COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, February 7, 2024; 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. City Administrator Update

VI. Public Hearings

A. Public Works

1. Public Hearing on an Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Municipal Code of Davenport, Iowa to adopt the new Flood Insurance Study and flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards]
2. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project, CIP #35062. [Wards 3 & 4]
3. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Tremont Avenue Reconstruction project, CIP #35061. [Ward 7]
4. Public Hearing on the specifications, form of contract, and estimate of cost for the CY 2024 Contract Milling Program, CIP #35041. [All Wards]
5. Public Hearing on the proposed Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

VII. Petitions and Communications from Council Members and the Mayor

VIII. Action items for Discussion

<u>COMMUNITY DEVELOPMENT</u>

Kyle Gripp, Chair; Paul Reinartz, Vice Chair

I. COMMUNITY DEVELOPMENT

1. <u>Second Consideration</u>: Ordinance for Case REZ23-06 being the request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District

to I-1 Light Industrial District. [Ward 8]

2. Resolution setting a Public Hearing on the proposed conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. [Ward 4]

3. Resolution approving a contract with The Salvation Army to administer the HOME-ARP Short-Term Supportive Services Program as a subrecipient. [All Wards]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Tim Dunn, Vice Chair

III. PUBLIC SAFETY

1. Resolution approving street, lane, or public ground closure requests for the listed dates and times.

   Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; 12:00 p.m. - 3:00 p.m. Sunday, February 25, 2024; **Closures (only one lane of each street, Police controlled):** 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; 42nd Annual St. Patrick's Day Race; Downtown; Saturday, March 16, 2024; **Closures: 5:00 a.m. - 12:00 p.m.** 2nd Street from Harrison Street to Brady Street; **8:00 a.m. - 11:00 a.m.** 2nd Street from Harrison Street to Ripley Street; **8:30 a.m. - 11:00 a.m.** two westernmost travel lanes and parking lane on Brady Street from 2nd Street to 3rd Street; **8:30 a.m. - 11:00 a.m.** 3rd Street from Brady Street to Gaines Street; **9:30 a.m. - 11:00 a.m.** 3rd Street from Gaines Street to Division Street; **9:50 a.m. - 10:10 a.m.** all lanes of Brady Street from River Drive to 3rd Street. [Ward 3]

   St. Patrick's Society; Grand Parade XXXVIII; Downtown; Saturday, March 16, 2024 12:00 p.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]

   The Office; St. Patrick's Day Celebration; 116 West 3rd Street; approximately 2:00 p.m. (after the parade) until 7:00 p.m. Saturday, March 16, 2024; **Closure:** northernmost parking lane and two travel lanes on West 3rd Street from Main Street to 116 West 3rd Street. [Ward 3]

2. Motion approving noise variance requests on the listed dates and times for outdoor events.

   St. Patrick's Society; Grand Parade XXXVIII; Downtown (see attached parade route); 12:00 p.m. - 2:00 p.m. Saturday, March 16, 2024; Outdoor music, over 50 dBA. [Ward 3]

The Office; St. Patrick's Day Celebration; 116 West 3rd Street; approximately 2:00 p.m. (after the parade) - 7:00 p.m. Saturday, March 16, 2024; Outdoor music, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2024 Events; Mississippi Valley Fairgrounds | 2815 West Locust Street; various dates April through September 2024 (see attached list); Outdoor music/races, over 50 dBA. [Ward 4]

3. Motion approving beer and liquor license applications.

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

Ward 7

Tantra (Double Chen Holdings, Inc) - 589 East 53rd Street - New Annual License with Outdoor Area - License Type: Class C Liquor (On-Premises)

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

Ward 1

Sub Express & Gas (Keya Food Mart, Inc) - 4307 West Locust Street - License Type: Class E Liquor (Carry-Out)

Veterans of Foreign Wars, FW Galbraith Post #828 (Veterans of Foreign Wars, FW Galbraith Post #828) - 101 South Linwood Avenue - License Type: Class F Liquor (On-Premises)

Ward 2

California Pho (Binh Van Nguyen) - 3559 West Kimberly Road #4, 5, 6 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 3

Danceland (Danceland, Ltd) - 501 1/2 West 4th Street - License Type: Class C Liquor (On-Premises)

D'Lua on the River (D'Lua on the River Co) - 1201 East River Drive - Outdoor Area - License Type: Class C Liquor (On-Premises)

Front Street Brewery (Front St Brewery, Inc) - 208 East River Drive - Outdoor Area - License Type: Class C Liquor (On-Premises)

Kcbrothers (KC 2 Brothers, Inc) - 214 Myrtle Street - License Type: Class E Liquor (Carry-Out)

Ward 4

Hy-Vee Fast and Fresh #5 (Hy-Vee, Inc) - 2353 West Locust Street - License Type: Class E Liquor (Carry-Out)

SC Mini Mart (SC Mini Mart, LLC) - 1511 West Locust Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 5

Camp McClellan Cellars (Julie Keehn) - 2302 East 11th Street - License Type: Class B Beer/Wine (Carry-Out)

The Coffee House Qc (Area 309 Coffee, LLC) - 1315 Jersey Ridge Road - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Ward 6

The Clubhouse (Clubhouse Beverage, LLC) - 4800 Elmore Avenue #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Homewood Suites (Davenport Lodging Group, LLC) - 4750 Progress Drive - License Type: Special Class C Beer/Wine (On-Premises)

Hy-Vee Market Café (Hy-Vee, Inc) - 4064 East 53rd Street (Café Area) - Outdoor Area - License Type: Class C Liquor (On-Premises)

La Flama Restaurant (Jam Brothers, Inc) - 3871 Elmore Avenue - License Type: Class C Liquor (On-Premises)

Mart Stop1 (Mart Stop #1) - 3527 Spring Street - License Type: Class E Liquor (Carry-Out)

Rudy's Tacos (C.M.E. 1066, Inc) - 3944 Elmore Avenue - License Type: Class C Liquor (On-Premises)

Ward 7

Stadium Club (SIS, Inc) - 2828 Brady Street - License Type: Class C Liquor (On-Premises)

Ward 8

Big 10 Mart (Molo Oil Company) - 5310 North Brady Street - License Type: Class B Beer/Wine (Carry-Out)

Cracker Barrel #161 (Cracker Barrel Old Country Store) - 300 Jason Way Court - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Thunder Bay Grille (Thunder Bay Grille, LLC) - 6511 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chair; Tim Kelly, Vice Chair

V. PUBLIC WORKS

1. First Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Davenport Municipal Code to adopt the new Flood Insurance Study and flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards]
2. Resolution accepting work completed under the West 75th Place Mill and Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $205,652.86, CIP # 35054. [Ward 8]
3. Resolution accepting work completed under the FY 2022 Contract Sewer Repair Program by Hometown Mechanical of Davenport, Iowa in the amount of $583,521.95, CIP #30054 and #33001. [All Wards]
4. Resolution accepting the sanitary sewer, storm sewer, and pavement associated with the Iowa American Water Company First Addition. [Ward 8]
5. Resolution awarding a contract for the Compost Facility Aeration Trench Replacement project to Brandt Construction Company of Milan, Illinois in the amount of $225,036, CIP #39016. [Ward 1]
6. Resolution awarding a contract for the West 13th Street (Brown Street to Scott Street) Resurfacing project to Langman Construction, Inc of Rock Island, Illinois in the amount of $270,470.51, CIP #35062. [Ward 3]
7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project, CIP #35062. [Wards 3 & 4]
8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Tremont Avenue Reconstruction project, CIP #35061. [Ward 7]
9. Resolution approving the specifications, form of contract, and estimate of cost for the CY 2024 Contract Milling Program, CIP #35041. [All Wards]
10. Resolution authorizing the submission of a RAISE grant program application to the United States Department of Transportation for financial assistance with enhancing and improving transportation access through flood mitigation efforts and infrastructure improvements. [Wards 1, 3, & 5]
11. Motion awarding a contract for the Brady Street (Iowa Highway 461) and Veterans Memorial Parkway/65th Street Traffic Safety Study to HR Green, Inc of Cedar Rapids, Iowa in an amount not to exceed $78,500, CIP #38020. [Ward 8]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Jazmin Newton, Chair; Mhisho Lynch, Vice Chair

VII. FINANCE

1. Resolution approving a payment in the amount of $100,709.75 to the Scott County Auditor for 2023 election expenses. [All Wards]
2. Motion directing the City Administrator and related staff to implement an internal Animal Services Unit and negotiate any related contracts or agreements. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

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

1. RTM Engineering Consultants LLC | DPD storm water issues | Amount: $10,500
2. OPN Inc | Emeis Clubhouse conceptual design services | Amount: $19,500
3. Team Schutmaat Inc | interactive play tables for Library children's areas | Amount: $19,755
4. Willett Hofmann & Associates, Inc | Forest Road (39th to Kimberly) engineering design services | Amount: $22,785.25
5. Titan Armor Solutions Inc | rescue task force equipment | Amount: $25,039.10
6. Spiritus Systems Company, Inc | armor carriers | Amount: $25,401.60
7. Miller Trucking and Excavating Inc | Duck Creek bank stabilization | Amount: $32,600

X. Other Ordinances, Resolutions and Motions

XI. 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 cannot take action on any complaint or suggestions tonight, and cannot 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.

XII. Reports of City Officials

XIII. Executive Session

1. To evaluate the performance of an individual in closed session as requested by that individual pursuant to Iowa Code Section 21.5(1)(i).

XIV. Adjourn

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/7/2024**

Subject:
Public Hearing on an Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Municipal Code of Davenport, Iowa to adopt the new Flood Insurance Study and flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards]

Recommendation:
Hold the Hearing.

Background:
On July 16, 2021, the Federal Emergency Management Agency (FEMA) notified the City of Davenport of proposed modifications to the Flood Insurance Study and Flood Insurance Rate Maps for the City of Davenport. FEMA has determine that the proposed modifications are now considered final and will be effective as of April 11, 2024.

As a condition of continued eligibility of the National Flood Insurance Program, the City must amend the regulations in Chapter 15.44 entitled Flood Damage Prevention to meet the standards of the National Flood Insurance Act of 1968, as amended. The Iowa Department of Natural Resources has reviewed Chapter 15.44 and provided amendments that would ensure Davenport remains in compliance with both FEMA and State of Iowa regulations.

The amendments include:

- Adopting the new Flood Insurance Study and Flood Insurance Rate Maps
- Addition and amendments to definitions in Section 15.44.070
- Clarification on the standards for flood hazard reduction in all flood zones
- Deletion of Section 15.44.100 related to shallow flooding AO Zones - there are no AO Zones within the City of Davenport

The regulations are required to be adopted and effective prior to April 11, 2024.

A Public Hearing prior to City Council action on amendments in Chapter 15.44 is required. A notice was published in the *Quad-City Times* on January 20, 2024.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Ordinance with Amendments Strike-through Version

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Moses, Trish	Approved	2/1/2024 - 8:08 AM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15.44 ENTITLED "FLOOD DAMAGE PREVENTION" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADOPT THE NEW FLOOD INSURANCE STUDY AND FLOOD MAPS, AND TO ALIGN THE ORDINANCE WITH IOWA DEPARTMENT OF NATURAL RESOURCES AND FEMA STANDARDS AND REGULATIONS.

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

Section 1. That section 15.44.060 **Basis for establishing the areas of special flood hazard** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

Section 2. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa be and the same is hereby amended to incorporate the following terms and definitions to read as follows:

> ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean the floor of the lowest enclosed area in a building when all the following criteria are met:
>
> A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION 15.44.080 (R)(1) of this Ordinance, and
> B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low-damage potential uses such as building access, parking or storage, and
> C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
> D. The enclosed area is not a "basement" as defined in this section.

FACTORY-BUILT HOME - Shall mean any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

Section 3. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to revise the following terms and definitions to read as follows:

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

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - Shall mean a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

LOWEST FLOOR - Shall mean the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

REPETITIVE LOSS – Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of

the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Section 4. That subsection 15.44.080(M) **General Standards for flood hazard reduction** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

M. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

Section 5. That subsection 15.44.080(R)(5) **All New and Substantially Improved Structures** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 6. That section 15.44.100 **Standards for areas of shallow flooding (AO zones)** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 7. That subsection 15.44.110(D) **Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure.

Section 8. That subsection 15.44.140(F) **Permit Procedures** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> Elevation of the base flood in relation to NAVD;

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

Chapter 15.44
FLOOD DAMAGE PREVENTION
Amendments with Strike-Through

15.44.010. Statutory authorization. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-1]

The Legislature of the state has in Section 364.1 of the 2009 Iowa Code delegated the responsibility to local government units to adopt regulations designed to protect and preserve the rights, privileges and property of the City and its residents and to preserve, improve and promote the peace, health, safety, comfort and general welfare of the citizenry.

15.44.020. Findings of fact. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-2]

A. The flood hazard areas of Davenport are subject to periodic inundation which results in the potential for loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being adequately elevated or otherwise protected from flooding and the cumulative effect of obstructions in floodplains causing increases in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

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

15.44.030. Statement of purpose. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-3]

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or result in an increase in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase

erosion of flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

F. Maintain eligibility in the National Flood Insurance Program thereby assuring the eligibility of property owners, business owners, and tenants in the community to purchase flood insurance and to aid in the City's participation in the Community Rating System (CRS).

15.44.040. Objectives. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-4]

The objectives of this chapter are to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential home buyers are notified that property is in a flood area.

15.44.050. Lands to which this chapter applies. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-6]

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Davenport that are subject to special flood hazards as shown on the Flood Insurance Rate Maps or as may be subject to special flood hazard as determined through accepted hydraulic and hydrologic analysis. The Flood Insurance Rate Map panels adopted by reference in Section 15.44.060 may include floodplain areas outside the corporate limits of Davenport at the time of adoption of this chapter, the newly annexed floodplain lands shall be subject to the provisions of this chapter immediately upon the date of the annexation into Davenport.

15.44.060. Basis for establishing the areas of special flood hazard. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-7]

~~The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for~~

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

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

15.44.070. Definitions. [2-24-2021 by Ord. No. 2021-77; 12-4-2019 by Ord. No. 2019-530; Ord. 2011-4 § 1 (part); Ord. 95-55 § 1; Ord. 90-146 §§ 16; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-5]

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

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

APPEAL — Shall mean a request for a review of the code enforcement coordinator interpretation of any provision of this chapter or a request for a variance.

APPROPRIATE USE — Shall mean only those uses permissible in the regulatory floodway that will be considered for permit issuance.

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

AREA OF SHALLOW FLOODING — Shall mean a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

BASE FLOOD — Shall mean the flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event.

BASE FLOOD ELEVATION (BFE) — Shall mean the highest water surface elevation that can be expected during the base flood in relation to mean sea level. The base flood

elevation (BFE) is also known as the 100-year frequency flood elevation and as a 1% probability of being equaled or exceeded in any given year.

BASEMENT — Shall mean any enclosed area of a structure which has its flood or lowest level below ground level (subgrade) on all sides. See also "lowest floor."

BEST MANAGEMENT PRACTICES (BMPS) — Shall mean practices or measures typically developed as part a stormwater management program that reduce nonpoint source pollution that enter the waterways.

BUILDING — Shall mean a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

CHANNEL — Shall mean any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION — Shall mean the alteration of a channel by changing the physical dimensions or materials of its bed or banks and includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining or significant removal of bottom or woody vegetation. Modification does not include the clearing of dead or dying vegetation, debris or trash from the channel.

COMPENSATORY STORAGE — Shall mean an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain. The uncompensated loss of natural flood plain storage can increase off-site floodwater elevations and flows.

CRITICAL FACILITY — Shall mean any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to a critical facility can impact delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Critical facilities include but may not be limited to emergency services, schools, retirement or senior care facilities, major roads and bridges, utility sites and hazardous materials storage sites.

CRITICAL FEATURE — Shall mean an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DAM — Shall mean any obstruction, wall embankment or barrier, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included. Dams may include weirs, restrictive culverts or impoundment structures.

DESIGN STORM — Shall mean a selected storm event, described in terms of probability of occurrence for which flood mitigation protection elevations are determined.

DEVELOPMENT — Shall mean any man-made change to improved or unimproved real estate, including, but not limited to:

A. Construction, reconstruction, repair, addition to or replacement of a building or structure.

B. Installing a manufactured home on a site, preparing a site for a manufactured home, or

installing a travel trailer on a site for more than 180 days.

C. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.

D. Demolition of a structure or redevelopment of a site.

E. Clearing of land as an adjunct of construction.

F. Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving or other non- agricultural alterations of the ground surface; storage of equipment or materials; deposit of solid or liquid waste.

G. Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal. Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in elevation, or gardening, plowing, cultivation, and similar agricultural practices that do not involve filling, grading, or construction of levees.

ELEVATION CERTIFICATE — Shall mean a form used by FEMA to certify building elevations, confirm compliance with the Village floodplain management ordinance, determine proper insurance premium rates, and to support a request for a Letter of Map Amendment (LOMA) or a Letter of Map Revisions based on fill (LOMR-F).

ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean the floor of the lowest enclosed area in a building when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION 15.44.080 (R)(1) of this Ordinance, and;

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low-damage potential uses such as building access, parking or storage, and;

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and;

D. The enclosed area is not a “basement” as defined in this section.

EROSION — Shall mean the general process whereby soils are moved by flowing water or wave action.

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

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

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

grading or the pouring of concrete pads.

500-YEAR FLOOD — Shall mean a flood, the magnitude of which has a 0.2% chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

FACTORY-BUILT HOME - Shall mean any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

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

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

FEMA — Shall mean the Federal Emergency Management Agency and its regulations at 44 CFR 59-79, specifically the regulations within CFR 44 Section 60.3d which are adopted by this reference. FEMA is the independent Federal agency that, in addition to carrying out other activities, administers the NFIP.

FLOOD OR FLOODING — Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland rivers or streams or tidal waters and the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FREQUENCY — Shall mean a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE — Shall mean that portion of the flood plain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

~~FLOOD INSURANCE RATE MAP (FIRM) — Shall mean a map prepared by FEMA that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodway.~~

FLOOD INSURANCE STUDY (FIS) - Shall mean a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

~~FLOOD INSURANCE STUDY — Shall mean the official report provided by the Federal Insurance Administration. The report contains flood profiles and the water surface elevation of the base flood.~~

FLOOD PLAIN — Shall mean any land area susceptible to being inundated by water as a result of a flood. The land is typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood

plains may also include detached special flood hazard areas, ponding areas, etc. The flood plain is also known as the special flood hazard area (SFHA).

FLOOD PLAIN DEVELOPMENT PERMIT — Shall mean a permit required for any development occurring below the base flood elevation.

FLOOD PLAIN MANAGEMENT — Shall mean an overall program of corrective and preventive measures (mitigation) for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

FLOOD PROTECTION ELEVATION (FPE) — Shall mean the elevation of the base flood or 100-year frequency flood plus one foot of freeboard at any given location in the SFHA. Outside of the floodplain limits, the 100-year design water surface elevation of any adjacent stormwater facility or the 100-year storm elevation on non-NFIP mapped floodplain plus two feet of freeboard.

FLOODPROOFING — Shall mean any combination of structural or nonstructural changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODPROOFING CERTIFICATE — Shall mean a form used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

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

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

~~FLOODWAY FRINGE — Shall mean those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing higher flood levels or flow velocities.~~

FREEBOARD — Shall mean an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations (development outside the communities control), unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

FUNCTIONALLY DEPENDENT USE — Shall mean a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term shall include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

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

HISTORIC STRUCTURE — Shall mean any structure that is:

a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on the State Inventory of Historic Places which inventory is part of a historic preservation program approved by the Secretary of the Interior; or

d. Individually listed on the local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

HYDRAULICALLY EQUIVALENT COMPENSATORY STORAGE — Shall mean compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by hydrologic and hydraulic analysis to be equivalent to compensatory storage located adjacent to the development.

HYDROLOGIC AND HYDRAULIC CALCULATIONS — Shall mean an engineering analysis which determines expected flood flows and flood elevations based on land characteristics and rainfall events.

HYDROLOGICALLY DISTURBED — Shall mean an area where the land surface has been cleared, grubbed, compacted, or otherwise modified to change runoff volumes, rates or direction.

IMPERVIOUS SURFACE — Shall mean any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation surfaces.

INTERMITTENT STREAM — Shall mean a stream whose bed intersects the groundwater table for only a portion of the year on the average or any stream which flows continuously for at least one month out of the year but not the entire year.

LEVEE — Shall mean a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee to provide relief from flood insurance requirements it will need to be a certified level meeting the minimum requirements of 44 CFR 65.

LEVEE SYSTEM — Shall mean a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - Shall mean the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

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

~~a. The enclosed area is designed to flood, to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.44.110CB (please refer to FEMA Technical Bulletin No. 1 entitled "Openings in Foundation Walls and Walls of Enclosures"); and~~

~~b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low~~

~~damage potential uses such as building access, parking or storage; and~~

~~c. Machinery and service facilities contained within the enclosed area are protected from flood water to a height of at least one foot above the base flood elevation; and~~

~~d. The enclosed area is not defined as a "basement" in this section; and~~

~~e. Provided the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.~~

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

MANUFACTURED HOME — As defined by Chapter 414.28 of the Iowa Code shall mean a factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the sake of this chapter the definition of manufactured home includes factory-built home. "Factory-build home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "factory-built home" shall also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "factory-built home" does not include park trailers, travel trailers, and other similar devices.

MANUFACTURED HOME PARK OR SUBDIVISION — A tract designed to accommodate manufactured home sites.

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

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

MINOR PROJECTS — Shall mean small development activities (except for filling, grading, and excavating) valued at less than $500.

MITIGATION — Shall mean those measures necessary to minimize the negative effects which flood plain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) — Shall mean the Federal program whose requirements are codified in the Title 44 of the Code of Federal Regulations.

NATURAL — When used in reference to channels means those channels formed by the

existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regarding and re vegetation.

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

NET WATERSHED BENEFIT — Shall mean a finding that, when compared to the existing condition, the developed project will do one of the following: substantially reduce (more than 10%) downstream peak discharges; reduce downstream flood stages (more than 0.1 foot); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one of these conditions must be through detailed hydrologic and hydraulic analysis of the watershed(s) on a regional scale.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community (March 1, 1978).

~~NEW CONSTRUCTION — Shall mean structures for which the "start of construction" commenced on or after the effective date of the FIRM, 3-1-78, and includes any subsequent improvements to such structures.~~

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

NGVD — Shall mean National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

NO ADVERSE IMPACT (NAI) — Shall mean a managing principle that includes both structural and nonstructural measure of floodplain management established by the Association of State Floodplain Manager (ASFPM) that provide a higher level of protection for a community and its citizens and to prevent increased flooding now and in the future.

NON-CONVERSION AGREEMENT — Shall mean an agreement binding on the current and future homeowners that the enclosure located below the base flood elevation will not be converted into living space.

NON-RIVERINE — Shall mean areas not associated with a stream or river such as isolated depressional storage areas, ponds and lakes.

NPDES II — Shall mean that program mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the nonagricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge

Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by stormwater runoff into local water bodies.

ORDINARY HIGH WATER MARK (OHWM) — Shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PERENNIAL STEAMS — Shall mean riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

PROGRAM DEFICIENCY — Shall mean a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in Section 60.3 and 60.6 of the National Flood Insurance Program.

PUBLIC BODIES OF WATER — Shall mean all open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the state of Iowa, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

PUBLIC FLOOD CONTROL PROJECT — Shall mean a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

PUBLICLY NAVIGABLE WATERS — Shall mean all streams and lakes capable of being navigated by watercraft.

REASONABLY SAFE FROM FLOODING — Shall mean methods and standards of foundation protection, such as the placement, compaction and protection of fill when used to elevate a building, that base flood waters will not inundate or damage a structure(s) to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings. Please refer to FEMA Technical Bulletin No. 10-1 "Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding."

RECREATIONAL VEHICLE — Shall mean a vehicle which is: (a) built on a single chassis; (b) 400 feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, traveling or seasonal use.

REGISTERED LAND SURVEYOR — Shall mean a land surveyor registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGISTERED OR LICENSED PROFESSIONAL ENGINEER — Shall mean an engineer registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGULATORY FLOOD PLAIN — Shall mean the flood plain as depicted on maps recognized by FEMA as defining the limits of the SFHA.

REGULATORY FLOODWAY OR DESIGNATED FLOODWAY — Shall mean those portions of the floodplain depicted on the Flood Insurance Rate Map which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no increase in stage due to the loss of flood conveyance or storage, and no increase in velocities.

REMEDY A VIOLATION — Shall mean to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the section or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS – Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

~~REPETITIVE LOSS — Shall mean flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.~~

RETENTION/DETENTION FACILITY — Shall mean a facility for the purpose of retaining or detaining stormwater. A retention facility stores stormwater runoff without a gravity release for infiltration purposes. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

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

a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.

b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

c. Basement sealing.

d. Repairing or replacing damaged or broken window panes.

e. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.

RUNOFF — Shall mean the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

SEDIMENTATION — Shall mean the process that deposits soil, debris, and other materials either on ground surfaces or in bodies of water or water courses.

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

START OF CONSTRUCTION — Shall include substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORMWATER MANAGEMENT — Shall mean a set of actions taken to control stormwater (surface) runoff with the objectives of providing controlled surface drainage, flood control and pollutant reduction.

STREAM OR RIPARIAN BUFFER — Shall mean a best management practice (BMP) that either as a stand-alone practice or in conjunction with other practices seeks to minimize the adverse effects on the quality of water within the adjacent stream by providing or preserving a predominantly vegetation area that acts as a barrier between a particular land use (house, lawn, commercial, etc.) and the water for the purpose eliminating or mitigating adverse run-off effects.

STRUCTURE — Shall mean man-made change to the land constructed on or below grade, including construction, reconstruction or placement of a building or any addition to a building, roads, signs, billboards, etc.; installing a manufactured home on a site; preparing a site for manufactured home or installing a travel trailer on a site for more than 180 days.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

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

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community (March 1, 1978) shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

~~SUBSTANTIAL IMPROVEMENT — Shall mean any repair, reconstruction, rehabilitation, addition or other improvement of a structure since the City entered the regular program of the NFIP (3-1-1978), the cost of which equals or exceeds 50% of the market of the structure either (a) before the "start of construction" of the improvement, or (b) if the structure has been damaged and is being restored, before the damage occurred regardless of the actual repair work performed. Also any addition which cumulatively increases the original floor area of a structure by 25% or more since the City entered the regular program of the NFIP (3-1-1978). All additions constructed after the effective date of the FIRM for Davenport (3-1-1978) shall be added to any proposed addition in determining whether the total increase in original floor area would exceed 25%. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (b) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."~~

VARIANCE — Shall mean a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION — Shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

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

15.44.080. General standards for flood hazard reduction. [Amended 11-22-2022 by Ord. No.

2022-554; 2-24-2021 by Ord. No. 2021-77; Ord. 95-55 § 2; Ord. 92-453 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-18 (part)]

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

   1. Whether the land involved is either wholly or partly within the floodway or floodway fringe; and

   2. The Base Flood Elevation.

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

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

   1. The bridge or culvert is located on a stream that drains less than two square miles; and

   2. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

D. All new construction and substantial improvement including factory-built housing shall be:

   1. Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

   2. Constructed with materials and utility equipment resistant to flood damage;

   3. Constructed by methods and practices that minimize flood damage;

   4. Done in a manner that does not cause any net loss of flood plain and any diminishment of flood carrying capacity. This shall be accomplished by matching each cubic yard or fill dirt added to the site with a corresponding yard of fill dirt removed from another area of the property. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

E. All new and replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

F. On-site waste disposal and water supply systems shall be located to avoid impairment to them or contamination from them during flooding.

G. Water supply and/or waste water treatment facilities shall be provided with flood protection equal to or greater than one foot above the 100-year flood elevation.

H. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

I. The storage or processing of materials that are in time of flooding buoyant, flammable,

explosive, or could be injurious to human, animal or plant life is prohibited.

J. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

K. Structural flood control works such as levees, flood walls, etc., shall provide at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. Approval of such structural work shall also be obtained from the Iowa Department of Natural Resources.

L. No use and or development shall affect the capacity of conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch or other drainage facility or system. In addition, such alterations must be approved by the Iowa Department of Natural Resources.

M. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

~~Detached garages, sheds, fences, flag poles and similar structures are exempted from the requirements of this chapter when all of the following conditions are met:~~

~~1. The structure is not used for habitation;~~

~~2. The structure has been designed to have a low flood damage potential;~~

~~3. The structure is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;~~

~~4. The structure is firmly anchored to prevent flotation which may result in damage to other structures and/or downstream; and~~

~~5. The structure's service facilities such as electrical and heating are elevated or floodproofed a minimum of one foot above the base flood elevation.~~

~~6. The structure shall be designed to how low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot~~

~~above the Base Flood Elevation must be constructed of flood-resistant materials.~~

N. Any permanent exposed slopes or fills and any cut faces of earth excavation which are to be vegetated shall be no steeper than three feet horizontal to one-foot vertical.

O. Any and all development or man-made changes to improved or unimproved real estate shall utilize the principle of no net loss of flood plain with all fill being offset by corresponding grade reductions or cuts. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

P. Require that recreational vehicles placed on sites within Zones A1 - A30, AH and AE on a community's FIRM either: (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; (iii) meet the requirements of Section 15.44.120. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Q. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated to a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determinations.

R. All New and Substantially Improved Structures. **[Added 11-22-2022 by Ord. No. 2022-554]**

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:

    a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.

    b. The bottom of all openings shall be no higher than one foot above grade.

    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.

4. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.

~~5. All nw and substantially improved structures.~~

S. Residential Construction. **[Added 11-22-2022 by Ord. No. 2022-554]**

All new or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation at least 18 feet beyond the limits of any structure erected thereon. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain. Alternate methods of elevating may be allowed subject to favorable consideration by both the City plan and zoning commission and the Iowa Department of Natural Resources. The alternative method selected shall be adequate to support the structure as well as withstand the various forces and hazards associated with flooding, increased flood heights and/or erosion, and shall meet the requirements of this chapter.

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

T. Nonresidential Construction. **[Amended 11-22-2022 by Ord. No. 2022-554]**

1. All new construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

    a. A registered professional engineer or architect shall develop and/or review structural design specifications, and plans for the construction, and shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the applicable standards.

    b. Such certification shall be provided to and maintained by the official as set forth in Section 15.44.180.

2. If the structure is elevated through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards; however, the requirement stated in the preceding sentence shall have

no application to the Mississippi River flood plain.

3. All new construction or substantial improvement that contains fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:

    a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.

    b. The bottom of all openings shall be no higher than one foot above grade.

    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.

6. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.

U. Factory-Built Housing. **[Amended 11-22-2022 by Ord. No. 2022-554]**

1. No factory-built housing shall be placed in a floodway and shall meet the requirements of this chapter.

2. All factory-built homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

    a. Over-the-top ties be provided at each of the four corners of the factory-built home, with two additional ties per side;

    b. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

    c. Any additions to the factory-built home be similarly anchored.

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

the Mississippi River flood plain.

15.44.090. Flood hazard reduction — Floodways. [2-24-2021 by Ord. No. 2021-77; Ord. 92-453 § 1 (part); Old. 87-206; Ord. 78-128 (part); prior code § 14001-18(d)]

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

A. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

B. All development within the floodway shall:

   1. Be consistent with the need to minimize flood damage.

   2. Use construction methods and practices that will minimize flood damage.

   3. Use construction materials and utility equipment that are resistant to flood damage.

C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility system.

D. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.44.080 and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed in readily removable from the floodway within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or related portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.

H. Any fill allowed within the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

I. Pipeline river or stream/creek crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and

meandering or due to the action of flood waters.

J. Any permanent exposed slopes of fills and any cut faces of earth which are to be vegetated shall not be steeper than three feet horizontal to one-foot vertical.

~~**15.44.100. Standards for areas of shallow flooding (AO zones). [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-19]**~~

~~Located within the areas of special flood hazard established in Section 15.44.070 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:~~

~~A. All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the community's FIRM.~~

~~B. All new construction and substantial improvements of nonresidential structures shall:~~

~~1. Have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the FIRM; or~~

~~2. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

15.44.110. Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001.20]

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D. Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure. ~~Base flood elevation data shall be provided for all subdivision proposals and other proposed development which is intended for the construction of any structure.~~

E. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.

15.44.120. Nonconforming uses. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 8; Ord. 87-206; Ord. 78-128 (part); prior code 14.001-21]

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed,

enlarged, or altered in a way which increases its non-conformity.

2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The department of construction and engineering shall notify the Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.

3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is re-constructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety code specifications or regulations which have been identified by the Administrator and which are the minimum necessary to assure safe living conditions, or the cost of any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

15.44.130. Development permit. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-8]

A development permit shall be required in conformance with the provisions of this chapter.

15.44.140. Permit procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.04-15]

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

A. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basement) of all structures and/or the elevation (NAVD88) to which any nonresidential structure has been floodproofed;

B. Provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the flood-proofing criteria in Section 15.44.110;

C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

D. Description of the work to be done and all necessary site and/or construction plans;

E. The legal description of the property and the street address if assigned;

F. Elevation of the base flood in relation to NAVD; ~~Elevation of the 100-year flood in relation to NGVD;~~

G. For a structure being improved or rebuilt the square footage of the improvement and the original structure and/or the estimated cost of the improvement and market value prior to the improvement or damage; and

H. An indication of the occupancy or use of the structure.

I. The designated official shall within a reasonable time, make determination as to whether the proposed flood plain development meets the applicable standards as set forth in this chapter and shall approve or disapprove the application. Upon disapproval, the applicant shall be informed in writing of the specific reasons for the disapproval.

J. Actual construction and/or development at variance with the approved and/or authorized plans shall be deemed a violation of the permit and the regulations of this chapter.

15.44.150. Variance procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 9; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001 — 16]

A. The City Plan and Zoning Commission as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The City Plan and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.

C. Any person aggrieved by the decision of the City Plan and Zoning Commission or any taxpayer may appeal such decision to the district court of Scott County as provided by law.

D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

E. In passing upon such applications, the City Plan and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands or downstream to the injury of others;

2. The danger to life and property due to flooding, increased flood heights or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The proposed water supply and sanitation systems and the ability of the systems to prevent contamination, disease and unsanitary conditions;

5. The importance of the services provided by the proposed facility to the community;

6. The necessity to the facility of a flood plain and or waterfront location;

7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the community and that area;

10. The safety of access to the property in times of flood for ordinary and emergency vehicles;

11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;

13. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections E1 through E12 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors listed above and the purposes of this chapter, the City plan and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Such conditioning may include but not be limited to:

    1. Modification of the water supply and/or waste disposal systems;

    2. Limitation of the periods of use and operation;

    3. Imposition of operational controls, sureties and/or deed restrictions;

    4. Requirements for channel modification, dikes, levees and/or other protective measures provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieve the stated purposes of this chapter.

G. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.

H. Conditions for Variances.

    1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    2. Variances shall only be issued upon:

        a. Showing of good and sufficient cause;

        b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

        c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given a written notice that the

cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction increases the risk to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

15.44.160. Administration. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-13]

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

15.44.170. Duties and responsibilities of the Administrator. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-14]

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

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

B. Review of all permit applications for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

C. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency;

D. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

E. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) of the lowest floor including basement of all new or substantially improved structures;

F. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) to which the new or substantially improved structures have been floodproofed;

G. When floodproofing is utilized for a particular structure, the Administrator shall obtain certification from a registered professional engineer or architect;

H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.44.180 through 15.44.210;

I. When base flood elevation data has not been provided in accordance with Section 15.44.070, then the Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of Sections 15.44.080 through 15.44.210.

J. All records pertaining to the provisions of this chapter shall be maintained in the office of the Administrator and shall be open for public inspection.

15.44.180. Compliance. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-9]

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

15.44.190. Violation — Penalty. [Ord. 87-206; Ord. 78-128 (part); prior code 14.001-22][1]

A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100, or imprisoned for not more than 30 days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

B. Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

15.44.200. Interpretation. [Ord. 87-206; Ord. 78-128(part); prior code § 14.001-11]

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.44.210. Abrogation and greater restrictions. [Ord. 87-206; Ord. 78-128 (part);

Editor's Note: There were two sections with the same number, i.e., § 14.001-22. prior code § 14.001-10]

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and no ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.44.220. Warning and disclaimer of liability. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-12]

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man- made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15.44.230. Amendments. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-22][2]

The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided, however that no such action may be taken until after public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. The regulations of this chapter are in compliance with the National Flood insurance Program Regulations as published in the Federal Register Volume 41, Number 207, dated October 26. 1976.

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1. **Editor's Note: There were two sections with the same number, i.e., § 14.001-22.**

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/7/2024**

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project, CIP #35062. [Wards 3 & 4]

Recommendation:
Hold the Hearing.

Background:
This project will include reconstruction of West 13th Street from about 3011 West 13th Street to Lincoln Avenue. Work will also include bringing existing sidewalks into compliance with ADA requirements.

This project will be funded by General Obligation Bonds through Capital Improvements Funds.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:12 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:12 PM
City Clerk	Admin, Default	Approved	2/1/2024 - 12:21 PM

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/7/2024**

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Tremont Avenue Reconstruction project, CIP #35061. [Ward 7]

Recommendation:
Hold the Hearing.

Background:
This project will replace the pavement on Tremont Avenue from approximately 530 feet north of East 46th Street to East 53rd Street. In addition to street work, the project will include replacement of designated intakes and the construction of associated work.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:11 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:12 PM
City Clerk	Admin, Default	Approved	2/1/2024 - 12:21 PM

City of Davenport

Department: Public Works - Admin **Action / Date**
Contact Info: Ron Hocker | 563-327-5169 **2/7/2024**

Subject:
Public Hearing on the specifications, form of contract, and estimate of cost for the CY 2024 Contract Milling Program, CIP #35041. [All Wards]

Recommendation:
Hold the Hearing.

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

Funds for the CY 2024 Contract Milling Program are projected to be budgeted in CIP #35041 at $200,000.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	1/31/2024 - 2:17 PM

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/7/2024**

Subject:
Public Hearing on the proposed Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

Recommendation:
Hold the Hearing.

Background:
The City offers an annual cost-share program to residential and commercial property owners for the repair and/or replacement of alleys throughout the city. This program is administered by the Engineering and Capital Project's Department. The upcoming CY 2024 program began in the summer of CY 2023 by receiving petitions from interested property owners. This requires a signed petition from 30% of the property owners on that block face. Staff then provides cost estimates based on the following updated cost share:

Residential | 25% property owner/75% City funds
Commercial | 50% property owner/50% City funds

If over 50% of the property owners wish to 'opt out' of the program, then the alley does not move forward in the assessment process. This 'opt out' period has occurred and the following alleys have been identified to participate in the reconstruction program.

- east-west alley from Farnam Street to Grand Avenue alley between Kirkwood Boulevard and East 15th Street.
- north-south alley from East 29th Street to East 30th Street between Grand Avenue and Davenport Avenue.
- east-west alley from Forest Road to its terminus between East River Drive and Wood Lane.
- east-west alley from Gaines Street to Western Avenue between West 5th Street and West 6th Street.

ATTACHMENTS:

	Type	Description
🗋	Cover Memo	PH Legal Notice

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:11 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:11 PM
City Clerk	Admin, Default	Approved	2/1/2024 - 12:21 PM

Publish twice: January 22 & 29, 2024
Quad City Times

Notice to Property Owners

Notice is hereby given: That there is now on file for public inspection in the office of the City Clerk of Davenport, Iowa, a proposed resolution of necessity, an estimate of cost, and a plat and schedule showing the amounts proposed to be assessed against each lot and the valuation of each lot within a district approved by the City Council of Davenport, Iowa, for paving improvements, described in general as the 2024 Alley Resurfacing Program of the type(s) and in the location(s) as follows:

The following alleys are to be resurfaced:

1. The east-west alley from Farnam Street to Grand Avenue alley between Kirkwood Boulevard and East 15th Street.
2. The north-south alley from East 29th Street to East 30th Street between Grand Avenue and Davenport Avenue.
3. The east-west alley from Forest Road to its terminus between East River Drive and Wood Lane.
4. The east-west alley from Gaines Street to Western Avenue between West 5th Street and West 6th Street.

The Council will meet at 5:30 p.m. on the 7th day of February, 2024, at the Council Chambers, City Hall, Davenport, Iowa, at which time the owners of the property subject to assessment for the proposed improvement or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of the district, the cost, the assessment against any lot or the final adoption of the resolution of necessity. A property owner will be deemed to have waived all objections unless at the time of the hearing he has filed objections with the Deputy Clerk.

Brian Krup
Deputy City Clerk
PO: 2407027
Davenport, Iowa
January 22, 2024

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/14/2024**

Subject:
Second Consideration: Ordinance for Case REZ23-06 being the request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Recommendation:
Adopt the Ordinance.

Background:
The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development. The area of the rezoning request is approximately 25.84 acres.

At its January 2, 2024 meeting, the Plan and Zoning Commission recommended Case REZ23-06 be forwarded to the City Council with a recommendation for approval subject to the listed findings. The vote was 9 in favor and 0 opposed.

Findings

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

The staff report from the January 2, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

Type	Description
Ordinance	Ordinance
Backup Material	Staff Report- P&Z 1-2-24
Backup Material	Vicinity, Zoning, & Future Land Use Map
Backup Material	Application
Backup Material	Public Hearing Notice: P&Z
Backup Material	Public Hearing Notice: COW

REVIEWERS:

Department	Reviewer	Action	Date

City Clerk	Admin, Default	Approved	1/11/2024 - 11:39 AM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ23-06 BEING THE REQUEST OF LARRY EDWARD STOLTENBERG TRUST TO REZONE APPROXIMATELY 25.84 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF SLOPERTOWN ROAD AND HILLANDALE ROAD FROM S-AG AGRICULTURAL DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "I-1 Light Industrial District":

Parcel #932819003:

The Southeast Quarter of the Northwest Quarter of Section 28, Township 79 North, Range 3 East of the 5th P.M., Scott County, Iowa, south of W. Slopertown Road. Except part for roads. Also except that part conveyed to the City of Davenport, Iowa, by Warranty Deed recorded as Document #2020-25092 in the office of the Recorder of Scott County, Iowa.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.

2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.

3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.

4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.

5. The proposed amendment will not create any nonconformities following development.

Section 3. At its January 2, 2024 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-06 to the City Council with a recommendation for approval subject to the listed findings.

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
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **1/2/2024**

Subject:
Case REZ23-06: Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Recommendation:
Staff recommends Case REZ23-06 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:
1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

Background:
The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development. The area of the rezoning request is approximately 25.84 acres.

Why is a Zoning Map Amendment Required?
The land is currently being used for agriculture, but is being marketed as a shovel-ready site suitable for industrial development. This is part of an overall strategy to promote industrial development north of Interstate-80. The owner intends to continue farming the land until the property can be sold.

Comprehensive Plan:
City Council adopted a Future Land Use Map amendment at its June 28, 2023 meeting to better prepare this substantial growth area for future development. The approximately 475 acres of land roughly bounded by Slopertown Road, Hillandale Road, Northwest Boulevard, and 130th Avenue was amended from Urban Fringe to Industry. In addition, the Urban Service Boundary was extended north to Slopertown Road.

Future Land Use Designation:
1. **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.

Zoning:
The subject property is currently zoned **S-AG Agricultural District**. This district is intended to address existing agricultural land uses. The standards of the S-AG District promote the continuation of farming, and protect agricultural land uses from encroachment of incompatible developments.

The applicant is requesting a rezoning to **I-1 Light Industrial Zoning 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:
City Departments reviewed the proposed Zoning Map Amendment Application for compliance with city ordinances and impacts to regional systems.

Approval Standards for Map Amendments (Chapter 17.14.040)
The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Staff Response: As a result of voluntary annexations, the City of Davenport has expanded its corporate limits to Slopertown Road. To better prepare for future growth, the City initiated an amendment to the Future Land Use Map.

At its June 6, 2023 meeting, the Plan and Zoning Commission forwarded a recommendation to City Council amending the subject properties from Urban Fringe to Industry. In addition, the Urban Service Boundary was recommended to extend north to Slopertown Road. City Council approved this map amendment at its June 28, 2023 meeting.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.

b. The compatibility with the zoning of nearby property.

Staff Response: The surrounding land north of Interstate-80 is zoned I-1 Light Industrial District. City Council adopted Ordinance 2023-380 amending the zoning classification of the approximately 231.26 acres of land located to both the east and west of the subject property from S-AG Agricultural District to I-1 Light Industrial District. Despite being largely undeveloped, the adjacent properties are being marketed as shovel-ready sites suitable for industrial development. Rezoning the subject property to an industrial classification will create consistency with the surrounding area.

It is staff's opinion the proposed zoning amendment to I-1 Light Industrial District is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The established neighborhood character south of Slopertown Road, within City limits, consists of developed industrial properties as well as land planted in row crops. Large manufacturing facilities include Fair Oaks Foods, Kraft Heinz, and Sterilite Corporation.

This 25.84 acre tract of land is currently used for farming. There are no structures on the subject property. However, the owner is positioning the property for future industrial development. Staff anticipate the land will continue to be farmed until the land is sold for development.

It is staff's opinion the proposed zoning district is compatible with the established neighborhood character.

d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

Staff Response: Permitted principal uses in the I-1 Light Industrial District consist of light manufacturing, fabricating, processing, distributing, and warehousing. The Zoning Ordinance requires businesses to be enclosed, low-intensity uses that have minimal, if any, outside impacts.

The industrial district dimensional standards regulate building height and setbacks to mitigate any negative impacts onto adjacent properties. There are also façade, roof, and site design standards in City Code that applies to new development.

To date, a potential industrial use has not been identified for the site. However, staff believe the existing zoning requirements will ensure new development complies with City standards.

Given the acreage of the subject property, staff anticipate the land may be further subdivided to facilitate orderly development. The Plan and Zoning Commission will have additional opportunities to address street connectivity and impacts to the regional transportation network.

It is staff’s opinion that the proposed zoning map amendment will promote the public health, safety, and welfare of the City.

e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

Staff Response: The City of Davenport has processed three voluntary annexation petitions from 2022-2023. The subject property is approximately 25.84 acres located south of Slopertown Road, adjacent to Hillandale Road. Upon annexation, land is zoned S-AG Agricultural District, which is intended to address existing agricultural land uses.

The land is currently being used for agriculture, but is adjacent to land being marketed as a site suitable for industrial development. This is part of an overall strategy to promote industrial

development north of Interstate-80. A rezoning to a light industrial district will enable the property to be built-out at a scale more aligned with the surrounding industrial park.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with Davenport's industrial developments.

f. The extent to which the proposed amendment creates nonconformities.

Staff Response: The undeveloped site is currently being used for farming. If rezoned to an industrial district, the agricultural use will be considered nonconforming until the site is developed. In addition, there are no structures on the subject property.

Dimensional standards, such as lot area, lot width, setbacks, building coverage, and impervious surface will be addressed during the subdivision and development process.

It is staff's opinion that the proposed amendment will not create any nonconformities following development.

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the December 5, 2023 Plan and Zoning Commission Public Hearing. To date, no public comments have been received. Staff will apprise the Commission of any correspondence at the January 2, 2024 Plan and Zoning Commission meeting.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Public Hearing Notice-Plan & Zoning Commission

Staff Workflow Reviewers

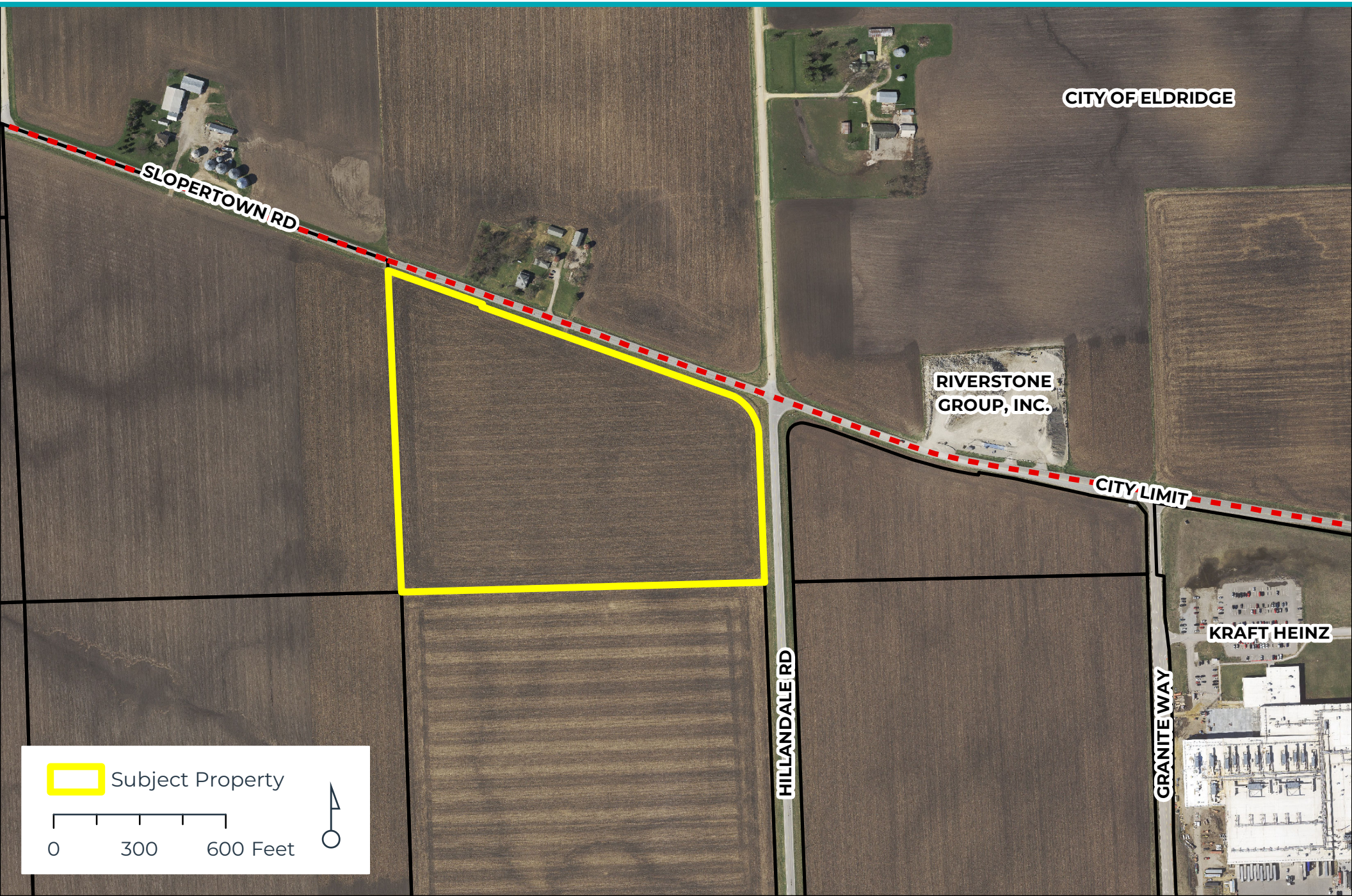
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	12/29/2023 - 10:47 AM

THE CITY OF DAVENPORT
IOWA | USA

Vicinity Map | Case REZ23-06

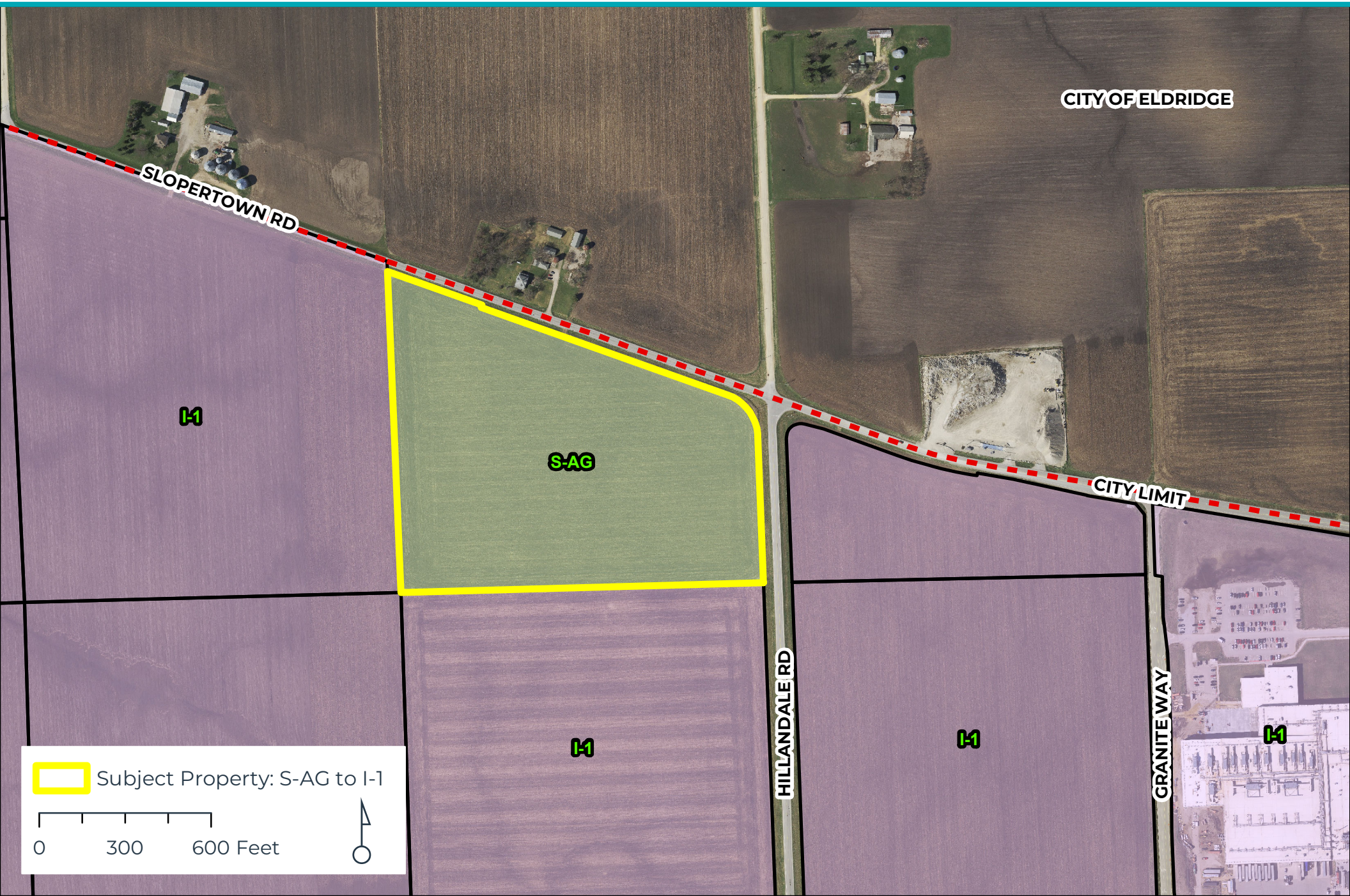
Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



THE CITY OF DAVENPORT
IOWA | USA

Zoning Map | Case REZ23-06

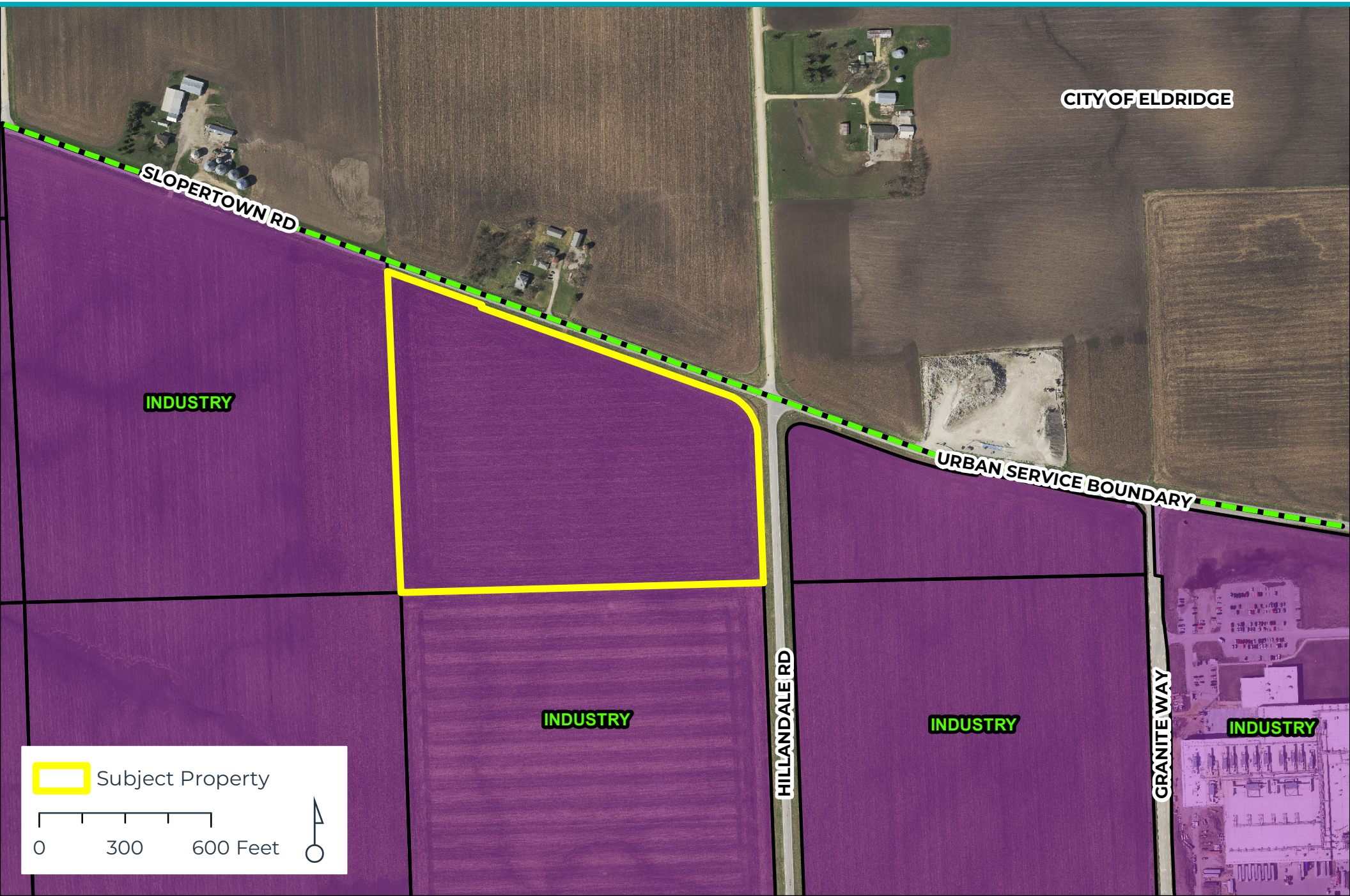
Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



THE CITY OF DAVENPORT
IOWA | USA

Future Land Use Map | Case REZ23-06

Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 W. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
REZONING
(MAP AMENDMENT)

DATES: PRE-APP | SUBMITTAL | PUBLIC HEARING

PROJECT TITLE

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA

APPLICANT INFORMATION

APPLICANT NAME
Mary Stoltenberg

ADDRESS
3924 King Charles Rd

CITY, STATE, ZIP
Durham, NC 27707

PHONE
(919) 491-9393

SECONDARY PHONE
(919) 491-8638

E-MAIL ADDRESS
lestolten@msn.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Mary Stoltenberg
Type Applicant's Name
for Larry E Stoltenberg Trust
Mary Stoltenberg, Trustee 10/30/23
Applicant's Signature Date

DEVELOPMENT TEAM

Property Owner
Larry Stoltenberg Trust
Address
3924 King Charles Rd
Phone (919) 491-9393 Secondary Phone (919) 491-8638
E-Mail Address
lestolten@msn.com

Project Manager/Other
Address

Phone Secondary Phone

E-Mail Address

COMPLETE SUBMITTALS SHALL INCLUDE:

	SUBMITTED
Concept/Development Plan	☐
Authorization to Act as Applicant* *only needed if the Applicant is different than the owner	☐
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☐
Legal Description Dimensioned Sketch	☐
Application Fee* (REQUIRED) * (check payable to 'City of Davenport')	☐

Rezoning Fee Schedule

Land Area	Fee
Less than 1 acre	$400
1 to less than 10 acres	$750 plus $25/acre
10 acres or more	$1,000 plus $25/acre

1 to 3 site notice signs are required based on lot size; $10 each

PROJECT NARRATIVE: (submit separate sheet if needed)

Zone light industrial
Own 25 acres with
use of rental of
farmland on the 25
acres we own on
the corner of
Slopertown Rd and
Hillandale Rd.

Submit the first two pages of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property located at the southwest corner of Slopertown Road and Hillandale Road.

Plan & Zoning Commission Public Hearing Meeting
Date: 12/5/2023 Time: 5:00 PM Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?
This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development.

Request/Case Description
Case REZ23-06: Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

What are the Next Steps after the Neighborhood Meeting and Public Hearing?
The Plan and Zoning Commission will hold a formal public hearing at their meeting on December 5, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on December 19, 2023. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?
As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

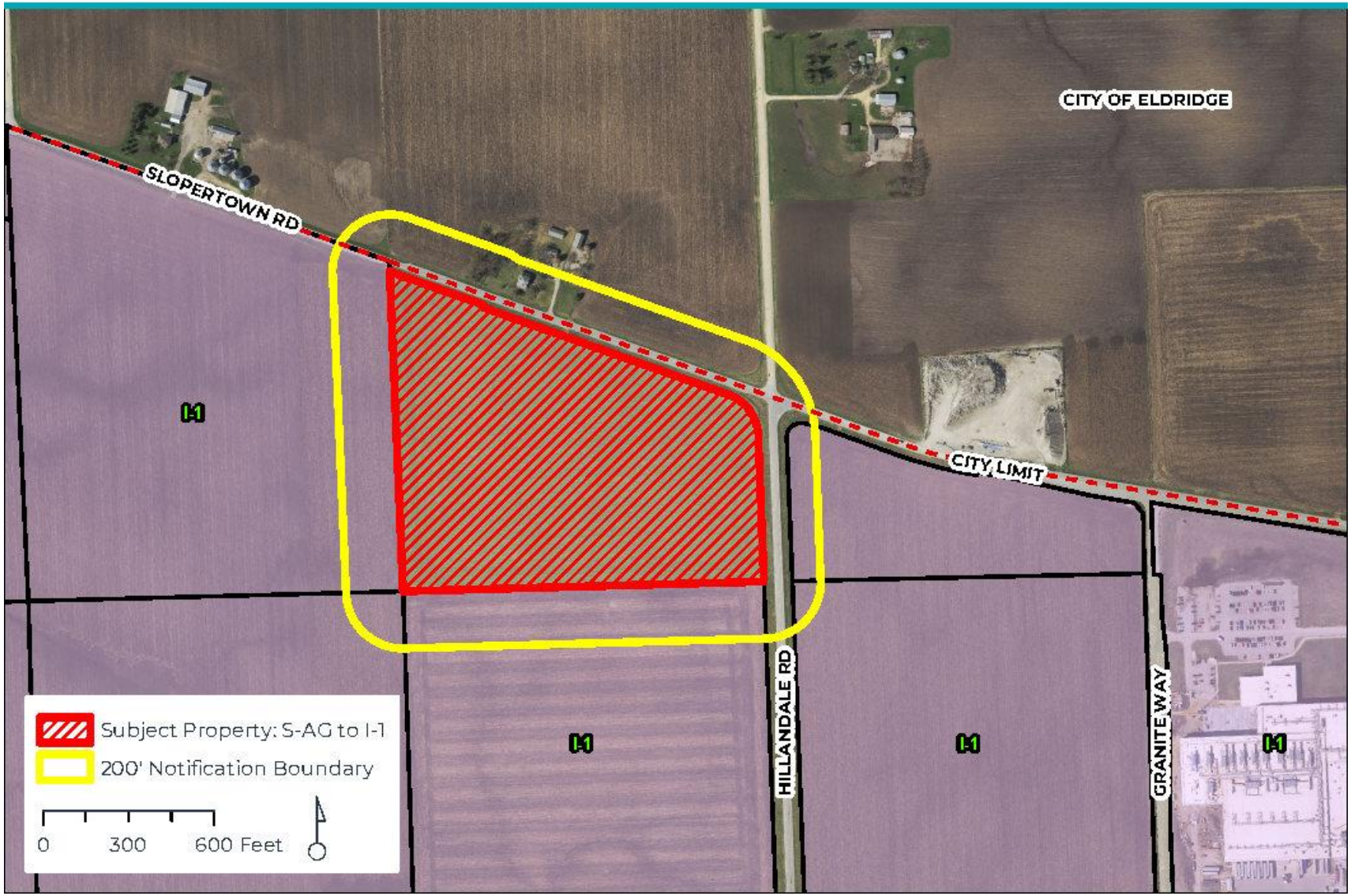
Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

THE CITY OF
DAVENPORT
IOWA | USA

Rezoning Request | Public Hearing Notice | Case REZ23-06

Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807
T | 563.326.6198
E | planning@davenportiowa.com
davenportiowa.com/DNS

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property located at the southwest corner of Slopertown Road and Hillandale Road.

Plan & Zoning Commission Public Hearing Meeting
Date: 1/17/2024 Time: 5:30 PM Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?
This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development.

Request/Case Description
Case REZ23-06: Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Plan and Zoning Commission Action:
At its January 2, 2024 meeting, the Plan and Zoning Commission recommended Case REZ23-06 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:
1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

What are the Next Steps?
The public hearing on the above matter is scheduled for 5:30 pm or as soon thereafter on Wednesday, January 17, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street.

Would You Like to Submit an Official Comment?
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 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.

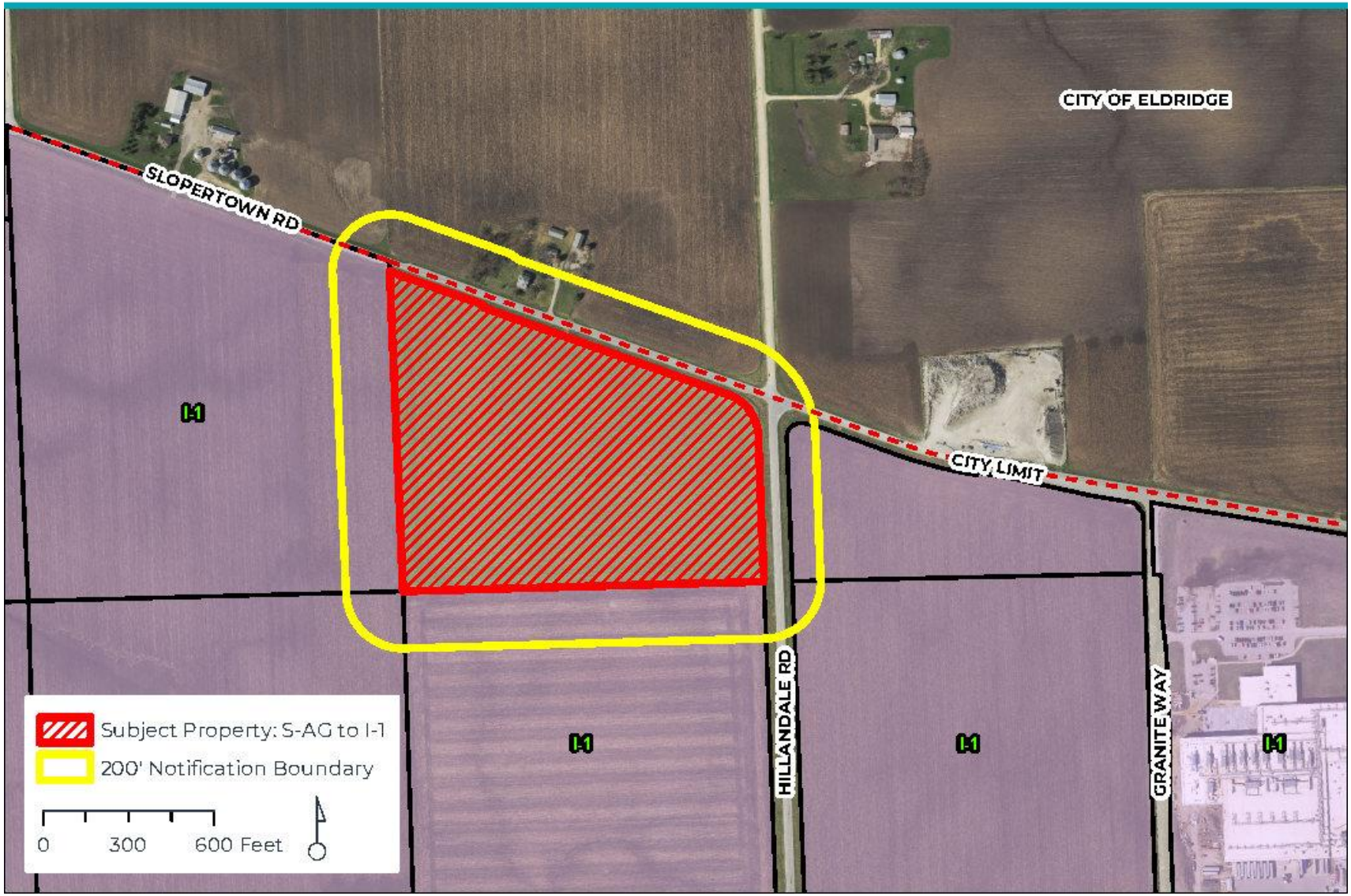
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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

THE CITY OF
DAVENPORT
IOWA | USA

Rezoning Request | Public Hearing Notice | Case REZ23-06

Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807
T | 563.326.6198
E | planning@davenportiowa.com
davenportiowa.com/DNS

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Bruce Berger | 563-326-7769 **2/14/2024**

Subject:
Resolution setting a Public Hearing on the proposed conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. [Ward 4]

Recommendation:
Adopt the Resolution.

Background:
As part of the Urban Homestead Program funded with a variety of Federal housing grants, the City acquires and rehabilitates single-family homes that were previously vacant and often abandoned with the intention of selling to income eligible households in Davenport. This program, which has been approved by City Council as part of the City's CDBG Five-Year Comprehensive and One-Year Annual Plans, enables vacant properties to be returned to the tax rolls and strengthen neighborhoods while providing eligible working households with affordable homeownership opportunities.

Applications are solicited from interested homebuyers and reviewed as rehabilitation work on the homes nears completion. The Petitioners have applied for and been approved as federally eligible to acquire this property from the City. Per appraisal, the property is being sold for $138,000.

Adoption of this Resolution will authorize staff to publish a notice to advertise a Public Hearing on the proposed conveyance of 1413 West 13th Street to be held at the Wednesday, February 21, 2023 Committee of the Whole Meeting beginning at 5:30 p.m. in Council Chambers at City Hall, 226 West 4th Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/1/2024 - 8:02 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION setting a Public Hearing on the proposed conveyance of City-Owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioner.

WHEREAS, the City of Davenport is the legal owner of certain property legally described as:

> The East 40 feet of Lot 3, Block 13, Sturdevant's Second Addition to the City of Davenport, Scott County, Iowa.
>
> Commonly known as: 1413 W 13th St, Davenport, IA 52804, Parcel H0026-26; and

WHEREAS, the City of Davenport wishes to convey the property to Kyle and Samantha Beals; and

WHEREAS, transfer of this property will provide affordable owner-occupied housing, assist in neighborhood revitalization, generate additional tax revenue, and alleviate City expenses related to abandoned properties; and

WHEREAS, a Public Hearing on the matter is required by State law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on the proposed conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners, shall be held on Wednesday, February 21, 2024 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, and notice of said Hearing shall be published in the manner prescribed by law.

Passed and approved this 14th day of February, 2024.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

(To be published on **Thursday, February 15, 2024** in the Quad City Times)

NOTICE OF PUBLIC HEARING ON A RESOLUTION REGARDING THE CONVEYANCE URBAN HOMESTEAD PROPERTY OWNED BY THE CITY TO THE FOLLOWING PETITIONER FOR THE FOLLOWING PROPERTY:

1413 W 13th Street, Davenport, Iowa to Kyle Beals and Samantha Beals.

Notice is hereby given that there is on file in the office of the City Attorney, City Hall, Davenport, Iowa a RESOLUTION proposing to convey the above property owned by the City of Davenport to the proposed Petitioner. The property has the following legal description:

The East 40 feet of Lot 3, Block 13, Sturdevant's Second Addition to the City of
Davenport, Scott County, Iowa.

Parcel H0026-26, commonly known as 1413 W 13th Street, Davenport, Iowa 52804.

The above-described parcel contains 6,000 square feet or 0.14 acres, more or less.

This Resolution will come on for a Public Hearing before the Davenport City Council, City Hall, Davenport Iowa at 5:30 p.m. Local Time, on Wednesday, February 21, 2024 at the Committee of the Whole meeting. At said hearing, interested parties may appear and be heard for or against said Resolution.

Community & Economic Development CED.info@davenportiowa.com 563-326-7765

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Bruce Berger | 563-326-7769 **2/14/2024**

Subject:
Resolution approving a contract with The Salvation Army to administer the HOME-ARP Short-Term Supportive Services Program as a subrecipient. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
On March 11, 2021 President Biden signed American Rescue Plan Act (ARPA) into law, which provided over $1.9 trillion in relief to address the continued impact of the COVID-19 pandemic. Specifically regarding homeless assistance and supportive services, Congress appropriated $5 billion in ARPA funds to be administered through the HOME Investment Partnership Program (HOME-ARP) to carry out four types of activities that must benefit qualifying populations defined by HUD as homeless or at-risk of homelessness.

The City of Davenport received $1,533,897 of HUD HOME-ARP funds under Grant Number M21—MP-190200. The City issued a Notice of Intent to Apply in April 2022 to seek input from non-profit organizations who may be interested in applying for the HOME-ARP funds and sought public input from community organizations assisting the qualifying populations to prepare the HOME-ARP Allocation Plan. The HOME-ARP Allocation Plan was approved by City Council on May 10, 2023 which provides funding to be used to reimburse eligible non-profit organizations to provide case management and eligible supportive services to the qualifying populations. The HOME-ARP Allocation plan was approved by HUD on July 6, 2023.

The costs eligible for reimbursement for the HOME-ARP Short Term Supportive Services Program are as follows:

- $800,000 Supportive Services
- $400,000 Case Management
- $50,000 Lead Program Coordinator

The balance of funds would be reserved for previous and ongoing City administrative expenses as well as any other program contingency needs.

The City issued a Request for Proposals on September 21, 2023 for eligible non-for-profit organizations and received one response from The Salvation Army. The program has a two-year sunset or until funds are exhausted, with the option of an extension as necessary to expend funds contingent upon program compliance.

Approval will authorize staff to execute all necessary documents with The Salvation Army, contingent upon meeting all federal program requirements.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	1/31/2024 - 5:14 PM

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION approving a contract with The Salvation Army to administer the HOME-ARP Short-Term Supportive Services Program as a subrecipient.

WHEREAS, the City of Davenport was awarded $1,533,897 in HOME Investment Partnership Program – American Rescue Plan (HOME-ARP) funds from the Department of Housing and Urban Development (HUD) and has received approval of activities under Federal Award Identifier Number M21-MP190200 which was awarded to the City on September 22, 2021; and

WHEREAS, the City Council approved the amendment to the 2021 Annual Action Plan to add the HOME-ARP Allocation Plan, after the completion of the public comment period, on May 10, 2023; and

WHEREAS, the activity of providing short-term supportive services meets HUD's HOME-ARP regulations established in Notice CPD-21-10; and

WHEREAS, HUD approved the City's HOME-ARP Allocation Plan on July 6, 2023; and

WHEREAS, the City issued a Request for Proposal for the Short-Term Supportive Services Program for $1,250,000 on September 21, 2023 to eligible non-profit organizations providing social services to the homeless and at risk of homeless qualifying populations and received one response from local provider The Salvation Army; and

WHEREAS, the balance of funding is reserved for the City as grantee for City administrative costs and other contingencies necessary for program compliance; and

WHEREAS, funding and reimbursement payments for the project are subject to all Federal, State, and local program requirements and all other rules.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that a contract with The Salvation Army to administer the HOME-ARP Short Term Supportive Services Program as a subrecipient is hereby approved and staff is authorized to sign the necessary documents.

Passed and approved this 14th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
2/14/2024

Subject:
Resolution approving street, lane, or public ground closure requests for the listed dates and times.

Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; 12:00 p.m. - 3:00 p.m. Sunday, February 25, 2024; **Closures (only one lane of each street, Police controlled):** 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; 42nd Annual St. Patrick's Day Race; Downtown; Saturday, March 16, 2024; **Closures: 5:00 a.m. - 12:00 p.m.** 2nd Street from Harrison Street to Brady Street; **8:00 a.m. - 11:00 a.m.** 2nd Street from Harrison Street to Ripley Street; **8:30 a.m. - 11:00 a.m.** two westernmost travel lanes and parking lane on Brady Street from 2nd Street to 3rd Street; **8:30 a.m. - 11:00 a.m.** 3rd Street from Brady Street to Gaines Street; **9:30 a.m. - 11:00 a.m.** 3rd Street from Gaines Street to Division Street; **9:50 a.m. - 10:10 a.m.** all lanes of Brady Street from River Drive to 3rd Street. [Ward 3]

St. Patrick's Society; Grand Parade XXXVIII; Downtown; Saturday, March 16, 2024 12:00 p.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]

The Office; St. Patrick's Day Celebration; 116 West 3rd Street; approximately 2:00 p.m. (after the parade) until 7:00 p.m. Saturday, March 16, 2024; **Closure:** northernmost parking lane and two travel lanes on West 3rd Street from Main Street to 116 West 3rd Street. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
Per the City's Special Events Policy, City Council will approve street, lane, and public ground closure requests 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
🗋	Backup Material	St. Patrick's Day Celebration | The Office

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/2/2024 - 12:42 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 closure requests for the listed dates and times.

Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; 12:00 p.m. - 3:00 p.m. Sunday, February 25, 2024; ***Closures (only one lane of each street):*** *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; 42nd Annual St. Patrick's Day Race; Downtown; Saturday, March 16, 2024; ***Closures: 5:00 a.m. - 12:00 p.m.*** *2nd Street from Harrison Street to Brady Street;* ***8:00 a.m. - 11:00 a.m.*** *2nd Street from Harrison Street to Ripley Street;* ***8:30 a.m. - 11:00 a.m.*** *two westernmost travel lanes and parking lane on Brady Street from 2nd Street to 3rd Street;* ***8:30 a.m. - 11:00 a.m.*** *3rd Street from Brady Street to Gaines Street;* ***9:30 a.m. - 11:00 a.m.*** *3rd Street from Gaines Street to Division Street;* ***9:50 a.m. - 10:10 a.m.*** *all lanes of Brady Street from River Drive to 3rd Street. [Ward 3]*

St. Patrick's Society; Grand Parade XXXVIII; Downtown; Saturday, March 16, 2024 12:00 p.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]*

The Office; St. Patrick's Day Celebration; 116 West 3rd Street; approximately 2:00 p.m. (after the parade) until 7:00 p.m. Saturday, March 16, 2024; ***Closure:*** *northernmost parking lane and two travel lanes on West 3rd Street from Main Street to 116 West 3rd Street. [Ward 3]*

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

WHEREAS, upon review of the applications, it has been determined that streets, lanes, or public grounds will need to 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 closure requests are hereby approved and staff is directed to proceed with the closures.

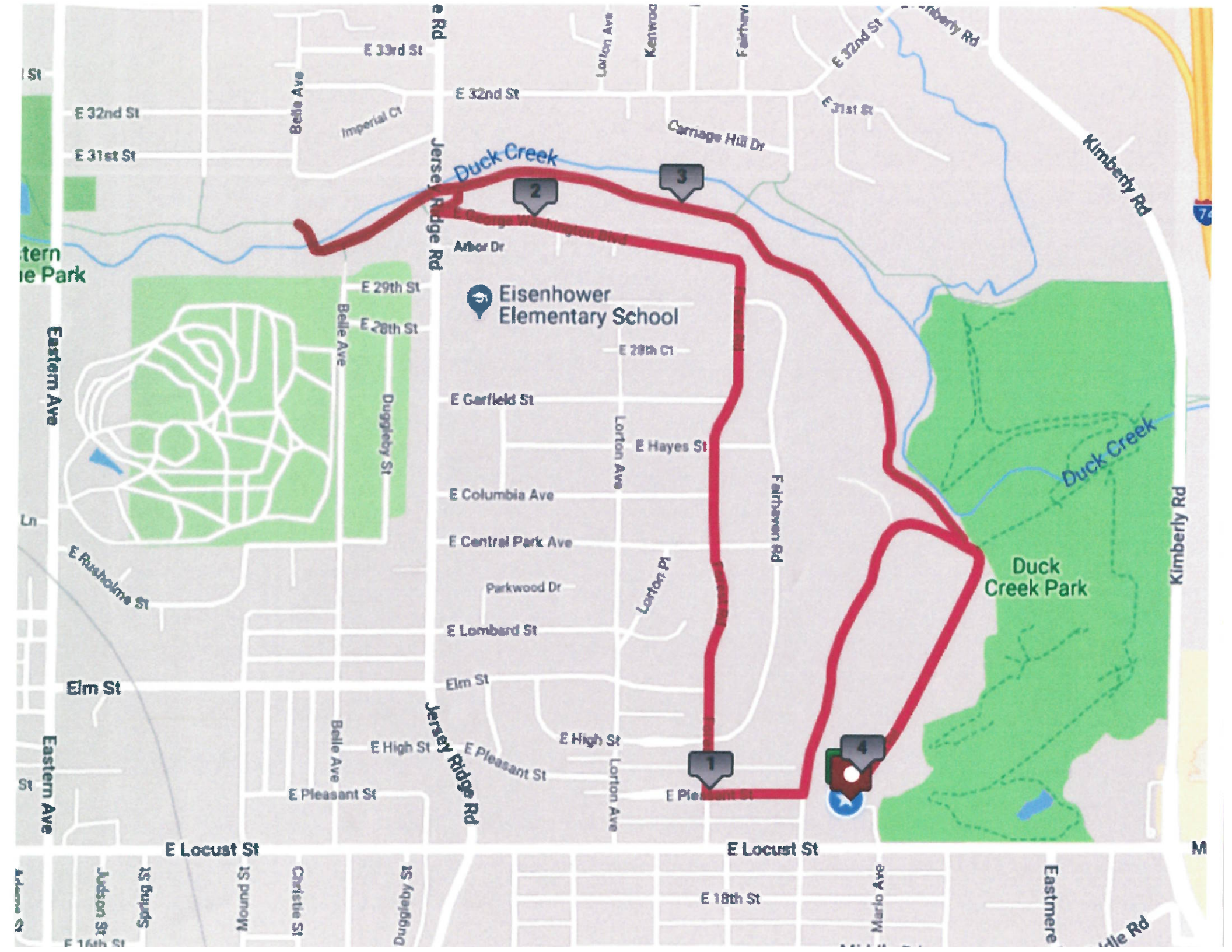
Passed and approved this 14th day of February, 2024.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk


E 33rd St
E 32nd St
E 31st St
Belle Ave
Imperial Ct
Jersey Ridge Rd
Duck Creek
Carriage Hill Dr
Kimberly Rd
Arbor Dr
Eisenhower Elementary School
E 29th St
E 28th St
E 28th Ct
Eastern Ave
Duggleby St
E Garfield St
Lorton Ave
E Hayes St
Fairhaven Rd
E Columbia Ave
E Central Park Ave
Duck Creek Park
E Rustholme St
Parkwood Dr
Lorton Pl
E Lombard St
Elm St
E High St
E Pleasant St
E Locust St
E 18th St
Mound St
Christie St
Judson St
Marlo Ave
Eastmere
1
2
3
4

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

Feb 02, 2024

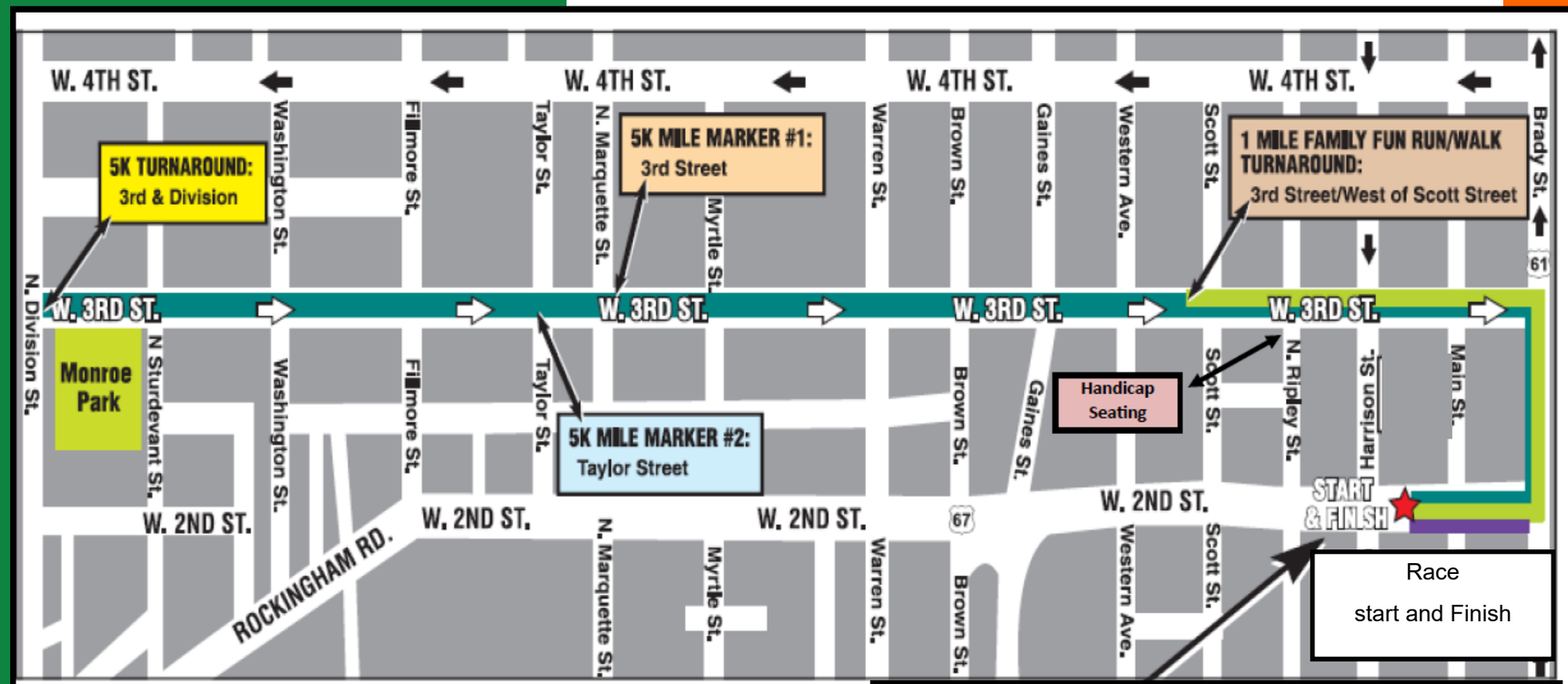
Dear Residents,

On February 25, 2024 we will be having our 21st 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.

Thank you,

John Parker
CBRC

CASI's 42nd Annual St. Patrick's Day Race



CASI
Center for Active Seniors, Inc.

- 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 Seating 1/4 Mile Tot Trot
9:30am — Eaton 1 Mile Family Run/Walk
10:00am — Vibrant Credit Union 5K Race

Friday, March 15th
CASI-1035 W. Kimberly Rd., Davenport
Noon—6:00pm
Packet Pick-up
Late Registration

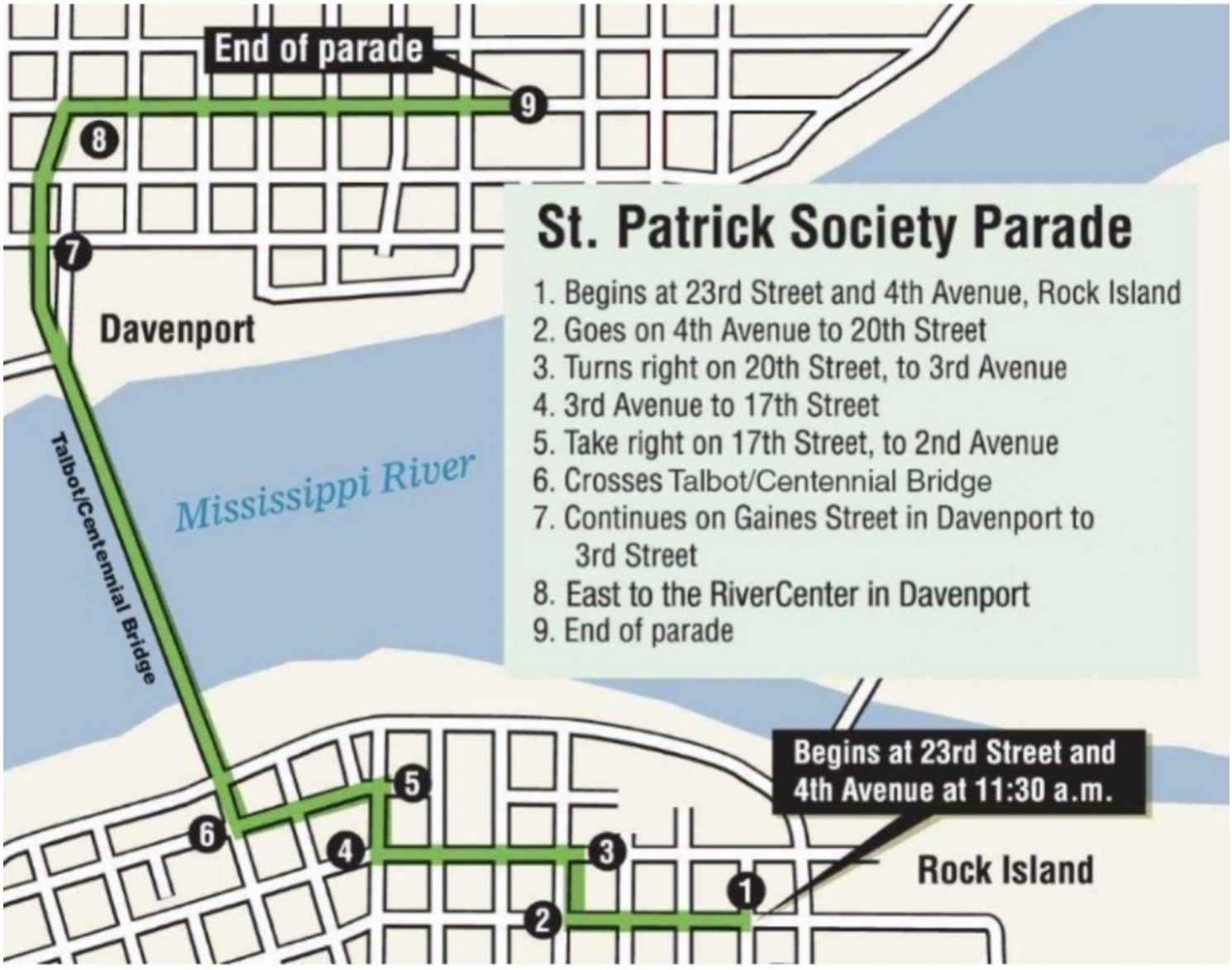
Saturday, March 16th
DoubleTree Hotel-Downtown Davenport
7:00am—9:59am
Packet Pick-up
Late Registration

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

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

10:00am-5K Presented by

vibrant
CREDIT UNION


End of parade
9
8
7
Davenport
Talbot/Centennial Bridge
Mississippi River
St. Patrick Society Parade
1. Begins at 23rd Street and 4th Avenue, Rock Island
2. Goes on 4th Avenue to 20th Street
3. Turns right on 20th Street, to 3rd Avenue
4. 3rd Avenue to 17th Street
5. Take right on 17th Street, to 2nd Avenue
6. Crosses Talbot/Centennial Bridge
7. Continues on Gaines Street in Davenport to 3rd Street
8. East to the RiverCenter in Davenport
9. End of parade
Begins at 23rd Street and 4th Avenue at 11:30 a.m.
Rock Island
1
2
3
4
5
6

Barricade
Outdoor area
Terrostar
Interactive Media
Boozie's Bar & Grill
Grill • $
The Office Cocktail
Bar & Lounge
Analog Arcade Bar
Medix Dental IT
Scott Community
College Urban Campus
SCC Urban Campus/

City of Davenport

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

Action / Date
2/14/2024

Subject:
Motion approving noise variance requests on the listed dates and times for outdoor events.

St. Patrick's Society; Grand Parade XXXVIII; Downtown (see attached parade route); 12:00 p.m. - 2:00 p.m. Saturday, March 16, 2024; Outdoor music, over 50 dBA. [Ward 3]

The Office; St. Patrick's Day Celebration; 116 West 3rd Street; approximately 2:00 p.m. (after the parade) - 7:00 p.m. Saturday, March 16, 2024; Outdoor music, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2024 Events; Mississippi Valley Fairgrounds | 2815 West Locust Street; various dates April through September 2024 (see attached list); Outdoor music/races, over 50 dBA. [Ward 4]

Recommendation:
Pass the Motion.

Background:
These requests for noise variances have been received pursuant to the Municipal Code of Davenport, Iowa Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

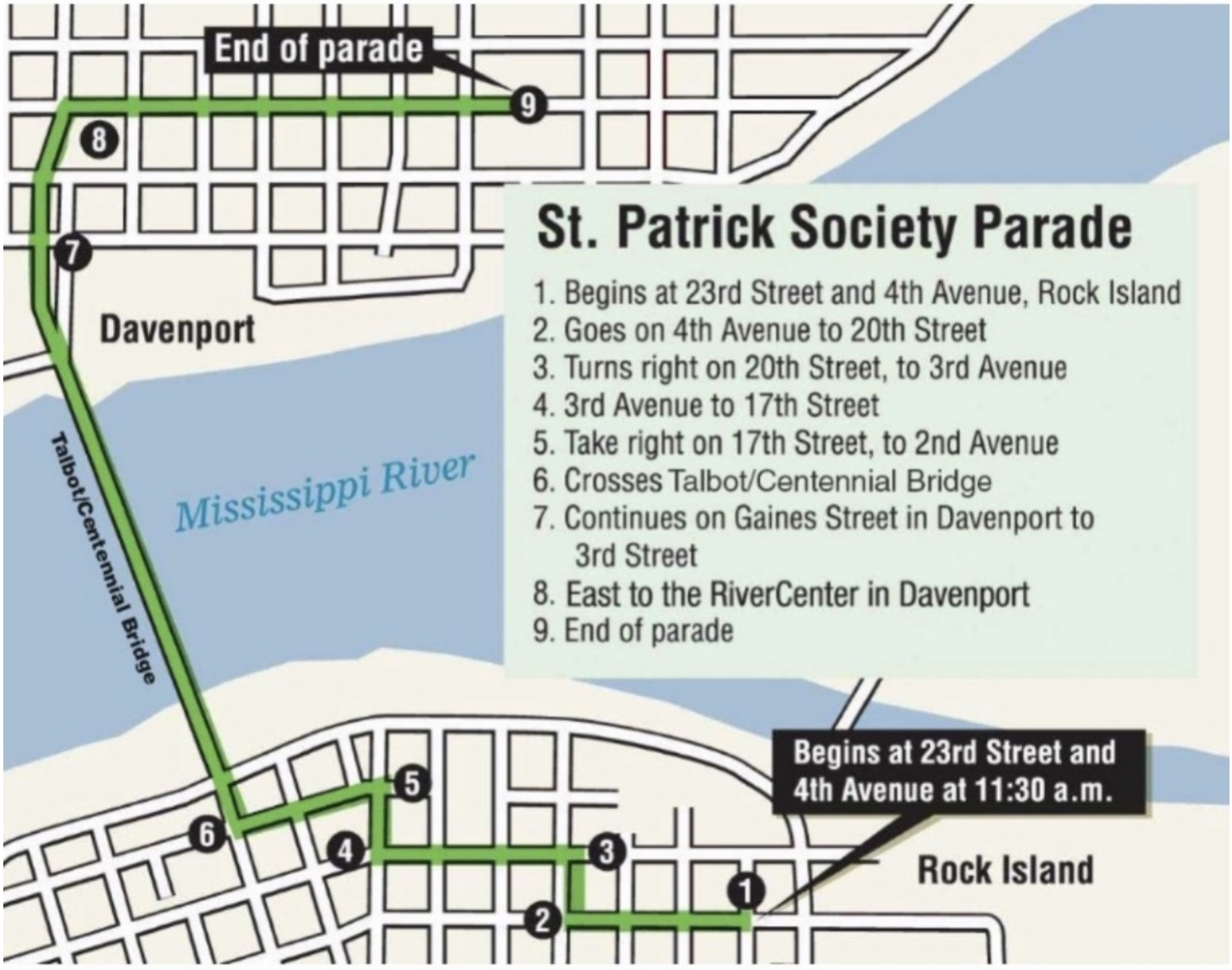
Mississippi Valley Fair | The request is seeking a noise variance until 11:00 p.m. for the quarter mile track events, and a variance that allows for them to finish the feature races as long as the race begins before 10:00 p.m.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	St. Patrick's Day Parade Map
🗋	Backup Material	MVF List of Events

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/2/2024 - 12:41 PM


End of parade
9
8
7
Davenport
Talbot/Centennial Bridge
Mississippi River
St. Patrick Society Parade
1. Begins at 23rd Street and 4th Avenue, Rock Island
2. Goes on 4th Avenue to 20th Street
3. Turns right on 20th Street, to 3rd Avenue
4. 3rd Avenue to 17th Street
5. Take right on 17th Street, to 2nd Avenue
6. Crosses Talbot/Centennial Bridge
7. Continues on Gaines Street in Davenport to 3rd Street
8. East to the RiverCenter in Davenport
9. End of parade
Begins at 23rd Street and 4th Avenue at 11:30 a.m.
Rock Island
1
2
3
4
5
6

Mississippi Valley Fair, Inc.
2815 West Locust Street • Davenport, IA 52804
(563) 326-5338
www.mvfair.com

Shawn Loter
General Manager

January 16, 2024

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 2024 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 as long as the race is started before 10:00 p.m..

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 question if you would like.

Regards,

Shawn Loter
General Manager
Mississippi Valley Fair

CC: Mayor Mike Matson

Davenport Speedway 2024 Schedule

April 5th	Friday	TBD
April 12th	Friday	TBD
April 19th	Friday	Weekly Racing
April 26th	Friday	Weekly Racing
May 3rd	Friday	Weekly Racing
May 10th	Friday	Weekly Racing
May 17th	Friday	Weekly Racing
May 24th	Friday	Weekly Racing
May 31st	Friday	Weekly Racing
June 7th	Friday	Weekly Racing
June 14th	Friday	Weekly Racing
June 21st	Friday	Weekly Racing
June 28th	Friday	Weekly Racing
July 5th	Friday	Weekly Racing
July 12th	Friday	Weekly Racing
July 19th	Friday	Weekly Racing
July 26th	Friday	No Races (mvf fair)
August 2nd	Friday	No Races (mvf fair)
August 9th	Friday	Weekly Racing
August 16th	Friday	No Racing
August 23rd	Friday	Weekly Racing
August 30th	Friday	No Racing
September 6th	Friday	TBD
September 8th	Sunday	TBD
September 13th	Friday	TBD
September 15th	Sunday	TBD
September 20th	Friday	TBD
September 27th	Friday	Davenport Dirt Stars
September 28th	Saturday	Davenport Dirt Stars

All Classes To Be Determined

Davenport Speedway located at the Mississippi Valley Fairgrounds
2815 West Locust St. Davenport, Iowa 52804
Follow us on Facebook @DavenportSpeedway – SR Promotions

Mississippi Valley Fair, Inc.
2815 West Locust Street • Davenport, IA 52804
(563) 326-5338
www.mvfair.com

Shawn Loter
General Manager

Additional events include:

May 18 Demolition Derby
June 15 Tractor Pull
July 13 Rodeo
July 30-August 4 FAIR
August 24 Monster Trucks
September 6 Motorcycle Races

City of Davenport

Department: Finance **Action / Date**
Contact Info: Jamie Swanson | 563-326-7795 **2/14/2024**

Subject:
Motion approving beer and liquor license applications.

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

Ward 7

Tantra (Double Chen Holdings, Inc) - 589 East 53rd Street - New Annual License with Outdoor Area - License Type: Class C Liquor (On-Premises)

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

Ward 1

Sub Express & Gas (Keya Food Mart, Inc) - 4307 West Locust Street - License Type: Class E Liquor (Carry-Out)

Veterans of Foreign Wars, FW Galbraith Post #828 (Veterans of Foreign Wars, FW Galbraith Post #828) - 101 South Linwood Avenue - License Type: Class F Liquor (On-Premises)

Ward 2

California Pho (Binh Van Nguyen) - 3559 West Kimberly Road #4, 5, 6 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 3

Danceland (Danceland, Ltd) - 501 1/2 West 4th Street - License Type: Class C Liquor (On-Premises)

D'Lua on the River (D'Lua on the River Co) - 1201 East River Drive - Outdoor Area - License Type: Class C Liquor (On-Premises)

Front Street Brewery (Front St Brewery, Inc) - 208 East River Drive - Outdoor Area - License Type: Class C Liquor (On-Premises)

Kcbrothers (KC 2 Brothers, Inc) - 214 Myrtle Street - License Type: Class E Liquor (Carry-Out)

Ward 4

Hy-Vee Fast and Fresh #5 (Hy-Vee, Inc) - 2353 West Locust Street - License Type: Class E Liquor (Carry-Out)

SC Mini Mart (SC Mini Mart, LLC) - 1511 West Locust Street - License Type: Class B Beer/Wine

(Carry-Out)

Ward 5

Camp McClellan Cellars (Julie Keehn) - 2302 East 11th Street - License Type: Class B Beer/Wine (Carry-Out)

The Coffee House Qc (Area 309 Coffee, LLC) - 1315 Jersey Ridge Road - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Ward 6

The Clubhouse (Clubhouse Beverage, LLC) - 4800 Elmore Avenue #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Homewood Suites (Davenport Lodging Group, LLC) - 4750 Progress Drive - License Type: Special Class C Beer/Wine (On-Premises)

Hy-Vee Market Café (Hy-Vee, Inc) - 4064 East 53rd Street (Café Area) - Outdoor Area - License Type: Class C Liquor (On-Premises)

La Flama Restaurant (Jam Brothers, Inc) - 3871 Elmore Avenue - License Type: Class C Liquor (On-Premises)

Mart Stop1 (Mart Stop #1) - 3527 Spring Street - License Type: Class E Liquor (Carry-Out)

Rudy's Tacos (C.M.E. 1066, Inc) - 3944 Elmore Avenue - License Type: Class C Liquor (On-Premises)

Ward 7

Stadium Club (SIS, Inc) - 2828 Brady Street - License Type: Class C Liquor (On-Premises)

Ward 8

Big 10 Mart (Molo Oil Company) - 5310 North Brady Street - License Type: Class B Beer/Wine (Carry-Out)

Cracker Barrel #161 (Cracker Barrel Old Country Store) - 300 Jason Way Court - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Thunder Bay Grille (Thunder Bay Grille, LLC) - 6511 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Recommendation:
Pass the Motion.

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/2/2024 - 12:40 PM

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/14/2024**

Subject:
First Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Davenport Municipal Code to adopt the new Flood Insurance Study and flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards]

Recommendation:
Adopt the Ordinance.

Background:
On July 16, 2021, the Federal Emergency Management Agency (FEMA) notified the City of Davenport of proposed modifications to the Flood Insurance Study and Flood Insurance Rate Maps for the City of Davenport. FEMA has determine that the proposed modifications are now considered final and will be effective as of April 11, 2024.

As a condition of continued eligibility of the National Flood Insurance Program, the City must amend the regulations in Chapter 15.44 entitled Flood Damage Prevention to meet the standards of the National Flood Insurance Act of 1968, as amended. The Iowa Department of Natural Resources has reviewed Chapter 15.44 and provided amendments that would ensure Davenport remains in compliance with both FEMA and State of Iowa regulations.

The amendments include:

- Adopting the new Flood Insurance Study and Flood Insurance Rate Maps
- Addition and amendments to definitions in Section 15.44.070
- Clarification on the standards for flood hazard reduction in all flood zones
- Deletion of Section 15.44.100 related to shallow flooding AO Zones - there are no AO Zones within the City of Davenport

The regulations are required to be adopted and effective prior to April 11, 2024.

A Public Hearing prior to City Council action on amendments in Chapter 15.44 is required. A notice was published in the Quad City Times on January 20, 2024.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Ordinance with Amendments Strike-through Version

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Moses, Trish	Approved	2/1/2024 - 8:08 AM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15.44 ENTITLED "FLOOD DAMAGE PREVENTION" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADOPT THE NEW FLOOD INSURANCE STUDY AND FLOOD MAPS, AND TO ALIGN THE ORDINANCE WITH IOWA DEPARTMENT OF NATURAL RESOURCES AND FEMA STANDARDS AND REGULATIONS.

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

Section 1. That section 15.44.060 **Basis for establishing the areas of special flood hazard** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

Section 2. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa be and the same is hereby amended to incorporate the following terms and definitions to read as follows:

> ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean the floor of the lowest enclosed area in a building when all the following criteria are met:
>
> A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION 15.44.080 (R)(1) of this Ordinance, and
> B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low-damage potential uses such as building access, parking or storage, and
> C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
> D. The enclosed area is not a "basement" as defined in this section.

FACTORY-BUILT HOME - Shall mean any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

Section 3. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to revise the following terms and definitions to read as follows:

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

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - Shall mean a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

LOWEST FLOOR - Shall mean the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

REPETITIVE LOSS – Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of

the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Section 4. That subsection 15.44.080(M) **General Standards for flood hazard reduction** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

M. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

Section 5. That subsection 15.44.080(R)(5) **All New and Substantially Improved Structures** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 6. That section 15.44.100 **Standards for areas of shallow flooding (AO zones)** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 7. That subsection 15.44.110(D) **Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure.

Section 8. That subsection 15.44.140(F) **Permit Procedures** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> Elevation of the base flood in relation to NAVD;

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

Chapter 15.44
FLOOD DAMAGE PREVENTION
Amendments with Strike-Through

15.44.010. Statutory authorization. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-1]

The Legislature of the state has in Section 364.1 of the 2009 Iowa Code delegated the responsibility to local government units to adopt regulations designed to protect and preserve the rights, privileges and property of the City and its residents and to preserve, improve and promote the peace, health, safety, comfort and general welfare of the citizenry.

15.44.020. Findings of fact. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-2]

A. The flood hazard areas of Davenport are subject to periodic inundation which results in the potential for loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being adequately elevated or otherwise protected from flooding and the cumulative effect of obstructions in floodplains causing increases in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

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

15.44.030. Statement of purpose. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-3]

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or result in an increase in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase

erosion of flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

F. Maintain eligibility in the National Flood Insurance Program thereby assuring the eligibility of property owners, business owners, and tenants in the community to purchase flood insurance and to aid in the City's participation in the Community Rating System (CRS).

15.44.040. Objectives. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-4]

The objectives of this chapter are to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential home buyers are notified that property is in a flood area.

15.44.050. Lands to which this chapter applies. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-6]

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Davenport that are subject to special flood hazards as shown on the Flood Insurance Rate Maps or as may be subject to special flood hazard as determined through accepted hydraulic and hydrologic analysis. The Flood Insurance Rate Map panels adopted by reference in Section 15.44.060 may include floodplain areas outside the corporate limits of Davenport at the time of adoption of this chapter, the newly annexed floodplain lands shall be subject to the provisions of this chapter immediately upon the date of the annexation into Davenport.

15.44.060. Basis for establishing the areas of special flood hazard. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-7]

~~The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for~~

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

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

15.44.070. Definitions. [2-24-2021 by Ord. No. 2021-77; 12-4-2019 by Ord. No. 2019-530; Ord. 2011-4 § 1 (part); Ord. 95-55 § 1; Ord. 90-146 §§ 16; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-5]

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

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

APPEAL — Shall mean a request for a review of the code enforcement coordinator interpretation of any provision of this chapter or a request for a variance.

APPROPRIATE USE — Shall mean only those uses permissible in the regulatory floodway that will be considered for permit issuance.

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

AREA OF SHALLOW FLOODING — Shall mean a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

BASE FLOOD — Shall mean the flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event.

BASE FLOOD ELEVATION (BFE) — Shall mean the highest water surface elevation that can be expected during the base flood in relation to mean sea level. The base flood

elevation (BFE) is also known as the 100-year frequency flood elevation and as a 1% probability of being equaled or exceeded in any given year.

BASEMENT — Shall mean any enclosed area of a structure which has its flood or lowest level below ground level (subgrade) on all sides. See also "lowest floor."

BEST MANAGEMENT PRACTICES (BMPS) — Shall mean practices or measures typically developed as part a stormwater management program that reduce nonpoint source pollution that enter the waterways.

BUILDING — Shall mean a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

CHANNEL — Shall mean any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION — Shall mean the alteration of a channel by changing the physical dimensions or materials of its bed or banks and includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining or significant removal of bottom or woody vegetation. Modification does not include the clearing of dead or dying vegetation, debris or trash from the channel.

COMPENSATORY STORAGE — Shall mean an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain. The uncompensated loss of natural flood plain storage can increase off-site floodwater elevations and flows.

CRITICAL FACILITY — Shall mean any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to a critical facility can impact delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Critical facilities include but may not be limited to emergency services, schools, retirement or senior care facilities, major roads and bridges, utility sites and hazardous materials storage sites.

CRITICAL FEATURE — Shall mean an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DAM — Shall mean any obstruction, wall embankment or barrier, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included. Dams may include weirs, restrictive culverts or impoundment structures.

DESIGN STORM — Shall mean a selected storm event, described in terms of probability of occurrence for which flood mitigation protection elevations are determined.

DEVELOPMENT — Shall mean any man-made change to improved or unimproved real estate, including, but not limited to:

A. Construction, reconstruction, repair, addition to or replacement of a building or structure.

B. Installing a manufactured home on a site, preparing a site for a manufactured home, or

installing a travel trailer on a site for more than 180 days.

C. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.

D. Demolition of a structure or redevelopment of a site.

E. Clearing of land as an adjunct of construction.

F. Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving or other non- agricultural alterations of the ground surface; storage of equipment or materials; deposit of solid or liquid waste.

G. Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal. Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in elevation, or gardening, plowing, cultivation, and similar agricultural practices that do not involve filling, grading, or construction of levees.

ELEVATION CERTIFICATE — Shall mean a form used by FEMA to certify building elevations, confirm compliance with the Village floodplain management ordinance, determine proper insurance premium rates, and to support a request for a Letter of Map Amendment (LOMA) or a Letter of Map Revisions based on fill (LOMR-F).

ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean the floor of the lowest enclosed area in a building when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION 15.44.080 (R)(1) of this Ordinance, and;

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low-damage potential uses such as building access, parking or storage, and;

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and;

D. The enclosed area is not a “basement” as defined in this section.

EROSION — Shall mean the general process whereby soils are moved by flowing water or wave action.

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

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

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

grading or the pouring of concrete pads.

500-YEAR FLOOD — Shall mean a flood, the magnitude of which has a 0.2% chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

FACTORY-BUILT HOME - Shall mean any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

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

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

FEMA — Shall mean the Federal Emergency Management Agency and its regulations at 44 CFR 59-79, specifically the regulations within CFR 44 Section 60.3d which are adopted by this reference. FEMA is the independent Federal agency that, in addition to carrying out other activities, administers the NFIP.

FLOOD OR FLOODING — Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland rivers or streams or tidal waters and the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FREQUENCY — Shall mean a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE — Shall mean that portion of the flood plain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

~~FLOOD INSURANCE RATE MAP (FIRM) — Shall mean a map prepared by FEMA that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodway.~~

FLOOD INSURANCE STUDY (FIS) - Shall mean a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

~~FLOOD INSURANCE STUDY — Shall mean the official report provided by the Federal Insurance Administration. The report contains flood profiles and the water surface elevation of the base flood.~~

FLOOD PLAIN — Shall mean any land area susceptible to being inundated by water as a result of a flood. The land is typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood

plains may also include detached special flood hazard areas, ponding areas, etc. The flood plain is also known as the special flood hazard area (SFHA).

FLOOD PLAIN DEVELOPMENT PERMIT — Shall mean a permit required for any development occurring below the base flood elevation.

FLOOD PLAIN MANAGEMENT — Shall mean an overall program of corrective and preventive measures (mitigation) for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

FLOOD PROTECTION ELEVATION (FPE) — Shall mean the elevation of the base flood or 100-year frequency flood plus one foot of freeboard at any given location in the SFHA. Outside of the floodplain limits, the 100-year design water surface elevation of any adjacent stormwater facility or the 100-year storm elevation on non-NFIP mapped floodplain plus two feet of freeboard.

FLOODPROOFING — Shall mean any combination of structural or nonstructural changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODPROOFING CERTIFICATE — Shall mean a form used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

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

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

~~FLOODWAY FRINGE — Shall mean those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing higher flood levels or flow velocities.~~

FREEBOARD — Shall mean an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations (development outside the communities control), unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

FUNCTIONALLY DEPENDENT USE — Shall mean a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term shall include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

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

HISTORIC STRUCTURE — Shall mean any structure that is:

a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on the State Inventory of Historic Places which inventory is part of a historic preservation program approved by the Secretary of the Interior; or

d. Individually listed on the local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

HYDRAULICALLY EQUIVALENT COMPENSATORY STORAGE — Shall mean compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by hydrologic and hydraulic analysis to be equivalent to compensatory storage located adjacent to the development.

HYDROLOGIC AND HYDRAULIC CALCULATIONS — Shall mean an engineering analysis which determines expected flood flows and flood elevations based on land characteristics and rainfall events.

HYDROLOGICALLY DISTURBED — Shall mean an area where the land surface has been cleared, grubbed, compacted, or otherwise modified to change runoff volumes, rates or direction.

IMPERVIOUS SURFACE — Shall mean any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation surfaces.

INTERMITTENT STREAM — Shall mean a stream whose bed intersects the groundwater table for only a portion of the year on the average or any stream which flows continuously for at least one month out of the year but not the entire year.

LEVEE — Shall mean a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee to provide relief from flood insurance requirements it will need to be a certified level meeting the minimum requirements of 44 CFR 65.

LEVEE SYSTEM — Shall mean a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - Shall mean the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

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

~~a. The enclosed area is designed to flood, to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.44.110CB (please refer to FEMA Technical Bulletin No. 1 entitled "Openings in Foundation Walls and Walls of Enclosures"); and~~

~~b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low~~

~~damage potential uses such as building access, parking or storage; and~~

~~c. Machinery and service facilities contained within the enclosed area are protected from flood water to a height of at least one foot above the base flood elevation; and~~

~~d. The enclosed area is not defined as a "basement" in this section; and~~

~~e. Provided the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.~~

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

MANUFACTURED HOME — As defined by Chapter 414.28 of the Iowa Code shall mean a factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the sake of this chapter the definition of manufactured home includes factory-built home. "Factory-build home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "factory-built home" shall also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "factory-built home" does not include park trailers, travel trailers, and other similar devices.

MANUFACTURED HOME PARK OR SUBDIVISION — A tract designed to accommodate manufactured home sites.

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

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

MINOR PROJECTS — Shall mean small development activities (except for filling, grading, and excavating) valued at less than $500.

MITIGATION — Shall mean those measures necessary to minimize the negative effects which flood plain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) — Shall mean the Federal program whose requirements are codified in the Title 44 of the Code of Federal Regulations.

NATURAL — When used in reference to channels means those channels formed by the

existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regarding and re vegetation.

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

NET WATERSHED BENEFIT — Shall mean a finding that, when compared to the existing condition, the developed project will do one of the following: substantially reduce (more than 10%) downstream peak discharges; reduce downstream flood stages (more than 0.1 foot); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one of these conditions must be through detailed hydrologic and hydraulic analysis of the watershed(s) on a regional scale.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community (March 1, 1978).

~~NEW CONSTRUCTION — Shall mean structures for which the "start of construction" commenced on or after the effective date of the FIRM, 3-1-78, and includes any subsequent improvements to such structures.~~

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

NGVD — Shall mean National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

NO ADVERSE IMPACT (NAI) — Shall mean a managing principle that includes both structural and nonstructural measure of floodplain management established by the Association of State Floodplain Manager (ASFPM) that provide a higher level of protection for a community and its citizens and to prevent increased flooding now and in the future.

NON-CONVERSION AGREEMENT — Shall mean an agreement binding on the current and future homeowners that the enclosure located below the base flood elevation will not be converted into living space.

NON-RIVERINE — Shall mean areas not associated with a stream or river such as isolated depressional storage areas, ponds and lakes.

NPDES II — Shall mean that program mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the nonagricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge

Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by stormwater runoff into local water bodies.

ORDINARY HIGH WATER MARK (OHWM) — Shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PERENNIAL STEAMS — Shall mean riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

PROGRAM DEFICIENCY — Shall mean a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in Section 60.3 and 60.6 of the National Flood Insurance Program.

PUBLIC BODIES OF WATER — Shall mean all open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the state of Iowa, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

PUBLIC FLOOD CONTROL PROJECT — Shall mean a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

PUBLICLY NAVIGABLE WATERS — Shall mean all streams and lakes capable of being navigated by watercraft.

REASONABLY SAFE FROM FLOODING — Shall mean methods and standards of foundation protection, such as the placement, compaction and protection of fill when used to elevate a building, that base flood waters will not inundate or damage a structure(s) to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings. Please refer to FEMA Technical Bulletin No. 10-1 "Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding."

RECREATIONAL VEHICLE — Shall mean a vehicle which is: (a) built on a single chassis; (b) 400 feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, traveling or seasonal use.

REGISTERED LAND SURVEYOR — Shall mean a land surveyor registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGISTERED OR LICENSED PROFESSIONAL ENGINEER — Shall mean an engineer registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGULATORY FLOOD PLAIN — Shall mean the flood plain as depicted on maps recognized by FEMA as defining the limits of the SFHA.

REGULATORY FLOODWAY OR DESIGNATED FLOODWAY — Shall mean those portions of the floodplain depicted on the Flood Insurance Rate Map which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no increase in stage due to the loss of flood conveyance or storage, and no increase in velocities.

REMEDY A VIOLATION — Shall mean to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the section or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS – Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

~~REPETITIVE LOSS — Shall mean flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.~~

RETENTION/DETENTION FACILITY — Shall mean a facility for the purpose of retaining or detaining stormwater. A retention facility stores stormwater runoff without a gravity release for infiltration purposes. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

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

a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.

b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

c. Basement sealing.

d. Repairing or replacing damaged or broken window panes.

e. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.

RUNOFF — Shall mean the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

SEDIMENTATION — Shall mean the process that deposits soil, debris, and other materials either on ground surfaces or in bodies of water or water courses.

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

START OF CONSTRUCTION — Shall include substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORMWATER MANAGEMENT — Shall mean a set of actions taken to control stormwater (surface) runoff with the objectives of providing controlled surface drainage, flood control and pollutant reduction.

STREAM OR RIPARIAN BUFFER — Shall mean a best management practice (BMP) that either as a stand-alone practice or in conjunction with other practices seeks to minimize the adverse effects on the quality of water within the adjacent stream by providing or preserving a predominantly vegetation area that acts as a barrier between a particular land use (house, lawn, commercial, etc.) and the water for the purpose eliminating or mitigating adverse run-off effects.

STRUCTURE — Shall mean man-made change to the land constructed on or below grade, including construction, reconstruction or placement of a building or any addition to a building, roads, signs, billboards, etc.; installing a manufactured home on a site; preparing a site for manufactured home or installing a travel trailer on a site for more than 180 days.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

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

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community (March 1, 1978) shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

~~SUBSTANTIAL IMPROVEMENT — Shall mean any repair, reconstruction, rehabilitation, addition or other improvement of a structure since the City entered the regular program of the NFIP (3-1-1978), the cost of which equals or exceeds 50% of the market of the structure either (a) before the "start of construction" of the improvement, or (b) if the structure has been damaged and is being restored, before the damage occurred regardless of the actual repair work performed. Also any addition which cumulatively increases the original floor area of a structure by 25% or more since the City entered the regular program of the NFIP (3-1-1978). All additions constructed after the effective date of the FIRM for Davenport (3-1-1978) shall be added to any proposed addition in determining whether the total increase in original floor area would exceed 25%. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (b) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."~~

VARIANCE — Shall mean a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION — Shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

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

15.44.080. General standards for flood hazard reduction. [Amended 11-22-2022 by Ord. No.

2022-554; 2-24-2021 by Ord. No. 2021-77; Ord. 95-55 § 2; Ord. 92-453 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-18 (part)]

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

   1. Whether the land involved is either wholly or partly within the floodway or floodway fringe; and

   2. The Base Flood Elevation.

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

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

   1. The bridge or culvert is located on a stream that drains less than two square miles; and

   2. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

D. All new construction and substantial improvement including factory-built housing shall be:

   1. Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

   2. Constructed with materials and utility equipment resistant to flood damage;

   3. Constructed by methods and practices that minimize flood damage;

   4. Done in a manner that does not cause any net loss of flood plain and any diminishment of flood carrying capacity. This shall be accomplished by matching each cubic yard or fill dirt added to the site with a corresponding yard of fill dirt removed from another area of the property. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

E. All new and replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

F. On-site waste disposal and water supply systems shall be located to avoid impairment to them or contamination from them during flooding.

G. Water supply and/or waste water treatment facilities shall be provided with flood protection equal to or greater than one foot above the 100-year flood elevation.

H. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

I. The storage or processing of materials that are in time of flooding buoyant, flammable,

explosive, or could be injurious to human, animal or plant life is prohibited.

J. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

K. Structural flood control works such as levees, flood walls, etc., shall provide at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. Approval of such structural work shall also be obtained from the Iowa Department of Natural Resources.

L. No use and or development shall affect the capacity of conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch or other drainage facility or system. In addition, such alterations must be approved by the Iowa Department of Natural Resources.

M. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

~~Detached garages, sheds, fences, flag poles and similar structures are exempted from the requirements of this chapter when all of the following conditions are met:~~

~~1. The structure is not used for habitation;~~

~~2. The structure has been designed to have a low flood damage potential;~~

~~3. The structure is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;~~

~~4. The structure is firmly anchored to prevent flotation which may result in damage to other structures and/or downstream; and~~

~~5. The structure's service facilities such as electrical and heating are elevated or floodproofed a minimum of one foot above the base flood elevation.~~

~~6. The structure shall be designed to how low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot~~

~~above the Base Flood Elevation must be constructed of flood-resistant materials.~~

N. Any permanent exposed slopes or fills and any cut faces of earth excavation which are to be vegetated shall be no steeper than three feet horizontal to one-foot vertical.

O. Any and all development or man-made changes to improved or unimproved real estate shall utilize the principle of no net loss of flood plain with all fill being offset by corresponding grade reductions or cuts. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

P. Require that recreational vehicles placed on sites within Zones A1 - A30, AH and AE on a community's FIRM either: (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; (iii) meet the requirements of Section 15.44.120. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Q. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated to a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determinations.

R. All New and Substantially Improved Structures. **[Added 11-22-2022 by Ord. No. 2022-554]**

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:

    a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.

    b. The bottom of all openings shall be no higher than one foot above grade.

    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.

4. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.

~~5. All nw and substantially improved structures.~~

S. Residential Construction. **[Added 11-22-2022 by Ord. No. 2022-554]**

All new or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation at least 18 feet beyond the limits of any structure erected thereon. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain. Alternate methods of elevating may be allowed subject to favorable consideration by both the City plan and zoning commission and the Iowa Department of Natural Resources. The alternative method selected shall be adequate to support the structure as well as withstand the various forces and hazards associated with flooding, increased flood heights and/or erosion, and shall meet the requirements of this chapter.

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

T. Nonresidential Construction. **[Amended 11-22-2022 by Ord. No. 2022-554]**

1. All new construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

    a. A registered professional engineer or architect shall develop and/or review structural design specifications, and plans for the construction, and shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the applicable standards.

    b. Such certification shall be provided to and maintained by the official as set forth in Section 15.44.180.

2. If the structure is elevated through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards; however, the requirement stated in the preceding sentence shall have

no application to the Mississippi River flood plain.

3. All new construction or substantial improvement that contains fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:

    a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.

    b. The bottom of all openings shall be no higher than one foot above grade.

    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.

6. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.

U. Factory-Built Housing. **[Amended 11-22-2022 by Ord. No. 2022-554]**

1. No factory-built housing shall be placed in a floodway and shall meet the requirements of this chapter.

2. All factory-built homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

    a. Over-the-top ties be provided at each of the four corners of the factory-built home, with two additional ties per side;

    b. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

    c. Any additions to the factory-built home be similarly anchored.

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

the Mississippi River flood plain.

15.44.090. Flood hazard reduction — Floodways. [2-24-2021 by Ord. No. 2021-77; Ord. 92-453 § 1 (part); Old. 87-206; Ord. 78-128 (part); prior code § 14001-18(d)]

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

A. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

B. All development within the floodway shall:

   1. Be consistent with the need to minimize flood damage.

   2. Use construction methods and practices that will minimize flood damage.

   3. Use construction materials and utility equipment that are resistant to flood damage.

C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility system.

D. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.44.080 and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed in readily removable from the floodway within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or related portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.

H. Any fill allowed within the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

I. Pipeline river or stream/creek crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and

meandering or due to the action of flood waters.

J. Any permanent exposed slopes of fills and any cut faces of earth which are to be vegetated shall not be steeper than three feet horizontal to one-foot vertical.

~~**15.44.100. Standards for areas of shallow flooding (AO zones). [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-19]**~~

~~Located within the areas of special flood hazard established in Section 15.44.070 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:~~

~~A. All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the community's FIRM.~~

~~B. All new construction and substantial improvements of nonresidential structures shall:~~

~~1. Have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the FIRM; or~~

~~2. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

15.44.110. Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001.20]

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D. Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure. ~~Base flood elevation data shall be provided for all subdivision proposals and other proposed development which is intended for the construction of any structure.~~

E. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.

15.44.120. Nonconforming uses. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 8; Ord. 87-206; Ord. 78-128 (part); prior code 14.001-21]

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed,

enlarged, or altered in a way which increases its non-conformity.

2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The department of construction and engineering shall notify the Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.

3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is re-constructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety code specifications or regulations which have been identified by the Administrator and which are the minimum necessary to assure safe living conditions, or the cost of any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

15.44.130. Development permit. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-8]

A development permit shall be required in conformance with the provisions of this chapter.

15.44.140. Permit procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.04-15]

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

A. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basement) of all structures and/or the elevation (NAVD88) to which any nonresidential structure has been floodproofed;

B. Provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the flood-proofing criteria in Section 15.44.110;

C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

D. Description of the work to be done and all necessary site and/or construction plans;

E. The legal description of the property and the street address if assigned;

F. Elevation of the base flood in relation to NAVD; ~~Elevation of the 100-year flood in relation to NGVD;~~

G. For a structure being improved or rebuilt the square footage of the improvement and the original structure and/or the estimated cost of the improvement and market value prior to the improvement or damage; and

H. An indication of the occupancy or use of the structure.

I. The designated official shall within a reasonable time, make determination as to whether the proposed flood plain development meets the applicable standards as set forth in this chapter and shall approve or disapprove the application. Upon disapproval, the applicant shall be informed in writing of the specific reasons for the disapproval.

J. Actual construction and/or development at variance with the approved and/or authorized plans shall be deemed a violation of the permit and the regulations of this chapter.

15.44.150. Variance procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 9; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001 — 16]

A. The City Plan and Zoning Commission as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The City Plan and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.

C. Any person aggrieved by the decision of the City Plan and Zoning Commission or any taxpayer may appeal such decision to the district court of Scott County as provided by law.

D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

E. In passing upon such applications, the City Plan and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands or downstream to the injury of others;

2. The danger to life and property due to flooding, increased flood heights or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The proposed water supply and sanitation systems and the ability of the systems to prevent contamination, disease and unsanitary conditions;

5. The importance of the services provided by the proposed facility to the community;

6. The necessity to the facility of a flood plain and or waterfront location;

7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the community and that area;

10. The safety of access to the property in times of flood for ordinary and emergency vehicles;

11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;

13. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections E1 through E12 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors listed above and the purposes of this chapter, the City plan and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Such conditioning may include but not be limited to:

    1. Modification of the water supply and/or waste disposal systems;

    2. Limitation of the periods of use and operation;

    3. Imposition of operational controls, sureties and/or deed restrictions;

    4. Requirements for channel modification, dikes, levees and/or other protective measures provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieve the stated purposes of this chapter.

G. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.

H. Conditions for Variances.

    1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    2. Variances shall only be issued upon:

        a. Showing of good and sufficient cause;

        b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

        c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given a written notice that the

cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction increases the risk to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

15.44.160. Administration. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-13]

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

15.44.170. Duties and responsibilities of the Administrator. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-14]

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

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

B. Review of all permit applications for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

C. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency;

D. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

E. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) of the lowest floor including basement of all new or substantially improved structures;

F. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) to which the new or substantially improved structures have been floodproofed;

G. When floodproofing is utilized for a particular structure, the Administrator shall obtain certification from a registered professional engineer or architect;

H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.44.180 through 15.44.210;

I. When base flood elevation data has not been provided in accordance with Section 15.44.070, then the Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of Sections 15.44.080 through 15.44.210.

J. All records pertaining to the provisions of this chapter shall be maintained in the office of the Administrator and shall be open for public inspection.

15.44.180. Compliance. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-9]

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

15.44.190. Violation — Penalty. [Ord. 87-206; Ord. 78-128 (part); prior code 14.001-22][1]

A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100, or imprisoned for not more than 30 days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

B. Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

15.44.200. Interpretation. [Ord. 87-206; Ord. 78-128(part); prior code § 14.001-11]

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.44.210. Abrogation and greater restrictions. [Ord. 87-206; Ord. 78-128 (part);

Editor's Note: There were two sections with the same number, i.e., § 14.001-22. prior code § 14.001-10]

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and no ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.44.220. Warning and disclaimer of liability. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-12]

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man- made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15.44.230. Amendments. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-22][2]

The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided, however that no such action may be taken until after public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. The regulations of this chapter are in compliance with the National Flood insurance Program Regulations as published in the Federal Register Volume 41, Number 207, dated October 26. 1976.

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1. **Editor's Note: There were two sections with the same number, i.e., § 14.001-22.**

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/14/2024

Subject:
Resolution accepting work completed under the West 75th Place Mill and Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $205,652.86, CIP # 35054. [Ward 8]

Recommendation:
Adopt the Resolution.

Background:
This pavement resurfacing project on West 75th Place from 2116 West 75th Place to Pacific Street included a mill and overlay of the existing pavement and ADA upgrades and new driveway approaches. Total project cost was $205,652.86, funded in CIP #35054 using a combination of Local Option Sales Tax, Road Use Tax, and General Obligation Bond Proceeds.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:15 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:15 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 5:18 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION accepting work completed under the West 75th Place Mill and Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of 205,652.86, CIP # 35054.

WHEREAS, the City entered into contract with Manatts Inc – Eastern Iowa Division of Camanche, Iowa for the West 75th Place Mill and Overlay project; and

WHEREAS, the project limits were West 75th Place from 2116 West 75th Place to Pacific Street; and

WHEREAS, the scope of work included mill and overlay of the existing pavement and ADA upgrades; and

WHEREAS, work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract and accepted by the Capital Management Division; and

WHEREAS, the final cost of the contract was $205,652.86.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the West 75th Place Mill and Overlay project by Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of 205,652.86.

Passed and approved this 14th day of February, 2024.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
2/14/2024

Subject:
Resolution accepting work completed under the FY 2022 Contract Sewer Repair Program by Hometown Mechanical of Davenport, Iowa in the amount of $583,521.95, CIP #30054 and #33001. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
This program is to repair damages to sewer infrastructure by contract. All sewer repair work performed under this contract has been satisfactorily completed by Hometown Mechanical of Davenport, Iowa with a final cost of $583,521.95 budgeted in CIP #30054 and #33001.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	1/31/2024 - 3:17 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:17 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 5:18 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION accepting work completed under the FY 2022 Contract Sewer Repair Program by Hometown Mechanical of Davenport, Iowa in the amount of $583,521.95, CIP #30054 and #33001.

WHEREAS, the City of Davenport entered into a contract with Hometown Mechanical of Davenport, Iowa for sewer repair work; and

WHEREAS, the work performed under the above-named program has been duly and fully completed by the contractor in accordance with the terms of the contract; and

WHEREAS, the final cost of the repairs performed under this contract was $583,521.95.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the FY 2022 Contract Sewer Repair Program by Hometown Mechanical of Davenport, Iowa in the amount of $583,521.95 is hereby accepted.

Passed and approved this 14th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/7/2024**

Subject:
Resolution accepting the sanitary sewer, storm sewer, and pavement associated with the Iowa American Water Company First Addition. [Ward 8]

Recommendation:
Adopt the Resolution.

Background:
The Iowa American Water Company First Addition is located north east of the intersection of Hillandale Road and Research Parkway. The developer is Iowa American Water Company of Des Moines. The plans for the subdivision were prepared by IMEG Corporation of Bettendorf, Iowa. The construction of the paving and storm and sanitary sewer was completed by McCarthy Improvement of Davenport, Iowa.

This subdivision included 2,153 square yards of 8 inch concrete pavement constructed in American Water Way. 9 new storm sewer structures and 626 linear feet of new storm sewer, 1393 linear feet of new sanitary sewer and 7 new sanitary sewer manholes. The contractor also installed 475 linear feet of new 6” and 8” sanitary lateral to serve the development.

Davenport Public Works has inspected the work and found it to be acceptable according to City of Davenport specifications. The sanitary sewer, storm sewer, and pavement has been satisfactorily completed and is hereby formally accepted, and, as of this date, considered public infrastructure.

As conditions for approval of this subdivision, the following items are to be noted:

The developer will be responsible for extending American Water Way north to the northerly property line of Iowa American Water Company First Addition Lot 2 at the direction of the City Engineer, as well all associated costs.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:16 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:17 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 5:17 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION accepting the sanitary sewer, storm sewer, and pavement associated with the Iowa American Water Company First Addition.

WHEREAS, Iowa American Water Company First Addition has been developed by Iowa American Water Company; and

WHEREAS, 1393 linear feet of 8" sanitary sewer main 7 new sanitary manholes were constructed by McCarthy Improvement of Davenport, Iowa; and

WHEREAS, 626 linear feet of storm sewer, and 9 new storm intakes constructed by McCarthy Improvement of Davenport, Iowa; and

WHEREAS, 2,153 square yards of 8-inch concrete pavement was constructed in American Water Way by McCarthy Improvement of Davenport, Iowa; and

WHEREAS, the City of Davenport stipulated acceptance of the subdivision with the following requirements to be fulfilled by the developer in the future:

> The developer will be responsible for extending American Water Way north to its current northerly ROW limit, at the direction of the City Engineer, as well as all associated costs; and

WHEREAS, the sewer and pavement installation has been satisfactorily completed, and the City has four-year maintenance bonds on file in the amount of $507,000 (combined sewer and paving).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Iowa American Water Company First Addition site improvements, which storm and sanitary sewer and paving constructed by McCarthy Improvement of Davenport, Iowa, having been satisfactorily completed, are hereby formally accepted.

Passed and approved this 14th day of February, 2024.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/14/2024

Subject:
Resolution awarding a contract for the Compost Facility Aeration Trench Replacement project to Brandt Construction Company of Milan, Illinois in the amount of $225,036, CIP #39016. [Ward 1]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on January 4, 2024 and sent to contractors. On January 25, 2024, the Purchasing Division opened and read four (4) responsive and responsible bids. See attached bid tab. Brandt Construction Company of Milan, Illinois was the lowest responsive and responsible bidder.

Project work includes the replacement of a section of floor slab and integral aeration trenches at the Compost Facility. The proposed improvements include, not limited to, removal of existing P.C.C. slab and apertures, removal of subbase, placement of new P.C.C., forming of new aeration trenches, and placement of surface topper at the City of Davenport Compost Facility.

Funding for this project is from CIP #39016 – Compost Trench Replacement.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/1/2024 - 9:06 AM
Public Works Committee	Moses, Trish	Approved	2/1/2024 - 9:06 AM
City Clerk	Admin, Default	Approved	2/1/2024 - 12:23 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION awarding a contract for the Compost Facility Aeration Trench Replacement project to Brandt Construction Company of Milan, Illinois in the amount of $225,036, CIP #39016.

WHEREAS, the City needs a contract for the Compost Facility Aeration Trench Replacement project; and

WHEREAS, Brandt Construction Company of Milan, Illinois was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Compost Facility Aeration Trench Replacement project is hereby awarded to Brandt Construction Company of Milan, Illinois in the amount of $225,036.

Passed and approved this 14th day of February, 2024.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Compost Facility Aeration Trench Replacement Project

BID NUMBER: 24-63

OPENING DATE: January 25, 2024

FUNDING: 71713675 530350 39016 | Compost Trench Replacement

RECOMMENDATION: Award the contract to Brandt Construction Company of Milan, Illinois, in the amount of $225,036.

VENDOR NAME	PRICE
Brandt Construction Company of Milan, IL	**$225,036.00**
Centennial Contractors of the Quad Cities of Moline, IL	$256,751.00
Ihrig Works LLC of Long Gove, IA	$306,256.00
Tricon General Construction of Dubuque, IA	$315,869.00

Approved By [redacted] 1/31/24
Purchasing Date

Approved By [redacted] 1/31/24
Dept. Director Date

Approved By [redacted] 1-31-24
Budget/CIP Date

Approved By [redacted] 1/31/2024
Interim City Administrator Date

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/14/2024

Subject:
Resolution awarding a contract for the West 13th Street (Brown Street to Scott Street) Resurfacing project to Langman Construction, Inc of Rock Island, Illinois in the amount of $270,470.51, CIP #35062. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on December 27, 2023 and sent to contractors. On January 19, 2024 the Purchasing Division opened and read five (5) responsive and responsible bids. Langman Construction, Inc of Rock Island, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This contract is for a pavement rehabilitation project of West 13th Street from Brown Street to Scott Street. Work under this contract includes, but is not limited to, the furnishing of all labor for the milling and resurfacing of the roadway for the length of the project, PCC curb and gutter removal and replacement, reconstruction of sidewalk at the intersections including ADA ramp construction, topsoil and seeding, and erosion control.

Funding for this project is from CIP #35062 | CY23 Neighborhood Program.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Cover Memo	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	1/31/2024 - 3:16 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:16 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 5:16 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION awarding a contract for the West 13th Street (Brown Street to Scott Street) Resurfacing project to Langman Construction, Inc of Rock Island, Illinois in the amount of $270,470.51, CIP #35062.

WHEREAS, the City needs to contract for the West 13th Street (Brown Street to Scott Street) Resurfacing project; and

WHEREAS, Langman Construction, Inc of Rock Island, Illinois was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the West 13th Street (Brown Street to Scott Street) Resurfacing project is hereby awarded to Langman Construction, Inc of Rock Island, Illinois in the amount of $270,470.51.

Passed and approved this 14th day of February, 2024.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: W 13th Street Resurfacing (Brown Street to Scott Street)

BID NUMBER: 24-62

OPENING DATE: January 19, 2024

FUNDING: 70636684 530350 35062 | Freight House Roof & Gutters Replacement

RECOMMENDATION: Award the contract to Langman Construction, Inc. of Rock Island, Illinois in the amount of $270,470.51.

VENDOR NAME	BID PRICE
Langman Construction, Inc. of Rock Island, IL	**$270,470.51**
Manatts, Inc. – Eastern Iowa Division of Camanche, IA	$288,022.15
CDMI Concrete Contractors Inc. of Port Byron, IL	$324,187.50
Valley Construction Company of Rock Island, IL	$352,058.75
Brandt Construction Co of Milan, IL	$362,641.50

Approved By [redacted]
Purchasing Date

Approved By [redacted]
Dept. Director Date

Approved By [redacted]
Budget/CIP Date

Approved By [redacted]
Interim City Administrator Date

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/14/2024

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project, CIP #35062. [Wards 3 & 4]

Recommendation:
Adopt the Resolution.

Background:
This project will include reconstruction of West 13th Street from about 3011 West 13th Street to Lincoln Avenue. Work will also include bringing existing sidewalks into compliance with ADA requirements.

This project will be funded by General Obligation Bonds through Capital Improvements Funds.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:15 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:16 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 5:17 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project, CIP #35062.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa, for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the West 13th Street (Hillandale Road to Lincoln Avenue) Reconstruction project.

Passed and approved this 14th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/14/2023

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the Tremont Avenue Reconstruction project, CIP #35061. [Ward 7]

Recommendation:
Adopt the Resolution.

Background:
This project will replace the pavement on Tremont Avenue from approximately 530 feet north of East 46th Street to East 53rd Street. In addition to street work, the project will include replacement of designated intakes and the construction of associated work.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:16 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:16 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 5:16 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Tremont Avenue Reconstruction project, CIP #35062.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa the Tremont Avenue Reconstruction project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Tremont Avenue Reconstruction project.

Passed and approved this 14th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin **Action / Date**
Contact Info: Ron Hocker | 563-327-5169 **2/14/2024**

Subject:
Resolution approving the specifications, form of contract, and estimate of cost for the CY 2024 Contract Milling Program, CIP #35041. [All Wards]

Recommendation:
Adopt the Resolution.

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

Funds for the CY 2024 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	1/31/2024 - 2:14 PM

Resolution No. _____

Resolution offered by Alderman R. 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 CY 2024 Contract Milling Program, CIP #35041.

WHEREAS, on the 2nd day of February, 2024, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the CY 2024 Contract Milling Program within the City of Davenport, Iowa; 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 CY 2024 Contract Milling Program.

Passed and approved this 14th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/14/2024**

Subject:
Resolution authorizing the submission of a RAISE grant program application to the United States Department of Transportation for financial assistance with enhancing and improving transportation access through flood mitigation efforts and infrastructure improvements. [Wards 1, 3, & 5]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport is submitting a 2024 RAISE Grant application to the Department of Transportation. Adjusted for inflation by construction years, the total project is estimated at $23,158,939, including engineering, construction, inspection, and a 15% contingency. Because the majority of the projects are located in census tracts that qualify as Areas of Persistent Poverty, the application may request 100% federal funding.

Utilizing strategies from the 2021 Mississippi River Flood Resiliency Plan, projects included in the application will 1) establish a permanent flood detour route to river stage 22.0 once River Drive has been closed due to flood waters, 2) ensure interstate access to the Centennial Bridge and Government Bridge during large-scale flood events, and 3) improve transportation safety on the detour route. The proposed project contains the following components:

- Road raises on Rockingham Road from Sturdevant to Marquette Street
- Road raise on River Drive near Mound Street
- Road raise at the intersection of 2nd Street and Gaines Street
- Road raise at the intersection of 3rd Street and LeClaire Street
- Repair of sections of roadway on Rockingham Road and Marquette Street
- Reconfiguration of the 3rd & 4th Street intersections on River Drive

This is the City of Davenport's third application to this program. Each previous application has scored as highly rated, but to date this project has not been selected for a grant award.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Cover Memo	Project Overview Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/1/2024 - 9:07 AM
Public Works Committee	Moses, Trish	Approved	2/1/2024 - 9:08 AM
City Clerk	Admin, Default	Approved	2/1/2024 - 12:23 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program application to the United States Department of Transportation for financial assistance to enhance and improve transportation access through flood mitigation efforts and infrastructure improvements.

WHEREAS, the City of Davenport (the "City") is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, the City is committed to improving transportation access through select flood mitigation strategies and infrastructure improvements; and

WHEREAS, the components of the project's application are dedicated to public use which the City will adequately maintain; and

WHEREAS, the components of the application are located in census tracts that meet the criteria for Areas of Persistent Poverty; and

WHEREAS, the application will request 100% federal funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that City staff is hereby authorized to prepare and submit a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program application to the United States Department of Transportation for financial assistance to enhance and improve transportation access through flood mitigation efforts and infrastructure improvements.

Passed and approved this 14th day of February, 2024.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

Intersection Improvements
Raised Road
Road Repair
Flood Stage 22
Detour
Davenport
IVISION ST
MARQUETTE ST
GAINES ST
HARRISON ST
BRADY ST
E River Dr & E 4th St
Gaines St & W 2nd St
E RIVER DR
E River Dr & Mound St
TELEGRAPH RD
W 4TH ST
W 3RD ST
E 4TH ST
E 3RD ST
E 2ND ST
Rockingham Rd
3
E River Dr & E 3rd St
ARSENAL BRIDGE
Rock Island Arsenal
Marquette St
CENTENNIAL BRIDGE
LeClaire St & 3rd St
S CONCORD ST
ROCKINGHAM RD
Rockingham Rd
MISSISSIPPI RIVER
W RIVER DR
W RIVER DR
Rock Island
N
0
0.5
1 Miles

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/14/2024

Subject:
Motion awarding a contract for the Brady Street (Iowa Highway 461) and Veterans Memorial Parkway/65th Street Traffic Safety Study to HR Green, Inc of Cedar Rapids, Iowa in an amount not to exceed $78,500, CIP #38020. [Ward 8]

Recommendation:
Pass the Motion.

Background:
A committee consisting of Engineering staff evaluated the proposals on the following criteria set forth in the RFP:

- Key personnel qualifications and experience with similar projects | 30%
- Approach to the project | 20%
- Ability to meet time schedule and project budget requirements | 20%
- Consistent communication | 20%
- Estimated Study Cost | 10%

This project will investigate solutions to improve traffic flow and safety in the area of Brady Street at the intersection with 65th Street and Veterans Memorial Parkway including the frontage roads and the intersection of Jason Way. This is a complex area with closely spaced intersections, frontage roads, pedestrians, traffic entering and exiting from I-80, and weaving between the I-80 exit ramps and the intersection at Veterans Memorial Parkway.

Funding for this project is from CIP #38020 | Brady & VMP Intersection Traffic Safety Study which has been fully funded through Iowa Department of Transportation Traffic Safety Improvement Program funds.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	Contract
🗋	Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/1/2024 - 9:06 AM
Public Works Committee	Moses, Trish	Approved	2/1/2024 - 9:06 AM
City Clerk	Admin, Default	Approved	2/1/2024 - 12:24 PM

Consultant Agreement

This Agreement, made and entered into this _____ day of _____, _____, by and between the City of Davenport, a municipal corporation, hereinafter referred to as the City and _____, of_____, hereinafter referred to as the Consultant.

Brady Street (Iowa Highway 461) and Veterans Memorial Parkway/65th Street Traffic Safety Study

Now Therefore, it is agreed by and between the parties hereto that the City does now contract with the Consultant to provide services as set forth herein.

I. Scope of Services

Consultant agrees to perform the following services for the City, and to do so with reasonable diligence and expediency and in accordance with the professional standard of care.

Scope of Services – Refer to Exhibit A

II. Time of Completion

The Consultant shall complete the following phases of the Project in accordance with the schedule shown.

Schedule of Services – Refer to Exhibit B

III. Compensation for Services

The City agrees to pay Consultant on the following basis:

Time and material basis with a Not to Exceed fee of $78,500.

IV. General Terms

A. The Consultant shall not commit any of the following employment practices and agrees to prohibit the following practices in any subcontracts.

1. To discharge or refuse to hire any individual because of their race, color, religion, sex, national origin, disability, age, marital status, gender identity, or sexual orientation.

2. To discriminate against any individual in terms, conditions, or privileges of employment because of their race, color, religion, sex, national origin, disability, age, marital status, gender identity, or sexual orientation.

B. Should the City terminate this Agreement, the Consultant shall be paid for all services performed up to the time of termination. However, such sums shall not be greater than the "not-to-exceed" amount listed in Section III. The City may terminate this Agreement upon seven (7) calendar days' written notice to the Consultant. The Consultant may terminate this Agreement upon seven (7) calendar days' written notice to the City for City's breach of this Agreement.

C. This Agreement shall be binding upon the successors and assigns of the parties hereto, provided that no assignment shall be without the written consent of all Parties to said Agreement.

D. It is understood and agreed that the retention of the Consultant by the City for the purpose of the Project shall be as an independent contractor and shall be exclusive, but the Consultant shall have the right to employ such assistance as may be required for the performance of the Project.

E. It is agreed by the City that all records and files pertaining to information needed by the Consultant for the project shall be available by said City upon reasonable request to the Consultant. The City agrees to furnish all reasonable assistance in the use of these records and files. Consultant may rely upon the information provided by the City.

F. It is further agreed that no Party to this Agreement shall perform contrary to any applicable state, federal, or local law or any of the ordinances of the City of Davenport, Iowa.

G. At the request of the City, the Consultant shall attend meetings of the City Council relative to the services set forth in this Agreement. Any requests made by the City shall be given with reasonable notice to the Consultant to assure attendance and Consultant shall be paid by the City for such attendance at meetings.

H. The Consultant agrees to furnish, upon termination of this Agreement and upon demand by the City, copies of all notes and sketches, charts, computations, and any other data prepared or obtained by the Consultant pursuant to this Agreement without cost, and without restrictions or limitation as to the use relative to specific projects covered under this Agreement. In such event, the Consultant shall not be liable for the City's use of such documents on other projects.

I. The Consultant agrees to furnish all reports, specifications, and drawings, with the seal of a professional engineer affixed thereto or such seal as required by Iowa law.

J. Original contract drawings shall become the property of the City. The Consultant shall be allowed to keep reproducible copies for the Consultant's own filing use.

K. Should any section of this Agreement be found invalid, it is agreed that the remaining portion shall be deemed severable from the invalid portion and continue in full force and effect.

L. The City agrees to tender the Consultant all fees within 30 days of receipt of invoice, excepting, however, that failure of the Consultant to perform in accordance with professional standards this Agreement, or if an invoice amount is disputed by the City, shall constitute grounds for the

City to withhold payment, upon notification to the Consultant, of the amount sufficient to properly complete the Project in accordance with this Agreement.

Nonpayment within 45 days of receipt of invoice may, at Consultant's option, result in the suspension of services. Consultant will resume services upon payment in full of all undisputed invoice amounts and shall not be liable to the City for such a suspension related to non-payment.

M. Fees paid for securing approval of authorities having jurisdiction over the Project will be paid by the City.

N. Upon signing this Agreement, Consultant acknowledges that Section 362.5 of the Iowa Code prohibits a City officer or employee from having an interest in a contract with the City, and certifies that no employee or officer of the City, which includes members of the City Council and City boards and commissions, has an interest, either direct or indirect, in this Agreement, that does not fall within the exceptions to said statutory provision enumerated in Section 362.5.

O. Indemnification.

1. To the full extent permitted by law, Consultant agrees to indemnify, and hold harmless the City against any and all claims, demands, suits, loss, expenses, including reasonable attorney's fees, and for damages which may be asserted, claimed or recovered against or from the City by reason of personal injury, including bodily injury or death, and property damages, including loss of use thereof, caused by Consultant's negligent acts, errors or omissions in performing the services provided by Consultant to the City pursuant to the provisions of this Agreement.

2. Consultant will indemnify the City for damages or injuries which may result to any person or property by reason of Consultant's negligent acts, errors or omissions in connection with the services provided by Consultant to the City pursuant to this Agreement, and agrees to pay the City for all damages caused to the City's premises resulting from the negligent acts, errors or omissions of Consultant as determined through claim negotiation, mediation, arbitration, or legal proceedings.

3. The Consultant's obligation to indemnify the City shall not include the obligation to indemnify, hold harmless, or defend the City against lability, claims, damages, losses, or expenses, including attorney fees, to the extent caused by or resulting from the negligent act, error, or omission of the City.

4. For purposes of this paragraph, the term "Consultant" means and includes the Consultant, its officers, agents, employees, sub-consultants, and others for whom Consultant is legally liable, and the term "City" means and includes the City of Davenport, Iowa its Mayor, City Council members, employees, and volunteers.

P. Insurance

1. The Consultant agrees at all times material to this Agreement to have and maintain professional liability insurance covering the Consultant's liability for the Consultant's negligent acts, errors and omissions in the sum of $1,000,000 Per Claim, $2,000,000 Annual Aggregate, or a $1,000,000 Combined Single Limit. To

the fullest extent permitted by applicable state law, a Waiver of Subrogation Clause (endorsement) shall be added.

2. The Contractor shall secure and maintain such primary insurance policies as will protect the Contractor and/or the Subcontractors from claims for bodily injuries, death or property damage which may arise from operations under this contract whether such operations be by the Contractor or by any Subcontractor or anyone employed by the Contractor directly or indirectly.

3. The following insurance policies are required unless other limits are specified in the "Advertisement for Bids" or "Special Provisions." The City of Davenport must always be listed as an additional insured under General Liability. Certificate Holder shall be City of Davenport, ATTN: Kelley Shook, 226 W. 4th St., Davenport, IA 52801 and be added as additional insured on a primary basis.

   - Commercial General Liability
     - Each Occurrence: $1,000,000
     - General Aggregate: $2,000,000
     - Products Completed: $1,000,000

   - Commercial General Liability
     - Any Auto, Hired & Non-Owned, Combined Single Limit: $1,000,000

   - Excess Liability Umbrella
     - $1,000,000

   - Statutory Workers' Compensation
     - With waiver of subrogation in favor of the city of Davenport.

4. Consultant agrees to provide the City a certificate of insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect, and certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available by Consultant's insurer. Certificate Holder shall be City of Davenport, ATTN: Kelley Shook, 226 W. 4th St., Davenport, IA 52801 and be added as additional insured on a primary basis.

5. If the Consultant receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Consultant agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice.

Q. Standard of Care.

1. The Consultant shall perform services for, and furnish deliverables to, the City pertaining to the Project as set forth in this Agreement. The Consultant shall possess a degree of learning, care and skill ordinarily possessed by reputable professionals, practicing in this area under similar circumstances The Consultant shall use

reasonable diligence and professional judgment in the exercise of skill and application of learning.

2. All provisions of this Agreement shall be reconciled in accordance with the generally accepted standards of the Engineering, Architecture or Surveying Profession, as applicable.

3. Consultant's obligations under this Section shall exist without regard to, and shall not be construed to be waived by, the availability or unavailability of any insurance, either of City or Consultant.

4. All services done as part of this Agreement are subject to current applicable Federal, State, or Local Laws, Regulations and/or Codes and shall comply with such applicable Laws, Regulations and/or Codes.

5. All design and survey services under this Agreement shall be performed under the direction and control of an engineer, surveyor, or architect licensed in Iowa. Engineering, architectural, and land surveying documents, including plans, specifications, and reports, shall be sealed by an engineer, surveyor, or architect licensed in Iowa.

6. Consultant shall design all Project elements to comply with all applicable Federal, State and local laws, regulations, standards and building codes, including but not limited to the Americans with Disabilities Act (ADA) as amended.

R. Consultant agrees it will not use the City name, logos, trademarks or any intellectual property of the City in any manner, including commercial advertising, portfolio or other business reference, without the express prior written consent of the City.

S. There are no other considerations or monies contingent upon or resulting from the execution of this Agreement, it is the entire Agreement, and no other monies or considerations have been solicited.

T. This Agreement shall be interpreted and enforced in accordance with the laws of the State of Iowa. Any legal proceeding instituted with respect to this Agreement shall be brought in a court of competent jurisdiction in Scott County, Iowa. The parties hereto hereby submit to personal jurisdiction therein and irrevocably waive any objection as to venue therein, including any argument that such proceeding has been brought in an inconvenient forum.

V. Dispute Resolution

All claims, counterclaims, disputes, and other matters in question between City and Consultant arising out of or relating to this Agreement or the breach thereof will be decided first by mediation, if the parties mutually agree, or with a bench trial in a court of competent jurisdiction in Scott County, Iowa.

W. Opinion of Probable Cost

Any opinions of probable cost prepared by Consultant are supplied for general guidance of City only. Consultant has no control over competitive bidding or market conditions and cannot

guarantee the accuracy of such opinions as compared to contract bids or actual costs to the City.

X. Changes

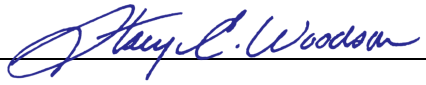
City may make changes to the scope and schedule of this Agreement. If such changes cause an increase or decrease in Consultant's fee or schedule for the Services, an equitable adjustment will be made and this Agreement will be modified in writing accordingly by both parties.

Y. Third Party Beneficiaries

Nothing in this Agreement creates a contractual relationship with or a cause of action in favor of a third party against either City or Consultant. Consultant's Services are being performed solely for the City's benefit, and no other party or entity shall have any claim against Consultant related to this Agreement.

U. Project Specific Terms

1. Not Applicable

For the City	For the Consultant
Signature:_____	Signature: 
By:_____	By: Stacy E. Woodson
Title:_____	Title: Vice President
Date:_____	Date: Jan. 29, 2024

Attest:_____

Brady Street (Iowa Highway 461) and Veterans Memorial Parkway/65th Street Traffic Safety Study

Exhibit A – Scope of Services

Phase 1 – Project Management and Coordination

1. Project Staffing and Communication - Designate specific staff assignments, by task, corresponding to the schedule. Prepare written instructions for project staff, providing background, names of contacts, communications procedures, responsibilities, schedule and budget information and other important elements for the project.
2. Project Kickoff - Conduct an ***internal*** project kickoff meeting to review the project requirements with design staff involved, including the scope, intent, and schedule for the project. Discuss project team responsibilities, team communications plan, schedule requirements, and applicable codes and standards.
3. External Project Progress Meeting – Participate in one progress review meeting after the 60% concepts / report submittal at the CITY's offices. Prepare and distribute meeting notes within one week of the meeting date.
4. Internal Project Progress Meetings – Conduct periodic meetings among the CONSULTANT's design team to coordinate aspects of the project, collaborate, and share information.
5. Quality Assurance Plan - Establish review and checking procedures and schedules for quality control of project deliverables. Designate responsibility for implementation of the plan.
6. Project Monitoring and Progress Reports - Provide on-going project management including budget and schedule management. Maintain the system for monitoring progress and expenditures to allow monthly tracking. Prepare and submit monthly progress reports outlining the following:
    1. Tasks that were completed during the reporting period;
    2. Tasks that will be conducted during the upcoming period; and
    3. Outstanding issues and any direction needed from the CITY to keep the project moving forward according to scope, schedule, and budget.
7. Iowa DOT Coordination - Coordinate with the Iowa DOT on any plans or studies in the vicinity of the study area and invite Iowa DOT District 6 staff to participate in the kickoff and progress meetings. Coordinate with the Iowa DOT throughout the development of the study and include CITY on all correspondence.

Phase 2 – Data Collection

1. Research – Review relevant information provided by the CITY, Iowa DOT, and the Bi-State Regional Commission including the recorded turning movement traffic counts previously completed by the CITY, planned improvements in the study area, future traffic projections, and future/pending development information that may generate new traffic through the study area.
2. Base Mapping – Obtain the latest available aerial photography, available CITY GIS data for public utilities and right of way, and available Iowa American Water GIS data for water utilities. Iowa One Call mapping for private utilities will be requested for review and reference but will not be added to the base mapping. Base mapping will be developed with MicroStation.
3. Field Review - Complete a field review of the study area and observe traffic operations during typical morning, mid-day, and evening peak periods during a typical weekday. The streets within the study area will be recorded with Go-Pro video and digital photography for existing conditions documentation.
4. Crash Data - Historic crash data will be obtained from Iowa DOT's Iowa Crash Analysis Tool (ICAT). The most recent five-years of available data will be queried (assumed to be 2019 – 2023). Iowa DOT Potential for Crash Reduction information will be obtained from the Iowa DOT on-line portal.

Phase 3 – Traffic Safety and Operations Analysis

1. Traffic Forecasting – Future daily and peak-hour turning movement traffic volumes will be forecasted for the Design Year (2045) of the infrastructure improvements. Future traffic volumes will consider current and anticipated developments in the vicinity of the project location in addition to future traffic projections obtained from the Bi-State Regional Commission. Peak hours will include morning, mid-day, and evening periods.
2. Intersection Geometric Alternatives – Based on information gathered during the data collection phase, four geometric alternative improvement scenarios for the study area intersections (listed below) will be developed. Refer to Exhibit C for the study area. The four alternatives are anticipated to include one short term (0-5 years) improvement scenario, one medium term (5-10 years) improvement scenario, and two long term (10+ years) improvement scenarios.
3. Traffic Operations Analysis – Develop existing conditions, design year no-build, and design year geometric alternative improvement scenario (build) traffic operations models using VISSIM software for morning, mid-day, and evening peak hours for the following study area intersections:

    - Brady Street & Veterans Memorial Parkway/65th Street
    - Veterans Memorial Parkway & Jason Way Court
    - 65th Street & N Brady Street

    The VISSIM models will also incorporate the traffic volumes previously collected by the CITY on the eastbound to southbound I-80 exit ramp to simulate the merging southbound Brady Street traffic on the north approach to the Brady Street & Veterans Memorial Parkway/65th Street.

Measures of effectiveness used to evaluate intersection operations will include Level of Service (LOS) for vehicles and pedestrians/bicyclists, average delay, and queue length. Highway Capacity Software (HCS) will be utilized to evaluate the pedestrian and bicyclist LOS measures.

4. Traffic Safety Analysis – Use Highway Safety Manual methodologies to evaluate and assess safety countermeasures to inform recommendations for intersection configurations and treatments to address safety issues. Utilize the Iowa DOT's Potential for Crash Reduction information and methodologies in the Iowa DOT Safety Analysis Guide, including comparisons of crash modification factors for the alternative intersection types, to aid in potential safety recommendations.

5. Life Cycle Cost Analysis - Complete a life-cycle analysis to compare life cycle costs for the two identified long-term intersection alternatives. The life-cycle cost analysis will include costs for initial infrastructure improvements, safety (crashes), travel time, and on-going operations and maintenance.

6. Documentation – The methodology and assumptions used for the traffic analysis will be documented in a Traffic Study Assumptions Memo and the traffic safety, operations, and life cycle costs analyses will be documented in draft and final technical reports. All documentation will be provided in PDF format.

Phase 4 – Concept Development

1. Alternatives Development – In conjunction with the geometric alternative improvement scenarios developed through the traffic analysis phase, develop one short term (0-5 years) concept drawing, one medium term (5-10 years) concept drawing, and two long term (10+ years) concept drawings.

   The concept drawings will generally include geometric horizontal roadway and pedestrian facilities that consider right-of-way restrictions, location of storm sewer intakes, existing utility locations, and other constraints (e.g., adjacent storm water detention and conveyance features) based on the field review, aerial imagery, and CITY GIS data. Base mapping will include aerial imagery and any utility information available as described in the data collection phase. The concept drawings will be performed with MicroStation.

   Concept traffic signal layouts will include signal cabinet, poles, handholes, vehicular and pedestrian signal heads, and associated equipment.

2. Opinion of Probable Construction Cost – Prepare conceptual opinions of probable construction cost for each of the four (4) alternatives. The OPC will be based on concept level estimated quantities for major construction items (e.g. removals, pavement, sidewalk, pedestrian ramps, traffic signals, streetlights, design and engineering, right-of-way, etc.) and include 20% contingency for unquantified items and inflation.

Items not included in Agreement/Supplemental Services
The following items are not included as part of this AGREEMENT:

1. Preliminary and Final intersection / roadway design
2. Vertical roadway / cross section design elements
3. Construction documents
4. Construction observation and administration services
5. Design and/or Construction survey and staking
6. Traffic data collection
7. Utility coordination
8. Detailed underground utility base mapping
9. Drainage analysis and storm sewer design
10. Sanitary sewer or water line layout and design
11. Street lighting design and photometric analysis
12. Individual property owner coordination
13. Special Assessment cost analysis and documentation
14. Right-of-way and easement exhibits
15. Land acquisition services
16. Presentations to City Council
17. Grant applications
18. 3D virtual renderings

Brady Street (Iowa Highway 461) and Veterans Memorial Parkway/65th Street Traffic Safety Study

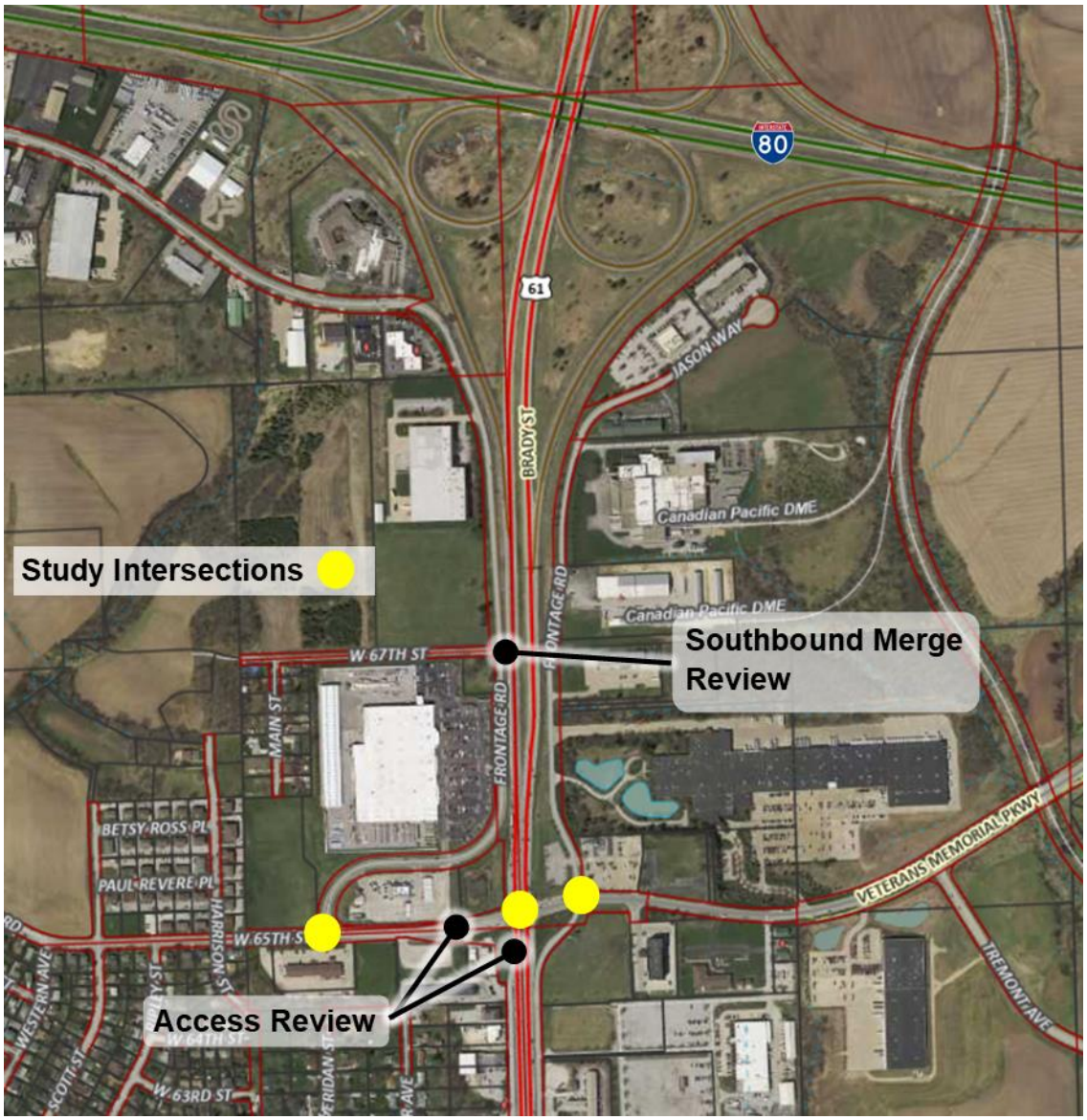
Exhibit B – Deliverables and Schedule

Deliverable	Milestone
Notice to Proceed	February 14, 2024
Field Reviews / Submit Traffic Assumptions Memo	Week of March 4, 2024
Preliminary Concepts	April 19, 2024
60% Concepts / Draft Report	May 17, 2024
Review Meeting	Week of May 20, 2024
90% Concepts / Pre-Final Report	June 14, 2024
Final Concepts / Final Report	June 28, 2024

This schedule was prepared to include reasonable allowances for review and approval times required by the CITY and public authorities having jurisdiction over the project. This schedule shall be equitably adjusted as the project progresses, allowing for changes in the scope of the project requested by the CITY or for delays or other causes beyond the control of CONSULTANT.

Brady Street (Iowa Highway 461) and Veterans Memorial Parkway/65th Street Traffic Safety Study

Exhibit C – Study Area



CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Traffic Safety Study (Brady Street (Iowa Highway 61) and Veterans Memorial Parkway/65th Street)

BID NUMBER: 24-56

OPENING DATE: January 3, 2024

FUNDING: 72019675 530350 38020 | Brady & VMP Intersection Study

RECOMMENDATION: Award the contract to HR Green, Inc of Cedar Rapids, Iowa in an amount not to exceed 78,500

VENDOR NAME	**PRICE**
HR Green, Inc	**Cedar Rapids, IA**
Anderson Bogert	Cedar Rapids, IA
Bolton & Menk, Inc	Cedar Rapids, IA
Shive-Hattery, Inc	Bettendorf, IA
Snyder & Associates, Inc	Iowa City, IA

Approved By [redacted] 1/31/24
Purchasing Date

Approved By [redacted] 1/31/24
Dept. Director Date

Approved By [redacted] 1-31-24
Budget/CIP Date

Approved By [redacted] 1/31/2024
Interim City Administrator Date

City of Davenport

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

Action / Date
2/14/2024

Subject:
Resolution approving a payment in the amount of $100,709.75 to the Scott County Auditor for 2023 election expenses. [All Wards]

Recommendation:
Adopt the Resolution

Background:
This payment is for expenses related to holding the 2023 Primary and General City Elections. It includes the cost of polling place rentals, poll worker salaries, printing of ballots, and all necessary equipment. This is funded through the General Fund.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/1/2024 - 12:04 PM

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION approving a payment in the amount of $100,709.75 to the Scott County Auditor for 2023 election expenses.

WHEREAS, reimbursement is required for the Scott County Auditor for the expenses related to administering the 2023 Primary and General City Elections.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a payment in the amount of $100,709.75 to the Scott County Auditor for 2023 election expenses is hereby approved.

Passed and approved this 14th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
2/14/2024

Subject:
Motion directing the City Administrator and related staff to implement an internal Animal Services Unit and negotiate any related contracts or agreements. [All Wards]

Recommendation:
Pass the Motion.

Background:
The City of Davenport is seeking to form an Animal Services Unit as the current Agreement between the City of Davenport, Iowa and Humane Society of Scott County, Iowa will terminate as of June 30, 2024 under the amended agreement.

The Animal Services Unit will help the community in a variety of ways, including rescuing animals in distress, reuniting lost pets with their owners, and responding to nuisance complaints.

The Animal Services Unit will be a sub-division of the Davenport Police Department and will coordinate routinely with the Development and Neighborhood Services Department.

This Motion will authorize the inclusion of this model in the draft FY 2025 Operating Budget and authorize the following: personnel recruitment, operating equipment acquisition, training, negotiating sheltering agreement(s), and working with other regional governmental partners on any other related agreements.

This item was tabled for two cycles at the January 3 Committee of the Whole Meeting.

REVIEWERS:

Department	Reviewer	Action	Date
Finance Committee	Moses, Trish	Approved	12/28/2023 - 7:22 AM