

CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, March 11, 2015; 5:30 PM

Council Chambers, City Hall

I. Moment of Silence

II. Pledge of Allegiance

Ald. Meeker

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Minutes of the February 25, 2015 City Council Meeting

VI. City Administrator Update

VII. Report on Committee of the Whole and Standing Committees

Report of Committee of the Whole and Standing Committees for March 4, 2015

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Citizens Advisory Committee
Daniel Joiner (new appointment)
Lance Baker (new appointment)

IX. Presentations

A. Art in City Hall Student Recognition

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. Second Consideration: Ordinance for Case No. REZ15-01 being the petition of the Gold Coast Housing, LLC to remove the effective date of Ordinance No. 2013-362, rezoning the property located at 1101 West 9th Street (Former Kahl Home) from R-4, Moderate Density Residential, to R-6M High Density Residential. [3rd Ward]

COMMITTEE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON SECOND CONSIDERATION.

1. Motion for suspension of the rules.
2. Motion for passage of third consideration.

2. Second Consideration: Ordinance amending various sections of the Davenport Municipal code to eliminate the formal standing council committees. [All Wards]

COMMITTEE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON SECOND CONSIDERATION

1. Motion for suspension of the rules.
2. Motion for passage of third consideration.
3. Second Consideration: Ordinance amending/deleting various sections of the Municipal Code of Davenport, Iowa, by amending section/deleting the sections as identified below in order to clarify administrative hearing procedures. [All Wards]

COMMITTEE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON SECOND CONSIDERATION

1. Motion for suspension of the rules.
2. Motion for passage of third consideration.
4. Resolution approving preliminary application for the Iowa Reinvestment District Program.
5. Resolution approving the plans, specifications, form of contract and estimated cost for the Central Fire Station Addition and Renovation, CIP project #02348. [Ward 3]
6. Motion approving the agreement between the City of Davenport and the most responsive and responsible vendor for golf professional and other services at Duck Creek and Emeis golf courses for the 2015 golf season. [Wards 1 & 6]

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.

Reports on Standing Committees

Community Development Committee

1. Third Consideration: Ordinance to amend the Village of East Davenport Self-Supporting Municipal Improvement District (VEDSSMID) to extend the term.

Public Safety Committee

1. Third Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Glaspell St in front of the residences at 2617 and 2624 Glaspell St. [Ward 1]
2. Resolution authorizing the Mayor and the Fire Chief to sign a Memorandum of Understanding between the City of Davenport Fire Department and Iowa Homeland Security and Emergency Management Department.
3. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor events.
4. Motion approving beer and liquor license applications.

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

Ward 1

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

Rubicon Race (Rubicon Race LLC) - 2200 W River Dr - Credit Island - Outdoor Area May 23, 2015 - License Type: B Beer

Ward 3

Dam View (VanDamQC, LLC) - 410 E 2nd St - Outdoor Area March 14-15, 2015 St. Patrick's Day Event - License Type: C Liquor

Great River Brewery (Old Capitol Brew Works and Public House LLC) - 332 E 2nd St - Outdoor Area - License Upgrade - License Type: High Proof Brew Pub/B Beer/E Liquor/C Liquor

Mac's Tavern (Failte Inc.) - 316 W 3rd St - Outdoor Area March 14-15, 2015 St. Patrick's Day Event - License Type: C Liquor

Ward 6

Duck Creek Golf Course (City of Davenport) - 3000 E Locust St - Outdoor Area - License Type: C Liquor

Ward 8

Red Hawk Golf Course (City of Davenport) - 6364 Northwest Blvd - Outdoor Area - License Type: C Liquor

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

Ward 3

La Finca (La Finca LLC) - 916 W 3rd St - License Type: B Beer

Lumpy's (Lumpy's Inc.) - 1509 Harrison St - Outdoor Area - License Type: C Liquor

Palmer College of Chiropractic (Palmer Chiropractic University Foundation) - 1000 Brady St - Outdoor Area - License Type: C Liquor

Radisson Quad City Plaza Hotel (Quad City Catering Co. Inc.) - 111 E 2nd St - Outdoor Area - License Type: B Liquor

Ward 4

The Meat Market (Weetbruch Enterprises Inc.) - 1629 Washington St - License Type: C Liquor

Ward 5

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

Ward 6

Grape Life Wine Store and Lounge (The Grape Life Wine Emporium Inc.) - 3402 Elmore Ave - License Type: C Liquor/B Wine

Q C Mart (Bethany Enterprises Inc.) - 2415 E 53rd St - License Type: C Beer

Ward 7

Beer Mart (Evernew Concepts LLC) - 4128 Brady St - License Type: C Beer/B Wine

Outback Steakhouse (Outback Steakhouse of Florida LLC) - 1235 E Kimberly Rd - Outdoor Area - License Type: C Liquor

Public Works Committee

1. Resolution Approving the Plans, Specifications, Form of Contract, and Estimated Cost for the Fiscal Year 2015/2016 Sewer Lining Program. CIP Project #10321 and #30013, funding at \$1,478,000 in bonds abated by sewer funds. *[All Wards]*
2. Resolution granting permission to CDB Utilities and Iowa Network Services, Inc. to install buried communications cable within public right-of-way in the City of Davenport along Elmore Avenue from Dexter Court to 53rd Street. *[Ward 6]*
3. Resolution granting permission to Central Scott Telephone to install buried communications cable within public right-of-way in the City of Davenport along 53rd Street from Utica Ride Road to Victoria Avenue and then north along Victoria Avenue to the 5400 Block. *[Ward 6]*
4. Resolution granting permission to Iowa Network Services, Inc. to install Buried Communications Cable within public right-of-way in the City of Davenport along Buffalo Avenue (110th Street) from an existing installation south to 76th Street and then easterly along 76th to an existing cell tower in the 7600 Block of West 76th Street. *[Ward 2]*

Finance Committee

1. Motion approving a three-year golf cart lease/rental renewal agreement with Harris Golf Cars of Dubuque, IA in the amount of \$112,342. *[All Wards]*
2. Motion awarding a contract for the bituminous fog sealing services to Gee Asphalt Systems, Inc. of Cedar Rapids, IA in an amount not-to-exceed \$50,000. *[All Wards]*
3. Motion awarding a contract for the Freight House north façade beautification project to Valley Construction Company of Rock Island, IL in the amount of \$83,947.50. *[Ward 3]*
4. Motion authorizing staff to issue a Request for Information (RFI) to solicit interest from potential providers of next-generation, fiber-optic broadband communication services for the Davenport community. *[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

Committee: Council
Department: City Clerk
Contact Info: Jackie E. Holecek 326-6163
Wards: All

Action / Date
3/11/2015

Subject:
Ald. Meeker

Recommendation:

Relationship to Goals:

Background:

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	3/5/2015 - 10:38 AM

City of Davenport

Committee: Council
Department: City Clerk
Contact Info: Jackie Holecek 563-326-6163
Wards: All

Action / Date
3/11/2015

Subject:
Minutes of the February 25, 2015 City Council Meeting

Recommendation:

Relationship to Goals:

Background:

ATTACHMENTS:

Type	Description
 Cover Memo	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	3/4/2015 - 11:54 AM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, February 25, 2015---The Council observed a moment of silence. Pledge of Allegiance. The Council met in regular session at 5:30 PM with Mayor Gluba presiding and all aldermen present.

The minutes of the February 11, 2015 City Council meeting were approved as printed.

The report of the Committee of the Whole and the Standing Committees was as follows: COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, February 18,

2015---The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Gluba presiding and all alderman present.

The following Public Hearings were held: Community Development Committee: Any potential future increase in the number of apartment units and/or any construction of any new buildings or building additions shall require an amendment to this condition, which shall require new public hearings before the City Plan and Zoning Commission and City Council; Finance Committee: on the FY 2016 Operating Budget, FY 2016 Capital Improvement Budget, and the FY 2016-2021 Capital Improvement Program; on the FY 2016 Operating Budget, FY 2016 Capital Improvement Budget, and the FY 2016-2021 Capital Improvement Program; regarding the conveyance of 7,000 square feet more or less of city owned property namely an unimproved platted east-west alley south of Rockingham Road and west of Stark Street (Sherri Blessing and K&C Properties, LLC, Petitioners). The Committee of the Whole recessed to the Standing Committees at 5:37 p.m.: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development

Committee: Ald. Boom called the meeting to order with all members present. Ald. Boom noted that the language in the conditions of the 1101 W. 9th Street rezoning need to be amended to include language that was not included but passed. On motion by Ald. Gordon, second by Ald. Meeker all items moved to the Consent Agenda with items 5-8 being considered at the end of the meeting. The Committee adjourned at 5:55 p.m. Public Safety

Committee: Ald. Matson called the meeting to order and all members were present. On motion by Ald. Tompkins, second by Ald. Barnhill the agenda was approved and all items moved to the Consent Agenda. Committee Action Only: The following motions were passed:

approving noise variance requests for various events on the listed dates at the listed times; approving the petition for a street light at the intersection of Winding Hill Road and Windsor

February 25, 2015

Drive. The Committee adjourned at 6:02 p.m. Public Works Committee: Ald. Ambrose called the meeting to order and all members were present. On motion by Ald. Edmond, second by Ald. Meeker the agenda was approved and all items moved to the Consent Agenda. Committee Action Only: The following motions were passed: accepting of the Brady Street Frontage Road for Menard's, 6600 Brady Street; accepting sanitary sewers for Menard's, 6600 Brady Street; Motion accepting storm sewers constructed in conjunction with Brady Street Frontage Road for Menard's at 6600 Brady Street. The Committee adjourned at 6:05 p.m. Finance Committee: Ald. Justin called the meeting to order and all members were present. On motion by Ald. Edmond, second by Ald. Boom the agenda was approved and items 2 and 3 moved to the Discussion Agenda; all other items moved to the Consent Agenda. The Committee adjourned at 6:52 p.m. On motion by Ald. Boom, second by Ald. Barnhill the rules were suspension (all Aldermen voting aye) and the following resolutions were adopted (all Aldermen voting aye): supporting a Workforce Housing Tax Credit application to the State for 128 W 2nd St and 112 W 2nd St, known as the Putnam Building/City Square Development, 98; supporting a Workforce Housing Tax Credit application to the State for 104 W 2nd St, know as the Parker Building/City Square Development, 99; supporting a Workforce Housing Tax Credit application to the State and approving a Davenport NOW application for 2130 Emerald Drive known as Castlewood Apartments Project, 100; supporting a Workforce Housing Tax Credit application to the State for 736 Federal St, known as the Gordon Van Tine/Harborview project, 101. Ald. Barnhill moved, second by Ald. Boom to approve the Discussion and Consent Agendas as recommended by the Standing Committees (all Aldermen voting aye). Council adjourned at 6:55 p.m.

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 second consideration: amending various sections of the Davenport Municipal code to eliminate the formal standing council committees.

February 25, 2015

The following resolution was adopted: adopting the FY 2016 Operating Budget, FY 2016 Capital Improvement Budget, and the FY 2016-2021 Capital Improvement Program, 102.

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.

Community Development Committee: The following ordinance moved to third consideration: to amend the Village of East Davenport Self-Supporting Municipal Improvement District (VEDSSMID) to extend the term. The following ordinance moved to second consideration: Case No. REZ15-01 being the petition of the Gold Coast Housing, LLC to remove the effective date of Ordinance No. 2013-362, rezoning the property located at 1101 West 9th Street (Former Kahl Home) from R-4, Moderate Density Residential, to R-6M High Density Residential. The following ordinance was adopted: for Case No. REZ14-13, petition of Kwik Shop, Inc., to rezone the property located at 1918 Bridge Avenue from "R-4", Moderate Density Residential District to "C-1", Neighborhood Shopping District, to accommodate expansion of the existing Kwik Shop facility, 103.

The following resolution was adopted: Urban Revitalization Tax Exemption projects, 104.

Public Safety Committee: The following ordinance moved to third consideration: amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Glaspell St in front of the residences at 2617 and 2624 Glaspell St.

The following resolution was adopted: closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s), 105.

The following motion was passed: approving all submitted beer and liquor license applications, 106.

Public Works Committee: The following resolutions were adopted: acceptance for the construction of the River Heritage Park Phase 1, Parking Lot Construction completed by Hawkeye Paving Corporation of Bettendorf, IA, CIP Project #10466, 107; resolution for the 2015 Street Resurfacing Program, CIP Project #10550, 108.

February 25, 2015

Finance Committee: The following ordinance moved to second consideration: amending/deleting various sections of the Municipal Code of Davenport, Iowa, by amending section/deleting the sections as identified below in order to clarify administrative hearing procedures.

The following resolutions were adopted: conveying 7,000 square feet more or less of city owned property, namely an unimproved platted east-west alley south of Rockingham Road and west of Stark Street (Sherri Blessing and K&C Properties, LLC, Petitioners), 109; conveying four tracts of city-owned property fronting 4th Street in the 100 East block of said Street (General Services Administration and RSL, Petitioners), 110.

The following motions were passed: approving 2015 Golf Fees at Emeis, Duck Creek, and Red Hawk Golf Courses, 111; awarding the RiverCenter Parking Ramp automation project to Hub Parking Technology/DataPark USA, Inc. of Chicago, IL. in the amount of \$205,671.34, 112.

Other Ordinances, Resolutions and Motions: On motion by Ald. Boom, second by Ald. Meeker, with all aldermen voting aye, the rules were suspended and the following resolution adopted: authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C chapter 53, title 23 United States Code and other Federal statutes administered by the Federal Transit Administration, 113.

The following Civil Service Lists were received and filed: *Community Relations Supervisor:* Jamie Lange, Daniel Johnson, Timothy Hernandez, Ryan Meritt, Lori Arguello, Katie Kiely, Cheryl Riley Hayles, Paige Nagle, Elesha Shaninllari; *Golf Supervisor:* John Netwal, Kerry Satterwhite, Jim Vanra Venswayy, Joshua Sheets, Drew Blocker, Peter Reimnitz, Matthew Woolam, Virgil Range, William Starcevick, Alan McCormick; *Laborer:* Daniel Earnest, Mark Mirr, Collin Gillespie, Dennis Byerly, Justin Evans, Russel Branch, Miguel Jaimes, Benjamin Johnson, Thomas Kneipp, Joshua McAninch, Garrett Alley, Kane Anderson, Nathan Hubbard, John Kiss, James Shumate, Jacob George, Tyler Harrington, James Houk, William Swafford; *Sr. Bus Mechanic:* Andrew Lorenzen, Robert Williams; *Senior Clerk:* Anne Quinn, Alex Nixonm Denise Murphy, Ashley Kristensen, Christina Nall, Joyce Welp, Brenda Cunningham, Cassndra Gano-Trout; Linda Roberts, Denel Cooper, Amber Rumge, Kathleenn

February 25, 2015

Madsen, Caitlyn Warner, Michael Morgan, Tammy Burgess, Caroline Mamful, Beth Longlet, Megan Cripe, Tracy Hughes, 114.

On motion Council adjourned at 6:02 P.M.

A handwritten signature in black ink that reads "Jackie E. Holecek". The signature is written in a cursive, flowing style.

Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

Committee: Council
Department: City Clerk
Contact Info: Jackie Holecek 326-6163
Wards: All

Action / Date
3/11/2015

Subject:
Report of Committee of the Whole and Standing Committees for March 4, 2015

Recommendation:

Relationship to Goals:

Background:

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	3/3/2015 - 10:27 AM

City of Davenport

Committee: Council
Department: Office of the Mayor
Contact Info: Kim Hattfield 326-7701
Wards: All

Action / Date
3/11/2015

Subject:
Citizens Advisory Committee
 Daniel Joiner (new appointment)
 Lance Baker (new appointment)

Recommendation:

Relationship to Goals:

Background:

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	3/3/2015 - 10:24 AM

City of Davenport

Committee: Council
Department: Administration
Contact Info: Corri Spiegel x3384
Wards: All

Action / Date
3/11/2015

Subject:
Art in City Hall Student Recognition

Recommendation:

Relationship to Goals:

Background:

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Admin, Default	Approved	1/7/2015 - 3:40 PM

City of Davenport

Committee: Community Development
Department: Community Planning and Economic Development
Contact Info: Matt Flynn, 326-7743
Wards: 3rd

Action / Date
2/18/2015

Subject:

Second Consideration: Ordinance for Case No. REZ15-01 being the petition of the Gold Coast Housing, LLC to remove the effective date of Ordinance No. 2013-362, rezoning the property located at 1101 West 9th Street (Former Kahl Home) from R-4, Moderate Density Residential, to R-6M High Density Residential. [3rd Ward]

COMMITTEE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON SECOND CONSIDERATION.

1. Motion for suspension of the rules.
2. Motion for passage of third consideration.

Recommendation:

At its February 3, 2015 meeting, the Plan and Zoning Commission accept the listed findings and forwarded Case No. REZ15-01 to the City Council with a recommendation for approval, with the following conditions:

Findings:

1. The proposed Zoning Map Amendment (rezoning to "R-6M") the proposed land use is consistent with the official plan of the City. The Proposed Land Use Map within Davenport 2025: Comprehensive Plan for the City designate the property as "Residential General", which designates mixed-use 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.
2. The proposed Zoning Map Amendment (rezoning to "R-6M") is consistent with the other existing "R-6M" zoning district classifications in the area, particularly in the area located one to two blocks south of the subject property.
3. The proposed Zoning Map Amendment (rezoning to "R-6M") will not alter the essential residential character of the immediate area and should not be a substantial detriment to other adjacent and nearby property.

Conditions:

1. There shall be no more than 60 apartment units and no new building construction. Any potential future increase in the number of apartment units and/or any construction of any new buildings or building additions shall require an amendment to this condition, which shall require new public hearings before the City Plan and Zoning Commission and City Council.
2. Evergreen landscape buffers will be planted along the parking lot perimeter on the 9th St side of the east parking lot, and that evergreen landscape buffers are also planted along the perimeter of the west parking lot where parked cars are aimed toward 9th St.
3. Existing parking lot lights will be lowered in height and aimed away from neighboring properties, or replaced with new LED "Dark Sky" fixtures aimed away from neighboring properties.
4. All building security lighting will be aimed away from neighboring properties.
5. Garbage pickup and garbage dumpsters will be restricted to the west parking lot.
6. All off-street parking shall be limited to the existing paved parking areas of the property

and/or to the footprint of the existing generator area. Any potential future need to construct additional off-street parking spaces beyond the existing paved areas of the property shall require an amendment to this condition, which shall require new public hearings before the City Plan and Zoning Commission and City Council.

The Commission vote was 6-yes and 0-no with 0-abstention.

Relationship to Goals:

Neighborhood Improvement

Background:

This case would remove the requirement that the developer obtain Low-Income Tax Credits by the end of calendar year 2014. That did not happen but the developer is now proceeding with the project as a 57 unit market rate facility.

As a result of dialogue between the neighborhood and the developer, the Ordinance contains five conditions mutually agreed upon by the parties.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
☐ Cover Memo	Kahl Ordinance
☐ Ordinance	P&Z Letter
☐ Backup Material	P&Z Report Plus Attachments
☐ Backup Material	Ales email
☐ Backup Material	Correspondence

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	3/4/2015 - 11:41 AM

ORDINANCE NO.

An Ordinance for Case No. REZ15-01 being the petition of the Gold Coast Housing, LLC to remove the effective date of Ordinance No. 2013-362, rezoning the property located at 1101 West 9th Street (Former Kahl Home) from R-4, Moderate Density Residential, to R-6M High Density Residential. [3rd Ward]

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. The property has the following legal description:

TRACT 1

Part of Block 22 in G.C.R. Mitchell's Third Addition to the City of Davenport, Iowa, more particularly described as follows: Beginning at a point in the South line of Ninth Street in the City of Davenport, 180 feet West from the West line of Vine Street; thence South parallel with Vine Street to the North line of Eighth Street; thence Westerly along the North line of Eighth Street to a point on the East line of a twenty (20) foot alley; thence North along the East line of said alley to the South line of Ninth Street; thence East along the South line of Ninth Street 525 feet to the place of beginning.

TRACT 2

Part of Block 22 in G.C.R. Mitchell's Third Addition to the City of Davenport, Iowa more particularly described as follows: Beginning at the point of intersection of the South line of Ninth Street and the West line of Vine Street in said City of Davenport; thence running South along the West Line of Vine Street, 140 feet; thence West 150 feet to the East line of a private alley 30 feet wide; thence North along the East line of said Alley, 140 feet to the South line of Ninth Street; thence East along the South line of Ninth Street, 150 feet to the place of beginning.

ALSO, an undivided half of a tract described as beginning at a point on the South line of said Ninth Street 180 feet West of the West line of said Vine Street; thence running South 140 feet; thence East 30 feet; thence North 140 feet to the South line of Ninth Street; and thence West along the South line of Ninth Street 30 feet to the place of beginning.

Said tract contains 5.45 acres, more or less.

The City Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ15-01 to the City Council for approval subject to the following:

Findings:

1. The proposed Zoning Map Amendment (rezoning to "R-6M") the proposed land use is consistent with the official plan of the City. The Proposed Land Use Map within Davenport 2025: Comprehensive Plan

for the City designate the property as “Residential General”, which designates mixed-use 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.

2. The proposed Zoning Map Amendment (rezoning to “R-6M”) is consistent with the other existing “R-6M” zoning district classifications in the area, particularly in the area located one to two blocks south of the subject property.

3. The proposed Zoning Map Amendment (rezoning to “R-6M”) will not alter the essential residential character of the immediate area and should not be a substantial detriment to other adjacent and nearby property.

Conditions:

1. There shall be no more than 60 apartment units and no new building construction. Any potential future increase in the number of apartment units and/or any construction of any new buildings or building additions shall require an amendment to this condition, which shall require new public hearings before the City Plan and Zoning Commission and City Council.

2. Evergreen landscape buffers will be planted along the parking lot perimeter on the 9th St side of the east parking lot, and that evergreen landscape buffers are also planted along the perimeter of the west parking lot where parked cars are aimed toward 9th St.

3. Existing parking lot lights will be lowered in height and aimed away from neighboring properties, or replaced with new LED “Dark Sky” fixtures aimed away from neighboring properties.

4. All building security lighting will be aimed away from neighboring properties.

5. Garbage pickup and garbage dumpsters will be restricted to the west parking lot.

6. All off-street parking shall be limited to the existing paved parking areas of the property and/or to the footprint of the existing generator area. Any potential future need to construct additional off-street parking spaces beyond the existing paved areas of the property shall require an amendment to this condition, which shall require new public hearings before the City Plan and Zoning Commission and City Council.

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. Ordinance 2013-362 and 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 _____

William E. Gluba
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____

February 5, 2015

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

At its regular meeting of February 3, 2015, the City Plan and Zoning Commission considered Case No. REZ15-01 being the removal of the time restriction on the rezoning of the former Kahl Home by Gold Coast Housing, LLC from "R-4", Moderate Density Dwelling District to "R-6M", High Density Dwelling District.

The Commission voted unanimously (6-0) to forward Case No. REZ15-01 to the City Council with a recommendation for approval, including the following findings and conditions:

Findings:

1. The proposed Zoning Map Amendment (rezoning to "R-6M") the proposed land use is consistent with the official plan of the City. The Proposed Land Use Map within Davenport 2025: Comprehensive Plan for the City designate the property as "Residential General", which designates mixed-use 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.
2. The proposed Zoning Map Amendment (rezoning to "R-6M") is consistent with the other existing "R-6M" zoning district classifications in the area, particularly in the area located one to two blocks south of the subject property.
3. The proposed Zoning Map Amendment (rezoning to "R-6M") will not alter the essential residential character of the immediate area and should not be a substantial detriment to other adjacent and nearby property.

Conditions:

1. There shall be no more than 60 apartment units and no new building construction.
2. Evergreen landscape buffers will be planted along the parking lot perimeter on the 9th St side of the east parking lot, and that evergreen landscape buffers are also planted along the perimeter of the west parking lot where parked cars are aimed toward 9th St.
3. Existing parking lot lights will be lowered in height and aimed away from neighboring properties, or replaced with new LED "Dark Sky" fixtures aimed away from neighboring properties.
4. All building security lighting will be aimed away from neighboring properties.
5. Garbage pickup and garbage dumpsters will be restricted to the west parking lot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', with a long horizontal flourish extending to the right.

Robert Inghram, Chairperson
City Plan and Zoning Commission



PLAN AND ZONING COMMISSION

Meeting Date: February 3, 2015
Request: Amend adopted Ordinance 2013-362 by amending the "Effective Date" language
Address: 1101 W. 9th Street
Project Name: Former Kahl Home for the Aged and Infirm
Case No.: REZ15-01
Petitioner: Gold Coast Housing, LLC, Contract Purchaser

INTRODUCTION

The petitioner is seeking to amend adopted Ordinance 2013-362 by amending the "Effective Date" language. This language was added by the City Council, which required the developer to secure Low Income Housing Tax Credits (LIHTCs) by the end of calendar year 2014.

STAFF RECOMMENDATION

Staff recommends the City Plan and Zoning Commission forward Case No. REZ15-01 to the City Council with a recommendation for approval, which would amend the "Effective Date" language contained in Ordinance 2013-362 as described in this report.

BACKGROUND

In 2013, Gold Coast Housing, LLC, Contract Purchaser, requested a Zoning Map Amendment (REZ13-11) of 5.45 acres, more or less, of real property known as Part of Block 22 in G.C.R. Mitchell's Third Addition to the City of Davenport (1101 W. 9th Street), from "R-4" Moderate Density Dwelling District to "R-6M" High Density Dwelling District. The purpose of the request was to allow the conversion of a vacant, former institutional facility known as the Kahl Home for the Aged and Infirm into approximately 68 senior citizen apartments.

The Plan and Zoning Commission unanimously recommended approval of Case No. REZ13-11 at its October 15, 2013 regular meeting subject to the following conditions:

1. The rezoning is subject to Gold Coast Housing, LLC acquiring the property; and
2. There shall be no more than 68 apartment units and no new building construction.

Case No. REZ13-11 was approved and Ordinance 2013-362 was adopted by City Council with the conditions recommended by the Plan and Zoning Commission and with the following non-standard "Effective Date" language: "This ordinance takes effect only upon Gold Coast Housing, LLC obtaining an allocation of Low Income Housing Tax Credits (LIHTCs) from the Iowa Finance Authority (anticipated in spring of 2014) and closing with the Iowa Finance Authority prior to the end of calendar year 2014 (closing meaning execution of inter-creditor agreement, promissory note and mortgage and all other required IFA documents, and final passage and publication as provided by law." The petitioner was not able to obtain Low Income Housing Tax Credits (LIHTCs), and therefore, Ordinance 2013-362 never became effective.

PUBLIC INPUT

A neighborhood meeting held on October 8, 2013 in conjunction with the previous request. Approximately fifteen neighbors were in attendance. The neighbors provided favorable feedback in support of the project. A number of questions were asked. Topics included the track record of the developer in other similar projects; what if any changes would be made to the property and/or buildings; the funding sources for the project; the proposed tenant mix based on income level; the pending Zoning Board of Adjustment request for a Special Exception from the Code-required parking per unit; possible site amenities such as an orchard or community garden; the use of the existing carriage house; and future plans for the existing electrical generator.

The petitioner has reached out to neighborhood leaders to discuss the need to amend the "Effective Date" language. Neighbors have expressed concern with the project moving forward without Low Income Housing Tax Credits or State Historic Tax Credits, project design and operation and construction.

DISCUSSION

The Commission is considering whether to amend Ordinance 2013-362 by amending the following non-standard "Effective Date" language: "This ordinance takes effect only upon Gold Coast Housing, LLC obtaining an allocation of Low Income Housing Tax Credits (LIHTCs) from the Iowa Finance Authority (anticipated in spring of 2014) and closing with the Iowa Finance Authority prior to the end of calendar year 2014 (closing meaning execution of inter-creditor agreement, promissory note and mortgage and all other required IFA documents, and final passage and publication as provided by law."

The petitioner was not able to obtain Low Income Housing Tax Credits (LIHTCs), and therefore, Ordinance 2013-362 never became effective.

Ordinance 2013-362 "Effective Date" language would be replaced with the following standard language: "This ordinance shall be in full force and effective after its final passage and publication as by law provided." The two conditions recommended by the Plan and Zoning Commission would remain effective.

It is staff's opinion that the appropriateness of the "R-6M" High Density Dwelling District in this specific location has already been considered by the Plan and Zoning Commission with it unanimously recommending approval of the request. While financing and restricting the use to a certain segment of the population was discussed with Case No. REZ13-11, it is staff's opinion that these should not be compelling when deliberating or recommending on the appropriateness of a proposed use in a specific location.

FINDINGS

1. The proposed amendment would facilitate development of an underutilized institutional building; and
2. The conditions pertaining to Ordinance 2013-362 would remain in effect.

STAFF RECOMMENDATION

Staff recommends the City Plan and Zoning Commission forward Case No. REZ15-01 to the City Council with a recommendation for approval, which would replace the non-standard "Effective Date" language contained in Ordinance 2013-362 with the following standard language: "This ordinance shall be in full force and effective after its final passage and publication as by law provided."

Gold Coast Housing, LLC (Case No. REZ15-01)
February 3, 2015

Prepared by:

A handwritten signature in black ink, appearing to read "Matthew G. Flynn", with a stylized, cursive script.

Matthew G. Flynn, AICP
Senior Planning Manager

Attachments:

Please see public hearing report for background material.

Rusnak, Ryan

From: Flynn, Matt
Sent: Tuesday, January 27, 2015 3:26 PM
To: Rusnak, Ryan
Subject: FW: Kahl
Attachments: McClure Drawings.pdf

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Cc: vanhese@mediacombb.net; mflynn@ci.davenport.ia.us; bboom@ci.davenport.ia.us
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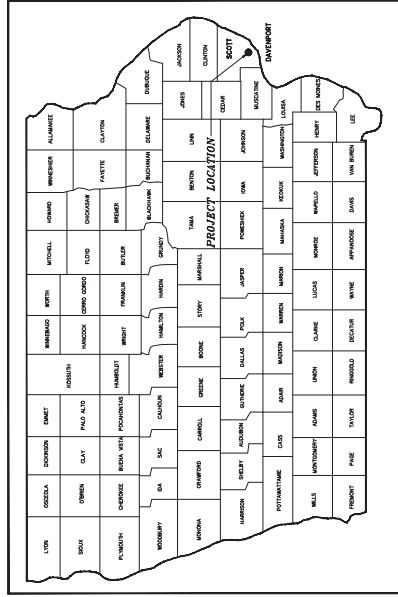
Chris

PLANS FOR PROPOSED SITE IMPROVEMENTS FOR FORMER KAHL HOME

CITY OF DAVENPORT, IOWA

INDEX OF SHEETS

- 1 COVER SHEET & LOCATION MAP
- 2 EXISTING UTILITIES
- 3 EXISTING SITE & REMOVAL PLAN
- 4 SITE, GRADING AND EROSION CONTROL



STATE OF IOWA

UTILITY NOTE & CONTACTS

THE LOCATION OF THE EXISTING UTILITIES ARE SHOWN ON THE PLANS FOR THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION OPERATIONS.

CITY OF DAVENPORT
3808 UTICA BRIDGE ROAD
DAVENPORT, IOWA 52801
PHONE: 563-333-7779

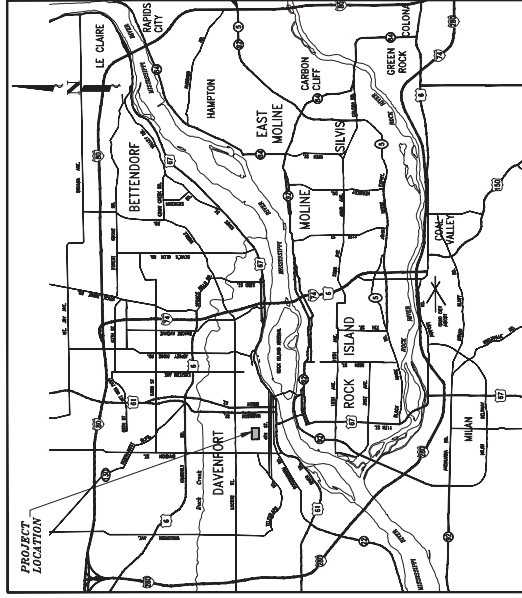
SANITARY & STORM SEWER
1200 E. 14TH STREET
DAVENPORT, IOWA 52801
PHONE: 563-333-7779

CITY OF DAVENPORT
5201 GRAND AVENUE
DAVENPORT, IOWA 52801
PHONE: 563-468-2021

DAVENPORT
3317 SCOTT STREET
DAVENPORT, IOWA 52801
PHONE: 563-468-2021

MD AMERICAN ENERGY COMPANY
3900 26TH AVENUE
DAVENPORT, IOWA 52801
PHONE: 563-797-2580

GAS & ELECTRIC
3900 26TH AVENUE
DAVENPORT, IOWA 52801
PHONE: 563-333-8799



PROJECT LOCATION MAP

NOTE

THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS, THE IOWA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS", AND THESE DRAWINGS.

PLANS PREPARED BY:



Copyright 2015 By McClure Engineering Associates, Inc.

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.

BREY, N.C. "NORSEY", P.E.
My License renewal date is December 31, 2015.
Pages or sheets covered by this set: 1 - 4

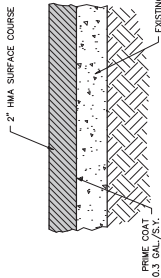
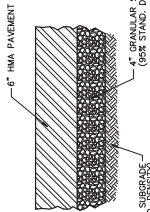
CALL IOWA-ONE-CALL BEFORE YOU DIG
1-800-292-8989 OR 811
S7, S12, T78N, R3E



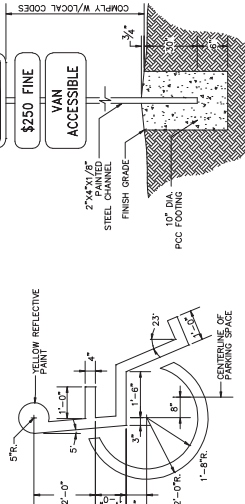
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8. ALL DIMENSION AND RADIIUS MEASUREMENTS ARE TO THE BACK OF CURBS UNLESS OTHERWISE SHOWN.
9. ANY PROPERTY PINS THAT ARE DISTURBED DURING CONSTRUCTION SHALL BE RESET AT THE EXPENSE OF THE CONTRACTOR.
10. CONSTRUCTION STAKING AND INSPECTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONSTRUCTION STAKES SHALL BE REINSTALLED A MINIMUM OF 48 HOURS IN ADVANCE.
11. EROSION CONTROL FEATURES SHALL BE INCORPORATED AT THE EARLIEST POSSIBLE TIME TO LIMIT EROSION AND STREAM POLLUTION AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH APPLICABLE IOWA DNR STANDARDS AND THE APPROVED EROSION CONTROL PLAN.
12. THE CONTRACTOR SHALL COORDINATE WITH THE APPROPRIATE UTILITY COMPANIES TO DETERMINE ANY REQUIRED MAINTENANCE WORK, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ADJACENT STREETS AND PROPERTY FREE FROM EXCESSIVE BUILD-UP OF SOIL AND/OR EXCESSIVE SOIL AND OTHER MATERIAL FROM THE ADJACENT STREETS ON A DAILY BASIS TO THE SATISFACTION OF THE ENGINEER/OWNER/CITY.
14. ALL UTILITY STRUCTURES SHALL BE CONSTRUCTED SO THAT TIME ARE MAINTAINED WITHIN REQUIRED TOLERANCES TO THE ADJACENT SURFACE.
15. THE CONTRACTOR SHALL COMPACT THE SUBGRADE UNDER ALL PAVED AREAS TO OBTAIN NOT LESS THAN 95% STANDARD PROCTOR DENSITY AND MAINTAIN THE SUBGRADE UNDER ALL PAVED AREAS TO OBTAIN NOT LESS THAN 95% STANDARD PROCTOR DENSITY.
16. THE FINAL TOP OF SOIL IN ANY AREAS INSTALLED BY THE CONTRACTOR MUST BE CAPABLE OF SUPPORTING VEGETATION AND FREE OF ALL "COLLUMS".

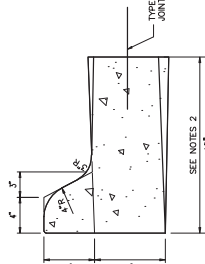
	PROPOSED HMA OVERLAY
	PROPOSED TURF
	PROPERTY BOUNDARY LINE
	EXISTING CONTOUR (1" INTERVALS)
	FINISHED CONTOUR (1" INTERVALS)
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATER MAIN
	EXISTING OVERHEAD ELECTRIC
	EXISTING UNDERGROUND TELEPHONE
	EXISTING GAS LINE
	EXISTING STORM INLET
	EXISTING MANHOLE
	DIRECTION OF FLOW
	EXISTING WATER VALVE
	EXISTING FIRE HYDRANT
	EXISTING UTILITY POLE
	EXISTING UTILITY POLE W/ 2/1 V WIRE
	EXISTING UTILITY POLE
	EXISTING SIGN



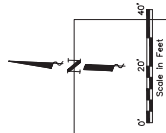
**HANDICAP
PARKING SIGN**
NOT TO SCALE



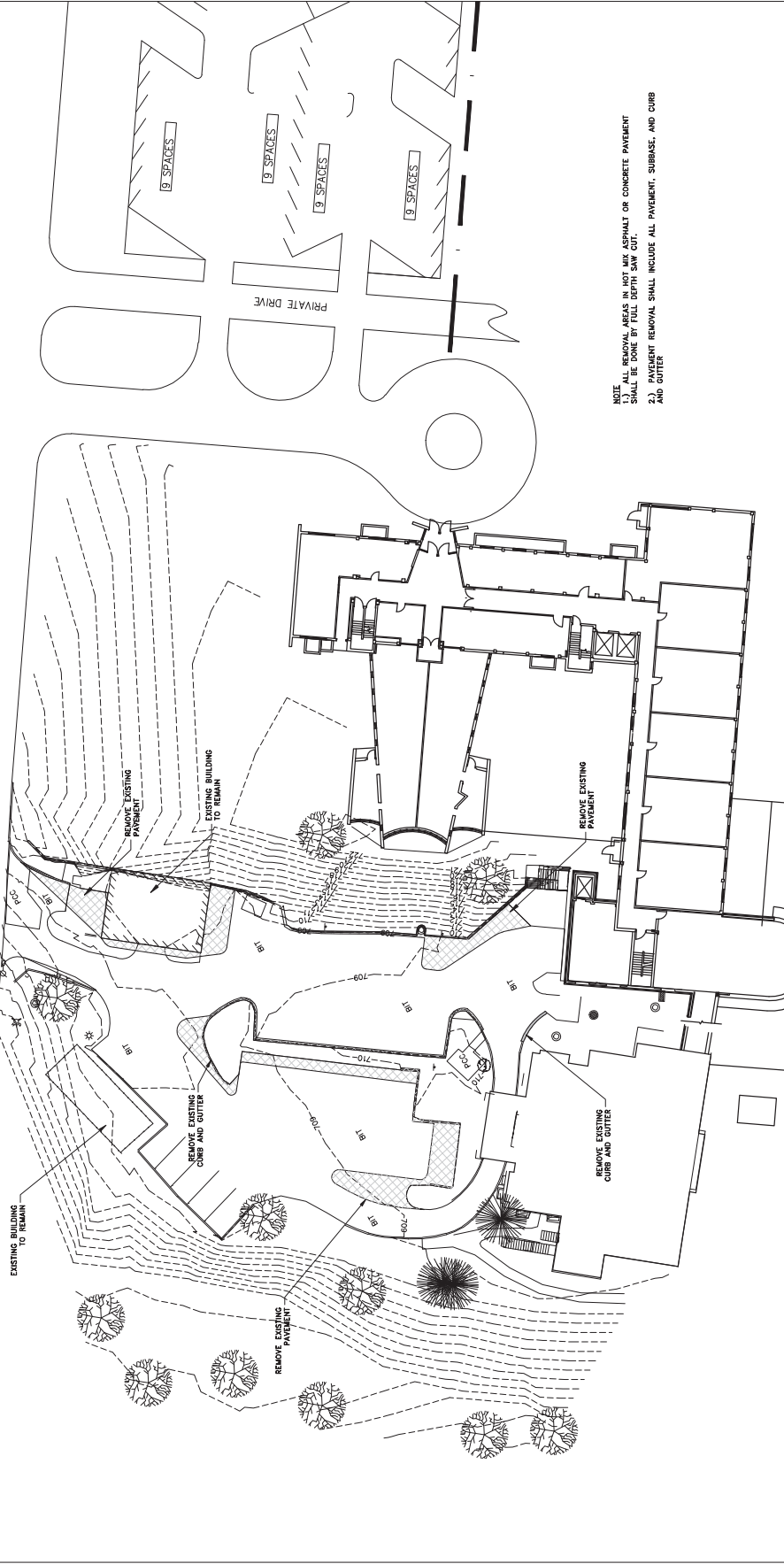
NOT TO SCALE



- NOTES:**
- 1.) CURB SLOPE TO FOLLOW DRAINAGE DIRECTION OF ADJACENT PAVEMENT.
 - 2.) MINIMUM 12 INCH FLAG REQUIRED IF GUTTER FORMED SEPARATELY. NO ADDITIONAL PAVEMENT WILL BE MADE FOR TIE BARS.



W. 9TH STREET



NOTE:
1.) ALL REMOVAL AREAS IN HOT MIX ASPHALT OR CONCRETE PAVEMENT SHALL BE DONE BY FULL DEPTH SAW CUT.
2.) PAVEMENT REMOVAL SHALL INCLUDE ALL PAVEMENT, SUBBASE, AND CURB AND GUTTER.

SHEET NO.
3
OF
4

EXISTING SITE & REMOVAL PLAN

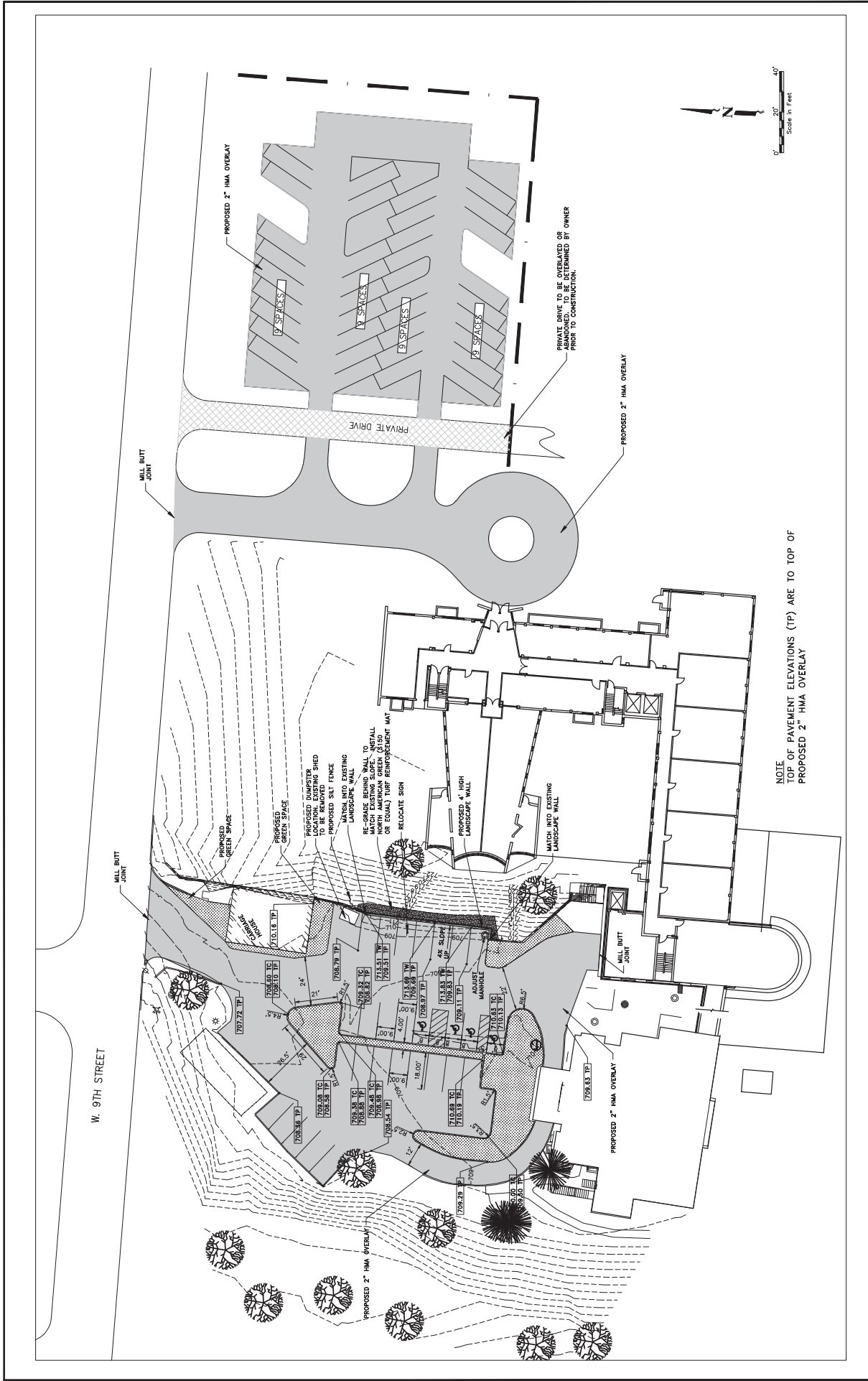
FORMER KAHL HOME
DAVERPORT, IA
JOB NUMBER: 01-15-10-001



PLOTTING SCALE: 1" = 20'
DRAWN BY: AEB
CHECKED BY: BSM
DATE: JANUARY 13, 2016

REVISIONS	
NO.	DATE

FORMER KAHL HOME
Davenport, Iowa



FORMER KAHL HOME
Davenport, Iowa

McClure
Civil & Mechanical Engineers
400 7th Street, Suite 200
Davenport, IA 52801
(563) 325-1000
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REVISIONS

NO.	ITEM	DATE

PLACING SCALE: 1" = 20'

DRAWN BY: AEB
CHECKED BY: BSM
DATE: JANUARY 2018

SITE, GRADING AND EROSION CONTROL
FORMER KAHL HOME
FILE NAME: I:\A01151600.DWG\15007.MCDwg
JOB NUMBER: 01-15-16-201

SHEET NO. **4**
OF **4**

Rusnak, Ryan

From: Flynn, Matt
Sent: Tuesday, January 27, 2015 3:26 PM
To: Rusnak, Ryan
Subject: FW: Kahl
Attachments: McClure Drawings.pdf

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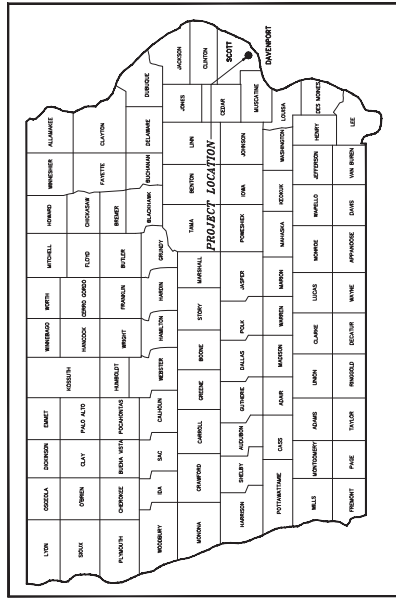
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STATE OF IOWA

UTILITY NOTE & CONTACTS

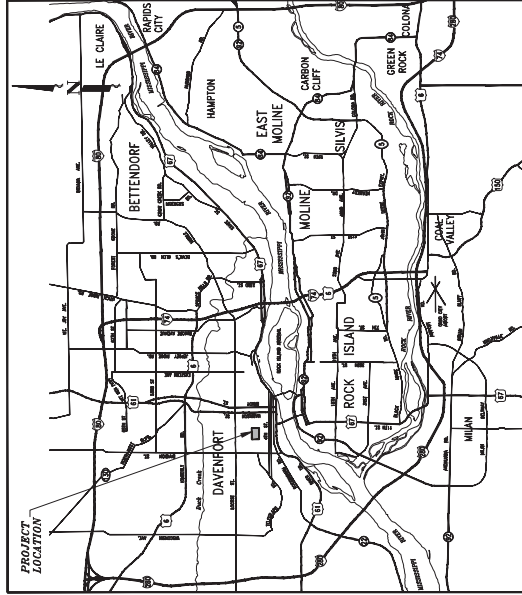
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CITY OF DAVENPORT
3808 UTICA BRIDGE ROAD
DAVENPORT, IOWA 52801
PHONE: 563-333-7779

DAVENPORT
337 SCOTT STREET
DAVENPORT, IOWA 52801
PHONE: 563-468-2021

DAVENPORT
3900 26TH AVENUE
DAVENPORT, IOWA 52801
PHONE: 563-797-2580

DAVENPORT
3900 26TH AVENUE
DAVENPORT, IOWA 52801
PHONE: 563-797-2580



PROJECT LOCATION MAP

NOTE

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PLANS PREPARED BY:



4700 Kennedy Drive
East Moline, Illinois 61244
Phone (309) 792-8350

Copyright 2015 By McClure Engineering Associates, Inc.

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.

DATE
My License renewed date is December 31, 2015
Pages or sheets covered by this set: 1 - 4

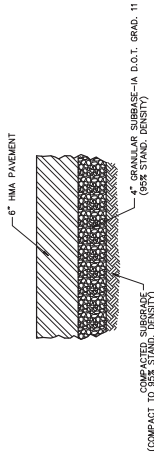


CALL IOWA-ONE-CALL BEFORE YOU DIG
1-800-292-8989 OR 811
S7, S12, T78N, R3E

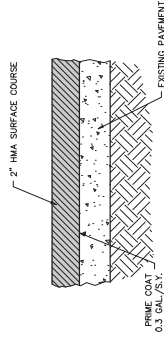
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- 8) ALL DIMENSION AND RADIIUS MEASUREMENTS ARE TO THE BACK OF CURBS UNLESS OTHERWISE SHOWN.
- 9) ANY PROPERTY PINS THAT ARE DISTURBED DURING CONSTRUCTION SHALL BE RESET AT THE EXPENSE OF THE CONTRACTOR.
- 10) THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL CONSTRUCTION STATIONING MARKS. HE REQUESTED A MINIMUM OF 48 HOURS IN ADVANCE.
- 11) EROSION CONTROL FEATURES SHALL BE INCORPORATED AT THE EARLIEST POSSIBLE DATE AFTER THE COMMENCEMENT OF THE PROJECT. THE CITY DESIRES TO MAINTAIN UTILITY ACCEPTANCE OF THE PROJECT BY THE CITY DESIRES TO CONTROL MEASURES SHALL BE IN ACCORDANCE WITH APPLICABLE IDMA DNR STANDARDS AND THE APPROVED EROSION CONTROL PLAN.
- 12) THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING WATER MAINS, GAS, ELECTRIC, ETC MAY PROCEED IN A TIMELY MANNER.
- 13) THE CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ADJACENT STREETS AND PROPERTY FREE FROM EXCESSIVE BUILD-UP OF SOIL AND/OR EXCESSIVE SEDIMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF EXCESSIVE SOIL AND OTHER MATERIAL FROM THE ADJACENT STREETS ON A DAILY BASIS TO THE SATISFACTION OF THE ENGINEER/OVERSEER/CITY.
- 14) ALL UTILITY STRUCTURES SHALL BE CONSTRUCTED SO THAT RIMS ARE FLUSH WITH SURFACES PRESENT GRADE OR GROUND SURFACE.
- 15) THE CONTRACTOR SHALL COMPACT THE SUBGRADE UNDER ALL PAVED AREAS TO A MINIMUM OF 95% STANDARD PROCTOR DENSITY AND MUST ASSURE THAT THE FINISHED SURFACE SHALL BE AT LEAST 90% STANDARD PROCTOR DENSITY. NO LESS THAN TWO STANDARD PROCTOR TESTS PER 1000 SQ YD OF FINISHED SURFACE SHALL BE REQUIRED.
- 16) THE FINAL TOP OF CURB AND ALL AREAS INSTALLED BY THE CONTRACTOR MUST BE CAPABLE OF SUPPORTING VEGETATION AND FREE OF ALL "COLUMNS"

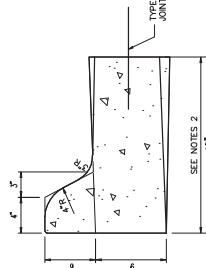
	PROPOSED DMA OVERLAY
	EXISTING TURF
	PROPERTY BOUNDARY LINE
	EXISTING CONTOUR (1' INTERVALS)
	FINISHED CONTOUR (1' INTERVALS)
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATER MAIN
	EXISTING OVERHEAD ELECTRIC
	EXISTING UNDERGROUND TELEPHONE
	EXISTING GAS LINE
	EXISTING STORM INLET
	EXISTING MANHOLE
	DIRECTION OF FLOW
	EXISTING WATER LINE
	EXISTING FURNACE VENT
	EXISTING UTILITY POLE
	W/ 25V WIRE
	EXISTING UTILITY POLE
	EXISTING SIGN



NOT TO SCALE

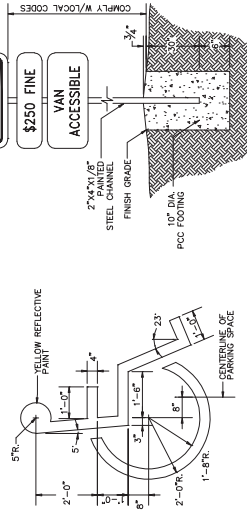


NOT TO SCALE



- NOTES:**
- 1.) CURB SLOPE TO FOLLOW DRAINAGE DIRECTION OF ADJACENT PAVEMENT.
 - 2.) MINIMUM 12 INCH FLAG REQUIRED IF GUTTER FORMED SEPARATELY. NO ADDITIONAL PAVEMENT WILL BE MADE FOR TIE BARS.

NOT TO SCALE



HANDI

WANT TO COME

NOT TO SCALE

[illegible]

PLOTTING SCALE: 1" = 1'

DRAWN BY: JLB

CHECKED BY: BOM

DATE: JANUARY 15, 2015

McClure
East Maine, Illinois 61244
Fax (309) 792-0974

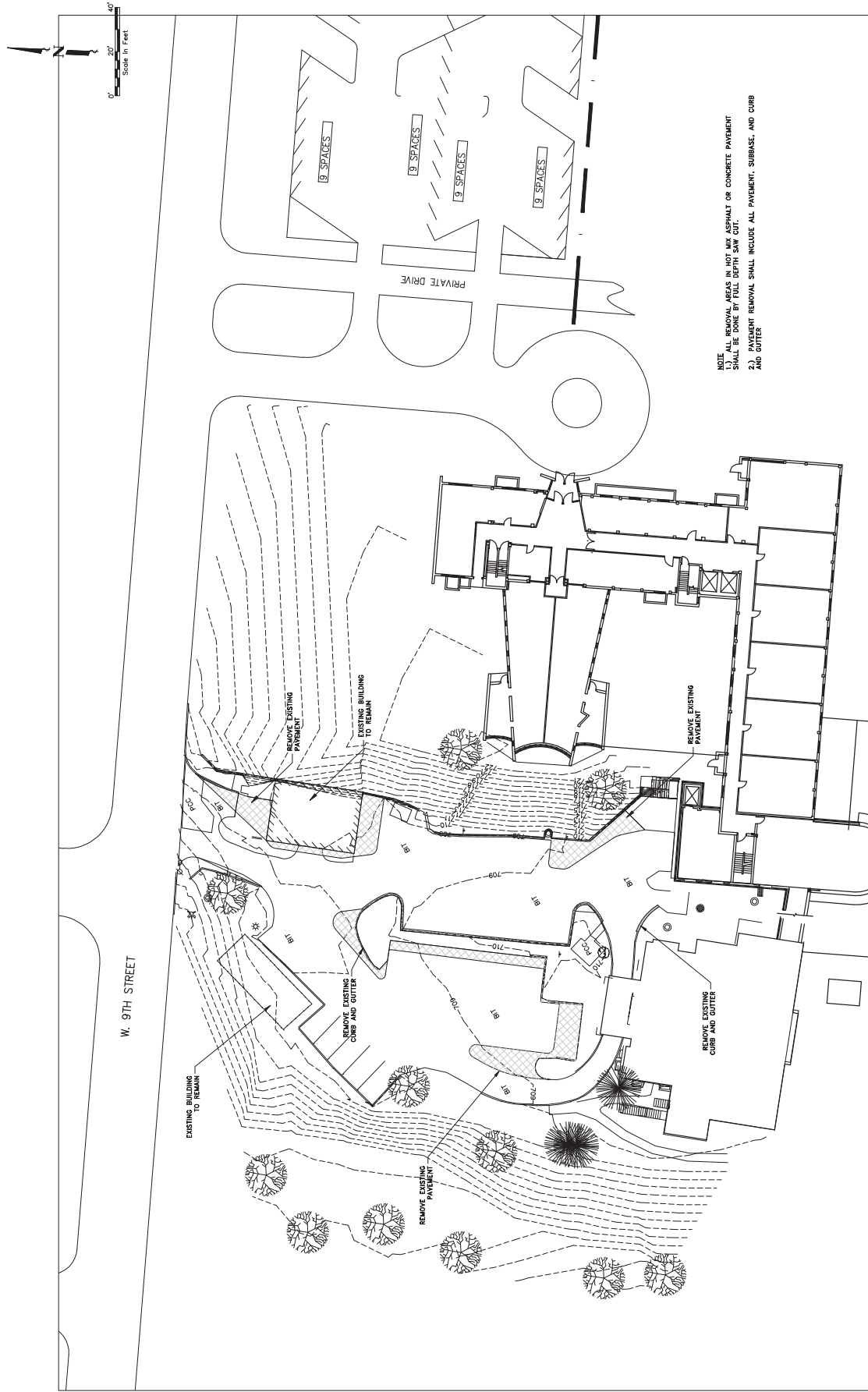
GENERAL NOTES & TYPICAL SECTIONS

FORMER KJHL HOME

FILE NAME: T:\VADAT15.008\DWG\15007_MDL.dwg

JOB NUMBER: 01-15-15-007

DAVENPORT, LA



SHEET NO.
3
OF 4

EXISTING SITE & REMOVAL PLAN

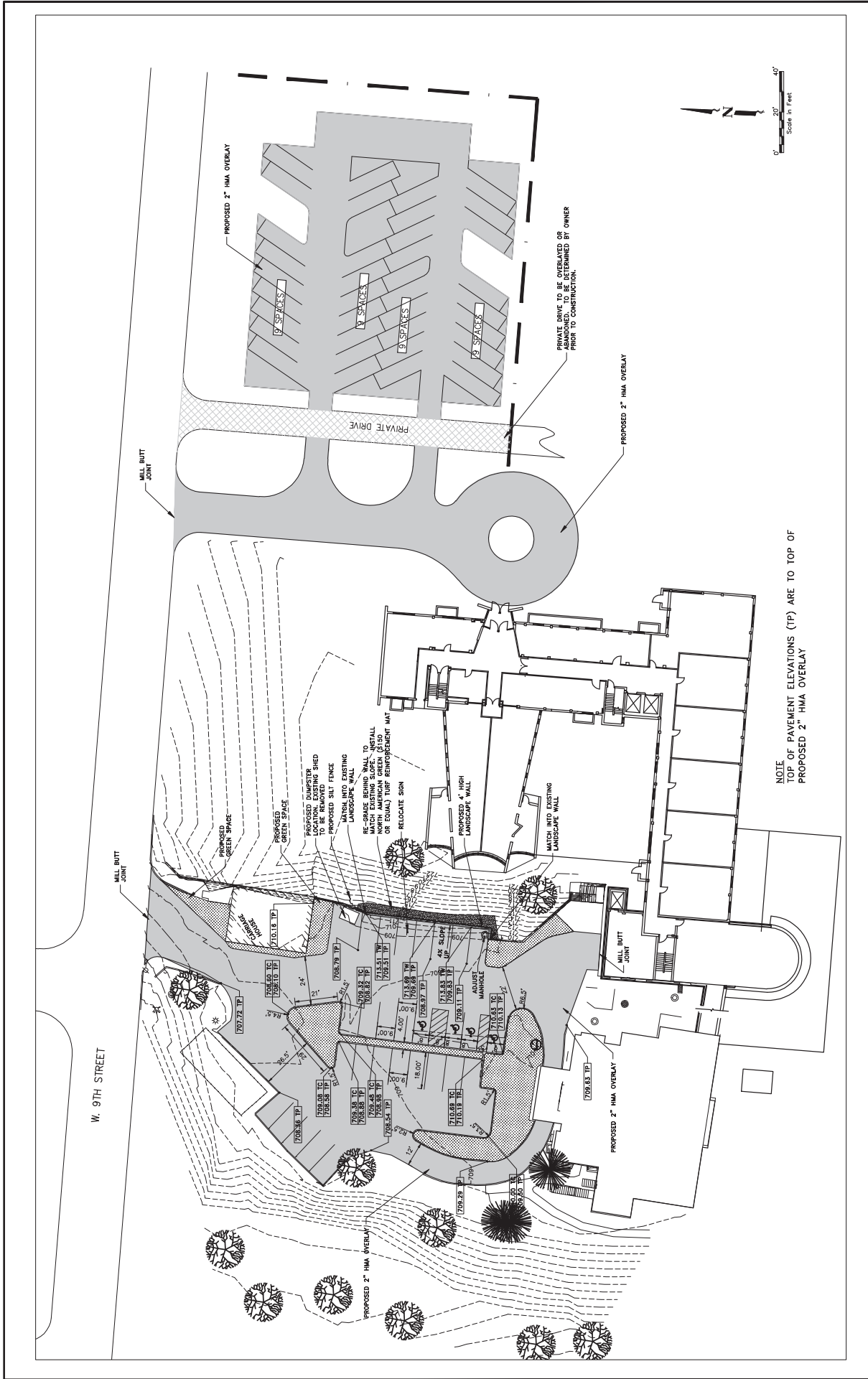
FORMER KAHL HOME
DAVERPORT, IA
FILE NAME: I:\A01151001\DAVERPORT\15007\15007.dwg
JOB NUMBER: 01-15-15-001



PLOTTING SCALE: 1" = 20'
DRAWN BY: AEB
CHECKED BY: BSM
DATE: JANUARY 15, 2015

REVISIONS		DATE
NO.	ITEM	

FORMER KAHL HOME
Daverport, Iowa



FORMER KAHL HOME
Davenport, Iowa

McClure
Civil & Mechanical Engineers
400 7th Street, Suite 200
Davenport, IA 52801
(563) 251-1000
Copyright 2015 By McClure Engineering Associates, Inc.

REVISIONS

NO.	ITEM	DATE

PLACING SCALE: 1" = 20'

DRAWN BY: AEB	CHECKED BY: BSM	DATE: JANUARY 2015
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SITE, GRADING AND EROSION CONTROL
FORMER KAHL HOME
FILE NAME: I:\A0115100\DWG\15007 MCL.dwg
JOB NUMBER: 01-15-15-001

SHEET NO. **4**
OF **4**

Rusnak, Ryan

From: Flynn, Matt
Sent: Tuesday, January 27, 2015 3:28 PM
To: Rusnak, Ryan
Subject: FW: Mitchell Bluff concerns
Attachments: Mitchell Bluff concerns.docx; ATT00001.htm

From: Linda Vanhese [mailto:vanhese@mediacombb.net]
Sent: Monday, January 26, 2015 10:41 AM
To: Flynn, Matt
Cc: Cathryn Lass; Beverly Goulet
Subject: Fwd: Mitchell Bluff concerns

Good Morning Matt,

I am one of the 9th Street Mitchell Bluff neighbors, across the street from the Kahl Home.

Gold Coast Housing, LLC has recently filed a petition to amend the previously approved petition for rezoning the Former Kahl Home from R-4 to R-6M.

Attached you will find the document Cathryn Lass compiled of neighborhood concerns. She emailed a copy to Chris Ales earlier today. I also forwarded the document to Bill Boom.

As Cathryn states in the document, "Our neighborhood support for the project was anchored by Low Income Housing Tax Credits being awarded by the Iowa Finance Authority. With IFA LIHTC's funding, certainties would have been brought to bear on the project which we expressed during the rezoning process were important to us. With the loss of this relevant funding source, we are compelled to revisit how Mitchell Bluff is affected and whether we think the redevelopment of the Kahl property can still be an asset to this neighborhood."

Cathryn has been in communication with Chris, along with yourself and Bill Boom over the last week. However, due to Cathryn's prior obligations, I will now be the primary contact for the neighborhood. Please send all future emails to me, with a copy to Cathryn and our neighbor, Beverly Goulet. You may reach me by text and phone, as well.

Respectfully,

Linda VanHese

vanhese@mediacombb.net text/phone: 563-320-7811

Beverly Goulet 2415joshua@mchsi.com

Cathryn Lass class@netexpress.net

Chris,

With all due respect in return, as property owners mindful of how redevelopment decisions impact our quality of life and property values, we are comfortable determining for ourselves what is relevant and meaningful. Our support for the project was anchored by Low Income Housing Tax Credits being awarded by the Iowa Finance Authority. With IFA LIHTC's funding, certainties would have been brought to bear on the project which we expressed during the rezoning process were important to us. With the loss of this relevant funding source, we are compelled to revisit how Mitchell Bluff is affected and whether we think the redevelopment of the Kahl property can still be an asset to this neighborhood.

That said, we are sharing our concerns about the redevelopment as I said we would. The dialog with you this week has been helpful in moving forward and again thank you for your responses to our questions. In summation, our concerns below are about funding and the developers' capacity to complete the project, project design and operation, and the construction phase. Although you have shown by action and recent emails the project is on a fast track, we intend taking the time necessary to amend the ordinance to our satisfaction before the property is rezoned. As our contribution to expediency, I present some of our concerns along with the solutions we seek.

We continue to be available to discuss our concerns and what will be done to resolve them. However, due to my prior obligations, we are changing our primary contact from me to Linda VanHese. Linda will be communicating with you and city officials as we move forward. Please send all future emails to Linda. A copy to me and our neighbor Beverly Goulet would be appreciated. Linda is also reachable by phone and text.

Linda VanHese
vanhese@mediacombb.net
Phone and text: 563-320-7811

Beverly Goulet
2415joshua@mchsi.com

Our concerns follow.

Cathryn

Funding and project completion

A successful application to IFA would have brought certainties as conditions of the LIHTC award, along with IFA's oversight throughout the life of the project that the project conformed to expectations. Our concern is that without the tax credit funding, there appears to be no mechanism or oversight body to assure the project is developed and operated as planned, especially over the long term.

1. The certainty that all units will be rented as senior units. Our support was given to all units to be rented to age 55 or over, with the understanding and acceptance that some units could be lowered to age 50. Without this funding source, there doesn't appear to be anything holding the completed property to these age restrictions.

2. The certainty that the property would function as senior housing for 30 years. Our support was given to the project remaining senior housing for 30 years (Extended Use project, as defined through IFA application). Without this funding source, there doesn't appear to be anything requiring the property to remain as senior housing for any length of time.
3. The certainty that all funding is committed, the project is financially ready to proceed, and that the project won't be delayed or downgraded due to lack of funding or funding delays. IFA would have required evidence of commitments from all funding sources as well as assurances the tax credits could be sold. As of now, we are not aware of any mechanism of oversight body requiring the developers to show evidence that all funding is committed.
4. The certainty that the development timeline is realistic and the project will be completed by a date certain. As of now, we are not aware of any mechanism of oversight body requiring the project be substantially completed by a certain date.

State Historic Tax Credits

We are also concerned about the State Historic Tax Credits as a funding source. After the Taylor School housing rehab in the 4th Ward was started, this same funding source was lost. As a result that project was derailed for a considerable time with very concerning consequences for neighboring property owners and the city.

1. Would you please expand on when you are planning to apply for state historic credits, when they would be awarded, and what percentage of the development budget they will fund? And if the project is not awarded state historic tax credits, what funding source will take their place?

Project design and operation

1. We are supportive of the reduction in number of units from 68 to 57 and ask that all references to numbers of units in the ordinance be changed from 68 to 57.
2. We are concerned about the generator next to 9th ST. It has historically been a noise issue with some sections of our neighborhood. If it will be used for primary or backup power, we ask that conditions for its use be discussed with us, and that a testing and use plan be worked out that is acceptable to neighboring property owners.
3. We are concerned about vehicle headlights from the parking lots shining across our properties. We already know this will be the case because we experienced this with the nursing home. The lots are elevated above our windows and porches so that parked cars and those moving through the lots spray adjoining houses with light. We ask that landscape buffers be planted around the parking lot perimeters on the 9th St side of the east parking lot, and the west side of the west parking lot. Rather than choose plantings that lose their buffering qualities in fall and the winter, we ask that screening is effective during all four seasons of the year.
4. We are concerned about the noise and appearance of dumpsters for residents on the east parking lot. While the site plan does not currently show there are dumpsters in the east lot, we do not want to see a change in this plan in response to tenant or waste haulers requests. The

Kahl successfully operated with the dumpster located only in the west lot. We ask that dumpsters be specifically prohibited from being placed in the east lot.

5. We are concerned that light from the existing light poles in the parking lots shines into our homes. While the lights are currently off, we recall their unpleasant effects when the nursing home was in operation. We ask that the lights be lowered in height and aimed away from neighboring properties, or replaced with new fixtures that remedy this concern.
6. We are concerned that building security lights shine into our homes. See number 5.
7. We are concerned about the appearance of the grounds with respect to fencing. The current chain link fencing surrounding the property needs repairs and we trust the developer shares this concern for safety reasons. Neighbors have seen children play on the fences as well as damage them. While the site plan does not currently show fencing, including the location of existing fencing, we ask that any fencing added to the property that would be in view of 9th ST property owners would be decorative fencing and not chain link.
8. We are concerned about the appearance of the grounds with respect to signage. We are hopeful the current brick sign on the 9th St lawn will suffice for identifying the property and providing contact information to prospective tenants. Additionally, we ask that there will be no temporary “for Rent”, “Vacancy”, “Now Open” or similar signage on the property.

We request that conditions are added to the ordinance which addresses these concerns.

Construction phase

1. We are concerned about construction dust and debris migrating to our properties. Our concern is due to the location of the building site at the top of the river valley, and the frequent occurrence of moderate to strong winds out of the south and west on the hill.

We ask that all fugitive dust originating from construction activities be controlled and kept from moving into adjoining residences. If a specific dust-producing operation cannot be controlled by sprinkling, tenting or other means, we ask that the developer, or his agent, give neighboring property owners at least 24 hours advance notice of these operations so that we may alter our plans, close windows, etc. Neighbors can assist in sharing this notification with each other if we are given sufficient notice.

We also ask that all construction materials be securely stored on the site at all times.

2. We are concerned about protecting the old streets surrounding the property and traffic safety. The streets are old, with old water and sewer lines beneath. When vehicles are parked on both sides of the street, traffic is reduced to one lane and visibility is reduced. The steepness of the 9th street hill also limits visibility and reaction time of drivers, especially if they are picking up speed to ascend the hill. We ask that during the construction phase all materials, equipment, and dumpsters be placed on the Kahl property and not delivered or allowed to remain on the public streets. We also ask that construction workers also park in the lots and not on the street.

3. We are concerned about safety at night. The parking lot lights have been turned off, throwing the block into darkness. We ask that minimal parking lot or exterior building lights be turned back on when Gold Coast becomes the property owner. Anticipating there will be adequate lighting in the future from parking lots, we do not want a street light added to 9th St or Vine St.
4. We are concerned about disruption to neighboring property owners during construction. We expect all work to comply with all city ordinances regarding noise, debris, run-offs, , etc. especially with respect to delivery of materials and equipment, waste hauling, and demolition activities.

We request that conditions are added to the ordinance which addresses these concerns.

Rusnak, Ryan

From: Flynn, Matt
Sent: Friday, January 30, 2015 8:42 AM
To: Linda Vanhese
Cc: Rusnak, Ryan; Berger, Bruce
Subject: Re: Mitchell Bluff concerns

Linda - there are no land use changes from the original proposal. Still, there will be two public hearings and up to five additional opportunities at the Council for public input. The Plan and Zoning Commission can delay action Tuesday if it desires; but I don't think financing concerns are relevant in its deliberations.

On Jan 30, 2015, at 9:24 AM, "Linda Vanhese" <vanhese@mediacombb.net> wrote:

Thanks for your reply to the questions below.

Could you explain *why* you are recommending shortening the public process by 2 weeks? Are the neighborhood's concerns not relevant?

I'll let the neighbors know about the location of the meeting, as the letter you sent says it is in Council Chambers.

Have a nice weekend,
Linda VanHese

On Jan 27, 2015, at 1:59 PM, Flynn, Matt <mflynn@ci.davenport.ia.us> wrote:

Linda – I will try to answer your questions below.

From: Linda Vanhese [<mailto:vanhese@mediacombb.net>]
Sent: Monday, January 26, 2015 2:30 PM
To: Flynn, Matt
Cc: Cathryn Lass; Beverly Goulet
Subject: Re: Mitchell Bluff concerns

Matt,

Would you clarify for me, now that we have voiced these concerns by contacting Chris Ales, along with notifying you and Bill Boom, what the process is in the next few weeks.

At the P & Z Meeting on January 20, while briefly talking about Future Business, you indicated that it would be the city's recommendation to "move forward". What does that mean? **We have suggested the P&Z make a recommendation back to Council at the 2-3 meeting. Normally, there would be another two weeks passing before a recommendation is rendered**

Scott Kelling had asked a couple questions concerning funding that you were not able to answer at that time. Do you have answers now? The P&Z has not begun its deliberations yet. Questions on financing, if you feel they are relevant, should be addressed to Mr. Ales or the Council. The duty of the P&Z is to focus on land use compatibility and the City Comprehensive Plan.

What does the neighborhood need to be doing next? What are your thoughts on the neighborhood's concerns? If you are concerned, you should attend the Feb 3rd meeting. Remember, the P&Z and my staff are focusing on land use compatibility for the project and those details have not changed at all.

The city's website calendar shows the P & Z Meeting at the Police Facility Community Room on February 3...it is correct? Yes

I appreciate your time,
Linda VanHese

On Jan 26, 2015, at 12:03 PM, Flynn, Matt <mflynn@ci.davenport.ia.us> wrote:

Thank you Linda. This item will be on the Plan and Zoning Commission Agenda on February 3, 5:00 pm in the Council Chambers.

From: Linda Vanhese [<mailto:vanhese@mediacombb.net>]
Sent: Monday, January 26, 2015 10:41 AM
To: Flynn, Matt
Cc: Cathryn Lass; Beverly Goulet
Subject: Fwd: Mitchell Bluff concerns

Good Morning Matt,

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Respectfully,

Linda VanHese

vanhese@mediacombb.net text/phone: 563-320-7811

Beverly Goulet 2415joshua@mchsi.com

Cathryn Lass class@netexpress.net

City of Davenport

Committee: Finance
Department: Legal
Contact Info: Tom Warner 326-7752
Wards: All

Action / Date
2/18/2015

Subject:

Second Consideration: Ordinance amending various sections of the Davenport Municipal code to eliminate the formal standing council committees. [All Wards]

COMMITTEE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON SECOND CONSIDERATION

1. Motion for suspension of the rules.
2. Motion for passage of third consideration.

Recommendation:
Pass the ordinance

Relationship to Goals:

Background:

During the recent strategic planning process, the council standing committees were identified as an area where some improvement could be achieved without reducing public participation. Nearly all the large cities in Iowa have moved away from standing council committees. Eliminating the committees, would not mean less public participation at the meetings, but would allow for all Council Members to participate equally at the committee-of-the-whole meetings. The Mayor will still appoint a Chair and Vice-Chair for Community Planning & Economic Development, Public Safety, Public Works and Finance. However, instead of being actual subcommittees, those four areas simply would become topical areas of discussion during the committee of the whole. For the public watching the meeting, the only differences will be that opening and adjourning the subcommittees, subcommittee-only votes, and recognizing non-committee members to speak will become things of the past - as it has in most of the other large Iowa cities.

ATTACHMENTS:

Type	Description
☐ Cover Memo	FC ORD Standing Committees Abolished

REVIEWERS:

Department	Reviewer	Action	Date
Finance Committee	Admin, Default	Approved	3/5/2015 - 9:21 AM

ORDINANCE NO. _____

Ordinance amending various sections of the Davenport Municipal Code to eliminate the formal standing council committees

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

Section 1. That Section 2.12.070 of the Davenport Municipal Code is hereby amended to reads as follows:

2.12.070 Purchasing Provisions.

Approval of purchases and bidding procedures shall be subject to the following provisions of this chapter and applicable provisions of state and federal law:

A. Approval Authority.

1. There must exist authorized budget appropriation.
2. For purchases of one thousand dollars or less, the approval of the director of the requesting agency or designee.
3. For purchases in excess of one thousand dollars but not exceeding ten thousand dollars, the approval of the finance director. However, the city administrator is not subject to this provision.
4. For purchases in excess of ten thousand dollars but not exceeding fifty thousand dollars, the approval of the city administrator or designee.
5. Purchases exceeding fifty thousand dollars require city council approval.
6. For change orders to capital projects of five thousand dollars or less, the approval of the project manager.
7. For change orders to capital projects when fifty percent or less of budgeted project funds remain, the approval of the capital improvement program manager or city engineer.
8. For change orders to capital projects not exceeding fifteen thousand dollars, the approval of the public works director.
9. For change orders to capital projects not exceeding twenty-five thousand dollars, the approval of the city administrator.
10. Change orders to capital projects exceeding fifty thousand dollars require the approval of the City Council.

B. Finance Information Only Report. Purchases in excess of ten thousand dollars but not more than fifty thousand dollars shall be placed upon the committee of the whole agenda for informational purposes only.

C. Competitive Bids.

1. Wherever required by state or federal law, all purchases and contracts for supplies, materials, equipment, public improvements, and contractual services shall be on an equal and competitive basis.

2. All other purchases and contracts may follow the procedure, which in the judgment of the director of finance, will result in the best value to the city.

3. All competitively bid acquisitions or purchases are to be based on the lowest responsible bid, determining the lowest responsible bidder in accordance with section 2.12.170 below. (Ord. 2011-01 §§ 1, 2: Ord. 2005-292 § 1 (part): New: Ord. 80-1008 § 1 (part): prior code § 2-189).

Section 2. That Subsection 2.12.260(F) of the Davenport Municipal Code is hereby amended to reads as follows:

F. The board shall only act in an advisory capacity and shall make recommendations to the council and to the director regarding the operations, maintenance, programs, policies, fee schedules and budgets developed for the RiverCenter and Adler Theatre. (Ord. 2006-413 § 3).

Section 3. That Section 2.36.110 of the Davenport Municipal Code is hereby amended to reads as follows:

2.36.110 Fire chief - Power to remove or destroy property.

The chief, during the progress of any fire, whenever in his judgment it becomes necessary to check or control the same shall have power to order any fence, building or erection of any kind to be cut down and removed; he shall, with the consent of the mayor or two members of the council, have power to cause any building or erection to be blown up with powder or other explosives, for the purpose of checking or extinguishing a fire. He shall also have power, with the concurrence of the fire marshal and chief building official, to tear down any portion of any building that may be standing after a fire, or has become decayed or dilapidated, and in their judgment may be dangerous to persons or property.

Section 4. That Subsection 2.40.020(L) of the Davenport Municipal Code is hereby amended to reads as follows:

L. Settlement of Claims. may expend \$50,000 or less to adjust, settle, purchase or compromise any or all causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the city or in which the city is concerned as a debtor or creditor, now existing or which may hereafter arise. City council consent is necessary for amounts in excess of \$50,000.

Section 5. That Subsection 2.54.070(F) of the Davenport Municipal Code is hereby amended to reads as follows:

F. The board shall only act in an advisory capacity and may:

1. Make recommendations to the council and to the director of parks and recreation regarding the operations, maintenance, programs, policies, fee schedules and budgets developed for the parks and recreation division.

2. Make recommendations to the city administrator and to the council regarding the appointment, dismissal or suspension of the director of parks and recreation. (Ord. 2006-412 § 1 (part)).

Section 6. That Subsection 2.58.070(A)(1) of the Davenport Municipal Code is hereby amended to reads as follows:

1. To appoint and prescribe the duties of such employees and agents as the city council and the commission may from time to time authorize, and to administer the budget of the commission, including any sums received by gift or grant under the rules and regulations of the city council and the department of city administration and to account for the same

Section 7. That Section 5.10.240 of the Davenport Municipal Code is hereby amended to reads as follows:

5.10.240 Revocation and suspension - Hearing.

Hearing on suspension of wine or beer permits and liquor licenses shall be before the city council. The hearing shall be held at the city hall and shall be presided over by the mayor or mayor pro tem. At such hearing a quorum of the council and the mayor or mayor pro tem shall be present. The licensee may be, but is not required to be present. The licensee or permittee may be represented by an attorney of the licensee or permittee's choice, which is privately retained. At such hearing, the city shall be represented by counsel from the legal department who shall present the evidence for the city. The licensee and the city may present witnesses and other relevant testimony and shall have the right to cross examine opposing witnesses, to challenge all nonwitness testimony, and to make appropriate final arguments. The hearing may be adjourned for cause for not more than seven days. Decisions shall be on the record with a record vote taken. If at the hearing the facts establish one or more of the causes set out in Section 5.10.230, then the council, as hereinabove provided, shall suspend the permittee's license for such period of time as provided in Section 5.10.310C. (Ord. 2012-332 (part); Ord. 89-186 § 18; Ord. 79-1203 § 3; prior code § 7-24

Section 8. That Section 5.10.300 of the Davenport Municipal Code is hereby amended to reads as follows:

5.10.300 Regulation of minors in beer and liquor establishments.

A. It is unlawful for any person under legal age to enter, remain in or frequent an establishment holding a liquor license or class B beer permit in which the sale of alcoholic liquor or beer constitutes more than fifty percent of the gross receipts from the licensed premises, unless accompanied by a parent or legal guardian of such person. Any person, firm or corporation claiming that the sale of alcoholic liquor or beer constitutes fifty percent or less of the gross receipts from such establishment shall be required to prove the same for purposes of enforcement of this section. Although an establishment qualifies under the above fifty percent rule, no person under the legal age shall remain on the premises thirty minutes after the kitchen facilities have closed.

B. It is unlawful for any person operating an establishment holding a liquor license or a class B beer permit to allow any person under legal age to remain in the establishment in violation of subsections A and C of this section.

C. The provisions of this section shall not apply to any person under legal age who:

1. Is a regular employee performing regular duties during the course of employment; provided, however, such person shall not be allowed to sell or serve alcoholic liquor or beer for consumption on the premises where sold;

2. Enters and remains in for a period not to exceed ten minutes an establishment holding a liquor license or class B beer permit for the sole purpose of purchasing beverages other than alcoholic liquor or beer, or purchasing food stuffs, neither of which shall be consumed on the premises; provided, that no person shall be exempt under the provisions of this subsection who consumes any such beverage or food stuffs on the premises or remains therein longer than for a period of ten minutes.

3. Enters and/or remains in an establishment holding a liquor license or class B beer permit on a night that has been established by the business owner or manager as a night reserved for persons under the legal age, provided that the business owner or manager has notified the city clerk and police department in writing that said night or nights are reserved for customers age twenty and under, and provided that no beer, wine, or liquor will be served or sold by the licensee or permittee on said "reserved night or nights." Written notification shall be provided to the city at least two weeks prior to the establishment of a reserved night. For purposes of this subsection, the "reserved night" shall be deemed to begin at 2:01 a.m. on the day so reserved and shall end at 2:00 a.m. the next day.

4. Is in a licensed premises where the sale of alcoholic beverages is incidental to the primary purpose of the establishment as a live entertainment venue or reception/banquet facility and where the licensee has received a letter of exemption based on a written plan to prevent nineteen and twenty year olds from obtaining alcoholic beverages from licensed premises or patrons thereof. "Live entertainment" does not include disc jockeys, mere playing of recorded music, light shows or displays, or social dancing. A letter of exemption does not permit persons under the age of nineteen to enter, remain or frequent an establishment. A letter of exemption may be obtained by submitting a written plan and a fifty dollar processing fee to detail specific measures to be employed by the licensed premises to prevent nineteen and twenty year olds from obtaining alcoholic beverages from licensed premises or patrons thereof. The plan should be submitted to the council for approval. The plan may include a system by which persons under the age of twenty-one are readily distinguishable from persons

who are not (e.g. wrist bands) and shall include safeguards to minimize subversion of the system. The council shall determine by clear and convincing evidence that the plan will effectively prevent persons under the legal age from obtaining alcohol. Once a letter of exemption is granted, it shall be required of the licensee and all agents and employees thereof, to insure the system is operational at all times. Failure of the system to be operational during business hours shall be deemed a violation of this subsection by the person employed by the licensee or permittee and the licensee or permittee. The letter of exemption shall expire and be reviewed by the council at the time of the renewal of the liquor license or Class B permit. At the time of renewal the licensee or permittee shall submit a one hundred dollar renewal fee. The council may suspend or revoke a letter of exemption for two or more violations of this subsection after notice and the opportunity for a hearing in front of council is afforded. A licensed premises whose primary purpose is to sell alcoholic beverages, commonly referred to as a bar or tavern, may apply for a nineteen/twenty year old exemption for an event under the terms and conditions specified above and contained in this paragraph. The event cannot be longer than two days in duration. A separate application must be made for each event accompanied by a statement from a peace officer, who has been privately hired by the licensee for the event for security purposes, that the licensee has hired the number and type of security personnel recommended by said officer for the event and what the level of staffing will be by block of time. In addition to the standards set forth above, council may deny the letter of exemption for an event if it determines the calls for service to the business on a per day average for the two most recent events is greater than the average for the previous three months.

Nineteen and twenty year old patrons will not be allowed to be present on the licensed premises of an establishment with a letter of exemption after 11:00 p.m. on Sunday through Thursday night or between the hours of 12:20 a.m. to 2:00 a.m. on Saturday and Sunday morning. (Ord. 2012-332 (part); Ord. 2008-294 § 1; Ord. 2005-212 § 1; Ord. 98-127 §§ 2-5; Ord. 95-438 § 1; Ord. 79-1049 § 3; Ord. 75-319 § 1; prior code § 7-29.01).

Section 9. That Section 5.21.050 of the Davenport Municipal Code is hereby amended to reads as follows:

5.21.050 Driver requirements.

A. No person shall operate a vehicle for hire/taxicab within the city without having obtained a vehicle for hire/taxicab driver's license pursuant to the provisions of this section.

B. No owner or operator shall permit the operation of a vehicle for hire/taxicab within the city without the driver having obtained a vehicle for hire/taxicab driver's license pursuant to the provisions of this chapter.
(Ord. 91-104 § 20).

C. A person desiring a vehicle for hire/taxicab driver's license shall file with the finance department a signed and sworn application on forms provided by the city, containing the following information: (a) the name and address of the applicant;

addresses for the past five years; date of birth; race; height; color of hair and eyes; place of birth; social security number and driver's license number, (b) the experience of the applicant in the transportation of passengers; including any previous cities in which the applicant has operated a cab, (c) whether the applicant's motor vehicle license has been suspended or revoked and if so the reasons therefor and the dates and periods of suspension or revocation, (d) a list of all felony and misdemeanor convictions including traffic violations for the past seven years. The application shall be accompanied by a copy of the applicant's driving record certified by the appropriate state agency of the person's state of domicile. (Ord. 2000-200 § 1: Ord. 91-104 § 21).

D. All applicants for a vehicle for hire/taxicab driver's license required by this chapter shall be: (a) over eighteen years of age, (b) able to read and write the English language, (c) issued a motor vehicle license by the person's state of residence, which license would allow the person to operate a vehicle for hire pursuant to the laws of said state, (d) otherwise qualified and of good morals, character and reputation. (Ord. 91-104 § 22).

E. The finance director or his designee, upon recommendation of the police department, may approve or reject an application. If an application is rejected, the applicant may request a hearing under Chapter 2.86 within ten days of the date of the written notice of the rejection of the applicant's driver's license. At the hearing the applicant and the finance director or his designee shall present evidence concerning the rejection of the license application.

F. No vehicle for hire/taxicab driver's license shall be issued if the applicant:

1. Is not qualified as required by this chapter;
2. Is under the care of a physician who has prescribed a drug for the applicant for which one of the contraindications is a prohibition on driving a motor vehicle and the prescriptive period is still open.
3. Has been convicted of a felony;
4. Has been convicted of a misdemeanor involving assault on a person;
5. Has been convicted of the offense of operating while intoxicated or under the influence of drugs or alcohol within the last three years or two such convictions in the last six years;
6. Has been convicted of three traffic violations in the past twelve months or five traffic violations in the last thirty-six months;
7. Gave incomplete, false or misleading information on the application;
8. Was unable to obtain a passing score upon examination.

G. An applicant who is disqualified by reason of Section 5.21.060(F)(4) or (6) may be issued a probationary license as long as they are otherwise qualified and of good moral character and have not previously been issued a probationary license. The probationary license period will last one year, and if the licensee completes the one year probation without being charged with a violation of the law, then the licensee will be eligible for a regular license under this chapter. However, if a licensee is charged with a violation of the law within the one year probationary period, the probationary license will immediately and automatically be revoked. (Ord. 2010-132: Ord. 2000-200 § 2: Ord. 91-104 § 23).

H. The finance director or his designee shall submit a written examination to every applicant on the applicant's initial application for a vehicle for hire/taxicab driver's license which examination shall concern the applicant's knowledge of the provisions of this

chapter, the traffic ordinances of the city, geography of the city, location of streets and public places within the city. A licensed driver shall be subject to re-examination once every three years for any renewals sought thereafter. An applicant or driver must successfully answer seventy percent of the examination questions prior to receiving a driver's license. (Ord. 2000-200 § 3: Ord. 91-104 § 24).

I. Upon the approval of an application for a vehicle for hire/taxicab driver's license and payment of the license fee, the finance department shall issue a vehicle for hire/taxicab driver's license to the applicant which shall bear the name, address, race, date of birth, signature and photograph of the applicant. A person may renew a driver's license thirty days before its expiration date, however, the initial date of issuance will remain as its expiration date. A person shall not be considered to be driving without a license during a period of thirty days following the license expiration date. A duplicate license may be obtained upon the filing of a signed and sworn statement by the person that the original license was lost, stolen or destroyed and the payment of a five-dollar fee. (Ord. 91-104 § 25).

J. Every driver licensed under this chapter shall post the vehicle for hire driver's license in such a place as to be in full view of all passengers while such driver is operating a vehicle for hire. A driver operating a vehicle for hire shall have said driver's license in immediate possession at all times when operating the vehicle for hire and shall display the same upon the demand of a police officer. (Ord. 91-104 § 26).

K. The finance director shall have the authority to suspend any vehicle for hire/taxicab driver's license issued under this chapter for any violation of this chapter. The suspension may last for a period not to exceed one year. The finance director shall notify the person in writing by certified mail of the suspension, time period of suspension, to surrender said license to city clerk, reason for suspension and right to appeal. At the conclusion of a suspension period the person may retrieve the taxicab driver's license from the city clerk.

The finance director shall have the authority to revoke a vehicle for hire/taxicab driver's license for repeated violations of this chapter, failure to surrender a suspended vehicle for hire/taxicab driver's license, commission of an act or acts which would be grounds for a denial of a driver's license, or operating a taxicab while a taxicab driver's license or state motor vehicle license is under suspension. The revocation shall be effective for a period not exceeding one year. The finance director or designee shall notify the person in writing by certified mail of the revocation, time period of revocation, to surrender said license to city clerk, reason for revocation and right to appeal. At the conclusion of a revocation period the person may reapply for a taxicab driver's license. A person may appeal a suspension or revocation of a vehicle for hire/taxicab driver's license to the hearing officer under Chapter 2.86 within ten days of the date of the written notice. The decision of the hearing officer is final. The suspension or revocation becomes effective if no appeal is requested. (Ord. 2012-332 (part): Ord. 91-104 § 27).

Section 10. That Section 8.14.140 of the Davenport Municipal Code is hereby amended to read as follows:

8.14.140 Approval of insurance policy required.

Any insurance policy tendered by a license applicant shall be approved by the city's risk management division. (Ord. 2002-31 § 3 (part); Ord. 79-1168 § 3 (part); prior code § 39-27).

Section 11. That Section 8.19.090 of the Davenport Municipal Code is hereby amended to read as follows:

8.19.090 Special variances.

A. The city council shall hear and determine all applications for variances from this chapter.

B. Any person seeking a special variance pursuant to this section shall file an application with the city council at least thirty days prior to the event. This thirty-day requirement may be waived by the city council at its discretion. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall also contain the time period for which the variance is sought and the noise limit (dBA) the applicant is petitioning the city council to allow. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the city council containing any information to support his claim.

C. In determining whether to grant or deny the application, the city council shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the council may reasonably require. In granting or denying an application, the council shall decide the matter by a public vote after considering the information and testimony provided, if any.

D. Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity and any new noise limit (dBA) that will be enforced. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it to those provisions of this chapter regulating the source of sound or activity for which the special variance was granted.

E. In addition to other requirements, the council, as part of the conditions of a special variance, may:

1. Require the owner or operator of any commercial or industrial activity to establish and maintain records and make such reports as the council may reasonably prescribe;

2. Require the owner or operator of any commercial or industrial activity to measure the sound level of any source in accordance with the methods and procedures and at such locations and times as the council may reasonably prescribe. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-9).

Section 12. That Section 8.19.100 of the Davenport Municipal Code is hereby amended to reads as follows:

8.19.100 Appeals.

Any determination by the council pursuant to the above special variances provision may be appealed to the Iowa district court as provided by Iowa law. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-10).

Section 13. That Section 8.19.130 of the Davenport Municipal Code is hereby amended to reads as follows:

8.19.130 Recreational motorized vehicles operating off-public rights-of-way.

A. Except as permitted in subsection B or C of this section, no person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in Table 3 at a distance of fifteen meters (fifty feet) or more from the path of the vehicle when operated on a public space or at or across the boundary of private property when operated on private property. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

B. It is illegal for any person to sponsor or conduct any recreational, sporting or other type of motorized racing event without registering said event with the city.

C. Other special variances may be obtained from the council, according to procedures outlined in Section 8.19.090.

D. All recreational motorized vehicles must have mufflers as provided in subsection A of Section 8.19.120.

Section 14. That Section 9.44.010 of the Davenport Municipal Code is hereby amended to reads as follows:

9.44.010 Simple misdemeanor.

Any person who anywhere in the limits of the city, fires or discharges any cannon, gun, pistol, or other firearm or who explodes any cannon firecracker, or places upon the tracks of any railway or place where the same are exploded or liable to be exploded, any fulminating or other explosives, caps or substance, shall be guilty of a simple misdemeanor, except that a duly organized nonprofit club may by special permit issued by the chief of police, subject to the approval of the city council, discharge firearms in the city. (New: prior code § 23-10).

Section 15. That Section 12.12.030 of the Davenport Municipal Code is hereby amended to reads as follows:

12.12.030 Buildings erected - Sidewalk required - Waiver.

A permanent sidewalk, as defined in Section 12.12.160, shall be constructed along the street side of each building erected in the city, prior to occupancy, unless the city council waives the same upon proper application therefor. (Prior code § 35-80).

Section 16. That Section 12.12.040 of the Davenport Municipal Code is hereby amended to read as follows:

12.12.040 Specifications.

All public sidewalks shall be constructed of such width of not less than four feet and according to specifications drawn up by the city engineer and approved by the city council. (Prior code § 35-82).

Section 17. That Section 12.12.140 of the Davenport Municipal Code is hereby amended to read as follows:

12.12.140 Requirements.

The construction of any special driveway or intersection to a driveway shall be under the full control of the director of construction and engineering and all rules and requirements pertaining to the construction thereof shall be subject to the approval of the council. Where a driveway or approach is constructed from the curb, the depression for the driveway or approach shall extend from the face of the curb back toward the property line not to exceed four inches for each inch in height of the top of the curb above the gutter except where special conditions exist. In any instance where special conditions exist, the city engineer, subject to the approval of the council, shall make such rules and requirements as may be reasonable in the particular case. (Prior code § 35-86).

Section 18. That Section 12.12.160 of the Davenport Municipal Code is hereby amended to read as follows:

12.12.160 Permanent sidewalks - Construction requirements.

All permanent sidewalks extending in width from the lot line to the street curb shall be constructed with a slope or fall from the lot line towards the street curb of one-third of an inch to the foot and all permanent sidewalks not extending in width from the lot line to street curb shall have a slope or fall towards the curb of one-fourth of an inch to the foot. In that portion of the city outside of the district, known and designated as the fire limits, any permanent sidewalk, the outside line of which shall be located two feet from the outside line of the street curb, shall be so constructed that the outside line of such sidewalk shall be two and one-half inches higher than the top of the curb and any permanent sidewalk, the outside line of which shall be located more than two feet from the outside line of the street curb, shall be constructed at such height above the top of

the curb as may be determined by the council and city engineer; provided, that the owner of any abutting lot or property fronting on such proposed sidewalk may, by serving a written notice to that effect upon the city engineer, appeal from the decision of such city engineer, fixing the height of such sidewalk, to the city council, whereupon the city engineer shall report their acts and proceedings in the matter and the fact of such appeal to the city council which shall then determine the height above such curb at which such sidewalk shall be constructed. (Prior code § 35-88).

Section 19. That Section 12.12.170 of the Davenport Municipal Code is hereby amended to read as follows:

12.12.170 Permanent sidewalks - Permit required - Application - Revocation.

A. No person, firm or corporation shall construct or lay any permanent sidewalk without first having obtained a permit from the public works department, the application for which permit shall be in writing and shall state the owner of the property, the street upon which, and the lot, lots or parcels of ground in front of or adjacent to which a walk is to be built, the length, width and depth of such proposed walk and the time when it will be completed.

B. The permit shall include the right to use ten feet of the width of the street but no permit shall extend more than fifteen days from the time the grading for such sidewalk has been completed.

C. When the grading for such sidewalk has been completed and the contractor is ready to start building or constructing same, he shall notify the public works department as to the time when the work of building or constructing said sidewalk will be commenced.

D. The public works director may revoke any permit without notice; provided, however, if such permit is revoked, the director shall within three days notify the holder of such permit to that effect and in said notice specify a time and place when such permit holder may have a hearing before the city hearing officer pursuant to Chapter 2.86, which time shall not be more than five days after such permit holder is so notified. (Prior code § 35-89).

Section 20. That Section 12.32.050 of the Davenport Municipal Code is hereby amended to read as follows:

12.32.050 Permit - Bond.

A. The bond shall be executed to the city in the penal sum of five thousand dollars with good and sufficient sureties to be approved by the engineering division shall be conditioned on the faithful performance of all duties required by ordinances and rules or regulation of the city or the engineering division of the city.

Section 21. That Section 12.36.100 of the Davenport Municipal Code is hereby amended to read as follows:

12.36.100 Temporary permit - Bond required - Violation a simple misdemeanor.

A. Before any permit shall be given, the applicant shall have on file with the city clerk, a fidelity bond approved by the engineering division in full force and in such sum as shall be fixed by the public works department conditioned upon holding the city harmless from any claim for damages or the costs incident thereto and also conditioned upon holding the city harmless from all damages to paving, sidewalks or other city property for the deposit of material or apparatus.

B. Violation of the conditions or provisions of this section or section 12.36.090 or any permit issued thereunder shall be deemed a simple misdemeanor and punishable as such. (Prior code § 35-60).

Section 22. That Section 16.16.030 of the Davenport Municipal Code is hereby amended to read as follows:

16.16.030 Conformance with minimum standards.

The city plan and zoning commission shall study such preliminary plat to see if it conforms with the minimum standards and requirements as outlined in this chapter. The commission shall submit its recommendation to the city council for approval within forty-five days after the submission of the preliminary plat. The approval of the preliminary plat does not constitute acceptance with the subdivision by the city, but is deemed to be an authorization to proceed with the preparation of the final plat. (Ord. 92-529 § 1 (part)).

Section 23. That Section 16.20.030 of the Davenport Municipal Code is hereby amended to read as follows:

16.20.030 Copies to be submitted - Supplemental information.

Twenty-one copies of the final plat shall be submitted with the original tracing and a digital drawing file to the department of community and economic development. They shall be filed at least six working days prior to the regular meetings of the committee of the whole of the city council at which they are to be considered. The digital drawing file shall conform to the standards and requirements established by the city engineer. The plat shall show or be supplemented by the following information:

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.

First Consideration _____

Second Consideration _____

Approved _____

William E. Gluba
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____

City of Davenport

Committee: Finance
Department: Legal
Contact Info: Brian Heyer 326-6156
Wards: ALL

Action / Date
2/18/2015

Subject:

Second Consideration: Ordinance amending/deleting various sections of the Municipal Code of Davenport, Iowa, by amending section/deleting the sections as identified below in order to clarify administrative hearing procedures. [All Wards]

COMMITTEE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON SECOND CONSIDERATION

1. Motion for suspension of the rules.
2. Motion for passage of third consideration.

Recommendation:
Consider the ordinance.

Relationship to Goals:

Background:

The code publishing company identified some administrative hearing provisions that it recommends be deleted from the city code so as to eliminate possible confusion. The purpose of this ordinance is to satisfy that recommendation.

ATTACHMENTS:

Type	Description
 Cover Memo	Ord

REVIEWERS:

Department	Reviewer	Action	Date
Finance Committee	Admin, Default	Approved	3/5/2015 - 9:22 AM

ORDINANCE NO.

AN ORDINANCE AMENDING/DELETING VARIOUS SECTIONS OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SECTION/DELETING THE SECTIONS AS IDENTIFIED BELOW IN ORDER TO CLARIFY ADMINISTRATIVE HEARING PROCEDURES.

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

Section 1. That §5.01.090 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

5.01.090 License issuance or denial.

Unless cause exists for the denial of an application for a business license the license shall be issued. If the finance director determines that the application should be denied the applicant shall be notified in writing of the reason(s) for the denial. The notice of denial shall be sent to the applicant within ten days after the finance director's receipt of the last recommendation from an investigating department and shall be sent by certified mail to the address shown on the application. Upon receipt of the notice of denial the applicant may request an administrative hearing as provided in §2.86.020 of the city code. The purpose of the hearing shall be to determine whether there is sufficient cause supporting the denial of the application. Good and sufficient cause to deny a business license application includes, but is not limited to, any of the reasons sufficient for suspension, revocation or rescission of a business license. If a timely request for hearing is not filed the applicant shall be deemed to have waived any and all rights to challenge the denial.

Section 2. That §5.01.110 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

5.01.110 Hearing procedures.

Hearings shall be scheduled and held as provided by the procedures in Chapter 2.86 of the city code.

Section 3. That Section 5.06.130 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

5.06.130 Appeal

Upon receipt of a decision denying an application, or a decision suspending, revoking or rescinding a license or permit, affected applicant, licensee or permittee may request an administrative hearing as provided in §2.86.020 of the city code. At the hearing the applicant, licensee or permittee shall be allowed a reasonable opportunity to be heard in order to show cause as to why the adverse decision should not be upheld. The burden of proof shall be upon the party making the appeal. The hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the city code. If a timely appeal is not filed the applicant, licensee or permittee shall be deemed to have waived all rights to challenge the suspension, revocation or rescission of its license or permit.

Section 4. That Section 5.22.090 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

5.22.090 Suspension or revocation.

The City of Davenport Finance Director or the Director's designee may suspend or revoke a license issued pursuant to this chapter for any of the following reasons:

A. The licensee's application contains a misrepresentation of any fact, a false statement, or a misleading statement.

B. The license has violated any of the provisions of this chapter or has otherwise conducted its business in an unlawful manner.

C. The licensee, owner, manager, partner, corporate officer or director has been convicted of a crime involving fraudulent or deceptive practices, such as, but not limited to, robbery, burglary, theft, forgery, or the possession, manufacture or delivery of a controlled substance, or non-payment of excise taxes or any other taxes, or insolvency.

D. Any reason that constitutes grounds for denial of the issuance of a license.

Upon the receipt of a decision suspending or revoking a license the licensee may request an administrative hearing as provided in §2.86.020 of the city code. At the hearing the licensee shall be allowed a reasonable opportunity to be heard in order to show cause as to why the adverse decision should not be upheld. The burden of proof shall be upon the licensee. The hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the city code. If not timely appeal is file the licensee shall be deemed to have waived all rights to challenge the suspension or revocation of its license.

Section 5. That §§6.04.020(Q) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

6.04.020(Q) The notice of revocation or notice of extension of the revocation period, or notice of confiscation of any animal may be appealed as provided in §2.86.020 of the city code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the city code. If the city demonstrates sufficient evidence in support of its determination the burden shall shift to the appealing party to demonstrate by clear and convincing evidence that he or she has had no role in the care, supervision, possession or control of the animal or that the incident which caused the enforcement action by the city was caused by a third party or event not under the supervision or control of the appealing party. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the city.

Section 6. That §6.04.155 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

6.04.155 Notice of violation, confiscation, revocation.

An animal control officer or police officer may send notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals within the city, extension of periods of revocation, confiscation of an animal by the city, or a declaration that a dog is dangerous or vicious. A notice of violation shall be sent by certified mail or personally served upon an animal's owner or keeper at the request of a victim of a dog attack as defined in §§6.04.010(K). The notice of violation may be appealed as provided in §2.86.020 of the city code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the city code. If a timely appeal is not filed the notice of violation shall be conclusively presumed to be true. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the city.

Section 7. That §6.04.160 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

6.04.160 Nuisances.

A. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous or vicious animal kept or maintained within the city in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.

B. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the

nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the city will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least eighteen years old, or by serving the owner or custodian by certified mail return receipt requested. If service is by certified mail, service shall be deemed given when mailed.

C. Any person ordered to abate a nuisance may request a hearing on the order to abate as provided in §2.86.020 of the city code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the city code. If no timely appeal is filed the nuisance shall be conclusively presumed to exist and the person who was notified to abate it shall be conclusively presumed to be responsible for the existence of the nuisance.

D. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the city may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 6.04.140. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of the humane society.

Section 8. That §8.12.070 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.12.070 Abatement hearing.

Any person ordered to abate a nuisance may request an appeal hearing as provided in §2.86.020 as to whether a nuisance exists or whether they are the person responsible for its existence. If timely appeal is not requested the existence of the nuisance and the notified person's responsibility for its existence will be conclusively presumed as true. If requested the hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code.

Section 9. That §8.12.110 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.12.110 Expenses – hearing

Any person notified pursuant to §8.12.100 who objects to the amount of the expense demanded from said person may request a hearing as provided in §2.86.020. If timely appeal is

not filed the amount of the expense demanded shall be conclusively presumed to be true. If a hearing is requested the hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code and the sole question to be determined at the hearing shall be the reasonableness of the expense demanded considering the city's actual expenses, the administrative time spent and associated costs involved, and deterrence of behavior.

Section 10. That §8.14.035 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.14.035 Appeals.

If a property owner objects to the amount or his or her liability to pay such amount, the property owner may appeal the billing pursuant to §2.86.020 of the city code. If appealed a hearing shall be scheduled and held pursuant to Chapter 2.86. If timely appeal is not filed, the amount and liability for said amount shall be conclusively presumed to be true.

Section 11. That §8.14.430 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.14.430 Appeals.

The property owner shall be notified by regular mail or personal service of a violation of §8.14.410. The notice shall state the nature of the violation, the corrective action to be taken, and the amount time by which the corrective action must be taken. Upon receipt of such notice the property owner may file an appeal pursuant to §2.86.020. If appealed a hearing shall be scheduled and held pursuant to Chapter 2.86. If timely appeal is not filed the notice of violation shall be conclusively presumed to be true.

Section 12. That §8.14.520 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.14.520 Hearing.

The person(s) to whom the notice is directed, or that person's duly authorized agent, may file a request for hearing as provided in §2.86.020. If requested an appeal hearing shall be scheduled and held pursuant to Chapter 2.86. If timely appeal is not filed the notice shall be deemed to be conclusively presumed to be true and the city may proceed accordingly.

Section 13. That §8.15.135 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.15.135 Appeals.

An order, decision or determination by an inspector regarding the application or interpretation of Chapter 8.15 may be appealed as provided in §2.86.020. If an appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code. If timely appeal

is not filed the order, decision or determination made by the inspector shall be conclusively presumed as being true and the recipient of the order, decision or determination shall have waived all rights to challenge said order, decision or determination.

Section 14. That §§8.15.155(B)(5) and (F) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.15.155(F)

(B)(5) Statements advising.

Any person having any record title or legal interest in the building may appeal from the notice and order or any action of the code enforcement officer as provided in Chapter 2.86. Failure to appeal from a notice and order or action of the code enforcement officer will constitute waiver of all rights to an administrative hearing and determination of the matter as provided in the notice and order or action of the enforcement officer shall be the final determination.

F. Repair, Vacation and Demolition. The code enforcement officer shall follow the standards set forth hereinafter when ordering the repair, vacation or demolition of any substandard building or structure:

1. Any building declared a substandard building under this code shall be made to comply with one of the following:

- a. The building shall be repaired in accordance with the current property maintenance code or other current code applicable to the type of substandard conditions requiring repair; or
- b. The building shall be demolished at the option of the building owner; or
- c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated and to be secured in accordance with the Davenport Municipal Code.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated and/or demolished.

Section 15. That §8.15.160 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.15.160 Appeal.

Any person who receives notice under this chapter may appeal said notice and order pursuant to the procedures set forth in §2.86.020. If a timely request for appeal is not filed the order, decision or determination shall be conclusively presumed as being true and the recipient of the order, decision or determination the responsible party. If an appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code.

Section 16. That §§8.15.165(A) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

A. Compliance. After any order of the code enforcement officer, fire chief or administrative hearing officer shall have become final, no person to whom such order is directed shall fail, neglect or refuse to obey said order. Any person who fails to comply with or obey said order shall be guilty of a municipal infraction.

Section 17. That §§8.15.165(D) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

D. Interference with Repair or Demolition Work Prohibited. The final order of the code enforcement officer, fire chief or administrative hearing officer shall be enforced as written. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative or agent of the city engaged in the work of repairing, vacating and repairing, demolishing or any act necessary or incidental to enforcement of the final order.

Section 18. That §§8.16.060(6) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

6. A statement notifying the property owner of his or her rights to a hearing before the administrative hearing officer pursuant to the provisions of Chapter 2.86 of the city code.

Section 19. That §8.17.100 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.17.100 Appeals.

Appeals of notices, orders, decisions and determinations made by an authorized official relative to the application and interpretation of this code shall be requested, scheduled and heard pursuant to the provisions in Chapter 2.86 by the administrative hearing officer. In ruling on appealed notices, orders, decisions and determinations the administrative hearing officer does not have the authority to waive requirements of this chapter.

Section 20. That §8.17.170 of the Municipal Code of Davenport, Iowa, be and the same is hereby deleted in its entirety and said section number shall be "Reserved" to future use.

Section 21. That §§8.17.210(A) and (B) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.17.210 Compliance.

A. General. After any order of the code enforcement officer or administrative hearing officer shall have become final, no person to whom such order is directed shall fail, neglect or refuse to obey said order. Any person who fails to comply with said order is guilty of a simple misdemeanor.

B. Failure to Obey Order. If, after an order has become final the person to whom such order is directed fails, neglects or refuses to obey said order, the code enforcement officer may

cause said person to be prosecuted under the preceding paragraph or institute any appropriate action to abate such building as a public nuisance, or both.

Section 21. That §8.17.260(B) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

B. Appeal. Any person personally interested in or affected by the proposed charge may file a request for a hearing pursuant to the provisions of §2.86.020 of the city code and if such request is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code. If a request is not timely filed the expense incurred by the city shall be conclusively deemed to be fair and reasonable and all personally interested or affect persons shall be deemed to have waived all rights to challenge the amount recoverable.

Section 22. That §8.50.070 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

8.50.070 Enforcement and Appeal.

The community services division of the public works department shall have the authority to inspect the installation of outdoor security lights for compliance with this chapter, order remedial changes for non-conforming outdoor security lights and generally ensure and enforce the intentions of this chapter. The division shall give notice of violations of this chapter by certified mail or personal service and such notices may be appealed pursuant to §2.86.020 of the city code. If a request for appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code. If a timely request for appeal is not filed the order or decision of the division shall be deemed conclusively presumed to be true and the person to whom it was directed shall be deemed to have waived all right to challenge said order or decision.

Section 23. That §10.76.110 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

10.76.110 Hearing

The registered owner or a lienholder or rightful claimant of an abandoned vehicle or personal property may object to the impoundment of a vehicle or the assessment of the charges and fees associated with impoundment and storage of an abandoned vehicle by filing a request for hearing as provided in §2.86.020. If a timely request for hearing is not filed the impoundment shall be conclusively presumed to have been valid and the charges and fees assessed to be reasonable and fair. If a request for hearing is timely filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code. During a hearing the administrative hearing officer shall determine whether the impoundment was valid and/or whether the fees and charges are justified.

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 _____

William E. Gluba
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

Published in the Quad City Times on _____

City of Davenport

Committee: Finance Committee
Department: Finance
Contact Info: Bruce Berger
Wards: 6

Action / Date
3/4/2015

Subject:

Resolution approving preliminary application for the Iowa Reinvestment District Program.

Recommendation:

Approve the Resolution.

Relationship to Goals:

Added emphasis on economic development.

Background:

(A brief presentation on this application is scheduled earlier on this agenda.) In 2014, at the direction of the Iowa Legislature and Governor, the Iowa Economic Development Authority (IEDA) solicited applications for the first round of the Reinvestment District Program. Once approved, municipalities with Reinvestment Districts can receive a rebate of a portion of the State Sales Tax and Hotel/Motel Tax from new establishments within the District over the next 20 years.

The City applied in 2014 but was not awarded funding in that round. The proposal this year is a revised version of last year's application. Staff is working with the developer on the details of the application, pointing toward a full presentation at the March 11 City Council meeting. The applications are due to the State by March 15.

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance Committee	Admin, Default	Approved	3/5/2015 - 9:22 AM

Resolution No. _____

Resolution offered by Alderman Justin.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving preliminary application for the Iowa Reinvestment District Program.

WHEREAS, the Iowa Legislature and Governor have directed the Iowa Economic Development Authority (IEDA) to solicit applications from municipalities for the Iowa Reinvestment District Program; and

WHEREAS, municipalities with Reinvestment Districts can receive a rebate of a portion of the State Sales Tax and Hotel/Motel Tax from new establishments within the District over the next 20 years; and

WHEREAS, the City has several exciting projects that meet the requirements of improving the quality of life, creating and enhancing unique opportunities, and substantially benefitting the municipality, the surrounding region, and the State as a whole; and

WHEREAS, pre-applications for this program are due no later than March 15, 2015; and

WHEREAS, the City is proposing to apply for the River 80 Reinvestment District, a private/public sport and destination complex.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, that the City Council does hereby approve of the Preliminary Application of the Iowa Reinvestment District Program through the IEDA, authorizes staff to sign and submit all necessary documents to support said pre-application, and the Mayor and City Clerk are hereby authorized and instructed to certify to the adoption of this Resolution.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Jim Bengé; (563) 327-5141
Wards: 3

Action / Date
2/18/2015

Subject:

Resolution approving the plans, specifications, form of contract and estimated cost for the Central Fire Station Addition and Renovation, CIP project #02348. *[Ward 3]*

Recommendation:

Approve the Resolution.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities.

Background:

The Central Fire Station located at 331 Scott Street was opened in 1902; the main building was designed by Gustav Hanssen and is listed on the National Register of Historic Places. Over the course of its life the Central Fire Station has had two additions, 1940 and 1951, and several renovations. Because of its age, space and access problems, the City of Davenport through its RFQ processes solicited proposals and held interviews to obtain a qualified and experienced Architect and Construction Manager to assist in designing and developing construction documents suitable for obtaining competitive bids and managing the construction/renovation of the Central Fire Station in accordance with local, state and federal codes. The project includes construction of an addition and the renovation of the existing Central Fire Station. The budget to complete the project is estimated to be \$15.2 million, which will be funded by General Obligation Bonds. The design and plan preparation as of January 21, 2015 have been completed by The Galante Architecture Studios of Cambridge, MA. The construction management responsibilities have been awarded to Bush Construction of Davenport, IA. January 2015. If approved, the project will be bid during the spring of 2015 and construction substantially complete by late December of 2016. Bush Construction, the Construction Manager/Agent will manage both the bid phase and construction phase for the project. Note that multiple bid packages will be processed for the bid phase execution of the project and then will become prime contractors/contracted with the City of Davenport and managed by the Construction Manager/Agent.

ATTACHMENTS:

Type	Description
☐ Resolution Letter	PW_Res_CFS_Pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	3/4/2015 - 11:46 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolved by the City Council of the City of Davenport.

Resolution approving the plans, specifications, form of contract and estimated cost for the Central Fire Station Addition and Renovation, CIP project #02348.

Whereas, on the 4th day of March, 2015, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the Central Fire Station Addition and Renovation within the City of Davenport, Iowa; and

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 Central Fire Station Addition and Renovation Project.

Passed and approved this 11th day of March, 2015.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Committee: Finance
Department: Parks and Recreation
Contact Info: Scott Hock
Wards: 1 & 6

Action / Date
3/4/2015

Subject:

Motion approving the agreement between the City of Davenport and the most responsive and responsible vendor for golf professional and other services at Duck Creek and Emeis golf courses for the 2015 golf season. [Wards 1 & 6]

Recommendation:

Approve the Motion

Relationship to Goals:

Financially Responsible City Government

Background:

The last agreements expired at the end of the 2014 golf season. We encourage our golf professional to continue to be more accountable and responsible in seeing our golf program succeed.

On February 23, 2015, the Purchasing Division issued an RFQ for professional golf services at Emeis and Duck Creek golf courses combined. Responses are due March 2, 2015. The Parks and Recreation Department will evaluate all submissions and decide which contractor best meets their needs for this season.

The scoring criteria used for the RFQ were: (1) level of interest, completeness and quality content per the submittal stating level of interest and willingness to perform; (2) experience, recent training, education, experience and qualification relating to the services requested; (3) management, outlined approach to the revenue generation and cost controls matching the goals of the Golf Division; and (4) customer service, philosophy on customer service for the golf facilities and how they can match the mission of the Parks and Recreation Department.

Funding for this contract is from the Golf Enterprise Fund.

REVIEWERS:

Department	Reviewer	Action	Date
Finance Committee	Admin, Default	Approved	3/5/2015 - 9:22 AM

City of Davenport

Committee: Council
Department: CPED
Contact Info: Bruce Berger 328-6706
Wards: 5

Action / Date
2/7/2015

Subject:

Third Consideration: Ordinance to amend the Village of East Davenport Self-Supporting Municipal Improvement District (VEDSSMID) to extend the term.

Recommendation:

Approve First Consideration.

Relationship to Goals:

Added emphasis on economic development.

Background:

Iowa Code allows Cities to establish SSMIDs (Self Supporting Municipal Improvement Districts) to improve and maintain the District. The source of funding for these districts is a supplemental property tax on properties within the district that can be used for both operating and capital expenses.

Signatures from at least 25 percent of the owners of property within the proposed district, representing at least 25 percent of the total assess value within the district are required. At the time of the Plan and Zoning Commission action, this requirement had been met.

Following its initial establishment in the early 1990s, the Village of East Davenport SSMID was extended last in late 2004 for a 10-year period. In general, they have used the funds for infrastructure, marketing, and maintenance of the improvements in the East Village.

The 10-year term is expiring and the leadership of the VEDSSMID Board of Directors would like to extend the SSMID term for another 10 years. In order to avoid a year lapse and in accordance with the statutory timing requirements, the petition was brought forward recently.

As provided by the statute, the petition was referred to the Plan & Zoning Commission, which approved a motion supporting the proposal at its January 20, 2015 meeting. At its January 21st meeting, the Davenport City Council set a public hearing on the proposed extension. After publication and mailing of the notice to all property owners in the district as required by Chapter 386, the public hearing was held on February 7.

State law precludes Council from adopting the ordinance for at least 30 days from the public hearing.

ATTACHMENTS:

Type	Description
 Cover Memo	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	3/4/2015 - 11:41 AM

ORDINANCE NO. _____

ORDINANCE to amend the Village of East Davenport Self Supporting Municipal Improvement District (VEDSSMID) to extend the term.

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

WHEREAS, Chapter 386 of Iowa Code allows for the establishment and amendment of Self Supporting Municipal Improvement Districts (SSMIDs) to improve and/or maintain said districts; and

WHEREAS, the Village of East Davenport SSMID (VEDSSMID) was created in the early 1990s, extended for ten years as of FY2005, is about to expire; and

WHEREAS, VEDSSMID leadership desires to extend the term for another 10 years; and

WHEREAS at least twenty-five percent (25%) of all owners of property within the Village of East Davenport Self-Supporting Municipal Improvement District (VEDSSMID), and being owners of property within the VEDSSMID having an assessed value of at least twenty-five percent (25%) of the property, pursuant to Iowa Code Chapter 386; and

WHEREAS, by authority of the Code, the City Council may extend the time for the existence of the district an additional ten years; and

NOW THEREFORE, the Davenport Municipal Code Chapter 3.34.060 is amended to extend the period of time for the levy of taxes for the Village of East Davenport Self-Supported Municipal Improvement District from fiscal year beginning July 2015 for ten additional fiscal years as defined in Section 3.34.020.

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:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

William E. Gluba
Mayor

Published in the Quad City Times on _____.

City of Davenport

Committee: Public Safety
Department: Traffic Engineering
Contact Info: Gary Statz; (563) 326-7754
Wards: 1

Action / Date
2/4/2015

Subject:

Third Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Glaspell St in front of the residences at 2617 and 2624 Glaspell St. [Ward 1]

Recommendation:
Adopt the ordinance.

Relationship to Goals:
Revitalized Neighborhoods & Corridors

Background:

There are 3 handicap care facilities in the 2600 block of Glaspell Street. Employees from these facilities are parking in front of the private homes on this block instead of in front of or on the property of the care facilities. The homeowner at 2624 Glaspell has a care facility on each side of his property and one directly across the street. The homeowner at 2617 Glaspell has one on his west side and one directly across the street. The other two private properties in this neighborhood are currently vacant.

ATTACHMENTS:

Type	Description
☐ Backup Material	Resident Parking Page 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	3/4/2015 - 11:44 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SECTIONS OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XI RESIDENT PARKING ONLY THERETO BY ADDING GLASPELL STREET IN FRONT OF THE RESIDENCES AT 2617 AND 2624 GLASPELL STREET.

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

Section 1. That Schedule XI Resident Parking Only of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Glaspell Street in front of the residences at 2617 and 2624 Glaspell Street.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

William E. Gluba
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

City of Davenport

Committee: Public Safety Committee
Department: Fire
Contact Info: Chief Lynn Washburn
Wards: All

Action / Date
2/4/2015

Subject:

Resolution authorizing the Mayor and the Fire Chief to sign a Memorandum of Understanding between the City of Davenport Fire Department and Iowa Homeland Security and Emergency Management Department.

Recommendation:

Sign the agreement.

Relationship to Goals:

Enhanced public safety.

Background:

Iowa Homeland Security and Emergency Management Department (HSEMD) authorizes and oversees specialty response teams that are deployed as a resource to supplement and enhance overburdened emergency and disaster operations. One of the specialty team types responds to Weapons of Mass Destruction (WMD) incidents which include chemical, biological, radiological, nuclear, or explosive incidents of terrorism.

The Davenport Fire Department WMD team was previously authorized as one of seven such teams in the State. In February 2015, HSEMD reduced the number of teams to three and selected Davenport Fire as one of those teams.

The DFD WMD team will be deployed when needed to wherever an incident occurs in the State. HSEMD will support the team with funding that reimburses costs including back-fill when team members are deployed, additional resources, and training for team members.

ATTACHMENTS:

Type	Description
☐ Cover Memo	Resolution
☐ Cover Memo	MOU with State

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Admin, Default	Approved	3/4/2015 - 11:44 AM

Resolution No. _____

Resolution offered by Alderman Matson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION: Authorizing the Mayor and the Fire Chief to sign a Memorandum of Understanding between the City of Davenport Fire Department and Iowa Homeland Security and Emergency Management Department

WHEREAS, Iowa Homeland Security and Emergency Management Department (HSEMD) authorizes and oversees specialty response teams that are deployed as a resource to supplement and enhance overburdened emergency and disaster operations. One of the specialty team types responds to Weapons of Mass Destruction (WMD) incidents which include chemical, biological, radiological, nuclear, or explosive incidents of terrorism.

The Davenport Fire Department WMD team was previously authorized as one of seven such teams in the State. In February 2015, HSEMD reduced the number of teams to three and selected Davenport Fire as one of those teams.

The DFD WMD team will be deployed when needed to wherever an incident occurs in the State. HSEMD will support the team with funding that reimburses costs including back-fill when team members are deployed, additional resources, and training for team members.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor and the Fire Chief are authorized to sign a Memorandum of Understanding between the City of Davenport Fire Department and Iowa Homeland Security and Emergency Management Department

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, MMC, City Clerk

Memorandum of Understanding Between the City of Davenport Fire Department and Iowa Homeland Security and Emergency Management Department

This agreement is made and entered into on the date when last executed as shown below, by the Iowa Homeland Security and Emergency Management Department (HSEMD), hereinafter referred to as the “State” and the City of Davenport Fire Department, hereinafter referred to as the “Specialty Team.”

I. Purpose of the Agreement.

A. The purpose of this agreement is to reiterate HSEMD approval and support for the specialty team and its deployment as a resource to supplement and enhance disrupted or overburdened local emergency and disaster operations during times of an emergency or disaster and to provide assistance to other states pursuant to the Interstate Emergency Management Assistance Compact, as described in Iowa Code §§ 29C.8 (f), 29C.21.

B. The purpose of this agreement is to also delineate responsibilities and procedures for the approval, support, activation, deployment, and ongoing operations of the specialty team, a Homeland Security and Emergency Response Team, activated in times of local disasters under the authority of Iowa Code § 29C.8 and 605 Iowa Administrative Code Chapter 12 to provide weapons of mass destruction/hazardous material (WMD/HAZMAT) response and decontamination capabilities in the state of Iowa.

C. The purpose of this agreement is to also describe the minimum standards for this specialty team, how this specialty team will be maintained and deployed, how the team roster of members will be created and approved by HSEMD, and how team members will be compensated, indemnified and held harmless in cases of asserted liability, and compensated in cases of injury or death.

D. The further purpose of this agreement is to set out terms and conditions dealing with the activation, deployment, and operation of this specialty team.

II. Scope of this Agreement.

A. The provisions of this agreement apply only to the following specialty team activities: 1) Activities performed during an emergency response initiated by a Governor’s proclamation of disaster emergency and where the HSEMD director or his/her designee has activated the specialty team, 2) Activities performed during training or exercises approved by HSEMD, or 3) Other activities specifically approved by the HSEMD director or his/her designee.

B. The provisions of this agreement shall not apply to actions of the specialty team outside the scope of any HSEMD activation order, through self-deployment, or mutual aid deployment. Nothing in this agreement shall prevent the specialty team from self-

deploying its members or its assets. The specialty team shall assume all the costs of any self-deployment and the provisions of Part VI of this agreement dealing with the State's obligation to indemnify and hold harmless and the coverage for disability, workers' compensation, and death benefits shall not apply.

III. **Definitions.**

A. **Activation Order:** A written HSEMD directive specifically authorizing the specialty team to act while receiving the benefits of this agreement and Iowa law in the following instances: 1) During the course of a disaster declared by the Iowa Governor pursuant to Iowa Code § 29C.6 (1), 2) For select training or exercise activities specifically authorized by HSEMD that will benefit local jurisdictions during a disaster, or 3) Otherwise upon the direct authorization by the HSEMD Director, or his/her designee. The HSEMD activation order shall be in written form and shall designate the scope, location, expected duration or time frame, and other details deemed necessary to describe the nature of the activation.

B. **Covered Benefits:** The benefits authorized by law pursuant to Iowa Code § 29C.8 (f) (1), including disability, workers' compensation, and death benefits consistent with the provisions of Iowa Code Chapters 85, 410, or 411, as appropriate, for team members while deployed pursuant to a HSEMD activation order.

C. **Deployment:** The activation and deployment of the specialty team for emergency response pursuant to a Governor's disaster proclamation for certain select training or exercise activities specifically authorized by HSEMD, or for any other purpose authorized by the HSEMD Director or his designee. A specialty team shall be considered deployed from the time of the specialty team's initial activation until such time as HSEMD terminates its deployment and it returns to its home base.

D. **Director:** The Director of the Iowa Homeland Security and Emergency Management Department.

E. **Eligible Costs:** Those specialty team costs incurred by the members or the members' employers during state deployment that are eligible for HSEMD reimbursement as allowed by law and as described in Part VII of this agreement.

F. **Membership Roster:** A current listing of all approved specialty team members and such other identifying information that HSEMD shall require in order to compensate members of the specialty team or their employers for activities under this agreement.

G. **Standard Operating Procedures:** A set of guidelines or instructions that describe the organization and operation of the specialty team, its method of selecting members and leadership, and the method of requesting HSEMD reimbursement for services provided under this agreement. A copy of the applicable standard operating procedures are attached to this agreement and incorporated thereby. Should the terms of

the standard operating procedures conflict with the terms of this agreement, the terms of this agreement shall control.

H. **Specialty Team:** A homeland security and emergency response teams as defined by Iowa Code § 29C.8 (f) (1) and 605 Iowa Administrative Code Chapter 12 and approved and recognized by Iowa HSEMD. In respect to this agreement, the specialty team is the Davenport Fire Department and composed of members set out in its membership roster. The purpose of the specialty team is to augment statewide HAZMAT response and decontamination capabilities, to include chemical, biological, radiological, nuclear and explosive (CBRNE) agents during situations believed to involve acts of terrorism and/or the use of a weapon of mass destruction (WMD) throughout the state of Iowa.

IV. **The Parties' Responsibilities.**

A. In respect to this agreement, the State shall do the following:

1. Coordinate among the State of Iowa, the specialty team, the specialty team's fiscal agent, local jurisdictions, and other relevant governmental and private parties.
2. Provide technical support for equipment and training used by the specialty team.
3. Reimburse the specialty team member or the member's employer for eligible costs incurred in respect to a deployment.
4. Maintain and share the standard operating procedures applicable to this agreement.
5. Review the qualifications for specialty team membership, approve the membership roster, determine the size and composition of the specialty teams, and approve new specialty team members.

B. The specialty team shall do the following:

1. Recruit, organize, maintain, and train the specialty team.
2. Suggest standards for team membership and forward those suggested standards to HSEMD for their approval and inclusion in the specialty team's standard operating procedures.
3. Be responsible for the operation of the specialty team while the team is deployed pursuant to a state activation order.
4. Routinely update all records to accurately reflect membership rosters, including training completed and qualifications obtained by individual members,

and major assets at the specialty team's disposal. The specialty team shall update records anytime personnel are added to or removed from the specialty team.

5. Respond in a timely manner to any formal activation request made by the State under the procedures set forth in the standard operating procedures and the terms of any activation order, subject to the provisions of Part VIII A below.

6. Develop, practice, and implement an internal call-out system for specialty team members.

7. Perform all administrative, financial, and personnel management relating to the task force alone or in conjunction with a specialty team fiscal agent. The specialty team or its fiscal agent shall maintain all documentation pertaining to these functions and shall provide copies to the HSEMD upon request.

8. Assist the State in creating and updating standard operating procedures that shall be applicable to this agreement

V. Specialty Team Activation.

A. The State may issue a written activation order to the specialty team for deployment of the specialty team and its assets during a Governor-declared disaster emergency, a training or exercise that HSEMD specifically authorizes, or other specialty team activities specifically authorized by the HSEMD director or his/her designee. The mission's specific terms shall be set forth within the activation order.

B. Prior to the receipt of an HSEMD activation order, the specialty team shall inform the State whether the requested team resources are available for deployment.

C. Upon the receipt of an activation order, the specialty team shall initiate call-out procedures.

D. The specialty team's activation procedures shall be set forth within its standard operating procedures.

VI. Legal Consequences of Specialty Team Activation and Deployment.

A. As provided by Iowa law, specialty team members who are deployed under the terms of a written activation order shall be considered as if they were employees of the State solely in respect to the State's obligation to indemnify and hold its employees harmless under Iowa Code § 669.21.

B. Specialty team members who are deployed under the terms of a written activation order shall be eligible for disability, workers' compensation, and death benefits as provided in Iowa Code Chapters 85, 410, or 411, as those provisions are applicable to

the team members according to their regular employment outside their work with the specialty team.

C. Notwithstanding the forgoing, at all times the specialty team shall be a local response team, composed of local members, and its members shall not be considered employees of HSEMD or the State of Iowa.

VII. Reimbursement of Eligible Costs.

A. Following timely submission of required documentation adequately substantiating the nature of the mission completed, all claims submitted to HSEMD for payment pursuant to this agreement upon approval shall be forwarded to the Iowa Executive Council for purposes of payment under Iowa Code §§ 7D.29, 29C.8 (3) (f) (3).

B. Eligible costs qualifying for HSEMD reimbursement shall include:

1. Compensation to the specialty team, its members, or its members' employers in accordance with the specialty team's standard operating procedures when deployed under the terms of a written activation order for purposes other than training or exercise.

2. Reimbursement to the specialty team, its members, or its members' employers for travel and per diem costs in accordance with State's travel rules, regulations, and meal reimbursement policies.

3. Reimbursement to the specialty team, its members, or its members' employers on a replacement basis for materials, equipment, and supplies consumed in providing requested assistance.

4. At the discretion of HSEMD, reimbursement to the specialty team, its members, or its members' employers for rehabilitation or replacement costs of specialty team's operational equipment damaged, destroyed, lost, or stolen during deployment under this agreement. The State shall not reimburse the specialty team or any individual team member for costs incurred by activities outside the scope of the activation order authorizing its deployment or otherwise contrary to the terms of this agreement.

5. A member's employer shall not be reimbursed for the costs of back-filling the member's position while the member is deployed pursuant to a valid activation order, unless HSEMD decides in its sole discretion to reimburse the employer for the costs of back-filling.

VIII. Miscellaneous Conditions, Amendments, & Termination.

A. **Conditions:** Nothing contained in this agreement shall be construed to compel the specialty team to respond to any request for mobilization and deployment when, in

the opinion of the specialty team, the specialty team or its individual team members are required to perform emergency services in his or her own jurisdiction.

B. Amendment: This agreement may be amended or modified only upon written agreement of the State and the specialty team.

C. Termination: This agreement may be terminated without cause by either party upon thirty (30) days written notice.

D. Duration: This agreement will continue in force until terminated by one or both of the parties.

E. Compliance with Applicable Laws: The specialty team agrees to comply with all applicable local, state, and federal laws and administrative rules when deployed under this agreement.

F. Limitation of Scope. No separate legal or administrative entity is created by this agreement

In witness whereof, the parties' authorized representatives have signed their names effective the day and year set out below.

**The City of Davenport
Fire Department**

**Iowa Homeland Security and
Emergency Management Department**

By: _____

By: _____

Title: _____

Mark J. Schouten
Director

Date: _____

Date: _____

City of Davenport

Committee: Public Safety Committee
Department: City Clerk
Contact Info: Jackie Holecek 563-326-6163
Wards: 5, 8

Action / Date
2/4/2015

Subject:

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

Recommendation:

Consider the resolution.

Relationship to Goals:

Support of local events.

Background:

The attached resolution list(s) various requests received for street(s), lane(s) or public grounds to be temporarily closed to hold outdoor events.

ATTACHMENTS:

Type	Description
 Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	3/4/2015 - 11:44 AM

RESOLUTION NO. 2015-

Resolution offered by Alderman Matson

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

RESOLVED by the City Council of the City of Davenport.

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

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

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

Entity: Aerial Promotions

Event: Quad City Airshow

Date: May 9-10

Time: 7AM - 10:00 PM

Closure Location: 76th Street at Division, Northwest Blvd and Hillandale Rd, and Slopertown

Ward: 8th

Entity: St. Paul's Lutheran Church

Event: May Fest

Date: Sunday, May 17

Time: 8:00 a.m. to 4:00 p.m.

Closure Location: Lombard between Brady and Main Streets

Ward: 5

Approved this 11th day of March, 2015.

Approved:

Attest:



William E. Gluba, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Tom Leabhart; (563) 327-5155
Wards: All

Action / Date
3/4/2015

Subject:

Resolution Approving the Plans, Specifications, Form of Contract, and Estimated Cost for the Fiscal Year 2015/2016 Sewer Lining Program. CIP Project #10321 and #30013, funding at \$1,478,000 in bonds abated by sewer funds. *[All Wards]*

Recommendation:

Pass the resolution.

Relationship to Goals:

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

Background:

This program rehabilitates existing sanitary sewers through the use of cured-in-place pipe (CIPP) liners. CIPP is formed by the insertion of a resin impregnated flexible felt tube into the existing sewer by use of a hydrostatic head. The tube is then cured by circulating either hot water under pressure or steam pressure to form a hard impermeable pipe. When cured, the liner will extend over the designated length of the existing sewer in a continuous tight fitting watertight pipe-within-a-pipe. This product has been proven to eliminate leaking joints, restore structural integrity to damaged sewers and provide increased flow capacity without the cost of open excavation. This program is a combined effort by the Sewer and Engineering Divisions of the Public Works Department. Sewers are selected by the Sewer Division based on manhole inspections, cleaning and televising the existing sewer network and reported problems from the public. Included with this year's program, sanitary sewer will be lined based on completed I & I studies recommendations. This program is part of the IDNR Administrative Order. Program management will be completed by the Sewers Division with quality assurance inspections being completed by Engineering Division Staff. The program letting is proposed for April 2015. Funds for the FY2015/FY2016 Contract Sewer Lining Program are budgeted in CIP's #10321 and #30013 for a total of \$1,478,000.

ATTACHMENTS:

Type	Description
☐ Resolution Letter	PW_RES_PG 2 SEWER LINING

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	3/4/2015 - 11:46 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolved by the City Council of the City of Davenport.

Resolution Approving the Plans, Specifications, Form of Contract, and Estimated Cost for the Fiscal Year 2015/2016 Sewer Lining Program. CIP Project #10321 and #30013, funding at \$1,478,000 in bonds abated by sewer funds.

Whereas, on the 23rd day of February, 2015, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the Fiscal Year 2015/2016 Sewer Lining Program within the City of Davenport, Iowa; and

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

Now, therefore, be it resolved, by the City Council of the City of Davenport that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for said Fiscal Year 2015/2016 Sewer Lining Program.

Passed and approved this 11th day of March, 2015.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Tom Leabhart; (563) 326-7729
Wards: 6

Action / Date
3/4/2015

Subject:

Resolution granting permission to CDB Utilities and Iowa Network Services, Inc. to install buried communications cable within public right-of-way in the City of Davenport along Elmore Avenue from Dexter Court to 53rd Street. *[Ward 6]*

Recommendation:

Pass the resolution.

Relationship to Goals:

A growing local economy.

Background:

Iowa Network Services, Inc. has requested permission to install a buried communications cable within City right-of-way in order to connect an existing cell tower at 4800 Elmore Avenue with an existing fiber line in 53rd Street at Elmore Avenue (fiber line #2015-F1). The distance of this line is approximately 1,985 feet. A map of the route is attached. The contractor installing these lines will be CDB Utilities. The City Legal Department, Engineering Division of the Public Works and the IT Department has reviewed and approved the proposed route and terms of the resolution.

ATTACHMENTS:

Type	Description
☐ Backup Material	Additional Pages
☐ Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	3/4/2015 - 11:46 AM

Resolution offered by Alderman Ambrose

Resolved by the City Council of the City of Davenport.

Resolution granting permission to CDB Utilities and Iowa Network Services, Inc. to install buried communications cable within public right-of-way in the City of Davenport along Elmore Avenue from Dexter Court to 53rd Street (Ward 6).

Whereas, CDB Utilities (the Contractor) in conjunction with Iowa Network Services, Inc. (the Owner) has submitted a request to construct buried communications cable in Davenport in accordance with the map hereto attached. Line 2015-F1 will run north along the west side of Elmore Avenue from Dexter Court to the north side of 53rd Street. The total length is approximately 1,985 feet; and

Whereas, the Engineering Division of the Public Works Department, as well as IT and Legal Departments of the City of Davenport, Iowa (the City) have reviewed said map and recommend permission be granted for the installation, as described, subject to conditions.

Now, therefore, be it resolved by the City Council of Davenport, Iowa: that permission is hereby granted to the Contractor and the Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by the Contractor and the Owner

1. That the Contractor shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by the Contractor as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that the Contractor hold harmless, defend and indemnify the City from any such claims. Further, that the Contractor shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That the Owner shall pay all costs for the construction and maintenance of the cable.
3. That the Contractor shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, The Owner shall, in a timely manner, remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.

5. That all excavations for laying pipes, access boxes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and so as to avoid, so far as possible, obstructing any street or alley or the drainage thereof, and said streets, avenues and alleys shall be promptly repaired and restored to a condition as good as the same were in prior to the laying of said pipes and any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by Contractor and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation within any street or alley rights of way, the Contractor shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to the Contractor upon reasonable terms and conditions. The permit secured shall be the City Standard Permit, except the \$1.00 per foot disruption fee shall not apply to this agreement.
6. Pursuant to Iowa Code Chapter 480A Public Utilities in public right-of-way, subsection 480A.3 Fees, The City shall only recover on an annual basis its true right-of-way management costs to be allocated equitably among all entities using the City right-of-way. These costs once calculated shall be equally divided among all users and billed accordingly to the Owner based on that year's expense.
7. The owner shall be responsible for a fee of \$0.10 per lineal foot of conduit to be paid to the City on an annual basis for as long as the conduit is in use.
8. That the Contractor performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
9. That the Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
10. That the Contractor shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
11. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, the Contractor and the Owner release the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
12. The City can request additional conduit and handholes to be simultaneously installed along any or all portions of the route included in this resolution. The Owner agrees to work with the City in advance of project start to get confirmation and agreement of the City's desire to collocate along any of the Owner routes. The City will provide written notification to the

Owner which routes it desires to place its own facilities no later than 10 days of said meeting. These facilities shall be exclusively for City use. The Owner agrees that they will install these facilities for the City. The City will be responsible for providing any of its own materials. The City will reimburse the owner for the cost of any incremental labor costs associated with installation of city conduit and/or fiber.

Passed and approved this 11th day of March, 2015

Be it further resolved by the City Council of the City of Davenport, Iowa: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF PROVISIONS OF RESOLUTION NO. 2015-_____

Iowa Network Services, Inc.

By: _____

Name:

Title:

STATE OF _____)

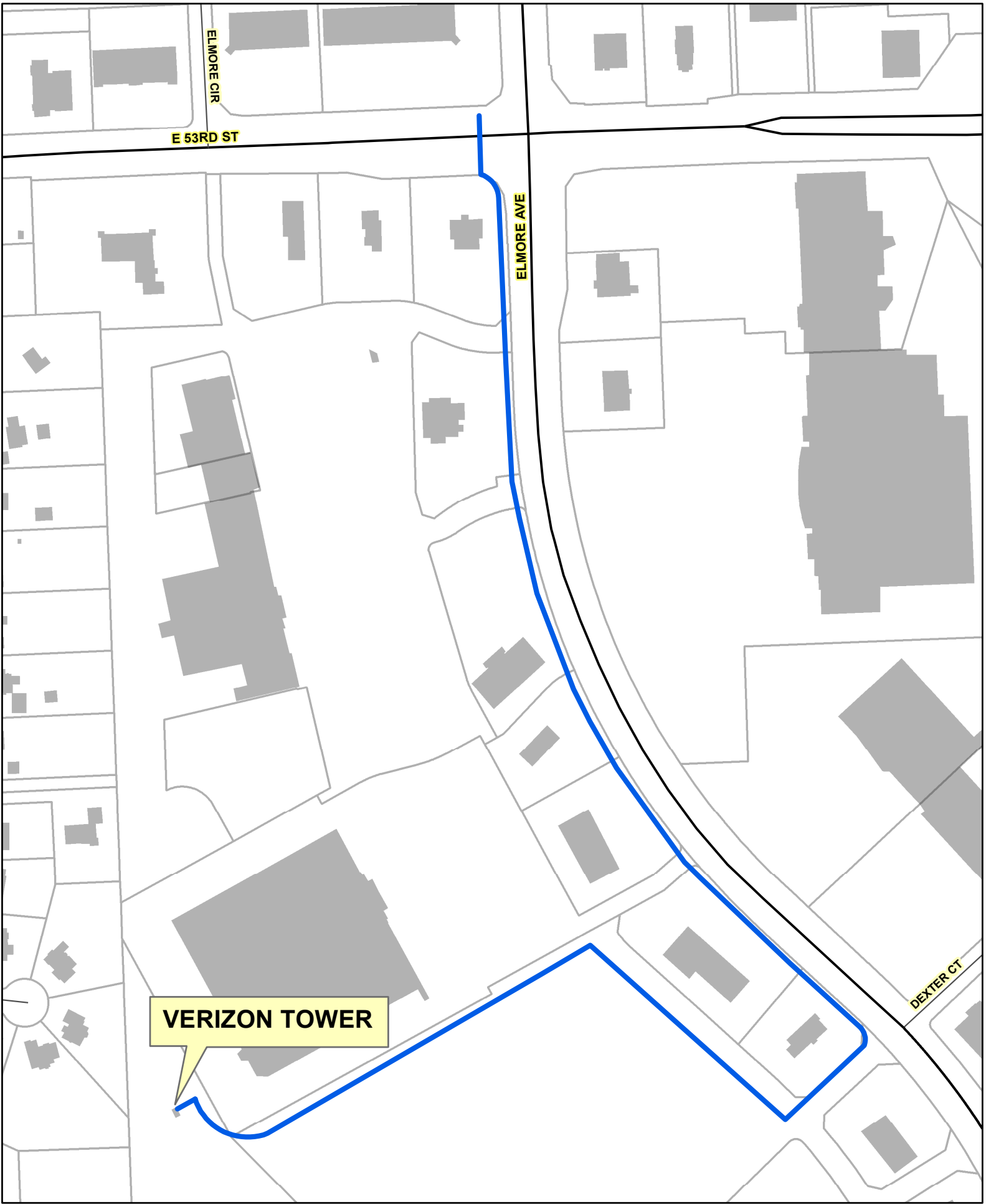
) SS:

COUNTY OF _____)

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me to be the _____ of Iowa Network Services Inc. and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements on behalf of Iowa Network Services, Inc., and to commit Iowa Network Services Inc., to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Iowa Network Services Inc.

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

Notary Public



City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Tom Leabhart; (563) 326-7729
Wards: 6

Action / Date
3/4/2015

Subject:

Resolution granting permission to Central Scott Telephone to install buried communications cable within public right-of-way in the City of Davenport along 53rd Street from Utica Ride Road to Victoria Avenue and then north along Victoria Avenue to the 5400 Block. *[Ward 6]*

Recommendation:

Pass the Resolution.

Relationship to Goals:

A growing local economy.

Background:

Central Scott Telephone has requested permission to install buried communications cable within City right-of-way along 53rd Street from Utica Ridge Road to Victoria Avenue and then north along Victoria Avenue to the 5400 Block. A plan sheet of the general location is attached. The City's Legal, Engineering and IT Departments have reviewed and approved the proposed route and term of the resolution. The Agreement Reference number is 2015-F2.

ATTACHMENTS:

Type	Description
☐ Backup Material	Additional Pages
☐ Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	3/4/2015 - 11:46 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolved by the City Council of the City of Davenport.

Resolution granting permission to Central Scott Telephone to install buried communications cable within public right-of-way in the City of Davenport along 53rd Street from Utica Ridge Road to Victoria Avenue and then north along Victoria Avenue to the 5400 Block (Ward 6).

Whereas, Central Scott Telephone (the Owner) has submitted a request (Ref #201-F2) to construct buried communications cable along within public right-of-way in the City of Davenport along the north side of 53rd Street from Utica Ridge Road to Victoria Avenue north along the east side of Victoria Avenue to the 5400 Block; and

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

Now, therefore, be it resolved by the City Council of the City of Davenport, Iowa: that permission is hereby granted to the Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by the Owner

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

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

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

Passed and approved this 11th day of March, 2015

Be it further resolved by the City Council of the City of Davenport, Iowa: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF PROVISIONS OF RESOLUTION NO. 2015-_____

The undersigned hereby accepts all the terms and conditions of Resolution No. 2015-____, and agrees that the same shall be binding upon undersigned and its successors and assigns.

Central Scott Telephone

By: _____

Name: _____

Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me to be the _____ of Central Scott Telephone and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements on behalf of Central Scott Telephone to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Central Scott Telephone.

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

Notary Public

UTICA RIDGE RD

4310 - 4350 VICTORIA AVE

VICTORIA AVE

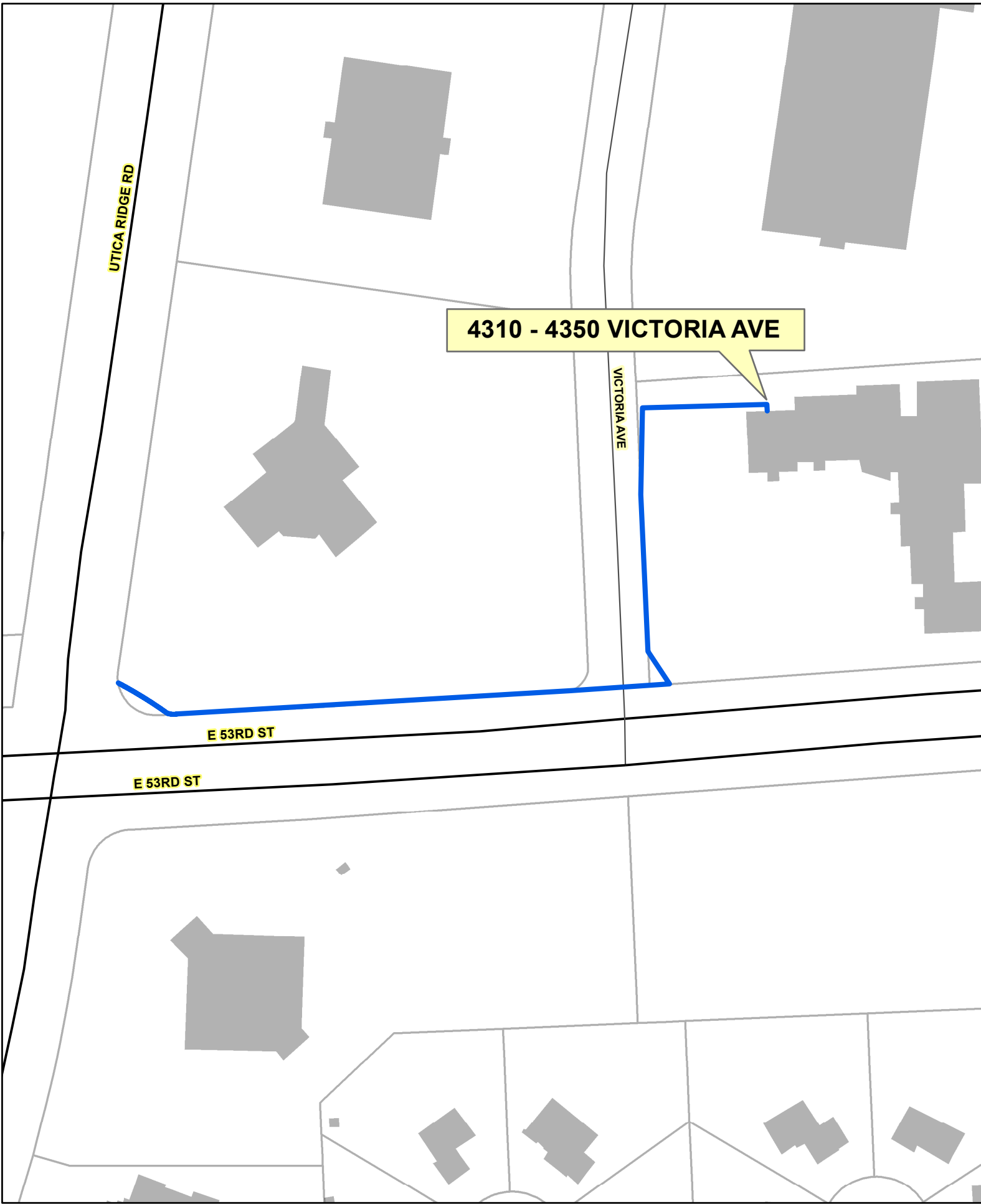
E 53RD ST

E 53RD ST

Proposed Fiber Optic Route
2015 - F2

Map Date: 2/23/15

0 50 100 150 200 Feet



City of Davenport

Committee: Public Works
Department: Public Works
Contact Info: Tom Leabhart; (563) 326-7729
Wards: 2

Action / Date
3/4/2015

Subject:

Resolution granting permission to Iowa Network Services, Inc. to install Buried Communications Cable within public right-of-way in the City of Davenport along Buffalo Avenue (110th Street) from an existing installation south to 76th Street and then easterly along 76th to an existing cell tower in the 7600 Block of West 76th Street. *[Ward 2]*

Recommendation:

Pass the resolution.

Relationship to Goals:

A growing local economy.

Background:

Iowa Network Services, Inc. has requested permission to install a Buried Communications Cable within City right-of-way in order to connect to an existing cell tower in the 7600 Block of West 76th Street. (Fiber line #2015-F3). The distance of this line is approximately 3,800 feet. A map of the route is attached. The City Legal Department, the Engineering Division of the Public Works Department and the IT Department has reviewed and approved the proposed route and terms of the resolution.

ATTACHMENTS:

Type	Description
☐ Backup Material	Additional Info
☐ Cover Memo	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	3/4/2015 - 11:46 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolved by the City Council of the City of Davenport.

Resolution granting permission to Iowa Network Services, Inc. to install buried communications cable within public right-of-way in the City of Davenport along Buffalo Avenue (110th Street) from an existing installation south to 76th Street and then easterly along 76th to an existing cell tower in the 7600 Block of West 76th Street (Ward 2).

Whereas, Iowa Network Services, Inc. (the Owner) has submitted a request to construct a buried communications cable in Davenport in accordance with the map hereto attached. Line 2015-F3 will run north along the east side of Buffalo Avenue (110th Street) from south of 76th Street to 76th Street and then along the south side of 76th Street to an existing cell tower in the 7660 block of West 76th Street. The total length is approximately 3,800 feet; and

Whereas, the contractor installing the communications cable has not been determined hence the Owner shall also be considered (the Contractor) for the purposes of this agreement;

Whereas, the Engineering Division of the Public Works Department, as well as IT and Legal Departments of the City of Davenport, Iowa (the City) have reviewed said map and recommend permission be granted for the installation, as described, subject to conditions.

Now, therefore, be it resolved by the City Council of the City of Davenport, Iowa: that permission is hereby granted to the Contractor and the Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by the Contractor and the Owner

1. That the Contractor shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by the Contractor as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that the Contractor hold harmless, defend and indemnify the City from any such claims. Further, that Contractor shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That the Owner shall pay all costs for the construction and maintenance of the cable.
3. That the Contractor shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, the Owner shall, in a timely manner, remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.

5. That all excavations for laying pipes, access boxes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and so as to avoid, so far as possible, obstructing any street or alley or the drainage thereof, and said streets, avenues and alleys shall be promptly repaired and restored to a condition as good as the same were in prior to the laying of said pipes and any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by the Contractor and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation within any street or alley rights of way, the Contractor shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to the Contractor upon reasonable terms and conditions. The permit secured shall be the City Standard Permit, except the \$1.00 per foot disruption fee shall not apply to this agreement.
6. Pursuant to Iowa Code Chapter 480A Public Utilities in Public right-of-way, subsection 480A.3 Fees, the City shall only recover on an annual basis its true right-of-way management costs to be allocated equitably among all entities using the City right-of-way. These costs once calculated shall be equally divided among all users and billed accordingly to the Owner based on that year's expense.
7. The owner shall be responsible for a fee of \$0.10 per lineal foot of conduit to be paid to the City on an annual basis for as long as the conduit is in use.
8. That the Contractor working for the owner performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
9. That the Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
10. That the Contractor shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
11. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, the Contractor and the Owner release the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
12. The City can request additional conduit and handholes to be simultaneously installed along any or all portions of the route included in this resolution. The Owner agrees to work with City in advance of project start to get confirmation and agreement of the City's desire to collocate along any of the Owner routes. The City will provide written notification to the

Owner which routes it desires to place its own facilities no later than 10 days of said meeting. These facilities shall be exclusively for City use. The Owner agrees that they will install these facilities for the City. The City will be responsible for providing any of its own materials. The City will reimburse the owner for the cost of any incremental labor costs associated with installation of city conduit and/or fiber.

Passed and approved this 11th day of March, 2015

Be it further resolved by the City Council of the City of Davenport, Iowa: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

William E. Gluba, Mayor

Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF PROVISIONS OF RESOLUTION NO. 2015-_____

Iowa Network Services, Inc.

By: _____

Name:

Title:

STATE OF _____)

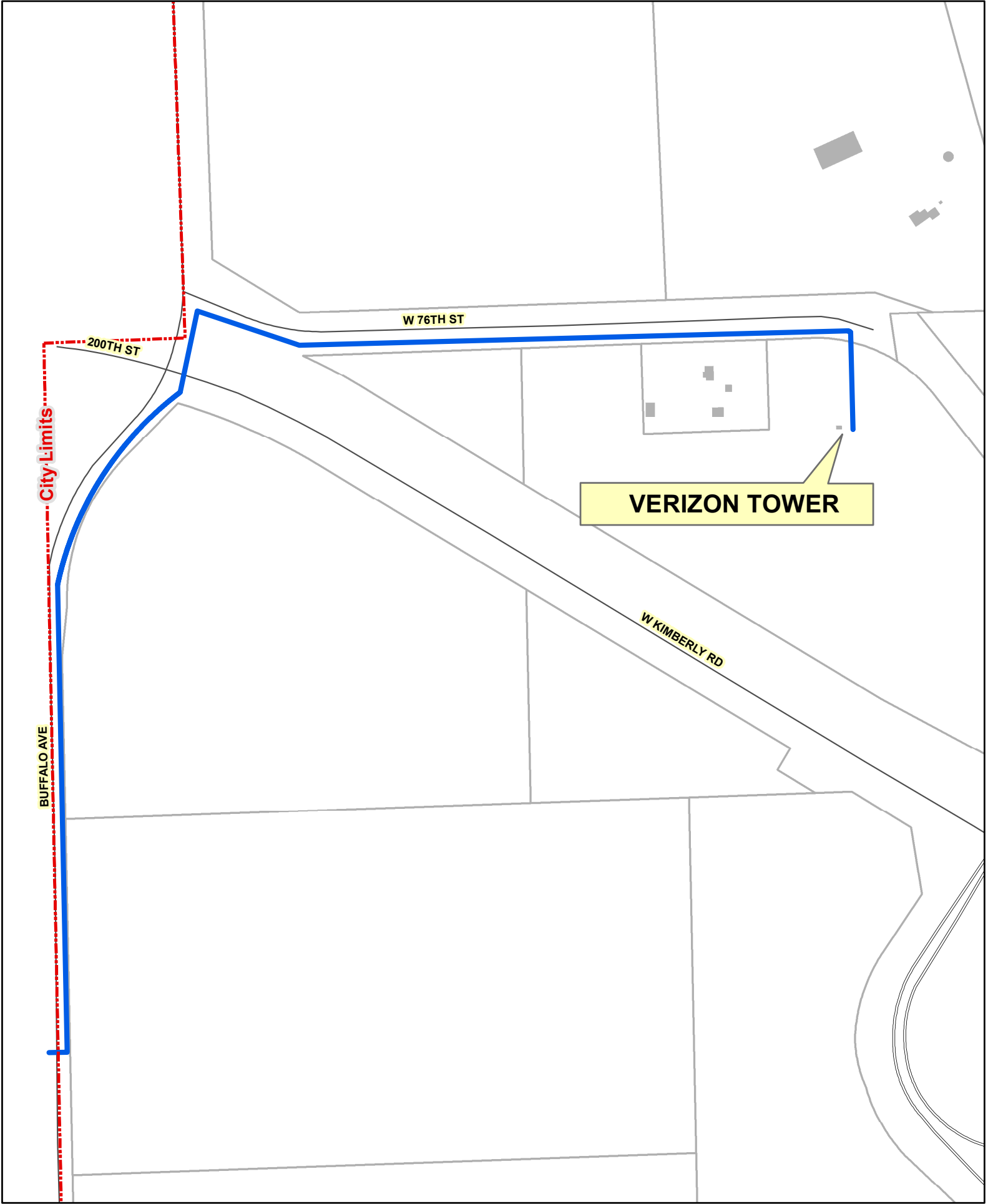
) SS:

COUNTY OF _____)

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me to be the _____ of Iowa Network Services Inc. and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements on behalf of Iowa Network Services, Inc., and to commit Iowa Network Services Inc., to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Iowa Network Services Inc.

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

Notary Public



City of Davenport

Committee: Finance
Department: Parks & Recreation
Contact Info: Scott Hock - 7812
Wards: All

Action / Date
3/4/2015

Subject:

Motion approving a three-year golf cart lease/rental renewal agreement with Harris Golf Cars of Dubuque, IA in the amount of \$112,342. [All Wards]

Recommendation:

Approve the motion.

Relationship to Goals:

Financially responsible city government.

Background:

Harris Golf Cars has provided golf carts to Davenport golf courses since 2010. The Parks & Recreation Department negotiated a renewal to this contract that slightly reduces overall costs and eliminates \$26,740 in past balance amount that Harris Golf Cars failed to bill the City of Davenport. Under the terms of contract, Harris Golf Cars will provide 158 golf carts and 8 utility carts for use at Davenport golf courses and provide necessary maintenance.

Funding for golf carts and maintenance will be paid from the golf fees collected in the Golf Operating Fund.

ATTACHMENTS:

Type	Description
□ Cover Memo	GOLF CART LEASE AGREEMENT

City of Davenport
Parks and Recreation – Golf Division
Golf Car Lease/Rental Agreement

This agreement is made and entered into between Harris Golf Cars, a Yamaha Golf Car Distributor (Harris), and the City of Davenport, Iowa (City) on this 9th day of February, 2015 for the purpose of establishing a means for the City to procure golf cars for use on its public courses by renting golf cars, together with the right and privilege to sublease said golf cars to its golfing patrons, from Harris under the following terms and conditions.

1. Harris will provide golf cars to the City for use on the City's golf courses and parks as stated herein.
 - A. Seventy (70) Yamaha gasoline powered golf cars will be provided to Duck Creek Golf Course. Sixty eight (68) Yamaha gasoline powered golf cars will be provided to Emeis Golf Course. Twenty (20) Yamaha gasoline powered golf cars will be provided to Red Hawk Golf Course & Learning Center. All Yamaha golf cars provided for the period covered under this agreement shall be white in color with sun tops, sweater baskets, and 5 mph bumper systems. There are also eight (8) utility cars provided to the golf courses and parks under this agreement.
 - B. This agreement is an extension of the previous agreement between the City and Harris dated November 30, 2010 and the Master Lease with Yamaha Motor Corporation, U.S.A (Yamaha) dated July 23, 2010. The golf cars provided are the same golf cars currently on lease at the City golf courses and this agreement extends the same products and services provided to the City by Harris under the previous agreement.
 - C. Under the previous agreement, the City was scheduled to pay Harris \$110.00 per car per year for the service provided under the contract. That was a total of \$86,240.00 over the 3 year lease term. Due to an invoicing error, the City was invoiced and paid only \$24,640.00 of the total service obligation. The City recognizes that all services were provided by Harris under the contract and that the remaining balance of \$61,600.00 was unpaid by the City. Based on good faith negotiations by the Golf Division and Harris, it was agreed that the amount owed would be reduced to \$34,860.00 and would be paid over the new contract period.
 - D. Under this agreement, the City shall pay Yamaha the full payment which includes the rental of the golf cars, service provided by Harris, and the previous service in arrears. Yamaha will collect the payment and reimburse Harris for all services provided.
 - E. Harris will provide the following golf cars and utility cars to the City under the specified payment terms:
 1. Emeis
 - Sixty eight (68) Yamaha golf cars at \$79.17/mo (\$475.00/yr)
 - One (1) Full Service Concession Car at \$173.17/mo (\$1,039.00/yr)
 - One (1) Range Picker Unit at \$173.17/mo (\$1,039.00/yr)
 - One (1) Player Assistance car at \$173.17/mo (\$1,039.00/yr)

2. Duck Creek

- Seventy (70) Yamaha golf cars at \$79.17/mo (\$475.00/yr)
- One (1) Full Service Concession Car at \$173.17/mo (\$1,039.00/yr)
- One (1) Range Picker Unit at \$173.17/mo (\$1,039.00/yr)
- One (1) Player Assistance car at \$173.17/mo (\$1,039.00/yr)

3. Red Hawk Golf and Learning Center

- Twenty (20) Yamaha golf cars at \$71.67/mo (\$430.00/yr)
- One (1) Range Picker Unit at \$173.17/mo (\$1,039.00/yr)
- One (1) Utility car at \$173.17/mo (\$1,039.00/yr)

F. In the event that the number of golf cars provided for each course under this agreement is insufficient to meet the demand for golf cars at that particular course, Harris agrees to cooperate with and attempt to provide the City with additional golf cars for that golf course at a price per car per month satisfactory to both parties, taking into consideration the model year and features of the golf cars available to Harris.

G. Payment Schedule

This contract is referenced in the Yamaha master lease dated 7/23/10 and the Exhibit A equipment schedules dated 2/4/15. The total annual payment of \$112,342.00 will be paid to Yamaha in 18 monthly payments May – October in years 2015-2017. Monthly payments due will be \$18,723.66 payable on the first day of each month designated.

2. Harris Golf Cars shall provide the aforementioned golf cars on or before the 1st day of April, for each year covered by this agreement; or as otherwise directed by the Golf Superintendent for the City.
3. Harris Golf Cars guarantees that the aforementioned golf cars shall be in mechanically dependable condition and clean and presentable in appearance when they are delivered to the City.
4. This agreement shall be in effect for the period covering the 2015, 2016, and 2017 golf seasons.
5. The City agrees that the golf cars shall be kept and used only at the aforementioned golf courses and City parks, where applicable. Both parties understand that the golf cars will be stored near the clubhouse of each course, or secured in park maintenance shops – where applicable.
6. Harris Golf Cars shall provide all necessary maintenance, parts, service, and labor to keep the cars in good repair; which shall include weekly service at each location. Harris Golf Cars shall provide the City with spare tires to replace flat tires. A Harris Golf Cars service technician shall replace any flat tires on cars every week as part of the weekly service and will repair or replace any flat tire that has been changed by the City during the week prior to his service. The City shall keep the cars clean and orderly when not in use.
7. Harris Golf Cars shall carry its own liability insurance coverage with minimum policy limits of \$100,000/\$300,000 bodily injury and \$10,000 property damage (minimum); and shall provide a copy of said policy together with the other documentation that

- demonstrates that the policy is valid and in effect for all periods covered by this agreement. The City of Davenport will be named as an additional insured on this policy.
8. Under an additional agreement entered into by the City, Harris Golf Cars agrees to cover the fleet of golf cars at the city of Davenport Golf Courses under a General Insurance Policy - held by Harris - which covers damages outside the normal operation of the golf cars; such as natural disaster or vandalism. Harris will provide primary insurance coverage with the City of Davenport named as additional insured on Harris Inland Marine Policy. Davenport will be responsible for the first \$2500 of the deductible per occurrence as described in the RFP presented. This coverage is included at no additional charge to Davenport. Harris Golf Cars will be responsible for the additional premiums incurred, which are reflected in pricing to which was submitted and agreed. The City of Davenport shall be named as an additional insured on this policy.
 9. Harris Golf Cars shall respond to any and all calls for service or emergency failures within twenty-four (24) hours during the regular playing season. If unable to make repairs, Harris Golf Cars will provide a loaner golf car until such time as repairs are completed. The loaner shall be at no additional charge.
 10. Any sales tax or use taxes imposed by Federal, State, or local law that is required to be paid for the subleasing for the golf cars by the City, shall be collected by the City in addition to the rental rates charged by the City for the subleasing of the golf cars; and the City shall be responsible for reporting and remitting all such taxes.
 11. It is agreed that all the golf cars covered by this agreement are to be used solely for the purpose of subleasing by the City, pursuant to the terms of this agreement. At no time are any golf cars to be used for the personal convenience of any employee, agent, or official for any other use or purpose. (Exceptions include designated utility carts, range picker units, ranger carts, carts for City parks use, and full service concession carts - These carts will only be used for their intended purposes.)
 12. The City shall not knowingly sublease any golf car to any person who does not have a valid driver's license or intermediate driver's license or to any person who it believes is obviously incapable of operating a golf car safely as a result of intoxication, incapacitation or inability; and shall enforce all rules related to the operation of a golf car, such as a two rider limit, etc. The City shall report any damage caused by accident, negligence, misuse or abuse to Harris Golf Cars on a weekly basis and shall be responsible for any repairs or damage due to negligence, accident, misuse, or abuse.
 13. Harris Golf Cars shall pick up the golf cars from each course at the end of the golf season and shall service and store them over the winter. The same cars will be returned to the City's courses for the following new golf season. The season starting and ending dates shall be determined by the Superintendent of Golf for the City. During the off-season, Harris Golf Cars shall do a complete inspection and repair of all golf cars covered by this agreement, including, but not limited to, steering suspension, brakes, acceleration, electrical, drain train, clutches, batteries, tires, etc. All golf cars shall be returned to the manufacturer's specifications for, safety and reliability. Harris Golf Cars shall be responsible for the repair of any and all normal wear and tear damage to the golf cars.
 14. Harris Golf Cars shall provide tournament cars as requested by the City if available to

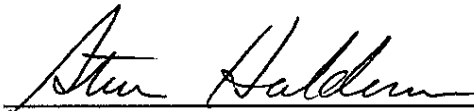
Harris. These additional cars will be billed to and be payable by the City at a rate of \$34.00 per car per day, with a minimum of 10 cars ordered. If an event is rained out and cars have been delivered, the City agrees to be billed at 1/2 the normal rate per car. Additional reservation fee of \$50 for any changes made less than 5 days prior to event.

15. If either party violates any of the provisions of this agreement, then other party may terminate this agreement for cause after providing the other party with a written notice of default and opportunity to cure. The time period in which to cure must be specified in the notice and be reasonable, but in no case be longer than 120 days. Upon termination, Harris Golf Cars shall promptly remove golf cars provided to the city under the terms of this agreement. Removal shall be completed no later than five (5) days after the effective termination date. Harris Golf Cars shall be responsible for all damages, if any, which may occur to the golf cars after the effective termination date. The City shall cooperate with Harris Golf Cars to facilitate the removal of golf cars pursuant to this paragraph.

In witness whereof the parties have hereunder set their signatures on the date first stated above.

HARRIS GOLF CARS

155 N Crescent Ridge
Dubuque, IA 52003
(563) 582-7390

By 

CITY OF DAVENPORT

226 W 5th Street
Davenport, IA 52801
(563) 888-2077

By _____

**Harris Golf Cars
City of Davenport
2/9/2015**

Recap of Service Contract

\$3,080 per month May - October

				Contract		Paid		Balance
2010	4	\$	3,080.00	\$	12,320.00	\$	12,320.00	\$ -
2011	6	\$	3,080.00	\$	18,480.00	\$	-	\$ 18,480.00
2012	6	\$	3,080.00	\$	18,480.00	\$	-	\$ 18,480.00
2013	6	\$	3,080.00	\$	18,480.00	\$	-	\$ 18,480.00
2014	6	\$	3,080.00	\$	18,480.00	\$	12,320.00	\$ 6,160.00
				\$	86,240.00	\$	24,640.00	\$ 61,600.00

Proposed 3 Year Extension

			Proposed	Total Proposed
Lease	138 2011 Drive	\$	475.00	\$ 65,550.00
	20 2009 Drive	\$	430.00	\$ 8,600.00
	8 Utility Cars	\$	1,039.00	\$ 8,312.00
Service	166 Service	\$	110.00	\$ 18,260.00
	166 Serv Balance	\$	70.00	\$ 11,620.00
				<u>\$ 112,342.00</u>

City of Davenport

Committee: Finance
Department: Public Works
Contact Info: Michael Clarke
Wards: All

Action / Date
3/4/2015

Subject:

Motion awarding a contract for the bituminous fog sealing services to Gee Asphalt Systems, Inc. of Cedar Rapids, IA in an amount not-to-exceed \$50,000. [All Wards]

Recommendation:

Approve the Motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

An Invitation to Bid was issued on January 20, 2015 and sent to 71 contractors. On February 18, 2015 the Purchasing Division opened one bid. Gee Asphalt Systems has proven to be a responsive and responsible bidder. A bid tab is attached.

Fog sealing is performed to protect asphalt pavement from further weathering. This will help to keep the pavement in good condition for its intended life span.

This contract is for sealing several parking lots for the Parks and Recreation Department and the Facilities Maintenance Division. This contract is for a not-to-exceed amount of \$50,000. Funding is from various FY15 CIP accounts for each department. Funding for these accounts is from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
☐ Backup Material	BIDTAB BITUMINOUS FOG SEAL

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: BITUMINOUS FOG SEAL

BID NUMBER: 15-88

OPENING DATE: February 18, 2015

RECOMMENDATION: AWARD THE CONTRACT TO GEE ASPHALT SYSTEMS, INC.
OF CEDAR RAPIDS, IA

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Gee Asphalt Systems, Inc. of Cedar Rapids, IA	Not To Exceed \$50,000

Prepared By Kristi Keller 2/26/17
Purchasing Date

Approved By Michael Clark 24 February 2014
Department Director Date

Approved By Linda Stollard 2/26/17
Budget/CIP Date

Approved By JSW 2-26-2015
Finance Director Date

City of Davenport

Committee: Finance
Department: Public Works
Contact Info: Michael Clarke
Wards: 3

Action / Date
3/4/2015

Subject:

Motion awarding a contract for the Freight House north façade beautification project to Valley Construction Company of Rock Island, IL in the amount of \$83,947.50. [Ward 3]

Recommendation:

Approve the Motion.

Relationship to Goals:

Financially Responsible City Government

Background:

An Invitation to Bid was issued and sent to 146 contractors on February 2, 2015. On February 24, 2015 the Purchasing Division opened three responsive and responsible bids. A bid tab is attached.

This contract is to provide better water drainage away from the Freight House building, provide a pleasing look surrounding the north area of the Freight House, and improve the grade between the new sidewalks and the building. Currently there is a large drop off between the sidewalk and the existing pavers. This bid also includes the addition of a new State of Iowa DOT- approved driveway to the north entrance of the current brewery location.

Funding for this project is from the FY15 CIP account 75511675 530350 10139 for the Freight House north beautification. These funds are from a contribution from the Downtown Partnership and Riverboat Development Authority from the median project on River Drive.

ATTACHMENTS:

Type	Description
□ Cover Memo	BIDTAB FH N FACADE

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: FREIGHT HOUSE NORTH FAÇADE BEAUTIFICATION

BID NUMBER: 15-90

OPENING DATE: FEBRUARY 24, 2015

GL ACCOUNT NUMBER: 75511675-530350-10139

RECOMMENDATION: AWARD THE BID TO VALLEY CONSTRUCTION CO
OF ROCK ISLAND, IL

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
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Valley Construction Co. of Rock Island, IL	\$ 83,947.50
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Kelly Construction of Davenport, Inc. of Davenport	\$107,577
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Brandt Construction Co. of Milan, IL	\$113,190
--------------------------------------	-----------

Approved By Krista Keen 2/26/15
Purchasing

Approved By Michael Clarke 24 February 2015
Department Director

Approved By Linda Holland 2/26/15
Budget/CIP

Approved By BW 2-26-2015
Finance Director

City of Davenport

Committee: Finance
Department: Information Technology
Contact Info: Rob Henry - 7791
Wards: All

Action / Date
3/4/2015

Subject:

Motion authorizing staff to issue a Request for Information (RFI) to solicit interest from potential providers of next-generation, fiber-optic broadband communication services for the Davenport community. [All Wards]

Recommendation:

Approve the motion.

Relationship to Goals:

Supporting talent.

Background:

The City of Davenport is interested in partnering with the private sector to improve access to broadband service in the community. An RFI to obtain responses from interested parties has been developed by City staff in cooperation with a broadband consultant. The purpose of the RFI is to see how the private sector envisions the potential private/public partnership.

In January, the City Council received a report from the City's broadband consultant regarding effective ways to utilize the City's existing fiber network to spur access to broadband services. One of the recommendations from that study was to release an RFI to determine the City's best use of partner(s).

Responses to this RFI are expected to lead to formal discussions, negotiations, and the development of business models that will be provided as recommendations to the City Council at a future date.

ATTACHMENTS:

Type	Description
Backup Material	RFI Draft

NEXT-GENERATION BROADBAND RFI

ALL RESPONSES REQUESTED TO BE RECEIVED NO LATER THAN:

2:00 P.M. CENTRAL TIME ON APRIL 16, 2015.

I. INTRODUCTION AND OVERVIEW

The City of Davenport is issuing this Request for Information (“RFI”) to solicit interest and information from potential providers of next-generation, fiber-optic broadband communications services that will meet the current and future needs of businesses, institutions, government entities, and residents throughout the City of Davenport.

This RFI is open to, and welcomes, responses from all legally qualified entities, including incumbent telecommunications companies, cable companies, competitive providers and other entities qualified to provision and support next-generation broadband services.

Broadband is a crucial element of the City of Davenport’s economic vitality and well-being that affects nearly every function within the community. As more of Davenport’s citizens, businesses, and community organizations are connected to the Internet, the more reliant they become on high quality, affordable broadband services. Broadband is critical to support our growing educational need, enhance local healthcare services, enable responsive public safety and enable our City with smart community technologies that constantly improve the way we live, work and play. The City believes that broadband is a critical utility service that should be available to our entire community to support these goals and other stakeholder needs.

We believe that acceleration of next-generation broadband services is of utmost importance to our community and the City will consider using its available assets and policy tools to help broadband providers deploy these services into our community. As such, this RFI seeks information that will help the City of Davenport achieve the following goals and objectives:

- Attract a broadband provider that is interested in building and providing next-generation broadband services of 1 Gigabit and greater to support economic development, job creation, innovation, healthcare, education, residential and business needs;
- Make broadband connectivity of up to 1 Gigabit per second (Gbps) available to residents on an affordable and timely basis throughout the City;
- Make broadband connectivity available up to 10 Gigabits for businesses and institutions on an affordable and timely basis throughout the City;
- Offer low-cost “lifeline” Internet services to disadvantaged residents throughout the City based on certain qualifications to increase the adoption of broadband in Davenport;
- Build a network that will meet the future bandwidth, performance and quality requirements of Davenport’s community for the long-term;
- Establish wireless network hotspots in public spaces in areas adjacent to portions of the wired

network;

- Establish a “Smart City” initiative that accommodates the City’s future needs for municipal connectivity to homes, businesses, roadways, light poles, traffic signals and related infrastructure.

To achieve these goals and objectives, the City of Davenport is willing to offer broadband provider(s) various significant cost-saving and revenue-enhancing incentives, including:

- Streamlined regulatory and permitting practices;
- Tax, enterprise zone, and other financial incentives;
- Coordination with planned construction activities;
- Access to City owned fiber-optic and conduit infrastructure; and,
- Access to City owned facilities including emergency communication towers.

The City of Davenport expects the Network provider to provide funding for the design, construction, operation, and maintenance of the network and operations.

II. About the City of Davenport

Davenport - the largest city and economic engine of the bi-state Quad-Cities area - is a premier place to build or expand a business.

With over 37 million people living within a 300-mile radius of Davenport, the central location allows businesses here to have easy and efficient access to a strong network of suppliers and customers.

The cost of doing business in the Quad-Cities is among the lowest in the nation, while our workforce exceeds national averages in quality, stability and productivity.

What you should know:

- The Quad-Cities ranked as the 16th best metro area for high-tech employment growth between 2006-2011
- The Davenport/Quad-Cities metro area is by far the largest merchandise exporter in Iowa at nearly \$8 billion per year. Des Moines, by comparison, exports just under \$2 billion per year
- High quality higher education anchored by two private 4-year colleges, a public 4 year institution, the world's premier chiropractic college and two growing community college districts
- Davenport has one of the Top 10 fastest-growing downtown populations for mid-sized metro areas, according to Smart Growth America
- Davenport's biggest labor industry is manufacturing, with over 7,600 jobs in the sector. John Deere is the second largest employer in the Quad Cities, after the Rock Island Arsenal as a whole. Deere, however, is the largest single employer, employing 7,200 workers in the Quad Cities and 948 on its north side Davenport plant. John Deere World Headquarters is located in Moline. Other

large employers in Davenport and the Quad Cities include Genesis Health Systems with 5,125 employees and 4,900 in Davenport, Trinity Regional Health System with 3,333, regional grocery store Hy-Vee with 3,138 and the Davenport Community School District with 2,237 employees.

- Davenport is the regional leader in available industrial Greenfield sites. Davenport is in the final stages of certifying approximately 200 acres for industrial development in our Eastern Iowa Industrial Center. This certification is being performed by McCallum Sweeney.
- Davenport is the headquarters for department store Von Maur, which has 24 stores. Davenport is also the headquarters of Lee Enterprises, which publishes fifty-five daily newspapers and more than 300 weekly newspapers, shoppers, and specialty publications, along with online sites in 23 states. As of December 2014, the unemployment rate in Davenport was 6.3%.
- The median income for a household in the city is \$40,378 with families earning \$51,445. Males had a median income of \$41,853 versus \$30,002 for females. The per capita income for the city was \$18,828. About 10.5% of families and 14.1% of the population were below the poverty line, including 19.2% of those under age 18 and 6.4% of those ages 65 or over.
- Davenport has a lower cost of living than the national average, in 2010 the average home price was \$110,000; Forbes ranked Davenport as the best metropolitan area for cost of living, up from second in 2009. CNN Money ranked Davenport as the 16th most affordable housing in the country.
- The surrounding Quad Cities have a few major places of employment, including the Rock Island Arsenal, which is the largest government-owned weapons manufacturing arsenal in the United States. KONE, Inc., a large manufacturer of elevators, is located in Moline, Illinois. Alcoa, a large aluminum manufacturer, is located in Riverdale, Iowa. Other local businesses include Whitey's Ice Cream, Hungry Hobo sandwich shop, and Happy Joe's and Harris Pizza – both local pizzerias (the former of which is also an ice cream parlor).
- The City imposes a 5% cable franchise fee and operates under a state regulatory franchise license.

III. AVAILABLE INFRASTRUCTURE, FACILITIES AND SERVICES

As indicated, the City of Davenport is willing to make certain infrastructure, facilities, and services available to a broadband provider. These inducements are described briefly in this section and in greater detail in the attached Schedule of Assets. To the extent required by law, the City will make these assets available on a non-discriminatory basis. In doing so, the City will take into account the unique benefits that the provider of a next-generation broadband network will bring to the City.

The terms and conditions on which the infrastructure, facilities, and services would be made available are subject to negotiation between the parties. In certain cases, access to these assets may require consent of third parties. In such situations, the City would work with broadband provider to attempt to obtain any necessary approvals. The details regarding the availability and location of any such Assets will be made available to parties that enter into non-disclosure agreements with the City.

A. Fiber-Optic Infrastructure (see map provided at end of document)

Where available, and to the extent consistent with applicable law, the City may be willing to make optical fibers available to a broadband provider pursuant to leases or indefeasible right of use (IRU) agreements. The broadband provider would be responsible for activating/lighting the fiber for use. The City may also consider contracting with a provider to jointly construct new fiber in areas where a need/demand exists for both the provider and the City. The City may be willing to sell all or portions of its existing fiber network to attain the goals and objectives stated in Section I.

B. Conduit/Innerduct

Where available, and to the extent consistent with applicable law, the City may be willing to make existing conduit or innerduct available to a broadband provider. Additional information on the anticipated process for securing access to conduit/innerduct can be found in the attached Schedule of Assets.

C. Public Rights-of-Way

The right to construct and install equipment in public rights-of-way and easements will be subject to the applicable requirements and ordinances of the City, including rights-of-way use agreements, permits, or franchises, as applicable. The City has attempted to streamline and harmonize these processes, consistent with applicable law. The RFI also seeks information on additional ways in which these processes can be streamlined so as to facilitate broadband development while maintaining the safety and integrity of the public rights- of-way.

Access will be provided in accordance with the applicable requirements or ordinances identified in the associated Schedule of Assets. As a general matter, the City contemplates that a broadband provider will acquire permission to occupy rights of way in one of the following ways; by becoming a State-certificated competitive local telephone carrier (“CLEC”) or by obtaining a master rights-of-way permit/use agreement from the City. A provider possessing any of the above authorizations will have a general right of access to the public rights of way, subject to reasonable construction and excavation permitting requirements. The broadband provider will have access to the public rights of way during regular business hours for non-emergency work and 24 hours a day, 7 days a week in the event of an emergency.

The City is willing to commit to a process of assisting all would-be providers in obtaining approvals on a timely basis to allow such work in the public rights of way.

If requested, and to the extent consistent with applicable law, the City will also cooperate with a broadband provider to facilitate its efforts to gain access to rights of way or easements owned or controlled by third parties within the service area, such as the Iowa Department of Transportation and/or Scott County, Iowa.

The City will attempt to coordinate planned street maintenance and excavation projects within the public rights of way so as to allow for joint construction and cost sharing to the extent permissible under applicable law.

D. Wireless Facility Siting

The City, businesses and institutions are willing to explore the potential for leasing towers, rooftops, and other aerial space for wireless broadband services if required by the provider. However, the City is not interested in the services of wireless broadband providers to deliver WiFi, WiMax and Fixed Licensed/Unlicensed Wireless to homes and businesses in its jurisdiction as the primary means of transport connectivity. The City of Davenport believes that wireless is an important complementary technology; however, this RFI contemplates a next-generation fiber-optic network as the primary delivery platform.

E. Co-Location

Where available, and to the extent consistent with applicable law, the City is willing to consider providing access to segregated, secured spaces for network equipment within facilities that it owns or controls or on property adjacent to such facilities. This space may exist at public parks, tower sites, fire stations, municipal buildings, or other locations.

F. Public Notices and Demand Aggregation

To the extent consistent with applicable law, the City is willing to help a broadband provider aggregate demand for its services. This may include publicizing the value of the services, furnishing the broadband provider with publicly-available information as to entities in the City that are likely candidates to enter into contracts for broadband services, and other activities that the broadband provider may suggest.

While the RFI is not a request for proposals to provide the City with communications services, the City is willing to entertain suggestions of ways that a broadband provider can improve the quality and lower the cost of the communications services that they use in their own operations (e.g., bandwidth, Internet access, voice, security monitoring, cloud computing and storage).

G. Other Assets, Facilities, Services

To the extent available, and consistent with applicable law, the City is willing to consider providing access to other assets and services that are owned or controlled by the City that would assist in lowering the overall cost structure and shortening the design and construction schedule of a next-generation fiber-optic broadband network. These include:

- Access to GIS data, street maps, maps of terrain, GPS coordinates and locating services;
- Access to any publicly available data on the City's demographics, zoning layouts, businesses and community anchors; and,
- Access to other communications networks through existing peering and traffic exchange agreements, to the extent not inconsistent with the terms of such agreements. The City contemplates that details regarding any such information would only be made available pursuant to the parties entering into non-disclosure agreements.
- The City owns 1,000 light poles out of approximately 10,000 in the community. The remaining is owned by the incumbent electric utility provider, MidAmerican Energy. A large concentration of city owned poles are in the downtown district.

H. Possible Forms of Assistance Relating to the Permitting/Regulatory Process

To the extent not previously covered, the City is willing to consider doing the following, as well as other forms of assistance that the broadband provider may suggest.

- **Single Point of Contact.** The City will designate a single point of contact ("SPOC") for a broadband provider. The SPOC will be responsible for addressing all issues related to the broadband construction project, providing coordination across departments, ensuring the full cooperation of all departments with respect to relevant issues on the broadband network deployment and serving as a communications and troubleshooting resource for a broadband provider.
- **Permit Processing.** The City will provide diligent and expeditious review and determinations of all applications for permits submitted by a provider in connection with the broadband network, including requests for any approvals necessary for construction, excavation, maintenance or other work within the rights-of-way and easements. All such work shall be in accordance with applicable regulations and ordinances.
- **Inspections.** In order to facilitate and ensure continuity and efficiency of inspections, the City will designate qualified and knowledgeable inspectors, with the authority to inspect all construction, maintenance and related work in connection with each applicable permit to be issued by the City. The City will use its best efforts to ensure that all such inspections are completed in an expeditious manner in accordance with applicable ordinances and the City's processes and practices made available to all third parties.
- **Construction in the Public Rights of Way.** The City will use its best efforts to make the public rights of way available to a provider as rapidly as reasonably possible upon request in order to allow a provider and its contractor's access to perform construction and other work related to the broadband network. Such access will be provided during regular business hours in accordance with applicable regulations and ordinances and the City's standard processes and practices generally made available to all third parties.
- **Flexible Demand-Based Rollout.** The City anticipates that network rollout would be based upon demonstrated demand by community residents, businesses and anchors and the availability of necessary infrastructure. This is similar to the "fiberhood" model being undertaken in the construction of the gigabit network in Kansas City by Google. The RFI seeks comments on the use of such a deployment.
- **Construction techniques.** The City is willing to cooperate with respondents to review and consider reasonable construction methods proposed, including but not limited to, the following: (i) traditional open trench or boring within rights-of-way green space but not the roadway; (ii) slot cut micro-trenching or trenching and boring in the curb or rights of way green space but not the roadway surface; (iii) directional boring; (iv) fiber attached to buildings or aerial structures; and (v) installation of fibers to utility infrastructure, such as overlashing. All such review shall be in accordance with applicable regulations and ordinances and the City's standard processes and practices generally make available to all third parties.
- **Fees and Charges.** To the extent allowed by applicable law, the City will consider the provision of in-kind services to offset applicable fees, taxes, or charges.

- **Enterprise Zones.** The City is willing to consider making enterprise zone or economic development designations to reduce costs to the extent allowed by applicable law.

IV. NO BINDING COMMITMENTS

This RFI is being issued purely for information-gathering purposes and does not constitute a request for proposals or a contract for procurement under applicable Iowa laws. Nothing in the RFI shall preclude the City from obtaining relevant information from other sources or through other processes. Nor shall the RFI in any way create an association, partnership, or joint venture among Respondents and the City. The issuance of the RFI and any subsequent response by a Respondent does not create a binding obligation on the part of the City to enter into any form of agreement with the Respondent, for the development of a broadband network, or otherwise.

V. NETWORK INFORMATION SOUGHT

All submitted RFI responses should be organized in the same sequence as below, with responses referencing the appropriate corresponding RFI item(s). Respondents should respond to each item at the requested level of detail or should indicate a variance with a particular item and suggest alternate terms and, as applicable, and supply any supportive detail. Where the Respondent is requested to supply information, include that information in the body of the response, or reference the attachment where it is included.

A. Description of Information Sought

The City of Davenport seeks information from Respondents related to the development, construction, operation, and maintenance, of a complete next-generation fiber-optic broadband communications network. The RFI is not limited to a specific technology but anticipates that most potential Respondents will discuss and provide information related to the development of a next-generation broadband network that provides Gigabit service to households, businesses, institutions, government entities, and residents throughout the City of Davenport. A response to the RFI should provide information on how the Respondent would intend to provide these services to the Davenport community, based on its successful history of doing so in other communities where it currently operates.

The City would like to understand what benefits the provider can bring to Davenport that will help the City showcase the community as a high-tech, competitive community with leading edge broadband services. The Respondent should provide sufficient details on the types of service that would be offered, expected performance and reliability, range of speeds available, competitive pricing and other factors that may be of interest to the City and Davenport community. The Respondent should also provide as much detail on how the City's broadband infrastructure and assets can be used to contribute to this partnership to expedite the deployment of Respondent's services, expand capabilities and keep costs to end users low.

VI. ADMINISTRATIVE ISSUES

A. Availability of the RFI and Amendments

Adobe Acrobat (PDF) and Microsoft Word versions of this RFI are available on the City of Davenport's website at: <https://davenport.ionwave.net>. Amendments to the RFI will be posted on this same website. Any amendments supersede prior provisions and are effective upon posting on the project website, and each potential respondent is responsible for checking the website to learn of any amendments.

B. Questions about the RFI

The primary RFI contact for the City project team is: purchasing@ci.davenport.ia.us .

All general correspondence and any questions about this RFI must be submitted in writing to purchasing@ci.davenport.ia.us no later than March 27, 2015 @ 3:00 PM CDST. All questions will be considered to be public and released with an answer through the project website no later than April 2, 2015 @ 4:00 PM CDST. The identity of the person responding to the question will not be disclosed.

C. RFI Calendar

RFI Advertised and Issued: Friday, March 13, 2015

Respondent Questions Submitted: Friday, March 27, 2015 at 3:00 PM Central Time

Respondent Questions Answered: Thursday, April 2, 2015 at 4:00 PM Central Time

Responses Due: Thursday, April 16, 2015 at 2:00pm Central Time

D. Response Due Date and Submission

Responses are requested to be submitted no later than 2:00 p.m. Central Time on April 16, 2015. Responses must be submitted electronically. All responses must be submitted via the City of Davenport's electronic submission system. You must be registered in the system to submit a response. Go to: <https://davenport.ionwave.net> and register as a supplier now. You must register prior to submitting your response. There is no fee to register. No paper, emailed, or faxed responses will be accepted. All electronic files must be submitted in editable format in order to facilitate evaluation and planning. Word and PDF formats are acceptable.

E. Process and Review of Responses

Responses will be opened after the due date and time. The responses will be reviewed internally at the convenience of the City of Davenport. All responses will be evaluated at the City's discretion, and they will thereafter take follow-up steps as appropriate. To the extent consistent with applicable law, the City is free to conduct follow-up interviews, meetings and correspondence with individual respondents to obtain additional information or seek clarification, without providing notice to the public or other Respondents.

The creation and release of the RFI does not in any way create any obligation or commitment on the part of the City to seek follow-on proposals or develop a broadband network, nor does the submission of a response create any kind of relationship, partnership or expectation of future business dealings between the parties.

F. Clarification of Proposals

Notwithstanding any other provision of this RFI, the City reserves the right to:

1. Conduct discussions with any or all potential Respondents for the purpose of clarification;
2. Cancel or amend this RFI or issue other requests for information or requests for proposals;

3. Use any and all concepts presented in any response to obtain the most beneficial and effective path to achieving its desired goals for the project.

VII. Miscellaneous Provisions

A. Response Costs

Respondents are responsible for all expenses they incur in preparing and submitting a response to this RFI or any follow-up discussions with the City.

B. Errors and Omissions in the RFI

If the City becomes aware of an error or omission in the RFI, it will post a notice on the project website. If it discovers an error or omission after the responses are submitted, it may in its discretion proceed or reissue the RFI. Even if it elects to reissue the RFI, the City will not be liable for any costs or damages incurred by any Respondent in preparing and submitting the original response.

C. Ownership and Confidentiality of Responses

The City will not pay for any information requested, and all responses submitted become the property of the City. Responses will not be returned and may be subject to disclosure pursuant to the federal Freedom of Information Act and/or Iowa code. The City may receive information that may be confidential as part of a response. If a Respondent believes that any portion of its response includes proprietary or other confidential information, it must clearly label the confidential information as such, and that information should be attached in the “Response Attachments” tab clearly labeled “Confidential Information”. The Respondent must state the basis for the claim to confidential treatment. Unless otherwise required by law, the City will treat such information as confidential and will not disclose it to a third party without prior notification and authorization.