

# CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, February 9, 2022; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting minutes for January 26, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for February 2, 2022.

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Parks & Recreation Advisory Board
  - Farrah Powell (new appointment | 4th Ward)
2. Plan & Zoning Commission
  - Jane Schneider (re-appointment)
  - Bob Inghram (re-appointment)

B. Proclamations

1. Black History Month | February 2022

IX. Presentations

A. United Way Quad Cities

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. First Consideration: Ordinance providing for the sale and issuance of \$38,690,000 General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same. [All Wards]

**STAFF RECOMMENDS SUSPENSION OF THE RULES AND  
PASSAGE OF SECOND AND THIRD CONSIDERATIONS**

- i. Motion for suspension of the rules
- ii. Passage of second and third considerations
- 2. First Consideration: Ordinance amending Chapters 2.36, 2.42, and 2.90 to change the geographic area in which Civil Service Employees may live, and to include part of Illinois. [All Wards]
- 3. Motion approving the following liquor license application.
  - A. Annual license renewal:

**Ward 5**

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

**XII. Approval of All Items on the Consent Agenda**

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

- 1. First Consideration: Ordinance for Case ROW22-01 being the request of Seven Hills Paving LLC to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue. [Ward 8]
- 2. First Consideration: Ordinance amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding Duggleby Street between Locust Street and Jersey Ridge Road. [Ward 5]
- 3. First Consideration: Ordinance amending Chapters 13.16.107A and 13.16.107B entitled "Sanitary Sewer Rates – Amount" from \$5.45 to \$5.72 to \$6.01 to \$6.31 per one hundred cubic feet of water use as determined by water meter readings; and amending per bill rates for monthly commercial bills from \$20.80 to \$21.84 to \$22.93 to \$24.08; and amending per bill rates for monthly residential bills from \$20.97 to \$11.96 to \$12.45 to \$12.96; and per bill rates for quarterly residential bills from \$28.47 to \$29.87 to \$31.34 to \$32.88 and quarterly commercial bills from \$27.97 to \$29.37 to \$30.84 to \$32.38. [All Wards]
- 4. Resolution amending the Urban Renewal Plan for the North Urban Renewal Area. [Wards 2, 6, 7, & 8]
- 5. Resolution approving an economic development agreement with PB Leiner USA. [Ward 8]
- 6. Resolution approving Case F22-01 being the request of C&L Plaza LLC for a final plat of Katie's Eastern Avenue Addition, a 45-lot subdivision on 19.26 acres located north of East 58th Street and east of Eastern Avenue. [Ward 8]
- 7. Resolution of support of the Hilltop Campus Village, an Iowa Main Street organization. [Wards 3, 4, & 5]

8. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; Sunday, February 27, 2022 11:00 a.m. - 3:00 p.m.; **Closures (only one lane will be closed and traffic will be allowed to cross when safe to do so):** East Pleasant Street from Fernwood Avenue to Forest Road; Forest Road from East Pleasant Street to East George Washington Boulevard; East George Washington Boulevard from Forest Road to Jersey Ridge Road. [Ward 6]

Center for Active Seniors, Inc; St. Patrick's Day Race; Downtown; Saturday, March 12, 2022; **Closures:** 5:00 a.m. - 12:00 p.m. 2nd Street from Harrison to Brady; 8:00 a.m. - 11:00 a.m. 2nd Street from Harrison to Ripley; 8:30 a.m. - 11:00 a.m. two westernmost travel lanes and parking lane on Brady from 2nd to 3rd; 8:30 a.m. - 11:00 a.m. 3rd Street from Brady to Gaines; 9:30 a.m. - 11:00 a.m. 3rd Street from Gaines to Division; 9:50 a.m. - 10:10 a.m. all lanes of Brady from River to 3rd. [Ward 3]

St. Patrick's Society; Grand Parade XXXVI; Downtown; Saturday, March 12, 2022 11:00 a.m. - 2:00 p.m.; **Closures:** Gaines Street from the Centennial Bridge to 3rd Street; 3rd Street from Gaines Street to the RiverCenter where the parade disbands. [Ward 3]

9. Resolution approving an electric easement and electric vehicle charging equipment agreement with MidAmerican Energy at the RiverCenter Parking Ramp. [Ward 3]
10. Resolution approving the specifications, form of contract, and estimate of cost for the FY 2023 Contract Milling Program, CIP #35041. [Wards 1, 2, 3, 4, 5, & 7]
11. Resolution approving the specifications, form of contract, and estimate of cost for the FY 2023 Root Control Program. [All Wards]
12. Resolution awarding a contract for the Division Street Reconstruction | 76th Street to I-80 Bridge and I-80 Bridge to Sterilite Access Road project (RISE No. 1827(689)-9D-82) to KE Flatwork Inc of Eldridge, Iowa in the amount of \$1,828,148, CIP #35058. [Ward 8]
13. Resolution awarding the contract for the CDBG Group 2: East 7th Street and LeClaire Street Reconstruction project to Langman Construction Inc of Rock Island, Illinois in the amount of \$1,034,690.50, CIP #BG250. [Ward 3]
14. Resolution awarding the contract for the CDBG Alley Program: 1310 Kirkwood Boulevard to 1818 Esplanade Avenue Reconstruction project to Emery Construction Group Inc of Moline, Illinois in the amount of \$286,936.71, CIP #BG250. [Ward 5]
15. Resolution approving the FY 2023 maximum property tax levy rate and amount. [All Wards]
16. Resolution authorizing the submission of an application to the United States Army Donations Program for conditionally-issued, condemned, or obsolete

Army equipment for static display purposes. [All Wards]

17. Resolution approving the purchase of a 2022 John Deere Model 744L Wheel Loader from Martin Equipment of Rock Island, Illinois in the amount of \$379,500 using Sourcewell Contract #032119-JDC, CIP #24031. [All Wards]
18. Resolution adopting the Internal Revenue Service mileage rate to reimburse employees for use of a personal vehicle for City business. [All Wards]
19. Motion approving noise variance requests for various events on the listed dates and times.

Dam View Inn; St. Patrick's Day Party; 410 East 2nd Street; 8:00 a.m. Saturday, March 12, 2022 - 12:00 a.m. Sunday, March 13, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

St. Patrick's Society; Grand Parade XXXVI; Downtown; Saturday, March 12, 2022 12:00 p.m. - 1:30 p.m.; Outdoor music/performance, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2815 West Locust Street; various dates and times April through November 2022 (see attached list); Outdoor events/music, over 50 dBA. [Ward 4]

20. Motion approving beer and liquor license applications.

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

### **Ward 3**

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

Antonellas II, LLC (Antonellas II, LLC) - 421 W River Dr - Outdoor Area - License Type: Beer/Wine

Carriage Haus (Smoking Haus Entertainment) - 312 W 3rd St - Outdoor Area - License Type: Class C Liquor

Danceland (Danceland, Ltd) - 501 1/2 W 4th St - License Type: Class C Liquor

Embers of Phoenix (Jai Mata Lakshmi, Inc) - 111 W 2nd St - License Type: Class C Liquor

KC Brothers (KC 2 Brothers, Inc) - 214 Myrtle St - License Type: Class E Liquor

Nally's Kitchen, Inc (Nally's Kitchen, Inc) - 1622 Rockingham Rd - License Type: Class B Beer

Sam's Food (Sam Food, LLC) - 648 N Marquette St - License Type: Class E Liquor

#### **Ward 4**

The Pour House (Boss Lady, Inc) - 1502 W Locust St - Outdoor Area - License Type: Class C Liquor

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

#### **Ward 6**

Camp McClellan Cellars (Julie Keehn) - 2302 E 11th St - License Type: Class C Beer

Homewood Suites (Davenport Lodging Group, LLC) - 4750 Progress Dr - License Type: Beer/Wine

The Mound (Mound QC, LLC) - 1029 Mound St - License Type: Class C Liquor

#### **Ward 7**

Pancheros Mexican Grill (FMDAV, LLC) - 902 W Kimberly Rd - Outdoor Area - License Type: Class B Beer

21. Motion approving the contract for the CDBG Alley Rehab: 701 Tremont Avenue to 923 East 6th Street project to Emery Construction Group Inc of Moline, Illinois in the amount of \$94,222, CIP #BG250. [Ward 3]
22. Motion determining property values for the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2]
23. Motion approving Change Order #2 to Tricon General Construction of Dubuque, Iowa in the amount of \$70,224 for the Modern Woodmen Park Floodwall Extension and Workout Room Addition project, CIP #23049. [Ward 3]
24. Motion awarding a three-year contract for low voltage electrical repair services to Tri-City Electric Co of Davenport, Iowa. [All Wards]

### **XIII. Other Ordinances, Resolutions and Motions**

### **XIV. Public with Business**

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

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

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Department: City Clerk

Contact Info: Brian Krup | 563-326-6163

**Action / Date**

**2/9/2022**

Subject:

Approval of the City Council Meeting minutes for January 26, 2022.

ATTACHMENTS:

| Type      | Description   |
|-----------|---------------|
| ▣ Exhibit | CC Min 012622 |

REVIEWERS:

| Department | Reviewer       | Action   | Date               |
|------------|----------------|----------|--------------------|
| City Clerk | Admin, Default | Approved | 2/3/2022 - 8:36 AM |

**City of Davenport, Iowa**  
**City Council Meeting Minutes**  
**Wednesday, January 26, 2022**

The City Council of Davenport, Iowa met in regular session on Wednesday, January 26, 2022 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Mike Matson presiding and all Aldermen present except Alderman Jobgen (*In person:* Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, and Alderman Ortiz; *Via telephone:* Alderwoman Lee).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderwoman Lee

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

**APPROVED**

Approval of the City Council Meeting minutes for January 12, 2022.

VI. City Administrator Update

VII. Report on Committee of the Whole

**APPROVED**

Approval of the Report on Committee of the Whole for January 19, 2022.

*CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, January 19, 2022 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderwoman Meginnis. Upon the roll being called, all Aldermen were present (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).*

*The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the East 53rd Street Pavement Reconstruction | Phase II project, CIP #35052; 2. on the plans, specifications, form of contract, and estimate of cost for the Pacific Street Overlay project, CIP #35054; 3. on the plans, specifications, form of contract, and estimate of cost for the Jackson Avenue Overlay and Intersection Reconstruction project, CIP #35054; and 4. on the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Fascia Improvements project, CIP #23049.*

*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 Alderwoman Dickmann item #4, Resolution approving an economic development agreement with RDIP, LLC, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman Ortiz, second by Alderman Gripp the annual Class C liquor license renewal application for Gilly's Corner Tap, 2148 W 3rd St, moved to the Discussion agenda and all other items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Dickmann and all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderman Alderwoman Dickmann all items moved to the Consent Agenda.*

*Council adjourned at **6:04 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

**APPROVED 2022-35**

1. Parks & Recreation Advisory Board  
- Anthony Wittemeyer (new appointment | Mayoral)

B. Proclamations

**ISSUED 2022-36**

1. National Mentoring Month | January 2022

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Cornette, second by Alderwoman Meginnis with all Aldermen present voting aye, the following Resolution was adopted:*

Resolution approving an economic development agreement with RDIP, LLC. [Ward 2]

**ADOPTED 2022-37**

2. *On motion by Alderwoman Dickmann, second by Alderman Dunn with all Aldermen present voting aye, the following Motion passed:*

Motion approving the following liquor license application.

**PASSED 2022-38**

A. Annual license renewal (with outdoor area):

**Ward 3**

Gilly's Corner Tap LLC (Alicia Goossens) - 2148 W 3rd St - Outdoor Area - License  
Type: Class C Liquor

XI. Approval of All Items on the Consent Agenda

*On motion by Alderman Gripp, second by Alderman Dunn with all Aldermen present voting aye, the Consent Agenda was approved as follows:*

1. Resolution approving Case P22-01 being the request of Splendor Homes LLC on behalf of KJTLJ LLC for a preliminary plat of Splendor Estates, a 47-lot subdivision on 26.11 acres located at 2448 and 2460 East 60th Street. [Ward 8]

**ADOPTED 2022-39**

2. Resolution setting a Public Hearing for the purpose of amending the Urban Renewal Plan for the North Urban Renewal Area. [Wards 2, 6, 7, & 8]

**ADOPTED 2022-40**

3. Resolution setting a Public Hearing for the purpose of considering the approval of an economic development agreement with PB Leiner USA. [Ward 8]

**ADOPTED 2022-41**

4. Resolution authorizing submission of an application to the Iowa Department of Transportation's RISE Program for assistance to RDIP, LLC at the Russell Industrial Park. [Ward 2] **ADOPTED 2022-42**

5. Resolution approving the plans, specifications, form of contract, and estimate of cost for the East 53rd Street Pavement Reconstruction | Phase II project, CIP #35052. [Wards 6, 7, & 8] **ADOPTED 2022-43**

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Pacific Street Overlay project, CIP #35054. [Ward 8] **ADOPTED 2022-44**

7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Jackson Avenue Overlay and Intersection Reconstruction project, CIP #35054. [Ward 1] **ADOPTED 2022-45**

8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Fascia Improvements project, CIP #23049. [Ward 3] **ADOPTED 2022-46**

9. Resolution accepting work completed under the Veterans Memorial Parkway Paving project (Jersey Ridge Road to Elmore Avenue) by Valley Construction of Rock Island, Illinois in the amount of \$6,427,310.20, CIP #02418. [Ward 6] **ADOPTED 2022-47**

10. Resolution accepting the sanitary sewer, storm sewer, and pavement associated with the Speedway LLC Davenport Commercial Park Addition site improvements. [Ward 8] **ADOPTED 2022-48**

11. Resolution setting a Public Hearing for the purpose of approving an electric easement and electric vehicle charging equipment agreement with MidAmerican Energy at the RiverCenter Parking Ramp. [Ward 3] **ADOPTED 2022-49**

12. Resolution approving Amendment #1 to OPN Architects of Cedar Rapids, Iowa in the amount of \$277,290 for the New Fire Station 3 project, CIP #23063. [Ward 7] **ADOPTED 2022-50**

13. Resolution assessing the cost of boarding up buildings at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-51**

14. Resolution assessing the cost of brush and debris removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-52**

15. Resolution assessing the cost of condemned property demolitions at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-53**

16. Resolution assessing the cost of sidewalk repair at various lots and tracts of real estate. [All Wards] **ADOPTED 2022-54**

17. Resolution assessing the cost of weed cutting at various lots and tracts of real estate.  
[All Wards] **ADOPTED 2022-55**

18. Resolution amending the Resolution of Necessity covering the FY 2022 Alley Resurfacing Program, CIP #35038. [Wards 3 & 5] **ADOPTED 2022-56**

19. Resolution overruling objections for the Resolution of Necessity covering the FY 2022 Alley Resurfacing Program, CIP #35038. [Wards 3 & 5] **ADOPTED 2022-57**

20. Resolution adopting the Resolution of Necessity covering the FY 2022 Alley Resurfacing Program, CIP #35038. [Wards 3 & 5] **ADOPTED 2022-58**

21. Resolution ordering preparation of detailed plans, specifications, notice of hearing, notice to bidders, form of contract, and publication of the notice to bidders and notice of hearing covering the FY 2022 Alley Resurfacing Program, CIP #35038. [Wards 3 & 5]  
**ADOPTED 2022-59**

22. Preliminary Resolution for the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2]  
**ADOPTED 2022-60**

23. Resolution approving the purchase of three chassis and three bodies for solid waste trucks, with three trade-ins, from Elliot Equipment Company of Davenport, Iowa in the amount of \$591,051, CIP #10503. [All Wards] **ADOPTED 2022-61**

24. Motion approving the Citizens Advisory Committee's recommendations for the reprogramming of the unspent and unobligated Community Development Block Grant (CDBG) funds from CDBG Year 46 ending June 30, 2021. [All Wards]  
**ADOPTED 2022-62**

25. Motion approving beer and liquor license applications. **PASSED 2022-63**

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

**Ward 6**

Combine, A Midwest Restaurant (Bass Street Grille, LLC) - 5266 Utica Ridge Rd - Outdoor Area - License Type: Class C Liquor

R Bar-QCA, LLC (R Bar-QCA, LLC) - 4907 Utica Ridge Rd - Outdoor Area - License Type: Class C Liquor

**Ward 7**

The AKA Bar (Lola K, LLC) - 3811 Harrison St - License Type: Class C Liquor

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

**Ward 1**

Sub Express & Gas (Keya Food Mart, Inc) - 4307 W Locust St – License Type: Class E Liquor

**Ward 2**

California Pho (Binh Van Nguyen) - 3559 W Kimberly Rd – License Type: Beer/Wine

**Ward 3**

The New Wooden Nickel, Inc (Angela Bribriesco) - 2042 W 3rd St – License Type: Class C Liquor

**Ward 5**

EZ Stop (Shivco, Inc) - 2923 Brady St - License Type: Class E Liquor

**Ward 6**

Hy-Vee Market Cafe (Hy-Vee, Inc) - 4064 E 53rd St - Outdoor Area – License Type: Class C Liquor

Mart Stop No 1 (Mart Stop No 1) - 3527 Spring St - License Type: Class E Liquor

R Bar (KJT Holdings, LLC) - 4907 Utica Ridge Rd - Outdoor Area – License Type: Class C Liquor

Buffalo Wild Wings (Blazin' Wings, Inc) - 4860 Utica Ridge Rd – Outdoor Area - License Type: Class C Liquor

26. Motion approving the payment for the annual VMWare virtualization software license renewal to VMWare, Inc in the amount of \$81,129. [All Wards] **PASSED 2022-64**

27. Motion awarding the contract for physical therapy services to Rock Valley Physical Therapy of Davenport, Iowa. [All Wards] **PASSED 2022-65**

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

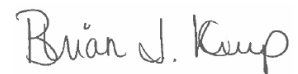
XIV. Reports of City Officials

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

|                  |           |
|------------------|-----------|
| Property taxes   | 1,514,422 |
| Other City taxes | 2,675,846 |

|                          |           |
|--------------------------|-----------|
| Special assessments      | -         |
| Licenses & permits       | 109,458   |
| Intergovernmental        | 3,392,669 |
| Charges for services     | 4,098,885 |
| Use of monies & property | 711,350   |
| Fines & forfeits         | 308,708   |
| Bonds/Loan Proceeds      | 111,498   |
| Miscellaneous            | 267,973   |

XV. Adjourn **5:59 p.m.**

  
 Brian J. Krup  
 Deputy City Clerk

City of Davenport

Department: City Clerk  
Contact Info: Brian Krup | 563-326-6163

**Action / Date**  
**2/9/2022**

Subject:  
Approval of the Report on Committee of the Whole for February 2, 2022.

ATTACHMENTS:

| Type      | Description       |
|-----------|-------------------|
| ▣ Exhibit | COW Report 020222 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 2/3/2022 - 10:18 AM |

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, February 2, 2022 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman Gripp. Upon the roll being called, all Aldermen were present (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Cornette, Alderwoman Dickmann, Alderman Jobgen, and Alderman Ortiz).

The following Public Hearings were held: **Community Development:** 1. for Case ROW22-01 being the request of Seven Hills Paving LLC to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue; 2. on amending the Urban Renewal Plan for the North Urban Renewal Area; and 3. on considering approving an economic development agreement with PB Leiner USA. **Public Works:** 1. on considering the approval of an electric easement and electric vehicle charging equipment agreement with MidAmerican Energy at the RiverCenter Parking Ramp; 2. on the specifications, form of contract, and estimate of cost for the Contract Milling Program, CIP #35401; and 3. on the specifications, form of contract, and estimate of cost for the Root Control Program. **Finance:** 1. on the proposed FY 2023 maximum property tax levy rate and amount.

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 Alderwoman Dickmann all items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderwoman Dickmann, second by Alderman Gripp the liquor license application for Brady Mart Food & Liquor at 3107 Brady St (Ward 5) moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Dickmann all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Cornette, second by Alderwoman Dickmann item #1, First Consideration: Ordinance providing for the sale and issuance of \$38,690,000 General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same, moved to the Discussion Agenda with a recommendation from staff for suspension of the rules and passage of second and third considerations; item #3, First Consideration: Ordinance amending Chapters 2.36, 2.42, and 2.90 to change the geographic area in which Civil Service Employees may live, and to include part of Illinois, moved to the Discussion Agenda; and all other items moved to the Consent Agenda.

Council adjourned at **6:19 p.m.**

City of Davenport

Department: Office of the Mayor  
Contact Info: Tiffany Thorndike | 563-326-7701

**Action / Date**  
**2/9/2022**

Subject:  
Parks & Recreation Advisory Board  
- Farrah Powell (new appointment | 4th Ward)

Background:

Farrah Powell is a new appointment to the Parks & Recreation Advisory Board as the 4th Ward appointment. She is filling a vacancy created when former representative Robby Ortiz resigned due to his election as the 4th Ward Alderman. Farrah's term dates are February 10, 2022 - June 30, 2022.

REVIEWERS:

| Department          | Reviewer           | Action   | Date               |
|---------------------|--------------------|----------|--------------------|
| Office of the Mayor | Thorndike, Tiffany | Approved | 2/4/2022 - 2:52 PM |

City of Davenport

Department: Office of the Mayor  
Contact Info: Tiffany Thorndike | 563-326-7701

**Action / Date**  
**2/9/2022**

Subject:  
Plan & Zoning Commission  
- Jane Schneider (re-appointment)  
- Bob Inghram (re-appointment)

Background:  
Jane Schneider and Bob Inghram are both re-appointments to the Plan & Zoning Commission.  
Term dates for both Jane Schneider and Bob Inghram are April 1, 2022 - March 31, 2027.

REVIEWERS:

| Department          | Reviewer           | Action   | Date               |
|---------------------|--------------------|----------|--------------------|
| Office of the Mayor | Thorndike, Tiffany | Approved | 2/4/2022 - 2:54 PM |

City of Davenport

Department: Finance  
Contact Info: Mallory Merritt | 563-326-7792

**Action / Date**  
**2/9/2022**

Subject:

First Consideration: Ordinance providing for the sale and issuance of \$38,690,000 General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same. [All Wards]

**STAFF RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE OF SECOND AND THIRD CONSIDERATIONS**

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

Recommendation:  
Adopt the Ordinance.

Background:

On November 3, 2021, a Public Hearing was held on the issuance of not-to-exceed \$41,000,000 General Obligation Corporate and Refunding Bonds. Proceeds of these bonds are to finance the FY 2022 Capital Improvement Program. The bond sale date is scheduled for Wednesday, February 9, 2022.

Bond ratings have been sought from Moody's and Standard & Poor's. Both entities reaffirmed the City's prior ratings.

At the February 9, 2022 City Council meeting, staff will update the City Council on the results of the bond sale and provide a recommendation to amend and replace this ordinance to include the name of the winning firm and the true interest cost of the borrowing. It is recommended that the Ordinance be approved on first consideration to facilitate the closing of the bond sale.

ATTACHMENTS:

| Type              | Description    |
|-------------------|----------------|
| ▣ Ordinance       | Ordinance      |
| ▣ Backup Material | Notice of Sale |
| ▣ Ordinance       | CDC            |

REVIEWERS:

| Department        | Reviewer         | Action   | Date                 |
|-------------------|------------------|----------|----------------------|
| Finance           | Merritt, Mallory | Approved | 1/26/2022 - 8:25 PM  |
| Finance Committee | Merritt, Mallory | Approved | 1/26/2022 - 8:29 PM  |
| City Clerk        | Admin, Default   | Approved | 1/27/2022 - 11:14 AM |

SALE AND ISSUANCE OF GENERAL  
OBLIGATION CORPORATE AND REFUNDING  
BONDS, SERIES 2022A

629872-91

Davenport, Iowa

February 9, 2022

The City Council of the City of Davenport, Iowa met pursuant to law and the rules of the City Council on February 9, 2022, at 5:30 p.m., at the Council Chambers, City Hall, Davenport, Iowa. The meeting was called to order and upon the roll being called there were present the Mayor, presiding, and the following named Aldermen:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

This being the time and place fixed for the consideration of proposals for the purchase of the City's General Obligation Corporate and Refunding Bonds, Series 2022A, it was announced that sealed bids had been received and canvassed on behalf of the City, and such bids were then placed on file and the substance of such sealed bids was noted in the minutes, as follows:

Name and Address of Bidder

Final Bid  
(interest cost)

**(ATTACH BID TABULATION)**

Alderman \_\_\_\_\_, on behalf of the Ordinance Committee, introduced a proposed ordinance entitled, "An Ordinance providing for the sale and issuance of \$38,690,000 General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same," and moved its adoption, seconded by Alderman \_\_\_\_\_.

The Mayor put the question on the motion and the roll being called, the following named Aldermen voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

The Mayor declared the motion duly carried and the ordinance initially adopted.

It was then moved by Alderman \_\_\_\_\_ to suspend the requirement that certain ordinances be considered and voted on for passage at two Council meetings prior to the meeting at which they are finally passed and that this ordinance be now placed on its final consideration. The motion was seconded by Alderman \_\_\_\_\_. The Mayor put the question upon the motion and, the roll being called, the following named Aldermen voted:

Ayes: \_\_\_\_\_

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Nays: \_\_\_\_\_.

The Mayor declared the motion duly carried and said ordinance was placed on its final consideration. Alderman \_\_\_\_\_ moved that the said ordinance be adopted; seconded by Alderman \_\_\_\_\_. After due consideration the Mayor put the question on the adoption of the ordinance and, the roll being called, the following named Aldermen voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

The Mayor declared the ordinance finally adopted and signed approval thereto.

• • • •

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk

ORDINANCE NO. \_\_\_\_\_

An Ordinance providing for the sale and issuance of \$38,690,000 General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same

WHEREAS, the City of Davenport (the “City”), in Scott County, Iowa, in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, has previously issued its \$23,125,000 General Obligation Corporate Bonds, Series 2014A, dated March 5, 2014 (the “Series 2014A Bonds”), and, in the ordinance authorizing the issuance of the Series 2014A Bonds, the City reserved the right to call for early redemption as of June 1, 2022, the maturities of the Series 2014A Bonds coming due after June 1, 2022 (the “Callable 2014A Bonds”); and

WHEREAS, the City has also previously issued its \$10,950,000 General Obligation Refunding Bonds, Series 2014B, dated March 5, 2014 (the “Series 2014B Bonds”), in accordance with the Charter of the City and Chapter 384 of the Code of Iowa, and in the ordinance authorizing the issuance of the Series 2014B Bonds, the City reserved the right to call for early redemption as of June 1, 2022, the maturities of the Series 2014B Bonds coming due after June 1, 2022 (the “Callable 2014B Bonds”); and

WHEREAS, the City, in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, and pursuant to notice duly published and a hearing held thereon on November 3, 2021, has proposed that it is in the best interest of the City that not to exceed \$41,000,000 General Obligation Corporate and Refunding Bonds, Series 2022A (the “Series 2022A Bonds”) be authorized by the City to provide funds to pay costs in connection with making improvements to sanitary sewers, storm sewers, streets, street lighting, signage and signalization, streetscapes, sidewalks and paths, the municipal airport, municipal buildings and facilities and municipal parks; acquiring and maintaining vehicles and/or equipment for municipal parks, streets, public safety/fire department, solid waste collection, sewage treatment, and the municipal library; repair and maintenance of bridges; information technology improvements; municipal housing projects (collectively, the “Projects”); and current refunding the Callable Series 2014A Bonds and the Callable 2014B Bonds; and

WHEREAS, a preliminary official statement (the “Preliminary Official Statement”) has been prepared in connection with the sale of the Series 2022A Bonds, and the City Council has made provision for the approval of the Preliminary Official Statement and has authorized its use by PFM Financial Advisors LLC (the “Financial Advisor”), as municipal financial advisor to the City; and

WHEREAS, sealed bids for the purchase of the Series 2022A Bonds were received and canvassed on behalf of the City; and

WHEREAS, the Financial Advisor has reported that, upon review of all bids received for the purchase of the Series 2022A Bonds, the bid of \_\_\_\_\_, \_\_\_\_\_ (the “Purchaser”) proposes the lowest interest cost to the

City and the City should issue the Series 2022A Bonds in the principal amount of \$38,690,000; and

WHEREAS, it is necessary at this time to award the Series 2022A 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 2022A 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 2022A 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 2022A 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 2022A Bonds, dated March 10, 2022, in the denomination of \$5,000 each or any integral multiple thereof, are hereby authorized to be issued in the aggregate principal amount of \$38,690,000, 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 |
|------|------------------|-------------------------|------|------------------|-------------------------|
| 2023 | \$5,385,000      | _____%                  | 2031 | \$1,600,000      | _____%                  |
| 2024 | \$3,000,000      | _____%                  | 2032 | \$1,655,000      | _____%                  |
| 2025 | \$3,120,000      | _____%                  | 2033 | \$1,715,000      | _____%                  |
| 2026 | \$3,235,000      | _____%                  | 2034 | \$1,775,000      | _____%                  |
| 2027 | \$3,360,000      | _____%                  | 2035 | \$1,840,000      | _____%                  |
| 2028 | \$3,230,000      | _____%                  | 2036 | \$1,900,000      | _____%                  |
| 2029 | \$3,360,000      | _____%                  | 2037 | \$1,965,000      | _____%                  |
| 2030 | \$1,550,000      | _____%                  |      |                  |                         |

Section 4. The CFO/Assistant City Administrator is hereby designated as the Bond Registrar and Paying Agent for the Series 2022A Bonds and may be hereinafter referred to as the “Bond Registrar” or the “Paying Agent”.

All of the interest on the Series 2022A Bonds is payable semiannually on the first day of June and December in each year, commencing December 1, 2022. Payment of interest on the Series 2022A 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 2022A 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 2022A Bond or Bonds at the office of the Paying Agent.

The City reserves the right to call for redemption prior to maturity the Series 2022A Bonds maturing in the years 2031 to 2037, inclusive, in whole or from time to time in part, in one or more units of \$5,000, on June 1, 2030, 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. If less than all of the Series 2022A Bonds of any like maturity are to be redeemed, the particular part of those Series 2022A Bonds to be redeemed shall be selected by the Registrar by lot. The Series 2022A Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Series 2022A Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2022A 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 2022A 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 2022A 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 2022A Bonds called for redemption in the same manner as the original redemption notice was sent. All of such Series 2022A 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 2022A 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 2022A Bonds shall cease to be such officer before the delivery of the Series 2022A 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 2022A 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 2022A 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 2022A Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

The Series 2022A 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 2022A Bonds shall be issued initially as Depository Bonds, with one fully registered Series 2022A 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 2022A 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 2022A Bonds or the City determines not to continue the book-entry system for recording ownership interests in the Series 2022A 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 2022A Bonds.

Ownership interest in the Series 2022A Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Series 2022A Bonds as nominees will not receive certificated Series 2022A 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 2022A 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 2022A 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 2022A 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 2022A 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 2022A Bonds acquired. Transfers of ownership interest in the Series 2022A 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 2022A 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 2022A Bonds shall be substantially as follows:

(Form of Series 2022A Bond)

UNITED STATES OF AMERICA  
STATE OF IOWA  
COUNTY OF SCOTT  
CITY OF DAVENPORT

GENERAL OBLIGATION CORPORATE AND REFUNDING BOND, SERIES 2022A

|           |                |           |             |
|-----------|----------------|-----------|-------------|
| No. _____ |                |           | \$ _____    |
| RATE      | MATURITY DATE  | BOND DATE | CUSIP       |
| _____ %   | March 10, 2022 | _____     | 238388-____ |

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, 2022. 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 and Refunding Bonds, Series 2022A (the “Series 2022A Bonds”), issued by the City in the aggregate principal amount of \$38,690,000, 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 2022A Bonds and for the levy of taxes to pay the same for the purpose of paying costs in connection with various improvements and projects in the

City and refunding the outstanding balance of the City's General Obligation Corporate Bonds, Series 2014A, dated March 5, 2014.

The City reserves the right to prepay part or all of the principal of the Series 2022A Bonds maturing in each of the years 2031 to 2037, inclusive, prior to and in any order of maturity on June 1, 2030, or on any date thereafter upon terms of par and accrued interest. If less than all of the Series 2022A Bonds of any like maturity are to be redeemed, the particular part of those Series 2022A Bonds to be redeemed shall be selected by the Registrar by lot. The Series 2022A Bonds may be called in part in one or more units of \$5,000. If less than the entire principal amount of any Series 2022A Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2022A 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 2022A 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 2022A 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 10, 2022.

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 2022A 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                                                   | _____<br>(Custodian)                                                                          |
| JT TEN  | - | as joint tenants with<br>right of survivorship and<br>not as tenants in common | As Custodian for_____<br>(Minor)<br>under Uniform Transfers to Minors Act<br>_____<br>(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 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 2022A 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 2022A Bonds is hereby ratified and confirmed in all respects. The proceeds from the sale of the 2022A Bonds shall be used for the purposes identified in the preamble hereof, including the payment of costs of issuance of said Bonds. It has been determined that the City will use such proceeds for the refunding of the Callable 2014A Bonds, but not for the redemption of the 2014B Bonds.

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 2022A Bonds as it falls due on June 1, 2021, 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 2022A 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, 2022,  
sufficient to produce the net annual sum of \$\_\_\_\_\_;

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

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

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

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

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

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

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

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

For collection in the fiscal year beginning July 1, 2031,

sufficient to produce the net annual sum of \$\_\_\_\_\_;

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

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

For collection in the fiscal year beginning July 1, 2034,  
sufficient to produce the net annual sum of \$\_\_\_\_\_;

For collection in the fiscal year beginning July 1, 2035,  
sufficient to produce the net annual sum of \$\_\_\_\_\_; and

For collection in the fiscal year beginning July 1, 2036,  
sufficient to produce the net annual sum of \$\_\_\_\_\_.

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 2022A 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 2022A 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 2022A 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 2022A Bonds which is applicable to that portion of the total Series 2022A Bond issue applicable to such fund. Each year while any of said Series 2022A Bonds remain outstanding and unpaid, such of said available funds in amounts sufficient to meet the interest on that portion of the Series 2022A Bonds applicable to such fund and to pay the principal becoming due on such portion of the Series 2022A Bonds during each year may be used for that purpose, in accordance with the Series 2022A 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 2022A Bonds hereby authorized as general municipal obligations, but at the same time permitting the use of such funds for the payment of the principal of and interest on that portion of the Series 2022A 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 2022A Bonds. The City hereby covenants and agrees that no such investment shall ever be made so as to cause the interest on the Series 2022A 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 2022A 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.

Section 14. It is the intention of the City that interest on the Series 2022A 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 2022A 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 9, 2022.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk

Published on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Deputy City Clerk

**ATTESTATION CERTIFICATE**

STATE OF IOWA  
COUNTY OF SCOTT      SS:  
CITY OF DAVENPORT

I, the undersigned, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that attached hereto is a true, correct and complete transcript of the minutes of the meeting of the City Council related to the adoption of an ordinance providing for the sale and issuance of the City's General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same, including a true and correct copy of such ordinance.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Deputy City Clerk

## COUNTY FILING CERTIFICATE

STATE OF IOWA

SS:

COUNTY OF SCOTT

I, the undersigned, County Auditor of Scott County, do hereby certify that the Deputy City Clerk of the City of Davenport, Iowa, certified and delivered to me a complete copy of an ordinance of that municipality adopted by the City Council thereof on February 9, 2022, providing for the sale and issuance of General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same, and that I have duly placed said copy of the ordinance on file in my records.

I further certify that the taxes provided for in the ordinance will, in due time, manner and season, be entered on the State and County tax lists of the County for collection in each fiscal year as provided in the said ordinance.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
County Auditor

## PUBLICATION CERTIFICATE

STATE OF IOWA  
COUNTY OF SCOTT  
CITY OF DAVENPORT

SS:

I, the undersigned, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that an ordinance providing for the sale and issuance of General Obligation Corporate and Refunding Bonds, Series 2022A, and for the levy of taxes to pay the same, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published on the date and in the newspaper specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Deputy City Clerk

**(Attach hereto publisher's affidavit of publication with a clipping of the ordinance as published)**

January 26, 2022

**Via Email**

Mallory Merritt  
CFO/Assistant City Administrator  
City Hall  
Norwalk, Iowa

Re: General Obligation Corporate and Refunding Bonds, Series 2022A  
Our File No. 629872-91

Dear Mallory:

We have prepared and attach near-final proceedings to be used at the February 9, 2022 City Council meeting to enable the Council to adopt the ordinance (the “Ordinance”) reflecting the sale of General Obligation Corporate and Refunding Bonds, Series 2022A (the “Bonds”) and providing for the issuance of the Bonds. The Ordinance will be updated and replaced with the final numbers and Purchaser when the sale has been conducted.

The proceedings attached include the following items:

1. Minutes of the meeting reporting the bids received for the Bonds, followed by the Ordinance awarding and issuing the Bonds.

The blanks in the form of Bond, the form of Certificate of Authentication and the form of Assignment included as part of the Ordinance should not be completed or executed.

2. Attestation Certificate with respect to the validity of the transcript.

3. County Filing Certificate. A certified copy of the Ordinance must be filed with the Scott County Auditor, and we have prepared a certificate to be signed by the Auditor relating to the filing of a certified copy of the Ordinance in that office.

As provided in this Ordinance, beginning in the 2022-2023 fiscal year, the County Auditor will have a mandatory duty to make a levy of taxes to pay principal of and interest on the Bonds unless the City’s budget each year affirmatively shows that the tax should not be levied because other funds will be applied to the payment of the Bonds for that budget year. To the extent the City determines that property tax levies will be needed for payment in any year, the tax levy amounts needed must be certified for that year in the City’s budget as part of the Debt Service Fund, and the funds derived from sources other than taxes must be shown on the appropriate budget document.

4. Publication Certificate. Once the Ordinance has been adopted, it must be published. Please print an extra copy of the Ordinance for that purpose.

As these proceedings are completed, please return one fully executed copy to our office.

We are also attaching a Continuing Disclosure Certificate for the Deputy City Clerk and Mayor to sign after the adoption of the ordinance. Please retain one executed copy for the City's records and return one copy to us via email as it is available.

If you have any questions, please contact Emily Hammond, Erin Regan or me.

Best regards,

John P. Danos

Attachments

cc: Brian Krup  
Jon Burmeister

NOTICE OF SALE  
City of Davenport, Iowa  
\$38,690,000\* General Obligation Corporate and Refunding Bonds,  
Series 2022A

Bids will be received on behalf of the City of Davenport, Iowa, until 10:00 a.m., Central Time, on February 9, 2022, for the purchase of \$38,690,000\* General Obligation Corporate and Refunding Bonds, Series 2022A (the “Series 2022A Bonds”).

Either of the methods set forth below may be used, but no open bids will be accepted:

**Sealed Bidding:** Sealed bids will be received at the office of the CFO/Assistant City Administrator, City Hall, Davenport, Iowa.

**Electronic Internet Bidding:** Electronic Internet bids will be received through PARITY.

After the deadline for receipt of bids has passed, sealed bids will be opened and announced, and electronic internet bids will be accessed and announced. All bids will be presented to the City Council for consideration at its meeting to be held at 5:30 p.m. on February 9, 2022, at the Council Chambers, City Hall, Davenport, Iowa, at which time the Series 2022A Bonds will be sold to the best bidder for cash.

The Series 2022A Bonds will be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof, will be dated March 10, 2022, will bear interest payable semiannually on each June 1 and December 1 to maturity, commencing December 1, 2022, and will mature on June 1 in the following years and amounts:

| Year | Principal<br>Amount | Year | Principal<br>Amount |
|------|---------------------|------|---------------------|
| 2023 | \$5,385,000         | 2031 | \$1,600,000         |
| 2024 | \$3,000,000         | 2032 | \$1,655,000         |
| 2025 | \$3,120,000         | 2033 | \$1,715,000         |
| 2026 | \$3,235,000         | 2034 | \$1,775,000         |
| 2027 | \$3,360,000         | 2035 | \$1,840,000         |
| 2028 | \$3,230,000         | 2036 | \$1,900,000         |
| 2029 | \$3,360,000         | 2037 | \$1,965,000         |
| 2030 | \$1,550,000         |      |                     |

\*The City reserves the right to increase or decrease the aggregate principal amount of the Series 2022A Bonds and to increase or reduce each scheduled maturity thereof after the determination of the successful bidder.

The right is reserved to the City to call and redeem all of the Series 2022A Bonds maturing in the years 2031 to 2037, inclusive, in whole or from time to time in part, in one or more units of

\$5,000, on June 1, 2030, 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.

Bidders must specify a price of not less than \$38,380,480, plus accrued interest. The legal opinion of Dorsey & Whitney LLP, Attorneys, Des Moines, Iowa, will be furnished by the City.

A good faith deposit of \$386,900 is required from the successful bidder and may be forfeited to the City in the event the successful bidder fails or refuses to take and pay for the Series 2022A Bonds.

The City reserves the right to reject any or all bids and to waive irregularities in any bid.

The Series 2022A Bonds are being issued pursuant to the provisions of Division III of Chapter 384 of the Code of Iowa and the Charter of the City and will constitute general obligations of the City, payable from taxes levied upon all the taxable property in the City without limitation as to rate or amount.

Bidders should be aware that the official terms of offering to be published in the Official Statement for the Series 2022A Bonds contain additional bidding terms and information relative to the Series 2022A Bonds, including, without limitation, requirements regarding the establishment of issue price for the Series 2022A Bonds. Bidders should prepare their bids on the assumption that the Series 2022A Bonds will be subject to the “hold-the-offering-price” rule, if the requirements for a competitive sale have not been met. Any bid submitted pursuant to this Notice of Sale will be considered a firm offer for the purchase of the Series 2022A Bonds, and bids submitted will not be subject to cancellation or withdrawal. In the event of a variance between statements in this Notice of Sale (except with respect to the time and place of the sale of the Series 2022A Bonds and the principal amount offered for sale) and said official terms of offering, the provisions of the latter shall control.

By order of the City Council of Davenport, Iowa.

Brian Krup  
Deputy City Clerk

## CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by the City of Davenport, Iowa (the “Issuer”), in connection with the issuance of \$38,690,000 General Obligation Corporate and Refunding Bonds, Series 2022A (the “Bonds”), dated March 10, 2022. The Bonds are being issued pursuant to an ordinance of the Issuer approved on February 9, 2022 (the “Ordinance”). The Issuer covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Holders and Beneficial Owners of the Bonds and in order to assist the Participating Underwriters in complying with S.E.C. Rule 15c-12.

Section 2. Definitions. In addition to the definitions set forth in the Ordinance, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” shall mean any Annual Report provided by the Issuer pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“Beneficial Owner” shall mean any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

“Dissemination Agent” shall mean the Dissemination Agent, if any, designated in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation.

“EMMA” shall mean the MSRB’s Electronic Municipal Market Access system available at <http://emma.msrb.org>.

“Financial Obligation” shall mean a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or, (iii) guarantee of either (i) or (ii). The term “Financial Obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB pursuant to the Rule.

“Holders” shall mean the registered holders of the Bonds, as recorded in the registration books of the Registrar.

“Listed Events” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“Municipal Securities Rulemaking Board” or “MSRB” shall mean the Municipal Securities Rulemaking Board, 1300 I Street, N.W., Suite 1000, Washington, D.C. 20005.

“Participating Underwriter” shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“Rule” shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“State” shall mean the State of Iowa.

Section 3. Provision of Annual Reports.

(a) Not later than June 30 (the “Submission Deadline”) of each year following the end of the 2021-2022 fiscal year, the Issuer shall, or shall cause the Dissemination Agent (if any) to, file on EMMA an electronic copy of its Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate in a format and accompanied by such identifying information as prescribed by the MSRB. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the Issuer may be submitted separately from the balance of the Annual Report and later than the Submission Deadline if they are not available by that date. If the Issuer’s fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5(c), and the Submission Deadline beginning with the subsequent fiscal year will become one year following the end of the changed fiscal year.

(b) If the Issuer has designated a Dissemination Agent, then not later than fifteen (15) business days prior to the Submission Deadline, the Issuer shall provide the Annual Report to the Dissemination Agent.

(c) If the Issuer is unable to provide an Annual Report by the Submission Deadline, in a timely manner thereafter, the Issuer shall, or shall cause the Dissemination Agent (if any) to, file a notice on EMMA stating that there has been a failure to provide an Annual Report on or before the Submission Deadline.

Section 4. Content of Annual Reports. The Issuer’s Annual Report shall contain or include by reference the following:

(a) The audited financial statements of the Issuer for the prior fiscal year, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under State law, as in effect from time to time, or, if and to the extent such audited financial statements have not been prepared in accordance with generally accepted accounting principles, noting the discrepancies therefrom and the effect thereof. If the Issuer’s audited financial statements are not available by the Submission Deadline, the Annual Report shall contain unaudited financial information (which may include any annual filing information required by State law) accompanied by a notice that the audited financial statements are not yet

available, and the audited financial statements shall be filed on EMMA when they become available.

(b) Tables, schedules or other information contained in the official statement for the Bonds, under the following captions:

Debt Limit Computation  
Overlapping Debt to the City  
General Obligation Debt Outstanding by Issue  
General Obligation Long-Term Bonded Debt  
Other Debt  
Assessment of Valuations of Taxable Property  
Property Values by Category  
Property Tax Rates – All Overlapping Governments  
Principal Taxpayers

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer or related public entities, which are available on EMMA or are filed with the Securities and Exchange Commission. If the document included by reference is a final official statement, it must be available on EMMA. The Issuer shall clearly identify each such other document so included by reference.

#### Section 5. Reporting of Significant Events

(a) Pursuant to the provisions of this Section 5, the Issuer shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Bonds:

- (1) Principal and interest payment delinquencies.
- (2) Non-payment related defaults, if material.
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties.
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties.
- (5) Substitution of credit or liquidity providers, or their failure to perform.
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security.
- (7) Modifications to rights of security holders, if material.
- (8) Bond calls, if material, and tender offers.

(9) Defeasances.

(10) Release, substitution, or sale of property securing repayment of the securities, if material.

(11) Rating changes.

(12) Bankruptcy, insolvency, receivership or similar event of the obligated person.

Note to paragraph (12): For the purposes of the event identified in subparagraph (12), the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(15) Incurrence of a Financial Obligation of the obligated person, if material, or agreement to covenants, event of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect security holders, if material.

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.

(b) If a Listed Event described in Section 5(a) paragraph (2), (7), (8) (but only with respect to bond calls under (8)), (10), (13), (14) or (15) has occurred and the Issuer has determined that such Listed Event is material under applicable federal securities laws, the Issuer shall, in a timely manner but not later than ten business days after the occurrence of such Listed Event, promptly file, or cause to be filed, a notice of such occurrence on EMMA, with such

notice in a format and accompanied by such identifying information as prescribed by the MSRB.

(c) If a Listed Event described in Section 5(a) paragraph (1), (3), (4), (5), (6), (8) (but only with respect to tender offers under (8)), (9), (11), (12) or (16) above has occurred the Issuer shall, in a timely manner but not later than ten business days after the occurrence of such Listed Event, promptly file, or cause to be filed, a notice of such occurrence on EMMA, with such notice in a format and accompanied by such identifying information as prescribed by the MSRB. Notwithstanding the foregoing, notice of Listed Events described in Section (5)(a) paragraphs (8) and (9) need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to Holders of affected Bonds pursuant to the Ordinance.

Section 6. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds or upon the Issuer's receipt of an opinion of nationally recognized bond counsel to the effect that, because of legislative action or final judicial action or administrative actions or proceedings, the failure of the Issuer to comply with the terms hereof will not cause Participating Underwriters to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended.

Section 7. Dissemination Agent. The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or Annual Report prepared by the Issuer pursuant to this Disclosure Certificate. The initial Dissemination Agent shall be the Issuer.

Section 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) (i) the amendment or waiver is made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Bonds, or the type of business conducted; (ii) the undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and (iii) the amendment or waiver either (1) is approved by a majority of the Holders, or (2) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the Holders or Beneficial Owners; or

(b) the amendment or waiver is necessary to comply with modifications to or interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the Issuer shall describe such amendment in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the Issuer. In addition, if the amendment relates to the accounting principles to be followed in preparing audited financial statements, (i) notice of such change shall be given in the same manner as for a Listed Event under Section 5(c), and (ii) the Annual Report for the year in which the change is made will present a comparison or other discussion in narrative form (and also, if feasible, in quantitative form) describing or illustrating the material differences between the audited financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

Section 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

Section 10. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Holder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. Direct, indirect, consequential and punitive damages shall not be recoverable by any person for any default hereunder and are hereby waived to the extent permitted by law. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

Section 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent, if any, shall have only such duties as are specifically set forth in this Disclosure Certificate, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

Section 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriters and Holders and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Dated: March 10, 2022

CITY OF DAVENPORT, IOWA

By \_\_\_\_\_  
Mayor

Attest:

By \_\_\_\_\_  
Deputy City Clerk

City of Davenport

Department: Finance  
Contact Info: Alison Fleming | 563-326-7750

Action / Date  
2/9/2022

Subject:

First Consideration: Ordinance amending Chapters 2.36, 2.42, and 2.90 to change the geographic area in which Civil Service Employees may live, and to include part of Illinois. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

Currently, civil service employees for the City of Davenport are required to live within the State of Iowa within 2 years of their date of hire, except that members of the Police Department and Fire Department are required to live within all of Scott County or within all of Muscatine County lying east of the fifth principal meridian.

Chapter 400.17(3) of the Iowa Code permits cities to allow its civil service employees to reside in another state and to set a reasonable distance outside the City for Police Officers and Firefighters to reside. Paragraphs (a) and (b) of Iowa Code Chapter 400.17(3) state as follows:

“3. a. Employees shall not be required to be a resident of the city in which they are employed, but they shall become a resident of the state within two years of such appointment or the date employment begins and shall remain a resident of the state during the remainder of employment. ***The state residency requirement under this paragraph “a” shall not apply to employees of a city that has adopted an ordinance to allow its employees to reside in another state*** and shall not apply to an employee of a city that later repeals such an ordinance if the employee resides in another state at the time of the repeal.

b. ***Cities may set a reasonable maximum distance outside of the corporate limits of the city, or a reasonable maximum travel time, that police officers, fire fighters, and other critical city employees may live from their place of employment.*** An employee subject to a residency requirement based on distance or travel time who does not meet that residency requirement on the date of appointment or on the date employment begins shall take reasonable steps to meet the requirement as soon as practicable, and a city may provide the employee up to one year from the date of appointment or the date employment begins to meet the residency requirement.” ***(emphasis provided)***

The amendment will allow civil service employees to reside in both Iowa and Illinois and would also allow sworn, civil service Police and Fire employees to reside within 20 miles of the corporate limits of the City of Davenport.

ATTACHMENTS:

| Type              | Description |
|-------------------|-------------|
| ▣ Ordinance       | Ordinance   |
| ▣ Backup Material | Map         |

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------|----------|--------|------|
|------------|----------|--------|------|

|                   |                  |          |                      |
|-------------------|------------------|----------|----------------------|
| Human Resources   | Merritt, Mallory | Approved | 1/26/2022 - 3:32 PM  |
| Finance Committee | Merritt, Mallory | Approved | 1/26/2022 - 3:32 PM  |
| City Clerk        | Admin, Default   | Approved | 1/27/2022 - 11:03 AM |

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTERS 2.36, 2.42 and 2.90 TO CHANGE THE GEOGRAPHIC AREA IN WHICH CIVIL SERVICE EMPLOYEES MAY LIVE, AND TO INCLUDE PART OF ILLINOIS.

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

Section 1. That Section 2.36.040 entitled "Residence requirements" is hereby adopted to read as follows:

2.36.040 **(Reserved)**

Section 2. That Section 2.42.060 entitled "Residence requirements" is hereby amended to read as follows:

2.42.060 **(Reserved)**

Section 3. That new Chapter 2.90 entitled "Employee Residency requirements" is hereby adopted that read as follows:

Chapter 2.90 Civil Service Employee Residency Requirements

2.90.010 **Residency requirements for civil service employees.**

A. All sworn, civil service police and fire employees shall reside within the corporate limits of the City of Davenport or within twenty (20) miles of said corporate limits. For the sake of clarity, the above described boundaries include, but are not limited to, those areas within the State of Illinois that are within twenty (20) miles of the corporate limits of Davenport. The time limits for establishing a qualifying residence set forth under Iowa Civil Service law shall apply.

B. All civil service employees, other than those described in subsection A above, shall reside in Iowa or Illinois.

C. These residency requirements shall not be construed to be a defense or justification for absenteeism or tardiness.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

Published in the *Quad City Times* on \_\_\_\_\_

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk



City of Davenport

Department: Public Safety  
Contact Info: Jamie Swanson | 563-326-7795

**Action / Date**  
**2/9/2022**

Subject:  
Motion approving the following liquor license application.

A. Annual license renewal:

**Ward 5**

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

Recommendation:  
Pass the Motion.

Background:  
This application have been reviewed by the Police, Fire, and Zoning Departments.

REVIEWERS:

| Department              | Reviewer         | Action   | Date                 |
|-------------------------|------------------|----------|----------------------|
| Public Safety           | Merritt, Mallory | Approved | 1/26/2022 - 3:52 PM  |
| Public Safety Committee | Merritt, Mallory | Approved | 1/26/2022 - 8:26 PM  |
| City Clerk              | Admin, Default   | Approved | 1/27/2022 - 10:57 AM |

City of Davenport

Department: Community Planning & Economic Development  
Contact Info: Laura Berkley | 563-888-3553

**Action / Date**  
**2/9/2022**

**Subject:**

First Consideration: Ordinance for Case ROW22-01 being the request of Seven Hills Paving LLC to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue. [Ward 8]

**Recommendation:**

Adopt the Ordinance.

**Background:**

The purpose of the of the right-of-way vacation is to facilitate development of Lots 7, 8, 9, and 10 of Brady Eighty Industrial Park 6th Addition. The property owner, Seven Hills Paving, has submitted a letter of intent for the future platting and development of the site.

A legal description of the proposed right-of-way vacation is attached. The land area to be vacated is approximately 20,289 square feet.

The Plan & Zoning Commission reviewed Case ROW22-01 at its January 18, 2022 meeting and have recommended approval (9-0) with the following conditions:

1. The property owner shall record an easement agreement immediately subsequent to the recording of the city's quitclaim deed.
2. A final plat shall be recorded within six months of the conveyance of public right-of-way. The final plat shall provide access and utility easements from the proposed lots to East 59th Street.
3. No development shall occur on Lots 7, 8, 9, and 10 of Brady Eighty Industrial Park 6th Addition until a final plat providing access to East 59th Street is recorded.

A staff report has been attached with a full analysis.

**ATTACHMENTS:**

| Type            | Description                                      |
|-----------------|--------------------------------------------------|
| Backup Material | Ordinance                                        |
| Backup Material | Staff Report                                     |
| Backup Material | Right-Of-Way Vacation Plat                       |
| Backup Material | Zoning & Future Land Use Map                     |
| Backup Material | Letter of Intent-Seven Hills Paving              |
| Backup Material | Public Hearing Notice                            |
| Backup Material | Brady 80 Industrial Park 5th Addition Final Plat |
| Backup Material | Brady 80 Industrial Park 6th Addition Final Plat |

**REVIEWERS:**

| Department | Reviewer         | Action   | Date                 |
|------------|------------------|----------|----------------------|
| City Clerk | Werderitch, Matt | Approved | 1/26/2022 - 11:25 AM |

ORDINANCE NO.

AN ORDINANCE for Case ROW22-01 being the request of Seven Hills Paving LLC to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue. [Ward 8]

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

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

PART OF BRADY EIGHTY INDUSTRIAL PARK 5TH AND 6TH ADDITIONS IN THE CITY OF DAVENPORT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 78 NORTH RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 7 IN PHOENIX CENTRE 7TH ADDITION; THENCE SOUTH 01° 19' 47" EAST ALONG THE EAST RIGHT OF WAY LINE OF TREMONT AVENUE AS SHOWN ON SAID BRADY EIGHTY INDUSTRIAL PARK 5TH AND 6TH ADDITION, A DISTANCE OF 674.38 FEET TO THE SOUTHEAST CORNER OF BRADY EIGHTY INDUSTRIAL PARK 6TH ADDITION; THENCE SOUTH 87° 30' 06" WEST ALONG THE SOUTH LINE OF SAID 6TH ADDITION, A DISTANCE OF 30.01 FEET TO THE WEST RIGHT OF WAY LINE OF TREMONT AVENUE; THENCE NORTH 01° 19' 47" WEST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 659.99 FEET TO A 15.00 FEET RADIUS CURVE, CONCAVE SOUTHWESTERLY, THENCE 23.56 FEET NORTHWESTERLY ALONG SAID CURVE, WITH A DELTA ANGLE OF 90° 00' 00", AND A 21.21 FEET CHORD THAT BEARS NORTH 46° 19' 47" WEST ; THENCE NORTH 88° 40' 13" EAST, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING, CONTAINING 20,289 SQUARE FEET, MORE OR LESS AND SUBJECT TO EXISTING UTILITIES, EASEMENTS, AND RESTRICTIONS OF RECORD.

Section 2. The vacation (abandonment) is subject to the following conditions:

1. The property owner shall record a fifteen foot utility easement agreement within which the existing water main is located immediately subsequent to the recording of the city's quitclaim deed.
2. A final plat shall be recorded within six months of the conveyance of public right-of-way. The final plat shall provide access and utility easements from the proposed lots to East 59th Street.
3. No development shall occur on Lots 7, 8, 9, and 10 of Brady Eighty Industrial Park 6th Addition until a final plat providing access to East 59th Street is recorded.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mike Matson  
Mayor

Attest: \_\_\_\_\_

Brian Krup  
Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_

**City of Davenport**  
**Plan & Zoning Commission-Staff Report**

**Case ROW22-01: Request of Seven Hills Paving LLC to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue. [Ward 8]**

**Background:**

The approximately 30' by 674.38' public right-of-way was platted with the recording of Brady Eighty Industrial Park 5th Addition in 1975 and Brady Eighty Industrial Park 6th Addition in 1977. The original plan was to construct a north-south street through the City's industrial park. However, the location of Tremont Avenue was shifted further east with the recording of Phoenix Centre 7th Addition.

This right-of-way, which was intended to be half of Tremont Avenue, was never constructed or vacated. Instead the area has remained unimproved and heavily wooded. In addition, there is a 50 foot Utility and Drainage Easement to the east, which likely made the future build-out of Tremont Avenue impractical at this location. Furthermore, acquiring additional right-of-way to the west would be detrimental to the existing site and building at 923 East 59th Street.

The purpose of the right-of-way vacation is to facilitate development of Lots 7, 8, 9, and 10 of Brady Eighty Industrial Park 6th Addition. The property owner, Seven Hills Paving, has submitted a letter of intent for the future platting and development of the site.

The vacation of public right-of-way is a two-step process:

1. Determine if the right-of-way is needed for public purposes.
2. Negotiate and determine terms of conveyance to adjacent property owners. (No Plan and Zoning Commission action is required.)

**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation of abutting properties: **Industry (I)** – Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

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

**Zoning:**

The abutting properties are zoned **I-1 Light Industrial District**. This district is intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses. Light industrial uses are enclosed, low-intensity uses with minimal, if any, outside impacts.

**Technical Review:**

1. Streets: The City of Davenport has no intention of acquiring additional right-of-way to construct a north-south street at this location due to the proximity to Tremont Avenue. In addition, the location of a utility and drainage way easement to the east makes the acquisition of additional right-of-way necessary to construct a full roadway impractical. Acquiring additional right-of-way

to the west will negatively impact the existing business at 923 East 59th Street and create nonconformities.

2. Storm Water: Future development of the property will need to comply with the City's stormwater requirements.
3. Sanitary Sewer: Existing infrastructure can be extended south to the future development site from East 59th Street.
4. Iowa American Water: There is an 8 inch water main within the public right-of-way proposed for vacation. The purpose of the main is to supply Lots 7-10 of Brady Eighty Industrial Park 6th Addition and potentially Lot 1 of Phoenix Centre 6th Addition. Iowa American Water requests an easement be recorded and for no permanent structures to be built within the easement. The properties at 923 East 59th Street and 5880 Tremont Avenue do not utilize this water main and will not be impacted.

**Public Input:**

Surrounding property owners were notified of the request of the right-of-way vacation. A notice was published in the Quad City Times. A meeting was held with 7 Hills Paving, J2 Investments (owner of 923 East 59th Street), and city staff on November 22, 2021.

The Plan and Zoning Commission held a public hearing at its January 4, 2022 meeting. No members of the public spoke at the meeting.

To date, one written comment has been submitted from the property owner at 817 East 59th Street. The written comment was neither opposed or in favor of the right-of-way vacation. Rather the owner inquired about the potential development of the site.

**Staff Recommendation:**

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way south of East 59th Street and west of Tremont Avenue in Case ROW22-01 to the City Council with a recommendation for approval subject to the listed conditions.

Findings:

1. The unimproved public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

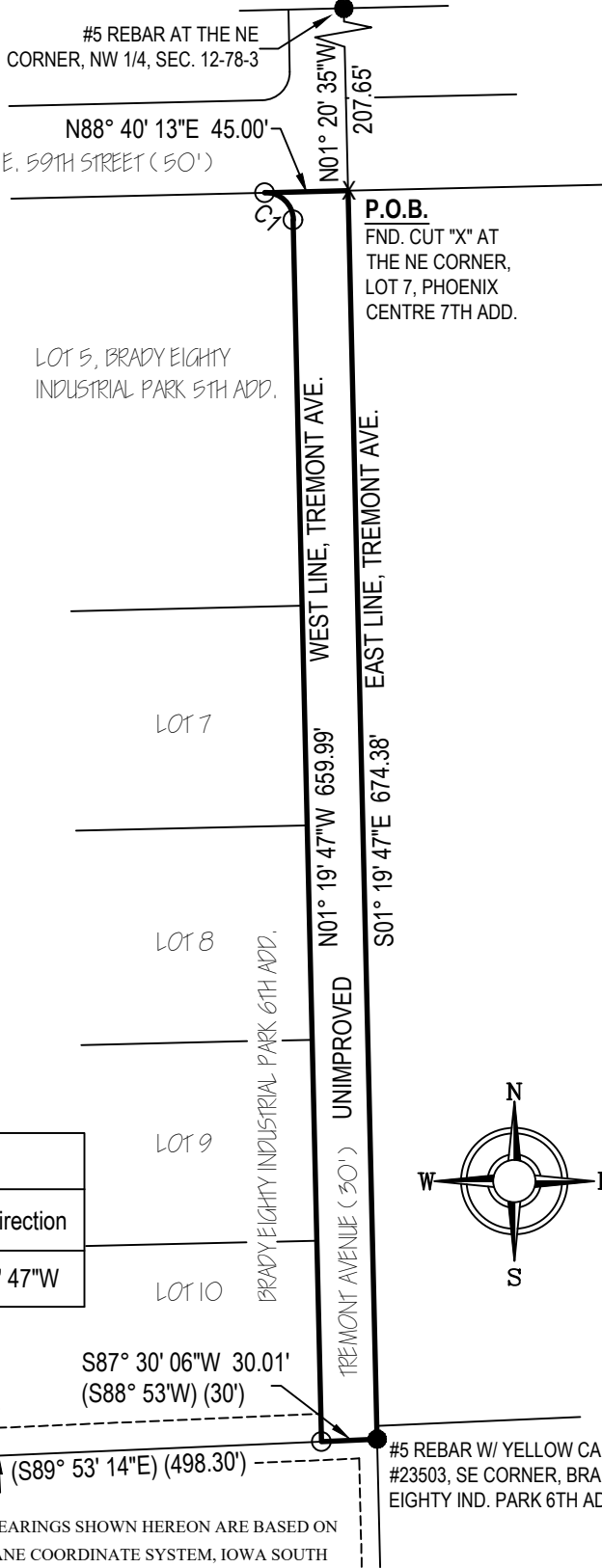
Conditions:

1. The property owner shall record an easement agreement immediately subsequent to the recording of the city's quitclaim deed.
2. A final plat shall be recorded within six months of the conveyance of public right-of-way. The final plat shall provide access and utility easements from the proposed lots to East 59th Street.
3. No development shall occur on Lots 7, 8, 9, and 10 of Brady Eighty Industrial Park 6th Addition until a final plat providing access to East 59th Street is recorded.

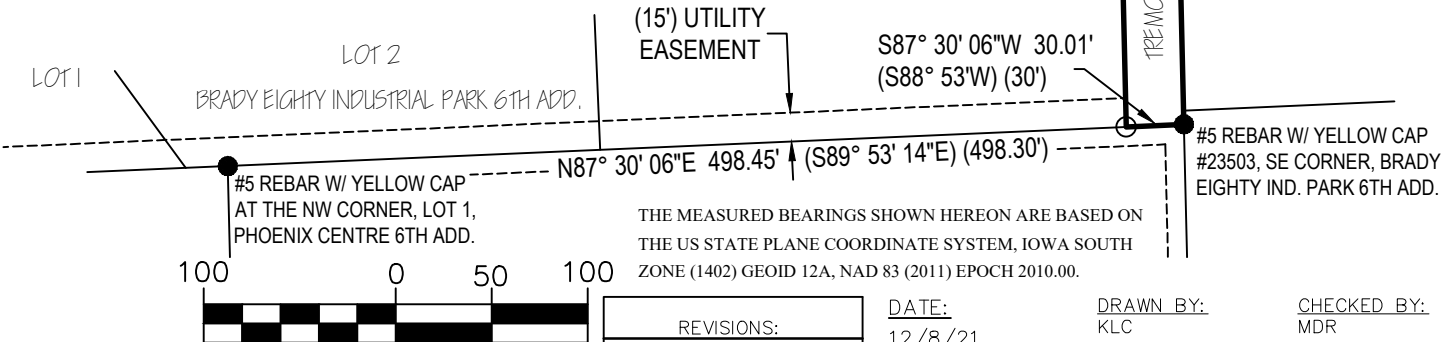
PREPARED BY / RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803

R.O.W. VACATION PLAT

PART OF BRADY EIGHTY INDUSTRIAL PARK 5TH AND 6TH ADDITIONS IN THE CITY OF DAVENPORT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 78 NORTH RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
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| Curve Table |             |             |            |                   |                 |
|-------------|-------------|-------------|------------|-------------------|-----------------|
| Curve #     | Length (ft) | Radius (ft) | Delta      | Chord Length (ft) | Chord Direction |
| C1          | 23.56'      | 15.00'      | 090°00'00" | 21.21'            | N46° 19' 47"W   |



PREPARED FOR:  
7 HILLS PAVING, LLC  
23101 33rd STREET  
MAQUOKETA, IA  
52060

( IN FEET )  
1" = 100' (8.5x14)

LEGEND:  
DEED DIMENSION = (0.00')  
FIELD DIMENSION = 0.00'  
MONUMENTS FOUND:  
AS NOTED =  
MONUMENTS SET:  
#5 REBAR W/ YELLOW CAP #23503 =  
BOUNDARY LINE =  
FENCE LINE =  
EASEMENT LINE =  
SETBACK LINE =  
SECTION LINE =

REVISIONS:  
DATE

MICHAEL D. RICHMOND  
23503  
IOWA

DATE: 12/8/21  
DRAWN BY: KLC  
CHECKED BY: MDR  
DRAWING LOCATION: S:\7 HILLS PAVING

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

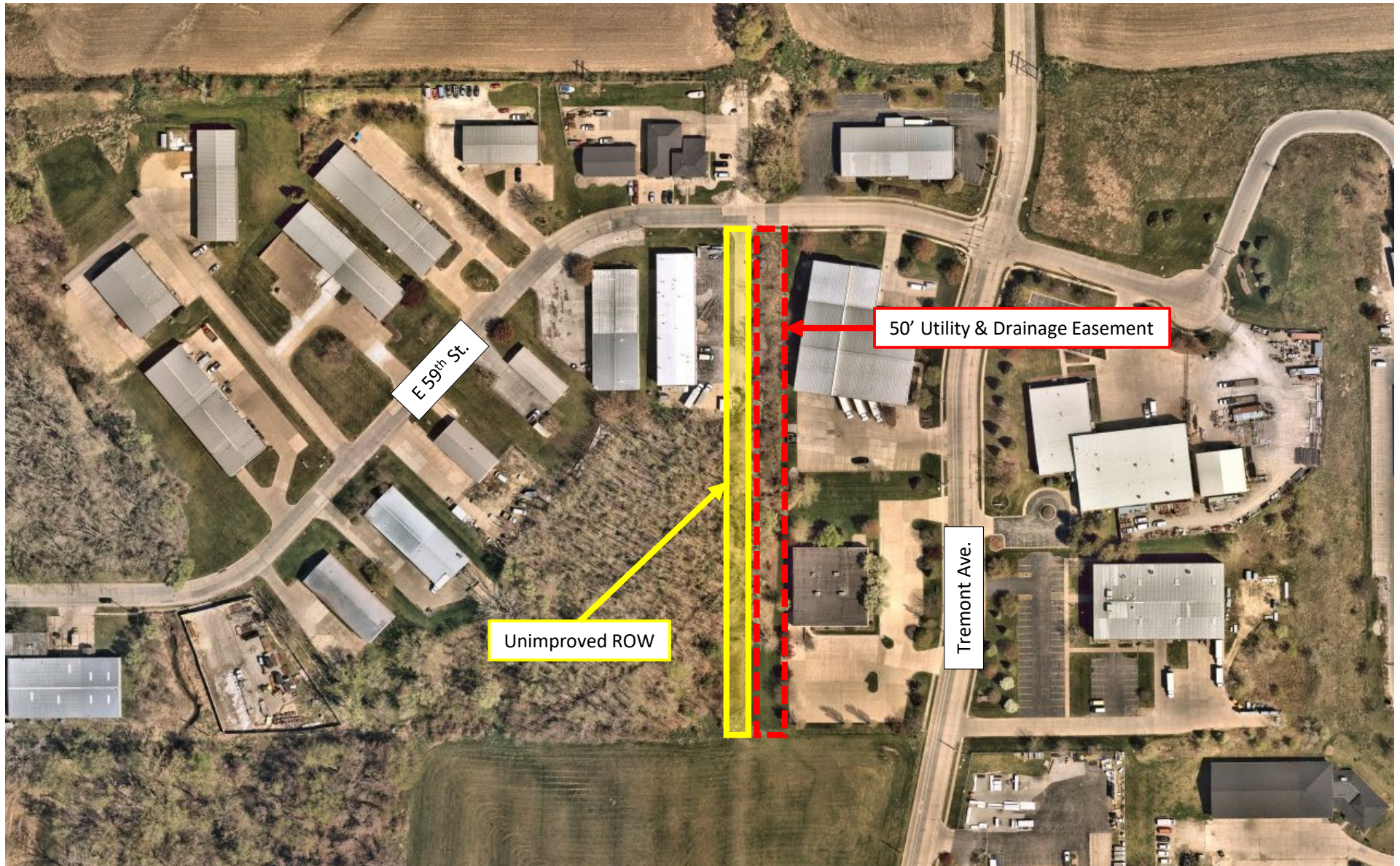
MICHAEL D. RICHMOND  
Iowa License Number: 23503  
My license renewal date is December 31, 2023  
Pages or sheets covered by this seal: 1

TOWNSEND  
ENGINEERING  
CIVIL · STRUCTURAL · LAND DEVELOPMENT

563 386.4236 office 386.4231 fax  
2224 East 12th Street, Davenport, IA 52803

**Case ROW22-01:** Request of 7 Hills Paving to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue.

**Vicinity Map**



**Case ROW22-01:** Request of 7 Hills Paving to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue.

**View Looking South from East 59<sup>th</sup> Street**



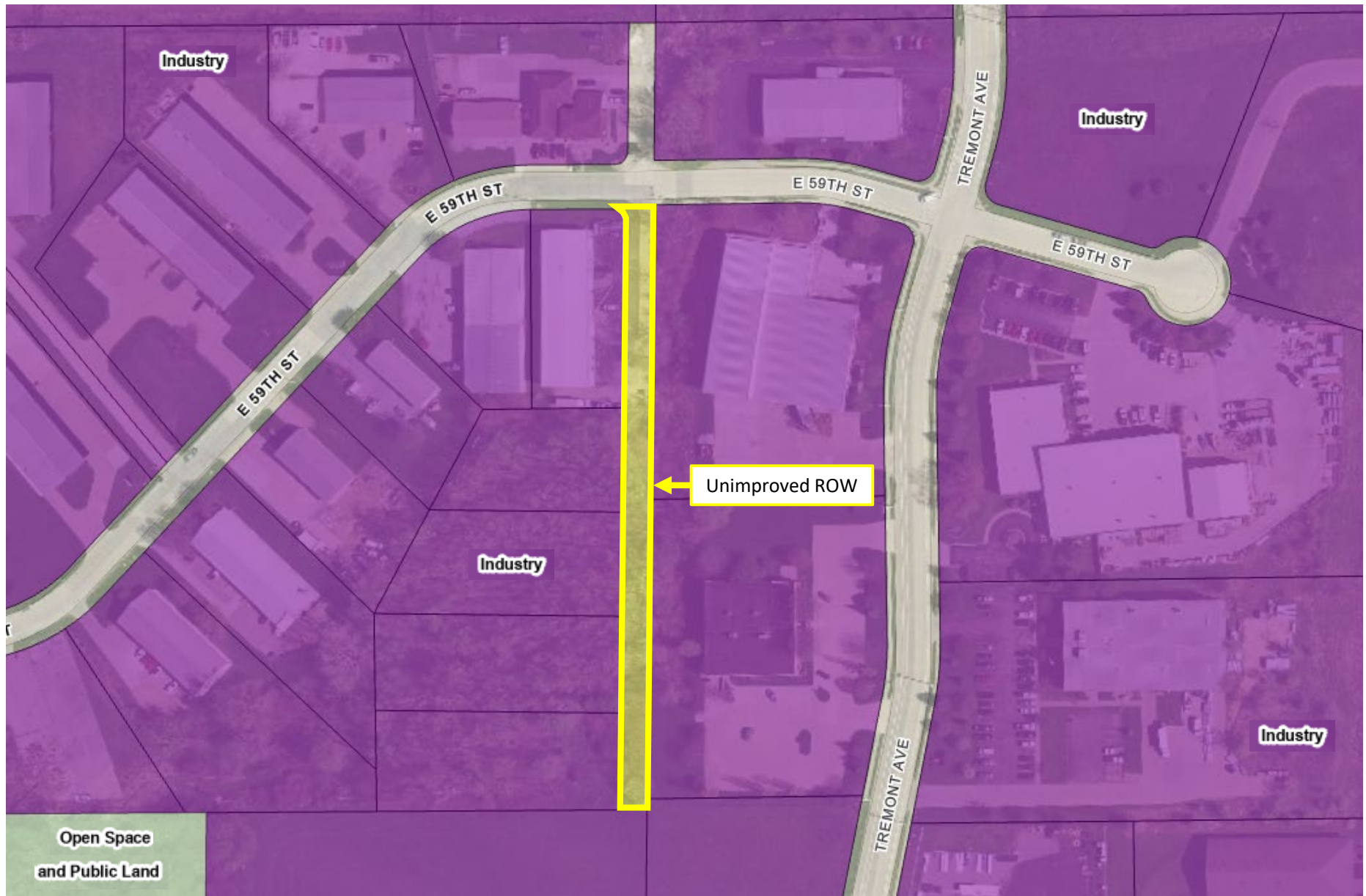
**Case ROW22-01:** Request of 7 Hills Paving to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue.

### Zoning Map



**Case ROW22-01:** Request of 7 Hills Paving to vacate unimproved right-of-way south of East 59th Street and west of Tremont Avenue.

### Future Land Use Map



January 10, 2022  
Attention: Matt Werderitch  
City of Davenport

Subject:

Case ROW22-01: Request to vacate unimproved right-of-way south of 59<sup>th</sup> St and West of Tremont St. by new property owners, Seven Hills Paving.

Comment:

We wanted to write you to confirm what our intent is for vacated right-of-way and land located to the west of it. Unfortunately, we will not be able to be present at the next meeting, however we will try to connect remotely, any questions can also be directed to Mike Richmond, Townsend Engineering.

Our plan for this property and vacated right-of-way is to no longer keep these 4 parcels separate, but rather condensing them into one. The city right-of-way will be used as a flag lot to give us access to 59<sup>th</sup> St. We have talked with J2 Investments (923 E 59<sup>th</sup> St) and they are in agreement for us to be able to create an easement with them once the right-of-way is vacated to us.

Seven Hills Paving is starting their 50<sup>th</sup> year in business in 2022. We are located in Maquoketa IA; however, our business is primarily done in the Quad Cities area. In the past we have just moved our equipment back and forth between projects and Maquoketa, but now it will be nice to have a dedicated location on the North side of Davenport.

With this land we plan to build it up and create a satellite storage lot for our equipment and supplies. This will include constructing a new storage building (approx. 50x80), chain-link fencing around the storage lot, and extending the paved access lane to service the new building. We also plan on creating a small, paved parking lot (of 6-8 stalls) for our employees. For the most part we will not have any customer traffic to this location, as we go to our customers, they don't usually come to us.

We look forward to working with the City of Davenport, as we move forward with this goal. We are not land developers by any means, so we truly appreciate all the help and guidance we have received so far with this process. Everyone has been very accommodating.

Sincerely,  
Seven Hills Paving  
23101 33<sup>rd</sup> St  
Maquoketa, IA 52060

[7Hillspaving@gmail.com](mailto:7Hillspaving@gmail.com)

Austin Ostwinkle  
563-321-0780



## Public Hearing Notice | Committee of the Whole

Date: 2/2/2022  
Time: 5:30 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.  
Subject: Public Hearing for a Right-Of-Way Vacation

**To: All property owners within 200 feet of the subject public right-of-way located south of East 59<sup>th</sup> Street and west of Tremont Avenue.**

There is on file in the Development and Neighborhood Services Department (DNSD), on behalf of the Plan and Zoning Commission, the following request:

**Case ROW22-01: Request of 7 Hills Paving to vacate unimproved right-of-way south of East 59<sup>th</sup> Street and west of Tremont Avenue. [Ward 8]**

At its January 18, 2022 meeting, the Plan and Zoning Commission recommended approval of the aforementioned case with the following findings and conditions:

### Findings:

1. The unimproved public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

### Conditions:

1. The property owner shall record an easement agreement immediately subsequent to the recording of the city's quitclaim deed.
2. A final plat shall be recorded within six months of the conveyance of public right-of-way. The final plat shall provide access and utility easements from the proposed lots to East 59<sup>th</sup> Street.
3. No development shall occur on Lots 7, 8, 9, and 10 of Brady Eighty Industrial Park 6<sup>th</sup> Addition until a final plat providing access to East 59<sup>th</sup> Street is recorded.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, February 2, 2022 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

You may submit written comments on the above item or attend the public hearing to express your views, or both. Written comments may be sent via email to [mayor.info@davenportiowa.com](mailto:mayor.info@davenportiowa.com) or mailed to the Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the day of the public hearing.

All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at [www.davenportiowa.com/watchlive](http://www.davenportiowa.com/watchlive).

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145



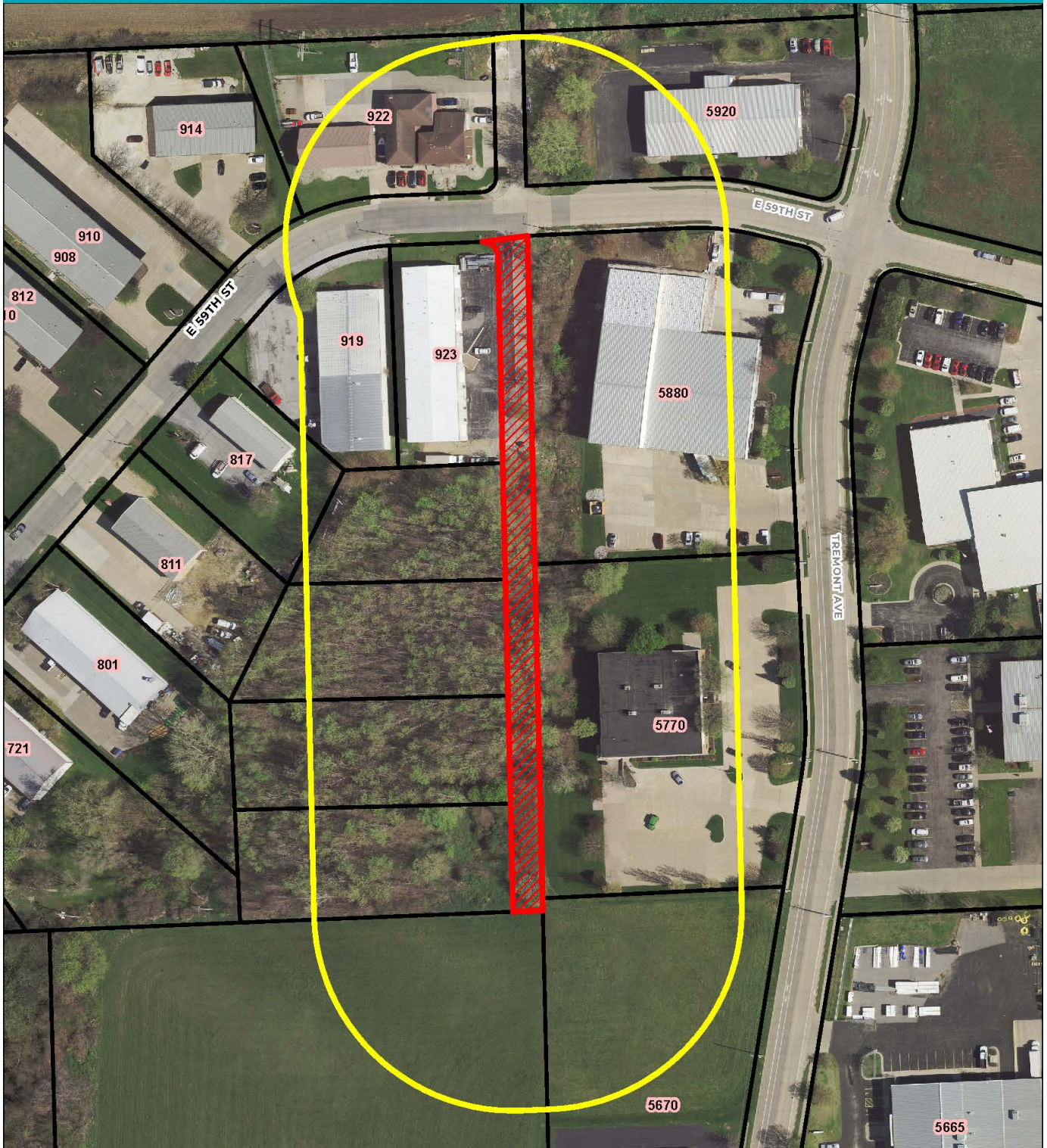
THE CITY OF  
**DAVENPORT**  
IOWA | USA

# ROW Vacation

200' Mailing Radius

 ROW Vacation

 Notification Boundary

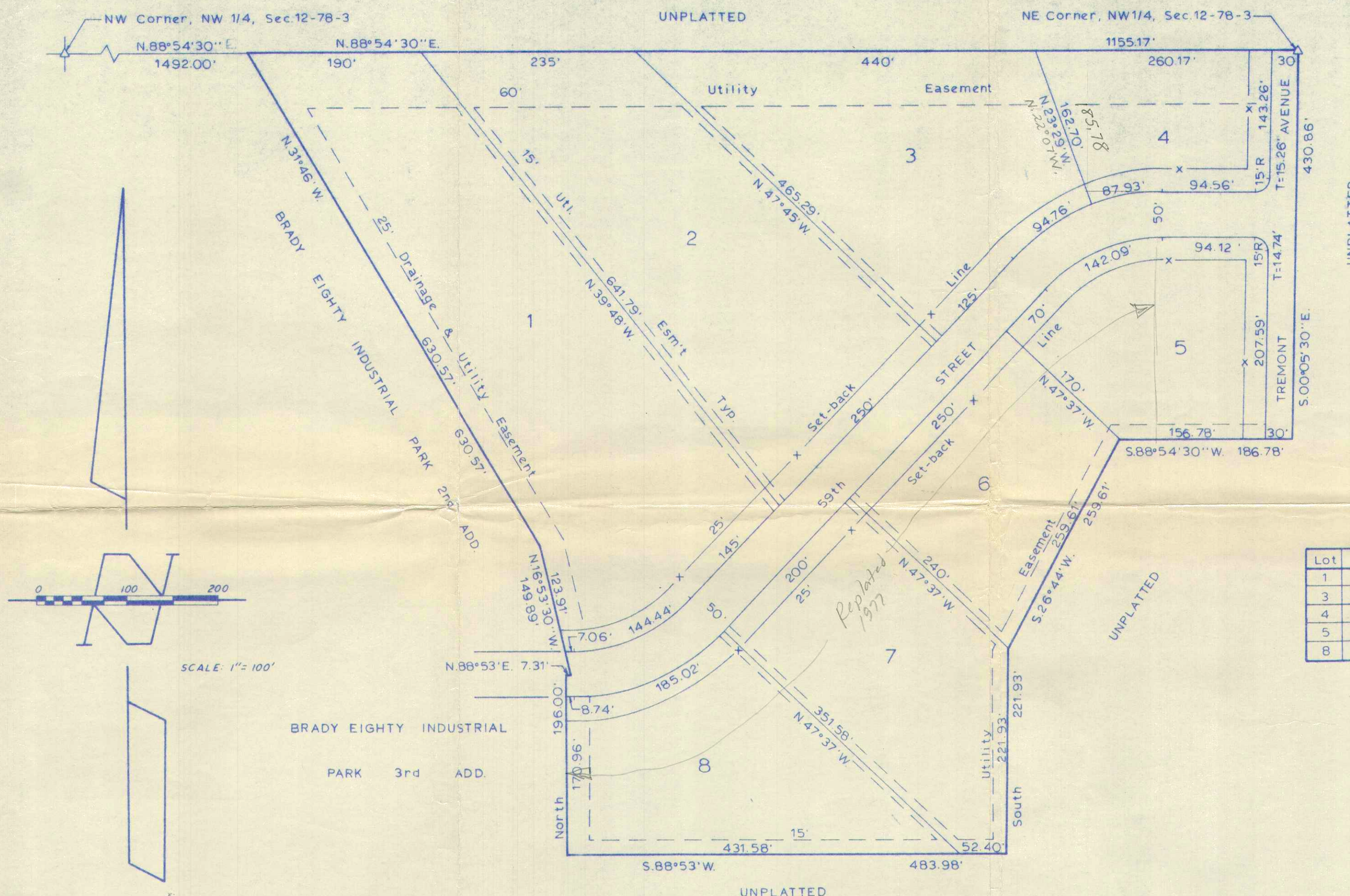


FINAL PLAT OF

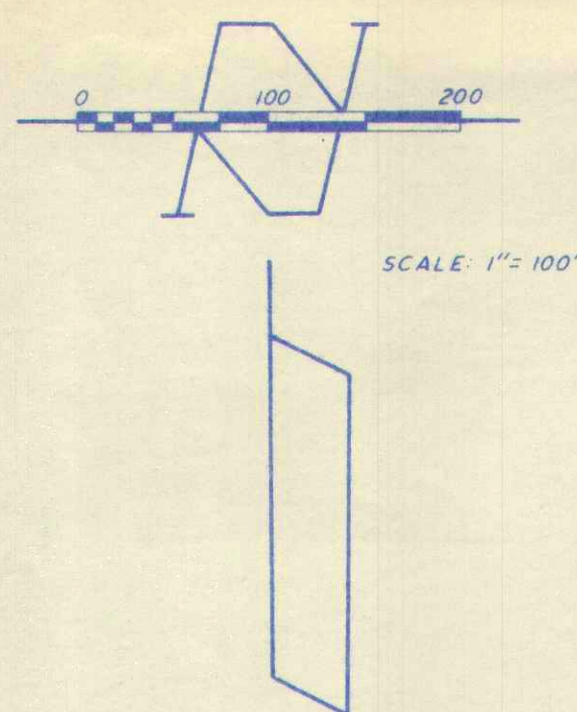
# BRADY EIGHTY INDUSTRIAL PARK 5TH ADDITION

TO THE CITY OF DAVENPORT, IOWA

PART OF THE N.W. 1/4 OF SEC. 12-78-3



SUBDIVIDED BY:  
DON CHILDS  
4220 RODEO ROAD  
DAVENPORT, IOWA



| Lot | Radius | Δ         | Length | Chord  |
|-----|--------|-----------|--------|--------|
| 1   | 177.99 | 46°30'    | 144.44 | 140.20 |
| 3   | 225.00 | 24°08'    | 94.76  | 94.07  |
| 4   | "      | 22°23'30" | 87.93  | 87.37  |
| 5   | 175.00 | 46°31'30" | 142.09 | 138.23 |
| 8   | 227.99 | 46°30'    | 185.02 | 179.99 |

APPROVED BY:  
CITY OF DAVENPORT, IOWA  
BY: *[Signature]*  
ATTEST: *[Signature]*  
DATE: DEC 3 1975  
CITY PLAN & ZONE COMMISSION  
BY: *[Signature]*  
DATE: JUN 10 1976

NORTHWESTERN BELL TELEPHONE CO.  
BY: *[Signature]*  
DATE: 5-29-75  
IOWA-ILLINOIS GAS & ELECTRIC CO.  
BY: *[Signature]*  
DATE: 5-28-75

APPROVED SUBJECT TO ENCUMBRANCES OF  
RECORD BY IA-ILL. GAS & ELECT. CO.

BLANKET OVERHEAD & UNDERGROUND EASEMENTS  
GRANTED FOR STREET LIGHTS, AND FOR ELECTRICAL,  
GAS, AND TELEPHONE SERVICE TO INDIVIDUAL  
STRUCTURES.



I hereby certify that this plat and survey or report was  
made by me or under my direct personal supervision and  
that I am a duly registered land surveyor under the laws  
of the State of Iowa.  
Signed: *[Signature]* 5-23-75  
MARVIN E. HINGLER, L.S. Iowa Reg. No. 4204

PLAT & SURVEY BY  
MAJOR  
ENGINEERING PROF. CORP.  
3114 ROCKINGHAM ROAD  
DAVENPORT, IOWA

DRAWN BY: STEVE POHLMANN 5-23-75

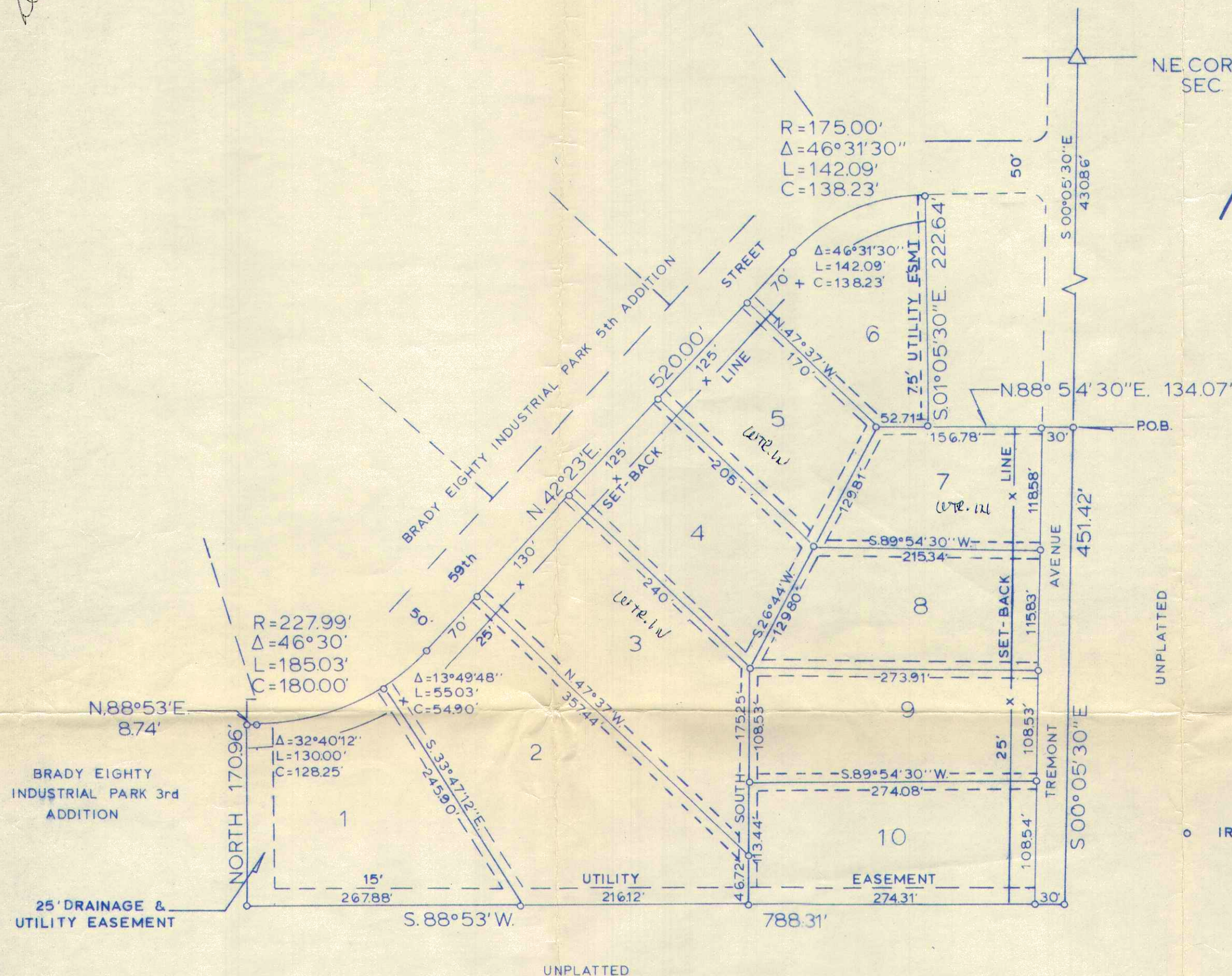
Done

FINAL PLAT OF

# BRADY EIGHTY INDUSTRIAL PARK SIXTH ADDITION

TO THE CITY OF DAVENPORT, IOWA  
BEING PART OF BRADY EIGHTY INDUSTRIAL  
PARK FIFTH ADDITION, PART OF LOT 5, AND ALL  
OF LOTS 6, 7, & 8, AND PART OF THE N.W. 1/4 OF SEC. 12-78-3

OWNED & SUBDIVIDED BY  
DON CHILDS  
4220 RODEO ROAD  
DAVENPORT, IOWA



## LEGEND

IRON REBAR (5/8" X 36")

## LOT AREA

| LOT NO. | SQ. FEET | ACRES |
|---------|----------|-------|
| 1       | 37,982   | 0.872 |
| 2       | 52,569   | 1.207 |
| 3       | 38,689   | 0.888 |
| 4       | 27,812   | 0.638 |
| 5       | 23,437   | 0.534 |
| 6       | 25,778   | 0.592 |
| 7       | 21,654   | 0.497 |
| 8       | 28,447   | 0.653 |
| 9       | 29,737   | 0.683 |
| 10      | 30,430   | 0.699 |



APPROVED BY  
CITY OF DAVENPORT, IOWA  
BY Robert J. Jorgensen  
ATTEST Allyn Hise  
DATE APR 6 1977  
CITY PLAN & ZONE COMMISSION  
BY Robert J. Jorgensen  
DATE 2-10-77  
DAVENPORT WATER CO.  
BY Robert J. Jorgensen  
DATE 1/10/77

NORTHWESTERN BELL TELEPHONE CO.  
BY John R. Telling  
DATE 1-4-77  
IOWA-ILLINOIS GAS & ELECTRIC CO.  
BY SC Kanakaris  
DATE 1-17-77

APPROVED SUBJECT TO ENCUMBRANCES  
OF RECORD BY IA-ILL. GAS & ELECT. CO.

BLANKET OVERHEAD & UNDERGROUND  
EASEMENTS GRANTED FOR STREET LIGHTS  
AND FOR ELECTRICAL, GAS, AND TELEPHONE  
SERVICE TO INDIVIDUAL STRUCTURES. ALSO  
FOR ALL UNDERGROUND PRIMARY CABLE AND  
PAD MOUNT TRANSFORMERS.

I hereby certify that this plat, map, survey or report was  
made by me or under my direct personal supervision and  
that I am a duly registered Land Surveyor under the laws  
of the State of Iowa. This plat is a true and correct  
representation of the lands surveyed.

Signed Willard J. Jorgensen Date 2-16-1977  
WILLARD J. JORGENSEN, L.S. Iowa Reg. No. 3244

NOTE: MONUMENTS SHALL BE SET  
IN ACCORDANCE WITH CHAPTER  
409 OF THE STATUTES OF THE STATE  
OF IOWA.

ALL EASEMENTS ARE 15' CENTERED ON  
LOT LINE UNLESS OTHERWISE SHOWN.

MAJOR Willard J. Jorgensen ENGINEERING P.C.  
1521 WASHINGTON ST.  
DAVENPORT, IOWA

DRAWN BY: Debra H. Monte

12-23-76

NO. 538

City of Davenport

Department: Public Safety  
Contact Info: Gary Statz | 563-326-7754

**Action / Date**  
**2/9/2022**

**Subject:**

First Consideration: Ordinance amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding Duggleby Street between Locust Street and Jersey Ridge Road. [Ward 5]

**Recommendation:**

Adopt the Ordinance.

**Background:**

Duggleby Street is often used by the firefighters from Station No. 4 at the corner of East Locust Street and Judson Avenue. It is not as steep as the nearby streets and is a quicker way for them to get to the Village of East Davenport. They've had some recent issues with snow and ice accumulation so it would be best if the street became a snow route. If they used the other snow routes in the area to reach Jersey Ridge Road, it would involve a left turn onto Locust Street (with no traffic signal) and be a much longer trip.

**ATTACHMENTS:**

| Type        | Description |
|-------------|-------------|
| ▣ Ordinance | Ordinance   |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Moses, Trish   | Approved | 1/27/2022 - 12:12 PM |
| Public Works Committee     | Moses, Trish   | Approved | 1/27/2022 - 12:14 PM |
| City Clerk                 | Admin, Default | Approved | 1/27/2022 - 1:24 PM  |

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE I "SNOW ROUTES" THERETO BY ADDING DUGGLEBY STREET BETWEEN LOCUST STREET AND JERSEY RIDGE ROAD.

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

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

Duggleby St between Locust St and Jersey Ridge Rd.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

Published in the *Quad City Times* on \_\_\_\_\_

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

City of Davenport

Department: Finance  
Contact Info: Mallory Merritt | 563-326-7792

**Action / Date**  
**1/26/2022**

**Subject:**

First Consideration: Ordinance amending Chapters 13.16.107A and 13.16.107B entitled “Sanitary Sewer Rates – Amount” from \$5.45 to \$5.72 to \$6.01 to \$6.31 per one hundred cubic feet of water use as determined by water meter readings; and amending per bill rates for monthly commercial bills from \$20.80 to \$21.84 to \$22.93 to \$24.08; and amending per bill rates for monthly residential bills from \$20.97 to \$11.96 to \$12.45 to \$12.96; and per bill rates for quarterly residential bills from \$28.47 to \$29.87 to \$31.34 to \$32.88 and quarterly commercial bills from \$27.97 to \$29.37 to \$30.84 to \$32.38. [All Wards]

**Recommendation:**

Adopt the Ordinance.

**Background:**

The City is responsible for protecting health and property of its citizens. One of its most significant operations in this mission is the establishment and maintenance of the sanitary sewer system and operations of the regional water pollution control plant. For more than 40 years, sewer rates have been established to generate fees in order to fund this operation and maintain the necessary infrastructure. The purpose of using a fee versus the use of property tax is based on the theory that users should pay for the quantity of usage. Also, entities such as hospitals, colleges, and churches do not pay property tax; however, they are significant users of the services and receive substantial benefit. Therefore, sewer fees are an equitable way for all users to share the cost of operation.

The rates and fees provide a utility rate structure that can fully fund the operating and capital components of the utility. The capital improvement program includes all of the projects on the City's consent order from the Iowa Department of Natural Resources. The consent order requires an estimated \$180 million over 20 years. These projects include the investigations of the system, rehabilitation and replacement to reduce inflow and infiltration of storm water, improvements to the water pollution control plant, and compliance to more stringent EPA and Iowa Department of Natural Resources regulations.

As mentioned above, the sewer rate includes funding for projects mandated by the Administrative Consent Order issued by the Iowa Department of Natural Resources to eliminate all bypasses from the treatment facility and complying with more stringent requirement on plant effluent. The consent order specifically identifies projects such as studies on the system, reduction and elimination of the amount of ground, rain and river water entering the sewer system, rehabilitation and replacement the sewer system, optimization of the water pollution control plant operations and construction of an equalization basin.

Based on a comprehensive sewer rate study conducted by the City's financial municipal advisor, PFM, it is recommended to increase the rates by 5% annually for the next three years which is a reduction from prior annual increases of 7% or greater. The recommended 5% increases will allow the City to continue to make ongoing investments in the identified capital areas, while also continuing to build up adequate cash within the fund to address long-term needs, particularly at the Water Pollution Control Plant.

This rate increase will not impact customers who are exempt from sewer fees. The current eligibility guidelines include those customers age 65 and older and people with disabilities who have an income level below \$24,354.00.

The no-fault sewer backup reimbursement policy will also continue to be funded. Residential customers' monthly and quarterly customer charges include an additional \$0.50 to fund of the program. This program has been successful assisting residents to both clean-up after a sewer backup and provide mechanisms to prevent future backups.

ATTACHMENTS:

| Type        | Description |
|-------------|-------------|
| ▣ Ordinance | Ordinance   |

REVIEWERS:

| Department        | Reviewer         | Action   | Date                |
|-------------------|------------------|----------|---------------------|
| Finance           | Merritt, Mallory | Approved | 1/12/2022 - 5:43 PM |
| Finance Committee | Merritt, Mallory | Approved | 1/12/2022 - 5:43 PM |
| City Clerk        | Admin, Default   | Approved | 1/12/2022 - 5:54 PM |

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 13.16.107A AND 13.16.107B ENTITLED "SANITARY SEWER RATES – AMOUNT" FROM \$5.45 TO \$5.72 TO \$6.01 TO \$6.31 PER ONE HUNDRED CUBIC FEET OF WATER USE AS DETERMINED BY WATER METER READINGS; AND AMENDING PER BILL RATES FOR MONTHLY COMMERCIAL BILLS FROM \$20.80 TO \$21.84 TO \$22.93 TO \$24.08; AND AMENDING PER BILL RATES FOR MONTHLY RESIDENTIAL BILLS FROM \$20.97 TO \$11.96 TO \$12.45 TO \$12.96; AND PER BILL RATES FOR QUARTERLY RESIDENTIAL BILLS FROM \$28.47 TO \$29.87 TO \$31.34 TO \$32.88 AND QUARTERLY COMMERCIAL BILLS FROM \$27.97 TO \$29.37 TO \$30.84 TO \$32.38. RESIDENTIAL BILLS INCLUDE A \$0.50 FEE FOR THE NO-FAULT SEWER BACKUP REIMBURSEMENT PROGRAM.

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

**Section 1.** That Chapter 13.16.107A entitled "Rates-Amount" is hereby amended to read as follows:

1. 572.00 cents per one hundred cubic feet of water use as determined by water meter readings.

**Section 2.** That Chapter 13.16.107B entitled "Rates-Amount" is hereby amended to read as follows:

1. 2184.00 cents per bill for monthly billed commercial customers,
2. 1196.00 cents per bill for monthly billed residential customers,
3. 2937.00 cents per bill for quarterly commercial billed customers,
4. 2987.00 cents per bill for quarterly residential billed customers.

**Section 3.** That Chapter 13.16.107A entitled "Rates-Amount" is hereby amended to read as follows:

2. 601.00 cents per one hundred cubic feet of water use as determined by water meter readings.

**Section 4.** That Chapter 13.16.107B entitled "Rates-Amount" is hereby amended to read as follows:

1. 2293.00 cents per bill for monthly billed commercial customers,
2. 1245.00 cents per bill for monthly billed residential customers,
3. 3084.00 cents per bill for quarterly billed commercial customers,
4. 3134.00 cents per bill for quarterly billed residential customers.

**Section 5.** That Chapter 13.16.107A entitled "Rates-Amount" is hereby amended to read as follows:

3. 631.00 cents per one hundred cubic feet of water use as determined by water meter readings.

**Section 6.** That Chapter 13.16.107B entitled "Rates-Amount" is hereby amended to read as follows:

1. 2408.00 cents per bill for monthly billed commercial customers,
2. 1296.00 cents per bill for monthly billed residential customers,
3. 3238.00 cents per bill for quarterly commercial billed customers,
4. 3288.00 cents per bill for quarterly residential billed customers.

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 not illegal or void provisions.

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

EFFECTIVE DATE. Sections 1 and 2 of this ordinance shall be in full force and effective on July 1, 2022; Sections 3 and 4 shall be in full force and effective on July 1, 2023; and Sections 5 and 6 shall be in full force and effective on July 1, 2024 after its final passage and publication as by law provided.

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

Published in the *Quad City Times* on \_\_\_\_\_

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

City of Davenport

Department: Community Planning & Economic Development  
Contact Info: Bruce Berger | 563-326-7769

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution amending the Urban Renewal Plan for the North Urban Renewal Area. [Wards 2, 6, 7, & 8]

**Recommendation:**

Adopt the Resolution.

**Background:**

The City of Davenport is seeking to amend the Urban Renewal Plan for the North Urban Renewal Area. The amendment will add the 2022 PB Leiner Engineering and Design project. The engineering and design services for the onsite wastewater pretreatment facility is a necessary step in order to achieve the end goal of additional capacity at the City's Water Pollution Control Plan.

The estimated cost of engineering and design services are not-to-exceed \$600,000. The amended plan is attached. As required by Iowa code notice of the Public Hearing was published in the *Quad City Times*.

**ATTACHMENTS:**

| Type                | Description              |
|---------------------|--------------------------|
| ▢ Resolution Letter | Resolution               |
| ▢ Backup Material   | North URA Plan Amendment |

**REVIEWERS:**

| Department                                | Reviewer      | Action   | Date                 |
|-------------------------------------------|---------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce | Approved | 1/27/2022 - 11:07 AM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION amending the Urban Renewal Plan for the North Urban Renewal Area.

WHEREAS, the City of Davenport has established the North Urban Renewal Area to support economic development growth for the City; and

WHEREAS, the City of Davenport will be amending the Urban Renewal Plan for the North Urban Renewal Area to include the 2022 PB Leiner Engineering and Design project at a cost not-to-exceed \$600,000; and

WHEREAS, the State requires that Urban Renewal Plans be amended when the use of tax increment financing is being considered for a project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the amendment to the Urban Renewal Plan for the North Urban Renewal Area is hereby approved.

Passed and approve this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

**City of Davenport, Iowa**  
**Urban Renewal Plan Amendment**  
**North Urban Renewal Area**

**January 2022**

The Urban Renewal Plan (the "Plan") for the North Urban Renewal Area (the "Area") is being amended for the purposes of 1) identifying new urban renewal projects to be undertaken therein.

- 1) **Identification of Projects** By virtue of this amendment, the list of authorized urban renewal projects in the Plan is hereby amended to include the following described project descriptions:

**Name:** PB Leiner Design & Engineering  
**Cost:** \$600,000

**Rationale:** The City is working directly with PB Leiner USA to work toward the development and construction of an onsite wastewater pretreatment facility at PB Leiner's manufacturing plant at 7001 Brady Street. This will reimburse PB Leiner for the cost of design and engineering.

- 2) **Required Financial Information** The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Outstanding General Obligation Debt of the City: \$203,865,000  
Remaining Constitutional Debt Capacity of the City: \$175,391,517  
Proposed Debt to be incurred in the Urban Renewal Area: \$600,000

City of Davenport

Department: Community Planning & Economic Development  
Contact Info: Bruce Berger | 563-326-7769

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution approving an economic development agreement with PB Leiner USA. [Ward 8]

**Recommendation:**

Adopt the Resolution.

**Background:**

Production began at the facility in 1978 as Hormel with PB Leiner assuming ownership in 1998. PB Leiner specializes in the production of high quality gelatin and collagen peptides for a growing market including food, pharmaceuticals, health nutrition and technical applications.

The City of Davenport reached out to PB Leiner to jointly work towards the development and construction of an onsite wastewater pretreatment facility at PB Leiner's manufacturing plant at 7001 Brady Street. An onsite pretreatment facility will gain capacity especially in regards to the amount of biochemical oxygen demand and total suspended solids entering the City's Water Pollution Control Plant.

The engineering and design services for onsite wastewater pretreatment is a necessary step to achieve the goal of additional capacity at the City's Water Pollution Control Plant. The cost of this is not-to-exceed \$600,000.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | Resolution  |
| ▣ Backup Material   | Draft EDA   |

**REVIEWERS:**

| Department                                | Reviewer      | Action   | Date                 |
|-------------------------------------------|---------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce | Approved | 1/27/2022 - 11:07 AM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving an economic development agreement with PB Leiner USA.

WHEREAS, the City of Davenport is working jointly with PB Leiner to gain capacity especially in regards to the amount of biochemical oxygen and total suspended solids entering the City's Water Pollution Control Plant; and

WHEREAS, this project will include the engineering and design for an on-site pretreatment facility at PB Leiner's manufacturing plant at 7001 Brady Street at a cost not-to-exceed \$600,000; and

WHEREAS, this project is a necessary step to achieve the goal of additional capacity at the City's Water Pollution Control Plant; and

WHEREAS, in accordance with Section 403.9 of the Code of Iowa, a Public Hearing was held on February 2, 2022 to review and receive public comment on the economic development agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the economic development agreement with PB Leiner USA is hereby approved.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

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Mike Matson  
Mayor

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Brian Krup  
Deputy City Clerk

ECONOMIC DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF DAVENPORT AND  
PB LEINER, USA

THIS AGREEMENT is made as of February \_\_, 2022, between the City of Davenport, Iowa, a municipal corporation of the State of Iowa (hereinafter referred to as "City"), and PB Leiner USA an Iowa company, its affiliates, successors or assigns (hereinafter referred to as "Company").

WHEREAS, the City reached out to PB Leiner USA to jointly work towards the development and construction of an onsite wastewater pretreatment facility at PB Leiner's manufacturing plant at 7001 Brady Street; and

WHEREAS, the development and construction on an onsite wastewater pretreatment facility at PB Leiner USA, Scott County, Iowa, Parcel X0117-35, more commonly known as 7001 Brady Street, hereinafter referred to as "Subject Property" (see Exhibit A for legal description), will gain capacity especially in regards to the amount of biochemical oxygen demand and total suspended solids entering the Water Pollution Control Plant; and

WHEREAS, the engineering and design services for the onsite wastewater pretreatment facility is a necessary step to achieve the goal of additional capacity at the City's Water Pollution Control Plant; and

WHEREAS, the City has established a policy of using Tax Increment Financing to assist in growing the local Davenport economy including gaining Water Pollution Control Plant capacity for additional industrial businesses; and

WHEREAS, the Company has agreed to ongoing operations and maintenance to help support the Economic Development Project; and

WHEREAS, pursuant to factors listed in Chapter 15A of the Code of Iowa (hereinafter referred to as the "Code") the City Council of the City has determined that:

1. The Economic Development Project will generate public gains and benefits particularly in capacity gains at the Water Pollution Control Plant and preservation of City infrastructure, which warrant the proposed reimbursement for engineering and design services; and
3. The proposed funding for the Economic Development Project meets the conditions of said Chapter 15A of the Code related to the retention of jobs in the City of Davenport, Scott County, Iowa; and
4. A public purpose will reasonably be accomplished by providing economic development assistance in order to facilitate such development by the Company and the City is empowered to provide assistance pursuant to said Chapter 15A of the Code and the City Charter; and Section 403.19 of the Code provides for the division of incremental property tax revenue, or tax increment, commonly known as Tax Increment Financing; and,
5. The property is located within an existing tax increment financing district (the North Urban Renewal Area); and

WHEREAS, the City Council has held a public hearing at the \_\_\_\_\_ meeting of the Committee-of-the-Whole on entering into this agreement which will obligate the City to make future payments, provided the Company meets certain requirements;

NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties herein contained, it is agreed as follows:

SECTION I:  
THE CITY'S OBLIGATIONS

1. The City shall make a series of payments to reimburse the Company for the cost of engineering and design services for an on-site pretreatment facility to treat the effluent from the Subject Property to residential standards. This reimbursement is not to exceed \$600,000.

The series of reimbursements shall be paid to the company when the engineering and design is approximately twenty-five percent complete (25%), fifty percent complete (50%), seventy-five percent complete (75%) and one hundred percent complete (100%). For example if the cost of the engineering and design services is six hundred thousand dollars (\$600,000); the first three payments would be one hundred fifty thousand dollars (\$150,000) with the remaining final payment not to exceed one hundred fifty thousand dollars (\$150,000).

2. Once the Reimbursement term has ended, this Agreement shall be of no further force or effect.
3. The obligations of the City under this Agreement are conditioned upon the faithful performance by the Company of all the terms and conditions of this Agreement.

SECTION II:  
THE COMPANY'S OBLIGATIONS

1. The Company agrees to contract with Symbiont Science, Engineering and Construction, Inc. or a similar engineering provider to engineer and design an on-site wastewater pretreatment facility. The City reserves the right to review plans and engineering on an as requested basis and final design prior to implementation.
2. The engineering and design services shall be completed by December 31, 2022 unless agreed to by both the City and Company.
3. The Company is obligated to follow compliance measures imposed by the City with the ultimate end point the construction and operation on onsite wastewater pretreatment.

SECTION III:  
MISCELLANEOUS

1. This Agreement shall not be construed to confer rights or privileges to third-party beneficiaries or entities not a party to this Agreement with the exception of the Current Owner and the Company and City agree that all rights and privileges set forth in this Agreement shall convey to the Current Owner, by way of a written assignment, in the case that the Purchase Agreement does not achieve a closing or for any other reason ("Current Owner Assignment"). In the case of a Current Owner Assignment the Company shall provide prompt written notice to the City providing notification of said assignment. Any transfer or assignment of the building, administration, operation, and/or lease arrangements, other than a Current Owner Assignment shall be proposed by the Company and be subject to City approval, as appropriate, such approval not to be unreasonably withheld denied, or delayed.
2. This Agreement represents the entire understanding and agreement among the parties hereto with respect to the subject matter hereof; supersedes all prior negotiations, letters and understandings relating to the subject matter hereof; and cannot be amended, supplemented

or modified except by an instrument in writing signed by the party against whom the enforcement of any such amendment, supplement or modification is sought.

3. This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed and construed in accordance with the laws of the State of Iowa.
4. The parties agree to mutually cooperate in furtherance of completion of the engineering and design studies.

The City and the Company have caused this Agreement to be signed, in their names and on their behalf, by their duly authorized officers, all as of the day and date written above.

CITY OF DAVENPORT, IOWA

By: \_\_\_\_\_  
Mike Matson, Mayor

\_\_\_\_\_  
Brian Krup, Deputy City Clerk

PB LEINER, USA

By: \_\_\_\_\_  
Will Griebel, Plant Director Davenport

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 1 of Frank Brown Subdivision, an Addition to the City of Davenport, Scott County, Iowa, subject to easements of record. More commonly known as 7001 Brady Street, Parcel ID X0117-35.

DRAFT

City of Davenport

Department: Community Planning & Economic Development  
Contact Info: Laura Berkley | 563-888-3553

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution approving Case F22-01 being the request of C&L Plaza LLC for a final plat of Katie's Eastern Avenue Addition, a 45-lot subdivision on 19.26 acres located north of East 58th Street and east of Eastern Avenue. [Ward 8]

**Recommendation:**

Adopt the Resolution.

**Background:**

The request is for a final plat for a 45-lot subdivision on 19.26 acres of property to facilitate residential development. City Council approved the preliminary plat on December 8, 2021. The Plan & Zoning Commission reviewed the proposed final plat at its January 4, 2022 meeting and has recommended approval subject to the following findings and conditions:

**Findings:**

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

**Conditions:**

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add an approval signature line for Metronet.
4. Revise note 12 to state that no driveway access from Eastern Avenue shall be allowed.

**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General (RG)

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

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

**Zoning:** R-3 Single-Family and Two-Family Residential District.

**Technical Review:**

- Streets: The subdivision would have access via Eastern Avenue and Indigo Avenue. Due to the location of the City owned detention pond, a connection to East 59th Street is not feasible. All streets as shown meet Davenport Municipal Code requirements.
- Storm Water: The City of Davenport owns the regional detention pond to the east of the

subdivision. The pond was designed to serve as water detention for this development at full build out. The R-3 District permits a maximum impervious surface of 60% for each lot. The development of the property will need to comply with the City's stormwater requirements.

- Sanitary Sewer: Sanitary sewers will be extended from existing infrastructure to serve this subdivision.
- Other Utilities: Other normal utility services are available.

### Public Input:

No Public Hearing is required for a final plat.

#### ATTACHMENTS:

| Type                | Description                  |
|---------------------|------------------------------|
| ▣ Resolution Letter | Resolution                   |
| ▣ Backup Material   | Final Plat                   |
| ▣ Backup Material   | Zoning & Future Land Use Map |
| ▣ Backup Material   | Application                  |

#### REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 1/27/2022 - 4:29 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving Case F22-01 being the request of C&L LLC for a final plat of Katie's Eastern Avenue Addition, a 45-lot subdivision on 19.26 acres located north of East 58th Street and east of Eastern Avenue.

WHEREAS, the Plan and Zoning Commission reviewed Case F22-01 at the January 4, 2022 regularly scheduled meeting with a recommendation for approval subject to four conditions; and

WHEREAS, the conditions will be added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the final plat of Katie's Eastern Avenue Addition, an addition to the City of Davenport, Scott County, Iowa as filed with the City Clerk by C&L LLC be the same, is hereby approved and accepted; and dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed by the Mayor and Deputy City Clerk of said City; and be it

FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized and directed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk



# KATIE'S EASTERN AVENUE ADDITION

BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, COUNTY OF SCOTT, STATE OF IOWA

EXCEPTING PARTS TO PARK PLACE APARTMENTS ADDITION (2002-54014), AND TO PRAIRIE POINTE FIRST ADDITION (2005-28196), AND TO THE CITY OF DAVENPORT RIGHT OF WAY (2006-28553)

| Curve Table |         |         |          |              |                 |
|-------------|---------|---------|----------|--------------|-----------------|
| Curve #     | Length  | Radius  | Delta    | Chord Length | Chord Direction |
| C1          | 265.874 | 55.500  | 274.4771 | 75.36        | N88° 27' 36"W   |
| C2          | 265.939 | 55.500  | 274.5439 | 75.32        | N88° 38' 18"E   |
| C3          | 265.874 | 55.500  | 274.4771 | 75.36        | S01° 49' 00"E   |
| C4          | 32.567  | 39.500  | 047.2386 | 31.65        | S63° 55' 15"W   |
| C5          | 15.713  | 55.500  | 016.2299 | 15.66        | S48° 24' 43"W   |
| C6          | 63.511  | 55.500  | 065.5658 | 60.10        | S89° 18' 19"W   |
| C7          | 53.714  | 55.500  | 055.4518 | 51.64        | N30° 11' 09"W   |
| C8          | 75.080  | 55.500  | 077.5090 | 69.48        | S36° 17' 40"W   |
| C9          | 57.858  | 55.500  | 059.7296 | 55.27        | N75° 05' 10"W   |
| C10         | 3.039   | 39.500  | 004.4087 | 3.04         | N47° 25' 33"W   |
| C11         | 24.346  | 15.500  | 089.9947 | 21.92        | N46° 32' 34"E   |
| C12         | 40.611  | 525.000 | 004.4321 | 40.60        | N00° 14' 19"W   |
| C13         | 23.088  | 15.500  | 085.3434 | 21.01        | S40° 41' 40"E   |
| C14         | 85.897  | 525.000 | 009.3744 | 85.80        | S78° 40' 44"E   |
| C15         | 28.711  | 125.000 | 013.1601 | 28.65        | N67° 24' 42"W   |
| C16         | 65.232  | 125.000 | 029.9009 | 64.49        | N45° 58' 54"W   |
| C17         | 45.787  | 125.000 | 020.9873 | 45.53        | S20° 26' 16"E   |
| C18         | 13.535  | 39.500  | 019.9301 | 13.47        | S23° 23' 38"E   |
| C19         | 15.154  | 39.500  | 021.9798 | 15.06        | S44° 11' 59"E   |
| C20         | 41.537  | 55.500  | 042.8811 | 40.57        | S33° 11' 35"E   |
| C21         | 57.225  | 55.500  | 059.0764 | 54.72        | S17° 47' 09"W   |
| C22         | 43.865  | 55.500  | 065.1029 | 39.73        | S79° 52' 27"W   |
| C23         | 59.020  | 55.500  | 060.9292 | 56.28        | N37° 06' 20"W   |
| C24         | 45.092  | 55.500  | 046.5514 | 43.86        | S16° 38' 05"W   |
| C25         | 28.494  | 39.500  | 041.3314 | 27.88        | S19° 14' 41"W   |
| C26         | 81.652  | 75.000  | 062.3775 | 77.68        | S48° 48' 10"E   |
| C27         | 70.892  | 475.000 | 008.5512 | 70.83        | N78° 16' 02"W   |
| C28         | 25.830  | 15.500  | 095.4797 | 22.94        | S49° 43' 02"W   |
| C29         | 27.136  | 525.000 | 002.9615 | 27.13        | S03° 27' 29"W   |
| C30         | 41.951  | 525.000 | 004.5783 | 41.94        | S07° 13' 41"W   |
| C31         | 32.972  | 475.000 | 003.9772 | 32.97        | S07° 31' 43"W   |
| C32         | 29.535  | 475.000 | 003.5625 | 29.53        | S03° 45' 31"W   |
| C33         | 25.374  | 15.500  | 093.7942 | 22.63        | S44° 55' 11"E   |
| C34         | 32.567  | 39.500  | 047.2386 | 31.65        | S64° 33' 50"W   |
| C35         | 34.620  | 55.500  | 035.7398 | 34.06        | S58° 48' 52"W   |
| C36         | 67.863  | 55.500  | 070.0583 | 63.71        | N68° 17' 11"W   |
| C37         | 54.560  | 55.500  | 056.3250 | 52.39        | S05° 05' 41"E   |
| C38         | 79.165  | 55.500  | 081.7262 | 72.62        | S63° 55' 51"W   |
| C39         | 29.668  | 55.500  | 030.6278 | 29.32        | N59° 53' 32"W   |
| C40         | 32.567  | 39.500  | 047.2386 | 31.65        | N68° 17' 51"W   |
| C41         | 23.321  | 15.500  | 086.2058 | 21.18        | S45° 04' 49"W   |
| C42         | 36.743  | 475.000 | 004.4321 | 36.73        | S00° 14' 19"E   |
| C43         | 24.349  | 15.500  | 090.0053 | 21.92        | S47° 27' 26"E   |
| C44         |         |         |          |              |                 |

APPROVAL SIGNATURES:

MAYOR DATE:

CITY CLERK DATE:

CHAIRMAN PLAN & ZONE DATE:

CENTURY LINK DATE:

IOWA - AMERICAN WATER COMPANY DATE:

MEDIACOM DATE:

MIDAMERICAN ENERGY DATE:  
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.

## PLAT INFORMATION

1. Owner:  
C & L Plaza, LLC.  
4730 Tremont Avenue  
Davenport, Iowa 52807  
Ph: (563) 508 - 7595

2. Engineer:  
Christopher R. Townsend, P.E.  
Townsend Engineering  
2224 East 12th Street  
Davenport, Iowa 52803  
Ph: (563) 386 - 4236
3. Surveyor:  
Michael D. Richmond, P.L.S.  
Townsend Engineering  
2224 East 12th Street  
Davenport, Iowa 52803  
Ph: (563) 386 - 4236

4. Attorney:  
Ryan M. Weber  
Gomez May, LLP.  
2322 E. Kimberly Road  
Davenport, Iowa 52807  
Ph: (563) 359 - 3591

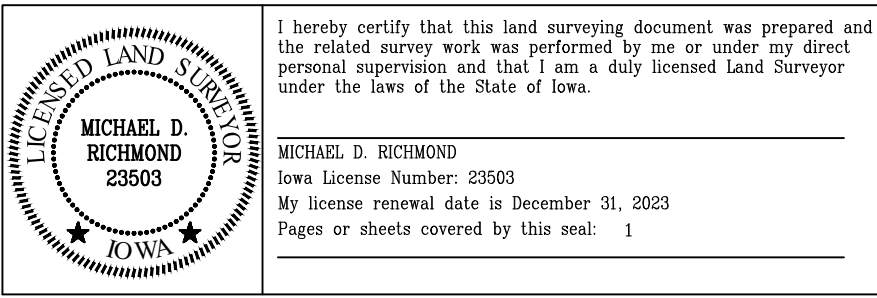
## SUBDIVISION AREAS:

GROSS (TOTAL): 17.611 ACRES ±  
DEDICATED R.O.W.: 2.998 ACRES ±  
LOT #'s 1 - 45: 14.613 ACRES ±

THE MEASURED BEARINGS SHOWN HEREON  
ARE BASED ON THE US STATE PLANE  
COORDINATE SYSTEM, IOWA SOUTH ZONE  
(1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

## BOUNDARY LEGEND:

DEED DIMENSION = (0.00')  
FIELD DIMENSION = 0.00'  
MONUMENTS FOUND:  
#5 REBAR w/ YELLOW CAP #7222,  
UNLESS NOTED = ●  
MONUMENTS SET:  
#5 REBAR w/ YELLOW CAP #23503 = ○  
BOUNDARY LINE = \_\_\_\_\_  
ROAD CENTER LINE = \_\_\_\_\_  
EASEMENT LINE = \_\_\_\_\_  
SETBACK LINE = \_\_\_\_\_  
SECTION LINE = \_\_\_\_\_



## NOTES:

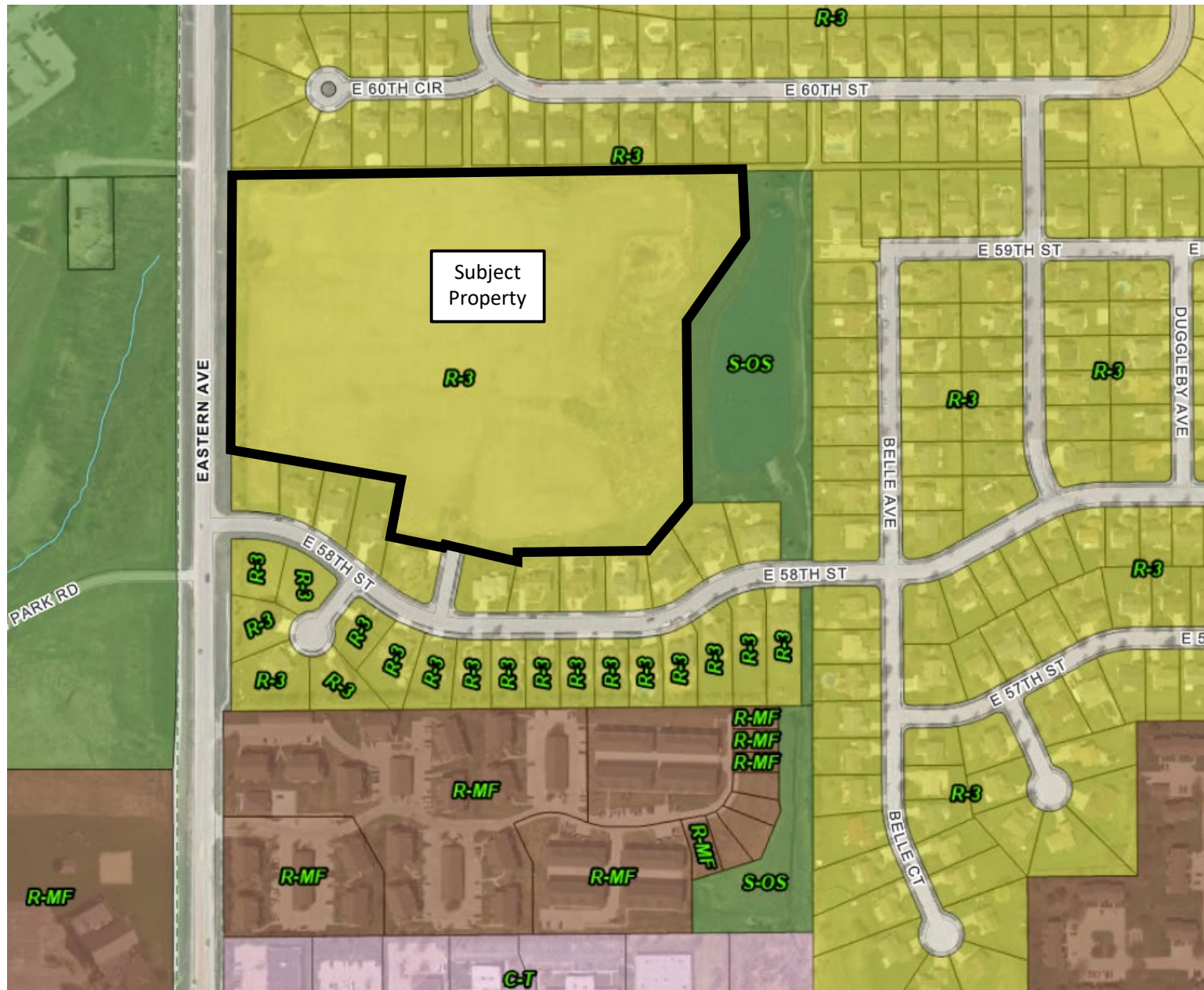
- MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.
- COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.
- ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS.
- BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.
- AT THE TIME OF RECORDING AND ACCEPTANCE BY THE CITY, THE SUBJECT PROPERTY WAS ZONED R-3 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE FEMA DETERMINED SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAPS #19163C0380G EFFECTIVE DATE MARCH 23, 2021.
- OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A STORM WATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF BUSHES, FENCES, FILL, SHRUBS, STRUCTURES, TREES, AND/OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF STORM WATER RUNOFF.
- STORM WATER QUALITY TREATMENT AND STORM WATER DETENTION IS REQUIRED FOR THIS SUBDIVISION. A PROVISION FOR STORM WATER DETENTION FOR THIS SUBDIVISION HAS BEEN MADE IN THE REGIONAL DETENTION FACILITY LOCATED IMMEDIATELY EAST IN PRAIRIE POINTE FIRST ADDITION. THIS DETENTION FACILITY IS OWNED AND MAINTAINED BY THE CITY OF DAVENPORT.
- SIDEWALKS SHALL BE CONSTRUCTED ALONG ALL STREET FRONTAGES PRIOR TO THE COMPLETION OF RESIDENTIAL CONSTRUCTION FOR EACH LOT, OR AS SO ORDERED BY THE CITY OF DAVENPORT; SIDEWALKS ALONG THE EASTERN AVENUE STREET FRONTAGE SHALL BE CONSTRUCTED PRIOR TO THE CESSATION OF ROADWAY PAVING OPERATIONS.
- NO ACCESS TO EASTERN AVENUE SHALL BE ALLOWED FROM THE SUBDIVISION AREA PLATTED HEREON.
- THE LOW WATER ENTRY ELEVATION FOR ANY DWELLING SHALL NOT BE LESS THAN THE (L.W.E.) ELEVATION LISTED.

|                                                                      |                                                                                |                                                                                                     |                 |     |                        |      |                                                                  |                                                                   |           |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------|-----|------------------------|------|------------------------------------------------------------------|-------------------------------------------------------------------|-----------|
| <b>TOWNSEND ENGINEERING</b><br>CIVIL • STRUCTURAL • LAND DEVELOPMENT | DATE: 12.9.2021                                                                | DRAWN BY: KRZ                                                                                       | CHECKED BY: MDR | NO. | REVISIONS: DESCRIPTION | DATE | PROJECT                                                          | DEVELOPER                                                         | SHEET NO. |
|                                                                      | 563 386.4236 office 386.4231 fax<br>2224 East 12th Street, Davenport, IA 52803 | DRAWING LOCATION<br>S:\Hong Le\Prairie Pointe\Drawings\Katie Eastern Avenue Addition - PLAN SET.dwg |                 |     |                        |      | FINAL PLAT<br>KATIE'S EASTERN AVENUE ADDITION<br>DAVENPORT, IOWA | C & L PLAZA, LLC.<br>4730 TREMONT AVENUE<br>DAVENPORT, IOWA 52807 | 1 OF 1    |

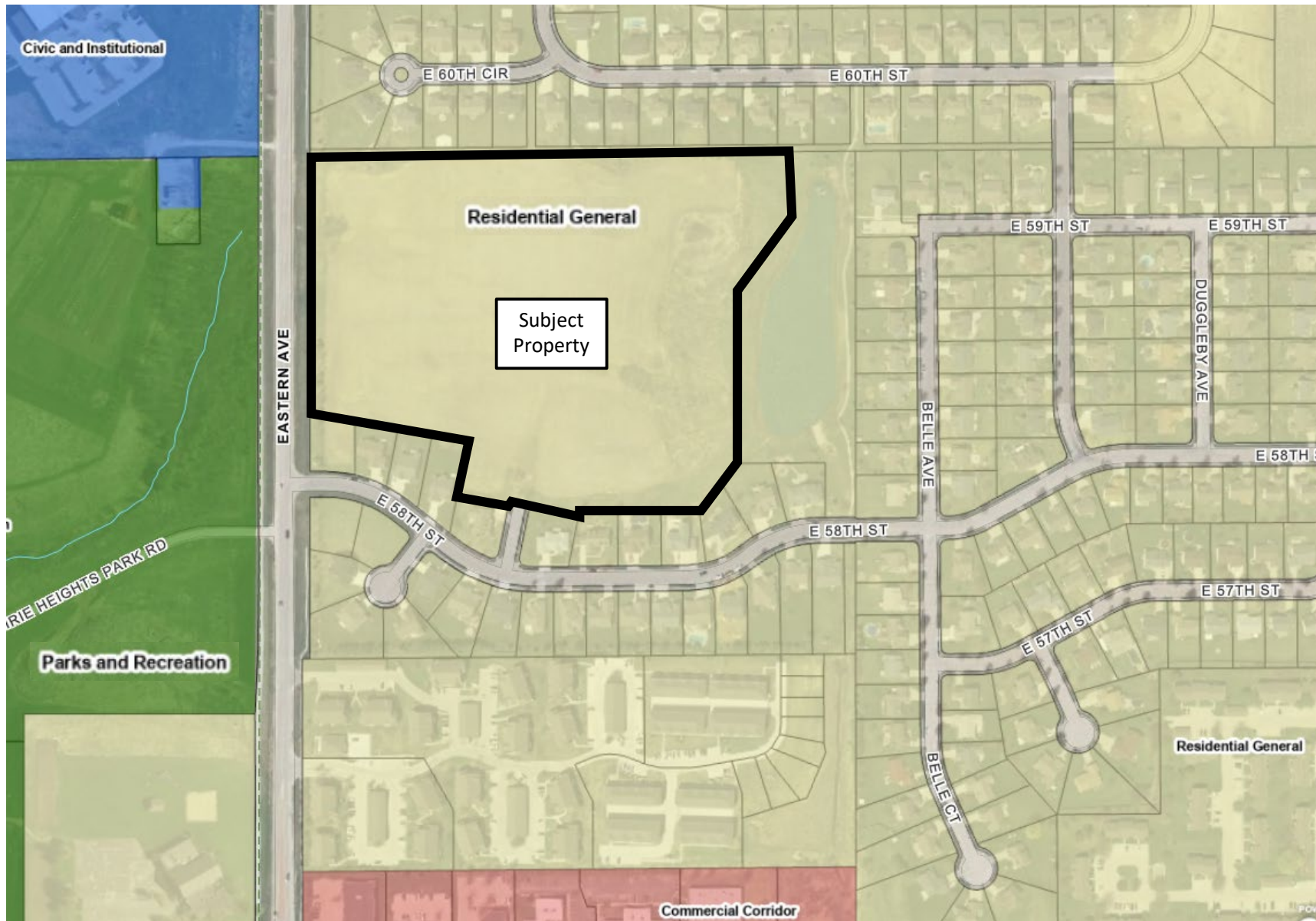
## Case F22-01: Katie's Eastern Avenue Addition Vicinity Map



## Case F22-01: Katie's Eastern Avenue Addition Zoning Map



## Case F22-01: Katie's Eastern Avenue Addition Future Land Use Map





Complete application can be emailed to [planning@davenportiowa.com](mailto:planning@davenportiowa.com)

**Property Address\***

& Deed

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

**Applicant (Primary Contact)**

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

*Application Form Type:*

**Plan and Zoning Commission**

Zoning Map Amendment (Rezoning)

Planned Unit Development

Zoning Ordinance Text Amendment

Right-of-way or Easement Vacation

Voluntary Annexation

**Owner** (if different from Applicant)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

**Zoning Board of Adjustment**

Zoning Appeal

Special Use

Hardship Variance

**Design Review Board**

Design Approval

Demolition Request in the Downtown

Demolition Request in the Village of

East Davenport

**Engineer** (if applicable)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

**Historic Preservation Commission**

Certificate of Appropriateness

Landmark Nomination

Demolition Request

**Architect** (if applicable)

Name:

Company

Address:

City/State/Zip:

Phone:

Email:

**Administrative**

Administrative Exception

Health Services and Congregate

Living Permit

**Attorney** (if applicable)

Name: Ryan M. Weber

Company: Gomez May, LLP.

Address: 2322 E. Kimberly Road

City/State/Zip: Davenport, IA 52807

Phone: 563-359-3591

Email:

**Preliminary Plat – Required for subdivisions of four lots or more.**

Property Location:

Total Land Area:

Total Number of Lots:

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area:      Yes      No

**Submittal Requirements:**

- The completed application form.
- Required fee:  
Ten or fewer lots - \$400 plus \$25 per lot.  
Eleven to twenty-five lots - \$700 plus \$25 per lot.  
More than twenty-five lots - \$1,000 plus \$25 per lot.
- A PDF of the proposed plat at a scale of not less than one inch per one hundred feet, which depicts the following:
  - The location of existing property lines, section lines, easements, corporate limits and other legally established districts, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on the land.
  - The proposed location and width of streets, alleys, lots, building setback lines and easements.
  - Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet shall be indicated in a general way upon the plat.
  - Proposed name of the subdivision (which shall not duplicate any previously filed plat), the name of the land owner, land developer, and land surveyor.
  - The names and adjoining boundaries of all adjacent subdivisions and the names of record owners of adjoining parcels of unsubdivided land.
  - Existing contours with intervals of five feet or less.
  - North point, scale and date.
  - A vicinity sketch showing the proposed subdivision in relationship to surrounding development and street systems.

## **Final Plat – Required for subdivisions of two lots or more.**

Property Location:

Total Land Area:

Total Number of Lots:

Linear Feet of Streets Added:

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area:      Yes      No

### **Submittal Requirements:**

- The completed application form.
- Required fee:
  - Ten or fewer lots - \$400 plus \$25 per lot.
  - Eleven to twenty-five lots - \$700 plus \$25 per lot.
  - More than twenty-five lots - \$1,000 plus \$25 per lot.
- A PDF of the proposed final plat at a scale of not less than one inch per one fifty feet, which depicts the following:
  - The boundary lines of the area being subdivided with accurate distances and bearings.
  - The lines of all proposed streets and alleys with their width and names.
  - The accurate outline of any property which is offered for dedication for public use.
  - The lines of all adjoining lands and the lines of adjacent streets and alleys with their width and names.
  - All lot lines and an identification system for lots and blocks.
  - Building lines and easements for any right-of-way provided for public use, services or utilities, or excess storm water passageways with figures showing their dimensions.
  - All dimensions, both linear and angular, necessary for locating subdivision boundaries, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot.
  - Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners.
  - All survey monuments and bench marks together with their descriptions.
  - Name of subdivision and description of property subdivided showing its location by distance and bearing to the nearest quarter section monument; points of compass; graphic scale of map; and name and address of owner or owners or the subdivider, or in the case of corporate ownership, the name and address of the registered agent of said corporation shall also appear on the plat;
- Prior to forwarding the proposed final plat to City Council:
  - One full size copy of corrected final plat with the original mylar/sepia and one reduced copy signed/stamped by the utility companies.
  - Executed platting certificates acceptable to the City of Davenport:
    - Acceptance by the City of Davenport.
    - Hold Harmless Agreement.
    - Assessment waiver (sidewalks and subdivision improvements).
    - Dedication of Owner.
    - Consent to platting where applicable.
    - Certificate of Attorney.
    - Surveyor's Certificate.
    - Certificate of County Treasurer.
    - Certificate of Subdivision Name by Scott County Auditor.

**The petitioner hereby acknowledges and agrees to the following procedure and requirements for submission and approval of a Preliminary Plat:**

- (1) Application:
  - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Plan and Zoning Commission's consideration of the proposed preliminary plat:
  - Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
  - The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (3) City Council's consideration of the proposed preliminary plat:
  - The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.

**The petitioner hereby acknowledges and agrees to the following procedure and requirements for submission and approval of a Final Plat:**

- (1) Application:
  - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Plan and Zoning Commission's consideration of the proposed final plat:
  - Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
  - The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (3) City Council's consideration of the final plat:
  - Prior to forwarding the petition to the City Council, the following must be provided to the Community Planning and Economic Development Department:
    - One full size copy of the corrected final plat and one reduced copy of the corrected final plat signed/stamped by the utility companies.
    - Executed platting certificate.
  - The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.
- (4) Recordation:
  - After the Mayor signs the approved final plats and Acceptance by the City of Davenport, the final will be released to the Surveyor to obtain and return 21 full size copies to the Community Planning and Economic Development Department.
  - After the 21 copies are returned, two copies of the final plat and platting certificates will be released to the petitioner.
  - It is the petitioner's responsibility to record the final plat with the Scott County Recorder's Office.

Petitioner: Hong Le

Date: 12/9/2021

By typing your name, you acknowledge and agree to the aforementioned procedure and requirements.

Received by:

Date:

Planning staff

Date of Plan and Zoning Commission Public Hearing:

Plan and Zoning Commission meetings are held the Tuesday prior to City Council Committee of the Whole meetings at 5:00 p.m. in City Hall Council Chambers, 226 West 4<sup>th</sup> Street, Davenport, Iowa.

**Authorization to Act as Applicant**

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

\_\_\_\_\_

\_\_\_\_\_

Signature(s)

State of \_\_\_\_\_ ,  
County of \_\_\_\_\_ .  
Sworn and subscribed to before me

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_

Form of Identification

\_\_\_\_\_

Notary Public

My Commission Expires:

# PRAIRIE POINTE 2<sup>ND</sup> ADDITION

## LEGAL DESCRIPTION

THE NORTH SIXTEEN HUNDRED FIFTY (1,650) FEET OF THE WEST  $\frac{1}{2}$  OF  
THE NW  $\frac{1}{4}$  OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE  
5<sup>TH</sup> P.M., IN SCOTT COUNTY, IOWA



**WARRANTY DEED**  
(CORPORATE/BUSINESS ENTITY GRANTOR)  
THE IOWA STATE BAR ASSOCIATION  
Official Form No. 335  
**Recorder's Cover Sheet**

**Preparer Information:** (Name, address and phone number)

Michael A. Koury, 5505 Victoria Avenue Suite 100, Davenport, Iowa 52807, (563) 344-4900

**Taxpayer Information:** (Name and complete address)

C&L Plaza LLC  
4730 Tremont Ave, Davenport, IA 52807

**Return Document To:** (Name and complete address)

Ryan M. Weber, 2322 E Kimberly Road, Suite 120W, Davenport, IA 52807

**Grantors:**

Prairie Pointe Partners, L.L.C.

**Grantees:**

C & L Plaza LLC

**Legal description:**

**Document or instrument number of previously recorded documents:**



**WARRANTY DEED  
(CORPORATE/BUSINESS ENTITY GRANTOR)**

For the consideration of One Dollar(s) and other  
valuable consideration, Prairie Pointe Partners, L.L.C.,  
a(n) limited liability company organized and existing under  
the laws of Iowa does hereby Convey to C & L Plaza LLC, an Iowa  
limited liability company

the following described real estate in Scott County, Iowa:  
See attached Exhibit A

Subject to all easements, restrictions, covenants, conditions, and other matters of record.

The grantor hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated on September 30, 2021.

Prairie Pointe Partners, L.L.C., a(n) Iowa limited liability company

By Nicholas C. Kremer, Jr.  
Nicholas C. Kremer, Jr., Manager

By \_\_\_\_\_

STATE OF IOWA, COUNTY OF SCOTT

This record was acknowledged before me on September 30, 2021, by Nicholas C. Kremer, Jr.  
as Manager  
of Prairie Pointe Partners, L.L.C., an Iowa limited liability company.



[Signature]  
Signature of Notary Public



The North Sixteen Hundred Fifty feet of the West ¼ of the NW ¼ of Section 7 Township 78 North, Range 4 East of the 5<sup>th</sup> P.M. in Davenport, Scott County, Iowa.

EXCEPT that part conveyed in Warranty Deed dated December 11, 2002 and filed as Document No. 2002-54014 in the office of the Recorder of Scott County, Iowa.

EXCEPT that part conveyed in Warranty Deed dated June 28, 2005 and filed as Document No. 2005-28195 in the office of the Recorder of Scott County, Iowa.

Also excepting that area dedicated to the City of Davenport for Right-of-Way purposes filed as Document No. 2006-28553 in the office of the Recorder of Scott County, Iowa.

Commonly known as: Parcel No. Y0701-01D.

City of Davenport

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn | 563-888-2286

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution of support of the Hilltop Campus Village, an Iowa Main Street organization. [Wards 3, 4, & 5]

**Recommendation:**

Adopt the Resolution.

**Background:**

Hilltop Campus Village was established in 2009. It provides invaluable economic development and related support services to this 70 square block area stretching from Downtown to Vander Veer Park.

The Iowa Economic Development Authority administers the Iowa Main Street program. Bi-annually, it requires the cities containing local Main Street programs to re-affirm their support of the respective organizations within their communities.

The City of Davenport currently contributes \$10,000 annually towards the Hilltop Campus Village operations as well as ongoing staff support.

**ATTACHMENTS:**

| Type                | Description                              |
|---------------------|------------------------------------------|
| ▣ Resolution Letter | Resolution                               |
| ▣ Backup Material   | Programmatic Agreement                   |
| ▣ Backup Material   | Programmatic Agreement btw HCV and State |

**REVIEWERS:**

| Department                      | Reviewer    | Action   | Date                |
|---------------------------------|-------------|----------|---------------------|
| Community Development Committee | Flynn, Matt | Approved | 1/26/2022 - 3:57 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION of support of the Hilltop Campus Village, an Iowa Main Street organization.

WHEREAS, there exists an agreement between the Iowa Economic Development Authority (IEDA), Hilltop Campus Village (HCV), and the City of Davenport for the purpose of continuing the Main Street Iowa program in Davenport; and

WHEREAS, this Agreement is pursuant to contractual agreements between Main Street America and the IEDA to assist in the revitalization of the designated Main Street project area of Davenport; and

WHEREAS, the City Council of Davenport endorses the goal of economic revitalization of the designated Main Street District within the context of preservation and rehabilitation of its historic buildings and supports the continuation of the Main Street Approach™ as developed by Main Street America and espoused by Main Street Iowa.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Davenport, meeting in regular session on February 9, 2022, that the City of Davenport hereby agrees to support both financially and philosophically the work of HCV via the attached Performance Agreement, designates the Main Street Board to supervise the Executive Director, and commits to appoint a City official to represent the City on the local Main Street Board; and be it

FURTHER RESOLVED that the source of funds to support HCV will be from the City's Hotel/Motel Tax Fund and is subject to meeting performance standards and annual City Council approval.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

---

Mike Matson  
Mayor

---

Brian Krup  
Deputy City Clerk

## MAIN STREET IOWA PROGRAM CONTINUATION AGREEMENT

THIS MAIN STREET IOWA PROGRAM CONTINUATION AGREEMENT ("Agreement") is entered into and executed by the Iowa Economic Development Authority (the "IEDA"), the City of Davenport (the "City"), and Hilltop Campus Village Corporation (the "Local Main Street Program") (Individually "Party" and Jointly, the "Parties").

WHEREAS, the IEDA administers the Main Street Iowa Program (the "MSI Program"); and

WHEREAS, the City was selected to participate in the MSI Program in 2009 and entered into a Program Agreement with the IEDA pursuant to which the City and the Local Main Street Program established a partnership with IEDA; and

WHEREAS, the City and the Local Main Street Program desire to continue to participate in the MSI Program; and

WHEREAS, the IEDA desires to continue the relationship which has been established with the City and the Local Main Street Program;

NOW THEREFORE, in consideration of the foregoing and mutual covenants and agreements contained herein, the Parties agree as follows:

### **SECTION I. The Local Main Street Program agrees to:**

#### **1. Main Street Revitalization Focus:**

- a. Maintain the Local Main Street Program's focus on the revitalization of the designated Main Street district utilizing the Main Street Approach®. This focus should be reflected in the programs annual plan of action, goals and objectives, vision, and mission statement.
- b. Promote the revitalization of the Main Street district through advocacy of tools and resources that support district investment, for example: development incentives, ordinances and policy that promote the revitalization of the district, design guidelines or standards that promote the protection of the traditional character of the district, district development planning, etc.

#### **2. Main Street Paid Executive Director:**

- a. Employ a paid full-time Executive Director for the Local Main Street Program who will be responsible for the day-to-day administration of the Local Main Street Program in the City. Full-time employment is defined as 40 hours per week dedicated to the Local Main Street Program. Part time employment is 25 hours per week dedicated to the Local Main Street Program. The Local Main Street Program and the City will work to the best of their ability to provide professional support, competitive compensation, and benefits for the Executive Director position.
- b. In the event this position is vacated during the time of this agreement, the Local Main Street Program shall fill this position in a reasonable time and provide a written timeline to fill this position to the IEDA's Main Street Iowa State Coordinator ("the Coordinator").
- c. If the Executive Director for the Local Main Street Program also serves as the director, executive director, chief executive officer, president, or other leadership role for another organization or program (e.g., chamber, tourism, community/county economic development, City, etc.) the Executive Director shall dedicate at least twenty-five hours per week to their duties as Executive Director of the Local Main Street Program.
- d. Develop and maintain an accurate position description for the Executive Director, a copy of which shall be provided to the Coordinator, which includes the rate of compensation and describes the professional activities for which the Executive Director is responsible.
- e. Maintain worker's compensation insurance for the Executive Director and staff.

3. Designated Main Street District: Submit to the Coordinator a current map of the approved designated Main Street district contemporaneously with execution of this Agreement.
4. Main Street Program Office: Maintain an office within the designated boundaries of the local Main Street district.
5. Main Street Economic Impact Reporting:
  - a. Submit economic impact reports to the Coordinator on or before established due date documenting the progress of the Local Main Street Program's activities.
  - b. If the Local Main Street Program is 30 or more days late submitting any economic impact report, Main Street Iowa design services, business support services, eligibility for grant applications, and targeted technical assistance visits available through Main Street Iowa may be suspended until the Local Main Street Program has submitted all required reports.
6. National Main Street Accreditation:
  - a. Maintain Main Street America National Accreditation.
  - b. Maintain a "Main Street America Member Community" membership with Main Street America.
  - c. Use the words "Main Street" when referring to and marketing the Local Main Street Program, either as an official part of the organization's name or as a tagline such as "A Main Street Iowa Program". As a designated Main Street Iowa community, the Local Main Street Program shall include the Main Street America and Main Street Iowa logos on all communication materials.
7. Training Requirements:
  - a. Participate, as required by the IEDA, in training sessions as scheduled throughout the year. To remain in compliance and to be eligible for Main Street America National Accreditation, the Local Main Street Program shall be represented at both days, in their entirety, of the three (3) annual training sessions that have been designated as mandatory on the MSI Program calendar.
  - b. Any newly hired Executive Director will be required to participate in Main Street Orientation as soon after the hire date as feasible. Registration and all related travel expenses for training will be paid by the Local Main Street Program.
8. Demonstrated Support:
  - a. Obtain from the City's governing body a Resolution of Support of the Local Main Street Program. This resolution must describe sources and amounts of funding for the program, a commitment to appoint a City official to represent the City on the Local Main Street Program governing board of directors, and that the City will continue to follow the Main Street Approach® as developed by Main Street America and espoused by Main Street Iowa for Main Street district revitalization.
  - b. Obtain a Resolution of Support from the Local Main Street Program governing board in which the board commits to continuing Main Street district revitalization following the Main Street Approach® as developed by the Main Street America and espoused by the MSI Program.
9. Compliance:
  - a. Not assign this agreement to another organization without obtaining prior written approval of the IEDA.
  - b. Remain in compliance with the requirements of the MSI Program as outlined in this agreement and the administrative rules for the MSI Program, 261 IAC Chapter 39. If the

IEDA finds that the Local Main Street Program is not in compliance with the requirements of this program agreement:

- i. IEDA shall issue an "Initial Warning" describing how the Local Main Street Program is out of compliance and provide guidance on how to resolve the issues. The Local Main Street Program will have 90 days to resolve non-compliance issues. During this 90-day period, all Main Street Iowa services, with the exception of targeted technical assistance to help the Local Main Street Program mitigate non-compliant items, will be suspended. At the end of the 90-day period, the IEDA will evaluate whether The Local Main Street Program has resolved the non-compliant issues.
- ii. If the Local Main Street Program is not in compliance at the end of the 90-day Initial Warning period, the IEDA may issue a Final Warning notifying the Local Main Street Program that, if the Local Main Street Program is not in compliance within 90 days after issuance of the Final Warning, Main Street Iowa may terminate this Agreement.
- iii. The IEDA will send Notice of Termination via overnight delivery service to the Local Main Street Program, the City, and Main Street America. Termination of this Agreement will result in the loss of recognition as a participant in the MSI Program and discontinuation all services provided by IEDA.
- iv. Within 30 days after issuance of the Notice of Termination, the Local Main Street Program shall cease using the trademarked brand "Main Street" and/or "Main Street Program" in its name or as part of its organization's identity.
- v. The City may reapply for Main Street Iowa designation.

**10. Main Street Re-Designation:**

- a. Continued participation in the MSI Program after the term of this Agreement shall be contingent upon re-designation as a participant in the MSI Program. Submission of a request for re-designation shall be submitted at least 90 days prior to the end of the term of this Agreement.
- b. The IEDA will provide information and guidance regarding re-designation to the Local Main Street Program at least 6 months prior to the re-designation request submission deadline.
- c. To be re-designated as a participant in the MSI Program, at a minimum, the Local Main Street Program shall:
  - i. Document local revitalization impacts through its partnership with Main Street Iowa;
  - ii. Demonstrate the Local Main Street Program's active utilization of MSI Program services and benefits;
  - iii. Identify specific plans for future downtown/Main Street district revitalization;
  - iv. Set out future Main Street Iowa technical assistance needs; and
  - v. Demonstrate continued broad-based commitment and support of the Local Main Street Program and its revitalization efforts.

**SECTION II. The CITY agrees to:**

**1. Main Street Revitalization Support:**

- a. Support and partner with the Local Main Street Program's focus on the revitalization of the designated Main Street district utilizing the Main Street Approach®.
- b. Support the revitalization of the Main Street district by utilizing tools and resources that support Main Street district investment, for example: development incentives, ordinances and policy that promote the revitalization of the district, design guidelines or standards that promote the protection of the traditional character of the district, district development planning, etc.

2. Main Street Financial Support: Invest financially into the operation of the Local Main Street Program.
3. National Main Street Accreditation: Support the Local Main Street Program in compliance with this Agreement and with the completion of the annual Main Street America Accreditation and the re-designation process described above.
4. Demonstrated Support: Pass a Resolution to demonstrate the City's support of the Local Main Street Program and revitalization of the downtown/designated Main Street district as an important element of the City's economic development strategy. In the resolution, the City must commit to providing funding for the Local Main Street Program, appoint a City official to represent the City on the Local Main Street Program governing board, and commit to continuing to follow the Main Street Approach® as developed by the Main Street America and espoused by the MSI Program for local Main Street district revitalization efforts.

### **SECTION III. The IEDA agrees to:**

1. National Main Street Accreditation: Administer the Main Street America Accreditation process in Iowa on behalf of Main Street America and recognize Local Main Street Programs and Cities who successfully meet the Main Street America Accreditation Standards.
2. Main Street Technical Assistance:
  - a. Maintain a team of downtown revitalization specialists, including a Main Street Iowa State Coordinator, to manage communication between the Local Main Street Program, City, the Main Street Iowa Program, and state government agencies.
  - b. Provide, as requested and as can be scheduled, on-site technical assistance to the Local Main Street Program and City by one or more downtown revitalization specialists. Technical assistance may include design, economic vitality, promotion, organization, committee training, board planning retreat facilitation, and action planning.
  - c. Conduct an on-site partnership visit at least once every two years.
  - d. Provide continuing advice and information to the Local Main Street Program and City.
3. Main Street Training:
  - a. Coordinate at least three (3) statewide training sessions annually for Local Main Street Programs and Cities. The nature of training to be provided at each session shall be based on the combined needs of all Iowa Main Street Communities.
  - b. Conduct at least three MSI Program orientations for all new Executive Directors and Local Main Street Program board members and volunteers. The Orientation will introduce the Executive Director and Local Main Street Program volunteers and board members to the Main Street Program and to their immediate responsibilities.
  - c. Offer optional regional training sessions.
  - d. Statewide training sessions, orientations, and optional regional training sessions may be virtual, as determined by IEDA.
4. Main Street Network: Include the Local Main Street Program and City in the Main Street Iowa network.
5. Main Street Designation: Create and implement a re-designation process to be completed by all Local Main Street Programs every five (5) years.

**SECTION IV. The PARTIES hereto otherwise agree as follows:**

1. The term of this Agreement shall be for a period of twenty-four (24) months beginning January 1, 2022 and ending December 31, 2023.
2. This Agreement may be amended by a written agreement to amend the Agreement signed by all three Parties, provided that the IEDA may unilaterally amend this Agreement to comply with legislative, administrative, and policy changes by the federal or state government.
3. Should any governmental unit enact, promulgate, or adopt laws, regulations, rules, or policies which alter or in any way affect the MSI Program, the City and the Local Main Street Program shall not hold IEDA liable in any manner for the resulting changes.
4. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their successors.
5. No Party shall discriminate against any employee or applicant for employment because of race, color, sex, age, disability, creed, religion, sexual orientation, marital status, or national origin.
6. Any Party may terminate this Agreement without cause after 30 days written notice to the other two parties.
7. This Agreement supersedes any previous agreements or negotiations, whether oral or written.
8. Nothing contained in this Agreement shall create any employer-employee relationship between or among any of the Parties.

**IN WITNESS WHEREOF, the parties have executed this agreement.**

BY: \_\_\_\_\_  
Mayor *Signature*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor *Printed Name*

Davenport, IA  
\_\_\_\_\_  
City

BY: \_\_\_\_\_  
Board President *Signature*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board President *Printed Name*

Hilltop Campus Village Corporation  
Local Main Street Program

BY: \_\_\_\_\_  
Deborah V. Durham, Director  
Iowa Economic Development Authority

\_\_\_\_\_  
Date

Resolution of **Support** and **Commitment** to the Main Street Approach® to downtown/Main Street district revitalization as a primary element of the nonprofit's work and focus.

WHEREAS, an Agreement exists between the Iowa Economic Development Authority, Hilltop Campus Village and the City of Davenport, Iowa for the purpose of continuing the Main Street Iowa program in Davenport, Iowa and Hilltop Campus Village and,

WHEREAS, this Agreement is pursuant to contractual agreements between Main Street America and the Iowa Economic Development Authority to assist in the revitalization of the designated Main Street project area of Davenport, Iowa and Hilltop Campus Village and,

WHEREAS, the local Board of Directors for the Main Street Program in Davenport, Iowa is committed to maintaining a primary goal of economic revitalization of the designated Main Street district within the context of historic preservation and rehabilitation of its historic buildings and supports the continuation of the Main Street Approach® as developed by Main Street America and espoused by Main Street Iowa.

NOW THEREFORE BE IT RESOLVED by the local Board of Directors for the Main Street Program in Davenport, Iowa and Hilltop Campus Village, that the Board of Directors hereby agrees to support downtown/Main Street district revitalization by:

1. Be familiar with the Main Street Approach® and revitalization strategies,
2. Maintaining the local program's focus on the revitalization of the Main Street district,
3. Hiring and supporting a Main Street Executive Director,
4. Developing and maintaining an accurate job description for paid staff,
5. Maintaining a Main Street program office within the Main Street district,
6. Working with Executive Director to submit month reports to Main Street Iowa,
7. Attending and participating in required and optional Main Street Iowa trainings,
8. Achieving and maintaining Main Street America Accreditation status,
9. Maintaining a paid membership to Main Street America,
10. Consistently using the term "Main Street" and the Main Street Iowa and Main Street America logos within program marketing and communication materials, and
11. Advocating for downtown and Main Street district revitalization personally and professionally.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Board President

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Board Secretary

---

Board Vice President

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Board Treasurer

City of Davenport

Department: Public Safety  
Contact Info: Brian Krup | 563-326-6163

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; Sunday, February 27, 2022 11:00 a.m. - 3:00 p.m.; **Closures (only one lane will be closed and traffic will be allowed to cross when safe to do so):** East Pleasant Street from Fernwood Avenue to Forest Road; Forest Road from East Pleasant Street to East George Washington Boulevard; East George Washington Boulevard from Forest Road to Jersey Ridge Road. [Ward 6]

Center for Active Seniors, Inc; St. Patrick's Day Race; Downtown; Saturday, March 12, 2022; **Closures:** 5:00 a.m. - 12:00 p.m. 2nd Street from Harrison to Brady; 8:00 a.m. - 11:00 a.m. 2nd Street from Harrison to Ripley; 8:30 a.m. - 11:00 a.m. two westernmost travel lanes and parking lane on Brady from 2nd to 3rd; 8:30 a.m. - 11:00 a.m. 3rd Street from Brady to Gaines; 9:30 a.m. - 11:00 a.m. 3rd Street from Gaines to Division; 9:50 a.m. - 10:10 a.m. all lanes of Brady from River to 3rd. [Ward 3]

St. Patrick's Society; Grand Parade XXXVI; Downtown; Saturday, March 12, 2022 11:00 a.m. - 2:00 p.m.; **Closures:** Gaines Street from the Centennial Bridge to 3rd Street; 3rd Street from Gaines Street to the RiverCenter where the parade disbands. [Ward 3]

**Recommendation:**

Adopt the Resolution.

**Background:**

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

**ATTACHMENTS:**

| Type                | Description                     |
|---------------------|---------------------------------|
| ▢ Resolution Letter | Resolution                      |
| ▢ Backup Material   | Chili Chase Map                 |
| ▢ Backup Material   | Chili Chase Letter to Residents |
| ▢ Backup Material   | St. Patrick's Day Race Map      |
| ▢ Backup Material   | St. Patrick's Day Parade Map    |

**REVIEWERS:**

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| City Clerk | Admin, Default | Approved | 1/27/2022 - 12:20 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Jobgen.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

*Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; Sunday, February 27, 2022 11:00 a.m. - 3:00 p.m.; **Closures (only one lane will be closed and traffic will be allowed to cross when safe to do so):** East Pleasant Street from Fernwood Avenue to Forest Road; Forest Road from East Pleasant Street to East George Washington Boulevard; East George Washington Boulevard from Forest Road to Jersey Ridge Road. [Ward 6]*

*Center for Active Seniors, Inc; St. Patrick's Day Race; Downtown; Saturday, March 12, 2022; **Closures: 5:00 a.m. - 12:00 p.m.** 2nd Street from Harrison to Brady; **8:00 a.m. - 11:00 a.m.** 2nd Street from Harrison to Ripley; **8:30 a.m. - 11:00 a.m.** two westernmost travel lanes and parking lane on Brady from 2nd to 3rd; **8:30 a.m. - 11:00 a.m.** 3rd Street from Brady to Gaines; **9:30 a.m. - 11:00 a.m.** 3rd Street from Gaines to Division; **9:50 a.m. - 10:10 a.m.** all lanes of Brady from River to 3rd. [Ward 3]*

*St. Patrick's Society; Grand Parade XXXVI; Downtown; Saturday, March 12, 2022 11:00 a.m. - 2:00 p.m.; **Closures:** Gaines Street from the Centennial Bridge to 3rd Street; 3rd Street from Gaines Street to the RiverCenter where the parade disbands. [Ward 3]*

WHEREAS, the City, through its Special Events Policy, has accepted the above applications for events on the listed dates and times that are requesting street or lane closures; and

WHEREAS, upon review of the application, it has been determined that said streets and lanes will need be closed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the above street, lane, or public ground closures are hereby approved and staff is directed to proceed with the closures.

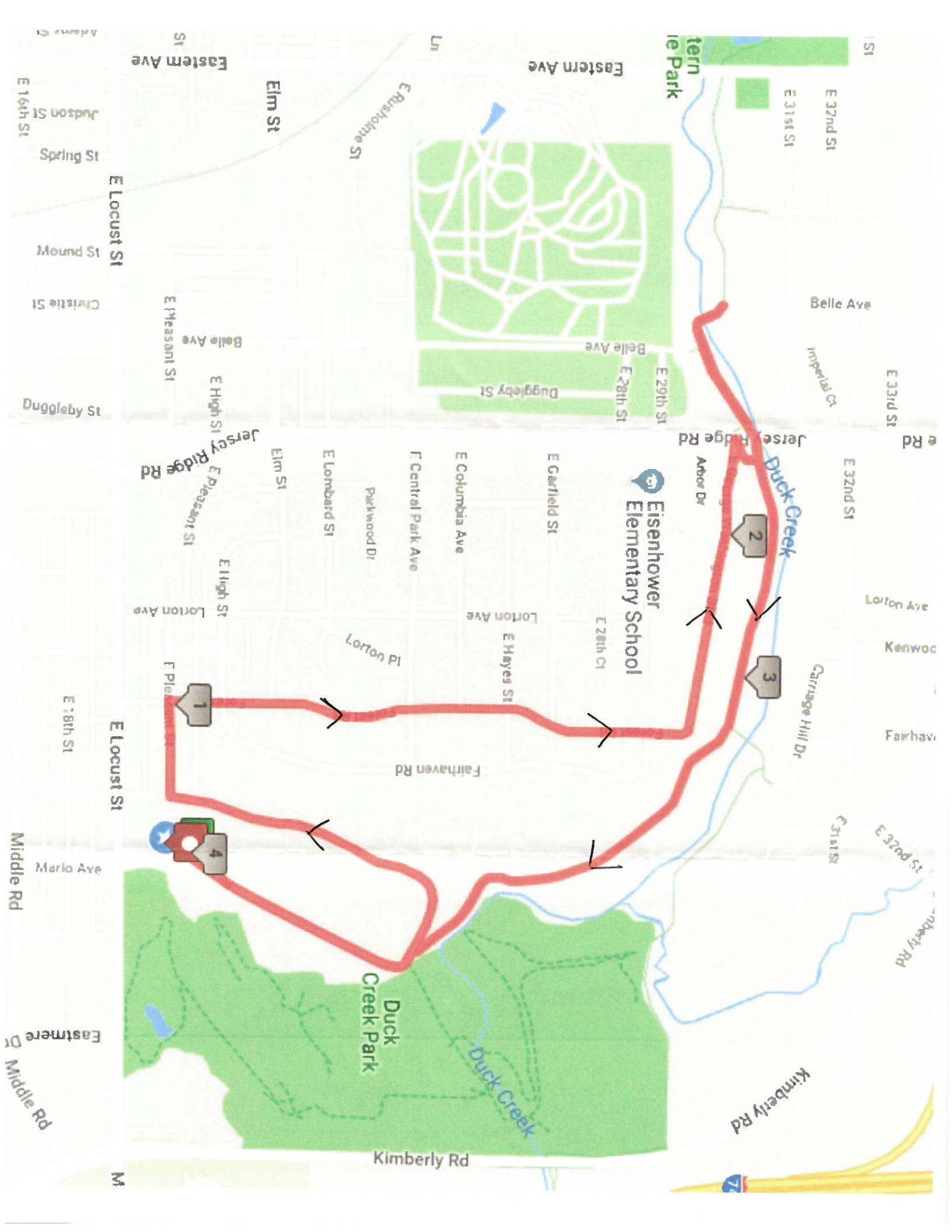
Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk



Cornbelt Running Club  
315 E. George Washington Blvd.  
Davenport, IA 52803  
563-326-1942

Feb 20, 2022

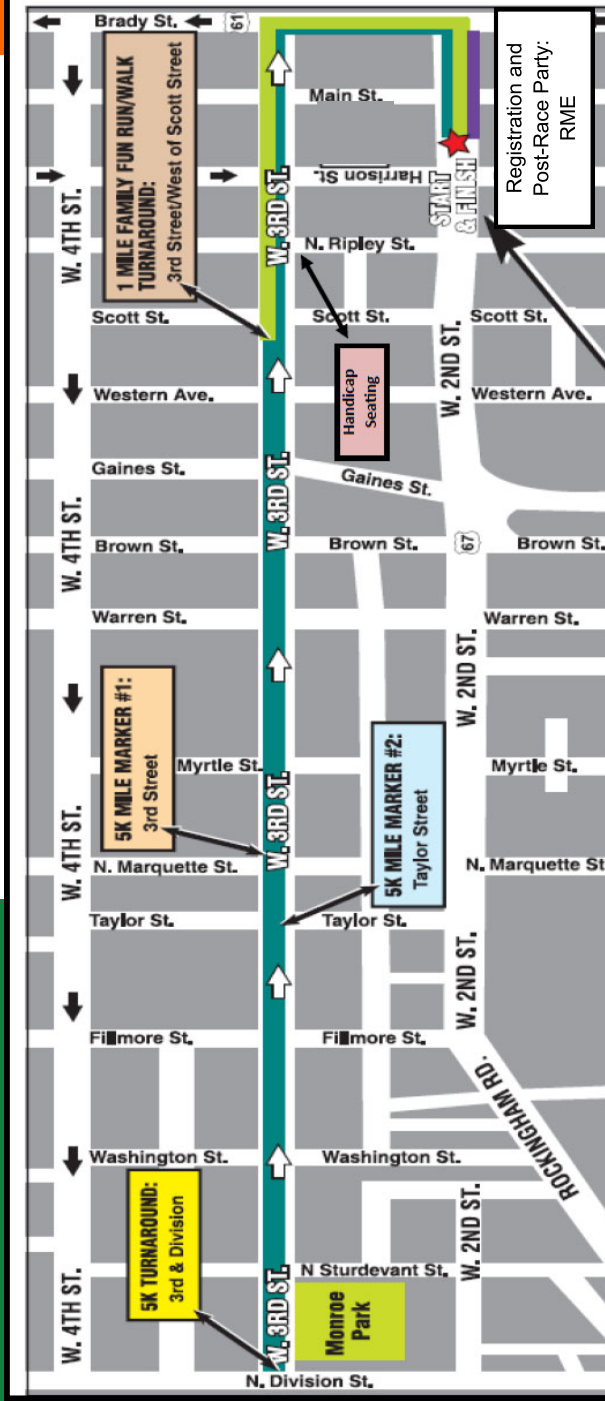
Dear Residents,

On February 27, 2022 we will be having our 19<sup>th</sup> Annual CBRC Chili Chase 4 mile run/walk from Duck Creek Park. We will be using the streets of East Pleasant, Forest Road, and George Washington Blvd. We will be using one lane of roadway between 1 and 2 pm. Residents should be able to cut across or use one lane to get around. You may experience temporary delays and we will get you thru once safe. If you have any question please feel free to contact the Cornbelt Running Club office at 563-326-1942 or by email [info@cornbelt.org](mailto:info@cornbelt.org).

Thank you,

John Parker  
CBRC

# CASI's 40<sup>th</sup> Annual St. Patrick's Day Race



|                       |
|-----------------------|
| TOT TROT - 9 AM       |
| CASI 1 MILE - 9:30 AM |
| CASI 5K RACE - 10 AM  |
| (USATF Certified)     |

**All Races**  
**Start & Finish On 2nd St. Between Harrison & Main**  
 9:00am—Sears Manufacturing 1/4 Mile Tot Trot  
 9:30am—Cobham 1 Mile Family Run/Walk  
 10:00am—Vibrant Credit Union 5K Race

Registration and  
Post-Race Party:  
RME

**Friday, March 12th**  
 Noon—6:00pm  
 Packet Pick-up  
 Late Registration

**Saturday, March 13th**  
 7:00am—9:30am  
 Packet Pick-up  
 Late Registration

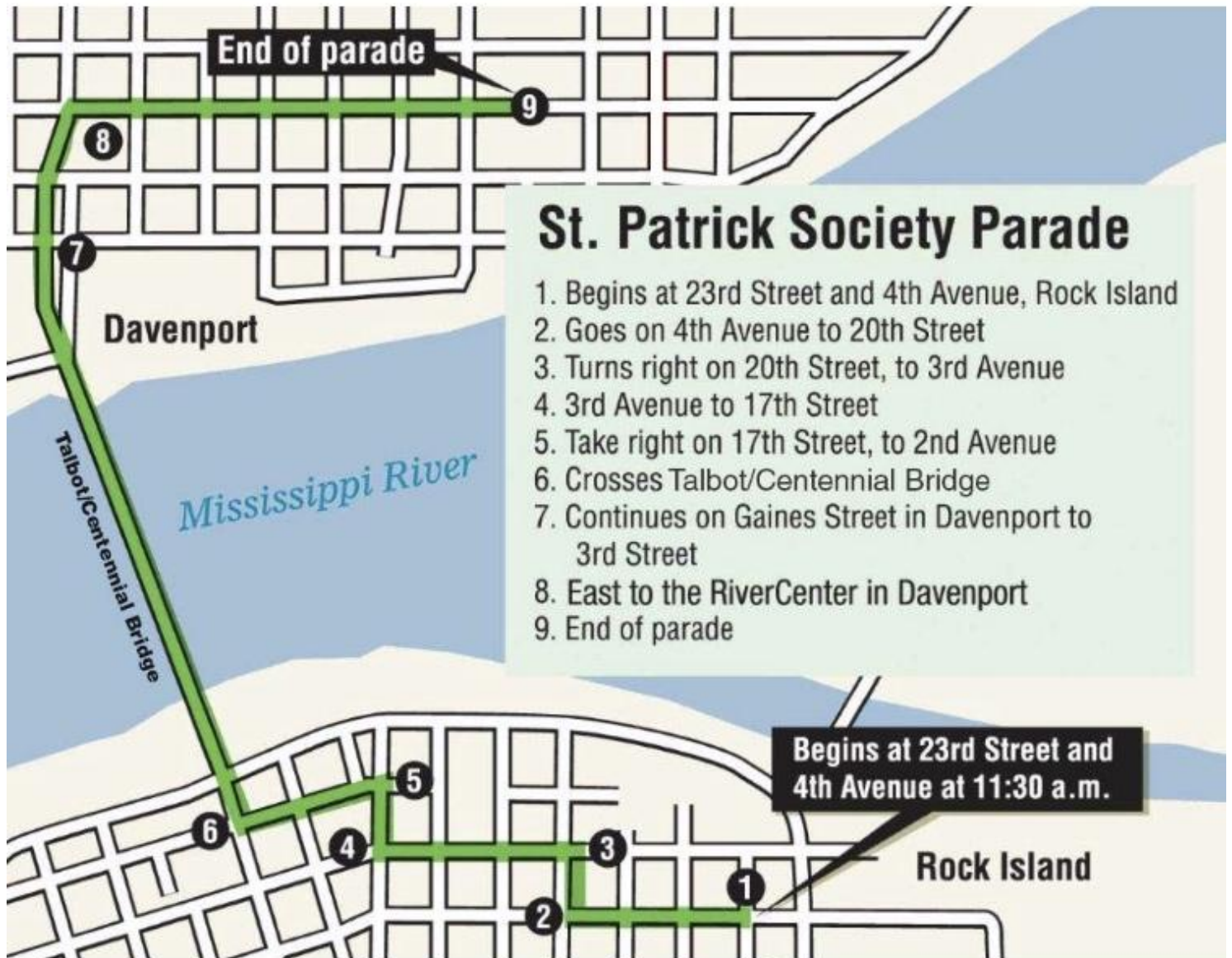
**9:00am**  
 1/4 mile Tot Trot  
 Presented by Sears  
 Manufacturing

**9:30am**  
 1 Mile Family Run/Walk  
 Presented by Cobham

**10:00am**  
 5K Race  
 Presented by Vibrant  
 Credit Union

**11:00am**





City of Davenport

Department: Public Works - Admin  
Contact Info: Rich Oswald | 563-326-6115

**Action / Date**  
**2/2/2022**

**Subject:**

Resolution approving an electric easement and electric vehicle charging equipment agreement with MidAmerican Energy at the RiverCenter Parking Ramp. [Ward 3]

**Recommendation:**

Adopt the Resolution.

**Background:**

MidAmerican has proposed an agreement to install electric vehicle charging equipment in the RiverCenter Parking Ramp located at 104 East 2nd Street. This agreement would include conveying an electric easement to install up to 11 charging stations on one level of the parking garage.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | Resolution  |
| ▣ Backup Material   | Agreement   |

**REVIEWERS:**

| Department           | Reviewer     | Action   | Date                 |
|----------------------|--------------|----------|----------------------|
| Public Works - Admin | Moses, Trish | Approved | 1/27/2022 - 11:29 AM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving an electric easement and electric vehicle charge equipment agreement with MidAmerican Energy at the RiverCenter Parking Ramp.

WHEREAS, MidAmerican Energy has proposed an agreement to install electric vehicle charging equipment at the RiverCenter Parking Ramp located at 104 E 2nd St, Davenport, IA 52801; and

WHEREAS, the City of Davenport is the legal owner of the described real estate locally known as the RiverCenter Parking Ramp, parcel L0009-19C; and

WHEREAS, the City of Davenport wishes to convey the easement in the sum of one and no/100 dollar to MidAmerican Energy Company per exhibit A.s.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the electric easement and electric vehicle charging equipment agreement with MidAmerican Energy at the RiverCenter Ramp is hereby approved.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk



## **ELECTRIC VEHICLE CHARGING EQUIPMENT AGREEMENT**

This Electric Vehicle Charging Equipment Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2022 (“Effective Date”), between MidAmerican Energy Company (“MidAmerican”) and City of Davenport, Iowa (“City”). MidAmerican and City may be referred to individually as a “Party” or collectively as the “Parties.”

### **RECITALS**

City is the owner or lessor of the property with an address of 104 East 2nd Street (the “Property”), locally known as the RiverCenter Parking Ramp.

MidAmerican desires to install and City is willing to allow the installation, operation, maintenance and replacement of electric vehicle supply equipment (“EVSE”) and associated wires, cables, and equipment (collectively, the “Equipment”) at the Property.

MidAmerican will install the Equipment at the Property, subject to the following terms and conditions.

In consideration of the mutual covenants and obligations contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. This Agreement is perpetual and runs with the land, is binding upon all heirs, successors, assigns, owners, lessees and occupants of the Property. This Agreement shall remain in effect for the period of time the Equipment is utilized and will terminate if at any time the Equipment is no longer used to provide electric vehicle charging services (the “Term”).
2. MidAmerican shall be responsible for installing, operating, maintaining, repairing or replacing all Equipment at the Property, and shall do so at MidAmerican’s expense, except as otherwise provided herein. At MidAmerican’s option, all Equipment may display the MidAmerican name and logo prominently.
3. At all times during the Term of this Agreement, MidAmerican shall retain all right, title, and interest in and to the Equipment. The Parties agree that City shall have no right, title, or interest in or to the Equipment, or any part thereof, during the Term of this Agreement. The Parties further agree that the Equipment shall not be considered a “fixture” of the Property, nor shall City take any actions that would lead to that conclusion. Notwithstanding the foregoing, at the termination of this Agreement, or at any point during the Term or during any extension thereof, MidAmerican may, in its sole discretion, choose to transfer its right, title, and interest in and to the Equipment to City. Upon transferring its right, title, and interest in and to the Equipment to City, City (a) shall release MidAmerican from any and all liabilities, including without limitation, any claim or action

for bodily injury or property damage resulting from or related to the Equipment or the use thereof, arising after such transfer, and (b) shall assume responsibility for all costs and expenses associated with the Equipment, including without limitation all electrical consumption costs, network access fees, maintenance costs, and repair costs.

4. MidAmerican shall own any and all data gathered or generated by, or associated with, the Equipment for use in regulatory reporting, ordinary business use, industry forums, case studies, or other business or planning activities of MidAmerican or its affiliates. City shall have no right, title, or interest in or to such data.
5. Under no circumstances shall City receive monetary or in-kind compensation from MidAmerican for its performance of any duties or obligations under this Agreement.
6. City shall promptly notify MidAmerican if and when City becomes aware of any unsafe, inoperable, or damaged Equipment. City shall promptly report all claims or incidents to MidAmerican that occur with respect to the Equipment and shall thereafter promptly confirm in writing any loss, injury, or damage incurred by City. City shall not damage, disable, modify, or tamper with the Equipment, except to the extent required by a legitimate emergency situation. If City damages, disables, modifies, or tampers with the Equipment, except in a legitimate emergency situation, MidAmerican shall repair or replace the Equipment at City's sole cost and expense.
7. City agrees to grant MidAmerican an easement, in the form provided in Exhibit A hereto (the "Easement"). The EVSE will be located in the area shown on attached Exhibit B. Upon completion and installation of MidAmerican Equipment, MidAmerican will provide the final Easement, including exhibit, for signature by the City.
8. All notices or easements required shall be delivered personally or sent postage prepaid by regular mail to the parties at the addresses set forth below:

MidAmerican Energy:      MidAmerican Energy Company  
Attn: Facilities Manager  
401 Douglas Street  
Sioux City, IA 51102  
[Ryan.Stansbury@midamerican.com](mailto:Ryan.Stansbury@midamerican.com)  
712-277-7618

City:      City of Davenport  
Attn: Rich Oswald  
226 West 4<sup>th</sup> Street  
Davenport, IA 52801  
[Richard.Oswald@davenportiowa.com](mailto:Richard.Oswald@davenportiowa.com)  
563-326-7711

Any notice or request required or permitted to be given by any party to the other and not required to be given in writing may be so given by telephone or email to the telephone numbers and email addresses set forth above.

Notices shall be deemed complete upon personal delivery or three (3) days after depositing the same in the U.S. Mail as provided herein.

9. City shall provide MidAmerican with written notice at least thirty (30) days prior to any sale of the Property. Within thirty (30) days following receipt of such notice, MidAmerican may, in its sole discretion, consent to City's delegation of its duties to the purchaser of the Property; alternatively, MidAmerican may, in its sole discretion, remove the Equipment at its sole cost. If MidAmerican elects to remove the Equipment, this Agreement shall be deemed terminated as of the earlier of (a) the date on which the sale of the Property is consummated, or (b) the date the Equipment is removed.
10. The Parties acknowledge and agree that the Equipment is currently dedicated to the sole use of MidAmerican.
11. Each Party shall indemnify, defend, and hold harmless the other Party against from all losses or liability resulting from or arising out of the negligence or willful misconduct of such Party, or that of its officer, directors, or employees. Neither Party shall be liable for loss or liability to the extent caused by the negligence or willful misconduct of the other Party, its officers, directors, employees or agents. In no event shall either Party be liable to the other Party for indirect, consequential, incidental, special, punitive, or exemplary damages of any nature, arising at any time, and regardless of the form of the action or theory of the claim. The foregoing waiver does not apply to an indemnity obligation with respect to a third-party claim,
12. This Agreement may be executed in one or more counterparts, each of which will be an original, but all of which taken together will constitute only one legal instrument. Provided that both Parties have signed this Agreement in counterparts and the counterparts have been delivered to both Parties, it will not be necessary in making proof of this Agreement to produce or account for more than one (1) counterpart.
13. Notwithstanding any other provision in this Agreement, if any Applicable Law is changed, amended, or revoked, or any statutes, rules, regulations, permits, or authorizations are enacted or granted, such that: (i) the continued implementation of this Agreement would have a material adverse effect on either Party; or (ii) this Agreement or any part of this Agreement would be rendered unenforceable, then the Parties agree to negotiate in good faith to amend this Agreement to conform with such Applicable Law or new statutes, rules, regulations, permits, or authorizations (as applicable) in order to maintain the original intent of the Parties under this Agreement.

14. This Agreement does not constitute a joint venture, association, or partnership between the Parties. No express or implied term, provision, or condition of this Agreement will create, or will be deemed to create, an agency, joint venture, partnership, or any fiduciary relationship between the Parties.
15. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof, and supersedes any prior oral or written agreements and all contemporaneous oral communications with respect thereto. All additions, amendments or modifications to this Agreement must be made in writing and must be signed by the Parties. This Agreement shall be effective upon execution.
16. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their permitted successors and assigns.
17. In the event of a dispute, the Parties shall promptly meet and confer in good faith to attempt to resolve the dispute. **TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS CONTRACT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.**

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

**CITY OF DAVENPORT**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**MIDAMERICAN ENERGY COMPANY**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT A

## SAMPLE UNDERGROUND ELECTRIC EASEMENT

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| Prepared by and return to: XXX-XXX-XXXX<br>MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO BOX 657 DES MOINES, IA 50306-0657 |
|--------------------------------------------------------------------------------------------------------------------------------|

### MIDAMERICAN ENERGY COMPANY UNDERGROUND ELECTRIC EASEMENT

|                     |                      |                                  |
|---------------------|----------------------|----------------------------------|
| Folder No. _____    | State of <u>Iowa</u> |                                  |
| Work Req. No. _____ | County of _____      |                                  |
| Project No. _____   | Section _____        |                                  |
|                     | Township _____       | North                            |
|                     | Range _____          | West of the 5 <sup>th</sup> P.M. |

1. For and in consideration of the sum of One and no/100---Dollar (\$1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) \_\_\_\_\_, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, replace or remove underground conduits, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls, including other reasonably necessary equipment incident thereto (collectively "Facilities") under and on the surface of the ground, through and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

EASEMENT AREA:

An underground electric easement described as follows:

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants, undergrowth, buildings, fences and structures that interfere with the proper operation and maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities. Grantee acknowledges that a portion of the Easement Area is now or may in the future be covered with concrete and/or asphalt curbing, driveway and other hard surfacing (hereinafter collectively referred to as the "Hard Surfacing"). Grantor shall maintain or construct any new Hard Surfacing only after providing Grantee with plans and specifications for Grantee's approval. Grantee shall grant its approval, which approval shall not be unreasonably withheld, if it determines that the proposed construction or maintenance will not interfere with Grantee's enjoyment of its easement rights.

4. In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or other property, real or personal of the Grantor by the construction, reconstruction, maintenance, operation, replacement or removal of the Facilities (except for damage to property placed subsequent to the granting of this easement) that Grantee determines interferes with the operation and maintenance of the Facilities and associated equipment. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.

5. Additionally, when Grantor provides or installs duct/conduit for said Facilities, this grant shall cover and include all Facilities installed as a part of the Easement Area.

6. Grantor certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly, on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless the Grantee from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.

7. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter of dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts of law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.

8. Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the property and waives all rights of exemption as to any of the property. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, voluntarily gives up any right to this protection for this property with respect to claims based upon this easement.

9. Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this easement.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021

CITY OF DAVENPORT, IOWA

By:\_\_\_\_\_

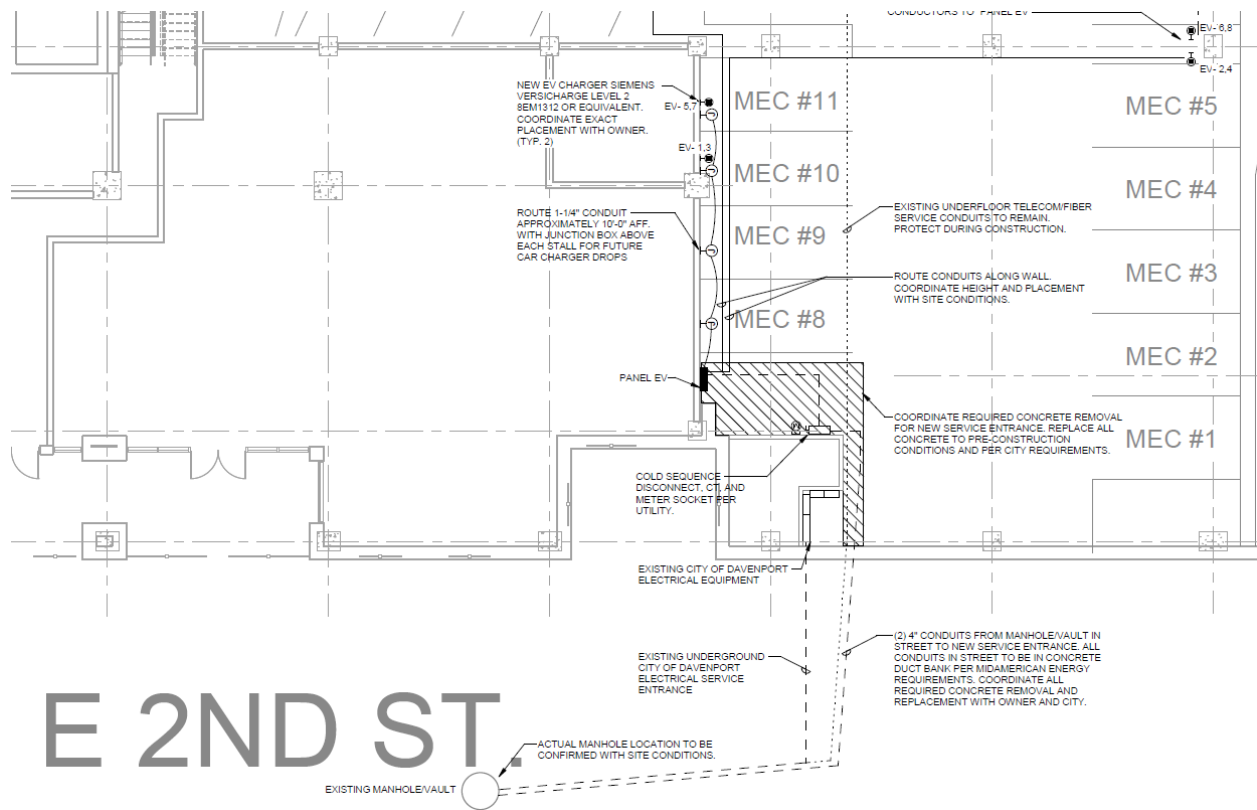
ACKNOWLEDGMENT

STATE OF IOWA       )  
                                  ) ss  
COUNTY OF SCOTT   )

This record was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of City of Davenport,  
Iowa.

\_\_\_\_\_  
Signature of Notary Public

## EXHIBIT B EVSE LOCATION



City of Davenport

Department: Public Works - Admin  
Contact Info: Kevan Oliver | 563-327-5199

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution approving the specifications, form of contract, and estimate of cost for the FY 2023 Contract Milling Program, CIP #35041. [Wards 1, 2, 3, 4, 5, & 7]

**Recommendation:**

Adopt the Resolution.

**Background:**

This program is a partnership effort with local contractors to provide rotomilling ahead of the City's in-house asphalt resurfacing crew. The expectation is that this work will reduce costs and increase efficiency, allowing more streets to be resurfaced in a given year.

Funds for the Contract Milling Program are projected to be budgeted in CIP #35041 at \$200,000.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | Resolution  |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 12:28 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 12:28 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 12:42 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the specifications, form of contract, and estimate of cost for the FY 2023 Contract Milling Program, CIP #35041.

WHEREAS, on the 27th day of January, 2022 specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the FY 2023 Contract Milling Program; and

WHEREAS, notice of Hearing on specifications and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said specifications, form of contract, and estimate of cost are hereby approved as the specifications, form of contract, and estimate of cost for the FY 2023 Contract Milling Program.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

City of Davenport

Department: Public Works - Admin  
Contact Info: Kevan Oliver | 563-327-5199

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution approving the specifications, form of contract, and estimate of cost for the FY 2023 Root Control Program. [All Wards]

**Recommendation:**

Adopt the Resolution.

**Background:**

The purpose of this program is to apply a chemical root control agent to sanitary sewers in order to kill the root growth present in the main lines and the first several feet of their connected sewer laterals. Tree root intrusion into sewer systems is a primary cause of blockages and can also lead to structural deterioration and failures of the pipes. Applied chemical root control measures also inhibit re-growth without permanently damaging the existing trees.

The term of the initial contract will be for one year, with the City maintaining separate options for a second and third year. The program will be managed by the Sewer Maintenance Division in conjunction with Engineering Division staff. Funds for the Root Control Program are projected to be budgeted in the Sanitary Sewer Operational Fund at \$100,000.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| □ Resolution Letter | Resolution  |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 12:29 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 12:30 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 12:42 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the specifications, form of contract, and estimate of cost for the FY 2023 Root Control Program.

WHEREAS, on the 27th day of January, 2022 specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the FY 2023 Root Control Program; and

WHEREAS, notice of Hearing on specifications and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said specifications, form of contract, and estimate of cost are hereby approved as the specifications, form of contract, and estimate of cost for the FY 2023 Root Control Program.

Passed and approved the 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

City of Davenport

Department: Public Works - Admin  
Contact Info: Nicole Gleason | 563-326-7734

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution awarding a contract for the Division Street Reconstruction | 76th Street to I-80 Bridge and I-80 Bridge to Sterilite Access Road project (RISE No. 1827(689)-9D-82) to KE Flatwork Inc of Eldridge, Iowa in the amount of \$1,828,148, CIP #35058. [Ward 8]

**Recommendation:**

Adopt the Resolution.

**Background:**

An Invitation to Bid was issued and sent to contractors on December 21, 2021. On January 18, 2022, the Purchasing Division opened and read nine (9) bids. See bid tabulation attached.

This work involves the reconstruction and widening of Division Street from 76th St to I-80 Bridge and I-80 Bridge to the Sterilite access road.

KE Flatwork was the lowest responsive and responsible bid. They have performed this type of work for the City in the past.

Funding for this project is from the CIP #35058 Street Improvement Program and is part of the Amazon development agreement.

**ATTACHMENTS:**

| Type                | Description            |
|---------------------|------------------------|
| ▢ Resolution Letter | Resolution             |
| ▢ Backup Material   | Bid Tab for Greensheet |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 12:29 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 12:29 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 12:44 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Division Street Reconstruction | 76th Street to I-80 Bridge and I-80 Bridge to Sterilite Access Road project (RISE No. 1827(689)-9D-82) to KE Flatwork Inc of Eldridge, Iowa in the amount of \$1,828,148, CIP #35058.

WHEREAS, the City needs to contract for the Division Street Reconstruction | 76th Street to I-80 Bridge and I-80 Bridge to Sterilite Access Road project; and

WHEREAS, KE Flatwork Inc was the lowest responsive and responsible bidder submitting a bid;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa, that the contract for the Division Street Reconstruction | 76th Street to I-80 Bridge and I-80 Bridge to Sterilite Access Road project is hereby awarded to KE Flatwork of Eldridge, Iowa in the amount of \$1,828,148.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: DIVISION ST RECONSTRUCTION BETWEEN 76<sup>TH</sup> ST AND  
THE ACCESS TO STERILITE - RISE NO. RMX-1827(689)-9D-82

BID NUMBER: 22-58

OPENING DATE: JANUARY 18, 2022

FUNDING: 70078682 530350 35058 STREET IMPROVEMENT PROGRAM

RECOMMENDATION: AWARD THE CONTRACT TO KE FLATWORK INC. OF  
ELDRIDGE IA

| <u>VENDOR NAME</u>                              | <u>PRICE</u>   |
|-------------------------------------------------|----------------|
| K E Flatwork Inc. of Eldridge IA                | \$1,828,148.00 |
| Hawkeye Paving Corporation of Davenport IA      | \$1,891,809.70 |
| CDMI Concrete Contractors Inc. of Port Byron IL | \$1,975,412.15 |
| Langman Construction Inc of Rock Island IL      | \$2,117,116.52 |
| N J Miller Inc of Bettendorf IA                 | \$2,120,842.05 |
| Valley Construction Inc of Rock Island IL       | \$2,135,448.86 |
| McCarthy Improvement Company of Davenport IA    | \$2,223,704.65 |
| Rittmer Inc of DeWitt IA                        | \$2,279,579.72 |
| Brandt Construction Co. of Milan IL             | \$2,317,393.65 |

Approved By Kristi Keller 1-25-2022  
Purchasing Date

Approved By Nicole Gleason 1-20-2022  
Dept Director Date

Approved By Beandi Coyer 1-25-22  
Budget/CIP Date

Approved By Mallory J. Hemitt 01/25/2022  
Assistant City Administrator/ CFO Date

City of Davenport

Department: Public Works - Admin  
Contact Info: Nicole Gleason | 563-326-7734

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution awarding the contract for the CDBG Group 2: East 7th Street and LeClaire Street Reconstruction project to Langman Construction Inc of Rock Island, Illinois in the amount of \$1,034,690.50, CIP #BG250. [Ward 3]

**Recommendation:**

Adopt the Resolution.

**Background:**

An Invitation to Bid was issued on January 4, 2022 and sent to contractors. On January 21, 2022, the Purchasing Division opened and read two responsive and responsible bids. See bid tab attached.

This is a project in coordination with the Community & Economic Development and Public Works Departments. They have worked together to successfully bring this to bid.

CDBG Funds will be used to reconstruct two local streets in a HUD-qualified area of the City. One street is a protected brick street. The work consists of East 7th Street from Iowa Street to LeClaire Street (brick) and LeClaire Street from East 6th Street to East 8th Street (concrete). Work is phased to accommodate investigation in one-half block area of LeClaire Street. The contractor will assist an archeologist, who will be hired directly by the City, to slowly dig soils under the existing street and sidewalk pavement. Depth will be limited to what needs to be removed for subbase per the plans.

Langman Construction Inc of Rock Island, Illinois was the lowest responsive and responsible bidder. They have successfully performed this type of work for the City in the past.

Funding is from a CDBG HUD grant 54551044 520258 BG250.

**ATTACHMENTS:**

| Type                | Description            |
|---------------------|------------------------|
| ▣ Resolution Letter | Resolution             |
| ▣ Cover Memo        | Bid Tab for Greensheet |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 12:28 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 12:28 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 12:45 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding the contract for the CDBG Group 2: East 7th Street and LeClaire Street Reconstruction project to Langman Construction Inc of Rock Island, Illinois in the amount of \$1,034,690.50, CIP #BG250.

WHEREAS, the City needs to contract for the CDBG Group 2: Reconstruction East 7th Street and LeClaire Street project; and

WHEREAS, Langman Construction Inc was the lowest responsive and responsible bidder submitting a bid.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that the contract for the CDBG Group 2: East 7th Street and LeClaire Street Reconstruction project is hereby awarded to Langman Construction Inc of Rock Island, Illinois in the amount of \$1,034,690.50.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: CDBG GROUP 2 - RECONSTRUCTION  
E 7<sup>TH</sup> & LECLAIRE

BID NUMBER: 22-71

OPENING DATE: JANUARY 21, 2022

FUNDING: 54551044 .520258 BG250 CDBG HOUSING REHAB

RECOMMENDATION: AWARD THE CONTRACT TO  
LANGMAN CONSTRUCTION INC OF ROCK ISLAND IL

| <u>VENDOR NAME</u>                            | <u>PRICE</u>   |
|-----------------------------------------------|----------------|
| Langman Construction Inc. of Rock Island IL   | \$1,034,690.50 |
| Valley Construction Company of Rock Island IL | \$1,066,343.50 |

Approved By Krista Keller 1-25-2022  
Purchasing Date

Approved By Nicole Meason 1-25-2022  
PW Director Date

Approved By Bruce Beuge 1/25/22  
CED Director Date

Approved By [Signature] 1/25/22  
Budget/CIP Date

Approved By Mallory J. Yemitt 01/25/2022  
Assistant City Administrator/ CFO Date

City of Davenport

Department: Public Works - Admin  
Contact Info: Nicole Gleason | 563-326-7734

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution awarding the contract for the CDBG Alley Program: 1310 Kirkwood Boulevard to 1818 Esplanade Avenue Reconstruction project to Emery Construction Group Inc of Moline, Illinois in the amount of \$286,936.71, CIP #BG250. [Ward 5]

**Recommendation:**

Adopt the Resolution.

**Background:**

An Invitation to Bid was issued on December 13, 2021 and sent to contractors. On January 20, 2022, the Purchasing Division opened and read five (5) responsive and responsible bids. See bid tab attached.

The Community & Economic Development Department has Community Development Block Grant (CDBG) funds to be used. Public Works Department had some alleys that they wanted to improve. The two departments coordinated and were able to complete the grant requirements to process a bid.

Emery Construction Group Inc of Moline, Illinois has successfully performed this type of work for the City in the past.

Funding is from the CDBG HUD grant BG250.

**ATTACHMENTS:**

| Type                | Description            |
|---------------------|------------------------|
| ▣ Resolution Letter | Resolution             |
| ▣ Cover Memo        | Bid Tab for Greensheet |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 12:27 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 12:28 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 12:46 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding the contract for the CDBG Alley Program: 1310 Kirkwood Boulevard to 1818 Esplanade Avenue Reconstruction project to Emery Construction Group Inc of Moline, Illinois in the amount of \$286,936.71, CIP #BG250.

WHEREAS, the City needs to contract for the CDBG Alley Program: 1310 Kirkwood Boulevard to 1818 Esplanade Avenue Reconstruction project; and

WHEREAS, Emery Construction Group Inc was the lowest responsive and responsible bidder submitting a bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa, that the contract for the CDBG Alley Program: 1310 Kirkwood Boulevard to 1818 Esplanade Avenue Reconstruction project is hereby awarded to Emery Construction Group Inc of Moline, Illinois in the amount of \$286,936.71.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: CDBG ALLEY PROGRAM – RECONSTRUCTION  
1310 KIRKWOOD TO 1818 ESPLANADE

BID NUMBER: 22-64

OPENING DATE: JANUARY 20, 2022

FUNDING: 54551044 520258 BG250 CDBG HOUSING REHAB

RECOMMENDATION: AWARD THE CONTRACT TO EMERY CONSTRUCTION  
GROUP INC. OF MOLINE IL

| <u>VENDOR NAME</u>                                     | <u>PRICE</u> |
|--------------------------------------------------------|--------------|
| Emery Construction Group Inc of Moline IL              | \$286,936.71 |
| Valley Construction Company of Rock Island IL          | \$299,864.40 |
| Centennial Contractors of the Quad Cities of Moline IL | \$299,990.00 |
| Langman Construction Inc of Rock Island IL             | \$319,972.41 |
| Brandt Construction Co. of Milan IL                    | \$351,127.00 |

Approved By Kristi Keller 1-25-2022  
Purchasing Date

Approved By Neole Gleason Jan 21, 2022  
PW Director Date

Approved By Bruce Berger 1/25/22  
CED Director Date

Approved By [Signature] 1/25/22  
Budget/CIP Date

Approved By Mallory J. Wemitt 01/25/2022  
Assistant City Administrator/ CFO Date

City of Davenport

Department: Finance

Contact Info: Mallory Merritt | 563-326-7792

**Action / Date**

**2/9/2022**

Subject:

Resolution approving the FY 2023 maximum property tax levy rate and amount. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The City has developed a proposed maximum levy for affected property tax levies of \$14.46000 per \$1,000 of taxable value for FY 2023.

Under the law of the State of Iowa, the City is required to adopt the maximum property tax levy prior to the adoption of the annual budget.

ATTACHMENTS:

| Type                | Description         |
|---------------------|---------------------|
| ▣ Resolution Letter | Resolution          |
| ▣ Backup Material   | Property Tax notice |

REVIEWERS:

| Department        | Reviewer         | Action   | Date                 |
|-------------------|------------------|----------|----------------------|
| Finance           | Merritt, Mallory | Approved | 1/26/2022 - 8:25 PM  |
| Finance Committee | Merritt, Mallory | Approved | 1/26/2022 - 8:25 PM  |
| City Clerk        | Admin, Default   | Approved | 1/27/2022 - 10:57 AM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the FY 2023 maximum property tax levy rate and amount.

WHEREAS, the City Council of the City of Davenport has considered the proposed FY 2023 City maximum property tax dollars for the affected levy total; and

WHEREAS, a notice concerning the proposed City maximum property tax dollars was published in the *Quad City Times* on January 19, 2022 and posted on the City website and all social media accounts on January 20, 2022 as required by State law; and

WHEREAS, a Public Hearing concerning the proposed City maximum property tax dollars was held on Wednesday, February 2, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the maximum property tax dollars for the affected tax levies for FY 2023 shall not exceed the following total:

maximum levy for affected property tax levies - \$14.46000 per \$1,000 of  
taxable value which equals \$71,956,241.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

**NOTICE OF PUBLIC HEARING - CITY OF DAVENPORT - PROPOSED PROPERTY TAX LEVY**  
**Fiscal Year July 1, 2022 - June 30, 2023**

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:

**Meeting Date:** 2/2/2022 **Meeting Time:** 05:30 PM **Meeting Location:** City of Davenport, Iowa | Council Chambers 226 West Fourth Street Davenport, IA 52801

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After adoption of the proposed tax levy, the City Council will publish notice and hold a hearing on the proposed city budget.

City Website (if available)  
[www.davenportiowa.com](http://www.davenportiowa.com)

City Telephone Number  
 (563) 326-7792

|                                            | <b>Current Year Certified<br/>Property Tax 2021 - 2022</b> | <b>Budget Year Effective<br/>Property Tax 2022 - 2023</b> | <b>Budget Year Proposed Maximum<br/>Property Tax 2022 - 2023</b> | <b>Annual<br/>% CHG</b> |
|--------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------|-------------------------|
| Regular Taxable Valuation                  | 4,824,709,657                                              | 4,976,226,877                                             | 4,976,226,877                                                    |                         |
| Tax Levies:                                |                                                            |                                                           |                                                                  |                         |
| Regular General                            | 39,080,148                                                 | 39,080,148                                                | 40,307,438                                                       |                         |
| Contract for Use of Bridge                 |                                                            |                                                           | 0                                                                |                         |
| Opr & Maint Publicly Owned Transit         | 4,390,500                                                  | 4,390,500                                                 | 4,528,366                                                        |                         |
| Rent, Ins. Maint. Of Non-Owned Civ. Ctr.   |                                                            |                                                           | 0                                                                |                         |
| Opr & Maint of City-Owned Civic Center     |                                                            |                                                           | 0                                                                |                         |
| Planning a Sanitary Disposal Project       |                                                            |                                                           | 0                                                                |                         |
| Liability, Property & Self-Insurance Costs | 1,206,200                                                  | 1,206,200                                                 | 1,244,057                                                        |                         |
| Support of Local Emer. Mgmt. Commission    |                                                            |                                                           | 0                                                                |                         |
| Emergency                                  | 1,302,672                                                  | 1,302,672                                                 | 1,343,581                                                        |                         |
| Police & Fire Retirement                   | 6,235,100                                                  | 6,235,100                                                 | 6,065,217                                                        |                         |
| FICA & IPERS                               | 6,306,200                                                  | 6,306,200                                                 | 2,873,713                                                        |                         |
| Other Employee Benefits                    | 11,244,550                                                 | 11,244,550                                                | 15,593,869                                                       |                         |
| <b>Total Tax Levy</b>                      | <b>69,765,370</b>                                          | <b>69,765,370</b>                                         | <b>71,956,241</b>                                                | <b>3.14</b>             |
| <b>Tax Rate</b>                            | <b>14.46001</b>                                            | <b>14.01973</b>                                           | <b>14.46000</b>                                                  |                         |

**Explanation of significant increases in the budget:**

The FY 2023 Budget increases include primarily negotiated wages, contract escalations, and other miscellaneous operational needs.

**If applicable, the above notice also available online at:**

[www.davenportiowa.com](http://www.davenportiowa.com)

\*Total city tax rate will also include voted general fund levy, debt service levy, and capital improvement reserve levy.

\*\*Budget year effective property tax rate is the rate that would be assessed for these levies if the dollars requested is not changed in the coming budget year



City of Davenport

Department: Finance  
Contact Info: Chad Dyson | 563-326-7817

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution authorizing the submission of an application to the United States Army Donations Program for conditionally-issued, condemned, or obsolete Army equipment for static display purposes. [All Wards]

**Recommendation:**

Adopt the Resolution.

**Background:**

The United States Army Static Display Program is conducted in accordance with Title 10 United States Code §2572 as implemented by Army Regulation 700-131. Eligible organizations may qualify to receive conditionally-issued, condemned, or obsolete Army equipment for static display purposes.

Parks & Recreation staff will oversee the application process. Equipment received through the United States Army Donations Program will be put on display at one or more Davenport parks, including but not limited to Veterans Memorial Park.

A formal Council Resolution is required as part of the application process.

**ATTACHMENTS:**

| Type                | Description                                   |
|---------------------|-----------------------------------------------|
| ▣ Resolution Letter | Resolution                                    |
| ▣ Backup Material   | Static Display Application for Municipalities |

**REVIEWERS:**

| Department        | Reviewer         | Action   | Date                 |
|-------------------|------------------|----------|----------------------|
| Finance           | Merritt, Mallory | Approved | 1/26/2022 - 8:26 PM  |
| Finance Committee | Merritt, Mallory | Approved | 1/26/2022 - 8:26 PM  |
| City Clerk        | Admin, Default   | Approved | 1/27/2022 - 10:44 AM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION authorizing the submission of an application to the United States Army Donations Program for conditionally-issued, condemned, or obsolete Army equipment for static display purposes.

WHEREAS, the United States Army Static Display Program is conducted in accordance with Title 10 United States Code §2572 as implemented by Army Regulation 700-131. Eligible organizations may qualify to receive conditionally-issued, condemned or obsolete Army equipment for static display purpose; and

WHEREAS, municipalities, such as the City of Davenport, are qualified to apply to the United States Army Static Display Program as a municipal corporation; and

WHEREAS, the Davenport Parks and Recreation Department will oversee the application process, submittal of required documents, and approve the site location(s) for any donated Army equipment received through the United States Army Donations Program; and

WHEREAS, the Davenport Parks and Recreation Department will be responsible for the upkeep and safety of the display item during the duration of the display on publically owned property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that staff is hereby authorized to submit an application to the United States Army Donations Program for conditionally-issued, condemned, or obsolete Army equipment for static display purposes.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

**United States Army Donations Program**  
**Qualification Checklist for Donations of Combat Materiel**  
**Municipalities**

Please complete the following questionnaire and return this form with the required documents outlined below:

Full Name of Organization (ORG): \_\_\_\_\_

ORG Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ FAX Number: \_\_\_\_\_

ORG E-mail Address: \_\_\_\_\_

ORG Mailing Address (if different than above): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

ORG Representative (REP): \_\_\_\_\_

Contact Information (If Different than above), Telephone Number: \_\_\_\_\_

Contact E-mail Address (If Different than above): \_\_\_\_\_

Name of Organization that owns the display site: \_\_\_\_\_

Address of Display site (if different from ORG): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

GPS Display Site Coordinates: \_\_\_\_\_

Type of Combat Equipment being requested (**check only one**):

☐ Tracked Vehicle    ☐ Towed Artillery    ☐ Helicopter    ☐ Any Combat Material

Size Restrictions, maximum Length and Width: \_\_\_\_\_ Feet x \_\_\_\_\_ Feet

Do you currently possess combat equipment as static display? \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
REP's Signature

\_\_\_\_\_  
Date

**United States Army Donations Program  
Qualification Checklist for Donation of Combat Materiel  
Municipalities Continued**

Please read the following conditions and initial after each.

Combat Material issued to your organization cannot be loaned, sold, transferred, given to or used by any other organization. This equipment remains the property of the United States Government and must be returned to the US Army when no longer needed by your organization. \_\_\_\_\_ (Initial)

Upon receipt and approval of your application, you will be offered a suitable display piece as they become available. The availability of any Army equipment for use as a static display is very limited. It is recommended you apply for a static piece in order to maintain your request in an open status until an asset becomes available. \_\_\_\_\_ (Initial)

Upon acceptance of an item, your organization will be responsible for all release, demilitarization, display site preparation and transportation costs associated with the conditional loan of display equipment. Depending upon the type of equipment available: demilitarization, radiological and release costs can exceed several thousand dollars. \_\_\_\_\_ (Initial)

Please identify **maximum dollar amount** that you are prepared to pay for demilitarization/radiological and release costs (**check one**):

☐ Not to Exceed \$1000    ☐ Not to Exceed \$10,000    ☐ Exceeds \$10,001

Transportation of an item will be at your expense via a commercial carrier. Combat equipment can be located throughout the Continental United States of America, distance from current location to display site will vary. This cost will be dependent upon the commercial carrier you hire to move the item for you and the distance from its current location to your display site. \_\_\_\_\_ (Initial)

Due to the distance combat equipment may have to be transported and associated costs, please identify the distance your organization is willing to consider for an offer (**check one**):

☐ With-in State    ☐ With-in Region    ☐ No prohibition on distance

**In the event that an offer for combat equipment is not made within a three year period from the date of this request or an offer is made and refused by the organization, the organization must reapply for qualification of combat material under this program.**  
\_\_\_\_\_ (Initial)

**United States Army Donations Program  
Qualification Checklist for Donation of Combat Materiel  
Municipalities Continued**

**Retain this page for your records.**

Please submit the following information to:

US Army Tank-Automotive and Armaments Command  
ATTN: AMTA-LCL-IFD, M/S: 419D  
6501 E. 11 Mile Road  
Detroit Arsenal, MI 48397-5000

- (1) **Checklist** for Donations of Combat Materiel Municipalities. (Pages 1&2)
- (2) **Municipality Written Request** signed by the Mayor, City Manager, County Commissioner, or Governor as appropriate for combat equipment under 10 USC 2572, the request must identify the intended use of the equipment.
- (3) **Certificate of Incorporation** under State Law, City/County Charter, or other legal documentation substantiating recognition, as a governmental entity of the state.
- (4) **A Copy of the approved Minutes or Resolution** citing board approval from the City/Township Council, County Board of Commissioners, and/or other appropriate law making governing body. This document must show that the appropriate governing body will assume all responsibility for the upkeep and safety of the display item with the understanding that equipment cannot be placed on privately owned property.
- (5) **A Site photograph** depicting the proposed display site of the donated item.
- (6) **Annual Certification of Army Material Status.** Complete for each piece of equipment currently in the organization's possession.
- (7) **Site photograph(s).** These photograph(s) must show where you intend to place the display item. It must include surrounding landmarks including your facility or the Park signs and setting.
- (8) **Static Display Photograph(s).** Photograph(s) must clearly show any display equipment your organization received. This includes display items located in parks and cemeteries or at memorial sites.
- (9) **Map of the Local Area/GPS Coordinates.** This map must pinpoint the location of your organization's proposed display site. It must be detailed enough to permit visitors and/or inspectors unfamiliar with the local area to easily find the display.

City of Davenport

Department: Finance  
Contact Info: Nicole Gleason | 563-326-7734

**Action / Date**  
**2/9/2022**

**Subject:**

Resolution approving the purchase of a 2022 John Deere Model 744L Wheel Loader from Martin Equipment of Rock Island, Illinois in the amount of \$379,500 using Sourcewell Contract #032119-JDC, CIP #24031. [All Wards]

**Recommendation:**

Adopt the Resolution.

**Background:**

The Compost Facility has a wheel loader that has passed its life expectancy and parts are no longer available. Martin Equipment of Rock Island, Illinois was awarded Sourcewell Contract #032119-JDC. Sourcewell is a cooperative purchasing group that bids items for government entities. This contract will be used to purchase a 2022 John Deere Wheel Loader 744L.

Funds for this purchase are available in CIP #24031.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | Resolution  |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                |
|------------------------|----------------|----------|---------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 1:44 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 1:44 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 2:22 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the purchase of a 2022 John Deere 744L Wheel Loader from Martin Equipment of Rock Island, Illinois in the amount of \$379,500 using Sourcewell contract #032119-JDC, CIP #24031.

WHEREAS, the City needs to purchase a new Wheel Loader for the Compost Facility; and

WHEREAS, Martin Equipment holds Sourcewell contract #032119-JDC for a 2022 John Deere 744L Wheel Loader.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the purchase of a 2022 John Deere 744L Wheel Loader from Martin Equipment of Rock Island, Illinois in the amount of \$379,500 using Sourcewell contract #032119-JDC is hereby approved.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

City of Davenport

Department: Finance

Contact Info: Mallory Merritt | 563-326-7792

**Action / Date**

**2/9/2022**

**Subject:**

Resolution adopting the Internal Revenue Service mileage rate to reimburse employees for use of a personal vehicle for City business. [All Wards]

**Recommendation:**

Adopt the Resolution.

**Background:**

Chapter 70A.9 of the Code of Iowa requires the local governing body to approve the mileage reimbursement rate paid to employees who use their personal vehicle for City business/travel. The IRS has increased the mileage rate from \$0.56 for CY 2021 to \$0.585 for CY 2022.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▢ Resolution Letter | Resolution  |

**REVIEWERS:**

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| Finance    | Admin, Default | Approved | 1/28/2022 - 11:33 AM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION adopting the Internal Revenue Service mileage rate to reimburse employees for use of a personal vehicle for City business.

WHEREAS, Chapter 70A.9 of the Code of Iowa requires that the local governing body approve the mileage reimbursement rate paid to employees for the use of a personal vehicle for City business; and

WHEREAS, the IRS mileage rate for CY 2022 is \$0.585.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Internal Revenue Service CY 2022 mileage rate of \$0.585 is hereby adopted to reimburse employees for use of a personal vehicle for City business.

Passed and approved this 9th day of February, 2022.

Approved:

Attest:

\_\_\_\_\_  
Mike Matson  
Mayor

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

City of Davenport

Department: Public Safety  
Contact Info: Brian Krup | 563-326-6163

**Action / Date**  
**1/26/2022**

**Subject:**

Motion approving noise variance requests for various events on the listed dates and times.

Dam View Inn; St. Patrick's Day Party; 410 East 2nd Street; 8:00 a.m. Saturday, March 12, 2022 - 12:00 a.m. Sunday, March 13, 2022; Outdoor music/band, over 50 dBA. [Ward 3]

St. Patrick's Society; Grand Parade XXXVI; Downtown; Saturday, March 12, 2022 12:00 p.m. - 1:30 p.m.; Outdoor music/performance, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2815 West Locust Street; various dates and times April through November 2022 (see attached list); Outdoor events/music, over 50 dBA. [Ward 4]

**Recommendation:**

Pass the Motion.

**Background:**

The following requests for noise variances have been received pursuant to the Davenport Municipal Code Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

**ATTACHMENTS:**

| Type      | Description                         |
|-----------|-------------------------------------|
| ▣ Exhibit | Mississippi Valley Fair Events List |

**REVIEWERS:**

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| City Clerk | Admin, Default | Approved | 1/27/2022 - 12:20 PM |



**Shawn Loter**  
**General Manager**

## **Mississippi Valley Fair, Inc.**

2815 West Locust Street • Davenport, IA 52804

(563) 326-5338

[www.mvfair.com](http://www.mvfair.com)

January 6, 2022

Brian Krup  
City Administration  
226 West Fourth Street  
Davenport, Iowa 52801

Dear Brian,

On behalf of the Mississippi Valley Fair, I would like to request our 2022 noise variance for summer activities for the attached tentative dates.

I am requesting a variance until 11:00 p.m. for our quarter mile track events, and a variance that allows us to finish the feature race on the half mile track, as long as the race is started before 10:00 p.m.. This is the same request as last year.

I am enclosing a list of events scheduled to date and will update you on any new events or changes to the schedule.

Please feel free to call me if you have any questions. I will look forward to your written reply. I will also be happy to attend a council meeting to answer questions if you would like.

Regards,

Shawn Loter  
General Manager  
Mississippi Valley Fair

CC: Mayor Mike Matson

**Mississippi Valley Fair**  
August 2nd - August 7th, 2022

**2022 tentative schedule**  
**Mississippi Valley Fair**

March 24-26 Thraw Brawl races  
April 1 Enduro Races  
April 14 MLRA races  
April 15-16 Demo Derby  
April 22 Weekly Races  
April 29 Weekly Races  
May 6 Weekly Races  
May 13 Weekly Races  
May 20 Weekly Races  
May 27 SLMR races  
June 3 Weekly Races  
June 10 Weekly Races  
June 11-12 Monster Truck Show  
June 16 Summer Nationals Race  
June 18 Tractor Pull  
June 24 Weekly races with Sprint Invaders  
July 1 Weekly Races  
July 6 Lucas Oil  
July 15 Weekly Races  
July 22 Weekly Races  
July 26 MARS races  
August 2-7 Mississippi Valley Fair  
August 12 Weekly Races  
August 19 Weekly Races  
August 25-27 World of Outlaw races ★ until midnight  
September 2-3 Motorcycle races  
September 10 Races  
September 25 SMLRA races  
October 29 Enduro races  
November 4 Races  
November 5 Demo Derby

In addition, practice sessions might be scheduled once a week from 6-9pm from April through September. These are tentative and have not been scheduled to date.

City of Davenport

Department: Public Safety  
Contact Info: Jamie Swanson | 563-326-7795

**Action / Date**  
**2/9/2022**

**Subject:**  
Motion approving beer and liquor license applications.

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

**Ward 3**

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

Antonellas II, LLC (Antonellas II, LLC) - 421 W River Dr - Outdoor Area - License Type: Beer/Wine

Carriage Haus (Smoking Haus Entertainment) - 312 W 3rd St - Outdoor Area - License Type: Class C Liquor

Danceland (Danceland, Ltd) - 501 1/2 W 4th St - License Type: Class C Liquor

Embers of Phoenix (Jai Mata Lakshmi, Inc) - 111 W 2nd St - License Type: Class C Liquor

KC Brothers (KC 2 Brothers, Inc) - 214 Myrtle St - License Type: Class E Liquor

Nally's Kitchen, Inc (Nally's Kitchen, Inc) - 1622 Rockingham Rd - License Type: Class B Beer

Sam's Food (Sam Food, LLC) - 648 N Marquette St - License Type: Class E Liquor

**Ward 4**

The Pour House (Boss Lady, Inc) - 1502 W Locust St - Outdoor Area - License Type: Class C Liquor

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

**Ward 6**

Camp McClellan Cellars (Julie Keehn) - 2302 E 11th St - License Type: Class C Beer

Homewood Suites (Davenport Lodging Group, LLC) - 4750 Progress Dr - License Type: Beer/Wine

The Mound (Mound QC, LLC) - 1029 Mound St - License Type: Class C Liquor

**Ward 7**

Pancheros Mexican Grill (FMDAV, LLC) - 902 W Kimberly Rd - Outdoor Area - License Type:

## Class B Beer

Recommendation:  
Pass the Motion.

### Background:

These applications have been reviewed by the Police, Fire, and Zoning Departments.

### REVIEWERS:

| Department              | Reviewer         | Action   | Date                 |
|-------------------------|------------------|----------|----------------------|
| Public Safety           | Merritt, Mallory | Approved | 1/26/2022 - 3:52 PM  |
| Public Safety Committee | Merritt, Mallory | Approved | 1/26/2022 - 8:26 PM  |
| City Clerk              | Admin, Default   | Approved | 1/27/2022 - 10:57 AM |

City of Davenport

Department: Public Works - Admin  
Contact Info: Nicole Gleason | 563-326-7734

**Action / Date**  
**2/9/2022**

**Subject:**

Motion approving the contract for the CDBG Alley Rehab: 701 Tremont Avenue to 923 East 6th Street project to Emery Construction Group Inc of Moline, Illinois in the amount of \$94,222, CIP #BG250. [Ward 3]

**Recommendation:**

Pass the Motion.

**Background:**

An Invitation to Bid was issued on January 4, 2022 and sent to contractors. On January 21, 2022, the Purchasing Division opened and read four (4) bids. See bid tab attached.

Emery Construction Group Inc of Moline, Illinois was the lowest responsive and responsible bidder for this work. They have successfully performed this type of work for the City in the past.

Community Development Block Grant funds will be used for this project.

**ATTACHMENTS:**

| Type                                                                                          | Description            |
|-----------------------------------------------------------------------------------------------|------------------------|
|  Cover Memo | Bid Tab for Greensheet |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 12:16 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 12:16 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 12:47 PM |

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: CDBG ALLEY REHAB – 701 TREMONT TO 6<sup>TH</sup> ST

BID NUMBER: 22-68

OPENING DATE: JANUARY 21, 2022

FUNDING: 54551044 520258 BG250 CDBG HOUSING REHAB

RECOMMENDATION: AWARD THE CONTRACT TO  
EMERY CONSTRUCTION GROUP OF MOLINE IL

| <u>VENDOR NAME</u>                            | <u>PRICE</u> |
|-----------------------------------------------|--------------|
| Emery Construction Group Inc of Moline IL     | \$94,222.00  |
| Langman Construction Inc of Rock Island IL    | \$117,460.80 |
| Valley Construction Company of Rock Island IL | \$123,881.40 |
| McClintock Trucking & Excavating of Silvis IL | \$167,855.00 |

Approved By Kristi Keller 1-25-2022  
Purchasing Date

Approved By Nicole Meason 1-25-2022  
PW Director Date

Approved By Bruce Berger 1/25/22  
CED Director Date

Approved By [Signature] 1/25/22  
Budget/CIP Date

Approved By Mallory J. Merritt 01/25/2022  
Assistant City Administrator/ CFO Date

City of Davenport

Department: Public Works - Admin  
Contact Info: Amy Kay | 563-327-5160

**Action / Date**  
**2/9/2022**

**Subject:**

Motion determining property values for the 2022 50/50 Cost Share Stream Bank Stabilization Program project at West 62nd Street and North Elmwood Avenue. [Ward 2]

**Recommendation:**

Pass the Motion.

**Background:**

Within the City of Davenport, maintenance of streams that flow through private property is considered the responsibility of the property owner. A resident or business owner petitions the City to have their stream bank's stabilized through the 50/50 Cost Share Stream Bank Stabilization Program. This program is an assessment program where  $\frac{1}{2}$  of the total cost to reconstruct or stabilize the stream is paid for by the City and the other  $\frac{1}{2}$  is paid for by the abutting property owners based on the area of their lot affected by the project. The resident or business that requests to have their stream bank stabilized would have to obtain the necessary signatures on a petition prepared by the City of 100% of the owner-occupied property abutting the designated stream section.

The City has received one petition for a stream located within the City of Davenport as noted below:

east-west section of an unnamed tributary to Silver Creek starting from west of North Linwood Avenue just to the west of North Thornwood Avenue.

The maximum estimated cost of these improvements is \$96,590 with an operating budgeted amount of \$40,000 as engineering, design, labor and equipment costs are included in the estimate but paid out of Salary and Equipment funds. This will be an in-house project constructed by City staff.

**ATTACHMENTS:**

| Type              | Description                |
|-------------------|----------------------------|
| ▣ Backup Material | Property Assessment Values |
| ▣ Backup Material | Project Map                |

**REVIEWERS:**

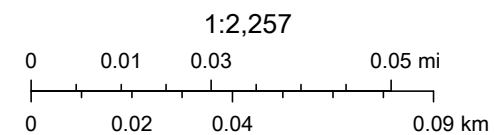
| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Moses, Trish   | Approved | 1/27/2022 - 12:15 PM |
| Public Works Committee     | Moses, Trish   | Approved | 1/27/2022 - 12:15 PM |
| City Clerk                 | Admin, Default | Approved | 1/27/2022 - 12:47 PM |

FY22 50-50 Stream Stabilization east-west section of an unnamed tributary to Silver Creek  
starting from west of N Linwood Ave., just to the west of N Thornwood Ave

| Parcel    | Address        | Deed 1 Name                | Deed 1 Address    | Deed 1 City, State, Zip | Assesed Value |
|-----------|----------------|----------------------------|-------------------|-------------------------|---------------|
| W0453-19  | 2622 W 62ND ST | JOSEPH NACHE               | 46 COBBLESTONE LN | Davenport, IA 52806     | \$213,000     |
| W0453-18  | 2626 W 62ND ST | TYLER G NUGENT             | 2626 W 62ND ST    | Davenport, IA 52807     | \$245,000     |
| W0453-17  | 2630 W 62ND ST | MARC W HAYES               | 2630 W 62ND ST    | Davenport, IA 52808     | \$188,000     |
| W0453-20  | 2618 W 62ND ST | WELGE HARLAN E JR          | 2618 W 62ND ST    | Davenport, IA 52809     | \$183,000     |
| W0453-22  | 2610 W 62ND ST | PIETSCH AMANDA KATE FREESE | 2610 W 62ND ST    | Davenport, IA 52810     | \$195,000     |
| W0453-21  | 2614 W 62ND ST | GREGORY L QUICK            | 2614 W 62ND ST    | Davenport, IA 52811     | \$189,500     |
| W0455-25A | 2602 W 62ND ST | JODI VIVEROS               | 2602 W 62ND ST    | Davenport, IA 52812     | \$255,002     |
| W0455-24  | 2604 W 62ND ST | JASON W SMITH              | 2604 W 62ND ST    | Davenport, IA 52813     | \$200,000     |
| W0453-23  | 2608 W 62ND ST | PAUL A GROESBECK           | 2608 W 62ND ST    | Davenport, IA 52814     | \$237,000     |

[illegible]

 Parcels
  2019 Aerial Photo
  Green: Band\_2  
 Address Points
  Red: Band\_1
  Blue: Band\_3



City of Davenport

Department: Public Works - Admin  
Contact Info: Brad Guy | 563-327-5105

**Action / Date**  
**2/9/2022**

**Subject:**

Motion approving Change Order #2 to Tricon General Construction of Dubuque, Iowa in the amount of \$70,224 for the Modern Woodmen Park Floodwall Extension and Workout Room Addition project, CIP #23049. [Ward 3]

**Recommendation:**

Pass the Motion.

**Background:**

This contract change is to address the following issues discovered during construction:

1. Clubhouse technology upgrades to comply with current MLB standards
2. Additional plumbing work to relocate existing water piping in conflict with proposed ductwork.
3. Additional work to relocate an existing electrical control panel.
4. Replacement of sports turf in the batting cage tunnels which could not be reused due to damage from years of flooding.
5. Costs associated with the installation of additional angle iron required to properly secure new fire suppression system and electrical conduit.

The labor, materials, and equipment required to complete these necessary changes is estimated at \$70,224 and is available in the current project budget for CIP #23049.

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Moses, Trish   | Approved | 1/27/2022 - 12:17 PM |
| Public Works Committee     | Moses, Trish   | Approved | 1/27/2022 - 12:17 PM |
| City Clerk                 | Admin, Default | Approved | 1/27/2022 - 12:48 PM |

City of Davenport

Department: Public Works - Admin  
Contact Info: Nicole Gleason | 563-326-7734

**Action / Date**  
**2/9/2022**

**Subject:**

Motion awarding a three-year contract for low voltage electrical repair services to Tri-City Electric Co of Davenport, Iowa. [All Wards]

**Recommendation:**

Pass the Motion.

**Background:**

A Request for Proposals was issued on December 21, 2021 and sent to vendors. On January 18, 2022 the Purchasing Division opened and read two responses. See tabulation attached.

The proposals submitted were scored on the following criteria: 1) Proposed Pricing - 30%, 2) References, History, Ability - 30%, 3) Capabilities - 15%, 4) Quality & Thoroughness of Proposal - 15%, 5) Safety Record - 10%. The evaluation committee consisted of staff from the Water Pollution Control Plant. Tri-City Electric Co scored the highest overall.

Tri-City Electric Co has successfully performed this contract in the past. Funding for this contract is from 51151975 520226 (WPCP Maintenance - Machinery and Equipment) and 51151975 520225 (WPCP Maintenance- Buildings and Grounds).

**ATTACHMENTS:**

| Type         | Description            |
|--------------|------------------------|
| ▣ Cover Memo | Bid Tab for Greensheet |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Moses, Trish   | Approved | 1/27/2022 - 12:16 PM |
| Public Works Committee | Moses, Trish   | Approved | 1/27/2022 - 12:17 PM |
| City Clerk             | Admin, Default | Approved | 1/27/2022 - 12:48 PM |

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: LOW VOLTAGE ELECTRICAL REPAIR SERVICES  
CONTRACT

BID NUMBER: 22-69

OPENING DATE: JANUARY 18, 2022

FUNDING: 51151975 520226  
51151975 520225

RECOMMENDATION: AWARD THE CONTRACT TO TRI-CITY ELECTRIC  
COMPANY OF DAVENPORT, IA

| <u>VENDOR NAME</u>                                                     | <u>LOCATION</u>           |
|------------------------------------------------------------------------|---------------------------|
| Tri-City Electric Company of Iowa                                      | Davenport, IA             |
| Shaw Electric, Inc.                                                    | Davenport, IA             |
| Approved By <u>Kari Sheren</u><br>Purchasing                           | <u>01/26/2022</u><br>Date |
| Approved By <u>Nicole Gleason</u><br>Dept Director                     | <u>1-26-2022</u><br>Date  |
| Approved By <u>Bradi Coz</u><br>Budget/CIP                             | <u>1-26-22</u><br>Date    |
| Approved By <u>Wally J. Wernitt</u><br>Assist. City Administrator/ CFO | <u>01/26/2022</u><br>Date |