

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, February 27, 2019---
The Council observed a moment of silence. Pledge of Allegiance. The Council met in regular session at 5:30 PM with Mayor Klipsch presiding and all aldermen present.

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

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

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

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

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

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

Council adjourned at 6:46 PM.

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

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

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

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

ORDINANCE NO. 2019-52

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

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

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

“C-2” Corridor Commercial District.

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

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

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

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

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

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

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

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

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

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

ORDINANCE NO. 2019-53

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Form of Series 2019 Bond)

UNITED STATES OF AMERICA
STATE OF IOWA

COUNTY OF SCOTT CITY OF DAVENPORT

GENERAL OBLIGATION CORPORATE BOND, SERIES 2019

No. _____ \$ _____

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

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

Cede & Co.
New York, New York

or registered assigns, the principal sum of

DOLLARS

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

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

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

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

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

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

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

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

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

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

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

CITY OF DAVENPORT, IOWA

By (DO NOT SIGN)
Mayor

Attest:

(DO NOT SIGN)
Deputy City Clerk

Registration Date: (Registration Date)

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

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

By (DO NOT SIGN)
CFO/Assistant City Administrator

ABBREVIATIONS

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

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

ASSIGNMENT

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

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

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

Dated: _____

Signature guaranteed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE NO. 2019-56

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

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

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

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

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

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

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

ORDINANCE NO. 2019-57

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

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

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

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

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

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

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

ORDINANCE NO. 2019-58

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

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

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

IV. TREE ORDINANCE

8.14.190 Short title.

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

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

8.14.200 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

8.14.210 City arborist—Office created—Enforcement duty.

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

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

8.14.220 Reserved.

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

8.14.230 City arborist—Authority specified.

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

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

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

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

8.14.240 License Required - nontransferable.

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

8.14.250 Fee.

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

8.14.260 License Requirements

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

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

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

D. Approval of insurance policy required.

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

8.14.270 Removing, cutting or trimming

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

1168 § 3 (part): prior code § 39-28).

B. Removing, cutting or trimming without a License

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

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

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

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

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

1. Will not obstruct the passage of pedestrians or vehicles on public sidewalks for streets, or otherwise obstruct the sight of traffic control devices, or obstruct the view of any street intersection or create other hazardous conditions.

2. Branches do not hang over a sidewalk at a height of less than 8ft above the sidewalk, or hang over a highway, street or alley at height of less than 14ft above the highway, street or alley.

3. Does not pose hazardous conditions due to the threat caused by death or disease from falling branches, limbs or the vegetation itself onto adjacent sidewalks, streets, highways or alleys, or private property.

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

1. Will not obstruct the passage of pedestrians or vehicles on public sidewalks for streets, or otherwise obstruct the sight of traffic control devices, or obstruct the view of any street intersection or create other hazardous conditions.

2. Branches do not hang over a sidewalk at a height of less than 8ft above the sidewalk, or hang over a highway, street or alley at height of less than 14ft above the highway, street or alley.

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

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

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

8.14.290 Obstructions, Hazardous and Nuisance Trees – Notice to Abate

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

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

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

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

8.14.300 Abuse or mutilation of public trees.

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

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

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

8.14.310 Reserved.

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

8.14.320 Interference with City arborist.

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

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

A. Protection.

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

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

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

8.14.340 Placing materials on public property.

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

8.14.350 – Reserved.

8.14.360 Violation—Penalty.

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

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

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

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

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

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

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

ORDINANCE NO. 2019-59

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

Chapter 10.24 PARKING VIOLATIONS - ENFORCEMENT

Sections:

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

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

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

10.24.20 Admitted violations.

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

10.24.30 Fine - Collection.

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

10.24.040 Prosecution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Brian J. Krup
Deputy City Clerk