

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, February 24, 2021

The City Council of Davenport, Iowa met in regular session on Wednesday, February 24, 2021 at 5:31 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, Iowa with Mayor Mike Matson presiding and all Aldermen present (*In person*: Alderman Dunn, Alderman Dohrmann, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ambrose; *Via telephone*: Alderman Peacock and Alderwoman Dickmann). A partially electronic meeting was held because a fully "in-person" meeting was impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor's proclamation and the Mayor's executive order directing social distancing and placing restrictions on gatherings. In-person attendance by the general public at any City of Davenport public meeting within its facilities shall be limited to 10 persons.

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Condon

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for February 10, 2021.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for February 17, 2021.

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, February 17, 2021 -- The Council observed a moment of silence. Pledge of Allegiance led by Alderman Gripp. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding and all Aldermen present (In person: Alderman Dunn, Alderman Dohrmann, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Peacock, Alderman Jobgen, and Alderman Ambrose; Via telephone: Alderwoman Dickmann). A partially electronic meeting was held because a fully "in-person" meeting was impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor's proclamation and the Mayor's executive order directing social distancing and placing restrictions on gatherings. In-person attendance by the general public at any City of Davenport public meeting within its facilities shall be limited to 10 persons.

*The following Public Hearings were held: **Community Development:** 1) for Case ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing; 2) for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of the public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of an alley in Block 89 of LeClaire's 8th Addition; and 3) for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District.*

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Gripp reviewed all items listed. On motion by Alderwoman Lee, second by Alderman Ambrose item #4, First Consideration: Ordinance for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District, moved to the Discussion Agenda and all other items moved to the Consent Agenda. At the request of Alderman Gripp, Council recessed for a break at 7:20 p.m. and reconvened at 7:29 p.m. **Public Safety:** Alderman Ambrose reviewed all items listed. On motion by Alderman Jobgen, second by Alderman Dunn all items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Dohrmann, second by Alderman Ambrose all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Peacock, second by Alderman Gripp all items moved to the Consent Agenda. Council adjourned at **7:51 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2021-75

1. Design Review Board

- Cindi Gramenz (New Appointment)
- Matt Stinocher (New Appointment)

B. Proclamations

ISSUED 2021-76

1. Day of Empathy | March 2, 2021

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Ambrose, second by Alderman Jobgen with all Aldermen present voting aye except Alderman Jobgen, the following Ordinance moved to second consideration:*

First Consideration: Ordinance for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District. [Ward 6]

MOVED TO SECOND CONSIDERATION

THE PROTEST RATE IS OVER 20%. 8 VOTES REQUIRED FOR PASSAGE.

XI. Approval of All Items on the Consent Agenda

On motion by Alderman Ambrose, second by Alderwoman Meginnis with all Aldermen present voting aye with Alderman Jobgen abstaining from the Assumption High School liquor license under item #15 and Alderwoman Meginnis abstaining from the Urban Revitalization Tax Exemption project at 707 Gaines Street under item #8, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Davenport Municipal Code to adopt the new Flood Insurance Study and

flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards]

ADOPTED 2021-77

ORDINANCE NO. **2021-77**

AN ORDINANCE AMENDING CHAPTER 15.44 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, ENTITLED "FLOOD DAMAGE PREVENTION", BY AMENDING VARIOUS SUBSECTIONS THERETO.

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

Section 1. That subsection 15.44.020 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding a new subsection (C) to read as follows:

C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

Section 2. That section 15.44.060 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

15.44.060 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED March 23, 2021," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C00335G, 0340G, 0345G, 0355G, 0360G, 0365G, 0367G, 0370G, 0376G, 0378G, 0433G, 0434G, 0453G, 0454G, 0456G, 0458G, 0460G, and 0476G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

Section 3. That section 15.44.070 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding new definitions or amending current definitions to be read as follows:

APPURTENANT STRUCTURE - Shall mean a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

EXISTING CONSTRUCTION - Shall mean any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - shall mean a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - Shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FACTORY-BUILT HOME PARK - Shall mean a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

500-YEAR FLOOD - Shall mean a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

FLOODWAY - Shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (design storm) so that confinement of flood flows within the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

HIGHEST ADJACENT GRADE - shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

LOWEST FLOOR - Shall mean the lowest floor of the lowest enclosed area, including basement. An exception results when all of the following criteria are met:

- a. The enclosed area is designed to flood, to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.44.110CB (please refer to FEMA Technical Bulletin No. 1 entitled "Openings in Foundation Walls and Walls of Enclosures"); and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- c. Machinery and service facilities contained within the enclosed area are protected from flood water to a height of at least one foot above the base flood elevation; and
- d. The enclosed area is not defined as a "basement" in this section; and
- e. Provided the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

In cases where the lowest enclosed area satisfies criteria stated in paragraphs a through d above, the lowest floor is the floor on the next highest enclosed area that does not satisfy the criteria above.

MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Shall mean hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

MEAN SEA LEVEL - Shall mean, for the purposes of the National Flood Insurance Program (NFIP), the National American Vertical Datum of 1988 (NAVD 88) or other datum, to which base flood elevations shown on the community's Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) are referenced.

MINOR PROJECTS - Shall mean small development activities (except for filling, grading, and excavating) valued at less than \$500.00.

NAVD 88 - Shall mean National American Vertical Datum of 1988, which supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - Shall mean a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or

the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES - Shall mean repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement to the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- c. Basement sealing.
- d. Repairing or replacing damaged or broken window panes.
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.

SPECIAL FLOOD HAZARD AREA - shall mean the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR and/or A99.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten- year period, the cost of which equals or exceeds 50% of the market value of the structure before the damage occurred regardless of the actual repair work performed.

WATER SURFACE ELEVATION - Shall mean the height, in relation to the National American Vertical Datum of 1988 or other datum, where specified, of floods of various magnitudes and frequencies in the flood plains of riverine or other areas.

Section 4. That section 15.44.080 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

15.44.080 General standards for flood hazard reduction.

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine:

- a. Whether the land involved is either wholly or partly within the floodway or floodway fringe; and
- b. The Base Flood Elevation.

Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The application will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- a. The bridge or culvert is located on a stream that drains less than two (2) square miles; and
- b. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

- A. All new construction and substantial improvement including factory-built housing shall be:
1. Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure;
 2. Constructed with materials and utility equipment resistant to flood damage;
 3. Constructed by methods and practices that minimize flood damage;
 4. Done in a manner that does not cause any net loss of flood plain and any diminishment of flood carrying capacity. This shall be accomplished by matching each cubic yard of fill dirt added to the site with a corresponding yard of fill dirt removed from another area of the property. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.
- B. All new and replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- C. On-site waste disposal and water supply systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Water supply and/or waste water treatment facilities shall be provided with flood protection equal to or greater than one foot above the 100-year flood elevation.
- E. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- F. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- G. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- H. Structural flood control works such as levees, flood walls, etc., shall provide at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. Approval of such structural work shall also be obtained from the Iowa Department of Natural Resources.
- I. No use and or development shall affect the capacity of conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch or other drainage facility or system. In addition, such alterations must be approved by the Iowa Department of Natural Resources.
- J. Detached garages, sheds, fences, flag poles and similar structures are exempted from the requirements of this chapter when all of the following conditions are met:
1. The structure is not used for habitation;
 2. The structure has been designed to have a low flood damage potential;
 3. The structure is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
 4. The structure is firmly anchored to prevent flotation which may result in damage to other structures and/or downstream; and
 5. The structure's service facilities such as electrical and heating are elevated or floodproofed a minimum of one foot above the base flood elevation.

6. The structure shall be designed to how low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than one (1) foot above the Base Flood Elevation must be constructed of flood-resistant materials.
- K. Any permanent exposed slopes or fills and any cut faces of earth excavation which are to be vegetated shall be no steeper than three feet horizontal to one-foot vertical.
- L. Any and all development or man-made changes to improved or unimproved real estate shall utilize the principle of no net loss of flood plain with all fill being offset by corresponding grade reductions or cuts. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.
- M. Require that recreational vehicles placed on sites within Zones A1 - A30, AH and AE on a community's FIRM either: (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; (iii) meet the requirements of Section 15.44.120. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- N. Maximum Damage Potential Development - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated to a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determinations.
- O. Residential Construction – All new or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation at least 18 feet beyond the limits of any structure erected thereon. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain. Alternate methods of elevating may be allowed subject to favorable consideration by both the City plan and zoning commission and the Iowa Department of Natural Resources. The alternative method selected shall be adequate to support the structure as well as withstand the various forces and hazards associated with flooding, increased flood heights and/or erosion, and shall meet the requirements of this chapter.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided a means of access that will be passible by wheeled vehicles during the Base Flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time. Consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

- P. Nonresidential construction -
 1. All new construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level so that the structure is watertight with

walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

- a. A registered professional engineer or architect shall develop and/or review structural design specifications, and plans for the construction, and shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the applicable standards.
 - b. Such certification shall be provided to and maintained by the official as set forth in Section 15.44.180.
2. If the structure is elevated through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.
3. All new construction or substantial improvement that contains fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:
 - a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
5. New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities (including ductwork) elevated or floodproofed to a minimum of one (1) foot above Base Flood Elevation.

Q. Factory-Built Housing -

1. No factory-built housing shall be placed in a floodway and shall meet the requirements of this chapter.
2. All factory-built homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - a. Over-the-top ties be provided at each of the four corners of the factory-built home, with two additional ties per side; and
 - b. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - c. Any additions to the factory-built home be similarly anchored.
3. All factory built housing to be placed or substantially improved including those placed in a

factory-built home park or subdivision in existence prior to the effective date of the chapter shall be elevated on a permanent foundation such that the lowest floor of the factory built home is a minimum one foot above the base elevation. If this grade is achieved through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, this requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

Section 5. That sections 15.44.090, 15.44.100, 15.44.110 and 15.44.120 of the Municipal Code of Davenport, Iowa, are deleted.

Section 6. That section 15.44.130 of the Municipal Code of Davenport, Iowa, shall be renumbered as 15.44.090 and shall read as follows:

15.44.090 Flood hazard reduction — Floodways.

In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is the portion of the floodplain which must be protected from development encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Iowa Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determination.

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- B. All development within the floodway shall:
 - 1. Be consistent with the need to minimize flood damage.
 - 2. Use construction methods and practices that will minimize flood damage.
 - 3. Use construction materials and utility equipment that are resistant to flood damage.
- C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility system.
- D. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 15.44.080 and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed in readily removable from the floodway within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or related portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.
- H. Any fill allowed within the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary. All fill shall be offset by corresponding grade reductions

or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

- I. Pipeline river or stream/creek crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood waters.
- J. Any permanent exposed slopes of fills and any cut faces of earth which are to be vegetated shall not be steeper than three feet horizontal to one-foot vertical.

Section 7. That section 15.44.140 of the Municipal Code of Davenport, Iowa, shall be renumbered as 15.44.100.

Section 8. That section 15.44.150 of the Municipal Code of Davenport, Iowa, shall be renumbered as section 15.44.110 to be read as follows:

15.44.110 Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for all subdivision proposals and other proposed development which is intended for the construction of any structure.
- E. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.

Section 9. That section 15.44.160 of the Municipal Code of Davenport, Iowa, shall be renumbered as section 15.44.120 to be read as follows:

15.44.120 Nonconforming uses.

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:
 - 1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
 - 2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The department of construction and engineering shall notify the Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
 - 3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is re-constructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health,

sanitary, building, or safety code specifications or regulations which have been identified by the Administrator and which are the minimum necessary to assure safe living conditions, or the cost of any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Section 10. That section 15.44.170 of the Municipal Code of Davenport, Iowa, shall be renumbered as section 15.44.130.

Section 11. That section 15.44.180 of the Municipal Code of Davenport, Iowa, shall be renumbered as section 15.44.140 to be read as follows:

15.44.140 Permit procedures.

A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man0made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes. Application for a development permit shall be made to the Administrator designated official on forms furnished by the Administrator and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required but not limited to:

- A. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basement) of all structures and/or the elevation (NAVD88) to which any nonresidential structure has been floodproofed;
- B. Provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the flood-proofing criteria in Section 15.44.110;
- C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- D. Description of the work to be done and all necessary site and/or construction plans;
- E. The legal description of the property and the street address if assigned;
- F. Elevation of the 100-year flood in relation to NGVD;
- G. For a structure being improved or rebuilt the square footage of the improvement and the original structure and/or the estimated cost of the improvement and market value prior to the improvement or damage; and
- H. An indication of the occupancy or use of the structure.
- I. The designated official shall within a reasonable time, make determination as to whether the proposed flood plain development meets the applicable standards as set forth in this chapter and shall approve or disapprove the application. Upon disapproval, the applicant shall be informed in writing of the specific reasons for the disapproval.
- J. Actual construction and/or development at variance with the approved and/or authorized plans shall be deemed a violation of the permit and the regulations of this chapter.

Section 12. That section 15.44.190 of the Municipal Code of Davenport, Iowa, shall be renumbered as section 15.44.150 to be read as follows:

15.44.150 Variance procedures.

- A. The City Plan and Zoning Commission as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The City Plan and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.
- C. Any person aggrieved by the decision of the City Plan and Zoning Commission or any taxpayer may appeal such decision to the district court of Scott County as provided by law.
- D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- E. In passing upon such applications, the City Plan and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands or downstream to the injury of others;
 - 2. The danger to life and property due to flooding, increased flood heights or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The proposed water supply and sanitation systems and the ability of the systems to prevent contamination, disease and unsanitary conditions;
 - 5. The importance of the services provided by the proposed facility to the community;
 - 6. The necessity to the facility of a flood plain and or waterfront location;
 - 7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - 9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the community and that area;
 - 10. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - 12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
 - 13. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions E1 through E12 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- F. Upon consideration of the factors listed above and the purposes of this chapter, the City plan and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Such conditioning may include but not be limited to:

1. Modification of the water supply and/or waste disposal systems;
 2. Limitation of the periods of use and operation;
 3. Imposition of operational controls, sureties and/or deed restrictions;
 4. Requirements for channel modification, dikes, levees and/or other protective measures provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieve the stated purposes of this chapter.
- G. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.
- H. Conditions for variances.
1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 2. Variances shall only be issued upon:
 - a. Showing of good and sufficient cause;
 - b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 3. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction increases the risk to life and property.
 4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
 5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

Section 13. That section 15.44.200 of the Municipal Code of Davenport, Iowa, shall be renumbered as section 15.44.160 to be read as follows:

15.44.160 Administration

The Development & Neighborhood Services Director shall administer and implement the provisions of this chapter and will herein be referred to as the Administrator.

Section 14. That section 15.44.210 of the Municipal Code of Davenport, Iowa, shall be renumbered as section 15.44.170 to be read as follows:

15.44.170 Duties and responsibilities of the Administrator.

Duties of the Administrator shall include, but not be limited to:

- A. Review of all permit applications to determine whether proposed building sites will be reasonably safe from flooding;

- B. Review of all permit applications for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- C. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency;
- D. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- E. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) of the lowest floor including basement of all new or substantially improved structures;
- F. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) to which the new or substantially improved structures have been floodproofed;
- G. When floodproofing is utilized for a particular structure, the Administrator shall obtain certification from a registered professional engineer or architect;
- H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.44.180 through 15.44.210;
- I. When base flood elevation data has not been provided in accordance with Section 15.44.070, then the Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of Sections 15.44.080 through 15.44.210.
- J. All records pertaining to the provisions of this chapter shall be maintained in the office of the Administrator and shall be open for public inspection.

Section 15. That sections 15.44.220, 15.44.230, 15.44.240, 15.44.250, 15.44.260, and 15.44.270 shall be renumbered as sections 15.44.180, 15.44.190, 15.44.200, 15.44.210, 15.44.220, and 15.44.230 respectively.

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.

Adopted 2/24/2021: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance for Case REZ20-08 being the request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables. [Ward 7]

MOVED TO THIRD CONSIDERATION

3. Second Consideration: Ordinance amending Chapter 12.72 entitled "Conduct in Parks" to add a new Section 12.72.095 that prohibits the use of tobacco and nicotine products in the parks and park facilities. [All Wards] **MOVED TO THIRD CONSIDERATION**

4. Second Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Sturdevant Street along the west side from the alley north of 12th Street to 13th Street. [Ward 4] **MOVED TO THIRD CONSIDERATION**

5. First Consideration: Ordinance for Case ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing. [Ward 3] **MOVED TO SECOND CONSIDERATION**

6. First Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of the public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of an alley in Block 89 of LeClaire's 8th Addition. [Ward 3] **MOVED TO SECOND CONSIDERATION**

7. Resolution approving Case F20-14 being the request of Musal Tract LC for a final plat of Hugo First Addition for a one-lot subdivision on 1.67 acres, more or less, located directly north of 2815 North Clark Street. [Ward 2] **ADOPTED 2021-78**

8. Resolution approving the 2021 Urban Revitalization Tax Exemption projects. [All Wards] **ADOPTED 2021-79**

9. Resolution approving the following street, lane, or public ground closures on the listed dates to hold outdoor events. **ADOPTED 2021-80**

Sasha Rowland; Mac's Tavern St. Patrick's Day Celebration; 316 West 3rd Street; 8:00 a.m. Saturday, March 13, 2021 - 2:00 a.m. Sunday, March 14, 2021; **Closure:** sidewalk in front of 316 and 318 West 3rd Street. [Ward 3]

10. Resolution approving a contract for the West Locust Street Pump Station and Force Main project design and bid documents preparation with Donohue & Associates, Inc in an amount not-to-exceed \$125,000, CIP #30054. [Ward 1] **ADOPTED 2021-81**

11. Resolution of acceptance for the 2nd & Marquette Sewer Improvement project completed by Miller Trucking and Excavating Inc of Silvis, Illinois with a final cost of \$1,195,822.69, CIP #30016. [Ward 3] **ADOPTED 2021-82**

12. Resolution accepting work completed under the Main Library Air Handler Replacement Phase II project. The total contract with Hometown Plumbing & Heating Co, Inc of Davenport, Iowa was \$532,752.20, CIP #23038. [Ward 3] **ADOPTED 2021-83**

13. Resolution setting a Public Hearing on the FY 2022 Operating Budget, FY 2022 Capital Improvement Budget, and the FY 2022 - FY 2027 Capital Improvement Program for March 17, 2021 at 5:30 p.m. in the Council Chambers at City Hall. [All Wards] **ADOPTED 2021-84**

14. Resolution of agreement and support for River Action's application for a state and/or federal grant related to the construction of First Bridge, a recreation trail bridge, over River Drive to River Heritage Park. [Ward 3] **ADOPTED 2021-85**

15. Motion approving beer and liquor license applications. **PASSED 2021-86**

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

Ward 5

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

Ward 7

Assumption High School (Assumption High School) 1020 W Central Park Ave - "April Knights" April 23, 2021 - License Type: C Liquor

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

Ward 1

Happy Joes Pizza (Dynamic Restaurant Acquisition, Inc) - 817 S Farragut St - License Type: B Beer

Jimmie O's Saloon (OLDHAM ENTERPRIZES LLC) - 2735 Telegraph Rd - License Type: C Liquor

Smokin' Joe's Tobacco and Liquor Outlet # 1 (The Outlet Inc) – 3120 Rockingham Rd - License Type: E Liquor

Ward 2

SNS Mart (Sleesha Mini Mart LLC) - 1715 W Kimberly Rd - License Type: C Beer

Ward 3

Chuck's Tap (White T Corporation) - 1731 W 6th St - License Type: C Liquor

Express Lane Gas & Food Mart # 84 (ExpressLane Inc) - 321 N Division St - License Type: C Beer

Golden Mart (Golden Mart Inc) - 1026 W River Dr - License Type: E Liquor

Moti's Food (QC Diner LLC) - 1717 W 3rd St - License Type: E Liquor

Ward 4

Happy Joes Pizza (Dynamic Restaurant Acquisition, Inc) - 1616 W Locust St - Outdoor Area - License Type: C Liquor

SC Mini Mart (SC Minimart LLC) - 1511 W Locust St - License Type: C Beer

Sun Mart LLC (Sun Mart LLC) - 2920 W Locust St - License Type: E Liquor

Ward 5

Baked Beer & Bread Co (MemeCat LLC) - 1113 Mound St - License Type: C Liquor

Brady Mart Food & Liquor (Midwest Stores LLC) - 3107 Brady St – License Type: E Liquor

Express Lane Gas & Food Mart # 77 (Express Lane Inc) - 1208 E Locust St - License Type: C Beer

Ward 8

Express Lane Gas & Food Mart # 86 (ExpressLane Inc) - 7522 Northwest Blvd - License Type: C Beer

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

Happy Joes Pizza (Dynamic Restaurant Acquisition, Inc) - 201 W 50th St - License Type: Beer/Wine

16. Motion approving four farming land lease agreements for five years each, 2021-2025, at the Davenport Municipal Airport. [Ward 8] **PASSED 2021-87**

17. Motion directing staff to purchase the property located at 323 South Clark Street for the purchase price of \$115,000, and authorizing the Chief Financial Officer to execute all documents necessary to complete the transaction. [Ward 1] **PASSED 2021-88**

18. Motion approving a one-year extension of the golf professional service agreements between the City of Davenport and various golf professionals at Red Hawk, Duck Creek, and Emeis Golf Courses. [All Wards] **PASSED 2021-89**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

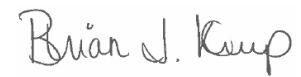
XIV. Reports of City Officials

The following is a summary of revenue received for the month of January 2021:

Property taxes	1,188,195
Other City taxes	161,530

Special assessments	-
Licenses & permits	169,603
Intergovernmental	2,439,213
Charges for services	3,205,527
Use of monies & property	-
Fines & forfeits	145,377
Bonds/Loan Proceeds	1,276,855
Miscellaneous	234,837

XV. Adjourn **6:17 p.m.**



Brian J. Krup
Deputy City Clerk