20
Finance Director	FINANCE	20
DIRECTOR OF PARKS & REC	PARKS & RECREATION	19
City Engineer	PUBLIC WORKS	19
DIRECTOR OF COMM DEVELOPMENT	COMMUNITY & ECONOMIC DEV	19
IT Director	INFORMATION TECHNOLOGIES	19
Library Director	LIBRARY	19
SUPT OF SERVICES	PUBLIC WORKS	19
WPCP MANAGER	PUBLIC WORKS	19
HR DIRECTOR	HUMAN RESOURCES	19
POLICE MAJOR	POLICE DEPT	19
Assisstant City Attorney	LEGAL	18
ASSISTANT FIRE CHIEF - FIRE PREVENTION	FIRE DEPT	18
ASST FINANCE DIRECTOR	FINANCE	18
POLICE CAPTAIN - INVESTIGATIONS	POLICE DEPT	18
POLICE CAPTAIN - PATROL	POLICE DEPT	18
POLICE CAPTAIN - SERVICES	POLICE DEPT	18
Director of Civil Rights	LEGAL	18
ENGRG ADMIN MANAGER	PUBLIC WORKS	18
ASSISTANT FIRE CHIEF - SUPPRESSION	FIRE DEPT	17
FLEET DIVISION MANAGER	PUBLIC WORKS	17
Neighborhood Services Department Director	PUBLIC WORKS	17
REVENUE MANAGER	FINANCE	17
RISK MANAGER	FINANCE	17
SR MANAGER-C & E DEVELOPMENT	COMMUNITY & ECONOMIC DEV	17
SR MANAGER-C & E DEVELOPMENT	COMMUNITY & ECONOMIC DEV	17
CHIEF OF DESIGN	PUBLIC WORKS	17
IT INFRASTRUCTURE MGR	INFORMATION TECHNOLOGIES	17
LIBRARY ASSISTANT DIRECTOR	LIBRARY	17
NETWORK MANAGER	INFORMATION TECHNOLOGIES	17
CHIEF OF CONSTRUCTION	PUBLIC WORKS	17
FAC PROJ & CONDITION MGR	PUBLIC WORKS	16
POLICE LIEUTENANT - INVESTIGATIONS	POLICE DEPT	16
POLICE LIEUTENANT - PATROL	POLICE DEPT	16



Job evaluation results (cont'd)

Job Title	Department	Grade
POLICE LIEUTENANT - POLICE ADMIN	POLICE DEPT	16
POLICE LIEUTENANT - SERVICES	POLICE DEPT	16
SR PARK MANAGER	PARKS & RECREATION	16
CIVIL ENGINEER II	PUBLIC WORKS	16
APPL/SOFTWARE INTEGRATION ARCH	INFORMATION TECHNOLOGIES	16
CLEAN WATER MANAGER	PUBLIC WORKS	16
DESIGN & CONST COORD	PUBLIC WORKS	16
Fire District Chief	FIRE DEPT	16
HUMAN RESOURCES MANAGER	HUMAN RESOURCES	16
SR RECREATION MANAGER	PARKS & RECREATION	16
SUPT OF REVENUE FACILITIES	PARKS & RECREATION	16
TRAFFIC ENGINEER	PUBLIC WORKS	16
PARK MANAGER	PARKS & RECREATION	15
PLANNER III	COMMUNITY & ECONOMIC DEV	15
ADULT SPEC POPULATIONS COORD	PARKS & RECREATION	15
ARBORIST	PUBLIC WORKS	15
ASST RISK MANAGER	FINANCE	15
CAPITAL MANAGER	PUBLIC WORKS	15
COMMUNITY RELATIONS SUPRV	PARKS & RECREATION	15
CUST EXPERIENCE & PROJ MGR	PUBLIC WORKS	15
PAYROLL/ACCTG ADMINISTRATOR	FINANCE	15
PLANT OPERATIONS SUPERVISOR	PUBLIC WORKS	15
PUBLIC INFORMATION OFFICER	ADMINISTRATION	15
PURCHASING MANAGER	FINANCE	15
ASST TO THE CITY ADMINISTRATOR	ADMINISTRATION	15
BENEFITS MANAGER	HUMAN RESOURCES	15
CIVIL ENGINEER I	PUBLIC WORKS	15
LIBRARY OPERATIONS MANAGER	LIBRARY	15
LIBRARY TECHNICAL SERVICES SUPERVISOR	LIBRARY	15
LIBRARY YOUTH PROGRAM SUPERVISOR	LIBRARY	15
APPL INTEGRATION ARCHITECT	INFORMATION TECHNOLOGIES	15
BUDGET & PERFORMANCE OFFICER	FINANCE	15
LABORATORY SUPERVISOR	PUBLIC WORKS	15
RECREATION PROGRAM SUPV	PARKS & RECREATION	15
HOUSING PROGRAMS MGR	COMMUNITY & ECONOMIC DEV	15
LIBRARY FAC/BUS OFFICE MANAGER	LIBRARY	14
GOLF SUPERVISOR	PARKS & RECREATION	14
ICE & TURF SUPERVISOR	PARKS & RECREATION	14



Job evaluation results (cont'd)

Job Title	Department	Grade
PARK SUPERVISOR	PARKS & RECREATION	14
CD RESOURCE MANAGER	COMMUNITY & ECONOMIC DEV	14
COMM/PREPAREDNESS MGMT	PUBLIC WORKS	14
COMPOST SUPERVISOR	PUBLIC WORKS	14
ENVIRONMENTAL SERVICES SUPV	PUBLIC WORKS	14
FACILITIES & MAINTENANCE SUPV	PUBLIC WORKS	14
INCLUSION & EQUITY ADMIN	ADMINISTRATION	14
PLANT MAINT SUPERVISOR	PUBLIC WORKS	14
POLICE RECORDS SUPERVISOR	POLICE DEPT	14
REAL ESTATE MANAGER	PUBLIC WORKS	14
RECREATION SUPRV	PARKS & RECREATION	14
RECREATION SUPRV	PARKS & RECREATION	14
SAFETY & TRAINING OFFICER	PUBLIC WORKS	14
SEWER DIVISION MANAGER	PUBLIC WORKS	14
BUS SERVICES SUPERVISOR	PUBLIC WORKS	13
ROUTE SUPERVISOR	PUBLIC WORKS	13
SR BUYER	FINANCE	13
STREET MAINT SUPERVISOR	PUBLIC WORKS	13
FINANCE SYSTEMS ADMINISTRATOR	FINANCE	13
FLEET SUPERVISOR	PUBLIC WORKS	13
NETWRK/DSKTOP SUPP TECH	INFORMATION TECHNOLOGIES	13
TRAFFIC SIGNAL SUPERVISOR	PUBLIC WORKS	13
CLAIMS ANALYST/ADJUSTER	FINANCE	13
COMMUNICATIONS PROJECT COORD	ADMINISTRATION	13
FLEET INVENTORY SUPERVISOR	PUBLIC WORKS	12
LEGAL SECRETARY	LEGAL	12
DEPUTY CITY CLERK	ADMINISTRATION	12
ADM ASST-CC/MAYOR	ADMINISTRATION	11
ADMINISTRATIVE ASSISTANT	FINANCE	11
ADM ASST-CC/MAYOR	MAYOR'S OFFICE	11
ADMINISTRATIVE ASSISTANT	PUBLIC WORKS	11
ADMINISTRATIVE ASSISTANT - FIRE	FIRE DEPT	11
ADMINISTRATIVE ASSISTANT - PARKS & REC	PARKS & RECREATION	11
ADMINISTRATIVE ASSISTANT - POLICE	POLICE DEPT	11

City of Davenport Administrative Policy



Policy Number TBD

Subject | Compensation Philosophy

Effective Date | TBD

General Policy:

To achieve and execute the City’s mission, vision, and associated workplans, the City must attract, motivate, and retain highly qualified and dedicated employees. Employee compensation rates shall be established to promote and maintain both internal and external equity in a fiscally responsible manner.

Scope:

All full-time, non-bargaining City employees.

Provisions:

- 1. The City will maintain active salary schedules for all non-bargaining employees on a twelve step scale.
- 2. Every five years, the City shall evaluate all active positions and assign a numerical grade indicator (herein referred to as MPI – Market Points Indicator) to each position based on the criteria outlined in a third-party compensation study. The market mid-point percentile level utilized to ensure compensation compatibility shall depend on the level of the position. The appropriate benchmark, and the benchmark that will be utilized for each identified MPI is outlined below:

MPI	Mid-Point Percentile
11-17	50 th percentile
18-19	37.5 percentile

ISSUED BY | Mallory L. Merritt, Director of Human Resources

APPROVED BY | Corrin B. Spiegel, City Administrator

3. An employee's compensation shall be classified as fairly compensated so long as the range is within the below adopted tolerance levels:

MPI	Tolerance Level
11-12	+/- 10%
13-15	+/- 15%
16-19	+/- 20%

4. If the active compensation rate for an employee is outside of the accepted tolerance rate, the below strategies may be employed to more accurately align the position and the rate of pay:
- Increase or decrease responsibilities associated with the position
 - Reclassify the position when it becomes vacant
 - Reclassify the position immediately
 - Adjust the employee's movement within the step schedule (ie: freeze, grow past the 12th step)
5. Director level compensation, including the City Administrator and Corporation Counsel, shall be evaluated compared to a range but will be exempt from the twelve step schedule. The supervising authority may adjust the compensation for these positions so long as the compensation fits within the accepted range and tolerance levels. For Director level positions, the range shall be established by using the 37.5 percentile as the mid-point. For Director positions with an MPI of 19-21, the range shall be a 30% difference between the minimum and maximum salary amounts. For Director positions with an MPI of 22 or higher, the range shall be a 50% difference between the minimum and maximum salary amounts.
6. Nothing contained within the compensation philosophy shall be construed as a required benefit. Any market adjustment, pay scale adjustment, etc. is subject to annual appropriation by the City Council.

ISSUED BY | Mallory L. Merritt, Director of Human Resources

APPROVED BY | Corrin B. Spiegel, City Administrator



Class & Compensation Study

CITY OF DAVENPORT

Human Resources

February 19, 2019

WHY do this?

- Best practice is to review all positions regarding a variety of factors every 4-7 years:
 - Job descriptions
 - Grade (class)
 - Compensation scale (low and high)
 - Job requirements/qualifications



THE process

- Retained an outside consultant to conduct an independent evaluation of all non-bargaining positions
- Korn Ferry evaluated each position on numerous factors including supervisory functions, span of control, and the nature of responsibilities.
- Market analysis was conducted and compensation was compared both internally and externally

THE findings

- Most non-bargaining positions were appropriately classified
- City was provided with a new criteria matrix to determine adequate compensation for future positions, etc.
- Strategies were developed to address any positions that were out of alignment, and those strategies are outlined in a new/proposed compensation philosophy policy

NEXT steps

- Review the proposed compensation philosophy policy recommended to the City Council for approval
- Employ any of the strategies listed in the policy to address any position(s) out of alignment
- Utilize the policy to make compensation decisions when positions become vacant, etc.

PHILOSOPHY

To achieve and execute the City's mission, vision, and associated workplans, the City must attract, motivate, and retain highly qualified and dedicated employees. Employee compensation rates shall be established to promote and maintain both internal and external equity in a fiscally responsible manner.



THE philosophy statement

Non Bargaining Management Exempt

Effective July 01, 2018

Code	GR	Title	Step #1	Step #2	Step #3	Step #4	Step #5	Step #6	Step #7	Step #8	Step #9	Step #10	Step #11	Step #12
1502	37	ATTORNEY	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518	73445 35.31	75286 36.1951	77161 37.0968	79089 38.0234	81076 38.9786	83095 39.9493
1503	42	SR STAFF ATTN	71660 34.4518	73445 35.31	75286 36.1951	77161 37.0968	79089 38.0234	81076 38.9786	83095 39.9493	85182 40.9526	87304 41.9733	89477 43.0178	91724 44.0979	94016 45.2
2319	31	COMM RELA SUPV	54619 26.2594	55975 26.9113	57376 27.5845	58811 28.2744	60283 28.9823	61784 29.7036	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518
2320	31	GOLF SUPRV	54619 26.2594	55975 26.9113	57376 27.5845	58811 28.2744	60283 28.9823	61784 29.7036	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518
2321	31	REC PROGRAM SVR	54619 26.2594	55975 26.9113	57376 27.5845	58811 28.2744	60283 28.9823	61784 29.7036	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518
2322	31	ADULT SPEC POP	54619 26.2594	55975 26.9113	57376 27.5845	58811 28.2744	60283 28.9823	61784 29.7036	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518
2323	31	ICE & TURF SUPV	54619 26.2594	55975 26.9113	57376 27.5845	58811 28.2744	60283 28.9823	61784 29.7036	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518
2325	31	ENVIR EDC SUPR	54619 26.2594	55975 26.9113	57376 27.5845	58811 28.2744	60283 28.9823	61784 29.7036	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518
2327	31	PARK SUPRV	54619 26.2594	55975 26.9113	57376 27.5845	58811 28.2744	60283 28.9823	61784 29.7036	63338 30.4508	64917 31.2103	66537 31.9888	68212 32.7941	69907 33.609	71660 34.4518
3226		EMS COORDINATOR	72287 34.7534	74099 35.6246	75949 36.5139	77848 37.4269	79796 38.3636	81786 39.32	83833 40.3044	85931 41.3131	88072 42.3421	90275 43.4014	92531 44.4863	94847 45.5996
5155	46	FAC/GROUNDS MGR	79287 38.1186	81276 39.075	83304 40.0498	85398 41.0568	87523 42.0786	89698 43.1243	91955 44.2091	94255 45.3148	96610 46.4473	99020 47.6059	101488 48.7924	104038 50.0183
5156	34	FAC/MAINT SUPVR	58958 28.3453	60435 29.0554	61932 29.775	63500 30.5286	65079 31.2881	66701 32.0679	68379 32.8744	70080 33.6923	71837 34.5369	73630 35.3993	75475 36.2861	77349 37.1871

THE philosophy statement

SALARY SCHEDULE COMPONENTS

Job Code	Job Grade	MPI	Position Title	Step 1 (Min)	Step 12 (Max)
No Change		★	No Change	No Change	

Market Point Indicator

Utilized to determine which range of market comparability should be used in evaluating the position's pay structure

THE philosophy statement

1. Maintain active salary schedules for all non-bargaining employees on a 12-step scale
2. Evaluate all active positions and grade indicators every five years and review the mid-point percentile for market comparability

MPI	Mid-Point Percentile
11-17	50 th percentile
18-19	37.5 percentile

THE philosophy statement

3. An employee's compensation rate shall be classified as fairly compensated so long as the range is within the below tolerance levels:

MPI	Tolerance Level
11-12	+/- 10%
13-15	+/- 15%
16-19	+/- 20%

THE philosophy statement

4. If an employee's compensation falls outside of an adopted tolerance range, one of the below strategies may be utilized to accurately align the position and rate of pay:
 - Increase or decrease responsibilities associated with the position
 - Reclassify the position when it becomes vacant
 - Reclassify the position immediately
 - Adjust the employee's movement within the step schedule (ie: freeze, allow to grow past the 12th step, etc.)

THE philosophy statement

5. Directors' compensation shall be evaluated compared to a range but exempt from the 12-step schedule.
 - Supervising authority may adjust the compensation so long as the compensation fits within the range
 - Range shall be established by using the 37.5 percentile as the mid-point
 - Minimum and maximum salary amounts within the range shall be established as indicated below:
 - MPI 19-21 | 30% difference in minimum and maximum
 - MPI 22+ | 50% difference in minimum and maximum

PHILOSOPHY

To achieve and execute the city's mission, vision, and associated workplans, the City must attract, motivate, and retain highly qualified and dedicated employees. Employee compensation rates shall be established to promote and maintain both internal and external equity in a fiscally responsible manner.



QUESTIONS?

