COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, March 1, 2017; 5:30 PM

City Hall, 226 West 4th Street

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Public Works

1. Public hearing on the plans, specifications, forms of contract and estimated cost for the Full Depth Patch Program, CIP #35011, current estimate is $1,480,000. [All Wards]

2. Public hearing on the plans, specifications, form of contract and estimated cost for the East 6th Street Boulevard Improvements project (Phase II - Grand Ave. to 500' West). The anticipated cost is $240,000 and will be funded by a HUD grant awarded to the Community Planning & Economic Development department. [Ward 3]

B. Finance

1. Public hearing on the Modern Woodmen Park lease revenue loan agreement for the acquisition and installation of LED field lighting at Modern Woodmen Park. [Ward 3]

VII. Presentations

VIII. Petitions and Communications from Council Members and the Mayor

IX. Action items for Discussion

<u>COMMUNITY DEVELOPMENT</u>

Bill Boom, Chairman; Kyle Gripp, Vice Chairman

I. COMMUNITY DEVELOPMENT

1. <u>Second Consideration:</u> Ordinance for Case No. ROW16-04: Request of Juan Goitia for the right-of-way vacation (abandonment) of 5,800 square feet, more or less, of undeveloped East 14th Street located east of Christie Street. [Ward 5]

2. Resolution approving Case No. FDP17-01: Request of Geifman Food Stores, Inc. for a PDD Final Development Plan for a two-story commercial office building located at 4939 Utica Ridge Road. [Ward 6]
3. Resolution authorizing the Mayor to execute the Iowa Certified Local Government 2016 Annual Report. [All Wards]
4. Resolution approving an Urban Revitalization Tax Exemption project for 321 E 2nd St [Ward 3]
5. Resolution supporting a Workforce Housing Tax Credit application to the State of Iowa for a housing project located at 321 E 2nd Street. [Ward 3]
6. Resolution of support for the Home Base Iowa initiative and identifying the City of Davenport a Home Base Iowa community. [All Wards]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Mike Matson, Chairman; Maria Dickmann, Vice Chairman

III. PUBLIC SAFETY

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

   Mac's Tavern, St. Patrick's Day Celebration, March 18, 2017, Noon - Midnight; Location: north sidewalk xlosure on 3rd Street in front of 316-318 West 3rd St [Ward 3]

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

   Dam View Inn, 410 East 2nd St, St Patrick's Day Celebration, March 17-19, 9:00 AM - 1:00 AM, Over 50 dBa

3. Motion approving the petition for a street light in front of 219 Ridgewood Avenue. [Ward 6]
4. Motion approving the petition for a street light in front of 2323 W 10th Street. [Ward 3]
5. Motion approving beer and liquor license applications.

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

   Ward 3

   Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - Outdoor area March 17-19, 2017 'St. Patrick's Day Event' - License Type: C Liquor

   Mac's Tavern (Failte Inc.) -- 316 W 3rd St. -- Outdoor Area March 18, 2017 "St. Patrick's Day Event" -- License Type: C Liquor

Rudy's (Infamous LLC) - 811 W 2nd St - Outdoor Area - License Type: C Liquor

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

Ward 1

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

Ward 2

Applebee's Neighborhood Grill & Bar (Apple Corps, L.P.) - 3005 W Kimberly Rd. - License Type: C Liquor

Ward 3

Quad Cities Convention & Visitors Bureau (Quad Cities Convention & Visitors Bureau) - 102 S Harrison St. - License Type: B Native Wine

The River's Edge (City of Davenport) - 700 W River Dr. - License Type: B Beer

Ward 4

Hy-Vee Market Cafe (Hy-Vee, Inc.) - 2351 W Locust St. Café area - License Type: C Liquor

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

Ward 6

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

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

Ward 7

Chuck E. Cheese's #957 (CEC Entertainment, Inc.) - 903 E Kimberly Rd. - License Type: B Beer

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

Q. C. Mart (Bethany Enterprises, Inc.) - 3901 N Brady St. - License Type: C Beer

Ward 8

Fareway Stores, Inc. #987 (Fareway Stores, Inc.) - 1635 W 53rd St. - License Type: E Liquor

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

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. First Consideration: Ordinance enacting right of way management rules and processes. [All Wards]
2. Resolution on the plans, specifications, forms of contract and estimated cost for the Full Depth Patch Program, CIP #35011 current estimate is $1,480,000. [All Wards]
3. Resolution on the plans, specifications, form of contract and estimated cost for the East 6th Street Boulevard Improvements project (Phase II - Grand Ave. to 500' West). The anticipated cost is $240,000 and will be funded by a HUD grant awarded to the Community Planning & Economic Development department. [Ward 3]
4. Resolution ordering Menards Inc. to install a sidewalk along 67th Street on parcel #X0223-33. [Ward 8]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Jason Gordon, Chairman; Kerri Tompkins, Vice Chairman

VII. FINANCE

1. Second Consideration: Ordinance amending and deleting various Chapters, Sections and Subsections of the Davenport Municipal Code to decommission the RiverCenter/Adler Theater Advisory Board, Airport Commission, Commission On Youth, Youth Advisory Commission, Adult Crossing Guard, and Sustainable Environment Methods & Technology Advisory Commission as well as combining the building trades code boards.
2. Second Consideration: Ordinance amending and deleting various Chapters and Sections of the Davenport Municipal Code to create a Riverfront, Parks & Recreational Amenities Advisory Board that will combine the Parks and Recreation Advisory Board and Levee Improvement Commission to create a single eleven person board that will meet as needed as a board and in work sessions with the City Council, gather community input, and make recommendations on future City recreational amenity projects.
3. First Consideration: Ordinance amending Chapter 2.12 of the Municipal Code of Davenport, Iowa entitled "Department of Finance," by amending Section 2.12.070

entitled "Purchasing Procedures." [All Wards]

STAFF RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON FIRST CONSIDERATION:

1. Motion for suspension of the rules.
2. Motion for passage of second and third considerations.

4. Resolution expressing intent to enter into a $290,000 Modern Woodmen Park lease revenue loan agreement for the purpose of acquiring and installing LED field lighting at Modern Woodmen Park. [Ward 3]

5. Motion approving agreements between the City of Davenport and Matthew V. Hasley and Ronnie W. Thrapp for golf professional and other services at Duck Creek and Emeis Golf Courses, respectively. [Wards 1 & 6]

VIII. Motion recommending discussion or consent for Finance items

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

1. Leadsonline - Police Dept. software renewal - Amount: $10,066
2. Greenwood Cleaning Systems - Papers towels (Bi-State bid) - Amount: $12,025
3. Sutphen Corp. - Repair Fire ladder truck - Amount: $15,000
4. Cunningham Associates - Fejervary Park playground - Amount: $29,936
5. M & C, Inc. - Heritage fire emergency cleanup services - Amount: $30,093
6. Nu-Trend Accessibility Systems - Wheelchair lifts for Rivers Edge - Amount: $40,595

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Nick Schmuecker; (563) 327-5162
Wards: All

Action / Date
PW3/1/2017

Subject:
Public hearing on the plans, specifications, forms of contract and estimated cost for the Full Depth Patch Program, CIP #35011, current estimate is $1,480,000. [All Wards]

Recommendation:
Hold the hearing.

Relationship to Goals:
Sustainable infrastructure.

Background:
This project is intended to replace failed panels of concrete streets. The street segments were identified based on pavement condition data collected through the Iowa Department of Transportation. This data was used in the pavement management software and verified through work orders in the work order management software.

This project contains $80,000 worth of State Route patches which will be 100% reimbursed by the Iowa DOT. To maximize benefits a second year option will be bid in the program.

The project is scheduled to be bid in March 2017 with construction to be completed by December 2017. Funding for the Full Depth Patch Program is established within CIP #35011. The current estimate is $1,480,000.

ATTACHMENTS:

Type	Description
Cover Memo	Memo that plans, specification, and estimate of cost are filed.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 2:25 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 4:38 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:49 PM

MEMORANDUM

Date: February 17, 2017

To: Jackie Holecek, Deputy City Clerk

From: Nick Schmuecker, PE; Civil Engineer

Re: **2017 to 2018 P.C.C. Full Depth Patch Program**

The following enclosed documents that pertain to the referenced construction project must be filed in your office prior to their approval by the Council:

1. Plans
2. Specifications
3. Form of Contract
4. The estimated cost is $1,480,000

Please file them accordingly. Thank you.

Cc: Brian Schadt, City Engineer/Deputy Public Works Director
file

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Steve Math: (563)326-6168
Wards: 3

Action / Date
PW3/1/2017

Subject:
Public hearing on the plans, specifications, form of contract and estimated cost for the East 6th Street Boulevard Improvements project (Phase II - Grand Ave. to 500' West). The anticipated cost is $240,000 and will be funded by a HUD grant awarded to the Community Planning & Economic Development department. [Ward 3]

Recommendation:
Hold the hearing.

Relationship to Goals:
Revitalized Neighborhoods & Corridors

Background:
This project is a Phase II of earlier work on East 6th Street in 2016. This project includes new sidewalk, curb and gutter infrastructure as well as a new retaining wall with the same aesthetics of Phase I. The project was designed by the Engineering Division and has an estimated cost of $240,000.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 4:40 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 4:40 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:48 PM

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Brandon Wright 326-7750
Wards: 3

Action / Date
FIN3/1/2017

Subject:
Public hearing on the Modern Woodmen Park lease revenue loan agreement for the acquisition and installation of LED field lighting at Modern Woodmen Park. [Ward 3]

Recommendation:
Hold the public hearing.

Relationship to Goals:
Financially Responsible City Government

Background:
Under Iowa law, the City of Davenport is required to hold a public hearing prior to borrowing funds. The City is utilizing a three-year, 0% interest loan from Musco Lighting for the acquisition and installation of LED field lighting at Modern Woodmen Park. The total contract amount is $290,000 and will be repaid according to the following schedule:

July 1, 2017	$ 90,000
July 1, 2018	$ 85,000
July 1, 2019	$115,000

This loan will not constitute a general obligation of the City of Davenport, but will be pledged by revenues due to Main Street Iowa LLC under the current lease agreement at Modern Woodmen Park, per the Stadium Lighting Project Letter of Understanding.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	2/23/2017 - 2:16 PM
Finance Committee	Watson-Arnould, Kathe	Approved	2/23/2017 - 2:16 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 3:19 PM

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **CD2/8/2017**
Contact Info: Matt Flynn 326-7743
Wards: 5

Subject:
Second Consideration: Ordinance for Case No. ROW16-04: Request of Juan Goitia for the right-of-way vacation (abandonment) of 5,800 square feet, more or less, of undeveloped East 14th Street located east of Christie Street. [Ward 5]

Recommendation:
The City Plan and Zoning Commission forwards Case No. ROW16-04 to the City Council for approval subject to the following conditions:
1. That if utilities exist then a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;

The Commission vote was unanimous 8-yes, 0-no and 0-abstention.

Relationship to Goals:
Neighborhood Improvement

Background:
The portion of East 14th Street located west of Christie Street was vacated in 2001 by the owner of adjacent property. The petitioner in this case is also proposing to purchase the adjacent city owned parcels for future residential development. Apparently there is a second party also interested in purchasing the vacated right-of-way and adjacent City property. Regardless of the eventual disposition of the property, the right-of-way status should be vacated (abandoned).

For further background information please refer to the background materials.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	ROW16-04 Ordinance only
🗋	Backup Material	ROW16-04 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/7/2017 - 12:19 PM
Community Development Committee	Berger, Bruce	Approved	2/7/2017 - 12:19 PM
City Clerk	Admin, Default	Approved	2/7/2017 - 12:45 PM

ORDINANCE NO.

ORDINANCE for Case No. ROW16-04: Request of Juan Goitia for the right-of-way vacation (abandonment) of 5,800 square feet, more or less, of undeveloped East 14th Street located east of Christie Street. [5th 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 vacated (abandoned). The property has the following legal description:

The property has the following legal description:
Part of the Northwest Quarter of Section 30 Township 78 North Range 4 East of the 5th P.M. more particularly described as follows:

Beginning at the northwest corner of Lot 10 of Christies 2nd Addition to the City of Davenport, Scott County, Iowa, said corner also being the east right-of-way line of Christie Street as it currently exists; thence East along the north line of said Lot 10 145 feet to the north east corner of said Lot 10; thence North 40 feet to the southeast corner of Lot 23 of Davison and True's Plat to the City of Davenport, Scott County, Iowa; thence West along the south line of said Lot 23 145 feet to the southwest corner of said Lot 23, said corner also being in the east right-of-way line of Christie Street as it currently exists; thence South along the east right-of-way line of said Christie Street 40 feet to the northwest corner of Lot 10 of Christies 2nd Addition to the City of Davenport, Scott County, Iowa, said corner also being point of beginning. Said tract contains 5,800 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW16-04 to the City Council with a recommendation for approval subject to the following conditions:

1. That if utilities exist then a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

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

December 07, 2016

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of December 06, 2016, the City Plan and Zoning Commission considered Case No. ROW16-04 being the Juan Goitia for the right-of-way vacation (abandonment) of 5,800 square feet, more or less, of undeveloped East 14th Street located east of Christie Street.

The petitioner is also proposing to purchase the adjacent city owned parcels for future residential development. Apparently there is a second party also interested in purchasing the vacated right-of-way and adjacent City property. Regardless of the eventual disposition of the property, the right-of-way status should be vacated (abandoned).

Findings:

- This is unimproved public right-of-way that does not access to another street or alley.
- The adjacent portion of East 14th Street located west of Christie was vacated in 2001.

The City Plan and Zoning Commission accepts the findings and forwards Case No. ROW16-04 to the City Council for approval subject to the following condition(s):

1. That if utility services exist that an easement to maintain, operate, remove, repair, construct, reconstruct or relocate utility services be dedicated.

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record Meeting Date: 12-06-2016 Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	REZ16-11 Raju Penmatchu 65th & Scott Sts	FDP16-07 Lange Inc Market Cir	ROW16-04 Juan Goitia E 14th St					
Connell	P	Y	Y	Y					
Hepner	P	Y	Y	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	P	Y	Y	Y					
Maness	P	Y	Y	Y					
Martinez	AB								
Medd	P	Y	Y	Y					
Quinn	P	Y	Y	Y					
Reinartz	EX								
Tallman	P	ABST	Y	Y					
		7-YES 0-NO 1-ABSTAIN	8-YES 0-NO 0-ABSTAIN	8-YES 0-NO 0-ABSTAIN					

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

PLAN AND ZONING COMMISSION

Meeting Date: December 07, 2016
Request: Street vacation/abandonment
Location: East 14th Street east side of Christie Street
Case No.: ROW16-04
Applicant: Juan Goitia

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. ROW16-04 to the City Council for approval subject to the listed condition(s).

Introduction:

This is a request to vacate the undeveloped street right-of-way for East 14th Street located on the east side of Christie Street. According to the City records this right-of-way contains 5,800 square feet, more or less.

AREA CHARACTERISTICS:

Zoning Map

Land Use Map

Aerial Photo

Background:

Comprehensive Plan:
Within Urban Service Area: Yes

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

Relevant Goals to be considered in this Case:

- Identify and reserve land for current and future development:

The proposed vacation (abandonment) enhances the ability to provide infill residential development.

Zoning:
The surrounding properties are zoned to "R-4" Moderate Density Dwelling District"

Technical Review:

Streets. The property is located on the east side of Christie Street north of Kirkwood Boulevard. There is no alley access to the property.

Storm Water. There does not appear to be stormwater infrastructure in this portion of Christie Street. Stormwater drainage is by surface run-off.

Sanitary Sewer. Sanitary sewer service is located in Christie Street.

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

Emergency Services. The property is located just under one-half (1/2) mile from Fire Station No. 4 at 1805 East Locust Street.

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

Public Input:
Notices were sent to the 23 property owners within 200 feet of the subject property and one protest was received though the protest appears related to the disposition of the property and not the vacating or abandoning of the right-of-way status. The protestor and the applicant were to meet on this request.

Discussion:
The petitioner is also proposing to purchase the adjacent city owned parcels for future residential development. There is no alley right-of-way connecting to this segment nor does the street right-of-way continue to the east; to the east is privately owned property. The grade would make it difficult to construct and maintain a street. The adjacent portion of East 14th Street located west of Christie was vacated in 2001. There does not appear to be an over-riding need for the City to keep this as right-of-way. According to one MidAmerican Energy representative there is an overhead electric line and underground gas line in the area to be vacated. During a visual inspection staff did not see the overhead line.

Apparently there is a second party also interested in purchasing the vacated right-of-way and adjacent City property. Regardless of the eventual disposition of the property, the right-of-way status should be vacated (abandoned).

Staff Recommendation:

Findings:

- This is unimproved public right-of-way that does not access to another street or alley.
- The adjacent portion of East 14th Street located west of Christie was vacated in 2001.

Recommendation:
Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. ROW16-04 to the City Council for approval subject to the following condition(s):

1. That if utility services exist that an easement to maintain, operate, remove, repair, construct, reconstruct or relocate utility services be dedicated.

Prepared by:

Wayne Wile, CFM
Planner II
Community Planning Division

CITY OF DAVENPORT
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
REQUEST FOR PUBLIC RIGHT-OF-WAY VACATION

PETITIONER: Name: Juan Goitia
Address: 1002 Bridge Ave.
Phone: 563-528-2778 FAX: _____
Mobile Phone: — Email: goitia09@gmail.com
Interest in land: _____ title holder _____ other**

** if petitioner is other than title holder (i.e., lessee), documentation will be required to show prior approval for site development plans by owner.

CONTACT PERSON: Name: _____
Address: _____
Phone: _____ FAX: _____
Mobile Phone: _____ Email: _____

LOCATION (DESCRIPTIVE): Lot between E0014-13 & E0019-22 city right of way. 14th St & Christie St.

LEGAL DESCRIPTION: _____

AREA: (in square feet) 40 X 145

REASON FOR REQUEST: It is joining property with Parcel E0014-13

*(The applicant MUST be as detailed and specific as possible in completing this section. Complete and descriptive information is vital to the timely submission of the petitioner's request. Incomplete applications may delay the application process.)

SIGNATURE OF PETITIONER: _____ DATE: 10/4/16

PROCESSING FEE: $400.00 DATE PAID: _____

PUBLIC HEARING NOTICE
DAVENPORT PLAN & ZONING COMMISSION
TUESDAY – NOVEMBER 01, 2016 5:00 P.M.
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4TH STREET – DAVENPORT, IOWA

Case No. ROW16-04: Request of Juan Goitia for the right-of-way vacation (abandonment) of 5,800 square feet, more or less, of undeveloped East 14th Street located east of Christie Street to consolidate ownership.

The City Plan and Zoning Commission will conduct a public hearing concerning this matter at **5:00 p.m., Tuesday November 01, 2016** in the **Council Chambers of Davenport City Hall at 226 West 4th Street,** Davenport, Iowa.

This public hearing is the first step in the review/approval process. The City Plan and Zoning Commission will consider (vote on a recommendation) the petition at its regular meeting on Tuesday November 15, 2016. The Commission's report and recommendation will then be forwarded to the City Council. The City Council will then hold its own public hearing, as required by state law. You should also receive a notice of the City Council's public hearing. For the ordinance to be approved, it must be read/considered at three (3) separate City Council meetings. For the specific dates and times of subsequent meetings, please call the phone number below.

It is your privilege to submit written comments on this petition or to attend the public hearing to express your views, or both. All protests within the 200 foot notice area or the area being considered must be made in writing to be valid. Any written comments to be reported at the Commission's public hearing should be received in the office of Community Planning, City Hall, not later that 12:00 noon, on the day of the public hearing, though protests may be received up through the City Council's public hearing.

Office of Community Planning
Department of Community Planning & Economic Development
Phone: (563) 326-7765 Email: Planning@ci.davenport.ia.us

CITY OF DAVENPORT
Community Planning & Economic Dev.
OCT 31 2016
226 W 4th St
DAVENPORT, IA 52801

(detach here)

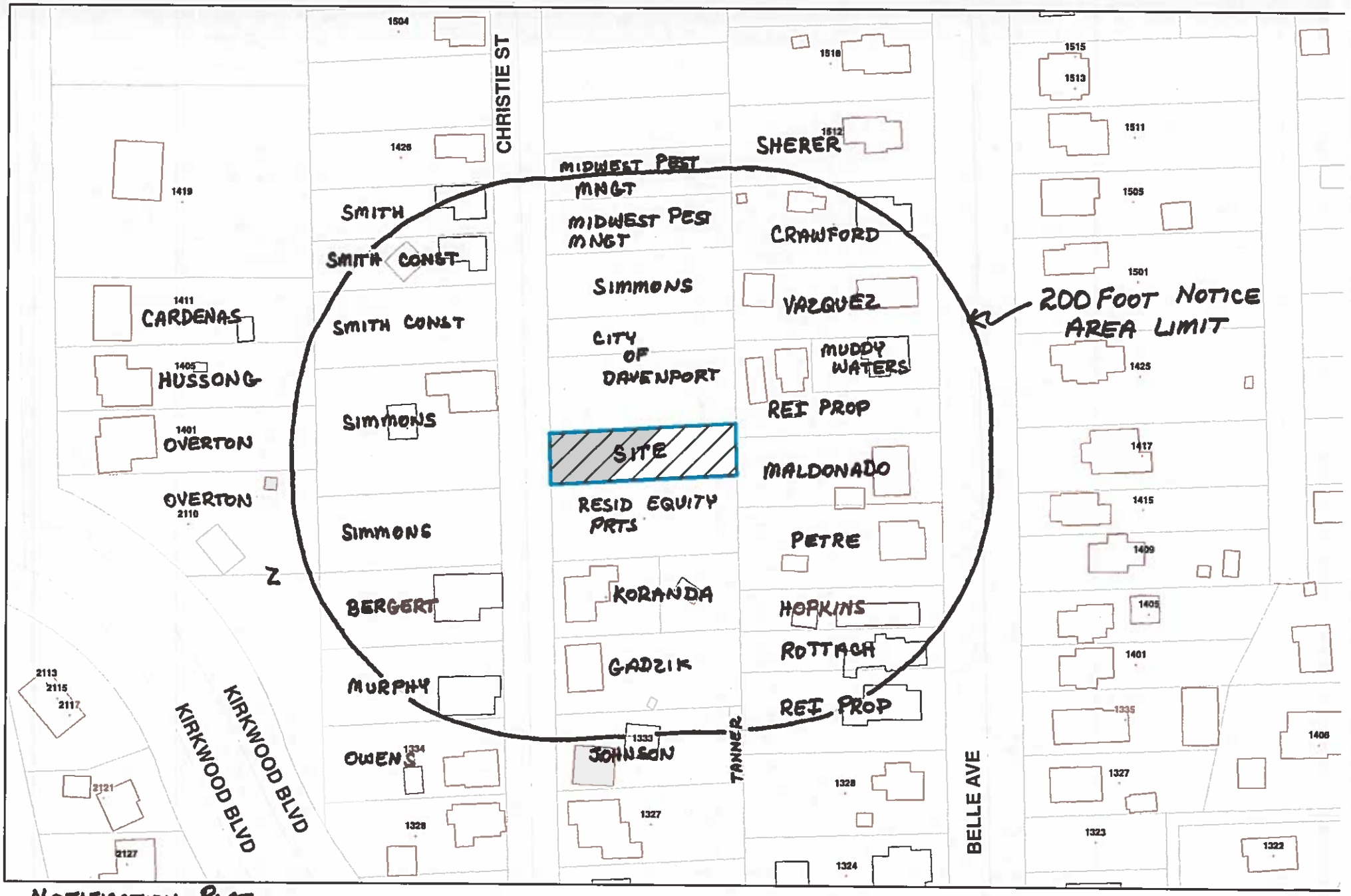
The undersigned ~~opposes~~ / **does not oppose (circle one)** Petition of ~~Juan Goitia (ROW16-04)~~

Comments: This property is next to a property that we own. We should have 1st rights to it Considering we have maintained it some of the time since abandonment

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

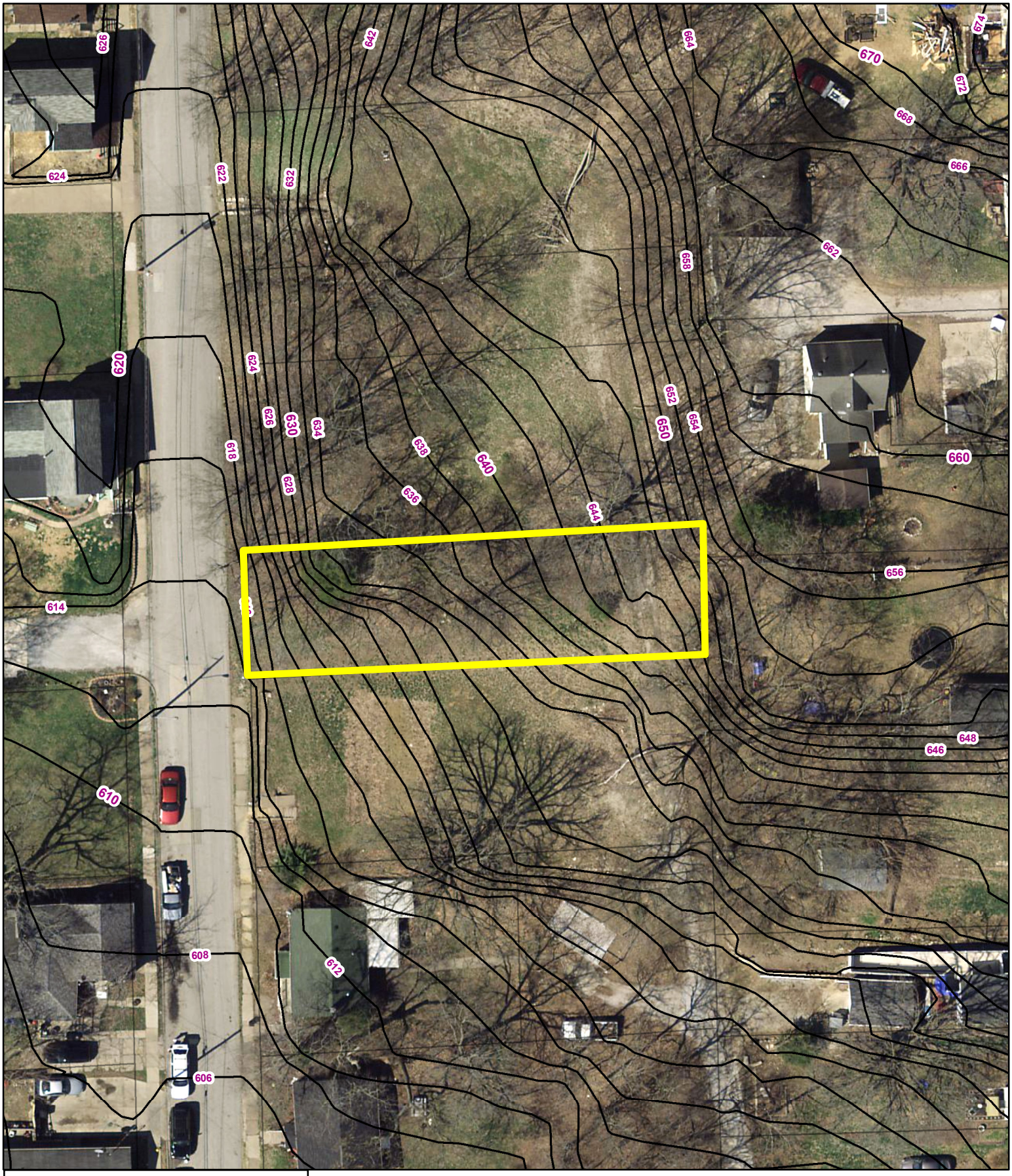
NAME Willis Simmons
ADDRESS 1404 Christie Street
DATE 10-28-2016
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS



NOTIFICATION PLAT

Owner		Address	C-S-Z
VENTURA CARENAS		1411 MOUND ST	DAVENPORT IA 52803
RANDY HUSSONG		1405 MOUND ST	DAVENPORT IA 52803
CONSTANCE M OVERTON		1401 MOUND ST	DAVENPORT IA 52803
GERALD R OVERTON		208 NORTHBROOK CT	DAVENPORT IA 52806
ELLA M SMITH		2921 W 63RD ST	DAVENPORT IA 52806
GARY SMITH CONSTRUCTION		549 MAPLE ST	COLONA IL 61241
WILLIS SIMMONS		1404 CHRISTIE ST	DAVENPORT IA 52803
HARVEY D BERGERT	& WIFE	6323 NORTHWEST BLVD	DAVENPORT IA 52806
KEVIN DONTE MURPHY	PATRICIA GUNTER-MURPHY	1338 CHRISTIE ST	DAVENPORT IA 52803
WILLIE C OWENS		2613 E 50TH ST	DAVENPORT IA 52807
MIDWEST PEST MANAGEMENT &	LAWN SERVICES LLC	123 HAZELWOOD AV	DAVENPORT IA 52802
RESIDENTIAL EQUITY PARTNERS LLC		1280 MONUMENT BD STE 200	CONCORD CA 94520
RICHARD A KORANDA		1345 CHRISTIE ST	DAVENPORT IA 52803
JAMES STANLEY GADZIK		107 VALLEY HEIGHTS RD	BLUE GRASS IA 52726
ANDREW JOHNSON	& WIFE	1333 CHRISTIE ST	DAVENPORT IA 52803
JONATHAN TANNER		304 N 20TH ST	EAST MOLINE IL 61244-1139
CODY SHERER	NICHOLE SHERER	1512 BELLE AV	DAVENPORT IA 52803
KELLY CRAWFORD		1506 BELLE AV	DAVENPORT IA 52803
DONATO P VAZQUEZ	ELVIRA G VAZQUEZ	12583 W BLOSSON ST	BEACH PARK IL 60087
MUDDY WATERS LLC		201 W 2ND ST STE 705	DAVENPORT IA 52801-1825
REI PROPERTIES LLC		1770 BRIGDEN RD	PASADENA CA 91104
ADELLA M RAMIREZ-MALDONADO	AMILIA MALDONADO	1418 BELLE AV	DAVENPORT IA 52803
JOHN PETRE		1412 BELLE AV	DAVENPORT IA 52803
CATHERINE HOPKINS		1408 BELLE AV	DAVENPORT IA 52803
MICHELLE L ROTTACK		1404 BELLE AV	DAVENPORT IA 52803
CITY OF DAVENPORT	CPED	226 W 4TH ST	DAVENPORT IA 52803
ALD RAWSON		226 W 4TH ST	DAVENPORT IA 52801



2-Foot Contours

0 20 40 80 Feet

N
W E
S

MidAmerican
ENERGY
OBSESSIVELY, RELENTLESSLY *AT YOUR SERVICE.*

MidAmerican Energy Company
106 East Second Street
P.O. Box 4350
Davenport, Iowa 52808-8020

October 24, 2016

Mr. Wayne Wille, CFM
Planner II
Community Planning Division
226 West 4th Street
Davenport, Iowa 52801

RE: 204-16 / Proposed Vacation Case No. ROW 16-04
East 14th Street, East side of Christie Street

Dear Mr. Wille,

Thank you for your notice concerning the proposed 5,800 square feet vacation at the above referenced location.

MidAmerican Energy personnel have completed their review of the proposed vacation and do not oppose to Juan Goitia (ROW 16-04). MidAmerican maintains underground and overhead electric and natural gas pipeline facilities within the proposed vacated area. In the event a vacation ordinance is adopted, it is requested that a reservation be included to maintain, operate, remove, repair, replace, construct, reconstruct, or relocate the electric and/or gas facilities within the entire vacated right of way. It is also requested a copy of the ordinance be forwarded to this office.

Sincerely,

Dawn M. Carlson
Right of Way Agent
Right of Way Services

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **CD3/1/2017**
Contact Info: Matt Flynn 326-7743 mflynn@ci.davenport.ia.us
Wards: 6

Subject:
Resolution approving Case No. FDP17-01: Request of Geifman Food Stores, Inc. for a PDD Final Development Plan for a two-story commercial office building located at 4939 Utica Ridge Road. [Ward 6]

Recommendation:
The City Plan and Zoning Commission forwards Case No. FDP17-01 to the City Council with a recommendation for approval subject to the following condition:

1. That the Final Development Plan be revised such that the second floor is depicted as office and not residential.

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

Relationship to Goals:
New Investment.

Background:
The proposal is to construct a two story commercial office building with attached garages. The first floor would contain 5,100 square feet of office space and four attached garages. The second floor would contain 7,425 square feet of office space.

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

ATTACHMENTS:

	Type	Description
🗋	Backup Material	FDP17-01 - Resolution
🗋	Backup Material	FDP17-01 - Final Development Plan
🗋	Backup Material	FDP17-01 - Plan and Zoning Commission Letter
🗋	Backup Material	Plan and Zoning Commission Vote Results
🗋	Backup Material	FDP17-01 - Plan and Zoning Commission Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/23/2017 - 12:43 PM
Community Development Committee	Berger, Bruce	Approved	2/23/2017 - 12:43 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 3:18 PM

Resolution No._____

Resolution offered by Alderman Boom

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. FDP17-01 being the petition of Geifman Food Stores, Inc. for a PDD Final Development Plan for a two-story commercial office building located at 4939 Utica Ridge Road.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Final Development Plan for a for a two-story commercial office building at 4939 Utica Ridge Road is hereby approved and accepted pursuant to the City Plan and Zoning Commission letter dated February 15, 2017;

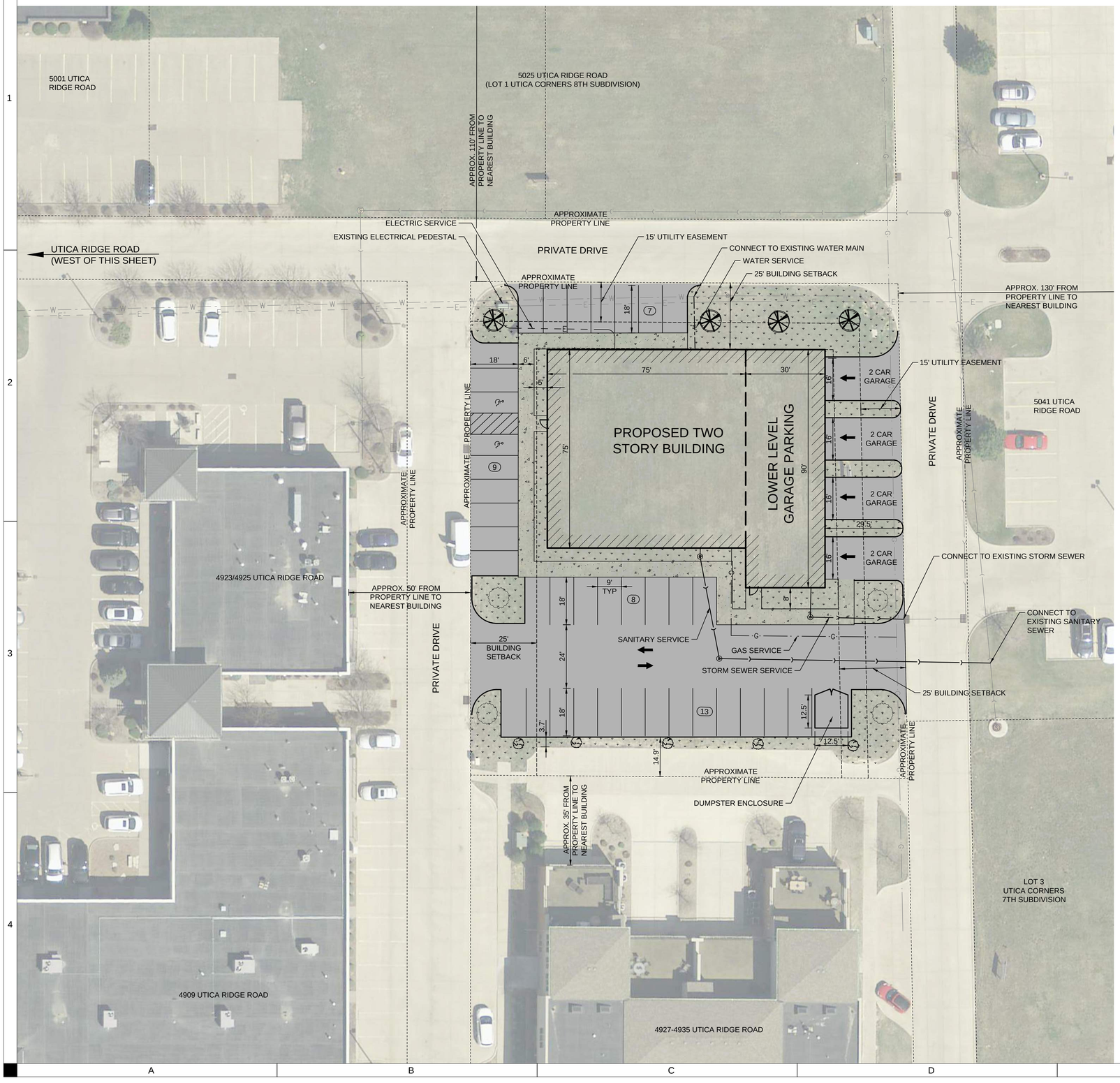
Note that the Final Development Plan has been amended to achieve consistency with condition 1 and is not repeated here (please refer to the Commission's February 15, 2017 letter for more details); and the Mayor and Deputy City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved:

_____
Frank Klipsch, Mayor

Attest:

_____
Jackie E. Holecek, Deputy City Clerk



0 10 20 40
SCALE IN FEET

PARCEL INFORMATION
LOT 1, UTICA CORNERS 7TH SUBDIVISION 0.70 ACRES EXISTING AND SURROUNDING PARCELS ZONING - PDD (NO ZONING CHANGE PROPOSED) 25' FRONT SETBACKS

PARKING INFORMATION
LOWER LEVEL - 5100 SF PROFESSIONAL OFFICES REQUIRED PARKING = 5 STALLS PLUS 1 STALL PER 300 SF OF FLOOR AREA OVER 1000 SF = 5 + 1 / 300 * (5100 - 1000) = 19 UPPER LEVEL - 7425 SF PROFESSIONAL OFFICES 5 STALLS PLUS 1 STALL PER 300 SF OF FLOOR AREA OVER 1000 SF = 5 + 1 / 300 * (7425 - 1000) = 26 TOTAL **REQUIRED** PARKING = 19 + 26 = **45** TOTAL **PROVIDED** PARKING (INCLUDING FOUR 2 CAR GARAGES = **45**

SITE INFORMATION
TOTAL SITE AREA = 30,526 SF IMPERVIOUS SURFACE AREA = 24,609 SF PERVIOUS (LANDSCAPED) SURFACE AREA = 5917 SF

BUILDING INFORMATION
FIRST FLOOR GROSS AREA = 8325 SF SECOND FLOOR GROSS AREA (EXCLUDES EXTERIOR DECKS) = 7425 SF TOTAL GROSS FLOOR AREA = 15,750 SF

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
2103 Eastland Drive | Bloomington, Illinois 61704
309.662.8992 | fax: 309.662.5868 | www.shivehattery.com
Iowa | Illinois | Indiana
Illinois Firm Number: 184-000214

SEAL

PROPOSED UTICA RIDGE RD DEVELOPMENT

DAVENPORT, IOWA

DRAWN: ZJH
APPROVED: GJS
ISSUED FOR: REVIEW
DATE: 02/18/2017
PROJECT NO.:3171S3P
FIELD BOOK:
CLIENT NO:

SITE LAYOUT

C100

P:\Projects\M3171S3P\Default\Drawings\C100 Site Layout.dwg
Printed: 2/18/2017 9:53:10 AM

City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

February 15, 2017

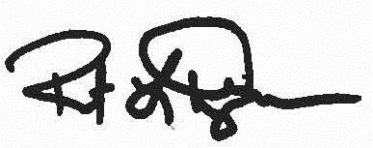
Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting of February 14, 2017, the City Plan and Zoning Commission considered Case No. FDP17-01 being the request of Steve Geifman on behalf of Geifman Food Stores, Inc. for a PDD Final Development Plan approval for a two-story commercial office building located at 4939 Utica Ridge Road.

The City Plan and Zoning Commission forwards Case No. FDP17-01 to the City Council with a recommendation for approval subject to the following condition:

1. That the Final Development Plan be revised such that the second floor is depicted as office and not residential.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record Meeting Date: 02-14-17 Meeting Location: Council Chambers-City Hall

Name:	Roll Call	FDP17-01 Geifman Food Stores Inc							
Connell	P	Y							
Hepner	P	Y							
Inghram	P								
Kelling	P	Y							
Lammers	P	Y							
Maness	P	Y							
Martinez	P	Y							
Medd	P	Y							
Quinn	P	Y							
Reinartz	P	Y							
Tallman	P	AB							
		9-YES 0-NO 1-ABSTAIN							

City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

Meeting Date:	February 14, 2017
Request:	Final Development Plan for a two-story building
Address:	4939 Utica Ridge Road (Lot 1 of Utica Corners 7th Addition)
Case No.:	FDP17-01
Applicant:	Steve Geifman on behalf of Geifman Food Stores, Inc.

Recommendation:

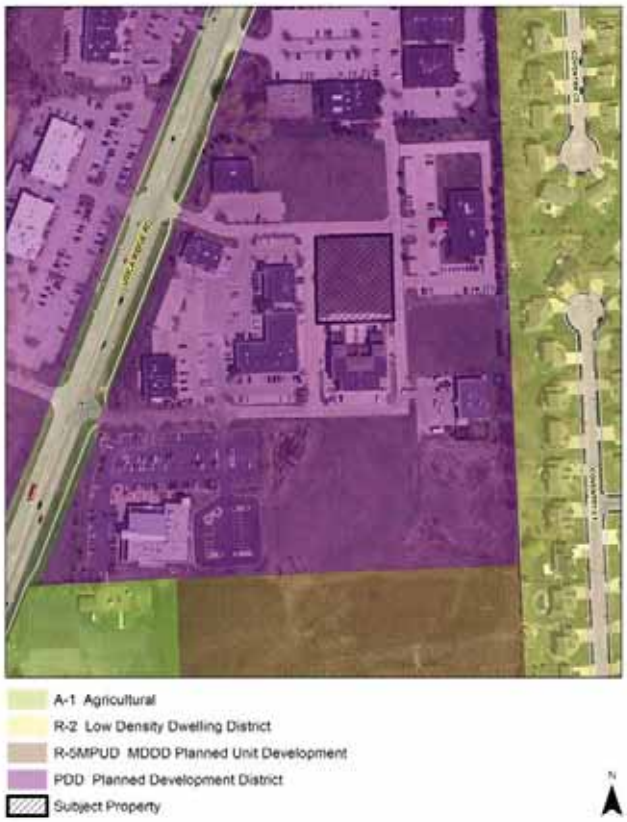
Staff recommends the City Plan and Zoning Commission forward Case No. FDP17-01 to the City Council with a recommendation for approval subject to the listed condition.

Introduction:

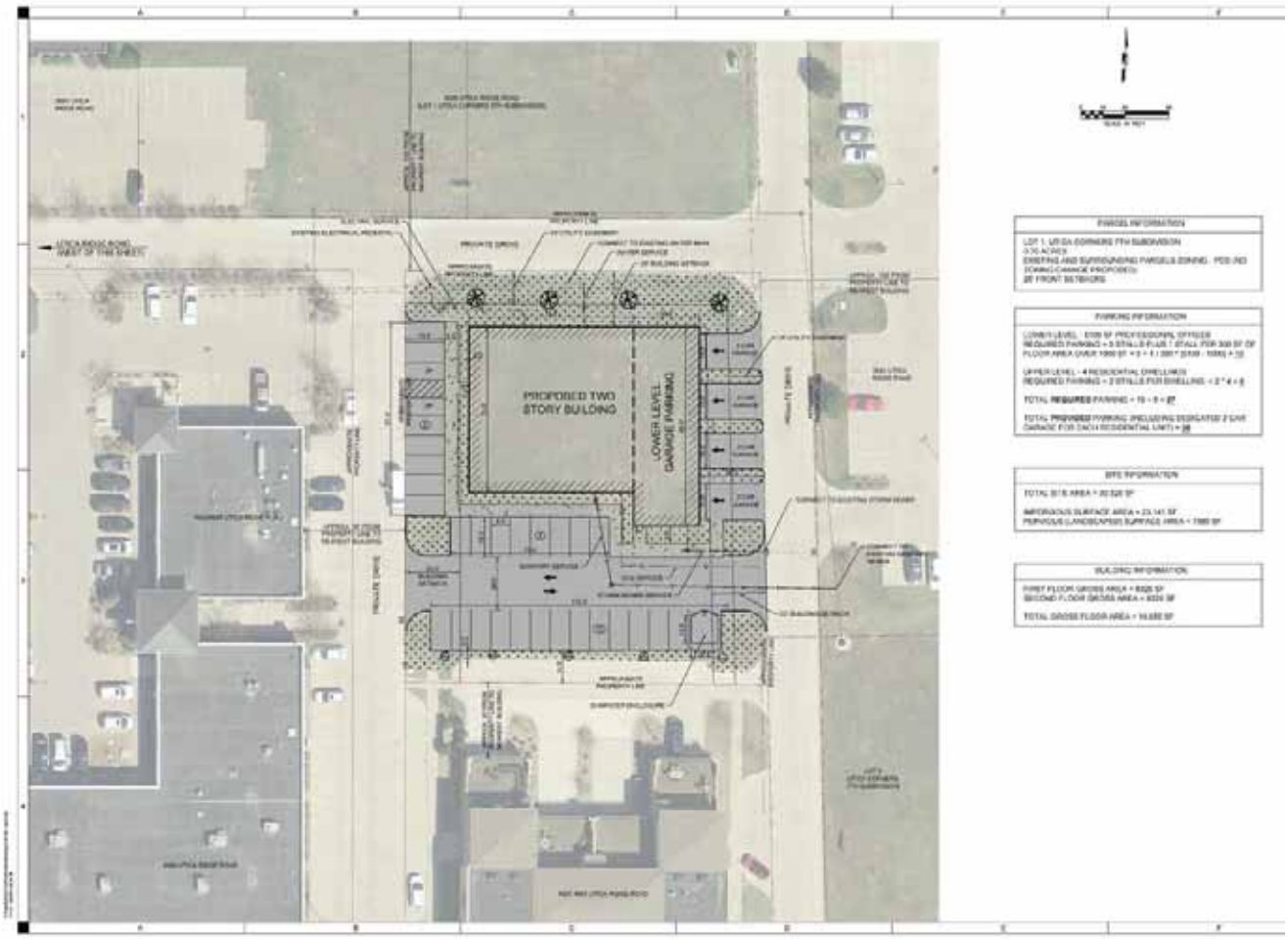
Petition of Steve Geifman on behalf of Geifman Food Stores, Inc. for a PDD Final Development Plan approval for a two-story commercial office building located on .69 acres, more or less, of property located at 4939 Utica Ridge Road.

AREA CHARACTERISTICS:

Zoning Map



Land Use Map



Background:

Comprehensive Plan:
Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

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

Zoning:
The property is currently zoned "PDD" Planned Development District. The subject property was part of a large development area and is subject to Ordinance 99-494. As such, the subject property is limited to "offices, retail restaurants and similar uses with the exceptions that the restaurants shall not include "fast food' restaurants with drive thru service and retail shall not include convenience stories, automobile sales and automobile products sales or the sale of petroleum products; that the retail and restaurants be limited in the location to the Utica Ridge Road side of the property."

Technical Review:

Streets. The subject property is internal to the overall commercial development. The development is located along Utica Ridge Road (arterial) between Crow Creek Road (collector) and East 53rd Street (arterial). Access to the development is by way of the internal drive layout (system) which accesses Utica Ridge Road at multiple points.

Storm Water. There is existing stormwater infrastructure which was designed for full build-out of the commercial area.

Sanitary Sewer. Sanitary sewer service is located adjacent to the property.

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

Emergency Services. The property is located approximately 1.3 miles from Fire Station No. 8, which is located at 2802 East 53rd Street.

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

Public Input:
No public hearing is required for a Final Development Plan.

Discussion:
The proposal is to construct a two story commercial office building with attached garages. The first floor would contain 5,625 square feet of office space and four attached garages. The second floor would contain four residential units.

As mentioned, Ordinance 99-494 limits the subject property to Office use only. Staff has discussed with the petitioner that the residential use is not permissible.

Findings

- The development conforms to the comprehensive plan;
- The development continues build-out of the Utica Corners area; and
- The Final Development Plan would conform to Ordinance 99-494 if the second floor is depicted as office and not residential.

Staff Recommendation

Staff recommends the City Plan and Zoning Commission forward Case No. FDP17-01 to the City Council with a recommendation for approval subject to the following condition:

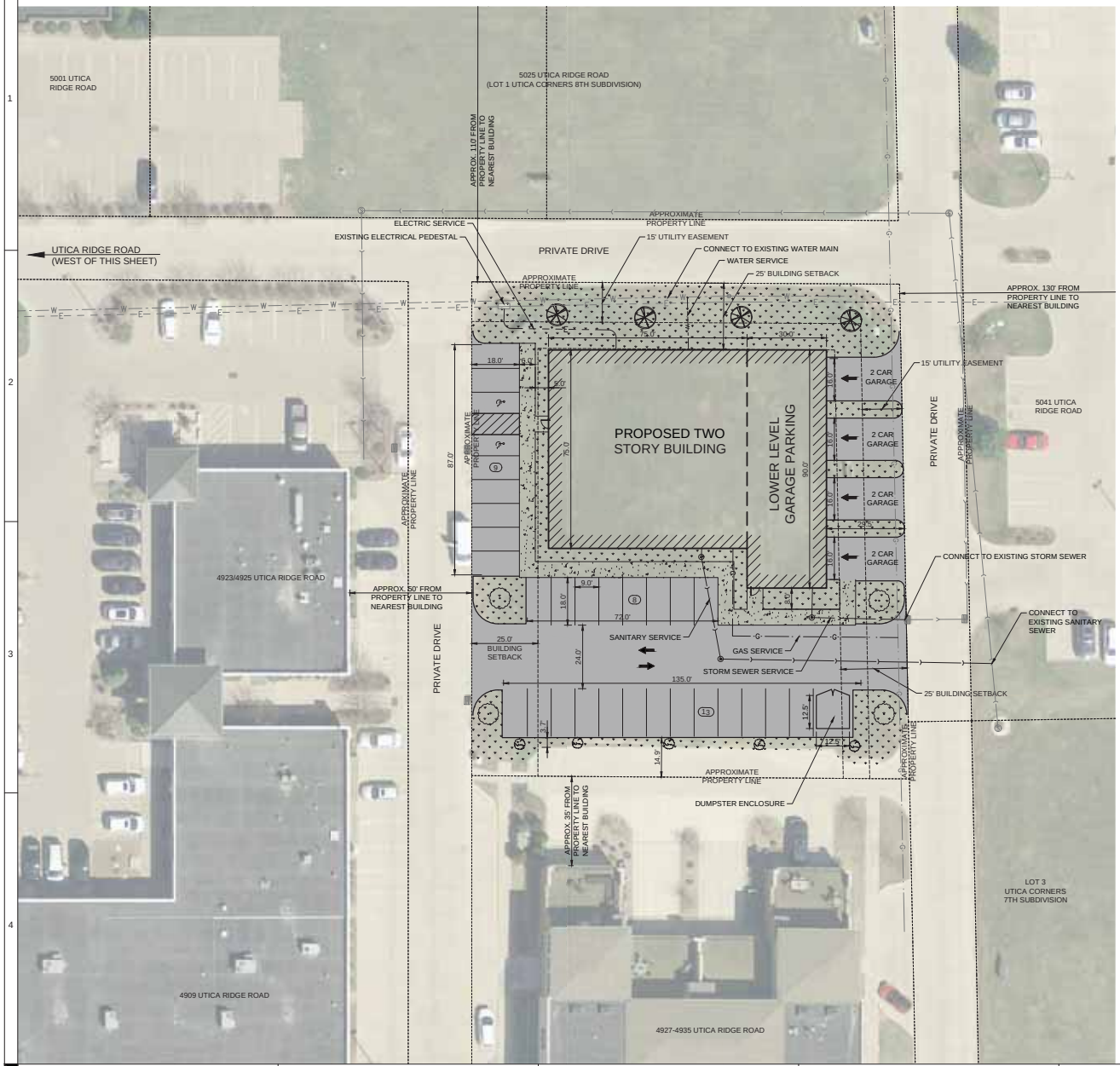
1. That the Final Development Plan be revised such that the second floor is depicted as office and not residential.

Prepared by:

Ryan Rusnak, AICP
Planner III

Attachments:
Aerial Map
Final Development Plan

5252
5250
UTICA RIDGE RD
5125
5127
5034
5119
5117
5026
COVENTRY CT
5103
5107
5111
5018
5001
5025
5010
5002
5041
4905
4907
4912
4925
4923
4904
4917
4935
4915
4820
4909
4927
4901
4959
4814
4808
4800
4885
4726
4720
4714
Subject Property
N



N

0 10 20 40
SCALE IN FEET

PARCEL INFORMATION
LOT 1, UTICA CORNERS 7TH SUBDIVISION 0.70 ACRES EXISTING AND SURROUNDING PARCELS ZONING - PDD (NO ZONING CHANGE PROPOSED) 25' FRONT SETBACKS

PARKING INFORMATION
LOWER LEVEL - 5100 SF PROFESSIONAL OFFICES REQUIRED PARKING = 5 STALLS PLUS 1 STALL PER 300 SF OF FLOOR AREA OVER 1000 SF = 5 + 1 / 300 * (5100 - 1000) = 19 UPPER LEVEL - 4 RESIDENTIAL DWELLINGS REQUIRED PARKING = 2 STALLS PER DWELLING = 2 * 4 = 8 TOTAL **REQUIRED** PARKING = 19 + 8 = **27** TOTAL **PROVIDED** PARKING (INCLUDING DEDICATED 2 CAR GARAGE FOR EACH RESIDENTIAL UNIT) = **38**

SITE INFORMATION
TOTAL SITE AREA = 30,526 SF IMPERVIOUS SURFACE AREA = 23,141 SF PERVIOUS (LANDSCAPED) SURFACE AREA = 7385 SF

BUILDING INFORMATION
FIRST FLOOR GROSS AREA = 8325 SF SECOND FLOOR GROSS AREA = 8325 SF TOTAL GROSS FLOOR AREA = 16,650 SF

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
2303 Eastland Drive | Bloomington, Illinois 61704
309.663.4293 | fax 309.663.5080 | www.shivehattery.com
Iowa | Illinois | Indiana
Illinois Firm Number: 184-000214

SEAL

PROPOSED UTICA RIDGE RD DEVELOPMENT
DAVENPORT, IOWA

DRAWN: ZJH
APPROVED: GJS
ISSUED FOR: REVIEW
DATE: 02/07/2017
PROJECT NO: 317153P
FIELD BOOK:
CLIENT NO:

SITE LAYOUT

C100

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **CD3/1/2017**
Contact Info: Matt Flynn 326-7743 mflynn@ci.davenport.ia.us
Wards: All

Subject:
Resolution authorizing the Mayor to execute the Iowa Certified Local Government 2016 Annual Report. [All Wards]

Recommendation:
Approve the resolution.

Relationship to Goals:
High performing government.

Background:
The Iowa Certified Local Government 2016 Annual Report is submitted to the State Historic Preservation Office. The report is to ensure that the Historic Preservation Commission has achieved consistency with program requirements and to provide an update on historic resources, Commission members and ordinance changes.

The Certified Local Government Program makes Davenport eligible for funding, training, technical assistance and access to a supportive network of other preservation-minded communities.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Exhibit	Iowa Certified Local Government 2016 Annual Report

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/23/2017 - 12:35 PM
Community Development Committee	Berger, Bruce	Approved	2/23/2017 - 12:41 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 3:19 PM

Resolution No._____

Resolution offered by Alderman Boom

RESOLVED by the City Council of the City of Davenport.

RESOLUTION authorizing the Mayor to execute the Iowa Certified Local Government 2016 Annual Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor is authorized to execute the Iowa Certified Local Government 2016 Annual Report;

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

Approved:

_____
Frank Klipsch, Mayor

Attest:

_____
Jackie E. Holecek, Deputy City Clerk

[For SHPO use only]

Received _____

Minimum no. of meetings?	yes	no
Required training?	yes	no
Fully appointed commission?	yes	no
Has the commission been active?	yes	no
Has the commission accomplished at least one project?	yes	no

Comments:

_____

_____

Approved/CLG in good standing yes no

More information requested _____

_____

Entered into database _____/_____

IOWA CERTIFIED LOCAL GOVERNMENT
2016 ANNUAL REPORT (January 2016-December 2016)

NAME OF THE CITY, COUNTY, OR LAND USE DISTRICT: **Davenport**

Section I.
Locating Historic Properties
Identification, Evaluation, and Registration Activity

CLG Standards found in CLG Agreement and National Historic Preservation Act

- The CLG shall maintain a system for the survey and inventory of historic and prehistoric properties in a manner consistent with and approved by the STATE.
- The CLG will review National Register nominations on any property that lies in the jurisdiction of the local historic preservation commission.

1. Please provide complete reports and site inventory forms from historic identification/survey, evaluation, and/or registration/nomination projects that your commission completed in 2016. Do not include projects that were funded with a CLG grant or mandated by the Section 106 review and compliance process as we already have these in our files.

There are none.

2. How many National Register of Historic Places (NRHP) properties in your City, County, or LUD were altered, moved, or demolished in 2016? Please identify the property (historic name and address) and the action

1. **1230 Spring Street – Village of East Davenport (NRHP) – House - demolished**
2. **1224 Pershing Street – Cork Hill Historic District (NRHP) – House - demolished**
3. **1226 Pershing Avenue – Cork Hill Historic District (NRHP) – House – demolished**
4. **2111 East 12th Street – Village of East Davenport (NRHP) – House – demolished**
5. **2115 East 12th Street – Village of East Davenport (NRHP) – House - demolished**

3. In 2016, how many additional properties did your city place on its list of **locally designated** historic landmarks and/or historic districts?

1. **131 West 3rd Street - First Federal Savings and Loan Association. Adopted on January 27, 2016.**

   See attached adopted Ordinance.

Date the ordinance(s) reviewed and commented by SHPO

A letter summarizing the request was submitted to SHPO on 10/28/2015. A response was received on 12/7/2015.

4. In 2016, what were the actions to revise, amend, change, or de-list a locally designated property? Please attach documentation of the review and appeal process and decisions made by the historic preservation commission, planning and zone commission, city Council, District Court or other governmental agency or official involved with the process. (use additional pages if needed)

There are none.

Section II
Managing, Protecting, and Preserving Historic Properties

- The CLG will enforce all appropriate state and local ordinances for designating and protecting historic properties
- The CLG shall provide for adequate public participation in the local historic preservation programs

4. Did your city, county, LUD or its historic preservation commission undertake any of the following activities in 2016? Please think broadly about this question and include any activity (small or large) that facilitated historic preservation in your community. This is your opportunity to boast about your accomplishments and get credit for the great work you do! (use additional pages if needed)

a. Historic preservation planning. Examples include the development or revision of an preservation plan, development of a work plan for your commission, etc. (use additional pages if needed)

There are none.

b. Provided technical assistance on historic preservation issues or projects. Examples include working with individual property owners, business owners, institutions to identify appropriate treatments and find appropriate materials, research advice, etc. Please be specific (use additional pages if needed)

City staff member Ryan Rusnak handles is the day to day resource for historic properties in the City. He works with all homeowners, business owners and institutions on formal and informal requests for appropriate treatments and finding appropriate materials, research, advice, etc.

Commissioner Meginnis is the most active member with respect to this section. She worked with various city residents (other than clients) referred by City or SHPO staff to answer questions regarding Iowa HPCED tax credits.

c. Sponsored public educational programming in historic preservation. Examples include training sessions offered to the public, walking tours, open houses, lectures, Preservation Month activities, etc. (use additional pages if needed

The Davenport Historic Preservation Commission partnered with the State Historic Preservation Office to host the 2016 Preserve Iowa Summit in Davenport, Iowa. Educational programming in historic preservation was provided. Quad City residents were able to take advantage of a reduced conference rate and could attend Saturday for free.

Commissioner Meginnis assisted with the 2016 Gold Coast-Hamburg Historic District Home Tour

5. If the city or county amended its historic preservation ordinance or resolution or passed additional ordinances or resolutions that impact historic properties, please attach copies of the amendments and new ordinances or resolutions.

(As a reminder, before your elected officials approve local districts or ordinances, you must send a copy to the State Historic Preservation Office for comment.)

The Historic Preservation Ordinance was amended to reduce the number of Commissioners from 9 to 7. It also amended the eligibility requirements.

See attached adopted Ordinance.

The proposed Ordinance was sent to SHPO via email on 10/12/2016. A response was received on 11/17/2015.

7. If new or revised design standards and/or guidelines were developed and adopted during 2016, please attach a copy.

There are none.

8. Are there any particular issues, challenges, and/or successes your preservation commission has encountered or accomplished this year? (use additional pages if needed)

2016 was an extremely busy year. The Hamburg Historic National Register of Historic Places boundary amendment was approved. This effort was funded in part by an HRDP grant and the effort lasted over two years.

The Davenport Historic Preservation Commission partnered with the State Historic Preservation Office to host the 2016 Preserve Iowa Summit in Davenport, Iowa.

9. Does your commission have a website and if so, what is the address?

http://www.cityofdavenportiowa.com/department/board.php?structureid=442

Section III
Historic Preservation Program Administration

- The CLG will organize and maintain a historic preservation commission, which must meet at least three (3) times per year.
- The commission will be composed of community members with a demonstrated positive interest in historic preservation, or closely related fields, to the extent available in the community.
- The commission will comply with Iowa Code Chapter 21 (open meetings) in its operations.
- Commission members will participate in state-sponsored or approved historic preservation training activities.

10. List dates of meetings held (please note these are meetings actually held with a quorum, not just those that were scheduled).

January 12, 2016
January 12, 2016 - work session
February 9, 2016
March 8, 2016
April 12, 2016
April 12, 2016 - work session
May 10, 2016
May 24, 2016
June 7, 2016
June 7, 2016 - work session
August 9, 2016
August 9, 2016 - work session
October 11, 2016
November 8, 2016
November 22, 2016 - special meeting
December 13, 2016

11. We recommend that each commission have a budget with a minimum of $750 to pay for training and other commission expenses. In 2016, what was the dollar amount for the historic preservation commission's annual budget?

The Historic Preservation Commission did not have an annual budget in 2016. However, City staff member Ryan Rusnak is able to utilize money budgeted for professional development within the City Community Planning and Economic Development Department.

12. Where are your official CLG files located?

City of Davenport
Community Planning and Economic Development Department
226 West 4th Street
Davenport, Iowa 52801

12. Please update the attached CLG Personnel Information Table (this must be completed).

13. Please attach biographical sketches for commissioners who were newly appointed in 2016 or 2017. Please be sure newly appointed commissioners sign and date their statement.

14. Please complete the 2016 Commission Training Table.

PLEASE SIGN and DATE

Signature of person who completed this report ***Date***

Signature of Mayor or Chairman of the Board of Supervisors ***Date***

Please retain a copy for your official CLG file and send one hard copy with original signatures by February 28, 2017 to:

Paula A. Mohr
State Historical Society of Iowa
600 East Locust St,
Des Moines IA 50319-0290
Paula.mohr@iowa.gov

If you have questions, please contact me at: (515) 281-6826.

Thank you for your timely response!

2016 Historic Preservation Training Table

An important requirement of the Certified Local Government program is annual training undertaken by at least one member of the historic preservation commission and/or staff liaison. In this table, provide information about the commissioners' involvement in historic preservation training, listing the name of the conference, workshop or meeting (including on-line training opportunities); the sponsoring organization; the location and date when the training occurred. Be sure to provide the names of commissioners, staff, and elected officials who attended.

Name of Training Session: **2016 Preserve Iowa Summit**
Sponsoring organization: **SHPO/Davenport Historic Preservation Commission**
Location: **Davenport, Iowa**
Date: **September 15-17, 2016**
Names of commission members, staff and elected officials who attended the Preserve Iowa Summit
Mayor Klipsch, John Frueh, Marion Meginnis, City staff member Ryan Rusnak

Name of Training Session: **Masters in Historic Preservation (on-going)**
Sponsoring organization: **Goucher College**
Location: **Baltimore, Maryland**
Date: **various**
Names of commission member: **Marion Meginnis**

Biographical Sketch
Applicant for Historic Preservation Commission

NAME: _____

ADDRESS: _____

WORK PHONE NUMBER WORK: (_____) _____

HOME PHONE NUMBER: (___) _____

EMAIL ADDRESS: _____

INTEREST IN LOCAL HISTORY AND HISTORIC PRESERVATION (Describe education, employment, memberships, publications, and/or other activities which indicate your interest in and commitment to historic preservation; or provide a statement detailing your interest in local history and commitment to historic preservation; use extra sheets if necessary)

EDUCATION: _____

EMPLOYMENT: _____

INTERESTS: _____

While serving on the _____ Historic Preservation Commission, I will work to insure that the commission enforces the Historic Preservation Ordinance/Resolution; upholds the CLG Agreement with the State of Iowa, and works in compliance with the Secretary of the Interior's Standards for Archaeology and Historic Preservation.

_____ _____

Signature Date

CLG Personnel Table

A. Please list the names of the Historic Preservation Commissioners who served during calendar year 2016:

John Frueh, Chairperson
Marion Meginnis, Vice Chairperson
Polly Taylor – term expired in 2016
Kathleen Curoe
Steve Eppel
Tami Lord
Michael Richmond – resigned in 2016
Mathew Rhomberg – resigned in 2016
Bob McGivern

B. CHIEF ELECTED OFFICIAL 2017 (note this is beginning January 2017)
Name of Mayor, Chairman of Board of Supervisors, or President of LUD Trustees:
First Name: **Frank**
Last Name: **Klipsch**
Mailing Address: **226 W 4th St**
Phone Number: **(563) 326-7701**
Email Address: **fklipsch@ci.davenport.ia.us**

C. STAFF PERSON FOR THE HISTORIC PRESERVATION COMMISSION
First Name: **Ryan**
Last Name: **Rusnak**
Mailing Address: **226 West 4th Street Davenport, Iowa 52801**
Phone Number: **(563) 888-2022**
Email Address: **rrusnak@ci.davenport.ia.us**

2017 HISTORIC PRESERVATION COMMISSION: Please note that this is for 2017

Please complete the following and provide information about your new 2016 commission.

If the commissioner represents a locally designated district, provide the name of the district (Representative, Name of Historic District). Specify the month, day, and year that the commissioner's term will end (Term Ends). If a commission member serves as contact with the State Historic Preservation Office for the Commission, please circle yes. **Electronic and mailed communication will be sent to the staff person for the commission and the contact.**

CHAIRPERSON/COMMISSIONER
First Name: **John**
Last Name: **Frueh**

Mailing Address (please provide full mailing address including city and zip code):
625 Warren Street Davenport, IA 52802

Home Phone Number: (**563) 271-3216**
Work Phone Number: **(563) 333-8500**

Email Address: **jlfdav02@yahoo.com**

Representative, Name of Local Historic District: **Historic Hamburg District**

Term Ends: Month **June** Day **30th** Year **2019**

Please indicate if this person serves as the Contact with the State Historic Preservation Office for the Commission. Circle Yes No

VICE CHAIRPERSON/COMMISSIONER
First Name **Marion**
Last Name: **Meginnis**

Mailing Address (please provide full mailing address including city and zip code):
624 West 6th Street Davenport, IA 52803

Home Phone Number: **(563) 326-3290**
Work Phone Number: **N/A**

Email Address: **marion_meginnis@msn.com**

Representative, Name of Local Historic District: **Historic Hamburg District**

Term Ends: Month **June** Day **30th** Year **2017**

Please indicate if this person serves as the Contact with the State Historic Preservation Office for the Commission. Circle Yes No

SECRETARY
First Name **Ryan**
Last Name: **Rusnak**

Mailing Address (please provide full mailing address including city and zip code):
226 West 4th Street Davenport, IA 52801

Home Phone Number: **N/A**
Work Phone Number: **(563) 888-2022**

Email Address: **rrusnak@ci.davenpor.ia.us**

Representative, Name of Local Historic District: **N/A**

Term Ends: Month **N/A** Day **N/A** Year **N/A**

Please indicate if this person serves as the Contact with the State Historic Preservation Office for the Commission. Circle Yes No

COMMISSIONER

First Name **Kathleen**
Last Name: **Curoe**

Mailing Address (please provide full mailing address including city and zip code):
1802 W. 75TH Place Davenport, Iowa 52806

Home Phone Number: **(563) 386-5179**
Work Phone Number: **N/A**

Email Address: **katcuroe@yahoo.com**

Representative, Name of Local Historic District: **N/A**

Term Ends: Month **June** Day **30th** Year **2018**

Please indicate if this person serves as the Contact with the State Historic Preservation Office for the Commission. Circle Yes No

COMMISSIONER

First Name **Tami**
Last Name: **Lord**

Mailing Address (please provide full mailing address including city and zip code):
665 South Utah Avenue Davenport, Iowa 52802

Home Phone Number: **(563) 386-2260**
Work Phone Number: **N/A**

Email Address: **gtslord@aol.com**

Representative, Name of Local Historic District: **N/A**

Term Ends: Month **June** Day **30th** Year **2019**

Please indicate if this person serves as the Contact with the State Historic Preservation Office for the Commission. Circle Yes No

COMMISSIONER

First Name **Robert**
Last Name: **McGivern**

Mailing Address (please provide full mailing address including city and zip code):
2208 East 52nd Street – Suite C & D, Davenport, Iowa 52807

Home Phone Number: **(563) 340-3941**
Work Phone Number: **(563) 355-8572**

Email Address: **mcgivern65@gmail.com and bob@marketvalue.com**

Representative, Name of Local Historic District: **N/A**

Term Ends: Month **June** Day **30th** Year **2018**

Please indicate if this person serves as the Contact with the State Historic Preservation Office for the Commission. Circle Yes No

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **COW3/1/2017**
Contact Info: Bruce Berger, 326-7769
Wards: 3

Subject:
Resolution approving an Urban Revitalization Tax Exemption project for 321 E 2nd St [Ward 3]

Recommendation:
Approve the resolution

Relationship to Goals:
Neighborhood improvements and added emphasis on economic development.

Background:
The objective of the Urban Revitalization Tax Exemption (URTE) program is to encourage private investment by providing an exemption on the increase in property taxes resulting from improvements. The City presently has three Urban Revitalization areas: Central City, North, and Davenport 2013.

Typically all URTE applications are approved in February. However from time to time applicants will request individual approval of their application. The State of Iowa's Workforce Housing Tax Credit application requires both a resolution of support from the Council as well as documentation of matching financial support. The City will be utilizing the URTE program as the source of matching funds for these applications. As a result, the URTE applicants below must be approved before the resolution of support from Council can be approved.

The following applicant is applying for URTE benefits for their property at:

- 321 Partners LLC: 321 E 2nd St, 10 year sliding scale exemption

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution Sheet

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/23/2017 - 12:32 PM
Community Development Committee	Berger, Bruce	Approved	2/23/2017 - 12:33 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 12:35 PM

Resolution No._____

Resolution offered by .

RESOLVED by the City Council of the City of Davenport.

RESOLUTION for approval of Urban Revitalization Tax Exemption Projects.

WHEREAS, in the City of Davenport, an urban revitalization plan under the provisions of Urban Renewal has been in effect since 1980; and

WHEREAS, this plan provides incentives in the form of property tax exemption for both new construction and rehabilitation in order to encourage private investment and to help reverse the trend toward disinvestment; and

WHEREAS, the listed projects meet the requirements of the urban revitalization plan; and

WHEREAS the City shall use the URTE program as a matching local contribution for the State of Iowa's Workforce Housing Tax Credit program.

NOW, THEREFORE, with the approval of the resolution, 321 E 2nd St will be approved for the Urban Revitalization Tax Exemption program for 2017.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **COW3/1/2017**
Contact Info: Bruce Berger, 326-7769
Wards: 3

Subject:
Resolution supporting a Workforce Housing Tax Credit application to the State of Iowa for a housing project located at 321 E 2nd Street. [Ward 3]

Recommendation:
Approve the resolution

Relationship to Goals:
Revitalized neighborhoods and corridors

Background:
The NO Nelson Manufacturing Building is a historic property in downtown Davenport built in 1922 to house the NO Nelson company's plumbing, manufacturing, and sales business. 321 Partners will be renovating the building into 9 apartments consisting of 5- one bedroom units, 2- two bedroom units, 1- three bedroom unit and 1- three bedroom, three story penthouse unit. Two commercial tenants will occupy the 1st floor and an outdoor patio area will serve the eastern most commercial tenant. The Nelson building will provide great views of the Mississippi River from most of the 2nd floor units and the penthouse. A roof deck off the 3rd flood will be available to residents and the penthouse unit will have a private river view balcony. The total project cost is currently estimated at $3.2 million.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution Page

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/23/2017 - 12:32 PM
Community Development Committee	Berger, Bruce	Approved	2/23/2017 - 12:32 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 12:35 PM

Resolution No._____

Resolution offered by Alderman _____.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION supporting a Workforce Housing Tax Credit application to the State for the 321 E 2nd Street project.

WHEREAS, 321 E 2nd Street project has requested City support for its application to the Iowa Economic Development Authority (IEDA) for State tax incentives under the Workforce Housing Tax Credit (WHTC) Program for the 9 unit project located at 321 E 2nd Street; and

WHEREAS, successful completion of the 321 E 2nd Street project requires funding from a number of sources, including an award of WHTCs in the form of an investment tax credit and State sales and use tax refund; and

WHEREAS, the application requirements for the WHTC program include a requirement for the submission of a Resolution in support of the housing project by the community where the project will be located; and

WHEREAS, a further application requirement for the WHTC program is documentation of local matching funds pledged for the project in an amount not less than $1,000 per dwelling unit; and

WHEREAS, the 321 E 2nd Street project is located within the City's Urban Revitalization Tax Exemption (URTE) area, has been approved for benefits through this program in 2017, and is eligible for the 10 year, sliding scale exemption; and

WHEREAS, the URTE benefit awarded will meet the minimum City contribution of $1,000 per dwelling unit required by the WHTC program;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the 321 E 2nd Street project is fully supported in applying for the Iowa Workforce Housing Tax Credit Program.

Approved:

_____
Frank Klipsch, Mayor

Attest:

_____
Jackie E. Holecek, MMC, City Clerk

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **CD3/1/2017**
Contact Info: Susanne Knutsen, 326-6179
Wards: All

Subject:
Resolution of support for the Home Base Iowa initiative and identifying the City of Davenport a Home Base Iowa community. [All Wards]

Recommendation:
Approve the resolution.

Relationship to Goals:
Vital 21st Century Workforce.

Background:
The State of Iowa has launched a public private partnership called Home Base Iowa (HBI). This initiative is a one-of-a-kind program that welcomes transitioning military members and their families leaving military service to become Iowans. Across the country there is shortage of skilled labor for industries. This program serves a vital role in attracting a skilled workforce to Iowa to help our companies meet workforce demands.

The HBI program has two main components, HBI Communities and Counties and HBI businesses. In order to able to submit to the State of Iowa as a HBI community and county, a percentage of businesses located in the area must sign up to be a HBI businesses and commit to hiring veterans.

The City of Davenport, in partnership with Scott County and the City of Bettendorf have been working with the Quad Cities Chamber to register local businesses for this program. Having succeeded in signing up the required number of businesses, we will now proceed to obtain the official State of Iowa's HBI designation. Additionally businesses that are interested in registering for the program are encouraged to do so.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Home Base Iowa Resolution
🗋	Exhibit	List of Scott County Home Base Iowa Businesses

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/23/2017 - 12:30 PM
Community Development Committee	Berger, Bruce	Approved	2/23/2017 - 12:30 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 12:35 PM

Resolution No._____

Resolution offered by Alderman _____.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION of support for the Home Base Iowa initiative and identifying the City of Davenport a Home Base Iowa community.

WHEREAS, the State of Iowa has launched a public-private partnership called the Home Base Iowa initiative, which is an effort to match military veterans with jobs available across Iowa; and

WHEREAS, the State of Iowa has a need for skilled labor and this program can encourage skilled veterans to make Iowa their home and help to fill this labor gap; and

WHEREAS, the Home Base Iowa initiative consists of two programs, Home Base Iowa Businesses and Home Base Iowa Communities; and Iowa businesses and communities have been requested to join, promote and support the Home Base Iowa initiative and one of the requirements for the City of Davenport to be a Home Base Community is that the City Council adopt a resolution of support.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, that the City Council does hereby resolve to provide support for the Home Base Iowa initiative and identifies the City of Davenport a Home Base Iowa community.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, Deputy City Clerk

Home Base Iowa Businesses in Scott County

- Cintas – Davenport
- City of Davenport
- Colony Brands – Davenport
- Control System Specialists – Davenport
- Cottingham & Butler – Davenport
- Crown Equipment Corp – Davenport
- DES Employment Group – Bettendorf
- Express Employment Professionals – Davenport
- Ferguson Enterprises, Inc. – Davenport
- Galaxy 1 Marketing – Davenport, Bettendorf, Eldridge, Long Grove, Donahue, Walcott, Blue Grass
- Good Samaritan Society – Davenport
- Hy-Vee – Bettendorf, Davenport
- Iowa 80 Truckstop – Walcott
- Iowa American Water – Davenport
- John Deere – Davenport, Bettendorf
- Koestner, McGivern & Associates – Quad Cities
- Kraft Heinz – Davenport
- McCoy Group – Davenport
- MidAmerican Energy Company – Scott County
- Military Cost Cutters – Quad Cities
- Miracle Tools America, LLC – Davenport
- Pepsi – Davenport
- Per Mar Security – Davenport
- Professional Building Services – Davenport
- Quad City Bank & Trust – Davenport
- Rhythm City Casino – Davenport
- Securitas Security Services – Bettendorf
- SpeedConnect, LLC – Davenport
- The Overture Group – Quad Cities
- Thompson Truck & Trailer – Davenport
- Twin State Technical Services – Bettendorf, Davenport, Eldridge
- Upper Mississippi Fleeting – Buffalo
- UPS – Davenport
- Van Meter – Davenport
- Von Maur – Davenport

City of Davenport

Agenda Group: Committee of the Whole **Action / Date**
Department: City Clerk **2/6/2017**
Contact Info: Jackie Holecek
Wards: 3

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

Mac's Tavern, St. Patrick's Day Celebration, March 18, 2017, Noon - Midnight; Location: north sidewalk xlosure on 3rd Street in front of 316-318 West 3rd St [Ward 3]

Recommendation:
Approve the resolution.

ATTACHMENTS:

Type	Description
Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/24/2017 - 3:35 PM

RESOLUTION NO. 2017-

Resolution offered by Alderman Matson

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

RESOLVED by the City Council of the City of Davenport.

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

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

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

Entity: Mac's Tavern
Event: St. Patrick's Day Celebration
Date: March 18, 2017
Time: Noon - Midnight
Closure Location: North sidewalk closure on 3rd Street in front of 316-318 West 3rd St
Ward: 3

Approved this 8th day of March, 2017.

Approved:

Attest:

_____
Frank Klipsch, Mayor

_____
Jackie E. Holecek, MMC, Deputy City Clerk

City of Davenport

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

Action / Date
3/1/2017

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

Dam View Inn, 410 East 2nd St, St Patrick's Day Celebration, March 17-19, 9:00 AM - 1:00 AM, Over 50 dBa

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/23/2017 - 11:44 AM

City of Davenport

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

Action / Date
PS3/1/2017

Subject:
Motion approving the petition for a street light in front of 219 Ridgewood Avenue. [Ward 6]

Recommendation:
Approve the motion.

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities

Background:
A petition was received and reviewed for the location on this motion. There is a dark area where the petitioner is requesting a light.
To alleviate this issue Traffic Engineering will recommend a street light to be installed in front of 219 Ridgewood Ave. The 100 W equivalent LED light will hang over the street.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	PS_MOT_219 Ridgewood Ave street light petition

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 2:42 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 4:40 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:49 PM

City of Davenport

PETITION FOR PUBLIC LIGHTING

Date Feb 12, 2017

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

STREET LOCATION In Front of 219 Ridgewood Ave on existing pole at intersection with the Alley

or

ALLEY LOCATION

REASON FOR LIGHT Better security for the area and better visability at the alley intersection.

RESIDENT(S) SIGNATURE	ADDRESS	PHONE NUMBER
	218 Ridgewood	317 508 7032
	219 Ridgewood Ave	563-505-4346
Dana Wilson	210 Ridgewood	309 738 7064 / 563 324 8334

Please include all residents near the proposed light location.

PETITIONER/CONTACT PERSON

SIGNATURE OF PETITIONER

PRINT NAME Teresa Fay

ADDRESS 219 Ridgewood Ave Davenport, IA

ZIP CODE 52803 PHONE NUMBER 5633505434 6

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

For Questions, call:
563-326-7754

City of Davenport

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

Action / Date
PS3/1/2017

Subject:
Motion approving the petition for a street light in front of 2323 W 10th Street. [Ward 3]

Recommendation:
Approve the motion.

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities

Background:
A petition was received and reviewed for the location on this motion. There is a dark area where the petitioner is requesting a light.
To alleviate this issue a petition has been received and reviewed by Traffic Engineering for an alley light to be installed on an existing wood pole in front of 2323 W 10th St. The 100 W equivalent LED light will hang over the street.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	PS_MOT_2323 W 10th St street light petition pg 1
🗋	Exhibit	PS_MOT_2323 W 10th St street light petition pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 2:16 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 4:41 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:49 PM

City of Davenport

PETITION FOR PUBLIC LIGHTING

Date 9/2/2017

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

STREET LOCATION 2328 W 10th St. Davenport Ia 52804

or

ALLEY LOCATION

REASON FOR LIGHT very Dark location, Only 1 light on the Street

RESIDENT(S) SIGNATURE	ADDRESS	PHONE NUMBER
Patrick Bruinsma	2328 W 10th St.	563-505-2157
Jon Wahl	2324 W 10th ST	563-508-2212

Please include all residents near the proposed light location.

PETITIONER/CONTACT PERSON

SIGNATURE OF PETITIONER Patrick Bruinsma

PRINT NAME Patrick Bruinsma

ADDRESS 2328 W 10th St. Davenport Ia 52804

ZIP CODE 52804 PHONE NUMBER 563-505-2157

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

For Questions, call:
563-326-7754

City of Davenport

PETITION FOR PUBLIC LIGHTING

Date _____

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

STREET LOCATION _____

or

ALLEY LOCATION _____

REASON FOR LIGHT _____

RESIDENT(S) SIGNATURE	ADDRESS	PHONE NUMBER
Dennis F Stevens	2323 W. 10th St.	563-324-6113

Please include all residents near the proposed light location.

PETITIONER/CONTACT PERSON

SIGNATURE OF PETITIONER _____

PRINT NAME _____

ADDRESS _____

ZIP CODE _____ PHONE NUMBER _____

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

For Questions, call:
563-326-7754

City of Davenport

Agenda Group: Public Safety **Action / Date**
Department: Finance **PS3/1/2017**
Contact Info: Sherry Eastman 326-7795
Wards: Various

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - Outdoor area March 17-19, 2017 'St. Patrick's Day Event' - License Type: C Liquor

Mac's Tavern (Failte Inc.) -- 316 W 3rd St. -- Outdoor Area March 18, 2017 "St. Patrick's Day Event" -- License Type: C Liquor

Rudy's (Infamous LLC) - 811 W 2nd St - Outdoor Area - License Type: C Liquor

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

Ward 1

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

Ward 2

Applebee's Neighborhood Grill & Bar (Apple Corps, L.P.) - 3005 W Kimberly Rd. - License Type: C Liquor

Ward 3

Quad Cities Convention & Visitors Bureau (Quad Cities Convention & Visitors Bureau) - 102 S Harrison St. - License Type: B Native Wine

The River's Edge (City of Davenport) - 700 W River Dr. - License Type: B Beer

Ward 4

Hy-Vee Market Cafe (Hy-Vee, Inc.) - 2351 W Locust St. Café area - License Type: C Liquor

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

Ward 6

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

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

Ward 7

Chuck E. Cheese's #957 (CEC Entertainment, Inc.) - 903 E Kimberly Rd. - License Type: B Beer

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

Q. C. Mart (Bethany Enterprises, Inc.) - 3901 N Brady St. - License Type: C Beer

Ward 8

Fareway Stores, Inc. #987 (Fareway Stores, Inc.) - 1635 W 53rd St. - License Type: E Liquor

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

Recommendation:
Consider the license applications.

Relationship to Goals:
Support local businesses.

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	2/23/2017 - 1:34 PM
Finance Committee	Watson-Arnould, Kathe	Approved	2/23/2017 - 1:34 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 3:19 PM

City of Davenport

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

Action / Date
PW2/15/2017

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

Recommendation:
Approve the ordinance

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

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

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

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

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

ATTACHMENTS:

	Type	Description
🗋	Cover Memo	ORD ROW Management

REVIEWERS:

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

Ordinance 2017-_____

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

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

Section 1:

Chapter 12.20 RIGHT OF WAY MANAGEMENT REGULATIONS

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

12.20.010 Title.

This chapter is known and may be cited as the DAVENPORT RIGHT OF WAY MANAGEMENT ORDINANCE.

12.20.020 Legislative findings.

The city council hereby finds and declares:

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

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

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

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

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

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

12.20.030 Purposes.

The city council adopts this chapter to better:

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

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

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

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

E. Promote competition in the provision of communications service in the city and ensure that citizens have a wide variety of services available to them by establishing clear and consistent rules by which providers may occupy the public rights of way.

12.20.040 Rules of construction.

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

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

C. Unless otherwise specified, references to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

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

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

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

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

12.20.050 Definitions.

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

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

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

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

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

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

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

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

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

FEDERAL COMMUNICATIONS COMMISSION OR FCC: The federal communications commission or any successor.

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

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

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

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

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

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

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

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

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

WORK PERMIT: An authorization issued by the city to enter upon the public rights of way at specified times and places to erect, construct, emplace, or otherwise work on facilities.

12.20.060 Authority.

This chapter is adopted pursuant to the city's powers, including, but not limited to, those under title III, section 38A of the Iowa constitution and section 364.2 of the Iowa Code.

12.20.070 Reservation of rights; police power

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

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

12.20.080 Authorization required.

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

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

12.20.090 Construction standards.

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

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

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

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

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

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

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

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

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

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

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

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

12.20.100 Placement of facilities.

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

B. An owner or operator of a facility shall not place facilities, equipment, or fixtures where they will interfere with any other facilities, or obstruct or hinder in any manner the various utilities serving the residents of the city or their use of any public rights of way.

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

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

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

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

G. A grantee or permittee shall use, with the owner's permission, existing poles, conduits and other facilities whenever feasible. A grantee or permittee may not erect poles, conduits, or other facilities in public rights of way without the express permission of the city. Copies of agreements for use of conduits or other facilities shall be filed with the city upon city request.

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

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

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

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

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

12.20.110 Relocation of facilities.

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

120.20.120 Restoration.

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

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

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

12.20.130 Work permits.

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

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

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

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

12.20.140 Business license.

A franchise under this chapter does not render unnecessary or take the place of any generally applicable business license that may be required by the city for the privilege of transacting and carrying on a business within the city generally.

12.20.150 Reimbursement of costs.

All grantees or permittees will reimburse the city for its internal and out of pocket costs, including, but not limited to, attorney and consultant fees actually and reasonably incurred by the city in connection with an application for an initial franchise or permit under this chapter as determined by the city after it takes action on the application. Any application fee submitted with the application will be

credited against this amount. The applicant will remit to the city payment for such costs within thirty (30) days of its receipt of the city's invoice.

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

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

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

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

C. After approval by separate ordinance of the applicability, amount and formula for a right of way occupancy fee, publish from time to time a schedule of applicable fees hereunder;

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

II. The city engineer shall oversee permitting as follows:

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

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

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

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

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

(2) Permits issued pursuant to this chapter shall be in writing and shall be executed by the permittee. The form of permits to be issued pursuant to this division shall be uniform, but

shall be subject to periodic review and modification. When available, the city engineer may implement an electronic or digital permit system.

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

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

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

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

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

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

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

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

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

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

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

(1) Prior to the initial issuance of a permit for use or occupancy of public right-of-way, the city engineer shall conduct a review of the permittee's background to determine the permittee's ability to meet the requirements stated in subsection (5) of this section. If on the basis of such review the city engineer determines that it would not be appropriate to issue the permit, the city engineer shall give notice of intent not to issue the permit as provided in subsection (7) of this section.

(2) To obtain renewal of a permit, the permittee shall file a renewal application with the city engineer on the form provided by the city and pay an application fee for renewal of the permit. The renewal application fee and any future changes thereto shall be effective upon its

inclusion in a schedule of fees adopted by the city council by resolution. The renewal application shall be filed with the city engineer not less than 180 days prior to the expiration of the initial or any renewal term of the permit. Upon receipt of the renewal application, the city engineer shall conduct a review of the permittee and the permittee's prior use of the public right-of-way to determine the permittee's continued compliance with the requirements stated in subsections (3) and (5) of this section. If on the basis of such review the city engineer determines that the permittee and the permittee's prior use of the public right-of-way complies with all requirements stated in subsections (3) and (5) of this section, the city engineer may renew the permit for an additional term of up to 25 years. If on the basis of such review the city engineer determines that the permittee and the permittee's use of public right-of-way do not comply with one or more of the requirements stated in subsections (3) and (5) of this section, the city engineer shall give notice of intent not to renew the permit as provided in subsection (7) of this section. If a permittee holds multiple permits for use or occupancy of various rights-of-way within the city for the same or similar purpose, the permittee shall be required to renew all such permits under a single permit at such time as the earliest issued permit expires.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Upon the effective date of revocation or cancellation as provided in the city engineer's notice thereof, or upon the effective date specified in the city engineer's written decision upon the permittee's appeal, the permittee shall be required to cease its use and occupancy of the right-of-way or to remove or relocate its equipment therefrom, as provided in the notice or decision. Equipment not removed or relocated from the right-of-way as required in such notice or order shall be considered a nuisance and may be removed, relocated, or taken possession of by the city, at the permittee's expense. Except in emergency circumstances, the requirement to relocate, remove, or cease use of equipment shall be suspended during the pendency of any appeal taken by a permittee pursuant to division 4 of this article.

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

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

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

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

H. Transfer of franchise, permit, lease, business, or equipment without city's consent; change in use of equipment without city's consent.

A permit issued pursuant to this chapter shall not be transferred to any other person without the prior written notice to the city engineer. A permittee shall not transfer the permit, the business, or the equipment in the right-of-way to another person without giving the city engineer 90 days' prior written notice of such proposed transfer. In such notice, the permittee shall clearly identify the proposed transferee, giving the name and address of a representative of the transferee who is authorized to discuss and provide information to the city regarding the transfer.

A franchisee or permittee shall not change the use of its equipment without giving the city 90 days' prior written notice of such proposed change in use. In such notice, the franchisee, permittee, or lessee shall clearly and completely set forth the proposed change in use of equipment, how it would be accomplished, including any excavations required to accomplish such change, and projections as to the future maintenance implications of such change in use. Any proposed change in use of a franchisee's or permittee's equipment shall require the prior approval of the city engineer. Such approval may be

withheld if the city engineer determines that the proposed use of the equipment at that location would be incompatible with or would likely damage or endanger other uses of the right-of-way, would involve a higher level of maintenance activities than the present use, would involve more street excavation or greater traffic disruption than the present use, or would be otherwise inappropriate.

I. Amendment to permit.

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

J. Duties of permittee.

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

12.20.170 Reserved.

12.20.180 Reports and records.

A. Open Books And Records:

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

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

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

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

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

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

2. Reserved.

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

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

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

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

12.20.190 Bond or letter of credit.

No person shall install, erect, hang, lay, bury, draw, emplace, construct, reconstruct, maintain, or operate any facility upon, across, beneath, or over any public right of way in the city or other city property until the owner or operator shall have filed with the city administrator a bond and/or letter of credit, in a form acceptable to the city, running in favor of the city, to guarantee the obligations of the

owner or operator under this chapter and applicable law. The amount of the bond or letter of credit shall be no less than the reasonable cost of removal of the facilities and restoration of any affected public rights of way or other property pursuant to this chapter.

12.20.200 Insurance.

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

12.20.210 Enforcement.

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

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

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

D. Termination On Account Of Certain Assignments Or Appointments:

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

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

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

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

(1) The city has approved a transfer to the successful bidder; and

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

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

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

F. Reduce or Waive Penalties: The city engineer or attorney may reduce or waive any of the above listed penalties for good cause shown.

12.20.220 Indemnification.

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

12.20.230 Severability.

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch
Mayor

Attest:

_____
Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Nick Schmuecker; (563) 327-5162
Wards: All

Action / Date
PW3/1/2017

Subject:
Resolution on the plans, specifications, forms of contract and estimated cost for the Full Depth Patch Program, CIP #35011 current estimate is $1,480,000. [All Wards]

Recommendation:
Pass the resolution.

Relationship to Goals:
Sustainable infrastructure.

Background:
This project is intended to replace failed panels of concrete streets. The street segments were identified based on pavement condition data collected through the Iowa Department of Transportation. This data was used in the pavement management software and verified through work orders in the work order management software.

This project contains $80,000 worth of State Route patches which will be 100% reimbursed by the Iowa DOT. To maximize benefits a second year option will be bid in the program.

The project is scheduled to be bid in March 2017 with construction to be completed by December 2017. Funding for the Full Depth Patch Program is established within CIP #35011. The current estimate is $1,480,000.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 2:31 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 4:38 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:49 PM

Resolution No._____

Resolution offered by Alderman Ambrose

Resolution on the plans, specifications, forms of contract and estimated cost for the 2017 to 2018 Portland Cement Concrete Full Depth Patch Program, CIP #35011 current estimate is $1,480,000.

WHEREAS, on the 17th day of February, 2017, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the 2017 to 2018 P.C.C. Full Depth Patch Program, CIP Project #35011.

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 2017 to 2018 P.C.C. Full Depth Patch Program.

Passed and approved this 8th day of March, 2017.

Approved:

_____
Frank Klipsch, Mayor

Attest:

_____
Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Steve Math & Jen Walker 326-6168
Wards: 3

Action / Date
PW3/1/2017

Subject:
Resolution on the plans, specifications, form of contract and estimated cost for the East 6th Street Boulevard Improvements project (Phase II - Grand Ave. to 500' West). The anticipated cost is $240,000 and will be funded by a HUD grant awarded to the Community Planning & Economic Development department. [Ward 3]

Recommendation:
Pass the resolution.

Relationship to Goals:
Revitalized Neighborhoods & Corridors

Background:
This project is a Phase II of earlier work on East 6th Street in 2016. This project includes new sidewalk, curb and gutter infrastructure as well as a new retaining wall with the same aesthetics of Phase I. The project was designed by the Engineering Division and has an estimated cost of $240,000.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 4:39 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 4:39 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:50 PM

Resolution No._____

Resolution offered by Alderman Ambrose:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION on the plans, specifications, form of contract and estimated cost for the East 6th Street Boulevard Improvements project (Phase II - Grand Ave. to 500' West). The anticipated cost is $240,000 and will be funded by a HUD grant awarded to the Community Planning & Economic Development department.

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the East 6th Street Boulevard Improvements project (Grand Ave. to 500' West).

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for the East 6th Street Boulevard Improvements project (Grand Ave. to 500' West).

Passed and approved this 8th day of March, 2017.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, MMC, City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Tom Leabhart 563-326-7729
Wards: 8

Action / Date
PW3/1/2017

Subject:
Resolution ordering Menards Inc. to install a sidewalk along 67th Street on parcel #X0223-33. [Ward 8]

Recommendation:
Approve the motion.

Relationship to Goals:
Revitalized Neighborhoods and Corridors

Background:
Menard Incorporated is the owner of a vacant lot fronting on 67th Street between Harrision Street and the Brady Street frontage road, a distance of approximately 360 feet. The residential neighborhood around the property has requested that this section of walk be installed. Title 12 of the Municipal Code provides Council with the authority to order the construction of public sidewalk. The sidewalk shall be constructed a minimum of four feet in width and be constructed in conformance with the Standard Specifications of the City of Davenport and shall be completed within a period of 30 days per notice to the owner. With approval of this motion the Public Works department will proceed with a follow up with a public advertising and needed resolutions.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	PW_RES pg2
🗋	Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	2/22/2017 - 5:17 PM
Public Works Committee	Lechvar, Gina	Approved	2/22/2017 - 5:17 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 5:50 PM

Resolution No._____

Resolution offered by Alderman Ambrose:

Resolved by the City Council of the City of Davenport.

Resolution ordering Menard Inc to install a sidewalk along 67th Street on parcel #X0223-33

Whereas, the residential neighborhood has requested that sidewalk be added along this parcel.

Whereas, the City Council has the authority to order construction of new sidewalks under Chapter 12, Section 12.12.220 of the Davenport Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that sidewalk shall be constructed a minimum of four (4) feet in width and be constructed in conformance with the Standard Specifications of the City of Davenport and shall be completed with a period of 30 days per notice to the owner.

Passed and approved this 8th day of March, 2017.

Approved:

_____
Frank Klipsch, Mayor

Attest:

_____
Jackie E. Holecek, MMC, City Clerk

SMIT JACK D
X0223-33
MENARD INC
X0223-31
ARCP KC DAVENPORT IA LLC
W67TH ST
X0239-24
CONNIE S HORSTMAN
X0239-10
KAYLA J SECOY-GRASS
DLER BEN
0221-04
BRADLEY J DUBIL
X0239-23
MAIN ST
GRACE BROTHERS PROPERTIES LLC
X0239-11
X0239-08
INC MENARD
X0239-22
DUBIL NICK
LC FIRST FINANCIAL GROUP
X0239-12
GIAMMETTA DOMENIC M
X0221-06
X0239-13
FUHLMAN STEVEN C
X0239-21
TRAVIS LYNCH
X0239-14
VICKIE L LINDSEY
X0239-01B
MENARD INC
X0239-15
PATRICIA A RATH
X0239-20
JERRY D GOTT
X0237B02
GIAMMETTA DOMENIC M
HARRISON ST
6600
7B01B
CHRISTOPHER C JANCZAK
X0239-19
KENDALL JOHNSON
X0239-16
X0237B03
GIAMMETTA DOMENIC M
TURES LLC
WELLS FARGO BANK NA
X0239-18
JACOB J NICHOLSON
X0239-17
R RIDGE COOPERTIVE X0237C07
X0239-02A

City of Davenport

Agenda Group: **Action / Date**
Department: Finance **2/15/2017**
Contact Info: T Warner
Wards: All

Subject:
Second Consideration: Ordinance amending and deleting various Chapters, Sections and Subsections of the Davenport Municipal Code to decommission the RiverCenter/Adler Theater Advisory Board, Airport Commission, Commission On Youth, Youth Advisory Commission, Adult Crossing Guard, and Sustainable Environment Methods & Technology Advisory Commission as well as combining the building trades code boards.

Recommendation:
Approve the ordinance

Background:
The City of Davenport is committed to seeking operational efficiencies and process improvements. The ordinances related to and structure of Davenport's boards and commissions had not undergone a review for quite a number of years. Additionally, it has become more difficult to find people willing to serve as board or commission members as people's lives have become busier. Accordingly, the City Attorney, at the request of the City Council and Mayor, performed a review to see if any improvements and efficiencies could be found. The City Attorney spoke with relevant staff, reviewed the applicable ordinances, state laws, agendas and minutes. He spoke with some board and commission members about how they saw their role and what functions they saw as important. At last week's Management Update & Mayor/ Council Discussions meeting, the City Attorney provided some information and recommendations. Davenport is fortunate to have volunteer board members that universally characterized their role as forward looking and supportive; undertaken because of a passion for the subject matter and with an eye toward progress. The City Attorney identified a couple of opportunities that would allow shared interests to result in combined boards. Additionally, a few boards have determined they can be decommissioned as the board's purpose has been fulfilled or its subject matter is being addressed through other processes. The end goal is to have boards that are better positioned to provide needed input and assistance with a feeling of purpose, full membership, and more and varied perspectives.

ATTACHMENTS:

Type	Description
Cover Memo	Ordinance Other Boards

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/22/2017 - 9:13 AM

ORDINANCE NO.___

Ordinance amending and deleting various Chapters, Sections and Subsections of the Davenport Municipal Code to decommission the RiverCenter/Adler Theater Advisory Board, Airport Commission, Commission On Youth, Youth Advisory Commission, Adult Crossing Guard, and Sustainable Environment Methods & Technology Advisory Commission as well as combining the building trades code boards.

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

Section 1: That the Sections 2.12.250 and 2.12.260 are deleted.

Section 2: That Chapter 2.56 is deleted and noted as reserved.

Section 3: That Chapter 2.68 is deleted in its entirety and noted as reserved.

Section 4: That Chapter 2.70 is deleted in its entirety and noted as reserved.

Section 5: That Chapter 2.78 is deleted in its entirety and noted as reserved.

Section 6: That Subsection 2.84.030(J) is amended to read as follows:

J. To hold meetings on no less than a quarterly basis.

Section 7: That Chapter 2.88 is deleted in its entirety and noted as reserved.

Section 8: That Section 15.08.215 is amended to read as follows:

15.08.215 Code board of appeals and review - Powers and duty.

A. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the technical codes, there shall be, and is

created, a Combined Construction Code Board of Appeals and Review, consisting of seven members. The Mayor shall strive to appoint one member who is a: State of Iowa licensed electrical contractor or journeyman, State of Iowa licensed plumbing contractor or journeyman, State of Iowa licensed mechanical (HARV) contractor or journeyman, City of Davenport licensed Class A commercial building contractor, City of Davenport licensed Class B residential new construction contractor, architect, and a resident of Davenport. The board shall be appointed to three year terms by the mayor with the concurrence of the city council. The board may adopt reasonable rules and regulations for conducting their meetings, investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. A simple majority of the board shall constitute a quorum to transact the business of the board. A simple majority of the members present by voice vote shall be required on action by the board.

B. Any person, firm or corporation, or any officer, department, board or bureau aggrieved by any order, requirement, decision or determination made by the building official on all matters pertaining to buildings or structures or occupancy included in the various technical codes shall have the right to appeal to the board within 10 days of the building official's order, decision or determination.

C. An appeal is considered filed upon the submittal of a written notice as specified below and payment of a filing fee of one hundred dollars to the finance department of the city within 10 days of the building officials written or verbal order, decision or determination. Such appeal shall set forth the order appealed from and the reason why the appellant believes it to be incorrect. The board shall hear the appeal and render a decision without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

D. The board after hearing the appeal may reverse, affirm, modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner the board may decide is fitting and proper and consistent with the intent and purpose of the applicable code. To that end, the board shall have all the power of the officer from which the appeal is taken. A vote of five members of the board shall be necessary to reverse, modify or amend an order, requirement, decision or determination of the official or to decide any matter wholly or partly, in appellant's favor.

E. Nothing in this subchapter shall be presumed to grant authority relative to the interpretation of the administrative code.

F. From time to time, the board may prepare written recommendations for the consideration of city council in regard to amendments, additions or deletions from the building code.

Section 9: That sections 15.08.220 through 15.08.235 are hereby deleted.

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 _____,
Third Consideration _____,

_____
Frank Klipsch
Mayor

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

Published in the Quad-City Times on _____.

City of Davenport

Agenda Group: **Action / Date**
Department: Finance **2/22/2017**
Contact Info: Tom Warner
Wards: All

Subject:
Second Consideration: Ordinance amending and deleting various Chapters and Sections of the Davenport Municipal Code to create a Riverfront, Parks & Recreational Amenities Advisory Board that will combine the Parks and Recreation Advisory Board and Levee Improvement Commission to create a single eleven person board that will meet as needed as a board and in work sessions with the City Council, gather community input, and make recommendations on future City recreational amenity projects.

Background:
The City of Davenport is committed to seeking operational efficiencies and process improvements. The ordinances related to and structure of Davenport's boards and commissions had not undergone a review for quite a number of years. Additionally, it has become more difficult to find people willing to serve as board or commission members as people's lives have become busier. Accordingly, the City Attorney, at the request of the City Council and Mayor, performed a review to see if any improvements and efficiencies could be found. The City Attorney spoke with relevant staff, reviewed the applicable ordinances, state laws, agendas and minutes. He spoke with some board and commission members about how they saw their role and what functions they saw as important. At last week's Management Update & Mayor/ Council Discussions meeting, the City Attorney provided some information and recommendations. Davenport is fortunate to have volunteer board members that universally characterized their role as forward looking and supportive; undertaken because of a passion for the subject matter and with an eye toward progress. The City Attorney identified a couple of opportunities that would allow shared interests to result in combined boards. Additionally, a few boards have determined they can be decommissioned as the board's purpose has been fulfilled or its subject matter is being addressed through other processes. The end goal is to have boards that are better positioned to provide needed input and assistance with a feeling of purpose, full membership, and more and varied perspectives.

ATTACHMENTS:

	Type	Description
🗋	Cover Memo	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/22/2017 - 9:13 AM

ORDINANCE NO.___

Ordinance amending and deleting various Chapters and Sections of the Davenport Municipal Code to create a Riverfront, Parks & Recreational Amenities Advisory Board that will combine the Parks and Recreation Advisory Board and Levee Improvement Commission to create a single eleven person board that will meet as needed as a board and in work sessions with the City Council, gather community input, and make recommendations on future City recreational amenity projects.

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

Section 1: That Section 2.54.060 is deleted.

Section 2: That Section2.54.070 is deleted.

Section 3: That Chapter 2.62 is amended to reads as follows:

Chapter 2.62 Riverfront, Parks & Recreational Amenities Advisory Board

Sections:

2.62.010 Created.
2.62.020 Mayor presides – advisory only - purpose.
2.62.030 Appointment - Term - Vacancies.
2.62.040 Meetings.
2.62.050 Adoption of rules or bylaws.
2.62.060 Riverfront defined.

2.62.010 Created.

There is created and established a Riverfront, Parks & Recreational Amenities Advisory Board consisting of eleven members, all of whom shall be residents of the city.

2.62.020 Mayor presides - advisory only - purpose.

The mayor shall preside at all meetings. The board shall act in an advisory capacity only and assist the Mayor and Council, as requested by the Council, in working with staff, individual citizens, community organizations, and other groups in planning and developing long term infrastructure for recreational and leisure opportunities.

2.62.030 Appointment - Term - Vacancies.

A. Each Alderman and the Mayor have one appointee to the board to be approved by the Council. The board member's terms shall be for three years; provided however, the initial term for the members will be:

1) for those appointed by the First, Third, Fifth or Seventh Ward Alderman – one year;
2) for those appointed by the Second, Fourth, Sixth or Eighth Ward Alderman – two years; and
3) for those appointed by the Aldermen at Large or Mayor – three years.

B. All vacancies occurring shall be filled by approval of the city council and the person so appointed shall hold office until the expiration of the term for which she was appointed.

2.62.040 Meetings.

The board shall meet quarterly at a time and place conducive to public meetings. A majority of the members present and voting shall be necessary for the passage of any motion. The Mayor may call a special meeting upon at least 24-hours' notice.

2.62.050 Adoption of rules or bylaws.

The board shall have power to adopt the rules or bylaws concerning the procedure or protocol of its meetings that are not inconsistent with provisions of this chapter.

2.62.060 Riverfront defined.

Except as otherwise provided in this chapter, the Riverfront as used in this chapter is:

Beginning at a point at the intersection of the east city limits and the centerline of the Mississippi River (Iowa-Illinois boundary); thence northerly along the east city limits (extension of Fernwood Avenue) to the intersection with the centerline of East River Drive, then in a generally westerly direction along the centerline of East River Drive and West River Drive to the intersection of West River Drive to the intersection of West River Drive with the centerline of the Soo Line Railroad (immediately west of Blackhawk Creek), thence in a southwesterly direction along the centerline of the Soo Line Railroad to the intersection with the west city

limits (Utah Avenue); thence in a southerly direction to the intersection of the extension of the west city limits with the centerline of the Mississippi River, thence upstream along the centerline of the Mississippi River (Iowa-Illinois boundary) to the point of beginning.

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 _____,
Third Consideration _____,

_____
Frank Klipsch
Mayor

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

Published in the Quad-City Times on _____.

City of Davenport

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

Action / Date
FIN3/1/2017

Subject:
First Consideration: Ordinance amending Chapter 2.12 of the Municipal Code of Davenport, Iowa entitled "Department of Finance," by amending Section 2.12.070 entitled "Purchasing Procedures." [All Wards]

STAFF RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON FIRST CONSIDERATION:

1. Motion for suspension of the rules.
2. Motion for passage of second and third considerations.

Recommendation:
Suspend the rules and pass on first consideration.

Relationship to Goals:
Financially Responsible City Government

Background:
On January 14, 2015 the City Council adopted an ordinance (Ordinance #2015-33) amending Chapter 2.12 of the Municipal Code to increase purchasing threshold amounts to more accurately reflect the changing environment for bids and contract amounts. This included increasing the thresholds for requiring verbal quotes, written quotes, and sealed bids and proposals.

At the beginning of 2015 through a strategic planning process, the decision was made to eliminate the City Council standing committees (Community Development, Finance, Public Safety, and Public Works). The Legal Department prepared an ordinance to amend various sections of the municipal code to remove all references to standing council committees. Ordinance #2015-117 was passed on March 11, 2015.

It was recently discovered that when preparing Ordinance #2015-117, an outdated version of Section 2.12.070 was used, thereby codifying the old purchasing threshold amounts instead of the increased amounts approved by council with Ordinance #2015-33. This amendment is necessary to correct the Municipal Code to reflect the current purchasing threshold amounts.

Additionally, two other sections were identified which required updating; 2.12.160 "Award of Contracts" and 2.12.220 "Change Orders Under Twenty-Five Thousand Dollars" have been amended to increase the amount from twenty-five thousand dollars to fifty thousand dollars.

ATTACHMENTS:

	Type	Description
🗋	Cover Memo	Ordinance amending 2.12

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	2/21/2017 - 5:11 PM
Finance Committee	Watson-Arnould, Kathe	Approved	2/21/2017 - 5:11 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 9:11 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2.12 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA ENTITLED "DEPARTMENT OF FINANCE."

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

Section 1. That Section 2.12.070 entitled "Purchasing Provisions" is to read as follows:

2.12.070 Purchasing Provisions

A. Approval Authority

1. There must exist authorized budget appropriation.
2. For purchases of five thousand dollars or less, the approval of the director of the requesting agency of designee.
3. For purchases in excess of five thousand dollars but not exceeding twenty-five thousand dollars, the approval of the finance director. However, the city administrator is not subject to this provision.
4. For purchases in excess of twenty-five thousand dollars but not exceeding fifty thousand dollars, the approval of the city administrator or designee.
5. Purchases exceeding fifty thousand dollars require city county 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. For change orders to capital projects exceeding fifty thousand dollars, 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.

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 finance director, 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.

Section 2. That section 2.12.160 entitled "Award of Contracts" is to read as follows:

2.12.160 Award of Contracts

A. No purchase orders; no contracts of whatever nature for independent contractors' services or work; any purchase, lease or sale of personal property, materials, equipment or supplies; or the granting of any concession involving amounts up to fifty thousand dollars shall be awarded unless the same is authorized as provided in Section 2.12.070.

B. No purchase orders; no contracts of whatever nature for independent contractors' services or work; any purchases, lease or sale of personal property, materials, equipment or supplies; or the granting of any concession involving amounts in excess of fifty thousand dollars, shall be awarded unless the same is authorized by the city council.

C. An official copy of each awarded purchase order or contract, together with all necessary attachments thereto, shall be retained by the finance director in an appropriate file open to the public for such period of time after completion or termination of contract during which action against the city might ensue under applicable laws of limitation. After such period as elapsed such purchase orders, contracts and attachments may be destroyed.

Section 3. That section 2.12.220 entitled "Change Orders Under Fifty Thousand Dollars" is to read as follows:

The city administrator or designee may authorize a change order for an additional unit of material, equipment or service under fifty thousand dollars to an existing or recent purchase order previously approved by the council, if the circumstances requiring the change order were unforeseen or unanticipated, the purchasing agent certifies that the lowest responsible bidder agrees to hold the same price per unit open to allow the city to make the additional purchase, and the change order does not materially change the scope of the project.

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Brandon Wright 326-7750
Wards: Ward 3

Action / Date
FIN3/1/2017

Subject:
Resolution expressing intent to enter into a $290,000 Modern Woodmen Park lease revenue loan agreement for the purpose of acquiring and installing LED field lighting at Modern Woodmen Park. [Ward 3]

Recommendation:
Approve the resolution

Relationship to Goals:
Financially responsible government

Background:
Under Iowa law, the City of Davenport is required to hold a public hearing and approve a resolution expressing intent prior to borrowing funds. The City is utilizing a 3-year, 0% interest loan from Musco Lighting for the acquisition and installation of LED field lighting at Modern Woodmen Park. The total contract amount is $290,000 and will be repaid according to the following schedule:

July 1, 2017 $90,000
July 1, 2018 $85,000
July 1, 2019 $115,000

This loan will not constitute a general obligation of the City of Davenport, but will be pledged by revenues due to Main Street Iowa, LLC under the current lease agreement at Modern Woodmen Park, per the Stadium Lighting Project Letter of Understanding.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	2/23/2017 - 5:28 PM
Finance Committee	Watson-Arnould, Kathe	Approved	2/23/2017 - 5:52 PM
City Clerk	Admin, Default	Approved	2/24/2017 - 4:14 PM

HEARING ON MODERN WOODMEN PARK LEASE REVENUE LOAN AGREEMENT

Davenport, Iowa

March 8, 2017

The City Council of the City of Davenport, Iowa, met pursuant to law and the rules of the City Council, at 5:30 o'clock p.m. on March 8, 2017, at the Council Chambers, City Hall, in the City. The meeting was called to order and upon the roll being called, the following named Aldermen were present and absent:

Present: _____

Absent: _____

The City Council investigated and found that pursuant to notice duly published, the City Council had met as the Committee-of-the-Whole on March 1, 2017, to permit residents or property owners of the City to present oral or written objections to the proposal to enter into a Modern Woodmen Park lease revenue loan agreement for the purpose of acquiring and installing LED field lighting at Modern Woodmen Park. After receiving and considering all comments and objections, the hearing was closed and the meeting was adjourned until the regular meeting of the City Council at the current time and place.

Alderman _____ introduced and moved the adoption of the resolution hereinafter set out expressing intent to enter into the loan agreement. The motion was seconded by Alderman _____ and the Mayor put the question on the motion and, the roll being called, the following named Aldermen voted:

Ayes: _____

Nays: _____

Whereupon, the Mayor declared the motion duly carried and said resolution adopted, as hereinafter set out.

RESOLUTION NO. _____

Expressing Intent to Enter into a $290,000 Modern Woodmen Park Lease Revenue Loan Agreement for the Purpose of Acquiring and Installing LED Field Lighting at Modern Woodmen Park

WHEREAS, the City of Davenport, in Scott County, Iowa (the "City"), in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, has published notice and held a hearing on a proposal to enter into a Modern Woodmen Park lease revenue loan agreement (the "Loan Agreement") with Musco Sports Lighting, LLC or its agent in an amount not to exceed $290,000, for the purpose of acquiring and installing LED field lighting at Modern Woodmen Park;

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

Section 1. All objections received or made at the hearing are hereby overruled, and the Council hereby expresses its intent to enter into the Loan Agreement in the future in a principal amount not to exceed $290,000.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved March 8, 2017.

_____
Mayor

Attest:

_____
Deputy City Clerk

STATE OF IOWA
COUNTY OF SCOTT SS:
CITY OF DAVENPORT

I, the undersigned, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that as such Deputy City Clerk I have in my possession or have access to the complete corporate records of the City and of its Council and officers and that I have carefully compared the transcript hereto attached with those corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records in relation to the adoption of a resolution expressing intent to enter into a Loan Agreement, as referred to therein and that the transcript hereto attached contains a true, correct and complete copy of such resolution.

WITNESS MY HAND this _____ day of _____, 2017.

_____
Deputy City Clerk

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Scott Hock 326-7817
Wards: 1 & 6

Action / Date
FIN3/1/2017

Subject:
Motion approving agreements between the City of Davenport and Matthew V. Hasley and Ronnie W. Thrapp for golf professional and other services at Duck Creek and Emeis Golf Courses, respectively. [Wards 1 & 6]

Recommendation:
Approve the motion.

Relationship to Goals:
Financially Responsible City Government.

Background:
The agreements for golf pro services expired at the end of last season. The City continues to encourage its golf professionals to be accountable and responsible in ensuring that the golf program succeeds.

The Parks & Recreation Department recommends approving golf pro contracts with Matthew Hasley and Ronnie Thrapp for the 2017 golf season. Mr. Hasley will perform golf pro duties at Duck Creek Golf Course and Mr. Thrapp will perform golf pro duties at Emeis Golf Course. Golf pros are selected based on their experience, level of interest, management ability, and customer service.

Funding for these contracts is from the Golf Enterprise Fund.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Golf Pro Contract Matthew Hasley 2017
🗋	Backup Material	Golf Pro Contract Ron Thrapp 2017

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	2/21/2017 - 5:09 PM
Finance Committee	Watson-Arnould, Kathe	Approved	2/21/2017 - 5:09 PM
City Clerk	Admin, Default	Approved	2/22/2017 - 9:11 AM

AGREEMENT BETWEEN
CITY OF DAVENPORT AND GOLF PROFESSIONAL

This agreement, made and executed this ____th day of March 2017, between the City of Davenport, Iowa, (hereinafter referred to as "City") and Matthew Hasley, (hereinafter referred to as "Golf Professional.")

WHEREAS, the City of Davenport, Iowa, operates a public golf course and desires to establish a relationship with a Professional Golfers' Association (PGA) certified golf professional in order to offer golfers a wide range of services including group lessons, individual instruction, video taping, handicapping and a complete line of golf equipment and attire; and

WHEREAS, Matthew Hasley is a competent golf professional willing and able to provide those services to the City of Davenport who desires an exclusive right to provide such services in cooperation with the City of Davenport; and

WHEREAS, the public welfare, comfort and convenience of the residents of the City of Davenport will be served and the public facilities of the golf course will be enhanced by the establishment of an agreement between the parties to provide the services of a golf professional in conjunction with the operation of the City's public golf course.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties hereto as follows:

1. TERM. The City hereby agrees to retain the services of the Golf Professional for a one year period beginning when executed, and ending on the 31st day of December of said year.

2. RENEWAL. This agreement shall automatically renew for an additional term of one (1) year unless written notice of termination is given by either party to the other at least thirty (30) days prior to the end of the term.

3. CONTRACT FEE. The City shall pay to the Golf Professional the following sums: (a) $48,000.00 annually; (b) five percent (5%) of the gross golf car rental fees received at Duck Creek Golf Course, payable bi-weekly, (c) eight percent (8%) of the gross range revenue, payable bi-weekly.

4. INCENTIVE CONTRACT FEE. In addition to the Base Contract Fee, the City shall provide the following incentive pay to the Golf Professional in an amount not to exceed $5,000 for any single golf season (calendar year) dependent on measured performance according to the following metrics:
    a. Total Number of Paid Golf Rounds at Duck Creek golf course.
        i. Increase of 2% over prior year $750
        ii. Increase of 3% over prior year $1,250
        iii. Increase of 4% over prior year $2,000
        iv. Increase of 5% over prior year $3,000
        v. Increase of 7% over prior year $4,000

5. Incentive Contract Fee – In addition to the Base Contract Fee, the City shall provide the following Incentive pay to the Golf Professional in the an amount not to exceed $5,000 for any single golf season (calendar year) dependent on measured performance according to the following metrics on Adjusted Gross Concession Sales of food and beverage. Adjusted Gross Concession Sales will be the total dollar amount of food and beverages sold minus the cost of food and beverage products purchased:

    a. Concession Base: a total of 2% of the adjusted gross of concession sales will be paid as an incentive to the Golf Professional
    b. Concession Incentive Level 1: If adjusted gross of concession sales exceeds prior year's adjusted gross concession sales by 5% a total of 3% of the adjusted gross concession sales will be paid as an incentive to the Golf Professional
    c. Concession Incentive Level 2: If adjusted gross of concession sales exceeds prior year's adjusted gross concession sales by 10% a total of 5% of the adjusted gross concession sales will be paid as an incentive to the Golf Professional

    The Incentive Contract Fee shall be paid to Golf Professional no more than 30 days following the end of the golf season, if applicable.

6. REVENUE. The Golf Professional shall be entitled to retain all gross receipts received from giving golf lessons, rental of pull carts, rental of golf clubs, club repair sales, handicap service, and sales of merchandise through the pro shop at Duck Creek Golf Course and shall be responsible for payment of taxes related thereto.

7. DUTIES OF GOLF PROFESSIONAL. The Golf Professional shall provide the following services at Duck Creek Golf Course:

    a. Offer and provide golf instruction, lessons and teaching to the general public on the premises of Duck Creek Golf Course for compensation by those receiving the instruction, lessons, and teaching;

    b. Provide and offer for sale typical pro shop merchandise and operate the pro shop at Duck Creek Golf Course on a daily basis; the Golf Professional shall not make purchases with nor pledge the credit of the City in order to make purchases;

    c. Organize and conduct an annual city tournament at predetermined date, including leagues, outings and a junior golf program in cooperation with the Parks and Recreation department;

    d. Assist in the planning and operation of special events at Duck Creek Golf Course;

    e. Devote adequate time and attention to the duties set forth in this agreement, and use his best efforts to promote the interests and welfare of the City and will not engage in any business not contemplated by or within the scope of this agreement;

f. Conduct himself at all times and in all matters in accordance with the standards accepted for golf professionals as established by the Professional Golfers' Association;

g. Render such professional advice, opinions, assistance and services when requested by the City;

h. Have or timely maintain a Class "A" Head Professional PGA certification and maintain his membership in good standing with the PGA during this agreement;

i. Cooperate with the Parks and Recreation Department of the City to promote the enjoyable use and operation of the City's golf courses by regularly attending meetings, some of which may include department-wide meetings;

j. Ensure that renters of motorized golf cars are qualified and knowledgeable in the operation of such cars and shall enforce all rules and regulations regarding the safe operation of said cars;

k. Assist with the daily cleaning and maintenance of the motorized golf car rental fleet;

l. Organize and conduct tournaments, leagues, outings and a junior golf program in cooperation with the Parks and Recreation Department;

m. Pay any and all sales or other taxes that may be levied on any services provided under this agreement, except taxes related to car rentals which are payable by the City;

n. Not construct, remodel or reconstruct any part of the buildings and fixtures located on the City's golf courses without receiving prior written permission from the Director of the Parks and Recreation Department;

o. The Golf Professional does not have express authority to contract on behalf of the City to any third party and shall not enter into any contract or otherwise bind the City in any way without the express written authorization from the City. Any contracts that the Golf Professional enters into without the City's authority will not be binding on the City, and the Golf Professional shall defend, indemnify and hold the City harmless against any claims or loss alleged as a result of a breach of this provision;

p. Execute site leadership, in the absence of Golf Supervisor and Superintendent of Revenue Facilities, to resolve all issues, including, but not limited to, effective facility functioning and customer experience; and

q. Handle and make every possible attempt to solve customer complaints and problems to provide the best customer service.

8. DUTIES OF CITY. The City shall:

a. Allow space within the clubhouse at Duck Creek Golf Course in which the Golf Professional shall operate a pro shop adequate and customary for the season. Such space shall include the provision of built-in fixtures, shelves, utilities and local telephone service;

b. Secure and provide a sufficient number of motorized golf cars for rental by the Golf Professional to patrons of the golf courses to meet the needs of the public;

c. Operate and maintain the golf courses in a manner that will encourage maximum availability and utilization by the public;

d. Cooperate with the Golf Professional to promote the most efficient and enjoyable use of the golf courses; and

e. Shall collect all revenues, except those related to the provision of golf lessons and teaching.

9. OTHER TERMS.

a. The golf season at the City's golf courses shall be determined by the Director of the Parks and Recreation Department, in consultation with the Senior Golf Manager and the Golf Professional, but the Director shall make the final determination;

b. In the event the Golf Professional is permanently disabled from being a Golf Professional during the term of this agreement due to physical or mental disability, then and in that event this agreement shall terminate and the Golf Professional shall only be entitled to be paid for amounts due and owing to the date of termination due to his disability;

c. The Golf Professional is an independent contractor as contemplated in Iowa Code §85.61(13) and will not be covered by the City's workers' compensation insurance benefits, or any other benefits received by city employees;

d. The Golf Professional shall comply with all provisions of the Child Labor Deterrence Act.

e. The Golf Professional covenants and warrants that he has no personal or financial interest, direct or indirect, which would in any manner conflict with the performance of services covered by this agreement and he will not engage in any business not contemplated by or within the scope of this agreement; and

f. The Golf Professional shall have the exclusive right and privilege to provide the services covered by this agreement on the City's golf courses.

10. INDEMNIFICATIONS and INSURANCE. The City shall not be liable to the Golf Professional for any loss or damage of property or merchandise owned by the Golf Professional located on property owned by the City. The Golf Professional shall be

responsible for obtaining insurance to cover such loss or damage as well as general liability insurance coverage in an amount satisfactory to the City, which insurance policy shall also include the City for the purpose of receiving prior notice of the cancellation or non-renewal of the policy.

11. TERMINATION.

    a. Either party may terminate this agreement through non-renewal of the agreement by giving written notice to the other party at least thirty (30) days prior to the expiration of the term;

    b. If the Golf Professional violates any of the provisions of this agreement, the City may immediately terminate this agreement for cause, by giving written notice to the Golf Professional, without further obligation except to pay the Golf Professional for compensation and net income earned prior to the date of the termination of this contract; and

    c. Upon termination, the Golf Professional will promptly remove all personal property of the Golf Professional from the clubhouse and course at Duck Creek Golf Course. Any property or belongings of the Golf Professional remaining in the clubhouse or on Duck Creek Golf Course more than thirty (30) days after the date of termination shall be deemed abandoned by the Golf Professional and shall become the property of the City.

12. NOTICE. Any notice, request, approval or consent required under this agreement shall be given in writing and shall be delivered in person or mailed by certified mail at the address set forth herein or as a party has subsequently directed by written notice.

11. LAW. This agreement is made under and shall be governed by the laws of the State of Iowa.

12. This agreement sets forth the entire agreement between the parties hereto. This agreement cannot be changed or amended other than by in writing, signed and executed by both parties.

13. At the end of each golf season, there will be a review of the terms of the contract. However, Davenport Parks and Recreation has the ability to terminate this agreement with a thirty day notice.

This Agreement sets forth the entire agreement and understanding between the parties as to the subject matter hereof and supersedes all prior discussions between them.

ACCEPTED AND AGREED TO THIS _____ DAY OF _____, 20____.

BY: _____	BY: _____
_____, Golf Pro	Scott Hock, Director
BY: _____	BY: _____
_____, Witness	Troy Evans, Superintendent

AGREEMENT BETWEEN
CITY OF DAVENPORT AND GOLF PROFESSIONAL

This agreement, made and executed this ____th day of March 2017, between the City of Davenport, Iowa, (hereinafter referred to as "City") and Ronnie W. Thrapp, (hereinafter referred to as "Golf Professional.")

WHEREAS, the City of Davenport, Iowa, operates a public golf course and desires to establish a relationship with a Professional Golfers' Association (PGA) certified golf professional in order to offer golfers a wide range of services including group lessons, individual instruction, video taping, handicapping and a complete line of golf equipment and attire; and

WHEREAS, Ronnie W. Thrapp is a competent golf professional willing and able to provide those services to the City of Davenport who desires an exclusive right to provide such services in cooperation with the City of Davenport; and

WHEREAS, the public welfare, comfort and convenience of the residents of the City of Davenport will be served and the public facilities of the golf course will be enhanced by the establishment of an agreement between the parties to provide the services of a golf professional in conjunction with the operation of the City's public golf course.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties hereto as follows:

1. TERM. The City hereby agrees to retain the services of the Golf Professional for a one year period beginning when executed, and ending on the 31st day of December of said year.

2. RENEWAL. This agreement shall automatically renew for an additional term of one (1) year unless written notice of termination is given by either party to the other at least Thirty (30) days prior to the end of the term.

3. CONTRACT FEE. The City shall pay to the Golf Professional the following sums: (a) $51,258.22.00 annually; (b) five percent (5%) of the gross golf car rental fees received at Emeis Golf Course, payable bi-weekly, (c) eight percent (8%) of the gross range fees, payable bi-weekly.

4. INCENTIVE CONTRACT FEE. In addition to the Base Contract Fee, the City shall provide the following incentive pay to the Golf Professional in an amount not to exceed $5,000 for any single golf season (calendar year) dependent on measured performance according to the following metrics:
    a. Total Number of Paid Golf Rounds at Emeis golf course
        i. Increase of 2% over prior year $750
        ii. Increase of 3% over prior year $1,250
        iii. Increase of 4% over prior year $2,000
        iv. Increase of 5% over prior year $3,000
        v. Increase of 7% over prior year $4,000

5. Incentive Contract Fee – In addition to the Base Contract Fee, the City shall provide the following Incentive pay to the Golf Professional in the an amount not to exceed $5,000 for any single golf season (calendar year) dependent on measured performance according to the following metrics on Adjusted Gross Concession Sales of food and beverage. Adjusted Gross Concession Sales will be the total dollar amount of food and beverages sold minus the cost of food and beverage products purchased:

    a. Concession Base: a total of 2% of the adjusted gross of concession sales will be paid as an incentive to the Golf Professional
    b. Concession Incentive Level 1: If adjusted gross of concession sales exceeds prior year's adjusted gross concession sales by 5% a total of 3% of the adjusted gross concession sales will be paid as an incentive to the Golf Professional
    c. Concession Incentive Level 2: If adjusted gross of concession sales exceeds prior year's adjusted gross concession sales by 10% a total of 5% of the adjusted gross concession sales will be paid as an incentive to the Golf Professional

    The Incentive Contract Fee shall be paid to Golf Professional no more than 30 days following the end of the golf season, if applicable.

6. ADDITIONAL BENEFIT. Annual Dues paid for Sectional (PGA) Professional Golfers Association upon receipt.

7. REVENUE. The Golf Professional shall be entitled to retain all gross receipts received from giving golf lessons, rental of pull carts, rental of golf clubs, club repair sales, handicap service, and sales of merchandise through the pro shop at Emeis Golf Course and shall be responsible for payment of taxes related thereto.

8. DUTIES OF GOLF PROFESSIONAL. The Golf Professional shall provide the following services at Emeis Golf Course:

    a. Offer and provide golf instruction, lessons and teaching to the general public on the premises of Emeis Golf Course for compensation by those receiving the instruction, lessons, and teaching;

    b. Provide and offer for sale typical pro shop merchandise and operate the pro shop at Emeis Golf Course on a daily basis; the Golf Professional shall not make purchases with nor pledge the credit of the City in order to make purchases;

    c. Organize and conduct an annual city tournament at predetermined date, including leagues, outings and a junior golf program in cooperation with the Parks and Recreation department;

    d. Assist in the planning and operation of special events at Emeis Golf Course;

    e. Devote adequate time and attention to the duties set forth in this agreement, and use his best efforts to promote the interests and welfare of the City and will not

engage in any business not contemplated by or within the scope of this agreement;

f. Conduct himself at all times and in all matters in accordance with the standards accepted for golf professionals as established by the Professional Golfers' Association;

g. Render such professional advice, opinions, assistance and services when requested by the City;

h. Have and maintain a Class "A" Head Professional PGA certification and maintain his membership in good standing with the PGA during this agreement;

i. Cooperate with the Parks and Recreation Department of the City to promote the enjoyable use and operation of the City's golf courses by regularly attending meetings, some of which may include department-wide meetings;

j. Ensure that renters of motorized golf cars are qualified and knowledgeable in the operation of such cars and shall enforce all rules and regulations regarding the safe operation of said cars;

k. Assist with the daily cleaning and maintenance of the motorized golf car rental fleet;

l. Organize and conduct tournaments, leagues, outings and a junior golf program in cooperation with the Parks and Recreation Department;

m. Pay any and all sales or other taxes that may be levied on any services provided under this agreement, except taxes related to car rentals which are payable by the City;

n. Not construct, remodel or reconstruct any part of the buildings and fixtures located on the City's golf courses without receiving prior written permission from the Director of the Parks and Recreation Department;

o. The Golf Professional does not have express authority to contract on behalf of the City to any third party and shall not enter into any contract or otherwise bind the City in any way without the express written authorization from the City. Any contracts that the Golf Professional enters into without the City's authority will not be binding on the City, and the Golf Professional shall defend, indemnify and hold the City harmless against any claims or loss alleged as a result of a breach of this provision;

p. Execute site leadership, in the absence of Golf Supervisor and Superintendent of Revenue Facilities, to resolve all issues, including, but not limited to, effective facility functioning and customer experience; and

q. Handle and make every possible attempt to solve customer complaints and problems to provide the best customer service.

9. DUTIES OF CITY. The City shall:

   a. Allow space within the clubhouse at Emeis Golf Course in which the Golf Professional shall operate a pro shop adequate and customary for the season. Such space shall include the provision of built-in fixtures, shelves, utilities and local telephone service;

   b. Secure and provide a sufficient number of motorized golf cars for rental by the Golf Professional to patrons of the golf courses to meet the needs of the public;

   c. Operate and maintain the golf courses in a manner that will encourage maximum availability and utilization by the public;

   d. Cooperate with the Golf Professional to promote the most efficient and enjoyable use of the golf courses; and

   e. Shall collect all revenues, except those related to the provision of golf lessons and teaching.

10. OTHER TERMS.

   a. The golf season at the City's golf courses shall be determined by the Director of the Parks and Recreation Department, in consultation with the Golf Operations Manager and the Golf Professional, but the Director shall make the final determination;

   b. In the event the Golf Professional is permanently disabled from being a Golf Professional during the term of this agreement due to physical or mental disability, then and in that event this agreement shall terminate and the Golf Professional shall only be entitled to be paid for amounts due and owing to the date of termination due to his disability;

   c. The Golf Professional is an independent contractor as contemplated in Iowa Code §85.61(13) and will not be covered by the City's workers' compensation insurance benefits, or any other benefits received by city employees;

   d. The Golf Professional shall comply with all provisions of the Child Labor Deterrence Act.

   e. The Golf Professional covenants and warrants that he has no personal or financial interest, direct or indirect, which would in any manner conflict with the performance of services covered by this agreement and he will not engage in any business not contemplated by or within the scope of this agreement; and

   f. The Golf Professional shall have the exclusive right and privilege to provide the services covered by this agreement on the City's golf courses.

11. INDEMNIFICATIONS and INSURANCE. The City shall not be liable to the Golf Professional for any loss or damage of property or merchandise owned by the Golf Professional located on property owned by the City. The Golf Professional shall be responsible for obtaining insurance to cover such loss or damage as well as general liability insurance coverage in an amount satisfactory to the City, which insurance policy shall also include the City for the purpose of receiving prior notice of the cancellation or non-renewal of the policy.

12. TERMINATION.

    a. Either party may terminate this agreement through non-renewal of the agreement by giving written notice to the other party at least thirty (30) days prior to the expiration of the term;

    b. If the Golf Professional violates any of the provisions of this agreement, the City may immediately terminate this agreement for cause, by giving written notice to the Golf Professional, without further obligation except to pay the Golf Professional for compensation and net income earned prior to the date of the termination of this contract; and

    c. Upon termination, the Golf Professional will promptly remove all personal property of the Golf Professional from the clubhouse and course at Emeis Golf Course. Any property or belongings of the Golf Professional remaining in the clubhouse or on Emeis Golf Course more than thirty (30) days after the date of termination shall be deemed abandoned by the Golf Professional and shall become the property of the City.

13. NOTICE. Any notice, request, approval or consent required under this agreement shall be given in writing and shall be delivered in person or mailed by certified mail at the address set forth herein or as a party has subsequently directed by written notice.

11. LAW. This agreement is made under and shall be governed by the laws of the State of Iowa.

12. This agreement sets forth the entire agreement between the parties hereto. This agreement cannot be changed or amended other than by in writing, signed and executed by both parties.

13. At the end of each golf season, there will be a review of the terms of the contract. However, Davenport Parks and Recreation has the ability to terminate this agreement with a thirty day notice.

This Agreement sets forth the entire agreement and understanding between the parties as to the subject matter hereof and supersedes all prior discussions between them.

ACCEPTED AND AGREED TO THIS _____ DAY OF _____, 20____.

BY: _____

_____, Golf Pro

BY: _____

_____, Witness

BY: _____

Scott Hock, Director

BY: _____

Troy Evans, Superintendent

City of Davenport

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

Action / Date
FIN3/1/2017

Subject:
1. Leadsonline - Police Dept. software renewal - Amount: $10,066
2. Greenwood Cleaning Systems - Papers towels (Bi-State bid) - Amount: $12,025
3. Sutphen Corp. - Repair Fire ladder truck - Amount: $15,000
4. Cunningham Associates - Fejervary Park playground - Amount: $29,936
5. M & C, Inc. - Heritage fire emergency cleanup services - Amount: $30,093
6. Nu-Trend Accessibility Systems - Wheelchair lifts for Rivers Edge - Amount: $40,595

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	2/23/2017 - 1:39 PM
Finance Committee	Watson-Arnould, Kathe	Approved	2/23/2017 - 1:39 PM
City Clerk	Admin, Default	Approved	2/23/2017 - 3:19 PM